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SENATE—*Thursday, February 8, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

PRAYER

The guest Chaplain, Rabbi Leslie Y. Gutterman, Temple Beth-El, Providence, RI, offered the following prayer:

God of the free, Hope of the brave, we invoke Your blessings upon the Members of this Senate. May they be filled with Your spirit, the spirit of wisdom, compassion, and understanding.

Help these good women and men to keep America free from prejudice, oppression, and strife. Let the Senators' deliberations fulfill our deepest spiritual desires and promote justice, freedom, and peace. Cause their example to strengthen every citizen's capacity for self-sacrifice on behalf of our country's welfare.

Hasten the day, we fervently pray, when security and abundance will be the share of all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 8, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE DEWINE, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. DEWINE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

RABBI LESLIE Y. GUTTERMAN

Mr. REED. Mr. President, I am honored to be able to welcome my friend and great leader in our religious community in Rhode Island, Rabbi Leslie Gutterman. Rabbi Gutterman is the rabbi at Temple Beth-El, Providence, RI. He has been leading his congregation since 1970. He has become a leader in our community not just within the Jewish community but within all the communities in Rhode Island.

The Talmud says the Torah gives honor to those who study it. Rabbi Gutterman has studied it and has been honored for this study. He honors us by his wisdom, his wit, his compassion, his generous spirit, in all he endeavors throughout our community.

It is indeed an honor to be here today to welcome him, to hear his words of prayer and reflection, and to go forward knowing that he is not only a friend but also a powerful force in our State for tolerance and decency. I thank him for being here today.

I yield the floor.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Oklahoma.

SCHEDULE

Mr. NICKLES. Today the Senate will be in a period of morning business until 11 a.m., with the majority leader to be recognized at 11 a.m. for up to 15 minutes. By previous consent, following morning business, the Senate will begin consideration of the pipeline safety legislation. An agreement was reached last night with respect to amendments to the pipeline safety bill. Therefore, it is hoped that the Senate can complete action on the bill at a reasonable hour this afternoon.

I thank my colleagues for their cooperation.

Mr. REID. Mr. President, while the distinguished Senator from Oklahoma is on the floor, does the Senator have an idea what time the leaders want to have the vote today or hope to have the vote today?

Mr. NICKLES. Mr. President, I don't know. I do know there is an agreement that any amendments have to be relevant to the pipeline safety legislation. I think the legislation has overwhelming support, so it is my guess we will be able to have conclusion at a reasonable hour.

Mr. REID. A number of people have made inquiries today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. Under the previous order, the time from 9:30 to 10 a.m. will be under the control of the Senator from New Jersey.

The Senator from New Jersey is now recognized.

THE SURPLUS

Mr. TORRICELLI. Mr. President, in these times of extraordinary budgetary wealth, it is easy to forget it was less than a decade ago that a now famous comment was made that the U.S. Government would have deficits as far as the eye could see. Indeed, in 1992 when the Clinton administration began, the annual deficit was $290 billion and was projected to grow to $455 billion this year. Today, not only has that annual deficit been eliminated but the budget surplus is $237 billion, for the first time in generations, 3 successive years of budget surpluses, leading to the extraordinary ability of the U.S. Treasury by next year to have reduced the

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

aggregate historic debt of the United States by $600 billion.

It is now realistic to discuss the elimination of all outstanding U.S. Government debt—not in another generation, perhaps not even in another decade, but in our own time, on our own watch.

This extraordinary change of the national finances has led to the recognition that the Federal Government could generate a $3.1 trillion surplus, even while excluding the accumulating Social Security surplus that we mutually agree needs to be held in reserve. This is clearly a once-in-a-lifetime opportunity. Any generation of Members of the Senate only could have dreamed of the chance to reorganize the finances of the Federal Government with surpluses that were even a fraction of these magnitudes.

The choices before the Senate are obviously considerable. We arrived at these massive surpluses for a combination of reasons: Our taxes, extraordinary work by the American people, rising productivity and technology, but also because for a long time our people simply went without some benefits. Like a company that improves its bottom line by not investing in its personnel, our country cast a blind eye for some time to real human needs and human investments in order to balance our budget.

First and foremost among those things that the country simply ignored for a period of time was the medical needs of our people. Modern medicine is obviously revolutionizing health care. Despite the fact that prescription drugs are an integral part of the health care of any citizen, 35 percent of Medicare beneficiaries, or 15 million senior citizens, have no prescription drug coverage and are either choosing between their rent and food or paying their prescription drug bills or simply doing without at the cost of compromising the quality of their lives, or life itself. It remains first on the national objectives to be corrected in these new circumstances.

Second, arguably, the United States has the finest system of higher education in the world. But no one could defend the current quality of our elementary or high schools. They are literally bursting apart at the seams: Aging schools, postponed improvements in their infrastructure, the need for higher standards, to retain good teachers, and get even better teachers.

It is axiomatic that in this time of revolutionary technology and international competition, it will be impossible to maintain the standard of living in the United States or our national strength or even democratic character without improving the quality of instruction in our schools. Mr. President, 2,400 schools will need to be rebuilt by the year 2003 to accommodate rising enrollments alone, and 130,000 teachers will need to be hired over the next decade. This, too, was postponed.

Third, until most recently, this generation postponed its obligation to maintain the quality of life by maintaining the quality of the land of our country. What began with Theodore Roosevelt in preserving our national monuments and lands and open space for our generation was postponed as we fought to balance our budget. No State in the Nation is a better example of this phenomenon than my own native State of New Jersey. Forty percent of the land is already developed; 10,000 acres are lost per year. There is an epidemic of sprawl. America is losing 50 acres of open space every hour of every day, all year long.

These three, from my own personal perspective, are on top of a long list of postponed national ambitions that need to be debated in the context of broad and meaningful tax reduction, which I support. Prescription drug benefits, new teachers and schools, preserving of open space, and the quality of our environment—they are a part of this debate. The resources that go to one are not available for the other.

This Congress, unlike many that came before us that dealt with the question of comprehensive tax relief, must commit itself to balance, to balance the resources that are necessary for national goals and the resources that are required for comprehensive and meaningful tax relief.

The question of tax relief itself also involves issues of balance. I begin this discussion with a profound belief that tax relief is not only affordable, it is owed to the American people. There are many contributors to the national surplus. This Congress and President Clinton deserve considerable credit for reducing spending and some enhanced efficiencies. The American people deserve most of the credit for the new productivity of this economy and its efficiency through their hard work.

But it is also true—indeed, it is inescapable—that a significant portion of the Federal surplus is a direct result of high tax rates that have produced increased revenue, and the American people deserve a dividend on their high taxes of all these years.

Rates were increased and they were too high, and now they are simply not necessary. The projection of a $3.1 trillion surplus should end forever the argument about whether the U.S. Government can afford broad-based tax relief. It is right, it is necessary, and it is affordable.

The question becomes the character of this Congress; whether we not only have the judgment to balance our educational, environmental, and medical needs against the need for broad-based tax relief but whether the tax relief itself can be comprehensive and balanced to a variety of national objectives.

President Bush has proposed a $1.6 trillion restructuring of the tax brackets. It is largely a reflection of the broad-based tax relief offered by Senators Coverdell, BREAUX, Kerrey, and myself in the last Congress. It is deeper and it is broader, but it is based on the principle of lowering rates generally and specifically moving middle-income American families into the lowest bracket possible. That is simple but it is direct and it is right.

But the tax debate must include more than simply lowering rates in the broadest fashion possible for most Americans. There are other specific national objectives to be achieved through the Tax Code. I was pleased to see that Senator LOTT has joined in my efforts to include in this tax reduction a further cut in capital gains rates. The business community has made clear its own desire to see the R&D tax credit made permanent and reform of the international tax laws.

Those in my State of New Jersey, home of the pharmaceutical industry and increasingly of high technology, and involved in a disproportionate amount of international trade, are grateful for the help of our economy and growing employment base. Both political parties have pledged themselves to end the marriage penalty and to eliminate the estate tax for at least small businesses, family farms, and to fix the alternative minimum tax, which is a rising burden on middle-income people.

Indeed, with a surplus of this magnitude, there is no shortage of legitimate ideas. All of these concepts for tax reform and tax reduction have one thing in common: They are justifiable, they have a rationale, and they should be considered. But they also have this in common: None should be considered to the exclusion of other ideas, and each should be balanced.

This is a moment the country is not going to visit again for a long time. This should be considered at length, seriously, and done right. Let me begin with several ideas that I believe are critical, in addition to the clear objective of restructuring the tax brackets themselves.

First is the affordability of higher education. There is no greater burden on middle-income families, on working couples, than the prospect, the daunting challenge of a college education for their children. With the possible exception of buying a home, it is the principal financial burden in life for most Americans. For those less fortunate, there are a variety of scholarship and loan programs. The very wealthy will never have to be concerned. But most Americans find themselves in neither situation, and we are facing the prospect where the middle class will simply be out of range of a quality graduate education or even a college education. Both our sense of fairness and our economic prospects as a nation are going to be radically altered if a quality college education is the province only of the upper middle class and the privileged. We will destroy the engine of our economic growth while taking basic fairness and social mobility out of our society.

As this chart indicates, over the last decade the cost of sending a child to college has increased by 40 percent, two and a half times the basic underlying inflation rate, for public universities and for private universities. It is not tolerable and there is something that this Congress can do about it. If we were to add one single deduction to this new Tax Code that this Congress is going to write in the coming weeks, in addition to the broad-based relief in the lowering of tax brackets for all Americans, it would be 100-percent deductibility of college tuition. It makes sense and it should be done now, and nothing would add more to the finances of middle-income families.

Long ago this Congress recognized the need for deductibility of basic investments by business to add to its capabilities of productivity and efficiency. As a nation, that same investment strategy is reflected by average Americans every day when they seek the financial security of their families and their productivity as a people by educating their children.

I recognize, because of the variety of deductions and rate alterations that are going to be suggested in this Congress, that 100-percent deductibility for Harvard or Yale or Princeton might not initially be possible.

Because we cannot do everything does not mean we cannot do anything. If 100-percent deductibility for the most expensive schools in the Nation is not possible, 100-percent deductibility for the cost of going to a State university or a more moderately priced school is affordable and should be in this legislation.

Second, the national crisis of savings and retirement: There is no arguing that these are extraordinary economic times by almost any measure—national competitiveness, efficiency, employment, and quality of life. In this panoply of good news, there is at least a single measure of a mounting national problem: the national savings rate.

As this chart demonstrates, from only 20 years ago, when Americans were saving 10 percent of their income, for the first time since the Great Depression, the Nation now has a negative savings rate.

The consequences of this are very clear. American families are maintaining their standard of living by going into debt further and further every year. In the last 23 years, the debt burden on American families has quadrupled. We are now last in the developed world in the amount of money available to every family in their personal savings.

Nearly two-thirds of Americans have no stake in the society, no accumulated wealth but the value of their home. The consequences of this on society are very clear. Most Americans are no more than a sickness, a natural catastrophe, a divorce, or the loss of a job away from losing a home and everything they have worked for all of their lives. A stable society that is prosperous and confident must have broad-based savings by its people.

There is a reason why Americans have stopped saving money. This Government has made savings an irrational economic act. A working family on a modest income, who puts a few dollars in the bank or in the stock market every year hoping for a dividend, a small capital gain, some appreciation, faces the prospect of paying taxes on it every April. This denies people not only security from the vagaries of everyday life, it also denies them the ability to save appropriately for their own retirement and ultimately makes them dependent upon Government to an extent that should not be necessary.

Let me be clear because I believe this is so fundamental to this tax bill. The Federal Government, in its current circumstances, does not need tax revenues from taxing the dividends, interest, or capital gains of working-class families who decide to have modest savings and make an investment in the country for themselves, their children, or their future. We not only do not need their money, we should be encouraging them to every extent possible to participate in the growth of the country and save their own money: Buy a mutual fund, put money in the bank, get in the stock market, make a family investment, and keep your money.

If we provide a $500 exclusion for dividends, savings on interest in bank accounts, $2,000 or $3,000 exclusion for capital gains, we can eliminate all taxes on savings for 20 million Americans; 20 million Americans would be eliminated from the tax rolls with regard to their savings account or their brokerage account.

This Congress could make saving money and getting financial security to be a rational economic act again.

For most Americans, this would translate into the ability to have $10,000 in the bank or in the stock market, knowing it is theirs and it will not add to their tax liability every April. I believe this second element, in addition to a broad-based rate reduction, is a critical component of comprehensive tax reform.

Third, the elimination of the estate tax for small business and family farms: There is clearly a general agreement in this Congress by Democrats and Republicans that we can eliminate all taxes as we now know them on estates for small businesses and family farms. The question is whether we can afford to do this for everybody or only for 90 percent of those Americans who would be eliminated from the estate tax rolls if we simply increased the threshold to $5 million or $7 million.

We all agree there is a problem. Seventy percent of small business owners choose to sell their businesses rather than pass that business on to their children and pay the estate tax. The estate tax is destroying small business in America, family businesses, the continuity of ownership and pride within a business inside a family. As a result, only 13 percent of small businesses in existence today will survive to the third generation.

With the loss of family farms, it is even worse, adding not only to the loss of continuity of ownership of a family farm but in a State such as mine, in New Jersey, more importantly, the destruction of the land. People who want to be in farming and want their children to be in farming have to sell the farm to a developer and divide the acreage because upon their death, their children cannot afford to pay the tax.

The better alternative, if we cannot afford to eliminate the estate tax entirely, is to increase the exemption to such a level that every small business and every family farm, for all practical purposes, is excluded from the tax.

Under current law, there is a $2.6 million exemption for qualified family farms and small businesses. But in a State such as New Jersey—indeed, much of the country—if you have significant acreage, you may not be a wealthy person—indeed, you may have no cash available at all—but your land may be worth more than that, and you cannot afford to give it to your child on your death. Therefore, the more effective alternative to repeal may be to increase the threshold to $8 million or maybe even $10 million. This would deal with the practical problems of destroying small businesses and family farms.

Four, rate reduction. I began this discussion by conceding the point—and, indeed, conceding it gladly—that every American deserves a tax break regardless of their income because every American, regardless of their position, has contributed to the surplus and the new national prosperity.

I say this because my hope is that this discussion of tax reduction cannot become a debate about different sections of the country any more than it should about different stratums of wealth, a fight of region, or class warfare. All Americans helped produce this prosperity, and everyone should share in its benefits. But I also want this congressional debate to begin with the idea that we all do come from different sections of the country and have different concepts of the tax burden.

The issue becomes that we all want these tax reductions to go to primarily middle-income people, which begs the question: What is a middle-income family? Is a family of four making $40,000 or $50,000 middle income? There are regions of the country where the answer to that might be affirmative.

In the State of New Jersey—indeed, I suspect in New York, California, southern Florida, or northern Illinois—the answer most decidedly is no. A family of four earning $40,000 to $50,000 a year is struggling every single day to pay their mortgage, educate their children, feed their children, and clothe them. That is not a life of prosperity and ease. It is only marginally sometimes middle income.

Indeed, in my State, a family earning $70,000 a year is probably a police officer married to a nurse or a schoolteacher. This is a family of middle-income status that deserves these benefits. So I hope we can avoid a discussion of broad-based tax relief that focuses most tax benefits significantly below this level of income.

I want to be accommodating to my colleagues. I want this to be a bipartisan and broadly based tax plan, but I will fight to the end to assure these levels defining "middle-income families" are realistic for these police officers, nurses, teachers, and small business people who have modest incomes and high expenses in our urban and suburban areas of the country.

Last year, when Senator Coverdell and I introduced the first bipartisan broad-based expansion of tax brackets for lower rates, the center of our plan—largely now adopted by President Bush—was to expand the 15-percent tax bracket to a family of four earning $75,000. This would move 7 million taxpayers into the lowest Federal bracket, recognizing that no one in this bracket, as I earlier suggested, should be paying 28 or 31 percent. This is the centerpiece, in my judgment, of any rate reduction.

Finally, I leave my colleagues with two other concepts that I hope will be considered, recognizing that in addition to the education and health care and open space agendas of the Nation, and the need for broad-based rate reductions, there are two other issues Congress has addressed previously where we are not succeeding that could be impacted by the tax break.

First is our urban agenda. We have tried Empowerment Zones and HOPE VI grants and a variety of measures to deal with our urban problems. Some have succeeded. Indeed, I am proud of many. But my sense is that our cities are now at the point where private investment could largely follow these Federal initiatives in an urban renaissance. If we could change, even marginally, the profitability of urban investment, such as, in wide areas of Newark and Jersey City—I recognize private housing is beginning to be built, but what is a tentative beginning could be an explosion of investment if we could marginally change the tax status of the developers.

So I propose, for home ownership and investment in our urban areas, we take these areas of urban Empowerment Zones and do an exclusion on capital gains for those who will invest in new housing or new investment. Allow the developer to keep $25,000 of capital gains on every house they build in an urban enterprise zone as their money, if they will take the risk and change the economics of that investment.

Second, and finally, on brownfields, brownfields is an important concept to recycle urban polluted lands into vital economic resources. It has been successful, but it must move more quickly.

Mr. President, I conclude simply by suggesting I want to accelerate and increase the tax deductibility for investment in brownfields. I leave my colleagues with the thought that I hope this is a good debate on tax reduction. I hope it is comprehensive. I hope it is balanced. I hope we seize this extraordinary moment to impact the lives of as many Americans as possible while assuring our economic future.

I yield the floor and thank the Presiding Officer for his indulgence.

The PRESIDING OFFICER (Mr. ALLEN). I thank the Senator from New Jersey.

The Chair recognizes the Senator from Connecticut, Mr. LIEBERMAN.

Mr. LIEBERMAN. I thank the Chair and thank my colleague.

FISCAL DISCIPLINE

Mr. LIEBERMAN. Mr. President, this is an important day in the 107th session of Congress. This is the day on which President Bush will send us his tax proposals. Our response to them will determine, I believe, the strength of our economy and the security of each and every American for years to come.

In response to the proposal the President will send us, I believe we will all be tested—each of us individually, the institution of Congress, and, indeed, the American people whose opinions will influence what we do. I think, therefore, we have to think long and hard about what we do.

I have looked at the proposal President Bush is going to send us today. And with all respect, I believe President Bush's tax proposal is a mistake because it does not reflect the best American values of thrift and discipline. I also believe President Bush's tax proposal is ultimately fiscally irresponsible because it spends money in a projected surplus we have no reason to have absolute confidence we will have and, therefore, not only threatens to take America back down the drain to debt, to deficits, to higher interest rates and higher unemployment but threatens to make impossible the kinds of measured investments we need to make in our people's future, including our national security, the education of our children, and the health care of all Americans.

So I think it is time for us, on these tax-and-spending matters, to slow down. If I might paraphrase a Simon and Garfunkel classic: It is time for us to slow down and not move too fast because we have to make the good economy last. What I see around us, in response to the President's proposal, is quite the opposite of discipline.

I fear we are going to end up in a race to see who can give more away, which will ultimately result in a position that the American people will not be able to take care of themselves. I want to speak about this for a moment or two.

We have learned some lessons—or should have—over the last several years about how we created the economic growth that most American families are enjoying today. Government does not create jobs; the private sector does. But Government can create the environment in which the private sector can thrive by the way we conduct ourselves.

It seems to me, if we look back over history, though the investments we make in education and training are important, the most important thing the Federal Government can do is to keep its books in balance and, hopefully, to have a little bit of a surplus. That creates the confidence and the stability which encourages the private sector to invest, to innovate, to create jobs, to grow.

The tax plan which President Bush is sending to Congress today ignores those lessons. The administration's massive $2 trillion tax program—because it is not just the $1.6 trillion, if you add on the necessary alteration in the alternative minimum tax and lost interest earnings as a result of that tax plan, it comes to more than $2 trillion—that massive $2 trillion tax program misunderstands our unprecedented economic expansion and why we got there and is not the right way to deal with the current economic slowdown that worries us.

As a so-called new Democrat and, indeed, I might add, as a New Englander, I believe in tax cuts.

I have supported them in the past. I will support them again this year. But they have to be done in the context of a balanced fiscal program. The President's proposal absorbs most of the projected surplus for tax cuts, a surplus which, I repeat, is just a projection, not a reality. It is as if someone told the average American or the average American small business person: We think you are probably going to make this much money in the next 10 years, and then that individual American or that individual American small business person immediately goes out and spends all that money. No one sensibly would do that. We who have the privilege and responsibility of leading this country should not allow the American Government to do that.

A better framework, one truly reflective of our national values and priorities, would be to divide the projected surplus into parts: One part for deficit reduction, not only for deficit reduction but as a hedge against the possibility that the surplus projections do not materialize; another part for broad-based progressive tax cuts; and a final part for targeted investments in our future: in our defense, in our national security, in our education, and in our health care.

My own preference for that division would be to put half of the projected surplus for debt reduction in a rainy day fund, one-quarter for tax cuts, and one-quarter for targeted spending increases. Others would divide it in equal thirds. That is acceptable, certainly preferable to what the President is sending us today.

Our top priority must remain debt reduction. Let us not forget, as good as the times are now, we still have a national debt of more than $3.1 trillion which, if we do not act responsibly, will burden the future, not just of our Nation but of our children and our grandchildren.

Our economy is slowing down—it is still pretty healthy but slowing down—from the extraordinary rate of growth we have enjoyed for several years. Last week, it is important to note, the consumer confidence index reported a 20-percent decline from a year ago, falling to its lowest level in 4 years. Obviously, many consumers are getting nervous about the economy's slowing growth and what it portends for their future and our future as a nation.

That presents us with a warning about how we should act with this surplus, but it also gives us an opportunity. Washington can quickly rally consumer confidence, I think most importantly, by continued debt reduction, staying the course, because that means lower interest rates. That means lower interest payments on cars, homes, student loans, and credit card debt. Lower interest payments also mean greater purchasing power.

In short, continuing to pay down the debt and thereby keeping interest rates low amounts to an indirect tax cut and an economic stimulus now that will actually put more money into the pockets of more Americans more quickly than anything else we can do.

Let me talk about the opportunity for tax cuts, which we have if we do this responsibly and right. The American people have earned a tax cut. In fact, as good as the economy has been in recent years, there are millions and millions of Americans who need a tax cut to make the way for themselves and their families. The question we have to ask ourselves is, What is the most constructive and fair way to return part of the surplus to those who helped create it? After all, the surplus comes from the revenues that people pay our Government. The revenues that people pay our Government have gone up because the economy has improved. The economy has improved because of the investment and innovation and hard work of the American people.

The answer here is to construct and adopt a broad-based, progressive tax cut, one that is directed at the middle class, which is, after all, the backbone of our society and our economy. Let me suggest three possibilities to do this in a fiscally responsible way.

First, let us remember that almost three-quarters of all working Americans actually pay more in payroll taxes, have more taken out of their paychecks in payroll taxes, than they pay in income taxes. Why not help them by cutting that tax on work and thereby adopt a payroll tax credit? For instance, working families could receive an annual refundable income tax credit equal to a percentage of what they pay in Social Security taxes, without affecting what they have invested for retirement.

Another possibility that is being discussed is to use tax credits, or the money available to establish what, in effect, would be a national 401(k), by matching private retirement savings and encouraging actually depositing money for retirement beyond Social Security in special accounts for all working Americans. That would allow people to keep more of their own money while supplementing Social Security for their retirement.

A third reasonable, balanced, broad-based, progressive tax alternative is to give every American taxpayer a refund, a flat dollar amount, as a dividend, to reflect the growing budget surplus and the hard work that went into creating it.

Each of these three possible proposals—and you can only adopt one of them in a fiscally responsible way—would have a great impact on those who need tax relief the most.

Incidentally, if we do it right, there will be some money left over for tax cuts for business, tax cuts to encourage investment and innovation, tax cuts that can help small businesses, particularly, work their way into the new information age, high-tech economy. That might include another round of capital gains tax cuts.

Briefly, on the question of spending, because I think we have the opportunity to make some investments in a limited, restrained, and targeted way, none is more important than education. President Bush has made a very thoughtful proposal on education reform which is not tremendously unlike proposals that many of us have made.

We can talk about good ideas for education reform, but unless we have some money left over to actually invest in the education of our children, those ideas won't matter. The same is true of our national defense. Last year, then-Governor Bush quite often said that our military was strapped, it was becoming weak, and that help was on the way. He has now said more recently to the military: Don't expect an increase this year.

But more to the point, if we spend as much on his tax proposal, there is no way we will have the money we need to invest in strengthening our military and keeping our Nation secure over the next decade.

The bottom line is this: Fiscal discipline has played a critical role in the growth of our surplus. It would be foolish to forget that as quickly as these surpluses materialize, they can disappear. That is why we should follow a cautious approach to the surplus assumptions and projections and a balanced approach to the policies that are based on those assumptions.

The best way to keep America's prosperity going is with a balanced program in which we distribute this surplus the American people have earned to debt reduction, sensible broad-based tax cuts, and targeted spending increases.

That is the best way to secure America's future and improve the lives of the American people. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas, Mr. HUTCHINSON.

THE PRESIDENT'S TAX CUT PROPOSAL

Mr. HUTCHINSON. Mr. President, I want to respond to my distinguished colleague on his always very insightful observations regarding the President's tax cut proposals. I want to strongly commend the President for coming out with a well-conceived tax program that will provide broad-based tax relief for the American people; for every American taxpayer will experience relief from the onerous burden placed upon them by this Tax Code and tax burden we have.

My distinguished colleague spoke of the need for investment. Too often when we talk about not giving tax relief because we have to ensure we have enough resources to invest in the Federal Government, what we are really talking about is: Let's make sure we don't give it back to the American people so we have it to spend as we see fit. So investment equates to big spending programs. That would be ill-advised.

If we do not enact broad-based tax relief, as the President has proposed, I can assure you that over the next 10 years the projected surplus will not go to debt reduction, as everybody would like to see, but it will, in fact, be spent by a Congress that enjoys spending all too much.

When Senator LIEBERMAN speaks about a cautious approach, I agree. What the President has done and proposed is cautious and prudent. He has proposed that we spend one-fourth of the projected surplus by returning to the American people tax relief. One quarter of every dollar out of the projected surplus would be returned to the American people who pay the bills.

As my friend Senator ENZI has often said, the surplus is a tax overcharge, and at least a quarter of it ought to go back to the American people.

EDUCATION SAVINGS ACCOUNTS

Mr. HUTCHINSON. Mr. President, I rise today to speak to a part of the President's tax program and part of his education program, which is the education savings accounts. My colleague, Senator TORRICELLI, spoke on this earlier today. I join him and am pleased to cosponsor the education savings accounts legislation with him. I am honored to take up this cause from its previous Republican sponsor, the Senator from Georgia, Paul Coverdell, and it is in his honor and memory that this legislation is named.

Senator Coverdell was an ardent supporter of education savings accounts. He worked for years to ensure that families and children across America had the best educational opportunities available to them. I, with all of my colleagues, am sad that Senator Coverdell is no longer here to continue his exemplary work on this issue. He believed education was one of the five pillars of freedom. Not only did he work tirelessly on this issue, but he coordinated the floor debate on the Elementary and Secondary Education Act last May. He was dedicated to the issue of education and its importance in shaping the future of our country.

While this legislation was passed several times by the Senate under the leadership of Senator Coverdell, I will work with Senator TORRICELLI to ensure that his dream of expanded, broader education savings accounts is not only passed this year but is signed into law.

This legislation, which we call the Coverdell Education Savings Accounts Act of 2001, allows parents, grandparents, or other scholarship sponsors to establish an education savings account to save for a child's education expenses. The Taxpayer Relief Act of 1997 allowed families to establish individual education accounts for higher education expenses, but it allowed contributions of only $500 per year. That is simply not enough. This legislation would build on that legislation by increasing the annual limit on contributions from the $500 to $2,000 per child per year. Furthermore, and equally as significant, it expands the account so that savings may be used for elementary and secondary education expenses, including tutoring, special needs services, books, home computers, and tuition.

Education savings accounts place the power of education in the hands of those who should be in control, and that is the parents. These accounts allow parents to invest their own money over time to plan for their children's future. Parents would have a real incentive to save for their children's education expenses, and as these accounts grow and accumulate interest, they build compound interest so parents can have significant resources to pay for many of the services associated with educating their child.

My colleagues, even public education is no longer free. Parents often have to pay for tutoring, for afterschool programs, for uniforms in many schools, home computers and software, and they pay that out of their own pockets. These accounts can help pay for that.

May I say, as an aside, public school teachers are going to be big beneficiaries of these Coverdell accounts. They are going to benefit because those who are hired to do tutoring, those who will provide additional help for children who need that special time are going to be the public school teachers who are going to see their incomes and limited salaries oftentimes supplemented by these education savings accounts.

In addition, this legislation would expand who can contribute to the education savings accounts so that corporations, charitable organizations, foundations, and labor unions can contribute to these education savings accounts in the name of a particular child. So I can certainly envision major employers deciding this would be an ideal benefit to employees and their children by establishing these education savings accounts, making contributions to them. I certainly can imagine labor unions being supportive of this and seeing this as a wonderful benefit for their members and ensuring that their members are going to have the resources necessary for their children's education and for their employees to have all of the options available as they look at what is best for their children.

So this proposal will inject billions of new dollars into education that would not have been spent previously. I think it is a wonderful opportunity for companies and unions to offer education savings accounts as benefits for their employees—a benefit particularly helpful to low- and middle-income families who otherwise could not save much.

According to a previous analysis by the Joint Committee on Taxation, 70 percent of the families expected to take advantage of this legislation have incomes of $75,000 or less. These accounts are only available to taxpayers making less than $95,000 or $190,000 jointly. The Joint Committee on Taxation also estimated that 75 percent of all families using these accounts will have children enrolled in public elementary or secondary schools. That means public schools aren't the losers; they are the winners under education savings accounts.

The injection of billions of dollars, 75 percent of which is going to be benefiting families with children in public schools, is a tremendous boon to public education. So education savings accounts benefit low- and middle-income families who currently struggle to meet the education needs of their children, and they benefit families not only of lower income but those who are enrolled in public schools.

One of the arguments against these savings accounts is that you are going to take the cream of the crop out of the public schools because in their education savings accounts, they can save the resources for private school tuition. Yes, they could, but the fact is, this legislation is really targeting low- and middle-income families, those who otherwise don't even have those choices. An affluent family can look at private schools, parochial schools, all kinds of options. They can afford tutors. It is the low- and middle-income families who heretofore have not had those options, but with education savings accounts they can look at these options.

Public schools, private schools, and parochial schools are all enhanced by that competitive atmosphere. This legislation leaves public money in public schools. Only private resources could ever be used for tuition in a private school.

We are going to have a healthy debate about the "V" word—vouchers—this year, and I commend the President for his portability provision on title I so disadvantaged children don't have to remain in a failing school, trapped in a school not meeting their needs, and parents will be able to take a portion of Federal money out of title I and move to another school. We are going to have a heated debate on that. There are Republicans for and against it, and some Democrats are for and against it. This is something Republicans and Democrats, provoucher and antivoucher forces, can agree upon because it is only private money that would be utilized in going to other public schools, and only public money would go to the public schools. Instead of creating a new Federal education program, should we not allow parents to realize a maximum return on their savings by allowing for these accounts?

It is estimated that education savings accounts will infuse more than $12 billion of additional funding into education. That far outweighs the cost of the bill. What better way to stress the importance of education than by allowing parents the opportunity to make their dollars count.

I look forward to working on this bill with the original cosponsors—Senators GREGG, FRIST, ENZI, SESSIONS, THOMPSON, HAGEL, BROWNBACK, SANTORUM, and BREAUX—as well as the chief cosponsor, Senator TORRICELLI of New Jersey, who has fought this fight and who has been on the floor with Senator Coverdell in past years and has taken a courageous step for something that in the time since it began was controversial. I commend him and look forward to working with him as we move this legislation forward.

Parents deserve this chance of empowerment to provide a better education for their children.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri, Mr. BOND.

Mr. BOND. Thank you very much, Mr. President. I rise today to discuss some of the benefits of the tax plan that President Bush has sent to Congress. I believe everybody is beginning to understand the significant benefit families would receive under this tax reduction plan.

A family of four living in my State—St. Louis, Kansas City, Sedalia, Moberly, Maryville, or Kennett—if they earn $35,000, would have all their taxes eliminated, a 100-percent tax cut. That has to be good news.

A family of four making $50,000 a year would receive a 50-percent tax cut—at least $1,600. That could be a downpayment on a new van or a car or buy several weeks of summer camp for the kids or several weeks of groceries.

President Bush's plan doubles the child tax credit to $1,000, bringing it more in line with the actual cost of raising a kid. It is a news flash for those of us inside the beltway. Kids are expensive. Those of us who have kids know they are life's greatest blessing, but they do not come cheap.

I commend the President for recognizing this.

I believe it is also very important that President Bush's plan expands the charitable tax deduction. We ought to be encouraging more people to contribute to the Salvation Army, Red Cross, Catholic Charities, or any of the myriad wonderful private agencies that are doing very important work helping those who need help.

I want to speak today specifically about the impact these tax reductions would have on small business.

As chairman of the Senate Committee on Small Business, I hear from small businesses every day that are the dynamic engine growing this economy. These are the businesses that create the new jobs. As larger and larger businesses cut back and lay off employees, they are finding jobs. They are finding good opportunities in small business.

Small businesses represent about 99 percent of all employers. They employ 53 percent of the private workforce and create about 75 percent of the new jobs in this country. As you are looking to see where jobs can be provided to those who are coming off welfare and those entering the workforce for the first time, small businesses are the ones giving them the opportunities.

Under the Bush tax plan, small businesses will get a huge benefit from collapsing the tax brackets from 5 to 4—giving marginal rate reductions. This is extremely important for these small businesses. Why? You may think businesses and individuals are different. But according to IRS statistics on income—most recent data available—about 20.7 million tax returns filed by small businesses were sole proprietorships, partnerships, and S corporations with business assets less than $1 million. Those are significant numbers of small businesses that are taxed on the individual tax rates. The income of the business is passed through, and it is applied to their tax returns.

On the other hand, there are about 2¾ million corporations, or regular C corporations, that are taxed under the business rates. Almost 10 times as many businesses, much smaller, of course, are taxed on individual tax returns. Eighty-eight percent of the businesses with receipts under $1 million are passthrough entities—businesses taxed only at the individual owner level.

The rate reduction proposed by the President will cut the taxes paid by farmers, retail shop owners, small businesses, startup businesses that are formed as sole proprietorship, partnerships, and S corporations. What are they going to do with it?

We have seen in the past when they have the taxes reduced—and we are reducing the taxes because we have a tax surplus; we are taxing them too much; too much money is being taken out of families' pockets and out of businesses' pockets—they will use those dollars left in their pockets to invest in new equipment, in new technologies, hire more workers, and pay better wages. They will be able to expand the product lines and the services they offer. Most importantly, they will contribute to the economic growth of their hometowns.

Week before last, we had a fascinating discussion with Chairman Alan Greenspan of the Federal Reserve. Chairman Greenspan, many people believe, has been one of the real economic gurus whose good economic policies have allowed this economy to grow. He has talked in the past about the need to reduce the huge national debt run up over past years.

But do you know something. This time Chairman Greenspan said it is time for a tax reduction. Why? Because we are running surpluses. There is a projected $5.6 trillion surplus over the next 10 years. That means we would pay off all the debt we could pay off. Then the Federal Government would be left in the position of what to do with the extra money after they pay down the debt.

One of the most dangerous things he said they could do would be to have the Federal Government accumulating private assets. That is "economic speak" for buying up businesses, buying up shares of the stock market, or getting the Federal Government into socializing the economy. We don't need to go that direction. We don't need to have the Federal Government as the major shareholder in our economy.

Reducing high tax rates now is the best way to make sure we don't put the Federal Government into the business of buying up businesses. That is very dangerous. That is not where we want to go.

In addition, I asked Chairman Greenspan about what nature of tax cut would most benefit the economy. He said as an economist that clearly the most important thing we can do is lower the marginal rates.

With tax reform in the 1980s, we got the top rate down to about 80 percent. Most people think if the Federal Government is taking over a quarter of every dollar earned, that is as much as it should take. But right now we have the rates on the books of 39.6 percent. But with all the phaseouts and others, sometimes that tax rate is 44 percent—almost half of every dollar.

When you take that much money out of the system, and when you take that much money out of the new dollars coming into a business, for example, you discourage investment. From the economist's standpoint, the best thing we can do is reduce those high marginal rates so that small businesses will have the incentive to put more money into technology and into equipment.

We have had a phenomenal growth in productivity. Because there has been investment in new technology, information technology, the information age has revolutionized the way businesses work. Businesses are able to be more productive. What does that mean? It doesn't just mean the businesses are more profitable. It means you and I as consumers get better products at lower prices. It means they can hire more workers. It means they can pay workers better salaries.

These are the benefits that come about from a marginal tax rate reduction.

In addition, the President calls for repealing the death tax.

This will be a tremendous benefit to small business. I have a lot of farmers in my State who are very worried that when they die the Federal Government is going to come in with a confiscatory Federal death tax and take away the farm, take away the small business that has been built up over the years that the business owner or the farmer would like to leave to his or her children.

Repealing the death tax will make a significant difference in assuring that we continue jobs and economic activity. Thousands of small businesses in this country waste millions of dollars each year on estate planning and insurance costs just to keep the doors open if the owners die.

A good friend of mine farms along the Missouri River in western Missouri. When his father died they paid almost $100,000 in accounting and legal fees to figure out how they could keep his farms from being broken up. Death ought not be a taxable event. It is bad enough to have the undertaker arrive at your door. You don't want to have the tax man arrive at the same time.

The money we pay to accountants, to lawyers, and to insurance companies to try to get around this estate tax could be much more productively employed in investing in new equipment, in providing new jobs and better wages.

Many times the tax at death ends a small business; it has to be sold. It is a job killer. I think the days of the death tax should be numbered, not the days of the business owned by an older business owner or farmer who is reaching the end.

It should come as no surprise if the economy slows, as clearly it is, small businesses will be first to feel the pain. Capital dries up, sales will fall, and possibly business productivity will diminish. As we focus on the need for immediate tax relief and the merits of it in the Bush tax plan, we cannot ignore the plight of America's small enterprises in the growing economy.

Taxes are not supposed to be countercyclical. This is a long-term investment in the productivity of our country. When we cut the capital gains rate in the last decade, the money made available from the tax reductions helped spur the investments in productivity that kept our economy growing. Incidentally, that increased activity actually brought more revenue to the Federal Government.

I think the Bush plan, in addition to holding tremendous benefits for families, for individuals struggling to make ends meet, will have a tremendous benefit for small business. The rate cut, the estate tax repeal, and the other features of the President's proposal will directly help the hard-working women and men who dedicate their lives to creating small businesses, to taking the risks in the marketplace that will allow this country to be healthier, and to allow themselves, their families, and their workers to be productive, contributing members of the economy.

When small businesses win, we all win. I think President Bush's tax plan is one of the best hopes we have for ensuring that our economy continues to grow.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, first, I commend the Senator from Missouri for a fine statement. I certainly associate myself with those comments. In particular, his reference to the effective tax cuts on the small businesses in our country, something he has worked on literally all of his career. I appreciate very much his emphasis on that.

The President, of course, sends us his bill today. The essential feature, as the Senator from Missouri said, is the reduction in marginal rates. Reducing the marginal rates is the best thing we can do for all taxpayers, as well as for strengthening the economy itself.

I note that the low- and middle-class taxpayers are the biggest winners under this plan. For example, a family of four making $50,000 a year would receive a 50-percent cut, a $1,600 reduction average on their tax bill. If that is not considered important by people, just think about how much that would do for the average family. It pays the entire average home mortgage for that family of four, a year of tuition at a lot of community colleges, and so on.

The size of the cut is also modest by any standard. I know some of our colleagues on the left have said it is too big. Frankly, it is not nearly enough, in my view. I subscribe to the view of those in the House of Representatives yesterday who said it could be much larger, and it should be larger. I support at least this modest effort and urge my colleagues who say it is too much to recognize that it is only half the size of the tax cuts of the John F. Kennedy administration and one-third the size of the tax cuts of the Ronald Reagan administration. So I don't think one could say that this tax cut is too large, when all economists agree that the tax cuts of the Kennedy and Reagan eras were the primary cause of the great economic growths that occurred during those periods of time.

Moreover, for those who contend that we don't have enough money to accommodate this tax, I say, first of all, that is very much the wrong standard to apply. This is not a Government expenditure. This has to do with taking money from American workers. Recall that during the Reagan era we had huge Federal debt and very large annual deficits, yet we reduced taxes. As I said, this tax cut being proposed by President Bush is only a third the size of those Reagan tax cuts.

The goal, first of all, should be to relieve the burden on American taxpayers, enabling them to contribute to the great economic engine of this country. We do not need to be worried about how much money is going to be left over for this Congress to spend. Everyone here knows that if we leave it on the table in the Congress, it will get spent. That is why we believe there is another reason to support this tax cut, not just to improve the economy and help American families but so the money will not be spent by the Congress inappropriately.

Surpluses are proof of the fact that taxpayers are being overcharged. They deserve some of their money back. The fact that the economy is weakening at this point simply makes the point that this tax cut and the case for this tax cut is undeniable.

I will focus my remaining comments on one specific feature of the President's proposal; that is, the repeal of the estate tax, the so-called death tax. Yesterday, I introduced legislation similar to that introduced last year. Senators BREAUX, GRAMM, and LINCOLN are cosponsors. We all serve on the Finance Committee. It is balanced between Democrats and Republicans. This is the bipartisan approach that passed both the House and the Senate last year, only to be vetoed by President Clinton.

The essence of the bill is to replace the Federal estate tax with a tax on capital gains earned from inherited assets due when those assets are sold. As I said, this is the approach that passed both Houses of Congress, and it rests on the notion that death should be taken entirely out of the equation.

Death should not be a taxable event. If people want to sell assets at some point, they make an economic calculation knowing, among other things, what kind of tax would pertain. They can make that decision on their own. That is the only time there should be any kind of a tax. At that point, it should be a capital gains tax, not a tax that is more than twice the capital gains rate, which is what the death tax is.

As I said, the beauty of this approach is it removes death as a trigger for a tax. Death neither confers a benefit nor results in a punitive, confiscatory state. Small estates would be unaffected by the basic changes we are making. For them, the estate tax would be eliminated and a limited step-up in basis would be preserved. Each person under our proposal has a $2.8 million automatic step-up in basis. So for a couple, there is no chance that an estate that is not taxed under the estate tax today would be taxed under our proposal.

This measure would not allow unrealized appreciation on inherited assets, however. I know that is a concern for some of our friends on the other side. Beyond this limited step-up in basis, all assets would be taxed as in any other situation if and when they are ever sold. Friends who own small businesses who never want to sell the small business or farm, that is fine. You never pay a tax. The tax only pertains if and when the business is sold.

This is a very fair proposal. In fact, the American people, even though most of them realize they are not liable for an estate tax, understand the fairness of this and support it.

A Gallup poll not too long ago found that 60 percent of the American people support repeal of the death tax, even though about three-fourths of them do not think they will ever have to pay the death tax themselves. They are right, although many Americans have to go through the expense of paying for insurance or estate planning.

As a matter of fact, about 3 years ago, coincidentally, the Government collected about the same amount in estate tax—I think it was around $23 billion—that other Americans paid to avoid paying the estate tax. So it is actually a double tax. A lot of people who do not actually pay it end up paying as much through the estate tax lawyers' fees, accountants' fees, insurance, and so on. So I think most American people understand it is not a good tax to have, even though they themselves may not be liable for it.

Also this last year, in the last election, voters in two States approved referenda to repeal their own estate tax: South Dakota, by a vote of 79-21, and Montana, 68 to 32 percent. Clearly, repeal of this confiscatory tax is an idea whose time has come, both in the State and at the Federal level.

I conclude by reiterating the significant majorities in the House and Senate who voted for repeal last year means we have finally found the formula for taxing inherited assets in a fair and commonsense way. I hope, as this process unfolds and the tax legislation comes before the Senate and the House, our colleagues will recognize the validity of this approach, the fairness, the place in which the death tax repeal fits into the overall tax program, and that we can pass tax relief for hard-working American families.

It is the most sure way not only to do right by them but to ensure a strong economy for the United States of America.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to state that Americans need tax relief and I believe they need it now. Despite record economic growth for the last several years, and huge budgeted surpluses in the last few years and in the future, I think these surpluses simply represent overtaxation of the American taxpayers. Americans, in recent years, have been repeatedly denied tax relief despite these surpluses because there were not enough Senators to override the President's veto—the previous President's veto.

Excessive taxation limits the individual freedom of hard-working Americans, their families, and their enterprises. I agree very much with the previous remarks made by the Senator from Arizona, Mr. KYL, and the Senator from Missouri, Mr. BOND.

The fact is, Americans are paying more in taxes as a proportion of the gross domestic product than at any time since World War II. In fact, for this fiscal year, the Federal Government will pull out $1 of every $5 in the economy—20 percent of the economy is being taken by the Federal Government, even though there is a non-Social Security budget surplus in this year that is going to top $125 billion, and it is going to exceed $3.1 trillion over the next decade.

I believe we must assure that Americans can keep more of their hard-earned dollars in their pockets. Previously, the Senator from Connecticut paraphrased a song to slow down tax cuts in this surplus. I think there is a more apt country western song to reference this gold mine surplus that is created by the work of the taxpayers. What has been suggested by the opponents is that the Government gets the gold mines and the taxpayers get the shaft.

I think the taxpayers deserve better. It is simply common sense that, rather than continuing down the path of excessive Government spending in Washington, Americans ought to be allowed more money to invest in their priorities for their families, for their homes: saving for retirement or the purchase of a computer for their children. It is common sense—trusting families, trusting people. They know better than the Federal Government about what they need and how to make their earnings work for themselves, their families, and their enterprises.

Overall, for the economic success and jobs in America, I believe the Federal Reserve needs to rapidly reduce interest rates much more, and soon; we must pass tax relief soon to help bolster consumer confidence. When you look at these surpluses, I believe they ought to be handled the same way a well-managed business would handle surpluses. A business would first put funds into retirement or pension funds. Then they would look at their priorities as a company and invest in them. And then they would look for a dividend to the shareholders.

As the Federal Government, I think we ought to look at it the same way a business would. Certainly a business would not be raiding, at times of surplus—or at any time for that matter—pension funds or retirement funds. That is why I think as a Government we need to protect Social Security. Put Social Security in a lockbox. Hopefully, with this spirit of bipartisanship, that will change and we can pass legislation necessary to protect Social Security so future retirement funds are not raided for more Government spending.

The advantage of the Social Security lockbox is not only protection of retirement funds; it also helps pay down the national debt. Implementing the Social Security lockbox and allowing those surpluses to be used only for addressing the long-term solvency of Social Security helps us reduce the national debt, and we can effectively eliminate the publicly held debt in the next 10 years with that fiscal discipline.

Then I believe we need to look at the non-Social Security surpluses and, again, handle it the same way a well-run business would. What would a well-run business do with the nonretirement surpluses? They would address priorities, research and development, workforce training, maybe investment in ideas to be more competitive, or increase their market share. In the Federal Government, even after we save and protect the Social Security surpluses and pay down the national debt, the Federal Government still will be collecting $3.1 trillion more in taxes than is needed at the current levels of spending, on top of the current level of spending inflationary increases. So it is $3.1 trillion. That is over $10,000 of excess taxation of every man, woman, and child in this country.

There are legitimate national responsibilities we need to address and in which we need to invest. We must provide that out of this $3.1 trillion surplus. There are new investments we need to consider in education. We must also act quickly, making sure we are improving the preparedness of our national defense and our Armed Forces. We need to invest in new technological and scientific research. We need to shore up the Medicare system, as well as investing in our national transportation infrastructure.

But once we take care of these priority responsibilities in education, national defense, scientific research, and combating illegal drug trade, we should again operate as a business. Then what would a business do after you take care of priorities? They would declare a dividend. That is what I think we ought to do is declare a dividend for the shareholders, the owners of this Government who are the taxpayers of America.

Surely, out of the $3.1 trillion surplus, I do not think the $1.6 trillion the Bush administration is proposing is an excessive amount to return to our taxpayers. It is a minimal amount we ought to be returning to the taxpayers. In fact, when you compare this proposal to previous major tax cuts, history shows we can dedicate even 50 percent of the current non-Social Security surplus to tax relief measures and still barely make a blip on the radar screen of our national economy.

For example, in 1963 President Kennedy's tax cut reduced tax collections by 12 percent. That is this chart here, the Kennedy administration; it was 12.6 percent.

The Reagan administration 1981 tax cut reduced tax collections by 18.7 percent—nearly 19 percent.

The tax collections proposed by the Bush administration would return just over one-half of the excess tax collections to American taxpayers, and the tax collections would be reduced by 6.2 percent—much less than the Kennedy and much less than the Reagan administrations. In fact, according to the National Taxpayers' Union, as part of our gross domestic product, when you compare the Kennedy tax cut, it was 2 percent of the gross domestic product—the Bush proposal of taxes being reduced by $1.6 trillion is a mere 1.2 percent of the gross domestic product.

You might recall the great growth in our economy in the 1960s was occasioned by the tax cuts of the Kennedy administration. So this is merely one-half of the revenue impact of the Kennedy tax cut.

I say to my colleagues in the Senate, if we cannot cut taxes in the times of these surpluses, when will we be able to give tax relief and reduce the tax burden on the people of America?

This is the time to make the Federal Tax Code more fair and less burdensome. This is the time to get rid of this illogical marriage penalty tax which imposes a penalty on men and women just because they are married. This is the time to eliminate the death tax which is a very unfair tax, especially on family farms and small businesses. This is the time to make sure that individuals and small business owners get 100-percent tax deductibility for health insurance. And there are many other things we can do. This is the time to act for the people of America.

I hope my Senate colleagues will seize this opportunity to exercise fiscal discipline and restraint and realize that the owners of this country deserves tax relief, and they deserve it now.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). The majority leader is recognized.

Mr. LOTT. I thank the Chair.

Mr. President, I want to acknowledge the very fine statement made by the junior Senator from Virginia, certainly a very experienced leader, having served in the House of Representatives and having been Governor of the Commonwealth of Virginia, and already a very active participant in what is happening in the Senate and in our Government.

I had a feeling he would probably be suggesting tax relief is a good idea. Virginia has a strong opinion on that going back just a few years. I thank him very much for his statement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Under the previous order, the majority leader is recognized.

TRIBUTE TO LORETTA F. SYMMS

Mr. LOTT. Mr. President, I rise today to pay tribute to the outstanding accomplishments of Loretta Fuller Symms. There she is, looking quite natural in the front of this Chamber. This week, she will be retiring after over 20 years of congressional service. Has it been that long? For 14 of those years, she has served in the Senate.

I first met Loretta 20 years ago when I was a Member of the House of Representatives and she was working in the office of then-Congressman Steve Symms of Idaho. She would tell you—Steve and I were first elected in 1972 and came 1973—Steve and I have a common bond philosophically but also fraternally in that we were close friends, and that is where I first met Loretta.

She moved to the Washington area from Coeur d'Alene, ID, a beautiful area. What a sacrifice to move from Coeur d'Alene, ID, to come to Washington. Thank goodness she did, and we have all been much better off because of her outstanding congressional career.

In 1987, the very wise Senator Bob Dole, my predecessor as Republican leader, chose Loretta to be the Republican representative in the Sergeant at Arms Office. Over the next 9 years, she filled a number of roles within that organization. It was during that time that I was first elected to the Senate, and Loretta was very helpful to me and my staff in opening my offices here in Washington and in Mississippi.

I remember she had a post, more or less, in the back of the Chamber, and I quite often would stop by to ask her what in the world was happening because the rules here are quite different from what I had been used to in the House. Of course, I was concerned about a number of things that I found difficult to manage and to deal with over here, but she was very helpful.

She has always brought professional business practices to the Senate operations. As director of Capitol facilities, she restructured the department establishing career ladders, formalizing job descriptions, instituting reading programs, and starting computer classes and other training programs for our employees.

Working with the Secretary of the Senate, she contributed to the management and oversight of the Senate page program, serving as adviser, mentor, and sometime surrogate parent to the high school students who participate in the program.

She was a driving force in the opening of Webster Hall, the building that functions both as a dormitory and as a site for the Senate page school.

I was pleased to appoint Loretta as Deputy Sergeant at Arms in 1996, the post she will serve until Friday. In that role, she has done a magnificent job. In fact, I was not sure I could give these remarks this morning because I still would like to ask her to change her mind: don't do this; at least stay until we complete the new extension on the east front of the Capitol. It wouldn't be but another 2 or 3 years perhaps. Steve would understand. I have made that plea to no avail. I guess, come Friday, she will be moving on to a different and exciting life, I am sure.

She has demonstrated an unmatched dedication to the institution of the Senate and its traditions. She understands them. She helps them and protects them. She contributed in large part to the restoration of the Senate Chamber in its current majesty, an area I have felt strongly about, but she made sure we paid attention to history and that it was done with good taste. The Chamber looks better today than it did 5 years ago.

Loretta has ably handled the huge and demanding responsibility of overseeing the daily operations of the Sergeant at Arms organization and its 750 employees. I know our Sergeant at Arms, Jim Ziglar, has been worried about this Friday and this day and how she would ever be replaced. A good choice has been made as a successor, but still I do not think we could ever truly replace Loretta and the job she has done.

In her duties as a representative of the Senate, Loretta has assisted Presidents, Vice Presidents, and foreign heads of state as they made official visits here. She has led the Senate as we walked through the Capitol Building over to the House side for joint sessions. I always thought we got more than our due share of notice, probably because Loretta was leading the pack.

We will surely notice her absence next week and for a long time to come, but I know Loretta is happy to exchange foreign dignitaries' visits for more visits with her 10 grandchildren. It is hard to believe she has 10, and here I am working only on my second one.

We are sad when one of our Senate family leaves us, but at the same time, we could not be happier for her. I know her husband, Steve Symms, is going to be happier, too.

As Loretta moves on to new challenges, I say thank you on the Senate's behalf and on my own behalf. The words are inadequate to express our appreciation for the kind of person you are and the job you have done. We all wish you the very best in your next career as grandmother and as keeper of Steve Symms, which will be a challenge. We all appreciate you.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE SAFETY IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 235, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 235) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased the Senate is now considering S. 235, the Pipeline Safety Improvement Act of 2001. I am joined in sponsoring this important transportation safety legislation by Senators MURRAY, HOLLINGS, HUTCHISON, BINGAMAN, DOMENICI, BREAUX, BROWNBACK, SMITH, and LANDRIEU. I especially express my appreciation to Senator MURRAY, as well as former Senator Gorton, for the hundreds of hours they put into this legislation.

This bill is the product of many months of hearings and bipartisan compromise and cooperation during the last Congress. It is designed to promote both public and environmental safety by reauthorizing and strengthening our Federal pipeline safety programs which expired last September.

As most of my colleagues well know, the Senate worked long and hard during the last Congress on how best to improve pipeline safety. After several months of hearings, and countless meetings, the Senate finally achieved a bipartisan consensus on comprehensive pipeline safety improvement legislation. We unanimously approved that legislation last September 7. I want to point out, by a voice vote, this legislation was passed just last September 7. Unfortunately, the House failed to approve a pipeline safety measure so we were never able to get to conference or send a measure to the President. Our collective inaction was a black mark on the 106th Congress.

Because the Congress as a whole did not act, the unacceptable status quo under which a total of 38 fatalities occurred during just the last year remains the law of the land. If we consider the pipeline-related deaths during the last Congress, that number increases to 64 total fatalities. Again, there have been 64 recent deaths, yet we have done nothing concrete to improve the law governing pipeline safety. Timely action not only by the Senate, but also the House, is needed to address identified safety problems before any more lives are lost. This is a call for action by both Chambers.

I commend and thank the Senate leadership on both sides for recognizing the critical need for passage of this legislation and scheduling this floor action so quickly. This early attention by the Senate demonstrates our firm commitment to improving pipeline safety. I remain hopeful that the new Congress as a whole will act quickly to take the necessary action to improve pipeline safety before we receive another call to action by yet another tragic accident.

Before I discuss the specific provisions of the legislation, I would like to discuss the safety record for pipeline transportation. According to the Department of Transportation, pipeline related incidents dropped nearly 80 percent between 1975 and 1998, and the loss of product due to accident ruptures has been cut in half. From 1989 through 1998, pipeline accidents resulted in about 22 fatalities per year—far fewer than the number of fatal accidents experienced among other modes. While the fatality rate has been generally low, it has taken a turn in the wrong direction during the past 2 years—with 26 fatalities in 1999 and 38 fatalities in the year 2000. I must also point out that according to the General Accounting Office, the total number of major pipeline accidents—those resulting in a fatality, and injury or property damage of $50,000 or more—increased by about 4 percent annually between 1989 and 1998.

The leading cause of pipeline failures is outside force damage, usually from excavation by third parties. Other causes of failures include corrosion, incorrect operation, construction, material defect, equipment malfunction, and pipe failure.

While statistically the safety record is generally good, accidents do occur, and when they occur, they can be devastating. That was certainly the case last August when a pipeline accident claimed the lives of 12 members of two families camping near Carlsbad, NM, and the previous year when three young men lost their lives in Bellingham, WA. That is why I believe so strongly that we must act now to help prevent future pipeline-related tragedies. It is our duty to take action as necessary to ensure our Federal transportation safety policies are sound and effective, whether for air, rail, truck, or pipelines.

The Office of Pipeline Safety within the Department of Transportation's Research and Special Programs Administration oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 3,000 gas pipeline operators with more than 1.6 million miles of pipelines. It also regulates more than 200 hazardous liquid operators with 155,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of the pipeline safety program is, quite simply, critical to public safety.

The legislation before us today will strengthen and improve pipeline safety. S. 235 will authorize additional funding for safety enforcement and research and development efforts. It will provide for increased State oversight authority and facilitate greater public information sharing at the local community level. It raises civil penalties, provides whistle-blower protections for employees, and provides for many other safety improvements. In short, it will promote both public and environmental safety.

Let me describe the major provisions of the bill:

First, the bill would require the implementation of pipeline safety recommendations issued last March by the Department of Transportation's Inspector General to the Research and Special Programs Administration. The IG found several glaring safety gaps at OPS and it is incumbent upon us all to do all we can to insure that the Department affirmatively acts on these critical problems.

The legislation would also require the Secretary of Transportation, the RSPA Administrator and the Director of the Office of Pipeline Safety to respond to all NTSB pipeline safety recommendations within 90 days of receipt. The Department's responsiveness to NTSB pipeline safety recommendations for years has been poor at best. While current law requires the Secretary to respond to the NTSB no later than 90 days after receiving a safety recommendation, there are no similar requirements at RSPA. I am aware of one case in particular where an NTSB recommendation sat at DOT's pipeline office for more than 900 days before even an acknowledgment of the recommendation was issued. Such disregard for the important work of the NTSB is intolerable. Therefore, this legislation statutorily requires RSPA and OPS to respond to each and every pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action it plans to initiate to implement the recommendation.

The measure would require pipeline operators to submit to the Secretary of Transportation a plan designed to improve the qualifications for pipeline personnel. At a minimum, the qualification plan would have to demonstrate that pipeline employees have the necessary knowledge to safely and properly perform their assigned duties and would require testing and periodic reexamination of the employees' qualifications.

The legislation would require DOT to issue regulations mandating pipeline operators to periodically determine the adequacy of their pipelines to safely operate and to implement integrity management programs to reduce those identified risks. The regulations would, at a minimum, require operators to do the following: base their integrity management plans on risk assessments that they conduct; periodically assess the integrity of their pipelines; and, take steps to prevent and mitigate unintended releases, such as improving lead detection capabilities or installing restrictive flow devices.

It also would require pipeline operators to carry out a continuing public education program that would include activities to advise municipalities, school districts, businesses, and residents of pipeline facility locations on a variety of pipeline safety-related matters. It would also direct pipeline operators to initiate and maintain communication with State emergency response commissions and local emergency planning committees and to share with these entities information critical to addressing pipeline safety issues, including information on the types of product transported and efforts by the operator to mitigate safety risks.

The legislation directs the Secretary to develop and implement a comprehensive plan for the collection and use of pipeline data in a manner that would enable incident trend analysis and evaluations of operator performance. Operators would be required to report incident releases greater than five gallons, compared to the current reporting requirement of 50 barrels. In addition, the Secretary would be directed to establish a national depository of data to be administered by the Bureau of Transportation Statistics in cooperation with RSPA.

In recognition of the critical importance of technology applications in promoting transportation safety across all modes of transportation, the legislation directs the Secretary to focus on technologies to improve pipeline safety as part of the Department's research and development efforts. Further, the legislation includes provisions advanced last year by Senator BINGAMAN, myself, and others, to provide for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences.

The bill provides for a three-year authorization, with increased funding for Federal pipeline safety activities, the state grant program, and research and development efforts. Let me assure my colleagues that we are seeking the views of the Administration regarding the funding levels and will carefully consider funding and other concerns as the bill proceeds through the legislative process. We must ensure that the Department has the tools it needs to carry out its critical pipeline safety activities and to advance research and development efforts.

The legislation requires operators, in the event of an accident, to make available to the DOT or NTSB all records and information pertaining to the accident and to assist in the investigation to the extent reasonable. It also includes provisions concerning serious accident that provide for a review to ensure the operator's employees can safely perform their duties.

In addition, pipeline employees are afforded the same whistle-blower protections as are provided to employees in other modes of transportation. These protections are nearly identical to the protections aviation-related employees were granted in the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century.

Again, I hope this Congress can act expeditiously to approve comprehensive pipeline safety legislation. We simply cannot afford another missed opportunity to address identified pipeline safety shortcomings.

The Senate can be very proud to be taking action on such an important public safety issue as one of its first legislative acts of the 107th Congress. We must act to help improve pipeline safety and prevent future tragedies like those that occurred in Washington and New Mexico. I urge my colleagues' support of this legislation.

Mr. President, I point out to my colleagues something that bears looking at. This map behind me is a snapshot of the thousands of miles of gas transmission, gas distribution, and hazardous liquid pipelines that crisscross our country. It is based on data compiled in 1997 by MAPSearch Services in the Office of Pipeline Safety. The Office of Pipeline Safety is in the process of completing its own mapping initiative that will provide a much greater level of accuracy and will be made available to the public via the Internet by this legislation.

While the Office of Pipeline Safety is years behind in completing this initiative, it is projected that by the end of February, 86 percent of hazardous liquid lines and 29 percent of natural gas transmission lines will be mapped under this new initiative. I am committed to ensuring that OPS completes this initiative in a timely manner and to the highest degree of accuracy possible.

What is important, from the map I have here today, is for all of us to realize that pipeline safety affects all of us. We owe it to our constituents to pass this measure today and to press the House to act expeditiously to pass a bill in order to improve pipeline safety.

Let me, for the benefit of my colleagues, particularly the 11 new Members, provide a brief history of the work of the Commerce Committee and the time devoted by the Senate during the last Congress which led to the development of the pending legislation.

I understand there will be amendments that will be proposed. I in no way object to those amendments. I want a proper perspective to be given on this issue. We just didn't come up with this legislation.

The Commerce Committee's work began nearly a year ago when we held a field hearing in Bellingham, Washington, on March 13th, at which 18 people formally testified—including the Governor of Washington, mayors and city officials, the parents of the three boys killed in the tragic June 1999 pipeline accident, representatives of state and federal pipeline safety regulatory agencies, oil and gas companies, and public interest groups.

We then held a full committee hearing on pipeline safety on May 11th at which we heard from Senator PATTY MURRAY and several Representatives from Washington State. We also received testimony from the Administrator of the Department of Transportation's Research and Special Programs Administration, the DOT Inspector General, the NTSB, the parents of the children killed in the Washington pipeline accident, and witnesses representing the natural gas transmission industry, the natural gas distribution industry, the hazardous liquid pipeline industry, State pipeline inspectors, and public safety advocates.

Each and every one of the 30 witnesses testifying before our committee recommended changes in the current law and offered views on the legislative proposals pending at the time. Members both on and off the Commerce Committee also offered specific recommendations. And countless meetings were held by Members and staff discussing ways to improve pipeline safety. The Commerce Committee operated in a manner to ensure that anyone who wanted to participate in this process could do so and the input from the many diverse interests has been both useful and appreciated.

Next, the Commerce Committee met in executive session on June 15 during which we considered a substitute amendment which was the product of the many views presented to the committee. We also adopted a number of other amendments and debated others that weren't adopted. We agreed to continue to work to resolve some outstanding issues prior to taking the bill to the floor. That bill was reported by the committee without one dissenting vote.

Following that markup, the interested Members continued working to try to find common ground on those areas that had not been resolved during the executive session. Now, I will remind my colleagues of the tragic pipeline accident that occurred during the August recess when 12 members of two families camping near Carlsbad, NM, lost their lives when a natural gas transmission line ruptured. Sadly, it was that tragic accident that spurred the prompt action upon the Senate's return in September. During the first week back from the August recess, we reached a final consensus on the legislation to enable the bill's prompt consideration. The bill was approved by unanimous consent on September 7.

Unfortunately, the House failed to approve pipeline safety legislation during the last Congress. As a result, the status quo under which 64 lives have been lost in just the past 2 years remains the law of the land. We simply must take action—both Chambers must take action—and allow us to get to a conference and to send a strong pro-safety pipeline bill to the President.

Mr. President, I believe every Member of this Chamber can be proud that one of our very first legislative acts for the new Congress is to consider legislation to strengthen federal pipeline safety policies and in turn, improve public safety. I urge the House to also make pipeline safety an early priority and enable the Congress to carry out its obligations to the American public.

I recognize that some Members may not have expected this bill to have been scheduled for floor action as quickly as this week. It is not my intent, nor do I believe it is the leadership's, to preclude any Member from having the opportunity to offer their views on how we could even further improve pipeline safety. But I want to remind all of my colleagues that this measure did pass this Chamber by unanimous consent just 5 months ago. And it took considerable effort and bipartisan cooperation and compromise to enable that action to occur.

Some would like the bill to go further and some believe it goes too far. But we did work long and hard to finally achieve a consensus in this legislation and I hope our new colleagues who were not in the Senate during the last Congress will carefully consider the critical importance of advancing this pipeline safety measure through the process. And, I want to state for the RECORD my strong interest in working with the administration on this issue. I will certainly consider any recommendations it may offer to improve pipeline safety as we work to move this legislation through conference.

Mr. President, I want to take a moment to recognize two Members who played key roles in the process last year that culminated in the creation of the measure before us today. They are Senator PATTY MURRAY and Senator Slade Gorton. It was in large part due to their tireless work and bipartisan cooperation that enabled the Senate to pass a strong, pro-safety pipeline bill last year. And it is in the spirit of continued bipartisan cooperation that we are able to consider this bill today.

Finally, I want to again mention the other sponsors of this bill: They are Senators HOLLINGS, HUTCHISON, BINGAMAN, DOMENICI, BREAUX, BROWNBACK, SMITH, and LANDRIEU. I thank them for their work and bipartisan cooperation on this important legislation.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today in support of comprehensive pipeline safety legislation. I want to especially commend Senator McCAIN for his strong, personal leadership on this issue. He held hearings on pipeline safety in the last Congress, and he's helped make this legislation a priority here in the Senate. We would not be here today without Senator McCAIN'S leadership.

I first got involved in this issue 20 months ago in the wake of a horrible pipeline explosion in my home State of Washington. On June 10, 1999 in Bellingham, Washington a gasoline pipeline ruptured. Gas poured out of the pipeline and overflowed into Whatcom Creek. Eventually, that gasoline ignited, and it created a massive fireball. The explosion sent a plume of smoke more than 20,000 feet into the air—as you can see in this picture. But most tragic of all, the explosion killed three young people. It shattered a community and inflicted serious environmental damage. Without warning on a quiet summer day, three young people were taken from their families in a tragedy that should never have happened.

After the accident, I spent several months learning about pipelines. I learned that the Office of Pipeline Safety oversees more than 157,000 miles of hazardous liquid pipelines and more than 2.2 million miles of natural gas lines throughout the country. These pipelines run near our schools, our homes, and our communities. They perform a vital service—bringing us the energy we need for cars, airplanes, and home heating. But at the same time, they are not as safe as they could be.

I learned that it's hard for citizens to find out if they live near a pipeline—much less if that pipeline is safe. I learned that many of these pipelines were laid down 30 or 40 years ago, and they are getting old. They're subject to internal corrosion and to external damage. And worst, of all—they may not receive regular inspections. I learned that too many pipeline operators don't have the training they need. And I learned that we're not investing in pipeline safety—both in oversight and in the new technology that will make pipelines safer.

Mr. President, the impact of all of these problems can be seen in the number of pipeline accidents. Between January 1, 1986 and December 31, 1999, there have been more than 5,700 pipeline accidents in this country, 325 deaths, 1,500 injuries, and almost $1 billion in environmental damage. On average there is one pipeline accident every day in this country, and 6 million hazardous gallons are spilled into our environment every year.

As I worked on pipeline safety, I talked to a lot of people. I worked with officials at all levels of government, with industry representatives, environmentalists, state and federal regulators, and concerned citizens.

Last year, I introduced my own pipelines safety legislation. I was pleased when Senator McCAIN—as Chairman of the Senate Commerce Committee—made this issue a priority and held a hearing and a markup on pipeline safety legislation. And many other Senators played key roles—especially Senators HOLLINGS, BINGAMAN, INOUYE, DOMENICI, BREAUX, and WYDEN—and also former-senator Slade Gorton. On June 15, our bill passed out of committee.

Then, on August 19, there was another terrible pipeline explosion near Carlsbad, NM. That blast killed 12 people. That horrific accident reminded this Senate that we had to act. As a result, our bill passed the Senate on September 7. Let me review the features of the McCain-Murray bill as passed last year.

To make pipelines safer, our bill improved the qualification and training of pipeline personnel, improved pipeline inspection and prevention practices, expanded the public's right to know about pipeline hazards, raised the penalties for safety violators, enabled States to expand their safety efforts, invested in new technology to improve safety, protected whistle blowers, increased funding for safety efforts by $13 billion, and recognized State citizen advisory committees and allowed for their funding.

This bill—which is again being considered today—was the strongest pipeline safety bill to ever pass either Chamber of Congress. The Senate has clearly made pipeline safety a priority—and we are doing so again this year. Then our bill moved to the House for debate. In the House, it did gather support from a majority of Representatives. Unfortunately, it was brought up for a vote through a procedure that required a two-thirds majority—and it fell short.

Again this year, it is the House of Representatives that must step up to the plate on this issue. That is why I have worked with Washington's congressional delegation—especially Congressman RICK LARSEN who represents Bellingham—to develop additional provisions to address some of the concerns expressed by the House last year.

I am proud to report that Congressman LARSEN introduced that legislation in the House this week. I also plan on introducing it here in the Senate today so it can become part of the process we use to enact the best legislation. The delegation legislation that Congressman LARSEN and I have worked on will improve the McCain bill in several ways.

It will strengthen the provision on employee certification. It will further increase penalties for safety violations. It will improve the community's right to know. And, it will ensure periodic inspections of pipelines.

The strongest pipeline safety bill ever to pass either body of Congress is on the floor of the U.S. Senate right now. A vote yes is a vote for progress—a vote to make pipelines safer. A vote no is a vote for the status quo. A vote no freezes the process. A vote no leaves us exactly where we were when three people were killed in Bellingham and 12 people were killed in Carlsbad.

Are there things we can do to improve this bill? Yes. But we well never get to them unless this bill passes out of the Senate. This bill represents our single best opportunity to make pipelines safer. That's clear from what happened last year. Last year, the Senate passed this bill, and some in the House had problems with it. The improvements will be made—and the differences will be worked out—in the conference process. But we can't get to the conference process until the Senate and the House each pass pipeline safety legislation.

Voting against this bill won't make pipelines safer. Voting for this bill—and making improvements during conference—will make pipelines safer.

Frankly, Mr. President, I expect the bill we're debating today—S. 235—to pass the Senate again this year—as it did last year.

Then—once again—the House will need to pass its own legislation.

At that point, the two bills will be reconciled by a conference committee. That committee's work will be critical.

Ultimately, I hope that the conference committee's final bill will resemble the bill I've been working on with the Washington state delegation.

Mr. President, this isn't the end of our discussion on pipeline safety. In fact, it's just the start and that starting process begins by voting yes for this bill.

Before I conclude, I want to comment on the current energy crisis. It's something that I have spent a lot of time on in the past few months, and it is having a real impact on the people of my State.

I have been listening very closely to President Bush's comments. Among other things, he has suggested streamlining the approval process for installing pipelines. That concerns me.

I recognize that we need to increase our energy generation, but we shouldn't do it at the expense of our safety or our environment. Just because we are having an energy crisis does not mean that the families in Bellingham or Carlsbad will accept a rollback of safety standards.

I hope President Bush will agree that we shouldn't replace our current energy crisis with a pipeline safety crisis. Let me offer four ways President Bush can show his commitment to public safety. The first one is simple. We shouldn't backtrack on safety. Senate bill 235—represents the new minimum of safety standards. President Bush should not send us a proposal that is less stringent than this bill. Let me give you one example. Our bill expands the public's right to know about problems with pipelines and ensure communities and States have a role in pipeline safety.

Last week, I heard about a draft energy plan that President Bush may put forward. It gives the oil and gas industry a guaranteed seat at every meeting on pipeline regulations. However, it provides no guarantee that concerned citizens, local officials or state representatives would be part of the decisionmaking process.

President Bush should not undue the progress we made last year. And I hope he'll show a sensitivity to safety and environmental concerns that have been absent from his discussions on this issue to date. Second, President Bush should signal his support of pipeline safety legislation, which I hope will ultimately take the form of him signing a bill into law. Third, President Bush should fund pipeline safety in his budget as a priority. I will be fighting for pipeline safety funding in the upcoming budget debate, and I will hold the administration accountable for its commitment to investing in pipeline safety. Finally, President Bush's Department of Transportation should continue to issue administrative rules to make pipelines safer.

The Clinton administration took several important administrative steps.

They issued safety and environmental regulations that require mandatory safety testing of pipelines in populated areas, in sensitive environmental areas, and along waterways. And at my request, they stationed a pipeline inspector in Washington State. And they agreed to give Washington state more of a role in pipeline inspections. I hope the Bush administration will show the same level of commitment.

So I hope President Bush will reconsider his energy proposal to make sure it will heed the lessons we've learned from so many pipeline accidents. We do need to address our energy needs, but not at the expense of our safety. Let's make pipelines safe first, before we lay down more pipelines. I want to close with one final image. This chart shows where pipeline accidents have taken place between 1984 and 1999. As you can see, pipelines fail in every State.

The states marked in yellow had between 3 and 19 accidents. The states marked in orange had between 20 and 69 accidents. And the states marked in red had 70 or more pipeline accidents. As you can see—most of the States are red. I don't want to have to color more of these States red.

If we learned anything last year, it's that we must not wait for another tragedy to force us to act. We must pass a comprehensive pipeline safety bill this year. This bill represents the start of our efforts in Congress this year, and I will work with anyone who want to make pipelines safer. I know that we can't undo what happened in Bellingham, but we can take the lessons from the Bellingham tragedy and put them into law so that families will know the pipelines near their homes are safe.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I say to the Senator from Washington that she is too modest. Had it not been for her efforts and those of former Senator Gorton, I know we would not have achieved the product that we have. I am grateful for her continued commitment not only to this legislation but to the families who experienced the terrible tragedy in Bellingham where all are very appreciative.

I note the presence of Senator BREAUX, a friend from Louisiana who also has significant background and knowledge on this issue and who has played a very important role in its passage. I will be brief.

Mr. President, I ask to have printed in the RECORD at this time a statement from the Office of Management and Budget. Also, I ask that two letters in support of this legislation from the National Governors' Association and the National Association of Regulatory Utility Commissioners be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 235—PIPELINE SAFETY IMPROVEMENT ACT OF 2001

(McCain (R) Arizona and 7 co-sponsors)

The Administration supports Senate passage of S. 235, which would significantly strengthen the enforcement of pipeline safety laws: The Administration appreciates the Senate's action in making consideration of pipeline safety legislation one of its first priorities. The tragic deaths last year of 12 family members in Carlsbad, New Mexico, and the earlier deaths of three youths in Bellingham, Washington, underscore the need for action.

The Administration looks forward to working further with Congress to secure enactment of pipeline safety legislation.

NATIONAL GOVERNORS ASSOCIATION,
February 6, 2001.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the nation's Governors, we are writing to express our support for S. 235, a bill to improve oil and gas pipeline safety, and to encourage prompt passage of such legislation. Governors are concerned about the increasing number of pipeline accidents and reported regulatory inaction by the Office of Pipeline Safety (OPS). As you know, the General Accounting Office (GAO) report on OPS issued last year noted that the agency failed to implement 22 of the 49 requirements made by Congress over the last decade, and has the lowest rate of any transportation agency for implementing recommendations of the National Transportation Safety Board (NTSB).

It is important to Governors that OPS be required by law to comply with congressionally mandated requirements and implement the recommendations of the NTSB. OPS should also strengthen its rules regarding pipeline operation, maintenance, and public reporting of spills and leaks.

Equally important to Governors, legislation should grant OPS the continued authority to enter into agreements with states to inspect and oversee interstate pipelines. According to the GAO report, states have performed well as interstate agents under these agreements, yet until recently OPS was phasing out interstate agent agreements. The National Governors Association (NGA) adopted a policy statement last year (enclosed) that urges Congress to review this unfortunate trend. State inspectors typically are able to perform more frequent and more thorough inspections than federal inspectors, improving their ability to detect safety problems and prevent accidents.

NGA's policy support pipeline safety legislation that provides states with the authority to protect our citizens from pipeline explosions and leaks. States should be authorized to establish standards that do not conflict with but may exceed federal standards. Our policy also endorses the ability of states to enforce violations of federal or state standards. We look forward to working with you on legislation that accomplishes these goals.

Thank you for your consideration. Please feel free to contact Diane S. Shea, Director of NGA's Natural Resources Group, at 202/624–5389, if you have any questions.

Sincerely,

TOM VILSACK
Chair, Committee on Natural Resources.
FRANK KEATING,
Vice Chair, Committee on Natural Resources.

Enclosure.

NR–20. IMPROVED PIPELINE SAFETY

20.1 PREAMBLE

The United States contains approximately 2 million miles of natural gas and hazardous liquid pipelines. The U.S. Department of Transportation's Office of Pipeline Safety (OPS) is responsible for regulating these pipelines. OPS retains oversight authority unless it grants authority to individual states. A number of states have assumed oversight responsibility for intrastate gas and liquid pipelines within their borders following certification by OPS; a far smaller number are responsible for inspection of interstate lines.

OPS authority derives from the 1968 Natural Gas Pipeline Safety Act and the 1979 Hazardous Liquids Pipeline Safety Act, which were substantially amended in 1992 and 1996. OPS is responsible for establishing and enforcing safety standards for the construction, testing, operation, and maintenance of pipelines. The Pipeline Safety Program is due to be reauthorized in September 2000.

20.2 RECOMMENDATIONS

20.2.1 INCREASING STATE AUTHORITY

The Governors urge Congress to consider amending the 1968 Natural Gas Pipeline Safety Act and the 1979 Hazardous Liquids Pipeline Safety Act and authorize states to establish safety standards for interstate pipelines that do not conflict with but may exceed federal standards. States should also be authorized to enforce violations of federal or state standards.

The Governors urge Congress to review the policy of OPS to decline to grant any additional states interstate agent status for interstate pipelines.

20.2.2 CONGRESSIONAL OVERSIGHT

The Governors urge that Congress, as it reauthorizes OPS, require the office to strengthen its rules, as appropriate. OPS should be required to explain its failure to comply, in some cases for over a decade, with the recommendations of the National Transportation Safety Board for periodic internal and hydrostatic testing and operator certification. The office should be held accountable for its failure to meet congressional mandates to define "environmentally sensitive areas" and "high-density population areas."

20.2.3 MORE EFFECTIVE RULES

The Governors urge that Congress require OPS to strengthen rules, as appropriate, regarding pipeline operation, maintenance, and public reporting of spills and leaks. These should include a review of: Requiring federal certification of operator training and qualification; increasing inspection requirements for pipeline corrosion; requiring study and implementation of state-of-the-art leak detection systems; requiring installation of effective fail-safe mechanisms; imposing safety standards for liquid fuel pipelines that are at least as stringent as those for natural gas pipelines; requiring pipeline operators to report to OPS and affected jurisdictions all spills greater than five gallons; requiring pipeline operators to disclose the results of all pipeline inspections to local and state authorities; requiring OPS to work with local emergency response providers to develop preparedness and response plans and providing appropriate funding support to local jurisdictions to implement such plans; requiring pipeline operators to periodically plan and drill cooperatively with local emergency response providers; and requiring periodic management audits of pipeline companies to ensure compliance with the foregoing.

20.2.4 APPROPRIATE FUNDING

The Governors urge Congress to fund OPS at a level that will allow an increased allocation for states, working in partnership with the federal agency, to ensure pipeline safety, as well as providing for federal research and development on technologies for leak detection, testing, safe operations, corrosion protection, and internal inspection.

20.2.5 INTERGOVERNMENTAL COOPERATION

The Governors urge the states and the federal government to work together to exchange data on ways to improve their inspections of intrastate pipelines and local distribution companies to continue to improve the safety of these facilities. The Governors also urge the states to review the OPS' Common Ground Report—Study of One-Call Systems and Damage Prevention Best Practices issued in August 1999, and compare their state one-call systems to the proposals for improving one-call systems in order to continue improving ways of preventing third-party damage to underground facilities.

NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS,
Washington, DC, February 7, 2001.

Re S. 235—Pipeline Safety Improvement Act of 2001.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER LOTT: On behalf of the National Association of Regulatory Utility Commissioners (NARUC) we urge you to support swift passage of S. 235. However, NARUC does not believe S. 235 should be the vehicle for broader energy policy legislation. NARUC would therefore oppose amendments that would attempt to expand this bill beyond its current intent of improving pipeline safety.

Last Congress NARUC expressed strong support for the reauthorization of pipeline safety legislation provided sufficient funding to the Office of Pipeline Safety (OPS) for State grants was authorized. We believe the increase in funding for these grants found in S. 235 will better enable OPS to meet its obligation of a 50% funding share for this Federal/State partnership.

Additionally, NARUC and its membership strongly believe there is a vital role for the States in ensuring the safe operation of pipelines regardless of the interstate or intrastate nature of the pipeline in question. NARUC strongly supports provisions of S. 235 that provide States with increased authority and increased participation in safety activities of the pipelines traversing our States.

There will be more we can do to improve upon S. 235, and NARUC is committed to working with Congress in the future to produce legislation that improves upon this bill. We too would like to see a stronger bill, one that provides the States with more oversight. However, we believe that it is vitally important to the safety and welfare of our citizens to send pipeline safety legislation to the President as soon as possible. Thank you for your consideration of NARUC's views.

Sincerely,

NORA MEAD BROWNELL,
President, NARUC Commissioner, Pennsylvania Public Utility Commission.
EDWARD J. HOLMES,
Chair, NARUC Committee on Gas Commissioner, Kentucky Public Service Commission.

Mr. McCAIN. Mr. President, I note Senator BREAUX is here. My friend from Minnesota, Senator WELLSTONE, also wishes to speak.

I invite others who wish to speak on this issue. We would like to consider amendments after that and move to passage of this bill today. That is our intention.

I yield the floor.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to follow the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. I thank my colleagues for the remarks they have made on this legislation already. I was particularly pleased to be here when Senator MURRAY from Washington was making her remarks. As the chairman of the committee acknowledged regarding her contributions, she was an active participant in the drafting of this legislation in the last Congress, actually to the point of being invited by the chairman to sit in the committee and participating as a member because she made valuable contributions in developing this legislation.

I rise in strong support of the bill that is now before the Senate. It is a major step in ensuring the safety and the integrity of a system of pipelines that is covering the entire United States, bringing necessary energy to our families, to our businesses, and to our industry.

We worked over a year in the last Congress, saying we have to do a better job than we have done in the past. What we produced last year was an important contribution. It took into account concerns of both the operators and owners of pipelines, as well as those who are served by those pipelines. We all have a common interest in seeing that these lines have integrity, that they are technologically the best we could have in this country. The bottom line is, they are safe.

We produced a bill in the last Congress that passed the Senate by a unanimous vote. That was not an easy accomplishment. There were a lot of different sides with opinions on how the legislation should look and what it should do. Some, quite frankly, thought it went too far. Others felt it didn't go far enough.

The bottom line is that at the end of last year this bill came to the Senate in essentially the same form it is in today and passed by a unanimous vote. That indicated there was general agreement, obviously, on what the content should be.

Unfortunately, the House took the legislation up on what they call a suspension of the rules and it failed by a 23-vote margin from being adopted in the House. That was most unfortunate. Had the other body been able to do what I think most of them wanted to do—a majority, in fact, voted for it—this issue would be behind us and we would have in place today a new system of inspection, a new system for qualifications for the operators, and community right-to-know provisions would be the law of the land.

Unfortunately, that is not the case. Therefore, under the leadership of our chairman, Senator MCCAIN, and other members of the Commerce Committee, and Members of the Senate, we are back on the floor where we left off last year with the product that already passed, essentially, the Senate in the last Congress by unanimous consent.

It is an important issue for my State, an important issue for me. We have over 40,000 miles of pipeline in my State alone—33,000 on shore and about 7,000 miles in the Gulf of Mexico—bringing the largest supply of natural gas in North America from the Gulf of Mexico. We have 7,000 miles of pipeline buried under the ocean in the Gulf of Mexico that brings the natural gas on shore, and that is distributed through a pipeline system throughout the United States. Mr. President, 33,000 miles of those pipelines are in my own State of Louisiana. We have a very strong interest in making sure those lines are secure and safe.

What does the bill do? No. 1, we require periodic pipeline testing. That will be a requirement. A line can be inspected by internal devices such as a "pig," which is basically the name for a device that is run through the pipeline, a very sophisticated piece of technology. It is referred to as a "pig" because it sort of squeaks through the pipeline and takes various measurements as to integrity of the line. It tests for corrosion of the line, tests for leaks or potential leaks of the line. A very sophisticated and very accurate piece of equipment that we require would be run through all of these pipelines on a periodic basis.

However, it is important to note that only about 35 percent of the natural gas pipelines are susceptible to being tested through this type of technological instrument called the "pig", the rest of them are not. In the legislation, we allow that in the areas where the so-called "pig" technology is not suitable because of the type and size of the line or the bends in the line, there be other methods of testing that would be periodically required by the legislation.

For instance, we require the operators perform direct assessments of their lines. What do we mean by direct assessments? It is not a term of architect; it is pretty much what it implies. We require operators to actually dig up the lines and physically inspect them for corrosion and any other abnormalities that may be interfering with the integrity of the lines actually by physical inspection of the lines, looking at them, and other methodologies they would employ after the lines are actually dug up to ensure they are safe.

We also leave room for other technology. We want to use the best technology available to inspect the lines, and we certainly leave room for that.

We also had some concerns in the legislation which I think now have been satisfactorily worked out with regard to employees who may potentially be involved in any type of an accident. We still believe people are innocent until proven guilty, but there are certainly circumstances when people are involved in an accident where we do not want to keep them doing the same thing at the same time and in the same place until the responsibility for the accident is determined. That is not to say we in any way presume someone to be guilty. We have worked out a satisfactory methodology for handling people involved in these types of accidents.

We are also required, with regard to the operator qualifications, to make sure the people who operate the lines, the people who have the capability of shutting them off when there is something that has happened, have the best training and the best information and knowledge in order to be involved in operating something as sophisticated as a natural gas pipeline. We require operator qualifications so that we make certain the people in charge are qualified, and they should be tested in order to make sure they are qualified. This is a big improvement, something that is very important.

We also invest in a new technology to which I was referring. Senator BINGAMAN was involved in wanting to ensure that we are encouraging the development of better technology to improve the inspection process, which we do by this legislation.

Also, the States are given an increased role in their inspection of the interstate pipelines. There is a legitimate argument that the lines run through 50 States and you cannot have 50 different sets of standards, 50 different departments investigating and inspecting them. It needs to be coordinated, but the States need to be involved. We have given an increased role to the States to be involved in this. I think that is positive.

Also, for the communities—providing increased involvement in pipeline safety. Operators are required under this legislation, I think probably for the first time, to maintain a relationship both with the State and local officials and providing them the information they need on a local and State level to make sure their constituents are also aware of where the lines are located, and additional information about potential hazards and other information they would need to know.

Again, let me conclude by saying some people say it should be a lot stronger than this. Others say this is far too regimented an operation and it should not be that restrictive. But I do think, because of the good faith on both sides, we have come up with something that is a balanced approach. It is a major improvement over the current system.

I think we should do as we did in the last Congress, pass this bill by unanimous consent. The other body will work their will. There will be a conference. There will be differences, I point out, between the House version and the Senate version.

For those who think the right thing to do is try to amend it here, I suggest, in all good faith, it may be better to take a look at what the House does and work within the conference to get what may be more to their viewpoint. I think it would be a mistake, just from the politics of handling this, to offer amendments on the floor of the Senate that may not pass, and have a recorded vote which would prevent the Senate, when the bill comes back, from accepting something that maybe, frankly, may be more to its liking.

There is a process here that people should be cautioned about. In order to improve the legislation in the way they may like to see it improved, I caution them and I recommend the best thing to do is pass this bill in its current form, work with the House in the conference, and then see what happens when the conference comes back.

To all colleagues who have helped produce this bill, I thank them; I congratulate them for a job very well done, and I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, there are a number of colleagues who want to speak. I had wanted to speak about an amendment that I join Senator BOXER on and she is on the floor. I ask unanimous consent that Senator BOXER be allowed to lead off. I myself will only take 5 minutes following her. I think this amendment will be accepted; is that right?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. MURKOWSKI, proposes an amendment numbered 3.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Energy to request the National Academy of Sciences to conduct a study of, and report to Congress on, increasing the reserve supply of natural gas)

At the end, add the following:

SEC. . STUDY OF NATURAL GAS RESERVE.

(a) FINDINGS.—Congress finds that—

(1) In the last few months, natural gas prices across the country have tripled.

(2) In California, natural gas prices have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(3) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(4) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 1, 2000.

(5) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(6) It is also necessary to find solutions for the lack of natural gas reserves that could be used during emergencies.

(b) STUDY BY THE NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to—

(1) conduct a study to—

(A) determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(B) identify any Federal or State policies that may have contributed to the price increases; and

(C) determine what Federal action would be necessary to improve the reserve supply of natural gas for use in situations of natural gas shortages and price increases, including determining the feasibility and advisability of a federal strategic natural gas reserye system; and

(2) not later than 60 days after the date of enactment of this Act, submit to Congress a report on the results of the study.

Mrs. BOXER. Mr. President, so my colleagues know, I will be very brief on this amendment because I am extremely pleased that it has been accepted by both sides. I know enough that when you have an "aye" vote, be brief. I will probably take about 5 minutes, and then I understand my friend PAUL WELLSTONE wants to speak in support.

First, let me thank my colleagues, both Democratic and Republican, for accepting this amendment which I think is an important one because it looks to the problem of natural gas prices. What we have seen when Americans are opening up their utility bills this month, some of them are in complete shock because in many cases their bills have doubled and tripled. We believe the cause is the spike in natural gas prices.

It would be very simple if we could tell people not to use the heat in their homes. But heat is a necessity. Although we can all do our best, this is not similar to buying a candy bar. It is something that a lot of our people need. It is not a luxury. They need the natural gas to heat their homes.

If we look at the facts, we can see in the last few months natural gas prices have skyrocketed. In California, it is hard to even believe this, but the facts show that natural gas prices have increased twentyfold, from $3 per million Btu's to nearly $60 per million Btu's.

Experts agree that one of the major causes of this price increase is a lack of supply. That includes a lack of natural gas reserves. In other words, the reserves just are not there in times of crisis or a crunch. In California, the lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, NM, on August 1, 2000.

What is very important about this underlying legislation, and why I support it so much, is that we want to make sure similar accidents are prevented. We do not want to face the tragedy of lost lives anywhere in this country. With safe pipelines, we will not have to face that. But, in addition, when we do not have these accidents, we will not see an interruption in the supply of natural gas.

We need to look at and solve the lack of natural gas reserves in times of extreme shortages. My amendment attempts to get to the bottom of these issues. It requires a National Academy of Sciences study to investigate this problem. First, the study will determine the causes of recent increases in the price of natural gas. Second, the study will identify any Federal and State policies which may have contributed to this price increase. Finally, and to me most important, the study will determine how the Federal Government can take action to ensure that there is an adequate reserve supply in the future.

I especially want to learn about the feasibility and advisability of a Federal strategic natural gas reserve for use during supply and price emergencies.

We all know we have a Strategic Petroleum Reserve. We also know that a natural gas reserve raises other issues, but, in fact, it may well be feasible.

I trust my amendment will help all of us understand the causes of the natural gas problem we are facing, and I am very optimistic that this study will give us a range of solutions to meet this crisis now and in the future.

The spike in natural gas prices is not a California phenomenon, although we have seen, probably, the worst of the spikes in prices. We are beginning to see it all over the country. That is why my friend, BARBARA MIKULSKI, wanted to be a cosponsor of this amendment. That is why Senator WELLSTONE as well wants to support it and wants to speak on it.

With deep thanks to my friends who have accepted this amendment, I yield the floor at this time. I ask for a vote on the amendment at the appropriate time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized under the previous order.

Mr. WELLSTONE. First, I defer to my colleagues from Arizona and Louisiana on this if they want to respond right now.

Mr. MCCAIN. Since the Senator from Minnesota is speaking in support of the amendment, if it is agreeable to have him speak, then Senator BREAUX and I speak, and then we intend to accept the amendment following that, if that is agreeable to the Senator from California and the Senator from Minnesota.

Mrs. BOXER. May I say yes, it is. I would like to add Senator MURKOWSKI as a cosponsor.

The PRESIDING OFFICER. MURKOWSKI or MIKULSKI?

Mrs. BOXER. MURKOWSKI—MIKULSKI and MURKOWSKI. This is a banner day.

Mr. BROWNBACK. Before my colleague from Minnesota starts, could I ask if we could get a unanimous consent on order of discussion here, so we know how to organize things. I understand the Senator from California desires to speak for around 20 minutes. I believe the Senator from Idaho wanted to respond for up to 10 minutes. I would like to see if I could speak at that point in time for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to be a cosponsor of this amendment with Senators BOXER and MURKOWSKI and MIKULSKI. The amendment is pretty simple. I thank my colleagues from Arizona and Louisiana and Washington for their support.

The amendment would require the National Academy of Sciences to conduct a study, A, to determine the cause of the recent increase in the price of natural gas; B, to identify any Federal or State policies that have contributed to price increases; and, C, to determine what Federal action might be necessary to improve natural gas supplies, including the feasibility of a Federal natural gas reserve system.

When my colleague from California says that this is not just California, she is absolutely right. In the State of Minnesota, a cold weather State, we just got hit with a big snowstorm yesterday. Families are seeing the price of natural gas going up 45, 50 percent, and it is a real hardship.

I am going to be working with Senator BINGAMAN and others to expand the LIHEAP program. We are going to need that. That just helps the poorest of poor people. And there are other ways of providing help for families.

The fact is, a whole lot of families in Minnesota, a whole lot of people, are just being killed by these prices. It is a huge consumer issue. This study is important. Frankly, I think all of us need to try to get a handle on what is happening.

For my own part, I say to the wholesalers, I do not quite understand why they were not able to anticipate some of the demand. Personally, I am skeptical about deregulation. This was 1989 and natural gas took effect in 1993. Part of the problem is the wholesalers have no incentive to have an inventory. Therefore, we see the economics of scarcity. But if they are not going to anticipate new power markets going on line, natural gas, new homes, new businesses, much less cold weather, then we are going to be right back again next winter for our State with the economics of scarcity, with the spike in prices. It is murder not just for low income, I say to my colleagues, but also for moderate income, middle income, small businesses—across the board.

I am so pleased this amendment has such strong support. I am pleased we are going to vote on it. This is not a study for the sake of a study; this is a study that will provide us with more information so we, as legislators, can take some action to deal with what I think has really become one of the front-burner, central, family, consumer issues in the United States of America.

I thank my colleagues.

Mrs. BOXER. Mr. President, will the Senator yield for one point in the form of a question?

Mr. WELLSTONE. I will be pleased to yield.

Mrs. BOXER. My friend is so right. Because of the urgency of this matter, we have called for a 60-day study. I want to make sure my friend knows that. This bill is just a 60-day study so we can get the information back and then come before the Senate with solutions. I want to make sure my friend is aware of that.

Mr. WELLSTONE. I say to my friend from California, if it was more than 60 days, I do not think I would support it. The last thing I want to see is a study that will go on and on. This calls for action.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, we have discussed this amendment of the Senator from California and I certainly find no objection to it. In fact, it can be a very positive contribution. The National Academy of Sciences is eminently qualified to take a look at the things this study requires. I look forward to their recommendations.

I will just mention the obvious difference in creating a reserve for crude oil. We have stored crude oil in salt domes, most of which are in my State and the State of Texas, which is quite different from setting up a reserve for natural gas. I think the author understands that, but that is the purpose of asking the National Academy of Sciences to take a look at it, and perhaps they can come back with good recommendations.

The amendment of the Senator from California is helpful, and we certainly support it.

Mrs. BOXER. Mr. President, I ask that Senator FEINSTEIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield to Senator MCCAIN so we can dispose of this amendment.

Mr. MCCAIN. Mr. President, if there is no further debate on the amendment, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3.

The amendment (No. 3) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized for 20 minutes.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I begin by indicating my support for this bill and thanking the chairman of the committee and the ranking member for their work on the bill.

There is an issue relevant to natural gas, and it is electricity. I want to use my time to outline what I believe has happened in California and to set to rest a couple of myths that have arisen during the course of the debate.

The problem in California essentially was set into motion by a bill passed in the middle of the last decade, 1996. This was a deregulation bill. It is my understanding that at the time, virtually everyone came together—Republicans, Democrats, utilities, generators, and consumers—to produce a bill which deregulated electricity. The bill was approved quickly. It was signed at the end of the session by then-Governor Pete Wilson, a former Member of this body.

The bill created what, in essence, was a flawed market structure. It deregulated wholesale power, but it left regulated the retail side. It also demanded that 95 percent of California's power had to be purchased on the day-ahead or spot market. That was fine when the supply of power was plentiful, but as the supply of power shortened, spot prices rose to unprecedented levels, and those costs could not be passed on to the consumer. The result was that California's large investor-owned utilities are now on the brink of bankruptcy, and the reason is that they have been forced to purchase power that averages $300 per megawatt hour or 30 cents per kilowatt hour, while they can only pass it on to the consumer at $75 a megawatt hour or 7½ cents a kilowatt hour.

Today, they have accumulated a debt of anywhere from $10 billion to $12.5 billion. They have severe difficulty in obtaining the credit they need today to make forward purchases. Therefore, they stand on the brink of bankruptcy.

California's current mix of regulated retail rates and unregulated wholesale rates is clearly, in my view, not a long-term workable scenario.

As I have already mentioned, generators are charging exorbitant rates for power, which has led some to suspect that they are gaming the market. When Sempra Energy in San Diego tells me they are buying spot power at 3 a.m. in the morning at 500 times the normal price, something is wrong with the market.

Supporting that suspicion, economist Paul Joskow and Edward Hahn of MIT released a report this past January 15. Let me read from that report:

> The high wholesale electricity prices observed in the summer of 2000 cannot fully be explained as the natural outcome of market fundamentals in a competitive market since there is a very significant gap between actual market prices and competitive benchmark prices that take into account these market fundamentals.

Moreover, there is considerable empirical evidence to support a presumption that the high prices experienced in the summer of 2000 reflect the withholding of supplies of the market by suppliers.

For this reason, I believe the most critical and immediate step that can be taken to address this crisis is to fix the market, which is terribly broken.

I would like to outline for a moment some of the steps California is taking to fix the problem.

First, California has conducted an online energy auction to solicit bids for long-term bilateral contracts. Remember, this contracting was prohibited by the 1996 legislation. The State is now negotiating contracts which cover up to one-third of the State's energy demand for the winter. The contracts range from 3 to 10 years and average $70 per megawatt hour. It is my understanding they hope to contract for up to 5,000 megawatts. That is enough for 5 million households.

Second, the State is now going into the power business in a major way. It has exercised its authority to purchase power on the spot market and has distributed this power at cost to the utilities. By February 15, it is estimated that the State will have spent $1 billion to buy this power. And it is buying power at the rate of about $50 million a day. All told, the State has provided an authorization for the California Department of Water Resources to finance up to $10 billion to buy power—again, to pass that power along, at cost, to the utilities.

Third, California has taken action to speed up the construction and siting of new energy plants. The State has already approved 9 out of 25 additional powerplants, which will generate enough energy to power 6 million households. That is about 6,278 megawatts. But the rub is that these first nine plants will not be on line before the end of 2002. So you can see that there is a short-term period. I am going to speak more about that short-term period of excess volatility in a moment.

Fourth, part of AB 1890 required California's investor-owned utilities to sell their generating facilities. I think that was a huge mistake. The State has reversed this.

Fifth, the State has restructured the California ISO—or Independent System Operator—and essentially eliminated the Power Exchange, which was a trading floor for California used to purchase energy hourly. The fatal flaw of the Power Exchange was that it ensured that all bidders into the exchange received the highest clearing price for electricity. The Power Exchange was intended to encourage bidders to use the floor, but instead it became too easy to manipulate, driving up prices.

Sixth, the Governor recently announced an $800 million energy conservation program to reduce California's peak load demand by more than 3,700 megawatts. As I said, the legislature approved a baseline conservation rate, which the PUC should begin to put in place soon and will protect the cost of basic necessary electricity but charge premiums for use above that cost.

This is really the first consequential effort to begin to fix the regulated retail end of the market. Frankly, whether it will be enough or not, I do not know at this stage.

What is the Federal role in all of this? And why is legislation that Senator BOXER, I, and others have submitted so important?

The most significant thing the Federal Government can do, through the Federal Energy Regulatory Commission, is to provide a period of interim price stability, preventing price volatility or gouging, until this market is able to straighten itself out.

Let me show you why that is so crucial because what is anticipated to happen in the summer is, despite everything the State is doing today, there will still be an absence of sufficient electricity to serve the State.

The Independent System Operator has prepared this chart that shows what the shortfall will be in the summer: In May, despite everything, 3,030 megawatts; in June, 6,815 megawatts; in July, 4,685 megawatts; in August, 5,297 megawatts; in September, 1,475 megawatts.

So the worst time to come for California—and it has spread for other States—is going to be the summer, if this shortfall happens as has been predicted by the ISO. That is when price volatility, for that power that is not already under bilateral negotiated contracts, comes into play in a serious way. That is why Senator BOXER and I have said we need a period of short-term interim price stability, really, to get through these summer months. Therefore, we have submitted S. 26.

What S. 26 would do is say, if, during this short-term period, the FERC finds that prices are unjust and unreasonable, the FERC—the Federal Energy Regulatory Commission—has two options: The first option would be to set cost-of-service rates themselves—cost-of-service rates take into consideration the cost of providing the electricity plus margin of profit—or, second, provide an interim or temporary wholesale price cap across the 12 Western States from which any Governor can opt out if that Governor does not want their State to participate. That is one way of looking at this.

The FERC has clearly found that prices charged in the year 2000 for electricity are unjust and unreasonable. But the FERC refuses to do anything about it, saying let the market prevail. The market is broken, and until the State can adequately increase supply, the market is going to remain broken.

So the responsible Federal posture isn't, as some have said, that the Federal Government should be an ostrich, sticking its head in the sand: Let anything happen that may happen to California; we do not care. That is not the responsible role. It is to provide an absence of volatility. The reason is that this volatility will also impact other States—and is beginning to do just that right now.

The impact of the crisis on our State has been tremendous. California has spent more than $600 million over the past month purchasing electricity. The State is suffering from lost productivity. A recent study by the Los Angeles County Economic Development Corporation has concluded that California's few rolling blackouts and interrupted service have taken a $1.7 billion toll in direct and indirect costs on the economy. As I have said, we want to increase the supply.

Here is where there is a big myth. People say: California has an increased supply; right? Wrong. This past decade, California has actually added 2,670 megawatts of additional capacity—not enough because the demand has gone up by 14 percent. But, believe it or not, California has added more generation in the past decade than any other State in the western region. At the same time, demand in these 10 States has grown by a greater percentage than it has in California.

People don't realize this, but this is what an examination of the record will reflect.

It is critical for California now to do the following: Expedite its powerplant siting and construction process. I have been told by generaters that it has taken them up to 6 years to get a permit. That clearly cannot continue. California has to assume its power to expedite siting and construction.

Two, improve the transmission capacity in the State. Currently, you can't now transmit power from the south to the north.

Three, reduce any bona fide environmental obstacles. I am aware of none that have stopped power production at the present time, but if there are, let's take a look at them. Let us do what we must.

Four, ensure that all large buildings, hospitals, and hotels with emergency generators or that have additional generation capacity use these facilities in the interim. I am told there is about 2,000 megawatts in generating capacity that buildings have but that are not in regular use.

To reduce demand for energy, I have written to the Secretary of Energy asking him to look at the feasibility of significantly reducing energy consumption by Federal Government offices in California, I hope, by 10 to 15 percent. I have also called upon the Bush administration to fully implement new energy efficient rules for air-conditioners or other appliances so they can get in place as soon as possible.

Last week, Senator BOB SMITH, Republican of New Hampshire, and I and five of our colleagues introduced legislation to provide tax incentives for energy-efficient homes, buildings, and schools, to encourage people to do what they must in that area. I am also introducing legislation to provide tax incentives for the development of wind, solar, geothermal, and biomass energy, something that can be developed in a major way, certainly in California.

It is clear to me the State is going to have to increase rates at some point, as painful as that is, but do it in a way that gives Californians advanced warning and that phases in these costs over a period of time so as to protect consumers as much as possible, with a lifeline rate for the basic electricity use of consumers.

The big question I have is whether a hybrid system can work. That is what California has, a hybrid system. You cannot deregulate on the wholesale side and keep retail rates regulated. The dilemma facing the State, in my view, is going to be either move to a completely deregulated market and do so in a structured, commonsense way, or begin to reregulate. Thus far, the moves California has made show me, by beginning to buy power, by legislation that would buy the utility's transmission lines and then lease them back, that California is slowly beginning a path to reregulation.

I make no value judgment. My value judgment at this stage is, we can't have both worlds. We can't deregulate the wholesale end and regulate the retail end because it breaks the market. California has been a victim of that broken market into which generaters have charged the highest possible rates. Long-term contracts obviously play a major role. The 1996 legislation prohibited those contracts.

If I may, I will send, on behalf of Senator BOXER and I, an alternative piece of legislation to committee. I ask unanimous consent to be able to send that legislation to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand there is a UC and I have been included in that for 10 minutes. I ask unanimous consent that 5 of my 10 minutes be yielded to the Senator from Oregon, who is on the floor. Prior to proceeding with that, I am happy to yield to Senator BOXER from California for a couple of minutes to respond to the legislation Senator FEINSTEIN has just introduced.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I will be brief. I thank Senator CRAIG and Senator SMITH for their indulgence. I did not want to see a break here. I thank my colleague, Senator FEINSTEIN, for laying out what we are going through in California with this power crisis. I have already spoken about the natural gas problem which is a separate problem but nonetheless very important to us. She really laid out well the situation in which we find ourselves. I have maybe some differing views with her on the final way to solve it, but I absolutely agree with her, at this time what is most important is to stabilize the market for the short-term.

I compliment her on putting together the chart showing us the real facts; that we are going to be short electricity in the summer months.

I do believe—and I am optimistic; we already see signs of this—that California is going to come out of this. Again, we don't know exactly if it is going to be a more regulated system. We don't know whether it will continue to be a hybrid system or a full deregulation, which I don't think will happen. The fact is, we have a real short-term problem. I implore my colleagues, particularly those from the western States who are starting to see this problem spread to their area, to take a look at this idea of a temporary cap on these wholesale prices. At least in that way, we could be sure of supply at a reasonable price to get us through these summer months.

I ask unanimous consent to print in the RECORD a column written by Peter King—not the Congressman—with the Sacramento Bee called "If Only Myths Were Megawatts." The notion is exploding a lot of myths about California. For example, we rank 47th in per capita use of energy consumption. Our consumption has gone up 11 percent in the last period of time, but the rest of the country's consumption has gone up 22 percent. We are doing our part. We are trying. We will succeed. Just remember, when California gets a cold, they sneeze all over the country. We are the sixth largest country in the world, if measured by GDP.

I thank my colleague from California for her insights and yield the floor.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee]

IF ONLY MYTHS WERE MEGAWATTS . . .

(By Peter H. King)

If the myths surrounding California's energy mess somehow could be converted into megawatts, the state would be awash in electricity and, in the words of Merle Haggard, we'd "all be drinking that free Bubble Up and eating that rainbow stew." Whatever that means.

Alas, this is not the case. A haze of half-truths, revised histories and other forms of rhetorical hocus-pocus has enveloped the public dialogue over what has happened with California energy and who should pay for it.

Perhaps the most galling piece of mythology, so popular among California bashers across the land, is that the problem is rooted in California itself and, in particular, in a sun-addled, something-for-nothing outlook on life. In an editorial about the energy crunch, the Wall Street Journal sneeringly labeled California the "Alfred E. Neuman state," a reference to the "What, me worry?" cover boy of Mad magazine.

The idea seems to be that Californians have been too busy meditating in the hot tub to recognize that it takes energy to generate those soothing bubbles, and that as the state attracts more and more hot tub soakers it will need more and more electricity. The idea also seems to be that we kept tilting at windmills when we should have been decorating our coasts with offshore oil rigs and nuclear reactors, that California's concern for its environment is a luxury that it can no longer afford.

In fact, Californians are not hopeless energy addicts; the state ranks 47th in the nation in terms of per capita consumption. Over the past decade, energy usage in California did rise by 11%—but nationally, according to U.S. Department of Energy figures, it climbed at twice that rate. In fact, the bulk of growth in consumption on the overburdened Western grid has occurred in states that neighbor California.

In other words, it's not all about Topanga Canyon hot tubs and Silicon Valley computers. The posse searching for where all the energy goes might also look toward the bright lights of booming Las Vegas and, come summer, the humming air conditioners of Phoenix, Tucson, et al.

Yet what about the other side of the electrical switch? Over and over again, the point is made that California hasn't built any new energy plants in the last decade. The impression created is that environmentalists and bureaucrats have locked arms and encircled any and all prospective power generation sites, gently singing "Kumbaya" while the energy producers stalk off to Texas and the lights of the Golden Land dim, flicker and go dark.

In fact, there are 10 power plants now under construction in California, with a total generating capacity of roughly 6,500 megawatts. In addition, 14 projects with a collective capacity of 7,500 megawatts are under review, with construction scheduled to start sometime this year. Fourteen thousand megawatts represents about a third of what the state currently needs to survive its highest peaks in demand. That's quite a lot of new energy development going on in a state that forgot to develop new energy.

To be fair, there had been a slowdown in energy development—although one not confined to California. Like almost everything that drives the energy business, it had to do with pure economics. As energy prices drop, so too does the desire to build more plants and drill more well-heads. When they climb, the opposite occurs. Some energy consultants, in fact, already see signs of California's energy crisis winding down. They see these signs, not in the frenzied hallways of the state Capitol, but in distant natural-gas oil fields where, sparked by soaring prices, drilling activity has perked up again.

There have been other myths. There was the myth, rather quickly shot down, that Southern California's air quality rules somehow were behind the supply crunch. There was the business of the consumer rate freeze, a feature of deregulation that has prevented utilities from passing along to customers wildly inflated wholesale power costs. Lost in the myth-making here was the fact that this price ceiling functioned for the first couple of years, by design, as a price floor, keeping consumer rates propped up while the utilities raked in billions.

"Headroom," they called it.

There was the more amusing myth of the Christmas lights. Remember how turning off Christmas lights was supposed to help ease California through its crisis? To borrow once again from the ever-reliable Merle Haggard: "If we make it through December, we'll be fine." Well, we did make it through December, but we aren't fine, at least not yet. Soon enough, though, we will be. To suggest that California, in the end, always has frustrated those who would rush to write it off as a paradise lost, as a doomed experiment in easy living, is not mythology. It is history.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor not to respond to Senator FEINSTEIN. There will be ample time. I understand the chairman of the Energy Committee has agreed to a hearing date for the Senator's legislation, and there will be ample opportunity to examine the concept of cost plus pricing into the marketplace.

The reason one of Idaho's Senators is on the floor this afternoon and the reason one of Oregon's Senators is on the floor this afternoon is that what is happening in California is rapidly spreading into Oregon and Washington and Idaho. Why would a power disease in California spread to Oregon and Idaho? In part because we are in the same system or grid—we are interconnected—and in part because we sell power to California and California sells power to us.

When you distort a marketplace in one part of the market system, it overacts or reacts somewhere else.

What the Senator from California is talking about is absolutely true. I will have to say I am pleased when I hear Senators from California say: We have a problem, and we probably didn't do it right. We are probably a creator of our own problem. When you deregulate wholesale power and you cap retail power, you send a phenomenally loud message to the marketplace: Don't come and build. You cannot evaluate or bring back your values, and you have protected the consumer in a false marketplace environment. California has recognized that and they are trying to do something about it.

I am pleased the Senator from California did not propose to cap wholesale prices.

I think it would be a phenomenal distortion at this time to do that. A couple of Governors have said, yes, it is a good idea. But eight Governors just wrote the President and FERC and the Vice President and said: Please don't go in that direction, don't coddle the consumer, because if you coddle the consumer, the consumer doesn't understand and will not put pressure on the politician to get out of the way and let the marketplace work. That is really the problem we are in at this moment.

Compounded with the growth of the region and the crisis in California, the Senator from Oregon and the Senator from Idaho have a predominantly hydro-based system. Our system is run by water flowing through turbines held back by dams on large rivers. When it doesn't snow and rain in the West, and especially in the Pacific Northwest, there isn't enough water to be held by the dams to flow through the turbines to generate the power.

Come May of the year 2001—this May—when power usage starts going up in California, and in Oregon, and in Washington, and in Idaho, Idaho will be in big trouble because our moisture for the winter is not at 100 percent or 110 percent of normal; it is now at about 60 percent region-wide. We are in a dry winter in the West, and we are not producing the snow to flow to the reservoirs to generate the power.

We in Idaho will be in a crisis environment if it doesn't improve rapidly, as will be true in the State of Oregon. What California, in large part, has caused, we are now asking our consumers to pick up the bill for because, unlike California, the consumers in Oregon and Washington and Idaho are not protected by a retail price cap.

Our utilities, under order or fixed contract, have certain lids to bump up against. But the average consumer is going to feel this by 20-, 30-, 40-, 50-percent rate increases, while California basically takes none, or very little. How can that possibly be fair if California is largely a part of the problem, if not the largest part of the problem? Because while they have brought on some new production compared to their growth, they have brought on very little, and they have not built the transmission systems to make all of that happen.

We started hearings, and we are going to ask that we move quickly, Mr. President. We know that the President and the Vice President have assembled Cabinet-level counsel to look at the long-term problem. But we in Washington, Oregon, and Idaho are going to have to sort out the short-term problem, and that is now, in April, May, June, July, August, and September of this year when this crisis will sweep across the Pacific Northwest, at a time when we need power to not only fuel our refrigerators at home but our factories and our irrigation pumps to keep our agriculture alive and our men and women working.

Cost-plus pricing is not an answer—again, a false message to the market, a new bureaucracy at FERC. Power will not flow to California; it will flow away from California, if the markets of California do not reflect the true price. That is the reality of the marketplace, and you can't fix it by some Federal bureaucracy or well-intended piece of legislation. The Senator from California is right: Let's get to the business of siting powerplants, building transmission lines, and doing it in an environmentally safe, but a responsible way, and allowing our consumers once again to have affordable power. Those are some of the issues we must deal with quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I probably should say amen to what the Senator from Idaho has said. I agree with his message. I want to just add one point. Let's assume that caps made sense. I have been told by Federal officials, Bonneville Power Administration officials, that even if you could do it, the power of the Federal Government would reach about two-thirds of the generating capacity in the West. Why is that the case? Well, because a lot of the West's power comes from Canada and comes from Mexico. We haven't the ability to cap their rates. I would like to see us try. I think that would generate quite a response.

Moreover, if you did that even to what we could control, what would that then mean to the uncapped power of Canada and Mexico? It would go up even further.

I want to point out, as Senator CRAIG has, that the fundamental flaw in these proposals of cost-plus, or caps, is that they leave in place California's retail cap. As we speak, California's consumption is going up. As California's neighbor, I wish them no harm. I know their swathe economically in our country and in the West. I admire so much about California and would like very much to be a good neighbor. But I don't think many Californians understand what they are doing to their neighboring States. Because of a retail cap, there is absolutely no incentive for Californians to conserve. Those who advocate price caps without the lifting of California's retail price caps are giving the green light for Californians to send their energy bills to Oregonians. That is just wrong. If anybody is serious about correcting this problem by conservation and production, it includes lifting these artificial measures that don't allow the marketplace to work. It is that simple.

I had thought the Senator from California was coming with a bill, so I had a second-degree amendment to her's. I appreciate that she has not offered that on the pipeline safety bill. That is a bill that needs to go forward on its own because of its own merit. We will have this hearing and debate. But central to any effort to interfere further in the market that is already suffering because of Government interference must be, as a predicate, that California lift its retail price caps. Anything more or less than that will simply fail and will be a continued abuse upon the neighbors of California. It is wrong, and it should be fixed. I understand the politics of fixing it. It is difficult for their legislature and their Governor, but it is utterly unfair to California's neighbors for them to continue this without considering the impact on everyone else in the grid with them.

Mr. President, I will simply conclude my remarks. I was going to put a human face on the consequence of what California has done. I ask unanimous consent that a letter from the Chenowith School District be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHENOWITH SCHOOL DISTRICT,
The Dalles, OR, February 1, 2001.

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The Chenowith School District is requesting your assistance to help resolve the energy crisis in our area. School districts are allotted a limited amount of money per pupil to provide an education for all of our students. We try to use our resources as prudentially as possible to see that every dollar is spent to help improve instruction and to help our students achieve.

The recent increases in power costs are going to be taking resources away from the education of students. As an example, the cost of natural gas for three of our main buildings in the Chenowith School District in November of 1999 was $4383.59. It was a mild November. The cost of natural gas to keep these same three buildings in November 2000 was $11,942.14. We have not had a cold, hard winter. The increase in gas costs must be paid from unbudgeted funds, funds that were earmarked for the improvement of instruction.

The Northern Wasco People Utilities District (NWPUD) has added a 20% surcharge to the cost of electricity. These, again, are unbudgeted costs that, along with the tremendous increase in the cost of fuel for our school buses are taking valuable funds away from educating our children.

Today's schools are very energy dependent with our network of computers and technology to provide an appropriate education for students who will be living in our technological society. The district has one computer for every two students, has servers and a network system that is run with the assistance of students and is enhancing their education. Power costs are taking a disproportional amount of funds away from funds needed to educate children.

Your assistance in helping the energy crisis in the area would be greatly appreciated.

Sincerely,

JAMES J. KIEFERT,
Superintendent.

Mr. SMITH of Oregon. Mr. President, I think we need to understand what California sending its energy bills to Oregon means to the rest of the West, my State and others. It affects school districts that have not budgeted for 50-, 60-percent increases in energy. Seniors have not budgeted for energy rates going up double, triple. But that is what is, in fact, happening. It isn't right, isn't fair. I want to be a good neighbor, and I will be open to their suggestions; but they must, as a predicate, lift their retail price caps because anything less than that will not produce conservation and will not produce the incentives for new production.

I yield the floor.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized before the Senator from Kansas.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, first, I want to announce that after this discussion, we are ready for amendments. If there are not amendments within about quarter after the hour—it is a little less than quarter of—we will move to final passage.

As I mentioned in my opening statement, this issue has been well ventilated in hearings and was passed by voice vote. I understand that the Senator from New Jersey, Mr. CORZINE, has some amendments. If he does, come on down, or any other Member. But we are not going to sit here in a quorum call. We are going to move to final passage. A quarter after or 20 after the hour should be plenty of time for Members to come and offer amendments. I ask Members to notify the Cloakroom so we can do our best to accommodate them.

AMENDMENT NO. 4

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 4.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make technical and minor corrections in the bill as introduced)

On page 5, line 12, after "industry" insert "and employee organization".

On page 34, line 9, strike "sections 60525" and insert "section 60125".

On page 34, line 14, after "transferred" insert "to the Secretary of Transportation, as provided in appropriation Acts."

On page 34, beginning in line 15, strike "fiscal year 2002, fiscal year 2003, and fiscal year 2004," and insert "each of fiscal years 2002, 2003, and 2004.".

On page 34, line 21, strike "60125" and insert "60301".

On page 35, line 1, strike "Transportation" and insert "Transportation, as provided in appropriation Acts,".

On page 36, line 5, strike "until—" and insert "until the earlier of the date on which—".

On page 36, line 6, strike "determines" and insert "determines, after notice and an opportunity for a hearing,".

On page 36, line 14, strike "Disciplinary action" and insert "Action".

Mr. MCCAIN. Mr. President, this amendment is being offered by Senator HOLLINGS and myself. It provides technical and minor correction to the bill. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4) was agreed to.

Mr. MCCAIN. I yield the floor. I thank my colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President. And I thank my colleague from Arizona for moving this through so rapidly. Hopefully, we can get this through in a fashion so we can send it forward. We had extensive hearings last year. I think most of it was worked out quite well. The chairman, Senator MCCAIN from Arizona, has done a splendid job of moving this forward.

Therefore, today I rise to offer my support of S. 235, the Pipeline Safety Improvement Act of 2001. I also come to the floor to strongly encourage my colleagues to pass a clean bill on this issue. We have worked a long time in a delicate set of negotiations to get a good bill through. It is well balanced. I think we need to move this through rapidly to get these safety issues out there dealing with the pipelines. I understand that the Senate is a body of amendments, but this issue is too important to be killed by hasty changes—and that is exactly what could happen if we clutter this carefully compromised bill with unnecessary changes or additions.

The oil and gas industry is very important to my state of Kansas—but *nothing is more important than securing the safety of all our citizens.* I have worked hard alongside my friend from Arizona to find a way to strengthen safety precautions and provide strong incentives for better public and environmental protection without crippling a vital industry to our nation.

Now more than ever, Americans are keenly aware of the need for a strong energy infrastructure—which makes the way we tighten these standards more important than ever. The bill before use today has crafted a fine balance between setting tough standards, and yet maintaining the flexibility which will be needed for industry to implement this bill. Industry is not questioning that there needs to be tougher standards—even though it will cost them money and they don't agree with all the provisions of this bill, they stand ready to do what is necessary to prevent as many accidents and injuries as possible. Everyone wants safety first.

However, if this bill takes on prescriptive amendments which lock in the way these standards are to be implemented, there will be opposition to the bill—not on substance but on procedure. While it might be good politics to stir up anti-industry sentiment, it is bad policy because it would prevent a good bill from becoming law. I think we can all agree that this would hinder the cause of making America's pipelines more safe, which is our objective.

This bill has a number of important provisions which will make our pipelines and our people who live near them, safer—including:

Increased daily penalties for violation of safety regulations from $25,000/day to $500,000/day—a factor of 20 times.

Spill reporting would occur for something as small as 5 gallons as opposed to the 2100 gallon trigger which currently exists.

Training and qualification requirements strengthened along with public right to know provisions.

The Senator from Washington, Mrs. MURRAY, worked diligently and carefully to getting this bill to this point.

There are numerous positive things that this bill would achieve. I won't detail it all here now—but the important point is that this bill significantly improves the status quo and will make our nation safer. That is why it is so important that we not allow this bill to get bogged down, and potentially defeated by amendments that will destroy the hard-won balance achieved last year.

I would remind my colleagues that this bill went through extensive debate last year. In the Commerce Committee there were hearings and markups which addressed the very contentious question of how best to increase the safety of oil and gas pipelines without jeopardizing a key industry to this nation.

The compromise which this bill creates is a good one—but it is fragile. And before some of my fellow Senators try to amend this bill—I would ask that they weigh the changes they seek against the possibility of killing this important bill—because that is a distinct possibility. If at the end of the day, members feel that this compromise is not adequate to address the concerns of pipeline safety—then our recourse should be to return the bill to the committee and address those concerns through the regular process. We should not make the mistake of rushing through a bad bill.

I hope this option will not be necessary. I believe this is a good bill; that it is a good compromise and addresses a very serious problem in our country. This problem cannot await further refinement and work. It needs to be addressed now.

I urge my colleagues to join Senator MCCAIN, myself, and others to pass this bill clean and move it on through the process so we can get a safer pipeline system in this country.

Thank you, Mr. President. I yield the floor.

Mr. MCCAIN. Mr. President, I see no other Senators on the floor wishing to speak. I see no other amendments. I would like to place us in a quorum call in just a second. I would like to tell my colleagues that there is no reason why we shouldn't move forward with final passage of the bill unless there are amendments.

I say to my colleagues on both sides, let's move the process forward. It was announced 3 days ago that we would be taking up this bill. So it is time to move forward.

Mr. BROWNBACK. Mr. President, I am curious. Can we go through a unanimous consent that the vote take place? You have announced to our colleagues that it would be a quarter after.

Mr. MCCAIN. Not yet. We want to give the other side a chance to call all their Members and see if there are any further amendments or discussion of the bill.

At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I compliment the floor manager, Senator MCCAIN, and the Commerce Committee, for bringing this matter before this body, the pipeline safety bill.

I have the honor of serving as chairman of the Energy and Natural Resources Committee of the Senate. I think everyone is aware of the energy crisis occurring in the country today highlighted by the situation in California which can best be described as both a supply program and a credit program. In other words, they had become somewhat complacent in their ability to attract power from other States to the point where they were relying on 25 percent of their energy coming from outside of California. The prices went up on that outside energy. They have a cap on their retail sales. Their utility companies, which were among the largest in this country, had to pay a higher price for the energy than they could pass on to the consumer. As a consequence, they are facing bankruptcy.

The significance of the California crisis has created concern all over America. Part of that involves our dependence on pipelines. Pipelines, of course, provide this country with a supply of oil, supply of gasoline, supply of natural gas.

We have had some very unfortunate accidents occur in New Mexico and in the State of Washington. The reality is many of these pipelines are aging, and with the increased demand for energy, we are putting more pressure into these pipelines. Hence, the need for a responsible plan that ensures safety.

I commend the members of the Commerce Committee, Senator MCCAIN, and others. We are very interested in our committee, as well, because we have to have a delivery system. This delivery system has been something we are going to have to continue to expand, as indeed the demand for energy, particularly oil and gas, natural gas, gasoline and others, depends on pipelines.

The legislation will protect consumers by ensuring that our natural gas and oil pipelines are safe. I think it is fair to say that the same bill did pass the Senate unanimously last year. Unfortunately, the House did not have time to act before the elections. We have to have the public confidence in the safety of our pipelines.

I think we have a tough bill that addresses the critical issues of safety. The pipelines are essential to the Nation's energy delivery infrastructure. As I indicated, we would not be able to receive the energy that we take somewhat for granted. We forget that somebody, somewhere has to produce energy. It has to come from an energy source. It has to come from either oil or natural gas or hydro or clean coal or nuclear. It is a diminishing resource. Once we use it, obviously, it is gone and we have to replace it.

As a consequence, as we look at the increased demand associated with our electronic society with its computers and e-mails, the reality is we simply cannot get there with conservation alone. We want to do a better job of conservation. That is why in the energy bill we will produce on Tuesday, we have a great deal of emphasis on conservation, on incentives for conservation, for CAFE standards, many of the things that we believe will assist but will not supplant, of course, the increased demand for energy in this country. That is why we will have to continue to develop technology and make our footprint smaller, open up new areas for oil and gas exploration, including my State of Alaska and ANWR.

Without going down that rabbit trail too far, I wish to comment that we have, again, taken for granted the role of pipelines in the delivery of fuel to heat our homes, fuel for our automobiles, and, of course, the ability to run our production lines. We are fortunate in this country to have a network which is extraordinary in itself because it has been proven safer than any other mode of transportation. We cannot be complacent. We have to improve safety. I welcome the changes to existing law made by the legislation that will improve the overall safety of the pipeline.

One example is the bill requires new periodic pipeline integrity inspections using a variety of new technologies such as the "pigs" that are used to go through the pipelines now; we have smart pigs that not only go through the pipeline but can get out of the pipeline and be examined. As a consequence, we do have the opportunities to improve dramatically.

I have mentioned the accidents in New Mexico and Washington. However important safety is, we have to balance the safety of regulations and the need to be able to efficiently operate these pipelines.

What we have today in this legislation is a balance that strikes fairness and equity in safety and the reality that there is an economic factor as well. When this legislation is enacted, and there is no question in my mind that it is going to be enacted, it will be the strongest, most comprehensive pipeline safety measure ever approved by the Congress. At the same time I think we avoid some of the extreme responses some have advocated, responses that would lead to an energy shortage, a lack of investment in pipelines without any measurable improvement in safety.

I think we would agree, as a consequence of this energy crisis in our country, the pipeline industry cannot and should not be taken for granted. Many of our colleagues are aware of the huge demand increases anticipated for natural gas, and this increasing demand has already contributed to the price runup we have seen for natural gas. Last year, natural gas was about $2.16 per thousand cubic feet. Today it is somewhere in excess of $8.

Natural gas producers and pipeline operators are working feverishly to respond by investing billions of dollars in exploration and production and by building new pipelines. That is how we will achieve it. The current natural gas pipeline network simply cannot transfer all the gas which Americans will demand by the end of the decade. New pipelines already take anywhere from 3 to 7 years to permit and build. Without new pipeline capacity, our Nation will only fall further behind.

Accordingly, I urge the Senate to pass the pending legislation. I believe this legislation meets the challenge and does so in a way that will complement our national energy policy rather than thwart it.

I again thank Senator McCain, the floor managers, and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank Senator Murkowski for his efforts, not only on this legislation but on overall energy policy. It is a very difficult task, a challenging one, and we are grateful for his leadership.

Mr. MURKOWSKI. I thank the Senator.

AMENDMENT NO. 5

Mr. McCAIN. Mr. President, I have an amendment on behalf of Senator Reed of Rhode Island. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. Reed, proposes an amendment numbered 5.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Federal Energy Regulatory Commission, in consultation with the Department of Energy, to conduct a study of, and report to Congress on, the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network)

At the end, add the following:

SEC. . STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES IN NEW ENGLAND.

(a) Study.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. In carrying out the study, the Commission shall consider—

(1) the ability of natural gas pipeline and storage facilities in New England to meet current and projected demand by gas-fired power generation plants and other consumers;

(2) capacity constraints during unusual weather periods;

(3) potential constraint points in regional, interstate, and international pipeline capacity serving New England; and

(4) the quality and efficiency of the federal environmental review and permitting process for natural gas pipelines.

(b) Report.—Not later than 120 days after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the House of Representatives a report containing the results of the study conducted under subsection (a), including recommendations for addressing potential natural gas transmission and storage capacity problems in New England.

Mr. McCAIN. Mr. President, this amendment on behalf of Senator Reed of Rhode Island calls for a study of the needs of the natural gas pipelines in New England. I think it is perfectly appropriate and acceptable to both sides. I believe there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5) was agreed to.

Mr. McCAIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I would like to speak before we enter some amendments. I compliment my colleagues, Senators McCain, Murray, Hollings, and Breaux, for their hard work and dedication in bringing this bill on pipeline safety to the floor. I appreciate their leadership on this important issue, one that is certainly vital to the constituency I represent in New Jersey, and, unfortunately, one that has affected their lives in a very significant way.

I rise today, however, because of concerns about some of the important aspects of this legislation. In its current form, I believe the bill does not go far enough to ensure the safety and integrity of gas and oil pipelines around our Nation, particularly in New Jersey; and does not do enough to provide information to the communities living near those pipelines.

Several years ago, my own State of New Jersey was the site of a major pipeline explosion. On March 24, 1994, a natural gas pipeline exploded in Edison, NJ, at 12 midnight. Families living in the nearby Durham Woods apartment complex awoke to a deafening roar. They ran out of their homes and saw a wall of flame several hundred feet high. These flames were so high they were visible in both New York City and Pennsylvania. I ask you to think about that—flames were visible in both New York and Pennsylvania.

Many of the residents who awoke that night thought a nuclear bomb had detonated. Miraculously, only one person died. However, scores more suffered injuries due to burns or smoke inhalation. Many more lost their homes and all their possessions. There was millions of dollars in damages, and the explosion itself left a crater 60 feet deep.

At another point, I would like to submit to the record accountings of the explosion from the New York Times and the Washington Post.

This explosion was caused by a natural gas pipeline that was buried in the earth. What concerns me is that there were no reports of digging in the area nor were there reports of any other disturbances that could have set off the explosion.

As harrowing as this tragedy was, it is not the only one. There have been other pipeline explosions across this country: in the States of Arizona, Washington, Michigan, New Mexico and others. These tragedies, with their accompanying loss of life, are the basis for everyone's concern. I applaud their efforts.

However I believe there is more that we can do to prevent these explosions. First, we should ensure that oil and natural gas pipelines are inspected on a regular basis so that flawed lines can be recognized early, repaired, or replaced. My first amendment will require both oil and gas pipelines to be inspected every 5 years.

The pending legislation does require pipeline operators to adopt a program for integrity management, which includes periodic assessments of the integrity of hazardous liquid and natural gas pipelines. I am concerned that this does not go far enough.

There is no definition of what constitutes "periodic." It could allow inspections every 5 years, every 7 years, or every 50 years for that matter. That is just not good enough. After all, lives and property are at stake.

GAO reported that 226 people have been killed between 1989 and 1998, over 1,000 injured, and $700 million in property damage.

I know the Office of Pipeline Safety has issued regulations regarding the inspection of certain liquid pipelines and is considering regulations concerning natural gas pipelines. I am concerned however about how long it has taken for these regulations to be issued and whether they will seriously be followed through.

I am also concerned they do not require inspections to be conducted at a sufficient enough frequency. In my view, therefore, it is time to pass strong legislation to make safety the priority it deserves to be.

I will also be offering an amendment which will give communities that live near pipelines more information about them. Again, I understand the pending bill does include some enhanced right-to-know provisions, and I congratulate the sponsors for that, but I believe we should go further.

We need, for example, ongoing reports from pipeline companies about their efforts to prevent or minimize pipeline risks. We also need companies to tell communities how frequently testing occurs and what those tests find. Then we need to enact liability provisions that will impose fines on all pipeline operators following oil spills.

Another problem is that currently, pipeline oil spills that occur on land alone are not a violation of any Federal law. We need to ensure that when such spills occur, fines are levied as a way to prevent future releases.

Lastly, I believe we need to deal with the certification of pipeline operators. We have laws that license the drivers of cars and the pilots of planes. We need a Federal law, in my view, that provides standards for operators of pipelines as well.

The principles contained in these suggestions have been supported by many environmental and pipeline reform groups, as well as by almost the entire delegation from the State of New Jersey. They also have been supported by many Members of the House of Representatives.

I hope my colleagues join me today in ensuring that we make sure we no longer have another Edison disaster.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I thank the Chair.

Mr. President, I compliment Chairman McCAIN, Senator HOLLINGS, Senator BINGAMAN, Senator MURRAY, my friend Senator BREAUX, and those who have worked on this legislation. I voted for this pipeline safety legislation in the last Senate. I would like to be able to vote for it in this Senate. It is legislation that should be enacted.

As a nation in the midst of an energy crisis, we need to have the pipeline network of the Nation constructed and expanded to supply communities in need, and to do so can only help reduce prices. This Senate should act forthwith to do so.

As I voted for this legislation previously, it is worth noting that this is not the same Senate that it was a year ago. The membership is different, the balances are different, and this bill should be different.

My colleague from New Jersey, Senator CORZINE, is prepared to offer a series of amendments that I think are thoughtful and would help not simply communities in New Jersey but communities in States throughout the Nation.

They are centered on several specific objectives. I am going to review them, but I first want to make clear that I do think the legislation as offered makes some progress on these issues. The bill does require an assessment of the risks associated with pipeline facilities in environmentally sensitive and high-density population areas and requires the implementing of a plan to mitigate these risks. That is helpful, it is a beginning, and I am glad it is in the bill.

The bill before the Senate is a good first step in strengthening safety regulations. There have not been enough in the past. It is a good beginning.

The legislation does increase the amount of information companies must provide to communities where pipelines are located so communities can zone their property properly and plan for emergency services so people who live in the communities know what is happening in their towns. Finally, it increases civil penalties substantially for those responsible for pipeline disasters.

In the analysis I will offer, I do not discount the work of the committee or the progress this legislation offers, but I take the floor, as did my colleague, Senator CORZINE, because there are people in my State who will watch this vote carefully, and we are not alone. From New Jersey to Washington State to Texas, communities have experienced not simply disruptions in gas supplies from ruptured pipelines, we have lost lives, a lot of lives.

Since 1996, there have been 18 major pipeline disasters in the United States—major disasters. But if a pipeline ruptures and causes a fire or explosion in your neighborhood, the Federal Government may not declare it major, but I assure you, in your neighborhood, it is major.

The map on my left illustrates the States where in the last 10 years there have been 2,241 major accidents. They are in every State in the Nation, at least on this map indicating the lower 48 States in the Nation; high population areas, such as New Jersey, Pennsylvania, New York, and Connecticut, which have the greatest concentration; one can see in Indiana, Michigan, and Illinois, in Texas and in California—these are significant numbers of pipeline explosions. One of the most recognized has led to my effort today with Senator CORZINE.

On March 23, 1994, Texas Eastern Corporation's 36-inch high-pressure natural gas pipeline was running through a residential community in Edison, NJ. Nearby, there was an apartment building and residential housing. The pipeline exploded. As it exploded, it consumed the neighborhood in a fireball. Buildings burned. Three hundred homes were destroyed. One of the neighbors was killed. The night became an inferno for miles around. One moment, a peaceful suburban community; the next, a war zone. One can only imagine the trauma to a family living in their suburban community in the middle of the night watching their neighborhood explode in a ball of flames.

The heat from the blast touched off fires in nearby neighborhoods. More than 2 hours after the explosion, the pipeline continued to send a wall of flame hundreds of feet into the air. Two miles away, ash rained on cars. On the New Jersey Turnpike, the principal artery through the northeastern part of the country, roads were filled with debris. Drivers likened it to driving on a newly salted road. The highway was covered with this debris. The National Transportation Safety Board found that the inability of the pipeline operator to properly stop the flow of natural gas contributed to the cause of the accident.

It is the lasting impact of this incident that brings me to the floor and to offer and support several important amendments.

My State has not forgotten. If this Senate fails to address the reality of this problem, I can assure you, in the next 10 years, when one of these 22 accidents comes to a neighborhood near you—it is not New Jersey, it is Nevada or California or Florida—they will remember as well.

We do not ask a lot. We know the reasons these accidents are happening. Here you have a 36-inch pipeline running, as the crow flies, no more than 8 miles from midtown Manhattan—in the most densely populated area of the Nation—to New Jersey. A pipeline erupts, and the company does not have personnel trained, capable, or instructed in how to stop the flow of gas. The local community did not have enough information to deal with the emergency. These are not unreasonable requests.

The bill contains provisions to deal with a cost-benefit analysis. My colleagues, what is the cost-benefit analysis of the cost of ensuring that personnel are trained, that a pipeline is inspected, compared to the cost of 300 people running from their homes in a fireball in the middle of the night? Allow me to share with you a cost-benefit analysis.

As you consider voting on whether or not people should have licenses to work on these pipelines or whether or not these pipelines should be inspected, this is your cost-benefit analysis.

Every one of these children pictured here have been killed—burned, killed in an explosion because of a ruptured pipeline. They are dead. Mr. President, 2,200 accidents in 10 years will cause that kind of destruction.

Our amendments are very simple. I do not believe Senator CORZINE and I are being unreasonable.

What is it we would like?

One, a community have the right to know the flow of the pipeline, what is in the pipeline, basic information about the pipeline. Even if it were not required by law, and you operated a pipeline, wouldn't you want the fire department to know that basic information? Wouldn't you want a local builder to know about the pipeline if they are going to put residential homes next to it? Wouldn't you want the planning board to know about the power of a potential explosion? We require it in the bill. But if we did not require it in the bill, wouldn't you want to do it anyway?

Second, mandatory testing of natural gas and hazardous liquid pipelines themselves. This is the most extraordinary to me. I do not know of any principal structure in the Nation, on a mandatory basis—from the local building authority through airplane construction, to your own car—that does not get inspected. If I do not take my car to a local New Jersey motor vehicles inspection station and get it inspected every year or two, I am in violation. But you want to put a 36-inch pipeline across my State, next to thousands of residents, knowing that it has cost lives, and you do not want to require an inspection every 5 years, every 7 years? I do not think this is unreasonable.

Third, the certification of pipeline personnel. I do not know a profession or means of employment in the Nation which involves health—life and death—and public safety where you do not have to get a certification. I have a certification to drive here to work in the morning in my car. It is called a driver's license. But you are going to operate a high-pressure gas pipeline across the Nation, and you do not want a license?

Lest you think this is somebody else's abstract problem—these people who are operating these pipelines—here are the areas they impact as shown on this map. You cannot serve in this Senate and not represent somebody who lives near one of these pipelines.

All we want to know is, if you work on these pipelines, and you have responsibility for pipeline safety, we would like to know that you know what you are doing. It does not have to be a high threshold. Give me the easiest test you want. If you do not want to strain them, if you do not want to make them study, OK, I will be reasonable, but how about some certification?

The person who died in Edison, NJ, in the destruction of that neighborhood, did not know how to turn off the flow of the gas. When I bought my home, I went in the basement and said to the guy who showed me the house: If there is a problem here, how do I turn off the gas to my house? It took me about a minute.

In a town of tens of thousands of people, the operator of the pipeline did not know how to shut off the gas. Standing in midtown Manhattan, you could see the fireball in central New Jersey.

This is an important business. There are more people living by these pipelines, having their lives on the line, than people living by airports, but you would not have somebody operate an airplane without a license.

Finally, we ask for additional liability penalties, recognizing that in our system in this country, one sure way to ensure that the pipeline companies build a quality product, with quality personnel, to the highest safety standards, with the best materials, is they know that if they do not, they are liable for those kids who lost their lives and to the towns that lost the housing where I live. We would like them to be liable so they have an incentive to ensure that people are safe and secure.

I am concerned that this bill has been brought to the floor—recognizing that Senator MCCAIN has improved the bill. He has designed good legislation, but it is not legislation that any of you can take back to your States, along these pipeline routes, and say: My friends, I have done everything I can to ensure that your family is safe. I have struck a balance. We are going to have pipelines that lower the cost of your natural gas. We are going to get you additional supply. We are going to meet the Nation's needs. And I am going to protect your family.

We have done a good job. We have not done a good enough job because we can do more to ensure that people are safe. That is the balance I want. That is what I think this Congress can do that is better than what the last Congress did when this legislation was before it.

I find it frustrating that we need to return again to deal with an issue that has been raised that the Senate knows is a real problem. We are going to offer these amendments. We are going to insist upon them. I ask my colleagues to think carefully in weighing the consideration of passing this bill today or tomorrow or waiting a day or two or a week and getting it done right. The stakes, I am afraid, are that high. We have tried to do this voluntarily. Maybe the cost of compliance is too much.

We have passed statutes before. We have not seen them enforced. This is a list of pipeline safety regulations that have not been met in the last 12 years, things we have asked to ensure that people would be safe and that standards would rise, only to find that, increasingly around the Nation, they have been ignored. That is why we have increased penalties and liability. Are they really so unreasonable?

The Pipeline Safety Act of 1992.

Emergency flow restriction devices to ensure that if there is an accident, operators on an emergency basis can restrict the flow of gas. That alone would have made the difference in destroying the neighborhood in Edison, NJ.

Underground utility location technologies in the Pipeline Act of 1992.

Carry out research and develop programs on technologies so that people can quickly locate where these pipelines are in an emergency so they can map them properly if there is a problem.

These are 23 different attempts to ensure compliance. We have not met our responsibilities to do this properly. I know the desire to increase the Nation's supply of natural gas. I believe as strongly in it as anyone in this Chamber. I also know how strongly we are going to feel if we do this wrong. If we do this wrong, a lot of people get hurt. That is the issue before the Senate. Certify the personnel, let communities have a right to know about the operations of these pipelines, require an inspection of them every 7 years and liability to ensure compliance with the laws, laws that have often been ignored, to our considerable peril.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleagues from New Jersey for offering these four excellent amendments. I share their passion on this issue, having lost three young children in Bellingham, WA, a year and a half ago when a pipeline exploded at a school where my sister teaches seventh grade. It has impacted the lives of those families every single day since that explosion.

This is a passionate issue in my State. I have to say, before that explosion, no one knew that they lived next door to a pipeline. No one knew that their school was on a pipeline.

I commend them for bringing forward these provisions. They are all excellent. They are all incorporated into a bill that I have dropped in with the Washington State delegation today. If they are unable to pass on this bill, I urge my colleagues from New Jersey to continue to work with us.

This bill has a long way to go before passage, certainly as it goes through the House and through conference. These provisions are excellent ones that I hope will be incorporated into a final bill, regardless of what happens on the floor today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it is hard for me to comment on any amendments because the amendments have not been proposed yet. I will respond briefly to the overall comments made by the Senators from New Jersey.

Last year, after we passed the legislation, U.S. Transportation Secretary Slater issued the following statement:

> I commend the U.S. Senate for taking swift and decisive action in passing the Pipeline Safety Improvement Act of 2000. This legislation is critical to making much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources, all hallmarks of the Clinton-Gore administration bill on pipeline safety that was transmitted to the Senate by Vice President Gore on April 11, 2000.
>
> I commend in particular the Commerce Committee Chairman and Ranking Member, Senators McCain and Hollings, as well as Senators Murray and Gorton for their hard work . . . I thank the many others who worked for the U.S. Department of Transportation and the Administration in seeking the highest possible level of safety for our nation's pipelines, including Senators Bingaman and Domenici, who recently suffered a terrible loss in their state. . . .
>
> I look forward to working with the House leadership . . . to help resolve any legislative differences.

Clearly, former Secretary of Transportation Slater had a little different view of this legislation than the Senators from New Jersey.

I will quote from a letter from the National Association of Regulatory Utility Commissioners. We all know that these individuals—most of whom are elected; they certainly are in my State—are responsible for the regulation of this kind of industry and responsible for the safety of others. I had already included this letter for the RECORD, but I think it is important to reference it again. This is in reference to S. 235, the Pipeline Safety Improvement Act of 2001.

> Dear Majority Leader Lott:
>
> On behalf of the National Association of Regulatory Utility Commissioners—
>
> I assume that includes the regulatory utility commissioners of the State of New Jersey—
>
> We urge you to support swift passage of S. 235. However, NARUC does not believe S. 235 should be the vehicle for broader energy policy legislation. NARUC would therefore oppose amendments that would attempt to expand this bill beyond its current intent of improving pipeline safety.
>
> Last Congress NARUC expressed strong support for the reauthorization of pipeline safety legislation provided sufficient funding to the Office of Pipeline Safety for State grants was authorized. We believe the increase in funding for these grants found in S. 235 will better enable OPS to meet its obligation of a 50 percent funding share. . . .
>
> Additionally, NARUC and its membership strongly believe there is a vital role for the States in ensuring safe operation. . . .

They go on to say:

> NARUC strongly supports provisions of S. 235 that provide States with increased authority and increased participation in safety activities. . . .

Finally, I will quote again from passages from the National Governors' Association letter. I don't know if the National Governors' Association speaks for the Governor of New Jersey or not, but they go on to say:

> On behalf of the nation's Governors, we are writing to express our support for S. 235, a bill to improve oil and gas pipeline safety, and encourage prompt passage of such legislation.
>
> NGA's policy supports pipeline safety legislation that provides states with the authority to protect our citizens from pipeline explosions and leaks. States should be authorized to establish standards that do not conflict with but may exceed federal standards. Our policy also endorses the ability of states to enforce violations of federal or state standards.

The Governors, the utility commissioners, the former Secretary of Transportation, Secretary Slater, all are in support of this legislation.

A majority of the House of Representatives did vote in favor of this legislation last year. It was taken up under a procedural situation that required a two-thirds vote.

I assure the Senators from New Jersey, after passage through the House of Representatives, this legislation will be going to conference, and we will be more than happy to examine any recommendations and proposals.

With all due respect to Senator TORRICELLI, at no time, during all the deliberations and all of the hearings and all of the involvement of this issue that our committee and the Senate had, were there any additional amendments, recommendations, or ideas raised. It is a little hard for us at this point in time, with the legislation on the floor, to give serious consideration to these amendments. Obviously, I cannot support them at this time, but we will be more than happy to consider them in the future.

So when there is an amendment pending, I will be glad to comment on a pending amendment. But I, again, remind my colleagues that this is a product of literally months of negotiation, hours of hearings, and negotiations that took place over a very long period of time.

I hope my colleagues from New Jersey will consider what has gone before and that we can move forward with the amending process.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I thank Senator BREAUX and Senator McCAIN for working together on the principal issue we brought to the floor today. I believe we can find real resolution. Senator CANTWELL, Senator CORZINE, Senator MURRAY, and I have raised a question about the frequency of inspection of these pipelines for safety. We have raised the issue of the community's right to know. We have raised the issue of liability and the certification of workers.

It was our hope to make progress today on the principal of these, which would be the inspection of the pipelines themselves, believing and taking great faith in the conference following the passage of this legislation that Senator McCAIN would represent our bipartisan interests. We know of his own commitment to safety on the issue of the qualification of the workers and the community's right to know and are leaving those for another day. We believe we can find common language on the issue of the inspections of the pipelines themselves. Senators CANTWELL, MURRAY, and I join Senator CORZINE who is prepared to offer an amendment.

I yield to Senator CORZINE at this time.

AMENDMENT NO. 10

Mr. CORZINE. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from New Jersey [Mr. CORZINE], for himself, Mr. TORRICELLI, Ms. CANTWELL, and Mrs. MURRAY, proposes an amendment numbered 10.

Mr. BREAUX. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> The assessment period shall be no less than every 5 years unless the DOT IG, after consultation with the Secretary determines—
>
> There is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates

> undue interruption of necessary supply to fulfill the requirements under this paragraph.

Mr. CORZINE. Mr. President, before I read the amendment, I will preface it by expressing my gratitude to Senator McCAIN and Senator BREAUX for their cooperation in working to address what all Members believe is an extraordinarily important issue with regard to inspections. I think all Members will be better served because of the efforts all Members, cooperatively and in a bipartisan way, brought forward.

The amendment reads:

> The assessment period shall be no less than every 5 years unless the DOT IG, after consultation with the Secretary determines —
>
> There is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this paragraph.

Let me say I hope the other issues with regard to certification—particularly inspectors and operators, consideration of civil liabilities—are things that will be considered as we progress with regard to this legislation. But I think this is a major step forward. I am very grateful to the sponsors for their willingness to consider the efforts we are bringing to bear on inspections. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise in support of the amendment offered, that has been designed by Senator CORZINE and offered by Senator TORRICELLI, Senator MURRAY, and myself. I want to take this opportunity to thank the sponsor for his diligence, not just on this amendment but the others, in hopes of improving the bill in the process.

I know this has been a long process for many who have been involved including the senior Senator from my State. I applaud her for her diligent efforts along with Senator McCAIN, in trying to improve pipeline safety.

As our Nation moves forward to meet our increasing energy needs in an environment where the supply of natural gas is very important, we need to also make sure that pipeline safety is implemented. As they currently stand, our current laws and regulations, I believe, do not adequately do the job in ensuring the safety of nearly 2 million miles of pipeline networks around this country.

Indeed, we heard earlier from Senator MURRAY that our State, Washington, has faced the tragic consequences of unsafe pipelines head on. Two years ago, in a park near Bellingham, two 10-year-old boys died in a blast of flames and one young man drowned after being overcome by fumes when an aging pipeline burst. This was the worst of many pipeline accidents in our State, which has suffered from 47 reported incidents and more than $10 million in property damage between 1984 and 1999.

My State is not alone, as you saw from the charts that Senator MURRAY and Senator TORRICELLI displayed, in facing the consequences of substandard pipeline safety. Just last August, in Carlsbad, NM, 11 people, including 5 children, died when a nearby pipeline explosion rained fire on their campsite.

Again I applaud Senator MURRAY and Senator McCAIN for their efforts in trying to improve, through this legislation, pipeline safety not just for the States of Washington, New Jersey, and New Mexico, but for the whole country, so they may not face the tragedy the people of our States have faced.

I believe one of the weaknesses of the underlying bill had been the issue of reporting and the bill's reliance on the Department of Transportation's Office of Pipeline Safety for implementing guidelines we are seeking. OPS has not had a great record. In a June 2000 report, the GAO found that, since 1988, OPS has failed to implement 22 of the 49 requirements mandated by Congress—almost half of those requirements—and 10 of these 22 requirements are now between 5 and 11 years overdue.

Moreover, the report exposed that OPS has the lowest rate of any transportation agency for implementing the NTSB regulations. Indeed, the GAO report concluded that OPS:

> . . . is a weak and overly compliant regulator that seldom imposes fines when violations are found, fails to fully involve State officials and often ignores reforms demanded by Congress.

I think the amendment offered by my colleagues and myself will go a long way in making sure there are at least the reporting requirements mandated on a 5-year basis.

I look forward to continuing to work with the sponsors of this legislation and the Washington delegation in the House and other Members on improving this legislation through the process.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senators from New Jersey for bringing this very important issue as part of this legislation. I think it is an important issue, pipeline inspections. I think we have reached a very reasonable result, and their amendment embodies that.

I thank Senator MURRAY, Senator TORRICELLI, Senator CORZINE, and especially Senator BREAUX. I was thinking as I watched Senator BREAUX negotiate this agreement, I nominate him to be the Middle East peace negotiator. He might be able to achieve that since he has had so much practice around here on the floor of the Senate. Certainly it was with some entrenched constituencies.

I do thank him for his hard work there. I think this amendment is very acceptable, and following Senator BREAUX's comments, hopefully we can move the amendment. Then I would like to be recognized for a unanimous consent agreement so we can have final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the chairman for his comments. Let me make just a couple of comments to hopefully maybe put out some additional information on what exactly I think the amendment does and why I can be supportive of it.

I think all of us want to have as much inspection of pipelines as necessary to ensure their safety. There are a couple of problems with just an arbitrary statement that says we have to inspect all the pipelines every 5 years. No. 1, some of them should be inspected more than every 5 years. Pipelines that are in high-risk areas or are in danger of being interrupted because of natural causes should be inspected more than every 5 years. On the other hand, there are pipelines that do not necessarily need to be inspected every 5 years for various reasons. So just to have an arbitrary date, as I think originally was being considered, is not appropriate.

What we have here is a requirement which is a general requirement that all lines be inspected every 5 years, but giving the Department of Transportation, through the inspector general, some ability to make decisions on how that should be actually conducted.

What the amendment says is: Yes, they will be inspected every 5 years unless there is not the capability to do so.

We all know so-called pig inspection, where you run equipment through the line, is only capable of doing about 30 percent of the lines. So we have to look at the capability to do it in that fashion or in another fashion. The Department of Transportation, through the inspector general, will have the obligation to make the determination of the capacity to do this. I would like them to develop the capacity. That is going to be part of the appropriations process. We have some key people in that process to give them greater capability.

The second exemption would be if it is determined, again by the Department of Transportation through the inspector general, that it is unnecessary because of other technology being used—to assure the safety of that line. For instance, there are lines that have constant monitoring on them. They are not inspected every 5 years. They are constantly monitored and inspected for any corrosion or any leaks. I think it would be foolish to require that line to undergo an additional inspection every 5 years if in fact it were being monitored on a constant basis. That is the type of thing we are talking about in that part of the amendment.

The third thing is to say it would be inspected every 5 years unless that inspection would create an undue interruption of supplies. I wouldn't want to shut down Newark, NJ, on a line that is running perfectly and has a good history, to do an inspection, if that would be unnecessary and unduly interrupt the supplies of natural gas to that area.

So I think, with those caveats, the concept of doing it every 5 years is OK. It is fine. I think we are putting the burden where it belongs, on the Department of Transportation and the Office of Pipeline Safety, through their inspector general, to make sure that the inspections are doing what we want.

I think the bill addresses a number of the concerns of our colleagues from New Jersey and Washington about making sure we have trained workers. This bill says what the worker training programs will be and they have to file it with OPS and make sure they have an adequate training program for all of their workers.

The public's right to know has been greatly increased. I know Senator MURRAY had a great deal to do with the public's right to know. I don't know if every individual in the country needs to know where every high-pressure valve is on a pipeline. There is some security involved here. We are concerned about sabotage of lines or disruption of lines by people intent on doing violence to areas. To make that type of information available to everybody all the time without any consequences is going a little bit too far. People who are involved in safety, fire departments and safety people, will get that information quickly as soon as it is on file. And the public will have a right to know the information that they need to protect their local communities.

So I think the concerns have been addressed by our colleagues. The bill does an awful lot to improve the current situation, because of their involvement in this amendment, as I understand it to be, and it would be an improvement as well.

Mr. TORRICELLI. Will the Senator yield?

Mr. BREAUX. Yes.

Mr. TORRICELLI. First, I again thank Senator BREAUX for his leadership in helping to fashion this amendment, but since this was not drafted in committee and was literally written on the floor, I want to ensure the RECORD properly reflects our mutual intent.

There is a 5-year requirement for inspection basically with three escape clauses that I think should be properly understood and defined.

First, "there is not sufficient capability" means strictly there is not the equipment available; there is not the personnel available. The Secretary will be certifying this was just not possible to get done simply because of a shortage.

Mr. BREAUX. If the Senator will yield, I agree with his explanation of that section.

Mr. TORRICELLI. Second, we discussed at some length "deemed unnecessary because of more technologically appropriate monitoring." This escape was created because the Senator from Louisiana noted some lines have constant monitoring. They do not need to be inspected every 5 years because they are inspected every minute. That was our intent here, not that someone comes forward and says: We think that is a well-designed pipeline and well done, so leave that one for 20 years. This was, as the Senator noted, because of constant monitoring. Is that the understanding of the Senator from Louisiana?

Mr. BREAUX. That is the intent. There may be something other than constant monitoring that can lead them to the same conclusion. Right now, constant monitoring would be the type of technology that would assure the safety of that pipeline. There may be something tomorrow that will be just as good as constant monitoring. I do not know that would be there. It would be a technology that would ensure the integrity and safety of that pipeline. That will be equally as good or better than an inspection.

Mr. TORRICELLI. In any case, this is not some general escape where people, in the future, who live in New Jersey will say: We think that is a good pipeline under the technology that was built so we are never going to inspect it.

The Senator was very specific about the kind of technology involved; that it offered a superior guarantee.

Mr. BREAUX. Equal or superior.

Mr. TORRICELLI. The last element on this was "created an interruption of supply," which I take it means simply shutting down the pipeline for inspection without an alternative means of delivering the liquid or the natural gas and people would be without the product; that there was no way to do the inspection without shutting this off and creating an economic or other kind of hardship.

Mr. BREAUX. The Senator's point is well taken. If you have to dig up a pipeline, obviously that is going to cause an interruption of supply. Sometimes lines have to be dug up to be inspected. That creates a disruption of supply. That does not mean that inspection should not be done.

What we are trying to get at is interruptions that would work an undue hardship on communities by having an inspection that may not be necessary. That is what we are talking about—not a normal interruption, but an unnecessary interruption that would cause real problems for a community to be without any natural gas, for instance, at a time when they desperately need it.

Mr. TORRICELLI. I thank the Senator from Louisiana. For my purposes—and I think Senator CORZINE is concerned about these large pipelines delivering liquid and natural gas through the Northeast through densely populated suburban communities in New Jersey—we have met our objective; that is, the level of technology for inspection must be extraordinarily high or there will be regular inspections, so people living in proximity to these pipelines know they can be assured of its safety.

The RECORD should also reflect that we actually discussed having some other exemption for places that are sparsely populated. It was noted that under no instances, given the density of the population in the Northeast or I assume in California or in Illinois, would that be appropriate.

This affords us the protection we need, and for that I am very grateful. Again, my thanks to Senator McCAIN.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. Will the Senator yield while Senator McCAIN and I enter a unanimous consent request?

Mr. DOMENICI. I did not hear the Senator.

Mr. REID. Senator McCAIN and I want to propound a unanimous consent request.

Mr. DOMENICI. I wish to speak to this amendment for a moment.

Mr. McCAIN. Maybe we ought to wait.

Mr. President, I ask unanimous consent that following the adoption of the amendment, after the statements by both Senators from New Mexico, the vote occur on passage of S. 235, as amended, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, it is my understanding that prior to the vote Senator DOMENICI wishes to speak for 5 minutes, Senator BINGAMAN, 5 minutes, and Senator CANTWELL 5 minutes, and that following the adoption of this amendment, on which Senator DOMENICI wants to speak before it is adopted, we vote on final passage, unless the Senator from Arizona wishes to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, my only amendment will be that I be added as a cosponsor to the amendment of the Senator from New Jersey.

Mr. McCAIN. Mr. President, I revise my unanimous consent request that following the adoption of the amendment, Senators CANTWELL, BINGAMAN, and DOMENICI be allowed to speak for 5 minutes; following that, the vote occur on passage of S. 235, as amended, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I call to the attention of Senators on the floor, in particular Senator BREAUX and Senator McCAIN and perhaps the New Jersey Senators, that one of the issues being discussed as we work on this bill is the advancement of technology so inspections can be done better.

There is a very interesting new technology—this bill provides for some more money for research and technology—but there is a very interesting technology that is about to be offered to the pipelines that has been developed by a little company in New Mexico. Their name is LaSen Corporation. They have developed a system where a device is put on a light airplane and you fly over the pipeline. The device picks up the radiation from any kind of leakage whatsoever, reports it to the instrumentation. They can do 500 miles of pipeline a day, where today we do 5 to 10. They can do it at a cheaper price.

With this bill putting a little more into technologies and companies with innovation such as this one, we are going to find better ways to do the inspections covering a greater number of miles per day at much cheaper rates. This bill will push that. In the meantime, entrepreneurs are finding some exciting technologies such as this little company that will have these devices very soon. I yield the floor.

Mr. McCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 10.

The amendment (No. 10) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I congratulate Senator CANTWELL and Senator CORZINE for their initial success in the Senate.

The PRESIDING OFFICER. The junior Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak on the bill for a very few minutes, and, of course, congratulate Senator CORZINE and the other cosponsors for the amendment that was just adopted, which I strongly support.

This bill overall is very important to the people of my State. Senator DOMENICI and I had the experience of learning last August of a terrible rupture of a high-pressure natural gas pipeline coming through New Mexico on its way to California. It occurred on August 19 near Carlsbad, NM, at 5:30 in the morning. Unfortunately, the rupture occurred at a place where the pipeline crosses the Pecos River. It was a place where many people came to fish and camp.

There was a large family there, an extended family and friends who were camped there that night and the next morning when the rupture occurred. The rupture did kill 12 people. Shortly thereafter, there was a 13th person who died later from injuries received at the site. It was a terrible tragedy for our State and for the entire country.

After visiting the site with the personnel from the Office of Pipeline Safety, it became clear to me that that office did not have adequate resources to do what it needed to do and it did not have adequate authority to do what it needed to do.

There are over 500,000 miles of interstate pipeline in the United States. That agency needs the additional authority contained in this bill in order to address the different circumstances of individual pipelines. The Senate bill requires each and every interstate natural gas and hazardous liquid pipeline to develop and implement an integrity management plan.

The bill gives the Office of Pipeline Safety the authority to impose rigorous requirements to address areas with the greatest likelihood of failures and, specifically, to address aging pipelines and those in populated or environmentally sensitive areas.

The transmission line in New Mexico, as I said, was crossing the Pecos River at the place where it ruptured. The bend in the pipe that was required in order to cross that river was part of the problem that led to the rupture of the pipeline. As best we can determine, the pipeline ruptured because of internal corrosion in the line. The line was 40 or so years old. It is a very longstanding line. There had not been adequate inspection, particularly inspection that would have caught that internal corrosion.

In the hopes of preventing other problems such as this which have gone undetected, and the ability to move some of the equipment that is used to determine internal corrosion that is impeded when you have a sharp bend in the pipe, which is what we had there where the pipe was crossing the river, I introduced a bill to set up a coordinated research and development program. I am very pleased to say that has been incorporated into this bill that we are voting on today.

These natural gas and liquid pipelines are a critical element of the Nation's energy infrastructure. They provide a cost-effective and relatively safe means of delivering energy. As our economy has grown and become increasingly urbanized, the siting of new pipelines has become more and more of a challenge. At the same time, the importance of having these lines has increased dramatically, and the importance of ensuring the safety of these lines has increased dramatically.

Earlier this week, the Energy Daily reported that inadequate pipeline capacity into the northeastern part of this country will create serious power supply problems in the next few years.

Mr. President, I ask unanimous consent that the article from the Energy Daily be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. We do have a series of near-term crises related to energy in the country. We are more and more aware of those families and businesses that have been hit by winter heating bills. There are high natural gas prices affecting power prices in the western part of the country. Natural gas is a feedstock for the fertilizer industry, and the high prices have shut down production of fertilizer in some parts of our country. Farmers are not going to find adequate supplies for the spring planting season.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BINGAMAN. Mr. President, I ask unanimous consent for another 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, natural gas prices are only part of the problem. After a number of years of surplus gas supplies, pipeline capacity, and high electricity reserve margins, we are bumping up against the constraints of our infrastructure in each of these areas. We need to deal with that. I hope we can this spring. We are going to work on legislation in the Energy Committee to do that.

Passage of this pipeline safety bill is a small but a very important step to help restore public confidence in the pipeline infrastructure and to avoid these catastrophes in the future. I believe this will be an appropriate step to take. I hope very much, after we pass this bill—as I believe we will today—the House of Representatives will take it up and pass it quickly so that the Office of Pipeline Safety can get about the business of better inspections to avoid catastrophes such as we faced near Carlsbad this last year.

Mr. President, I yield the floor.

EXHIBIT NO. 1

[From the Energy Daily, Feb. 6, 2001]

PIPELINE BOTTLENECK TO PINCH GAS SUPPLIES FOR NEW ENGLAND IPPs

(By Jeff Beattie)

In a stark warning that New England's power supply is becoming over-dependent on natural gas, the region's grid operator said Monday that natural gas pipelines will not be able to fill generators' requirements by 2005, leaving them unable to operate 3,000 megawatts of gas-fired capacity.

The study released by ISO New England Inc. predicted "substantial unserved gas requirements" by 2005 absent major changes in infrastructure or fuel use.

The independent system operator urged a streamlined regulatory process to expand pipeline capacity and—in a proposal that raised generators' hackles—called for requirements that new independent gas-fired plants develop backup capabilities to burn oil.

The study said the gas crunch was developing because gas-fired generating capacity is expected to triple between 1999 and 2005, rising from 16 percent of total capacity to 45 percent.

At the same time, pipeline capacity is not increasing at the same pace, meaning independent generators likely will have to keep 3,000 MW idle in the 2005 peak heating season due to lack of gas. The study said smaller, brief shortfalls could occur in the winter of 2003. The study said independent generators would feel the impact before utilities because the current system's operational flexibility could not meet coincident needs of both, and "the demands of utilities are scheduled first—the majority of throughput for generation is subordinated."

Conducted by Boston-based Levitan and Associates Inc., the study also suggests that the ability of gas-fired generators to switch "on-the-fly" to distillate oil will be crucial not only to meet the potential shortfall but to take up slack in the event one of the region's major pipes has an accident or shutdown.

The ISO said switching to oil was workable because 5,900 MW of generation capacity have air permits that permit such switching.

The region's shortfall stems from a projected installation of between 7,500 and 11,600 MW of gas-fired generation by 2005. Virtually all of the new generating facilities plan to use gas from Western Canada, the Gulf Coast, or—increasingly—from new reserves off the coast of Nova Scotia.

Pipeline industry officials say the Northeast's problems are not surprising given the obstacles thrown up to the industry's efforts to add capacity to the five major interstate pipeline systems now serving the region.

"FERC delayed one projected by over a year and a half because they had 7,000 landowner complaints," said Jerry Halvorsen, president of the Interstate Natural Gas Association of America (INGAA). "But we went into the FERC document room and identified that only 5 percent of those complainants were actually along the right of way, and in one case they had counted one letter 14 times."

Halvorsen also pointed to opposition from utilities concerned that expansion would primarily feed independent generators, and environmental agency concern about stream crossings.

He added that the Federal Energy Regulatory Commission, under the leadership of new Chairman Curt Hebert, seems now to be headed in the right direction.

"I think FERC will do what it has to," he said.

The ISO suggests a number of ways to both increase the flow of natural gas and reduce dependence, including: Requiring merchant generators to certify the "character and quality" of their gas transportation; additional modeling to predict impacts of system breakdowns; and support for streamlining federal pipe approval.

"These fixes are doable if we get started now," said ISO Vice President of System Operations Stephen Whitley. "If you wait until winter's over and forget about it because the cold weather's gone, and then start talking about it later, that would be terrible."

Officials representing New England generators generally agreed with the findings of the ISO's study, but objected to its recommendation that IPPs be required to have fuel-switching capability.

"We would oppose that," said Neal Costello, general counsel for the Competitive Power Coalition of New England. "ISO New England need to understand that they were created to facilitate the development of a competitive wholesale market. They are not 'The Great Regulator,' which is unfortunately sometimes how they view their role.

"The fuel-switching capabilities of plants can be somewhat misleading. Let's be honest about it: We [the generators] would be switching from gas that people use to heat their homes, to distillate oil that people use to heat their homes."

Costello said also said "draconian environmental regulations" were part of New England's gas-dependence problem.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Does the Senator desire to speak? I will be glad to let the Senator proceed, and then I will follow.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Ms. CANTWELL. I say to my colleague from New Mexico, I appreciate being deferred. And I say to my other colleague from New Mexico, I appreciate and wish to be associated with his remarks.

Obviously, we are here discussing the best ways to move forward on pipeline safety for the country. Obviously, despite the troubling record, this bill puts much of the responsibility of additional standards into the hands of the Transportation Department and the Office of Pipeline Safety.

In this legislation, we are relying on the Office of Pipeline Safety—a small office of only 55 inspectors—to be the principal Government agency responsible for ensuring the safety of 2 million miles of our Nation's pipelines.

After years of failure in responding to congressional mandates—not having the capacity—one of the key issues for me, as this bill moves through the process of the other body, and through a conference committee, will be the level of support for funding given to the Office of Pipeline Safety and their ability to take on the monitoring responsibilities and the responsibilities of the amendment that was offered by Senator CORZINE, myself, and others, which was adopted.

The pipeline safety disruptions not only endanger human health and safety but the leaks and explosions and fires associated with pipeline ruptures can devastate the environment and disrupt critical energy flows.

Ultimately, considering the increasing incidents of pipeline disruption, and a system that has led to over 243 pipeline-related deaths since 1990, the unfortunate state of pipeline safety in this country demands that we make this a higher national priority.

I believe the bill today—unlike the version prior to being amended, which was not a better bill—with this amendment that was adopted is a better bill, but I can only support this in the final passage out of conference if we continue to improve the bill through the process. I will be working diligently with my colleagues from around the country, with the delegation in Washington, and in the House to make sure that is a reality.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor a bill to modernize our nation's pipeline safety programs. The issue of our country's pipeline safety came to the forefront after tragic explosions in Bellingham, Washington, and later, in my own state of New Mexico.

On August 19, 2000, twelve members of an extended family were on a camping and fishing trip along the Pecos River near Carlsbad, NM. Just after midnight, a natural gas pipeline exploded, sending a 350 foot high ball of flame into the air. Six of the campers died instantly. The six remaining family members later died from their horrific injuries.

I am not here today to argue the reasons why pipeline tragedies, such as the one in Carlsbad, continue to occur. I am not here today to further admonish the traditionally poor regulatory enforcement by the Office of Pipeline Safety.

In that regard, I am confident that the new Administration will assume its responsibility to vigorously oversee and enforce pipeline regulations.

What I am here to do today, is to work so that we don't have to think twice before camping with our families and friends. I am here to do my part, to assume my responsibility, so that pipeline tragedies like in Carlsbad, do not happen again.

Pipelines carry almost all of the natural gas and 65 percent of the crude oil and refined oil products. Three primary types of pipelines form a network of nearly 2.2 million miles, 7,000 of which lie in my own state of New Mexico.

Pipelines stretch across our country. They allow us to obtain energy resources quickly and economically.

In light of the energy crisis in California, and in the west in general, the value of our nation's pipeline system is obvious. We must have access to energy.

Therefore, pipelines and the potential hazards they pose affect us all. It is time that we do something to ensure our safety while protecting our access to energy.

Mr. President, this bill:

Significantly increases States' role in oversight, inspection, and investigation of pipelines.

Improves and expands the public's right to know about pipeline hazards.

Dramatically increases civil penalties for safety and reporting violations.

Increases reporting requirements of releases of hazardous liquids from 50 barrels to five gallons.

Provides important whistle blower protections prohibiting discrimination by pipeline operators, contractors or subcontractors.

Furthermore, the legislation would provide much needed funding for research and development in pipeline safety technologies.

In fact, technology currently exists that might have detected weaknesses in pipelines around Carlsbad. Unfortunately, due to insufficient funding those products have yet to reach the market.

La Sen Corporation in my own State of New Mexico has developed technology that can detect faulty pipelines where current pipeline inspection technology is not usable. La Sen's Electronic Mapping System can be very effective even in pipelines where conventional pig devices cannot be used.

Pipeline inspection is costly and slow. Innovative new technologies could allow us to inspect all 2.2 million miles of pipeline each year in a cost effective manner. Today, pipeline inspection technology only covers 5–10 miles per day at a cost of $50 per mile. Again, La Sen's technology can survey 500 miles per day at a cost of $32 per mile.

The bottom line is that today, we can take action that will hopefully make pipelines safer.

I encourage my colleagues to recognize the potential dangers that pipelines pose and to minimize those dangers by unanimously passing this legislation.

Mr. President, on August 19th, New Mexicans, and the country to some extent, woke up to find out that at a camping site near Carlsbad, NM, right by our second largest river, which has been frequently used by families, that a pipeline exploded reigning fire and terror. Six people died instantly and six other family members and friends died shortly thereafter. And then one additional lived for a while and then died.

It was a very tragic event for a small State, especially a State where we know how important natural gas is. We produce a lot of it. We know how important crude oil is. We produce a lot of it. But nonetheless, it was thought by many that we could do better, that these kinds of things should not happen.

I am not an expert, but I do believe that, as the facts have determined subsequent to that event, the Nation's inspection mechanism for pipelines has been underfunded, understaffed, and probably at a minimum, lackadaisical, and to some extent totally asleep.

This bill says it is a far more important issue. And it comes at exactly the right time. Because we are assessing our country's energy situation. We are going to find, when the President's task force reports, that we are growing more and more dependent upon natural gas and becoming more and more dependent upon foreign oil. Everyone should know that pipelines are very important solution to our energy crisis.

We already know there are 2.2 million miles of pipeline carrying natural gas across this country. Sixty-five percent of the crude oil refined is in these pipelines. And 7,000 of these miles are in the State of New Mexico. This bill does a number of significant things to improve the situation and, perhaps, make it such that we won't have these kinds of problems in my State, and wonderful people like those whose relatives woke up and read about their friends at this camp site that were burned to death, at the pipeline rupture site.

Once again, the inspection process is rather crude today. We have to do a lot better. I am quite certain, that the small corporation to which I referred the Senate a minute ago, La Sen Corporation in New Mexico is not the only technology around, but it is among the most exciting. We are quite sure that company is going to succeed and that we will be inspecting the pipelines of our country, whether they hang above ground in some areas or whether they are underground. They are going to inspect them from small airplanes with technology on board that will be so technically significant, with reference to detection of the composites that are part of either natural gas or crude oil in the pipelines. They will detect and report those composites, much like a radar screen in these small airplanes.

If that occurs, as I indicated a while ago, instead of 5 to 10 miles a day, with crews and current equipment, we will inspect 500 miles a day, and it will be ultimately cheaper per mile. That is what ultimately has to happen. This bill helps. It does put more money and directs more research into pipeline safety technologies.

I yield the floor.

Mr. KENNEDY. Mr. President, this bill authorizes the Secretary of Transportation to take the steps necessary to protect the families of communities served by pipelines that are, or could be, hazardous. Under Section 14 of the bill, the Secretary can order necessary corrective action for hazardous facilities, including closing the facilities. In the case of pipeline accidents, the Secretary can remove or reassign responsible employees.

The Secretary's authority to deal with pipeline accidents and safety hazards can and should be exercised in ways that treat workers at pipelines and pipeline facilities fairly. Under the bill, the Secretary may direct pipeline operators to relieve employees from their duties, reassign them, or place them on leave for an indefinite period of time—all without any provision for those employees to receive compensation or benefits. Employees who may ultimately be determined to bear no responsibility for an accident could be put on extended unpaid leave under the bill. I believe that greater protections are needed for the men and women who work at the nation's pipelines and pipeline facilities. The vast majority of these workers are dedicated to protecting the health and safety of the communities they serve. As we go to conference with the House on this important bill, I urge the conferees to amend this provision to avoid the possible mistreatment of these workers.

Mr. ENZI. Mr. President, I rise in support of the Pipeline Safety Improvement Act of 2001. I commend the work of the chairman and ranking member of the Commerce Committee, Senators McCAIN and HOLLINGS, for their hard work on this legislation. I believe that this legislation takes a balanced approach to an important issue and provides for an increase in public safety without unduly burdening a vital ingredient of our energy infrastructure.

This legislation takes several important steps in improving the safety of America's oil and natural gas pipelines. There are several elements of this legislation that I would like to highlight. First, this legislation requires the implementation of pipeline safety recommendations recently issued by the Department of Transportation (DOT) Inspector General to the DOT Research and Special Programs Administration (RSPA). The Inspector General has recommended that the pipeline industry finalize outstanding Congressional mandates protecting sensitive environmental areas and high-density population areas. Moreover, it calls for the implementation of a training program for the Office of Pipeline Safety (OPS) inspectors.

Second, it requires pipeline operators to submit to the Secretary of Transportation, or the appropriate State regulatory agency as the case requires, a plan designed to enhance the qualifications of pipeline personnel. I hope that this approach, in which the pipeline operators themselves are consulted on the proper safety and training qualifications of their personnel, is a cooperative one that will not only increase public safety, but also encourage the pipeline industry to take ownership in the standards they are called upon to implement.

Third, this bill calls upon the Secretary of Transportation to issue regulations that require hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks of the operator's facilities in environmentally sensitive and high-density population areas, and to implement a program for integrity management that reduces identified risks of an incident in those areas. Under these guidelines, the pipeline operator's integrity management plan must be based on risk analysis and must include a periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or some other effective methods, to ensure that identified problems are corrected in a timely manner. Again, I am hopeful that this integrity management plan will allow operators to be even more pro-active in identifying potential problems and correcting them before any accidents occur.

Fourth, this legislation requires an operator of a gas transmission or hazardous liquid pipeline facility to carry out a continuing public education program that would include activities to advise municipalities, school districts, businesses, and residents of pipeline facility locations on a variety of pipeline safety matters. Educating the community on issues of pipeline safety should also serve to decrease the incidents of dangerous accidents in these areas.

While no legislation can entirely alleviate the elements of risk and danger from human experience, there are ways that government, businesses, and local communities can cooperate to help minimize risks of serious accidents. When crafting such legislation, it is also important to ensure that any additional burdens we place on private businesses will result in benefits that outweigh those costs. This is especially important in the area of oil and gas pipelines, which are the arteries of energy production that allow us to fuel our cars, heat and cool our homes, and carry out countless activities in our daily lives. All the oil and natural gas in the world is worthless if we are unable to get it to the American consumers. For this reason, I am especially heartened by the cooperative approach that was taken in preparing this legislation to ensure that all the various stakeholders were heard and their legitimate concerns were incorporated into this important legislation. I urge my colleagues to join me in supporting the Pipeline Safety Improvement Act of 2001.

Mr. KERRY. Mr. President, I rise to make a short statement about the Pipeline Safety Improvement Act of 2001. This bill is identical to legislation we considered and passed in the 106th Congress.

Last year, I took the time to outline the problem we now face in regard to this issue, and I want to take a moment to do that again. To understand this legislation, you must understand the situation from which we started. The federal government, through the Department of Transportation, regulates more than 2,000 gas pipeline operators with more than 1.3 million miles of pipe and more than 200 hazardous liquid pipeline operators with more than 156,000 miles of pipe. To protect the public safety and the environment and maintain reliability in the energy system over that massive infrastructure is an enormous challenge. The responsibility for meeting that challenge, no matter how great it is, falls upon the industry and federal government, specifically, DOT's Office of Pipeline Safety. It is clear that both OPS and the industry have failed to rise to that challenge, and we have paid a high price.

According to the OPS, since 1984, there have been approximately 5,700 natural gas and oil pipeline accidents nationwide, 54 of them in my home state of Massachusetts. In the 1990s, nearly 4,000 natural gas and oil pipeline ruptures—more than one each day—caused the deaths of 201 people, injuries to another 2,829 people, cost at least $780 million in property damages, and resulted in enormous environmental contamination and ecological damages. Two accidents in particular show us the tragic consequences of pipeline accidents. On June 10, 1999, a leaking gasoline pipeline erupted into a fireball in Bellingham, Washington. The fire extended more than one and half miles, killing two 10-year-old boys and a young man. The second accident took place in August in Carlsbad, New Mexico. A leaking natural gas pipeline erupted killing 12 members of an extended family on a camping trip. My sympathies go out to all those involved in these incidents. They are truly tragic.

The Senate Commerce Committee and others have investigated the cause of this tragic record. What we found, sadly, is that OPS was simply failing to do its job. The head of the National Transportation Safety Board, Jim Hall, gave the OPS "a big fat F" for its work. As we considered the legislation in the Commerce Committee, I found that OPS had fallen short in the area of enforcement, in particular. Enforcement is the backbone of any system of safeguards designed to protect the public and the enforcement. Without the threat of tough enforcement, companies, the unfortunate record shows, do not consistently comply with safeguards. The resulting harm to people and places is predictable and regrettable. I will not outline all of the details here today, but I recommend to anyone interested that they read the General Accounting Office's investigation into OPS dated May 2000.

The Pipeline Safety Improvement Act of 2001 includes enforcement reforms and enhances the role of OPS and the Department of Justice in enforcement. These provisions, which I proposed in the Commerce Committee in the 106th Congress, will, I believe, put some teeth into our pipeline safety laws. They include raising the maximum fines that OPS can assess a company from $500,000 to $1,000,000; ensuring that companies cannot profit from noncompliance; clarifying the law regarding one-call services; and allowing DOJ, at the request of DOT, to seek civil penalties in court to ensure that serious violators can be punished to the fullest extent of the law.

The bill makes other significant improvements to existing law. My colleagues Mr. MCCAIN and Mrs. MURRAY have outlined many of these provisions and how they will improve pipeline safety. In addition, Mr. CORZINE has offered a successful amendment that will require pipeline inspections on a 5 year basis when appropriate. That is a significant improvement. However, Mr. President, despite the improvements in the underlying bill and Mr. Corzine's amendment, S. 235 falls short in some areas. It is my hope that the legislation will be further improved in the House and in the House-Senate conference by including worker certification, enhancing right-to-know provisions and other steps that would improve environmental and public safety protections. I look forward to continuing to work on this legislation, improve it, and, ultimately, improving the pipeline safety throughout the nation.

Mr. LEVIN. Mr. President, this legislation is very important to the people of Michigan because we know what it is like to have pipeline safety concerns in our own backyard. Last June, a gasoline pipeline ruptured in Michigan, spilling more than 70,000 gallons of gasoline. Further, national estimates rank Michigan second only to Texas in the number of repairs to damaged or leaking natural gas lines. Clearly, we need comprehensive legislation which will help prevent further tragedies like those which have occurred in the United States over the past few years.

This legislation would strengthen pipeline safety regulations and encourage increased participation from interested and affected state agencies and communities as well as expand citizen right-to-know provisions. It would also provide increased funding to the development of technologies to improve pipeline safety.

Although this bill could be stronger, it accomplishes many goals. I hope that when it comes back from Conference, we will see an even stronger bill. However, I will support this legislation at this time because I believe it moves us in the right direction.

Mr. SMITH of Oregon. Mr. President, as a co-sponsor of S. 235, the Pipeline Safety Improvement Act of 2001, I would like to urge my colleagues to support this balanced bipartisan bill.

I am a new member of the Senate Commerce Committee, and have been privileged to be appointed as Chair of the Surface Transportation and Merchant Marine Subcommittee. I have also been a member of the Senate Energy and Natural Resources Committee for a number of years.

In the past few years, I have heard numerous witnesses discuss the need to obtain more supply and build more energy infrastructure to service the increasing energy demand. On a number of occasions I have heard, for example, that demand in the natural gas market is expected to increase from 22 trillion cubic feet to 30 trillion cubic feet by around 2010 to 2012 and that the interstate natural gas pipeline industry is having to spend over $2.5 billion per year to build the necessary pipeline and storage facilities to meet this demand.

More recently, these issues have taken on a sense of urgency as the electricity problems in California have reached beyond that state to affect the availability of electricity in Oregon and to significantly increase the rates that my constituents are paying at this time.

I also know that it is important to assure the public that both new pipelines and existing pipelines are safe. The Pipeline Safety Improvement Act puts into place a number of commonsense measures that will encourage pipeline operators to coordinate safety and emergency procedures with national and state officials. The improvements mandated by this bill will help to eliminate accidents and decrease the very real hazards for those who live and work near the pipelines that crisscross our nation.

S. 235 requires the Office of Pipeline Safety to promulgate regulations to require operators of natural gas transmission pipelines and hazardous liquid pipelines to evaluate the risks to the pipeline, focusing on areas that are highly populated or, in the case of hazardous liquid pipelines, areas that are environmentally sensitive.

S. 235 also provides more opportunity for state and local government input when new regulations are promulgated. States that are interested in acting as interstate agents can participate in special investigations involving incidents or new construction and assume additional inspection or investigatory duties or other activities under the regulations issued by the Office of Pipeline Safety.

The Pipeline Safety Improvement Act calls on pipeline operators to review their public education programs for effectiveness and modify them if necessary. Furthermore, S. 235 says the Office of Pipeline Safety may issue standards prescribing the elements of an effective public communications program.

As the new Chairman of the Surface Transportation Subcommittee, I will become very involved in this pipeline safety program. I plan to sit down with the staff of the Office of Pipeline Safety to learn more about their plans for implementing legislation and what they may need to improve their effectiveness. I also plan to oversee their activities to make sure that, once Congress passes a reauthorization bill, they will move to implement the intentions of Congress.

I know that S. 235 is the product of bipartisan cooperation and I support quick passage of this bill.

Mr. DASCHLE. Mr. President, today the Senate is considering S. 235, legislation to improve the safety of pipelines carrying oil, natural gas and hazardous liquids. I commend Senator McCAIN, Senator HOLLINGS, Senator MURKOWSKI and Senator BINGAMAN for their work on this legislation.

Over the past few years, deadly pipeline explosions have destroyed homes and taken lives. There is no question that safety standards need to be improved to ensure the safety of all Americans and to avoid interruptions of energy supplies that can lead to shortages and significant price increases. This legislation will help to meet this goal by strengthening safety regulations, updating penalties for safety violations, improving whistleblower protections and providing increased funding for safety research and enforcement.

I also want to express my support for the objectives mentioned today by Senator TORRICELLI and Senator CORZINE, and my appreciation for the willingness of Senator McCAIN and Senator HOLLINGS to address these issues. It is my hope that the final bill will include strong right-to-know, oversight, enforcement and worker certification provisions, and ensure that those who violate regulations are held accountable for their actions. Finally, we need to ensure that adequate funding will be available to meet all of these goals.

Once again, I want to thank my colleagues for their work on this issue.

Mr. LOTT. Mr. President, today the Senate has the opportunity to move one step closer to correcting an extreme disappointment of the 106th Congress. S. 2438, the Pipeline Safety Improvement Act of 2000, which passed the Senate unanimously on September 7, 2000, but never made it across the finish line in the House of Representatives, has been reintroduced this Congress as S. 235, the Pipeline Safety Improvement Act of 2001.

This legislation is the result of months of extraordinary bipartisan effort by Senators JOHN McCAIN, PATTY MURRAY, Slade Gorton, JEFF BINGAMAN and PETE DOMENICI. Significant contributions to the legislation were also made by Senators JOHN BREAUX, FRITZ HOLLINGS, SAM BROWNBACK, RON WYDEN, JOHN KERRY, KAY BAILEY HUTCHISON and BYRON DORGAN.

I also feel some ownership of this effort. I serve on the Senate Committee on Commerce, Science and Transportation, which prepared the bill for the Senate's consideration, and my home state of Mississippi hosts many, many miles of pipelines. These issues are extremely important to me.

S. 235 is an excellent bill. It is probably the most significant rewrite of our pipeline safety laws in more than a decade. It is a tough bill.

It comes on the heels of horrific accidents in Bellingham, Washington, Carlsbad, New Mexico, and in locations in Texas, that resulted in the deaths of a total of 17 people.

The authors of this bill were determined to put the necessary specific requirements into the pipeline safety statutes that would prevent these kinds of accidents from happening in the future. They were successful.

The bill represents a watershed change in the types of requirements on pipeline operators for inspection, pipeline facility monitoring and testing, employee training, disclosure of information, enforcement, research and development, management and accountability. It is as comprehensive, tough, and complete as to be expected of a bill that emerged from a thorough process of hearings, both here and in the field, data gathering, and working with the Administration, States and local groups.

It is the kind of legislative work product to be expected from the experience, independence and determination of the Senators who worked on S. 235. The pipeline industry had no choice but to submit to this legislation.

Last year it received the affirmative vote of more than three fourths of the Congress—all of the Senate and just under two-thirds of the House. It received the written praise of Secretary Slater and the Vice President Gore.

Now, at a time when there is no question that this country is in dire need of a sound energy policy, the Senate has the opportunity to address one very important component of that policy—pipelines.

Today's fuel prices are a daily reminder that America is now at the mercy of foreign oil producing nations. However, before you blame your neighbor's SUV, your local fuel distributors, the oil companies, the automakers, or any of the other usual scapegoats, consider this fact—America is one of the leading energy producing countries in the world. This country has the technology, alternative resources, and enough oil and gas to be much more self-sufficient. America does not have to revert back to the practices of the 1970s. The goal of the soon to be introduced energy policy legislation is to reduce the dependence on foreign sources by 50 percent by 2010. This goal can be accomplished, and with the accomplishment of this goal will be an increased need for the use of pipelines—safe pipelines.

There is no question that this bill would make much needed improvements in pipeline safety. There will be time in the coming months to debate energy policy. Let's keep this bill clean and focus on pipeline safety.

The PRESIDING OFFICER. All time has expired.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill, as amended, having been read the third time, the question is, Shall it pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Crapo
Miller

The bill (S. 235), as amended, was passed, as follows:

S. 235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Pipeline Safety Improvement Act of 2001".

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) Reports by the Secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) Reports by the Inspector General.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) In General.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) Public Availability.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) Reports to Congress.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) Qualification Plan.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) Requirements.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) Report to Congress.—

(1) In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry and employee organization responses to those actions and recommendations.

(2) Criteria.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) Due date.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

"(c) Integrity Management.—

"(1) General requirement.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2002, whichever is sooner.

"(2) Standards for program.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods. The assessment period shall be no less than every 5 years unless the Department of Transportation Inspector General, after consultation with the Secretary determines there is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this paragraph;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

"(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

"(3) Criteria for program standards.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

"(4) State role.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(5) Monitoring implementation.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

"(6) Opportunity for local input on integrity management.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2001, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

"(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.".

SEC. 6. ENFORCEMENT.

(a) In General.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General Authority.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment."; and

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous,".

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§60116. Public education, emergency preparedness, and community right to know

"(a) Public Education Programs.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2001, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) Emergency Preparedness.—

"(1) Operator liaison.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2001, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) Information.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) Smaller communities.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) Public access.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) Community Right To Know.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2001, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) Public Availability of Reports.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.".

(b) Safety Condition Reports.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

(c) Conforming Amendment.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know.".

SEC. 8. PENALTIES.

(a) Civil Penalties.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) Penalty Considerations.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and

"(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires.".

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking "GENERAL AUTHORITY.—" in subsection (a) and inserting "AGREEMENTS WITHOUT CERTIFICATION.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) AGREEMENTS WITH CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

"(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2002, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2001 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.".

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) ENDING AGREEMENTS.—

"(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

"(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

"(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $26,000,000 for fiscal year 2002, of which $20,000,000 is to be derived from user fees for fiscal year 2002 collected under section 60301 of this title; and

"(2) $30,000,000 for each of the fiscal years 2003 and 2004 of which $23,000,000 is to be derived from user fees for fiscal year 2003 and fiscal year 2004 collected under section 60301 of this title.".

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

"(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

"(1) $17,000,000 for fiscal year 2002, of which $15,000,000 is to be derived from user fees for fiscal year 2002 collected under section 60301 of this title; and

"(2) $20,000,000 for the fiscal years 2003 and 2004 of which $18,000,000 is to be derived from user fees for fiscal year 2003 and fiscal year 2004 collected under section 60301 of this title.".

(c) OIL SPILLS.—Section 60125 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs authorized in this Act for each of fiscal years 2002, 2003, and 2004.".

(d) PIPELINE INTEGRITY PROGRAM.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2002 through 2006.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12

of this Act for each of the fiscal years 2002 through 2006.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2002 through 2006.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting "(1)" after "CORRECTIVE ACTION ORDERS.—"; and

(2) by adding at the end the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until the earlier of the date on which—

"(A) the Secretary determines, after notice and an opportunity for a hearing, that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2001 and can safely perform those activities.

"(3) Action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§60129. Protection of employees providing pipeline safety information

"(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.".

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

"(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

"60129. Protection of employees providing pipeline safety information.".

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 18. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

SEC. 19. STUDY OF NATURAL GAS RESERVE.

(a) FINDINGS.—Congress finds that:

(1) In the last few months, natural gas prices across the country have tripled.

(2) In California, natural gas prices have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(3) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(4) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 1, 2000.

(5) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(6) It is also necessary to find solutions for the lack of natural gas reserves that could be used during emergencies.

(b) STUDY BY THE NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to—

(1) conduct a study to—

(A) determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(B) identify any Federal or State policies that may have contributed to the price increases; and

(C) determine what Federal action would be necessary to improve the reserve supply of natural gas for use in situations of natural gas shortages and price increases, including determining the feasibility and advisability of a Federal strategic natural gas reserve system; and

(2) not later than 60 days after the date of enactment of this Act, submit to Congress a report on the results of the study.

SEC. 20. STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES IN NEW ENGLAND.

(a) STUDY.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. In carrying out the study, the Commission shall consider—

(1) the ability of natural gas pipeline and storage facilities in New England to meet current and projected demand by gas-fired power generation plants and other consumers;

(2) capacity constraints during unusual weather periods;

(3) potential constraint points in regional, interstate, and international pipeline capacity serving New England; and

(4) the quality and efficiency of the Federal environmental review and permitting process for natural gas pipelines.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the appropriate committee of the House of Representatives a report containing the results of the study conducted under subsection (a), including recommendations for addressing potential natural gas transmission and storage capacity problems in New England.

Mr. LEAHY. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 21, THE SOCIAL SECURITY AND MEDICARE LOCK-BOX

Mr. DASCHLE. Mr. President, earlier today, Senator LIEBERMAN became a cosponsor of S. 21, the Social Security and Medicare Lock-Box bill that I introduced earlier this year. Senator LIEBERMAN was an important supporter of this legislation last year. Unfortunately, in spite of the fact that this bill received 60 votes in the Senate, Republicans opted to prevent the bill from becoming law.

However, given the fact that some in the administration and the other side of the aisle have indicated they may not support protecting Social Security and Medicare trust funds, it is even more important that we enact this legislation. I look forward to working with Senator LIEBERMAN and all the others who have supported the idea that Social Security and Medicare funds should be used for these programs and these programs alone.

EDUCATIONAL EXCELLENCE FOR ALL LEARNERS ACT

Mr. REID. Mr. President, today, I am cosponsoring S. 7, the Educational Excellence for All Learners Act. This bill increases school capacity, makes schools accountable for results and ensures increased student achievement. S. 7 ensures that the federal government uphold its commitment to the local school districts to fully fund the IDEA program.

S. 7 also promotes literacy by increasing the funding for the Reading Excellence Act. Another area in great need for resources in our educational system is teacher training. Senator CONRAD and I have proposed legislation that is included in S. 7 which would provide federal support for teacher technology training to better prepare teachers to teach technology to our children.

But, I am gravely concerned that we will not have the resources that will be needed to properly fund our obligations to education—and give back to the American family. A tax cut of the magnitude that George W. Bush is pushing will not only eliminate any increase in funding for the military—as President Bush announced a few days ago—but it will also eliminate any increase in funding for the education of our children.

I say to President Bush—we should not leave our children behind. I am not saying that Democrats do not support a tax cut. To the contrary. However, the difference between Democrats and Republicans is that Democrats are unwilling to jeopardize the domestic dividends that will materialize over the next generation for the health and education of our families.

Specifically, we have to have a fiscally responsible tax cut that allows us to protect social security, provide a prescription drug benefit, fund education, ensure a strong and stable military, and continue to pay down the debt. Paying down the debt is better than a tax cut because it provides a more direct and efficient mechanism to stimulate the economy through lower interest rates, lower inflation and higher family incomes.

We know that, as the Governor of Texas, President Bush made grand proposals; got just a little piece of what he asked for, and walked away declaring victory. He knows that he won't get all $1.6 trillion of his tax cut. But he could have—the American people could have—a tax cut of $900 billion. This amount exceeds the tax cut put forward by the Republicans in 1999 (that was $792 billion)—less than 3 years ago. A tax cut of $900 billion provides immediate elimination of the estate tax for virtually all taxpayers (e.g., 95 percent of family farms and 75 percent of family businesses), complete elimination of all 65 marriage penalties, college tuition tax credits and child care credits. And, we can provide business tax cuts such as incentives for research and development and employee pension benefits.

The people of Nevada want a tax cut, I want a tax cut, and Democrats want a tax cut. But we should all remember—the people of Nevada want a strong educational system, I want a strong educational system, and Democrats want a strong educational system. Let us not leave any child behind in this tax and budget debate.

AMT REFORM

Mrs. LINCOLN. Mr. President, yesterday Senator LUGAR and I joined forces with a bipartisan group of Senators to disarm one of the quickest ticking time bombs hidden away in our tax code. Senator LUGAR and I were joined by Senators BREAUX, KYL, LANDRIEU, COCHRAN, and BAYH in introducing a bill to permanently provide tax protection for millions of taxpayers from the Alternative Minimum Tax.

The AMT was created to reduce the ability of some individuals to completely avoid taxation by using tax preference items excluded from the income tax. The AMT was first established in 1969 after the Secretary of Treasury testified before Congress that 155 high-income individuals had paid no federal income taxes in 1966. Over the years the AMT has been amended several times and has gone from what was essentially a surcharge on tax preference items to the current system, which is generally considered a separate tax system that parallels the regular individual income tax but having its own definitions of income, its own rates, and its own problems.

There are two basic problems with the AMT. Number one, there are many items considered in AMT determination that simply should not be there, and number two, the exemption amounts are not indexed. Last Congress I took the lead on combating the former problem, and Senator LUGAR took the lead on the latter. This year we have come together in a bipartisan way to fight both.

There are several tax credits, including the child tax credit which President Bush proposes to double and the Adoption Credit which Senator LANDRIEU is working so hard to revise and expand, that are considered preference items when determining AMT liability. These personal credits along with the standard deduction and the personal exemption can hardly be considered luxury preference items and including them in the AMT calculation goes against the spirit of the reform which brought about the AMT. The bill which I have introduced will permanently remove the nonrefundable personal credits, the standard deduction and the personal exemptions from the AMT formula. In short, Mr. President, no one should be forced into paying higher taxes because they took the Hope Scholarship Credit, the deduction for their spouse and dependents, or because they take the credit for the dependent care services necessary for keeping a job! It is time to permanently protect working families from having to choose between higher taxes and family credits.

The second provision of this bill increases the individual exemption amount for the AMT, and indexes it from here on out. This indexing will make sure that limits we set stay economically accurate as inflation reduces the value of the exemption over time.

I believe this plan is a comprehensive and bipartisan way to take on this issue and put it to rest for the long term. Even if we do not choose this approach, which I believe is the most effective and cost effective approach, something clearly has to be done now or the AMT will explode in the coming few years. According to research by the Joint Tax Committee and the Treasury Department, the number of taxpayers affected by the AMT is expected to balloon from 1.3 million in 2000 to 17 million by 2010. That is almost 16 percent of all taxable returns! A return, by the way, which takes on the average 5 hours and 39 minutes to fill out. Of those 17 million taxpayers, 4.5 million are expected to be taxpayers who have to give up part of their tax credits to avoid the AMT tax liability. That is wrong and hard working middle-income families deserve better.

I ask my colleagues to take a fair look at this legislation and let's work together to put the AMT back into reason.

TAX CUTS

Mr. WELLSTONE. Mr. President, a study by the Center on Budget and Policy Priorities just came out. I want to read one statistic. This is Bob Greenstein's organization. Bob received one of those McArthur genius grants. He deserves it. This data on the tax cuts is so important. It says:

> An estimated 12.2 million low- and moderate-income families with children—31.5 percent of all families—would not receive any tax cut from the Bush proposal . . . .

Approximately 24.1 million children—33 percent of all the children in the country—live in these families, and among African Americans and Hispanics, the figures are even more striking: 55 percent of African American children and 56 percent of Hispanic children will receive no tax break at all because it is not refundable. We have to live up to our words of "leave no child behind."

I ask unanimous consent that this study by the Center on Budget and Policy Priorities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center on Budget and Policy Priorities, Feb. 7, 2001.]

AN ESTIMATED 12 MILLION LOW- AND MODERATE-INCOME FAMILIES—WITH 24 MILLION CHILDREN—WOULD NOT BENEFIT FROM BUSH TAX PLAN

(By Isaac Shapiro, Allen Dupree and James Sly)

About 12 million low- and moderate-income families with children—nearly one in every three U.S. families—would not receive any assistance from the tax provisions that President Bush is likely to send to Congress on February 8. An estimated 24 million children under age 18—one in every three children—live in these families.

For certain groups, the proportions of families and children not benefitting from the plan are higher. A majority of black and Hispanic children live in families that would not benefit from the plan. For these families and their children, the tax package neither raises after-tax income nor reduces their frequently high marginal tax rates.

This analysis investigates these figures in more detail and then examines the reason that so many families and children do not benefit—the families have incomes too low to owe federal *income* taxes. This leads to a discussion of whether families that do not owe income taxes should benefit from a large tax-cut proposal and the extent to which they owe taxes other than income taxes, most notably the payroll tax.

WHO WOULD BE EXCLUDED?

We examined the latest data from the Census Bureau to estimate the number of families and children under 18 who would receive no assistance from the Bush tax plan. The data are for 1999. We examined the Bush plan as proposed in the campaign and recently introduced by Senators Gramm and Miller; our analysis considers the effects of the plan as if it were in full effect in 1999.

The findings of this analysis are consistent with an independent analysis of who is left out of the Bush plan that has been conducted by researchers at the Brookings Institution and with data from the tax model of the Institute on Taxation and Economic Policy. The findings of the Brookings researchers (as part of a general analysis of tax ideas to assist working families that will be published later this week) and the unpublished data from the Institute on Taxation and Economic Policy both indicate that nearly one in three families would not receive any assistance from the Administration's proposal.

The key findings of our analysis include:

An estimated 12.2 million low- and moderate-income families with children—31.5 percent of all families—would not receive any tax cut from the Bush proposal. Some 80 percent of these families have workers.

Approximately 24.1 million children—33.5 percent of all children—live in the excluded families.

Among African-Americans and Hispanics, the figures are especially striking. While one-third of all children would not benefit from the Bush tax plan, *more than half* of black and Hispanic children would not receive any assistance. An estimated 55 percent of African-American children and 56 percent of Hispanic children live in families that would receive nothing from the tax cut.

Of the 24.1 million children living in families that would receive no benefit from the tax cuts, an estimated 10.1 million are non-Hispanic whites, 6.1 million are black, and 6.5 million are Hispanic.

Even the Bush proposal to double the child tax credit—the feature of his tax plan that one might expect to provide the most assistance to children in low- and moderate-income families—would be of little or no help to many of them. This proposal would provide the largest tax reductions to families with incomes in the $100,000 to $200,000 range and confer a much larger share of its benefits on upper-income families than on low- and middle-income families.

Under the Bush plan, the maximum child credit would be raised from $500 per child to $1,000. Filers with incomes in the $110,000 to $200,000 range would benefit the most from this proposal because the proposal raises the income level above which the child credit phases out from $110,000 to $200,000 extending the credit for the first time to those in this income category. For many of these relatively affluent taxpayers, the child credit would rise from zero to $1,000 per child. By contrast, millions of children in low- and moderate-income working families would continue to receive no child credit, or their credit would remain at its current level of $500 per child or rise to less than $1,000 per child (because their families would have insufficient income tax liability against which to apply the increase in the child credit).

As a consequence, Institute on Taxation and Economic Policy data indicate that when the increase in the child credit is fully in effect:

Some 82 percent of the benefits from the child credit proposal would accrue to the 40 percent of families with the highest incomes. Only three percent of the benefits from this proposal would accrue to the bottom 40 percent of families.

The top 20 percent of families would receive 46 percent of the tax-cut benefits from this proposal, a larger share than any fifth of the population would receive.

WHY FAMILIES WOULD NOT BENEFIT

During 2000, Bush campaign officials touted their tax-cut plan as benefitting lower-income taxpayers substantially in two key ways—by doubling the child credit to $1,000 per child and by establishing a new 10 percent tax-rate bracket. Some married families also would benefit from the plan's two earner deduction. None of these features, however, affect a family that has no income tax liability before the Earned Income Tax Credit is computed.

A large number of families fall into this category. As a result of the combination of the standard deduction (or itemized deductions if a family itemizes), the personal exemption, and existing credits such as the child tax credit, these families do not owe federal income taxes. (As described below, these families can pay substantial amounts in other taxes, such as payroll and excise taxes, even after the Earned Income Tax Credit is taken into account.)

The level at which families now begin to pay federal income taxes is approximately 130 percent to 160 percent of the poverty line, depending on family type and family size. For example, in 2001, a two-parent family of four does not begin to owe income tax—and thus does not begin to benefit from the Bush plan—until its income reaches $25,870, some 44 percent above the poverty line of $17,950. Families below the poverty line would receive no assistance from the tax cut: Nor would many families modestly above the poverty line.

The framers of the Bush plan could have assisted low-income working families by improving the EITC. Alternatively, the Bush plan could have expanded the dependent and child care tax credit and made it available to the low-income working families who currently are denied access to this credit because it is not refundable. Or, the plan could have increased the degree to which the child tax credit is refundable. The plan takes none of these steps.

WHAT FAMILIES SHOULD BENEFIT?

Since the reason 12 million families and their children would not benefit from the Bush plan is that they do not owe federal income taxes, some have argued that it is appropriate they not benefit. "Tax relief should go to those who pay taxes" is the short-hand version of this argument. This line of reasoning is not persuasive for several reasons.

1. A significant number of these families owe taxes other than federal income taxes, often paying significant amounts. For most families, their biggest federal tax burden by far is the payroll tax, not the income tax. Data from the Congressional Budget Office indicate that in 1999, three-quarters of all U.S. households paid more in federal payroll taxes than in federal income taxes. (This comparison includes both the employee and employer share of the payroll tax; most economists concur that the employer's share of the payroll tax is passed along to workers in the form of lower wages.) Among the bottom fifth of households, 99 percent pay more in payroll than income taxes. Low-income families also pay excise taxes and state and local taxes. While the Earned Income Tax Credit offsets these taxes for most working families with incomes below the poverty line, many families with incomes modestly above the poverty line who would not benefit from the Bush plan are net taxpayers.

Consider two types of families earning $25,000 a year in 2001, an income level the Administration has used in some of its examples:

A two-parent family of four with income of $25,000 would pay $3,825 in payroll taxes (again, counting both the employee and employer share) and lesser amounts in gasoline and other excise taxes. The family pays various state taxes as well. The family's Earned Income Tax Credit of $1,500 would offset well under half of its payroll taxes.

Even if just payroll taxes and the EITC are considered, the family's net federal tax bill would be $2,325. Nonetheless, this family would receive no tax cut under the Bush plan.

The Administration has used the example of a waitress who is a single-mother with two children and earns $25,000 a year. If this waitress pays at least $170 a month in child care costs so she can work and support her family—an amount that represents a rather modest expenditure for child care—she, too, would receive no tax cut under the Bush plan despite having a significant net tax burden. In her case as well, her payroll taxes would exceed her EITC by $2,325.

2. The Bush approach fails to reduce the high marginal tax rates that many low-income families face. Throughout the presidential campaign and early into the new Presidency, President Bush and his advisors have cited the need to reduce the high marginal tax rates that many low-income working families face as one of their tax plan's principle goals. They have observed that a significant fraction of each additional dollar these families earn is lost as a result of increased income and payroll taxes and the phasing out of the EITC. Ironically, however, a large number of low-income families that confront some of the highest marginal tax rates of any families in the nation would not be aided at all by the Bush plan.

Analysts across the ideological spectrum have long recognized that the working families who gain the least from each additional dollar earned are those with incomes between about $13,000 and $20,000. For each additional dollar these families earn, they lose up to 21 cents in the EITC, 7.65 cents in payroll taxes (15.3 cents if the employer's share of the payroll tax is counted), 24 cents to 36 cents in food stamp benefits, and additional amounts if they receive housing assistance or a child care subsidy on a sliding fee scale or are subject to state income taxes. Their marginal tax rates are well above 50 percent. Yet the Bush plan does not provide any assistance to them.

Ways to reduce marginal tax rates for such families are available and not especially expensive. They basically entail raising the income level at which the EITC begins to phase down as earnings rise, and/or reducing the rate at which the EITC phases down. Bipartisan legislation introduced last year by Senators Rockefeller, Jeffords, and Breaux follows such a course, as do proposals made by Rep. Ben Cardin and the Clinton Administration.

3. Consistent with the objective of helping working families lift themselves out of poverty, an additional income boost would be worthwhile. A key theme of welfare reform has been to prod, assist, and enable families to work their way out of poverty. The principle of helping families work their way out of poverty has gained support across the political spectrum. This principle is important for married families and single-parent families, and there is considerable evidence that welfare reform—in combination with a strong economy, low unemployment rates, and the EITC—has significantly increased employment rates among single mothers. Providing increased assistance to the working poor through the tax system could further the goal of making work pay.

Such assistance is particularly important since much of the recent gains in the earnings of the working poor have been offset by declines in other supports. For example, from 1995 to 1999 the poorest 40 percent of families headed by a single mother experienced an average increase in earnings of about $2,300. After accounting for their decrease in means-tested benefits and increases in taxes, their net incomes rose a mere $292. (Both changes are adjusted for inflation.)

In addition, a study the Manpower Demonstration Research Corporation has just released finds that improving income—and not just employment—is important if the lives of children in poor families are to improve. The MDRC report examined five studies covering 11 different welfare reform programs. The report's central finding was that increased employment among the parents in a family did not by itself significantly improve their children's lives. It was only in programs where the parents experienced increased employment and increased income that there were positive effects—such as higher school achievement—for their elementary school-aged children.

4. The rewards from the surplus should be spread throughout the population. The Bush tax package is likely to consume most, if not all, of the available surplus outside Social Security and Medicare. A recent Center on Budget and Policy Priorities analysis pegs the cost of the Bush plan at more than $2 trillion over 10 years, which would exceed the surplus that is likely to be available outside Social Security and Medicare when realistic budget assumptions are used. If large tax cuts are to be provided, it is appropriate to dedicate some portion of those tax cuts to the people with the most pressing needs, such as low-income working families with children.

THE PUBLIC EDUCATION REINVESTMENT, REINVENTION AND RESPONSIBILITY ACT

Mr. CARPER. Mr. President, I am very pleased to rise today in support of the Public Education Reinvestment, Reinvention, and Responsibility Act. I want to congratulate my good friends, the Senator from Connecticut and the Senator from Indiana, for their strong leadership on this issue. When they first introduced this legislation back last year, the prospects for bipartisan education reform looked far different than they do today. Members on the two sides of the aisle were sharply divided over the future of the Federal role in education. As a result, the Congress failed last year to reauthorize the Elementary and Secondary Education Act for the first time in its 35-year history.

Last year, it took courage and foresight for the supporters of this legislation to step into the partisan breach in the way that they did. This bill received all of 13 votes when it was first brought to the floor. Today, we ought to all be grateful for the leadership of those 13 senators, because this year the Public Education Reinvestment, Reinvention, and Responsibility Act represents the best hope and the best blueprint for finally achieving meaningful, bipartisan reform of the Federal role in education.

For the last eight years, I had the great privilege of serving my little State as governor. During that time, I worked together with legislators from both sides of the aisle, with educators and others, to set rigorous standards, to provide local schools with the resources and flexibility they needed, and in return to demand accountability for results. We in Delaware have not been alone in this endeavor. We have been part of a nationwide movement for change—a movement of parents and teachers, of employers, legislators and governors, who believe that our public schools can be improved and that every child can learn.

As a former chairman of the National Governors' Association, I can attest that the Federal Government is frequently a lagging indicator when it comes to responsiveness to change. It is clearly states and local communities that are leading the movement for change in public education today. The bill we introduce today does not seek to make the Federal Government the leader in education reform by micromanaging the operation of local schools. Nor does this legislation seek to perpetuate the status quo in which the Federal Government passively funds and facilitates failure. Rather, this legislation seeks for the first time to make the Federal Government a partner and catalyst in the movement for reform that we see all across this country at the State and local level. This legislation refocuses Federal policy on doing a few things, but doing them well. It redirects Federal policy toward the purpose of achieving results rather than promulgating yet more rules and regulations.

I believe we have a tremendous opportunity this year to achieve bipartisan consensus to reform and reauthorize the Elementary and Secondary Education Act, and in so doing to redeem the original intent of that landmark legislation. I want to express my appreciation to our new President for his interest in renewing educational opportunity in America and leaving no child behind. There is much in the legislation we introduce today that squares with the plan that the President sent to Congress last week. We on this side of the aisle agree with the President that we need to invest more Federal dollars in our schools, particularly in schools that serve the neediest students. We also agree that the dollars we provide, we should provide more flexibly. And we agree that if we are going to provide more money, and if we are going to provide that money more flexibly, we should demand results. That's the formula: invest in reform; insist on results.

I believe we also agree with our new President that parents should be empowered to make choices to send their children to a variety of different schools. We agree that parents are the first enforcers of accountability in public education. Where we disagree is in how we provide that choice. The President believes that the best way to empower parents and to provide them with choices is to give children and their parents vouchers of $1,500. With all due respect, that is an empty promise. In my State, you just can't get your child into most private or parochial schools for $1,500 per year. That is simply an empty promise.

I believe there is a better way. I believe we've found a better way in my little state of Delaware. Four years ago, we introduced statewide public school choice. We also passed our first charter schools law. I knew that this was going to work when I heard the following conversation between a school administrator and some of his colleagues. He said, "If we don't provide parents and families what they want and need, they'll send their kids somewhere else." I thought to myself, "Right! He's got it."

We have 200 public schools in my small State, and students in all of these schools take our test measuring what they know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my state is the East Side Charter School in Wilmington, Delaware. The incidence of poverty there is 83 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened its doors, very few of its students met our state standards in math. Last spring, every third grader there who took our math test met or exceeded our standards, which is something that happened at no other school in the state. It's a remarkable story. And it's been possible because East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They wear school uniforms. Parents have to sign a contract of mutual responsibility. Teachers are given greater authority to innovate and initiate.

We need to ensure that parents and students are getting what they want and need, and if they're not getting what they want and need that they have the choice—and most importantly that they have the ability—to go somewhere else. A $1,500 voucher, doesn't give parents that ability, at least not in my State. Public school choice and charter schools do.

We agree on many things. Where we disagree, as on vouchers, I believe we can find common ground. I believe that we can come together, for example, to provide a "safety valve" to children in failing schools, in the way of broader public school choice and greater access to charter schools. I am therefore hopeful, about the prospects for bipartisan agreement and for meaningful reform. To that end, I urge my colleagues to support the Public Education Reinvestment, Reinvention, and Responsibility Act.

A TRIBUTE TO SENATOR ALAN CRANSTON

Mr. LEAHY. Mr. President, it is with great sadness that I rise today to pay tribute to our friend and colleague Alan Cranston. His death on December 31 last year was a shock. Alan was such a life force that it is hard for me to imagine his silence and his not being there for great arms control debates.

Senator Cranston was a man of conviction, a true humanitarian in every sense of those words. He began his career in public policy in the 1930s as a journalist warning his readers of the dangerous rise of fascism. He knew even then that the United States was locked in an intricate web of relations with the rest of the world and that our attempts to ignore that web could only lead to calamity for ourselves and those around us. Alan understood the concept of globalization at least 50 years before it gained such notoriety to earn a name.

It was primarily that impulse to engage the world that brought Alan into elective office and eventually to the United States Senate. As State of California Controller from 1958 to 1967, he worked to rationalize the booming state's finances and ensure that all Californians could benefit from that phenomenal rise.

But it was in the Senate where Alan could most effectively work toward his vision of a peaceable world. Before the people of California sent him here in 1968, he learned about the Senate's moderating influence and the consequences of its shirking that role. In his post-World War "Killing of the Peace," Alan explained how the U.S. Senate's defeat of the League of Nations contributed to the outbreak of that war and the horrible events that followed.

Most of his activities during his impressive 24 years here were an expression of his deep desire for the Senate to avoid similar mistakes. He brought a special seriousness of purpose and attentiveness to arms control issues as diverse as the Strategic Arms Limitation Talks and ongoing production of the B-2 Stealth Bomber. On several occasions, I joined him in opposing the production of new, destabilizing types of nuclear weapons, and I was always struck by Alan's sense of nuance and willful resolve.

Alan was not one to ignore his own personal responsibilities to the Senate. As Democratic Whip, Alan made this body run efficiently. If there is anyone who was never afraid to count the votes, it was Alan. He knew how to smoke us out on our intentions. What made him so effective was his persuasive argumentation and downright persistence. Sometimes he could change my mind faster than he could run a 100-yard dash, which was pretty fast considering he was a lifelong record-setting sprinter.

It was unsurprising that after his Senate career he led the non-profit Global Security Institute where he continued to press from arms control initiatives. The Institute provided a perfect platform from which he could promote his expanded notion of security. After the Cold War, Alan realized before everyone else that security no longer meant merely protection from weapons of mass destruction. He saw that security in the new millennium was also about avoiding environmental degradation, securing our food supply, and educating our children.

Alan was a forward-thinker and an alternative voice at a time when conventional wisdom demanded examination. He worked to make our world safer, and he was a good friend. I will miss him greatly.

THE ALAN CRANSTON I KNEW: INTENSITY, INTEGRITY, AND COMMITMENT

Mr. BIDEN. A couple of weeks ago I had the sad duty to travel to California to represent the Senate and the Senate Foreign Relations Committee at a memorial service for Senator Alan MacGregor Cranston. It was a moving ceremony, a chance for all those in attendance to rededicate themselves to the noble goals which shaped Alan Cranston's life.

Alan Cranston will be remembered by those of us who knew and loved him as a man of peace who devoted much of his adult life—four terms in the Senate and a decade as director of the Global Security Institute—to the tasks of promoting nuclear arms control and encouraging world peace. These are not small objectives, but of course Alan Cranston's interests extended beyond them, literally, ". . . from the Redwood Forests to the Gulf stream waters." Never content to sit on the sidelines, Alan Cranston fought tirelessly for the causes in which he believed: nuclear disarmament, the environment, civil rights, and decent housing. He brought the intensity of a sprinter and the endurance of a marathoner to each of these causes.

During his tenure as a member of the Senate Foreign Relations Committee from 1981-1993, Alan Cranston was a devoted supporter of strong U.S. leadership in the world, whether it meant promoting the development of democracy in the Philippines and Cambodia or working to halt the spread of nuclear weapons.

Alan Cranston knew that the United States could not go it alone in the world. In an age when American unilateralism, if not isolationism, has gained a certain currency in Washington, Alan Cranston's life reminds us that the highest aspirations of the American people are those which lead us to care about others and work with others to address common problems.

The intensity, integrity, and commitment Alan Cranston brought to public service stand as an example we all might follow as we begin work in this 107th Congress.

Mr. President, I would ask unanimous consent that a transcript of the remarks made at Senator Cranston's memorial service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALAN MACGREGOR CRANSTON MEMORIAL SERVICE, GRACE CATHEDRAL IN SAN FRANCISCO, JANUARY 16TH, 2001

The following friends and family took part in the extraordinary memorial service of Alan MacGregor Cranston:

The Very Reverend Alan Jones, Dean, Grace Cathedral.

Colette Penne Cranston, daughter-in-law of Alan Cranston.

Kim Cranston, son of Alan Cranston.

Gray Davis, Governor of California.

Joseph Biden, U.S. Senator from Delaware.

Ted Turner.

Sally Lilienthal, President, Ploughshares Fund.

William Turnage, former President, Wilderness Society.

James Hormel, former U.S. Ambassador to Luxembourg.

Harris Wofford, former U.S. Senator from Pennsylvania.

Jane Goodall, Primatologist.

Cruz Reynoso, former Justice, California Supreme Court.

Jonathan Granoff, CEO, Global Security Institute.

The Very Reverend Alan Jones, Dean, Grace Cathedral.

ALAN JONES. Good afternoon. I am Alan Jones, the Dean of the Cathedral, and it is my privilege to welcome you to Grace Cathedral for this celebration of the life of Alan MacGregor Cranston.

It is fitting that such a large-hearted man be honored and remembered in a soaring and splendid space.

There was a comment in the London Times about the public reaction to the death of

Diana, Princess of Wales. First, it showed that our instinct for devotion is still deep within us. Second, that huge emotions require huge spaces, like cathedrals. And third, that the things we do in them are always up for change.

And so I invite you first to allow the instinct for devotion, the call of something and someone larger than ourselves to well up in you this afternoon, and I think the Senator would have applauded anything that called us out of our cynicism and challenged us not to accept futility as normal.

I invite you also to acknowledge that huge emotions require huge spaces. We need great spaces and ways of celebration in order to locate ourselves in a larger vision of the human enterprise.

And finally I invite you to be open to that fact, the fact that things we do in places like this are always up for change. Life is never business as usual, and nothing would have pleased Alan more than for us to leave this place resolved to make a difference.

So, we welcome you to the Cathedral for this celebration of the life of a man who held a large and generous vision of what it is to be human.

Our best way to honor him is to share and maintain that vision of a just and humane society on a planet fit for all living beings.

So as you remain seated, I invite you to pray.

Dear God, we thank you for the life and the work of Alan MacGregor Cranston. His generous spirit opened doors and touched many lives for good. His faith in the human enterprise inspired us to accept the great joy and responsibility of being human. His political skills ensured an enduring legacy.

He was friend to those who had no voice, and a lover of the great spaces of the wilderness. His long life touched and was touched by the great events of our time. He was a man for all seasons.

In public life, he fought for what he believed with passion and hard work. His caring, open-heartedness and his respect for people touched the lives of many. His generous spirit wanted everybody to do well, and this generosity was infectious.

And so we thank you for his capacity for friendship, his probing intelligence, and his refusal to be enticed into meanness and pettiness.

Finally, we thank you for his life and example, and we commend him into your gracious care. May we honor him by rededicating ourselves to peace on Earth, and goodwill to all people, and to building a more just and inclusive America. Amen.

Colette Penne Cranston. Hello! I am Alan's daughter-in-law, Colette. I am the first speaker because I need to be. Our daughter has commented that I seem to have an endless supply of tears. Since I was honored to have such a close, personal relationship with Alan, I wanted to give you some insights into his gentle, unwavering spirit. He was much more than my father-in-law, he was my friend, my advisor and now and I know he will love this he has become my Jiminy Cricket, that little voice in my conscience that says, 'think before you leap!'

Kim, Evan our seven-year-old daughter and I live right next to Alan's on the same property. Alan's big sister, who we call RE, lived up the hill from us until recently. This arrangement was such a gift for everyone! Alan and Evan had great sunset walks together, evenings of art work and stories around the fire at his place, and dinner dates out just the two of them. They would dress up and go to a restaurant, often one with a piano player, and make an evening of it. Evan called him "Gran." One night when the two of them were returning from a walk, Kim called me out to the balcony and said, "Listen!" We could hear their voices but couldn't see them yet. Alan was saying, "Well, you know, Evan, I don't know why that's true, but it is true dogs love to ride in cars and cats don't." Just then they rounded the corner to come up the driveway and they were holding hands.

A couple of years ago, the four of us spent three weeks in the UK. Our first week in London, Alan was occupied with meetings and a quick turn-around to Geneva, but the final two weeks we toured the countryside with no particular itinerary except to visit some relatives in Scotland and the grave of Rob Roy MacGregor, an ancestor who Alan's middle name is from. We also visited the graves of Alan and RE's great-grandparents six generations back, whose tombstones were leaning together and touching. Each evening before dinner, Alan would tell Evan a story, some lasting forty-five minutes. In the parlor of one bed and breakfast where we stayed for three nights, other guests would join in to listen and ask if they could come the next night to hear the stories, they were that good.

One of the most important, and I believe, reassuring lessons that we can take from Alan's life is that we do not have to be limited in our later years. When we tell people that Alan never retired, he never stopped working, they do not really hear that. The truth is that he was the most disciplined, diligent, and determined person I have ever met. He was also still making friends with and inspiring young people. Two such friends, a man in his thirties and a woman in her forties, touched us with their expressions of personal grief following Alan's death. The young men in their twenties who work with Alan's Global Security Institute, Patrick Neal, Zack Allen, and Tyler Stevenson, are bright and motivated and will do great things in their own lives with memories of Alan staying with them. Don't we all wish for a life of impact and meaning and a quick, painless end surrounded by those we love? He did most everything right!

I can, of course, remember a difficult time in Alan's career. At the time I was in an elected position also, so I was very interested in how he was handling it. As I watched what was happening to him, I asked him, "Alan, how can you bear this?" He answered, "Colette, there are politics in the locker room, the boardroom and the United States Senate. Since you have to put up with them wherever you are, I want to be in the Senate, where the politics are intense, but I can get the most done."

Over Thanksgiving, Alan and his sister took a week's vacation together. He was working to finish his book on sovereignty rather than just relaxing by the pool and she said, "you work too hard". He replied, "I want to stagger across the finish line knowing I've done all I possibly can!" He did not stagger, he was still sprinting!

I want to close with a message from our seven-year-old daughter, Evan. Her Brownie troop leader read a story about loss that she said helped her. It was about a badger who was the oldest and wisest member of a community of animals. He knew that because of his age, he might die soon. Dying meant only that he would leave his body behind, and as his body didn't work as well as when he was young, he wasn't too concerned about that. His only worry was how his family and friends would feel. He died before the start of a winter and the animals were very sad. But as they thought about him they realized he had given them each something to treasure: a parting gift of a skill or piece of knowledge. Evan said, "Didn't Gran help lots of people and do lots of things to make the world better?" I said, "Yes, he left behind countless parting gifts for all of us to never forget!"

Kim Cranston. Thank you all for being here today to celebrate Alan's life—yes, I too called him Alan.

In the program for this ceremony is the observation of the Chinese philosopher Lao-Tzu that Alan carried in his pocket most of his life as a guide to the style of leadership he practiced. It begins by observing that leaders are best when people barely know that they exist, and concludes by observing that of the best leader, when his work is done and his aim fulfilled, the people will all say, "we did this ourselves."

In the world of modern politics in which name recognition is so important, this approach to leadership presented an interesting paradox for Alan, which is also present today as we celebrate the accomplishments of his life.

I understand, however, that there is a little known addendum to Lao-Tzu's observation that states that "after such a leader has passed on, people will join together to mourn their loss, celebrate their accomplishments, and recommit to the causes they shared." I welcome you here today in that spirit.

Alan touched many people's lives in many different ways. We all have stories we can tell about times we spent and things we did with Alan to make the world a better place. This afternoon we have time for just a few of Alan's friends and collaborators to share some of their stories with us. I want to invite each of you to join us after this ceremony at the reception at the Fairmont Hotel where, in addition to having the opportunity to catch up, laugh, and cry, there will be video cameras so each of you can take a moment if you'd like to tell your story.

My own story is simple. I was incredibly blessed to have had Alan as a wonderful father, my dearest and oldest friend, a treasured teacher and mentor, and an invaluable collaborator and leader in addressing the great challenges of our time.

It is almost unbearable for me to think we will never again in this life share another meal, or football game, or joke or prank, or afternoon discussing strategy.

I learned many, many things from Alan. Five stand out today.

First, I learned about the subtle, profound power of the style of leadership he practiced. In the past few days it's been very enriching for me to reflect on Lao-Tzu's observation of leadership and everything that Alan helped us accomplish in his lifetime.

Second, I learned that the greatest meaning in life is found in making the world a better place. As one of Alan's heroes, Martin Luther King, Jr., observed "Life's most persistent and urgent question is "What are you doing for others?"

Third, I learned something Alan understood early on: We live in one of the most extraordinary moments in human history. In our lifetimes, for the first time since humans have inhabited the earth, we have developed the capacity to destroy human and perhaps all known life in the universe forever, either through a sudden nuclear holocaust or the more gradual destruction of the environment. Simultaneously, we are developing the capacity to create sustainable and economically just societies.

What those of us alive now do together may well determine which of these two paths we take, and could help decide the fate of the human race. There exists a small window of opportunity for us to act. A window of opportunity that may well not exist for the generations of our children or their children. If humanity is to continue, if we are to prosper rather than perish, we must transform our society and develop effective approaches to resolve those challenges that we share and can only address at the global level. This is the task before our generation and it was to that end that Alan devoted most of his working life.

The fourth lesson is that in view of all this it is important to keep a sense of humor. Colette told me she'd recently spoken with Alan about something someone had done that affected them both, which she found very disturbing. Colette asked Alan why it didn't seem to bother him as much and he replied: "I find that in situations like this I can choose to be either terrified or amused."

And the fifth lesson is to be compassionate to our fellow living beings.

Of course, I learned a great deal more from Alan, but these are the lessons foremost in my mind today.

While to many people Alan seemed a whirlwind of activity, he was also a voracious reader and a prolific writer.

In 1945, he published "The Killing of the Peace," which detailed how a small group of people defeated Woodrow Wilson's campaign to create the League of Nations to address the global challenges we face, and which the New York Times called one of the ten most important books of the year.

And just a few days before he passed on, Alan completed a book—"The Sovereignty Revolution" that begins with the following passage:

It is worshiped like a god, and as little understood.

It is the cause of untold strife and bloodshed. Genocide is perpetrated in its sacred name.

It is at once a source of power and of power's abuse, of order and of anarchy. It can be noble and it can be shameful.

It is sovereignty.

I commend this book to you all and I'm happy to announce today it will soon be available through, among other places, the web site for the Global Security Institute (www.gsinstitute.org), the nonprofit organization Alan recently founded to advance his work to abolish nuclear weapons and advance global security.

While we all miss Alan, we can take solace in knowing that he fulfilled the purpose of making a difference with his life and leaving the world a better place.

In closing, I want to thank you again for being here to mourn the loss we all share, celebrate what we've accomplished, and recommit to the causes that brought us together. As Alan would say at the end of nearly all of his speeches, I thank you for all you are doing and urge you onward.

Thank you.

Gray Davis, At first I want to express the deep condolences of my wife Sharon and I to Eleanor Cameron, Alan's sister, to Kim, Colette, and to the extended Cranston family.

My friends, we come here today not just to mourn Alan Cranston, but to honor him. We're greatly saddened by his passing, but we're grateful for his extraordinary life and the rich legacy he left behind.

Alan was a native Californian who grew up to be an extraordinary public servant. He had a sharp intellect, a humility of spirit, and a quality of compassion that is rare in life and rarer still in public life. He was an extraordinary person. Yes, he was a pragmatist who understood that progress was a long struggle for common ground. But he was also an idealist who believed that violence anywhere was a threat to freedom everywhere.

He reminded us that there is a moral force in this world more powerful than the mightiest of nations or the force of arms. And one by one, he tackled the great issues of our time: World peace; arms control; veterans' health; environment. One by one, he made a difference.

For those of you fortunate enough to spend some time in the Golden Gate National Recreational Area or the Santa Monica Mountains or the desert lands that he protected, you know what a difference he made. Future generations will acknowledge their debt of gratitude to Alan Cranston, and it is most appropriate that we thank him today.

Alan was also a very good politician. He ran every race with the same focus and intensity that he learned running the hundred-yard dash back at Stanford. He was almost always the underdog. Critics dismissed his chances, saying he lacked the charisma to win. But Alan proved time and again that in this state character, not charisma, is what people want most.

He became only the second Californian to be elected four times to the United States Senate—Hiram Johnson being the first. He became the patron saint of every candidate for office inflicted with a charisma deficit, myself included. He is my personal hero.

Alan may have lacked charisma, but he was enormously resourceful. Eleanor tells in her book the story of Alan's first race for Controller in 1958. Alan knew someone who had a television show in Los Angeles. But the host of the show reminded Alan he was contractually obligated to talk about contact lenses. He couldn't mention he was a candidate for office and under no circumstances could he say he was a Democrat. But as I said before, Alan was very resourceful. So he went on the show just a few days before his election and he said, "My name is Alan Cranston. I'm running up and down the state making contacts and jumping in front of lenses. I am Alan Cranston." The viewing audience didn't have a clue what he was talking about. But he mentioned the name Alan Cranston eight times. And even though he'd never been elected to public office before, he was elected Controller of the State of California. So Alan knew what he was talking about.

Finally my friends, Alan Cranston was part of the World War II generation. A generation that Tom Brokaw has aptly described as our "Greatest Generation." A generation from which much was asked and a great deal was given. A generation that went to Europe and stood down Adolf Hitler's Nazi regime, rescued the survivors of the Holocaust, and literally saved democracy as we know it today.

It was a generation that came home with no expectation of recognition and went about rebuilding a new America. A generation that built roads, hospitals and businesses, and paved the way for the digital economy, although most did not live to enjoy it. A generation that did their duty, and then came home.

God has called Alan Cranston home. I know God has blessed his soul. I know God will give Alan enduring peace for which he struggled his entire life to try and obtain for all the peoples of the world. I ask you to say a prayer tonight for Alan, his family and his loved ones.

It was my honor to lower the flag today in recognition of his remarkable career, and it's my honor now to present it to Kim and Colette. Thank you.

Joseph Biden. My name is Joe Biden. I served with Alan for twenty of his twenty-four years in the Senate, but I consider myself more a student of Alan's. Kim, Colette, Evan, I never fully understood your father's tenacity, by the way, until I heard the repeated emphasis on the middle name MacGregor. Now I understand it better. Eleanor, my sister Valerie says it's very difficult raising a brother; you obviously did well at your chore.

I'm very grateful, and indeed privileged, for having the honor of being here today to represent the US Senate and the Senate Foreign Relations committee. It's a task that's well beyond my capabilities, because the life we commemorate was so extraordinary. To you, his family, to us, his colleagues and friends, and to the people of this state and nation, we're not likely to see anyone like Alan, anytime soon.

I can't help but think of American architect Daniel Burnham's credo when I think of Alan. He said—

"Make no little plans, they have no magic to stir men's blood. Make big plans, aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing intensity."

Intensity, big plans, no little plans, that was the Alan Cranston that I knew. Most of us would consider it a successful career if we did nothing other than be sued by Adolf Hitler. But here's a fellow, a young man who came back from Europe as a correspondent, who felt obliged to translate accurately Mien Kampf, who felt obliged to begin a crusade to expose Adolf Hitler. This is a fellow who didn't just decide to help a little bit. I remember the lecture I got on redwood forests. I had not seen one and did not know they had to be preserved. This is a fellow who had no lesser aim than to eliminate nuclear weapons in his time, to guarantee racial equality, to provide durable, affordable housing. I know of no man that I've served with in the Senate, and I've been there twenty-eight years, who had as many intense interests and contributed so much to so many different endeavors.

What accounted for that intensity that dominated Alan's character? It used to baffle me until one day I figured it out—it was Alan's integrity, his honesty, his inability to rationalize to himself that he didn't have any responsibility for this or that problem that he observed in this country.

Alan had an inner compass that would have plagued most of us. He could spot injustice a mile away. He smelled hypocrisy almost before he walked in the room. He knew what had to be done, and he unfailingly did it, or at least attempted to do it, usually before anyone else, and almost always at some risk to himself. I think integrity, political integrity, personal integrity, is doing what you know to be right even when you know it's likely not to benefit you. Alan was one of the few people I served with who never, never wondered whether he should act based on whether what he was about to do was popular.

Alan MacGregor Cranston, born in 1914. He was almost thirty years my senior, yet he was one of the youngest people I have ever known and have ever served with.

It was not just that his policy priorities would fit under the heading of progressive, although they would, but with Senator Cranston, the senator from California, it was more than that. There was what Robert Kennedy described as—

"The qualities of youth: not a time of life but a state of mind, a temper of the will, a quality of imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease."

We've all heard that quote a thousand times, but I can think of none other that describes the Alan Cranston that I worked with, although some of you knew him much more intimately.

Alan's commitment to arms control, his passion for environmental protection, his leadership in public housing and transportation, women's rights, civil rights, civil liberties, his concern for justice in immigration laws; those efforts, those views had nothing to do with fashion, and everything to do with conviction.

The Senator was not one for looking at a situation and deciding what he believed, he knew exactly what he believed. His public positions were not just what he said and what he did, they were who Alan Cranston was.

The senator was armed with conviction, but he always knew that wasn't enough. He was an athlete, after all, and understood that it's not enough to have talent; that if you want it to matter, you have to do something with it, and work like hell at it.

Alan Cranston did work, and he worked at leadership. He understood power, not as a reflection of status, but a tool for a purpose, and he used it as well as any man or woman I've ever known.

In his 24 years in the Senate and the years since, Alan Cranston pushed our consciousness and our conscience on every issue of consequence, particularly nuclear weapons. He was not just a powerful senator from California, not just an influential member of the Senate Foreign Relations Committee, not just a democratic whip; he was truly a world leader on nuclear policy. In China, in North Korea, in the Middle East, they had to factor in Alan Cranston when they made their decisions.

He was an internationalist in the great American tradition, with an idealist's love of peace and a passion for freedom, and he had a realist's understanding of the global balance of power and simple human nature.

He had learned from history, he taught from history, but kept his eye and his aim always on the future: the future of the Philippines, the future of our relationship with Russia, and what that would mean to the world, the future of our natural resources, and the generation of Americans that we'll never know.

Alan Cranston ran the hundred-yard dash in under ten seconds when he was at Stanford, and I might add under twelve and a half seconds when he was almost sixty years old. He was consistent, and he was fast, in a hurry. I would suggest not to reach the finish line, but to get to the next race, the next test, the next opportunity, the next possibility, always possibilities. The certainty of a redwood, the spirit of a wild river, "a predominance of courage over timidity, of the appetite for adventure over the love of ease."

The playwright Sam Shepherd wrote, "character is an essential tendency. It can be covered up, it can be messed with, it can be screwed around with, but it can't ultimately be changed. It is the structure of our blood that runs through our veins." Evan, you've got good blood, kid. It runs through your veins.

TED TURNER (via video). I could not begin to say enough about my dear friend Senator Cranston, so sorry he's passed away. He has been an inspiration to me for a number of years, no more so than in the area of weapons of mass destruction. And even though he did not live to get to see the end and the abolition of nuclear weapons from this world, there are a lot of us that are going to continue his work, and I am one of them. We're going to miss you very much, Senator. Thank you very much.

SALLY LILIENTHAL. Jonathan Schell wrote recently that Alan Cranston has quietly done more than any other American to marshal public will to abolish nuclear weapons. He brought the issue of nuclear arms reductions and abolition to the attention of business leaders, policy makers and cultural figures—and most difficult of all, to retired generals and admirals. And never by email—he didn't have it.

Our last endeavor together was a national campaign to mobilize places of worship, which is gathering steam today in Christian churches, Jewish synagogues and Muslim mosques, and which was originally housed and organized at the Washington Cathedral in the nation's capital—the other cathedral.

Early last summer, two years of work came to fruition at an ecumenical service where religious figures together with former generals and admirals called for the reduction and abolition of nuclear weapons. That started the ongoing campaign, the nub of which was the statement Alan wrote and rewrote to get it finally signed by eighteen retired admirals and generals joining in with twenty-one religious figures around the country. Alan was a marvelous writer and consensus builder. It wasn't easy to sign up the top military figures to reduce and finally abolish nuclear weapons, for abolition is not part of Pentagon thinking. And besides less than four years before he had traveled widely to recruit sixty-three different internationally based generals and admirals to sign another affirmation on the same subject. Let me read you two short sentences from the statement signed by military and church which is at the nub, one might say, of our ecumenical campaign.

"We say that a peace based on terror, a peace based upon threats of inflicting annihilation and genocide upon whole populations, is a peace that is corrupting—a peace that is unworthy of civilization."

And he went on to write: "We say that it defies all logic to believe that nuclear weapons could exist forever and never be used. This nuclear predicament is untenable in the face of a faith in the divine and unacceptable in terms of sound military doctrine."

Alan was always positive. I never saw him downhearted during this laborious struggle to rid the world of nuclear weapons. He was tireless in working toward our goal and he never ever thought of failure. So he leaves us with an active legacy—the most important legacy of all—that of hope, good solid hope.

WILLIAM TURNAGE. My name is Bill Turnage. I came to know—and to love—Alan Cranston during my seven years in Washington as President of the Wilderness Society. Kim has asked me to talk about Alan's great work as an environmentalist.

California—our golden state—has been twice-blessed by the mountain gods.

We have been granted a land among earth's most sublime yet diverse.

And we've been granted a few splendid champions to protect that heritage.

In early days, farsighted San Franciscans like Thomas Starr King and Frederick Billings came forward to protect the Yosemite.

The idea of a national park was born at the time—perhaps the best new idea our American democracy has ever had.

And these early champions enlisted a great Californian photographer—Carleton Watkins—to make pictures that would help persuade the Congress.

And their dream of a Yosemite park was first given shape and form by America's greatest landscape architect, Frederick Law Olmsted.

And when the Yosemite Sierra was threatened by hooved locusts—and loggers—and miners—John Muir came forward and founded the Sierra Club—and he protected the heart of the High Sierra, the range of light.

And great Muir bequeathed the protection of the Yosemite to his inheritor, San Francisco's native son, Ansel Adams.

They were two of the greatest environmental philosophs in our nation's history.

And to turn their dreams into reality, California was blessed with two of our nation's greatest environmental legislators, Phil Burton and Alan Cranston.

And Alan and Ansel formed a very special friendship—a friendship dedicated to saving wild California. Ansel wrote, in his autobiography, "I have known many great people in California's history, spanning my 60 active years. But I have never been in contact with a public official of such integrity, imagination, concern and effectiveness as Alan Cranston...I have found him to be a great leader, one who transcends party politics for causes of essential human importance."

The honor roll of California's wild places Alan helped save is too long to recite here; it encompassed our state from the Oregon border redwoods to the Mojave desert in the south.

Perhaps Alan's most lasting contribution to our country's future was his characteristically quiet, determined and effective leadership of the long, arduous but ultimately successful campaign to save the best of wild Alaska.

One hundred million acres—the size of the state of California—preserved for all time. We simply could not have done it without Alan's undaunted leadership.

And it could be said that Alan's most lasting contribution to our golden state was his characteristically patient yet visionary leadership of the long, arduous but ultimately successful campaign to save the best of the great Californian desert. We simply could not have done it without Alan's undaunted leadership.

In 1994, when the Desert Protection Act was finally coming to fruition in a Democratic presidency—and Alan had retired from the Senate—I proposed, with Alan's consent, naming the vast wilderness areas of Death Valley National Park—95% of the largest park in the lower 48—"the Alan Cranston Wilderness."

Regrettably, the proposal was declined. Today—at this time of remembrance and in this hallowed place—I would like to again propose that we join together to ask the congress to name this wilderness—now known simply as "The Death Valley Wilderness"—for our great friend and Senator. The honor, like the wilderness he made possible, will last for all time.

JAMES HORMEL. My admiration for Alan Cranston began over a half century ago, although he was not aware of it at the time. The United Nations was four years old. The Iron Curtain had fallen. Isolationists were urging the United States to avoid international commitments. And President Truman was moving—against that tide—to facilitate the economic revival of western Europe.

In that climate, at the age of sixteen, I became a member of a student chapter of the United World Federalists, which was hailed by some as a major movement toward peaceful co-existence and was excoriated by others—a very vocal opposition—as a gathering of Communist sympathizers. Alan had just become president of the organization. It was typical of the many challenges which he so willingly took on during the course of his long and productive life.

Alan already had taken on Adolph Hitler by publishing an unexpurgated version of Mien Kampf. He already had served during the Second World War both in the Office of War Information and in the army. He would augment that service during a long political career, including the resuscitation of the Democratic party in California and the outstanding twenty-four years during which he was a United States Senator.

It was during his Senate years that we met and developed a friendship which meant so much to me. I admired Alan's courageous stands on conservation and social justice, and his unswerving dedication to the peaceful resolution of conflicts around the world. I discovered coincidentally that his grandfather had built the house next door to mine, a fact which underscored his California roots and his deep concerns for the well-being of his California constituents. Independently I met and became a friend of his son Kim, which gave me a window into another dimension of Alan—Alan as father.

One of Alan's last acts as a Senator was to write the letters which started the long and arduous process of my Ambassadorial appointment. Alan was instrumental not only in beginning the process, but also in guiding me through many of the minefields which lay in my path.

My memory of Alan is as a gentle giant. His goodness radiated to all around him. He was a great leader—the very embodiment of the highest level of leadership as described by Lao-Tzu, whose words he carried with him as his life's philosophy, as he sought quietly and selflessly to make this planet a better place for all of us.

May we have the wisdom and courage to follow his example.

HARRIS WOFFORD. You may not know that in her last years while still painting, Georgia O'Keefe wrote some still not published short stories that she showed me. The one that rises in my memory was about a man she met in her first days in New Mexico. He invited her to see his ranch, three hundred miles away, and one day she drove down (hiding her suitcase in case she decided not to spend the night). She stayed overnight and from time to time they would visit, doing very prosaic things, sometimes just watching the horses he trained, or walking over the land, or looking at the hills.

Five decades later she drove down to his ranch, maybe for the last time, she thought. They sat a long time looking at the hills and she found herself saying to herself with great satisfaction: "Fifty years of friendship with Richard."

That's all the story said. Well, for me it's fifty-five years of friendship with Alan. There was little—too little—time just sitting and watching the hills. He was always on the go, running sprints or long distance.

When we met just after World War II we were setting out on no little prosaic mission—it was a crusade to make one world a reality in a United Nations with the power to keep the peace and prevent nuclear war. When we last met at his home in Los Altos a year ago, his smile was still infectious and he was still hard at work, in his irrepressible way, on the same mission, persuading generals and admirals and people of power to join in a new declaration for the abolition of all nuclear weapons.

When I reread Eleanor's wonderful, perceptive, loving biography of her brother, I realized how much our lives intersected over the years and how much his life intersected with the great issues of our time.

In 1948, Alan gave my wife Clare her first job directing United World Federalists of Northern California. He caused one of the greatest tensions in our half century of marriage when he ran for President on the great central issue of nuclear peace and asked me to be one of the three co-chairs of his campaign with Marjorie Benton and Willie Brown. Clare did not want me to do that. She loved. Alan but did not think he could win, and thought it was the one time in our life when I should stick to working as a lawyer and make some money.

Like many who would rally to his quiet calls over the years, I could not say "no." In his sixty years of public service Alan brought many people of different persuasions to say "yes" and to work together for good things. One of those times he played a key part in my appointment to the U.S. Senate—which I like to think was a good thing.

Two days after Senator John Heinz died in an air crash, Governor Casey asked me if I knew a particular major donor to the Democratic Party and I said no. "Then why did he write me this extraordinary letter asking me to appoint you to the Senate?" Casey asked. I had no idea. That was the beginning of a flood of different, well-done letters in the same vein, from a range of significant people around the country. A few days later Alan telephoned to tell me that as soon as he heard the news of John Heinz's death he had gone to work on the phone, producing those letters—which I'm sure influenced Casey in my selection.

But the intersection of our lives began way back. From Eleanor's book I realized that Alan's first journalistic break was covering Mussolini in 1938, and that the speech he heard in the Piazza de Venezia when Mussolini took Stalin out of the League of Nations was the same one I heard in that same square as a twelve-year-old boy. Alan's greatest adventure in journalism was getting into Ethiopia for some months after the Italian invasion. One of my greatest adventures was going to Ethiopia with my family, in the Peace Corps.

Before we met, each of us had written a book, in 1945, calling for a world union to keep the peace. Alan's was the powerful story of how isolationism in the Senate had killed the peace after World War I. It was a sign of his determination to go to the Senate to see that this did not happen again.

Despite all the help that Alan gave me in my election campaigns—and Joe Biden and John Kerry who are here—my tenure in the Senate was very short. His was very long—and great.

By my count only Ted Kennedy, in this century, rivals Alan in legislative accomplishments. Alan's mark was on a thousand bills and countless votes, large and small, where his coalition-building skill was the key to success.

Like Lincoln, Alan Cranston truly believed that the better angels of our nature can be brought forth in this land. He did not discount the demons and distractions in the way, but he demonstrated that politics is not only the art of the possible—it is the only way to make reason rule.

It was our good luck—the good luck so many of us here and around the country—to have had these many years of friendship with Alan Cranston.

JANE GOODALL (via video). I'm tremendously honored to have been asked to take part in the memorial to someone I admired so much as Alan Cranston. My body is far away in Africa but I want you to know that my thoughts are with you now.

I never got a chance to know Alan really well in life because our paths didn't cross that often. But what I saw I loved, and like everyone, I admired Alan so much for his integrity and his sincerity and his determination to try and rid the world of the most evil weapons of mass destruction that we ever created, and Alan did so much to alert people to the hidden dangers of these weapons stockpiled around the world.

And we shall miss his leadership most terribly, but his spirit is still around, still with us, guiding us, encouraging us, and above all, joining us together so that we can move confidently towards the goal that he was setting, and make this world a safer place for his grandchildren and ours and the children yet unborn. Thank you, Alan, for being who you were. Thank you.

CRUZ REYNOSO. I once read that 'The most powerful weapon on earth is the human soul on fire.'

Alan's soul was always on fire for the welfare of those in need, for the strength of our democracy, for human dignity, and for a world at peace.

It must have been 1959 or 1960 when my wife and I, with others from the El Centro Democratic Club from Imperial Valley (the center of the world) traveled to Fresno for the annual convention of the CDC, Council of Democratic Clubs. A featured speaker was Alan Cranston. To this day, I remember being inspired—he spoke of the role of government in helping the disadvantaged, of the need for economic democracy, of the right we all have in equal protection and fairness, and government's responsibility in protecting those rights, and of our responsibility to be active participants. That a person with his soul on fire for those ideals I held dear could actually be elected to state wide office was, to me, a marvel and inspiration. I never forgot.

A decade later I found myself as director of California Rural Legal Assistance. CRLA was the leading legal services for the poor. Many entrenched interests, including the state government, found themselves on the loosing side of many lawsuits CRLA brought on behalf of its clients—farmworkers, Medical recipients, working poor. Those interests fought back. Alan worked closely with CRLA to protect our professional independence and assure our continued existence. As I saw it, there was little political gain for Alan—it was his devotion to fairness and to the concept of human dignity that brought us together. Eventually, it was President Nixon who overrode the state veto of CRLA, thereby saving legal services.

And years later Alan's son, Kim, I and countless others joined Alan in our mutual efforts to register thousands of new voters, an effort to include all in our democratic society.

Not all efforts were on a grand scale. My last, and still ongoing task, has been to represent a prisoner who is in Soledad for a life term. Alan was convinced that the prisoner was fully rehabilitated. He called to see if I could help. My associate, Tom Gray, and I worked with Alan. We will continue.

Not all was work. I remember those wonderful conversations as we dined in the Senate restaurant. Once, Alan invited me to a marvelous San Francisco eatery. At the end of the evening Alan invited me to join his Washington, D.C. office in a position of considerable responsibility. Unfortunately, I could not accept the offer, but the food had been great.

Alan's interest went beyond prison walls or the fifty United States. His efforts have sought peace for this globe. John Amos Gomenius, the Czech Religious and Educational leader wrote about 350 years ago:

"We are all citizens of one world, we are all of one blood. To hate a man because he was born in another country, he speaks a different language, or because he takes a different view on this subject or that, is a great folly . . . Let us have one end in view, the welfare of humanity."

Alan's soul was always on fire—for the welfare of an individual human being—or the welfare of all humanity.

JONATHAN GRANOFF. My name is Jonathan Granoff. I've had the privilege of working with Senator Cranston on the abolition of nuclear weapons with Lawyer's Alliance for World Security, with the State of the World Forum, with the Middle Powers Initiative, and most recently, with the Global Security Institute.

Recently, some journalists from Japan were here in the beginning of December interviewing Senator Cranston, and I was there, and they asked me what I did as the CEO of the Global Security Institute. So I said, and I meant this, when a tree is ripe with fruit, an intelligent person will sit beneath the tree and gather the sweet fruit. Alan is still giving us fruit. And Alan's example of being a true human being is the sweetest fruit that we could be given, because Alan taught by seamlessly integrating the highest human values with his daily life.

He exemplified decency and elegance in action. He lived without prejudice. People say they live without prejudice; Alan didn't say it, he just lived it. He didn't harbor any doubts or suspicions about others, he never engaged in backbiting or any pettiness, and he was tranquil in the midst of an extraordinary dynamism, like a smooth, powerful river.

He was full of grace. Alan Cranston remains for us a statesman in a state of grace. His grace was exemplified in the ease he had in the midst of conflict, because that ease rested on a real faith in the intrinsic goodness of humanity. Because he had found that goodness in himself, and for those of us who had the privilege of working with him, we know that's how he got us to do things, because we knew that he never asked anybody to do anything he wouldn't do; he's the guy who would be up at two in the morning, and then up again at six-thirty.

Adversaries were only so as to the issue at hand, but never as to the person, because Alan honored everyone. His inner clarity and strength was coupled with this unique ability, and even desire, to hear everyone's point of view, not as a political ruse, but because Alan honored everyone.

Alan understood fully two icons his parents did not have that we inherited from the Twentieth Century. The first is the awesome, horrific mushroom cloud arising from science and the quest for unbridled power, unreined by morality, law and reason, and the other icon is the picture of the planet from outer space, borderless, majestic, alive and sacred.

Alan honored all life by holding the second icon before him, and that is why he focused most intensely on the nuclear issue, because that and that alone can end all life on the planet, and it becomes the moral standard of our civilization. I had the privilege of traveling with Alan and going all over the world working on this issue, and one of the amazing things is I would forget how old he was, because his body got old, but he didn't. He had found that secret of the joyous heart, he had found that place of tranquility in action.

George Crile is a CNN and 60 Minutes producer, beloved, very beloved of Alan, and he has put together some footage to give us all a sense of what it's like to be on the road with Alan Cranston.

[video insert]

Death is such a mystery, and the only comfort is the love that we bring to our lives, and the faithfulness with which we carry forth the mission that great men have given us. Alan, we will follow in your loving memory. We will stay the course. We will be vigilant until nuclear weapons are abolished.

We are guided by the philosophy that you held with you.

Lao-Tzu:

A leader is best
When people barely know
That he exists,
Less good when
They obey and acclaim him,
Worse when
They fear and despise him.
Fail to honor people
And they fail to honor you.
But of a good leader,
When his work is done,
His aim fulfilled,
They will all say,
"We did this ourselves."

Senator Cranston sought no honor for himself. He honored life itself through his service. Together and with your help, we will follow in his large footsteps, and on the day when the work is done, the aim fulfilled, we will know that we did not do it alone. Thank you, Alan. May God give you infinite peace, infinite bliss, infinite love, Amen.

ALAN JONES. We've come to the end of a deeply felt tribute to a great soul. And any celebration of a great soul confronts us with choices. And so I offer this final blessing.

There are only two feelings. Love, and fear. There are only two languages, love and fear. There are only two activities, love and fear. There are only two motives, two procedures, two frameworks, two results. Love and fear. Let us choose love.

The eye of the great God be upon you, the eye of the God of glory be upon you, the eye of the son of Mary be on you, the eye of the spirit be on you to aid you and shepherd you, and the kindly eye of the three be on you to aid you and shepherd you and give you peace, now and always, Amen.

ADMINISTRATION ACTS TO STALL ENVIRONMENT RULES

Mr. REID. Mr. President, there has been much talk by the President and other members of the Administration about developing a comprehensive energy strategy that will help avert national supply shortages and protect the environment.

I hope we'll all work together on a balanced approach. That is a laudable goal. However, it seems the Administration may already have begun backpedaling or backsliding away from the bipartisan rhetoric and the environmental gains that we've recently made.

One matter, in particular, bothers me. That is the subject of dirty diesels and the recently issued EPA rules to clean up that source of pollution.

I would like to put in the RECORD a copy of a letter that I have just received from a broad coalition of groups that is concerned about the fate of this rule. They fear that the rule and its benefits to the public's health may be delayed or even withdrawn entirely. It's an impressive group that the Administration should heed.

I understand that the Administrator is considering acting to delay the implementation of the final rule to cut down on emissions from heavy-duty diesel engines and reduce sulfur in diesel fuel. In addition to the fact that this potential action and others already taken by agencies to delay recently issued rules to protect the environment do not appear to comply with the Administrative Procedures Act, it's just plain bad policy.

On December 18, 2000, EPA promulgated a final rule that mandates a 97 percent reduction in the sulfur content of diesel fuel by September 2006, from approximately 300 to 15 parts per million.

The rule also requires that diesel engines emissions get much cleaner. They must reduce particulate matter and nitrogen oxide emissions by 90 and 95 percent, respectively, from today's levels. As a result, diesel vehicles will finally be on par with emissions from gasoline vehicles.

The public health and environmental benefits from this rule will be tremendous. Quantified benefits are expected to total $70.3 billion by 2030 when the new, cleaner fleet of vehicles is fully phased in. This rule means fewer hospital admissions, probably less lung cancer, and major reductions in other respiratory illnesses and premature deaths.

I don't begrudge the Administration time to review existing laws and regulatory requirements. But, there is a legal and substantive process to be followed, not a political one. This rule has already been through that wringer and should not be further delayed.

Thus far, we have been willing to work with the President on his nominees and have not delayed their confirmations unduly. Now it is time for the Administration to reciprocate. Administration actions to delay rules with major public health and environmental benefits will pollute that atmosphere of good will.

Mr. President, I ask consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 2001.

Hon. CHRISTINE TODD WHITMAN,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: We, the undersigned, represent an unusually diverse coalition of groups united in our strong support of the U.S. Environmental Protection Agency's December 21, 2000 final rulemaking that sets onroad heavy-duty diesel emission and fuel standards. Together, we write to you today to urge that this extremely important regulation be upheld, intact.

The rulemaking process that produced this regulation was not only extensive, it was thoughtful and inclusive. We are very pleased that the result is a comprehensive program that most responsibly takes full advantage of the opportunity to reduce a wide variety of diesel emissions by applying a systems approach that sets aggressive engine standards and, necessarily, a commensurately low cap on sulfur in diesel fuel. The framework established under this rule which includes a particulate matter standard of 0.01 grams per brake horsepower-hour (g/bhp-hr) to take full effect in 2007, a nitrogen oxide standard of 0.20 g/bhp-hr to be phased in between 2007 and 2010 and a national cap on sulfur in diesel fuel of 15 parts per million, to take effect June 1, 2006 represents a critical and delicate balance that will help enable the successful achievement of a 90-percent reduction in particulate matter emissions, a 95-percent reduction in nitrogen oxide emissions and a 97-percent reduction in levels of sulfur in highway diesel fuel. These reductions will translate into enormous public health and environmental benefits all across the nation.

We are proud to have contributed to the open process that led to this landmark rule and equally proud, and supportive, of the result. Each of us now looks forward to doing our respective part to implement the important programs that have been established, so that our nation can begin to reap the benefits on schedule. To this end, we urge you not to allow this rule to be delayed or, in any way, compromised. Rather, we look to you to ensure that the rule will be upheld, intact. In addition, we request an opportunity to meet with you at your earliest convenience to discuss the vital importance of this rule to our respective organizations.

Sincerely,

Alliance of Automobile Manufacturers; American Lung Association; Association of International Automobile Manufacturers; Association of Local Air Pollution Control Officials; California Trucking Association; Clean Air Network; International Truck and Engine Corporation; Manufacturers of Emission Controls Association; Natural Resources Defense Council; Northeast States for Coordinated Air Use Management; Sierra Club; State and Territorial Air Pollution Program Administrators; U.S. Public Interest Research Group; and Union of Concerned Scientists.

Mr. LIEBERMAN. Mr. President, I rise to express my concern regarding the possibility that the Bush administration will delay the effective date of the U.S. Environmental Protection Agency's December 21, 2000 final rulemaking that sets onroad heavy-duty diesel emission and fuel standards—also known as the diesel/sulfur rule.

This rule, the result of years of work and negotiations, would provide essential protections for the public health and the environment by drastically reducing emissions from diesel engines. It is sorely needed. Heavy-duty vehicles are significant contributors to elevated levels of ozone, fine particulate matter, and the primary emissions of several key toxic air pollutants, particularly in the Northeast. Together, highway and non-road heavy-duty engines are responsible for roughly 33 percent of all nitrogen oxide emissions, 75 percent of motor vehicle related PM, and 60 percent of aldehyde emissions in the northeast corridor. In addition to fouling our air, diesel exhaust has also been classified as a probable human carcinogen by the National Institute for Occupational Safety and Health (NIOSH), the International Agency for Research of Cancer and the US EPA.

This rule will greatly reduce the health and environmental risks resulting from these pollutants, with a projected 90-percent reduction in particulate matter emissions, a 95-percent reduction in nitrogen oxide emissions and a 97-percent reduction in levels of sulfur in highway diesel fuel. In particular, the rule would bring badly needed relief to my home state of Connecticut, and to the Northeast in general, which need to drastically reduce both nitrogen oxides and volatile organic compounds in order to fulfill the requirements of their state implementation plans.

In light of the environmental and health benefits of the rule, I would be troubled if the administration were to consider modifying the rule without providing the essential due process and thoughtful consideration required by the Administrative Procedure Act. The effective date of a rule is an integral part of the rule, and the Administration must not cut corners when considering changing that date. Legal requirements aside, I think it is critical for the Administration to consider the voices of the public—whose health and environment are at stake with this rule-making as well as the affected industry before changing the effective date or instituting any other changes to the rule.

In that vein, Mr. President, I ask unanimous consent to submit the attached letter to be printed in the RECORD, signed by a broad coalition of industry, public interest groups, and regulators, which calls upon US EPA Administrator to implement the diesel/sulfur rule without delay or alteration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 2001.

Hon. CHRISTINE TODD WHITMAN,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

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RESTORING THE MINIMUM WAGE

Mr. ROCKEFELLER. Mr. President, today I rise to voice my support of Senator KENNEDY's effort to restore the minimum wage. The Fair Minimum Wage Act of 2001 would raise the minimum wage by $1.50 in three incremental steps, benefitting over 11 million workers. We owe a pay raise to the hard-working Americans who would be affected by a minimum wage increase. To do so would demonstrate the real value of their hard work.

Care givers in our preschools and nursing homes, service workers in our retail and restaurant industries, the domestic workers in our homes and offices—these are the real people upon whom each of us relies every day. These are the workers who deserve to have their wages restored to a level that will afford them a reasonable standard of living.

In West Virginia alone, over one-fifth of our workers will directly benefit from a $1.50 increase in the minimum hourly wage. This would mean an increase of almost $3,000 a year for full-time workers. In more concrete terms, this translates into more than a year of groceries, rent for seven months, seventeen months of utility bills, or a year of tuition at a two-year college. Currently, a full-time minimum wage earner with two children may be faced with difficult decisions when trying to both feed and clothe her children. We need to make sure that a mother or father who works forty hours a week does not have to decide between groceries for the family and paying the electric bill.

Ultimately, we must acknowledge that the minimum wage standard has been allowed to slowly erode over the past thirty years. At present, the $5.15 hourly minimum has reached its lowest purchasing power in two decades, which has aggravated problems for the working poor. Today, the real value of the minimum wage is $2.90 below what it was in 1968. As our country continues to make unprecedented economic gains, this is simply unacceptable. We have an obligation to the working families in West Virginia, and across the Nation, to raise the minimum wage to a level that will lift them out of the day-to-day struggle of meeting their most basic needs.

I believe that raising the minimum wage over the next two years is essential to help families and to reinforce the fundamental American values of hard work and self-sufficiency. The goal of the country's minimum wage is to ensure that working Americans earn a living wage that makes work a truly better choice than welfare or other public assistance. The fact that 70 percent of workers earning minimum wage are adults over the age of twenty, that 60 percent are women, and that nearly half have full-time jobs means that this is an issue central to millions of hard-working families in our country. In West Virginia alone, almost 14 percent of our work force earn at the minimum wage, and our state has one of the largest populations of workers receiving the minimum wage. I am proud to join Senator KENNEDY and my colleagues to work together to enact this essential bill for working Americans.

HIGH SCHOOL SHOOTING

Mr. LEVIN. Mr. President, last Friday, at least one gunshot was fired at Detroit's Osborn High School. The gunshot hit a classroom window and two students and a teacher were injured as glass shattered across the room. Although the shooting produced no substantial physical injuries, it created great anxiety for the students and families of Osborn High School, who no doubt will sustain the emotional injuries of such a shooting for some time.

The students and teachers at Osborn High School are not alone in their anxiety. Around the nation, students and their families are seriously concerned about safety in their schools. Students deserve to feel safe in their learning environments rather than feeling anxious and fearful. For the students at Osborn High School and everywhere else in America, Congress must work to limit the accessibility that young people have to guns, and reduce the gun violence in our schools and community places.

THE SOCIAL SECURITY BENEFITS TAX RELIEF ACT 2001

Mr. HUTCHINSON. Mr. President, last week I introduced legislation which I hope is the first of several steps taken by Congress to correct a terrible injustice currently imposed on seniors who have worked hard all of their lives and are receiving Social Security benefits.

Many people do not realize that, after they have paid Social Security taxes throughout their work careers, up to 50 percent or 85 percent of the monthly benefit they receive from Social Security may be taxed again.

Prior to 1993, up to 50 percent of Social Security benefits were taxable for individuals with incomes above $25,000, and couples with incomes above $32,000. In 1993, after President Clinton raised the portion of Social Security benefits which are taxable up to 85 percent for individuals with incomes over $34,000, and couples with income over $44,000.

President Clinton's 1993 tax increase on senior citizens made a bad policy even worse. Essentially, this graduated tax scheme penalizes seniors with fixed incomes who have worked hard to ensure their retirement security.

S. 237, the Social Security Benefits Tax Relief Act, which I have introduced along with my colleagues, Senators COCHRAN, FRIST, INHOFE, LOTT, MURKOWSKI and WARNER, would repeal the 1993 Clinton tax increase on Social Security benefits and rolls the tax levels back to their pre-1993 levels.

By eliminating the taxation of Social Security benefits, we will allow seniors to have more money to pay for prescription drugs, medical care, housing and food. This legislation provides greater tax fairness for increasing numbers of middle-income seniors.

It is widely agreed that Social Security was never intended to be the sole source of income for retirees. In light of Social Security's financial troubles, now is the time to remove disincentives for those who wish to save and plan early for their retirement. Hopefully, this legislation is a first step toward the repeal of all taxes on Social Security benefits.

I urge my colleagues in the Senate to provide tax relief to seniors by passing this important legislation and by examining ways to make the system as fair as possible for all beneficiaries who have paid into the system and who may or may not be subject to taxes on their benefits.

LITHUANIAN INDEPENDENCE

Mr. LEVIN. Mr. President, on Sunday, February 11, 2001, Americans of Lithuanian descent will be gathering, in my home State of Michigan, to celebrate the 83rd anniversary of Lithuanian Independence.

Given the Lithuanian people's long history of successfully preserving and maintaining their culture and identity, there is reason for all those of Lithuanian descent to be proud. Such an achievement stands as an inspiration for people everywhere.

The Lithuanian people have long refused to be placed under the yoke of oppression. They became independent in 1918, fought the Nazis during the Second World War and refused to lose hope during many years of Soviet rule. Reflecting on these trials can be cause for great sadness but also much hope.

Since the collapse of the Soviet Union, Lithuania has experienced nearly eleven years of democracy and free markets. The Lithuanian people are to be commended for the significant steps they taken to ensure Lithuania's place in the free world. In 1999, I had the opportunity to meet with President Valdas Adamkus, and discuss many issues facing both our nations. Many of my colleagues may not know this, but so great is President Adamkus' love for his ancestral homeland that he returned to Lithuania to run for President after a successful career in the United States, including service as an official in the States Environmental Protection Agency.

In its efforts to reform, Lithuania has placed a premium on joining the European Union, EU, and the North Atlantic Treaty Organization, NATO. Sound monetary policy and a stable currency have given Lithuania the framework for economic growth and prosperity. On the security front, Lithuania was the first member of the former Soviet Union to participate in the Partnership for Peace. The Partnership for Peace is an important program where the United States and its NATO allies work with former Warsaw Pact nations on common security measures.

At this time when we honor Lithuania's independence, it is only fitting that we laud the extraordinary advances made by the Lithuanian people. I know my Senate colleagues join me in saluting the Lithuanian people for their tremendous courage in promoting participatory democracy and free markets.

THE SMALL BUSINESS TAX RELIEF ACT OF 2001

Mr. HUTCHINSON. Mr. President, as Congress considers President Bush's comprehensive tax relief plan in the coming weeks, I sincerely hope that we will examine ways to make the tax system more equitable to small business.

As we look at the economic indicators, it is clear that the economy could use a boost. One way we can do this is to encourage the further growth and success of small businesses, which for decades have been the cornerstone of our growing economy.

A proposal I would like my colleagues to seriously consider is the Small Business Tax Relief Act of 2001, which I introduced last week.

Small businesses owners generally have restricted cash flow, as well as limited access to credit. Funds are not readily available to invest in new equipment that may be needed to operate the business effectively.

Small businesses need to be allowed to expense a significant portion if not all of the costs for new equipment purchases in the year the purchase was made, rather than depreciating it over many years, which frees up necessary capital to make necessary investments and improvements.

Specifically, the Small Business Tax Fairness Act provides small businesses relief from an outdated rule that currently only allows a business to expense $24,000 per year for new or used equipment. S. 236 proposes two key changes to the equipment expensing rule that will ease the cost on small businesses when necessary updates are needed in their facilities:

> The bill increases the current $24,000 allowable equipment expensing amount to $100,000; and
>
> It increases the cap beyond which limits the equipment expense deduction from $200,000 to $400,000.

Another important provision of this legislation directly impacts small businesses which are restaurants or franchises. Because restaurants find themselves at a competitive disadvantage with other businesses, such as convenience stores, which are allowed a 15-year depreciable life, the Small Business Tax Fairness Act would allow restaurants to depreciate the cost of their original building, and any subsequent renovations or improvements to the building, at a same rate of 15 years, instead of the current depreciation schedule of 39 years.

Unlike other commercial buildings, restaurant buildings are specialized, single-purpose structures that are rarely converted to non-restaurant use. Restaurants also experience considerably more traffic, and remain open longer than most retail buildings. This daily assault causes rapid deterioration of restaurant properties, and forces restauranteurs to constantly repair and upgrade their buildings.

Because restaurant facilities do have a much shorter life span than other commercial establishments, this bill would alleviate the punitive depreciation schedule for restaurants that currently exists.

Similarly, most franchise contracts cover a span of 15 or 20 years. By reducing the depreciation period from 39 to 15 years for franchise and restaurant properties, this legislation more accurately reflects the true economic life of the properties.

S. 236 is supported by the International Franchise Association, the National Federation of Independent Business, the National Association of Women Business Owners, and the National Restaurant Association. I urge my colleagues to support this important legislation.

INTERNET NON-DISCRIMINATION AND SALES TAX SIMPLIFICATION ACT

Mr. LEAHY. Mr. President, I rise today to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple state and local taxes. I am pleased to join the senior senator from Oregon as an original cosponsor of the Internet Non-Discrimination and Sales Tax Simplification Act. I commend Senator WYDEN for his continued leadership on Internet tax policy.

The Internet has changed the way we do business. Today, businesses can sell their goods and services all over the world in the blink of an eye. E-commerce has created new markets, new efficiencies and new products. In fact, retail revenues from electronic commerce grew from $13 billion in 1999 to $26 billion in 2000. Retail sales are expected to continue to grow on the Internet to $178 billion in 2005.

The growth of electronic commerce is everywhere, including my home state of Vermont. Today, hundreds of Vermont businesses are doing business on the Internet, ranging from the Vermont Teddy Bear Company to Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream.

Let me just give you a few examples of Cyberselling in Vermont:

The New York Times recently profiled Buch Spieler, a Montpelier music store, as a shining example of the power of the Internet to boost sales and change the way many local stores do business. According to Fred Wilber, who has been running Buch Spieler for the past 27 years, overall sales has jumped by 10 percent and its customer base has expanded by 20 percent in the 18 months since he took his business online.

Gardeners Supply Company of Burlington opened its web site five years ago to accompany its catalog of environmentally-sound products. With an average annual growth rate of about 150 percent, Gardeners now sells more than $10 million worth of products online.

Pompanoosuc Mills, a furniture company in Thetford, has been online for about two years. In its first year, the company made about $1,300 a week from Internet-related sales. By its second year, online sales had tripled to $4,000 a week.

Green Mountain Coffee Roasters, based in Waterbury, went on the web to gain more direct access to consumers since its coffee business was about 95 percent wholesale. Today, Green Mountain has doubled its retail sales through the Internet.

And Burr Morse, President of Morse Farm Sugar Works, outside Montpelier, sold so much maple syrup online that he testified before the Senate Commerce Committee on the benefits of e-commerce for small businesses nationwide.

For the past five years I have learned first-hand about this e-commerce explosion by hosting annual workshops on Internet sales. At my Doing Business On The Internet Workshops in Vermont, small business owners recounted tales of successful selling on the Web and share their tips for future success with fellow entrepreneurs. For instance, Megan Smith of The Vermont Inn in Killington attended one of the workshops and now takes reservations over the Net from customers all across the country and around the world. And Maura Malone attended our workshops for the past three years in a row to learn how to reach more customers for her fabric/quilt store, Back Country Threads, which is deep in the woods in Essex. She created her own website and won the "Top Customer Service Award" from Yahoo Store for the last 10 months running.

These Vermont cybersellers are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of famous ex-hippies who sell great ice cream. But what Vermont online sellers do have in common is that Internet commerce allows them to erase the geographic barriers that historically have limited our access to major markets. With the power of the Internet, Vermonters can sell their products and services anywhere, anytime. Cyberselling is paying off for Vermont and the rest of the nation.

With the Internet's exciting economic opportunities come unique challenges. One of the critical challenges in our new economy is developing fair and balanced tax policy that respects the rights of states and local jurisdictions while fostering a stable environment for e-commerce to continue to grow. I believe the Internet Non-Discrimination and Sales Tax Simplification Act strikes that fair balance.

Our legislation extends the current moratorium against discriminatory and multiple taxes on goods and services sold over the Internet through 2006. The current three-year moratorium, enacted as part of the 1998 Internet Tax Freedom Act, which I was proud to cosponsor, is set to expire in October 2001. This five-year extension of the moratorium was one of the recommendations in the Advisory Commission on Electronic Commerce's April 2000 report to Congress.

Electronic commerce is beginning to blossom, but it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do. Internet commerce should not be subject to discriminatory new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on e-commerce. We need to continue the moratorium to provide the stability necessary for electronic commerce to flourish. We are not asking for a tax-free zone on the Internet; if sales taxes and other taxes would apply to traditional sales and services, then those taxes would also apply to Internet sales under our legislation. But our legislation would continue the ban on any taxes applied only to Internet sales in a discriminatory manner.

Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of multiple or discriminatory taxation.

While Congress should continue to prevent discriminatory e-commerce taxes, we also need a national policy to make sure that the traditional state and local sales taxes on Internet sales are applied and collected fairly and uniformly. Our bill encourages states to simplify their sales tax rules and to develop national standards on e-commerce. To help state and local governments improve their collection of sales taxes on e-commerce, our bill authorizes Congress to consider legislation under fast-track procedures to require sellers to collect sales taxes on goods and services sold over the Internet.

I commend the National Conference of State Legislatures and the National Governors Association for their efforts to create uniformity among states for the collection of remote sales taxes. I hope our legislation will further this simplification process as state legislatures and governors around the nation work together to come up with national standards for e-commerce taxation. I pledge to work with them to reach consensus on these difficult remote tax issues.

Today, there are more than a million businesses selling their sales and services on the World Wide Web around the world. This explosion in Web growth has led to thousands of new jobs and exciting opportunities for businesses from Main Street to Wall Street. A March 1999 survey of e-commerce in Vermont that I commissioned found that Vermont businesses had already created 1,404 jobs as a result of Internet commerce—with the potential to create 24,280 new jobs in my home state by the end of this year. The Internet Non-Discrimination and Sales Tax Simplification Act will insure that Vermonters continue to reap the rewards of electronic commerce.

E-Commerce is booming, our moratorium law is working, and we should keep a good thing going and growing. I am proud to cosponsor the Internet Non-Discrimination and Sales Tax Simplification Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO PROVIDENCE'S NEW ENGLAND STORM

• Mr. CHAFEE. Mr. President, I wish to pay tribute to the New England Storm, a Women's Professional Football League, WPFL, team based in Providence, Rhode Island. Established just one year ago, the New England Storm logged an impressive first season capped by winning the National Conference Championship January 6, 2001.

This was truly an amazing accomplishment—a testament to the players' dedication, sacrifice, and hard work.

As a Rhode Islander, I am particularly proud of the Storm's success. In January 2000, Rhode Island native Melissa Korpacz—know to all as "Missi"—founded the Storm and rooted it in Providence's Mt. Pleasant Stadium. Missi put aside her fledgling education law practice and invested her time and money into helping the New England Storm take flight. She secured a venue, recruited 43 top athletes, a dedicated staff of managers, coaches, and trainers and secured the necessary business licenses.

And, throughout the season, she balanced the roles of team owner and regional director of team management for the WPFL while taking to the field each game as the Storm's fullback.

To be sure, Missi's efforts were boosted by the spirit and professionalism of her fellow teammates. Together, their performance stirred an enormous amount of pride in Rhode Island and set a laudable goal toward which young women athletes across our state can strive.

And so, I offer my heartiest congratulations to all the members of the New England Storm Women's Professional Football Team, and all who were associated with their championship season.

I ask that a copy of the team roster be printed in the RECORD.

The roster follows.

NEW ENGLAND STORM WOMEN'S PROFESSIONAL FOOTBALL TEAM 2000–2001 SEASON

Jennifer Blum; Kathleen Bolduc; Sue Burtoft; Patricia Carey; Linda Caruso; Kendra Cestone; Deb Cote; Heather Davis; Karolyn Domini; Kerry Dudley; Audrey Everson; Toni Farfaras; Tara Fay; Chantalle Forgues; Sandy Frizell; Christina Gibbons; Nicole Girard; Theresa Gomes; Ann Hadwen; Cheryl Hancin; Kim Hickey; Rumonda Holder; Debra Hutter; Jessica Johnson; Stephanie Kehas; Catherine Kidd; Missi Korpacz; Tracey Kowalski; Stephanie Lake; Veronica Milinazzo; Darci Mix; Sara Moon; Amy O'Hara; Samantha Phillips; Leah Proia; April Riccardone; Beatrice Robinson; Lori Rubolotta; Amy Saur; Jeanne Sherlock; Kate Skidmore; Karen Sweet; and Sarah Ward. •

TRIBUTE TO EDDIE RATHBUN

• Mr. INHOFE. Mr. President, I rise today in recognition of the hard work that Mr. Eddie Rathbun and the staff of the Natural Resources Conservation Service have done for the people of Bridge Creek, OK.

I have often spoke of the incredible kindness Oklahomans have demonstrated through trying times, and Mr. Eddie Rathbun's actions have been an example of this. I am sure you remember the horrible tornados that ravaged Oklahoma in May of 1999 that killed 44 people and injured 795 others. For many of my constituents this was a very difficult time and Mr. Rathbun and the staff of the Natural Resources Conservation Service went out of their way to be helpful to those whose lives had been altered by this disaster. Mr. Rathbun and his crew worked long hours, in difficult working conditions, to ensure that the people in Bridge Creek could return their lives to normal. The people of this community have informed me that he was a great help to them in a time of need, and have expressed a deep appreciation of him, which I share here today.

Mr. Eddie Rathbun and the crew of the Natural Resources Conservation Service exemplify the Oklahoma spirit of going beyond what is necessary to help a neighbor in a time of need. I wanted to recognize the efforts of a good man, for the kindness he has provided to the people of Oklahoma. •

A SALUTE TO LORENA DEROIN

• Mr. INHOFE. Mr. President, it is my privilege today to pay tribute to an outstanding woman who will be recognized this Saturday, February 10, with a special Honor Dance for her years of service to American Indians and to our country. This dance honors what is perhaps one of the most impressive and prestigious achievements of Lorena DeRoin's lifetime: becoming the first and only American Indian ever to serve as president of American War Mothers.

American War Mothers is a national, patriotic organization dedicated to recognizing mothers whose children have served in the military. As national president, she is able to expound on years of experience leading women in both state and local chapters of the organization.

Born February 9, 1915, in Red Rock, Oklahoma, Mrs. DeRoin has made her mark as an American Indian and a patriot. She belongs to the White Pigeon Clan of the Otoe-Missouria Tribe. In 1962, she joined Otoe War Mothers, a local chapter of American War Mothers. During her years of service, she worked on all standing committees and then became president of the chapter. She is also retired from the Bureau of Indian Affairs as an employee of the old Chilocco Indian School.

Showing her dedication to our country, she has served as Mistress of Ceremonies for three separate years on Mothers Day at Arlington National Cemetery and laid the Wreath at the Tomb of the Unknown Soldier.

Mrs. DeRoin's contributions to our community and our country are an example of true servant leadership. Oklahoma is fortunate to count Lorena DeRoin as one of our own. It is my privilege to recognize her accomplishments and to also wish her a Happy Birthday.●

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

George W. Bush.
The White House, *February 8, 2001.*

REPORT ON THE TAX RELIEF PLAN—MESSAGE FROM THE PRESIDENT—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Enclosed please find my plan to provide needed tax relief to the American people. Over the last several months, the economy has slowed dramatically. I believe that the best way to ensure that our prosperity continues is to put more money in the hands of consumers and entrepreneurs as soon as possible. I look forward to working with the Congress to enact meaningful tax cuts into law.

George W. Bush.
The White House, *February 8, 2001.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. Burns):

S. 285. A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 286. A bill to direct the Secretary of Commerce to establish a program to make no-interest loans to eligible small business concerns to address economic harm resulting from shortages of, and increases in the prices of, electricity and natural gas; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 287. A bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. Leahy):

S. 288. A bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. SESSIONS (for himself, Mr. Graham, Mr. Bingaman, Mr. Frist, Mr. Gramm, Mr. Hutchinson, Mr. Murkowski, Mr. Breaux, Mr. Shelby, Ms. Collins, Mr. Helms, Mr. Inhofe, Mr. Roberts, Mr. Santorum, and Ms. Landrieu):

S. 289. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

By Mr. DODD (for himself and Mr. Shelby):

S. 290. A bill to increase parental involvement and protect student privacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON (for himself, Mr. Frist, Mrs. Hutchison, and Mr. Gramm):

S. 291. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. Wyden):

S. 292. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to senior centers and community centers; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Durbin, Mrs. Clinton, Mr. Dorgan, and Mr. Kennedy):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit against increased residential energy costs and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. Kohl):

S. 294. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. Lieberman, Ms. Snowe, Mr. Bingaman, Ms. Landrieu, Mr. Johnson, Mr. Domenici, Mr. Levin, Mr. Wellstone, Mr. Jeffords, Mr. Harkin, Mr. Schumer, Mrs. Clinton, Mr. Kohl, Mr. Edwards, Mr. Leahy, Mr. Baucus, Ms. Collins, Mr. Smith of New Hampshire, Mr. Dodd, Mr. L. Chafee, and Mr. Bayh):

S. 295. A bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes; to the Committee on Small Business.

By Ms. COLLINS:

S. 296. A bill to authorize the conveyance of a segment of the Loring Petroleum Pipeline, Maine, and related easements; to the Committee on Armed Services.

By Mr. SCHUMER:

S. 297. A bill to put teachers first by providing grants for master teacher programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for himself and Mr. Dodd):

S. 298. A bill to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 299. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 300. A bill to amend the Higher Education Act of 1965 to provide for an increase in the amount of student loans that are eligible for forgiveness in exchange for the service of the individual as a teacher; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS (for himself, Mr. Craig, Mr. Crapo, Mr. Murkowski, and Mr. Enzi):

S. 301. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with state agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. BURNS):

S. 285. A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; to the Committee on Environment and Public Works.

Mr. WYDEN. Mr. President, 25 years after enactment of the Clean Water Act, we still have not achieved the law's original goal that all our nation's lakes, rivers and streams would be safe for fishing and swimming.

After 25 years, it's time for the next generation of strategies to solve our remaining water quality problems. We need to give States new tools to overcome the new water quality challenges they are now facing.

The money that has been invested in controlling water pollution from factories and upgrading sewage treatment plants has gone a long way to controlling these urban pollution sources. In most cases, the remaining water quality problems are no longer caused by pollution spewing out of factory pipes. Instead, they are caused by runoff from a myriad of sources ranging from farm fields to city streets and parking lots.

In my home State of Oregon, more than half of our streams don't fully meet water quality standards. And the largest problems are contamination from runoff and meeting the standards for water temperature.

In many cases, conventional approaches will not solve these problems. But we can achieve water temperature standards and obtain other water quality benefits by enhancing stream flows and improving runoff controls.

A major problem for many streams in Oregon and in many other areas of the Western United States is that water supplies are fully appropriated or overappropriated. There is currently no extra water to spare for increased stream flows.

We can't create new water to fill the gap. But we can make more water available for this use through increased water conservation and more efficient use of existing water supplies.

The key to achieving this would be to create incentives to reduce wasteful water use.

In the Western United States, irrigated agriculture is the single largest user of water. Studies indicate that substantial quantities of water diverted for irrigation do not make it to the fields, with a significant portion lost to evaporation or leakage from irrigation canals.

In Oregon and other States that recognize rights to conserved water for those who conserve it, irrigators and other water users could gain rights to use conserved water while also increasing the amount of water available for other uses by implementing conservation and efficiency measures to reduce water loss.

The Federal government can play a role in helping meet our nation's changing water needs. In many Western States, water supply problems can be addressed by providing financial incentives to help water users implement cost effective water conservation and efficiency measures consistent with State water law.

And, we can improve water quality throughout the nation by giving greater flexibility to States to use Clean Water Act funds to control polluted runoff, if that's where the money is needed most.

Today, I am pleased to be joined by my colleague, Senator BURNS, in introducing legislation to authorize the Clean Water State Revolving Fund program to provide loans to water users to fund conservation measures or runoff controls. States would be authorized, but not required, to use their SRF funds for these purposes. Participation by water users, farmers, ranchers and other eligible loan recipients would also be entirely voluntary.

The conservation program would be structured to allow participating users to receive a share of the water saved through conservation or more efficient use, which they could use in accordance with State law. This type of approach would create a win/win situation with more water available for both the conservers and for instream flows. And, by using the SRF program, the Federal seed money would be repaid over time and gradually become available to fund conservation or other measures to solve water quality problems in other areas.

My proposal has the support of the Farm Bureau, Oregon water users, the Environmental Defense Fund, and the Oregon Water Trust.

I urge my colleagues to support giving States greater flexibility to use their clean water funds for water conservation or runoff control when the State decides that is the best way to solve water quality problems and the water users voluntarily agree to participate.

Mr. BURNS. Mr. President, I am pleased today to join my colleague from Oregon, Senator WYDEN, in introducing the Water Conservation and Quality Incentives Act. This bill aims to authorize the use of State revolving loan funds for construction of water conservation and quality improvements. Senator WYDEN and I have worked together to bring some common sense improvements to the existing revolving fund program. One of the big changes we would like to see will encourage additional conservation of water resources by the many irrigation districts in the Nation. Every Montanan understands that water is the lifeblood of our State, and I am glad to be working on this bipartisan effort to more effectively use this vital resource.

This bill will encourage water conservation by providing the opportunity for loans to be made to irrigation districts from the State revolving funds. These loans will be used to construct pipelines and develop additional conservation measures. In the West, irrigators are by far the largest water users. They use the water to produce the many agricultural products we enjoy in this country. Between the water source and the field, a large portion of the water used in irrigation is displaced due to seepage as the water flows through the canals and ditches. The water is not lost, since it seeps into the soil and assists in the overall soil moisture, but it makes for an inefficient system because it is not immediately available to the irrigator.

One of the reasons this is damaging to producers is the fact that in most irrigation districts, irrigators pay for water that is released to them whether it makes it to the crop or not. Displacement of this water does not help a producer's bottom line. At a time when prices are low and markets are questionable, it is important that we give tools to the producer to make sure they have every opportunity to stay in business.

Water saved under the proposal in this bill will not only assist the producer in water and cost savings, but will also make certain the future of water in the many rivers and streams in the west. Efficient irrigations systems make good environmental sense because the more water you have to pump out of a river, the less water there is left for the fish and animals that depend on it as part of their habitat.

This bill creates a win-win situation both for water users and for the multiple users of water in our states, particularly Oregon and Montana. We have an opportunity here to do something useful and worthwhile for the irrigators and also for those who enjoy fishing, boating and other instream water uses. I thank Senator WYDEN for his work on this measure and I am pleased to work with him on this issue of great importance.

By Mrs. FEINSTEIN:

S. 286. A bill to direct the Secretary of Commerce to establish a program to make no-interest loans to eligible small business concerns to address economic harm resulting from shortages of, and increases in the price of, electricity and natural gas; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I am very proud today to introduce legislation designed to help small businesses hurt by the power crisis in the Western United States.

This bill authorizes funds for the Economic Development Administration to operate a revolving loan fund to assist small business owners in California and other States affected by the shortage.

This fund will help dozens of small manufacturers with so-called "interruptible contracts" that have been forced to lay off employees and, in many cases, close their doors.

Interruptible contracts are defined as price discounts to users who agree to reduce consumption during peak demand periods.

But while companies can withstand infrequent power interruptions, the fact is that California has been hit hard by the electricity crisis and the service interruptions have come far too frequently.

Today, even small business owners who chose not to join the interruptible list—and opted instead to brave the higher gas and electric bills—have found the price spikes too much to handle.

Sadly, many of these firms have discovered that they too are being forced to shut down because they can't pay their electricity bills. Here are a few examples of companies that have been affected:

A small business owner in San Diego operating a fluff-and-fold laundry facility was forced to close when his December electricity bill jumped fourfold to $4,000. At this time last year, his monthly bill was roughly $1,000.

The Saint-Gobain Calmar company—a plastics manufacturer in Los Angeles with roughly 300 employees—has been forced to stop production 22 times in the past six months because of the business' "interruptible" status. Although the company has been able to avoid layoffs up to now, the owners say the outlook is not good.

Another example is the McKoen and Associates potato-flake plant in Tulelake, California. The owner of the facility says he may be forced to lay off about 100 employees permanently due to the mandatory shut downs.

While all California companies, both large and small, are feeling the crunch of the power shortage, smaller firms are taking a larger hit because these companies pay a larger percentage of their budgets to energy and gas bills.

Small businesses, classified as those with 500 workers or fewer, employ 37 percent of the California's total workforce.

This current power drain has led to higher costs for businesses throughout the Northwest.

Some aluminum and paper manufacturers in Washington and Oregon have already been forced out of business—and they are not alone.

The bill I am introducing today authorizes $25 million for a revolving no-interest loan fund to be operated by the Economic Development Administration.

The bill allows small businesses, as defined by the Small Business Administration to be eligible for loans if their monthly gas or electric bills are at least double what they were a year ago.

If a company's gas bill, for example, was $4,000 in the months of January, February, and March 2001 and the company averaged only $2,000 in January, February, and March 2000, that company is eligible for a loan.

The legislation will allow small business customers of the Pacific Gas and Electric Company, Southern California Edison, or San Diego Gas and Electric who are not covered by a State-mandated cap to apply for the no-interest loans to stave off lay offs, re-hire employees, and keep their facilities up and running.

Small business that were covered by a State cap on energy expenses will not be eligible for the loan program.

The bill is designed to help both small business owners who opted for the "interruptible list" and those who tried to brave the cost spikes and failed.

The legislation will not affect those who are not covered by a State mandated program that caps retail electric commodity rates.

I believe this measure will be of great assistance to the hundreds of small businesses in the Western region that are facing skyrocketing costs for power.

I urge my colleagues to join me on this important legislation to help keep these hard working businessmen and women from being forced to lay off employees and close their doors.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 287. A bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. I rise today to introduce a bill to direct the Federal Energy Regulatory Commission to institute cost-of-service based rates with a reasonable rate of return on energy produced in the western energy market.

I had planned on introducing this bill as an amendment to the pipeline safety bill but I understand that the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI and the ranking member of that committee, Senator BINGAMAN, would be amendable to scheduling a hearing on this bill before the end of the month, if the legislation is introduced as a stand-alone bill rather than as an amendment to the pipeline safety bill.

After the hearing, I intend to exercise my right under the rules of the committee to ask that the chairman put this bill on the schedule for mark-up.

Mr. MURKOWSKI. I remain concerned about the energy crisis that is affecting not just California but other Western states as well. I am willing to hold a hearing on your legislation during the week of February 26, right after the Senate recess.

I cannot commit to a markup of the bill, but I expect that the Senator's legislation will be given its due consideration by the committee in a timely manner.

Mr. BINGAMAN. The situation in California is very serious. It is now affecting not only the price and supply of electricity in California but the price and supply of electricity throughout the West. It poses a grave danger to the economy of the nation as a whole. The State of California is doing what it can to cope with this crisis. It is past time for the Federal Energy Regulatory Commission to use its existing authority to bring wholesale prices under control.

I commend the Senator from California, Senator FEINSTEIN, for her initiative in crafting the bill, and the chairman of the Energy Committee, Senator MURKOWSKI, for agreeing to give us a hearing on it.

By Mr. SESSIONS (for himself, Mr. GRAHAM, Mr. BINGAMAN, Mr. FRIST, Mr. GRAMM, Mr. HUTCHINSON, Mr. MURKOWSKI, Mr. BREAUX, Mr. SHELBY, Ms. COLLINS, Mr. HELMS, Mr. INHOFE, Mr. ROBERTS, Mr. SANTORUM, and Ms. LANDRIEU):

S. 289. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I rise today to discuss the concept of prepaid tuition plans and why they are so critically important to America's families. As a parent who has put two children through college and who has another currently enrolled in college, I know firsthand that America's families are struggling to meet the rising cost of higher education. In fact, American families accrued more college debt in the 1990's than during the previous three decades combined. The reason is twofold: the Federal Government subsidizes student debt with interest rate breaks and penalizes educational savings by taxing the interest earned on those savings.

In recent years, however, many families have tackled rising tuition costs by taking advantage of prepaid college tuition and savings plans. These plans allow families to purchase tuition credits years in advance. Families are able to pay for their child's future college education at today's price. Currently, 48 states have or are in the process of creating a tuition savings or prepaid tuition plan. These plans are extremely popular with parents, students, and alumni. They make it easier for families to save **for** college, while at the same time taking the uncertainty out of the future cost of college.

My home State of Alabama was one of the first in the nation to establish a prepaid college tuition plan. Nearly 50,000 Alabamians are currently enrolled in the Prepaid Alabama College Tuition Plan. Families across the State of Alabama are setting aside a few dollars each month to pay for the future college education of their child. Alabama is not the only success story, 18,000 children have been enrolled in the College Savings Iowa plan.

Mr. President, 2,500 families in Montana are saving for their child's college education through the Montana Family Education Savings Program:

13,000 are enrolled in the Alaska Advance College Tuition Plan; 100,000 are participating in the Texas Tomorrow Fund; 7,000 children have accounts in the West Virginia Prepaid College Plan; 38,000 have joined the Maine Next Generation College Investing Plan; over 10,000 parents have contracts in the Mississippi Prepaid Affordable College Tuition Program for their children.

As you can see, people across the country are wisely taking advantage of these plans. Congress has supported participating families by expanding the scope of the prepaid tuition plans and by deferring the taxes on the interest earned until the student goes off to college. I believe that we must go one step further. That is why today, I along with Senators BOB GRAHAM, COLLINS, BINGAMAN, PHIL GRAMM, FRIST, BREAUX, SHELBY, HELMS, INHOFE, TIM HUTCHINSON, SANTORUM, MURKOWSKI, LANDRIEU, and ROBERTS are introducing the Collegiate Learning and Student Savings, CLASS, Act.

This is a common sense piece of legislation that will make the interest earned on all education tuition savings plans completely tax-free. Currently, the interest earned by families saving for college is taxed twice. Families are taxed on the income when they earn it, and then again on the interest that accrues from the savings. We strongly believe that this trend must no longer continue.

In order to provide families a new alternative, the CLASS Act will provide tax-free treatment to all tuition savings plans. This bipartisan piece of legislation is sound education policy and tax policy that provides incentives for savings rather than bureaucratic solutions. It is a small tax break—estimated at less than $200 million over 5 years—but the CLASS Act will give families an extra incentive to be prudent savers for their children's education. Indeed, this small tax relief plan could produce billions in savings for college in the years to come. Many individuals have questioned whether these plans will benefit all types of students.

Let me say this, it is wrong to assume that tuition savings and prepaid plans benefit mainly the wealthy. In fact, the track record of existing state prepaid plans indicates that working, middle-income families, not the rich, benefit the most from prepaid plans. For example, in 1996 families with an annual income of less than $35,000 purchased 62 percent of the prepaid tuition contracts offered by the State of Pennsylvania. In the same year, 71 percent of the 600,000 families participating in the Florida Prepaid College Program had an income of less than $50,000. It is clear this plan is helping middle income families save for college.

In 1995, the average monthly contribution to a family's college savings account in Kentucky was $43. These families in Kentucky are putting a few dollars aside each month to save for their child's education. Tax-free treatment for tuition savings plans must become law. We passed this legislation as part of a larger tax bill last Congress. However, it was vetoed by President Clinton.

President Bush articulated his support for this plan during the campaign. The time to act is now. This is not expensive, and the small cost will produce a huge benefit. I encourage my colleagues to work with me to push for passage of this common sense piece of legislation.

Mr. GRAHAM. Mr. President, I am proud to join Senator SESSIONS and my other Senate colleagues in launching an initiative to increase Americans' access to college education. Today, we are introducing the Collegiate Learning and Student Savings Act. This bill extends tax-free treatment to all state sponsored prepaid tuition plans and state savings plans. This legislation also gives prepaid tuition plans established by private colleges and universities tax-deferred treatment in 2001, and tax-exempt status by 2005.

Prepaid college tuition and savings programs have flourished at the State level in the face of spiraling college costs. According to the College Board, between 1980 and 2000, the cost of going to a four-year college has increased 115 percent above the rate of inflation. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

In response to higher college costs the States have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today 49 States have either implemented or are in the process of implementing prepaid tuition plans or state education savings plans.

Prepaid college tuition plans allow parents to pay prospectively for their children's higher education at participating universities. States pool these funds and invest them in a manner that will match or exceed the pace of educational inflation. This "locks in" current tuition and guarantees financial access to a future college education. In 1996, Congress acted to ensure that the tax on the earnings in these state-sponsored programs is tax-deferred.

Mr. SESSIONS and I believe the 107th Congress must move to make these programs completely tax free. Students should be able to enroll in college without the fear of incurring a significant tax liability just because they went to school. The legislation extends this same tax treatment to private college prepaid programs beginning in 2005.

We believe that these programs should be tax free for numerous reasons. First, prepaid tuition and savings programs help middle income families afford a college education. Florida's experience shows that it is not higher income families who take most advantage of these plans. It is middle income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family income of less than $50,000. Second, Congress should make these programs tax free in order to encourage savings and college attendance. Finally, for most families, these plans simply represent the purchase of service to be provided in the future. The accounts are not liquid, and the funds are transferred from the state directly to the college or university. The imposition of a tax liability on earnings represents a substantial burden, because the student is required to find other means of generating the funds to pay the tax.

I am pleased to have this opportunity to join my colleagues in introducing this bill which makes a college education easier to obtain.

By Mr. DODD (for himself and Mr. SHELBY):

S. 290. A bill to increase parental involvement and protect student privacy; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Student Privacy Protection Act with my friend and colleague from Alabama, Senator SHELBY. Senator SHELBY recently asked me to join him as a co-chair of the Congressional Privacy Caucus and I am pleased that we are today introducing legislation to help protect the privacy of one of America's most vulnerable groups—our students.

A recent GAO report confirms that more and more, schools are being perceived by some not just as centers for learning, but as centers for commercial research. Our children should be instilled with knowledge, not mined for knowledge on their commercial preferences and interests. Schools are there to help children grow up to be good citizens—not to provide a captive audience for market researchers and major advertisers.

Our bill is simple—it provides parents and their children with modest, appropriate, privacy protections from market research in schools that would gather personal information about students, during school hours, for purely commercial purposes. It does not ban advertising, nor does it ban market research. It simply requires that, before a researcher can start asking a young student to provide personal information, that researcher must obtain parental consent or its equivalent.

Surely, that is not too much to ask. If someone came to your home and started to ask your child about his or her age, gender, neighborhood, food preferences, and entertainment preferences, surely you would want to know the purpose of such questions before deciding whether to consent to them. We think parents and children are entitled to no less consideration just because a child is in school.

This is part of a larger phenomenon that is familiar to anyone who has walked through a school in the past few years—the stunning increase in commercial advertising in schools. Gone are the days when commercial advertising simply meant the local hardware store's name on the basketball scoreboard or the local dry-cleaner's name on the football scoreboard.

Schools, teachers and their students are daily barraged with commercial messages aimed at influencing the buying habits of children and their parents. A 1997 study from Texas A&M, estimated that children, age 4 to 12, spent more than $24 billion themselves and influenced their parents to spend $187 billion.

One major spaghetti sauce firm has encouraged science teachers to have their students test different sauces for thickness as part of their science classes. A cable television channel in New Jersey had elementary school students fill our a 27-page booklet called "My All About Me Journal" as part of a marketing survey. In one school, a student was suspended for wearing a Pepsi T-shirt on the school's Coke Day. In another, credit card applications were sent home with elementary school students for their parents and the school collected a fee for every family that signed up.

Advertisers focus on students and schools for the same reason Willie Sutton robbed banks—because that's where the money is. And many schools enter into commercial contracts with advertisers because, as the GAO found, they are strapped for cash. Schools often are faced with two poor choices—provide computers, books, and other educational and recreational equipment with commercial advertising, or not at all.

The bill that Senator SHELBY and I offer today does not second guess the hard decisions that school administrators are making each and every day. Nor does it ignore the fact that business leaders often are the strongest advocates for school improvement and the greatest benefactors of the educational process. What it does is address what the GAO report considers to be perhaps the most troubling form of commercial activity in schools—the "growing phenomenon" of market research.

According to GAO, "none of the education officials we interviewed said schools were appropriate venues for market research. . . ." Nevertheless, none of the districts surveyed by GAO had policies specifically addressing market research and the GAO found that this activity is widespread. One firm alone has conducted market research in more than 1,000 schools.

Another company, which since has discontinued these activities, provided computers to 1,800 schools, about 8.6 percent of all U.S. secondary schools. In exchange, the company was allowed to advertise to and ask questions of students using these computers. There are other examples. Suffice it to say that this is a practice that not only is inappropriate in the opinion of education officials, but is unknown to many parents. Nearly half of parents in a recent survey were not aware that websites can collect personal information about students without their knowledge.

This bill would return to parents the right to protect their children's privacy. It's simple, it's modest, it contains appropriate exceptions, and it's our hope that it will become law together with other educational reforms being considered by this Congress.

Mr. SHELBY. Mr. President, I rise today with my colleague Senator DODD to introduce the "Student Privacy Protection Act". This legislation is intended to ensure that parents have the ability to protect their children's privacy by requiring that anyone who wishes to collect data for commercial purposes from kids in school must first seek and obtain parental permission.

The need for this legislation stems from the fact that a large number of marketing companies are going into classrooms and using class time to gather personal information about students and their families for commercial gain. In many cases, parents are not even aware that these companies have entered their children's school, much less that they are exploiting them in the one place they should be the safest, their classroom.

Our legislation builds on a long line of privacy legislation to protect kids, such as the Family Educational Rights Act, the Children's Online Privacy Protection Act and the Protection of Pupil Rights Act. The goal of these laws, as is the case with our legislation, is to ensure that the privacy of children is protected and that their personal information cannot be collected and/or disseminated without the prior knowledge, and in most cases, consent of the parents.

We understand that schools today are financially strapped and many of these companies offer enticing financial incentives to gain access. Our goal is not to make it more difficult for schools to access the educational materials and the computers that they so desperately need. Rather our goal is to ensure that the details of these arrangements are disclosed and that parents are allowed to participate in the decision-making process.

The bottom line here is that parents have a right and a responsibility to be involved in their children's education. Much of what is occurring now is being done at the expense of the parents' decision making authority because schools are allowing companies direct access to students. This legislation enhances parental involvement by giving them an opportunity to decide for themselves who does and does not get access to their children during the school day.

By Mr. THOMPSON (for himself, Mr. FRIST, Mrs. HUTCHISON, and Mr. GRAMM):

S. 291. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax; to the Committee on Finance.

Mr. THOMPSON. Mr. President, today I am introducing legislation that will address an inequity in the tax code that affects the citizens of my state and citizens of other states that do not have a state income tax. Tennesseans are discriminated against under federal tax laws simply because our state choose to raise revenue primarily through a sales tax instead of an income tax. My bill would end this inequity by allowing taxpayers to deduct either their state and local sales taxes or their state and local income taxes on their federal tax forms, but not both. My bill would also ensure that Tennesseans who benefit from this deduction would not be caught under the federal alternative minimum tax, AMT, by allowing individuals to deduct their state and local taxes paid when computing their AMT tax liability.

Under current law, individuals who itemize their deductions for federal tax purposes are only permitted to deduct state and local income taxes and property taxes paid. State and local sales taxes are not deductible. Therefore, residents of nine states are treated differently from residents of states that have an income tax. Seven states—Texas, Wyoming, Alaska, Florida, South Dakota, Washington, and Nevada—have no state income tax. Two states—Tennessee and New Hampshire—only impose an income tax on interest and dividends, but not wages.

Prior to 1986, taxpayers were permitted to deduct all of their state and local taxes paid, including income, sales and property taxes, when computing their federal tax liability. The ability to deduct all state and local taxes is based on the principle that levying a tax on a tax is unfair.

In 1986, however, Congress made dramatic changes to the tax code. The Tax Reform Act of 1986 significantly reduced federal tax rates on individuals. In exchange for these lower rates, Congress broadened the base of income that is taxed by eliminating many of the deductions and credits that previously existed in the code, including the deduction for state and local sales taxes. The deduction for state and local income taxes, however, was retained.

The 1986 Act also tightened the alternative minimum tax rules. The AMT is a separate, complicated tax system that was originally intended to ensure that wealthy taxpayers could not use the tax code's many deductions and credits to completely zero out their federal tax liability. However, each year more and more middle income individuals are being caught under the AMT who were never intended to be affected by it. Under current law, individuals are not permitted to deduct their state and local taxes when computing their alternative minimum tax liability. This is a major factor pushing Americans under the AMT. By allowing individuals to deduct state and local taxes under the AMT, my bill will ensure that restoring equity in this area will not push more Tennesseans under the AMT. It makes no sense to me to give Tennesseans a tax cut on the one hand, then take it away with the other.

I believe that our federal tax laws should be neutral with respect to the treatment of state and local taxes. As I have said, that is not the case now. The current tax code is biased in favor of states that raise revenue through an income tax. The current tax code is also needlessly complex. There is widespread agreement among tax experts that the AMT is a primary cause of complexity in the tax code and should be repealed. I strongly support comprehensive reform of the tax code that will address issues such as neutrality, fairness and simplicity. As we work to reform the overall tax code, restoring equality in these areas and should be a part of the discussion.

By Mr. CLELAND (for himself and Mr. WYDEN):

S. 292. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to senior centers and community centers; to the Committee on Finance.

Mr. CLELAND. Mr. President, the U.S. Department of Commerce's latest report on Internet access in the U.S. is out. According to the Department's Falling Through the Net: Toward Digital Inclusion, published last October, more Americans than ever have Internet access and own computers.

The number of Americans using the Internet jumped to 116.5 million in August 2000, 31.9 million more Americans than were online in December 1998. And groups that have traditionally been digital "have nots" are making significant gains, according to the Commerce report's findings. Almost 39 percent of rural households, for example, now have Internet connections, a 75 percent increase over the last 20 months. The report found that African American households are now more than twice as likely to have Internet access at home than they were 20 months ago. Similarly, Internet access in Hispanic households has also nearly doubled and now stands at 23.6 percent. And more Americans at every income level have Internet access in their homes, especially at the middle income levels. Today, two out of every three households earning more than $50,000 have Internet connections.

Although more Americans than ever are connected to the Internet, the report concludes that a "digital divide" still exists "between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities." According to the Commerce Department report, for example, more than three-fourths of all households earning in excess of $75,000 use the Internet at home, while less than one-fifth of the households with incomes of under $15,000 do. In some cases, the digital divide has even expanded over the last 20 months. The gap in Internet access rates between African American households and the nation as a whole is now 18 percent—3 percent more than in December 1998. And the gap in Internet access between Hispanic households and the national average is 17.9 percent—4.3 percent more than it was 20 months ago.

Increasing numbers of Americans are using the Internet to vote, shop, pay bills, take education courses, and acquire new skills. It is therefore becoming more and more critical that all Americans have the tools necessary for full participation in the Information Age economy. Access to these tools is essential to ensure that our economy continues to grow and that in the future no one is left behind.

A viable alternative for many of these under-served individuals is Internet access outside the home, and statistics show that computer use at schools, libraries, and other public access points such as community centers is on the rise. Today I am joined by my distinguished colleague, Senator WYDEN, in introducing the Community Technology Assistance Act. Currently, the special enhanced tax deduction exists in the case of computer equipment donated to elementary and secondary schools and public libraries. Our bill would expand this tax incentive to include computer donations to community and senior centers as well. Consider the many high-profile technology and Internet related companies, such as Microsoft, Intel and AmericaOnline, that have donated computer equipment and web access to schools and universities across America. Our bill would encourage companies and individuals to invest in their community and jump start efforts to help bridge the digital divide in rural and low-income areas everywhere.

In addition, we know a digital divide exists between seniors and the population as a whole. In fact, the October 2000 Commerce Department report found that individuals over the age of 50 are among the least likely to be connected to the Internet, with an Internet use rate of less than 30 percent. Internet access at senior centers offers older Americans a promising opportunity. According to the National Association of State Units on Aging, eight states have conducted surveys on computer and on-line access at their senior centers. Pennsylvania reports, for example, that while more than 250 of their 650 senior centers are linked to the Internet, many more need computers. West Virginia indicates that every center that has opened a computer training program presently has a waiting list. In an informal survey, Georgia reports that no more than half of the state's approximately 200 senior centers have computers available for participant use—and "that would be a generous estimate." Clearly, the need is there to increase the availability of 21st Century technology to America's senior citizens.

In a society that increasingly relies on computers and the Internet to deliver information and enhance communication, we need to ensure that all Americans have access to the fundamental tools of the Information Age. As the Commerce Department report concludes, there is still much more to be done to make certain that we close the gap between the digital "haves" and "have nots" and ensure that everyone is included in the 21st Century economy. The Community Technology Assistance Act is a positive step in creating digital opportunity for all Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Technology Assistance Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) From December 1998 to August 2000, the share of Americans using the Internet jumped by over 35 percent, from 32.7 percent to 44.4 percent, according to the recent United States Department of Commerce report, *Falling Through the Net: Toward Digital Inclusion*. If growth continues at that rate, more than half of all Americans will be using the Internet by the middle of this year, the report projects.

(2) Although more Americans than ever are connected to the Internet, the most recent data show that a "digital divide" still exists between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual parent families, and those with and without disabilities, according to the United States Department of Commerce.

(3) Although both African Americans and Hispanic Americans have shown gains in Internet access over the past 20 months, still only about 16 percent of Hispanic Americans and just under 19 percent of African Americans use the Internet at home, compared to a third of the United States population as a whole.

(4) The gap in Internet access rates between African American households and the national average is 18 percent; 3 percent more than in December 1998 and the gap in Internet access between Hispanic American households and the national average is 17.9 percent; 4.3 percent more than it was in 1998.

(5) Individuals over 50 years old are among the least likely to be Internet users, with an Internet use rate of less than 30 percent. However, individuals in this age group are almost 3 times as likely to be Internet users if they are in the labor force than if they are not.

(6) Less than 1 in 5 individuals living in households with incomes of less than $15,000 were Internet users in August 2000. In contrast, 7 out of 10 individuals living in households with incomes of at least $75,000 had Internet access.

(7) Schools, libraries, and other public access points, such as community centers, continue to serve those groups that do not have access at home.

(8) Of those States that have surveyed computer access at senior centers, many report a need for computer and software acquisition.

SEC. 3. ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY TO SENIOR CENTERS AND COMMUNITY CENTERS.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO SENIOR CENTERS AND COMMUNITY CENTERS.—Section 170(e)(6)(B)(i)(II) of the Internal Revenue Code of 1986 (relating to qualified computer contribution) is amended by striking "or" at the end of subclause (II) and by inserting after subclause (III) the following:

"(IV) a multipurpose senior center (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)), as in effect on the date of the enactment of the Community Technology Assistance Act which is described in section 501(c)(3) and exempt from tax under section 501(a) for use by individuals who have attained 60 years of age to improve job skills in computers, or

"(V) a nonprofit or governmental community center, including any center within which an after-school or employment training program is operated,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2001.

By Mr. HARKIN (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. DORGAN, and Mr. KENNEDY):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit against increased residential energy costs and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today I am introducing the Home Energy Assistance Tax Act with Senators DURBIN, CLINTON, DORGAN, and KENNEDY.

The rising cost of utility bills has reached near crisis proportions in my home state and in states across this country. Right now, millions of Americans are being buried by massive home heating bills. And if we don't do something soon, a lot of people are going to be left out in the cold.

This winter has been an especially cold one. As a result, demand for natural gas is way up, and prices have skyrocketed.

In the past few months, I've gotten phone calls and letters from people all across Iowa telling me about their outrageous heating bills. A man in West Des Moines told me that while his gas bill was $189.87 in December—it jumped to $601.67 in January.

A couple in Duncombe said that their $79 gas bill in December was followed by a $330 gas bill in January—even though they never paid more than $120 a month last year.

And a man from Merrill told me that his bill was $575 this month and $475 last month, even though it was never higher than $280 last year.

This man and his wife receive $1,300 a month for Social Security—$100 of which goes for Medicare and $300 for Medicare supplement. After food and other expenses, they just don't have enough left to pay their utility bills.

Heating bills this high force people to make the kind of sacrifices that no one should have to make. A recent survey showed that 20 percent of the Iowa residents who asked for LIHEAP assistance went without medical care because of high heating bills. 12.3 percent went without food. 7.4 percent didn't pay their rent or make their house payment.

The bottom line here is that people are struggling, and they need our help to keep from freezing in their homes this winter.

That's why I believe that we should take the following three steps immediately:

First, we've got to provide more emergency funds for the Low Income Home Energy Assistance Program or LIHEAP. Many low income and elderly people simply cannot afford $300 and $400 and $500 heating bills. We also need to increase the income limits on who can receive LIHEAP assistance.

Second, bills have gotten so high that even middle income Americans are struggling—we've got to find a way to help them pay their energy utility bills as well. That's why I am introducing the Home Energy Assistance Tax Act to give taxpayers a 50 percent tax credit for the difference between their utility bills this winter compared to last winter.

This credit will also cover the estimated increased costs of heating a home from heating oil or propane. It will not cover the first $100 in increased costs. It will not benefit high-income tax-payers. The credit is phased out for those making more than $100,000. However, this credit will be refundable so that people with low incomes could still receive it.

One key problem with using the tax code to provide assistance is that people do not normally see its benefit until after they file their next tax return and receive a refund. However, taxpayers can reduce their payroll withholding by the amount of this credit and get the money quickly. So this credit can provide quick and meaningful help.

The bill—much like a measure introduced by Senator BOB SMITH—will also propose tax credits for energy efficient new homes and energy efficient heating, air conditioning and water-heating appliances. It will also provide tax benefits for similar energy conservation by businesses.

Energy efficiency is crucial for quelling our home heating crisis. By helping people conserve energy, we reduce consumption and help them lower their heating bills. And when we reduce the demand that has driven prices up, we restore balance to the market and lower prices for everyone. Also, when we use less fuel, we create less air pollution and reduce our dependence on foreign sources. So energy efficiency tax credits are a win-win-win solution.

I am also joining Senator KERRY in introducing a separate bill today that will provide some relief for small business owners by allowing them to acquire low interest emergency.

I am, of course, fully aware that high gas prices have spurred new drilling which should eventually increase supply and bring prices back down. But this could take years. People are being hammered by high heating bills right now, and we need to act now to help our constituents.

No one should be left out in the cold this winter. I hope that we can come together in the next few weeks and pass important legislation to help keep America warm.

I urge that the Senate consider and pass this measure.

I ask unanimous consent that a fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOME ENERGY ASSISTANCE TAX ACT (HEAT)

Exactly what is covered? Who is covered? What is covered?

Provides a refundable 50 percent credit from the first utility bill covering a period starting in November till the one ending during March this year minus a similar period last winter. This is a one time benefit.

Who: All taxpayers who have a principal residence and who have energy utility costs this winter that are more than $100 more than last year's costs. There is a phase out of benefits for those with higher incomes stating at $75,000 adjusted gross income. The benefit is completely phased out at $100,000.

What: All energy utility bills plus any fuel used to heat the home like heating oil or propane.

It covers bills that people are responsible for, not including LIHEAP and other government payments. A renter benefits if they are responsible for their bills.

How easy is this going to be for people to figure out?

Utilities can very easily supply customers with the total bills for the period from a year ago. Then all they need to do is subtract.

For those who use a bulk purchased fuel such as heating oil or propane to heat their homes: There will be an estimated average cost for each county determined by: (1) The number of degree days in the two years from November 15 to May 15; (2) the difference in the price of the fuel used this winter and last, and (3) the amount needed to heat an average home. That figure would be used to cover the cost of that fuel in addition to the other energy utility bills.

The IRS would calculate this number, getting their numbers from NOAA, DOE and HUD.

What about those who just bought their home?

They would be allowed to use a government estimate of the average increase for their county.

By Mr. SANTORUM (for himself and Mr. KOHL):

S. 294. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Mr. President, I rise today to introduce legislation to assist our nation's dairy farmers. I represent a state where agriculture is the number one industry—dairy being the leading sector, and ranks fourth in national dairy production. Agriculture has, and continues to be, the backbone of our rural communities and our social character. While heated debates and regional politics have eclipsed opportunities to pass meaningful dairy legislation, I feel strongly that we must forge consensus in order to assist our nation's dairy families.

I am pleased to have joining me in this effort my colleague from Wisconsin Senator HERB KOHL. While I am grateful for the opportunity to work with Senator KOHL on an issue of great importance to both of our home states, it unfortunately signals that our nation's dairy industry continues to grapple with difficult economic times.

Senator KOHL and I worked together over the past year to forge a consensus plan that addresses the concerns of dairy farmers nationwide. For far too long, regional politics have plagued efforts to achieve a fair and equitable national dairy policy. As a result, milk pricing has become increasingly complex and overly prescriptive. Given that dairy farmers have been receiving the lowest price for their milk in more than twenty years, I feel strongly that Congress needs to step to the plate and offer a fair and responsible solution.

The National Dairy Farmers Fairness Act has two major goals: (1) Create a dairy policy that is equitable for farmers in all regions of the country; and (2) provide more certainty for farmers in the prices they receive for their milk. To accomplish these goals, this legislation creates a safety net for farmers by providing supplemental assistance when milk prices are low. Specifically, a sliding scale payment is made based upon the previous year's price for the national average of Class III milk. In short, the payment rate to farmers is highest when the prices they received were the lowest. In order to be eligible, a farmer must have produced milk for commercial sale in the previous year, and would be compensated on the first 26,000 hundredweight of production. All dairy producers would be eligible to participate under this scenario.

Without a doubt, our dairy pricing policy is flawed. Many solutions—modest to sweeping—have been proposed, discussed, and debated on the Senate floor yet final agreement among interested parties has eluded us for years. Considering that we will begin laying the groundwork for reauthorization of the Farm Bill over the next year, the time for consensus is now.

I am committed to preserving the viability of Pennsylvania's dairy farmers. This legislative proposal represents the strong concern and interest of mine to find a middle ground in the often heated debate on dairy policy. I am pleased to join with Senator KOHL in this effort, and I believe it sends a strong signal that compromise can be achieved even on the most contentious of issues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Dairy Farmers Fairness Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) dairy farm families of the United States are enduring an unprecedented financial crisis;

(2) the price of raw milk sent to the market by the dairy farm families has fallen to the levels received in 1978; and

(3) the number of family-sized dairy operations has decreased by almost 75 percent in the last 2 decades, with some States losing nearly 10 percent of their dairy farmers in recent months.

SEC. 3. DAIRY FARMERS PROGRAM.

Chapter 1 of subtitle D of the Agricultural Market Transition Act (7 U.S.C. 7251 et seq.) is amended by adding at the end the following:

"SEC. 153. DAIRY FARMERS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE FISCAL YEAR.—The term 'applicable fiscal year' means each of fiscal years 2001 through 2008.

"(2) CLASS III MILK.—The term 'Class III milk' means milk classified as Class III milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(b) PAYMENTS.—For each applicable fiscal year, the Secretary shall make a payment to producers on a farm that, during the applicable fiscal year, produced milk for commercial sale, in the amount obtained by multiplying—

"(1) the payment rate for the applicable fiscal year determined under subsection (c); by

"(2) the payment quantity for the applicable fiscal year determined under subsection (d).

"(c) PAYMENT RATE.—

"(1) IN GENERAL.—Subject to paragraph (2), the payment rate for a payment made to producers on a farm for an applicable fiscal year under subsection (b) shall be determined as follows:

"If the average price received by producers in the United States for Class III milk during the preceding fiscal year was (per hundredweight)—	**The payment rate for a payment made to producers on a farm for the applicable fiscal year under subsection (b) shall be (per hundredweight)—**
$10.50 or less	.50
$10.51 through $11.00	.42
$11.01 through $11.50	.34
$11.51 through $12.00	.26
$12.01 through $12.50	.18.

"(2) INCREASED PAYMENT RATE.—If the producers on a farm produce during an applicable fiscal year a quantity of all milk that is not more than the quantity of all milk produced by the producers on the farm during the preceding fiscal year, the payment rate for a payment to the producers on the farm for the applicable fiscal year under paragraph (1) shall be increased as follows:

"If the average price received by producers in the United States for Class III milk during the preceding fiscal year was (per hundredweight)—	**The payment rate for a payment made to the producers on the farm for the applicable fiscal year under paragraph (1) shall be increased by (per hundredweight)—**
$10.50 or less	.30
$10.51 through $11.00	.26
$11.01 through $11.50	.22
$11.51 through $12.00	.18
$12.01 through $12.50	.14.

"(d) PAYMENT QUANTITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the quantity of all milk for which the producers on a farm shall receive a payment for an applicable fiscal year under subsection (b) shall be equal to the quantity of all milk produced by the producers on the farm during the applicable fiscal year.

"(2) MAXIMUM QUANTITY.—The quantity of all milk for which the producers on a farm shall receive a payment for an applicable year under subsection (b) shall not exceed 26,000 hundredweight of all milk.

"(e) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.".

By Mr. KERRY (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. BINGAMAN, Ms. LANDRIEU, Mr. JOHNSON, Mr. DOMENICI, Mr. LEVIN, Mr. WELLSTONE, Mr. JEFFORDS, Mr. HARKIN, Mr. SCHUMER, Mrs. CLINTON, Mr. KOHL, Mr. EDWARDS, Mr. LEAHY, Mr. BAUCUS, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. DODD, Mr. CHAFEE, and Mr. BAYH):

S. 295. A bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes; to the Committee on Small Business.

Mr. KERRY. Mr. President, today I rise to introduce legislation that helps to address the significant price increase of heating fuels and the adverse impact those prices are having on our 24 million small businesses and the self-employed. I thank my colleagues who are cosponsors. Senators LIEBERMAN, SNOWE, BINGAMAN, LANDRIEU, JOHNSON, DOMENICI, LEVIN, WELLSTONE, JEFFORDS, HARKIN, SCHUMER, CLINTON, KOHL, EDWARDS, LEAHY, BAUCUS, and COLLINS.

As so many of my colleagues know, many small businesses are dependent upon heating oil, propane, kerosene and natural gas. They are dependent either because they sell or distribute the product, or because they use it to heat their facilities or as part of their business. The significant and unforseen rise in the price of these fuels over the past two years, compounded by cold snaps and slowed economic conditions this winter, threatens their economic viability.

The financial falter or failure of small businesses has the potential to extend far beyond the businesses themselves, and we simply can't afford that. Jobs alone make this a reason to mitigate the small business disruptions or failures because they provide more than 50 percent of private-sector jobs. And the self-employed, who largely work out of their homes, and number 16 million according to the National Association for the Self-Employed, NASE, represent more than 7 percent of the nation's workforce.

My bill, the Small Business Energy Emergency Relief Act of 2001, would provide emergency relief, through affordable, low-interest Small Business Administration Disaster loans, to small businesses adversely affected by, or likely to be adversely affected by, significant increases in the prices of four heating fuels—heating oil, propane, kerosene, and natural gas.

Who are these business owners? They are the self-employed who work out of their homes and can't turn down the thermostat to 55 degrees while they are at the office from 8 am to 6 pm. They are the home heating oil distributers who see the price of their inventory skyrocket beyond the reach of their credit lines and cash flows. They are the Mom-and-Pop stores, local restaurants and corner cafes that need to keep a warm place for folks to enjoy. They are the small day-cares for children and nursing homes for the elderly.

According to Department of Energy statistics, the cost of heating fuel has been highly volatile in recent years. For example,

The cost of heating oil nationally climbed 72 percent from February 1999 to February 2000.

The cost of natural gas nationally climbed 27 percent from September 1999 to September 2000.

And the cost of propane climbed 54 percent from January 2000 to January 2001.

While these national fluctuations capture the larger market trends, they do not demonstrate how some localities have been even harder hit by unpredictable and sudden price spikes because of a greater dependence on a single fuel, insufficient inventories, distribution problems and other reasons. Last year in New England, for example, the threat of a relatively common cold winter snap put such serious pressure on the insufficient supply of heating oil that Massachusetts declared a state of emergency. With consumers at the mercy of a market—need up and supply down—the price of heating oil soared. In a matter of weeks, the average price per gallon of heating oil fuel went up 60 percent, from $1.12 to $1.79. When operating costs rise gradually, small businesses have time to plan and adjust their pricing and operations accordingly. Rapid shifts in operating costs, however, can disrupt a small company's business plans causing short-term cash flow difficulties. It is the kind of volatility that can make planning month to month as difficult as planning year to year.

Here's the situation. For those businesses in danger of or suffering from significant economic injury caused by crippling increases in the costs of heating fuel, they need access to capital to mitigate or avoid serious losses. However, commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan. In fact, the Massachusetts Oilheat Council in Wellesley Hills, which is a state trade association that represents the heating oil industry, and whose members deliver more than 60 percent of the heating oil to homes and businesses across the state, retailers of heating oil faced not only "stretched credit lines" but even "negative cash flows." Who is going to give you a loan when you have a negative cash flow?

To exacerbate the situation, banks have tightened their lending to small businesses by 45 percent over the past three months. According to the Federal Reserve Board's quarterly survey on lending practices that was released Monday, February 5th, banks surveyed said they have tightened credit to small businesses, particularly on riskier loans, by making borrowing more expensive and requiring customers to have less outstanding debt. They have changed their lending policies because they are concerned about "a less favorable or more uncertain economic outlook . . . and a reduced tolerance for risk." While the banks say that only a handful of borrowers canceled their plans under the stricter lending policies, I think the Federal Reserve Board's survey reinforces the need for this legislation.

You see, Mr. President, commercial lenders are unlikely to make the type of loans we're talking about without an added incentive, such as a Federal loan guarantee. And last year I supported that approach to help small businesses deal with the heating oil problem by enlisting the SBA, its lending partners, and relevant trade associations to use and publicize the SBA 7(a) government guaranteed loan program to make loans to affected small businesses. In the 7(a) loan program, the bank makes the loan, and the SBA guarantees 75 to 80 percent so that if the borrower can't repay the loan, the bank isn't on the hook for every outstanding dollar.

I wrote to the SBA. I called the Massachusetts Bankers Association, and I called individual bank presidents and asked them to use this tool for affected small businesses and to aggressively market the availability of the 7(a) loans and SBA's other programs. Some of the publications helped to spread the word, including the Boston Business Journal and the Boston Herald. It was a real team effort.

While tapping into the SBA's guaranteed loan programs was helpful for some, and one part of the solution, the heating fuel price spike has turned out to be more than a one-year anomaly and so there is a need to go a step further—we need to make capital accessible to even more small businesses. We can do that through the SBA's Economic Injury Disaster-Loans.

Economic injury disaster loans give affected small business necessary working capital until normal operations resume, or until they can restructure or change the business to address the market changes. These are direct loans, made through the SBA, at subsidized interest rates, of 4 percent or less, versus the current Federally guaranteed lending rate of Prime + 2¼ percent, 10¾ percent on Monday. Paying 4 percent versus almost 11 percent in interest makes a big difference to that small business owner. Further, SBA tailors the repayment of each economic injury disaster loan to each borrower's financial capability, enabling them to avoid the robbing Peter to pay Paul syndrome, as they juggle bills.

Clearly, these loans are much more affordable for the already struggling small businesses, and, since time is of the essence, the infrastructure is already in place to quickly distribute the loans. SBA delivers disaster loans through four specialized Disaster Area Offices located in New York, Georgia, Texas and California. In addition, the 70 SBA District Offices can help small businesses learn the program and direct the paperwork to the disaster offices. And there are the Small Business Development Centers in every state, with a network of more than 1,000 service locations, the Business Information Centers, and the Women's Business Centers to help small businesses seeking information about and applying for these loans.

Building on the SBA's Disaster Loan Program so that small businesses adversely affected by the heating fuel prices are eligible to apply for economic injury loans complements our efforts last year. I encourage SBA's lending partners to continue to publicize and provide guaranteed loans to affected small businesses. It creates a comprehensive approach to helping small businesses across the nation get the assistance they need, and gives us one more way to assist in the success of our small businesses. And again, economic injury disaster loans are a reasonable approach to the problem.

By providing assistance in the form of loans which are repaid to the Treasury, the SBA disaster loan program helps reduce the Federal emergency and disaster costs, compared to other forms of disaster assistance, such as grants.

On practical terms, SBA considers economic injury to be when a small business is unable, or likely to be unable, to meet its obligations as they mature or to pay its ordinary and necessary operating expenses. To be eligible to apply for an economic injury loan, you must be a small business, you must have used all reasonably available funds, and you must be unable to obtain credit elsewhere.

Under this program, the disaster must be declared by the President, the SBA Administrator, or a governor at the discretion of the Administrator. Small businesses will have six months to apply from November 1, 2000 or, for future disasters, from the day a disaster is declared.

This legislation will help those who have nowhere else to turn. We've got the tools at the SBA to assist them, and I believe it's more than justified, if not obligatory, to use the economic injury disaster loan program to help these small businesses.

The volatile price jumps of heating fuels are tied to international factors relating to larger energy issues—among them the supply and demand of crude oil—and therefore beyond the control of small business owners. While you have scholars and industry experts making prognostications about whether the price spikes were temporary or here for the long haul, I have grown weary of long-term prognostications. As Yogi Berra is alleged to have said, "Predictions are always difficult, especially about the future."

I believe small business owners can be cautious and budget for the proverbial rainy day, but I think it is unreasonable to expect that they can anticipate, and afford to budget enough money to cover price jumps of 60 to 100 percent. And who can predict the weather, particularly cold snaps during historically mild winter conditions? These price spikes are largely unforeseeable, even though there will always be the people who say, "I told you so."

Introducing this legislation is only a first step. We need to consider it in Committee, Congress to pass it, and the President to sign if before it is too late to help struggling small business owners. I thank Senator BOND for his cooperation on this legislation, particularly his willingness to expedite judicious consideration by the Small Business Committee.

I urge my colleagues to support this legislation. SBA's programs make recovery affordable, and with the right support, can help mitigate the cost of significant economic disruption in your states caused when affected small businesses falter or fail, leading to job layoffs and unstable tax bases.

I ask unanimous consent that the text of the bill and a letter to Aida Alvarez be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Energy Emergency Relief Act of 2001".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a significant number of small businesses in the United States use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small businesses in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) sharp and significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small businesses dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983–1984, 1988–1989, 1996–1997, and 1999–2000; and

(D) can be caused by a host of factors, including global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to those who own and operate small businesses.

SEC. 3. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

"(4)(A) In this paragraph—

"(i) the term 'heating fuel' means heating oil, natural gas, propane, and kerosene; and

"(ii) the term 'sharp and significant increase' shall have the meaning given that term by the Administrator, in consultation with the Secretary of Energy.

"(B) The Administration may make such disaster loans, including revolving lines of credit, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a sharp and significant increase in the price of heating fuel.

"(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph beginning on the date on which the sharp and significant increase in heating fuel cost occurs, as determined by the Administration, and ending 6 months after that date.

"(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(F) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a sharp and significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.".

SEC. 4. GUIDELINES.

Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this Act and the amendments made by this Act.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to economic injury suffered or likely to be suffered as the result of sharp and significant increases in the price of heating fuel occurring on or after November 1, 2000.

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, January 31, 2000.
HON. AIDA ALVAREZ,
Administrator, Small Business Administration,
Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: I am writing to urge immediate action on a critical problem facing small businesses in the Northeast that deliver home heating oil. As you may know, the price of home heating oil has increased dramatically in recent weeks—as much as 80 to 100 percent in certain areas—creating a tremendous burden on the financial resources of several small companies. Many of these businesses do not have the credit lines or cash flow to compensate for the price increase and are in dire need of assistance.

As a general matter, home heating oil distributors develop seasonal business plans, including credit lines, based on anticipated oil prices, customer demand, customer repayment schedules and obligations to repay suppliers. However, the surge in heating oil prices exceeds what most businesses could have possibly anticipated, and it has placed a tremendous strain on several companies' cash-flow. Compounding this problem is the fact that the repayment schedules to pay suppliers is often considerably shorter than the repayment schedules for customers. This problem is becoming acute and is threatening the financial viability of many small businesses in the home heating oil market place. The financial failure of these small businesses has the potential to extend far beyond the businesses themselves if the delivery of the fuel to commercial and residential consumers is disrupted.

SBA, with its network of district offices in every state, is uniquely situated to respond quickly to this situation. On behalf of the businesses and consumers affected by this current price spike, I ask that you immediately start working with SBA-participating lenders in affected states to expedite short-term loans to credit-worthy home heating oil dealers.

Thank you for your immediate attention to this problem. I am ready to facilitate this assistance in any way I can.

Sincerely,

JOHN F. KERRY.

By Ms. COLLINS:

S. 296. A bill to authorize the conveyance of a segment of the Loring Petroleum Pipeline, Maine, and related easements; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce the Loring Pipeline Reunification Act, a bill to authorize the conveyance of a segment of the Loring Petroleum Pipeline from the U.S. Air Force to the Loring Development Authority, LDA, in Limestone, ME. The LDA will soon control more than two-thirds of this pipeline as the result of a process that was initiated nearly 3 years ago. By conveying the remaining segment to the LDA with this bill and placing the pipeline under the control of one entity, its value will be maximized as will its ability to foster the economic development of northern Maine.

The pipeline at issue originally was built to supply the Loring Air Base with fuel products critical to its mission. Prior to the base's closure in 1994, Defense Fuels, now known as the Defense Energy Support Center, DESC, would deliver fuel products by tanker to Searsport, where the line originates, and then pump them through the line to the base. For a period following the base closure, the Maine Air National Guard continued to use the Searsport to Bangor segment to supply their activities in Bangor. After a study by Defense Fuels, however, the Air National Guard changed their means of transporting fuel from pipeline to truck. Consequently, in 1999, the U.S. Air Force made the largest segment of the pipeline, which runs from Bangor to Limestone, available to LDA for reuse. The Air National Guard supports the reunification of this pipeline under LDA's control as does the Maine State Department of Transportation.

In consideration of the large geographical expanse of my State, the often treacherous winter driving conditions, and the fuel shortages that have vexed the Northeast over the past two winters, I believe that the reunification and return to use of this pipeline would serve the public good in northern Maine. It would provide a safer and more efficient means of transporting fuel and, thereby improve the climate for manufacturing and processing plants currently considering new operations in the economically challenged area surrounding Limestone.

It is also worth noting, that from a cost-avoidance perspective, my bill will save the U.S. taxpayer more than $100,000 which would otherwise be required to support the administrative disposal of this currently unused pipeline. By passing this bill, the Senate and, ultimately, the Congress can help expand the options and opportunities for Aroostook County.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. 298. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Giving Incentives for Taxpayers Act".

SEC. 2. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize the individual's deductions for the taxable year, the amount allowable under subsection (a) shall be taken into account as a direct charitable deduction under section 63.

"(2) LIMITATION.—The portion of the amount allowable under subsection (a) to which paragraph (1) applies for the taxable year shall not exceed $500 ($1,000 in the case of a joint return)."

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Section 63(b) of the Internal Revenue Code of 1986 (relating to individuals who do not itemize their deductions) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction."

(2) DEFINITION.—Section 63 of such Code (relating to taxable income defined) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m)."

(3) CONFORMING AMENDMENT.—Section 63(d) of such Code (defining itemized deductions) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and". and by adding at the end the following new paragraph:

"(3) the direct charitable deduction."

(c) TIME WHEN CONTRIBUTIONS DEEMED MADE.—Section 170(f) of the Internal Revenue Code of 1986 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

"(10) TIME WHEN CONTRIBUTIONS DEEMED PAID.—For purposes of this section, in the case of an individual, a taxpayer shall be deemed to have paid a charitable contribution on the last day of the preceding taxable year if the contribution is paid on account of such taxable year and is paid not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. THOMAS (for himself, Mr. CRAIG, Mr. CRAPO, Mr. MURKOWSKI, and Mr. ENZI):

S. 301. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with state agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the State and Local

Government Participation Act of 2001 which would amend the National Environmental Policy Act, NEPA. This bill is designed to guarantee that federal agencies identify state, county and local governments as cooperating agencies when fulfilling their environmental planning responsibilities under NEPA.

NEPA was designed to ensure that the environmental impacts of a proposed federal action are considered and minimized by the federal agency taking that action. It was supposed to provide for adequate public participation in the decision making process on these federal activities and document an agency's final conclusions with respect to the proposed action.

Although this sounds simple and quite reasonable, NEPA has become a real problem in Wyoming and many states throughout the nation. A statute that was supposed to provide for additional public input in the federal land management process has instead become an unworkable and cumbersome law. Instead of clarifying and expediting the public planning process on federal lands, NEPA now serves to delay action and shut-out local governments that depend on the proper use of these federal lands for their existence.

The State and Local Government Participation Act is designed to provide for greater input from state and local governments in the NEPA process. This measure would simply guarantee that state, county and local agencies be identified as cooperating entities when preparing land management plans under NEPA. Although the law already provides for voluntary inclusion of state and local entities in the planning process, too often, the federal agencies choose to ignore local governments when preparing planning documents under NEPA. Unfortunately, many federal agencies have become so engrossed in examining every environmental aspect of a proposed action on federal land, they have forgotten to consult with the folks who actually live near and depend on these areas for their economic survival.

States and local communities must be consulted and included when proposed actions are being taken on federal lands in their state. Too often, federal land managers are more concerned about the comments of environmental organizations located in Washington, D.C. or New York City than the people who actually live in the state where the proposed action will take place. This is wrong. The concerns, comments and input of state and local communities is vital for the proper management of federal lands in the West. The State and Local Government Participation Act of 2001 will begin to address this troubling problem and guarantee that local folks will be involved in proposed decisions that will affect their lives.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 7, a bill to improve public education for all children and support lifelong learning.

S. 21

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 21, a bill to establish an off-budget lockbox to strengthen Social Security and Medicare.

S. 27

At the request of Mr. MCCAIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Virginia (Mr. WARNER), the Senator from Utah (Mr. BENNETT), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 122

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 122, a bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless that State finds clear and convincing evidence of fraud, and for other purposes.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 126

At the request of Mr. CLELAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 135

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 135, a bill to amend title XVIII of the Social Security Act to improve payments for direct graduate medical education under the medicare program.

S. 152

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. CLELAND), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 170

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 174

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 219

At the request of Mr. DODD, the names of the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 219, a bill to suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

S. 264

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 264, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis.

S. 271

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 271, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from New Jersey

(Mr. TORRICELLI) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 282

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 282, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agriculture antitrust matters.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

AMENDMENTS SUBMITTED & PROPOSED

SA 2. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table.

SA 3. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. MURKOWSKI, Mrs. FEINSTEIN, Mrs. CARNAHAN, and Mr. GRASSLEY) proposed an amendment to the bill S. 235, supra.

SA 4. Mr. MCCAIN (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 235, supra.

SA 5. Mr. MCCAIN (for Mr. REED) proposed an amendment to the bill S. 235, supra.

SA 6. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, supra; which was ordered to lie on the table.

SA 7. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, supra; which was ordered to lie on the table.

SA 8. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, supra; which was ordered to lie on the table.

SA 9. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, supra; which was ordered to lie on the table.

SA 10. Mr. CORZINE (for himself, Mr. TORRICELLI, Ms. CANTWELL, Mrs. MURRAY, and Mr. BINGAMAN) proposed an amendment to the bill S. 235, supra.

SA 11. Mr. NICKLES (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution H. Con. Res. 14, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

TEXT OF AMENDMENTS

SA 2. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table; as follows:

Following Subsection (b), AUTHORITY TO IMPOSE LIMITATION'S, insert the following:

"(c) LIMITATION ON AUTHORITY.—

"(1) The interim regional price limitation, or cost-of-service based rate, shall not apply to any sale of electric energy at the wholesale rate for delivery in a state that—

"(A) has barred regulated utilities from passing through to retail consumers FERC-mandated wholesale rates, or

"(B) has instituted caps on the retail prices that regulated utilities can charge that are too low for the regulated utilities to recover costs on a cost-of-service based rate or that have resulted in the default of payments to other utilities within the region comprising the Western Systems Coordinating Council.

"(2) Notwithstanding any other provision of law, neither the Secretary nor the Commission may order the sale of electricity or natural gas into any state that meets the criteria set forth in subsection 1, unless there is á guarantee that the seller will be paid.

"(3) Notwithstanding any other provision of law, state public utility commissions within the region comprising the Western Systems Coordinating Council may require that regulated utilities under their respective jurisdictions meet the electricity demands of that utility's service area before making sales into any state that meets the criteria set forth in subsection 1.

"(d) INQUIRIES.—

"(1) The Commission is directed to undertake an examination to determine whether, within the region comprising the Western Systems Coordinating Council, any sale of electric energy at the wholesale rate in interstate commerce subject to the jurisdiction of the Commission under part II of the Federal Power Act is unjust, unreasonable, or unduly preferential.

"(2) The Securities and Exchange Commission (SEC) is directed to study whether the regulated utilities in states that meet the criteria set forth in Subsection (c)(1) are uncreditworthy, or have defaulted on payments, because of transfers of funds to parent holding companies or to subsidiaries beyond payments in accordance with any state deregulation statutes. The SEC is to report its findings to the House Committee on Energy and Commerce and the Senate Committees on Commerce and Energy and Natural Resources within 120 days of enactment."

Renumber the sequential subsections accordingly.

SA 3. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. MURKOWSKI, Mrs. FEINSTEIN, Mrs. CARNAHAN, and Mr. GRASSLEY) proposed an amendment to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

At the end, add the following:

SEC. . STUDY OF NATURAL GAS RESERVE.

(a) FINDINGS.—Congress finds that—

(1) In the last few months, natural gas prices across the country have tripled.

(2) In California, natural gas prices have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(3) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(4) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 1, 2000.

(5) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(6) It is also necessary to find solutions of the lack of natural gas reserves that could be used during emergencies.

(b) STUDY BY THE NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to—

(1) conduct a study to—

(A) determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(B) identify any Federal or State policies that may have contributed to the price increases; and

(C) determine what Federal action would be necessary to improve the reserve supply of natural gas for use in situations of natural gas shortages and price increases, including determining the feasibility and advisability of a federal strategic natural gas reserve system; and

(2) not later than 60 days after the date of enactment of this Act, submit to Congress a report on the results of the study.

SA 4. Mr. MCCAIN (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

On page 5, line 12, after "industry" insert "and employee organization".

On page 34, line 9, strike "sections 60525" and insert "section 60125".

On page 34, line 14, after "transferred" insert "to the Secretary of Transportation, as provided in appropriation Acts,"

On page 34, beginning in line 15, strike "fiscal year 2002, fiscal year 2003, and fiscal year 2004," and insert "each of fiscal years 2002, 2003, and 2004.".

On page 34, line 21, strike "60125" and insert "60301".

On page 35, line 1, strike “Transportation” and insert “Transportation, as provided in appropriation Acts,”.

On page 36, line 5, strike “until—” and insert “until the earlier of the date on which—”.

On page 36, line 6, strike “determines” and insert “determines, after notice and an opportunity for a hearing,”.

On page 36, line 14, strike “Disciplinary action” and insert “Action”.

SA 5. Mr. McCAIN (for Mr. Reed) proposed an amendment to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

At the end, add the following:

SEC. . STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES IN NEW ENGLAND.

(a) Study.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. In carrying out the study, the Commission shall consider—

(1) the ability of natural gas pipeline and storage facilities in New England to meet current and projected demand by gas-fired power generation plants and other consumers;

(2) capacity constraints during unusual weather periods;

(3) potential constraint points in regional, interstate, and international pipeline capacity serving New England; and

(4) the quality and efficiency of the federal environmental review and permitting process for natural gas pipelines.

(b) Report.—Not later than 120 days after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the appropriate committee of the House of Representatives a report containing the results of the study conducted under subsection (a), including recommendations for addressing potential natural gas transmission and storage capacity problems in New England.

SA 6. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7 and insert the following:

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Requirements.—

(1) Program requirements.—

(A) In general.—Section 60116 is amended to read as follows:

“§60116. Public education, emergency preparedness, and community right to know

“(a) Public Education Programs.—

“(1) Requirement for programs.—

“(A) In general.—Each owner or operator of a pipeline facility shall carry out a continuing program to educate the public about its facility.

“(B) Content.—

“(i) Information.—The program shall include information on the use of a one-call system for advance notification of an excavation and for other damage prevention actions, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, the steps that should be taken for public safety in the event of a pipeline release, and how to report such an event.

“(ii) Other activities.—The public education program shall also include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

“(2) Periodic review.—The Secretary or the appropriate State agency shall periodically review the public education program of each owner or operator of a pipeline facility.

“(3) Program elements, standards, and materials.—The Secretary may prescribe the elements of an effective public education program and standards for assessing the effectiveness of the program. The Secretary may also develop materials for use in the program.

“(b) Emergency Preparedness.—

“(1) Liaison requirement.—Each operator of a pipeline facility shall maintain liaison—

“(A) with the Office of Pipeline Safety of the Department of Transportation;

“(B) with the Regional Emergency Response Coordinator for a region in which it operates; and

“(C) for each State in which the facility operates—

“(i) with the State emergency response commissions;

“(ii) with the local emergency planning committees in the areas of pipeline rights-of-way established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); and

“(iii) in the case of a community without a local emergency planning committee, with the local firefighting, police, and other emergency response agencies.

“(2) Availability of map information.—

“(A) Requirement.—Each such operator shall make available to the entities referred to in paragraph (1) the map prepared by the operation under subsection (c)(1)(B)(v) in a format that is integrated into a commercial off-the-shelf in-vehicle portable computer global positioning system navigation mapping software used in first responder vehicles equipped with portable computers and responding to pipeline spills.

“(B) Designation of regional emergency transportation coordinators.—The Secretary shall designate the Regional Emergency Transportation Coordinator who, for the purpose of providing the most cost effective first responder mapping tool for coordinated emergency responses in within the Coordinator's region of responsibility, is—

“(i) to define the in-vehicle navigation mapping standards for the preparation of maps that are to be made available under subparagraph (A) for areas within that region; and

“(ii) to contract with the outsource mapping vendor.

“(c) Community Right To Know.—

“(1) Periodic pipeline segment assessment.—

“(A) Conduct; availability.—Each owner or operator of a pipeline facility shall, once every 5 years—

“(i) conduct a safety assessment of each pipeline segment of the facility under its operating control; and

“(ii) submit a report on the pipeline segment safety assessment to the Secretary and to the State or States in which the pipeline segment is located.

“(B) Content.—The report on the safety assessment for a pipeline segment shall include, but not be limited to, the following:

“(i) The business name, address, and telephone number of the owner and operator of the pipeline segment (including any parent company).

“(ii) An emergency telephone number that provides at any time during the 24 hours of each day effective communication with the owner and operator's point of contact who is capable of identifying the material shipped through the pipeline segment.

“(iii) An emergency telephone number that provides at any time during the 24 hours of each day effective communication with the owner and operator's point of contact who is responsible, under the owner and operator's procedures, for beginning an emergency discontinuation of the transporting of gas or hazardous liquid through that segment.

“(iv) A description of the pipeline segment, including pipeline diameter, the substance or substances carried, maximum allowable operating pressure, construction material, and age.

“(v) A map showing the location of the right-of-way for the pipeline segment, the locations of any significant anomalies, the locations of any other significant conditions that are identified in inspections of the pipeline segment under the integrity management program carried out by the owner or operator under section 60109(c) or are known by other means, and the locations of any portions of the pipeline segment where operations could affect environmentally sensitive areas and high-density population areas.

“(vi) The primary causes of any pipeline failure for the segment.

“(vii) A history of safety incidents for the pipeline segment for the 5 years preceding the date of the report (including any incident involving death, injury, evacuation, environmental contamination, or property damage), together with safety-related condition reports filed by an operator under section 60102(h) and a report of a pipeline incident filed by an operator under this chapter.

“(viii) A history of the actions that have been taken to prevent pipeline hazards for the segment during the 5 years preceding the date of the report, including a discussion of the testing methods, the dates of testing, inspection and testing results, and repair history.

“(ix) The spill mitigation technologies in use for the pipeline segment, together with a description of the shut-off valve distances and leak detection technologies and sensitivities.

“(x) A history of the inspections and the enforcement actions that have been undertaken with respect to the pipeline segment during the 5 years preceding the date of the report.

“(xii) Any additional identification, safety, or integrity management information that the Secretary requires.

“(2) National pipeline registry.—

“(A) Establishment.—The Secretary shall within 180 days of enactment of this act, maintain a National Pipeline Registry of the pipeline segment safety assessments received by the Secretary under paragraph (1).

“(B) Public information.—The Secretary shall make the pipeline segment safety assessments in the National Pipeline Registry available on the Internet free of charge.

“(3) Pipeline segment defined.—In this subsection, the term ‘pipeline segment’ means a length of pipeline with homogeneous construction, operational, geographic, and ownership characteristics.”.

(B) Clerical amendment.—The item relating to such section in the table of sections at the beginning of chapter 601 is amended to read as follows:

"60116. Public education, emergency preparedness, and community right to know.".

(2) Safety condition reports.—Section 60102(h)(2) is amended by striking "State authorities" in the second sentence and inserting "State officials, including the local emergency responders.".

(b) Review of Public Education Programs.—

(1) Review required.—Not later than one year after the date of the enactment of this Act, each owner or operator of a pipeline facility shall review its existing public education program to determine the effectiveness of the program and shall modify the program as necessary to improve the effectiveness of the program and to comply with the requirements of section 60116 of title 49, United States Code, as amended by subsection (a).

(2) Submittal to secretary.—Upon completing the review and any modification of the program resulting from the review, the owner or operator, as the case may be, shall submit a detailed description of the program to the Secretary of Transportation or, in the case of an intrastate pipeline facility, to the appropriate State agency.

(c) Time for Implementation of Requirements—

(1) Operator liaison.—Each operator of a pipeline facility shall have the emergency response liaison required under subsection (b) of section 60116 of title 49, United States Code (as amended by subsection (a)), in place not later than one year after the date of the enactment of this Act.

(2) Initial pipeline segment reports.—Each owner or operator of a pipeline facility shall perform the initial pipeline segment assessments for its pipeline facilities, and submit the initial reports on those assessments, under subsection (c)(1) of section 60116 of title 49, United States Code (as amended by subsection (a)), not later than one year after the date of the enactment of this Act.

(3) National pipeline registry.—The Secretary of Transportation shall complete the establishment of the National Pipeline Registry required under subsection (c)(2) of section 60116 of title 49, United States Code (as amended by subsection (a)), not later than six months after the date of the enactment of this Act.

SA 7. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5, and insert the following:

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

(a) Program Required.—Section 60109 is amended by adding at the end the following new subsection:

"(c) Risk Analysis and Integrity Management Programs.—

"(1) Requirement for operator programs.—Each operator of a gas transmission or hazardous liquid pipeline facility shall conduct an analysis of the risks to each facility of the operator in an area identified pursuant to subsection (a)(1) and shall adopt and implement a written integrity management program for such facility to reduce the risks.

"(2) Required elements of integrity management programs.—An integrity management program adopted by an operator of a facility in an area identified pursuant to subsection (a)(1) shall include, at a minimum, the following:

"(A) Provision for periodic inspection of the facility, by internal inspection device, pressure testing, direct assessment, or an alternative method that would provide an equal or greater level of safety, including a specification of—

"(i) the types of inspections;

"(ii) the frequency of the inspections, which shall not be less frequent than once every five years; and

"(iii) the manner in which the inspections or testing are to be conducted.

"(B) Clearly defined criteria for evaluating the results of—

"(i) inspections conducted under subparagraph (A); and

"(ii) any testing done in the inspection or as any other part of the integrity management program.

"(C) Procedures for ensuring that problems identified in such inspections or other testing are corrected in a timely manner.

"(D) A description of measures to prevent and mitigate the consequences of unintended releases from the facility, such as leak detection, integrity evaluation, emergency flow restricting devices, and other prevention, detection, and mitigation measures.

"(E) The types of information sources that must be integrated in assessing the integrity of the pipeline facility as well as the manner of integration.

"(F) The nature and timing of actions selected to address the integrity of the pipeline facility.

"(G) Any other factors that are appropriate for—

"(i) ensuring that the integrity of the pipeline facility is addressed; or

"(ii) providing appropriate mitigative measures for protecting areas identified under subsection (a)(1).

"(3) Systems to monitor pressure and detect leaks; use of emergency flow restricting devices.—The operator of a pipeline facility may also provide in an integrity management program under paragraph (1) for the following:

"(A) Changes to valves or the establishment or modification of systems that monitor pressure and detect leaks based on the operator's risk analysis.

"(B) The use of emergency flow restricting devices.

"(4) Increased frequency of inspections.—

"(A) Considerations.—In determining whether to require inspection of a facility more frequently than once every five years, an operator shall take into account, as appropriate, the following:

"(i) The potential for development of new defects in the facility.

"(ii) The operational characteristics of the facility, including age, operating pressure, block valve location, corrosion history, spill history, and any known deficiencies in the method of pipeline construction or installation.

"(iii) The possible growth of new and existing defects.

"(B) Outside force damage.—For purposes of subparagraph (A)(i), in considering the potential for development of new defects in a pipeline facility from damage by an outside force, an operator shall consider information available about current or planned excavation activities and the effectiveness of damage prevention programs in the area.

"(5) Standards for minimum level of protection.—An operator of a pipeline facility that is required to implement an integrity management program under paragraph (1) shall—

"(A) adopt standards under this subsection that provide a minimum level of protection for the operator's facilities in areas identified pursuant to subsection (a)(1) that is at least equivalent to the applicable level of protection established by national consensus standards organizations; and

"(B) implement pressure testing and other integrity management techniques in a manner that minimizes environmental or safety risks, such as by use of water for pressure testing.

"(6) Authority and responsibility of secretary.—

"(A) Standards.—

"(i) Authority.—The Secretary may prescribe standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under paragraph (1).

"(ii) Inaction by secretary.—The responsibility of an operator of a pipeline facility to conduct a risk analysis or adopt or implement an integrity management program under paragraph (1) shall not be affected by any failure of the Secretary to prescribe standards under this subparagraph.

"(B) Review of integrity management programs.—

"(i) Transmittal to secretary.—Each operator of a pipeline facility shall transmit to the Secretary a detailed description of the operator's integrity management program in writing.

"(ii) Authority to review.—The Secretary shall review the risk analysis and integrity management program and record the results of that review for use in the next review of the operator's program.

"(iii) Context of review.—The Secretary may conduct a review under clause (ii) as an element of the Secretary's inspection of the operator.

"(iv) Inadequate programs.—If the Secretary determines that an operator's risk analysis or integrity management program is inadequate for the safe operation of a pipeline facility, the Secretary shall act under section 60108(a)(2) to require the operator to revise the risk analysis or integrity management program.

"(v) Amendments to programs.—In order to facilitate reviews under this subparagraph, an operator of a pipeline facility shall notify the Secretary of any amendment made to the operator's integrity management program not later than 30 days after the date of the adoption of the amendment.

"(vi) Transmittal of programs to state authorities.—The Secretary shall provide a copy of a risk analysis and integrity management program reviewed by the Secretary under this subparagraph to any appropriate State authority with which the Secretary has entered into an agreement under section 60106.

"(7) State review of integrity management plans.—A State authority that enters into an agreement pursuant to section 60106, permitting the State authority to review the risk analysis and written program, may provide the Secretary with a written assessment of the risk analysis and integrity management program, make recommendations, as appropriate, to address safety concerns not adequately addressed by the operator's risk analysis or integrity management program, and submit documentation explaining the State-proposed revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(8) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—The Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and operators' pipeline integrity programs. The process shall include the following:

"(A) A requirement that an operator of a hazardous liquid pipeline or an operator of a pipeline facility for the transmission of natural gas, as the case may be, provide information about the operator's risk analysis and integrity management program required under this section to local officials in the State in which the facility is located.

"(B) An identification of the local officials who are required to be informed, the information that is to be provided to them, and the manner (which may include traditional or electronic means) in which it is to be provided.

"(C) The means for receiving input from the local officials, which may include a public forum sponsored by the Secretary or by the State or the submission of written comments through traditional or electronic means.

"(D) The extent to which an operator must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input.

"(E) The manner in which the Secretary will notify the local officials about how their concerns are being addressed.

"(9) BASELINE INTEGRITY ASSESSMENT.—An operator of a pipeline facility that is required to implement an integrity management program under paragraph (1) shall complete a baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1).".

(b) IMPLEMENTATION.—

(1) RISK ANALYSES AND INTEGRITY MANAGEMENT PROGRAMS.—The initial risk analyses and integrity management programs required under section 60109(c)(1) of title 49, United States Code (as added by subsection (a) of this section), shall be completed not later than one year after the date of enactment of this Act.

(2) BASELINE INTEGRITY ASSESSMENTS.—The initial baseline integrity assessment of the pipeline facility of each operator required under section 60109(c)(9) of title 49, United States Code (as added by subsection (a) of this section), shall be completed not later than five years after the date of the enactment of this Act.

(3) REVIEW.—

(A) REQUIREMENT FOR REVIEW.—Not later than 2 years after all integrity management programs required to be submitted within the time specified in paragraph (1)(A) have been received by the Secretary of Transportation, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of expanding the applicability of the requirements under section 60109(c) of title 49, United States Code (as added by subsection (a) of this section), to cover additional areas.

(B) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the Secretary's assessment and evaluation together with any recommendations for improving and expanding the utilization of integrity management programs under that subsection.

(4) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—The Secretary shall issue the regulations required under section 60109(c)(8) of title 49, United States Code (as added by subsection (a) of this section), not later than 18 months after the date of the enactment of this Act.

SA 8. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4, and insert the following:

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) PERSONNEL QUALIFICATION PLANS.—

(1) REQUIREMENT FOR PLANS.—Chapter 601 is amended by adding at the end the following:

(A) SUBMITTAL AND CERTIFICATION.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Pipeline personnel qualification plans

"(a) QUALIFICATION PLANS.—

"(1) REQUIREMENT FOR PLANS.—Each operator of a pipeline facility shall make available to the Secretary a plan that is designed to enhance the qualifications of the operator's pipeline personnel and to reduce the likelihood of accidents and injuries. In the case of an intrastate pipeline facility, the appropriate State regulatory agency shall make the operator's plan available to the Secretary.

"(2) CONTENT.—The plan shall include, at a minimum, criteria for the demonstration of the ability of an individual to safely and properly perform tasks to which the standards prescribed under section 60102 apply. The plan shall also provide for training and periodic reexamination of pipeline personnel and for requalification of those personnel as appropriate, including qualification for inspecting the structural integrity of cable-suspension pipeline bridges.

"(b) UPDATING OF PLANS.—After submittal of an operator's plan under subsection (a), the operator shall revise or update the plan when appropriate to ensure the current validity of the plan and shall make the revised or updated plan available to the Secretary under that subsection.

"(c) REVIEW OF PLANS.—

"(1) INITIAL REVIEW.—The Secretary or, in the case of an intrastate pipeline facility, the appropriate State regulatory agency may review the qualification plan of an operator and certify the adequacy of the plan for ensuring a safe operating environment.

"(2) PERIODIC REVIEW.—The Secretary or, in the case of an intrastate pipeline facility, the appropriate State regulatory agency shall periodically review the qualification plan of an operator to determine whether the plan continues to ensure a safe operating environment.

"(d) STANDARDS.—The Secretary shall establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation of job performance, on the job training, simulations, or other forms of assessment.".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 601 is amended by adding at the end the following:

"60129. Pipeline personnel qualification plans.".

(2) TIME FOR INITIAL SUBMITTAL.—Each entity operating a pipeline facility (within the meaning of section 60101(18) of title 49, United States Code) shall first submit a personnel qualification plan under section 60129 of such title (as added by subsection (a)) not later than April 21, 2001.

(b) TESTING AND CERTIFICATION.—Section 60102(a)(1)(C) is amended to read as follows:

"(C) shall include requirements that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualification to perform such functions and be certified by the Secretary as qualified to perform such functions, and may include a requirement that those individuals obtain additional education and training to qualify to perform such functions.".

(c) SUSPENSION OF CERTIFICATION.—Section 60102(a) is amended by adding at the end the following:

"(3) SUSPENSION OF CERTIFICATION.—

"(A) AUTHORITY.—The Secretary may suspend or revoke the certification of an individual under paragraph (1)(C) if the Secretary determines, after providing the individual with notice and opportunity for hearing, that the individual—

"(i) has contributed to a violation of any provision of this chapter or any regulation issued under this chapter; or

"(ii) willfully refuses to cooperate with the investigation of any such violation.

"(B) LIMITATION.—A certification of an individual may be suspended or revoked under subparagraph (A) only in a manner that is not inconsistent with the constitutional rights of the individual.".

SA 9. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 10(c), add the following:

(3) Section 60122(a) is amended by adding at the end the following:

"(3) A person who is the owner, operator, or person in charge of a hazardous liquid pipeline facility from which a hazardous liquid is discharged is liable to the Government for a civil penalty of at least $1,000 per barrel of oil or other hazardous liquid discharged, except that a person may not be liable for a civil penalty under this subsection for a discharge if the person has been assessed a civil penalty under section 309 or 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1319; 1321(b)) for the discharge. A person may be liable for a civil penalty under this paragraph and paragraph (1) with respect to the same discharge.".

SA 10. Mr. CORZINE (for himself, Mr. TORRICELLI, Ms. CANTWELL, Mrs. MURRAY, and Mr. BINGAMAN) proposed an amendment to the bill S. 235, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

Page 6, after line 21:

The assessment period shall be no less than every 5 years unless the DOT IG, after consultation with the Secretary determines—

There is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this paragraph.

SA 11. Mr. NICKLES (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution H. Con. Res. 14, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of rememberance of victims of the Holocaust; as follows:

The first section of the resolution is amended by striking "April 18, 2001" and inserting "April 19, 2001".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 8, 2001 at 9:30 a.m., in open session, to receive testimony on the Secretary's priorities and plans for Department of Energy National Security Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on: Making Patient Privacy A Reality: Does The Final HHS Regulation Get The Job Done? during the session of the Senate on Thursday, February 8, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, February 8, 2001, at 10:00 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO LORETTA SYMMS

Mr. DASCHLE. Mr. President, I want to add my voice to the chorus of those singing the praises of Loretta Symms. Much as I hate to say it, Loretta will be retiring as Deputy Sergeant of Arms at the end of this week.

We hear a lot of talk about bipartisanship these days—and that's good. But Loretta Symms was the walking, breathing personification of bipartisanship before bipartisanship was cool.

She is a consummate professional. As Deputy Sergeant at Arms, one of Loretta's many responsibilities is greeting visiting dignitaries. Over the years, she has escorted Presidents, Vice Presidents, foreign heads of state, and other visiting dignitaries through these hallways. In fact, she has probably met more foreign leaders than most Senators. She is a good and gracious ambassador for this institution.

When it comes to the Senate, no chore is too big for Loretta—or too small. I understand she even put on rubber gloves once to show her staff how to clean. Her reverence for this building is something I share, and one of the many reasons I like her. Loretta feels strongly that the Capitol is the People's House. When visitors come here, she wants them to be treated with respect, and she wants them to be able to learn something they may not have known before. That is why she works so closely with the staff who work directly with the public.

Loretta has also made a difference in the lives of people in this building whom the public never sees. In her 14 years in the Sergeant at Arms office, she started a broad array of training programs to help employees sharpen their skills and advance their careers.

Beyond her considerable professional strengths, what I admire most about Loretta are her personal qualities: her kindness, and her generosity of spirit.

She has given her time—and in some cases, her own financial resources—to help other members of our Senate family through difficult times.

Between them, Loretta and her husband, our former colleague Steve Symms, share seven children. Many parents of seven would not have time for anyone else's children. But not Loretta. She is a surrogate Mom and confidante to many of our Senate pages.

Senators on both sides of the aisle also know they can count on Loretta to tell us honestly if she thinks we are wrong, and to encourage us when she thinks we are right. We will miss her good advice, her kind smile—and much more. As Loretta and Steve begin this next chapter in their lives, we wish them good luck and good health. We hope they have many great adventures, and we hope Loretta will come back to visit often.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING PRESIDENT CHANDRIKA BANDARANAIKE KUMARATUNGA AND THE PEOPLE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 10, S. Res. 17.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 53 years of independence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 17) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 17

Whereas February 4, 2001, is the occasion of the 53rd anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 53 years of independence;

(2) expresses best wishes to the Government and the people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 2001; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that the President further transmit such copy to the Government of the Democratic Socialist Republic of Sri Lanka.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE IN EL SALVADOR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 11, S. Res. 18.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 18) expressing sympathy for the victims of the devastating earthquake that struck El Salvador on January 13, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 18) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 18

Whereas, on the morning of January 13, 2001, a devastating and deadly earthquake of a magnitude of 7.6 on the Richter scale shook the entire nation of El Salvador, killing more than 700 people, injuring more than 3,000, and leaving more than 50,000 homeless;

Whereas the earthquake of January 13, 2001, has left thousands of buildings in ruin, caused deadly landslides, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of El Salvador has been displayed since the earthquake;

Whereas El Salvador is still recovering from years of civil war, hurricane damage, and flood damage;

Whereas the people of the United States and El Salvador share strong friendship and mutual interests and respect;

Whereas some United States specialists from Costa Rica and Miami, including specialists from the Miami-Dade Fire Rescue Department, were deployed to assist disaster relief efforts in El Salvador;

Whereas United States military personnel from the United States Southern Command are providing some technical assistance;

Whereas the USAID/Disaster Assistance Response Team (DART) has set up an office in El Salvador's National Emergency Committee (COEN) to assist the office in its coordination efforts and to ensure access to the latest information; and

Whereas the United Nations launched an appeal for humanitarian assistance and initial rehabilitation to address the devastation caused by the powerful earthquake: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of El Salvador and other Central American countries for the tragic losses suffered as a result of the earthquake of January 13, 2001;

(2) expresses its support for the people of El Salvador as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies;

(4) recognizes the important role that is being played by the United States and other countries in providing assistance to alleviate the suffering of the people of El Salvador; and

(5) encourages a continued commitment by the United States and other countries to the long-term, sustainable development of El Salvador.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE IN INDIA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 12, S. Con. Res. 6.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 6) expressing sympathy for the victims of the devastating earthquake that struck India on January 26, 2001, and support for ongoing aid efforts.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BIDEN. Mr. President, I am proud to cosponsor S. Con. Res. 6. This concurrent resolution sends a message of sympathy and support to the people of India, who have been struck by one of the worst natural disasters to afflict their nation in the half-century since Independence.

The earthquake which devastated the Western Indian state of Gujarat killed untold thousands. The magnitude of this tragedy is demonstrated by the fact that 30,000 dead is now referred to as an optimistic estimate. Other sources, such as the Indian Minister of Defense, have suggested a worst-case scenario of 100,000 dead.

As President Bush noted, a disaster such as this knows no national boundaries. The victims have been the people of India, but the burden of humanitarian relief rests on the shoulders of the entire world community.

I congratulate the relief workers, from many nations, who have stepped up to the challenge. The most important work, of course, has been done by the Indians themselves tens of thousands of military and civilian personnel who have labored tirelessly to help save the lives of those trapped in the wreckage.

Working alongside them have been search and rescue teams from Britain, Switzerland, Germany, Russia and Turkey. They helped locate victims with state-of-the-art thermal sensors, and with specially-trained canine units.

Following closely after the search and rescue teams have been medical units from France, Japan, Israel, Denmark and NGOs like the International Federation of the Red Cross and Doctors without Borders. These nations and groups have set up field hospitals and shipped in medical supplies to tend to the needs of tens of thousands of wounded.

Many other countries have offered cash donations, food, tents, blankets, or other humanitarian assistance. Of these donor countries I would like to single out Pakistan for particular commendation: in light of recent tensions, and of Pakistan's own losses in the earthquake—at least a dozen dead, with a full reckoning not yet made—the shipment of relief supplies was an important gesture of peace.

The United States, for logistical reasons, has concentrated its efforts on providing potable water, shelter, and food to those rendered homeless by the quake. USAID has already made several airlifts of vital material, and more aid is in the pipeline.

When a disaster occurs at such a great geographical remove, US assets might not always be the first to arrive on the spot. But once the US gears up for a challenge, it is equal to any task. The job of the world community now is to make sure that the earthquake does not claim more victims after the last tremors have ceased.

The basic human-needs infrastructure of Gujarat has, in many areas, been entirely wiped out: hundreds of thousands of people will be effected, to one degree or another. In a situation like this, diseases like cholera or dysentery—easily preventable, with proper medical and nutritional facilities—can spread like wildfire. Simply insuring that the dispossessed people have access to food, shelter, and clean water can save countless lives.

We Americans are a compassionate people. But from the stark figures of relief provided and pledged, the extent of our compassion may not be clear. In the crucial first days following the disaster—when a dozen other countries were actively engaged in rescue and medical support—our financial pledge was one-third that of Great Britain, a million dollars lower than that of Germany, and a sum less than the combined pledges of Holland and Italy.

Our contribution has since risen, and I am told that it will continue to rise in the days and weeks to come. I certainly hope that it does. And when the time comes to fund the reconstruction of Western India's basic infrastructure a task that will require more than $1 billion in loans from international financial organizations I hope that we will demonstrate the full extent of our country's compassionate nature.

Today, as India works to save the lives of its citizens and mourns the lives of those who could not be saved, our thoughts and prayers are with the people of Gujarat. I hope that the United States will accelerate its efforts to put these thoughts and prayers into generous, concrete action.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 6) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 6

Whereas on the morning of January 26, 2001, a devastating and deadly earthquake shook the state of Gujarat in western India, killing untold tens of thousands of people, injuring countless others, and crippling most of the region;

Whereas the earthquake of January 26, 2001, has left thousands of buildings in ruin, caused widespread fires, and destroyed infrastructure;

Whereas the people of India and people of Indian origin have displayed strength, courage, and determination in the aftermath of the earthquake;

Whereas the people of the United States and India have developed a strong friendship based on mutual interests and respect;

Whereas India has asked the World Bank for $1,700,000,000 in economic assistance to start rebuilding from the earthquake;

Whereas the United States has offered technical and monetary assistance through the United States Agency for International Development (USAID); and

Whereas offers of assistance have also come from the Governments of Turkey, Switzerland, Taiwan, Russia, Germany, China, Canada, and others, as well as countless nongovernmental organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its deepest sympathies to the citizens of the state of Gujarat and to all of India for the tragic losses suffered as a result of the earthquake of January 26, 2001;

(2) expresses its support for—

(A) the people of India as they continue their efforts to rebuild their cities and their lives;

(B) the efforts of the World Bank;

(C) continuing and substantially increasing the amount of disaster assistance being provided by the United States Agency for International Development (USAID) and other relief agencies; and

(D) providing future economic assistance in order to help rebuild Gujarat; and

(3) recognizes and encourages the important assistance that also could be provided by other nations to alleviate the suffering of the people of India.

PERMITTING USE OF THE ROTUNDA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 14 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 14) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 11

(Purpose: To change the date)

Mr. NICKLES. Mr. President, there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. MCCONNELL, proposes an amendment numbered 11.

The first section of the resolution is amended by striking "April 18, 2001" and inserting "April 19, 2001".

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 11) was agreed to.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 14), as amended, was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 15 and all the nominations on the Secretary's desk in the Foreign Service. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF STATE

Paul Henry O'Neill, of Pennsylvania, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States governor of the Inter-American Development Bank for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN109 Foreign Service nominations (7) beginning James D. Grueff, and ending Ralph Iwamoto, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2001.

PN110 Foreign Service nominations (23) beginning An Thanh Le, and ending Army Wing Schedlbauer, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2001.

LEGISLATIVE SESSION

THE PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 105–83, his appointment of the following Senators to serve as members of the National Council on the Arts: The Senator from Ohio (Mr. DEWINE), and the Senator from Alabama (Mr. SESSIONS).

ORDERS FOR MONDAY, FEBRUARY 12, AND TUESDAY, FEBRUARY 13, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Monday, February 12, for a pro forma session only. No business will be transacted during Monday's session. I further ask unanimous consent that the Senate then immediately adjourn over until Tuesday, February 13, at 9:30 a.m. I further ask unanimous consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business until 12:30 p.m., to be divided in the following fashion: Senator DASCHLE, or his designee, controlling the time between 9:30 a.m. and 11 a.m., and Senator MURKOWSKI, or his designee, controlling the time between 11 a.m. and 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I further ask unanimous consent that when the Senate reconvenes at 2:15 p.m., there be an additional hour for morning business with 2:15 p.m. to 2:45 p.m. under the control of Senator DURBIN, or his designee, and 2:45 p.m. to 3:15 p.m. under the control of Senator THOMAS, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, tomorrow the Senate will not be in session.

The Senate will next convene on Monday for a pro forma session only. The Senate will reconvene on Tuesday at 9:30 a.m. and conduct morning business until 12:30 p.m. Following the weekly recess, and some additional morning business, at 3:15 p.m. on Tuesday, it is the majority leader's intention to turn to any legislative and executive calendar items that may be cleared for consideration.

ORDER FOR ADJOURNMENT

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator BYRD and Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma, Mr. NICKLES, for his courtesy. Have a good day.

Mr. NICKLES. I thank the Senator.

DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT

Mr. BYRD. Mr. President, the men and women who wear the uniform of the United States Armed Forces have great abilities, supreme dedication, and they deserve the highest level of support that this Nation can give them.

But despite outstanding military troops, a number of challenges lie ahead for the Department of Defense, particularly in the area of allocating monetary resources. One of the first budget challenges that President Bush and Secretary Rumsfeld will face is how to improve military readiness. By now, we are all familiar with the myriad problems confronting our military forces today—recruitment and retention problems, crushing deployment burdens, aging ships and tanks and aircraft, a scarcity of spare parts—even a scarcity of ammunition according to yesterday morning's Washington Post—substandard housing and outdated facilities—and the list can go on and on.

All of these factors affect readiness. All of these deficiencies will require money to correct. Already, representatives of the Joint Chiefs are lobbying the Senate Armed Services Committee for a supplemental appropriations bill to increase the current defense budget by perhaps as much as $10 billion. Presumably, the Services will get around to making their wishes known to the Appropriations Committee as well, since it is that committee that actually has the responsibility over the supplemental appropriations. But regardless of the tactics employed, the supplemental is just the first sortie. Beyond the current budget, we are bracing for the likelihood of requests for major leaps in defense funding—perhaps as much as $50 billion a year—just over the horizon.

With that said, I was heartened to read President Bush's comments in Monday's New York Times, in which he called for a comprehensive review of Pentagon priorities and strategies before seeking funding increases for modernization that make sense to me, it seems. Hopefully, President Bush and Secretary Rumsfeld will be able to impose some order and discipline on the Pentagon budget process. That is probably going to be a pretty big order—a pretty big order to impose some order and discipline on the Pentagon budget process.

Clearly, it is necessary to focus on defense, readiness, and national security. The United States cannot afford to lose sight of the fact that a strong defense is the key to national security. We must never risk complacency in a world that encompasses the likes of Saddam Hussein and Osama bin Laden; a world in which the proliferation of nuclear, chemical, and biological weapons represents a threat to our very existence.

But before we consider how much more money we need to spend on defense, I believe we should take a close look at how the Pentagon is managing the money and the assets it already has.

Now, one of our colleagues, Senator GRASSLEY, has been very interested in this same subject. It was his intention to speak this afternoon, but other matters have intervened, and he will speak on this same subject one day next week.

Just recently, the General Accounting Office gave us a good insight into the current situation with the release of a status report on the Defense Department's management of key programs and assets. The conclusions are disturbing. In six key areas—financial management, information technology, acquisitions, contracts, support infrastructure, and logistics—the GAO found Defense Department management practices to be vulnerable to waste, fraud, abuse, and mismanagement. Together, these deficiencies represent a tremendous drain on the ability of the Defense Department to operate efficiently, effectively, and safely.

The GAO report put it starkly. Here is what it said: If these problems are not addressed, the report stated, "inefficiencies will continue to make the cost of carrying out assigned missions unnecessarily high and, more important, increase the risks associated with those missions. Each dollar that is spent inefficiently," said the report, "is a dollar that is unavailable to meet other internal Department priorities such as weapon system modernization and readiness."

What is most disturbing to me is that, in program after program, management procedures are so garbled that the General Accounting Office cannot even estimate—cannot even estimate—the level of inefficiency. This is a critical knowledge gap when one considers the fact that the Defense Department accounts for about 15 percent of the entire Federal budget, and roughly half of all discretionary spending—roughly half of all discretionary spending.

The Defense Department has a budget of about $310 billion a year and assets estimated at $1 trillion. Clearly, keeping score when dealing with numbers of that magnitude is a huge challenge. But it is a challenge that must be faced. In an agency as vast as the Defense Department, which has approximately 3 million military and civilian employees, sloppy accounting and accountability procedures can have enormous ramifications on personnel, on readiness, and on national security.

Some of the details of the GAO report are shocking. For example, in the area of financial operations—just plain old bookkeeping in lay terms—the General Accounting Office reported that the Defense Department does not know with any certainty how much money it has available, and its books are in such disarray that it cannot pass a standard financial audit. Now, how about that? How about that? Let me repeat that for emphasis: The Defense Department, which is talking about needing an additional $50 billion dollars a year to meet readiness requirements, does not know with any certainty how much money it currently has available and cannot pass the test of receiving a clean audit opinion on its financial statements.

Now, take that home with you and sleep on it. That is worth repeating. The Defense Department—this is not ROBERT BYRD saying this. I am just repeating what the General Accounting Office, the arm of the Congress, reported: The Defense Department does not know with any certainty how much money it has, and its books are in such disarray that it cannot pass a standard financial audit.

The Defense Department, which is talking about needing an additional $50 billion—they want $50 more for every minute since Jesus Christ was born; that is $50 billion—a year to meet readiness requirements. Yet the Defense Department does not know with any certainty how much money it currently has available. It would seem to me that before Congress appropriates $50 billion more, we ought to know how much money the Defense Department has available.

It cannot pass the test of receiving a clean audit opinion on its financial statements; that, despite the fact the Chief Financial Officers' Act of 1990 requires the Department of Defense to prepare annual audited financial statements. So the Defense Department is not living up to the law, is it? The Chief Financial Officers' Act of 1990 requires DOD to prepare annual audited financial statements. That was 1990. Yet 10 years, 10 long years after the enactment of that law, DOD has yet to produce financial statements that can be certified as complying with generally accepted accounting principles.

Examples of DOD's financial management weaknesses abound. For instance, the GAO found that the Defense Department could not reconcile a $7 billion difference between its available fund balances and the Treasury's. GAO also discovered that the Department of Defense was unable to substantiate the $378 billion it had reported as total net reporting costs in 1999. DOD was unable to substantiate the $378 billion it reported as total net operating cost in 1999.

Given this lack of accountability, is it any wonder then that DOD is constantly pressed for cash?

In the space of one year, from 1998 to 1999, the DOD recalculated its environmental and cleanup requirements, increasing estimated environmental liabilities from $34 billion to $80 billion. Despite the increase, DOD still does not have a comprehensive inventory of all potential environmental and disposal liabilities. The final bill could be billions of dollars more.

So here is the question I have: If the Department of Defense does not know what it has in terms of assets and liabilities, how on Earth can it know what it needs?

Bookkeeping is only the tip of the iceberg. DOD's logistics operations, particularly inventory control, are a management nightmare. Unfortunately, this should come as no surprise to anybody. The DOD's inventory control practices have been flagged as inadequate and high risk every year since the General Accounting Office began assessing high-risk areas a decade ago.

I was on the floor a decade ago talking about it, pointing out that the inventories were huge and talking about the inventory control practices. It seems to me one of the television networks was doing a piece on this several years ago.

As a result, billions of taxpayer dollars are very probably being squandered. According to the General Accounting Office, the Defense Department continues to stockpile more than it needs. I think that is what it was doing 10 years ago when we had the television networks looking into that. It seems to me that it was Lesley Stahl, as I recall—my memory may be playing tricks on me, but I believe it was Lesley Stahl at that time—who was doing this, who went to where some of these inventories were stored and was doing a piece on that. Here we are 10 years later—same old problem.

As a result, billions of taxpayer dollars are very probably being squandered. According to the General Accounting Office, the Defense Department continues to stockpile more than it needs. The television network at that time—the particular channel, I don't remember—was saying the same thing, bringing out the same thing. In the Baptist Church, we have a song: "Tell me the old, old story." Well, this is the old, old story.

According to GAO, the Defense Department continues to stockpile more than it needs, purchases items it does not need while at the same time maintaining insufficient quantities of key spare parts, and is unable to keep track of material being shipped to and from military activities. The General Accounting Office discovered that about half of DoD's $64 billion dollar inventory in spare parts, clothing, medical supplies and other support items exceeds war reserve or current operating requirements. At the time GAO reviewed the accounts, DoD had $1.6 billion dollars worth of inventory on order that was not needed to meet current requirements. GAO found that the Army had no way of knowing whether shipped inventory had been lost or stolen, and the Navy, in a 1999 review, was unable to account for more than $3 billion worth of shipped inventory, including some classified and sensitive items.

And yet this bloated inventory is being amassed at a time when the Pentagon admits that it is experiencing readiness problems due to a lack of key spare parts. According to GAO, insufficient quantities of spare parts is one of the primary reasons that airlift and aerial refueling aircraft are performing below the Air Force's mission capable standard rates.

GAO also red-flagged the Pentagon's 100 billion dollar a year weapons system acquisition program. The problems are pervasive: questionable requirements; unrealistic cost, schedule, and performance estimates; questionable program affordability; and high-risk acquisition strategies. Simply put, in its rush to acquire the next new thing, DoD is riding roughshod over reality, compressing systems acquisition decisions into unrealistic schedules and pursuing new weapons systems willy-nilly without adequate testing and evaluation, regardless of costs or the prospect of future funding, and despite a lack of reliable evidence that the systems can actually do what they are supposed to do.

Was it a mere coincidence in timing or merely a matter of time that the GAO's questioning of DoD acquisition strategies involving the V–22 Osprey aircraft collided with headlines reporting allegations that a Marine Corps officer engineered the falsification of maintenance records to cover up problems with the Osprey?

In its report, GAO noted that the Navy was moving toward a full-rate production decision on the Osprey aircraft program without having "an appropriate level of confidence that the program would meet design parameters as well as cost and schedule objectives." Subsequently, GAO cited evidence that Navy and Marine Corps officials, in an apparent effort to cut costs and stay on schedule, deleted or deferred tests on the Osprey that could have revealed crucial information on system performance.

The allegations of doctored records, as well as two crashes in the past year that killed 23 Marines, have resulted in the Osprey being grounded, the production decision deferred, and numerous investigations launched. But the damage has been done.

Mr. President, the problems emerging from DoD's acquisition decisions for the Osprey are alarming enough. Even more alarming is the chronic nature of these problems. The Osprey is only the most recent questionable acquisition strategy to dominate the news. As GAO noted, "After having performed hundreds of reviews of major weapon systems over the last 20 years, we have seen many of the same problems recur cost increases, schedule delays and performance shortfalls. The problems have proven resistant to reform in part because underlying incentives have not changed."

It appears, from the data that GAO has gathered, that the Defense Department has fallen into the trap of making budget and management decisions on the basis of wishful thinking, not facts. "Overly optimistic planning assumptions" is the way GAO framed it. As a result, DoD has more programs than money.

For example, GAO found that although the Defense Department planned to increase funding for its $11 billion dollar Defense Health Program by $615 million dollars between 2001 and 2005, DoD officials admitted that the program actually needed an extra $6 billion dollars during that time. That, Mr. President, is a $6 billion dollar understatement of need. Defense Department officials admitted to GAO that they underfund the health program in outyears to free up current funds for other defense programs. "Overly optimistic" in my opinion is an overly charitable way of characterizing that kind of deceptive budgeting.

The General Accounting Office is not the only entity that has pointed out the flaws in DoD financial management practices. According to the Defense Department's own Inspector General's audit, the department's books are riddled with holes. The Inspector General found that 30 percent of all entries were made to force financial data to agree with various sources of financial data without adequate research and reconciliation, were made to force buyer and seller data to agree in preparation for eliminating entries, did not contain adequate documentation and audit trails, or did not follow accounting principles.

Something is wrong with this picture. At a time when the Defense Department is scrambling to make ends meet, there is no excuse to invite waste, fraud, abuse, and mismanagement into the mix year after year after year. These are not merely administrative headaches. Like a steady trickle of water can wear away the mightiest foundation, inefficient management and sloppy bookkeeping can undermine the ability of America's men and women in uniform to carry out their responsibilities efficiently, effectively, and safely.

GAO concluded that, "Until DoD presents realistic assumptions and plans in its future budgets, the Congress will lack the accurate and realistic information it needs to properly exercise its decision-making and oversight." That summation goes to the heart of the matter. Congress cannot make reasonable decisions on future budget needs for the Department of Defense until DoD can offer a reliable budget basis on which to proceed.

The Defense Department has been besieged by financial and related management problems for years. We all understand that there is no quick fix. But we should also understand the magnitude of the problem, and the impact that it has on readiness and the impact it will have on congressional confidence, the impact it will have on congressional appropriations, the impact it will have on the taxpayer.

GAO is performing a valuable national service by identifying high-risk management problems at the Defense Department, but Congress needs to do more than express dismay at the annual reports. It may cost money to modernize the Pentagon's financial systems, but it would be money well spent, and could well pay for itself in a short period of time.

Mr. President, I raised the issue of DoD's financial management woes with Secretary of Defense Rumsfeld at his nomination hearing before the Senate Armed Services Committee. To his credit, Secretary Rumsfeld did not attempt to gloss over the difficulties facing the Defense Department in improving its financial management systems. He pledged to tackle the problem, but he said that it would probably take outside help to find a solution, and that it could take a period of years to sort it out.

I urge Secretary Rumsfeld and President Bush to make financial and performance accountability in the Defense Department a top priority, and to work with the appropriate congressional committees to slay this particular dragon once and for all.

As I said at the beginning of my statement, Senator GRASSLEY will have something to say on this matter next week. He has devoted much time and thought to the problem. I am sure his concerns will continue. I look forward to working with him and others on the committee to try to be of assistance to the Department in cleaning up its act.

The United States has real national security problems to confront. We can anticipate trouble from Saddam Hussein. Talk about all of these surpluses that have been projected now for years away from the present day. Who knows what Saddam Hussein may do overnight? Remember when he went into Kuwait? The world was shocked. America put a lot of men and women on the ground in the desert in the Middle East and a lot of money on the barrel head. That can happen again. Saddam Hussein is probably one of the most dangerous men in the world. There is no doubt about it. We don't know what he is doing by way of developing chemical, biological, and other weapons. He may threaten a neighboring state at any moment, and then watch those projections, those budget surpluses, vanish. We can anticipate trouble from him, and we must be ready for trouble from other hot spots on the globe.

So we must invest in readiness. But we must also invest in accountability. The United States cannot afford to allow performance and accountability problems at the Defense Department to sap the strength of our investment in readiness.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M., MONDAY, FEBRUARY 12

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 10 a.m. on Monday, February 12, 2001, for a pro forma session.

Thereupon, the Senate, at 4:22 p.m., adjourned until Monday, February 12, 2001, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 8, 2001:

DEPARTMENT OF STATE

PAUL HENRY O'NEILL, OF PENNSYLVANIA, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES D. GRUEFF, AND ENDING RALPH IWAMOTO JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2001.

FOREIGN SERVICE NOMINATIONS BEGINNING AN THANH LE, AND ENDING AMY WING SCHEDLBAUER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2001.

HOUSE OF REPRESENTATIVES—*Thursday, February 8, 2001*

The House met at 10 a.m.

The Reverend Jerry Sullivan, St. Mary of the Lake Church, Hamburg, New York, offered the following prayer:

Praise and glory to You, God of all nations.

Bless the Representatives of this Nation as they meet in session. May Your Will be the guiding force for their intentions, words, and actions. Forgive them the times when convenience and self-interest have substituted for courage, kindness, and justice. Grant them the grace to listen to one another with open minds and hearts. May the clarity and charity of their words reflect respect for their colleagues.

Give them an understanding of the needs of our sisters and brothers in this country who are often ignored, whose voices cry out to be heard. As You have blessed this land with abundance, help the Members of this House, and all of us who are citizens, to be generous to the neediest of persons beyond our borders, with a generosity that only You can make possible.

We ask this in Your holy Name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. QUINN) come forward and lead the House in the Pledge of Allegiance.

Mr. QUINN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

The message also announced that pursuant to Public Law 106–553, the Chair, on behalf of the Majority Leader, announces the appointment of the following Senators to serve as members of the Congressional Recognition for Excellence in Arts Education Awards Board—

the Senator from Mississippi (Mr. COCHRAN); and

the Senator from Utah (Mr. BENNETT).

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Seventh Congress—

the Senator from Utah (Mr. HATCH);

the Senator from Alaska (Mr. MURKOWSKI); and

the Senator from Maine (Ms. COLLINS).

WELCOME TO THE REVEREND JERRY SULLIVAN

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, it is indeed an honor for me to welcome Father Monsignor Jerome Sullivan, as the Speaker pointed out, but back home in Wanakah, Clover Bank, and Hamburg, New York, he prefers to be referred to as Father Jerry.

We are honored to have Father Jerry with us this morning to offer these opening remarks. I know that, as a parishioner of his now for over 20 years, when he suggests to the Members, when he suggests to the audience, and then to the country this morning, that we listen to each other and that we show respect for each other, it is the same exact thing that he suggests of his parishioners back at St. Mary of the Lake.

I know all of us who work here in Washington, D.C., on both sides of the aisle, in both Chambers, know that we should do a little bit more listening, and we should make certain that we respect each other.

Father Jerry, we appreciate your remarks this morning. We could use you here in Washington, D.C.; but we sure are glad you are at St. Mary of the Lake.

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), the Chair appoints the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. REGULA of Ohio;

Mr. SAM JOHNSON of Texas;

Mr. MATSUI of California.

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER. Pursuant to section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Chair appoints the following Members of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. YOUNG of Alaska;

Mr. KILDEE of Michigan.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103 of Public Law 99–371 (20 U.S.C. 4303), the Chair appoints the following Member of the House to the Board of Trustees of Gallaudet University:

Mr. LAHOOD of Illinois.

RESIGNATION AS MEMBER OF HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin) laid before the House the following resignation as a member of the House Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: Please accept my resignation from the House Permanent Select Committee on Intelligence. It has been an honor and a privilege to serve my constituents through my membership on this committee.

Sincerely,

CHARLES F. BASS,
Member of Congress.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The SPEAKER pro tempore. Without objection; the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: Please accept my resignation from the House Committee on Transportation and Infrastructure. It has been an honor and a privilege to serve my constituents through my membership on this committee.

Sincerely,

CHARLES F. BASS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
U.S. Capitol,
Washington, DC.

DEAR SPEAKER HASTERT: Effective today, February 7, 2001, I resign my seat on the House Committee on Resources. I appreciate your attention to this matter.

Sincerely,

ROBIN HAYES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 6, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Effective today, I wish to resign from the Committee on Science. Your assistance in accommodating my request is greatly appreciated.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
Speaker of The House,
Washington, DC.

SPEAKER HASTERT: Effective today, I resign my position on the House Committee on Government Reform. Thank you.

Sincerely,

JEFF FLAKE,
First District, Arizona.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. Speaker HASTERT,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I resign from the Committee on Transportation and Infrastructure effective immediately. If you have any questions feel free to contact me.

Sincerely,

ROBERT W. NEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE AND COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture and the Committee on Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. J. DENNIS HASTERT,
Office of the Speaker,
The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: Pursuant to my appointment to the Committee on Energy and Commerce, I hereby resign my assignments to the Committee on Agriculture and the Committee on Resources.

Thank you for your attention to this matter.

Sincerely,

CHRIS JOHN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
February 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: I hereby resign my seat on the House Science Committee and the House Veterans Affairs Committee.

Sincerely,

MIKE DOYLE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS AND COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on International Relations and the Committee on the Judiciary:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing to submit to you my resignation from the House Committee on International Relations and the House Committee on Judiciary in order to be appointed to the House Committee on Appropriations. It has been my honor and privilege to serve on the International Relations and Judiciary Committees during the past four years.

I respectfully request that you consider my resignation from these Committees effective February 7, 2001.

Thank you very much for your consideration of this matter.

Sincerely,

STEVEN R. ROTHMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE AND COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce and the Committee on Government Reform:

FEBRUARY 7, 2001.

Speaker J. DENNIS HASTERT,
Speaker's Floor Office, The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: This letter will serve as official notification of my resignation from both the Education and the Workforce and Government Reform Committees. If you have any questions, feel free to contact me or my Administrative Assistant, Michelle Anderson Lee (202) 225-4001.

Very truly yours,

CHAKA FATTAH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

FEBRUARY 7, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, Capitol, Washington, DC.

DEAR SPEAKER HASTERT: In order to comply with the rules of the Caucus so that I may serve on the committee on the Budget, I hereby resign from the Committee on Science. Pursuant to the rules of the Democratic Caucus, I understand that my rights for seniority on the Science Committee will be preserved.

Sincerely,

MICHAEL E. CAPUANO.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

FEBRUARY 7, 2001.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, I am writing to inform you of my resignation, effective immediately, from the Small Business Committee. I have enjoyed serving my constituents' interests on small business matters, and I will continue to do so during the 107th Congress.

Sincerely,

SHELLEY BERKLEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

FEBRUARY 8, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER HASTERT: Pursuant to my appointment to the Committee on Financial Services, I hereby resign my assignment to the Committee on Government Reform and Oversight.

Thank you for your attention to this matter.

Sincerely,

HAROLD E. FORD, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. KIRK. Mr. Speaker, I offer a resolution (H. Res. 32) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 32

Resolved, That the following named Members be and are hereby, elected to the following standing committees of the House of Representatives:

Budget: Mr. Kirk.

Energy and Commerce: Mr. Bass to rank after Mr. Radanovich.

Government Reform: Mr. Weldon of Florida; Mr. Cannon; Mr. Putnam; Mr. Otter, and Mr. Schrock.

Resources: Mr. Flake and Mr. Rehberg.

Science: Mr. Shays to rank after Mrs. Morella.

Transportation and Infrastructure: Mr. Pombo and Mr. Hayes to rank after Mr. Isakson.

Veterans' Affairs: Mr. Brown of South Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 33) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named members be, and are hereby, elected the following standing committees of the House of Representatives:

Committee on Appropriations: Mr. Fattah of Pennsylvania, Mr. Rothman of New Jersey;

Committee on Agriculture: Mr. Larsen of Washington, Mr. Ross of Arkansas, Mr. Acevedo-Vilá of Puerto Rico;

Committee on the Budget: Mrs. McCarthy of New York, Mr. Moore of Kansas, Mr. Capuano of Massachusetts, Mr. Honda of California;

Committee on Education and the Workforce: to rank after Mr. Holt of New Jersey, Ms. Solis of California, Mrs. Davis of California, Ms. McCollum of Minnesota;

Committee on Energy and Commerce: Mr. Doyle of Pennsylvania, Mr. John of Louisiana, Ms. Harman of California;

Committee on Financial Services: Mr. Ford of Tennessee, Mr. Hinojosa of Texas, Mr. Lucas of Kentucky, Mr. Shows of Mississippi, Mr. Crowley of New York, Mr. Clay of Missouri, Mr. Israel of New York, Mr. Ross of Arkansas;

Committee on Government Reform: Mr. Clay of Missouri;

Committee on International Relations: Mr. Blumenauer of Oregon, Ms. Berkley of Nevada, Mrs. Napolitano of California, Mr. Schiff of California;

Committee on the Judiciary: Mr. Schiff of California;

Committee on Resources: Mr. Rahall of West Virginia, Mr. Markey of Massachusetts, Mr. Kildee of Michigan, Mr. DeFazio of Oregon, Mr. Faleomavaega of American Samoa, Mr. Abercrombie of Hawaii, Mr. Ortiz of Texas, Mr. Pallone of New Jersey, Mr. Dooley of California, Mr. Underwood of Guam, Mr. Smith of Washington, Mrs. Christensen of the Virgin Islands, Mr. Kind of Wisconsin, Mr. Inslee of Washington, Mrs. Napolitano of California, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Holt of New Jersey, Mr. McGovern of Massachusetts, Mr. Acevedo-Vilá of Puerto Rico, Ms. Solis of California, Mr. Carson of Oklahoma, Ms. McCollum of Minnesota;

Committee on Science: Mr. Matheson of Utah, Mr. Israel of New York;

Committee on Small Business: Mr. Langevin of Rhode Island.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PREVENTING WASTEFUL FEDERAL BOONDOGGLES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Orlando Sentinel published a headline yesterday saying "Anger Over Courthouse Won't Die."

The anger concerns a proposed $60,000,000 Federal courthouse in Orlando that the judges are unhappy with. I have been told by an expert that to build what the judges want could potentially double the cost and send several million dollars in architect's fees down the drain. At $60 million, the building will already cost $195 a square foot.

The cost is already too high. If costs explode because of spoiled judges, it will be far too expensive to build if we have any consideration at all for the poor taxpayers who are footing the bill.

Too many times we have allowed Federal judges to demand Taj Mahal-type courthouses because the money is not coming out of their pockets. Too often they have a taxpayers-be-damned attitude. The Commissioner for Public Buildings said, "The problem here is we have some judges who think they should be architects."

Mr. Speaker, I hope the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation of the Committee on Transportation and Infrastructure on which I served for 10 years will not let this project become another wasteful Federal boondoggle.

APPOINTMENT OF MEMBER TO HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection and pursuant to clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. CHAMBLISS of Georgia, to rank after Mr. BURR of North Carolina.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERNS REGARDING EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, education is to be one of the new administration's top priorities, and I commend them for this. I would like to express two major concerns I have in regard to education that I hope the President and Secretary Paige will take into consideration.

First, the gentleman from Indiana (Mr. HILL) and I started a Smaller Schools Initiative within the Department of Education. We were fortunate enough to secure $45 million in funding for this program last year and $125 million this year. This money is supposed to be for grants and assistance to school systems to help keep small schools open and/or reduce the size of some very large schools.

At a smaller school, a young person has a better chance to make a sports team, serve on the student council, lead a club, be a cheerleader or excel or stand out in some other way. Also a student at a smaller school can get more individual attention, and not just feel like a number in some education factory. Actually, very large high schools sometimes breed Columbine-type situations, because while 99.9 percent of students can handle big schools, a few always feel like they have to resort to strange or even dangerous behavior to get noticed.

Three or four years ago I read an article in the Christian Science Monitor saying that New York City's largest high school had 3,500 students, and then it was broken down into five separate schools and their drug and discipline problems went way down.

□ 1015

Augusta Kappner, a former U.S. Assistant Secretary of Education wrote recently in USA Today that "good things happen" when large schools are remade into smaller ones. She said, "Incidents of violence are reduced; students' performance, attendance and graduation rates improve; disadvantaged students significantly outperform those in large schools on standardized tests; students of all social classes and races are treated more equitably; teachers, students and the local community prefer them."

Students are better off going to smaller schools even in older buildings, as long as they are clean and well lighted, than they are to very large centralized high schools even in brand-new buildings.

We have done a good job reducing class sizes in most places, but too often we are making a very bad mistake in making students go to very large schools.

Secondly, Mr. Speaker, the so-called teacher "shortage" is a special interest shortage aided by the government. We would have no shortage at all if we simply could give local school boards the flexibility to hire well-qualified teachers, even if they had never taken an education course. It makes no sense whatsoever to say that a Ph.D. chemist, for example, with many years experience in the field cannot be hired over a 22-year-old with a bachelor's degree simply because of a few education courses.

I realize that there are special interests which want to limit or restrict the pool of eligible applicants for teaching positions, but this is harmful to our children; and it will become even more harmful in the next few years if we allow this to continue. Local school boards, or preferably even principals at schools, should be allowed to hire the best-qualified teachers, even if they never took an education course. Many people are well qualified through advanced education and/or experience to teach, but the government, because of special interest pressure groups, will not allow them to be hired.

A few years ago, two small colleges in my district almost went under. Fortunately, neither one did. But it is ridiculous to say, for instance, that a Ph.D. political scientist or English professor with 20 or 25 years' teaching experience at the college level cannot teach in high school or even elementary school if their college went under just because they had not taken an education course. Local school boards should be allowed to consider an education degree as a real plus if everything else is basically equal. But they should not be forced to hire a less-qualified teacher simply because one spent more time studying and/or working in the subject they are to teach rather than taking a few education courses.

If local school officials were allowed to hire the most qualified person, even if they did not have an education degree, this artificial, government and special interest-induced teacher shortage could be wiped out very quickly; and most importantly, our children would get a better education. We should immediately give local school boards the authority to give alternative certification to people who are well qualified through education and/or experience in the field, even if they never took an education course.

The next time anyone says something about a teacher shortage, we should just say, remove the artificial, unjustified, harmful restrictions in the State law and this problem will be solved very quickly.

A TRIBUTE TO KAREN S. LORD

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, the Commission on Security and Cooperation in Europe lost one of its most noble, most gifted, dedicated, effective, and kind members of our staff, Karen Lord, to the ravages of cancer on January 29 of this year. Karen was only 33—a heartwrenching tragedy for her family, and all of us who knew and loved her.

Since 1995, Karen has faithfully served as counsel for Freedom of Religion on the staff of the commission of which I serve as the cochairman. In this capacity, she diligently defended the principle of "religious liberty for all" and became one of the commission's most trusted advisors on the subject. We will miss her wise counsel, her demonstrable passion, her wealth of knowledge, and her energetic advocacy on behalf of the persecuted church.

As counsel for Freedom of Religion, Karen meticulously monitored the fundamental "freedom of thought, conscience, religion and belief" and always would take the initiative when violations arose. She was recognized and respected in this city, within the U.S.

Government, in Europe and in Central Asia as a knowledgeable, passionate, and hard-working expert on the right to freely profess and practice one's faith. She was intolerant of religious intolerance and was a champion to all those who were disenfranchised and dispossessed. She lived the gospel, especially our Lord's admonition in Matthew, 25, when our Lord said, "When I was in prison, did you visit me." "Whatsoever you do to the least of my brethren you do to me." Time and time again Karen interceded on behalf of those who were unjustly imprisoned by dictators and despotic governments. Karen always took the time and had the energy to pursue the truth, and to chronicle in a meticulous way the information about someone who was persecuted or harassed by their government, in some way put at risk because of their faith.

Karen played an active role as a member of numerous U.S. delegations to meetings of the Organization on Security and Cooperation in Europe, and she was selected and served on a panel of religious liberty experts for the OSCE's Office of Democratic Institutions and Human Rights. Whether the interaction was with nongovernmental organizations, religious believers and clergy, academics or government authorities, Karen was an active listener, an informed interlocutor, and a vigorous and respectful advocate. She was a force with whom others had to reckon, because she was so strong and she would always stand up, on behalf of those who were persecuted for their faith.

Karen surely distinguished herself as the expert on laws affecting religious communities in various countries of the OSCE region, whether the issues were in the Caucasus, Central Asia, Western Europe, or Eastern Europe. Just 3 months ago, even while she was suffering the devastation and the terrible pain of cancer, she participated in conferences in Sofia, Bulgaria and Baku and Azerbaijan, which were focused on religious liberty, rule of law and international standards for protection of the freedom of conscience. She often served as an expert at various venues in other countries with the U.S. Department of State and for the Immigration and Naturalization Service. Members of the commission knew that they could depend on her and her thorough knowledge and vigorous advocacy of this precious freedom of religion.

Time and again as I sat in the chair holding hearings on religious freedom, I would turn to Karen, get her advice and her informed expert opinion.

Karen was a great woman, Mr. Speaker. She was smart, she was articulate, she was a quick study, she was tenacious, and she was breathtakingly courageous. She never uttered a word of complaint. While she was suffering, while she was going through her frightening ordeal, knowing full well what that cancer was doing to her body, she would have a quiet smile on her face and a very, very deep faith in Jesus Christ. She spent much time in prayer. She suffered her agonies of cancer with courage, working on behalf of religious freedom of all people: Muslims, Jews, Catholics, Christians, Pentecostals. Believers of every stripe will miss her. Karen possessed within herself an abiding tranquility—the peace that surpasses all understanding that our Lord spoke of in the Gospel.

Mr. Speaker, we will greatly miss Karen Lord. She was a dear friend, and I ask all of the Members of the House to keep her in your prayers. Because hers was a life so faithfully lived, she is no doubt looking down from heaven. She was a wonderful person, she will be missed dearly. Our loss is surely Heaven's gain.

PRESIDENT'S TAX CUT NOT FAIR, NOT BASED ON REALITY, AND NOT AFFORDABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today is a big day on Capitol Hill. The President is sending a $1.6 trillion tax cut plan to Congress. A very big day. A big day for the White House, a big day for Congress. The only three problems that I can discern with the President's plan thus far, despite the huge size of it: it is not based on reality, it is not fair, and it is not affordable. Other than that, it is a pretty good idea.

Now, the plan is based on an economic scenario that does not exist. The plan is based upon a rosy economic scenario. Even as the country is sliding into recession, and on the one hand, they use the excuse of a projected future tax cut, particularly favoring those at the top, as a rationale for rushing it through Congress, they say, the economy is actually going to grow at 2.4 percent this year, so we will have a surplus to spend, and more than 3 percent every year thereafter.

Mr. Speaker, they are defying the reality of the current economy. Others are saying, in fact, that growth has slowed to near zero and, in fact, that we may even slide into negative growth. So first off, it is not based in the reality of our current economy or current economic assumptions. So we are spending money we might not have, or forgoing income that would drive us back into periods of deficits and add to the national debt.

Secondly, it is not fair. It is very heavily slanted toward people at the top. The top 1 percent, those who earn over $320,000 per year and up, will average $46,500 in savings under this legislation. So if one earns over $320,000, one gets $46,000 back, on average.

Now, if one is in the lower 40 percent of American families for income, they will get an average of $110. So what does that translate to? Well, the family that earns over $320,000 a year can go out and buy a nice new Yukon Denali XL with heated leather seats; not bad, nice ride, and the average American family can take and invest their $110 in a lube, oil change and minor tune-up for their 8-year-old family jalopy. That is not fair. That is not fair.

Finally, it is not affordable. It is a lot like a very honest man, David Stockman, told us at the beginning of the Reagan administration. He said he knew we could not cut taxes, dramatically increase military spending, and balance the budget; that, in fact, it was a Trojan horse to get at all those social programs and to make Congress reduce funding for or eliminate those social programs, because they knew they could not defeat them frontally.

The American people support Social Security and Medicare and more funding for education and help with our kids getting a higher education. They know they cannot take those things on frontally, so we are back to the Trojan horse scenario, locked in tax cuts projected out over 10 years with the huge tax cuts coming toward the end of the 10 years, projected on a rosy scenario that does not exist. Then, when we go into deficits or we are threatened with deficits, they say, oh, my God we have locked in the tax cuts and people have planned their estates and things around it, so we cannot change the rules now. We will just have to cut spending, cut Medicare, cut Social Security. We cannot afford those increases in education.

Mr. Speaker, that is where this is really headed. People just need to know that when they support it.

Now, it is not fair to criticize if one does not have an alternative, and I have an alternative which has been put together by the Progressive Caucus. Our alternative is fair, it is based on reality, and it is affordable, and it is very simple. Every American would share in the surplus, from the tiniest, teeniest baby to the oldest senior citizen in a nursing home, all would share and share alike, because all have played a role in building the prosperity of this Nation. The American people's dividend.

This year, it would average about $300 per person, a family of four, $1,200, no matter what their income. So for that family of four who falls into that lower 40 percent who would only get $110 under the Bush plan, they would get $1,200. They could afford more than a lube and the oil change on the family jalopy and the minor tune-up. Of course it is a little disappointing to the family who earns over $320,000 a year. They would only get $1,200. One cannot buy a Yukon Denali for $1,200; but I think that they could probably finance one, and it would be a couple of months' payments on a 6-year payment plan. So it is fair.

I hear so much from my colleagues on the other side of the aisle that we should go to a flat tax; that would be fair. Somehow, to extract money from the American people on a flat tax is fair, but they will say it is not fair to give it back in an equitable way.

Mr. Speaker, my plan is fair, affordable, based in reality, not spending money we do not have. A better plan.

□ 1030

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The **SPEAKER** pro tempore (Mr. RYAN of Wisconsin) laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.
Hon. DENNIS HASTERT,
Speaker of the House,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I respectfully tender to you my resignation from the Resources Committee effective today. I have enjoyed the four years I have spent with the Committee and am honored to have had the opportunity.

During my years on the Committee we considered many important measures. We did a great deal of good for the American people and we exercised our oversight responsibilities in a judicious manner. I look forward to continuing this work with the Committee as opportunities arise and on the House floor.

I am pleased to have made many friends among the Committee's membership and developed relationships with the hard working staff. Thank you for the opportunity to serve with such dedicated people.

Sincerely,
KEVIN BRADY.

The **SPEAKER** pro tempore. Without objection, the resignation is accepted.

There was no objection.

POTENTIAL FOR WAR

The **SPEAKER** pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. **PAUL**. Mr. Speaker, I have asked for this special order today to express my concerns for our foreign policy of interventionism that we have essentially followed throughout the 20th century.

Mr. Speaker, foreign military interventionism, a policy the U.S. has followed for over 100 years, encourages war and undermines peace. Even with the good intentions of many who support this policy, it serves the interests of powerful commercial entities.

Perpetual conflicts stimulate military spending. Minimal and small wars too often get out of control and cause more tragedy than originally anticipated. Small wars, like the Persian Gulf War, are more easily tolerated, but the foolishness of an out-of-control war like Vietnam is met with resistance from a justifiably aroused Nation.

But both types of conflicts result from the same flawed foreign policy of foreign interventionism. Both types of conflict can be prevented. National security is usually cited to justify our foreign involvement, but this excuse distracts from the real reason we venture so far from home. Influential commercial interests dictate policy of when and where we go. Persian Gulf oil obviously got more attention than genocide in Rwanda.

If one were truly concerned about our security and enhancing peace, one would always opt for a less militaristic policy. It is not a coincidence that U.S. territory and U.S. citizens are the most vulnerable in the world to terrorist attacks.

Escalation of the war on terrorism and not understanding its causes is a dangerous temptation. Not only does foreign interventionism undermine chances for peace and prosperity, it undermines personal liberty. War and preparing for war must always be undertaken at someone's expense. Someone must pay the bills with higher taxes, and someone has to be available to pay with their lives.

It is never the political and industrial leaders who promote the policy who pay. They are the ones who reap the benefits, while at the same time arguing for the policy they claim is designed to protect freedom and prosperity for the very ones being victimized.

Many reasons given for our willingness to police the world sound reasonable: We need to protect our oil; we need to stop cocaine production in Colombia; we need to bring peace in the Middle East; we need to punish our adversaries; we must respond because we are the sole superpower, and it is our responsibility to maintain world order; it is our moral obligation to settle disputes; we must follow up on our dollar diplomacy after sending foreign aid throughout the world. In the old days, it was, we need to stop the spread of communism.

The excuses are endless. But it is rarely mentioned that the lobbyists and the proponents of foreign intervention are the weapons manufacturers, the oil companies, and the recipients of huge contracts for building infrastructures in whatever far corners of the Earth we send our troops. Financial interests have a lot at stake, and it is important for them that the United States maintains its empire.

Not infrequently, ethnic groups will influence foreign policy for reasons other than preserving our security. This type of political pressure can at times be substantial and emotional. We often try to please too many, and by doing so support both sides of conflicts that have raged for centuries. In the end, our effort can end up unifying our adversaries while alienating our friends.

Over the past 50 years, Congress has allowed our Presidents to usurp the prerogatives the Constitution explicitly gave only to the Congress. The term "foreign policy" is never mentioned in the Constitution, and it was never intended to be monopolized by the President. Going to war was to be strictly a legislative function, not an executive one. Operating foreign policy by executive orders and invoking unratified treaties is a slap in the face to the rule of law and our republican form of government. But that is the way it is currently being done.

U.S. policy over the past 50 years has led to endless illegal military interventions, from Korea to our ongoing war with Iraq and military occupation in the Balkans. Many Americans have died and many others have been wounded or injured or have just simply been forgotten.

Numerous innocent victims living in foreign lands have died as well from the bombings and the blockades we have imposed. They have been people with whom we have had no fight but who were trapped between the bad policy of their own leaders and our eagerness to demonstrate our prowess in the world. Over 500,000 Iraqi children have reportedly died as a consequence of our bombing and denying food and medicine by our embargo.

For over 50 years, there has been a precise move towards one-world government at the expense of our own sovereignty. Our Presidents claim that our authority to wage wars come from the United Nations or NATO resolution, in contradiction to our Constitution and everything our Founding Fathers believed.

U.S. troops are now required to serve under foreign commanders and wear U.N. insignias. Refusal to do so prompts a court-martial.

The past President, before leaving office, signed the 1998 U.N.-Rome treaty indicating our willingness to establish an international criminal court. This gives the U.N. authority to enforce global laws against Americans if ratified by the Senate. But even without ratification, we have gotten to the point where treaties of this sort can be imposed on non-participating nations.

Presidents have, by executive orders, been willing to follow unratified treaties in the past. This is a very dangerous precedent. We already accept the international trade court, the WTO. Trade wars are fought with the court's supervision, and we are only too ready to rewrite our tax laws as the WTO dictates.

The only portion of the major tax bill at the end of the last Congress to be rushed through for the President's signature was the foreign sales corporation changes dictated to us by the WTO.

For years the U.S. has accepted the international financial and currency management of the IMF, another arm of one-world government.

The World Bank serves as the distributor of international welfare, of which the U.S. taxpayer is the biggest donor. This organization helps carry out a policy of taking money from poor Americans and giving it to rich foreign leaders, with kickbacks to some of our international corporations.

Support for the World Bank, the IMF, the international criminal court, always comes from the elites and almost never from the common man. These programs, run by the international institutions, are supposed to help the poor, but they never do. It is all a charade. If left unchecked, they will bankrupt us and encourage more world government mischief.

It is the responsibility of Congress to curtail this trend by reestablishing the principles of the U.S. Constitution and our national sovereignty. It is time for the United States to give up its membership in all these international organizations.

Our foreign policy has led to an incestuous relationship between our military and Hollywood. In December, our Secretary of Defense used $295,000 of taxpayers' money to host a party in Los Angeles for Hollywood bigwigs. Pentagon spokesman Kenneth Bacon said it was well worth it. The purpose was to thank the movie industry for putting the military in a good light.

A similar relationship has been reported with TV stations licensed by the U.S. Government. They have been willing to accept suggestions from the government to place political messages in their programming. This is a dangerous trend, mixing government and the media. Here is where real separation is needed.

Our policy should change for several reasons. It is wrong for our foreign policy to serve any special interest, whether it is for financial benefits, ethnic pressures, or some contrived moral imperative. Too often the policy leads to an unintended consequence, and more people are killed and more property damaged than was intended.

Controlling world events is never easy. It is better to avoid the chance of one bad decision leading to another. The best way to do that is to follow the advice of the Founders and avoid all entangling alliances, and pursue a policy designed solely to protect U.S. national security interests.

The two areas in the world that currently present the greatest danger to the United States are Colombia and the Middle East. For decades we have been engulfed in the ancient wars of the Middle East by subsidizing and supporting both sides. This policy is destined to fail. We are in great danger of becoming involved in a vicious war for oil, as well as being drawn into a religious war that will not end in our lifetime.

The potential for war in this region is great, and the next one could make the Persian Gulf War look small. Only a reassessment of our entire policy will keep us from being involved in a needless and dangerous war in this region.

It will be difficult to separate any involvement in the Balkans from a major conflict that breaks out in the Middle East. It is impossible for us to maintain a policy that both supports Israel and provides security for western-leaning secular Arab leaders, while at the same time taunting the Islamic fundamentalists. Push will come to shove, and when that happens in the midst of an economic crisis, our resources will be stretched beyond the limit. This must be prevented.

Our involvement in Colombia could easily escalate into a regional war. For over 100 years, we have been involved in the affairs of Central America, but the recent escalation of our presence in Colombia is inviting trouble for us. Although the justification for our enhanced presence is the war on drugs, protecting U.S. oil interests and selling helicopters are the real reasons for the last year's $1.3 billion emergency funding.

Already neighboring countries have expressed concern about our presence in Colombia. The U.S. policymakers gave their usual response by promising more money and support to the neighboring countries that feel threatened.

Venezuela, rich in oil, is quite nervous about our enhanced presence in the region. Their foreign minister stated that if any of our ships enter the Gulf of Venezuela, they will be expelled. This statement was prompted by an overly aggressive U.S. Coast Guard vessel intrusion into Venezuela's territorial waters on a drug expedition. I know of no one who believes this expanded and insane drug war will do anything to dampen drug usage in the United States, yet it will cost us plenty.

Too bad our political leaders cannot take a hint. The war effort in Colombia is small now, but under current conditions, it will surely escalate. This is a 30-year-old civil war being fought in the jungles of South America. We are unwelcome by many, and we ought to have enough sense to stay out of it.

Recently, new policy has led to the spraying of herbicides to destroy the coca fields. It has already been reported that the legal crops in the nearby fields have been destroyed, as well. This is no way to win friends around the world.

There are many other areas of the world where we ought to take a second look and then come home. Instead of bullying the European Union for wanting to have their own rapid deployment force, we should praise them and bring our troops home.

World War II has been over for 55 years. It is time we look at Korea and ask why we have to broker, with the use of American dollars and American soldiers, the final settlement between North and South Korea. Taiwan and China are now trading and investing in each other's country. Travel restrictions have been recently liberalized. It is time for us to let the two of them settle their border dispute.

We continue to support Turkey with dollars and weapons. We once supported Iraq with the same. Now, we permit Turkey, armed with American weapons, to kill Kurds in Iraq, while we bomb the Iraqis if they do the same. It makes no sense.

Selling weapons to both factions of almost all the major conflicts of the past 50 years reveals that our involvement is more about selling weapons than spreading the message of freedom. That message can never be delivered through force to others over their objection. Only a policy of peace, friendship, trade, and our setting a good example can inspire others to look to what once was the American tradition of liberty and justice for all. Entangling alliances will not do it. It is time for Congress and the American people to wake up.

The political system of interventionism always leads to social discord. Interventionism is based on relative rights, majoritarianism, and disrespect for the Constitution. Degenerating moral standards of the people encourages and feeds on this system of special interest favoritism, all of which contributes to the friction.

Thomas Jefferson was worried that future generations might one day squander the liberties the American Revolution secured. Writing about future generations, Jefferson wondered if, in the enjoyment of plenty, they would lose the memory of freedom. He believed material abundance without character is the path to destruction.

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The challenge to America today is clearly evident. We lack character. And we also suffer from the loss of respect, understanding, and faith in the liberty that offers so much. The American Republic has been transformed and only a remnant remains. It appears that, in the midst of plenty, we have forgotten about freedom.

We have just gone through a roaring decade with many Americans enjoying prosperity beyond their wildest dreams. Because this wealth was not always earned and instead resulted from borrowing, speculation and inflation, the correction that is to come will contribute to the social discord already inherent in a system of government interventionism.

If indeed the economy enters a severe recession, which is highly possible, it will compound the problems characteristic of a system that encourages government supervision over all that we do.

Conflicts between classes, races and ethnic groups and even generations are already apparent. This is a consequence of pitting workers and producers against the moochers and the special-interest rich. Divvying up half of the GDP through a process of confiscatory taxation invites trouble. It is more easily tolerated when wealth abounds. But when the economy slips, quiescent resentment quickly turns to noisey confrontation.

Those who feel slighted become more demanding at the same time resources are diminished. But the system of government we have become accustomed to have has for decades taken over responsibilities that have never intended to be the prerogative of the Federal Government under the Constitution.

Although mostly well-intended, the efforts at social engineering have caused significant damage to our constitutional republic and have resulted in cynicism toward all politicians.

Our presidents now are elected by less than 20 percent of those old enough to vote. Government is perceived to be in the business of passing out favors rather than protecting individual liberty. The majority of the people are made up of independents and non-voters.

The most dramatic change in the 20th century social attitudes was the acceptance of abortion. This resulted from a change in personal morality that then led to legislation nationally through the courts and only occurred by perverting our constitutional system of government.

The Federal costs should never have been involved, but the Congress compounded the problem by using taxpayers' funds to perform abortions both here and overseas. Confrontation between the pro-life and pro-abortion forces is far from over. If governments were used only to preserve life rather than act as an accomplice in the taking of life, this conflict would not nearly be so rancorous.

Once a society and a system of laws deny the importance of life, privacy and personal choices are difficult to protect. Since abortions have become commonplace, it has been easier to move the issue of active euthanasia to center stage. As Government budgets become more compromised, economic arguments will surely be used to justify reasonable savings by not wasting vital resources on the elderly.

Issues like abortion and euthanasia do not disappear in a free society but are handled quite differently. Instead of condoning or paying for such act, the State is responsible for protecting life rather than participating in taking it. This is quite a different role for Government than we currently have.

We can expect the pro-life and pro-abortion and euthanasia groups to become more vocal and confrontational in time as long as Government is used to commit acts that a large number of people find abhorrent. Partial-birth abortion dramatize the issue at hand and clearly demonstrates how close we are to legalizing infanticide. This problem should be dealt with by the States and without the Federal courts or the U.S. Congress involvement.

The ill-conceived drug war of the past 30 years has caused great harm to our society. It has undermined privacy and challenged the constitutional rights of all our citizens. The accelerated attack on drug usage seen since the early 1970s has not resulted in any material benefit. Over $300 billion has been spent on this war, and we are less free and poorer because of it. Civil liberties are sacrificed in all wars, both domestic and foreign.

It is clear that even if it were a legitimate function for Government to curtail drug usage, eliminating bad habits through Government regulation is not achievable. Like so much else the Government tries to do, the harm done is not always evenly distributed. Some groups suffer more than others, further compounding the problem by causing dissention and distrust.

Anthony Lewis of The New York Times reported last year, "The 480,000 men and women now in U.S. prisons on drug charges are 100,000 more than all prisoners in the European Union, where the population is 100 million more than ours."

There are 10 times the number of prisoners for drug offenses than there were in 1980, and 80 percent of the drug arrests are for nonviolent possession. In spite of all the money spent and energy wasted, drug usage continues at a record pace.

Some day we must wake up and realize the Federal drug war is a farce, it has failed, and we must change our approach.

As bad as drug addiction is and the harm it causes, it is minuscule compared to the dollar cost, the loss of liberty and social conflict that results from our ill-advised drug war.

Mandatory drug sentencing have done a great deal of harm by limiting the discretion that judges could use in sentencing victims in this drug war. Congress should repeal or change these laws just as we found it beneficial to modify seizure and for forfeiture laws 2 years ago. The drug laws, I am sure, were never meant to be discriminatory. Yet they are.

In Massachusetts, 82.9 percent of the drug offenders are minorities, but they make up only 9 percent of the State population. The fact that crack-cocaine users are more likely to land in prison than powder-cocaine users and with harsher sentences discriminates against black Americans.

A wealthy suburbanite caught using drugs is much less likely to end up in prison than someone from the inner city. This inequity adds to the conflict between races and between the poor and the police. And it is so unnecessary.

There are no documented benefits from the drug war. Even if reduction in drug usage could have been achieved, the cost in dollars and loss of liberty would never have justified it. But we do not have that to deal with since drug usage continues to get worse.

In addition, we have all the problems associated with the drug war. The effort to diminish the use of drugs and to improve the personal habits of some of our citizens has been the excuse to undermine our freedoms.

Ironically, we spend hundreds of billions of dollars waging this dangerous war on drugs while Government educational policies promote a huge and dangerous overusage of Ritalin. This makes no sense whatsoever.

Seizure and forfeiture laws, clearly in violation of the Constitution, have served as a terrible incentive for many police departments to raise money for law enforcement projects outside the normal budgeting process. Nationalizing the police force for various reasons is a trend that should frighten all Americans. The drug war has been the most important factor in this trend.

Medicinal use of illegal drugs, in particular, marijuana, has been prohibited and greater human suffering has resulted. Imprisoning a person who is dying from cancer and AIDS for using his own self-cultivated marijuana is absolutely bizarre and cruel.

All addiction, alcohol and illegal drugs, should be seen as a medical problem, not a legal one. Improving behavior just for the sake of changing unpopular habits never works. It should never be the responsibility of government to do so. When government attempts to do this, the government and its police force become the criminals.

When someone under the influence of drugs, alcohol, also a drug, or even from the lack of sleep, causes injury to another, local law enforcement officials have a responsibility. This is a far cry from the Justice Department using Army tanks to bomb the Davidians because Federal agents claimed an amphetamine lab was possibly on the premises.

An interventionist government, by its nature, uses any excuse to know what the people are doing. Drug laws are used to enhance the IRS agent's ability to collect every dime owed the government. These laws are used to pressure Congress to use more dollars for foreign military operations in places, such as Colombia. Artificially high drug prices allow governments to clandestinely participate in the drug trade to raise funds to fight the secret controversial wars with off-budget funding. Both our friends and foes depend on the drug war at times for revenue to pursue their causes, which frequently are the same as ours.

The sooner we wake up to this seriously flawed approach to fighting drug usage, the better.

The notion that the Federal Government has an obligation to protect us from ourselves drives the drug war. But this idea also drives the do-gooders in Washington to involve themselves in every aspect of our lives.

American citizens cannot move without being constantly reminded by consumer advocates, environmentalists, safety experts and bureaucratic busybodies what they can or cannot do.

Once government becomes our protector, there are no limits. Federal regulations dictate the amount of water in our commodes and the size and shape of our washing machines. Complicated USDA regulations dictate the size of the holes in Swiss cheese. We cannot even turn off our automobile air bags when they present a danger to a child without Federal permission.

Riding in a car without a seatbelt may be unwise, but should it be a federal crime? Why not make us all wear rib pads and football helmets that would reduce serious injuries and save many dollars for the government health system.

Regulations on holistic medicine, natural remedies, herbs and vitamins are now commonplace and continue to grow. Who gave the Government the right to make these personal decisions for us? Are the people really so ignorant that only the politicians and bureaucrats can make these delicate decisions for them?

Today, if a drug shows promise for treating a serious illness and both patient and doctor would like to try it on an experimental basis, permission can be given only by the FDA and only after much begging. Permission frequently is not granted, even if the dying patient is pleading to take the risk.

The Government is not anxious to give up any of its power to make these decisions. People in Government think that is what they are supposed to do for the good of the people. Free choice is what freedom is all about and it means freedom to take risks, as well.

As a physician deeply concerned about the health of all Americans, I am convinced that the Government encroachment into the health care choices has been very detrimental.

There are many areas where the Federal Government has been involved when they should not have and created more problems than it solved. There is no evidence that the Federal Government has improved education or medicine in spite of the massive funding and mandates of the last 40 years, yet all we hear is a call for increased spending and more mandates.

How bad will it get before we reject the big government approach is anybody's guess.

Welfarism and government interventionism are failed systems and always lead to ever more intrusive government.

The issue of privacy is paramount. Most Americans and Members of Congress recognize the need to protect everyone's privacy. But the loss of privacy is merely the symptom of an authoritarian government.

Effort can and should be made, even under today's circumstances, to impede the Government's invasion of privacy. But we must realize that our privacy and our liberty will always be threatened as long as we instruct our Government to manage a welfare state and to operate a foreign policy as if we are the world's policemen.

If the trends we have witnessed over the past 70 years are not reversed, our economic and political system will soon be transposed into a fascist system. The further along we go in that direction, the more difficult it becomes to reverse the tide without undue suffering. This cannot be done unless respect for the rule of law is restored. That means all public officials must live up to their promise to follow the written contract between the people and the Government, the U.S. Constitution.

□ 1100

For far too long, we have accepted the idea that government can and should take care of us. But that is not what a free society is all about. When government gives us something, it does two bad things. First, it takes it from someone else; second, it causes dependency on government. A wealthy country can do this for long periods of time, but eventually the process collapses. Freedom is always sacrificed and eventually the victims rebel. As needs grow, the producers are unable or unwilling to provide the goods the government demands. Wealth then hides or escapes, going underground or overseas, prompting even more government intrusion to stop the exodus from the system. This only compounds the problem.

Endless demands and economic corrections that come with the territory will always produce deficits. An accommodating central bank then is forced to steal wealth through the inflation tax by merely printing money and creating credit out of thin air. Even though these policies may work for awhile, eventually they will fail. As wealth is diminished, recovery becomes more difficult in an economy operating with a fluctuating fiat currency and a marketplace overly burdened with regulation, taxes and inflation.

The time to correct these mistakes is prior to the bad times, before tempers flare. Congress needs to consider a new economic and foreign policy.

Why should any of us be concerned about the future, especially if prosperity is all around us? America has been truly blessed. We are involved in no major military conflicts. We remain one of the freest nations on Earth. Current economic conditions have allowed for low unemployment and a strong dollar, with cheap purchases from overseas further helping to keep price inflation in check. Violent crimes have been reduced; and civil disorder, such as we saw in the 1960s, is absent.

We have good reason to be concerned for our future. Prosperity can persist, even after the principles of a sound market economy have been undermined; but only for a limited period of time.

Our economic, military, and political power, second to none, has perpetuated a system of government no longer dependent on the principles that brought our Republic to greatness. Private-property rights, sound money and self-reliance have been eroded; and they have been replaced with welfarism, paper money, and collective management of property. The new system condones special-interest cronyism and rejects individualism, profits and voluntary contracts.

Concern for the future is real, because it is unreasonable to believe that the prosperity and relative tranquility can be maintained with the current system. Not being concerned means that one must be content with the status quo and that current conditions can be maintained with no negative consequences. That, I maintain, is a dream.

There is growing concern about our future by more and more Americans. They are especially concerned about the moral conditions expressed in our movies, music and television programs. Less concern is expressed regarding the political and economic system. A nation's moral foundation inevitably reflects the type of government and, in turn, affects the entire economic and political system.

In some ways I am pleasantly surprised by the concern expressed about America's future, considering the prosperity we enjoy. Many Americans sense a serious problem in general, without specifically understanding the economic and political ramifications.

Inflation, the erosion of the dollar, is always worse than the government admits. It may be that more Americans are suffering than generally admitted. Government intrusion in our lives is commonplace. Some unemployed are not even counted. Lower middle-class citizens have not enjoyed an increase in the standard of living others have. The fluctuation in the stock market may have undermined confidence.

Most Americans still believe everyone has a right to a free education, but they don't connect this concept to the evidence: That getting a good education is difficult; that drugs are rampant in public schools; that safety in public schools is a serious problem; and that the cost is amazing for a system of free education if one wants a real education.

The quality of medical care is slipping and the benefits provided by government are seen by more and more people to not really be benefits at all. This trend does not make Americans feel more confident about the future of health care. Let there be no doubt, many Americans are concerned about their future, even though many still argue that the problem is only that government has not done enough.

I have expressed concern that our policies are prone to lead to war, economic weakness, and social discord. Understanding the cause of these problems is crucial to finding a solution. If we opt for more government benevolence and meddling in our lives, along with more military adventurism, we have to expect an even greater attack on the civil liberties of all Americans, both rich and poor.

America continues to be a great country, and we remain prosperous. We have a system of freedom and opportunities that motivate many in the world to risk their lives trying to get here.

The question remains, though, can we afford to be lax in the defense of liberty at this juncture in our history? I do not think so.

The problems are not complex, and even the big ones can be easily handled if we pursue the right course. Prosperity and peace can be continued, but not with the current system that permeates Washington. To blindly hope our freedom will remain intact without any renewed effort in its defense or to expect that the good times will automatically continue places our political system in great danger.

Basic morality, free markets, sound money, and living within the rule of law, while clinging to the fundamental precepts that made the American Republic great, are what we need. And it is worth the effort.

OUR POLITICAL TRADITION

The SPEAKER pro tempore (Mr. SCHROCK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, our only manual of House Rules, Jefferson's Manual, traces its heritage back to the mother of parliaments at the Palace of Westminster in London. Our manual still refers to the upper and lower Chambers of this House as the Commons and the Lords. The tradition of our rules is part of my own tradition here as a new Member of Congress.

Early in the 1980s, I served for a member of the House of Commons under Prime Minister Margaret Thatcher. And in Parliament, great weight is put on a member's maiden speech. That speech reflects on a new member and what they stand for. And as I enter service for the people of Northern Illinois, I ask myself, what would my maiden speech in this House concern.

I chose to focus on our own political tradition with a special emphasis on the men and women who represented us in this House in the past. A look at their accomplishments and service mirrors who we are and the gifts we provide to the Nation.

On review, and helped by the patient research of Patrick Magnuson of my staff, I found that our community has a 180-year tradition of sending leaders to this Congress who were very independent and ahead of their times. Ours is a rich tradition that I can only hope to reflect well upon in the coming years. Our tradition traces its roots to 1818 when a new State of Illinois stood on the frontier of a growing Nation. My predecessors were committed to the people of Illinois and to especially the good of this Union. At the same time, they understood the important role of the United States in the world as a beacon of freedom; and while they fought for civil rights here at home, they also fought for human rights abroad and condemned those who would spread intolerance and hate wherever it occurred.

Within its current boundaries, our congressional district encompasses a diverse community. Including northern Cook and eastern Lake Counties, it stretches from Wilmette north along Lake Michigan's shore to the Wisconsin border. To tour our district is to see firsthand both the promise of the American dream and those who have not yet realized it.

We are home to the best educated ZIP code in the Nation, and yet we are also home to some of the most economically challenged schools in Illinois. We have pristine wetlands and forests, as well as the worst PCB contamination in the Great Lakes, and more than 1,000 tons of highly radioactive spent nuclear fuel is stored 120 yards from Lake Michigan. We are also home to the only training center for new recruits in the United States Navy.

But we are mainly communities of commuters where each day 20 percent of my constituents commute to Chicago, clawing their way each morning into the city and repeating the process each evening.

In serving the people of the 10th district, I follow a long list of role models who represented us in Washington. Understanding that I have some very large shoes to fill, I begin my service with a look back at those Members who preceded me.

Our first representative, John McLean, was one of the State's pioneer political leaders. He took his seat in the old House Chamber on December 3, 1818 serving just 1 year. He was later elected to the United States Senate to fill a vacancy caused by the death of Senator Ninian Edwards in 1824 and served through March of the following year. While our pathfinder's service was very brief in both Chambers of this Congress, he was honored by the State, which named McLean County after him. It was about this time that the first European family settled on the North Shore in what is now known as Evanston, residing in a place that was described as "a rude habitation of posts, poles and blankets." More notable, though, was the construction of the first permanent structure on the North Shore, a roadside grocery serving cold beer and liquor to travelers. This grocery was described as "the headquarters of counterfeiters, fugitives from justice and generally speaking a vile resort." Ironically, 100 years later Evanston would become the international headquarters of the Women's Christian Temperance Union; and it is from these Spartan but colorful beginnings that we trace our suburban history.

Representative McLean was succeeded in office by Daniel P. Cook, who in 1824 faced a political situation all too familiar today. He was given the unenviable task of casting the sole vote for the State of Illinois for President after no candidate garnered sufficient electoral votes. He cast his vote for the eventual winner, President John Quincy Adams; and Cook County bears his name and is one of the most populous counties in the Nation.

Congressman Cook was followed in office by a series of leaders who included war heroes; Jacksonians; Whigs; Democrats; Republicans; several Civil War veterans; a German immigrant; and, in Representative John T. Stuart, a law partner of President Lincoln.

Numerous shifts in population brought many changes in the boundary lines of today's 10th Congressional District and redistricting has changed the landscape of the 10th no fewer than nine times in the past 180 years. We face another change soon as Illinois prepares to lose a congressional seat before the next election.

By 1902, Lake and northern Cook Counties were part of the 10th district, and the first outlines of the current district were formed as a new phenomenon in American living emerged, the suburbs.

In 1913, the election of a Progressive candidate, Charles M. Thompson, was indicative of the new independent voting spirit of the 10th district and our willingness to elect whoever will best represent our interests, regardless of incumbency or party affiliation.

Independent, thoughtful leadership are common themes among the men and women who represented our 10th district. Names like John Stuart, James Woodworth, Isaac Arnold, Charles Farwell, Lorenzo Brentano, George Foss and Abner Mikva. Representatives like George Adams, a Civil War veteran who fought in the First Regiment of the Illinois Volunteer Artillery, and Robert McClory, who served for nearly 20 years and was a House manager for the Equal Rights Amendment in 1972.

But there are five men and women who represented the 10th district that stand out among this impressive crowd and deserve star treatment. These five heroes fought against slavery, advocated equal pay for women and civil rights initiatives, the rule of law and served a number of Presidents as they battled for human rights abuses abroad while funding biomedical research here at home. These five exemplify a high standard of leadership demanded by our constituents and expected by our nation.

Elected in the 33rd Congress as a Whig, Representative Elihu B. Washburne served his final seven terms as a Republican. During his tenure in Congress, he served as chairman of the Committee on Commerce and, in the 40th Congress, as chairman of the Committee on Appropriations. In 1862, President Lincoln personally lobbied to have him elected Speaker, ultimately falling short.

Representative Washburne's independence is legendary. He was a strong opponent of slavery and became known as one of the leaders of the Radical Republicans along with Thaddeus Stevens and Charles Sumner. This group was outspoken in its opposition to slavery and went well beyond calling for simple abolition.

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They called for complete equality under law for freed slaves. The Radical Republicans were critical of the Reconstruction policies of both President Lincoln and President Andrew Johnson. Representative Washburne argued that southern plantations should be subdivided and redistributed among former slaves, and when President Johnson attempted to veto the extension of the Freeman's Bureau, the Civil Rights Act and the Reconstruction Act, Representative Washburne and his colleagues took action and were successful in their effort to pass the Reconstruction Act.

The Radical Republicans and Washburne became leaders in the impeachment of President Johnson, and when his close friend, General Ulysses S. Grant, became President, Representative Washburne was appointed as our country's Secretary of State. He resigned just 11 days later, ending what remains the shortest term of any U.S. Secretary of State.

Congressman Washburne left that high office because the President offered him the opportunity to assume the leadership of the American Diplomatic Mission in Paris. Congressman Washburne served as our ambassador to France through the Franco-Prussian War, and there he demonstrated true independence and initiative. Ambassador Washburne offered refuge to diplomats from various German states and other foreigners who were abandoned by their respective diplomatic missions.

In grave danger on the street, those diplomats found safety under the American flag with Ambassador Washburne, and when the German Army surrounded Paris in late 1870, Washburne remained at his post and was the only foreign diplomat still resident in Paris during the days of the Commune. Those were tough times for besieged Parisians who were reduced to eating rats.

Washburne honored our Revolutionary War debt to France by continuing his humanitarian service. His international service and commitment to humanitarian relief presaged our own time when America has become the foundation of freedom in the international system and humanitarian relief missions around the world. Congressman Washburne remained in Paris until 1877, when he then returned to Chicago.

Sixty years later, we come to the opening of the career of another star in our story. Congressman Ralph Church won election to the Congress in the 74th, 75th and 76th Congresses, and again in the 78th Congress, through his death in the 80th Congress. Many people living in our community today still remember Congressman Ralph Church and his wife Marguerite.

The second star in our story is a representative far ahead of her time, Representative Church's widow, Marguerite Church. Mrs. Church succeeded her late husband in the Congress, and during her first term, Illinois redistricted its congressional seats for the first time since 1901. It placed northern Cook and Lake Counties in the 13th District.

Mrs. Church brought a common sense approach to Federal spending. She spoke against what she called extravagant and reckless spending, earning her respect from both her colleagues and constituents. Her seat on the Committee on Government Operations gave her an ideal platform to urge restraint in spending, and her assignment to the Committee on Foreign Affairs allowed her to encourage the growth of democracy across the globe.

Many of Mrs. Church's policy proposals were ahead of their time. Earlier in her career, she advocated equal pay for women, and civil rights initiatives. The progress of the early 1960s finds its roots 10 years earlier in the service of Marguerite Stitt Church. She was the only female member of the Illinois Delegation and her voting record is impeccable; answering more than 11,000 roll calls during her tenure in the House, missing only 4.

In 1959, as a ranking member of the Foreign Economic Policy Subcommittee, she traveled more than 40,000 miles and visited 17 different countries. In 1960, at the invitation of President Eisenhower, she participated in the White House Conference on Children and Youth, and in 1961 served as a member of the U.S. Delegation to the United Nation's 15th Assembly.

While participating, she jumped far ahead of her time, especially in her outspoken criticism of South Africa and their policy of apartheid. Mrs. Church then retired after 1962.

The 88th Congress saw the beginning of another legendary career, one that is just now moving into its brightest days. Donald Rumsfeld was elected representative of the 13th District, having previously served on the staff of Congressman David Dennison and Robert Griffin. While in the House, Rumsfeld sat on the Committees on Science and Astronautics and Government Operations. This was during the heyday of President Kennedy's space program, including Lake Forest's own Jim Lovell, who went on to command Apollo XIII.

Rumsfeld also had a seat on the Joint Economic Committee in both the 90th and 91st Congresses. His campaigns were indicative of what politics used to be and what they were to become. He accepted only small donations and limited expenditures of his campaign, while relying on an army of volunteers to canvass neighborhoods and perform day-to-day tasks, which are the lifeblood of a congressional campaign.

In 1969, he resigned his seat to accept President Nixon's appointment to head the Office of Economic Opportunity. Not knowing a lot about the office's mission at the time, he turned to his chief of staff, Bruce Ladd, who had an intern friend of his who had written a college paper on the Office of Economic Opportunity. That intern came in to brief Congressman Rumsfeld on the new opportunities that were there and walked out with a job. That intern's name was RICHARD CHENEY.

In 1971, President Nixon appointed Rumsfeld as Director of the Cost of Living Council, a position he held until 1973 when he became U.S. ambassador to NATO for 2 years. When President Ford took office in 1974, he re-called Rumsfeld to Washington to coordinate a four-man transition team. His performance earned him an appointment as White House Chief of Staff, although he personally did not like the title and preferred to be called staff coordinator, and he brought Secretary CHENEY with him.

In 1975, Rumsfeld was appointed Secretary of Defense, a position he held through the end of the Ford administration in 1977. He was awarded the

Presidential Medal of Freedom that same year; and during the Reagan administration, Rumsfeld's expertise led him to accept membership on the President's General Advisory Committee on Arms Control and a role as an adviser on government and national security affairs in 1983 and 1984. He was named Special Presidential Envoy to the Middle East in 1984.

Rumsfeld's experience in the private sector as CEO of GD Searle & Company and as senior advisor to William Blair & Company complemented his impressive government service and will help to make him an exceptional Secretary of Defense for the current administration. I am proud to call Secretary Rumsfeld a friend.

Building on the records of Washburne, Church and Rumsfeld, among others, we touch on other stars in our story.

Congressman McClory represented Lake County and really serves as a symbol of independence in service to the Nation. Congressman McClory, conservative, loyal Republican, a staunch defender of President Nixon until the evidence became too strong. It was Congressman McClory's votes for two impeachment articles that set the standard for political independence and judgment and the rule of law in this House.

For us, we come now to the final predecessor of mine in this seat, Congressman John Edward Porter, who won a special election in 1980 to follow Abner Mikva. I will touch on Congressman Mikva's service, that it was brilliant in its way and set another standard for independence, both in this Chamber and on the Federal bench.

Following him, Congressman Porter gained a seat on the Committee on Appropriations in 1980, where he served until his retirement in the last Congress.

Following a trip to the Soviet Union in 1983, Congressman Porter founded the Congressional Human Rights Caucus. He witnessed numerous human rights abuses while in the Soviet Union and decided to enlist the support of his colleagues to bring pressure to bear on nations and groups that mistreat the innocent or prisoners of conscience.

In his role as cochairman of the Human Rights Caucus, he helped free refuseniks, fought for the rights of Northern Korean refugees and religious freedom in China, spoke out against the use of child soldiers in Africa and condemned the brutal regime of Sani Abacha in Nigeria.

The Congressional Human Rights Caucus was the first U.S. Government entity to host the Dalai Lama in Washington, and Congressman Porter sponsored legislation authorizing the creation of Radio Free Asia and then secured appropriations to fund this groundbreaking program, helping move the agenda of freedom in China.

Mr. Porter's record of accomplishments in foreign policies is impressive, but his record of constituent service is unmatched. He led efforts to improve safety at Waukegan Regional Airport by updating the radar at the control tower. He brought back the Coast Guard Rescue Unit to the southwestern shore of Lake Michigan, the same rescue unit that saved my life after a boating accident when I was a teenager.

He worked with the U.S. Army Corps of Engineers to control flooding along the north branch of the Chicago River, and his commitment to the environment also led him to be a strong supporter of the Clean Air Act and the Clean Water Act. He orchestrated the effort to designate 290 acres of land at Fort Sheridan as open space and was one of only six House Members named taxpayer super hero by the Grace Commission's Citizens Against Government Waste in 1992.

He was named to the Concord Coalition's honor roll in 1997 and 1998 for his commitment to eliminating deficits and balancing the budget. John Porter was always willing to take chances when he truly believed in an issue, and 15 years ago, long before it was safe to do so, he proposed dramatic reform to the 3rd rail of American politics, Social Security.

His proposal, in fact, can be considered revolutionary because it was one of the first and is remarkably similar to that of the plan announced by President George W. Bush during his campaign.

What Congressman Porter may be most remembered for was his improvement for health care for all Americans. In his role as chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, Congressman Porter launched the effort to double funding for the National Institutes of Health within 5 years. This additional funding has already helped researchers develop new and better treatments for illnesses ranging from AIDS to cancer, diabetes and flu.

His commitment to improving biomedical research is an investment in the future and will undoubtedly result in better medical care for all people, Americans and nonAmericans alike.

John Porter served us all in the highest tradition of public service and commitment to the greater good. Having served as his administrative assistant, I could not have had a better role model from whom to learn about public service. I have some very large shoes to fill and can only hope to represent and serve my constituents as well as he did.

This record clearly demonstrates Northeastern Illinois' character: Strongly independent and ahead of our time. Ideas like emancipation, equal pay for women and an end to apartheid were all part of our representatives' leadership in decades ahead of the body politic of the time. Our opinions do not necessarily adhere to strict party lines, and therefore anyone who represents our area must demonstrate independence and break from the party on occasion to cast a vote with the people. My predecessors did this, and while I am a firm believer in my party's vision, it is a tradition of independence that I will follow.

Elihu Washburne, Marguerite Stitt Church, Don Rumsfeld, Robert McClory, John Porter, they are not household names, but their service shaped the history of our Nation because of their commitment for what was right and a decision to take action to protect those who were most in need. It is an example of what I must live up to and take heart as I embark on the greatest honor of my life, representing the people of the 10th district.

Drawing on this tradition, I will focus my service on constituent service modeled after Mrs. Church, on national defense modeled after Don Rumsfeld, and America's role in the world modeled after Elihu Washburne, and finally on the foundation of biomedical research founded on John Porter's tradition.

As we enter the 21st century, we face key challenges, challenges of solving the increasing gridlock in our communities; challenges on the environmental front of cleaning up nuclear waste and PCBs; challenges of maintaining the tradition of 10th district education excellence; challenges like keeping the U.S. health care system on the cutting edge so that each American lives a full and healthy life, and providing tax fairness for married people and ending the death tax and stopping government waste.

□ 1130

Y tengo algo para un communidad nuevo en nuestra pueblo. A la communidad Hispanica yo digo "bienvenido" y vamos a trabajar juntos para escuelas mejores y una sistema de salud para todos.

And I have something for a new community in our town. To the Hispanic community, I say "welcome" and we will work together for better schools and a health system for all.

It is in this spirit, built on the foundations of service to others by my predecessors, that I begin my work.

I thank the people of the 10th district of Illinois for the opportunity to serve them as I enter service here in this House in a new century.

RECESS

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 31 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1655

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARMEY) at 4 o'clock and 55 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 8, 2001 at 11:35 a.m. and said to contain a message from the President whereby he notifies the Congress that he has submitted his agenda for tax relief.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

THE PRESIDENT'S AGENDA FOR TAX RELIEF—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-43)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Enclosed please find my plan to provide needed tax relief to the American people. Over the last several months, the economy has slowed dramatically. I believe that the best way to ensure that our prosperity continues is to put more money in the hands of consumers and entrepreneurs as soon as possible. I look forward to working with the Congress to enact meaningful tax cuts into law.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 8, 2001.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 8, 2001 at 11:35 a.m. and said to contain a message from the President whereby he notifies the Congress that he has submitted a periodic 6-month report on the Iraq emergency.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-44)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 8, 2001.*

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, I am submitting the attached Committee on House Administration rules for the 107th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2(a)(2). These Rules were adopted by the Committee on February 7, 2001.

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION, ONE HUNDRED SEVENTH CONGRESS

RULE NO. 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a privileged motion in the Committee.

(b) The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and, subject to the adoption of expense resolutions as required by House Rule X, clause 6, to incur expenses (including travel expenses) in connection therewith.

(c) The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from the appropriate House account.

(d) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. 2.—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the Chairman of the Committee (hereinafter in these rules referred to as the "Chairman") as he may deem necessary or at the request of a majority of the members of the Committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting.

(b) If the Chairman is not present at any meeting of the Committee, or at the discretion of the Chairman, the Vice Chairman of the Committee shall preside at the meeting. If the Chairman and Vice Chairman of the Committee are not present at any meeting of the Committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3—OPEN MEETINGS

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the Committee, shall be open to the public except when the Committee, in open session and with a quorum present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, that no person other than members of the Committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each record vote in any meeting of the Committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such record vote, and shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the Committee which are at the National Archives shall be made available pursuant to House Rule VII. The Chairman shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the Committee upon written request of any Committee member.

(d) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

(e) All Committee resolutions and Committee motions (other than procedural motions) adopted by the Committee during a Congress shall be numbered consecutively.

RULE NO. 5.—PROXIES

No vote by any member in the Committee may be cast by proxy.

RULE NO. 6.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any member designated by the Committee, and may be served by any person designated by the Chairman or such member.

(2) Compliance with any subpoena issued by the Committee may be enforced only as authorized or directed by the House.

RULE NO. 7.—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the rules of the Committee, one-third of the members of the Committee shall constitute a quorum. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8.—AMENDMENTS

Any amendment offered to any pending legislation before the Committee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9.—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the Chairman, each witness who is to appear before the Committee shall file with the clerk of the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the Committee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in Committee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The Chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(5) If the Committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (e)(5), the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

RULE NO. 10.—PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a)(1) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) The report of the Committee on a measure or matter which has been approved by the Committee shall include the matters required by clause 3(c) of Rule XIII of the Rules of the House.

(d) Each report of the Committee on each bill or joint resolution of a public character reported by the Committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention of file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted

under subparagraph (c) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(3) shall, when appropriate, contain the documents required by clause 3(e) of Rule XIII of the Rules of the House.

(f) If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) The Chairman may designate any member of the Committee to act as "floor manager" of a bill or resolution during its consideration in the House.

RULE NO. 11.—COMMITTEE OVERSIGHT

The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and clause 4. Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 4(e) of Rule X of House Rules.

(b) The Committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13.—BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

RULE NO. 14.—COMMITTEE STAFF

The staff of the Committee on House Administration shall be appointed as follows:

A. The Committee staff shall be appointed, except as provided in paragraph (B), and may be removed by the Chairman and shall work under the general supervision and direction of the Chairman;

B. All staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member;

C. The Chairman shall fix the compensation of all staff of the Committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the Committee.

RULE NO. 15.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16.—POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The Chairman is authorized to establish appropriately named subunits, such as task forces, composed of members of the Committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the Chairman. All such subunits shall be considered ad hoc subcommittees of the Committee. The rules of the Committee shall be the rules of any subunit of the Committee, so far as applicable, or as otherwise directed by the Chairman. Each subunit of the Committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full Committee on all measures or matters for which it was created. Chairmen of subunits of the Committee shall set meeting dates with the approval of the Chairman of the full Committee, with a view toward avoiding simultaneous scheduling of Committee and subunit meetings or hearings wherever possible. It shall be the practice of the Committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full Committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the clerk of the Committee.

RULE NO. 17.—OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 18.—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the Committee shall act as the clerk of the Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country; to the Committee on International Relations.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reported that on the following date he presented to the President, for his approval, a joint resolution of the House of the following title:

On February 7, 2001:

H.J. Res. 7. Recognizing the 90th birthday of Ronald Reagan.

ADJOURNMENT

Mr. KIRK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, February 12, 2001, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Robert B. Aderholt, W. Todd Akin, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Richard H. Baker, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Leonard L. Boswell, Rick Boucher, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Dave Camp, Eric Cantor, Shelley Moore Capito, Benjamin L. Cardin, Brad Carson, Saxby Chambliss, Wm. Lacy Clay, Jr., Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, Christopher Cox, William J. Coyne, Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy "Duke" Cunningham, Danny K. Davis, Jo Ann Davis, Thomas M. Davis, Nathan Deal, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Lane Evans, Terry Everett, Sam Farr, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Mark Green, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, J. Dennis Hastert, Alcee L. Hastings, Robin Hayes, J.D. Hayworth, Wally Herger, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Rush D. Holt, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Ric Keller, Sue W. Kelly, Brian D. Kerns, Dale E. Kildee, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray LaHood, Nick Lampson, James R. Langevin, John B. Larson, Tom Latham, Barbara Lee, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Carolyn McCarthy, John McHugh, Michael R. McNulty, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Robert W. Ney, Charlie Norwood, Jim Nussle, John W. Olver, Doug Ose, C.L. Otter, Michael G. Oxley, Bill Pascrell, Jr., Ed Pastor, Mike Pence, John E. Peterson, Thomas E. Petri, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Mike Rogers, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Edward R. Royce, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, F. James Sensenbrenner, Jr., José E. Serrano, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Michael K. Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Mac Thornberry, John R. Thune, Patrick J. Tiberi, James A. Traficant, Jr., Mark Udall, Robert A. Underwood, Fred Upton Peter J. Visclosky, David Vitter, James T. Walsh, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, C.W. Bill Young, Don Young.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first and fourth quarters of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2000 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	7/7	7/8	Romania		125.00						125.00
Commercial airfare	7/7	7/8					91.92				91.92
David Adams	7/29	7/31	Venezuela		530.00						530.00
	7/31	8/1	Colombia		193.00						193.00
	8/1	8/2	Nicaragua		284.00						284.00
Hon. Cass Ballenger	7/29	7/31	Venezuela		50.00				[3] 1,358.37		1,408.87

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	7/31	8/1	Colombia		153.30						153.00
	8/1	8/2	Nicaragua		113.00				[3]1,754.34		1,867.34
Paul Berkowitz	8/24	8/25	Thailand		182.00		527.57		[3]11.10		720.67
	8/25	8/28	Bhutan		225.00						225.00
	8/28	8/30	Nepal		372.00		167.95		[3]9.69		549.6
	8/30	8/31	India		260.00				[3]87.30		347.30
Commercial airfare	8/23	8/31					5,631.90				5,631.90
Deborah Bodiander	7/2	7/6	Israel		1,244.00						1,244.00
	7/6	7/10	Lebanon		810.00						810.00
Commercial airfare	7/1	7/10					5,733.13				5,733.13
Malik Chaka	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/7	Guinea		372.00						372.00
Commercial airfare	7/1	7/7					4,792.51				4,792.51
Mark Clack	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/7	Guinea		325.00						325.00
Commercial airfare	7/1	7/7					4,792.51				4,792.51
	7/26	7/30	Nigeria		887.81						887.81
Commercial airfare	7/25	7/31					5,508.61				5,508.61
John Conger	9/14	9/18	Colombia		684.00						684.00
Commercial airfare	9/14	9/18					1,827.80				1,827.80
Hon. John Cooksey	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/6	Guinea		186.00						186.00
Commercial airfare	7/1	7/6					6,223.11				6,223.11
Hon. William D. Delahunt	7/29	7/31	Venezuela		222.50						222.50
	7/31	8/1	Colombia		193.00						193.00
	8/1	8/2	Nicaragua		284.00						284.00
Nisha Desai	8/15	8/20	India		1,460.04						1,460.04
	8/20	8/24	Sri Lanka		767.05						767.05
Commercial airfare	8/14	8/24					7,792.92				7,792.92
Barbara Feinstein	7/8	7/15	South Africa		1,309.00						1,309.00
Commercial airfare	7/6	7/16					8,091.27				8,091.27
Aldolfo Franco	8/8	8/12	South Africa		812.00						812.00
	8/12	8/15	Mozambique		557.00						557.00
	8/15	8/17	Zimbabwe		430.00						430.00
	8/18	8/20	India		951.04						951.04
	8/20	8/24	Sri Lanka		767.04						767.04
Commercial airfare	8/7	8/25					6,850.85				6,850.85
Mark Gage	7/8	7/8	Romania to U.S.[4]				2,274.22				2,274.22
Charisse Glassman	8/15	8/17	Eritrea		368.00		228.00				596.00
	8/17	8/18	Saudi Arabia		166.00		432.98				598.98
	8/18	8/24	Ethiopia		880.00		3,933.58				4,813.58
	8/24	8/26	Sudan		530.00						530.00
Commercial airfare	8/14	8/15					3,676.00				3,676.00
Amos Hochstein	7/2	7/6	Israel		1,004.00						1,004.00
	7/6	7/10	Lebanon		650.00						650.00
Commercial airfare	7/1	7/10					5,733.17				5,733.17
Hon. Tom Lantos	8/26	9/1	Russia		1,750.00				[3]221.77		1,971.77
Commercial airfare							258.00				258.00
Hon. Barbara Lee	7/8	7/10	South Africa		342.00		151.95		[3]523.63		1,017.58
Commercial airfare	7/6	7/11					7,901.00				7,901.00
John Mackey	8/21	8/23	United Kingdom		616.00				[3]260.12		876.12
	8/23	8/27	Ireland		924.00				[3]504.94		1,428.94
Commercial airfare	8/21	8/27					1,149.36				1,149.36
	9/14	9/18	Colombia		884.00						884.00
Commercial airfare	9/14	9/18					1,827.80				1,827.80
Caleb McCarry	6/29	7/4	Mexico		1,115.00						1,115.00
Commercial airfare	6/29	7/4					691.63				691.63
Kelly McDonald	9/14	9/18	Colombia		684.00						684.00
Commerecial airfare	9/14	9/18					1,827.80				1,827.80
Kathleen Moazed	8/24	8/25	Thailand		182.00		527.57				709.57
	8/25	8/28	Bhutan		225.00						225.00
	8/28	8/30	Nepal		372.00		167.95				539.95
	8/30	8/31	India		260.00						260.00
Commercial airfare	8/23	8/31					5,631.90				5,631.90
Vince Morelli	7/29	7/31	Venezuela		430.00						430.00
	7/31	8/1	Colombia		193.00						193.00
	8/1	8/2	Nicaragua		14.00						14.00
Frank Record	7/2	7/6	Israel		1,104.00				[3]71.00		1,175.00
	7/6	7/10	Lebanon		700.00				[3]3,721.60		4,421.60
Commercial airfare	7/1	7/10					5,733.17				5,733.17
Grover Joseph Rees	8/12	8/18	Kenya		791.00				[3]95.49		886.49
	8/18	8/19	Sudan		234.00						234.00
	8/19	8/20	Kenya		158.50						158.50
	8/20	8/21	Sudan		234.00						234.00
	8/21	8/26	Kenya		722.50		153.00				875.50
Commercial airfare	8/11	8/26					6,721.40				6,721.40
Matthew Reynolds	8/1	8/3	Australia		319.00				[3]197.17		516.17
	8/3	8/6	East Timor		450.00						450.00
	8/6	8/11	Indonesia		839.00						839.00
	8/11	8/13	Hong Kong SAR		555.00				[3]103.10		658.10
Commercial airfare	7/30	8/13					8,493.91				8,493.91
Peter Yeo	8/2	8/3	Australia		165.00						165.00
	8/3	8/6	East Timor		450.00						450.00
	8/6	8/7	Indonesia		277.00						277.00
Commercial airfare	8/1	8/8					7,445.94				7,445.94
Committee total					34,794.78		122,992.38		8,920.12		166,707.28

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Delegation costs.

[4] Commercial airfare.

BENJAMIN GILMAN, Chairman, Jan. 2, 2001.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO RUSSIA AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 27 AND DEC. 3, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amory Houghton, Jr	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Paul Gillmor	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Ruben Hinojosa	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Peter King	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. James McDermott	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Marty Meehan	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Donald Payne	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Charles Taylor	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	11/27	12/1	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Hon. Robert W. Van Wicklin	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.12	362.77	158.00
Mrs. Nancy R. Clark	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)		[4] 164.09	362.77	158.00
Committee total					15,580.00				1,641.17		17,221.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Embassy charge.

AMORY HOUGHTON, Chairman, Jan. 3, 2001.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA AND NORTH KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 24 AND NOV. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Richard A. Carne	11/24	11/30	South and North Korea		1,581.00		[3] 3,745.30				5,326.30
Committee total					1,581.00		3,745.30				5,326.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] This amends attached filing as transportation amount was incorrect.

RICHARD A. CARNE, Feb. 1, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Tina Jonas	10/30	11/5	Russia			1,700.00					1,700.00
Commercial airfare							4,824.70				4,824.70
Christopher J. Walker	10/29	11/2	Columbia			1,105.00					1,105.00
Commercial airfare							2,278.70				2,278.70
Edward E. Lombard	11/26	11/28	Russia			700.00					700.00
	11/28	11/30	Hungary			502.00					502.00
	11/30	12/2	Austria			382.00					382.00
Commercial airfare							4,940.56				4,940.56
Hon. David L. Hobson	12/10	12/14	England			1,404.00					1,404.00
	12/14	12/19	Germany			1,401.00					1,401.00
Commercial airfare							3,377.40				3,377.40
Elizabeth Dawson	12/9	12/13	England			1,404.00					1,404.00
Commercial airfare							5,052.63				5,052.63
Brian Potts	12/8	12/14	England			1,755.00					1,755.00
	12/14	12/16	Germany			437.00					437.00
Commercial airfare							4,893.76				4,894.76
Tom Forham	12/10	12/13	England			1,053.00					1,053.00
										40.00	40.00
Commercial airfare							3,022.30				3,022.30
Hon. John W. Olver	12/10	12/14	England			1,404.00					1,404.00
Commercial airfare							5,988.63				5,988.63
Hon. Robert B. Aderholt	11/25	12/2	Italy			2,254.00					2,254.00
Commercial airfare							5,420.80				5,420.80
Committee total						15,501.00	39.798.78			40.00	55,339.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack G. Downing	11/06	11/10	Taiwan		822.75		5,812.57		153.32		6,788.64

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	11/10	11/14	Hong Kong		1,253.75						1,253.75
	11/14	11/17	China		678.00						678.00
Norman H. Gardner, Jr.	10/28	10/30	Austria		289.25		5,413.10				5,702.35
	10/30	10/31	Slovenia		165.00						165.00
Carroll L. Hauver	12/07	12/10	Hong Kong		714.00		5,094.46		422.77		6,231.23
	12/10	12/14	Thailand		682.50						682.50
	12/14	12/15	Myanmar		192.00						192.00
	12/16	12/16	Japan		223.50						223.50
Paul J. O'Brien	10/08	10/13	Japan		1,210.50		6,350.39		155.62		7,716.51
Margaret R. Owens	12/07	12/10	Hong Kong		714.00		5,094.46		137.68		5,946.14
	12/10	12/14	Thailand		682.50						682.50
	12/14	12/15	Myanmar		192.00						192.00
	12/16	12/16	Japan		223.50						223.50
Robert J. Reitwiesner	10/08	10/13	Japan		1,210.50		6,350.39		186.02		7,746.91
	11/10	11/12	Japan		421.25		5,803.21		174.70		6,399.16
	11/12	11/14	Hong Kong		590.00						590.00
	11/14	11/17	China		678.00						678.00
Committee Subtotal					10,943.00		39,918.58		1,230.11		52,091.69
Robert J. Reitwiesner	12/07	12/10	Hong Kong		714.00		5,094.46		155.71		5,964.17
	12/10	12/15	Thailand		955.50						955.50
Charles J. Semich	11/06	11/07	Taiwan		822.75		5,812.67		233.85		6,869.27
	11/07	11/14	Hong Kong		1,253.75						1,253.75
	11/14	11/17	China		678.00						678.00
William D. Thompson	10/08	10/13	Japan		1,210.50		6,350.39		167.01		7,727.90
R.W. Vandergrift, Jr.	10/28	10/30	Austria		289.25		5,413.10		272.82		5,975.17
	10/30	10/31	Slovenia		165.00						165.00
	12/10	12/15	Thailand		925.75		4,819.18		267.10		6,012.03
T. Peter Wyman	10/28	10/30	Austria		289.25		5,413.10		27.30		5,729.65
	10/30	10/31	Slovenia		165.00						165.00
	12/07	12/10	Hong Kong		714.00		5,094.46		125.47		5,933.93
	12/10	12/14	Thailand		682.50						682.50
	12/14	12/15	Myanmar		192.00						192.00
	12/16	12/16	Japan		223.50						223.50
Committee total					20,223.75		77,915.94		2,479.37		100,619.06

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Korea, Thailand, Singapore and Taiwan, November 30–December 2, 2000:											
Hon. Floyd D. Spence	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Hon. Solomon P. Ortiz	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Hon. John M. McHugh	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	1/12	Taiwan		300.00						300.00
Commercial airfare							3,866.59				3,866.59
Hon. Silvestre Reyes	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Mr. Peter M. Steffes	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Mr. B. Ryan Vaart	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Mr. James L. Lariviere	22/11	24/11	Korea		546.00						546.00
	24/11	28/11	Thailand		928.00						928.00
	28/11	30/11	Singapore		468.00						468.00
	30/11	2/12	Taiwan		600.00						600.00
Travel to Ecuador and Colombia, November 27–December 1, 2000:											
Hon. Ellen O. Tauscher	27/11	29/11	Ecuador		420.00						420.00
	29/11	1/12	Colombia		442.00						442.00
Commercial airfare							2,007.80				2,007.80
Mr. William H. Natter III	27/11	29/11	Ecuador		442.00						442.00
2	29/11	1/12	Columbia		420.00						420.00
Commercial airfare							2,007.80				2,007.80
Travel to Bolivia and Panama, November 27–December 2, 2000:											
Hon. Gene Taylor	11/27	11/29	Boliva		496.00						496.00
	11/29	12/2	Panama		856.00						856.00
Commercial airfare							618.40				618.40
Mr. George O. Witers	11/27	11/29	Boliva		496.00						496.00
	11/29	12/2	Panama		856.00						856.00
Commercial airfare							618.40				618.40
Travel to Bahrain, December 5–7, 2000:											
Mr. David J. Trachtenberg	12/5	12/7	Bahrain		552.00						552.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							6,425.80				6,425.80
Mr. Dionel M. Aviles	12/5	12/7	Bahrain		552.00						552.00
Commercial airfare							6,425.80				6,425.80
Mr. Roger M. Smith	12/5	12/7	Bahrain		552.00						552.00
Commercial airfare							6,425.80				6,425.80
Mr. Dudley L. Tademy	12/5	12/7	Bahrain		552.00						552.00
Commercial airfare							6,425.80				6,425.80
Travel to Germany, France and England, December 10–16, 2000:											
Hon. Loretta Sanchez	12/10	12/12	Germany		486.00						486.00
	12/12	12/14	France		488.00						488.00
	12/14	12/16	England		702.00						702.00
Travel to Israel, December 14–18, 2000:											
Hon. Vic Snyder	12/14	12/18	Israel		1,007.00						1,007.00
Commercial airfare							4,303.80				4,303.80
Committee total					26,813.00		39,517.54				66,330.54

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gregory Wierzynski	10/12	10/17	Russia		1,730.00						1,730.00
	10/17	10/19	Switzerland		580.00		1,993.14				2,573.14
Committee total					2,310.00		1,993.14				4,303.14

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREGORY WIERZYNSKI, Jan. 17, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

— — —, Jan. 24, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Alison Taylor	12/4	12/9	South Africa		1,150.00		6,003.80				7,153.80
Robert Meyers	12/4	12/9	South Africa		1,150.00		7,297.80				8,447.80
Hon. Richard Burr	11/22	11/24	Korea		546.00						546.00
Hon. Richard Burr	11/24	11/28	Thailand		928.00						928.00
Hon. Richard Burr	11/28	11/30	Singapore		468.00						468.00
Hon. Richard Burr	11/30	12/2	Taiwan		600.00						600.00
Committee total					4,842.00		13,301.60				18,143.60

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

— — —, Jan. 8, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there wre no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN A. BOENNER, Chairman, Jan. 19, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB NEY, Jan. 25, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Por diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	11/28	12/2	Netherlands		636.00						636.00
Commercial airfare	11/27	12/2					5,310.2				5,310.27
Hon. Cass Ballenger	11/9	11/12	Colombia		214.00						214.00
Commercial airfare	11/9	11/12					462.23				462.23
Tom Callahan	12/13	12/17	Nigeria		1,351.00						1,351.00
Commercial airfare	12/12	12/17					5,114.78				5,114.78
Adolfo Franco	10/7	10/15	Sri Lanka		1,683.00						1,683.00
Commercial airfare	10/5	10/15					6,686.80				6,686.80
John Mackey	11/9	11/12	Colombia		513.00						513.00
Commercial airfare	11/9	11/12					2,066.80				2,066.80
	12/14	12/16	Ireland		504.00						504.00
Commercial airfare	12/13	12/16					3,481.00				3,481.00
Frank Record	11/16	11/29	Belgium		439.00						439.00
	11/29	12/2	Sweden		570.00				[3] 123.00		693.00
Commercial airfare	11/25	2/2					5,215.36				5,215.36
Grover Joseph Rees	11/27	12/3	Italy		1,105.00						1,105.00
Commercial airfare	11/26	12/3					4,972.92				4,972.92
Tanya Shamson	10/24	10/29	France		700.00		83.03				783.03
Commercial airfare	10/23	10/29					6,077.19				6,077.19
Hillel Weinberg	11/16	11/29	Belgium		464.00						464.00
	11/29	12/2	Sweden		536.80						536.80
Commercial airfare	11/25	12/2					5,223.05				5,223.05
Hon. Robert Wexler	11/19	12/4	Argentina		1,523.00		689.89		[3] 1,733.28		3,946.17
Commercial airfare							4,670.30				4,670.30
Committee total					10,238.80		50,053.62		1,856.28		62,148.70

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Delegation costs.

HENRY HYDE, Chairman, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Por diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Jan. 2, 2001

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Por diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Howarth	11/16	11/22	Morocco		950.00		2,332.52				3,282.52
John Rishel	11/17	12/3	The Hague		452.00		9,309.71				11,961.71
			Australia		2,200.00						
Kurt Christensen	11/17	12/3	Australia		2,650.00		8,188.58				10,838.58
Committee total					6,252.00		19,830.81				26,082.81

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

— — —, Jan. 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick Murray	1/2	1/7	Europe		1,204.00		130.00				1,334.00
Commercial airfare							5,093.55				5,093.55
Merrell Morrhead	1/2	1/7	Europe		1,204.00		130.00				1,334.00
Commercial airfare							5,093.55				5,034.55
Jay Jakub	1/2	1/16	Europe		2,744.00		130.00				2,874.00
Commercial airfare							4,822.57				4,822.57
Christopher Barton	1/6	1/7	South America		226.00						226.00
Commercial airfare							1,815.80				1,815.80
Hon. Porter J. Goss	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Hon. Michael N. Castle	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Hon. Jim Gibbons	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Hon. Ray LaHood	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Hon. Sanford D. Bishop	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Tim Sample	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Wendy Selig	1/8	1/13	Australia		1,131.00		(3)				1,131.00
John Stopher	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Mike Meermans	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Anne Avart	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Wyndee Parker	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Elizabeth Larson	1/8	1/13	Australia		1,131.00		(3)				1,131.00
Hon. Porter J. Goss	2/3	2/6	Europe		380.00		(3)				380.00
Hon. Julian C. Dixon	2/3	2/6	Europe		380.00		(3)				380.00
John Millis	2/3	2/6	Europe		380.00		(3)				380.00
Michael Sheehy	2/3	2/6	Europe		380.00		(3)				380.00
Christine Healey	2/3	2/6	Europe		380.00		(3)				380.00
Pat Murray	2/1	2/4	Germany		730.00		(3)				380.00
Commercial airfare							5,970.91				5,970.91
Merrell Moorhead	2/1	2/4	Germany		730.00						730.00
Commercial airfare							5,970.91				5,970.91
Committee total					22,310.00		29,157.29				51,467.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER GOSS, Chairman, Apr. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bud Shuster	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Hon. Jim Oberstar	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Hon. Earl Blumenauer	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Mike Strachn	12/10	.2/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Jimmy Miller	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Kathy Guilfoy	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Cheryl McCullough	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Ken House	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
John Murphy	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Tricia Loveland	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Hon. Nick Lampson	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00						538.00
Commercial airfare							2,834.00				2,834.00
Chris Bertram	12/10	12/12	Germany		536.00		2,415.00				2,951.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Sharon Barkeloo	12/10	12/12	Germany		536.00		2,415.00				2,951.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Frank Mulvey	12/10	12/12	Germany		536.00		2,415.00				2,951.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/16	England		752.00		(3)				752.00
Darrell Wilson	12/10	12/12	Germany		536.00		(3)				536.00
	12/12	12/14	France		538.00		[3] 122.00				660.00
	12/14	12/17	England		752.00		(3)				752.00
Commercial airfare							1,481.00				1,481.00
Committee Total					26,638.00		13,268.00				39,906.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation; dollars reflect commercial rail travel only.

DON YOUNG, Chairman, Jan. 25, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander Levin	11/30	12/01	Switzerland		236.00		[3] 588.26				824.26
Committee Total					236.00		588.26				824.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare.

BILL THOMAS, Chairman, Jan. 22, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
TIM REIF	11/28	11/30	Switzerland		472.00		[3] 2,876.77				3,348.77
	11/30	12/2	Belgium		376.00						376.00
Committee total					848.00		2,876.77				3,724.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare.

BILL THOMAS, Chairman, Jan. 22, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Angela Elcard	11/28	11/30	Switzerland		472.00		[3] 3,804.28				4,276.28
	11/30	12/2	Belgium		376.00						376.00
Committee total					848.00		3,804.28				4,652.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.
[3] Commercial airfare.

BILL THOMAS, Chairman, Jan. 22, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cassie Bevan	11/26	11/3	Holland		995.00		631.27				1,626.27
Committee total					995.00		631.27				1,626.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare.

BILL THOMAS, Chairman, Jan. 22, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marlene Kaufmann		9/30	U.S.A				5,239.00				5,239.00
	10/1	10/7	Cyprus		1,226.00			212.0			1,438.00
Janice Helwig	10/1	12/20	Austria		10,887.00						10,887.00
	12/20		U.S.A				2,612.00				2,612.00
Sidney Anderson		10/14	U.S.A.				4,579.00				4,579.00
	10/15	10/24	Poland		1,289.00						1,289.00
Erika Schlager		10/15	U.S.A.				4,579.00				4,579.00
	10/16	10/24	Poland		1,842.00						1,842.00
Michael Ochs		10/15	U.S.A.				6,134.00	168.00			6,302.00
	10/16	10/21	Poland		1,921.00						1,921.00
	10/21	10/25	Armenia		482.00		110.00				592.00
	10/25	10/26	Georgia		426.00		180.00				606.00
	10/30	11/6	Azerbaijan		1,762.00		140.00				1,902.00
	11/6	11/7	Turkey		185.00						185.00
Dorothy Taft		10/15	U.S.A.				7,043.00				7,043.00
	10/16	10/21	Poland		1,055.00						1,055.00
	10/21	10/25	Armenia		839.00		110.00				949.00
	10/25	10/27	Gerogia		407.00						407.00
	10/27	10/28	U.K.		279.00						279.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Janice Helwig		10/16	Austria				688.00				688.00
	10/16	10/28	Poland		2,988.00						2,988.00
Karen Lord		10/17	U.S.A.				7,759.00				7,759.00
	10/18	10/20	Bulgaria		411.00						411.00
	10/22	10/25	Poland		608.00						608.00
	10/25	10/29	Azerbaijan		818.00						818.00
Maureen Walsh		10/19	U.S.A.				5,989.00				5,989.00
	10/20	10/28	Poland		1,508.00						1,508.00
Ronald McNamara		10/21	U.S.A.				4,899.00				4,899.00
	10/22	10/25	Poland		978.00		276.00				1,254.00
	10/26	10/28	Belarus		237.00						237.00
		10/23	U.S.A.				5,573.00				5,573.00
	10/24	10/25	Poland		705.00						705.00
	10/25	10/28	Belarus		174.00						174.00
Janice Helwig		10/31	Austria				2,895.00				2,895.00
	10/31	11/4	Kazakstan		1,070.00						1,070.00
Maureen Walsh		11/21	U.S.A.				3,065.00				3,065.00
	11/22	12/2	Itlay		1,195.00						1,195.00
Sidney Anderson		11/22	U.S.A.				5,264.00				5,264.00
	11/23/	11/29	Austria		826.00						826.00
Hon. Christopher Smith		11/25	U.S.A.				5,518.00				5,518.00
	11/26	12/1	Italy		760.00						760.00
Hon. Steny Hoyer		11/25	U.S.A.				(3)				
	11/26	11/28	Austria		282.00						282.00
Dorothy Taft		11/26	U.S.A.				4,742.00				4,742.00
	11/27	12/2	Italy		1,212.00						1,212.00
Janice Helwig		12/8	Austria				2,197.00				2,197.00
	12/9	12/13	Japan			1,075.00					1,075.00
Committee total					37,447.00		79,500.00		880.00		117,327.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER SMITH, Chairman, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO FRANCE, RUSSIA, AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 25 AND SEPT. 1, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John M. Simmons	8/25	8/27	France		594.00		[3]				594.00
	8/27	8/31	Russia		1,398.00		[3]				1,398.00
	8/31	9/1	Ireland		281.00		[3]				281.00
Committee total					2,273.00						2,273.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JAMES T. WALSH, Chairman, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO RUSSIA AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 27 AND DEC. 3, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amory Houghton, Jr	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Paul Gillmor	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Ruben Hinojosa	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Peter King	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. James McDermott	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Marty Meehan	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Donald Payne	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Hon. Charles Taylor	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	11/27	12/1	Germany	362.77	158.00		(3)			362.77	158.00
Mr. Robert W. Van Wicklin	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Mrs. Nancy R. Clark	11/27	12/1	Russia		1,400.00		(3)				1,400.00
	12/1	12/3	Germany	362.77	158.00		(3)			362.77	158.00
Committee total					15,580.00						15,580.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

AMORY HOUGHTON, Jr., Chairman, Jan. 3, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 2, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Benjamin A. Gilman	11/30	12/2	Mexico		320.00						320.00
Hon. Thomas M. Davis III	11/30	12/2	Mexico		320.00						320.00
Hon. David Dreier	11/30	12/2	Mexico		320.00						320.00
Hon. Bob Filner	11/30	12/2	Mexico		320.00						320.00
Hon. Jim Kolbe	11/30	12/2	Mexico		320.00						320.00
Hon. Roger Wicker	11/30	12/2	Mexico		320.00						320.00
Nancy Bloomer	11/30	12/2	Mexico		320.00						320.00
Everett Eissenstadt	11/30	12/2	Mexico		320.00						320.00
Richard J. Garon	11/30	12/2	Mexico		320.00						320.00
Caleb McCarry	11/30	12/2	Mexico		320.00						320.00
Moses Mercado	11/30	12/2	Mexico		320.00						320.00
Roger Noriega	11/30	12/2	Mexico		320.00						320.00
Joan O'Donnell	11/30	12/2	Mexico		320.00						320.00
Committee total					4,160.00						4,160.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN GILMAN, Chairman, Dec. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA AND NORTH KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 23 AND NOV. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Erica H. Han	11/23	11/30			1,807.00		3,410.20				5,217.20
Committee total					1,807.00						5,217.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ERICA H. HAN.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA AND NORTH KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 23 AND NOV. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard A. Carne	11/24	11/30	South and North Korea		1,581.00		3,556.80				5,137.80
Committee total					1,581.00		3,556.80				5,137.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. CARNE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 26 AND DEC. 1, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mary McDermott Noonan	11/26	12/1	Italy	3,686.900	31,610		4,458.18				
Committee total					1,186		4,458.18				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] $424 have not been used. Returned to U.S. Treasury.

MARY McDERMOTT NOONAN.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

706. A letter from the Administrator, Farm Loan Programs, Department of Agriculture, transmitting the Department's final rule—Loan Limitations and Cash Flow Requirements for Farm Service Agency Guaranteed Loans (RIN: 0560–AG15) received January 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

707. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—District of Columbia; Movement of Plants and Plant Products [Docket No. 00–085–1] received January 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

708. A letter from the Director, Congressional Budget Office, transmitting notification that the report on the technical estimating assumptions that will be used for budget estimates for national defense will not be ready until later this year; to the Committee on Armed Services.

709. A letter from the Acting Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting an annual report on the STARBASE Program for FY 2000; to the Committee on Armed Services.

710. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 95F–0305] received January 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

711. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services,

transmitting the Department's final rule—Revision of Administrative Practices and Procedures; Meetings and Correspondence; Public Calendars [Docket No. 98–1042] received January 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

712. A letter from the Secretary, Department of Health and Human Services, transmitting the status report entitled, "The Pediatric Exclusivity Provision, January 2001"; to the Committee on Energy and Commerce.

713. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements [FRL–6934–5] (RIN: 2060–AJ04) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

714. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: FuelSolutions Addition (RIN: 3150–AG54) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

715. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Termination of Section 274i Agreement Between the State of Louisiana and the Nuclear Regulatory Commission (RIN: 3150–AG60) received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

716. A letter from the Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 2000 status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

717. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license consistent with section 36(C) of the Arms Export Control Act and Title IX of Public Law 106–79 [Transmittal No. DTC 001–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

718. A communication from the President of the United States, transmitting a report in accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997; to the Committee on International Relations.

719. A communication from the President of the United States, transmitting a report on cost-sharing arrangements, as required by Condition 4(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997; to the Committee on International Relations.

720. A letter from the Acting General Counsel, General Accounting Office, transmitting a report pursuant to the Competition in Contracting Act; to the Committee on Government Reform.

721. A letter from the Acting Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Government Reform.

722. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received January 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

723. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707, 727C, and 727–100C Series Airplanes [Docket No. 99–NM–363–AD; Amendment 39–12013; AD 2000–24–06] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

724. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Mitigation of Impacts to Wetlands and Natural Habitat [FHWA Docket No. FHWA 97–2514; 96–8] (RIN: 2125–AD78) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

725. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Track Safety Standards [Docket No. RST–90–1, Notice No. 9] (RIN: 2130–AB32) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–29–AD; Amendment 39–12017; AD 2000–24–10] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–38–AD; Amendment 39–12024; AD 2000–24–17] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–33–AD; Amendment 39–12019; AD 2000–24–12] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction [Docket No. 2000–NE–11–AD; Amendment 39–11912; AD 2000–20–01] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. 2000–SW–11; Amendment 39–11959; AD 2000–22–13] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–37–AD; Amendment 39–12023; AD 2000–24–16] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–34–AD; Amendment 39–12020; AD 2000–24–13] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–35–AD; Amendment 39–12021; AD 2000–24–14] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–36–AD; Amendment 39–12022; AD 2000–24–15] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–28–AD; Amendment 39–12016; AD 2000–24–09] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes [Docket No. 2000–NM–107–AD; Amendment 39–12007; AD 2000–23–34] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (A300–600) Series Airplanes [Docket No. 2000–NM–96–AD; Amendment 39–12025; AD 2000–24–18] (RIN: 2120–AA64) received January 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Allowing Alternatives to Incandescent Light in Private Aids to Navigation [USCG 2000–7466] (RIN: 2115–AF98) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

739. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Siesta Key Bridge, across the Gulf Intracoastal Waterway, mile 71.6, Sarasota County, FL [CGD07-00-133] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

740. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cortez Bridge (SR 684), across the Gulf Intracoastal Waterway, mile 87.4, Sarasota County, Cortez, FL [CGD07-00-132] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

741. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08-00-033] (RIN: 2115-AE47) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

742. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Great Egg Harbor Bay, New Jersey [CGD05-00-055] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

743. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay, Tampa, Florida [CGD07-00-124] (RIN: 2115-AE46) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

744. A letter from the Director, Office of Management and Budget, transmitting a report on Military Recruitment Programs, Government Performance and Results Act Performance Pilot; jointly to the Committees on Government Reform and the Budget.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HERGER (for himself, Mr. Sessions, Mr. Schrock, Mr. Toomey, Mr. Royce, Mr. Foley, Mr. Graves, Mr. Brown of South Carolina, Mr. Otter, Ms. Hart, Mr. Akin, Mr. Crenshaw, Mr. Rehberg, Mr. Tiberi, Mr. Simmons, Mr. Culberson, Mr. Cantor, Mr. Johnson of Illinois, Mr. Platts, Mrs. Capito, Mr. Fletcher, Mrs. Johnson of Connecticut, Mr. Shaw, Mr. Dreier, Mr. Goss, Mr. Hastings of Washington, Mr. Collins, Ms. Pryce of Ohio, Mr. Kirk, Mrs. Myrick, Mr. Linder, and Mr. Putnam):

H.R. 2. A bill to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds; referred to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARCIA (for himself, Mr. Boehlert, Mr. Hall of Texas, Mr. Ehlers, Mr. Udall of Colorado, Ms. Rivers, Mr. Gordon, and Mr. Calvert):

H.R. 524. A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry; to the Committee on Science.

By Mr. GILCHREST (for himself, Mr. Shays, Mrs. Tauscher, Mr. Chambliss, Ms. Berkley, Mr. Bartlett of Maryland, Mr. Nadler, Mr. Schrock, Mr. McGovern, Mr. Burr of North Carolina, Mr. Horn, Mr. Mica, Mrs. Kelly, Mr. Quinn, Mr. Isakson, Mr. Doolittle, Mrs. Morella, Mr. Thune, Mr. Meehan, and Mr. Sessions):

H.R. 525. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GANSKE (for himself, Mr. Dingell, Mr. Leach, Mr. Berry, Mrs. Roukema, Mr. Brown of Ohio, Mrs. Morella, Mr. John, Mr. Gilman, Mr. Andrews, Mr. LaTourette, Mr. Rangel, Mr. Stenholm, Mr. Sandlin, Mr. Stupak, Mr. Pallone, Mr. Towns, Ms. Eshoo, Mrs. Capps, Mr. Green of Texas, Mr. Gordon, Ms. McCarthy of Missouri, Mr. Engel, Mr. Moore, Mr. Strickland, Mr. Markey, Mr. Sawyer, Mrs. Davis of California, Mr. Barrett, Mr. Wynn, Mr. Stark, Mr. Waxman, Mr. Rush, Mr. Boucher, Mr. Hall of Texas, Mr. Bishop, Mr. Turner, Ms. Harman, Mr. Pascrell, Mrs. McCarthy of New York, Mr. Frank, Mr. Matsui, Mr. Coyne, Mr. McDermott, Mr. Cardin, Mr. Levin, Mr. McNulty, Mr. Jefferson, Mr. Becerra, Mr. Lewis of Georgia, Mr. Kleczka, Mrs. Thurman, Mr. Boswell, Mr. Crowley, Mr. Tierney, Mr. Hoeffel, and Mr. Meehan):

H.R. 526. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. Baker, Mr. Latham, Mr. Goode, Mr. Isakson, Mr. Gutknecht, Mr. Thornberry, Mr. Green of Wisconsin, Mr. Gillmor, Mr. Schaffer, Mr. Cooksey, and Mr. Stump):

H.R. 527. A bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106-230; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 528. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Ms. DeLauro, Mr. Pascrell, and Mr. Weldon of Pennsylvania):

H.R. 529. A bill to authorize the Secretary of Transportation to require the use of recycled materials in the construction of Federal-aid highway projects; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 530. A bill to amend title 23, United States Code, to require the allocation of surface transportation program funds for the purchase of recycled materials; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself, Mr. Thomas M. Davis of Virginia, Ms. Solis, Mr. Diaz-Balart, Mr. Frank, Ms. Ros-Lehtinen, Ms. Jackson-Lee of Texas, Mr. Smith of New Jersey, and Ms. Roybal-Allard):

H.R. 531. A bill to designate El Salvador under section 244 of the Immigration and Nationality Act in order to render nationals of such foreign state eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. Waxman, and Mrs. Davis of California):

H.R. 532. A bill to provide funding for MTBE contamination; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. Ballenger, Mr. Frank, Mr. LaHood, and Mr. Thomas M. Davis of Virginia):

H.R. 533. A bill to amend title 39, United States Code, to restrict the use of franked mass mailings by Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRENSHAW:

H.R. 534. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. DEAL of Georgia:

H.R. 535. A bill to amend the Water Resources Development Act of 2000 relating to Lake Sidney Lanier, Georgia, home preservation; to the Committee on Transportation and Infrastructure.

By Ms. DeLAURO (for herself, Mr. Doyle, Mr. Etheridge, Mr. Ehrlich, Mr. Pallone, Mr. Capuano, Mr. DeFazio, Mr. Horn, Mrs. Maloney of New York, Mr. Tierney, Ms. Woolsey, Mr. Farr of California, Mr. Brown of Ohio, Ms. Velázquez, Mr. McNulty, Ms. Eddie Bernice Johnson of Texas, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Filner, Mr. Phelps, Mr. Thompson of California, Mrs. Capps, Mr. McIntyre, Ms. Waters, Mr. Gonzalez, Mr. Barrett, Mr. Quinn, Mr. Shows, Ms. Baldwin, Mr. Borski, Mr. Maloney of Connecticut, Mr. Hinchey, Mr. Hilliard, Ms. Kaptur, Mr. Spratt, Mr. Boucher, Mrs. Roukema, Mr. Green of Texas, Ms. Norton, Mr. Burton of Indiana, Mr. King, Mr. Hoyer, Mr. Dingell, Mr. Olver, Mr. Weiner, Mr. Reyes, Mr. Bonior, Mr. Holden, Mr. Frost, Mr. Ross, Mr. Traficant, Mr. Kildee, Mr. Larson of Connecticut, Mr. BLAGOJEVICH, Mr. COOKSEY, Mr. MATSUI, Mrs. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. WYNN, Ms. LEE, Mr. NADLER, Mr. BENTSEN, Mr. BALDACCI, Ms. MCCARTHY of Missouri, Mr. SANDERS, Mr. JEFFERSON, Mr. MEEHAN, Mr. KUCINICH, Ms. PELOSI, Ms. BERKLEY, Mr. DELAHUNT, Mr. VISCLOSKY, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. SIMMONS, Mrs. THURMAN, Mr. PRICE of North Carolina, Mr. FRANK, Mr. KLECZKA, Ms. RIVERS, Mr. MOAKLEY, Mr. LANTOS, Mr. COSTELLO, Ms. HOOLEY of Oregon, Ms. HART, Ms. MCCOLLUM, Ms. SLAUGHTER, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. BOYD, Ms. ESHOO, Mr. ACKERMAN, Mr. MCHUGH, Mr. SERRANO, Mr. RUSH, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. GILMAN, Mr. SAWYER, Mrs. CLAYTON, Mrs. MCCARTHY of New York, and Mr. LEVIN):

H.R. 536. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 537. A bill to establish the National Commission on Youth Crime and School Violence; to the Committee on Education and the Workforce.

By Ms. GRANGER (for herself, Mr. BURR of North Carolina, Mr. PITTS, Mr. FORD, Mr. SESSIONS, Mr. BONILLA, Mr. WATKINS, Mr. HINCHEY, Mr. BLUNT, Mr. PAUL, Mr. MCHUGH, Mr. COMBEST, Mr. DOOLITTLE, and Mrs. KELLY):

H.R. 538. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for education; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. HERGER, Mr. WATKINS, Mr. PAUL, Mr. RADANOVICH, Mr. SIMPSON, Mr. BACHUS, Ms. MCCARTHY of Missouri, Mrs. BIGGERT, Mr. TERRY, Mr. SCHROCK, Mr. DUNCAN, Ms. PRYCE of Ohio, Ms. GRANGER, Mr. WHITFIELD, Mr. PETRI, Mr. RILEY, Mr. WELDON of Florida, Mr. SESSIONS, Mr. AKIN, Mr. RUSH, Mr. FOSSELLA, Mr. HILLEARY, Mr. PITTS, and Ms. HART):

H.R. 539. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 540. A bill to authorize the Small Business Administration to make grants and loans to small business concerns, and grants to agricultural enterprises, to enable such concerns and enterprises to reopen for business after a natural or other disaster; to the Committee on Small Business.

By Mrs. KELLY (for herself and Mr. SWEENEY):

H.R. 541. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. ENGLISH, Ms. PRYCE of Ohio, and Mr. SWEENEY):

H.R. 542. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 543. A bill to amend the Internal Revenue Code of 1986 to reduce estate and gift tax rates to 30 percent, to increase the exclusion equivalent of the unified credit to $10,000,000, and to increase the annual gift tax exclusion to $50,000; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mrs. KELLY):

H.R. 544. A bill to require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility for asylum or withholding of removal; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 545. A bill to amend title 38, United States Code, to revise the effective date for certain awards of dependency and indemnity compensation made by the Secretary of Veterans Affairs to survivors of veterans who died during the Vietnam era or later, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. QUINN:

H.R. 546. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H.R. 547. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for hair prostheses for individuals with scalp hair loss as a result of alopecia areata; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH (for himself, Mr. WELDON of Florida, Mr. PETRI, Mr. SHOWS, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. FOLEY, Mr. SAXTON, and Mr. PICKERING):

H.R. 548. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes; to the Committee on Armed Services.

By Mr. SCARBOROUGH (for himself, Mr. FROST, Mr. DREIER, Mr. BOUCHER, Mr. FOLEY, Mrs. JONES of Ohio, Mr. WATKINS, Mr. PASCRELL, Mr. TANCREDO, Mr. PRICE of North Carolina, Mr. PAUL, Mr. DUNCAN, Mr. RILEY, Mr. HORN, Mr. ROGERS of Michigan, Mr. BARR of Georgia, Mr. MILLER of Florida, Ms. HART, Mr. KING, Ms. ROS-LEHTINEN, and Mr. SUNUNU):

H.R. 549. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 550. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 551. A bill to amend title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel under the beneficiary travel program of the Department of Veterans Affairs shall be the same as the rate for private vehicle reimbursement for Federal employees; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado:

H.R. 552. A bill to provide interim protection for certain roadless areas in the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 553. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve implementation of the western Alaska community development quota program, and for other purposes; to the Committee on Resources.

By Mr. LEACH:

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office; to the Committee on the Judiciary.

By Mr. SAXTON:

H.J. Res. 15. A joint resolution designating the square dance as the national folk dance of the United States; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. GOODE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, and Mr. DUNCAN):

H. Con. Res. 23. A Concurrent resolution expressing the sense of the Congress that President George W. Bush should declare to all nations that the United States does not intend to assent to or ratify the International Criminal Court Treaty, also referred to as the Rome Statute of the International Criminal Court, and the signature of former President Clinton to that treaty should not be construed otherwise; to the Committee on International Relations.

By Mr. GILCHREST:

H. Con. Res. 24. A concurrent resolution supporting a National Foster Parents Day; to the Committee on Government Reform.

By Mrs. KELLY:

H. Con. Res. 25. A concurrent resolution expressing the sense of the Congress regarding tuberous sclerosis; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. ROHRABACHER, and Mr. HOYER):

H. Con. Res. 26. A concurrent resolution expressing the sense of the Congress regarding the Taliban-led Government in Afghanistan; to the Committee on International Relations.

By Mr. KIRK:

H. Res. 32. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 33. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. CANTOR, Mr. GILMAN, and Mr. ACKERMAN):

H. Res. 34. A resolution congratulating the Prime Minister-elect of Israel, Ariel Sharon, calling for an end to violence in the Middle East, reaffirming the friendship between the Governments of the United States and Israel, and for other purposes; to the Committee on International Relations.

By Mr. MOORE (for himself, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mrs. EMERSON, Mr. MORAN of Kansas, Mr. FROST, Mr. HILLIARD, Ms. PRYCE of Ohio, Mr. TANCREDO, Mr. STENHOLM, and Ms. SLAUGHTER):

H. Res. 35. A resolution expressing the sense of the House of Represenatives with respect to the Bloch Cancer Foundation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. FRELINGHUYSEN.

H.R. 39: Mr. REYNOLDS, Mr. SKEEN, Mr. DUNCAN, Mr. STUMP, Mr. HAYWORTH, Mr. RILEY, Mr. TERRY, Mr. ISTOOK, Mr. PICKERING, Mr. HASTINGS of Washington, Mr. HANSEN, Mr. TAUZIN, Mr. POMBO, Mr. SIMPSON, Mr. COOKSEY, Mr. LATOURETTE, Mr. BRADY of Texas, Mr. GARY MILLER of California, Mr. RADANOVICH, Mr. OTTER, Mr. HALL of Texas, Mr. BROWN of South Carolina, Mr. LEWIS of California, Mr. SMITH of Michigan, Mr. LUCAS of Oklahoma, Mr. TANCREDO, Mr. DOOLITTLE, Mr. HERGER, Mr. WICKER, Mr. HILLEARY, Mrs. EMERSON, Mr. BACHUS, Mr. BARTON of Texas, Mr. SESSIONS, Mr. CALVERT, Mr. BAKER, Mr. OXLEY, Mr. SMITH of Texas, Mr. NETHERCUTT, Mr. MCCRERY, Mr. SCHROCK, Mr. CULBERSON, Mr. PETERSON of Pennsylvania, Mr. CANNON, Mr. GIBBONS, Mr. WATTS of Oklahoma, Mr. BUYER, Mr. ISAKSON, Mr. DELAY, Mr. CALLAHAN, Mr. ROHRABACHER, Mr. LARGENT, Mrs. CUBIN, Mr. COMBEST, Mr. WATKINS, and Mr. BONILLA.

H.R. 42: Mr. PETRI.

H.R. 50: Ms. MILLENDER-MCDONALD.

H.R. 99: Mr. DOOLITTLE, Mr. SCHAFFER, Mr. LARGENT, and Mr. ISSA.

H.R. 117: Ms. RIVERS, Mrs. DAVIS of California, Mr. BLAGOJEVICH, Mr. UDALL of New Mexico, Mr. FROST, Ms. KILPATRICK, Mrs. CHRISTENSEN, Ms. MCCARTHY of Missouri, Mr. GUTIERREZ, Mr. LANTOS, Mr. SANDLIN, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. BARCIA, and Mr. RUSH.

H.R. 154: Mrs. NORTHUP, Mrs. CHRISTENSEN, Mr. BALLENGER, Mr. PETRI, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. FOSSELLA and Mr. UDALL of Colorado.

H.R. 162: Mrs. MCCARTHY of New York, Mr. PASTOR, Mr. UDALL of Colorado, and Mr. GILCHREST.

H.R. 175: Mr. SKEEN, Mr. CRANE, Mr. BARTLETT of Maryland, Mr. SCHAFFER, Mr. TANCREDO, Mr. SMITH of Texas, Mr. FLAKE, Mr. DUNCAN, Mr. HUTCHINSON, Mr. HAYWORTH, Mr. STUMP, and Mr. OTTER.

H.R. 184: Mr. LIPINSKI, Mr. KILDEE, and Ms. MCKINNEY.

H.R. 244: Mr. KUCINICH and Mr. MORAN of Virginia.

H.R. 251: Mr. WAXMAN.

H.R. 257: Mrs. NORTHUP, Mr. OTTER, and Mrs. MYRICK.

H.R. 286: Mr. FROST.

H.R. 287: Mrs. KELLY.

H.R. 289: Mrs. TAUSCHER.

H.R. 311: Mr. SCHROCK, Mr. DOOLITTLE, Mr. BURTON of Indiana, and Mr. OTTER.

H.R. 320: Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. PASTOR, Mr. ROSS, Mr. RANGEL, Mr. JEFFERSON, and Mr. DEFAZIO.

H.R. 325: Mrs. JOHNSON of Connecticut, Mr. WHITFIELD, and Mr. LEACH.

H.R. 326: Mr. ENGEL, Mrs. CLAYTON, and Mr. PASTOR.

H.R. 340: Mr. ABERCROMBIE.

H.R. 356: Mr. FROST, Mr. BUYER, Mr. TANCREDO, Mr. BALLENGER, Mr. SIMPSON, Mr. WHITFIELD, Mr. SESSIONS, Mrs. THURMAN, Mr. CALVERT, Mr. COOKSEY, Mr. PICKERING, Mr. HUNTER, Ms. HART, and Mr. PAUL.

H.R. 369: Mr. RYUN of Kansas.

H.R. 389: Mr. RANGEL.

H.R. 419: Ms. MILLENDER-MCDONALD and Ms. DEGETTE.

H.R. 429: Mr. PETERSON of Minnesota.

H.R. 478: Mr. CRAMER.

H.R. 482: Mr. DEMINT, Mr. SHOWS, Mr. ADERHOLT, and Mr. BACHUS.

H.R. 488: Mr. FILNER, Mr. FRANK, and Mr. LANTOS.

H. Con. Res. 17: Mr. GILMAN, Mr. UDALL of Colorado, and Ms. WOOLSEY.

H. Res. 17: Ms. SLAUGHTER.

H. Res. 23: Mr. SHOWS, Mr. RUSH, Mr. MCGOVERN, Mr. FROST, Mr. TURNER, Mr. MCINTYRE, and Mr. STENHOLM.

PETITIONS, ETC.

Under clause 3 of rule XII,

4. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 695 of 2000 petitioning the United States Government to act in possible partnership with prominent cancer institutes to wit, the National Institute of Environmental Health Sciences and the National Cancer Institute to appropriate the funding for the undertaking of a detail empirical study in the County of Rockland of the environmental and genetics of the population of Rockland as they relate to and effect the incidences of breast cancer in this county; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

CENTRAL NEW JERSEY RECOGNIZES THE NEW JERSEY CHINESE CULTURAL STUDIES FOUNDATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. HOLT. Mr. Speaker, I wish to rise today in recognition of the New Jersey Chinese Cultural Studies Foundation (NJCCSF) and its ongoing dedication to promoting awareness of Chinese culture. I applaud the achievements this organization has made in helping many of central New Jersey's students pursue the study of Chinese language, history, and culture.

For the past two years, NJCCSF has been committed to promoting the study of Chinese culture by providing scholarships, awards, and financial aid to qualified New Jersey residents under the age of 25. Since its 1999 founding by the Overseas Hong Kong Association (U.S.A.), the NJCCSF has sponsored numerous non-profit and non-political events and activities geared toward fulfillment of its mission to preserve Chinese cultural heritage.

Successfully promoting Chinese culture within such a large and widespread community requires the dedication and skill of talented volunteers and the generosity of committed donors. The NJCCSF has certainly demonstrated its steadfast commitment to the cause of promoting Chinese cultural education through its provision of funds to a great number of university students throughout the state.

The NJCCSF has played an important role in helping to develop social, economic, and cultural ties among Hong Kong immigrants. It is often described as a "home away from home" for its members and their families. It established the NJCCSF for the purpose of more effectively promoting Chinese cultural awareness.

Once again, I applaud the efforts of the New Jersey Chinese Cultural Studies Foundation and ask my colleagues to join me in recognizing its unwavering dedication to serving our community.

RECOGNITION OF THE DEPARTMENT OF ENGLISH AT HOWARD UNIVERSITY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to pay tribute to the great work of the Department of English at Howard University. On February 15, 2001, the Department of English at Howard University is sponsoring its eighth annual Heart's Day Tribute, a day on which the Department annually commemorates its intellectual traditions. For a number of years, it has dedicated this special day to pay homage to those notable men and women who have contributed so richly to our lives. Past honorees have been writers Gwendolyn Brooks, Paule Marshall, Chinua Achebe, and James Baldwin. This year Heart's Day celebrates the work of one of the most provocative and most influential writers of the twentieth century—Amiri Baraka. As the leading voice of the Black Arts Movement, Baraka played a central role in helping to shape the parameters of a new cultural and intellectual rebirth. Through his brilliant essays, plays, poetry collections, and novels, he drove America to contemplate its deeper psyche. At the same time, he explored a world of rich redemptive black culture through such studies as Blues People (1963) and Black Music (1968). The Heart's Day tradition was inaugurated to support the Department's effort to complete funding for the Sterling A. Brown Endowed Chair. Professor Brown established the first formal study of African American literature in the academy. We salute Howard University and applaud them to continue to honor literary achievers.

INTRODUCTION OF THE ELECTRONIC COMMERCE ENHANCEMENT ACT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. BARCIA. Mr. Speaker, today, we are introducing the Electronic Commerce Enhancement Act. This bill represents a bipartisan effort to assist small- and medium-sized businesses move their operations into a comprehensive e-commerce environment. The goals of this legislation are twofold: (1) To assist small- and medium-sized manufacturers move into an e-commerce environment; and (2) improve the interoperability of the electronic transfer of technical information in the manufacturing supply chain.

This bill is the same text as H.R. 4429 the Electronic Commerce Enhancement Act, reported by the Science Committee and passed unanimously by the House in the 106th Congress. The Electronic Commerce Enhancement Act addresses real problems that small- and medium-sized businesses are still facing today. That is why I and Chairman Boehlert have decided to re-introduce this legislation.

One of the purposes of this legislation is to provide American small businesses with the information and knowledge they need to make smart decisions on e-commerce related purchases and services. This bill authorizes the Manufacturing Extension Partnership program (MEP) to establish an electronic commerce pilot program at MEP Centers. This pilot program will allow MEP Centers to provide small manufacturers with the information they need to make informed purchases of e-commerce products and services.

The other main goal of this legislation is to address the issue of interoperability in the manufacturing supply chain. Adoption of e-commerce business practices within a supply chain is hindered by a lack of interoperability between software, hardware, and networks in exchanging product data and other key business information. The National Institute of Standards and Technology has supported the first phase of an interoperability program in the auto industry called STEP. In my home state of Michigan, STEP proved to be a highly successful and was strongly supported by the auto industry and manufacturers in their supply chain. These provisions authorize NIST to perform an assessment to identify critical enterprise integration standards and implementation activities for major manufacturing industries and to report to Congress on the appropriate role for the government to work in partnerships with industry.

This bipartisan legislation represents sound and reasonable policy and builds upon the proven track record of the Manufacturing Extension Partnership program and the National Institute of Standards and Technology. I urge my colleagues to support this important legislation.

INTRODUCTION OF NORTHERN FRONT RANGE ROADLESS AREA PROTECTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. UDALL of Colorado. Mr. Speaker, Colorado's national forests are among the things that make our state a very special place to live. But as our population increases, so do the pressures on our forests.

That is why I strongly supported last month's adoption of new Forest Service rules for managing roadless parts of the national forests—areas that, in the words of the final environmental impact statement on the new rules, "possess social and ecological values and characteristics that are becoming scarce in an increasingly developed landscape."

I think those new rules are both timely and welcome. They make good sense as a way to protect natural resources, provide more diverse recreational opportunities and preserve some of the undisturbed landscapes that are such a special part of Colorado and other Western states.

This week, Secretary of Agriculture Ann Veneman acted to delay the effective date of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

those new rules, so that they will take full effect in May instead of next month. According to the formal notice, the delay is intended to give the current Administration an opportunity to give the rules further review and consideration.

I understand why the new Administration would want to review these new rules. But I hope that their action in delaying implementation does not signal an intent to weaken or abandon this important initiative.

I am confident that a full and fair review will show that the new rules, developed through an extensive public process, reflect the highest standards of science-based public policy.

I also think a fair review will show the rules are needed to protect the roadless areas—areas that are valuable for wildlife, support ecosystem health and the full range of native species, serve as important sources of clean water, and provide a bulwark against the spread of invasive species such as many of the weeds that plague Colorado's ranchers.

Meanwhile, there have been some press reports suggesting that Congress might be asked to overturn the rules through legislation.

I hope those reports are wrong. I do not think that is what we in Congress should be doing. In fact, I think we should move to strengthen, not weaken, the protection of the roadless parts of our forests.

That is why I am today introducing a bill that would provide additional legal protections to roadless lands in the portion of the Arapaho-Roosevelt National Forest within Colorado's Second Congressional District.

My bill, the "Northern Front Range Roadless Area Protection Act," would require the Forest Service to manage over 80,000 acres on the Arapaho-Roosevelt National Forest as "protected roadless areas." These lands—all within the Congressional District I represent—are areas that the Forest Service identified as roadless in its 1997 Revision of the Land and Resource Management Plan for the Arapaho-Roosevelt, and will be covered by the new roadless-area rules when those rules take effect. Further, most if not all of these areas would be appropriate additions to existing wilderness areas.

The Arapaho-Roosevelt National Forest is within a few minutes' drive for more than 2.5 million people in the Front Range Denver-Boulder metro area. It is experiencing increasing use of all kinds, especially recreational use. So, at least with respect to some of its most valuable lands, I want to undergird the new Forest Service rules with a statutory requirement to protect the special qualities of these areas.

Under the bill, these roadless areas would be managed under the "recommended for wilderness" management category in the existing Forest Plan until Congress decides otherwise. The bill would also require the Forest Service to study and evaluate these areas and make recommendations to Congress regarding their future management. That report would be submitted within three years. The bill will thus allow the Congress the opportunity to ultimately resolve the status of these roadless lands.

Mr. Speaker, this bill is limited in scope and deals only with some of the lands in Colorado that need legislative protection. More will need to be done to respond to the pressures of growth on our national forests and other public lands. But I think it represents an important first step, and I will seek to work with colleagues on both sides of the aisle to have it enacted into law.

NORTHERN FRONT RANGE ROADLESS AREA PROTECTION ACT

SUMMARY

The bill would give interim protection to over 80,000 acres of roadless areas on the Arapaho-Roosevelt National Forest in Colorado's 2d Congressional District.

THE FOREST, ROADLESS AREAS, AND THE BILL

The Forest: The Arapaho-Roosevelt National Forest includes more than 1.5 million acres along Colorado's northern Front Range. It surrounds Rocky Mountain National Park and contains a number of designated wilderness areas. It contains a wide range of ecosystems and topography including level grasslands and peaks rising over 14,000 feet. It includes the rugged part of the Continental Divide seen from the Denver-Boulder metro area. Because of its proximity to 2.5 million people, it is heavily used by the public, and provides vital watersheds.

Roadless Areas: The Forest Service's 1997 Revision of the management plan for the Arapaho-Roosevelt National Forest identified lands that qualify as roadless. The Clinton Administration developed new rules restricting certain activities in national forest roadless areas in order to protect their roadless character and other natural resource values. The Bush Administration has acted to postpone implementation of these rules in order to review their provisions. The bill would provide statutory interim protection to maintain the roadless quality of some Arapaho-Roosevelt roadless areas until Congress decides on their ultimate status.

What the bill does

Acreage Affected: The bill would apply to over 80,000 acres in 12 areas within the Second Congressional District (Boulder and Clear Creek Counties) that were identified as roadless in the 1997 forest plan. The bill would designate these areas as "protected roadless areas."

Management: The bill would require the Forest Service to manage these lands in accordance with the "recommended for wilderness" directive in the 1997 forest plan. This would: (a) prohibit timber harvesting; (b) prohibit motorized vehicles; (c) allow the location of "hard rock" minerals (gold, silver, etc.); (d) prohibit oil and gas leasing.

Grazing: The bill would specifically allow grazing to continue under existing laws.

Report: The bill would require the Forest Service to report to Congress in 3 years with their recommendations as to whether these lands should become wilderness areas or other land management status.

What the bill would not do: Designate New Wilderness Areas: The bill does not designate any wilderness areas.

Apply Forest-wide: The bill does not apply to the whole Arapaho-Roosevelt National Forest, only to specified roadless areas within the Second Congressional District.

Address James Peak: The bill does not include the James Peak Roadless Area.

HONORING ZENIA MUCHA'S SERVICE TO THE STATE OF NEW YORK

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. REYNOLDS. Mr. Speaker, I wish today to honor an outstanding public servant, a faithful adviser and a trusted friend.

For the past six years, Zenia Mucha has served as Communications Director and Senior Adviser to New York State Governor George Pataki. On Monday, February 12, friends and co-workers will gather at the Governor's Mansion in Albany, New York, to bid her a fond farewell as she begins her new duties as Senior Vice President for Communications with the ABC Broadcast Group.

Before joining Governor Pataki's staff, Zenia served for 14 years on the staff of U.S. Senator Alfonse D'Amato, first as a staff aid and, during his last six years of service, as Communications Director.

My own friendship with Zenia stretches back to her early days with Senator D'Amato. Like so many others, not only was I impressed by her knowledge and ability, but on countless occasions, benefited as well from her advice and counsel.

In a recent column in the New York Post, writer Cindy Adams captured Zenia's personality as well as I have ever seen in print. "She's sassy. She's brassy. She's tough. She tells it like it is. She's loyal as hell. She's brilliant."

Mr. Speaker, I know how deeply Zenia's leadership and ability will be missed in New York's Capitol, and I ask that this House of Representatives join me in thanking Zenia Mucha for her leadership and service to New York state, and that this Congress join me in extending its sincerest best wishes for her continued success.

PAYROLL TAX CREDIT

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with great pleasure that I introduced legislation yesterday to provide much needed tax relief to America's working men and women. Unlike other proposals currently under consideration, my bill would offer fair, across-the-board tax relief while providing a stimulus to the economy, without risking a return to the budget deficits of the 1980's and 90's.

In this period of substantial budget surpluses, most of us agree that Americans deserve a break in their taxes, but we are divided on the best way to accomplish this. President Bush has proposed a $2 trillion package of tax cuts, the centerpiece of which is a reduction in income tax rates. Unfortunately, this proposal is flawed in two important ways: first, it relies on almost all of the Congressional Budget Office's recent forecast of an on-budget surplus of $2.7 trillion over ten years, an amount that is by no means guaranteed. Second, the great majority of the tax relief would go to the wealthiest Americans.

The Bush proposal is not the only way to implement an across-the-board tax cut. The legislation I have introduced would provide tax relief to all working Americans in the form of a tax credit based on the amount paid in Social Security and Medicare payroll taxes, up to $300 per individual and $600 per couple filing jointly. At a cost of approximately $40 billion per year, this credit would mean tax relief for each and every American who pays into Social Security and Medicare, but would not tie up the entire expected surplus. If for some reason the surplus does not meet current projections a few years down the road, we will not face a sudden deficit. In addition, there will be enough left over for other top priorities such as creating a prescription drug benefit under Medicare and improving America's schools.

Importantly, this proposal will benefit the three-quarters of Americans who pay more in payroll taxes than in income tax. Unlike the Bush proposal, in which the top five percent of Americans would receive fifty percent of the tax cut, my bill will offer everyone who currently pays into Social Security and Medicare a credit of up to $300, even if they owe no income tax. The worker at the bottom of the income scale will receive the same dollar credit as the highest-paid CEO. Of course, $300 means much more to someone making the minimum wage.

Much has been said recently about the need for an across-the-board tax cut to stimulate the economy. Experts agree that the best way to do this is to put more money immediately in the hands of those who will pump it back into the economy. A $2 trillion tax cut for the wealthy that provides only $21 billion in relief in the first year will not accomplish this goal. A refundable payroll tax credit, which does not exclude lower- and middle-income workers, is what our country needs. I urge my colleagues to support this common-sense proposal.

TRIBUTE TO MARY COZZOLINO

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. HOLT. Mr. Speaker, I wish to rise today in recognition of Mary Cozzolino and her ongoing dedication to serving the growing needs of families in Central New Jersey. I applaud the achievements she has made working to address the diverse needs of a growing community.

Recently, Mary was elevated from Deputy Mayor to Mayor of Manalapan; thus becoming the youngest female ever elected to public office in New Jersey, as well as the youngest elected official in Monmouth County.

Mary became involved in Manalapan politics when she noticed that the township's leadership had become complacent and developers were being treated better than the residents. Mary was dedicated to bringing a different kind of politics to Manalapan, a politics where people mattered and the interests of the public are paramount.

Mary currently serves as vice-chair of the Young Dems of Monmouth County. In this capacity she works to elevate the interests of young people to actively participate in politics. Speaking at various youth forums throughout New Jersey, Mary highlights the importance for young people to begin shaping public debate on issues of concern.

Mary has worked in varying capacities on a wide range of public interest issues. She has served as the Vice-Chair of the Board of Directors for the New Jersey Public Interest Research Group (NJPIRG). Mary has also served as a Campaign Organizer for NJPIRG and she even spent some time working in Washington to address national issues with the United States Public Interest Research Group.

Once again, I applaud the efforts of Mayor Mary Cozzolino and ask all my colleagues to join me in recognizing her steadfast commitment to serving our community.

TRIBUTE TO DIANA S. CLARK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to pay tribute to Diana S. Clark, former President of the Dallas chapter of the League of Women Voters, the Texas League of Women Voters and recipient of the Myrtle Bales Bulkley Award for her years of exceptional service. Mrs. Clark passed away on January 16, 2001 at the age of 71.

Although not a native Texan, Mrs. Clark provided meaningful and significant service to Texas and its people. She began her extensive community service in 1965 and served on boards and commissions including the Waters Resources Council, the Texas Adult Probation Commission, Women's issues network, the Older Women's League and the Dallas Alliance. She was a founding member of the Dallas Children's Advocacy Center League. For twenty years, she was a volunteer mediator with the Dispute Mediation Service. During her tenure, she mediated civil matters and served as President and a member of the board.

She also served on the advisory board for the Judicial Advisory Council of the Texas Department of Criminal Justice and was appointed to the Commission of Judicial Efficiency. Although not a lawyer, the Dallas Young Lawyers Association honored her with its Dallas Liberty Bell Award, which is presented annually to a nonlawyer who has made the most selfless contribution to strengthen the effectiveness of the American system of justice.

I served on several volunteer organizations with Mrs. Clark. Because I knew her and her work well, I am deeply saddened that Texas has lost a veteran community leader. I ask the House to join me in remembering and paying tribute to Diana Clark, a great advocate.

TRIBUTE TO ALAN CRANSTON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. WAXMAN. Mr. Speaker, Alan Cranston, who died at the age of eighty-six on December 31, 2000, represented California in the United States Senate from 1969 until 1993. In addition to a distinguished political career, Alan was an accomplished writer and journalist, businessman, international advisor, and leader in the movement to eliminate nuclear weapons.

Alan was effective in everything he pursued because he had the intelligence to understand conceptual complexities and the pragmatism to achieve what he wanted. He and Pat Brown rejuvenated the California Democratic Party and led it to power in 1958. My own experience with Alan goes back to 1960 when I was a student at UCLA and he was a model for young Democrats to follow. We were both active in the California Democratic Council, a grassroots party organization, and I was grateful for the personal support he gave me a number of years later when I decided to run for public office.

I learned from Alan that the enactment of good legislation could not be accomplished without attracting good people to our party. He was a visionary in knowing how to help build a party to lead California, but he also worked hard on the everyday nuts and bolts decisions that would make it happen. He brought the same skills to the U.S. Senate in 1968. He was a visionary in shaping the debate on great issues—the Vietnam War, nuclear proliferation, the rights of the disabled, medical care for veterans—and he served as the Majority Whip for fourteen years. He was a consummate vote counter and leadership strategist, and he had a hand in crafting and moving some of the most important legislation enacted while he served.

Lance Murrow once said, "Leaders make things possible. Great leaders make them inevitable." By every estimation, Alan Cranston was a great leader.

COMMENDING FEDERAL JUDGE J. ROBERT ELLIOTT UPON HIS RETIREMENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. COLLINS. Mr. Speaker, the lives of some public men are like sandy riverbanks. They are swept molded and sometimes even swept away by the swirling currents of popular passion and trendy opinion.

Others are like breakwaters. Their lives are built on principles that keep them steadily in place even in the face of such a torrent.

U.S. Judge J. Robert Elliott is just such a man. He retired this December at age 91 from the U.S. Federal Court in Columbus making him the longest-serving judge in the Federal Courts' history. During this long career, he was faced with many difficult and politically charged cases ranging from civil rights, to the My Lai Massacre in Vietnam, and more recently, protest marches at the School of the Americas.

Judge Elliott is the son of a Methodist preacher and began developing those solid principles at his father's knee. They continued to be molded during the depths of Great Depression as he first worked as a teacher and then later as he attended and was a graduate from Emory University Law School. Through it all he developed a profound respect for the absolute necessity of distinguishing between right and wrong, the value of hard work, the importance of common sense, and the indispensable nature of the rule of law in a free society.

These principles continued to serve him after he was appointed as a Federal judge. Judge Elliott worked 51 weeks a year for almost four decades on the bench. He did all of his own research and writing, unlike many other Federal judges who rely on law clerks.

He ruled his courtroom with common sense as well as a dry sense of humor. The Columbus Ledger Enquirer recounts that an attorney once approached the bench to whisper: "Your honor, one of the jurors is asleep."

"It seems so," Judge Elliot replied.

"Aren't you going to wake him up?" the lawyer asked.

"You put him to sleep—you wake him up," Judge Elliott responded.

Judge Elliott's commitment to the rule of law was put to the test after President John F. Kennedy appointed him to the Federal Bench in 1962. The civil rights campaign was beginning to heat up with marches, demonstrations, and outbreaks of violence. Judge Elliott was steeped in the Southern traditions of those times. As Governor Herman Talmadge's floor leader in the Georgia House, he had taken strong positions on such issues, even advocating a "Whites only" primary.

But when he raised his hand and swore to uphold the Constitution of the United States, this obligation superceded any personal opinions or past political positions. He proved that a man of integrity would enforce laws that he might have opposed in the past. He had sworn to uphold the law and he stood by his oath ordering desegregation of businesses, schools and public places.

His rulings were not always without controversy as he applied common sense to try to bring a balance between the competing interests of public safety and the right to protest. He issued an injunction stopping marches in Albany, GA to try and cool dangerously heated passions, but later ordered the City of Albany to stop arresting peaceful civil rights marchers. He ordered districts to desegregate schools. Despite sharp criticism from both sides of the controversy, the appellate courts eventually vindicated him.

Later, when the nation was most deeply divided by the Vietnam War, Judge Elliott courageously overturned the military conviction of Lt. William Calley for the 1971 My Lai Massacre in South Vietnam because the fierce pre-trial publicity had robbed the defendant of any chance for a fair trial.

Judge Elliott was not afraid to take on big corporations. When he learned that chemical giant DuPont had concealed evidence during a 1993 civil trial concerning the fungicide Benlate, he slapped the firm with a $115 million penalty. Prior to his decision, DuPont had taken out numerous full-page advertisements declaring its innocence. The company's refusal to accept responsibility led Judge Elliott to offer a decrease in the penalty if the firm published full-page ads admitting it was wrong. DuPont still balked at the advertisements, but was eventually forced to settle the lawsuit and pay a multi-million-dollar fine.

Most recently Judge Elliott has displayed his rare blend of respect for the law, common sense and compassion in dealing with the annual protests at the School of the Americas at Fort Benning. He was lenient with first-time offenders, but hard on the demonstrators who repeatedly trespassed on military property. He sentenced several of them to prison, living up to his nickname, "Maximum Bob."

Judge Elliott's rulings may have generated some comment over the years, but not because he wasn't consistent in his insistence on the rule of law. We live in a day when truth is constantly undermined by "deconstruction"; the meaning of the word "is" is subject to redefinition; and so-called legal scholars advocate that the Constitution be stretched and "reinterpreted" to fit any transient political whim. We should be grateful for a principled man like Judge J. Robert Elliott whose lifetime of service reminds us that the Constitution and the law actually mean what they say.

Judge Elliott had been an elected politician before ascending to the bench and he knew the difference between being a legislator and a jurist. He understood that as a politician, his duty was to make laws, but as a judge, his job was to fairly apply the law, as written by the legislators, in his courtroom. This critical distinction has become obscured in recent years because too many judges have taken to legislating from the bench and, in the process, attempting to rewrite laws to suit their personal preferences.

Mr. Speaker, throughout his life, but especially during his four decades on the federal bench, Judge J. Robert Elliott has been a credit to his native state of Georgia, and the community of Columbus. His departure is our loss. My hope is that the President and the other body will refer to Judge Elliott's example as they consider future judicial appointments. My prayer is that all such future appointees will have Judge Elliott's reverence for our Constitution and the rule of the law and his personal characteristics of hard work, integrity. If they do, we will have judges who will be faithful to the call of ensuring justice for all, and will leave legislation to the elected representatives of the people.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE VANDERVEER/KNOX HOUSE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. HOLT. Mr. Speaker, I wish today in recognition of the historical importance of the Revolutionary War era Vanderveer/Knox House. Located on the Lamington Farm in Bedminster, the Vanderveer/Knox House played a significant role in shaping the outcome of the American Revolutionary War.

The town of Bedminster is one of the most important Revolutionary War sites in New Jersey. The town served as the military headquarters for General Knox during the war, where it was used as an artillery range, as well as a training ground for American officers prior to the establishment of West Point.

Recently, during the construction of The Hills housing community, nearly 30,000 Colonial artifacts were unearthed. These items included everything from belt buckles and artillery shells to glass bottles and ceramic pieces. The collection of artifacts will eventually be displayed at the township-owned Vanderveer/Knox House, which is presently being restored through the efforts of many dedicated volunteers.

I would like to take a moment to recognize three individuals whose dedication has played a significant role in preserving this piece of local history; they are Grania Allport, Nancy Buck Pine, and Bunny Price. Without their tireless efforts this project would not enjoy the broad public support that it has.

The house is a fine example of period architecture and construction. It is now being restored carefully and thoughtfully. It has been important in history and will be educationally important into the future.

Once again, I applaud the efforts of everyone involved in the preservation of this significant historical structure.

INTRODUCTION OF PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. CRENSHAW. Mr. Speaker, today I am introducing Project Exile: The Safe Streets and Neighborhoods Act, which passed the House overwhelmingly last year. In the last several years, many states, including Virginia, have dramatically reduced the level of gun crime in their communities by implementing programs that ensure mandatory prison time for criminals who use guns during the commission of a violent crime. This approach enforces the laws already on the books, and it ensures a minimum prison sentence of at least five years for convicted violators.

In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has decreased. This program is based upon the remarkably successful experience of the joint federal, state, and local effort in Richmond, Virginia, which witnessed an amazing 40% reduction in its homicide rate since their program's inception in 1997.

Following this model, Project Exile provides $100 million in federal resources over five years as an incentive for states to implement such programs. It will also defray the costs associated with tougher enforcement against gun-toting criminals. Project Exile encourages the enforcement of existing laws and helps communities mobilize to get the word out on the street that gun violence won't be tolerated. The Act provides funds for strengthening the state criminal justice system in a variety of ways, such as: hiring and training more judges, prosecutors, and probation officers; increasing prison capacity; and, creating public awareness campaigns regarding tougher prison sentences for criminals who use guns. Project Exile gives local prosecutors, law enforcement agencies, and the courts the flexibility and the resources needed to get gun-wielding criminals out of our neighborhoods and off our streets.

Mr. Speaker, I am hopeful this bill will move swiftly from our halls to the President's desk and become law. I urge my colleagues to support Project Exile: The Safe Streets and Neighborhoods Act.

TERRORIST INDIAN POLICE MURDER SIKHS, KASHMIRI RICKSHAW DRIVER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. BURTON of Indiana. Mr. Speaker, recently a Kashmiri rickshaw driver was killed by Sikh police officers. In retaliation, five Sikhs were killed, and later, a sixth Sikh was murdered at a peaceful protest rally. These killings are tragic, and I know every member of the U.S. House of Representatives condemns these murders.

I have recently met with representatives of several minority groups from within India who claim that these murders are part of the Indian government's deliberate strategy of setting minorities against each other for the purpose of keeping them within India and under the boot of Indian tyranny. According to these representatives, the Indian police have been recruiting members of the Black Cats, a notorious criminal terrorist gang in India, into the police force. They are apparently handing out these plum positions in the police force as a reward for the "good work" the Black Cats have done for the government. Tragically, this "good work" consists mainly of killing Sikhs and other minorities. It is these Black Cats, often dressed as police, who often carry out these minority-targeted murders.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has put out a press release condemning these murders. He points out that the killings serve no one's interest but that of the Indian government. "When these things happen, just as in Chithi Singhpora, you have to ask the question: Who benefits?," Dr. Aulakh said. According to him, "In all these cases, the answer is the same: the Indian government. Neither the Sikh Nation nor the Kashmiris benefit in any way from the murders of Sikhs or Kashmiris." He noted that there were some threats to destroy a Muslim mosque in retaliation for the murders. It is the Indian government that has a record of attacking, desecrating, and destroying Christian, Sikh, and Muslim religious places. Dr. Aulakh urged both communities to keep their cool and not to be sucked into the Indian government's strategy. "The Indian government has shown its disregard for basic human rights," said Dr. Aulakh.

Mr. Speaker, the hard-working American taxpayers should not be taxed to support this kind of a government. American principles of freedom require that we help these people. We should stop all aid to India until it stops repressing its minorities and we should put the Congress on record demanding a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in predominantly Christian Nagaland, and anywhere else where people seek their freedom from India. These actions will go a long way towards bringing freedom to the subcontinent. I urge this Congress and President Bush to act now in support of freedom.

Mr. Speaker, I submit the following press release from the Council of Khalistan's about this terrible incident; into the RECORD. I urge all my colleagues to read it carefully. It is very revealing about the true nature of Indian "democracy."

SIKHS CONDEMN KILLINGS IN KASHMIR, APPEAL TO BOTH COMMUNITIES TO EXERCISE RESTRAINT—DO NOT BECOME PART OF THE INDIAN GOVERNMENT'S DIVIDE AND RULE STRATEGY—INDIA SHOULD FREE KASHMIR AND KHALISTAN INSTEAD OF MURDERING PEOPLE

WASHINGTON, D.C., February 6. 2001—The Council of Khalistan today condemned this week's killings of five Sikhs and the murder of a Muslim scooter driver by Indian Sikh security force personnel in Kashmir. "These killings are reprehensible," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh Nation's struggle for independence. "Neither Sikhs nor Muslims nor any other people should be killed because of who they are," he said. "These killings only advance the Indian government's divide and rule strategy," he said. "I urge both the Sikh community and the Muslim community not to get worked up and commit more violence against each other," said Dr. Aulakh.

"When these things happen, just as in Chithi Singhpora, you have to ask the question: Who benefits?," Dr. Aulakh said. "In all these cases, the answer is the same: the Indian government. Neither the Sikh Nation nor the Kashmiris benefit in any way from the murders of Sikhs or Kashmiris."

Members of the violent Black Cats commandos have been recruited into the police due to their "good work"—killing Sikhs and other minorities. These Indian agents have infiltrated Sikh organizations and Muslim organizations. "They were the ones who threatened to destroy a mosque in retaliation for the killings," Dr. Aulakh noted. "No Sikh would ever destroy anyone's religious places. But the theocratic Hindu militant government of India has a record of doing so," he said. He noted that the BJP destroyed the Babri mosque and still plans to build a Hindu temple on the spot. A mosque in Kashmir was also destroyed. Hindu militants affiliated with the RSS, the parent organization of the ruling BJP, have burned Christian churches. The Indian government attacked the Golden Temple and 38 other Sikh Gurdwaras in Punjab in June 1984.

Tens of thousands of Sikh political prisoners are rotting in Indian jails without charge or trial. India is in gross violation of international law. The government of India has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1947, over 70,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits (the aboriginal people of the subcontinent), and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." Government-allied Hindu militants have murdered priests, and raped nuns. The Vishwa Hindu Parishad (VHP) described the rapists as "patriotic youth" and called the nuns "Nantinational elements." Hindu radicals, members of the Bajrang Dal, burned missionary Graham Stewart Staines and his two sons, ages 10 and 8, to death while they surrounded the victims and chanted "Victory to Hannuman," a Hindu god.

"India is not a democracy for Sikhs, Muslims, Christians, and other minorities," said Dr. Aulakh. The rights guaranteed in the Indian constitution are not enjoyed by non-Hindus, he said. "Congressman Rohrabacher was right when he said that for minorities 'India might as well be Nazi Germany." Police witnesses have confirmed that the police tortured and murdered the former Jathedar of the Akal Takht, Gurdev Singh Kaunke, and human-rights activist Jaswant Singh Khalra.

Sikhs ruled Punjab up to 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikhs would have "the glow of freedom" in Northwest India and the Sikhs took their share with India on that promise.

Sikhism was not even recognized in the Indian constitution as a separate religion, while Islam, Buddhism, Hinduism, etc. were recognized. Discrimination against the Sikh Nation took place in every sphere. After the Golden Temple attack, the Sikh Nation stepped up its struggle to achieve its God-given right to be free. On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution. The Sikh Nation demands freedom for its homeland, Khalistan.

"Democracies don't commit genocide," Dr. Aulakh said. "In a democracy, the right to self-determination is the sine qua non and India should allow a plebiscite in Kashmir and Punjab, Khalistan," he said. "Only freedom will bring peace and justice in South Asia."

THE DEATH OF J.J. JOHNSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. CONYERS. Mr. Speaker, today I pay tribute to the life and work of jazz great James "J.J." Johnson. A legendary trombone player, J.J. Johnson made an indelible mark on bebop jazz. He died on February 4th at the age of 77.

During his six decade career, Johnson played with some of the most influential musicians in jazz, including Benny Carter, Dizzy Gillepsie and, one of my personal favorites, Charlie Parker. Early in his career, he joined Benny Carter's big band and recorded his first professional work with it. Johnson revolutionized the playing of the trombone, ensuring its place in the world of jazz music. He was one of the first musicians to successfully integrate the trombone into the intricate rhythms and phrasing of bebop. In later years, he worked as a composer and arranger, and during the 1970s wrote scores for several television shows and feature films.

Jazz is a national treasure and true American art form. In turn, jazz musicians should be lauded for their many contributions to American culture. It is in that vein that I salute the life and work of one of the jazz greats, James "J.J." Johnson.

COMMEMORATING THE 25TH ANNIVERSARY OF THE ARMENIAN GENERAL BENEVOLENT UNION MANOOGIAN-DEMIRDJIAN SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. SHERMAN. Mr. Speaker, today I commemorate the 25th anniversary of the Armenian General Benevolent Union Manoogian-Demirdjian School in Canoga Park, CA.

On February 2, 1976, a concerned group of leaders from the Armenian General Benevolent Union, an international philanthropic organization headquartered in New York, established the Manoogian-Demirdjian private school in Van Nuys, CA with 19 students and 3 faculty members. I am pleased to inform you today that it now stands in Canoga Park, CA, with a student body of 958 and 104 faculty members.

Mr. Speaker, the Armenian General Benevolent Union Manoogian-Demirdjian School is now the largest Armenian School by population in North America. The high standards and academic achievements of the students have made it one of the most well-known private schools in southern California. I would like to mention that among this year's 60 Seniors, one received a perfect SAT score of 1600, one has been nominated to the Presidential Scholars Pool, and two others are National Merit Scholars.

Mr. Speaker, I hope you will join me in extending our congratulations to the AGBU Manoogian-Demirdjian School on it's Silver anniversary and wish them continued success in future endeavors.

CENTRAL NEW JERSEY RECOGNIZES FRANCO MINERVINI FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. HOLT. Mr. Speaker, I wish today in recognition of Franco Minervini for his dedication to the cause of social justice for Italian-Americans. I applaud the achievements he has made fighting prejudice as an active member of his community and a positive contributor to our society.

Throughout his distinguished career as an artist, educator, and business owner, Franco Minervini has been a tireless advocate for central New Jersey's Italian-American community. As a member and former State Chairman of the Commission for Social Justice, the anti-defamation arm of the Order Sons of Italy in America, Franco has made it his lifelong goal "to fight our society's relaxed attitude toward prejudice."

Franco's achievements have won him praise from such organizations as the Ocean Township's Italian American Association, the National Police Defense Foundation and the Order Sons of Italy in America.

In addition to being a champion for Italian-American issues, Mr. Minervini is a nationally renowned sculptor and proprietor of the Freehold based Dependable Machinery Company. Franco has served as the program coordinator of "Italy's Heroes of the Holocaust", "A Debt to Honor", and "Yours is a Precious Witness" exhibits shown at both Brookdale Community College and Rowan University.

Once again, I applaud the efforts of Franco Minervini and ask my colleagues to join me in recognizing his steadfast commitment to serving our community.

EFFECTIVE DATES FOR AWARDS TO VETERANS' SURVIVORS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce legislation which would permit the families of veterans who died as a result of a service-connected injury to collect benefits from the date of the veteran's death.

On August 27, 1984, L.H. Bailey died in the VA Medical Center in Honolulu of lung cancer. Mr. Bailey had served in the Vietnam theater and received the Vietnam Service medal. In 1993 the Secretary of Veterans Affairs determined that lung cancer was a medical condition related to Agent Orange exposure.

Following the announcement of the Secretary's determination, Mr. Bailey's widow filed for Dependency and Indemnity Compensation based on the Secretary's determination and was granted benefits from August 6, 1993, the date the VA received her claim. However, she received no benefits for the nearly nine years between Mr. Bailey's death and the date the VA determined that as a matter of law the lung cancer was caused by exposure to Agent Orange.

It is unfair to deny the families of veterans benefits due solely to a delay on the part of the VA to acknowledge that the veteran died as a result of his military service. Mr. Bailey and other veterans died as a result of their service to their country. Their families should not be punished because the VA was slow to recognize the cause of their death.

My bill corrects this unfairness. It requires the VA to grant the families Dependency and Indemnity Compensation awards from the date of the veteran's death, regardless of when the VA acknowledged the service-connection of the veterans death.

I urge my colleagues to join with me in cosponsoring this legislation.

ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. YOUNG of Alaska. Mr. Speaker, in 1992 the North Pacific Fisheries Management Council established, and the Secretary of Commerce by regulation began implementing, the western Alaska community development quota (CDQ) program. Over the past nine years, the CDQ program has made a valuable contribution to improving economic and social conditions in the small Alaska Native villages on the coast of the Bering Sea that participate in the program.

In 1994 a question was raised whether the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorized the Council to establish and the Secretary to implement the CDQ program. In response, in 1996 I sponsored a provision that the 104th Congress enacted as section 111 of the Sustainable Fisheries Act that amended the Magnuson-Stevens Act to explicitly authorize the CDQ program.

The provision—section 305(i)(1) of the Magnuson-Stevens Act—settled the authorization question; however, it does not provide guidance to the Secretary for implementing the CDQ program, nor does it authorize the state of Alaska to assist the Secretary to implement the program or establish the terms and conditions for the state's participation.

In addition, over the past nine years the business activities of the six groups that the eligible communities have organized to participate in the CDQ program have become increasingly sophisticated. Initially, each CDQ group simply contracted with an existing fishing company to harvest the share of the total allowable catch of Bering Sea pollock that the group was allocated. In exchange, the group received a royalty payment from the company, as well as employment opportunities for village residents and other local economic development benefits. However, today the CDQ groups are participating in all Bering Sea directed fisheries through substantial equity interests in established fishing companies. In addition, in 1998 when it enacted the American Fisheries Act the 105th Congress created a loan program—contained in section 211(e) of the American Fisheries Act—that encourages CDQ groups to make additional investments.

It is important that the implementation of the CDQ program reflect these new realities. For that reason, Congress needs to provide the Secretary, the CDQ groups, the fishing companies in which the CDQ groups own equity interests, and the state of Alaska clear guidance regarding how the CDQ program should be implemented.

Last October I introduced H.R. 5565 whose enactment would have amended section 305(i)(1) of the Magnuson-Stevens Act to provide that guidance. Unfortunately, there was not enough time for the U.S. House of Representatives to consider H.R. 5565 prior to the adjournment of the 106th Congress. For that reason, I today am reintroducing the legislation in the 107th Congress.

Mr. Speaker, this bill identifies that the objectives of the CDQ program are to provide eligible western Alaska communities the fair and equitable opportunity to participate in Bering Sea fisheries that Magnuson-Stevens Act National Standard 4 requires, and to assist eligible communities to achieve sustainable long-term diversified local economic development. The bill requires the Secretary to allocate to the CDQ program the same percentages of the total allowable catches and guideline harvest levels of Bering Sea directed fisheries that Congress through section 206 of the American Fisheries Act and the Secretary by regulation already have allocated to the program.

In 1998 Congress directed the National Academy of Sciences to study, and then to report to Congress regarding, the CDQ program. In 1999 the National Research Council delivered that report and, in part, recommended that the process through which the state of Alaska assists the Secretary in implementing the CDQ program should be clarified.

Pursuant to that recommendation, this legislation establishes a process for implementing the CDQ program. The bill I am introducing today establishes the terms and conditions for the state of Alaska's assistance to the Secretary in implementing the program. The bill also affords the CDQ groups an opportunity to decide among themselves the percentages of each Bering Sea directed fishing allowance that each group will harvest during a fishing year. If the CDQ groups cannot agree, the bill affords the groups an opportunity to jointly develop the criteria that the Secretary shall apply to allocate fishing opportunities among the groups (as well as for the state of Alaska to apply in developing its recommendations to the Secretary regarding the allocation of fishing opportunities).

On October 4, 2000 the General Counsel of the National Oceanic and Atmospheric Administration issued a legal opinion that concluded that the text of the definition of the term "CDQ project" in 50 CFR 679.2 is ambiguous regarding whether programs and activities of fishing companies in which CDQ groups own equity interests are "CDQ projects". For that reason, this bill defines the term "CDQ project" to clarify that a program or activity that is administered or initiated by a subsidiary, joint venture, partnership, or other entity in which a CDQ group owns an equity interest is not a "CDQ project" over which the Secretary may assert oversight authority if the program or activity is funded by the assets of the subsidiary, joint venture, partnership, or other entity, rather than by the assets of the CDQ group. The definition also clarifies that a program or activity that is administered or initiated by a CDQ group is not a "CDQ project" over which the Secretary may assert oversight authority if the program or activity is not funded by revenue that, during the duration of a community development plan, the group derives or accrues from harvesting the share of the percentage of the total allowable catch or guideline harvest level of a directed Bering Sea fishery that the Secretary authorized the group to harvest when he approved the group's plan.

Finally, Mr. Speaker, in response to my introduction of H.R. 5565, at its December 2000 meeting in Anchorage the North Pacific Fishery Management Council voted to organize a committee to review the Secretary and the state of Alaska's administration of the CDQ program and to identify needed changes. I am pleased that the Council did so, and I look forward to considering the committee's suggestions. However, the committee's work is not a substitute for action by Congress.

ORDER SONS OF ITALY IN AMERICA—MAN AND WOMAN OF THE YEAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. PALLONE. Mr. Speaker, I would like to draw my colleagues' attention to two individuals from New Jersey whose outstanding community service has earned them the title of "Man and Woman of the Year" and the seats of honor at the Order Sons of Italy in America dinner February 11 in Hazlet, New Jersey.

This year's Woman of the Year is Manalapan Mayor Mary Cozzolino, the youngest female Italian-American elected official in the State of New Jersey. In addition to the many official, civic and volunteer contributions she is making to the citizens of Manalapan, she is also Police Commissioner, overseeing the security in this still-expanding Monmouth County Community.

This year's Man of the Year is Franco Minervini, a nationally-renowned sculptor whose highly-acclaimed works of art frequently express his Italian-American heritage. Mr. Minervini not only being honored for his artistic achievements. As former commissioner of the Commission for Social Justice, he is being honored for his hard work on fighting and exposing discrimination against Italian Americans.

Almost all of us who serve in the House are fortunate to have Sons of Italy lodges in our district, so it is important that we be occasionally reminded of the tremendous services the Sons of Italy perform for our community and for health and education of our families. During the past 38 years, the Sons of Italy foundation has awarded over $25 million in scholarships to Italian-American students. The Sons of Italy also provide funding for medical research on genetic diseases, homes for orphans, victims of natural disasters, international issues, and law enforcement support projects.

So, I would like to congratulate the Sons of Italy for its many years of commitment to helping others and for the selection of Franco Minervini and Mary Cozzolino, two individuals who embody the ideals and the goals of this fine organization.

SIKHS, MUSLIMS MURDERED IN KASHMIR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2001

Mr. TOWNS. Mr. Speaker, I was disturbed when I read that more violence is taking place in Indian-controlled Kashmir. Some Sikh policemen murdered a Muslim rickshaw driver after he demanded that they pay their fare. In retaliation, five Sikhs were killed by a Muslim gunman. Then one more was killed while participating in a protest march. Now the Indian government has imposed a curfew in Jammu and Kashmir.

Recently, the Indian government has been recruiting members of the terrorist, vigilante commandos called the Black Cats into the police. This is apparently a reward for doing a good job of killing Sikhs and other minorities. The police who carried out the rickshaw murder are former Black Cats. It is an open secret that the former Black Cats have infiltrated Sikh and Kashmiri organizations for the purpose of setting them against each other.

As in the case of last March's massacre of 35 Sikhs at Chithi Singhpora, the relevant question that must be asked is who benefits? Mr. Speaker, neither the Sikhs nor the Muslims benefit from these killings. The only beneficiary is the theocratic, fundamentalist Hindu nationalist government of India and its divide-and-rule strategy. This looks like a clear effort to set the Sikhs and the Kashmiri freedom fighters against each other to keep both movements weak, divided, and unable to liberate their people. Sikhs have not usually been targets of the violence in Kashmir. These murders and the tragedy at Chithi Singhpora are the only recent incidents involving Sikhs. They are outside the usual pattern.

In addition, some of the participants in the protest threatened to harm a mosque. The Sikhs have not harmed any religious places, but the Indian government has a pattern of it. They invaded the Sikhs' holiest shrine, the Golden Temple, and 38 other Gurdwaras in 1984. The BJP destroyed the Babri mosque to put a Hindu temple where it sat. Since Christmas 1998, Christian churches and prayer halls have been attacked and burned. All of these acts have been carried out by the Indian government or by persons associated with the RSS, which is the parent organization of the BJP, the party that leads the coalition government. BJP officials have said that anyone living in India must either be a Hindu or be subservient to Hindus.

These murders have been condemned by the Kashmiri freedom fighters and by the Council of Khalistan, which leads the Sikh freedom movement. No organization has come forth to take responsibility for the killings, another parallel to the massacre at Chithi Singhpora.

Mr. Speaker, one doesn't have to look very hard to find the hand of the Indian government on these terrible killings. This appears to be part of the Indian government's pattern of terrorism and repression against Sikhs, Muslims, Christians, and other minorities. In that light, this Congress should cut off American aid to

India until the repression ends and human rights are restored and we should support a free and fair plebiscite to decide democratically the future of Khalistan, Kashmir, Nagalim, and all the countries seeking their freedom from India. That is how to let the glow of freedom shine all over South Asia.

Mr. Speaker, I would like to submit an article from Reuters News Service on the Kashmir murders into the RECORD.

[From the Reuters News Service, Feb. 5, 2001]

KASHMIR CAPITALS PUT UNDER CURFEW AFTER KILLINGS

JAMMU, INDIA, Feb. 4 (Reuters).—Indian authorities imposed curfews on the two capitals of troubled Jammu and Kashmir state on Sunday after gunmen shot dead six Sikhs and wounded five others.

Srinagar, the state's summer capital, was brought under a curfew from Sunday following the killing of the Sikhs in the city's Mahjoor Nagar area the day before.

Similar measures were announced in the winter capital Jammu. "An indefinite curfew has been imposed in Jammu city from Monday in view of the heightening tension following the killing of the Sikhs," Deputy Commissioner of Police R.K. Goel said.

He said the curfew was imposed after Sikh groups had called for a general strike on Monday. A group of Sikhs threw stones at shops and cars and blocked traffic in Jammu on Sunday to protest against the killings.

A police official said in Srinagar that security had been tightened in Sikh areas of Kashmir, the only Indian state with a Muslim majority.

Separatist rebellion broke out in the Himalayan region in 1990, among Islamic groups seeking either independence or union with neighbouring Pakistan.

Authorities say more than 30,000 people have died in the conflict since.

The Sikh minority, who make up 300,000 of the state's eight million people, have usually been spared violence, which pits Islamic rebels against government forces, Hindus and pro-Indian Muslims.

No group claimed responsibility for Saturday's gun attack on the group of Sikhs. Last March, 35 Sikhs were shot dead by unidentified gunmen as U.S.. President Bill Clinton visited India.

KASHMIRI SEPARATISTS CONDEMN KILLINGS

Several Kashmiri separatist groups expressed grief over the latest killings and said they were aimed at harming their struggle for freedom from Indian rule.

"We appeal to the Kashmiri Sikhs not to leave the (Kashmir) Valley and foil the designs of those who want to malign our freedom struggle," Abdul Majid Dar, chief commander of the guerrilla group Hizbul Mujahideen, said in a statement. Kashmir's main separatist alliance, All Parties Hurriyat (Freedom) Conference, condemned the killings, a spokesman of the alliance said.

The attack on Sikhs came a day after Indian Prime Minister Atal Behari Vajpayee and Pakistan's General Pervez Musharraf held their first talks in more than a year, prompted by the devastating earthquake in Western India.

In New Delhi, Bangaru Laxman, president of the ruling Bharatiya Janata Party, said the killings were a desperate attempt by militant groups to sabotage Vajpayee's peace initiative.

India recently extended a unilateral ceasefire which began last November 28 in Kashmir. Most militant Muslim groups rejected it and vowed to press on with their fight.

"The terrorist organisations must understand that the Indian government has the necessary will and the capabilities to completely crush the evil designs of the terrorist," Laxman said.

"Therefore, the government's peace initiatives need not be misunderstood as government's weakness."

Vajpayee is sending a three-member team to Srinagar on Monday to investigate the incident.

SENATE—*Monday, February 12, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. on Tuesday, February 13, 2001.

Thereupon, the Senate, at 10 o'clock and 13 seconds a.m., adjourned until Tuesday, February 13, 2001, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, February 12, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SHAYS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 12, 2001.

I hereby appoint the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, today this Nation honors one of its great Presidents, Abraham Lincoln. His was a time of great civil strife. His words tried to heal a torn Nation ripped apart by war and the fact that "one-eighth of the whole population were colored slaves."

Again today we pray with Lincoln's sentiments for greater civility and equal justice for all.

He reminds us: "The judgments of the Lord are true and righteous altogether. So with malice toward none, with charity for all, with firmness in the right as You, O God, give us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for those who shall have borne the battle and for widows and orphans, to do all that we can to achieve and cherish a just and lasting peace among ourselves and with all nations."

We pray this now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the House in the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 14. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate has passed a bill and concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 235. An act to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. Con. Res. 6. Concurrent resolution expressing sympathy for the victims of the devastating earthquake that struck India on January 26, 2001, and support for ongoing aid efforts.

The message also announced that pursuant to Public Law 105-83, the Chair, on behalf of the Majority Leader, announces his appointment of the following Senators to serve as members of the National Council on the Arts—

the Senator from Ohio (Mr. DEWINE); and

the Senator from Alabama (Mr. SESSIONS).

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 13, 2001, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

745. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on assistance provided by the Department of Defense (DoD) to civilian sporting events in support of essential security and safety needs; to the Committee on Armed Services.

746. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Cost or Pricing Data Threshold [DFARS Case 2000-D026] received January 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

747. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations [DFARS Case 2000-D019] received January 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

748. A letter from the Senior Banking Counsel, Office of General Counsel, Department of the Treasury, transmitting the Department's final rule—Financial Subsidiaries (RIN: 1505-AA77) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

749. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Community Development Revolving Loan Program for Credit Unions—received January 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

750. A letter from the Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—National Medical Support Notice: Delay of Effective Date (RIN: 1210-AA72) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

751. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revisions to the Requirements Applicable to Blood, Blood Components, and Source Plasma; Confirmation in Part and Technical Amendment [Docket No. 98N-0673] received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

752. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-2336] received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

753. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—New Animal Drugs for Use in Animal Feeds; Decoquinate, Monensin, and Tylosin—received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

754. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland;

Reasonably Available Control Technology for Oxides of Nitrogen [MD106-3063; FRL-6922-7] received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

755. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to New Source Review [DE043-1030a; FRL-6941-3] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

756. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York 15 and 9 Percent Rate of Progress Plans, Phase I Ozone Implementation Plan [Region 2 Docket No. NY47-218, FRL-6940-1] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

757. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Program Grants-State, Interstate, and Local Government Agencies: Delay of Effective Date [FRL-6942-7] (RIN: 2030-AA55) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

758. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements: Delay of Effective Date [FRL-6942-8] (RIN: 2060-AG22) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

759. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Program Grants for Tribes, Final Rule: Delay of Effective Date [FRL-6943-5] (RIN: 2030-AA56) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

760. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances; Delay of Effective Date [OPPTS-50638A; FRL-6769-7] (RIN: 2070-AB27) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

761. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program [RI-01-043-6991a; A-1-FRL-6943-3] received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

762. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Source Review Regulations [MD107-3062; FRL-6922-8] received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

763. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions to Visible Emissions Requirements COMAR 26.11.06.02 [MD105-3054; FRL-6916-6] received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

764. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Susquehanna and Hallstead, Pennsylvania) [MM Docket No. 00-15; RM-9804] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

765. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Richmond, Virginia) [MM Docket No. 00-97; RM-9865] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

766. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Florence and Comobabi, Arizona) [MM Docket No. 00-107; RM-9891] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

767. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lewistown, Montana) [MM Docket No. 00-150; RM-9944] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

768. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Strattanville and Farmington Township, Pennsylvania) [MM Docket No. 99-58; RM-9461; RM-9611] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

769. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Indian Wells and Indio, California) [MM Docket No. 98-29; RM-9190; RM-9275] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

770. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Regulatory Issue Summary 2001-02 Guidance On Risk-Informed Decision-Making In License Amendment Reviews—received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

771. A letter from the Acting Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of Presidential Announcement of January 10, 2001: Revisions to License Exception CTP [Docket No. 010112014-1014-01] (RIN: 0694-AC41) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

772. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's Federal Activities Inventory Reform Act Inventory and annual report; to the Committee on Government Reform.

773. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Mountain Plover (RIN: 1018-AF35) received January 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

774. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Pelagic Shark Species [I.D. 121200G] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

775. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Marine Aquaculture Initiative: Request for Proposals FY-2001 [Docket No. 000309067-0365-02] (RIN: 0648-ZA82) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

776. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Revise Certain Provisions of the American Fisheries Act [Docket No. 010111009-1009-01; I.D. 122600A] (RIN: 0648-AO72) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

777. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2001 [I.D. 122200B] received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

778. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska [Docket No. 010112013-1013-01; I.D. 011101B] (RIN: 0648-AO82) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

779. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Revision to Federal Blood Alcohol Concentration (BAC) Standard for Recreational Vessel Operators [USCG-1998-4593] (RIN: 2115-AF72) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

780. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regattas and Marine Parades [CGD 95-054] (RIN: 2115-

AF17) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

781. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Norfolk, Virginia [CGD05–98–090] (RIN: 2115–AE47) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

782. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Wrangell Narrows, Petersburg, AK [COTP Southeast Alaska; 01–001] (RIN: 2115–AA97) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Legal Description of V–66 in the Vicinity of Dallas/Fort Worth; TX [Airspace Docket No. 00–ASW–6] (RIN: 2120–AA66) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Colored Federal Airways; AK [Airspace Docket No. 00–AAL–16] (RIN: 2120–AA66) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gulkana, AK [Airspace Docket No. 00–AAL–5] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Willits, CA [Airspace Docket No. 00–AWP–8] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E5 Airspace; Meridian, MS [Airspace Docket No. 00–ASO–44] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA [Airspace Docket No. 00–ACE–26] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Fayetteville, AR [Airspace Docket No. 2000–ASW–17] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Walnut Ridge, AR [Airspace Docket No. 2000–ASW–14] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Tulsa, OK [Airspace Docket No. 2000–ASW–15] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bloomfield, IA [Airspace Docket No. 00–ACE–32] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Washington, MO [Airspace Docket No. 00–ACE–24] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Albia, IA [Airspace Docket No. 00–ACE–33] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amend Legal Description of Jet Route J–501 [Airspace Docket No. 00–ANM–20] (RIN: 2120–AA66) received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Iliamna, AK [Airspace Docket No. 00–AAL–17] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Wainwright, AK [Airspace Docket No. 00–AAL–6] received January 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–194–AD; Amendment 39–12065; AD 2000–26–15] (RIN: 2120–AA64) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–300 Series Airplanes [Docket No. 2000–NM–349–AD; Amendment 39–12063; AD 2000–26–13] (RIN: 2120–AA64) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsburg, KS [Airspace Docket No. 00–ACE–28] received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

801. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket OST–99–6578] (RIN: 2105–AAC49) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

802. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations and the International Maritime Dangerous Goods Code [Docket No. RSPA–2000–7702 (HM–215D)] (RIN: 2137–AD41) received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

803. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMV's [Docket Nos. FMCSA–97–2858 and 99–5710 (formerly FHWA–97–2858 and 99–5710)] (RINs: 2126–AA51 and 2126–AA44 [formerly RINs 2125–AE22 and 2125–AE60]) received January 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

804. A letter from the Program Analyst, FAA, Department of Transportion, transmitting the Department's final rule—Establishment of Class E Airspace; Indian Mountain, AK [Airspace Docket No. 00–AAL–15] received January 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

805. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 001027299–0299–01] (RIN: 0648–ZA95) received January 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

806. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance to federally recognized Indian tribal governments about their Federal Unemployment Tax Act obligations for 2000—received January 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

807. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 2001–3] received January 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

808. A letter from the Chairman, International Trade Commission, transmitting notification that the Commission has transmitted to the President the confidential version of its report on Investigation No. TA–204–3, Lamb Meat:-Monitoring Developments in the Domestic Industry; to the Committee on Ways and Means.

809. A letter from the Secretaries, Department of the Army and the Department of Agriculture, transmitting a report on a Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands; jointly to the

Committees on Agriculture and Transportation and Infrastructure.

810. A letter from the Secretary and Attorney General, Department of Health and Human Services and the Department of Justice, transmitting a report entitled, "Health Care Fraud and Abuse Control Program Annual Report For FY 2000"; jointly to the Committees on Energy and Commerce and Ways and Means.

811. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Social Health Maintenance Organizations: Transition into MedicareChoice"; jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Mr. CLEMENT):

H.R. 554. A bill to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Ms. BALDWIN, Mr. BONIOR, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. THOMAS M. DAVIS of Virginia, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. FRANK, Mr. FROST, Mr. GILMAN, Mr. HILLIARD, Mr. HORN, Mrs. KELLY, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. PAYNE, Ms. PELOSI, Mr. PALLONE, Mr. SANDERS, Mr. TOWNS, Mr. WEXLER, and Mr. WHITFIELD):

H.R. 555. A bill to provide for greater access to child care services for Federal employees; to the Committee on Government Reform.

By Mr. LEACH:

H.R. 556. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATT of North Carolina):

H.R. 557. A bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves; to the Committee on Financial Services.

By Mr. TOOMEY (for himself and Mr. HOLDEN):

H.R. 558. A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII,

3. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 435 memorializing the President of the United States of America and the United States Congress to fund an objective, non-partisan Citizens' Education Program for the Political Status Plebiscite to be conducted on behalf of the indigenous people of Guam; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BLUNT, Mr. WALDEN of Oregon, Mr. WELDON of Pennsylvania, Mr. REYNOLDS, Mr. BACHUS, Mr. KELLER, Mrs. JO ANN DAVIS of Virginia, Mr. HOLT, Mr. TANCREDO, Mr. SHOWS, Mrs. NORTHUP, Mr. BURR of North Carolina, Mr. WELLER, Mrs. ROUKEMA, Mr. GARY MILLER of California, Mr. HILLEARY, Mr. BAKER, Mr. ADERHOLT, and Mr. BOEHLERT.

H.R. 147: Mr. UDALL of Colorado, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. KUCINICH, and Mr. FATTAH.

H.R. 237: Mr. DAVIS of Illinois.

H.R. 244: Mr. PICKERING, Mr. DICKS, Mr. RANGEL, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Mr. CLAY, Mr. TAYLOR of Mississippi, and Mr. MCINTYRE.

H.R. 267: Mr. FATTAH, Mr. GORDON, and Mr. ISAKSON.

H.R. 270: Mr. TOWNS, Mr. LANTOS, Mr. RANGEL, and Mr. STARK.

H.R. 320: Mr. ENGLISH and Mr. BERMAN.

H.R. 333: Mr. ISSA, Mr. CROWLEY, and Mr. GORDON.

H.R. 337: Mr. JONES of North Carolina, Mr. COOKSEY, Ms. DELAURO, Mr. FROST, Mr. LEACH, Mr. SCHAFFER, Mr. ENGLISH, Mr. MCHUGH, Mr. BISHOP, and Mr. ROSS.

H.R. 338: Mr. JONES of North Carolina, Mr. COOKSEY, Ms. DELAURO, Mr. FROST, Mr. SCHAFFER, Mr. ENGLISH, Mr. MCHUGH, Mr. BISHOP, and Mr. ROSS.

H.R. 429: Ms. MCCARTHY of Missouri and Mr. OWENS.

H.R. 482: Mr. LARGENT.

H. Con. Res. 4: Mrs. CHRISTENSEN and Mr. UDALL of Colorado.

EXTENSIONS OF REMARKS

FORT LEONARD WOOD WINS NATIONAL COMMUNITY RELATIONS AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the "Marching Across Missouri" community relations initiative at Fort Leonard Wood. On January 31, 2001, at a ceremony held in Washington, D.C., this outstanding program was recognized as one of the Army's top community relations efforts.

Maj. Gen. Larry D. Gottardi, Chief of Public Affairs, presented this award at the Army's Worldwide Public Affairs Symposium. The "Marching Across Missouri" initiative exceeded the Army's community relations objectives. Those objectives are: to increase public awareness of the Army, inspire patriotism, foster good relations with the various publics, maintain the Army's reputation and support recruiting. Community relations officers at Fort Leonard Wood showed great skill in achieving these objectives.

Mr. Speaker, community relations are vital to the U.S. Armed Services. The superb actions taken by the men and women who serve at Fort Leonard Wood, under the direction of Commanding General Andrew Aadland, promote good relations with civilian communities in Missouri. I know the Members of the House will join me in extending congratulations to the service people at Ft. Leonard Wood.

INTRODUCTION OF A BILL DIRECTING THE SECRETARY OF THE INTERIOR TO STUDY THE FEASIBILITY OF INCLUDING CERTAIN LANDS ALONG THE SOUTHEASTERN COAST OF MAUI, HAWAII, IN THE NATIONAL PARK SYSTEM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to direct the Secretary of the Interior to study the feasibility of including a six-mile area of the island of Maui's southeastern shoreline from Keone'ō'io and KanaloaPoint in the National Park System.

The area, which surrounds La Perouse (Keone'ō'io) Bay, is rich in archaeological, cultural, historical, and natural resources. Important sites in the proposed park area contain remnants of dwellings, heiau (places of worship), fishing shrines, platforms, enclosures, shelters, walls, graves, and canoe hale (houses) that date back as early as 1100 A.D. This portion of the southeast coast is also the home of unique native plants and animals, some of which are endangered.

The County of Maui passed Resolution 00–136 on October 6, 2000, expressing its support for having this area designated as a National Park. The proposal has also been endorsed by the Maui County Cultural Resources Commission of the Department of Planning.

While the State of Hawaii has expressed interest in managing and protecting these important resources, they have been unable to do so due to lack of funds. Operators of four-wheel drive vehicles are unknowingly destroying valuable resources at this site due to lack of supervision, signage, and cultural interpretation materials. This is a site of national significance, which deserves the level of protection only the National Park Service can provide.

A grassroots community effort led by Mary M. Evanson of Makawao, Maui, has gained broad support on the island. Designation of this fragile area as a national park fits with the National Park Service's mission of preserving natural and cultural treasures for the enjoyment, education, and inspiration of future generations.

TRIBUTE TO THE SABATHANI COMMUNITY CENTER OF MINNEAPOLIS, MN, IN CELEBRATION OF BLACK HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. SABO. Mr. Speaker, as we celebrate the history and heritage of African-Americans this month, I wish to take the opportunity to recognize a very special organization in Minneapolis, MN, which has provided invaluable services to the African-American community for over three decades: Sabathani Community Center.

Founded in 1966, Sabathani Community Center is one of many grassroots organizations that sprang up in communities across the country in the wake of President Lyndon Baines Johnson's "Great Society" initiative. Focusing first on providing recreational opportunities to African-American youth at the old Minneapolis Bryand Junior High School on 38th Street and 3rd Avenue South, Sabathani's founders soon expanded their "basic needs" mission to address a number of other social and community needs.

At the time Sabathani was created, I was a member of the minority DFL caucus in the Minnesota House of Representatives. It was an era of great expansion of rights and opportunities for people of color, women, and working-class Americans throughout our Nation. Since the 1960's, much has changed in the south Minneapolis neighborhoods Sabathani serves. The center was one of dozens of grassroots organizations founded then. Today, few of these have survived, but Sabathani is thriving because it has grown and changed with the community and its needs.

Sabathani continues to flourish as the "heart" of a community. The center provides a fine service model where good intentions, sound administration, positive government involvement, and solid community support intersect to provide the opportunities that hundreds of people—of every race, gender, and nationality—need to improve their lives. In fact, several programs and services Sabathani provides have been credited as many people's "lifeblood."

Sabathani Community Center has evolved into a meeting place for "one-stop-shopping"—providing beneficial programs and services in one central location. Sabathani sponsors 10 programs of its own to serve the diverse needs of the community, ranging from life skills classes to senior independent living programs to community involvement initiatives. In addition, 40 community agencies and organizations collaborate with Sabathani and conduct their operations in its historic, red brick school building. The center has also received financial support from over 100 foundations, corporations, businesses and other organizations.

Mr. Speaker, as we celebrate African-American History Month, I salute the Sabathani Community Center.

For 34 years, it has served proudly and well to the benefit of the African-American community and the city of Minneapolis as a whole. I also salute all of the dedicated staff and volunteers at Sabathani whose time, energy, and support have kept the center responsive to the changing needs of its surrounding neighborhoods. To name only a few such dedicated people who have worked for years to build Sabathani Community Center and the surrounding neighborhood, I wish to recognize Sabathani's Executive Director, Jim Cook; its Family Resources Director, Clarissa Walker; and Dorothy Woolfork, a Sabathani neighborhood civil rights activist. They deserve great thanks. They have contributed to the unqualified success of Sabathani Community Center as a gathering place where unmet needs are addressed and social change is encouraged.

CHILD CARE AFFORDABILITY FOR FEDERAL EMPLOYEES ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Child Care Affordability for Federal Employees Act. This bill enables federal agencies to use their salary and expense accounts to help low-income federal employees pay for child care. Balancing work and family has become increasingly difficult for families, and federal employees are no exception.

My legislation will provide opportunities for federal agencies to help offer quality child care for their employees' children by allowing federal agencies to use their salary and expense accounts to help executive employees pay for child care. In each of the 2 years, this legislation has been included in the Treasury, Postal Service and General Government Appropriations Bill. It is my hope that we can now make this much needed service for our federal employees permanent. Evidence has already begun to mount about the success of the program and OPM will be coming out with a report in March which will further elaborate on its usefulness for federal agencies.

The Child Care Affordability for Federal Employees Act, developed with the help of OPM, would allow agencies to pay a portion of the providers' operating costs, thus enabling the centers to reduce the fees charged to lower income federal employees. It would be up to individual agencies to determine whether or not to use funds from their salary and expense accounts to help provide child care. Agencies—not employees—would make payments to child care providers to help lower income federal employees pay for their child care.

One of the greatest challenges families face is finding safe, affordable day care. Having raised nine children and now watching them struggle with their own child care dilemmas, I am well acquainted with the problems associated with finding quality day care. America's lack of safe, affordable day care is not a new problem, but its consequences are becoming more dire, and it does require new, innovative solutions. In 1995, 62 percent of women with children younger than 6 and 77 percent of women with children between the ages of 6 and 17 were in the labor force.

Approximately one-quarter of all federal workers have children under the age of 6 needing care at some time during the work day. In some federal child care facilities, families are charged up to $10,000 or more per child per year. Many federal employees simply cannot afford quality child care. By allowing agencies the flexibility to help workers meet their child care needs, we will be encouraging family-friendly workplaces and higher productivity. It is clear that we need more child care, we need affordable child care, and we need quality child care. And unless child care becomes a priority in the private sector and the public sector, families, including those of federal employees, aren't going to find it.

Mr. Speaker, as a nation, we must and we can do better for our children, and this legislation, making federal services permanent, is an important first step.

A PROCLAMATION RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF GENE AND EILEEN DOSSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

> Whereas, Gene and Eileen Dosson were united in marriage on February 24th, 1951, and will be celebrating their 50th year as man and wife;
>
> Whereas, Gene and Eileen declared their love before God, family and friends;
>
> Whereas, Gene and Eileen have had 50 years of sharing, loving and working together;
>
> Whereas, Gene and Eileen may be blessed with all the happiness and love that two can share and may their love grow with each passing year;
>
> Whereas, Mr. Speaker, I am pleased to congratulate Gene and Eileen on their 50th anniversary. I ask that my colleagues join me in wishing Gene and Eileen Dosson many more years of happiness together.

MICHAEL J. NADON: A TRIBUTE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a truly great American, Michael Nadon, whom the Lord claimed for eternal life earlier this month.

Michael J. Nadon, a certificated aircraft dispatcher and a decorated veteran of the conflict in Viet Nam, passed away unexpectedly on February 3rd, 2001.

Winner of the Bronze Star and recipient of three Purple Hearts, Mike displayed quiet courage in the face of all of life's challenges. On January 13th, 1967, as a member of the First Infantry Division, severely wounded, he refused medical treatment and continued to assist others while under heavy fire. Certainly, some of this courage and character came from his father, Joe, a World War II fighter pilot.

As a charter member and past president of the Airline Dispatchers Federation (ADF), Mike was instrumental in changing regulations to improve aviation safety in the National Airspace System. Thanks to Mike, the safest form of mass transportation in the world is safer still. His contributions were numerous, his spirit was unbroken, his intellect was great and his heart was huge. Mike Nadon will be missed by his family, by his friends, and by his country.

TRIBUTE TO JOSEPH N. KREMONAS

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. KELLER. Mr. Speaker, today I would like to honor one of my constituents, Joseph N. Kremonas. After over 45 years of dedicated service in the United States Defense Industry, Mr. Joseph N. Kremonas has recently retired from the Lockheed Martin Corporation. Mr. Kremonas has served the United States defense community by leading in the development of numerous systems for the United States Department of Defense to support our nation's warfighter.

Several professional associations have benefited from his membership such as the Association of the Army, The American Defense Preparedness Association, National Security Industrial Association and the National Aeronautic Association.

Mr. Speaker, I urge my fellow Members of Congress to join me in expressing thanks to Mr. Kremonas for his service.

TRIBUTE TO ASSEMBLYWOMAN GLORIA DAVIS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute and to wish a very happy birthday to Assemblywoman Gloria Davis, an outstanding individual who has devoted here life to her family and to serving the community. Ms. Davis turned 63 on Friday, February 9 and celebrated at a party given by her family and friends.

Mr. Speaker, Assemblywoman Davis has represented the 79th Assembly District of Bronx County, which includes the neighborhoods of Morrisania, Claremont, Crotona-Mapes, Longwood, Charlotte Gardens, Concourse village, and Belmont, since 1980. Prior to her election, she served six years as district leader. She is a vibrant, dynamic, caring woman who has dedicated the past twenty years to the improvement of conditions for families and children. She was a co-founder of the City-Wide Parents for Day Care, and national coordinator for the National Welfare Rights Organization, and has served as a member of the steering committee of the Women's State Democratic Committee. Active in the revitalization of her district, Ms. Davis has been instrumental in securing funds for the redevelopment of the Boston Road corridor, fighting to have an Educational Opportunity Center (EOC) built and continuously supported in the district, insisting that Settlement Houses continues to have a mission today, and challenging the community to recognize their dependence upon each other.

Her seniority and dedication to coalition building were recognized when former Speaker Saul Weprin appointed her Assistant Majority Whip in January 1993. She was appointed

Chair of the Assembly's Majority Conference in January 1995. Current Speaker Sheldon Silver has come to rely on her to insure productive discussion and in January 2001 she was appointed Majority Whip. Further, she was recently appointed Co-Chair of the Assembly's Tri-State Planning Committee and heads the Bronx Delegation. In 1991, Assemblywoman Davis became the first woman elected to serve as chair of the New York State Black and Puerto Rican Legislative Caucus. Two years later, she was elected as chairperson of the New York State Association of Black and Puerto Rican Legislators, Inc.

Gloria Davis was born on February 9, 1938, in the Bronx and was raised in Gainsville, Florida. She returned to the Bronx as a young adult and attended Bronx Community College and Fordham University. She was previously employed by the Comptroller's Office of the City of New York, the Department of Transportation and was a Confidential Aide to a Bronx Supreme Court Judge.

Mr. Speaker, Gloria Davis is the mother of five, the grandmother of eleven, and she is a great grandmother as well.

Mr. Speaker, I ask my colleague to join me in wishing a happy 63rd birthday to Assemblywoman Gloria Davis and in congratulating her in her recent appointment as Majority Whip of the New York State Assembly.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 13, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the structure of ICANN, the organization in charge of creating and distributing Internet domain names, and the effort underway to expand available domain names.
SR–253

10 a.m.
Judiciary
To hold hearings to examine the impact of recent pardons granted by President Clinton.
SD–226

Finance
To hold hearings to examine education tax and saving incentives.
SD–215

2 p.m.
Appropriations
Transportation Subcommittee
To hold oversight hearings on the Department of Transportation's management challenges.
SD–124

2:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 143, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission.
SD–538

FEBRUARY 15

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on President Bush's education proposals.
SD–430

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

Budget
To hold hearings on Medicare reform and prescription drugs.
SD–608

SENATE—*Tuesday, February 13, 2001*

The Senate met at 9:32 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, before us is a brand new day filled with opportunities to live out our calling as servant leaders. We trust You to guide us so that all that we do and say today will be for Your glory.

Since we will pass through this day only once, if there is any kindness we can express, any affirmation we can communicate, any help we can give, free us to do it today. Help us to be sensitive to what is happening to people around us. May we take no one for granted, but instead, be communicators of Your love and encouragement.

We express gratitude for all the people who make this Senate function effectively. Especially today, we thank You for the caring, servant leadership exemplified by Loretta Symms who has just retired as Deputy Sergeant at Arms. We praise You for her commitment to excellence, her 22 years service to the Senate, and her friendship to Senators and staff alike. Bless her as she moves on to the next phase of Your strategy for her life.

Now, Lord, You have richly blessed this Senate so that You may bless this Nation through its inspired leadership. In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. At 12:30, the Senate will recess for the weekly party conferences. When the Senate reconvenes at 2:15 p.m., there will be an additional period for morning business. This afternoon the Senate may begin consideration of any executive or legislative items available for action. Senators will be notified as votes are scheduled for the week.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m.

Under the previous order, the time until 11 a.m. shall be under the control of the Democratic leader or his designee.

Mr. NICKLES. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. CLINTON. I yield myself 15 minutes of the time controlled by the Democrats.

HEALTH INSURANCE

Mrs. CLINTON. Mr. President, yesterday I was in Rome and Watertown, NY, to speak with members of the Rotary Clubs and chambers of commerce about the upstate New York economy and how we can work together to promote investment and job creation in these communities. I will carry their concerns about the economy to the Budget Committee on which I am pleased to serve and where we are fashioning the framework for the next Federal budget.

We are hearing about surplus projections and words of caution, about how much faith to place in them. We are hearing about President Bush's tax cut plans and words of caution from colleagues who voted for big tax cuts in the early 1980s, cuts which helped contribute to the ruinous deficits and high interest rates that hobbles our Nation's capacity to create jobs, invest in people, and pay down our national debt. The budget resolution we create sets the stage for how much we can invest in health care, schools, and the other pressing needs of families throughout our country. Later this week, I will return to the floor to talk about the budget in greater detail.

Today I would like to discuss a topic that transcends party, geography, and ideology. It is an issue that is important to the people in Rome and Watertown, Rochester and Brooklyn, and everywhere I have been in recent weeks. It will be foremost in my mind as the outlines of the 2002 budget take shape; that is, improving access to quality, affordable health care for New Yorkers, for all Americans, and especially for our children.

In this session of Congress, we will need to focus on many aspects of health care, medical privacy, Medicaid funding, genetic discrimination, providing prescription drug coverage for our seniors, and long-term care for our families, among others. Today I will talk about the importance of insuring more Americans, particularly our children, and protecting the rights of those who are insured.

In all corners of New York, I have met countless people who have told me powerful stories of the cruel inequities of our health care system. Last August, at the Dutchess County Fair, a single mother told me how hard it was to keep her family afloat because her medical bills totaled more than $30,000. She was worried she would become impoverished and forced to go on welfare.

In Massena, an uninsured woman suffering from cancer told me how much trouble she had finding a doctor who would treat her for free. In the MonteFiore Children's Emergency Room in the Bronx, I saw children who had come there for asthma treatments because they had no health coverage and, therefore, no doctor of their own. From Buffalo to Bay Shore, the people of New York have urged me to go to the Senate to fight for better health care.

Many of my colleagues will remember when I came to Capitol Hill 7 years ago with an idea or two about how to improve health care in our country. At that time, I was privileged to work with the Acting President pro tempore's father, who served not only Rhode Island, but our entire country so well for so many years. We were not successful then, but I learned some valuable lessons about the legislative process, the importance of bipartisan cooperation, and the wisdom of taking small steps to get a big job done.

The Clinton-Gore administration took such steps, and with the help of both Democrats and Republicans we made progress: the Kassebaum-Kennedy Health Insurance Portability and Protection Act, the Family and Medical Leave Act, the Children's Health Insurance Program, the help we gave to young people leaving the foster care system under the Chafee bill—to give them eligibility for Medicaid health coverage through their 21st birthday, ending drive-by deliveries, mental health parity, helping to prevent breast cancer by waiving cost sharing for mammography services in the Medicare program—and providing annual screening for beneficiaries age 40 and older, advances in federally funded medical research, and the human genome project.

Even with such progress, however, there are still 40 million Americans who are uninsured. Adults with health insurance are three times more likely to receive care when they need it. People with no health insurance are 50 to 70 percent more likely to be hospitalized for routine illnesses such as pneumonia. Children with no health insurance are twice as likely to be hospitalized for illnesses such as asthma and ear infections. Americans without health insurance are 4 times more likely to seek care in emergency rooms.

It has only been 3 months since my election and 6 weeks since I was sworn in, but already I have received hundreds of letters from New Yorkers urging me to help them, their families, and their neighbors get the care and coverage they need. One such letter is from Kevin Pispisa, a Boy Scout from Troop 207 in North Babylon, whose parents are nurses. Kevin wrote to me:

> It seems that the poor working class do not have the means to receive adequate health care. Some of them cannot afford to go to the doctor or pay for medication that they need.

Elsie Doetsch from Binghampton wrote to tell me about her friends who are dairy farmers. She is concerned about them because, as she writes in her letter to me:

> They work every day to help put the food we eat and enjoy on our tables, yet cannot afford the "luxury" of health insurance, which I feel is a necessity for anyone in their hazardous occupation.

These letters serve as an important reminder to us all as we think about President Bush's tax cut plans and as we deliberate over the shape of our new budget. We must not forget to invest in the people we represent. We must help them find affordable quality health care. Health insurance should not be a luxury; it should be a fact of life for Americans everywhere.

Let me be specific. We should expand the Children's Health Insurance Program. If we change the poverty threshold to include children and families with annual incomes up to 300 percent of the national poverty level and extend the program to parents of eligible children, we can provide health care to more than 5 million parents and nearly 2 million more children. Merely expanding CHIP, however, is not enough. We need to do more to encourage the enrollment of the 7 million children who are eligible for CHIP, or Medicaid.

I am very pleased that in New York, CHIP outreach efforts include radio PSAs in a number of languages, from Greek to Russian to Albanian to Creole to Chinese. We should provide a financial bonus to States that meet CHIP enrollment targets and reduce the CHIP-enhanced matching rate for States that fail to do so.

There are other creative ideas to provide greater access to health care for all Americans. As we consider them, I believe we should adhere to certain principles. First, we must develop policies that cover more uninsured Americans without encouraging businesses to drop or reduce their employees' health benefits. Second, we should make improvements to our health care system without setting up burdensome new Federal or State bureaucracies. Third, we should not penalize States such as New York that have been leaders in expanding coverage. Fourth, we should encourage flexibility for States to expand coverage while enacting strong accountability provisions so that taxpayer dollars are effectively invested.

As we work to expand health care coverage, we must also work to improve the quality of coverage. That is why it is past time to pass a meaningful Patients' Bill of Rights, and I am very pleased to be a cosponsor of the McCain-Edwards-Kennedy Patient Protection Act of 2001.

President Bush recently set out his principles for a Patients' Bill of Rights, and this legislation meets every one of them with only one exception: The President wants to preempt State laws that allow people to seek relief in State courts when they are injured by bad HMO decisions. That objection should not stand in the way of progress. I believe President Bush can transform the rhetoric of leadership into the reality of accomplishment by embracing this bipartisan patient protection act. Across this aisle and across our country, Democrats and Republicans are joined together in support of this Patients' Bill of Rights. Say the word, President Bush, and we can make this bill a law.

I appreciate the opportunity to speak today, and I look forward to working with my colleagues on improving the health of our Nation in the context of a budget that is balanced and prudent.

I would also like to take this occasion to pay special thanks to my predecessor, Senator Daniel Patrick Moynihan, whose legacy of service to New York and our Nation is unparalleled and who has always been a source of inspiration, not only to me and my colleagues but to people literally around our world.

Finally, I am so grateful to the people of New York who have given me this extraordinary opportunity to serve them. Over the course of the next 6 years, I will work hard each and every day to listen to their concerns and to fight for their futures.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

SENATOR CLINTON'S MAIDEN SPEECH

Mr. BINGAMAN. Mr. President, I congratulate the Senator from New York on her first official speech here in the Senate. I particularly appreciate her focus on health care, a subject about which she knows a tremendous amount. Of course, she will make a great contribution in the Senate.

THE TAX CUT

Mr. BINGAMAN. Mr. President, I want to take a few moments to talk about the proposed tax cut that is, of course, the main focus of a lot of our attention in the Congress since the President sent us the tax cut proposal this last week, and give some thoughts as to my perspective on it at this point. I am sure that perspective will evolve as we get closer to actual consideration of the bill on the Senate floor. But I wanted to talk about how I see it at this point.

I think there are four obvious questions we need to ask about this tax cut proposal. First, should we have a tax cut? That may be the easiest question for all of us, but it is a legitimate question. Second, is the President's proposal the right size of tax cut in total, his $1.6 trillion proposal? Third, is it structured appropriately in order to accomplish what we want to accomplish for our economy? The fourth obvious question is, does the President's proposal constitute a fair distribution of the benefits from this proposed tax cut?

Let me take a few minutes to deal with each of these. First of all, should we have a tax cut at this point in our Nation's history? To me, the answer is clearly yes. We can afford to have a tax cut because we are now projecting substantial surpluses, whereas most of the time I have served in the Senate, we have been dealing with deficits, not with surpluses. But we now have a surplus and a projected surplus; therefore, we can afford a tax cut.

Second, if we do properly structure this tax cut and do it quickly, pass it quickly and send it to the President for signature, it could stimulate the economy at a time when our Nation may need a real stimulus, perhaps as early as this summer or early this fall.

Those are reasons why I believe a tax cut is appropriate.

The second question I posed was, was the President's proposed $1.6 trillion the right size of a tax cut at this time.

I have some real doubts about that. And my answer has to be at this stage based on what I currently know and what I think all of us currently know. I think the answer has to be that it is not the right size; it is too large.

The answer to the question has to be no. We should downsize the proposed tax cut before we enact anything here in the Senate.

Why do I say this? Let me give a few reasons.

First, there is a tremendous amount of uncertainty at this particular point about where our economy is headed. Last Thursday I saw a report in the New York Times reporting that many States expect a reduction in their State sales tax receipts, indicating a slowdown in sales. Of course, the States are much more dependent upon sales tax receipts than the Federal Government.

Many States that were awash with cash a few months ago now are preparing for budget cuts. They are seeing their projected surpluses at the State level evaporate as they see the expected revenue coming in from these sales taxes to be reduced. At the same time, the administration and the Federal Reserve Board are warning about a slowdown in the economy. I know Chairman Greenspan is speaking again today. I believe he testifies before the Banking Committee, and I imagine that he will, once again, make the point that he made to the Budget Committee a couple of weeks ago, which is that we have a very slow growth economy at this particular moment; there has been a substantial downturn in economic activity.

All of this adds to the uncertainty, as I see it, and gives us more reason to hold off on locking in a very large tax cut until we get a better sense of where we are.

A second reason is, when you look at the numbers and the size of the projected tax cut, you have to become concerned about, if we go with this large of a tax cut, whether we will have the funds necessary to pay down the debt.

The remaining actions people in my State tell me they would like to see us take, if we have the funds, are a prescription drug benefit and increased defense spending.

President Bush is going to military installations this week talking about how we need to put more into national defense. The question is, Can we afford that if we go with this very large tax cut, and increased funding for education, and for a variety of needs that we have in this country?

I thought the best exposition I have seen and the best description of the problem and the best reasoned argument against the size of the tax cut was in the New York Times op-ed piece that Bob Rubin, our former Secretary of the Treasury, wrote. I thought it was extremely insightful. Let me read a paragraph.

He says the serious threat of the proposed tax cut to fiscal soundness becomes apparent when you look at the numbers a little more closely. The surplus of $5.6 trillion as projected by the Congressional Budget Office is roughly $2.1 trillion after deducting Social Security and Medicare surpluses; as many Members of Congress in both parties have advocated, making realistic adjustments to better represent future spending on discretionary programs and tax revenues.

He says we have a $1.2 trillion surplus that we are talking about having available for a tax cut. He said since the proposed tax cut would cost $2 or $2.2 trillion if an alternative minimum tax adjustment is included, it would entirely use up the remaining surplus with no additional debt reduction. That leaves nothing for special programs that already have broad support—such as the prescription drug benefit, or greater increased defense spending for a missile defense system, or other purposes, or additional tax cuts, all of which are sure to happen this year, or over the next few years.

These spending increases and the additional tax cuts could well cost between $500 to $1 trillion leading to a deficit under this analysis of the Congressional Budget Office projections.

My answer to the second question has to be that we cannot afford this size tax cut.

The third question that I posed is what the President's proposed tax cut should be to accomplish what we want for our economy.

Again, I think the answer has to be no.

The reality when you look at the President's proposal is that this tax cut is not intended or designed or structured to provide tax relief to anyone in the near future. It is instead intended and designed and structured to provide tax relief in the distant future.

The administration has argued that we need this tax cut to give the economy a boost at a time when we most need it, and when our economy most needs it. But the truth is, it provides absolutely no tax relief in 2001. It provides only $21 billion of tax relief in the year 2002.

The tax cut proposal we have been sent by the President is backloaded. It is a much, much larger tax cut in future years—5 or 10 years from now—than it is this year. In fact, there is no tax cut this year as proposed by the President. In my view, the structuring of this tax cut as well as its size is flawed.

The final question that I believe needs to be asked, and undoubtedly will be asked and answered many times in different ways by all of us, is, is the President proposing a fair distribution of the benefits of the tax cut.

Again, my answer has to be no. The proposal the President sent us is heavily weighted to help those with higher incomes.

I was reading a magazine that arrived at our house last night—the U.S. News & World Report. They had a chart depicting how benefits from the Bush tax plan stack up. I was just trying to analyze that chart.

They take a single person, with no children, with a $25,000 adjusted gross income and then they go up to $300,000 adjusted gross income, and a married couple with one spouse working and two children. They go through a variety of possible taxpayer situations and try to analyze how much actual tax relief will be available.

According to their calculation, under the Bush plan, an individual who is earning $25,000 a year adjusted gross income, would get $60 in tax relief the first year that this is in effect. That would be 2002. You get a $60 cut in your taxes.

If you take the person who has a $300,000 income, what about their situation? They would get $25,679 in tax relief that first year.

You say: Well, what is wrong with that? A person with an income of $25,000 is earning one-twelfth of what the person with an income of $300,000 is earning. The tax cut for the person earning $25,000 would be one forty-second as large as the tax cut the person earning $300,000 would receive.

Then if you look at the figures 5 years out after their tax cut really begins to substantially impact, the person earning $25,000 would get a $300-per-year tax cut. The person earning $300,000 would get nearly $10,000 in tax cuts, or 32 times as much tax of a cut as the person who is earning $25,000.

I have tried to get some statistics also on the impact of the President's proposal in my State, to work those up and try to understand how the people whom I represent would be affected. Of course, some of it is not that clear. But if you look at the demographic breakdown of the Bush tax cut as it affects the New Mexico taxpayers, the inequity is fairly stark.

Based on the statistics that were supplied in the Wall Street Journal last Thursday, while only roughly 4 percent of the Bush tax cut will be going to the bottom half of the people who file tax returns in my State, nearly half the benefits of the tax cut will go to fewer than 4 percent of the wealthiest individuals in my State.

On the issue of eliminating the estate tax—part of what the President has proposed is to have no estate tax in the future—in 1998, in New Mexico, to give a clear impression as to whom this benefits, there were 166 estates that paid estate tax. If, instead of repealing the estate tax, we would increase the current exemption from the $675,000 to $2.5 million, which is one of the proposals some of us have embraced, then there would be 26 of those estates that would have paid estate tax in my State in that year under that changed law.

At a time when the administration is asking charities and private citizens to do more for their communities, we are eliminating one of the largest tax advantages for charitable contributions by wealthy individuals, if we, in fact, eliminate the estate and gift tax.

There is serious doubt as to whether this proposed tax cut is fair in its distribution of benefits, and we need to study that. We need to try to come up with something that is more fair, something that will benefit average working families in the country. We should move quickly to try to enact a tax cut because that will help us economically, but we should not move so quickly that we do not take the time to change what has been sent to us by the President and come up with the right size tax cut, which, as I say, would be substantially less than the $1.6 trillion. We should take the time to be sure it is structured in a way that the benefit is realized this year, a significant portion of the benefit, so Americans can take money home this year and see benefits in their own checking accounts.

We should alter what the President has sent us to make it more equitable. We should see to it that average working families and individuals get their fair share of whatever tax cut is enacted. This tax cut is not designed to appropriately distribute those benefits. It is something that will require substantial work. I hope we can do that.

One of the unfortunate things about our political process is that oftentimes candidates for public office make proposals and get locked into political positions long before they are elected to the office and in a position to actually try to work for the enactment of those positions. That is what has happened in this case. President Bush adopted his proposal for a $1.6 trillion tax cut well over a year ago when he was in the primaries running against Steve Forbes. There was a lot of competition within the Republican Party to see who could propose the larger tax cut.

President Bush proposed a very large one, and he has stuck to that in spite of the fact that our circumstances have changed, in spite of the fact that the economy today is not the robust economy we had a year ago, and in spite of the fact that there are real uncertainties about where we are going.

I hope we will take the time to analyze what the President sent. I hope we will also take the time to revise it so that we can better serve the people of this country by giving them a tax cut from which they can benefit quickly, a tax cut that most Americans will consider fair. I believe that is in the best interest of the country and that is clearly what our constituents have sent us here to do.

I yield the floor and suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, after which I ask unanimous consent that Senator BOXER be recognized for 15 minutes.

The PRESIDING OFFICER. Under the previous order, the time of the Senator is under the control of the Democratic leader until 11 o'clock, and at such time, for those who wish to use it, the time is allocated to the Republican leader.

Mrs. BOXER. Mr. President, I ask—if no one is here at 11—whether the Democrats could speak until the Republicans come at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you so much.

Mr. DORGAN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak until 11 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC POLICY AND TAX CUTS

Mr. DORGAN. Mr. President, there is now a great deal of debate about economic policy, about tax cuts, and a range of issues surrounding President Bush's proposal for a $1.6 trillion tax cut that he sent to the Congress last week.

I would like to speak for a bit on that subject and talk specifically about what I think we are facing. I know it is running down hill to be talking about tax cuts and politics. It is not exactly a tough political position to say I support tax cuts; in fact, the larger the better. But I think it is also important for us to understand what we need to do to make sure we retain a strong and growing economy, one that provides jobs and economic opportunities for American families. We have had times in the past in this country where tax cuts have been proposed that are so large that we then see significant Federal deficits occur, increases to the Federal debt, the slowdown in the economy, and increases in interest rates that are very counterproductive to the interests of American families.

There have been a number of things written about tax cuts recently that I wanted to share with my colleagues.

The Wall Street Journal article dated February 8, entitled "A Tax Cut That Redistributes to the Rich," by Albert Hunt:

> The gist of the Bush tax plan to be formally presented today is analogous to a familiar baseball riddle: Which brothers hold the Major League record for the most home runs? Answer: Hank Aaron, who hit 755, and his brother Tommy, who hit 13.
>
> The wealthy are the Henry Aarons of the Bush tax plan, while working-class taxpayers are the Tommys. But the president packages the cut as equally generous to all.
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> * * * * *
>
> Most appalling in the Bush plan, however, is who's left out. The president talks about helping the $25,000-a-year waitress with two kids, but the Center on Budget and Policy Priorities, a liberal advocacy group that conducts widely respected research, reported yesterday that under the Bush plan, 12 million lower- and moderate-income families, supporting 24 million children, would get nothing. Over half of African-American and Hispanic kids wouldn't benefit from the Bush initiative.

Let me show you another piece by the Wall Street Journal, written by Jackie Calmes, published yesterday:

> As president Bush promotes his $1.6 trillion, 10-year income-tax cuts here, back in Texas, state legislators are so pinched after two tax-cut plans he won as governor that they are talking of tapping a state rainy-day fund or even raising taxes.
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> * * * * *
>
> "He got elected president, yet we were left holding the bag here," state Sen. Carlos Truan said last week as the Senate Finance Committee began grappling with the fiscal needs.
>
> Mr. Truan is a Democrat, so what was more attention-grabbing was the comment of a Republican, Senate Finance Committee Vice Chairman Chris Harris. "We made tax cuts because we thought we had this huge surplus," he said, adding, "I might have voted a little differently on all those tax cuts" had he realized just the Medicaid pressures ahead.
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> * * * * *
>
> "It will work," Mr. Junell says of the budget-balancing. But Mr. Coleman, watching the tax-cut bidding in Washington, suggests the Texas experience "should give people pause."

Next, the Washington Post:

> The bigger problem for middle-income Americans since the Reagan tax cuts in the 1980s has been the payroll tax for Social Security and Medicare, which actually eats up much more of a worker's paycheck. Payroll taxes are not addressed by Bush's 10-year $1.6 trillion tax cut.
>
> * * * * *
>
> Bush hasn't emphasized that the benefit from his plan ends when a worker no longer owes income tax. So, because the single mom

making $25,000 pays only at most a few hundred dollars in federal income tax, that would be the extent of her tax cut. The lawyer, now at the 36 percent rate, would benefit from the drop to 33 percent, and from most of the other rate cuts.

You get the picture.

The point is this is a very interesting tax cut proposal that suggests everybody is going to benefit when, in fact, not everybody is going to benefit.

If I might provide another chart that I read last week that also addresses a part of this question for the Congress, this is written by Alan Sloan of the Washington Post:

> There are weeks when you have to wonder whether the American economic attention span is longer than a sand flea's. Consider last week's two big economic stories: The Congressional Budget Office increased the projected 10-year budget surplus by $1 trillion, and the Federal Reserve Board cut short-term interest rates another half-percentage point to try to keep the economy from tanking.
>
> To me, the real story isn't either of these events; it's their connection. The Fed is cutting rates like a doctor trying to revive a cardiac patient because as recently as last fall, Fed Chairman Alan Greenspan didn't foresee what today's economy would be like. Meanwhile, although it's now clear that even the smart, savvy, data-inhaling Greenspan couldn't see four months ahead, people are treating the 10-year numbers from the Congressional Budget Office as holy writ.

Why is this important? Because we are now somewhere in the process of the longest economic expansion in the history of this country, with an economy that is weakening sufficiently so that the Federal Reserve Board is very nervous and is taking quick action to try to stem this weakening economy. In fact, 7 months ago, Alan Greenspan felt so strongly that our economy was growing too fast that he increased interest rates 50 basis points. Seven months ago, he felt the American economy was out of control and was growing too rapidly. "We need to slow it down," he said. He couldn't see 7 months ahead.

We are told, however, that we can see 10 years ahead. President Bush says let's lock in a permanent tax cut the cost of which in 10 years, he says, is $1.6 trillion. But, in fact, the cost is much more than that—about $2.6 trillion. Then he says despite the fact that the top 1 percent only pay 21 percent of the federal tax burden—the burden of income taxes, payroll and other taxes—they will get 43 percent of the tax cut that is proposed. This President says let's have a tax cut but only take one portion of the tax system and measure our burden by that. And in that circumstance he says let's provide 43 percent of my tax cut to the top 1 percent.

One final chart: This is the income tax to show what is happening with this tax cut proposal. Eighty percent of the population would get 29 percent of the benefit, and the top 1 percent would get over 40 percent of the benefit.

There are a couple of things wrong here. One, it would be very unwise to risk this country's economy, risk jobs and opportunity that comes from it, risk Social Security and Medicare, risk education and health care investments that are needed by believing we can see 5 or 7 or 10 years out, and that we ought to lock in a large tax cut, the bulk of which is going to go to the very highest income people.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

I thank the Senator for his presentation. Now that we are in the national debate over tax cuts, and the question of projections, I heard a statistic last week which I think the Senator might also have heard.

Five years ago, the economists were trying to predict what would happen this year. This whole tax cut is based on our projections into the future of 5 years and 10 years. Five years ago, economists—the same people to whom we are turning—suggested that—I believe these numbers are correct—we would face a $320 billion deficit this year; five years ago, a $320 billion deficit. It is my understanding that instead we have a $270 billion surplus.

The same economists that we are basing our projections on for 5 and 10 years missed it by $590 billion in this year.

If that is the fact, when we project where we might be going with this tax cut, I think the Senator makes a good point.

Let us be conservative. Let us be sensible. Let us be prudent to make sure we don't overspend any surplus in the future.

Mr. DORGAN. The year before the last recession, 35 of the 40 leading economists in this country said next year will be a year of economic growth. The point is the same point the Senator from Illinois made. We don't know what is going to happen in the future. The field of economics is a little psychology pumped up with a lot of helium. I say that having taught economics. We don't know what is going to happen in the future.

Alan Greenspan, who is canonized in a book, couldn't tell 7 months in advance what was going to happen to this economy. So we don't know what is going to happen in the future, and we would be very wise to be cautious.

There is room to provide a tax cut, and we should do that. At the same time, we ought to be cautious enough to understand that while we provide a tax cut, and one that is fair to working families in this country, we ought not lock ourselves into a situation that could cut off economic growth and opportunity in the future. How would we cut it off? By sinking right back into the same deficit ditch we were in before.

What will happen if we do that? We will see higher interest rates, economic growth slowing, fewer opportunities, and fewer jobs. In the last 8 years, we have had over 22 million new jobs created. The 4 years previous to that, when we had growing deficits, higher interest rates, and economic trouble all around us, we saw one of the worst periods of job growth in history.

This is a very important economic decision we are making. The debate about it ought not be partisan. It is just a debate in which we have different ideas about how to proceed. My feeling is, proceed cautiously. Let us provide a tax cut. Let us do it in a way that is fair to working families. Let us have a trigger so that in the event the economy goes sour, we will not sink back into big deficits.

Let us also be concerned about the other things we must do. We ought not dip into Social Security or Medicare trust funds. We ought to have enough money available to provide a prescription drug benefit through the Medicare program. We ought to invest in schools that are crumbling and reduce classroom size. We ought to pass a Patients' Bill of Rights and help people who are dealing with health care needs. There are a series of things we can and should do that represent a set of priorities that are also important to us.

Mr. DURBIN. If the Senator will yield for another question, I know in the Senator's home State of North Dakota there are many areas that are conservative, as there are in downstate Illinois. I speak to a lot of business groups with generally conservative people when it comes to politics. I ask the Senator from North Dakota what kind of reaction he finds from these same conservative businessmen when talking about the surpluses and the tax cut.

Mr. DORGAN. The first reaction is, we ought to pay down the Federal debt. That ought to be part of the original priority. If you run up the debt during tough times, then you ought to pay it down during good times.

Second, they feel very strongly that most important is we ought to keep this economic expansion going. We don't want to sink back into budget deficits once again. Almost all of them would say we can't see 2, 3, or 5 years ahead.

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator from North Dakota has expired.

The Senator from Illinois.

Mr. DURBIN. May I inquire if there is a unanimous consent on the order of speakers?

The PRESIDING OFFICER. There is a unanimous consent. The time from 11 until 12:30 is under the control of the Senator from Alaska or his designee.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

(The remarks of Mr. CRAIG pertaining to the submission of S. Con. Res. 10 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

STRENGTHENING OUR NATIONAL SECURITY

Mr. THOMAS. Mr. President, I am waiting for one of our associates to come. In the meantime, I want to begin some conversation and discussion about the topic of the week, which the President has been working on certainly, and that is strengthening our national security.

I suspect most people would agree that the responsibility for defense is perhaps the No. 1 responsibility of the Federal Government. It is the activity that no other government at any other level can handle. It is the thing that, of course, all of us are very aware of. We are constantly grateful for the kinds of things that have been done to preserve our freedom by the military over the years. For more than 200 years, the military has been that arm of Government that has preserved our freedom. Many people have sacrificed, including the soldiers, sailors, and the marines, over the years.

So as we face the question of defense and the military, that is one of the things with which we are obviously most concerned. The President has put this as one of his high priorities, and I think properly so. Clearly, over the last 8 years, specifically, the military has not been supported to meet the kinds of needs they have had.

I think it is very clear that there are at least two kinds of questions to be answered as we go about funding the military. One has to do with improving the quality of life for military personnel. The other, then, has to do with the idea of examining the structure, examining where we are in terms of the military and how it meets today's needs and the changing needs that obviously have happened around us.

I think the President has been very wise to commit himself to some payments soon to help with the quality of life for the military. I think equally as important has been his request for some studies, bottom-up analyses, of the military prior to making any substantial changes in the way the military is structured, the kinds of weapons that are necessary and those things that will deal with that aspect of it.

With regard to quality of life, certainly one of the things that is important, obviously, is that the military is built around personnel, around the idea that you have men and women willing to serve. We now have a voluntary military, of course, so that it has to be made somewhat attractive for people to be interested in joining the military, so that recruitment can be kept up. Equally as important, of course, is after the training that takes place in the military, it is necessary to have the kind of arrangement where people can stay there once trained, whether it be airplane mechanics, or pilots, or whatever, to leave the training and their training goes unused.

So the President has, I believe yesterday, gone down to Georgia and committed himself to some things to improve the lives of our troops—to raise military pay, renovate substandard housing, to improve military training, and take a look at health care, as well as some deployments in which we have been involved.

The President will announce, as I understand it, about a $5.76 billion increase, which will include $1.5 billion for military pay, which is in the process and should be in the process of causing these folks to be able to come a little closer to competition with the private sector; about $400 million for improving military housing; and almost $4 billion to improve health care for the military.

I believe these things are very necessary and should happen as quickly as possible. I have had the occasion and honor over the last month or so to visit a couple military bases, Warren Air Force Base in my home State, a missile base in Cheyenne, WY, and Quantico, VA, the Marine Corps base close to D.C., here, where I went through training for the Marine Corps many years ago. It is an interesting place. In both instances, the first priority on these bases was housing, places for enlisted NCOs, officers, to live on base.

As to the housing in both instances, it is interesting. As different as these two bases were, and as far as they were apart, the problems in housing were very similar. Housing that had been built back in the thirties was still being used. It really had gone to the extent that rather than being renovated or repaired, it wasn't worth that; it had to be destroyed and replaced. Some, of course, could be fixed up. It is very difficult, particularly for enlisted with families, No. 1, find a place to live, particularly at a place such as Quantico, but more importantly to have it economically reasonably attractive for these folks. As we move toward this, I hope the President will maintain—and I want to comment on this later—his commitment to doing something immediately for the personnel, and then to go through this study. I think there is a great deal that needs to be done in terms of how the military is structured. It is quite different now.

Obviously, our big problem now is terrorism. There are problems around the world in smaller units. We are not talking about ships full of divisions of troops with tanks landing somewhere. We are talking about something that can move quickly and is available to move and sustain itself without logistical support for some time. These are things that I think are very important.

I intend to come back later this morning and talk more about this. In the meantime, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. I thank the Chair.

Mr. President, I thank the Senator from Wyoming for his interest in the subject of national defense. As he noted, this is a week in which the President is announcing several initiatives in that regard. One of his primary objectives, he said, is to strengthen the military so we can meet the challenges of this new century.

He is beginning, naturally, with the support for the troops, which is the right place to begin, but he has also noted there are a lot of other challenges. We in the Congress who have been working with this over the years appreciate the warnings of the Joint Chiefs of Staff and the immediate past Secretary of Defense who have noted we are going to have to spend a lot more on defense in order to bring our defense capabilities up to the level where they need to be to deter threats around the world.

One of the threats that has received a lot of attention in recent weeks on which I want to focus today is the threat of an attack by an adversary delivering a weapon of mass destruction via missile. Of course, there are other ways of creating problems for the United States. We try to deal with each of these different threats.

As chairman of the Subcommittee on Terrorism of the Judiciary Committee, for example, I have worked hard to ensure we can both detect and deter terrorism, whether in the form of delivery of a weapon in a suitcase that people like to talk about or in the case of an attack directly against an installation or U.S. assets, such as the attack on the U.S.S. *Cole*. In all of those situations, we have plans and we have made some progress in meeting that threat of terrorism.

Where we have been lacking is in a commitment to deal with the other equally ominous threat of weapons of mass destruction delivery, and that is via the intercontinental ballistic missile or a medium-range missile. Why would countries all over the globe that mean us no good be spending so much money on the development of their missile capability and weapons of mass destruction warheads that could be delivered by the missiles? And by that, the WMD—the weapons of mass destruction—we are speaking of would be biological warheads, chemical warheads, or nuclear warheads. Why would they be spending so much money if they did not intend to either use those missiles against us or threaten to use them?

Why do we focus on threats?

As Secretary Rumsfeld has pointed out several times recently, one of the advantages of a missile over some other kinds of terrorist acts is that they can threaten other countries, for example, to stay out of their way as they take aggression against another country, threatening that if they bother them, if they try to intercede in what they are trying to do, they will launch a missile against them.

An example is the Saddam Hussein situation in which he goes into Kuwait. Had he had missiles with longer range capability and warheads that could have delivered weapons of mass destruction, he could have easily threatened cities in Europe and made it much more difficult for the United States to have put together the coalition that we eventually put together to stop him from further aggression and eventually repel him from Kuwait.

It is the threat of the use of these weapons, as much as the weapons themselves, that is an instrument of policy.

Another case that nobody likes to talk about because we do not consider China as an enemy of the United States—and it is not—is the situation in which, however, China would potentially, with leaders who decide they have to take aggressive action against Taiwan, begin initiating some form of military threat or action against that island and force the United States to choose whether or not to defend Taiwan.

One of the elements of whether we might do so is whether we would be subject to attack by the Chinese if we sought to inhibit their aggressive intentions. At least some in the military in China have already made it perfectly plain that they have missiles that can reach the United States and perhaps we would want to think twice before coming to the aid of Taiwan.

Again, this is not something I project or suspect is going to happen anytime soon, but the fact is intercontinental or medium-range missiles that can deliver weapons of mass destruction can be used to stop countries such as the United States from interfering in hostile actions. That is one of the reasons we have to be concerned.

The other reason, of course, is these weapons can actually be used. It is not just the threat of use but the actual use. We know from past experience that countries that see no hope in their situation flail out, launching these kinds of missiles against their enemies in a last desperate attempt to at least prove their point, if not to win the war. We know there are some who have indicated they might do this again in the future.

For example, a defeated Nazi Germany fired over 2,400 V-1 and 500 V-2 rockets at London, causing over 67,000 casualties, including 7,600 deaths.

During the Yom Kippur war, Egypt launched Scud missiles at Israel.

The so-called "War of the Cities" during the 8-year Iran-Iraq war saw almost 300 Scud missiles exchanged between combatants, with little or no anticipation that such actions would facilitate victory.

In 1986, Libya, in response to U.S. air strikes that were in themselves a response to Libyan-sponsored terrorist acts, launched two Scud missiles at a U.S. facility in Italy. That they landed harmlessly in the Mediterranean Sea does not diminish the significance of the event in the context of the use of hostile regimes.

While we try to deter countries from launching these kinds of missiles, we know that sometimes deterrence fails and these missiles will be launched. In that case, there is only one thing that is sensible, which is to try to have some kind of defense in place to protect our citizens or our troops deployed abroad or our allies.

The sad truth is, unfortunately, the United States today cannot defend itself from a hostile missile attack. In fact, we have a very hard time defending against even the kinds of missiles launched a decade ago in the Persian Gulf war. Remember the single largest number of casualties in that war: 28 American soldiers died because of a Scud missile attack at our base in Saudi Arabia that we could not stop. Yet in the interim, between that event and today, we have made precious little progress in fielding a system which can defend against that kind of threat.

I just returned from a trip the weekend before last to Munich, Germany, the so-called Veracunda, a conference of primarily NATO defense ministers, the Secretary General of NATO, as well as representatives of the U.S. Senate and other parliamentarians—primarily of the NATO countries—to talk about the future of NATO and the United States-allies cooperation, among other things, in the development of ballistic missile defenses. The U.S. delegation was led by my colleagues John McCAIN and Joseph LIEBERMAN. All of us, including Secretary Rumsfeld who was in attendance, made the point to our allies that the United States had no option but to move forward with missile defense, that our interests were threatened around the world, and that we would have to move forward, but that we wanted to consult with our allies so, first of all, they would understand what we are doing, why we are doing it, and perhaps they would have some participation in how it would evolve, at least as to how it impacts them.

We wanted to make what we did applicable to them as well, to provide protection to them if they wanted it. From a previous position of some hostility to the idea, because of their concerns about what Russia and China might do, I believe our allies are moving more to an acceptance of the fact that we are going to proceed and a willingness to confer with us on how that system evolves, even in some cases to talk to us about how we might integrate it with their own defense to provide protection to them as well.

I believe that momentum, in other words, for acceptance of our missile defense system from our allies has definitely picked up. It is important that the Senate and House support the President in his determination to move forward with our missile defense. In this regard, it will be very important for the administration to move very quickly to make it clear that the momentum has not slowed, that we do intend to move forward, and we are not going to let another season go by without beginning the deployment of assets that we can deploy.

There are very promising technologies. I will be taking the floor at later times to talk about how these might evolve. I start with the sea-based systems. It was clear that the Clinton administration wanted to have only one system. That system, built in Alaska, would have been very vulnerable. The radar that would have been constructed at Chiniak Island could be useful to us with respect to future systems that we deploy.

I think it would be a mistake to assume that is the be all and end all of our national missile defense system. Much more productive would be the use of existing assets, the standard missiles we have aboard Aegis cruisers and use the radars we would have constructed at Chiniak Island and the on-board radars, to take literally anywhere in the world to provide defense in theater, both against threats that are medium-range threats today and in the not-too-distant future, to be able to actually provide some strategic defense to protect the United States, or most of it.

As I say, this technology is probably the most advanced but it will be up to the Congress to add money to the defense budget and up to the administration to do the planning to integrate that funding into the testing program, the development program, and the fairly early deployment of that limited kind of missile defense program.

At the same time, we should be pursuing the existing plans with respect to land-based systems because I suspect that at the end of the day we are going to want to have layered systems where we have sea-based components and land-based components and the radars that facilitate the effectiveness of each. These will be details of plans emerging through the administration review, recommendations of the Department of Defense, and the funding that will be required to come from the Congress. Again, I will get into more detail on that later.

The point I make this morning is we are beginning the conversations with our allies that should have taken place years ago. This administration is committed to that. I am convinced, because of the fine statement that Secretary Rumsfeld made at the Munich conference, that our allies are now going to be willing to work with us and will be supportive of us at the end of the day. It will be up to us to follow through with the support that only the Congress can provide.

Let me conclude by going back to the point with which I started. There are basically two reasons to have defense. The first is to deter action by would-be aggressors, and you deter not only the use of missiles but also the threat of their use, because the threat of their use is frequently the foreign policy tool of these rogue nations, to keep you out of their way while they engage in their nefarious activities. So you deter the threat and you also deter the actual use.

But the second reason is in the event deterrence fails to actually defend yourself—in some cases we know that, especially with regard to these rogue nations which can have very irrational leaders, deterrence does not work—and the missiles do get launched. If you don't have a way of defending yourself, you will suffer extraordinarily large casualties.

It would be immoral for leaders of the United States today—and this is a point Secretary Rumsfeld made over and over—it would be immoral for the President, for the Secretary of Defense, and those in the Congress not to do everything we can to facilitate the deployment of these defenses on our watch.

If American citizens are killed because we failed in that duty, we have no one to blame but ourselves because the technology is at hand, we have the financial capability of doing it, there is no longer any question about the threat, and we can work with our allies. All that is left is the will to move forward to do this.

The final point I wish to make is this: There are those who say we already have a deterrence; it is our nuclear deterrence; and no one would dare mess with the United States because of that.

There are two problems with that. The first is that we need an option to annihilating millions of people on the globe. If our only reaction to an attack against us is to respond in kind—in fact, more than in kind—and annihilate, incinerate, literally, millions of people, most of whom are totally innocent and are simply in a country led by some kind of irrational rogue dictator—if that is our only response, it is an immoral response when we have an alternative, and that is a defense that can protect the United States and deter that aggression in the first place.

Secondly, it is much more effective to have this additional response, because at the end of the day there gets to be a point where people wonder whether that nuclear deterrent is even credible. It is certainly credible against a massive nuclear attack against the United States, but is it credible against a limited attack by some irrational dictator, against the United States or our allies, that we would, then, in turn, annihilate all of the citizens of his country? That is something we have never been able to answer and we don't want to answer because we want to leave out there the notion that we might respond with that kind of nuclear deterrent, but it becomes less and less likely as time goes on.

That is why we need this alternative—another option, a moral option, the option of defense—not just the option of massive nuclear retaliation.

Mr. President, I appreciate this opportunity to address the Senate today on the threat to the United States from the proliferation of ballistic missile technology and the debate on deployment of a national missile defense system.

I recently had the pleasure, Mr. President, of attending the annual Conference on Security Policy in Munich, Germany. This conference, for those unfamiliar with it, is a gathering of U.S., European and Asian foreign and defense ministers, miscellaneous civilian defense experts, and prominent members of the media. Senators MCCAIN and LIEBERMAN led the U.S. delegation. Of particular note, Defense Secretary Rumsfeld utilized the conference to make his first major address in his capacity as head of the nation's military establishment. The main topic of Secretary Rumsfeld's address, not surprisingly, was the Bush Administration's intention to proceed with deployment of a National Missile Defense system, in consultation with our NATO allies.

The Munich Conference, as has been evident in the plethora of news stories that have appeared since, illustrated the scale of opposition among our allies as well as among countries like Russia and China. Fears of precipitating an arms race with Russia and China while driving an irreparable wedge between the United States and Europe were palpable. They were, however, equally misplaced.

Few issues within the realm of national security affairs have been as divisive and prone to alarmist hyperbole than the development of ballistic missile defenses. It really is, in a sense, almost surrealistic to contemplate a country that will spend hundreds of billions of dollars per year on national defense while conceding to its adversaries the freedom to destroy our cities if only they develop long-range ballistic missiles. And in anticipating the usual rejoinder that our military superiority will surely deter such adversaries from launching nuclear-armed missiles in our direction, let us focus a minute to two on the history of warfare in the missile age. It really is quite illuminating.

Deterrence, Mr. President, is a concept. An adversary or potential adversary will refrain from taking an action or actions detrimental to our national interest if it fears a debilitating retaliatory attack. The history of man, however, is the history of war, and the history of war is the history of deterrence—and diplomacy—failing. A nation at war will rarely refrain from employing those means at its disposal, especially when regime survival is at stake. Moreover, and of particular relevance to discussions of missile defenses, is the tendency of defeated regimes to strike out irrationally. A defeated Nazi German fired over 2,400 V-1 and 500 V-2 rockets at London, causing over 67,000 casualties, including 7,600 deaths. During the 1973 Yom Kippur War, Egypt launched Scud missiles at Israel. The so-called "War of the Cities" during the eight-year Iran-Iraq War saw almost 300 Scud missiles exchanged between combatants with little or no anticipation that such actions would facilitate victory. In April 1986, Libya, in response to U.S. air strikes that were in themselves a response to Libyan-sponsored terrorist acts, launched two Scud missiles at a U.S. facility in Italy. That they landed harmlessly in the Mediterranean does not diminish the significance of the event in the context of the use of missiles by hostile regimes.

While deterrence should remain a fundamental tenet of our national security strategy, it is not enough. Clearly, we cannot assume, nor base the security of our population, on our own estimations of the calculations occurring in the minds of hostile dictators, especially during periods of heightened tensions. The historical record should be sufficient to convince all of us that missile proliferation is a serious problem—certainly, on that, we all agree—and that those missiles can and may be used, either in the throes of defeat or as the result of a failed attempt to deter the United States from acting in defense of our vital national interests in regions like the Middle and Far East. The recent publication of the book "Saddam's Bombmaker," written by the former chief engineer of Iraq's nuclear weapons program, includes a passage suggesting, based upon the author's personal observations of Saddam Hussein, that the Iraqi dictator fully intends to launch nuclear-armed missiles against Israel in the event he becomes convinced that his personal demise is inevitable. Should he attain the capability to launch an intercontinental ballistic missile, I think it is no stretch of the imagination to add the United States to that list.

The case of Iran is equally worrisome. Last Fall, we undertook a rather impromptu debate on the nature of Russian-Iranian relations when the New York Times ran a series of articles detailing possible violations of the Iran-Iraq Nonproliferation Act and the subsequent 1996 amendment to the Foreign Assistance Act, which sought clearly to sanction foreign entities determined to be transferring destabilizing military equipment and technology to Iran and Iraq. The debate that emerged focused, of course, given the text of the law, on conventional arms transfers from Russia to Iran. Something of a given, as far as the Clinton administration's posture was concerned, with that the Russian-Iranian military relationship had been largely contained courtesy of the former vice president's diplomatic skills.

Putting aside the subsequent abrogation of the secret Gore-Chernomyrdin Pact and the emergence of a more open and vibrant conventional arms trade between Russia and Iran, the issue of missile and nuclear-technology transfers was clearly presumed to be under control. But all available information points to the contrary. More disturbing, the relationship is unquestionably at the government-to-government level. The Clinton administration's arguments that individual Russian entities were circumventing good-faith Russian efforts at stemming the flow of nuclear and missile technology to Iran, the basis of its veto of the Iran Nonproliferation Act, were wholly without merit. In defense of this relationship, Russia's most prominent defense analyst, Pavel Felgenhauer, was recently quoted as stating, "We are brothers-in-arms, and have long-term interests together." And Defense Minister Sergeyev's December 2000 visit to Iran to conclude the new arms agreement was trumpeted by Sergeyev as ushering in a "new phase of military and technical cooperation."

A recent CIA report act on foreign assistance to Iran's weapons of mass destruction, missile and advanced conventional weapons programs, submitted pursuant to the requirements of the fiscal year 2001 intelligence authorization act, includes the following:

> Cooperation between Iran's ballistic missile program and Russian aerospace entities has been a matter of increasing proliferation concern through the second half of the 1900s. Iran continues to acquire Russian technology which could significantly accelerate the pace of Iran's ballistic missile development program. Assistance by Russian entities has helped Iran save years in its development of the Shahab-3, a 1,300-kilometer-range MRBM * * * Russian assistance is playing a crucial role in Iran's ability to develop more sophisticated and longer-range missiles. Russian entities have helped the Iranian missile effort in areas ranging from training, to testing, to components. Similarly, Iran's missile program has acquired a broad range of assistance from an array of Russian entities of many sizes and many areas of specialization.

Similarly, the Department of Defense's January 2001 report, Proliferation: Threat and Response, states with respect to Russian-Iran nuclear cooperation, that

> Although [the Iranian nuclear complex] Bushehr [which is receiving substantial Russian assistance] will fall under IAEA safeguards, Iran is using this project to seek access to more sensitive nuclear technologies from Russia and to develop expertise in related nuclear technologies. Any such projects will help Iran augment its nuclear technology infrastructure, which in turn would be useful in supporting nuclear weapons research and development.

Finally, and not to belabor the point, the Director of Central Intelligence George Tenet recently testified before the Intelligence Committee that Russian entities "last year continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, China, and Libya." Indeed, Director Tenet emphasized this point several times in his testimony, stating, "the transfer of ballistic missile technology from Russia to Iran was substantial last year, and in our judgment will continue to accelerate Iranian efforts to develop new missiles and to become self-sufficient in production."

The significance of this relationship is considerable. Opponents of missile defenses have argued both during and after the cold war that the dynamics of warning and response have changed; that we will have sufficient strategic warning of serious threats to our national security to take the necessary measures in response. The entire basis of the Rumsfeld Commission report, and of much of DCI Tenet's testimony, on the threat from foreign missile programs, however, is that strategic—and, indeed, tactical—warning can be severely diminished in the event suspect countries succeed in attaining large-scale technical assistance or complete ballistic missiles, which Saudi Arabia accomplished by its purchase of Chinese CSS–2 medium-range ballistic missiles and Pakistan did in the case of the Chinese M–11 missile transfer. That is clearly the case with Iran.

The impact on U.S. national security policy of the proliferation of ballistic and cruise missile technology, as well as of so-called weapons of mass destruction, should not be underestimated. Presidents of either party and their military commanders will undergo a fundamental transformation in their approach to foreign policy commitments and the requirement to project military power in defense of our allies and vital interests if they possess the knowledge that American forces and cities are vulnerable to missile strikes. We have pondered the scenario wherein our response to an invasion of Kuwait by a nuclear-armed Iraq would have been met with the response the 1990 invasion precipitated. Similarly, the oft-cited threat against the United States by Chinese officials in the event we come to the defense of Taiwan should be cause for sober reflection—although the commitment to Taiwan's security should be equally absolute. The point, Mr. President, is that the development or acquisition by rogue regimes of long-range ballistic missiles will alter our response to crises in an adverse manner. Secretary Rumsfeld summed up the situation well in his speech in Munich when he stated, "Terror weapons don't need to be fired. They just need to be in the hands of people who would threaten their use."

The need for continued development and deployment of systems to defend against ballistic missile attack is real. We lost eight precious years during which the previous administration stood steadfast in opposition to its most fundamental requirement to provide for the common defense. No where in the Constitution is there a qualification from that responsibility for certain types of threats to the American population, and I doubt one would have been contemplated. The Founding Fathers were unlikely, I believe, to have supported a policy wherein the United States would defend itself against most threats, but deliberately leave itself vulnerable to the most dangerous.

We can research missile defenses in perpetuity and not attain the level of perfection some demand. We can, however, deploy viable systems to the field intent on improving them over time as new technologies are developed. We do it with ships, tanks, and fighter aircraft. The value of having fielded systems both as testbeds and for that measure of protection they will provide, while incorporating improvements as they emerge, is the only path available to us if we are serious about defending our cities against ballistic missile attack.

Yes, I know that a multibillion dollar missile defense system will not protect against the suitcase bomb smuggled in via cargo ship. But let us not pretend that we are not talking actions to defend against that contingency as well. Arguments that posit one threat against another in that manner are entirely specious. As I've noted, the history of the missile age is not of static displays developed at great expense for the purpose of idol worship. It is of weaponry intended to deter other countries from acting, and to be used when militarily necessary or psychologically expedient. We can't wish them away, and the fact of proliferation is indisputable. The deployment of a National Missile Defense system is the most important step we can take to protect the people we are here to represent. They expect nothing less.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

DEFENSE

Mr. GRASSLEY. Mr. President, I was hoping Thursday afternoon to be on the floor with Senator BYRD as he spoke about some issues dealing with the Defense Department. I ask my fellow Senators and staff of the Senators who are interested in defense matters to read Senator BYRD's speech on page 1236 of the CONGRESSIONAL RECORD of February 8. I will comment, not as comprehensively as he did, about some of the problems at the Department of Defense. I will read one paragraph from his speech. It is related to a lot of work that I have been doing in the Senate for quite a few years on the lack of accountability in cost management and inventory management and just generally the condition of the books in the Defense Department, which is also the basis for my remarks today.

I quote from Senator BYRD's speech: So here's the question I have. If the Department of Defense does not know what it has in terms of assets and liabilities, how on Earth can it know what it needs?

We are in the position where the new President of the United States is making a judgment of how much money he should suggest over the next few years to increase defense expenditures.

The President this week is highlighting that. I think the President needs to be complimented. He has put off for a while until the new Secretary of Defense can do a study of Defense Department needs and missions before making the specific judgment of how much money should be spent.

This is somewhat different than what President Reagan did in 1981 when the judgment was that just spending more money on defense automatically brings you more and a better defense. Obviously, at that time more money needed to be spent, but exactly how much needed to be spent was not so clear. A lot more money was appropriated, creating a situation where an Assistant Secretary of Defense at that particular time said there was so much money allocated that we piled the moneybags on the steps of the Pentagon and said to them: Defense contractors, come and get it.

I think we look back and know some of that money probably was not wisely spent, although we do give credit to President Reagan for spending more, and in a sense challenging the Soviets in a way so they had to call a halt to the cold war. That saved the taxpayers a lot of money in the long term. Now we have a President who has time to think about what should be done and is giving it the proper consideration.

So I want to start out by complimenting President Bush for his approach to ramping up defense expenditures at a time in our history when there is a general consensus among both political parties that more ought to be spent. Since we are going to spend more, it ought to be spent very wisely. President Bush deserves the thanks of the American taxpayers for being very careful.

He has stated there is a need for an immediate increase in pay and housing for military people to enhance their morale and keep dedicated people who are already trained, give them a financial incentive for staying in instead of getting out and going into the private sector—he is moving ahead on those few things. But on the larger question of increasing expenditures, particularly for enhanced weaponry and new weapons, he is waiting until there is a study completed. I thank him for doing that.

Regardless, as Senator BYRD said, we ought to have a set of books, an accounting system, at the Defense Department that is not only such that we know what the situation is, how much we have in inventory, how much is actually being paid for a weapons system, but when we have a bill to pay, we ought to know what we got for that bill. What goods and services were received? The point is, we do not now have that information. That was the point of Senator BYRD's question. It is the point of my question today. But my questioning is on ongoing points I have been raising with the Defense Department now for a period of probably 4 or 5 years or longer.

I am truly honored to have an opportunity to speak on the very same subject that Senator BYRD spoke on last Thursday. I am hoping the Senator from West Virginia and this Senator from Iowa can team up this year in a search for a solution. As many of my colleagues know, I have been wrestling with this problem for a number of years, and, candidly, without a whole lot of success in getting the Defense Department to change their bad accounting, and not having a basis, then, on which to ask for further increases into the future. I have come here to the floor of the Senate and spoken about this many times. I have raised these same concerns during hearings before the Budget Committee.

As chairman of the Senate Judiciary Subcommittee on Administrative Oversight, I have investigated this problem and held hearings on it. I have offered legislation on it and some of that legislation has been incorporated, thanks to Senator BYRD and Senator STEVENS, the ranking people on the Appropriations Committee, in various Department of Defense appropriations bills.

The General Accounting Office and the Pentagon's inspector general have issued report after report after report exposing these same problems. In fact, their investigative work has been the basis for some of my remarks in the past.

So here we have, again, last week, this issue being raised by the Senator from West Virginia. I am glad to have somebody of Senator BYRD's stature asking pertinent questions because then people pay attention. People listen up. That also applies to my listening and reading what the Senator from West Virginia had to say last week.

Senator BYRD started his inquiry maybe months and years ago, for all I know, but it came to my attention when he was participating in a hearing before the Senate Armed Services Committee on January 11, the hearing on the nomination of Mr. Rumsfeld for Secretary of Defense. My gut sense tells me Senator BYRD's question sent shock waves through the Pentagon. When I read about it in the newspaper the next day, I asked my staff to get the transcript and fax it to me because I was home in my State of Iowa. I studied the exchange between Senator BYRD and Secretary designate Rumsfeld very carefully. What I heard was music to my ears.

In a nutshell, Senator BYRD was talking about the Pentagon's continuing inability to earn a clean opinion under the Chief Financial Officer's Act audit. That act was passed in 1990. So we have been down this road, now, for 10 years. I hope in most departments of Government we have accomplished something. It does not seem as if we have in the case of the Pentagon.

Under the Chief Financial Officer's Act, the Pentagon must prepare financial statements each year. Those are then subjected to an independent audit by the General Accounting Office and the Inspector General. Senator BYRD, on January 11, questioned Mr. Rumsfeld about the results of the latest Chief Financial Officer's audit by the inspector general. Senator BYRD stated at that time, and I quote from the transcripts:

> DOD has yet to receive a clean audit opinion in its financial statements.

Senator BYRD went on to quote from a recent article in the Los Angeles Times about the Pentagon accounting mess. Again, I quote from the transcript of a statement of Senator BYRD:

> The Pentagon's books are in such utter disarray that no one knows what America's military actually owns or spends.

As Senator BYRD knows, this quote contains a very powerful message. This is the message that I glean from that quote: The Pentagon does not know how much it spends. It does not know if it gets what it orders in goods and services. And the Pentagon, additionally, does not have a handle on its inventory. If the Pentagon does not know what it owns and spends, then how does the Pentagon know if it needs more money? We, as Senators, presume already that the Pentagon needs more money—because there is kind of a bipartisan agreement to that, and President Bush won an election with that as one of his key points. We need to know more, and a sound accounting system is the basis for that judgment.

Of course, that is the logic that was the foundation of Senator BYRD's next question to Mr. Rumsfeld. I will quote again from January 11:

> I seriously question an increase in the Pentagon's budget in the face of the department's recent [inspector general] report. How can we seriously consider a $50 billion increase in the Defense Department budget when the [Department of Defense's] own auditors—when DOD's own auditors—say the department cannot account for $2.3 trillion in transactions in 1 year alone.

I agree with Senator BYRD's logic 100 percent. Ramping up the Pentagon budget when the books are a mess is highly questionable at best. To some it might seem crazy. And, of course, as I said about President Bush, and I compliment him for it, he appears to be reacting cautiously to pressure to pump up the defense budget, at least to do it now. He will do it in his own deliberate way, and hopefully with the adequate information to make a wise decision of how much the increase should be.

I am encouraged by front-page stories in the New York Times on January 31, 2001, and again on February 5. These reports clearly indicate there would be no decision on increases:

> . . . until the Pentagon has completed a top-to-bottom review of its long-term needs.

I think this was reiterated by the President yesterday in his message to our men and women in uniform when he was down at Fort Stewart. So this sounds good to me. I only hope the review the President is asking for includes a searching examination on the need to clean up the accounting books.

This brings me to the bottom line, Senator BYRD's very last question on January 11:

> What do you plan to do about this, Mr. Rumsfeld?

This is where the rubber meets the road. What do we do? What does the Secretary of Defense do, because he is in the driver's seat on this, to clean up the books? As I said a moment ago, I have been working on this problem for a long time and I am not happy with the Pentagon's response today, even though I am happy with the response of people such as Senator STEVENS and Senator BYRD to help us get some language in appropriations bills to bring some changes in this behavior.

I think the Pentagon has a negative attitude about fixing the problem.

The bureaucrats in the Pentagon say that this is the way it has always been. And it ain't going to change—at least not in our lifetime. It's just too hard to do.

The former CFO at the Pentagon, Mr. John Hamre, compared it to trying to change a tire on a car that was going 100 miles per hour.

Well, I just can't buy that. That is not acceptable to me.

This reminds me of the football team that loses one game after another. If I were the coach, I might say: Hey, it's time to go back to basics—like blocking and tackling drills every day.

I think the Pentagon needs to do the same thing—go back to basics—like accounting 101.

I will be the first to admit that I lack a full and complete understanding of the true magnitude of this problem.

Bookkeeping is a complicated and arcane field. And it's very boring. So it does not command much attention around here.

But over the years, I have learned one important lesson about government bookkeeping. Bookkeeping is the key to controlling the money, and making sure that the taxpayers money is well spent.

Bookkeeping is the key to CFO compliance.

If the books of account are accurate and complete, it's easy to follow the money trail. That makes it hard to steal the money.

By contrast, if bookkeeping is sloppy—as at the Pentagon today, then there is no money trail. That means financial accounts are vulnerable to theft and abuse.

And that is exactly where the IG and GAO say that the Pentagon is today.

Every one of their reports shows that bureaucrats at the Pentagon fail to perform routine bookkeeping functions day in and day out.

The IG and GAO reports show that financial transactions are not recorded in the Pentagon's books of account as they occur—promptly and accurately.

They show that some payments are deliberately posted to the wrong accounts. Sometimes transactions are not recorded in the books for months or even years and sometimes never.

They show that the Pentagon regularly makes underpayments, overpayments, duplicate payments, erroneous payments, and even fraudulent payments. And most of the time, there is no follow up effort to correct the mistakes.

These reports show that DOD has no effective capability for tracking the quantity, value, and locations of assets and inventory.

Double-entry bookkeeping is needed for that, but double-entry bookkeeping is a non-starter at the Pentagon. It doesn't exist.

In sum, Mr. President, these reports show that DOD has lost control of the money at the transaction level.

With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to scrutiny and, most importantly, audit.

Sloppy accounting generates billions of dollars in unreconciled mismatches between accounting, inventory, and disbursing records.

Bureaucrats at the Pentagon regularly try to close the gap with "plug" figures, but the IG is not fooled by that trick.

Billions and billions of dollars of unreconciled mismatches make it impossible to audit the books.

As a result, each year the Pentagon gets a failing grade on its annual financial statements required by law. Each year, the IG issues a "disclaimer of opinion" because the books don't balance.

This brings me back to where I started.

Senator BYRD shined a bright beam of light on this very problem at Mr. Rumfeld's hearing.

I thank him from the bottom of my heart.

By asking a few simple questions, the distinguished Senator from West Virginia has stirred up a hornets nest.

I am hoping that his interest will encourage the new leadership in the Pentagon to move in the right direction.

I hope the new leadership will help the bureaucrats find some old time religion.

What I am hoping is that we can find a way to convert this inertia into a long-term solution.

But Mr. Rumsfeld has to find the will to do it.

If the will is there, the way will be found.

When I talk about going back to basic accounting 101 stuff, I am not suggesting that DOD break out old-fashioned ledger books.

Today, bookkeeping and inventory control is done electronically, using highly integrated computer systems. Large companies like Wal-Mart Stores, Inc. are famous for doing it with ease. Wal-Mart has a transaction-driven system. It is updated instantaneously when a transaction occurs at a cash register anywhere in the system.

Why can't the Pentagon do it?

I made an all-out effort to fix it two years ago.

With the help and support of the Budget and Armed Services Committees, I crafted what I considered to be a legislative remedy.

Those provisions are embodied in Sections 933 and 1007 of the FY2000 defense authorization act—Public Law 106-65.

I thought my legislative remedy would move the Department of Defense towards a clean audit, and that they would get an OK under the Chief Financial Officers Act from the inspector general and the General Accounting Office within 2 years. That was the point of my amendment.

Well, guess what. We are two years down the road, and the clean opinion is nowhere in sight.

And there is nothing coming down the pike or on the distant horizon that tells me that we will get there any time soon.

DOD simply does not have the tools in place to get the job done.

So I am hoping that the Senator from Iowa and the Senator from West

Virginia can put their heads together and find a solution.

I am hoping we can work together to craft a more successful approach.

For starters, I have a recommendation to make to my friend from West Virginia.

In the near future, I would expect Secretary Rumsfeld to nominate a person to be his Under Secretary for financial management—the Comptroller and Chief Financial Officer.

This is his CFO.

This is the person responsible for cleaning up the books and bringing the Pentagon into compliance with the CFO Act.

I would like for us to sit down with this individual immediately after nomination—and long before confirmation.

I would like us to ask the same question that Senator BYRD asked Mr. Rumsfeld: Mr. Secretary, what do you plan to do about this?

First, I would expect this person to make a firm commitment to financial reform and to Chief Financial Officer's Act compliance. Second, I would not expect a final solution on the spot. However, prior to confirmation, I would expect this individual to provide us with a general framework and a timetable for reform. When can we expect to see a clean audit opinion? I will want the nominee to provide a satisfactory answer to that question.

I hope the Senator from West Virginia will think that is a good thing for us to ask the next CFO of DOD. As the new chairman of the Senate Finance Committee, I am deeply troubled by the Pentagon's negative—I don't care—attitude towards bookkeeping. I see good bookkeeping as a constitutional responsibility of every department of Government. Taking cash out of the pockets of hard-working Americans and appropriating to an agency that fails to control it is just not acceptable. That must change.

Now, in my new position on the Finance Committee, the Senator from Iowa is responsible for legislation that authorizes the Government to reach deep into every citizen's pocket to get this money. I want to be certain that money is spent wisely, No. 1, and No. 2, I want to be sure that there is an audit trail on that money for all of us to see. That audit trail, that accounting system, that information in that accounting system on past expenditures is a very necessary basis for President Bush and Mr. Rumsfeld to make a decision of how much more the Defense Department budget should be ramped up.

I thank the Senator from West Virginia for his willingness to work on this issue. Trying to solve the bookkeeping problem at the Pentagon, earning a clean audit opinion, would restore accountability to bookkeeping at the Pentagon. This is a worthy cause.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY BUDGET

Mr. THOMAS. Mr. President, I will continue on with a few more comments about the national security issue, which is being highlighted this week, of course, by the President.

We have talked about the most obvious issue dealing with the military; that is, having to do something for personnel. Without that, we can't have a military. We can't have defense. Furthermore, it is very unfair. We ask people in the military to serve the country, and they do that willingly. We have a responsibility to ensure that they are reasonably reimbursed and their living conditions are kept as high as possible.

Obviously, the military budget is one of considerable concern. It is the largest item in discretionary spending. We have discretionary spending of about $630 billion. Nearly half of that, $300 billion, is defense. It is very large. On the other hand, when we ask our country to defend against threats around the world —and this is not necessarily a peaceful world at this time—then we have to expect that it will be costly. We are faced with, of course—at least in the notion of many—what has been a period somewhat of neglect over the last 8 years where the military has not had the highest priority, has not had as high a level of support as many believe it should have.

Last year the uniformed Service Chiefs testified to a requirement of between $48 and $58 billion per year in additional funding above the 5-year projected budget. That is the impression, that is the notion from the military leadership of the amount of dollars that are essential. One of the things that makes that even more obvious in terms of needs is that while the military has not been supported as highly and as strongly as it might be, this administration that just passed has deployed more troops overseas than at any previous time during the same length of time. In the past decade, our active duty manpower has been reduced by about a third, active Army divisions have been cut by almost 50 percent. Not all that is bad, of course.

As the Senator from Iowa indicated, there are changes that need to be made. Certainly the economic accounting, the management of the economics in the military could stand some strengthening. I am sure that is the case. We ought to expect that kind of expenditure of taxpayer dollars. However, we do find ourselves in a state where we do need to change things. The lack of spare parts for aging systems has forced the military to take parts off of other vehicles and other airplanes and cannibalize other kinds of things. It is so widespread that personnel in the Air Force apparently spent 178,000 man-hours over 2 years removing parts from bombers and fighters and transports, some of those kinds of things that certainly do not bode well for the kind of military we, indeed, want to have.

Obviously, there are needs for change. Often bureaucracies—and frankly, the military has its share of bureaucracies—find it difficult to make change: We have always done it that way so we are going to continue to do it that way. Certainly that can't be the case with the military, as things have changed substantially.

I heard testimony this week before one of the committees that indicated there could be a good deal more cooperation and unification among the branches of the military to make it more economic. That is probably true.

One of the items that is being considered is the national missile defense. There is a great deal of interest in that. It is not a new idea. It has been around for about 20 years. It certainly has merit. If we thought we could develop some kind of an overall network of defense mechanisms, that would be a wonderful thing to do. On the other hand, there is substantial question about what the costs would be. I think there is substantial question even about the technology. It has not yet been developed.

I favor moving toward a national missile defense. I don't think we are ready to sacrifice some of the other things that we do because we are talking about doing a national missile defense.

First of all, as I mentioned, it is very expensive. We don't really know the cost. I have been to Space Command in Colorado Springs, CO. They indicated that even though they are enthusiastic about it and doing experiments, we haven't reached the technological level where it would work. I think there is a legitimate role for the missile defense soon. However, I think we are going to run into, No. 1, the cost; and No. 2, technology; and, No. 3, certainly we are going to have difficulties dealing with some other countries in terms of the agreements that we have.

I think we need to understand that, at least from what we know about it now, it is going to be a relatively limited defense system, probably based on the islands of Alaska. It will be designed to deal with rogue states that have very limited capacity but certainly have the scary capacity to put a missile in the United States, even though certainly that would not win a conflict for them. But it would do a great deal of damage to us.

I think the Space Command is working on the kind of system that would be there in case something came from a couple of the countries that are likely to be out of control in doing these kinds of things. They would be limited to defending against a limited number of reentry vehicles. They would not be able to deal with the whole issue of a major missile attack, of course.

I guess what I am saying is that we now have a nuclear capacity of our own, probably the strongest in the world. We have had it for a good long time. We deal in three areas, of course, land-based missiles, ship-to-ground missiles, and ground-to-air missiles. They constitute a very important part of our defense in terms of a deterrent. I think it is very necessary to continue to do that.

The President has talked about reducing the number of nuclear weapons. I think that makes sense. We are in the process of doing that now. We are in the process of removing some of our missiles under START I, and we are moving toward the restrictions that will be there in START II, in terms of the land-based missiles we have had over time, of course, the peacekeepers that have been multiple warhead missiles. These are being changed and replaced by the Minuteman III missiles, which would be a single warhead. We can do a good deal of reduction through this ongoing arrangement. There needs, in my view, however, to be the time START II or even START III was agreed to with the Russians, a minimum of 500 missiles that we would have, which brings us down to that 2,000 missiles that we talked about—the warheads we talked about in START I and II. We could do that. There is some talk about the idea of a hair trigger alert. There was something on TV last weekend, taken from the command room in one of these missile silos. I have been through this, and the fact is, there is a real system for ensuring that is not a hair trigger kind of a thing. It doesn't happen unless there is approval from three different areas before that happens. But more important than anything, I think it does really take from us the day-to-day deterrent that is out there, and the idea, of course, that if you only had a few missiles, we put your missiles in that place and do away with those—when you have them spread as we do now, basically about three different places land-based, then it is possible to do that.

I guess I am encouraged that we are talking about a missile defense system, that it would be there to augment the idea of maintaining our capacity to have this deterrence. I think it is terribly important that we do that as part of our strategy. We can move forward to reduce those numbers and get down to a START II agreement. I hope we do that.

We are going to be going forward, of course, on a number of things that all have to do with budgets, all have to do, then, with surpluses and taxes. These things are all related, of course, and should be. I am hopeful, frankly, from the standpoint of the budget, that the President pursues the idea that we ought to be able to have a budget that is basically inflation increases, which we overstepped last year substantially.

Occasionally, there are areas—certainly in health care—where we are going to want to expand. But I think regardless of the surplus it is important that we try to keep Government spending under control in some way. We seem to think if there is money, we ought to spend it. I think when you go out into the country and talk to people, they are very concerned about having a Federal Government that is continuously growing, that is more and more involved in our lives. And we would like to see these kinds of activities shifted back to the States, counties, and local governments, where government is closest to the people being governed.

So when we talk about budgets, we have to look at that in terms of the tax reductions. We are finding from the other side of the aisle a good deal of resistance to returning the money that people have overpaid in taxes to the people who paid it. That is a pretty stiff argument to undertake. We need, of course, to set up spending to pay down the debt. I think we have an opportunity to deal with these things in a balanced way so we can come out of this session of Congress—if we are really persuaded as to what we want to do, I hope we may give some thought, individually and collectively, to what we want to have accomplished when this session of Congress is over. What do we want to say we have done in terms of tax relief? What have we been able to accomplish? What do we want to say we have been able to do in terms of controlling spending? What are our goals in terms of paying down the debt?

I think these are some of the things we talk about a great deal. We talk about them kind of independently and, obviously, everybody has a different idea, and that is legitimate. It seems to me that we ought to be able to establish fairly and collectively some goals, some vision of where we want to be, what we want to have accomplished when these 2 years are over, and then be able to measure the things we do against the attainment of those goals.

Unfortunately, I am afraid that, from time to time, it is not always the measurement of individual actions as to how they contribute to overall attainment. Will there be agreement on all of those things? Of course not. That is the nature of this place, the nature of any group that makes decisions. They don't all agree. They have different views and values, and we have to deal with that. There is nothing wrong with that. But we do want to be able to move toward accomplishing those things that we believe are good for the country, good for the long-term merits, and that, it seems to me, is our challenge.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE

Mr. BENNETT. Mr. President, I understand there have been speeches given this morning with respect to the military and the decision by President Bush to take a very serious look at what is happening in the military—a pause, if you will, in the funding and planning until we get our hands around exactly where things are.

I want to comment about the wisdom of that particular approach. If I may, I want to go back to the most inconsequential military career perhaps in the history of America—my own. It will demonstrate what happens in the military and demonstrate the power of inertia because once something gets started in one direction, it continues in that direction until some outside force is put upon it. That is not just Newton's law of motion; that is the law of motion in government as a whole.

I went into the military in 1957. I joined the Utah National Guard and was sent on active duty for training, first to Fort Ord, CA, and then, because my Guard unit was in the artillery observation business, to Fort Sill, OK.

I went to Fort Sill, OK, to be trained in sound ranging. If that does not mean anything to you, Mr. President, I would not be surprised because sound ranging is a military skill that reached its apex of applicability in World War I. It had some applicability in World War II, very little in Korea, and virtually none in 1957 when I was trained in it.

But the inertia of the military organization was such that no one had reviewed the pattern of training people in sound ranging. So going forward, as a body in physics, moving in the same direction, it continued in the same direction. I and my fellow classmates were put through a program on sound ranging.

As it happened, I graduated first in my class. That is not as big an achievement as it might sound because I was the only member of the class who had been to college. I was a college graduate; the others were draftees who were high school graduates; and if I had not finished first, it would have been a disgrace.

Having finished first, once again the pattern of inertia in the military decreed that I should become an instructor and that the next sound ranging course that would go through Fort Sill, OK, would be taught by me. This is very flattering, except that my time on active duty with the National Guard would expire before the next class would convene.

I spent the remainder of my time in the day room, or at the post library, or doing other things because there was absolutely nothing for me to do. At the time I wondered: Doesn't anybody review these things? Doesn't anybody look at this and say: Wait a minute, this is a program that has long since outlived its usefulness, should be stopped, and we should just forget this?

No, nobody did. I got so bored, I went in and volunteered to teach other classes and had to go back to school, if you will, on my own time to learn logarithms so that I could teach that mathematical skill to the surveyors in the school. Basically, this was the least distinguished and least significant military career in American history, but it demonstrates what happens when we allow inertia to take over. We allow the military to go forward in one direction, and we do not ever stop and say: Wait a minute, are we doing the right thing?

Summarizing it another way, there are some historians who say the generals always fight the last war; they are always prepared for the last battle, not the battle that is to come.

The cold war is over. That is a cliche. Like most cliches, it happens to be true. Much of our military is geared towards fighting the cold war. Much of our military is geared towards a circumstance where the military commanders involved are comfortable with the way things are going because they are the way things have been.

The idea that there should be a careful look at where they are and a reassessment of the direction they are taking is a little bit threatening; it is unsettling; it implies uncertainty. The one thing many military men hate worse than anything else is uncertainty.

As I was going through the airport, flying back for this week's session, a book caught my eye. Tom Clancy is the author. We all know Tom Clancy. The reason it caught my eye was his mention of a military officer who had helped him write the book, a man named Chuck Horner. I met Chuck Horner when he was the commander of the U.S. Space Command, a four-star general located in Colorado Springs. He was the commander of the air war in the gulf. He was the top Air Force officer with respect to the Gulf War.

I found him fascinating, and when I saw his name on the cover of this book written by Tom Clancy, I decided to buy the book because I wanted to learn more about General Horner.

The reason I found him fascinating, among other things, was this statement he made to me during the time I spent with him. He said: The Gulf War was the first war fought from space. Tanks got positioned by virtue of instructions that came from space. Colin Powell said this is the war where the infantryman goes into the field with a rifle in one hand and a laptop in the other. Even that is now obsolete because he would take a palm pilot instead of a laptop; a laptop would be too cumbersome.

The Army, with its current advertising campaign, is beginning to talk about that. I am not sure it is the right advertising campaign—every soldier is an army of one—but it demonstrates how vastly changed things are.

Against that background where those things not only have changed but are changing, doesn't it make sense for the Secretary of Defense to say it is time for us to pause in the direction we are going in our procurement, in our threat assessment, in our strength establishment, and look toward the kind of military we are going to need in the future? Isn't it time for us to take a break when we do not have an immediate military threat and reassess from top to bottom everything we are doing?

I think it demonstrates the maturity of the Bush administration that Secretary Rumsfeld is engaged in this kind of activity. I think it demonstrates that the Bush administration has a very long-headed view of life; that they are not looking to this week or next week; they are not looking to the current polls; they are not looking to what might work in terms of a special interest group that has an attitude toward the military; they are saying: What does America need for the next decade? What kind of long-term decision can we make that will make America prepare for the different kind of threat we are facing? I think it means a military that will very quickly say we don't need any sound ranging classes, and we don't need any people sitting around with nothing to do. There is far too much to do in terms of planning and training and direction. I applaud President Bush for this decision, I applaud Secretary Rumsfeld for carrying it out, and I wish to make it clear that this Senator will do everything he can to support and sustain this effort.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m, recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 2:45 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to address the Senate in morning business for no longer than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SMITH of New Hampshire and Mr. KYL pertaining to the introduction of S. 305 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the time until 3:15 shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Arizona.

NEED FOR MILITARY IMPROVEMENTS

Mr. KYL. Mr. President, I would like to turn my attention this afternoon to something a little bit more immediate in terms of the Senate's actions. We all saw the news yesterday of the President's visit to Fort Stewart in Georgia. In fact, I spoke with a colleague of ours who had been with the President on that trip. She talked about the rather sorry state of the military barracks she visited, and the need for improvements to the military quality of life all around the country, exemplified by the President's visit to Fort Stewart.

As a result of his visit, the President has made some very forward-leaning announcements about improvement of the quality of life, including $5.7 billion in new spending—$1.4 billion for military pay increases, $400 million to improve military housing, $3.9 billion to improve military health benefits, $5.7 billion on new spending for the people in our military. I am certain that part of that will have to come through a so-called supplemental appropriations bill.

For those who are not totally familiar with the work of the Senate, ordinarily at about this time of the year, the Senate has to provide some infusion of cash to the military because of unforeseen expenditures and some that really were not so unforeseen but which were not budgeted for. For example, we know we will have to be in

Bosnia and Kosovo and some other places in the world. Unfortunately, the previous administration never budgeted for those operations in advance, so the military had to pay for those operations out of hide.

They had to not buy certain spare parts, not sail ships during certain hours, not provide for maintenance of facilities and installations, deferring that for a later day, and use the money instead to support these operations abroad. Each year, we have had, therefore, a supplemental appropriations bill. Basically, the bill comes due. It has to be paid one way or another, sooner or later. We will have to do that same thing this year.

The President has decided to wait a little bit to make sure he knows exactly how much is needed. By the way, I hope President Bush will say to the Congress: I found out that we need exactly—and then give us the number. Let's assume it is $5 billion, for the sake of argument—I would like the Congress to provide $5 billion in supplemental appropriations to get our military through the end of the fiscal year. That is how much we need, and I will veto a bill that is a dollar less or a dollar more.

In other words, this should not become a Christmas tree for everyone's favorite project. I urge the President to give us an exact figure and tell us it is on our shoulders to pass that supplemental appropriations bill for him, for the military, and to reject any change we may make, therefore, removing the temptation some of our colleagues have to load those bills up with things that don't really pertain to necessities for the military.

I also want to suggest that we are going to need that supplemental appropriations bill not just for the quality of life of our military but for readiness. Certainly, the Presiding Officer knows this better than almost anybody in this body. Readiness has suffered during the last several years through a combination of two primary circumstances. One, we are deploying troops far more frequently and far-flung around the world than in the past. Two, we have cut the spending year after year, so we don't have the equipment in top shape to send where we need to send it, when we need to send it. Our troops are overstressed. The net result is readiness has suffered. We would not be able to go tomorrow where we need to in the world with the same degree of confidence we were able to muster, say, a decade ago when we went to the Persian Gulf.

I think a few statistics are interesting. The lack of spare parts forced our military to cannibalize systems to keep things working. GAO found in 1999, "cannibalization was so widespread in the Air Force that maintenance personnel spent 178,000 hours over 2 years removing parts from bombers and fighters and transports to put into other planes."

I was at Luke Air Force Base in the western part of the Phoenix area not long ago and was told of the 100-plus planes they had there—roughly 10 percent were F–16s, by the way, the top of our fighter line—were being used for cannibalization. That has gotten some better. That illustrates we are cannibalizing our equipment, and we know that is the beginning of the end, in terms of readiness.

The Navy, the same thing. We could go through all the different services. I won't take the time to do that. These cannibalization rates, not only in the Navy, have doubled in the last 4 years, but the problem is most acute among the jet aircraft that are most in demand.

I think there is a broad consensus that we need to be improving our readiness and that those are bills that need to be paid now, equipment that needs to be purchased now. We can't wait until the beginning of the next fiscal year, which is not until October, this fall sometime. I hope when the President sends his supplemental appropriations request to us, it will include both the personnel quality of life needs he has already announced, which I think all of us will support very strongly, and in addition to that some immediate needs to improve our readiness. I was going to say "ensure" our readiness, but the fact is, we can't do enough in supplemental appropriations to ensure readiness. We can just begin to get to the point where we have the state of readiness we really desire.

The Joint Chiefs of Staff, the Congressional Budget Office, and various independent analysts from groups such as Brookings Institution and the Center for Strategic and Budgetary Assessment and former Secretaries of Defense, such as Harold Brown and Jim Slessinger—all of these groups and individuals, and many more, have come to the conclusion that we are going to need to increase defense spending over the next several years, and we are going to have to do it fairly dramatically.

I applaud the administration's efforts to examine what we really need, what we can do without, and how we are going to structure our forces to meet the new challenges of the 21st century. It is time to get out of the old thinking and keep putting money into the same old weapons projects.

That said—and we all understand the need for this review—it is also true that at the same time we are doing that review, we can and should be doing things to improve our military, things we know need to be done; and whatever we are going to be doing in 5, 8, 10 years, we know we will need additional funding to support the troops during the next 5, 6, 8, 10 years.

So it is not a matter of either/or, or first we do a review and then decide how much to spend. We know we need to spend some money now and we also need to reevaluate our long-term strategy so we can better fix our spending for the future.

For those who say we can't do anything until all of that is done, I say listen to those who are expert, who have testified to this in the past, the Joint Chiefs and staff and others, who understand our military requirements right this minute. We are not talking about buying new weapons systems that have to be reevaluated. Let me make it clear that I support President Bush's desire to reevaluate every one of these weapons systems. I have severe doubts about whether some of the most expensive systems we have on the drawing board really need to go forward. But we also know, in the meantime, we do have needs, unmet needs, which can only be satisfied through an increase in defense spending.

That is why I think it is important for us not only to pass the supplemental appropriation at the time the President sends it to us but also to put together very soon a budget for the Department of Defense which meets some of these short-term needs.

Essentially, my bottom line here is the military, the armed services don't have the luxury of waiting until the end of a review to meet some of the needs of today. That is my primary point.

I talked about a dual problem. One problem is the degree of deployment, the number of overseas missions assigned to our military, increased by just under 300 percent during the previous administration, with President Clinton deploying our forces on such missions 40 times compared to 14 times under former President Bush, and 16 times under Reagan. The readiness problems have resulted from that, plus spending not keeping up with the needs.

Just a couple of further illustrations of the problem. A recent article in Defense Week quotes at length from an internal Navy audit into the readiness of F–14 squadrons, which are suffering from this combination of high operational tempos and insufficient funding. One of the quotations from that audit is that, "more and more, forward forces are short on planes, munitions, spare parts, and training time. This could result in F–14 squadrons being at high risk while engaging the enemy, an unnecessary loss of life and property, and failure to achieve U.S. policy goals."

That is pretty serious. When that degree of risk is upon us today, we can't wait until tomorrow to put the funding into the military budget to make up for the shortfall in the short run. We have not budgeted for expenses such as our efforts in the Balkans, as I pointed out before. That ought to be budgeted in the general budget and not have to come to us each year in a supplemental appropriation.

Unless we are able to infuse this kind of money into the defense budget very quickly, then the Navy is going to be forced to cut its flying hours; the Air Force is going to have to make adjustments that will erode its readiness, including flying hours, maintenance, air crew proficiency, aircraft maintenance and repair, not to mention that spare parts and fuel shortages are going to be required to be rectified if we are going to have a high state of readiness during the interim period between now and the time the new force the Bush administration is talking about comes into play.

Mr. President, there is something else we are going to have to do, and that is to begin doing the kind of research that will be necessary to effectuate President Bush's new plans. He asked for a review of these military programs by experts in the Pentagon and outside who will come to him with some very bold ideas, I predict; and they are going to call for modernization of the force, the use of the most recent technology, the application of that technology in ways that we haven't even dreamed of up until now. But unless we are willing to put money back into research and development, as we used to do, we are not going to be able to effectuate these plans. They are going to look great on paper, but we are not going to have the ability to do it. Why? It takes skilled people in place. Unless these people believe they have a future, they don't sign up for these particular kinds of jobs. The contractors themselves can't wrap up with a group of people and facilities to do something for which there is no contract and no hope of a contract.

You cannot just make this appear out of thin air. That is why we have to begin planning today for the defense budget for this coming fiscal year to begin to reestablish a robust research and development program that will be able to service the budgetary requirements that are going to come from the administration in the creation of its new technological military for the 21st century.

We have been eating our seed corn in this regard over the last several years. Again, the Presiding Officer knows better than most in this body that we have cut research and development way back in order to put some money into quality of life and to keep our forces as ready as we can possibly keep them. The result of that has been to reduce drastically the amount of money available for our research and development.

That is an area where we are going to have to add to the budget that comes before the Congress this year, and if the administration, frankly, is unwilling to do that, then the Congress has to put that money in the budget so when the President needs those people and those facilities to begin developing these new high-tech products, we will be able to respond to that call.

There are some other areas in which we are going to have to add money to the budget. I spoke this morning with respect to missile defense. It is very clear we are going to be making some decisions early on in this administration to proceed with the development of missile defense. I applaud the administration's desire to reevaluate the exact components and structure of that defense because, frankly, I do not think the way the Clinton administration was thinking about doing it was the best. It was rudimentary; it was vulnerable; it was effective only in an extraordinarily limited sense.

As a first step, it might just be fine, but we are going to have to reevaluate how to put this together and undoubtedly expend funds for research and development, as well as deployment of these systems. That is not going to happen without money in the budget.

When opponents of missile defense say it is going to cost a lot of money, they exaggerate about how much, but they are right about one thing: We are going to have to put more money in the budget for it, more money than has been in the budget in the past. As a result, the budget we put together and send to the President—and I hope the budget the President puts together for our review—will include additional support for ballistic missile defense, especially in an area which has been robbed in the past, and that is the sea-based missile defense.

Mr. President, you may have been one of our colleagues—I believe you were—who supported a lawsuit that I filed against the Secretary of Defense several years ago for refusing to spend money that the Congress authorized and appropriated for specific missile defense programs, specifically, the sea-based systems of the Navy and the THAAD Program of the Army. The Secretary of Defense at that time said: I understand that you have appropriated and authorized this funding, but I am not going to spend the money.

Subsequently, he began to spend a little bit of it. That, plus the fact that money that which had been in those programs was taken from those programs and applied to other programs, has instead resulted in a severe underfunding of these missile defense programs.

These are theater missile defense programs, and the Navy program especially has been robbed and shortchanged. Unless we are willing to put money into the budget to ramp those programs back up to where they should be, we are not going to be able to deploy the Navy portion of the missile defense system as we should. The irony is that if we put the money into the budget—and it takes a relatively small amount; my guess is over 4 years about $1.5 billion as an add-on will do the trick—if we were to put that kind of money into the budget, we could actually deploy a Navy missile defense system sooner and more effectively than a land-based system. In any event, we have the two to complement each other. The bottom line is we are going to have to put more money into the missile defense part of the budget.

Finally, there has been a suggestion the Department of Energy's defense weapons component of the budget is going to have to take a big hit. That, too, is a big mistake because when the proponents of the Comprehensive Nuclear Test-Ban Treaty said we really have a substitute for testing, it is called the Stockpile Stewardship Program, I raised several questions. First, we are not going to know for more than a decade whether it is going to produce results.

Second, I predicted Congress' desire to continue funding for this program would wane over time. I have been the second staunchest supporter, by the way, of funding after our colleague, PETE DOMENICI from New Mexico. Sure enough, now there is a suggestion that the Stockpile Stewardship Program should be shorted some funding.

You cannot have it both ways. You cannot argue on the one hand we do not need to do any testing and on the other hand we need to change the Stockpile Stewardship Program.

These are three specific areas I mentioned: the need for research and development, the need for proceeding with the sea-based missile defense system, and the need for stockpile stewardship, all of which are going to require more, not less, funding of the defense budget. That is why at the end of the day, we are going to have to be willing to add money to the defense budget, and if that means it is prior to the administration's determination that funding is necessary, I say so be it; it is going to be necessary. Then we are going to have to get behind the President and support his long-term projects, which I know will, in the end, provide a very robust defense for the United States but which, in the meantime, we are going to have to be very watchful of with respect to the readiness both today and the preparation for that day that the new force of the 21st century has been developed.

These are all matters we will discuss further in the future, but I think they are an important element in discussing this week the President's plan to strengthen our national security to ensure that our military remains the strongest in the world, capable of doing everything we ask of it. I know the President would demand no less.

I thank the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know our time is to run until 3:15 p.m. I ask unanimous consent that I be given 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have been listening with a great deal of interest to you, the Senator from Arizona, as well as the Senator from New Hampshire. I do, as you mentioned, chair the Armed Services Subcommittee on Readiness. The Subcommittee on Readiness has jurisdiction over training, military construction, the BRAC process, and a few other things.

It is important during this debate that we say it in terms of reality to get the attention of the American people. Since 1996, I have been saying that we in the United States of America are in the most threatened position we have been in in the history of this country. Many people do not believe that. Many people shrug their shoulders and say: This is not true, we are the strongest in the world.

Yes, we may be the strongest in the world at this given time, but with the number of threats, it is questionable whether or not we would be able to defend ourselves adequately, certainly not meet the minimum expectations of the American people, which is defend America on two regional fronts.

When I make this statement that we are in the most threatened position—we had before our committee less than a year ago George Tenet, who is the Director of Central Intelligence and the man who knows more about threats than anyone else in this Nation who was, incidentally, appointed by President Clinton. I asked George Tenet that question: Is it true what I have been saying since 1996, that we are in the most threatened position we have been in as a nation? He said: That's exactly right. That is from George Tenet.

The reasons we are are threefold. It has been said on the floor but not put together in one thread.

First of all, the obvious is that we are at one-half the force strength we were in 1991 at the end of the Persian Gulf war. What I am saying is we are one-half the force strength—that can be quantified—one-half the Army divisions, one-half the tactical air wings, one-half the ships.

Talking about ships, we were cut down from a 600-ship Navy to a 300-ship Navy. We saw the tragedy that took place in Yemen with the U.S.S. *Cole*. When you stop and think about it, some of the ships that were taken out when we downsized the Navy were the oilers, the tankers that refuel our ships at sea.

We send our fleets from the Mediterranean, through the Suez Canal, down the Red Sea, turn left and go up the Arabian Sea to the Persian Gulf. That is 5,000 miles. We have to have refueling capacity.

After the Yemen tragedy, I could not find one vice admiral who did not say if we had not taken out of service at least two of those refuelers, we would have refueled at sea, and those sailors would be alive today. We are at one-half force strength. At the same time, we have more than tripled our number of deployments around the world. I might add, these are places where I contend we don't have national security strategic interests at stake.

In November of 1995, in this Chamber, we were debating whether or not to go into Bosnia. We said on this floor, it is easy to go in; it is hard to get out. We had a resolution of disapproval. It wasn't until President Clinton said: I guarantee if you vote down that resolution of disapproval, we will send the troops over there and they will all be home for Christmas, 1996. Guess what. They are still there.

It will be very difficult to get them out if the same thing happened in Kosovo. Regarding the threat in the Persian Gulf, just to handle the logistics of a war if it should break out in the Persian Gulf, we would have to be 100-percent dependent upon our Guard and Reserve to take care of the defense of this Nation. This is very difficult because the Guard and Reserve components also are down in numbers because of the retention problems we have.

That is serious. When you take that and the number of deployments, along with one-half force strength, the third component is we don't have a national missile defense system. Sometimes, I say it is handy not to be an attorney in this body because when I read the ABM Treaty that was passed, introduced by the Republicans, back in 1972, between two great superpowers, the U.S.S.R. and the United States, I contend that doesn't exist anymore. Yet that is the very thing that has been used for the last 8 years by our previous President to keep us from deploying a national missile defense system.

In 1983, we made the decision we were going to put one into effect. We were online to do that until this last administration came in.

Next, I think it is important to realize this euphoric assumption that many have—and the press does not discourage this notion; it might be our force strength is down, our deployments are up—we don't have a national missile defense system, but there is no threat out there in terms of a national missile defense. Virtually every country out there has weapons of mass destruction. Many countries have missiles that will reach the United States of America.

Take China, for example. If they fired a missile, it would take 35 minutes to get here. We have nothing in our arsenal to stop that missile from hitting an American city. Compare my State of Oklahoma and the terrible disaster, the tragedy that took place. The smallest nuclear warhead known to man is 1,000 times greater in explosive power. Think about that. China has missiles that can reach here. Do other countries besides Russia, North Korea, and China have the missile? We don't know for sure. They are trading technology and trading systems with countries such as Iran and Iraq, Serbia, Libya, Pakistan, and others. The one thing they have in common is they don't like us. We have a serious problem.

We don't have the modernization people think. I heard people say: At least we have the finest equipment in the world.

I was proud of Gen. John Jumper not too many months ago when he came out and said: Right now we don't have anything in our arsenal as powerful in terms of air-to-air combat as the SU–27 and the SU–37. It is my understanding, if we go on with the SU–22, it is not as good as the SU–37 they are building today.

Look at our training and retention. We see our pilots leaving. We see our midlevel NCOs leaving. I talked to pilots at Corpus Navy. Forty pilots said: It is not the competition outside; it is not the money. This country has lost its sense of mission. We are not getting the training we need.

Our Air Force pilots cannot go into the desert and have red flag exercises because we don't have the money to do it. The Senator from Arizona talked about not having bullets, ammunition. We don't have bullets and ammunition. RPM accounts, the maintenance accounts, are supposed to be done immediately.

I was at Fort Bragg the other day in a rainstorm. Our troops were covering up equipment with their bodies because we don't have the money to put a roof on the barracks down there. Our equipment is old. We found some M915 trucks had a million miles on the chassis. They were in bad repair.

We see the cannibalization rate at Travis—C–5s sitting in the field with rotting parts. It is very labor intensive to get the parts back on and to uncrate new parts and replace them. In many areas, our mechanics are actually working 14 to 16 hours a day. Our retention is down.

I can think of nothing more significant at this time than to start doing exactly what our new President said he would do when he was on the campaign trail; that is, assess the problems we have now and how can we put ourselves back into position, where, No. 1, we can adequately protect America from an incoming missile.

As the Senator from Arizona said, we might have tried the same thing with the sea-based AEGIS system. We have $50 billion invested in 22 AEGIS ships, but they cannot reach the upper tier. It costs little to get them up to knocking down incoming missiles and they can protect the troops in North Korea and both coasts in America. The opportunity is there.

I wish we had proceeded with this 10 years ago. I believe we are on the right step. The single most significant thing we can do as a Senate and Congress and the President of the United States is to rebuild our defense system, to satisfy the minimum expectations of the American people; that is, to defend America on two regional fronts.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 310 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 311 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE RETIRED PAY RESTORATION ACT OF 2001

Mr. REID. Mr. President, each day in America 1,000 World War II veterans die. Seven days a week, every day of every month, thousands of World War II veterans die. It is with this background that today I am going to be talking about legislation which I introduced a short time ago.

On January 24th I sponsored S. 170, the Retired Pay Restoration Act of 2001. This bill addresses a 110-year-old injustice against over 450,000 of our nations veterans. Congress has repeatedly forced the bravest men and women in our nation—retired, career veterans—to essentially forgo receipt of a portion of their retirement pay if they happen to also receive disability pay for an injury that occurred in the line of duty.

We have, in America, a law that says if you are a career military person and you also have a disability you receive while in the military, when you retire you cannot draw both pensions. If you, however, retire from the Department of Energy, or you retire from Sears & Roebuck, you can draw both pensions, but not our dedicated service men and women. They cannot draw both pensions. That is wrong. That is what this legislation is trying to correct.

The reason I did it on the background of a thousand men dying every day is because we have to do something before it is too late for those people. We have many World War II veterans who spent a career in the military. They were in the military and received a disability. In all of these years, they have only been able to, in effect, draw one pension. That is wrong.

S. 170 permits retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

Last year, I along with Senator INOUYE, introduced S. 2357, the Armed Forces Concurrent Retirement and Disability Payment Act of 2000. I was extremely disappointed that we did not take the opportunity to correct this long-standing inequity in the 106th Congress.

Out of 100 percent of what we should have done last year, we did 1 percent. We did very little.

I urge my colleagues to support this legislation. Memorial Day is just over one hundred days away. There is no better honor this body could bestow upon our nations veterans who have sacrificed so much, than to pass this legislation before Memorial Day.

We are currently losing over one thousand WWII veterans each day. Every day we delay acting on this legislation means that we have denied fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

Given the tax and budget debate we are now in, I am gravely concerned that we will not have the resources that will be needed to properly fund this legislation and honor those who served our nation—our veterans.

President Bush rightfully this week is focusing attention on the U.S. military. It is very important that he do that. I think the way he is approaching things appears to me to be very reasoned. He is saying we are going to keep Clinton's budget in effect this year until we have a chance to really understand what is happening. But he ordered Secretary Rumsfeld to take a close look at it.

One of the things I want him to take a close look at is not only the readiness of the military and what happens to those people who have already served in the military, but I also say that it is very important that everyone recognize we do need and deserve and will have some kind of a tax cut. But we have to be aware of the fact we are basing these proposed tax cuts on uncertain forecasts. We are forecasting 10 years in the future.

A few days ago here in Washington they forecast morning temperatures in the midforties. Most mornings I get up and take a little run. So I was kind of happy that we were going to have a break in the weather. The forecast was it would be kind of warm. I got up, put on shorts and a T-shirt. Out I went. It was 33 degrees. There is a lot of difference between 40 and 33. I was real cold. I say that because people can't forecast very well the weather 1 day ahead. I think we who are depending on the economists to forecast 10 years ahead must approach this with caution. I know we will do that.

We also have to be sure this tax cut is proper in size. We have to make sure we do not take away from debt reduction and that we take care of Social Security and Medicare.

Also, in addition to these projections, and the size that we are talking about with this tax cut, we want to look at fairness. Are we approaching this in the right way? Is it really appropriate?

This is in the form of a question and not a statement. Is it really appropriate that the top 1 percent and the wealthiest 1 percent get 43 percent of the tax cut? They pay a lot of the taxes—about 20 percent of the taxes. I think there has to be a debate, once we determine the projections, about the size of this tax cut—what we are going to do and how we are going to distribute that?

I was home this past weekend. Most Americans—in fact 80 percent of Americans—pay more in withholding taxes than they do in income taxes.

I also say this: The business community is concerned the tax cuts are not directed toward them but, rather, individuals. We have to make sure the tax cut we come up with is fair. As I said, this Senator supports tax cuts for all Americans. I think we have to make sure these tax cuts protect Social Security and Medicare and that we have some money left over to invest in health, education, and things such as my taking care of veterans.

Of course, for me, the biggest tax cut the American people can get is to recognize if we pay down that debt, everybody gets a tax cut. The magnitude of the tax cut that President Bush is pushing we hope will not eliminate any ability of increased funding for veterans. This is going to cost money, but it is going to cost money that is one of the fairest ways we could spend some of the surplus.

I say to President Bush: We should not leave our veterans behind. I say to Members of this Congress: We should not leave our veterans behind. Our veterans have earned this and now is our chance to honor their service to our Nation in a different way. I will work very hard to ensure that our Nation's veterans receive the dividend of our current surplus. Specifically, we have to have a fiscally responsible tax cut that allows us to protect Social Security, provide a prescription drug benefit, fund education, ensure a strong and stable military, and continue to pay down the debt.

Today, over a million and a half Americans dedicate every minute of their lives to the defense of this Nation. The U.S. military force is unmatched in the history of the world in terms of power, training, and ability, and this Nation is recognized as the world's only superpower, a status which is largely due to the sacrifices our veterans made during this last century. So rather than honoring their commitment and bravery by fulfilling our obligations, the Federal Government has chosen instead to perpetuate a 110-year-old injustice. Quite simply, this is wrong. It borders on being disgraceful.

I hope everyone within the sound of my voice will join in honoring these veterans who deserve what they have earned. They are not asking for a handout. They are asking for what they deserve. They have disabilities. They have fulfilled their commitment in the military and are subject to that retirement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Kansas, how long does he wish to speak?

Mr. BROWNBACK. Five minutes or less because I preside at that point in time.

Mr. REID. Senator BOXER has made a request through me and I ask this of the Chair. I ask unanimous consent that she be allowed to speak at 4:20 p.m. for 25 minutes.

The PRESIDING OFFICER. Is there objection to Senator BOXER speaking for 25 minutes?

Without objection, it is so ordered.

The Senator from Kansas is recognized.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 315 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SUPPORT FOR THE DEFENDERS OF OUR NATION

Mr. BROWNBACK. Mr. President, on July 27, 1920, in a speech before the Republican national convention in Chicago accepting his party's nomination for Vice President, Massachusetts Governor Calvin Coolidge exclaimed, "The nation which forgets its defenders will be itself forgotten." With these striking words, Coolidge chastened the convention delegates to never take lightly the sacrifice of American soldiers, who during World War I, left freedom's shores to defend democracy abroad. Back then, Coolidge recognized that a great country must honor its guardians, lest it be forgotten.

This week, President George W. Bush has come forward under the same banner as Coolidge did in 1920, to declare that America must not forget its defenders. In a speech before the brave men and women of the United States Army's 3rd Infantry Division at Fort Stewart Georgia, President Bush proposed $5.7 billion in new spending for the soldiers, sailors and airmen of the Armed Forces. Specifically, the President has proposed dedicating $400 million for across-the-board pay raises, $1 billion for re-enlistment bonuses, $3.9 billion for improving military health benefits, and $400 million to improve military housing. I applaud the President on this brave and honorable proposal.

I find it appalling that before the President announced this proposal many were criticizing his decision to temporarily freeze program spending at last year's appropriated levels. When the President ordered the Secretary of Defense to conduct a thorough review of Pentagon weapons programs before proceeding with any requests for supplemental funds, he was attacked in the press for breaking his campaign promise to "bolster our national defense." I find such assertions to be not only mean-spirited, but also misguided.

Make no mistake, newer and better weapons systems are crucial toward maintaining our national defense. We live in a world where we face real and present hostilities. Rogue nations are becoming increasingly capable of striking America's shores, and I look forward to the debate we will have in the Senate this year about building ballistic missile defense systems, and other "next generation" weapons to counter these terrors. However, I fully realize that without qualified men and women trained in the use and support of these systems, we are merely left with empty threats to counter these real hostilities.

Human beings are the driving force behind our national security. Tanks, ships, and fighter jets do not win wars. Soldiers, sailors, and airmen do. Arlington does not honor the memory of our greatest weapons. Those hallowed grounds are sacred to the memory of the men and women who have laid down their lives using and supporting those weapons. Concern for the individuals who proudly serve our Nation as soldiers should always be our first priority when we debate our national defense policies. By proceeding first to the need of the soldiers ahead of the need for new weapons, President Bush has demonstrated he has his priorities straight and I pledge my support for his proposal in the U.S. Senate.

The bond between a soldier and his nation must be reciprocal. The United States must rely on soldiers to defend against her enemies, and, for over 225 years, these soldiers have never failed. However, we do not always recognize the fact that the favor often goes unreturned. Far too often throughout our history the United States has relied on the defense of the soldier, while failing, in turn, to defend the soldier against their own enemies.

The enemies of our soldiers are low pay, substandard housing, and second class health benefits. No one would deny that all of our citizens are in perpetual need of a good wage, a good home, and good health care, and yet, we often act as if our soldiers are in need of less. Addressing the New York State Legislature in 1775, General George Washington reminded the legislators, "When we assumed the Soldier, we did not lay aside the Citizen." Our citizens, on becoming soldiers, have not left want and need behind. It is our duty to afford them with means to not only survive, but to also thrive. We can afford no less. Freedom is never free.

Mr. President, again, I commend President Bush for coming forward and declaring the need to support the defenders of the Nation. Again, this week, President George Bush came forward under the same banner as Calvin Coolidge did in 1920, to declare that America must not forget its defenders. In a speech given to the Army's 3rd Infantry Division at Fort Stewart, GA, President Bush proposed $5.7 billion in new spending for the soldiers, sailors, and airmen in the armed services. Specifically, the President has proposed dedicating $400 million for across-the-board pay raises, $1 billion for reenlistment bonuses, and other benefits to the men and women in uniform.

I end my comments by saying that this is long overdue. We have several military installations in Kansas. We, unfortunately, have people in our armed forces who are not well paid and not paid near enough for the job they are doing. It is past time for us to step forward and pay our men and women in uniform sufficiently for the work they do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I wonder if you would be so kind as to tell me when I am down to 5 minutes remaining in my 25 minutes.

The PRESIDING OFFICER. The Chair will do so.

TAX CUTS

Mrs. BOXER. Mr. President, we are faced with a tremendous choice in America, and that is whether we want to continue with policies that led to an 8-year recovery of our economy which was flat on its back and go with those policies of fiscal responsibility and fairness and investment or go back to the days of what was called trickle-down economics, where the very wealthy got the most, the rest of us got very little, the deficits soared, the debt soared, our country was in trouble.

I represent, along with Senator FEINSTEIN, the largest State in the Nation. We have 34 million people. We had a recession that was second to none. It was the worst recession since the Great Depression. It took us a long time to come out of that. We had double-digit unemployment. We had a terrible situation. But because we followed, in this Government, finally, a policy of fiscal restraint, we got back on our feet and people have done very well. That is why this discussion about the proposed tax cut by our new President, versus the tax cut that will be supported by the Democrats, is such an important conversation.

Last week, President Bush submitted a tax cut plan to the Congress. It was not detailed, but it was a plan. It was like a brochure in which he laid out his vision of a tax cut. He outlined in it a $1.6 trillion tax cut plan. I have to say, and I hope people will listen, this tax cut is not compassionate and it is not conservative.

We remember when President Bush ran he ran as a compassionate conservative. So we get his very first proposal—actually it wasn't his first. His first one was to interfere with family planning throughout the world and put a gag rule on international family planning groups that help poor women get birth control. But for this purpose, it is certainly his first fiscal policy. It is neither compassionate nor is it conservative. What do I mean by that?

First, it is not compassionate because it benefits the very wealthy instead of the 99 percent, everyone else; that is, those in the middle class, either lower or upper. It helps the very wealthy.

His plan is not conservative because it does not do the smart, conservative thing of being cautious with the projected surplus. I said "projected surplus." As Democratic leader DASCHLE has said, these projections are like the weather forecasts: Don't count on them because they change. They are not dependable. So the conservative thing to do is to have a rainy day fund, if you will.

Let me go into detail on why I say this plan is not compassionate. I have told you it benefits the wealthy. Mr. President, 31 percent of all families with children would receive nothing. If you are among the bottom 20 percent of Americans in terms of income, you get an average cut of $42. This is the way the tax cut of President Bush breaks down, and you tell me if it is compassionate. If you are in the lowest 20 percent of earners; that is, earning less than $13,600, you will get an average tax cut of $42. Let me make that even worse. The income range averages at $8,600, so at $8,600 a year, you get back $42 in your pocket on average.

The next quintile is $13,600 to $24,400. That is an average of $18,800 a year. They get an average tax cut of $187.

A person earning $31,000 gets $453 back. If you earn an average of $50,000, you get back an average of $876. Between $64,000 and $130,000, you get back $1,400. Then, if you earn an average of $163,000, you get $2,200, approximately. But hold on to your chairs. Hold on to your chairs. If you earn $319,000 or more—the average income is $915,000—you get back $46,000 every year.

So how can anyone say that is compassionate? A person earning $50,000 gets $876 back. A person earning $319,000, average $915,000, gets back $46,000. I don't know how anybody could say that is compassionate.

We are going to show you another way to look at what people get back because I think it is a startling thing to see. If you are in that wealthiest bracket, here is a beautiful new kitchen. It really is quite nice. You can get this kitchen for $50,000. That is about what you would get back if you earned that $900,000. It is beautiful. It has a granite top, wood; it is quite lovely—a new kitchen. But what happens if you don't earn that? You could afford a pan. It is a nice pan. What do we figure this costs? This is a $200 pan. It is a very nice pan. But this person can get a kitchen; you can get a pan. This is not compassion, and it is not fair and it is not right.

Let's show some other examples. We had the Lexus and the muffler, and I thought that was good, but I thought we needed some more. Here is a beautiful swimming pool. We are told a swimming pool such as this costs about $46,000.

With the Bush tax cut, when it phases in, if you are in that million-dollar range, you could put one of these babies in your house every year, by the way. But if you are at that bottom level, the bottom 60 percent, average that out and that is under $39,000, you could get an inflatable bath tub.

How is that compassionate? How is that fair?

We have some more to show you. This looks pretty good. This is a yacht. According to our figures, $45,000 gets you this yacht. It looks very good.

If you get $1 million a year, you are going to get that kind of tax cut. But if you are in the bottom 60 percent, you can get this little rowboat. I don't even know if you get the oars with it. This costs $195.

Do we have any more of those? I think you get the idea. But we are going to show it to you in a different way.

If you are in that top bracket of 1 percent, which is the one that gets 43 percent of the benefits of Bush's tax cut, you get 43 percent of the benefit. Every single day when this tax cut is phased in, you get $126. That is pretty good. If you are in the bottom percent with an average of $30,000, you get 62 cents every day. This is another way to show how compassionate this tax cut is.

I figure we will make it even a little more stark for you. If you get back $126 a day in a tax cut, you and your significant other can go to a beautiful restaurant, have a little candlelight, order the best in the house and a good bottle of California wine, I hope. It is pretty neat. If you are in that bottom 60 percent, it is tomato soup. There is nothing wrong with tomato soup. But it is not fair. This is not fair.

You say: Well, wait a minute. Didn't the President say the people at the very top pay most of the taxes? Yes. They are getting back 43 percent in the tax cut of George Bush. But don't they pay most of the taxes? Wrong. It is 21 percent of the taxes. The wealthy top 1 percent pay 21 percent of taxes. They are getting 43 percent of the benefit of the Bush tax plan.

I just cannot imagine how someone who runs as a compassionate person can come up with a situation where you can get a can of tomato soup if you earn $30,000, and take your significant other to the restaurant every single night and eat out, not to mention the kitchen versus the pan, and all of the rest. No. This is not compassionate, nor is it conservative.

We see that this is done for a reason. The stated reason is we are going to stimulate this economy.

As I understand it, there was a hearing today on that. There is a lot of dispute about whether or not a tax break to the wealthiest people actually stimulates the economy. It was tried back in the eighties. Do you know what it stimulated? Deficits as far as the eye could see.

The next time I come out on the floor I will have some charts that show what happened to the deficit when trickle-down economics was the centerpiece in the 1980s. It was a failure, an abject failure. Do you know what trickled down? Misery, recession, and we had terrible unemployment. We were paying so much interest on the debt that we didn't have any money to invest in our people.

Yet we have a plan from someone who says he is compassionate and conservative that just will, in fact, set us up for failure. If I have anything to say about it in this Chamber, I want to talk about it. And the Democrats are going to talk about it.

Do we want a tax cut? Yes. As CHARLIE RANGEL on the other side said, we want the biggest tax cut we can afford. Do we want to make sure the people who need that tax cut the most get it? Yes. That is the kind of proposal we are going to have.

In this particular proposal, the compassionate President Bush does not make the child care credit refundable. If you really are at the bottom of the barrel, you are earning maybe $20,000, or even less, you don't pay any income taxes. You don't get any help with your child care. If we are going to give a child care credit, which a lot of us want to do, let's make it refundable so people can have that effect and ease the burden.

I have an interesting commentary I would like to read.

Mr. President, this is a Republican named Kevin Phillips. He is very respected. As far as I know, he has been a Republican all of his life. He is the editor and publisher of the American Political Report. He is a best selling author who worked for the Nixon administration. I want to stress that what I am about to read to you did not come from BARBARA BOXER, a Democrat from California, but it is coming from Kevin Phillips, a Republican who worked for the Nixon administration. I think he has some good credentials to criticize or comment on their Bush tax cut. Let's see if he thinks it is compassionate and conservative.

I am quoting every word directly from his editorial:

> Although president less than a month, George W. Bush has already achieved a historic first. He has become the first president elected without carrying the popular vote, to propose a far-reaching giant tax-cut bill on behalf of his supporters and his big campaign contributors.

Parenthetically, let me note that Kevin Phillips is calling this Bush tax cut "a far-reaching giant tax-cut bill on behalf of his supporters and his big campaign contributors."

> None of the three previous presidents elected without a popular margin, John Quincy Adams, Rutherford Hayes and Benjamin Harrison, had the temerity to try anything like this kind of revenue reduction. It hasn't bothered Bush, though. It hasn't stopped him that a majority of Americans cast their vote for the two candidates, Al Gore and Ralph Nader, who mocked his tax package. Indeed, both did more than oppose it. They argued rightly that it was a massive giveaway, and that 30 to 40 percent of the dollar benefits went to the top 1 percent of US taxpayers, to just one million families.

I am worried about the other 279 millions of families.

To quote Mr. Phillips further:

> This is an illegitimate tax bill for two reasons. The first is that a president selected in Bush's manner has no mandate or standing to undertake such far-reaching legislation. The second illegitimacy, which would tar this legislation even if it was offered by a president with a full claim to office, is the extent of revenue that it gives away—not at first, but as its $1.6 trillion worth of provisions unfold over the next decade. That's more than a trillion dollars that future Congresses could spend on debt reduction, on payroll tax reductions, Social Security, education or prescription drug coverage.
>
> Instead, these dollars will be spent by recipients in considerable measure on $100,000 cars, $5 million homes and $10 million financial speculations. Indeed, one of the biggest individual tax giveaways is particularly ironic. Here I'm talking about the Bush proposal to phase out the federal inheritance tax, which in earlier days owed much of its introduction to a pair of Republican presidents picked by voters, not by a 5-to-4 Supreme Court decision, whose names were Abraham Lincoln and Theodore Roosevelt. To now end the inheritance tax, as opposed to increasing its exemption to $2 million or $3 million, threatens a cost not only in billions of dollars but in the weakening of American democracy.
>
> In the wake of the American Revolution, George Washington, Thomas Jefferson and many others agreed that U.S. law would and did end the British legal provisions that allowed the great landed estates to descend intact from generation to generation. The new United States would not, they say, have an aristocracy of inheritance.
>
> The Bush tax bill raises exactly that prospect. It threatens to perpetuate the $8-trillion wealth buildup of the 1990s through a new aristocracy of inheritance on a scale that Washington and Jefferson could never have imagined. For such a proposal to come from a President who owes his own office to inheritance rather than popular election is the crowning illegitimacy of them all.

This is tough stuff. This is tough language. This is tough criticism. It is given by a Republican who cares about a number of things, being conservative and being fair.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mrs. BOXER. I thank the Chair.

I hope everyone will look at that Kevin Phillips commentary I just read into the RECORD. It is very instructive.

I have told my colleagues why this is not a compassionate tax cut. It ignores 99 percent of the taxpayers, essentially, and gives almost everything, or way too much, to the very few of the wealthiest people in this country, the biggest break going to those who earn close to $1 million a year.

Let me tell my colleagues why it also is not compassionate. It is so large, it is so big, it is so huge, there will not be enough left over for the things we need to do to protect Social Security so that these kids who are Senate pages now will have a Social Security system, to add a prescription drug benefit to Medicare that everyone seems to want. We don't have the money for that. To really invest in education, in early education, in after school, in school construction, and in smaller class sizes, we are not going to have money for that, nor to clean up our environment, to fix up our parklands—we could go on—to have a decent air traffic control system that is safe. It is not compassionate because it takes from that.

What about it not being conservative? That is something we have to talk about. The fact is, not only will we not have money for the priorities the American people want, but the plan leaves nothing to pay down the debt over the long run. That is not conservative. Show me one family who does not think about a rainy day: Gee, honey, what if something goes wrong next year? Maybe we should save a few dollars. Gee, I am a little worried, Tommy doesn't look so great. Maybe we need to spend a little of our savings on a second opinion and take him to a doctor outside the HMO. Thank goodness we saved a little bit.

What about the families now across this country who are looking at their natural gas bills—the natural gas that heats their home? They are in shock at seeing a twofold increase, a threefold increase. Those families are going to have to save from somewhere to pay those bills. We have a 10-year boondoggle tax cut that leaves nothing for emergencies, that counts on forecasts that are going to be as crazy as the weather forecasts.

I am hopeful that we can get some bipartisanship here. I find it amazing that only a couple of my Republican friends have said this tax cut is too big. I am happy they have. But where is the chorus from people on that side who say they are conservative? How can a true conservative go back to deficits as far as the eye can see? How can a true conservative go back to debt as far as the eye can see, to force our children to inherit a debt and have to pay a billion dollars a day or more to finance that debt? That is not conservative.

Let's go back to the drawing boards, I say to the President. Let's come up with a compassionate and a conservative budget, one that rests on a few foundations that I will talk about.

I ask unanimous consent to proceed for 10 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. When we talk about our budget and the tax cuts that are part of it, we should have a foundation to that budget, a foundation to that tax cut. I think it should show three pillars. One is fairness. Let us be fair to the people. Let's make sure that as we look at the size of the tax cuts, where they go, what we spend, what we invest in, that we are fair.

The greatest thing we have in our country is a very strong middle class. If we lose that middle class, we will be weak. Yet if we look at some of the numbers, it appears that the gap between the rich and poor is in fact growing. That is not healthy for anyone. That is not good for a society, if it gets too big. What we find out is we have people who have lost hope, who may turn to drugs, alcohol. We know what happens when things turn bad and they are not as productive as they can be. They are not living up to their potential because maybe they cannot even afford college tuition. Fairness has to be what we are about.

Values: What do we value in this country? Do we not value a balanced approach, fairness to our people and investing in our people, making sure that our children are healthy; that they have a good, free, public education system that is strong; that we create jobs; that we have job training; that we don't turn our backs on our senior citizens; that we have safe streets? That is a value.

Right now we have senior citizens who are under a lot of stress. Not only do they have to meet their bills for their prescription drugs—and the good news here is, there are so many good prescription drugs today that keep people moving and feeling good, but they are expensive. We need a prescription drug benefit. That should be one of our values. Strengthening Social Security should be one of our values.

So it is fairness, as we look at a tax cut and spending. It is values, about our families and what they need and how we can help them and make life better for them. It is responsibility to the next generation of youngsters.

Yes, we can have a tax cut. It could be a large tax cut. It will fit into the budget. It will be fair. It will have values. It will be responsible. And we could be proud that we are keeping this country on the right track and not turning off on some detour that says: Deficits again, debt again, no money for our seniors, no more safe streets. That is not the right path to take.

A lot of people have said to the Democrats: Show us your plan. What is your plan? We are going to have a plan. It is going to be a good plan. It is going to be based on these values: Fairness, a sense of values, and responsibility—three pillars. It is going to be specific as soon as we see President Bush's budget numbers so we know what he is cutting to pay for this tax cut. We have to take a look at that. And we will respond.

I am reaching my hand across to the other side of the aisle at this point. I say to my colleagues, I heard you so many times on this floor: We need a balanced budget amendment to the Constitution. We need to pay down the debt. These deficits are killing us.

We know, if we take a look at this projected surplus and we are conservative about it, we will do just fine. If we look at our values as a society and we are compassionate, we will be just fine.

I will close with a quote from Alan Greenspan who testified today. He said:

> Given the euphoria surrounding the surpluses, it is not difficult to imagine the hard-earned fiscal restraint developed in recent years rapidly dissipating. We need to resist those policies that could readily resurrect the deficits of the past and the fiscal imbalances that followed in their wake.

So today I have quoted two Republicans I admire—Alan Greenspan, telling us to watch out, then be conservative on this tax cut; and Kevin Phillips, who is warning us the Bush tax plan could lead to a country that isn't one we will be that proud of because it will transfer so much of what we have to the very top of the income scale, forgetting about the great middle class.

So I am very hopeful we can come together as the Senate, as compassionate people, as fiscally responsible people, and that we can fashion a budget that includes a tax cut we can afford, that includes spending priorities our families need, that thinks about our kids, that takes the burden of debt off their shoulders. I think if we can do that, we can add a tremendous amount to this debate.

I think President Bush has said he is interested in working with the Senate. I think he has reached out to us and said let's work together. Well, I am ready to do that. I tell him, if he would come up with a budget that is compassionate and conservative, I will be there right at his side. If he does not, I will work to make it so.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, could you tell me, is there a unanimous consent pending concerning speaking order?

The PRESIDING OFFICER. There is not.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED TAX CUT

Mr. DURBIN. Mr. President, thank you for this opportunity to address the issue of the moment, which is the tax cut. It is an issue many of us have followed closely for a long period of time. Some of us who have served here for a period can recall it wasn't that long ago we were dealing with a terrible deficit on an annual basis that started accumulating a national debt in record numbers. What was the beginning of this national debt? Well, you have to go back to, I guess, President George Washington when we started spending more than we had. Over the years, the debt accumulated.

In the early 1980s, the national debt in America started skyrocketing. We started adding more deficits each year than at any time in our history. In a short period of time—10 or 12 years—we ended up finding the national debt of this country at the highest levels in our history. It caused great alarm, as it should have, not only in Congress, but across the Nation, and a concern among people as to whether or not this would have a negative impact on our economy. Of course, if the Government spends more money than it brings in, it has to borrow the money to spend and then pay interest on the money borrowed. We found ourselves, each year, paying more and more interest on this old debt.

The mortgage on America was getting larger and larger and larger. Today, it is at $5.7 trillion. That is a frightening number which, when I came to Congress 20 years ago, would have been unthinkable. Yet it has happened in that period of time. But the good news to be delivered is that we have finally turned the corner. For the first time over the last several years, we have been generating annual surpluses. Our economy is strong. More people are working and they are building homes and buying cars and buying appliances. Businesses are more profitable. Individuals have done well with investments, and America is a more prosperous Nation. For the last 9 years, we have seen unparalleled economic prosperity. But we have to recall, as we sit here in the year 2001, that this is a recent turn of events. Only a few years ago, 4 years ago, my Republican colleagues came to the floor asking to amend the Constitution of the United States with a balanced budget amendment because they thought it was impossible for Congress to get the deficits under control.

Well, the economy was helped. Congress did the right thing and the economy has moved forward to the betterment of millions of American families.

In this time of prosperity and peace comes a new President, George W. Bush, who suggests we should take the surpluses we anticipate, not this year but for the next 10 years, and spend them. On what would he spend them? Tax cuts—tax cuts in a plan that he has proposed in this campaign and has since proposed after the inauguration which would reduce the tax burden of many Americans—not all, but many Americans.

You will have to excuse me if I suggest that the President needs to reflect that it wasn't that long ago when his father was President that things were a lot different in America, when we were really struggling with an economy that was building up annual deficits and adding to the national debt. It hasn't been that long ago. In fact, go back about 10 years and you will see we appeared to finally be turning the corner.

I wonder if 10 years ago, as President George Bush, the first, finished his term in office, he would have been able to predict what America would look like for his son, President George W. Bush. I don't think so. Even the best economists could not project 10 years ahead what the next President Bush would face.

In fact, as I said on the floor this morning, the best economists looked at our deficit and suggested 5 years ago this year we would be running a $320 billion deficit. That was their best opinion based on the information they had. They were wrong. We are running a $270 billion surplus. They missed it by $590 billion, just 5 years ago.

The point I am trying to make is this: The best economists in America, using the best information available, are often wrong. They come before our committees on a regular basis and make prophesies and predictions that turn out to be just flat wrong. If you think there is something wrong with people talking to agencies of government, or if you happen to be an investor yourself, you know their newsletters give advice every day of every week, and a lot of it is just wrong. They guess wrong about next week, let alone next month or next year.

The reason I bring this up is that President George W. Bush's tax cut proposal is based on projections of what the American economy is going to look like, not next year but literally 10 years from now. The President wants to commit us to a tax cut that will literally spend surpluses which his economists imagine will occur 9 or 10 years from now. That, to me, is not sound public policy.

In addition, keep in mind that the national debt, the national mortgage I talked about earlier, is still there. It is $5.7 trillion. That is a debt which most families in America do not get up in the morning and worry about, nor should they, but it is there.

We as policymakers in Washington have a responsibility to deal with it in a sensible way. We have to remind the families across America that though things are going very well in this country, we literally collect $1 billion a day in taxes from families, individuals, and businesses across our country just to pay interest on old debt—$361 billion a year collected in taxes by the Federal Government, taken from hard-working Americans, not to build a classroom, not to hire someone to be part of our national space program, not to make a stronger national defense or to build a highway, but to pay interest to the bond holders of America's debt.

Excuse me if I do not make this point clear, but if you had a surplus, wouldn't you want to retire the mortgage first before you decided you were going to put another addition on the house or buy a new house or have a big party? That is part of this debate. If we are going to deal with the surplus in America and the good times in America, let us do it in a sensible and sane way, and let us dedicate ourselves to paying down this national debt.

Many have said what a great gift to give to our children, a tax cut. That is a great gift to give to a child, but isn't it a greater gift for us to retire America's mortgage, to say that this national debt should be taken care of? I think it is.

Secondly, if we do that, it is a sensible commitment of the surplus on an annual basis. If we have the surplus, as we hope we will, we retire the debt with it. If we do not have it or go into a recession or bad times, then clearly we have not made a commitment with which we cannot live. But if we pass a tax cut, change our Tax Code, I can tell you from having served in the House and Senate, it is extremely difficult to change. Once it is in place, we can find ourselves a few years from now facing new deficits, more red ink, and adding to the national debt.

I do not want America to go down that road again. I believe we should support a policy which has a focus on paying down the national debt. I believe, even if we do that, we will still have resources over the next 10 years for a tax cut.

I support a tax cut. I think it makes sense. The question is, how large a tax cut. When we take a look at the proposal from President Bush of a $2.6 trillion tax cut, after we figure out how much of a surplus we are likely to have over the next 10 years, we find that the President is committing 96 percent of this projected surplus to tax cuts.

One can argue as to whether there will be a surplus, but assuming for a moment that every penny of the surplus which we imagine and prophesy today is there, the President wants to take 96 percent of it and put it in a tax cut.

That leaves 4 percent of the surplus—only 4 percent of this projected surplus—for a variety of other things which Americans believe, and I believe, are critically important for our country. Let me go through them so there is no doubt that when we talk about spending in the future, we are talking about investments that most American families understand should be part of our national budget.

I talked about debt reduction. Frankly, $100 billion over 10 years dedicated to debt reduction—long-term debt reduction—is not enough. We need to put enough into it so that national debt is reduced as close to zero as humanly possible.

I thought both parties agreed on a prescription drug benefit for the elderly and disabled in this country, but President Bush's tax cut plan leaves us no resources to do that; in other words, helping people who are senior citizens who need prescription drugs to stay healthy, independent, strong, and out of the hospitals and nursing homes, which everybody in the last campaign said we agree on, when it comes to the President's proposal for a tax cut, and find there is no money left for prescription drugs, and no money left for education.

The President has had some great speeches and great public appearances over the past several weeks talking about new Federal commitments to education. I applaud those remarks. It is sound policy. If America is going to be strong in the 21st century, our schools have to be strong, our kids have to have the best education to compete in a very global, competitive economy.

Let's take a look at what the President leaves from the surplus for education. Hardly anything. When it comes to education, frankly, he is shortchanging kids in the future to provide a tax cut today.

He is talking about increasing spending for defense. The national missile defense is a multi-billion-dollar program to protect America, and yet the President does not leave money from the surplus for that purpose.

Expanding health care, with over 40 million uninsured Americans—it is a national disgrace that so many people do not have the security of a good health insurance plan—the President leaves no money from this surplus to even address that issue.

I had a conversation with my wife over the weekend. We were talking about the problems and perils of people who are trying to move from job to job and wonder if they will have health insurance coverage. In a nation this prosperous, in a nation with such a rich tradition of caring for others, how can we continue to ignore the millions of people who have literally no health insurance protection whatsoever?

Heartbreaking stories are received in my office from my home State of Illinois and across the Nation. Those stories will go unheeded, that problem will go unaddressed, if we devote 96 percent of any projected surplus to a tax cut.

The same thing is true for agriculture. Over the last 3 years, we have had agricultural crises across the Midwest and across the Nation. We have responded to them. The President leaves no money in anticipation of those even occurring over the next 10 years. I pray they will not, but I bet they will. And if they do occur, we had better have the resources so that America's agriculture, its farmers, can sustain a bad year and live to plant again.

Medicare reform, Social Security reform, the President does not provide for these. For him it is the tax cut, 96 percent of all the surplus for the tax cut, to the exclusion, to the detriment, of many other things.

When we take a look at the surplus projections of the Congressional Budget Office, we also realize that we are not going to see most of it until 5 years out, if it is going to cost us $2.6 trillion for the total tax cut. Take a look at when the money starts coming in. It is not until 2007 that we see most of this projected surplus appearing. We are talking 5 or 6 years from now. So all of the guesses about whether we will have $2.6 trillion are grounded on an assumption of the state of America's economy in the years 2007-2011. The economists, as good as they are, and the computers, as fast as they are, are not that good to tell us what this surplus is likely to be.

Sadly, because the President has proposed these massive tax cuts, without the surplus, again, we find that the President is going to be raiding Social Security and Medicare surpluses. He has even proposed this privatization plan for Social Security. If he goes forward with that, it is going to cost us another $1.3 trillion over the next 10 years, taking more money from Social Security.

There is also a very serious question as to who will be receiving the President's projected tax cuts, and this is one about which I feel very strongly. I believe we should have a tax cut. It should be fair to all Americans. It should be part of a responsible and honest budget that balances priorities across the spectrum for America's families, and, most of all, it should be a tax cut that strengthens our economy, not weakens it. It should be a tax cut that will allow America's families to succeed.

Yet when we take a look at the kind of tax cuts proposed by President Bush, we find, again, they are lopsided. The President has proposed if we are to have this massive $2.6 trillion tax cut, 42.6 percent of this tax cut should go to people in the top 1 percent of wage earners. Those are people in America with incomes over $300,000 a year. If you are making over $300,000 a year, you are in the top 1 percent, you have an average income of $900,000 a year, and your tax break by President Bush's calculation is about $46,000 a year.

Sadly, for 80 percent of Americans who have incomes below $64,900, only 29 percent of the tax cuts head in that direction. For those making less than $39,000 a year, the President's average tax cut amounts to about $227. They have made this point over and over again: For the top 1 percent, the highest wage earners in America, there is a tax cut large enough to buy a Lexus. For those in the lower 60 percent income in America, there is a tax cut large enough to buy a muffler for a car—probably not a muffler for a Lexus.

Some say, wait, the reason the rich get so much of the tax cut is that they pay so much in taxes so they should receive more in terms of the tax cut. Hold on. Look at this. The total Federal taxes paid by the top 1 percent of wage earners in America account for 21 percent of all the taxes collected. The President gives to that group, those making the top 1 percent income, 43 percent of the tax cut, twice the tax cut for their tax burden. Keep in mind, these are people who are making at least $25,000 a month, if not $75,000 a month. The President says these are the ones most deserving of a tax cut.

I disagree. I know what is going on in my home State and I bet in the State of Kansas and many others. There are people now struggling with heating bills, paying hundreds of dollars a month for natural gas and other sources of heat for their homes. I see them, I run into them when I am back in Illinois. I get letters, e-mails, and telephone calls about the problems they face. I think to myself, if you are going to have a tax cut, for goodness' sake, remember those folks, remember the people who are trying to struggle and pay these bills. They are the ones who need a tax cut much more than someone who is earning $25,000 a month.

If you are making $39,000 a year and your heating bill goes up in your home from $250 to $400 a month, you will notice it. If you were making $25,000 a month, would you even notice it? When we talk about tax cuts, let us focus on helping families who really deserve a helping hand.

Another area that comes to mind immediately is the question of paying for a college education. The cost of a college education continues to skyrocket much faster than the pace of inflation. What we find is that many middle-income families who want to give their sons and daughters the very best cannot afford it. I think we ought to focus on a tax cut that helps those families, that says, for example, you can deduct the cost of a college education up to, say, $10,000 or $12,000 a year from your family's income tax. That makes sense to me. I think it encourages more families to send their sons and daughters off to school.

It comes down to this: On this side of the aisle, on the Democratic side of the aisle, we believe, first, there should be a tax cut after we admit our obligation to pay down the national debt in a responsible way. Whatever surplus we have, I believe, should first be dedicated to paying down that debt so our children do not have to carry that burden. Then the tax cut—if there is to be one, and I believe we can have one—should be sensible, it should be one that is not dangerous or risky to the economy, and it should focus the tax assistance to the families who need it the most, those who are in the middle-income category, struggling to pay the bills. The wealthiest of the wealthy will do just fine. We have to focus on families struggling to make ends meet and struggling to realize that American dream.

In addition to that, we can never overlook our obligation with this surplus and with each year's budget to Social Security and to Medicare, to health care, and to education. It would be a sad commentary if, after all we have been through over the last 20 years, we found ourselves once again entertaining the thoughts of a tax cut that this Nation cannot afford, at a level which we cannot sustain, based on promises we cannot prove. That is exactly what we are doing now.

The President's tax cut is music to the ears of many voters, but those who step back and take a look at the situation say to most Members of Congress: Of course I want a tax cut. If you are going to give a tax cut, give it to me and my family. We can figure out how to spend it. If you say to them, Is a tax cut more important to you than eliminating and retiring our national debt once and for all, most Americans say: No, put that debt behind us. If this is a chance to do it, get rid of America's national mortgage.

If you give citizens another choice: Would you prefer a tax cut for your family or would you rather see us invest in education in America, to make sure that our schools are modern, the technology is up to date, and your kids are taught by the very best men and women available to teach in America, that is an easy choice for most families: Put it in education first.

What about health care? Should we focus on a prescription drug benefit under Medicare or a tax cut of $46,000 a year for the upper 1 percent of American wage earners? That is an easy call for most families: Put it into a prescription drug benefit that is universal and affordable, under Medicare.

When you bring it down to the real choices we face, not just a tax cut or nothing, but a tax cut that is sensible and one that accommodates retiring the national debt, investing in America's families, making sure they can continue to succeed, I think the choice is going to be clear.

We made a mistake in 1980 with the new President Reagan supply side economics, the aptly named Laffer curve. All of the things suggested—if you just kept cutting taxes, America would prosper—didn't work. As a consequence of that bad decision and the beginning of that Presidency with all the euphoria of the Reagan years, we started a chain of deficits which literally crippled America.

Finally, we are out from under that burden. On a bipartisan basis we should learn a lesson. The lesson is this: The people of this country understand priorities very well. They understand the lyric call of a tax cut may make great music on the nightly news, but there is a lot more to governing America than just being popular and saying popular things.

You have to speak straight to the American people, be sensible with them, tell them that the tax cut President Bush has proposed is, frankly, not good for this country in the long term. We cannot base this tax cut on projections of what America will look like 5, 6, 7, 8, 9, 10 years from now, and be wrong, and find ourself back in deficits. We cannot push a tax cut which inordinately rewards the wealthiest in this country and ignores some 23 million Americans who receive literally no tax benefit from the President's tax cut proposal. We can't be backing a tax cut that is so large that it raids the Social Security trust fund and endangers the future of Medicare. And we certainly cannot back a tax cut that ends up making certain that we in America are spending more and more money to provide tax relief to the wealthiest among us and ignoring these important priorities such as education, defense, health care coverage, Medicare reform, and Social Security reform.

Alan Greenspan is a man I respect very much. He came to the Hill last week and made a statement about the future of this economy. He has made some good predictions in the past. He suggested we should consider a tax cut. I think he is right. But he also said, if you read his statement very carefully: Don't get carried away; do it in a sensible fashion; do it in a way that will keep America moving forward.

It is now up to this Chamber, and the 99 other men and women who will gather here and debate over the next several weeks, to be honest with the American people. Perhaps not the most popular statements but the most sensible statements will tell us that a tax cut is not the be all and end all, not the goal for everything in America. What is most important is that we create an economy where American families can succeed. I think we have that opportunity. I hope we don't lose it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS PRICES

Mrs. CARNAHAN. Mr. President, I rise today to speak about an issue that I know is a critical concern for all of my constituents the significant rise in natural gas prices in Missouri. As we are all aware, recent brutal temperatures and energy shortages have contributed to a dramatic rise in home heating bills.

In Missouri, regulators recently approved a 44 percent rate increase for natural gas purchased from one Missouri utility. The increase, from $6.81 to $9.82 for a thousand cubic feet of natural gas, is expected to continue into the summer and has posed serious problems for consumers.

Imagine your gas bill doubling almost overnight. People tell me that they are putting off needed purchases because they don't have any extra money—it's all going to pay the gas bill. I am especially worried about the impact of high heating bills on our retirees who already have tight budgets.

My phone lines have been barraged with distraught constituents who don't know how to make ends meet this winter. Just yesterday I heard from James Baldwin, an Army veteran and retired autoworker from Independence, MO. Mr. Baldwin, father of four and grandfather of five, worked at the Ford Assembly Plant in Kansas City for almost 36 years. Like most constituents, Mr. Baldwin has tried to cut down on energy usage by dressing warmer and weatherproofing his home, as he is on a fixed income and doesn't have much room in his budget to accommodate large increases. Mr. Baldwin paid $99 for his gas bill in December 1999. He was shocked, however, when, one year later, he received his bill and realized that his heating costs had almost tripled to $269. The skyrocketing increases continued last month as well. He doesn't know what he will do if increases of this size continue. Mr. Baldwin called my office to let me know about the hundreds of neighbors and autoworker retirees he hears from every day about this problem. He worries that many will fall through the cracks.

The Mid-America Assistance Coalition, an agency that coordinates emergency assistance for the Kansas City metro area, where Mr. Baldwin lives, has reported getting 100 to 200 calls per day. Many of the calls are from single moms, the elderly and the "working poor," or those who earn too much to qualify for standard energy assistance but cannot afford to pay their bills. According to the Coalition, this is the first time most of the callers have ever had to ask for assistance with their utility bills.

Another constituent, Mrs. Doris Hill from Albany, Missouri, recently wrote to share her plight. Mrs. Hill is a low-income, 83-year-old widow. She wrote that she cannot afford to call even her own family long-distance. She lives on $460 a month from Social Security and a small interest income from savings. She struggles month-to-month and cannot afford large increases in her utility bills.

This problem is not just limited to certain geographic areas or segments of our population. One letter I received was from Jeremy Lynn, a Boy Scout from Sikeston in Southeast Missouri. Jeremy wrote to share his concern about the effect that the high cost of gas is having on his family. Jeremy states that his father and other farmers are struggling to cope with fuel and natural gas price increases at a time when the prices they are being paid for their crops are the lowest they have received in 14 years. He is worried that many farmers will be forced out of business as a result.

These and many other stories I have heard over the last couple of months have touched me deeply. Unfortunately, these stories are much too common in Missouri.

We hear that the cause of these record increases are due to problems associated with supply, demand, industry deregulation and, possibly, price gouging. But this is a complicated issue, and I have yet to meet anyone who has an easy solution. The only thing that is clear right now is that we need to learn what has caused these sharp increases and quickly develop an appropriate response.

This is why I have decided to cosponsor Senator BOXER's amendment that would require the National Academy of Sciences to submit a report to Congress within 60 days on the causes of the recent increases in the price of natural gas, including whether the increases have been caused by problems with natural gas supply or by problems with the natural gas transmission system. The study would identify federal or state policies that may have contributed to the recent spike in prices and determine what federal action would be necessary to improve the reserve supply of natural gas.

We don't know what the results of this study will be, but I am hopeful that they will help us to determine a course of action at the federal level to relieve the current crisis that is harming so many people in so many ways.

NOMINATION OF GALE NORTON

Mr. DODD. Mr President, I would like to briefly explain my recent vote to support the nomination of Gale Norton to be Secretary of Interior. At the outset, let me say that I did so with serious reservations. In fact, I find many of Ms. Norton's past positions, statements and actions most troubling.

Gale Norton has built a successful career advocating for the mining, timber, and oil industries. Her record in this respect has led many to question whether she can strike an appropriate balance between conservation and development. She has argued that several fundamental environmental laws are unconstitutional, including the Endangered Species Act and the Surface Mining Act, two laws that the Secretary of the Interior is tasked with enforcing.

She has advocated opening the Arctic National Wildlife Refuge, ANWR, in Alaska to oil drilling. This vital ecosystem supports hundreds of thousands of caribou, bears, wolves and oxen and 160 species of birds. Is it prudent to destroy this pristine land for what the U.S. Geological Survey estimates is a 6-month supply of oil? I believe not.

As Attorney General of Colorado, she was a proponent of the State's self-audit law, which allows polluting companies to escape fines if they report their violations and make efforts to correct the problem. Unfortunately, the Summitville Mine in Colorado was not as vigilant as it should have been and continued to operate even though it still had serious environmental problems. Only when the mine leaked cyanide into a local river did Ms. Norton's office step in. While she worked vigorously to clean up the damage and billed Summitville for the cost, it was the federal government who had to step in and prosecute the offenders. A Secretary of Interior must be vigilant, quick to respond to disaster, and proactive in policy-making. I am troubled by Ms. Norton's slow response at Summitville and her inability to articulate at the confirmation hearing what she might do to reduce the chances of a similar disaster.

Many have urged me and my Senate colleagues to reject this nomination and some have unfairly compared Ms. Norton to former Interior Secretary James Watt. I am one of several current Members of the Senate who was here in 1981 and I remember James Watt. During his confirmation hearing, he remained unyielding in his devotion to development and extractive industries. That intractable stand, coupled with his past statements and actions led me to vote against James Watt for Secretary of the Interior. In fact, I am one of six current members of the Senate who cast a vote in opposition to Mr. Watt's nomination.

I did not detect such a divisive tone during Gale Norton's confirmation hearing before the Energy and Natural Resources Committee. I take some comfort from statements she made, under oath, specifically her intention to enforce the laws as written and interpreted by the courts, including the Endangered Species Act. Ms. Norton gave assurances to several committee members that she would uphold the current moratorium that exists on offshore oil and gas leases in California and Florida. She further stated that she was willing to work with other States to achieve similar results regarding offshore oil and gas leases.

I was pleased to hear Gale Norton's strong support for our National Parks, including eradicating maintenance backlogs. I look forward to working with her and members of the Senate to ensure proper funding levels in the fiscal year 2002 appropriations for this and other environmental protection efforts. Finally, I was pleased that Ms. Norton supports fully funding the Land and Water Conservation Fund. I trust she will work with Congress to achieve that goal and to enact the Conservation and Reinvestment Act, a bill that had broad bipartisan and bicameral support in the 106th Congress. Land and Water Conservation funds and the matching grant program have been very important to the ability of Connecticut and other States to acquire land and enhance recreation areas and parks.

I am mindful that some of Ms. Norton's testimony reflects a stark change in policy beliefs. Do I think these newly stated positions make her an environmentalist? No, I do not. Do I think positions she has taken in the past could pose harm to our public lands? Yes, I do. However, the entirety of Ms Norton's record, including testimony given at the hearing, demonstrates a sensitivity and an understanding of the role of the Secretary of the Interior.

The Secretary of the Interior has enormous responsibility over our Nation's public treasures. That person must be a responsible steward for close to 500 million acres throughout the country, including Weir Farm National Historic Site and the McKinney National Wildlife Refuge in Connecticut. The Secretary must oversee and protect public lands, not plunder them.

In many instances Gale Norton has demonstrated a willingness to advocate Federal interests and be an honest and fair broker. As Associate Solicitor for the Department of the Interior, she upheld federal interests including habitat restoration at the Como Lake restoration project and the Endangered Species Act on behalf of the California Condor. While Colorado Attorney General, Ms. Norton ensured that the Rocky Mountain Arsenal was sufficiently cleaned up and urged Congress to establish a wildlife refuge there.

I respect people's strong feelings regarding the nomination of Gale Norton, and in fact, I share some of their deeply rooted concerns. I did not cast this vote lightly or without a heavy degree of concern. I am not ignorant of the fact that Gale Norton is a nominee who represents the views of our President or that any other nominee for Interior Secretary would share those views. Nor do I agree in sending a message by voting against a nominee. This is an individual, a Cabinet nominee, not a piece of legislation. The President is entitled to a degree of deference in assembling his Cabinet, a bipartisan tradition that most members follow.

I have spent a quarter century in Congress fighting for measures to protect our air, drinking water, lakes, rivers and public lands. I prefer sending a message by enacting legislation that will strengthen our quality of life and opposing policy that would weaken or destroy our natural resources. Working together, Democrats and Republicans have enacted such lasting laws as the Clean Air Act, the Endangered Species Act, the National Environmental Policy Act and the Clean Water Act.

Gale Norton is undertaking an enormous responsibility, but one that affords an opportunity to bring people together. She has given me and my colleagues her word to uphold and enforce our laws. I trust she will remain true to her word, and I look forward to working with her.

NATIONAL DAIRY FARMERS FAIRNESS ACT OF 2001

Mr. KOHL. Mr. President, I am pleased to rise today and join my colleague Senator RICK SANTORUM of Pennsylvania to reintroduce legislation to provide much needed assistance to our Nation's dairy producers who continue to face the lowest milk prices in over two decades.

Due to the failures of the Federal order reform process and the lack of a meaningful dairy price safety net, this legislation is an appropriate and necessary response to the ongoing regional milk pricing inequities and the dairy income crisis affecting all producers. In the past, the divisive and controversial dairy compact system has hindered Congress's efforts to achieve a fair and equitable national dairy policy. I am pleased to join with Senator SANTORUM and reintroduce this legislation to create a regionally equitable plan that will provide a safety net for small and medium size producers regardless of location.

The National Dairy Farmers Fairness Act of 2001 has two major goals: (1) To create a dairy policy that is equitable for farmers in all regions of the country; (2) provide stability for dairy producers in the prices they receive for their milk. To accomplish these goals, this legislation creates a price safety net for farmers by providing supplemental income payments when milk prices are low. A "sliding-scale" payment is made based upon the previous year's price for the national average for Class III milk. In essence, the payment rate to farmers is highest when the national Class III average is the lowest. To participate in this program, a farmer must have produced milk for commercial sale in the previous year. Payments under the program are also capped for the first 26,000 hundredweight of production. Again, all dairy producers would be eligible to participate under this scenario.

The fiscal year 2001 Agriculture Appropriations bill provided $667 million in emergency direct payments to dairy producers for losses incurred this year. While this action was absolutely necessary to respond to the dairy market loss crisis, it is time that an on-going program providing supplemental income payments to farmers when milk prices decline be established.

This important legislation represents a bipartisan and national approach in providing predictability and price stability in this otherwise volatile industry. Again, I am pleased to join with Senator SANTORUM in introducing the National Dairy Farmers Fairness Act and look forward to working with him in passing this important legislation.

TRIBUTE TO COAST GUARD HELICOPTER AIRCREW

Ms. LANDRIEU. Mr. President, I stand here today to pay tribute to four great Americans—Lieutenant Commander Brian Moore, Lieutenant Troy Beshears, Petty Officer First Class Mike Bouch and Petty Officer First Class John Green, all serving in the United States Coast Guard.

Last July, these four extraordinary Guardsmen were conducting a night flight over the Gulf of Mexico when they heard a distress call from the oil rig "Ocean Crusader." Immediately flying to the rig, they arrived to find it engulfed in flames from a natural gas fire. Placing themselves in imminent danger, they landed on the rig to rescue the crew of 51. To expedite the rescue, Petty Officer Green left the helicopter to coordinate rescue efforts while his crew mates began the difficult task of ferrying the rig workers to another platform in groups of four. As the helicopter began its first evacuation flight, Petty Officer Green began lowering rig workers to a rig supply boat in groups of four using a crane and gondola.

After rescuing 12 workers, in three dangerous trips, the helicopter crew was forced to leave the scene to refuel while Petty Officer Green remained behind to keep lowering people to the supply boat and safety. He lowered 36 workers that way before another Coast Guard rescue helicopter arrived on the scene and landed to pick up the four men who remained on the platform. When told the helicopter could only take three safely, Petty Officer Green courageously volunteered to stay behind. Alone on that platform as the helicopter took the workers to safely, in the distance he could see his own aircraft returning when the rig erupted with fire raging from the waterline hundreds of feet in the air.

Committed to rescuing their crew mate, Lieutenant Commander Moore decided to try and rescue Petty Officer Green. With Petty Officer Bouchard hanging out of their aircraft trying to spot the landing platform in the smoke, he flew the helicopter into the middle of the inferno the Ocean Crusader had become, setting down amidst the flames to pick up Petty Officer Green.

Today people say we live in a world without heroes, one in which cynicism and selfishness rule the day. I am proud to say this is not the case in our United States Coast Guard. Guardsmen and Guardswomen like Lieutenant Commander Moore, Lieutenant Beshears, Petty Officer Bouch and Petty Officer Green put their lives on the line every day so that others may live. In this case, 51 men owe their lives to these four heroes who lived up to the Coast Guard's motto of "Semper Paratus—Always Prepared." On behalf of those 51 men, their families, the state of Louisiana and Americans everywhere, I am proud to stand here today and say "Thank you—job well done!" to these extraordinary heroes.

ADDITIONAL STATEMENTS

TRIBUTE TO NORM BISHOP

• Mr. DORGAN. Mr. President, I rise today to pay tribute to a dedicated member of the U.S. Forest Service as he concludes his 39-plus years of service to his country. We are proud to have had this man serve on the Medora Ranger District in Dickinson, ND for the past 35 years.

Mr. Norman G. Bishop deserves this honor. North Dakotans are grateful for his contributions to the wise and sustainable use of our national grasslands.

Norm Bishop's personal and professional career accomplishments are as diverse as they are noteworthy. His loyal service and sacrifices for nearly four decades, working in the communities of western North Dakota, are a testament to all who use and appreciate our public lands.

In 1962, Norm moved to Dickinson, ND where he was an Airman, First Class at the Dickinson Radar Installation. His very first night in Dickinson, Norm met Karen Ridl, who he married a year later. After the Air Base closed in Dickinson, Norm began his Forest Service career.

During the oil crisis of the mid-1970s, Norm was instrumental in developing what is now the largest, most productive oil and gas program in the entire National Forest System. In fact, Norm became the first person in the entire Forest Service to be certified as an "Oil and Gas Resource Specialist." For more than 20 years, Norm worked tirelessly to insure that oil development on the grasslands was accomplished in a manner that was sensitive to the needs of natural resources. My staff and I had the privilege of working with Norm Bishop on the Kinley Plateau/Bullion Butte Minerals exchange. Norm's professionalism and knowledge were instrumental in making that exchange a tremendous success.

It is with great honor for me to present these credentials of Norm Bishop to the Senate today. It is clear through all of his accomplishments that he has dedicated himself to furthering the benefits we enjoy on public lands. All of his actions reflect a true leader with a sense of purpose, commitment, and conscience.

As Norm departs from public service I ask my colleagues to join me in delivering an appreciative tribute from a grateful nation, and best wishes to he and Karen for a productive and rewarding retirement.•

TRIBUTE TO PC CONNECTION

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to PC Connection of Merrimack, New Hampshire, for being honored as "Business of the Year" by the Merrimack Chamber of Commerce. A major employer and important corporate leader in New Hampshire, PC Connection is a renowned worldwide business with a strong commitment to public service within the Merrimack community.

For several years, under the guidance of Chief Executive Officer, Patricia Gallop, PC Connection has selflessly and steadfastly served the citizens of Merrimack. PC Connection provided volunteer leadership to generate civic awareness among area students. Contributions from the company enabled 2,000 young people to have a voice at the polls which ensured the success of the Kids Vote program.

The accomplishments of PC Connection are too numerous to list. They recently brought over 1,000 of their employees and visitors together for a family day of innovative computer activities and collected 2,500 computer components. The components will be refurbished and offered to non-profit agencies throughout New Hampshire.

PC Connection is a true community leader and a friend to the people of New Hampshire. The management and employees of the company are a great asset to the citizens of Merrimack. It is both an honor and a pleasure to represent them in the U.S. Senate.•

TRIBUTE TO THE MEN AND WOMEN OF MALMSTROM AIR FORCE BASE

• Mr. BAUCUS. Mr. President, I rise today to compliment and honor the men and women of Malmstrom Air Force Base in Great Falls, MT. I recently visited the base to congratulate the personnel at Malmstrom for receiving an "excellent" rating during their Combat Capability Assessment.

After two weeks of evaluations for technical proficiency and mission effectiveness, the 341st Space Wing's operations, security, maintenance, communications personnel and equipment were given an "excellent" overall rating. A very high mark for this type of test.

Col. Thomas Deppe is the leader of Team Malmstrom. He was absolutely correct when he said, "It takes a championship team to accomplish our mission across 23,500 square miles of flight line on a daily basis, and we do it well." Indeed, they do it well. And they make Montanans and Americans extremely proud.

In addition, Col. James Robinson, who is the Combat Capability Assessment team Chief, said that the CCA is one of the "toughest tests a wing will ever experience." He also said that in the three years he has been administering the test, he has "never seen results this good."

The 20th Air Force Combat Capability Assessment Team discovered what we have known in Montana for years—that Malmstrom is "excellent." Mr. President, I can tell you from my recent visit to Malmstrom that those folks are very proud of this accomplishment, as they should be. I'm proud of them, too.

That is why today I want to recognize them in this great Senate Chamber. And so I say congratulations to Col. Thomas Deppe and the 341st Space Wing, and to all the men and women who work so hard to make Malmstrom Air Force Base what it is—"excellent."•

RECOGNITION OF MATTHEW HUENERFAUTH

• Mr. SANTORUM. Mr. President, I rise today to recognize an exemplary young man from the great Commonwealth of Pennsylvania. Matthew Huenerfauth of Springfield, has been selected from among 200 applicants as a George J. Mitchell Scholar for 2001, and will have the opportunity to study in either Ireland or Northern Ireland in the fall. The recipients are those who have demonstrated intellectual distinction, leadership potential, and commitment to community service.

Matthew will graduate from the University of Delaware in May, 2001 with an Honors B.S. and an M.S. degree in Computer Science. During his tenure at Delaware, he has proven to be a tremendous asset to the college community outside the classroom as well. Using his computer knowledge to help others, Matthew developed a tutoring system for deaf students learning English. He spent the summer of 2000 as a Program Manager Intern at Microsoft in Redmond, Washington, and has completed extensive research in the field of artificial intelligence. Matthew was also president of a virtual literary magazine at Delaware, was a founding member of an a capella ensemble, and participated in the school's competitive computer programming team. While in Ireland, Matthew will study for an MSci degree in Computer Science at University College Dublin.

I ask my colleagues to join with me in recognizing Matthew Huenerfauth as he heads across the globe to represent the United States in Ireland. I am confident that he will make us proud.•

TRIBUTE TO TIM BOUCHER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tim Boucher of Deerfield, New Hampshire, for being honored as "Business Person of the Year" by the Merrimack Chamber of Commerce.

A hard working and dedicated member of the Merrimack Chamber Board of Directors, Tim has been an enthusiastic volunteer and committee chairman. He has worked diligently for the Chamber Golf Tournament and other fund raising events, selflessly serving the citizens of Merrimack.

Tim is a New Hampshire College and New England Law School graduate who was admitted to the Bar in 1991 and specializes in real estate and probate law. He is an active outdoors man who enjoys skiing and camping. He resides in Deerfield, New Hampshire, with his wife, Wendy.

Tim Boucher has proven himself to be an outstanding citizen and volunteer in his community and is a role model to us all. It is an honor and a pleasure to represent him in the U.S. Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–553. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Reissuance of O and P Nonimmigrant Visas" (RIN1400–AA96) received on January 30, 2001; to the Committee on Foreign Relations.

EC–554. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report concerning pesticide registration Notice 2001–1; to the Committee on Agriculture, Nutrition, and Forestry.

EC–555. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report concerning pesticide registration Notice 2001–2; to the Committee on Agriculture, Nutrition, and Forestry.

EC–556. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report concerning pesticide registration Notice 2001–3; to the Committee on Agriculture, Nutrition, and Forestry.

EC–557. A communication from the Board of the Railroad Retirement Board, transmitting, pursuant to law, a report on the Consumer Price Index computation error for the year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–558. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–521, "Noise Control Temporary Amendment"; to the Committee on Governmental Affairs.

EC–559. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–531, "Closing of O Street, N.E., S.O. 98–124, and Closing of Public Alleys in Square 670, S.O. 90–235, Act of 2000"; to the Committee on Governmental Affairs.

EC–560. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness" (RIN1557–AB84) received on February 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–561. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–562. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transfer and Cross-Collateralization of Clean Water State Revolving Funds and Drinking Water State Revolving Funds" received on February 1, 2001; to the Committee on Environment and Public Works.

EC–563. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report relating to the Provisions of TSCA in the Foreign Trade Zones; to the Committee on Environment and Public Works.

EC–564. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report concerning pollution prevention grants; to the Committee on Environment and Public Works.

EC–565. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Environmental Program Grants-State, Interstate, and Local Government Agencies; Delay of Effective Date" (FRL6942–7) received on February 2, 2001; to the Committee on Environment and Public Works.

EC–566. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York 15 and 9 Percent of Progress Plans, Phase I Ozone Implementation Plan" (FRL6940–1) received on February 2, 2001; to the Committee on Environment and Public Works.

EC–567. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to New Source Review" (FRL6941–3) received on February 2, 2001; to the Committee on Environment and Public Works.

EC–568. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements: Delay of Effective Date" (FRL6942–8) received on February 2, 2001; to the Committee on Environment and Public Works.

EC–569. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the Air Force operations near Groom Lake, Nevada; to the Committee on Environment and Public Works.

EC–570. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision to the Application Process for Community Development Block Grants for Indian Tribes and Alaska Native Villages; Delay of Effective Date" (RIN2577–AC22) received on February 12, 2001; to the Committee on Indian Affairs.

EC–571. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Additional Authorization to Issue Certificates for Foreign Health Care Workers; Speech Language Pathologist and Audiologists, Medical Technologists and Technicians and Physician Assistants" ((RIN1115–AE73)(INS2089–00)) received on February 12, 2001 ; to the Committee on the Judiciary.

EC–572. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Temporary Protected Status; Amendments to the Requirements for Employment Authorization Fees, and Other Technical Amendments" ((RIN115–AF01)(INS1972–99)) received on February 12, 2001; to the Committee on the Judiciary.

EC–573. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarification of Parole Authority" ((RIN1115–AF53)(INS2001–99)) received on February 12, 2001; to the Committee on the Judiciary.

EC–574. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Clarification of Parole Authority; Delay of Effective Date" ((RIN1115–AF53)(INS2004–99)) received on February 12, 2001; to the Committee on the Judiciary.

EC–575. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Temporary Protected Status; Amendments to the Requirements for Employment Authorization Fee, and Other Technical Amendments; Delay of Effective Date" ((RIN1115–AF01)(INS1972–99)) received on February 12, 2001; to the Committee on the Judiciary.

EC–576. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flutolanil, N-(3-(1-Methylethoxy)Phenyl)-2-(Trifuoromethly) Benzamide; Pesticide Tolerance" ((RIN2070–AB78) (FRL6761–1)) received on February 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–577. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dilmethyloplysiloxane; Tolerance Exemption" ((RIN2070–AB78)(FRL6762–1)) received on February 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–578. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clomazone; Pesticide Tolerance" ((RIN2070–AB78)(FRL6764–2)) received on February 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–579. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carboxin; Extension of Tolerance for Emergency Exemptions" ((RIN2070–AB78)(FRL6762–9)) received on February 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–580. A communication from the Deputy Secretary, Office of the General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Monetary Penalties—2001" (RIN3235–AI07) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–581. A communication from the Deputy Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Integration of Abandoned Offerings" (RIN3235–AG83) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–582. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Financial Subsidiaries" (Docket No. R–1066) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–583. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Rule to Deconcentrate Poverty and Promote Integration in Public Housing; Change in Applicability Date of Deconcentration Component of PHA Plan" (RIN2577–AB89) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–584. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Determining Adjusted Income in HUD Programs Serving Persons With Disabilities; Requiring Mandatory Deductions for Certain Expenses ; and Disallowance for Earned Income; Delay of Effective Date" (RIN2501–AC72) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–585. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Discontinuance of the Section 221(d)(2) Mortgage Insurance Program; Delay of Effective Date" (RIN2502–AH50) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–586. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision of Freedom of Information Act Regulations; Delay of Effective Date" (RIN2501–AC51) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–587. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date; State Vocational Rehabilitation Services Program" received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–588. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date; Developing Hispanic-Serving Institutions Program" received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–589. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date; Assistance to States for the Education of Children with Disabilities" received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–590. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Delay of Effective Date; State Vocational Rehabilitation Services Program" received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–591. A communication from the Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "National Medical Support Notice: Delay of Effective Date" (RIN1210–AA72) received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–592. A communication from the Acting Director, Directorate of Health Standards Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Occupational Exposure to Bloodborne Pathogens; Needlestick and Other Sharps Injuries" (RIN1218–AB85) received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–593. A communication from the Director, Directorate of Construction, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for Steel Erection" (RIN1218–AA65) received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–594. A communication from the Director, Directorate of Safety Standards, Occupational Safety and Health Administration, transmitting , pursuant to law, the report of a rule entitled "Occupational Injury and Illness Recording and Recording Requirements" (RIN1218–AB24) received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–595. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–463, "Approval of the Application for Transfer of Control of District Cablevision, Inc., to AT&T Corporation Act of 2000"; to the Committee on Governmental Affairs.

EC–596. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–464, "College Savings Act of 2000"; to the Committee on Governmental Affairs.

EC–597. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–460, "Safe Teenage Driving and Merit Personnel Technical Amendment Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–459, "Motor Vehicle Residential Parking Regulation Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–457, "Foster Children's Guardianship Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC–600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–449, "Child Support and Welfare Reform Compliance Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–448, "Residential Permit Parking Area Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–447, "Retirement Reform Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–406, "Sentencing Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–418, "Freedom From Cruelty to Animals Protection Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–465, "Capitol Hill Business Improvement District Procedure Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–395, "Distribution of Marijuana Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Large and Midsize Business Division Prefiling Agreement Program" (Rev. Proc. 2001–22) received on February 12, 2001; to the Committee on Finance.

EC–608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Rev. Proc. 83–87, 1983–2 C.B. 606, List of Tribal Governments" (Rev. Proc. 2001–15) received on February 12, 2001; to the Committee on Finance.

EC–609. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Advanced Insurance Commissions" (Rev. Proc. 2001–24) received on February 12, 2001; to the Committee on Finance.

EC–610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 99–18 (Debt Substitutions)" (Rev. Proc. 2001–21) received on February 12, 2001; to the Committee on Finance.

EC–611. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 472 Regarding the Dollar-Value LIFO Inventory Method—Used Cars" (Rev. Proc. 2001–23) received on February 12, 2001; to the Committee on Finance.

EC–612. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Claim Revenue Under a Long-Term Contract" (UIL0460.02–04) received on February 12, 2001; to the Committee on Finance.

EC–613. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Construction Management Contracts" (UIL0460.07–01) received on February 12, 2001; to the Committee on Finance.

EC–614. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Advance Payments form Construction Service Contracts" (UIL0451.13–08) received on February 12, 2001; to the Committee on Finance.

EC–615. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductibility of ESOP Redemption Proceeds" (Rev. Rul. 2001–6) received on February 12, 2001; to the Committee on Finance.

EC–616. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS–LIFO Department Stores Indexes—December 2000" (Rev. Rul. 2001–9) received on February 12, 2001; to the Committee on Finance.

EC–617. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Retroactive Adoption of and Accident and Health Plan" (UIL105.06–05) received on February 12, 2001; to the Committee on Finance.

EC–618. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Health Insurance Deductibility for Self-Employed Individuals" (UIL162.35–02) received on February 12, 2001; to the Committee on Finance.

EC–619. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Indian Tribal Governments Under Federal Unemployment Tax Act" (Ann. 2001–16) received on February 12, 2001; to the Committee on Finance.

EC–620. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2001–19, Comments on Research Credit Regulations" (OGI104925–01) received on February 12, 2001; to the Committee on Finance.

EC–621. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Contingent Liability Tax Shelter" (Not. 2001–17) received on February 12, 2001; to the Committee on Finance.

EC–622. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Health Insurance Deductibility for Self-Employed Individuals" (UIL162.35–02) received on February 12, 2001; to the Committee on Finance.

EC–623. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The Voluntary Compliance on Alien Withholding Program (VCAP)" (Rev. Proc. 2001–20) received on February 12, 2001; to the Committee on Finance.

EC–624. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Security State Bank v. Commissioner" received on February 12, 2001; to the Committee on Finance.

EC–625. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Employee Plans Correction Procedures in Rev. Proc. 2000–16" (Rev. Proc. 2001–17) received on February 12, 2001; to the Committee on Finance.

EC–626. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Merchandise Processing Fee Eligible to be Claimed as Unused Merchandise Drawback" (RIN1515–AC67) received on February 12, 2001; to the Committee on Finance.

EC–627. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled

"Technical Amendments to the Customs Regulations" (T.D. 01-14) received on February 12, 2001; to the Committee on Finance.

EC-628. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Certain Archaeological Material in Italy and Representing the Pre-Classical, Classical, and Imperial Roman Periods" (RIN1515–AC66) received on February 12, 2001; to the Committee on Finance.

EC-629. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting , pursuant to law, the report of a rule entitled "Rules of Practice and Procedure for Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment" (RIN1550–AB41) received on February 12, 2001; to the Committee on Finance.

EC-630. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report concerning the effects of the consumer price index on benefits, and a proposal for compensation; to the Committee on Finance.

EC-631. A communication from the Attorney-Advisor of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510–AA81) received on February 8, 2001; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 302. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gain tax rate for gains from property held for more than 5 or 10 years; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. Bayh, Ms. Landrieu, Mrs. Lincoln, Mr. Kohl, Mr. Graham, Mr. Breaux, Mr. Kerry, Mrs. Feinstein, Mr. Carper, and Mr. Nelson of Florida):

S. 303. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. Leahy, Mr. Biden, Mr. DeWine, and Mr. Thurmond):

S. 304. A bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 305. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself, Mr. Hutchinson, Mr. Lieberman, Mr. Sessions, Mr. Breaux, Mr. Frist, Mr. Miller, Mr. Enzi, Mr. Gregg, Mr. Thompson, Mr. Hagel, Mr. Brownback, Mr. Santorum, Mr. Kyl, Mr. Voinovich, Mr. DeWine, and Mr. Cleland):

S. 306. A bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 307. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 308. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 309. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 310. A bill to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. Dodd, Mr. Cochran, Mr. Cleland, Mr. Frist, Mr. Kennedy, and Mr. Harkin):

S. 311. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Roberts, Mr. Conrad, Mr. Brownback, Mrs. Lincoln, Mr. Burns, Mr. Craig, Mr. Lugar, Mr. Enzi, Mr. Nelson of Nebraska, and Mr. Stevens):

S. 312. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Roberts, Mrs. Hutchison, Mr. Burns, Mr. Breaux, Mr. Hatch, Mr. Craig, Mr. Allard, Mr. Lugar, Mr. Gramm, Mr. Hagel, Mr. Bunning, Mr. DeWine, Mr. Bond, Mr. Fitzgerald, Mr. Conrad, Mr. Murkowski, Mr. Stevens, Mr. Kyl, Mr. Brownback, and Mr. Sessions):

S. 313. A bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 314. A bill to amend the Internal Revenue Code of 1986 to provide declaratory judgment relief for section 521 cooperatives; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. Dorgan, Mr. Daschle, Mr. Lugar, Mr. Levin, Mr. Roberts, Mr. Burns, Mr. Jeffords, Mr. Baucus, Mr. DeWine, Mr. Harkin, Mr. Craig, Mr. Johnson, Mr. Leahy, Mr. Bingaman, and Mr. Bond):

S. 315. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mr. Gregg, Mr. Frist, Mr. Miller, Mr. Lott, Mr. DeWine, Mr. Enzi, Mr. Hutchinson, Mr. Sessions, and Mr. Carper):

S. 316. A bill to provide for teacher liability protection; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. Thurmond):

S. 317. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. Harkin, Mr. Dodd, Mr. Kennedy, Mr. Biden, Mr. Bingaman, Mrs. Clinton, Mr. Durbin, Mr. Inouye, Mr. Kerry, Mr. Leahy, Ms. Mikulski, Mrs. Murray, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, and Mr. Corzine):

S. 318. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN (for himself, Mr. Hollings, and Mrs. Hutchison):

S. 319. A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself and Mr. Leahy):

S. 320. A bill to make technical corrections in patent, copyright, and trademark laws; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. Kennedy, Mr. Jeffords, Mr. Baucus, Ms. Snowe, Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mr. Conrad, Mr. Graham, Mr. Bingaman, Mr. Kerry, Mr. Torricelli, Mrs. Lincoln, Mr. Akaka, Mr. Bayh, Mr. Biden, Mrs. Boxer, Mr. Byrd, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Ms. Collins, Mr. Corzine, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Frist, Mr. Harkin, Mr. Helms, Mr. Inouye, Mr. Johnson, Mr. Kohl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lugar, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Florida, Mr. Reed, Mr. Reid, Mr. Roberts, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Smith of Oregon, Mr. Thomas, Mr. Thurmond, Mr. Warner, and Mr. Wellstone):

S. 321. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. Frist, and Mr. Leahy):

S.J. Res. 5. A joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. Harkin, Ms. Mikulski, Mr. Frist, Mr. Schumer, Mr. Sarbanes, Ms. Collins, Mr. DeWine, Mr. Hutchinson, Ms. Snowe, Mr. Cochran, Mr. Santorum, and Mrs. Murray):

S. Res. 19. A resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002; to the Committee on Appropriations.

By Mr. HARKIN (for himself, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. KOHL):

S. Con. Res. 9. A concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict; to the Committee on Foreign Relations.

By Mr. CRAIG (for himself, Mr. LOTT, Mr. CRAPO, and Mr. BENNETT):

S. Con. Res. 10. A concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's unlawful bailout of Hyundai Electronics; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 302. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gain tax rate for gains from property held for more than 5 or 10 years; to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to introduce legislation that would reduce the capital gains tax for properties held for more than five or ten years. Such legislation is needed to help increase investment and to decrease inefficient economic behavior.

Under current law, people holding capital property are often discouraged from selling their property because of the large anticipated tax liability. Such a "lock-in" of assets is economically undesirable. Economists have estimated that perhaps as much as 7.5 trillion dollars are "locked-in" the portfolios of American taxpayers. By reducing the tax on certain long term capital gains, we would decrease the "lock-in" effect and allow investors to liquidate or hold capital assets based on market factors rather than the tax code.

Opponents to lower taxation of capital gains argue that reducing capital gains tax rates would result in a revenue shortfall. Such an argument fails to recognize the effect that reduced taxes will have on investment behavior. By lowering taxes on capital gains, we will encourage, rather than discourage, capital investment. I believe the resulting situation would be a rise in the number of investment transactions and in the amount of gain realized in each taxable year which will in turn lead to an increase in tax revenue. This trend has been well-documented as evidenced by the fact that every capital gains tax reduction in the last forty years has resulted in increased federal revenue. In addition to increasing federal revenue, a cut in the capital gain tax rates would benefit individual states, as a vast majority of them also tax capital gains.

The current capital gains tax dissuades investment and economic growth. By lowering the capital gains tax rates, my bill would help lower the cost of capital and spur economic growth. I urge my colleagues to join me in support of the bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN MAXIMUM CAPITAL GAIN RATES FOR 5-YEAR AND 10-YEAR GAINS.

(a) IN GENERAL.—Paragraph (2) of section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(2) REDUCED CAPITAL GAIN RATES FOR QUALIFIED 5-YEAR AND 10-YEAR GAIN.—

"(A) REDUCTION IN 10-PERCENT RATE.—In the case of any taxable year beginning after December 31, 2001, the rate under paragraph (1)(B) shall be—

"(i) 8 percent with respect to so much of the amount to which the 10-percent rate would otherwise apply as does not exceed qualified 5-year gain,

"(ii) 5 percent with respect to so much of the amount to which the 10-percent rate would otherwise apply as does not exceed qualified 10-year gain, and

"(iii) 10 percent with respect to the remainder of such amount.

"(B) REDUCTION IN 20-PERCENT RATE.—The rate under paragraph (1)(C) shall be—

"(i) 10 percent with respect to so much of the amount to which the 20-percent rate would otherwise apply as does not exceed the lesser of—

"(I) the excess of qualified 5-year gain over the amount of such gain taken into account under subparagraph (A) of this paragraph, or

"(II) the amount of qualified 5-year gain (determined by taking into account only property the holding period for which begins after December 31, 2001),

"(ii) 5 percent with respect to so much of the amount to which the 20-percent rate would otherwise apply as does not exceed the lesser of—

"(I) the excess of qualified 10-year gain over the amount of such gain taken into account under subparagraph (A) of this paragraph, or

"(II) the amount of qualified 10-year gain (determined by taking into account only property the holding period for which begins after December 31, 2001), and

"(iii) 20 percent with respect to the remainder of such amount.

For purposes of determining under the preceding sentence whether the holding period of property begins after December 31, 2001, the holding period of property acquired pursuant to the exercise of an option (or other right or obligation to acquire property) shall include the period such option (or other right or obligation) was held.".

(b) QUALIFIED 5-YEAR AND 10-YEAR GAIN.—Paragraph (9) of section 1(h) of the Internal Revenue Code of 1986 is amended to read as follows:

"(9) QUALIFIED 5-YEAR AND 10-YEAR GAIN.—For purposes of this subsection—

"(A) QUALIFIED 5-YEAR GAIN.—The term 'qualified 5-year gain' means the aggregate long-term capital gain from property held for more than 5 years but not more than 10 years.

"(B) QUALIFIED 10-YEAR GAIN.—The term 'qualified 10-year gain' means the aggregate long-term capital gain from property held for more than 10 years.

"(C) DETERMINATION OF GAIN.—The determination under subparagraph (A) or (B) shall be made without regard to collectibles gain, gain described in paragraph (7)(A)(i), and section 1202 gain.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. GRAHAM, Mr. BREAUX, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARPER, and Mr. NELSON of Florida):

S. 303. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to join with several of my colleagues in offering a comprehensive education reform proposal that I believe can serve as the foundation for building a bipartisan legislative consensus and ultimately a better future for our children. It is a common-sense strategy that we believe can be the basis for a common ground solution—reinvest in our public schools, reinvent the way we administer them, and restore a sense of responsibility to the children we are supposed to be serving. Hence the title of our bill: the Public Education Reinvention, Reinvestment, and Responsibility Act, or the Three R's for short.

Our Senate New Democrat Coalition originally proposed this plan, which seeks to bring together the best ideas of both parties into a whole new approach to federal education policy, during the debate last year on the reauthorization of the Elementary and Secondary Education Act. We drew significant interest from Members on both sides of the aisle, as well as from a number of voices in the education reform community, but not enough to overcome the partisan tensions of an election year.

We return to this cause now, at the start of this new session, with the same sense of urgency and a new sense of optimism. Our urgency is driven by the growing public concern about the state of public schools and the consequences of continued inactions. Our optimism is driven by the growing policy consensus about how we in Washington can help our public schools meet the new challenges of this new age and help every student learn at a high level.

We feel strongly that we cannot afford to wait any longer to craft a serious national response to what is a serious national problem, not when millions of our children are being denied the education they deserve and the New Economy demands. International math and science tests indicate that our students, even the best of the best, are struggling to keep pace with children in other nations. In fact, the most advanced American 12th-graders ranked 15 out of 16 on the advanced math test and 16th out of 16th on the physics test.

Far more troubling, millions of poor children, particularly children of color, are failing to learn even the most basic of skills, which is to say we are failing them. Thirty five years after we passed the Elementary and Secondary Education Act (ESEA) specifically to aid disadvantaged students, black and Hispanic 12th graders are reading and doing math on average at the same level of white 8th-graders.

This pernicious achievement gap cannot be allowed to persist in this land of opportunity. It is not only a matter of equity, but of economics as well. We simply cannot compete in a knowledge-based global marketplace if so much of our future labor force doesn't know how to read, write, and reason. As one report states, "Students are being unconsciously eliminated from the candidate pool of Information Technology, IT, workers by the knowledge and attitudes they acquire in their K-12 years. Many students do not learn the basic skills of reasoning, mathematics, and communication that provide the foundation for higher education or entry-level jobs in IT work."

We also have to acknowledge that we have not done a very good job in recent years in providing every child with a well-qualified teacher, which goes a long way toward explaining why this achievement gap persists. Specifically, we are failing to deliver teachers to the classroom who truly know their subject matter. One national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction. What is particularly troubling is that we are failing those children who need our help the most—in the school districts with the highest concentration of minorities, students have less than a 50 percent chance of getting a math or science teacher who has a license or a degree in their field.

We are far from alone in feeling strongly about this problem, Mr. President, and we are encouraged by the bold and innovative reforms that many states and local districts are pursuing to raise standards and expectations and improve the quality of education our children are receiving. They are helping to show us what works and how we in Washington can help.

This is not something we talk enough about, in large part because we do have some serious problems with our schools, but there are in fact plenty of positive developments to highlight in public education today. Over the past year, I have visited a broad range of schools and programs in Connecticut and around the country, and I can tell you that there is much happening in our public schools that we can be heartened by, proud of, and learn from.

There is the exemplary Kennelly School in Hartford, Connecticut, which has to contend with a high-poverty, high-mobility student population, but through intervention programs has had real success improving the reading, writing and math skills of many of its students. In addition, there is the Side by Side Charter School in Norwalk, one of 17 charter schools in Connecticut, which has created an exemplary multiracial program in response to the challenge of Sheff v. O'Neill to diminish racial isolation. Side by Side is experimenting with a different approach to classroom assignments, having students stay with teachers for two consecutive years to take advantage of the relationships that develop, and by all indications it is working quite well for those kids.

And there is the nationally-recognized BEST program, which, building on previous efforts in Connecticut to raise teacher skills and salaries, is now targeting additional state aid, training, and mentoring support to help local districts nurture new teachers and prepare them to excel. The result is that Connecticut's blueprint is touted by some, including the National Commission on Teaching and America's Future, as a national model for others to follow.

A number of other states, led by Texas and North Carolina, are moving in this same direction—refocusing their education systems not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are in fact adopting a simple formula—investing in reform, and insisting on results. They are setting high standards, dedicating more resources to help schools meet those new demands, providing more flexibility to experiment with innovative practices, and holding schools responsible for improving their performance.

We as New Democrats believe the best thing we can do to encourage and accelerate this movement, and spur every state to pursue these bold reforms, is to adapt this new approach to the federal level—which is to say, to lead by following. And that is just what our Three R's proposal aims to do. We want to redefine the federal role in education and refocus it on helping states and local districts raise academic achievement, putting the priority for federal programs on performance instead of process, and on delivering results instead of developing rules.

In particular, our plan calls on states and local districts to enter into a new compact with the federal government to work together to strengthen standards and improve educational opportunities, particularly for America's poorest children. It would provide states and local educators with significantly more federal funding and significantly more flexibility in targeting those dollars to meet their specific needs. In exchange, it would demand real accountability, and for the first time impose consequences on schools that continually fail to show progress.

Part of changing our focus means narrowing our focus. We agree with many critics of the status quo that the current maze of federal education programs is too unwieldy, too bureaucratic, and ultimately too diffuse. That is why we eliminate dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core mission of raising academic achievement. But we also believe that we have a great national interest in promoting broad national educational goals, chief among them delivering on the promise of equal opportunity. It is not only foolish but irresponsible to hand out federal dollars with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping every child learn at a high level.

The first of our restructured titles would strengthen our longstanding commitment to providing additional aid to disadvantaged children through the Title I program. It would increase funding by 50 percent, up to $13 billion annually, and, perhaps more importantly, target those new funds to schools with the highest concentrations of poverty. The second would combine various teacher training and professional development programs into a single teacher quality grant, increase funding to $2 billion annually, and challenge each state to pursue the kind of bold, performance-based reforms that my own state of Connecticut has undertaken with great success.

The third title would reform the Federal bilingual education program and hopefully defuse the ongoing controversy surrounding it by making absolutely clear that our national mission is to help immigrant children learn and master English and ultimately to meet the same high academic standards as other students. First, recognizing that many limited English proficient students are not being served at all today, we call for dramatically increasing our investment in English acquisition programs, doubling funding to $1 billion a year, which would for the first time be distributed to states and local districts through a reliable formula, based on their LEP student population. As a result, school districts serving large LEP and high poverty student populations would be guaranteed federal funding, and would not be penalized because of their inability to hire savvy proposal writers for competitive grants.

The fourth title would respond to the public demands for greater choice within the public school framework, by providing additional resources for charter school start-ups and new incentives for expanding local, intradistrict choice programs. And the fifth would radically restructure the remaining ESEA programs and provide local districts broad flexibility to address their specific needs. We consolidate more than 20 different programs into a single High Performance Initiatives title, with a focus on supporting and encouraging bold new ideas, expanding access to summer school and after school programs, improving school safety, and building technological literacy. We increase overall funding by more than $200 million to $3.5 billion, and distribute this aid through a formula that targets more resources to the highest poverty areas.

The boldest change we are proposing is to create a new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes, on how schools ultimately perform in educating children. This bill would reverse that imbalance by linking Federal funding to the progress states and local districts make in raising academic achievement. It would call on state and local leaders to set specific performance standards and adopt rigorous assessments for measuring how each district is faring in meeting those goals. In turn, states that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be sanctioned. In other words, for the first time, there would be consequences for poor performance.

In considering how exactly to impose those consequences, we have run into understandable concerns about whether you can penalize failing schools without also penalizing children. The truth is that we are punishing many children right now, especially the most vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one, a situation that is just not acceptable anymore. We believe there must be consequences for failure, but we make a concerted effort through this bill to minimize the potential negative impact on students. It requires states to set annual performance-based goals and put in place a monitoring system for gauging how local districts are progressing, and also provides additional resources for states to help school districts identify and improve low-performing schools. If after three years a state fails to meet its goals, the state would be penalized by cutting its administrative funding by 50 percent. Only after four years of under performance would dollars targeted for the classroom be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools becomes more like punishing them.

Although money alone won't improve the quality of our public education, we must invest significantly more resources if we expect to close the achievement gap and truly "leave no child behind." That is why we would boost ESEA funding by $35 billion over the next 5 years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst-performing schools and if it is not coupled with a rigorous and vigorous demand for accountability. That is why we narrow the Federal focus to a few select national priorities, all of them tied to raising student achievement, and match our investment in reform with an insistence on results.

Judging by what President Bush has said to date, along with Congressional leaders, we believe that there is a lot of room for collaboration and a lot of reason to be hopeful that we can reach bipartisan agreement on a bold, progressive, comprehensive education reform bill this year. We still have some serious differences with the President—not just on vouchers, but on the targeting of federal dollars to the nation's poorest communities, which is critical to our hopes of closing the achievement gap. But we do share a commitment to closing that gap as a national goal, just as we share a commitment to strengthening accountability, broadening flexibility for local schools, spurring innovation, and promoting public school choice. And as some of our colleagues have noted, the framework of our plan shares much in common with the reform blueprint President Bush recently unveiled.

Our bottom line is principles, not programs. We believe we have some good new ideas to realize some great old ideals, chief among them the promise of equal opportunity. But we don't pretend to have a monopoly on them and we are eager to work with both our fellow Democrats and Republicans to find the right balance. There is no one roadmap to reform. But we believe the third way we have charted with our Three R's plan is a good place to start—and hopefully end.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Education Reinvestment, Reinvention, and Responsibility Act" or the "Three R's Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Declaration of priorities.

TITLE I—STUDENT PERFORMANCE

Sec. 101. Heading.
Sec. 102. Findings, policy, and purpose.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservation for school improvement.

Subtitle A—Improving Basic Programs Operated by Local Educational Agencies

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
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Subtitle B—Even Start Family Literacy Programs

Sec. 131. Program authorized.
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Sec. 161. Evaluations.
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TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

Sec. 201. Teacher and principal quality, professional development, and class size.

TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 301. Language minority students.

Sec. 302. Emergency immigrant education program.
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TITLE IV—PUBLIC SCHOOL CHOICE
Sec. 401. Public school choice.
Sec. 402. Development of public school choice programs; report cards.
TITLE V—IMPACT AID
Sec. 501. Payments relating to Federal acquisition of real property.
Sec. 502. Repeal of special rule relating to the computation of payments for eligible federally connected children.
Sec. 503. Extension of authorization of appropriations.
Sec. 504. Repeals, transfers, and redesignations.
TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES
Sec. 601. High performance and quality education initiatives.
TITLE VII—ACCOUNTABILITY
Sec. 701. Accountability.
TITLE VIII—GENERAL PROVISIONS AND REPEALS
Sec. 801. Repeals, transfers, and redesignations regarding title XIV.
Sec. 802. Other repeals.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. DECLARATION OF PRIORITIES.

Congress declares that the national educational priorities are to—

(1) introduce real accountability by making public elementary school and secondary school education funding performance-based rather than a guaranteed source of revenue for States and local educational agencies;

(2) require State educational agencies and local educational agencies to establish high student performance objectives, and provide the State educational agencies and local educational agencies with flexibility in using Federal resources to ensure that the performance objectives are met;

(3) concentrate Federal funding on a small number of central education goals, including providing compensatory education for disadvantaged children and youth, improving teacher quality and providing professional development, providing programs for limited English proficient students, public school choice programs, and innovative educational programs, and promoting student safety and the incorporation of educational technology into education;

(4) concentrate Federal education funding on impoverished areas where elementary schools and secondary schools are most likely to be in distress;

(5) sanction State educational agencies and local educational agencies that consistently fail to meet established benchmarks; and

(6) reward State educational agencies, local educational agencies, and elementary schools and secondary schools that demonstrate high performance.

TITLE I—STUDENT PERFORMANCE

SEC. 101. HEADING.

The heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

"TITLE I—STUDENT PERFORMANCE".

SEC. 102. FINDINGS, POLICY, AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. FINDINGS, POLICY AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between economically disadvantaged and affluent students.

"(2) The 1994 reauthorization of the Elementary and Secondary Education Act of 1965 was an important step in focusing the Nation's priorities on closing the achievement gap between economically disadvantaged and affluent students in the United States. The Federal Government must continue to build on the improvements made in 1994 by holding States and local educational agencies accountable for student achievement.

"(3) States can help close the achievement gap by developing challenging curriculum content and student performance standards so that all elementary school and secondary school students perform at an advanced level. States should implement rigorous and comprehensive student performance assessments, such as the National Assessment of Educational Progress, so as to measure fully the progress of the Nation's students.

"(4) In order to ensure that no child is left behind in the new economy, the Federal Government must better target Federal resources on those children who are most at risk for falling behind academically.

"(5) Funds made available under this title (referred to in this section as 'title I funds') have been targeted on high-poverty areas, but not to the degree the funds should be targeted on those areas, as demonstrated by the following:

"(A) Although 95 percent of schools with poverty levels of 75 percent to 100 percent receive title I funds, 20 percent of schools with poverty levels of 50 to 74 percent do not receive any title I funds.

"(B) Only 64 percent of schools with poverty levels of 35 to 49 percent receive title I funds.

"(6) Title I funding should be significantly increased and more effectively targeted to ensure that all economically disadvantaged students have an opportunity to excel academically.

"(7) The Federal Government should provide greater decisionmaking authority and flexibility to schools and teachers in exchange for requiring the schools and teachers to assume greater responsibility for student performance. Federal, State, and local efforts should be focused on raising the academic achievement of all students. The Nation's children deserve nothing less than a policy that holds accountable those responsible for shaping the children's future and the Nation's future.

"(b) POLICY.—It is the policy of the United States to ensure that all students receive a high-quality education by holding States, local educational agencies, and elementary schools and secondary schools accountable for increased student academic performance results, and by facilitating improved classroom instruction.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To eliminate the existing 2-tiered educational system, which sets lower academic expectations for economically disadvantaged students than for affluent students.

"(2) To require all States to have challenging content and student performance standards and assessment measures in place.

"(3) To require all States to ensure adequate yearly progress for all students by establishing annual, numerical performance objectives.

"(4) To ensure that all students receiving services under this title receive educational instruction from a fully qualified teacher.

"(5) To support State educational agencies and local educational agencies in identifying, assisting, and correcting low-performing schools.

"(6) To increase Federal funding for programs carried out under part A for economically disadvantaged students in return for increased academic performance of all students.

"(7) To target Federal funding to local educational agencies serving the highest percentages of economically disadvantaged students.".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $13,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there is authorized to be appropriated $5,000,000 for fiscal year 2002.

"(f) FEDERAL ACTIVITIES.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding fiscal years.".

SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.

"(a) STATE RESERVATIONS.—Each State educational agency shall reserve 2.5 percent of the amount the State educational agency receives under part A for fiscal years 2002 and 2003, and 3.5 percent of that amount for fiscal years 2004 through 2006, to carry out subsection (b) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency shall make available at least 80 percent of such amount directly to local educational agencies for school improvement and corrective action.".

Subtitle A—Improving Basic Programs Operated by Local Educational Agencies

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLANS.

"(a) Plans Required.—

"(1) In general.—Any State educational agency desiring a grant under this part shall submit to the Secretary a plan that—

"(A) is developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), local school boards, other staff, parents, and other entities in the community involved such as institutions of higher education;

"(B) satisfies the requirements of this section; and

"(C) coordinates activities with other programs carried out under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

"(2) Consolidated plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(b) Standards, Assessments, and Accountability.—

"(1) Challenging standards.—

"(A) In general.—Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, and the local educational agencies, and elementary schools and secondary schools, within the State to carry out this part.

"(B) Uniformity.—The standards required by subparagraph (A) shall be the same as the standards that the State applies to all elementary schools and secondary schools within the State and all students attending such schools.

"(C) Subjects.—The State shall have such standards for elementary school and secondary school students served under this part in academic subjects determined by the State, but including at least mathematics, science, and English language arts. The standards shall include the same specifications concerning knowledge, skills, and levels of performance for all students.

"(D) Standards.—Standards adopted under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what students are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills; and

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe 2 levels of high performance, proficient and advanced levels of performance, that determine how well students are mastering the material in the State content standards; and

"(III) describe a third level of performance, a basic level of performance, to provide complete information about the progress of the lower performing students toward meeting the proficient and advanced levels of performance.

"(E) Additional subjects.—For the academic subjects for which students will receive services under this part, but for which a State is not required under subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, challenging content and student performance standards, the State plan shall describe a strategy for ensuring that economically disadvantaged students acquire the same knowledge, are taught the same skills, and are held to the same expectations as are all students.

"(F) Special rule.—In the case of a State that allows local educational agencies to adopt more rigorous standards than the standards set by the State, local educational agencies shall be allowed to implement such rigorous standards.

"(2) Adequate yearly progress.—

"(A) In general.—Each State plan shall demonstrate what constitutes adequate yearly progress (based on assessments described in paragraph (4)) of—

"(i) any school that receives assistance under this part toward enabling all students to meet the State's challenging student performance standards;

"(ii) any local educational agency that receives assistance under this part toward enabling all students in schools served by the local educational agency and receiving assistance under this part to meet the State's challenging student performance standards; and

"(iii) the State toward enabling all students in schools in the State and receiving assistance under this part to meet the State's challenging student performance standards.

"(B) Definition.—The adequate yearly progress shall be defined by the State in a manner that—

"(i) applies the same high standards of academic performance to all students in the State;

"(ii) takes into account the progress of all students in the State and served by each local educational agency and school served under section 1114 or 1115;

"(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

"(iv) compares separately, for each State, local educational agency, and school, the performance and progress of students, disaggregated by each major ethnic and racial group, by gender, by English proficiency status, and by classification as economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

"(v) compares the proportions of students at the basic, proficient, and advanced levels of performance in a grade in a school year with the proportions of students at each of the 3 performance levels in the same grade in the previous school year;

"(vi) endeavors to include other academic measures such as promotion, attendance, drop-out rates, completion of college preparatory courses, college admission tests taken, and secondary school completion, except that failure to meet another academic measure, other than student performance on State assessments aligned with State standards, shall not provide the sole basis for designating a local educational agency or school for improvement;

"(vii) includes annual numerical objectives for improving the performance of all groups described in clause (iv) and narrowing gaps in achievement between those groups in, at least, the areas of mathematics and English language arts; and

"(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment described in paragraph (4) not later than 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(C) Accountability.—Each State plan shall demonstrate that the State has developed and is implementing a statewide State accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools are making adequate yearly progress as defined under section 1111(b)(2). Each State accountability system shall—

"(i) be based on the standards and assessments adopted under paragraphs (1) and (4) and take into account the performance of all students required by law to be included in such assessments;

"(ii) be the same as the accountability system the State uses for all schools or all local educational agencies in the State, if the State has an accountability system for all the schools or all the local educational agencies;

"(iii) provide for the identification of schools or local educational agencies receiving funds under this part that for 3 consecutive years have exceeded such schools' or agencies' adequate yearly progress goals so that information about the practices and strategies of such schools or agencies can be disseminated to other schools served by the local educational agency and other schools in the State and the schools and agencies that have exceeded the goals can be considered for rewards provided under title VII;

"(iv) provide for the identification of schools and local educational agencies for improvement, as required by section 1116, and for the provision of technical assistance, professional development, and other capacity-building as needed, including those measures specified in sections 1116(d)(9) and 1117, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for adequate yearly progress described in this paragraph; and

"(v) provide for the identification of schools and local educational agencies for corrective action as required by section 1116, and for the implementation of corrective action against schools and local educational agencies in cases in which such actions are required under such section.

"(D) Annual improvement for states.—

"(i) 90 percent requirement.—Each State plan shall specify that, for a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within the State shall meet the State's criteria for adequate yearly progress.

"(ii) Modification.—If the application of the 90 percent requirement described in clause (i) would require a fractional number of local educational agencies to meet the criteria, the Secretary shall issue an order modifying the requirement, to the minimum extent necessary, and shall require a substantial number of the agencies to meet the criteria.

"(E) Annual improvement for local educational agencies.—

"(i) 90 PERCENT REQUIREMENT.—Each State plan shall specify that, for a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools served by the local educational agency shall meet the State's criteria for adequate yearly progress.

"(ii) MODIFICATION.—If the application of the 90 percent requirement described in clause (i) would require a fractional number of schools to meet the criteria, the Secretary shall issue an order modifying the requirement, to the minimum extent necessary, and shall require a substantial number of the schools to meet the criteria.

"(F) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each State plan shall specify that, for an elementary school or a secondary school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (B)(iv) who are enrolled in such school shall take the assessments described in paragraph (4) and in section 612(a)(17)(A) of the Individuals with Disabilities Education Act.

"(G) PUBLIC NOTICE AND COMMENT.—

"(i) IN GENERAL.—Each State shall submit information in the State plan demonstrating that the State, in developing such plan—

"(I) diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student performance; and

"(II) made and will continue to make a substantial effort to ensure that information regarding content standards, performance standards, assessments, and the State accountability system is widely known and understood by the public, parents, teachers, and school administrators throughout the State.

"(ii) EFFORT.—The effort described in clause (i)(II), at a minimum, shall include annual publication of such information and explanatory text to the public through such means as the Internet, the media, and public agencies. Languages other than English shall be used to communicate the information and text to parents in appropriate cases.

"(3) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State's public schools, the State educational agency may meet the requirements of this subsection by stating in the State plan that the State is—

"(A) adopting content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

"(B) adopting and implementing policies that ensure that each local educational agency within the State that receives assistance under this part will adopt content and student performance standards and assessments—

"(i) that are aligned with the standards described in subparagraph (A); and

"(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

"(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high quality, yearly student assessments that includes, at a minimum, assessments in mathematics, science, and English language arts, that will be used, starting not later than the 2002–2003 school year as the primary means of determining the yearly performance of each local educational agency and school served by the State under this title in enabling all students to meet the State's challenging content and student performance standards. Such assessments shall—

"(A) be the same as the assessments used to measure the performance of all students, if the State has assessments that measure the performance of all students;

"(B) be aligned with the State's challenging content and student performance standards, and provide coherent information about the local educational agency's contribution to the student attainment of such standards;

"(C) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the performance of students against the challenging State content and student performance standards, and be administered not less than once during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) include multiple, up-to-date measures of student performance and the local educational agency's contribution to student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for children with disabilities, as such term is defined in section 602(3) of the Individuals with Disabilities Education Act, that are necessary to measure the performance of such students relative to State content and student performance standards;

"(iii) in the case of a student with limited English proficiency, the assessment of such student in the student's native language if such a native language assessment is more likely than an English language assessment to yield accurate and reliable information on what that student knows and is able to do; and

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of English language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional consecutive year beyond the third consecutive year;

"(G) include students who have attended schools served by a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school served by the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(H) provide individual student reports to be submitted to parents, including reports containing assessment scores or other information on the attainment of student performance standards;

"(I) enable results to be disaggregated within each State, local educational agency, and school by each major racial and ethnic group, by gender, by English proficiency status, and by classification as economically disadvantaged students as compared to students who are not economically disadvantaged; and

"(J) to the extent practicable, use rigorous criteria.

"(5) FIRST GRADE LITERACY ASSESSMENT.—In addition to implementing the assessments described in paragraph (4), each State receiving funds under this part shall describe in the State plan what reasonable steps the State is taking to assist and encourage local educational agencies—

"(A) to measure literacy skills of first graders in schools receiving funds under this part by providing assessments of first graders that are—

"(i) developmentally appropriate;

"(ii) aligned with State content and student performance standards; and

"(iii) tied to scientifically based research; and

"(B) to assist and encourage local educational agencies receiving funds under this part in identifying and taking developmentally appropriate and effective interventions in any school served under this part in which a substantial number of first graders have not demonstrated grade-level literacy proficiency by the end of the school year.

"(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English and Spanish that are present in the participating student populations in the State, and indicate the languages for which yearly student assessments are not available and are needed. The State may request assistance from the Secretary in identifying assessment measures in the needed languages. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

"(7) DEVELOPMENT AND IMPLEMENTATION.—Each State plan shall provide that the State shall develop and implement, at a minimum, the assessments described in paragraph (4) in mathematics and English language arts by the 2002–2003 school year.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1114(b), 1115(c), and 1116 that are applicable to such agency or school;

"(B) how the State educational agency will—

"(i) hold each local educational agency affected by the State plan accountable for improved student performance, including describing a procedure for—

"(I) identifying local educational agencies and schools for improvement; and

"(II) assisting local educational agencies and schools identified as described in subclause (I) to address performance problems, including providing thorough descriptions of—

"(aa) the amounts and types of professional development to be provided to instructional staff; and “(bb) the amount of any financial assistance to be provided by the State under section 1003, and the amount of any funds to be provided through other sources and the activities to be provided with those funds; and

“(ii) implement corrective action if the assistance is not effective;

“(C) how the State educational agency is providing additional academic instruction, such as before- and after-school programs and summer academic programs, to low-performing students;

“(D) such other factors as the State considers to be appropriate to provide students with an opportunity to attain the knowledge and skills described in the State's challenging content standards;

“(E) the specific steps that the State educational agency will take or the specific strategies that the State educational agency will use to ensure that—

“(i) all teachers in the State, in schoolwide programs and targeted assistance programs, are fully qualified not later than December 31, 2006; and

“(ii) economically disadvantaged students and minority students are not taught at higher rates than other students by inexperienced, uncertified or unlicensed, or out-of-field teachers; and

“(F) the measures that the State educational agency will use to evaluate and publicly report the State's progress in improving the quality of instruction in the schools served by the State educational agency and local educational agencies receiving funding under this Act.

“(c) Other Provisions To Support Teaching and Learning.—Each State plan shall contain assurances that—

“(1) the State educational agency will work with other agencies, including educational service agencies, or local consortia and institutions to provide technical assistance to local educational agencies, elementary schools, and secondary schools to carry out the State educational agency's responsibilities under this part, including providing technical assistance concerning providing professional development under section 1119A and technical assistance under section 1117;

“(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

“(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative arrangements, such as through a consortium of local educational agencies;

“(3) the State educational agency will use the disaggregated results of the student assessments required under subsection (b)(4), and other measures or indicators available to the State, to review annually the progress of each local educational agency and school served under this part in the State to determine whether each such agency and school is making the annual progress necessary to ensure that all students will meet the State's proficient level of performance on the State assessments described in subsection (b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual elementary schools and secondary schools participating in a program assisted under this part;

“(5) the State educational agency will regularly inform the Secretary and the public in the State of any Federal laws that hinder the ability of States to hold local educational agencies and schools accountable for student academic performance, and how the laws hinder that ability;

“(6) the State educational agency will encourage elementary schools and secondary schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

“(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that elementary schools and secondary schools can easily consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

“(8) the State educational agency has involved the committee of practitioners established under section 1703(b) in developing the State plan and will involve the committee in monitoring the implementation of the State plan; and

“(9) the State educational agency will inform local educational agencies of the local educational agencies' authority to obtain waivers under title VIII and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999.

“(d) Review.—

“(1) Peer review and secretarial approval.—The Secretary shall—

“(A) establish a peer review process to assist in the review of State plans;

“(B) only approve a State plan meeting each of the requirements of this section;

“(C) if the Secretary determines that the State plan does not meet each of the requirements of subsections (a), (b), and (c), immediately notify the State of such determination and the reasons for such determination;

“(D) not disapprove a State plan before—

“(i) notifying the State educational agency in writing of the specific deficiencies of the State plan;

“(ii) offering the State an opportunity to revise the State plan;

“(iii) providing technical assistance in order to assist the State to meet the requirements of subsections (a), (b), and (c); and

“(iv) providing a hearing;

“(E) have the authority to disapprove a State plan for not meeting the requirements of this section, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the challenging State content standards or to use specific assessment instruments or items; and

“(F) if the Secretary disapproves a State plan that is—

“(i) the first State plan submitted by a State after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, require the State to submit a revised State plan that meets the requirements of this section to the Secretary for approval not later than 1 year after the date of disapproval; and

“(ii) the second or a subsequent State plan submitted by a State after the date of enactment, require the State to submit such a revised State plan to the Secretary for approval not later than 30 days after the date of disapproval.

“(2) Review.—The Secretary shall review information from the State on the adequate yearly progress of schools and local educational agencies within the State required under subsection (b)(2) for the purpose of determining State and local compliance with section 1116.

“(e) Duration of the Plan.—

“(1) In general.—Each State plan shall—

“(A) remain in effect for the duration of the State's participation under this part; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

“(2) Additional information.—If the State makes significant changes in the State plan, such as the adoption of new challenging State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress, the State shall submit information on such significant changes to the Secretary.

“(f) Limitation on Conditions.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, or elementary school's or secondary school's specific challenging content or student performance standards, assessments, curricula, or program of instruction, as a condition of eligibility to receive funds under this part.

“(g) Penalties.—

“(1) In general.—If a State fails to meet the statutory deadlines for demonstrating that the State has in place challenging content standards and student performance standards (including deadlines for standards required under section 1111(b)(6), as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act), assessments, and a statewide State accountability system for holding schools and local educational agencies accountable for making adequate yearly progress (including adequate yearly progress with each group of students specified in subsection (b)(2)(B)(iv)), for the fiscal year after the failure, the State shall be ineligible to receive a greater amount of administrative funds under section 1703(c) than the amount the State received for the previous year for the purposes described in section 1703(c).

“(2) Additional funds.—Based on the extent to which the standards, assessments, and system described in paragraph (1) are not in place, the Secretary shall withhold from the State, in addition to any amount withheld under paragraph (1), additional administrative funds under section 1703(c). The Secretary shall withhold such additional funds as the Secretary determines to be appropriate, except that if the State fails to meet the deadlines for a second or subsequent fiscal year, the Secretary shall withhold, for the fiscal year after the failure, not less than ⅕ of the amount of administrative funds the State received under section 1703(c) during the first year in which the State failed to meet the deadlines.

“(3) Waiver.—

“(A) In general.—Except as provided in subparagraph (B), notwithstanding part D of title VIII, the Education Flexibility Partnership Act of 1999, or any other provision of law, the Secretary may not grant a waiver of the requirements of this section, except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.

“(B) Exception.—A waiver granted pursuant to subparagraph (A) shall not apply to the requirements described under subsection (h).

“(h) Special Rule on Science Standards and Assessments.—Notwithstanding subsection (b) and part D of title IV, no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2006–2007 school year.".

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C. 6312(a)(1)) is amended by striking "the Goals 2000: Educate America Act," and all that follows and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.".

(b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C. 6312(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "Each" and inserting "In order to help low-performing students meet high standards, each";

(2) in paragraph (1)—

(A) by striking "part" each place it appears and inserting "title"; and

(B) in subparagraph (B), by striking "children" and inserting "low-performing students";

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking "elementary school programs," and inserting "programs, and"; and

(ii) by striking ", and school-to-work transition programs"; and

(B) in subparagraph (B), by striking "under part C" the first place it appears and all that follows through "dropping out" and inserting "under part C, neglected or delinquent youth";

(4) in paragraph (7), by striking "eligible";

(5) in paragraph (9), by striking the period and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

"(10) a description of the actions the local educational agency will take to assist the low-performing schools served by the local educational agency, including schools identified under section 1116 for school improvement;

"(11) a description of how the local educational agency will promote the use of alternative instructional methods, and extended learning time options, such as an extended school year, before- and after-school programs, and summer programs; and

"(12) a description of—

"(A) the steps the local educational agency will take to ensure that all teachers in schoolwide programs and targeted assistance programs assisted under this part are fully qualified not later than December 31, 2006;

"(B) the strategies the local educational agency will use to ensure that economically disadvantaged students and minority students are not taught at higher rates than other students by inexperienced, uncertified or unlicensed, or out-of-field teachers; and

"(C) the measures the agency will use to evaluate and publicly report progress in improving the quality of instruction in schools served by the local educational agency and receiving funding under this Act.".

(c) ASSURANCES.—Section 1112(c) (20 U.S.C. 6312(c)) is amended to read as follows:

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) reserve not less than 10 percent of the funds the agency receives under this part for high quality professional development, as described in section 1119A, for professional instructional staff;

"(B) provide eligible schools and parents with information regarding schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

"(C) provide technical assistance and support to schools participating in schoolwide programs;

"(D) work in consultation with schools as the schools develop school plans pursuant to section 1114(b)(2), and assist schools in implementing such plans or undertaking activities pursuant to section 1115(c), so that each school can make adequate yearly progress toward meeting the challenging State student performance standards;

"(E) use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all of the schools are making the annual progress necessary to ensure that all students will meet the State's proficient level of performance on the State assessments described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(F) set, and hold schools served by the local educational agency accountable for meeting, annual numerical goals for improving the performance of all groups of students based on the performance standards set by the State under section 1111(b)(1)(D)(ii);

"(G) fulfill the local educational agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(10);

"(H) provide the State educational agency with—

"(i) an annual, up-to-date, and accurate list of all schools served by the local educational agency that are identified for school improvement and corrective action;

"(ii) the reasons why each school described in clause (i) was identified for school improvement or corrective action; and

"(iii) specific plans for improving student performance in each of the schools described in clause (i), including specific numerical performance goals for each school, for the 2 school years after the school is identified for school improvement, for each group of students specified in section 1111(b)(2)(B)(iv) enrolled in the school;

"(I) provide services to eligible students attending private elementary schools and secondary schools in accordance with section 1120, and provide timely and meaningful consultation with private school officials regarding such services;

"(J) take into account the experience gained from model programs for the educationally disadvantaged and the findings of relevant scientifically based research when developing technical assistance plans for, and delivering technical assistance to, schools served by the local educational agency that are receiving funds under this part and are in school improvement or corrective action status;

"(K) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to economically disadvantaged children below the age of compulsory school attendance, ensure that such services meet the performance standards established under subparagraphs (A) and (B) of section 641A(a)(1) of the Head Start Act;

"(L) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

"(M) inform eligible schools served by the local educational agency of the agency's authority to obtain waivers on such schools' behalf under title VIII and, if the State is an Ed-Flex Partnership State, under the Education Flexibility Partnership Act of 1999; and

"(N) coordinate activities and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and their families.

"(2) MODEL PROGRAMS; SCIENTIFICALLY BASED RESEARCH.—For purposes of enabling local educational agencies to implement paragraph (1)(J)—

"(A) the Secretary shall consult with the Secretary of Health and Human Services on the implementation of such paragraph, and shall establish procedures (taking into consideration State and local laws and local teacher contracts) to assist local educational agencies to comply with such paragraph;

"(B) the Secretary shall disseminate to local educational agencies the performance standards issued under subparagraphs (A) and (B) of section 641A(a)(1) of the Head Start Act, on the publication of such standards; and

"(C) local educational agencies affected by such paragraph (1)(J) shall plan for the implementation of such paragraph (taking into consideration State and local laws and local teacher contracts), including pursuing the availability of other Federal, State, and local funding to assist in compliance with such paragraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using an Even Start model or to Even Start programs.".

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112(d) (20 U.S.C. 6312(d)) is amended to read as follows:

"(d) PLAN DEVELOPMENT AND DURATION.—

"(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, local school boards, administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and parents of students in elementary schools and secondary schools served under this part.

"(2) DURATION.—Each plan described in paragraph (1) shall remain in effect for the duration of the local educational agency's participation under this part.

"(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise the agency's plan.".

(e) STATE APPROVAL.—Section 1112(e) (20 U.S.C. 6312(e)) is amended to read as follows:

"(e) PEER REVIEW AND STATE APPROVAL.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(2) APPROVAL.—The State educational agency shall establish a peer review process to assist in the review of local educational agency plans. The State educational agency shall approve a local educational agency plan only if the State educational agency determines that the local educational agency plan—

"(A) will enable elementary schools and secondary schools served by the local educational agency and under this part to help all groups of students specified in section 1111(b)(2)(B)(iv) to meet the State's proficient level of performance on the State assessments described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

"(B) meets each of the requirements of this section.

"(3) STATE REVIEW.—Each State educational agency shall at least annually review each local educational agency plan approved by the State educational agency under this subsection, including comparing the objectives of the plan against the results of the disaggregated assessments required under section 1111(b)(4). The State educational agency shall conduct the review to ensure that the progress of all students in schools served by a local educational agency in the State under this part is adequate to ensure that all students in the State will meet the State's proficient level of performance on the State assessments described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(4) PUBLIC REVIEW.—Each State educational agency will make publicly available each such local educational agency plan.".

(f) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

"(g) PARENTAL NOTIFICATION FOR ENGLISH LANGUAGE INSTRUCTION.—

"(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient students, the local educational agency shall notify the parents of a student participating in an English language instruction educational program under this part of—

"(A) the reasons for the identification of the student as being in need of English language instruction;

"(B) the student's level of English proficiency, how such level was assessed, and the status of the student's academic performance;

"(C) how the English language instruction educational program will specifically help the student learn English and meet age-appropriate standards for grade promotion and graduation;

"(D) the specific exit requirements of the English language instruction educational program;

"(E) the expected rate of graduation from the English language instruction educational program into mainstream classes; and

"(F) the expected rate of graduation from secondary school of participants in the English language instruction educational program, if funds under this part are used for students in secondary schools.

"(2) PARENTAL RIGHTS.—

"(A) IN GENERAL.—The parents of a student participating in an English language instruction educational program under this part shall—

"(i) have the option of selecting among methods of instruction, if more than 1 method is offered for the program; and

"(ii) have the right to have their child immediately removed from the program on their request.

"(B) RECEIPT OF INFORMATION.—The parents of a student identified for participation in an English language instruction educational program under this part shall receive, in a manner and form understandable to the parents, the information required by paragraph (1) and this paragraph. At a minimum, the parents shall receive—

"(i) timely information about English language instruction educational programs for limited English proficient students assisted under this part; and

"(ii) if the parents of a participating student so desire, notice of opportunities for regular meetings of parents of limited English proficient students participating in English language instruction educational programs under this part for the purpose of formulating and responding to recommendations from such parents.

"(3) BASIS FOR ADMISSION OR EXCLUSION.—No student shall be admitted to or excluded from any federally assisted education program solely on the basis of a surname or language minority status.".

SEC. 113. SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—Section 1114(a) (20 U.S.C. 6314(a)) is amended—

(1) in paragraph (1), by striking "school described in subparagraph (A)" and all that follows through "such families." the second place it appears and inserting "school that serves an eligible school attendance area if—

"(A) not less than 40 percent of the children in the school attendance area are from economically disadvantaged families; or

"(B) not less than 40 percent of the children enrolled in the school are from such families."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "subsections (c)(1) and (e) of"; and

(B) in subparagraph (B), by striking "subsections (c)(1) and (e) of".

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—Section 1114(b) (20 U.S.C. 6314(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "section 1111(b)(1)" and inserting "section 1111(b)";

(B) in subparagraph (B)—

(i) in clause (i), by striking "section 1111(b)(1)(D)" and inserting "1111(b)";

(ii) in clause (iii)(II), by inserting "and" after the semicolon;

(iii) in clause (iv)(II), by striking "; and" and inserting a period; and

(iv) by striking clause (vii); and

(C) in subparagraph (G), by striking "section 1112(b)(1)" and inserting "section 1112"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(ii) by striking "subsections (c)(1) and (e) of"; and

(iii) in clause (iv), by striking "section 1111(b)(3)" and inserting "section 1111(b)(4)";

(B) in subparagraph (B), by striking "paragraphs (1) and (3) of section 1111(b)" and inserting "paragraphs (1) and (4) of section 1111(b)"; and

(C) in subparagraph (C)(i)—

(i) in subclause (I), by striking "subsections (c) and (e) of"; and

(ii) in subclause (II), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act".

SEC. 114. SCHOOL CHOICE.

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

"SEC. 1115A. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for students eligible for assistance under this part, that permit parents to select the public school that their child will attend and are consistent with State and local law, policy, and practice related to public school choice and local pupil transfer.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program under this section shall first develop a plan that—

"(1) contains an assurance that all eligible students, across grade levels, who are served under this part will have equal access to the program;

"(2) contains an assurance that the program does not include elementary schools or secondary schools that follow a racially discriminatory policy in providing services to students;

"(3) describes how elementary schools or secondary schools will use resources under this part, and from other sources, to implement the plan;

"(4) contains an assurance that the plan has been developed with the involvement of parents and others in the community to be served, and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

"(5) contains an assurance that parents of eligible students served by the local educational agency will be given prompt notice of the existence of the public school choice program, and the program's availability to such parents, and a clear explanation of how the program will operate;

"(6) contains an assurance that the public school choice program—

"(A) will include charter schools (as defined in section 4210) and any other public elementary school or secondary school served by the local educational agency; and

"(B) will not include as a school receiving transfers under the program an elementary school or a secondary school that the local educational agency determines—

"(i) is in school improvement or corrective action status;

"(ii) has been in school improvement or corrective action status during the 2 academic years before the determination; or

"(iii) is at risk of being identified for school improvement or corrective action during the academic year after the determination;

"(7) contains an assurance that transportation services or the costs of transportation to and from a public school to which a student transfers under the public school choice program—

"(A) may be provided by the local educational agency with funds under this part and funds from other sources; and

"(B) shall not be provided using more than 10 percent of the funds made available under this part to the local educational agency; and

"(8) contains an assurance that such local educational agency will comply with the other requirements of this part.".

SEC. 115. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking "1111(b)(2)(A)(i)" and inserting "1111(b)(2)";

(2) in paragraph (3)—

(A) by striking "individual school performance profiles" and inserting "school report cards";

(B) by striking "1111(b)(3)(I)" and inserting "1111(b)(4)(I)"; and

(C) by striking "and" after the semicolon;

(3) in paragraph (4), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

“(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement.”.

(b) SCHOOL IMPROVEMENT.—Section 1116(c) (20 U.S.C. 6317(c)) is amended to read as follows:

“(c) SCHOOL IMPROVEMENT.—

“(1) IN GENERAL.—A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that—

“(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

“(B) was in school improvement status under this section on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which an elementary school or a secondary school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(3) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under this subsection, a local educational agency may choose to review the progress of only the students in such school who are served, or are eligible for services, under this part.

“(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school level data, including assessment data, on which the proposed identification is based.

“(B) If the principal of a school proposed for identification for school improvement believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

“(5) TIME LIMITS.—Not later than 30 days after a local educational agency makes an initial determination concerning identifying a school served by the agency and receiving assistance under this part for school improvement, the local educational agency shall make public a final determination on the status of the school.

“(6) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, and in the 3 languages, other than English, spoken by the greatest number of individuals in the area served by the local educational agency, provide in writing to parents of each student in an elementary school or a secondary school identified for school improvement—

“(A) an explanation of what the school improvement identification means, and how the school identified for school improvement compares in terms of academic performance to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

“(B) the reasons for such identification;

“(C) a description of the data on which such identification was based;

“(D) an explanation of what the school identified for school improvement is doing to address the problem of low performance;

“(E) an explanation of what the local educational agency or State educational agency is doing to help the school address the performance problem, including an explanation of the amounts and types of professional development being provided to the instructional staff in such school, the amount of any financial assistance being provided by the State educational agency under section 1003, and the activities that are being provided with such financial assistance;

“(F) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

“(G) an explanation of the right of parents, pursuant to paragraph (7), to transfer their child to a higher performing public school, including a public charter school or magnet school, that is not in school improvement status, and how such transfer will be carried out.

“(7) PUBLIC SCHOOL CHOICE OPTION.—(A)(i) In the case of a school identified for school improvement on or before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, a local educational agency shall, not later than 18 months after such date of enactment, provide all students enrolled in the school an option to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to any higher performing public school, including a public charter or magnet school, that—

“(I) is not in school improvement or corrective action status;

“(II) has not been in school improvement or corrective action status at any time during the 2 academic years before the identification; and

“(III) is not at risk of being identified for school improvement or corrective action during the academic year after the identification.

“(ii) In the case of a school identified for school improvement after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the local educational agency involved shall, not later than 12 months after the date on which the local educational agency identifies the school for school improvement, provide all students enrolled in the school with the transfer option described in clause (i).

“(B) If all public schools served by the local educational agency to which a student may transfer under clause (i) are identified for school improvement or corrective action, or, if public schools in the agency's jurisdiction that are not in school improvement or corrective action status cannot accommodate all of the students who are eligible to transfer because of capacity constraints, or State or local law, policy, and practices related to public school choice and local pupil transfer, the local educational agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies that serve areas in proximity to the area served by the local educational agency. The cooperative agreement shall enable a student to transfer (consistent with State and local law, policy, and practices related to public school choice and local pupil transfer) to a school served by such other local educational agencies that meets the requirements described in subparagraph (A)(i).

“(C) A local educational agency that serves a school that has been identified for corrective action shall provide transportation services or pay for the costs of transportation for students who transfer to a different school pursuant to this paragraph. Not more than 10 percent of the funds allocated to a local educational agency under this part may be used to provide such transportation services or pay for the costs of such transportation.

“(D) Once a school is no longer identified for school improvement, the local educational agency shall continue to provide the transfer option described in subparagraph (A)(i) to students in such school for a period of not less than 2 years.

“(8) SCHOOL PLAN.—(A) Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall—

“(i) incorporate scientifically based research strategies that strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

“(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(iv) and enrolled in the school will meet the State's proficient level of performance on the State assessment described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(iii) provide an assurance that the school will reserve not less than 10 percent of the funds made available to the school under this part for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high quality professional development that—

“(I) directly addresses the academic performance problem that caused the school to be identified for school improvement; and

“(II) meets the requirements for professional development activities under section 1119A;

“(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

“(v) establish specific annual, numerical progress goals for each group of students specified in section 1111(b)(2)(B)(iv) and enrolled in the school that will ensure that all such groups of students will meet the State's proficient level of performance on the State assessment described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

“(vi) identify how the school will provide written notification about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language such parents can understand; and

“(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving such school under the plan.

“(B) The local educational agency described in subparagraph (A)(vii) may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (10)(D).

“(C) A school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for school improvement.

“(D) The local educational agency described in subparagraph (A)(vii) shall establish a peer review process to assist with review of a school plan prepared by a school served by the local educational agency, promptly review the school plan, work with the school as necessary, and approve the school plan if the school plan meets the requirements of this paragraph.

“(9) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements the school plan.

“(B) Such technical assistance—

“(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(4), and other samples of student work, to identify and address instructional problems and solutions;

“(ii) shall include assistance in identifying and implementing instructional strategies and methods that are tied to scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

“(iii) shall include assistance in analyzing and revising the school's budget so that the school resources are more effectively allocated for the activities most likely to increase student performance and to remove the school from school improvement status; and

“(iv) may be provided—

“(I) by the local educational agency, through mechanisms authorized under section 1117; or

“(II) with the local educational agency's approval, by the State educational agency, an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7104(a)(3), or another entity with experience in helping schools improve performance.

“(C) Technical assistance provided under this section by a local educational agency or an entity approved by such agency shall be based on scientifically based research.

“(10) CORRECTIVE ACTION.—(A) In this paragraph, the term ‘corrective action’ means action, consistent with State and local law, that—

“(i) substantially and directly responds to—

“(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

“(II) any underlying staffing, curriculum, or other problem in the school; and

“(ii) is designed to increase substantially the likelihood that students enrolled in the school identified for corrective action will perform at the State's proficient and advanced levels of performance on the State assessment described in section 1111(b)(4).

“(B) In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (H).

“(C) After providing technical assistance under paragraph (9) and subject to subparagraph (G), the local educational agency—

“(i) may identify for corrective action and take corrective action at any time with respect to a school that is served by the local educational agency and that has been identified under paragraph (1);

“(ii) shall identify for corrective action and take corrective action with respect to any school served by the local educational agency that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), at the end of the second year after the school year in which the school was identified under paragraph (1); and

“(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(D) In the case of a school described in subparagraph (C)(ii), the local educational agency shall take corrective action by—

“(i)(I) withholding funds from the school;

“(II) making alternative governance arrangements, including reopening the school as a public charter school;

“(III) reconstituting the relevant school staff; or

“(IV) instituting and fully implementing a new curriculum, including providing appropriate professional development for all relevant staff, that is tied to scientifically based research and offers substantial promise of improving educational performance for low-performing students; and

“(ii)(I) authorizing students to transfer (consistent with the requirements of paragraph (7)) to higher performing public schools served by the local educational agency, including public charter and magnet schools; and

“(II) providing to such students transportation services, or paying for the cost of transportation, to such schools (except that the funds used by the local educational agency to provide the transportation services or pay for the cost of transportation shall not exceed 10 percent of the amount allocated to the local educational agency under this part.

“(E) A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the school's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

“(F) The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

“(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

“(ii) in a format and, to the extent practicable, in a language that the parents can understand; and

“(iii) through such means as the Internet, the media, and public agencies.

“(G)(i) Before identifying a elementary school or a secondary school corrective action under this paragraph, the local educational agency shall provide the school with an opportunity to review the school level data, including assessment data, on which the proposed identification is based.

“(ii) If the principal of the school believes that the proposed determination is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

“(H) Not later than 30 days after a local educational agency makes an initial determination concerning identifying a school served by the agency and receiving assistance under this part, the local educational agency shall make public a final determination on the status of the school.

“(11) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out the agency's responsibilities under this section, or determines that, after 1 year of implementation of corrective action, such action has not resulted in sufficient progress in increased student performance, the State educational agency shall take such action as the agency finds necessary, including designating a course of corrective action described in paragraph (10)(D), consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency's responsibilities under this section.

“(12) SPECIAL RULES.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance on the State assessment described in section 1111(b)(4) shall no longer be identified for school improvement.”.

(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d)) is amended to read as follows:

“(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

“(1) IN GENERAL.—A State educational agency shall annually review the progress of each local educational agency within the State receiving funds under this part to determine whether schools served by such agencies and receiving assistance under this part are making adequate yearly progress, as defined under section 1111(b)(2), toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under sections 1116 and 1117.

“(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

“(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

“(B) was in improvement status under this section on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(4) TARGETED ASSISTANCE SCHOOLS.—To determine if a local educational agency that serves elementary schools or secondary schools that are conducting targeted assistance programs under section 1115 should be identified for improvement under this subsection, a State educational agency may choose to review the progress of only the students in such schools who are served, or who are eligible for services, under this part.

“(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—(A) Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which the proposed identification is based.

"(B) If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the State educational agency, which shall consider such evidence before making a final determination.

"(6) Time limits.—Not later than 45 days after the State educational agency makes an initial determination concerning identifying a local educational agency within the State and receiving assistance under this part for improvement, the State educational agency shall make public a final determination on the status of the local educational agency.

"(7) Notification to parents.—The State educational agency shall promptly notify parents of each student enrolled in a school served by a local educational agency identified for improvement, in a format, and to the extent practicable, in a language the parents can understand, of—

"(A) the reasons for such identification; and

"(B) how the parents can participate in upgrading the quality of the local educational agency.

"(8) Local educational agency plan.—(A) Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, teachers and other school staff, the local school board, and others, for approval by the State educational agency. Such plan shall—

"(i) incorporate scientifically based research strategies that strengthen the core academic subjects in schools served by the local educational agency;

"(ii) identify specific annual numerical academic performance objectives in at least the areas of mathematics and English language arts that the local educational agency will meet, with such objectives being calculated in a manner so that their achievement will ensure that each group of students enrolled in each school served by the local educational agency will meet the State's proficient level of performance on the State assessment described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

"(iii) provide an assurance that the local educational agency will—

"(I) reserve not less than 10 percent of the funds made available to the local educational agency under this part for each fiscal year that the agency is in improvement status for the purpose of providing to teachers and principals at schools served by the agency and receiving funds under this part high quality professional development that—

"(aa) directly addresses the academic performance problem that caused the local educational agency to be identified for improvement; and

"(bb) meets the requirements for professional development activities under section 1119A; and

"(II) specify how the funds described in subclause (I) will be used to remove the local educational agency from improvement status;

"(iv) identify how the local educational agency will provide written notification about the identification to parents described in paragraph (7) in a format and, to the extent practicable, in a language, that such parents can understand, pursuant to paragraph (7);

"(v) specify the responsibilities of the local educational agency and the State educational agency under the plan; and

"(vi) include a review of the local educational agency budget to ensure that resources are allocated for the activities that are most likely to improve student performance and to remove the agency from improvement status.

"(B) The local educational agency shall implement the local educational agency plan (including a revised plan) expeditiously; but not later than the beginning of the school year following the school year in which the agency was identified for improvement.

"(C) The State educational agency shall establish a peer review process to assist with review of the local educational agency plan, promptly review the plan, work with the local educational agency as necessary, and approve the plan if the plan meets the requirements of this paragraph.

"(D) If the local educational agency budget, in allocating resources to activities, fails to allocate resources as described in subparagraph (A)(vi), the State educational agency may direct the local educational agency to reallocate resources to more effective activities.

"(9) State educational agency responsibility.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

"(A) to develop and implement a local educational agency plan (including a revised plan) that is approved by the State educational agency consistent with the requirements of this section; and

"(B) to work with schools served by the local educational agency that are identified for school improvement.

"(10) Technical assistance.—The technical assistance provided by the State educational agency—

"(A) shall include assistance in analyzing data from the assessments required under section 1111(b)(4) and other samples of student work, to identify and address instructional problems and solutions;

"(B) shall include assistance in identifying and implementing instructional strategies and methods that are tied to scientifically based research and that have proven effective in addressing the specific instructional issues that caused the local educational agency to be identified for improvement;

"(C) shall include assistance in analyzing and revising the local educational agency's budget so that the agency's resources are more effectively allocated for the activities most likely to increase student performance and to remove the agency from improvement status; and

"(D) may be provided by—

"(i) the State educational agency; or

"(ii) with the local educational agency's approval, by an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement as described under section 7104(a)(3), or another entity with experience in helping schools improve performance.

"(11) Resources reallocation.—The State educational agency may, as a condition of providing the local educational agency with technical assistance and financial support in developing and carrying out a local educational agency plan, require that the local educational agency reallocate resources from ineffective or inefficient activities to activities that, through scientifically based research, have been proven to have the greatest impact on increasing student performance and closing the achievement gap between groups of students.

"(12) Corrective action.—(A) In this paragraph, the term 'corrective action' means action, consistent with State law, that—

"(i) substantially and directly responds to—

"(I) the consistent academic failure of schools served by a local educational agency that caused the State educational agency to take such action with respect to the local educational agency; and

"(II) any underlying staffing, curriculum, or other problem in the schools served by the local educational agency; and

"(ii) is designed to increase substantially the likelihood that students enrolled in the schools served by the local educational agency identified for corrective action will perform at the State's proficient and advanced levels of performance on the State assessment described in section 1111(b)(4).

"(B) In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (H).

"(C) After providing technical assistance, if requested, under paragraphs (9) and (10), and subject to subparagraph (E), the State educational agency—

"(i) shall identify for corrective action and take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), at the end of the second year after the school year in which the local educational agency was identified under paragraph (2); and

"(ii) shall continue to provide technical assistance while instituting any corrective action under clause (i).

"(D) In the case of a local educational agency described in subparagraph (C)(ii), the State educational agency shall take corrective action by—

"(i)(I) withholding funds from the local educational agency;

"(II) reconstituting the relevant local educational agency personnel;

"(III) removing particular schools from the jurisdiction of the local educational agency, and establishing alternative arrangements for public governance and supervision of such schools;

"(IV) appointing a receiver or trustee to administer the affairs of the local educational agency in place of the local educational agency's superintendent and school board; or

"(V) abolishing or restructuring the local educational agency; and

"(ii)(I) authorizing students to transfer (consistent with the requirements of section 1116(c)(7)) from schools served by the local educational agency to higher performing public schools, including public charter and magnet schools, served by another local educational agency; and

"(II) providing to such students transportation services, or paying for the cost of transportation, to such higher performing schools (except that the funds used by the local educational agency to provide the transportation services or pay for the cost of transportation shall not exceed 10 percent of the amount allocated to the local educational agency under this part.

"(E) The State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or schools served by the local educational agency.

"(F) The State educational agency shall publish and disseminate information regarding any corrective action the State educational agency takes under this paragraph—

"(i) to the public and to the parents described in paragraph (7) and the public;

"(ii) in a format and, to the extent practicable, in a language that the parents can understand; and

"(iii) through such means as the Internet, the media, and public agencies.

"(G) Prior to determining whether to take a corrective action with respect to a local educational agency under this paragraph, the State educational agency shall provide the local educational agency with notice and a opportunity for a hearing, if State law provides for such notice and opportunity.

"(H) Not later than 45 days after the State educational agency makes an initial determination regarding taking a corrective action concerning a local educational agency in the State and receiving assistance under this part, the State educational agency shall make public a final determination on the status of the local educational agency.".

(d) Definition.—Section 1116 (20 U.S.C. 6317) is amended by adding at the end the following:

"(f) Definition.—In this section, the term 'charter school' has the meaning given the term in section 4210.".

SEC. 116. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) System for Support.—Using funds described in subsection (e), each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies, elementary schools, and secondary schools receiving funds under this part, in order to ensure that all groups of students specified in section 1111(b)(2)(B)(iv) and attending such schools meet the State's proficient level of performance on the State assessments described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(b) Priorities.—In carrying out this section during an academic year, a State educational agency shall—

"(1) first, provide support and technical assistance to local educational agencies identified for corrective action under section 1116, and assist elementary schools and secondary schools, in accordance with section 1116(c)(11), for which a local educational agency has failed to carry out the agency's responsibilities under paragraphs (9) and (10) of section 1116(c);

"(2) second, provide support and technical assistance to local educational agencies and schools identified for improvement under section 1116; and

"(3) third, provide support and technical assistance to local educational agencies and schools participating under this part that are at risk of being identified for improvement during the subsequent academic year.

"(c) Approaches.—In order to achieve the objective described in subsection (a), the State educational agency shall ensure that the statewide system will provide support and technical assistance through approaches such as—

"(1) using school support teams, composed of individuals who are knowledgeable about scientifically based research, about teaching and learning practices, and particularly about strategies for improving educational results for low-performing students; and

"(2) designating and using distinguished educators, who are chosen from schools served under this part that have been especially successful in improving academic performance.

"(d) Alternatives.—The State educational agency may—

"(1) devise additional approaches to providing the support and technical assistance described in subsection (c), such as providing assistance through institutions of higher education, educational service agencies, or other local consortia; and

"(2) seek approval from the Secretary to use funds under section 1003(b) for such approaches as part of the State plan.

"(e) Funds.—The State educational agency—

"(1) shall use funds reserved under section 1003(a), but not used under section 1003(b), to carry out this section; and

"(2) may use State administrative funds authorized under section 1703(c) to carry out this section.".

SEC. 117. PARENTAL INVOLVEMENT.

(a) Local Educational Agency Policy.—Section 1118(a) (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking "programs, activities, and procedures" and inserting "activities and procedures";

(2) in paragraph (2), by striking subparagraphs (E) and (F) and inserting the following:

"(E) conduct, with the involvement of parents, an annual evaluation of the content of the parental involvement policy developed under such section and the effectiveness of the policy in improving the academic quality of the schools served under this part;

"(F) involve parents in the activities of the schools served under this part; and

"(G) promote consumer friendly environments within the local educational agency and schools served under this part."; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

"(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.".

(b) Notice.—Section 1118(b)(1) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence the following: "Parents shall be notified of the policy in a format and, to the extent practicable, in a language, that the parents can understand.".

(c) Parental Involvement.—Section 1118(c)(4) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking "school performance profiles required under section 1116(a)(3)" and inserting "school reports described in section 4401";

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (C) the following:

"(D) notice of the school's identification for school improvement under section 1116(c), if applicable, and a clear explanation of what such identification means;

"(E) notice of corrective action taken against the school under section 1116(c)(10) or the local educational agency involved under section 1116(d)(12), if applicable, and a clear explanation of what such action means;"; and

(4) in subparagraph (G) (as redesignated by paragraph (2)), by striking "subparagraph (D)" and inserting "subparagraph (F)".

(d) Building Capacity for Involvement.—Section 1118(e) (20 U.S.C 6319(e)) is amended—

(1) in paragraph (1), by striking "National Educational Goals,";

(2) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively;

(3) by inserting after paragraph (13) the following:

"(14) may establish a parent advisory council to advise on all matters related to parental involvement in programs supported under this part;";

(4) by redesignating paragraph (5) as paragraph (15) and inserting such paragraph after paragraph (14) (as inserted by paragraph (3));

(5) by inserting after paragraph (4) the following:

"(5) shall expand the use of electronic communication among teachers, students, and parents, such as communication through the use of websites and e-mail communication;";

(6) in paragraph (7), by inserting ", to the extent practicable, in a language and format the parent can understand" before the semicolon; and

(7) in paragraph (15) (as redesignated by paragraph (4)), by striking "shall" and inserting "may".

(e) Accessibility.—Section 1118(f) (20 U.S.C. 6319(f)) is amended by striking ", including" and all that follows and inserting "and of parents of migratory children, including providing information required under section 1111 and school reports described in section 4401 in a language and format such parents can understand.".

SEC. 118. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating section 1119 (20 U.S.C. 6320) as section 1119A; and

(2) by inserting after section 1118 the following:

"SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

"(a) In General.—

"(1) Plan.—Each State educational agency receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2006. Such plan shall include an assurance that the State educational agency will require each local educational agency or school receiving funds under this part publicly to report on annual progress with respect to the local educational agency's or school's performance in increasing the percentage of classes in core academic subjects (as defined in section 2002) taught by fully qualified teachers.

"(2) Special rule.—Notwithstanding any other provision of law, the provisions of this section governing teacher qualifications shall not supersede State laws governing public charter schools (as defined in section 4210).

"(b) New Paraprofessionals.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional hired after December 31, 2004, and working in a program assisted under this part—

"(1) has completed at least the number of courses at an institution of higher education in the area of elementary education, or in the academic subject in which the paraprofessional is working, for a minor in elementary education or that subject at such institution;

"(2) has obtained an associate's (or higher) degree; or

"(3) has met a rigorous standard of quality, through formal State certification (as described in subsection (h)), that demonstrates, as appropriate—

"(A) knowledge of, and the ability to provide tutorial assistance in, reading, writing, and mathematics; or

"(B) knowledge of, and the ability to provide tutorial assistance in, reading readiness, writing readiness, and mathematics readiness.

"(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that, not later than 4 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, each paraprofessional working in a program assisted under this part shall have satisfied the requirements of subsection (b).

"(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

"(1) who is proficient in English and a language other than English, and who provides services primarily to enhance the participation of students in programs under this part by acting as a translator; or

"(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118 or other school readiness activities that are noninstructional.

"(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part, regardless of the paraprofessional's hiring date, has obtained a secondary school diploma or its recognized equivalent.

"(f) DUTIES OF PARAPROFESSIONALS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program assisted under this part is not assigned a duty inconsistent with this subsection.

"(2) AUTHORIZED RESPONSIBILITIES.—A paraprofessional described in paragraph (1) may be assigned—

"(A) to provide 1-on-1 tutoring for eligible students under this part, if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher;

"(B) to assist with classroom management, such as organizing instructional and other materials;

"(C) to provide assistance in a computer laboratory;

"(D) to conduct parental involvement activities or school readiness activities that are noninstructional;

"(E) to provide support in a library or media center;

"(F) to act as a translator; or

"(G) to provide assistance with the provision of instructional services to students.

"(3) LIMITATIONS.—A paraprofessional described in paragraph (1)—

"(A) shall not perform the duties of a certified or licensed teacher or a substitute;

"(B) shall not perform any duty assigned under paragraph (2) except under the direct supervision of a fully qualified teacher or other appropriate professional; and

"(C) may not provide assistance with the provision of instructional services to students in the area of reading, writing, or mathematics unless the paraprofessional has demonstrated, through State certification as described in subsection (b)(3), the ability to effectively provide the assistance.

"(g) USES OF FUNDS.—Notwithstanding subsection (h)(2), a local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

"(h) STATE CERTIFICATION.—Each State educational agency receiving assistance under this part shall—

"(1) ensure that the State educational agency has in place State criteria for the certification of paraprofessionals by December 31, 2003; and

"(2) ensure that paraprofessionals hired before December 31, 2004 who do not meet the requirements of subsection (b) are in high-quality professional development activities that are aimed at assisting paraprofessionals in meeting the requirements of subsection (b) and that ensure that a paraprofessional has the ability to carry out the duties described in subsection (f).

"(i) VERIFICATION OF COMPLIANCE.—

"(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that each principal of an elementary school or secondary school operating a program under section 1114 or 1115 annually attest in writing as to whether the school is in compliance with the requirements of this section.

"(2) AVAILABILITY OF INFORMATION.—Copies of the annual attestation described in paragraph (1)—

"(A) shall be maintained at each elementary school and secondary school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

"(B) shall be available to any member of the general public on request.".

SEC. 119. PROFESSIONAL DEVELOPMENT.

Section 1119A (as redesignated by section 118(1)) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as identified under section 1115(b)(1)(B)) (referred to in this section as 'eligible children') through improved teacher quality.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) REQUIRED ACTIVITIES.—Each local educational agency receiving assistance under this part shall provide professional development activities under this section that shall—

"(A) give teachers, principals, and administrators the knowledge and skills to provide eligible children with the opportunity to meet challenging State or local content standards and student performance standards;

"(B) support the recruiting, hiring, and training of fully qualified teachers;

"(C) advance teacher understanding of effective instructional strategies, based on scientifically based research, for improving eligible children achievement in, at a minimum, English language arts, mathematics, and science;

"(D) be directly related to the curricula and academic subjects that a teacher teaches;

"(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the academic subject that the teacher teaches;

"(F) be tied to scientifically based research that demonstrates the effectiveness of such professional development activities in increasing the achievement of eligible children or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers;

"(G) be of sufficient intensity and duration (not to include such activities as 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan—

"(i) established by the teacher and the teacher's supervisor; and

"(ii) based on an assessment of the needs of the teacher, the teacher's students who are eligible children, and the local educational agency involved;

"(H) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of schools to be served under this part;

"(I) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom, to improve teaching and learning concerning the curricula and academic subjects that the teachers teach;

"(J) as a whole, be regularly evaluated for such activities' impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development; and

"(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "and data to provide information and instruction for classroom practice" before the semicolon;

(ii) by striking subparagraphs (D) and (G);

(iii) by redesignating subparagraphs (E), (F), (H), and (I), as subparagraphs (D), (E), (F) and (G), respectively;

(iv) in subparagraph (F) (as redesignated by clause (iii)), by striking "and" after the semicolon;

(v) in subparagraph (G) (as redesignated by clause (iii)), by striking the period and inserting a semicolon; and

(vi) by adding at the end (as redesignated by clause (iii)) the following new subparagraph:

"(H) instruction in the ways that teachers, principals, and guidance counselors can work with students (and the parents of the students) from groups, such as females and minorities, that are underrepresented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in those careers; and

"(I) programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

"(i) provide mentoring to new teachers from veteran teachers with expertise in the same academic subject as the new teachers are teaching;

"(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

"(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2109 in order to guide the new teachers.";

(3) by striking subsections (f) through (i); and

(4) by adding after subsection (e) the following:

"(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II and other sources.".

SEC. 120. FISCAL REQUIREMENTS.

Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking "section 14501" and inserting "section 8501".

SEC. 121. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6323) is amended—

(1) in subsection (a), by striking "to the extent feasible" and all that follows through the period and inserting "in coordination with local Head Start agencies and, if feasible, entities carrying out other early childhood development programs."; and

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end, the following:

"(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.".

SEC. 122. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATIONS ON FUNDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only to provide academic instruction and services directly related to the instruction to students in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

"(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this subpart, the term 'academic instruction'—

"(1) includes—

"(A) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(B) the extension of instruction described in this subsection beyond the normal school day and year, including during summer school;

"(C) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

"(D) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(E) the development and administration of curricula, educational materials, and assessments;

"(F) the implementation of—

"(i) instructional interventions in schools in need of improvement; and

"(ii) corrective actions to improve student achievement; and

"(G) the transportation of students to assist the students in improving academic achievement, except that not more than 10 percent of the funds made available under this part to a local educational agency shall be used to carry out this subparagraph; and

"(2) does not include—

"(A) the purchase or provision of janitorial services or the payment of utility costs;

"(B) the construction or operation of facilities;

"(C) the acquisition of real property;

"(D) the payment of costs for food and refreshments; or

"(E) the purchase or lease of vehicles.".

SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a) in each fiscal year, the Secretary shall make grants to local educational agencies in the outlying areas (other than the outlying areas assisted under paragraph (2)).

"(2) COMPETITIVE GRANTS.—(A) For each fiscal year through 2001, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a) to award grants on a competitive basis, to local educational agencies in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) Except as provided in subparagraph (D), grant funds awarded under this part only may be used for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform.

"(C) Grant funds awarded under this paragraph may only be used to provide direct educational services.

"(D) The Secretary may provide 5 percent of the amount made available for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.".

SEC. 124. AMOUNTS FOR GRANTS.

Section 1122 (20 U.S.C. 6332) is amended to read as follows:

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) IN GENERAL.—For fiscal years 2002 through 2006, an amount of the appropriations for this part equal to the appropriation for fiscal year 2001 for section 1124 shall be allocated in accordance with section 1124, and an amount equal to the appropriation for fiscal year 2001 for section 1124A shall be allocated in accordance with section 1124A. Any additional appropriations under section 1002(a) for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For each fiscal year, except as provided in paragraph (2) and subsection (d), the amount made available to each local educational agency under each of sections 1124 and 1125 shall be not less than 95 percent of the previous year's amount if the number of children counted for grants under section 1124 is at least 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency, 90 percent of the previous year amount if this percentage is between 15 percent and 30 percent, and 85 percent if this percentage is below 15 percent.

"(2) SUFFICIENT FUNDS.—If sufficient funds are appropriated, the hold-homeless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency currently meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency which does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount.

"(3) CALCULATION.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the

Secretary shall apply the hold-harmless percentages in paragraph (1) to counties, and, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this subsection.

"(d) Ratable Reductions.—

"(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) Additional funds.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"(e) Definition.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) Findings.—Congress finds that—

(1) according to the Department of Education, 58 percent of all elementary schools and secondary schools receive at least some funds under title I of the Elementary and Secondary Education Act of 1965 (referred to in this section as "title I funds");

(2) of the elementary schools and secondary schools that receive no title I funds at all, a disturbing number have high concentrations of poor students;

(3) 1 out of every 5 elementary schools and secondary schools with poverty rates between 50 percent and 75 percent do not get any title I funds;

(4) a school district qualifies for funding through basic grants made under such title I if at least 2 percent of the students in the school district are from families with incomes below the poverty line;

(5) 9 out of every 10 school districts receive some title I funds; and

(6) Congress has never appropriated funding to provide targeted grants under such title I.

(b) Sense of Congress.—It is the sense of Congress that—

(1) title I funds are distributed so broadly that many of the Nation's elementary schools and secondary schools with high poverty rates are not receiving on title I funds;

(2) the Federal Government is not living up to the original intent of the Elementary and Secondary Education Act of 1965, which was to focus Federal funding to ensure that poor students have equal access to a quality education;

(3) it is the role of the Federal Government to provide targeted funding for school districts in which the Nation's poorest students live, while holding States and localities accountable for raising the academic performance of all students in the United States to a higher level; and

(4) the Federal Government must take a firm stand to better focus Federal funds on the Nation's poorest school districts through a new formula for the title I funds that will ensure that the funds are targeted so that elementary schools and secondary schools in high-poverty urban and rural areas get the Federal resources for education that the schools need and deserve.

(c) General Authority.—Section 1124 (20 U.S.C. 6333) is amended to read as follows:

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) Amount of Grants.—

"(1) Grants for local educational agencies and Puerto Rico.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) Calculation of grants.—(A) The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B)(i) For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

"(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

"(iii) For small local educational agencies, the State educational agency may either—

"(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

"(II) use an alternative method, developed in accordance with clause (iv), approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

"(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

"(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond within 45 days of receiving it.

"(vi) As used in this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving an area with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving an area with a total population of less than 20,000.

"(3) Allocations to counties.—(A) For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

"(B) In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) If the Secretary approves a State's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that those allocations are made—

"(i) using precisely the same factors for determining a grant as are used under this part; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) The State educational agency shall provide the Secretary an assurance that a procedure is (or will be) established through which local educational agencies that are dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) Puerto rico.—For each fiscal year, the Secretary shall determine the percentage that the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant that the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(5) Definition.—For purposes of this subsection, the term 'State' does not include an outlying area.

"(b) Minimum Number of Children To Qualify.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

"(c) Children To Be Counted.—

"(1) Categories of children.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

"(C) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) Determination of number of children.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2002 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act, and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this paragraph to the Secretary not later than January 1 of each year. For the purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (determined as described in paragraph (1)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total grants under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.".

SEC. 126. CONCENTRATION GRANTS.

Section 1124A (20 U.S.C. 6334) is amended to read as follows:

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than an outlying area, which is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) for the agency exceeds either—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

"(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

"(i) 0.25 percent of total grants; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the amount in section 1124(a)(1)(B) for all States except Puerto Rico, and the amount in section 1124(a)(4) for Puerto Rico.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with paragraphs (2) and (3) of section 1124(a).

"(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section for any fiscal year to make grants to local educational agencies that meet the criteria of clause (i) or (ii) of paragraph (1)(A) but that are in ineligible counties.

"(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.".

SEC. 127. TARGETED GRANTS.

Section 1125 (20 U.S.C 6335) is amended to read as follows:

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under section 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. Funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in section 1124(a)(1).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in section 1124(a)(4).

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—(A) For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under clause (i) or (ii), as follows:

"(i) This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

"(ii) This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(B) Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—(A) For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under clauses (i) and (ii), as follows:

"(i) This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(ii) This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(B) Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with paragraphs (2) and (3) of section 1124(a).

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.".

SEC. 128. EDUCATION FINANCE INCENTIVE PROGRAM.

Section 1125A (20 U.S.C. 6336) is amended to read as follows:

"SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

"(a) GRANTS.—The Secretary is authorized to make grants to States from the sums appropriated pursuant to subsection (e) to carry out the purposes of this part.

"(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

"(1) IN GENERAL.—Funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, of such State multiplied by the product of—

"(A) such State's effort factor described in paragraph (2); multiplied by

"(B) 1.30 minus such State's equity factor described in paragraph (3), except that for each fiscal year no State shall receive less than ¼ of 1 percent of the total amount appropriated pursuant to subsection (e) for such fiscal year.

"(2) EFFORT FACTOR.—(A) Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

"(B) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

"(3) EQUITY FACTOR.—(A)(i) Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

"(ii)(I) For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

"(II) In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils in the local educational agency.

"(III) In determining the number of pupils under this paragraph in each local educational agency and each State, the Secretary shall multiply the number of children from economically disadvantaged families by 1.4 under this paragraph.

"(IV) In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

"(V) The Secretary shall compute separate coefficients of variation for elementary, secondary, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

"(B) The equity factor for a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) or a State with only 1 local educational agency shall be not greater than 0.10.

"(C) The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to economically disadvantaged student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English proficiency or other meaningful educational needs, which deserve additional support. In addition and also with the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

"(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

"(d) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this part for any fiscal year only if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) Reduction of funds.—The Secretary shall reduce the amount of the funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) Waivers.—The Secretary may waive, for 1 fiscal year only, the requirements of paragraphs (1) and (2) if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(e) Authorization of Appropriations.—For the purpose of making grants under this section, there are authorized to be appropriated $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 3 succeeding fiscal years.".

SEC. 129. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6337) is amended to read as follows:

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) Allocations for Neglected Children.—

"(1) In general.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) Special rule.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

"(c) Reallocation.—If a State educational agency determines that the amount of a grant that a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.".

Subtitle B—Even Start Family Literacy Programs

SEC. 131. PROGRAM AUTHORIZED.

Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(1) in paragraph (1), by striking "subsection and for which" and all that follows through ", whichever is less, to award grants," and inserting "subsection, from funds reserved under section 7104(b), the Secretary shall award grants,";

(2) by striking paragraph (2)(C); and

(3) in paragraph (3)—

(A) by striking "is defined" and inserting "was defined".; and

(B) by inserting "as such section was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act" after "2252".

SEC. 132. APPLICATIONS.

Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended by striking "14306" and inserting "8305".

SEC. 133. RESEARCH.

Section 1211(c) (20 U.S.C. 6396b(c)) is amended to read as follows:

"(c) Dissemination.—The Secretary shall disseminate, or designate another entity to disseminate, the results of the research described in subsection (a) to States and recipients of subgrants under this part.".

Subtitle C—Education of Migratory Children

SEC. 141. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

Section 1306(a)(1) (20 U.S.C. 6369(a)(1)) is amended—

(1) in subparagraph (A), by striking ", the Goals 2000" and all that follows through the semicolon and inserting "or other Acts, as appropriate, consistent with section 8306;";

(2) in subparagraph (B), by striking "section 14302" and inserting "section 8302"; and

(3) in subparagraph (F), by striking "bilingual education" and all that follows and inserting "language instruction programs under title III; and".

Subtitle D—Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or at Risk of Dropping Out

SEC. 151. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 (20 U.S.C. 6434) is amended—

(1) in subsection (a)(1), by striking ", the Goals 2000" and all that follows through the period and inserting "or other Acts, as appropriate, consistent with section 8305."; and

(2) in subsection (c)—

(A) in paragraph (6), by striking "section 14701" and inserting "section 8701"; and

(B) in paragraph (7), by striking "section 14501" and inserting "section 8501".

SEC. 152. USE OF FUNDS.

Section 1415(a)(2)(D) (20 U.S.C. 6435(a)(2)(D)) is amended by striking "section 14701" and inserting "section 8701".

Subtitle E—Federal Evaluations, Demonstrations, and Transition Projects

SEC. 161. EVALUATIONS.

Section 1501 (20 U.S.C. 6491) is amended—

(1) in subsection (a)(4)—

(A) by striking "January 1, 1996" and inserting "January 1, 2003"; and

(B) by striking "January 1, 1999" and inserting "January 1, 2006";

(2) in subsection (b)(1), by striking "December 31, 1997" and inserting "December 31, 2004"; and

(3) in subsection (e)(2), by striking "December 31, 1996" and inserting "December 31, 2003".

SEC. 162. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

Section 1502 (20 U.S.C. 6492) is amended to read as follows:

"SEC. 1502. COMPREHENSIVE SCHOOL REFORM.

"(a) Findings and Purpose.—

"(1) Findings.—Congress finds the following:

"(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

"(B) No single comprehensive school reform model may be suitable for every school. Schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as the schools undertake comprehensive school reform.

"(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

"(2) Purpose.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

"(b) Grants to States.—

"(1) In general.—The Secretary is authorized to provide grants to State educational agencies from allotments under paragraph (2) to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

"(2) Allotment.—

"(A) Reservation.—Of the amount made available under subsection (f) for a fiscal year, the Secretary may reserve—

"(i) not more than 1 percent for—

"(I) payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this section; and

"(II) payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this section as determined by the Secretary, for activities, approved by the Secretary, consistent with this section; and

"(ii) not more than 1 percent to conduct national evaluation activities described in subsection (d).

"(B) In general.—Of the amount made available under subsection (f) for a fiscal year and remaining after the reservation under subparagraph (A), the Secretary shall allot to each State an amount that bears the same ratio to the remainder as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

"(C) Reallotment.—If a State chooses not to apply for funds under this section, or fails to submit an approvable application under paragraph (3), the Secretary shall reallot the funds that such State would have received under subparagraph (B) to States having applications approved under paragraph (3), in accordance with subparagraph (B).

"(3) State application.—

"(A) In general.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

"(B) Contents.—Each State application shall describe—

"(i) the process and selection criteria with which the State educational agency, after using expert review, will select local educational agencies to receive subgrants under this section;

"(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically based research will receive funds under this section;

“(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically based research;

“(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

“(v) how the agency will provide, upon request, technical assistance to a local educational agency in evaluating, developing, and implementing comprehensive school reform.

“(4) Reporting.—Each State educational agency that receives a grant under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive grants under this section, the amount of such grants, and a description of the comprehensive school reform model selected and used for the schools.

“(5) Administrative costs.—A State educational agency that receives a grant under this section may reserve not more than 5 percent of the funds made available through the grant for administrative, evaluation, and technical assistance expenses.

“(c) Grants to Local Educational Agencies.—

“(1) Grants.—

“(A) In general.—Except as provided in subsection (b)(5), a State educational agency that receives a grant under this section shall use the grant funds to provide grants, on a competitive basis, to local educational agencies receiving funds under part A.

“(B) Grant requirements.—A grant to a local educational agency shall be—

“(i) of sufficient size and scope to pay for the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

“(ii) in an amount of not less than $50,000 for each participating school; and

“(iii) made for an initial period of 1 year, and shall be renewable for 2 additional 1-year periods if the participating schools are making substantial progress in the implementation of their reforms.

“(2) Local applications.—

“(A) In general.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the agency may require.

“(B) Contents.—At a minimum, the local application shall—

“(i) identify which schools that are served by the local educational agency and eligible for funds under part A plan to implement a comprehensive school reform program, and identify the projected costs of such a program;

“(ii) describe the scientifically based comprehensive school reforms that such schools will implement;

“(iii) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically based school reforms selected by such schools; and

“(iv) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

“(3) Components of the program.—A local educational agency that receives a grant under this section shall provide grant funds to schools that, individually, implement a comprehensive school reform program that—

“(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools with diverse characteristics;

“(B) uses a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, , and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards, and that addresses needs identified through a school needs assessment;

“(C) provides high quality and continuous teacher and staff professional development;

“(D) includes measurable goals for student performance and benchmarks for meeting such goals;

“(E) is supported by teachers, principals, administrators, and other professional staff;

“(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

“(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

“(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

“(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

“(4) Priority and consideration.—

“(A) Priority.—The State educational agency, in awarding grants under paragraph (1), shall give priority to local educational agencies that—

“(i) plan to use the grant funds in schools identified for school improvement or corrective action under section 1116(c); and

“(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(B) Grant consideration.—In making grants under this section, the State educational agency shall take into account the need for equitable distribution of funds to different geographic regions within the State, including urban and rural areas, and to elementary schools and secondary schools.

“(5) Special rule.—A school that receives funds under this section to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop comprehensive school reform programs for schoolwide change that comply with paragraph (3).

“(d) Evaluation and Report.—

“(1) In general.—The Secretary shall develop and carry out a plan for a national evaluation of the programs developed pursuant to this section.

“(2) Evaluation.—The national evaluation shall evaluate the implementation of the programs and the results achieved by schools after 1 year and 3 years of implementing comprehensive school reforms through the programs, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(3) Reports.—

“(A) Interim report.—After evaluating the first year of implementation and results under paragraph (2), the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

“(B) Final report.—After evaluating the third year of implementation and results under paragraph (2), the Secretary shall submit a final report outlining third year implementation activities to the committees described in subparagraph (A).

“(e) Supplement.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for activities described in this section.

“(f) Authorization of Appropriations.—Funds appropriated for any fiscal year under section 1002(f) shall be used for carrying out the activities under this section.

“(g) Definition.—The term ‘scientifically based research’—

“(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

“(2) shall include research that—

“(A) employs systematic, empirical methods that draw on observation or experiment;

“(B) involves rigorous data analyses that are adequate to test stated hypotheses and justify the general conclusions drawn;

“(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(D) has been accepted by a journal that uses peer review or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”.

Subtitle F—Rural Education Development Initiative

SEC. 171. RURAL EDUCATION DEVELOPMENT INITIATIVE.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part F (20 U.S.C. 6511 et seq.) as part G and redesignating accordingly the references to such part F;

(2) by redesignating sections 1601 through 1604 (20 U.S.C. 6511, 6514) as sections 1701 through 1704, respectively, and by redesignating accordingly the references to such sections 1601 through 1604; and

(3) by inserting after part E (20 U.S.C. 6491 et seq.) the following:

“PART F—RURAL EDUCATION INITIATIVE

“SEC. 1601. SHORT TITLE.

“This part may be cited as the ‘Rural Education Achievement Program’.

“SEC. 1602. PURPOSE.

“It is the purpose of this part to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete for Federal competitive grants; and

“(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

“SEC. 1603. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which 50 percent shall be available to carry out subpart 1 for each such fiscal year and 50 percent shall be available to carry out subpart 2 for each such fiscal year.

“(b) Special Rule.—Notwithstanding subsection (a), if the amount of funds made available under subsection (a) to carry out subpart 1 for any fiscal year exceeds the amount required to carry out subpart 1 for the fiscal year, then such excess shall be available to carry out subpart 2 for the fiscal year.

“Subpart 1—Small, Rural School Achievement Program

“SEC. 1611. FORMULA GRANT PROGRAMS.

“(a) Alternative Uses.—

“(1) In general.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out activities described in section 1114, 1115. 1116, 2207, 3107, or 6006.

“(2) Notification.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

“(b) Eligibility.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) Applicable Funding.—In this section, the term ‘applicable funding’ means funds provided under each of titles II, III, and VI.

“(d) Disbursal.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(e) Supplement not Supplant.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

“(f) Special Rule.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

“(g) Cooperative Arrangements.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

“SEC. 1612. FORMULA GRANT PROGRAM AUTHORIZED.

“(a) In General.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities described in section 1114, 1115, 1116, 2207, 3107, or 6006.

“(b) Eligibility.—A local educational agency shall be eligible to receive a grant under this section if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) Amount.—

“(1) In general.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received by the local educational agency for the preceding fiscal year under the provisions of law described in section 1611(c).

“(2) Determination.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

“(3) Census determination.—

“(A) In general.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

“(B) Submission.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

“(4) Penalty.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

“(d) Disbursal.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

“(e) Supplement not Supplant.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

“(f) Construction.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

“SEC. 1613. APPLICATIONS.

“(a) In General.—Each eligible local educational agency desiring to use funds for alternative uses under section 1611 or desiring a grant under section 1612 annually shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) Contents.—Each application submitted under subsection (a) shall—

“(1) describe the activities for which funds made available under this subpart will be used to raise student academic performance;

“(2) specify annual, measurable performance goals and objectives, at a minimum, for the activities assisted under this subpart with respect to—

“(A) increased student academic achievement;

“(B) decreased gaps in achievement between minority and nonminority students, and between economically disadvantaged and non-economically disadvantaged students (unless the Secretary determines the number of students in a category is insufficient to yield statistically reliable information); and

“(C) other factors that the eligible local educational agency may choose to measure; and

“(3) specify the extent to which such goals are aligned with State content and student performance standards;

“(4) describe how the eligible local educational agency will—

“(A) measure the annual impact of activities described in paragraph (1) and the extent to which the activities will increase student academic performance; and

“(B) hold elementary schools or secondary schools using or receiving funds under this subpart accountable for meeting the annual, measurable goals and objectives;

“(5) describe how the eligible local educational agency will provide technical assistance for an elementary school or secondary school that does not meet the annual, measurable goals and objectives;

“(6) describe how the eligible local educational agency will take action against an elementary school or secondary school, if the school fails, over 2 consecutive years, to meet the annual, measurable goals and objectives; and

“(7) in the case that the application describes alternative uses for funds under title II or III, specify how the eligible local educational agency shall use the funds to meet the annual numerical performance objectives described in section 2104 or 3109, respectively.

“SEC. 1614. ACCOUNTABILITY.

“The Secretary, at the end of the third year that an eligible local educational agency uses funds in accordance with section 1611 or receives grant funds under section 1612, shall permit only those eligible local educational agencies that meet their annual, measurable goals and objectives described in section 1613(b)(2) and their performance objectives described in section 2104 and 3109 for 2 consecutive years to continue to so use funds or receive grant funds for the fourth or fifth fiscal years of participation in the program under this subpart.

“SEC. 1615. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

“(a) In General.—If the amount appropriated for any fiscal year and made available for grants under section 1612 is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce each such amount.

“(b) Additional Amounts.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection

(a) shall be increased on the same basis as such payments were reduced.

“SEC. 1616. REPORTS.

“(a) Reports From Eligible Local Educational Agencies.—Each eligible local educational agency making alternative use of funds under section 1611 or receiving a grant under section 1612 shall provide an annual report to the Secretary. The report shall describe—

“(1) how the agency used the funds made available under this subpart;

“(2) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the agency's application; and

“(3) how the agency coordinated funds received under this subpart with other Federal, State, and local funds.

“(b) Report to Congress.—The Secretary shall prepare and submit to Congress an annual report setting forth the information provided to the Secretary pursuant to subsection (a).

“Subpart 2—Low-Income and Rural School Program

“SEC. 1621. DEFINITIONS.

“In this subpart:

“(1) Poverty line.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(2) Specially qualified agency.—The term ‘specially qualified agency’ means an eligible local educational agency, located in a State that does not participate in a program carried out under this subpart for a fiscal year, that applies directly to the Secretary for a grant for such year in accordance with section 1622(b).

“SEC. 1622. PROGRAM AUTHORIZED.

“(a) Grants to States.—

“(1) In general.—From the sum appropriated under section 1603 for a fiscal year and made available to carry out this subpart, the Secretary shall award grants, from allotments made under paragraph (2) , to State educational agencies that have applications approved under section 1624 to enable the State educational agencies to award grants to eligible local educational agencies for activities described in section 1114, 1115, 1116, 2207, 3107, or 6006.

“(2) Allotment.—From the sum appropriated under section 1603 for a fiscal year and made available to carry out this subpart, the Secretary shall allot to each State educational agency an amount that bears the same ratio to the sum as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students at the schools served by eligible local educational agencies in all States for that fiscal year.

“(b) Direct Grants to Specially Qualified Agencies.—

“(1) Nonparticipating state. –If a State educational agency elects not to participate in the program carried out under this subpart or does not have an application approved under section 1624, a specially qualified agency in such State desiring a grant under this subpart may apply directly to the Secretary under section 1624 to receive a grant under this subpart.

“(2) Direct awards to specially qualified agencies.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (a)(2) directly to specially qualified agencies in the State.

“(c) Administrative Costs.—A State educational agency that receives a grant under this subpart may not use more than 2 percent of the amount of the grant funds for State administrative costs.

“SEC. 1623. STATE DISTRIBUTION OF FUNDS.

“(a) In General.—A State educational agency that receives a grant under this subpart shall use the funds made available through the grant to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities described in section 1114, 1115, 1116, 2207, 3107, or 6006.

“(b) Local Awards.—A local educational agency shall be eligible to receive a grant under this subpart if—

“(1) 20 percent or more of the children age 5 through 17 that are served by the local educational agency are from families with incomes below the poverty line; and

“(2) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

“(c) Award Basis.—The State educational agency shall award the grants to eligible local educational agencies—

“(1) according to a formula based on the number of students in average daily attendance at schools served by the eligible local educational agencies; or

“(2) on a competitive basis if distribution by formula is impracticable as determined by the State educational agency.

“SEC. 1624. APPLICATIONS.

“(a) In General.—Each State educational agency desiring a grant under section 1622(a) and each specially qualified agency desiring a grant under section 1622(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) Contents.—Each application submitted under subsection (a) shall—

“(1) specify annual, measurable performance goals and objectives for the activities assisted under this subpart, at a minimum, with respect to—

“(A) increased student academic achievement;

“(B) decreased gaps in achievement between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students (unless the Secretary determines the number of students in a category is insufficient to yield statistically reliable information); and

“(C) other factors that the State educational agency or eligible local educational agency may choose to measure;

“(2) describe how the State educational agency or specially qualified agency will hold local educational agencies and elementary schools or secondary schools receiving funds under this subpart accountable for meeting the annual, measurable goals and objectives;

“(3) describe how the State educational agency or specially qualified agency will provide technical assistance for a local educational agency, an elementary school, or a secondary school that does not meet the annual, measurable goals and objectives; and

“(4) describe how the State educational agency or specially qualified agency will take action against a local educational agency, an elementary school, or a secondary school, if the local educational agency or school fails, over 2 consecutive years, to meet the annual, measurable goals and objectives.

“SEC. 1625. USES OF FUNDS.

“Grant funds awarded to eligible local educational agencies under this subpart shall be used for—

“(1) educational technology activities;

“(2) high quality professional development for teachers and principals;

“(3) technical assistance;

“(4) recruitment and retention of fully qualified teachers, as defined in section 2002, and highly qualified principals;

“(5) parental involvement activities; or

“(6) other programs or activities that—

“(A) seek to raise the academic achievement levels of all elementary school and secondary school students; and

“(B) are based on State content and student performance standards.

“SEC. 1626. ACCOUNTABILITY.

“The Secretary, at the end of the third year that a State educational agency or specially qualified agency receives grant funds under this subpart, shall permit only those State educational agencies and specially qualified agencies that meet their annual, measurable goals and objectives for 2 consecutive years to continue to receive grant funds for the fourth or fifth fiscal years of the program under this subpart.

“SEC. 1627. REPORTS AND STUDY.

“(a) State· Reports.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—

“(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to elementary schools and secondary schools under this subpart;

“(2) how eligible local educational agencies, elementary schools, and secondary schools within the State used the grant funds provided under this subpart; and

“(3) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the State application.

“(b) Reports From Eligible Local Educational Agencies.—Each eligible local educational agency receiving a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

“(1) how the agency used the grant funds;

“(2) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the agency's application; and

“(3) how the agency coordinated funds received under this subpart with other Federal, State, and local funds.

“(c) Report to Congress.—The Secretary shall prepare and submit to Congress an annual report setting forth the information provided to the Secretary pursuant to subsections (a) and (b).

“(d) Study.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this subpart on student achievement, and shall submit such study to Congress.

“SEC. 1628. SUPPLEMENT NOT SUPPLANT.

“Funds made available under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds.

“SEC. 1629. SPECIAL RULE.

“No local educational agency may concurrently participate in activities carried out under subpart 1 and activities carried out under this subpart.”.

Subtitle G—General Provisions

SEC. 181. STATE ADMINISTRATION.

Section 1703 (20 U.S.C. 6513) (as redesignated by section 171(2)) is amended by striking subsection (c).

SEC. 182. DEFINITIONS.

Part G of title I (20 U.S.C. 6511 et seq.) (as redesignated by section 171(1)) is amended by adding at the end the following:

"SEC. 1705. DEFINITIONS.

"In this title:

"(1) FULLY QUALIFIED.—The term 'fully qualified' has the meaning given such term in section 2002.

"(2) LOW-PERFORMING STUDENT.—The term 'low-performing student' means a student who performs below a State's basic level of performance described in the State standards described in section 1111(b)(1).

"(3) SCIENTIFICALLY BASED RESEARCH.—Except as provided in section 1502, the term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a journal that uses peer review or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review."

TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

SEC. 201. TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHER AND PRINCIPAL QUALITY, PROFESSIONAL DEVELOPMENT, AND CLASS SIZE

"SEC. 2001. PURPOSE.

"The purpose of this title is to provide grants to State educational agencies and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality, increasing professional development, and decreasing class size.

"SEC. 2002. DEFINITIONS.

"In this title:

"(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 4210.

"(2) CORE ACADEMIC SUBJECT.—The term 'core academic subject', used with respect to a State, means English language arts, mathematics, science, and any other academic subject that the State determines is a core academic subject.

"(3) FULLY QUALIFIED.—The term 'fully qualified' means—

"(A) in the case of an elementary school teacher (other than a teacher teaching in a public charter school or a middle school teacher), a teacher who, at a minimum—

"(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

"(ii) holds a bachelor's degree from an institution of higher education; and

"(iii) demonstrates the subject matter knowledge, teaching knowledge, and teaching skills required to teach effectively reading, writing, mathematics, science, social studies, and other elements of a liberal arts education;

"(B) in the case of a middle school or secondary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

"(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

"(ii) holds a bachelor's degree from an institution of higher education; and

"(iii) demonstrates a high level of competence in all academic subjects in which the teacher teaches through—

"(I) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches;

"(II) in the case of a teacher who is a mid-career professional entering the teaching profession, achievement of—

"(aa) a high level of performance in other professional employment experience relevant to the core academic subjects that the teacher teaches; and

"(bb) achievement of a level of performance described in subclause (III); or

"(III) achievement of a high level of performance on rigorous academic subject area tests administered by the State in which the teacher teaches; and

"(C) in the case of a teacher teaching in a public charter school—

"(i) meets the requirements of State law, if any, relating to certification or licensing to teach in the State in a charter school;

"(ii) meets the requirements of State law, if any, regarding holding a degree from an institution of higher education to teach in a charter school; and

"(iii)(I) in the case of an elementary school teacher (other than a middle school teacher), demonstrates the knowledge and skills described in subparagraph (A)(iii); or

"(II) in the case of a middle school or secondary school teacher, demonstrates a high level of competence as described in subparagraph (B)(iii).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that—

"(A) has not been identified as low-performing under section 208 of the Higher Education Act of 1965; and

"(B) is in full compliance with the public reporting requirements described in section 207 of the Higher Education Act of 1965.

"(5) LOW-PERFORMING STUDENT.—The term 'low-performing student' means a student who, based on multiple measures, performs at or below a State's basic level of performance for the student's grade level, as described in the State student performance standards described in section 1111(b)(1).

"(6) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(7) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, for the most recent year for which satisfactory data are available.

"(8) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

"(9) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given the term in section 1705.

"(10) STATE.—The term 'State' means each of the several States in the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(11) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the entity or agency designated under the laws of a State as responsible for teacher certification or licensing in the State.

"PART A—TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT

"SEC. 2101. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from an allotment made under subsection (b), to each State educational agency having a State plan approved under section 2103, to enable the State educational agency to raise the quality of, and provide professional development opportunities for, public elementary school and secondary school teachers, principals, and administrators.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 2114 to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this part;

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

"(C) such sums as may be necessary to continue to support any multiyear partnership program award made under part A, C, or D (as such part was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

"(2) STATE ALLOTMENTS.—From the amount appropriated under section 2114 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 2103 the sum of—

"(A) an amount that bears the same relationship to 50 percent of the remainder as the school-age population from families with incomes below the poverty line in the State bears to the school-age population from families with incomes below the poverty line in all States; and

"(B) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than ½ of 1 percent of the total amount allotted to all States under subsection (b)(2).

"(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2002, notwithstanding subsection (b)(2), the amount allotted to each State under subsection (b)(2) shall be not less than 100 percent of the total amount the State was allotted under part B (as such part was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2001.

"(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (d) for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 2102. WITHIN-STATE ALLOCATION.

"(a) IN GENERAL.—Each State educational agency for a State receiving a grant under section 2101(a) shall—

"(1) set aside 15 percent of the grant funds to award educator partnership grants under section 2113;

"(2) set aside not more than 5 percent of the grant funds to carry out activities described in the State plan submitted under section 2103; and

"(3) using the remaining 80 percent of the grant funds, make subgrants by allocating to each local educational agency in the State the sum of—

"(A) an amount that bears the same relationship to 60 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the area served by all local educational agencies in the State; and

"(B) an amount that bears the same relationship to 40 percent of the remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) FISCAL YEAR 2002.—For fiscal year 2002, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 100 percent of the total amount the local educational agency was allocated under part B (as such part was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2001.

"(2) FISCAL YEAR 2003.—For fiscal year 2003, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 85 percent of the amount allocated to the local educational agency under this section for fiscal year 2002.

"(3) FISCAL YEARS 2004–2006.—For each of fiscal years 2004 through 2006, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 70 percent of the amount allocated to the local educational agency under this section for the previous fiscal year.

"(c) RATABLE REDUCTIONS.—If the sums made available under subsection (a)(3) for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for such year, the State educational agency shall ratably reduce such amounts for such year.

"SEC. 2103. STATE PLANS.

"(a) PLAN REQUIRED.—

"(1) COMPREHENSIVE STATE PLAN.—The State educational agency shall submit a State plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require. If the State educational agency (as defined in section 8101) is not the entity or agency designated under the laws of the State as responsible for teacher certification or licensing in the State, then the plan shall be developed in consultation with the State educational agency. The entity or agency shall provide annual evidence of such consultation to the Secretary.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(b) CONTENTS.—Each plan submitted under subsection (a) shall—

"(1) describe how the State educational agency is taking reasonable steps to—

"(A) reform teacher certification, recertification, or licensure requirements to ensure that—

"(i) teachers have the necessary subject matter knowledge, teaching knowledge, and teaching skills in the academic subjects that the teachers teach;

"(ii) such requirements are aligned with the challenging State content standards;

"(iii) teachers have the knowledge and skills necessary to help students meet the challenging State student performance standards;

"(iv) such requirements take into account the need, as determined by the State educational agency, for greater access to, and participation in, the teaching profession by individuals from historically underrepresented groups; and

"(v) teachers have the necessary technological skills to integrate technology more effectively in the teaching of content required by State and local standards in all academic subjects that the teachers teach;

"(B) develop and implement rigorous testing procedures for teachers, as described in subparagraphs (A)(iii) and (B)(iii)(IV) of section 2002(3), to ensure that the teachers have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively the content required by State and local standards in the academic subjects that the teachers teach;

"(C) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including midcareer professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates who have records of academic distinction and who demonstrate the potential to become highly effective teachers;

"(D) reduce emergency teacher certification;

"(E) develop and implement effective programs, and provide financial assistance, to assist local educational agencies, elementary schools, and secondary schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers or the highest proportion of low-performing students;

"(F) provide professional development programs that meet the requirements described in section 2109;

"(G) provide programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

"(i) provide mentoring to new teachers from veteran teachers with expertise in the same academic subject as the new teachers are teaching;

"(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

"(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2109 in order to guide the new teachers;

"(H) provide technical assistance to local educational agencies in developing and implementing activities described in section 2108; and

"(I) ensure that programs in core academic subjects, particularly in mathematics and science, will take into account the need for greater access to, and participation in, such core academic subjects by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques that meet such students' educational needs;

"(2) describe the activities for which assistance is sought under the grant, and how such activities will improve students' academic achievement and close academic achievement gaps of economically disadvantaged, minority, and limited English proficient students;

"(3) describe how the State educational agency will establish annual numerical performance objectives under section 2104 for improving the qualifications of teachers and the professional development of teachers, principals, and administrators;

"(4) contain an assurance that the State educational agency consulted with local educational agencies, education-related community groups, nonprofit organizations, parents, teachers, school administrators, local school boards, institutions of higher education in the State, and content specialists in establishing the performance objectives described in section 2104;

"(5) describe how the State educational agency will hold local educational agencies, elementary schools, and secondary schools accountable for meeting the performance objectives described in section 2104 and for reporting annually on the local educational agencies' and schools' progress in meeting the performance objectives;

"(6) describe how the State educational agency will ensure that a local educational agency receiving a subgrant under section 2102 will comply with the requirements of this part;

"(7) provide an assurance that the State educational agency will require each local educational agency, elementary school, or secondary school receiving funds under this part to report publicly the local educational agency's or school's annual progress with respect to the performance objectives described in section 2104; and

"(8) describe how the State educational agency will coordinate professional development activities provided under the program carried out under this part with professional development activities provided under other Federal, State, and local programs, including programs authorized under titles I and III and, where appropriate, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

"(c) SECRETARY APPROVAL.—The Secretary, after using a peer review process, shall approve a State plan if the plan meets the requirements of this section.

"(d) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State educational agency's participation under this part; and

‘‘(B) be periodically reviewed and revised by the State educational agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this part.

‘‘(2) ADDITIONAL INFORMATION.—If a State educational agency receiving a grant under this part makes significant changes to the State plan, such as the adoption of new performance objectives, the agency shall submit information regarding the significant changes to the Secretary.

“SEC. 2104. STATE PERFORMANCE OBJECTIVES.

‘‘(a) IN GENERAL.—Each State educational agency receiving a grant under this part shall establish annual numerical performance objectives with respect to progress in improving the qualifications of teachers and the professional development of teachers, principals, and administrators. For each annual numerical performance objective established, the agency shall specify an incremental percentage increase for the objective to be attained for each fiscal year (after the first fiscal year) for which the agency receives a grant under this part, relative to the preceding fiscal year.

‘‘(b) REQUIRED OBJECTIVES.—At a minimum, the annual numerical performance objectives described in subsection (a) shall include an incremental increase in the percentage of—

‘‘(1) classes in core academic subjects that are being taught by fully qualified teachers;

‘‘(2) new teachers and principals receiving professional development support, including mentoring during the teachers' and principals' first 3 years of employment as teachers and principals, respectively;

‘‘(3) teachers, principals, and administrators participating in high quality professional development programs that are consistent with section 2109; and

‘‘(4) fully qualified teachers teaching in the State, to ensure that all teachers teaching in such State are fully qualified by December 31, 2006.

‘‘(c) REQUIREMENT FOR FULLY QUALIFIED TEACHERS.—Each State educational agency receiving a grant under this part shall ensure that all public elementary school and secondary school teachers in the State are fully qualified not later than December 31, 2006.

‘‘(d) ACCOUNTABILITY.—

‘‘(1) IN GENERAL.—Each State educational agency receiving a grant under this part shall be held accountable for—

‘‘(A) meeting the State's annual numerical performance objectives; and

‘‘(B) meeting the reporting requirements described in section 4401.

‘‘(2) SANCTIONS.—Any State educational agency that fails to meet the requirement described in paragraph (1)(A) shall be subject to sanctions under section 7101.

‘‘(e) SPECIAL RULE.—Notwithstanding any other provision of law, the provisions of subsection (c) shall not supersede State laws governing public charter schools.

“SEC. 2105. STATE OPTIONAL ACTIVITIES.

‘‘(a) IN GENERAL.—Each State educational agency receiving a grant under section 2101(a) may use the grant funds described in section 2102(a)(2)—

‘‘(1) to develop and implement a system to measure the effectiveness of specific professional development programs and strategies;

‘‘(2) to increase the portability of teacher pensions and reciprocity of teaching certification or licensure among States, except that no reciprocity agreement developed under this section may lead to the weakening of any State teacher certification or licensing requirement;

‘‘(3) to develop or assist local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are cost effective and easily accessible, such as programs offered through the use of technology and distance learning;

‘‘(4) to provide assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning and that are consistent with the requirements of section 2109;

‘‘(5) to provide professional development to enable teachers to ensure that female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students have the full opportunity to meet challenging State content and performance standards in the core academic subjects;

‘‘(6) to increase the number of persons who are women, minorities, or individuals with disabilities, who teach in the State, who are fully qualified, and who teach in core academic subjects in which such persons are underrepresented;

‘‘(7) to increase the number of highly qualified women, minorities, and individuals from other underrepresented groups who are involved in the administration of elementary schools and secondary schools within the State; and

‘‘(8) to create a statewide online leadership network for principals to communicate with other principals in order to share ideas and solve problems.

‘‘(b) COORDINATION.—Each State that receives a grant under this part and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities the State carries out under such section 202 with the activities the State educational agency carries out under this section.

“SEC. 2106. STATE ADMINISTRATIVE EXPENSES.

‘‘Each State educational agency receiving a grant under section 2101(a) may use not more than 5 percent of the amount set aside in section 2102(a)(2) for a fiscal year for the cost of—

‘‘(1) planning and administering the activities described in section 2103(b); and

‘‘(2) administration relating to making subgrants to local educational agencies under section 2102.

“SEC. 2107. LOCAL PLANS.

‘‘(a) IN GENERAL.—Each local educational agency desiring a subgrant from the State educational agency under section 2102(a)(3) shall submit a local plan to the State educational agency—

‘‘(1) at such time, in such manner, and containing such information as the State educational agency may require; and

‘‘(2) that describes how the local educational agency will coordinate the activities for which the agency seeks the subgrant with other programs carried out under this Act, or other Acts, as appropriate.

‘‘(b) LOCAL PLAN CONTENTS.—The local plan described in subsection (a) shall, at a minimum—

‘‘(1) describe how the local educational agency will use the subgrant funds to meet the State performance objectives for teacher qualifications and professional development described in section 2104;

‘‘(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the requirements described in this part;

‘‘(3) contain an assurance that the local educational agency will target funds to the elementary schools and secondary schools served by the local educational agency that—

‘‘(A) have the lowest proportion of fully qualified teachers; and

‘‘(B) are identified for school improvement and corrective action under section 1116;

‘‘(4) describe how the local educational agency will coordinate professional development activities authorized under section 2108(a) with professional development activities provided through other Federal, State, and local programs, including those authorized under titles I and III and, where applicable, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998; and

‘‘(5) describe how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the local plan.

“SEC. 2108. LOCAL ACTIVITIES.

‘‘(a) IN GENERAL.—Each local educational agency receiving a subgrant under section 2102(a)(3) shall use the subgrant funds to—

‘‘(1) support professional development activities, for—

‘‘(A) teachers, in at least the areas of reading, mathematics, and science; and

‘‘(B) teachers, principals, and administrators in order to provide such individuals with the knowledge and skills to provide all students, including female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students, with the opportunity to meet challenging State content and student performance standards;

‘‘(2) provide professional development to teachers, principals, and administrators to enhance the use of technology within elementary schools and secondary schools in order to deliver more effective curriculum instruction;

‘‘(3) recruit and retain fully qualified teachers and highly qualified principals, particularly for elementary schools and secondary schools located in areas with high percentages of low-performing students and students from families with incomes below the poverty line;

‘‘(4) recruit and retain fully qualified teachers and highly qualified principals to serve in the elementary schools and secondary schools with the highest percentages of low-performing students, through activities such as—

‘‘(A) mentoring programs for newly hired teachers, including programs provided by master teachers, and for newly hired principals; and

‘‘(B) programs that provide other incentives, including financial incentives, to retain—

‘‘(i) teachers who have a record of success in helping low-performing students improve those students' academic success; and

‘‘(ii) principals who have a record of improving the performance of all students, or significantly narrowing the gaps between minority students and nonminority students, and economically disadvantaged students and noneconomically disadvantaged students, within the elementary schools or secondary schools served by the principals;

‘‘(5) provide professional development that incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including female students, minority students, students with disabilities, limited English proficient students, and economically disadvantaged students; and

"(6) provide professional development for mental health professionals, including school psychologists, school counselors, and school social workers, that is focused on enhancing the skills and knowledge of such individuals so that the individuals may help students exhibiting distress (through conduct such as substance abuse, disruptive behavior, and suicidal behavior) meet the challenging State student performance standards.

"(b) Optional Activities.—Each local educational agency receiving a subgrant under section 2102(a)(3) may use the subgrant funds—

"(1) to provide a signing bonus or other financial incentive, such as differential pay, for—

"(A) a fully qualified teacher to teach in an academic subject for which there exists a shortage of fully qualified teachers within the elementary school or secondary school in which the teacher teaches or within the elementary schools and secondary schools served by the local educational agency;

"(B) a fully qualified teacher or a highly qualified principal in a school in which there is—

"(i) a large percentage of students from economically disadvantaged families; or

"(ii) a high percentage of low-performing students; or

"(C) a teacher who has met the National Education Technology Standards, as developed by the Department of Education and the International Society for Technology in Education, or has obtained an information technology certification that is directly related to the curriculum or subject area that the teacher teaches;

"(2) to establish programs that—

"(A) recruit professionals into teaching from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics, science, and English language arts; and

"(B) provide increased teaching and administration opportunities for fully qualified females, minorities, individuals with disabilities, and other individuals underrepresented in the teaching or school administration professions; and

"(3) to establish programs and activities that are designed to improve the quality of the teacher and principal force, such as innovative professional development programs (which may be provided through partnerships, including partnerships with institutions of higher education), and including programs that—

"(A) train teachers and principals to utilize technology to improve teaching and learning;

"(B) develop principals by helping schools identify school leaders and invest in their professional development; and

"(C) are provided in a manner consistent with the requirements of section 2019;

"(4) to provide collaboratively designed performance pay systems for teachers and principals that encourage teachers and principals to work together to raise student performance;

"(5) to establish professional development programs that provide instruction in how to teach students with different learning styles, particularly students with disabilities and students with special learning needs (including students who are gifted and talented);

"(6) to establish professional development programs that provide instruction in how best to discipline students in the classroom, and to identify early and appropriate interventions to help students described in paragraph (5) learn;

"(7) to provide professional development programs that provide instruction in how to teach character education in a manner that—

"(A) reflects the values of parents, teachers, and local communities; and

"(B) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

"(8) to provide scholarships or other incentives to assist teachers in attaining national board certification;

"(9) to support activities designed to provide effective professional development for teachers of limited English proficient students;

"(10) to establish other activities designed—

"(A) to improve professional development for teachers, principals, and administrators; and

"(B) to recruit and retain fully qualified teachers and highly qualified principals;

"(11) to establish master teacher programs to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agency to serve as master teachers in the public schools, in accordance with the requirements of subsection (c); and

"(12) to carry out professional development activities that consist of—

"(A) instruction in the use of data and assessments to provide information and instruction for classroom practice;

"(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(C) the formation of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and new teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) the creation of career ladder programs for paraprofessionals, who are assisting teachers under this part, to obtain the education necessary for such paraprofessionals to become certified and licensed teachers;

"(E) instruction in ways to teach special needs students;

"(F) joint professional development activities involving teachers, principals, and administrators eligible to participate in programs under this part, and personnel from Head Start programs, Even Start programs, or State preschool programs;

"(G) instruction in experiential-based teaching methods such as service-learning or applied learning; and

"(H) mentoring programs focusing on changing teacher behaviors and practices—

"(i) to help new teachers, including teachers who are members of a minority group, develop and gain confidence in their skills;

"(ii) to increase the likelihood that the new teachers will continue in the teaching profession; and

"(iii) to improve the quality of their teaching.

"(c) Requirements for Master Teacher Programs.—

"(1) Definition.—In this subsection, the term 'master teacher' means a teacher who—

"(A) is certified or licensed under State law;

"(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

"(C) is selected to serve as a master teacher on the basis of an application and recommendations by administrators and other teachers;

"(D) at the time of submission of such application, is teaching in a public school;

"(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curricula, and provides other professional development; and

"(F) enters into a contract with the local educational agency involved to continue to teach and serve as a master teacher for at least 5 years.

"(2) Requirements for master teacher contracts.—

"(A) In general.—A local educational agency that establishes a master teacher program under subsection (b)(11) shall negotiate the terms of contracts of master teachers with the local labor organizations that represent teachers in the school district served by that agency.

"(B) Breach.—A contract with a master teacher entered into under this paragraph shall specify that a breach of the contract shall be deemed to have occurred if the master teacher voluntarily withdraws from the program, terminates the contract, or is dismissed by the local educational agency for nonperformance of duties, subject to the requirements of any statutory or negotiated due process procedures that may apply.

"(C) Repayment.—The contract shall require, in the event of a breach of the contract described in subparagraph (B), that the teacher repay the local educational agency all funds provided to the teacher under the contract.

"(d) Requirements.—Professional development provided under this section shall be provided in a manner consistent with section 2109.

"SEC. 2109. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

"(a) Limitation Relating to Curricula and Academic Subjects.—In deciding how to use subgrant funds allocated under section 2102(a)(3) to support a professional development activities for teachers, a local educational agency shall first use the funds to support activities that—

"(1) are directly related to the curricula and academic subjects that the teachers teach; or

"(2) are designed to enhance the ability of the teachers to understand and use the State's challenging content standards for the academic subjects that the teachers teach; or

"(3) provide instruction in methods of disciplining students.

"(b) Professional Development Activity.—A professional development activity carried out under this part shall—

"(1) be measured, in terms of progress described in section 2104(a), using the specific performance objectives established by the State educational agency in accordance with section 2104;

"(2) be tied to challenging State or local content standards and student performance standards;

"(3) be tied to scientifically based research demonstrating the effectiveness of such activity in increasing student achievement or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers;

"(4) be of sufficient intensity and duration (not to include such activities as 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component described in a long-term comprehensive professional development plan—

“(A) established by a teacher and the teacher's supervisor; and

“(B) based on an assessment of the needs of the teacher, the teacher's students, and the local educational agency involved;

“(5) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of elementary schools and secondary schools to be served under this part, and institutions of higher education in the State involved, and, with respect to any professional development program described in paragraph (6) or (7) of section 2108(b), shall, if applicable, be developed with extensive coordination with, and participation of, professionals with expertise in such type of professional development;

“(6) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom, to improve teaching and learning concerning the curricula and academic subjects that the teachers teach; and

“(7) be directly related to the academic subjects that the teachers teach and the State content standards.

“(c) Accountability.—

“(1) In general.—A State educational agency shall notify a local educational agency that the local educational agency may be subject to the action described in paragraph (3) if, after any fiscal year, the State educational agency determines that the programs or activities funded by the agency under this part fail to meet the requirements of subsections (a) and (b).

“(2) Technical assistance.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State educational agency and an opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

“(3) State educational agency action.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under subsections (a) and (b), the State educational agency shall take such action as the agency determines to be necessary, consistent with this section, to provide, or direct the local educational agency to provide, high-quality professional development for teachers, principals, and administrators.

“SEC. 2110. PARENTS' RIGHT TO KNOW.

“Each local educational agency receiving a subgrant under section 2102(a)(3) shall meet the reporting requirements with respect to teacher qualifications described in section 4401(f).

“SEC. 2111. LOCAL ADMINISTRATIVE EXPENSES.

“Each local educational agency receiving a subgrant under section 2102(a)(3) may use not more than 1.5 percent of the subgrant funds for a fiscal year for the cost of administering activities under this part.

“SEC. 2112. GENERAL ACCOUNTING OFFICE STUDY.

“Not later than September 30, 2005, the Comptroller General of the United States shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report setting forth information regarding—

“(1) the progress of States' in achieving compliance concerning increasing the percentage of fully qualified teacher, for fiscal years 2002 through 2004;

“(2) any obstacles to achieving that compliance; and

“(3) the approximate percentage of Federal, State, and local resources being expended to carry out activities to attract and retain fully qualified teachers, especially in geographic areas and core academic subjects in which a shortage of such teachers exists.

“SEC. 2113. EDUCATOR PARTNERSHIP GRANTS.

“(a) Subgrants.—

“(1) In general.—A State educational agency receiving a grant under section 2101(a) shall award subgrants, on a competitive basis, from amounts made available under section 2102(a)(1), to local educational agencies, elementary schools, and secondary schools, that have formed educator partnerships, for the design and implementation of programs that will enhance professional development opportunities for teachers, principals, and administrators, and will increase the number of fully qualified teachers.

“(2) Allocations.—A State educational agency awarding subgrants under this subsection shall allocate the subgrant funds on a competitive basis and in a manner that results in an equitable distribution of the subgrant funds by geographic areas within the State.

“(b) Educator Partnerships.—An educator partnership described in subsection (a) shall be a coalition established by a cooperative arrangement between—

“(1) a public elementary school or secondary school (including a charter school), or a local educational agency; and

“(2) 1 or more of the following:

“(A) An institution of higher education.

“(B) An educational service agency.

“(C) A public or private not-for-profit education organization.

“(D) A for-profit education organization.

“(E) An entity from outside the traditional education arena, including a corporation or consulting firm.

“(c) Use of Funds.—An educator partnership receiving a subgrant under this section shall use the subgrant funds for 1 or more activities consisting of—

“(1) developing and enhancing professional development activities for teachers in core academic subjects to ensure that the teachers have subject matter knowledge in the academic subjects that the teachers teach;

“(2) developing and enhancing professional development activities for mathematics and science teachers to ensure that such teachers have the subject matter knowledge to teach mathematics and science;

“(3) developing and providing assistance to local educational agencies and elementary schools and secondary schools for sustained, high-quality professional development activities for teachers, principals, and administrators, that—

“(A) ensure that teachers, principals, and administrators are able to use State content standards, performance standards, and assessments to improve instructional practices and student achievement; and

“(B) may include intensive programs designed to prepare a teacher who participates in such a program to provide professional development instruction to other teachers within the participating teacher's school;

“(4) increasing the number of fully qualified teachers available to provide high-quality education to limited English proficient students by—

“(A) working with institutions of higher education that offer degree programs, to attract more people into such programs, and to prepare better new teachers who are English language teachers to provide effective language instruction to limited English proficient students; and

“(B) supporting development and implementation of professional development programs for language instruction teachers to improve the language proficiency of limited English proficient students;

“(5) developing and implementing professional development activities for principals and administrators to enable the principals and administrators to be effective school leaders and to improve student achievement on challenging State content and student performance standards, including professional development relating to—

“(A) leadership skills;

“(B) recruitment, assignment, retention, and evaluation of teachers and other staff;

“(C) effective instructional practices, including the use of technology; and

“(D) parental and community involvement; and

“(6) providing activities that enhance professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers.

“(d) Application Required.—Each educator partnership desiring a subgrant under this section shall submit an application to the appropriate State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(e) Administrative Expenses.—Each educator partnership receiving a subgrant under this section may use not more than 5 percent of the subgrant funds for a fiscal year for the cost of planning and administering programs under this section.

“(f) Coordination.—Each educator partnership that receives a subgrant under this section and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under such section 203 with any related activities carried out under this section.

“SEC. 2114. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $2,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART B—CLASS SIZE REDUCTION

“SEC. 2201. FINDINGS.

“Congress makes the following findings:

“(1) Rigorous research has shown that, in the early elementary school grades, students attending small classes make more rapid educational gains than students in larger classes, and that those gains persist through at least the eighth grade.

“(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children, as demonstrated by a study that found that urban fourth graders in smaller-than-average classes were ¾ of a school year ahead of their counterparts in larger-than-average classes.

“(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education, than teachers in large classes.

“(4) Smaller classes allow teachers to identify and work with students who have learning disabilities sooner than is possible with larger classes, potentially reducing those students' needs for special education services in the later grades.

“(5) The National Research Council report, ‘Preventing Reading Difficulties in Young

Children', recommends reducing class sizes, accompanied by providing high-quality professional development for teachers, as a strategy for improving student achievement in reading.

“(6) Some research has shown that class size reduction efforts are most effective in the early elementary school grades.

“(7) Efforts to improve educational outcomes by reducing class sizes in the early elementary school grades are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing professional development.

“(8) Several States and school districts have begun serious efforts to reduce class sizes in the early elementary school grades, but those efforts may be impeded by financial limitations or difficulties in hiring highly qualified teachers.

“(9) The Federal Government can assist in those efforts by providing funding for class size reductions in grades 1 through 3, and by helping to ensure that both new and current teachers who are moving into smaller classrooms are well prepared.

“SEC. 2202. PURPOSES.

“The purposes of this part are—

“(1) to help States and local educational agencies to reduce class sizes with fully qualified teachers;

“(2) to enable local educational agencies to carry out effective approaches to reducing class sizes with fully qualified teachers; and

“(3) to improve educational achievement for children in regular classes and special needs children, and particularly to improve that achievement by reducing class sizes in the early elementary school grades.

“SEC. 2203. ALLOTMENTS TO STATES.

“(a) Reservations for the Outlying Areas and the Bureau of Indian Affairs.—From the amount appropriated under section 2212 for any fiscal year, the Secretary shall reserve a total of not more than 1 percent to make payments to—

“(1) outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities, approved by the Secretary, consistent with this part; and

“(2) the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs.

“(b) Allotments to States.—

“(1) In general.—

“(A) Fiscal year 2002.—From the amount appropriated under section 2212 for fiscal year 2002 and remaining after the Secretary makes reservations under subsection (a), the Secretary shall make grants to State educational agencies by allotting to each State having a State application approved under section 2204(c) an amount that bears the same relationship to the remainder as the greater of the amounts that the State received for the preceding fiscal year under sections 1122 and 2202(b) (as such sections were in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) bears to the total of the greater amounts that all States received under such sections for fiscal year 2001.

“(B) Fiscal year 2003 and subsequent fiscal years.—From the amount appropriated under section 2212 for fiscal year 2003 or a subsequent fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall make grants to State educational agencies by allotting to each State having a State application approved under section 2204(c) an amount that bears the same relationship to the remainder as the greater of the amounts that the State received for the preceding fiscal year as described in section 1122 and this section bears to the total of the greater amounts that all States received under such sections for the preceding fiscal year.

“(2) Reallotment.—If any State chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the Secretary shall reallot the amount that such State would have received under paragraph (1) to States having applications approved under section 2204(c), in accordance with paragraph (1).

“SEC. 2204. STATE APPLICATIONS.

“(a) Applications Required.—The State educational agency for each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) Contents.—The application shall include—

“(1) a description of the State's goals for using funds under this part to reduce average class sizes in regular classrooms in grades 1 through 3, including a description of class sizes in those classrooms, for each local educational agency in the State (as of the date of submission of the application);

“(2) a description of how the State educational agency will allocate program funds made available through the grant within the State;

“(3) a description of how the State educational agency will use other funds, including other Federal funds, to reduce class sizes and to improve teacher quality and reading achievement within the State; and

“(4) an assurance that the State educational agency will submit to the Secretary such reports and information as the Secretary may reasonably require.

“(c) Approval of Applications.—The Secretary shall approve a State application submitted under this section if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

“(d) Notification.—Not later than 30 days after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the Secretary shall provide specific notification to each local educational agency eligible to receive funds under this part regarding the flexibility provided under section 2207(b)(2)(B) and the ability to use such funds to carry out activities described in section 2207(b)(1)(C).

“SEC. 2205. WITHIN-STATE ALLOCATIONS.

“(a) Allocations to Local Educational Agencies.—Each State educational agency receiving a grant under this part for a fiscal year—

“(1) may reserve not more than 1 percent of the grant funds for the cost of administering this part; and

“(2) using the remaining funds, shall make subgrants by allocating to each local educational agency in the State the sum of—

“(A) an amount that bears the same relationship to 80 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the area served by all local educational agencies in the State; and

“(B) an amount that bears the same relationship to 20 percent of the remainder as the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by the local educational agency bears to the enrollment of the school-age population in public and private nonprofit elementary schools and secondary schools in the area served by all local educational agencies in the State.

“(b) Reallocation.—If any local educational agency chooses not to participate in the program carried out under this part, or fails to submit an approvable application under this part, the State educational agency shall reallocate the amount such local educational agency would have received under subsection (a) to local educational agencies having applications approved under section 2206(b), in accordance with subsection (a).

“SEC. 2206. LOCAL APPLICATIONS.

“(a) In General.—Each local educational agency desiring a subgrant under section 2205(a) shall submit an application to the appropriate State educational agency at such time, in such manner, and containing such information as the State educational agency may require, including a description of the local educational agency's program to reduce class sizes by hiring additional fully qualified teachers.

“(b) Approval of Applications.—The State educational agency shall approve a local agency application submitted under this section if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

“SEC. 2207. USES OF FUNDS.

“(a) Administrative Expenses.—Each local educational agency receiving a subgrant under section 2205(a) may use not more than 3 percent of the subgrant funds for a fiscal year for the cost of administering this part.

“(b) Local Activities.—

“(1) In general.—Each local educational agency receiving a subgrant under section 2205(a) may use the subgrant funds for—

“(A) recruiting (including recruiting through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both students with disabilities and other students) and fully qualified teachers of special-needs students;

“(B) testing new teachers for subject matter knowledge and satisfaction of State certification or licensing requirements consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as the activities described in section 2108, opportunities for teachers to attend multiweek institutes, such as institutes offered during the summer months that provide intensive professional development in partnership with local educational agencies, and initiatives that promote retention and mentoring) to teachers, including special education teachers and teachers of special-needs students, in order to meet the goal of ensuring that all teachers have the necessary subject matter knowledge, teaching knowledge, and teaching skills to teach effectively the academic subjects that the teachers teach, consistent with title II of the Higher Education Act of 1965.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency may use not more than a total of 25 percent of the subgrant funds for activities described in subparagraphs (B) and (C) of paragraph (1).

“(B) EXCEPTION.—

“(i) IN GENERAL.—A local educational agency may use a portion equal to more than 25 percent of the subgrant funds for activities described in paragraph (1)(C) if 10 percent or more of the teachers in elementary schools served by the agency—

“(I) have not met applicable State and local certification requirements (including certification through State or local alternative routes); or

“(II) are teachers for whom the requirements have been waived.

“(ii) USE OF FUNDS.—The local educational agency shall use the portion referred to in clause (i)—

“(I) to help teachers who are not certified or licensed by the State become certified or licensed, including certification through State or local alternative routes; or

“(II) to help teachers affected by class size reduction who lack sufficient subject matter knowledge to teach effectively the academic subjects that the teachers teach, to obtain that knowledge.

“(iii) NOTIFICATION.—To be eligible to use the portion of the funds described in clause (i) for objectives described in this subparagraph, the local educational agency shall notify the State educational agency of the percentage of the funds that the local educational agency will use for those objectives.

“(3) ADDITIONAL USES.—

“(A) IN GENERAL.—A local educational agency that has already reduced class size in the early elementary school grades to 18 or fewer students (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local goal is 20 or fewer students) may use the subgrant funds—

“(i) to make further class size reductions in kindergarten or grade 1, 2, or 3;

“(ii) to reduce class size in other grades; or

“(iii) to carry out activities to improve teacher quality, including professional development.

“(B) PROFESSIONAL DEVELOPMENT.—Even if a local educational agency has already reduced class size in the early elementary school grades to 18 or fewer students and intends to use the subgrant funds to carry out activities to improve teacher quality, including professional development activities, the State educational agency shall make the subgrant under section 2205 to the local educational agency.

“(c) SPECIAL RULE.—Notwithstanding subsection (b), if the amount of the subgrant made to a local educational agency under section 2205 is less than the starting salary for a new fully qualified teacher teaching in a school served by that agency, the agency may use the subgrant funds to—

“(1) help pay the salary of a full- or part-time teacher hired to reduce class size, and may provide the funds in combination with other Federal, State, or local funds; or

“(2) pay for activities described in subsection (b), which may be related to teaching in smaller classes.

“SEC. 2208. PRIVATE SCHOOLS.

“If a local educational agency uses funds made available under this part for professional development activities, the local educational agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities. Section 8503(b)(1) shall not apply to other activities carried out under this part.

“SEC. 2209. TEACHER SALARIES AND BENEFITS.

“A local educational agency may use grant funds provided under this part—

“(1) except as provided in paragraph (2), to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers only if such teachers were hired under this part; and

“(2) to pay the salaries of teachers hired with funds made available under section 307 of the Department of Education Appropriations Act, 1999 or under section 310 of the Department of Education Appropriations Act, 2000, who not later than the beginning of the 2002–2003 school year, are fully qualified.

“SEC. 2210. STATE REPORT REQUIREMENTS.

“(a) REPORT ON ACTIVITIES.—A State educational agency receiving funds under this part shall submit a report to the Secretary providing information about the activities in the State assisted under this part.

“(b) REPORT TO PARENTS.—Each State educational agency or local educational agency receiving funds under this part shall publicly issue a report to parents of students who attend schools assisted under this part describing—

“(1) the agency's progress in reducing class size;

“(2) the agency's progress in increasing the percentage of classes in core academic areas that are taught by fully qualified teachers; and

“(3) the impact, if any, that hiring additional fully qualified teachers and reducing class size has had on increasing student academic achievement in schools served by the agency.

“(c) PROFESSIONAL QUALIFICATIONS REPORT.—Upon the request of a parent of a student attending a school receiving assistance under this part, such school shall provide the parent with information regarding the professional qualifications of the student's teacher.

“SEC. 2211. SUPPLEMENT NOT SUPPLANT.

“Funds made available under this part shall be used to supplement and not supplant State and local funds expended for activities described in this part.

“SEC. 2212. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $1,623,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 301. LANGUAGE MINORITY STUDENTS.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) by amending the title heading for title III to read as follows:

“TITLE III—LANGUAGE MINORITY STUDENTS AND INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION”;

(2) by repealing section 3101 (20 U.S.C. 6801) and part A (20 U.S.C. 6811 et seq.); and

(3) by inserting after the title heading for title III (as amended by paragraph (1)) the following:

“PART A—LANGUAGE MINORITY STUDENTS

“SEC. 3101. FINDINGS, POLICY, AND PURPOSE.

“(a) FINDINGS.—Congress makes the following findings:

“(1)(A) Educating limited English proficient students is an urgent goal for many local educational agencies, but that goal is not being achieved.

“(B) Each year, 640,000 limited English proficient students are not served by any sort of program targeted to the students' unique needs.

“(C) In 1998, only 15 percent of local educational agencies that applied for related funding through enhancement grants and comprehensive school grants received such funding.

“(2)(A) The school dropout rate for Hispanic students, the largest group of limited English proficient students, is approximately 29 percent, and is approximately 44 percent for Hispanics born outside of the United States.

“(B) A Department of Education report regarding school dropout rates states that language difficulty 'may be a barrier to participation in United States schools'.

“(C) Reading ability is a key predictor of graduation and academic success.

“(3) Through fiscal year 2001, bilingual education capacity and demonstration grants—

“(A) have spread funding too broadly to make an impact on language instruction educational programs implemented by State educational agencies and local educational agencies; and

“(B) have lacked concrete performance measures.

“(4)(A) Since 1979, the number of limited English proficient children in schools in the United States has doubled to more than 3,000,000, and demographic trends indicate the population of limited English proficient children will continue to increase.

“(B) Language-minority students in the United States speak virtually all world languages plus many that are indigenous to the United States.

“(C) The rich linguistic diversity language-minority students bring to classrooms in the United States enhances the learning environment for all students and should be valued for the significant, positive impact such diversity has on the entire school environment.

“(D) Parent and community participation in educational language programs for limited English proficient students contributes to program effectiveness.

“(E) The Federal Government has a special and continuing obligation, as reflected in title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Educational Opportunities Act of 1974, to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to limited English proficient children and youth, and other children and youth.

“(F) The Federal Government also has a special and continuing obligation to assist States and local educational agencies, as exemplified by programs authorized under this title, to develop the capacity to provide programs of instruction that offer equal educational opportunities to limited English proficient children and youth, and other children and youth.

“(5) Limited English proficient children and youth face a number of challenges in receiving an education that will enable the children and youth to participate fully in society, including—

“(A) disproportionate attendance at high-poverty schools, as demonstrated by the fact that, in 1994, 75 percent of limited English proficient students attended schools in which at least half of all students were eligible for free or reduced-price meals;

"(B) the limited ability of parents of such children and youth to participate fully in the education of their children because of the parents' own limited English proficiency;

"(C) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth; and

"(D) lack of appropriate performance and assessment standards that distinguish between language ability and academic achievement so that State educational agencies and local educational agencies are equally as accountable for the achievement of limited English proficient students in academic content while the students are acquiring English language skills as the agencies are for enabling the students to acquire those skills.

"(b) Policy.—It is the policy of the United States that in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

"(1) assist State educational agencies, local educational agencies, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and English language development for children and youth of limited English proficiency;

"(2) hold State educational agencies and local educational agencies accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

"(3) promote parental and community participation in limited English proficiency programs.

"(c) Purposes.—The purposes of this part are—

"(1) to assist all limited English proficient students to attain English proficiency;

"(2) to assist all limited English proficient students to develop high levels of attainment in the core academic subjects so that those students can meet the same challenging State content standards and challenging State student performance standards as all students are expected to meet, as required by section 1111(b)(1);

"(3) to assist local educational agencies to develop and enhance their capacity to provide high quality instruction in teaching limited English proficient students to attain the same high levels of academic achievement as other students; and

"(4) to provide the assistance described in paragraphs (1), (2), and (3) by—

"(A) streamlining language instruction educational programs into a program carried out through a performance-based grant for State and local educational agencies to help limited English proficient students become proficient in English;

"(B) increasing significantly the amount of Federal assistance provided to local educational agencies serving such students while requiring that State educational agencies and local educational agencies—

"(i) demonstrate improvements in the English proficiency of such students each fiscal year; and

"(ii) make adequate yearly progress with limited English proficient students in the core academic subjects as described in section 1111(b)(2); and

"(C) providing State educational agencies and local educational agencies with the flexibility to implement instructional programs, tied to scientifically based research, that the agencies believe to be the most effective for teaching English.

"SEC. 3102. DEFINITIONS.

"Except as otherwise provided, in this part:

"(1) Core academic subject.—The term 'core academic subject' has the meaning given the term in section 2002.

"(2) Limited English proficient student.—The term 'limited English proficient student' means an individual aged 5 through 17 enrolled in an elementary school or secondary school—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English;

"(ii)(I) is a Native American or Alaska Native, or a native resident of the outlying areas; and

"(II) comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny such individual—

"(i) the ability to meet the State's proficient level of performance on State assessments described in section 1111(b)(4) in core academic subjects; or

"(ii) the opportunity to participate fully in society.

"(3) Language instruction educational program.—The term 'language instruction educational program' means an instructional course in which a limited English proficient student is placed for the purpose of becoming proficient in the English language.

"(4) Scientifically based research.—The term 'scientifically based research' has the meaning given the term in section 1705.

"(5) Specially qualified agency.—The term 'specially qualified agency' means a local educational agency, in a State that does not participate in a program under this part for a fiscal year.

"(6) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 3103. PROGRAM AUTHORIZED.

"(a) Grants Authorized.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3105(c), to enable the State to help limited English proficient students become proficient in English.

"(b) Reservations and Allotments.—

"(1) Reservations.—From the amount appropriated under section 3111 to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

"(2) State allotments.—From the amount appropriated under section 3111 for any of the fiscal years 2002 through 2006 that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3105(c) an amount that bears the same relationship to the remainder as the number of limited English proficient students in the State bears to the number of limited English proficient students in all States.

"(3) Data.—For the purpose of determining the number of limited English proficient students in a State and in all States for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such students, including—

"(A) data available from the Bureau of the Census; or

"(B) data submitted to the Secretary by the States to determine the number of limited English proficient students in a State and in all States.

"(4) Hold-harmless amounts.—For fiscal year 2002, and for each of the 4 succeeding fiscal years, notwithstanding paragraph (2), the total amount allotted to each State under this subsection shall be not less than 85 percent of the total amount the State was allotted under parts A and B of title VII (as such title was in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2001.

"(c) Direct Awards to Specially Qualified Agencies.—

"(1) Nonparticipating state.—If a State educational agency for a fiscal year chooses not to participate in a program under this part, or fails to submit an approvable application under section 3105, a specially qualified agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

"(2) Direct awards.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under this part and having an application approved under section 3105(c).

"(3) Administrative funds.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for the administrative costs of carrying out this part in the first year the agency receives a grant under this subsection and 0.5 percent of the funds for such costs in the second and each succeeding fiscal year for which the agency receives such a grant.

"SEC. 3104. WITHIN-STATE ALLOCATIONS.

"(a) Grant Awards.—Each State educational agency receiving a grant under this part shall use 95 percent of the grant funds to award subgrants, from allocations under subsection (b), to local educational agencies in the State to carry out the activities described in section 3107.

"(b) Allocation Formula.—Each State educational agency receiving a grant under this part shall award grants for a fiscal year by allocating to each local educational agency in the State having a plan approved under section 3106 in an amount that bears the same relationship to the amount of funds appropriated under section 3111 for the fiscal year as the population of limited English proficient students in schools served by the local educational agency bears to the population of limited English proficient students in schools served by all local educational agencies in the State.

"(c) Reservations.—

"(1) State activities.—Each State educational agency or specially qualified agency receiving a grant under this part may reserve not more than 5 percent of the grant funds to carry out activities described in the

State plan or specially qualified agency plan submitted under section 3105.

“(2) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (1), a State educational agency or specially qualified agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the activities described in the State plan or specially qualified agency plan and providing grants to local educational agencies.

“SEC. 3105. STATE AND SPECIALLY QUALIFIED AGENCY PLANS.

“(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this part shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each State plan submitted under subsection (a) shall—

“(1) describe how the State or specially qualified agency will—

“(A)(i) establish standards and benchmarks for English language development that are aligned with the State content and student performance standards described in section 1111(b)(1);

“(ii) establish the standards and benchmarks for each of the 4 recognized domains of speaking, listening, reading, and writing; and

“(iii) for each domain, establish at least 3 benchmarks, including benchmarks for performance that is not proficient, partially proficient performance, and proficient performance;

“(B) develop high-quality, annual assessments to measure English language proficiency, including proficiency in the 4 recognized domains of speaking, listening, reading, and writing; and

“(C) develop annual performance objectives, based on the English language development standards described in subparagraph (A), to raise the level of English proficiency of each limited English proficient student;

“(2) contain an assurance that the State educational agency or specially qualified agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and English language instruction specialists, in setting the performance objectives;

“(3) describe how—

“(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

“(i) meeting the performance objectives described in section 3109 for English proficiency in each of the 4 domains of speaking, listening, reading, and writing; and

“(ii) making adequate yearly progress with limited English proficient students in the core academic subjects as described in section 1111(b)(2); and

“(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for—

“(i) meeting the performance objectives described in section 3109 for English proficiency in each of the 4 domains of speaking, listening, reading, and writing; and

“(ii) making adequate yearly progress, including meeting annual numerical goals for improving the performance of limited English proficient students on performance standards described in section 1111(b)(1)(D)(ii);

“(4) describe the activities for which assistance is sought, and how the activities will increase the speed and effectiveness with which students learn English;

“(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach English—

“(A) using a language instruction curriculum that is tied to scientifically based research and has been demonstrated to be effective; and

“(B) in the manner the local educational agencies determine to be the most effective; and

“(6) describe how—

“(A) in the case of a State educational agency, the State educational agency will—

“(i) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing English language instruction educational programs and curricula that are tied to scientifically based research; and

“(ii) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of helping limited English proficient students meet the same challenging State content standards and challenging State student performance standards as all students are expected to meet; and

“(B) in the case of a specially qualified agency, the specially qualified agency will—

“(i) provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing programs and curricula described in subparagraph (A)(i); and

“(ii) provide technical assistance in elementary schools and secondary schools served by the specially qualified agency for the purposes described in subparagraph (A)(ii).

“(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purposes described in section 3101(c).

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

“(A) remain in effect for the duration of the State educational agency's or specially qualified agency's participation under this part; and

“(B) be periodically reviewed and revised by the State educational agency or specially qualified agency, as necessary, to reflect changes to the State's or specially qualified agency's strategies and programs carried out under this part.

“(2) ADDITIONAL INFORMATION.—If the State educational agency or specially qualified agency makes significant changes to the plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit information regarding the significant changes to the Secretary.

“(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 8302.

“(f) SECRETARY ASSISTANCE.—Pursuant to section 7104(a)(3), the Secretary shall provide assistance, if required, in the development of English language development standards and English language proficiency assessments.

“SEC. 3106. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3104 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(b) CONTENTS.—Each local educational agency plan submitted under subsection (a) shall—

“(1) describe how the local educational agency will use the grant funds to meet the English proficiency performance objectives described in section 3109;

“(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the performance objectives;

“(3) contain an assurance that the local educational agency consulted with elementary schools and secondary schools, education-related community groups and nonprofit organizations, institutions of higher education, parents, language instruction teachers, school administrators, and English language instruction specialists, in developing the local educational agency plan;

“(4) describe how the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(4), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the adequate yearly progress necessary to ensure that limited English proficient students attending the schools will meet the State's proficient level of performance on the State assessment described in section 1111(b)(4) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; and

“(5) describe how the local educational agency will hold elementary schools and secondary schools accountable for making adequate yearly progress with limited English proficient students in the core academic subjects as described in section 1111(b)(2).

“SEC. 3107. USES OF FUNDS.

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant under section 3104 may use not more than 1 percent of the grant funds for a fiscal year for the cost of administering this part.

“(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3104 shall use the grant funds that are not used under subsection (a)—

“(1) to increase limited English proficient students' proficiency in English by providing high-quality language instruction educational programs, such as bilingual education programs and transitional education or English immersion education programs, that are—

“(A) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

“(B) approved by the State educational agency;

“(2) to provide high-quality professional development activities for teachers of limited English proficient students that are—

“(A) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

“(B) tied to scientifically based research demonstrating the effectiveness of such activities in increasing students' English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers;

“(C) of sufficient intensity and duration (not to include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is 1 component described in a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local educational agency;

"(3) to identify, acquire, and upgrade curricula, instructional materials, educational software, and assessment procedures; and

"(4) to provide parent and community participation programs to improve language instruction educational programs for limited English proficient students.

"SEC. 3108. PROGRAM REQUIREMENTS.

"(a) Prohibition.—In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating limited English proficient students.

"(b) Teacher English Fluency.—Each local educational agency receiving grant funds under section 3104 shall certify to the State educational agency that all teachers in any language instruction educational program for limited English proficient students funded under this part are fluent in English.

"SEC. 3109. PERFORMANCE OBJECTIVES.

"(a) In General.—Each State educational agency or specially qualified agency receiving a grant under this part shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English, including proficiency in the 4 recognized domains of speaking, listening, reading, and writing. For each annual numerical performance objective established, the agency shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years (after the first fiscal year) for which the agency receives a grant under this part, relative to the preceding fiscal year, including increases in the number of limited English proficient students demonstrating an increase in performance on annual assessments in speaking, listening, reading, and writing.

"(b) Accountability.—Each State educational agency or specially qualified agency receiving a grant under this part shall be held accountable for meeting the annual numerical performance objectives under this part and the adequate yearly progress levels for limited English proficient students under clauses (iv) and (vii) of section 1111(b)(2)(B). Any State educational agency or specially qualified agency that fails to meet the annual performance objectives shall be subject to sanctions under section 7101.

"SEC. 3110. REGULATIONS AND NOTIFICATION.

"(a) Regulation Rule.—In developing regulations under this part, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient students.

"(b) Parental Notification.—

"(1) In general.—Each local educational agency shall notify parents of a student participating in a language instruction educational program under this part of—

"(A) the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

"(B)(i) the programs that are available to meet the student's educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs; and

"(ii) in the case of a student with a disability who participates in the language instruction educational program, how the program meets the objectives of the individualized education program of the student; and

"(C)(i) the instructional goals of the language instruction educational program in which the student participates, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation;

"(ii) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

"(iii) the reasons the student was identified as being in need of a language instruction educational program.

"(2) Option to decline.—

"(A) In general.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of the student in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

"(B) Obligations.—A local educational agency shall not be relieved of any of the agency's obligations under title VI of the Civil Rights Act of 1964 if a parent chooses not to enroll a student in a language instruction educational program.

"(3) Receipt of information.—A parent described in paragraph (1) shall receive the information required by this subsection in a manner and form understandable to the parent including, if necessary and to the extent feasible, receiving the information in the native language of the parent. At a minimum, the parent shall receive—

"(A) timely information about programs funded under this part; and

"(B) if the parent desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

"(4) Special rule.—A student shall not be admitted to, or excluded from, any federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

"(5) Limitations on conditions.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, elementary school's, or secondary school's specific challenging English language development standards or assessments, curricula, or program of instruction, as a condition of eligibility to receive grant funds under this part.

"SEC. 3111. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 302. EMERGENCY IMMIGRANT EDUCATION PROGRAM.

(a) Repeals, Transfers, and Redesignations.—Title III (20 U.S.C. 6801 et seq.) is further amended—

(1) by repealing part B (20 U.S.C. 6891 et seq.), part C (20 U.S.C. 6921 et seq.), part D (20 U.S.C. 6951 et seq.), part E (20 U.S.C. 6971 et seq.), and part F, as added by section 1711 of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106-554);

(2) by transferring part C of title VII (20 U.S.C. 7541 et seq.) to title III and inserting such part after part A (as inserted by section 301(3));

(3) by redesignating part C of title VII (as transferred by paragraph (2)) as part B, and redesignating the references to such part C as the references to such part B; and

(4) by redesignating sections 7301 through 7309 (20 U.S.C. 7541, 7549) (as transferred by paragraph (2)) as sections 3201 through 3209, respectively, and redesignating accordingly the references to such sections 7301 through 7309.

(b) Amendments.—Part B of title III (as so transferred and redesignated) is amended—

(1) in section 3205(a)(2) (as redesignated by subsection (a)(4)), by striking "the Goals 2000: Educate America Act,"; and

(2) in section 3209 (as redesignated by subsection (a)(4)), by striking "$100,000,000" and all that follows through "necessary for" and inserting "such sums as may be necessary for fiscal year 2002 and".

SEC. 303. INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.

(a) Repeals, Transfers, and Redesignations.—Title III (20 U.S.C 6801 et seq.) is further amended—

(1) by transferring title IX (20 U.S.C. 7801 et seq.) to title III and inserting such title after part B (as redesignated by section 302(a)(3));

(2) by redesignating subparts 1 through 6 of part A of title IX (as transferred by paragraph (1)) as chapters I through VI, respectively, and redesignating accordingly the references to such subparts as the references to such chapters;

(3) by redesignating parts A through C of title IX (as transferred by paragraph (1)) as subparts 1 through 3, respectively, and redesignating accordingly the references to such parts as the references to such subparts;

(4) by redesignating title IX (as transferred by paragraph (1)) as part C, and redesignating accordingly the references to such title as the references to such part;

(5) by redesignating sections 9101 and 9102 (20 U.S.C. 7801, 7802) (as transferred by paragraph (1)) as sections 3301 and 3302, respectively, and redesignating accordingly the references to such sections 9101 and 9102;

(6) by redesignating sections 9111 through 9118 (20 U.S.C. 7811. 7818) (as transferred by paragraph (1)) as sections 3311 through 3318, respectively, and redesignating accordingly the references to such sections 9111 through 9118;

(7) by redesignating sections 9121 through 9125 (20 U.S.C. 7831, 7835) (as transferred by paragraph (1)) as sections 3321 through 3325, and redesignating accordingly the references to such sections 9121 through 9125;

(8) by redesignating sections 9131 and 9141 (20 U.S.C. 7851, 7861) (as transferred by paragraph (1)) as sections 3331 and 3341, respectively, and redesignating accordingly the references to such sections 9131 and 9141;

(9) by redesignating sections 9151 through 9154 (20 U.S.C. 7871, 7874) (as transferred by paragraph (1)) as sections 3351 through 3354, respectively, and redesignating accordingly the references to such sections 9151 through 9154;

(10) by redesignating sections 9161 and 9162 (20 U.S.C. 7881, 7882) (as transferred by paragraph (1)) as sections 3361 and 3362, respectively, and redesignating accordingly the references to such sections 9161 and 9162;

(11) by redesignating sections 9201 through 9212 (20 U.S.C. 7901, 7912) (as transferred by

paragraph (1)) as sections 3401 through 3412, respectively, and redesignating accordingly the references to such sections 9201 through 9212; and

(12) by redesignating sections 9301 through 9308 (20 U.S.C. 7931, 7938) (as transferred by paragraph (1)) as sections 3501 through 3508, and redesignating accordingly the references to such sections 9301 through 9308.

(b) AMENDMENTS.—Part C of title III (as so transferred and redesignated) is amended—

(1) by amending section 3314(b)(2)(A) (as redesignated by subsection (a)(6)) to read as follows:

"(2)(A) is consistent with, and promotes the goals in, the State and local plans under sections 1111 and 1112;";

(2) by amending section 3325(e) (as redesignated by subsection (a)(7)) to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this chapter for fiscal year 2002 and each of the 4 succeeding years.";

(3) in section 3361(4)(E) (as redesignated by subsection (a)(10)), by striking "the Act entitled the 'Improving America's Schools Act of 1994'" and inserting "the Public Education Reinvestment, Reinvention, and Responsibility Act";

(4) by amending section 3362 (as redesignated by subsection (a)(10)) to read as follows:

"SEC. 3362. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out chapters I through V of this subpart, there are authorized to be appropriated to the Department of Education such sums as may be necessary for fiscal year 2002 and each of the 4 succeeding years.";

(5) in section 3404 (as redesignated by subsection (a)(11))—

(A) in subsection (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (j), by striking "$500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(6) in section 3405(c) (as redesignated by subsection (a)(11)), by striking "$6,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(7) in section 3406(e) (as redesignated by subsection (a)(11)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(8) in section 3407(e) (as redesignated by subsection (a)(11)), by striking "$1,500,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(9) in section 3408(c) (as redesignated by subsection (a)(11)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(10) in section 3409(d) (as redesignated by subsection (a)(11)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(11) in section 3410(d) (as redesignated by subsection (a)(11)), by striking "$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(12) in section 3504(c) (as redesignated by subsection (a)(12)), by striking "$5,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and";

(13) in section 3505(e) (as redesignated by subsection (a)(12)), by striking "$2,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and"; and

(14) in section 3506(d) (as redesignated by subsection (a)(12)), by striking "$1,000,000 for fiscal year 1995, and such sums as may be necessary" and inserting "such sums as may be necessary for fiscal year 2002, and".

TITLE IV—PUBLIC SCHOOL CHOICE

SEC. 401. PUBLIC SCHOOL CHOICE.

(a) MAGNET SCHOOLS AMENDMENTS.—Section 5113(a) (20 U.S.C. 7213(a)) is amended—

(1) by striking "$120,000,000" and inserting "$130,000,000"; and

(2) by striking "1995" and inserting "2002".

(b) CHARTER SCHOOL AMENDMENTS.—Section 10311 (20 U.S.C. 8067) is amended—

(1) by striking "$100,000,000" and inserting "$200,000,000"; and

(2) by striking "1999" and inserting "2002".

(c) REPEALS, TRANSFERS, AND REDESIGNATIONS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for title IV (20 U.S.C. 7101 et seq.) to read as follows:

"TITLE IV—PUBLIC SCHOOL CHOICE";

(2) by amending section 4001 to read as follows:

"SEC. 4001. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1)(A) Charter schools and magnet schools are an integral part of the educational system in the United States.

"(B) Thirty-four States and the District of Columbia have established charter schools.

"(C) Magnet schools have been established throughout the United States.

"(D) A Department of Education evaluation of charter schools shows that 59 percent of charter schools reported that lack of start-up funds posed a difficult or very difficult challenge for the school.

"(2) State educational agencies and local educational agencies should hold all schools accountable for the improved performance of all students, including students attending charter schools and magnet schools, using State standards and student assessment measures.

"(3) Transportation is an important and critical component of school choice. Local educational agencies have a responsibility to provide transportation costs to ensure that all children receive equal access to high quality schools.

"(4) School report cards constitute the key informational component used by parents for effective public school choice.

"(b) POLICY.—It is the policy of the United States—

"(1) to support and stimulate improved public school performance through increased public elementary school and secondary school competition and increased Federal financial assistance; and

"(2) to provide parents with more choices among public school options.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To consolidate Federal law regarding public school choice programs into 1 title.

"(2) To increase Federal assistance for magnet schools and charter schools.

"(3) To give parents more options and help parents make better and more informed choices by—

"(A) providing continued support for and financial assistance for magnet schools;

"(B) providing continued support for and expansion of charter schools and charter school districts; and

"(C) providing financial assistance to States and local educational agencies for the development of local educational agency and school report cards.";

(3) by repealing sections 4002 through 4004 (20 U.S.C. 7102, 7104), and part A (20 U.S.C. 7111 et seq.), of title IV;

(4) by transferring part A of title V (20 U.S.C. 7201 et seq.) to title IV, inserting such part A after section 4001, and redesignating the references to part A of title V as the references to part A of title IV;

(5) by redesignating sections 5101 through 5113 (20 U.S.C. 7201, 7213) (as transferred by paragraph (4)) as sections 4101 through 4113, respectively, and by redesignating accordingly the references to such sections 5105 through 5113;

(6) by transferring part C of title X (20 U.S.C. 8061 et seq.) to title IV and inserting such part C after part A of title IV (as transferred by paragraph (4));

(7) by redesignating part C of title IV (as transferred by paragraph (6)) as part B of title IV, and redesignating accordingly the references to such part C;

(8) by redesignating sections 10301 through 10311 (20 U.S.C. 8061, 8067) (as transferred by paragraph (6)) as sections 4201 through 4211, respectively, and by redesignating accordingly the references to such sections 10301 through 10311; and

(9) by redesignating sections 10321 through 10331 (as added by section 322 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554) and transferred by paragraph (6)) as sections 4221 through 4231, respectively, and by redesignating accordingly the references to such sections 10321 through 10331.

SEC. 402. DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS; REPORT CARDS.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART C—DEVELOPMENT OF PUBLIC SCHOOL CHOICE PROGRAMS

"SEC. 4301. DEFINITIONS.

"In this part:

"(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term 'high-poverty local educational agency' means a local educational agency serving a school district in which the percentage of children, ages 5 to 17, from families with incomes below the poverty line is 20 percent or more.

"(2) POVERTY LINE.— The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, for the most recent year for which satisfactory data are available.

"SEC. 4302. GRANTS AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part for a fiscal year under section 4306, and not reserved under section 4305, the Secretary is authorized to award grants, on a competitive basis, to State educational agencies and local educational agencies to enable the local educational agencies to develop local public school choice programs.

"(b) DURATION.—Grants awarded under this part may be awarded for periods of not more than 3 years.

"SEC. 4303. USES OF FUNDS.

"(a) IN GENERAL.—

"(1) PUBLIC SCHOOL CHOICE.—Funds made available under this part may be used to develop, implement, evaluate, demonstrate, and disseminate information on, innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

"(2) INNOVATIVE APPROACHES.—Such approaches, which may be carried out at the school, local educational agency, and State levels, may include—

"(A) universal public school choice programs that serve to make every school in a school district, group of school districts, or a State, a school of choice;

"(B) interdistrict and intradistrict approaches to public school choice, including approaches that increase equal access to high quality educational programs and diversity in schools;

"(C) public elementary school and secondary school programs that—

"(i) involve partnerships that include institutions of higher education; and

"(ii) are located on the campuses of the institutions;

"(D) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

"(E) approaches in which State educational agencies or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment, referred to as worksite satellite schools; and

"(F) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

"(b) TRANSPORTATION.—Funds made available under this part may be used for providing transportation services or paying for the cost of transportation for students, except that not more than 10 percent of the funds received under this part shall be used by a State educational agency or local educational agency to provide such services or pay for such cost.

"(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant State and local public funds expended for public school choice programs.

"SEC. 4304. GRANT APPLICATION; PRIORITIES.

"(a) APPLICATION REQUIRED.—A State educational agency or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) APPLICATION CONTENTS.—The application shall include—

"(1) a description of the program for which the agency seeks the grant the goals for such program;

"(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal programs;

"(3) if the program involves partners, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the applicant will use to ensure—

"(A) accountability for results, including goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students;

"(5) information demonstrating that the applicant will provide transportation services or the cost of transportation to ensure that all students receive equal access to high quality schools; and

"(6) such other information as the Secretary may require.

"(c) PRIORITIES.—

"(1) LOW-PERFORMING SCHOOLS.—In making grants under this part, the Secretary shall give priority to an agency submitting an application for a program for a local educational agency serving schools designated as low-performing.

"(2) HIGH-POVERTY AGENCIES.—In making grants under this part, the Secretary shall give priority to an agency submitting an application for a program for a high-poverty local educational agency.

"(3) PARTNERSHIPS.—In making grants under this part, the Secretary may give priority to an agency submitting an application demonstrating that the applicant will carry out the applicant's program in partnership with 1 or more public or private agencies, organizations, or institutions, such as institutions of higher education and public or private employers.

"SEC. 4305. EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.

"(a) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under section 4306 for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (b), to provide technical assistance, and to disseminate information.

"(b) EVALUATIONS.—The Secretary may use funds reserved under subsection (a) to carry out 1 or more evaluations of programs assisted under this part, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

"(2) the extent to which public schools of choice supported with funds under this part are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"SEC. 4306. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part **$200,000,000** for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—REPORT CARDS

"SEC. 4401. REPORT CARDS.

"(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments made under subsection (b), to States, local educational agencies, and public schools receiving assistance under this Act to enable the States, agencies, and schools to publish annually reports and report cards concerning the agencies and schools.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under subsection (k) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities approved by the Secretary, consistent with this part.

"(2) STATE ALLOTMENTS.—From the amount appropriated under subsection (k) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State receiving assistance under this Act an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

"(c) STATE RESERVATION OF FUNDS.—Each State educational agency receiving a grant under subsection (a) may reserve—

"(1) not more than 10 percent of the grant funds to carry out activities described in subsections (e) and (g)(2) for fiscal year 2002; and

"(2) not more than 5 percent of the grant funds to carry out activities described under subsections (e) and (g)(2) for fiscal year 2003 and each of the 3 succeeding fiscal years.

"(d) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (c) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students served by local educational agencies within the State.

"(e) ANNUAL STATE REPORT.—

"(1) REPORTS REQUIRED.—

"(A) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report with respect to all public elementary schools and secondary schools within the State that receive funds under this Act.

"(B) STATE REPORT CARDS ON EDUCATION.—In the case of a State that publishes State report cards on education, the State shall meet the requirements of subparagraph (A) by including in such report cards the information described in paragraphs (3) through (5) for all public schools and local educational agencies in the State that receive funds under this Act.

"(C) REPORT CARDS ON ALL PUBLIC SCHOOLS.—In the case of a State that publishes report cards on all public elementary schools and secondary schools in the State, the State shall meet the requirements of subparagraph (A) by including in the report cards, at a minimum, the information described in paragraphs (3) through (5) for all public schools and local educational agencies in the State that receive funds under this Act.

"(D) PUBLICATION THROUGH OTHER MEANS.—In the event that the State does not publish a report card described in subparagraph (B) or (C), the State shall, not later than the beginning of the 2002–2003 school year, meet the requirements of subparagraph (A) by publicly reporting the information described in paragraphs (3) through (5) for all public schools and local educational agencies in the State that receive funds under this Act.

"(2) IMPLEMENTATION; REQUIREMENTS.—The State shall ensure implementation at the

State, local, and school levels of the activities necessary to enable the State to make the reports described in paragraph (1).

"(3) REQUIRED INFORMATION.—Each State described in paragraph (1)(A) shall, at a minimum, include in the annual State report information on each local educational agency and public school that receives funds under this Act, including information regarding—

"(A)(i) student performance on statewide assessments for the year for which the annual State report is made, and the preceding year, in at least English language arts, mathematics, and (in each State report for a school year after the 2006–2007 school year) science, including—

"(I) a comparison of the proportions of students who performed at the State's basic, proficient, and advanced levels of performance in each academic subject, for each grade level for which State assessments are required under section 1111(b)(4) for the year for which the report is prepared, with proportions in each of the same 3 levels in each academic subject at the same grade levels in the preceding school year; and

"(II) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested; and

"(ii) the most recent 3-year trend in the percentage of students performing at the State's basic, proficient, and advanced levels of performance, for each grade level for which State assessments are required under section 1111(b)(4), in each academic subject, including at least—

"(I) English language arts;

"(II) mathematics; and

"(III) (in each State report for a school year after the 2007–2008 school year) science;

"(B) student retention rates in each grade, the number of students completing advanced placement courses, and 4-year graduation rates;

"(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified; and

"(D) the professional qualifications of paraprofessionals in the aggregate, the number of paraprofessionals in the aggregate, and the ratio of paraprofessionals to teachers in the classroom.

"(4) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

"(A) Racial and ethnic groups.

"(B) Gender groups.

"(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

"(D) Students with limited English proficiency, as compared with students who are proficient in English.

"(5) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on—

"(A) average class size; and

"(B) school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

"(6) WAIVER.—The Secretary may grant a waiver to a State seeking a waiver of the requirements of this subsection, if the State demonstrates to the Secretary that—

"(A) the content of State reports meets the goals of this part; and

"(B) the State is taking identifiable steps to meet the requirements of this subsection.

"(f) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

"(1) REPORT CARD REQUIRED.—

"(A) IN GENERAL.—The State shall ensure that each local educational agency, public elementary, school, or public secondary school in the State that receives funds under this Act, collects appropriate data and publishes an annual report card consistent with this subsection.

"(B) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in subparagraph (A) shall, at a minimum, include in its annual report card—

"(i) the information described in paragraphs (3) and (4) of subsection (e) for each local educational agency and school, as appropriate;

"(ii) in the case of a local educational agency—

"(I) information regarding the number and percentage of schools served by the local educational agency that are identified for school improvement and corrective action, including schools identified under section 1116;

"(II) information on the most recent 3-year trend in the number and percentage of elementary schools and secondary schools served by the local educational agency that are identified for school improvement; and

"(III) information that shows how students in the schools served by the local educational agency performed on the statewide assessment compared with students in the State as a whole;

"(iii) in the case of an elementary school or a secondary school—

"(I) information regarding whether the school has been identified for school improvement or corrective action; and

"(II) information that shows how the school's students performed on the statewide assessment compared with students in schools served by the same local educational agency and with all students in the State; and

"(iv) other appropriate information, whether or not the information is included in the annual State report.

"(2) SPECIAL RULE.—A local educational agency that issues report cards for all public elementary schools and secondary schools served by the agency shall include, at a minimum, the information described in paragraphs (3) through (5) of subsection (e) for all public schools that receive funds under this Act.

"(g) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

"(1) REQUIREMENTS.—Annual reports and report cards under this part shall be—

"(A) concise; and

"(B) presented in a format and manner that parents can understand, including, to the extent practicable, in a language the parents can understand.

"(2) STATE REPORTS.—State annual reports under subsection (e) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

"(3) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (f) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

"(4) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (f) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Internet and distribution to the media, and through public agencies.

"(h) PARENTS RIGHT-TO-KNOW.—

"(1) QUALIFICATIONS.—A local educational agency that receives funds under part A of title I or part A of title II shall provide, on request, in an understandable and uniform format, to any parent of a student attending any school served by the agency and receiving funds under part A of title I or part A of title II, information regarding the professional qualifications of the student's classroom teachers. The information shall describe, at a minimum—

"(A) whether the teacher is fully qualified, as defined in section 2002, for the grade levels and academic subjects in which the teacher teaches;

"(B) whether the teacher is teaching under emergency or other provisional status through which State certification or licensing criteria are waived;

"(C) the major in which the teacher received a baccalaureate degree, any graduate degree or certification held by the teacher, and the field of discipline of each such degree or certification; and

"(D) whether the student is provided services by paraprofessionals, and the qualifications of any such paraprofessional.

"(2) ADDITIONAL INFORMATION.—In addition to the information described in paragraph (1), and the information provided in reports and report cards under this part, a school that receives funds under part A of title I or part A of title II shall provide, to the extent practicable, to each individual parent (including a guardian) of a student attending the school—

"(A) information on the level of performance of the student on each of the State assessments required under section 1111(b)(4); and

"(B) if the student was assigned to or taught for 2 or more consecutive weeks by a substitute teacher or by a teacher who is not fully qualified, timely notice about the teacher involved.

"(i) COORDINATION OF STATE PLAN CONTENT.—A State shall include in the State's plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

"(j) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $5,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(l) DEFINITION.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.".

TITLE V—IMPACT AID

SEC. 501. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B),and inserting the following:

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local educational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment, data from the most current fiscal year shall be used."; and

(2) by adding at the end the following:

"(n) LOSS OF ELIGIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make the following minimum payments for each fiscal year to each local educational agency described in paragraph (2):

"(A) For the first fiscal year following the loss of eligibility (as described in paragraph (2)), an amount equal to 90 percent of the amount received in the final fiscal year of eligibility.

"(B) For the second fiscal year following the loss of eligibility (as described in paragraph (2)), an amount equal to 75 percent of the amount received in the final fiscal year of eligibility.

"(C) For the third fiscal year following the loss of eligibility (as described in paragraph (2)), an amount equal to 50 percent of the amount received in the final fiscal year of eligibility.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

"(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

"(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.".

SEC. 502. REPEAL OF SPECIAL RULE RELATING TO THE COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003(a) (20 U.S.C. 7703(a)) is amended by striking paragraph (3).

SEC. 503. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7714), as amended by section 1817 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), is amended—

(1) in subsection (a), by striking "three succeeding" and inserting "six succeeding";

(2) in subsection (b), by striking "three succeeding" and inserting "six succeeding";

(3) in subsection (c), by striking "three succeeding" and inserting "six succeeding";

(4) in subsection (e), by striking "three succeeding" and inserting "six succeeding";

(5) in subsection (f), by striking "three succeeding" and inserting "six succeeding"; and

(6) in subsection (g), by striking "three succeeding" and inserting "six succeeding".

SEC. 504. REPEALS, TRANSFERS, AND REDESIGNATIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by repealing title V (20 U.S.C. 7201 et seq.);

(2) by redesignating title VIII (20 U.S.C. 7701 et seq.) as title V, and transferring the title to follow title IV (as amended by section 402);

(3) by redesignating references to title VIII as references to title V (as redesignated and transferred by paragraph (2)); and

(4) by redesignating sections 8001 through 8005, and 8007 through 8014 (20 U.S.C. 7701, 7714) (as transferred by paragraph (2)) as sections 5001 through 5001, and 5007 through 5014, respectively, and redesignating accordingly the references to such sections 8001 through 8005 and 8007 through 8014.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

"SEC. 6001. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1)(A) The educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have critical roles in knowing what students need and how best to meet the educational needs of students.

"(B) Local educational agencies should therefore have primary responsibility for deciding how to use funds.

"(2)(A) Since the Elementary and Secondary Education Act of 1965 was first authorized in 1965, the Federal Government has created numerous grant programs, each of which was created to address 1 among the myriad challenges and problems facing education.

"(B) Only a few of the Federal grant programs established before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act can be tied to significant quantitative results.

"(C) Because Federal education dollars are distributed through a patchwork of programs, with each program having a set of requirements and restrictions, local educational agencies and schools have found it difficult to leverage funds for maximum impact.

"(D) In many cases, Federal education dollars distributed through competitive grant programs are too diffused to provide a true impact at the school level.

"(E) As a result of the Federal elementary and secondary education policies in place before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the focus of Federal, State, and local educational agencies has been diverted from comprehensive student achievement to administrative compliance.

"(3)(A) Every elementary school and secondary school should provide a drug- and violence-free learning environment.

"(B) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly among elementary school students, constitutes a grave threat to students' physical and mental well-being, and significantly impedes the learning process.

"(C) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, and positive school outcomes, and reduce the demand for and illegal use of alcohol, tobacco, and drugs throughout the Nation.

"(D) Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use, and should measure the success of programs established to address this epidemic against clearly defined goals and objectives.

"(E) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

"(F) Substance abuse and violence are intricately related, and must be dealt with in a holistic manner.

"(4)(A) Technology can produce far greater opportunities to enable all students to meet high learning standards, promote efficiency and effectiveness in education, and help to immediately and dramatically reform our Nation's educational system.

"(B) Because most Federal and State educational technology programs have focused on acquiring educational technologies, rather than emphasizing the utilization of the technologies in the classroom and the training and infrastructure required efficiently to support the technologies, the full potential of educational technology has rarely been realized.

"(C) The effective use of technology in education has been inhibited by the inability of many State educational agencies and local educational agencies to invest in and support needed technologies, and to obtain sufficient resources to seek expert technical assistance in developing high-quality professional development activities for teachers and keeping pace with rapid technological advances.

"(D) To remain competitive in the global economy, which is increasingly reliant on a workforce that is comfortable with technology and able to integrate rapid technological changes into production processes, it is imperative that our Nation maintain a work-ready labor force.

"(b) POLICY.—It is the policy of the United States—

"(1) to facilitate significant innovation in elementary school and secondary school education programs;

"(2) to enrich the learning environment of students;

"(3) to provide a safe learning environment for all students;

"(4) to ensure that all students are technologically literate; and

"(5) to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary school and secondary school students.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies—

"(A) that have been or are at risk of being identified for improvement, as described in subsection (c) or (d) of section 1116, to carry out activities (as described in such schools' or agencies' improvement plans developed under such section) that are designed to remedy the circumstances that caused such schools or agencies to be identified for improvement; or

"(B) to improve core content curricula and instructional practices and materials in core academic subjects (as defined in section 2002) to ensure that all students are performing at a State's proficient level of performance described in the State performance standards described in section 1111(b)(1) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(2) To provide assistance to local educational agencies and schools for innovative programs and activities that will transform schools into places that provide 21st century opportunities for students by—

"(A) creating challenging learning environments and facilitating academic enrichment through innovative academic programs; or

"(B) providing extra learning, time, and opportunities for students.

"(3) To provide assistance to local educational agencies, schools, and communities to strengthen existing programs or develop and implement new programs, based on proven researched-based strategies, that create safe learning environments by—

"(A) preventing violence and other high-risk behavior from occurring in and around schools; and

"(B) preventing the illegal use of alcohol, tobacco, and drugs among students.

"(4) To create New Economy Technology Schools by providing assistance to local educational agencies and schools for—

"(A) the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure;

"(B) the acquisition and maintenance of technology equipment and the provision of training in the use of such equipment for teachers, school library and media personnel, and administrators;

"(C) the acquisition or development of technology-enhanced curricula and instructional materials that are aligned with challenging State content and student performance standards; and

"(D) the acquisition or development, and implementation, of high-quality professional development activities for teachers concerning the use of technology and integration of technology with challenging State content and student performance standards.

"SEC. 6002. DEFINITIONS.

"In this title:

"(1) AUTHENTIC TASK.—The term 'authentic task' means a real world task as determined by the State involved that—

"(A) is challenging, meaningful, multidisciplinary, and interactive;

"(B) involves reasoning, problem solving, and composition; and

"(C) is not a task requiring a discrete component skill that has no obvious connection with students' activities outside of school.

"(2) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, for the most recent year for which satisfactory data are available.

"(3) SCHOOL-AGE POPULATION.—The term 'school-age population', used with respect to a State, means the population of children that the State determines are school-age children, but at least the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

"(4) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6003. PROGRAMS AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall award a grant, from an allotment made under subsection (b), to each State educational agency having a State plan approved under section 6005(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 6009 for a fiscal year, the Secretary shall reserve—

"(A) not more than ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title;

"(B) not more than ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as determined by the Secretary, for activities, approved by the Secretary, consistent with this title; and

"(C) such sums as may be necessary to continue to support any multiyear award made under title III, title IV, part B of title V, or title X (as such titles and part were in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 6009 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6005(a)(4) the sum of—

"(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I for the fiscal year bears to the amount all States received under such part for the fiscal year; and

"(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the most recent available data from the Bureau of the Census.

"(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under subsection (b)(2) an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

"(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2002, notwithstanding subsection (e), the amount allotted to each State under subsection (b)(2) shall be not less than 100 percent of the total amount the State was allotted through formula grants under sections 3132, 4011, and 6101 (as such sections were in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2001.

"(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under subsection (c) or (d) for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 6004. WITHIN STATE ALLOCATION.

"(a) RESERVATIONS; ALLOCATIONS.—Each State educational agency for a State receiving a grant for a fiscal year under section 6003(a) shall—

"(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

"(2) set aside not more than 4 percent of the grant funds to—

"(A) provide for the establishment of, and continued improvement on, high-quality, internationally competitive content and student performance standards that all students will be expected to meet;

"(B) provide for the establishment of, and continued improvement on, high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

"(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods; and

"(D) encourage and enable all States to develop and implement value-added assessments, including model value-added assessments identified by the Secretary under section 7104(a)(6); and

"(3) using the remaining 95 percent of the grant funds, make grants by allocating to each local educational agency in the State having a local educational agency plan approved under section 6005(b)(3) the sum of—

"(A) an amount that bears the same relationship to 60 percent of such remainder as the amount the local educational agency received under part A of title I for the fiscal year bears to the amount all local educational agencies in the State received under such part for the fiscal year; and

"(B) an amount that bears the same relationship to 40 percent of such remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

"(b) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall, with respect to the costs to be incurred by the agency in carrying out the programs for which the grant was awarded, make available (directly or through donations from public or private entities) non-Federal contributions, in cash or in kind, in an amount equal to 25 percent of the Federal funds provided under the grant.

"(2) WAIVER.—A local educational agency may apply to the State educational agency for, and the State educational agency may grant, a waiver of the requirements of paragraph (1) to a local educational agency that—

"(A) applies for such a waiver; and

"(B) demonstrates that extreme circumstances make the agency unable to meet such requirements.

"SEC. 6005. PLANS.

"(a) STATE PLANS.—

"(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(3) CONTENTS.—Each plan submitted under paragraph (1) shall—

"(A) describe how the State educational agency will assist each local educational agency and school served under this title in the State to comply with the requirements described in section 6006 that are applicable to the local educational agency or school;

"(B) certify that the State has in place the standards and assessments required under section 1111;

"(C) certify that the State educational agency has a system, as required under section 1111, for—

"(i) holding each local educational agency and school in the State accountable for adequate yearly progress (as defined under section 1111(b)(2)(B));

"(ii) identifying local educational agencies and schools for improvement and corrective action (as required in subsections (c) and (d) of section 1116);

"(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

"(iv) providing technical assistance, professional development, and other capacity building as needed to remove such agencies and schools from improvement status;

"(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other available measures or indicators, to review annually the progress of each local educational agency and school served under this title in the State, to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111(b)(2);

"(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

"(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consistent with this title; and

"(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

"(4) APPROVAL.—The Secretary, after using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

"(5) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

"(6) REQUIREMENT.—The Secretary shall not approve a State plan for a State unless the State has established the standards and assessments required under section 1111.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this title shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

"(2) CONTENTS.—Each local educational agency shall—

"(A) describe the programs for which funds allocated under section 6004(a)(3) will be used and the reasons for the selection of such programs;

"(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

"(C) describe the annual, quantifiable, and measurable performance goals and objectives that the local educational agency will use for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

"(D) describe how the local educational agency will hold schools accountable for meeting the performance objectives for each program described under subparagraph (C);

"(E) provide an assurance that the local educational agency has met the local plan requirements described in section 1112 for—

"(i) holding schools accountable for adequate yearly progress as required under section 1111(b)(2), including meeting annual numerical goals for improving the performance of all groups of students based on the student performance standards set by the State under section 1111(b)(1)(D)(ii);

"(ii) identifying schools for school improvement or corrective action;

"(iii) fulfilling the local educational agency's school improvement responsibilities described in section 1116, including taking corrective action under section 1116(c)(10); and

"(iv) providing technical assistance, professional development, or other capacity building to schools served by the agency;

"(F) certify that the local educational agency will take action against a school that is in corrective action and receiving funds under this title as described under section 6006(d)(2);

"(G) describe what State and local resources will be contributed to carrying out programs described under subparagraph (A);

"(H) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational agency plan and select the programs to be assisted under this title; and

"(I) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the State with annual evidence of such consultation.

"(3) APPROVAL.—The State, after using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

"(4) DURATION OF THE PLAN.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

"(5) PUBLIC REVIEW.—Each State educational agency shall make publicly available each local educational agency plan approved under paragraph (3).

"SEC. 6006. LOCAL USES OF FUNDS AND ACCOUNTABILITY.

"(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant award under section 6004(a)(3) may use not more than 1 percent of the grant funds for a fiscal year for the cost of administering this title.

"(b) REQUIRED ACTIVITIES.—Each local educational agency receiving a grant award under section 6004(a)(3) shall use the grant funds pursuant to this section to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the categories specified in the following paragraphs:

"(1) SCHOOL IMPROVEMENT.—Each local educational agency shall use 30 percent of the grant funds—

"(A) in the case of a school that has been identified for school improvement under section 1116(c), for activities or strategies that are described in section 1116(c) that focus on removing such school from school improvement status; or

"(B) for programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible—

"(i) incorporate the best practices developed from research-based methods and practices;

"(ii) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

"(iii) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

"(iv) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the other content of such programs; and

"(v) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

"(2) 21ST CENTURY OPPORTUNITIES.—Each local educational agency shall use 25 percent of the grant funds for—

"(A) programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and perform at the State's proficient level of performance described in the State standards described in section 1111(b)(1) within 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act;

"(B) programs to improve higher order thinking skills of all students, especially disadvantaged students;

"(C) promising innovative education reform projects that are consistent with challenging State content and student performance standards; or

"(D) programs that focus on ensuring that disadvantaged students enter elementary school with the basic skills needed to meet the highest State content and student performance standards.

"(3) SAFE LEARNING ENVIRONMENTS.—Each local educational agency shall use 15 percent of the grant funds for programs that help ensure that all elementary school and secondary school students learn in a safe and supportive environment, by—

"(A) reducing drugs, violence, and other high-risk behavior in schools;

"(B) providing safe, extended-day opportunities for students;

"(C) providing professional development activities for teachers, principals, mental health professionals, and guidance counselors concerning dealing with students exhibiting distress (such as exhibiting distress through substance abuse, disruptive behavior, and suicidal behavior);

"(D) recruiting or retaining high-quality mental health professionals;

"(E) providing character education for students;

"(F) meeting other objectives that are established under State standards regarding safety or that address local community concerns; or

"(G) providing alternative educational opportunities for violent and disruptive students.

"(4) NEW ECONOMY TECHNOLOGY SCHOOLS.—

"(A) IN GENERAL.—Each local educational agency shall use 30 percent of the grant funds to establish technology programs that will transform schools into New Economy Technology Schools and, to the greatest extent possible, will—

"(i) increase student performance related to an authentic task;

"(ii) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

"(iii) emphasize how to use technology to accomplish authentic tasks;

"(iv) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards;

"(v) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line; and

"(vi) allow local educational agencies to provide incentives or bonuses for teachers who have met the National Education Technology Standards, as developed by the Department of Education and the International Society for Technology in Education, or have obtained an information technology certification that is directly related to the curricula or the academic subjects that the teachers teach.

"(B) LIMITATION.—Each local educational agency shall use a portion equal to not more than 50 percent of the grant funds described in subparagraph (A) to purchase, upgrade, or retrofit computer hardware in schools. In distributing funds from that portion, the agency shall give priority to schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line.

"(c) TRANSFER OF FUNDS.—Notwithstanding subsection (b)—

"(1) a local educational agency that meets adequate yearly progress requirements for student performance, as established by the State educational agency under section 1111(b)(2)(B), may allocate, at the local educational agency's discretion, not more than 30 percent of the grant funds received under section 6004(a)(3) among the 4 categories described in paragraphs (1) through (4) of subsection (b);

"(2) a local educational agency that exceeds the adequate yearly progress requirements described in paragraph (1) by a significant amount, as determined by the State educational agency, may allocate, at the local educational agency's discretion, not more than 50 percent of the grant funds received under section 6004(a)(3) among the 4 categories; and

"(3) a local educational agency that is identified for improvement, as described in section 1116(d), may apply not more than 25 percent of the grant funds in the categories described in paragraphs (2), (3), and (4) of subsection (b) to carry out school improvement activities described in subsection (b)(1).

"(d) LIMITATIONS FOR SCHOOLS AND LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.—

"(1) LOCAL EDUCATIONAL AGENCIES IN CORRECTIVE ACTION.—If a local educational agency is identified for corrective action under section 1116(d), the State educational agency shall—

"(A) notwithstanding any other provision of law, specify how the local educational agency shall spend the grant funds in order to focus the local educational agency on the activities that will be the most effective in raising student performance levels; and

"(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(d)(12).

"(2) SCHOOLS IN CORRECTIVE ACTION.—If a school is identified for corrective action under section 1116(c), the local educational agency shall—

"(A) specify how the school shall spend grant funds received under this section in order to focus the school on the activities that will be the most effective in raising student performance levels; and

"(B) implement corrective action in accordance with the provisions for corrective action described in section 1116(c)(10).

"(3) DURATION.—Limitations imposed under paragraphs (1) and (2) on a school or local educational agency in corrective action status shall remain in effect until such time as the school or local educational agency has made sufficient improvement, as determined by the State educational agency, and is removed from corrective action status.

"SEC. 6007. STATE AND LOCAL RESPONSIBILITIES.

"(a) DATA REVIEW.—

"(1) STATE AND LOCAL REVIEW.—A State educational agency shall jointly review with a local educational agency described in section 6006(d)(1) the local educational agency's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine pursuant to section 6006(d)(1)(A) how the local educational agency shall spend the grant funds in order to substantially increase student performance levels.

"(2) SCHOOL AND LOCAL REVIEW.—A local educational agency shall jointly review with a school described in section 6006(d)(2) the school's data gathered from student assessments and other measures required under section 1111(b)(4), in order to determine pursuant to section 6006(d)(2) how the school shall spend grant funds in order to substantially increase student performance levels.

"(b) TECHNICAL ASSISTANCE.—

"(1) STATE ASSISTANCE.—

"(A) IN GENERAL.—A State educational agency shall provide, upon request by a local educational agency receiving grant funds under this title, technical assistance to the local educational agency and schools served by the local educational agency, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

"(B) PROVISION.—State technical assistance may be provided by—

"(i) the State educational agency; or

"(ii) with the local educational agency's approval, an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or participant in a cooperative agreement as described in section 7104(a)(3), a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

"(2) LOCAL ASSISTANCE.—

"(A) IN GENERAL.—A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency and receiving grant funds under this title, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

"(B) PROVISION.—Local technical assistance may be provided by—

"(i) the State educational agency or local educational agency; or

"(ii) with the school's approval, an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or participant in a cooperative agreement as described in section 7104(a)(3), a nontraditional entity such as a corporation or consulting firm, or any other entity with experience in the program area for which the assistance is being sought.

"SEC. 6008. LOCAL REPORTS.

"Each local educational agency receiving funds under this title to carry out programs shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

"(1) information describing the use of funds in the 4 categories described in section 6006(b);

"(2) the impact of such programs and an assessment of such programs' effectiveness; and

"(3) the local educational agency's progress toward attaining the goals and objectives described in the plan described in section 6005(b), and the extent to which programs assisted under this title have increased student achievement.

"SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $3,500,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

TITLE VII—ACCOUNTABILITY

SEC. 701. ACCOUNTABILITY.

Title VII (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—ACCOUNTABILITY

"PART A—SANCTIONS AND REWARDS

"SEC. 7101. SANCTIONS.

"(a) THIRD FISCAL YEAR.—If a State receiving grant funds under a covered provision has not met the performance objectives established under the covered provision by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State receives for administrative expenses under such provision.

"(b) FOURTH FISCAL YEAR.—If the State fails to meet the performance objectives established under the covered provision by the end of the fourth fiscal year for which the State receives such grant funds, the Secretary shall reduce the total amount the State receives under title VI by 30 percent.

"(c) DURATION.—If the Secretary determines, under subsection (a) or (b), that a State failed to meet the performance objectives established under a covered provision for a third or fourth fiscal year, the Secretary shall reduce grant funds in accordance with subsection (a) or (b) for the State for each subsequent fiscal year until the State demonstrates that the State met the performance objectives for the fiscal year preceding the demonstration.

"(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, if sought, to a State subjected to sanctions under subsection (a) or (b).

"(e) LOCAL SANCTIONS.—

"(1) IN GENERAL.—Each State receiving assistance under part A of title I, part A of title II, part A of title III, or title VI shall develop a system to hold local educational agencies accountable for meeting—

"(A) the performance objectives established under part A of title II, part A of title III, and title VI; and

"(B) the adequate yearly progress requirements established under part A of title I, and required under part A of title III and title VI.

"(2) Sanctions.—A system developed under paragraph (1) shall include a mechanism for sanctioning local educational agencies for failure to meet such performance objectives and adequate yearly progress levels.

"(f) Definitions.—In this section:

"(1) Covered provision.—The term 'covered provision' means part A of title I, part A of title II, part A of title III, and title VI.

"(2) Performance objectives.—The term 'performance objectives' means, used with respect to—

"(A) part A of title I, the adequate yearly progress levels established under subsections (b)(2)(A)(iii) and (b)(2)(B) of section 1111;

"(B) part A of title II, the set of performance objectives established under section 2104;

"(C) part A of title III, the set of performance objectives established under section 3109; and

"(D) title VI, the set of performance objectives set by each local educational agency under section 6005(b)(2)(C).

"SEC. 7102. REWARDING HIGH PERFORMANCE.

"(a) State Rewards.—

"(1) In general.—From amounts appropriated under subsection (d), and from amounts made available as a result of reductions under section 7101, the Secretary shall make awards to States that—

"(A) for 3 consecutive years have—

"(i) exceeded the States' performance objectives established for any title under this Act;

"(ii) exceeded the adequate yearly progress levels established under section 1111(b)(2);

"(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

"(iv) raised all students enrolled in the States' public elementary schools and secondary schools to the State's proficient level of performance described in the State standards described in section 1111(b)(4) earlier than 10 years after the date of enactment of the Public Education Reinvention, Reinvestment, and Responsibility Act; or

"(v) significantly increased the percentage of classes in core academic subjects being taught by fully qualified teachers in schools receiving funds under part A of title I; or

"(B) not later than December 31, 2004, ensure that all teachers teaching in the States' public elementary schools and secondary schools are fully qualified.

"(2) State use of funds.—

"(A) Demonstration sites.—Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on performance objectives or adequate yearly progress) in order to help low-performing schools.

"(B) Improvement of performance.—Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary school and secondary school students in the State, based on State content and performance standards.

"(C) Reservation for administrative expenses.—Each State receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

"(b) Local Educational Agency Awards.—

"(1) In general.—Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds by making awards to local educational agencies in the State that—

"(A) for 3 consecutive years have—

"(i) exceeded the State-established local educational agency performance objectives established for any title under this Act;

"(ii) exceeded the adequate yearly progress levels established under section 1111(b)(2);

"(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

"(iv) raised all students enrolled in schools served by the local educational agency to the State's proficient level of performance described in the State standards described in section 1111(b)(1) earlier than 10 years after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act; or

"(v) significantly increased the percentage of classes in core academic subjects being taught by fully qualified teachers in schools receiving funds under part A of title I;

"(B) not later than December 31, 2004, ensure that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

"(C) have attained consistently high achievement in another area that the State determines is appropriate to reward.

"(2) School awards.—A local educational agency shall use funds made available under paragraph (1) for activities described in subsection (c).

"(3) Reservation for administrative expenses.—Each local educational agency receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

"(c) School Awards.—Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds for 1 or more activities—

"(1) to reward individual schools that demonstrate high performance with respect to—

"(A) increasing the academic achievement of all students;

"(B) narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

"(C) improving teacher quality;

"(D) increasing high-quality professional development for teachers, principals, and administrators; or

"(E) improving the English proficiency of limited English proficient students;

"(2) to reward collaborative teams of teachers, or teams of teachers and principals, that—

"(A) significantly improve the annual performance of low-performing students; or

"(B) significantly improve in a fiscal year the English proficiency of limited English proficient students;

"(3) to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

"(4) to develop or implement school districtwide programs or policies to improve the level of student performance on State assessments that are aligned with State content standards; or

"(5) to reward schools for consistently high achievement in another area that the local educational agency determines is appropriate to reward.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) Definition.—In this section:

"(1) Core academic subject.—The term 'core academic subject' has the meaning given the term in section 2002.

"(2) Low-performing student.—In this section, the term 'low-performing student' means a student who performs below a State's basic level of performance described in the State standards described in section 1111(b)(1).

"SEC. 7103. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated pursuant to the authority of this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide activities described in section 7102.

"SEC. 7104. SECRETARY'S ACTIVITIES.

"(a) In General.—Notwithstanding any other provision of this Act, from amounts appropriated under subsection (d) and not reserved under subsection (b), the Secretary may—

"(1) support activities of the National Board for Professional Teaching Standards;

"(2) study and disseminate information regarding model programs assisted under this Act;

"(3) provide training and technical assistance to States, local educational agencies, elementary schools and secondary schools, Indian tribes, and other recipients of grant funds under this Act that are carrying out activities assisted under this Act, including entering into contracts or cooperative agreements with public or private nonprofit entities or consortia of such entities, in order to provide comprehensive training and technical assistance related to the administration and implementation of activities assisted under this Act;

"(4) support activities that will promote systemic education reform at the State and local levels;

"(5) award grants or contracts to public or private nonprofit entities to enable the entities—

"(A) to develop and disseminate information on exemplary educational practices relating to reading, writing, mathematics, science, and other academic subjects, and technology, and instructional materials and professional development concerning the academic subjects, for States, local educational agencies, and elementary schools and secondary schools; and

"(B) to provide technical assistance concerning the implementation of teaching methods and assessment tools for use by elementary school and secondary school students, teachers, and administrators;

"(6) disseminate information on models of value-added assessments;

"(7) award a grant or contract to a public or private nonprofit entity or consortium of such entities for the development and dissemination of information on exemplary programs and curricula for accelerated and advanced learning for all students, including gifted and talented students;

"(8) award a grant or contract to Reading Is Fundamental, Inc. and other public or private nonprofit entities to support and promote programs that include the distribution of inexpensive books to students and the provision of literacy activities that motivate students to read; and

“(9) provide assistance to States—

“(A) by assisting in the development of English language development standards and high-quality assessments, if requested by a State participating in activities under part A of title III; and

“(B) by developing native language tests for limited English proficient students that a State may administer to such students to assess student performance in at least reading, science, and mathematics, consistent with section 1111.

“(b) Reservation.—From the amounts appropriated under subsection (d), the Secretary shall reserve $10,000,000 for the purposes of carrying out activities under section 1202(c).

“(c) Special Rule for Secretary Awards.—

“(1) In general.—Notwithstanding any other provision of this Act, a recipient of funds under this Act for a program that are provided through a direct grant made by the Secretary, or a contract or cooperative agreement entered into directly with the Secretary, shall include information on the following in any application or plan required under such program:

“(A) How funds provided under the program have been used and will be used and how such use has increased and will increase student academic achievement.

“(B) The goals and objectives that have been met and that will be met through the program, including goals for dissemination and use of any information or materials produced.

“(C) How the recipient has tracked and reported annually, and will track and report annually, to the Secretary information on—

“(i) the successful dissemination of any information or materials produced under the program;

“(ii) where the information or materials produced are being used; and

“(iii) the impact of such use and, if applicable, the extent to which such use increases student academic achievement.

“(2) Requirement.—If no application or plan is required under a program described in paragraph (1), the Secretary shall require the recipient to submit a plan containing the information required under paragraph (1).

“(3) Failure to achieve goals and objectives.—

“(A) In general.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), assess the magnitude of the dissemination, and assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

“(B) Ineligibility.—The Secretary shall consider the recipient ineligible for grants, contracts, or cooperative agreements described in paragraph (1) if—

“(i) the goals and objectives described in paragraph (1)(B) have not been met;

“(ii) the dissemination has not been of a magnitude to ensure that national goals are being addressed; or

“(iii) the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART B—AMERICA’S EDUCATION GOALS PANEL

“SEC. 7201. AMERICA’S EDUCATION GOALS PANEL.

“(a) Purpose.—The purpose of this section is to establish a bipartisan mechanism for—

“(1) building a national consensus for education improvement; and

“(2) reporting on progress toward achieving America’s Education Goals.

“(b) America’s Education Goals Panel.—

“(1) Establishment.—There is established in the executive branch an America’s Education Goals Panel (referred to in this part as the ‘Goals Panel’) to advise the President, the Secretary, and Congress.

“(2) Composition.—The Goals Panel shall be composed of 18 members (referred to individually in this section as a ‘member’), including—

“(A) 2 members appointed by the President;

“(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party from the President, appointed by the Chairperson and Vice Chairperson of the National Governors’ Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson’s and Vice Chairperson’s respective political parties, in consultation with each other;

“(C) 4 Members of Congress, of whom—

“(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

“(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

“(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

“(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

“(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be from the same political party as the President of the United States.

“(3) Special appointment rules.—

“(A) In general.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

“(i) Same party.—If the Chairperson of the National Governors’ Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

“(ii) Opposite party.—If the Chairperson of the National Governors’ Association is from the opposite political party from the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

“(B) Special rule.—If the National Governors’ Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A) (except for the requirements of paragraph (2)(D)), prior to the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act, the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph (2) and subparagraph (A) and shall not be required to be reappointed pursuant to such paragraph (2) and subparagraph (A).

“(C) Representation.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

“(4) Terms.—The terms of service of members shall be as follows:

“(A) Presidential appointees.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

“(B) Governors.—Members appointed under paragraph (2)(B) (or (3)(B)) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms.

“(C) Congressional appointees and State legislators.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

“(5) Date of appointment.—The initial members shall be appointed not later than 60 days after the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

“(6) Initiation.—The Goals Panel may begin to carry out the Goals Panel’s duties under this section when 10 members of the Goals Panel have been appointed.

“(7) Vacancies.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

“(8) Travel.—The members shall not receive compensation for the performance of services for the Goals Panel, but each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member. Notwithstanding section 1342 of title 31, United States Code, the President may accept the voluntary and uncompensated services of members.

“(9) Chairperson.—

“(A) In general.—The members shall select a Chairperson from among the members.

“(B) Term and political affiliation.—The Chairperson of the Goals Panel shall serve a 1-year term. No 2 consecutive Chairpersons shall be from the same political party.

“(10) Conflict of interest.—A member of the Goals Panel who is an elected official of a State that has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

“(11) Ex officio member.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

“(c) Duties.—

“(1) In general.—The Goals Panel shall—

“(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America’s Education Goals, including issuing an annual report;

“(B) report on, and widely disseminate through multiple strategies information pertaining to, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America’s Education Goals;

“(C) report on, and widely disseminate information on promising or effective practices pertaining to, the achievement of each of the 8 America’s Education Goals; and

"(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

"(2) REPORT.—

"(A) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

"(i) assess the progress of the United States toward achieving America's Education Goals; and

"(ii) identify actions that should be taken by Federal, State, and local governments.

"(B) FORM; DATA.—The reports shall be presented in a form, and include data, that is understandable to parents and the general public.

"(3) EARLY CHILDHOOD ASSESSMENT.—The Goals Panel shall carry out the activities described in section 207 of the Goals 2000: Educate America Act, as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(d) POWERS.—The Goals Panel shall have the powers described in section 204 of the Goals 2000: Educate America Act, as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(e) ADMINISTRATION.—The Goals Panel shall comply with the administrative requirements described in section 205 of the Goals 2000: Educate America Act, as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(f) PERSONNEL.—The Goals Panel shall have the authority relating to a director, employees, experts and consultants, and detailees described in section 206 of the Goals 2000: Educate America Act, as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.

"(g) DEFINITION.—In this section, the term 'America's Education Goals' means the National Education Goals established under section 102 of the Goals 2000: Educate America Act, as in effect on the day before the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act.".

TITLE VIII—GENERAL PROVISIONS AND REPEALS

SEC. 801. REPEALS, TRANSFERS, AND REDESIGNATIONS REGARDING TITLE XIV.

(a) IN GENERAL.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after title VII the following:

"TITLE VIII—GENERAL PROVISIONS";

(2) by repealing sections 14514 and 14603 (20 U.S.C. 8904, 8923);

(3)(A) by transferring title XIV (20 U.S.C. 8801 et seq.) to title VIII and inserting such title after the title heading for title VIII; and

(B) by striking the title heading for title XIV;

(4)(A) by redesignating part H of title VIII (as redesignated by paragraph (3)) as part I of title VIII; and

(B) by redesignating the references to such part H of title VIII as references to part I of title VIII;

(5) by inserting after part G of title VIII the following:

"PART H—SUPPLEMENT, NOT SUPPLANT

"SEC. 8801. SUPPLEMENT, NOT SUPPLANT.

"Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant State and local public funds expended to provide activities described in this Act.";

(6) by redesignating the references to title XIV as references to title VIII;

(7)(A) by redesignating sections 14101 through 14103 (20 U.S.C. 8801, 8803) (as transferred by paragraph (3)) as sections 8101 through 8103, respectively; and

(B) by redesignating the references to such sections 14101 through 14103 as references to sections 8101 through 8103, respectively;

(8)(A) by redesignating sections 14201 through 14206 (20 U.S.C. 8821, 8826) (as transferred by paragraph (3)) as sections 8201 through 8206, respectively; and

(B) by redesignating the references to such sections 14201 through 14206 as references to sections 8201 through 8206, respectively;

(9)(A) by redesignating sections 14301 through 14307 (20 U.S.C. 8851, 8857) (as transferred by paragraph (3)) as sections 8301 through 8307, respectively; and

(B) by redesignating the references to such sections 14301 through 14307 as references to sections 8301 through 8307, respectively;

(10)(A) by redesignating section 14401 (20 U.S.C. 8881) (as transferred by paragraph (3)) as section 8401; and

(B) by redesignating the references to such section 14401 as references to section 8401;

(11)(A) by redesignating sections 14501 through 14513 (20 U.S.C. 8891, 8903) (as transferred by paragraph (3)) as sections 8501 through 8513, respectively; and

(B) by redesignating the references to such sections 14501 through 14513 as references to sections 8501 through 8513, respectively;

(12)(A) by redesignating sections 14601 and 14602 (20 U.S.C. 8921, 8922) (as transferred by paragraph (3)) as sections 8601 and 8602, respectively; and

(B) by redesignating the references to such sections 14601 and 14602 as references to sections 8601 and 8602, respectively;

(13)(A) by redesignating section 14701 (20 U.S.C. 8941) (as transferred by paragraph (3)) as section 8701; and

(B) by redesignating the references to such section 14701 as references to section 8701; and

(14)(A) by redesignating sections 14801 and 14802 (20 U.S.C. 8961, 8962) (as transferred by paragraph (3)) as sections 8901 and 8902, respectively; and

(B) by redesignating the references to such sections 14801 and 14802 as references to sections 8901 and 8902, respectively.

(b) AMENDMENTS.—Title VIII (as so transferred and redesignated) is amended—

(1) in section 8101(10) (as redesignated by subsection (a)(7))—

(A) by striking subparagraphs (C) through (F); and

(B) by adding after subparagraph (B) the following:

"(C) part A of title II;

"(D) part A of title III; and

"(E) title IV.";

(2) in section 8102 (as redesignated by subsection (a)(7)), by striking "VIII" and inserting "V";

(3) in section 8201 (as redesignated by subsection (a)(8))—

(A) in subsection (a)(2), by striking ", and administrative funds under section 308(c) of the Goals 2000: Educate America Act"; and

(B) by striking subsection (f);

(4) in section 8203(b) (as redesignated by subsection (a)(8)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(5) in section 8204 (as redesignated by subsection (a)(8))—

(A) by striking subsection (b); and

(B) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "1995" and inserting "2002"; and

(II) in subparagraph (B), by inserting "professional development," after "curriculum development,"; and

(ii) in paragraph (4)—

(I) by striking "and section 410(b) of the Improving America's Schools Act of 1994";

(II) by striking "paragraph (2)" and inserting "subsection (a)(2)";

(III) by striking the following:

"(4) RESULTS.—" and inserting the following:

"(b) RESULTS.—";

(IV) by striking the following:

"(A) develop" and inserting the following:

"(1) develop"; and

(V) by striking the following:

"(B) within" and inserting the following:

"(2) within";

(6) in section 8205(a)(1) (as redesignated by subsection (a)(8)), by striking "part A of title IX" and inserting "subpart 1 of part C of title III";

(7) in section 8206 (as redesignated by subsection (a)(8))—

(A) by striking "(a) UNNEEDED PROGRAM FUNDS.—"; and

(B) by striking subsection (b);

(8) in section 8302(a)(2) (as redesignated by subsection (a)(9))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(9) in section 8304(b) (as redesignated by subsection (a)(9)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(10) in section 8401 (as redesignated by subsection (a)(10))—

(A) in subsection (a), by striking "Except as provided in subsection (c)," and inserting "Except as provided in subsection (c), and notwithstanding any other provision regarding waivers in this Act,"; and

(B) in subsection (c)(8), by striking "part C of title X" and inserting "part B of title IV";

(11) in section 8502 (as redesignated by subsection (a)(11)), by striking "VIII" and inserting "V";

(12) in section 8503(b)(1) (as redesignated by subsection (a)(11))—

(A) by striking subparagraphs (B) through (E); and

(B) by adding at the end the following:

"(B) part A of title II, relating to professional development;

"(C) title III; and

"(D) title VI.";

(13) in section 8506(d) (as redesignated by subsection (a)(11)), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(14) in section 8513 (as redesignated by subsection (a)(11)), by striking "Improving America's Schools Act of 1994" each place it appears and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(15) in section 8601 (as redesignated by subsection (a)(12))—

(A) in subsection (b)(3)—

(i) in subparagraph (A), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(ii) in subparagraph (B), by striking "Improving America's Schools Act" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(B) in subsection (f), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act"; and

(16) in section 8701(b) (as redesignated by subsection (a)(13))—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in clause (i), by striking "Improving America's Schools Act of 1994" and inserting "Public Education Reinvestment, Reinvention, and Responsibility Act";

(II) in clause (ii), by striking "such as initiatives under the Goals 2000: Educate America Act, and" and inserting "under"; and

(III) in clause (ii), by striking "such Acts" and inserting "such Act"; and

(ii) in subparagraph (C)(ii), by striking "the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act," and inserting "and the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (3), by striking "1998" and inserting "2005".

SEC. 802. OTHER REPEALS.

Titles X, XI, XII, and XIII (20 U.S.C. 8001 et seq., 8401 et seq., 8501 et seq., 8601 et seq.) and the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) are repealed.

Mr. BAYH Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN, LANDRIEU, KOHL, LINCOLN, BREAUX, GRAHAM, FEINSTEIN, CARPER, KERRY, and NELSON in offering the Public Education Reinvestment, Reinvention, and Responsibility Act. It is my hope that our proposal will allow Congress to break the gridlock of the recent past and pursue a two-track strategy in this Congress, working together for the benefit of the American people when we agree, while continuing to disagree on other matters over which consensus cannot be formed.

We introduce our version of the Elementary and Secondary Education Act today in recognition of the fact that for too many millions of American children the promise of a quality public education is a hollow dream. We stand here today in recognition of the fact that the solutions of the 1960s are inadequate to meet the challenges of the 21st Century and the years beyond. We stand here today to say the status quo is not good enough; that we must do better. Congress has an historic opportunity and responsibility to enact the most sweeping education reform since the 1960s to ensure that no child is left behind. The consequences of any of our children not receiving a quality education are far greater than ever before. For the first time in our nation's history, the growing gap between the educational "haves" and "have nots" threatens to create a permanent underclass. If we do not address these shortcomings, the knowledge and information gap will lock many of our citizens out of the marketplace and prevent them from accessing opportunity in the New Economy.

Our proposal breaks with the sterile orthodoxy of the past, in which too often the left said just spending more money was the answer to the problems facing our schools, and the right said the public schools could not be fixed and, therefore, should be abandoned. Instead, we propose a consensus, a synthesis of ideas reflecting the best of both the right and the left to improve the quality of public education across our country. We propose a substantial increase in our nation's investment in education, because we recognize that we can't expect our schools, particularly our poorer schools, to get the job done if we don't give them the tools to get the job done. We propose an increase of $35 billion over five years in Federal education spending. But we do more than just throw money at the problem, because we know that taxpayers, parents, and most of all our children, have a right to expect more from us. Instead, we focus on accountability. In return for increased investment, we insist upon results. We focus on outcomes, not inputs. No longer will we define success only in terms of how much money is spent, but instead of how much our children learn. Can they read and write, add and subtract, know basic science? No longer will we define accountability in terms of ordering local school districts to spend dollars in particular ways, but instead in terms of whether our children are getting the skills they need to make a successful life for themselves. This is a significant rethinking from the ideas that have prevailed here in Washington for several decades.

Our proposal also provides a substantial amount of flexibility. We don't agree with the block grants our colleagues on the far right advocate for which would allow money to be diverted from public education or to allow dollars to be diverted from focusing on our poorest students. But we do allow for local principals and superintendents to have a much greater say in determining how best to spend those dollars, because we believe that those at the local level who labor in the classrooms and the schools every day, can make those decisions far better than those of us who now work on the banks of the Potomac.

Finally, our proposal harnesses market forces and embeds them in the public education system to encourage innovation, improvement, and increased accountability without abandoning the public schools and those children who would not do well in a market-based system by going down the path of vouchers. Instead, we support the expansion of public school choice, magnet schools, and charter schools. We believe in the enduring American principle of a quality public education for all of our nation's children—not just the lucky few under a market based system.

It was Thomas Jefferson who said that a society that expects to be both ignorant and free is expecting something that never has been and never shall be. So we put forward this proposal because we know that the cause of improving public education is critically important to our economy, critically important to the kind of society that we will be, and essential to the vibrancy of our democracy itself.

Mr. KOHL. Mr. President, I am proud to again be an original cosponsor of The Public Education Reinvestment, Reinvention, and Responsibility Act of 2000—better known as "Three R's." I have been pleased to work with the education community in Wisconsin, as well as Senators LIEBERMAN, BAYH, and our other cosponsors, on this important piece of legislation.

Perhaps this year, the three "R's" should stand for: "right, right, and right." It is the right time to keep promises we all made during the election to make bipartisan education reform our first order of business. It is the right policy to give schools more flexibility but ask for more accountability. And it is the right thing to do to make our students a number one federal priority.

We have come a long way since we started this effort more than a year ago. Unfortunately, in the 106th Congress, we were unable to rise above the usual partisan sniping and have a serious education debate. But last year's fighting has given way to this year's opportunity to do what's right by our children. If we learned anything from the last election, it is that the American people want real education reform—and they want to see results.

None of us would deny that we have made great strides in recent years toward a better public education system. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased.

In Wisconsin, educators have worked hard to help students achieve. Students are showing continued improvement on State tests in nearly every subject, particularly in science and math and across all groups, including African Americans, the disabled, and the economically disadvantaged.

But despite our best efforts, our public schools still face huge challenges. Too many students do not have the skills they need to compete in the 21st century economy. And the achievement gap between poor and more affluent students remains alarmingly wide.

Mr. President, in the past some have called for reducing or eliminating the Federal role in education. I think that would be a mistake. As a nation, it is in all of our best interests to make sure our children receive the best education possible. It is vital to their future success, and to the success of our country.

But addressing problems in education is going to take more than cosmetic reform. We risk our children's future by defending the tired programs of the past. We need to let go of the partisan bickering and focus on what the American people are focused on: Results.

Results are what the 3 R's bill is about. We make raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must make a strong investment in education, and we need to target those funds to the neediest schools and students. Since Federal funds make up only 7 percent of all money spent on education, it is essential that we target those funds where they are needed the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. The 3 R's give educators more flexibility to decide how they will use Federal dollars to meet those needs.

Finally—and I believe this is the key component of our approach—we believe that in exchange for this increased flexibility, there must be increased accountability.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide help to schools that are struggling to do a better job. But we need to stop subsidizing failure. Our highest priority must be educating children—not protecting broken systems.

I am pleased that there is an emerging consensus around these core principles of 3 R's. Already, President Bush has expressed interest in pursuing many of these same ideas that our group laid out over a year ago, and I look forward to joining with both parties to get this done.

The 3 R's bill is a strong starting point for this debate. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—and a chance to live a successful, productive life. I look forward to working with both sides of the aisle as Congress debates education reform in the coming months.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senator LIEBERMAN, Senator BAYH, and others of the Senate New Democrats today in introducing the 3 R's bill: the Public Education Reinvestment, Reinvention and Responsibility Act of 2001.

This legislation is important for several reasons:

It re-establishes the education of our children, all our children, as a national priority.

It is a sterling example of "finding the center." We take the best of many ideas, and forge what we hope will be common ground.

It is "unfinished business" from last year. The 106th Congress had the responsibility to reauthorize the Elementary and Secondary Authorization Act. We debated for a while, gridlock set in, and all progress ended for the year. By coming forward early in the 107th Congress with a centrist proposal—we hope for a different outcome in 2001.

The concepts in the 3 R's are simple, but resonant with teachers, parents and administrators:

More money is needed. State and local governments have the primary responsibility toward funding K–12 education, but the federal government can do more. We offer $35 billion more over the next five years.

Accountability assures that we are getting the most effective use of Federal dollars in education. There is strong accountability here. Struggling schools are offered extra help, but then they must show results in student progress. Schools that exceed goals are rewarded.

Flexibility is essential so that each local school district is able to meet specific local needs and challenges. The three R's ensures that federal priorities in education receive a focus, but allow state and local decision makers to implement what they most need.

In the first week of February last year, I hosted a roundtable discussion of parents, teachers and administrators in Tampa, Florida. All of them asked for the same thing: more resources more flexibility, and a focus on results—not procedure. simply put, that's what we try to do here.

My discussion in Tampa also highlighted the urgent need for the federal government's commitment to education.

The latest National Assessment of Educational Progress, NAEP, scores show:

Only 17 percent of 8th graders in Florida score at or above the proficient level in mathematics.

Only 3 percent of African American 8th graders score at or above proficient standards in math.

Only 23 percent of 4th graders are at or above proficient standards in reading.

18 percent of the classes in Florida are taught by instructors who lack a college major in the subject matter that they teach.

The "achievement gap" is real. White students in Florida on average score 1001 points on the SAT. African American students, on average, score 856 points. Hispanic students score a 957.

We need to do more to give all Florida's students, and all of our nation's students, the best education possible.

The introduction of this legislation is the first step toward finding the common ground and making the changes that are needed. I look forward to working with each of my colleagues as we focus on this in the 107th Congress.

Mr. KERRY. Mr. President, today I join several of my colleagues to introduce an innovative education reform proposal, the Public Education Reinvestment, Reinvention, and Responsibility Act, or 3 R's for short. Three R's aims to help states and districts raise the academic achievement of all children by increasing the federal government's investment in public education, by highly-targeting those resources toward to most economically disadvantaged children, by increasing the flexibility with which states and districts use federal dollars, and by holding schools accountable for results.

I believe that it is past time to break the partisan gridlock in Washington over education reform and to come together around programs, policies, and initiatives that members of both parties can agree are critical to improving education for our neediest children. I am very pleased that President Bush agrees with my colleagues and I on the fundamental principles underlying this legislation—that meaningful education reform requires more resources, more flexibility, and more accountability. I look forward to working with President Bush and my Republican colleagues to reach a bipartisan consensus on education reform. I believe that the 3 R's legislation provides a great framework for finding the common ground necessary to reach a consensus.

Bipartisanship means compromise, not capitulation—and education reform is an issue for compromise. We've been pushing for three years for real education reform for our kids—we've been willing to put aside hot button issues—and now I hope that President Bush will join us by putting aside his voucher proposals and working toward meaningful public education reform that both parties can agree on. Both Republicans and Democrats can agree that the federal government should focus on helping states improve academic results for our children instead of developing more rules, on encouraging states and schools to enact bold reforms instead of passively tolerating failure. It is time to step back from mico-managing public education from Washington, and time instead to give states and school districts the flexibility they need to improve public education. And we must hold those schools and states accountable for results.

Members of both parties know that we must increase our investment in public education so that schools can meet high standards, that we must maintain our commitment to the most economically disadvantaged students, that to be successful schools must have capable leaders and fully certified teachers, and that schools must be held accountable for providing children with a quality education.

I have worked on education reform in a bipartisan way in the past. In the last Congress Senator GORDON SMITH and I introduced education reform legislation and were supported by many of our colleagues. Our proposal represented an education reform agenda that members of both parties could support and contained initiatives that many agreed were fundamental to improving public education. The Three R's legislation—a focus on increased investment, increased flexibility, and increased accountability—is also an education reform agenda on which many can agree and I want to reach out in the next few weeks and ask those Republicans, like GORDON SMITH, SUSAN COLLINS, and OLYMPIA SNOWE, to join in this effort to reform education in a bipartisan fashion.

Mr. CARPER. Mr. President, I am very pleased to rise today in support of the Public Education Reinvestment, Reinvention, and Responsibility Act. I want to congratulate my good friends, the Senator from Connecticut and the Senator from Indiana, for their strong leadership on this issue. When they first introduced this legislation back last year, the prospects for bipartisan education reform looked far different than they do today. Members on the two sides of the aisle were sharply divided over the future of the federal role in education. As a result, the Congress failed last year to reauthorize the Elementary and Secondary Education Act for the first time in its 35-year history.

Last year, it took courage and foresight for the supporters of this legislation to step into the partisan breach in the way that they did. This bill received all of 13 votes when it was first brought to the floor. Today, we ought to all be grateful for the leadership of those 13 Senators, because this year the Public Education Reinvestment, Reinvention, and Responsibility Act represents the best hope and the best blueprint for finally achieving meaningful, bipartisan reform of the federal role in education.

For the last eight years, I had the great privilege of serving my little State as governor. During that time, I worked together with legislators from both sides of the aisle, with educators and others, to set rigorous standards, to provide local schools with the resources and flexibility they needed, and in return to demand accountability for results. We in Delaware have not been alone in this endeavor. We have been part of a nationwide movement for change—a movement of parents and teachers, of employers, legislators and governors, who believe that our public schools can be improved and that every child can learn.

As a former chairman of the National Governors' Association, I can attest that the Federal Government is frequently a lagging indicator when it comes to responsiveness to change. It is clearly states and local communities that are leading the movement for change in public education today. The bill we introduce today does not seek to make the Federal Government the leader in education reform by micromanaging the operation of local schools. Nor does this legislation seek to perpetuate the status quo in which the Federal Government passively funds and facilitates failure. Rather, this legislation seeks for the first time to make the Federal Government a partner and catalyst in the movement for reform that we see all across this country at the State and local level. This legislation refocuses Federal policy on doing a few things, but doing them well. It redirects Federal policy toward the purpose of achieving results rather than promulgating yet more rules and regulations.

I believe we have a tremendous opportunity this year to achieve bipartisan consensus to reform and reauthorize the Elementary and Secondary Education Act, and in so doing to redeem the original intent of that landmark legislation. I want to express my appreciation to our new President for his interest in renewing educational opportunity in America and leaving no child behind. There is much in the legislation we introduce today that squares with the plan that the President sent to Congress last week. We on this side of the aisle agree with the President that we need to invest more federal dollars in our schools, particularly in schools that serve the neediest students. We also agree that the dollars we provide, we should provide more flexibly. And we agree that if we are going to provide more money; and if we are going to provide that money more flexibly, we should demand results. That's the formula: invest in reform; insist on results.

I believe we also agree with our new President that parents should be empowered to make choices to send their children to a variety of different schools. We agree that parents are the first enforcers of accountability in public education. Where we disagree is in how we provide that choice. The President believes that the best way to empower parents and to provide them with choices is to give children and their parents vouchers of $1,500. With all due respect, that is an empty promise. In my State, you just can't get your child into most private or parochial schools for $1,500 per year. That is simply an empty promise.

I believe there is a better way. I believe we've found a better way in my little State of Delaware. Four years ago, we introduced statewide public school choice. We also passed our first charter schools law. I knew that this was going to work when I heard the following conversation between a school administrator and some of his colleagues. He said, "If we don't provide parents and families what they want and need, they'll send their kids somewhere else." I thought to myself, "Right! He's got it."

We have 200 public schools in my small State, and students in all of these schools take our test measuring what they know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my state is the East Side Charter School in Wilmington, Delaware. The incidence of poverty there is 83 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened its doors, very few of its students met our state standards in math. Last spring, every third grader there who took our math test met or exceeded our standards, which is something that happened at no other school in the state. It's a remarkable story. And it's been possible because East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They wear school uniforms. Parents have to sign a contract of mutual responsibility. Teachers are given greater authority to innovate and initiate.

We need to ensure that parents and students are getting what they want and need, and if they're not getting what they want and need that they have the choice—and most importantly that they have they have the ability—to go somewhere else. A $1,500 voucher doesn't give parents that ability, at least not in my State. Public school choice and charter schools do.

We agree on many things. Where we disagree, as on vouchers, I believe we can find common ground. I believe that we can come together, for example, to provide a "safety valve" to children in failing schools, in the way of broader public school choice and greater access to charter schools. I am therefore hopeful about the prospects for bipartisan agreement and for meaningful reform. To that end, I urge my colleagues to support the Public Education Reinvestment, Reinvention, and Responsibility Act.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. BIDEN, Mr. DEWINE, and Mr. THURMOND):

S. 304. A bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today we are taking an important step in our effort to rid our nation of drug abuse.

There has lately developed a bipartisan consensus that realizes that supply reduction needs to be complemented with demand reduction in our fight to combat drugs. Yes, we must continue our vigilant defense of our borders and our streets against those who make their living by manufacturing and selling these harmful substances. And yes, we must sustain our vigorous law enforcement offensive against these merchants of misery. But the time has come to increase the resources we devote to prevent people from using drugs in the first place and to breaking the cycle of addiction for those whose lives are devastated and consumed by these substances. Only through such a balanced approach can we remove the scourge of drugs from our society.

Last session, to stem the maddening increase in methamphetamine manufacturing and trafficking in America, Congress passed and the President signed into law the Methamphetamine Anti-Proliferation Act, a bill which I had authored. It was a balanced bill that provided law enforcement with several needed tools to help turn back the tide of methamphetamine proliferation, and it also contained several significant prevention and treatment provisions. In particular, one of the treatment provisions offered an innovative approach to how drug addicted patients can seek and obtain treatment. As science and medicine continue to make significant strides in developing drugs that promise to make treatment more effective, we must pave the way to ensure that these drugs can be administered in an effective manner, Indeed, this provision did exactly that, by creating a decentralized system of treating heroin addicts with a new generation of anti-addiction medications.

Mr. President, the Drug Education, Prevention and Treatment Act of 2001, which we introduce today, also embodies this balanced approach. While the bill furthers our law enforcement efforts by increasing penalties for those who involve minors in drug crimes and those who use our public lands for drug manufacturing, the bulk of the legislation advances our prevention and treatment efforts. Before detailing some of these measures, I want to thank my partner on the Judiciary Committee, Senator LEAHY, as well as my colleagues Senators BIDEN, DEWINE, and THURMOND for cosponsoring this bill. The effort and expertise they have contributed to this bill have helped make it worthy of the support of every member of this body.

I am extremely pleased that this bipartisan bill has a friend in the new White House. President Bush has indicated on several occasions, and in the plan he unveiled last fall, that he also believes in a comprehensive drug control strategy. He, too, has stressed treatment as an important component in combating juvenile drug abuse. I look forward to working with the President, as well as with Attorney General Ashcroft, as we combat drug abuse in this country in a bipartisan fashion.

This legislation recognizes that we must do more to prevent and treat substance abuse. Such efforts, it is safe to say, will prove well worth it. According to a report recently released by the National Center on Addiction and Substance Abuse at Columbia University in 1998, States spent $81.3 billion—fully 13.1 percent of total state spending—on substance abuse and addiction. Only $3 billion of this, however, was spent on prevention and treatment. The remaining $78 billion was spent, in the words of the study's authors, "to shovel up the wreckage of substance abuse and addiction." Remarkably, these staggering numbers do not even include the amount of federal matching funds that states spend, for example, on Medicaid and welfare, or the spending of local governments—which bear most of the law enforcement burden, or private sector costs such as employee health care, lost productivity, and facility security. The report urges us, as policymakers, to reexamine our priorities and shift our attention to drug prevention and treatment.

This bill does just that, and, I hasten to add, it does so without undermining in any way our commitment to supply reduction. Indeed, this bill, it can be said, ultimately will help to cut supply by reducing the demand for drugs among those who are the most consistent and addicted users.

Whilte this legislation will prove enormously helpful, it is no substitute for what is our most effective tool for preventing drug abuse: good parenting. Demand reduction starts with educating all of America's children about the harmful, destructive nature of drugs, and that education must start at home. According to the 1999 PRIDE survey, students whose parents never or seldom talk to them about drugs are 36.5 percent more likely to use drugs; in contrast, students whose parents talk to them often, or a lot, about drugs are 33.5 percent less likely to use drugs.

Parents need to talk seriously to their children about the risks of drug use before they fall prey to peer pressure or drug dealers who want nothing more than to create new addicts. Parents need to stop deluding themselves into believing that moving to the suburbs, away from the temptations and evils of the inner cities, will prevent drug dealers from reaching their children. They need to stop thinking that it is always the other family's kid who is using drugs.

Parents, grandparents, priests, pastors, rabbis, teachers, and everyone else involved in a child's life need to take an active role in educating our children about the dangers of drugs. Drug abuse knows no boundaries. It doesn't discriminate on the basis of gender, race, age, or class. It is truly an equal opportunity destroyer. Unless children are prepared with the knowledge and truth of how drugs will ruin their health and future, they are vulnerable to the lies of those who are peddling drugs.

Sadly, studies reveal that many children will never have conversations with their parents about drug use. Some children have parents that are addicted to drugs, some have parents who are imprisoned, and some have parents who just don't understand how vital it is for them to talk to their children about drug use. This fact alone represents one important reason why communities and organizations need to be involved in educating both parent and children about the dangers of drug abuse.

We need effective education and prevention programs in our schools and communities. Even for children blessed with dedicated, concerned parents, these school- and community-based programs are vitally important. Indeed, according to the 1999 PRIDE survey, students who never or seldom join in community activities are 52.6 percent more likely to use drugs. Additionally, students who report never taking part in gangs are 90.8 percent less likely to use drugs. It is clear that the more children hear the truth about what drug abuse and addiction can do to them, the more likely they will turn their backs on drug use and lead productive lives.

To this end, this bill contains significant funding for drug abuse education and prevention programs in our schools and communities. It authorizes grants for school and community-based drug education and prevention programs that have been proven to be effective and research-based. The bill also authorizes funding for the National Institutes of Health to continue its research toward identifying even more effective prevention and treatment programs. Learning how to treat drug addiction effectively is an inextricable component in America's battle to conquer drug abuse.

An additional provision authorizes grants to eligible community-based organizations, including youth-serving organizations, faith-based organizations, and other community groups, to provide after-school or out-of-school programs that include a strong character education component. Another important provision authorizes funding for community-based organizations that provide counseling and mentoring services to children who have a parent or guardian that is incarcerated. We want all who can help to be in a position to help, and these drug education and prevention programs seek to get everyone in all communities involved.

Mr. President, while I am confident these innovative drug education and prevention programs will help reduce the number of children who decide to use drugs, we also need to ensure that those who are addicted receive treatment. This bill authorizes, therefore, sizeable grants to States to provide residential treatment facilities specifically designed to treat drug-addicted juveniles. It is crucial that drug-addicted children receive treatment while they are young before they ruin their lives and grow up to become hard core addicts, which often leads to criminal behavior.

It does without saying that it is important to ensure that violent and repeat offenders are imprisoned and punished for their crimes. However, I believe that there is merit to giving nonviolent offenders, whose crimes are tied directly to their addictions, a chance to enter drug treatment in stead of prison. This bill contains several provisions that will assist States in providing nonviolent, drug-addicted offenders with the opportunity to participate in drug treatment programs in lieu of incarceration.

For example, one provision authorizes the Attorney General to make grants to State and local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternatives to prison programs for nonviolent offenders. These programs are administered by prosecutors who determine which offenders are eligible to participate. All eligible offenders who participate are sentenced to, or placed with, a long-term, drug-free residential substance abuse treatment provider. If, however, the offender does not successfully complete treatment, he or she is required to serve a sentence of imprisonment with respect to the underlying crime.

This program has been administered effectively by certain district attorneys in New York over the last decade. Last session, I worked hard with Senators THURMOND and SCHUMER, to get these very programs authorized so that other State and local prosecutors could benefit from this drug alternative to prison program. I look forward to the continuing support of Senators THURMOND and SCHUMER to ensure that this provision is enacted into law this session.

This bill also reauthorizes the drug court program and authorizes juvenile substance abuse courts, both of which provide continuing judicial supervision over nonviolent offenders with substance abuse problems while allowing them to enter treatment programs as an alternative to prison.

A high percentage of offenders who otherwise don't qualify for participation in alternatives to prison programs, but nonetheless have serious drug addictions, far too often are released from incarceration without ever receiving treatment. To address this issue, this bill authorizes funding to provide drug treatment services to inmates. This funding will go a long way in ensuring safer neighborhoods and a more productive society once drug addicted offenders are released from incarceration.

To further ensure safer neighborhoods, the bill also promotes the successful reintegration of inmates into society by authorizing demonstration projects in the federal and state court systems that incorporate new strategies and programs for alleviating the public safety risk posed by released prisoners. These projects, which establish court-based programs for monitoring the return of offenders into communities, include drug treatment, as well as vocation and basic educational training. Each program uses court sanctions and incentives to encourage positive behavior.

Finally, the bill contains a provision that requires the government to consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under all programs authorized by this bill, as long as the program is implemented in a manner consistent with the first amendment. I am aware of some concerns Senators LEAHY and BIDEN may have with this provision relating to the participation of faith-based organizations, and I am committed to working with them in an effort to address their concerns as the legislation moves through the process.

Mr. President, this bill bespeaks a compassionate concern for those who suffer from drug addiction. By passing this bill, we will be telling these people that we have not given up hope for them, especially for our children, that we will offer the means to help them help themselves, and that we will not leave them behind to be preyed upon by those who would make a profit on their misery. Above all, this legislation demonstrates our unwavering commitment to rid our nation of drug abuse. To those who traffic drugs, let there be no mistake about our resolve: we will put you in jail when we catch you, but we will also fight you for the soul of every person you would prey upon. And, in time, we will change them from helpless targets for your poison to productive, responsible members of our society. I invite my colleagues to join us in this effort.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DRUG ABUSE EDUCATION, PREVENTION, AND TREATMENT ACT OF 2001—SUMMARY

TITLE I: OFFENSES INVOLVING JUVENILES

Sec. 101. Increased Penalties for Using Minors To Traffic Drugs Across the Border

This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines with respect to offenses relating to the use of a minor to traffic controlled substances across the border and to consider whether the base offense level for such offenses should be increased to level 20.

Sec. 102. Increased Penalties for Drug Offenses Committed in the Presence of Minors

This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines with respect to offenses relating to drug offenses committed in the line of sight or in the residence of a minor under the age of 16. The Sentencing Commission shall consider creating an enhancement of 2 offense levels or 1 additional year (whichever is greater) and 4 offense levels or 2 additional years (whichever is greater) for subsequent offenses.

Sec. 103. Increased Penalties for Using Minors To Distribute Drugs

This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines to provide an appropriate sentencing enhancement for any offense involving the use of minors to distribute drugs.

Sec. 104. Increased Penalties for Distributing Drugs To Minors

21 U.S.C. 859 prohibits the distribution of controlled substances to a person under 21 years old. This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines to provide an appropriate sentencing enhancement for offenses involving the use of minors to distribute drugs.

Sec. 105. Increased Penalties for Distributing Drugs Near Schools

21 U.S.C. 860 prohibits the distribution or manufacture of controlled substances near schools and other places frequented by minors. This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines to create a sentencing enhancement for such violations.

Sec. 106. Increased Penalties for Using Federal Property to Manufacture Controlled Substances

This section amends the Controlled Substances Act by doubling the maximum punishment authorized by law for anyone who cultivates or manufactures a controlled substances on any property in whole or in part owned by or leased to the US or any department or agency thereof. This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines to provide an appropriate sentencing enhancement for any offense under 21 U.S.C. 841(b)(5) that occurs on Federal property.

Sec. 107. Clarification of Length of Supervised Release Terms in Controlled Substance Cases

This section clarifies an apparent conflict in the code regarding the length of supervised release in controlled substance cases.

Sec. 108. Supervised Release Period After Conviction for Continuing Criminal Enterprise

Any sentence imposed for violating the continuing criminal enterprise statute shall include a term of supervised release of not less than 10 years, and if there was a prior conviction, of not less than 15 years in addition to the term of imprisonment.

TITLE II: DRUG-FREE PRISONS AND JAILS

Sec. 201. Drug-Free Prisons and Jails Incentive Grants

This section authorizes grants to eligible States and Indian tribes to encourage the establishment and maintenance of drug-free prisons and jails. Eligible drug-free programs shall include: (1) a zero-tolerance policy for drug use or presence in State facilities, including routine sweeps and inspections, random and frequent drug tests, and improved screening for drugs; (2) enforcement of penalties, including prosecution for the introduction, possession, or use of drugs in any prison or jail; (3) implementation of residential drug treatment programs; and (4) drug testing of all inmates upon intake and release from incarceration, as appropriate. Programs may include a system of incentives for prisoners to participate in counter-drug programs such as treatment and to be housed in wings with greater privileges, but incentives may not include the early release of any prisoner convicted of a crime of violence. Authorizes $50 million a year for three years.

Sec. 202. Jail-Based Substance Abuse Treatment Programs

This section authorizes $100 million in additional funding for residential substance abuse treatment programs, outpatient treatment programs, and aftercare treatment services in State and local prisons and jails.

Sec. 203. Mandatory Revocation of Probation and Supervised Release for Failing Drug Tests

This section amends 18 U.S.C. 3565(b) and 3583(g) to provide for mandatory revocation of probation or supervised release if a defendant tests positive for illegal controlled substances more than three times over the span of one year.

Sec. 204. Increased Penalties for Providing an Inmate With a Controlled Substance

This section directs the Sentencing Commission to review and amend, if appropriate, the Sentencing Guidelines with respect to any offense relating to providing a Federal prisoner a Schedule I or II controlled substance and to consider increasing the base offense level for such violations to not less than level 26. The Sentencing Commission shall also consider increasing the base offense level for such offenses by not less than 2 offense levels if the defendant is a law enforcement or correctional officer or employee, or an employee of the DOJ, at the time of the offense.

TITLE III: TREATMENT, EDUCATION, AND PREVENTION

Sec. 301. Prosecution Drug Treatment Alternative to Prison

This section authorizes the Attorney General to make grants to State and local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternatives to prison programs for non-violent offenders. These programs are administered by prosecutors who determine which offenders are eligible to participate. All eligible offenders who participate are sentenced to or placed with a long term, drug free residential substance abuse treatment provider. If the offender does not successfully complete treatment, he is required to serve a sentence of imprisonment with respect to the underlying crime. Authorizes $30 million a year for three years.

Sec. 302. Juvenile Substance Abuse Courts

This section authorizes the Attorney General to make grants to States and local governments to establish programs that continue judicial supervision over non-violent juvenile offenders with substance abuse problems with integrate administration of other sanctions and services, which include: (1) mandatory testing for controlled substances; (2) substance abuse treatment for participants; (3) probation, diversion, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements; and (4) aftercare services, such as relapse prevention. Authorizes $50 million to be appropriated each year for FY 2002–2004.

Sec. 303. Expansion of Drug Abuse Education and Prevention Efforts

This section allows the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA) to make grants to public and nonprofit private entities to carry out school-based programs concerning the dangers of abuse of and addiction to illicit drugs and to carry out community-based abuse and addiction prevention programs that are effective and research-based. The Administrator shall give priority in making grants to rural and urban areas that are experiencing a high rate or rapid increase in abuse, and the amounts awarded may be used to carry out various programs, including school-based and community-based programs that focus on populations that are most at-risk for abuse of or addiction to illicit drugs. Authorizes $100 million to be appropriated for FY 2002 and such sums as necessary for each succeeding FY.

Sec. 304. Funding for Treatment in Rural States and Economically Depressed Communities

This section authorizes $50 million for grants to States to provide treatment facilities in the neediest Rural States and economically depressed communities that have high rates of drug addiction but lack resources to provide adequate treatment.

Sec. 305. Funding for Residential Treatment Centers for Women with Children

This section authorizes $10 million for grants to States to provide residential treatment facilities for methamphetamine, heroin, and other drug addicted women who have minor children. These facilities offer specialized treatment for addicted mothers and allow their children to reside with them in the facility or nearby while treatment is ongoing.

Sec. 306. Drug Treatment for Juveniles

This section authorizes $100 million a year for grants to States to provide residential treatment facilities designed to treat drug addicted juveniles.

Sec. 307. Coordinated Juvenile Services Grants

This section allows existing Juvenile Justice and Delinquency and Prevention funds to be used to make grants to encourage Federal, State, and local agencies (including schools) and private childrens service providers to coordinate the delivery of mental health and/or substance abuse services to children at risk. Such grants leverage limited Federal, State, and community-based adolescent services to help fill the large unmet need for adolescent mental health and substance abuse treatment.

Sec. 308. Expansion of Research

This section authorizes funding for the National Institutes of Health to enter into cooperative agreements to conduct research on drug abuse treatment and prevention and to establish up to 12 new National Drug Abuse Treatment Clinical Trials Network (CTN) centers to develop and test an array of behavioral and pharmacological treatments and to determine the conditions under which novel treatments are successfully adopted by local treatment clinics. Authorizes $76.4 million to be appropriated in 2002 and such sums as are necessary for FY 2003–2005.

Sec. 309. Comprehensive Study by National Academy of Sciences

This section directs the Attorney General to enter into contracts to (1) evaluate the effectiveness of federally funded programs for preventing youth substance abuse; (2) identify federal programs and programs that receive federal funds that contribute to reductions in youth substance abuse; and (3) identify programs that have not achieved their intended results and to make recommendations on programs that have proven successful and those that should have their funding terminated or reduced because of lack of effectiveness.

Sec. 310. Report on Drug-Testing Technologies

This section directs the National Institute on Standards and Technology to conduct a study of drug-testing technologies to identify and assess the efficacy, accuracy, and usefulness of such technologies.

Sec. 311. Use of National Institutes of Health Substance Abuse Research

This section ensures that the research on alcohol and drug abuse conducted by NIDA is disseminated to treatment practitioners to aid them in the treatment of addicts.

TITLE IV: SCHOOL SAFETY AND CHARACTER EDUCATION

Subtitle A—School Safety

Sec. 401. Alternative Education Demonstration Project Grants

This section authorizes funding for the Attorney General, in consultation with the Secretary of Education, to make grants to State educational agencies or local educational agencies to establish not less than 10 demonstration projects that enable the agencies to develop models and carry out alternative education for at-risk youths. This section authorizes $15 million a year for FY 2002 through 2004.

Sec. 402. Transfer of School Disciplinary Records

This section requires a State that receives federal funds to have a procedure to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school.

Subtitle B—Character Education

Sec. 411. National Character Achievement Award

This section establishes a National Character Achievement Award for students who distinguish themselves as models of good character.

Sec. 421–424. Preventing Juvenile Delinquency through Character Education

This section authorizes $100 million for the Secretary of HHS, in consultation with the Attorney General, to award grants to eligible community-based organizations, including youth serving organizations, businesses, and other community groups, to provide after school or out of school programs to youth that include a strong character education component. Eligible organizations must have a demonstrated capacity to provide after school or out of school programs to youth. Character education is defined as an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

Sec. 431–434. Counseling, Training, and Mentoring Children of Prisoners

This section authorizes $25 million for the Attorney General to award grants to community-based organizations providing counseling, training, and mentoring services to

America's most at-risk children and youth in low-income and high-crime communities who have a parent or legal guardian that is incarcerated in a Federal, State, or local correctional facility. Such services will include counseling, including drug prevention counseling; academic tutoring, including online computer academic programs that focus on the development and reinforcement of basic skills; technology training; job skills and vocational training; and confidence building mentoring services.

TITLE V: REESTABLISHMENT OF DRUG COURTS

Sec. 501. Reauthorization of Drug Courts

This section reauthorizes the drug court programs that provide continuing judicial supervision over non-violent offenders with substance abuse problems and allow non-violent offenders to enter treatment programs as an alternative to prison. Authorizes $50 million to be appropriated in 2002 and such sums as necessary for 2003–2004.

TITLE VI: PROGRAM FOR SUCCESSFUL REENTRY OF CRIMINAL OFFENDERS INTO LOCAL COMMUNITIES

Sec. 601–618. Federal Reentry Demonstration Projects

This section authorizes demonstration projects in Federal judicial districts, the District of Columbia, States, and in the Federal Bureau of Prisons using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners by promoting their successful reintegration into the community. This section also establishes court-based programs to monitor the return of offenders into communities, which include drug treatment and aftercare, mental and medical health treatment, vocational and basic educational training. Each program uses court sanctions and incentives to promote positive behavior and graduated levels of supervision within the community corrections facility to promote community safety.

TITLE VII: ASSISTANCE BY RELIGIOUS ORGANIZATIONS

Sec. 701. Assistance by Religious Organizations

This section provides that the government shall consider, on the same basis as other non-governmental organizations, faith-based organizations to provide the assistance under all programs authorized by this bill, as long as the program is implemented in a manner consistent with the First Amendment.

Mr. LEAHY. Mr. President, today I join with Senator HATCH and Senators BIDEN, DEWINE, and THURMOND to introduce the Drug Abuse Education, Prevention, and Treatment Act of 2001. This bill provides a comprehensive approach to drug treatment, prevention, and enforcement. It is my hope that the innovative programs established by this legislation will assist all of our States in their efforts to address the drug problems that most affect our communities.

No community is immune from the ravages of drug abuse. My own State of Vermont has one of the lowest crime rates in the nation, yet we are experiencing serious troubles because of the abuse of heroin and other drugs. Recent estimates indicate that heroin use in Vermont has doubled in just the past three years, and the number of people seeking drug treatment has risen even more rapidly. The average age of a first-time heroin user dropped from 27 to 17 during the 1990s, signaling a sharp rise in teenage drug abuse. The consequences of this rise have made themselves all too clear over the past months.

On January 3, Christal Jones, a 16-year-old girl from Burlington, was murdered in New York City. According to news reports, she was recruited in Burlington to move to New York and become part of a prostitution ring, and she was motivated by a desire to get money to buy heroin. When she died, drugs were found in her body, although they were not the cause of her death. And Christal Jones' tragedy apparently is not unique as many as a dozen Vermont girls may have been involved in this New York ring. And since her death, others have come forward to say that teenage girls in Burlington are prostituting themselves to get money to buy heroin.

These disturbing reports followed by only a few months a heinous drug-related triple murder in Rutland, Vermont. In that case, 20-year-olds Robert Lee and Donald Fell reportedly spent the night drinking and taking crack cocaine, and then allegedly killed Fell's mother and her friend. Looking to get out of Vermont, they then allegedly carjacked a woman arriving for work at a local supermarket and drove to New York, where they are accused of beating her to death. Such a case surely deserves a strong law enforcement response, and last Thursday the accused were indicted by a federal grand jury for carjacking resulting in death and kidnapping, among other charges.

Such violence is rarely visited upon my State. When it is, a swift law enforcement response is necessary, and we must do what we can to support the efforts of law enforcement to safeguard our communities. But we kid ourselves if we think that law enforcement alone, with ever-increasing penalties, is the answer to the drug problem. Though effective enforcement of our drug laws, particularly to deter involvement of our young people, is a critical component, this is simply insufficient to meet the severe social effects of drug abuse. We need to provide a comprehensive approach to the drug problems of my State and our nation. In Vermont, as the Rutland Daily Herald recently editorialized, on January 26, 2001, "agencies that treat addictions" need "a boost in resources and manpower." Those who work to prevent drug abuse from occurring in the first place need our strong support.

I have tried to boost Vermont's anti-drug efforts by working to provide funding for drug prevention, law enforcement, and drug treatment projects. For example, I secured funding for the Vermont Coalition of Teen Centers in last year's Commerce-Justice-State Appropriations bill. These teen centers give adolescent Vermonters recreational alternatives to drug use. I was also able to help provide significant funding for the Vermont Multi-Jurisdictional Drug Task Force, facilitating the ability of law enforcement officials to work together to tackle Vermont's drug problems. In addition, at my request Congress approved substantial funding for Vermont to plan and establish a long-term residential treatment facility for adolescents.

I believe that the bill I introduce today with Senator HATCH will build upon those important efforts by providing a substantial boost for treatment, law enforcement, and prevention, both in Vermont and across the nation. It contains numerous grant programs to aid States and local communities in their efforts to prevent and treat drug abuse. Of particular interest to the residents of my State, it establishes drug treatment grants for rural States and authorizes money for residential treatment centers for mothers addicted to heroin, methamphetamines, or other drugs.

This legislation also will help States and communities reduce drug use in prisons through testing and treatment, an effort I proposed in the Drug Free Prisons Act I introduced in the last Congress. It will provide funding for programs designed to reduce recidivism through funding drug treatment and other services for former prisoners after release. In addition, this bill will reauthorize drug courts another step I proposed in the Drug Free Prisons Act and create juvenile drug courts.

Finally, the bill directs the Sentencing Commission to review and amend penalties for a number of drug crimes involving children. For example, in addressing circumstances such as those surrounding the death of Christal Jones, the bill instructs the Sentencing Commission to amend its guidelines to provide for any necessary sentencing enhancement for criminals who distribute drugs to minors in order to lure a minor into or keep a minor engaged in prostitution or other criminal activity.

In short, there are programs in this legislation to benefit all Americans whose lives are disrupted by drug abuse in their families and communities. I strongly recommend this bipartisan bill to my colleagues, and hope that we can move quickly to make it law.

As I mentioned earlier, I have worked to provide necessary funding for treatment, prevention, and enforcement efforts in Vermont. Last year, I secured $150,000 for the Vermont Coalition of Teen Centers, $400,000 for the Vermont Drug Task Force, $100,000 for an adolescent treatment facility, two grants worth $500,000 for a balanced and restorative justice project, $1.7 million in Byrne law enforcement grants, two grants worth $560,000 to reduce underage drinking, about $725,000 for Drug Free Communities Support Programs throughout Vermont, and $274,535 for Residential Substance Abuse Treatment, RSAT, programs in the Vermont Corrections Department. In 1999, I worked to procure $270,611 for RSAT programs for Vermont prisons and jails, $75,000 for the Vermont Coalition of Teen Centers and an additional $74,976 for the Essex Teen Center, two grants worth $660,000 to combat underage drinking, and about $172,000 for Drug Free Community Support programs throughout Vermont. And in 1998, I helped secure $249,864 for balanced and restorative justice programs, $274,938 for RSAT programs, $1.9 million in Byrne law enforcement grants, $360,000 to combat drunk driving, and $424,494 in a Safe Kids/Safe Streets grant.

This legislation will provide additional ways that Vermont and other States can benefit from federal assistance to prevent drug abuse and drug-related crime. I would like to describe in more detail some of its most important aspects.

This bill authorizes a wide variety of treatment and prevention programs. Treatment and prevention efforts are often overshadowed by law enforcement needs. Indeed, a recent study by the Center on Addiction and Substance Abuse, CASA, showed that of every dollar States spent on substance abuse and addiction, only four cents went to prevention and treatment. The States and the Federal government have undeniably important law enforcement obligations, but we must do more to balance those obligations with farsighted efforts to prevent drug crimes from happening in the first place.

As I have said, heroin is an increasing problem in Vermont. In other States, methamphetamines or other drugs present a growing challenge. This legislation will help States address their most pressing drug problems, and places a particular emphasis on States that may not have been able to address their treatment and prevention needs in the past. Indeed, among many other provisions, the bill offers funding for rural States like Vermont to establish or enhance treatment centers. It instructs the Director of the Center for Substance Abuse Treatment to make grants to public and nonprofit private entities that provide treatment and are approved by State experts. This will allow the Vermont agencies looking to provide heroin treatment or to prevent heroin abuse in the first place to acquire Federal funding to help in their efforts.

The Drug Abuse Prevention and Treatment Act also authorizes funding for residential treatment centers that treat mothers who are addicted to heroin, methamphetamines, or other drugs. This will help mothers and the children who depend on them to rebuild their lives it will keep families together. And I hope it will help avoid further stories like one that appeared in last Sunday's edition of the Burlington Free Press, in which a young mother told a reporter how heroin "made it easier for [her] to take care of [her] kids."

The bill also calls for funding drug treatment programs for juveniles. As the tragic story of Christal Jones and the disturbing reports about other girls in her position have shown, juveniles can see their lives quickly deteriorate under the influence of drugs. This is why I have worked to provide Vermont with funding to establish a long-term residential treatment facility for adolescents. I hope to continue that effort through this bill, in the hope that we may be able to prevent future tragedies.

Our efforts here must include reducing the lure of drugs, and educating our kids and making sure they have recreational alternatives are two key components. In light of that, this bill authorizes grants to carry out school- and community-based prevention and education programs, with priority given to rural and urban areas experiencing drug problems. It provides additional funding for after-school programs. Finally, it authorizes funding for States to establish demonstration projects of alternative education for at-risk youths. These steps should improve the quality and availability of drug education and prevention efforts throughout the United States.

In addition to providing additional funds for treatment and prevention, the bill directs the United States Sentencing Commission to review existing criminal penalties and provide any necessary increases for drug crimes involving juveniles. In particular, the Sentencing Commission must review the current penalties for distributing drugs to minors, using minors to distribute drugs, trafficking near a school, and using Federal property to grow or manufacture controlled substances. I would like to highlight one provision in particular in my comments today.

This bill calls for the Sentencing Commission to amend its guidelines to provide for a specific sentencing enhancement for anyone who distributes drugs to minors in order to lure a minor into or keep a minor engaged in prostitution or other criminal activity. Let me explain why this provision matters. If the law enforcement officials investigating the death of Christal Jones find that the person or people who brought her to New York and prostituted her were giving or selling her heroin to entice her, the punishment should be more severe. This provision will give prosecutors an additional tool to fight such odious conduct.

I would also like to commend the approach taken in the criminal provisions in this legislation. Instead of imposing mandatory minimums, we have invested discretion in the Sentencing Commission to determine appropriate penalties. A 1997 study by the RAND Corporation of mandatory minimum drug sentences found that "mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime." Despite this study and mounting evidence of prison overcrowding, legislators continue to propose additional mandatory minimums. In light of the persistence of that idea, this legislation calls for a new study of the issue, including whether mandatory minimums have a disproportionate impact on any racial or ethnic groups and whether they are an appropriate vehicle to punish nonviolent offenders.

Last year I introduced the Drug Free Prisons Act, which authorized grants to States to facilitate treatment and testing programs in prisons and jails. This bill provides resources to achieve the same goal. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to drugs are far more likely to commit future crimes than prisoners who are released sober. This bill will provide needed help to address drug abuse in prisons throughout the country. It authorizes $50 million for drug-free prisons and jails bonus grants, allows States to use Residential Substance Abuse Treatment, RSAT, grants to provide services for inmates or former inmates, and reauthorizes funding for substance abuse treatment in Federal prisons.

As Joseph Califano, Jr., the president of CASA and former secretary of Health, Education, and Welfare, told the National Press Club last month: "The next great opportunity to reduce crime is to provide treatment and training to drug and alcohol abusing prisoners who will return to a life of criminal activity unless they leave prison substance free and, upon release, enter treatment and continuing aftercare." This legislation will accomplish both of those goals.

A prior CASA study found that drug and alcohol abuse was implicated in the crimes and incarceration of 80 percent of those currently serving time in America's prisons. This finding shows that we have a prison population that has a history of substance abuse, and will seek out opportunities to continue using drugs while imprisoned. Of course, if prisoners are using drugs in prison, this will create serious behavioral and other problems that corrections officers will have to address, at no small risk to them.

The problem does not end there. The same CASA study shows that inmates who are illegal drug and/or alcohol abusers are the most likely to be repeat offenders. In fact, the study concluded that 61 percent of state prison inmates who have two prior convictions are regular drug users. The strong link between drug use and recidivism cannot be ignored. Prison should provide an opportunity for us to break this cycle and therefore reduce crime. We can do this through a concerted effort to test prisoners for drug use and penalize those who test positive and provide adequate drug treatment so that prisoners can lead productive, non-criminal lives upon their release.

This approach to reducing drug use and addiction in prisons has the support of Jim Walton, Vermont's Commissioner of Public Safety, and John Perry, the Director of Planning for the Vermont Department of Corrections, who work with these issues every day. I have always valued their counsel, as they have first-hand knowledge of the real law enforcement needs in my state. They both feel strongly that the bill will give law enforcement the tools it needs to test and treat offender populations, both in jail and in the community. I hope and expect that this bill will have the same effect across the country.

In addition to providing funding for drug treatment and testing in prisons, this legislation also adopts a proposal made by Senator BIDEN in both this Congress and the last that would provide funding for Federal and State programs designed to ease the transition of criminal offenders back into society after their release. It establishes court-based programs to monitor the return of offenders into communities. These programs include drug treatment and aftercare, mental and medical health treatment, vocational and educational training, life skills instructions, and assistance in obtaining suitable affordable housing. Each program uses court sanctions and incentives to promote positive behavior and graduated levels of supervision within the community corrections facility to promote community safety. I commend Senator BIDEN for his leadership on this program.

The bill also re-establishes the drug courts program and re-authorizes funding for it, as I proposed in last year's Drug Free Prisons Act. The majority repealed the authorization of the drug courts program in the Omnibus Consolidated Rescissions and Appropriations Act of 1996, in an apparent attempt to discredit Democratic programs. In my view, effective programs dealing with drug abuse should not be used as political footballs. That is why the Congress has continued to fund drug courts in every year's appropriations acts. This has been the right decision, and we should undo the repeal.

Drug courts provide the opportunity to deal systematically with nonviolent drug offenders at a substantial savings to taxpayers. Instead of jailing these nonviolent offenders, the courts can order alternative punishments that are mixed with mandatory testing and drug treatment and human services such as education or vocational training. Meanwhile, imprisonment is held out as a stick to ensure good behavior. To qualify for federal assistance, a drug court program must mandate periodic drug testing during any supervised release or probation periods, provide drug abuse treatment for each participant, and hold out the possibility of prosecution, confinement, or incarceration for noncompliance or failure to show satisfactory process. Violent offenders are defined quite broadly, so we can be confident that we are not funding programs that put dangerous people back on the streets.

In addition to reauthorizing drug courts for adults, this legislation authorizes the Attorney General to provide grants to State and local governments to establish juvenile drug courts, extending the drug court model that has shown significant promise in dealing with adult offenders to juveniles. Juvenile drug courts should provide a way to reach out to younger offenders before they turn to a life of crime, helping to save both lives and significant government resources.

Finally, I would like to comment on the inclusion of charitable choice language in this legislation to allow religious groups to compete for grants on the same basis as other groups. Although the language in this bill mirrors language that was passed in the Children's Health Act last year as well as in previous legislation, I have serious reservations about it. I know that many of my colleagues share those reservations.

Charitable choice is going to be a significant issue during this Congress. I would have preferred that we have hearings about charitable choice before including it in this bill, and I made my feelings known to Senator HATCH. I asked him to introduce the bill without the language and consider adding it later if specific language could be crafted for which there was bipartisan support. But Senator HATCH was committed to including this language in the bill as introduced. Let me be clear: its inclusion here does not represent my endorsement. As this legislation is considered by the Committee and the Senate, we need to give considerable thought to the approach taken here. I intend to work with Senator HATCH and the other sponsors of the bill to ensure that the important protections and prohibitions of the First Amendment are fully respected. At the very least, we need to ensure that those who receive federal drug treatment and prevention funds are trained professionals, and that the government funds are not used in any way, directly or indirectly, to support or promote discrimination.

At the same time, I believe that this bill, taken as a whole, will do a great deal of good. While charitable choice language is in this bill today, I have made no commitment to having this charitable choice language in the bill when Congress passes it. My commitment is to help improve drug treatment, prevention, and education throughout the United States.

I ask unanimous consent to print in the RECORD two newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Daily Herald (VT), Jan. 26, 2001]

NOW IS THE TIME

It is time for Vermont lawmakers to take the initiative in pushing for a comprehensive anti-drug program that will respond constructively to the increased use of dangerous drugs in Vermont.

Major drug busts in the Rutland area, as well as a rise in crimes related to drug addiction, have pointed to the heroin problem in the region. City leaders have taken needed steps to bolster efforts by city police to address the problem, and Mayor John Cassarino has offered a tax proposal that would provide necessary funding in the future.

Statewide, the use of heroin has probably doubled in the past three years. The number of Vermonters seeking treatment rose from 164 to 344 in that time. That number doesn't take into account the users who don't seek treatment.

The Vermont State Police have made a compelling case for boosting manpower, which has eroded substantially in the past eight years. And Gov. Howard Dean has made the fight against heroin one of his priorities.

But so far Dean has not come up with resources for a long-term attack on the problem. The Legislature ought to use this moment to take Dean's initiative further.

Dean is well known for his punitive attitude toward drugs and for his lack of faith in the efficacy of treatment for drug users. But aggressive treatment, combined with aggressive law enforcement, has not been tried. And at this late date in the war on drugs, we ought to realize that law enforcement alone has not done the job.

Law enforcement agencies at the local and state levels can use a boost in resources and manpower. But so can agencies that treat addictions. Effective treatment is labor-intensive and could be made available to people both inside and outside of the state's corrections system.

Mental health workers know that drug addiction is not an easy affliction to cure. Addicts sometimes want no part of treatment. But the state could establish institutions that would respond more effectively to people who need help. Drug courts could establish a regimen of treatment that would expose people in state custody to the kind of help they may never have seen before.

Dean has promised to move quickly to set up clinics for drug treatment, following passage last year of legislation allowing for methadone treatment. But as Dean has often said, methadone alone will not solve the problem. Methadone needs to be part of a larger program of treatment.

As of last week, only two hospitals in Vermont had expressed firm interest in establishing methadone clinics. Rutland Regional Medical Center is waiting to determine what resources will be available and what kind of program the regulations will establish. Health care facilities such as RRMC need to be given the support and the resources to do the job.

Vermont is a small enough state that it could pioneer methods for treating drug problems that go beyond the obvious first step of locking people up. It would be in the state's interest to do so both to prevent the kind of crime and dereliction that is a drain on any community and to rescue Vermonters who succumb to the deathly appeal of drugs.

A package that included both law enforcement and treatment measures might draw bipartisan support. Vermonters are not helpless before the scourge of drug addiction if they have the will to act.

[From the Burlington Free Press (VT), Feb. 7, 2001]

VT. TEEN'S DEATH RULED HOMICIDE

(By Sam Hemingway)

Christal Jean Jones, the 16-year-old Burlington girl found dead in a Bronx apartment Jan. 3, was the victim of a homicide, according to New York City's top medical officer.

"The cause of death was asphyxiation, and the manner of death is homicide," Ellen Borakove; spokeswoman for the New York City Medical Examiner's Office, confirmed Tuesday.

The medical examiner relied on police investigation and toxicology tests to reach his conclusion. Borakove said Jones was smothered.

Drugs were found in Jones' body, but Borakove declined to say what the drug was or how it had been administered.

"Whatever substance was found was not a contributing factor in her death," Borakove said.

Jones' mother, Kathleen Wright, received the news during an emotional 11:30 a.m. phone call Tuesday from Borakove's office.

"It's just what I expected," a weeping Wright said after hanging up the phone. "She was injected with drugs and then she was killed."

Local and federal authorities say Jones was part of a prostitution ring operating out of an apartment in the Hunts Point section of the Bronx last fall and this winter. Authorities also say drugs, particularly heroin, were involved.

As many as a dozen Vermont girls, many in the custody of the state Social & Rehabilitation Services department at the time, have been involved, say some of the teens who have traveled to New York, their parents and authorities.

Gov. Howard Dean has ordered an investigation into SRS's handling of the girls' cases.

Jose Rodriguez, a part-time Vermont resident with a criminal record here, is being held on $100,000 bail in a New York City prison because New York officials suspect he might be involved in Jones' death. However, Rodriguez has been in jail since Dec. 11, when he was arrested on two charges of promoting prostitution and one charge of statutory rape involving another Vermont teenager.

At prosecutors' request his initial bail of $10,000 was increased to $100,000.

"Our sympathy goes out the (Jones) family," Eric Sachs, Rodriguez's court-appointed attorney, said Tuesday. "We don't wish that on anybody, especially a young girl."

He said Rodriguez has cooperated fully with authorities and knows nothing about Christal Jones' death.

"He's in jail. Obviously, we know he didn't do it," Sachs said.

When he was told Tuesday that the medical examiner had ruled Jones' death a homicide, Sachs called the District Attorney's Office.

He was assured, he said, "there is no Christal Jones case, and there is no accusation that my client is involved."

"Nobody has ever seen him" in the Zerega Avenue apartment in which Jones was killed, Sachs said. "It's not his apartment. He has no connection to this apartment. Where these girls live, or don't—he doesn't know."

However, in the police affidavit outlining the prostitution and rape charges against Rodriguez, New York Police Office Sean Iannucci said the victim said the crimes were committed at the apartment where Jones' body was found.

If convicted, Sachs said, Rodriguez faces a maximum jail term of four years for the rape charge and 15 years for each of two prostitution charges.

Investigators who have interviewed witnesses and some of those involved say Rodriguez was intimately linked to the girls and a prostitution ring.

"I will kill you if you try to leave; I know people in Vermont and New York," Rodriguez was said to have told two of the Vermont girls before his arrest. Police also said he beat one of the girls after learning she had tried to call a family member for help.

Since Jones' death, many of those involved have gone into hiding. Some parents of the girls known to frequent New York won't talk. When approached, they crack the door only to say they don't know where their daughters are. Their fear is palpable.

In the Old North End and the King Street area of Burlington, Jones' death—and life—are well known. Local residents are painfully aware of the extent of heroin use and the hold the drug has over their neighbors. They say there is no easy resolution to the problem they have watched reach epidemic propositions in the past five years.

"We've got the demand," said Mike Larow, who owns Larow's Market on North Street. "Everyone seems to be afraid to admit that it's here."

A federal grand jury in Burlington is reviewing evidence in the case.

Vermont state officials and local police knew of the prostitution ring in the fall, according to a variety of sources. Dean said state officials went to New York and brought back two girls who had been at the apartment where Jones eventually died.

"The only comment is how sad it is that this child has died and how unnecessary," SRS Commissioner William Young said Tuesday. "I think everyone from our local office and throughout the organization takes this kind of news hard.

"We certainly hope whoever is responsible for her death is brought to justice."

Young said the case pointed out how vulnerable young women are, especially when they abuse drugs. Young said this was the first case that anyone in his agency was aware of in which there was an organized effort to take girls from Vermont to another location to work as prostitutes.

Mr. BIDEN. Mr. President, substance abuse is one of our Nation's most pervasive problems. Addiction is a disease that does not discriminate based on age, gender, socio-economic status, race or creed. And while we tend to stereotype drug abuse as an urban problem, the steadily growing number of heroin and methamphetamine addicts in rural villages and suburban towns shows that is simply not the case.

We have nearly 15 million drug users in this country, four million of whom are hard-core addicts. We all know someone—a family member, neighbor, colleague or friend—who has become addicted to drugs or alcohol. And we are all affected by the undeniable correlation between substance abuse and crime—an overwhelming 80 percent of the two million men and women behind bars today have a history of drug and alcohol abuse or addiction or were arrested for a drug-related crime.

All of this comes at a hefty price. Drug abuse and addiction cost this Nation $110 billion in law enforcement and other criminal justice expenses, medical bills, lost earnings and other costs each year. Illegal drugs are responsible for thousands of deaths each year and for the spread of a number of communicable diseases, including AIDS and Hepatitis C. And a study by The National Center on Addiction and Substance Abuse at Columbia University, CASA, shows that seven out of ten cases of child abuse and neglect are caused or exacerbated by substance abuse and addiction.

Another CASA study released last week revealed that for each dollar that States spend on substance-abuse related programs, 96 cents goes to dealing with the consequences of substance abuse and only four cents to preventing and treating it. Investing more in prevention and treatment is cost-effective because it will decrease much of the street crime, child abuse, domestic violence, and other social ills that can result from substance abuse.

The bill I am introducing today with Senators HATCH, LEAHY, DEWINE and THURMOND authorizes more than $900 million a year for prevention and treatment programs to reduce the criminal justice, health care, and human costs associated with substance abuse.

We know that if someone gets through age 21 without smoking, abusing alcohol, or using drugs, they are unlikely ever to have a substance abuse problem. That is why prevention programs for kids are vital. This bill provides $200 million a year in grants to drug prevention programs like those run by the Boys and Girls Clubs and by law enforcement through the DARE program to get the message out to kids that drugs can ruin their lives.

While there is good news that overall drug use has stabilized among students, there is also bad news—use of Ecstasy by high school seniors has increased more than 66 percent. Prevention programs funded by this Act will get the message out to kids that drugs like Ecstasy are incredibly dangerous—even if their friends or a cover story in the New York Times Magazine might make it seem like it is "no big deal."

Studies show that Ecstasy can damage regions of the brain responsible for thought and memory. If that isn't a big deal, I don't know what is.

This bill also authorizes additional funding for drug treatment, which is desperately needed. Every year since 1989, I have published my own drug report, each of which has advocated a three-prong approach to address the drug problem—prevention, treatment and enforcement. I have always urged more money for treatment because it always gets the short end of the stick.

Drug addiction is a chronic relapsing disease. And as with other chronic relapsing diseases—such as diabetes, hypertension and asthma—there is no cure, although a number of treatments can effectively control the disease. According to an article published in the Journal of the American Medical Association in October, the rate of adherence to the treatment program and the relapse rate are similar for drug addiction and other chronic diseases—meaning that treatment for addiction works just as well as treatment for other chronic relapsing diseases.

Unfortunately, only two million of the estimated five million people who need drug treatment are receiving it. The Drug Abuse Education, Prevention and Treatment Act takes steps to close this "treatment gap" by targeting drug treatment to rural and economically depressed areas, funding adolescent treatment and residential treatment centers for women with children, and increasing funding for the National Institute on Drug Abuse—whose brilliant scientists conduct 85 percent of the world's research on drug abuse—to conduct clinical trials on new treatments for addiction.

The bill also reauthorizes two key programs created in the 1994 Biden Crime Law that fund prison-based drug treatment in the state and federal systems.

Providing treatment to criminal offenders is not "soft"; it is smart crime prevention policy as the Key and Crest programs in my home state of Delaware have shown. If we do not treat addicted offenders before they are released, they will return to our streets with the same addiction problem that got them in trouble in the first place, and they are likely to re-offend. This is not my opinion; it is fact. More than 80 percent of inmates with five or more prior convictions have been habitual drug users, compared to approximately 40 percent of first-time offenders. Reauthorizing prison-based treatment programs is a good investment and an important crime prevention initiative.

This legislation would also re-authorize the drug court program, a program I have championed and introduced legislation to reauthorize. The Federal Government has funded drug courts since 1994 as a cost-effective, innovative way to deal with non-violent offenders who need drug treatment. Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations, including drug-court fees and child-support payments.

Drug courts have been proven effective at keeping offenders with little previous treatment history in treatment, providing closer supervision than other community programs to which the offenders could be assigned, reducing crime and being cost-effective.

According to the Department of Justice, drug courts save at least $5,000 per offender each year in prison costs alone. That says nothing of the savings associated with future crime prevention and freeing scarce prison beds for violent criminals. But most important, more than 500 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

This Act also includes my "Offender Reentry and Community Safety Act of 2001," which creates demonstration programs to oversee the reintegration of high-risk, high-need offenders into society upon release. These individuals have served their prison sentences, but they pose the greatest risk of re-offending because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society.

According to the Department of Justice, 1.25 million offenders are now living in prisons and another 600,000 offenders are incarcerated in local jails. A record number of those inmates—nearly 590,000—will return to communities this year. Historically, two-thirds of returning prisoners have been re-arrested for new crimes within three years.

The safety threat posed by this number of prisoner returns has been exacerbated by the fact that states and communities can't possibly properly supervise all their returning offenders. In fact, parole systems have been abolished in thirteen States, and policy shifts toward more determinate sentencing have reduced the courts' authority to impose supervisory conditions on offenders returning to their communities.

The demonstration reentry programs created by this bill would help supervise these people when they are released from jail and make sure they get the mental health, substance abuse and other services they need so that they won't go back to a life of crime and can be productive members of our society.

I believe that the Drug Abuse Education, Prevention and Treatment Act is a good piece of legislation. Strong treatment and prevention programs are a vital part of a comprehensive drug strategy. Forestalling drug abuse and treating it when it occurs is sensible policy in terms of saving money, preventing crime and sparing lives. I urge my colleagues to support this legislation.

By Mr. SMITH of New Hampshire:

S. 305. A bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62; to the Committee on Armed Services.

Mr. SMITH of New Hampshire. Mr. President, I am delighted today to rise to discuss President Bush's commitment to strengthening America's national security. I know this is a matter that is very close to the heart of my colleague in the Chair, the Senator from Oklahoma. President Bush often said during the campaign to the military that "help is on the way." It is nice to know that help has arrived.

The President is spending this week traveling to military installations to see and hear, for the first time since assuming office, the needs of the military.

I can tell you, having just come back a few weeks ago from visiting the troops, marines and sailors aboard the U.S.S. *Nassau* in the Mediterranean, that they appreciate it when anybody from the Government comes to visit them where they are on location. Clearly, for the President of the United States to go directly to a military facility and look the troops in the eye and tell them that help is coming says a lot about the President. And believe me, it will do a lot for the morale of the military in this country. He is going to be traveling to additional military installations this week to see and hear just what the needs are as those needs are addressed by the men and women who serve.

He is committed to address these urgent needs, and specifically pay raises, housing, benefits, and the like. I fully support him in that effort. I believe for the last 8 years our military has suffered.

I might just say it is nice to hear a President talking about strengthening the military. The needs of our military in the last 8 years have not been funded, and our military has been overextended for too many peacekeeping missions for which it was neither trained nor equipped.

In addition to that, oftentimes these missions were conducted without being budgeted, which forced the dollars to come out of the hides of the men and women who serve in terms of readiness and other accounts.

As the Senator in the Chair understands full well, our military readiness is at an all-time low. Planes are not flying for lack of spare parts and numerous accidents. Two Army helicopters crashed yesterday. Ships aren't sailing for lack of fuel. Soldiers aren't training for lack of ammunition.

I remember looking a young marine in the eye aboard the U.S.S. *Nassau* a couple of weeks ago and asking him if he needed anything other than a little more money. He said: Yes, I would like to have that, but I also would appreciate it, Senator, if you could give me some ammunition for this weapon that I need to fire. We don't have even dummy rounds to practice for this particular weapon. He showed me the weapon. I was shocked by that, frankly.

But, again, let me reassure our military that help is on the way. In fact, I think it has arrived.

Like the chairman of the Armed Services Committee, my friend Senator WARNER, I support this effort by the administration to complete a top-to-bottom assessment of the military. I think it is important when we do that assessment to do it on the basis of what the needs are and understand that we are doing it for that reason—to assess the needs—and not to come to some foregone conclusion and then prove it with your top-to-bottom assessment. We need to be sure we are buying the right weapons for the right threats.

The United States has a strong economy and a great open society. Unfortunately, it is the only remaining superpower in the world. That also makes us a target for those who oppose our values of life and our liberties. The world is not a friendly place. We see violence and unrest every night on the news.

I do not know if people realize it, but when you go and talk to the men and women out there, their lives are on the line every day. I stood on the bridge of the U.S.S. *Nassau* in Malta and watched a small Maltese Navy gunboat circling around that ship 24 hours a day to keep guard so that no terrorists could get to that ship. Oftentimes, as we found with the U.S.S. *Cole*, we didn't have that kind of security from the host country.

So weapons of mass destruction—nuclear, chemical, and biological—continue to proliferate around the world into the hands of dictators and demagogues who might, in desperation, choose to oppose us and, worst of all, fall into the hands of terrorists.

We face new threats, such as cyberattacks on our command and control networks and our vulnerable civil infrastructure. Our military needs to think through these new defense challenges and architect the right force for our Nation for the new century. I will give the administration the time it needs to work through these issues as they present a new budget.

As a member of the Emerging Threats Subcommittee and Strategic Forces Subcommittee of the Senate Armed Services Committee, I fully appreciate the challenges that President Bush and Secretary Rumsfeld face as they try to rebuild our military and simultaneously set us on the right course for this new century.

It is not going to be an easy job. There are a lot of needs. We have a lot of ground to make up and a lot of new things to do. In the meantime, like Chairman WARNER, I expect a new administration will be requesting a supplemental. But that is not my decision to make. I am hopeful that will be the case.

There is no better way to understand the needs of our military than to get out of Washington and visit them. As I said, I salute the President for doing that. I went on the U.S.S. *Nassau*, and one of the sailors walked up to me and said: Senator, is there any reason why a member of the United States Navy like me who is an E2 cannot get sea pay? I am serving aboard ship, and everybody from E4 and above gets sea pay, and those of us at E1, E2, and E3 don't.

We are going to take care of that. That matter has already been brought to the attention of the chairman of the Armed Services Committee in the Senate as well as the relevant committees in the House of Representatives.

But it felt good to be back at sea. It felt good to be on board ship. It reminded me of my service aboard the U.S.S. *Navasota* during the Vietnam war. It didn't feel good enough to reenlist, but it was a great time. There were 13 members of the U.S. Navy and Marines on board from New Hampshire. We listened, had lunch, and we talked. They deserve our support. They deserve compensation commensurate with the rest of America.

From E1 to E3—the lowest pay grades in the Navy serving aboard that ship swabbing the decks and doing all the hard work—don't get sea pay, and those E4s and above do. That is wrong. We are going to take care of that.

All of our sailors face the same threat. They deal with the same personal issues while they are away from home and family. They have children to raise. They have things to do that they miss—all kinds of family things they miss while they are away while we ask them to do it. They shouldn't be on food stamps and should have a reasonable salary. They ought to be compensated fairly. We are going to take care of the sea pay with legislation this year so that those E1 and E3 sailors will be compensated.

I appreciate the military's current desire to hold out the prospect of sea pay as a reenlistment bonus. However, these sailors are paying the same price at sea as the senior sailors. To say you can serve your first elected tour of duty and not get it, but if you re-up, we will give to it to you, is simply wrong. We will find another incentive to get them to re-up. I think, frankly, for them to re-up, we should tell them we are going to appreciate you and we are going to pay you sea pay because you are away from your home and family.

In addition to some of the readiness problems and personnel issues we are dealing with now in the military, I think one of the biggest challenges Secretary Rumsfeld is going to face is space and how we utilize space. Of course, Secretary Rumsfeld understands that as well as anybody. He chaired the space commission, so-called, that was created in our Armed Services defense bill. I was proud to be the author of that language. One of the plain reasons is the U.S. economy is so strong that we should use our satellite capabilities to fuel our new information-based science. Satellites support Americans every day. I don't think we realize how important they are. They support our weather, help hunters and boaters navigate; they provide pagers and telephones to communicate with travelers anywhere on the surface of the Earth.

But we cannot stop there, however. We must also keep our promises to those who have already given a lifetime of service to this country.

Just as our soldiers, sailors, and airmen were there for us, protecting us—we must be there for our veterans and military retirees.

Therefore, I am introducing legislation today to eliminate the military survivor's benefit penalty.

Mr. President, this legislation will repeal the existing reduction in the Survivor Benefit Plan spouses currently suffer when they reach the age of 62.

Today, after years of paying heavy premiums for this optional benefit, survivors of military retirees receive 55 percent of their spouses service pay prior to age 62. However, once these spouses reach age 62, their benefits are drastically reduced to only 35 percent. The overwhelming majority of these beneficiaries are women. This reduction in benefits will have a devastating effect on their quality of life.

In addition to eliminating this reduction in benefits which retired military spouses incur when they turn 62, spouses whose loved one passed away after their 62nd birthday will also receive full 55 percent.

Passage of this important legislation will bring the military Survivor Benefits Plan more in line with other Federal and civil servants employee health plans.

After a lifetime of sacrifice, we owe it to our military retirees to provide them with peace of mind that their spouse will be taken care of after their death.

Mr. President, I ask my colleagues to support our retirees and pass this legislation immediately.

One of the many important defense challenges President Bush and Secretary Rumsfeld face is protecting America's lead in space activities. One of the main reasons the U.S. economy is so strong is our use of satellite capabilities to fuel our new information-based society.

Satellites support Americans every day. For example, they support our weather forecasts, help hunters and boaters navigate, provide pagers and phones that can communicate with travelers anywhere on the surface of the earth, and allow farmers to check on the health of their fields.

Our soldiers, sailors, and airmen also rely on space assets. Accordingly, the utilization of space will also be at the forefront of our national security agenda during this century, and I will work to ensure that America expands its leadership in this military arena.

To help the nation better posture for that future challenge, I authored the provision in the FY2000 Defense Authorization Act that created a commission 2 years ago called the "Commission to Assess National Security Space Management and Organization," more commonly known today as the Space Commission.

Coincidentally, the chairman chosen last year to lead that commission became our new Secretary of Defense—Donald Rumsfeld.

Last month, they finished their work, and I commend Secretary Rumsfeld, the commissioners, and the staff for their outstanding work, and for thoroughly pulling together a great deal of research and data.

The Commission's findings confirm my long-held view of the growing importance of space to the nation and my belief that space management and organization reforms are urgently needed as America's commercial, civil, and military reliance on space assets expands.

The Commission's recommendations lay the foundations for what I have often maintained—military space activities should evolve to the eventual creation of a separate Space Force.

The United States has shown the world the value of space in providing information superiority on the modern battlefield.

As we move into the new century, we need to: Defend our current space-based information superiority; be able to deny our adversaries that same capability (through programs I have long supported like KE-SAT and Clementine); and leverage the uniqueness of space to be able to rapidly project military force around the world (through programs I have long supported like Space Plane).

We need a strong advocate for space to fight for and justify these new space programs needed for the 21st century in competition with many other pressing military investment requirements.

Near-term management and organization reforms recommended by the Commission will begin to put in place the leadership and advocacy for space programs that have long been lacking.

Another of the many defense challenges President Bush and Secretary Rumsfeld face is protecting America from missile attack.

I salute the administration's commitment to deploying a robust missile defense for this nation. Many Americans don't realize that the United States does not have a defense against a missile attack today.

Meanwhile, for years, Russia has deployed various missile defenses around Moscow and other sites which has been ignored by ABM Treaty proponents. These missiles could carry weapons of mass destruction—a nuclear, chemical, or biological warhead that could wreak havoc on a U.S. city. We have a constitutional responsibility to defend America. Homeland defense from missile attack is essential.

With such a threat hanging over our leader's head, it is impossible to contemplate engaging globally in the best interest of the United States—no President would risk a U.S. city to come to the aid of an ally.

Worst yet, countries like China and North Korea continue to proliferate missile technology to rogue nations.

I am pleased that the President and his Cabinet have been so pro-active in explaining this important issue to our allies.

A U.S. missile defense system, both theater and national is not intended as a threat to any nation. It is intended to defend America, and we have a duty to deploy such a defense.

While I salute the military's efforts to develop a near-term missile-defense capability, I want to work with the administration to ensure we have a robust, multilayered architecture that includes the current land-based concept with sea-, air-, and space-based systems to eliminate this threat to U.S. cities and our deployed forces.

Today, President Bush visited the only NATO facility on U.S. soil at the Joint Forces Command at Norfolk, VA. President Bush watched an allied U.S.-NATO coordinated response to a simulated missile attack.

I understand the President commented "Pretty exciting technology, and it's only going to get better." I agree that this technology is only going to get better. America needs to make a commitment to protect its citizens from threats that come on a missile, including biological and chemical weapons.

I look forward to working with the new administration, President Bush and Secretary Rumsfeld, to rebuild our military and set the nation on the right course for the new century.

Let me assure the military, help has arrived.

Finally, continuing on the area of missile defense, this is a very important challenge faced by President Bush and Secretary Rumsfeld in protecting the United States. Over the last several years, I have been involved in so many debates on the floor, so many discussions. I know the Senator from Oklahoma has as well. We are trying to save a national missile defense program only to have it put off with some wordsmithing or delay. I salute President Bush's commitment to deploying a robust missile defense for this Nation. It is immoral not to do it.

I also salute, because it was his birthday a few days ago, President Reagan on his 90th birthday for being the visionary he was on this issue. It was Ronald Reagan who really convinced Gorbachev that we could have built that thing 20 years ago when, in fact, we couldn't. Because he convinced Gorbachev that we could and that it might be a threat to him, the Soviet Union essentially folded as the threat that it was to the world in the cold war for so long. Ronald Reagan knew this could be done. He was laughed at, still is to some extent on that issue. But 10, 15, 20 years from now, when we have this thing up and going and it is protecting our troops in the field, protecting our allies and protecting our own homeland, Ronald Reagan will get the credit he deserves so richly for coming up with that visionary promise of a missile defense system.

Russia has deployed various missile defenses around Moscow and other sites which have been ignored by the ABM Treaty proponents. These missiles could carry weapons of mass destruction, nuclear, chemical, and biological, that could wreak havoc on a U.S. city, and we have basically ignored it. We have a constitutional responsibility to defend America.

I can remember seeing little tapes of so-called focus groups where they would ask 15 or 20 people in a room what would happen if another nation, such as China or Iran or Iraq, fired a missile at the United States of America. All of them answered: We would shoot it down. All of them were wrong. We do not have the capability to shoot down such a missile, but we need that capability. We need the capability to shoot it down over the aggressor's homeland, not over ourselves. So that is where this missile defense system is so important.

I hear the criticisms: It won't work; it is too expensive; we don't need it.

The bottom line is, if we can defend America from any missile attack, whether it be accidental or deliberate or whatever, we need to do it. That is our obligation. We have a constitutional responsibility to defend America. Homeland defense from missile attack is the moral thing to do. With such a threat hanging over our leader's head, it is impossible to contemplate engaging globally in the best interests of the United States. No President should risk a U.S. city to come to the aid of an ally.

And worst yet, China, North Korea, and other nations continue to proliferate missile technology. There is some really shocking documentation, both public as well as classified, that will tell us that this is a serious matter. I am pleased the President and Secretary of Defense and his Cabinet have been so proactive in explaining this important issue to our allies. I understand that Secretary Rumsfeld went to Europe, was very forceful to our allies, saying: You are free nations. You have the right to your views, but our view is we need to protect ourselves and to defend this system and build this system, and we are going to do it.

In closing, I will just say I look forward to working with President Bush, working with my colleagues on the Armed Services Committee to improve our readiness, to improve pay for our military and benefits, to cut all of the excessive operations throughout the world that are not really related to defense and get our military morale back. It is going to be exciting, and I look forward to being a part of it.

I ask unanimous consent to print the text of the legislation in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Retirees Survivor Benefits Protection Act of 2001".

SEC. 2. REPEAL OF REDUCTION IN SBP ANNUITIES AT AGE 62.

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—Subsection (a) of section 1451 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to 55 percent of the base amount."; and

(2) in paragraph (2), by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to a percentage of the base amount that is less than 55 percent and is determined under subsection (f).".

(b) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—Subsection (c)(1) of such section is amended by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.".

(c) REPEAL OF REQUIREMENT FOR REDUCTION.—Such section is further amended by striking subsection (d).

(d) REPEAL OF UNNECESSARY SUPPLEMENTAL SBP.—(1) Subchapter III of chapter 73 of title 10, United States Code, is repealed.

(2) The table of contents at the beginning of such chapter is amended by striking the item relating to subchapter III.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by section 2 shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

Mr. KYL. Mr. President, I thank the Senator from New Hampshire for his comments about the need for deployment of a national missile defense. I spoke to that subject this morning, when I talked about Secretary of Defense Donald Rumsfeld's remarks in Munich that were very well received by our allies. They had some concerns about the deployment of a national missile defense by the United States. But after his comments to them, they were very much reassured. While there still isn't the degree of support that we need and that we would like to have among our allies, I believe the consultations now occurring, and those that will occur in the future, primarily led by the Secretary of Defense, will bring our allies to the same conclusions that we have reached; namely, that we need to get on with it and that they can participate in this kind of assistance to the extent they want to as well. I appreciate the comments of the Senator from New Hampshire. I spoke to that issue this morning.

By Mrs. FEINSTEIN:

S. 307. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today Representative LOIS CAPPS and I are introducing legislation to help teachers use technology in their teaching, the Teacher Technology Training Act of 2001.

This bill has three major provisions:

It authorizes $100 million for state education departments to award grants to local public school districts on the basis of need to train teachers in how to use technology in the classroom.

It specifies that grants may be used to strengthen instruction and learning, provide professional development, and pay the costs of teacher training in using technology in the classroom.

It requires the Secretary of Education to evaluate the technology training programs for teachers developed by school districts within three years.

This bill is needed because teachers say they need to learn how to use computers and other technology in their teaching. A 1999 Education Week poll found that 27 percent of teachers have had no training in computers, 31 percent have had one to five hours, and 17 percent have had six to ten hours. This means that 75 percent of teachers have had less than ten hours of training in how to use computers. In a 1999 survey conducted by the U.S. Department of Education, only 23 percent of teachers said they felt "well prepared" to integrate educational technology into instruction. "Most teachers want to learn, but they say it takes time and they need help," says Linda Roberts, Director of Educational Technology, U.S. Department of Education.

In many schools, the students know more about how to use computers than the teachers do. In one Kentucky school profiled by Inside Technology Training magazine, the students run the school's computer systems. The article quoted the school district's technology coordinator as saying that the students had "long surpassed" what the teachers could do and reported that one student had recently trained twenty teachers on software for Web page construction ("Fast Times at Kentucky High," Inside Technology training, June 1998).

In addition to helping teachers teach, technology proficiency is becoming crucial to survival. Most good jobs require experience using computers. Former U.S. Commerce Secretary William M. Daley has said, "Opportunities are now dependent upon a person's ability to use computers and engage in using the Internet," CQ Weekly, "Digital Haves and Have Nots," April 17, 1999.

The economy of California is a case in point as it shifts away from manufacturing and toward higher-skill service and technology industries. Employers are placing a high premium on the computer skills necessary for these positions. Students are better prepared when their teachers are well trained. We cannot educate students for the increasingly technological workplace without trained teachers.

We have made great efforts to make technology available to students in their classrooms. Eighty percent of California's schools have Internet access.

But computers are of little value if people do not know how to use them and in school, they can become diversions or entertainment, instead of learning tools without trained teachers.

If we expect teachers to be effective, we must give them up-to-date skills, knowledge, and tools. This includes training.

By introducing this bill, I am not suggesting that technology is a cure-all for the problems in our schools. Technology is one of many teaching and learning tools. It can bring some efficiencies to learning, for example, providing a new way to do math and spelling drills, making learning to write easier, providing easier access to information that without a computer is time-consuming and cumbersome to obtain.

We expect a great deal from our teachers and students. We must give them the resources they need. This bill is one step.

By Mrs. FEINSTEIN:

S. 308. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today, I am introducing the Excellence in Education Act of 2001.

The purpose of this bill is to 1. reduce the size of schools; 2. reduce the size of classes; and 3. bring accountability to the use of these funds. The bill would create a matching grant program to build new schools to meet the following size requirements:

For kindergarten through 5th grade, not more than 500 students, for grades 6 through 8, not more than 750 students and for grades 9 through 12, not more than 1,500 students.

For kindergarten through grade 6, not more than 20 students per teacher and for grades 7 through 12, not more than 28 students per teacher.

The bill authorizes $1 billion each year for the next five years for the U.S. Department of Education to award grants to local school districts. School districts would have to match federal funds with an equal amount. In addition to making the above reductions, school districts would be required to terminate social promotion, provide remedial education, and require that students be subject to state achievement standards in the core academic curriculum.

This bill will provide a new funding source for school districts or states to match to build new schools and reduce both school size and class size. There is no good estimate of how many schools would be needed to reduce schools and classes to the levels specified in the bill, but we all know that there are too many large schools and large classes in public education today.

The U.S. Department of Education estimates that we need to build 6,000 new schools just to meet enrollment growth projections. This estimate does not take into account the need to cut class and school sizes. Consequently, the need for the funds my bill would authorize is huge.

Why do we need this bill?

First, many of our schools are just too big, especially in urban areas. The "shopping mall" high school is all too common. Some schools have as many as 4,000 students. In fact, half of American high school students go to schools that have 1,500 students or more.

Equally serious is the fact that our classes are too big. Even though we have begun to reduce class sizes in the lower grades in California, it still has some of the largest class sizes in the United States.

Studies show that student achievement improves when school and class sizes are reduced. The Oakland, California, school district plans to open 10 new small schools in the next few years. The Oakland tribune explained it like this on October 18, 2000: "Small schools are viewed as antidotes to huge, factory-like campuses commonplace in America's inner cities. Research has shown that small schools create intimate learning atmospheres for students and teachers."

The U.S. Department of Education cites studies that list these benefits of small schools: students have a greater sense of belonging; fewer discipline problems occur; crime, violence and gang activity go down; alcohol and tobacco abuse decline; dropout rates fall and graduation rates rise; and student attendance increases.

The American Education Research Association says that the ideal high school size is between 600 and 900 students. Studies show that small schools have higher academic achievement, fewer discipline problems, lower dropout rates, higher levels of student participation, higher graduation rates (The School Administrator, October 1997). The nation's school administrators are calling for smaller, more personalized schools.

A Tennessee study called Project STAR placed 6,500 kindergartners in 330 classes of different sizes. The students stayed in small classes for four years and then returned to larger ones in the fourth grade. The test scores and behavior of students in the smaller classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Teachers say that students in smaller classes pay better attention, ask more questions, and have fewer discipline problems. Smaller schools and smaller classes make a difference, it is clear.

California has some of the largest schools in the country; Los Angeles has some of the largest classes and schools in the world! Here are some examples in the Los Angeles area: Hawaiian Elementary, 1,365 students; South Gate Middle School, 4,442 students; Belmont High School, 4,874 students.

California also has some large classes, even though we have made great progress in reducing teacher-to-pupil ratios in the lower grades. Still today, many middle and high school English and math classes are very large, up to as many as 39 students.

The American public supports increased federal funding for school construction. The Rebuild American Coalition last year found that 82 percent of Americans favor federal spending for school construction, up from 74 percent in a 1998 National Education Association poll.

Every parent knows the importance of a small class in which the teacher can give individualized attention to a student. Every parent knows the importance of the sense of a community that can come with attending a small school. And every parent knows that big schools and big classes can be a stressful learning environment.

I hope my colleagues will join me today in passing this important education reform. I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excellence in Education Act of 2001".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORE CURRICULUM.—The term "core curriculum" means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(4) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "construction" means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(5) SCHOOL FACILITY.—The term "school facility" means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000,000 for each of the fiscal years 2002 through 2006.

SEC. 4. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

SEC. 5. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this Act a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Terminate the practice of social promotion in the public schools served by the agency.

(3) Require that students be subject to State achievement standards in the core curriculum at key transition points, to be determined by the State, for all kindergarten through grade 12 students.

(4) Use tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment.

(5) Provide remedial education for students who fail to meet the State achievement standards, including tutoring, mentoring, summer programs, before-school programs, and after-school programs.

(6) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

SEC. 6. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this Act;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

SUMMARY OF THE SCHOOL CONSTRUCTION GRANT BILL, THE EXCELLENCE IN EDUCATION ACT OF 2001

Funds authorized, purpose: Authorizes $5 billion over 5 years ($1 billion each year) for the U.S. Department of Education to award grants to local education agencies to construct new school facilities from fiscal year 2002 to 2006.

Eligibility. Local education agencies as defined in 14101 of the Elementary and Secondary Education Act of 1965 (public schools).

Use of funds: Local education agencies are authorized to use funds to construct new school facilities.

Conditions for receiving funds: As a condition of receiving funds, local education agencies are required to—

Reduce school and class sizes as follows:

Limit class size to: In the elementary grades to an average student-teacher ratio of 20 to one; in grades 7 through 12 to an average student-teacher ratio of 28 to one.

Limit school size to: Elementary schools (K–5): no more than 500 students; Middle schools (6–8): no more than 750 students; High schools (9–12): no more than 1,500 students.

Terminate the practice of social promotion.

Require that students be subject to state academic achievement standards, to be determined by the states, for all K–12 students in the core curriculum, defined as subjects such as reading and writing, language arts, mathematics, social sciences (including history); and science.

Test student achievement in meeting achievement standards periodically for advancement to the next grade, in at least three grades (such as the 4th, 8th and 12th grades), distributed evenly over the course of a student's education.

Provide remedial education for students who fail to meet academic achievement standards, including tutoring, mentoring, summer, before-school and after-school programs.

Provide matching funds from non-Federal sources in an amount equal to the Federal funds provided under the grant.

By Mrs. FEINSTEIN:

S. 309. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under subpart 1 of part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill designed to better direct and refocus ESEA Title I funds on academic instruction. The goal of this bill, titled "The Title I Integrity Act," is to target Title I funds on learning and to get "more for our money" from the largest Federal elementary-secondary education program.

Title I provides assistance to virtually every school district in the country for services to children attending schools with high concentrations of low-income students, from preschool through high school. It has been the "anchor" of Federal assistance to schools, since its origin in 1965. For Fiscal Year 2000, funding for Part A basic grants to school districts is almost $8 billion.

This bill would specify in law how Title I funds can and cannot be used by schools. It seeks to direct Title I funds to uses that improve academic achievement and help students meet state achievement standards.

The bill says that "a local educational agency shall use funds . . . only to provide academic instruction and services directly related to the instruction of students in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State."

Permitted uses include these: Interventions and corrective actions to improve student achievement; extending academic instruction beyond the normal school day and year, including summer school; the employment of teachers and other instructional personnel (including employee benefits); instructional services to pre-kindergarten children for the transition to kindergarten; the purchase of instructional resource such as books, materials, computers, and other instructional equipment and wiring to support instructional equipment; development and administration of curriculum, educational materials and assessments; and transportation of students to assist them in improving academic achievement.

Uses explicitly not permitted are these: The purchase or lease of privately-owned facilities; the purchase or provision of facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs; the construction of facilities; acquisition of real property; food and refreshments; travel to and attendance at conferences or meetings; and the purchase or lease of vehicles.

Current law on Title I is much too vague. It says, "A State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds."

The U.S. Department of Education has given states a guidance document that explains how Title I funds can currently be used. Permitted uses are for the following: instructional practices; counseling, mentoring; developing curricula; salaries; employee benefits; renting privately-owned facilities; janitorial services; utilities; mobile vans; training and professional development; equipment; interest on lease purchase agreements; travel and conferences; food and refreshments; insurance for vehicles; parent involvement activities.

Under this guidance document, only two uses are specifically prohibited: (1) construction or acquisition of real property; and (2) payment to parents to attend a meeting or training session or to reimburse a parent for salary lost due to attendance at "parental involvement" meeting.

My reason for introducing this bill is this: Our students are not learning; our schools are failing our children. We must use our limited federal dollars for the fundamental purpose of education: to help students learn.

Just this week I learned that a January 2001 study by Education Weekly, titled "Quality Counts 2001: A Better Balance," brought more bad news about California's students. Here's what the report found:

In fourth grade reading, 20 percent of students are proficient and 52 percent are below the basic standard.

In eighth grade reading, 22 percent of students are proficient and 36 percent are below the basic standard.

Comparing California to other states, in how well fourth grade students read, California ranks 36 out of 39 states. In eight grade reading, California ranks 32 out of 36 states.

Nationally, the news is similarly distressing:

U.S. eighth graders are out-performed by their counterparts in math and science from Japan, Korea, Hong Kong and Singapore, Australia and Canada (Third International Math and Science Study, December 5, 2000). The 1999 study showed virtually no improvement for U.S. students over 1995.

American twelfth graders performed in mathematics better than students in only two countries, Cyprus and South Africa.

In writing, 75 percent of U.S. school children cannot compose a well-organized, coherent essay, concluded the National Assessment for Education Progress (NAEP) in September 1999.

While it is difficult to really ascertain exactly how Title I funds are always being used, we do know of a few examples of uses that raise questions in my mind:

In Alabama, schools "dipped into Title I to pay the electric bill and for janitorial services." Citizens' Commission on Civil Rights.

While most of Title I's $8 billion appear to be spent on instruction, the Los Angeles Times, in a March 12, 2000 editorial, said, "About half that amount is wasted on unskilled though well-meaning teacher aides, who are often more baby-sitter than instructor."

Title I has been used "to pay for everything from playground supervisors and field trips to more time for nurses and counselors." San Diego Tribune, March 16, 2000.

California school officials have told my staff that Title I has been used for pay for clerical assistants in school administrative offices, payroll staff, truant officers, schoolyard duty personnel, school bus loading assistants, "curriculum coordinators," "compliance," attending conferences, and home visits.

It is time to put an end to the notion that Title I can be everything to everyone, that it can fund all the services that schools need. Federal funding is only seven percent of total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools. We must get the most that we can educationally for our limited dollars.

It is time to better direct Title I funds to the true goal of education: to help students learn. This bill is one step toward that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title I Integrity Act of 2001".

SEC. 2. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATIONS ON FUNDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide academic instruction and services directly related to the instruction of students in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

"(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this section, the term 'academic instruction'—

"(1) includes—

"(A) the implementation of instructional interventions and corrective actions to improve student achievement;

"(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

"(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(D) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

"(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(F) the development and administration of curricula, educational materials, and assessments; and

"(G) the transportation of students to assist the students in improving academic achievement; and

"(2) does not include—

"(A) the purchase or lease of privately owned facilities;

"(B) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(C) the construction of facilities;

"(D) the acquisition of real property;

"(E) the payment of costs for food and refreshments;

"(F) the payment of travel and attendance costs at conferences or other meetings; or

"(G) the purchase or lease of vehicles.".

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 310. A bill to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse"; to the Committee on Environment and Public Works.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator KERRY, in introducing this legislation to name the U.S. courthouse in the city of Boston after a wonderful friend and an outstanding leader, Congressman, JOSEPH MOAKLEY, who announced yesterday that he will not be candidate for re-election next year because of a serious illness that has just been diagnosed.

Congressman MOAKLEY has served Massachusetts and the nation with great honor throughout his long and brilliant career in public service. Like the rest of my colleagues, I'm deeply saddened by JOE'S announcement yesterday.

As dean of our delegation, JOE'S leadership in Congress is invaluable and indispensable for the people of Massachusetts—and the whole nation too. He's a true giant in Congress, and I'm proud to serve with him.

JOE'S has been at the forefront of many great battles of national and international importance. No one is more effective in Congress on the front lines or behind the scenes. He has touched the hearts of all our people, and he's made a remarkable difference in their lives and hopes. He's a voice for the voiceless, and for all those who need our help the most. He champions the cause of hard-working families and the middle class—and all of us are proud to be there with him, on the front-lines in all these battles.

When I look back over the many years that JOE MOAKLEY has served in Congress, I think of the important progress we've achieved—the battles we've waged and won—for decent and affordable health care—for good education, so that more children can have a better start in life and a chance to go to college—for better jobs, greater opportunities, fairer wages, and safer working conditions—for a cleaner environment—for equal rights for women and an end to discrimination in the workplace—for civil rights at home and human rights in other lands. And above all, in countless nations around the world, JOE MOAKLEY is renowned for his extraordinary achievement in protecting and defending the fundamental human rights of all the people of El Salvador.

He has fought long and hard and well for funds to rebuild the Central Artery—to build the South Boston Piers Transitway—to clean up Boston Harbor—to modernize the Port of Boston—and to preserve Massachusetts' many historic sites—the old State House, the Old South Meeting House, the USS *Constitution*, Dorchester Heights, and Boston's historic marketplace, Faneuil Hall. JOE MOAKLEY'S efforts to protect and preserve these many sites guarantee that they'll be an important part of our state's history and heritage for many years to come.

And that's only the tip of the iceberg. Few, if any, Members of Congress have done so much for so many for so long.

When the chips are down, JOE MOAKLEY is always there when we need him most. If President Kennedy were here today, we all know what he'd day—he'd call JOE MOAKLEY a true profile in courage.

Thoughout his career, JOE MOAKLEY has worked brilliantly, effectively and tirelessly to promote the highest ideals of public service. He is an outstanding statesman, leader, and legislator. I commend him for his leadership, and I look forward to the early enactment of this legislation as a tribute to a man who has served the city of Boston, Congress, and the country so well.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. CLELAND, Mr. FRIST, Mr. KENNEDY, and Mr. HARKIN):

S. 311. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education: to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, this is an issue on which I have been working for 7 years; that is, character education in our schools, both public and private. The bill I sent to the desk has seven cosponsors from both parties. I ask other Senators who are interested in helping at the grassroots level in public schools and private schools, who want to bring Character Counts to their character education in their schools, that they might consider this bill. I would like to speak a little bit about character in our Nation and in our schools.

I rise today with my friend, Senator DODD, who is my principal cosponsor, although we now have Senators FRIST, KENNEDY, HARKIN, CLELAND, and COCHRAN. This bill is called the Strong Character for Strong Schools Act. It is not a very big program, and it does not interfere very much at all with the schools, but it does provide for money to be granted to public school systems, partnerships between State agencies and others, bringing character, or character kind of programs, into the schools.

Last month, I listened with great pleasure to President Bush's inaugural address. He basically ticked off the tenets of good character that underscore American life. The President's speech was clearly a message about character and the importance of character in American daily lives. In his speech, the President touched on many elements of good character. I found it especially telling when the President emphasized the necessity of teaching every child these principles and the duty of every citizen to uphold these very same principles.

I am going to quote a number of people. Let me quote Theodore Roosevelt, one of our great Presidents. He said:

> Character, in the long run, is the decisive factor in the life of an individual and of our Nation.

What I have been principally involved in, in our State of New Mexico, is called Character Counts. Six pillars of character are promoted in the schools. Almost all of them use the same six pillars: Trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I would submit that character truly does transcend time as well as religious, cultural, political, and socioeconomic barriers.

I believe President Bush's renewed focus on character sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

I say that because it was not too long ago, during the last Elementary and Secondary Education Act, ESEA, reauthorization, that Senators Nunn, DODD and I included a provision in the bill to fund pilot projects to increase character education.

Since then, the Department of Education has made $25 million in "seed money" grants available to 28 States to develop character education programs. Currently, there are 36 States that have either received Federal funding, or have enacted their own laws mandating or encouraging character education.

In New Mexico, over 230,000 kids and nearly 90 percent of our schools participate in some form of character education.

Most of New Mexico utilizes a wonderful character curriculum called "Character Counts," which was established by Michael Josephson, a renowned ethicist from the Josephson Institute in California.

Character Counts emphasizes six pillars of good character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. The point is that teachers like this approach. These six pillars are not based on any particular religion or philosophy. They merely represent the kind of values that everybody can agree are important for our children.

I first learned of Character Counts after reading about it in a nationally syndicated newspaper column. I subsequently, found out that one school in my State had decided to try the program, and that it seemed to be working.

Character Counts started in New Mexico in 1993 at the Bel Air Elementary School in Albuquerque. Bel Air had disciplinary problems, and teachers and the principal were looking for ways to address those problems. One of Bel Air's counselors, Mary Jane Aguilar, along with Don Whatley, a teacher, suggested that the school try a new approach, called Character Counts.

They took the six pillars, with training from the Josephson Institute, and began integrating them into the daily lives of their students. Within 6 months of integrating Character Counts into the daily curriculum at Bel Air, the teachers noticed that disciplinary episodes were fewer and that the students began to treat each other better.

After hearing of the success at Bel Air, I invited the mayor of Albuquerque in 1994 to join me in forming the Character Counts Leadership Council, to bring together community leaders, schools, teachers, parents, and students for the purpose of expanding Character Counts in Albuquerque and throughout the State. And after our initial efforts, I worked to establish Character Counts partnerships in other parts of the State, and the program spread quickly throughout New Mexico.

Since then, I have helped bring Character Counts to over 70 schools and communities in New Mexico. Places like Farmington, Santa Fe, Roswell, Portales, Carlsbad, Silver City, Hobbs and Las Cruces. And in even smaller communities like Espanola, Mountainair, Dexter, Hagerman, Lake Arthur, Artesia, Capitan, Carrizozo, Lovington, Eunice, Jal, Tatum, Alamogordo, Socorro, Deming, and Gallup.

As I travel around New Mexico, in virtually every town I have noticed school billboards with things like: "The word for the month of May is 'citizenship.' Character Counts!" It is everywhere in the schools in New Mexico and I am proud to be a part of the program.

Additionally, many of our communities now have adopted Character Counts in afterschool programs like the YMCA, Boys and Girls Clubs, and 4-H. So when kids leave the classroom for after-school activities, they are still being taught how to make decisions based on the six pillars.

I think what we are starting to see in New Mexico is the beginning of the Character Counts Generation—young people entering high school, who are bringing with them the lessons they have learned through Character Counts.

Mr. President, I could go on for quite some time talking about Character Counts in New Mexico. The bottom line is that I believe it is working in New Mexico and other parts of the country.

Consequently, I think we need to encourage more character education by providing a little more seed money for these worthwhile programs.

So today, Senator DODD and I are here to introduce a bill to accomplish just that.

The Strong Character for Strong Schools Act seeks to encourage the creation of character education programs at the State and local level by providing grants to eligible entities.

Grant recipients would use the funding to design and implement character education programs incorporating the following elements: caring, civic virtue and citizenship, justice and fairness, respect, responsibility, trustworthiness, and any other elements developed by the program.

"Eligible entities" would include partnerships of, one, a State Educational Agency, SEA, and one or more school districts, two, an SEA, one or more school districts, and one or more nonprofit organizations, three, one or more school districts, or, four, a school district and a nonprofit organization. Nonprofit organizations could be institutions of higher education.

The program would be authorized at $50 million for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years.

I also want to emphasize that our bill does not dictate to States which character education program to implement. Rather, the bill merely provides states general guidelines and allows them to adopt whatever principles or pillars they choose after consultation with their communities.

Hopefully, our renewed effort will bring together even more communities to ensure that character education is a part of every child's life. And with the successful passage of the legislation we are introducing today, our new Secretary of Education, Rodney Paige, will be in a position to help make these programs a reality.

Thank you and I hope that my colleagues will support this effort.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strong Character for Strong Schools Act".

SEC. 2. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

Section 10103 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8003) is amended to read as follows:

"SEC. 10103. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency in partnership with 1 or more local educational agencies;

"(B) a State educational agency in partnership with—

"(i) one or more local educational agencies; and

"(ii) one or more nonprofit organizations or entities, including institutions of higher education;

"(C) a local educational agency or consortium of local educational agencies; or

"(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

"(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

"(4) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the amount of grant made by the Secretary to a State educational agency in a partnership described in subparagraph (A) or (B) of paragraph (2), that submits an application under subsection (b) and that meets such requirements as the Secretary may establish under this section, shall not be less than $500,000.

"(b) APPLICATIONS.—

"(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

"(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

"(B) a description of the goals and objectives of the program proposed by the eligible entity;

"(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

"(i) how parents, students (including students with physical and mental disabilities), and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

"(ii) curriculum and instructional practices that will be used or developed;

"(iii) methods of teacher training and parent education that will be used or developed; and

"(iv) how the program will be linked to other efforts in the schools to improve student performance;

"(D) in the case of an eligible entity that is a State educational agency—

"(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

"(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

"(E) a description of how the eligible entity will evaluate the success of its program—

"(i) based on the goals and objectives described in subparagraph (B); and

"(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

"(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(G) any other information that the Secretary may require.

"(c) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) EVALUATION AND REPORTING.—

"(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students (including students with physical and mental disabilities), teachers, administrators, parents, and others—

"(i) by the second year of the program; and

"(ii) not later than 1 year after completion of the grant period.

"(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

"(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

"(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

"(B) USES.—Funds made available under subparagraph (A) may be used—

"(i) to conduct research and development activities that focus on matters such as—

"(I) the effectiveness of instructional models for all students, including students with physical and mental disabilities;

"(II) materials and curricula that can be used by programs in character education;

"(III) models of professional development in character education; and

"(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

"(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

"(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

"(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

"(I) information on model character education programs;

"(II) character education materials and curricula;

"(III) research findings in the area of character education and character development; and

"(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

"(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students (including students with disabilities), and teachers.

“(3) Factors.—Factors which may be considered in evaluating the success of programs funded under this section may include—

“(A) discipline issues;

“(B) student performance;

“(C) participation in extracurricular activities;

“(D) parental and community involvement;

“(E) faculty and administration involvement;

“(F) student and staff morale; and

“(G) overall improvements in school climate for all students, including students with physical and mental disabilities.

“(d) Elements of Character.—

“(1) In general.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

“(A) Caring.

“(B) Civic virtue and citizenship.

“(C) Justice and fairness.

“(D) Respect.

“(E) Responsibility.

“(F) Trustworthiness.

“(G) Any other elements deemed appropriate by the members of the eligible entity.

“(2) Additional elements of character.—An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

“(e) Use of Funds by State Educational Agency Recipients.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

“(1) not more than 10 percent of such funds may be used for administrative purposes; and

“(2) the remainder of such funds may be used for—

“(A) collaborative initiatives with and between local educational agencies and schools;

“(B) the preparation or purchase of materials, and teacher training;

“(C) grants to local educational agencies, schools, or institutions of higher education; and

“(D) technical assistance and evaluation.

“(f) Selection of Grantees.—

“(1) Criteria.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

“(A) the quality of the activities proposed to be conducted;

“(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

“(C) the extent and ongoing nature of parental, student, and community involvement;

“(D) the quality of the plan for measuring and assessing success; and

“(E) the likelihood that the goals of the program will be realistically achieved.

“(2) Diversity of projects.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

“(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

“(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

“(g) Participation by Private School Children and Teachers.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

“(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from New Mexico leaves the floor, I ask permission to join as a cosponsor of this most important legislation. It appears to be bipartisan. We have the two leading Democrats on the Education Committee plus Republicans. It should be a bill that we can pass.

Mr. DOMENICI. I am grateful that the distinguished minority whip would join. We will be working together on this bill. I thank the Senator.

Mr. DODD. Mr. President, I rise to join my friend and colleague from New Mexico, Senator Domenici, in introducing the Strong Character for Strong Schools Act. Senator Domenici and I have worked together for many years on this important issue. We established the Partnerships in Character Education Pilot Project in 1994 and have worked regularly since then to commemorate National Character Counts Week. So, I am pleased that today we are introducing the Strong Character for Strong Schools Act to help expand States' and schools' ability to make character education a central part of every child's education.

Our schools may be built with the bricks of English, math and science, but character education certainly is the mortar. This initiative ensures that our children's character, as well as their minds, receives care and nurturing in our schools. Character education means teaching students about such qualities as caring, citizenship, fairness, respect, responsibility, trustworthiness, and other qualities that their community values.

Character education provides students a context within which to learn. If we view education simply as the imparting of knowledge to our children, then we will not only miss an opportunity, but will jeopardize our future. Character education isn't a separate subject, but part of a seamless garment of learning. For example, at Waterford High School, in Connecticut, as part of the character education program, math students designed a ramp for kids who use wheelchairs. The students learned about math, but also about caring.

Theodore Roosevelt said that “[t]o educate a person's mind and not his character is to educate a menace.” That may be, but I prefer Dr. Martin Luther King's exhortation that we judge each other not by the color of our skin, but by the content of our character.

A recent survey of high school students by the Character Counts Coalition found that during the preceding year, 71 percent cheated on an exam; 92 percent lied to their parents and 78 percent lied to a teacher; about 35 percent had stolen from a store; and 16 percent were drunk in school. This doesn't mean that these are bad kids, but it does mean that we need more character education.

We know that these programs work. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement with the community. Children want direction—they want to be taught right from wrong. The American public wants character education in our schools, too. Studies show that about 90 percent of Americans support schools teaching character education.

Virtually all national education organizations are involved in promoting character education. Last June, the Connecticut Department of Education, on behalf of many State organizations, issued a Call to Action letter, outlining a program to improve the school climate in all Connecticut schools. And, the Connecticut Education Association has developed its own character education program that teaches kids about not bullying and other behaviors that can disrupt schools and make it difficult for children to learn.

As all education policy should be, character education is bi-partisan. When Senator Domenici and I introduced a resolution last Congress establishing National Character Counts Week, we had 57 co-sponsors, with broad support in both parties. And President Bush, in his education plan, calls for increased funding for character education.

Our children may be one-quarter of our population, but they definitely are 100 percent of our future. That's why this measure is so important—it provides a helping hand to our schools and communities to ensure that children's futures are bright and filled with opportunities and success. So, I am confident that not only are we doing the right thing here, but that we will see this bill become law along with other education reforms, this Congress.

Mr. CLELAND. Mr. President, when I was a boy growing up in Lithonia, GA, I was privileged to have accomplished and dedicated teachers who provided me with a strong foundation in the three R's. Thanks to their capable and committed efforts, I received an excellent education in reading, writing, and arithmetic. And thanks to their good example and their ability to teach through inspiration, I was also well versed in the fourth R, which I call "respect."

What my teachers demonstrated so effectively almost five decades ago is that character education is essential to any well-rounded system of education. We can work together to help ensure that all children in America will start school ready to learn. We can pool our efforts—parents, teachers, community leaders, and elected officials—to enable our students to be first in the world in scientific and academic achievement. But I believe the greatest gift and most effective tool we can give to our children is to instill in them, from the beginning, the values and beliefs which help mold their character. Character is the essential building block in each youngster's journey to become a responsible, moral adult. It is the gift my teachers gave me when they offered me a first-rate education which addressed not only matters of the head, but of the heart as well.

Thanks, in part, to the efforts of my distinguished colleagues, Senators DOMENICI and DODD, character education has spread into thousands of classrooms throughout this nation. In 1994, Senator DOMENICI with the support of Senators DODD and MIKULSKI offered a successful amendment to the Improving America's Schools Act which established, for the first time ever, a grant program in the Department of Education to enable State education agencies, in partnership with local education agencies, to develop character education programs. My State of Georgia was one of the first to receive funding under the Partnerships in Character Education Pilot Projects. Since its inception in 1995, this program has awarded more than $25 million to 37 States throughout the country. I am proud to join my colleagues today in introducing legislation to expand this worthy program which encourages schools and communities to develop and sustain character education programs of excellence.

It has been said that the character of a nation is only as strong as the character of its individual citizens. In illustration of this truth, I like to tell a true story which happened decades ago during the war in Korea. At that time, one of our generals was captured by the Communists. He was taken to an isolated prison camp and told that he had but a few minutes to write a letter to his family. The implication was that he was to be executed shortly. The general's letter was brief and to the point: "Tell Bill," he wrote, "the word is integrity."

The word is indeed integrity. This following Monday, Presidents' Day, I will host a Summit on Character at the State Capitol in Georgia, which will be attended by State leaders from across the political and social spectrum. The purpose of the Summit is to rekindle the American spirit that motivated the Founders in constituting our nation and to inspire Georgians to develop the highest standards of character in themselves and in the youth of our State. Benjamin Franklin once said that "The noblest question in the world is, What good may I do in it?" The Character Summit in Georgia has this in common with the legislation we are introducing today: They both seek to encourage moral character and civic virtue in our children—America's most precious resource and the future of this great Nation.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, Mr. BROWNBACK, Mrs. LINCOLN, Mr. BURNS, Mr. CRAIG, Mr. LUGAR, Mr. ENZI, Mr. NELSON of Nebraska, and Mr. STEVENS):

S. 312. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ROBERTS, Mrs. HUTCHISON, Mr. BURNS, Mr. BREAUX, Mr. HATCH, Mr. CRAIG, Mr. ALLARD, Mr. LUGAR, Mr. GRAMM, Mr. HAGEL, Mr. BUNNING, Mr. DEWINE, Mr. BOND, Mr. FITZGERALD, Mr. CONRAD, Mr. MURKOWSKI, Mr. STEVENS, Mr. KYL, Mr. BROWNBACK, and Mr. SESSIONS).

S. 313. A bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 314. A bill to amend the Internal Revenue Code of 1986 to provide declaratory judgement relief for section 521 cooperatives; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I would like to discuss legislation I'm offering today on behalf of myself and Senators BAUCUS, BROWNBACK, BURNS, LUGAR, ROBERTS, CRAIG, ENZI, and NELSON from Nebraska this afternoon. It will assist millions of farmers across the nation. I've named the bill the Tax Empowerment and Relief for Farmers and Fishermen Act, or what I will refer to as TERFF.

I'm a farmer, like my father was before me. I understand farming and how policy decisions from Washington impact hardworking farmers, like my son Robin. Before I ran for elected office and after I leave, God willing, I'll still be farming. There is little that I feel more strongly about than providing the agriculture community potential to survive and thrive. As far as I'm concerned, agriculture is my "terf" and as long as I'm in this town, I'll do all I can to serve my friends and neighbors in the agriculture community.

This legislation has already been adopted by the Senate multiple times. In the midst of a serious downturn in the agriculture economy, it seems to me we ought to be doing everything we can to help farmers, and this would provide significant assistance.

For example, my agriculture tax package will include:

The Farm, Fish, and Ranch Risk Management Accounts—these farmer saving accounts would allow farmers to contribute up to 20 percent of their income in an account, and deduct it in the same year. Farm accounts would be a very important risk management tool that will help farmers put away money when there's actual income, so that, in the bad times, there will be a safety net. This measure has strong bipartisan support and was actually sent to President Clinton, who vetoed it.

Farmers who participate in the Conservation Reserve Program CRP, are unnecessarily struggling during tax season because of a recent case pushed by the IRS. The latest 6th Circuit court's ruling treats CRP payments as farm income subject to the additional self employment tax rate of 15 percent.

Senator BROWNBACK has taken the lead on fixing this problem. This unfair tax not only ignores the intent of Congress in creating the CRP, it discourages farmers from using environmentally pro-active measures. At a time when farmers are struggling to regain their footing economically and do the right thing environmentally—it's important that Congress support them by upholding it promise on CRP.

Senator LUGAR has led the effort to expand the current program where companies can donate to food banks, so that farmers and restaurants can also donate surplus food directly to needy food banks. This will be a win for the farmers and a big win for people who depend on food bank assistance.

This was also part of the vetoed tax bill. When we passed income averaging for farmers a few years ago, we neglected to take into account the problem of running into the alternative minimum tax, which many farmers are facing now. My bill will fix this growing problem.

My bill expands opportunities for beginning farmers who are in need of low interest rate loans for capital purchases of farmland and equipment.

Current law permits state authorities to issue tax exempt bonds and to lend the proceeds from the sale of the bonds to beginning farmers and ranchers to finance the cost of acquiring land, buildings and equipment used in a farm or ranch operation.

Unfortunately, aggie bonds are subjected to a volume cap and must compete with big industrial projects for bond allocation. Aggie bonds share few similarities to industrial revenue bonds and should not be subjected to the volume cap established for industrial revenue bonds.

Insufficient allocation of funding due to the volume cap limits the effectiveness of this program. We can't stand by and allow the next generation of farmers to lose an opportunity to participate in farming because of competition with industry for reduced interest loan rates.

Recently the IRS determined that some cooperatives should be exposed to a regular corporate tax due to the fact that they are using organic value-added practices rather than manufactured value-added practices. This is unfair, and needs to be fixed.

And of course my package wouldn't be complete without a provision leveling the playing field for ethanol producers.

The Small Ethanol Producer Credit will allow small cooperative producers of ethanol to be able to receive the same tax benefits as large companies. This provision provides cooperatives the ability to elect to pass through small ethanol producer credits to its patrons.

The "TERFF" package will do more to reform taxes for the American farmer than any other measure in recent memory. I'll be urging my colleagues to strongly support this measure. It's a bill that should have the unanimous support it enjoyed last congress on the Senate floor. As sure as I'm chairman of the Finance Committee, I will push to have this package passed into law during the 107th Congress. Mr. President, I ask unanimous consent that the text of these three bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Empowerment and Relief for Farmers and Fishermen (TERFF) Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.
Sec. 2. Farm, fishing, and ranch risk management accounts.
Sec. 3. Written agreement relating to exclusion of certain farm rental income from net earnings from self-employment.
Sec. 4. Treatment of conservation reserve program payments as rentals from real estate.
Sec. 5. Exemption of agricultural bonds from State volume cap.
Sec. 6. Modifications to section 512(b)(13).
Sec. 7. Charitable deduction for contributions of food inventory.
Sec. 8. Income averaging for farmers and fishermen not to increase alternative minimum tax liability.
Sec. 9. Cooperative marketing includes value-added processing through animals.
Sec. 10. Declaratory judgment relief for section 521 cooperatives.
Sec. 11. Small ethanol producer credit.
Sec. 12. Payment of dividends on stock of cooperatives without reducing patronage dividends.

SEC. 2. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

"SEC. 468C. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business or commercial fishing, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm, Fishing, and Ranch Risk Management Account (hereinafter referred to as the 'FFARRM Account').

"(b) LIMITATION.—

"(1) CONTRIBUTIONS.—The amount which a taxpayer may pay into the FFARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business or commercial fishing.

"(2) DISTRIBUTIONS.—Distributions from a FFARRM Account may not be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise contribute to the overcapitalization of any fishery. The Secretary of Commerce shall implement regulations to enforce this paragraph.

"(c) ELIGIBLE BUSINESSES.—For purposes of this section—

"(1) ELIGIBLE FARMING BUSINESS.—The term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(2) COMMERCIAL FISHING.—The term 'commercial fishing' has the meaning given such term by section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) but only if such fishing is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FFARRM ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'FFARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FFARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FFARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (B) or (C) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FFARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) SPECIAL RULES.—

"(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

"(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FFARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FFARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) CESSATION IN ELIGIBLE BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business or commercial fishing, there shall be deemed distributed from the FFARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term ‘disqualification period’ means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business or commercial fishing.

‘‘(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

‘‘(A) Section 220(f)(8) (relating to treatment on death).

‘‘(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

‘‘(C) Section 408(e)(4) (relating to effect of pledging account as security).

‘‘(D) Section 408(g) (relating to community property laws).

‘‘(E) Section 408(h) (relating to custodial accounts).

‘‘(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FFARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

‘‘(5) INDIVIDUAL.—For purposes of this section, the term ‘individual’ shall not include an estate or trust.

‘‘(6) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

‘‘(g) REPORTS.—The trustee of a FFARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.’’.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking ‘‘or’’ at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

‘‘(4) a FFARRM Account (within the meaning of section 468C(d)), or’’.

(2) Section 4973 is amended by adding at the end the following new subsection:

‘‘(g) EXCESS CONTRIBUTIONS TO FFARRM ACCOUNTS.—For purposes of this section, in the case of a FFARRM Account (within the meaning of section 468C(d)), the term ‘excess contributions’ means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FFARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.’’.

(3) The section heading for section 4973 is amended to read as follows:

‘‘SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.’’.

(4) The table of sections for chapter 43 is amended by striking the item relating to section 4973 and inserting the following new item:

‘‘Sec. 4973. Excess contributions to certain accounts, annuities, etc.’’.

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

‘‘(6) SPECIAL RULE FOR FFARRM ACCOUNTS.—A person for whose benefit a FFARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FFARRM Account by reason of the application of section 468C(f)(3)(A) to such account.’’.

(2) Paragraph (1) of section 4975(e) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

‘‘(E) a FFARRM Account described in section 468C(d),’’.

(d) FAILURE TO PROVIDE REPORTS ON FFARRM ACCOUNTS.—Paragraph (2) of section 6693(a) (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

‘‘(C) section 468C(g) (relating to FFARRM Accounts),’’.

(e) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 468B the following new item:

‘‘Sec. 468C. Farm, Fishing and Ranch Risk Management Accounts.’’.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) (relating to net earnings from self-employment) is amended by striking ‘‘an arrangement’’ and inserting ‘‘a lease agreement’’.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking ‘‘an arrangement’’ and inserting ‘‘a lease agreement’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. TREATMENT OF CONSERVATION RESERVE PROGRAM PAYMENTS AS RENTALS FROM REAL ESTATE.

(a) IN GENERAL.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting ‘‘and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2))’’ after ‘‘crop shares’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2001.

SEC. 5. EXEMPTION OF AGRICULTURAL BONDS FROM STATE VOLUME CAP.

(a) IN GENERAL.—Section 146(g) (relating to exception for certain bonds) is amended by striking ‘‘and’’ at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ‘‘, and’’, and by inserting after paragraph (4) the following new paragraph:

‘‘(5) any qualified small issue bond described in section 144(a)(12)(B)(ii).’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

SEC. 6. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new paragraph:

‘‘(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

‘‘(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received by the controlling organization that exceeds the amount which would have been paid if such payment met the requirements prescribed under section 482.

‘‘(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of such excess.’’.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2000.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of this Act under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 7. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

‘‘(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

‘‘(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food by a taxpayer, paragraph (3)(A) shall be applied without regard to whether or not the contribution is made by a corporation.

‘‘(B) LIMIT ON REDUCTION.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)(A), as modified by subparagraph (A) of this paragraph)—

‘‘(i) paragraph (3)(B) shall not apply, and

‘‘(ii) the reduction under paragraph (1)(A) for such contribution shall be no greater than the amount (if any) by which the amount of such contribution exceeds twice the basis of such food.

‘‘(C) DETERMINATION OF BASIS.—For purposes of this paragraph, if a taxpayer uses the cash method of accounting, the basis of any qualified contribution of such taxpayer shall be deemed to be 50 percent of the fair market value of such contribution.

‘‘(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or which is produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in paragraph (3)(A), cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(E) Termination.—This paragraph shall not apply to any contribution made during any taxable year beginning after December 31, 2004.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 8. INCOME AVERAGING FOR FARMERS AND FISHERMEN NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) In General.—Section 55(c) (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Coordination with income averaging for farmers and fishermen.—Solely for purposes of this section, section 1301 (relating to averaging of farm and fishing income) shall not apply in computing the regular tax.".

(b) Allowing Income Averaging for Fishermen.—

(1) In general.—Section 1301(a) is amended by striking "farming business" and inserting "farming business or fishing business".

(2) Definition of elected farm income.—

(A) In general.—Clause (i) of section 1301(b)(1)(A) is amended by inserting "or fishing business" before the semicolon.

(B) Conforming amendment.—Subparagraph (B) of section 1301(b)(1) is amended by inserting "or fishing business" after "farming business" both places it occurs.

(3) Definition of fishing business.—Section 1301(b) is amended by adding at the end the following new paragraph:

"(4) Fishing business.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 9. COOPERATIVE MARKETING INCLUDES VALUE-ADDED PROCESSING THROUGH ANIMALS.

(a) In General.—Section 1388 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(k) Cooperative Marketing Includes Value-Added Processing Through Animals.—For purposes of section 521 and this subchapter, the term 'marketing the products of members or other producers' includes feeding the products of members or other producers to cattle, hogs, fish, chickens, or other animals and selling the resulting animals or animal products.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 10. DECLARATORY JUDGMENT RELIEF FOR SECTION 521 COOPERATIVES.

(a) In General.—Section 7428(a)(1) (relating to declaratory judgments of tax exempt organizations) is amended by striking "or" at the end of subparagraph (B) and by adding at the end the following new subparagraph:

"(D) with respect to the initial qualification or continuing qualification of a cooperative as described in section 521(b) which is exempt from tax under section 521(a), or".

(b) Effective Date.—The amendments made by this section shall apply with respect to pleadings filed after the date of the enactment of this Act but only with respect to determinations (or requests for determinations) made after January 1, 2001.

SEC. 11. SMALL ETHANOL PRODUCER CREDIT.

(a) Allocation of Alcohol Fuels Credit to Patrons of a Cooperative.—Section 40(g) (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

"(6) Allocation of small ethanol producer credit to patrons of cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) Form and effect of election.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

"(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

"(C) Special rules for decrease in credits for taxable year.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A; B, E, or G.".

(b) Improvements to Small Ethanol Producer Credit.—

(1) Definition of small ethanol producer.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(2) Small ethanol producer credit not a passive activity credit.—Clause (i) of section 469(d)(2)(A) is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(3) Allowing credit against minimum tax.—

(A) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Special rules for small ethanol producer credit.—

"(A) In general.—In the case of the small ethanol producer credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

"(B) Small ethanol producer credit.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).".

(B) Conforming amendment.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking "(other" and all that follows through "credit)" and inserting "(other than the empowerment zone employment credit or the small ethanol producer credit)".

(4) Small ethanol producer credit not added back to income under section 87.—Section 87 (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

"SEC. 87. ALCOHOL FUEL CREDIT.

"Gross income includes an amount equal to the sum of—

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).".

(c) Conforming Amendment.—Section 1388 (relating to definitions and special rules for cooperative organizations), as amended by section 9, is amended by adding at the end the following new subsection:

"(l) Cross Reference.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 12. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) In General.—Subsection (a) of section 1388 (relating to patronage dividend defined) is amended by adding at the end the following new sentence: "For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Farm, Fishing, and Ranch Risk Management Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

"SEC. 468C. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business or commercial fishing, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm, Fishing, and Ranch Risk Management Account (hereinafter referred to as the 'FFARRM Account').

"(b) LIMITATION.—

"(1) CONTRIBUTIONS.—The amount which a taxpayer may pay into the FFARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business or commercial fishing.

"(2) DISTRIBUTIONS.—Distributions from a FFARRM Account may not be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise contribute to the overcapitalization of any fishery. The Secretary of Commerce shall implement regulations to enforce this paragraph.

"(c) ELIGIBLE BUSINESSES.—For purposes of this section—

"(1) ELIGIBLE FARMING BUSINESS.—The term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(2) COMMERCIAL FISHING.—The term 'commercial fishing' has the meaning given such term by section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) but only if such fishing is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FFARRM ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'FFARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FFARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FFARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (B) or (C) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FFARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) SPECIAL RULES.—

"(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

"(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FFARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FFARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) CESSATION IN ELIGIBLE BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business or commercial fishing, there shall be deemed distributed from the FFARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business or commercial fishing.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 220(f)(8) (relating to treatment on death).

"(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(C) Section 408(e)(4) (relating to effect of pledging account as security).

"(D) Section 408(g) (relating to community property laws).

"(E) Section 408(h) (relating to custodial accounts).

"(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FFARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

"(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

"(6) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

"(g) REPORTS.—The trustee of a FFARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations."

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) a FFARRM Account (within the meaning of section 468C(d)), or".

(2) Section 4973 is amended by adding at the end the following new subsection:

"(g) EXCESS CONTRIBUTIONS TO FFARRM ACCOUNTS.—For purposes of this section, in the case of a FFARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FFARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed."

(3) The section heading for section 4973 is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC."

(4) The table of sections for chapter 43 is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc."

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR FFARRM ACCOUNTS.—A person for whose benefit a FFARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FFARRM Account by reason of the application of section 468C(f)(3)(A) to such account."

(2) Paragraph (1) of section 4975(e) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a FFARRM Account described in section 468C(d),".

(d) FAILURE TO PROVIDE REPORTS ON FFARRM ACCOUNTS.—Paragraph (2) of section 6693(a) (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) section 468C(g) (relating to FFARRM Accounts),".

(e) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 468B the following new item:

"Sec. 468C. Farm, Fishing and Ranch Risk Management Accounts."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECLARATORY JUDGMENT RELIEF FOR SECTION 521 COOPERATIVES.

(a) IN GENERAL.—Section 7428(a)(1) of the Internal Revenue Code of 1986 (relating to declaratory judgments of tax exempt organizations) is amended by striking "or" at the end of subparagraph (B) and by adding at the end the following new subparagraph:

"(D) with respect to the initial qualification or continuing qualification of a cooperative as described in section 521(b) which is exempt from tax under section 521(a), or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pleadings filed after the date of the enactment of this Act but only with respect to determinations (or requests for determinations) made after January 1, 2001.

Mr. BURNS. Mr. President, I rise today to join Senator GRASSLEY and others to introduce the TERFF Act, Tax Empowerment and Relief for Farmers and Fisherman.

This bill includes several provisions providing tax relief that will help our nation's farmers.

First, this bill will create FFARRM, Farm, Fish and Ranch Risk Management, Accounts that will provide farmers, ranchers and fishermen with additional money management tools. Agricultural producers will be allowed to contribute up to 20 percent of their annual income into these accounts. The tax on this income will be deferred for up to five years or until the depositor withdraws the money.

The bill will amend the tax code to ensure that farm cash rents are not subject to an additional 15 percent self-employment tax. Additionally, the bill will ensure CRP, Conservation Reserve Program, payments are not subject to the same self-employment tax. I have also co-sponsored a similar CRP bill with Senator BROWNBACK from Kansas.

The bill will also enable States to expand opportunities for beginning farmers who are in need of low interest loans for capital purchases of farmland and equipment.

The bill provides that interest, rent and royalty payment made by a subsidiary to a non-profit are not subject to a unrelated business income taxes. The bill provides a tax deduction to farmers and ranchers who donate food to hunger relief organizations.

The bill will correct a problem experienced by farmers who use income averaging by ensuring that farmers are not disqualified from using income averaging due to the alternative minimum tax, AMT, calculation.

The bill would reapply taxes on cooperatives using animal value-added practices in the same way as cooperatives using manufactured value-added practices. Furthermore, it would allow cooperative producers of ethanol to receive the same tax benefits as large corporations. The bill will also allow farmer cooperatives to use preferred stock to raise equity capital.

This bill will help our nation's farmers and ranchers. The agriculture sector of our nation's economy needs the relief.

Mr. ENZI. Mr. President, I rise to introduce legislation to address a concern of farmers in my State of Wyoming and throughout the United States. This legislation, which I am introducing with the distinguished chairman of the Finance Committee, Senator GRASSLEY, as well as the senior Senator from North Dakota, Mr. CONRAD, is designed to clarify a provision in the Internal Revenue Code and its accompanying regulations which has been broadly interpreted to impose self-employment (SE) taxes on rental income from real estate even though such income was generally designed to be exempt from SE taxes.

Under Section 1402(a)(1) of the Internal Revenue Code, rental income from real estate was only intended to be subject to the SE taxes when, one, the income is from an arrangement between an owner and lessee that, two, requires the lessee to produce agricultural or horticultural commodities on the land; and, three, there shall be material participation by the owner or tenant with respect to any such agricultural or horticultural commodities. The problem all goes back to ambiguity of the term "arrangement" in this section. This section has been interpreted to by the IRS to apply not only to the specific lease agreement itself, but also to other extraneous production or management arrangements between the owner and his lessee. Accordingly, the IRS has hit many small self-employed farmers with a tax penalty that they never expected and which was never envisioned when Congress wrote the section of the Internal Revenue Code in question.

The legislation I am introducing today clarifies this section by replacing the term "arrangement" with "agreement," indicating that the lease agreement itself must specify the requisite responsibilities of the owner in order to be subject to the SE-tax. As in so much of what we do here, a small change in words can have a dramatic impact on people's lives. By clarifying what I believe was intended by Congress all along, we will save numerous farmers the heartache and expense of litigating with the IRS over whether rental income from their real estate is subject to SE tax. This small change in the tax code will provide considerable tax relief to farmers in my home State of Wyoming and throughout the United States. I thank Chairman GRASSLEY for his support of this important legislation and I urge my colleagues to enact this important relief for America's family farmers.

By Mr. BROWNBACK (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. LUGAR, Mr. LEVIN, Mr. ROBERTS, Mr. BURNS, Mr. JEFFORDS, Mr. BAUCUS, Mr. DEWINE, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. LEAHY, Mr. BINGAMAN, and Mr. BOND):

S. 315. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve program as rentals from real estate; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, I am speaking on a bill that I put in today, along with several cosponsors, regarding the Conservation Reserve Program Tax Fairness Act.

To be a farmer today, you really need to be an optimist—about the weather, about farm prices, about our rapidly changing economy. But one thing farmers should not have to worry about is being additionally taxed for participating in a conservation program.

I rise today to introduce the Conservation Reserve Program Tax Fairness Act of 2001. This bill would simply correct the tax treatment of one of our nation's most valuable conservation programs so that there is not a disincentive for farmers to be good stewards of the land.

I am joined in this effort by Senator DORGAN who has taken an active role on this issue last year and serves as the lead cosponsor of the bill this year. This bill is also co-sponsored by Senators DASCHLE, LUGAR, LEVIN, ROBERTS, BURNS, JEFFORDS, BAUCUS, DEWINE, HARKIN, CRAIG, JOHNSON, and LEAHY.

As you can see, Mr. President, this bill has the bipartisan support of many in the Senate because it is just common sense. In a time when the farm economy continues to suffer and conservation efforts are more important than ever, we should be doing everything we can to make conservation efforts more appealing, not less. And if there is one truth that is pretty evident here, it is that if you want less of something, than tax it. Well, Mr. President, I think we can all agree that we want more conservation, not less, and therefore, we need to correct this tax interpretation.

The Conservation Reserve Program, or CRP, has been a great success for this Nation. The program provides financial incentives for improving and preserving environmentally sensitive land, taking it out of production and enhancing its environmental benefit. The CRP program increases water quality, wildlife habitat and prevents soil erosion—all factors which have become even more important in light of recent concerns about nonpoint source pollution in our nation's waterways.

Specifically, this measure clarifies once and for all that CRP conservation payments from the Government are not subject to self-employment social security taxes—a rate of up to 15 percent of the payment amount. Currently, there is confusion over how CRP payments should be taxed owing to a recent court case in the 6th Circuit Court of Appeals. This case overturned a 1998 Tax Court ruling that CRP payments are not subject to Social Security taxes because they are a rental payment the Government makes in exchange for farmers taking environmentally sensitive land out of production. Since other rental payments are exempt from this additional tax, CRP payments were considered exempt as well.

As a result of this confusion, there is now a discrepancy between active farmers who take part in CRP, which are now subject to the tax because it is considered income, and landowners who do not farm but take part in CRP and are exempt from the tax. Clearly, this is not what Congress intended when it set up this program.

Furthermore, the new court ruling has inspired the IRS to aggressively seek back taxes on CRP payments, as far back as the 1996 tax year. That could amount to tens of thousands of dollars for farmers who are already struggling through economic hard times.

In my State of Kansas alone, $102.7 million in CRP payments were issued in 1999. Are we really going to tell farmers that this money—promised them for conservation purposes—will now be additionally taxed all the way back to 1996? This would amount to a disincentive for farmers to participate in environmental and conservation programs because they cannot trust that there won't be some hidden penalty down the road. Is that the message this body really wants to send?

This tax makes no sense. Since CRP land is not used for agricultural production, it should not be considered farm income—but rather rental/real estate income as the Tax Court originally ruled. CRP payments are different from traditional setaside programs because the program requires strict adherence to environmental standards. The farmer is contracting with the Government for an environmental benefit. Why on Earth would we choose to tax him for it?

We must also consider the state of the farm economy today. Agriculture is one of the few industries in this country which has not been blessed with a prolonged booming economy. This is the worst possible time to burden farmers with additional taxes.

This bill received enthusiastic support in the last Congress. In fact, this measure was approved unanimously in the Senate last year as part of a larger tax bill, but, unfortunately, was not able to make its way into law. In addition to strong Senate support, this bill has the backing of numerous farm groups including: the National Corn Growers, National Wheat Growers, American Soybean and Cattlemen's Beef Associations—along with the National Farmer's Union and the American Farm Bureau.

My colleagues, one of the privileges we have as Members of the Senate is to be able to correct legislative wrongs that hurt our constituents. This may be a minor thing in the larger scheme of the tax debate, but it is of vital importance to our Nation's farmers. I urge you all to join me in this effort.

If I may summarize, this Conservation Reserve Program Tax Fairness Act of 2001 is to remove taxation on CRP and put it back to where it was when the program was first put forward. That program pays farmers to idle land to be able to build it up, conserve it, to be able to build wildlife up on these tracts of land. It has been very successful.

What has taken place or occurred is that the IRS has taken farmers to court and said they should be taxed for self-employment income for CRP payments, which was never the intent of Congress when it passed that. That was not to take place. Yet the lower court in that one circuit ruled that that is, indeed, correct and that they should be taxed a self-employment tax on that income.

Today Senators DORGAN, ROBERTS, and myself held a press conference introducing this bill to clarify this issue and to remove the self-employment tax on CRP payments. I think this is a key provision. I hope we are able to move forward on it.

Senator GRASSLEY, chairman of the Finance Committee, is supporting us in this effort, and he put it in an overall farm tax relief package. At this time, when we have so much difficulty in the farming economy, it is important to clarify that we are not going to tax people in a situation that they should not be taxed in and where it was never intended for them to be taxed.

This bill previously passed the Senate last year. It has strong bipartisan support. The list of original cosponsors is as follows: Senators DASCHLE, LUGAR, LEVIN, ROBERTS, BURNS, JEFFORDS, BAUCUS, DEWINE, HARKIN, CRAIG, JOHNSON, LEAHY, and BINGAMAN. I hope more will join us as well. I hope this not only clears the Senate this year, but gets through to the President.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Reserve Program Tax Fairness Act of 2001".

SEC. 2. TREATMENT OF CONSERVATION RESERVE PROGRAM PAYMENTS AS RENTALS FROM REAL ESTATE.

(a) IN GENERAL.—Section 1402(a)(1) of the Internal Revenue Code of 1986 (defining net earnings from self-employment) is amended by inserting "and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2))" after "crop shares".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

Mr. DORGAN. Mr. President, I am pleased to join Senator BROWNBACK and a number of our colleagues today in introducing the Conservation Reserve Program Tax Fairness Act of 2001. This much-needed legislation would clarify that Conservation Reserve Program payments received by farmers are treated for tax purposes as rental payments from real estate not subject to self-employment taxes.

For over a decade, many farmers have agreed to take out of farm production environmentally-sensitive lands and place them in the Conservation Reserve Program (CRP) for an extended period. In return, these farmers receive an annual rental payment from the Commodity Credit Corporation of the U.S. Department of Agriculture.

Over the past several years, the IRS has waged an aggressive campaign to try to re-characterize CRP rental payments as net earnings from self-employment and subject to self-employment taxes. I believe that the IRS's position here is dead-wrong.

North Dakota has about 3.3 million acres with $109 million in rental payments in the CRP program. The IRS's position means that farmers in North Dakota could be mailed a tax bill from the IRS for more than $16 million in added federal taxes this year alone. A typical North Dakota farmer with 160 acres in CRP would have a CRP payment of $5,280 and would owe nearly $800 in self-employment taxes because of the IRS's ill-advised position. To make matters worse, if the IRS pursues back taxes on returns filed by farmers in past years, the amount of taxes owed by individual farmers could amount to thousands of dollars.

I believe that it is absolutely ludicrous for the IRS to load up farmers with an added tax burden at the very time that our nation's family farmers are struggling with high fuel costs and record high fertilizer prices while commodity prices are at record low levels. Given these circumstances, where are the nation's family farmers supposed to come up with the $231 million in additional taxes the IRS's interpretation of CRP rental payments imposes on them?

In our judgment, the Congress never intended this tax result. In fact, the U.S. Tax Court understood this very point, when it ruled in 1998 that the IRS's interpretation of CRP payments was improper and that CRP payments are properly treated by farmers as rental payments and, thus, not subject to self-employment taxes. Regrettably, the U.S. Tax Court's ruling was later reversed by a federal appellate court as the IRS continues to litigate the matter.

We think that most of our colleagues understand that the current IRS position is not what Congress intended, nor is it supportable in law in our judgment. That's probably why, for example, the Senate unanimously agreed to an amendment I offered to the marriage penalty reduction bill last summer that included language to clarify the proper tax treatment of CRP payments as rentals not subject to self-employment taxes. However, my amendment with its CRP language and other amendments were stripped from the final version of that bill and this critical CRP change was not included in any other tax bills signed into law by the President in the last Congress.

With the legislation we introduce today, Congress can tell the IRS that its mistaken effort to treat CRP payments as net earnings from self-employment will not be allowed to stand. I, along with the other cosponsors, urge you to support this change by cosponsoring our bill and working with us to get it added to any major tax legislation passed by Congress this year.

Mr. BURNS. Mr. President, I rise today to join Senator BROWNBACK and others to introduce the CRP, Conservation Reserve Program Tax Fairness Act. This bill will clarify Congressional intent that the CRP was not intended to be subject to self employment social security taxes.

In a 1999 decision, the 6th Circuit Court of Appeals concluded that CRP payments could no longer be treated as real estate rental income a status that would make those payments exempt from social security taxes.

The CRP provides financial incentives for improving and preserving environmentally sensitive land—taking it out of production and enhancing its environmental benefit. The CRP program increases water quality, wildlife habitat and prevents soil erosion—all factors which have become even more important in light of recent concerns about nonpoint source pollution in our nation's waterways.

This case overturned a 1998 Tax Court ruling that CRP payments are not subject to social security taxes because they are a rental payment the government makes in exchange for farmers taking environmentally sensitive land out of production. Since other rental payments are exempt from this additional tax, CRP payments were considered exempt as well.

As a result of this confusion, there is now a discrepancy between active farmers who take part in CRP—which are now subject to the tax because it is considered income—and landowners who do not farm but take part in CRP and are exempt from the tax. Clearly, this is not what Congress intended when it set up this program.

This bill will allow farmers and ranchers the ability to rest assured once and for all that conservation payments made by the government will not be subject to the high tax rate imposed by social security self-employment—a rate of 15 percent of the payment—in future years. As a result, working farmers will enjoy the same status as non-farm landowners in this program which encourages conservation of land, water and wildlife.

By Mr. McCONNELL (for himself, Mr. GREGG, Mr. FRIST, Mr. MILLER, Mr. LOTT, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Mr. SESSIONS, and Mr. CARPER):

S. 316. A bill to provide for teacher liability protection; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, today I rise to introduce, with my colleagues Senators GREGG, FRIST, MILLER, LOTT, DEWINE, ENZI, HUTCHINSON, SESSIONS, and CARPER, The Paul D. Coverdell Teacher Liability Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who are acting within the scope of their professional responsibilities.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As you may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor throughout the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was honored to work with our colleague, Senator Paul Coverdell, to steer this measure through the 105th Congress and have it enacted in 1997.

Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for the safety of our children when they are at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child is able to reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn.

Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only ten years earlier. The same survey found that 20 percent of principals spent 5–10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

The legislation is structured similarly to the Volunteer Protection Act of 1997 and is nearly identical to teacher protection legislation introduced by Paul Coverdell (S. 1721) in the 106th Congress. Simply put, the bill extends a national standard to protect from liability those teachers, principals, and education professionals who act in a reasonable manner to maintain order in the classroom. It does not preempt those States that have already taken action to address this problem and it allows any state legislature that disagrees with these strong protections to opt out at any time. Since this bill builds on Sen. Coverdell's fine work, my colleagues and I thought it would be highly appropriate that it bear his name.

At the same time, it is important to note that this legislation is not a "carte blanche" for that minuscule minority of school officials who abuse their authority. The bill does not protect those teachers who engage in "willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety" of a student. Nor does the bill preclude schools or local law enforcement entities from taking criminal, civil, or administrative actions against a teacher who acts improperly. Rather, the bill is simply designed to protect those teachers, principals, and educational professionals who act responsibly from frivolous lawsuits.

From a historical context, this is not new ground for our colleagues in the Senate. During the 106th Congress, Senator Coverdell sucessfully included his legislation in the Senate's verison of the ESEA Reauthorization bill. Unfortunately, as we all know, efforts to reauthorize the ESEA stalled on the Senate floor. It is now appropriate for the Senate to revisit this issue, and I hope give its full endorsement.

I look forward to working with my fellow original co-sponsors and the rest of the Senate to see that these important protections are enacted into law on behalf of America's hard working and dedicated teachers.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEACHER LIABILITY PROTECTION.

The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is amended by adding at the end the following:

"TITLE XV—TEACHER LIABILITY PROTECTION

"SEC. 15001. SHORT TITLE.

"This title may be cited as the 'Paul D. Coverdell Teacher Liability Protection Act of 2001'.

"SEC. 15002. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

"SEC. 15003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.

. "(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

"(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action or omission of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

"(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

"(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

"(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

"(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

"(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

"(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

"(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

"SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.

"(a) GENERAL RULE.—In any civil action against a teacher, based on an action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

"(b) AMOUNT OF LIABILITY.—

"(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

"(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

"SEC. 15006. DEFINITIONS.

For purposes of this title:

"(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

"(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

"(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school.

"SEC. 15007. EFFECTIVE DATE.

"(a) IN GENERAL.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Liability Protection Act of 2001.

"(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Paul D. Coverdell Teacher Liability Protection Act of 2001, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.".

Mr. MILLER. Mr. President, today I add my support to the Teacher Liability Protection Act, a bill first introduced by my predecessor Senator Paul Coverdell. Like him, and like my colleagues with whom I introduce this bill today, I firmly believe in the promise that the education of our children provides. An important part of fulfilling that promise is ensuring that our classrooms are a secure place in which to learn. And, as a result, teachers and principals are called upon every day to maintain order in our schools. In doing so, they should not be subject to frivolous lawsuits. Nor should the fear of such litigation prevent educators from acting reasonably and quickly in this regard.

The bill we introduce today seeks to eliminate that fear and to reassure educators that they can and should perform this necessary part of their job without hesitation. The bill provides limited immunity for teachers, principals, and other education professionals for any reasonable actions they take in an effort to discipline students or maintain order in the classroom. In addition, it limits the availability of punitive damages and damages for noneconomic loss in those suits that do proceed.

I also think that it is important to discuss what this bill does not do. It does not prevent proper accountability for teachers and principals who act intentionally, or even recklessly. Nor does it protect them if they violate state or federal law. Finally, this bill recognizes the authority of states on this issue by allowing states the ability to opt out of its provisions and leaving untouched any state law that provides greater immunity from liability. In sum, this bill provides an important and necessary baseline of protection for teachers and principals who are on the front line of our national struggle to improve education, and to fulfill the promise of our children's future.

I believe this Congress has a unique opportunity to improve education in our country. I hope that my colleagues will give this bill careful consideration, and support it as an important part of that effort.

Mr. GREGG. Mr. President, I rise today to join my colleague, MITCH MCCONNELL, in introducing the Paul Coverdell Teacher Liability Protection Act of 2001.

Senator Coverdell, recognizing the value of those individuals who sacrifice their time, money and energy to serve others, was a true leader in protecting both volunteers and teachers. In 1997, he successfully ushered the Volunteer Protection Act through Congress. Today, as a result of Senator Coverdell's efforts, volunteers can generously give their time and services without the threat of frivolous lawsuits.

Last year I joined Senator Coverdell in offering a teacher amendment during floor consideration of the Elementary and Secondary Education Act, ESEA. That amendment contained several provisions impacting teachers, but the bulk of the amendment was the Teacher Liability Protection Act. I am pleased to say that this amendment was passed by the Senate by a vote of 97 to 0, and a nearly identical measure was passed by the House by a vote of 358 to 67. The overwhelming support that this amendment received during the 106th Congress clearly illustrates the bipartisan nature of this initiative. Although Congress did not complete work on ESEA before the end of the session, I am very optimistic that the new President will sign into law an education reform bill this year and that bill will include the Paul Coverdell Teacher Liability Protection Act.

Our nation's public schools have become more violent, and teachers do not feel safe in their own classrooms. Today, more than half our nation's school teachers have been verbally abused, 16 percent have been threatened with injury and 7 percent have been physically attacked. Parents and students alike report that the behavior of some students completely interferes with the learning of others. As our schools have increasingly felt the effects of violence, drug use and a breakdown of discipline, it is necessary for teachers to use reasonable means to maintain order, discipline and a positive educational environment. However, teachers continuously find themselves the targets of frivolous lawsuits when they are forced to restore order in the classroom. Our nation's educators need to feel free to appropriately and swiftly discipline disruptive, unruly and unmanageable students to ensure the safety and education of all the children under their supervision.

Currently, unless a teacher is fortunate enough to work in a state that has liability laws that protect teachers, many teachers are hesitant to take action or intervene for fear of a lawsuit. This legislation would help to correct this sad situation.

The Paul Coverdell Teacher Liability Protection Act was modeled after the Volunteer Protection Act of 1997 and several state liability laws. The purpose of this legislation is to protect teachers from frivolous law suits when attempting to remove a disruptive or belligerent student from a classroom.

Specifically, it provides limited civil liability immunity for teachers and principals who engage in reasonable acts to maintain order and preserve a safe and educational environment in their classrooms and schools. The bill is narrowly crafted to focus on protecting reasonable acts that fall within the scope of a teacher's responsibilities in providing education services. The bill does not protect teachers who engage in wanton and willful acts of misconduct, criminal acts or violations of state and federal civil rights laws. The Teacher Liability Protection Act simply protects teachers and other education professionals from liability for harm caused to an individual by reasonable acts carried out in accordance with local, state and federal laws, as well as rules and regulations for controlling, disciplining, expelling or suspending a student from a classroom or school. Additionally, this legislation stipulates that punitive damages may not be awarded against a teacher unless the claimant establishes by clear and convincing evidence that harm was caused by an action that constituted willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

Furthermore, it is important to note that this legislation does not, in any way, supercede any state law that provides teachers with greater immunity from liability. Moreover, states can opt out of the provisions of this bill by passing state legislation exempting them from the Teacher Liability Protection Act.

I conclude by saying that we have a unique opportunity this year to improve our nation's public schools, and we should start with protecting its teachers. As you know, teachers are our most precious resource in the classroom, and to continue to place them at risk in their jobs, and not give them the protection they so desperately need is a shame. It is high time that we recognize teachers and principals for who they are; professionals that go to great lengths to help our children learn. Creating a safe-zone in which they are not subject to being dragged through the courts for ensuring the safety and education of the students in their classrooms should be a priority as we undertake education reform in the 107th Congress. That is why I stand here today to join Senator McCONNELL in empowering our nation's teachers to take back control of our classrooms and create an environment where they can teach and their students can learn.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. BIDEN, Mr. BINGAMAN, Mrs. CLINTON, Mr. DURBIN, Mr. INOUYE, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. CORZINE):

S. 318. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

Mr. DASCHLE. Mr. President, yesterday we read the first news accounts of the first analysis ever of the human genetic code—what some have called "the blueprint of human life" itself. Today, Senators KENNEDY, HARKIN, DODD, and I are introducing a bill to make sure this stunning new knowledge is used to help Americans, not hurt them. Our bill is called the "Genetic Nondiscrimination in Health Insurance and Employment Act." It says simply that genetic information may not be used to discriminate against Americans in health insurance or employment. An identical measure will be introduced tomorrow in the House by more than 150 Republican and Democratic cosponsors.

The genetic revolution has the potential to dramatically improve health care. Genetic technology can greatly improve our ability to treat and even cure now-incurable illnesses. Genetic tests can tell whether a person is at risk of developing certain diseases years before symptoms appear, giving her either peace of mind—or critical time to reduce her risks. But the scientific and commercial value of the human genome project will be seriously undermined if people refuse to take genetic tests because they fear the results may be used against them.

That is not just our opinion. That warning has been sounded repeatedly by the two men who understand genetic testing better than anyone in the world—the scientists in charge of the two teams that mapped the human genome. Dr. Craig Venter and Dr. Francis Collins. At a White House ceremony last June where Doctors Venter and Collins unveiled the sequencing of the human genome, they warned that our laws were not keeping pace with science and urged Congress to pass strong federal protections against genetic discrimination. As Dr. Collins put it: "If we needed a wake-up call, isn't today the wake-up call?"

The question now is: Are we going to heed that warning? Or, are we going to turn a deaf ear? This bill is the test. It has four major components. First, it forbids employers from using genetic information to decide who to hire or fire, and other terms and conditions of employment. Second, it forbids insurers from using genetic information to deny or restrict coverage, or raise premiums. Third, it prevents disclosure of identifiable genetic information to health insurers, health insurance data banks, employers—and anyone else who has no legitimate need for the information. Finally, if these basic rights are violated, our bill gives victims of genetic discrimination the right to hold the violator accountable in court.

It's been nearly three years since we first introduced this bill. Back then, some people said there was no need for these protections because there was no proof that genetic discrimination ever actually occurs. We got another wake-up call last Friday, when the Equal Employment Opportunity Commission went to court to challenge genetic testing by an employer. The EEOC has asked the court to order the Burlington Northern Santa Fe Railroad to end its alleged policy of requiring employees who claim work-related injuries related to carpel tunnel syndrome to undergo genetic testing—or lose their jobs.

The Burlington Northern case marks the first time the EEOC has ever brought a genetic discrimination in court. But it is not the first case of genetic discrimination we've heard about in this Senate. Last July, the Senate Health, Education, Labor, and Pensions Committee held a hearing specifically on genetic discrimination in employment and what, if anything, the Senate should do about it. I testified at that hearing about a social worker who made the mistake of telling her coworkers that she had been the primary care-giver for her mother, who had died of Huntington's disease. Despite her own good health and her long history of outstanding performance reviews, she was fired. Why? Because there is a chance she might one day develop the same disease that killed her mother.

I also testified about a 40-year-old mother of two young children who agreed to participate in a genetic research study. She tested positive for BRAC1, the gene implicated in breast and ovarian cancer. After undergoing preventive surgery to remove her breast and ovaries to minimize the risk of cancer, she lost the insurance she received from her job. Then she lost her job. She, too, had a history of good work evaluations. Now she says she will never again participate in any health studies, and she will not allow her children to be tested.

While genetic discrimination may be relatively rare now, experts say that's only because genetic tests are still relatively rare. As testing becomes more affordable, and more common, experts tell us, the incidence of discrimination is likely to increase dramatically.

How many more times do we need to hear about lives that have been shattered by someone's misuse of genetic information before we say clearly: "In America, you cannot discriminate against people because of their genetic makeup. Period."

This is a matter that effects every one of us. We all have flaws in our genes.

With rare exceptions, genetic tests can't confirm if we will ever develop a particular disease. All they can tell us is that we might some day develop the disease. Or we might not. Is it fair for employers to use genetic information in deciding who to hire and who to fire?

More than 10 years ago, we passed the Americans with Disabilities Act. We agreed then that, in this country, you can't discriminate against someone because of a disability. Can we really believe now that employers and insurers ought to be allowed to discriminate against someone because he or she might someday develop a disability illness?

Last week, three insurance companies in England admitted for the first time that they test for Huntington's disease, a progressive and incurable neurological disorder. One insurer also admitted it uses experimental tests for breast and ovarian cancer and Alzheimer's disease.

Do we have to wait until insurers in this country start using genetic screening routinely before we set some reasonable legal guidelines for genetic tests? How many more wake-up calls do we need?

Last summer, shortly after he and Francis and Collins unveiled the sequencing of the human genome, Craig Venter wrote me a letter. In it, he warned that genetic discrimination "is not a theoretical concern. Today, people who know they may be at risk for a genetic disease are foregoing diagnostic tests for fear they will lose their job or their health insurance." As a result, he said, "the incentives for new discoveries and treatments based on our newly acquired genomic information are diminished, and the promising new era in medicine is delayed."

There are some who say strong federal protections are not needed because a number of states have already passed bills to prevent genetic discrimination. They're right about one thing: many states have passed laws. I'm proud to report that South Dakota became the latest last Friday when it adopted legislation to curb the collection of a person's genetic information without informed consent. In all, 37 states have passed bills regarding genetic discrimination in health insurance, and 22 states have laws regarding genetic discrimination in the workplace.

Those laws represent progress. And they offer some protection. The problem with the current patchwork of state laws is that it contains major loopholes. For example: some states protect only DNA and RNA. Other states extend protection to family history data and other medical information that could offer some genetic clues. In addition, because of federal exemptions, state laws offer no protections to the one-in-three Americans who get their health insurance through their employer.

Others say this bill is not needed because the Americans with Disabilities Act already prohibits discrimination based on disability. The problem with that theory is: it's never been tested. The Burlington Northern case represents that first time a genetic discrimination suit has been brought specifically on the grounds that it violates the ADA. Maybe the court will decide that the ADA does cover genetic discrimination. Maybe it will decide that it doesn't. Either way, a definitive answer could take years. What is the harm of us acting now to say clearly that genetic discrimination will not be tolerated in America? What is the worst thing that could happen? That we end up with two laws, each protecting the same fundamental principle?

Last year, then-President Clinton signed an executive order banning genetic discrimination in federal employment. Our bill seeks merely to extend the same protections to private workplaces and insurers. The principles in our bill are supported by both Dr. Craig Venter and Dr. Francis Collins. They are also supported by the federal Advisory Committee on Genetic Testing, the Equal Employment Opportunity Commission and the departments of Labor, Justice, and Health and Human Services. More important, they are supported by a strong majority of the American people.

At the beginning of our nation's history, Thomas Jefferson wrote, "laws and discoveries must go hand in hand with the progress of the human mind. As . . . new discoveries are made . . . institutions must advance also to keep pace with the times."

Our new knowledge about the genetic blueprint has the potential to dramatically improve our health and the quality of our lives. However, if we don't respond to the wake-up call now, this new knowledge also has the potential to destroy lives. We simply cannot afford to take one step forward in science, while taking two steps backwards in civil rights!

The legislation we offer today will enable us to move forward in a way that will benefit—and protect—all Americans. I thank my colleagues—Senators KENNEDY, DODD, and HARKIN—for all their help in this endeavor. I also thank our colleagues in the House—particularly Congresswoman LOUISE SLAUGHTER, for her tireless effort to move our companion bill to the floor in that chamber. And I urge my colleagues to join us in answering the wake-up call now so that we can make sure the genetic revolution—which has been largely financed with American tax dollars—helps people—instead of hurting them.

Mr. HARKIN. Mr. President, I am pleased to introduce the "Genetic Nondiscrimination in Health Insurance and Employment Act" with Senator DASCHLE, Senator DODD, Senator KENNEDY, and other colleagues. This bill would bring our nondiscrimination policies into the 21st century.

Genetic discrimination is a terribly important issue and one that I have been following for quite some time now. My interest started in the late 1980s when I was first involved in the effort to fund the Human Genome Project at NIH. Looking back over the past ten years, this was one of the best investments our country has ever made. The advances in the study of the human gene are mind-boggling. Last year, the Human Genome Project and Celera Genomics announced that scientists had mapped the entire human genome. Just yesterday, these same scientists reported the probable number of human genes at 30,000 to 40,000 (only twice as many genes as your run-of-the-mill roundworm).

The impact of these discoveries will go far beyond the laboratory. The mapping of the human genome will mean enormous gains in science and the provision of health care. The identification of a number of disease-related genes has already provided scientists with important new tools for understanding the underlying mechanisms for many illnesses. And genomic technologies have the potential to lead to better diagnosis and treatment, and, ultimately, the prevention and cure of many diseases and disabilities.

However, without genetic discrimination protections, people will be deterred from using genetic technologies that detect and prevent the onset of life-threatening diseases.

Discrimination in health insurance and employment, and the fear of potential discrimination, threaten our ability to conduct the very research we need to understand, treat, and prevent genetic disease. Moreover, discrimination—and the fear of discrimination—threaten our ability to use new genetic technologies to improve human health. As a result, our rapid, scientific progress could be rendered meaningless for the every day American.

Let me give you just a few examples:

In the early 1970's some insurance companies denied coverage and some employers denied jobs to African-Americans who were identified as carriers for sickle-cell anemia, even though they were healthy and would never develop the disease.

More recently, in a survey of people in families with genetic disorders, 22 percent indicated that they, or a member of their family, had been refused health insurance on the basis of their genetic information.

And a number of researchers have been unable to get individuals to participate in cancer genetics research. Fear of discrimination is cited as the reason why.

But this is more than just about numbers and anonymous individuals, it's about real people—including my own family. As many of you know, both my sisters died from breast cancer. And other members of my family might be at risk. Should I counsel them to get tested for the BRCA1 and BRCA2 mutations? Should I counsel them to disclose our family history to their health care providers?

Right now, I'm torn. I know that if my family is to have access to the best available interventions and preventive care, they should get tested, and they should disclose our family's medical history to their physicians. But, conversely, if they are to get any health care at all, they must have access to health insurance. Without strong protections against discrimination, access to health insurance is currently in question.

In 1995, I introduced an amendment during the mark-up of the Health Insurance Portability and Accountability Act. My amendment clarified that group health plans could not establish eligibility, continuation, enrollment, or contribution requirements based on genetic information. The amendment became part of the manager's package that went to the floor, and it ultimately became law.

HIPAA is a good first step. We should be proud of that legislation. Yet if our goal is to ensure that individuals have access to health insurance coverage and to employment opportunities—regardless of their genetic makeup—we must ensure that they are protected against discrimination on the basis of their genetic makeup.

Our proposed legislation offers such protections. Let me describe them in brief:

First, this legislation prohibits insurers and employers from discriminating on the basis of protected genetic information. It is essential to prohibit discrimination both at work and in health insurance coverage. If we only prohibit discrimination in the insurance context, employers who are worried about future increased medical costs or increased sick time will simply not hire individuals who have a genetic predisposition to a particular disease.

Second, under our proposal, health insurance companies are prohibited from disclosing genetic information to other insurance companies, industry-wide data banks, and employers. If we really want to prevent discrimination, we should not let genetic information get into the wrong hands in the first place.

Finally, if protections against genetic discrimination are to have teeth, we must include strong penalties and remedies to deter employers and insurers from discriminating in the first place.

This bill will ensure that every American will enjoy the latest advances in scientific research and health care delivery, without fear of retribution on the basis of their sensitive genetic information. All of us should be concerned about this issue, because all of us have genetic information that could be used against us. As we move into the new millennium, everyone should enjoy the benefits of 21st century technologies—and not be harmed by 21st century discrimination.

I applaud the commitment of my fellow co-sponsors on this important issue and look forward to working with my colleagues on both sides of the aisle to pass federal legislation that will prohibit genetic discrimination in the workplace and in health insurance.

Mr. DODD. Mr. President, over the past decade the science of identifying genetic markers for diseases has evolved at an astonishing pace. For an increasing number of Americans, science fiction has become reality—their doctors can now scan their unique genetic blueprints and predict the likelihood of their developing diseases like cancer, Alzheimer's or Parkinson's.

Armed with this knowledge, individuals and families can make informed decisions about their health care including, in some cases, even taking steps to prevent the disease or to detect and treat it early. Unfortunately, however, phenomenal advances in our knowledge about genetics have outpaced the protections currently provided in law. Thus, the potential also exists for this information to be used by health insurers or employers to deny health coverage or job opportunities.

And, in fact, recent events have catapulted the issue of genetic discrimination from a potential concern to a devastating reality. Just this week, the U.S. Equal Employment Opportunity Commission filed a lawsuit against an employer for requiring genetic testing of employees who file injury claims. Additionally, a recent survey of over 2,000 companies conducted by the American Management Association showed that 18.1 percent of companies require genetic or medical family history data from employees or job applicants. According to the same survey, 26.1 percent of the companies that require genetic or family medical history tests use the results of those tests in hiring decisions.

We know that Federal and State laws currently offer only a patchwork of protections against the misuse of genetic information. While the Health Insurance Portability and Accountability Act of 1996 took important first steps toward prohibiting genetic discrimination in health insurance, it left large gaps. For example, it does not prohibit insurers from requiring genetic testing or from disclosing genetic information and offers no protection at all for people who must buy their insurance in the individual market. And, while several States, including Connecticut, have enacted legislation prohibiting health insurance discrimination, these laws can not protect the 51 million individuals in employer-sponsored "self-funded" health plans. Additionally, few States have chosen to address the issues of employment discrimination or the separate issue of the privacy of genetic records.

I know from personal experience that this issue is not a partisan one. Four years ago, I joined Senator DOMENICI in introducing one of the first bills on this critical topic, addressing both insurance and employment discrimination. And two years ago, along with many of my Democrat colleagues, I joined Senator SNOWE in supporting strong legislation protecting patients from genetic discrimination in insurance.

Today I am pleased to join my colleagues, Senator DASCHLE, Senator HARKIN and Senator KENNEDY in introducing comprehensive legislation to safeguard the privacy of genetic information and prohibit health insurance or employment discrimination based on genetic information. Specifically, this legislation would prohibit health insurers from discriminating based on genetic predisposition to an illness or condition and would prevent insurers from requiring applicants for health insurance to submit to genetic testing. This bill would also address concerns about employment discrimination by preventing employers from firing or refusing to hire individuals who may be susceptible to a genetic condition. Finally, this legislation holds employers and insurers accountable by imposing strong penalties those who violate these provisions.

Three years ago, in a visit to Yale University's Genetic Testing Center I had the opportunity to glimpse cutting edge uses of that technology. I also had the opportunity, however, to hear the fears expressed by the patients at the center. On that visit I met with Keith Hall, who has been a patient at Yale for several years—since he was first diagnosed with Tuberous Sclerosis, a genetic disease that causes tumors of the brain, kidney and other organs, and sometimes mental retardation. Keith worries about what would happen to his insurance if he ever had to switch jobs.

I also met with Ashley Przybylski, an 11-year-old girl from Oxford, CT. Ashley suffers from a genetic nutritional disorder that can cause seizures and brain damage. While currently the family's insurance covers the exorbitant cost of the medication that keeps her healthy—$33,000 a year—Ashley faces the prospect of being denied coverage when she gets older.

While we as a Nation welcome these scientific achievements, it is critical we ensure that they be applied for the purposes of preventing or treating disease, rather than for denying health insurance or employment to individuals. This issue is too important to ignore for yet another year. Each day that passes more individuals suffer discrimination. Each day that we fail to act, more families will be forced to make decisions about genetic testing based, not on their health care needs, but on fear.

I pledge my commitment to ensuring that continued progress in science is matched by progress in creating protections against discrimination and establishing fundamental rights to privacy. I'd like to again thank my colleagues, Senator DASCHLE, Senator KENNEDY and Senator HARKIN for joining me in introducing this legislation.

Mr. KENNEDY. Mr. President, this week, scientists announced the completion of a task that once seemed unimaginable—deciphering the entire DNA sequence of the human genetic code. This amazing accomplishment is likely to affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century.

These new discoveries bring remarkable new opportunities for improving health care. But they also carry the danger that genetic information will be used—not to improve the lives of Americans—but as a basis for discrimination. Discrimination on the basis of a person's genetic traits—such as those associated with cancer, Huntington's disease, or sickle cell anemia—is as unacceptable as discrimination on the basis of gender, race, or religion. No American should be denied health insurance or fired from a job based on the results of a genetic test.

People need access to genetic testing, in order to seek treatments to extend and improve their lives. Yet, the vast potential of genetic knowledge to improve health care will go unfulfilled, if patients fear that information about their genetic characteristics will be used as the basis for discrimination. Congress has a responsibility to guarantee that private medical information remains private, and that genetic information cannot be used for improper purposes.

The Genetic Non-Discrimination in Health Insurance and Employment Act guarantees these protections. It gives the American people the protections they need and deserve against genetic discrimination. It prohibits employers from using genetic information to discriminate in the workplace in hiring, promotion, pay or other workplace rights and privileges. And it gives victims of genetic discrimination the right to seek remedies through legal action.

In too many cases today the promise of genetic research is being squandered, because patients rightly fear that information about their genes will be used against them in the workplace or in health insurance. Study after study reports that the vast majority of Americans are concerned about taking a genetic test, for fear that employers will have access to the information. The Journal of the American Medical Association reported that 57 percent of women at risk for breast or ovarian cancer had refused to take a genetic test that could have identified their risk for cancer and assisted them in receiving medical treatment to prevent the onset of these diseases because they feared reprisals for doing so. Tragically, the vast potential of genetic knowledge to improve health care will go unfulfilled if patients fear that information about their genetic characteristics will be used as the basis for job discrimination or other prejudices.

And that fear is clearly well-founded. Genetic discrimination is a real and frightening problem, and it is happening right now. Last Saturday reports of mandatory genetic testing of employees made headline news—and the testing was being conducted by one of the largest railroads in this country. One employee was informed by the railroad that he would be fired for refusing to submit to the genetic testing.

This is just the tip of the iceberg of what is becoming a routine and pervasive employer practice as genetic testing becomes more accessible and economical. Today, employers and insurers often require and use this information to deny health coverage, refuse a promotion, or reject a job applicant—all in the absence of any symptoms of disease. According to a 1995 study by Georgetown University, people have been required to provide information about genetic diseases, disabilities, or family medical history on job applications and have been denied jobs or have lost jobs because of a family genetic condition.

Moreover, a recent survey by the American Management Association of over 2,000 companies showed that more than 18 percent of companies require genetic tests or data on family medical history from employees or job applicants. According to the same survey, more than 26 percent of the companies that require this information use it in hiring decisions.

Experts in genetics are virtually unanimous in calling for strong protections to prevent this misuse and abuse of science. The Department of Health and Human Services' advisory panel on genetic testing—consisting of experts in law, science, medicine and business—recommended unambiguously that "Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information." Dr. Craig Venter, the president of Celera Genomics, who led the privately-financed aspect of the gene sequencing research, has spoken of the "immediate threat . . . [of] genetic discrimination. . . . [H]uman rights and civil rights law will have to be updated to include this new class of diagnosed person. At this stage, one can only imagine the future potential of abuse," he said.

With time, the potential for genetic discrimination will only grow stronger and federal legislation to establish minimum protections is needed to ensure that advances in research and technology are not used to discriminate against workers. Without strong protections guaranteeing that private medical information remains private and that genetic information can not be used for improper purposes, we will squander the unprecedented opportunities presented by these new discoveries, and the health and welfare of large numbers of our fellow citizens will be put at risk.

I commend our leader, Senator DASCHLE, for introducing this important legislation that will give the American people the protections against genetic discrimination they need and deserve. The Genetic Non-Discrimination in Health Insurance and Employment Act will prohibit insurers from denying or abridging health care coverage on the basis of genetic test results. It will protect employees from discrimination on the basis of their unalterable genetic inheritance. The Act safeguards Americans' private genetic information from unauthorized disclosures to employers, banks, and others who should not have access to this most sensitive of personal information. And, because a right without a remedy is no right at all, this important measure would provide persons who have suffered genetic discrimination in either arena with the right to seek redress through legal action. I urge my colleagues to join Senator DASCHLE and me in supporting the Genetic Non-Discrimination in Health Insurance and Employment Act.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mrs. HUTCHISON):

S. 319. A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, this morning the Commerce Committee heard testimony from the Department of Transportation Inspector General on the airlines' efforts to meet their voluntary Airline Customer Service Commitment. The IG reported that the airlines had made progress in their customer service areas. He also noted that the airlines were deficient in many areas of their commitment. The IG recommended that Congress take some measures to ensure that the airlines continue to make progress on the passenger service front.

To that end, I am introducing the Airline Customer Service Improvement Act, along with Senators HOLLINGS, HUTCHISON, and WYDEN.

This bill implements the recommendations set forth by the Inspector General in his final report. Specifically, the bill requires each air carrier to incorporate the voluntary Airline Customer Service Commitment into its contract of carriage. In addition, the bill requires each air carrier to specifically disclose information recommended by Mr. Mead, such as the on-time performance rates of specific flights and the airlines' policy with respect to overnight accommodations.

The bill also directs the Department of Transportation to raise the compensation required for passengers involuntarily bumped from a flight. This regulation has not been updated in more than 20 years.

The bill also directs the Department of Transportation to change the way it calculates lost and mishandled baggage statistics, so that these statistics will more accurately represent the problems that passengers face.

Finally, consistent with the IG's recommendations, the bill requires the airlines to report on their efforts to establish targets for reducing the number of chronically-delayed and canceled flights, and establishing a system passengers may use to determine if their flight has been delayed or canceled.

In short, this legislation does not seek to legislate good customer service. This legislation seeks to provide the airlines and the Department of Transportation with the incentives to ensure that good customer service remains high on everyone's priority list.

Let me make clear that this bill is just one small step towards fixing the system. This bill does not begin to address the many problems facing the airline industry. Capacity, congestion, antiquated air traffic control systems, and labor all have had detrimental effects on our system and, consequently, customer service. The Commerce Committee will continue to explore ways to improve the efficiency of our aviation system. We will all need to work together to fix the multitude of problems that airline customers face everyday.

I look forward to working together with my fellow Senators on this and other ways to address the needs of our aviation system.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Customer Service Improvement Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Inspector General of the Department of Transportation has found that the airlines' voluntary commitment to better service, set forth in the Airline Customer Service Commitment, has resulted in positive changes in how air travelers are treated.

(2) While the Inspector General's Final report noted that the voluntary effort has produced benefits faster than a legislative or regulatory mandate, which could have taken years to implement, the Inspector General has recommended additional changes that require legislation and regulations.

(3) The Airline Customer Service Commitment has prompted the airlines to address consumer concerns in many areas, ranging from providing information more accurately on delays to explaining that lower fares may be available through the Internet.

(4) The airlines were cooperative with, and responsive to, many of the suggestions the Inspector General made in the interim report last year.

(5) The Inspector General has determined that, while there has been significant progress in improving airline customer service, certain areas covered by the Airline Customer Service Commitment are in need of significant clarification and improvement and, where appropriate, enforcement action.

SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE GREATER RESOURCES TO AIRLINE PASSENGER CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall increase the resources of the Department of Transportation allocated to providing—

(1) airline passenger consumer protection and related services; and

(2) oversight and enforcement of laws and regulations within the jurisdiction of the Department that provide protection for air travelers.

(b) REPORT.—Within 60 days after the date of enactment of this Act, the Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure measures taken by the Secretary to carry out subsection (a), together with a request for additional funds or measures, if necessary, to carry out that subsection fully.

SEC. 4. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

"§ 41781. Airline customer service requirements

"(a) IN GENERAL.—Within 60 days after the date of enactment of the Airline Customer Service Improvement Act, each large air carrier shall incorporate the provisions of the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999, in its contract of carriage.

"(b) ADDITIONAL OBLIGATIONS.—Within 60 days after the date of enactment of the Airline Customer Service Improvement Act, each large air carrier shall institute the following practices:

"(1) Include fares available at the air carrier's ticket offices and airport ticket service counters when quoting the lowest fare available to passengers.

"(2) Notify customers that lower fares may be available through other distribution systems, including Internet websites.

"(3) Provide, no later than the 5th day of each month, the air carrier's on-time performance rate for each scheduled flight for the most recently-ended month for which data is available through its Internet website.

"(4) Disclose, without being requested, the on-time performance and cancellation rate for a chronically-delayed or canceled flight whenever a customer makes a reservation or purchases a ticket on such a flight.

"(5) Establish a plan with respect to passengers who must unexpectedly remain overnight during a trip due to flight delays, cancellations, or diversions.

"(6) Tell all passengers on a flight what the air carrier is required to pay passengers involuntarily denied boarding before making offers to passengers to induce them voluntarily to relinquish seats.

"(c) COMPLIANCE ASSURANCE.—

"(1) AIR CARRIER FUNCTIONS.—Each large air carrier also shall—

"(A) establish a customer service quality assurance and performance measurement system within 90 days after the date of enactment of the Airline Customer Service Improvement Act;

"(B) establish an internal audit process to measure compliance with the commitments and its customer service plan within 90 days after the date of enactment of the Airline Customer Service Improvement Act; and

"(C) cooperate fully with any Department of Transportation audit of its customer service quality assurance system or review of its internal audit.

"(2) DOT FUNCTIONS.—The Secretary of Transportation shall—

"(A) monitor compliance by large air carriers with the requirements of this section and take such action under subpart IV of this title as may necessary to enforce compliance with this section under subpart IV of this title;

"(B) monitor air carrier customer service quality assurance and performance measurement systems to ensure that air carriers are meeting fully their airline passenger service commitments; and

"(C) review the internal audits conducted by air carriers of their air carrier customer service quality assurance and performance measurement systems.

"(d) DEFINITIONS.—In this section—

"(1) LARGE AIR CARRIER.—The term 'large air carrier' means an air carrier holding a certificate issued under section 41102 that—

"(A) operates aircraft designed to have a maximum passenger capacity of more than 60 seats or a maximum payload capacity of more than 18,000 pounds; or

"(B) conducts operations where one or both terminals of a flight stage are outside the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

"(2) CHRONICALLY DELAYED OR CANCELED.—A flight shall be considered to be chronically-delayed or canceled if at least 40 percent of the flight's departures are delayed for at least 15 minutes or at least 40 percent of the flights are canceled.".

(b) ENFORCEMENT.—Section 46301(a)(7) of title 49, United States Code, is amended by striking "40112 or 41727" and inserting "40112, 41727, or 41781".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

"41781. Airline customer service requirements".

SEC. 5. OTHER SERVICE-ENHANCING IMPROVEMENTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, each large air carrier (as defined in section 41781(d)(1)) shall—

(1) establish realistic targets for reducing chronically-delayed and canceled flights;

(2) establish a system passengers may use before departing for the airport to determine whether there is a lengthy flight delay or whether a flight has been canceled;

(3) develop and implement a system for tracking and documenting the amount of time between the receipt of a passenger's claim for missing baggage and the delivery of the baggage to the passenger, including the time taken by a courier or other delivery service to deliver found baggage to the passenger;

(4) monitor and report its efforts to improve services provided to passengers with disabilities and special needs, including services provided at airports such as check-in, passenger security screening (particularly for passengers who use wheelchairs), boarding, and disembarkation;

(5) clarify terminology used to advise passengers of unscheduled delays or interruptions in service, such as "extended period of time" and "emergency", in order better to inform passengers about what they can expect during on-board delays;

(6) ensure that comprehensive passenger service contingency plans are properly maintained and that the plans, and any changes to those plans, are coordinated with local airport authorities and the Federal Aviation Administration;

(7) ensure that master airport flight information display monitors contain accurate, up-to-date flight information and that the information is consistent with that shown on the carrier's flight information display monitors;

(8) establish a toll-free telephone number that a passenger may use to check on the status of checked baggage that was not delivered on arrival at the passenger's destination;

(9) if it maintains a domestic code-share arrangement with another air carrier, conclude an agreement under which it will conduct an annual audit of that air carrier's compliance with the other air carrier's airline customer service commitment; and

(10) if it has a frequent flyer program, make available to the public a comprehensive report of frequent flyer redemption information in their customer literature and annual reports, including information on the percentage of successful redemption of frequent flyer awards and the number of seats available for such awards in the air carrier's top 100 origin and destination markets.

(b) Initial Response Reports.—

(1) Air carriers.—Within 90 days after the date of enactment of this Act, each large air carrier shall report to the Secretary of Transportation on its implementation of the obligations imposed on it by this Act.

(2) Secretary.—Within 270 days after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the implementation by large air carriers of the obligations imposed on them by this Act, together with such additional findings and recommendations for additional legislative or regulatory action as the Secretary deems appropriate.

SEC. 6. IMPROVED DOT STATISTICS.

(a) Missing Baggage.—In calculating and reporting the rate of mishandled baggage for air carriers, the Department of Transportation shall not take into account passengers who do not check any baggage.

(b) Chronically Delayed or Canceled Flights.—The Office of Aviation Enforcement and Proceedings of the Department of Transportation in coordination with the Bureau of Transportation Statistics of the Department of Transportation, shall include a table in the Air Travel Consumer Report that shows flights chronically delayed by 15 minutes or more and flights canceled 40 percent or more for 3 consecutive months or more.

SEC. 7. DOT REGULATIONS ON BUMPING.

(a) Uniform Check-in Deadline.—The Secretary of Transportation shall initiate a rulemaking within 30 days after the date of enactment of this Act to amend the Department of Transportation's Regulations to establish a uniform check-in deadline and to require air carriers to disclose, both in their contracts of carriage and on ticket jackets, their policies on how those deadlines apply to passengers making connections.

(b) Bumped Passenger Compensation.—The Secretary of Transportation shall initiate a rulemaking within 30 days after the date of enactment of this Act to amend the Department of Transportation's Regulation (14 C.F.R. 250.5) governing the amount of denied boarding compensation for passengers denied boarding involuntarily to increase the maximum amount thereof.

(c) Clarify Certain Terms.—The Secretary of Transportation shall clarify the terms "any undue or unreasonable preference or advantage" and "unjust or unreasonable prejudice or disadvantage", as used in section 250.3 of the Department of Transportation's Regulations (14 C.F.R. 250.3), for purposes of air carrier priority rules or criteria for passengers denied boarding involuntarily.

Mr. HOLLINGS. Mr. President, I join with Senator McCain in co-sponsoring the Airline Customer Service Improvement Act. The Commerce Committee has spent a great deal of time seeking ways to hold the air carriers accountable for their service and to force them to do a better job. Deregulation was supposed to make the carriers compete for our business, but it has failed. We now have hundreds of markets with no competition, and without competition, you get no service. Carriers have treated consumers like cattle in a stockyard, and that must end.

It is time to stand up for all travelers and demand basic information, and to expect service if we are paying the high fares.

The Commerce Committee has held three hearings, enlisted the Department of Transportation's Inspector General, and experienced the lack of service, first hand. It is not complicated, but it does take a commitment from the industry to hire more people and give them the tools to tell consumers what is going on or why a flight is canceled or delayed. Flights delayed 30, 40 percent of the time, according to DOT statistics, or canceled that often, should be eliminated or schedules changed.

Telling people truthfully what is happening, providing basic necessities when flights are delayed for hours on end like they were in Detroit in January 1999, is not hard.

The chairman and I have waited patiently to proceed with legislation in anticipation of a final report by the Department of Transportation's Inspector General, Ken Mead. The report, released Monday, is a blueprint for change. Mr. Mead and his staff, David Dobbs, Lexi Stefani, Brian Dettleback, and Scott Morris, worked long and hard to find the best way to make improvements in service.

The report notes that reducing delays is a tough problem, requiring funding and industry action. We have an air transportation system in crisis, from every angle, nonetheless that is no excuse for poor service. There are more people flying, more planes landing, an increase in delays (up 33% since 1995), a critical shortage of runways, and airlines able to dictate the price and quality of service offered in many markets without regard to competition. Delays will continue to plague the system, but the carriers know this, and their Customer Service Commitments were done in light of known problems. We will work with the industry on many facets of expanding capacity, but it is their job to improve service.

The carriers all to often want to cite the government as the reason for their problems. I do not buy that. These carriers have more data than virtually any industry, and make educated guesses on pricing and scheduling every day. They know the likelihood of delays. Even weather, which is unpredictable on a daily basis, is something they can anticipate. I know right now we will have thunderstorms this summer, and snow storms next winter. How will the carriers treat people during those times? I know my flight is likely to be delayed—the reasons may vary, but the process by which you tell people basic information should not be hard. Some of the carriers have attempted improvements. At a hearing last June, one carrier demonstrated a new automatic system that more quickly tells people what to expect. Another carrier has "chariots" that set up temporary service counters during emergency periods. An ad this past weekend touted ways to electronically tell passengers that a flight is late. These are a start, but there is a long road to go.

The Air Transport Association last month announced a number of initiatives on ways to reduce delays. The ATA called on the President to hire a 1000 more controllers, use satellites to track planes and to redesign our airspace—all actions that could increase capacity. I support those initiatives, but we had better tell the Administration not to reduce the FAA's budget by hundreds of millions of dollars, which they apparently are considering.

The Senate is going to spend the time to increase competition, to improve service, and to put back the notion of the public's needs as a priority.

By Mr. GRASSLEY (for himself, Mr. Kennedy, Mr. Jeffords, Mr. Baucus, Ms. Snowe, Mr. Rockefeller, Mr. Daschle, Mr. Breaux, Mr. Conrad, Mr. Graham, Mr. Bingaman, Mr. Kerry, Mr. Torricelli, Mrs. Lincoln, Mr. Akaka, Mr. Bayh, Mr. Biden, Mrs. Boxer, Mr.

BYRD, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FRIST, Mr. HARKIN, Mr. HELMS, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mrs. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. 321. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, it is with great pleasure that I announce the introduction of the Family Opportunity Act of 2001. I pledge my commitment to working with Senator KENNEDY and others in a bi-partisan, bicameral way for the passage of the Family Opportunity Act this year.

We have a common-sense bill. Our bill is pro-family because it keeps families together. It's pro-work because it lets parents work without losing their children's health care. It's pro-taxpayer because it lets people earn money and help pay their own way for Medicaid coverage.

Why is this legislation so necessary? As a parent, your main objective in life is to provide for your child to the best of your ability. Our federal government takes this goal and turns it upside down for the parents of children with special health care needs. The government forces these parents to choose between family income and their children's health care. That's a terrible choice.

Families have to remain in poverty just to keep Medicaid. Obviously this affects entire families, not just the child with the health care needs. The story of an Iowan family illustrates this point. Daniel, the 18-year-old son of Melissa Arnold, can't work part-time for fear of jeopardizing his brother's Medicaid coverage.

I know of another family whose son was paralyzed after a diving accident. The family exhausted $1 million of private insurance. Then they had to pay $1,500 a day on their own just to keep their son alive. Yet another family has a 4-year-old son who functions at an infant's level. This little boy takes anti-seizure medication that costs about $150 every two weeks. His nutritional supplement is $10 a day. He'll always wear diapers. All of those costs come out of his parents' pocket.

Most families just can't afford those costs.

Why is Medicaid so desirable? It's critical to the well-being of children with multiple medical needs. Medicaid covers services that are difficult to find in private health plans. A child with a severe disability may need special medical equipment or physical therapy on a regular basis just in order to be able to eat.

Our bill creates a state option to allow working parents who have a child with a disability to keep working and to still have access to Medicaid for their child. Parents would pay for Medicaid coverage on a sliding scale. No one would have to become impoverished or stay impoverished to secure Medicaid for a child.

The legislation recognizes a universal truth. Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way. I look forward to working with my colleagues for passage of the Family Opportunity Act this year.

Mr. KENNEDY. Mr. President, it is an honor to once again join my colleague Senator Chuck GRASSLEY in introducing the Family Opportunity Act of 2001—the hallmark of which is to remove the health care barriers for children with disabilities that so often prevent families from staying together and staying employed.

Despite the extraordinary growth and prosperity the country is enjoying today, families of disabled and special needs children continue to struggle to keep their families together, live independently and become fully contributing members of their communities.

More than 8 percent of children in this country have significant disabilities, many of whom do not have access to critical health services they need to maintain and prevent deterioration of their health status. To get needed health services for their children, families are being forced to become poor, stay poor, put their children in out of home placements, or simply give up custody of their children—all so that their children can qualify for the comprehensive health coverage available under Medicaid.

In a recent survey of 20 states, families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family —so that their child can stay eligible for Medicaid through the Social Security Income (SSI) Program.

Today we are reintroducing legislation intended to close the health care gap for the Nation's most vulnerable population, and enable families of disabled children in this country to be equal partners in the American dream.

In the words of President George W. Bush in his "New Freedom Initiative", "Too many Americans with disabilities remain trapped in bureaucracies of dependence, and are denied the access necessary for success—and we need to tear down these barriers".

The Family Opportunity Act of 2001 will tear down the unfair barriers to needed health care that so many disabled and special needs children are being denied.

It will make health insurance coverage more widely available for children with significant disabilities, through opportunities to buy-in to Medicaid at an affordable rate.

It will allow states to develop a demonstration program to provide a medicaid buy-in for children with potentially significant disabilities who without needed health services will become severely disabled.

States will have more flexibility to offer disabled children needed health services at home and in their communities.

It will establish Family to Family Information Centers in each state to help families with special needs children.

The passage of the Work Incentives Improvement Act of 1999 showed the commitment of this Nation to ensure that people with disabilities have the right to lead independent and productive lives without giving up their health care. It is now time for Congress to show that same commitment to our country's children with disabilities and their families.

I look forward to working with all members of Congress to move this legislation forward and give disabled children and their families across the country a better opportunity to fulfill their dreams and fully participate in the social and economic mainstream of our Nation.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 5. A joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President, today I am introducing a Senate joint resolution appointing a citizen regent to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, the Senator from Tennessee, Mr. FRIST, and the Senator from Vermont, Mr. LEAHY, are cosponsors.

At its meeting on January 22, 2001, the Smithsonian Institution Board of Regents recommended Dr. Walter E. Massey for appointment to the Smithsonian Institution Board of Regents.

I ask unanimous consent that the biography of the nominee and the text of the joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. Res. 5

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.

(a) In General.—In accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Frank A. Shrontz of Washington on May 4, 2000, is filled by the appointment of Walter E. Massey of Georgia.

(b) Term.—The appointment is for a term of 6 years beginning on the date of enactment of this joint resolution.

Biography

Massey, Walter Eugene, physicist, science foundation administrator; b. Hattiesburg, Miss., Apr. 5, 1938; s. Almor and Essie (Nelson) M.; m. Shirley Streeter, Oct. 25, 1969; children: Keith Anthony, Eric Eugene. BS, Morehouse Coll., 1958; MA, Washington U., St. Louis, 1966, PhD, 1966. Physicist Argonne (Ill.) Nat. Lab., 1966–68; asst. prof. physics U. Ill., Urbana, 1968–70; assoc. prof. Brown U., Providence, 1970–75, prof., dean of Coll., 1975–79; prof. physics U. Chgo., 1979–93; dir. Argonne Nat. Lab., 1979–84; v.p. for rsch. and for Argonne Nat. Lab. U. Chgo., 1984–91; dir. NSF, Washington, 1991–93; sr. v.p. acad. affairs U. Calif. System, 1993–95; pres. Morehouse Coll., Atlanta, 1995—; mem. NSB, 1978–84; cons. NAS, 1973–76. A scientist and educator for the past 30 years, with significant influence in higher education (especially science and math education) and in educational administration, Walter Massey has done extensive research in the study of quantum liquids and solids. In 1966, while a physics professor at the University of Chicago, he was instrumental in the founding of the Argonne National Laboratory for the University, where he served as director from 1979–84. He was responsible for budget planning and allocations and programmatic oversight of the three national laboratories managed by the University of California from 1993–95. He is currently the ninth president of Morehouse College, the nation's only historical black, four-year liberal arts college for men. Contbr. articles on sci. edn. in secondary schs. and in theory of quantum fluids to profl. jours. Bd. fellows Brown U., 1980–90, Mus. Sci. and Industry, Chgo., 1980–39, Ill. Math. and Sci. Acad., 1985–88; bd. dirs. Urban League R.I., 1973–75. NAS fellow, 1961, NDEA fellow, 1959–60, AAAS fellow, 1962. Mem. AAAS (bd. dirs. 1981–85, pres.-elect 1987–88, pres. 1988–89, chmn. 1989–90), Am. Phys. Soc. (councillor-at-large 1980–83, v.p. 1990), Sigma Xi. Office: Morehouse Coll 830 Westview Dr SW Atlanta GA 30314–3773.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DASCHLE, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 8, a bill to improve the economic security of workers, and for other purposes.

S. 11

At the request of Mrs. HUTCHISON, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from West Virginia (Mr. BYRD), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 19

At the request of Mr. DASCHLE, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 29

At the request of Mr. BOND, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. CLELAND), the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 60

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Indiana (Mr. BAYH), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electicity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 77

At the request of Mr. DASCHLE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 123

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 126

At the request of Mr. CLELAND, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 131

At the request of Mr. JOHNSON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 135

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 135, a bill to amend title XVIII of the Social Security Act to improve payments for direct graduate medical education under the medicare program.

S. 143

At the request of Mr. GRAMM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Missouri

(Mr. BOND), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 148

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 149

At the request of Mr. ENZI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. MILLER), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 174

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 189

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 189, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

S. 198

At the request of Mr. CRAIG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 200

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 200, a bill to establish a national policy of basic consumer fair treatment for airline passengers, and for other purposes.

S. 207

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 210

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 210, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 212

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 212, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. 219

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 219, a bill to suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

S. 225

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 225, a bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans.

S. 231

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 231, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 239

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 239, a bill to improve access to the Cuban market for American agricultural producers, and for other purposes.

S. 242

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 242, a bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006.

S. 271

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 271, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 293

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit against increased residential energy costs and for other purposes.

S. 295

At the request of Mr. KERRY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Missouri (Mr. BOND), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 299

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 299, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 301

At the request of Mr. THOMAS, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 301, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with state agencies and county and local governments on environmental impact statements.

S. CON. RES. 7

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

S. CON. RES. 8

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Alabama (Mr. SESSIONS), the Senator from Montana (Mr. BAUCUS), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. RES. 18

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. Res. 18, a resolution expressing sympathy for the victims of the devastating earthquake that struck El Salvador on January 13, 2001.

SENATE CONCURRENT RESOLUTION 9—CONDEMNING THE VIOLENCE IN EAST TIMOR AND URGING THE ESTABLISHMENT OF AN INTERNATIONAL WAR CRIMES TRIBUNAL FOR PROSECUTING CRIMES AGAINST HUMANITY THAT OCCURRED DURING THAT CONFLICT

Mr. HARKIN (for himself, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 9

Whereas the people of East Timor experienced an unprovoked and violent attack in the aftermath of a peaceful referendum in which they cast an overwhelming vote for national independence;

Whereas at least 1,000 people were killed, thousands more people were injured, 500,000 people were displaced, much of the infrastructure was destroyed, and scores of communities and villages were completely destroyed in East Timor by roving bands of militias and paramilitary organizations;

Whereas some Indonesian military officers and personnel along with some Indonesian civilian police helped to train and arm the militias and paramilitary organizations before setting them loose to terrorize the people of East Timor and destroy their homes, businesses, and personal property;

Whereas the Indonesian ranking military officers and civilian police officers not only failed to keep the peace in East Timor once the referendum on national independence was conducted but also, in some cases, actually incited violence and participated in widespread killing, rape, forced displacement, mayhem, and wholesale property destruction;

Whereas numerous militia leaders who have been implicated in various crimes against humanity in East Timor continue to operate with impunity in West Timor and throughout Indonesia and none have been formally charged and brought to trial in Indonesia for the wave of violence, murder, rape, and terror inflicted on the people of East Timor, in particular, in preparation for, the conduct of, or the aftermath of the 1999 referendum;

Whereas Indonesia is a party to the Universal Declaration on Human Rights and other international human rights agreements and is legally obligated to comply with those agreements;

Whereas the continuing failure to investigate, indict, prosecute, and secure convictions and appropriate punishment for those responsible for so much death, violence, and destruction among the people of East Timor continues to fuel an environment of terror, fear, and crime in East and West Timor and along their common border, thus trapping tens of thousands in squalid refugee camps and preventing their safe return to their homes;

Whereas the Indonesian government has failed to follow through on its agreement to provide evidence and accused criminals to the justice system of the United Nations Transitional Administration in East Timor, creating circumstances whereby lower-level East Timorese militia members are brought to justice in East Timor, while East Timorese militia leaders and Indonesian military officers with command responsibility reside in Indonesia without fear of prosecution;

Whereas the Indonesian government has yet to take all necessary steps to create a court with authority to prosecute past crimes under internationally-recognized human rights and humanitarian law, and the National Human Rights Commission of Indonesia has limited authority to only investigate such violations;

Whereas, in August, 2000, Indonesia's upper house of parliament passed a constitutional amendment prohibiting retroactivity in prosecutions;

Whereas repeated assurances to the international community and to Congress by the Indonesian government of impending action against the perpetrators of crimes against humanity in East Timor have produced few noticeable or substantive results; and

Whereas Congress is deeply disturbed that gross violations of the human rights of the people of East Timor and United Nations personnel rendering basic humanitarian services in East and West Timor have gone unpunished since January 1, 1999, and the perpetrators have not been brought to justice: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) Congress—

(1) deplores the widespread and systematic violence that—

(A) has occurred in East Timor and in the refugee camps of West Timor since January 1, 1999; and

(B) has resulted in many murders, rapes, and the near-total destruction of East Timor's infrastructure and numerous villages on that troubled island;

(2) decries the continued existence of an environment of intimidation, misinformation, instability, terror, and fear among the people living in the refugee camps housing tens of thousands of displaced people, many of whom wish to return to East Timor, but are too scared to freely repatriate and return safely to their home communities;

(3) denounces the leaders of the militias and paramilitary groups who are responsible for the violent attacks, pillaging, and mayhem that has caused so much suffering and property destruction in East Timor as well as their accomplices in Indonesia inside and outside of that sovereign country's armed forces; and

(4) continues to support the courageous efforts of those in Indonesia working toward domestic prosecutions of the individuals most responsible for the post-referendum violence, but recognizes that these efforts currently face overwhelming obstacles.

(b) It is the sense of Congress that the President and the Secretary of State should—

(1) endorse and support the establishment of an international criminal tribunal for the purpose of prosecuting culpable Indonesian military and police officers and personnel, leaders of local militias and paramilitary organizations, and other individuals who are responsible for crimes against humanity in East Timor, including systematic murder, rape, and terrorism, the unlawful use of force, and crimes against United Nations personnel deployed in East Timor and in the refugee camps of West Timor;

(2) direct the pertinent agencies of the executive branch—

(A) to begin collecting and organizing such information (including from intelligence sources), and to provide such appropriate resources, as will be necessary to assist in preparation of indictments and prosecution of cases before an international criminal tribunal; and

(B) to undertake any additional inquiries and investigations that would further such efforts; and

(3) work actively and urgently within the international community for the adoption of a United Nations Security Council resolution establishing an international criminal court for East Timor.

Mr. HARKIN. Mr. President, I am joined today by Senators FEINGOLD, REED, LEAHY, KENNEDY, and WELLSTONE in submitting legislation calling for the establishment of an International War Crimes Tribunal for East Timor. We recently passed the first anniversary of the date when a Special United Nations Commission of Inquiry into the Violence and Destruction in East Timor first recommended this course of action.

As many of us know, back in 1999, after many years of military occupation, the people of East Timor were suddenly and brutally attacked immediately after they peacefully cast their overwhelming vote for national independence.

At least 1,000 people were murdered and thousands more were injured. 500,000 people were displaced. And scores of communities and villages in East Timor were destroyed by roving bands of militias and paramilitary organizations. These militias and paramilitary organizations were trained and armed by Indonesian military officers and personnel along with the Indonesian civilian police.

Around this time last year, UN Secretary General Kofi Annan urged us to give the Government of Indonesia time to find and punish these guilty individuals in Indonesia and to demonstrate their cooperation on related criminal investigations and prosecutions with authorities in East Timor and the United Nations Transition Authority in East Timor (UNTAET).

But as I stand here today, not a single individual has been charged or brought to trial in Indonesia for the wave of violence, murder, rape, and terror inflicted on the people of East Timor in preparation for and the conduct of the 1999 referendum and its aftermath. A number of militia leaders were implicated in these heinous crimes—but they have never been formally charged and brought to trial in Indonesia or East Timor. They continue to operate with impunity in West Timor and throughout Indonesia.

This is unconscionable. We have shown nothing but patience, and they have simply done nothing. The time for sitting back and waiting is over, and we must now take decisive and concrete steps to ensure that justice is done.

This legislation I am introducing today is carefully modeled after similar legislation that established the International War Crimes Tribunals for Iraq, the Balkans, and Rwanda. It consists of three parts:

First, it calls upon the Bush Administration to endorse and support the establishment of an international criminal tribunal to prosecute all individuals who are responsible for egregious human rights abuses in East Timor. These abuses include crimes against humanity in East Timor, including systematic murder, rape, and terrorism, the unlawful use of force, and crimes against United Nations personnel deployed in East Timor and in the refugee camps of West Timor.

Second, it calls upon the Bush Administration to direct pertinent U.S. Government agencies to begin collecting and organizing the necessary evidence and information needed to indict and prosecute these war criminals before an international tribunal.

Finally, the legislation calls upon the Bush Administration to work actively and urgently within the international community to adopt a UN Security Council resolution establishing an international tribunal on East Timor.

In the course of human events, Mr. President, wherever and whenever conflict has resulted in great bloodshed, human suffering, and destruction, there has been no real peace established without real justice. The people of East Timor deserve peace—and to establish peace, we must first seek justice.

SENATE CONCURRENT RESOLUTION 10—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S UNLAWFUL BAILOUT OF HYUNDAI ELECTRONICS

Mr. CRAIG (for himself, Mr. LOTT, Mr. CRAPO, and Mr. BENNETT) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 10

Whereas the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

Whereas this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

Whereas government assistance to the semiconductor industry is part of the preferences, privileges, and support given by the Korean government to corporate conglomerates, known as chaebols, over several decades;

Whereas the policy of providing assistance to chaebols has resulted in trade-distorting spending and capacity expansion and resulted in massive corporate debt;

Whereas in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented $58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

Whereas as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

Whereas Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

Whereas the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

Whereas section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277; 112 Stat. 2681–220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

Whereas the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

Whereas the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

Whereas the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

Whereas Hyundai Electronics is a major exporter of semiconductor products from the Republic of Korea to the United States; and

Whereas the Republic of Korea has now engaged in a massive $2,100,000,000 bailout of Hyundai Electronics which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) believes strongly that the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(2) calls on the Republic of Korea to immediately end the bailout of Hyundai Electronics;

(3) calls on the Republic of Korea to comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury;

(4) calls on the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative to take immediately such action as is necessary to assure that the unlawful bailout by the Republic of Korea is stopped, and its effects fully offset or reversed; and

(5) calls on the United States Trade Representative and the Secretary of Commerce to monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

Mr. CRAIG. Mr. President, I rise to submit a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's unlawful bailout of Hyundai Electronics, an issue of great concern to me and, I believe, should be of concern to the Senate. I rise to introduce this resolution with my colleagues Mr. LOTT, Mr. CRAPO, and Mr. BENNETT.

In 1997, the International Monetary Fund, in cooperation with the United States and a group of financial institutions, put together an unprecedented $58 billion financial package to prevent the Korean economy from bankruptcy. As a part of that rescue package, the Korean government agreed to implement specific reforms aimed at addressing the problems that had led to the economic crisis in the first place.

In recent weeks, the Korean government has decided to break completely with the policies that it has adopted over the past three years and is promising to provide a $2.1 billion bailout of Hyundai Electronics. This action not only runs contrary to the stated policy of the Korean government but also flies in the face of the government's clear assurances that this sort of wholesale bailout would not happen.

This resolution is necessary because the present actions of the Korean government are a flagrant violation of Korea's international commitments. The Hyundai bailout violates Korea's International Monetary Fund Agreement; the World Trade Organization Agreement on Subsidies and Countervailing Measures; U.S. legislation to stop subsidies to the semiconductor industry in Korea; Section 301 of the U.S. trade laws, and U.S. countervailing duty laws. This unlawful and unwise bailout must be stopped.

The conditions of the IMF Agreement are clear. The corporate governance provision of the IMF Agreement required Korea to end government-directed lending companies; to stop government subsidized support or tax privileges to bail out individual companies; to reduce the high debt-to-equity ratios of corporations; to reduce mutual guarantees within conglomerates; and to permit Korean bankruptcy laws to operate without interference from the government.

The government's special waiver of the debt ceiling for Hyundai Electronics is a violation of Korea's commitment not to interfere in the lending practices of private banks and not to provide subsidies. The audacious Korean government announcement on January 3, 2001 dropped every pretense of legitimacy by notifying they intend to provide for the outright bailout of Hyundai. In a press statement, the government announced that the Korean Development Bank, a Korean government agency, would purchase $2.1 billion of Hyundai Electronics' corporate bonds over the next twelve months. The move was clearly aimed at keeping Hyundai from defaulting on its massive debt. This action is outrageous and demands the immediate attention of the Korean government as well as Congress and the Administration.

The bailout violates Korea commitments under the World Trade Organization Agreement on Subsidies and Countervailing Measures. Korea's assistance to Hyundai Electronics, including the purchase of Hyundai's corporate bonds, the waiver of the bank lending limitations, and the increase in the limits on export loans, are all violative of Korea's SCM commitments, and are subject to WTO dispute settlement challenge. The assistance to Hyundai is a prohibited Export Subsidy, and meets the Adverse Effects or "injury" test.

This bailout violates the conditions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, Public Law 105–277. Section 602 required that the U.S. Secretary of the Treasury certify that Korea was in compliance with its IMF Stand-By Arrangement provisions, including those I mentioned earlier, and that no IMF funds were being used to provide assistance to the semiconductor industry, among others. In enacting this provision, the Congress acknowledged the risk that, in the midst of the financial crisis, the Korean government would continue to attempt to keep non-viable companies afloat through directed lending and subsidies. The purpose of the provision was to create an enforcement mechanism for the IMF reform provisions, by providing for the withholding of U.S. support for further financial assistance to Korea, if the government violated the provisions of Section 602.

The Treasury Secretary made several certifications pursuant to Section 602, making them prior to each remaining disbursement of IMF loans to Korea. In these certifications, Secretary Rubin certified to Congress that Korea was implementing the reforms that it had agreed to in its IMF loan agreement and also that IMF funds were not being used to provide subsidies to the semiconductor industry. In recent weeks, the Korean government has violated both the letter and the spirit of Section 602, directly frustrating Congressional intent. The Korea government has said that it will not make any further draws on the stand-by credits from the IMF, so the U.S. government does not have the leverage of threatening to stop future loan disbursements under the current IMF program. In sum, they have taken American tax dollars and run, without fulfilling the commitments they made. It's an outrage.

The assistance to Hyundai Electronics is a subsidy under the U.S. countervailing duty law. The benefits received by Hyundai under the Korean government's bailout program constitute a countervailable subsidy under the U.S. countervailing duty law. Section 771(5) provides that a subsidy is one that "provides a financial contribution . . . to a person and a benefit is thereby conferred." This financial contribution can include "the direct transfer of funds, such as grants, loans, and equity infusions, or the potential direct transfer of funds or liabilities, such as loan guarantees." The statute also specifies that the determination of whether a subsidy exists shall be made "without regard to whether the subsidy is provided directly or indirectly on the manufacture, production, or export of merchandise." Thus, a subsidy can exist even if the government does not directly provide the subsidy, but directs a bank to provide the subsidy.

The statute also specifies that a benefit "shall normally be treated as conferred where there is a benefit to the recipient." In the case of a loan, there is a benefit to a recipient "if there is a difference between the amount the recipient of the loan pays on the loan and the amount the recipient would pay on a comparable commercial loan that the recipient could actually obtain on the market," 19 U.S.C. 1677(5)(E)(ii). Thus, the Commerce Department, when determining whether a program is a countervailable subsidy, looks to the benefit to the recipient rather than the cost to the provider of the subsidy.

In the case of Hyundai Electronics, the company would not be able to obtain any loans "in the market" absent government intervention. Private concerns are reluctantly willing to roll over Hyundai's debt only because the government is involved.

In short, because of the preferential financing Hyundai receives under these government actions, and because of the very substantial size of the loans in question, Commerce's investigation of these programs in the course of a countervailing duty proceeding would be almost certain to find substantial subsidy margins.

In conclusion, Mr. President, I am extremely disappointed in Korea's actions in regards to this matter. It is clear that Korea is purposefully circumventing the will and intent as well as the spirit and letter of the IMF agreement the World Trade Organization Agreement on Subsidies and Countervailing Measures, U.S. legislation to stop subsidies to the semiconductor industry in Korea, and U.S. countervailing duty laws.

Korea must not be permitted to backtrack on the reforms it made that were requirements for IMF and U.S. assistance, just because it is no longer drawing on those loans. The very purpose of the reform measure was to put Korea on stable financial footing. Now Korea is unraveling its reform measures, in order to prevent a failing company from going bankrupt. Such actions cannot be overlooked, but should be dealt with in the strongest possible manner.

I am very disappointed that the Korean government has acted in bad faith with respect to its commitments. The U.S. Administration and the U.S. Congress must work together to find an effective and just response to Korea's action. This bailout undermines Korea's credibility in international financial circles and threatens the bilateral economic relationship between the United States and Korea. It must be stopped.

Mr. President, I would not come to the floor and speak in these terms, nor would I have gained the sponsorship by key leaders here in the Senate that I have, if we did not think this was important. American taxpayers willing to help stabilize the world economy and willing to help stabilize its friends in the world by contributing $58 billion for those purposes, in working with the International Monetary Fund and the World Trade Organization, should not now be ignored, nor should what we have said be ignored in this process.

With that, I introduce this Senate concurrent resolution speaking to that very issue.

SENATE RESOLUTION 19—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL INVESTMENT IN BIOMEDICAL RESEARCH SHOULD BE INCREASED BY $3,400,000,000 IN FISCAL YEAR 2002

Mr. SPECTER (for himself, Mr. HARKIN, Ms. MIKULSKI, Mr. FRIST, Mr. SCHUMER, Mr. SARBANES, Ms. COLLINS, Mr. DEWINE, Mr. HUTCHINSON, Ms. SNOWE, Mr. COCHRAN, Mr. SANTORUM, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 19

Whereas past investments in biomedical research have resulted in better health, an improved quality of life for all Americans and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease and revolutionized the practice of medicine;

Whereas the Federal Government represents the single largest contribution to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many of the new drugs and medical devices currently in use is based in biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been under represented in medical research protocols, yet are severely affected by diseases including breast cancer, claimed the lives of 40,800 women last year; ovarian cancer claimed another 14,000 lives; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alzheimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immune deficiency disorders;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas one in one hundred Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 320,000 Americans are now suffering from AIDS and hundreds of thousands with HIV infection;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a leading cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and under served members of our society;

Whereas prostate cancer is the second leading cause of cancer deaths in men and last year 31,900 men died from prostate cancer;

Whereas diabetes, both insulin and non-insulin forms, afflict 16 million Americans and places them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis and nerve degeneration;

Whereas the emerging understanding of the principles of biomimetrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and in developing new skills among scientific investigators; and

Whereas most Americans show overwhelming support for an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the 'Biomedical Revitalization Resolution of 2001'.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that funding for the National Institutes of Health should be increased by $3,400,000,000 in fiscal year 2002 and that the budget resolution appropriately reflect sufficient funds to achieve this objective.

Mr. SPECTER. Mr. President, I have sought recognition today to submit, with my distinguished colleague, Senator HARKIN, an important resolution calling for increased funding for the National Institutes of Health, to keep us on track to double NIH funding by fiscal year 2003. Specifically, the resolution calls for the fiscal year 2002 budget resolution to include an additional $3.4 billion in the health function, to be allocated for biomedical research at the National Institutes of Health.

As chairman of the Appropriations Subcommittee for Labor, Health and Human Services, Education, and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. Today, funding is $20.3 billion. This money has been very well spent, given that the advances realized by the National Institutes of Health has spawned tremendous breakthroughs in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, severe mental illnesses, diabetes, osteoporosis, heart disease, and many others. It is clear that a substantial investment in the NIH is paying off and that it is crucial that increased funding be continued in order to convert these advances into treatment and cures.

The effort to double NIH began on May 21, 1997, when the Senate passed a sense-of-the-Senate resolution stating that funding for the National Institutes of Health be doubled over five years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to nothing, the Budget Resolution contained a $100 million reduction for health programs. That led to the introduction of an amendment to the resolution by myself and Senator HARKIN to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Our amendment, however, was defeated 63-37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, they were simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, during debate on the fiscal year 1999 budget resolution, Senator HARKIN and I again introduced an amendment to the budget resolution which called for a $2 billion increase for the National Institutes of Health. While we gained more support on this vote than in the previous year, our amendment was again defeated by a vote of 57–41. Not to be deterred, Senator HARKIN and I again went to work with our Subcommittee and we were able to add an additional $2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator HARKIN and I again offered an amendment to the budget resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47–52, we were able to provide in the appropriations bill a $2.3 billion increase for fiscal year 2000.

Last year, Senator HARKIN and I yet again offered an amendment to the budget resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55-45. This victory brought the NIH increase to $2.7 billion for FY'01. However, after late night negotiations with the House, the funding for NIH was cut by $200 million below that amount.

This brief history of defeats and victories brings us to where we are today. The amount necessary to keep us on our track to double NIH funding will require $3.4 billion for fiscal year 2002. I believe that this goal can be achieved if we make the proper allocation of our resources.

Our investment has resulted in tremendous advances in medical research. A new generation of AIDS drugs are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research as analysis continues. And if scientists are correct, stem cell research could result in a veritable fountain of youth in replacing diseased cells. I anxiously await the results of all of these avenues of remarkable research.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health. That is why we offer this resolution today—to call upon the Budget Committee to include the additional $3.4 billion to the health accounts so we can carry forward the important work of the National Institutes of Health.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on Tuesday, February 13, 2001, at 9:30 a.m., in open and closed sessions to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 13, 2001, to conduct an oversight hearing to receive the semiannual report of the Federal Reserve as mandated by the Federal Reporting Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 13, 2001, at 9 a.m. on airline customer service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 13, 2001, at 10:30 a.m. for a hearing to consider the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "The Nursing Shortage and Its Impact on America's Health Care Delivery System."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent John Lang and Jason Lagasca, legislative fellows in my office, be granted floor privileges during this afternoon's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 320

Mr. NICKLES. Mr. President, I ask unanimous consent that S. 320 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 320

Mr. NICKLES. Mr. President, I ask unanimous consent that at 2 p.m. on Wednesday, the Senate proceed to the consideration of S. 320, regarding technical changes to patent and copyright laws. Further, I ask unanimous consent that no amendments or motions be in order and that there be up to 1 hour of debate equally divided in the usual form; and following the use or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 250

Mr. NICKLES. Mr. President, I ask unanimous consent that S. 250 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398 and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals as members of the United States-China Security Review Commission: Michael A. Ledeen, of Maryland; Roger W. Robinson, Jr., of Maryland; and Arthur Waldron, of Pennsylvania.

The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 107th Congress: The Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), and the Senator from Ohio (Mr. VOINOVICH).

The Chair, on behalf of the majority leader, pursuant to Public Law 106–550, announces the appointment of the following individuals to serve as members of the James Madison Commemoration Commission Advisory Committee: Steven G. Calabresi of Illinois, and Forrest McDonald of Alabama.

ORDERS FOR WEDNESDAY, FEBRUARY 14, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, February 14. I further ask unanimous consent that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business until 2 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator THOMAS, or his designee, in control of the time between 10 a.m. and 10:40 a.m.; Senators COLLINS and BOND controlling the time between 10:40 a.m. and 11 a.m.; Senator DASCHLE, or his designee, in control of the time between 11 a.m. and 12 noon; Senator LOTT, or his designee, in control of 60 minutes; and Senator DASCHLE, or his designee, in control of 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, tomorrow the Senate will be in session beginning at 10 a.m. Following morning business, the Senate will proceed to the bill regarding copyright and patent laws. A vote is expected to occur on passage of that piece of legislation at approximately 3 p.m. Also, the Senate could consider the Paul Coverdell Peace Corps bill and the small business advocacy bill. Therefore, votes can and should be expected to occur.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:08 p.m., adjourned until Wednesday, February 14, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 2001:

DEPARTMENT OF STATE

BILL FRIST, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JAY O. AANRUD, 2399
JAMES M. ABATTI, 8359
DEREK A. ABEYTA, 7560
*EDWARD T. ACKERMAN, 1175
TODD E. ACKERMAN, 9524
*MARVIN R. ACQUISTAPACE, 9095
MARK R. ADAIR, 8627
*JAIME ADAMES, 4799
*CLOYCE J. ADAMS, 4854
JEROME P. ADAMS, 9368
*MICHAEL E. ADDERLEY, 8590
JEFFREY E. ADDISON, 5479
LARRY D. ADKINS, 8112
*JOHN T. AGUILAR, 5609
JEFFREY R. ALEXANDER, 4302
*ROBERT M. ALEXANDER, 0740
*JOSEPH A. ALLEGRETTI, 7086
*BRADLEY D. ALLEN, 6073
CRAIG L. ALLEN, 9804

*GREGORY R. ALLEN, 3521
NEIL T. ALLEN, 1894
RICHARD G. ALLEN, 0108
BENJAMIN L. ALLEY, 6949
DAVID L. ALMAND, 1140
KELLY M. ALTON, 7359
PETER A. AMES, 7701
*AMELIA K. ANDERSON, 6924
*BRADLEY D. ANDERSON, 0732
*BRADLEY E. ANDERSON, 4848
ERIK H. ANDERSON, 7817
*JEFFREY R. ANDERSON, 3294
JAMES F. ANDERTON, 4182
*WESMOND C. ANDREWS, 0153
*DAVID S. ANDRUS, 1018
THOMAS M. ANGELO, 0901
*DOUGLAS E. ANTCLIFF, 1023
JOHN S. R. ANTTONEN, 2116
MARK A. AOWN, 4617
*MICHAEL J. APOL, 5469
SCOTT A. ARCURI, 4670
ELLEN M. ARDREY, 0909
*JOHN M. AREHART, 8974
ROBERT G. ARMFIELD, 1820
*KEVIN S. ARMSTRONG, 2909
RICHARD W. ARMSTRONG, 8074
RUSSELL L. ARMSTRONG, 5663
*THOMAS K. ARMSTRONG JR., 3302
CRAIG L. ARNOLD, 7953
MICHAEL L. ARNOLD, 8470
NEIL P. ARNOLD, 0599
WILLIAM H. ARNOLD, 5508
KEVIN R. ARTHUR, 7910
*PARK D. ASHLEY, 9425
*JULIANA M. ASTRACHAN, 6054
MICHAEL ATIGNA, 6210
*JOSEPH ATKINS, 0802
ELISABETH S. AULD, 4711
*RICHARD M. AULD, 3149
DALE R. AUSTIN, 3747
WARREN G. AUSTIN, 4056
*ERIC AXELBANK, 0461
MICHAEL D. BACKMAN, 8761
GEOFFREY S. BACON, 7323
*DAVID E. BACOT, 1803
*TIMOTHY E. BAGGERLY, 6051
KENNETH W. BAILEY, 6310
*LOWELL E. BAILEY, JR., 5184
PETER G. BAILEY, 7077
PETER K. BAILEY, 5405
*RAYMOND A. BAILEY, 4756
*ROBERT E. BAILEY, 1506
THOMAS E. BAILEY, 2060
JAMES LAWRENCE BAILEY, 9616
KENNETH L. BAKER, JR., 5748
WILLIAM E. BAKER III, 3307
*JEFFREY J. BAKKEN, 5704
PETER I. BAKO, 7740
RONALD B. BALDINGER, 1323
*ROBERT L. BALLENGER, 2460
*KARL M. BARDEN, 6871
DAVID R. BARKER, 3552
DAVID W. BARNA, 8188
*WILLIAM J. BARNES, 9416
BRADLEY D. BARNETTE, 3627
PAUL K. BARNEY, 7807
GREG A. BARNHART, 7147
JEFFREY J. BARROWS, 0234
*KURT D. BARRY, 1218
*MELISSA L. BARSOTTI, 2230
*CHAD L. BARTHOLOMEW, 6637
*LOWELL E. BARTMESS II, 7841
KRISTIN BARTO, 5596
ERIC R. BASS, 2273
BRYAN E. BATT, 3913
MELISSA L. BATTEN, 5262
FRANK BATTISTELLI, 1024
*JAMES E. BATTLES, 9184
BRIEN J. BAUDE, 3793
JEROLD J. BAUER, 9716
KRIS A. BAUMAN, 5101
COLIN K. BEAL, 7797
*ALAN K. BEATY, 7798
EUGENE V. BECKER, 2480
JOSEPH M. BECKER, 9397
VINCENT K. BECKLUND, 4427
*KELI A. BEDICS, 8299
DAVID A. BEEBE, 2434
KENNETH J. BEEBE, 5871
CHERYL J. BEINEKE, 5997
JAMES BELL, 9400
JEFFREY S. BELL, 1953
JOHN E. BELL, 1147
*MARK E. BELL, 3259
*MARK S. BENNETT, 1966
MICHAEL B. BENSON, 6895
MIKE BENSON, 9276
DAVID P. BENTLEY, 2923
HAROLD W. BENTON, 5135
*JOHN R. BENY, 1343
CHRISTOPHER N. BERG, 9580
*ALEXANDER BERGER, 9333
ROBERT D. BERGER, 5295
*KEVIN J. BERNER, 2962
JOHN A. BERNHART II, 3341
BRIAN J. BERNING, 8274
*DINA L. BERNSTEIN, 7691
*GARY J. BERTSCH, 7310
YVONNE M. BESSELLIEU, 9822
KENNETH R. BIBEE, 4142
JAY R. BICKLEY, 9413
JAMES E. BIGGS, 4397
ANGELA L. BILLINGS, 8657
*FRANK M. BIRD, 7281
JAMES G. BIRDSONG, 6190
MATTHEW G. BISHOP, 5571
*KEITH NEIL BISHOP, 5899
*BRADLEY L. BISTODEAU, 1764
THOMAS C. BLACK, 2428
*ROBERT K. BLAGG, 0570
DANIEL E. BLAKE, JR., 5679
FRED R. BLASS, 9036
MICHAEL S. BLASS, 4301
NICOLE I. BLATT, 0806
JOHN R. BOBROSKI, 8788
*KENT A. BODILY, 4224
FREDERICK H. BOEHM, 6042
BRYAN L. BOGGS, 4227
ROBERT E. BOGLE, 2925
BRIAN C. BOHANNON, 8866
*THERESE A. BOHUSCH, 7889
*JAMES E. BOLES, JR., 1892
PAUL E. BOLEY II, 1224
*STEPHEN G. BOLSTER, 4732
JEFFREY P. BOMKAMP, 3650
JAMES I. BONG, 3700
*CHARLES W. BOOTHE II, 4349
*JOSHUA S. BORING, 9760
GREGORY S. BORN, 7249
MARK J. BOROCZ 3443
*DAVID J. BOROWSKY, 0722
JAMES R. BORTREE, 7267
*DAVID B. BOSKO, 4678
*JOEL D. BOSWELL, 3443
GREGG C. BOTTEMILLER, 6300
*ELIETTE Y. BOUIE, 6005
*DAVID H. BOUSKA, 6148
MARK E. BOWEN, 2515
JEFFREY M. BOWLING, 2812
KENNETH B. BOWLING, 9462
CHARLES W. BOYD, 7291
*RICHARD D. BOYD, 3332
JEFFREY C. BOZARD, 8992
JEFFREY L. BOZARTH, 0835
*NANCY M. BOZZER, 9931
BRIAN L. BRADEN, 8629
*NOEL D. BRADFORD, 8171
DANIEL J. BRADLEY, 4718
JEFF C. BRADLEY, 7466
MARK P. BRAISTED, 3024
SHAWN E. BRAKE, 1007
TIMOTHY S. BRANDON, 7517
*FREDERICK G. BRANDT, 2925
STEVEN S. BRANDT, 7426
MIKE M. BRANTLEY, 9222
*JAMES R. BRAUCHLE, 4580
*THOMAS K. BRAUNLINGER, 0947
LAMBERTO M. BRAZA, 6880
EVAN A. BREEDLOVE, 1818
STEVEN W. BREMNER, 0090
*JOHN F. BRENDLE, 4290
CARL N. BRENNER, 5498
*ERIC T. BREWINGTON, 9430
*LEE J. BRIDGES, 6514
DAVID E. BRIEN, 9705
ANDRE J. BRIERE, 5967
RAYMOND E. BRIGGS, JR., 4573
JEFFREY W. BRIGHT, 3269
*DAVID L. BRINGHURST, 1486
JOHN U. BRINKMAN, 1438
ROBERT A. BRISSON, 3087
*ROBERT L. BROADY, JR., 2475
*STEPHEN W. BROCK, 3363
*PETER J. BROMEN, 9982
*CHRISTOPHER D. BROOKS, 8012
WANDA V. BROUSSARD, 5871
MICHAEL E. BROWERS, 2607
BRIAN A. BROWN, 8812
*DONALD L. BROWN, 4716
*JEFFERSON B. BROWN, 3153
MARK A. BROWN, 1136
*PHILLIP P. BROWN, 7687
ROGER L. BROWN, 4601
TERRY M. BROWN, 7814
*THOMAS S. BROWNING, 0069
*DAVID W. BRUCE, 7664
*ROBERT J. BRUST, 6900
*HARLEY B. BRYANT III, 3088
ROBERT A. BUENTE, 7961
HAROLD D. BUGADO, 8176
*PHU BUI TRISH, 9002
JOHN G. BUNNELL, 3672
DAVID S. BUNZ, 6873
*HEATHER L. BUONO, 1008
RICHARD W. BURBAGE, 1994
MARK L. BURMAN, 3140
PATRICIA G. BURROWS, 5183
*LLOYD A. BUZZELL, 1607
*DAVID E. BYER, 1115
JAMES G. CABALQUINTO, 5019
DAVID M. CADE, 1058
STEVEN E. CAHANIN, 2920
ERIC D. CAIN, 8657
JOHN T. CAIRNEY, 9738
MARK J. CALFEE, 0060
*MELVIN M. CALIMLIM, 2566
ANNA E. CALKINS, 9558
TODD W. CALLAHAN, 1812
BRIAN S. CALLSEN, 3494
MICHAEL E. CALTA, 4962
*CARLOS E. CAMARILLO, 6883
ANTHONY H. CAMPANARO, 0034
SCOTT A. CAMPBELL, 9789
REINALDO L. CANTON, 6334
*VICTOR CARAVELLO, 5533
ANDREW C. CARAWAY, 9040
*MARIA L. CARL, 8984
WILLIAM J. CARLE, 2396
*STEVEN S. CARLISLE, 3844
KEVIN M. CARLSON, 6522
*SHAY T. CARNES, 1375
*MICHAEL E. CAROTHERS, 1972
*ROBERT E. CARRAWAY, 6518
*CARLOS A. CARRERASFLORES, 6172
DAVID B. CARTER, 2722
DONALD T. CARTER, 8410
MICHAEL E. CARTER, 4998
STEVEN L. CASE, 5032
*PATRICK J. CASEY, 0961
*BENJAMIN M. CASON, 3313
VINCENT R. CASSARA, 5139
EUGENE L. CAUDILL, 1949
*CHRISTOPHER M. CAUSEY, 5904
*MARI LOUISE CHAMBERLAIN, 5349
*PAUL O. CHAMBERS, 3811
MARTIN A. CHAPIN, 2657
MICHAEL S. CHAPMAN, 9912
JOHN S. CHASE, 2483
CLARENCE F. CHENAULT, 7456
*CARL J. CHRISTENSEN, 3717
GREGORY H. CHURCH, 2092
MARK E. CHURCH, 6346
RAYMOND E. CHUVALA, JR., 6847
ANTON W. CIHAK II, 1651
HOWARD T. CLARK III, 8323
JAMES M. CLARK, 8750
MARK S. CLARK, 2023
MICHAEL B. CLARK, 3117
NORMAN A. CLARK, 9048
RICHARD A. CLARK, 7946
*STEVEN E. CLARK, 0381
*TEAL CLARK, 9960
*CHARLES W. CLAYBORNE, 6974
*ERIC N. CLEVELAND, 0745
JEFFREY T. CLIMER, 7176
JOHN D. CLINE, 1051
*DAVID R. CLINTON, 9794
DEAN A. CLOTHIER, 3363
PAUL J. COBB, 2607
*TAMMY S. COBB, 0490
VINCENT A. COBB, 8459
JERRY D. COCHRAN, 9577
*WILLIAM L. COCHRAN, 4549
*JOSEPH W. CODY, 8626
CHAD D. COE, 7949
RICHARD A. COE, 2774
CHRISTOPHER A. COFFELT, 6828
*MARIE PAULETTE COLASANTI, 9826
JERRY A. COLE, 5124
*RONALD C. COLE, 8916
PAMELA D. COLEMAN, 7883
DAVID M. COLEY, 9272
*EDWARD M. COLIGNY, 8442
MIGUEL J. COLON, 3088
PAUL M. COMEAU, 2697
*DAVID W. COMPTON, 5901
JEFFREY G. COMPTON, 9550
ROBERTO M. CONCEPCION, 8379
DOUGLAS A. CONDON, 4750
THOMAS R. CONKLIN, 4325
DONALD M. CONLEY, 0771
*JOSEPH E. CONLON, JR., 8387
*MICHAEL J. CONNELLY, 8506
WILLIAM K. CONNOLLY, 6905
RYLAN S. CONRAD, 5911
DONALD C. CONROY III, 2122
MELANIE J. CONSTANT, 2295
*WILLIAM E. CONSTANTINE, 4047
MICHAEL R. CONTRATTO, 2823
DANIEL J. CONWAY, 0472
JOSEPH E. COOGAN, 2573
ANTHONY G. COOK, 7154
*BARRY W. COOK, 3753
PAUL E. COOK, 2142
DAVID M. COPE, 6756
ANTHONY O. COPELAND, 9402
*CAROL M. COPELAND, 9378
*SHAWN B. COPELAND, 0034
TODD M. COPELAND, 1328
MICHAEL A. COPLEY, 3232
JEFFREY M. CORCORAN, 6471
LONZIO D. CORMIER, 6333
BARRY R. CORNISH, 4111
*DONALD D. CORNWELL, 7860
*STEPHEN J. CORRIGAN, 7359
STACEY J. COTTON, 5218
ANNE M. COVERSTON, 8776
*GEORGE COVIN, JR., 2874
*BRUCE D. COX, 9994
DAVID B. COX, 0700
RIM A. COX, 6859
*AVA B. CRAIG, 6024
*JERALD L. CRAIG, 9591
*JEFFREY E. CREHAN, 1441
*CHARLES W. CREWS, JR., 4605
THOMAS D. CRIMMINS, 3633
MICHAEL E. CROOK, 1037
*VONDA L. CROSS, 4378
MARK K. CUMBEE, 1230
RANDALL G. CUMBERWORTH, 7836
EDGAR M. CUNANAN, 5323
*DARYL CUNNINGHAM, 5198
*CAROL L. CURRY, 8859
*MICHELLE M. CURRY, 1379
SCOTT M. CURTIN, 5504
BEACHEL S. CURTIS, 9218

*RICHARD A. CURTIS, 7266
*STEVEN G. CUSACK, 6807
JAMES G. CUSIC III, 4843
GEORGE CYHANIUK, 3627
NORMAN W. CZUBAJ, 2558
DANIEL D. DAETZ, 9749
DARIN D. DAGGETT, 2359
MARION D. DALLISON, 4931
ERIC M. DALTON, 4865
*WALTER C. DANIELS II, 5222
DANIEL A. DANT, 1250
STEVEN P. DANTZLER, 5088
LESLIE J. DARBYSPIKES, 4631
KAREN M. DARNELL, 1987
BENJIMAN W. DAVIS, 0513
JEFFREY A. DAVIS, 3465
*JEFFREY A. DAVIS, 5129
KARYL J. DAVIS, 8581
*STANLEY P. DAVIS, 9060
*WENDY A. DAVIS, 8600
*JOSEPH C. DAVISSON, 5577
JON K. DAWSON, 1981
*MICHAEL A. DAY, 4657
*MICHEAL S. DAY, 0224
JOSEPH D. DEANE, 0484
JOHN K. DECAMP, 3248
JOSEPH L. DECARO, 5349
*WILLIAM A. DEEB, 2504
THOMAS E. DEETER, 9605
*RONALD G. DELL, 1127
*MATTHEW J. DELLER, 0536
DAVID A. DELMONACO, 7445
JAVIER A. DELUCCA, 9498
ANDREW D. DEMBOSKY, 1014
STEPHEN P. DEMIANCZYK, 3428
JEFFREY A. DENEUI, 0174
RICHARD A. DENNERY, 7703
ANDREW M. DENNIS, 8939
JEFFREY S. DENNIS, JR., 7712
THOMAS A. DERMODY, 8498
ERNEST V. DESHAYES II, 4734
SCOTT V. DETHOMAS, 3009
TED A. DETWILER, 5501
ANDREW J. DEWALD, 5025
*SEAN M. DEWITT, 6851
DOUGLAS S. DICKERSON, 3126
*DAVID M. DICKINSON, JR., 5006
TERRY O. DICKINSON, 0114
*STEVEN J. DIMATTEO, 0158
STEPHEN J. DIPPEL, 0031
BETH M. DITTMER, 5097
TODD A. DIXON, 9802
STEPHEN J. DOBRONSKI, 3378
WAYNE E. DOHERTY, 8872
TODD J. DOLBIER, 5846
CHRISTIAN H. DOLLWET, 8973
JOHN F. DONAHUE, 2189
*JOHN J. DONAHUE, 7434
*RICHARD A. DONLEY, 3902
MARK J. DORIA, 2348
DAVID R. DORNBURG, 3772
*LAWRENCE R. DOTY, 6033
*JOHN D. DOUGLAS, 1177
GLEN R. DOWNING, 3223
JOSEPH M. DOYLE, 6219
STEVEN M. DOYLE, 7390
ERNEST S. DRAKE, 7956
JAMES H. DRAPE, 4283
*STEVEN T. DREWRY, 3222
*DOUGLAS S. DUDLEY, 5599
CHRISTOPHER G. DUFFY, 0530
*MICHAEL B. DUFFY, 2639
PATRICK L. DUFRAINE, 3128
*RANDALL A. DUNCAN, 5930
ROBERT D. DUNCAN, 3370
MAYNARD DUNNING, 7807
DONALD P. DURALIA, 3929
TIMOTHY L. DUREPO, 7984
*DERIN S. DURHAM, 8658
*MARK P. DURRELL, 2684
*STAN T. DUVALL, 5229
*MICHAEL A. EADS, 5785
LIONEL F. EARL, JR., 8289
STEVEN J. EARLY, 4178
BARBARA A. EAST, 5326
*ROBERT E. EAST II, 6394
*DANIEL E. ECKSTROM, 0408
SANDRA K. EDENS, 5899
ROBERT H. EDMONDSON, 1438
*RANDAL K. EFFERSON, 4748
*EDWARD M. EGAN, 5725
*JAMES T. EGBERT, 7693
*WILLIAM A. EGER III, 8977
JEFFREY D. EICKMANN, 6304
ELIZABETH A. EIDAL, 6555
*FRANK E. EINSETLER, 5002
*REGAN W. ELDER, 9714
WILLIAM G. ELDRIDGE, 8000
*STEPHEN M. ELLING, 2675
BRIAN I. ELLIOTT, 1272
TODD C. ELLISON, 0193
*VIKKI L. ELLISON, 7895
MARY M. ELROD, 8852
*JOHN S. EMIG, 2732
*THOMAS A. EMMOLO, 2897
GREGORY L. ENDRIS, 0215
THOMAS E. ENGLE, 9743
JEFFREY A. ENGLERT, 3245
*DAVID G. ENOCHIAN, 7576
BRIAN E. EPPLER, 9457
*ROBERT W. ERICKSON, 7125
STEVEN E. ERICKSON, 1417
VALERIE R. ERNST, 1235
PATRICIA E. ERVIN, 8658
*SCOTT R. EVANS, 0367
*TYLER M. EVANS, 9891
*TONIA L. EVANSMCCORMICK, 3346
*PHILIP C. EVERITTE, 9316
*GERALD P. EVES, 2345
*GRANT A. EXTON, 1085
SHAWN C. FAIRHURST, 3213
ERIC V. FAISON, 7691
JUDSON R. FANCHER, 7731
*BRIAN J. FARRAR, 7557
SCOTT R. FARRAR, 1395
*SEAN M. FARRELL, 8490
*DAVID S. FARROW, 7757
JEFFREY R. FEARON, 7149
*MICHAEL S. FEATHERS, 3634
*ERIC FERGUSON, 8618
JOHN T. FERRY, 8152
KEVIN R. FESLER, 2348
ERIC T. FICK, 8217
*MARK E. FIELDS, 1414
LUIZ FELIPE FIGUEIREDO, 0202
FREDRIC S. FIREHAMMER, 7996
DAVID A. FISCH, 2198
JEFFREY H. FISCHER, 5207
KEITH D. FISCHER, 5337
RONALD J. FISCHER, 7058
ERIC S. FISK, 5265
ALBERT H. FITTS, 0360
*DAVID L. FITZGERALD, 3900
MICHAEL T. FITZGERALD, 2475
*CHRISTOPHER W. FLAHERTY, 5537
GERALD W. FLAUGHER, 6834
EDGAR L. FLERI, JR., 8869
LOUIS L. FLETCHER, 6050
*DOUGLAS M. FLINN, 3004
*JOHN B. FLOOD, 9930
PATRICK M. FLOOD, 9000
TIMOTHY D. FLORA, 5813
RICHARD W. FOGG, 4456
DAVID H. FOGLESONG, 8589
RICHARD P. FOJTIK, 8988
RICHARD L. FOLKS II, 7542
*SAROYA I. FOLLENDER, 5612
JAMES M. FORAND, 4334
PETER S. FORD, 9430
JOHN R. FORESMAN, 1519
JOHN R. FORMAN, 5652
RICHARD J. FORRISTALL, 0080
JAMES R. FORSYTHE, 7823
JOEL R. FORTENBERRY, 3562
*STEVEN E. FOSS, 4802
GARY W. FOSTER, 9306
JOAN Y. FOURNIER, 6459
*BRIAN A. FOX, 0609
*DANELLE K. FRANK, 9502
*CHAD P. FRANKS, 9359
*ANTHONY A. FRANZESE, 9005
STEVEN P. FRASER, 0823
*MICHAEL J. FREDELL, 8823
DAVID R. FRESELLA, 7828
JOHN A. FREY, 8741
SCOTT G. FRICKENSTEIN, 3297
*GREGORY O. FRIEDLAND, 5796
DANIEL J. FRITZ, 4173
CHRISTOPHER P. FROESCHNER, 5093
FREDERICK H. FROSTIC, 5197
*MONICA L. FUCHS, 9660
*BRADY A. FULLER, 7953
CHRISTOPHER T. FULLER, 4666
DON C. FULLER III, 3791
*TIMOTHY L. FULLER, 1147
DWIGHT D. I. FULLINGIM, 4026
CRAIG S. GADDIS, 7195
*RUDIE D. GALBERT, 7694
*ANDREW J. GALE, 4568
SEAN T. GALLAGHER, 8581
LUIS S. GALLEGOS, 8336
ROBERT J. GAMBERA, 2600
JOSEPH M. GAMBRELL, 5898
AKSHAI M. GANDHI, 1493
JAYE A. M. GANDY, 6242
ROBERT L. GARCIA, 9597
STEVEN J. GARCIA, 8601
*ROBERT A. GARLAND, JR., 8403
DAVID T. GARNER, 2905
*MITCHELL A. GARNICK, 7918
ERIC S. GARTNER, 5617
MARK A. GAUBERT, 1182
*CAMILLE M. GAUDET, 8964
*KEVIN J. GAUDETTE, 1067
STEVEN S. GAUTHIER, 9009
GORDON M. GEISSLER, 4979
*ROBERT J. GENDREAU, 4583
RONALD J. GENDRON, 3666
MARK A. GEORGE, 8385
JEFFREY L. GEOZEFF, 4338
*KEITH M. GIBSON, 4881
*STEPHEN T. GIBSON, 8274
WILLIAM W. GIDEON, 6121
DANIEL E. GIFFORD, 9773
JOHN D. GILBERT, 0559
RONALD P. GILBERT, 8805
*ROB D. GILCHREST, 4173
DANIEL M. GILLESPIE, 7119
WILLIAM U. GILLESPIE IV, 9925
LAURA M. GILLIG, 6219
DAVID J. GILLIHAN, 0973
RANDLE A. GLADNEY, 7136
JAY D. GLASCOCK, 8732
THOMAS E. GLOCKZIN, 6705
JAMES D. GLOSS, 0921
*MARKUS P. GMEHLIN, 1998
*RONALD J. GODWIN, JR., 5616
DAVID E. GOEBEL, 4163
JAMES D. GOLDEN, 0614
*MICHAEL C. GOLDEN, 6208
MANUEL R. GOMEZ, JR., 5270
*DREW C. GONZALEZ, 4663
BRUCE E. GOOCH, 3424
DAVID S. GOOSMAN, 0477
*WAYNE P. GORDON, 3681
ROBERT G. GORDY, 8179
*DAVID B. GOSSETT, 2113
WILLIAM L. GOULD, 8972
*WINSTON A. GOULD, 3633
THOMAS J. GOULTER, JR., 5816
CARMEN S. GOYETTE, 5152
*SAMUEL D. GRABLE, 5635
MARK A. GRAF, 9814
CHRISTINE GRAMLICH, 3445
SCOTT B. GRANADO, 6096
*JOSEPH S. GRANDUCCI III, 8346
*STEPHEN J. GRANGER, 0590
*LEONARD R. GRASSLEY, 2791
*KENNETH S. GRAY, 5203
ROBERT S. GRAY, 0623
*TRACY L. GRAY, 7103
WILLIAM J. GRAY, JR., 3796
*ANDREW W. GREEN, 8309
*RANDY A. GREEN, 6312
KELLY A. GREENE, 7803
BENJAMIN M. GREENFIELD, JR., 6955
BRIAN L. GREENWOOD, 1227
DANIEL W. GREGG, 4733
ERIC F. GRELSON, 3389
THOMAS H. GRIEP, 4381
*MARK J. C. GRIFFIN, 2587
*NADINE Y. GRIFFIN, 7812
PAUL E. GRIFFITH, 0830
JEFFREY H. GROBMAN, 0993
JAMES M. GROGAN, 2910
*WILLIAM C. GRUND, 9415
JAMES S. GUERIN, 8688
*PETER J. GUERRA, 1520
*RICHARD A. GUGLIEMINO, JR., 6293
JOSE E. GUILLEN, JR., 6663
MICHAEL D. GUMINSKY, 7933
QUINN A. GUMMEL, 4286
DAVID A. HAASE, 7114
OTTO D. HABEDANK, 1906
MARK W. HABERICHTER, 5088
BRYAN K. HADERLIE, 2067
*PAUL W. HAHN, 7599
ROBERT J. HAHN, 9720
GARY D. HAINES, 1658
ROBERT M. HAINES, 1763
CARLOS HALCOMB, 9764
RODERICK A. HALEY, 1172
JOHN D. HALL IV, 7382
KARL D. HALL, 3505
*SCOTT M. HALL, 9850
*RICHARD E. HALLBECK, 7271
WESLEY P. HALLMAN, 2099
KENT C. HALVERSON, 2513
WILLIAM B. HAMANT, 2957
*DAVID M. HAMERSHOCK, 2227
CHRISTOPHER J. HAMM, 3581
*DAVID T. HAMM, 2594
KENNETH R. HAMM, 6980
KEVIN D. HAMPSHIRE, 7762
*CYNTHIA D. HAMPTON, 6895
JOHN HAMUKA, 1347
THOMAS E. HANCOCK, 8356
MARK E. HANLEY, 9497
*PAUL A. HANNY, 7466
ERIK W. HANSEN, 0254
JOEL T. HANSON, 7779
KRAIG M. HANSON, 6136
*MARY E. HANSON, 5007
DAVID K. HAPNER, 5025
*MICHAEL C. HARASIMOWICZ, 8406
*MAUREEN O. HARBACK, 5069
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ROBERT A. HARDIN, 5721
*PHILLIP D. HARDY, 3443
FORREST B. HARE, 8965
WILLIAM E. HARKINS, 5919
JULIE A. HARMON, 0698
*KENNETH E. HARP, 5814
DOUGLAS G. HARPER, 6882
*TONY D. HARPER, 0748
BRYAN L. HARRIS, 8257
KARIO D. HARRIS, 3181
*MATTHEW C. HARRIS, 6833
MCKINLEY HARRIS III, 0903
TAL H. HARRIS, 2620
PATRICK E. HARRISON, 2607
RUSSELL J. HART, JR., 9242
STACY K. HARUGUCHI, 8017
TIMOTHY C. HASSEL, 3480
BRIAN E. HASTINGS, 6477
RYAN E. HATTEN, 2489
DANIEL B. HAUCK, 3803
*CHRISTOPHER R. HAURY, 9710
ROBERT G. HAUSER, 4053
*LAWRENCE B. HAVIRD, 5918
*CURT D. HAWES, 2298
GARY F. HAWTHORNE, 8757
MARK J. HAYES, 3726
*TRACEY L. HAYES, 6647
THERESA L. HAYGOOD, 8137
*JENNIFER A. HAYS, 9551

EMILE L. HAZEUR, JR., 6121
THOMAS E. HAZLEBECK, 6837
ANDREW D. HEALY, 8195
*JOHN R. HEATON, 0277
MATTHEW M. HEATON, 2822
*JEFFREY M. HEBERT, 2933
*KIRK M. HEBERT, 3039
*ROBERT B. HECHT, 5484
ROBERT S. HEDDEN, 8580
DAVID P. HEIN, 0919
*MARTIN J. HELI, 6559
*JERRY G. HELMS, 5363
*DOUGLAS W. HENDERSON, 2291
*JAMES A. HENDERSON, 1963
*WILLIAM A. HENDRICKSON, 9728
*KATHY HENLEY, 8751
*RONALD L. HENRY, 8842
*BRADLEY D. HENSON, 3310
*GARY F. HERMANN, 0837
CHRISTOPHER A. HERRING, 8882
MICHAEL A. HESS, 4436
ANDREAS C. HEY, 8882
*DUANE L. HIEBSCH, 1257
DOUGLAS E. HIESTAND, 2574
BRIAN T. HILL, 6532
MARK B. HILL, 7880
MICHAEL S. HILL, 2892
ROBERT J. HILL, JR., 5607
*STEPHANIE D. HILLMON, 3390
JOHN J. HILLSMAN III, 5883
SCOTT T. HILLSTEAD, 3928
RICHARD M. HIRSCH, 6325
BRADLEY T. HOAGLAND, 2216
*LAURIE A. HOBBS, 6384
MARILYN E. HODGES, 4508
*DAVID J. HOEY, 1138
*ROBERT A. HOFF, 4673
BRENT HOFFMAN, 0227
*DONALD J. HOFFMAN, 6650
CHARLES E. HOGAN II, 0328
JEFFREY S. HOGAN, 7998
DEBORAH A. HOLINGER, 7423
*TROY A. HOLLAND, 6011
STEVEN W. HOLLIS, 8026
SCOTT A. HOLLISTER, 8458
MICHAEL A. HOLLMAN, 6954
JOHN O. HOLM, 4306
*DAVID P. HOLMEN, 0873
DANIEL T. HOLT, 4346
*JEREMY C. HOLTGRAVE, 1820
MICHAEL A. HOMSY, 1898
DAVID E. HOOK, 5666
DOUGLAS J. HOPPER, 6600
KEVIN A. HOPPIN, 8689
MICHAEL D. HOPPNER, 7511
*ROBERT A. HORKAVI, 4986
FRANK H. HORTON, 4269
WRAY R. HOSKAMER, 1964
DARREN L. HOSKINS, 9431
*ANDREW J. HOSTETTER, 9088
*DOUGLAS D. HOUSEL, 8422
RODNEY A. HOUSER, 3298
*MICHAEL R. HOVERSTEN, 8972
CHARLES M. HOWARD, 7086
GREGORY W. HOWE, 8951
PAUL L. HOWE, 4082
JEFFREY B. HUBBELL, 7134
ROBERT V. HUCKLEBERRY, 3390
*BENJAMIN N. HUGHES, 8264
*ERIK A. HUGHES, 6760
*JAMES M. HUMES, 5732
*KIMBERLY M. HUMPHREY, 1972
PETER A. HUNSUCK, 7826
BRIAN S. HUNT, 8761
*CURTIS C. HUNT, 6784
MATTHEW M. HURLEY, 3558
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KEVIN A. HUYCK, 5446
ALFRED A. IANNACCONE, 4014
MARK S. INGLES, 5188
*KHALID M. IRSHAD, 1690
JAMES M. ISBEL, JR., 7718
PAUL H. ISSLER, 2007
*DAPHINE B. JACKSON, 0648
RONALD L. JACKSON, JR., 3363
*WILMER M. JACKSON, 8648
DEBORAH S. JACOBS, 4939
JAMES A. JACOBSON, 5583
*BRANDON A. JAEGER, 5471
EDWARD M. JAKES, 4948
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DARREN V. JAMES, 1837
RAYMOND T. JAMES, 7128
STEVEN P. JAMES, 6624
BENJAMIN F. V. JANES, 5433
*RICHARD F. JANOSO, 8655
*JOHN M. JANSEN, 1001
*MICHAEL M. JANSEN, 5500
RYAN A. JARA, 6582
CHRISTOPHER S. JARKO, 2489
*JOHN T. JARVIS, 3881
*GUY R. JASEPH, 3646
SEAN E. JEFFERS, 4514
*DOUGLAS H. JENKINS, 2184
DOUGLAS W. JENKINS, 3448
WILLIAM P. JENSEN, 9818
*PAUL E. JETER, 2592
JAMES G. JINNETTE, 3871
RONALD S. JOBO, 3930
TAY W. JOHANNES, 8455
BRET D. JOHNSON, 1331
*DANI M. JOHNSON, 0417

LEIF M. JOHNSON, 7834
*MARCUS JOHNSON, 9233
PAUL L. JOHNSON, 4274
SHANE W. JOHNSON, 2901
*JAMES M. JOHNSTON, 8164
*KENNETH T. JOLIVET, 4933
LANCE A. JOLLY, 3652
BRIAN C. JONES, 7892
DAVID H. JONES, 8029
DIANE M. JONES, 4937
*ERIC G. JONES, 7551
JAMES E. JONES, 4471
ROBERT W. JONES, JR., 6097
*TERENCE R. JONES, 9409
*WILLIAM M. JONES, 5824
*HAROLD L. JORDAN III, 9113
JAMES F. JORDAN, JR., 8810
*LYNN C. JORGENSEN, JR., 9008
*MARSHAL V. JOSLIN, 5768
JAMES A. JOYCE, 5109
KENNETH M. JOYNER, 4989
*TODD S. JOYNER, 0104
JOHN W. JUDY, 2528
*BRIAN A. KADROVACH, 9205
RONALD J. KALANQUIN, JR., 1999
DANIEL A. KALTENBAUGH, 3897
GREG M. KALUA, 9103
*TIMOTHY KARAGIAS, 8767
TIMOTHY J. KARMONDY, 0995
*RICHARD R. KASTEN, 4214
PAUL J. KASUDA, 8109
*ANDREW T. KATZE, 0424
*LANCE K. KAWANE, 0184
*EMI KAYA REYNA, 6573
MICHAEL J. D. KAYSER, 8062
JEFFREY S. KECKLEY, 7606
DAVID W. KELLER, 1120
KEITH L. KELLER, 6810
JOHN L. KELLEY, 2147
JONATHAN L. KELLY, 9282
*PATRICK J. KELLY, 2430
MICHELLE M. KEMENY, 6534
RICHARD D. KEMP, 2727
KENNETH L. KEMPER, 0793
*FRED G. W. KENNEDY III, 5952
KEVIN B. KENNEDY, 2686
*DOUGLAS L. KERSEY, 0912
*ROBERT KESEAD, JR., 1046
GREGORY S. KEYSOR, 8781
JOSEPH S. KIEFER, 9348
*MICHAEL L. KILBOURN, 1360
DAVID R. KING, 4005
*JOEL T. KING, 4438
MICHAEL J. KING, 0393
*PATRICK C. KING, 7277
*RANDY E. KING, 1394
CECILIA M. KIPP, 0459
PRESTON D. KISE, 3388
STEPHEN D. KISER, 5617
MIKLOS C. KISS, JR., 0665
DAVID A. KIVIOJA, 2818
CATHERINE M. M. KLEIFGES, 0739
KELLY KLEIFGES, 2726
*GREGG A. KLINE, 1448
*KARL A. KLINGLER, 7754
JAMES F. KLINGMEYER, 6301
TIMOTHY S. KLOPFER, 9519
THOMAS G. KLOPOTEK, 0879
ERIC K. KNIGHT, 4073
*ANDREW J. KNOEDLER, 6399
CHARLES W. KNOFCZYNSKI, 4981
THEODORE S. KOCH, 9304
*KIP O. KOEHLER, 3895
STEPHEN R. KOENIG, 6944
KIM D. KOKKO, 5581
MARI OLUKEMI KOKOTAJLO E., 6775
KATHRYN L. KOLBE, 5271
*KEITH N. KOMAR, 3126
STEPHEN O. KORNITZER, 3691
*RALPH KORTHAUER, 1120
MICHAEL J. KOSCO, 5116
IOANNIS KOSKINAS, 2826
THOMAS S. KOSS, 8485
*CHRISTOPHER A. KOTT, 7752
BENJAMIN F. KOUDELKA, JR., 1348
*ALEXANDER L. KOVEN, 6449
JOSEPH V. KRAFT, 2597
GLENN M. KRAMER, 8438
*TIMOTHY A. KRANER, 9904
JOHN C. KRATT, 6818
*GRANT L. KRATZ, 2139
JON M. KRAUSE, 9921
ANTHONY B. KRAWIETZ, 4768
KYLE J. KREMER, 6147
JORDAN R. KRISS, 8073
*JEFFREY A. KRUSE, 2867
SHANNON E. KRUSE, 3000
*KENNETH J. KRUSLESKI, 6432
*GARY B. KUBAT, 2842
*JAMES D. KUEHN, 0917
DAVID P. KUENZLI, 8033
*BRET C. KUGLER, 4631
KURT W. KUNTZELMAN, 8648
BRENDA S. KURTYKA, 6620
DEBORAH L. KUTH, 3001
STEVEN N. LACASSE, 1703
MARK B. LACY, 8557
MARK E. LADTKOW, 5383
EDWARD A. LAFERTY, 6105
*JOHN J. LAIRD, JR., 9170
*TIMOTHY M. LAKATA, 9604
DAVID P. LAKE, 2312

*MARK F. LAMB, 1074
*AGAPITO LAMBERT, JR., 7498
*ERIC M. LAMBERT, 1076
*STEPHEN B. LAMBERT, 1402
STEPHEN P. LAMBERT, 3902
TIMOTHY M. LAMBERT, 2462
*DOUGLAS K. LAMBERTH, 8587
*MARK A. LAMBERTSEN, 7000
PAUL C. LAMBERTSON, 3603
JOHN K. LANDRUM, 1642
DEBORAH A. LANDRY, 6368
TIMOTHY J. LANDVOGT, 3679
*DAVID T. LANE, 4810
*HARRY J. LANE, 8482
LARRY H. LANG, 9985
LEIANN M. LANG, 8554
MARY P. LANGHILL, 8982
*DONALD B. LAPOINTE, 7945
JEFFREY E. LARSON, 1307
*JAMES W. LASSWELL, 9963
GEORGE B. LAVEZZI, JR., 8726
SCOTT E. LAVIGNE, 1687
JAMES W. LAW, 6286
CARMELLA V. LAWSON, 7992
ROGER A. LAWSON, 5256
THOMAS R. LAYNE, 5508
CHRISTOPHER A. LEACH, 6740
BRIAN K. LEATHERWOOD, 8609
*DARA C. LEAVITT, 6775
*MARIA DE L. LEBRON, 1672
STUART C. LEDET, 2596
CHARLES P. LEE, 8379
*DAVID R. LEE, 3815
DEBRA S. LEE, 0269
DANTE S. LEGASPI, 9570
*DANIEL T. LEGG, 2504
*PETER F. LEHEW, 7856
THOMAS J. LENNON, JR., 7250
*ALBERT P. LENSE, 8123
MARK T. LEONARD, 5473
NORMAN J. LEONARD, 5549
MICHAEL D. LEONAS, 9290
*BILL C. LESTER, 1119
*STEVEN R. LETCH, 6652
DAVID S. LEVENSON, 3798
JOHN R. LEWIS, 5367
ROBERT W. LEWIS, 9489
WILLIAM A. LIBBY, 0507
*KEVIN M. LIER, 4736
*DANIEL LIGGINS, 4794
*MICHAEL S. LIGHTFOOT, 7282
SAMUEL LIGHTFOOT, JR., 5428
MICHAEL R. LIGHTNER, 0778
*LUCY LIM, 2156
DALE M. LINDEMANN, 8353
JOE L. LINDSEY, 3988
BARTH L. LIPPERT, 1391
JEFFREY D. LIPSKY, 6976
*ROLAND J. LIRETTE, JR., 5628
*ALAN S. LIU, 6435
JAMES F. LOBASH, 9873
MICHAEL J. LOGAR, 9489
*LARRY OYC LOHMAN, 7024
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*ALBERTO D. LOMBARDO, 8902
*DONALD W. LONG, 4921
*JEFF M. LONG, 4193
*RICHARD B. LONG, 1018
*RICKY M. LONGHURST, 9747
*JESUS K. LOPEZ, 3477
MARC A. LOPEZ, 9849
*MICHAEL A. LOVE, 7060
*ANTHONY B. LOVING, 4956
LAURIE DENE LOVRAK, 6038
JOHN R. LOWELL, 4923
ROBERT R. LOY, 4073
ROY E. LOZANO, JR., 5015
*EDWARD R. LUCAS, 3116
*VERNON K. LUCAS, 2922
RYAN S. LUCHSINGER, 2921
KEITH A. LUDWIG, 1642
ANN M. LUEB, 5884
*ROSS L. LUKKASON, 2421
*VICKI L. LUND, 1385
GARRY W. LUNSFORD, 6743
JAMIE A. LUTES, 0949
*MICHAEL J. LUTTON, 5369
*SARAH C. LYNCH, 1520
KENNETH A. MACDONALD, 7528
*PAUL J. MACDONALD, 8553
TIMOTHY B. MACGREGOR, 8889
JAMES S. MACKAY II, 4785
*JAMES B. MACKEY, 7971
RUSSELL E. MACLEAN, 8414
*MITCHELL E. MADDOX, 1279
KAREN R. MADSEN, 9055
*MICHAEL A. MAES, 2027
*SCOTT R. MAETHNER, 8791
*AMY L. MAGNUS, 9645
BRIAN J. MAHONEY, 7425
*CHRISTOPHER T. MAINE, 1530
LORI L. MALDONADO, 1873
PHILIPPE R. MALEBRANCHE, 2820
DAVID T. MALLARNEE, 3929
ROBERT A. MALLETS, 1021
RUSSELL W. MAMMOSER, 5610
GUYAN MANDICH, 4874
ANDREW W. MANN, 3203
TODD A. MANNING, 8412
DANIEL G. MANUEL JR., 9694
DANIEL C. MARCALUS, 0607
*HENRY F. MARCINOWSKI III, 9993

JAMES R. MARCOLESCO, 4952
PETER M. MARSCH, 7611
*JOHN J. MARSH, 5708
MICHAEL G. MARSH, 9962
EDWARD MARTIGNETTI, 9930
*JOHN F. MARTIN, 1167
STEVE A. MARTIN, 1074
*JOHN C. MARTINEZ, 7031
*LISA M. MASE, 0154
*SEAN F. MASIN, 6326
RUSSELL T. MASSEY, 5448
JOHN C. MATEER IV, 3670
MARIO A. MATHIS, 0677
*PAUL T. MATIER, 3224
GREGG T. MATSUMOTO, 2378
GARY A. MAUSS, 6264
*STACY L. MAXEY, 0670
ERIC S. MAYHEU, 6239
*WILLIAM P. MAZZENO, 6448
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HOWARD G. MC ARTHUR, 4746
*WILLIAM T. MC BROOM III, 3870
*KEVIN J. MC CAL, 2483
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*PAULA B. MC CARRON, 4340
DONALD L. MC CARTHY, 3284
SAMUEL P. MC CARTHY, 0737
THOMAS D. MC CARTHY, 2980
WAYNE A. MC CASKILL, 0786
*JAMES E. MC CLAIN, 1052
KEITH N. MC CLELLAND, 4575
*MARK H. MC CLOUD, 9740
*GREGORY L. MC CLURE, 9772
*LISA R. MC COLGAN, 4945
DEVON F. MC COLLOUGH, 8236
BRIAN E. MC COMBS, 7710
ROBERT P. MC CRADY, 4420
DANIEL P. MC CUTCHON, 5178
JEFFREY T. MC DONALD, 8003
REGINALD A. MC DONALD, 5860
*RICHARD D. MC DONALD, 3351
JOHN P MC ELDOWNEY, 7105
*CURTIS D. MC GIFFIN, 8657
*DAVID O. MC GRATH, 0760
SHAUN R. MC GRATH, 4693
THOMAS P. MC GRATH, 8048
ANTHONY K. MC GRAW, 7821
*KATHY L. MC GRAW, 6440
*THOMAS G. MC GUIRE, 2938
*PATRICIA A. MC HUGH, 8038
KEITH T. MC ILVOY, 3520
CHARLES T. MC INTYRE, 9122
*CHRISTOPHER S. MC INTYRE, 5239
*PATRICK D. MC KEOWN, 8640
MICHAEL J. MC KINNEY, 5062
*CURTIS N. MC LAIN, 1303
BRIAN P. MC LAUGHLIN, 2032
*KEVIN A. MC MANUS, 0165
*FRED A. MC NEIL, 9591
PATRICK J. MC NELIS, 3614
MICHAEL A. MC NERNEY, 9424
*AARON T. MEADOWS, 1505
*MICHAEL L. MEANS, 5678
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*RICHARD R. MEHL, 1945
HELEN M. MEISENHELDER, 8036
*ERIC F. MEJIA, 5725
DOUGLAS L.P. MELEGA, 1373
*CHARLES J. MELNIK, 0655
*MARTIN MEMMINGER, 2586
CHRISTOPHER W. MENOLD, 9590
JAMES C. MERCER, 9728
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LEIGH E. METHOD, 6362
*JEANNE M. MEYER, 9611
STEPHEN R. MEZHIR, 7020
JOHN B. MICKLE, 9736
ERIC L. MIKKELSON, 0209
MICHAEL D. MILLEN, 3104
CHARLES T. MILLER, 7987
*CHRISTOPHER M. MILLER, 6257
COLIN R. MILLER, 0819
*JASON E. MILLER, 5431
*MARC J. MILLER, 8601
*MICHAEL D. MILLER, 9897
RAYMOND S. MILLER, 5641
RODNEY L. MILLER, 1041
THOMAS E. MILLER, 3771
*TOM D. MILLER, 3296
MARK L. MILLIKIN, 9175
DANIEL R. MILLMAN, 9050
*FRANK C. MILLS, 2509
GARY H. MILLS, 2515
*GREGORY A. MILLS, 0398
*CHRISTOPHER W. MILNER, 0692
PETER J. MILOHNIC, 1498
DENISE M. MINNICK, 5474
CHERYL D. MINTO, 6052
*BRADLEY W. MITCHELL, 1693
*GEORGE G. MITCHELL, 5938
JEFFREY S. MITCHELL, 8242
MATTHEW W. MITCHELL, 5411
TRENT P. MITCHELL, 6353
JOSEPH B. MIZZELL, 1469
*CHRISTINA M. MOHLER, 1322
TROY P. MOLENDYKE, 4431
SOTIRIOS S. MOLOS, 1337
RICHARD P. MONAHAN, 1770
*ROBERT B. MONROE, 3572
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JAMES R. MOORE, 8642
JENNIFER L. MOORE, 3406
*KYLE W. MOORE, 5157
*LEANNE C. MOORE, 4802
*MICHAEL J. MOORE, 6882
*RANDALL W. MOORE, 1617
*ROBERT J. MOORE, JR., 3245
PAMELA ANNE MOORE, 4249
VICTOR H. MORA, 1080
*BRENT P. MORAN, 4276
*DAVID G. MORGAN, 8049
GREY L. MORGAN, 3182
SAM P. MORGAN III, 1263
JOY L. MORIBE, 7843
MICHAEL A. MORREALE, 8956
DOUGLAS B. MORRIS, 9950
SCOTT A. MORRIS, 9541
*ANNA MARIE MORRIS, 0806
*THOMAS O. MORRISON, 0782
DAVID F. MORRISSEY, 2434
ADAM L. MORTENSEN, 6998
STEPHEN J. MORTENSEN, 8835
YANCY A. MOSLEY, 2556
JOHN C. MOSS, 7313
*WILLIAM J. MOWRY, 5884
MICHAEL A. MRAS, 2758
*ANTOINETTE MULA, 8466
*RALPH J. MULI, 5822
JOSEPH E. MULLEN, JR., 3469
*JAMES F. MULLIN III, 4045
MATTHEW P. MURDOUGH, 2168
*ARTHUR N. MURPHEY, 1651
*WILLIAM C. MURPHEY, 7221
DAVID W. MURPHY, 4081
JENNIFER J. MURPHY, 3417
*JOHN E. MURPHY, 1174
KRYSTAL L. MURPHY, 5648
*MICHAEL C. MURPHY, 2315
RODERICK T. MURPHY, 3075
*WILLIAM D. MURPHY, 2501
*GERRICK E. MUSE, 0226
NIELE H. MUSEKAMP, 3757
RICK R. MUSSI, 8321
*CHRISTOPHER R. MYERS, 1056
*STEVEN R. MYERS, 9988
*SEAN J. NEAGLE, 3232
*DARRYL F. NEAL, 1460
RICHARD D. NEAL, JR., 1431
MICHAEL R. NEEMAN, 5230
ROBERT E. NEHER, JR., 0083
WILLIAM D. NEITZKE, 1074
TIMOTHY A. NELL, 9101
ROBERT G. NELSON, 4106
*ROBERT J. NELSON, 0489
CHARLES S. NESEMEIER, 4744
*ALEXANDER F. NEUMANN, 7843
ROGER L. NEUMANN, 4729
STEVEN T. NEUSER, 3406
GREGORY R. NEWMAN, 0950
LEE D. NEWTON, 7025
PAUL NGUYEN, 1939
FRANK D. NICHOLSON, 2038
*TODD A. NICHOLSON, 4951
NOEL F. NISTLER, 0869
DAVID M. NIX, 8869
LAWRENCE A. NIXON, 2961
*TIMOTHY E. NOBIS, 6588
*VAHAN NOKHOUDIAN, 0152
BRADFORD N. NORRIS, 6340
*JULIE T. NORRIS, 3395
BRIAN M. NOVOTNY, 5800
*KEVIN W. NYBERG, 3930
*IVETTE Z. O'BRIEN, 3556
KRISTINA M. O'BRIEN, 9662
*SEAN B. O'BRIEN, 1836
SHAWNA E. O'BRIEN, 0099
BARBARA S. OCHSNER, 9701
*EDWARD A. O'CONNOR, 4014
*TREVOR A. O'DAY, 2812
EDWIN J. OFFUTT, 8890
LESTER S. OGAWA, 9326
*MARK L. O'LAUGHLIN, 9878
TIMOTHY F. OLDENBURG, 4990
STEPHEN R. OLDS, 2451
*DAVID B. OLIVER, 0433
RICHARD L. OLIVER II, 1680
THOMAS J.I. O'LOUGHLIN, 1099
*DANIEL R. OLSON, 9529
ERIC J. OLSON, 5344
LINDA RUTH OLSON, 6763
ANDREW D. O'NEEL, 5683
BRADLEY A. O'NEIL, 8543
ELIZABETH A. ORIE, 9367
STEVEN ORIE, 7160
DANIEL S. ORMSBY, 5892
*PETER A. ORNELL, 4957
*KEVIN P. O'ROURKE, 4756
*ROBERT J. ORRIS, 9982
*CARLOS H. ORTIZ, 8488
DAVID L. ORTOLANI, 5157
*DAVID S. OSBORNE, 5120
BRYAN R. OSSOLINSKI, 5978
WILLIAM K. OSWALD, 4412
*WILLIAM R. OTTER, 6653
*GREGORY R. OTTOMAN, 3912
MICHAEL T. OVARD, 9428
*DONALD A. OVERBAY, 1232
*JOHN C. OWENS, 2775
JOSEPH P. PACE, 3644
TIMOTHY I. PAGE, 1799
WILLIAM A. PAKULA, 7679
*ERIC E. PALMER, 9826
SUZANNE M. PALMER, 4282
*EDWARD A. PARKER, 4154
LADD G. PARKER, 9066
MARDIS W. PARKER, 7674
KENNETH J. PASCOE, 8165
*DAVID PASTORE, 6735
*JEFFREY E. PATERSON, 8019
BRADLEY C. PATON, 5743
*GREGORY M. PATSCHKE, 4852
TIMOTHY J. PATTERSON, 5948
WILLIAM C. PATTERSON, 4954
*ALLEN D. PATTON, 1903
GREGORY J. PAYNE, 7905
*MICHAEL D. PAYNE, 0494
*PETER PAYNE, 5719
*TAMMI L. PEACOCK, 8571
STEPHEN W. PEARCE, 3796
JAMES L. PEASE, 6096
SHAWN D. PEDERSON, 9695
JOSEPH E. PEDONE, JR., 5257
*ANDREW B. PEEPLES, 4783
MICHAEL E. PELLETIER, 5704
*JAMES C. PENROD, 3530
DWAYNE R. PEOPLES, 7320
*JAMIE C. PEOPLES, 6989
RODERICK F. PEOPLES, 4216
PAUL A. PEPE, JR., 6739
DANIEL A. PEPPER, 5528
MICHAEL G. PEPPER, 4681
*GARY C. PEREZ, 3971
*DAVID J. PETERSON, 1341
SAMUEL B. PETTERS, 0333
*ERIK D. PETTYJOHN, 6525
PAUL E. PFANKUCH, 8504
CLAYTON H. PFLIEGER, 7869
*MICHAEL P. PHELAN, 6318
*DONNA E. PHELPS, 6374
JEFFREY D. PHILIPPART, 4259
*CHRISTOPHER G. PHILLIPS, 1851
JAMES W. PHILLIPS, 0295
MICHAEL A. PHILLIPS, 2530
*STEVEN L. PHILLIPS, 6630
JOSEPH F. PIASECKI, 3362
CHARLES PICONE, 4412
*STANISLAW PIECZARA, 1161
*JEFFREY G. PIERCE, 9890
*MASON B. PIGUE, 4828
*GEOFFREY B. PUHLAJA, 1872
*MARK R. PLAKORUS, 8310
STEVEN W. PLANK, 0882
STEPHEN C. PLATT, 9816
MICHAEL E. PLATTEEL, 7214
STEPHEN M. PLESCHA, 3423
*JAMES R. POEL, 7411
STEPHEN D. POINTON, 1309
WILLIAM E. POLAKOWSKI, 0884
*BRIAN G. POLSER, 6700
*PATRICK D. POON, 3663
MICHAEL D. PORT, 7111
JAMES C. PORTER, 5067
*TOM E. POSCH, 4793
*JUDD P. POWELL, 1494
WILLIAM P. POWER, 4733
MICHAEL J. POWERS, 2502
JOHN R. PRATT, 8618
*LYNNETTE G. PRATZNER, 5416
*TASHA L. PRAVECEK, 2673
*PHILIP J. PREEN, 9843
SANDERS E. PRESCOTT, 8705
EDWARD R. PRESLEY, 4696
*KEREN PRESTON, 5950
*ROBERT J. PRESTON II, 7260
RYAN J. PRICE, 8252
THOMAS E. PRICE, 8462
*TRAVIS J. PRICE, 4547
MARIA M. PRIEST, 5081
KELLY J. PRIMUS, 2930
JOHN J. PROSCENO, JR., 4114
AARON M. PRUPAS, 3094
GREGORY T. PUGH, 0029
*JACQUELINE PURDY, 1855
*RAYMOND K. PURVIS, 7240
MICHAEL E. PYBURN, 7402
*CHERYL M. QUINN, 8172
DANNY J. QUITNO, 7280
*ARSHAD M. QURESHI, 9917
JEFFREY G. RAETZ, 0671
*JODI K. RAFT, 7604
KENNETH C. RAGSDALE, 0200
*JESSICA P. A. RAINES, 5004
STEVEN J. RAJOTTE, 5353
ANTHONY R. RAMAGE, 5919
*STEVEN E. RAMER, 3853
MURIEL RAMIREZSALAS, 2153
THOMAS E. RAMPULLA, 0919
ROBERT L. RAMSDEN, 1633
MARK J. RAMSEY, 6254
BILLY M. RASNAKE, 5010
KOLIN D. RATHMANN, 0571
WILLIAM F. I. RATLEDGE, 9976
STEPHEN R. RAU, 5821
HOLLY B. RAWSON, 0966
*JAMES R. RAY, 6012
KEVIN J. RAYBINE, 3999
*DENNIS V. RED, 2709
RANDALL J. REDELL, 8715
GEORGE E. REED, 2622
*ALBERT C. REES, 5750
BROOKS B. REESE, 1696
GREGORY J. REESE, 1288
*MATTHEW R. REGNER, 3811
*PETER D. REINHARDT, 4930
*LYNN A. REISE, 1584
ROBERT S. RENEAU, 3762

KENNETH J. RENGERING, 2639
*THOMAS A. REPPART, 6526
DAMON R. REYNOLDS, 7784
*KAREN M. RHONE, 7065
*LARRY G. RICE, JR., 5372
*DAVID EVAN RICE, 8134
DONNA M. RICHARDS, 4963
*JAMES R. RICHARDS, 6766
THOMAS J. RICHARDS, 6659
ANDREW J. RICHARDSON, 7723
JOSEPH C. RICHARDSON, 9588
LENNY J. RICHOUX, 2597
*ROBERT N. RICKARD, 3689
THOMAS A. RIETKERK, 3462
STEPHEN P. RITTER, 3051
MICAH S. RIZA, 0036
MATTHEW S. ROBERSON, 9058
STEVEN J. ROBERTS, 1983
WILLIAM P. ROBERTS, 6330
CHRISTOPHER W. ROBINSON, 5037
MARC R. ROBINSON, 6416
REGINALD O. ROBINSON, 9260
*TRENT W. ROBINSON, 0616
WILLIAM B. ROGAN III, 0422
JAMES W. ROGERS, JR., 2938
*JOHN J. ROGERS, 9216
TAMARA S. ROGERS, 7116
WILLIAM K. ROGERS, 9958
*HAROLD N. ROLLINS, 7706
*DAVID F. ROMAN, 6260
*RENE F. ROMERO, 6503
*BRIAN M. ROOU, 3831
*ELIZABETH A. ROPER, 1442
DEBRA K. ROSE, 8270
*MICHAEL D. ROSS, SR. 3529
THOMAS ROSS, 5899
MARTIN L. ROTHROCK, 7081
*PAUL J. ROTTER, 1398
NATHAN W. ROUGHT, 4783
*BRIAN C. ROY, 7700
*JAMES D. ROY, 9212
*JEAN P. RUDDELL, 5621
*DAVID L. RUFFIN, 4923
DENNIS G. GUZRUIZ, 3110
BRIAN RUSLER, 0441
BRYN A. RUSSELL, 6870
*DONALD G. RUSSELL, 0831
ROBERT D. RUSSELL, 8720
*TIMOTHY R. RUSSELL, 0735
MICHAEL J. RUSZKOWSKI, 0869
RONALD R. RUTLEDGE, 2122
DOUGLAS B. SABO, 5701
ANDREW L. SACKETT, 5290
*CARL D. SALAS, 4185
BRIAN R. SALMANS, 8221
JUVENAL Q. SALOMON, 9520
*ASHLEY D. SALTER, 0602
KEVIN L. SAMPELS, 0937
*GARY L. SAMSON, 4172
*PAUL F. SAND, 7274
*CESAR C. SANDAN, 1400
*BRETT H. SANDERS, 8162
HAROLD H. SANDERS, 7923
MATTHEW V. SANTONI, 4184
*DOMENICO. SARNATARO, 6646
*WILLIAM A. SATTERFIELD, 9062
*JEFFREY D. SATTLER, 5943
MICHAEL E. SAUNDERS, 5101
SCOTT G. SAUNDERS, 5027
*LISA SAYEGH, 9766
DENNIS G. SCARBOROUGH, 2448
CARL E. SCHAEFER, 4305
*MICHAEL J. SCHAUGAARD, 5255
GREGORY SCHECHTMAN, 4788
GREGORY C. SCHEER, JR., 0376
KURT M. SCHEIBLE, 9241
ANTHONY SCHEIDT, 4420
MARK P. SCHENCK, 5252
MARTIN K. SCHLACTER, 2465
SUSAN B. SCHLACTER, 1029
*ROBERT J. SCHLEGEL, 4577
*STEVEN P. SCHLONSKI, 3128
*MICHAEL J. SCHMIDT, 0169
PAUL L. SCHOLL, 5369
TODD J. SCHOLLARS, 4827
*THOMAS J. SCHONBERGER, 6828
ROBERT C. SCHROEDER, JR., 5011
CARL J. SCHULER, JR., 3785
MARCUS R. SCHULTHESS, 5699
JAMES E. SCHUMAKER, 4850
*ALLEN D. SCHWARTZ, 6205
TERESA M. SCHWEHM, 6145
JEFFREY S. SCHWOOB, 6401
CRAIG M. SCOTT, 3714
STEPHEN R. SCOTT, 3929
VERNON L. SCRIBNER, 6187
*WESLEY D. SEAL, 6698
JAMES M. SEAT, 9064
LOUIS P. SELIQUINI, JR., 1286
SOPHIE M. SENN, 2403
STEVEN E. SENN, 9643
BRIAN W. SENNETT, 4885
*JOHN S. P. SEO, 8710
CHRISTOPHER L. SETLIFF, 2506
*BARBARA E. SEVERSONOLSON, 7964
TIMOTHY M. SHADID, 2537
MELLOR KRISTINE M. SHAFFER, 9368
BERNARD J. SHANAHAN, 7667
*CHRISTOPHER M. SHANK, 4249
*JENNIE H. SHANKS, 3137
CHRISTOPHER C. SHANNON, 0865
*EVERETT E. SHAVER, JR., 3676
JOHN E. SHAW, 3707
*ROBERT M. SHAW, 8355
MICHAEL J. SHEA, 9097
*RICHARD J. SHEBIB II, 7286
MICHAEL J. SHEPHERD, 4820
RONALD C. SHEPHERD, JR., 3524
*DREXEL B. SHERMAN, 4389
*KEVIN L. SHERRICK, 3676
TERRANCE R. SHERRILL, 7286
*RENEE L. SHIBUKAWAKENT, 6193
*RONALD M. SHIELS, 0338
*STEVEN L. SHINKEL, 1627
TIMOTHY M. SHOHFI, 6788
MICHAEL K. SHOWER, 8277
*VINCENT M. SHRIGLEY, 1284
*ANE M. SHULL, 5253
TODD C. SHULL, 0971
DAVID A. SIKORA, 6244
DONLEY SILBAUGH, 3223
ERIC E. SILBAUGH, 2341
STEPHEN S. SILVERS, 9654
JOHN P. SIMEROTH, 6650
JOHN P. SIMMONS, 2079
LESTER G. SIMPSON III, 9116
WILLIAM F. J. SIMPSON, 0738
JILL E. SINGLETON, 1545
TIMOTHY M. SIPOWICZ, 9571
GARY A. SJURSET, 1198
SAMUEL T. SKAGGS, 2709
MATTHEW E. SKEEN, 9330
*ERIN A. SKOWRAN, 6538
*WILLIAM R. SLAGLE, 1639
CRAIG J. SLEBRCH, 6305
DOUGLAS T. SLIPKO, 2931
*CHRISTOPHER R. SMALL, 5739
*WENDELL T. SMALL, 7345
*ANTHONY C. SMITH, 9181
BRIAN M. SMITH, 0192
BRUCE I. SMITH, 2288
*DUSTIN P. SMITH, 8550
*ELDON R. SMITH III, 0068
FERRELLE R. SMITH, 1743
GUSTAVUS B. SMITH, 9197
*HOMER R. SMITH, 4287
JAMES R. SMITH, 7768
JEFFERY B. SMITH, 4084
JEFFERY P. SMITH, 2070
JEFFREY E. SMITH, 9649
*JEFFREY S. SMITH, 1245
MAUREEN J. SMITH, 3596
RAYMOND H. SMITH, JR., 1431
ROBERT J. SMITH, JR., 0926
*SCOTT E. SMITH, 0273
*NECHELLE L. SNAPP, 9162
BENJAMIN E. SNOW, 8110
JONATHAN D. SNOWDEN, 9386
STANLEY G. SOLLIE, 2132
*JANET L. SORENSEN, 0314
DEAN C. SPAHR, 2766
BERTRAND D. SPARROW, JR., 2158
*JUSTIN J. SPEEGLE, 7649
*PATRICK H. SPIERING, 7881
CHARLES J. SPILLAR, JR., 4203
*NANCY F. STAATS, 6320
STEVEN G. STAATS, 3395
PAUL D. STANG, 7894
ANDREW J. STARK, 2986
TODD R. STAUDT, 6982
*LARRY M. STAUFFER, 0643
GRANT J. STEDRONSKY, 2018
KRISTIN A. STEEL, 4772
DAVID R. STEELE, 0025
JOSEPH D. STEELE, 9447
*STEPHEN D. STEELE, 4988
JERALD W. STEEN, JR., 9613
CRAIG D. STEINER, 6828
JAYCEE STENNIS, JR., 0375
DAVID M. STEPHAN, 7476
*JAMES A. STEPHENSON, 5724
*MATTHEW A. STEVENS, 0396
TIMOTHY M. STEVENS, 2700
*DAVID R. STEWART, 9376
*MICHAEL D. STEWART, 1681
THERESA A. STOCKDALE, 6086
*KIRK D. STOCKER, 5334
*JANICE M. STOFFEL, 5343
*CLARENCE M. STONE, JR., 4641
ROBERT H. STONEMARK, 8140
STEVEN K. STONER, 4794
*GUY D. STORY, 4821
*ANDREW M. STOSS, 1209
JAMES E. STRATTON, 8037
*ALICE J. STRAUGHAN, 1604
DANIEL J. STRIEDIECK, 9697
ROBERT O. STROEBEL, 0410
MARIA LIZA R. STRUCK, 1208
MICHAEL S. STRUNK, 7757
CARL H. SUCRO, JR., 8430
BRAD M. SULLIVAN, 8184
*MARK S. SULLIVAN, 0044
*PATRICK D. SULLIVAN, 6608
NICHOLAS A. SULLY, 0616
*MARTHA L. SUMMER, 4371
JOSHUA B. SUMMERLIN, 8505
*RHONDA K. SUMPTER, 9812
CARROLL R. SUNNER II, 2233
ARAS P. SUZIEDELIS, 3587
STEVEN A. SVEJDA, 3050
THOMAS J. SVOBODA, 6869
*EDWARD W. SWANSON, 7338
ROBERT J. C. SWANSON, 2204
FRANCIS J. SWEKOSKY, JR., 1212
JOHN M. SYLOR, 0507
JEFFERY S. SZATANEK, 7796
ANDREW G. SZMEREKOVSKY, 5966
PAUL E. SZOSTAK, 6190
GEORGE P. TADDA, 6282
*LYLE T. TAKAHASHI, 0388
*ALBERT Z. TALAMANTEZ, JR., 0094
*DANIEL G. TALBOT, 4782
TANYA M. W. TANNER, 5789
MICHAEL F. TARLTON, 9010
*ANTHONY T. TAYLOR, 0485
*DANIEL R. TAYLOR, 5044
GREGORY O. TAYLOR, 6525
SHAWN E. TEAGAN, 0418
*RICHARD R. TELLES, 3520
GARTH J. TERLIZZI, JR., 0473
RICHARD J. TERRELL, 2442
DAVID M. TERRINONI, 9407
JOHN P. TERRY, 7506
PATRICK A. TESTERMAN, 7786
*KEITH L. THIBODEAUX, 1919
*CYNTHIA G. THOMAS, 2084
*DARRELL F. THOMAS, 4222
*EDWARD W. THOMAS, JR., 5706
GEOFFREY P. THOMAS, 4779
*GEORGE E. THOMAS, JR., 8651
JORDAN K. THOMAS, 1478
WILLIAM B. THOMAS, 1093
BRAD R. THOMPSON, 4512
DUANE M. THOMPSON, 7141
FORREST C. THOMPSON, 7852
MARK E. THOMPSON, 6536
WILLIAM P. THOMPSON, 0203
MARK A. THONNINGS, 8032
CHARLAN A. THORPE, 6077
JEFFREY A. TIBBITS, 8518
*LISA H. TICE, 1520
*LANCE A. TILGHMAN, 4467
*MICHAEL J. TIMMERMAN, 0702
CHARLES R. TIMMERMEYER, JR., 2019
*STEVEN E. TINC, 8584
THOMAS S. TINGLEY, 3790
*KEVIN J. TINGLEY KELLEY, 9600
MICHAEL J. TOMASULO, 6999
*MICHAEL D. TOMATZ, 7118
*MARY D. TOOHEY, 3931
*FRANCISCO A. TORANOCAMPOS, 8128
LAWRENCE O. TORRES, 2840
WILLIAM R. TRACY, 4801
JULIE D. TRAVNICEK, 3558
*ROBERT W. TRAYERS, JR., 7247
JIMMIE L. TRIGG, 8590
MICHELLE M. TRIGG, 1303
JAMES D. TRIMBLE, 8603
JOHN M. TRUMPFHELLER, 2643
*TROY A. TSCHIRHART, 3523
RAYMOND TSUI, 5422
*LONNIE K. TURNER, 1746
TODD A. TURNER, 7078
ROBERT E. TUTTLE, 9244
AMY E. TWEED, 4481
*DANIEL A. TWOMEY, JR., 1335
*CLAYTON L. TYSON, 1905
TIMOTHY R. UECKER, 5929
*ROBERT K. UEMURA, 3549
JEFFREY R. ULLMANN, 6171
KIMBERLY C. ULLMANN, 1765
*LISA A. UNDEM, 1750
JERRY J. UPDEGRAFF, 1834
CHRISTOPHER J. URDZIK, 8478
GREGORY N. URTSO, 5485
*JAMES M. VALENTI, 2783
TROY B. VANCASTER, 5189
JOHN J. VANCE, 3312
HARRY W. VANDERBACH, 0232
REX S. VANDERWOOD, 1637
*ROBERT W. VANHOY II, 5588
JONATHAN R. VANNOORD, 5428
*MARSHA R. VANPELT, 0091
*SCOTT M. VANSANT, 0751
MARC C. VANWERT, 7101
*DAVID M. VARDAMAN, 0883
BRIAN T. VARN, 7107
DANIEL R. VASQUEZ, 3088
DAVID S. VAUGHN, 3116
*PEGGY K. VAUGHN, 9688
BRYAN S. VEIT, 7867
FREDERICK H. VICCELLIO, 5006
TODD M.B. VICIAN, 9918
KATHRYN E. VIKSNE, 9580
JUAN C. VILLARREAL, 7033
*STEPHEN R. VIRNIG, 9075
JOHN M. VITACCA, 8097
*MARK A. VIVIANS, 6829
JAMES R. VOGEL, 4367
KYLE D. VOIGT, 3239
*DOYLE E. VOLLERS, 1803
*CARL H. VON DEBSCHITZ, 4050
*STEVEN K. VONBUETTNER, 7271
*BRENT R. VOSSELLER, 9004
CURT D. WAGNER, 8640
*EUGENE H. WAGNER, JR., 1318
*SUSAN WAGONLANDER, 1517
MICHAEL L. WAHLER, 1088
CRAIG J. WALKER, 4111
*DIANA P. WALKER, 9310
JAMES E. WALKER, 7548
*KEVIN J. WALKER, 7444
GINGER L. WALLACE, 2657
STEPHEN B. WALLER, 8291
*DAVID W. WALSH, 6716
*KERRY L. WALSH, 2236

DEVIN C. WALTERS, 3940
MICHAEL J. WANG, 1708
*PAUL D. WARE, 5922
ERIC L. WARNER, 7351
LUCILLE J. WARNER, 4112
SCOTT A. WARNER, 5554
JAMES L. WARNKE, 2698
JAMES T. WASHINGTON, 0716
OLIVER D. WASHINGTON, JR., 4694
DANIEL L. WATERS, 6570
JEFFREY J. WATERS, 4097
BILLY J. WATKINS, JR., 2124
*MICHAEL R. WATKINS, 6166
*ELIZABETH M. WATSON, 0406
GORDON K. WATTS, 6076
MARK E. WEATHERINGTON, 7198
ANDREW H. WEAVER, 6070
JOEL J. WEAVER, 0465
JONATHAN D. WEBB, 7637
MARK D. WEBER, 3500
GREGORY J. WEBSTER, 9358
*JOSEPH P. WEDDING III, 1993
JOHN L. WEDOW, 9876
MICHAEL R. WEHMEYER, 5186
STUART N. WEINBERGER, 5193
*IRVING S. WEISENTHAL, 8430
PAUL A. WELCH, 8002
*RORY D. WELCH, 6176
*CHRISTOPHER S. WELDON, 7860
*MICHAEL V. WELGE, 7212
*MARK W. WELHAF, 7670
ALIX E. WENGERT, 6613
*DAWN L. WERNER, 5101
*MARK S. WERT, 6716
*TIMOTHY P. WESSEL, 1440
*TIMOTHY C. WEST, 6187
RICHARD G. WESTON, 0924
GARY A. WETTENGEL, JR., 7517
*TODD J. WEYERSTRASS, 1339
*MICHAEL T. WHATLEY, 5091
*CHRISTOPHER L. WHEELER, 6990
MARK C. WHEELHOUSE, 3801
CHRISTOPHER G. WHELESS, 8367
JOHN D. WHISENANT, 8206
DAVID G. WHITE III, 6540
*EDWARD D. WHITE III, 7009
*ROBERT D. WHITE, 5483
*TONY A. WHITESIDE, 7023
JAMES C. WHITMIRE, 0010
LUKE D. WHITNEY, 5440
*JENNIFER A. WHITTIER, 1860
ROBERT S. WIDMANN, 8027
PHILIP W. WIELHOUWER, 3092
DAVID A. WIESNER, 6290
JEFFREY A. WILCOX, 9823
TODD M. WILDE, 8095
*JAMES S. WILDES, JR., 2447
GARY WILEY JR., 2647
*CURTIS L. WILKEN, 5295
JAMES B. WILKIE, 2963
ANNE WILKINS PEGGY, 5746
BERNARD M. WILLI, 5823
CHRISTOPHER S. WILLIAMS, 9691
CLIFFORD D. WILLIAMS, 4220
CRAIG E. WILLIAMS, 2421
GREG A. WILLIAMS, 7460
*JEFFREY G. WILLIAMS, 3948
*REGINALD J. WILLIAMS, 3431
SHUN V. WILLIAMS, 7926
*CRAIG D. WILLS, 3676
*JEFFERY L. WILMOTH, 5299
R. BREC WILSHUSEN, 2895
*ALLEN C. WILSON, 2358
*FRANK V. WILSON, 1239
*MARK F. WILSON, 9355
*MARK P. WILSON, 1077
TERRY A. WILSON, 9361
THEODORE D. WILSON, 2469
*THOMAS E. WILSON, 3478
MARJORIE E. WIMMER, 9481
PATRICK J. WINDEY, 9253
*PATRICK E. WINGATE, 8602
ERIC D. WINGER, 9163
MARK B. WISER, 8888
*STEPHEN A. WISSER, 3568
TRACY M. WITCHER, 4940
*WINSTON R. WITHERELL, 0282
ERIC P. WOHLRAB, JR., 4660
JOSEPH L. WOLFKIEL, 9955
JASON L. WOOD, 1457
*TAD N. WOODILLA, 1310
TODD K. WOODRICK, 3460
*TOBI SEARS WORDEN, 0847
KENNETH C. WRAY, 6208
CYNTHIA A. WRIGHT, 7837
DANIEL D. WRIGHT III, 8343
KARYN E. WRIGHT, 3023
RICHARD D. WRIGHT, 7080
JUSTIN R. WYMORE, 0871
KEVIN J. YANDURA, 9843
BRIAN A. YATES, 4419
ERIC W. YATES, 3827
DANIEL S. YENCHESKY, 7497
SHANNON L. YENCHESKY, 4507
JOSEPH F. YEZZI, 3904
STACY L. YIKE, 2016
*ZEV YORK, 8557
*JOEL D. YOUNG, 7352
RONALD L. YOUNG, 6907
KYLE E. YOUNKERS, 6282
*DONA M. ZASTROW, 2494
KEVIN M. ZELLER, 6096
JEFFREY A. ZEMKE, 0271
KENNETH S. ZEPP, 1602
*DAWN M.K. ZOLDI, 8021
*DANIEL S. ZULLI, 3635

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT M. NAGLE, 0138

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES M. IVEY, 5139
GREGORY D. JOHNSON, 1213
WENDELL B. MCLAIN, 3449
JOAN M. SULLIVAN, 9263
DOUGLAS C. WILSON, 4437

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN L. POWELL, 9270

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be lieutenant colonel

MARK R. WITHERS, 1102 MC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DANNY W. AGEE, 6093
LINDA T. BENKO, 3570
DAWN R. CHRISWISSER, 1147
LARRY J. CLAYTON, 1432
EDUARDO GOMEZ, 1455
LARRY A. LEMONE, 9368
KEVIN G. MACCARY, 5360
SAMUEL E. MANTO, 9452
BYRON N. MILLER, 3483
THEODORE R. NICHOLSON, 4336
KENNETH A. PAPANIA, 4438
TERRY R. SCHMALTZ, 0615
RONALD K. TAYLOR, 7104

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR D. BACON, 3919
WILLIAM B. CARR, JR., 1988
MARCUS G. COKER, 2781
DAVID A. FEYRER, 3855
CHARLES J. FLESHER, 4993
DONALD R. FORDEN, 9705
DAVID M. FULLER, 8901
LISTON A. GARFIELD, 0101
JAMES B. HENSON, 6518
GARY E. HILL, 7131
ERIC C. HOLMSTROM, 6301
LYNN E. HUMPHREYS, 0762
EDWARD R.P. KANE, 8727
SIDNEY L. LEAK III, 7112
ANTHONY J. MEDAIROS, 3633
FRANCIS S. MIDURA, 3367
ROBERT S. MORTENSON, JR., 9146
ALLEN R. NABORS, 3081
THADDEUS J. POSEY, 3071
GERALD H. PRYOR, 0394
DWIGHT D. RIGGS, 9156
FREDERICK H. SCHOENFELD, 7859
ARTHUR F. TAYLOR, 8788
RICHARD T. VANN, JR., 9952

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDUARDO A. ABISELLAN, 5229
JAMES H. ADAMS III, 9118
JOHN K. ADAMS, 5914
TED A. ADAMS, 8353
CHRISTOPHER W. ALLEN, 4237
JOSEPH T. ALLENA, JR., 2310
MICHAEL E. ALOISE, 8833
RONALD J. ALVARADO, 1138
STEVEN M. ANDERSON, 1273
MARCUS B. ANNIBALE, 8702
GEOFFREY M. ANTHONY, 5161
JOHN ARMELLINO, JR., 8006
ADAM G. ARNETT, 4714
MICHAEL J. ATCHESON, 6954
ERIC E. AUSTIN, 2356
KELLY A. AUSTIN, 2474
MARK A. AVERY, 9035
ROGER S. AZEVEDO, 4064
CHARLES R. BAGNATO, 1719
KENDALL D. BAILEY, 1652
PHILIP A. BAIN, JR., 7902
PAUL D. BAKER, 7970
ROBERT H. BAKER, 9806
DAVID R. BALDWIN, 1538
SCOTT A. BALDWIN, 1426
DONALD A. BARNETT, 4697
CRAIG A. BARRETT, 1961
ROBERT W. BARRY, JR., 1677
ERIC E. BATTLE, 4797
RAYMOND E. BEAL II, 8986
JASON A. BEAUDOIN, 4828
STEPHEN R. BECK, JR., 1769
STEWART G. BECKER, 9287
PATRICK A. BECKETT, 1475
MARC A. BEGIN, 1203
DOUGLAS C. BEHEL, 0073
GARY E. BELL, 7392
GRADY A. BELYEU, JR., 1926
DARREL C. BENFIELD, 8180
JEANNE A. BENFIELD, 9694
WILLIAM C. BENTLEY III, 1762
WILLIAM P. BENTLEY, 5184
MARLIN C. BENTON, JR., 6629
DANIEL N. BERGAD, 3734
DAVID BERNATOVICH, 5447
WILLIAM C. BERRIS, 5404
BRENT W. BIEN, 0613
GREGORY D. BIGALK, 5282
CHAD A. BLAIR, 1135
JOHN T. BLANCHARD, 2391
RUSSELL A. BLAUW, 0370
PRESCOTT M. BOISVERT, 8535
BRET A. BOLDING, 4690
GREGORY L. BOLL, 7758
JOHN A. BOLT, 8337
BRETT A. BOLTON, 1563
RICHARD J. BORDONARO, 9326
MICHAEL J. BORGSCHULTE, 2727
TODD V. BOTTOMS, 0215
LISA M. BOTUCHIS, 6388
BRETT A. BOURNE, 4381
ANTHONY W. BOWN, 8362
MATTHEW C. BOYKIN, 8565
ROBERT C. BOYLES, 1486
BRIAN J. BRACKEN, 0217
DAVID P. BRADNEY, 1987
RONALD C. BRANEY, 8561
TERRY L. BRANSTETTER, JR., 7017
IAN D. BRASURE, 1741
FREDERICK W. BREMER, 7562
BENJAMIN T. BREWER, 7032
CHRISTOPHER A. BREWSTER, 4815
THOMAS J. BRINEGAR, 7187
CHRISTOPHER S. BROWN, 5162
GLENN F. BROWN, 1454
MICHAEL J. BROWN, 6638
JOHN H. BRUGGEMAN, JR., 8596
STEPHEN C. BRZOSTOWSKI, 0641
BRIAN E. BUFTON, 5153
VICTOR J. BUNCH, 1341
WAYNE M. BUNKER, 5382
PHILIP A. BURDETTE, 1827
HEATHER M. BURGESS, 5403
RUSSELL C. BURTON, 4951
ALAN E. BUSENBARK, 8004
DAVID W. BUSSEL, 2864
MAX W. CAIN II, 0720
MARKHAM B. CAMPAIGNE, JR., 0733
STEVE L. CANTRELL, 8038
MARIO D. CARAZO, 8896
DAVID CARBONERO, 0046
TODD M. CARUSO, 8958
GREGORY A. CASE, 4040
MICHAEL S. CASEY, 7619
WALTER D. CERKAN, 9016
BERNARD C. CERNOSEK, 0224
CHRISTOPHER J. CERWONKA, 3235
THOMAS E. CHANDLER, 4001
JAMES C. CHAPMAN, 1902
MELVIN L. CHATTMAN, 5718
IAN G. CHERRY, 2671
DONALD C. CHIPMAN, 3602
STEVEN R. CHRISTMAN, 2448
IAN R. CLARK, 0240
RICHARD T. CLARK, 3394
JASON A. CLIMER, 7606
NATHAN P. CLYNCKE, 0094
ALTON L. COCHRAN, JR., 2110
DOUGLAS S. COCHRAN, 7842
ADAM C. COE, 4843
JAIME O. COLLAZO, 4852
WILLIAM J. COLLINS, JR., 1700
JAMES L. COMBS, 7952
MICHAEL C. CONOVER, 7981
STEPHEN G. CONROY, 7173
MATTHEW S. COOK, 4351
GARLAND N. COPELAND, 3634
EDITH W. CORDERY, 8420
RYAN L. COUGHLIN, 2103
DWIGHT N. COUNTS, 8497
GUY R. COURSEY, 7533
IAN D. COURTNEY, 0100
JOSEPH M. COWAN, 3231
CHARLES B. COX, 1344
WAYNE O. COX II, 5250
BRIAN E. CRANE, 9163
SCOTT S. CREED, 2339

SAMUEL A. CRISLER, 8792
MATTHEW A. CROCE, 1328
VANCE L. CRYER, 6094
JENS A. CURTIS, 0147
EARL W. DANIELS, 6022
KEITH C. DARBY II, 1194
SEAN P. DARDEEN, 0649
THOMAS E. DAVIS, 8976
DEVIN C. DELL, 1226
RONALD K. DENNARD, 2460
SUNIL B. DESAI, 6228
THOMAS E. DEVINE, 3846
MARK D. DIETZ, 3753
PETER J. DILLON, 3695
JOHN E. DOBES, 7039
THOMAS P. DOLAN, 1867
RONALD A. DOMINGUE, JR., 0335
CHARLES DOWLING, 6287
DOUGLAS E. DUDGEON, 8562
SEAN T. DUGAN, 5785
JON D. DUKE, 3968
DAVID P. DUMA, 3886
SCOTT P. DUNCAN, 6241
DARIN T. DUNHAM, 8778
EVERETT W. DUNNICK, 4119
ROBERT H. DURYEA, 9105
MATTHEW D. DWYER, 8600
ANDREW L. EAST, 1309
RODNEY S. EDWARDS, 1859
FRED H. EGERER II, 0079
GEORGE E. EHLERS, 3521
ERIC J. ELDRED, 7879
STEVEN D. ETTIEN, 0783
THOMAS C EULER III, 5811
JEFFREY C. EVANS, 3890
JOHN W. EVANS, JR., 8988
PAUL C. FAGAN, 0380
TIMOTHY L. FANNING, 8396
WESLEY L. FEIGHT, 2272
STEVEN L. FELTENBERGER, 8502
DANIEL E. FENNELL, 7910
PHILIP A. FICKES, 5968
TODD R. FINLEY, 1602
WALTER E. FINNEY, 4226
MICHAEL J. FOLEY, JR., 9197
MICHAEL D. FOLGATE, 5232
JAMES W. FOSTER, 8733
TIMOTHY J. FRANK, 5704
PHILIP H. FRAZETTA, 0483
ROBERT C. FRIEDMAN, 5037
THOMAS C. FRIES, 7702
PHILLIP N. FRIETZE, 7495
MICHAEL S. FRUTSCHE, 3343
RICHARD F. FUERST, 5894
CHARLES E. FULLER, JR., 2171
FRANK T. FULLER, 6023
TROY FULLER, 0370
PETER S. GADD, 0915
FRANCIS G. GALA, 1519
THOMAS J. GALVIN, 9926
LEWIS W. GEIL, 7957
CHRISTIAN GHEE, 4046
CHRISTOPHER D. GIDEONS, 4646
BRIAN S. GILDEN, 6561
GEOFFREY S. GILLILAND, 4314
PETER L. GILLIS, 2169
STEVEN R. GIRARD, 4822
MARK A. GIVENS, 9029
HERMAN GLOVER IV, 1529
MICHAEL F. GOGOLIN, 2039
ADRIAN S. GOGUE, 3262
VIRGILIO GONZALEZ, 5629
MIGUEL C. GOODPASTURE, 0409
BRENT W. GOODRUM, 3510
DONALD A. GORDON, 4220
ROBERT J. GORDON, 7170
THOMAS J. GORDON IV, 5714
ROBERT GOVONI, 3411
BRUCE G. GRALER, 8251
SCOTT W. GRANDGEORGE, 9782
ROBERT M. GREEN, 2166
JEFFERY S. GREENWOOD, 0270
CHARLES R. GREGG, JR., 0664
DAVID E. GRIBBLE, 1422
SCOTT M. GRIFFITH, 1978
STEPHEN M. GRIFFITHS, 5844
DAVID A. GUNDLACH, 1239
CLARENCE T. GUTHRIE III, 3221
JASON X. HACKERSON, 9831
RODERICK B. HADDER, 2768
PAUL C. HAGAR, 1323
MICHAEL E. HAGUE, 5554
MARK E. HAHN, 0737
KOLAN J. HAIRSTON, 2098
REGINALD L. HAIRSTON, 1039
NICHOLAS S. HALE, 8777
SCOTT V. HALLSTROM, 7909
EARL L. HALQUIST, 8903
DAN HANKS, 3433
THOMAS J. HARMON, 7106
JAMES F. HARP, 1761
BYRON R. HARPER, 4710
CLARENCE T. HARPER III, 9348
BARON A. HARRISON, 7024
PETER W. HART, 9117
WESLEY D. HART, 7649
JEFFREY H. HAUSER, 0215
BRIAN W. HAVILAND, 0529
DOUGLAS A. HAWKINS, 6984
TED J. HAWKINS, 4114
MATTHEW K. HAYS, 6079
THOMAS V. HEFFERN, 4920
DAVID S. HEINO, 8740
MARK J. HENDERSON, 5745
JAMES R. HENSIEN, 8279
KATRINA HENSLEY, 1450
WAYNE M. HERBERT, 7867
HENRY G. HESS, 8417
MATTHEW N. HESS, 1621
ROBERT W. HESSER, 9008
STANLEY D. HESTER, 1630
ALEXANDER G. HETHERINGTON, 4929
DERRICK R. HEYL, 2759
WALTER R. HIBNER III, 5821
ERIC W. HILDEBRANDT, 6650
GREGORY E. HILL, 0421
RICHARD L. HILL, 3176
THOMAS K. HOBBS, 1516
STEVEN W. HODGE, JR., 7555
JEFFREY P. HOGAN, 7316
TODD L. HOLDER, 7556
MICHAEL T. HOLMES, 0179
MICHAEL P. HOMMEL, 2011
MARK D. HOROWITZ, 5680
THEODORE J. HORSE, 0706
CHARLES B. HOTCHKISS III, 7223
GEORGE N. HOUGH, 3536
KELLY P. HOULGATE, 6295
MICHAEL P. HUBBARD, 5445
ROBERT O. HUBBELL, 2018
DAVID S. HUGHEY, 4559
TODD M. HUNT, 4549
PETER D. HUNTLEY, 0108
JAMES J. HURD, 6127
LESLIE A. HURT, 3552
THOMAS J. IMPELLITTERI, 0155
JAMES T. IULO, 7437
EDWARD K. JAKOVICH III, 0544
TIMOTHY J. JAMES, 9018
JAN M. JANUARY, 1139
JEFFREY L. JAROSZ, 6857
TODD M. JENKINS, 8656
TRACEY E. JENKINS, 7700
JAMES E. JENNINGS, 7467
MICHAEL J. JERNIGAN, 5867
ALLEN K. JOHNSON, 5329
MARK J. JOHNSON, 2762
PRESTON W. JONES, 3894
SEKOU S. KAREGA, 0925
KENNETH R. KASSNER, 4033
DAVID A. KEELE, 2514
JAMES J. KELLEY III, 0977
JOHN F. KELLIHER III, 0873
KEVIN B. KELLIHER, 5436
BRIAN P. KELLY, 4048
CHARLES B. KELLY, 3409
JAMES R. KENDALL, 5147
ANTHONY P. KENNICK, 5172
LEONARD L. KERNEY, JR., 6540
PETERJOHN H. KERR, 8938
CRAIG M. KILHENNY, 9140
BRIAN J. KING, 9184
MICHAEL G. KING, 9526
DAVID T. KLAVERKAMP, 5733
ERIC D. KLEPPER, 7627
MICHAEL L. KLOCH, 2257
KENNETH A. KNARR, 6939
CHARLEY A. KNOWLES II, 5189
JEFFREY A. KNUDSON, 0917
JAMES B. KOERBER, 5482
TIMOTHY D. KORNACKI, 6596
JOHN M. KRAUSE, 3381
JOHN P. KRESHO, 8552
JOSEPH G. KRINGLER, JR., 6274
KARL H. KUGA, 8778
ROBERT A. KUROWSKI, 5621
ROBERT M. LACK, 9986
CLIFFORD J. LANDRETH, 7339
DOUGLAS K. LANG, 4586
RHETT B. LAWING, 0496
PETER E. LAZARUS, 0392
RODNEY LEGOWSKI, 0890
SCOTT D. LEONARD, 8269
MARY L. LEONARDI, 3236
JOSEPH P. LEVREAULT, 5900
JAMES C. LEWIS, 1088
MICHAEL J. LINDEMANN, JR., 3173
DANIEL R. LINGMAN, 6041
STUART R. LOCKHART, 6585
THOMAS M. LOEHLE, 9541
EDWIN H. LOWSMA, 4429
DAVID G. LOYACK, 2433
BRYAN F. LUCAS, 1905
BARTLETT D. LUDLOW, 1700
RICHARD E. LUEHRS II, 3954
STEVEN G. LUHRSEN, 8534
JAMES I. LUKEHART, JR., 3451
VINCENT J. LUMALCURI, 0634
RICHARD C. LYKINS, 7320
ERIC M. LYON, 8419
DOUGLAS J. MAC INTYRE, 3470
STEPHEN J. MACKLIN, 9252
GARY W. MAC LEOD, JR., 4777
JOHN E. MADES, 2139
LORNA M. MAHLOCK, 5347
MARK F. MAISEL, 1484
ANTHONY M. MARRO, 7226
DAMIEN M. MARSH, 4740
ROBERT C. MARSHALL, JR., 6341
JOHN J. MARTIN, 0906
DANIEL R. MARTINEAU, 7037
KENDALL A. MARTINEZ, 8610
MICHAEL R. MARTINEZ, 7952
KEVEN W. MATTHEWS, 4929
JAMES H. MATTS, 7076
TROY C. MAYO, 9934
TODD L. MC ALLISTER, 9393
JOSEPH T. MC CLOUD, 9007
WILLIAM F. MC COLLOUGH, 3750
DAVID G. MC CULLOH, 8952
DONALD B. MC DANIEL, 2488
JOHN M. MC DERMOTT, 6856
JOHN E. MC DONOUGH, 0661
JASON S. MC FARLAND, 2797
CHRISTOPHER T. MC KAY, 1690
SHAWN W. MC KEE, 8238
MATTHEW MC LAUGHLIN, 9545
CHARLES A. MC LEAN II, 7684
MICHAEL G. MC PHERSON, 2234
SEAN C. MC PHERSON, 2245
WILLIAM D. MC SORLEY IV, 7404
ROGER C. MEADE, 4122
HALSTEAD MEADOWS III, 7290
CHRISTOPHER L. MEDLIN, 7858
MICHAEL W. MELSO, 2958
MELANIE A. MERCAN, 9598
PETER S. MERRILL, 9727
ANDREW O. METCALF, 2517
JAMES J. MIGLETZ, 7628
CHRISTIAN C. MILLER, 2785
JOHN L. MILLER, 5232
KIMBERLEY J. MILLER, 4485
PETER J. MITCHELL, 7775
SCOTT C. MITCHELL, 0581
KURT E. MOGENSEN, 5380
PAUL R. MOGG, 1406
BARRY A. MONTGOMERY, 3621
JOHN C. MOORE, 1315
JOHN F. MOORE, 7754
MARCUS A. MOORE, 2169
PAUL H. MOORE, JR., 5305
MICHAEL D. MORI, 2169
DARIN S. MORRIS, 2990
SAMUEL P. MOWERY, 4458
JOHN J. MURPHY III, 1001
JOSEPH W. MURPHY, 9105
MICHAEL D. MURRAY, 0560
CHRISTOPHER B. NASH, 8150
DAVID NATHANSON, 0485
LIONEL R. NEDER, 0130
RICHARD F. NEITZEY, 0798
CHRISTIAN A. NELSON, 5611
WILLIAM J. NEMETH, 3743
CHRISTIAN L. NICEWARNER, 0204
SHANE D. NICKLAUS, 2210
DAVID B. NICKLE, 4963
NEAL D. NOEM, 9995
SETH L. OCLOO, JR., 4117
DAVID L. ODOM, 5171
CLAYTON G. OGDEN, 5529
JAMES E. OHARRA, 8965
BRIAN R. O'LEARY, 6964
CARLOS L. OLIVO, 9662
MICHAEL H. OPPENHEIM, 3474
RONALD L. PACE, 6956
RANDOLPH T. PAGE, 3628
ANDREW J. PALAN, 7224
MARK T. PALMER, 1869
CLINTON E. PARDUE, 4328
DANIEL L. PARIS, 2223
DAVID J. PARK, 2346
MATTHEW W. PARK, 8603
JAY B. PARKER, 5054
WALTER P. PARKER, 2977
DAVID B. PARKS, 3313
JOHN E. PASSANT IV, 9458
PHILIP M. PASTINO, 4692
PAUL T. PATRICK, 8970
TRACY L. PEACOCK, 2380
CRYSTAL T. PELLETIER, 8166
ROBERT A. PETERSON, 7837
FRITZ W. PFEIFFER, 8885
WILLIAM C. PIELLI, 4259
SCOTT W. PIERCE, 3789
STEPHEN S. PIERSON, 7429
PAUL E. PINAUD, 4279
CHRISTOPHER S. PINCKNEY, 6131
MICHAEL M. PITTS, 9748
STEVEN A. PLATO, 8295
ROBERT J. PLEVELL, 8732
CLARK A. POLLARD, 8396
CURTIS A. POOL, 1512
DOUGLAS M. POWELL, 3996
STEVEN M. PRATHER, 9530
THOMAS M. PRATT, 5928
DONALD J. PRESTO, 1056
MORRIS W. PRIDDY, 3873
DALE A. PUFAHL, 3617
MATTHEW PUGLISI, 6976
JOHN H. PYLANT, JR., 3063
PAUL B. QUIMBY, 4521
JAMES E. QUINN, 2510
KERRY J. QUINN, 9296
JOSEPH N. RAFTERY, 8149
JOHN A. RAHE, JR., 7831
MATTHEW R. RAJKOVICH, 4753
JUSTIN L. RATH, 9784
MATTHEW G. RAU, 7130
LOWELL F. RECTOR, 0623
MICHAEL S. REED, 3730
ANDREW M. REGAN, 3516
DESMOND A. REID, JR., 6867
BRENDAN REILLY, 7376
MICHAEL T. REILLY, 6283
THOMAS R. REILLY, 5341
ROBERT A. RENARD, 0714

DAVID E. RICHARDS. 8865
DAVID E. RICHARDSON. 4557
DONALD B. RICHWINE JR.. 0058
MARK F. RIEDY. 9722
MICHAEL R. RIES. 6471
THOMAS E. RINGO. 7201
LARRY A. RISK. 8529
KEITH T. RIVINIUS. 0641
JEROME P. RIZZO. 4650
DONALD A. ROACH. 8286
WHITNEY S. ROACH. 0142
STEPHEN C. ROBBINS. 4166
MICHAEL C. ROBERTS. 8229
DANIEL B. ROBINSON. 2100
GREGORY L. ROBINSON. 2767
HOWARD G. ROBINSON. 4741
TIMOTHY W. ROGERS. 0681
MICHAEL P. ROHLFS. JR.. 6569
PAUL S. ROLLIN. 6165
CHARLES D. ROSE. JR.. 7676
PAUL A. ROSENBLOOM. 2460
MICHAEL L. ROSS. 0708
DEE S. ROSSER. 6597
SHANE L. ROSSOW. 3319
SCOTT R. ROYS. 0302
JAY A. RUTTER. 8329
SEAN M. SALENE. 7962
BRENT E. SANDERS. 1846
ALEXANDER J. SARANT. 3154
ANDREW J. SAUER. 0160
BRETON L. SAUNDERS. 8509
THOMAS B. SAVAGE. 0116
ROBERT E. SAWYER. 0192
MICHAEL E. SAYEGH. 9275
DOMENIC J. SCARCIA. 7707
JOHN M. SCHAAR. 5223
ERIC W. SCHAEFER. 6111
KENNETH J. SCHWANTNER. 0660
ROBERT K. SCHWARZ. 1552
JONATHAN B. SCRABECK. 8419
JOSEPH W. SEARS. 3240
DAVID J. SEBUCK. 3022
MICHAEL B. SEGER. 8286
BRIAN F. SEIFFERT. 4592
GLENN R. SEIFFERT. 4480
ROBERTA L. SHEA. 4110
FRANK T. SHELTON. 1575
MICHAEL D. SHERMAN. 7239
DAVID P. SHEWFELT. 6856
SANJEEV SHINDE. 6011
JAMES E. SHORES. 6610
MATTHEW M. SIEBER. 3090
DANIEL J. SIMONS. 7223
JOSEPH D. SINICROPE. JR.. 5306
THOMAS D. SMITH. 1605
JEFFREY C. SMITHERMAN. 6061
MICHAEL L. SNAVELY. 5249
MIKE D. SNYDER. 4410
JAMES M. SOBIEN. 9310
WALTER C. SOPP. JR.. 5199
SHAUN C. SPANG. 7129
JEFFERY P. STAMAN. 4542
DIANA L. STANESZEWSKI. 1795
PAUL A. STEELE. 8693
RICHARD G. STEELE. 0771
PATRICK A. STEFANEK. 8425
JOSEPH A. STEHLY. 9413
MARTIN C. STEIMLE. 8371
NOEL C. STEVENS. 8214
KEVIN J. STEWART. 7091
STEPHEN R. STEWART. 1896
BENJAMIN P. STINSON. 8623
DAVID STOHS. 3612
PAUL L. STOKES. 5630
IAN L. STONE. 6975
SHAWN R. STRANDBERG. 8399
CRAIG H. STREETER. 2943
DOUGLAS D. STUMPF. 7124
ANTHONY A. STYER. 1003
DANIEL R. SULLIVAN. 9125
WILLIAM H. SWAN. 1187
JAMES E. SZEPESY. 4731
PATRICK J. TANSEY. 8370
CHRISTOPHER A. TAVUCHIS. 1459
GREGORY W. TAYLOR. 9214
ROBERT C. TAYLOR. 2025
WILLIAM P. TEICHGRAEBER. 2876
DENNIS C. TEITZEL. 7131
DANIEL W. TEMPLE. 0303
MICHAEL C. TERREL. 1245
ROBERT A. THALER. 6249
CHRISTOPHER C. THIBODEAUX. 8235
ALAN D. THOBURN III. 0729
BRIAN J. THOMPSON. 2365
STEPHEN S. TIELEMANS. 5407
MARK E. TINGLE. 9060
JOHN R. TOMCZYK. 6296
BRENT C. TROUSLOT. 8969
LEONARD E. TROXEL. 9052
MICHELLE L. TRUSSO. 9909
MICHAEL A. TUCKER. 8425
PHILLIP W. TUCKER II. 8725
DAVID B. TURCOTTE. 9245
BELINDA L. TWOHIG. 7420
JOHN A. VANMESSEL. 0150
MICHAEL W. VICKREY. 7061
COLLEEN L. VIGIL. 5867
MICHAEL H. VILLAR. 2577
BONIFACIO VINFRIDO. 9659
WILLIAM H. VIVIAN. 3970
ROBERT A. VOJTIK. 4113
DANIEL R. WAGNER. 5444
JOHN E. WALKER. JR.. 9568
TYE R. WALLACE. 9815
GAINES L. WARD. 1665
SCOTT C. WARD. 8496
STEVEN C. WARE. 8972
MARK R. WARNER. 9172
MICHAEL T. WARRING. 2595
ROBERT T. WARSHEL. 5556
MICHAEL R. WATERMAN. 1505
BENJAMIN T. WATSON. 1413
ERIC R. WATSON. 7590
AARON S. WELLS. 7884
GUY M. WEST. 5130
CODY M. WESTON. 1177
DANIEL F. WHITE II. 5491
BRIAN L. WIDDOWSON. 8491
CHRISTOPHER J. WILLIAMS. 8151
DAVID A. WILLIAMS. 2507
KARL E. WILLIAMS. 6179
MARCUS W. WILLIAMS. 1252
VINCENT H. WILLIAMS. 6210
DANIEL A. WILSON. 1077
ROBERT L. WINCHESTER. 7284
WILLIAM D. WISCHMEYER. JR.. 5271
ERIC S. WISE. 0341
THOMAS J. WITCZAK. 9507
EUGENE P. WITTKOFF. 0096
BRIAN N. WOLFORD. 5818
CALVERT L. WORTH. JR.. 4840
CARL M. WRIGHT III. 1553
MICHAEL P. WYLIE. 5791
TEAGAN J. YONASH. 7201
JAMES F. ZAGRZEBSKI. 7208
TYLER J. ZAGURSKI. 6444
PATRICK J. ZALESKI. 5906
WILLIAM E. ZAMAGNI. JR.. 9753
JOSEPH J. ZARBA. JR.. 1984
DOUGLAS D. ZIMBELMAN. 3223
RICHARD D. ZYLA. 3108

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be captain

MARK R. MUNSON. 6572

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be commander

THOMAS F. KOLON. 0469

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be commander

BERNADETTE M. SEMPLE. 1928

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant commander

JOHN D. CARPENTER. 9793

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant commander

DARREN S. HARVEY. 3713

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant commander

TRAVIS C. SCHWEIZER. 6746

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant commander

FRANCES R. BACCUS. 6806
KIMBERLY S. FRY. 5011
RICHARD A. GREENE. 2314
SCOTT W. HINES. 2077
MARIA A. MERA. 1398
GEORGE A. MORRIS. 2394
SCOTT W. STUART. 8198

HOUSE OF REPRESENTATIVES—*Tuesday, February 13, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 2001.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

CREATING LIVABLE COMMUNITIES IN THE MILITARY

Mr. BLUMENAUER. Mr. Speaker, I came to Congress committed to having the Federal Government be a better partner in helping our communities be more livable, our families safe, healthy, and economically secure. Among the most important areas for the new Administration to reexamine is the quality of life, the livability of our enlisted people, and the relationship that the military plays in making all our communities more livable.

There are tremendous opportunities to continue some good things that started in the last Administration, and for the President and Secretary Rumsfeld to move even further. The bottom line is that the United States Department of Defense should be a leader at home and abroad, improving the quality of life for the men and women in uniform and their families.

The Department of Defense should be a world leader in building livable communities, whether it is improving environmental protection, sustainable development or partnerships with citizens at all levels.

There are some outstanding examples taking place within a stone's throw of our Nation's capitol.

The Navy Yard renovation is leading the revitalization of the District of Columbia's Southeast waterfront. It is recycling materials and land, developing green buildings, and proving that you can improve the quality of military life while making a difference for the community.

The Department of Defense is managing a massive problem dealing with the same Endangered Species Act that confronts American communities all across the country. To cite just one example, there are 17 endangered species that have been identified at Camp Pendleton, the only large green space remaining between Los Angeles and San Diego.

The Department of Defense is managing 12,000 properties that are listed on or are eligible to be listed on the National Register of Historic Places. This is the largest inventory in the United States and slated to grow even larger because over the next 30 years another 70,000 buildings will reach 50 years of age and require evaluation.

In fact, our military is the largest manager of infrastructure in the world with over $500 billion in bridges, hospitals, roads and docks. One of the most challenging examples is to be found in the area of housing. There are over 300,000 units of military housing; and sadly, as President Bush is discovering today, two-thirds of them are substandard. There is an opportunity to harness new techniques in partnership with the private sector to make sure that we retain valued personnel by treating their families right with homes we can all be proud of.

I hope this Congress will step forward to help the military in other ways to promote livable communities. One of the most important ways would be to increase the necessary funding in order to accelerate the timetable for cleaning up unexploded ordnance, the bombs and shells that did not go off as intended and litter the landscape in over a thousand locations across the United States. There is a legacy of bases, bombing sites, and storage depots from Martha's Vineyard to Camp Bonneville in metropolitan Oregon.

Even around the American University campus right here in Washington, DC there is unexploded ordnance and nerve gas and that has been here since World War I. We cannot wait 500 years to clean these sites up, which is the time that will be required if we follow the current pattern.

The President should include a separate line item in the budget he submits to us, and Congress should focus on it and provide adequate funding. Another simple but powerful step would be for the Department of Defense and, say, the Post Office to obey the same rules as the rest of America. The presumption should be that absent a specific finding of urgent military necessity, our Department of Defense meets the same building codes, environmental standards, and transportation requirements.

Last, but by no means least is the opportunity to keep the mission if not the team intact at the Department of Defense for the military to provide true environmental leadership. There was an outstanding team that was assembled in the last administration: Sherri Wassserman Goodman, Randall Yim, Sandy Apgar, to name just a few. These people have doubtless moved on, but there is a lot to be learned from them, and we need to make sure that the mission and the techniques are retained and enhanced.

Getting and retaining the highest quality fighting force in the world requires that we treat them and their families right. It is important to make the military a full partner in livable communities using the ingenuity, the brain power, and the sense of mission and devotion to duty that are the hallmark of our armed forces.

PHILIP MORRIS'S CHARITABLE GIVING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today I rise to applaud the excellent efforts of the ABC television network and particularly journalists Dan Harris and John Stossel for demonstrating the tremendous deceit associated with the latest round of Philip Morris advertising.

Philip Morris is a company that is in the business of addiction and death. It markets a product that it knows causes death, disease, and untold human misery. It markets a product that most of its victims would never consume, or certainly not continue consuming, were it not for the highly addictive quality of nicotine, which is an essential ingredient to its future sales.

Hence, in one sense, these advertisements are quite accurate—"the people of Philip Morris" are "working to make a difference." Indeed, to the 3,000 new children who each day try tobacco, it can be a life and death difference. One thousand of those children will eventually die or suffer from serious disease as a result of their tobacco use. Of course the "difference" that we hear about on television is not those children but the children who receive Philip Morris scholarships and shelters. We hear not how they addict people but how they feed them, not how they flood the market with nicotine but how they help flood victims. Indeed, ABC pointed out that Philip Morris has generously contributed $115 million to such charitable activities.

But, wait, there was more that Philip Morris did not want the public to know. Although they spent $115 million for charitable contributions, they spent $150 million to publicize their charity. As John Stossel said, "Give me a break!" If Philip Morris really had such a big heart, why doesn't it just donate all the money to charity instead of wasting $150 million on ads?

The reason, of course, is quite clear. Philip Morris has taken to heart more than most the old adage that charity begins at home. And for Philip Morris, spending $115 million on charity is charity for itself.

As ABC has reported, internal Philip Morris documents show that charitable giving has been a key part of its strategy for years. Favorite philanthropies of Philip Morris include those who could "neutralize" women and minority groups, which might otherwise speak out against their being targeted for nicotine addiction. Those documents also indicate that Members of Congress and legislators around the country have not been forgotten—some of Philip Morris' favorite charities are the favorite charities of those policymakers that have the power to do something about the addiction and death business that is so critical to this company's future.

Indeed, I think that Matt Myers at the Campaign for Tobacco-Free Kids said it best: "These ads are not about charity. These ads are trying to convince Congress and juries that Philip Morris is reformed and responsible, so that the next time they have to walk into a courtroom or the halls of Congress, they can avoid real change."

Of course when they walk into the halls of Congress, they do not walk into strangers. Philip Morris spent from 1997 to 1999, just a 2-year period, about $120 million on lobbying here in Washington. And it was generous with its contributions to the national political parties and to Members of Congress, contributing over $11 million in PAC and soft money contributions during 1999.

At the same time Philip Morris was conducting this advertising campaign about its charitable giving, it was also advertising that it no longer markets to children in ways that will attract 3,000 children to tobacco products every day. Of course, in other countries where it markets its deadly products, Philip Morris refuses to abide by any of those restrictions on the marketing to children. Philip Morris continues to play a key role in a worldwide pandemic that will be the largest killer, more than AIDS, more than the combined death toll of a long series of diseases that plague our planet. Philip Morris will be a part of the pandemic that will kill more people in this world than any of these other diseases put together over the next couple of decades.

But I think that for this Congress, it is important for us to realize the financial difference between the good deeds Philip Morris advertises and the amount it spends to promote those good deeds. Congress must react by giving the Food and Drug Administration the jurisdiction it needs over tobacco products, the Justice Department the support it needs to continue its lawsuit against the tobacco industry, and address the problem of Big Tobacco's involvement in smuggling around the world. As Members of Congress, we must respond responsively and responsibly to the growing problem of worldwide tobacco addiction and death, though Philip Morris has done neither.

PRESIDENT BUSH'S TAX PLAN AND ITS EFFECTS ON GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, considering that the Committee on Ways and Means of the House of Representatives has begun hearings on President Bush's tax plan, I thought it important to speak about the impact such a plan will have on my home island, the territory of Guam.

At the outset, let me just say that I fully support tax relief for the people of Guam, as well as for hardworking taxpayers across the country, especially for middle- and low-income families. However, I think it would be irresponsible for me if I did not raise the concerns that the President's tax plan would have on Guam.

Unlike the rest of the Nation, Guam and the Virgin Islands are the only U.S. jurisdictions which have tax systems which mirror the U.S. Internal Revenue Code. This means that Guam's tax law mirrors the Internal Revenue Code as required under Guam's Organic Act of 1950. Whatever tax policies are implemented at the Federal level will take effect at the local level without input from the people of Guam or the government of Guam.

Unlike the States, however, the tax cuts for Guam will come from the government of Guam, not the Federal Government, since these revenues collected in accordance with the IRS code are deposited with the government of Guam. Therefore, the immediate issue here is the disruption of the revenue stream for the government of Guam, a concern which will have a direct impact on needed services by the government of Guam and the local economy.

The government of Guam anticipates a 30 to $50 million reduction in revenues from the President's plan. Considering that the government of Guam is projecting $243 million in income tax revenue for this year, such a decrease in revenue will greatly impact Guam. If the government of Guam had a surplus, I probably would not be speaking about this issue, but we do not. Guam's economy is still rebounding from the effects of the Asian financial crisis, particularly since much of our economy relies heavily on tourists from Japan and other Asian countries.

□ 1245

Guam's unemployment rate is a staggering 15 percent, more than three times the national average. It is for this reason that I am asking my House colleagues, particularly those who sit on the Committee on Ways and Means, to consider proposals that would ameliorate the anticipated loss in revenue, while strengthening both the local economy and providing needed services.

The easiest way, of course, is a direct offset by the Federal Government for the revenue lost that could be targeted for specific social and economic needs, like school construction and health care in Guam, and that could be phased in over the same period that the tax plan is phased in.

The other way would be for the Federal Government to consider several proposals that deal with tax equity for Guam, Federal obligations to Guam that have not been fully paid, or other important issues in this very complex Federal territorial relationship. These include tax equity for foreign investors in Guam; Federal payment for the Child Tax Credit; Federal payment for Earned Income Tax Credit; supplemental security income for U.S. citizens in Guam, a program that is not extended to U.S. citizens in Guam; lifting the Medicaid cap for Guam and adjusting the Federal Matching Rate; Compact Impact Aid for Guam; and reimbursement from the Immigration and Naturalization Service for the cost of detaining and housing foreign aliens.

Considering the implications of Federal policy on Guam and the other U.S. Territories, I think it is appropriate and responsible to raise these important issues in the context of the President's plan.

In the long term, I think it is incumbent upon the Government of Guam, the Guam legislature, and the Guam business community to review Federal tax implications to Guam's economy and determine whether or not to delink from the U.S. Tax Code. But the immediate issue before us is the impact of the anticipated tax plan.

Last week I wrote to Treasury Secretary O'Neill urging him that special consideration be given for Guam and the U.S. Virgin Islands. I simply want Members of Congress and the White House and Treasury Department officials to understand the implications for any tax cut proposal on the operations of the Government of Guam and the impact to our communities, and I hope that we can work something out.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"I love you O Lord, my strength." David prays this with such great abandonment.

Often when we pray, O Lord, it is with routine and out of daily concerns. But when overwhelmed with distress and responsibilities, we sometimes approach David's depths and cry out that You be our strength.

In this age of information and as a powerful Nation, we can easily be caught up in our own agenda and see no further; foolish enough to think that we can accomplish great deeds on our own.

But without You we can do nothing; nothing of lasting value, nothing of true significance, nothing that will touch the people around us and move them deeply.

Help us now, O Lord, as a Nation and as this governing body.

Shield us from moments of crisis and distress. Instead, renew in us the love You evidence in our history. Allow us to be so overwhelmed by Your loving presence today, that with all our hearts we may pray:

"I love You, O Lord, my strength" now and forever. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. OSBORNE) come forward and lead the House in the Pledge of Allegiance.

Mr. OSBORNE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOOD NEWS FOR AMERICA'S SENIORS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today we have some good news for our Nation's senior citizens. Today we have the chance to make a promise to our seniors that Social Security and Medicare will be there for them when they need it. After all, it is only fair.

Americans pay into the Social Security and Medicare systems all of their lives; they deserve to know that their benefits will be there for them when they retire. The Social Security and Medicare Lockbox Act will lock away $2.9 trillion in Social Security and Medicare trust funds guaranteeing that these precious funds are not spent on wasteful, big government programs.

This lockbox legislation is good news and reiterates our commitment to ensuring retirement security for America's seniors, today and in the future.

I encourage all of my colleagues, on both sides of the aisle, to support this important legislation and make a real commitment to our seniors by protecting the future of Social Security and Medicare.

HEATING FUEL COSTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, home heating fuel costs have doubled. The companies blame OPEC and the bitter winter. Now if that is not enough to insulate your BVDs, these same companies are now saying, and I quote, they are losing money. Beam me up.

I say it is time to impose a $100 million fine on this bunch of bric-a-bracin, ratchet-fratchet nincompoops who have a license to steal and are stealing from our constituents.

I yield back all of the gas of the beer drinkers association as an in-kind contribution to all of these poor, unprofitable, crying energy companies.

ENERGY CRISIS AS IT AFFECTS AGRICULTURE

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I would like to talk about energy as it affects agriculture. Due to high fuel prices, the cost of running farm machinery has skyrocketed. In addition, natural gas is necessary to manufacture fertilizers such as anhydrous ammonia. As the planting season approaches, anhydrous ammonia is almost impossible to obtain and extremely expensive if it can be found at all. As a result, the troubled agriculture industry is under even greater stress today than it ever has been.

As with most crises, there is also an opportunity. At the present time, we have an excellent opportunity to double or even triple the production of alternative fuels like ethanol and soy diesel. If we do this, three benefits will occur:

One, we lessen our dependence on foreign oil, and this will be good for the country.

Number two, we will reduce undesirable fuel emissions, and this will be good for the environment.

Number three, we will utilize surplus crops in a profitable manner, and this will be good for agriculture.

SOCIAL SECURITY AND MEDICARE LOCKBOX LEGISLATION

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, for over 30 years, the Social Security and Medicare Part A trust funds have been used to distort the budget surplus numbers and mask deficits. This must not continue.

Today we have the opportunity to cast a vote that will end this shortsighted and fiscally irresponsible practice. Today we have the opportunity to lock away all surpluses in the Social Security and Medicare trust funds and ensure that these funds can only be spent to provide retirement and health care security for our seniors.

Mr. Speaker, the first step to saving Social Security and Medicare is to stop spending it on unrelated government programs. This is an essential first step to preserve and strengthen these programs for current and future retirees.

I urge my colleagues to send a clear message to all Americans and end the raid on Social Security and Medicare.

PROTECTING SOCIAL SECURITY AND MEDICARE

(Mr. OTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act of 2001. This measure guarantees that every penny paid into the Social Security and Medicare trust funds will be secure for the millions of seniors, including my 85-year-old mother in Nampa, Idaho, who rely on them today. It is also an important first step in shoring up the funds for young workers who will rely on them in the years to come.

But, Mr. Speaker, there is much more to do. And I look forward to working with the new administration and reforming Social Security to ensure that we keep our promise to those current beneficiaries and to those who are soon to retire, and just as importantly, to guarantee to those younger workers that they will get them when they reach their retirement age.

Mr. Speaker, we should also work to repeal the tax on senior citizens that was placed there by the last administration. H.R. 2 is a much-needed sign that the Federal government is keeping its commitment to senior citizens by creating a Social Security and Medicare Trust Lockbox to buttress these dollars against spending raids.

Our action today sends a strong message that saving Social Security and Medicare is a top priority of this Congress. The senior citizens that have contributed so much of their lives to our country deserve the comfort and the peace of mind that their country is there and will be there for them because they were there for us.

It is my hope, Mr. Speaker, that we will move quickly to accept this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

CONGRATULATING PRIME MINISTER-ELECT OF ISRAEL, ARIEL SHARON

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 34) congratulating the Prime Minister-elect of Israel, Ariel Sharon, calling for an end to violence in the Middle East, reaffirming the friendship between the Governments of the United States and Israel, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 34

Whereas the Governments of the United States and Israel are close allies and share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas since its establishment in 1948, Israel has fulfilled the dreams of its founders, who envisioned a vigorous, open, and stable democracy;

Whereas the centerpiece of Israeli democracy is its system of competitive, free, and open elections;

Whereas on February 6, 2001, the people of Israel elected Ariel Sharon as Prime Minister of Israel; and

Whereas the election on February 6, 2001, is the most recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Ariel Sharon on his election as Prime Minister, and extends to him the best wishes of the people of the United States;

(2) commends the people of Israel for reaffirming, through their participation in the election on February 6, 2001, their dedication to democratic ideals;

(3) urges Palestine Liberation Organization Chairman Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end;

(4) calls upon the countries that neighbor Israel and upon the international community to respect the freely expressed will of the people of Israel and to be prepared to engage in constructive relations with the new Government of Israel;

(5) reaffirms the close bonds of friendship that have bound the people of the United States and the people of Israel together through turbulent times for more than half a century; and

(6) restates the commitment of the United States to a secure peace for Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 34, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 34, a measure which congratulates Prime Minister-elect, Ariel Sharon, of Israel, calls for an end to violence in the Middle East, and reaffirms the friendship between the United States and Israel.

I am pleased to have sponsors of this resolution on behalf of myself and the gentleman from California (Mr. LANTOS), the ranking Democratic member of our Committee on International Relations; and the gentleman from Virginia (Mr. CANTOR), one of our freshmen Members; the gentleman from New York (Mr. GILMAN), chairman of the Subcommittee on the Middle East and South Asia; and the gentleman from New York (Mr. ACKERMAN), the ranking Democratic member of that subcommittee; as well as several other Members.

H. Res. 34 recalls the abiding alliance between Israel and the United States, which is grounded in our shared commitment to democratic values. In over 50 years of Israel's existence, it has stood as a beacon of democracy in a tension- and trouble-filled region.

On February 6, 2001, the citizens of Israel once again went to the polls to elect a Prime Minister in a competitive, free, and open election. That election was decisively won by Ariel Sharon. Accordingly, this legislation congratulates him on his election as Prime Minister and extends to him the best wishes of the people of the United States.

It also commends the people of Israel for reaffirming, through their participation in that election, their dedication to democratic ideals.

Mr. Speaker, the violence that has wracked Israel and the disputed territories for months is indeed deplorable. While H. Res. 34 urges Palestinian Liberation Organization Chairman Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end, the legislation also restates the U.S. commitment to a secure peace for Israel.

Our measure calls upon the countries that neighbor Israel and upon the international community to respect the freely expressed will of the people of Israel and to be prepared to engage in constructive relations with the new government of Israel.

The future will surely bring many new challenges to Israel, including the continued threat of terrorism and the added danger imposed by weapons of mass destruction. It is critical the United States and Israel maintain an unshakeable alliance to further our many mutual interests.

I urge my colleagues to join me in voting for this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the first time that the distinguished chairman of the Committee on International Relations and I, as the new ranking member, jointly bring before this body an important resolution. And as we do so, I want to commend the gentleman from Illinois (Chairman HYDE) for his work on this resolution; and I want to express the hope that we will be able to work on a bipartisan basis on a full spectrum of issues that benefit the national interests of the United States.

I rise, Mr. Speaker, in strong support of this resolution. The resolution has several aspects, and I would like to comment briefly on each of these.

The resolution in the first place congratulates the Prime Minister-elect of Israel, Mr. Ariel Sharon, who won the most recent election a few days ago with a landslide victory. This Congress has congratulated all previous Prime Ministers of the State of Israel, a fellow democracy; and I know that my colleagues will join the gentleman from Illinois (Chairman HYDE) and me in expressing our congratulations to the newly elected Prime Minister.

Our two governments, the government of the United States and the government of Israel, are not only close allies and friends, but we share a deep and abiding commitment to democratic values. As a matter of fact, since the founding of the State of Israel in 1948, that state has fulfilled the dreams of its founders who envisioned a vigorous, open and stable democracy; and the centerpiece of that democracy is its system of free, competitive, and open elections.

□ 1415

I find it particularly amusing that some of Israel's neighbors, who have never had free and open elections, now criticize the people of Israel for having participated yet again in free and open and democratic elections.

Now our resolution urges Mr. Arafat to use his considerable influence and very significant resources to see that the violence in Israel and in the West Bank and Gaza come to an end. Mr. Arafat commands a so-called "police force" of over 40,000 well-armed soldiers, and it defies belief that if he were to truly be determined to put an end to the violence he would be incapable of doing so. Forty thousand well-armed men on that small territory are more than adequate to restore peace and stability in the region.

Our resolution, Mr. Speaker, also calls on all the neighbors of the State of Israel and the international community to respect the freely expressed will of the people of Israel and to be prepared to engage in meaningful and constructive relations with the new government of Israel.

The gentleman from Illinois (Mr. HYDE) and I have just concluded a lunch with our Secretary of State, Colin Powell, who is about to leave on a journey to the region. I know I speak for all of us in wishing him good luck in this difficult undertaking. It is critical that Israel's neighbors and the countries in the region as a whole display a degree of responsibility, statesmanship, and commitment to move ahead with the peace process.

Clearly, given the current climate, there will be no final resolution of this long-festering conflict; but it is critical for the benefit of all the people in the region—Arabs, Palestinians and Israelis—that peace and stability be restored and the process of sitting down around the negotiating table with the new Government of Israel commence. We here in this body will do our utmost to facilitate this process. I wish the new Government of Israel, yet to be formed, good luck as it attempts to carve out for the people of Israel a permanent, stable and peaceful place in the Middle East.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Virginia (Mr. CANTOR), a new Member of the House and a new member of the committee, brought the idea of this resolution to me as well as to the gentleman from New York (Mr. GILMAN) and to the gentleman from California (Mr. LANTOS). It was a helpful suggestion and one which demonstrates the leadership quality the gentleman's constituents have recognized by electing him to the House.

Accordingly, I would like to accord him the responsibility for managing the time.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. CANTOR) be permitted to control the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. CANTOR) will control the time.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations and the chairman of the Subcommittee on Middle East and South Asia.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of H. Res. 34, a resolution congratulating Prime Minister-elect Ariel Sharon of Israel upon his election victory and calling for an end to the violence in the region, underscoring the longstanding friendship between the United States and Israel. I commend the distinguished chairman of our House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS), the ranking member of our committee, for cosponsoring this measure. I want to particularly commend the gentleman from Virginia (Mr. CANTOR), who initiated this measure.

Mr. Speaker, few nations could prosper and grow while under siege, on an almost constant state of alert and under attack, as Israel has had to contend with over the past 50-some years. Yet despite the tension and the violence imposed by unrelenting forces led by PLO Chairman Yasser Arafat, the Israeli people went to the polls in a free, fair, and democratic election to choose a new Prime Minister. General Ariel Sharon won that election by a decisive 25 percent.

We look forward to working with Prime Minister Sharon as he confronts the existential questions that Israel faces daily. We salute Israel and her citizens for their courage, their principled leadership and their commitment to democratic ideals and to peace with security. Support for Israel in the Congress reflects a friendship the American people feel for Israel. Those feelings are reflected in this legislative body's strong commitment to a secure and lasting peace for Israel.

Accordingly, I am pleased and proud to lend my support and cosponsorship to H. Res. 34. I strongly urge my colleagues to support this measure.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. Before yielding to my next colleague, I want to recognize publicly the 6 years of distinguished service the gentleman from New York (Mr. GILMAN) spent as the distinguished chairman of our committee and welcome him in his new role as chairman of the Subcommittee on Middle East and South Asia.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise today in support of this resolution, which celebrates the triumph of Israeli democracy. Israel has been our consistent strategic ally in one of the most important and volatile regions of the world.

Surrounded by enemies, plagued by acts of vicious terrorism, which have claimed the lives of countless civilians, many specifically targeted at children and other noncombatants, Israel has nonetheless maintained its commitment to a free, open, and democratic society. Nations facing far fewer and less substantial threats have degenerated into repressive and despotic regimes.

In the wake of the Israeli election, regardless of whether Members of this House or, indeed, average Americans may have had a preference for one candidate, party or another, we must continue as we always have to respect the fact that Israel is the only democracy in the Middle East. It is the people of Israel who must live under the guns of hostile neighbors and terrorists, and it is their sons and daughters who must wear the uniform of IDF and bear the risks.

As friends of Israel, we hope for peace; but we remain committed above all to Israel's security. And for that reason we must continue to work with the democratically elected government of Israel. It is only when Israel's neighbors understand that they cannot achieve their goals through violence that they may be willing to talk peace sincerely. As we have unfortunately witnessed, even when offered 95 percent of their stated goals, a Palestinian state, 100 percent of Gaza, and 95 percent of the West Bank, including even sovereignty over sites holy to Judaism as well as to Islam, the Palestinians responded with violence, refusing even to make a counteroffer; violence that continues to this day.

Israel was willing to make substantive and wrenching concessions in the form of land and control, for which in return she asked only the intangible promises of peace. Yasser Arafat could not even bring himself to mouth the words. Instead, he schooled Palestinian children in hate and violence; he placed young children in front of armed terrorists as human shields and offered their parents money to secure those children, practices that have drawn criticism from international human rights organizations.

The members of the world community have now clearly been shown, and we hope they have seen, that the honest and real efforts of Israel and of the United States to secure peace in that region have been rebuffed by the Palestinians, who continue to initiate violence and to proclaim as a condition for the end of that violence demands that, if accepted, would mean the end of the suicide of the Israeli state.

Even under these heavy burdens, Israel remains a strong and vital democracy. I congratulate the people of Israel on their commitment to peace and a free society; and I urge the administration to make clear that we will stand behind Israel 100 percent.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate very much the opportunity to speak on this resolution.

I rise today to offer my support for House Resolution 34, congratulating Israel on a fair, democratic election and encouraging long-lasting peace in the Middle East. Both the United States and Israel share a deep commitment to democracy and free elections. This commitment provides a foundation for the great successes our countries have enjoyed. I join my colleagues today in commending the people of Israel for their dedication to democratic values and a system of competitive, free, and open elections.

This resolution also reaffirms the commitment of the United States to pursuing a secure peace for Israel and all the people of the Middle East. Given the events in and around Israel in recent months, and its relationship with the U.S., I believe supporting Israel is essential to our national interest. I am pleased that this resolution reconfirms our commitment to supporting Israel, and I am hopeful the parties involved in the current turmoil will find a way to bring lasting peace to the region.

Mr. Speaker, I thank the sponsors for bringing this timely resolution to the floor today, and I encourage all Members to join in supporting its passage.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman from California, and I thank the sponsors of this resolution, especially the gentleman from Virginia (Mr. CANTOR), our new colleague, who has shown such leadership on this issue.

We have once again been reminded of a lesson about the nation of Israel: That she is alone in an ocean of monarchies and dictatorships; that she is a democracy. And we congratulate Ariel Sharon on his election. But we have also been reminded of some valuable lessons that we should keep in mind and remember about the Palestinians. The fact of the matter is that Yasser Arafat and his people have shown time and time again in recent months that they simply do not care about finding peace. They have shown no interest.

As my colleague, the gentleman from New York (Mr. NADLER), pointed out, they were offered everything and then some and said no, and offered no proposals of their own. Instead, they turned to violence of the worst sort, the type of violence that showed not only the images we were led to believe about Israeli forces holding them down, pinned down; but, in fact, much of the violence that happened was outside of area A, outside of area B where Palestinians were looking for violence anywhere they could find it.

And just to make a good graphic image, the Palestinians have been using children as the stones of their war against Israel. This is the button they choose to press at every alternative. When there is a button for peace or a button for war, the Palestinians have pressed the one for war.

If there is any question about the truth of these things, we need only listen to what Yasser Arafat says not to the CNN audience, not to us, but what he says in Arabic to his own people, continually, again and again, preaching the notion of violence, preaching the voices of hate.

When we hold this in stark contrast to the voice King Hussein used when he was trying to get his people to embrace peace, and what Anwar Sadat did at the same time in Egypt to try to get his people ready for peace, we see that Arafat is no peacemaker.

This is also a time for us to be sending a message to the other Arab nations of the world, particularly Syria. We are not unaware that at this time the new president of Syria has within his control the ability to release the hostages that are being held.

□ 1430

I refer to Binyamin Avraham, Adi Avitan, Omer Souad, Elchanan Tannenbaum, Zachary Baumel, Zvi Feldman, Ron Arad and Yehuda Katz. We must never forget these men who are held hostage by Syria and by Hezbollah.

I would hope that President Bush, at the same time that he welcomes the new Prime Minister of Israel, presses for the release of these prisoners of war.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise today to congratulate Israel on its free and fair elections and congratulate Prime Minister-elect Ariel Sharon. He is now our partner in peace with this new administration, our President, and a new Congress that must restart the peace process.

Elections are the cornerstones of democracies, and Israel is the preeminent democracy in the Middle East. The United States, as Israel's most important and steadfast ally, honors this election and the new government of Prime Minister Sharon. Secretary of State Colin Powell recently said that Congress must continue to support Israel and her true partners in peace. And I am sure that we will do that. And this will be for Israel's long-term security.

We must continue to respect Israel's right to fight against terrorism and work to uphold and strengthen the security of her people.

I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for their initiative on this; the gentleman from Virginia (Mr. CANTOR), my freshman colleague; and the gentleman from New York (Mr. GILMAN), my former boss and colleague.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. KIRK), a freshman Member of Congress, who served on our Committee on International Relations and who was very supportive of Israel in that role, and now is even more supportive in his new role of congressman. I thank the gentleman for his comments.

Mr. KIRK. Mr. Speaker, I thank the chairman for his comments.

As a new member of the Committee on Armed Services, I look forward to working with the Committee on International Relations to support this alliance.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is really an exciting day, I think a great day, for our Congress; and I thank the gentleman from Virginia (Mr. CANTOR) for bringing this resolution in front of us. It is clearly a bipartisan effort from both sides of the aisle, but it is also an opportunity for the world's greatest and oldest democracy, the United States of America, through our Chamber, to express our thanks that another democracy exists in a region of the world with too few democracies.

One thing that I think about often in this Chamber is literally right above us is, there is a series of law-givers that look down upon us in this Chamber. And there is only one that has a full frontal relief, and it is Moses literally right in front of us in this Chamber, and it is a part of the world that we are linked to as Americans in many direct ways.

To put in perspective, though, for just a couple of seconds what Israel has gone through in the last several months, over 500 Israelis have died through acts of terrorism since the Oslo Agreements. Over 500 people have died in the most horrendous and horrific circumstance that we have seen and we read about over that period of months.

What would that mean if it happened, God forbid, in the United States of America? What would the equivalent number be? It would be 25,000, 25,000 Americans in our society being killed through acts of terrorism. I do not even think we can contemplate what that would mean as individuals and as a society.

I think many of us understand what the battle is still going on and we thought the battle had ended really of the right of Israel to exist. That is really unfortunately what it seems the battle is still about. It is a battle that is, in a sense, literally not hundreds but thousands of years old. And it is a real question that is there an acceptance of Israel's right to exist from the Palestinian people, or is the thought that this is still a group of people who are like the Crusaders, who are going to last several decades and then leave.

I do not think anyone here believes that. I do not think anyone here thinks that. I do not think there is a soul in Israel that believes that or thinks that. But until that acceptance is there, I think the possibility for peace is more problematic and difficult.

We praise the democracy of Israel, and I think all of us look forward to the opportunity that Ariel Sharon has in this moment of time, that all of us know historically, there is a moment in time that he can reach out in terms of a hand of peace and a clear hand of peace that others have not been able to do. And I think the words of this Congress and the deeds of this Congress to offer our assistance in that effort are complete, united, and 100 percent.

I urge adoption of the resolution.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in strong support of House Resolution 34 and would like to thank the gentleman from Illinois (Chairman HYDE), the gentleman from New York (Chairman GILMAN) and the gentleman from California (Mr. LANTOS) for their leadership on this issue.

On February 6, the Israeli people went to voting booths. What they said was loud and clear. They said, enough, enough violence, enough of the policy of peace, enough conceding of land and security. And if we listen closely, we will hear something else, we will hear the people say they do not want peace at any cost but peace with security.

It is appropriate today that we congratulate the people of Israel in completing a successful and peaceful transition of power through a democratic election. The election of Ariel Sharon as Israel's Prime Minister, coupled with the new Bush administration, signals a new era for the U.S.-Israel relationship and a new era for the Middle East.

Peace will not be sought for the sake of a legacy. I believe very strongly that the United States must maintain its commitment to Israel's security as a fundamental basis of its involvement in the peace process. Any peace deal must come through direct negotiations between Israel and its neighbors without any prerequisites or forced solutions.

As President Bush's National Security Advisor Condoleezza Rice has said, "We should not think of American involvement for the sake of American involvement." American involvement should occur when we can advance the cause of peace.

We must not impose an artificial deadline on the players in the Middle East. Peace must come on their terms, not ours. Peace must come with security, not in spite of it.

Israel has always made a sincere commitment to peace in the region. Many times their commitment to peace has caused the loss of lives and land. We need to make sure we stand with and support our only Democratic ally in the region.

I join my colleagues today in congratulating Ariel Sharon on his election and welcome a continued dialogue about how to best stop the violence and bring about peace and stability in this vitally important region.

Both the United States and Israel are off on the right foot in this new era, and I look forward to working toward a solution that brings peace with security.

Mr. WAXMAN. Mr. Speaker, as one of America's staunchest allies and the only democracy in the Middle East, Israel continues to set a shining example of free and fair elections, the peaceful transition of power, and vibrant political discourse.

I congratulate Prime Minister-elect Ariel Sharon on his victory and wish him well. I share the Prime Minister's conviction that Palestinian Authority Chairman Yasser Arafat must bring an end to the violence and reign in terrorism.

The Israeli election on February 6 once again demonstrated why the strong bond between the United States and Israel is continually reinforced by our shared values and shared goals. This is the foundation for America's firm solidarity with the State of Israel.

Mr. BENTSEN. Mr. Speaker, as a co-sponsor, I rise in strong support of this resolution, which commends the people of Israel for conducting a free and fair election, and reaffirms the important bonds between the United States and Israel.

On February 6, 2001, the people of Israel elected a new Prime Minister, Likud Party Leader Ariel Sharon. At this time of transition in Israel, I believe it is appropriate to commend the leadership and vision of Prime Minister Ehud Barak. Less than two years ago, Israelis elected Mr. Barak as their Prime Minister, after he aggressively campaigned to pursue lasting peace agreements with the Palestinians and their Arab neighbors. It's fair to say that Mr. Barak delivered on his promise to go the extra mile in the name of peace. During his tenure, Prime Minister Barak withdrew Israeli forces from Lebanon, expressed a willingness to negotiate the return of the Golan Heights to Syria, and offered the Palestinians statehood and control over sections of Jerusalem. Regrettably, after offering more in the name of peace than any of his predecessors, the Palestinian leadership left Mr. Barak's offers at Camp David's negotiating table, favoring instead a return to terror and violence, as witnessed over the past four months in the West Bank and Gaza. Despite the tireless efforts of Mr. Barak and the personal involvement of President Clinton, a peace agreement was not realized. With the far-reaching proposals offered by Mr. Barak now off the table, and with a new Administration in the United States, the future of the peace process remains unclear.

Despite these developments, there is room for optimism. Since his election, Prime Minister-elect Sharon has displayed a willingness to embrace a coalition government, with his overtures to Mr. Barak to join his cabinet as Defense Minister, and former Prime Minister Shimon Peres as Foreign Minister. Yes, some may say that these moves are calculated to meet the statutory 45-day requirement to form a coalition government. But more importantly, these initial gestures may display Mr. Sharon's pragmatic intentions to continue the peace efforts initiated by his predecessors. I hope that is the case. I have also been encouraged by the actions of Secretary of State Colen Powell, who recently announced his intention to travel to the Middle East later this month, and has remained in regular contact with the leaders of Egypt, Jordan, Syria and Saudi Arabia.

The resolution we are considering today expresses strong support for the State of Israel, and for its commitment to the democratic ideals of freedom and pluralism. Importantly, the resolution also urges Palestinian Authority

Chairman Yasser Arafat to use his influence to end the violence in the Middle East, and reaffirms the historical bond of cooperation between the United States and Israel, and our nation's commitment to help secure peace in the Middle East. I believe the U.S. is right to press the Palestinian leadership to abide by the terms of the Oslo Accords, which called for renunciation of violence, and the settlement of all disputes through negotiation.

I believe passage of this legislation is an important gesture, because Israel is our only democratic ally in the Middle East. Regardless of how we may view the results of the Israeli elections, it is important for the U.S. to maintain its solidarity with the State of Israel. With the election of a new Israeli Prime Minister, I am hopeful that the Palestinians will choose dialogue over violence, and that Israel can continue its strong relationship with the U.S. to advance peace and stability in the Middle East.

I encourage my colleagues to stand with the State of Israel and support passage of this important resolution.

Mr. SCHIFF. Mr. Speaker, as a brand new member of the House International Relations Committee, it is my pleasure to rise today to extend my congratulations to Prime Minister-elect Ariel Sharon on his victory in last week's elections, as well as to the people of Israel for their commitment to democratic principles of government. I join my colleagues in assuring Prime Minister-elect Sharon of our country's unwavering support and commitment to the State of Israel. We remain steadfast in our commitment to Israel's security and look forward to working with him in pursuing regional peace and stability, as well as working to further strengthen U.S.-Israel relations.

It is imperative that we continue the dialogue for peace in the Middle East, and to this end, I call upon Palestinian Authority Chairman Yasser Arafat to demonstrate a commitment to the peace process by calling for an immediate end to the violence.

I also want to acknowledge the work of the House International Relations Committee Chairman, Mr. HENRY HYDE, and the lead sponsors of this resolution, Mr. LANTOS, Mr. GILMAN, Mr. ACKERMAN, and Mr. CANTOR, for their work on this resolution. I look forward to working with them in the House International Relations Committee on this and other issues of importance to our national interests and foreign policy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, a fair, free, and open election took place in Israel on February 6, 2001, to determine the next Prime Minister of that nation. I rise today to support House Resolution 34, which congratulates Prime Minister-Elect Ariel Sharon as the elected leader of the people of Israel. I am a cosponsor of this measure.

The measure commends the people of Israel for reaffirming, through participation in the election, their dedication to democratic ideals; urges Palestinian Liberation Organization Chairman Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end; and calls upon Israel's neighbors and the international community to respect the will of the Israeli people and engage in constructive relations with the Israeli government.

Naturally, the resolution also reaffirms the close bonds of friendship that have developed between the peoples of the United States and Israel and restates the commitment of the United States to a secure peace for Israel.

Mr. Speaker, peace is never easy to broker. Prime Minister-Elect Sharon has a formidable task ahead of him, and we need to forge ahead as an international community to help bring further stability to the Middle East. As a result, I am pleased to learn that Prime Minister-Elect Sharon is looking to build some consensus within the considerably wide political spectrum in Israel to bridge differences and gain some momentum for the peace process. It is encouraging that in forming a government, Prime Minister-Elect Sharon has called upon Prime Minister Ehud Barak—he is still leading caretaker government in Israel—and former Prime Minister Shimon Peres to join his coalition government. Hopefully, some arrangement can be made for these distinguished individuals to serve together within an Israeli cabinet.

The larger question of peace in the region is predicated on continued negotiations with the Palestinians. I will always be a strong supporter of the Middle East peace process because we can never stop trying. We struggle for peace, Mr. Speaker, because the current wave of violence is unacceptable. It undermines the very basis for peace, the notion that Palestinians and Israelis can trust each other and live together.

Last year, we edged a little closer to establishing a permanent blueprint for peace between the Israelis and Palestinians at Wye River. The principals involved did their best. While a peace agreement did not come to fruition, the Israelis and Palestinians conducted an unprecedented level of negotiations in the pursuit of a permanent peace. They discussed issues and exchanged viewpoints on pivotal matters of dire meaning to the Israeli people and the Palestinian people.

Mr. Speaker, we don't really know when all parties to this ongoing conflict will find everlasting peace and reconciliation. We do know, however, that Chairman Yasser Arafat of the Palestinian Liberation Organization and Prime Minister-Elect Sharon of Israel have an acute sense of the high stakes involved. Prime Minister-Elect Sharon is currently looking into various confidence-building measures between Israel and the Palestinians in order to improve the atmosphere and proceed towards peace. This is a common sense idea. We have no other alternative.

The recent violence in the Middle East underscores the need to get the peace process back on track. We must do so expeditiously. I urge my colleagues to adopt House Resolution 34.

Mr. PAUL. Mr. Speaker, today I reluctantly rise in opposition to H. Res. 34. This resolution is unclear and, hence, leaves the ability for much mischief. As the resolution's introductory sentence makes clear, this legislation is considered for "other purposes," which is to say, unspecified purposes.

Certainly Israel has been a longstanding friend to the United States, sharing many of our interests including peace, open trade, and free movement across international borders. It is equally clear that the people of Israel and the Middle East have long been torn by violence and, as such, share our desire to seek peace. We should, in fact, call for an end to the violence and hope all parties will see why this must be achieved. We are also right to congratulate Mr. Sharon, as is customary to be done with the victor of any election. We have all fought those battles ourselves and rightly understand the commitment needed to succeed in that arena.

What then is the problem with this resolution? In fact, there are two problems and they are closely related. The substantive problem here is summed up in that last clause which "restates the commitment of the United States to a secure peace for Israel." Certainly we wish peace upon all the people of the world, and in this sense, we are committed to peace. However, we must ask what other sorts of commitments are implied here. The vagary of this resolution leaves open the possibility that those who support it are endorsing unwise and constitutionally-suspect financial and military commitments abroad. Moreover, peace will not best be secured for Israel by the further injection of the United States into regional affairs; rather, it will come when Israel has the unfettered sovereignty necessary to protect its own security.

As written, this resolution can be interpreted as an endorsement of unconstitutional acts of aggression upon Israel's sovereignty. In this I cannot engage. Thus, it is the less-than-clear nature of the resolution upon which we are voting that makes it necessary for me to object.

This brings me to the second problem, the procedural laxity involved here. This resolution was submitted by a number of distinguished members and referred to the Committee on International Relations. The highly-regarded chairman of that committee is the primary sponsor of this legislation and a number of other committee members are among its original cosponsors. Nonetheless, a number of other members of the committee and I were not included in the process. Perhaps, had this bill traveled through the commonly established processes of this institution we would have had the ability to clarify the "commitments" and "other purposes" to which this bill refers. In short, had the committee held a hearing and mark-up, the vagaries could've been removed in the markup process. In such an instance it would be likely that we could achieve the kind of unanimous support for these resolutions, for which I often hear personal appeals. In the future, those who are interested in gaining such unanimous support might consider these procedural concerns if they seek unanimity on this floor. In the instant case, however I must vote "no" for the reasons I have here expressed.

Hopefully these reasons will be considered so that in future instances the opportunity to make clarifications will be offered to those duly-elected members of the committees of this House.

Ms. SCHAKOWSKY. Mr. Speaker, I am honored to join in strong support of House Concurrent Resolution 45, congratulating the people and the Prime Minister-elect of Israel on the success of the February 6, 2001 election.

I also want to commend the authors of this resolution, the distinguished Chairman of the

International Relations Committee (Mr. HYDE), the distinguished ranking Democrat on the International Relations Committee and Co-Chairman of the Congressional Human Rights Caucus (Mr. LANTOS), as well as the gentleman from New York (Mr. ACKERMAN) and the gentleman from Virginia (Mr. CANTOR). These individuals should be commended for their leadership and I appreciate their working to bring the important measure to the floor.

On behalf of myself and my constituents in the 9th Congressional District of Illinois, I Congratulate the people of Israel and the Prime Minister-elect of Israel, Ariel Sharon, for the successful February 6 election which further demonstrates Israel's commitment to democracy.

This resolution also reaffirms the policy of the United States that there must be an end to the violence in the Middle East, that we in this nation value our close friendship with Israel and are committed to Israel's security. Furthermore, it calls on Israel's neighbors and the international community to respect the outcome of this election, and urges the entire international community to help foster peace in the Middle East.

The ongoing violence that threatens the people of Israel is troubling to me and it is important that the United States be clearly on record in support of Israel and in support of peace.

I remain committed to bring whatever I can to guarantee a bright future for Israel and continuing United States support for efforts to bring peace and stability to Israel and the Middle East region. Again, I thank my distinguished colleagues for introducing this resolution and urge all member to vote in support.

Mr. RILEY. Mr. Speaker, I rise as an enthusiastic cosponsor of House Resolution 34. I want to join with my colleagues here in the House in offering my sincere congratulations to Prime Minister-elect Ariel Sharon as he sets out to lead his country and our close ally, Israel, during this very important moment in our history.

Prime Minister Sharon is faced with many challenges. He must work to form a solid coalition and working government. I join with many others in the hope to see a Unity Coalition form in support of Prime Minister Sharon and his plan for both the internal domestic progress of the Israeli state as well as his vision for the achievement of peace. We must believe that a lasting resolution to the violence and division that has existed between the Israelis and Palestinians for far too long is possible. I am confident of this and mindful that major issues remain to be resolved.

The Peace Progress is of central importance to the region. I want to applaud Prime Minister Sharon's strong commitment to the absolute cessation of violence in the Middle East. Violence has plagued the Peace Process and it simply must stop. I believe it is important that Congress go on record today with a clear message that we support the decision of the Israeli people, we support Prime Minister Sharon, and that we are vitally interested in continuing the close and prosperous relationship that our two countries have worked to foster over these many years. Much work and many monumental decisions remain.

Mr. Speaker, I applaud the sponsors of this bill and House Leadership for bringing it to the floor. I ask my colleagues to support this important resolution.

Mr. GREEN of Texas. Mr. Speaker, today I congratulate Prime Minister-elect Ariel Sharon for his recent victory over Prime Minister Ehud Barak.

Israel is facing a very difficult situation in trying to pursue peace with the Palestinians while at the same time trying to protect the people of Israel from the forces seeking their destruction. I am hopeful that Prime Minister-elect Sharon will continue to explore options for peace with Chairman Arafat, but there must be a secession of hostilities before any new peace negotiations can commence.

The Middle East peace process is at a crossroads. As we saw by the election returns, the Israeli people do not feel secure in their own homes and communities. Chairman Arafat is responsible for this feeling because it is his followers who are pursuing the course of violence. Prime Minister-elect Sharon will have to confront this violence with whatever means necessary to restore some semblance of order. However, it is my hope that more violence will not be necessary to move the peace process.

Both the Palestinians and the Israelis have the ability to inflict serious damage on one another, but what would that accomplish? I believe Prime Minister-elect Sharon knows this and is willing to restrain his forces if Chairman Arafat will do the same. At this point, the Middle East needs to remember what was accomplished in Oslo and try to rebuild the trust and respect developed there.

To Mr. Sharon, I wish him the best of luck as he moves forward trying to form his coalition government.

To Mr. Arafat, the ball is in his court. He will never achieve anything for his people pursuing the path of violence and terror. There has to be a compromise and I hope what Chairman Arafat was not able to reach with Prime Minister Barak, he can bridge with Prime Minister-elect Sharon.

The United States stands with the people of Israel as they struggle forward to make peace with all their Arab neighbors.

Mr. CAPUANO. Mr. Speaker, I rise today in support of the principles embodied in House Resolution 34. Introduced by my esteemed colleagues, Mr. HYDE, Mr. LANTOS, Mr. CANTOR, Mr. GILMAN and Mr. ACKERMAN, the resolution emphasizes how important it is for the United States to remain engaged in the Middle East and establish a good working relationship with the new government in Israel. I join my colleagues in commending the people of Israel for reaffirming their dedication to the democratic ideals of freedom and pluralism and express my sincere congratulations to Ariel Sharon on his recent election to the position of Prime Minister.

We have reached a critical juncture in the Middle East region. It is imperative for the international community to support and encourage all who seek peace and who wish to end the decades of violence. Killings have become too commonplace. Congress must emphasize peace rather than partisanship and hesitate to lay blame.

In this ongoing and arduous process, it is crucial that the United States maintain its involvement in the peace process and continue to work diligently with the international community and with the new Government in Israel. Real peace must be achieved and the United States must remain an active partner in the process.

I extend my sincerest congratulations to Mr. Sharon and wish him and his colleagues good fortune in the coming months.

Mr. CROWLEY. Mr. Speaker, I rise today in support of House Resolution 34 introduced by my distinguished colleagues from the International Relations Committee, Chairman HYDE, our Ranking Members, Mr. LANTOS, Mr. GILMAN, Mr. ACKERMAN, and Mr. CANTOR.

On February 6th, the State of Israel held free and fair elections for the 16th time in its 52 year history. In a region more familiar with long-standing monarchies and dictatorships than democratic institutions, Israel should be commended for setting an example to be emulated by others in the Middle East.

On behalf of the residents of the 7th Congressional District of the great state of New York, I would like to congratulate Ariel Sharon on his election victory.

Since its creation in 1948, Israel has made tremendous strides in an effort to co-exist peacefully with its neighbors. It is my hope, that Mr. Sharon will take the torch once held by Rabin and Ben-Gurion, and lead the people of Israel to a peaceful and prosperous tomorrow.

The United States will continue to stand alongside the State of Israel in its quest for such a future.

I commend my colleagues for spearheading this resolution, and I proudly stand with the men and women of this chamber in support of the new administration in Israel.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my strong support for H. Res. 34, congratulating the Prime Minister-elect of Israel, Ariel Sharon. Mr. Sharon's election in a time of crisis speaks volumes about him and the State of Israel. I would add that this resolution says something important about the United States that many countries in the Middle East need to know: Whoever the Prime Minister of Israel may be, that person and the government of Israel will enjoy the friendship and full support of this House and the American people.

Mr. Speaker, I have great confidence in Ariel Sharon, a man who I believe can bring both peace and security to the people of Israel. The people of Israel—the only genuine democracy in the Middle East—have spoken and the results of their election must be respected. Anyone who believes Prime Minister-elect Sharon's election can be used to heighten tension, or to drive a wedge between the United States and Israel, is badly mistaken.

The bond between the United States and Israel, our longstanding friend and ally, is absolutely unshakable. Whether the prime minister is Ehud Barak or Ariel Sharon, Shimon Peres, or Benjamin Netanyahu, it is absolutely critical that all nations know that Israel will have the full support of the United States of America.

Mr. Speaker, Ariel Sharon's election sends a powerful message that we would be well-advised to heed: Yasir Arafat can't be a negotiator for the "peace of the brave" by day and a coordinator of cowardly terrorist acts by night. The people of Israel will not tolerate terrorism as a tool of diplomacy, or as an acceptable response when Palestinians believe that Israel's diplomatic offers are inadequate.

It seems to me that in giving this mandate to Ariel Sharon, the people of Israel are saying, in a very clear way, that peace initiatives will be met with peaceful responses, and that acts of violence will be met with appropriate responses, rather than further concessions.

Mr. Speaker, the Palestinians should be cautioned not to misread Sharon's hardline reputation to mean he is intransigent. This prime minister-elect represents a real opportunity. The Palestinians would be well advised not to try to wait out Sharon's government until the next election; they may lose more than they gain.

As an original cosponsor of the resolution, I want to commend and thank Mr. HYDE and Mr. LANTOS, the Chairman and the Ranking Minority Member on the House International Relations Committee, for their dedication and effort in getting this bill before the House today.

Mr. CANTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 34, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2) to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds, as amended.

The Clerk read as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Lock-Box Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Balanced Budget Act of 1997 and strong economic growth have ended decades of deficit spending;

(2) the Government is able to meet its current obligations without using the social security and medicare surpluses;

(3) fiscal pressures will mount as an aging population increases the Government's obligations to provide retirement income and health services;

(4) social security and medicare hospital insurance surpluses should be used to reduce the debt held by the public until legislation is enacted that reforms social security and medicare;

(5) preserving the social security and medicare hospital insurance surpluses would restore confidence in the long-term financial integrity of social security and medicare; and

(6) strengthening the Government's fiscal position through debt reduction would increase national savings, promote economic growth, and reduce its interest payments.

(b) PURPOSE.—It is the purpose of this Act to—

(1) prevent the surpluses of the social security and medicare hospital insurance trust funds from being used for any purpose other than providing retirement and health security; and

(2) use such surpluses to pay down the national debt until such time as medicare and social security reform legislation is enacted.

SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES

"SEC. 316. (a) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or an amendment thereto or conference report thereon, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—(i) Subparagraph (A) shall not apply to the extent that a violation of such subparagraph would result from an assumption in the resolution, amendment, or conference report, as applicable, of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year.

"(ii) If a concurrent resolution on the budget, or an amendment thereto or conference report thereon, would be in violation of subparagraph (A) because of an assumption of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year, then that resolution shall include a statement identifying any such increase in outlays or decrease in revenue.

"(2) SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(i) the enactment of that bill or resolution, as reported;

"(ii) the adoption and enactment of that amendment; or

"(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the surplus for any fiscal year covered by the most recently agreed to concurrent resolution on the budget to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation.".

"(b) ENFORCEMENT.—

"(1) BUDGETARY LEVELS WITH RESPECT TO CONCURRENT RESOLUTIONS ON THE BUDGET.—For purposes of enforcing any point of order under subsection (a)(1), the surplus for any fiscal year shall be—

"(A) the levels set forth in the later of the concurrent resolution on the budget, as reported, or in the conference report on the concurrent resolution on the budget; and

"(B) adjusted to the maximum extent allowable under all procedures that allow budgetary aggregates to be adjusted for legislation that would cause a decrease in the surplus for any fiscal year covered by the concurrent resolution on the budget (other than procedures described in paragraph (2)(A)(ii)).

"(2) CURRENT LEVELS WITH RESPECT TO SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—For purposes of enforcing subsection (a)(2), the current levels of the surplus for any fiscal year shall be—

"(i) calculated using the following assumptions—

"(I) direct spending and revenue levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(II) for the budget year, discretionary spending levels at current law levels and, for outyears, discretionary spending levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(ii) adjusted for changes in the surplus levels set forth in the most recently agreed to concurrent resolution on the budget pursuant to procedures in such resolution that authorize adjustments in budgetary aggregates for updated economic and technical assumptions in the mid-session report of the Director of the Congressional Budget Office. Such revisions shall be included in the first current level report on the congressional budget submitted for publication in the Congressional Record after the release of such mid-session report.

"(B) BUDGETARY TREATMENT.—Outlays (or receipts) for any fiscal year resulting from social security or medicare reform legislation in excess of the amount of outlays (or less than the amount of receipts) for that fiscal year set forth in the most recently agreed to concurrent resolution on the budget or the section 302(a) allocation for such legislation, as applicable, shall not be taken into account for purposes of enforcing any point of order under subsection (a)(2).

"(3) DISCLOSURE OF HI SURPLUS.—For purposes of enforcing any point of order under subsection (a), the surplus of the Federal Hospital Insurance Trust Fund for a fiscal year shall be the levels set forth in the later of the report accompanying the concurrent resolution on the budget (or, in the absence of such a report, placed in the Congressional Record prior to the consideration of such resolution) or in the joint explanatory statement of managers accompanying such resolution.

"(c) ADDITIONAL CONTENT OF REPORTS ACCOMPANYING BUDGET RESOLUTIONS AND OF JOINT EXPLANATORY STATEMENTS.—The report accompanying any concurrent resolution on the budget and the joint explanatory statement accompanying the conference report on each such resolution shall include the levels of the surplus in the budget for each fiscal year set forth in such resolution and of the surplus or deficit in the Federal

Hospital Insurance Trust Fund, calculated using the assumptions set forth in subsection (b)(2)(A).

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'medicare reform legislation' means a bill or a joint resolution to save Medicare that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes medicare reform legislation.'

"(2) The term 'social security reform legislation' means a bill or a joint resolution to save social security that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes social security reform legislation.'

"(e) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(f) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.".

(b) CONFORMING AMENDMENT.—The item relating to section 316 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 316. Lock-box for social security and hospital insurance surpluses.".

SEC. 4. PRESIDENTS' BUDGET.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include a detailed proposal for social security reform legislation or medicare reform legislation.

(b) EFFECTIVE DATE.—Subsection (a) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 316(d) of the Congressional Budget Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Ohio (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1999, the Republican Congress led the effort to stop the 30-year raid on the Social Security trust fund. Since then, Republicans have made retirement security a top priority by committing to protect 100 percent of the Social Security surplus.

The Social Security and Medicare Lockbox Act of 2001 continues this effort by once again protecting every cent of the Social Security and Medicare surpluses.

Under this legislation, we will be honest with the American public and exercise fiscal discipline by locking away all the surpluses from the Social Security and Medicare trust funds.

This bill creates a point of order against consideration of any bill, amendment, conference report, or budget resolution that spends any of the Social Security or Part A surpluses.

According to the most recent estimates by the Congressional Budget Office, known as the CBO, $2.5 trillion of the $5.6 trillion total surplus over the next 10 years can be attributed to the Social Security trust fund. The Medicare Part A surplus is expected to total $392 billion.

This means that senior citizens and all Americans can count on the fact that the total of these two surpluses, $2.88 trillion over 10 years, will be set aside and will be available to them through these crucial programs.

Under the leadership of the gentleman from California (Mr. HERGER), the House overwhelmingly passed a similar Social Security Medicare Lockbox bill last year by a vote of 420–2. Unfortunately, Senate Democrats eventually stalled the bill and we did not achieve consensus. However, the importance of this issue has not gone unnoticed by my colleagues on the other side of the aisle.

In addition to the overwhelming support it received from this House, we also witnessed former Vice President Al Gore's attempts to adopt this issue on his own during the Presidential campaign. Though we are all familiar with the television parities of the campaign season regarding the Lockbox legislation, we must recognize that this is no laughing matter. In fact, it is downright serious.

The irresponsible spending practices of the past must not be allowed to happen again. Senior citizens now and beneficiaries in the future who will depend upon these crucial programs must have assurance and guarantee that the surpluses from the Social Security and Medicare trust funds will be used only toward the strengthening and solvency of these programs.

I am proud of this Republican Congress for its efforts to preserve, protect and modernize Social Security and Medicare. This legislation is simply another step in the long line of efforts to restore fiscal stability to our Nation's retirement systems.

I urge my colleagues to pass this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. HALL) opposed to the motion to suspend the rules?

Mr. HALL of Ohio. Mr. Speaker, I am not opposed to it.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from New York (Mr. NADLER) will control 20 minutes.

□ 1445

Mr. NADLER. Mr. Speaker, I ask unanimous consent after speaking to yield 15 minutes of the 20 minutes to the gentleman from Ohio (Mr. HALL).

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Ohio (Mr. HALL) will control 15 minutes.

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to this bill. I recognize that I rise in opposition to almost every other Member of this House in both parties. But I think it is time to speak out against this bill and against the nonsense of the lockbox concept which for political reasons has been embraced by Members of both parties at all levels.

It is not true that for the last 30 years we have raided the Social Security system. The fact is the Social Security system when it has a surplus must invest the money in something. The law has always said that it can invest it only in the safest possible investment, namely, government securities. When you invest money in government securities, you are lending money to the government. You float bonds, you buy securities, you lend money to the government.

When you lend money to the government, what the government does with that money has no bearing on the security of the Social Security trust fund. If the government spends that money on housing or education or prescription drugs for Medicare or bombers or submarines, what is in the Social Security trust fund is an IOU for that amount of money.

If the government spends that money to pay down the national debt, what is in the trust fund of the Social Security system? The same IOU for that amount of money. Whether it is wisest and most prudent to spend a given amount of money borrowed by the government from the Social Security system on bombers or missiles or education or housing or paying down the debt is a budget question and a policy question. But it has nothing to do with Social Security.

To say that if you use the proceeds that you have borrowed from the Social Security system for anything other than paying down debt, you are stealing that money from the Social

Security system, makes exactly as much sense as saying that your bank is stealing your money when it lends it out as a mortgage loan or a car loan.

The only thing you care about with respect to the money you put in your bank is that the bank has sufficient money to pay you your interest on time and your principal when due. And the only thing the Social Security trust fund cares about when it lends the government money is that the government has sufficient funds to pay the interest on time and to pay back the bond, the security, when it comes due in 10 or 20 years or whenever it may be. Period.

To say that we must not use the proceeds of borrowing from Social Security and paying it back with interest for anything other than paying down the debt, well, it is a good excuse on the part of some why we cannot have government spending for things that otherwise the people of this country and the people of this Congress might want to spend it on, like prescription drugs or housing or health or education or increasing the defense budget or whatever. And it is a good excuse on the part of others why the tax cut cannot be as big as otherwise other people might want it to be. But it makes no economic sense.

I oppose this bill because although it may make sense this year and maybe next year and maybe the year after to take the entire surplus of the Social Security system and use it for paying down debt because the national debt of the United States is too big, maybe that is the best use of that money this year and next year, it makes no sense to tie the hands of future Congresses and say that always in the future, in all circumstances, the best economic choice for the United States, the best policy choice, the best budget choice is to use that money only for paying down debt.

As I said before, what you do with money that the government borrows from Social Security before it pays it back with interest is a budget and policy question, but it has nothing to do with the safety of the Social Security system. The only thing that bears on that question is does the government have the money to pay it back on time, and then you get into the questions of economic growth and the health of the economy and so forth. To generate better economic growth, at one time it might be that you should pay down debt and another time it might be that you should invest in public works or whatever. We should not tie the hands of future Congresses.

I felt impelled to start raising this today because the political imperative to fool the American people on this subject, which both parties have been subject to the last couple of years ought to start coming to an end.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. SHAW. I just want to point one thing out. The lockbox is released as soon as the Congress saves Social Security. So to say that this is going to bind the hands or tie the hands of future Congresses presupposes that we will not save Social Security, and I will tell the gentleman that with some bipartisan support we will.

Mr. NADLER. Reclaiming my time, the bill by its terms says that the lockbox ends whenever Congress includes in a bill the words "we are saving Social Security," whether we have or not.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was introduced less than a week ago. The House has held no hearings or committee markups. There has been no chance to discuss or consider alternatives. Bringing up the bill this way under suspension of the rules further limits the opportunity for debate and amendment. Even though the bill enjoys overwhelming bipartisan support, that is no reason to shortcut the process, especially when it deals with subjects as serious as Social Security and Medicare.

A group of Democratic Members, led by the gentleman from Arkansas (Mr. ROSS) and the gentleman from Kansas (Mr. MOORE) drafted an alternative lockbox bill. Their bill supports the same goals as H.R. 2 but includes even stronger language to ensure the safety of Medicare and Social Security. By bringing up the bill under suspension of the rules, this substitute cannot be offered. Furthermore, debate is limited to only 20 minutes, not the usual hour minimum for most important bills.

H.R. 2 has worthy aims, which is the protection of Social Security and Medicare. However, it does not take Medicare off-budget which would give Medicare the same protection as Social Security. Moreover, it contains a large loophole in the protection it offers against future congressional actions.

Mr. Speaker, we have an opportunity to protect Social Security and Medicare for future generations. As this bill continues through the congressional process, I hope there will be more of a chance to shape the bill to ensure it is the very best that we can do.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Marysville, California (Mr. HERGER), the cosponsor of this legislation.

Mr. HERGER. Mr. Speaker, today we have an opportunity to reiterate this body's clear and unmistakable commitment to protecting 100 percent of the Social Security and Medicare trust fund surpluses. Before this body considers tax relief, before we consider spending priorities, and before we engage in floor debate on even a single issue dealing with the Federal budget, we are here to put the protection of Social Security and Medicare first. Since the beginning of the Social Security programs, over $850 billion in Social Security and Medicare trust fund surpluses have been raided and spent on unrelated areas. Last year, House Democrats and Republicans joined together overwhelmingly to pass a lockbox very similar to the one we are considering today.

Unfortunately, it was blocked from consideration by the Democrats in the other body. While we have come a long way in protecting the Social Security trust funds, protection of the trust fund surpluses is still not law. H.R. 2, the Social Security and Medicare Lockbox Act of 2001, amends the Congressional Budget Act of 1974 to create a point of order against any bill, joint resolution, amendment, motion or conference report if the enactment of such legislation would result in a raid of the Social Security or Medicare trust fund surpluses.

This measure ensures that the trust fund surpluses can only be spent on providing retirement and health security, such as reforming Medicare to provide a prescription drug benefit or reforming Social Security to provide more options to younger taxpayers. Furthermore, as a result of not spending the trust fund surpluses, the public debt will be paid down by $2.9 trillion over the next 10 years. Our seniors deserve to know that Congress is putting their retirement and health security first.

Among many others, this measure is supported by the United Seniors Association, the U.S. Chamber of Commerce, and Americans for Tax Reform. I encourage my colleagues to join me in supporting this critical measure.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, this month we are going to have Girl Scout cookie week because you may have read in The Washington Post that Girl Scouts will be selling cookies all over the United States, particularly in Washington. For some reason Washingtonians like cookies. This proposal, the lockbox proposal, has about as much weight to save Social Security as if we would have declared this month the month in which we would honor Girl Scouts for selling cookies.

It has no relevance at all. If you want to reduce the debt, just do not spend the money. In fact, even if you try to spend the money, one way to overcome it is if in fact you just waive points of order. The real issue, and an issue that my Republican colleagues unfortunately refuse to face is the $1.6 trillion tax cut that will probably be coming up in the next month or so. That is the real rub. That is what will endanger Social Security and Medicare in the long run.

The fact of the matter is the President is now talking about retroactively applying it. That will make the $1.6 trillion debt $2 trillion. Plus the loss of interest, we are probably talking about $2.5 trillion that will be reducing taxes over the next decade. The surplus will not sustain that. The fact of the matter is as we pay down the debt with the Social Security surplus, in the next 10 years we are going to have to increase the debt in order to pay the Social Security benefits that will not be available because of reductions, because the payroll tax will not match it. And as a result of that, the debt reduction in all of this is just temporary. If you are 65 years and younger, your Social Security benefits will be in jeopardy if in fact this tax bill is passed. Because anybody 65 and younger will probably be facing a situation in the next 10 years in which we are going to have to make a decision to increase payroll taxes, reduce Social Security benefits, or increase the national debt.

The reality is that this tax cut will be the key. It is not this resolution that has no weight, no force, and is somewhat irrelevant.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia Beach, Virginia (Mr. SCHROCK), a brand new Member of this body.

Mr. SCHROCK. I thank the gentleman from Texas for yielding time.

Mr. Speaker, I am very proud to be a lead sponsor of this legislation. Today Congress has the ability to state our clear and unmistakable commitment to protect 100 percent of the Social Security and Medicare trust fund surpluses. Social Security and Medicare represents a sacred compact between the people and their government.

During my campaign for Congress, I listened carefully to constituents throughout my district. They told me that they wanted to make sure that when they retired, their Social Security would be there. They also wanted Congress to ensure that Medicare was solvent and would be there to help cover their medical expenses. By placing surplus trust fund moneys in a budgetary lockbox, we can pledge to all of our constituents that these funds will be available for current and future generations and pay down the national debt.

The Congressional Budget Office estimates that the Social Security surplus will be $2.5 trillion over the next 10 years and the Medicare hospital insurance surplus will total $392 billion. We must lock away this money from congressional appropriators and special interest groups and keep our promise to our seniors and all Americans. We have a duty to protect the money our constituents have paid into Social Security and Medicare.

If you oppose raiding the Social Security and Medicare trust fund and support securing these funds for current and future generations, then please support H.R. 2.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. I thank the gentleman for yielding time.

Mr. Speaker, I am concerned. In the year 1980, the national debt was less than $1 trillion. Today it is $5.7 trillion, six times as much. I do not want to go back to the days of deficit spending. Let us look at the figures we are talking about in the budget proposal this year. We are estimating we will have a $5.6 trillion surplus in the next 10 years. I do not trust 1-year projections, let alone 10-year projections, but let us assume that that is correct. Today we are going to vote to subtract from that the Social Security and Medicare trust fund moneys of $2.9 trillion. In other words, we are going to say to the American people, "We are going to stop stealing the money" which we did for many, many years.

□ 1500

I think that bill will get almost unanimous support. So we are making a pledge there. That gets us down to $2.7 trillion. Then we start talking about this tax cut. I have only heard one person say that we will be able to stick to the $1.6 trillion. Almost everyone says it is going to cost a lot more than that. Just take the President's figure, and only subtracting $1.6 trillion, no interest, no implementation costs, nothing else, no retroactivity, and we get down to $1.1 trillion for the next 10 years to do everything.

There are people running around this town saying we are going to eliminate the national debt in 10 years. We are not even going to eliminate one-fifth of the national debt in the next 10 years. If you took the entire balance, and these are the administration figures, if you took the entire balance and applied it to the national debt, you would only be able to pay off one-fifth of the national debt, and there would be nothing left for any spending, for the President's programs or ours.

For the sake of our children and grandchildren, let us reduce the size of this tax cut and stay away from the days of deficit spending.

Mr. SESSIONS. Mr. Speaker, it is always wonderful when the opposition agrees with you. I appreciate that support today.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in strong support of this measure and urge my colleagues to join supporting it. I commend the gentleman from Texas for bringing the measure to the floor at this time.

Mr. Speaker, this measure amends the 1974 Congressional Budget Act by establishing a lockbox mechanism to make certain that the surpluses in Social Security and Medicare part A, Federal Hospital Insurance Trust Fund, from being spent on additional government programs and tax cuts.

One of the key components of this legislation is to provide for a point of order to protect Social Security and Medicare part A surpluses in the House and in the Senate against any resolution, bill, motion, joint resolution, conference report or amendment whose enactment would cause an on-budget surplus to be less than the surplus of the Medicare part A surplus for the same given year.

The legislation makes it out of order in both the House and Senate to consider any budget resolution, bill, joint resolution, conference report or amendment whose enactment would cause an on-budget surplus for any fiscal year to be less than the project surplus of the Federal Hospital Insurance Trust Fund.

Mr. Speaker, for far too long, Congress has proclaimed its desire to protect Social Security for future generations, without following through with any actions to match the proclamations of support. This legislation will provide new budget procedures and parliamentary requirements to make certain that the promises to safeguard Social Security and Medicare will be kept.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I believe H.R. 2 is a good start, but I also do not believe that it goes far enough. I believe we all agree on the need for a lockbox for Social Security and Medicare. This bill has too many loopholes, too many keys, if you will, that can open the lockbox.

There is a lot of talk these days about surpluses, a lot of talk these days about the need for tax cuts. I support a tax cut for working families. There is not much talk, unfortunately, these days, about the debt, some $5 trillion.

When we talk about the surplus, let us not take Social Security and Medicare into account. Let us take it off the table.

Yesterday I was in southeast Arkansas, the Delta region, one of the poorest regions in the country. People young and old were telling me that they want the politicians to keep their hands off of Social Security and Medicare.

This is a personal issue with me. You see, my grandfather died when I was a year old. My grandmother first learned how to drive a car, she got her GED, and then she went to nursing school. She is 89 now. She is blind, and she lives from Social Security check to Social Security check.

That is why I, along with the gentleman from Kansas (Mr. MOORE), have offered an alternative, a meaningful lockbox initiative that protects both the Social Security and Medicare surpluses. It is H.R. 560. It has no loopholes; it has no keys to unlock the box. That is why it is supported by the National Committee to Preserve Social Security and Medicare, the Nation's second largest senior advocacy group.

If you truly want to protect Social Security and Medicare, then take the time to compare H.R. 2 with H.R. 560. If you do that, then I am convinced we will join together, like we are here today, and do the right thing by my grandmother and by seniors all across America.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Chairman SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I appreciate the opportunity to express my support, unconditional support, for H.R. 2, the Social Security and Medicare Lock-Box Act of 2001.

Today Social Security protects 45 million Americans and provides one out of three seniors with their primary source of retirement income. According to the Social Security Administration, 39 percent of all seniors are lifted out of poverty because of their Social Security benefits. Clearly Social Security is one of the most successful and most important Federal programs ever created that we have today.

But Social Security is in trouble. In less than 15 years Social Security will spend more than it receives in taxes. By the year 2037, the trust funds will be absolutely empty; and the program will only pay less than three-fourths of its promised benefits. One of our most important priorities this year is to put Social Security on sound financial footing so it can continue to pay full benefits far into the future and full benefits without increasing taxes to American workers.

H.R. 2, the Social Security and Medicare Lock-Box Act, is the first critical step towards saving Social Security for all time. This legislation prevents Congress from using the Social Security and Medicare surpluses to cut taxes or increase spending. The lockbox ensures that 100 percent of the Social Security surplus and 100 percent of the Medicare surplus are used to reduce the debt, until we enact legislation to save Social Security and Medicare.

Let me repeat: the full amount will go to pay down the debt until such time as a portion of that is used to save Social Security and Medicare.

The lockbox is important for three reasons: first, it ensures that we have the money to pay for Social Security and Medicare reform once reform plans are enacted; second, it promotes fiscal discipline by forcing the Congress to balance the budget, without relying on Social Security or Medicare surpluses; finally, the lockbox reduces our national debt, resulting in higher national savings, faster economic growth, and lower interest costs for our government.

I encourage all Members to show their commitment to Social Security and Medicare by supporting this most important act and then continue to work with us on the majority side to save Social Security for all time.

There have been a number of speeches that I have heard, mainly coming from the other side, one from my ranking member on the Subcommittee on Social Security, the gentleman from California (Mr. MATSUI), likening this somehow to Girl Scout cookies.

This is very important legislation. Does this save Social Security for all time? Absolutely not. It is just a first step. It keeps us from spending the surplus, so it will be there for us to work together on, whenever we can move the minority side to come aboard with us and work to save Social Security for all time.

Is it irrelevant? Of course, it is not irrelevant. It is very relevant, because how are we going to save Social Security if we are giving the surplus away in tax cuts or in new spending programs? It locks it away.

This is the right thing to do. This is the right time to do it. This is important legislation, but it is only a first step. I would encourage all Members to come aboard with us and to vote this most important first step towards Social Security reform. It would be a tragedy not to pass this bill, and not to pass it by an overwhelming vote of well over two-thirds, the amount necessary in order to pass this under suspension.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I would commend the majority's proposal, but for one reservation that I have. I am concerned that H.R. 2 contains a giant loophole that would allow the Medicare and Social Security surpluses to be spent for any purpose, so long as it is labeled "reform." For the record, I want to be clear the term "reform" does not and should not include new programs, such as providing a prescription drug benefit under Medicare or changing Social Security to provide for private accounts.

The gentleman from Arkansas (Mr. ROSS) and I have introduced legislation that would correct this problem by entirely preventing the use of Social Security and Medicare trust funds, without exception, except for their intended purpose.

Mr. Speaker, I ask unanimous consent to remove from the Speaker's desk H.R. 560, legislation that would correct the problems of the bill and the loophole in the bill before us today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Kansas?

Mr. SESSIONS. Mr. Speaker, I reserve the right to object.

Mr. Speaker, what I would like to ask is if we have a copy of this bill.

The SPEAKER pro tempore. Under the Speaker's guidelines, the Chair is not able to entertain the gentleman's request to consider the bill without appropriate clearance.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, retirement security is one of the most important challenges that we in Congress are going to face in the years to come. The amount of benefits provided to seniors in the not-too-distant future is going to exceed the amount of payroll taxes taken in. One of the reasons for that is because Americans are having smaller and smaller families, Americans are living longer and longer, and, under that scenario, protecting Social Security becomes absolutely essential. That is why I cosponsored H.R. 2, the Social Security and Medicare Lock-Box Act of 2001.

Mr. Speaker, what this bill does is establish a firewall to protect 100 percent of the Social Security and Medicare trust funds. Under this bill, the trust funds will not be spent on other government programs.

I think all of us know that for some 30 years or so money was borrowed out of the Social Security trust fund. Basically over the last few years, if you will recall, President Clinton said, "Let's protect 60 percent of the funds in the trust fund." The Republicans in the House said, "No, let's protect 100 percent."

For the last few years, that is what we have done. We have set aside 100 percent of those excess FICA taxes that have gone into Social Security. But setting it aside for the here and now is not enough. We need legislation for the long-term, like this bill, to ensure that we put up that firewall so that it is not borrowed again in the future.

Now, in my view, Americans deserve to know that every penny taken out of their paychecks for Social Security and for Medicare will be used to pay for benefits. This legislation will help ensure that.

Furthermore, under this bill the Social Security and Medicare surpluses will be used to pay down the public debt until Social Security and Medicare reform is enacted. This will help lower the burden of debt placed on our children.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, those who introduced H.R. 2 indeed had a good intent. I think all of us want to find a way to lock in the security for both Social Security as well as for Medicare. However, that bill is more illusionary than real, particularly when you compare it with H.R. 560, which the Democrats put in. It does not allow for the loophole.

This bill, therefore, is illusionary. Although well-intended, it does allow for you to spend the money on other things called "reform." But, more pressing, is to consider that if you took that off of lockbox, took it off the budget, you are assuming you can still spend that, so you say, to the contrary, that you do not want to spend it for tax cuts.

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Take $1.6 trillion away from that, that suggestion, and we could not meet the needs of the American people and keep our commitment to lock those security funds aside.

So I urge Members to consider that this is well-intended but it will not achieve it. It is more illusory than for real.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Lexington, Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, as we look back over the history of this body for 40 years, since the mid sixties we have been spending the money that individuals have paid in their payroll for Social Security and for Medicare. We have been spending it on other government programs.

I remember 2 years ago, my first year here in Congress, the gentleman from California proposed this and we began the first lockbox to set aside Social Security. I can remember some Members were making light of it and saying it was not a real lockbox, and it had a hole in the bottom of it.

That first year I was here 2 years ago we did not spend one penny of Social Security money. The lockbox worked. It kept us disciplined so we did not spend that Social Security. We did it last year with Medicare, and we are repeating it again this year.

Some folks are concerned that we have allowed the use of this Social Security money and Medicare money to be used for reform. We have to face the fact that if we do not make some changes in improving and modernizing these programs to meet the needs of an aging population, we are going to run into serious problems. Sticking our head in the sand does not work. Using rhetoric for political reasons does not solve the problems we are going to be facing in the future.

I am proud we can support and hope we have bipartisan support for this bill to lock up both the Social Security trust fund and the Medicare trust fund for our future generations, and allow us to begin to look at improvements that will preserve these great programs for future generations.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this issue is so important to me that on the first day of the new Congress I reintroduced my legislation that the body considered last term. The legislation would prohibit the spending of any projected budget surpluses until Social Security and Medicare are made solid for today's workers and today's children.

The legislation would ensure that the projected surplus associated would be off limits to Congress and used only for retiring the publicly-held debt; no new spending, no new tax cuts until we have dealt with this matter.

I am concerned that H.R. 2 is being brought up to the floor without possibility of amendment to deal with its gaping loophole. What this legislation's loophole is is to allow a tax cut or other bill if it is presented as Social Security reform.

Mr. Speaker, most young workers do not believe that they will get a dime from Social Security or Medicare. That is why we must assign the highest priority to shoring up these programs and restoring confidence.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I rise today in support of this legislation. Mr. Speaker, 45,351,200 persons received Social Security benefits just this past year. About 63 percent of those people were seniors.

One must ask, has Social Security had an impact in particular to our seniors? When we take a look at the reason why Social Security was put in place, it was to help those seniors not be below the poverty line when they finished their work years.

In fact, if we look even just in California, my home State, we can see that this past year 30 percent of seniors were lifted out of poverty because of their Social Security benefits. Moreover, Social Security is important for women because, as we know, women make less, and women are out of the work force more often; they change jobs, they stay home to take care of families, so they really need this in their lean years at the back end of their lives.

I urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of this important piece of legislation.

45,351,200 persons received Social Security benefits last year. Sixty-three percent of these people are retired workers.

We must ask ourselves, "What impact has Social Security had on our Nation's Seniors?" A study issued by the Center on Budget and Policy Priorities in Washington, DC shows that in 1997, 47.6% of the U.S. population age 65 and older would have been living below the poverty line in 1997 without Social Security benefits.

With Social Security, the poverty rate drops to 11.9%. This is a staggering statistic that demonstrates the impact of this program on our seniors nationwide.

In my home state of California, the same study showed that 43.2% of people age 65 and older would have been living below the poverty line without Social Security. Social Security reduces the number to 12.5%. Thus, 30.7% of all elders in California were lifted from poverty by Social Security.

Moreover, Social Security is particularly beneficial to women who receive 54% of Social Security retirement and survivor benefits. In 1997, Social Security benefits lowered the number of women living below the poverty line from 9.8 to 2.7 million.

I urge my colleagues to pass this bill and establish a Social Security and Medicare lockbox. We need to pass this bill to ensure that our current and future seniors are provided the benefits they worked so hard to earn. We must continue to move forward to ensure that both programs are ready to meet the demands of the aging Baby Boom generation and beyond.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Over 45 million seniors and over 30 million American citizens use Medicare and Social Security. At a time when we have record surpluses, we must make sure that we sustain those people and that we do what is right with the surplus. It is going to be impossible to put in a lockbox for Social Security and Medicare, and we should, and at the same time take care of health care, housing, and other needs, education, that the people of America want.

We need a lockbox, we need a tax cut, but they both must be responsible. We must save Social Security, we must protect Medicare. Let this House act accordingly and take care of the citizens of this country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this lockbox is leaking because the money can be used for other reform purposes. But I want to stress something else today, an inescapable big truth about the President's economic plan. The big truth is that the President has proposed a Mother Hubbard economic plan, a plan that leaves the cupboard bare.

Here is what I mean. We have an alleged surplus of $5.6 trillion. Today the House will vote to take $2.9 trillion off the table. So that leaves just $2.7 trillion for all the spending and tax relief for the next 10 years.

The President has two priorities for that money: a tax cut that will consist of $2.6 trillion, skewed largely to the wealthy, by the way; and a missile defense system that will cost at least $100 billion.

So that is it. It is all gone before we reach anything else. We have zero surplus for anything else; for prescription drugs, education, health insurance, zero.

Mr. Speaker, it is a Mother Hubbard plan. The wealthy get to take a tax cut picnic while the rest of this country faces an empty cupboard.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today has been, once again, an exceptional job on behalf of my colleagues in the Democrat party, as well as my colleagues in the Republican party, who have once again approached a very difficult issue with the decision that rather than sticking our heads in the sand, we are going to talk about Social Security, we are going to talk about the things that not only Social Security does for America today and the people who are on Social Security, but also a belief, an abiding belief, that we can do something to make sure it is there for the future of this country.

I would remind my colleagues that the one part about this legislation that is fabulous is that there is an exception in the legislation that any bill that saves Social Security contains this phrase, that if a Member believes that a bill does not save Social Security or Medicare, he or she can always raise a point of order against any part of that legislation.

That is one of the wonderful parts about this bill that is good for all of us. It is a matter of whether we are going to spend the Social Security, or whether we are going to save it.

RE-REFERRAL OF H.R. 2 TO COMMITTEE ON BUDGET AND COMMITTEE ON RULES

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2, be re-referred to the Committee on the Budget, and in addition, to the Committee on Rules.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 2, The Social Security and Medicare Lockbox Act of 2001. This legislation protects the $2.9 trillion Social Security and Medicare Trust Fund surplus from being used for any other government spending. More importantly, this legislation reaffirms our commitment to ensuring a safe and secure retirement for current and future generations of Older Americans.

This legislation in effect creates a security "lockbox" to ensure that the FICA or payroll taxes we pay over the course of many years of hard work are used exactly as they are intended to be used—for Social Security and Medicare. This "lockbox" ensures our money is protected.

When I came to Congress in 1994, taxes were at an all time high, the budget was out of balance, deficit spending was soaring out of control and the Social Security and Medicare trust fund was being raided to pay for other government programs. To put it bluntly, our fiscal house was in shambles.

But what a difference a few years has made. Today, I am proud that we have balanced the federal budget, paid down over $363 billion of the national debt and cut taxes, all the while protecting and preserving Social Security and Medicare.

Mr. Speaker, as we begin our work in the 107th Congress, the Federal Government's projected cumulative surplus—some $5.7 trillion dollars over the next ten years—presents us with a historic and unprecedented opportunity to continue on a bipartisan course of fiscal discipline. Let's not look back at this moment as an era of missed opportunity.

In the coming days and months, there will be plenty of time to debate what to do with the remainder of the surplus. But before we engage in that debate, we must continue paying down the debt and make clear our commitment to ensuring that Social Security and Medicare will be available to current retirees as well as for our children and grandchildren. That's three generations of Americans that we will ensure have basic retirement security by preserving and protecting Social Security and Medicare. For the past two years, Congress has put aside Social Security and Medicare taxes so these monies aren't spent on other federal programs. With this "lockbox" legislation, Congress will be making these actions a permanent part of the budget process.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 2. Let us, today, give future generations of Americans the security of knowing that Social Security and Medicare will be there for them when they most need it.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act.

In this fortunate time of budget surpluses, it is imperative that we use the Social Security and Medicare trust funds to ensure the long-term viability of these critical programs. If we want to be truthful in our budgeting, then these funds should not and cannot be used to pay for other priorities.

I am nonetheless concerned about some of the provisions in the bill. It is my belief that these provisions make this lockbox legislation less than iron-clad. The bill stops the raid on Social Security and Medicare Trust Fund receipts "until such time as medicare and social security reform legislation is enacted.

What this really means is that once we pass any legislation that constitutes Social Security or Medicare reform, even if the bill does not ensure the long-term solvency of Social Security or Medicare, we are free to use Social Security and Medicare Trust Fund money for whatever we choose.

The Congressional Budget Office (CBO) estimates that in the year 2012, there will be a major demographic shift in the United States. The Baby Boom generation will begin to retire and collect benefits under Social Security and Medicare. And, at the same time, the labor force will contract significantly, reducing the amount of money available to pay those benefits. As a result, the CBO projects that instead of the surpluses we now enjoy, we will suffer large budget deficits as we struggle to pay for these programs.

I support this legislation and I support the idea of Social Security and Medicare reform. But all the reform measures we pass won't mean anything unless we begin to devote resources now to ensure that there will be money available when Baby Boomers begin to retire. This bill is a good start. We need to do much more.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2, the Social Security and Medicare Lockbox Act of 2001, the latest in a string of measures that the House has passed, with my support, to dedicate the Social Security and Medicare surpluses to public debt reduction until such time as the Social Security or Medicare reform legislation is enacted. Like H.R. 5173, which we passed overwhelmingly in September 2000, H.R. 2 would remove the Social Security surplus from the budget totals for the purposes of developing both the Congressional budget and the President's budget. H.R. 2 would also require the President's budget submission to include a detailed proposal for Social Security or Medicare reform legislation if it recommends an on-budget surplus for any fiscal year that is less than the surplus projected for the Medicare HI trust fund.

My support for H.R. 2 is not without reservations. I am disappointed that the Republican Leadership rushed this bill to the floor, it was introduced last Thursday (February 8, 2001), bypassing consideration in the committees of jurisdiction, including the House Budget Committee. Had H.R. 2 been properly considered in the House Budget Committee, I would have asked what protections are in place, under the bill, to prevent tax cut bills from gaining access to lockbox funds, simply by holding themselves out as Social Security or Medicare reform bills.

Additionally, as a longtime advocate for protecting Medicare, as well as Social Security, I am pleased to see the Republican Majority has joined me in recognizing the need to protect the Medicare surpluses from being used to finance tax cuts. While H.R. 2 would create points of order against spending and tax legislation that would cause a reduction in the portion of projected budget surpluses equal to Medicare trust fund surplus, I am, however, troubled that it stops short of taking Medicare "off-budget." H.R. 2 only requires on-budget surpluses to be at least as large as any surplus in Part A of Medicare. At this time, with Congress abuzz with talk of tax cuts and incomprehensible surpluses, it is more important than ever that Medicare by taken off-budget.

Accordingly, Mr. Speaker, I urge my colleagues to not only join me in taking this step to secure Medicare but to also go further and take Medicare off-budget.

Mr. UDALL of Colorado. Mr. speaker, I will vote for this bill, in the hope that its other supporters are as serious as I am about protecting Social Security and Medicare.

Of course, that is what this bill is supposed to be about. But I think anyone who gives it a careful look will understand why I have my doubts.

On the one hand, the bill would establish the principle that Social Security and Medicare

are to be off-limits when Congress makes decisions about federal revenues. It would do that by making it against the rules to consider measures that would invade the Social Security or Medicare surplus. Its sponsors say that this will put both Social Security and Medicare into a "lockbox" to keep them safe.

However, on the other hand there is some fine print in this bill suggesting that this "lockbox" is not all that secure.

In fact, when you read the bill carefully, it looks like this "lockbox" is more like the treasure cave in the story of Ali Baba and the Forty Thieves. Remember, the secret to opening that treasure cave was to know the passwords—"open, sesame." Well, it's exactly the same story here except that for this "lockbox" the passwords are "Social Security reform legislation or Medicare reform legislation."

Those are the passwords because under this bill the new rules to protect Social Security and Medicare will not apply to any bill that includes them.

If you doubt that it is that simple, just read the bill.

First it says that we will have these new rules—but then it says they "shall not apply to social security reform legislation or medicare reform legislation." And it defines "medicare reform legislation" as a bill that "includes a provision stating the following: For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes medicare reform legislation" and also defines "social security reform legislation" as a bill that "includes a provision stating the following: For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes social security reform legislation."

So, regardless of what else may be in a tax bill or a spending bill, if it includes those magic words the new rules won't apply—because those are the passwords that will open the "lockbox."

Is it any wonder that some of us have our doubts about whether the "lockbox" is real? Is it any wonder that we have some fears about the reliability of this promise to protect Social Security and Medicare?

Still, Mr. Speaker, today I will be guided by my hopes, not my fears.

I will vote for this bill, and I will hope that the promise of its title—"The Social Security and Medicare Lockbox Act" is not a false one.

But, to rephrase Ronald Reagan, I think that the best policy is to hope now—by voting for this bill—but when the tax and spending bills come, to verify by making sure that we fulfill the promise of protecting Social Security and Medicare for the future.

Mr. NETHERCUTT. Mr. Speaker, The Social Security and Medicare Lock Box Act locks away the entire $2.9 trillion Social Security and Medicare surpluses, protecting it from increased government spending and tax cuts. I am proud to be part of the first Congress in thirty years which paid all the government's bills without raiding the Social Security Trust fund. This legislation guarantees that we continue to protect the surplus by creating a "lock box" which ensures that the surplus can be used only to pay beneficiaries.

Though the prognosis for the Social Security trust fund has improved with the strong economy, Social Security is still scheduled to begin drawing on the surplus by 2015 and the trust fund will be exhausted by 2037. It is Congress's duty to ensure that the surplus is there for senior citizens while we work to reform the program for future generations. I am proud to support the Social Security and Medicare Lockbox. Senior citizens, as well as all Americans deserve to know that their benefits will be there for them when they retire. I urge my colleagues to support this important legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act. This legislation aims to protect the Social Security and Medicare trust funds by establishing points of order against bills that would produce a deficit in the non-Social Security portion of the budget.

While this legislation won't do any harm, it certainly won't do any good. There are gaping loopholes in this legislation which would allow for raiding the trust funds if it is done under the cloak of "reform." But this bill is not serious about either reforming or protecting the Social Security and Medicare trusts funds.

In a few short years the baby boom generation will start to retire. The addition of these 75 million Americans is a looming threat to the Social Security and Medicare programs. Congress must act now to ensure the long-term solvency of these valuable programs. This bill is not a serious, long-term solution for our problems. Congress must make some very careful choices in the coming months about our budget surpluses, and how best to use them.

Anyone reading the papers in the last couple of days knows where the president stands on tax-cuts. Now, I support broad tax cuts. I think that we in Congress can work together to relieve the tax burdens of Americans. But I cannot support a tax-cut plan that endangers our economic stability, or the futures of the Social Security and Medicare programs.

According to some estimates, the president's plan could cost as much as $2.3 trillion over ten years. That's almost eighty-five percent the projected on-budget surplus. This plan leaves almost nothing behind to pay down the national debt, strengthen our national defense, improve our children's education, or, as we're aiming to do today, ensure the solvency of Social Security and Medicare.

Mr. Speaker, I assure you that this legislation will pass almost unanimously. All Members of Congress can agree that Social Security and Medicare funds should be spent only for those purposes, or for the purposes of paying off the national debt. But it's time to make some tough choices about the on-budget surplus, and whether or not Congress is serious about protecting Social Security and Medicare. We must do more than pay lip-service to these programs. Its time to put the on-budget surplus money where our mouth is.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 2, the Social Security and Medicare Lock-Box Act of 2001. In the midst of tax cut fever, when the federal government seems to be awash in black ink, this legislation serves as a sobering reminder that we are, in fact, facing a fiscal time bomb within the next twenty years. With the retirement of the baby boomer generation, we will face an unprecedented fiscal challenge, created largely by the demands on social Security and Medicare.

The Social Security and Medicare Lock Boxes draw a line in the sand, saying that, if we are to fund a large tax cut this year, then we must do so without raiding the Social Security and Medicare Trust Funds. Establishing this imperative for the current tax cut debate is absolutely critical. In recent weeks, some Republicans have been inching away from the commitment to protect the Medicare Trust Fund, led by statements from the Administration. But it is clear that Medicare faces the same long-term funding problems that face Social Security. In fact, Medicare will face them sooner than Social Security. Raiding the Medicare Trust Fund to pay for tax cuts, then, should be absolutely unacceptable to this Congress.

Some might argue that it is unreasonable to allow concerns of 20 years hence to have too much influence over today's policies. But this kind of thinking is akin to a family facing a balloon mortgage payment who nonetheless budgets nothing for it, and worse yet, goes on a spending spree in the years lending up to the balloon payment. Lest anyone doubt that we are facing a long-term fiscal crisis, consider this: today, the United States has 5 workers supporting each of its retirees; by 2030, we will have just 2 workers for every retiree. The fiscal implications of this demographic shift are enormous, and easily overwhelm the surplus numbers we have been debating the past few weeks.

Mr. Speaker, today's legislation is a good first step in acknowledging the true fiscal outlook. I hope we will also recognize the true costs associated with meeting the full obligations of Social Security and Medicare to all of tomorrow's retirees—costs that are daunting no matter what versions of Social Security and Medicare reform you favor. In recognizing these costs, it should be clear to everyone that the President's tax plan is simply not affordable.

Mr. CRENSHAW. Mr. Speaker, today, I am proud to join my colleagues in strong support of the Social Security and Medicare Lockbox Act.

We have a surplus of $5.6 trillion. And, $2.9 trillion of that surplus is money that people expect to be there for them when they apply for their Social Security and Medicare benefits.

For the past several years, Congress has locked these trust fund surpluses away through sound fiscal management, despite the absence of a passed lockbox bill. But the American public understands that passage of actual lockbox legislation is a solemn pledge between the Congress and the people that we will not touch those surpluses. And, we should make that pledge to our constituents.

Given the strength of the non-trust fund surplus—$2.7 trillion—we can well afford to do this and still meet the other needs of our constituents—providing them with much needed tax relief, paying down the debt, and reinvesting in important priorities like defense and education.

I am proud to be an original cosponsor of this legislation, and I urge my colleagues to pass H.R. 2 with a strong bipartisan vote.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the Social Security and Medicare "Lockbox" Act. This bill locks up the $2.9 trillion surplus from the Social Security and Medicare trust funds by prohibiting their use for non-Social Security purposes. As a result, it ensures that Congress will always devote 100 percent of the Social Security and Medicare surpluses to only those retirement programs.

Today, millions of elderly and disabled Americans rely on Social Security and Medicare to provide them with income, basic health insurance coverage, and retirement security. In fact, Medicare provides significant health insurance coverage for 39 million aged and disabled beneficiaries. Therefore, we need to make sure that our seniors receive these much needed services and benefits in the most efficient manner possible.

Because I believe that every working American should know unequivocally that Social Security and Medicare will be there for them when they retire, I am committed to making seniors a top priority by taking the necessary steps to improve their quality of life. Beginning with the Lockbox initiative, Congress can help protect our nations elderly from fraud and abuse, inadequate and poor health care services, and a false sense of retirement security.

After all, our seniors are a national resource that must be preserved to the best of our abilities. therefore, I urge you to join me in securing a future for our seniors by voting in favor of the Lockbox.

Mr. ADERHOLT. Mr. Speaker, I am pleased to join the gentleman from Texas as a cosponsor of H.R. 2, the Social Security and Medicare Lockbox Act of 2001.

Although today, the Social Security program is able to meet its requirements, we face the problem of fewer workers who pay into the Social Security system, while at the same time, the number of retirees eligible for Social Security benefits continues to increase.

I believe Congress and the new Administration can work together to safeguard and strengthen the integrity of the Social Security program. Our Nation's seniors rely on Social Security for approximately 40 percent of their income. Many depend on it for more.

Without a lockbox, approximately $2.9 trillion in projected Social Security and Medicare Part A surpluses over the next ten years could be spent on programs and initiatives which may do little, if any, to protect our Nation's seniors. H.R. 2 will ensure that these surpluses will be used only to strengthen Social Security and Medicare. Furthermore, protecting Social Security and Medicare makes it easier for the Treasury Department to reduce the public debt.

Mr. Speaker, I urge my colleagues to join me in passing H.R. 2.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of the Social Security and Medicare Lockbox Act of 2001.

For too many years, the Social Security and Medicare Trust Funds have been raided to pay for other government programs. This longstanding practice has jeopardized the solvency of two programs that millions of Americans depend on.

Today this practice will end.

Today, Republicans and Democrats will come together to stop the raid and commit to protecting 100 percent of the Social Security and Medicare Trust Fund surpluses, providing retirement and health security for our parents, our grandparents, and hopefully some day for our children.

All Americans deserve a Medicare and Social Security system that rewards their hard work, increases their independence and secures their future. H.R. 2 is a step toward this important goal.

I am proud to be an original cosponsor of the Social Security and Medicare Lockbox Act and ask that my colleagues join me in supporting this important piece of legislation.

Mr. STARK. Mr. Speaker, I rise in strong support for the purported purpose of this legislation before us today. We can and should "lockbox" our Social Security and Medicare surpluses so that monies put into them by the working people of America are used as they were intended—to provide financial and health security for them in their senior years or if they become disabled—not to provide a tax break aimed mostly at those with upper incomes.

Unfortuantely, the bill before us today talks the talk, but fails to walk the walk.

This bill will not guarantee that either the Social Security or Medicare surpluses are protected from being used to finance tax breaks or any other government spending.

While the bill states that it protects Medicare and Social Security trust funds, it creates a giant exception that if a bill is brought up on the House floor that contains the words "Social Security reform legislation" or "Medicare reform legislation," then the protections for either trust fund no longer exist. It doesn't define what would constitute "reform" of either program. It would be very simple for anyone to circumvent the stated intent of this bill by simply referring to legislation as either Medicare or Social Security reform and then the protections against using the trust funds would be overridden. I could see the argument that a "Star Wars" missile defense system will protect seniors—therefore it is a Medicare reform.

The legislation contains a further loophole that allows the President to dip into the Social Security and/or Medicare surpluses in any budget he presents to Congress as long as the budget claims to reform each of the programs.

The public should not be fooled one moment. President Bush is pushing a tax cut proposal in Congress that he admits costs $1.6 trillion. The unstated reality is that the proposal costs $2.5 trillion by the time you count all of the pieces that he's left out of his early version, but that will be included in the end. The entire surplus over the next ten years—if you really protect Medicare and Social Security surpluses—is $2.7 trillion (and even that figure is highly speculative).

What am I leading up to? There is no way that this tax cut package can pass Congress and get signed into law in a way that leaves money for other government priorities like education, Medicare prescription drug coverage, improved Medicare solvency, or Social Security reform without putting the Medicare and Social Security trust funds on the chopping block.

Anyone who believes otherwise is fooling themselves and passage of this legislation today does nothing to change that fact.

Larry Lindsey, President Bush's chief economic advisor has already been asked whether government should dip into the Social Security surplus to make room for tax cuts and he responded: "It's a question that needs to be asked."

President Bush's Director of the Office of Management and Budget Mitch Daniels has already stated with regard to protecting the Medicare trust fund from any other use that he would be: "very hesitant to treat those funds in the same way as we do in Social Security where I think it is in order."

A February 5 Wall Street Journal article states that, "The Bush Administration also won't wall off Medicare's current surpluses in a 'lockbox' . . . In fact, Mr. Daniels has said he's told his staff not to talk about a Medicare surplus.

Finally, Senate Majority Leader TRENT LOTT has yet to make a commitment on a Medicare lockbox. A recent BNA Daily Report for Executives, asked him about whether he'd decided to lockbox Medicare and he responded, "We're going to think that through."

I will vote for this legislation today. But, I do so with the firm knowledge that my vote—and that of every other member of the House of Representatives—really means nothing about whether we stand for protecting the Medicare and Social Security surpluses for their intended purposes. I hope that the weaknesses of the legislation are not intended and that this vote is a good faith commitment by my colleagues on the other side of the aisle to protect both the Social Security and Medicare surpluses from use for tax cuts or any other new spending. If that commitment is real, we've got a tough job in front of us to ensure that the upcoming tax cut debate doesn't absorb all available government monies—in addition to the Medicare and Social Security trust funds.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2, the Social Security and Medicare Lock Box Act of 2001. I would also like to thank my colleague, Congressman WALLY HERGER, for taking the lead yet again in ensuring that common-sense measures are taken to preserve the Social Security and Medicare Part A programs for our senior citizens.

Currently, both the Social Security and Medicare Part A programs take in more revenue through taxes and premiums than they pay out in benefits. This has resulted in large surpluses in both Trust Funds, estimated to be $157 billion for Social Security and $29 billion for Medicare. However, as the Baby Boom generation reaches retirement age, the situation changes significantly. Over the coming years we will see a decrease in the ratio of workers to beneficiaries from 5-to-1 to 2-to-1, causing a precipitous decline in the amounts held in both Trust Funds. By the year 2037, it is estimated that the combined Social Security Trust Funds will be depleted, with revenues only sufficient to pay about 72 percent of benefits. The situation for Medicare is even more dire, with the Part A Trust Fund projected to be depleted by 2025.

We cannot simply put off the difficult decisions for a later day. It is clear that we can enact significant reforms now that are necessary to keep Social Security and Medicare solvent for the future. It is also evident that while this is a challenging task in and of itself, it will be even more difficult, if not impossible, if we allow the surpluses that we currently have to be raided for other government spending. To this end, H.R. 2 creates a lockbox by creating a point of order against any bill, joint resolution, amendment, motion, or conference report that would raid either the Social Security or Medicare Trust Fund. This lockbox ensures that the Trust Fund surpluses will only be used to further pay down our national debt or to strengthen these vital programs for our children and grandchildren. This is a modest, common-sense step to help preserve social security benefits for future retirees.

We have an obligation to keep our promises to our senior citizens. They have paid into Social Security and Medicare over the course of their working lives in the expectation that these benefits would be there to help support them in their later years. We do them a severe injustice if financial mismanagement on our part robs them of the security they deserve. By approving H.R. 2, we will show the American people that we remain committed to saving these invaluable programs. It is for this reason that I urge my colleagues to lend it their full support.

Mr. SCHIFF. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Lockbox Act.

Passage of this legislation will make certain that the Social Security and Medicare surpluses are protected in a "lock-box" and are not affected by spending increases and tax cuts. However, the Medicare surplus is not taken off-budget by this bill and therefore is not ensured the same protection as the Social Security surplus under current budget rules. This is a critical flaw in this bill and I do not believe that H.R. 2 alone will solve the long-term challenges facing Medicare. Nevertheless, I support passage of the Social Security and Medicare Safe Deposit Lockbox Act of 2001 and will remain committed to protecting these surpluses.

I believe it is absolutely essential that we maintain our fiscal discipline and continue paying down our debt. We must provide resources to deal with long term problems facing Social Security and Medicare, while making room for targeted tax cuts and investments in priority programs.

I am also proud to have joined my colleagues, MIKE ROSS and DENNIS MOORE, in introducing H.R. 560, a bill that would take Medicare off-budget, giving it the same protected status as Social Security, and would lock away Medicare surpluses unless they are to be used for current Medicare programs. While I support the bill before us, our bill has a much stronger enforcement mechanism and would be even more difficult, if not impossible, to violate.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 554, RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–1) on the resolution (H. Res. 36) providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING PRIME MINISTER-ELECT OF ISRAEL, ARIEL SHARON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 34, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, House Resolution 34, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, answered "present" 1, not voting 20, as follows:

[Roll No. 12]

YEAS—410

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Thomas M.
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg

Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Rahall

NOT VOTING—20

Ackerman
Becerra
Bonior
Bono
Brown (FL)
Burton
Capps
Cooksey
Doolittle
Fattah
Gephardt
Gordon
Lowey
McKinney
Miller, George
Ortiz
Rohrabacher
Shimkus
Souder
Young (AK)

☐ 1823

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, I was unavoidably detained on rollcall vote No. 12. Had I been here I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered "present" 4, not voting 19, as follows:

[Roll No. 13]

YEAS—407

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Thomas M.
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Filner
Nadler

ANSWERED "PRESENT"—4

Hinchey
Mink
Sabo
Snyder

NOT VOTING—19

Ackerman
Becerra
Bonior
Bono
Brown (FL)
Burton
Cooksey
Doolittle
Gephardt
Gordon
Lowey
McKinney
Miller, George
Ortiz
Payne
Shimkus
Smith (MI)
Souder
Young (AK)

☐ 1833

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes Nos. 12 and 13 I was unavoidably detained. Had I been here I would have voted "yea" on rollcall vote No. 12 and "yea" on rollcall vote No. 13.

JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. PORTMAN. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 28) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 28

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 27, 2001, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON FINANCIAL SERVICES AND COMMITTEE ON GOVERNMENT REFORM

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 37) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 37

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

Committee on Financial Services: Mr. Sanders of Vermont;

Committee on Government Reform: Mr. Sanders of Vermont.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed.

A motion to reconsider was laid on the table.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 14, 2001 A MOTION TO SUSPEND THE RULES

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, February 14, 2001, for the Speaker to entertain a motion that the House suspend the rules relating to H.R. 524.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 14, 2001 CONSIDERATION OF H.R. 559, JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, February 14, 2001, without intervention of any point of order, to consider in the House H.R. 559; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except for 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF FEDERAL JUDICIAL FAIRNESS ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the Federal Judicial Fairness Act of 2001.

This morning, the American Bar Association and the Federal Bar Association released a report detailing a fundamental problem that has been escalating over the past decade, the erosion of fair and adequate compensation for the Federal judiciary.

These two well-respected groups found that the current salaries of Federal judges have reached such a level of inadequacy and quality that the independence of the third branch of our Federal Government is threatened. I agree with these findings.

Since 1993, Congress has granted Federal judges only three of a possible nine cost-of-living adjustments, leaving our judges with a 13.4 percent decline in purchasing power. Not coincidentally, 54 Federal District Court and Circuit Court judges have left the bench in the 1990s, compared to only three during the entire 1960s.

Yes, the salaries of Federal judges are higher than the average salary in many occupations. But, yes, the salaries that our Federal judges could earn in the private sector could be exponentially higher than what they earn as judges.

No individual agrees to serve in the Federal judiciary because of the pay. Individuals seek and accept nominations to the bench because they want to serve their country. But this does not mean that they should forego fair compensation for their critical work. It should be Congress' goal to ensure that the judges can afford to commit to public service and make certain that the judiciary is not open only to those with the financial means to do so.

Absent a change in the way we compensate these judges, I fear that the superior quality of our Federal judicial system may deteriorate over time.

This is why I am introducing the Federal Judiciary Fairness Act. The bill restores the six cost-of-living adjustments that Congress failed to grant the Federal judiciary in the 1990s, amounting to an immediate 9.6 percent salary increase.

My bill also fixes the annual pay adjustment problems for Federal judges. Unlike other Federal employees, Members of Congress and the President's Cabinet, Federal judges receive a COLA only if Congress specifically authorizes it. Under the Federal Judiciary Fairness Act, Federal judges will receive an annual COLA not subject to the approval of Congress. The size of the COLA would be determined by the Employment Cost Index, but it would not be larger than one received by other Federal employees under the General Schedule pay rate.

Together, these provisions will do much to remedy a problem, disparity in pay between the private and public sectors, that plagues one of the three branches of the Federal Government. But, Mr. Speaker, this legislation is about more than just fairly compensating the individuals who sit on the Federal bench. We must ensure that our Federal judiciary can attract and retain the best and the brightest. Passing the Federal Judicial Fairness Act is a small but important step in achieving this goal.

I want to thank my colleagues, the gentleman from Mississippi (Mr. WICKER) and the gentleman from Virginia (Mr. DAVIS), for agreeing to be original cosponsors of this legislation; and I urge all my colleagues to support the Federal Judicial Fairness Act.

THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, many government and Federal Reserve officials have repeatedly argued that we have no inflation to fear; yet those who claim this define inflation as rising consumer and producer prices. Although inflation frequently leads to price increases, we must remember that the free market definition of inflation is the increase in supply of money and credit.

Monetary inflation is seductive in that it can cause great harm without significantly affecting government price indices.

☐ 1845

The excess credit may well go into the stock market and real estate speculation, with consumer price increases limited to such things as energy, repairs, medical care and other services. One should not conclude, as so many have in the past decade, that we have no inflation to worry about. Imbalances did develop with the 1990s monetary inflation, but were ignored. They are now becoming readily apparent as sharp adjustments take place, such as we have seen in the past year with the NASDAQ.

When one is permitted to use rising prices as the definition for inflation, it is followed by a nonsensical assumption that a robust economy is the cause for rising prices. Foolish conclusions of this sort lead our economic planners and Federal Reserve officials to attempt to solve the problem of price and labor cost inflation by precipitating an economic slowdown.

Such a deliberate policy is anathema to a free market economy. It is always hoped that the planned economic slowdown will not do serious harm, but this is never the case. The recession, with rising prices, still comes. That is what we are seeing today.

Raising interest rates six times in 1999 to 2000 has had an effect, and the central planners are now worried. Falsely, they believe that if only the money spigot is once again turned on, all will be well. That will prove to be a pipe dream. It is now recognized that indeed the economy has sharply turned downward, which is what was intended. But can the downturn be controlled? Not likely. And inflation, by even the planners' own definition, is raising its ugly head.

For instance, in the fourth quarter of last year, labor costs rose at an annualized rate of 6.6 percent, the biggest increase in 9 years. What is happening to employment conditions? They are deteriorating rapidly. Economist Ed Hyman reported that 270,000 people lost their jobs in January, a 678 percent increase over a year ago.

A growing number of economists are now doubtful that private growth will save us from the correction that many free market economists predicted would come as an inevitable consequence of the interest rate distortion that Federal Reserve policy causes.

Instead of blind faith in the Federal Reserve to run the economy, we should become more aware of Congress' responsibility for maintaining a sound dollar and removing the monopoly power of our central bank to create money and credit out of thin air, and to fix short-term interest rates, which is the real cause of our economic downturns.

Between 1995 and today, Greenspan increased the money supply, as measured by MZM, by $1.9 trillion, or a 65 percent increase. There is no reason to look any further for the explanation of why the economy is slipping, with labor costs rising, energy costs soaring, and medical and education costs skyrocketing, while the stock market is disintegrating.

Until we look at the unconstitutional monopoly power the Federal Reserve has over money and credit, we can expect a continuation of our problems. Demanding lower interest rates is merely insisting the Federal Reserve deliberately create even more credit, which caused the problem in the first place. We cannot restore soundness to the dollar by debasing the dollar, which is what lowering interest rates is all about, printing more money.

When control is lost in a sharp downturn, dealing with it by massive monetary inflation may well cause something worse than the stagflation that we experienced in the 1970s; an inflationary recession or depression could result.

This need not happen, and will not if we demand that our dollar not be casually and deliberately debased by our unaccountable Federal Reserve.

THE BUDGET FOR DEFENSE

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, for the most part, Congress looks at national defense with a bipartisan eye. I am proud to say that I have served with five chairmen of the Committee on Armed Services of both parties and of various viewpoints. The number of substantive disagreements on matters of national security have been rewardingly few.

That is why so many of my colleagues and I were encouraged to see both candidates for President urging increases in funding for national defense. That is why President Bush and Vice President CHENEY's declaration that help is on the way sounded welcome to many congressional ears.

That is also why it does not sit too well with us to hear that the President has now decided that no increase is needed, either for next year's budget or to pay the bills already clogging the Pentagon's in-box. I have to say that it probably does not sit too well with a lot of the military officers who broke tradition to publicly endorse the President, either.

But the issue is not "I told you so." It is, instead, about how are we going to get our parents, siblings, and children who are in uniform the resources they need to do their jobs.

The world is an unstable place, and the United States cannot afford to ignore any part of it. That is why our military is working so hard. That is why the cost of keeping our people trained, fed, and properly equipped is so high. We do not get good people by neglecting their needs.

An immediate supplemental appropriation to cover last year's activity and a responsive budget to meet the Nation's needs in the year ahead are both part of the price of American leadership. Delay paying that bill and training stops, ammunition runs out, and good people decide to say good-bye to the service.

Already, the Army reports that it is essentially out of 9-millimeter ammunition used in personal sidearms, and they have cut training because of it. Our commander in Europe, General Ralston, recently told me he has received word to curtail training because the money is running out.

Just this week, a new report indicates that the Navy's top fighters cannot meet their wartime schedules, again because of insufficient resources. In Washington, resources is spelled "m-o-n-e-y."

Troops that cannot train, planes that cannot fly, and an army out of bullets, if that does not justify supplemental funding, I am not sure what does. I do not believe we can afford any of those consequences. If the President wants to reconsider some of the high-cost programs that interfere with our ability to take care of America's soldiers, sailors, airmen, and marines, that is his prerogative. He has announced a review to do so.

But it is not realistic for him to say, stop the world, America wants to get off. The world will not wait for our strategic review. Neither will the creditors, the men and women in uniform to whom the bills are owed. Without the support that it deserves and that was promised, our military cannot do its job. That, Mr. Speaker, makes nobody proud.

It is not partisan to say that we are disappointed. I know the Members on both sides of the aisle would applaud if the President were to reconsider his decision and make our service people whole. That is not only making good on a promise, it is just the right thing to do.

PUBLICATION OF THE RULES OF THE COMMITTEE ON GOVERNMENT REFORM 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am submitting the attached Committee on Government Reform rules for the 107th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2(a)(2). These rules were adopted by the Committee on February 8, 2001.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM

U.S. House of Representatives

107th Congress

Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform, on February 8, 2001, adopted the rules of the committee:

Rule 1.—Application of Rules

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2 (b) and (c).]

Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2-4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less that seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

There shall be eight subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

Rule 9.—Ex Officio Members

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 10.—Staff

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

Rule 13.—Open Meetings

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee

member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

Rule 16.—Stenographic Record

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule 17.—Audio and Visual Coverage of Committee Proceedings

(1) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(2) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(3) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

Rule 19.—Commemorative Stamps

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

A. 1. Powers and Duties of the Committee—Rule X of the House

House Rule X provides for the organization of standing committees. The first paragraph of clause 1 of Rule X and subdivision (h) thereof reads as follows:

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) **Committee on Government Reform.**

(1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

Clause 3 of Rule X also relates to oversight functions. Paragraph (e) reads as follows:

* * * * *

(e) The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

3. Additional Functions of Committees—Rule X, Clauses 4, 6 and 7 of the House

Clause 4 of Rule X relates to additional functions of committees and committee budgets. Paragraphs (a)(2), (c) and (f) of clause 4 and clauses 6 and 7 read as follows:

4. (a)

* * * * *

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

* * * * *

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved and shall be included in the report of any such other committee when required by clause 3(c)(4) of rule XIII.

* * * * *

Budget Act responsibilities

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XXIII.

Expense resolutions

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Interim funding

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this paragraph shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this paragraph shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

Travel

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Committee staffs

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members of each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2) Subparagraph (1) does not apply to staff designated by a committee as "associate" or "shared" staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule XXIV.

(3) The use of any "associate" or "shared" staff by a committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(4) This paragraph does not apply to the Committee on Appropriations.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in paragraph (a) of clause 6, shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

B. Procedure for Committees and Unfinished Business—Rule XI of the House

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

In general

1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation, which may not be less than one-third of the members.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Hearing procedures

(k)(1) The chairman at a hearing shall announce in an opening statement the subject of the hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted by a memeber of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(l) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (2)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

* * * * *

Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

C. Filing and Printing of Reports—Rule XIII, Clauses 2, 3 and 4 of the House

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3) or (4)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

* * * * *

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a bill called from the corrections calendar under clause 6 of rule XV;

(D) a resolution presenting a question of the privileges of the House reported by any committee;

(E) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(F) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

III. SELECTED MATTERS OF INTEREST

A. 5 U.S.C. Sec. 2954. Information to Committees of Congress on Request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

B. 18 U.S.C. Sec. 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power or inquiry under which any inquiry or investigation is being had by either House, or any committee or either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

C. 31 U.S.C. Sec. 712. Investigating the Use of Public Money

The Comptroller General shall—

* * * * * * *

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

D. 31 U.S.C. Sec. 719. Comptroller General Reports

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(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.[1]

* * * * * * *

(i) On request of a committee of Congress, the Comptroller General shall explain to discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

E. 31 U.S.C. Sec. 717. Evaluating Programs and Activities of the United States Government

* * * * * * *

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

F. 31 U.S.C. Sec. 1113. Congressional Information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and the extent practicable, to members of Congress in evaluating the information from the sources in the directory; and

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)-(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

(Public Law 97-258, Sept. 13, 1982, 96 Stat. 914; Public Law 97-452, §1(3), Jan. 12, 1983, 96 Stat. 2467.)

THE STATUS OF CENSUS 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, tomorrow is a significant day in the history of our Republic. For only the 22nd time since our founding, those charged with the constitutional mandate to conduct a decennial census will report to the Nation on the preliminary results of their work. The Census acting director appears before Congress, and he will give us the first report on the quality and completeness of that count, under oath.

Rumor has it that the results are good, I think. I say that because there is still quite a bit we do not know. Apparently, the net national undercount from the 2000 census is about 1 percent. These results are a significant improvement over 1990. The 2000 census may well be the best ever conducted.

It is also my obligation to report to this House that all may not be well with the census. If what I read in the papers is right, there is an ongoing plan by the Republican leadership to stop the Bureau from completing its job by blocking the use of modern scientific methods to achieve the most accurate picture of America.

This is not a charge that I make or any Democrat makes, it is a charge made by the investigative staff of none other than the Wall Street Journal in a story which appeared last Thursday quoting Republican sources that such a plan is afoot.

Mr. Speaker, I include for the RECORD this issue of the Wall Street Journal.

[From the Wall Street Journal, Feb. 8, 2001]

BUSH'S NEXT RECOUNT BATTLE: SHOULD CENSUS TALLIES BE ADJUSTED?

(By Jim VandeHei)

WASHINGTON.—Amid warnings of protests from minorities, President Bush must decide soon whether to use revised census data to redraw congressional boundaries and to divvy up roughly $185 billion a year in federal funds

At issue is the way the U.S. counts its people. Republicans want the person-by-person head count conducted in 2000 to stand; Democrats are demanding the use of statistical "sampling" models that they believe more accurately count hard-to-reach minority families in inner cities.

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[1] For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, *see* secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91-150).

With potentially greater representation of minorities—and, therefore, Democrats—in Congress at stake, plus billions of dollars for minority communities, New York Democratic Rep. Carolyn Maloney calls the dispute the "bloodiest political war" she has ever seen. If Democrats lose, Mr. Bush's decision "will clearly make Florida look like a case of petty theft," she says.

But Republicans on Capitol Hill insist the war is over: The White House, they say, has privately promised to block states from using sampled numbers to redraw any of the nation's 435 congressional districts. This would brighten Republicans' prospects for retaining their tenuous five-seat House majority in 2002. Missouri GOP Rep. Roy Blunt, a Bush confidant, says he does "not believe there is any reason" that the president would change his mind and permit the use of "statistical sampling" for redistricting, which the GOP argues is unconstitutional.

Mr. Bush, however, may be willing to use sampled data for the distribution of federal funds if it becomes clear that the revised figures will increase government funding for urban, minority areas. This potential "compromise," Republicans say, underscores the president's sensitivity to the racial overtones of this debate. That could hardly placate Democrats, given the enormous political stakes.

WORKING TOWARD A SOLUTION

Scott McClellan, a spokesman for President Bush, says no decisions have been made yet. But officials at the Commerce Department, which oversees the Census Bureau, are working to craft a solution. Commerce Department officials have been advised by two stauch critics of sampling: Tom Hoffeler, a redistricting guru at the Republican National Committee, and Jane Cobb, the GOP staff director on the House subcommittee that overseas the census. Commerce Secretary Donald Evans, who was Mr. Bush's campaign chairman, also will play an influential role. * * * this month. If the bureau finds that the 2000 head count was off significantly, it could release the sampled figures when it begins providing states a breakdown of the original census on March 1 for redistricting. A final decision, by law, must be made by the end of March.

Mr. Bush's father faced a similar situation 10 years ago. Finally, then-Commerce Secretary Robert Mosbacher blocked the Census Bureau from using sampled numbers. He provided the younger Bush a precedent for possible compromise by later finding that sampled data, if based on sound science, could be preferable for distributing government funds.

This time, the White House has an array of options to stop the use of sampled data for redistricting. All are loaded with political and practical consequences.

Mr. Bush could revoke a Clinton administration rule that empowers the head of the Census Bureau to make the final call on whether to use sampled data. The courts have ruled that only unadjusted data could be used to determine how many House seats each state gets, but they left open the question of whether sampling could be used to redraw districts. Mr. Bush would have to overturn the rule before the new figures are released publicly, which gives him about a month to act.

Or the president could appoint a new Census Bureau director, who would make the final call on release of sampled data and possibly provide cover to Mr. Bush. Kenneth Prewitt, the bureau's director under former President Clinton and a staunch advocate of sampling, left last month. Career civil servant William Barron, the acting director, would not hesitate to release the sampled data if it showed a noticeable difference, observers say. But it would be nearly impossible for Mr. Bush to get a new director in place in time.

There is still a slim chance that Mr. Bush won't have to make a decision at all. If the Census Bureau finds that the 2000 person-by-person head count was nearly dead-on; there would be no reason to use revised numbers. That is unlikely, but Mr. Prewitt does say the 2000 census was the most accurate count ever taken. Democrats concede that it was probably far more accurate than the 1990 count, which they say underestimated the U.S. population by a net of about four million people, mostly poor people from big cities.

GUARDING 'THEIR CIVIL RIGHTS'

But Rep. Maloney says it is likely that 2000 census, at the very least, missed huge pockets of people of inner cities that "must have their civil rights protected."

It is impossible to determine what effect the sampled data will have on the distribution of federal funds until the numbers are released. But if the 1990 census is any indication, it could boost government spending by billions of dollars over 10 years in cities such as New York and Chicago, according to various studies, because the government allocates much of its funds based on population.

Rep. Thomas Davis of Virginia, chairman of the GOP's congressional committee, accuses the Democrats of "using the funding issue to try to scare people" and mask their true intent, which is to pick up House seats. "Every seat counts," when a swing of five seats would cost the GOP control of the House, he says. Indeed, experts predict that sampling could significantly increase the number of Democratic voters in as many as 12 House districts currently held by Republicans.

Most of these seats are swing districts on the shoulders of the country's largest cities. Consider Los Angeles. Democrats control the entire redistricting process, which is done by the governor and the state Legislature. If the Census Bureau's sampling data finds that minorities inside Los Angeles were undercounted, it could correct the problem by adding thousands of residents, presumably Democrats, to its original count. When the state redraws its congressional districts, Democrats then could simply draw pockets of minority-rich neighborhoods into GOP districts in neighboring suburbs.

In California alone, Republicans worry that this could cost them at least two House seats. Sampling, says Rep. Blunt, could "change" the control of the House.

In the end, it is likely that the courts will decide this dispute. Indeed, both sides have promised to file lawsuits if they lose.

Mr. Speaker, as we all learned in high school, no single action by this government other than the census does more to reapportion political power here and in our State legislatures and local communities. No single action, other than the census, does more to fairly distribute billions in Federal, State, and local tax dollars or private investment. No single act does more to recognize who we are as individuals, or together as communities assembled into a single Nation.

The impact of each new census is far-reaching because each occurs only once every 10 years. We have just completed our 22nd decennial census. Indeed, our fighting men and women have been sent abroad to defend liberty more times than we have conducted a full count of our own people to ensure that liberty is guaranteed.

A successful effort to interfere with a modern scientific count to achieve a purely partisan advantage of one political party over the other, as the Wall Street Journal suggests is under way, denies liberty and disenfranchises the unrepresented for an entire decade. That is why many call this moment in our history the most important civil rights issue of this decade.

Mr. Speaker, I remind this House of the recent election process in Florida. Those who felt denied access to the polls or disenfranchised by having their ballots set aside, or those stripped of their right to choose their political leadership, they still have recourse. Next year they can go to the polls again in local, State, and Federal elections and make their voices heard. Believe me, the whole world will be watching.

To those left out of the census, however, those that are disenfranchised by a purely partisan intervention to ensure that they are not counted or recognized or represented, to them there is no recourse, not for 10 long years. Billions of dollars in Federal funding will be unfairly spent, private investment will be redirected to those less deserving, local planners and school boards will overlook again those uncounted, unless we do everything we can to improve the census and ensure that it is as complete and accurate as possible.

What we are likely to hear tomorrow is that the net national undercount is better than in 1990. It may be 3 million people missed instead of 4 million. In any case, we know that they are most likely, most probably, minorities and children who are undercounted, the urban and rural poor. Mostly affluent whites have been double-counted. Mr. Speaker, we cannot make up for not counting minorities by double-counting whites.

There are those in the administration rushing to prejudge the results without having all the facts. They claim this is the most accurate census in American history. We hope so, but the whole story is not known.

The key to this challenge is not just how many were missed, but who was missed? Where do they reside? Were some groups missed at higher rates than others? What if we learned that nationally a net of 3 million residents were missed, but that one million were in Florida. Would Florida not insist on an adjustment?

Equality of outcome, for all types of communities and for all population groups, is what we need to ensure the fair allocation of resources to areas most in need, as well as the obvious, equal representation for everyone in our democracy.

This is my pledge to the Members of the House and to those we represent. Through my position on the Census Subcommittee, and through whatever power I can muster, we will ultimately learn if any political influence by this administration is used to interfere with the scientific process of a complete and accurate Census. I led the fight to ensure that career professionals at the Census Bureau would make this decision when the prior Democratic administration was in power. The same process should apply to the new administration. I want to ensure the Secretary of Commerce and the President that we are watching. There can be no more unseemly act than the one suggested in these press accounts. To have the very government elected to serve the people use its power to block the exercise of every political right on the part of millions of Americans is wrong.

We are on the verge in this Nation of redrawing every political jurisdiction in every state from congressional districts to state legislatures to city councils and school boards and even local taxing districts. Only the census numbers which give us the most complete accounting of everyone residing in our country should be used for that purpose. To think that this Federal Government, the very instrument of political empowerment in the last century for people of color, women, and youth, would be turned against those same groups is unimaginable.

We shall not have ended the poll tax, given suffrage to women, lowered the voting age to 18, ensured all qualified citizens the right to vote, arrested those who intimidated voters at the polls, to just turn away now while millions are left uncounted, unrecognized and unempowered. The struggle for full voting rights cannot and must not be undone by the swipe of a political appointee's pen.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, on February 7, 2001, the Committee on Energy and Commerce, meeting in open markup session, adopted the following Rules for the 107th Congress.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE 107TH CONGRESS

Rule 1. General Provisions. (a) Rules of the Committee. The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the "Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable and privileged in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Time and Place of Meetings. (a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Vice Chairmen; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the translated of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photograph coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure. (a)(1) Hearings. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(B) Other Meetings. The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-government capacity shall include a curriculum vitae and disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c) Questioning Witnesses. The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) Explanation of Subcommittee Action. No bill, recommendation, or other matter reported by a subcommitt4ee shall be considered by the full explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening Statements. Opening statements by members at the beginning of any hearing or markup of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members.

Rule 5. Waiver of Agenda, Notice, and Layover Requirements. Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the member of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, or authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Recorded Votes. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

Rule 9. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

Rule 10. Reference of Legislation and Other Matters. All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 11. Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 12. Subcommittee Membership. (a) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittee.

(b) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 14. Committee Professional and Clerical Staff Appointments. (a) Delegation of Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 16. Committee Budget. (a) Preparation of the Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 107th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 17. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 18. Comptroller General Audits. The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

Rule 19. Subpoenas. The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is being made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

COMMENDING THE COURAGE OF STUDENTS AT WOODBURN HIGH SCHOOL AND FAMILY OF KARINA AND MARTINA GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to recognize the strength and compassion of Woodburn, a small town in my district, when they faced a tragedy.

On December 4, 2000, Karina Gonzalez, a high school student, and her mother, Martina Meza Gonzalez, were walking home after receiving an outstanding report in her parent-teacher conference. While the mother and daughter were crossing the busy Highway 214, they were hit and killed. This was a senseless tragedy that could have been avoided by a proper crosswalk and lighting of this popular crossing area.

This was not the first time that an accident such as this had happened on that same stretch of highway. In response to the accident, students conducted a survey of students who cross that busy highway in order to get to school.

□ 1900

They wrote letters to State leaders, testified before State legislative committees to encourage change. Because of the students demanding a solution, improvements have been made to the highway by creating a pedestrian island with a promise of lighting and other solutions.

The action the community took proves that when people work together, they can make positive changes.

Mr. Speaker, in light of the tragic death of two special people, the Woodburn community banded together to make their voices heard and to prevent this kind of accident in the future.

I commend the courage of the students of Woodburn High School, the Woodburn community and the family of Karina and Martina Gonzalez for their activism in face of this tragedy and their willingness to be involved in the democratic process to make positive change. My congratulations to them.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, attached is a copy of the Rules of the Committee on Transportation and Infrastructure of the U.S. House of Representatives. These Rules were adopted by the Committee on Transportation and Infrastructure by voice vote on February 7, 2001. We are submitting these Rules to the CONGRESSIONAL RECORD for publication in compliance with Rule XI, Clause 2(a)(2).

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

(Adopted February 7, 2001)

Rule I.—General Provisions

(a) *Applicability of House Rules.*—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) *Authority to Conduct Investigations.*—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) *Authority to Print.*—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

(d) *Activities Report.*—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) *Publication of Rules.*—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

Rule II.—Regular, Additional and Special Meetings

(a) *Regular Meetings.*—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) *Additional meetings.*—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) *Special Meetings.*—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) *Vice Chairman.*—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) *Prohibition on Sitting During Joint Session.*—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) *Addressing the Committee.*—(1) A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing——

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee or question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) *Meetings to Begin Promptly.*—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(h) *Access to the Dais and Lounges.*—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(i) *Use of Cellular Telephones.*—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

Rule III.—Open Meetings and Hearings; Broadcasting

(a) *Open Meetings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) *Broadcasting.*—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House.

Rule IV.—Records and Record Votes

(a) *Keeping of Records.*—The Committee shall keep a complete record of all Committee action which shall include——

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a record vote is demanded.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) *Property of the House.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) *Availability of Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Rule V.—Power To Sit and Act; Subpoena Power

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this rule)——

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the

Committee, or his or her representative, before leaving the hearing room.

Rule VI.—Quorums

(a) *Working Quorum.*—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) *Quorum for Reporting.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) *Approval of Certain Matters.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) *Quorum for Taking Testimony.*—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

Rule VII.—Hearing Procedures

(a) *Announcement.*—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(b) *Written Statement; Oral Testimony.*—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) *Minority witnesses.*—When any hearing is conducted' by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) *Questioning of Witnesses.*—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) *Investigative Hearings.*—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(g) *Participation of Members in Subcommittee meetings and hearings.*—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of the such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

Rule VIII.—Procedures For Reporting Bills and Resolutions

(a) *Filing of Reports.*—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2)The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) *Quorum; Record Votes.*—(1) No measure,matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) *Required Matters.*—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) *Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e)(1) *Approval of Committee Views.*—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with paragraph (d) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

Rule IX.—Oversight

(a) *Purpose.*—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in——

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) *Oversight Plan.*—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) *Review of Laws and Programs.*—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) *Review of Tax Policies.*—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

Rule X.—Review of Continuing Programs; Budget Act Provisions

(a) *Ensuring Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) *Review of Multi-year Appropriations.*—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Views and Estimates.*—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) *Budget Allocations.*—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) *Reconciliation.*—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

Rule XI.—Committee Budgets

(a) *Biennial Budget.*—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) *Additional Expenses.*—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) *Travel Requests.*—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) *Monthly Reports.*—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

Rule XII.—Committee Staff

(a) *Appointment by Chairman.*—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) *Appointment by Ranking Minority Member.*—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) *Intention Regarding Staff.*—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

Rule XIII.—Travel of Members and Staff

(a) *Approval.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman inwriting the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made;

(4) the names of members and staff seeking authorization.

(b) *Subcommittee Travel.*—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) *Travel Outside the United States.*—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) *Applicability of Laws, Rules, Policies.*—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

Rule XIV.—Establishment of Subcommittees; Size and Party Ratios; Conference Committees

(a) *Establishment.*—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

(1) Subcommittee on Aviation (46 Members: 25 Majority and 21 Minority)

(2) Subcommittee on Coast Guard and Maritime Transportation (11 Members: 6 Majority and 5 Minority)

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority)

(4) Subcommittee on Highways and Transit (57 Members: 31 Majority and 26 Minority)

(5) Subcommittee on Railroads (24 Members: 13 Majority and 11 Minority)

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority)

(b) *Ex Officio Members.*—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) *Ratios.*—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) *Conferees.*—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

Rule XV.—Powers and Duties of Subcommittees

(a) *Authority to Sit.*—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) *Disclaimer.*—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) *Consideration by Committee.*—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

Rule XVI.—Referral of Legislation to Subcommittees

(a) *General Requirement.*—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) *Recall from Subcommittee.*—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) *Multiple Referrals.*—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

MENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to encourage President Bush to move forward on his recent commitment to create a national mental health commission. In fact, I would recommend to the President that he move it immediately and ask the leadership of our institution to move the bill on suspension so the commission can begin its critical work.

As proposed, the commission part of a larger new freedom initiative would be charged with studying and making recommendations for mental illness treatment services and improving the coordination of Federal programs that serve individuals with mental illness.

I have long fought for the creation of such a National Commission on Mental Illness. When Russell Weston, Jr., a diagnosed paranoid schizophrenic, fatally shot two U.S. Capitol Police officers, Gibson and Chestnut, in July 1998 right outside this Chamber, a bipartisan group of Members called upon our leadership to create such a commission to investigate the serious national dimensions of mental illness, including the lack of access to proper treatment and the violence that can result. But our pleas for the establishment of an interjurisdictional mental health advisory committee fell on deaf ears.

It is tragic that despite the high number of major profile cases like Russell Weston, Jr., John Hinckley, Jr., Theodore Kazinski and, most recently, Robert Pickett, the man who fired his gun outside the White House just 2 weeks ago, that our mental health delivery system has largely been neglected.

Mr. Weston, for example, received Federal Social Security insurance benefits but was not expected to check in to assure that he was receiving his proper medication. Indeed, it is strangely disturbing that a technological society that is smart enough to land people on the moon cannot see what is staring us in the face right here on earth.

Today, the mentally ill face huge barriers to proper treatment. For many, the obstacles are simply too difficult to surmount. Many more fall victim to the gaping holes and lack of follow-up in our system. Since the deinstitutionalization of the mentally ill began decades ago, our Nation has spawned growing homelessness and neglect as well as violence. Now our local jails and Federal prisons become the primary domiciliaries for our Nation's mentally ill. It is sad. It is tragic. It is wrong.

It is now estimated that over a third of our Nation's homeless population are mentally ill, and a 1999 Department of Justice study that we commissioned here showed that even at the Federal prison level, nearly a fifth of those housed have a serious mental illness. And I know that in our local jails, it can be as high as two-thirds.

Dorothea Dix, the great social and political activist who worked on behalf of the mentally ill, precipitated major prison reform beginning in the 1840s, nearly two centuries ago, she would be horrified by our Nation's regression. It is wholly unacceptable that over 50 years later our prisons remain the primary home for our Nation's mentally ill.

The situation is urgent, and that is why I would forcefully urge our new President to act swiftly on his commitment to create this commission. He would have the support of this Member, and I know other Members in this Chamber who understand the dimensions of this problem.

The commission's establishment will be an important step toward what must be a greater role for the Federal Government in addressing this wide and growing crisis.

THANKING CONGRESS FOR HELPING THE DISTRICT OF COLUMBIA GET OUT OF THE HOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House to report periodically when significant events occur in the District of Columbia.

I know for new Members, the first impression might be well, that is not none of my business, Congresswoman. It really should not be, but it turns out to be because matters affecting the

District of Columbia which, for every other district, would not be seen on this floor do come here.

Today's Washington Times has a headline of interest to the Members of the House, Control Board Prepares to Reinstate Local Fiscal Authority. This matter is of interest to the House, because the control board was formed pursuant to a statute passed by this House when the District of Columbia encountered fiscal problems in the mid-'90s. It encountered those problems, because it is the only city in the United States that had to bear State, city and municipal functions.

I am pleased that this House offered some relief when it took over the most costly State functions, the rest of it was hard work from the District of Columbia, and, of course, the good economy.

The Times reports that on tomorrow, the control board will certify that the District has had its last of four clean audits, meaning that the control board period is over, and the control board itself will go out of existence on September the 30th. It is in a phase-out mode.

The District has had nothing short of a spectacular turnaround. It had to dig itself out of the worst kind of fiscal crisis. Any city in the United States that had to pay for State functions would have been in that kind of crisis long ago. Philadelphia had a control board. New York had a control board. Cleveland had a control board long before the District did, and they have a State to back them up.

The District is an orphan city all by itself carrying those functions with the kind of diminishing tax base that every large city in the United States has. What the control board now finds is that the District has had 4 years of balanced budget with a surplus and a large reserve, and this has occurred 2 years ahead of time. At the same time, the District is in the throes of a complete overhaul of its city government, including every form of service delivery. We have surpassed the wildest expectations of this body.

The same page of the Washington Times reports, Hill Chairman To Keep Riders Off of City Budget. This will be very good news to most Members of the House who have had to consider the D.C. appropriation year after year.

I appreciate that the gentleman from Michigan (Mr. KNOLLENBERG) does not want the smallest budget in the House to take virtually the most time. This year I had to get unanimous consent.

I really thank the gentleman from Illinois (Mr. HASTERT) who helped me get unanimous consent to get the District's budget out 6 weeks late, even after it was balanced and had a surplus, but the fact is that it caused a tremendous hardship to have our budget out 6 weeks ago ahead of time. This should not have come here in the first place. This is the District's money raised by the District's taxpayers. This is a terrible anomaly that that the budget comes here.

The hard work that both sides of the aisle put in still makes the Congress look bad because it takes so long to get the matter out. The District of Columbia has shown that it is prepared to uphold its end of the bargain with balanced budgets, with surpluses.

We recognize that the work is not done. This is a city that has had to put itself together again like Humpty Dumpty. I appreciate very much what the Mayor of this city and the revitalized city council has done to make this happen. Nevertheless, this is a city without a State.

I will have not some revenue, but bills on the floor for Members, but rather some notions that allow the District to build back its own tax base. Among the payment solutions I will put forward will be a tax credit that will allow the District to pay for the services that commuters use. Eight out of 10 cars in the District of Columbia come from Maryland and Virginia and outside the District. They tear up our roads and leave a diminished tax base to pay for them.

They call our fire. They call our police. They use our water and do not leave anything here. A tax credit based on the services commuters use which cost commuters nothing is the way to approach this. My colleagues do not want the District to go back down the drain, even given all the streamlining and hard work it has done to pull itself out simply because, unlike your cities and counties, we have no State to back us out.

We are not out of the woods yet, but we are way out of the hole. I come to the floor this evening to thank the Congress for what they have done to help the District get out of the hole. I think that the Congress would want to thank Mayor Anthony Williams and would want to thank the counsel of the District of Columbia for pulling themselves up by their own bootstraps.

COURT RULING ON CLASS ACT LAWSUIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, in a major legal development this past Thursday, a U.S. Court of Appeals ruled in favor of a lawsuit filed by the class act group of the military retirees.

In the case of Schism versus the United States, the court found that there is, in fact, a broken promise between the United States Government and thousands of military retirees and their families.

This suit was filed on behalf of military retirees who were recruited into the service with a promise that lifetime health care would be provided to them if they served a career of at least 20 years.

The class act represents retirees who entered the service prior to June 7, 1956. That was the day Congress enacted the first military retiree health care plan, which today we know it as Champus or TRICARE.

Enactment of those health care plans actually stripped away health care that had been promised to these recruits and which had been routinely delivered.

After June 7, 1956, statutes no longer obligated the government to provide health care to military retirees, but health care that is now provided at military bases on a space-available basis is out of reach for many retirees, due to base closures and downsizing, and that is assuming that space is available which is not always the case.

Here are a few choice quotes from the appeals court decision. The retirees entered active duty in the Armed Forces and completed at least 20 years of service on the good faith that the government would fulfill its promises.

The terms of the contract were set when the retirees entered the service and fulfilled their obligation. The government cannot unilaterally amend the contract terms now.

The government breached its implied-in-fact contract with the retirees when it failed to provide them with health care benefits at no cost.

Congress was without power to reduce expenditures by abrogating contractual obligations of the United States. To abrogate contracts, in the attempt to lessen government expenditure, would not be the practice of economy, but an act of repudiation.

The case has been remanded to a lower court to determine damages. Such damages could result in billions and billions of Federal dollars being awarded to millions of military retirees and their families, particularly if damages are rewarded to retirees who fall beyond the scope of the class act group.

What does this mean to us in Congress? The court decision validates what I had been saying since 1999 when I introduced the Keep Our Promise to America's Military Retirees Act.

The appeals court decision gives us the opportunity to act now and restore health equity to military retirees who now have the courts on their side, and we can do it without busting our budget.

We must pass H.R. 179, the Keep Our Promise Act.

It acknowledges the broken promise of lifetime health care by providing military retirees within the class act group with fully-paid Federal Employees Health Benefit Plan eligibility, and allows all other military retirees to participate in the FEHBP, just like any other Federal employee.

Mr. Speaker, but if they are happy with TRICARE, the military health plan, they can stay with it, Congress passed that part of the Keep Our Promise Act last year.

If we pass this bill, the U.S. government will have responded to the court, and we will have acknowledged and made good on the broken promise to our America's military retirees.

We must do the right thing and quickly enact H.R. 179 into law.

IN SUPPORT OF BIPARTISAN PATIENT PROTECTION ACT OF 2001

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today as an original cosponsor of the Bipartisan Patient Protection Act, which was introduced last week by the gentleman from Michigan (Mr. DINGELL), the gentleman from Iowa (Mr. GANSKE), Senator JOHN MCCAIN, and Senator TED KENNEDY. I am proud to be part of the bipartisan coalition that hopefully will finally enact a strong Patients' Bill of Rights.

Mr. Speaker, Americans have been clamoring for a Managed Care Reform for a number of years. They want Congress to enact legislation that puts medical decision-making back in the hands of doctors and patients. They want legislation that provides meaningful accountability. In short, they want the Dingell-Ganske Bipartisan Patient Protection Act of 2001.

This legislation provides patient protections that are very similar to those that have been the law in my home State of Texas since 1997.

A recent article in Texas in the magazine "Texas Medicine" outlines the success of the independent appeals process as part of the HMO reform. As the article references, a provision of the law has been particularly effective in providing patients with real protections.

When the Texas legislature passed Managed Care Reform in 1997, it included an external appeals provision allowing patients to appeal the decisions of their health care plans. These appeals are not brought through expensive and time-consuming legislation but through quick reviews by State-certified independent review organizations called IROs.

IROs are made up of experienced physicians who have the capability and authority to resolve disputes for cases involving medical judgment. Their decisions are binding on both the patients and the plans.

These provisions have been successful, not only because they protect patients, but also because they protect the insurers. Plans that comply with the IRO's decision cannot be held liable for punitive damages. So if a decision goes against the patient, that patient can still go to court. But we will talk about that later on the lack of litigation under the Texas laws since 1997.

This plan has worked real well. Since 1997, more than 1,000 patients and physicians have appealed the decisions of the HMOs. The independence of the process is demonstrated by the fairly even split in the decisions resulted. In 55 percent of the cases, the independent review organizations, the IRO, fully or partially reversed the decision of the HMO. So in 55 percent of the cases, they were found for the patient or the physician than the original decision.

Now, during the debate on HMO reform in Texas, there was concern that managed care reform would be very costly and would lead to a flood of unnecessary and expensive litigation. But that has not been the case in Texas. To my knowledge, less than five cases have been filed since patients' protection became law in 1997.

I believe that the external appeals process has been instrumental in the success of the Texas plan and has given patients what they really want, access to timely quality medical care while protecting insurers from costly litigation.

The process works so well that, despite the U.S. Fifth Circuit Court of Appeals ruling that the external appeals were in violation of the ERISA, Aetna and other HMOs agreed to voluntary submit disputes to the IROs for resolution.

Finally, Mr. Speaker, I would like to point out that these protections have not lead to dramatic premium increases as some of our naysayers said. In fact, in Texas, the premium increases have been consistent with, and in some cases actually lower than premium increases in other States with substantially weaker patient protections.

Mr. Speaker, it is time for Congress to enact a Bipartisan Patient Protection Act. Our President is supporting it. Hopefully we will be able in the House and the Senate to put a plan together that will give patients the protections that they need. I urge my colleagues to join me in supporting it.

Mr. Speaker, I include the article from the magazine "Texas Medicine" that I referenced earlier as follows:

[From Texas Medicine, Jan. 2001]

SECOND-GUESSING THE INSURERS

INDEPENDENT REVIEW PROCESS APPEARS TO BE WORKING

(By Walt Borges)

Since late 1997, more than 1,000 Texas patients and physicians have challenged decisions of health maintenance organizations (HMOs), insurance companies, and third-party administrators (TPAs) to deny payments for treatments that the insurers deemed medically unnecessary or inappropriate. The challenges were not brought through expensive and time-consuming litigation, but through quick reviews conducted at no cost to patients and physicians by three state-certified entities known as independent review organizations (IROs).

A Texas Medicine analysis of Texas Department of Insurance (TDI) statistics covering the first 2½ years of the IRO system's operation found that the IROs reversed insurers' decisions in whole or in part in more than 57 percent of the 1,007 cases that were reviewed.

HMOs' decisions were reversed or modified in 55 percent of the 515 reviews, while decisions by insurance companies and TPAs were overruled in 60.5 percent of 481 reviews. Eleven other reviews were for health care entities that did not have an identifiable status in the TDI databases.

Even though the TDI databases can be analyzed to show how individual insurers fared in independent review, the findings offer limited insights into the quality of care and decision-making because of large variations in the number of reviews of each health care entity. Attempts to index the reversals to claims or covered lives failed because of variations in enrollment over the three-year period and because TDI does not track the number of policyholders for health insurance companies.

"There are a huge number of patients and a huge number of claims, so reversal rates are tiny," said Paul B. Handel, MD, of Houston, chair of Texas Medical Association's Council on Socioeconomics. "But only 8 to 10 percent of the cases involve areas [of treatment] where the patients need the [extensive] technology and medication. We should be looking at how that population fares."

IROs were a key feature of a law passed by the Texas Legislature in 1997 that gave Texas health plan members the right to sue their HMOs for denying medically necessary treatments. But unlike that controversial provision, which acted as a lightning rod for insurance industry opposition and prompted lawsuits claiming it conflicted with federal law, establishment of independent reviews drew the public support of consumer advocates, insurers, and doctors alike.

In June, a three-judge panel of the U.S. 5th Circuit Court of Appeals in New Orleans upheld provisions authorizing suits against managed care organizations. However, the court ruled that independent reviews of HMO decisions violated the Employee Retirement Income Security Act (ERISA), the federal law that reserves regulation of employer-funded benefit plans to Congress.

But the appeal of the IRO process is such that Aetna, whose subsidiaries filed the suit, and other major HMOs announced after the decision that they would continue to voluntarily submit disputes to the IROs for resolution. That came well before TDI told insurers and health plans that it would consider the system intact until the completion of court rehearings and appeals.

Despite popular support for IRO process, some physicians and IRO officials think many questionable decisions have been left unchallenged because of a lack of public knowledge that the system exists.

"The sense is that doctors and patients are not really aware of the IRO process," said Dr. Handel. "This is something we've talked about at the council level."

Gilbert Prudhomme, secretary director of Independent Review Inc., one of the Texas IROs, said he was "absolutely astounded how few people know about it." Mr. Prudhomme says that as recently as last summer the insurance department at The University of Texas M.D. Anderson Cancer Center was unaware of the IRO process.

"A lot of people think ERISA preempts the system," said Mr. Prudhomme. "They tell me they didn't know if it was still valid or they thought it had stopped working. There's a cloud over it by virtue of the ERISA controversy."

IRO official Kathryn Block, administrator of Envoy Medical Systems, said, "The hospitals don't understand what we are. They seem to think we're some kind of insurance company when we ask for records."

REVERSAL RATES OF IROS

[December 1997 to August 2000]

IRO	Appeals	Upheld	Reversed	Partial	Percent reversed	Percent reversed (total and partial)
Texas Medical Foundation	652	308	301	43	46.17	52.76
Envoy Medical Systems	273	98	159	16	58.24	64.10
Independent Review Inc.	82	25	46	11	56.10	69.51
Total	1,007	431	506	70	50.25	57.20

HOW IT WORKS

Texas was the first state with external review of medical necessity decisions. Thirty-seven states now have a review process. Under Texas law, a patient may seek review by an IRO if a health insurer refuses to pay for treatment it considers to be medically unnecessary or inappropriate. Patients or their physicians also my request IRO reviews of denial of treatments that are recommended but not yet performed. Doctors cannot authorize the release of the medical records needed for the review, however. Only the patient or a guardian may sign the release form.

In most cases, the health plan's internal appeals process must be used before requesting an IRO appeal, Denial of treatment for conditions that patients or doctors believe are life-threatening may lead to a bypass of the insuer's internal appeals process.

The IRO process is not always available. A complaint to TDI and/or an internal appeal to the health plan over the denial of payment is the only challenge permitted when treatment already has been provided and the insurer determines it was not necessary or appropriate, or when payment for a service not covered by the plan is denied. IRO appeals also are not available when Medicaid, Medicare, or a Medicare HMO provides a patient's health coverage.

Insurers pay $650 for each review if the review is provided by a physician and $460 if it comes from other health care professionals, e.g., dentists, optometrists, and podiatrists. The decision of the IRO is binding on the health plan or insurer.

Under TDI rules, "the utilization review agent that forwards an independent review request to TDI pays the IRO that does the work," said TDI's Blake Brodersen, deputy commissioner for HMOs. "We believe that the utilization review agents generally pass this cost through to the health plans themselves. The IROs are certified by TDI after we're satisfied they meet all certification requirements contained in our rules. They do not, however, contract with TDI."

BUT DOES IT WORK?

There is general agreement among regulators, IRO officials, and health insurers that the system is working relatively well for those who seek reviews.

"It's working very well and as the legislature intended," said Insurance Commissioner José Monetmayor. "The legislature wanted a system of truly independent review, one in which there were no foregone conclusions to favor health plans or to favor patients. The independence of the process is demonstrated by the roughly 50–50 split between decisions upholding and decisions reversing adverse determinations by health plans."

Phil Dunne, chief executive officer for the Texas Medical Foundation (TMF), the first IRO certified by the state, said, "From TMF's perspective, the process appears to be working in accordance with the statute and regulations. The various organizations involved in appeals have been compliant and cooperative."

Mark Clanton, MD, chief medical officer of Blue Cross and Blue Shield of Texas, agrees. "The process of independent review appears to be working as intended in that it provides an independent source of review for both consumers and health plans," he said. "Other than the additional cost of paying for the appeals, the process is not burdensome; the additional review provides members with additional choice."

Mr. Brodersen said TDI has received "no complaints that the process is burdensome to doctors. We have received a few complaints from health care plans that we allow too short a time for them to get patient records to the IROs."

He says he reviews completed between Nov. 1, 1997, and Oct. 31, 2000, could not have cost the health care plans more than $718,250, "plus the cost of copying medical records. Obviously the plans incur other costs, such as those for personnel time and shipping records. But nobody has attempted to estimate these."

Lisa McGiffert of Consumers Union wonders whether patients and physicians underutilize the system. Like Dr. Handel, she is troubled by what she perceives as a lack of public knowledge. She suggests that "the state has the responsibility to get individuals to know about the process. It needs to be proactive in getting the information out."

Insurers and third-party administrators (TPAs) with the greatest number of IRO reviews

[November 1997 to August 2000]

Insurer	Other names	Type	Reviews completed	HMO decisions reversed
Employers Health Insurance		Insurer	115	73
Blue Cross Blue Shield of Texas		Insurer	94	52
American Medical Security		TPA	23	11
The Prudential Insurance Company of America		Insurer	19	6
PM Group Life Insurance Company		Insurer	18	4
Texas Health Management Services		TPA	17	9
CORPHEALTH, Inc.		TPA	16	6
Aetna U.S. Health Care	Aetna, Aetna Life Insurance Company and Affiliates	Insurer	13	4
CIGNA Behavioral Health		TPA	10	9
Subtotal			325	174
Total for 64 other insurers and TPAs			156	74
Totals			481	248

Insurers that deny payment for what they believe are unnecessary or inappropriate treatments are required by TDI to notify the patient that the IRO process exists twice in the preauthorization process. But Ms. McGiffert notes that the IRO process may appear to be just another frustrating step to many patients who already have exhausted two levels of insurers' internal appeals.

Patients can be discouraged by multiple denials, she says. "They've been denied, they've appealed, and they've been denied again. Why would they think the next one would be any different?"

MEASURING QUALITY OF CARE

The results of the independent reviews were compiled from TDI databases. More than 230 records had obvious problems: For example, HMO names were accompanied by insurance company designations. Because the underlying records of the reviews are not available to the public, TDI, at Texas Medicine's request, corrected the questionable records by looking at the records of each review.

Texas Medicine split the 1,007 IRO decisions into two groups for analysis. The first included the HMOs, while the second included insturance companies and TPAs.

Overall, denials by insurance companies and TPAs were overturned 52 percent of the time, while IROs ruled the HMOs made the wrong decision 49 percent of the time. (See accompanying tables, pages 32–35.)

However, 43 of 481 decisions involving insurers and TPAs were partially reversed and partially upheld by the IROs. Adding those figures into the mix yielded a full-and-partial reversal rate of 55 percent. Similarly, 30 of 515 of the HMO reviews resulted in full-and-partial reversals, for a mixed reversal rate of 60.5 percent.

The overall reversal rates and those listed for individual companies say little about the overall quality of medical care or of individual decisions to deny treatments, IROs and insurers agree.

"The relatively small number of external appeals, when compared with the millions of members and claims that go through the system, reaffirms that there is no large-scale problem with how plans apply their medical policy or how the internal mechanism for reviewing member appeals works," said Dr. Clanton. "The principal conclusion is that the quality of care remains very high in HMOs. Only 515 appeals were filed, compared with millions of claims that were paid according to member contracts. Further, only half of the number appealed were reversed."

The numbers "would probably not provide statistically significant conclusions," Mr. Dunne said.

"It is important to note that IRO review is not a quality-of-care review," Mr. Dunne wrote in a response to Texas Medicine's questions. "The IRO is asked to determine if the care is medically necessary, medically appropriate for the setting of care, and/or timely (e.g., determining if other, less invasive clinical interventions should be exhausted prior to implementing the treatment plan that is being appealed)."

Upheld	Split	Pending	Percent reversed	Decisions fully or partially reversed
37	5	3	63.48	67.83
34	8	1	55.32	63.83
9	3	1	47.83	60.87
11	2	0	31.58	42.11
9	5	0	22.22	50.00
6	2	0	52.94	64.71
7	3	3	37.50	56.25
6	1	1	30.77	38.46
1	0	0	90.00	90.00
120	29	9	53.54	62.46
68	14	2	47.44	56.41
188	43	11	51.56	60.50

GOOD COMPANIES AND BAD COMPANIES?

Texas Medicine's review of the IRO appeals outcomes did not analyze how each of the Texas IROs handled the reviews of individual insurers, TPAs, and HMOs. But Ms. McGiffert suggested that annual trends sometimes show wide disparities in reversals from the 50–50 rate the insurers and regulators are prone to cite.

TDI also puts some faith in the outcomes of reviews. "We monitor reversal rates along with the complaint statistics of individual companies," said Mr. Brodersen. "On occasion, a high reversal rate has been one of the factors that led us to perform quality-of-care examinations on particular companies."

But he also noted, "When you consider the huge number of medical necessity decisions that HMOs make each day, approximately 600 reversals over a three-year period suggests that, overall, the quality of care provided by HMOs is very good."

Officials with Envoy, which receives one of every three referrals from TDI, say that a short-term analysis gives a different picture than a long-term statistical analysis.

Daniel Chin, managing director of Envoy, and his administrator, Ms. Block, say they were initially asked to review large numbers of physical medicine cases during the year-plus period they have conducted reviews.

"Then all of a sudden, it was all psychological treatment cases," said Mr. Chin. "Now it seems we're getting physical medicine cases again."

IRO CONSISTENCY

One analysis conducted by Texas Medicine was of the reversal rates of the IROs. (See "Reversal Rates of IROs," page 31.) TMF had a reversal rate of 53 percent when both full and partial reversals were taken into account. Envoy reversed 64 percent of the decisions, and Independent Review Inc. reversed partially or fully 70 percent of the insurers' decisions.

Does this suggest that the IRO process is inconsistent? Not more than is expected when physicians exercise their independent judgment on clinical problems, say regulators and IRO officials.

RESULTS OF IRO REVIEWS OF HMO DECISIONS

[November 1997 to August 2000]

HMO	Other names in TDI database	Current affiliation
Magellan Behavioral Health		
Aetna U.S. Healthcare Inc	Aetna Health Plan.	
Aetna U.S. Healthcare of North Texas Inc		
Texas Gulf Coast HMO Inc	NYLCare Healthcare Plans of the Gulf Coast; NYLCare Healthcare Plans	Owned by Blue Cross and Blue Shield of Texas
Prudential Healthcare Plan Inc	Prudential Healthcare.	
United Healthcare of Texas Inc	United HealthCare; United Behavioral Health	
Humana Health Plan of Texas Inc	Humana; Humana Health Plan; Humana/PCA Health Plans of Texas; Humana Health Plans.	Humana merged with Employers Health in 1997
Harris Methodist Texas Health Plan	Harris Methodist Health Plan; Harris Health Plan; Harris Methodist Health Inc.; Harris Methodist Health.	
PacifiCare of Texas	PacifiCare	Part of PacifiCare of Texas
Southwest Texas HMO Inc	NYLCare Health Plans of the Southwest	Owned by Blue Cross and Blue Shield of Texas
Rio Grande HMO	HMO Blue-El Paso; HMO Blue-West Texas; HMO Blue-Northeast Texas; HMO Blue-Southeast Texas; HMO Blue-Southwest Texas; HMO Blue/formerly NYLCare of the Gulf Coast.	Owned by Blue Cross and Blue Shield of Texas
Scott & White Health Plan	Scott and White.	
CIGNA Healthcare of Texas Inc	CIGNA Behavioral Health; CIGNA Healthcare of Texas-North Division; CIGNA Healthcare of Texas-South Texas Division.	
Texas Health Choice LC		
Memorial Sisters of Charity HMO LLC		Now part of Humana
SHA LLC	FIRSTCARE Southwest Health Alliances.	
One Health Plan of Texas, Inc		
Methodist Care Inc		
AmeriHealth of Texas		
Community First Health Plans Inc		
Amil International (Texas) Inc		
Healthplan of Texas Inc	Heritage Health Plans	
Amcare Health Plans of Texas Inc	Foundation Health, A Texas Health Plan	
Healthfirst HMO Inc	HealthFirst HMO; Healthfirst	Merged with AmeriHealth of Texas
AmeriHealth HMO of North Texas	AmeriHealth HMO Texas; AmeriHealth HMO.	
Anthem Health Plan of Texas	Anthem Group Services Corporation	Merged with AmeriHealth of North Texas
Healthcare Partners HMO		Merged with Healthfirst HMO
Principal Health Care of Texas, Inc		Merged with United HealthCare

Current covered lives	Reviews completed	HMO decisions reversed *	Upheld	Split	Pending	Percent reversed	Percent with some reversal
625,463	3	2	0	1	1	66.67	100.00
443,381	37	17	16	4	2	45.95	56.76
415,417	18	11	6	1	0	61.11	66.67
407,328	71	30	38	3	3	42.25	46.48
344,334	72	36	35	1	3	50.00	51.39
315,417	33	20	11	2	1	60.61	66.67
240,371	93	48	43	2	0	51.61	53.76
197,058	7	5	2	0	1	71.43	71.43
186,103	45	20	22	3	0	44.44	51.11
169,438	17	6	6	5	0	35.29	64.71
148,702	4	1	2	1	0	25.00	50.00
121,275	9	6	3	0	0	66.67	66.67
114,264	4	3	0	1		75.00	100.00
104,171	2	2	0	0	0	100.00	100.00
90,984	13	8	5	0	0	61.54	61.54
49,097	4	1	3	0	0	25.00	25.00
42,785	2	1	1	0	0	50.00	50.00
40,363	40	13	24	3	0	32.50	40.00
37,743	2	0	1	1	0	0.00	50.00
10,898	1	1	0	0	0	100.00	100.00

Current covered lives	Reviews completed	HMO decisions reversed	Upheld	Split	Pending	Percent reversed	Percent with some reversal
8,108	1	0	0	1	0	0.00	100.00
7,266	11	6	4	1	0	54.55	63.64
4,931	6	4	2	0	0	66.67	66.67
0	13	8	5	0	....	61.54	61.54
0	5	3	2	0	0	60.00	60.00
0	1	1	0	0	....	100.00	100.00
0	1	1	0	0	0	100.00	100.00
4,124,897	515	254	231	30	11	49.32	55.15

"The IROs, by definition, are independent," said Mr. Bordersen. "However, each must do its review in conformity with TDI requirements. We monitor processes, not results, and at the present time we are satisfied that each IRO is doing its work in accordance with our rules."

Mr. Dunne points out that the larger number of reviews conducted by TMF could account for the discrepancy in reversal rates.

Ms. McGiffert says the discrepancy in reversal rates is not unexpected, as physicians will make judgments that differ. She says that TMF, which tends to have a more clinical approach than the other two IROs, sometimes suggests other alternatives for treating conditions that led to denied claims, which she thinks is helpful to patients. TMF officials say they may mention more conservative treatment options in the clinical rationale they provide in upholding insurer decisions, but they do not suggest treatment alternatives.

Dr. Handel say TMF's approach is appreciated. "My sense is that the patient may be benefiting from their suggestions. A purely administrative type of appeal may not benefit the patient as much."

Ms. Block noted that Envoy uses doctors who exercise clinical judgment in their reviews, but they do not propose treatment alternatives because that is not the function of the review process.

Mr. Prudhomme says physicians who conduct the reviews for Independent Review Inc. are encouraged to refrain from suggesting alternatives, unless it is obvious from the records that another course of action would benefit the patient.

CENSUS DATA MUST BE ACCURATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice my concern regarding the story, which appeared in last Thursday's Wall Street Journal titled "Bush's Next Recount Battle: Should Census Tallies Be Adjusted". The story relays President Bush's assurances to House Republicans to put the "fix on the Census" by not including sampling figures in those numbers used to redraw Congressional District lines.

This nation has already gone through one trauma related to the lack of accuracy in counts and the struggle to include every American's vote in last year's election. Now, we are faced with inaccuracy in one of the few, Constitutionally mandated, functions of Federal Government the enumeration of our nation's residents.

Unfortunately the House Republicans reported to the Wall Street Journal that this issue has been settled without any discussion with the Democratic minority. The vast majority of undercounted residents in our nation are found in densely populated urban areas or vast tracts of sparsely populated rural communities.

This issue is larger than the drawing of lines for Congressional Districts, it effects how much federal dollars will go to those communities where the undercounted can be found. We know that children in poverty are among the hardest hit by an inaccurate census. In the 1990 census at least 532,769 and as many as 2,099,620 poor children were missed. In the City of Houston, according to the Census Monitoring Board, of the 128,602 children living in poverty about 8,906 were not counted. This meant that the City of Houston was cheated out of millions in federal dollars in vital services provided to our nation's poorest children, such as Medicaid, Head Start, Foster Care, Adoption Assistance, Social Service Block Grants, and even school lunch and child care assistance depend on accurate census data. This tragedy was repeated in every community throughout the United States and today, we only hear finger pointing and hand wringing about the state of education and government services around the nation. The first step to resolving the issues facing our nation is an accurate census. This is a great nation and we can handle the truth about our population, lets not cheat our children out of a healthy future.

If the issues facing poor children in our nation are to be adequately addressed, we must be sure that the data used to determine the amount of federal resources which should be allotted to communities is accurate, which requires the use of sound statistical sampling.

For this reason, we should include sampling in the final figures for the Census because it more accurately reflects the total number of people residing in a particular area. We know from past experience, no matter how much funding is provided and how much planning is done millions of Americans will go uncounted and if left to this Administration not provided for over the next 10 years. These people or our neighbors, friends, family, and co-workers who, for what ever reason, did not provide their statistical information for the census count. For this reason, the Census Bureau established "The Accuracy and Coverage Evaluation," as a sampling method for the 2000 census. To accomplish the goal of a more accurate census, Census 2000 sent out its best enumerators to interview 314,000 households throughout the country in late summer. The results will provide the best opportunity for an accurate census. Traditionally, we know that African American, Hispanic, and Native Americans are under counted.

We cannot talk of improving education in America if we do not learn from our own lessons, the first of which if someone is not a part of the census in your community, then everyone in that community will suffer. Schools will not be overcrowded just for poor schools in a district. All schools in the district will suffer from a census undercount because the federal government will not send enough resources to make the difference for all children in that district. I know that many citizens wonder at the rising cost of local property taxes and the declining conditions of public schools, I want to make it very clear that here is where all of the problems begin and end. If we as your elected representatives refuse steal your hard earned tax dollars from the needs of your community then we can have an educational system that is the envy of the world.

I strongly support an accurate Census count of our nation's residents and I am against any effort by the Bush Administration or House Republicans to exclude scientifically valid sampling figures.

The count of our citizens does not just determine the configuration of Congressional Districts it is the determinant for the distribution of vital government resources such as education, health care, fire protection, and infrastructure.

Less fortunate residents of our nation cannot afford to not be counted. I ask that my colleagues join me in demanding that sampling be part of the final Census figures for the year 2000.

URGING THE PRESIDENT TO COUNT THE NEEDIEST CITIZENS WHO WERE UNDERCOUNTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the census figures are now out. As we feared, it looks as though the undercount is going to be 3 million or more people. That is 3 million of the most needy; 3 million who are homeless, helpless, hopeless, in many instances people who live in disadvantaged communities; people who live in rural America, in inner-city areas, in ghettos and barrios; people who need the resources of government the most; people who are sick, do not have access to health care; children who need day care; seniors who need Meals on Wheels or just a place to go, place to sit, place to be; people who need nursing homes.

The most needy people in our country, Mr. Speaker, are those who are undercounted, those who need the resources of education, of health care.

So, Mr. Speaker, I come to urge President Bush to make use of adjusted figures; that is, to use statistical sampling as the basis for the allocation of resources based upon population needs in these various communities.

Now, I can understand the Supreme Court decision that said we are not going to use sampling for apportionment. So there is nothing political about what I am asking. There is nothing political about what I am urging. I am simply urging that the most needy people in this country be counted so that they can have the availability of public resources accrued to them based upon their existence, the fact that they are, and the fact that they are needy.

I urge the President to please take into consideration these points as he makes the decision about the use of adjusted numbers.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes.

Mr. STUMP. Mr. Speaker, I am submitting the rules of the Committee on Armed Services for the 107th Congress as required by clause 2(a)(2) of rule XI.

RULES OF THE COMMITTEE ON ARMED SERVICES

107TH CONGRESS

RULES GOVERNING PROCEDURE

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives and the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereinafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meetings dates after consultation with the Chairman, the other subcommittee chairmen, and the ranking minority member of the subcommittee with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; military family housing and support; base closure and realignment; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy, compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because of disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee or subcommittee being present.

(b) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause4 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony.

The attendance of such a staff member at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public. The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) Closing committee or subcommittee meetings and hearings to the public; (3) Authorizing the issuance of subpoenas; and (4) Authorizing the use of executive session material.

(c) No measure or recommendation shall be reported to the House of representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, or panel hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at lest 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the committee in electronic form. If a prepared statement contains national security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designate by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee that are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous conseht.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives who has requested the opportunity to review such material.

RULE 22. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel designated by the Chairman shall be subject to the rules of the House of Representatives.

RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 24. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I thought I would spend a little time this evening in another nightside chat. There are three areas I would like to address my colleagues about.

First of all, we have heard a lot of news in the last couple of weeks about the pardon that former President Clinton granted to an individual named Marc Rich, and I thought tonight I would take time to clarify that with my colleagues because it appears that this pardon will go down as the most egregious, most offending pardon in the history of this country. Never in our study of American history have we seen a pardon that so flagrantly violated the principles of our Constitution and against which the citizens of this country expected a President to follow before he issued a pardon.

When I go through this, I think you will be appalled, be stunned by the amount of money that traded hands, by where that money went, for example to the Clinton library, about the coordination and the coincidence of that money going to the Clinton library and the money going to close Clinton friends, and all of a sudden what would be a usual pattern of oversight on a pardon by the Department of Justice and other agencies was avoided, and then one of the world's most sought-after fugitives all of a sudden, after bilking the American taxpayers, after trading with the enemy during a war, and then bilking the American taxpayers of hundreds of million of dollars when you consider the penalties, now can walk free on American soil. He will have more freedom as a result of this pardon from Clinton, more freedom than one of our constituents who walks into a Wal-Mart and steals a 50-cent candy bar.

As every day goes by, we find out that there is more and more underneath the surface of the Marc Rich pardon.

The second thing that I think is important to discuss this evening is the energy crisis in California. The State of California is very important to the economy of this Nation, but the State of California is going to have to stand up on its own two feet to help itself when it comes to this energy crisis. California is going to have to abandon the long-adopted concept in California "not in my backyard, let somebody else build it and let me have the benefits."

I think we will have an interesting discussion this evening about the energy crisis in the State of California.

Finally, we will take a look at the economy. I had the opportunity and the privilege today to listen to the Secretary of the Treasury. Over on the Senate side, Alan Greenspan spoke. Look, we have a lot of concerns about our economy; and every citizen in this country, every constituent of ours needs to worry about the future of this economy. A very critical part of that economy is, number one, the Federal interest rate and how the Feds deal with it; number two, how the President deals with it; and number three, how the Congress deals with it.

Alan Greenspan lowered the rate by 1 percent last month. The President has stepped forward and said here is a tax cut proposal, and this evening I want to go into some of the details about that tax cut proposal because I think that is one arm of our strategy to keep this economy from collapsing on us. It is not near collapse right now, but it is headed toward a significant slow down. We have to be able to throw some water on this small fire before it becomes a bonfire. If it is left without attention, I assure you that fire will only grow.

I think that President Bush has extended a very well-thought-out plan that will work in a very efficient manner through the tax cut, which will first of all reduce the debt that this country has incurred over years and years of some, in great part, mismanagement, as my colleagues know.

But first of all let us go to the pardon of Marc Rich. Let me quote from the "Wall Street Journal." "This story," speaking about Marc Rich, "This story will go down as an extraordinary feat in the annals of Washington lobbying, illustrating in a dramatic fashion how money begets access, access begets influence, and influence begets results."

Marc Rich and his partner, Mr. Green, were fugitives from American justice. Marc Rich was, I think, the sixth most sought-after fugitive in the world. Marc Rich bilked the American taxpayer, when you consider the penalties and interest, of hundreds of millions of dollars. It was Marc Rich when our American citizens were being held hostage in Iran, when we were trying to put a blockade around the country of Iran, when we were trying to go right to the heart of the economy of Iran to force them to release our hostages, i.e. stop the sale of oil with Iran, Marc Rich was trading with the enemy. A U.S. citizen who subsequently renounced his U.S. citizenship, Marc Rich was trading with Iran while Iran was holding American hostages; and this is the man that Clinton has given a pardon to.

We are going to track about how that occurred. I think of some merit, I would like to read an article called "The Clinton Indulgences" from today's "Washington Post," Tuesday, February 13.

"The more that is learned about some of the pardons former President Clinton granted on his final day of office, particularly the pardon of financier Marc Rich, the more it appears that they constituted a major abuse of power. We learned, for example, that the Rich pardon, if not facilitated, at least preceded by gifts of nearly a half a million dollars from Mr. Rich's former wife to the Clinton Presidential Foundation and Library Fund. Ms. Rich was also a major campaign contributor, not just to the President but to the President's wife in her Senatorial campaign.

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The Rich pardon has been thoroughly denounced by almost everyone, except of course the lawyers who were paid by Mr. Rich to lobby for it. Leaving the article for a minute, that would be Mr. Quinn. Right down here, Mr. Quinn. So let me go through this again.

The Rich pardon has been thoroughly denounced by almost everyone except the lawyers who were paid by Mr. Rich to lobby for it and various others to whose organizations Mr. Rich made contributions over the years. The denunciation has been thoroughly bipartisan. Mr. Clinton's only public response has been to say that he spent a lot of time on that case, and he thinks there are very good reasons for it. Once the facts are out, the public will understand, he said.

What are those facts, if not that money talked and that Mr. Clinton may have benefited? He would do well to find a way to say and to explain the other questionable pardons on his list. This a classic Clinton case. The facts suggest that he first abused then wrapped himself protectively in a Presidential prerogative.

The public has a legitimate interest in determining the extent of the abuse. The question is how to conduct the necessary inquiry without, at the same time, weakening the prerogative if only by undercutting the public sense of its legitimacy. Mr. Clinton could solve the problem by being forthcoming, providing an explanation of the questionable pardon and a full list of contributors to his foundation; but he will not, or so far has not.

The issue is whether the public trust was violated. Enough valid questions should have been raised about some of those pardons to warrant a full accounting. Mr. Clinton should volunteer it and not force the country to extract from him.

So I ask my colleagues to follow with me a little this evening as we go through some of these points and they can make their own decision of how legitimate this looked; about what kind of prerogative was abused in the granting of the pardon for Marc Rich. And keep in mind, as I said earlier in my comments, that Marc Rich will walk a freer man in the United States than will one of our constituents who might steal a 50 cent candy bar from Kmart or Wal-Mart.

Let us take a look at the pardon. Denise Rich. Who is Denise Rich? Denise Rich is a very, very wealthy individual in this country. She also happens to be the ex-wife of Marc Rich and, apparently, is on very, very good terms with her ex-husband. In addition, Denise Rich has refused to testify in front of a congressional committee, invoking the fifth amendment against self-incrimination.

Denise Rich has given over $1 million in donations to the Democratic National Committee. I thought she gave $190,000 to the Clintons in gifts; but every day that goes by, this figure becomes more and more inaccurate. We now know, for example, that to the Clinton library this amount of money: $450,000 was given to the Clinton library by Denise Rich. We also know that Denise Rich said other friends who were solicited say Clinton fund-raisers pressed Denise Rich for a much greater amount, as much as $25 million for the library fund.

A source familiar said that it is at this point $450,000, although a lawyer, Carol Elder Bruce, told committee staffers that Rich had contributed "enormous" amounts of money to the Arkansas foundation seeking to raise some $200 million to build the Clinton Presidential library.

In addition to that, of course, on the gift registry, before the President's wife became a Senator, there was $7,800 in furniture she bought for one of their homes, $7,000 for furniture for another home, and the public saxophone to the President.

Now, this goes back to that Wall Street statement, and let me read the Wall Street article again about this influence and money. Let me read the quote again. The story will go down as an extraordinary feat in the annals of Washington lobbying illustrating in a dramatic fashion how money begets access, access begets influence, and influence begets results. That is exactly what happens.

Do my colleagues think, as Bill Clinton now says when he made the statement, that politics did not play a part in this? Oh, yes; right. I am sure that that is a very solid statement, considering the fact that a request was made to Denise Rich to donate $25 million to the Clinton library; that in fact she gave $450,000; that in fact she wrote a personal letter to the President asking the President to pardon Mr. Rich; that in fact Mr. Rich is one of the most sought-after fugitives in the history of this country and, until recently, until he got the pardon, but prior to President Clinton's acting, he was one of the most sought-after fugitives in the world.

How interesting that this is one of those pardons, one of those suspicious pardons that goes around. Supposedly it is supposed to go to the Justice Department, to the Securities Exchange, and to the other parties involved for an assessment of whether or not that pardon should be granted. For example, Milken. Milken, by the way, refused a request to make a donation to the Clinton Presidential library; and as a result, well we do not know as a result, but he refused to do that and the consequences may have been that he did not get a pardon.

We know for some odd reason in the last few hours that this pardon for Marc Rich did not go through the customary channels; that it was handled in a highly unusual fashion. In fact, we have e-mails from one lawyer to another that says keep it secret; it would not be to our benefit to find out what we are asking from the President.

We also know that the lawyer representing Marc Rich is a close friend and confidant of then-President Clinton. We also know that the attorney received hundreds of thousands of dollars, hundreds of thousands of dollars from Marc Rich to help Marc Rich get this pardon. We also know this attorney represented the President on other matters of the President.

So let us start to put the combination together and see what we have. We have Denise Rich, who is lobbying very hard for the pardon for Marc Rich. She gives well over $1 million. We may find out more than that, much more than that, to the Democratic National Committee. She donates $450,000 that we know of so far, and we suspect there is a lot more. She was asked for $25 million. She helps furnish two Clinton homes, and she provides other gifts for the Clintons.

Then we combine that with one of the Clintons' close confidants, who previously represented Bill Clinton, who has been paid hundreds and hundreds of thousands of dollars to represent Marc Rich. On top of that, we combine some of the organizations overseas that Marc Rich contributed to, charities and so on, who then sent letters, lobbying letters, to the President to grant this pardon for this fugitive, who as I have reminded my colleagues of before and I remind them again because it really leaves a bitter taste on my tongue, traded with the enemy.

What does that all spell? Well, that all goes over to the Clintons. And look what happens. Here they go. In 65 counts they granted a pardon. Where is the fairness?

It was interesting to hear the Democrats talk about this pardon. Every Democrat in these House Chambers that I have heard speak about it, every Democrat I have heard on national talk shows speak about it deplores what has occurred here. I am not saying every Democrat does, because I have not heard from all of my Democrat colleagues; but the ones I have heard from and the talk shows I have seen, they all deplore this. There is no way that this can be justified.

What kind of message does this send out there; what kind of reputation? Why would the President do this and leave with this kind of reputation? I can tell my colleagues this, and I speak from the earnestness of my heart, the granting of this pardon, in my opinion, was a disgrace. There is no pardon like it to the best of our knowledge in the study of American history. We cannot find another pardon like this, that so clearly shows connections of money, monetary contributions being made to a Presidential library; the connections with close confidants of the President; that the pardon request bypasses the normal channels for reviews.

And by the way, some of the best testimony I have heard on this came on this case from the former prosecutors, the U.S. attorneys who spoke the other day in front of the committee. One of the prosecuting attorneys, former U.S. Attorney, stated clearly that he voted twice for Bill Clinton as President. I wish my colleagues had heard that testimony. I felt that testimony was extraordinary. It was right on point.

He broke down in significant detail, detail that is far and above any kind of explanation I could give this evening from the House floor. He broke down in significant detail and rebutted every possible point made by this attorney, Mr. Quinn, who was paid hundreds of thousands of dollars.

This thing stinks. Now, that sounds like a strong word to use on the floor of the House of Representatives, but somebody needs to stand up on this floor, as I am doing right now and many of my colleagues have done in their own followings, and talk about just how wrong that is. This pardon should not have been granted.

Let us move on to the next issue. There are two other issues I want to address this evening. One of them, of course, is the energy crisis that we have in the State of California.

Now, a lot of us would like to say, California, if anybody had it coming, you had it coming. This is a State that has not allowed a power plant to be built in its State in the last 10 years. This is a State that today has 2 percent less capacity to produce power than they did 11 years ago. In other words, in 1990 they had 2 percent more capability to produce power than they do today in 2001. They had more capability to produce power in 1990 than they did in 2001. But what happened to the demand in power during that 10-year period of time? What happened with demand? Demand went up 11 percent. So demand goes up and capability to provide it goes down.

We need to talk a little about that. Clearly, California provides to the United States about one-sixth of our economy. It is huge. I need to correct that statement. California, if it were a country, would be the sixth most powerful country in the world from an economic point of view. We cannot allow California to just go down the drain. We cannot ignore our neighbor to the west and just say that their problem ought to just be their problem and we are going to walk away from it.

Unfortunately, the political leaders of the State of California have pulled every State in the Union into this mess. Unfortunately, many of our constituents out there, whether they live in the State of Colorado, New Mexico or wherever, they are going to get pulled into this as a ratepayer. In the State of Colorado, for example, Excel Energy, what used to be our public service company, has sold energy to the State of California, some of it under what I consider an illegitimate order by the previous administration forcing it to sell power to a customer, number one, under a Wartime Powers Act, which we are not engaged in that type of threat right now; but they were concerned, so they used the excuse that it may affect the bases in California. So they ordered our utility in Colorado, for example, to sell energy to the State of California with no assurance that the State of California could pay for that.

This means that prices will go up for the ratepayers in Colorado to cover this loss to the State of California, while the ratepayers in the State of California enjoy a freeze on their rates put in by their political leaders. And that is not all. Take a look at some of the other things. The city of Denver. Now, I just have to say that part of this is gross negligence on behalf of the city of Denver. They invested $32 million, and the citizens of the city of Denver ought to be aware of this. The city management team invested $32 million after, not before, after they had received warning that these power companies in California may not be able to pay and in fact in all probability could not pay them back.

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So part of that is gross negligence on the part of the city of Denver. But this is to point out that this is not isolated to the ratepayers and the taxpayers in the State of California, this spreads across the Nation.

How do we get there? How did California get there? Well, it is Economics 101. We have in our system of economics a capitalist type of system. We have what we call the private marketplace. And it is really fairly simple. We have the private marketplace.

Now, on the private marketplace, we have a seller and a buyer. Now, I know that this sounds kind of fundamental. But as my colleagues walk through this with me, they will understand where I am going with this.

Now, the buyer over here knows exactly what they are looking for. The seller is trying to meet this demand. The seller wants to sell to the buyer at a mutually-agreed price. That price is negotiated. Every one of us goes through those transactions. We started out selling a piece of bubble gum when we were young. That is what we call a bargain, an agreement, a consent, an acceptance.

So we have got the seller and the buyer. Now, the seller tries to determine what it is he or she can provide to the buyer and at what cost. The buyer, of course, knows what they want.

Well, then we have the next transaction, which is the closure of the agreement. Let us call it consumption. On the consumption part of it, the money that comes from the consumption, the buyer gets the service of the product and the seller gets some type of compensation, generally cash.

Now, what does the seller do with the cash? This is very important. One, what the seller has to do with the cash is it has to make a profit. If the seller cannot make a profit, the seller will not be in business and the buyer will not get what they need. It is to the buyer's interest to have the seller in business as much as it is to the seller's interest to have the buyer in business or in the marketplace.

So what happens is the seller has to have a profit. Now, what happens with the profit in the system balances out. The seller has a cost to the product. So they have got the product, in this case, electricity. They have got the cost. The seller did not get the product, the electricity, free of charge. The seller had to either buy the power or generate the power. So it has a cost involved.

So, in order to pay for the power, the seller has to recover from the buyer at least that amount of money to cover cost. That is called "break even." But if the seller wants to be able to continue to sell this power in the future, especially if the buyer demands more and more from the seller, then the seller has got to reinvest in its ability to produce what the buyer desires. And that is one of the important aspects of profit.

The seller also has to have willing investors in the seller, which means that there has to be some type of enticement to bring people in the marketplace to invest in the capital structure of the seller.

Well, this all begins to work well. And, by the way, and I heard this in California, nobody deserves to make a profit on selling basic power to the American people, that there should not be a product out there where there are excess profits being made.

Well, what happens when excess profit comes into the marketplace? Do the bright political leaders have to go in and take over the marketplace? No. The marketplace self-corrects.

Let us look at an example. Let us say we have a hamburger stand in our community and that hamburger stand sells a hamburger for 50 cents and the cost of the product is 5 cents. So the hamburger stand makes 45 cents. And then pretty soon the hamburger stand finds out there are a lot more customers that want those hamburgers, so they raise the price to a dollar, then pretty soon they raise the price to $2. Then pretty soon they cannot buy a hamburger except at this place for $5 and the cost for making a hamburger, everybody knows, is five cents.

What is going to happen in the private marketplace? They are going to have competition. Somebody else is going to come in and say, wait a minute, Joe over there is selling his hamburgers for $5 apiece. He is taking advantage of the public. His profits are excessive. I can go in and sell a hamburger for $2 apiece and I still make a handsome product. I make enough money to reinvest into the capital that I have to make that hamburger, so I am going to go into competition. I am going to go into competition with Joe and I am going to force him to lower the price from $5 to $2; and if he does not, I am going to force him out of business. That is the private marketplace working. That is not what happened in California.

What has happened in California, in my opinion, is their State-elected leaders, including State legislators and including the Governor of California, do not have enough gumption to stand up to the consumers in California and say a couple of things.

Number one, look, we cannot have it both ways. We cannot say anymore "not in my backyard," but I want power to my house when I want electricity.

It was interesting, I read a Wall Street Journal article the other day that talked about Cisco Systems, Cisco Corporation. Many of my colleagues are investors or have constituents who own shares of stock and know about how Cisco did not want to power a plant. Even though they are a large consumer of power, they did not want to power a plant and they objected to a power plant being built near their facility because it partially obstructed their view of the ocean.

Do they know what? Face reality. We need power and all of us take advantage of power. Tonight, here in Washington, D.C., the outside temperature is probably in the low 40s, maybe under 40 degrees. But the temperature in these Chambers is probably 70 degrees. We have plenty of lights. We all know that. We need our power.

But the citizens of California need to understand that the other States of this Union, while we are colleagues, we are neighbors, we are fellow States, we cannot carry their weight for them. They need to agree to build some power plants out there. They need to agree to some reasonable access for grids to transfer that power from place to place.

They need to agree that, in order to build power plants, they themselves, the ratepayers out there, are going to have to invest.

Years ago somebody should have had enough guts to stand up to the political establishment in California and say to them, look, you cannot go into a so-called deregulation, in other words, enter the private marketplace, but go out to the consumer, the buyer, and go out to that buyer and say, no matter what the cost to the seller, no matter what it costs the seller, they are always going to get the same price. Here is the price cap, $55 dollars per megawatt hour.

That is exactly what happened. California several years ago decided to "deregulate" their power production. And in order to deregulate, they decided to enter into the free marketplace; and in entering the free marketplace, they only made one mistake, and that mistake was they only partially entered the free marketplace. They did not want to upset their voters in the State of California. They did not want to be frank with their constituents and say, look, we are either in or out. If they are going to get into the marketplace, they have got to be willing to pay the marketplace so that the seller can reinvest to continue to generate, in this case, electricity.

No, California did not do that. California went to the citizens of California and said, hey, we have got something that defies the private marketplace. We have got something that never in the history of capitalism, never in the history of a free economy has it worked. But we in California have figured it out. We do not have to build any more power plants in our State, or we can make it so tough or miserable on them that nobody will want to build a power plant in California. We will go ahead and let the sellers in some of these power companies in California walk away or have some time to make a profit, we will let them sell the power producers, the generation facilities to out-of-state providers, and to the buyer we are going to give the sweetest deal of all. To our consumers of electricity in California, we are going to freeze the price. In fact, not only are we going to freeze the price just as an act of goodwill, we are going to reduce the price 10 percent.

That is exactly what the elected officials in California did. We will reduce the price 10 percent, buyer; and, guess what, use all of the power you want because in the future, the price that you are going to have to pay is frozen.

Well, what happened to it? Well, it led to a shipwreck. I will tell my colleagues what happened. The seller agreed, those power companies in California agreed because they made a lot of money on this transaction. The buyer agreed because it was a sweet deal. The consumers in California were persuaded by the politicians that, in effect, at some point they were going to get something for nothing, that they could use all the power they wanted, they could waste power regardless of what they did, power would always be sold with a cap on it, they could not raise the power.

Then they made a mistake. They brought in a third party, power generation. They sold the generation facility to out-of-state producers and they expected these power generators to always come back to the State of California and say, California, because you are such a nice pal, we are going to go ahead and sell you electricity for just a little tiny bit more than what it cost us to produce it, not for what the marketplace would bring us, but for a little over what it could cost us to produce it.

Well, they did not want to play that game, these power generators. They were in the marketplace. In other words, what will the market bear? They charged what the market would bear.

California, in the meantime, goes on this binge of not allowing power plants in its State. I would love to have the opportunity to debate the Governor of the State of California. Mr. Governor, I plead upon you to stand up to the ratepayers in the State of California and say, look, we got a problem here. We have got to bring more power plants on-line. And I think, by the way, the Governor is edging that way. But more important than that, you have got to be frank with your ratepayers. You have got to be straightforward and say to them, look, if we are going to have investment, we have got to have profit.

Now, I think instead what the answer of many elected officials in the State of California is going to be, let the Government take over. Let us let the Government be the power supplier in California. Let us let the Government run this operation.

Take a look. Without exception, take a look at any point in history. What happens when we allow the Government to enter into the private marketplace and run business? Government cannot do it. Look at what we do with the Federal Government, my colleagues. Take a look at how efficiently the Social Security system is run. Take a look at how efficiently Medicare is run. I mean, we have huge inefficiencies.

Why? Why are the inefficiencies higher at the Government level than they are in the private marketplace? Because the Government does not have competition. In the private marketplace, efficiencies come as a result of the market because they have got competition.

Remember the hamburger guy I was talking about? That guy or gal decided to come in and he or she cannot sell those hamburgers for $5 for very long because they have got competition that will come in and sell it for $2.

I say to some of my colleagues from California, do not let your constituents buy off on the proposition that they are going to be able to get power at a capped price. Do not let them buy off on the proposition that they are not going to have to pay for an increase.

Let me talk about what I think is the solution for the State of California and a big part of it. Number one, in California and across this country, we have got to conserve. And conservation really is pretty easy.

My wife and I, for example, in our home in Colorado, we live high in the Rocky Mountains, in our home, except for the area that we are working in, the area we are working in we leave at 70 or 72 degrees. The rest of the house is at 55 degrees.

In California, they have got to begin to conserve. They cannot conserve when they cap the price that the user is going to pay.

Let me give my colleagues an example. Colleagues, if any one of you ever rented a place from a landlord and the landlord agreed to pay all of the utilities, and by the way, that does not happen very often except for the Government, what incentive would you have to shut off the air conditioning during the summer or reduce the heat during the winter if the landlord paid the bill regardless of the usage you had on the air-conditioning or the heat? There is no incentive to conserve.

California has got to take this price cap off.

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California has got to say to the electrical users in its own State, and I know politically it is not popular to do, but it is going to take some courage and some guts to stand up to the consumers in California. And frankly I think a lot of consumers will agree with this, Look, we have got to put a price. The more you use or if you are going to waste it, there is going to be a price to pay. We cannot cap it at $55, especially when the marketplace out there is selling it at $1,000, and that is what happened at points during this energy crisis.

So conservation is issue number one. All of us can conserve energy. I feel an obligation to conserve it in Colorado. And for gosh sakes in California you need to be led by your State political leaders to conserve.

The second thing that you have got to do in California is you have got to build production facilities. You have to provide for generation. The days of looking to your neighbors to the east and saying, well, put the power plants in Oregon or put the hydropower plants over in Arizona or let Colorado put the power generation plants in their State. We do not want power generation plants because it has an impact on the environment.

It does have an impact on the environment. You have got to balance that out. Having lights in here this evening, having 70 degrees on the House floor, it has an impact on the environment. We are using energy to provide this. But, California, you are going to have to carry a fair share of that. Or if you want to depend on out-of-State suppliers, then you are going to be subject to the price variations of the market. And if the market knows that you do not have the capability to provide your own power, the market will be very punishing to you. The market has its own checks and balances. You cannot defy through political movement the marketplace or the punishment of the marketplace for ignoring the basic concepts of supply and demand. It will not work. You have tried it and it has been a disaster.

You have hit a brick wall in California. The elected officials in California need to stand up and understand the private marketplace, stand up and conserve and take that price cap off so that you have got some kind of incentive to build generation. And for gosh sakes, I urge the electrical users in California, do not buy into this dream that the government of the State of California can run an electrical system more efficiently than the private marketplace. Oh, temporarily it will be like that 10 percent discount you got when they first deregulated. They will make it sound as sweet as roses, sugar, and honey. But down the road, you will pay the price because the government cannot operate an electrical facility with efficiency.

Let me move on very briefly about the next subject that I think is critical and we are going to hear a lot about and that is the tax plan from President Bush. I think it is very, very critical that we put in place a tax cut.

I think our first priority, colleagues, has to be to reduce the debt. So the argument here on the Bush tax cut is not about reduction of the debt. I think most of my colleagues out here agree that we need to reduce the debt. The argument is the structure of how we go about it. Now, frankly some of the people opposed to this, i.e., the left wing of the Democratic Party, the more liberal element, and I say this with due respect, the liberal philosophy appears to be, keep the money in Washington.

I will tell you any time you keep money within reach of these Chambers, it is in high danger of being spent or dedicated to a new spending program. Do not kid yourself. Money sitting in Washington, D.C. is like setting a piece of pie in front of somebody that has not eaten for a long time. It is going to get eaten up very quickly. It is going to be committed.

If you want to reduce that debt, put that money back in the pockets of the people that made it. That is exactly what President Bush is focusing on. That theory is a theory that has been proved time and time and time again. Give the money not to the government to reinvest because, remember, the government does not create capital. The government transfers capital. Those men and women out there, working away, they are the ones that create capital. All the government does is reach into their pockets and transfer their hard-earned money to Washington, D.C.

Frankly as you know as a result of this surplus, you have had a lot more money than we need transferred out of a worker's pocket to Washington, D.C. You have got a lot of people that did not have to earn that money that have great ideas on how to spend your money. They want it kept in Washington. This new program, this new program, more for this program.

President Bush has it right. We have got an economy that faces a heck of a challenge. We have got an economy that threatens millions and millions of jobs. We have got an economy that just in the last month we have seen tens and tens of thousands of people lose their jobs.

We have got to come up with a recovery plan. The recovery plan is not to keep that surplus in Washington, D.C. for more spending. That recovery plan is to get that money quickly back out to the people who earned it. Get that money back out to the people who made it. That is how you create capital. And when you create capital, you create more taxable transactions. And when you create more taxable transactions, you reduce the Federal debt.

Today in the Committee on Ways and Means, I sat and listened to the Secretary of Treasury and heard a questioner imply that a tax cut was going to add to the national debt. A tax cut if appropriately put into place will reduce the national debt. Because you are putting money out and it creates capital out there in the free marketplace.

I also heard out there today about how this is a rich man's tax cut. Let us take a look at some hard facts here very briefly. This is who pays Federal income taxes. By the way, as you can tell, this is my homemade chart, colleagues, so forgive me for it but I think you can get the basics of it.

All taxpayers, of course, pay 100 percent. All taxpayers pay 100 percent of the taxes. The top 1 percent of the taxpayers in the country pay 34 percent of the taxes. The top 5 percent pay 53 percent of taxes. The top 10 percent of taxpayers in the country pay 65 percent of the taxes. Right down here, the top 50 percent, half of the taxpayers in this country, pay 95 percent of the taxes. The bottom 50 percent pay less than 4 percent of the taxes. I will go ahead and leave this up so you can take a look at it.

The bottom half pays less than 4 percent of the taxes. So if you are going to have an impact, if you are going to put dollars back out there, number one, the principle of a tax cut should go to people who pay taxes. Bush's plan is not a welfare plan. President Bush's plan is to go to the people who pay taxes, every taxpayer out there, regardless of their wealth and reduce marginal rates, get those dollars out here where they are going to work. Get those dollars out into that community. Get it out there where it is going to be reinvested under President Bush's income tax cut.

Under President Bush's income tax cut, there are several key issues. One in five tax-paying families with children will no longer pay any income tax at all. So out of every five families out there that are paying income taxes today, out of every five, they are paying taxes today, one of them after this program will no longer have to pay those taxes. By the way, all five of them will have their taxes reduced. A family of four who make $35,000 a year will pay no Federal income taxes under this plan. So if you have got constituents out there, colleagues, who have a family of four, mom and dad, boy and girl, and they are making $35,000 a year, under President Bush's plan they will no longer pay Federal income taxes.

What do you think happens to that money, colleagues? They do not go take the money that they are no longer transferring to Washington, D.C. and bury it in the ground. They go out and use that money. They either put it into savings or they go put it as a down payment or they go buy a washer or a dryer. That money begins to circulate in the environment that creates capital, that also creates taxable transactions, that also helps reduce the Federal debt.

Let me go on. A family of four making $50,000 a year, so if you have mom and dad and boy and girl, and they are making $50,000 a year, their taxes will be reduced by 50 percent. A 50 percent tax cut. A reduction of $1,600. And a family of four who makes $75,000 a year will receive a 25 percent tax cut.

On top of that, there are some other important issues that are being reduced and addressed by President Bush's tax plan. Let me start with one that hits me right in the heart and hits a lot of American families out there. And that is the elimination of the death tax.

Death should not be a taxable event in a country like the United States of America. Our forefathers never intended for a family to be taxed because of the tragedy of a death. What happened and where that tax was created was around the early 1900s as a tool to punish the Rockefellers and the Carnegies and so on and so forth, the Morgan Stanleys, those are the people they wanted to penalize, so it was put in purely as a penalty, as a punitive measure by the government, completely contrary to the philosophy of our government, that is, those who work hard should be able to save something for future generations.

What the Bush plan does is over an 8-year period of time, it eliminates that death tax. It actually goes out and says, wait a minute, the government is going the wrong way. What President Bush says the government should be doing is encouraging family business to go from one generation to the next generation.

President Bush says we should not have a government that discourages business and family farms and family ranches from going from one generation to the next generation. This should be a government that encourages it. This should be a government that goes out there and says death is not a taxable event. President Bush does not believe that death should be a taxable event. This deserves the support of everybody in here.

Now, I hear some people say, well, all it does is support the wealthy. I am so sick of hearing that. You know something, if you go out there and you work hard and you save a few bucks, all of a sudden, some of my colleagues in here call you rich and for some reason despite the fact you worked for it, despite the fact you did something that brought that to you, you do not deserve it or somebody else who did not work quite as hard, who did not come up with a better mousetrap should have it from you. This tax plan is what we need for a recovery in our economy.

I will tell you what else President Bush does in this tax plan. And finally, finally, we have got somebody that will talk about the death tax and say death is not a taxable event. And finally we have got a President who incorporates within his tax cut plan an elimination, or a significant downsizing of the marriage penalty. Do you think that our forefathers ever imagined that this government would go to the point in time where it would tax a family for a marriage? Do you think that they thought that this government would go so far as to say, "We'll tax you when you marry, and we'll tax you when you die"? That is where the government is.

Finally, we have got a President who is standing up to this and saying, look, every taxpayer deserves a tax cut. Death is not a taxable event. Marriage is not a taxable event. We have also got a President who has proposed a tax cut that is not aimed at business. This is not aimed at big business. This is aimed at individual taxpayers, regardless, every taxpayer in America, every taxpayer in America will benefit from this tax cut because it cuts the marginal rates. President Bush in his tax cut, he does not go out and pick a special, heavily lobbied organization or group or business to get the tax cut at the expense of every other taxpayer. He does not do that. President Bush goes out there and puts together a plan that benefits every taxpayer. That is what is beautiful about this tax plan. This country needs a significant tax cut.

The danger of a tax cut is if you do not do enough, then it will not help reduce the national debt. It will not work. It will not help give a jump-start to that economy. By the way, the tax cut alone will not jump-start the economy. It takes a combination of strategies. One of the strategies is you have got to have the Fed lower the interest rate and that strategy has been put into place. And I believe that Greenspan will lower those rates again within the very near future. Strategy number one, arm number one.

Arm number two, strategy number two, put a tax cut into place that has some significance. It has got to be large enough to have some kind of impact on the economy. That is what has to happen. You put those two strategies in there and you have got one other one you have got to think about, and that is our responsibility on this House floor.

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You have got to control Federal spending. You have got to control spending. If you control spending, you reduce taxes and you lower the interest rate; that is the kind of formula that makes a very, very potent medicine to fight this slowdown that we are now facing.

So I am asking all of my colleagues, look, put partisan politics aside. Stand with the President. President Bush needs our support. President Bush has been willing to take the lead on this. We ought to stand up in unison; and we ought to help the President, because if we do not, this economy could continue to spiral in a downward fashion. We have time to save the economy, we have time to correct this downturn, but if we do not work with the kind of strategy that I think is now being deployed, one, by Greenspan, two, by the President, and, three, by us to control Federal spending, then, frankly, we are going to get what we ask for.

So, in conclusion this evening, let me recap the three topics.

Number one, the Mark Rich pardon. If you look at your history books, it will go down in history as one of the most disgraceful pardons in the history of this country, the most disgraceful pardon in the history of this country. Take a look at it. Watch it with interest.

Number two, the energy crisis in California. California, you are going to have to build generation in your own backyard. You are going to have to conserve. You are going to have to lift your price cap. And, for gosh sakes, Californians, do not let the government run your electrical distribution facility and entire electrical enterprise. It may sound sweet today; but for a short-term benefit, you will have a very, very long-term cost.

Number three, I urge my colleagues and the citizens and their constituents, urge your constituents to take a careful look at what the President has proposed. It does eliminate the death tax, it does reduce the marriage penalty, it does put tax dollars back to every taxpayer in this country, individual taxpayers in this country; and that is exactly the kind of formula we need, if we can deliver our part, and that is to control Federal spending.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I did want to indicate that I only plan to use about 20 minutes of the hour this evening, and then I would like to turn over the rest of the hour and yield to the gentlewoman, one of my colleagues from Ohio, who will be out here later, who is going to be talking, I believe, about Black History Month.

Mr. Speaker, I wanted to take to the floor, to the well, this evening, to talk about health care, and essentially to map out why I believe very strongly in this session of Congress we have an opportunity, hopefully on a bipartisan basis, to enact some health care reforms that will ensure more access to health insurance to more Americans, many of whom, about 40 million, do not have any kind of health insurance right now; and, secondly, that we enact a true HMO reform, along the lines of the Patients' Bill of Rights, a bipartisan bill that passed the House of Representatives last session, unfortunately, it did not become law, in order to reform HMOs. Third, I think that we should enact a Medicare prescription drug benefit for all Medicare beneficiaries.

I believe very strongly, Mr. Speaker, that these measures can pass in this Congress on a bipartisan basis.

I have to say I was a little concerned, I did not plan to talk about tax cuts tonight, but when I heard my colleague on the other side of the aisle who was here in the well before me, I do become concerned that if the tax cuts that are being proposed by the President become too large, so that the entire surplus, or most of the surplus that we now have, is used up, we not only face the potential of having a deficit situation again, with all the bad ramifications for its economy, but it would make it impossible for the types of things that I am talking about tonight, a Medicare prescription drug benefit, increased access to health insurance for many who do not have it, these types of things would be impossible to pass.

So I would ask my colleagues, when they look at these tax cuts, which all of us support tax cuts, and I certainly would like to see one passed, that it not be so large that it puts us back into a deficit situation or does not allow us to implement some of these needed health care reforms.

What I want to start out, if I could, Mr. Speaker, is by saying that when I talk about expanding health insurance and access to health insurance, I think you know in previous Congresses we have worked, for example, to expand health insurance for children, the so-called CHIP program, which now allows children whose parents make more than would be eligible for Medicaid, and who mostly are working, are now allowed in their individual States to enroll in a Federal program so their kids are covered by health insurance.

However, during the course of the last campaign it was quite clear that the Democrats felt very strongly and still feel strongly that the CHIP program needs to be expanded to include adults, the parents of those children who are in the CHIP program.

It was very interesting, because during his confirmation hearings the new HHS Secretary, Secretary Thompson, actually said that he would like to see parents whose children are in the CHIP program be allowed to enroll in the program as well.

I mention that because I think even though this was a Democratic idea, it is something obviously that is supported by the current Health and Human Services Secretary, who is a Republican. So, again, I hope that we see some of our Republicans coming along with this proposal.

The other thing the Democrats have been championing for some time is the idea that people between the ages of 55 and 65 who are not eligible for Medicare now be able to buy into Medicare, the so-called "near-elderly." I would venture to say, Mr. Speaker, that if you were able to enroll all the kids that are now eligible for CHIP, and then expand the CHIP program to include all the parents whose children are in CHIP, and then expand Medicare so that the near-elderly, 55 to 65, could sign up, we would go a long way towards solving the problem of those 40 million Americans who work but who have no health insurance. I would like to see that done on a bipartisan basis.

Let me also mention the Patients' Bill of Rights, the HMO reform. It is abundantly clear to me that in the last Congress, even though the Patients' Bill of Rights was a Democratic initiative, the HMO reform, we had a number of Republicans who came forward and voted for it here in the House; and we had some very prominent Republicans who took the lead on it, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who took the lead on it.

Why can we not pass that bill? We should be able to in this Congress. I know that most of the Republicans did not vote for it in the last Congress in the House, but there is no reason why we cannot do it.

President Bush comes from the State of Texas. Texas has a Patients' Bill of Rights, or an HMO reform, very similar to the Democratic Patients' Bill of Rights proposal. Let us see what we can do to get it passed on a bipartisan basis.

Finally, let me talk about the prescription drug benefit. I know when I go home and talk to my constituents, the seniors in my district, the biggest concern they have is the fact that Medicare does not cover prescription drugs, and many of them cannot sign up for Medigap programs or cannot get into an HMO where prescription drugs are covered, or may have been in such an HMO and had their coverage dropped as of January 1 of this year.

So we need to enact a prescription drug program under Medicare. Everyone in Medicare should be eligible for prescription drug coverage, regardless of income, regardless of age, regardless of disability.

I wanted to talk if I can tonight, again I said I want to limit the amount of time that I took, because I want to yield to some of my colleagues, but I just want to develop a little more what the Democrats have been saying with regard to HMO reform and the Medicare prescription drug benefit.

What the Democrats have been saying is they want a strong enforceable Patients' Bill of Rights. This strong legislation with regard to HMO reform should include protections for all Americans and in all health plans. It should assure access to all emergency room care when and where the need arises. It should guarantee access to specialists when patients need it. It should guarantee access to a fair and timely internal and independent external appeals process, so patients can address disagreements with their health plans. It should have meaningful enforcement for patients who have been harmed as a result of health plan decisions. It should assure access to clinical trials and assure patients can keep their health plans.

If I could summarize what the Democrats have been saying about HMO reform and the Patients' Bill of Rights, basically we are saying we want medical decisions no longer made by the insurance company or the actuaries, but by the patients and their physicians. We want to switch it so that now those medical decisions are made by the patients and their physicians. And we want it that if the health care plan, if the insurance company, denies you care, that you have a right, either internally or through some arbitration, to review and to appeal that decision and have it reviewed by somebody who is not part of the insurance company. Finally, that you have the right to sue if all else fails. Those are the basic tenets of what we think are important for HMO reform.

Now, I have to say I was a little disappointed, because many of us, both Democrat and Republican, both House and Senate Members, most prominently Senator MCCAIN as a Republican, Senator TED KENNEDY a Democratic, leaders on health care issues, just a week ago we had a press conference. I was there along with some House Members, the gentleman from Michigan (Mr. DINGELL), the lead sponsor among the Democrats in the House in the last session, the gentleman from Iowa (Mr. GANSKE), one of the lead sponsors on the Republican side in the House, and we put forward a new Patients' Bill of Rights that is very similar to what was on the law in Texas, is on the law now, was there when President Bush was the governor, and very similar to the Patients' Bill of Rights that passed the House last session. It actually went even a little further than some of us would have liked by limiting punitive damages that patients can recover.

That was introduced last week on a bipartisan basis; and we were hopeful that President Bush, who talked about what existed in Texas during his campaign and how good it was, would go along with it. But, unfortunately, very quickly thereafter we saw the President's spokesman saying that this new bill, very similar to Texas law, very similar to the Patients' Bill of Rights in the last Congress, was not acceptable. In fact, I had a quote here from a letter that was sent, that the President wrote in the letter to the House and Senate GOP leadership, and he said he does not believe any bill currently before the Congress meets his principles.

So, again, I do not know what kind of games the President is playing. It seems to me that he should get on board this bill, with so many Republican Senators, so many Republicans in the House, on a bipartisan basis, and support it, because we need HMO reform and we need it now.

I am going to continue to speak out every night or as often as I can here on this issue, because I think it is important and it should pass and it can pass.

Let me just talk a little bit, for about 5 minutes, about the Medicare prescription drug benefit. The Democrats have certain principles, and I am just going to go through them very quickly.

We are saying the Medicare prescription drug benefit should be accessible and voluntary for all beneficiaries. Everybody in Medicare should be eligible for it, not just low-income people, not just certain people, everyone. It should be affordable to beneficiaries, it should be competitive and have efficient administration, because we do not want any waste, and it should provide high-quality and needed medications.

Let me develop those a little more. When we talk about accessible and voluntary, we say it should be an option for all beneficiaries, not limited to low-income beneficiaries, and provide an option to those with few or no choices.

It should be also available, whether or not you are in a traditional fee-for-service Medicare or you are in an HMO managed care. It should not matter. You are still eligible for the prescription drug benefit. It should ensure adequate access to pharmacists.

Just as an idea, just to give you a little more detail about what we proposed, and we talked about it and tried to pass it in the last Congress, we are talking about $26 per month in the first year that covers 50 percent of total premium costs, no lower premiums for low-income beneficiaries. I mean, if you are below a certain income, you would not pay any premium, is what we are saying. And there would be privately negotiated discounts gained by pooling beneficiaries' purchasing power, so we can keep the cost down.

I am not going to get into all the details this evening, but I just wanted to give you an idea of what the Democrats have been proposing and why it is so different, unfortunately, from what President Bush proposed just a few weeks ago.

This disturbs me a great deal, because during the course of the campaign, President Bush said, gave the impression, I thought, that he wanted a universal Medicare prescription drug benefit that everyone would be eligible for and all Medicare beneficiaries would have access to. But he is not proposing that.

This was, I guess, on January 31, just a few weeks ago, he unveiled his prescription medicine proposal called Immediate Helping Hand. It establishes block grants for States to provide prescription coverage for some low-income seniors and some seniors with catastrophic drug costs.

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His plan limits the prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty level; in other words, $11,600 for individuals, $15,700 for couples, and seniors with out-of-pocket prescription spending of over $6,000 per year. That is the catastrophic coverage.

What does this mean? Most Medicare beneficiaries will not be able to get this prescription drug plan. It is not universal. I think that is a terrible thing, because I will be honest, if I can use my own home State as an example, in New Jersey if one is below these guidelines that the President has proposed, they automatically get what we call a PAAD program financed with casino revenue funds, so one only pays about $5 for prescription drugs. It is the people above that that are hurting, middle-income people that have no access to a prescription drug plan, in most cases.

Just to give an example about how few people the Bush plan would cover, for example, a widow with $16,000 in annual income and $5,000 in annual drug spending would be eligible for no help at all because she is below the income, but she is not getting to that $6,000 catastrophic coverage for the rest of the year.

Also, administering through the States, through block grants, it is not going to work. A lot of the States are not going to do it. The National Governors Association actually opposes it. Already some of the Senators have opposed the Bush plan. Senator GRASSLEY, the chairman of the Finance Committee, who is going to have so much input on this, he called the proposal dead before its arrival. I say, good. I think it should be dead before its arrival, because I think the bottom line is that we have to come up with a prescription drug plan into Medicare that covers all Medicare beneficiaries and is not just limited to low-income individuals, and that is not basically run by the States but run like Medicare, just like the Medicare program, throughout. That is what we need.

Again, we are going to be out here on a regular basis, the Democrats, talking about why this is necessary, not because we want to be partisan, because I do not think there is anything partisan about Medicare prescription drugs or HMO reform or coverage for more people who do not have health insurance.

The bottom line is, the Democrats believe in certain principles. We know some of the Republicans will come along with us, but we need to have more come along with us, and we need the support of President Bush if we are ever going to get anywhere with this.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. BERRY), one of the co-chairs of our Health Care Task Force, who has been outspoken on this issue and many others.

Mr. BERRY. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me, and I appreciate his leadership ever since I has been in the Congress on these issues, and everything that he has done.

As everyone knows, last year's Presidential race was the closest in history. The Senate is evenly divided, the House is very closely divided. I do not believe that the close elections give a mandate to gridlock. The American people expect us to get something done, and they should.

Health issues are certainly among the most hotly debated issues in the campaign. Both sides promised to advance a Patients' Bill of Rights and Medicare coverage for prescription drugs. I see no obstruction or barrier that is so great that Congress and the new President should not be able to work out important ideological differences that exist, and reach an agreement soon.

Last week I was happy to join with others in introducing a bipartisan Patients' Bill of Rights legislation that will ensure that every American with private health insurance has basic guaranteed protection.

While some HMOs behave responsibly, the legislation is desperately needed to protect the vulnerable from insurance bureaucrats who place profits above all else. I encourage President Bush to come to the table and work with us to ensure a meaningful legislative package is enacted this year. For the sake of thousands of patients who are inappropriately denied health care daily, time is of the essence.

I want to also speak just a minute about prescription drugs. No single issue places a greater toll on our senior citizens than the outrageously high prices that pharmaceutical companies charge for prescription medicine. It is absolutely time that we do something about it. Drug spending over recent years has been climbing steadily at 15 to 20 percent a year. According to a study released last year by Families U.S.A., from January of 1994 to January 2000, the prices of prescription drugs most frequently used by older Americans rose an average of 30.5 percent. This increase was twice the rate of inflation.

In order to meet the needs of America's seniors, Congress should take immediate action to create a Medicare drug benefit and reform the pharmaceutical marketplace to be sure that it is fair to all Americans and all people. It only makes sense that the government should use the purchasing power of 40 million Americans on Medicare to win prescription drug discounts and not break the bank in creating a prescription drug benefit under Medicare.

I am encouraged that President Bush sent a prescription drug plan to Congress last week. However, I am disappointed that after an election in which the prescription drug issue was front and center, that the White House chose to unveil it in such a low-profile manner.

I agree with the concerns raised by members of both parties that instead of putting an emphasis on block grants to States that only attempt to help low-income seniors, a much more comprehensive approach should be taken that gives all seniors the opportunity to receive a prescription drug benefit under Medicare.

I look forward to working with members of both parties and the new administration to put a serious effort into seeing that meaningful HMO reform and Medicare prescription drug benefit is enacted in time to help all Americans who desperately need that help today.

I have been in this people's House now for a little over 4 years. We had these same problems when I came here. It is very distressing to think that we yet allow this to go on when it is a very simple thing to stop it and to help our seniors, and to be sure that people do not get mistreated by insurance companies that are willing to put their health and safety second behind profits.

Mr. PALLONE. Mr. Speaker, I thank my colleague for coming down here and joining me, as he has on so many other occasions.

Quickly, the gentleman is absolutely right, we have been talking about this for 4 years. I think we were very hopeful during the campaign when we heard President Bush then talk about these issues, the HMO reform, prescription drug benefit, that we were going to see quick action on it. Even in the beginning of the Congress, at the time of his inauguration a month ago, it seemed like this was going to be a priority.

We have heard very little about it. We have heard about the tax cuts, about defense spending, we have heard about a lot of other issues. When he unveiled his prescription drug benefit, it was almost like it was not even important. I just hope that that turns around, but we are certainly going to make sure that turns around. I thank the gentleman.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES) is recognized for 40 minutes, the remainder of the time, as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey (Mr. PALLONE). He has stood up on this issue. Last year was my first term in the U.S. Congress, and there was not a greater voice on the issue of health care than that of the gentleman from New Jersey.

I appreciate the gentleman yielding the balance of this hour as we celebrate Black History Month this year, and I thank the gentleman, who should let me know when he needs a speaker and I will be there for him.

Mr. Speaker, Black History Month is an excellent time for reflection, assessment, and planning. A full understanding of our history is a necessary and crucial part of comprehending our present circumstances and crafting our futures. An understanding of our history helps illuminate and inform the present discussions concerning voter rights, particularly the travesty we recently witnessed in Florida, a social, political, and legal travesty ultimately sanctioned by the United States Supreme Court.

At this time, the subject matter of our special order is black history. We are going to be talking about voting rights, and historically, the disenfranchisement that occurred through the years.

It gives me great pleasure to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairwoman of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me. I also thank her for her leadership in leading this series of speakers tonight here on Black History Month.

Mr. Speaker, it is my honor to open the Congressional Black Caucus' annual Black History Month special order. This is the year that we will focus on a very important area for every black American; that is, voting rights and election reform.

We do this in the spirit of Sankofa. In Africa, Sankofa is more of a philosophy than a single word. It means that we learn from the past, work in the present, and prepare for the future. So in the first year of this new millenium, it is fitting that we honor African-American heroes and heroines, on whose broad shoulders we stand.

Mr. Speaker, we must mention those who paved the way to freedom in thought and deed, such as W.E.B. DuBois, Harriet Tubman, Booker T. Washington, Mary McLeod Bethune, Sojourner Truth, Malcolm X. As Members of Congress, we must also take note of those who served in the political realm, such as Dr. Martin Luther King, Junior, Ralph Bunche, Barbara Jordan, Fannie Lou Hamer, Adam Clayton Powell, Marcus Garvey, Shirley Chisholm. I could go on.

These African-Americans and countless others whom I have not mentioned by name are the reason that I am standing here today in the well of the United States House of Representatives as chairperson of the Congressional Black Caucus. They paved the way for me and for many of my colleagues in Congress.

However, when I look at the past, we cannot forget essential elements of political representation and the right to vote. African-American men were first granted the right to vote as a result of the 15th amendment to the Constitution. That post-Civil War amendment to the Constitution guaranteed that newly-freed slaves would not be denied the franchise simply because they had been held captive.

As a result of the 15th amendment and the use of Federal troops in the formerly Confederate States, black people were able to enjoy the fruits of liberty. They were able to vote, and their votes were counted.

Between 1870 and 1900, there were 22 African-Americans who served in the U.S. Congress, and countless more serving in State and local governments. However, this era of reconstruction began to fade away, and in State after State the right to vote and to participate in democracy was whittled away by oppressive means such as the poll tax, the grandfather clause, and the literacy test. The right to participate was brutally wrenched away by the intimidation of the night-riding Ku Klux Klan and the questionable imprisonment of large numbers of black men on trumped-up vagrancy and other minor charges.

We have to recall this history and be mindful, because we do not want to repeat it. But for most black Americans, the right to vote was a withdrawn promise that had been sacrificed at the altar of political expediency, the compromise of 1877 which allowed Rutherford B. Hayes to become President, who withdrew the last Federal troops from the Confederate States and ended the era of reconstruction.

By 1900, segregation was firmly established. Jim Crow was the law of the land, and terrorism and lynching ruled the South. Between 1929 and 1965, only eight black Members were elected to Congress. It would take the passage of the Federal Voting Rights Act of 1965 to begin to restore African-Americans to the right to participate in representative government that every other racial and ethnic group in this country had freely enjoyed.

This was under a Texas President. The President was Lyndon Baines Johnson. We stand here today with another Texan as President, and I know that he can do no less.

Today the Congressional Black Caucus is 37 strong, dynamic, informed, and committed leaders. But here we stand, almost 40 years after the landmark 1965 legislation, and again are confronted with the question of whether African-Americans will be allowed to vote and whether their votes will count. In the words of the great Santayana, "Those who do not remember the past are condemned to repeat it."

□ 2045

We have read the past. We remember many of the past. All of us that are here remember the march from Selma to Montgomery. And, Mr. Speaker, for all of these reasons, I believe it is imperative that the first thing we address in the 107th Congress is election reform.

As far as I am concerned, the entire integrity of our democracy is at stake for voting, and having one's vote counted is the very crux of any democracy. And our reputation and standing in the world is on the line. The world is watching to see if America, the matriarch of democracy, will right the wrongs of the election system which was so badly exposed in the last Presidential election, not just in Florida, but many other States around the country, including my home State of Texas.

Mr. Speaker, last week, at the Democratic Caucus retreat in Pennsylvania, we were visited by our President, and when I was able to ask him a question, I asked him to support comprehensive election reform for this fiscal year 2002. In his budget, he responded positively. Election reform must be a part of the national discussion now, and we must solve the inadequacy of our system in time for the 2002 election cycle. But in order to do that, we would like to pass election reform legislation, not later than the 4th of July of this year. That is the anniversary of the United States claim of independence from the British system which refused to allow American colonists representation.

We do not want any American to be refused representation. If we enact legislation by this date, State and local officials should have sufficient time to implement uniformity of our election system that it so critically needs. However, they must also be given adequate resources and incentives to ensure the blessings of liberty for all Americans.

Now, our critics may say why is the Congressional Black Caucus talking about election reform? Why are they not talking about education reform, tax policy, the budget, maintaining a strong national defense, health care reform, fighting the scourge of AIDS in the U.S., and in Africa where this dreaded disease is killing entire villages and societies, to them I say we will address these issues, and the Congressional Black Caucus plans to be at the forefront of all of these issues and many others.

But we strongly believe that our liberty and our democracy will not be free until we fix our election system such that the public and the world must have faith that in any election held in the United States, that the true winner wins, then the confidence that the world has in our great democracy will be damaged beyond repair. If we do not do it, our reputation will be damaged beyond repair.

We cannot allow this to happen. I must tell you, Mr. Speaker, the world is watching. And as I have visited outside this country since that election, the question has been posed, would not the American people go to the UN and ask for elections to be overturned if they did not feel that it was a fair election? And yet, the greatest power of the world has not raised the question about this election.

So it is over, and it has been decided by the Supreme Court, but we cannot move on. And so in this month of black history, as we reflect and as we celebrate our history and think about our African American mothers, fathers, ministers, teachers, officers, firemen, nurses, doctors, lawyers, painters, maids, maintenance people and any other community leader, we must say to them that your vote is as important as a vote of the Supreme Court, for it is us who must elect a President, and we cannot do it until we are assured that our election system is fixed.

We simply must fix this system to ensure that we have a bright future for America. Remember, the words of Santayana, remember the past or we might be condemned to repeat it.

Mrs. JONES of Ohio. Mr. Speaker, in 1901, the last black to leave Congress as a result of the Jim Crow laws was George Henry White from North Carolina, who stood up on this floor and declared, "you have excluded us. You have taken away the right to vote, and so I am the last one to leave."

This, Mr. Speaker, is perhaps the Negro's temporary farewell to the American Congress. But let me say, Phoenix-like, he will rise up some day and come again. These parting words are on behalf of an outraged heart-broken, bruised and bleeding, but God-fearing people, fateful, industrious, loyal people, rising people, full of potential force.

The Congressional Black Caucus, 37 strong, are the Phoenix that have risen up, just as George Henry White said back in 1901.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. JONES) for yielding to me.

Mr. Speaker, I want to thank my illustrious sister and colleague who has given us a chance to help America understand what Black History is all about and what it means to all of us and to my colleagues.

Mr. Speaker, I am pleased to have this opportunity to stand with my colleagues tonight to celebrate, educate and share the rich culture and accomplishments of African Americans. God has been good to us. The 37 Members of us who have been able to now reach the pinnacle of success in the United States Congress. To date, we not only celebrate African American history month, but American history as well.

The history of African Americans is intricately woven into the framework of this country. We helped to build this country. We love this country.

None of us are who we are simply by some kind of divine intervention. We are who we are because of many experiences and the many people with whom we have come in contact with, and because of those who have gone on before us. We have made a great difference in this country and a great difference in our own lives.

Many of those who have proceeded us in this life and in this body have fought hard to give us the right to vote. Some, Mr. Speaker, have even died. The right to vote is a fundamental right of all Americans, and it is not to be taken lightly. It is a part of our quest as the Congressional Black Caucus to be sure and emphasize the fundamental right of all Americans to vote.

And, I believe, it is the responsibility of government to protect this so basic and fundamental right, which has been guaranteed to all its people. It seems to me and the people that I represent that after what took place this past fall, that our government has let us down.

In my own case, my grandfather was a slave. He had no rights at all. I grew up in a southern town, Tallahassee, Florida. My father used to take me to the State Capitol. Every inauguration day, he came to see the governor take his seat; that was the only time we were welcome in our own State Capitol. It was a public building, but we were not welcome. We are welcome today.

America has changed. America will continue to change, but we must have America understand that it is still a basic human right for everyone to be treated fairly and for everyone to have the right to vote.

Within my lifetime, every conceivable effort was made to keep African Americans from voting and to keep our votes from being counted. My generation, like my parents' and grandparents' generation struggled mightily against poll taxes that we had to pay before we were allowed to vote, and literacy tests that required African Americans, and only African Americans, to recite whole sections of State constitutions or answer obscure questions to the satisfaction of examiners who could never be satisfied.

African Americans are alive today who were denied the right to vote in white-only primaries and who had to search for polling places that were moved with no notice in the black community, or moved so far that it was hard to get to them.

I remember the intimidation of being greeted at the polls by disdainful and unhelpful poll workers, or even police officers at the doors. So, please, refrain from telling us to get over it. We cannot get over the many years of hurt and shame and disdainful action on the part of some and of our country.

African Americans today remember when the district lines for cities and counties and legislative districts were gerrymandered and drawn to exclude our neighborhoods or to dilute our vote. We remember how registration records would disappear when we showed up to vote and how the law, administrative procedures and the official discretion of public officials, were used to postpone and delay our attempts to assert our rights.

The Voting Rights Act was supposed to change all of this, Mr. Speaker, and the government was supposed to be a protection and helpful and on the side of equality and inclusion. In the case of Florida, government has failed us miserably.

During the last election, voting machines and equipment and precincts where African Americans lived predominantly were of the oldest vintage and the poorest quality. Ballot procedures were unclear and overly complicated.

A disproportionately large number of votes cast in African American neighborhoods were disqualified. It is clear that the phrase "voting rights" is only a mere platitude to many of our justices and government officials. One local official was even ignorant enough to opine that it was not anyone's fault if people could not understand the directions on the ballots.

What a shame in a country that leads the entire world. It is a failure of government and our electoral system when any person who wants to vote, any person who wants to vote is denied the opportunity to do so.

It is a failure of government and our electoral system when courts, the laws and government officials do not do everything humanly possible to ensure that every vote is counted and that the final vote is correct.

Again, Mr. Speaker, it is a failure of government and our electoral system when the outcome of an election is certified without counting all the votes. Never again, the Black Caucus says in its old refrain, must we allow hard-working, tax-paying Americans to be disenfranchised.

Never again must we allow voters who did everything they were supposed to do who studied the issues, who did their civic duty and went to the polls and who voted in massive numbers to not have their votes count.

Never again must we refuse to count all the votes cast.

I encourage this Congress, and with the help of the Congressional Black Caucus, we will help America understand and we will help this Congress to make fundamental election reforms.

It is the highest priority for us and for all Americans to ensure that what happened in Florida this past election never happens again. Never again, Mr. Speaker.

To protect the integrity of our Nation's election system, we must move with all deliberate speed to make sure that what happened in this past election will never happen again.

Mrs. JONES of Ohio. Mr. Speaker, as my colleagues have already said, we cannot get over it. Every time someone raises their voice to question the results of the most recent election, we are told to get over it. Well, I am not ready to get over it, and neither are millions of Americans who watched with horror as the votes of so many people were discounted, and the Supreme Court that we had every reason to hope would protect the rights of all citizens went out of its way to trample on those rights.

Mr. Speaker, I yield to my colleague, the gentleman from the great State of New Jersey (Mr. PAYNE).

□ 2100

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from the great State of Ohio for conducting this annual black history hearing. Congressman Stokes did it so many years, and she has certainly filled in the gap.

Mr. Speaker, as we celebrate Black History Month, I rise to join my colleagues in reaffirming our strong commitment to voting rights and our determination to ensure fairness in the electoral process. Of course I was active during the civil rights struggle of the 1950s and 1960s when I marched in the South and Selma and other places and welcomed Dr. Martin Luther King to my hometown of Newark. I am keenly aware that many people gave their lives so that future generations could freely exercise their right to vote: Medger Evers, Martin Luther King, Malcom X, and others.

During the Presidential election dispute in Florida, we heard many reports of voter intimidation and irregularities in the voting process in predominantly African-American precincts. Unfortunately, this is not new and it is not confined to Florida or the South in general.

In my home State of New Jersey, during the recent Senatorial election, white voters began receiving phone calls in the middle of the night between midnight and 4 a.m. on election morning telling them that African Americans were urging them to vote and to vote Democratic. Of course the process was to anger voters, waking people up in the middle of the night, as a way of disrupting the flow.

In New Jersey, Republicans actually have to seek preclearance from the Department of Justice under a consent decree before they do anything out of the ordinary because of past widespread election abuses. Their voter intimidation tactics have included hiring off-duty police officers as so-called "ballot security" police; videotaping of voters at African-American polling places; the posting of threatening signs warning that potential voters could be arrested and sent to jail.

There was a high profile incident in New Jersey which gained national attention when a top campaign official in the gubernatorial race bragged about paying African-American ministers to keep minority voters from the polls, all lies.

As members of the Black Caucus, we are here to say that we will stand up for the right to vote guaranteed by the Constitution and reinforced by the Voting Rights Act of 1965.

At the top of our agenda for this Congress, we should be having a thorough review of voting problems and an investigation into the disenfranchisement of thousands of voters. Combating voting abuses and ensuring fairer elections in the future is the best way for us to honor the memory of those heroes that I mentioned before.

It is ironic. In 1981, we had an election for governor that was only a few thousand votes out of the 3 or 4 million votes cast in New Jersey decided the outcome. At that time, it was this ballot security group that came out and intimidated voters and so forth.

In Florida, we heard the Supreme Court decide the future of this country by stopping the vote and giving the election to the now-President George Bush. The Supreme Court used the 14th Amendment involving the equal protection under the law, an amendment stating that you cannot have different standards in different counties for looking at votes. But it is very ironic that the 14th Amendment came about after the Dred Scott case where Judge Taney said that Dred Scott, who was a slave and was taken from his slave State to a free State, that the owner could not continue to have him as a slave, but Judge Taney said, yes, blacks have no rights that white men have to observe.

The 14th Amendment was passed in the middle 1860s to say that there is equal protection under the law and therefore the Dred Scott decision was overturned by the 14th Amendment. It is ironic in Florida the 14th Amendment, which was used to free Dred Scott, was used to deprive African Americans of their right to vote.

As I conclude, I once again thank our chairperson of this night for her leadership.

Mrs. JONES of Ohio. Mr. Speaker, "get over it; get over it." That is what those in power often say to people whose rights have been violated yet still have the audacity to raise their voice in protest. Get over it. We have heard that whenever our objections make it inconvenient for those in power to peacefully relish the fruits of their wrongdoing.

But it is important that this Nation understand why so many people cannot get over this one. The inability to get over it is not based upon stubbornness or misdirected anger or a victim mentality or an eagerness to play the race card. It is the logical and understandable by-product of years, decades, and even centuries of concerted efforts to disenfranchise minority voters in this country. We must not look at this as an isolated incident, a fluke, or an aberration because it is not. Instead, we must view it in its proper historical context.

When we do this, we see why the debacle in Florida is the latest, but certainly not the only example of why the long struggle to win the franchise is not over.

Attempts by blacks to gain the right to vote go back even back before the Civil War.

We have already heard some of the testimony and statements given my colleagues, and I note that I have been joined by another one of my colleagues, who I would like to give an opportunity to be heard.

Mr. Speaker, I yield time to my colleague, the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, today is one of those days that we set aside to pay tribute to our forefathers, their history, and what they have done for America.

When you consider all of the groups that have come to America and when you consider all of the contributions that have been made, there is no question that the contributions of African Americans to this country is so immense and so extraordinary it cannot be recorded in its entirety anywhere in the pages of American history. It is just that vast. But when we think of the manner in which African Americans were brought to this country, we think of slaves. We think of someone who had no freedom. We think of someone who was physically restrained and in many cases physically incarcerated.

But the loss of freedom is not just being physically restrained or physically incarcerated.

When a person mentally sets up a defense because of rejection or because he is treated differently, that also is a form of slavery.

When a person is denied the right to vote, when a person's vote is not counted, that also is a loss of freedom. It is a shame and an unpardonable sin that in the year 2001 African Americans still do not have rights and freedoms that all other Americans enjoy because of the views of this country and its majority.

In the past election, African Americans were encouraged to vote. Every manner and every medium of communication were used to get them to vote, to get them to the polls. And all the while we were making those plans, there were those who were making plans to minimize that effort. We were talking of ways of getting people to the polls, ways of encouraging them to vote, and there were those who were thinking of ways to intimidate them, ways to keep them from voting, methods of not counting their votes.

That, Mr. Speaker, was a destruction of freedoms. That set up a form of slavery. We must eradicate all vestiges of slavery. The only way that can be done is to ensure that every American, every American, has the right to vote and has his vote counted, has his vote counted in every way and every town. That is the way of freedom.

So when we look at all of the great things that African Americans have done for this country, all of the great things that have been done to build this country to where it is now, we must recognize that in that greatness is the right of freedom, the right of freedom, and the right of citizenship. So as we celebrate black history of African Americans this month, we must remember that America is not free until every citizen is afforded all of the freedoms that every other American enjoys.

Mrs. JONES of Ohio. Mr. Speaker, as we continue this special order, many want to know why we have chosen to focus in on the electoral forum and to replay what happened in Florida. It is history. It is history that many of us lived through. It is a history that we do not want our young people in this country to forget. It is a history where we want to encourage those who are out listening to us to remember how precious the vote is, to not be discouraged and not feel that we cannot talk about this, to not think that their vote does not count.

We should be more encouraged that now more than ever we must bring all of our people to the polls. We must turn out as many as we can. We must educate our people on the issues that are coming to the ballot. There is not a Presidential election again for 4 years, but there will be elections in every city and State over the next 4 years and we must have our voice heard.

Attempts by blacks to gain the right to vote go back before the Civil War. In the 40 years prior to the Civil War, none of the new States that joined the Union recognized black voting rights. By 1869, 4 years after the Civil War had ended, only 6 northern States had extended the franchise and no State with a large black population had accepted the notion of black suffrage. Obviously prior to the Civil War, none of the slave States granted the vote to blacks.

Following the Civil War, the Federal Government made numerous efforts to expand suffrage rights to blacks. Southern States intimidated and blocked newly freed slaves from voting by using literacy tests, the grandfather clause, poll taxes, "white primaries," and other schemes. Southern States did all in their power to continue to subjugate their former slaves. Only when the Federal Government stepped in and sent Federal troops into the South were blacks able to vote.

Nevertheless white Southerners continued their efforts to recapture political control of State governments. Recognizing the vote as the great equalizer, they immediately set about undermining the 15th Amendment. In "From Freedom to Slavery," noted historian John Hope Franklin cataloged a number of tactics used during that period that are disturbingly similar to some of the things that we saw in Florida: "Elaborate and confusing election schemes, complicated balloting processes, and highly centralized election codes were all statutory techniques by which blacks were disenfranchised," he wrote.

Sounds familiar, does it not. The Hayes-Tilden deal of 1876 sold out blacks and signaled that the Federal rights to protect the former slaves would yield to States rights, which would put blacks at the mercy of hostile State governments. That deal nullified the 15th Amendment and restored exclusive political controls to whites.

The ingenuity of opponents of the franchise for black Americans is what prompted the United States Supreme

Court, in a series of voting rights cases, to remind the Nation that "The 15th Amendment nullified sophisticated as well as simple-minded modes of discrimination." Nonetheless, efforts at disenfranchisement continued throughout the first half of the century necessitating Congress to enact the 1957 Voting Rights Act and the 1965 Voting Rights Act. Those laws aimed at protecting the voting rights of African Americans were passed after a long and shameful orgy of lynchings, capped by the assassinations of Harry T. Moore in Florida, Medger Evers, Michael Schwerner, James E. Chaney, Andrew Goodman and Viola Liuzzo in Mississippi.

□ 2115

There is one major difference, however, between past disenfranchisements and what we saw in Florida. Traditionally, we could generally count on the Federal Government, particularly the Supreme Court, to step in and stop the rampant violations of minority voting rights in this country. Sadly, that is no longer the case.

In our last election, our U.S. Supreme Court not only failed and refused to protect voting rights, it used a ludicrous constitutional argument to actively thwart voting rights, and in so doing validated the obnoxious tactics we watched with such horror. Knowing this, why are people so surprised that so many of us look at the Florida situation not as a fluke but as a continuation of a pattern of disenfranchisement? Anyone looking at this in the context of the history of voting rights in this country would understand why we will not just get over it. We will not just get over it. We will not just get over it.

I thank my colleagues for listening and participating in this Special Order on black history and voter reform and the history of voting in our country.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, what is facing the United States Congress right now is a decision of where do we go to help make sure that the economy keeps growing. What do we do in terms of President Bush's suggestion on tax cuts? How far should we go on those tax reductions to achieve tax fairness? How do we make sure that what we do is going to help make the economy stronger in the long run?

I would like to start with a chart that represents how the Federal Government spends money. This chart represents the spending of the Federal Government. And as we see from this pie, the largest expenditure is Social Security. So Social Security takes 20 percent of what the Federal Government spends. The next largest, of course, is the domestic discretionary budget. That is what this Congress, this body, the House and the Senate, with the White House, debate and argue on every year in 13 appropriation bills is the discretionary spending, in addition to defense. Defense spending is 17 percent; interest is 13 percent. That is why paying down the debt and continuing to do that is very important.

Today, this House made a decision that we were not going to spend any of the surplus coming in from Social Security taxes or Medicare taxes. I think that is a good start. Our goal has got to be to try to reduce the increase in spending of the Federal Government because the question that everybody in this Chamber needs to ask, the question that America needs to ask is how high should taxes be. Is there a point where taxes are so high that it discourages some people from going out and working, starting a new business and hiring more people? Is it possible that taxes become so high that people do not go get that second job to try to do well for their family because government takes most of the money?

Mr. Speaker, I ask everybody that might be listening to make an estimate of how many cents out of every dollar the average American taxpayer earns goes to pay for government. The answer is a little over 41 percent. Forty one cents out of every dollar that an individual earns goes for local, State, and Federal Government. And it would be my suggestion that we lower that. So I support President Bush's suggestion that we have greater tax fairness; that we leave a little more money in the pockets of those individuals that earn it.

One of the challenges, probably two of the biggest challenges that face this Congress, that face this country in terms of government programs, is Social Security and Medicare. When Social Security started, Franklin Roosevelt said, coming out of the Depression, that we need some alternatives except going over the hill to the poor house. So we started a Social Security system.

Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings accounts and pension plans. One-third. Today, a lot of people depend, over 90 percent, on just their Social Security check. So it is understandable during this last Presidential election that some seniors became concerned when Vice President Gore suggested that they might be losing benefits if we hired this other Governor Bush to be our next President.

I think the challenge much greater than that is not doing anything on Social Security. So I would encourage this administration to move ahead as aggressively as possible to try to make sure that we do not just talk about putting Social Security first but we move ahead to make the kind of changes that are not going to leave a huge debt for our kids and our grandkids and will make sure that Social Security is solvent, and to do that without cutting benefits and without increasing taxes on American workers.

The Social Security system right now is stretched to its limit. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues starting around 2015, maybe a little sooner. And Social Security trust funds go broke in 2037, although the crisis arrives much sooner than technically when the trust fund goes broke.

Let me try to give my impression of what the Social Security trust fund is. Starting in 1983, when we had the Greenspan commission to change Social Security to make sure it kept solvent for the next 75 years, we passed into law a bill that the experts said would keep Social Security solvent. And the action that was taken at that time was to dramatically increase the taxes that American workers paid and to reduce benefits. And that has happened several times throughout history. So I suggest that it is very important that we not delay or neglect making the changes in Social Security now so that it will keep solvent without lowering benefits or increasing taxes.

Insolvency is certain, and that is because we know how many people there are and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out, and payroll taxes will not cover benefits starting in 2015, and the shortfall will add up to $120 trillion between 2015 and 2075. The shortfall. In other words, there will be $120 trillion less coming in from the Social Security taxes than is needed to pay the benefits that are now promised.

Right now Social Security gives a wage earner, on average, a 1.7 percent return on the money they and their employer put in. So in 10 years we are looking at a situation where retirees will be receiving someplace maybe even closer to a 1 percent return because of Social Security taxes continually increasing, and the suggestion of expanding benefits is ever on the minds of this body. So the challenge before us certainly is how are we going to keep Social Security solvent. What are the changes that can be made? How do we get better than a 1.1 percent return on that particular money?

And of course we know that a CD at the local bank will do much better than that. The question before the United States, before the American people, is should some of this money go into the stock market. Should some of the money be put into bonds? And how risky is it if some of this money went into equities? And I think that is what I sort of want to discuss, what the history of equities is.

First, let me say, to make it absolutely clear, that Social Security is not solvent. We can say it is going bankrupt or broke, but the fact is that there is going to be less money coming in than we need. So then we look at the Social Security trust fund and we say to the House and the Senate and the President, look, we borrowed this money for other spending for the last 40 years, now it is time to pay it back.

So what does Congress do to pay back the money that it has borrowed? What does Congress do to pay back the funds in the so-called Social Security trust fund? Probably one of three things: they either say, look, so that we do not have to pay back so much, we are going to again lower benefits; or we reduce spending on other programs to come up with the money for Social Security; or we increase taxes. Those are the three options.

If there was no such thing as a trust fund, but we have a law that says these are benefits, what would government do to come up with the money to keep its promise to pay those benefits? Same three things: we either reduce other spending, or we reduce the benefits going out to retirees, or we increase taxes on current American workers. So in reality we should not look to the trust fund as the savior of Social Security.

What is happening is on two fronts with Social Security. It is a pay-as-you-go program. Since 1934, when we started Social Security, it was current workers paying in their taxes that went immediately out to current retirees. So a pay-as-you-go program, but what is happening is fewer and fewer workers in relation to the number of retirees. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

In 1940, there were 17 workers for every one retiree. By 2000, there were only 3 workers. Today, there are only three workers paying in their tax that immediately goes out to pay a retiree's benefits. And the estimate is that by 2025 there will be two workers paying in their Social Security tax. So a tremendous extra burden on those two workers, and the threat of increasing the tax on those two workers is even greater if we do not step up to the plate and make some changes now.

So now is the time. We have surpluses coming in. We have a surplus this year of $236 billion. We have a total surplus in next year, the budget that we are now working on, of $281 billion. The following year the surplus is $303 billion, and we have heard $5.6 trillion surplus over the next 10 years. So I suggest, Mr. Speaker, I suggest that we take some of that surplus now and we fix Social Security and we fix it in such a way that it can stay solvent, that our kids are not burdened with the threat and the probability of those higher taxes.

This chart represents the short-term good times over on the top left in blue, and then when we hit 2012, with less money coming in than is needed to pay benefits. We have a huge challenge of future deficits. And, like I mentioned, in today's dollars it is an unfunded liability of $9 trillion. If we take it in tomorrow's dollars, as we need the extra money over the years, in those future years up till 2075, it is going to take $120 trillion. But if we can fix the problem today with a couple trillion dollars of that surplus and start getting a better return on the money that is invested, then we can keep Social Security solvent.

□ 2130

A lot of people I talk to around the country on Social Security have the feeling that somehow there is a Social Security account with their name on it. I quote from the Office of Management and Budget. "These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense." They are claims on the Treasury that when redeemed will have to be financed, like I said, either raising taxes, borrowing from the public, or reducing benefits or reducing some other expenditures.

It is interesting to note that the Supreme Court, now on two decisions, has said there is no entitlement to Social Security, that simply because you paid in taxes all of your working life and your employer paid in those taxes, there is no entitlement to Social Security, it is simply another tax that Government has imposed on workers of America, and the benefits are simply additional legislation that can benefit retirees. So no promise that you are going to get any benefits.

So I think there is some good justification for putting some of that money in accounts of individuals, to put it into the safe kind of investments where we can guarantee that it will earn more than what Social Security will pay under the current program, where we can guarantee, if you will, that individuals that decide that they want to stay with the old system will have that option, or they can have the option to have the kind of, what in Federal Government we call a thrift savings account where there are limited, if you will, safe investments that everybody that works for the Federal Government can choose the different investments that they think will give them the maximum return on their investment.

Now is a difficult time to maybe convince some people that they should have part of that investment in equities, in the stock market. Yet, if we just look at last month, last month there was almost a 3½ percent increase in the money invested in the stock market.

Since the 1890s, there has never been a 12-year period where there has been a loss of money invested in equities in the stock market.

I want to make mention of the public debt versus Social Security shortfall. Right now we are talking about paying down the debt held by the public. We have a debt in this country of $5.7 trillion. Of that 5.7 trillion, about 3.4 trillion is what I call the Wall Street debt, or the debt that is lent out by the Treasury in Treasury paper, Treasury bills, U.S. Government bonds.

That totals 3.4 trillion. But over the next 75 years, we are looking at a Social Security shortfall in today's dollars, not in tomorrow's dollars, of $46 trillion. So it is just in that time period we are looking at $46 trillion needed up until 2057.

Economic growth will not fix Social Security. Some people have suggested, well, if we can make the economy strong enough, if we can keep growing like we have been, that will help Social Security. Not so, because of the fact that Social Security benefits are indexed to wage growth, in other words, they are indexed to how strong the economy is. So the stronger the economy is, the higher the wages. The higher the wages, the more benefits that are paid out. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

So, in the short-term, a strong economy helps out the problem because individual workers are paying more money in, but when they retire, because there is a direct relationship between what the benefits they are going to get and the money that they paid in in taxes, in the long-run, it is not going to solve the problem.

Growth makes the numbers look better now but leaves a larger hole to fill later. I think the past administration did a lot for us when President Clinton said, we have got to put Social Security first. At least it brought it to the consciousness of the American people that it was important.

I am disappointed that we have not done anything on Social Security for the 8 years that I have been in Congress. I urge this administration to move ahead with the Social Security proposal that will keep Social Security solvent, because the biggest risk is doing nothing at all.

Social Security has a total unfunded liability of $9 trillion. The Social Security trust fund contains nothing but IOU's. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one, Mr. Speaker, is acceptable to the American people.

So again, it is important we move ahead with solving Social Security.

This chart that I made represents the diminishing return of your Social Security investment. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent return in the marketplace for any period over a 15-year period.

Social Security's real rate of return, this is Black History Month, minorities, because a young black worker dies at an earlier age, receives a negative return on the money that they pay into Social Security.

We need changes there. If they are average, then they get about a 1.7 percent return. But that is going down to just a little over one percent within the next 15 years. And the market is showing a return of 7 percent. So are there some safe investments?

Insurance companies testified before the Social Security Task Force that I chaired for the last couple years and said we can guarantee a return because we are selling it to the public now. We can guarantee you a return of 4.8 percent, or different companies have different percentages.

So it seems reasonable that if we are comparing a system that has a return of around 1 percent to something that we could invest the money in CDs or Government bonds or many other investments that would have a guaranteed return much greater than that, then at least part of the option that American people would choose would say, well, what is going to make me better off when I retire? And, obviously, as we are going to show in a minute, it is going to be some of those private investments.

And the private investments are not only a greater return, but it is the security of knowing it is your money, not having politicians in the future reach into that pot and say, well, times are tough in America. We are going to have to reduce benefits or we are going to have to increase taxes on American workers.

This is a chart I made up on the years that it is going to take to get back your Social Security tax. If you happen to retire in 1940, then it took 2 months to get back everything that you and your employer paid into Social Security. By 1980, it took 4 years to get it back.

Look what it takes to get it back today. Today you have got to live 23 years after you retire to break even to get back the money you and your employer paid into Social Security.

I have been trying to preach that increasing payroll taxes again is not the answer. And everybody in this Chamber agrees. They said, right, we cannot increase taxes on those American workers. Too many American workers already pay more in the Social Security tax, the FICA tax, the payroll deduction than they do in the income tax.

However, that is not the history in this country. Even though past Congresses have said the same kind of promises, what we have done over the years is continue to increase the tax on Social Security.

In 1940, the tax was one percent on the employee, one percent on the employer for the first $3,000. That made a maximum tax every year of $60 per worker. By 1960, it got up to a 6 percent rate, and the base went up also to $4,800 for a total annual tax maximum of $288.

By 1980, the tax got up to 10.16 percent and the base was increased also to $25,900. That made an annual tax a maximum of $2,631. Today we have increased the tax to 12.4 percent. We did that in the 1984 legislation. And we increased the base and indexed it to inflation.

So this year it is approximately $80,000 that you pay the 12.4 percent on, or approximately this year $10,000 for those workers that make that $79,000 a year.

So, again, I suggest that it is not out of reach, that if push comes to shove, if we keep putting off the solution to this problem, we are going to end up with some people saying, well, there is no other way, we need more revenues, let us increase taxes on our kids and grandkids and great-grandkids so that we have enough money to pay benefits.

What is interesting is that we think the senior population is strong politically today. When the baby boomers start retiring in 2008, we are going to have such a huge retirement population and they are living longer and the political power of that retired population is apt to demand that their benefits be increased, not reduced; and so, the only alternative, if we do not fix it today, is the threat of tremendously increasing taxes on our kids.

In an earlier chart, I showed that taxes would have to increase up to 50 percent, an increase in taxes of 50 percent, if we are going to continue to pay those benefits if we do not do anything to try to fix Social Security.

Seventy-eight percent of families now pay more in the payroll tax than they do in the income tax.

The six principles of saving Social Security. One, protect current and future beneficiaries. Two, allow freedom of choice. So you can either stay in the current system or you can have flexibility if you are sure you can get more than that 1.1 percent return on the money that is going in. Should part of that, at least part of that, be allowed for you as individual workers to have it in your own name, in your own account, and preserve the safety net.

Look, this is a country where we are not going to allow anybody to go hungry or to go without clothing or without lodging. So we do have a safety net to make sure in essentially every proposal that has been introduced in Congress on fixing Social Security, and most of those have some private investment aspect, in every case, there is a safety net. We make Americans better off, not worse off. We create a fully-funded system and no tax increases.

Personal retirement accounts. They do not come out of Social Security. They become part of your Social Security retirement benefits. I suggest that, if it is necessary to reach into the surplus over and beyond the surplus that is coming in from Social Security, to make sure that we save Social Security, now is the time to do that, that we use some of these surpluses to make sure that we keep the program solvent and we do that by getting a better return on the investment than the 1.1 to 1.7 percent the average retiree is going to make.

A worker will own his or her own retirement account, and it is going to be limited to safe investments that will earn more than this says, 1.9 percent paid by Social Security. 1.9 percent is the high rate of return that you can make on your Social Security investment. And as we saw by that other chart, a lot of individuals have a negative return from what they put into Social Security.

□ 2145

Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments in Social Security of $1,280. If it is in a PRA, a personal retirement account, the way they have performed for the last 50 years, then it would be $6,514.

Choosing personal accounts. When we passed the Social Security law, we left the discretion that State and county government employees could have an option of being in Social Security or in a retirement pension plan of their own with their own investments. Galveston County, Texas chose that option, to not pay into Social Security but to pay, in the same percentage, into their own pension retirement plan. Employees of Galveston County, Texas, are now making $75,000 in death benefits compared to Social Security's $253 in death benefits. The retirees from the Galveston plan have disability benefits of $2,749. Social Security would pay $1,280. The retirement benefits, Galveston County plan, $4,790 per month, compared to Social Security's $1,280 a month.

I am showing these because some parts of the country have opted to go into some kind of private investment plans. Many of the State governments have private investment plans. Half of the people in the United States now have some investments in equities, in 401(k)s or other retirement efforts. San Diego enjoys PRAs as well. A 30-year-old employee who earns a salary of

$30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 a month in retirement. Under the current system, he or she would contribute twice as much but receive only $1,077 from Social Security.

I thought this was interesting: even those who oppose PRAs agree that they offer more retirement security. This is a quote from a letter that Senators BARBARA BOXER and DIANNE FEINSTEIN and TED KENNEDY sent to President Clinton. They said, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security." That is the truth.

The U.S. trails other countries in saving its retirement system. In the 18 years since Chile offered PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain and Switzerland offer workers PRAs. Many of the industrial countries of the world and many of the developing countries are now ahead of the United States in allowing individuals to have their own passbook that increases every year to give greater assurance in their retirement.

British workers choose PRAs. Ten percent returns on British workers. Two out of three British workers are enrolled in the second-tier Social Security system and now are getting a 10 percent return. The pool of PRAs in Britain exceeds nearly $1.4 trillion, larger than their entire economy.

This is the real rate of return in stocks from 1901 to 1999. So you see the ups and downs. But the fact is if you keep it longer term, if you keep it in for over 12 years, then there is not a loss. The average gain has been 6.7 percent. Again I compare that to the current 1.7 percent in Social Security, soon to be 1.1 percent return, with some parts of our population actually getting shortchanged and getting a negative return. This is the rate of return for the last 100 years, 6.7 percent.

Based on a family income of $58,475, the return on a PRA of course is better. I separated this to putting in 2 percent of your salary or 6 percent of your salary or 10 percent of your salary. Of course Social Security is 12.4 percent of your salary. If it was just for 20 years and you put it in at the 6 percent level, it would equal $165,000 at the end of 20 years. At the end of 30 years, at 10 percent it would be over $800,000. In 40 years, and I guess that is how long most of us are probably planning to work, that is 25 to 65, if you were investing this money over 40 years, even at the low 2 percent rate, it would still equal over a quarter of a million, almost a million if you put in 6 percent of your salary; and if you were tithing and putting in 10 percent of your salary into an average indexed investment, it would be worth almost $1.4 million at the end of that time period, $1,389,000.

I have introduced a Social Security bill since I first got here. When I was in the Michigan legislature, I was chairman of the Senate tax committee, and I was concerned to see that our productivity in comparison to other countries was going down. But what concerned me even more is our rate of savings compared to other countries was embarrassing. The United States that used to save 12 to 15 percent of every dollar they made back in the 1940s and 1950s now end up with an average savings rate in this country of about 4 percent.

That compares to countries like Japan where they are saving about 19 percent and Korea where they are saving about 35 percent of every dollar they make. And because saving and investment is so important to the economic strength of our country, because that is where companies get money to do the research, to buy the tools and machines that are going to increase productivity, increase efficiency and therefore increase wages, it is important that somehow we encourage increased savings. We have done this over the last several years, because what we have done in the United States Congress is we have said, look, we are going to have an IRA that encourages through our tax system more savings. If President Bush has his way, we are going to increase the allowable amount that individuals can save and still have a tax break. We developed the Roth IRA that says if you save the money now, when you take it out in 20, 30, 40 years, whatever that increased value is, you do not have to pay tax on it. So increasing savings is key.

One way to increase savings, of course, in this country is to encourage people to invest in their own personal retirement savings account. My proposal does not increase taxes. It repeals the Social Security earnings limit. It gives workers the choice to retire as early as 59½ years old and as late as 70. In my proposal if you delayed retirement between 65 and 70, you could receive an additional 8 percent increase in your retirement benefits for every year that you delayed retirement. What is interesting is that it is actuarially sound. It does not cost any money to do that, so we should be encouraging people to put off that retirement if they know that they can have that much extra return on their retirement benefits.

It gives each spouse equal shares of PRSAs and increases widow and widower benefits to 110 percent. Right now if one spouse works and makes good income and the other does not, there are provisions where the lower-income spouse if there is not enough to equal at least 50 percent of the higher-income spouse's Social Security benefits, that 50 percent will be promised as a minimum benefit for that second spouse.

What this does, in terms of the personal retirement savings account, if just one spouse is working, let us say it is the husband and the wife is staying home for the time being with the kids, everything that spouse makes will be divided in half, half going into the name of the stay-at-home mom and half going into the man's name or if the man stays home, just vice versa. It passes the Social Security Administration's 75-year solvency test and protects the trust fund with special lockbox provisions. That is what we did in this Chamber today. The lockbox simply says that we are not going to do what has been done for almost the last 42 years and, that is, when you have a surplus from Social Security, use that money for other government spending. So it is a good start.

What we also did in that legislation today is we said, we are not going to spend any of the Medicare trust fund. Social Security and Medicare are the two big trust funds. There are approximately 116 trust funds of the Federal Government. What we have been doing is we have been, if you will, overcharging those particular people that are paying into those trust funds so that there is a surplus into the trust fund. So when we say in the past year, for example, that there was a surplus, there was no surplus except for the surplus coming into the trust fund.

This next year, in 2002, we will have a surplus over and above the trust funds. And so it seems to me that another, almost a synonym, another definition for surplus is overtaxation, is we are overtaxing somebody, and that is why there is more coming in than we know what to do with. The danger, of course, is that this body finds it to their political advantage, most Members find it to their political advantage to come up with new programs, to take home pork-barrel projects where they get their picture cutting a ribbon on the new library or the new jogging trail or whatever. So the tendency has been over the years to increase spending. That is the challenge: How do we discipline ourselves to hold the line on increased spending?

I am encouraged by what I have seen this new President do in terms of his aggressive enthusiasm to search out and find out where the weaknesses are in Federal spending, to find out where the abuse is, where the fraud is, where the inefficiencies are. It is extremely important we do that. We have got a very inefficient Federal Government. If we divide $1.9 trillion out by every Member of this Congress, it still is such a huge amount of dollars that it is difficult to keep track of.

The Social Security Solvency Act for 2000 takes a portion of the on-budget surpluses over the next 10 years; it uses capital market investments to increase the Social Security rate of return above the 1.8 percent workers are now receiving and over time PRSAs grow and the Social Security fixed benefit is reduced. It indexes future benefit increases to the cost-of-living increases instead of wage growth.

There are only two ways to fix Social Security, either bring in more revenues or you reduce the amount going out. What we are suggesting is one way to bring in more revenues is real investments. It could be a CD at your local bank, or it could be a United States savings bond. Or it could be the kind of investments that are indexed to maximize safety over the long run in those investments. Everybody should start thinking, is there a way that I could invest money better than what the government is doing in terms of what they give me back in Social Security? Can I get a better rate of return on some of that money that would exceed the 1.1 percent return that we are expecting in the future on Social Security benefits? I think the answer is yes.

Mr. Speaker, I am encouraged and excited about a President that is suggesting that we hold the line on spending, a President that is suggesting that we pay down the debt, a President that is suggesting giving back some of this surplus and letting it stay in the pockets of the people that earned it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today and February 14 on account of medical reasons.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of travel problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE of Texas) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, February 14.

Mrs. BIGGERT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Member (at the request of Mr. MCINNIS) to revise and extend his remarks and include extraneous material:)

Mr. STUMP, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 235. An act to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 14, 2001, at 10 a.m.

OFFICE OF COMPLIANCE REPORT

As required by the Congressional Accountability Act of 1995, the following report is submitted:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, January 24, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) mandates a review and report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations.

Pursuant to section 102(b)(2) of the CAA, which provides that the presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction, the Board of Directors of the Office of Compliance is pleased to transmit the enclosed report.

Sincerely yours,
SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

Enclosures.

OFFICE OF COMPLIANCE

Section 102(b) Report: Review and Report on the Applicability to the Legislative Branch of Federal Laws Relating to Terms and Conditions of Employment and Access to Public Services and Public Accommodations. Prepared by the Board of Directors of the Office of Compliance pursuant to section 102(b) of the Congressional Accountability Act of 1995, 2 U.S.C. §1302(b), December 31, 2000.

SECTION 102(B) REPORT

Section 102(a) of the Congressional Accountability Act (CAA) lists the eleven laws that, "shall apply, as prescribed by this Act, to the legislative branch of the Federal Government."[1] Section 102(b) directs the Board of Directors (Board) of the Office of Compliance (Office) to: "review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations."

And, on the basis of this review, "[b]eginning on December 31, 1996, and every 2 years thereafter, the board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch."

1. Background

In December of 1996, the Board completed its first biennial report mandated under section 102(b) of the CAA (1996 Section 102(b) Report or 1996 Report).[2] In that Report the Board reviewed and analyzed the universe of federal law relating to labor, employment and public access, made initial recommendations, and set priorities for future reports. To conduct its analysis, the Board organized the provisions of federal law according to the kinds of entities to which they applied, and systematically analyzed whether and to what extent they were already applied to the legislative branch or whether the legislative branch was already covered by other comparable legislation. This analysis generated four comprehensive tables of laws which were categorized as: (1) provisions of law generally applicable in the private sector and/or in state and local government that also are already applicable to entities in the legislative branch, a category which included nine of the laws made applicable by the CAA; (2) provisions of law that apply only in the federal sector, a category which included the two exclusively federal-sector laws applied to the legislative branch by the CAA; (3) private-sector and/or state- and local-government provisions of law that do not apply in the legislative branch, but govern areas in which Congress has already applied to itself other, comparable provisions of law and; (4) private-sector laws which do not apply or have only very limited application in the legislative branch.

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[1] The nine private-sector laws made applicable by the CAA are: the Fair Labor Standards Act of 1938 (29 U.S.C. §201 et seq.) (FLSA), Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.) (Title VII), the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) (ADA), the Age Discrimination in Employment Act of 1967 (29 U.S.C. §621 et seq.) (ADEA), the Family and Medical Leave Act of 1993 (29 U.S.C. §2611 et seq.) (FMLA), the Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.) (OSHAct), the Employee Polygraph Protection Act of 1988 (29 U.S.C. §2001 et seq.) (EPPA), the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) (WARN Act), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The two federal-sector laws made applicable by the CAA are: Chapter 71 of title 5, United States Code (relating to federal service labor-management relations) (Chapter 71), and the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.). This report uses the term "CAA laws" to refer to these eleven laws.

[2] Section 102(b) Report: Review and Report of the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations (Dec. 31, 1996).

The Board then turned to its task of recommending which statutes should be applied to the legislative branch. In light of the large body of statutes that the Board had identified and reviewed, the Board determined that it could not make recommendations concerning every possible change in legislative-branch coverage. In setting its priorities for making recommendations from among the categories of statutes that the Board had identified for analysis and review, the Board sought to mirror the priorities of the CAA. Because legislative history suggested that the highest priority of the CAA was the application of private-sector protections to congressional employees where those employees had little or no protection, the Board focused its recommendations in its first report on applying the private-sector laws not currently applicable to the legislative branch.

The Board also determined in its 1996 Section 102(b) Report that, because of the CAA's focus on coverage of the Congress under private-sector laws, the Board's next priority should be to review the inapplicable provisions of the nine private-sector laws generally made applicable by the CAA. In December 1998 the Board set forth the results of that review in its second biennial report under Section 102(b) of the CAA (1998 Section 102(b) Report or 1998 Report).[3]

The 1998 Section 102(b) Report was divided into three parts. In Part I the Board reviewed laws enacted after the 1996 Section 102(b) Report, resubmitted the recommendations made in its 1996 Report, and made additional recommendations as to laws which should be made applicable to the legislative branch. In Part II the Board analyzed which provisions of the private-sector CAA laws do not apply to the legislative branch and recommended which should be made applicable. In Part III of the 1998 Report, although not required by section 102(b) of the CAA, the Board reviewed coverage of the General Accounting Office (GAO), the Government Printing Office (GPO) and the Library of Congress (the Library) under the laws made applicable by the CAA and made recommendations to Congress with respect to changing that coverage. The Board noted that the study mandated by Section 230 of the CAA which was submitted to Congress in 1996[4] did not include recommendations to Congress with respect to coverage of these three instrumentalities.[5] The Board concluded that the 1998 Section 102(b) Report, which focused on omissions in coverage of the legislative branch under the laws generally made applicable by the CAA, provided the opportunity for the Board to make recommendations to Congress regarding coverage of GAO, GPO and the Library under those laws.[6] As discussed in Section IV.C below, the Board Members identified three principal options for Congress to consider but were divided in their recommendation as to which option was preferable.

In the preparation of this 2000 Section 102(b) Report, the third biennial report issued under section 102(b) of the CAA, the Board has reviewed new statutes or statutory amendments enacted after the Board's 1998 Section 102(b) Report was prepared. The Board has also reviewed the Section 102(b) reports issued in 1996 and 1998 and the analysis and recommendations contained therein.

II. Review of laws enacted after the 1998 section 102(b) report

After reviewing all federal laws and amendments relating to terms and conditions of employment or access to public accommodations and services passed since October 1998, the Board concludes that there are no new provisions of law which should be made applicable to the legislative branch. As in the two previous Section 102(b) reports, the Board excluded from consideration those laws that, although employment-related, (1) are specific to narrow or specialized industries or types of employment not found in the legislative branch (e.g., employment in fire protection activities, or the armed forces); (2) established government programs of research, data collection, advocacy, or training, but do not establish correlative rights and responsibilities for employees and employers (e.g., statutes authorizing health care research); (3) authorize, but do not require, that employers provide benefits to employees, (e.g., so-called "cafeteria plans"); or (4) are not applicable to public sector employment (e.g., an amendment clarifying the treatment of stock options under the FLSA).

III. 1996 Section 102(b) report

In preparation for the first Section 102(b) Report, as noted earlier, the Board reviewed the entire United States Code to identify laws and associated regulations of general application that relate to terms and conditions of employment or access to public services and accommodations. Noting the underlying priorities of the Act itself, the Board chose to focus its 1996 Report on the identified provisions of law generally applicable in the private sector for which there was no similar coverage in the legislative branch. The Board has reviewed the 1996 Section 102(b) Report and the recommendations contained therein, as well as the additional discussion of those recommendations found in the 1998 Section 102(b) Report.

The Board of Directors again submits the following recommendations which were made in the 1996 Section 102(b) Report and resubmitted in the 1998 Section 102 (b) Report:

"(A) Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. §525). Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under the bankruptcy statutes. The provision currently does not apply to the legislative branch. For the reasons set forth in the 1996 Section 102(b) Report, the board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(B) Prohibition against discharge from employment by reason of garnishment (15 U.S.C. §1674(a)). Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(C) Prohibition against discrimination on the basis of jury duty (28 U.S.C. §1875). Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative-branch employment. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(D) Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§2000a to 2000a-6, 2000b to 2000b-3). These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to such services and accommodations. For the reasons set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to the legislative branch."

IV. 1998 Section 102(b) report

A. Part I of the 1998 report (new laws enacted and certain other inapplicable laws)

In the first part of the 1998 Section 102(b) Report, the Board noted the enactment of two new employment laws and concluded that no further action was needed because substantial provisions of each had been made applicable to the legislative branch. Next, as noted above, the Board discussed and resubmitted the recommendations made in the 1996 Section 102(b) Report. In addition, the Board made three new recommendations, one based upon further review and analysis of statutes discussed in the 1996 Section 102(b) Report and two others based upon experience gained by the Board in the administration and enforcement of the CAA.

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[3] Section 102(b) Report: Review and Report on the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations (Dec. 31, 1998).

[4] Section 230 of the CAA mandated a study of the status of the application of the eleven CAA laws to GAO, GPO and the Library to "evaluate whether the rights, protections and procedures, including administrative and judicial relief, applicable to [these instrumentalities] . . . are comprehensive and effective . . . includ[ing] recommendations for any improvements in regulations or legislation." Originally, the Administrative Conference of the United States was charged with carrying out the study and making recommendations, but when the Conference lost its funding, the responsibility for the study was transferred to the Board.

[5] Section 230 Study: Study of Laws, Regulations, and Procedures at The General Accounting Office, The Government Printing Office and The Library of Congress (December 1996) (Section 230 Study).

[6] The Board also found that resolution of existing uncertainty as to whether GAO, GPO and Library employees alleging violations of sections 204-207 of the CAA may use CAA procedures was an additional reason to include recommendations about coverage.

The Board of Directors resubmits the three new recommendations made in Part I of the 1998 Section 102(b) Report:

"(1) Employee protection provisions of environmental protection statutes (15 U.S.C. §2622; 33 U.S.C. §1367; 42 U.S.C. §§300J-9(i), 5851, 6971, 7622, 9610). These provisions generally protect an employee from discrimination in employment because the employee commences proceedings under applicable statutes, testifies in any such proceeding, or assists or participates in any way in such a proceeding or in any other action to carry out the purposes of the statutes. For the reasons stated in the 1998 Section 102(b) Report, the Board believes that these provisions are applicable to the legislative branch. However, because it is possible to construe certain of these provisions as inapplicable, the Board has concluded that legislation should be adopted clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the legislative branch.

"(2) Employee "whistleblower" protection. Civil service law[7] provides broad protection to "whistleblowers" in the executive branch and at GAO and GPO, but these provisions do not apply otherwise in the legislative branch. Employees subject to these provisions are generally protected against retaliation for having disclosed any information the employee reasonably believes evidences a violation of law or regulation, gross mismanagement or abuse of authority, or substantial danger to public health or safety. The Office has continued to receive a number of inquiries from legislative branch employees concerned about protection against possible retaliation by an employing office for the disclosure of what the employee perceives to be such information. For the reasons set forth in the 1998 Section 102(b) Report, the Board has determined that whistleblower protection comparable to that provided to executive branch employees under 5 U.S.C. §2302(b)(8) should be provided to legislative branch employees.

"(3) Coverage of special-purpose study commissions. Certain special-purpose study commissions that include members appointed by Congress or by officers of Congressional instrumentalities are not expressly listed in section 101(9) of the CAA in the definition of "employing offices" covered under the CAA. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that Congress specifically state whether the CAA applies to special-purpose study commissions, both when it creates such commissions and for those already in existence."

B. Part II of the 1998 report (inapplicable private-sector provisions of CAA laws)

In the second part of the 1998 Section 102(b) Report, the Board considered the specific exceptions created by Congress from the nine private-sector laws made applicable by the CAA[8] and made a number of recommendations respecting the application of currently inapplicable provisions, "focusing on enforcement, the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws".[9] The Board noted that it intended that those recommendations "should further a central goal of the CAA to create parity with the private sector so that employers and employees in the legislative branch would experience the benefits and burdens as the rest of the nation's citizens".[10]

The Board of Directors has reviewed the 1998 Report and resubmits each of the following recommendations made in Part III of the 1998 Section 102(b) Report:

"(1) Authority to investigate and prosecute violations of §207 of the Act, which prohibits intimidation and reprisal. Enforcement authority with respect to intimidation or reprisal is provided to the agencies that administer and enforce the CAA laws[11] in the private sector. For the reasons set forth in the 1998 Report, the Board has concluded that the Congress should grant the Office the same authority to investigate and prosecute allegations of intimidation or reprisal as each implementing Executive Branch agency has in the private sector.

"(2) Authority to seek a restraining order in district court in case of imminent danger to health or safety. Section 215(b) of the CAA provides the remedy for a violation of the substantive provisions of the OSHAct made applicable by the CAA. Among other things, the OSHAct authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. The General Counsel of the Office, who enforces the OSHAct provisions as made applicable by the CAA, has concluded that Section 215(b) of the CAA gives him the same standing to petition the district court for a temporary restraining order. However, it has been suggested that the language of section 215(b) does not clearly provide that authority. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in federal district court and that the court has jurisdiction to issue the order.

"(3) Record-keeping and notice-posting requirements. For the reasons set forth in the 1998 Section 102(b) Report, the Board has concluded that the Office should be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

"(4) Other enforcement authorities. For the reasons set forth in the 1998 Section 102(b) Report, the Board generally recommends that Congress grant the Office the remaining enforcement authorities that executive-branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector."

C. Part III of the 1998 report (options for coverage of the three instrumentalities)

In the third part of the 1998 Report, the Board, building upon its extensive Section 230 Study, exhaustively re-examined the current coverage of GAO, GPO and the Library under the CAA laws, and identified and discussed three principal options for coverage of these instrumentalities:

"(A) CAA Option—Coverage under the CAA, including the authority of the Office of Compliance as it administers and enforces the CAA. (The Board here took as its model the CAA as it would be modified by enactment of the recommendations made in Part II of its 1998 Report.)

"(B) Federal-Sector Option—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

"(C) Private-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector."

The Board noted that other hybrid models could be developed or, it could "be possible to leave the 'patchwork' of coverages and exemptions currently in place at the three instrumentalities and fill serious gaps in coverage on a piecemeal basis."[12]

The Board compared the three options against the current regimes at GAO, GPO and the Library, as well as against each other, and identified the significant effects of applying each option. The Board unanimously concluded that coverage under the private sector model was not the best of the options. However, the Board was divided as to which of the remaining options should be adopted. Two Board Members recommended that the three instrumentalities be covered under the CAA, with certain modifications, and two other Board Members recommended that the three instrumentalities be made fully subject to the laws and regulations generally applicable in the executive branch of the federal sector.[13]

A review of the analysis, discussion and recommendations contained in the Section 230 Study and Part III of the 1998 Section 102(b) Report demonstrates the complexity of the issues relating to coverage of GAO, GPO and the Library under the CAA laws. The current regime is an exceedingly complicated one, with differences evident both between and among instrumentalities and between and among the eleven CAA laws. Any proposals for changes in existing coverage must not only take into account the existing statutory regime, but also the practical effects of any recommended changes, as well as the mandates of the CAA, including Section 230. Indeed, the degree of the difficulties and challenges encountered in determining how the coverage of the instrumentalities might be modified is evidenced by the fact that after three years of study and experience, the Members of the Board in 1998 were unable to arrive at a consensus on the manner in which the CAA laws should be applied and enforced at GAO, GPO and the Library.

While the current Board Members are mindful of the institutional benefits of providing Congress with a clear recommendation as to coverage of the instrumentalities, the Board is of the view that further study and consideration of the questions presented is warranted in light of the complexity of the issues and the substantial impact that a modification would have on the instrumentalities and their employees.

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[7] See, e.g., 5 U.S.C. §2302(b)(8).

[8] The private-sector laws made applicable by the CAA are listed in note 1, at page 1, above.

[9] 1998 Section 102(b) Report at 16.

[10] Id. At 17.

[11] The only exception is the WARN Act which has no such authorities.

[12] 1998 Section 102(b) Report at 27.

[13] In December 1998, at the time the 1998 Section 102(b) Report issued, there were four Board members; the fifth Board member's term had expired and a new appointee had not yet been named. Since the issuance of the 1998 Report the terms of the four Board members who participated in that Report have expired. At present, the five-Member Board of Directors is again at its full complement; three Members were appointed in October 1999 and two Members were appointed in May 2000.

The Board believes that Congress, and the instrumentalities and their employees, would derive greater benefit from a recommendation based upon further study, consideration and experience on the part of Board Members. Therefore, the Board has determined not to make any recommendations with respect to coverage of GAO, GPO and the Library under the CAA laws at this time.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

812. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethylpolysiloxane; Tolerance Exemption [OPP–301096; FRL–6762–1] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

813. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness (RIN: 3064–AC39) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

814. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances; Delay of Effective Date [OPPTS–50638A; FRL–6769–7] (RIN: 2070–AB27) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

815. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

816. A letter from the Attorney-Advisor, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510–AA81) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

817. A letter from the Federal Register Liaison, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury (RINs: 1550–AB43, 3209–AA15) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

818. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Repayment of Student Loans: Delay of Effective Date (RIN: 3206–AJ12) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

819. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 991008273–0070–02; I.D. 011801B] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

820. A letter from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Zone Management Act Federal Consistency Regulations [Docket No. 990723202–0338–02] (RIN: 0648–AM88) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

821. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Correction [FRL–6941–1] (RIN: 2040–AC44) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting A Report Required By The Congressional Accountability Act Of 1995; jointly to the Committees on Education and the Workforce and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 36. Resolution providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents (Rept. 107–1). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN:

H.R. 559. A bill to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROSS (for himself, Mr. MOORE, Mr. STENHOLM, Mr. SHOWS, Mr. HILL, Mr. CLAY, Mr. SCHIFF, Mr. BISHOP, Mr. CARSON of Oklahoma, Mr. HOLT, Mr. POMEROY, Ms. BERKLEY, Mrs. TAUSCHER, Mr. SPRATT, Mr. MATHESON, Ms. SOLIS, Mr. HOEFFEL, Mrs. DAVIS of California, and Mr. LANGEVIN):

H.R. 560. A bill to establish an off-budget lockbox to strengthen Social Security and Medicare; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 561. A bill to establish the Bipartisan Commission on Election Reform to study and make recommendations on issues affecting the conduct and administration of elections in the United States, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 562. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE:

H.R. 563. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meal and entertainment expenses associated with the performing arts; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Ms. BROWN of Florida, Mr. PALLONE, Mr. TANCREDO, Mr. MENENDEZ, Mr. PASCRELL, and Mr. MICA):

H.R. 565. A bill to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 566. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 567. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 568. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 569. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. WICKER, Mr. THOMAS M. Davis of Virginia, Mr. FRANK, and Mrs. JOHNSON of Connecticut):

H.R. 570. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 571. A bill to amend title 49, United States Code, relating to explanations by air carriers of flight delays, cancellations, and diversions; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS (for himself, Mr. Foley, Mr. McHugh, Mr. Baldacci, Mrs. Morella, Mr. Lantos, Mrs. Mink of Hawaii, Mrs. Thurman, Mr. Wexler, Mr. Frost, Mr. Pallone, and Mr. Bonior):

H.R. 572. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 573. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mrs. CHRISTENSEN:

H.R. 574. A bill to modify labeling and advertising requirements for watches; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 575. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the production incentive certificate program for watch and jewelry producers in the United States Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mr. Skelton, Mr. Sisisky, Mr. Frost, Mr. Edwards, and Mrs. Tauscher):

H.R. 576. A bill to make emergency supplemental appropriations for fiscal year 2001 for the Department of Defense; to the Committee on Appropriations.

By Mr. DUNCAN:

H.R. 577. A bill to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised; to the Committee on Government Reform.

By Mrs. EMERSON:

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. Thomas M. Davis of Virginia, Mrs. McCarthy of New York, Mr. Weiner, Mr. Sanders, Mr. McNulty, Mr. Owens, Mr. Rush, Mrs. Morella, Mr. Hilliard, Mrs. Christensen, Mrs. Jones of Ohio, Mr. Evans, and Mr. Moran of Virginia):

H.R. 579. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. GREEN of Texas:

H.R. 580. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. Udall of Colorado, and Mr. Udall of New Mexico):

H.R. 581. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management; to the Committee on Resources.

By Mr. HERGER (for himself, Mr. Matsui, Mrs. Johnson of Connecticut, Mr. Foley, Mr. Maloney of Connecticut, Mr. Royce, and Mr. Andrews):

H.R. 582. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. Moran of Virginia, Mr. Brady of Texas, Ms. Granger, Mr. Greenwood, Mr. Lucas of Oklahoma, and Mr. Riley):

H.R. 583. A bill to establish the Commission for the Comprehensive Study of Privacy Protection; to the Committee on Government Reform.

By Mr. KLECZKA:

H.R. 584. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to increase to $10,000,000 the maximum estate tax deduction for family-owned business interests; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mrs. Johnson of Connecticut, Mr. Ramstad, Mr. Pitts, Mr. Watkins, Mr. English, Mr. Watts of Oklahoma, Mr. Larson of Connecticut, Mr. Clyburn, Mrs. Mink of Hawaii, Mr. Pascrell, Mr. Ryun of Kansas, Mr. Moore, Mr. McInnis, Mr. Davis of Illinois, Mr. Camp, Mr. Boucher, Mr. Bishop, Mr. Sessions, Mr. Terry, Mr. Sununu, and Mr. Paul):

H.R. 586. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 587. A bill to amend title 10, United States Code, to prescribe alternative payment mechanisms for the payment of annual enrollment fees under the TRICARE program of the military health care system; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 588. A bill to provide authorities to, and impose requirements on, the Secretary of Defense in order to facilitate State enforcement of State tax, employment, and licensing laws against Federal construction contractors; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 589. A bill to provide for the full funding of the Pell Grant Program; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 590. A bill to amend the Public Health Service Act to provide for a three-year schedule to double, relative to fiscal year 1999, the amount appropriated for the National Eye Institute; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 591. A bill to direct the Secretary of the Interior to study the suitability and feasibility of including certain lands along the southeastern coast of Maui, Hawaii, in the National Park System; to the Committee on Resources.

By Mrs. MINK of Hawaii:

H.R. 592. A bill to amend the Internal Revenue Code of 1986 to provide that an individual who leaves employment because of sexual harassment or loss of child care will, for purposes of determining such individual's eligibility for unemployment compensation, be treated as having left such employment for good cause; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii (for herself, Mr. Filner, Mr. Abercrombie, Mrs. Meek of Florida, Ms. Jackson-Lee of Texas, Ms. Woolsey, Mr. Rodriguez, Mr. Meehan, Mr. Frost, Mr. Frank, Mr. Wynn, Ms. Roybal-Allard, Mr. Becerra, Mr. Kildee, Mr. Gutierrez, Mr. George Miller of California, Mr. Sanders, Mr. Stark, and Mr. Lantos):

H.R. 594. A bill to amend the Social Security Act to further extend health care coverage under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Ms. Berkley, Mr. Frost, Mr. Kennedy of Rhode Island, Mr. Waxman, Mr. McNulty, Mr. Capuano, and Mr. Baldacci):

H.R. 595. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 596. A bill to amend the Internal Revenue Code of 1986 to allow personal exemptions for individuals against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 597. A bill to amend title 23, United States Code, relating to the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself and Mr. Cantor):

H.R. 598. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mrs. ROUKEMA:

H.R. 599. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. Waxman, Mr. Upton, Mr. Barrett, Mr. Bilirakis, Mr. Dingell, Mr. Dreier, Mr. Brown of Ohio, Ms. Pryce of Ohio, Mr. Strickland, Mrs. Roukema, Mr. Baldacci, Mr. Isakson, Mr. Doggett, Mr. Gilchrest, Mr. Moore, Mrs. Myrick, Mr. Oberstar, Mr. Reynolds, Mr. Hinchey, Mr. DeFazio, Mr. Kennedy of Rhode Island, Mr. Sanders, Ms. Kaptur, Mrs. Johnson of Connecticut, Mr. Towns, Mr. Stark, Ms. Eshoo, Ms. Baldwin, Mr. Gallegly, Mr. Abercrombie, Mr. Snyder, Ms. Schakowsky, Mr. Shimkus, Mr. Scott, Mr. Pallone, Mr. Stupak, Mr. Markey, Mr. Wynn, Mrs. Capps, Mr. Hall of Ohio, Mr. Kind, Mr. Matsui, Mr. George Miller of California, Mr. Moran of Virginia, Mrs. McCarthy of New York, Mr. Payne, Mr. Udall of New Mexico, Mr. Watt of North Carolina, Mr. Engel, Mr. Nadler, Ms. Lee, Ms. Berkley, Mr. Murtha, Mr. Rush, Mrs. Jones of Ohio, Mr. Kucinich, Mr. McNulty, Ms. DeGette, Mr. Boucher, Mr. Green of Texas, Mr. Becerra, Mr. Allen, Ms. Rivers, Mrs. Lowey, Mr. Shays, Mr. Weldon of Florida, Mr. Oxley, Mr. Pickering, Mr. Whitfield, Mr. LaHood, Mr. Hayworth, Mr. Fletcher, Mr. Sweeney, Mr. Shadegg, Mr. Tauzin, Mr. Gilman, Mr. Nethercutt, Mr. Moran of Kansas, Mr. Brady of Texas, Mr. Deutsch, Ms. Capito, Mr. Weller, Mr. Schaffer, Mr. Nussle, and Mr. Paul):

H.R. 600. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 601. A bill to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mrs. Morella, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Baldacci, Ms. Baldwin, Mr. Bentsen, Ms. Berkley, Mr. Berman, Mr. Blagojevich, Mr. Blumenauer, Mr. Bonior, Mr. Borski, Mr. Boucher, Mr. Boyd, Mr. Brady of Pennsylvania, Mr. Burton of Indiana, Mr. Calvert, Mrs. Capps, Mr. Capuano, Mr. Cardin, Ms. Carson of Indiana, Mrs. Christensen, Mr. Costello, Mr. Coyne, Mr. Cramer, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Doyle, Mr. Duncan, Mr. Edwards, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Farr of California, Mr. Fattah, Mr. Filner, Mr. Ford, Mr. Frank, Mr. Frelinghuysen, Mr. Frost, Mr. Gallegly, Mr. Gephardt, Mr. Gilchrest, Mr. Gilman, Mr. Green of Texas, Mr. Hall of Ohio, Mr. Hilliard, Mr. Hinchey, Mr. Hoeffel, Mr. Holden, Mr. Holt, Ms. Hooley of Oregon, Mr. Horn, Mr. Inslee, Mr. Jefferson, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kildee, Ms. Kilpatrick, Mr. King, Mr. Kleczka, Mr. Kolbe, Mr. Kucinich, Mr. Lampson, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McNulty, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mr. Mascara, Mr. Matsui, Mr. Meehan, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Moore, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mrs. Napolitano, Mr. Ney, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Payne, Ms. Pelosi, Mr. Phelps, Mr. Price of North Carolina, Mr. Rangel, Mr. Reyes, Ms. Rivers, Ms. Ros-Lehtinen, Mrs. Roukema, Ms. Roybal-Allard, Mr. Rush, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Scott, Mr. Serrano, Mr. Sherman, Mr. Sisisky, Mr. Skelton, Mr. Smith of Washington, Mr. Snyder, Mr. Spratt, Mr. Stark, Mr. Stenholm, Mr. Strickland, Mr. Stupak, Mrs. Tauscher, Mr. Thompson of Mississippi, Mrs. Thurman, Mr. Tierney, Mr. Traficant, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Visclosky, Mr. Walsh, Ms. Waters, Mr. Waxman, Mr. Weiner, Mr. Wexler, Mr. Wolf, and Ms. Woolsey):

H.R. 602. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 603. A bill to suspend temporarily the duty on Fructooligosaccharides (FOS); to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Mr. Stupak, and Mr. English):

H.R. 604. A bill to amend the Hazardous Substances Act to require safety labels for certain Internet-advertised toys and games; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 605. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. Gilman, Mr. Crowley, and Mr. Cantor):

H.R. 606. A bill to direct the Secretaries of the military departments to conduct a review of military service records to dertermine whether certain Jewish American war veterans, including those previously awarded the Distiniguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor; to the Committee on Armed Services.

By Mr. DOOLITTLE:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 18. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Regula, and Mr. Matsui):

H.J. Res. 19. A joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mrs. MORELLA (for herself and Mr. Udall of Colorado):

H. Con. Res. 27. Concurrent resolution honoring the National Institute of Standards and Technology and its employees for 100 years of service to the Nation; to the Committee on Science.

By Mr. PORTMAN:

H. Con. Res. 28. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. ENGEL (for himself and Ms. Ros-Lehtinen):

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress regarding the conviction of ten members of Iran's Jewish community; to the Committee on International Relations.

By Mr. TANCREDO (for himself, Ms. Dunn, Mr. Cantor, Mr. Ackerman, Mr. English, Mr. Ramstad, Mr. McNulty, Mr. Calvert, Ms. Ros-Lehtinen, Mr. Stearns, Mr. LaHood, Mr. Otter, Ms. Berkley, Mr. Ross, Mr. Barton of Texas, and Mr. Berman):

H. Con. Res. 30. Concurrent resolution expressing the sense of Congress with respect to relocating the United States Embassy in Israel to Jerusalem; to the Committee on International Relations.

By Mrs. THURMAN (for herself, Ms. Roybal-Allard, Mr. Abercrombie, Mr. Kildee, Mr. Spratt, Ms. Baldwin, Mr. Kleczka, Ms. Eshoo, Mr. Barrett, Mr. Foley, Mr. Ramstad, Mr. Maloney of Connecticut, Mr.

LaTourette, Mr. Duncan, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Moakley, Mr. Shays, Mr. Snyder, Mr. Tanner, Mr. Stark, Mr. Hilliard, Mrs. Northup, Mr. Capuano, Mr. Coyne, Mr. Matsui, Mr. Gibbons, Mr. Peterson of Pennsylvania, Mr. Rogers of Michigan, Mr. Sessions, Mr. McDermott, Mrs. Jones of Ohio, Mrs. Morella, Mr. Upton, and Mr. Pascrell):

H. Con. Res. 31. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. REYNOLDS:

H. Res. 36. A resolution providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; considered and agreed to.

By Mr. FROST:

H. Res. 37. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HEFLEY:

H. Res. 38. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 39. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ENGLISH introduced A bill (H.R. 607) for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. LoBiondo, Mrs. Kelly, Mrs. Cubin, Mr. Camp, Mr. Thomas M. Davis of Virginia, Mr. Sam Johnson of Texas, Mr. Ney, Mr. McInnis, Mrs. Bono, Mr. Duncan, Mr. Hayworth, Mr. Ryan of Wisconsin, Mr. Kerns, Mr. Sununu, Mr. DeMint, Mr. Green of Wisconsin, Mr. Ferguson, Mr. Gallegly, Mr. Grucci, and Mr. Scarborough.

H.R. 15: Mr. Goss, Mr. Ehrlich, Mr. Toomey, and Mr. King.

H.R. 28: Mrs. Kelly, Mr. Shimkus, Mr. Gilman, Mr. Matsui, Mr. Boucher, Mr. Hutchinson, Mr. Davis of Illinois, Mr. Deutsch, Mr. Price of North Carolina, Mr. Honda, Mr. Cummings, Mr. Clement, Mr. Rush, Mr. Grucci, Mr. Langevin, and Mr. Barrett.

H.R. 41: Mr. Neal of Massachusetts, Mr. Roemer, Mr. McDermott, Mr. Simmons, Mr. Kingston, Mr. Frelinghuysen, Mrs. Thurman, Mr. Kolbe, Mr. Goodlatte, and Mr. Nethercutt.

H.R. 65: Mr. Tancredo, Mr. Hall of Ohio, Mr. Putnam, Mr. Frost, Mr. McIntyre, Mr. DeFazio, Mr. English, Mr. Hutchinson, Mr. Strickland, Mrs. Thurman, Mr. Simmons, and Mr. Kildee.

H.R. 68: Mr. Hall of Ohio, Mr. Bachus, Mr. Sherman, Mr. Ehrlich, and Mr. Stark.

H.R. 79: Mr. Goodlatte.

H.R. 81: Mr. Filner.

H.R. 85: Mrs. Myrick, Mr. Boucher, Mrs. Emerson, Mr. Baldacci, and Mr. Ryan of Wisconsin.

H.R. 134: Mrs. Christensen, Mr. Filner, Mr. Frost, Mrs. Jones of Ohio, Mr. Kildee, and Mr. Sanders.

H.R. 143: Mr. LaTourette, Mr. Dingell, Mr. English, Mr. Jackson of Illinois, Mr. LaFalce, Mr. Gutknecht, Ms. Kaptur, Ms. Kilpatrick, Mr. Kildee, Mr. Ehlers, Mr. Kleczka, Ms. Rivers, Mr. Kind, Mr. Lipinski, Mr. Rush, and Mr. Peterson of Minnesota.

H.R. 162: Mr. Kennedy of Rhode Island, Ms. McKinney, and Mrs. Jones of Ohio.

H.R. 168: Mr. Wamp.

H.R. 179: Mr. Berry, Mr. Bryant, Mr. Chambliss, Mr. Cummings, Ms. DeGette, Mr. Ford, Mr. Inslee, Mr. Issa, Mr. Jones of North Carolina, Mr. Keller, Mr. Kingston, Mrs. Meek of Florida, Mrs. Morella, Ms. Pelosi, Mr. Smith of New Jersey, Mr. Souder, Mr. Tancredo, Mr. Tierney, Mr. Walden of Oregon, and Mr. Wu.

H.R. 184: Ms. Millender-McDonald and Mr. Payne.

H.R. 185: Mr. Gilman, Mr. Sabo, Mr. Payne, Ms. Carson of Indiana, and Mr. Cummings.

H.R. 187: Mr. English and Mr. Leach.

H.R. 188: Ms. Baldwin, Mr. Shows, Mr. Peterson of Minnesota, and Mr. Bereuter.

H.R. 189: Mr. Doolittle, Mr. Riley, Mr. Goss, and Mr. Deal of Georgia.

H.R. 190: Mr. Deal of Georgia.

H.R. 191: Mr. Doolittle and Mr. Schaffer.

H.R. 200: Mr. Terry.

H.R. 245: Mr. Olver, Mr. Rush, Mr. Towns, and Mr. Gordon.

H.R. 248: Mr. Rogers of Michigan and Mr. Paul.

H.R. 249: Mr. Paul.

H.R. 250: Mr. Pascrell, Mr. Cramer, Mr. Borski, Ms. Woolsey, Mr. Udall of Colorado, Mrs. Christensen, Mr. Olver, Mr. Fletcher, Mr. Owens, Mr. Bonior, Mr. Pallone, Mr. Bereuter, Mr. Meehan, Mr. Doyle, Mr. Mollohan, and Mr. Mascara.

H.R. 256: Ms. Baldwin, Mr. Shows, Mr. Dicks, Mr. Peterson of Minnesota, Mrs. Emerson, Mr. Sanders, Mr. Holden, Mr. Dingell, Mr. Etheridge, Mr. Watkins, Mr. Riley, and Mr. McHugh.

H.R. 257: Mr. Souder.

H.R. 267: Mr. Towns, Ms. Pryce of Ohio, Mr. Ryun of Kansas, Mr. Weldon of Pennsylvania, Ms. Millender-McDonald, and Mr. Reyes.

H.R. 278: Mr. McGovern.

H.R. 279: Mr. Hall of Ohio.

H.R. 294: Mrs. Thurman, Mr. Flake, and Mr. Paul.

H.R. 301: Mr. Ross.

H.R. 302: Mr. Ross.

H.R. 303: Mr. Tancredo, Mr. Peterson of Minnesota, Mr. Neal of Massachusetts, Mr. Hall of Ohio, Mr. Borski, Mr. Frost, Mr. Pomeroy, Mr. McIntyre, Mr. LaHood, Mr. Watkins, Mr. Bonilla, Mr. Doyle, Mr. Pastor, Mr. DeFazio, Mr. Payne, Mr. Barton of Texas, Mr. English, Mr. Costello, Mrs. Capps, Mr. Baker, Ms. Woolsey, Mr. Hayes, Mr. Sensenbrenner, Mr. Gutknecht, Mr. Baldacci, Mr. Holden, Mr. Mollohan, Mr. Hutchinson, Mr. Lewis of Georgia, Ms. Hart, Ms. DeGette, Mrs. Mink of Hawaii, Mr. Edwards, Mr. Lucas of Oklahoma, Mr. Delahunt, Mr. Strickland, Mrs. Thurman, Mr. Moore, Mr. Bonior, Mr. Rogers of Michigan, Mr. Pascrell, Mr. Moran of Virginia, Mr. Towns, Mr. Simmons, Mr. Kildee, Mrs. Jo Ann Davis of Virginia, Mr. Underwood, Mrs. Tauscher, Mr. Ackerman, Mr. Ganske, Mr. Lucas of Kentucky, Mr. Terry, Mr. Keller, and Mr. Rodriguez.

H.R. 311: Mr. Hutchinson, Mr. Quinn and Mr. McKeon.

H.R. 320: Mr. Clay.

H.R. 322: Mr. Edwards and Mr. Thune.

H.R. 326: Mr. Thompson of Mississippi, Mr. Payne, Ms. McCollum, Mr. Nadler, Mr. Fattah, and Mr. Kucinich.

H.R. 330: Mr. Cantor and Mr. Akin.

H.R. 340: Ms. McCarthy of Missouri, Mr. Ackerman, Mr. Blagojevich, Mr. Oberstar, Mr. Holden, Ms. Eshoo and Ms. Berkley.

H.R. 356: Mr. Costello and Mr. Otter.

H.R. 380: Mr. Hall of Ohio.

H.R. 419: Ms. Lofgren, Mr. Evans, Mr. Blagojevich, and Ms. Berkley.

H.R. 429: Mr. Payne, Mr. Engel, Ms. Millender-McDonald, Mr. Rodriguez, Ms. Berkley, Mr. Greenwood, Mr. Baldacci, and Mr. McNulty.

H.R. 436: Mr. Greenwood, Mr. Doolittle, Mr. Sessions, Mr. Paul, Mrs. Emerson, and Mrs. Johnson of Connecticut.

H.R. 437: Mr. Armey, Mr. Crane, Mr. Sam Johnson of Texas, and Mr. Paul.

H.R. 438: Mr. Thornberry.

H.R. 457: Mr. Holden, Mr. McGovern, Mr. Stark, Mr. Barcia, and Mr. Bishop.

H.R. 466: Mr. Costello.

H.R. 476: Mrs. Myrick, Mr. Armey, Mr. Gary Miller of California, Mr. Akin, Mr. Pence, Mr. Lucas of Kentucky, Mr. Chambliss, Mr. Largent, Mr. Lipinski, Mr. Costello, Mr. LaHood, and Mr. Hulshof.

H.R. 478: Mr. Ross, Mr. Bishop, and Mr. Hinojosa.

H.R. 481: Mr. McGovern, Mr. Capuano, Mr. Evans, Mr. Langevin, and Mr. Cummings.

H.R. 482: Mr. Shimkus and Mr. Pickering.

H.R. 488: Mr. Walsh, Ms. Berkley, Mr. Nadler, Mr. Clay, and Mr. Payne.

H.R. 503: Mr. Watkins, Mr. Hunter, Mr. Akin, Mr. Hostettler, Mr. Mica, Mr. Camp, Mrs. Myrick, Mr. Reynolds, Mr. Lucas of Kentucky, Mr. Buyer, Mr. Terry, Mr. Hayes, Mr. Burr of North Carolina, Mr. Smith of Texas, Mr. Bryant, and Mr. Baker.

H.R. 516: Mrs. Northup, Mr. Oxley, Mr. Otter, Mrs. Myrick, Mr. Cantor, Mr. Schrock, and Mr. Putnam.

H.R. 524: Mr. Ferguson, Mr. Doyle, Mr. Baird, Mr. Costello, and Mrs. Morella.

H.R. 528: Mrs. Maloney of New York.

H.R. 548: Mrs. Christensen, Mr. LaHood, Ms. Hart, Ms. Dunn, Mr. Bonior, and Mr. Kildee.

H.J. Res. 8: Mr. Hefley, Mr. Kerns, and Mr. DeFazio.

H.J. Res. 12: Mr. Shimkus.

H.J. Res. 13: Mr. Baldacci, Mrs. Lowey, and Mr. Berman.

H. Con. Res. 17: Mrs. Thurman and Ms. Berkley.

H. Con. Res. 20: Mr. Taylor of Mississippi, Ms. McCarthy of Missouri, Mrs. Myrick, Mrs. Christensen, Mr. Ross, and Mr. Fletcher.

H. Res. 13: Mrs. Biggert, Mr. Horn, and Mr. Schrock.

H. Res. 15: Mr. Shimkus, Mr. Taylor of Mississippi, and Mr. Smith of New Jersey.

H. Res. 23: Mr. Ross, Mr. Thompson of California, Mr. Cramer, and Mr. Kildee.

H. Res. 34: Mr. Armey, Mr. Gephardt, Mr. DeLay, Mr. Diaz-Balart, Mr. Watkins, Mr. Holt, Mr. Miller of Florida, Mr. Israel, Mr. Lewis of California, Mr. Bentsen, Mr. Kirk, Mr. Faleomavaega, Mr. Riley, Mr. Putnam, Ms. Harman, Mrs. Lowey, Mr. Etheridge, Mrs. Jo Ann Davis of Virginia, Mr. Kerns, Mr. Watts of Oklahoma, Mr. Brown of South Carolina, Mr. Ferguson, Mr. Platts, Mr. Towns, Mr. Matsui, Mr. McNulty, Mr.

Rothman, Mr. Burton of Indiana, Mr. Shimkus, Mr. Berman, Mr. Weiner, Mr. Hastings of Florida, Mr. Hoeffel, Mr. Kingston, Mr. Sherman, Mr. Cardin, Mr. Crowley, Mr. Waxman, Mr. King, Mr. Wexler, Mr. Chambliss, Ms. Jackson-Lee of Texas, Mr. Maloney of Connecticut, Mrs. Napolitano, Mr. Langevin, Ms. Hart, Ms. Lee, Mr. Shays, Mr. Reynolds, Mr. Deutsch, Ms. Schakowsky, Mr. Nadler, Mr. Engel, Mr. Sessions, Mr. Hoyer, Mrs. Morella, Mr. Blunt, Mr. Horn, Mr. Sisisky, Mr. Schrock, Mr. Saxton, Mr. Culberson, Mr. Schiff, Mr. Pence, Mr. Crenshaw, Mr. Fossella, Mr. Tiberi, Mr. Goss, Mr. Bonilla, Mr. Regula, Mr. Weldon of Florida, Mr. Ose, Mr. Gilchrest, Mr. Cunningham, Mr. Manzullo, Ms. Ros-Lehtinen, Mr. Ballenger, Mrs. Roukema, Mrs. Emerson, Mrs. Biggert, Mr. Houghton, Mr. Nethercutt, Mr. Hansen, Mr. Filner, Mr. Hefley, Mr. Petri, Mr. Walsh, Mr. Boehlert, Mr. Royce, Mr. Cox, Mrs. McCarthy of New York, Mr. Everett, Mr. Owens, Mr. Knollenberg, and Mr. Burr of North Carolina.

EXTENSIONS OF REMARKS

ACHIEVEMENTS OF KIMBERLY STEVENSON

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. SHOWS. Mr. Speaker, today, I would like to take a minute to tell my fellow colleagues and the American people about Kimberly Stevenson of McComb, Mississippi. Kimberly is a young student from my district who has achieved national recognition for exemplary volunteer service. She has been named one of my State's top honorees in the 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Stevenson are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

Ms. Stevenson should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Stevenson for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's volunteer spirit continues to hold tremendous promise for the future.

A TRIBUTE TO MS. AMBER VICKERY

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. CARSON of Indiana. Mr. Speaker, I would like to congratulate and honor a young Indiana student from my district who has achieved national recognition for exemplary volunteer service in her community. Ms. Amber Vickery of Indianapolis has just been named one of my state's top honorees in the 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia and Puerto Rico.

Ms. Vickery is being recognized for organizing and teaching a cooking class for children with a protein disorder who must follow a strict diet.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighbors. Young volunteers like Ms. Vickery are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—the Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past six years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 100,000 youngsters participating since its inception.

Ms. Vickery should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Vickery for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

A PROCLAMATION RECOGNIZING WILLIAM E. CHANEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, William E. Chaney currently serves as president of the Ohio Hills Health Services' Board of Trustees; and,

Whereas, through Mr. Chaney's twenty-five years of leadership and unselfish commitment the families of eastern Ohio have received prompt, courteous, and affordable health care; and,

Whereas, due to his tremendous contributions to the Ohio Hills Health Services organization and the community he will be honored by the Ohio Hills Health Services' Board of Trustees; and,

Whereas, I ask that my colleagues join me in recognizing William E. Chaney for his commitment and dedication to making lives better in our area. I am honored to call him a constituent.

A BILL TO CLARIFY THE TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. HERGER. Mr. Speaker, I am introducing legislation today, along with Mr. MATSUI and Mrs. JOHNSON, to ensure that needless Treasury regulation does not add unnecessarily to the cost of housing.

The need for this legislation is brought about because the Department of Treasury has issued regulations to provide guidance on the definition of CIAC as enacted under the Small Business Job Protection Act of 1996. Despite the fact that Congress specifically removed language concerning "customer services fees" in its amendment in 1996, the Department added the language back into the proposed regulation specifying that such fees are not CIAC. They then defined the term very broadly to include service laterals, which traditionally and under the most common state law treatment would be considered CIAC.

Because state regulators require all of the costs of new connections to be paid up front, these regulations will force water and sewerage utilities to collect the federal tax from homeowners, builders, and small municipalities. Because they collect it up front, the utility is forced to "gross up" the tax by collecting a tax on the tax on the tax, resulting in an over 55 percent effective tax rate.

This bill will clarify that water and sewerage service laterals are included in the definition of contributions in aid of construction (CIAC). It clarifies current law by specifically stating that "customer service fees" are CIAC, but maintains current treatment of service charges for stopping and starting service (not CIAC). Because this is a clarification of current law, the effective date for the bill is as if included in the original legislation (Section 1613(a) of the Small Business Job Protection Act of 1996).

Mr. MATSUI and Mrs. JOHNSON along with many of our colleagues here in the Chamber, worked hard over the course of a number of years to restore the pre-1986 act tax treatment for water and sewage CIAC. In 1996, we succeeded in passing legislation. It was identical to pre-1986 law with three exceptions. Two of the changes were made in response to a Treasury Department request. The third removed the language dealing with "service

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

connection fees" primarily because of potential confusion resulting from the ambiguity of the term. The sponsors of the legislation were concerned that the IRS would use this ambiguity to exclude a portion of what the state regulators consider CIAC.

As part of our efforts, we developed a revenue raiser in cooperation with the industry to make up any revenue loss due to our legislation, including the three changes. This revenue raiser extended the life, and changed the method, for depreciating water utility property from 20 year accelerated to 25-year straight-line depreciation. As consequence of this sacrifice by the industry, our CIAC change made a net $274 million contribution toward deficit reduction.

It is my belief that the final revenue estimate done by the Joint Committee on Taxation on the restoration of CIAC included all property treated as CIAC by the industry regulators including specifically service laterals. In an October 11, 1995, letter to Senator GRASSLEY the Joint Committee on Taxation provided revenue estimates for the CIAC legislation. A footnote in this letter states, "These estimates have been revisited to reflect more recent data." The industry had only recently supplied the committee with comprehensive data, which reflected total CIAC in the industry including service laterals.

I urge my colleagues to join with us in sponsoring this important legislation in order to ensure that American homeowners do not face further burdens.

TRIBUTE TO THE INDEPENDENT ORDER OF FORESTERS, HIGH COURT OF THE CALIFORNIA NORTH/NEVADA NORTH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, today I invite my colleagues to join me in recognizing The Independent Order of Foresters, High Court of the California North/Nevada North, on the occasion of their 43rd Quadrennial Session, for their commitment to providing fraternal and community services to their members and the northern California and Nevada communities.

The concept of Forestry originated hundreds of years ago when people formed groups called Friendly Societies to provide help for one another in times of distress. Based on the spirit of brotherhood and the desire to help in times of need, each family contributed to a fund from which they could draw when emergencies arose. In 1874 in Newark, NJ, a group of people carrying on these early traditions of mutual aid and fraternity started the Independent Order of Foresters.

Today, the 35,000 members of the California North/Nevada North IOF play a variety of roles in our neighborhoods and communities. IOF members are involved in youth scouting and athletic activities, fund-raising for nonprofit organizations, and confronting child abuse through community education and direct service to children and families in crisis. These are people who care about and are engaged in their communities. This past year, the IOF has sponsored numerous organizations, including the Solano and Contra Costa Food Bank, the Make A Wish Foundation, the Atkinson Youth Center, the Young Life Capernium, Meals on Wheels, the Boys and Girls Club Shelter for Battered Women and Samaritan House, Young Life, the Yellow Brick House, Silver Dollar Court, and the Children's Crisis Center.

The California North/Nevada North IOF meets February 24, 2001, to celebrate their years of commitment to their families and communities. I know I speak for all Members when I thank the IOF for their positive contributions to our communities and wish them continued success in their endeavors.

A TRIBUTE TO STEVEN R. MEYERS, SAN LEANDRO CITY ATTORNEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. STARK. Mr. Speaker, I commend Steve Meyers, upon his retirement after twenty-three years, for dedicated service to the city of San Leandro. Mr. Meyers has served as City Attorney and Redevelopment Agency Counsel to the city of San Leandro since 1979. He has worked with six mayors and four city managers during his tenure as City Attorney and Agency Counsel and has played a central role in many projects during his employment with the city. He has negotiated a number of real estate transactions for both the city and the Redevelopment Agency, which have resulted in achievements such as affordable housing and business expansion in San Leandro.

Mr. Meyers graduated from the University of California at Santa Barbara and received his J.D. degree from the University of California Hastings College of the Law, where he was a member of the Order of the Coif. Upon his graduation in 1973, Mr. Meyers devoted his practice to municipal law serving in the Sacramento City Attorney's Office until moving to San Leandro in 1977. He is admitted to practice in the State courts and the United States Supreme Court.

Mr. Meyers was Chairman of the Executive Committee of the State Bar Public Law Section in 1994 and served as editor of the Public Law Journal. He has served on the Legislation Committee of the City Attorneys Department of the League of California Cities; served as president of the Bay Area City Attorney's Association and is a recipient of the John J. McCoy Fellowship in Urban Studies. He is currently chairman of the Board of the Bay Planning Coalition.

Upon his retirement from his position with the city of San Leandro, Mr. Meyers assumed the role of Special Counsel to the City on January 1, 2001. I join his friends and colleagues in thanking him for his past contributions and wishing him well in his continued service to the community of San Leandro.

MEDICARE OSTEOPOROSIS MEASUREMENT ACT OF 2001

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MORELLA. Mr. Speaker, today I am introducing the Medicare Osteoporosis Measurement Act of 2001. This Act will extend bone density screening to men—as opposed to just women—being treated for prostate cancer, as well as groups of Medicare-eligible individuals clinically at risk for osteoporosis. Testosterone, the male sex hormone, is a major factor in stimulating the growth of prostate cancer. Testosterone suppression therapy is a well respected and often used treatment to control advanced prostate cancer. Unfortunately, the treatment also predisposes these men to osteoporosis.

Although osteoporosis is commonly thought of as a disease that affects only women, about one third of all men will suffer an osteoporotic fracture in their lifetime. These men often do not know that they are at risk until a bone fracture occurs because external symptoms are rarely present. This could be prevented with a simple and cost-effective test. The cost of bone density screening is less than $200 and would be an effective way to decrease the $14 billion spent each year on direct medical costs for osteoporosis and related fractures.

Osteoporosis affects more than five million men in the U.S. Early detection is a key component in containing the human and economic cost of this disease. Please join me in supporting this legislation to bring parity to the Medicare program and help combat this preventable disease.

PERSONAL EXPLANATION

HON. TIM JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, on January 3, 2001, I inadvertently missed a vote on rollcall 4, adopting the rules package. Had I cast my vote, I would have voted in favor of the measure.

BLACK HISTORY MONTH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. GILMAN. Mr. Speaker, I am pleased to honor Black History Month for 2001.

Beginning in 1926 we have set aside a special time to celebrate Black History. Mr. Carter G. Woodson established this period for one week in February, the month that includes the birthdays of President Lincoln and Frederick Douglass, both of whom made immense contributions to civil rights. Today, we set aside the entire month of February to celebrate Black History, and the men and women who have made that history. So many of these men and women have yet to receive the credit which they justly deserve for their many contributions. As this new millennium goes forward we must continue to educate our country of these outstanding great African-American men and women.

African-Americans have been fighting for the United States since before our Independence was declared and have continued throughout the course of history. The first American to lose his life to the Revolution was Crispus Attucks, a free black man of Boston, Massachusetts during the infamous Boston massacre. Since then African-Americans have served in every great war. Many fought to preserve the Union during the Civil War, and at least 400,000 African-American men fought in World War I. During World War II more than 1 million African-American men served in the Armed Forces, and at least 4,000 women also served the U.S.

African-Americans have also taken leadership roles and involved themselves in the politics of the nation. During the 19th century, many African-Americans were Abolitionists fighting against the injustices of slavery. Some examples of these great abolitionists included Frederick Douglass, a former slave and established writer, and Harriet Tubman and Sojouner Truth, who helped organize the Underground railroad as well as their fight for the rights of women.

After the success of the Civil War, African Americans such as W.E.B. DuBois and Booker T. Washington fought to bring the lingering discrimination to its de facto conclusion. They wrote and spoke out against the Jim Crow laws of the south. Their intentions were furthered towards the latter half of the 20th century by Dr. Martin Luther King Jr. and Malcolm X, both of whom fought for racial equality in a country that still had not reached its potential. Because of these accomplishments, there have been many African-American men and women serving in the United States Congress. We have had in our Supreme Court and still have African-American Justices, beginning with Justice Marshall and currently with Justice Thomas. And with the new administration that we have just ushered in, we have Colin Powell, the first African-American Secretary of State, and Condoleezza Rice as our National Security Adviser.

African-American men and women have contributed greatly to other facets of our society, constantly improving it for future generations. They have been artists, musicians, athletes, educators and scientists. Jackie Robinson was the first African-American to play for a major league baseball team and will be memorialized as the man who broke the color barrier. Today, there are African-American athletic heroes like NBA star Michael Jordan and Marion Jones, member of the U.S. Olympic team. With the onset of the Harlem Renaissance musicians like Scott Joplin and Ella Fitzgerald flourished, leading the way for other African-American musicians. Writers like Zora Neale Hurston and Langston Hughes led the way for contemporary writers such as Toni Morrison. Many African-Americans have taken great strides in science and medicine. Dr. Charles Richard Drew organized the concept of blood banks and ran the first full time blood bank during World War II. Several African-American men and women have worked with our Space Program including Dr. Mae C. Jamison, the first African-American female astronaut.

In my home in Orange County, NY, a recently published book entitled "Genealogical History of Black Families of Orange County" by local author Robert W. Brennan, traces the history of our local African-American families. It underscores the bittersweet truth that the crime of slavery was NOT, as many lead us to believe, an unpopular crime against humanity confined to certain southern states. In fact, the book makes clear that while slavery was abolished in New York State on July 4, 1827, the lingering residue of racial bigotry continued for many, many years afterwards—and, in some ways, right up to the present.

Black History Month is an appropriate time to look forward as well as to the past. We must continue to fight against inequalities. We must continue to push all of our children to reach their potential and to achieve their goals.

Our society's strength rests within all its inhabitants. Today, and throughout this month we rightfully honor the African-Americans who have added to the strengths of our great nation as well as all of humanity. Accordingly, I urge my colleagues and all Americans to express their appreciation for the contributions African-Americans have made to our nation.

NATIONAL CHILD PASSENGER SAFETY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. KLECZKA. Mr. Speaker, today I reintroduce legislation that I believe is vital to the safety of our children as they make their way to and from school. The introduction of this legislation is especially timely as we observe National Child Passenger Safety Week, February 12th–16th.

Each day, parents in this country send their children off to school believing their young ones will arrive safely. However, since 1985, close to 1,500 people have died in school bus related accidents. These numbers reveal the need for action to make school buses safer. Both the American Academy of Pediatrics and the American College of Emergency Physicians gave their support and endorsement to identical legislation in the last session of Congress.

The basic design of the large yellow school bus has not been changed since 1977. While the design of high-back padded seats known as "compartmentalization" provides protection in head-on collisions, it does nothing to secure passengers during rear-end, side-impact and rollover collisions. In these situations, children can be thrown from their seats, into one another or into aisles, blocking quick evacuation.

My legislation would require seat belts on school buses by prohibiting the manufacture, sale, delivery, or importation of school buses without seat belts. In addition, the measure would impose civil penalties for those that do not comply.

Daily, 23.5 million children are taken to and from schools and school-related activities by roughly 440,000 public school buses. Since these buses travel nearly 4.3 billion miles each year with young people on board, it is imperative that every precaution be taken to ensure their safety.

Since I last introduced this legislation, the states of Florida, Louisiana, and California have joined the states of New Jersey and New York to require seat belts on school buses. I commend the action of these states, and I urge my fellow colleagues to support the legislation to help make the trip to and from school safer for all of our nation's school children.

MR. AMIGO 2000

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. ORTIZ. Mr. Speaker, I wish today to commend the 2000 "Mr. Amigo," Jorge Muñiz, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of "Mr. Amigo," and that person acts as a goodwill ambassador between our two countries. Their selection honors a man or woman who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" presides over the annual Charro Days Festival.

The Charro Days Festival is a pre-Lenten event, much like Mardi Gras in New Orleans, held in Brownsville and Matamoros. Charro Days festivities last for several days; this year they will be February 23–27 and will include parades and appearances by Mr. Muñiz. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area. As Mr. Amigo 2000, Muñiz will head the international parade of Brownsville Charro Days and Matamoros Fiestas Mexicanas festivities.

During Charro Days, South Texans celebrate the food, music, dances, and traditions of both the United States and Mexico. The United States-Mexican border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace; we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future. The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen.

The 2000 Mr. Amigo, Mr. Muñiz, is a singer and TV host. The selection of Jorge Muñiz, cohost of the weekly music TV show "Al fin de semana," comes almost 10 years after his father, another Mexican singer, Marco Antonio Muñiz, also served as Mr. Amigo. The realization that he followed his father with this honor was quite emotional for him.

He has recorded 12 albums over a 20-year span in the music and entertainment industry. Affectionately known as "Coque," Mr. Muñiz is one of the most liked and recognized personalities not only in Mexico but the rest of the continent. During his career he has shared the stage with well-known personalities such as: Marco Antonio Muñiz (his father), Cecilia Gallardo, and Alberto Vasquez. His theater credits also include projects with legends like Lucha Villa, Maria Victoria, and the late Paco Stanley.

I urge my colleagues to join me in commending Jorge Muñiz, the 2000 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

HONORING MAYOR GARTH G. GARDNER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. NAPOLITANO. Mr. Speaker, I wish to honor a truly remarkable public servant in my Congressional district. Mayor Garth G. Gardner is retiring as mayor of Pico Rivera, Calif., capping off a public career that expands nearly 50 years.

Mr. Gardner was born on September 25, 1922 in Carbon County, Utah, graduating from Carbon County High School in 1940. After attending Carbon County Junior College for two years, Mr. Gardner enlisted in the U.S. Air Force. Based in New Guinea in the South Pacific, he flew 29 missions against the enemy in a B–24 liberator, with a crew of 10 servicemen. For his acts of bravery and honor during World War II, I presented Mayor Gardner with the Purple Heart Medal on Veterans Day, November 11, 2000.

Following his return to the United States, Mr. Gardner married Mary Ponti on December 30, 1945. Six days after his marriage, Garth was discharged from the U.S. Air Force and soon began pursuing a Bachelor of Science degree in Business Administration from the University of Southern California, graduating in 1948. Following his graduation, Mr. Gardner settled in Pico Rivera, where he raised his three sons.

Mayor Gardner began his career working for the Los Angeles County Flood Control District for 25 years and retired from the County in 1976. Elected to the Pico Rivera City Council in 1972, Mayor Gardner has been re-elected every four years and will serve until his retirement next month. Also, during his tenure on the City Council, Mr. Gardner served as Mayor in 1974, 1977, 1982, 1987, 1991, 1995, 1998 and 2000. Mayor Gardner has also served on numerous commissions and coalitions throughout his public career.

I am truly honored to know and have worked with Mayor Gardner during his illustrious career and wish him and his family much happiness in the future.

TRIBUTE TO DR. HAROLD NOVOG

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. WEINER. Mr. Speaker, I pay tribute to Dr. Harold Novog who will celebrate his 70th birthday on February 17, 2001. Dr. Novog is an outstanding member of the New York health community and a dedicated, caring physician.

A native of New York City, Dr. Novog attended this country's premier science high school, Stuyvesant High School, graduating with honors in 1948. He entered Queens College where he studied until he was called to active duty in the U.S. Air Force. He served in a medical unit at Fort Ethan Allen in Vermont and later at Lackland Air Force Base in Texas. After completing his military service, Dr. Novog returned to civilian life to finish his education. Graduating from Queens College in 1953, he went on to attend Downstate Medical Center where he received his medical degree in 1957. He completed a 1-year internship at Meadowbrook Hospital in Hempstead, NY, and a 3-year residency in Internal Medicine at the Veterans Administration Medical Center in the Bronx, NY. He was board certified in internal medicine in 1962.

Dr. Novog maintained a private practice while serving on the staff at Jamaica and Booth Memorial Hospitals and at the Chapin Nursing Home in Queens, NY. During his tenure at Booth Memorial, he served on the staff of the hospital's first detoxification unit. As a result of his outstanding work at Booth Memorial, Dr. Novog, in 1984, was appointed the medical director of "Alive and Well," a private treatment center for alcoholics.

Dr. Novog left private practice to join the staff of Columbia Presbyterian Hospital in 1987 remaining there until his retirement in July 2000. While at Columbia Presbyterian he became, in the truest sense, a "doctor's doctor," responsible for the health care of the hospital's staff.

Dr. Novog's exemplary service to the New York community is greatly appreciated. His dedication to medicine, his professional integrity and his commitment to the highest standards of patient care have earned him the acclaim and respect of staff and patients alike. As he commemorates this significant milestone, it is indeed an honor for me to join with Dr. Novog's family, friends and colleagues in conveying my warmest birthday wishes. Dr. Novog has my heartiest personal congratulations. I ask you to join me in honoring Dr. Novog for his distinguished career in serving others.

RECOGNITION OF EXEMPLARY STUDENT VOLUNTEER

HON. TIM JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, I would like to congratulate and honor a young Illinois student from my district who has achieved national recognition for exemplary volunteer service in her community. Allison Harms of Bloomington has just been named one of my state's top honorees in the 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Harms is being recognized for her creation of "Sew On and Sew Forth," an organization that provides hand-sewn items such as quilts, teddy bears, pillows, and clothing to the sick and needy in her community.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Harms are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—the Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 6 years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 100,000 youngsters participating since its inception.

Ms. Harms should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Allison Harms for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

MEDICARE MENTAL ILLNESS NON-DISCRIMINATION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. ROUKEMA. Mr. Speaker, today I am reintroducing the Medicare Mental Illness Non-Discrimination Act, legislation to end the historic discrimination against Medicare beneficiaries seeking outpatient treatment for mental illness. I first introduced this bill in the 106th Congress, and I am pleased to again sponsor anti-discrimination legislation in the 107th Congress.

Medicare law now requires patients to pay a 20 percent copayment for Part B services.

However, the 20 percent copayment is not the standard for outpatient psychotherapy services. For these services, Section 1833(c) of the Social Security Act requires patients to pay an effective discriminatory copayment of 50 percent.

Let me explain this another way: If a Medicare patient has an office visit to an endocrinologist for treatment for diabetes, or an oncologist for cancer treatment, or a cardiologist for heart disease, or an internist for the flu, the copayment is 20 percent. But if a Medicare patient has an office visit to a psychiatrist or other physician for treatment for major depression, bipolar disorder, schizophrenia, or any other illness diagnosed as a mental illness, the copayment for the outpatient visit for treatment of the mental illness is 50 percent. The same discriminatory copayment is applied to qualified services by a clinical psychologist or clinical social worker. This is quite simply discrimination. It is time for Congress to say "enough."

U.S. Surgeon General David Satcher, M.D., Ph.D. recently released a landmark study on mental illness. The Surgeon General's report is an extraordinary document that details the depth and breadth of mental illness in this country. According to Dr. Satcher, "mental disorders collectively account for more than 15 percent of the overall burden of disease from all causes and slightly more than the burden associated with all forms of cancer." The burden of mental illness on patients and their families is considerable. The World Health Organization reports that mental illness including suicide ranks second only to heart disease in the burden of disease measured by "disability adjusted life year."

The impact of mental illness on older adults is considerable. Prevalence in this population of mental disorders of all types is substantial. Eight to 20 percent of older adults in the community and up to 37 percent in primary care settings experience symptoms of depression, while as many as one in two new residents of nursing facilities are at risk of depression. Older people have the highest rate of suicide in the country, and the risk of suicide increases with age. Americans age 85 years and up have a suicide rate of 65 per 100,000. Older white males, for example, are six times more likely to commit suicide than the rest of the population. There is a clear correlation of major depression and suicide: 60 to 75 percent of suicides of patients 75 and older have diagnosable depression. Put another way, untreated depression among the elderly substantially increases the risk of death by suicide.

Mental disorders of the aging are not, of course, limited to major depression with risk of suicide. The elderly suffer from a wide range of disorders including declines in cognitive functioning, Alzheimer's disease (affecting 8 to 15 percent of those over 65) and other dementias, anxiety disorders (affecting 11.4 percent of adults over 55), schizophrenia, bipolar disorder, and alcohol and substance use disorders. Some 3 to 9 percent of older adults can be characterized as heavy drinkers (12 to 21 drinks per week). While illicit drug use among this population is relatively low, there is substantial increased risk of improper use of prescription medication and side effects from polypharmacy.

While we tend to think of Medicare as a "senior citizen's health insurance program," there are substantial numbers of disabled individuals who qualify for Medicare by virtue of their long-term disability. Of those, the National Alliance for the Mentally Ill reports that some 400,000 non-elderly disabled Medicare beneficiaries become eligible by virtue of mental disorders. These are typically individuals with the severe and persistent mental issnesses, such as schizophrenia.

Regardless of the age of the patient and the specific mental disorder diagnosed, it is absolutely clear that mental illness in the Medicare population causes substantial hardships, both economically and in terms of the consequences of the illness itself. As Dr. Satcher puts it, "mental illnesses exact a staggering toll on millions of individuals, as well as on their families and communities and our Nation as a whole."

Yet there is abundant good news in our ability to effectively and accurately diagnose and treat mental illnesses. The majority of people with mental illness can return to productive lives if their mental illness is treated. That is the good news: Mental illness treatment works. Unfortunately, today, a majority of those who need treatment for mental illness do not seek it. Much of this is due to stigma, rooted in fear and ignorance, and an outmoded view that mental illnesses are character flaws, or a sign of individual weakness, or the result of indulgent parenting. This is most emphatically not true. Left untreated, mental illnesses are as real and as substantial in their impact as any other illnesses we can now identify and treat.

Mr. Speaker, Medicare's elderly and disabled mentally ill population faces a double burden. Not only must they overcome stigma against their illness, but once they seek treatment the Federal Government via the Medicare program forces them to pay half the cost of their care out of their own pockets. Congress would be outraged and rightly so if we compelled a Medicare cancer patient to pay half the cost of his or her outpatient treatment, or a diabetic 50 cents of every dollar charged by his or her endocrinologist. So why is it reasonable to tell the 75-year-old that she must pay half the cost of treatment for major depression? Why should the chronic schizophrenic incur a 20 percent copayment for visiting his internist, but be forced to pay a 50 percent copayment for visiting a psychiatrist for the treatment of his schizophrenia?

It is most emphatically not reasonable. It is blatant discrimination, plain and simple, and we should not tolerate it any longer. That is why I am introducing the Medicare Mental Illness Non-Discrimination Act. It is time we acknowledged what Dr. Satcher and millions of patients and physicians and other health professionals and researchers have been telling us: Mental illnesses are real, they can be accurately diagnosed, and they can be just as effectively treated as any other illnesses affecting the Medicare population. We can best do that by eliminating the statutory 50 percent copayment discrimination against Medicare beneficiaries who, through no fault of their own, suffer from mental illness.

My legislation is extremely simple. It repeals Section 1833(c) of the Social Security Act, thereby eliminating the discriminatory 50 percent copayment requirement. Once enacted, patients seeking outpatient treatment for mental illness would pay the same 20 percent copayment we require of Medicare patients seeking treatment for any other illnesses. My bill is a straightforward solution to this last bastion of Federal health care discrimination.

Last year, via Executive Order we at last initiated parity coverage of treatment for mental illness for our federal employees and their families. Members of Congress and their staff, who are covered under FEHPB, have parity for treatment of mental illnesses. If parity is good enough for federal employees and for Members of Congress and their staff, can we now do any less for our Medicare beneficiaries? I urge my colleagues to join with me in righting this wrong.

HONORING MARY VIRGINIA BURRUS

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. LEACH. Mr. Speaker, today I express my gratitude and appreciation for the work of Mary Virginia "Ginny" Burrus.

Ginny joined my staff on January 16, 1985, providing constituent service in my Burlington, Iowa, office. She and her late husband David owned their own business in Burlington and she had long been active in promoting tourism, the arts as well as the economy of southeastern Iowa.

After redistricting, Ginny helped open my Iowa City office in 1992, continuing to provide outstanding service to the residents of Iowa's First Congressional District.

All of my colleagues know how essential to the functioning of government is the ombudsman role in Congressional offices, and particularly caseworkers within them, play. For constituents with problems, be it with veterans benefits, Social Security, Medicare or student loans, the federal bureaucracy can be a bewildering maze, the applicable laws and regulations often seemingly irrational. An experienced, knowledgeable and sympathetic caseworker can be indispensable in getting the answers needed and problems resolved.

In the 16 years she worked with me, Ginny epitomized the consummate professional and her file is fat with letters from Iowans thanking her for the help she provided. In recent years, as immigration casework increased, her knowledge of immigration law, regulations, processes and paperwork has become legendary. Equally well known has been her patience, both with harried staffers at INS and with newcomers to this country, unfamiliar with both its language and its ways.

Ginny has provided me and the citizens of Iowa a model of what public service is all about. She will now have more time to enjoy her daughters, Alicia, Alexandra and Anita, and her grandson Kerr and granddaughter Hannah, as well as the opportunity to play more bridge.

It is with profound gratitude that I wish Ginny all the best in a well-earned retirement.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. BONO. Mr. Speaker, I was necessarily absent for all legislative business during the week of February 5, 2001 through February 10, 2001, due to a medical condition. As a result, I missed the following votes: On Tuesday, February 6, 2001—question "On Motion to Suspend the Rules and Pass" (roll No. 9) for issue H.J. Res. 7—Recognizing the 90th birthday of Ronald Reagan—question "On Motion to Suspend the Rules and Agree" (roll No. 10) for issue H. Res. 28—Honoring the contributions of Catholic schools. On Wednesday, February 7, 2001—question "On Motion to Suspend the Rules and Pass" (roll No. 11) for issue H.R. 132—To designate the Goro Hokama Post Office Building in Lanai City, Hawaii.

Had I been present, I would have voted "yea" for question "On Motion to Suspend the Rules and Pass" for issue H.J. Res. 7 (roll No. 9), "yea" for question "On Motion to Suspend the Rules and Agree" for issue H. Res. 28 (roll No. 10), and "yea" for question "On Motion to Suspend the Rules and Pass" for issue H.R. 132 (roll No. 11).

PRESCRIBING ALTERNATIVE PAYMENT METHODS UNDER THE TRICARE PROGRAM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that would allow retired members of the military to pay their TRICARE enrollment fees on a monthly basis.

Currently, TRICARE enrollees must pay their annual enrollment fees all at once or on a quarterly basis. Enrollment fees are $230/year for individual enrollment, and $460/year for family enrollment.

My bill establishes alternative payment mechanisms to provide for payment of such fees through: a deduction from military retired or retainer pay; a deduction from monthly Social Security benefits; and an electronic funds transfer from a checking or savings account.

Last year we passed legislation that enables the Department of Defense to provide TRICARE benefits to Medicare-eligible beneficiaries. As we honor our military retirees with access to a wonderful health care program, we should remember that many retirees are living on a fixed income. A one-time enrollment payment can severely limit their resources. My bill is designed to help individuals with a limited income spread out the payment of the yearly enrollment fee over 12 months.

I urge all members to cosponsor this legislation.

TRIBUTE TO CLAFLIN UNIVERSITY STUDENTS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to twenty-two exceptional students at Claflin University, who are participating in the "Call Me Mister" program.

"Call Me Mister" was developed to address the looming shortage of teachers, especially black male teachers. The program strives to place black males in front of elementary school classrooms in order to provide positive role models for our children.

Each of the twenty-two participants in "Call Me Mister" at Claflin underwent a rigorous application process and are required to maintain a minimum grade point average. The students will complete 300 hours of community service before they graduate.

Black youths in South Carolina have the highest dropout rate of any group and twenty percent are held back in the first grade. These children are in desperate need of African American men to model their lives after, who can show them that the American dream can come true for all Americans.

"Call Me Mister" promises to provide the State of South Carolina with a new breed of teachers. Less than one percent of the state's teachers are African American males despite the fact that the state is one-third black. Claflin University and the wonderful participants in the "Call Me Mister" program are working to make South Carolina's elementary school classrooms more representative of the state itself.

Mr. Speaker, the "Call Me Mister" program is working to improve South Carolina schools along with the mentality of African American men. Please join me in paying tribute to these wonderful students and this long overdue program as they work to better the educational system in my state.

CONGRATULATING THE UKRAINIAN PEOPLE ON POPE JOHN PAUL II's UPCOMING VISIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. KUCINICH. Mr. Speaker, today I congratulate the Ukrainian people on His Holiness Pope John Paul II's upcoming visit in June. The Pope recently accepted an invitation from Ukraine's President to visit the country, undoubtedly answering the prayers of many Catholic Ukrainians.

Mr. Speaker, many of my constituents would also like to see His Holiness Orthodox Patriarch Bartholomew of Constantinople visit Ukraine. Ukraine has a large Orthodox population, and a visit by the Patriarch to the country would be a blessing to them and would promote harmony between Catholic and Orthodox worshippers throughout Ukraine.

INTRODUCTION OF LEGISLATION ON MODIFYING THE FTC'S ORIGIN RULES FOR WATCHES

HON. DONNA M. CHRISTENSEN

OF VIRGIN THE ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. CHRISTENSEN. Mr. Speaker, today I am introducing legislation which would modify the Federal Trade Commission's practices for determining the country of origin of domestic watches, including those watches manufactured in the United States Virgin Islands.

The watch industry is the largest light manufacturing industry in the U.S. Virgin Islands and remains one of the most important direct and indirect sources of private sector employment in the Territory. The insular watch production industry is also highly importsensitive and faces continued threats from multinational watch producers, who have continued to move their watch production to lower wage countries. The legislation that I am introducing today will help assure that domestic watch producers can compete on a level playing field with foreign producers with respect to the labeling and advertising of the origin of watches sold in the U.S. marketplace.

Currently, the FTC's test for determining whether a watch in made in the United States differs from the FTC's origin test for foreign-made watches, the Customs Service origin test for imported watches and longstanding international practice. The legislation that I am introducing today would rationalize these various tests by requiring that the FTC employ a common and well-established standard for determining the origin of all watches. This modification to the FTC's practice would help ensure that consumers have a uniform basis on which to judge the country of origin of watches. It would also help promote the operations of U.S. watch producers, particularly those in the U.S. Virgin Islands. The production of watch movements by these producers (and their subsequent production of finished watches) involve highly labor intensive operations which add considerable value to the finished watch and to the U.S. and Virgin Islands economies.

The country of origin of a watch is, by longstanding international trade practice, generally considered to be the country in which the watch movement is produced. The movement is the "guts" of a watch. The production of a watch movement involves numerous, labor-intensive operations involving inspection, quality control, reworking and testing of some 35 to 45 individual parts prior to, during and after assembly. These operations require substantial investment in diversified precision equipment and employee training and add considerable value to the finished watch.

In determining the country of origin of imported products, the U.S. Customs Service generally employs the well-established concept of "substantial transformation." The substantial transformation test—which is supported by almost 100 years of judicial and administrative precedent—recognizes that some functional changes and processes involved in the production of an imported product are so significant as to create an entirely new article.

I am informed that, in applying this concept to imported watches, the Customs Service has followed international practice and has determined that the production of a watch movement results in a substantial transformation and thereby determines the country of origin of the finished watch. Additionally, under the "tariff shift" origin rules adopted under NAFTA, the country of origin of the watch is the country where the movement was produced.

In evaluating product labels or advertising that state a foreign country of origin for watches and other imported products, the Federal Trade Commission has generally permitted foreign claims that are based on substantial transformation. For example, based on the FTCs practice under section 5 of the Federal Trade Commission Act, a watch whose movement was produced in a foreign country from parts sourced worldwide could be labeled and/or advertised as made in that foreign country.

The Federal Trade Commission applies a different and much more strict origin test to watches produced in the United States and the U.S. territories. Under this test, a watch whose movement is produced in the United States or the U.S. territories cannot be labeled or advertised as "Made in the USA" unless all or virtually all of the parts and labor employed in producing the movement and finished watch are of domestic origin. Thus, the FTC applies substantially different tests for determining the foreign and domestic origin of watches. These tests lead to different results in situations in which the only difference between two watches is the country where the movement was assembled.

The FTC's current origin tests for watches discriminate against domestic producers, including those in the U.S. Virgin Islands. Given the globalization of the international watch components industry, it is virtually impossible, as a practical matter, for a domestic producer to source all of its watch components from U.S. sources. Thus, watches produced in the United States from U.S. assembled movements cannot be marked "Made in the USA" even though their production involves highly labor intensive operations which add considerable value to the watch. In contrast, under the FTC's current test, a watch made from a movement assembled in Japan from imported parts could be labeled as "Made in Japan." These conflicting tests put U.S. producers at a considerable disadvantage in the marketplace and are confusing to U.S. consumers.

My legislation would correct this unfair and confusing situation by requiring that the FTC apply the same substantial transformation test for determining the origin of all watches, including those watches that are labeled or advertised as "Made in the USA." This common test will assure that origin rules for domestic watches conform with well-established international and Customs Service practice and the FTC's own practice for imported watches. It will enable U.S. producers, including those in the Virgin Islands, to employ country of origin labels or claims in the same circumstances in which their foreign competitors could label or advertise that their watches are made in a foreign country. Finally, the legislation would provide U.S. consumers with a clear and consistent test for determining where watches are made.

FAIRNESS TO LOCAL CONTRACTORS ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, today I am introducing the Fairness to Local Contractors Act to help local contractors compete for military construction projects. The purpose of the bill is to address concerns raised by various unions, contractors, and the State of Hawaii, that local companies are not getting a fair shot at competing for military construction contracts.

The ability of out-of-state contractors to ignore state tax and employment laws have allowed them to avoid costs that local companies have to meet and thereby outbid our local companies.

The problem of out of state contractors dodging state tax and employment laws was documented at the Congressional hearing I held on August 5, 1995, in Hawaii. The bill incorporates many of the suggestions and proposals made at this hearing on ways to make the bidding process more equitable for local companies.

The bill requires contractors to obtain a state tax clearance in order to be an eligible bidder on military construction projects; it requires them to obtain a state tax clearance and certify compliance with state employment laws in order to receive the final project payment; allows a military agency to withhold payment in order to meet state tax obligations; and it requires a contractor that has won a bid to obtain a state license in the state in which the work is to be performed, if that state requires such a license.

Military construction work is an important part of Hawaii's economy. Not only will Hawaii's local companies benefit from this legislation, but all local companies across the nation will have a fair chance to compete for these projects that are worth millions of dollars.

By joining me in supporting the Fairness to Local Contractors Act we can provide the enforcement needed to make sure all bidders play by the same rules. I urge my colleagues to cosponsor and support this legislation.

TRIBUTE TO LOUIS WELDON HAMMOND

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Attorney Louis Weldon Hammond who, for over 37 years, tirelessly served our veterans and was a trailblazer in his field.

Attorney Hanimond was born in Ridge Spring, SC on January 5, 1939. He attended Morehouse College and obtained his bachelor and law degrees from South Carolina State College. For more than 35 years, he has been married to the former Loretta Thomas. They have two children, Kartika Loretta Hammond and Louis Weldon Hammond II.

After graduating law school as the top Administrative Law student, the Veterans Administration Regional Office in Columbia, South Carolina, recognized his talefit and hired Mr. Hammond. His success on the job cast him into the role of trailblazer. Mr. Hammond was the first African American to hold each position as he rose through the ranks. The positions he held included Legal Claims Examiner, Veterans Claims Rating Board, Veterans Claims Examiner Authorizer, Section Chief, Assistant Adjudication Officer and Veterans Service Center Manager. He also served as an Equal Employment Opportunity Counselor and National Equal Employment Investigator.

His career successes led to his appointment to a number of positions of distinction including Chairman of National Adjudication Officer's Advisory Committee, Southern Area Adjudication Officers Advisory Committee, and the V.A.'s top Leadership award. Mr. Hammond's distinguished career also led him to receive the award of first runner-up for Federal Employee of the Year for 1977.

Perhaps his dedicated service to the Veterans Administration stemmed from his distinction as a veteran himself. He rose to the rank of SGT E-6 (Staff Sergeant) and received numerous honors including; Good Conduct Medal, Army Expeditionary Medal, Army Commendation Letter, Outstanding Soldier of Encampment, Outstanding Soldier of Reserve Unit, Court Martial Coordinator—Santo Domingo, Dominican Republic.

Outside his legal and military career, Mr. Hammond was, and continues to be, very active in his community. Mr. Hammond founded a neighborhood organization called New Castle Concerned Citizens, and serves as a poll manager in his Midway precinct. He has also participated in a number of other organizations. He served on the Board of Directors at Providence Home and the Advisory Board of Richland Northeast High School and as former Chairman and Treasurer of the Kitani Foundation, Past President of the South Carolina State College's Columbia Alumni Association, and past president of the Dent Middle School PTO.

Mr. Hammond is a Life Member of the NAACP and Kappa Alpha Psi Fraternity. He is a member of First Calvary Baptist Church, where he has served as Deacon, Chairman of a $2.5 million building project, as the Minister's Administrative Assistant, and is a member of two choirs. His dedication to South Carolina veterans and to the community was recognized on December 19, 2000 when Governor Jim Hodges awarded Mr. Hammond the Silver Crescent.

Mr. Speaker, we seldom meet people who give so tirelessly of their time and efforts as Louis Weldon Hammond, Sr. Please join me in paying tribute to this wonderful South Carolinian, a personal friend, and a trailblazer who earned the reputation of being a dedicated, just, equitable, fair and caring professional during his long and distinguished career.

UKRAINE'S CONTINUED INDEPENDENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. KUCINICH. Mr. Speaker, today I voice support for Ukraine's continued independence and its efforts at cultivating a strong relationship with the West.

Mr. Speaker, Ukraine declared its independence from the Soviet Union in 1991, and since then has embarked on a long march towards democracy. Along the way, it has gradually oriented itself towards the West and embraced Western institutions. Ukraine was the first post-Soviet state to join NATO's Partnership for Peace program. It has since become party to a NATO-Ukraine Commission, which meets at various times throughout the year, and is a member of the Council of Europe. Ukraine has stated that its strategic goal is integration into Western political and security structures, including, potentially, NATO itself.

Mr. Speaker, I would also like to express support for Ukraine's Prime Minister, Viktor Yuschenko, and his wife Katherine, who is American. Prime Minister Yuschenko has worked tirelessly to end corruption and carry out democratic reforms in Ukraine, recently under turmoil because of the undemocratic actions of others in power. His continued leadership will be critical to the success of this progressing nation.

INTRODUCTION OF LEGISLATION ON REVISIONS TO THE PIC PROGRAM

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. CHRISTENSEN. Mr. Speaker, today I introduce a bill which would make a series of technical and/or noncontroversial adjustments to the Production Incentive Certificate ("PIC") program for watch and jewelry produced in the U.S. insular possessions. In the near term, this legislation would improve the operation of the PIC program for both watch and jewelry manufacturers in the U.S. Virgin Islands—producers that provide a critical source of employment for the Territory. Over the longer term, this legislation would protect the PIC program and related duty incentives from the effects of any future reduction or elimination of watch tariffs.

The watch industry is the largest light manufacturing industry in the USVI and remains one of the most important direct and indirect sources of private sector employment in the Territory. The insular watch production industry is also highly import-sensitive and faces continued threats from multinational watch producers, who have continued to move their watch production to lower wage countries.

Congress and successive Administrations have recognized the importance of the watch industry to the USVI—and the import sensitivity of watches—through a series of significant enactments and decisions. The General Note 3(a) program, which Congress has incorporated in the Harmonized Tariff Schedule, grants duty-free treatment for qualifying insular possession watches and thereby provides a relative duty advantage vis-à-vis foreign watch producers. Through the PIC program, insular possession watch producers can obtain duty refunds based on creditable wages paid for watch production in the insular possessions. Additionally, in recognition of the relative advantage that duty-free treatment of watches provides to insular possession watch producers, Congress and successive Administrations have resisted efforts to eliminate watch duties on a worldwide basis.

In 1999, Congress extended the General Note 3(a) program and PIC program benefits to jewelry produced in the insular possessions. In doing so, Congress sought to promote vital employment in the insular possessions by extending existing watch industry incentives to jewelry production—an industry which utilizes many of the same skills and facilities as watch production. Since enactment of this important change, four mainland jewelry manufacturing companies have established operations in the USVI and are participating in the PIC program.

Watch and jewelry producers in the Virgin Islands have consulted with the American Watch Association and U.S. watch firms that import substantial quantities of foreign made watches regarding proposals to preserve and protect benefits for insular possession watches and jewelry, while also mitigating the impact of any future reduction of duties on imported watches. These discussions have resulted in the parties' unified support for the legislation that I am introducing today.

The various technical adjustments set forth in this legislation would enhance the ability of insular watch and jewelry producers to utilize the PIC program while, at the same time, retaining overall PIC program unit and dollar value limits. Additionally, the legislation would establish a standby mechanism to mitigate the impact of any possible future reduction or elimination of watch duties on a worldwide basis through trade negotiations and congressional action. This mechanism—which has broad support among the insular and domestic watch manufacturing and distribution sectors—would ensure that any future reduction in watch duties does not disturb the relative value of current duty incentives and PIC program benefits for the insular watch industry. Importantly, this standby mechanism would have no effect on current watch duties or PIC program limits.

Under the PIC program, producers of watches and jewelry in the U.S. insular possessions are issued certificates by the Department of Commerce for specified percentages of the producer's verified creditable wages for production in the insular possessions. Based on these certificates, the producers are entitled to apply to the U.S. Customs Service for refunds on duties paid on watches. Certain technical provisions of the PIC program, however, impose unnecessary burdens on producers. These include unclear definitions, unduly complex PIC refund provisions and special issues relating to the extension of PIC benefits to jewelry. The legislation that I am introducing today includes technical adjustments to the PIC program to eliminate these burdens, while retaining overall PIC program limits on units and benefits.

Currently, a producer receives a single PIC certificate of entitlement for each calendar year, which is issued by March 1 of the following year. This certificate serves as the basis for the producer's application for duty refunds to U.S. Customs, a process which can take as long as six months. As a result, there can be delays of as long as 18 months between the time a producer incurs a creditable wage payment and the time the producer receives the related duty refund. The proposed legislation would reduce these unnecessary delays by providing for the issuance of PIC certificates of entitlement on a quarterly basis.

Currently, producers must assemble often voluminous import entry information and apply to U.S. Customs for wage-based refunds. If a producer has not paid sufficient import duties, the producer must sell the PIC certificate to another firm, which then applies for the duty refund. In either event, the PIC program assures that an insular producer is compensated for a specified percentage of its verified production wages, regardless of whether it has paid the corresponding amount of import duties. The bill would simplify this refund process by providing producers with the option of applying directly to the Treasury Department for the full amount of their verified PIC program certificates.

For watches, the PIC program establishes a 750,000 unit limitation on the number of watches used to calculate an individual producer's PIC benefits. When the PIC program was extended by Congress to jewelry, this upper limit was also extended to each individual jewelry producer's qualifying jewelry production. While this limit may be appropriate for watches, which are technically sophisticated and relatively expensive, I am informed that it is likely to unduly limit jewelry production in the insular possessions, which relies on large quantities of relatively lower-priced units. My proposed legislation would address this issue by eliminating the 750,000 unit per producer limit for jewelry, while retaining the overall unit and dollar value limits for the PIC program as a whole.

When Congress extended the PIC program to jewelry in 1999, it sought to encourage the phased establishment of new jewelry production in the insular possessions through a transition rule. Under this rule, jewelry items which are assembled (but not substantially transformed) in the insular possessions before August 9, 2001 would be eligible for PIC program and duty-free benefits. Although this new provision has helped attract new jewelry production to the USVI, I am informed that some potential producers are facing administrative, technical and business delays which may severely erode the benefits of the transition rule. The bill would address this issue by extending the transition rule for jewelry for an additional 18 months.

The bill would help to facilitate long term planning by existing insular producers and attract new producers to the insular possessions by extending the authorized term of the PIC program until 2015. The bill would also clarify current law by stating explicitly that verified wages include the amount of any fringe benefits.

For many years, multinational companies that import substantial quantities of foreign-made watches into the United States have sought to reduce or eliminate U.S. watch duties, either through multiple petitions for duty-free treatment for watches from certain GSP-eligible countries or through worldwide elimination of watch duties in trade negotiations. Insular possession watch producers have repeatedly opposed these efforts on the ground that the elimination of duties on foreign watches would eliminate the relative benefit that insular possession producers receive through duty-free treatment under the General Note 3 (a) program and, in turn, lead to the eventual demise of the insular watch industry. Successive Congresses and Administrations have agreed with these arguments and refused to erode the benefits which insular possession producers receive under General Note 3(a) and the PIC program.

These continued battles over watch duties and the insular possession watch program have imposed significant resource burdens on Virgin Islands watch producers and the Government of the U.S. Virgin Islands, diverting resources and energy that could better be spent in enhancing growth and employment in the insular watch and jewelry industries. Virgin Islands watch producers, the AWA and representatives of U.S. firms that import foreign-made watches are seeking to address this longstanding issue by reconciling existing insular possession watch benefits with any worldwide reduction or elimination of watch duties. The legislation that I am introducing contains two mechanisms to help mitigate against the impact of any future reduction or elimination of watch duties, while also preserving existing watch benefits.

The bill would put in place a standby mechanism that would preserve the benefits of duty-free treatment under General Note 3(a) in the event that Congress and a future Administration were to agree at some future point to eliminate or reduce duties on watches. This mechanism would preserve the relative tariff advantage that insular producers currently enjoy over foreign-made watches by incorporating a "hold harmless" provision in the PIC program. Under this standby mechanism, if watch duties were reduced or eliminated in the future, PIC payments to insular producers would also include an amount which reflects the value to the insular producers of the current General Note 3(a) benefit. This mechanism would facilitate the eventual reduction or elimination of watch duties on a worldwide basis while helping to assure that any such duty reduction does not lead to the demise of the insular industry.

Currently, payments under the PIC program are funded from watch duties. An alternative funding source would be required if watch duties were reduced or eliminated on a worldwide basis. The legislation that I am introducing provides that PIC benefits can be funded from jewelry duties or duties on other appropriate products.

It is important to bear in mind that these two mechanisms would only be activated in the event that watch duties are, in fact, reduced or eliminated in the future—decisions that would require considerable deliberation and consultation by the President and Congress. By assuring the continuation of current benefits for insular producers, however, these mechanisms would greatly mitigate the impact of any eventual decision by Congress to reduce or eliminate watch duties.

Congress has long recognized that the current watch industry incentives are critical to the health and survival of the watch industry in the U.S. Virgin Islands. By adopting this legislation, Congress can improve the operation of the PIC program for insular watch and jewelry producers and establish a mechanism to facilitate the eventual reduction or elimination of watch duties on a worldwide basis.

FULL FUNDING FOR PELL GRANTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce the Pell Grant Full Funding Act.

It is time we live up to our promise of providing students from low-income families access to higher education.

Although we promise eligible students a maximum Pell Grant award of $5,100 for the 2001 school year, we only appropriated funding for a $3,750 maximum award.

How can we renege on a promise to help fund a student's education? We must not impose artificial limits. If we really mean what we say about all students having access to a higher education, we should interpret the Pell Grant Program as an obligation which Congress is according based on strict eligibility standards. We do this with Medicare. We determine if a person is eligible and then we provide that individual with resources for hospitalization, for doctors care, and so forth. We do not tell the person they are eligible and then deny them the medical care when they show up at the hospital. We must not deny students funding for education when they show up at colleges. Obligating ourselves to fund what students are entitled to is the only way we are going to meet our fundamental responsibility to provide access to higher education for all students.

The Pell Grant Full Funding Act that does just that. It will create a contractual obligation on the United States to reimburse institutions that award Pell Grants to its eligible students in the full amount they are entitled to. Simply put, my bill guarantees that eligible students will receive the amount they are entitled to, making it easier to get a higher education.

I urge my colleagues on both sides of the aisle to cosponsor this important legislation.

ENGLISH LANGUAGE AMENDMENT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DOOLITTLE. Mr. Speaker, it is my distinct pleasure to reintroduce the English Language Amendment to the Constitution in the 107th Congress. I remain convinced that this nation of immigrants must once again be united under a common tongue.

The notion that our nation's government must function in multiple tongues may appear to be compassionate. Yet recent events once again demonstrate that this apparently compassionate solution is simply not helping the people it may have been intended to help.

The New York Times carried an urgent editorial on January 1st of this year, entitled "Bungled Ballots in Chinatown." The Times noted that "Chinese-language ballots were translated incorrectly. The 'Democratic' label was translated as 'Republican' and 'Republican' was rendered 'Democratic' for state races." In addition, the Chinese instructions for choosing State Supreme Court justices were also flawed. The English instruction read "Vote for any THREE" candidates while the Chinese version asked voters to "Vote for any FIVE."

How could mistakes like this happen? A quick overview of a manual for prospective professional translators, The Translator's Handbook by Moffey Sofer, suggests that correctly interpreting between two languages is more difficult than some may suppose. There is variation within every language, as anyone who has compared American English with British English knows all too well.

In the case of Chinese, the language is presently written in both traditional and simplified characters and varies between the mainland and Taiwan. Sofer also notes that there are more problems translating between Spanish and English than between other languages and English because:

> [T]here is no single variety of Spanish. There are major differences between the Spanish of Mexico, Central America, northern South America and [s]outhern South America, not to mention such places as Puerto Rico and . . . Spain.

Cuban Spanish, Puerto Rican Spanish, Chicano Spanish and additional forms of Spanish all exist within the borders of the United States, creating vast potential for cross-cultural confusion. Thus, the English word "eyeglasses" must be translated as anteojos for one Hispanic community in the U.S., for another as gafas, while a third group prefers espejuelos and still another group refers to eyeglasses as lentes.

Spanish and Chinese aren't the only languages which create translation challenges. The Translators Handbook also notes that "there are several spoken Arabic dialects which are not always mutually intelligible, such as Syrian and Egyptian and . . . even the official written Arabic has different terms and uses in different Arab countries."

In fact, translation difficulties are part of the dispute in the Middle East. A July 24, 1999 letter to the New York Times notes that UN Resolution 242 reads in English that Israel is to return unspecified "territory" while the French version refers to "the territory" (le territorire).

These difficulties of translation underscore the practical problems inherent to multilingual government. Millions of official documents multiplied by a multitude of language translations mean a potential for massive errors.

Without an official language, there would be no legal standard to decide among competing translations of a government document in which the English version said one thing while the translation said something altogether different. My colleagues and I can spend hours negotiating over the exact wording of one phrase in one piece of legislation. We are all aware that wording matters.

Mr. Speaker, these practical problems are about to multiply exponentially, thanks to President Clinton's Executive Order 13166.

Executive Order 13166 received little media coverage when it was signed on August 11th, the last Friday before the Democratic Convention in Los Angeles. Executive Order 13166 will soon be major news with incalculable financial impact on every state, city and town.

Executive Order 13166 is based on belief that to provide services solely in English could "discriminate on the basis of national origin." Thus Clinton Executive Order 13166, as interpreted by the Office of Civil Rights in the Department of Justice, requires every recipient of federal funds, including "a federally assisted zoo or theater . . . to take reasonable steps to provide meaningful opportunities for access" by Limited English Proficient (LEP) individuals.

How will Executive Order 13166 be enforced? The Maine Medical Center, based in Portland, now has nine official tongues and counting, thanks to a settlement with the Department of Health and Human Services' Office of Civil Rights.

The Maine Medical Center is now required to post a "Interpreter Availability Sign" to be "printed at least in English, Farsi, Khmer, Russian, Serbo-Croatian (Cyrillic and Roman alphabets), Somali, Spanish and Vietnamese."

In addition, hospital personnel must be "inform[ed] that MMC's policy of providing in-person and telephone interpreter services to LEP (Limited English Proficient] persons is not limited to languages in which [the Interpreter Availability Sign] and other documents are printed." In other words, anyone who arrives at the front desk of the Maine Medical Center now has the right to insist on a translation into any language in the world.

Mr. Speaker, allow me to turn next to the question of bilingual education, which the voters of my state abolished in June of 1998.

Thanks to the passage of Proposition 227, more California children are learning English and getting ready to take their rightful place in American society.

On August 20, 2000 the New York Times carried a story in its front page entitled: "Increase in Test Scores Counters Dire Forecasts for Bilingual Ban." The story began:

> Two years after Californians voted to end bilingual education and force a million Spanish-speaking students to immerse themselves in English . . . those students are improving in reading and other subjects at often striking rates, according to standardized test scores released this week. . . . The results are remarkable giver predictions that scores of Spanish-speaking students would plummet.
>
> Consider the experience of Ken Noonan, who . . . founded the California Association of Bilingual Educators 30 years ago . . . [he] warned in 1998 that children newly arrived from Mexico and Central America would stop coming to school if they were not gradually weaned off Spanish in traditional bilingual classes.
>
> Now, he says he was wrong.
>
> "I thought it would hurt kids," Mr. Noonan said of the ballot initiative, which was called Proposition 227. "The exact reverse occurred, totally unexpected by me. The kids began to learn—not pick up, but learn—formal English, oral and written, far more quickly than I ever thought they would."

There was more good news. While 29% of the state's limited English proficient students were enrolled in bilingual education programs prior to the passage of Prop. 227, the percentage dropped to 12% after the proposition was implemented. "Even in the classrooms that had been designated as bilingual . . . teachers reveled that . . . their students were receiving much less literacy instruction in their primary language."

All this means that more California children of immigrants are being taught English. And test scores show they are learning it. Especially in the lower elementary grades, students who arrived at school speaking little or no English have made dramatic improvement in reading and mathematics.

Mr. Speaker, these facts support making English America's official language. Let me now turn to the underlying message of this legislation. Opponents of official English claim legislation of this sort sends the wrong message to Hispanic Americans. They are wrong, as Hispanic Americans from all walks of life are quick to reply.

The real message underlying this legislation was well-expressed by Everett Alvarez, Jr., who led the Republican Convention in the Pledge of Allegiance earlier this year.

Everett Alvarez was the first American pilot shot down in Vietnam. Everett Alvarez is also a proud American of Hispanic descent. In his book, Code of Conduct, Alvarez said, "I didn't spend eight-and-one-half years of my life as a prisoner of war because I was Hispanic. I didn't get beat up because I was Hispanic. I was an American fighting man." Alvarez also had this to say about bilingual education:

I am proud of being living proof that America is a country in which a person can overcome economic disadvantages and ethnic stereotypes. . . . I believe that education is the key to a successful and happy life in an open society. With that in mind, I oppose the movement to make Spanish (or any other foreign tongue) a second coequal language in American schools. This is a hindrance rather than a help to the young people who will eventually have to make their way in an English-speaking society.

Ernesto Ortiz, a South Texas ranch hand echoed this view. As quoted by John Silber, in his book Straight Shooting: "My children learn in Spanish in school so they can grow up to be busboys and waiters. I teach them in English at home so they can grow up to be doctors and lawyers."

Alvarez and Ortiz are joined by Arthur M. Schlesinger, Jr., who so eloquently spoke in his book, The Disuniting of America, of how: "a common language is a necessary bond of national cohesion in so heterogeneous a nation as America. . . . [I]nstitutionalized bilingualism remains another source of the fragmentation of America, another threat to the dream of 'one people.'"

The vision which underlies my English Language Amendment is the uniquely American vision of a nation of immigrants united by a common tongue. This is not only the popular position—official English has won handily in my home state of California—is also the right position.

If passed by the Congress and ratified by the states, my English Language Amendment will provide permanent protection from the divisions and dangers of mandatory multilingualism. It is for this reason that I hope Congress will choose this particular approach, though it is a longer and harder road than simple legislation. This nation of immigrants needs a common tongue.

I urge my colleagues to join me in supporting the English Language Amendment.

COALITION FOR AUTISM RESEARCH AND EDUCATION (C.A.R.E.) CAUCUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I joined with Rep. MIKE DOYLE of Pennsylvania and over 60 other Members of the House to introduce a new congressional caucus concerning autism called C.A.R.E., which stands for the Coalition for Autism Research and Education.

As I have said many times before, the parents of children with autism are truly the voices of the voiceless. They are the protectors of those who cannot fend for themselves. For some years now, we have been working to provide help to the parents. But today we have reinforcements. Today we launch a new vehicle through which we can all work towards our common goals.

The Coalition for Autism Research and Education (C.A.R.E.) is a bipartisan Congressional Member Organization (CMO) dedicated to improving research, education, and support services for persons with autism spectrun disorders. I am very proud to be a Co-Chairman of this new organization, and pleased to be working alongside my good friend, and Democrat colleague, MIKE DOYLE of Pennsylvania (PA–18).

At today's press conference we were also honored to have a special guest, Mr. B.J. Surhoff, a professional baseball player who plays left field for the Atlanta Braves. Many of us know B.J. for his skill and grace on the baseball field. But few of us know that of all the challenges and accomplishments he has faced in his life, probably none are more near and dear to his heart than his son, Mason, who is autistic.

I have always believed that the true value of any society can be seen in how it treats its most vulnerable members. And few are as vulnerable and dependent on others as the autistic child.

A key mission of C.A.R.E. is to expand federal research for autism. The caucus will be working hard to build upon a proven record of accomplishments in the area of autism research during the previous 106th Congress.

During the 106th Congress, we passed landmark legislation which established "Centers of Excellence" to track cases of autism, increased funding at the Center for Disease Control (CDC) from $1.1 million in Fiscal Year 2000 to $6.7 million in FY 2001 and boosted funding at the National Institute of Health (NIH) from $40 million in FY 1999 to $45 million in 2000. Another significant increase in autism funding is expected at NIH for FY 2001. Congress also held hearings on autism, which have led to a better understanding of the disorder.

Many of my colleagues who I worked with last year on these issues are enthusiastic members of C.A.R.E., including, Dr. DAVE WELDON of Florida, Chairman DAN BURTON of Indiana, and Congressman JIM GREENWOOD of Pennsylvania.

I am extremely proud of the work we did last Congress. The enactment of Title I of the Children's Health Act (P.L 106–310) on October 17, which incorporated provisions of two bills JIM GREENWOOD and I introduced—HR 274 and HR 997—were a major feat for autism research.

Title I of this legislation, among other things, authorized the creation of 3 "Centers of Excellence" in autism epidemiology to conduct prevalence and incidence data on autism. In this way, scientists can get a better understanding of the scope of CDC and would specialize in a specific aspect of autism research. In addition, the centers would provide education on the best methods of diagnosis and treatment of autism to educators and physicians.

In December, we worked hard to win appropriations of $3 million for Fiscal Year 2001 to fund the Centers of Excellence for CDC and begin larger-scale autism prevalence and incidence studies.

CDC expects to issue program announcements and requests for proposals in the early summer of 2001 to implement P.L. 106–310. Grants would be awarded to successfully completed applications to CDC for the "Centers of Excellence" sometime in the early fall of 2001.

Another provision in the Children's Health Act directs the Director of the NIH to establish not less than 5 Centers of Excellence to conduct basic and clinical research including developmental neurobiology, genetics and psychopharmacology.

The Members of C.A.R.E. will work to further advance the process of establishing these Centers of Excellence, which will lead to a better understanding of autism and related disorders.

The 106th Congress also significantly boosted total federal funding for autism. We want to take a page out of that playbook and repeat that success this year as well. CDC funding for autism increased from $1.1 million in FY 2000 to $6.7 million in FY 2001. Since FY 1998, when autism finding at CDC was a mere $287,000, funding has increased by a net total of 2,246 precent! That's 23.5 times what CDC spent just four years ago.

At NIH, Congress won increases in funding for autism from $40 million in FY 1999 to $45 million in 2000. Funding for 2001 is also expected to increase. Since FY 1998, autism research has been increased by 66 percent at NIH. Maybe this year we can make yet another installment on our plan to double autism research at NIH.

Finally, at the request of interested Members of Congress and with grass roots support, the House has held two separate hearings on the problem of autism—one by the Commerce Committee and another by the Government Reform and Oversight Committee. Additional hearings are likely if Member interest stays strong. I know Chairman DAN BURTON at the Government Reform and Oversight Committee remains deeply interested in further hearings. And Chairman MIKE BILIRAKIS is another strong supporter of autism research and oversight.

IN SUPPORT OF COMPREHENSIVE INSURANCE COVERAGE OF CHILDHOOD IMMUNIZATIONS ACT OF 2001

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. GREEN of Texas. Mr. Speaker, vaccines have made dramatic improvements in the lives of children and adults in the last century. Scourges such as polio and small pox have been eradicated thanks to advancements in vaccine research.

Childhood vaccinations prevent nine serious infectious diseases. Thanks to immunizations, children no longer have to suffer from the dangers of polio, measles, diptheria, mumps, pertussis (whooping cough), rubella (German measels), tetanus, hepatitis-B, and Hib (the most common cause of meningitis).

Immunizations are not only sound medicine, they're sound public health policy. Over $21 are saved for every dollar spent on the measles/mumps/rubella vaccine. Almost $30 are saved for every dollar spent on diptheria/tetanus/pertussis vaccine.

Unfortunately, many children do not have access to these life-saving vaccines. In fact, one third of two-year-old children are underimmunized, and in some cities and urban areas, more than 50 percent of children are not fully immunized.

Part of the problem is that nearly one in five employer-sponsored health plans do not cover immunizations for infants and children. Nearly one in four children in Preferred Provider Organizations and indemnity plans do not have coverage for immunizations.

The Comprehensive Insurance Coverage of Childhood Immunization Act of 2001 would addresses this problem by requiring ERISA governed health plans to cover vaccines for children under 18 years. Vaccines recommended by the Center for Disease Control and Prevention's (CDC) Recommended Childhood Immunization Schedule must be covered.

The federal government provides this benefit for its own workers, and twenty-four states have enacted laws to require state-regulated plans to cover vaccines. Unfortunately, ERISA plans do not have to comply with state laws. This legislation will ensure that all children, regardless of the type of insurance they have, will receive life-saving vaccines. I hope my colleagues will join me in supporting immunization coverage for all children.

THE WORK FOR REAL WAGES ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce legislation that helps correct a portion of the Welfare Reform Law of 1996.

Under the 1996 welfare reform law, states were allowed to enact workfare programs in which welfare recipients are forced to work off their welfare benefit, rather than receive real wages.

The Work for Real Wages Act requires that welfare recipients who perform unpaid work as a condition of receiving welfare benefits be credited with wages for the purposes of calculating the Earned Income Tax Credit (EITC).

It is unfair to require unpaid work, yet credit nothing toward Social Security, unemployment compensation, and other wage-based benefits programs.

My bill credits the hours worked without direct compensation as though minimum wage were paid for the purpose of claiming earned income tax credits.

I urge all Members to cosponsor this legislation.

A TRIBUTE TO THE LATE MR. THOMAS J. DEMPSEY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor one of the founders of the community of Mammoth Lakes, in my district in California, Mr. Thomas J. Dempsey. After a lifetime of hard work and dedication, my good friend Tom Dempsey passed away on February 1, 2001. He was 66 years old.

Tom was a very private man who quietly made possible the growth and development of Mammoth Lakes. While most people are unaware of his contributions to the community, he played a vital role in forming what it has become.

From the time he arrived in the early 1950's with dreams of becoming a professional ski racer, Mammoth Lakes was always near and dear to Tom's heart. In 1955, he helped build Chair I at Mammoth Mountain. After working as a carpenter for several summers, in 1961, he constructed his first home in Mammoth. That was but the beginning of great things to come. As the sole owner of Dempsey Construction Corporation, Tom became one of the foremost developers of mountain resorts and planned communities in the western United States. However, despite many successful developments elsewhere, the Snowcreek Resort in Mammoth Lakes has remained the corporation's flagship project.

In a very literal way, the town of Mammoth Lakes is what it is because of Tom Dempsey's vision and sense of civic duty. When he purchased the 355-acre Snowcreek Resort property in 1977, the town was under a building moratorium due to insufficient water supplies.

That moratorium was lifted after Tom transferred significant surface and ground water rights from his property to the Mammoth County Water District and permitted the district to drill five major water supply wells.

It was also Tom Dempsey who provided a solution to the town's chronic lack of land for community facilities. In 1980, he completed a complicated land exchange with the U.S. Forest Service that involved 80 acres of government land. Of that land, Tom donated 21 acres for the Mammoth High School site, 20 acres for a future school site in Crowley Lake, and 9.5 acres to the town of Mammoth Lakes. Furthermore, Tom made Snowcreek lands available for a fire station, church, and a water treatment plant.

In addition to these efforts, Tom voluntarily contributed to many other community development projects. These include the landscaping of Main Street, improvements to the Whitmore baseball fields, landscaping and lighting improvements at the Mammoth/June Lake Airport, and restoration of the Mammoth Creek meadow.

While it was his passion for skiing that brought him to the beautiful Eastern Sierra, Tom also enjoyed many other athletic and outdoors endeavors. He was an avid windsurfer, bicyclist, tennis player, and hiker. The same deep love of the environment that drew him to outdoor activities is reflected in all of his development projects.

More importantly than his numerous professional and civic accomplishments, Tom Dempsey was also a devoted family man. He is survived by his lovely wife, Linda, and his daughter Nikki.

Mr. Speaker, Mammoth Lakes has experienced many great changes over the decades that Tom Demspey lived there. In fact, he seemed to be at the heart of them all. He truly was one of Mammoth Lakes' founding fathers. I join with his family, friends, and community in noting that he will be sorely missed.

May you rest in peace, Tom.

GENETIC NONDISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. SLAUGHTER. Mr. Speaker, I am proud to rise to announce the reintroduction of the Genetic Nondiscrimination in Health Insurance and Employment Act.

Yesterday, scientific and scholarly articles were published that explored the implications of the mapping of the human genome. Their conclusions were nothing short of awe-inspiring. The human genome map is going to allow us to explore and better understand not only human health and disease, but the very development of our species. It has tremendous promise to allow us to conquer some of the most feared diseases known to humanity and perhaps to manipulate our very destiny. It is a story of our present, past, and future.

The Romans had a famous saying: Scientia est potentia. Knowledge is power. From scientia we derive the English word science. Like any kind of power, however, the scientific knowledge we are gaining about our genetic composition can be used for both positive and negative ends. If used wisely, it could be a tool for health and healing that shapes the very future of our race. If used foolishly, however, it could become a weapon to undermine individuals' futures, create further divisions among groups of people, and tear at the very fabric of our nation.

Over five years ago, I introduced the first legislation in Congress to ban genetic discrimination in health insurance. Since that time, science has rocketed ahead at a speed no one predicted, even within the genetics community. Social policy, however, has not kept pace. Congress addressed the use of genetic information in passing through the Health Insurance Portability and Accountability Act of 1996, but this law covered only some cases of health insurance discrimination. A comprehensive law is needed to protect Americans against the misuse of their genetic information.

For that reason, I am introducing the Genetic Nondiscrimination in Health Insurance and Employment Act of 2001. I am pleased to be joined by my distinguished colleague, Representative CONSTANCE MORELLA, who represents the National Institutes of Health and has a long record of achievement and advocacy in the health care arena, and 150 bipartisan cosponsors. In the Senate, identical legislation is being introduced by Minority Leader TOM DASCHLE and Senators EDWARD KENNEDY, CHRISTOPHER DODD, and TOM HARKIN, as well as a long list of other distinguished Senators.

The events of the past few days have illustrated the urgent need for this legislation all too well. In addition to the events concerning the mapping of the human genome, we have learned that Burlington Northern Santa Fe Railway performed genetic tests on employees without their knowledge or consent. The tests were conducted with the goal of identifying a predisposition for carpal tunnel syndrome and thereby undermining those employees' claims of job-related injuries. Unfortunately, this was not the first case of such genetic testing and potential discrimination. From the 1960s until 1993, the Lawrence Berkeley National Laboratory secretly tested black employees for sickle cell anemia, until workers filed a lawsuit that resulted in a 1998 decision by the U.S. Ninth Circuit Court of Appeals that this practice was unconstitutional. During the late 1990s, a study conducted by Northwestern National Life Insurance found that, by the year 2000, 15 percent of employers planned to check the genetic status of prospective employees and dependents before making employment offers. Last year, the American Management Association's survey of medical testing in the workplace found that 3% of responding employers admitted they tested employees for breast and/or colon cancer, 1% tested for sickle cell anemia, and a handful tested for Huntington's Disease. Moreover, 18% collected family medical histories, and about 5% stated that they use this information in making decisions about hiring, firing, and reassignment.

This legislation would prevent employers from using predictive genetic information to make employment decisions. It would further prevent employers from requesting or requiring that workers disclose genetic information or take a genetic test. Finally, employers are barred from disclosing genetic information without prior written informed consent.

The Genetic Nondiscrimination in Health Insurance and Employment Act would also address discrimination in health coverage based on genetic information. Too many Americans are deciding not to take a genetic test because they are afraid the information could be used by their insurer to deny them coverage or raise their rates to unaffordable levels. Vital medical decisions like these should be made based on solid science and personal reflection, not the fear of insurance discrimination. This legislation would prohibit insurers from requesting or requiring that an individual disclose genetic information. It would prevent health insurance companies from using this information to deny, cancel, refuse to renew, or change the terms or conditions of coverage. Finally, it would protect the privacy of genetic information by forbidding insurers from disclosing it to outside parties without prior written informed consent.

Simply having a given gene almost never means that a person will definitely develop a condition. Furthermore, every human being has between 5 and 50 genetic mutations that predispose him or her to disease. No one should lose their insurance coverage or their job based on the fact that she might develop cancer or some other disorder in 10, 20, or 30 years.

Genetic science has the potential to transform human health and open entirely new frontiers. We must safeguard the future of this research by ensuring that genetic information cannot be abused. Americans will not continue to support genetic science if they believe the knowledge gained will be used against them.

We can protect the future of genetic research and secure the rights of all Americans by passing the Genetic Nondiscrimination in Health Insurance and Employment Act. I look forward to working with my colleagues to ensure that Congress passes this responsible, comprehensive genetic nondiscrimination and privacy law.

ON PRIME MINISTER CHRÉTIEN'S SPEECH TO THE OAS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. LAFALCE. Mr. Speaker, I want to share with my colleagues the address delivered recently by Canadian Prime Minister Jean Chrétien before a special session of the Permanent Council of the Organization of American States. The speech outlined his vision for the upcoming Third Summit of the Americas in Quebec City, specifically how the nations of the hemisphere can "move ahead on an agenda of human progress and shared prosperity" to create "La Gran Familia of the Americas." These ideas are likely to serve as the guideposts for the bilateral and multilateral relationships evolving throughout the Americas, and I urge all of my colleagues to take the time to read the following speech.

ADDRESS TO A SPECIAL SESSION OF THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES—FEBRUARY 5, 2001

The first address by a Canadian Prime Minister to the Organization of American States is an important milepost in the embrace by Canada of our hemispheric identity.

A path marked by our decision to join the OAS in 1990. By our presence at the first two Summits of the Americas in Miami and Santiago. By my leading two trade missions to Latin America in 1995 and 1998. By our hosting the OAS General Assembly in Windsor last June. By the meetings of hemispheric ministers of finance, environment and labour that will take place in Canada in the coming months. And by the inaugural meeting of the Inter-Parliamentary Forum of the Americas in Ottawa in just a few weeks.

In a couple of months, we will take the most important step on our journey, as we welcome the democratically elected leaders of the Americas to Quebec City for the Third Summit of the Americas.

The steps we have taken on our journey have run in parallel with the growing sense that there is more to the Americas than geography. A sense that we are more than just neighbours and friends. We are "Una Gran Familia." Each a proud individual nation to be sure. Secure in our unique identity and sovereignty. But at a higher level, a family. Who share aspirations and values. Who have embraced democracy, free markets and social justice. Who have taken enhancing the quality of life of all of our people as our common cause.

Recently I have spoken to many of your leaders about how we can move ahead on an agenda of human progress and shared prosperity. I will talk to President Bush about it later today. For those listening in Washington and beyond, I would like to outline how Canada sees our agenda unfolding for the Quebec City summit.

Let me begin by acknowledging the serious problems and challenges that stand between us and our goal. But I have unshakeable confidence in our collective resolve to meet them head on. That is, after all, what brought us together in Miami and Santiago, and will sustain us as we move ahead.

The gap between our rich and poor remains too large. And in the new economy, we face the added challenge of preventing a digital divide. Our emerging democracies lack strong institutions. Our social policies have room for improvement.

Many look upon the powerful forces of economic globalization and technological change as the source of these profound problems. But Canada looks upon them as the key to solving them. To creating untold opportunities and shared prosperity from Tierra Del Fuego to Baffin Island.

We should neither fear the challenge of globalization, nor become blinded by its allure. Rather, we must develop the tools so that all of La Gran Familia can reap its full potential. We must, in short, adopt an agenda that puts people first. That recognizes that our citizens can reach their full potential only when their safety is guaranteed, their rights are respected and their access to economic and social opportunities is assured.

In Quebec City, we will do just that. We have taken as our themes three complementary areas: strengthening democracy, creating prosperity and realizing human potential. And we want to harness the information highway to support this agenda. To foster "connectivity" throughout La Gran Familia.

Democracy and the effective rule of law are the guardians of human security. But such security is unlikely to be sustained in conditions of poverty and unequal opportunity. Realizing human potential through effective social policies is the guarantee that will allow democracy and prosperity to flourish.

Democracy has clearly been on the rise in the Americas over the past decade. But its progress has been neither constant nor equal. And in many countries it remains fragile. Canada wishes to see a clear and forceful commitment to strengthening democracy and fostering social inclusion in Quebec City. Which extends to our democratic institutions, our electoral machinery, and the impartiality of justice. To protecting human rights and freedom of expression. To fighting drug trafficking and corruption.

It will mean empowering local governments and safeguarding the rights of minorities, indigenous peoples, migrants and the disabled. And making the strongest possible pledge to promoting the legal, economic and social equality of women and men.

In Santiago, we formally launched negotiations on the Free Trade Area of the Americas. And we challenged ourselves to achieve it by 2005.

The goal of achieving an FTAA by 2005 is one to which Canada is deeply committed—by temperament and history. We understand the connection between freer trade, prosperity and social progress. And we see an FTAA—with increased transparency and clearer rules—as the best way of forging that same connection throughout the hemisphere. For big nations and for small.

By the same token, we understand that it cannot be about trade alone. It is not just a contract among corporations and governments. First and foremost, it is an agreement among—and about—people. It must be holistic in nature. It must include improving the efficiency of financial markets, protecting labour rights and the environment, and having better development cooperation. It must include engaging the private sector, international financial institutions and civil society in a dialogue directed at encouraging greater corporate social responsibility.

These are the sorts of challenges we will be addressing in Quebec.

Canada also believes that progress in strengthening democratic institutions and increasing prosperity in the new economy must go hand in hand with actions to enhance social and economic inclusion. That will increase access to education and skills development. Promote life-long learning. And broaden access to quality health care and effective disease-prevention programs.

And we must achieve this in a way that respects the value of the diverse ethnic, cultural, linguistic and religious strands that, woven together, make up the fabric of La Gran Familia.

Canada is also very much focused on bridging the digital divide in the Americas. As the information revolution continues, governments have a pivotal role to play in determining how these new technologies evolve. And in ensuring that their ability to bridge vast distances, expand access to knowledge and increase economic productivity is shared equitably.

In Canada we have taken great strides in this area by forming creative partnerships that have allowed us to connect all of our public schools and communities at relatively low cost.

In many ways, our meeting in Quebec City will be about coming to terms with an increasingly engaged civil society and its concerns over the powerful forces that are shaping our modern world.

Canada believes that openness and transparency are vital to building public acceptance and legitimacy for our undertakings. In preparing for the Summit, Canada has engaged civil society organizations at the national level. We have also promoted regional consultations with committed and serious organizations, including meetings here at the OAS, and establishing web-sites for the sharing of information.

Canada worked hard to make the OAS General Assembly in Windsor a more open event, allowing our citizens to see an historic discussion on the nature of democracy and its status among our membership. We must commit ourselves to working with patience, persistence and reason to build a hemispheric future full of promise. A future that takes account of the concerns expressed by our peoples and the impact that the new forces at work in the global economy are having on our citizens. As host of the first Summit of the Americas in the new millennium, Canada will do its utmost to promote openness and transparency, while ensuring productive discourse among governments.

I wish to conclude today on a note of strong support for the OAS. We can all be proud of its accomplishments. The leadership of Secretary General Gaviria has been inspired and responsive to the wishes of our membership.

The past year has illustrated the relevance of the OAS. From helping to shore up democracy to resolving complicated border disputes. From ensuring electoral fairness to promoting technical cooperation.

More than any other single institution, the OAS will be charged with acting upon the mandates we endorse at Quebec City. To do this it will require a tangible expression of our political will and a commitment to its fiscal health. Our foreign ministers should actively address this issue at this year's OAS General Assembly in Costa Rica.

My friends, working with you to make our vision of La Gran Familia of the Americas a reality is a cornerstone of Canadian foreign policy. For many years, the Maple Leaf flag did not hang in this historic room. Canadians felt that our national journey was taking a different path than that of the Americas. Those days are gone . . . forever.

Let us now journey together into the new millennium. With shared conviction, strength and purpose.

Obrigado.

Muchas gracias y hasta pronto en Quebec.

HONORING JOHN BURNS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of John Burns, the Executive Director of the Housing Authority of Santa Clara County. I would like to recognize Mr. Burns' extraordinary and tireless service to the people of Santa Clara County and thank him for his 32 years as the Housing Authority's Executive Director.

John Burns started as the Santa Clara County Housing Authority's first employee in 1968; the Agency now employs a staff of 275. The Housing Authority currently assists over 13,000 families, seniors and disabled in the

Section 8 Program and over 2,000 seniors and disabled in the Property Management Program. In addition, the Agency manages 50 duplexes at the Arturo Ochoa Migrant Housing Center in Gilroy, California, which houses 100 families during the harvest season. In the winter months, the center is used for housing homeless families.

Under John Burns' dedicated leadership, the Housing Authority diversified its many services to the community to include leasing of housing on the open market, new housing construction, and the management of housing for low income families, disabled and the elderly. The Housing Authority also ensures, through sales of bonds, that new construction in the area includes affordable rental units. The successful effort to pass Measure A in the November 1999 election allowed the Housing Authority greater opportunities to provide affordable housing in areas where it is needed and where the agency had previously not been able to build.

Among Housing Authorities, the Santa Clara County Housing Authority has one of the highest profiles in the country and is considered a leader when it comes to creating innovative, affordable housing.

A leader in the field as well as in the community, Mr. Burns has served on the Board of Directors for the National Leased Housing Association as well as the Affordable Housing Tax Credit Coalition. He is a member and former President of the Northern California Chapter of the National Association of Housing and Redevelopment Agencies, and a member and former President of the Executive Directors Association of Northern California and Nevada.

John Burns was once quoted in a news article that "I would rather achieve public visibility through results of our programs . . . not public relations." This "low profile leader" is one of the most respected Housing Authority Directors in the County, a visionary public servant, and a valued friend.

DOUBLING THE BUDGET OF THE NATIONAL EYE INSTITUTE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that would double the budget of the National Eye Institute (NEI) within three years.

Blinding eye and vision disorders pose a tremendous challenge to our health care system. The numbers are staggering. By the year 2030, 66 million Americans will be at risk for blinding-eye disorders. Cataracts affects 29 percent of Americans between the ages of 65–74. Glaucoma, the leading cause of blindness in African Americans, affects three million Americans. Age-related macular degeneration (AMD), a disease which alters central vision, affects an estimated 1.7 million Americans.

Since its establishment in 1968, NEI has conducted and supported research that helps prevent and treat eye diseases. A few of its research achievements include: New medical therapies to treat glaucoma; introducing drugs to treat uveitis, a potentially blinding inflammation of the inside of the eye; and contributing to the development of medical lasers to treat patients with glaucoma, AMD, and other eye disorders.

The National Eye Institute has many exciting research projects on the horizon. They cannot complete those projects without adequate funding. In FY 2000, NEI's funding was $452,706,000. This year, NEI is funded at $510,611,000. By FY 2004, we should commit $791,714,000 to the NEI budget.

We have an obligation to make our commitment to eye and vision research at the NEI as strong as our commitment to the biomedical research at the National Institutes of Health.

I urge my colleagues to support increasing the research efforts at the National Eye Institute by cosponsoring this legislation.

CARR, O'KEEFE, KAHLO: PLACES OF THEIR OWN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to rise and announce that an exhibition entitled "Carr, O'Keefe, Kahlo: Places of Their Own" has been organized by Dr. Sharyn Udall of my home town, Santa Fe, New Mexico. Each artist in this exhibition represents one of the three great countries of North America: Canada, the United States and Mexico.

This exhibition, therefore, celebrates the cultural bond of the North American continent which transcends national borders. We may well find that this cultural bond will also prove to be a benefit to our mutual economic interests.

In the Congress, we often talk about the need for opening our borders for trade, commerce, importation and exportation. Rarely do we reflect on the need for the international exchange of art. This exhibition gives us an opportunity to do so.

This exhibition also celebrates the contribution of women to the arts. Each of the three artists, Emily Carr of Canada, Georgia O'Keefe of the United States, and Frida Kahlo of Mexico, became one of her country's preeminent twentieth century painters. Each is recognized as a legend. Viewed together, their work takes us beyond all borders and the only passport needed is the eyes and the heart.

"Carr, O'Keefe, Kahlo: Places of Their Own" can be seen in Toronto, Canada, Santa Fe, New Mexico, Mexico City, Mexico and, a year from now, at the National Museum of Women in the Arts in Washington DC. It is a tribute to these artists and to the spirit of cultural cooperation in North America.

RECOGNIZING JOHN CUSEY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. GARY MILLER of California. Mr. Speaker, I rise to bid farewell to my Legislative Director, John Cusey.

I first met John in March of 1996. Immediately, I was struck by his keen sense of political intuitiveness. Although he had only worked on a few local campaigns, I could tell that his future in government would be bright.

As an employee, John has excelled in many areas. As a result, he rose quickly through the ranks of legislative positions, and for the next week, he will continue to serve as my Legislative Director. John has staffed numerous bills in the California State Legislature and here in Congress. His assistance in the area of unsolicited e-mail, commonly known as Spam, has been crucial, and led to the passage of California's first law to protect e-mail users.

John has also served as my Spokesman and Communications Director. His outstanding communication skills were especially important during my bid for U.S. Congress. On every occasion, he greeted challenging questions with honesty and tact.

Over the last five years, I have come to consider John's family as my friends. His wife, Becky, has tolerated the long hours that legislative and campaign work often entail. Moreover, I have seen John grow as a father, welcoming two healthy, beautiful children, Ethan and Ava, into his life.

Next week, John will be leaving my office to become the Director of the House Pro-Life Caucus. While I wish him the best of luck in this new endeavor, it is with much sadness. John's absence will create both a professional and personal void in my office.

Mr. Speaker, I ask this 107th Congress to join me in recognizing and thanking John Cusey for his hard work and dedication to serving the constituents of California's 41st District and wishing him the best of luck as the Director of the House Pro-Life Caucus.

PRESIDENTIAL LIBRARY DONOR IDENTITY DISCLOSURE

HON. JOHN J. DUNCAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DUNCAN. Mr. Speaker, today, I introduced legislation that would require organizers of presidential libraries to disclose the identity of donors and the amounts they give.

I introduced this legislation in the 106th Congress as well because I felt the public should be made aware of possible conflicts of interest that sitting presidents can have while raising funds for their libraries.

Mr. Speaker, we do not know who these donors are or what interests they may have on any pending policy decisions that are to be made. I think that our government needs to operate in the open—not behind closed doors.

Recent news reports surrounding the pardon of billionaire fugitive Marc Rich have brought to light additional justification for this legislation. The Washington Post recently reported that Denise Rich, the former wife of financier Marc Rich, lobbied President Clinton to pardon her former husband by donating $450,000 to Clinton's presidential library fund starting in 1998.

The Post also reported that, "Clinton foundation attorney David Kendall said he would fight a subpoena for the library donor list." Mr. Speaker, I cannot think of one good reason why the organizers of any future presidential libraries would not be willing to release this information to the public. Even Richard Cohen, the very liberal columnist for the Washington Post said, "But surely it would be anything from interesting to illustrative to just plain damning to see what names are on that list and for what amounts."

Our citizens have the right to know the details of these fundraising activities. The bill I have introduced will ensure this happens. Mr. Speaker, I urge my colleagues to support this important legislation.

A PERSPECTIVE ON THE DEBATE ON NATIONAL MISSILE DEFENSE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. LANTOS. Mr. Speaker, one of the most important foreign policy and defense issues the 107th Congress will consider is National Missile Defense. Our nation is indeed vulnerable to ballistic missile attack, and it is imperative that we take steps to protect ourselves from this threat.

As we address this threat, however, it is critical that we adopt a cautious and comprehensive approach. In an article in today's Washington Post, our former National Security Advisor, the Honorable Samuel R. Berger, makes a compelling case for such an approach. As he asserts, we must be careful not to overlook the danger of attack by less conventional means, such as a terrorist strike or a weapon of mass destruction smuggled across our borders. We must also be careful not to undermine our defensive alliances, such as NATO, or needlessly provoke a new arms race with our former Cold War adversaries. As we move forward on these important issues, Mr. Speaker, it is critical that we not allow ourselves as a nation to be lulled into a false sense of security or let our guard down in other areas of our national defense.

Mr. Speaker, I submit the entire text of the insightful article by Mr. Berger entitled "Is This Shield Necessary?" be placed in the CONGRESSIONAL RECORD. I urge my colleagues to review this article and to join me in engaging all aspects of the National Missile Defense debate in the coming months to ensure that whatever course we choose truly strengthen our national security and advance our national interests.

IS THIS SHIELD NECESSARY?

[From the Washington Post, Feb. 13, 2001]

(Samuel R. Berger)

In the first weeks of the Bush administration, national missile defense has risen to the top of the national security agenda. Having wrestled with this issue over the last years of the Clinton administration, I believe it would be a mistake to proceed pell-mell with missile defense deployment as though all legitimate questions about the system had been answered. They have not.

While the United States maintains strength unmatched in the world, the vulnerability of the American people to attack here at home by weapons of mass destruction is greater than ever. Dealing with our vulnerability to chemical, biological and nuclear weapons requires an ambitious, robust, comprehensive strategy.

But 20 years and tens of billions of dollars later, national missile defense is still a question-ridden response to the least likely of the threats posed by these weapons: a long-range ballistic missile launched by an outlaw nation.

President Clinton last year decided to continue research and development of national missile defense, but deferred a decision on deployment. In part, this was based on a judgment that we do not yet know whether it will work reliably. The Bush administration should reject arbitrary deadlines and, as part of Secretary Rumsfeld's laudable defense review, take a fresh look at the overall threat we face.

Without question we need to broaden America's defenses against weapons of mass destruction. But plunging ahead with missile defense deployment before critical questions are answered is looking through the telescope from the wrong end: from the perspective of bureaucratically driven technology rather than that of the greatest vulnerabilities of the American people.

President Reagan's global shield (SDI) has evolved into a more limited system aimed at defeating long-range missiles launched not by a major nuclear rival but by an irrational leader of a hostile nation, particularly North Korea, Iraq or Iran. Its premise is that an aggressive tyrant such as Saddam Hussein is less likely to be deterred than were the leaders of the Soviet Union by the prospect that an attack on us or our friends would provoke devastating retaliation.

It is further suggested that lack of a defense could intimidate U.S. leadership: We might have hesitated to liberate Kuwait if we knew Saddam could have delivered a chemical, biological or nuclear weapon to the United States with a long-range ballistic missile.

But why do we believe Saddam or his malevolent counterparts would be less susceptible to deterrence than Stalin or his successors? Indeed, dictators such as Saddam tend to stay in power so long because of their obsession with self-protection. And is it likely we would not use every means at our disposal to respond to a vital threat to our economic lifeline, even if it meant preemptively taking out any long-range missiles the other side might have?

The fact is that a far greater threat to the American people is the delivery of weapons of mass destruction by means far less sophisticated than an ICBM: a ship, plane or suitcase. The tragedies of the USS Cole and sarin gas in the Tokyo subway show that lethal power does not need to ride on a long-range missile.

We know that we increasingly are the target of a widespread network of anti-American terrorists. We know they are seeking to obtain weapons of mass destruction. If deterrence arguably doesn't work against hostile nations, it is even less so for fanatical terrorists with no clear home address.

The real issue is what is the most cost-effective way to spend an additional 100 billion or more defense dollars to protect this country from the greatest WMD threats. In that broader context, is national missile defense our first priority?

Is it wiser to continue research and development and explore alternative technologies while we invest in substantially intensifying the broad-scale, long-term effort against terrorist enemies? (Such an effort would include increased intelligence resources, heightened border security, even training of local police and public health officials to recognize a deadly biological agent.)

The ultimate question is whether Americans will be more secure with or without a national missile defense. The answer is not self-evident. We can't build the system that is farthest along in development—a land-based one—without cooperation from our allies.

Their misgivings derive in significant part from the prospect of abrogating the Anti-Ballistic Missile Treaty with Russia; that could unravel the global arms control and nonproliferation system.

It has been suggested that we could address Europeans' concerns by including them in our missile defense system or helping them build their own. But such an amalgamation would be more capable against Russia and thus more likely to stiffen its resistance to change in the ABM; it could also increase the chance Russia would respond in ways that would reduce strategic stability—for example by retaining multiple-warhead ICBMs it has agreed to eliminate.

Of course no other country can ever have a veto over decisions we must take to protect our national security. But in making that judgment, we must understand that the basic logic of the ABM has not been repealed—that if either side has a defensive system the other believes can neutralize its offensive capabilities, mutual deterrence is undermined and the world is a less safe place.

Then there is China. It is suggested that we can work this out with China by at least implicitly giving it a "green light" to build up its ICBM arsenal to levels that would not be threatened by our national missile defense.

This strategy fails to take into account the dynamic it could unleash in Asia: Would China's missile buildup stimulate advocates of nuclear weapons in Japan? How would India view this "separate peace" between the United States and China? What effect would that have on Pakistan and the Koreas?

Will we be more secure as Americans with a missile defense system or less secure? It is not a question that answers itself. But it is a question that requires answers.

JERUSALEM EMBASSY RELOCATION ACT OF 1995

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. TANCREDO. Mr. Speaker, today I introduced a resolution expressing the sense of Congress with respect to relocating the United States Embassy in Israel to Jerusalem. In 1995, Congress passed the Jerusalem Embassy Relocation Act of 1995, which states that as recognition of an undivided Israel, the

U.S. Embassy should be moved to Jerusalem no later than May 31, 1999. The bill, which President Clinton signed, also contains waiver authority that the president may exercise if he feels the embassy move should be delayed for national security reasons. Each year since the bill was passed, the President has issued a national security waiver, and the Embassy has still not been moved.

The recognition of Jerusalem as Israel's capital enjoys the broad support of the American public. Further, it would be consistent with the United States' practice of accepting the host nation's decision as to where its capital is, and where the U.S. Embassy is located. Currently, Israel is the only nation in which the U.S. Embassy is not located in a city recognized internationally as the capital.

In short, moving the Embassy to Jerusalem is consistent with U.S. policy, and does not infringe on the remaining issues of conflict over East Jerusalem. I call my colleagues to support this resolution and I am hopeful that the House International Relations Committee will consider it in the coming weeks. Finally Mr. Speaker, I submit for the RECORD the following essay, written by one of my constituents, which makes the case for an embassy move most eloquently:

RELOCATION OF THE AMERICAN EMBASSY TO JERUSALEM: A PROPOSITION WHOSE TIME HAS COME

(By Cheston David Mizel)

ENGLEWOOD, CO.—On May 22, 2000 President George W. Bush, speaking in front of the American Israel Public Affairs Committee, promised that he would begin to move the U.S. Ambassador from Tel Aviv to Jerusalem as soon as he was inaugurated. Now that he has been elected and the inauguration has passed, the time to move the U.S. Embassy has come. Moving the embassy, at this time, is not only morally and politically apropos, but would augment vital American interests by sending a clear and unequivocal message, to the region, reaffirming the vitality of the American-Israeli relationship.

DOMESTIC POLITICAL IMPLICATIONS

The recognition of Jerusalem as the capital of Israel and relocation of the U.S. Embassy would immediately and significantly bolster the President's standing with key constituencies on both sides of the aisle. Not only would it clearly demonstrate his determination to fulfill his campaign promises, but it would garner enormous favor among Jewish voters who have felt disenfranchised by the recent presidential election. The prompt relocation of the embassy would further the President's goal of uniting

MORAL IMPLICATIONS

An immediate relocation of the American Embassy is a morally appropriate decision. Israel is the only true western style democracy in a region dominated by ruthless dictatorships. Israel and the United States enjoy a relationship that is unparalleled in the region. Israel is clearly the most loyal pro-American state in the Middle East. Moreover, since biblical times, Jerusalem has always been considered the capital of the people of Israel, whether residing in their land or in exile. The modern State of Israel is no exception. Jerusalem is the seat of Israel's government: the site of parliament and its Supreme Court. Despite Palestinian claims to the contrary, Jerusalem has never been the capital of any other nation during the more than 3,000 years of its existence. The official recognition of this reality by Israel's closest ally is long overdue. It is not appropriate for the United States to choose the location of the capital of any nation nor is it the practice of the United States to do so anywhere else in the world.

SECURITY IMPLICATIONS

In 1995, The United States Congress passed the Jerusalem Embassy Relocation Act requiring the embassy to be moved to Jerusalem. This act was passed in the senate by a vote of 93 to 5 and the House of Representatives by a vote of 347 to 37. Since that time, President Clinton refused to move the embassy, using the excuse that it would harm America's National Security. Nevertheless, it must be noted that Americans vital security interests in the region are closely tied to the security of Israel and its Capital. These interests would be strengthened, not weakened, as a result of an embassy move. In stark contrast to the paternalistic approach of the Clinton Administration, George W. Bush, in December of 1999, speaking before the Republican Jewish Coalition, acknowledged that "A lasting peace will not happen if our government tries to make Israel conform to our vision of national security."

In Navigating Through Turbulence: America and The Middle East in A New Century, The Washington Institute for Near East Policy's Presidential Study Group concluded that "[t]he top Middle East priority for the new President is to prevent a descent into regional war." The Report cites multiple scenarios for the current situation deteriorating into a wide scale conflict. While the scenarios differ in regard to course of events, they are all connected to the same general instability in the region, which has been greatly contributed to by the United States' failure to demonstrate the strength of its allegiance to Israel. Indeed, the Presidential Study Group's initial recommendation in averting a war is that:

> The United States needs to ensure that Middle Easterners have no doubt about the strength, vitality and durability of the U.S.-Israeli strategic partnership, about America's willingness to strengthen Israel's deterrent, and about the U.S. commitment to provide political, diplomatic and material support to Israel. These objectives can be achieved through presidential statements, meetings with senior Israeli officials and acts that signal U.S. resolve and support.

The rationale behind the Report's suggestion is that such a course would silence those extreme Anti-Israel elements which view Israel's willingness to compromise as a sign of weakness; and America's "evenhandedness" as evidence that Israel can be defeated while America stays uninvolved to preserve its "evenhanded" diplomatic role. The Presidential Study Group concludes, however, that a showing of stronger American commitment to Israel would actually "strengthen the U.S. role as mediator in negotiations, which flows from—and is not antithetical to—the U.S. role as Israel's ally." Where equivocal support has served to embolden Israel's enemies, a showing of strength and absolute support for Israel will command respect and force a recognition that Israel cannot be defeated and that compromise is the only viable Arab option.

In light of the Clinton plan for Jerusalem, which President Clinton himself acknowledged would not bind the Bush administration, Israel's position on Jerusalem has been significantly weakened and is in much need of rehabilitation. The Clinton proposal, which calls for division of Jerusalem's Old City, and transfer the Temple Mount to Palestinian control, is opposed by the majority of the Israeli people and has been ruled completely unacceptable by Israel's Chief Rabbinate. It should be noted that other elements of the Clinton proposal, such as transfer of the Jordan Valley, have drawn severe criticism from members of the Israeli security establishment as posing a severe danger to Israeli security and regional stability. What is worse is that the Clinton proposal has given the Palestinians an unrealistic expectation that they will receive even more than what has already been offered.

Moreover, this unrealistic expectation is exacerbated by the perception, in the Arab world, that the Bush administration will be even more sympathetic to Palestinian positions. This misconception could lead to dangerous miscalculations, with potentially dangerous consequences, and should be remedied.

So long as America encourages Israel to engage in a policy of appeasement, there can never be long-term stability in the Middle East. Each Israeli concession merely increases the appetite of its enemies. This process will inevitably lead to a scenario where Israel is unable to give any further and its foes will respond with escalated violence. In a world of Weapons of Mass Destruction proliferation, America can not afford to re-learn the lessons of World War II concerning appeasement of hostile regimes.

U.S. Recognition of Jerusalem as Israel's capital and immediate movement of the American Embassy to the western part of the city, will force the Palestinians to revise their expectations. Nevertheless, it will still leave room for a Palestinian presence in the Eastern part of the city, if an agreement can be reached which is not opposed by the Israeli people and does not jeopardize Israel's security or national interests.

This policy is entirely consistent with President Bush's statement that "[his] support for Israel is not conditional on the outcome of the peace process. * * * And Israel's adversaries should know that in [his] administration, the special relationship will continue even if they cannot bring themselves to make true peace with the Jewish State."

TIMING CONSIDERATIONS

With negotiations deadlocked and a new administration taking root in Washington, the appropriate time to officially recognize Jerusalem and move the U.S. Embassy has come. The fragility of the Oslo process is no longer a deterrent to such a move in that many of the remaining issues have revealed themselves to be intractable.

Opponents of the immediate recognition of Jerusalem as the capital of Israel and the relocation of the American Embassy generally argue that the appropriate time for the move would be within the context of a final status agreement. While this thinking may have been tenable before the outbreak of the current violence, when peace seemed an imminent possibility, it has little credibility in the current situation.

Initially, this argument relies on the premise that there will be an agreement in the near future. Given the fact that the Palestinians are unwilling to compromise on key issues, shamelessly fabricate blood-libels before the international community, and continue to inculcate anti-Israel sentiment in the media and schools, a final settlement could be generations away. Moreover, leaders throughout the Arab world have made very clear statements that there never will be peace without full Israeli recognition of the Palestinian "Right of Return." (The "right" for the four million descendants of Arabs, who fled Israel in 1948 to make way for advancing Arab armies, to resettle within Israel proper, despite the creation of a neighboring Palestinian homeland.) Given the fact that such a recognition would mean demographic suicide for Israel, as a Jewish state, the perpetual call for Israel to accede to such a recognition, is little more than a politically correct euphemism for the old refrain of "Death to Israel."

In the current environment, any further delay in recognizing Jerusalem as Israel's capital and moving the embassy would simply reward Arafat for his intransigence. If the U.S. allows Arafat to set the American timetable and agenda, America's esteem is greatly diminished and its strategic interests are harmed.

Secondly, many argue that the relocation should only occur upon reaching a final agreement in order to avoid offending Arab sentiment. It is true that the Palestinians and neighboring Arab states will likely respond negatively. Such is the natural consequence of having faulty expectations shattered. Given the fact that the far-reaching concessions asked of Israel, in the Clinton proposal, were viewed by the Arab world as decidedly pro-Israel, any action which the United States takes in furtherance of its strategic relationship with Israel will always be condemned by the Arab world. They simply have not accepted Israel's right to exist. Moving the embassy will demonstrate the U.S. determination to support Israel's existence in the face of regional hostility. Failure to relocate the embassy only perpetuates unachievable expectations that make violent conflict all the more likely.

The Presidential Study Group recently concluded that America's ties with Arab states should not be dependent on avoiding pro-Israel positions, but rather;

America is the country with which the large majority of regional states will still wish to have close political, economic, and military ties. Maintaining a strong alliance with Israel has not stopped Arab Gulf states from welcoming the United States as their defender against potential subregional hegemons. Similarly, it has not prevented every state on Israel's border, except Syria, from accepting America as a major, if not the principal source of military aid and material. Indeed, the very closeness and solidity of U.S.-Arab ties is a reason why some Arab leaders and spokespersons can afford to use license in their rhetoric.

Finally, many of those who argue that a relocation of the embassy should not occur at this time subscribe to the notion that America should use its political capital with Israel to nurture Israel's willingness to engage in further negotiations and concessions. Not only does this directly contradict the approach suggested by the Presidential Study Group, but it also directly opposes President Bush's own statements that his support would not be conditional on the peace process.

CONCLUSION

We are at a critical time of transition for America, Israel, and the entire region. The Middle East, and perhaps the entire world, may be confronted with a situation with devastating potential. President Bush is just beginning his administration. He possesses the opportunity to make an eventful decision that will not only contribute to the advancement of his political agenda but will reinforce vital American interests in the region by contributing to stability through the promotion of more realistic Arab expectations.

The relocation of the embassy enjoys strong bi-partisan support. It will contribute to the unifying culture being promoted by the administration. It will finally bring the United States into compliance with its own law and fulfill the weighty moral obligations imposed by the sacred principles of democracy and freedom to our faithful ally which has been ignored for too long.

PROVIDING MEDICARE COVERAGE FOR FILIPINO WORLD WAR II VETS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that would allow Filipino WWII Veterans to enroll in Medicare even if they do not meet the eligibility requirements.

The time is long overdue that we provide justice to the Filipino Veterans who fought side by side with the United States Army during World War II.

On July 26, 1941, the Philippine military was called on to join forces with the United States under an Executive Order by President Roosevelt. Their efforts were instrumental in the United States' successful final assault in the Pacific.

Despite their outstanding contributions, in 1946 Congress enacted the Rescission Act, which stripped members of the Philippine Commonwealth Army of being recognized as veterans of the United States. As a result, they were excluded from receiving full veterans benefits.

Last Congress, we provided disabled Filipino veterans living in the United States with the same payments for service-related disability compensation as other veterans receive.

Let's go one step further this year.

Under my bill, qualified WWII Filipino Veterans living in the United States would be entitled to Medicare Part A benefits and the option to enroll in Part B.

It is time to recognize the service of our friends and neighbors who fought so valiantly for freedom and democracy.

SECOND AMT BILL INTRODUCED

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, a week ago I introduced legislation to allow nonrefundable personal credits, like the child credit and education credits, to be used against the alternative minimum tax. I have introduced this legislation in the past two Congresses, and it has been enacted into law twice on a temporary basis.

The legislation I introduce today corrects an additional critical problem with the AMT. In this case, the mere fact that a family has a large number of children forces them to become alternative minimum tax taxpayers, and they lose some of the benefit of their personal exemptions.

For example, my office has been in touch with a family in North Carolina for over a year. This military family has ten children, are home schoolers, and began to pay the alternative minimum tax in 1998. An extension of the temporary law regarding nonrefundable personal credits will not help this family, and neither will President Bush's tax proposal help them out of the AMT or give them a rate reduction. While it may be true that this family will be "no worse off" than they are now, they will not be any better off either in terms of their current situation. I do not believe relief for this family from the alternative minimum tax should wait until it is more convenient, or until after this year is over.

Mr. Speaker, I think all the members of this body would agree that this family is not the type of family we meant to pay the minimum tax. They do not have large tax preferences with which they are sheltering income. Yet they are paying the minimum tax. Mr. Speaker, I hope all members will not just agree that we should provide families like this one relief, I hope they will act to provide that relief on the first tax bill on which Congress works.

INTRODUCTION OF FY 2001 DEFENSE SUPPLEMENTAL APPROPRIATION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DICKS. Mr. Speaker, I rise today to introduce an emergency supplemental appropriations bill for the Department of Defense and to ask my colleagues here in the House to pass it expeditiously.

This legislation will provide $6.7 billion in emergency funding for critical readiness needs of the armed forces, and it will cover the cost of shortfalls in the Defense Health Program as identified by the Chiefs of the Army, Navy, Marine Corps, and Air Force.

This amount is only what is required to cover unexpected cost increases for the most basic needs of our service members through the end of this fiscal year. This is an appropriate and an expected response to the kinds of unavoidable expenses—fuel, power increases, housing and other operations costs—that were not provided for in the regular appropriations bill for the Department of Defense. This is a routine and prudent exercise, Mr. Speaker, we must act expeditiously in order to avoid the cuts in each of the services that would be triggered soon—with nearly half the fiscal year over—if we were not to pass this bill.

There are many causes for this action that is now required. The basic cost of living for our armed forces is substantially higher than DOD's projections from last year. Congress approved the FY 2001 Defense Appropriations bill more than six months ago, and the budget Congress approved had been assembled well over a year ago. In the interim, energy costs have skyrocketed, housing costs have increased substantially because we've been making a conscious effort to improve the living conditions for our military personnel and their families. And Congress and President Bill Clinton have committed the nation to provide higher pay and a more complete

Let me also address the issue of why it is neither necessary nor prudent to wait until the new Defense Secretary completes his Strategic Review. It is clear to me that none of these costs will be affected in the slightest way by a strategic review of Pentagon systems. In most cases, these bills have already been incurred, and the money is already spent. The need for a supplemental appropriations bill to cover these costs is simply indisputable.

I believe that the current resistance to such a bill by the Bush Administration has more to do with the size and timing of tax cuts than it has to do with military strategy. Not paying these bills now forces the Department of Defense to reduce and delay training and maintenance. And it thus affects the readiness of our armed forces. It is simply too high a price to pay for the questionable goal of quick and massive tax cuts. I can understand why the political strategists may want to conduct a debate over large tax cuts without the annoyance of mentioning the costs of necessary budget increases for the Defense Department. I just do not believe it is responsible to do so, and I am therefore asking my colleagues from both sides of the aisle to approve this urgent supplemental defense spending bill as soon as possible.

Of the $6.7 billion in this bill, a total of one billion dollars will go toward pay and housing allowances; $4.3 billion will be for operations and maintenance costs such as training, force protection, aircraft and ship maintenance, base operations, and fuel cost increases. One billion dollars will be allocated for unanticipated health care costs; $270 million to procure spare parts and force protection equipment, and $110 million will be provided to offset the impact of energy price increases on military family housing.

I am proud to join with my original cosponsors, Representatives IKE SKELTON, NORM SISISKY, MARTIN FROST, CHET EDWARDS and ELLEN TAUSCHER in introducing this bill. I hope that the Appropriations Committee will move quickly to review and pass this bill. And I hope that President Bush will agree to sign it.

TRIBUTE TO THE VICTIMS OF THE ORANGEBURG MASSACRE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the men and women who were victimized in the little known civil rights battle which has become known as the Orangeburg Massacre. And to thank South Carolina's Governor Jim Hodges for the remarks he made during last week's thirty-third anniversary of this catastrophic event which took place on February 8, 1968. The Governor's remarks are inserted below.

The Orangeburn Massacre's place in history has been overlooked, and is considered one of the most violent such events in South Carolina's struggle for civil rights. While many people believe the Kent State shootings were the first such event in our nation's history, the Kent State event occurred two years after the unrest at my alma mater, S.C. State. Henry Smith, 20, Samuel Hammond, 19, and Delano Middleton, 17, lost their lives during the bloody clash. Another twenty-seven people were also injured by the bullets from state law enforcement officers on that ill-fated evening.

Some three hundred students gathered on the campus of South Carolina State after three days of sit-ins and protests at All-Star Bowling Lane. The students were continuing their demonstration against the segregation of Orangeburg's only bowling alley. Four years after passage of the Civil Rights Act of 1964, the establishment remained segregated, despite numerous efforts to persuade the owners to integrate.

Mr. Speaker, I ask you to join me today in honoring Henry Smith, Samuel Hammond and Delano Middleton, the twenty seven students who survived their wounds. Governor James Hovis Hodges along with the hundreds of other students, teachers, administrators and parents who helped and are still helping to bring equality to this nation.

REMARKS OF GOVERNOR JIM HODGES—SOUTH CAROLINA STATE UNIVERSITY, ORANGEBURG, THURSDAY, FEBRUARY 8, 2001

I am truly honored and humbled to be here with you today.

Nearly 170 years ago, when our country was still newly-formed a Frenchman named Alexis de Tocqueville came to our shores to explore this fledgling experiment in democracy. He recorded his thoughts in a landmark treatise called Democracy in America. He told his readers that he "sought the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or hope from its progress."

Had Tocqueville visited America in 1968, he would have seen our fears and not our hopes. We were a country in turmoil. Thousands of American soldiers died in Vietnam. Assassins struck down Robert Kennedy and Martin Luther King. Neighbors feared and distrusted one another. We were a state and a nation deeply divided by race, age and politics.

This was especially evident on our college campuses. On these campuses, the passions of the time spawned protests and confrontation. Some of these protests are known to all Americans. One of the most famous images of the era is that of a young girl weeping over her fallen friend at Kent State in Ohio.

But when we look in the pages of history, the Orangeburg Massacre is often missing. Most Americans know about the four students killed at Kent State in 1970, but not the three students killed at S.C. State two years before. What happened here thirty-three years ago was the first tragedy of its kind on an American college campus. Yet few Americans have ever heard the names of Samuel Hammond, Delano Middleton and Henry Smith. Most Americans do not know them as we know them.

Henry Smith was a sophomore from Marion. His mother was secretary of his high school PTA. Henry's mother taught him the importance of a good education. She told her children, "I always figured if I couldn't get it, I was going to have it for my kids. Get them to college and get them what they needed." Henry kept his promise to his mother. And he wrote her every week to let her know how he was doing in school.

Delano Middleton was a student at Wilkinson High School here in Orangeburg. He would often lead his teammates in prayer after football practice. His mother worked at the college, and Delano often spent time on the campus making friends with the other students.

Samuel Hammond was born in Barnwell, and grew up in Florida. He returned to his home state with dreams of becoming a teacher. On a college questionnaire, Samuel was asked "What was the one big thing he wanted in life?" Samuel responded that the thing he wanted most was an education.

Henry Smith, Samuel Hammond and Delano Middleton each wanted to enjoy the unlimited potential offered in America . . . in a time and place where skin color provided limited opportunity. It was that effort to claim equal rights and equal opportunity, that pursuit of human dignity . . . that led students to protest segregation at a local bowling alley.

And after three days of fear and uncertainty . . . these three young men were killed . . . and twenty-seven others wounded . . . on the grounds of this campus.

We deeply regret what happened here on the night of February 8, 1968. The Orangeburg Massacre was a great tragedy for our state. Even today, the State of South Carolina bows its head, bends its knee and begins the search for reconciliation.

The families of Samuel Hammond, Henry Smith and Delano Middleton are gathered here today. We thank you for coming. As a parent, I can only imagine the sorrow you must have felt to lose a loved one. We wish we had the opportunity to know them as you did. We regret that they were taken from us at such a young age.

Many of the survivors of that night have gathered here. We thank you for coming, and we welcome you back to Orangeburg today. We take comfort from the fact that Orangeburg is a better place, South Carolina is a better place, and America is a better place than it was thirty-three years ago.

I also want to thank the students of S.C. State for being here today. If these three young men were alive today, their sons and daughters would be college students just like you. They were here because their parents believed in the power of education. And you are here because of the sacrifices they made. These sacrifices must never be forgotten, and these opportunities must never be taken for granted.

Thirty-three years ago, a group of students gathered around a bonfire on this campus after being denied their basic right to patronize a local business. And on that cold February night, that bonfire was extinguished, along with the lives of three brave young men.

But that bonfire still glows brightly today. Because we—the living—are now the keepers of that flame.

We must carry the flame with understanding . . . and compassion . . . and education. Opportunity comes from education. Ignorance and prejudice are turned back by education.

The flame of education illuminates the dark corners of our past. The flame of education warms our hearts with reconciliation. And the flame of education can guide us into a future of boundless hope and opportunity.

In America, we still seek the image of democracy itself. And we still must contend with our passions and our prejudices.

But if Alexis de Tocqueville . . . or Samuel Hammond . . . or Henry Smith . . . or Delano Middleton were here today, they would see a city, and a state, and a nation where fear has waned and hope abides. They would witness the progress of our democracy, nod their heads and recognize that there is still much to be done.

And most importantly, they would urge us to continue down the path of reconciliation.

Thank you for granting me the honor of standing here today.

INTRODUCTION OF A BILL TO AMEND THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REVISE AND EXTEND SUCH ACT

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. ABERCROMBIE. Mr. Speaker, I rise today with my colleague, Representative Patsy Mink, to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. The purpose of this legislation is to improve the health status of Native Hawaiians through the continuation of comprehensive health promotion and disease prevention. IT is intended to provide health education in Native Hawaiian communities and primary care health care services using traditional Native Hawaiian healers and health care providers trained in Western medicine. In areas where there is an underutilization of existing health care delivery systems that can provide culturally relevant health care services, this bill authorizes the Secretary of the Department of Health and Human Services to contract with Native Hawaiian health care systems to provide care referral services to Native Hawaiian patients. This reauthorization is intended to assure the continuity of health care programs for Native Hawaiians under the authority of Public Law 100–579.

As enacted in 1988, the Native Hawaiian Health Care Improvement Act is premised upon the findings and recommendations of the Native Hawaiian Health Research Consortium report of December 1985 to the Secretary of the Department of Health and Human Services. The report clearly indicates that the underutilization of existing health care services by Native Hawaiian can be traced to the absence of culturally-relevant services. Additionally, the report reveals a general perception in the Native Hawaiian community that health care services based on concepts of Western medicine will not cure diseases afflicting Native Hawaiian people.

The bill contains extensive findings on the current health status of Native Hawaiians including the incidence and mortality rates associated with various forms of cancer, diabetes, asthma, circulatory diseases, infectious disease and illness, and injuries. It also includes statistics on life expectancy, maternal and child health, births, teen pregnancies, fetal mortality, mental health, and education and training in the health professions.

The Native Hawaiian population living in Hawaii consists of two groups: Hawaiians and part-Hawaiians, which are distinct in both age distributions and mortality rates. Hawaiians comprise less than 5 percent of the total Native Hawaiian population and are much older than the growing part-Hawaiian population.

Overall, the Native Hawaiian death rate is 34 percent higher than the death rate for all races in the United States, but this composite masks great differences that exist between Hawaiians and part-Hawaiians. Hawaiians have a death rate 146 percent higher than the U.S. all-races rate. Part-Hawaiians also have a higher death rate, but only 17 percent greater than the U.S. as a whole. A comparison of age-adjusted death rates for Hawaiians and part-Hawaiians reveals that Hawaiians die at a rate 110 percent higher than part-Hawaiians, and this pattern is found in all but one of the 13 leading causes of deaths common to both groups.

The health status of Native Hawaiians is far below that of other U.S. population groups. In a number of areas, the evidence is compelling that Native Hawaiians constitute a population group for which the morality rates associated with certain disease exceed that for other U.S. populations in alarming proportions.

Native Hawaiians premise their high morality rates and incidence of disease upon the breakdown of the Hawaiian culture and belief systems, including traditional healing practices. That breakdown resulted from western settlement and the influx of western diseases to which the native people of the Hawaiian Islands lacked immunity. Further, Native Hawaiians perceive the high incidence of mental illness and emotional disorders in the Native Hawaiians population as evidence of the cultural isolation and alienation of the native peoples in a statewide population of which they now constitute only 20 percent. Settlement from both the east and the west brought new diseases which decimated the Native Hawaiian population, and it devalued their customs and traditions to the point of prohibiting their native tongue in schools and other public venues.

The concepts embodied in this bill are the result of extensive work of Native Hawaiian health care professionals and others dedicated to improving the health of Native Hawaiians. Its purpose is to enable Native Hawaiians to achieve the healthful harmony of the self, or lokahi, with others and all of nature. For Native Hawaiians to function effectively as citizens and leaders in their own homeland, there must be a restoration of cultural traditions, integration of traditional healing methods in the health care delivery system, and a collective effort to restore to Native Hawaiians a sense of self esteem and self worth. The ultimate goal is to have this Native Hawaiian way of dealing with health eventually become an integral part of the State's health policy for both Native Hawaiian and Non-Hawaiians.

HONORING GENERAL MOTORS FLINT TRUCK ASSEMBLY PLANT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. KILDEE. Mr. Speaker, today I speak on behalf of a group of men and women who proudly represent the best of working America. On Tuesday, February 13, business and community leaders in my hometown of Flint, MI, will gather to honor the 3,051 auto workers of the Flint Truck Assembly Plant. On that day they will celebrate the Chevy Silverado HD, selected by Motor Trend Magazine as 2001's "Truck of the Year."

The Flint Truck Assembly Plant which is located on Van Slyke Road has been assembling automobiles since 1947. In addition to producing the Silverado 1500, 2500, 3500 HD, the plant also produces GMC Sierra 1500, 2500, and 3500.

General Motors continues to support the plant by investing $500 million in new equipment, and there are plans to add a new line. With continued support not only from General Motors but also from the community, the plant will no doubt see many more successes and accolades in the future.

Mr. Speaker, the Chevy Silverado HD was built with quality labor and parts. The employees of the Flint Truck Assembly Plant have worked diligently to improve their facility's productivity and quality. This group is one example of what hard work, determination and a passionate desire to be No. 1 can accomplish. I am grateful for the men and women who day-in and day-out work to provide safe quality vehicles for our Nation and the world. I ask my colleagues in the 107th Congress to join me in recognizing their achievement.

TRIBUTE TO JUDY ROCCIANO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. DEGETTE Mr. Speaker, I would like to recognize the notable accomplishments and the extraordinary life of a woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Ms. Judy Rocciano.

Judy Rocciano is a remarkable woman who has touched the lives of many people and made a tremendous impact on our community. Her indomitable spirit has sustained her through many challenges and molded a life of notable accomplishment. Those who know Judy understand her passion for fairness, community service and political activism. She is well known in the Denver area for being outspoken and for her immeasurable contribution to the life our community.

Judy Rocciano began her life in Findlay, Ohio and in 1971, she came to Colorado on vacation and subsequently moved to Denver three months later. Judy is a paralegal and has been a successful businesswoman. She has distinguished herself in the non-profit sector as the Southwest Director of the Concord Coalition where she worked on revisions to Social Security and Medicare in six states. She also served as a powerful advocate for Choice as Executive Director of Colorado NARAL. It comes as no surprise that she was honored by Colorado NARAL as a "Local Hero."

Judy also found the time to serve in numerous community service capacities as a board member of the Washington Park Community Center, as a founding board member of the Neighborhood Resource Center, and as President of Colorado NARAL, the Aurora League of Women Voters, the West Washington Park Neighborhood Association and the Theatre Associates Group. She has also been very active in the Colorado Chapter of the Multiple Sclerosis Society.

I have had the great privilege of working with Judy Rocciano in a political organizing capacity. She is well known in Democratic political circles for her leadership and years of service to the Democratic Party and its candidates. When people need some advice or need to get something done, they go to Judy Rocciano. She has managed numerous campaigns including those of State Senator Deanna Hanna, State Senator Doug Linkhart, State Representative Wayne Knox, State Board of Education Member Gully Stanford, and Councilman Dave Doering. She was instrumental in passing the bonding authority to build Denver International Airport and she also managed campaigns for the Science and Cultural Facilities District to bring needed resources to sustain the arts and cultural amenities in Denver. She headed up the Get-Out-The-Vote effort for my first campaign, for the campaign of Councilwoman Cathleen MacKenzie and for the Democratic Coordinated Campaign.

Judy Rocciano's contribution to the life and character of our community is one that is rich in consequence. It is the character and deeds of Judy Rocciano, and all Americans like her, which distinguishes us as a nation and ennobles us as a people.

Please join me in paying tribute to Judy Rocciano. It is the values, leadership and commitment she exhibits on a daily basis that serves to build a better future for all Americans. Her life serves as an example to which we should all aspire.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, in 1978 the Department of Veterans Affairs designated the week of February 14 as "National Salute to Hospitalized Veterans," calling upon the nation to focus on hospitalized veterans by making personal visits, hosting programs, and sending valentine cards to veterans from an appreciative country. Twelve years ago columnist Ann Landers called up Americans to participate by sending a valentine to hospitalized veterans on February 14. The response has been tremendous as school children, clubs, churches, and individuals sent notes of affection to those who gave the greatest gift of love through their patriotic service.

"National Salute to Hospitalized Veterans" was originally known as "No Greater Love Day" in tribute to those who sacrificed to protect the future of the United States and the freedom each of us enjoys today. Those who choose to serve know that "Greater love hath no man than this, that a man lay down his life for his friends." (John 15:13.) In recognition of an injury sustained during times of conflict a soldier receives a heart, the Purple Heart, the greatest honor and a symbol of admiration. In tribute we are reminded to send a valentine message from the heart to veterans wounded in action and to all who served.

As we salute our veterans, we must also recognize the medical care provided by VA medical centers, clinics, and nursing home facilities. I applaud the efforts of the hundreds of compassionate men and women who have dedicated themselves professionally to our veterans. Our veterans are receiving the best of care from people who care. This includes volunteers, many of them veterans, who provide countless hours of medical and customer service. Collectively they help provide that personal contact which means so much. As we extend our heartfelt thanks to our veterans, it is the appropriate time to also acknowledge the dedication of those who provide professional and voluntary care.

Mr. Speaker, please join me in saluting our veterans who served in times of peace and war and those who care for our veterans. Happy Valentines Day, a day that symbolizes true love and appreciation.

THE LIFETIME ACHIEVEMENTS OF JEAN CARPENTER

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. SOLIS. Mr. Speaker, Jean Carpenter opened the doors of opportunity for the children of Baldwin Park through her "learning to read" programs. She served as a positive role model to the residents of the 31st Congressional District. She is an example of how one person's perseverance can make tremendous changes to improve our educational system.

Sadly, Jean Carpenter passed away this Monday, February 12, 2001 at the age of 58. She was first diagnosed with breast cancer in 1987 which later resurfaced in 1996.

An active school board member since 1995, she helped establish reading programs as a way to help children obtain a brighter future. These innovative reading programs that were implemented by the school board significantly improved student test scores in Baldwin Park.

Jean believed that by setting high expectations for each student, this would consequently lead to higher school retention, less drop-out rates, and better preparation to enter the workforce.

She was ahead of her time, advocating reduction in class sizes, initiating a drive to obtain $4.3 million for computer and technology equipment for local schools, and helping to pass a $15 million school bond to remodel and improve old school buildings.

She also began the "Mother and Daughter Program" to involve parents in their children's education. Jean believed that parent participation would motivate students to excel academically so that they could attain a college education.

She was bestowed with many awards, including: the 1998 57th Assembly District Woman of the Year and the 1999 Baldwin Park Citizen of the Year. In the year 2000, she was honored with the Lifetime Achievement Award from the Young Women's Christian Association (YWCA).

Jean was honored with these awards due to her leadership and commitment to improving the educational system in Baldwin Park. To her friends and family, she was a fighter. Even during her struggle with cancer, she continued to serve on the school board and participated in many community activities.

Jean Carpenter obtained her Bachelor of Arts degree from St. Thomas Aquinas College and a Masters in Education from City College of New York. Carpenter is survived by her husband Leroy, her son Michael, and two grandchildren.

We must continue to share the legacy that Jean Carpenter left for us to admire and to replicate in order to improve the educational system nationwide.

IDENTITY THEFT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. PAUL. Mr. Speaker, I highly recommend the attached article "Know Your Customer" by Christoper Whalen, which recently appeared in Barron's, to my colleagues. This article examines the horrors faced by victims of America's fastest-growing crime: identity theft. As the article points out, millions of Americans have suffered deep financial losses and the destruction of their credit history because of identity theft. Victims of identity theft often discover that the process of reestablishing one's good reputation resembles something out of a Kafka novel. identity fraud also effects numerous businesses which provide credit to unscrupulous individuals based on a stolen credit history. Just last year, American businesses and consumers lost 25 billion dollars to identity thieves!

Mr. Whalen properly identifies the Social Security number and its use as a universal identifier as the root cause of identity theft. Unfortunately, thanks to Congress, today no American can get a job, open a bank account, or even go fishing without showing their Social Security number. Following the lead of the federal government, many private industries now use the Social Security number as an identifier. After all, if a bank needs to see their customers' Social Security number to comply with IRS regulations, why shouldn't the bank use the Social Security number as a general customer identifier?

In order to end this government-facilitated identity theft, I have introduced the Identity Theft Prevention Act (H.R. 220). This act requires the Social Security Administration to issue new, randomly-generated Social Security numbers to all citizens within five years of enactment. The Social Security Administration would be legally forbidden to give out the new number for any purpose not related to Social Security administration. Numbers issued prior to implementation of this legislation would have no legal value as an identifier—although the Social Security Administration could continue to use the old numbers to cross reference an individual's records to ensure smooth administration of the Social Security system.

This act also forbids the federal government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions between American citizens, as well as repealing those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier. By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property and privacy violated by private-and-public sector criminals.

I urge my colleagues to read the attached article and act to repeal government policies which facilitate identity theft by cosponsoring the Identity Theft Prevention Act.

[From Barrons, January 15, 2001]

KNOW YOUR CUSTOMER

LENDERS INCREASINGLY ARE PAYING FOR IGNORING THAT MAXIM

(By Christopher Whalen)

High-yield paper is out of favor with Wall Street as an economic slowdown raises concerns about credit quality. One in five issuers have paper trading at distressed levels. Consumer lenders are under particular pressure due to worries about a looming recession. But investors in companies that make consumer loans should worry about more than a slowing economy.

Consumer lenders write off an average of 6% of loans each year. That's a bad enough record, but investors ought to realize that the industry's own sloppy screening practices contribute significantly to the losses.

Identity theft is the fastest-growing crime in America and costs companies $25 billion last year. Much of the cause lies with one factor completely avoidable by lenders; the use of Social Security numbers as identifiers.

One of my in-laws—I will call her Jean to protect what remains of her privacy—was the victim of identity theft in 1999. Jean is a teacher who lives in Westchester County, New York, and drives a Volvo. She and her husband have perfect credit. About a year ago, Jean called in a panic, saying that her bank had frozen the family checking account because someone had a judgment against her. Being the banker in the family, I agreed to act for Jean. What I discovered during more than a year of investigation was a personal outrage and an investor's nightmare.

Every investor who buys securities back by consumer loans or the equity of companies that are significantly involved in the consumer-loan business should think twice before investing in such paper.

One of the world's biggest nonbank financial firms—we'll call it Megacorp—provided credit to a criminal who used Jean's Social Security number and personal history; even though the crook used a fictitious name and an address in a seedy section of the Bronx.

After the perpetrator defaulted on the loan payments, Megacorp obtained a judgment against the alias. Using the Social Security number, Megacorp's agents found Jean's family checking account at a big New York commercial bank. Even though the name and address were clearly wrong, Jean's bank enforced a garnishment order from Megacorp and froze $5,000 in the account.

I contacted the police and Secret Service, who were familiar with the Bronx address used to commit the fraud against Megacorp. I then called and wrote to the lawyer for Megacorp, a lowbrow law firm and collection agency that handles hundreds of such claims per month. I explained that Jean was the victim of identity theft and that Megacorp wrongly garnished her bank account.

Lawyers for Megacorp refused to back off and responded with a torrent of verbal abuse, accusing Jean of committing other misdemeanors. The law firm used a similar tone in telephone calls to Jean's mother. We responded by filing with the court a strongly worded show cause motion, as well as a motion seeking sanctions. Megacorp's attorneys subsequently began to back-pedal and eventually withdrew the garnishment. The cost of this exercise was roughly $1,500 in legal fees, plus the time to draft documents and letters, and two visits to the Bronx Civil Court, a venue too near Yankee Stadium for comfort.

I contacted Megacorp and the three major credit reporting agencies, Experian, Trans-Union and Equifax. I asked how a criminal using a dubious Bronx mailing address and a false, oddly spelled name could obtain credit using the Social Security number and nonexistent credit history of a middle-class woman who lives in Westchester. On examining Jean's credit reports, I discovered that it was Megacorp, after extending credit to the Bronx delinquent, that reported the false name and new address to Experian linked to Jean's Social Security number. The alias and new address were automatically added to Jean's credit history without any verification whatsoever.

By making the false report to Experian, Megacorp apparently created a window of opportunity, enabling the Bronx lawbreaker to open accounts with Home Depot, Exxon, and AT&T Wireless, eventually involving over $10,000 in bad debt. I contacted these vendors to correct their misimpression that Jean was their customer.

Significantly, neither Megacorp nor Experian nor any of the other credit reporting agencies attempted to contact Jean to verify the significant change in name and address reported by Megacorp.

I confronted representatives of Experian and the other credit agencies about the false information place in Jean's credit report, yet they disclaimed any responsibility for the validity of the information. Representatives of Experian say they aren't responsible for the accuracy of the data provided by financial institutions and that they don't even review the information. "The banks do that," they asserted.

Experian's representatives were courteous, however, and amended the reports after we provided copies of the relevant court documents.

Megacorp continued to send Jean demand letters from various collection agencies for months after my first telephone and written responses. I kept on asking: How could anyone of even minimal competence look at the credit reports from Experian and other agencies and approve credit to the fictions Bronx resident?

Answer: The credit report tied to Jean's Social Security number wasn't reviewed. One Megacorp representative told me unofficially that the Social Security number was simply checked for defaults, judgments, etc., and when it came up clean—the number, not the name and not the application—the credit was approved.

The Secret Service agent in White Plains, New York, who took the report on Jean's experience confirmed that he sees dozens of such cases every month in which Social Security numbers are used to commit fraud. The perpetrators are rarely caught.

Lenders and the providers of credit information have created a system that is inadequate to its purpose if a valid Social Security number and a couple of other pieces of information are sufficient to defeat most credit controls. Lenders may complain that it would be too costly to manually screen applicants and verify identities, but how much more costly would it be if they had to bear the costs they now push off onto Jean and other victims of fraud?

Financial author Martin Mayer rightly says that there are no economies of scale in banking, but the loan approval operation of too many consumer lenders suggests there are dis-economies of scale. It seems that the bigger a bank gets, the sloppier it gets. To maximize revenue growth and control costs, consumer lenders use statistical screening tools and computer models to make credit decisions. In other words, they use the law of large numbers and simply roll the dice. If a criminal finds a Social Security number with a clean history, he's off to the races.

Eliminating the use of Social Security numbers as identifiers by law seems like a logical solution. Texas Rep. Ron Paul has introduced legislation to prohibit the commercial use of Social Security numbers as identifiers, but Congress needs to more thoroughly examine the issue.

Even if Social Security did not exist, the financial system would invent another system of universal identification. Congress should place the blame where it belongs, on the lenders and credit bureaus. It should require credit bureaus to obtain written affirmation from consumers prior to accepting a change in the name, address or other details on a credit history. Lenders should be held liable for reporting false information to credit bureaus, especially in cases where false reports lead to acts of financial fraud.

Additionally, Congress needs to afford consumers greater protection from asset seizures based solely on Social Security numbers.

We are, after all, innocent until proven guilty. A bank or Megacorp that treats us otherwise has committed a gross injustice. And it—not we—should pay.

SENATE—*Wednesday, February 14, 2001*

The Senate met at 10:00 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, here we are decked out with red ties, blouses, and dresses, ready to celebrate Valentine's Day. Thank You for those we love—our spouses and families, our friends, and those with whom we work. You are the artesian well of true love. Good thing, Father, for we also need love for those we find it hard to like!

May this be a day in which Your love is expressed in our words, attitudes, and actions. Particularly, we need Your help to express affirmation to those who need assurance, encouragement to those who have heavy personal burdens to carry, and hope to those with physical pain. Our prayer for each of these is not to remind You of what You already know, but to place ourselves at Your disposal to be messengers of Your love in practical ways and in heartfelt words. May this be a "say it" and "do it now" kind of day. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 14, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:40 a.m. shall be under the control of the Senator from Wyoming or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming, the acting majority leader, is recognized.

SCHEDULE

Mr. THOMAS. Today, the Senate will be in a period of morning business throughout the morning until 2 o'clock. Following morning business, the Senate will begin consideration of S. 320 regarding copyright and patent laws. By previous consent, there will be up to 1 hour of debate on the bill, with the vote on passage expected to occur at approximately 3 p.m. There may be some slippage of time there. Some Members may be returning, I believe, from West Virginia. It could be 3:15.

The Senate could also consider the Paul Coverdell Peace Corps bill and the small business advocacy bill during this week's session, as well as any executive nominations that are available.

I yield the floor.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 322 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX RELIEF

Mr. SANTORUM. Mr. President, I understand my colleague from Wyoming was talking today about the President's proposal on tax relief. I have been watching a little bit of the debate on the floor of the Senate. I have to say, this debate is somewhat disturbing.

We have been discussing taking some of the money people have worked hard to earn and have sent here to Washington—and we have a surplus of money coming here now; we have a tax surplus for which people have worked hard, they have earned it, they have sent it to Washington, and we have enough money to pay for all the bills we have right now—and now we are talking about how can we take some of this money that people worked hard to earn and return it to them.

In the discussion and debate we hear some saying that people who are paying less in taxes are going to get less money back in real dollars than people who pay a lot more in taxes are going to get back and that somehow is unfair. For example, if somebody who pays $200 in income taxes is going to get tax relief of $200—in other words, many people under the proposal being put forward are going to simply have all of their tax liability eliminated. If they are paying $200 in taxes and they are going to get $200 in tax relief while someone who pays $300,000 in taxes is going to get $30,000 in tax relief, somehow or another that is unfair; it is unfair that this one person who is a hardworking person is only going to get $200 under this proposal and some fat cat is going to get $30,000, and that is unfair.

So we see pictures: Here is what the fat cat is going to get, here is what the poor working person is going to get, and that is not fair. Except for the fact, if you step back and say, wait a minute, how much is this person who is paying a lot of taxes—how much are they paying and what is their relief versus what someone who has a lower income is paying and what is their relief? If we were going to balance this according to fairness as described by some, then there should be equal tax relief, even though there is not equal payment of taxes.

When a surplus is created because people have overpaid taxes and we want to relieve the tax burden on those who have overpaid, then I think fairness dictates we give tax relief to everybody who has contributed to the overpayment somewhat in proportion to what they have overpaid. That, to me, would be fair.

What would be unfair is for someone who pays $200 in taxes to get $20,000 in tax relief as opposed to someone who pays $300,000 in taxes to get $300 in tax relief. Some would suggest that is fair. I suggest that is typical Washington wealth redistribution because we know who the more deserving are here in Washington.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

What we are putting forward is as fair as we could possibly do it. In fact, if you look at the numbers, the top income earners and the top taxpayers in this country are going to end up with an increased burden of taxes. If you look at all the people paying taxes and whose share of the tax burden is going to go up after this proposal if it is passed as the President suggested, the tax burden on the higher income people will actually go up relative to everybody else.

Some would argue that is unfair. Some would argue that we are not giving enough tax relief to those who are higher income to keep the distribution of who pays taxes the same. But we are shifting the distribution to higher income.

We are going to hear lots of arguments about fairness. I always use this example—I think it is the best example—between what we are trying to accomplish and what some on the other side would suggest is fair.

I use the example of people who buy tickets to a baseball game. You pay and the game gets rained out. It is the last game of the year, so they have to refund your money. There are people who paid different prices for different seats in the baseball stadium. Some paid for the seats right down in front, maybe $25 a ticket. Then you paid for some up here in the loge boxes, maybe $15 a ticket. And then there are some folks up here in the outfield and they paid $5 a ticket. The game got rained out. So what do the owners of the baseball team have to do? They have to refund your money. You have overpaid. But you didn't get what you were promised. You overpaid. Get your money back.

What I would suggest as fair is, people who pay the $25 get $25 back, people who pay the $15 get $15 back, and people who pay $5 get $5 back. The guy outside who just happened to be driving by and didn't buy a ticket does not get any.

To some on the other side of the aisle, here is what they believe is fair. The guy who paid $25 gets $5; because he obviously can afford $25, he doesn't need all of the money returned. It is the guy up there who paid $5 who probably needs more money, and not only are we going to give him $5 but we are going to give him $15 back. The guy in the middle who paid $15, we will give him $15. We feel so bad about the guy outside who didn't get a chance to pay and come in that we are going to give him some money, too.

Is that fair? No. I do not know of an owner of a baseball team who could get away with something like that. It is patently unfair to do it that way. I think most Americans would agree that is fundamentally unfair. That is what we were talking about. For people who have paid a tremendous amount of money for which they have worked hard, we are suggesting they get back somewhat in proportion to what they paid as well as everybody else.

In fact, we are not suggesting that. We are suggesting they not get back quite as much proportionately, but we do in fact shift it. If you are going to take the example of the baseball stadium, instead of giving $25 back, they get $20 back. The guy paying $15 maybe gets $17 back, and the guy up here, instead of getting $5 back, may get $8 or $10 back.

There are those who would suggest that is unfair. I would suggest that is more than fair. For the folks who are paying the $25 for the ticket, some would suggest it is unfair to them. It is more disturbing if we look at the underlying motive behind this discussion. It really is a discussion that I think is not really worthy of us in Congress; that is, this idea of class warfare; that somehow or another, if you have worked hard and you have been successful starting a business or creating a company, if you have tremendous capital talent as a great singer or a great athlete—whatever the case may be—and you have been successful financially, somehow or another that is bad and you should be punished and should be paying exorbitantly more than people who have not been as successful.

Obviously, there is a small group of people who are very wealthy in this country. It is very small—about 4 percent. It is a lot more popular to go out and argue for the folks who are in the middle class, the large majority of Americans. We say: We are for you, and we are going to give you more money in this tax relief. Under the Bush proposal, they get proportionately more money. But somehow they argue they are undeserving: They pay the vast majority of taxes, but they need to pay more, and they don't deserve relief because they have money. I don't think that is necessarily an enobling argument.

I think the argument President Bush puts forth that no one in America should pay more than one dollar out of every three to the Federal Government in taxes is a statement with which most Americans would agree. Right now, higher income individuals pay about 40 percent of every dollar they earn in Federal taxes, not to mention other taxes they have to pay. When we have a surplus and the surplus has been generated by the fact that a lot of people have overpaid their taxes, my feeling is, what is unfair if you give every taxpayer tax relief?

To the extent we can, yes, we should help others. There are going to be proposals you are going to see considered to give people relief who didn't get in the stadium and pay for the ticket. They will get some relief, if you will. Even though they did not pay, they are going to get some money out of this. Why? Because we want to create more opportunity for people so someday they get inside the stadium.

We would like everybody to pay taxes in the sense that everybody would be economically successful, and enough that they would be in a tax bracket that would require it. We are about providing opportunities. We are also about fairness. I think that dictates that we provide tax relief across the board to those who pay.

The other thing we should think about when we put a tax bill together is: What are we trying to accomplish? What is the goal? Obviously, as I stated before, we have too much money. I would like to get it out of Washington before we spend it.

There are those of us who come to the floor year after year to say if we don't give tax relief, and if we don't get this money out of Washington, rest assuredly it will be spent. Just at the end of last year, we added to the 10-year budget of the United States $600 billion in new spending. I did not hear a word from those who now say we don't need tax relief and who have suggested we were spending the surplus that we didn't have. We hear a lot of people say we can't do tax relief because we don't know that the surplus is going to be there and therefore we shouldn't commit ourselves to this relief. They did not make that complaint when we were talking about spending the $600 billion surplus that we didn't have last year.

I argue that if the money stays in Washington and we don't provide tax relief, the money will be spent, as sure as anything I can promise. It will be spent if it sits on the table. We just can't help ourselves. I think it is important to get that money back out. Why would we want to do that other than just do it so we don't spend it?

We have heard lots of reports about what the economy looks like now and in the future. We have had an unprecedented string of years of economic growth. But I think it is important, as several other economists said—and Alan Greenspan—that in the future to avoid an economic slowdown we have lower rates of taxation and more money in the economy for investment and job creation.

By the way, who is creating the jobs? We have heard many times some of my colleagues on the other side of the aisle talking about not having to provide tax relief for higher income individuals. But who creates the jobs? The employer. They seem to like employees but hate employers. I do not know of too many employees who find jobs if there are not employers. Providing tax relief to people who will take that income and go out, as some have suggested, and buy a Lexus—if you are earning $2 million or $3 million a year, you already have a Lexus, if you want one. But they will go out and take that money and invest it to create jobs, and create opportunities so we can take some of those people outside the stadium who didn't have the chance to buy the ticket and give them a job so they can become taxpayers.

It is important not just to get the money out of Washington, but it is also vitally important to help our economy and create economic opportunities for people who need economic opportunities down the road.

There are some other things we need to do, again in the name of fairness. There is a lot of discussion about fairness. The President's proposal is that we have marriage penalty relief. It is unconscionable that on Valentine's Day there are people in America who will get married and, by virtue of the fact that they get married, have to pay more in income taxes. At a time when we want to encourage marriage through the Tax Code, we penalize it. That is unconscionable and unfair. Under the President's proposal, we go a long way to eliminating that marriage penalty.

Mr. President, death should not be a taxable event, but it is. What we are suggesting is that over a 10-year period of time we phase out estate taxes on people who die. I think most Americans would agree that if someone has a piece of property and they die and pass it on to the next generation, when that next generation sells the property, they should be taxed on the capital gains. But if in fact the person dies, it should not be a taxable event on the next generation. The greatest impact of that is on the family farm, the small business man or business woman when they want to pass that business on to the next generation after they die. They have to sell the farm or the business so they can pay the taxes that are due.

Whom does that hurt? Obviously, it hurts the businessperson. But how about the people who work for that business, where that business has to go out of business simply to pay taxes or where the business has to be sold simply to pay taxes.

So, again, it is the old story. Most Americans realize this. When you stand up here and say: "We are going to go after and get the rich, we are going to make sure they pay even more and more and more taxes," ultimately who gets hurt is the people at the bottom and the middle because they do not get the quality jobs or they do not get the kind of strong economy that makes for a better quality of life.

So I think what we are talking about here is tax relief for every taxpayer. Some suggest that is not fair. I would suggest that is the only fair way to do it; when you have a tax surplus, you give it back in proportion to how much the people paid. That, to me, would be fair.

If you think your job is to not be fair but to redistribute wealth—that is the object here, to redistribute the wealth based upon who we believe, in Washington, are more deserving. Let's be clear about it; that is what we are doing. We are saying some people are more deserving than others, and we are going to choose to take some people who worked hard, earned this money, sent it to Washington—we are going to take their money and give it to other people because we believe that is fair. We do a lot of that already. But now we are suggesting, because there is an overpayment, here is an opportunity to do more of that.

I argue that is not what we should take advantage of. We should take the opportunity to create an across-the-board, fair tax reduction for every working American, every taxpayer.

So that is what the debate is going to be about. I hope we will look at the underlying policy of why we are trying to do this, not just here is how much X gets and here is how much Y gets but look at the underlying policy: Are we trying to pass tax relief that is going to accomplish economic growth? If so, how do we best do that? Let's have a discussion about that.

Are we trying to eliminate provisions in the Tax Code that are unfair, such as the marriage penalty and the death tax? I argue that the alternative minimum tax has become unfair on a lot of middle class, working Americans who now have to pay that tax.

If we look at it and we take it a step at a time, we will deal with the fairness issue. Let's take care of that issue, and then let's try to do something across the board that does something for economic growth; we must have as part of our agenda not just fairness but growth because the ultimate equalizer, if you will, the ultimate creator of opportunity, is economic growth.

I believe that unless we do something to create a tax system that enables more economic growth in the future, then a lot of folks to whom we are going to shift a little money—as some suggest, that you take from higher income and give it to lower income—they are going to find themselves either in lower paying jobs down the road or with no jobs. That is not a good result for anybody.

So again, let's keep our eye on the ball. Yes, get the money out of Washington; yes, provide some tax fairness; but also, let's make sure we do a tax reduction that is going to result in a growing economy over the long term. That, to me, dictates, as Alan Greenspan said yesterday, a rate reduction. The best way to assure economic growth is an across-the-board rate reduction.

So if what we care about is avoiding a deep recession or a recession altogether in the next 3 or 4 or 5 years, the best way to accomplish that is a rate reduction for all taxpayers.

One other point. Some have mentioned what we are talking about here is Federal income taxes: You have a lot of taxpayers who have to pay FICA taxes and Medicare taxes, and they are not getting any tax relief.

I would make two comments on that. No. 1, FICA taxes or Social Security taxes, when they are paid, obviously, fund a program, the Social Security program, or the Medicare program in the case of Medicare taxes. But they also make you eligible for a benefit. The benefit is so structured today where lower income individuals get a much higher percentage benefit than higher income individuals. So the program is already structured, No. 1, that you pay the tax to assure a benefit down the road.

So it is not like income taxes, where you just sort of pay the tax and it goes to the general welfare. But this actually earns you, if you will, a particular benefit. It is the same with Medicare. So you are getting something directly for you for the dollars you are contributing.

Secondly, we are paying too much in Social Security taxes now. We have a surplus. Some of us have argued—and I will continue to argue—instead of bidding up what I consider to be a phony surplus, with just basically IOUs in the Social Security trust fund, which are future obligations for taxpayers, and nothing more than that, I would suggest we take this surplus and allow younger workers to invest that money, to create real opportunities for them so they can have real money, real assets that can pay real benefits 20, 30, 40 years from now, instead of creating IOUs which are simply a claim on their children's taxes 30 years from now or 40 years from now. And that would not be a real economic asset; it would simply be a real economic obligation of future generations.

I argue that the better way to accomplish that, instead of overtaxing current workers, which we do with Social Security and Medicare—I am going to focus on Social Security right now—instead of overtaxing Social Security payers, people who pay Social Security taxes today, let's give them the opportunity of setting that money aside, investing it over the long term, accumulating assets, and then using that real asset—a real economic asset—to come back 30 years from now to help pay for those benefits. That would be instead of, in a sense, putting that IOU away.

I will use this as an example. I think it is a good example. I went to a group of high school students the other day, and I asked: How many of you out here work? About half the hands went up. I asked: Where do you work? One kid said: Burger King. I said: Right now you work at Burger King, and you have to pay Social Security taxes. And 12.4 percent is what the Social Security tax is. You pay 12.4 percent, but all that money does not go to pay benefits. That is what it traditionally has done.

All the money would go right out to pay benefits. But in this case, you are paying more than you need to.

You only need to pay a little over 10 percent to pay for current beneficiaries. Money comes in, goes out to beneficiaries, but we have a surplus, a little over 2 percent. So you pay more than you need to now. So we are taking more money out of your paycheck than we need.

What do we do with that surplus money in Social Security? Social Security has cash. Can Social Security hold cash? It would be a smart thing for them to do. No. They have to invest that money. Where do you think they invest the money? Treasury bonds. What are Treasury bonds? Debt of the Federal Government.

So Social Security gives money to the general fund, and the general fund puts a note back into Social Security. It is an IOU. It is a Treasury bond that pays interest.

Now let's talk about that 18-year-old 30 years from now. Thirty years from now, that 18-year-old is still paying taxes. He is 48 years old. Then, instead of having a surplus in Social Security, we have a deficit. So then what we will have to do is raise Federal taxes because we will have to start repaying those bonds. We have to put the money back into Social Security.

So what are we going to have to do? Thirty years from now, we are going to go to that person who paid too much in taxes in the first place to create the IOU, and now we are going to have to increase their taxes so they can pay back the IOU they created by paying too much taxes in the first place. So they get to pay twice for this benefit. That is not fair.

So I think we do need to create personal retirement accounts. That is one way we can solve the problem of Social Security taxes.

The Senator from Colorado is here, and I am happy to yield the floor to him.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Pennsylvania for yielding and certainly appreciate his hard work and dedication on the issue of taxes. I served with him in the House and now serve with him in the Senate. He is certainly a great American.

I understand that we are moving into time controlled by Senator BOND and Senator COLLINS. I have a number of points I want to make in relation to national defense. I would like to yield to my colleague from Missouri to visit with him a little bit on how he plans to manage the time and what his plans are.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

(The remarks of Mr. BOND and Mr. ALLARD pertaining to the introduction of S. 336 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

NATIONAL DEFENSE

Mr. ALLARD. Mr. President, I rise today to talk about our national security and defense. This is the week the President has decided to emphasize defense. I will take a moment to review briefly where we are as far as the National Missile Defense Program is concerned. Before I do that, I will lay out a few things for the record.

First, this week the President has decided to talk about quality of life. He has emphasized the fact that soldiers enlist, but families reenlist, trying to address the problems we have with retention in our military services. I wholeheartedly agree with him in his efforts. He has made tremendous strides in that direction, when he says he will go ahead and try to promote the idea that we need to have a military pay raise, renovate standard housing, improve military training, and review overseas deployments to reduce family separations.

The President also has recognized the concept of a citizen soldier. I can relate to that. I like to think of myself as a citizen legislator. These are individuals who have regular jobs but take a spell from those jobs to serve our country. That is our National Guard and Reserve troops, and States play an important role. The National Government plays an important role to make sure these citizen soldiers are readily available in time of national emergency to serve our country and its defense.

The third item he has talked about is the transformation of the military to a stronger, more agile, modern military, which has both stealth and speed.

I think we also need to rethink our vulnerabilities and the time to do it is now. We need to rethink our strength, and the time to do it is now, while we are transitioning from one administration to another. There is no doubt in my mind that for the last 8 years our defense structure in this country suffered intolerably. It is time we made very significant changes. I support the idea that we need to increase spending for defense.

As we look at our vulnerabilities and strengths, we certainly need to base our thinking on the new technology that we have and what the future is for the development of that new technology. We need to think about the future threat from potential adversaries. We need to work toward the idea of more peace and more freedom through renewed strength and renewed security. Based on all of that, we have to control the high ground. I think that is as true today as it was two or three centuries ago. Controlling the high ground is very important in the field of battle.

I am a strong proponent of looking at an enhanced role for space. We must think in terms of a space platform. By controlling that high ground, we would secure all our forces and secure our national defense system. I believe the technology is very close, where we can move forward with some very significant steps in enhancing, in a modern way, our defense systems in America.

I want to take a little time while I have the floor to review the background of our National Missile Defense System—a step in that direction—and review a little bit about where I see we are today.

First of all, on the National Missile Defense System, I think we ought to quit referring to it as the "national" missile defense system. I think we need to refer to it as our missile defense system and get away from the vagueness of trying to identify a theater missile defense system and a national missile defense system. I think, from a foreign relations standpoint, when we use the term "national," it implies it is just for America. We are putting together a missile defense system, hopefully, that will secure world peace. I think we need to keep that in mind when we talk about what we are going to do to enhance our missile defense system.

In my discussion this morning on defense and the National Missile Defense System, I am just going to refer to it as the missile defense system.

Starting back in 1995, the Republican Congress consistently pressured the Clinton administration to make a commitment to deploy a national missile defense system. In 1995, then-President Clinton vetoed the Defense Authorization Act over its establishment of a national missile defense deployment policy.

Then, in 1998, the Rumsfeld report, now-Secretary of Defense Rumsfeld, said that a ballistic missile threat to the U.S. was "broader, more mature and evolving more rapidly" than the Intelligence Community had been reporting prior to that. The report also stated that:

> The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced . . . the U.S. might well have little or no warning before operational deployment.

That is what our current Secretary of Defense was saying.

Then, in 1999, the National Intelligence Council warned that:

> The probability that a WMD armed missile will be used against the U.S. forces or interests is higher today than during most of the Cold War.

That was made in 1999 by the National Intelligence Council.

In 1999, finally, the President signed the National Missile Defense Act of 1999—referred to around here as the

Cochran bill—which requires deployment of a national missile defense system "as soon as technologically possible." That is the key—"as soon as technologically possible."

Even though the administration funded the National Missile Defense Acquisition Program, President Clinton never committed the United States to actual deployment. So in September of last year, 2000, President Clinton decided to defer a deployment decision to the next administration.

Having laid out that background, I want to talk about where we are today. The current missile defense system is preparing to deploy a single ground-based site in Alaska, with a threshold capacity of 20 interceptor missiles in fiscal years 2005–2006, and 100 interceptors in fiscal years 2007–2008. That is the current plan. This is referred to as the initial stage. This would be upgraded, and a second ground-based site would be deployed to deal with more complex and numerous threats in the fiscal year 2010–2011 timeframe.

This stand-alone, ground-based approach is inadequate really to satisfy U.S. global security requirements. Nonetheless, the most affordable and most effective path to a global ballistic missile defense system is to augment the current missile defense program rather than replace it.

Now, the current ground-based missile defense program has made significant technical progress and offers the earliest deployment options. Once this system is deployed, it will offer an "open architecture." This is very important. It offers an "open architecture" that can be augmented with ground-based, sea-based, and/or space-based systems as they mature and are demonstrated. So we leave the door open for technological advances so we can build upon the structure we are initially going to lay out there.

I will reemphasize that this is a defense structure, not offensive; it is a defense system. Frankly, I don't understand the opposition from many of our allies to a system that is defensive in nature. I think they ultimately will share in that technology because it will assure that we have a safer world.

The key to deploying an effective missile defense architecture is a layered system that is deployed in phases. A top priority should be the prompt establishment of programs to develop the sea-based and then the space-based elements that can be added to the initial system when they are ready.

The sea-based missile defense elements should be based on the existing Navy Theater Wide (NTW) Theater Missile Defense Program. The NTW Program will need to be augmented, both in terms of funding and technical capability. The interceptor missiles are not sufficiently capable to perform the missile defense mission. Therefore, the Department of Defense should consider a phased approach to the NTW, which involves initial deployment of a system for long-range TMD and limited missile defense applications, and then upgrade to a more dedicated sea-based missile defense capability in the future.

The development of a strategy for dealing with the ABM Treaty is as important as the technical/architectural issues mentioned above. The United States will need to determine whether it wants to pursue modifications to the treaty or seek a completely new arrangement. Any effort at incrementally amending the treaty will involve many of the same problems the Clinton Administration experienced with Russia and our allies.

The current acquisition cost, including prior years, for the initial ground-based National Missile Defense system (with 100 interceptor missiles) is $20.3 billion. The average annual cost for R&D and Procurement is approximately $2.0–2.5 billion. Ballistic Missile Defense Organization is also recommending a significant increase to enhance its flight test program and its efforts to deal with counter-measures, which could increase the overall Missile Defense cost by several billion dollars. The Navy has estimated that an initial sea-based National Missile Defense capability could be deployed in 5–8 years for $4–6 billion; an intermediate capability could be deployed in 8–10 years for $7–10 billion; and a far-term capability, involving dedicated Missile Defense ships and missiles, could be deployed in 10–15 years for $13–16 billion. Note that the Navy estimates assume that the ground-based National Missile Defense infrastructure is in place. Without this infrastructure, the Navy would have to add radars, space-based sensors, battle management, and command and control to their cost estimates.

There are many issues before Congress and this administration concerning our missile defense system and they are the following:

We need to establish a policy for ballistic missile defense reflecting the current global security environment.

We need to illuminate the path ahead regarding the ABM Treaty.

We need to redefine the relationship between ballistic missile defense and strategic forces.

We need to establish a global missile defense as a new ballistic missile defense paradigm.

We need to deemphasize the distinction between national missile defense and theater missile defense.

We need an integrated missile defense architecture and operational concept.

We need to have a layered approach to ballistic missile defense starting with land, sea, and space in the future.

Our greatest challenge is overcoming 8 years of funding inadequacy. In the fiscal years 1994 through 1999, Secretary Cheney at that time envisioned $7 billion to $8 billion SDI budgets.

We have a great opportunity before us. I think most Americans like most of President Bush's major proposals. A Newsweek poll found 56 percent approved of his plan for a missile defense system.

Former Secretary of State Henry Kissinger said no President could allow a situation in which "extinction of civilized life is one's only strategy."

The New York Times reports today that Russian President Putin and Germany's Foreign Minister Fischer discussed the proposed American missile defense at a Kremlin meeting yesterday, ending 2 days of talks that Mr. Fischer said pointed to new Russian flexibility on the notion of a shield against rogue missiles. Mr. Fischer told reporters: "In the end, I think Russia will accept negotiations."

The Senate Armed Services Committee has met with the British foreign minister and discussed this. A nuclear missile defense will benefit the world. Only our aggressors, I believe, need fear our missile defense technology.

Robert L. Bartley says in today's Wall Street Journal: "The deliberate vulnerability of 'mutual assured destruction' carries an appropriate acronym, MAD."

In the end, with the cold war over, we should look beyond the cold war rules and to the unpredictable future and weapons of mass destruction.

I reemphasize that I believe we need to rethink our vulnerabilities and our strengths based on our new technology and based on the future threat from potential adversaries. Our goal should be more peace and more freedom through renewed strength and a renewed security, and we accomplish that by establishing control of the high-ground.

Technology is the key, and we need to be sure we are willing to put our dollars and our brain power behind the idea that we will move forward with a strong defense system which will, in the long run, assure continued world peace.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EDWARDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENT PROTECTION LEGISLATION

Mr. EDWARDS. Madam President, for too long the law has been on the side of HMO's and big insurance companies. It is time we give power back to patients and families and doctors. Nearly every one of us has had some sort of bad experience with an HMO or an insurance company, either personally or through a family member or a friend. Sometimes the problems are frustrating, sometimes the problem is just red tape and bureaucracy, sometimes it is simply impersonal treatment.

Sometimes the problems are much more serious than that. Sometimes the problems are dangerous: when an HMO, for example, refuses to authorize a visit to a specialist or the nearest emergency room, or denies treatment that is desperately needed by a patient, or refuses to be held accountable for any of the decisions it makes. Americans have the right to expect that decisions about their health care and their family's health care will only be made by the patient, in consultation with physicians and family members, and that physicians will be able to help them make those decisions on the basis of the patient's best medical interests. Those decisions should not be made by HMOs and insurance companies concerned only about the bottom line.

That is why we need a Patients' Bill of Rights. That is why last week I joined Senator JOHN MCCAIN, along with a bipartisan group of Members of the House and the Senate, to introduce a bill that builds on the progress that has already been made in this Congress to pass a Patients' Bill of Rights.

The Bipartisan Patient Protection Act provides comprehensive patient protection for all Americans. It will, No. 1, guarantee access to specialists for all people who have private insurance, so that women, for example, can go directly to an OB/GYN or a child can go directly to a pediatrician for care. No. 2, it strengthens the right to go to an emergency room, to the ER, immediately after an emergency arises, without first having to be concerned about calling some 1-800 number and asking permission from an insurance company or an HMO.

When a family is involved in a medical emergency, the last thing they need to be worried about is calling the insurance company. They need to be able to do what is best for their family and go immediately to the emergency room that is closest to them. Our bill provides for that.

We also eliminate the gag rule. What we need to do is give doctors the ability to speak freely with their patients about the treatment options that ought to be considered by the patient. What we have done is prohibit clauses between insurance companies and doctors—the so-called "gag rule"—that restrict doctors from talking to their patients about the various treatment options, and instead only allow doctors to talk about the cheapest treatment options. We prohibit that practice and prohibit gag rules.

Scope. Our bill covers every single American who has private insurance through an HMO or an insurance company. Some of my colleagues have argued, during the course of the debate about a real Patients' Bill of Rights, for a more limited approach. I do not agree. I believe every single American who has health insurance or receives coverage through an HMO deserves, and is entitled to, exactly the same rights. The same basic rights and freedoms that we provide for some people ought to be available for every single American who has HMO or health insurance coverage.

Make no mistake, in States like Texas where strong protections already exist under State law, the State's own efforts in this area should be respected. Under our bill, if the State law is comparable or more protective of patients than those we enact here in the Congress, State law will remain in effect.

In most cases, HMOs and other health care providers respect the decisions that are made by patients and doctors. This is usually not a problem. The people get the treatment they are entitled to, the treatment their doctor recommends, and they get better. But if the patient or the doctor believes that the quality of their health care may be at risk because of what the HMO is doing, because of some bureaucrats sitting behind a desk somewhere who decides that they know better what care or treatment the patient should receive, that they know better than the doctor or specialist who is taking care of the patient, then we need to provide some way for the patient to appeal that decision.

What we have done here is provide an alternative recourse whenever the HMO or insurance company decides that coverage for treatment should be denied. Under existing law, the HMO's decision is final. If the HMO, no matter what its reasoning for the decision is, decides that this care, this treatment—for example, that a sick child should not be able to go directly to a pediatric oncologist—the patient, the family, the child can do nothing. The HMO holds all the power. The law is completely on the side of the HMO and the insurance company, and patients are left totally defenseless.

What we are doing today, through this legislation, is putting accountability back into the system so that, like all other Americans, HMO's are held accountable for what they do.

As a first resort, patients are guaranteed both an internal and an external appeals process. If they go to an HMO and the HMO says that they won't pay for a particular treatment or a particular doctor, patients have a place to go to appeal. All patients will have a right to appeal treatment denials to an external review authority with outside medical experts, which is critical. The independence of the appeals process is crucial. We have provided for extensive protections to ensure that the independence is in fact there. Once the appeal is made and the independent board decides that coverage should have been provided, the decision is final and binding on the HMO or the insurance company.

As a matter of last resort—and I emphasize last resort—if the HMO has denied coverage, and the appeals process fails, the patients should have the ability to go to court.

I want to emphasize that the ability to go to court is a matter of absolute last resort. For example, in States such as Texas that have enacted legislation—about 3 years ago, Texas enacted legislation providing patients the right to go to court—experience has proven that actual litigation virtually never happens. It does not happen for a very practical reason: because, first of all, the HMO has to deny coverage; second, there is an internal review and appeal process; and third, there is an external appeal process to an independent body. So it is a very rare circumstance where anybody feels the need to go to court. In States such as Texas that have enacted patient protection legislation, there have been very few lawsuits filed.

What the Bipartisan Patient Protection Act does is ensure that medical judgment cases go to State court. The basic reasoning here is that if the HMO or the insurance company is making a medical judgment, if they make the decision that they are going to insert their judgment in the place of the physician or the health care provider, then normally those are cases that are decided in State court, under State law, using State standards. Our belief is that the HMO, if they are going to exercise medical judgment, if they are going to substitute their own judgment for the judgment of the doctor involved, ought to be subject to the same standards to which doctors are subject. If a case were brought against a doctor for exercising his or her medical judgment, that case would go to State court.

What we have provided here is simple: when the HMO steps in and inserts itself into the process of exercising medical judgment, their case goes to State court just as a medical negligence case would go to State court. We should not preempt State law. State law has traditionally controlled these kinds of cases. Under our bill, the law that the Governor at the time—now President Bush—enacted in Texas, the HMO protection law would be respected, as would HMO patient protection laws that exist all over the country. So essentially what we are doing in our legislation is deferring almost entirely to the oversight of medical judgment that has traditionally been regulated by State law.

I point out that the Judicial Conference of the United States has spoken on this issue. The Chief Justice of the United States, Chief Justice Rehnquist, is the presiding officer of the Judicial Conference of the United States.

The Judicial Conference, through its executive committee, adopted the following position on February 10, 2000:

> The Judicial Conference urges Congress to provide that in any managed care legislation agreed upon—

This is the legislation we are talking about today—

> that State courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits.

The Judicial Conference of the United States, a nonpartisan, nonpolitical body headed by the Chief Justice, decided that cases involving medical judgment should go to State court. These types of cases have been traditionally resolved in State court.

Federal courts, of course, are courts of limited jurisdiction. And these are not cases that should go to Federal court. Our bill does exactly what the Judicial Conference, headed by our Chief Justice, has recommended. It sends these cases to the place where they have traditionally been decided.

Contract cases, based solely on what the terms of the contract are—for example, if there were a provision requiring that insurance coverage be in place for 60 days before payment can be made for any particular treatment—if there were a dispute about whether 60 days had actually passed, or whether the coverage or the contract applies, that would be an interpretation of the contract and would go to Federal court. In those limited cases where there is a dispute about the actual language of the contract, those cases go to Federal court.

There are limitations contained in our bill about any recovery in Federal court. The basic structure here is simple: medical judgment cases, where the HMO is inserting its judgment for that of the health care provider, go to State court. Cases that have always traditionally been decided in State court go to State court, just as our Chief Justice in the Judicial Conference is recommending. The only cases that go to Federal court, a court of limited jurisdiction, are cases involving pure interpretation of the contract—cases that have historically been decided in Federal court under ERISA. So they essentially maintain the same bifurcation that the U.S. Supreme Court suggested.

We have included a balanced approach and imposed some limitations. Under our bill, there are no class actions. Appeals have to be exhausted, except for the very rare circumstance where the patient can show an immediate and irreparable harm. In all other cases, internal and external appeals have to be exhausted before a patient can go to court.

Third, the vast majority of cases go to State court and are therefore subject to whatever State court limitations apply. For example, the limitations that exist under State law in Texas would apply to cases that go to State court in Texas.

We are attempting to balance interests and create really meaningful and enforceable rights for the patient, giving the patient the ability to enforce those rights through an appeals process, and then, as a matter of absolute last resort—and as history has proven, it happens very rarely—giving them the right to take the HMO to state court, where these kinds of cases are traditionally decided.

We have debated this issue over and over on the floor of the Senate. Many Members of the Senate have been involved. Congressmen NORWOOD and DINGELL have led the effort on the House side in the debate. It is time for us to get past simply talking about this issue and debating the various parties' positions. Senator McCAIN and I, along with others in support of this bill, are making an effort to resolve our differences and get this legislation enacted. It is time, finally, that we enact legislation that puts law on the side of the patients, on the side of families, and on the side of doctors, and not on the side of big HMOs and insurance companies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEBRUARY AS AMERICAN HEART MONTH

Mr. VOINOVICH. Madam President, I rise today to highlight February as American Heart Month, a designation that has stood since 1963 when Congress first recognized the need to focus national attention on cardiac health. I think it is particularly appropriate since it is Valentine's Day.

The theme of this year's Heart Month is one that resonates deeply with me: "Be Prepared for Cardiac Emergencies." This theme is especially meaningful because on January 20, the day of the Presidential Inauguration, the Voinovich family almost lost one of its beloved members to sudden cardiac arrest.

Indeed, as the country welcomed the arrival of a new administration, I, like many of my colleagues, was looking forward to sharing this joyous occasion with family and friends. Tragically, our celebration was suddenly upended when Patricia Voinovich, my brother Vic's wife, was struck by sudden cardiac arrest. As she entered the Ohio Inaugural Ball, she crumpled to the ground without a pulse or respiration.

Sudden cardiac arrest—as the name imples—happens abruptly and without warning. It occurs when the heart's pumping chambers suddenly stop contracting effectively and as a result, the heart cannot pump blood.

Although it has received much less attention than heart attacks, sudden cardiac arrest is a major cause of death in the United States.

This usually fatal event causes brain damage or death within minutes if treatment is not received immediately, and is estimated to cause more than 220,000 deaths in the United States annually.

That is more than three lives every 7 minutes—more than 600 deaths a day. These deaths are largely attributed to the lack of preparedness and immediate accessible medical attention in the short window between the heart ceasing to pump and death.

Just as in most sudden cardiac arrests, with Pat there was no warning or indicating that she would be susceptible to such a sudden physical trauma. She was in good health. As a matter of fact, she had just been to the doctor and had a check up.

Even after the incident, doctors commented that her heart was undamaged and healthy. After she became stabilized, my family and I listened to the doctors at the George Washington University Hospital who informed us just how lucky Pat, Vic, and the rest of the family had been. I was told that when individuals are struck with sudden cardiac arrest, only a minuscule number, 5 percent, survive.

Fortunately, Pat had been blessed to be in a place where there was what the American Heart Association calls a strong chain of survival in place.

As a matter of fact, one of the doctors from George Washington University Hospital had been assigned to the convention center for the specific purpose of responding to an incident such as the one that occurred to my sister-in-law.

It was only 2 or 3 months before the inaugural ball that this equipment had been put in place at the convention center in anticipation that something like this could happen. I think all convention centers throughout the United States should have that equipment on board. I think all of us here in the Senate should feel very fortunate that because of Dr. FRIST, that kind of equipment is available to the floor of the Senate and the House and the corridors of the Capitol.

The chain of survival, developed by the American Heart Association, is a four-step process to saves lives from cardiovascular emergencies. The process includes early access to emergency medical services, early CPR, early defibrillation and early access to advanced cardiovascular care. Its goal is to minimize the time from the onset of symptoms to treatment.

Although I did not know it at the time, all of these factors were present that night at the Ohio Inaugural Ball. Indeed, the American Heart Association estimates that if what they call a strong chain of survival is in place, the survival rate of sudden cardiac arrest would increase to upward of 20 percent, saving as many as 40,000 lives per year. Think of that—40,000 lives per year if that chain of survival exists.

As Pat lay there on the floor following her collapse, I can only thank God that this chain of survival was present and went into effect. Secret Service agents and an on-hand emergency physician came to her side almost immediately.

These Good Samaritans began administering CPR, as well as utilizing a lifesaving machine called an automatic external defibrillator, also known as an AED. If it had not been for the grace of the Holy Spirit, the rapid response of Secret Service agents and the on-hand emergency physician and the presence of an AED, Pat almost certainly would not have survived.

The American Heart Association has been a longtime leader in educating the country in cardiovascular disease and the need for preparing for cardiac emergencies.

Unfortunately, many Americans do not realize the kind of education and training that the Heart Association can provide until after an emergency situation occurs. I have certainly become even more aware of their services in light of my family's situation.

Quite simply, being prepared for a cardiac emergency can and does save lives. It is my hope, that by focusing on this year's American Heart Month theme—"Be Prepared for Cardiac Emergencies"—we can save many thousands of lives, not only this year, but in years to come.

I encourage all Americans to participate in American Heart Month, and take the time to educate themselves so that they will be prepared and know what do when an emergency strikes.

For those of you who might be interested in how Pat is doing, she was in the hospital for 5 days. They inserted a defibrillator in her chest, so if she has another occurrence that defibrillator will respond to it.

My brother thanked me profusely for inviting him to the inauguration because he said Pat had this preexisting condition they did not know about, and if it had occurred somewhere else instead of the Convention Center, she would no longer be with us.

So we have a happy ending to what could have been a real tragedy for our family which, again, emphasizes that because of some folks out there who became involved in the chain of survival, she is now alive and well and able to take care of her family.

Thank you, Madam President.

Madam President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. The time until 12 noon is under the control of the Democratic leader.

RECOGNIZING AMERICAN HEART MONTH

Mr. DORGAN. Madam President, I want to talk about two items today. The first deals with February being American Heart Month. Let me describe my interest in this issue.

Today, of course, is Valentine's Day. Most of us will receive some kind of valentine from someone that has a red heart on it and describes love and affection. It is a wonderful day for all of us.

The other symbol is the human heart, which is a symbol that relates to the American Heart Association, an organization I have worked with a great deal. And also, as I said, this is American Heart Month.

Robert Benchley once said: "As for me, except for an occasional heart attack, I feel as young as I ever did," describing, of course, the devastation of the cardiac problems that people who suffer from heart disease have.

I want to talk, just for a moment, about that because we need to continue every day in every way to deal with this killer in our country. Heart disease is this country's number 1 killer. It is the leading cause of disability and the leading cause of death in our country.

Forty-one percent of the deaths in our country each year are caused by heart disease and other cardiovascular diseases, more than the next six leading causes of death combined. Cardiovascular disease and heart disease kill more women than the next 14 causes of death combined each year. That is 5.5 times more deaths than are caused by breast cancer.

How can we help fight heart disease? All of us work on a wide range of issues. I am very concerned about a wide range of diseases. I have held hearings on breast cancer in North Dakota. I have worked on diabetes especially with respect to Native Americans. But heart disease is a special passion for me. I lost a beautiful young daughter to heart disease some years ago, and I have another daughter who has a heart defect. I spend some amount of time visiting with cardiologists and visiting Children's Hospital talking about the human heart.

We know there is much more to be learned about heart disease. There is breathtaking and exciting research going on at the National Institutes of Health dealing with heart disease. I have been to the NIH and visited the researchers. What is happening there is remarkable. Congress is dramatically increasing the funding for research dealing with a wide range of diseases and inquiry into diseases at the National Institutes of Health. We have gone from $12 billion now to over $20 billion, and we are on a path to go to $24 billion in research at the National Institutes of Health.

I am pleased to have been one of those who stimulated that increase in the investment and research to uncover the mysteries of disease. To find ways to cure diseases and to prevent diseases—heart disease, cancer, so much more—is a remarkable undertaking, an outstanding and important investment for the country. How can we, however, as a Congress provide some focus to this issue of heart disease?

We have a Congressional Heart and Stroke Coalition that we founded in 1996. I am a co-chairman of that in the Senate and Senator FRIST, who is a former heart transplant surgeon, is the other co-chair. We have two co-chairs in the House of Representatives as well. We are active in a wide range of areas dealing with the issue of heart disease.

More than 600 Americans die every single day from cardiac arrest. That is the equivalent of two large jet airline crashes a day. But it is not headlines every day because it happens all the time, day after day, every day.

There is some good news, and that is that cardiac arrest can be reversed in a number of victims if it is treated within minutes by an electric shock. There is now something called an automatic external defibrillator, AED. The AEDs, which we have all seen on television programs where they are applying a shock to someone to restart their heart, used to be very large machines. Now they are portable, the size of a briefcase, easily usable by almost anyone, even myself. I was in Fargo, North Dakota, one day with the Fargo-Moorhead ambulance crew, and the emergency folks use these defibrillators, the portable briefcase size defibrillator. They showed me how to hook it up and how to use it.

Without having any experience at all, someone off the street can just hook up one of these portable defibrillators and use it without mistake or error to save lives. The question is, how can we now make these portable defibrillators easily accessible in public buildings all around the country, and other areas of public access, so they're available to help save lives when someone has a sudden cardiac arrest? That is what we are working on.

We have passed legislation to try to make these available in airplanes. We have passed legislation to try to move them around to make them available in public buildings. We should do much more than that. They are affordable, easy to use, and can save lives. We ought to have these new portable defibrillators as common pieces of safety equipment in public buildings like fire extinguishers are now. It is achievable, and it is something we should do.

We also need to find ways to do more cholesterol screening. That also relates very much to cardiovascular disease. We know the identification of one of the major changeable risk factors for cardiovascular disease—that is, high levels of cholesterol—is not covered by Medicare. Clearly, we ought to cover those kinds of screenings under Medicare.

The American Heart Association recommends that all Americans over the age of 20 receive cholesterol screening at least once every five years. But when an American turns 65 and enters the Medicare program, their coverage for cholesterol screenings stops. That makes no sense. We have tried in recent years to improve the Medicare coverage of preventive services. We now cover screenings for breast, cervical, colorectal and prostate cancer, testing for loss of bone mass, diabetes monitoring, vaccinations for the flu, pneumonia, and hepatitis B. Now we must provide Medicare coverage for cholesterol screenings as well.

I intend to introduce legislation that would add this important benefit to the menu of preventive services already covered by Medicare. I have just mentioned also the substantial amount of new research going on at the National Institutes of Health.

I confess that my passion about this issue comes from my family's experience—in the first case, a tragic experience. In the second case, we hope for an experience that will show us the miracles of research that are coming from the National Institutes of Health that provide new treatments and new remedies and new cures for some of these illnesses, including heart disease. We hope this will offer my family good news in the future; not just my family, every family. Every family is touched and is acquainted in some way with this issue of heart disease. As I indicated, it is America's number 1 killer.

I have been pleased to work with the American Heart Association, a wonderful organization of volunteers all across this country that does extraordinary work. I will continue to work with them and work with the heart and stroke coalition in the Congress to see if we can't continue to make progress in battling this dreaded disease that takes so many lives in our country.

AIRLINE SERVICE

Mr. DORGAN. Madam President, I rise to speak for a moment about the airlines and the airline service in our country. Last weekend, the National Mediation Board released Northwest Airlines and one of its unions, called AMFA, from the mediation service that was going on.

Now we are under a 30-day march to a potential labor strike and therefore shutdown of airline service. It is not just Northwest Airlines. We have a United Airlines dispute in front of the National Mediation Board. We have a Delta Airlines dispute there, and an American Airlines dispute.

What has happened in recent years with the airlines, not just with respect to these labor issues, but with respect to the way the airlines have remade themselves since deregulation, is very troubling to me and should be very troubling to most of the traveling public in this country.

I mentioned earlier, today is Valentine's Day. I suggest for a moment that you might want to take a trip on Valentine's Day. If you want to go to Bismarck, ND—and if you say no because it is February, I would admonish you that Bismarck, ND, is a wonderful place and it is not all that cold in the winter—guess what the walk-up cost for a flight to Bismarck, ND, is—$1,687. But assume your sweetheart is very special and you decide, I am not going to go Bismarck. I am going to Paris, France. Do you know the fare you can find to Paris, France today? It is not $1,687. We have found walk-up fares to Paris, France, for $406; or Los Angeles, $510. So fly to Bismarck for $1,687 or Paris, France, for $406.

Ask yourself, what kind of a nutty scheme is this that these private companies have developed a pricing scheme that says: If you fly twice as far, we will charge you half as much. But if you fly half as far, we will charge you twice as much.

Using Bismarck again, if you have a hankering to see the largest cow on a hill overlooking New Salem, ND—the cow's name is Salem Sue, the world's largest cow—or to go to see Mickey Mouse at Disneyland in Los Angeles, you pay twice as much to go half as far to see the largest cow, or pay half as much to go twice as far to see Mickey Mouse. What kind of a nutty idea is that? Who on earth comes up with these pricing schemes? Deregulation comes up with pricing schemes that say, by the way, we are not going to regulate the airlines. They can compete aggressively between the big cities where a lot of people want to travel. That competition will drive down prices, and you have really nice prices among the large cities where people are traveling. Meanwhile, the rest of the folks get soaked with extraordinarily high prices and less service.

So what happened after deregulation is these major airlines decided they really liked each other a lot and started romancing each other and they merged. What used to be 11 airlines is now 7. They want to merge some more and they want to go from 7 to 3 airlines.

What happened through all these mergers? They retreated into the regional hubs, such as Minneapolis, Denver, Atlanta—you name it; they have retreated to regional hubs where one airline will control 50 percent, 70 percent, 80 percent of the hub traffic. The result is that a dominant airline controlling the hub traffic sets its own prices, and those prices are outrageous.

Now, here is the point: We now have outrageous prices for people in sparsely populated areas in the country. We have a system of deregulation in which the airlines have become unregulated monopolies in regional hubs, and now we have a circumstance where United decided it wants to buy USAir, and American wants to buy TWA because TWA is going to be in bankruptcy, and it has been there twice. Delta is talking about buying Continental, and Northwest will soon be involved in the mix. They want to condense this down to three big airline carriers. Now, that is not competition where I come from. That is kind of an economic cholesterol that clogs the economic veins of the free market system in this country. We need to stop that.

I am considering legislation that would set up a moratorium on airline mergers above a certain size for a couple years so we can take a breath and understand what this means to the American consumers. The answer of what it means to the American consumers is quite clear to me. Some are rewarded with lower fares—if you are in the large markets where there is competition, while others are paying extraordinary prices to fly in small markets where there is less service and higher prices.

United says it wants to buy USAir. That combination means a bigger company with more market control. American says TWA is failing and it wants to buy TWA. More market control. The TWA thing—if I might just describe the circumstance—is, in my judgment, byzantine. It was purchased by Carl Icahn in a hostile takeover in the 1980s. I said this is unhealthy to put an airline company into these hostile takeover wars, with junk bonds and everything. Guess what the problem with TWA is? At the moment, Mr. Icahn, after having been through two bankruptcies with TWA, has an agreement post bankruptcy to sell seats on TWA at a 45-percent discount from the lowest public fare. This Icahn-TWA deal, termed the "caribou agreement," remains in effect through 2003. Mr. Icahn is vigorously contesting the bankruptcy proceeding because if the assets are sold, the company will cease to exist.

What kind of a deal is that when airlines become pawns in hostile takeovers and then you get sweetheart deals coming out of bankruptcy that impose that kind of burden on the back of TWA?

It doesn't look to me as though the public interest has been defined at all in these machinations. The point is, when airlines have become bigger and bigger and have retreated into dominant hubs, if there is a strike or lockout and the airline ceases operating, it is not like it was 30 years ago when, if your airline shut down, you had other airlines. In North Dakota, we had five different companies flying jet airplanes into our State. Now we have one, and we just got a second recently with a regional jet.

The point is, when an airline shuts down now, when you have dominance in a certain hub, entire parts of the country will be left with no airline service at all. Those airlines and their employees have dramatically changed the circumstances of collective bargaining. There is someone else who must be at their table, and that is the American traveling public because their interests are at stake. A strike or lockout will affect their interests in a very dramatic way.

I wanted to make this point for a couple reasons. One, I think these proposed mergers fly directly in the face of public interest and ought not to be allowed. That is No. 1. We ought to stop this. We don't need to go to three airlines. That is, in my judgment, moving in the wrong direction. That is not in the public interest. We need more competition, not more concentration.

No. 2, and my final point, is when you have the kind of disputes that now exist before the National Mediation Board and the threatened disruptions of airline service, it will be devastating to the public and to this country's economy if you have entire regions with no air service at all. We went through a strike with the dominant carrier in our region about 2 and a half years ago and it was devastating. We can't let that happen again. There are four carriers with cases in front of the mediation board, one of which was just released. I say to those carriers and to the labor unions, because you have remade yourself in a different circumstance, with dominance in hubs all across this country, you have a different responsibility than you used to have in collective bargaining. You have a responsibility to the American public that didn't previously exist. This is not business as usual. There is another interest that must be seated at your table, and that is the public interest.

Understand that those of us in Congress, those who are strong supporters of businesses and strong supporters of unions, understand it is most important that we are supporters of the public interest, the people we represent, and supporters of the larger national interests in this country.

With what happened to the airline industry, the massive concentration and the critical dominance in regional hubs, these labor disputes are very troubling to me and to many others. They must not—I repeat—result in the shutdown of critically needed airline service to parts of this country that can ill afford to have that happen.

I say to the airlines and to the unions: Sit at that table and bargain. I am a big supporter of collective bargaining. Bargain and reach an agreement. Understand that the empty chair next to your discussion is a chair that represents the public interest, and that chair is not filled by someone who is sitting there as part of that discussion, but they are in that room overlooking those negotiations. Resolve these issues and keep that service from the company and its employees provided to the American people.

I hope my colleagues will join me in expressing loudly that having this country go to three major airline carriers is a step backward, not forward. It is a step toward concentration, not competition. It plugs the arteries of the free market system in a very unhealthy way for this country.

I will speak at a future time about concentration, and not just in the airline industry. I am concerned about what is happening in a range of industries in this country where there is concentration and antitrust behavior that ought to be troubling to the American people and this Congress.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 326 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

CAPITOL VISITORS CENTER

Mr. REID. Mr. President, I can remember traveling home a day in July two and a half years ago when I learned on the radio that two Capitol policemen, Detective John Gibson and Officer Jacob Chestnut, had been murdered in the Capitol.

When there is a loss of life, it affects us all; but, these men were in the line of fire and prevented other people from being killed.

I also had a particular affinity toward Detective John Gibson because of the assistance he provided at a function when my wife took ill. He, in a very heroic fashion, exercised good judgment in helping with the medical problems my wife was experiencing. A short time after he gallantly helped my wife, he was murdered.

Furthermore, the deaths of Detective Gibson and Officer Chestnut were painful for me because I was a Capitol policeman. I put myself through law school working in the Capitol as a police officer.

The reason I mention these events is that I was stunned Monday to read that the visitors center that we as Members of the Senate and the House rushed forward to do something about following the murders of these two men was now grinding to, if not a halt, a slowdown. I rise today to express my serious concern and extreme disappointment with recent reports that construction of the much needed Capitol visitors center may fall further behind schedule. In fact, the way things have been going, we must ask ourselves if the project will ever be completed.

On the front page of Monday's edition of Roll Call, the Hill newspaper, the headline read: "Visitors Center Funds 'Lagging,' Officials Say $65 Million Short of Goal With Clock Ticking."

After all that has transpired, after all the statements we have heard on this floor and the floor of the House, I am ashamed we have found ourselves in this predicament. Any further delay in construction of the much needed Capitol visitors center must be prevented. We must take action as quickly as possible.

Every night I leave my office in the Capitol to go home, I exit through the memorial door. It is called the memorial door because there are two plaques on the wall commemorating Officer Chestnut and Detective Gibson. I see their faces each night as I walk out the door.

In response to these murders, many Members renewed our call for the construction of the visitors center which has been talked about for years. I can remember talking about this project when I was the chairman of the Legislative Branch Appropriations Committee. When I was chairman, we cleared the cars off the east front of the Capitol. There are very few automobiles out there now, but we did it, for security and the fact that it was an eyesore. Unfortunately, it's still an eyesore—that blacktop on the East side of the Capitol of the United States. The only superpower left in the world and we have an ugly blacktop out here. More important than the visual aspect, however, are the safety concerns. The reason Chestnut and Gibson were killed, in my opinion, is that they had no protection. A madman with a gun rushed through the door and shot Chestnut. Gibson valiantly came forward to protect a Member and others from being shot, and he was killed. A visitors center would enhance safety for these fine men and women who guard us. Men and women who guard the the thousands of Americans who come to this building every day.

In addition to that, we always see people lined up out there on the east side of the Capitol waiting to get into the building. We see them during the spring and summer months. We see them during the fall months when school is out. Even during the winter months, they line up for blocks. People from all over America—from Nevada, Montana, Maine—come to Washington to visit the Capitol. They are forced—I say "forced" because there is no place else to go—to stand outside in the elements, whether it is raining, snowing, or 100 degrees, without the benefit of restrooms, a place to get something to eat, or a place to get something to drink. The Capitol visitors center would allow the Capitol Police to better protect themselves and all of us who come to this Capitol complex to work or to visit, and would also provide an indoor facility for visitors to stand in line, as well as a gift shop, a cafeteria, and a place for them to go to the bathroom.

We have authorized $100 million for the construction of this Capitol visitors center. It will cost, however, $265 million. After six different congressional committees exercised their jurisdiction, it was decided that we would sell $65 million worth of commemorative coins from the U.S. Mint, with the additional $100 million raised in the private sector. I have never thought the money should be raised in the private sector. If there were ever something that should be paid for by the government, it should be a visitors center to this Capitol.

I commend all of the donors who gave their time and money to raise the $35 million that has been raised to date. While I commend these people, however, I believe their noble efforts should never have been necessary in raising this money. The U.S. Capitol Building is the people's house. It is the seat of our government and the enduring symbol of this democracy, the greatest country in the history of the world. The Capitol is the seat of government for the greatest country in the history of the world.

As Senators and Representatives, we have been blessed with the incredible fortune of calling the Capitol the place where we work. I am disappointed that we, as caretakers of this people's house, have abrogated our responsibility by begging the private sector for funds to help build what I believe should remain a public institution. We have an obligation to fully fund the construction of the visitors center. We should do it right away—during this Congress.

I have conveyed this message to Senators BENNETT and DURBIN, the chairman and ranking member of the Subcommittee on Legislative Branch Appropriations, as well as to the full committee chairman, Senator STEVENS, and the ranking member, Senator BYRD.

I ask unanimous consent that the letter I have written to these Senators be printed in the RECORD following my remarks. I also ask unanimous consent that the article in Monday's edition of the Roll Call newspaper to which I referred be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits 1 and 2.)

Mr. REID. I intend to continue my efforts to ensure that we provide the necessary funds as quickly as possible to prevent construction delays in the Capitol visitors center. It is important that we do this. It is important to this country. It is important to this institution. It is important to the people we serve.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 14, 2001.

Hon. ROBERT BENNETT,
Chairman, Subcommittee on Legislative Branch Appropriations, U.S. Capitol, Washington, DC.

Hon. RICHARD DURBIN,
Ranking Member, Subcommittee on Legislative Branch Appropriations, U.S. Capitol, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR DURBIN: I would like to express my serious concern and disappointment with recent reports that construction of the much needed Capitol Visitors Center may fall even further behind schedule. This would be an unfortunate development that we must prevent as quickly as possible.

In July 1998, following the murders of Officer Jacob Chestnut and Detective John Gibson, many Members of the House of Representatives and the Senate, including me, publicly recognized the sacrifices made by these two fine men. Many of us also renewed our call for the construction of a Capitol Visitors Center. The proposed Visitors Center would improve security and provide an indoor facility for visitors to stand in line, and would also include a gift shop, rest rooms and a cafeteria.

To date, Congress has authorized and appropriated $100 million for the construction of the Capitol Visitors Center. At a cost of approximately $265 million, however, that amount fell far short of the funds needed. As you know, following a series of delays caused by six different congressional committees exercising their jurisdiction over the project, it was decided that $65 million would be raised by the U.S. Mint through the sale of commemorative coins, with the additional $100 million raised by the Fund for the Capitol Visitors Center through private donations.

While I commend those donors and all who have generously contributed their time and money to raise private funds for the construction of the Capitol Visitors Center, I believe that their noble efforts should never have been necessary. The United States Capitol Building is the People's House. It is the seat of our government and the enduring symbol of our democracy. As Senators and Representatives, we have been blessed with the incredible fortune of calling the Capitol our place of employment. I am extremely disappointed that we, as caretakers of the People's House, have abrogated our responsibilities by begging the private sector for funds to help build what I believe is, and should remain, a public institution.

We have an obligation to fully fund the construction of the Capitol Visitors Center. As a Member of the Senate Appropriations Committee, I intend to continue my efforts to ensure that we provide the necessary funds, as quickly as possible, to prevent construction from falling even further behind schedule.

My best wishes to you,
Sincerely,

HARRY REID,
U.S. Senator.

EXHIBIT 2

[From Roll Call, Feb. 12, 2001]

VISITORS CENTER FUNDS "LAGGING," OFFICIALS SAY

$65 MILLION SHORT OF GOAL WITH CLOCK TICKING

(By Lauren W. Whittington)

Amid concern that private fundraising efforts for the Capitol visitors center are "lagging," some top officials associated with the project have begun looking into other funding options in order to keep it from falling behind schedule.

The Fund for the Capitol Visitors Center, a non-profit organization established by the Pew Charitable Trusts, has raised $35 million in private gifts thus far. That leaves it $65 million short of the $100 million it needs to raise by the end of the year.

"I think we've been aware now for a while that the fundraising [aspect] is lagging, and we have been thinking about different options," said an aide to one member of the Capitol Preservation Commission, the entity charged with overseeing the visitors center.

While the aide declined to discuss timeliness and what those specific options might be, the staffer said that using more taxpayers funds—a controversial idea—to supplement the project is "certainly an option" that is being discussed.

After two Capitol Police officers were shot and killed in the Capitol in July 1998, Congress appropriated $100 million in taxpayer funds for the visitors center with the idea that the funds would be matched by private donations.

Construction on the visitors center is set to begin in January 2002, and under federal law all funds used for the project must be collected before the first shovel goes into the ground.

Senior Congressional officials involved in the project are privately expressing concern that the money may not come soon enough.

"The Capitol is in desperate need of this visitors center, so we want it to stay on track, and we need to have the money by December 2001 for construction to begin on time," one CPC staffer said on the condition of anonymity. "I think that everybody's dedicated to figuring out a way to keep it moving forward."

After kicking off its campaign in April 2000 with an initial $35 million in pledged donations, including $10 million from the Bill and Melinda Gates Foundation, the fund has not publicly announced any further donations or fundraising totals.

"I think this really has been a much more difficult task than they thought it would be," said the aide to a CPC member. "I do think they were very optimistic about what they could raise and it wasn't really reality."

The first major addition to the Capitol since 1859, the visitors center is slated to cost $265 million and be completed by January 2005—just in time for the next presidential inauguration.

The price tag could increase by as much as $10 million if CPC members approve construction of a proposed tunnel that would connect the center with the Library of Congress.

Thus far, fundraising concerns have not affected the project's estimated start date, but that could change if funds are not collected by year's end.

"If we had to wait for the fundraising, potentially, yeah, it would need to be moved back, but I don't think that's in anybody's head right now," the CPC member's aide said. "I think it's too soon to be talking about that."

Former Rep. Vic Fazio (D-Calif.), who sits on the fund's board of directors, said the organization has donations "in the pipeline," even though they are unable to publicly announce them.

"How much people will decide to give, if they decide to give, is something that's still being discussed," said Fazio, who championed the project when he was in the House. "Nobody could have predicted, and we still couldn't tell you for sure how much money could be raised for such a purpose."

Maria Titelman, president of the fund, said the organization is raising money, although she too was unable to release any estimates or talk publicly about possible donations.

"I think that we're very excited about where we're going," Titelman said. "We're raising money as quickly as we can on an accelerated schedule. We'll get to our $100 million as soon as possible."

The bulk of the remaining $65 million will be raised through the sale of commemorative coins. Funds raised from the sale of two bicentennial coins in the late 1980s have now reached $30 million, and the CPC expects to make another $5 million to $10 million from the sale of two coins set to be released by the U.S. Mint this spring.

For their part, Members and key staffers on both sides of the aisle remain committed to the project.

"The entire leadership and CPC remain very committed to this and very enthusiastic about it," said Ted Van Der Meid, an aide to Speaker Dennis Hastert (R-Ill.).

Van Der Meid also noted that last week's shooting incident at the White House "reaffirms one of the main purposes for the visitors center."

To assist with their efforts, the fund has hired outside fundraising consultants Wyatt Stewart & Associates and The Bonner Group. Also advising the fund is Steven Briganti, president and CEO of the foundation that funded the restoration and preservation of the Statue of Liberty and Ellis Island.

The fund's board of directors will hold its next meeting March 8, at which time it may have a better idea of monetary commitments from corporations.

"It's premature to make any statement about what we will be able to accomplish because there are a number of things being considered right now by a number of foundations," Fazio said. "Whether or not we can get to the original goal, I think, remains to be seen. It's not going to be an easy task to do that."

If the fund is not able to reach its initial goal, Fazio said, it will rely on more public money.

"I have not objected to the effort to raise private funds, and I've been part of that effort, but I certainly would hope that if we are only so successful at that, that we would then fall back on additional appropriations to make it happen," Fazio said. "The most important thing is it not be something that is delayed or underdone."

Former Sen. Dale Bumpers (D-Ark.), also a member of the board, said he has always favored Congress appropriating the funds needed to build the center.

"So far as this mixing of private and public money, I never have much liked that," Bumpers said in an interview last week. "I thought if it was a good idea, we ought to fund it with public funds."

Sen. Strom Thurmond (R-S.C.), co-chairman of the CPC, said in a prepared statement, "At this time I feel that it would be premature to make any final decisions regarding the appropriation of additional funds for the Capitol visitors center. However, I recognize that because of the importance of this project, it is essential that we keep all of our options open."

Sen. Bob Bennett (R-Utah), chairman of the Appropriations subcommittee on the legislative branch and a member of the CPC, said he would consider appropriating more money for the project if it was needed.

"I haven't given any thought to what happens if [the current fundraising framework] won't work," Bennett said. "But if it becomes clear that it won't work, then I would take a look at an additional appropriation."

However, Rep. John Mica (R-Fla.), a CPC member and one of the most vocal supporters of the visitors center to date, said he is against appropriating more taxpayer money.

"I don't think we need any more public money and particularly at this stage," Mica said. "At some point if we have to beef up the private fundraising efforts or help assist them in any way, there's plenty of muscle power that can raise that money, particularly Members who unabashedly raised hundreds of millions for campaign efforts."

Outside of revisiting the public funding debate, the CPC can also explore other private fundraising options because its agreement with the fund is not exclusive. The CPC could begin to accept private donations directly or it could set up another organization to raise private money for the project.

One thing that has been a roadblock for the fund's efforts thus far is the issue of public recognition.

From the outset, most Members of Congress have been adamantly opposed to the idea of naming portions of the visitors center after corporate sponsors, and the leadership and the fund have differed on the ways in which corporations can receive public recognition for the donations.

"This is too important a part of our history," Bumpers said. "We're not going to name this the MCI visitors center or any of those things."

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SYMPATHY FOR LOST LOVED ONES IN HAWAII

Mr. AKAKA. Mr. President, I express my sincerest sympathies to the families of those who have lost loved ones in two unrelated incidents involving the U.S. military in Hawaii during the past week.

On Friday afternoon, the U.S.S. *Greeneville* collided with the *Ehime Maru*, a Japanese fishing vessel. I join President Bush in expressing my regret to the people of Japan for this tragedy. My heart goes out to the families of the nine people who are still missing following this incident.

On Monday evening, two UH-60 Blackhawk helicopters crashed during a training exercise at the Kahuku Military Training Area, resulting in six deaths. My thoughts and prayers are with the families and units who are mourning the loss of their loved ones. I also wish a speedy recovery to those soldiers who are recovering from injuries sustained in this accident.

I am certain that the investigations into these incidents will be thorough and comprehensive. But my purpose today is not to question why these incidents occurred, but to express the genuine sadness and concern that I share with the people of Hawaii and the rest of the nation over these two unfortunate episodes.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Hawaii is recognized.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 329 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, the distinguished chairman of the Senate Judiciary Committee, Mr. HATCH, is going to be coming over on a matter of ours. He is not here yet. I ask unanimous consent that I be able to proceed on a different subject as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LESSONS TO BE LEARNED FROM THE WRONGFUL CONVICTION OF EARL WASHINGTON

Mr. LEAHY. Mr. President, I want to discuss the case of Earl Washington. Mr. Washington was released from custody Monday after more than 17 years in prison. In fact, of the 17 years in prison, 10 years of that were on death row. Virginia Governor James Gilmore pardoned Earl Washington on October 2, 2000, after some new DNA tests confirmed what earlier DNA tests had already shown—he was the wrong guy. They had the wrong person in prison on death row.

I mention this case as probably the most recent that we have seen in the press, but we have seen a shocking number of cases in the past 2 years in which inmates have been exonerated after long stays in prison, including more than 90 cases involving people who had been sentenced to death. Let me repeat that: more than 90 cases where people had been sentenced to death and they then found they had the wrong person.

Since Earl Washington was pardoned 4 months ago, six more condemned prisoners in four different States have had their convictions vacated through exonerating evidence: William Nieves, sentenced to death in Pennsylvania in 1994; Michael Graham and Albert Burrell, sentenced to death in Louisiana in 1987; Peter Limone and Joseph Salvati, sentenced to death in Massachusetts in 1968; and Frank Lee Smith, sentenced to death in Florida in 1986.

There have also been other recent exonerations of inmates who were not sentenced to death, but were serving long terms of imprisonment. Just last month, the State of Texas released Chris Ochoa from prison at the request of the local prosecutors. The prosecutors themselves asked that he be released. In 1989, Ochoa pled guilty to a rape-murder he did not commit. Somebody may ask: Why would you plead guilty to a rape and murder that you did not commit? Because the authorities said they were going to make sure he got a death sentence if he did not plead guilty to the crime.

DNA tests that were not available when he was arrested cleared Ochoa and his codefendant and implicated another man, who had previously confessed to the crime on several occasions.

Here is how bad this case was. Chris Ochoa was arrested. He knew he did not commit the crime, this rape-murder. But the police basically told him: We are going to have you executed if we go to trial. We are going to prove it. We will have you executed. Of course, you can plead guilty and we will spare you the death penalty. He did. But then, even though they had the man who actually committed this heinous crime, who kept confessing to it, they did not pay any attention to him because it was easier to just keep the wrong guy locked up.

Of course, when the DNA evidence came out—it was there in front of everybody—they said: Look, we have the wrong guy. This other person, the person who had confessed to it, is the right guy after all. Whoops, sorry about that. Well, we have only had you locked up for over a decade for a crime you did not commit.

We must identify the cracks in the system that allowed these injustices to occur. DNA is a central tool in this pursuit. It has already led to the exoneration of more than 80 people in this country, including Earl Washington and others who had been sentenced to death.

DNA testing has opened a window to give us a disturbing view of the defects of our criminal justice system. When DNA evidence exonerates a person such as Earl Washington, there is a unique opportunity to evaluate how the system failed that person, and perhaps even more importantly, to identify broader patterns of error and abuse.

If a plane falls from the sky and crashes, we investigate the causes. We try to learn from the tragedy so we can avoid similar tragedies in the future. We should do no less when a wrongfully convicted person walks off death row.

The justice system did not just fail Earl Washington; it crashed and burned. We have a lot to learn from this case. It highlights many of the problems we see over and over again in cases of wrongful conviction.

These are the basic facts of the Earl Washington case. In June of 1982, a young woman named Rebecca Williams was raped and murdered in Culpeper, VA. Nearly a year later, Earl Washington was arrested on an unrelated charge. Earlier that day, Washington had broken into the home of an elderly woman named Helen Weeks. But she surprised him. He hit her over the head with a chair and fled. At the time he was arrested, he was drunk and running wild through the woods.

Earl Washington suffers from mental retardation. He has an IQ of 69, which puts him in the bottom 2 percent of the population. Like a child, he tends to answer questions in whatever way he thinks will please his questioners. After his arrest, he "confessed" to pretty much every unsolved crime the police asked him about.

A police sergeant named Alan Cubbage later described the scene to the Washington Post. He got a call that day from the officers who were interrogating Earl Washington. He told the Post: "It was almost like a big party. 'Come on down,'" they said, "This guy is confessing to everything."

He was confessing to crimes he could not possibly have committed. But whatever it was, when they asked him if he committed the crime, he said: "Yes, sir."

First, he confessed to the crime he had actually committed—breaking into Helen Weeks' home and hitting her over the head with a chair. That he did do. Then he confessed to raping her. Without any reason to suspect that Weeks had been raped, the officers interrogating Washington asked if he had raped her, and he gave the standard response, "Yes, sir."

On that basis alone, they charged him with rape. Well, then Helen Weeks came forward and said, "Nobody raped me. I never told the police I had been raped. Nobody tried to rape me." And they kind of tiptoed into court and dropped the rape charge.

During that same interrogation session, Earl Washington went on to confess to four other unrelated crimes. Investigators later concluded that he could not have committed three of the crimes, in other words, that his confessions were wholly unreliable. Yet with virtually no evidence other than the remaining confession, he was charged and brought to trial for the fourth crime, the rape and murder of Rebecca Williams.

Earl Washington almost immediately retracted his confession to the Williams murder, and there were no fingerprints or blood linking him to the crime scene. But he was convicted, and the jury recommended execution. He was sentenced to death, his appeals were rejected, and he came within a few days of being electrocuted. The whole justice system failed him. But science eventually came to his rescue.

Mr. President, everybody who has been in law enforcement knows you get some people like Earl Washington, who are ready to confess to everything. When I was prosecuting cases, we had a man—he is no longer alive—who would read something in the paper, a horrendous crime, and he would immediately confess. Especially if it was cold weather, he would come to a warm police station and he would confess to everything. We could make up cases and he would confess.

Obviously, that is one level. But with Earl Washington it was entirely different. He had committed a crime. He had broken into a woman's house, and he had hit her with a chair. But he did not rape her. Nobody did. She said so herself. He certainly did not murder and rape the woman he was charged with murdering and raping. Somebody else did. But with no evidence at all, except for his confession, he was found guilty.

When Earl Washington was convicted in 1984, DNA testing was not available. By the early 1990s, DNA testing was available, although the technology has since improved, and tests done in 1993 and 1993—seven years ago—showed that Earl Washington did not rape Rebecca Williams.

Despite these test results, the state officials still thought he might be guilty. Maybe there was somebody else involved. Maybe there were two people—notwithstanding the fact that the woman who was murdered, who had lived for a period of time after she was attacked, said very clearly that there was only one person.

So Earl Washington remained in prison. There was so much doubt—at least they did not execute him—they commuted his sentence to life in January of 1994. But he was not pardoned. He was given life in prison, but still for a crime that he did not commit and more and more of the authorities in the State knew he did not commit and DNA tests proved he did not commit.

One would think the courts would be interested in scientific evidence, especially of a prisoner's innocence. Normally you do not have to prove your innocence, but this was a case where he could prove his innocence. One might ask, couldn't he go to court with the new DNA evidence and ask for a new trial? The answer is no; Virginia has the shortest deadline in the country for going back to court with new evidence. It has to be submitted within 21 days of conviction. After that, the defendant is out of luck.

Earl Washington could not submit the evidence within 21 days of conviction for a very simple reason: The technology for DNA testing, at the time of his conviction, was not available. And of course by the time it became available a few years later, he was in a catch-22: I've got DNA evidence that proves I'm innocent. Sorry, 21 days went by a long time ago. But they didn't have DNA evidence within 21 days of my conviction. I know, it is a crying shame. Stay on death row.

Last year, a new and more precise DNA test reconfirmed what the earlier tests had shown: Earl Washington did not commit the crime for which he was sentenced to death. The tests pointed to another person who was already in prison for rape. So, 7 years after the initial DNA tests and more than 16 years after he was sentenced to be executed, Earl Washington was granted an absolute pardon for the rape and murder of Rebecca Williams, a rape and murder he never committed. After science had twice proven his innocence, the Commonwealth of Virginia finally acknowledged the truth.

That is not the end of the story. He then spent another 4 months in prison for his attack on Hazel Weeks. That is at least a crime he committed. He hit her with a chair in 1983. So now, 17 years later, he is finishing that sentence. People sentenced for similar crimes in Virginia are generally paroled after 7 to 10 years in prison. They made Earl Washington serve twice the time that others would serve the maximum possible time in prison. Having unjustly condemned him, the Commonwealth of Virginia compounded the injustice by keeping him in prison until two days ago, when he became entitled to mandatory parole. It is almost as if they were saying: How dare you be innocent of the other crime we convicted you of? How dare you prove us wrong? We will make you pay for it.

I had hoped to meet with Earl Washington after his release from prison. Congressman BOBBY SCOTT of Virginia wrote to the Virginia correctional authorities 2 weeks ago and sought permission for Earl Washington to travel to Capitol Hill Monday under the care and supervision of his attorneys. We thought it was important for the American people to hear firsthand an account of this injustice. A good justice system learns from its mistakes.

The last 17 years of Earl Washington's life have been one of the system's worst mistakes. We felt we owed it to Earl Washington and future Earl Washingtons to listen. The officials of the Commonwealth did not. They had a different view. They did not want Earl Washington to come here. They did not want him to come here even for a few hours, come that great distance from Virginia, which is 2 miles away. They didn't want him to come those extra 2 miles and tell the story.

This case reveals the dark side of a system that is not known for admitting its mistakes. I am not speaking only of the Commonwealth of Virginia. A whole lot of other States have been just as bad at admitting their mistakes.

In the Earl Washington case, state officials insisted on pursuing a death penalty charge despite having wholly unreliable evidence. They kept him in prison for years despite knowing he was falsely convicted. They kept him locked up, knowing he was falsely convicted. And then they would not even let him come here to Washington to tell the American people what happened.

We need to hear from such people like Earl Washington, not hide them from public view. The American justice system is about the search for the truth: the truth, the whole truth, and nothing but the truth. As a former prosecutor, I understand the importance of finality in criminal cases, but even more important than that is the commitment to the truth; that has to come first.

This case tells us we cannot sit back and assume prosecutors and courts will do the right thing when it comes to DNA evidence. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win his freedom.

Some States continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the opportunity to present DNA test results in court. They continue to destroy DNA evidence that could set innocent people free.

These practices must stop. I have long supported and I continue to support funding to ensure that law enforcement has access to DNA testing and all the other tools it needs to investigate and prosecute crime in our society. But if we as a society are committed to getting it right, and not just to getting a conviction, we need to make sure that DNA testing, and the ability to present DNA evidence to the courts, is also available to the defense. We should not pass up the promise of truth and justice for both sides of our adversarial system, and that promise is there in DNA evidence.

We must also understand this case shows why we should not allow the execution of the mentally retarded. As I noted in a floor statement last December, people with mental retardation are more prone to make false confessions simply to please their interrogators, and they are often unable to assist their lawyers in their own defense. Earl Washington confessed to no less than four serious felonies which he did not commit and could not have committed. We should join the overwhelming number of nations that do not allow the execution of the mentally retarded.

There are good things that may come out of this case. I know the Supreme Court of Virginia has proposed eliminating the 21-day rule, which prevented Earl Washington from getting a new trial based on the initial DNA tests in the early 1990s. That would be a good thing if it happens. But it would be just a start.

I urge us to go forward and pass the Innocence Protection Act, supported by both Republicans and Democrats in this body and in the other body. This legislation addresses several serious problems in the administration of capital punishment. Most urgently, the bill would afford greater access to DNA testing for convicted offenders and help states improve the quality of legal representation in their capital cases. It also proposes that the United States Congress speak as the conscience of the Nation in condemning the execution of the mentally retarded.

People of good conscience can and will disagree on the morality of the death penalty; but people of good conscience all share the same goal of preventing the execution of the innocent. People of good conscience should not disagree that the way the case of Earl Washington was handled over the past 17 years was unjust. It was completely unacceptable. We ought to find ways to make sure these kinds of things do not happen again.

INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2001

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of S. 320, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 320) to make technical corrections in patent, copyright, and trademark laws.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the bill equally divided in the usual form.

The Senator from Utah.

Mr. HATCH. Madam President, I rise today to discuss S. 320, the Intellectual Property and High Technology Technical Amendments Act, which I have worked on with my distinguished colleague, the ranking member of the Judiciary Committee, Senator LEAHY. We have had a very productive relationship in the Judiciary Committee in the area of high technology and intellectual property. Our bipartisan cooperation has resulted in much good legislation that has helped American consumers and businesses and which has encouraged American innovation and creativity, including greater deployment of the Internet.

Some recent examples of our work include the following items:

The Satellite Home Viewer Improvement Act, which authorized the carriage of local television stations by satellite carriers, has brought local television to thousands across the country who might not have been able to get it before, and has brought competition in subscription television services to many others who before could only choose the local cable company. The passage last year of a loan guarantee program will help make the benefits of this law more widely available.

The Anticybersquatting Consumer Protection Act helps guard against fraudulent or pornographic websites that confuse, offend, or defraud unwitting online consumers who go to sites with famous business names only to find that someone else is using that trademarked name in bad faith under false pretenses. This law also helps protect the goodwill of American businesses that could be hurt by the bad faith misuse of their trademarked business name in ways that tarnish their name or undermine consumer confidence in their brands.

The American Inventor Protection Act is helping to further serve American innovators with more streamlined procedures at the United States Patent and Trademark Office, and better organizing the Office so that it will better serve its customers. American inventors. There are also protections for inventors from unscrupulous businesses that prey on small inventors who are not familiar with the procedures of obtaining a patent.

The Digital Millennium Copyright Act updated copyright law for the Internet, while striking a balance necessary to foster technological development and full deployment of the Internet. This law has set the groundwork for entertainment convergence on a single interactive platform where the consumer is king and can set his or her own schedule for news, information, entertainment, communication, and so on.

Well, Madam President, this is just a sampling of what we have achieved together. And it is a prelude to what we can do in the future.

Today, we are here to discuss S. 320, the Intellectual Property and High Technology Technical Amendments Act. S. 320 is a technical corrections bill to clean up some scrivener's errors that have crept into the U.S. Code in the patent, trademark, and copyright laws. We, the sponsors, believe it is to the benefit of smooth functioning of the law to clean up the Code to make it easier to use, and to more accurately reflect Congressional intent.

Specifically, the bill corrects typographical errors such as misspellings, dropped or erroneous cross-references or punctuation errors. It also makes consistent the titles of the U.S. Patent and Trademark Office and its officers. It also clarifies some unclear drafting in the Code on some procedural matters at the USPTO, such as making it clear that if foreign trademark applicants fail to designate a U.S. agent, the USPTO Commissioner is deemed to be that agent for delivery of documents regarding that application; and ensuring that no prior art effect will be given to foreign patents or patent applications unless they are published in English. It makes it easier for small inventors to sit on the USPTO Advisory Committee. These pro-American inventor policies are codified now in the law, but not clearly drafted. This bill makes them clearer.

All of these changes make the intellectual property laws of our country easier to use and understand for our constituents who invent, create, innovate and so serve our other citizens. It also makes the law clearer for those who use the inventions and creations of others. I believe there is no controversy about the provisions of this bill, and it clears the way for further Congressional action to foster the growth of our most innovative sector, our intellectual property sector.

With regard to that, Senator LEAHY and I are releasing today our joint High Technology and Intellectual Property legislative agenda.

I would like to mention some of the items on that agenda and discuss some of them briefly.

In the Internet Age, many basic questions need to be asked anew about the relationships between the artists and the media companies that market and distribute their product; about the rights of consumers and fans to use works in new ways and the ability of technology companies and other mediators to assist them in those uses; and about the accessibility of works to scholars, students, or others for legitimate purposes. We need to continue to think about how the copyright system applies in the Internet world, where some of the assumptions underpinning traditional copyright law may not be relevant, or need to be applied by a proper analogy. Are there ways to clarify the rights and responsibilities of artists, owners, consumers, and users of copyrighted works? How can we foster the continued convergence of information, entertainment, and communication services on a variety of platforms and devices that will make life more enjoyable and convenient? We need to encourage an open and competitive environment in the production and distribution of content on the Internet.

As the Internet's new digital medium continues to grow, we must ensure that consumers are confident that personally identifiable information which they submit electronically are afforded adequate levels of privacy protection. As consumer confidence in the security of their personal and financial information is enhanced, Internet users will be more willing to go online, make purchases over the Internet and generally provide personal information required by businesses and organizations over the Internet. At the same time, we must ensure that any initiatives have the least regulatory effect on the growth of e-commerce and on commercial free speech rights protected by the Constitution. We expect to examine the adequacy of Internet privacy protection and will, where necessary, advance reforms aimed at ensuring greater privacy protection.

For example, the Committee expects to examine the following:

(1) How are privacy concerns impacting the growth of e-commerce, in the financial services industry, in the insurance industry, in online retailing, etc., and the deployment of new technologies that could further the growth of, and consumer access to, the Internet?

(2) Does Congress need to amend criminal or civil rights laws to address consumer electronic privacy concerns?

(3) Does U.S. encryption policy negatively affect the growth of e-commerce?

(4) What is the impact of the European Union's Internet Privacy Directive on U.S. industry and e-commerce?

(5) Can Federal law enforcement, particularly civil rights enforcers, play a larger role in safeguarding the privacy concerns of Internet users?

(6) To what extent can web-sites and Government agencies track the Internet activities of individual users and what should be done to ensure greater protection of personally identifiable or financially sensitive data?

We would like to work toward reforms that can more fully deploy the Internet to make educational opportunities more widely available to students in remote locations, to life-long learners, and to enhance the educational experience of all students.

The Internet can bring new experiences to remote locations. My own home state of Utah has been experimenting with ways to bring the best possible educational experience to learners all across our state, some of whom live in remote rural areas, using wired technology. We would like to see how we can further support efforts to harness the communicative power of the wired world on behalf of students across the country.

Science is advancing rapidly and the challenge to the patent system of genetics, biotechnology, and business method patents are daunting. Whole new subject matter areas are being exploited, from patents on business methods from financial services to e-commerce tools on the Internet. Both the complexity and the sheer volume of patent applications are expanding exponentially. Recent Supreme Court decisions have once again posed the question of state government responsibility to respect and protect intellectual property rights. And I believe we need to review the Drug Price Competition and Patent Term Restoration Act of 1984 to ensure that its balanced goals continue to be met.

As many know, that act helped to create the modern generic drug industry. It has been estimated that it has largely saved consumers $10 billion every year since 1984. It is considered one of the most important consumer protection acts in the history of the country.

As the assignment of domain names transitions from a single company to a competitive, market-based system, we need to stay vigilant with regard to the significant antitrust and intellectual property ramifications this process holds for American businesses and consumers. We intend to build on our record of strengthening protection for online consumers by protecting the trademarks consumers rely on in cyberspace, while also encouraging the full range of positive interactions the Internet makes possible. I think the Internet can be a place of infinite variety while we continue to allow consumers to rely on brand names they know in the e-commerce context. The world-wide nature of the Internet also heightens the need for the United States to join international efforts to make worldwide intellectual property protection, including that of trademarks, more efficient and effective for Americans. In particular, I hope we can move ahead on the United States accession to the Madrid Protocol.

I have always maintained that proper and timely enforcement of federal antitrust laws can foster both competition and innovation, while minimizing the need for government regulation. This is an especially important paradigm for the Internet. We need to carefully think through the antitrust implications of Business-to-Business exchanges. We also need to consider carefully what remedies should be imposed in cases where antitrust violations do occur, notwithstanding the generally dynamic and competitive nature of Internet-related industries. We will also need to review the increasing legal tension in the high technology industry between intellectual property rights and antitrust laws. There has always been a tension here, but in the Internet world, we need to be careful that intellectual property or content power is not leveraged into distribution power, or otherwise used in anticompetitive ways. Furthermore, the Internet poses new questions about the competitive need to protect collections of data in a way that preserves incentives for the creation of databases without unduly hampering the free flow of information in anticompetitive ways.

Access to new "broadband" technologies is increasingly important for full deployment and enjoyment of the Internet. We will need to consider the countervailing rights and duties of local phone companies and cable companies, either of which may provide broadband services in a local area. Specifically, what rights of access to broadband lines should competitors have, and what right to content should competitive distribution services have?

The Internet is a radically new medium not just for commerce, but also for speech, broadcasting and advertising. As we analogize from traditional media such as broadcasting, we need to ask afresh what regulations make sense in this new medium, if any, and how do we cope with different media competing toward largely the same goal, but with differing rules?

In summary Madam President, this non-controversial technical corrections bill clears the way for an exciting agenda for the 107th Congress in the Judiciary Committee. I hope we can pass this bill today, and I look forward to working with my colleague from Vermont on this most interesting and ambitious agenda.

In fact, I enjoy working with him. We have worked together all these years, and I think maybe we can get more done this year than in the past. Hopefully, we can move these agendas forward in the best interest of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, have the yeas and nays been ordered on S. 320?

The PRESIDING OFFICER. They have not been.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I thank my good friend from Utah for his comments. He and I have been working closely on an agenda for the coming year for the Judiciary Committee. As always, the agenda will reflect not only the needs of the Senate, but the friendship that the two of us have had for well over 20 years.

I congratulate Senator HATCH for his continuing leadership in improving our copyright, trademark, and patent law. Our intellectual property laws are important engines for our economy, fueling the creative energy responsible for America's global leadership in the software, movie, music, and high-tech industries.

The bill we considered today contains amendments recommended to us by the Copyright Office. I commend the Register of Copyrights, Marybeth Peters, for the expertise she brings to her office and the assistance she brings to us. At the end of my statement, I ask that a letter from Marybeth Peters in support of this legislation be printed in the RECORD.

(See exhibit 1.)

Mr. LEAHY. Over the past years, Senator HATCH and I, and others on the Judiciary Committee, have worked constructively and productively together on intellectual property matters. Just in the last Congress, we were able to pass the Anticybersquatting Consumer Protection Act, the Patent Fee Integrity and Innovation Protection Act, the Trademarks Amendments Act, the Satellite Home Viewers Improvements Act, and the American Inventors Protection Act. These significant intellectual property matters were preceded by our work together forging a consensus on the Digital Millennium Copyright Act, the Copyright Term Extension Act, the PTO Reauthorization Act, the Trademark Law Treaty Implementation Act, and many others. We and the other members of the committee have worked to ensure that divisive partisanship stays clear of this important area.

The proof of what we in Congress can accomplish when we put partisan differences aside, roll up our sleeves, and do the hard work or crafting compromises is demonstrated by our record of legislative achievements on intellectual property matters.

I hope all Senators will look at what Senator HATCH and I have been able to do when we set aside partisan differences and make sure we do things that work.

This bill makes technical corrections to and various non-substantive changes in our intellectual property laws. Introduction and passage of this bill is a good start for this Congress, but we must not lose sight of the other copyright, patent and trademark issues requiring our attention. The Senate Judiciary Committee has a full slate of intellectual property matters to consider. I am pleased to work on a bipartisan basis with the chairman on an agenda to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy, while at the same time providing libraries, educational institutions, and other users with the clarity they need as to what constitutes fair use of such work.

We have to realize things have changed. There has been a lot in the press in the past couple days about the Ninth Circuit Court of Appeals decision in Napster. I suggest that if anyone thinks this is the end of the whole issue, they are mistaken.

It is clear that creators and owners of copyrighted property should have their copyrights protected, and they should certainly be compensated for their artistry and their work.

Those who distribute or produce copyrighted material, including movies, music, and books, have to realize their own business practices may well have to change and be a lot different. Profit margins may change, depending upon how it is done. Artists are not going to be beholden just to a few mega distributors. With the Internet, they are going to be able to work out their own way of distributing their material. They are going to be able to get themselves known if they want, even if it is by distributing their music, movies, or books for free.

It is a different world out there, but it is just one example of the kinds of issues we have to look at. Applying copyright principles to new situations should not be done just by court-made law which is imprecise, at best, because a court is limited to the factual situation before it rather than a full panoply of circumstances, but can be done here, recognizing we have a whole new way of doing things.

I remember when I was growing up in Montpelier, VT, my parents owned a small printing business. We used either moveable type or hot lead type. It was a laborious process. One thing I learned was not only to proofread in a hurry, but to read upside down and backward, as well as right side up and forward, because that is the way the letters work. It is a matter of consternation sometimes. People do not realize I am reading what is before me.

Now I look at the business, and there has been enormous change. It is less labor intensive in the setting up—it is not even type anymore, now it is offset. It changes the whole economy, but opens up a whole new world, all using different kinds of copyrighted material.

Among the things we should look at is protection from State infringement. In response to the Supreme Court's decisions in the Florida Prepaid and College Savings Bank cases, I introduced in the last Congress legislation to restore Federal protection for intellectual property to guard against infringement by the States.

This is a reaction to an activist U.S. Supreme Court which held that States and their institutions cannot be held liable for patent infringement and other violations of the Federal intellectual property laws, even though those same States can and do enjoy the full protection of those laws for themselves.

Basically, the Supreme Court—it seemed to me anyway—seems to be willing to rewrite the rule of law with regard to the Constitution, certainly when it comes to telling States what they cannot do. We know they are not hesitant to do that. The legislation I sponsored would condition a State's ability to obtain new intellectual property rights on its waiver of sovereign immunity in future intellectual property suits.

It would also improve the limited remedies available to enforce a nonwaiving State's obligations under Federal law and the U.S. Constitution. This is a critical area in which the Congress should act.

Then we have distance education. The Senate Judiciary Committee held a hearing in the last Congress on the Copyright Office's thorough and balanced report on copyright and digital distance education, something that can be very important to those of us from rural States where there may be small schools.

While the distinguished Presiding Officer has metropolitan areas in her State, she also has very rural areas. Schools in rural areas may not be able to hire the top math teacher, the top language teacher, or the top science teacher, even though all these may be needed, but three or four of them together can do so if they are connected in such a way that they can utilize this.

We need to address legislative recommendations outlined in the Copyright Office's report to ensure our laws permit the appropriate use of copyrighted works in valid distance learning activities. I know Senator HATCH shares my goal for the schools in this country, particularly in rural areas. We can use this technology to maximize the educational experiences of our children.

It is an important area for the Judiciary Committee to examine. Not everybody comes from large schools. I had about 30 in my high school graduating class. Interestingly, every 4 years, all 500 of those 30 students show up at my door saying they were a high school classmate; could they please have a ticket to the Presidential inauguration.

We have the Madrid Protocol Implementation Act. I introduced legislation in the last two Congresses to help American businesses, and especially small and medium-sized companies, protect their trademarks as they go into international markets. The legislation would do so by conforming American trademark application procedures to the terms of the Madrid protocol.

The Clinton administration transmitted the protocol to the Senate for its advise and consent last year. I regret we did not work on it promptly. I hope the new President will urge that action because ratification by the United States of this treaty would help create a one-stop international trademark registration process, an enormous benefit for American businesses.

Next we have business method patents. The PTO has been subject to criticism for granting patents for obvious routines which implement existing business methods. The patent reform law that Senator HATCH and I worked out in the last Congress addressed one aspect of this matter: The prior user defense at least protects those who previously practiced that particular art. We should hold a hearing and engage the PTO in a dialog about this important issue to find out what you do with initial patents.

Frankly, I find patenting electronic business practices not that far removed from the situation where two competing hardware stores in the spring put the seeds, the Rototillers, and whatnot out front and in the winter put the snowblowers out front. Should one be allowed to patent that process so in the summer its competitor would have to have its snowblowers out front and could not put out lawn items? I think not. That is what we are looking at, except now in a digital age.

The Organization for Economic Cooperation and Development criticized the PTO for granting overly broad biotechnology patent protections. This area, as well as the international protection of patent rights, warrants examination and careful monitoring.

Then we have the issue of rural satellite television and Internet service. It is important to the State of Vermont. It is important to every rural community. It is certainly important to mine. I live in a house where I cannot get any television. I used to joke that I would get one and a quarter. I do not even get the quarter anymore. I cannot get anything, but I can if I have satellite television, and I can get my Internet service the same way. Senator HATCH and I worked together to address this issue in the major Satellite Home Viewers Law passed last Congress.

We authorized a rural loan guarantee program to help facilitate deployment in rural areas. That law included a priority for loans that offered financing for high-speed Internet access. That is a great tool in eliminating the digital divide between urban and rural America.

So we want to make sure that gets done and done right.

The job of this Congress is to ensure that the administration gets the job done so that those goals are met and the programs we have established are fully implemented.

The ninth circuit's ruling in the Napster case on Monday highlights the tensions between new online tools and services and protection of intellectual property rights. In the long term, where it counts the most, both sides—copyright holders and advocates for advances in new technology—can find victories in this ruling.

Nothing should stop the genius of a Shawn Fanning or those who come up with new online technologies like Napster.

While Napster customers may not initially see it that way, the availability of new music and other creative works—and its contributions to the vibrancy of our culture and in fueling our economy—depends on clearly understood and adequately enforced copyright protection. The Court of Appeals has sent the case back to the district court to ensure that the rights of creators are protected and that the online marketplace is just that, and not a free-for-all.

The exponential growth of Napster has proven that the Internet works well to distribute music, but this case is a warning that copyrights may not be ignored when new online services are deployed. The Internet can and must serve the needs not only of Internet users and innovators of new technologies, but also of artists, songwriters, performers and copyright holders. The Judiciary Committee should examine this issue closely to ensure that our laws are working well to meet all these needs.

Last Congress I introduced the Drug Competition Act of 2000, S. 2993, to give the Justice Department and the FTC the information they need to prevent anticompetitive practices which delay the availability of low-cost generic prescription drugs. I intend to re-introduce this bill soon and work with my colleagues to enact it this year to help assure that the availability of lower cost prescription drugs.

I noted upon passage of the Digital Millennium Copyright Act in 1998 that there was not enough time before the end of that Congress to give due consideration to the issue of database protection, and that I hoped the Senate Judiciary Committee would hold hearings and consider database protection legislation. Despite the passage of time, the Judiciary Committee has not yet held hearings on this issue.

I support legal protection against commercial misappropriation of collections of information, but am sensitive to the concerns raised by the libraries, certain educational institutions, and the scientific community. This is a complex and important matter that I look forward to considering in this Congress.

Product identification codes provide a means for manufacturers to track their goods, which can be important to protect consumers in case of defective, tainted, or harmful products and to implement product recalls. Defacing, removing, or tampering with product identification codes can thwart these tracking efforts, with potential safety consequences for American consumers. We should examine the scope of, and legislative solutions to remedy, this problem.

Senator HATCH and I worked together to pass cybersquatting legislation in the last Congress to protect registered trademarks online. This is an issue that has concerned me since the Congress passed the Federal Trademark Dilution Act of 1995, when I expressed my hope that the new law would "help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others." (CONGRESSIONAL RECORD, December 29, 1995, page S19312).

The Internet Corporation for Assigned Names and Numbers (I-CANN) has recently added new top-level domain names and is negotiating contracts with the new registries. Senator HATCH and I followed these developments closely and together wrote to then Secretary of Commerce Norman Mineta on December 15, 2000, for the Commerce Department's assurances that the introduction of the new TLDs be achieved in a manner that minimizes the abuses of trademark rights. The Judiciary Committee has an important oversight role to play in this area.

We also will need to pay careful attention to the increasing consolidation in the airline, telecommunications, petroleum, electric, agriculture, and other sectors of the economy to ensure that consumers are protected from anticompetitive practices. The Judiciary Committee has already held one hearing on airline consolidation in this Congress and I stand ready to work with my colleagues on legislation to address competition problems.

I have already joined with the Democratic leader and several of my colleagues on the Securing a Future for Independent Agriculture Act, S. 20, to address the growing serious problem of consolidation in the agriculture processing sector. In addition, we need to carefully monitor international efforts to harmonize competition law to ensure that American companies and consumers are fairly treated and that our antitrust policies are not weakened.

This bill represents a good start on the work before the Senate Judiciary Committee to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The list of addititional copyright, patent, and trademark issues that require our attention shows that we have a lot more work to do.

EXHIBIT 1

REGISTER OF COPYRIGHTS,
LIBRARY OF CONGRESS,
Washington, DC, February 12, 2001.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR SENATOR LEAHY: I understand that you will be sponsoring legislation in this Congress that will incorporate last year's proposed Copyright Technical Corrections Act of 2000, H.R. 5106.

The Copyright Office proposed the technical corrections that were included in H.R. 5106 to address some minor drafting errors in the Intellectual Property and Communications Omnibus Reform Act of 1999 and to correct some other technical discrepancies in Title 17. None of these proposed corrections are substantive.

I believe that it is important that the provisions of Title 17 be clear, and therefore I thank you for your leadership on this legislation and hope that you will be successful in obtaining its passage.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

Mr. HATCH. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 15 minutes 18 seconds.

Mr. HATCH. Madam President, I will tell everybody I do not intend to use that whole time. I will use part of it.

THE NINTH CIRCUIT DECISION IN THE NAPSTER CASE

Mr. HATCH. Madam President, I would like to take a few moments while we are on the subject of copyright law to address the Ninth Circuit Court of Appeals' long-awaited decision in the Napster case. I have been considering the opinion for the last few days, and it may be some time before all of us grasp its full implications. I believe the Judiciary Committee will need to hold hearings on the decision's possible implications and to get an update on developments in the online music market. I will consult with my ranking member and other interested parties, and will likely look into the matter in the coming weeks.

As I have considered the case over the last couple of days, I have been troubled by the possible practical problems that may arise from this decision. I am troubled as a strong supporter and prime author of much of our copyright law and intellectual property rights.

By ordering the lower court to impose a preliminary injunction—before a trial on the merits, mind you—on this service that had developed a community of over 50 million music fans, it could have the effect of shutting down Napster entirely, depriving more than

50 million consumers access to a music service they have enjoyed. The Napster community, represents a huge consumer demand for the kind of online music services Napster, rightly or wrongly, has offered and, to date, the major record labels have been unable to satisfy. Now, I understand that the labels have been working hard to get offerings online, and I have seen some projects beginning recently. I have been promised consumer roll-outs this year. But these offerings have been slow in coming and have not been broadly deployed as of yet. I hope deployment will be speeded up to meet the unsatisfied demand that may be caused by interruptions in Napster service as the litigation continues through trial on the merits and appeals.

I am a longtime advocate of strong intellectual property laws. There is something in our legal system called copyright, and the principle underlying copyright is a sound one. I believe that artists Must be compensated for their creativity. And I believe that Napster as it currently operates, threatens this principle. I authored Digital Millennium Copyright Act, which has ensured that, as a general matter, copyright law should apply to the Internet. I am proud of my work in furtherance of that Act. I have mentioned Senator LEAHY in particular, and there others as well.

Yet, I also believe that the compensation principle underlying copyright can coexist—and has in fact coexisted—with society's evolving technologies for generations. And, in each case this coexistence has benefited both the copyright owner and the consumer, in what you might call an expansion of the pie, in other words.

So let's turn to the present controversy. It might be helpful to review some facts. In the span of about one and a half years, Napster has seen its client software downloaded more than 62 million times. Over 8 million people a day log onto the Napster service. At any one time there may be as many as 1.7 million people simultaneously using the service. It is, quite simply, a virtual community of unprecedented reach and scale. It is the most popular application in the history of the Internet and, I have to say, in the history of music.

It is also free and, unfortunately, according to the court, it is probably facilitating copyright infringement. The major labels, which account for over 80 percent of the CD's sold in this country, is rightly shaken by the Napster phenomenon. Although the industry saw its sales increase by 4.4 percent in the year 2000, it believes it would have sold more CD's had it not been for Napster. And the district court and Court of Appeals agreed with them. The labels have, as is their right under the laws—many of which I have authored—pursued legal redress through out judicial system. Were I in their shoes, I question whether I would have taken a different course of action.

Now the parties have brought their dispute to the point where the erosion of the copyright laws might be the frightening outcome.

I am particularly troubled because, if the popular Napster service, which has a relationship with one of the major record companies, Bertelsmann, is shut down, and no licensed online services exist to fill this consumer demand, I fear that this consumer demand will be filled by Napster clones, particularly ones like Gnutella or Freenet, which have no central server, and no central business office with which to negotiate a marketplace licensing arrangement. Such a development would further undermine the position of copyright law online, and the position of artists in the new digital world that the Internet is developing.

Furthermore, if past experience is any indication, I would expect that my colleagues, like me, will be contacted by the over 50 million Napster fans who oppose the injunction and fear the demise of Napster. This may prompt a legislative response. I know that people in Congress are weighing various legislative solutions, some intriguing, some troubling and counter to the pubic interest.

Some of these responses could strike the important intellectual property rights of artists and copyright owners online entirely, undoing the carefully balanced development I have tried to foster over the years, and possibly harming consumers as well as creators in the long run.

I guess my feeling about this Ninth Circuit decision is a gnawing concern that this legal victory for the record labels may prove pyrrhic or shortsighted from a policy perspective. Some have suggested that the labels merely wished to establish a legal precedent and then would be willing to work on negotiating licenses. Well, it seems to me that now might be a good time to get those deals done, for the good of music fans, and for the good of the copyright industries and the artists they represent.

I have long been an advocate for strong intellectual property rights protection and enforcement. I have urged the labels and composers and publishers working out synergistic arrangements with online music distributors and Internet technologist that will serve the artists and their audience. Such synergy is possible. I was pleased when Bertelsmann took the initiative in harnessing the consumer demand evidenced by Napster and decided to work cooperatively together to develop a service that would benefit both of them and those they seek to serve, the artists and music fans. I again urge the other major music industry players to take significant steps toward this end, and again, I think now is a good time to do it. I have recently discussed my views with some of the interested parties, and I believe there is some interest in working this out for the benefit of all parties, including consumers and creators. I stand ready, willing and able to try to help them in this matter.

Last July, the Committee held its first of two hearings on the subject. At this hearing, I was joined by my colleague and friend, the distinguished ranking member and former chairman of the Judiciary Committee, Senator LEAHY. The two of us encouraged a marketplace resolution to the Napster, and the other, digital music controversies.

I think working together in the marketplace cooperatively will lead to the best result for all parties, the record labels, the online music services, the artists and the music fans. I hope the focus will be on the latter two. After all, without artists, there is nothing to convey, and without the fans, there is no one to convey it to. I think keeping the focus on the artists and the audience can help the technologists and the copyright industries find a way for all to flourish. And I hope this opportunity is taken before it is lost.

I hope this opportunity is taken before it is lost. I wanted to make these remarks on the floor, and I hope we can resolve these problems in a way that benefits artists, consumers, publishers, and others who are interested in this matter. I think if we get together and work this out, it will be in the best interests of everybody.

I am prepared to yield my time.

Mr. LEAHY. Madam President, I yield whatever time remains.

Mr. HATCH. I yield my time as well. We can proceed.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. THOMPSON). The bill having been read for the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Bunning
Crapo

The bill (S. 320) was passed, as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property and High Technology Technical Amendments Act of 2001".

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking "Director" each place it appears and inserting "Commissioner"; and

(B) by striking "Director's" each place it appears and inserting "Commissioner's".

(2) The Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1051 et seq.) is amended by striking "Director" each place it appears and inserting "Commissioner".

(3)(A) Title 35, United States Code, is amended by striking "Commissioner for Patents" each place it appears and inserting "Assistant Commissioner for Patents".

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking "COMMISSIONERS" and inserting "ASSISTANT COMMISSIONERS";

(ii) in subparagraph (A), in the last sentence—

(I) by striking "a Commissioner" and inserting "an Assistant Commissioner"; and

(II) by striking "the Commissioner" and inserting "the Assistant Commissioner";

(iii) in subparagraph (B)—

(I) by striking "Commissioners" each place it appears and inserting "Assistant Commissioners";

(II) by striking "Commissioners'" each place it appears and inserting "Assistant Commissioners'"; and

(iv) in subparagraph (C), by striking "Commissioners" and inserting "Assistant Commissioners".

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking "the Commissioner" each place it appears and inserting "the Assistant Commissioner".

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking "Commissioner of" each place it appears and inserting "Assistant Commissioner for"; and

(ii) by striking "Commissioners" and inserting "Assistant Commissioners".

(E) Chapter 17 of title 35, United States Code, is amended by striking "Commissioner of Patents" each place it appears and inserting "Assistant Commissioner for Patents".

(F) Section 297 of title 35, United States Code, is amended by striking "Commissioner of Patents" each place it appears and inserting "Commissioner".

(4) Title 35, United States Code, is amended by striking "Commissioner for Trademarks" each place it appears and inserting "Assistant Commissioner for Trademarks".

(5) Section 5314 of title 5, United States Code, is amended by striking

"Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office."

and inserting

"Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.".

(6)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking "**Director** " and inserting "**Commissioner**"; and

(ii) by striking "Director's" and inserting "Commissioner's".

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking "Director" and inserting "Commissioner".

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking "Director" each place it appears and inserting "Commissioner".

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)).

(L) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10(i)).

(M) Section 4203 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking "generally" and inserting ", generally".

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking "person" and inserting "third-party requester"; and

(B) in subsection (c), by striking "Unless the requesting person is the owner of the patent, the" and inserting "The".

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) by striking ", if any".

(3) Section 314(b)(1) is amended—

(A) by striking "(1) This" and all that follows through "(2)" and inserting "(1)";

(B) by striking "the third-party requester shall receive a copy" and inserting "the Office shall send to the third-party requester a copy"; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking "United States Code,".

(5) Section 317 is amended—

(A) in subsection (a), by striking "patent owner nor the third-party requester, if any, nor privies of either" and inserting "third-party requester nor its privies"; and

(B) in subsection (b), by striking "United States Code,".

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking "administrative patent judge" each place it appears and inserting "primary examiner".

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.".

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, is amended by striking "Part 3" and inserting "Part III".

(2) Section 4604(b) of that Act is amended by striking "title 25" and inserting "title 35".

(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.

SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) Deputy Commissioner.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067(b)), is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(2) Section 6(a) of title 35, United States Code, is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(b) Public Advisory Committees.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting ", privileged," after "personnel"; and

(2) by adding at the end the following new subsection:

"(j) Inapplicability of Patent Prohibition.—Section 4 shall not apply to voting members of the Advisory Committees.".

(c) Miscellaneous.—Section 153 of title 35, United States Code, is amended by striking "and attested by an officer of the Patent and Trademark Office designated by the Commissioner,".

SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking "on which the Patent and Trademark Office receives a copy of the" and inserting "of"; and

(2) by striking "international application" the last place it appears and inserting "publication".

SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 4505 is amended to read as follows:

"SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

"Section 102(e) of title 35, United States Code, is amended to read as follows:

"'(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States if and only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or'".

(2) Section 4507 is amended—

(A) in paragraph (1), by striking "Section 11" and inserting "Section 10";

(B) in paragraph (2), by striking "Section 12" and inserting "Section 11".

(C) in paragraph (3), by striking "Section 13" and inserting "Section 12";

(D) in paragraph (4), by striking "12 and 13" and inserting "11 and 12";

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking "confer the same rights and shall have the same effect under this title as an application for patent published" and inserting "be deemed a publication"; and

(F) by adding at the end the following:

"(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

"374. Publication of international application.".

(3) Section 4508 is amended to read as follows:

"SEC. 4508. EFFECTIVE DATE.

"Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall take effect on November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the amendment made by section 4505 shall apply to the prior-filed application in determining the filing date in the United States of the application.".

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) Amendments to Title 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking ", United States Code".

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking "United States Code,";

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking ", United States Code";

(ii) in the first sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code";

(iii) in the second sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code." and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking ", United States Code"; and

(v) in subparagraph (C), by striking ", United States Code"; and

(C) in subsection (c)—

(i) in the subsection caption, by striking ", United States Code"; and

(ii) by striking "United States Code,".

(3) Section 5 is amended in subsections (e) and (g), by striking ", United States Code" each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking "**before**" and inserting "**Before**".

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

"21. Filing date and day for taking action.".

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

"12. Examination of Application .... 131".

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

"116. Inventors.".

(8) Section 154(b)(4) is amended by striking ", United States Code,".

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking "paragraphs" and inserting "paragraph";

(B) in subsection (d)(2)(B)(i), by striking "below the office" and inserting "below the Office"; and

(C) in subsection (g)(6)(B)(iii), by striking "submittted" and inserting "submitted".

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking "of" and inserting "to".

(11) Section 185 is amended by striking the second period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking "United States Code,"; and

(B) by striking "5, United States Code." and inserting "5.".

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking "last paragraph of section 203(2)" and inserting "section 203(b)"; and

(B) in subsection (c)—

(i) in paragraph (4) by striking "rights;" and inserting "rights,"; and

(ii) in paragraph (5) by striking "of the United States Code".

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking "(2)" and inserting "(b)";

(ii) by striking the quotation marks and comma before "as appropriate"; and

(iii) by striking "paragraphs (a) and (c)" and inserting "paragraphs (1) and (3) of subsection (a)"; and

(B) in the first paragraph—

(i) by striking "(a)", "(b)", "(c)", and (d)" and inserting "(1)", "(2)", "(3)", and (4)", respectively; and

(ii) by striking "(1." and inserting "(a)".

(15) Section 209 is amended in subsections (a) and (f)(1), by striking "of the United States Code".

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking "5901" and inserting "5908"; and

(ii) in paragraph (20) by striking "178(j)" and inserting "178j"; and

(B) in subsection (c)—

(i) by striking "paragraph 202(c)(4)" and inserting "section 202(c)(4)"; and

(ii) by striking "title.." and inserting "title.".

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after "**Patent**".

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

"256. Correction of named inventor.".

(19) Section 294 is amended—

(A) in subsection (b), by striking "United States Code,"; and

(B) in subsection (c), in the second sentence by striking "court to" and inserting "court of".

(20)(A) The item relating to section 374 in the table of contents for chapter 37 is amended to read as follows:

"374. Publication of international application.".

(B) The amendment made by subparagraph (A) shall take effect on November 29, 2000.

(21) Section 371(b) is amended by adding at the end a period.

(22) Section 371(d) is amended by adding at the end a period.

(23) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) Other Amendments.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting "in subsection (b)," after "(ii)"; and

(B) in paragraph (10)(A), by inserting after "title 35, United States Code," the following: "other than sections 1 through 6 (as amended by chapter 1 of this subtitle),".

(2) Section 4802(1) of that Act is amended by inserting "to" before "citizens".

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking "11(a)" and inserting "10(a)"; and

(B) in subsection (c), by striking "13" and inserting "12".

(4) Section 4402(b)(1) of that Act is amended by striking "in the fourth paragraph".

SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1117(a)), is amended by striking "a violation under section 43(a), (c), or (d)," and inserting "a violation under section 43(a) or (d),".

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking "specifying the date of the applicant's first use" and all that follows through the end of the sentence and inserting "specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.".

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

"(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.";

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

"(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.";

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

"(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.";

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

"(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.

"(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

"(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

"(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

"(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

"(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.";

(7) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after "numeral".

(8) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(9) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code,".

(10) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code".

(11) Section 34(d)(11) is amended by striking "6621 of the Internal Revenue Code of 1954" and inserting "6621(a)(2) of the Internal Revenue Code of 1986".

(12) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking "section 110" and all that follows through "(36 U.S.C. 380)" and inserting "section 220506 of title 36, United States Code,"; and

(B) by striking "6621 of the Internal Revenue Code of 1954" and inserting "6621(a)(2) of the Internal Revenue Code of 1986".

(13) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking "a certification" and inserting "a true copy, a photocopy, a certification,".

SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106-113, is amended in section 4203, by striking "111(a)" and inserting "1113(a)".

SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking "paragraph (2)" and inserting "paragraph (2)(A)"; and

(B) in paragraph (3), by striking "1005(e)" and inserting "1005(d)".

(2) Section 1006(b) is amended by striking "119(b)(1)(B)(iii)" and inserting "119(b)(1)(B)(ii)".

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding "and" after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

"(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';".

SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking "of performance" and inserting "of a performance".

(2)(A) The section heading for section 122 is amended by striking "**rights; secondary**" and inserting "**rights: Secondary**".

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

"122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.".

(3)(A) The section heading for section 121 is amended by striking "**reproduction**" and inserting "**Reproduction**".

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking "reproduction" and inserting "Reproduction".

(4)(A) Section 106 is amended by striking "107 through 121" and inserting "107 through 122".

(B) Section 501(a) is amended by striking "106 through 121" and inserting "106 through 122".

(C) Section 511(a) is amended by striking "106 through 121" and inserting "106 through 122".

(5) Section 101 is amended—

(A) by moving the definition of "computer program" so that it appears after the definition of "compilation"; and

(B) by moving the definition of "registration" so that it appears after the definition of "publicly".

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking "conditions;" and inserting "conditions:".

(7) Section 118(b)(1) is amended in the second sentence by striking "to it".

(8) Section 119(b)(1)(A) is amended—

(A) by striking "transmitted" and inserting "retransmitted"; and

(B) by striking "transmissions" and inserting "retransmissions".

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking "licensure" and inserting "licensing".

SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking "107 through 120" and inserting "107 through 122".

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94-553 is amended by striking "section 290(e) of title 15" and inserting "section 6 of the Standard Reference Data Act (15 U.S.C. 290e)".

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking "Notwithstanding" and all that follows through "United States Code," and inserting "Notwithstanding the limitations under section 105 of title 17, United States Code,".

The PRESIDING OFFICER. The Senator from Mississippi, Mr. COCHRAN, is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MISSILE DEFENSE SYSTEM

Mr. COCHRAN. Mr. President, I take this time to respond to those who are suggesting we put off, or even cancel, the deployment of a national missile defense system.

One reason the critics of the program are giving for delay is the alleged opposition of our allies, particularly those in Europe. Earlier this month at the Munich Conference on International Security, Secretary of Defense Donald Rumsfeld made a forceful case for deployment of a defense against strategic ballistic missiles. He explained the rationale for our missile defense program, and he also made it clear that this administration intends to deploy such a system as soon as possible.

He told those attending the conference that deploying a missile defense system was a moral issue because "no U.S. President can responsibly say his defense policy is calculated and designed to leave the American people undefended against threats that are known to exist."

Former Secretary of State Kissinger, who negotiated the 1972 Anti-Ballistic Missile Treaty, also spoke at the conference. He said a U.S. President cannot allow a situation in which "extinction of civilized life is one's only strategy."

The response from our European allies was very encouraging. For months, critics have been saying that our allies firmly oppose our plans to deploy missile defenses and would never go along with them. But the Secretary General of NATO, George Robertson, said:

> Now the Europeans have to accept that the Americans really intend to go ahead. . . . Now that the question of "whether" it's going to happen has been settled, I want an engagement inside NATO between the Americans and other allies about the "how" and the "when."

With respect to the threat, Secretary General Robertson said:

> The interesting point is that there is now a recognition by leaders—American, European, and even Russian—that there is a new threat from the proliferation of ballistic missiles that has got to be dealt with. The Americans have said how they're going to deal with it. The Europeans are being offered a chance to share in that.

Robertson also added:

> The concept of mutually assured destruction is obsolete. The old equation no longer works out: Russia and the United States in a balance of terror. Now there are groups and States acquiring missile technology and warheads with great facility. We are living in a dangerous new world.

Germany's views are also changing. Chancellor Gerhard Schroeder, addressing fellow Social Democratic Party members, said recently, "We should be under no illusions that that there will be no difference of opinion with the new American leadership under President George W. Bush. First and foremost, it won't be about the planned National Missile Defense program but about trade policy issues. Differences over NMD are not the decisive factor in the German-American relationship." German Foreign Minister Fischer said that NMD "above all is a national decision for the United States." In Moscow this week, he said, "in the end, the Russians are going to accept it somehow."

Here in Washington last week, Britain's Foreign Secretary said, "On the question of what happens if national missile defense proceeds; if it means the U.S., feels more secure and therefore feels more able to assert itself in international areas of concern to us, we would regard that as a net gain in security." And the Prime Minister of Canada, who just a few months ago had joined Russian President Putin in calling for preservation of the ABM Treaty, said last week after consulting with President Bush, "Perhaps we are in a different era."

The Australian Foreign Minister noted last week that until now,

> A lot of the debate has been directed at the United States. I frankly think an awful lot of the debate should instead be directed not only toward those countries that have got or are developing these missile systems but the countries that have been transferring that missile technology to others.... If there were no missiles, there would be no need for a missile defense system.

Dr. Javier Solana of Spain, former Secretary-General of NATO and now the director of foreign policy for the European Union, said "The United States has the right to deploy" an NMD system. Of the ABM Treaty, the so-called "cornerstone of strategic stability," Dr. Solana said, "It is not the Bible."

The words we now hear from our European and other important allies are signaling changed attitudes. I think they have been influenced by the Bush administration's willingness to confront the NMD issue squarely, to consult fully with our allies, and to make clear a determination to protect this nation and its allies from long-range ballistic missile attack. The best ally is a strong one, and the actions of the Bush administration are an overdue reassurance that the United States will indeed be a strong alliance partner.

Of course, not every nation welcomes our NMD plans. France still has not embraced the concept, and Russia and China continue their opposition. But this shouldn't change our plans to deploy missile defenses. Our action threatens no nation, although it will create an obstacle for those who would threaten the U.S. Those who mean us no harm have nothing to fear from this purely defensive system; those who do mean us harm will learn that the United States will no longer commit itself to continuing vulnerability.

Another reason for proceeding as soon as possible to deploy missile defenses to protect the United States was highlighted last week in testimony presented to the Senate by the Director of Central Intelligence, George Tenet.

He said, "we cannot underestimate the catalytic role that foreign assistance has played in advancing ... missile and WMD programs, shortening the development times, and aiding production." He noted that it is increasingly difficult to predict those timelines, saying "The missile and WMD proliferation problem continues to change in ways that make it harder to monitor and control, increasing the risks of substantial surprise." Director Tenet went on to say, "It is that foreign assistance piece that you have to have that very precise intelligence to understand, and sometimes you get it and sometimes you don't." Because of the difficulty monitoring foreign assistance, Director Tenet added that "these time lines all become illusory."

He also noted that it is a mistake to think of nations who aspire to obtain missiles as technologically unsophisticated: "We are not talking about unsophisticated countries. When you talk about Iraq and Iran, people need to understand these are countries with sophisticated capabilities, sophisticated technology, digital communications."

And the danger does not stop when one of these nations acquires the technology that is now so freely available. Mr. Tenet warned about what he termed "secondary proliferation":

> There is also great potential for secondary proliferation, for maturing state-sponsored programs such as those in Pakistan, Iran and India. Add to this group the private companies, scientists and engineers in Russia, China and India who may be increasing their involvement in these activities taking advantage of weak or unenforceable national export controls and the growing availability of technologies. These trends have continued, and in some cases have accelerated over the past year.

The Director of Central Intelligence added, "So you know, the kind of technology flows that we see from big states to smaller states and then the inclination of those people who do the secondary proliferation I think is what's most worrisome to me."

Some who oppose missile defense deployment point to diplomatic initiatives and political change as evidence that the threat is diminishing. For example, they point to recent efforts by North Korea's leader Kim Jong Il to present a more open face to the world. But according to the Director of Central Intelligence, little has actually changed with respect to North Korea's proliferation activities. For example, he testified,

> Pyongyang's bold diplomatic outreach to the international community and engagement with South Korea reflect a significant change in strategy. The strategy is designed to assure the continued survival of Kim Jong Il by ending Pyongyang's political isolation and fixing the North's failing economy by attracting more aid. We do not know how far Kim will go in opening the North, but I can report to you that we have not yet seen a significant diminution of the threat from North to American and South Korean interests.
>
> Pyongyang still believes that a strong military, capable of projecting power in the region, is an essential element of national power. Pyongyang's declared military-first policy requires massive investment in the armed forces, even at the expense of other national objectives . . . [T]he North Korean military appears, for now, to have halted its near decade-long slide in military capabilities. In addition to the North's longer-range missile threat to us, Pyongyang is also expanding its short- and medium-range missile inventory, putting our allies at risk.

Similar claims about diminishing threats have been made about Iran. A year ago, those who oppose missile defense were suggesting that because of the election of reform-minded leaders we need no longer worry about that country obtaining more capable missiles. Here is what the Director of Central Intelligence had to say about Iran in his testimony last week:

> Iran has one of the largest and most capable ballistic missile programs in the Middle East. Its public statements suggest that it plans to develop longer-range rockets for use in a space-launch program. But Tehran could follow the North Korean pattern and test an ICBM capable of delivering a light payload to the United States in the next few years . . .
>
> Events in the past year have been discouraging for positive change in Iran. . . . Prospects for near-term political reform in the near term are fading. Opponents of reform have not only muzzled the open press, they have also arrested prominent activists and blunted the legislature's powers. Over the summer, supreme leader Khamenei ordered the new legislature not to ease press restrictions, a key reformist pursuit, that signaled the narrow borders within which he would allow the legislature to operate.

I hope that reformers do make gains in Iran, although senior CIA officials have testified that Iranian "reformers"—such as President Khatemi—are enthusiastic about acquiring ballistic missiles. I hope Iran will one day be a thriving democracy. But that day has not arrived, and our security policy cannot be based on hope.

We need missile defense not just because of the capabilities of particular countries, but because of the larger problem: The proliferation of missile technology has created a world in which we can no longer afford to leave ourselves vulnerable to an entire class of weapons. Remaining vulnerable only guarantees that some nation will seize upon this vulnerability and take the United States and our allies by surprise.

The Bush administration's resolve to deploy missile defenses is an essential first step in modernizing our national security assets. Because of the neglect our missile defense program has suffered over the last eight years, we now face a threat against which we will have no defense for several years. Because of decisions made by the previous administration, the only long-range missile defense we have in the near-term will be the ground-based system planned for initial deployment in Alaska. Additional resources must be provided so that other technologies and basing modes can be developed and tested. But now, we must move forward as fast as we can with the technology we have today. We must not prolong our vulnerability by waiting for newer and better technology. Therefore, it is important that the administration immediately begin construction of the NMD radar at Shemya, AK. Construction of the national missile defense radar at Shemya, AK, should begin immediately.

Construction of this radar was to have begun this May, but last September President Clinton postponed the decision to proceed, citing delays with other elements of the system and a lack of progress in convincing Russia to modernize the ABM Treaty to permit NMB deployment. However, construction of the Shemya radar is the so-called "long-lead" item in deployment of the NMD system; it is the step that takes the longest and must begin the soonest. Delaying construction of the NMD radar means delaying deployment of the entire system, and we cannot afford more unnecessary delays in this program.

There is still time to recover from the delays caused by President Clinton's postponement last fall. The radar design is complete, the funds have been appropriated, and any missile defense system we build will have to begin with an X-band radar at Shemy. So we should get on with it.

Beginning construction of the Shemya radar will be a demonstration of the determination of our government to fulfill its first constitutional duty, which is to provide for the security of our Nation. It will send an unmistakable signal to all—friend or potential foe—that the United States will not remain vulnerable any longer to those who threaten us with ballistic missiles.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, before I propound a unanimous consent request, I want to make some brief comments on the bill that I expect to call up.

HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, many of us in the Senate still greatly miss our distinguished and honorable colleague from Georgia, Paul Coverdell. There are not many days that go by that I do not think about him when I am working in this Chamber and in my office. We really have been grieving and thinking an awful lot about him over the months since his unfortunate early passing away as a result of his problems last year when he had a cerebral hemorrhage.

He was an extraordinary public servant. We all wanted to find a way to express our sorrow and to appropriately honor him. In that vein, I wanted to make sure we did not just have a rush to judgment of what we might try to do to honor him—doing it in several little ways but never an appropriate way.

After discussion on both sides of the aisle and getting approval of the Democratic leader, I asked four of our colleagues to serve as an informal task force to come up with an appropriate way to honor Senator Coverdell. These four Senators, two from each side of the aisle, were good friends and worked closely with Paul. They had a personal interest in it.

I thank Senator GRAMM of Texas, Senator DEWINE of Ohio, Senator HARRY REID of Nevada, and Senator ZELL MILLER of Georgia for taking the time to think about this, meeting together and coming up with ideas of how to appropriately honor Senator Coverdell.

That is how this bill came into being. A lot of ideas were considered. They were discussed with Senator Coverdell's former staff members, family, particularly his wife, and they came up with the suggestion that is included in this bill.

I thank Senator DASCHLE and Senator REID for being willing to be involved in this process. As a result of their efforts, we now have a bill.

UNANIMOUS CONSENT REQUEST—A BILL HONORING PAUL D. COVERDELL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill at the desk which honors Senator Paul D. Coverdell by naming the Peace Corps headquarters after our former colleague. I further ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. COCHRAN). Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr REID. As the majority leader has indicated, a significant amount of time has been spent on this matter. I remember as if it was yesterday Senator LOTT coming on the floor and making the announcement. It was a sad day in the history of this Senate, in the history of the State of Georgia, and certainly our country.

Those of us who knew Senator Coverdell know how closely he was associated with the majority leader and how he loved this institution. What the leader has said is very true. I worked with Senator MILLER, Senator GRAMM, and Senator DEWINE to come up with something that is appropriate. We think we have done that.

I do, though, have to object for one of the other Members of the Senate. It is something which is procedural in nature. I am confident we can work this out. I ask that the leader be understanding and that this matter be brought up after we get back from our next recess. I am confident in that period of time we will take care of the kinks. I would rather we do it that way than pass pieces of it.

I talked with Senator GRAMM and Senator MILLER, and we agreed to do it all at once rather than piecemeal.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. LOTT. Mr. President, while I feel the objection is certainly unfortunate, I know that Senator REID wants to find a way to work through the problem that may exist. I will be glad to work with him and Senator MILLER.

Senator MILLER has been very generous with his time and very committed to this process. I talked with him a couple of times—just yesterday—to try to work through this. It is my expectation we will be able to clear this bill and take it up for consideration. It really is noncontroversial, and I believe it should be passed by unanimous consent.

I hope Members who do have a problem, or if there is a procedural problem, will find a way to work through it so we can honor this noble and respected Member. I invite Senator REID and any others to comment on the process, and if they have any remedy they can suggest, I am anxious to hear from them. I know effort is already underway to do that, and I know they will continue.

It will be my intent to file cloture on this matter if it is necessary prior to the recess of the Senate this week. I hope and expect we will not have to do that, but because of the requirements of S. Res. 8, if I have to file cloture, I will have to wait the requisite 12 hours now before filing the cloture on an amendable item, so I will have to begin the process.

Rather than leave it in that vein, I prefer we talk and we work this out and find a way to get it cleared and agreed to tomorrow before we leave for the Presidents Day recess.

Mr. REID. I appreciate the leader's comments. I would appreciate very much the leader not filing cloture. We do not need that or want that on this piece of legislation.

Mr. LOTT. I understand that.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING SENATOR COCHRAN

Mr. LOTT. Mr. President, I commend my colleague, the Presiding Officer, Senator COCHRAN, for the remarks he made a few moments ago on the floor of the Senate with regard to the defense budget, particularly missile defense. He has been very thoughtful in this area. He has been involved for a number of years.

He serves as head of a bipartisan group of Senators who have been to Russia on behalf of the Senate, who have met with representatives from the government, the Duma of Russia, when they have been in the United States.

To put this in a positive way and note that President Bush intends to go forward with it when it is ready to be deployed and that we be prepared to have a serious discussion about it is fine, but I thank him for the way he has been involved in this issue and express my confidence that as we move forward on this very important defense item for our future, I know he will be involved in that.

I feel very good that President Bush and Secretary of Defense Rumsfeld will approach this matter in an appropriate way, with our defense budget funding but also in the way it is handled with our allies. I look forward to working together in the future on this important issue.

I yield the floor.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am very pleased to join in commemorating African-American History Month and particularly this year's theme, "Creating and Defining the African-American Community: Family, Church, Politics and Culture."

Since 1926, the month of February has served as a time for our citizens to recognize and applaud the vast contributions made by African-Americans to the founding and building of this great Nation. The vision of the noted author and scholar, Dr. Carter G. Woodson, led to this important annual celebration. As we note the theme of this year's Black History Month celebration, it is important to recognize the challenges ahead for African-Americans in a new age.

From early days, the family has been the backbone of the African-American culture in our country. Through a strong and stable family structure, African-Americans found companionship, love, and an understanding of the suffering endured during oppressive periods in history. The African-American family has served to strengthen and encourage young African-Americans to forge ahead to break barriers and rise to new heights within American culture.

The unemployment rate for African-Americans has fallen from 14.2 percent in 1992 to 8.3 percent in 1999, the lowest annual level on record. The median household income of African-Americans is up 15.1 percent since 1993, from $22,034 in 1993 to $25,351 in 1998. Real wages of African-Americans have risen rapidly in the past two years, up about 5.8 percent for men and 6.2 percent for women since 1996.

The African-American poverty rate has dropped from 33.1 percent in 1993 to 26.1 percent in 1998, the lowest level ever recorded and the largest five-year drop in more than twenty-five years. Since 1993, the child poverty rate among African-Americans has dropped from 46.1 percent to 36.7 percent in 1998. While still too large, this represents the largest five-year drop on record. It is critical that we in Congress continue to work to enact legislation that will further strengthen African-American families and enable these rates to continue to decrease at record levels.

Religion, like family, has played a vital role in African-American life in this country, with the Black Church a substantial and enduring presence. Throughout the early period of our Nation's development, African-Americans established their own religious institutions. Although these institutions were not always formally recognized, it should be noted that the African Methodist Episcopal Church was founded in 1787, followed closely by the African Baptist Church in 1788. Throughout our Nation's history, the Black Church has served as both a stabilizing influence and as a catalyst for needed change.

During slavery, the African-American Church was a place of spiritual sanctuary and community. After Blacks were freed, the Church remained a line of defense and comfort against racism. The Black Church served as an agency of social reorientation and reconstruction, providing reinforcement for the values of marriage, family, morality, and spirituality in the face of the corrosive effects of discrimination.

The Black Church became the center for economic cooperation, pooling resources to buy churches, building mutual aid societies which provided social services, purchasing and helping resettle enslaved Africans, and establishing businesses. From its earliest days as an invisible spiritual community, the Black Church supported social change and struggle, providing leaders and leadership at various points in the struggle against racism and discrimination.

The civil rights movement of the 1960s provided the catalyst for African-Americans to move into the political arena. Three major factors encouraged the beginning of this new movement for civil rights. First, many African-Americans served with honor in World War II, as they had in many wars since the American revolution. However, in this instance, African-American leaders pointed to the records of these veterans to show the injustice of racial discrimination against patriots. Second, more and more African-Americans in the North had made economic gains, increased their education, and registered to vote. Third, the NAACP had attracted many new members and received increased financial support from all citizens.

In addition, a young group of energetic lawyers, including Thurgood Marshall, of Baltimore, Maryland, used the legal system to bring about important changes in the lives of African-Americans, while Dr. Martin Luther King, Jr. appealed to the conscience of all citizens. When Congress passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Clarence Mitchell, Jr., of Maryland, played a critical part in steering this legislation through Congress.

African-Americans began to assume more influential roles in the Federal Government as a result of the civil rights movement, a development which benefitted the entire Nation. In 1966, Dr. Robert C. Weaver became the Secretary of Housing and Urban Development, the first Black Cabinet Member and Edward Brooke became the first African-American elected to the Senate since reconstruction. In 1967, Thurgood Marshall became the first Black Justice on the Supreme Court. In 1969, Shirley Chisholm of New York became the first Black woman to serve in the U.S. House of Representatives.

Progress continued in the next three decades. In 1976, Patricia Harris became the first Black woman Cabinet Member and in 1977 when Clifford Alexander was confirmed as the first Black Secretary of the Army. In 1989, Douglas Wilder of Virginia became the first elected African-American Governor in the Nation. In 1992, Carol Moseley-Braun became the first African-American female U.S. Senator. In 1993, Ron Brown became the first African-American Secretary of Commerce, Jesse Brown became the first African-American Secretary of the Veterans Administration, and Hazel O'Leary became the first black Secretary of Energy. In 1997, Rodney Slater became the first African-American Secretary of Transportation and Alexis Herman became the first African-American Secretary of Labor. In 2001, Roderick Paige became the first African-American Secretary of Education and General Colin Powell, in addition to being the first African-American Chairman of the Joint Chiefs of Staff, became the first U.S. Secretary of State.

African-Americans have played significant roles in influencing and changing American life and culture. Through such fields as arts and entertainment, the military, politics and civil rights, African-Americans have been key to the progress and prosperity of our Nation. Blacks have contributed to the artistic and literary heritage of America from the early years to the present. They have influenced the field of music as composers, vocalists, and instrumentalists and played a seminal role in the emergence of blues, jazz, gospel, and rhythm and blues.

Although African-Americans owned and published newspapers in the 19th century, their achievements in the communications industry have been most noted in the 20th century, when they produced and contributed to magazines, newspapers, and television and radio news and talk shows in unprecedented numbers. There are now hundreds of Black-owned radio stations throughout the country. While integrated into professional sports relatively recently, African-American athletes have reached the highest levels of accomplishment. They also comprise some of the finest athletes representing the United States in the Olympic Games.

As we move into the new Millenium, we look forward to the continued growth and prosperity of African-American citizens. Our Nation's history is replete with the contributions of African-Americans. Black History Month affords all Americans an opportunity to celebrate the great achievements of African-Americans, to celebrate how far this Nation has come, and to remind us of how far we have to go.

ASYLUM AND DOMESTIC VIOLENCE

Mr. LEAHY. Mr. President, before leaving office, Attorney General Reno ordered the Board of Immigration Appeals to reconsider its decision to reject the asylum claim of a Guatemalan domestic violence victim. I applaud the former Attorney General for her actions in this case, entitled Matter of R.A., and I encourage the Bush Administration to continue with her efforts to provide a safe harbor for victims of severe domestic abuse.

The facts of the R.A. case are chilling. Ms. Rodi Alvarado Pena sought asylum after suffering from unthinkable abuse at the hands of her husband in her native Guatemala, abuse that ended only when she escaped to the United States in 1995. She said that her husband raped and pistol-whipped her, and beat her unconscious in front of her children. She said that law enforcement authorities in Guatemala told her that they would not protect her from violent crimes committed against her by her husband. And she believed that her husband would kill her if she returned to Guatemala.

The INS did not dispute what Ms. Pena said, and in 1996, an immigration judge determined that she was entitled to asylum. But in 1999, the Board of Immigration Appeals ("BIA") reversed that decision on the grounds that even if everything Ms. Pena said were true, she did not qualify for asylum because victims of domestic abuse do not constitute a "social group" under existing law. This decision seemed to me and a number of other Senators and Representatives to be inconsistent with previous decisions extending asylum to victims of sexual abuse. I wrote Doris Meissner, then the Commissioner of the INS, in August 1999 to express my concerns about the case. I joined a group of Senators writing Attorney General Reno about this matter in November 1999, and raised those concerns again in letters to the Attorney General in February and September 2000. Finally, I reiterated my concerns to Ms. Meissner in August 2000.

The Justice Department released a proposed rule in December that would make it easier for women to base asylum petitions on gender-based persecution. Then-Attorney General Reno's January 19 order stays the R.A. case until a final version of that rule is approved, at which time the BIA will reconsider the case in light of that rule. I urge the Bush Administration to approve a final rule that provides strong protections for victims of domestic violence and other forms of gender-based oppression. And I urge the BIA to apply that rule in a way that provides the maximum protection for such women.

The United States should have—and I believe does have—a bipartisan commitment to refugees. I have been joined by Republicans such as Senators BROWNBACK and JEFFORDS in my attempts to draw attention to this case. And I am optimistic that the Bush Administration will share our concerns. No one wants to see a victim of domestic violence returned to face further abuse, especially where her government does not have the will or ability to protect her. Working together, and building on the foundation laid by Attorney General Reno, we can prevent that from happening.

TRIBUTE TO FORMER SENATOR ALAN CRANSTON

Mr. ROCKEFELLER. Mr. President, I join many of my colleagues in paying tribute to former Senator Alan Cranston, who died on New Year's Eve, 2000. Since I came to the Senate in 1985, I have had the honor of serving on the Committee on Veterans' Affairs, and my first 8 years on the committee were under the superb chairmanship of Senator Cranston. During our years, I came to know and appreciate his unbounded dedication to the veterans of this country, and his extraordinary record of leadership and commitment to our Nation throughout his 24 years of public service in the U.S. Senate.

Senator Cranston played an integral role in veterans affairs from his first days in the Senate, serving initially as Chairman of the Veterans' Affairs Subcommittee of the then-Committee on Labor and Public Welfare. When that subcommittee became the full Committee on Veterans' Affairs in 1971, he was a charter member of it. He became Chairman of the full Committee in 1977, was ranking member from 1978–1986, and then Chairman again in 1987, until he left the Senate in 1993.

Throughout his tenure, Senator Cranston demonstrated a devoted commitment to the men and women who risk their lives for the safety and welfare of our Nation. Although he opposed the war in Vietnam, he was a strong champion for the rights and benefits of those who served in it.

Senator Cranston's vision—to ensure that our country uphold its obligation to meet the post-service needs of veterans and their families—was the inspiration for the many pieces of legislation passed during his tenure. He showed his concern for disabled veterans and their families in many ways, including authoring support programs that provided for grants, cost-of- living increases in benefits, adaptive equipment, rehabilitation, and other services.

Senator Cranston's record on issues related to the employment and education of veterans is unequaled. As early as 1970, he authored the Veterans' Education and Training Amendments Act, which displayed his heartfelt concern for Vietnam-era veterans, and served as the foundation for other key initiatives over the years.

As a strong advocate for health care reform myself, I appreciated Senator Cranston's efforts over the years to improve veterans' health care through affirmative legislation. He brought national attention to the many needs of VA health care facilities, which resulted in the improvement of the quality of their staffs, facilities, and services.

Senator Cranston's patience in pursuit of his goals is legendary. For example, he introduced legislation in 1971 to establish a VA readjustment counseling program for Vietnam veterans. When it failed that year, he reintroduced it in the next Congress, and the next, and the next, never losing sight of his vision. Four Congresses later, in 1979, it was finally accepted by the House of Representatives. The VA's Vet Center Program was established that year and, in the ensuing years, this program helped many Vietnam veterans deal with their adjustment problems after service, including post-traumatic stress disorder.

After the program was established, Senator Cranston fought successfully to make it permanent, thereby enabling Vet Centers to survive proposed cuts by the Reagan administration. He also pushed for enactment of legislation which extended the eligibility period for readjustment counseling. In 1991, Senator Cranston authored legislation which allowed veterans of later conflicts, including the Persian Gulf War, Panama, Grenada, and Lebanon, to receive assistance at Vet Centers as well.

Another example of Senator Cranston's persistence was his effort to provide an opportunity for veterans to seek outside review of VA decisions on claims for benefits. He began working on this issue in the mid-70's and stayed with it through final enactment in 1988 of legislation which established a court to review veterans' claims. That court, now known as the U.S. Court of Appeals for Veterans Claims, stands as a legacy to Senator Cranston's commitment to making sure that veterans are treated fairly by the government that they served.

The list of Senator Cranston's achievements is long—for veterans, his home State of California, our country, and the world. Senator Cranston's leadership had a broad sweep, way beyond the concerns of veterans. From nuclear disarmament to housing policy to education to civil rights, Senator Cranston fought to do the right thing, with energy and passion. For nearly a quarter of a century, he was a true champion for the less fortunate among our society.

Senator Cranston's legacy is immense, and I know that his leadership, which continued after he left this Chamber, will be missed. I consider myself fortunate to have had the opportunity to work side-by-side with him over the years. By continuing his fight for the people we represent and the ideals we were elected to uphold, I seek to carry on his mission.

Mr. President, I ask unanimous consent that an article about Senator Cranston by Thomas Tighe, a former staff member of the Senate Committee on Veterans' Affairs, be printed in the RECORD. His thoughts on Senator Cranston, which appeared in the January 7, 2001, edition of the Santa Barbara News-Press, are quite compelling.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alan Cranston: He Separated the War From the Warrior

(By Thomas Tighe, President and CEO of Direct Relief International)

Alan Cranston stood for and accomplished many important things during the course of his life and Senate career, which, as might be expected given his low-key approach, received little comment upon his death. But having worked for Alan—as he insisted all his staff call him—during his last several years in office, I was saddened by both his passing and the absence of public recognition for much of what his life's work accomplished.

Elected in 1968 strongly opposing the war in Vietnam, Senator Cranston was assigned the chair of the subcommittee responsible for overseeing the veterans health care system. He was among the very first in our country to separate the war from the warrior, as he sought to have the system do right by the returning soldiers whose wartime experiences, severity of injury, and readjustment seemed somehow different from those of earlier wars.

While retaining his aversion to war, Alan Cranston devoted much of his career in the Senate to ensuring that the country's obligation to those who fought in war—however unpopular—was recognized as fundamentally important and honored accordingly. He pushed hard to expand spinal-cord injury, blindness, and traumatic brain injury care, which were lacking and desperately needed. He championed mental health services, authoring legislation to create "Vet Centers" where veterans themselves counseled each other and to fund research that ultimately obtained formal recognition and treatment for post-traumatic stress disorder as a "real" condition that affected soldiers. Drug and alcohol services, vocational rehabilitation, and comprehensive assistance for homeless veterans all resulted from his insight, his perseverance, and his commitment to those who served our country.

The terms "paramedic" and "medevac" did not exist in civilian society in the late 1960s—they do today because Alan saw how effective the combination of medical personnel, telecommunications, and helicopters had been in treating battlefield injuries in Vietnam, and he authored the first pilot program to apply this model to the civilian sector.

Senator Cranston also was the most vigorous, insightful, tough, and effective supporter that the Peace Corps has ever had in the Congress—stemming from his early involvement with Sargent Shriver in the early 1960's before he was elected. I know about these issues, and his remarkable legacy, because I worked on them for Alan as a committee lawyer in the Senate and, after he left office, as the Chief Operating Officer of the Peace Corps.

But there were many, many other issues that Senator Cranston not only cared about but worked to effectuate in a painfully thorough, respectful, and principled way. He was an early and stalwart advocate for preservation and judicious stewardship of the environment, an unyielding voice for a woman's right to make reproductive health choices, and of course, a relentless pursuer of world peace and the abolition of nuclear weapons—upon which he continued to work passionately until the day he died.

Those efforts have made a tremendous positive difference in the lives of millions of people in this country and around the world.

For me, Alan Cranston's standard of adhering to principle while achieving practical success remains a constant source of inspiration and motivation, as I am sure is true for the hundreds of others who worked on his staff over the course of 24 years. His was an example that one's strongly held ideological and policy beliefs, whether labeled "liberal" or "conservative," should not be confused with or overwhelmed by partisanship if it prevented meaningful progress. And he insisted upon honest and vigorous oversight of publicly funded programs he supported—to avoid defending on principle something indefensible in practice, thereby eroding support for the principle itself.

Once, while trying to describe an obstacle on a Peace Corps matter, I made a flip reference to the "America Right or Wrong" crowd. He asked if I knew where that expression came from, which I did not. He said it was usually misunderstood and, as in my case, misused, and told me that it was a wonderfully patriotic statement. He stared at me calmly, with a slight smile and with the presence of nearly 80 years of unimaginably rich experiences in life and politics, and said, "America, right or wrong. When it's right, keep it right. When it's wrong, make it right."

It was a privilege to work for Alan Cranston, and to know that is what he tried to do.

VA LEADS THE NATION IN END-OF-LIFE CARE

Mr. ROCKEFELLER. Mr. President, the Department of Veterans Affairs has been quick to embrace the idea that more needs to be done to deal with patients' pain, and this has become an integral part of VA's overall efforts to improve care at the end of life—for veterans and for all Americans. As ranking member of the Committee on Veterans' Affairs, I am enormously proud of VA's efforts in pain management and end-of-life care. I suspect, however, that many of my colleagues are unaware of VA's good work in this area.

We simply must recognize the lack of services and resources for people who are suffering with pain, especially those who need long-term institutional care and other alternatives, such as hospice or home health for chronic conditions. The health care and related needs of Americans are very diverse. We must target problems and address them with creativity, with a variety of resources that can help different groups in different ways. Taking a look at the VA's success in this area is a good place to start fixing the problem.

I therefore ask unanimous consent that a press release on VA's pain management initiatives and a Washington Post article on VA's success in this area be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VA Initiates Pain Management Program

Pain is one of the most common reasons people consult a physician, according to the American Academy of Pain Medicine and the American Pain Society. In fact, it is the primary symptom in more than 80 percent of all doctor visits and affects more than 50 million people. In January 1999, the Department of Veterans Affairs (VA) took the lead in pain management by launching a nationwide effort to reduce pain and suffering for the 3.4 million veterans who use VA health care facilities.

VA AND PAIN MANAGEMENT

VA believes that no patient should suffer preventable pain. Doctors and nurses throughout VA's 1,200 sites of medical care are required to treat pain as a "fifth vital sign," meaning they should assess and record patients' pain just as they note the other four health-care basics—blood pressure, pulse, temperature and breathing rate. They ask patients to rate their pain on a scale of zero to 10, then consult with the patients about ways to deal with it.

"It changed how VA approached pain," said Dr. Jane Tollett, national coordinator of VA pain management strategy. "We're too often obsessed with finding out what's going on at the molecular, cellular and pharmacological levels as opposed to asking: Is the person feeling better?" Measuring pain as a vital sign was part of the first step in the following comprehensive strategy to make pain management a routine part of veterans' care.

Pain Assessment and Treatment: Procedures for early recognition of pain and prompt effective treatment began at all VA medical facilities. Pain management protocols were set up, including ready access to resources such as pain specialist and multidisciplinary pain clinics. VA updated its Computerized Patient Record System (CPRS) to document a patient's pain history. Patient and family education about pain management was included in patient treatment plans.

Evaluation of Outcomes and Quality of Pain Management: VA began to systematically measure outcomes and quality of pain management, including patient satisfaction measures. Across the nation, VA set up quarterly data collection to evaluate: Was the patient assessed for pain using a 0–10 scale? Was there intervention if pain was reported as 4 or more? Was there a plan for pain care? Was the intervention evaluated for effectiveness?

Research: VA expanded research on management of acute and chronic pain, emphasizing conditions that are most prevalent among veterans. Currently, there are nine pain research projects funded by VA. Research funded by the Health Services Research and Development Service focuses on identifying research priorities, providing scientific evidence for pain management protocols throughout VA and evaluating and monitoring the quality of care.

EDUCATION OF HEALTH CARE PROFESSIONALS

VA is assuring that clinical staff, such as physicians and nurses, have orientation and education on pain assessment and pain management. In collaboration with the Department of Defense and the community, VA is developing clinical guidelines for pain associated with surgery, cancer and chronic conditions.

Additionally, VA initiated an extensive education program for health care providers that includes orientation for new employees and professional trainees, four internet sessions on "pharmacotherapy of acute and chronic pain," satellite broadcasts and interactive sessions with VA health care facilities, guest lectures on topics like pain assessment and treatment of the demented, purchase and distribution of pain management videos, and a Web site "vaww.mst.lrn.va.gov/nmintranet/pain."

VA also focuses on pain management education for medical students and health care professional trainees through VA's affiliations with academic institutions. Among recent milestones:

The Robert Wood Johnson Foundation last year awarded VA a grant of $985,595 to help train physicians in end-of-life care, including pain management.

The VA Office of Academic Affiliations recently awarded additional funding to nine VA medical facilities to support graduate education residences in anesthesiology pain management, including VA medical centers in Milwaukee, Wis.; Durnham, N.C.; and Loma Linda, Calif. and the health care systems in North Texas, New Mexico, Puget Sound (Wash.), Palo Alto (Calif.), and North Florida-South Georgia.

NATIONAL PAIN MANAGEMENT STRATEGY

The complexity of chronic pain management is often beyond the expertise of a single practitioner, especially for veterans whose pain problems are complicated by such things as homelessness, post traumatic stress disorder and combat injuries. Additionally, pain management has been made an integral part of palliative and end-of-life care. The effective management of pain for all veterans cared for by VA requires a nationwide coordinated approach. To accomplish this, VA formed a team made up of representatives from an array of disciplines—anesthesiology, nursing, psychiatry, surgery, oncology, pharmacology, gerontology and neurology.

Funded by an unrestricted educational grant, VA is producing a Web-based physician education program aimed at end-of-life issues and an online forum for VA pain management in which more than 200 clinicians actively participate.

In December 2000, a pain management and end-of-life conference is scheduled to showcase innovation and effective practices within VA, address specialized topics with expert faculty and solve systematic problems that cause barriers to improving pain management care. Additionally, VA will set up programs to support clinicians in settings that are remote from pain experts, centers or clinics.

"Untreated or undertreated pain takes its toll not just in monetary loss but also in the psychosocial and physical cost to patients and their families. Pain can exacerbate feelings of distress, anxiety and depression. . . . When severe pain goes untreated and/or depression is present, some people may consider or attempt suicide. The message is clear: all those in pain have the right to systematic assessment and ongoing management of pain by health care professionals."—(The Journal of Care Management, November 1999)

ADDITIONAL STATEMENTS

IN MEMORIAM OF THE MEN AND WOMEN OF THE 14TH QUARTERMASTER DETACHMENT WHO LOST THEIR LIVES IN OPERATION DESERT STORM

• Mr. SANTORUM. Mr. President, I stand before you today to honor the tenth anniversary of a terrible tragedy that faced the men and women who serve in the United States Armed Forces. I speak about an attack carried out by Saddam Hussein that took the lives of brave men and women from the Commonwealth of Pennsylvania who were proudly serving their country as members of our armed services. We are indebted to those who made the ultimate sacrifice for our country during that conflict, and they will remain in our hearts and memories forever.

The 14th Quartermaster Detachment of Greensburg, PA, was mobilized and ordered to active duty on January 15, 1991 in support of the Persian Gulf crisis. On February 25, 1991, only days after the Desert Storm conflict began, the 14th Quartermaster Detachment suffered the greatest number of casualties of any allied unit during Operation Desert Storm. An Iraqi Scud missile destroyed the building where the unit was being housed, killing 28 soldiers and wounding 99. Of those casualties, 13 members of the 14th were killed and 43 were wounded. Desert Storm ended only hours after this tragedy.

To recognize the supreme sacrifice that these men and women undertook for our great nation, Major General Rodney D. Ruddock, Commander, 99th Regional Support Command, will hold an anniversary ceremony on February 25, 2001 to honor the 14th Quartermaster Detachment of Greensburg, PA. During this solemn event, we will honor, not only the men and women who lost their lives 10 years ago, but all the men and women who serve in the Armed Forces and selflessly put their lives on the line every day in order to preserve our nation's freedom. We, as Americans, will remain eternally grateful for the sacrifices and true courage that our men and women in uniform display on our behalf in serving this great nation.

It is at this time that I ask my Senate colleagues to join with me in honoring the members of the 14th Quartermaster Detachment.•

50TH BIRTHDAY OF THE GIRL SCOUTS OF CONESTOGA COUNCIL

• Mr. GRASSLEY. Mr. President, on the occasion of the 50th Birthday of the Girl Scouts of Conestoga Council, I would like to congratulate this fine organization.

Conestoga Council was formed in 1951 and presently serves nearly 4,000 girls in a twelve-county area in Northeast Iowa. The Council delivers traditional Girl Scout programming through troop meetings and activities, camp opportunities and educational learning. In addition, the Council supports eight in-school out reach programs for girls of diverse ethnic and cultural backgrounds. The Council has broadened its delivery approach by partnering with the Winnebago Council of Boy Scouts of America to offer day camp activities and experiences through Camp Quest to hundreds of children who would not otherwise have the opportunity to participate.

The Council continues to fulfill its mission of helping girls grow strong with the assistance of hundreds of volunteers throughout Eastern Iowa. Thousands of girls' lives have been touched and enriched through their experience with the Conestoga Council.

Again, I would like to express my congratulations to the Girl Scouts of Conestoga Council for reaching this milestone and I wish them all the best as they continue to serve girls in Northeast Iowa.•

TRIBUTE TO COLONEL PAUL W. ARCARI, U.S. AIR FORCE, RETIRED

• Mr. WARNER. Mr. President, I rise today to pay tribute to Colonel Paul Arcari, United States Air Force, Retired—in recognition of his distinguished service to his country.

For nearly 46 years, first for 30 years in the Air Force, and later for The Retired Officers Association, Colonel Arcari has worked tirelessly for the men and women of the military.

Born in Manchester, CT, he entered the Air Force as a second lieutenant in 1955 and earned his navigator wings the following year. He amassed 4,400 flying hours with the Military Airlift Command, including 418 combat missions in Southeast Asia in the late sixties.

In 1969 Colonel Arcari was assigned as legislative analyst in the Office of the Secretary of Defense and Headquarters, U.S. Air Force. During the next 17 years, including 13 years as Chief of the Air Force Entitlements Division, Colonel Arcari earned the reputation as the Department of Defense's preeminent authority on military compensation matters. In addition to helping craft the All-Volunteer Force pay table and the military Survivor Benefit Plan, his inputs to the Senate Armed Services Committee proved invaluable in crafting the Nunn-Warner compensation enhancements that assisted in turning around the retention and readiness crisis of the late 1970's and early 1980's. He retired from active duty in February 1985.

Following retirement, Colonel Arcari joined The Retired Officers Association and served as Deputy Director and since 1990 as Director of Government Relations.

Under Colonel Arcari's professional stewardship, The Retired Officers Association has played a vital role as the principal advocate of legislative initiatives to improve readiness and the quality of life for all members of the uniformed service community—active, reserve, and retired, as well as their families.

Colonel Arcari has worked closely with, and has been a valuable resource for, the Senate Armed Services Committee as we enacted a wide range of much-needed improvements for our military personnel. His efforts in the areas of military compensation, retirement benefits, health care and fair cost-of-living adjustments, COLA, for retired personnel and their families has been invaluable in improving long term retention of our armed forces. I am particularly gratified that during the past two years in which I have been privileged to serve as Chairman of the Senate Armed Services Committee I have been able to enact some of the most substantial quality-of-life enhancements for active, reserve, and retired service members and their families in decades. Colonel Arcari played an important role in this effort.

Colonel Arcari's long and unique career of leadership and personal dedication to fostering readiness by protecting every service member's welfare is an inspiration and a continuing lesson to all who care about our men and women of our military. My best wishes go with him. Colonel Arcari, I salute you on behalf of all the men and women, past and present, who wear the uniform.•

COAST GUARD CUTTER "WOODRUSH"

• Mr. MURKOWSKI. Mr. President, I rise today to honor the men and women who have served aboard the United States Coast Guard Cutter *Woodrush*, WLB 407, homeported in Sitka, in my own state of Alaska.

On March 2, 2001, the USCGC *Woodrush* will be decommissioned, departing for Baltimore, MD. There, she is to be transferred to the navy of the Republic of Ghana.

Although she is the youngest of the 39 seagoing buoy tenders constructed during World War II, the *Woodrush* has logged nearly 57 years of service to our nation.

She was built for less than $1 million in Duluth, Minnesota, and commissioned on September 22, 1944. For thirty-five years she sailed from Duluth, servicing aids to navigation, conducting search and rescue missions, and icebreaking on the Great Lakes.

In 1979, she began a major refit at the Coast Guard shipyard in Baltimore. She has been homeported in Sitka since leaving the shipyard in 1980.

Woodrush's primary mission has been keeping aids to navigation in good condition. Her crew maintained 165 shore lights and 69 buoys throughout the 2,000 square-mile Southeastern Alaska panhandle. The work of the *Woodrush* has been crucial to the safety of the thousands of tugboats, fishing vessels, ferries, pleasure boats and cruise ships that navigate those sometimes treacherous waters each year.

USCGC *Woodrush* also participated in several notable search and rescue missions. She was one of the first ships to arrive on the scene of the wreck of the *Edmond Fitzgerald* in 1975, when the ore freighter went down with all hands in a violent storm on Lake Superior. Her sonar located two large pieces of wreckage, and she served as a platform for the U.S. Navy's Controlled Underwater Recovery Vehicle, which found the sunken hull.

In 1980, *Woodrush* responded to the uncontrolled fire and eventual loss of the cruise ship *Princendam* off Graham Island, British Columbia. The efforts of *Woodrush* and her crew, as well as other rescue units, led to the successful rescue of all passengers and crew, with no loss of life.

In August 1993, *Woodrush* assisted the 248-foot cruise ship, M/V *Yorktown Clipper*, after it ran aground. *Woodrush* crewmembers helped control the flooding and ensured that all 130 passengers were taken safely off the vessel.

Not all of the crew's adventures were at sea. In the summer of 1994, personnel from *Woodrush* helped extinguish a dangerous fire in the small community of Tenakee, Alaska. Their efforts helped keep the fire from spreading out of control in the 30-knot winds.

Protection of the environment is yet another of the Coast Guard's many missions. Over the years, *Woodrush* has contributed in many ways, including service as one of the numerous Coast Guard vessels that responded to the 1989 *Exxon Valdez* oil spill in Prince William Sound. Each year, the *Woodrush* crew has trained to handle future accidents. It is reassuring to know that their skills have not been needed to date, but even more so to know they have been, like the Coast Guard's motto, "Always Ready."

During her 57 years of service, the *Woodrush* and her crew earned several awards, including the Meritorious Unit Commendation, the American Campaign Service Ribbon, the World War II Service Ribbon, and the National Defense Medal. *Woodrush* was a Bronze Winner of the Coast Guard Commandant's Quality Award in both 1997 and 1998 and, in 1997, she also won the Coast Guard Foundation's Admiral John B. Hayes Award. The Hayes Award honors the Pacific Area unit that best demonstrates the commitment to excellence and professionalism embodied in the traditions of the United States Coast Guard.

USCGC *Woodrush* will service her last aid to navigation on February 27. To all the men and women who have served as her crew, I extend my thanks and appreciation. Your faithful attention to duty—guiding mariners to safety, aiding citizens in distress, and defending all the interests of the United States will be remembered. You have truly been Semper Paratus.•

TRIBUTE TO LAURA STEPHAN

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laura Stephan of Merrimack, New Hampshire, for being honored with the "President's Award" from the Merrimack Chamber of Commerce.

Laura has served the citizens of Merrimack selflessly with enthusiasm and loyalty. Her demonstrated ability to continuously provide high quality assistance in all aspects of Chamber activities is commendable.

Laura is a graduate from the State University of New York in Albany with a Liberal Arts degree. She is the Treasurer of the State of New Hampshire Women's Council of Realtors and is an active member of the Nashua Chapter of the Women's Council of Realtors who has received the "Affiliate of the Year Award" from the Greater Nashua Board of Realtors.

Active in numerous community projects, Laura has served as the President of the American Stage Festival Theater Guild and as a member of its Board of Trustees. She is also an active member and committee chairperson for Merrimack Friends and Family.

Laura and her husband, Gary, reside in Merrimack. She is a passionate volunteer for the Humane Society of Nashua and is committed to promoting a better quality of life in the community.

Laura has enthusiastically provided dedicated service to her local community and to the people of New Hampshire. It is an honor to represent her in the U.S. Senate.•

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2. An act to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds.

H.R. 524. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

H.R. 544. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

H.R. 559. An act to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse."

The message also announced that the House passed the following bill, without amendment:

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

The message further announced the House agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 28. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 32. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 1505 of Public Law 99-498 (20 U.S.C. 4412), the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the Institute of American Indian Native Culture and Arts Development: Mr. YOUNG of Alaska and Mr. KILDEE of Michigan.

The message further announced that pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. REGULA of Ohio, Mr. SAM JOHNSON of Texas, and Mr. MATSUI of California.

The message also announced that pursuant to section 103 of Public Law 99-371 (20 U.S.C. 4303), the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2. An act to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds; to the Committee on Finance.

H.R. 524. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry; to the Committee on Commerce, Science and Transportation.

H.R. 554. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–632. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia ; Post Rate-of-Progress Plans, One-Hour Ozone Attainment Demonstrations and Attainment Date Extension for the Metropolitan Washington, D.C. Ozone Nonattainment Area; Correction” (FRL6943–9) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–633. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Correction” (FRL6941–1) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–634. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Uses of Certain Chemical Substances; Delay of Effective Date” (FRL6769–7) received on February 8, 2001; to the Committee on Environment and Public Works.

EC–635. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions to Visible Emissions Requirements COMAR 26.11.06.02” (FRL6916–6) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–636. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Source Review Regulations” (FRL6922–8) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–637. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program” (FRL6913–3) received on February 6 , 2001; to the Committee on Environment and Public Works.

EC–638. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Environmental Program Grants for Tribes , Final Rule: Delay of Effective Date” (FRL6943–5) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–639. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Uses of Certain Chemical Substances; Delay of Effective Date” (FRL6769–7) received on February 6, 2001; to the Committee on Environment and Public Works.

EC–640. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Guidance on Risk-Informed Decision Making in License Amendment Reviews” (RIS2001–02) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–641. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Zayante Bad-Winged Grasshopper” (RIN1018–AG28) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–642. A communication from the Acting Director of the Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Morro Shoulderband Snail” (RIN1018–AG27) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–643. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Threatened Status for Mountain Plover” (RIN1018–AF35) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–644. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arroyo Toad” (RIN1018–AG15) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–645. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Charlotte, NC)” (Docket No. 00–178) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbia City, Florida)” (Docket No. 97–252) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Implementation of Video Description of Video Programming, Report and Order” (Docket No. 99–339) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Implementation of Video Description of Video Programming” ((Docket No. 99-339)(FCC No. 01–7)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Review of the Commissions Regulations

Governing Attribution of Broadcast and Cable/MDS Interests, MM 94–150; Review of the Commission Regulations and Policies Affecting Investment In the Broadcast Industry, MM 92–51; Reexamination of the Commission's Cross-Interest Policy, MM 87–154" (FCC No. 00–438) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of Low Power Radio Service" (Docket No. 99–25) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50 .2–50.4 GHz and 51.4–71.0 GHz Bands" (Docket No. 99–261) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules With Regard to the 3650–3700 MHz Government Transfer Band" (Docket No. 98–237) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range" (Docket No. 98–206) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Update of Drug and Alcohol Procedural Rules (Section 610 Review)" (RIN2105–AC49) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Update of Drug and Alcohol Procedural Rules (Section 610 Review)" (RIN2105–AC49) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides for the Jewelry , Precious Metals and Industries, 16 C.F.R. Part 23" received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Amplifier Rule 16 C.F .R. Part 432" (RIN3084–AA81) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Premerger Notification ; Reporting and Waiting Period Requirements Interim Rules with Request for Comment" (RIN3084–AA23) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Indian Mountain, AK" ((RIN2120–AA66)(2001–0030)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades" ((RIN2115–AF17)(2001–0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–661. A communication from the Chief of the Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Numbering Resource Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96–98 and CC Docket No. 99–200, FCC 00–429" received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–662. A communication from the Deputy Chief of the Network Service Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations" (Docket No. 99–216) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–663. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hillsborogh River (CGD07–01–002)" (RIN2115–AE47) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–664. A communication from the Deputy Assistant Chief Counsel of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Power Brake Regulations: Freight Power Brake Revisions: Delay of Effective Date" (RIN2130–AB16) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–665. A communication from the Associate Bureau Chief of the Wireless Telecommunications Bureau, Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (Docket No. 94–102) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–666. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United National Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD41) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–667. A communication from the Trial Attorney for the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Locational Requirement for Dispatching of United States Rail Operations" (RIN2130–AB38) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. Helms):

S. 322. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 323. A bill to amend the Elementary and Secondary Education Act of 1965 to establish scholarships for inviting new scholars to participate in renewing education, and mentor teacher programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S. 324. A bill to amend the Gramm-Leach-Bliley Act, to prohibit the sale and purchase of the social security number of an individual by financial institutions, to include social security numbers in the definition of nonpublic personal information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. DeWine, Mr. Durbin, Mrs. Murray, and Mr. Thurmond):

S. 325. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. Bond, Mr. Kerry, Mr. Reed, Mr. Jeffords, Mr. Roberts, Mr. Levin, Mr. Hutchinson, Mrs. Murray, Mr. Enzi, Ms. Mikulski, Mr. Smith of New Hampshire, Mr. Santorum, Mr. Chafee, Mr. DeWine, Mr. Helms, Mrs. Hutchison, Mr. Specter, Mr. Murkowski, Ms. Snowe, Mr. Warner, Mr. Gregg, Mrs. Carnahan, Mr. Lugar, and Mr. Cochran):

S. 326. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas; to the Committee on Finance.

By Mr. REED (for himself, Mr. Cochran, Mr. Kennedy, Mr. Dodd, Mr. Bingaman, Mr. Wellstone, Mrs. Murray, Ms. Mikulski, Mrs. Clinton, Mr. Chafee, Mr. Rockefeller, Mr. Reid, Mr. Sarbanes, and Mr. Baucus):

S. 327. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. Kerry, Mr. McCain, Mr. Hollings, and Mr. Breaux):

S. 328. A bill to amend the Coastal Zone Management Act; read the first time.

By Mr. AKAKA (for himself, Mr. Inouye, and Mr. Graham):

S. 329. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 330. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. Kerry, and Ms. Mikulski):

S. 331. A bill to amend the Internal Revenue Code of 1986 to incorporate certain provisions of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. Reid):

S. 332. A bill to provide for a study of anesthesia services furnished under the medicare program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Roberts, Mr. McConnell, and Mr. Burns):

S. 333. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. Wyden, Mr. Sessions, and Mr. Warner):

S. 334. A bill to provide for a Rural Education Initiative; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for himself, Mr. Graham, Mr. Bunning, Mr. DeWine, Mr. Warner, and Mr. Lugar):

S. 335. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses, and for other purposes; to the Committee on Finance.

By Mr. BOND:

S. 336. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Finance.

By Mr. DOMENICI:

S. 337. A bill to amend the Elementary and Secondary Education Act of 1965 to assist State and local educational agencies in establishing teacher recruitment centers, teacher internship programs, and mobile professional development teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. Reid):

S. 338. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. Frist, Mr. Sessions, Mr. Breaux, Ms. Landrieu, and Mr. Bayh):

S. 339. A bill to provide for improved educational opportunities in rural schools and districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mrs. Boxer, Mr. Santorum, Mr. Murkowski, Mr. Cochran, Mr. Johnson, Mrs. Murray, Mr. Fitzgerald, Mr. Schumer, Mr. Harkin, Mr. Reed, Mr. Sarbanes, Mr. Thomas, Mr. Lugar, Mr. Lieberman, Ms. Snowe, Mr. Biden, Mr. Byrd, Mr. Shelby, Mr. Inouye, Mr. Durbin, Mr. Jeffords, Mr. Gregg, Ms. Mikulski, Mr. Smith of New Hampshire, Mrs. Feinstein, Mr. Kennedy, Mr. Cleland, Mr. Kerry, Mr. Dodd, Mr. Graham, Mr. Torricelli, Mr. Inhofe, Mr. Rockefeller, Mr. Warner, Mr. Levin, Mr. DeWine, Mr. Bingaman, Mr. Bennett, Mr. Kohl, Mr. Stevens, Mr. Domenici, Mr. Thompson, Mr. Grassley, Mr. Smith of Oregon, Mr. Sessions, Mr. Hagel, Mr. Enzi, Mr. Breaux, Mr. Edwards, Mr. Corzine, Mrs. Hutchison, and Mr. Reid):

S. Res. 20. A resolution designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Leahy, Mr. Lott, and Mr. Lieberman):

S. Res. 21. A resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. HUTCHINSON (for himself, Mr. Wellstone, Mr. Helms, Mr. Torricelli, Ms. Collins, Mr. Dayton, Mr. Smith of New Hampshire, Mr. Kyl, Mr. Specter, Mr. Feingold, Mr. Harkin, and Mr. Santorum):

S. Res. 22. A resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes; to the Committee on Foreign Relations.

By Mr. CLELAND (for himself, Mr. Miller, and Mr. Hollings):

S. Res. 23. A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. Hutchinson, Mr. Domenici, Mr. Voinovich, and Mr. Cochran):

S. Res. 24. A resolution honoring the contributions of Catholic schools; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. Craig, Mr. Bingaman, and Mr. Crapo):

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. Frist, Mr. Kennedy, Mr . Santorum, Mr. Specter, Mr. Dorgan, Ms. Mikulski, Mr. DeWine, Mr. Hagel, Mr. Kerry, Ms. Collins, Mrs. Feinstein, Mr. Wellstone, Mr. Levin, Mr. Biden, Mr. Cleland, Mr. Feingold, Mr. Enzi, Ms. Landrieu, Mr. Rockefeller, Mr. Inouye, Mr. Torricelli, Mr. Graham, Mr. Reid, Mrs. Clinton, Mr. Dodd, Mr. Breaux, Mr. Kohl, and Mrs. Lincoln):

S. Con. Res. 12. A concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day; considered and agreed to.

By Mr. DEWINE (for himself, Mr. Helms, Mr. Dodd, Mr. McCain, Mr. Lott, Ms. Landrieu, Mr. Grassley, Mr. Breaux, Mr. Chafee, Mr. Voinovich, and Mr. Leahy):

S. Con. Res. 13. A concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with the newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico; considered and agreed to.

By Mr. CAMPBELL (for himself and Mr. Kohl):

S. Con. Res. 14. A concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. Helms):

S. 322. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the no net loss of private lands bill. This legislation has to do with acquisition of lands by the Federal Government, particularly lands to be acquired by the Federal Government in the West. This is a commonsense proposal, I believe, to Federal land acquisitions in public land States of the West.

The Federal Government continues to acquire large amounts of land throughout the Nation. In many instances, it is justified. There are many reasons why land should be acquired, but there does become a question of how much land in any given State will belong to the Federal Government.

In almost every State, officials and concerned citizens are saying we need to address this question of public land needs before we continue to increase the holdings of the Federal Government. The Federal Government is not always the best neighbor of the people in the West, largely because so much land in our States—in my State, 50 percent of the State—belongs to the Federal Government. Even though everyone wants to protect the lands, and that is an obligation we all have, we also have an opportunity for the most part to use these lands in multiple use. We should be able to have both access for hunting, fishing, grazing, for visitation and camping, and use the lands for other economic activity in such a way that we can protect the environment.

What we have run into from time to time is the effort to lock up the public lands and restrict access. We find this happening in a number of ways, including excessive emphasis on roads, where people cannot have access to the lands they occupy.

Interestingly enough, we hear from all kinds of people. Often they say it is the oil companies. As a matter of fact, it is often disabled veterans. For example, they say they would like to go into the back country and get into some of the public lands, but if we don't have highway access for doing that, it is impossible.

This setting aside and this decisionmaking that comes from the top down creates great hardships for many local communities, destroys jobs, and depresses the economy in many places around the West. As we provide funds—and there is always a proposition to provide automatic funding for acquisition—it threatens the culture, it threatens the economics of many of our States and local governments, and the rights of individual property owners throughout the Nation. Even this proposed language would put constraints on mandatory spending and Federal land acquisition. If we don't do that, we will see it increasing at a faster and faster pace.

How does it work? The bill limits the amount of private land the Federal Government acquires in States where 25 percent or more now belongs to the Federal Government. When a Federal Government has reason, and they will have reasons to purchase 100 acres or more, it will require disposing of an equal value of amount away from Federal ownership. If there is 40-percent Federal ownership in your State, and there were good reasons to acquire more, there would have to be an exchange of lands so the 40-percent factor continues.

Fifty percent of Wyoming and much of the West is already owned by the Federal Government. Many people throughout the country don't realize that. They know about Yellowstone Park. But much of the State was left in Federal ownership when the homestead proposition was completed and these lands were never really set aside for value of the land. They were just there when this homestead stopped. They came under Federal ownership, not because of any particular reason but because that is the way it was at that time.

I think it is time for the Federal Government to make a move to protect private property owners and use restraint in terms of land acquisition. The no net loss of private lands acquisition bill will provide that discipline. As I mentioned, this amendment does not limit the ability to acquire pristine or special areas in the future, areas that have a particular use and that use should be under Federal ownership. They can continue to acquire more land in many areas. But in order to do that, as I mentioned, there would have to be some trading.

Regarding the Federal land ownership pattern, I suppose many people expected more, but in Alaska almost 68 percent of the State belongs to the Federal Government. Even in Arizona, as highly populated as it is, almost half, 47 percent, is Federally owned. In Colorado, it is 36 percent; in Idaho, 61 percent of the State is in Federal ownership; the number in Montana is 28 percent, and Nevada is 83 percent federally owned. Really, you could make a case that much of this land could be better managed by local or State governments or if it were in the private sector. In New Mexico, the percentage of Federal land ownership is 33 percent; Oregon, 52; Utah, 64; Washington, 29; and Wyoming, 49 percent.

So we are talking about providing an opportunity for the Federal Government to continue to acquire those lands if there is good reason to do that, but to recognize the impact that it does have on private ownership, on the economy, and on the culture of the states. We have some offsets.

In our State, we have 23 counties. They are quite different, but in some of those counties—for instance, my home county, Ark County, Cody, WY, which is right outside of Yellowstone Park—82 percent of that county belongs to the Federal Government. In Teton County, next to Yellowstone, it is 96 percent. Four percent of Teton's land is in non-Federal ownership.

I think this is a reasonable thing to do. It certainly does not preclude the acquisition of lands the Federal Government has a good reason to acquire. It simply says if you want to acquire some, let's take a look at the other 50 percent that you already own of the State and see if we can't dispose of something in equal value.

By Mr. SHELBY:

S. 324. A bill to amend the Gramm-Leach-Bliley Act, to prohibit the sale and purchase of the social security number of an individual by financial institutions, to include social security numbers in the definition of nonpublic personal information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the Social Security Privacy Act of 2001. This legislation would prohibit the sale and purchase of an individual's Social Security number by financial institutions and include Social Security numbers as "nonpublic personal information" thereby subjecting the sharing of Social Security numbers to the privacy protections of the Gramm-Leach-Bliley Act.

I believe Congress has a duty to stop Social Security numbers from being bought and sold like some common commodity. While the Social Security number was created by the federal government to track workers' earnings and eligibility for Social Security benefits, we all recognize that it has become something much more than that. The number is now the key to just about all the personal information concerning an individual.

There was never any intention or consideration for financial institutions to use a person's social security number as a universal access number. Such easy access and extreme availability of personal information leads to adverse consequences including fraud, abuse, identity theft and in the most extreme cases—staking and death.

While Congress waits to act, the number of incidents involving identity theft are rapidly increasing. In fact, last year the Washington Post, reported that "ID Theft Becoming Public Fear No. 1." The New York Times noted that, "Law enforcement authorities are becoming increasingly worried about a sudden, sharp rise in the incidence of identity theft, the outright pilfering of peoples personal information for use in obtaining credit cards, loans and other goods."

Not only is identity theft happening more often, recent events confirm that no one is immune from this problem. Just last month, a California man was convicted of using Tiger Woods' Social Security number to obtain credit cards that he used to run up more than $17,000 in charges in Mr. Woods' name.

Identity theft can affect anyone. It is extremely serious. It costs our economy hundreds of millions of dollars each year. Once it occurs, it is very difficult for the victim to restore his or her good name and credit rating. The incidences of identity theft are growing at an ever increasing pace.

Now, how does identity theft relate to the average financial institution? In 1999, a reputable Fortune 500 company, U.S. Bancorp, legally sold account information—including Social Security numbers—of one million of its customers to MemberWorks, a telemarketer of membership programs that offer discounts on such things as travel to health care services. Now some may believe we stopped such activity by including a provision, Section 502 (d), in the Gramm-Leach-Bliley Act limiting the ability of institutions to share account information with telemarketers.

That provision, however, does not stop a financial institution from buying and selling individual Social Security numbers. Indeed, it is even legal to sell individual's birth date, and mother's maiden name. If you have those three things, you have the keys to the kingdom—not to mention any and every account that individual has.

The evolution of technology is making the collection, aggregation, and dissemination of vast amounts of personal information easier and cheaper. The longer we wait to act on this very important issue—an issue that is supported by a vast majority of Americans—the more the American people lose confidence in the U.S. Congress and out ability to lead.

This legislation would basically prohibit the sale and purchase of an individual's Social Security number. I do not know anyone in this country that believes financial institutions should be making a profit by trafficking individual's Social Security numbers. While financial institutions have used the Social Security number as an identifier, the sale and purchase of these numbers facilitates criminal activity and can result in significant invasions of individual privacy.

In addition, my legislation would include Social Security numbers as "nonpublic personal information" for the purpose of the Gramm-Leach-Bliley Act, thereby subjecting the sharing of Social Security numbers to the privacy protections in that Act. Current regulations say that Social Security numbers are not considered nonpublic personal information if the number is "publicly available," as in bankruptcy filings, etc.

I just cannot find a reason as to why Congress should aid and abet criminals in attaining individual Social Security numbers by having a law on the books that treats Social Security numbers as "public information." Indeed, no American would agree the public good is being served by making their personal Social Security number available for anyone who wants to see it.

For those of you who are concerned that this legislation would hinder a financial holding company from sharing information among its affiliates, fear not. This legislation does not limit a financial institution's ability to share an individual's Social Security number among affiliates in any way.

I hope my colleagues will join me in protecting the Social Security numbers.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. DURBIN, Mrs. MURRAY, and Mr. THURMOND):

S. 325. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRIST. Mr. President, I am pleased today to introduce the Gift of Life Congressional Medal Act of 2001. This legislation, which does not cost taxpayers a penny, will recognize the thousands of individuals each year who share the gift of life through organ donation. Moreover, it will encourage potential donors and enhance public awareness of the importance of organ donation to the over 74,000 Americans waiting for a transplant.

In 1999, there were almost 22,000 transplants—a large increase over the roughly 13,000 transplants performed ten years ago. However, the demand for transplants has skyrocketed, more than tripling in the past ten years.

As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors, and more and more patients waiting for an organ transplant die each year before they can receive an organ. More than 6000 patients died in 1999 before they could receive a transplant. Since 1988, more than 38,000 patients have died because of the lack of organ donors. There are simply not enough organ donors; public awareness has not kept up with the rapid advances of transplantation. It is our duty to do all we can to raise awareness about the gift of life.

Last fall, the Department of Health and Human Services announced an increase of nearly 4 percent in organ donation levels. While I was pleased to see this news, this is only a small step towards addressing our nation's organ shortage. Much more remains to be done.

The Gift of Life Congressional Medal Act will make each donor or donor family eligible to receive a commemorative Congressional medal. This creates a tremendous opportunity to honor those sharing life through donation and increase public awareness of this issue.

Recent years have witnessed a tremendous coalescing on both sides of the aisle around the importance of awakening public compassion and awareness of those needing organ transplants. I appreciate the growing support for this issue and look forward to working with my colleagues to encourage people to give life to others.

By Ms. COLLINS (for herself, Mr. BOND, Mr. KERRY, Mr. REED, Mr. JEFFORDS, Mr. ROBERTS, Mr. LEVIN, Mr. HUTCHINSON, Mrs. MURRAY, Mr. ENZI, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. CHAFEE, Mr. DEWINE, Mr. HELMS, Mrs. HUTCHISON, Mr. SPECTER, Mr. MURKOWSKI, Ms. SNOWE, Mr. WARNER, Mr. GREGG, Mrs. CARNAHAN, Mr. LUGAR, and Mr. COCHRAN):

S. 326. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with Senators BOND, REED, JEFFORDS, KERRY, ROBERTS, MURRAY, HUTCHINSON, LEVIN, ENZI, MIKULSKI, SANTORUM, HUTCHISON, CHAFEE, DEWINE, HELMS, SPECTER, MURKOWSKI, WARNER, BOB SMITH, LUGAR, SNOWE, and others in introducing the Home Care Stability Act of 2001 to eliminate the automatic 15 percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1, 2002. The legislation we are introducing this morning will also extend the temporary 10 percent add-on payment for home health patients in rural areas to ensure that these patients continue to have access to care.

Health care has gone full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of older Americans who are chronically ill or disabled in some way continues to grow each year.

Concerns about how to care effectively and compassionately for these individuals will only multiply as our population ages and as it is at greater risk for chronic disease and disability.

As a consequence, home health care has become an increasingly important part of our health care system. The kind of highly skilled and often technically complex services that our Nation's home health agencies provide have enabled millions of our most frail and vulnerable senior citizens to avoid hospitals and nursing homes and to receive the care they need just where they want to be: in the security, privacy, and comfort of their own homes.

By the late 1990s, home health care was the fastest growing component of Medicare spending. The program was growing at an average annual rate of 25 percent. For this reason, Congress and the administration, as part of the Balanced Budget Act of 1997, initiated changes that were intended to slow the growth in spending and make the program more cost-effective and efficient.

These measures, however, have unfortunately produced cuts in home health care spending that were far, far beyond what Congress ever intended. According to preliminary estimates by the CBO, home health care spending dropped to $9.2 billion last year, half the amount that was being spent just 3 years earlier, in 1997.

On the horizon is yet an additional 15-percent cut that would put many of our already struggling home health agencies at risk and which would seriously jeopardize access to critical home health services for millions of our Nation's seniors.

It is now crystal clear that the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far exceeded. The most recent CBO projections show that the post-Balanced Budget Act reductions in home health will be about $69 billion between fiscal years 1998 and 2002. That is more than four times the $16 billion the CBO originally estimated for that time period, and it is a clear indication that the Medicare home health cutbacks have been far deeper and far more wide-reaching than Congress ever intended.

As a consequence, we have home health agencies across the country that are experiencing acute financial difficulties and cashflow problems. These financial difficulties are inhibiting their ability to deliver much needed care. Approximately 3,300 home health agencies have either closed or stopped serving Medicare patients nationwide—3,300, Mr. President. That is how deep these cuts were.

Moreover, the Health Care Financing Administration estimates that 900,000 fewer home health patients received services in 1999 than in 1997. This points to the most central and important consequence of these cuts. The fact is that cuts of this magnitude simply cannot be sustained without adversely affecting the quality and availability of patient care.

The effects of these regulations and cuts have been particularly devastating in my home State of Maine. The number of home health patients in Maine dropped from almost 49,000 to 37,545. That is a change of 23 percent. This means there are 11,000 senior citizens or disabled citizens in Maine who are no longer receiving home health services.

What has happened to those 11,000 individuals? I have talked with patients, and I have talked with home health nurses throughout the State of Maine, and I found that many of these patients have ended up going into nursing homes prematurely. Others have been repeatedly hospitalized with problems that could have been avoided had they been continuing to receive their home health benefits. Still others are trying to pay for the care themselves, often on very limited means. And yet others are going without care altogether.

A home health nurse in Saco, ME, told me of a patient who she believes ultimately died because she lost her home health benefits. She lost those nurses coming to check on her condition. The result was that she developed an infection that the home health nurse undoubtedly would have caught. The result was a tragedy in this case.

We have seen a 40-percent drop in the number of visits in the State of Maine and a 31-percent cut in Medicare reimbursements to home health agencies.

Keep in mind that Maine's home health agencies have historically been very prudent in their use of resources. They were low cost to begin with. The problem is, when you have cuts of these magnitudes imposed on agencies that are already low-cost providers, they simply cannot sustain the cuts and continue to deliver the services that our seniors need.

The real losers in this situation are our Nation's seniors, particularly those sicker Medicare patients with complex care needs who are already experiencing difficulty in getting the home care services they deserve.

I am very concerned that additional deep cuts are already on the horizon. As I mentioned, on October 1, 2002, an additional automatic 15-percent cut is scheduled to go into effect. We need to act.

Last year we passed legislation, the Medicare, Medicaid, and S-CHIP Benefits Improvement and Protection Act, which did provide a small measure of relief to our Nation's struggling home health agencies. It did, for example, delay by another year the 15-percent cut I have discussed this morning, but I do not think that goes far enough. The automatic reduction should be eliminated completely. We do not need it to achieve the savings estimated by the Balanced Budget Act. Those have already been far surpassed, and the implications for health care for some of our most frail and ill senior citizens are enormous.

The fact is, an additional 15-percent cut in Medicare home health payments would ring the death knell for those low-cost agencies which are currently struggling to hang on, and it would further reduce our seniors' access to critical home care services.

This is the fourth year we have fought this battle. To simply keep delaying this cut by yet another year is to leave a sword of Damocles hanging over our home health system. It makes it very difficult for our home health agencies to plan how they are going to serve their Medicare patients in the future. It encourages them to turn away patients who are going to be very expensive to care for, and it forces us to spend valuable time, energy, and resources fighting for repeal every single year—time and resources that would far better be spent ensuring the success of the Medicare home health prospective payments system.

The legislation we are introducing today would once and for all eliminate the automatic cut. It would also make permanent the temporary 10-percent add-on for home health services furnished patients in rural areas. That was included in the legislation last year. We would make it permanent.

As the Presiding Officer well knows, it is sometimes very expensive for home health agencies to deliver services to rural patients. They have to travel long distances, and it takes a long time to reach those patients. That all adds to the cost. In fact, surveys show that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time required, higher transportation expenses, and other factors.

This provision will ensure that our seniors living in rural areas continue to have access to critical high-quality home health services.

Mr. President, the Home Health Care Stability Act will provide a needed measure of relief and certainty for cost-efficient home health agencies across the country that are experiencing acute financial problems that are inhibiting their ability to deliver much needed care, particularly to chronically ill Medicare patients with complex care needs. I urge all of my colleagues to join us in cosponsoring this important legislation.

Let's get the job done once and for all this year. Let's repeal that 15-percent cut that otherwise would go into effect. Let's remove that uncertainty that is hanging over our home health agencies, and let's recommit ourselves to providing quality home health care benefits to our seniors and our disabled citizens.

Mr. BOND. Mr. President, I rise today to join with my colleague from Maine, Senator COLLINS, to introduce legislation that addresses the ongoing crisis in home health care. Twenty-two of our colleagues join with us today to offer the Home Health Payment Fairness Act to deal with this crisis and to try to ensure that seniors and disabled Americans have appropriate access to high-quality home health care.

Home health care is an important part of Medicare in which seniors and the disabled can get basic nursing and therapy care in their home, if their health or physical condition makes it almost impossible to leave home. Often home health is an alternative to more expensive services that may be provided in a hospital or a skilled nursing facility—and thus is a cost-effective way to provide needed care.

It is convenient, but much more importantly, patients love it. They love it because home health care is the key to fulfilling what is virtually a universal desire among seniors and those with disabilities—to remain independent and within the comfort of their own homes despite their health problems.

Yet we have a crisis in home health—too many seniors who could and should be receiving home health are not getting it. They may be suffering, in their home, without getting the health care they need. Or, they may be getting care, but only because they have been forced into a nursing home rather than being able to stay in the comfort and the dignity of their home. Either way, they are not getting the most appropriate care—and this is tragic.

As with so many other problems with Medicare in the last few years, the problem comes from two sources—the Balanced Budget Act, and the Health Care Financing Administration.

We all know the basic story by now—in an effort to balance the budget, Congress in the BBA tried to cut the growth in Medicare spending. Yet the real-world results went much further than we intended—partially because of things beyond anyone's control, but largely due to faulty implementation and the excessive regulatory zeal of HCFA. As the cuts and regulation went out-of-control, health care providers struggled to survive, but many were forced to close entirely or to stop serving Medicare. This harmed patients because they lost care options that had been available previously.

This basic storyline applies to patients and providers in all parts of Medicare—hospitals, nursing homes, home health care—everyone. But there are two things that distinguish the home health crisis from all of the other problems that stem from the Balanced Budget Act.

First and most importantly, no other group of Medicare patients and providers have endured as many difficulties. This is a big claim, given the many horror stories we've heard about the Balanced Budget Act. But absolutely nobody has suffered like home health patients and home health agencies. The numbers don't lie.

Two years after the Balanced Budget Act, almost 900,000 fewer seniors and disabled Americans were receiving home health care than previously. That's upwards of a million patients—one of every four who had been receiving home health—who simply disappeared from the world of home care. Unfortunately, the explanation is not a miraculous improvement in the health of our nation's seniors that drastically reduced the need for home health care. No, almost one million fewer people were receiving home care because the help just wasn't available.

This is partly because more than 3,300 of the nation's 10,000 home health agencies have either gone out-of-business, or have stopped serving Medicare patients. That's one-third of the home health providers—gone. Can you imagine the outrage we would have in this country if one-third of the hospitals simply disappeared?

In some areas, this hasn't been a major problem because there were other local home health agencies to pick up the slack. But in many parts of America—particularly in rural America—this has led to a serious problem of getting access to care.

In one sense, what's bad for the patient is good for the budget. Medicare home health spending has actually gone down for three straight years—dropping by 46 percent from 1997 and 2000. In Medicare, these types of cuts in spending are absolutely unprecedented. No other type of health care service in Medicare has ever seen drastic cuts like this. Remember, our goal in the Balanced Budget Act was to slow down the growth of the program, not to slash almost half of the spending out of vital services like home health care. In 1997, we envisioned $16 billion in savings from home health over five years—but the most recent estimates show that we are on target to get $69 billion in savings, more then four times the target figure. This is not how anybody wanted to balance the federal budget.

No State has been spared this crisis, but the seniors and the disabled in my home state of Missouri have been particularly hard-hit. 27,000 fewer patients are receiving home care than before—that's a drop of 30 percent. And while Missouri had 300 home health agencies when the Balanced Budget Act passed, we now have just 161. That's almost 140 health care providers that Missourians need—but that are now gone.

All of this points to the fact that the breadth and the depth of the post-Balanced Budget Act problems are undeniably worse in home health care than any other part of Medicare. That's the first thing that distinguishes home care from other struggling Medicare providers.

The second thing that is unique about home health—the biggest cuts may be yet to come.

While hospitals, nursing homes, hospice programs, and other Medicare providers still face some additional Balanced Budget Act cuts, most of the BBA provisions have already either taken effect or been erased by the two "Medicare giveback" bills we have passed into law.

But home health care patients and providers still have the largest BBA cut of all staring them in the face—the 15-percent across-the-board home health cuts that are now scheduled for October of 2002. That's a 15-percent cut on top of everything else that has happened thus far—on top of the loss of 900,000 patients, on top of the loss of 3,000-plus home health agencies, and on top of the loss of almost half of Medicare home health spending.

I do not believe this should happen, and I actually don't know of anybody who believes the 15-percent home health cuts should go into effect. That's why Congress has already delayed the 15-percent cuts three separate times.

To impose these cuts, given all that home health care has been through, would be adding insult to injury. It would risk putting thousands more home health agencies out-of-business, perhaps risking the care for a million more patients.

Today, Senator COLLINS and I propose to fix this once and for all—no more mere delays, no more half-measures. The key provision in the Home Health Payment Fairness Act would permanently eliminate these 15-percent cuts. This will be expensive—probably more than $10 billion over 10 years. I don't think anybody in Congress wants to drop the guillotine on home health by imposing these cuts—that's what the three delays have shown. We need to just bite the bullet and get rid of them once and for all.

The one additional key provision in our bill would make permanent the 10-percent bonus payments that we are about to start giving rural home health agencies. These new rural payments recognize that, historically, rural patients have been more expensive due to the added transportation and labor costs incurred as home health nurses travel longer distances between visits. The second Medicare "giveback" bill that Congress just passed into law in December authorized these bonus payments for the first time—but only for a two-year period. The reasons that rural patients cost more are going to last for more than two years—we believe the added rural payments should as well.

This policy change will provide desperately-needed assistance to help home health care in rural America—which, as I mentioned earlier, has been much harder hit by the home health crisis. These added payments would be similar to the 10-percent incentive bonus Medicare currently pays to doctors in rural areas, and would serve the same purpose as the various Medicare mechanisms we have to protect rural hospitals. The rural incentives for doctors and hospitals are part of permanent law; the rural incentives for home health should be too.

Home health care has been through enough. Our Nation's dedicated home health providers—and you know they are dedicated if they have stuck with it through the difficulties of the last few years—deserve to be left alone and given a rest. They deserve to be left alone to recover from the post-Balanced Budget Act chaos. They deserve to be left alone in order to adjust to a brand new home health payment system that Medicare put into place a few months ago—a new payment system specifically designed to reduce overuse of service in a much more intelligent and appropriate way than arbitrary cuts like those that are scheduled. And they deserve to be left alone to focus on providing high-quality care to Medicare patients. The seniors and disabled Americans who rely on home health for their health care, and for their independence, deserve no less.

Mr. ALLARD. I thank the Senator from Missouri for his leadership on home health care. I agree with him. It does save money for the patient, and we want to encourage it as far as health care is concerned.

Mr. REED. Mr. President, I rise today to join the chorus of support for the Home Health Payment Fairness Act. The intent of this important legislation is two-fold—first, eliminate the impending 15 percent reduction in home health payments scheduled to take effect in October 2002, and second, restore a modicum of stability and predictability to the home health funding stream after years of volatility and turmoil. I was pleased to introduce similar language with Senator COLLINS last Congress; I am pleased to do so again.

Over the past several years, Congress has worked to address the unintended consequences of the 1997 Balanced Budget Act, BBA. Specifically, we have sought to alleviate the tremendous financial burdens that have been borne by the home health industry and the patients who rely on these agencies for care. Since the enactment of the BBA, there has been a remarkable 48 percent decline in Medicare home health expenditures. Moreover, across the nation, home health agencies have been forced to cut back on services, and in some cases, close their doors forever. As a result, vulnerable and frail Medicare beneficiaries are being deprived of medically needed health services that enable these populations to receive care while remaining in the comfort of their homes and communities.

While we have been able to correct for a number of the problems, one issue we have yet to resolve affirmatively is the impending 15 percent for home health services. This reduction, which was originally scheduled to take effect in October 2000, has been delayed since 2002. While this delay is certainly significant, we can and must do more to restore predictability to the home health reimbursement system. We must see to it that the 15 percent cut is eliminated—and I hope we can achieve that goal this year.

As we have already seen, reductions of this magnitude are all too often shouldered by small, nonprofit home health agencies and the elderly and disabled beneficiaries they serve. Home health care agencies in my home state of Rhode Island have been especially hard hit by these changes. We have seen a significant decline in the number of beneficiaries served and access to care for more medically complex patients threatened by these cuts. These reductions have clearly had negative impact on patients who heavily rely on home health services.

Nationally, between 1997 and 1998, the number of Medicare beneficiaries receiving home health services has fallen 14 percent, while the total number of home health visits has fallen by 40 percent. We have seen a similar trend in Rhode Island, where over 3,000 fewer beneficiaries are receiving home health care—representing a decline of 16 percent—and the total number of visits has fallen 38 percent. These individuals are either being forced to turn to more expensive alternatives, such as institutional-based nursing homes and skilled nursing facilities for their care, or these individuals are simply going without care, which places an immeasurable burden on the family and friends of vulnerable beneficiaries.

I truly do not believe this is the path we want to remain on when it comes to home health care. In light of the impending "senior boom" that will be hitting our entitlement programs in a few short years, we should be doing all we can to preserve and strengthen the Medicare home health benefit. We can begin to do so by eliminating the 15 percent reduction in home health payments. By taking this step, we will alleviate an enormous burden that has been looming over financially strapped home health agencies as well as the frail and vulnerable Medicare beneficiaries who rely on these critical services.

I urge my colleagues to join us in supporting this critical legislation, and I look forward to working with Senator COLLINS and my other colleagues on the home health issue this Congress.

By Mr. REED (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. DODD, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, Ms. MIKULSKI, Mrs. CLINTON, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. REID, Mr. SARBANES, and Mr. BAUCUS):

S. 327. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce bipartisan legislation to support and strengthen America's school libraries.

Research shows that well-equipped and well-staffed school libraries are essential to promoting literacy, learning, and achievement. Indeed, recent studies in Colorado, Pennsylvania, and Alaska reveal that a strong library media program, consisting of a well-stocked school library staffed by a trained, school-library media specialist, helps students learn more and score higher on standardized tests than their peers in library-impoverished schools. These findings echo earlier studies conducted in the 1990s, which found that students in schools with well-equipped libraries and professional library specialists performed better on achievement tests for reading comprehension and basic research skills.

Mr. President, with our ever-changing global economy, access to information and the skills to use it are vital to ensuring that young Americans are competitive and informed citizens of the world. That is why the school library is so important in supplementing what is learned in the classroom; promoting better learning, including reading, research, library use, and electronic database skills; and providing the foundation for independent learning that allows students to achieve throughout their educational careers and their lives.

While the promise of a well-equipped school library to promote literacy, learning, and achievement is boundless, and its importance greater than ever, the condition of libraries today does not live up to that potential. As Linda Wood, a school-library media specialist from South Kingstown High School in Rhode Island, noted during a Health, Education, Labor, and Pensions Committee hearing two years ago, school library collections are outdated and sparse.

Many schools across the nation are dependent on books purchased in the mid-1960s with dedicated funding provided under the original Elementary and Secondary Education Act (ESEA) of 1965. Many of the books still on school library shelves today were purchased with this funding and have not been replaced since 1981, when this dedicated funding was folded into what is now the Title VI block grant. As a result, many books in our school libraries predate the landing of manned spacecraft on the moon, the breakup of the Soviet Union, the end of Apartheid, the Internet, and advances in DNA research.

Mr. President, over the past several months I have received over one hundred books pulled from library shelves across the country which further illustrate the sad state of school libraries today. I would like to cite just a few examples.

A book entitled Rockets Into Space, copyright 1959, informs students that "there is a way to get to the moon and even distant planets, [but the trip must] be made in two stages. The first stage would be from earth to a space station. The second stage would be from the space station to the moon. It would cost a lot of money to buy a ticket to the moon." This book was checked out of a Los Angeles school library 13 times since 1995.

Further, a book found on a Rhode Island school library shelf, entitled Studying the Middle East in Elementary and Secondary Schools, copyright 1968, contains the following information: "UNDERSTANDING SOME CHARACTERISTICS OF THE ARABS—

It is difficult to generalize about any group of people and yet there are some characteristics which seem predominant and helpful in understanding the Arabs." Needless to say, the book then proceeds to describe characteristics of Arab people in derogatory terms.

And finally, a book entitled Colonial Life in America, copyright 1962, found on a shelf in a Philadelphia school library, informs the student that life on "a large plantation in the South was like a village. Slave families had their own cabins." This book describes southern plantation life as idyllic, without reference to the harshness and injustice of life as a slave.

As you can see, in a rapidly changing world, our students are placed at a major disadvantage if the only scientific, geographical, and historical materials they have access to are outdated and inaccurate. The reason for this sad state of affairs is the loss of targeted, national funding for school libraries.

In sum, school library funding is grossly inadequate to the task of improving and supplementing collections. Library spending per student today is a small fraction of the cost of a new book. Indeed, while the average school library book costs $16, the average spending per student for books is approximately $6.75 in elementary schools; $7.30 in middle schools; and $6.25 in high schools. Consequently, many schools cannot remove outdated books from their shelves because there is no money to replace these books.

My home state of Rhode Island is working on an innovative effort to ensure that students gain access to materials not available in their own school libraries. RILINK, the Rhode Island Library Information Network for Kids, gives students and teachers 24-hour Internet access to a statewide catalog of school library holdings, complete with information about the book's status on the shelf. RILINK also allows for on-line request of materials via interlibrary loan, with rapid delivery through a statewide courier system, and provides links from book information records to related Internet research sites, allowing a single book request to serve as a point of departure for a galaxy of information sources.

Unfortunately, such innovations, which could benefit schoolchildren across the nation, cannot be expanded without adequate library funding. Indeed, the only federal funding that is currently available to school libraries is the Title VI block grant, which allows expenditure for school library and instructional materials as one of nine choices for local uses of funds. Since 1981, states have chosen other needs above school library books and technology. Sadly, districts only spend an estimated 17 percent of funds on school library and instructional materials. This amount is wholly insufficient to replace outdated books in both our classrooms and school libraries, and this lack of targeting and diffusion of funding is why block grants are so harmful.

Mr. President, well-trained school library media specialists are also essential to helping students unlock their potential. These individuals are at the heart of guiding students in their work, providing research training, maintaining and developing collections, and ensuring that a library fulfills its potential. In addition, they have the skills to guide students in the use of the broad variety of advanced technological education resources now available.

Unfortunately, only 68 percent of schools have state-certified library media specialists, according to Department of Education figures, and, on average, there is only one specialist for every 591 students. This shortage means that many school libraries are staffed by volunteers and are open only a few days a week.

I am introducing this bipartisan bill today, along with Senators Cochran, Kennedy, Dodd, Bingaman, Wellstone, Murray, Mikulski, Clinton, Chafee, Rockefeller, Reid, Sarbanes, and Baucus to restore the funding that is critical to improving school libraries. The Improving Literacy Through School Libraries Act authorizes $500 million to help school libraries with the greatest needs update their collections and would ensure that students have access to the informational tools they need to learn and achieve at the highest levels. This bill allows for maximum flexibility, enabling schools to use the funds to update library media resources, such as books and advanced technology, train school-library media specialists, and facilitate resource-sharing among school libraries. The bill also establishes the School Library Access Program to provide students with access to school libraries during non-school hours, including before and after school, weekends, and summers.

Providing access to the most up-to-date school library collections is an essential part of increasing student achievement, improving literacy skills, and helping students become lifelong learners. The bipartisan Improving Literacy Through School Libraries Act is strongly supported by the American Library Association, and will help accomplish these essential goals. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

I ask unanimous consent that the text of this bill and a letter of support written by the American Library Association be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Literacy Through School Libraries Act of 2001".

SEC. 2. SCHOOL LIBRARY MEDIA RESOURCES.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

"PART E—ASSISTANCE TO SCHOOL LIBRARIES TO IMPROVE LITERACY

"Subpart 1—Library Media Resources

"SEC. 2350. PURPOSE.

"The purposes of this subpart are—

"(1) to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

"(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

"(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

"(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

"(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

"SEC. 2351. STATE ALLOTMENTS.

"The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 2360 and not reserved under section 2359 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all eligible State educational agencies received under part A of title I for the preceding fiscal year.

"SEC. 2352. STATE APPLICATIONS.

"To be eligible to receive an allotment under section 2351 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

"(1) the manner in which the State educational agency will use the needs assessment described in section 2355(1) and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

"(2) the manner in which the State educational agency will effectively coordinate all Federal and State funds available for literacy, library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

"(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections; and

"(B) providing training for school library media specialists;

"(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

"(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

"SEC. 2353. STATE RESERVATION.

"A State educational agency that receives an allotment under section 2351 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

"SEC. 2354. LOCAL ALLOCATIONS.

"(a) IN GENERAL.—A State educational agency that receives an allotment under section 2351 for a fiscal year shall use the funds made available through the allotment and not reserved under section 2353 to make allocations to local educational agencies.

"(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

"(1) the greatest need for school library media improvement according to the needs assessment described in section 2355(1); and

"(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

"SEC. 2355. LOCAL APPLICATION.

"To be eligible to receive an allocation under section 2354 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

"(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

"(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

"(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 2356;

"(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 2356 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

"(5) a description of the manner in which the local educational agency will effectively coordinate—

"(A) funds provided under this subpart with the Federal, State, and local funds received by the agency for literacy, library, technology, and professional development activities; and

"(B) activities carried out under this subpart with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

"(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this subpart by schools served by the local educational agency.

"SEC. 2356. LOCAL ACTIVITIES.

"A local educational agency that receives a local allocation under section 2354 may use the funds made available through the allocation—

"(1) to acquire up-to-date school library media resources, including books;

"(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

"(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

"(4) to provide professional development opportunities for school library media specialists; and

"(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

"SEC. 2357. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

"Each local educational agency that receives funding under this subpart for a fiscal year shall be eligible to continue to receive the funding—

"(1) for each of the 2 following fiscal years; and

"(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

"(A) the availability of, and the access of students, school library media specialists, and elementary school and secondary school teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

"(B) the number of well-trained, professionally certified school library media specialists in those schools; and

"(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

"SEC. 2358. SUPPLEMENT NOT SUPPLANT.

"Funds made available under this subpart shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

"SEC. 2359. NATIONAL ACTIVITIES.

"The Secretary shall reserve not more than 3 percent of the amount appropriated under section 2360 for a fiscal year—

"(1) for an annual, independent, national evaluation of the activities assisted under this subpart, to be conducted not later than 3 years after the date of enactment of this subpart; and

"(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary school and secondary school teachers and administrators learn about effective school library media programs.

"SEC. 2360. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $475,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

"Subpart 2—School Library Access Program

"SEC. 2361. PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, weekends, and summer vacation periods.

"(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

"(1) seek to provide activities that will increase literacy skills and student achievement;

"(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

"(3) have a high level of community support.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, February 13, 2001.

Hon. JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: I would like to take this opportunity to thank you and Senator Thad Cochran for your bi-partisan support of school libraries as you introduce the Improving Literacy Through School Libraries Act of 2001. This bill would provide assistance to the nation's school libraries and school library media specialists at a time when they are laboring mightily to cope with the challenges of increasing school enrollment, new technology and the lack of funding for school library resources.

As an academic librarian in New York, I know personally how this legislation will contribute to effective learning by our school children. Many of the nation's school libraries have collections that are old, inaccurate and out of date. How can we encourage children to read, continue their education in college and become life-long learners if the material we have available for them is inadequate?

Your legislation proposes to upgrade collections, encourage and train school librarians, and effect greater cooperation between school professionals directly involved teaching children—school library media specialists, teachers and administrators. This critical legislation should be included in the reauthorization process now going forward in the Senate. The school children of today deserve the best resources we have to give them.

On behalf of the 61,000 school, public, academic and special librarians, library trustees, friends of libraries and library supporters, I thank you for your effort to improve the resources in school libraries. We offer the support of our members in working towards passage of the legislation.

Sincerely,

NANCY C. KRANICH,
President.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. GRAHAM):

S. 329. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, America is truly unique in that almost all of us are migrants or immigrants to the United States, originating in different regions—whether from Asia, from islands in the Pacific Ocean, Mexico, or valleys and mesas of the Southwest, Europe or other regions of the world. The prehistory and the contemporary history of this nation are inextricably linked to the mosaic or migrations, immigrations and existing cultures in the U.S. that has resulted in the peopling of America. Americans are all travelers from diverse areas, regions, continents and islands.

We need a better understanding of this coherent and unifying theme in America. With this in mind, I am introducing legislation, along with my colleagues Senator INOUYE and Senator GRAHAM, authorizing the National Park Service to conduct a theme study on the peopling of America. An identical bill passed the Senate last Congress, and I am optimistic that the Senate will again pass this bill.

The purpose of the study is to provide a basis for identifying, interpreting and preserving sites related to the migration, immigration and settling of America. The peopling of America is the story of our nation's population and how we came to be the diverse set of people that we are today. The peopling of America will acknowledge the contributions and trials of the first peoples who settled the North American continent, the Pacific Islands, and the lands that later became the United States of America. The peopling of America has continued as Spanish, Portuguese, French, Dutch, and English laid claim to lands and opened the floodgates of European migration and the involuntary migration of Africans to the Americas.

This was just the beginning. America has been growing and changing ever since. It is critical that we document and include the growth and change in the United States as groups of people move across external and internal boundaries that make up our nation. By understanding all our contributions, the strength within all cultures, and the diffusion of cultural ways through the United States, we will be a better nation. The strength of American culture is in our diversity and rests on a comprehensive understanding of the peopling of America.

The theme study I am proposing will authorize the Secretary of the Interior to identify regions, areas, trails, districts and cultures that illustrate and commemorate key events in the migration, immigration and settlement of the population of the United States, and which can provide a basis for the preservation and interpretation of the peopling of America. It includes preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. In addition, the study will make recommendations regarding National Historic Landmark designations and National Register of Historic Places nominations, as appropriate. The study will also facilitate the development of cooperative programs with education institutions, public history organizations, state and local governments, and groups knowledgeable about the peopling of America.

We are entering a new millennium with hope and opportunity. It is incumbent on us to reflect on the extent to which the energy and wealth of the United States depends on our population diversity. Looking back, we understand that our history, and our very national character, is defined by the grand, entangled movements of people to America and across the American landscape—through original residency, European colonization, forced migrations, economic migrations, or politically-motivated immigration—that has given rise to the rich interactions that make the American character and experience unique. I would venture to say that no other nation has the heterogeneous patchwork of migration and movement around the country that is found and that makes us the American Nation.

We embody the cultures and traditions that our forebears brought from other places and shores, as well as the new traditions and cultures that we adopted or created anew upon arrival. Whether we are the original inhabitants of the rich Pacific Northwest, settled in the rangelands and agrarian West, the industrialized Northeast, the small towns of the Midwest, or the genteel cities of the South, our forebears inevitably contributed their background and created new relationships with peoples of other backgrounds and cultures. Our rich heritage as Americans is comprehensible only through the stories of our various constituent cultures, carried with us from other lands and transformed by encounters with other cultures.

All Americans are travelers. All cultures have creation stories and histories that place us here from somewhere. Whether we came to this land as native peoples, English colonists, Africans who were brought in slavery, Filipinos who came to work in Hawaii's cane fields, Mexican ranchers, or Chinese merchants, the process by which our nation was peopled transformed us from strangers from different shores into neighbors unified in our inimitable diversity—Americans all. It is essential for us to understand this process, not only to understand who and where we are, but also to help us understand who we wish to be and where we should be headed as a nation. As the caretaker of some of our most important cultural and historical resources, from Ellis Island to San Juan Island, from Chaco Canyon to Kennesaw Mountain, the National Park Service is in a unique position to conduct a study that can offer guidance on this fundamental subject.

Currently we have only one focal point in the national park system that celebrates the peopling of America with significance. Ellis Island and the Statue of Liberty National Monument. Ellis Island welcomed over 12 million immigrants between 1892 and 1954, an overwhelming majority of whom crossed the Atlantic from Europe. Ellis Island celebrates these immigrant experiences through their museum, historic buildings, and memorial wall. Immensely popular as it is, Ellis Island is focused on Atlantic immigration and thus reflects the experience only of those groups (primarily Eastern and Southern Europeans) who were processed at the island during its active period, 1892–1954.

Not all immigrants and their descendants can identify with Ellis Island. Tens of millions of other immigrants traveled to our great country through other ports of entry and in different periods of our Nation's history and prehistory. Ellis Island tells only part of the American story. There are other chapters, just as compelling, that must be told.

On the West Coast, Angel Island Immigration Station, tucked in San Francisco Bay, was open from 1910 to 1940 and processed hundreds of thousands of Pacific Rim immigrants through its portals. An estimated 175,000 Chinese immigrants and more than 20,000 Japanese made the long Pacific passage to the United States. Their experiences are a West Coast mirror of the Ellis Island experience. But the migration story on the West Coast is much longer and broader than Angel Island. Many earlier migrants to the West Coast contributed to the rich history of California, including the original resident

Native Americans, Spanish explorers, Mexican ranchers, Russian colonists, American migrants from the Eastern states who came overland or around the Horn, German and Irish military recruits, Chinese railroad laborers, Portuguese and Italian farmers, and many other groups. The diversity and experience of these groups reflects the diversity and experience of all immigrants who entered the United States via the Western states, including Alaska, Washington, Oregon, and California.

The study we propose is consistent with the agency's latest official thematic framework which establishes the subject of human population movement and change—or "peopling places"—as a primary thematic category for study and interpretation. The framework, which serves as a general guideline for interpretation, was revised in 1996 in response to a Congressional mandate—Civil War Sites Study Act of 1990, Public Law 101-628, Sec. 1209—that the full diversity of American history and prehistory be expressed in the National Park Service's identification and interpretation of historic and prehistoric properties.

In conclusion, we believe that this bill will shed light on the unique blend of pluralism and unity that characterizes our national polity. With its responsibility for cultural and historical parks, the Park Service plays a unique role in enhancing our understanding of the peopling of America and thus of a fuller comprehension of our relationships with each other—past, present, and future.

I urge my colleagues to support this initiative. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peopling of America Theme Study Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; title XII of Public Law 101–628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term "peopling of America" means the migration, immigration, and settlement of the population of the United States.

SEC. 4. NATIONAL HISTORIC LANDMARK THEME STUDY ON THE PEOPLING OF AMERICA.

(a) THEME STUDY REQUIRED.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list, in order of importance or merit, of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. TORRICELLI:

S. 330. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President, I rise today to introduce the Firearms Safety and Consumer Protection Act of 2001. I am sure that this bill will face opposition, but I am equally sure that the need for this bill is so clear, and the logic so unquestionable, that we will eventually see gun consumers fighting for the passage of the legislation.

Mr. President, I have long fought against the gun injuries that have plagued America for years. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And in the 104th Congress, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun. These were each measures aimed at the criminal misuse of firearms.

But there is another subject that the NRA just hates to talk about—the countless injuries that occur to innocent gun owners, recreational hunters, and to law enforcement. Every year in this country, countless people die and many more are injured by defective or poorly manufactured firearms. Yet the Consumer Products Safety Commission, which has the power to regulate every other product sold to the American consumer, lacks the ability to regulate the manufacture of firearms.

Amazingly, in a nation that regulates everything from the air we breathe, to the cars we drive, to the cribs that hold our children, the most dangerous consumer product sold, firearms, are unregulated. Studies show that inexpensive safety technology and the elimination of flawed guns could prevent a third of accidental firearms deaths. Despite this fact, the Federal government is powerless to stop gun companies from distributing defective guns or failing to warn consumers of dangerous products.

This gaping loophole in our consumer protection laws can often be disastrous for gun users. To take just one recent example, even when a gun manufacturer discovered that it had sold countless defective guns with a tendency to misfire, no recall was mandated and no action could be taken by the federal government. The guns remained on the street, and consumers were defenseless. Time after time, consumers, hunters, and gun owners are each left out in the cold, without the knowledge of danger or the assistance necessary to protect themselves from it.

For too long now, the gun industry has successfully kept guns exempt from consumer protection laws, and we must finally bring guns into line with every other consumer product. Logic, common sense, and the many innocent victims of defective firearms all cry out for us to act—and act we must.

To that end, I am introducing the Firearms Safety and Consumer Protection Act, legislation giving the Secretary of the Treasury the power to regulate the manufacture, distribution, and sale of firearms and ammunition. The time has come to stop dangerous and defective guns from killing American consumers. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Firearms Safety and Consumer Protection Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.
Sec. 102. Orders; inspections.

TITLE II—PROHIBITIONS

Sec. 201. Prohibitions.
Sec. 202. Inapplicability to governmental authorities.

TITLE III—ENFORCEMENT

SUBTITLE A—CIVIL ENFORCEMENT

Sec. 301. Civil penalties.
Sec. 302. Injunctive enforcement and seizure.
Sec. 303. Imminently hazardous firearms.
Sec. 304. Private cause of action.
Sec. 305. Private enforcement of this Act.
Sec. 306. Effect on private remedies.

SUBTITLE B—CRIMINAL ENFORCEMENT

Sec. 351. Criminal penalties.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Firearm injury information and research.
Sec. 402. Annual report to Congress.

TITLE V—RELATIONSHIP TO OTHER LAW

Sec. 501. Subordination to the Arms Export Control Act.
Sec. 502. Effect on State law.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) to develop safety standards for firearms and related products;

(3) to assist consumers in evaluating the comparative safety of firearms and related products;

(4) to promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) to restrict the availability of weapons that pose an unreasonable risk of death or injury.

SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term "firearms dealer" means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term "firearm part" means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term "firearm product" means a firearm, firearm part, nonpowder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term "firearm safety regulation" means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term "firearm safety standard" means a standard promulgated under this Act.

(6) NONPOWDER FIREARM.—The term "nonpowder firearm" means a device specifically designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the designee of the Secretary.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

TITLE I—REGULATION OF FIREARM PRODUCTS

SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Secretary shall prescribe such regulations governing the design, manufacture, and performance of, and commerce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Secretary issues a proposed regulation under subsection (a) with respect to a matter, the Secretary shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Secretary to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Secretary receives a petition referred to in paragraph (1), the Secretary shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

SEC. 102. ORDERS; INSPECTIONS.

(a) Authority To Prohibit Manufacture, Sale, or Transfer of Firearm Products Made, Imported, Transferred, or Distributed in Violation of Regulation.—The Secretary may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Secretary finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) Authority To Require the Recall, Repair, or Replacement of, or the Provision of Refunds With Respect to Firearm Products.—The Secretary may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Secretary determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Secretary a satisfactory plan for implementation of any action required under this subsection.

(c) Authority To Prohibit Manufacture, Importation, Transfer, Distribution, or Export of Unreasonably Risky Firearm Products.—The Secretary may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Secretary determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) Inspections.—When the Secretary has reason to believe that a violation of this Act or of a regulation or order issued under this Act is being or has been committed, the Secretary may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

TITLE II—PROHIBITIONS

SEC. 201. PROHIBITIONS.

(a) Failure of Manufacturer To Test and Certify Firearm Products.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) Failure of Manufacturer To Provide Notice of New Types of Firearm Products.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Secretary with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) Failure of Manufacturer or Dealer To Label Firearm Products.—It shall be unlawful for a manufacturer of or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that—

(1) contains—

(A) the name and address of the manufacturer of the product;

(B) the name and address of any importer of the product;

(C) the model number of the product and the date the product was manufactured;

(D) a specification of the regulations prescribed under this Act that apply to the product; and

(E) the certificate required by subsection (a)(3) with respect to the product; and

(2) is located prominently in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

(d) Failure To Maintain or Permit Inspection of Records.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Secretary may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Secretary to inspect and copy those records at reasonable times.

(e) Importation and Exportation of Uncertified Firearm Products.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) Commerce in Firearm Products in Violation of Order Issued or Regulation Prescribed Under This Act.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) Stockpiling.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the person manufactured, purchased, or imported the product during a base period (prescribed by the Secretary in regulations) ending before the date the regulation is so prescribed.

SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE III—ENFORCEMENT

Subtitle A—Civil Enforcement

SEC. 301. CIVIL PENALTIES.

(a) Authority To Impose Fines.—

(1) In general.—The Secretary shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) Scope of offense.—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) Applicable Amount.—

(1) First 5-year period.—The applicable amount for the 5-year period immediately following the date of enactment of this Act is $5,000, or $10,000 if the violation is willful.

(2) Thereafter.—The applicable amount during any time after the 5-year period described in paragraph (1) is $10,000, or $20,000 if the violation is willful.

SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.

(a) Injunctive Enforcement.—Upon request of the Secretary, the Attorney General of the United States may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) Condemnation.—

(1) In general.—Upon request of the Secretary, the Attorney General of the United States may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Secretary has found and seized for confiscation the product.

(2) Qualified firearm product defined.—In paragraph (1), the term "qualified firearm product" means a firearm product—

(A) that is being transported or having been transported remains unsold, is sold or offered for sale, is imported, or is to be exported; and

(B)(i) that is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.

(a) In General.—Notwithstanding the pendency of any other proceeding in a court of the United States, the Secretary may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) Imminently Hazardous Firearm Product.—In subsection (a), the term "imminently hazardous firearm product" means any firearm product with respect to which the Secretary determines that—

(1) the product poses an unreasonable risk of injury to the public; and

(2) time is of the essence in protecting the public from the risks posed by the product.

(c) Relief.—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product:

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(d) VENUE.—An action under subsection (a)(2) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

SEC. 304. PRIVATE CAUSE OF ACTION.

(a) IN GENERAL.—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) RULE OF INTERPRETATION.—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.

Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 306. EFFECT ON PRIVATE REMEDIES.

(a) IRRELEVANCY OF COMPLIANCE WITH THIS ACT.—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) IRRELEVANCY OF FAILURE TO TAKE ACTION UNDER THIS ACT.—The failure of the Secretary to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

Subtitle B—Criminal Enforcement

SEC. 351. CRIMINAL PENALTIES.

Any person who has received from the Secretary a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.

(a) IN GENERAL.—The Secretary shall—

(1) collect, investigate, analyze, and share with other appropriate government agencies circumstances of death and injury associated with firearms; and

(2) conduct continuing studies and investigations of economic costs and losses resulting from firearm-related deaths and injuries.

(b) OTHER DATA.—The Secretary shall—

(1) collect and maintain current production and sales figures for each licensed manufacturer, broken down by the model, caliber, and type of firearms produced and sold by the licensee, including a list of the serial numbers of such firearms;

(2) conduct research on, studies of, and investigation into the safety of firearm products and improving the safety of firearm products; and

(3) develop firearm safety testing methods and testing devices.

(c) AVAILABILITY OF INFORMATION.—On a regular basis, but not less frequently than annually, the Secretary shall make available to the public the results of the activities of the Secretary under subsections (a) and (b).

SEC. 402. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a thorough description, developed in coordination with the Secretary of Health and Human Services, of the incidence of injury and death and effects on the population resulting from firearm products, including statistical analyses and projections, and a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Secretary or employees of the Secretary and representatives of industry, interested groups, or other interested parties.

TITLE V—RELATIONSHIP TO OTHER LAW

SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

SEC. 502. EFFECT ON STATE LAW.

(a) IN GENERAL.—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) RULE OF CONSTRUCTION.—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act.

By Mr. LUGAR (for himself, Mr. ROBERTS, Mr. MCCONNELL, and Mr. BURNS):

S. 333. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce the Rural America Prosperity Act of 2001. I am pleased that Senator ROBERTS, Senator MCCONNELL, and Senator BURNS joined as cosponsors of this bill.

A Republican controlled Congress in 1996 produced a sweeping reform of farm programs. Farmers were no longer told by the government what crops they had to plant. Farmers were no longer forced by the government to idle part of their land in exchange for program payments. That farm bill disentangled farmers from government controls and enabled them to make production decisions based on market signals.

Freeing farmers from excessive, and often counterproductive, government controls is an important step, but we still need to do more to give farmers the tools they need to succeed. Specifically, we need to work to open foreign markets for our agricultural commodities and products, ease the tax and regulatory burden, and provide new risk management tools for farmers. The Rural America Prosperity Act of 2001, which we are introducing today, will help us meet these unfulfilled promises to rural America.

There are three tax provisions in this legislation that I have long advocated as crucial to the financial health of farmers. First is the repeal of the estate tax. A repeal of this tax, which has prevented some farms from being passed from one generation to the next, is essential. We are proposing the same 10-year phase-out of the estate tax which Congress passed last year but President Clinton vetoed. Excluding capital gains from the sale of farmland would put production agriculture on the same footing as homeowners who benefit from a capital gains exclusion for their home. The deduction of health care insurance premiums is needed for farmers and others who are self-employed.

Last year Congress provided over $8 billion to improve the federal crop insurance program. While crop insurance is an important risk management tool, today we offer two other risk management tools for farmers—income averaging and FARRM accounts. Three years ago Congress made income averaging a permanent risk management tool for farmers when calculating taxes. Unfortunately, the interaction between income averaging and the alternative minimum tax has prevented many farmers from receiving the benefit of income averaging. This bill fixes that problem. Under this bill, farmers will be able to contribute up to 20 percent of annual farm income into a FARRM account and deduct this amount from their taxes. This is an important tool for managing financial volatility associated with farming.

We also address regulatory reform in our bill. We are seeking a review of existing and proposed regulations to determine the cost of compliance for farmers, ranchers and foresters. We want to determine if there are more cost-effective ways for farmers, ranchers and foresters to achieve the objectives of these regulations.

Finally, we must do more to help develop new markets abroad for our farm commodities and agricultural products. Opportunity lies in developing countries where growing wealth allows for increased demand for meat and processed commodities. Authorizing fast-track authority for the President to negotiate international trade agreements may be the single most important thing we can do to facilitate exports.

We also need to address sanctions. Sanctions that prohibit the export of U.S. agricultural products into the sanctioned country are often morally indefensible because they deny necessities to people, not the offending government. Such sanctions also deny markets for U.S. agricultural products which are then captured by our competitors. This legislation only affects commercial sales (excluding all Government subsidized trade programs) involving United States agricultural commodities, livestock, and value-added products.

This legislation represents what I believe is necessary to further the historic reforms initiated in the farm bill almost five years ago. I urge my colleagues to cosponsor this bill. I will encourage my colleagues and the new Bush administration to work to enact these proposals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural America Prosperity Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—TAX RELIEF FOR FARMERS
Subtitle A—General Tax Provisions
Sec. 101. Deduction for 100 percent of health insurance costs of self-employed individuals.
Sec. 102. Exclusion of gain from sale of farmland.
Sec. 103. Income averaging for farmers not to increase alternative minimum tax liability.
Sec. 104. Farm and ranch risk management accounts.
Subtitle B—Estate and Gift Tax Relief
Sec. 111. Repeal of estate, gift, and generation-skipping taxes.
Sec. 112. Termination of step up in basis at death.
Sec. 113. Carryover basis at death.
Sec. 114. Additional reductions of estate and gift tax rates.
Sec. 115. Unified credit against estate and gift taxes replaced with unified exemption amount.
Sec. 116. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.
Sec. 117. Severing of trusts.
Sec. 118. Modification of certain valuation rules.
Sec. 119. Relief provisions.
Sec. 120. Expansion of estate tax rule for conservation easements.
TITLE II—STUDY OF COSTS OF REGULATIONS ON FARMERS, RANCHERS, AND FORESTERS
Sec. 201. Comptroller General study of regulations.
Sec. 202. Response of Secretary of Agriculture.
TITLE III—EXTENSION OF TRADE AUTHORITIES PROCEDURES FOR RECIPROCAL TRADE AGREEMENTS
Sec. 301. Short title.
Sec. 302. Trade negotiating objectives.
Sec. 303. Trade agreements authority.
Sec. 304. Consultations.
Sec. 305. Implementation of trade agreements.
Sec. 306. Treatment of certain trade agreements.
Sec. 307. Conforming amendments.
Sec. 308. Definitions.
TITLE IV—AGRICULTURAL TRADE FREEDOM
Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Agricultural commodities, livestock, and products exempt from unilateral agricultural sanctions.
Sec. 404. Sale or barter of food assistance.

TITLE I—TAX RELIEF FOR FARMERS

Subtitle A—General Tax Provisions

SEC. 101. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. EXCLUSION OF GAIN FROM SALE OF FARMLAND.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following:

"SEC. 121A. EXCLUSION OF GAIN FROM SALE OF QUALIFIED FARM PROPERTY.

"(a) EXCLUSION.—In the case of a natural person, gross income shall not include gain from the sale or exchange of qualified farm property.

"(b) LIMITATION.—

"(1) IN GENERAL.—The amount of gain excluded from gross income under subsection (a) with respect to any taxable year shall not exceed $500,000 ($250,000 in the case of a married individual filing a separate return), reduced by the aggregate amount of gain excluded under subsection (a) for all preceding taxable years.

"(2) SPECIAL RULE FOR JOINT RETURNS.—The amount of the exclusion under subsection (a) on a joint return for any taxable year shall be allocated equally between the spouses for purposes of applying the limitation under paragraph (1) for any succeeding taxable year.

"(c) QUALIFIED FARM PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified farm property' means real property located in the United States if, during periods aggregating 3 years or more of the 5-year period ending on the date of the sale or exchange of such real property—

"(A) such real property was used by the taxpayer or a member of the family of the taxpayer as a farm for farming purposes, and

"(B) there was material participation by the taxpayer (or such a member) in the operation of the farm.

"(2) OTHER DEFINITIONS.—The terms 'member of the family', 'farm', and 'farming purposes' have the respective meanings given such terms by paragraphs (2), (4), and (5) of section 2032A(e).

"(3) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 2032A(b) and paragraphs (3) and (6) of section 2032A(e) shall apply.

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsection (e) and subsection (f) of section 121 shall apply.".

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 121 the following:

"Sec. 121A. Exclusion of gain from sale of qualified farm property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or exchange after the date of enactment of this Act in taxable years ending after such date.

SEC. 103. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 104. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following:

"SEC. 468C. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm and Ranch Risk Management Account (hereinafter referred to as the 'FARRM Account').

"(b) LIMITATION.—The amount which a taxpayer may pay into the FARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business.

"(c) ELIGIBLE FARMING BUSINESS.—For purposes of this section, the term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FARRM Account.—For purposes of this section—

"(1) In General.—The term 'FARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) Account taxed as grantor trust.—The grantor of a FARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) Inclusion of Amounts Distributed.—

"(1) In general.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (A) or (B) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) Exceptions.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) Special Rules.—

"(1) Tax on deposits in account which are not distributed within 5 years.—

"(A) In general.—If, at the close of any taxable year, there is a nonqualified balance in any FARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) Nonqualified balance.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) Ordering rule.—For purposes of this paragraph, distributions from a FARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) Cessation in eligible business.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business, there shall be deemed distributed from the FARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business.

"(3) Certain rules to apply.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 220(f)(8) (relating to treatment on death).

"(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(C) Section 408(e)(4) (relating to effect of pledging account as security).

"(D) Section 408(g) (relating to community property laws).

"(E) Section 408(h) (relating to custodial accounts).

"(4) Time when payments deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

"(5) Individual.—For purposes of this section, the term 'individual' shall not include an estate or trust.

"(6) Deduction not allowed for self-employment tax.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

"(g) Reports.—The trustee of a FARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.".

(b) Tax on Excess Contributions.—

(1) Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

"(4) a FARRM Account (within the meaning of section 468C(d)), or".

(2) Section 4973 of such Code, is amended by adding at the end the following:

"(g) Excess Contributions to FARRM Accounts.—For purposes of this section, in the case of a FARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.".

(3) The section heading for section 4973 of such Code is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.".

(4) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc.".

(c) Tax on Prohibited Transactions.—

(1) Subsection (c) of section 4975 of the Internal Revenue Code of 1986 (relating to tax on prohibited transactions) is amended by adding at the end the following:

"(6) Special rule for FARRM accounts.—A person for whose benefit a FARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FARRM Account by reason of the application of section 468C(f)(3)(A) to such account.".

(2) Paragraph (1) of section 4975(e) of such Code is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following:

"(E) a FARRM Account described in section 468C(d),".

(d) Failure To Provide Reports on FARRM Accounts.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following:

"(C) section 468C(g) (relating to FARRM Accounts),".

(e) Clerical Amendment.—The table of sections for subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 468B the following:

"Sec. 468C. Farm and Ranch Risk Management Accounts.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Estate and Gift Tax Relief

SEC. 111. REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES.

(a) In General.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after December 31, 2010.

SEC. 112. TERMINATION OF STEP UP IN BASIS AT DEATH.

(a) Termination of Application of Section 1014.—Section 1014 of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by adding at the end the following:

"(f) Termination.—In the case of a decedent dying after December 31, 2010, this section shall not apply to property for which basis is provided by section 1022.".

(b) Conforming Amendment.—Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) to the extent provided in section 1022 (relating to basis for certain property acquired from a decedent dying after December 31, 2010).".

SEC. 113. CARRYOVER BASIS AT DEATH.

(a) General Rule.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. CARRYOVER BASIS FOR CERTAIN PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

"(a) Carryover Basis.—Except as otherwise provided in this section, the basis of carryover basis property in the hands of a person acquiring such property from a decedent shall be determined under section 1015.

"(b) Carryover Basis Property Defined.—

"(1) In general.—For purposes of this section, the term 'carryover basis property' means any property—

"(A) which is acquired from or passed from a decedent who died after December 31, 2010, and

"(B) which is not excluded pursuant to paragraph (2).

The property taken into account under subparagraph (A) shall be determined under section 1014(b) without regard to subparagraph (A) of the last sentence of paragraph (9) thereof.

"(2) Certain property not carryover basis property.—The term 'carryover basis property' does not include—

"(A) any item of gross income in respect of a decedent described in section 691,

"(B) property of the decedent to the extent that the aggregate adjusted fair market value of such property does not exceed $1,300,000, and

"(C) property which was acquired from the decedent by the surviving spouse of the decedent (and which would be carryover basis property without regard to this subparagraph) but only if the value of such property would have been deductible from the value of the taxable estate of the decedent under section 2056, as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001.

For purposes of this subsection, the term 'adjusted fair market value' means, with respect to any property, fair market value reduced by any indebtedness secured by such property.

"(3) Limitation on exception for property acquired by surviving spouse.—The adjusted fair market value of property which is not carryover basis property by reason of paragraph (2)(C) shall not exceed $3,000,000.

"(4) Allocation of excepted amounts.—The executor shall allocate the limitations under paragraphs (2)(B) and (3).

"(5) Inflation adjustment of excepted amounts.—In the case of decedents dying in a calendar year after 2011, the dollar amounts in paragraphs (2)(B) and (3) shall each be increased by an amount equal to the product of—

"(A) such dollar amount, and

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2010' for '1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10,000, such increase shall be rounded to the nearest multiple of $10,000.

"(c) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) Miscellaneous Amendments Related to Carryover Basis.—

(1) Capital gain treatment for inherited art work or similar property.—

(A) In general.—Subparagraph (C) of section 1221(a)(3) of the Internal Revenue Code of 1986 (defining capital asset) is amended by inserting "(other than by reason of section 1022)" after "is determined".

(B) Coordination with section 170.—Paragraph (1) of section 170(e) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: "For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.".

(2) Definition of executor.—Section 7701(a) of such Code (relating to definitions) is amended by adding at the end the following:

"(47) Executor.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.".

(3) Clerical amendment.—The table of sections for part II of subchapter O of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1022. Carryover basis for certain property acquired from a decedent dying after December 31, 2010.".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2010.

SEC. 114. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) Maximum Rate of Tax Reduced to 50 Percent.—

(1) In general.—The table contained in section 2001(c)(1) of the Internal Revenue Code of 1986 is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000 .... $1,025,800, plus 50% of the excess over $2,500,000.".

(2) Phase-in of reduced rate.—Subsection (c) of section 2001 of such Code is amended by adding at the end the following new paragraph:

"(3) Phase-in of reduced rate.—In the case of decedents dying, and gifts made, during 2002, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.".

(b) Repeal of Phaseout of Graduated Rates.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) Additional Reductions of Rates of Tax.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986, as so amended, is amended by adding at the end the following new paragraph:

"(3) Phasedown of tax.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2003 and before 2011—

"(A) In general.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) Percentage points of reduction.—

"For calendar year:	The number of percentage points is:
2004	1.0
2005	2.0
2006	3.0
2007	4.0
2008	5.5
2009	7.5
2010	9.5.

"(C) Coordination with income tax rates.—The reductions under subparagraph (A)—

"(i) shall not reduce any rate under paragraph (1) below the lowest rate in section 1(c), and

"(ii) shall not reduce the highest rate under paragraph (1) below the highest rate in section 1(c).

"(D) Coordination with credit for state death taxes.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).".

(d) Effective Dates.—

(1) Subsections (a) and (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) Subsection (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2003.

SEC. 115. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) In General.—

(1) Estate tax.—Subsection (b) of section 2001 of the Internal Revenue Code of 1986 (relating to computation of tax) is amended to read as follows:

"(b) Computation of Tax.—

"(1) In general.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

"(2) Tentative tax.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under subsection (c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) Exemption amount.—For purposes of paragraph (2), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	The exemption amount is:
2001	$675,000
2002 and 2003	$700,000
2003	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.

"(4) Adjusted taxable gifts.—For purposes of paragraph (2), the term 'adjusted taxable gifts' means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent.".

(2) Gift tax.—Subsection (a) of section 2502 of such Code (relating to computation of tax) is amended to read as follows:

"(a) Computation of Tax.—

"(1) In general.—The tax imposed by section 2501 for each calendar year shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the tax paid under this section for all prior calendar periods.

"(2) Tentative tax.—For purposes of paragraph (1), the tentative tax determined under this paragraph for a calendar year is a tax computed under section 2001(c) on the excess of—

"(A) the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) the exemption amount under section 2001(b)(3) for such calendar year.".

(b) Repeal of Unified Credits.—

(1) Section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 of such Code (relating to unified credit against gift tax) is hereby repealed.

(c) Conforming Amendments.—

(1)(A) Subsection (b) of section 2011 of the Internal Revenue Code of 1986 is amended—

(i) by striking "adjusted" in the table; and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 of such Code is amended by striking ", reduced by the amount of the unified credit provided by section 2010".

(2) Subsection (a) of section 2012 of such Code is amended by striking "and the unified credit provided by section 2010".

(3) Subparagraph (A) of section 2013(c)(1) of such Code is amended by striking "2010,".

(4) Paragraph (2) of section 2014(b) of such Code is amended by striking "2010, 2011," and inserting "2011".

(5) Clause (ii) of section 2056A(b)(12)(C) of such Code is amended to read as follows:

"(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001) or the exemption amount allowable under section 2001(b) with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2521 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2521 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year,".

(6) Subsection (a) of section 2057 of such Code is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) Maximum deduction.—The deduction allowed by this section shall not exceed the excess of $1,300,000 over the exemption amount (as defined in section 2001(b)(3)).".

(7)(A) Subsection (b) of section 2101 of such Code is amended to read as follows:

"(b) Computation of Tax.—

"(1) In general.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) a tentative tax computed under section 2001(c) on the amount of the adjusted taxable gifts.

"(2) Tentative tax.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under section 2001(c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) Exemption amount.—

"(A) In general.—The term 'exemption amount' means $60,000.

"(B) Residents of possessions of the United States.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption amount under this paragraph shall be the greater of—

"(i) $60,000, or

"(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

"(C) Special rules.—

"(i) Coordination with treaties.—To the extent required under any treaty obligation of the United States, the exemption amount allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2001(b)(3) (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

"(ii) Coordination with gift tax exemption and unified credit.—If an exemption has been allowed under section 2521 (or a credit has been allowed under section 2505 as in effect on the day before the date of enactment of the Rural America Prosperity Act of 2001) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under section 2521 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).".

(8) Section 2102 of such Code is amended by striking subsection (c).

(9)(A) Subsection (a) of section 2107 of such Code is amended by adding at the end the following new paragraph:

"(3) Limitation on exemption amount.—Subparagraphs (B) and (C) of section 2101(b)(3) shall not apply in applying section 2101 for purposes of this section.".

(B) Subsection (c) of section 2107 of such Code is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking the second sentence of paragraph (2) (as so redesignated).

(10) Paragraph (1) of section 6018(a) of such Code is amended by striking "the applicable exclusion amount in effect under section 2010(c)" and inserting "the exemption amount under section 2001(b)(3)".

(11) Subparagraph (A) of section 6601(j)(2) of such Code is amended to read as follows:

"(A) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $1,000,000, or".

(12) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2010.

(13) The table of sections for subchapter A of chapter 12 of such Code is amended by striking the item relating to section 2505.

(d) Effective Date.—The amendments made by this section—

(1) insofar as they relate to the tax imposed by chapter 11 of the Internal Revenue Code of 1986, shall apply to estates of decedents dying after December 31, 2001, and

(2) insofar as they relate to the tax imposed by chapter 12 of such Code, shall apply to gifts made after December 31, 2001.

SEC. 116. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) In General.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Deemed Allocation to Certain Lifetime Transfers to GST Trusts.—

"(1) In general.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) Unused portion.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) Definitions.—

"(A) Indirect skip.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST trust.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) Automatic allocations to certain GST trusts.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) Applicability and effect.—

"(A) In general.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) Elections.—

"(i) Elections with respect to indirect skips.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) Other elections.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) Retroactive Allocations.—

"(1) In general.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) Special rules.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) Future interest.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) Conforming Amendment.—Paragraph (2) of section 2632(b) of the Internal Revenue Code of 1986 is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) Effective Dates.—

(1) Deemed allocation.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

(2) Retroactive allocations.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 2000.

SEC. 117. SEVERING OF TRUSTS.

(a) In General.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) Severing of trusts.—

"(A) In general.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) Qualified severance.—For purposes of subparagraph (A)—

"(i) In general.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) Trusts with inclusion ratio greater than zero.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) Regulations.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) Timing and manner of severances.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) Effective Date.—The amendment made by this section shall apply to severances after December 31, 2000.

SEC. 118. MODIFICATION OF CERTAIN VALUATION RULES.

(a) Gifts for Which Gift Tax Return Filed or Deemed Allocation Made.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules, etc.) is amended to read as follows:

"(1) Gifts for which gift tax return filed or deemed allocation made.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) Transfers at Death.—Subparagraph (A) of section 2642(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) Transfers at death.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) Effective Date.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000.

SEC. 119. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 2000.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

SEC. 120. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—

(1) IN GENERAL.—Clause (i) of section 2031(c)(8)(A) of the Internal Revenue Code of 1986 (defining land subject to a conservation easement) is amended—

(A) by striking "25 miles" both places it appears and inserting "50 miles"; and

(B) striking "10 miles" and inserting "25 miles".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2000.

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—

(1) IN GENERAL.—Section 2031(c)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 1997.

TITLE II—STUDY OF COSTS OF REGULATIONS ON FARMERS, RANCHERS, AND FORESTERS

SEC. 201. COMPTROLLER GENERAL STUDY OF REGULATIONS.

(a) DATA REVIEW AND COLLECTION.—The Comptroller General of the United States shall—

(1) conduct a review of existing Federal and non-Federal studies and data regarding the cost to farmers, ranchers, and foresters of complying with existing or proposed Federal regulations directly affecting farmers, ranchers, and foresters; and

(2) as necessary, obtain and analyze new data concerning the costs to farmers, ranchers, and foresters of complying with Federal regulations proposed as of February 1, 2001, directly affecting farmers, ranchers, and foresters.

(b) USE OF DATA.—Using the studies and data reviewed and collected under subsection (a), the Comptroller General shall—

(1) assess the overall costs to farmers, ranchers, and foresters of complying with existing and proposed Federal regulations directly affecting farmers, ranchers, and foresters; and

(2) identify and recommend reasonable alternatives to those regulations that will achieve the objectives of the regulations at less cost to farmers, ranchers, and foresters.

(c) SUBMISSION OF RESULTS.—Not later than February 1, 2002, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives the results of the assessment conducted under subsection (b)(1) and the recommendations prepared under subsection (b)(2).

SEC. 202. RESPONSE OF SECRETARY OF AGRICULTURE.

Not later than April 1, 2002, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report responding to the recommendations of the Comptroller General under section 202 regarding reasonable alternatives that could achieve the objectives of Federal regulations at less cost to farmers, ranchers, and foresters.

TITLE III—EXTENSION OF TRADE AUTHORITIES PROCEDURES FOR RECIPROCAL TRADE AGREEMENTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Reciprocal Trade Agreement Authorities Act of 2001".

SEC. 302. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 303 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement; and

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade-distorting barriers to trade related foreign investment by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice; and

(E) providing meaningful procedures for resolving investment disputes.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to United States industries whose products are subject to the lengthiest transition periods for full compliance by developing countries with that Agreement, and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement entered into by the United States provide protection at least as strong as the protection afforded by chapter 17 of the North American Free Trade Agreement and the annexes thereto;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights; and

(iv) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions; and

(B) increased openness of dispute settlement proceedings, including under the World Trade Organization.

(6) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk and value-added commodities by—

(A) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(B) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(C) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, including—

(i) unfair or trade-distorting activities of export state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of export state trading enterprises and such other mechanisms;

(ii) unjustified trade restrictions or commercial requirements affecting new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff-rate quotas;

(D) improving import relief mechanisms to recognize the unique characteristics of perishable agriculture;

(E) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(F) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements; and

(G) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture.

(7) LABOR, ENVIRONMENT, AND OTHER MATTERS.—The principal negotiating objective of the United States regarding labor, environment, and other matters is to address the following aspects of foreign government policies and practices regarding labor, environment, and other matters that are directly related to trade:

(A) To ensure that foreign labor, environmental, health, or safety policies and practices do not arbitrarily or unjustifiably discriminate or serve as disguised barriers to trade.

(B) To ensure that foreign governments do not derogate from or waive existing domestic environmental, health, safety, or labor measures, including measures that deter exploitative child labor, as an encouragement to gain competitive advantage in international trade or investment. Nothing in this subparagraph is intended to address changes to a country's laws that are consistent with sound macroeconomic development.

(8) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in financial services are those set forth in section 135(a) of the Uruguay Round Agreements Act (19 U.S.C. 3555(a)), regarding trade in civil aircraft are those set forth in section 135(c) of that Act, and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) INTERNATIONAL ECONOMIC POLICY OBJECTIVES.—

(1) IN GENERAL.—The President should take into account the relationship between trade agreements and other important priorities of the United States and seek to ensure that the trade agreements entered into by the United States complement and reinforce other policy goals. The United States priorities in this area include—

(A) seeking to ensure that trade and environmental policies are mutually supportive;

(B) seeking to protect and preserve the environment and enhance the international means for doing so, while optimizing the use of the world's resources;

(C) promoting respect for worker rights and the rights of children and an understanding of the relationship between trade and worker rights, particularly by working with the International Labor Organization to encourage the observance and enforcement of core labor standards, including the prohibition on exploitative child labor; and

(D) supplementing and strengthening standards for protection of intellectual property under conventions administered by international organizations other than the World Trade Organization, expanding these conventions to cover new and emerging technologies, and eliminating discrimination and unreasonable exceptions or preconditions to such protection.

(2) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—Nothing in this subsection shall be construed to authorize the use of the trade authorities procedures described in section 303 to modify United States law.

(d) GUIDANCE FOR NEGOTIATORS.—

(1) DOMESTIC OBJECTIVES.—In pursuing the negotiating objectives described in subsection (b), the negotiators on behalf of the United States shall take into account United States domestic objectives, including the protection of health and safety, essential security, environmental, consumer, and employment opportunity interests, and the law and regulations related thereto.

(2) CONSULTATIONS WITH CONGRESSIONAL ADVISERS AND ENFORCEMENT OF THE TRADE LAWS.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the congressional advisers on trade policy and negotiations appointed under section 161 of the Trade Act of 1974; and

(B) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 303. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) October 1, 2003, or

(ii) October 1, 2007, if trade authorities procedures are extended under subsection (c), and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement. The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of enactment of this Act) to a rate of duty that is less than 50 percent of the rate of the duty that applies on such date of enactment;

(B) reduces the rate of duty on an article to take effect on a date that is more than 10 years after the first reduction that is proclaimed to carry out a trade agreement with respect to such article; or

(C) increases any rate of duty above the rate that applied on January 1, 2001.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 305 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B) and (2) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization or as part of an interim agreement leading to the formation of a regional free-trade area.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) October 1, 2003, or

(ii) October 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 302 and the President satisfies the conditions set forth in section 304.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authorities procedures") apply to a bill of either House of Congress consisting only of—

(A) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement,

(B) provisions directly related to the principal trade negotiating objectives set forth in section 302(b) achieved in such trade agreement, if those provisions are necessary for the operation or implementation of United States rights or obligations under such trade agreement,

(C) provisions that define and clarify, or provisions that are related to, the operation or effect of the provisions of the trade agreement,

(D) provisions to provide adjustment assistance to workers and firms adversely affected by trade, and

(E) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in implementing the trade agreement,

to the same extent as such section 151 applies to implementing bills under that section. A bill to which this subparagraph applies shall hereafter in this title be referred to as an "implementing bill".

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 305(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before October 1, 2003; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after September 30, 2003, and before October 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before October 1, 2003.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than July 1, 2003, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than August 1, 2003, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this title; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) REPORTS MAY BE CLASSIFIED.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTION.—(A) For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the   disapproves the request of the President for the extension, under section 303(c)(1)(B)(i) of the Reciprocal Trade Agreement Authorities Act of 2001, of the provisions of section 151 of the Trade Act of 1974 to any implementing bill submitted with respect to any trade agreement entered into under section 303(b) of the Reciprocal Trade Agreement Authorities Act of 2001 after September 30, 2003.", with the blank space being filled with the name of the resolving House of the Congress.

(B) An extension disapproval resolution—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and to the Committee on Rules.

(C) The provisions of sections 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to an extension disapproval resolution.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after September 30, 2003.

SEC. 304. CONSULTATIONS.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—

(1) IN GENERAL.—The President, with respect to any agreement that is subject to the provisions of section 303(b), shall—

(A) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United

States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and such other committees of the House and Senate as the President deems appropriate.

(2) Consultations regarding negotiations on certain objectives.—

(A) Consultation.—In addition to the requirements set forth in paragraph (1), before initiating negotiations with respect to a trade agreement subject to section 303(b) where the subject matter of such negotiations is directly related to the principal trade negotiating objectives set forth in section 302(b)(1) or section 302(b)(7), the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and with the appropriate advisory groups established under section 135 of the Trade Act of 1974 with respect to such negotiations.

(B) Scope.—The consultations described in subparagraph (A) shall concern the manner in which the negotiation will address the objective of reducing or eliminating a specific tariff or nontariff barrier or foreign government policy or practice directly related to trade that decreases market opportunities for United States exports or otherwise distorts United States trade.

(3) Negotiations regarding agriculture.—Before initiating negotiations the subject matter of which is directly related to the subject matter under section 302(b)(6)(A) with any country, the President shall assess whether United States tariffs on agriculture products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(b) Consultation With Congress Before Agreements Entered Into.—

(1) Consultation.—Before entering into any trade agreement under section 303(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(2) Scope.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of this title; and

(C) the implementation of the agreement under section 305, including the general effect of the agreement on existing laws.

(c) Advisory Committee Reports.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 303(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 303(a)(1) or 305(a)(1)(A) of the President's intention to enter into the agreement.

SEC. 305. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) In General.—

(1) Notification and submission.—Any agreement entered into under section 303(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 303(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) Supporting information.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, and objectives of this title;

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce; and

(IV) how the implementing bill meets the standards set forth in section 303(b)(3).

(3) Reciprocal benefits.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 303(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) Limitations on Trade Authorities Procedures.—

(1) For lack of consultations.—

(A) In general.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 303(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to that trade agreement, the other House separately agrees to a procedural disapproval resolution with respect to that agreement.

(B) Procedural disapproval resolution.—For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult (as the case may be) with Congress in accordance with section 304 or 305 of the Reciprocal Trade Agreement Authorities Act of 2001 on negotiations with respect to, or entering into, a trade agreement to which section 303(b) of that Act applies and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to that trade agreement.".

(2) Procedures for considering resolution.—(A) A procedural disapproval resolution—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(II) shall be referred to the Committee on Ways and Means and to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate shall be an original resolution of the Committee on Finance.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and by the Committee on Rules.

(c) Rules of House of Representatives and Senate.—Subsection (b) of this section and section 303(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 306. TREATMENT OF CERTAIN TRADE AGREEMENTS.

(a) Certain Agreements.—Notwithstanding section 303(b)(2), if an agreement to which section 303(b) applies—

(1) is entered into under the auspices of the World Trade Organization regarding trade in information technology products,

(2) is entered into under the auspices of the World Trade Organization regarding extended negotiations on financial services as described in section 135(a) of the Uruguay Round Agreements Act (19 U.S.C. 3555(a)),

(3) is entered into under the auspices of the World Trade Organization regarding the rules of origin work program described in Article 9 of the Agreement on Rules of Origin referred to in section 101(d)(10) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(10)), or

(4) is entered into with Chile,

and results from negotiations that were commenced before the date of enactment of this Act, subsection (b) shall apply.

(b) Treatment of Agreements.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 304(a), and any procedural disapproval resolution under section 305(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 304(a); and

(2) the President shall consult regarding the negotiations described in subsection (a) with the committees described in section 304(a)(1)(B) as soon as feasible after the enactment of this Act.

SEC. 307. CONFORMING AMENDMENTS.

(a) In General.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) Implementing bill.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking "section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act" and inserting "section 282 of the Uruguay Round Agreements Act, or section 305(a)(1) of the Reciprocal Trade Agreement Authorities Act of 2001".

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking "or section 282 of the Uruguay Round Agreements Act" and inserting ", section 282 of the Uruguay Round Agreements Act, or section 305(a)(1) of the Reciprocal Trade Agreement Authorities Act of 2001".

(2) Advice from international trade commission.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 123 of this Act or section 303(a) or (b) of the Reciprocal Trade Agreement Authorities Act of 2001,"; and

(ii) in paragraph (2), by striking "section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 303(b) of the Reciprocal Trade Agreement Authorities Act of 2001";

(B) in subsection (b), by striking "section 1102(a)(3)(A)" and inserting "section 303(a)(3)(A) of the Reciprocal Trade Agreement Authorities Act of 2001" before the end period; and

(C) in subsection (c), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," and inserting "section 303 of the Reciprocal Trade Agreement Authorities Act of 2001,".

(3) Hearings and advice.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988," each place it appears and inserting "section 303 of the Reciprocal Trade Agreement Authorities Act of 2001,".

(4) Prerequisites for offers.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 303 of the Reciprocal Trade Agreement Authorities Act of 2001".

(5) Advice from private and public sectors.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 303 of the Reciprocal Trade Agreement Authorities Act of 2001";

(B) in subsection (e)(1)—

(i) by striking "section 1102 of the Omnibus Trade and Competitiveness Act of 1988" each place it appears and inserting "section 303 of the Reciprocal Trade Agreement Authorities Act of 2001"; and

(ii) by striking "section 1103(a)(1)(A) of such Act of 1988" and inserting "section 305(a)(1)(A) of the Reciprocal Trade Agreement Authorities Act of 2001"; and

(C) in subsection (e)(2), by striking "section 1101 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "section 302 of the Reciprocal Trade Agreement Authorities Act of 2001".

(6) Transmission of agreements to congress.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking "or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988" and inserting "or under section 303 of the Reciprocal Trade Agreement Authorities Act of 2001".

(b) Application of Certain Provisions.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 303 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 303 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 308. DEFINITIONS.

In this title:

(1) United states person.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(2) Uruguay round agreements.—The term "Uruguay Round Agreements" has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(3) World trade organization.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(4) WTO agreement.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

TITLE IV—AGRICULTURAL TRADE FREEDOM

SEC. 401. SHORT TITLE.

This title may be cited as the "Agricultural Trade Freedom Act".

SEC. 402. DEFINITIONS.

In this title, the terms "agricultural commodity" and "United States agricultural commodity" have the meanings given the terms in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

SEC. 403. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM UNILATERAL AGRICULTURAL SANCTIONS.

Subtitle B of title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5661 et seq.) is amended by adding at the end the following:

"SEC. 418. AGRICULTURAL COMMODITIES, LIVESTOCK, AND PRODUCTS EXEMPT FROM UNILATERAL AGRICULTURAL SANCTIONS.

"(a) Definitions.—In this section:

"(1) Current sanction.—The term 'current sanction' means a unilateral agricultural sanction that is in effect on the date of enactment of the Agricultural Trade Freedom Act.

"(2) New sanction.—The term 'new sanction' means a unilateral agricultural sanction that becomes effective after the date of enactment of that Act.

"(3) Unilateral agricultural sanction.—The term 'unilateral agricultural sanction' means any prohibition, restriction, or condition that is imposed on the export of an agricultural commodity to a foreign country or foreign entity and that is imposed by the United States for reasons of the national interest, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

"(b) Exemption.—

"(1) In general.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of law, agricultural commodities made available as a result of commercial sales shall be exempt from a unilateral agricultural sanction imposed by the United States on another country.

"(2) Exclusions.—Paragraph (1) shall not apply to agricultural commodities made available as a result of programs carried out under—

"(A) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

"(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

"(C) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

"(D) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.); or

"(E) section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14).

"(3) Determination by president.—The President may include agricultural commodities made available as a result of the activities described in paragraph (1) in the unilateral agricultural sanction imposed on a foreign country or foreign entity if—

"(A) a declaration of war by Congress is in effect with respect to the foreign country or foreign entity; or

"(B)(i) the President determines that inclusion of the agricultural commodities is in the national interest;

"(ii) the President submits the report required under subsection (d); and

"(iii) Congress has not approved a joint resolution stating the disapproval of Congress of the report submitted under subsection (d).

“(4) EFFECT ON AGRICULTURAL TRADE.—Nothing in this subsection requires the imposition of a unilateral agricultural sanction with respect to an agricultural commodity, whether exported in connection with a commercial sale or a program described in paragraph (2).

“(c) CURRENT SANCTIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the exemption under subsection (b)(1) shall apply to a current sanction.

“(2) PRESIDENTIAL REVIEW.—Not later than 90 days after the date of enactment of the Agricultural Trade Freedom Act, the President shall review each current sanction to determine whether the exemption under subsection (b)(1) should apply to the current sanction.

“(3) APPLICATION.—The exemption under subsection (b)(1) shall apply to a current sanction beginning on the date that is 180 days after the date of enactment of the Agricultural Trade Freedom Act unless the President determines that the exemption should not apply to the current sanction for reasons of the national interest.

“(d) REPORT.—

“(1) IN GENERAL.—If the President determines under subsection (b)(3)(B)(i) or (c)(3) that the exemption should not apply to a unilateral agricultural sanction, the President shall submit a report to Congress not later than 15 days after the date of the determination.

“(2) CONTENTS OF REPORT.—The report shall contain—

“(A) an explanation of—

“(i) the economic activity that is proposed to be prohibited, restricted, or conditioned by the unilateral agricultural sanction; and

“(ii) the national interest for which the exemption should not apply to the unilateral agricultural sanction; and

“(B) an assessment by the Secretary—

“(i) regarding export sales—

“(I) in the case of a current sanction, whether markets in the sanctioned country or countries present a substantial trade opportunity for export sales of a United States agricultural commodity; or

“(II) in the case of a new sanction, the extent to which any country or countries to be sanctioned or likely to be sanctioned are markets that accounted for, during the preceding calendar year, more than 3 percent of export sales of a United States agricultural commodity;

“(ii) regarding the effect on United States agricultural commodities—

“(I) in the case of a current sanction, the potential for export sales of United States agricultural commodities in the sanctioned country or countries; and

“(II) in the case of a new sanction, the likelihood that exports of United States agricultural commodities will be affected by the new sanction or by retaliation by any country to be sanctioned or likely to be sanctioned, including a description of specific United States agricultural commodities that are most likely to be affected;

“(iii) regarding the income of agricultural producers—

“(I) in the case of a current sanction, the potential for increasing the income of producers of the United States agricultural commodities involved; and

“(II) in the case of a new sanction, the likely effect on incomes of producers of the agricultural commodities involved;

“(iv) regarding displacement of United States suppliers—

“(I) in the case of a current sanction, the potential for increased competition for United States suppliers of the agricultural commodity in countries that are not subject to the current sanction because of uncertainty about the reliability of the United States suppliers; and

“(II) in the case of a new sanction, the extent to which the new sanction would permit foreign suppliers to replace United States suppliers; and

“(v) regarding the reputation of United States agricultural producers as reliable suppliers—

“(I) in the case of a current sanction, whether removing the sanction would improve the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary; and

“(II) in the case of a new sanction, the likely effect of the proposed sanction on the reputation of United States producers as reliable suppliers of agricultural commodities in general, and of specific agricultural commodities identified by the Secretary.

“(e) CONGRESSIONAL PRIORITY PROCEDURES.—

“(1) JOINT RESOLUTION.—In this subsection, the term ‘joint resolution’ means only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (d) is received by Congress, the matter after the resolving clause of which is as follows: ‘That Congress disapproves the report of the President pursuant to section 418(d) of the Agricultural Trade Act of 1978, transmitted on .’, with the blank completed with the appropriate date.

“(2) REFERRAL OF REPORT.—The report described in subsection (d) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

“(3) REFERRAL OF JOINT RESOLUTION.—

“(A) IN GENERAL.—A joint resolution shall be referred to the committees in each House of Congress with jurisdiction.

“(B) REPORTING DATE.—A joint resolution referred to in subparagraph (A) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

“(4) DISCHARGE OF COMMITTEE.—If the committee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of introduction of the joint resolution—

“(A) the committee shall be discharged from further consideration of the joint resolution; and

“(B) the joint resolution shall be placed on the appropriate calendar of the House concerned.

“(5) FLOOR CONSIDERATION.—

“(A) MOTION TO PROCEED.—

“(i) IN GENERAL.—When the committee to which a joint resolution is referred has reported, or when a committee is discharged under paragraph (4) from further consideration of, a joint resolution—

“(I) it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the House concerned to move to proceed to the consideration of the joint resolution; and

“(II) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

“(ii) PRIVILEGE.—The motion to proceed to the consideration of the joint resolution—

“(I) shall be highly privileged in the House of Representatives and privileged in the Senate; and

“(II) shall not be debatable.

“(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—The motion to proceed to the consideration of the joint resolution shall not be subject to—

“(I) amendment;

“(II) a motion to postpone; or

“(III) a motion to proceed to the consideration of other business.

“(iv) MOTION TO RECONSIDER NOT IN ORDER.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

“(v) BUSINESS UNTIL DISPOSITION.—If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House concerned until disposed of.

“(B) LIMITATIONS ON DEBATE.—

“(i) IN GENERAL.—Debate on the joint resolution, and on all debatable motions and appeals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution.

“(ii) FURTHER DEBATE LIMITATIONS.—A motion to limit debate shall be in order and shall not be debatable.

“(iii) AMENDMENTS AND MOTIONS NOT IN ORDER.—An amendment to, a motion to postpone, a motion to proceed to the consideration of other business, a motion to recommit the joint resolution, or a motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

“(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House concerned, the vote on final passage of the joint resolution shall occur.

“(D) RULINGS OF THE CHAIR ON PROCEDURE.—An appeal from a decision of the Chair relating to the application of the rules of the Senate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

“(6) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the following procedures shall apply:

“(A) NO COMMITTEE REFERRAL.—The joint resolution of the other House shall not be referred to a committee.

“(B) FLOOR PROCEDURE.—With respect to a joint resolution of the House receiving the joint resolution—

“(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(ii) the vote on final passage shall be on the joint resolution of the other House.

“(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—On disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

“(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

"(8) RULEMAKING POWER.—This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this subsection—

"(i) is deemed to be a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

"(ii) supersedes other rules only to the extent that this subsection is inconsistent with those rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

SEC. 404. SALE OR BARTER OF FOOD ASSISTANCE.

It is the sense of Congress that the amendments to section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) made by section 208 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 954) were intended to allow the sale or barter of United States agricultural commodities in connection with United States food assistance only within the recipient country or countries adjacent to the recipient country, unless—

(1) the sale or barter within the recipient country or adjacent countries is not practicable; and

(2) the sale or barter within countries other than the recipient country or adjacent countries will not disrupt commercial markets for the agricultural commodity involved.

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. DEWINE, Mr. WARNER, and Mr. LUGAR):

S. 335. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today I am once again honored to introduce a bill which focuses on an important issue facing American families today—paying for the education of their children. I have long believed that we need to make college education more affordable, and my legislation, the Setting Aside for a Valuable Education, or SAVE, Act, will do that by making savings in qualified tuition savings plans entirely tax-free. I am pleased to be joined in this endeavor by the bill's original co-sponsors, Senators GRAHAM, BUNNING, DEWINE, WARNER, and LUGAR.

I have worked for the past six years to make saving for college easier for American families by providing ways to help them keep pace with the rising cost of a college education through tax incentives. In 1994, I introduced the first bill to make education savings in state tuition plans exempt from taxation. Since that time, Congress has made significant progress toward achieving this important goal.

In 1996, I was able to include a provision in the Small Business Job Protection Act that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure established that account earnings on the savings plans are to be included in gross income when distributions to attend school are made. This was an important change because it removed the tax uncertainty that was hindering the plans' effectiveness and helped families who are trying to save for their children's future education needs. Before this clarification, it appeared that account earnings may be taxed annually, which would have deterred saving for education expenses. Also, my language shifted the tax burden upon distribution of the funds from the parent to the student, who is generally taxed at a lower rate.

The following year, the Taxpayer Relief Act of 1997 included several important legislative initiatives that maximized flexibility to families with investments in long-term education savings plans. Through this vehicle, I was pleased to be able to expand the definition of "eligible education expenses" to include room and board costs so that these expenses—often as much as one-half the entire cost of college—also received the deferred tax treatment. Secondly, I was able to include a provision which expanded the definition of "eligible institutions" to include all schools, including certain proprietary schools, which are eligible under the Department of Education's student aid program. Finally, I was pleased that the Taxpayer Relief Act included a more detailed definition of the term "member of family" to allow tax-free transfers of credits or account balances in a qualified tuition program to additional family members in the event that the named beneficiary does not attend college.

However, while I am proud of these initial success stories, I will continue to press to make education savings entirely tax free. While the end is in sight, we cannot claim victory until we achieve this goal. In fact, the need for education savings tax relief is more acute then ever as recent studies demonstrate that we must continue to encourage parents to adopt a long-term savings approach for their children's future education.

According to the College Board, during the 2000–2001 academic school year, the average tuition at four-year public colleges rose between 4.4 and 5.2 percent. It is important to note that this increase was higher than the 1999 tuition increase of 3.4 percent. In addition, the College Board estimates that room and board charges will increase between 4 and 5 percent for next year. What is most frustrating is that despite the recent economic boom, the cost of a college education continues to rise at a rate faster than many families can afford. According to the College Board, since 1980 the price of a college education has been rising between two and three times the Consumer Price Index. In fact, tuition and fees for a four year college education has risen 115 percent over inflation since the 1980–81 school year, while median household income has risen only 20 percent. Over the past decade, tuition has increased between 32 and 49 percent, while family income over the same period has increased just 4 percent.

As a result, more and more families are forced to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. The amount of financial aid available to students and their families for the 1999–2000 school year topped $68 billion, more than 4% above than the previous year. However, there has been a marked trend from grant-based assistance programs to loan-based assistance programs, and today many students are forced to borrow in order to attend college. This shift toward loans increases the financial burden of attending college because students and families must then assume interest costs that can add thousands to the total cost of tuition.

We must not forget that compounded interest cuts both ways. For those students who must borrow, compounded interest is a burden, for those students and families who save, it is a blessing. By saving, participants can keep pace, or even ahead of, tuition increases. By borrowing, students bear additional interest costs that add thousands to the total cost of tuition. Savings have a positive impact by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, better meet the demands of those who are in most need.

Mr. President, the need for rewarding long-term saving for college is clear. My legislation will recognize and award savings while allowing students and families that are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified educational purposes. This bill will finish what I started in 1994.

Mr. President, as a result of our actions over the last several years, a majority of the states have implemented tuition savings plans for their residents. In the mid-1980s, states first began to recognize the difficulty that families faced in keeping pace with the rising cost of education. States like Kentucky, Florida, Ohio, and Michigan were among the first to start programs aimed at helping families save for their children's college education. Other states have since followed suit, and currently 48 states have some form of tuition savings plans.

Today, there are nearly one million savers who have contributed over $2 billion in education savings. In the Commonwealth of Kentucky alone, 3,250 beneficiaries have active accounts and have accumulated $13 million in savings. With average monthly contributions as low as $110, and nearly 60% of the participating families earning a household income of under $60,000 annually, state-sponsored tuition plans clearly benefit middle-class families—the exact Americans who deserve and need such relief.

In addition to accomplishing my long-sought goal of making savings in tuition savings plans entirely tax-free, the SAVE Act, includes several other new provisions. It allows private institutions to establish their own qualified prepaid tuition programs, and at the same time includes important consumer protections to ensure that these new plans operate in a fiscally responsible manner. The SAVE Act also modifies the cap on room and board expenses to more accurately reflect the cost of attending an institution of higher learning. The final important change made in the SAVE Act is a provision allowing for one annual rollover between Section 529 plans to meet the needs of our increasingly mobile society.

I have worked closely with state plan administrators over the years seeking both their advice and support. When I introduce the SAVE Act this afternoon, I will be honored once again to have the endorsement of the National Association of State Treasurers and the College Savings Plans Network (CSPN). I ask unanimous consent that CSPN's letter of support be included in the record. They have worked tirelessly in support of this legislation because they know it is in the best interests of plan participants—families who care about their children's education. In addition, state-sponsored tuition savings plans have recently been touted as one of the best ways to save for a college education by such influential magazines as Money, Fortune, and Business Week.

This overwhelming support for these programs underscores my belief that we have a real opportunity to go even further toward making college affordable for American families. It is in our national interest to maintain a quality and affordable education system for all families—not merely those fortunate to have the resources. My legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children by providing a significant tax break for all savers nationwide. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

College is a lifelong investment. We must take steps to ensure that higher education is within the reach of every child so that they are prepared to meet the challenges they will face in our increasingly competitive world. We must make it easier for families to save for college, and we can do so this year by providing total tax freedom for education savings. My bill will make these tuition savings plans entirely tax-free when the money is drawn out to pay for college, and I believe that my legislation is the best approach to ensuring that our children can obtain a higher education without mortgaging their futures.

Mr. President, I appreciate the opportunity to speak to the Senate on this legislation and I look forward to working with the bill's co-sponsors and the Bush Administration to enact it into law.

I ask unanimous consent that the bill and a letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Setting Aside for a Valuable Education (SAVE) Act".

SEC. 2. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) In General.—Subparagraph (B) of section 529(c)(3) of the Internal Revenue Code of 1986 (relating to distributions) is amended to read as follows:

"(B) Distributions for qualified higher education expenses.—For purposes of this paragraph—

"(i) In-kind distributions.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) Cash distributions.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) Exception for institutional programs.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified State tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) Treatment as distributions.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) Coordination with hope and lifetime learning credits.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(vi) Coordination with education savings accounts.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).".

(b) Conforming Amendments.—

(1) Section 135(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(2) Section 221(e)(2)(A) of such Code is amended by inserting "529," after "135,".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.

(a) In General.—Section 529(b)(1) of the Internal Revenue Code of 1986 (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof".

(b) Private Qualified Tuition Programs Limited To Benefit Plans.—Clause (ii) of section 529(b)(1)(A) of the Internal Revenue Code of 1986 is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(c) Additional Requirements for Certain Private Qualified Tuition Programs.—Section 529(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) Additional requirements for certain private qualified tuition programs.—A program established and maintained by 1 or more eligible educational institutions and described in paragraph (1)(A)(ii) shall not be treated as a qualified tuition program unless—

"(A) under such program a trust is created or organized for the sole purpose of paying the qualified higher education expenses of the designated beneficiary of the account,

"(B) the written governing instrument creating the trust of which the account is a part provides safeguards to ensure that contributions made on behalf of a designated beneficiary remain available to provide for the qualified higher education expenses of the designated beneficiary, and

"(C) the trust meets the following requirements:

"(i) Any trustee or person who may under contract operate or manage the trust demonstrates to the satisfaction of the Secretary that the manner in which that trustee or person will administer the trust will be consistent with the requirements of this section.

"(ii) The assets of the trust are not commingled with other property except in a common trust fund or common investment fund.

"(iii) The trust annually prepares and makes available the reports and accountings required by this section. The annual report, at a minimum, includes information on the financial condition of the trust and the investment policy of the trust.

"(iv) Before entering into contracts or otherwise accepting contributions on behalf of a designated beneficiary, the trust obtains an appropriate actuarial report to establish, maintain, and certify that the trust shall have sufficient assets to defray the obligations of the trust and annually makes the actuarial report available to account contributors and designated beneficiaries.

"(v) The trust secures a favorable ruling or opinion issued by the Internal Revenue Service that the trust is in compliance with the requirements of this section.

"(vi) Before entering into contracts or otherwise accepting contributions on behalf of a designated beneficiary, the trust solicits answers to appropriate ruling requests from the Securities and Exchange Commission regarding the application of Federal securities laws to the trust.".

(d) Application of Federal Securities Laws to Private Qualified Tuition Programs.—Section 529(e) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(6) Application of federal securities laws to private qualified tuition programs.—Nothing in this section shall be construed to exempt any qualified tuition program that is not established and maintained by a State or agency or instrumentality thereof from any of the requirements of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).".

(e) Conforming Amendments.—

(1) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) of the Internal Revenue Code of 1986 are each amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(2) The headings for sections 72(e)(9) and 135(c)(2)(C) of such Code are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(3) The headings for sections 529(b) and 530(b)(2)(B) of such Code are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(4) The heading for section 529 of such Code is amended by striking "state".

(5) The item relating to section 529 of such Code in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 4. OTHER MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) Rollover to Different Program for Benefit of Same Designated Beneficiary.—Section 529(c)(3)(C) of the Internal Revenue Code of 1986 (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) Limitation on certain rollovers.—Clause (i)(I) shall only apply to 1 transfer with respect to a designated beneficiary in any year.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(b) Member of Family Includes First Cousin.—Section 529(e)(2) of the Internal Revenue Code of 1986 (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary.".

(c) Adjustment of Limitation on Room and Board Distributions.—Section 529(e)(3)(B)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

"(ii) Limitation.—The amount treated as qualified higher education expenses by reason of clause (i) shall not exceed the greater of—

"(I) the amount (applicable to the student) included for room and board for such period in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Setting Aside for a Valuable Education (SAVE) Act) for the eligible educational institution for such period, or

"(II) the actual invoice amount the student residing in housing owned or operated by the eligible educational institution is charged by such institution for room and board costs for such period.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

College Savings Plans Network,
Lexington, KY, February 13, 2001.

Re College Savings Plans Network's Support of the SAVE Act

Hon. Mitch McConnell,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator McConnell: Thank you for your continued support of legislation to encourage college savings through state-sponsored college savings programs. Your leadership in helping families plan for their children's college education is truly commendable; your foresight and knowledge have enhanced the ability of all families to save. Section 529 programs now represent over 1.4 million families who have invested more than $8 billion for their children's future higher education. The College Savings Plans Network represents all 50 states that are currently operating or developing §529 college savings programs.

In our continuing efforts to make a college education more accessible and affordable for American families, we are very appreciative of your sponsorship of the "Setting Aside for a Valuable Education (SAVE) Act," which would provide an exclusion from gross income for earnings on §529 accounts, as well as several technical amendments that would make these college savings programs more user-friendly.

The college Savings Plans Network strongly supports an exclusion from gross income for earnings on §529 accounts. This tax treatment would be less burdensome to administer than current tax provisions, and would result in better compliance and less cost to college savings programs and their participants. More importantly, an exclusion from gross income would provide a powerful additional incentive for families to save early for college expenses. Section 529 of the Internal Revenue Code already contains restrictions and penalties to prevent any potential abuse of these programs.

Please do not hesitate to contact me should you need any additional information or have any questions. Thank you again for your continued interest in and support of §529 programs and the hundreds of thousands of children for whom college is now an affordable reality.

Sincerely,

George Thomas,
Chair, College Savings Plans Network and New Hampshire State Treasurer.

Mr. GRAHAM. Mr. President, I am proud to join Senator McConnell and my other Senate colleagues in launching an initiative to increase Americans' access to college education. Today, we are introducing the Setting Aside for a Valuable Education Act. This bill extends tax-free treatment to all state sponsored prepaid tuition plans and state savings plans. This legislation also gives prepaid tuition plans established by private colleges and universities tax-exempt status.

Prepaid college tuition and savings programs have flourished at the state level in the face of spiraling college costs. According to the College Board, between 1980 and 2000, the cost of going to a four-year college has increased 115 percent above the rate of inflation. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

In response to higher college costs the states have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today 49 states have either implemented or are in the process of implementing prepaid tuition plans or state education savings plans.

Prepaid college tuition plans allow parents to pay prospectively for their children's higher education at participating universities. States pool these funds and invest them in a manner that will match or exceed the pace of educational inflation. This "locks in" current tuition and guarantees financial access to a future college education. In 1996, Congress acted to ensure that the tax on the earnings in these state-sponsored programs is tax-deferred.

Senator McConnell and I believe the 107th Congress must move to make these programs completely tax free. Students should be able to enroll in college without the fear of incurring a significant tax liability just because they went to school. The legislation extends this same tax treatment to private college prepaid programs.

We believe that these programs should be tax free for numerous reasons. First, prepaid tuition and savings programs help middle income families afford a college education. Florida's experience shows that it is not higher income families who take most advantage of these plans. It is middle income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family income of less than $50,000. Second, Congress should make these programs tax free in order to encourage savings and college attendance. Finally, for most families, these plans simply represent the purchase of a service to be provided in the future. The accounts are not liquid, and the funds are transferred from the state directly to the college or university. The imposition of a tax liability on earnings represents a substantial burden, because the student is required to find other means of generating the funds to pay the tax.

I am pleased to have this opportunity to join my colleagues in introducing this bill which makes a college education easier to obtain.

By Mr. BOND:

S. 336. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an issue of growing concern to small businesses across the nation—tax accounting methods. I am pleased to be working with our colleague in the other body, Congressman WALLY HERGER, who is introducing the companion to this legislation.

While this topic may lack the notoriety of some other tax issues currently in the spotlight like tax-rate reductions, estate-tax repeal, or elimination of the alternative minimum tax, it goes to the heart of a business' daily operations—reflecting its income and expenses. And because it is such a fundamental issue, one may ask: "What's the big deal? Hasn't this been settled long ago?" Regrettably, efforts by the Treasury Department and Internal Revenue Service (IRS) over the past couple of years have muddied what many small business owners have long seen as a settled issue.

To many small business owners, tax accounting simply means that they record gross receipts when they receive cash and expenses when they write a check for the various costs associated with operating a business. The difference is income, which is subject to taxes. In its simplest form, this is known as the "cash receipts and disbursements" method of accounting—or the "cash method" for short. It is easy to understand, it is simple to undertake in daily business operations, and for the vast majority of small enterprises, it matches their income with the related expenses in a given year. Coincidentally, it's also the method of accounting used by the Federal government to keep track of the nearly $2 trillion in tax revenues it collects each year as well as all of its expenditures for salaries and expenses, procurement, and the cost of various government programs.

Unfortunately, what's good for the Federal government apparently is not good enough for small businesses. In recent years, the IRS has taken a different view with respect to small businesses on the cash method. In too many cases, the IRS has asserted that a small business should report its income when all events have occurred to establish the business' right to receipt and the amount can reasonably be determined. Similar principles are applied to determine when a business may recognize an expense. This method of accounting is known as "accrual accounting." The reality of accrual accounting for a small business is that it may be deemed to have income well before the cash is actually received and an expense long after the cash is actually paid. As a result, accrual accounting can create taxable income for a small business that has yet to receive the cash necessary to pay the taxes.

While the IRS argues that the accrual method of accounting produces a more accurate reflection of "economic income," it also produces a major headache for small enterprise. Few entrepreneurs have the time or experience to undertake accrual accounting, which forces them to hire costly accountants and tax preparers. By some estimates, accounting fees can increase as much as 50 percent when accrual accounting is required, excluding the cost of high-tech computerized accounting systems that some businesses must install. For the brave few that try to handle the accounting on their own, the accrual method often leads to major mistakes, resulting in tax audits and additional costs for professional help to sort the whole mess out—not to mention the interest and penalties that the IRS may impose as a result of the mistake.

To make matters even worse, the IRS focused on small service providers who use some merchandise in the performance of their service. In an e-mail sent to practitioners in my State of Missouri and in Kansas on March 22, 1999, the IRS" local district office took special aim at the construction industry asserting that "[t]axpayers in the construction industry who are on the cash method of accounting may be using an improper method. The cash method is permissible only if materials are not an income producing factor." For those lucky service providers, the IRS has asserted that the use of merchandise requires the business to undertake an additional and even more onerous form of bookkeeping—inventory accounting.

Let's be clear about the kind of taxpayer at issue here. It's the home builder who by necessity must purchase wood, nails, dry wall, and host of other items to provide the service of constructing a house. Similarly, it's a painting contractor who will often purchase the paint when he renders the service of painting the interior of a house. These service providers generally purchase materials to undertake a specific project and at its end, little or no merchandise remains. They may even arrange for the products to be delivered directly to their client.

Mr. President, if we thought that accrual accounting is complicated and burdensome, imaging having to keep track of all the boards, nails, and paint used in the home builder's and painter's jobs each year. And it doesn't always stop at inventory accounting for these service providers. Instead, the IRS has used it as the first step to imposing overall accrual accounting—a one-two punch for the small service provider when it comes to compliance burdens.

Even more troubling is the cost of an audit for these unsuspecting service providers who have never known they were required to use inventories or accrual accounting. According to a survey of practitioners by the Padgett Business Services Foundation, audits of businesses on the issue of merchandise used in the performance of services resulted in tax deficiencies from $2,000 to $14,000, with an average of $7,200. That's a steep price to pay for an accounting method error that the IRS for years has never enforced.

The bill I'm introducing today—the Cash Accounting for Small Business Act of 2001—addresses both of these issues and builds on the legislation that I introduced in the 106th Congress. First, the bill establishes a clear threshold for when small businesses may use the cash method of accounting. Simply put, if a business has an average of $5 million in annual gross receipts or less during the preceding three years, it may use the cash method. Plain and simple—no complicated formula; no guessing if you made the right assumptions and arrived at the right answer. If the business exceeds the threshold, it may still seek to establish, as under current law, that the cash method clearly reflects its income.

Some may argue that this provision is unnecessary because section 448(b) and (c) of the Internal Revenue Code already provide a $5 million gross receipts test with respect to accrual accounting. That's a reasonable position since many in Congress back in 1986 intended section 448 to provide relief for small business taxpayers using the cash method. Unfortunately, the IRS has twisted this section to support its quest to force as many small businesses as possible into costly accrual accounting. The IRS has construed section 448 to be merely a $5 million ceiling above which a business can never use the cash method. My bill corrects this misinterpretation once and for all—if a business has average gross receipts of $5 million or less, it is free to use cash accounting.

Additionally, the bill indexes the $5 million threshold for inflation so it will keep pace with price increases. As a result, small businesses will not be forced into the accrual method merely because their gross receipts increased due to inflation.

Second, for small service providers, the Cash Accounting for Small Business Act exempts these taxpayers from inventory accounting if they meet the general $5 million threshold. These businesses will be able to deduct the expenses for such inventory that are actually consumed and used in the operation of the business during that particular taxable year. While the small service provider will still have to keep some minimal records as to the merchandise used during the year, it will be vastly more simple than having to comply with the onerous inventory accounting rules currently in place in the tax code.

The $5 million threshold set forth in my bill is a common-sense solution to an increasing burden for small businesses in this country, which was recently highlighted by the IRS National Taxpayer Advocate. In his 2001 Report to Congress, the Advocate noted that "Small business taxpayers may be burdened by having to maintain an accrual method of accounting for no other purpose than tax reporting. Because these taxpayers can be relatively unsophisticated about tax and inventory accounting issues, they are likely to hire advisors to help them comply with their tax obligations." Unfortunately, these higher costs of recordkeeping and tax preparation take valuable capital away from the business and hinder its ability to grow and produce jobs. The Cash Accounting for Small Business Act takes a big step toward easing those burdens and allowing small business owners to dedicate their time and money to running successful enterprises—instead of filling out government paperwork.

In addition, it sends a clear signal to the IRS: stop wasting scarce resources forcing small businesses to adopt complex and costly accounting methods when the benefit to the Treasury is simply a matter of timing. Whether a small business uses the cash or accrual method or inventory accounting or not, in the end, the government will still collect the same amount of taxes—maybe not all this year, but very likely early in the next year. What small business can go very long without collecting what it is owed or paying its bills?

Last year, the Treasury Department's answer was to propose a $1 million threshold under which a small business could escape accrual accounting and presumably inventories. While it is a step in the right direction, it simply doesn't go far enough. Even ignoring inflation, if a million dollar threshold were sufficient, why would Congress have tried to enact a $5 million threshold 14 years ago? My bill completes the job that the Clinton Treasury Department was unable or unwilling to do.

More recently, the IRS issued a notice announcing that the agency has temporarily changed its litigation position concerning the requirement that certain taxpayers must use inventory and accrual accounting. Based on losses in several court cases, the IRS has decided to back off on taxpayers in construction businesses similar to those addressed by the courts. For those taxpayers, the agency has turned down the fire, and I applaud the IRS for its decision. The new litigation position, however, does not solve the underlying statutory issues that led the IRS to pursue these taxpayers in the first place, nor is it any assurance that the litigation position will not be changed again once the IRS" Chief Counsel has completed its study of these issues. The Cash Accounting for Small Businesses resolves this matter once and for all small businesses giving them clear rules and certainty as they struggle to keep their businesses running.

The legislation I introduce today is the companion to the bill that Congressman HERGER is introducing in the other body. Together with Congressman HERGER and the small business community, I expect to continue the momentum that we started last year and achieve some much needed relief from unnecessary compliance burdens and costs for America's small businesses.

The call for tax simplification has been growing increasingly loud in recent years, and this bill provides an excellent opportunity for us to advance the ball well down the field. This is not a partisan issue; it's a small business issue. And I urge my colleagues on both sides of the aisle to join me in this common-sense legislation for the benefit of America's small enterprises, which contribute so greatly to this country's economic engine.

Mr. President, I ask unanimous consent to have printed in the RECORD, the text of the bill and a description of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cash Accounting for Small Business Act of 2001".

SEC. 2. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 of the Internal Revenue Code of 1986 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, an eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

"(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

"(i) for all prior taxable years beginning after December 31, 1999, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

"(ii) the taxpayer is not a tax shelter (as defined in section 448(d)(3)).

"(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $5,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 of the Internal Revenue Code of 1986 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2000, such property shall be treated as a material or supply which is not incidental.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).".

(c) INDEXING OF GROSS RECEIPTS TEST.—Section 448(c) of the Internal Revenue Code of 1986 (relating to $5,000,000 gross receipts test) is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof. If any amount as adjusted under this paragraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(d) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

CASH ACCOUNTING FOR SMALL BUSINESS ACT OF 2001—DESCRIPTION OF PROVISIONS

The bill amends section 446 of the Internal Revenue Code to provide a clear threshold for small businesses to use the cash receipts and disbursements method of accounting, instead of accrual accounting. To qualify, the business must have $5 million or less in average annual gross receipts based on the preceding three years. Thus, even if the production, purchase, or sale of merchandise is an income-producing factor in the taxpayer's business, the taxpayer will not be required to use an accrual method of accounting if the taxpayer meets the average annual gross receipts test.

In addition, the bill provides that a taxpayer meeting the average annual gross receipts test is not required to account for inventories under section 471. The taxpayer will be required to treat such inventory in the same manner as materials or supplies that are not incidental. Accordingly, the taxpayer may deduct the expenses for such inventory that are actually consumed and used in the operation of the business during that particular taxable year.

The bill indexes the $5 million average annual gross receipts threshold for inflation. The cash-accounting safe harbor will be effective for taxable years beginning after December 31, 2000.

By Mr. DOMENICI:

S. 337. A bill to amend the Elementary and Secondary Education Act of 1965 to assist State and local educational agencies in establishing teacher recruitment centers, teacher internship programs, and mobile professional development teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce the Teacher Recruitment, Development, and Retention Act of 2001.

I want to begin with a quotation I recently came across that captures the essence of teaching:

> The mediocre teacher tells. The good teacher explains. the superior teacher demonstrates. The great teacher inspires.

The point is simple, for our children to succeed we must ensure they are taught by well-educated, competent, and qualified teachers.

I say this because it is a simple fact that in the future the individuals who will succeed will be those who can read, write, and do math. I firmly believe that a good education will help ensure a ticket to the economic security of the middle class because almost no one doubts the link between education and an individual's prospects.

However, one of the fundamental keys to providing our children with the tools to succeed is the presence of qualified teachers. Nothing can have a more positive impact on a child's learning than a knowledgeable and skillful teacher. Thus, we must ensure there are not only enough teachers, but enough teachers that possess the tools required to make that positive impact on our children.

Teachers must not only be prepared when they are hired, but they must remain armed with the latest technology and teaching tools for the duration of their careers. Just think of the constant training and testing doctors, police officers, and lawyers must endure throughout their careers.

Before I touch upon the Teacher Recruitment, Development, and Retention Act of 2001 in greater detail I would like to make a few brief comments about K–12 education in New Mexico. New Mexico is a very large and rural state with almost 20,000 teachers and nearly 330,000 public school students.

New Mexico's 89 school districts come in all shapes and sizes, for instance, Albuquerque has over 85,000 students and Corona has only 92 students. However, each of these districts, large and small must all have qualified teachers.

The Teacher Recruitment, Development, and Retention Act of 2001 seeks to create several optional programs for states to facilitate teacher recruitment development, and retention through grants awarded by the Secretary of Education.

The first option would be the creation of Teacher Recruitment Centers. These centers would serve as job banks/statewide clearinghouses for the recruitment and placement of K–12 teachers. The centers would also be responsible for creating programs to further teacher recruitment and retention within the state.

The second option would encourage states to implement teacher internships where newly hired teachers would participate in a teacher internship in addition to any state or district student teaching requirement. The internship would last one year and during that time the teacher would be assigned a mentor/senior teacher for guidance and support.

Finally, states would have the option of creating mobile professional development teams. These teams would alleviate the need for teachers and administrators that often have to travel great distances to attend professional development programs by bringing these activities directly to the local district or a centrally located regional site through mobile professional development teams.

I believe the primary beneficiaries of mobile professional development teams would be rural areas and the programs offered would focus on any state or local requirements for licensure of teachers and administrators, including certification and recertification.

Under the Teacher Recruitment, Development, and Retention Act of 2001 each program would be authorized at $50 million for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years.

In conclusion, I want to again say how pleased I am to introduce the Teacher Recruitment, Development, and Retention Act of 2001 and I look forward to working with my colleagues as we reauthorize the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Recruitment, Development, and Retention Act of 2001".

SEC. 2. TEACHER RECRUITMENT CENTERS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part H;

(2) by redesignating sections 2401 and 2402 as sections 2701 and 2702, respectively; and

(3) by inserting after part D the following:

"PART E—TEACHER RECRUITMENT CENTERS

"SEC. 2401. GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to State educational agencies to establish and operate State teacher recruitment centers.

"(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to establish and operate a center that—

"(1) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

"(2) establishes and carries out programs to improve teacher recruitment and retention within the State.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year

2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

SEC. 3. TEACHER INTERNSHIPS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 2, is further amended by inserting after part E the following:

"PART F—TEACHER INTERNSHIPS

"SEC. 2501. GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to State educational agencies and local educational agencies to establish teacher internship programs.

"(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to establish teacher internship programs in which a new teacher employed in the State or district involved—

"(1) is hired on a probationary basis for a 1-year period; and

"(2) is required to participate in an internship during that year, under the supervision of a mentor teacher, in addition to meeting any State or local requirement concerning student teaching.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

SEC. 4. MOBILE PROFESSIONAL DEVELOPMENT TEAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 3, is further amended by inserting after part F the following:

"PART G—MOBILE PROFESSIONAL DEVELOPMENT TEAMS

"SEC. 2601. GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to State educational agencies to carry out professional development activities through mobile professional development teams.

"(b) USE OF FUNDS.—An agency that receives a grant under subsection (a) shall use the funds made available through the grant to carry out, directly or by grant or contract with entities approved by the agency, activities that—

"(1) at a minimum, provide professional development with respect to State licensing and certification (including recertification) requirements of teachers and administrators; and

"(2) are provided by mobile professional development teams, in the school district in which the teachers and administrators are employed, or at a centrally located regional site.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to agencies proposing to carry out professional development activities through mobile professional development teams that will primarily operate in rural areas.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

By Mr. ENSIGN (for himself and Mr. REID):

S. 338. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary.

Mr. REID. Mr. President, today I join my colleague from Nevada, Senator ENSIGN, in introducing bipartisan legislation aimed at curtailing illegal gambling in college sports. The bill we are introducing will have a direct and immediate impact on the growing national problem of illegal gambling in college sports.

Illegal gambling in college sports is a growing phenomenon. It is a problem not only in our college campuses and dorm rooms but is spreading throughout the country. While we have laws on our books prohibiting this activity, they seem to be having little impact.

Last year there were several legislative efforts aimed at addressing this problem. I was fortunate last year to work on a similar bill which had the support of Senators TORRICELLI, BAUCUS, and LINCOLN and former Senators Bryan and Robb. Some suggested enacting a prohibition on all forms of sports wagering—even in States where it is legal and regulated. Such a proposal is an affront to States' rights and more importantly, does not address the real problem—illegal gambling.

Indeed, it is like shutting down the Bank of America in order to eliminate loan sharking. I have a pretty good understanding of the many issues involving gaming. Prior to my service in the Senate I chaired the Nevada Gaming Commission. The Commission was responsible for regulating all forms of Nevada's legal gaming industry. Gaming succeeds in Nevada not despite regulation but because of regulation.

It is an all-cash industry. Absent regulation, it invites mischief and criminal wrongdoing. The National gambling Impact Study Commission estimates that as much as $380 billion is wagered illegally every year. By contrast, all sports wagers in Nevada were less than 1 percent of illegal wagers, with college wagers only one-third of the State total.

While there has been disagreement over the appropriate policy response to illegal gambling on college sports, there is agreement that something must be done. The Ensign-Reid bill we are introducing today takes affirmative steps to immediately address illegal gambling on college sports. It establishes a task force on illegal wagering on collegiate sporting events at the Department of Justice.

The task force is directed to enforce Federal laws prohibiting gambling related to college sports and to report to Congress annually on the number of prosecutions and convictions obtained. It doubles the penalties for illegal sports gambling. Our bill also addresses the growing trend of gambling by minors by directing the National Institute of Justice to conduct a study on this disturbing trend.

It requires the Attorney General to conduct a study of illegal college sports gambling. Our legislation answers a concern raised by the NCAA regarding illegal gambling on college campuses. The National Gambling Impact Study Commission's final report found widespread illegal gambling by student athletes despite NCAA regulations prohibiting such activities. The commission urged the NCAA to do more. The NCAA has failed to take any action so our bill does.

Just as schools now report on incidents of drug and alcohol abuse on their campuses they will now provide similar data on illegal wagering. Schools will be required to coordinate their anti-gambling programs and submit an annual report to the Secretary of Education. In addition to reporting on incidents of illegal gambling activity on their campuses, schools will be required to provide a statement of policy regarding illegal gambling.

Finally, our bill includes a section on personal responsibility. Students receiving athletic-related aid shall be deemed ineligible for such aid if it is determined that that student engaged in illegal gambling activity. While this is a taught measure, if the NCAA is serious about addressing this problem, we would hope they could join us in supporting a real solution. Schools will be required to coordinate their efforts to reduce illegal gambling on campuses.

I believe the problems of illegal gambling on college sporting events is very real. I believe it is growing. No one knows the real extent of this problem. No one knows what is being done to combat this at the Federal level or by our Nation's institutions of higher learning. The NCAA has chosen not to address this problem. To date, their combined strategy of finger pointing, use of red herring and outright denial has left us with little to show in terms of addressing this problem. Our nation's students and schools are being ill-served by this beleaguered association that at times seems more interested in signing billion dollar broadcasting contracts than ensuring the integrity of the sporting events they sanction.

Our bipartisan legislation takes significant and meaningful steps toward cleaning up the state of affairs with collegiate sports. I urge my colleagues join us in committing to address the problem of illegal gambling in college sports.

By Mr. WYDEN (for himself, Mr. FRIST, Mr. SESSIONS, Mr. BREAUX, Ms. LANDRIEU, and Mr. BAYH):

S. 339. A bill to provide for improved educational opportunities in rural schools and districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, if you are one of the millions of rural school children who ride buses 2.9 billion miles every year, if you attend school in one of the thousands of rural schools that have no school library or no classroom computers, if one of the buildings at your school is in serious disrepair, or if you are sharing a few 30 year-old textbooks with the other students in your class, then you probably feel like you are going to school in an education sacrifice zone.

Our country spends less than a quarter of our Nation's education dollars to educate approximately half of our nation's students. You don't have to be a math whiz to know that the numbers just don't add up. The students who are short-changed often live in rural areas.

Thousands of rural and small schools across our nation face the daunting mission of educating almost half of America's children. Increasingly, these schools are underfunded, overwhelmed, and overlooked. While half of the nation's students are educated in rural and small public schools, they only receive 23 percent of Federal education dollars; 25 percent of State education dollars; and 19 percent of local education dollars.

We all grew up thinking that the "three R's" were Reading, Writing, and Arithmetic. Unfortunately for our rural school children, the "three R's" are too often run-down classrooms, insufficient resources, and really overworked teachers.

The bill I am introducing with Senators FRIST and SESSIONS, the Rural Education Development Initiative, REDI, would provide funding to 5,400 rural school districts that serve 6.5 million students—a short-term infusion of funds that will allow rural schools and their students to make substantial strides forward.

Local education agencies would be eligible for REDI funding if they are either "rural", school locale code of 6, 7, or 8, and have a school-age population, ages 5–17, with 15 percent or more of the kids are from families with incomes below the poverty line; or "small"—student population of 800 or less and a student population, ages 5–17, with 15 percent or more of the kids are from families with incomes below the poverty line. In Oregon, among the schools eligible for REDI funding would be Jewell High School in Seaside, Burnt River Elementary in Unity, Gaston High School in Gaston, and Mari-Lynn Elementary School in Lyons, Oregon.

Like the Education Flexibility Act of 1999, Ed-Flex, I authored with Senator FRIST last Congress, REDI is voluntary—states and school districts could choose to participate in the program. Both Ed-Flex and REDI are designed to provide states and districts with flexibility they need so they can target their local priorities.

Rural school districts and schools also find it more difficult to attract and retain qualified teachers, especially in Special Education, Math, and Science. Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than their urban counterparts. The History teacher may be teaching Math and Science without any formal training or experience. Rural teachers also tend to be younger, less experienced, and receive less pay than their urban and suburban counterparts. Worse yet, rural school teachers are less likely to have the high quality professional development opportunities that current research strongly suggests all teachers desperately need.

Limited resources also mean fewer course offerings for students in rural and small schools. Consequently, courses are designed for the kids in the middle. So, students at either end of the academic spectrum miss out. Additionally, fewer rural students who dropout ever return to complete high school, and fewer rural higher school graduates go on to college.

On another note, recent research on brain development clearly shows the critical nature of early childhood education, yet rural schools are less likely to offer even kindergarten classes, let alone earlier educational opportunities.

To make matters worse, many of our rural areas are also plagued by persistent poverty, and, as we know, high-poverty schools have a much tougher time preparing their students to reach high standards of performance on state and national assessments. Data from the National Assessment of Educational Progress consistently show large gaps between the achievement of students in high-poverty schools and students in low-poverty schools.

Our legislation will provide rural students with greater learning opportunities by putting more computers in classrooms, expanding distance learning opportunities, providing academic help to students who have fallen behind, and making sure that every class is taught by a highly qualified teacher. I've heard it said that this will be the Education Congress, but we have much to do before we earn that title. It's time to show that when it comes to education, we won't leave anyone behind, and REDI will give children from rural and small communities more of the educational opportunities they deserve.

I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Education Development Initiative for the 21st Century Act."

SEC. 2. PURPOSE.

The purpose of this Act is to provide rural school students in the United States with increased learning opportunities.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

(2) The National Center for Educational Statistics (NCES) reports that while 46 percent of our Nation's public schools serve rural areas, they only receive 22 percent of the nation's education funds annually.

(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in Special Education, Science, and Mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

(4) Data from the National Assessment of Educational Progress (NAEP) consistently shows large gaps between the achievement of students in high-poverty schools and those in other schools. High-poverty schools will face special challenges in preparing their students to reach high standards of performance on State and national assessments.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency," "secondary school", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that serves—

(A) a school age population 15 percent or more of whom are from families with incomes below the poverty line; and

(B)(i) a school locale code of 6, 7, 8; or

(ii) a school age population of 800 or fewer students.

(3) RURAL AREA.—The term "rural area" includes the area defined by the Department of Education using school local codes 6, 7, and 8.

(4) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(5) SCHOOL LOCALE CODE.—The term "school locale code" has the meaning as defined by the Department of Education.

(6) SCHOOL AGE POPULATION.—The term "School age population" means the number of students aged 5 through 17.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 5. PROGRAM AUTHORIZED.

(a) RESERVATION.—From amounts appropriated under section 9 for a fiscal year the Secretary shall reserve 0.5 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—From amounts appropriated under section 9 that are not reserved under subsection (a) for a fiscal year, the Secretary shall award grants to State educational agencies that have applications approved under section 7 to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in subsection (c).

(2) FORMULA.—

(A) IN GENERAL.—Each State educational agency shall receive a grant under this section in an amount that bears the same relation to the amount of funds appropriated under section 9 that are not reserved under subsection (a) for a fiscal year as the school age population served by eligible local educational agencies in the State bears to the school age population served by eligible local educational agencies in all States.

(B) DATA.—In determining the school age population under subparagraph (A) the Secretary shall use the most recent date available from the Bureau of the Census.

(3) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—If a State educational agency elects not to participate in the program under this Act or does not have an application approved under section 7, the Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to eligible local educational agencies in the State.

(4) MATCHING REQUIREMENT.—Each eligible local educational agency that receives a grant under this Act shall contribute resources with respect to the local authorized activities to be assisted, in cash or in kind, from non-Federal sources, in an amount equal to the Federal funds awarded under the grant.

(c) LOCAL AUTHORIZED ACTIVITIES.—Grant funds awarded to local educational agencies under this Act shall be used for—

(1) local educational technology efforts as established under section 6844 of Title 20, United States Code;

(2) professional development activities designed to prepare those teachers teaching out of their primary subject area;

(3) academic enrichment programs established under section 10204 of Title 20 in United States Code;

(4) innovative academic enrichment programs related to the educational needs of students at-risk of academic failure, including remedial instruction in one or more of the core subject areas of English, Mathematics, Science, and History; or

(5) activities to recruit and retain qualified teachers in Special Education, Math, and Science.

(d) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this Act by a State educational agency or an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the agency.

SEC. 6. STATE DISTRIBUTION OF FUNDS.

(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies according to a formula or competitive grant program developed by the State educational agency and approved by the Secretary.

(b) FIRST YEAR.—For the first year that a State educational agency receives a grant under this Act, the State educational agency—

(1) shall use not less than 99 percent of the grant funds to award grants to eligible local educational agencies in the State; and

(2) may use not more than 1 percent for State activities and administrative costs and technical assistance related to the program.

(c) SUCCEEDING YEARS.—For the second and each succeeding year that a State educational agency receives a grant under this Act, the State educational agency—

(1) shall use not less than 99.5 percent of the grant funds to award grants to eligible local educational agencies in the State; and

(2) may use not more than 0.5 percent of the grant funds for State activities and administrative costs related to the program.

SEC. 7. APPLICATIONS.

Each State educational agency, or local educational agency eligible for a grant under section 5(b)(3), that desires a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

SEC. 8. REPORTS; ACCOUNTABILITY; STUDY.

(a) STATE REPORTS.—

(1) CONTENTS.—Each State educational agency that receives a grant under this Act shall provide an annual report to the Secretary. The report shall describe—

(A) the method the State education agency used to award grants to eligible local educational agencies under this Act;

(B) how eligible local educational agencies used funds provided under this Act;

(C) how the State educational agency provided technical assistance for an eligible local educational agency that did not meet the goals and objectives described in subsection (c)(3); and

(D) how the State educational agency took action against an eligible local educational agency if the local educational agency failed, for 2 consecutive years, to meet the goals and objectives described in subsection (c)(3).

(2) AVAILABILITY.—The Secretary shall make the annual State reports received under paragraph (1) available for dissemination to Congress, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

(b) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that receives a grant under section 5(b)(3) shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this Act and how the local educational agency coordinated funds received under this Act with other Federal, State, and local funds.

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress an annual report. The report shall describe—

(1) the methods the State educational agencies used to award grants to eligible local educational agencies under this Act;

(2) how eligible local educational agencies used funds provided under this Act; and

(3) the progress made by State educational agencies and eligible local educational agencies receiving assistance under this Act in meeting specific, annual, measurable performance goals and objectives established by such agencies for activities assisted under this Act.

(d) ACCOUNTABILITY.—The Secretary, at the end of the third year that a State educational agency participates in the program assisted under this Act, shall permit only those State educational agencies that met their performance goals and objectives, for two consecutive years, to continue to participate in the program.

(e) STUDY.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this Act on student achievement. The Controller General shall report the results of the study to Congress.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $300,000,000 for each of the fiscal years 2002 through 2005.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 99

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 143

At the request of Mr. GRAMM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 149

At the request of Mr. ENZI, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Nevada (Mr. REID) were added as a cosponsors of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 275

At the request of Mr. KYL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Wyoming (Mr. THOMAS) were added as a cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 277

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Indiana (Mr. BAYH) were added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 307

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 307, a bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. LELAND) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 7

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS TO FULLY USE THE POWERS OF THE FEDERAL GOVERNMENT TO ENHANCE THE SCIENCE BASE REQUIRED TO MORE FULLY DEVELOP THE FIELD OF HEALTH PROMOTION AND DISEASE PREVENTION, AND TO EXPLORE HOW STRATEGIES CAN BE DEVELOPED TO INTEGRATE LIFESTYLE IMPROVEMENT PROGRAMS INTO NATIONAL POLICY, OUR HEALTH CARE SYSTEM, SCHOOLS, WORKPLACES, FAMILIES AND COMMUNITIES

Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. BINGAMAN, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. CON. RES. 11

Whereas the New England Journal of Medicine has reported that modifiable lifestyle factors such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity account for approximately 50 percent of the premature deaths in the United States;

Whereas the New England Journal of Medicine has reported that spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 70 percent of total health care spending;

Whereas preventing disease and disability can extend life and reduce the need for health care services;

Whereas the Department of Health and Human Services has concluded that the health burden of these behaviors falls in greatest proportion on older adults, young children, racial and ethnic minority groups and citizens who have the least resources;

Whereas business leaders of America have asserted that spending for health care can divert private sector resources from investments that could produce greater financial returns and higher wages paid to employees;

Whereas the Office of Management and Budget reports that the medicaid and medicare expenditures continue to grow;

Whereas the American Journal of Public Health reports that expenditures for the medicare program will increase substantially as the population ages and increasing numbers of people are covered by medicare;

Whereas the American Journal of Health Promotion reports that a growing research base demonstrates that lifestyle factors can be modified to improve health, improve the quality of life, reduce medical care costs, and enhance workplace productivity through health promotion programs;

Whereas the Health Care Financing Administration has determined that less than 5 percent of health care spending is devoted to the whole area of public health, and a very small portion of that 5 percent is devoted to health promotion and disease prevention;

Whereas research in the basic and applied science of health promotion can yield a better understanding of health and disease prevention;

Whereas additional research can clarify the impact of health promotion programs on long term health behaviors, health conditions, morbidity and mortality, medical care utilization and cost, as well as quality of life and productivity;

Whereas the Institute of Medicine of the National Academy of Science has concluded that additional research is required to determine the most effective strategies to create lasting health behavior changes, reduce health care utilization, and enhanced productivity;

Whereas the private sector and academia cannot sponsor broad public health promotion, disease prevention, and research programs;

Whereas the full benefits of health promotion cannot be realized—

(1) unless strategies are developed to reach all groups including older adults, young children, and minority groups;

(2) until a more professional consensus on the management of health and clinical protocols is developed;

(3) until protocols are more broadly disseminated to scientists and practitioners in health care, workplace, school, and other community settings; and

(4) until the merits of health promotion programs are disseminated to policy makers;

Whereas investments in health promotion can contribute to reducing health disparities; and

Whereas Research America reports that most American citizens strongly support increased Federal investment in health promotion and disease prevention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Building Health Promotion and Disease Prevention into the National Agenda Resolution of 2001".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Government should—

(1) increase resources to enhance the science base required to further develop the field of health promotion and disease prevention; and

(2) explore strategies to integrate life-style improvement programs into national policy, health care, schools, workplaces, families, and communities in order to promote health and prevent disease.

Mrs. FEINSTEIN. Mr. President, today Senator CRAIG and I are introducing the "Building Health Promotion and Disease Prevention into the National Agenda Resolution of 2001."

This resolution expresses the sense of Congress that the federal government should do two things: (1) Support scientific research on health promotion and (2) explore ways in which the government can develop a national policy to integrate lifestyle improvement programs into our health care, schools, families and communities.

This resolution is supported by a coalition of 47 organizations, including the Wellness Council of America, the American Journal of Health Promotion, the American Preventive Medical Association, the National Alliance for Hispanic Health, the National Center for Health Education, Partnership for Prevention, and the Society for Prevention Research.

According to the American Journal of Health Promotion, health promotion is "the science and art of helping people change their lifestyle to move toward a state of optimal health." Optimal health is defined as "a balance of physical, emotional, social, spiritual and intellectual health."

In this day and age of scientific breakthroughs and increased knowledge of medical science and health, American health care tends to emphasize curative treatments, rather than preventive measures and health promotion.

Several compelling statistics make the case for this resolution:

"Fifty percent of premature deaths in the United States are related to modifiable lifestyle factors," according to the Journal of the American Medical Association.

People with good health habits survive longer, and they can postpone disability by five years and compress it into fewer years at the end of life, says the New England Journal of Medicine.

While the exact amount spent on preventive health is disputed, experts estimate that only two to five percent of the annual $1.5 trillion spent on national health care is on health promotion and disease prevention. In an April 1999 speech, Dr. David Satcher, the U.S. Surgeon General, stated that "only one percent of that amount goes to population-based prevention." According to the Centers for Disease Control and Prevention, CDC, the government spends $1,390 per person per year to treat disease and only $1.21 per person per year to prevent disease. This is simply not enough.

We must do a better job of supporting health promotion and disease prevention, as well as research to find cures for diseases and helping those who suffer from all illnesses. By doing so, we will see an increase in the number of Americans who are living longer and healthier lives and this could mean a decrease in overall national health costs. Simply put, it is much cheaper to prevent a disease than to treat it.

Diseases that are modifiable, if not checked, can become very expensive in treatment and cures. For instance:

The direct and indirect costs of smoking is $130 billion per year.

Diabetes costs $98 billion per year.

Physical inactivity costs $24 billion per year.

Cardiovascular diseases cost $327 billion per year.

Cancer costs $107 billion per year.

Here is another example. Obesity costs our nation $70 billion per year. In a recent report titled "Promoting Health for Young People through Physical Activity and Sports," the CDC states that it is increasingly important that children from pre-kindergarten to 12th grade receive physical education every day, as well as after-school sports programs. According to Dr. Jeffrey Koplan, the director of the CDC, "We are facing a serious public health program . . . we have an epidemic of obesity among youth, and we are seeing a troubling rise in cardiovascular risk factors, including type 2 diabetes among young people."

With increased physical education, our children will be less likely to suffer from obesity, and in turn lower the risk type 2 diabetes.

Increased awareness about disease prevention and health promotion will never totally prevent illness, but it can reduce the cost of treating preventable diseases. It can save millions of dollars.

For instance, sun-block is proven to prevent some skin cancers. If every person who spent prolonged periods of time outside, protected themselves adequately from the sun's harmful rays, many incidents of skin cancer could be prevented. It is that easy.

Early detection helps to lower costs of diseases in the long run. If everyone had regular physicals and screenings, many diseases could be detected early and treated long before they advance to serious, incurable, and terminal stages.

Clearly, we must make health promotion a national priority.

The sad part is, our government invests very little to help educate people and promote healthier living.

As I stated earlier, it is estimated that out of the $1.5 trillion spent annually on health care, only two to five percent goes to health promotion and disease prevention. Government public health activities receive 3.2 percent of national health expenditures, according to the Health Care Financing Administration. The National Institutes of Health (NIH) spent $4.4 billion on prevention research in Fiscal Year 2000.

Surgeon General Dr. David Satcher believes that the government should pursue "a balanced community health system, a system which balances health promotion, disease prevention, early detection and universal access to care." I couldn't agree more. While it is imperative that our nation's research in diseases and medicine continue, we must increase our attention to disease prevention.

Passing this concurrent resolution will make a strong statement that the health of all Americans is a national priority.

As the generation of baby boomers quickly approaches retirement, the education and promotion of health and the lengthening of life-spans becomes even more important.

Keeping people healthy should be our number one goal.

I urge my colleagues to support this important resolution.

SENATE CONCURRENT RESOLUTION 12—EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE OF ORGAN, TISSUE, BONE MARROW, AND BLOOD DONATION, AND SUPPORTING NATIONAL DONOR DAY

Mr. DURBIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. SANTORUM, Mr. SPECTER, Mr. DORGAN, Ms. MIKULSKI, Mr. DEWINE, Mr. HAGEL, Mr. KERRY, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. LEVIN, Mr. BIDEN, Mr. CLELAND, Mr. FEINGOLD, Mr. ENZI, Ms. LANDRIEU, Mr. ROCKEFELLER, Mr. INOUYE, Mr. TORRICELLI, Mr. GRAHAM, Mr. REID, Mrs. CLINTON, Mr. DODD, Mr. BREAUX, Mr. KOHL, and Mrs. LINCOLN) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 12

Whereas more than 70,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 20 minutes;

Whereas despite the progress in the last 15 years, more than 15 people per day die because of a shortage of donor organs;

Whereas almost everyone is a potential organ, tissue, and blood donor;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fourth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first three National Donor Days raised a total of nearly 25,000 units of blood, added over 4,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest one-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, health organizations, and the Department of Health and Human Services have designated February 10, 2001, as National Donor Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

Ms. LANDRIEU. Mr. President, I rise today to say just a few words about Senator DURBIN's measure honoring National Donor Day on February 10, 2001. I am proud to join Senator DURBIN as a cosponsor of this measure.

As Americans, one of the many things that we can be thankful for is the high quality of medical care. American technology, physicians, and pharmaceutical companies are often leaders in the development of new and improved healthcare equipment and techniques. But even the most cutting-edge technologies, the best doctors and nurses, and the finest facilities cannot save the life of a person in need of a transplant or transfusion. A grandfather with failing kidneys, a child with cancer, a mother who was in a car accident—any of these individuals could be saved by a gift of blood or an organ. Without these vital gifts, all of which are in great demand, many of our patients would not survive.

Let me just take a moment to mention a few very telling facts. Only five percent of people who are able to donate blood do so on a regular basis. And, although donated blood can be stored for up to six weeks, is rarely is for more than ten days, because the demand is so great. And that is just for the donation of blood. There are more than 70,000 individuals awaiting organ transplants at any given time, and ten people die every day because of the shortage of these organs. Ten people a day—over the past year, 3,650 of our citizens have died, simply because there are not enough organs out there to meet the need.

On a most personal level, there was a young child from my state—Caleb Godso—who was recently admitted to St. Jude Hospital with Leukemia. Caleb, who is just over a year old now, was only five months old when he was diagnosed. He was given only a ten percent chance of surviving. But thanks to chemotherapy, a new kind of treatment, and a bone marrow transplant from his father, Caleb is in remission now, and doing well. He is only one of the thousands of individuals whose lives are saved by transplants every year, and the many more who require blood transfusions. But there are so many more who do not receive the help they need.

This is why it is so vital that we make people aware of the importance of donating blood, tissue, marrow, or organs. Today, on this very special day, we focus on the impact love can have on a person's life. We shower our loved ones with gifts and flowers to show how much we truly care for them. We exchange cards and kind words with coworkers, friends, and even strangers. But what better way to show our love for others than through the simple gift of a pint of blood, or checking the box on our driver's license to become an organ donor?

The majority of people are eligible to be donors, and the past three National Donor Days have made many people aware of our great need. I urge my colleagues to work and help continue to make National Donor Day a success.

SEANTE CONCURRENT RESOLUTION 13—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE UPCOMING TRIP OF PRESIDENT GEORGE W. BUSH TO MEXICO TO MEET WITH THE NEWLY ELECTED PRESIDENT VICENTE FOX, AND WITH RESPECT TO FUTURE COOPERATIVE EFFORTS BETWEEN THE UNITED STATES AND MEXICO

Mr. DEWINE (for himself, Mr. HELMS, Mr. DODD, Mr. MCCAIN, Mr. LOTT, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BREAUX, Mr. L. CHAFEE, Mr. VOINOVICH, and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 13

Whereas Vicente Fox Quesada of the Alliance for Change (consisting of the National Action Party and the Mexican Green Party) was sworn in as President of the United Mexican States on December 1, 2000, the first opposition candidate to be elected president in Mexico in seven decades;

Whereas the United States, as Mexico's neighbor, ally, and partner in the Hemisphere, has a strong interest in seeing President Fox advance prosperity and democracy during his term of office;

Whereas President George W. Bush and President Vicente Fox have demonstrated their mutual willingness to forge a deeper alliance between the United States and Mexico by making President Bush's first foreign trip as President of the United States to Mexico on February 16, 2001;

Whereas both presidents recognize that a strong, steady Mexican economy can be the foundation to help solve many of the challenges shared by the two countries, such as immigration, environmental quality, organized crime, corruption and trafficking in illicit narcotics;

Whereas the economic cooperation spearheaded by the North American Free Trade Agreement (NAFTA) has established Mexico as the second largest trading partner of the United States, with a two-way trade of $174,000,000,000 each year;

Whereas the North American Development Bank and its sister institution, the Border Environment Cooperation Commission, were established to promote environmental infrastructure development that meets the needs of border communities;

Whereas the Overseas Private Investment Corporation, an independent self-sustaining United States Government agency responsible for facilitating the investment of United States private sector capital in emerging markets, has recently developed a small business-financing program to support United States investment in Mexico;

Whereas under the North American Free Trade Agreement the United States currently has an annual limit on the number of visas that may be issued to Mexican business executives for entry into the United States but there is no such limit with respect to the Canadian business executives;

Whereas United States-Mexico border tensions have continued to escalate, with the number of illegal migrant deaths increasing 400 percent since the mid 1990s; and

Whereas the Government of Mexico, through the establishment of a special cabinet commission, has made a renewed commitment, with increased resources, to combat drug trafficking and corruption: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should work with the Government of Mexico to advance bilateral cooperation and should, among other initiatives, seek to—

(1) encourage economic growth and development to benefit both the United States and Mexico, including developing a common strategy to improve the flow of credit and United States investment opportunities in Mexico, as well as increasing funding of entrepreneurial programs of all sizes, from micro- to large-scale enterprises;

(2) strengthen cooperation between the United States and Mexican military and law enforcement entities for the purpose of addressing common threats to the security of the two countries, including illegal drug trafficking, illegal immigration, and money laundering;

(3) upon the request of President Fox—

(A) provide assistance to Mexico in support of President Fox's plan to reform Mexico's entire judicial system and combat inherent corruption within Mexico's law enforcement system; and

(B) provide assistance to the Government of Mexico to strengthen the institutions that are integral to democracy;

(4) develop a common strategy to address undocumented and documented immigration between the United States and Mexico through increased cooperation, coordination, and economic development programs;

(5) develop a common strategy for fighting the illicit drug trade by reducing the demand for illicit drugs through intensification of anti-drug information and education, improvement of intelligence sharing and the coordination of counterdrug activities, and increasing maritime and logistics cooperation to improve the respective capacities of the two countries to disrupt drug shipments by land, air, and sea;

(6) encourage bilateral and multilateral environmental protection activities with Mexico, including strengthening the North American Development Bank (NADbank) so as to facilitate expansion of the Bank;

(7) obtain the support of the Government of Mexico to assist the Government of Colombia in achieving a peaceful political resolution to the conflict in Colombia; and

(8) review the current illicit drug certification process, and should seek to be open to consideration of other evaluation mechanisms that would promote increased cooperation and effectiveness in combating the illicit drug trade.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 14—RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF IT

Mr. CAMPBELL (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

S. CON. RES. 14

Whereas more than 3,000,000 American children are reported as suspected victims of child abuse and neglect annually;

Whereas more than 500,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under the age of 1, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on the first Wednesday in April, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that—

(A) all Americans should keep these victimized children in their thoughts and prayers;

(B) all Americans should seek to break this cycle of abuse and neglect and to give these children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these children; and

(2) the Congress—

(A) supports the goals and ideas of the "Day of Hope"; and

(B) commends Childhelp USA for its efforts on behalf of abused and neglected children everywhere.

Mr. CAMPBELL. Mr. President, for far too long, our nation has been almost silent about the needs of some of its most vulnerable families and children—those caught in the vicious cycle of child abuse. That is why, today, I am submitting a Senate concurrent resolution recognizing the first Wednesday of April as a National Day of Hope dedicated to remembering the victims of child abuse and neglect and recognizing Childhelp USA for initiating such a day. I am pleased to be joined in this effort by my friend and colleague from Wisconsin, Senator KOHL, with whom I have worked for many years on issues affecting youth at risk.

This resolution expresses the sense of the Congress that we must break the cycle of child abuse and neglect by mobilizing all our resources including the faith community, nonprofit organizations and volunteers. Childhelp USA is one of our oldest national organizations dedicated to meeting the needs of abused and neglected children. By focusing its efforts on prevention and research as well as on treatment, this organization has provided help to thousands of children since it was founded in 1959. Childhelp USA and many other non-profits or faith-based organizations nationwide are performing a vital service to abused and neglected children that they would not have otherwise, and they are to be commended.

I know first-hand the importance of having help when it is needed. The National Day of Hope Resolution calls on each of us to renew our duty and responsibility to the vulnerable children and families caught in the cycle of child abuse and neglect.

To further observe the National Day of Hope, a cross-country ride has been organized by a group of Harley-Davidson owners in Northern Arizona. This "Cycle of Hope" will help turn the eyes of our entire nation to the suffering of the victims of child abuse. As a motorcycle enthusiast myself, I look forward to being a part of that effort.

More than 3 million American children are reported as suspected victims of child abuse and neglect each year. That is 3 million children too many. And, it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under one year of age, lose their lives as a direct result of abuse and neglect every year. That is not acceptable. We must do something to change these statistics.

While I am encouraged by the efforts of many organizations nationwide, more needs to be done. That is why I urge my colleagues to act quickly on this resolution so we can move one step closer to erasing the horror of child abuse from our nation's history.

SENATE RESOLUTION 20—DESIGNATING MARCH 25, 2001, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY"

Mr. SPECTER (for himself, Mrs. BOXER, Mr. SANTORUM, Mr. MURKOWSKI, Mr. COCHRAN, Mr. JOHNSON, Mrs. MURRAY, Mr. FITZGERALD, Mr. SCHUMER, Mr. HARKIN, Mr. REED, Mr. SARBANES, Mr. THOMAS, Mr. LUGAR, Mr. LIEBERMAN, Ms. SNOWE, Mr. BIDEN, Mr. BYRD, Mr. SHELBY, Mr. INOUYE, Mr. DURBIN, Mr. JEFFORDS, Mr. GREGG, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. DODD, Mr. GRAHAM, Mr. TORRICELLI, Mr. INHOFE, Mr. ROCKEFELLER, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, Mr. BINGAMAN, Mr. BENNETT, Mr. KOHL, Mr. STEVENS, Mr. DOMENICI, Mr. THOMPSON, Mr. GRASSLEY, Mr. SMITH of Oregon, Mr. SESSIONS, Mr. HAGEL, Mr. ENZI, Mr. BREAUX, Mr. EDWARDS, Mr. CORZINE, Mrs. HUTCHISON, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 20

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict in the twentieth century;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II;

Whereas former President Clinton, during his visit to Greece on November 20, 1999, referred to modern-day Greece as "a beacon of democracy, a regional leader for stability, prosperity and freedom", and President George W. Bush, in a letter to the Prime Minister of Greece, Constantinos Simitis, in January 2001, referred to the "stable foundations and common values" that are the basis of relations between Greece and the United States;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2001, marks the 180th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with fifty-one of my colleagues to designate March 25, 2001, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and eighty years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been passed by the Senate since 1984 with overwhelming support. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

SENATE RESOLUTION 21—DIRECTING THE SERGEANT-AT-ARMS TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL DOCUMENTS, INCLUDING CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS, SENATE LOBBYING AND GIFT REPORT FILINGS, AND SENATE AND JOINT COMMITTEE DOCUMENTS

Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 21

Whereas it is the sense of the Senate that—

(1) it is often burdensome, difficult, and time-consuming for citizens to obtain access to public records of the United States Congress;

(2) congressional documents that are placed in the Congressional Record are made

available to the public electronically by the Superintendent of Documents under the direction of the Public Printer;

(3) other congressional documents are also made available electronically on websites maintained by Members of Congress and Committees of the Senate and the House of Representatives;

(4) a wide range of public records of the Congress remain inaccessible to the public;

(5) the public should have easy and timely access, including electronic access, to public records of the Congress;

(6) the Congress should use new technologies to enhance public access to public records of the Congress; and

(7) an informed electorate is the most precious asset of any democracy; and

Whereas it is the sense of the Senate that it will foster democracy—

(1) to ensure public access to public records of the Congress;

(2) to improve public access to public records of the Congress; and

(3) to enhance the electronic public access, including access via the Internet, to public records of the Congress: Now, therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CRS INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic database, for purposes of access and retrieval by the public under section 4 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director determines that making it available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make information required to be made available under this section in a manner that—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

SEC. 3. PUBLIC RECORDS OF THE CONGRESS.

(a) SENATE.—The Secretary of the Senate, through the Office of Public Records and in accordance with such standards as the Secretary may prescribe, shall make available on the Internet for purposes of access and retrieval by the public:

(1) LOBBYIST DISCLOSURE REPORTS.—Lobbyist disclosure reports required by the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) within 90 days (Saturdays, Sundays, and holidays excepted) after they are received.

(2) GIFT RULE DISCLOSURE REPORTS.—Senate gift rule disclosure reports required under paragraph 2 and paragraph 4(b) of rule XXXV of the Standing Rules of the Senate within 5 days (Saturdays, Sundays, and holidays excepted) after they are received.

(b) DIRECTORY.—The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

SEC. 4. METHOD OF ACCESS.

(a) IN GENERAL.—The information required to be made available to the public on the Internet under this resolution shall be made available as follows:

(1) CRS INFORMATION.—Public access to information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(2) PUBLIC RECORDS.—Public access to information made available under section 3 by the Secretary of the Senate's Office of Public Records shall be provided through the United States Senate website.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 5. CONGRESSIONAL COMMITTEE MATERIALS.

It is the sense of the Senate that each standing and special Committee of the Senate and each Joint Committee of the Congress, in accordance with such rules as the committee may adopt, should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and transcripts of committee meetings that are open to the public.

SEC. 6. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

SEC. 7. GAO STUDY.

(a) IN GENERAL.—Beginning 1 year after the date on which the database described in section 2(a) is established, the Sergeant-at-Arms shall request the Comptroller General to examine the cost of implementing this resolution, other than this section, with particular attention to the cost of establishing and maintaining the database and submit a report within 6 months thereafter. The Sergeant-at-Arms shall ask the Comptroller General to include in the report recommendations on how to make operations under this resolution more cost-effective, and such other recommendations for administrative changes or changes in law, as the Comptroller General may determine to be appropriate.

(b) DELIVERY.—The Sergeant-at-Arms shall transmit a copy of the Comptroller General's report under subsection (a) to:

(1) The Senate Committee on Rules and Administration.

(2) The Senate Committee on Commerce, Science, and Transportation.

(3) The Senate Committee on the Judiciary.

(4) The Joint Committee of the Congress on the Library of Congress.

Mr. MCCAIN. Mr. President, I would like to submit a resolution to make selected Congressional Research Service products, lobbyist disclosure reports, and Senate gift disclosure forms available over the Internet for the American people. This bipartisan legislation is sponsored by Senators LEAHY, LOTT and LIEBERMAN.

The Congressional Research Service (CRS) is well known for producing high-quality reports and issue briefs that are concise, factual, and unbiased—a rarity in Washington. Many of us have used these products to make decisions on a wide variety of legislative proposals considering issues as diverse as Amtrak reform, the future of the Internet, health care reform, and tax policy. Also, we routinely send these products to our constituents in order to help them understand the important issues of our time.

My colleagues and I believe that it is important that the public should have access to this CRS information. The American public will pay $73.4 million to fund CRS' operations for the fiscal year 2001. The material covered in this resolution is not confidential or classified, and the public should be able to see that their money is well spent.

The Senate will serve two crucial functions by allowing the public to access this information over the Internet. First, it will help to fight a growing public cynicism about our government. According to a January 10–14, 2001, Gallup poll, the American public listed dissatisfaction with the Congress, government leadership, and the government in general as one of the "most important problems facing the country today." By making these unbiased documents available online, the Senate will allow the public to see the factors that influence our decisions and votes. These documents will provide the public a more accurate view of the Congressional decision-making, and dispel some of the notions about Congress that create this cynicism.

In addition, the Senate will serve the important function of informing their constituents by making these CRS products available online. Members of the public will be able to read these CRS products and receive a concise, accurate summary of issues that concern them. As their elected representatives, we should strive to promote a better informed and educated public. Educated voters are best able to make decisions and petition their legislators on how to accurately represent them.

I would like to point out that these products are already available on the Internet. "Black market" private vendors are charging up to $49 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products for which they have already footed the bill.

This resolution is different from legislation that I authored last Congress. The House of Representatives has started a pilot program to make CRS products electronically available to the public. This resolution is drafted to set up a system identical to the House program. The Senate Sergeant-at-Arms will establish and maintain the database of CRS documents through the Senate Computer Center. The public will only be able to access these documents through Senators or Senate Committee's web pages. This system will allow Senators and Committee Chairmen to be able to choose which documents are made available to the public through their web page.

This change will ensure that only the Senate is directly involved in making CRS products available to the public. This change to the bill will ensure that the CRS' mission is not altered in any way, and that it cannot be open to liability suits. I ask unanimous consent to include a letter from Mr. Stanley M. Brand, a former General Counsel to the House of Representatives, who states that "nothing in the resolution will alter or modify applicability of the Speech or Debate Clause protections to CRS products." In addition, Senators will be able to inform their constituents about how we are helping them here in Washington.

This resolution also includes other safeguards to ensure that CRS is protected from public interference. Confidential information and reports done for confidential research requests will not be made available to the public. The Senate Sergeant-at-Arms may remove the names of CRS employees from these products to prevent the public from distracting CRS employees. In addition, the Senate Sergeant-at-Arms may remove copyrighted information from the publicly-available reports. In the past, we have been informed that CRS may not have permission to release copyrighted information over the Internet. Currently, reports with copyrighted information may be posted over the House system. However, the Senate Sergeant-at-Arms may remove this information if it is necessary in the future.

Finally, we are aware that cost concerns have been raised about versions of this legislation introduced in earlier Congresses. Our understanding is that the House system of distribution has been achieved at a relatively low cost. This resolution will eliminate the cost burden to CRS by shifting the operation and maintenance of the database over to the Senate Sergeant-at-Arms. In addition, the Senate Sergeant-at-Arms is directed to ask the General Accounting Office to evaluate the program after one year to examine how to make the operations more cost-effective.

The resolution also requires the Senate Office of Public Records to place lobbyist disclosure forms and Senate gift disclosure forms on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information through an office in the Hart building. These provisions will allow our constituents throughout the country to access this information. It is important to recognize the Senate Office of Public Records for setting up a system of online lobbying registration. The Senate can aid this office in its groundbreaking work by enacting this resolution.

This legislation has been endorsed by many groups including AOL Time Warner, the Congressional Accountability Project, Intel, the Center for Democracy and Technology, the American Library Association, Real Networks, Inc. and the National Federation of Press Women. Mr. President, I ask unanimous consent that these letters of support be printed in the RECORD.

The PRESIDING OFFICER. Without objective it is so ordered.

(See Exhibit 1.)

Mr. McCAIN. In conclusion, we would like to urge our colleagues to join us in supporting this legislation. The Internet offers us a unique opportunity to allow the American people to have everyday access to important information about their government. We are sure you agree that a well-informed electorate can best govern our great country.

EXHIBIT 1

BRAND & FRULLA,
Washington, DC, February 6, 2001.

Hon. JOHN McCAIN,
Chairman, U.S. Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR SENATOR McCAIN: I am writing to address the provisions of a draft Senate Resolution which I understand you intend to introduce directing the Senate Sergeant-at-Arms to provide Internet access to certain public congressional and Congressional Research Service documents. This resolution is substantially the same as a bill you introduced in 1998 to make certain of the same documents available on the Internet.

By letter dated January 27, 1998, I commented extensively on the impact of this substantially identical legislation upon applicability of the Speech or Debate Clause, U.S. Const., art. I §6, cl. 1, to CRS products.

I concluded then, and reaffirm that nothing in the resolution will alter or modify applicability of the Speech or Debate Clause protections to CRS products.

There is one sense in which your revised resolution may actually strengthen the protections of the Clause for CRS products. By lodging responsibility in the Sergeant-at-Arms for providing access, you have retained in a legislative officer, as opposed to the CRS, the power to make determinations concerning accessibility. The Sergeant-at-Arms, is a "[r]anking nonmember" of the Senate and one of the statutory "officers of the Congress," *Buckley* v. *Valeo*, 424 U.S. 1, 128 (1975) and 2 U.S.C. §60–1(b) and there can be, therefore, no doubt about the Senate's intent to repose in one of its officers the power to control its privileges.

In doing so, you have, as a practical matter as well, given the Senate more direct control over access to CRS matters. *See United States* v. *Hoffa*, 205 F. Supp. 710, 723 (S.D. Fla. 1962) (*cert. denied sub nom Hoffa* v. *Lieb*, 371 U.S. 892 (invocation of legislative privilege by the United States Senate conclusive upon judicial branch). Given that any putative litigant seeking to obtain privileged CRS documents would have to actually serve process upon the Seregeant-at-Arms to obtain documents under the revised resolution, it is even less likely under the revised resolution that a party could obtain disclosure of such documents.

Sincerely,

STANLEY M. BRAND.

AOL TIME WARNER,
Washington, DC, February 5, 2001.

Hon. JOHN McCAIN,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN McCAIN AND SENATOR LEAHY: On behalf of AOL Time Warner, we write to express our support for your Senate Resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

The Internet is one of our society's most powerful tools for education and communication, and its tremendous growth continues. We, like you, believe that this medium offers an unprecedented opportunity to connect individuals to the political process—by helping people become more informed citizens, by helping our government be more responsive to them, and by engaging more people in public policy discussions and debate.

Your resolution recognizes that the ability of citizens to access public records and to obtain research materials on public policy issues is crucial to a robust and successful democratic system, and that the Internet can serve as a powerful resource for information about our government and our political process. We believe that your legislation will help to further democracy by ensuring online access to Congressional documents and records.

We appreciate your leadership on this important issue and your continued leadership on technology-related matters. We look forward to working with you closely in the 107th Congress.

Sincerely,

JILL LESSER,
Senior Vice President, Domestic Public Policy.
ELIZABETH FRAZEE,
Vice President, Domestic Policy & Congressional Relations.

THE NATIONAL FEDERATION OF PRESS WOMEN, INC.,
Arlington, VA, February 2, 2001.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR SENATOR MCCAIN: The National Federation of Press Women would like to express its support for legislation to establish a centralized, public database for Congressional Research Service reports.

NFPW, which represents more than 2,000 journalists, educators and professional communicators in the United States, last year supported S. 393, introduced by Sen. Patrick Leahy and yourself. Our members have sent notes of interest and concern to many senators to explain why this effort is important.

CRS reports are an invaluable resource to journalists. They provide the nation's best backgrounders on legislation. They help journalists to illuminate that wonderful sense of "history on the run," as former Washington Post publisher Philip Graham once described the products of our craft.

But a CRS report's value to the public through the news media today is only as good as the luck of the reporter. Since the reports are not easily found, nor reliably catalogued in any public forum, a journalist often stumbles upon them in the course of other research, or learns of them only when a source reveals their existence. While the Members of Congress are forthcoming with assistance with these reports when asked, often the rush of deadlines outstrips the mail—and even the fax machine. A report undiscovered, or discovered too late for the story, offers nothing to the reader or viewer.

As publisher emeritus of a small daily newspaper in Kansas, I can assure you that this legislation would serve the interests of the public by providing our local reporters with the same access that well-funded Washington news bureaus have. And that will go a long way toward enhancing the credibility of the legislative process. Polls do tend to show that local press are better trusted by the citizenry than the national media. We bring the national news home. Your legislation can help us to do that.

New technologies now offer an ideal avenue for improved access. Not only journalists, but authors, historians, researchers, teachers and students will find a mother lode of useful information when CRS reports become electronically accessible. If the reports can be accessed through the websites of the Members, they likely will drive traffic to those sites, and that will further enhance the value of the Members' websites to the public.

NFPW urges you to continue to push forward with legislation to bring CRS reports to the Internet and to allow the public and press to share in the full value of this publicly-supported information service.

Sincerely,

VIVIEN SADOWSKI.

INTEL GOVERNMENT AFFAIRS,
Washington, DC, February 6, 2001.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, & Transportation, Washington, DC.

DEAR CHAIRMAN MCCAIN: I write to affirm the support of Intel Corporation for your proposed Senate resolution regarding the maintenahce of an electronic database through which the public would be able to access CRS reports to Congress, issue brief, and other products over the Internet. I note that your current initiative follows up on legislation that you introduced last Congress (S. 393) that would have mandated such action.

We have supported your efforts to achieve such public access in the past, and we are pleased that you have once again taken the initiative on this matter.

We believe that convenient electronic access to public documents upon which the Congress relies in performing its legislative and oversight functions serves to strengthen accountability of government to the people as well as the public's faith in the legislative process. We hope to see early action on your resolution in this session of the 107th Congress.

Sincerely,

DOUGLAS B. COMER,
Director, Legal Affairs.

CONGRESSIONAL ACCOUNTABILITY PROJECT,
Washington, DC, February 6, 2001.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.
Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND LEAHY: We heartily endorse your Congressional Openness Resolution, which would require the U.S. Senate to put key congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriations products, lobbyist disclosure reports and Senate gift disclosure reports. Your resolution is a cheap and simple way to improve our democracy.

Citizens need access to these congressional documents to discharge their civic duties. CRS reports are some of the best research conducted by the federal government. Your resolution would put about 2700–2800 of these useful reports on the Internet. Placing lobbyist disclosure reports on the Internet would help citizens to track patterns of influence in Congress, and to discover who is paying whom how much to lobby on what issues.

Taxpayers will be cheered that you have included a Sense of the Senate resolution that Senate and Joint Committees should "provide access via the Internet to publicly-available committee information, documents and proceedings, including bills, reports and transcripts of committee meetings that are open to the public." We taxpayers pay dearly to produce these documents; we ought to be able to read them, for free, on the Internet.

In 1822, James Madison explained why citizens must have government information: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both, Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

The Congressional Openness Resolution honors the spirit of Madison's words. Thank you for your efforts to place congressional documents available on the Internet.

Sincerely,

Alliance for Democracy, American Association of Law Libraries, American Conservative Union, American Federation of Government Employees, American Society of Newspaper Editors, Better Government Association, Center for Democracy and Technology, Center for Media Education, Center for Responsive Politics, Common Cause, Computer Professional for Social Responsibility, Congressional Accountability Project, Consumer Federation of America, Electronic Frontier Foundation, Electronic Privacy Information Center, Federation of American Scientists, Friends of the Earth, Government Accountability Project, National Newspaper Association, National Security Archive, National Taxpayers Union, OMB Watch, Progressive Asset Management Inc., Project on Government Oversight, Public Citizen, RealNetworks, Inc., Reform Party of the USA, Regional Reporters Association, Reporters Committee for Freedom of the Press, Society of Professional Journalists, Taxpayers for Common Sense, U.S. Public Interest Research Group (USPIRG).

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, February 6, 2001.

Senator JOHN MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: We support your proposal to make reports from the Congressional Research Service (CRS) publicly available. We want to endorse your efforts to assure public access to a broad range of government information. The CRS reports are well researched and balanced products addressing a wide variety of current issues.

We believe that these unique and valued resources should be available to scholars and researchers as well as the general public through the Federal Depository Library Program (FDLP). The FDLP already provides a network of libraries throughout the country that serve the public by providing access to Federal government information. Utilizing the FDLP as well as Internet resources provides great public benefit through access to the CRS reports.

ALA has long standing policies about these issues of broad access to government information. We have attached a resolution supporting your earlier efforts pressing for access to this publicly supported research. We will also encourage our members to support your proposal.

As you know, the American Library Association is a nonprofit educational organization of over 60,000 librarians, library educators, information specialists, library trustees, and friends of libraries representing public, school, academic, state, and specialized libraries. ALA is dedicated to the improvement of library and information services, to the public's right to a free and open information society—intellectual participation—and to the idea of intellectual freedom.

ALA's previous resolution encouraged the appropriate Congressional committees to "take immediate action to assure that the publicly released Congressional Research Service reports and information products are distributed in a timely manner to the general public through Federal Depository libraries and on the Internet."

Attached is a copy of the complete resolution. We thank you for your efforts on this issue and look forward to working with you and your staff as this proposal moves forward.

Sincerely,

LYNNE BRADLEY,
Director, ALA Office of Government Relations.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, Jan. 14, 1998.

RESOLUTION ON CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Whereas, equitable and timely access to information created by the government is an important tenet of a free and democratic society; and

Whereas, Title 44 of the U.S. Code mandates provision of publications to Federal Depository Libraries; and

Whereas, the 104th and 105th Congresses have a made a concerted effort to increase public access to Congressional information through the Internet; and

Whereas, the Congressional Research Service (CRS) produces reports and information products at the request of Members of Congress; and

Whereas, CRS reports are well researched and balanced products addressing a wide variety of current issues; and

Whereas, the CRS produces and Congress releases reports that are not made available to the Government Printing Office for distribution to Federal Depository Libraries nor made available to the public on the Internet; and

Whereas, many of these reports are released to various individuals or groups by Members of Congress but not made available to the public; now, therefore, be it

Resolved, That the American Library Association urge that the Joint Committee on the Library, the Senate Rules and Administration Committee, and the House Oversight Committee take immediate action to assure that publicly released Congressional Research Service reports and information products are distributed in a timely manner to the general public through Federal Depository Libraries and on the Internet.

Adopted by the Council of the American Library Association, New Orleans, LA, January 14, 1998.

Mr. LEAHY. Mr. President, I am pleased to join today with Senator McCAIN to submit a Senate resolution to provide Internet Access to important Congressional documents.

Our bipartisan resolution makes certain Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure reports available over the Internet to the American people.

The Congressional Research Service, CRS, has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise, and accurate. The taxpayers of this country, who pay $67 million a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our legislation is to allow every citizen the same access to the wealth of CRS information as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to direct access to these wonderful resources.

Online CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues before the Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here in Congress.

Our legislation follows the model online CRS program in the House of Representatives and ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

In addition, the bipartisan resolution would provide public online access to lobbyist reports and gift disclosure forms. At present, these public records are available in the Senate Office of Public Records in Room 232 of the Hart Building. As a practical matter, these public records are accessible only to those inside the Beltway.

I applaud the Office of Public Records for recently making technological history in the Senate by providing for lobbying registrations through the Internet. The next step is to provide the completed lobbyist disclosure reports on the Internet for all Americans to see.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment. All Americans should have timely access to the information that we already have voted to give them.

And all of these reports are indeed "public" for those who can afford to hire a lawyer or lobbyist or who can afford to travel to Washington to come to the Office of Public Records in the Hart Building and read them. That is not very public. That does not do very much for the average voter in Vermont or the rest of this country outside of easy reach of Washington. That does not meet the spirit in which we voted to make these materials public, when we voted "disclosure" laws.

We can do better, and this resolution does better. Any citizen in any corner of this country with access to a computer at home or the office or at the public library will be able to get on the Internet and get these important Congressional documents under our resolution. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to let the information age open up the halls of Congress to all our citizens.

As Thomas Jefferson wrote, "Information is the currency of democracy." Our democracy is stronger if all citizens have equal access to at least that type of currency, and that is something which Members on both sides of the aisle can celebrate and join in.

This bipartisan resolution is an important step in informing and empowering American citizens. I urge my colleagues to join us in supporting this legislation to make available useful Congressional information to the American people.

SENATE RESOLUTION 22—URGING THE APPROPRIATE REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO INTRODUCE AT THE ANNUAL MEETING OF THE COMMISSION A RESOLUTION CALLING UPON THE PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET, AND FOR OTHER PURPOSES

Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. TORRICELLI, Ms. COLLINS, Mr. DAYTON, Mr. SMITH of New Hampshire, Mr. KYL, Mr. SPECTER, Mr. FEINGOLD, Mr. HARKIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 22

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious congregations and spiritual movements, including Falun Gong, and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism, have detained scores of citizens associated with attempts to organize a peaceful opposition, to expose corruption, to preserve their ethnic minority identity, or to use the Internet for the free exchange of ideas, and have sentenced many citizens so detained to harsh prison terms;

Whereas Chinese authorities continue to exert control over religious and cultural institutions in Tibet, abusing human rights through instances of torture, arbitrary arrest, and detention of Tibetans without public trial for peacefully expressing their political or religious views;

Whereas bilateral human rights dialogues between several nations and the People's Republic of China have yet to produce substantial adherence to international norms; and

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the treaty legally binding: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the appropriate representative of the United States should solicit cosponsorship for a resolution calling upon the Government of the People's Republic of China to end its human rights abuses in China and Tibet, in compliance with its international obligations; and

(2) the United States Government should take the lead in organizing multilateral support to obtain passage by the Commission of such resolution.

Mr. HUTCHINSON. Mr. President, I rise today to submit a resolution, along with my colleague Senator WELLSTONE, calling on the Administration to introduce a resolution at the upcoming meeting of the United Nations (U.N.) Human Rights Commission highlighting China's human rights abuses. This Senate resolution makes a simple statement. The U.S.should lead the effort in Geneva to speak for freedom in China, both by introducing a resolution and by garnering the support of key cosponsors.

Mr. President, in a report issued just two days ago, Amnesty International documented the extensive use of torture in China. According to the report, "Torture is widespread and systemic, committed in the full range of state institutions, from police stations to 'reeducation through labour' camps, as well as in people's homes, workplaces, and in public . . . Victims can be anyone from criminal suspects, political dissidents, workers and innocent bystanders to officials." The common occurrence of torture points to a wider trend—China's human rights record is appalling. The Chinese government continues to repress any voice it perceives to be a threat to its power—religious groups, democracy activists, people trying to expose corruption, people trying to use the Internet for the free exchange of ideas—anyone who will not bow to the government. I expect that the State Department's annual report on human rights, which will be issued soon, will once again confirm this trend.

The destruction of places of worship is nothing new in China. But in recent months, scores of churches have been destroyed, in what some experts have described as the most destructive crackdown since the Cultural Revolution. Beginning in November, in counties around Wenzhou, over 700 churches have been destroyed. Over two hundred others have either been banned or taken for other purposes. I am disturbed by this worsening campaign against religious believers in China. The Chinese government has also stepped up its campaign against spiritual movements like the Falun Gong and Zhong Gong, not only imprisoning leaders but also sentencing marginal followers to lengthy terms and penalizing family members of practitioners.

Pro-democracy activists, including Xu Wenli, one of the founders of the China Democracy Party, are still languishing in prison for legally and peacefully expressing their views. Huang Qi, a middle class computer user and an Internet webmaster, is on trial for subverting state power simply because he posted information about topics like the democracy movement and the Tiannanmen Square Massacre. He could face ten years in prison. This attempt to control Internet usage should be of great concern to the international community, especially those who have touted the Internet as a revolutionizing force in China.

Mr. President, all of these human rights abuses point to a much needed response—a resolution at the U.N. Human Rights Commission. There is no more appropriate place for highlighting these abuses in a multilateral setting, because this multilateral forum was established just for this purpose. If we do not use this forum for bringing up obvious abuses, then we undercut its very viability. The U.S. has traditionally led the effort on China's human rights abuses. This year should be no different. China is already intensely lobbying other countries to defeat any such resolution. We must begin as soon as possible to obtain support for a resolution.

I understand that the Administration is in the process of deciding whether to advance a resolution at Geneva. I hope that they will look to the Congress and understand that there is broad support for a Geneva resolution. This Administration has the opportunity to set a tone for its approach to China and all of Asia. If the mistake of the Clinton Administration was bowing to China's demands and centering its efforts in Asia around China, then the Bush Administration has the chance to stand firm, to be skeptical of the Chinese government's offers and promises. I urge the Administration not to look at China's offer of ratifying the International Covenant on Economic, Social, and Cultural Rights, as anything an empty promise—a distraction that will quickly fade away once the Commission meeting is over.

Finally, Mr. President, last year when the Senate and Congress as a whole passed PNTR for China, proponents argued that passage of PNTR in no way signified a diminished concern for human rights. I believe that now is the time to demonstrate this continuing concern for human rights. I urge my colleagues to support this resolution.

SENATE RESOLUTION 23—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM POSTHUMOUSLY TO DR. BENJAMIN ELIJAH MAYS IN HONOR OF HIS DISTINGUISHED CAREER AS AN EDUCATOR, CIVIL AND HUMAN RIGHTS LEADER, AND PUBLIC THEOLOGIAN

Mr. CLELAND (for himself, Mr. MILLER, and Mr. HOLLINGS) submitted the following resolution; which was referred to the Committee on the Judiciary, as follows:

S. RES. 23

Whereas Dr. Benjamin Elijah Mays, throughout his distinguished career of more than half a century as an educator, civil and human rights leader, and public theologian, has inspired people of all races throughout the world by his persistent commitment to excellence;

Whereas Benjamin Mays persevered, despite the frustrations inherent in segregation, to begin an illustrious career in education;

Whereas as dean of the School of Religion of Howard University and later as President of Morehouse College in Atlanta, Georgia, for 27 years, Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African Americans;

Whereas at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College appeared imminent, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students and thereby aiding in the development of future generations of African American leaders;

Whereas Benjamin Mays was instrumental in the elimination of segregated public facilities in Atlanta, Georgia, and promoted the cause of nonviolence through peaceful student protests during a time in this Nation that was often marred by racial violence;

Whereas Benjamin Mays received numerous accolades throughout his career, including 56 honorary degrees from universities across the United States and abroad and the naming of 7 schools and academic buildings and a street in his honor; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or national interests of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian and his many contributions to the improvement of American society and the world.

Mr. CLELAND. Mr. President, I rise today to introduce legislation that would honor Benjamin Elijah Mays for his distinguished career as an educator, civil and human rights leader, and public theologian. Among his many accomplishments, Dr. Benjamin E. Mays earned a master's degree and a doctorate of philosophy from the University of Chicago, served as president of Morehouse College and mentored Martin Luther King, Jr., and received numerous awards and honors during his lifetime. In recognition of his many accomplishments and contributions to the citizens of this nation and the world, I believe the President should award the Presidential Medal of Freedom to the late Benjamin E. Mays.

Dr. Benjamin Elijah Mays' achievements are even more extraordinary given the circumstances and social climate in the United States at the turn of the 20th Century. Dr. Mays, the son of former slaves, encountered prejudice and obstacles at every stage of his early education and pursued his dream of a college education despite hostile, and sometimes violent, opposition. Although he faced the frustrations inherent in segregation, Dr. Mays finished high school at South Carolina State College in three years and graduated as class valedictorian. Based on his will to learn, his motivation to succeed, and his strong strength of character, Dr. Mays then went on to graduate from Bates College in Maine and received his graduate degrees from the University of Chicago.

As dean of the School of Religion at Howard University and later as President of Morehouse College in Atlanta, Georgia for 27 years, Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially African-Americans. One of Dr. Mays' own inspirations was Mahatma Gandhi, whom he met in Mysore, India for 90 minutes and who shaped Mays' views on nonviolence as a means of political protest. Dr. Mays greatly influenced his students and, one in particular, Martin Luther King, Jr. sought the advice and counsel of his mentor before and during the civil rights movement. Dr. Mays was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests during a time in this nation that was often marred by racial violence. Another student from Morehouse, Ira Joe Johnson, published a book about Dr. Mays' scholarship program for African-American medical students in the early 1940s.

Dr. Mays once said that "[e]very man and woman is born into the world to do something unique and something distinctive and if he or she does not do it, it will never be done." This nation owes a great debt to the late Dr. Benjamin E. Mays and it is certainly appropriate and timely to honor his achievements and his contributions to the citizens of the United States and the world by awarding him a Presidential Medal of Freedom.

Mr. HOLLINGS. Mr. President, I rise today to bring the country's attention to one of its most gifted educators, civil rights leaders and theologians, the late Dr. Benjamin Elijah Mays, and to again encourage the President to award Dr. Mays a Presidential Medal of Freedom. Dr. Mays lived an extraordinary life that began in a very unextraordinary setting. The son of slaves, Dr. Mays grew up in the rural community of Epworth, South Carolina where poverty and racism were everyday realities and the church was sometimes the only solace to be found. Yet, as the title of Dr. Mays' autobiography, "Born to Rebel" reveals, he was never satisfied with the status quo and looked to education as the key to his own success, and later the key to sweeping social change.

After working his way through South Carolina College, Bates College and a doctoral program at the University of Chicago, Dr. Mays worked as a teacher, an urban league representative and later dean of the School of Religion at Howard University here in Washington. Then, in 1940, he took the reins at Morehouse College and—to borrow a phrase—the rest was history. As President of Morehouse, Dr. Mays took an ailing institution and transformed it into one of America's most vital academic centers and an epicenter for the growing civil rights movement. He was instrumental in the elimination of segregated public facilities in Atlanta and promoted the cause of nonviolence through peaceful student protests in a time often marred by racial violence. Dr. Martin Luther King, Jr. and other influential 20th century leaders considered Dr. Mays a mentor and scores of colleges and universities—from Harvard University to Lander University in South Carolina—have acknowledged his impressive achievements by awarding him an honorary degree.

After retiring from Morehouse after 27 years, Dr. Mays did not fade from the spotlight—far from it. He served as president of the Atlanta Board of Education for 12 years, ensuring that new generations of children received the same quality education he had fought so hard to obtain back in turn-of-the-century South Carolina. Dr. Mays said it best in his autobiography: "Foremost in my life has been my honest endeavors to find the truth and proclaim it." Now is the time for us to proclaim Dr. Benjamin Mays one of our nation's most distinguished citizens by awarding him a posthumous Presidential Medal of Freedom.

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SENATE RESOLUTION 24—HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS.

Mr. SANTORUM (for himself, Mr. HUTCHINSON, Mr. DOMENICI, Mr. VOINOVICH, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

S. RES. 24

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 1999-2000 academic year was 2,653,038, the total number of Catholic schools is 8,144, and the student-teacher ratio is 17 to 1;

Whereas Catholic schools provide more than $17,200,000,000 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 24 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, at 11 a.m., in closed session to receive a briefing from the navy on the submarine accident near Hawaii.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to conduct a hearing on "Establishing an Effective, Modern Framework for Export Controls."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to conduct a hearing on "Saving Investors Money and Strengthening the SEC."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 14, 2001, to hear testimony regarding Education Tax and Savings Incentives.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 14, 2001 at 10 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 14, 2001, at 9:30 a.m. on ICANN Governance.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL VISIT TO MEXICO

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 13 that I submitted earlier.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, we are facing a unique time in the history of U.S.-Mexico relations. Mexico's election and inauguration last year of an opposition candidate as president—Vicente Fox Quesada—has overturned 71 years of executive branch domination by the Institutional Revolutionary Party, PRI. And now, with the inauguration of our new president—George W. Bush—both nations have the unprecedented opportunity to implement positive changes and create lasting progress for our entire Western Hemisphere.

Because of Mexico's critical importance to our nation and hemisphere, it is not at all surprising that President Bush has chosen to travel to Mexico for his first official foreign trip as President. It is with that in mind that I am introducing a resolution today, along with Senators HELMS, LOTT, DODD, MCCAIN, LANDRIEU, GRASSLEY, BREAUX, CHAFEE, VOINOVICH, and LEAHY to express our bipartisan interest in America's current relationship with Mexico and to suggest several issues of particular importance that President Bush should raise during his upcoming meeting with President Fox.

Our resolution acknowledges the vital nature of our relationship with Mexico and calls for policies that promote cooperation, enhance the security and prosperity of both nations, and enable both countries to establish mutually agreed-upon goals in at least four areas: one, economic development and trade; two, the environment; three, immigration; and, four, law enforcement and counter-drug policy.

In each of these areas, both countries should pursue realistic and practical steps that will build confidence in our partnership and help set the stage for future discussions and future progress.

No one can deny the importance of our involvement with Mexico—a nation with which we share over 2,000 miles of common borders. Additionally, over 21.4 million Americans living in this country are of Mexican heritage—that's 67 percent of our total U.S. Latino population. Indeed, many people and many issues bind our nations togther. And, it is in both nations' interest to make that bond even stronger.

That is why we want to see President Fox succeed. And, he is off to a good start. For the first time in two decades, economic crisis has not marred Mexico's transition period in between presidencies. Instead, President Fox's election has been received as a positive step in Mexico's maturing economy and has fueled new investment in the country, raising expectations for better economic opportunities for the Mexican people.

President Fox's election also has raised expectations here in Washington for better opportunities to improve U.S.-Mexico bilateral cooperation on a wide range of issues. An advocate of free trade in the Americas, President Fox currently recognizes that a strong, steady economy in Mexico can be the foundation to help solve many of our shared challenges, such as immigration, environmental quality, violent crime, and drug trafficking.

Furthermore, thanks to the economic cooperation spearheaded by the North American Free Trade Agreement (NAFTA), trade between the United States and Mexico amounts to $200 billion annually, making our neighbor to the south our second largest trading partner behind Canada. Over the last decade, U.S. exports to Mexico have increased by 207 percent. In 1999, alone, the United States exported $86.9 billion to Mexico—that is more than we exported to France, Germany, and the United Kingdom combined: $84.1 billion!

Overall progress in our partnership cannot occur, though, absent continued progress in Mexico's economy. Although Mexico is in its fifth consecutive year of recovery following the 1994–1995 peso crisis, improved living standards and economic opportunities have not been felt nationwide. Lack of jobs and depressed wages are particularly acute in the interior of the country, even in President Fox's home state of Guanajuato. As long as enormous disparities in wages and living conditions exist between the United States and Mexico, our own nation will not fully realize the potential of Mexico as an export market nor will we be able to deal adequately with the resulting problems of illegal immigration, border crime, and drug trafficking.

In keeping with the market-oriented approach we began with NAFTA, the United States can take a number of constructive steps to continue economic progress in Mexico and secure its support for a Free Trade Agreement with the Americas:

First, we can encourage growth and development by devising, for example, a common strategy to improve the flow of credit and U.S. investment opportunities in Mexico and by increasing funding for entrepreneurial efforts of all sizes, such as microcredit and microenterprise programs and Overseas Private Investment Corporation (OPIC) projects. OPIC—a loan program that assists U.S. small business investments in foreign countries—is already developing a limited small business financing program to support U.S. investments in environmentally sound projects in Mexico. We should work to expand the availability of this kind of investment assistance.

Second, we should expand the mandate of the North American Development Bank (NADbank) beyond the U.S.-Mexico border region—an idea proposed by Congressman DAVID DREIER and M. Delal Baer, an expert in Latin American affairs for the Center for Strategic and International Studies. The NADbank has been a successful source of private-public financing of infrastructure projects along our borders. Extending its authority inland will not only bring good jobs into the interior of Mexico, but also would develop and further nationalize a transportation and economic infrastructure.

Continued investments in NADBank also would facilitate greater environmental cooperation between the United States and Mexico through projects geared toward advancing the environmental goals and objectives set forth in NAFTA and would enhance the overall protection of American and Mexican natural resources.

Third, both nations need to pursue a joint immigration policy that takes into account the realities of the economic conditions of both countries. At a minimum, the Bush Administration should re-evaluate the current guest worker program, which has proven burdensome for U.S. farmers and small businesses. Any calls for a liberalization of this program from President Fox should be linked to concrete programs to reduce illegal immigration into the United States.

Fourth, in a quick and simple fix, the Bush Administration should eliminate the annual cap on the number of visas issued to Mexican business executives to enter the United States. Currently, the cap stands at 5,500 and will be phased out by 2004. The United States does not have such a cap for Canada. Repealing the cap now would send to President Fox and the people of Mexico a positive signal about their nation's value as an economic partner.

Fifth and finally, it is important for the United States to be seen as a partner and resource when President Fox undertakes his pledge to reform Mexico's entire judicial system. With a law enforcement system plagued with inherent corruption and institutional and financial deterioration, President Fox will face numerous challenges. It is in our interest to help him upon his request, whether it be through financial or technical assistance. It is in our own interest that he succeed, because our country cannot reverse effectively the flow of drugs across our border without the full cooperation and support of Mexican law enforcement. Additionally, the Bush Administration should explore possible multilateral anti-drug mechanisms and work with President Fox to decentralize standard day-to-day border functions of the hardworking and trusted law enforcement officials from both countries.

The issues that impact the United States and Mexico are numerous—all important, each interrelated with the other. Together, they present an enormous task for the presidents of both countries. Perhaps most important, they are evidence of the enormous importance of Mexico to the future prosperity and security of our country, as well as our hemisphere. The elections of Vicente Fox and George W. Bush present one of the best opportunities not only to redefine U.S.-Mexico relations for the better, but to bring all of Latin America to the top of the Administration's foreign policy agenda.

We cannot underestimate, nor can we neglect our neighbors to the south. President Bush knows this. He understands this. And, in a speech last August in Miami, I think he, himself, best described our relationship with Latin America, when he said:

> Those who ignore Latin America do not fully understand America, itself. . . . Our future cannot be separated from the future of Latin America. . . . We seek, not just good neighbors, but strong partners. We seek, not just progress, but shared prosperity. With persistence and courage, we shaped the last century into an American century. With leadership and commitment, this can be the century of the Americas.

I couldn't agree more.

At this point, I ask unanimous consent that the resolution before the Senate be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Submission of Concurrent and Senate Resolution.")

ORGAN DONATION AND SUPPORTING NATIONAL DONOR DAY

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 12, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 12) expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, let me take a moment, if I may, to speak on behalf of this resolution.

Every day in this country we lose people because we do not have enough donated organs, and we do not have enough people who understand this problem. I applaud my colleague for introducing this resolution and join with him and the other cosponsors in asking for its passage.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

MEASURE READ THE FIRST TIME—S. 328

Mr. DEWINE. Mr. President, I understand that S. 328 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 328) to amend the Coastal Zone Management Act.

Mr. DEWINE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 28, regarding an address to Congress by the President of the United States. Further, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 28) was agreed to.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 32, the adjournment resolution, which is at the desk. I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 32) was agreed to.

ORDERS FOR THURSDAY, FEBRUARY 15, 2001

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on February 15. I further ask unanimous consent that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business until 1 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the time between 10 a.m. and 11 a.m., with 10 minutes under the control of Senator CLINTON, 15 minutes under the control of Senator DORGAN, and 20 minutes under the control of Senator CARNAHAN; Senator KYL, or his designee, controlling the time between 11 a.m. and 11:30 a.m.; Senator THOMAS, or his designee, in control of the time between 11:30 a.m. and 12 noon; Senator COLLINS, or her designee, in control of 15 minutes; Senator LOTT, or his designee, in control of 15 minutes; Senator DASCHLE, or his designee, in control of 30 minutes.

Mr. REID. Mr. President, I ask that the closing script be modified to provide that if either leader uses his leader time, morning business for the affected party or parties be extended accordingly. It is not usual that the leaders do use their time, but when either one of them does, if we have morning business set aside, it cuts down the other side's ability to have morning business. This is fair. I do not see any problem with it.

Mr. DEWINE. Mr. President, our side certainly has no objection to this. I ask unanimous consent that my unanimous consent request be modified to reflect the request of the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, tomorrow the Senate will be in session beginning at 10 a.m. Following morning business at 1 p.m., the Senate can be expected to consider the bill honoring our former colleague, Senator Coverdell, and also the Senate could consider a resolution relative to the energy crisis occurring on the west coast and could also consider the nominee to head the Federal Emergency Management Agency. Therefore, votes can be expected to occur.

ORDER FOR ADJOURNMENT

Mr. DEWINE. Mr. President, on behalf of the majority leader, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

RECONCILIATION AND VALENTINE'S DAY

Mr. BROWNBACK. Mr. President, I want to speak for a few minutes on a bill that I am going to be putting forward shortly and then tie it in to this day. It is Valentine's Day. I hope everybody has called their special person. I hope they have called their mother. I hope they have called the people to whom they think they ought to reach out. If they have not done so, there is still time. There is special delivery of flowers, candy, and others things that can be done. They can still capture the day and the moment for the people to whom they should be reaching out.

I want to talk about a national day of reconciliation. This is an effort by both Houses to identify what needs to be done to reconcile the Nation and past and present problems.

We are at the beginning of a new administration and at the beginning of a new millennium. This would be a good time to do this.

It is a simple proposition, a basic proposition of what we need to do to identify—something we should have done—and correct past wrongs. I am hoping we can identify and move that forward without difficulty and controversy. It will be a very healthy exercise.

It is also healthy to recognize the basis of some of these days we celebrate. That is why I put forward this notion of reconciliation on Valentine's Day. It is a lot more than just hearts, cards, and candy.

I commend to the Senate an article written by Mark Merrill in the Washington Times today. He is president of Family First, an independent, nonprofit research group that strengthens families. He supports the story of Valentine, the true Valentine. I understand there are three St. Valentines. All three were martyred. All three were tremendously dedicated to other individuals and to helping them.

The one he identifies is the first Valentine. It is quite a story. I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 14, 2001]

SACRIFICIAL LOVE—ST. VALENTINE'S CONTRIBUTION TO LOVE AND COMMITMENT

(By Mark W. Merrill)

Do you know the real story behind Valentine's Day? It goes way beyond hearts, cards and candy. It is a story of love, sacrifice and commitment.

In the third century, the Roman Empire was ruled by Claudius Gothicus. He was nicknamed "Claudius the Cruel" because of his harsh leadership and his tendency for getting into wars. In fact, he was in so many wars that he was having a difficult time recruiting soldiers.

Claudius believed that recruitment for the army was down because Roman men did not want to leave their loves or families behind, so he canceled all marriages and engagements in Rome. Thousands of couples saw their hopes of matrimony dashed by the single act of a tyrant.

But a simple Christian priest named Valentine came forward and stood up for love. He began to secretly marry soldiers before they went off to war, despite the emperor's orders. In 269 AD, Emperor Claudius found out about the secret ceremonies. He had Valentine thrown into prison and ordered him put to death.

He gave his life so that couples could be bonded together in holy matrimony. They may have killed the man, but not his spirit. Even centuries after his death, the story of Valentine's self-sacrificing commitment to love was legendary in Rome. Eventually, he was granted sainthood and the Catholic church decided to create a feast in his honor. They picked Feb. 14 because of the ancient belief that birds (particularly lovebirds and doves) began to mate on that very day.

So what are you doing to keep the love in your marriage? While gifts, candlelight dinners and sweet words are nice, the true spirit of Valentine's Day needs to last year-round.

Here are some ways to bring more love into your marriage:

Schedule priority time together. Pull out your calendars and set a date night every week or two—just to spend time together and talk. (Note: Movies don't count)

Laugh together. When was the last time you shared a funny story and chuckled with each other? Loosen up and laugh freely. Live lightheartedly.

Play together. Find a hobby or activity you both enjoy—fishing, bowling, tennis, hiking, biking or crossword puzzles.

> Be romantic together. Send your spouse a note of encouragement in the mail every once in awhile just to say, "I love you."
>
> However, you choose to express yourself, do it in the spirit of the selfless Saint Valentine—who not only took a stand for love—he gave his life for it.

Mr. **BROWNBACK**. I will read portions of the article because it is so instructive about what Valentine's Day is about.

> In the 3rd century, the Roman Empire was ruled by Claudius Gothicus. He was nicknamed "Claudius the Cruel"—

That is a pretty auspicious name for an emperor—

> because of his harsh leadership and tendency for getting into wars. In fact, he was in so many wars he was having a difficult time recruiting soldiers.
>
> Claudius believed that recruitment for the Army was down because Roman men did not want to leave their loves or their families behind. . . .

So what do you do if you are emperor and cannot get people to sign up? He banned the institution of marriage and said there was not going to be marriage allowed anymore.

> Thousands of couples saw their hopes for matrimony dashed by the single act of a tyrant.
>
> But a simple Christian priest named Valentine came forward and stood up for love. He began to secretly marry soldiers before they went off to war, despite the emperor's orders. In 269 AD, Emperor Claudius found out about the secret ceremonies. He had Valentine thrown into prison and ordered him put to death.
>
> He gave his life so couples could be bonded together in holy matrimony. They may have killed the man, but not his spirit. Even centuries after his death, the story of Valentine's self-sacrificing commitment to love was legendary in Rome. Eventually, he was granted sainthood and the Catholic church decided to create a feast in his honor. They picked February 14 because of the ancient belief that birds (particularly lovebirds and doves) began to mate on that very day.

I think it is interesting to look back into the history of why it is we celebrate certain days and when we celebrate them. There is usually a beautiful story, this tapestry of something of beauty in our heritage that I always think of in redigging that well and seeing what is there.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The **PRESIDING OFFICER**. Under the previous order, the Senate stands in adjournment until 10 a.m., Thursday, February 15, 2001.

Thereupon, the Senate, at 5:02 p.m, adjourned until Thursday, February 15, 2001, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 14, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *February 14, 2001.*
>
> I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, the psalmist cannot find enough words to express trust in You.

Personal experience of Your presence, care, and abiding guidance gives rise to his song: "O Lord, my rock, my fortress, my deliverer. My God, my rock of refuge, my shield, the fullness of my salvation, my stronghold."

Stir in our hearts today Your holy spirit. Touch the soul of this Nation that we may see Your saving work in our work, Your strength behind our weakness, Your purpose in our efforts at laws of justice, Your peace drawing all of us and the whole world to lasting freedom.

You are ever faithful, O Lord, worthy of all of our trust, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FEBRUARY IS AMERICAN HEART MONTH

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, February is American Heart Month as designated by Congress in 1963. I want to thank my colleagues for taking time to come to the floor today to draw attention to the impact that heart disease and stroke have on our own society.

Perhaps in no other instance is a quick reaction more important to saving lives than during heart attacks. There is an important chain of survival which, when followed, can make an impact on the devastating effect of America's number one killer, heart disease.

The first step is preparation, understanding; and reacting quickly to cardiac events saves lives. Knowing the warning signs of heart attack and being ready to react can save precious moments. Warning signs include: uncomfortable pressure, fullness or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders or neck; nausea, sweating or shortness of breath.

The third step is calling 911. The earlier emergency medical personnel can begin resuscitation, the better chance of survival.

Finally, learn CPR. It is important that we maintain this life-saving skill throughout our lives. One never knows when one will be in the situation to implement the chain of survival. The more of us that know it, the more lives that can be saved.

CHILDPROOF HANDGUN ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Madam Speaker, children are killing children by gunfire. These deaths are occurring in homes and streets and in schools. The failure of Congress in recent years to shoulder the ultimate responsibilities of safeguarding our communities from gun violence is inexcusable. It is time to get past the rhetoric by the extremes on both sides of the gun control issue and pass sensible anti-gun violence legislation.

Today I will introduce in the House of Representatives the Childproof Handgun Act. This legislation requires that gun manufacturers develop personalized guns within the next 5 years. This technology would guarantee that only authorized users could operate the weapon. This is not something out of science fiction. A prototype exists that can read and recognize the gun owner's fingerprint allowing only the owner to fire the gun. This will keep weapons out of the hands of children and criminals.

The Federal Government sets standards for child safety cigarette lighters and insists that children riding in cars be buckled in approved car seats, and it demands that manufacturers put childproof caps on aspirin containers. For guns, we have nothing.

RECOGNIZING AMERICAN HEART MONTH

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, in 1963 Congress designated February as American Heart Month; and today is Valentine's Day, a day not only about flowers and candy, but also about love and family. It is fitting that we recognize and congratulate the efforts of the American Heart Association and other organizations to reduce the enormous burdens, physical, emotional and economic, that heart disease places on American families.

The fact is that an American dies from cardiovascular disease every 33 seconds killing 1 million Americans annually, about 41 percent of all deaths in the United States. Every American, young or old, male or female, is at risk.

Madam Speaker, today I encourage every American to learn the signs of cardiac arrest and the causes of cardiac disease. Together we can reduce the burden of cardiac disease and its imposition on our families so that everyone can celebrate not only this day as Valentine's Day but many more in the future.

CHARACTER EDUCATION

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Madam Speaker, later today I will be introducing with the gentleman from Texas (Mr. SMITH) the Character Learning and Student Success Act. Society is growing increasingly concerned about the steady decline of our Nation's core ethical values, especially in our children.

There exists in Tennessee and across the country successful character education programs that have improved school climate, reduced disruptive behavior and resulted in higher performing schools. However, no organization exists that can track these success stories, help schools identify their particular needs, and implement effective character education programs. That is why we are introducing the CLASS Act. This bill would establish a national center for character education that would provide the most up-to-date information about effective character education programs and aid schools in developing their own programs.

Character education is becoming a national priority in the education reform debate. We want all of our children to be responsible, upstanding members of society. I believe that this legislation will help schools create environments where such values are fostered.

Madam Speaker, I encourage my colleagues to join us in cosponsoring this bill.

RECOGNIZING AMERICAN HEART MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, today is Valentine's Day; and as we take the time to shower our loved ones with chocolates, flowers and poems, I ask that we share the most important gift of all, the gift of life. Heart disease kills nearly 1 million Americans every year and is responsible for over 40 percent of the deaths in our country. Every 33 seconds, an American dies from cardiovascular disease.

This February marks American Heart Month; and unfortunately, too many Americans are not prepared to deal with cardiac emergencies. But by becoming familiar with these serious symptoms, it can mean the difference between life and death. Symptoms such as uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting for more than a few minutes, pain spreading to the shoulders, arms or neck, and chest discomfort with light-headedness, faintness, sweating nausea, or shortness of breath.

Madam Speaker, this Valentine's Day I ask my colleagues to raise awareness on these matters of the heart. It is just one way in which we can eliminate our Nation's number one killer.

MONICA, MARC RICH AND A PHONY FINE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. First there was Monica. While Congress investigated cigars and pantyhose, China was spying and buying America. Now it is Marc Rich. True, Rich does not deserve a pardon. But once again two big pardons in the form of plea bargains have been overlooked, namely, John Huang and James Riady, two crooks that illegally funneled cash to the Democrat National Committee and to investigate them now would be double jeopardy. Beam me up.

What are we coming to, Congress? This was not only slick, this is sick; and America may someday die because of it.

I yield back a phony $8 million fine for James Riady that will be paid for by Chinese Communists who are taking $100 billion a year in trade surplus out of America's economy.

COMMENDING FOREIGN SERVICE WORKERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to commend the numerous foreign service officers working in our embassies around the world and at the State Department. I have had the pleasure of working with many of these people here in Washington and at our embassies abroad. The tremendous dedication these men and women bring to their work representing our Nation abroad and our principles is an inspiration and an encouragement to all of us. Their work with NGOs is especially appreciated.

The Ambassadors in Thailand, Egypt, Pakistan, and Indonesia, Ambassadors Hecklinger, Kurtzer, Milam, and Gelbard, have lent their expertise and assistance on various issues and projects. In addition, the work of Jeffrey Rock, Lowry Taylor, David Donahue, Sheldon Rapoport, Susan Keogh, John Bradshaw, Susan Sutton, Angie Bryant, and others has been invaluable.

Madam Speaker, I commend these individuals for their important and tireless work on behalf of our Nation and the principles on which our Nation stands.

NATIONAL CENTER FOR SOCIAL WORK RESEARCH ACT

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute.)

Mr. RODRIGUEZ. Madam Speaker, today the gentleman from Arkansas (Mr. HUTCHINSON) and I will reintroduce the National Center for Social Work Research Act which would establish a center within the National Institutes of Health. As a former social worker, I believe that this center would be a tremendous resource not only to Congress and policymakers but also to service providers throughout this country. Social workers are in a unique position to offer insight and recommendations on how to address both individual and community societal problems. They are on the front line working with individuals on a day-to-day basis on issues ranging from access to health care, mental health, child abuse, and family reconciliation.

The establishment of the National Center for Social Work Research would provide us with interdisciplinary, family-centered, and community-based social work research that is needed and designed to help us not only in terms of policy but also in terms of service for our service providers. I ask my colleagues to support this effort, the National Center for Social Work Research.

INTRODUCTION OF CHARACTER LEARNING AND STUDENT SUCCESS (CLASS) ACT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, Americans are concerned about the decline in our Nation's values, particularly among our children. Parents should be the primary developers of character, but educators play an increasingly important role. Many school districts have included character education in their curriculum. Others have not but would like to do so. Schools need an organization that exists to help them identify their particular needs and implement effective character education programs.

The gentleman from Tennessee (Mr. CLEMENT) and I are introducing the Character Learning and Student Success Act. This legislation provides a grant to develop initiatives and disseminate up-to-date resource information about character education. It also funds a study that will examine whether or not character education programs are effective and sustainable.

Madam Speaker, character education not only cultivates minds, it nurtures hearts. I ask my colleagues to please join us in cosponsoring this bill.

AMERICAN HEART MONTH

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, on this day devoted to matters of the heart, I remind my colleagues that February is American Heart Month. We recognize the millions of Americans today struggling with heart disease and recommit ourselves to helping them. And we acknowledge the efforts of organizations like the American Heart Association which help all of us prevent and treat heart disease.

The theme for Heart Month is "be prepared for cardiac emergencies."

Each year more than 1 million Americans will suffer a heart attack. Too many of us are not even aware of the warning signs. And too many of us do not know what to do to help someone who has suffered a heart attack.

To that end, today I will reintroduce legislation, the Teaching Children to Save Lives Act, to encourage training in the classroom. This legislation will teach our children about the dangers of heart disease, how to prevent it, and how to respond in a cardiac emergency.

□ 1015

So I urge my colleagues to support this and other efforts to address the scourge of heart disease.

FEBRUARY, AMERICAN HEART MONTH

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, as has been mentioned, this is Valentine's Day, and it has been designated as American Heart Month.

As a member of the Congressional Heart and Stroke Coalition, I and others of my colleagues will continue to work to increase funding for the National Institutes of Health. I am pleased that for the past 2 years we have seen annual increases of 15 percent for NIH. The previous 2 years' funding increases for the NIH has translated into increases for the Institute of Neurological Disorders and Stroke of $138 million over fiscal year 1999, for a total of $1.148 billion for the current fiscal year.

Eighty-one percent of Americans support increased Federal funding for heart research, and 78 percent support increased Federal funding for stroke research. Heart disease, stroke and other cardiovascular diseases remain this country's number one killer, causing nearly 960,000 deaths every year, and are a leading cause of long-term disability.

Cardiovascular disease has claimed more lives than the next seven leading causes of death combined. One in five Americans suffers from cardiovascular diseases. Heart disease is the number one killer in Maryland, stroke is the number three killer in Maryland, and this reflects the Nation.

Let us resolve on this Valentine's Day to remember what American Heart Month is about, to preserve the health of our loved ones.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Madam Speaker, today we recognize February as American Heart Month. I salute the American Heart Association and other noteworthy organizations' ongoing efforts to eliminate heart disease, which affects millions of Americans every year.

Cardiovascular diseases are the number one killer of women and men. These diseases currently claim the lives of more than half a million females every year.

The American Heart Association estimates that one in two women will eventually die of heart disease or stroke. African American women face a four times higher risk of dying before the age of 60.

Although cardiovascular disease is the leading cause of death among American women, studies show that women still do not recognize their risk, are unaware that their symptoms are different from men's, are less likely to seek treatment when faced with these symptoms, and are less likely than men to be referred for diagnostic testing and treatment by their physicians.

What does this say about our Federal health care system? It has not done enough to address women's healthcare needs.

I applaud the work that the Congress has done. It successfully passed legislation dealing with cardiovascular disease and stroke, but I would urge the 107th Congress to do more in the fight for heart disease research and funding and to ensure adequate health care access for all of our citizens.

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 36 is an open rule providing for the consideration of H.R. 554, a bill to establish a program coordinated by the National Transportation Safety Board, to offer assistance to the families of passengers involved in rail passenger accidents.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule also provides that the bill shall be open for amendment by section at any point and authorizes the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit, with or without instruction.

Madam Speaker, I rise in strong support of the bill before us, H.R. 554, the Rail Passenger Disaster Family Assistance Act. This bill is substantially identical to legislation with the same name passed by voice vote in the 106th Congress on October 4, 1999. Unfortunately, that legislation was never taken up by the Senate before the adjournment of the 106th Congress.

Congress addressed a similar issue in 1996 by passing the Aviation Disaster Family Assistance Act of 1996. In response to the Value Jet and TWA 800 tragedies, Congress approved this measure to coordinate and distribute information to family members in an efficient and sensitive manner.

The next logical step for Congress to take is to extend the same service to families of victims of railroad disasters. The nature of tragedies is that they occur suddenly and without warning. The manner in which these situations are handled in the immediate hours and days following the incident are critical. Providing information quickly and accurately not only saves lives, but offers assurances to family members and loved ones.

In fact, just last week, on Monday, February 5, 2001, an Amtrak train caring 98 passengers collided with a lumber freight train in my home State of

New York. Fortunately the accident was not fatal, but there were sent to area hospitals several who were affected by the railroad incident due to serious injuries.

This is a poignant example of the need to synchronize search and rescue efforts with the dissemination of information to family members in the face of catastrophe.

This legislation establishes points of contact both within the National Transportation Safety Board and from an independent nonprofit organization in order to coordinate emotional care and support to family members, directly addressing the need to keep families informed.

Madam Speaker, I would like to commend the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their hard work on this measure.

I would also like to recognize the efforts of my colleague and western New York neighbor, the gentleman from New York (Mr. QUINN), the newly appointed chairman of the Subcommittee on Railroads.

Madam Speaker, I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule. The underlying bill is noncontroversial and was passed under suspension of the rules last Congress by a voice vote.

The measure is intended to deal with the tragedy of rail accidents involving substantial on-board casualties. The key features of H.R. 554 include procedures to assure timely and sensitive handling of information needed by accident victims and their families. This information is coordinated among the National Transportation Safety Board, the rail passenger carrier, and a designated nonprofit charitable organization. The designated organization is in charge of providing necessary counseling services, ensuring a private venue for families to grieve, and assisting families in a variety of matters, including a possible memorial service.

The legislation also protects the victims and their families against unsolicited and intrusive contacts by attorneys in the immediate post-accident environment, when the families may be in shock and not emotionally capable of making sound decisions about possible legal redress. Moreover, the bill also ensures orderly preparedness by rail carriers for accidents by requiring comprehensive plans to be in place governing each carrier's procedures for handling post-accident information and family assistance.

Madam Speaker, again, I know of no controversy surrounding this measure.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just in closing, today is a special day for my good friend, the gentleman from New York (Mr. QUINN), as he now chairs the Subcommittee on Railroads. I know how proud his mother and father are, as his father Jack, Sr., was a career railroader in the Buffalo area. So today I look forward to seeing the gentleman from New York (Mr. QUINN) bring this bill on as his first as a subcommittee chairman.

Mr. REYNOLDS. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 554.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

Mr. QUINN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, before I rise in support of our bill this morning, I would like to welcome the gentleman from Tennessee (Mr. CLEMENT) as my partner on the new Subcommittee on Railroads. As I think almost everyone in the House realizes this year, the Committee on Transportation and Infrastructure added a separate Subcommittee on Railroads.

The gentleman from Tennessee (Mr. CLEMENT) and I have been friends for quite some time on the full committee; and I am delighted to join with him this next term, the next couple of years, to bring legislation to the floor.

While we are not able to do commercial breaks here, I would like to offer to Mr. CLEMENT a copy of Stephen Ambrose's book entitled "Nothing Like It in the World," which talks about the men and the women who built the Transcontinental Railroad between 1863 and 1869, as a reference tool.

□ 1030

Having been an English teacher, I say to the gentleman, there will not be any quiz, but I have my own copy of this. As we work our way through those difficult, difficult subcommittee hearings of ours, we will find some time to remember why we do the work we do when we see how the people did it for us some century-and-a-half ago.

Mr. CLEMENT. Madam Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Madam Chairman, I thank the gentleman very much for his gift.

Mr. QUINN. Madam Chairman, I rise in support of the Rail Passenger Disaster Family Assistance Act, a commonsense bipartisan bill to address a gap in our current transportation laws.

The bill is substantially identical to H.R. 2681 approved by the Committee on Transportation and Infrastructure in the full House, I might add, in our last 106th Congress, but never acted upon by the other body in the Senate.

I am pleased that this is the first piece of legislation from our committee under our new chairman, the gentleman from Alaska (Mr. YOUNG). As chairman of the newly formed Subcommittee on Railroads, I strongly support the bill, and urge our colleagues to do the same.

Members may recall that several years ago after some terrible, terrible incidents, most notably the 1996 ValuJet and TWA crashes, the families of crash victims were poorly treated by the carriers, the media, and by some lawyers.

The Congress responded by enacting an aviation law that placed the National Transportation Safety Board and suitable private charitable organizations in charge of coordinating efforts to protect the privacy of crash victims' families, and to assure that they receive the most current information possible from the carrier.

The law has been quite successful in improving the situation for crash victims' families. Since its enactment, it has been updated and expanded in 1997, and again in 1999.

Today, H.R. 554, this bill that the gentleman from Tennessee and I bring to the floor, is virtually a clone of that aviation law, but it is applied to rail passenger service, both intercity and high-speed rail.

Although Amtrak is currently the principal provider of intercity rail passenger service, a number of States are considering forming compacts to support their own bid for rail passenger services.

We understand that, Madam Chairman, necessarily this bill cannot track the aviation statute exactly. We understand that. For example, some passenger trains with unreserved open boarding situations will not have a definite passenger manifest sheet comparable to an airline passenger list. Generally, however, this bill follows the aviation model.

The National Transportation Safety Board is given the authority to invoke the procedures of the bill, including designating the NTSB Director of Family Support Services for the accident as a point of contact for all the families, and to act as liaison between the families and the passenger carrier.

The NTSB has also authorized a designated independent charitable organization, for example, the American Red Cross, for coordinating emotional care and support activities for the families. NTSB is also made primarily responsible at the Federal level for facilitating recovery and identification of victims, and providing relevant information to the same families.

The rail carrier itself in this bill is required to cooperate with the designated charitable organization to provide mental health and counseling services to the families, provide for a private grieving environment, to maintain contact with the families, and also to arrange any appropriate memorial service.

The NTSB is also required to give prior briefings to the families before public disclosure of any information about the accident. Unsolicited attorney contacts with the families or victims themselves, other than the railroad employees, are prohibited for 45 days following the accident.

To ensure that the rail and passenger carriers are prepared to implement the law in the event of an accident, the bill requires each carrier to prepare a response plan and to submit that plan to the Department of Transportation and the NTSB within 6 months of enactment detailing how the carrier will carry out the specific family assistance obligations under the law.

Let me also note for the RECORD, Madam Chairman, that when the substantially identical bill was reviewed by the Congressional Budget Office, CBO stated in its estimate in August of 1999 that this legislation "would have no significant impact on the Federal budget."

As to intergovernmental mandates, CBO found that the bill would not require States to change laws or take action. There would be no significant State costs, and these or any costs involved would not meet the threshold minimum of the Unfunded Mandates Act reform.

The details of these evaluations, of course, are printed in the report of the predecessor bill on House Report 106–313. I urge prompt approval and careful consideration of a very bipartisan commonsense approach.

Madam Chairman, I reserve the balance of my time.

Mr. CLEMENT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to congratulate my good friend, my colleague, the gentleman from the great State of New York (Mr. QUINN), on becoming chairman of the Subcommittee on Railroads.

I want to also thank him for this wonderful book about building the transcontinental railroad. He knows that I am a big railroad buff, and I might say that my father-in-law, Noble Carson, was an old railroad employee from the old L&N Railroad in Nashville, Tennessee, where he retired. He is now deceased.

I am a former college president and I am a real historian anyway of the history of this country, and how we have been able to build that transcontinental railroad in just a few years. In this book, it describes how one can build a railroad in just a few years, so we ought to be able to do great things working together on a bipartisan basis on behalf of the Committee on Railroads and our colleagues in this great country.

Madam Chairman, I rise to express my support for the Rail Passenger Disaster Family Assistance Act of 2001. This legislation gives relatives of those injured or killed in railroad accidents the same rights as the families of airline disaster victims.

These families deserve the same sensitive treatment we afford to others following air disasters. What could be worse than having someone you love involved in a railroad disaster, only to find that there is no place to call for information, no one to explain whether one's husband, wife, son, or daughter was on that train, whether they were injured or deceased, but instead having to wait for hours to get any word, and at the same time, being hounded by lawyers for a lawsuit.

This legislation addresses all of those issues. It calls for the rail passenger carrier to have a plan for providing and publicizing a toll-free number for families to call. The carrier must outline a process for notifying the families before notifying the public. This notification should be carried out in person, when possible.

This legislation ensures that families will be consulted about all remains and personal effects, to the best of the rail passenger carrier's ability. It says these possessions will be returned to the family unless needed for the crash investigation, and that unclaimed possessions will be held for 18 months.

Madam Chairman, this legislation gives the families of all passengers the right to be consulted about the construction by the rail passenger carrier of any monument for the disaster victims. It designates a point of contact person to act as a liaison for families. It provides for mental health and counseling services for family members, and it prohibits unsolicited communications concerning lawsuits.

These assurances extend to the families of the employees, as well as the passengers, as all deserve, compassionate treatment. Every time we put a loved one on a train in this country, we should feel confident that he or she is safe. Should a tragic accident occur, however, we have a right to know we will be informed, treated fairly, and helped through the process.

This legislation does just that. The Railroad Passenger Disaster Family Assistance Act offers the same treatment to families affected by rail disasters as we currently ensure for those affected by airline disasters. Legislating consistent treatment for both these groups is the fair thing and the right thing to do.

As an advocate of increased passenger rail alternatives for our traveling population, I feel very strongly that this legislation is exactly the type of framework we need in place to deal with unforeseen tragedies. While we work harder and invest more funds to prevent such rail incidents, we still must be prepared at all times to react appropriately and in a timely manner.

I am very pleased that this Congress is moving so quickly to pass H.R. 554. I urge our Senate colleagues to move quickly on passage so we can give this bill to President Bush as soon as possible.

Madam Chairman, I reserve the balance of my time.

Mr. QUINN. Madam Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Tennessee (Mr. CLEMENT). I also would like to take this opportunity to thank the staff on our side and his side for preparing the legislation this morning.

While we will receive a lot of advice during the course of his term, in the next few years I am expecting advice from the gentleman and his staff, from my staff and others, but I am also expecting some advice from one Jack Quinn, Senior, back home in Buffalo, New York, who put in over 30 years at the South Buffalo Railroad, who will also offer me some advice, and offered me a little this morning already. He called to say that I need a haircut. As we go through this, I look forward to working with the gentleman from Tennessee.

Mr. OBERSTAR. Madam Chairman, I rise in strong support of H.R. 554, the Rail Passenger Disaster Family Assistance Act of 2001.

Although passenger trains are a very safe way for people to travel, even railroads sometimes have accidents that cause serious injuries and loss of life. When rail passenger accidents do happen, they can occur in relatively remote locations and/or in the middle of the night. Modern communications allow for the transmission of news of the event to travel around the nation only minutes after it happens. Families with relatives on board can only hope and pray that their loved ones were not among those killed or injured. In some cases, the families are not even certain whether their loved one was on the train that had the accident. The tragic accident at Bourbonnais, IL, in March 1999 that took the lives of 11 Amtrak passengers and injured 49 others was the most recent such tragedy.

At these times, it is imperative that the needs of the families of the accident victims be treated with as much compassion as possible and that their need for information about their loved ones be promptly and accurately addressed.

The purpose of this legislation is to help create a process that, at a minimum, does not make an already highly emotional situation even more traumatic for family members. It requires that all passenger railroads engaged in interstate transportation submit a plan to the Secretary of Transportation and the Chairman of the National Transportation Safety Board (NTSB) to address the needs of families of passengers involved in any railroad accident where there is major loss of life. The plan must address a number of key areas, including the publication of a reliable toll-free number to handle calls from family members, procedures for developing passenger lists, and a process for notifying family members. In addition, the plan must specify the ongoing obligations (such as the disposition of the traveler's personal effects) that the carrier has with respect to the information and services to be provided to the family members throughout the duration of the disaster.

In recognition of the need for a professional and reliable focal point to be responsible for interacting with family members, H.R. 554 provides that the Chairman of the National Transportation Safety Board will identify a Board employee to serve as the Federal Government's point of contact and serve as a liaison between the railroads and the family members. The bill further instructs the NTSB Chairman to designate an independent nonprofit organization that has experience with disaster relief efforts, such as the Red Cross or the Salvation Army, to be responsible for coordinating the emotional care and support of the families of passengers involved in the accident. At such trying times, it is extremely important that families be handled by individuals and organizations experienced in providing compassionate assistance.

I would like to stress, however, that this legislation is not in response to any inaction or any inappropriate actions by Amtrak. Indeed, Amtrak has already adopted many of the elements called for in this bill, and Amtrak supports this bill that largely codifies its current practices. However, under the Amtrak Reform and Accountability Act of 1997, Amtrak is no longer the only railroad that can conduct interstate rail passenger operations. Since that law was enacted, a number of states have begun efforts to launch new conventional or high-speed rail passenger services. Therefore, we need to be prepared for a future of multiple rail passenger service providers.

One element of this bill I find particularly important is the prohibition against unsolicited communications by attorneys until 45 days following an accident. In times of tragedy, family members are especially vulnerable to the unscrupulous who would prey upon them. Only last week, an Amtrak passenger train rear-ended a CSX freight train just outside of Syracuse, NY. More than 60 people were injured, many of whom were physically challenged and traveling as a group. Along with the emergency responders, there were two men at the scene soliciting for legal work related to the accident. The men were handing out business cards and other material. This kind of shameless behavior is unethical; our bill would make it also illegal.

Although I am pleased that in its Statement of Administration Policy the Bush Administration supports passage of this important bill, I am concerned that the Administration indicates that it believes there may be First Amendment problems with this section of the bill (Section 2(g)(2)). To the best of my knowledge, the Administration has not contacted the Committee to outline the reasons for its concerns with the prohibition on unsolicited contact by attorneys after a rail accident. I hope that the Administration is aware of the 1995 Supreme Court decision in Florida Bar v. Went For It, Inc., in which the Court ruled that the First Amendment did not prohibit the Florida Bar from prohibiting lawyers from sending targeted direct mail solicitations to victims and relatives for 30 days after an accident. I see no difference between this decision and the prohibition in our bill.

In addition, I hope the Administration is aware that, under current law, this same type of prohibition applies to unsolicited communications to families of the victims of airline crashes. In the Aviation Disaster Family Assistance Act of 1996, we recognized the importance of the need to provide families of aircraft accident victims with reliable information and compassionate treatment. I have spoken with aviation accident families and they have told me that the 1996 legislation has worked well in assisting families in the most difficult of times. During our consideration of that Act, the Association of Trial Lawyers of America wrote to the Committee regarding that Act's aviation disaster assistance provisions and stated, in relevant part:

> * * * This legislation will lend much-needed support to the families of victims of airline disasters.
>
> In particular, the Association strongly supports sec. 5. This provision states the sense of Congress that state bar associations should adopt rules prohibiting unsolicited contact concerning a legal action with victims or aggrieved families within 30 days of an accident. ATLA's longstanding Code of Contact goes even further, and entirely prohibits unsolicited contact, regardless of when the accident occurred. We believe that the 30 day time period you provide in the bill is a reasonable minimum period during which victims and their families should not be bothered against their will with the sometimes painful question of compensation.
>
> However, we urge the committee to go further, by strengthening this bill to also prohibiting unsolicited contact by anyone concerning potential claims they or their loved ones may have. Until a family decides to consider its options with regard to compensation, no party should take advantage of them during this delicate emotional time.—(Association of Trial Lawyers of America, September 10, 1996)

I applaud the Association of Trial Lawyers and the many State Bar Associations that have supported our efforts to stop this unethical conduct. I look forward to working with the Administration to address any new concerns that it has.

We have provided some solace to the families of victims of aviation disasters. We should do no less for those who choose to ride our nation's passenger trains.

Mr. RAHALL. Madam Chairman, I am pleased to support the Rail Passenger Family Assistance Act. This bill should be enacted into law because it is the honorable thing to do. In the 106th Congress, I cosponsored a similar bill, H.R. 2681, which the House passed on October 4, 1999, by voice vote, but the Senate did not act on the bill. I look forward to a different outcome this year.

We all hope and pray that our constituents will get to their destinations safely while traveling. But the harsh reality is that sometimes tragedies do occur. Sometimes a plane or train crashes, causing a major loss of life.

In times like these, when families face the shock and pain of losing a loved one, the least we can do is provide every possible consideration to them, including grief counseling and general emotional support, ensuring their privacy, and helping them to arrange a fitting memorial service.

After the Valujet and TWA 800 airplane tragedies in 1996, this type of family assistance was established for the families of loved ones lost in airplane crashes, but such services do not exist for families of those lost in interstate and intercity rail passenger service.

While Amtrak has established an informal family-assistance program, there is no federal law requiring these services for families of victims of railroad disasters. In addition, because the 1997 Amtrak Reform and Accountability Act mandated competition in intercity rail passenger service, Amtrak will no longer be the sole rail carrier. New rail carriers will be established to compete with Amtrak. Such competition demonstrates the need for the Federal Government to enact a family assistance program.

Under the Rail Passenger Disaster Family Assistance Act that we are considering today, a program will be established modeled after the program that was established for families of victims of airline disasters.

The National Transportation Safety Board (NTSB) will designate one of its employees to be the contact person within the Federal Government with victims' families. That person's name and telephone number will be published, and the person will be the liaison between the victims' families and the rail carrier.

The NTSB will then designate an independent disaster-assistance organization, such as the Red Cross, to focus on the emotional needs of the families: providing grief counseling and a private place in which to grieve, helping them to arrange memorial services and funeral arrangements, and preventing contact by lawyers, or their agents, for 45 days after the tragedy, in order to help families to begin the healing process before taking any possible legal action.

It is my hope that our constituents across the Nation will get to their destinations safely when traveling by interstate or intercity rail, whether it be the Amtrak Cardinal Line which passes through West Virginia between Huntington and White Sulphur Springs, or any other carrier anywhere in the Nation. However, when a rail tragedy does happen, we must provide every possible consideration to victim's families to help them through the tragedy. This bill does that.

Finally, the Rail Passenger Disaster Family Assistance Act will have no significant impact on the Federal budget, based on the Congressional Budget Office estimate for H.R. 2681, the bill passed by the House in 1999. Therefore, I encourage the Senate to consider the bill as soon as possible, and the President sign it into law, for the sake of victims' families.

Mr. CLEMENT. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. QUINN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Passenger Disaster Family Assistance Act of 2001".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"§1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved, with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

"(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

"(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

"(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

"(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

"(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

"(g) PROHIBITED ACTIONS.—

"(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

"(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

"(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

"(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

"(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

"(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

"(3) PASSENGER.—The term 'passenger' includes—

"(A) an employee of a rail passenger carrier aboard a train;

"(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

"(C) any other person injured or killed in the accident.

"(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

"1138. Assistance to families of passengers involved in rail passenger accidents.".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 251—FAMILY ASSISTANCE

"Sec.

"25101. Plans to address needs of families of passengers involved in rail passenger accidents.

"§25101. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

"(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

"(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

"(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

"(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

"(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

"(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

"(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

"(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

"(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

"(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

"(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

"(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

"(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

"(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

"(d) DEFINITIONS.—In this section—

"(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

"(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

"251. FAMILY ASSISTANCE .... 25101".

The CHAIRMAN. Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, pursuant to House Resolution 36, she reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUINN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Under clause 8 of rule XX, further proceedings on this question will be postponed.

☐ 1045

JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of Tuesday, February 13, 2001, I call up the bill (H.R. 559) to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 559 is as follows:

H.R. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, shall be known and designated as the "John Joseph Moakley United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "John Joseph Moakley United States Courthouse".

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the order of the House of Tuesday, February 13, 2001, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I begin my remarks on H.R. 559, I want to thank and commend our colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for one, not only bringing this matter before the attention of the House, but also for pushing for its expedited consideration.

I was in my district in Ohio as all Members were earlier this week. They all were not in Ohio, they were all in their districts. And the gentleman from Massachusetts (Mr. MCGOVERN) was kind enough to call and indicate this was a bill that was not only deserving of the body's attention, but it was deserving of expedited attention.

Madam Speaker, I also want to commend the leadership of the House for giving it every consideration.

Madam Speaker, H.R. 559 designates the United States courthouse located at 1 Boston Way in Boston, Massachusetts as the John Joseph Moakley United States Courthouse. It is only fitting that the courthouse in Boston bear the name of our witty, compassionate and amiable colleague in the House.

Mr. MOAKLEY has been a staple in this body since his election to the House in 1972. Congressman Moakley was born, raised and lived most of his adult life in South Boston, something he is very proud of. He began his long distinguished career in public service at the age of 15 when he enlisted in the United States Navy and served in the South Pacific during the Second World War.

Upon returning from his service in World War II, he attended the University of Miami, and later received his law degree from Suffolk University Law School in Boston.

At the age of 25, Congressman MOAKLEY was elected to the Massachusetts State Legislature, serving in both the State House of Representatives and the State Senate for 18 years before being elected to the Boston City Council.

In 1972, as I mentioned before, Congressman MOAKLEY was elected to the United States House of Representatives.

After his first term in the House, Congressman MOAKLEY was appointed to the Committee on Rules. He later became chair of the Committee on Rules in 1989. He is now serving as the Committee on Rules ranking member. With his affable personality, he was able to give everyone a fair shake that came before his committee, even during some of the more than difficult political debates that we, from time to time, have in this Chamber.

In addition to his work on the Committee on Rules and being an ardent supporter for South Boston's transportation infrastructure, Congressman MOAKLEY continues to be dedicated to ending human rights violations around the world, particularly in Central America. This naming is a fitting tribute to our colleague.

Madam Speaker, I support the bill and encourage my colleagues to join in support.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank my colleague, the gentleman from Ohio (Mr. LATOURETTE), for his cooperation on this matter. I want to thank the leadership, the Republican leadership and the Democratic leadership, for all their cooperation, and, in particular, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. ARMEY), the majority leader; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure; as I mentioned, the gentleman from Ohio (Mr. LATOURETTE), as well as the gentleman from Missouri (Mr. GEPHARDT), the minority leader; and the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. COSTELLO).

I really appreciate everybody here working together to move this legislation to the floor expeditiously, and it is for our very dear friend, JOE MOAKLEY.

Madam Speaker, this is a very special moment for me. JOE MOAKLEY has been my teacher and he has been my mentor. He has, as I have said many times over the last couple of days, been like a second father to me, and he is my best friend.

As many of my colleagues know, I worked in JOE MOAKLEY's congressional office for over 13 years. I have seen him solve problems, both large and small. I watched as he steered countless millions of dollars to his district and to the Commonwealth of Massachusetts for sensible economic development.

There is not a Federal project in Massachusetts from the Berkshires to Cape Cod that does not have JOE MOAKLEY's fingerprints all over it.

I watched him help colleges and universities build new buildings, research facilities, classrooms and laboratories.

I watched him champion the cause of health care, because as he said on Monday, he knows probably better than most of us the miracles of medical science.

Madam Speaker, I have seen him immerse himself in constituent casework. If someone stops him at a local diner or on the street with a problem, JOE MOAKLEY is immediately on the phone, usually using some very colorful language to get his point across in order to solve that problem. And I have even seen JOE stare down death squads in El Salvador.

JOE MOAKLEY's commitment to human rights in that war-torn country played a mighty role in ending the Salvadoran war, which caused over 80,000 innocent civilians' lives.

I returned to El Salvador with JOE in November of 1999 to mark the 10th anniversary of the murder of the 6 Jesuit priests, the case in which JOE successfully exposed the truth.

Everywhere we went in El Salvador, even in the most remote villages, people remembered what he did. They would come up and give him a big hug and say thank you and tell him how much he impacted their lives.

In return, JOE would sing his favorite Irish tunes, If You Are Irish, Come Into the Parlor, or Southey, My Hometown, or his personal favorite, Redhead, and I am not sure that they knew what the heck he was singing, but they all fell in love with him. They all appreciated what he did and they will remember him forever.

In 1996, I was elected to the United States Congress, and I would not have won that race if it were not for JOE MOAKLEY. There is no way that I can adequately say thank you to him for helping me realize my dream.

Today we are naming the U.S. courthouse in Boston, a building that, quite frankly, would not be there if it were not for JOE MOAKLEY. We are naming it the John Joseph Moakley Federal Courthouse.

It is an appropriate tribute for two reasons. First, that new courthouse is already serving as a catalyst for economic development in that area of South Boston with new construction springing up all around it. And so much of JOE's career has been about promoting economic development and creating jobs.

He joked the other day that his favorite bird is the crane, and if you visit Boston, you will see cranes all over the place.

The second reason why I think this is appropriate is that that courthouse is a symbol for justice, and JOE MOAKLEY's entire life has been dedicated to fighting for justice, especially for those who do not have a powerful ally or who are not well committed; whether it is fighting to help Mrs. O'Leary find her lost Social Security check, or whether it is fighting on behalf of refugees from El Salvador who were too afraid to go back to their homeland during that war, or whether it is fighting for health care or for Medicare or for hospitals or for anybody who has any problem, JOE MOAKLEY is always out there, front and center, fighting for justice.

He was one time asked what his favorite compliment was, and he replied being called a regular guy. Well, JOE MOAKLEY is the most extraordinary regular guy I have ever known, and like everyone in this House, and I would say like everybody who knows him, I love him a lot.

Madam Speaker, we are all sad that JOE announced that he will not seek reelection in the year 2002, but I want to remind everyone here that 2 years is a long time. JOE MOAKLEY will be with us on this floor, telling his Irish stories, singing his Irish songs and fighting the good fight.

I, again, want to thank all of my colleagues for bringing this to the floor so expeditiously.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for his leadership on this issue. We were going to invite the Massachusetts Republican delegation down here to speak today, but, you know, that does not exist. There have been a couple of great Republicans in the Congress from Massachusetts. Of course, the great Silvio Conte and Mr. Torkelson, who my colleagues took care of and Mr. Blute, who my colleagues took care of, and so we are without a Massachusetts Republican delegation. But, nonetheless, I rise this morning to represent all of the Members on our side of the aisle in talking about JOE MOAKLEY for a couple of minutes here this morning.

A good thing, as the gentleman from Massachusetts (Mr. MCGOVERN) pointed out, is that sooner or later everybody will have a chance to talk about us, sooner or later; some sooner, some later. But by doing this naming today, we get a chance to talk this morning about a good friend in JOE MOAKLEY. I want to talk to JOE this morning, not about him, because he is with us. I do not want to talk to him.

I want to thank JOE MOAKLEY personally for the work he has done with me on our weatherization and our LHEAP program where we have been able to restore some money back into this Federal budget to take care of people who have to make decisions about whether or not they are going to heat their homes or put food on the table; not an easy decision, not an easy road to hoe for people in the northeastern part of our country.

JOE and I have teamed up together to do that these last couple of years, and I have learned from JOE MOAKLEY more in these last couple of years than all of my years in education, all my years in government, all my years in public life. And I do not know JOE MOAKLEY's district exactly, but I will tell you, JOE, and I know you like to be called a regular guy, which you are, but I have a feeling that that district back there in Massachusetts when you care about the rest of the regular guys, you are caring about the teachers. You are caring about the cab drivers and the truck drivers. You are caring about the electricians and the carpenters. You are caring about the people that really make this country what it is.

And I, for one, want to thank you for doing that. I also want to let you know, JOE, whether you know it or not, you have taught a lot of us here in the House on both sides of the aisle, not only to be Members of Congress, but how to act as respectful gentlemen and from all of us, we appreciate that.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, I guess, to a certain extent, I do not want to talk about what JOE MOAKLEY has done, because, to me, that is not the measure of a man. It is not the measure of the reason I like JOE, and I think the reason JOE is so well loved in his own district. It is what he is.

I grew up in Massachusetts, and for all of my life, like JOE, I live in my own hometown. Like JOE, I live in my own neighborhood. And I want to tell my colleagues, all of my life, I have heard about JOE MOAKLEY, as I heard about Tip O'Neill, as I heard about TED KENNEDY, as I heard about James Michael Curly, as I heard about John Kennedy. In my world, there were many political giants. But, for me, most of them came before me. And I knew some of them in passing. I knew Mr. O'Neill a little bit. My father knew him better.

This is the first time in my life I have had an opportunity to get up close to someone who is a living icon in my world, and it is the first time in my life that I know that all the things I heard about him were not just the typical media fluff that many of us around here worry about. We are all worried about our image. We are all worried about what people say about us. And JOE MOAKLEY could not care less because he is what he is, and what he is is a regular guy.

I say that representing a district that almost is a mirror image of JOE's district. We do represent all of those people. I will tell you that JOE MOAKLEY would have been the exact same person if he did not get into politics, if he had gone the way of so many of his friends and gone to work as a Teamster, or gone to work as a longshoreman or gone to work as a bus driver, like many of the people he grew up next to, like many of the people I grew up next to, would have been the same person, would have still joked, would have still sang songs, would have still had fun, and would have still been loved by all of his neighbors and friends.

□ 1100

The fact that we have had so much of an opportunity to get the best from JOE MOAKLEY does nothing more than enriches us. I can only say that I am personally happy and proud to have gotten to know him as more than a political icon, as a person, a person that so many people in Massachusetts love and a person that so many people in Massachusetts wish only the best for.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is really a great honor for me to be able to stand up and speak on behalf of this resolution. If there is anyone who deserves it, it is JOE MOAKLEY. I can honestly say that, for the time that I have been in Congress, no one has personified to me more what it means to be a Congressman than JOE MOAKLEY. If everybody in this House were like JOE MOAKLEY, we would get along much better; we would get a lot more done.

We would realize that partisanship is important, but yet it stops. We should be able to reach across the aisle and shake hands and have a drink and share a joke and make a cutting remark or humorous remark about one of our colleagues in a way that really shows the camaraderie that we should have.

From the time I came here, JOE MOAKLEY reached out to me. He was, as the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from New York (Mr. QUINN) have said, a good guy in the very best sense of the word.

Yet, he was also an outstanding Congressman, a man who fought and fights so hard for his district, a man who obviously believes the principles for the Democratic party, fights hard for those principles; but at the end of the day, is willing to sit down and talk with anyone, no matter what their party affiliation happens to be.

He reaches out for people who need help. He is a person who I know, speaking for Members on my side of the aisle, when they needed a favor, when they needed help, when they needed a break, the guy they went to on the other side was JOE MOAKLEY. He never let party divisions stand between him and them.

As the gentleman from Massachusetts (Mr. CAPUANO) said, JOE MOAKLEY represents a working class district. He represents real people. There is nothing phony. There is nothing built-up by the media. This is the real thing. When one sees JOE MOAKLEY, one is seeing what a real person is.

Today, to be honoring him in this way, it is important. It means a lot. But on the other hand, if there was never any courthouse named after JOE MOAKLEY, if there was never any plaque or citation put out for JOE MOAKLEY, he would always be remembered by those who knew him, those who served with him in Congress.

And as the gentleman from Massachusetts (Mr. CAPUANO) has said, probably most importantly of all, the average guy on the street corner in his district, the average guy in the bar, the average guy driving the bus, the average guy going to work every day, he realizes that JOE MOAKLEY, in every sense of the word, represented those people here in Congress, the people who otherwise would not have a strong voice, the people who are so busy working day to day they cannot afford to be getting involved in exotic causes. They have to know that they have somebody who is on the firing lines for them day in and day out.

The fact that so many projects went to JOE's district as opposed to mine or the gentleman from New York (Mr. QUINN), we take that in stride, realizing that was JOE fighting for his district, and, quite frankly, doing a better job than we were for ours.

So I am proud to join with all of my colleagues today in honoring JOE MOAKLEY and speaking on behalf of this resolution and saying it has been a true source of pride and honor for me to be able to work with JOE MOAKLEY. I wish him the best of health. I wish him the very best to himself that he has given to so many of us for so many years.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), my classmate and colleague.

Mr. TIERNEY. Mr. Speaker, I thank my colleague for this opportunity to say some words about JOE MOAKLEY, JOHN JOSEPH MOAKLEY, but all of us know him as JOE.

He was described the other day by folks from Massachusetts as a lunch-bucket Democrat and politician; and a politician obviously defined in this sense, as a servant of the people. When one is talking about a servant of the people, it is everybody.

JOE worked over 50 years and continues to work now for a better quality of life for everyone, rich or poor, and all those in between. He is known for his policy work whether it is housing, whether it is the environment, whether it is employment, El Salvador or Cuba.

He happens to make sure that he is happiest when people are working. When they are employed and there are numerous economic development projects going on in his district, he is smiling the most. As he said just the other day, that the favorite bird for him is the crane. When one looks all over his district in Boston, one sees one crane after another. One sees construction projects blooming in the Boston skyline and that means development, it means progress, it means jobs and a better quality of life for all of JOE's constituents.

His life is a lasting example of honor. He treats others with respect and dignity; and in turn, he is liked by everyone, as we have heard from Members on both sides of this aisle.

He is compassionate, but he is certainly not weak. He is strong, but he is always considerate of others. He has a sense of responsibility that has permeated his being for a long, long time. At the age of 15, as I am sure my colleagues have heard or will hear, he forged his documents and enlisted in the Navy and went into World War II. Today some people would probably say he misrepresented something and try to run him out of government; but for JOE, this was the right thing to do to get in there, be a patriot, and to represent and work on behalf of his country.

Tom Oliphant wrote a column about JOE the other day; and in it he said something that was very touching. He said JOE MOAKLEY treats everybody the same. So even if you are a king or President, you get to be treated like his constituent. That says a lot about JOE. It is exactly the way that he has always treated with respect the people whom he represents and whom he considers family.

So it is fitting that this courthouse be named after him. It is fitting because that is where he grew up, that is where he played and ran around in the rail yards that used to pass through there, chasing watermelons and other fruit off of the trains as they went by.

I am proud and I consider it an honor to join others here today in saying that this courthouse will be appropriately named for JOE MOAKLEY. It represents jobs. It represents progress and development. Most of all, it represents justice and fairness.

Mr. LATOURETTE. Mr. Speaker, as we await the arrival of other speakers, we reserve the balance of our time.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a great void in our delegation and in this institution as JOE MOAKLEY announces that he will not run for another term. But it is altogether fitting and appropriate that we gather here to name the courthouse overlooking Boston Harbor on behalf of JOE MOAKLEY.

There is a great scene in the movie the Ten Commandments where Moses, Charlton Heston, is confronted by Pharaoh, his father who has adopted him and raised him, where the father says to him, What have you done for me, Moses? My son, Ramses, Yul Brenner, has done so much for me.

At that point, Moses pulls back the cloth and says, Behold, I have built you a city.

If someone asks me, if someone asks our delegation what has JOE MOAKLEY done, we could pull back the same cloth in the Moakley Courthouse and look out and say, Behold, JOE MOAKLEY has rebuilt Boston.

One would look out on this clear and clean water of Boston Harbor that was once polluted. One can look at the jewels of the Boston Harbor, the islands, now the Boston Harbor National Park. One could look at the Central Artery, Moses parted the Red Sea, what JOE MOAKLEY has done is reunite the city of Boston by putting the Central Artery underground so that this city that was divided for 50 years is now once again united when the Central Artery, the Big Dig, is completed, the civil and political engineering feat of the last 50 years, finding the money and then designing it. Then the Moakley Courthouse above from which one can see the Evelyn Moakley Bridge named for his beloved wife.

JOE MOAKLEY talked to kings and pages with the same language. If we ever do have a Mount Rushmore for congressmen, JOE MOAKLEY should be up there with his great friends, John McCormack and Tip O'Neill as the symbols of everything that Congress should stand for. He is a great man. We are honoring a great man by placing his name on this courthouse.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise in strong support of the resolution naming the Federal courthouse in Boston in honor of my colleague, JOE MOAKLEY. No Member of Congress deserves this honor more than the gentleman from Massachusetts, my friend JOE.

I have had the honor of serving on the Committee on Rules with JOE for more than 22 years. No person better epitomizes what is good about public service in this country. JOE has served with distinction, with good humor and with class.

Years ago, he personally and courageously took on the death squads in El

Salvador following the murder of four nuns in his district as well as six Jesuit priests. It was his dogged determination and hard work that brought an end in that sad chapter in El Salvador's history. JOE's district in Boston did not reap great rewards from his courageous fight, but all of mankind did.

JOE MOAKLEY, as we have heard earlier, enlisted in the Navy in World War II at the age of 15, lying about his age so he could fight the enemies of our Nation. I guess he was big for his age at the time, but no one in Congress today has a bigger heart than JOE MOAKLEY.

JOE served as chairman of the Committee on Rules for 5 years and has served as ranking Democrat for the past 6 years. Whether in the majority or in the minority, JOE has served with class. He has never been mean to his adversaries, but he has always been firm in his convictions and vigorous in his pursuit of the values and ideals of the Democratic Party.

JOE has made the decision to step down after this term in Congress after having fought valiantly in recent years against a series of ailments and will continue to fight against his ailments as he has done with courage, grace, and dignity. We look forward to his continued service in this body in the months ahead.

Boston and all America can be proud of this great Congressman. He is one of the last of the great Boston pols, a man who is proud to represent his district and to serve his country. Naming the beautiful Federal courthouse overlooking Boston Harbor in his honor is the very least we can do.

JOE MOAKLEY is a great Congressman. He is and always will be a shining example to the entire country about what is good in public life today.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Ohio (Ms. PRYCE), a seatmate on the Committee on Rules with the gentleman from Massachusetts (Mr. MOAKLEY).

Ms. PRYCE of Ohio. Mr. Speaker, I rise to honor my good friend from Massachusetts and Committee on Rules colleague, JOE MOAKLEY. Anyone familiar with the Committee on Rules' work knows that it often entails long hearings, very late nights, and early morning wake-up calls just to get our work done for the next day.

But JOE MOAKLEY makes our sacrifices much easier to bear with a twinkle in his eye and his quick wit. He keeps us on our toes, and he keeps us chuckling even when the joke is at his own expense.

If more Members could do their party's bidding on both sides of the aisle with JOE's flare, there would be a lot less partisan rancor around here and many more smiles on the faces of our colleagues.

Today, we not only honor JOE MOAKLEY, but we also thank him for his invaluable contributions to this institution, to the lives of everyone he has touched, and all of us who have had the privilege of knowing him.

I was not here when a young JOE MOAKLEY came to Washington some 30 years ago, but I am very certain that this institution and his constituents and every Member he has come in contact with is better for his work here.

So, Mr. Speaker, I am a Republican, and JOE MOAKLEY is a dyed-in-the-wool Democrat, and most people would, therefore, put us at odds; but I am here to tell you, and to turn a phrase, with enemies like that, who needs friends?

Mr. MCGOVERN. Mr. Speaker I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding to me, and thank the Members that are assembled here today.

JOE MOAKLEY's sense of humor was infectious for all of us; and one can sense, I think, the affection that we all feel for him today.

In Massachusetts, people think that one is supposed to be good at politics. We take it very seriously. In the instance of JOE MOAKLEY, he is heir to the great legacy of the great McCormack and the great O'Neill.

There are two parts of this business in Congress. There is the outside business, and there is the inside business. JOE MOAKLEY was good at both of them.

The problem in this institution, like most institutions of legislative life today across America, is that the people that are good at the outside part of it can never become good at the inside part of it because they profess a disdain for the institutions of which they serve, thereby never buying into consensus, never having the chance to do the great governing that has to take place in legislative life.

JOE MOAKLEY understood both parts of legislative life. One has to be good at the outside part of it, and one has to be very good at the inside part of it. Hence, committee assignments. I know people's eyes glaze over when they hear that, but the members of the delegation were always on good committees, primarily because of McCormack, O'Neill, and MOAKLEY.

The gentleman from Massachusetts (Mr. FRANK) said to me a moment ago when somebody mentioned, well, Jeez, JOE treated everybody alike. The gentleman from Massachusetts (Mr. FRANK) said, In our delegation, he sure did. He thought we were all on his staff.

But it was a joy to be part of his success in this institution. There is still going to be a lot of good days as we move along as well.

Let me just close on this note: I bumped into the gentleman from Alabama (Mr. EVERETT) today, a terrific guy. He said to me, "You know, I never voted the way JOE MOAKLEY voted in the years I have been in Congress, but there was nobody whose company I enjoyed more at dinner. There is nobody that I enjoyed talking to more about the great stories that he told and still will have an opportunity to tell."

I am indeed very grateful for many of the good things that have come my way in legislative life here in the Congress because I consider it an honor to serve here. JOE MOAKLEY has been responsible for much of the success that I have had within this institution.

I am indeed grateful today and happy to be part of this and only wish our friend from South Boston, if one asked him where he was from, he would not say Boston, he would say he was from South Boston, our friend JOE MOAKLEY.

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Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Speaker, let me say that when I picked up my paper last Monday and read the news of JOE MOAKLEY's illness, it made me extremely sad; and I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for calling to my attention this opportunity we have as a body to appreciate one of our own.

JOE MOAKLEY is a pretty good partisan, and that is fine. It is his institutional role to stick up for people who have a shared point of view of his own, and he has done that and he has done it well. But he has never in all the time I have known him done that in any manner that was ungentlemanly or inconsiderate.

On a more personal basis, when we have those moments in our lives when we can get beyond our institutional roles, he is a friend. I can remember as a young guy in the minority, probably a little bit out of line, messing with something that was not in a committee on which I served and, therefore, considered by many to be perhaps none of my business, having to trek up to the Committee on Rules with the second-ranking Democrat on the Committee on Rules who showed me patience, tolerance, encouragement, consideration, and a helping hand in the committee for me to get an amendment that was important to me to the floor so he could cheerfully vote against it. That was a pretty decent thing, quite frankly.

So I welcome this opportunity. And I should say, by the way again on a more personal note, we should remember that JOE MOAKLEY is from south Boston. If we forget, we should just notice that is where the accent came from. I had not realized until my brother went to work with the Boston Patriots, the

New England Patriots, that for all my life I had been mispronouncing his name. I, in my misguided youth, had learned that his name was Charlie Armey. It was only by JOE's compliments towards my brother that I learned his name is "Chawley Aumey." I often refer to Charlie with affection as my brother Chawley Aumey, and I think of JOE MOAKLEY every time.

So thank you again for giving us this opportunity, and I thank the gentleman for giving me just this moment to speak with very, very real affection for a real person. As Evey, his wife, would have said, He's a person. And we ought to know that and we ought to appreciate that.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas, the majority leader, for his very kind words and his eloquent words. I want him to know I appreciate them and everybody in the Massachusetts delegation, I think everybody in Massachusetts, really appreciates those words.

The gentleman points out that even though JOE was a solid bread-and-butter Democrat, that he had this talent to kind of cross party lines. There is not a single person, even those who disagree with him on an issue, that do not walk away from a fight saying, He's a good guy; I liked him a lot.

We really do appreciate the gentleman's kind words, and we appreciate his working with us to bring this to the floor today.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Texas.

Mr. ARMEY. One final moment. I would just say to JOE, "Mr. Chairman, stay with us."

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I join my colleague in thanking the majority leader for really speaking, I think, on behalf of the whole House in his very personal eloquent statement. We will have to be forgiven, those of us who do this as a profession, because, to be honest, we are all reacting personally in these last couple of days.

JOE MOAKLEY had enormous benefits to the country, to this institution, to the city and the State, but for us also the personal was there. We could not come into this Chamber on the worst of days, having encountered all kinds of unpleasantness, and not have our spirits uplifted by sitting with JOE. There was no way that anyone could fail in his presence to be cheered. And for that personal element, even in this time of trial for him, he has been cheering the rest of us up. Typical of this really quite extraordinary man.

I also want to talk about another aspect in which he is extraordinary. He is a great stereotype breaker. One of the things we suffer from in this country is this assumption that if we are A, we cannot be B; if we are X, we cannot be Y. JOE MOAKLEY showed us that we could be. There is a lot of talk about civility now. No one had to tell JOE MOAKLEY that a person could be a deeply committed advocate of issues, not simply a partisan in the sense of being a Democrat but a partisan Democrat who cared a lot about what was necessary to improve the lot of those people in our society who were not going to do well on their own, no one had to tell him that someone could be deeply committed without being truculent or belligerent. No one had to tell that a passion for doing the right thing in public policy was incompatible with friendliness, and we have seen that demonstrated here.

We have talked about people in whose tradition JOE MOAKLEY was, and Tip O'Neill is the one who comes most to mind with me, because MOAKLEY and Tip O'Neill shared something which I think is a defining thing about greatness. We throw this word around a lot; but to me, in our political system, it means among others things this: that someone can be a master of a given set of rules. Tip O'Neill and JOE MOAKLEY were both masters of the old politics. They were both masters of politics in the old school.

JOE MOAKLEY, 50 years ago in south Boston, was beginning a very impressive career in politics as it then was. And both of them, first Tip O'Neill then JOE MOAKLEY, showed that an individual could be a master of the old ways and welcome the new. Too often people who are good at one set of arrangements feel threatened by change. JOE MOAKLEY was not threatened by change. He understood that being a basic Social Security-getting, job-getting Democrat at home did not mean a person could not worry about human rights abroad. JOE MOAKLEY bridged by the greatness of his personality his commitment, his caring about individuals and humanity at large, a lot of things people have tried to pull apart.

It is for that reason that we will be impoverished personally by not having his companionship here on the floor when he leaves this House, and this Nation will be impoverished by someone who did so much to try to get us to put aside artificial differences.

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I am pleased to join in this discussion. I have not known the gentleman from Massachusetts (Mr. MOAKLEY) as well as many of the previous speakers, but I have to say that when I first appeared before the Committee on Rules a few years ago as a trembling freshman and presented my case on an amendment, it was interesting to watch the gentleman from Massachusetts (Mr. MOAKLEY).

He initially was shuffling papers, then he began listening to me, and then he turned to the person next to him and I could see him say, "Who is this guy?" And after I made the presentation, he made some complimentary comments and took the trouble after the meeting to come and speak to me about my proposal and explain how it could be improved.

That was the beginning of a friendship. And even though I cannot claim the close friendship that some of the old-timers here have, it has always been a good relationship. We joke with each other, we talk with each other, we always greet each other in the hallways. He always strikes me as what a longstanding Member of Congress should be, a kindly older gentleman who is helping and aiding those around him and always cheerful, always helpful, and always trying to help us do our best for the country.

We need more Members like that. And the other comments about his civility, I believe, are well taken. He is a very civil person in every sense of the word and truly a gentleman who deserves the honor that he is being given today. We cannot say enough good about him.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from Massachusetts for moving on this courthouse quickly with both sides of the aisle embracing this. This is very, very important at this time; and I compliment the gentleman from Massachusetts (Mr. McGOVERN) for not only the way he has gone about this but his remarkable friendship with JOE MOAKLEY over the years.

When I got elected to the Congress, I had never been in a legislative body before, and I was a little inexperienced; and I remember getting here and butting heads with JOE MOAKLEY. Then I quickly surrendered.

JOE is a remarkable guy. Many of us have heard the stories about what he has done in terms of building Boston and what he has meant to that community, with the Big Dig, depression of the Artery, the beautiful courthouse, the sense of humor that he had. Amazing.

All of us have read the story about JOE's illness, and his initial remark was, "The doctor told me that I should not get any green bananas." Remarkable sense of humor. The jokes on the floor. But also his commitment on so many issues.

I remember, and it was mentioned earlier, in the wake of the burial of the murdered Jesuits and nuns in El Salvador in 1989, Speaker Foley appointed JOE to head the special task force to investigate the El Salvadoran government. It was JOE MOAKLEY who led the way there and exposed violations of human rights that have made a dramatic difference there. What a legacy his work on human rights in El Salvador. An incredible legacy.

Many of us had been fighting over the years to try to get the School of the Americas shut down, could never get the votes in the House, until JOE MOAKLEY took it up. He said I will offer this and we will get it passed. That is JOE MOAKLEY.

The personal relationships with Members, not only all he has done for his own district but everyone's district. When we go to the dean of the delegation from Massachusetts and we ask him for help, we are more effective in our districts. I will tell a quick story, if I can get 30 seconds more. Malden Mills in my district in Lawrence and Lowell, a great factory that burned down a few years ago. Aaron Feuerstein, the owner of the mill, kept all the workers working at Christmas time. Kept them all employed. He developed Polartec for cold weather. We were looking for a way to get it to the Marines, get it to our service members, because it is cutting-edge fabric.

Aaron came down and said, "How do I do this?" I said, "Well, I will tell you how we will do it. We will go to see JOE MOAKLEY." Needless to say, the contracts have been signed, and the Marines are now wearing Polartec.

So this is a great honor to a great man, and I congratulate the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. LATOURETTE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, Mr. MOAKLEY's counterpart; and Mr. Speaker, I ask unanimous consent to take 5 minutes of my time and yield it to the gentleman from Massachusetts (Mr. MCGOVERN) for him to control.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will have an additional 5 minutes.

There was no objection.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time. I hear all these nice things being said about JOE MOAKLEY by Members of the Massachusetts delegation, Members on this side of the aisle; and I have to say that I probably more than any other Member of this House know JOE MOAKLEY to be a real fighter. In fact, he has abused me regularly up in the Committee on Rules and I know plans to continue that pattern over the next couple of years. He is one who clearly does stand for his principles very firmly.

But I will agree with the arguments that have been made by my colleagues that he is extraordinarily civil in the process. Just yesterday I followed a statement that he made about the fact that he is at a point in his life where he does not purchase green bananas any longer because he does not know if he will be around long enough for them to ripen. Well, we know that JOE MOAKLEY is going to be around for a long time. He continues to fight very hard. But the fact is I presented him yesterday with some green bananas upstairs in the Committee on Rules, and he told me that he would much rather have the gavel than the green bananas that I presented to him.

□ 1130

I let him hold the gavel momentarily. But I will tell my colleagues that I have the highest regard for the gentleman from Massachusetts (Mr. MOAKLEY). I have had the privilege of serving on that Moakley Commission in El Salvador, and he did tremendous work and was so dedicated in that effort.

He has represented the Democrats extremely well in the Committee on Rules. The Committee on Rules is one of the most partisan committees in the institution, and yet we have been able to work in a bipartisan way on lots of different issues.

I am proud to have worked with him on bringing about a complete overhaul of the rules structure here in this House. We did that in a bipartisan way. Were it not for JOE MOAKLEY, we would not have been able to proceed with what was one of the boldest reforms since 1880 in this institution. On lots of issues, we have been able to find areas of agreement. Of course, the attention is focused on areas of disagreement. But he is a fighter who is going to continue to be with us for a long time to come, and I am looking forward to continuing to get the wit and wisdom of JOE MOAKLEY upstairs and down here on the floor.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for his kind words. Those of us in the Massachusetts delegation have not heard so many nice things said about Massachusetts Members of Congress in a long time, but we really appreciate it. We appreciate the heartfelt comments. It means an awful lot to us, and I know it means an awful lot to JOE.

Mr. Speaker, I yield 2¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. MCGOVERN), for leading us in this resolution.

It is so appropriate that we are naming a courthouse after JOE MOAKLEY. We probably should also name a post office, and maybe we will do that at a later point in time. Because certainly, as has been referenced here, JOE MOAKLEY has delivered the mail. I mean, he has delivered the mail for his district. He has delivered the mail for Massachusetts.

As the gentleman from Massachusetts (Mr. MARKEY) has said, he more than anyone, along with Tip O'Neill, is responsible for rebuilding the city of Boston. And that will be a lasting monument to JOE MOAKLEY, as well as Tip O'Neill.

But appropriate I say a courthouse because a courthouse is a symbol of justice. And I thought it was fascinating the other day, because some of us attended his press conference, where he stated publicly that, as he looked back on his political career, the one aspect of his legacy that he was most proud of is what he did in El Salvador. What he did in El Salvador was really to begin the process of stopping a civil war that took oh so many lives. It was about justice. It was about social justice and economic justice.

Beyond buildings and beyond bridges and beyond harbors, really the heart and the soul and the core of JOE MOAKLEY is social and economic justice. And that is why it is so appropriate to name the ultimate symbol of a democracy, a courthouse, after JOE MOAKLEY.

On a personal note, I want to thank JOE MOAKLEY for his wisdom, his counsel, for his kindness, his advice, and help to me. I know I speak for everyone in Massachusetts when I say, we respect him and, as importantly, we love him.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to my friend, the gentleman from Massachusetts (Mr. MOAKLEY) who announced his retirement from the Congress this week. With his departure, we will lose one of our finest, wittiest, and longest serving Members. We in the Massachusetts delegation will lose our dean, our load star, and the patron saint of South Boston.

Even before his years as chairman and later ranking member of the Committee on Rules, JOE was a force not to be tangled with. In nearly 3 decades of service in the House, he cites among his most notable accomplishments his fight for peace and justice in El Salvador during the conflict-ridden 1980s. He is known for that and a lot more in Massachusetts.

Congressman MOAKLEY has literally lifted the city of Boston up. He has set an example for all of us in his efforts to improve the lives of working families, and his deeply personal style will be remembered.

Speaking of lifting the city of Boston up, JOE has spent the last decade securing crucial transportation funding for the Boston Metropolitan area, which faces formidable transportation challenges. JOE recognized that large investments were necessary to keep the great and historic city of Boston in a prominent place in the global economy, and soon Boston will be a shining example of efficient transportation that will be a tribute to JOE's tireless work.

JOE has been an important part of my political life, too. When I was elected in 1991, JOE cleared the way for me to join the Committee on Appropriations and so helped me define my role in Congress. And I am grateful to him.

JOE's recent diagnosis of incurable leukemia touches all of our lives. It takes a special breed of person to respond with such grace and equanimity.

JOE, I wish you the best. We all wish you the best. Our thoughts and prayers will be with you always.

Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this bill before us today. It is but a small recognition of JOE MOAKLEY's dedication to public service and of his great accomplishments for the people of Massachusetts.

I urge its adoption.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, let me also congratulate the gentleman from Massachusetts (Mr. MCGOVERN). I join my colleagues from the Massachusetts delegation and those Members of the House who have come to the floor today to pay honor and tribute to an outstanding American, a quintessential Irish statesman who I think, as the gentleman from Massachusetts (Mr. FRANK) pointed out, is not only a link to the past but a handshake and a look into his eyes is peering into the future.

I spoke with JOE the other day, and he said with a great deal of pride how he assumed office on the same day that Tip O'Neill was taking John Kennedy's place in the House of Representatives and John Kennedy was going on to the Senate and JOE MOAKLEY was taking Tip O'Neill's place in the great State of Massachusetts Assembly.

Mr. Speaker, JOE MOAKLEY simply embodies everything that is rich about public service and public life. I commend the delegation for its salute and tribute to Congressman MOAKLEY.

Mr. Speaker, I rise today to pay tribute to one of my most admired colleagues in the House of Representatives, Congressman JOE MOAKLEY of Massachusetts who today is the subject of legislation before this body, that has been written in his honor.

JOE MOAKLEY is the quintessential Boston Irish public servant. For more than 50 years he has served his Nation, his State of Massachusetts, and the hard-working men and women of South Boston in one form or another. In the long, and inspiring tradition of such great men as former Speaker Tip O'Neill, JOE has been the kind of Representative that has shown time and time again that he is a leader on the national and international stage, yet has remained ever loyal to the people of South Boston and all of Massachusetts.

When I first arrived here as a freshman Member in 1999, JOE MOAKLEY, who was then and now Dean of the New England House delegation, was one of those remarkable people I looked to as a model of how I wanted to conduct myself as a Member of Congress. With character, dignity, devotion, and loyalty, Congressman MOAKLEY continues to serve as constant reminder that we are indeed part of a noble profession.

JOE MOAKLEY's remarkable time in public service began when he was a mere 15 years old, when he enlisted in the U.S. Navy for service in the South Pacific during the Second World War. After graduating from college in Florida, and law school, JOE MOAKLEY ran for the Massachusetts State Legislature in 1952 where he served until 1960. And in 1964, he ws elected to the Massachusetts State Senate where he served until 1970. It was in 1972, after briefly serving on the Boston City Council, that he was first elected to the U.S. House of Representatives from the 9th District.

It was not long after he began his second term that he gained a seat on the House Rules Committee, where still serves today as ranking member. In 1989, he was made chairman of that committee. As chairman, he conducted himself with his characteristic sense of integrity and humor.

Through all his years of service which he continues today, he has worked tirelessly for his district, giving them the same full measure of devotion that he gave to other matters, such as human rights abuses in Central America, which he helped investigate and report on. His actions helped expose injustice, and likely contributed to the end of a brutal civil war in El Salvador.

I have always believed that the measure of a person's life is not contained merely in the years they spend in office, but rather in how their actions in office continue to positively affect the neighborhoods, district, and people they served, long after their time in service has drawn to a close. If a person's actions have improved the life of even one person, or one family, or one community, then there is no end or limit to what their service has meant to others. And for JOE MOAKLEY, there is no end in sight.

No matter how long I spend as a Member of this body, I am now, and will always be, proud to say that I served with JOE MOAKLEY.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

We are waiting for a couple of other speakers, but I want to take this opportunity to say something that is important to say. I am a former staffer of JOE MOAKLEY. I am one of the few people who ever left his staff. Most of the people who have worked for him have worked for him for many years, and they have done so because they admire him and respect what he stands for. But members of the staff who are in Massachusetts, those who are here in Washington, those on the Committee on Rules, do not have the opportunity to come up before the mike and to say anything, and I want to say a few words on their behalf.

Mr. Speaker, if they were able to speak here today, they would express their incredible gratitude to JOE, not only for what he stands for, but for his friendship and for his support over the many years. People who work for him and people who deal with him, it is not just people who work for him directly, people who are part of the staff, people in the House dining room, the credit union, all love him because he has a way of connecting with people. He has a way of expressing humor that endears himself to these people.

I want to say on behalf of his staff how grateful we all are to everybody who has spoken here today and who has offered tributes. It means an awful lot to all of us because we feel that we are part of his family as well.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for taking the time to honor our dear friend, JOE MOAKLEY.

I think above all, JOE communicates. The dedication of this Post Office to him fits his ability to communicate with people, whether it is a funny story, in which there are endless numbers, and they just kind of flow out of JOE, or whether it is something as serious as dealing for justice for the people of Central America to which he and the gentleman from Massachusetts played such an important role. I consider JOE not only a friend but a mentor. We served together on the Committee on Rules for 14 years. He was always insightful. He was always there to break the tension with a great joke. He is a person that knows how to seize the moment and make the most of it politically. I will miss him when he leaves this institution. I understand that he will not be seeking reelection. In my estimation, he is one of the finest people that has ever served in this body.

I want to say something about Central America because a lot of people don't recall JOE's activity there because they were not here. There has been such large turnover since the late 1980s. The death squads in El Salvador, as the PBS special that recently played across the country showed, it was JOE MOAKLEY's persistence and courage that changed the complexion of life in that country and for many Central Americans. He had great courage in standing up for them. He is a man that I have great admiration for, and it is only fitting that we name this Post Office after him, but that we pay tribute to his great service.

Mr. Speaker, he was there for me in every battle that I ever had in this institution, in my leadership battles, in my battles with respect to putting together an organization that would get the votes on the House floor, he is a wonderful human being.

JOE, thank you for all of your great service. There will be service ahead for you here and we want you to know that we love you. We stand by you and that you are the best. I thank my friend from Massachusetts.

Mr. LATOURETTE. Mr. Speaker, I yield another 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN) for purposes of control.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Massachusetts (Mr. McGOVERN) will control an additional 5 minutes.

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to our leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of this measure to name the courthouse in Boston the Joe Moakley Courthouse. JOE has been a great friend to all of us. He has been a great strong right arm of this caucus and this House. He has played a pivotal role in the leadership of this House in many, many different ways: as a member of the Committee on Rules, as the ranking member on the Committee on Rules, a member of our leadership organization, as a member of our ranking Members' organization. We admire tremendously the service that he has brought.

What really sets JOE MOAKLEY apart is his relationship with his constituents. We all know that he has all of these wonderful roles, dean of the delegation for Massachusetts, ranking member on the Committee on Rules, a leader in the House in so many ways. He has done so much in Central America. He has done so much with many of his constituents in many, many ways. But I think that above all else is his humanity, his humanness, his relationship with each of us individually and collectively. He is to me the embodiment of public service. At his press conference where he announced his retirement, JOE said the people I represent are more than constituents, they are family. That is the way JOE MOAKLEY treated everyone. He treated everyone he met, his constituents, even total strangers as part of his family.

□ 1145

He was always funny, he was always friendly, he was always warm, he was always loving of other people. And he always will be. I think, more than anything that we can say about JOE MOAKLEY today, we can see that he has embodied in everything that he has done the humankindness and love that all of us should like to represent.

We love you, JOE, and we look forward to working with you in the days ahead in this Congress to make things better for the people of America and the people of Massachusetts.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank our leader the gentleman from Missouri (Mr. GEPHARDT) for his remarks. He mentioned JOE's humanity. I think all of us agree with him when he says that Joe treated us all like family, and he treated us all with an incredible amount of respect. JOE MOAKLEY is probably the most genuine person that any of us know. There is not a phony bone in his body. That is why people love him so much, because when he speaks to you and even when he disagrees with you, it is from his heart. It is because of what he believes. I very much treasure that trait in him and very much value his friendship.

Mr. Speaker, I want to again thank the gentleman from Ohio (Mr. LATOURETTE) for all of his cooperation and for all of his generosity with the time. I want to thank on behalf of all the Massachusetts delegation and the people of Massachusetts everybody who has spoken here today. Words cannot express adequately how much it means to all of us that you have come here today to express your support and your friendship and your love for JOE MOAKLEY.

I want to thank all my colleagues for getting behind this initiative. This is the right thing to do. JOE MOAKLEY is going to be with us for the next couple of years, and we are going to be able to continue to enjoy his humor and to watch him in action. But I think this is the appropriate way to say to JOE, "thank you." It does not do justice to all that we should do to thank him, but this is a small gesture of our affection.

As I said at the end of my remarks when I opened up here, I will say it again, JOE, we all love you a lot.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 559.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many Members have come over to the floor today, Members that know JOE MOAKLEY far better than I, and have shared their personal stories of his dedication and his compassion, his fierce competitiveness, his desire to be a good Democrat and serve well the constituents of South Boston and a lot of stories about his wit.

I can only tell you, Mr. Speaker, that as a House we are united in our desire to honor our longtime colleague; and there is no honor more fitting than what we plan to do today and that is to name the United States courthouse in Boston after one of Boston's sons, JOHN JOSEPH MOAKLEY.

I urge passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my friend and colleague for yielding time and say to my colleague, the gentleman from Massachusetts (Mr. McGOVERN) what a wonderful tribute he has organized on behalf of a wonderful man that I know all of our colleagues are distressed to learn is facing the fight of his life but someone whom we all know could face that fight like no other in this House, with charm and dignity and sense of importance in life and humor that none of us, I do not think, could have if we were in his shoes right now facing what he is facing.

I just want to close by saying I cannot think of anybody, and I know my father feels the same way, that would better have his name on really now a landmark in Boston like the Federal courthouse than JOE MOAKLEY. I think what a tribute it will be to have that beautiful courthouse which he was such a major part in bringing about bear his name right next to the bridge that bears the name of his late wife.

All of Boston and all of Massachusetts and all of New England and all of this country and all over the world for the people that JOE MOAKLEY has stood for, this is a great tribute to him. I ask my colleagues to join me in urging passage of the Joe Moakley Federal Courthouse Building.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of this legislation as a tribute to a great American and outstanding Congressman, JOE MOAKLEY.

As a member of the Rules Committee, I have the privilege of working closely with JOE. Serving on the Rules Committee is often a thankless job. It requires late hours and uncertain schedules. For the ranking Democrat, that job is even more difficult. Yet JOE approaches his task with dedication and never-ending energy.

I can remember waiting around for many light-night sessions when we were entertained by his stories. Even under the most difficult circumstances, JOE never lost his wit and sense of humor.

JOE represents the best of Democratic ideals of compassion and justice. He has championed the rights of the poor, the neglected, and oppressed, not only in this country but throughout the hemisphere.

He has served his Boston constituents with honor and dignity. He has skillfully used his position to bring Federal Government services to his community. He is the best that government has to offer.

It is highly appropriate to name a Federal courthouse after JOE. A courthouse is where citizens seek justice from their government. That is JOE's legacy.

When JOE MOAKLEY was diagnosed with leukemia, his doctor recommended that he consider retiring from Congress and doing what he wants to do. JOE replied that serving in Congress is what he wants to do. That's JOE MOAKLEY—serving others rather than thinking of himself.

There is no way our Nation can fully thank JOE for his service, but this is a fitting attempt.

I have enjoyed my service with JOE over the years and I will treasure the remaining time in the 107th Congress.

Good luck, JOE.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 559, a bill to designate the Federal Courthouse in Boston in honor of Congressman JOE MOAKLEY. It is with great respect that we honor one of Congress' most prolific workers and dedicated Members with this designation.

JOE MOAKLEY is a true Bostonian. He was born in Boston on April 27, 1927. He attended local schools, and at the young age of 15 joined the U.S. Navy, serving in the South Pacific during World War II. After the war, JOE attended the University of Miami. Upon his return to Boston he attended Suffolk University Law School and received his law degree in 1956.

In 1952, at the age of 25, JOE was elected to the Massachusetts legislature. From 1952 until 1960 he served in the Massachusetts House of Representatives, and from 1962 until 1970, he served in the Massachusetts Senate. He specialized in urban affairs and environmental legislation.

In 1971, topping the ticket with a record-breaking vote in both the primary and general elections, JOE MOAKLEY won a seat on the Boston City Council. Just 2 years later he was elected to represent the Ninth Congressional District. After his first term he was appointed to a seat on the House Rules Committee—a seat previously held by former Speaker Tip O'Neill, Jr., his close friend and mentor.

In June 1989, Congressman MOAKLEY was appointed chairman of the House Rules Committee, which controls the flow of legislation and set terms for floor debate. In 1995, Mr. MOAKLEY became the committee's ranking member.

All of us will be known for our legislative achievements but few will be remembered for their broad concern for humanity. For JOE MOAKLEY, it is one of the ways in which he distinguishes himself. In 1989, JOE embarked on his most ambitious mission concerning abuses of human rights. His outrage at the blatant murder of six Jesuits, their housekeeper and her daughter in 1989 in El Salvador propelled him into a national investigation that culminated in the Moakley report. This searing document revealed the involvement of several high-ranking Salvadoran military officials in the murders. The findings in this report resulted in the termination of United States military aid to El Salvador. It also led to his concern with the School of Americas. More importantly, the people of the small village of Santa Marta had their sense of justice and fairness renewed and refreshed by the diligence and hard work of JOE MOAKLEY.

Although JOE's concern for abuses of human rights brought him international attention, he proudly remained a "bread and butter" and "nuts and bolts" politician—caring and concentrating on the people of the Ninth Congressional District in his beloved Boston. His efforts resulted in securing funds for, among other things, the dredging of Boston Harbor, renovation of the World Trade Center, bridges for access to the Boston waterfront, the Juvenile Justice Center at Suffolk University, Boston Public Library, and economic development in the Miles Standish Industrial Park in Taunton.

His constituents benefited from his dedication to environmental protection. He was instrumental in establishing the Boston Harbor Islands National Park, and as previously mentioned, he secured funds to clean up Boston Harbor. He did not forget historic preservation—Faneuiel Hall, the African Meeting House, the Old South Church, the Freedom Trail, the U.S.S. *Constitution*, and the Boston Customs House all received necessary funding to preserve these American treasures.

During his career, over 5,100 congressional actions bear the name JOE MOAKLEY. His interests include support for the Olympics, regulatory review, Medicare, human rights, civil rights, violence, police protection, education, environmental protections, energy assistance programs for the poor and elderly, landmark legislation designating arson as a major crime, merchant marines issues, and international affairs. JOE MOAKLEY has received numerous awards and honors including an honorary doctorate from Suffolk University, and an honorary doctorate from Northeastern University in political science.

Of course, no picture of JOE MOAKLEY would be complete without mentioning his boundless Irish wit, his legendary expertise at telling a story, his unfailing courtesy, kindness, and immense generosity.

Mr. Speaker, I would like to close with an Irish blessing for our esteemed colleague JOE MOAKLEY:

May the friendships you make,
Be those which endure,
And all of your grey clouds
Be small ones for sure.
And trusting in Him
To whom we all pray,
May a song fill your heart,
Every step of the way.

Mr. Speaker, it is with great pleasure that I support H.R. 559 and urge my colleagues to join me in supporting this bill.

Mr. TRAFICANT. Mr. Speaker, JOE MOAKLEY is a great American. At the age of 25 his political career began with a seat on the Massachusetts State Legislature. This was just the beginning of a long and active political career, serving on both the Massachusetts State House of Representatives and the Massachusetts State Senate. JOE MOAKLEY started his service to the Ninth District of Massachusetts in 1972. His long record of service to the Democratic Party was rewarded when he was appointed chairman of the Rules Committee in June 1989. JOE MOAKLEY has shown his continued dedication through his service as ranking member on the Rules Committee since 1994.

JOE MOAKLEY is a very dedicated man who deserves the honor designating the John Joseph Moakley Courthouse in Boston, MA. I supported a bill proposing this honor for JOE MOAKLEY in the 106th Congress and am pleased to support this bill again.

It has been an honor and a privilege to serve with JOE, and his presence in the U.S. Congress will be sorely missed. I will always consider JOE as my friend.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of H.R. 559, a bill to designate the new Federal courthouse in Boston as the John Joseph Moakley U.S. Courthouse.

Mr. Speaker, our friend and colleague JOE MOAKLEY has been an outstanding Member of this House working tirelessly for the people of his district and our Nation. Like his friend and our former Speaker Tip O'Neil, JOE has never forgotten where he came from and has never forgotten that "all politics is local."

The people of JOE's district have benefited greatly by his leadership in the House—and hundreds of millions of tax dollars have been returned to JOE's district and State to improve major infrastructure and other public projects.

Projects include dredging the Boston Harbor, the reconstruction of the Barnes Building—the last major operating military facility in Boston, the South Boston Piers Transit Way, the modernization and expansion of the Boston transit system, the renovation and modernization of South Station and Logan Airport—and the list goes on.

I have enjoyed working with JOE on human rights issues. JOE's dedication to fairness and justice was demonstrated in his leadership in bringing to justice the ruthless murderers of six Jesuit priests and their housekeeper in El Salvador in 1989.

JOE's ability to work with other Members and his ability to get things done helped him lead the Rules Committee for 6 years. JOE's humor and unfailing courtesy have set a high standard for all of us to follow in the House.

It is most fitting and proper that we honor JOE MOAKLEY by designating the new Federal courthouse in Boston as the John Joseph Moakley U.S. Courthouse.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 559, designating the John Joseph Moakley Courthouse.

My colleague from Massachusetts is a legislator's legislator, fighting for the people of his district. He has lived by Tip O'Neill's adage that all politics is local, and under his leadership, Massachusetts has benefitted, as he has carried bills promoting high tech businesses, creating jobs, and developing the local economy.

It is therefore fitting that a courthouse in his district bear the name the John Joseph Moakley Courthouse.

He is a remarkable man. Serving our nation in World War II, going to college and then earning his law degree at night, serving in the Massachusetts State Legislature and the Boston City Council, and finally being elected to the U.S. Congress. He has filled big shoes, serving on the Rules Committee in the seat previously held by former Speaker Tip O'Neill, Jr., ascending to its chairmanship when Democrats held the majority, and ranking member in the minority.

He has a strong commitment to human rights, a passion for gentle debate, a keen sense of humor, and the ability to resolve difficult disputes.

I can think of no better or more fitting tribute to a man who has devoted his career to promoting the rule of law for our nation and his constituents.

I wish him my prayers and good thoughts in fighting his recently diagnosed leukemia, and I wish him God's blessings and the strength that comes from faith.

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the many accomplishments of my friend, Mr. JOE MOAKLEY of Massachusetts. I stand before you to commend a man who embodies infinite courage and legendary patriotism. I ask my colleagues to join me in honoring the dedicated service of Congressman JOE MOAKLEY.

Bound by a sense of service to country, JOE lied about his young age to enlist in the U.S. Navy. Risking, his life to defend our country during World War II only marked the beginning of his career in public service. JOE rose through the ranks of local government and was elected to the U.S. House of Representatives in 1972. It has been my distinct honor to work with him the past 22 years, and in that time I have come to recognize him, as have many others, as a man driven by principal and conviction.

During his tenure in the House, JOE has become a renegade for human rights. His desire to find answers to the brutal murders of innocent civilians in El Salvador led a divided country to an eventual peace agreement in 1992. His leadership, his passion and his dedication to civic justice will truly be remembered.

Most significantly, I have admired JOE for his tireless commitment to the people of the Ninth District of Massachusetts. JOE is a member of this body who will truly be missed. While this tribute cannot begin to communicate his greatness as a leader and friend, I can say that this body has been made better by his presence and will be lesser in his absence. Mr. Speaker, I ask all my colleagues to join with me today in celebrating the accomplishments of Congressman JOE MOAKLEY.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The bill is considered read for amendment.

Pursuant to the order of the House of Tuesday, February 13, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTRONIC COMMERCE ENHANCEMENT ACT OF 2001

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 524) to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

The Clerk read as follows:

H.R. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Commerce Enhancement Act of 2001".

TITLE I—ELECTRONIC COMMERCE

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Commercial transactions on the Internet, whether retail business-to-customer or business-to-business, are commonly called electronic commerce.

(2) In the United States, business-to-business transactions between small and medium-sized manufacturers and other such businesses and their suppliers is rapidly growing, as many of these businesses begin to use Internet connections for supply-chain management, after-sales support, and payments.

(3) Small and medium-sized manufacturers and other such businesses play a critical role in the United States economy.

(4) Electronic commerce can help small and medium-sized manufacturers and other such businesses develop new products and markets, interact more quickly and efficiently with suppliers and customers, and improve productivity by increasing efficiency and reducing transaction costs and paperwork. Small and medium-sized manufacturers and other such businesses who fully exploit the potential of electronic commerce activities can use it to interact with customers, suppliers, and the public, and for external support functions such as personnel services and employee training.

(5) The National Institute of Standards and Technology's Manufacturing Extension Partnership program has a successful record of assisting small and medium-sized manufacturers and other such businesses. In addition, the Manufacturing Extension Partnership program, working with the Small Business Administration, successfully assisted United States small enterprises in remediating their Y2K computer problems.

(6) A critical element of electronic commerce is the ability of different electronic commerce systems to exchange information. The continued growth of electronic commerce will be enhanced by the development of private voluntary interoperability standards and testbeds to ensure the compatibility of different systems.

SEC. 102. REPORT ON THE UTILIZATION OF ELECTRONIC COMMERCE.

(a) ADVISORY PANEL.—The Director of the National Institute of Standards and Technology (in this title referred to as the "Director") shall establish an Advisory Panel to report on the challenges facing small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The Advisory Panel shall be comprised of representatives of the Technology Administration, the National Institute of Standards and Technology's Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), the Small Business Administration, and other relevant parties as identified by the Director.

(b) INITIAL REPORT.—Within 12 months after the date of the enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the immediate requirements of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall—

(1) describe the current utilization of electronic commerce practices by small and medium-sized manufacturers and other such businesses, detailing the different levels between business-to-retail customer and business-to-business transactions;

(2) describe and assess the utilization and need for encryption and electronic authentication components and electronically stored data security in electronic commerce for small and medium-sized manufacturers and other such businesses;

(3) identify the impact and problems of interoperability to electronic commerce, and include an economic assessment; and

(4) include a preliminary assessment of the appropriate role of, and recommendations for, the Manufacturing Extension Partnership program to assist small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices.

(c) FINAL REPORT.—Within 18 months after the date of the enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year assessment of the needs of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall include—

(1) a 3-year planning document for the Manufacturing Extension Partnership program in the field of electronic commerce; and

(2) recommendations, if necessary, for the National Institute of Standards and Technology to address interoperability issues in the field of electronic commerce.

SEC. 103. ELECTRONIC COMMERCE PILOT PROGRAM.

The National Institute of Standards and Technology's Manufacturing Extension Partnership program, in consultation with the Small Business Administration, shall establish a pilot program to assist small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The goal of the pilot program shall be to provide small and medium-sized manufacturers and other such businesses with the information they need to make informed decisions in utilizing electronic commerce-related goods and services. Such program shall be implemented through a competitive grants program for existing Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k). In carrying out this section, the Manufacturing Extension Partnership program shall consult with the Advisory Panel and utilize the Advisory Panel's reports.

TITLE II—ENTERPRISE INTEGRATION

SEC. 201. ENTERPRISE INTEGRATION ASSESSMENT AND PLAN.

(a) ASSESSMENT.—The Director shall work to identify critical enterprise integration standards and implementation activities for major manufacturing industries underway in the United States. For each major manufacturing industry, the Director shall work with industry representatives and organizations currently engaged in enterprise integration activities and other appropriate representatives as necessary. They shall assess the current state of enterprise integration within the industry, identify the remaining steps in achieving enterprise integration, and work toward agreement on the roles of the National Institute of Standards and Technology and of the private sector in that process. Within 90 days after the date of the enactment of this Act, the Director shall report to the Congress on these matters and on anticipated related National Institute of Standards and Technology activities for the then current fiscal year.

(b) PLANS AND REPORTS.—Within 180 days after the date of the enactment of this Act, the Director shall submit to the Congress a plan for enterprise integration for each major manufacturing industry, including milestones for the National Institute of Standards and Technology portion of the plan, the dates of likely achievement of those milestones, and anticipated costs to the Government and industry by fiscal year. Updates of the plans and a progress report for the past year shall be submitted annually until for a given industry, in the opinion of the Director, enterprise integration has been achieved.

SEC. 202. DEFINITIONS.

For purposes of this title—

(1) the term "Director" means the Director of the National Institute of Standards and Technology;

(2) the term "enterprise integration" means the electronic linkage of manufacturers, assemblers, and suppliers to enable the electronic exchange of product, manufacturing, and other business data among all businesses in a product supply chain, and such term includes related application protocols and other related standards; and

(3) the term "major manufacturing industry" includes the aerospace, automotive, electronics, shipbuilding, construction, home building, furniture, textile, and apparel industries and such other industries as the Director designates.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 524.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

During a busy day, most Americans probably do not stop to think about the impact small manufacturing has on all of our lives. In fact, most Americans would be surprised to learn that it is all but impossible to get through a day without using and benefiting from the many products created by our Nation's small manufacturers. Everything from the alarm clock ringing in the morning, to the clothes we wear, to the communications equipment C-SPAN uses to broadcast these House proceedings live can be attributed in part to small manufacturing.

It is not surprising, then, that small manufacturers contribute so greatly to our Nation's economic growth and prosperity. Small manufacturers employ over 12 million Americans, translating to nearly 1 in 10 workers nationwide. It is estimated that a manufacturing sale of $1 results in an increase of total output in the economy of $2.30. As they seek to remain a driving force in our Nation's economy, one of the greatest challenges facing small manufacturers in the coming decade will be the need to implement successful e-commerce business strategies allowing them to better compete in the burgeoning information age.

It is estimated that sales in electronic commerce alone will reach nearly $3.2 trillion by the year 2003. Small manufacturers who successfully embrace new technology and all its benefits will be able to capitalize on the growing trend in online sales and have the potential to increase both their productivity and revenues. Beyond online sales, e-commerce can help small manufacturers develop new products and markets while at the same time allowing them to interact more quickly and efficiently with their suppliers and customers.

I am pleased to join the gentleman from Michigan (Mr. BARCIA), the ranking member of the Subcommittee on Environment, Technology and Standards, as an original cosponsor of H.R. 524, the Electronic Commerce Enhancement Act. H.R. 524 will allow the director of the National Institutes of Standards and Technology, which we all know as NIST, to establish an advisory panel comprised of both government and private sector representatives that will provide Congress with a comprehensive report detailing the challenges facing small manufacturers in integrating and utilizing electronic commerce technologies.

The report will also require a 3-year blueprint for NIST's Manufacturing Extension Partnership program, or MEP, in the area of electronic commerce. MEP, with over 400 centers in all 50 States, has been a valuable technology transfer resource for many small manufacturers nationwide. By establishing a 3-year plan, we will have a better idea of how NIST MEP can be most useful in helping small manufacturers overcome the barriers they face in the electronic world.

Finally, H.R. 524 establishes a limited e-commerce pilot program administered through the Manufacturing Extension Partnership program, in conjunction with the Small Business Administration, aimed at assisting small manufacturers to integrate e-commerce business strategies. Last Congress, the House passed legislation mirroring H.R. 524 by voice vote. Unfortunately, Congress adjourned before the Senate could act on the measure. I am hopeful we will be able to get the bill signed into law this year. Accordingly, I urge my colleagues to join me in support of the Electronic Commerce Enhancement Act of 2001.

Let me close my formal remarks by commending my colleague, good friend, and partner, the gentleman from Michigan (Mr. BARCIA), for his tenaciousness, for his innovativeness and for the hard work that has produced this product.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume. I too want to commend my very good friend and distinguished colleague in his, I believe, maiden remarks on the floor here as the new full Committee on Science chairman.

I want to express my gratitude to both the gentleman from New York (Mr. BOEHLERT) as well as the gentleman from Michigan (Mr. EHLERS) for their spirit of bipartisanship which is a continuation of the good working relationship which our committee enjoyed in the last several sessions but certainly bodes well in this new session.

Certainly the fact is not lost that the first action in this new session of the committee is reporting a Democratic bill. For that I am very grateful. I want to say how much I look forward to continuing to work with the gentleman from New York and continuing that great spirit of bipartisanship which the Committee on Science has been so well renowned for and to say how delighted we are that he will be leading our full committee efforts here in committee and on the floor.

Mr. Speaker, I rise in support of H.R. 524, the Electronic Commerce Enhancement Act. H.R. 524 represents a bipartisan effort to assist small and medium-sized enterprises to bringing their businesses online. H.R. 524 is the same text as H.R. 4429 which was reported by the Committee on Science and passed by the House in the 106th Congress.

The bill before us today reflects again a bipartisan consensus. I, the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the gentleman from Michigan (Mr. EHLERS), along with other Members, decided to reintroduce this legislation because of the challenges small and medium-sized businesses face in implementing the electronic commerce activities. As large corporations move their business transactions online, small companies in the supply chain must go online as well. However, many of these small companies lack the information they need to make informed decisions on choosing e-commerce products and services. The Electronic Commerce Enhancement Act addresses this problem.

First, H.R. 524 establishes an advisory panel to assess the e-commerce needs of small businesses. This advisory panel should represent an equal partnership between industry, government, and other affected groups. The Manufacturing Extension Partnership, working with the advisory panel, will establish a pilot program at MEP centers to provide small businesses with the information they need to make informed, intelligent purchases of e-commerce products and services.

□ 1200

This bill also addresses the issue of interoperability in the manufacturing supply chain. Adoption of e-commerce practices within a supply chain can be hindered by the lack of interoperability of software, hardware, and networks in exchanging product data and other key business information.

For example, a recent study indicated losses of $1 billion in terms of productivity due to interoperability problems in the automotive supply chain. Other industries with complex manufacturing requirements could be expected to suffer similar losses.

The National Institute of Standards and Technology, or NIST, has supported the first phase of an automotive supply chain interoperability study in my home State of Michigan. This program was highly successful and strongly supported by industry. H.R. 524 builds upon this preliminary effort. NIST would perform an assessment to identify critical enterprise integration standards and implementation activities and report back to Congress.

I want to thank also the gentlewoman from Maryland (Chairwoman MORELLA) for working with me on this legislation in the last Congress and also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his efforts to bring this bill to the floor in the 106th Congress as well.

Of course, I want to thank our new Committee on Science chairman, as I just mentioned, the gentleman from New York (Chairman BOEHLERT), as well as the gentleman from Michigan (Chairman EHLERS) and the ranking member, the gentleman from Texas (Mr. HALL), for cosponsoring this legislation and supporting bringing it to the floor so expeditiously. I hope this represents the first of many bipartisan Committee on Science bills that we will bring to the floor of the 107th Congress.

Mr. Speaker, the manufacturing extension partnership has a proven track record of helping thousands of small businesses across the country. The National Institute of Standards and Technology has continually worked in partnership with the private sector to make advancements that benefit countless American businesses.

In closing, I believe this bill represents sound and reasonable policy that builds upon the impressive history of these Federal agencies. I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the distinguished chairman of the Subcommittee on Environment, Technology and Standards.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I welcome the gentleman from Michigan (Mr. BARCIA) to the ranking member position on the Subcommittee on Environment, Technology and Standards; and I look forward to working with him. We have been friends for many years, first in the Michigan House, then the Michigan Senate, and now in the Congress, and especially on this particular subcommittee.

Mr. Speaker, I rise today in support of H.R. 524, the Electronic Commerce Enhancement Act of 2001. Small manufacturers play a vital role in our society. Each and every day we all rely on the many goods they produce to help sustain and improve our lives. Small manufacturers are an integral part of our communities, employing hundreds of our friends and neighbors and acting as anchors that help to foster growth and prosperity in many small towns across our Nation. In our inner cities, it is often small manufacturers that have helped to spur urban renewal and act as the industrial foundation in our metropolitan areas.

Recently I visited a factory in my district. It is a classic example of what I just described here. A gentleman purchased a faltering plant which was on the verge of bankruptcy. It had 50 employees. He reinvigorated it; and through good management and advanced techniques of manufacturing, including communication, he became a supplier of parts for the Chrysler Corporation, now the Daimler Chrysler Corporation. At the time I visited, he had 250 employees and he said he had work for 500, if he could only find qualified individuals to work there.

He also showed me a machine that was producing parts for the Chrysler minivan. He had produced 2 million of those parts for the Chrysler Corporation, without one single rejection by them for defects. He was very proud of his record. That is the type of thing small manufacturers do so well.

The future success and growth of many small manufacturers such as that will increasingly rely on their ability to adapt to the ever-changing electronic business environment. In a recent survey, nearly 80 percent of small manufacturers reported having a Web page, which is good; but only 25 percent indicated they used the Internet for direct sales. This means that most small manufacturers are missing out on an estimated $3.2 trillion in e-commerce sales over the next 2 years. They are also missing out on the opportunity the Internet offers to spur new product development and markets while at the same time streamlining and improving their daily business operations.

There are many obstacles preventing small manufacturing from fully engaging in the new electronic-driven business environment. Costs associated with integrating even the most basic e-commerce initiatives, coupled with the uncertainty and the fast-paced changes in technology, often hinder small manufacturers' attempts to venture into the electronic world.

Just as an example, encryption is a very important part of business commerce. Very few small manufacturers have the expertise to deal with encryption problems and ensure the security, privacy, and integrity of their transmissions.

In addition to that, we need standardization of protocols between large manufacturers and their suppliers. We have to have enterprise integration and interoperability. If the smaller manufacturers are going to be able to communicate with the large number of manufacturers that they supply, they should not have to be required to put in different systems for every manufacturer they deal with.

In addition to this, a lack of qualified trained technology workers in the marketplace today makes it difficult to successfully integrate technology into the workplace in a meaningful way. Over half the small manufacturers surveyed revealed that human resource shortages were a major problem when trying to implement their e-commerce plans.

I would add parenthetically here that I have introduced legislation to improve K–12 math-science education, which would go a long way toward solving the problems that are indicated in the previous paragraph and that I also mentioned earlier for the manufacturer in my district who could not find the employees he needed.

H.R. 524 is an important piece of legislation because it will help us get a better picture of all of the barriers preventing small manufacturers from successfully implementing electronic commerce strategies by having both government and private-sector representatives take a closer look at the problem.

In addition, the limited pilot program created by H.R. 524 will tell us what is and what is not working in the workplace. NIST's Manufacturing Extension Partnership program, or MEP, working in conjunction with the Small Business Administration, is uniquely suited to assist small manufacturers in this endeavor. The hundreds of MEP centers all across the country have a proven track record in effectively providing small manufacturers with the advice and expertise they need in order to succeed.

I am pleased to join the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the ranking member of the Subcommittee on Environment, Technology and Standards, the gentleman from Michigan (Mr. BARCIA), as an original cosponsor of H.R. 524.

Mr. Speaker, I urge all of my colleagues to join me in support of the

Electronic Commerce Enhancement Act of 2001.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding me time and for his leadership on this issue.

Mr. Speaker, I rise today in support of the Electronic Commerce Enhancement Act of 2001, a bill that recognizes the importance of the Internet and e-commerce to our economy. This bill also recognizes the importance of business-to-business transactions by small- to medium-sized businesses via the Internet. As technology continues to grow, unfortunately, many small- to medium-sized companies have not been able to utilize the potential of the Internet as a business tool. In order to help these companies contribute to economic growth, this bill assists in developing tools to alleviate the problems of interoperability.

H.R. 524 will help promote electronic commerce in these small- to medium-sized companies by identifying the challenges that they face and establishing programs to assist them in overcoming these obstacles. These programs include the electronic linkage of manufacturers, assemblers, and suppliers that will enable them to exchange product, manufacturing and other business data within the supply chain. By allowing the National Institute of Standards and Technology technology to assist small- and medium-sized businesses to successfully integrate electronic commerce, Congress will promote effective standards for helping these businesses prosper in our economy.

I want to thank the gentleman from Michigan (Mr. BARCIA) and the gentleman from Michigan (Mr. EHLERS) for their work in recognizing the importance of small businesses, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his work in passing this bill in the 106th Congress, and the gentleman from New York (Chairman BOEHLERT) for his new leadership on the Committee on Science and on this issue. I urge my colleagues to support this legislation.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), the senior member of the committee.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to thank him as chairman of the Committee on Science for bringing this issue to the floor and for his strong support of it.

Obviously, the ranking member of our Subcommittee on Technology for the last years, the gentleman from Michigan (Mr. BARCIA), who introduced this legislation, I wanted to commend him and indicate my very strong support for it.

Introduction of this bill represents a very strong bipartisan effort to assist small- and medium-sized businesses as they move their operations into an e-commerce environment.

Enacted, this legislation will also improve the interoperability of the electronic transfer of technical information in the manufacturing supply chain. The lack of interoperability between software, hardware, and networks in exchanging product data and other key business information obviously is hurting U.S. productivity.

The costs of this barrier are enormous. According to a study conducted by the National Institute of Standards and Technology of product data exchange in the automotive sector alone, the inability to efficiently exchange product data through the automotive supply chain conservatively costs about $1 billion a year.

Mr. Speaker, this bill was introduced in the 106th Congress, reported out of the Subcommittee on Technology, which I chaired and the gentleman from Michigan (Mr. BARCIA) was the ranking member, and at that time the bill was then passed unanimously by the House.

The bill would also allow the National Institute of Standards and Technology to work with business and industry to develop voluntary standards, standards that will assure that U.S. firms will and can continue to exploit the power of the Internet to collaborate with trading partners and through greater speed and agility to participate in the global markets.

Again, I thank my colleagues for bringing this important issue to the floor. I urge all of my colleagues to support H.R. 524.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague for yielding me time.

Mr. Speaker, I rise in support of H.R. 524, but I do so with some reservation. I am troubled by the bill on two particular grounds: first, its potential negative impact on e-commerce; and, two, its encroachment on the Committee on Energy and Commerce jurisdiction.

Let me take the negative impact on e-commerce and explain this more fully. H.R. 524 "authorizes the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major industry."

Mr. Speaker, such an authorization seemingly grants an open invitation to a Federal Government entity, NIST, to meddle in voluntary standard-setting activities by private parties relating to business-to-business electronic exchanges.

□ 1215

Such a governmental intervention could harbor substantial negative repercussions for e-commerce. Voluntary standards-setting activities by private, non-governmental parties have been credited with the vibrancy and innovation associated with our e-commerce industry. Industry enterprise integration or business-to-business exchanges are a critical component of our e-commerce sector. Today, transactions on such exchanges represent 85 percent of the total value of e-commerce.

The Federal government injecting itself into a business-to-business exchange standard-setting activities in our view on the Committee on Commerce holds no other promise but to retard dynamic and innovative change synonymous with e-commerce.

Moreover, authorizing such a government intervention sends the wrong signal to our trading partners in Europe. The European Union Commission is favorably inclined to inject itself into private standard-setting activities. This makes for a bad recipe for the future of global e-commerce.

Too, Mr. Speaker, my other concern is with jurisdiction. As the title of H.R. 524 clearly denotes, electronic commerce is the focal point of this legislation. The Committee on Energy and Commerce is the committee of jurisdiction over matters relating to electronic commerce. The committee's jurisdiction over electronic commerce is perfectly clear. E-commerce is a mere subcategory of interstate and foreign commerce and, as such, is undeniably within the purview of the committee's longstanding jurisdiction.

The committee also has repeatedly dealt with e-commerce issues, as exemplified by its leadership role on the following issues: No. 1, encryption; No. 2, electronic authentication of electronic signatures; No. 3, data security; and No. 4, interoperability.

H.R. 524 is within the committee's jurisdiction and should have been referred to it. The time for such a referral may have passed, but I assure the Members that we, the Committee on Energy and Commerce, will vigorously exert our jurisdiction over interstate commerce irrespective of the medium; that is, electronic or mobile.

The committee will carefully monitor NIST standard-setting activities, as outlined in H.R. 524.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to respond to some of the comments made by the gentleman from Florida.

Obviously, in the last session we dealt with this issue and it passed unanimously through the House as far as the jurisdictional issue. I understand that some of the committee jurisdictions are still, as we speak, being delineated and settled.

I understand the gentleman's concern about having NIST establish structures in terms of the interoperability issue, but I want to assure the gentleman from Florida that the automotive industry spoke strongly in favor of this legislation, based on their experience in Michigan that they had with a program called STEP, which, as I mentioned, the Manufacturing Extension Partnership based in Ann Arbor, Michigan, had worked with the automotive industry to put in place.

It has been a very successful program, and the automotive industry, which is greatly impacted by this legislation, was very strongly supportive and worked with our leadership of the subcommittee and the full committee to ensure that we would not be setting precedents or addressing some of the issues, perhaps, that the gentleman has concerns about.

But we will be mindful of that, and hopefully enjoy support on passing this bill.

Mr. Speaker, if I could make one last comment about also my colleague and friend, the gentleman from Michigan, and congratulate him on his ascension to the chairmanship of the Subcommittee on the Environment, Technology, and Standards, of which this morning I was selected as the ranking member.

I just want to say, as my good friend, the gentleman from Michigan (Mr. EHLERS) indicated, we have had the privilege of serving together in the State House in Michigan, the State Senate, and then coming to Congress together.

I want to say that I am delighted to be able to work with someone who has been a long-time friend, and someone who, throughout his tenure both in the Michigan legislature as well as here in Congress, has been recognized as one of certainly the most thoughtful and effective Members of both the State legislature and Congress.

I look forward to working with our new leadership, the new Chair, and of course my long-time friend, the gentleman from Michigan (Mr. EHLERS), of the subcommittee.

I also want to thank our former Chair, the gentlewoman from Maryland (Mrs. MORELLA), for her just absolutely great administration of our subcommittee. I think if we looked at the full committee and our subcommittee, we probably would have one of the best track records of bipartisanship in the entire Congress, and certainly all of us on the Democratic side in that subcommittee really appreciated her role, and the fairness and objectivity and spirit of bipartisanship that she carried throughout her tenure as the chair of the subcommittee. Again, I thank the chairman and the gentlewoman from Maryland (Mrs. MORELLA).

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 524.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules and pass H.R. 524 will be followed immediately by a 5-minute vote on the question of passage of H.R. 554, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 6, not voting 17, as follows:

[Roll No. 14]

YEAS—409

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—6

Collins
Flake
Hostettler
Paul
Schaffer
Tancredo

NOT VOTING—17

Ackerman
Bonilla
Bono
Burton
Capito
Cooksey
Cubin
Davis, Thomas M.
Istook
Lewis (CA)
Mollohan
Ortiz
Putnam
Thornberry
Towns
Watkins
Young (AK)

□ 1242

Mr. SCHAFFER changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 14 I was inadvertently detained. Had I been present, I would have voted "yea."

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of passage of the bill, H.R. 554, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 4, not voting 24, as follows:

[Roll No. 15]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—4

Flake
Paul
Schaffer
Tancredo

NOT VOTING—24

Ackerman
Bono
Burton
Capito
Clyburn
Cooksey
Cubin
Davis, Thomas M.
Foley
Fossella
Gilchrest
Gutierrez
Istook
Lewis (CA)
Meek (FL)
Mollohan
Ortiz
Royce
Sawyer
Slaughter
Thornberry
Towns
Watkins
Young (AK)

□ 1257

Mr. FLAKE and Mr. SCHAFFER changed their vote from "yea" to "nay."

Mr. TANCREDO changed his vote from "present" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes No. 14 and 15 I was unavoidably detained. Had I been here I would have voted "yea" on rollcall vote No. 14 and "yea" on rollcall vote No. 15.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, on rollcall Nos. 14 and 15, I was unavoidably detained. Had I been present, I would have voted "yea" on both votes.

PERSONAL EXPLANATION

Ms. CAPITO. Mr. Speaker, I regret that I was unable to attend the recorded votes today, February 14, 2001. I was traveling with President George W. Bush on his visit to my district in West Virginia. Had I been present, I would have voted "yea" on both rollcall No. 14 and 15.

AFFECTING REPRESENTATION OF MAJORITY AND MINORITY MEMBERSHIP OF SENATE MEMBERS OF JOINT ECONOMIC COMMITTEE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 279) affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, for so long as the majority party and the minority party have equal representation in the Senate, be represented by five Members of the majority party and five Members of the minority party.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT OF HOUSE FROM FEBRUARY 14, 2001, TO FEBRUARY 26, 2001, AND RECESS OR ADJOURNMENT OF SENATE FROM FEBRUARY 15, 2001, OR FEBRUARY 16, 2001, TO FEBRUARY 26, 2001

Mr. SAXTON. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 32), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 32

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, February 14, 2001, it stand adjourned until 2 p.m. on Monday, February 26, 2001, and that when the House adjourns on Monday, February 26, 2001, it stand adjourned until 12:30 p.m. on Tuesday, February 27, 2001, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 15, 2001, or Friday, February 16, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon Monday, February 26, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

☐ 1300

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, February 26, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTERNATIONAL BASIC EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I would like to inform my colleagues that I, along with the gentleman from Wisconsin (Mr. GREEN), will this afternoon be briefly addressing the importance of an issue we care passionately about: children's education, children's basic education, girls' education, and our U.S. international assistance dollars in helping developing countries make schools and educational opportunities available.

Last Congress I had the privilege of serving on the House Committee on International Relations. From that position, I began to focus on identifying which foreign aid dollars could actually make a lasting difference and bring systemic changes in the areas that we are trying to help.

Too often we are just late to the crime scene. Whether it is famine, war, epidemic, we are just trying to pick up after the catastrophe has already occurred. We need to commit our scarce foreign assistance dollars in ways that help bring lasting improvements, build better opportunities, and prevent these cycles of tragedy.

As I researched the question, I became convinced of the value of one development investment in particular: international basic education. I was intrigued to learn that educating children, particularly making a special effort to get girls into schools, because so often they are not allowed to participate, yields a higher rate of return than virtually any other effort we can make in the international developing world.

The data seemed almost too good to be true. With increased education, women live healthier lives. They marry later, live longer, have fewer children, and their children have vastly superior survival rates. The data compiled by the World Bank and other international organizations report that for every year of education a little girl receives beyond grade four, there is a 10 percent reduction in family size, a 15 percent drop in child malnutrition, a 10 percent reduction in infant mortality, and up to a 20 percent increase in wages and microenterprise development.

The statistics support what economists and development experts already know: educating children, again especially girls, creates a powerful impact, improving the lives of little children, subsequently improving the lives of their families, and improving the lives resulting later in the villages and the entire communities.

After hearing all this, I had a strong desire to actually see some of these schools, see our U.S. assistance dollars in action; and so along with my colleague, the gentleman from Green Bay, Wisconsin (Mr. GREEN), we made a bipartisan effort sponsored by some of the NGOs that are implementing these assistance dollars to look firsthand to see how this was working.

Our trip left me with a rock-solid conviction that the data on girls education is correct. In both Ghana and Mali, our taxpayer dollars have made a significant difference in the lives of children and families. And even more effectively than the dollars that are used, we were struck by the deep commitment in terms of USAID officials, the professionals in the NGO community implementing these programs, the families and the personnel from the countries making these little schools run themselves. This is driving systemic change in these areas.

We visited many classrooms, spoke to parents and community leaders and learned firsthand of the changes being made. This picture reflects a meeting with parents we had in a very small rural village. This individual, the village hunter, the one responsible for bagging the game to feed the village, told us that with the children even getting basic primary education, the cotton traders buying their products can no longer cheat them by the scales. They use the children to make certain they get a fair deal. Time and time again we heard of this kind of change.

We heard from parents that now children can help them find when they are buying medicine that has already got expiration dates; they will help them watch for expiration dates on foods and help them write letters; that schools are a safe place for them to be. They no longer have to worry about the children when they go to market.

We heard from the village chief and president of a parents' association tell us that educating a little girl is like lighting a dark room. He said that their school is giving priority to girls' participation in enrollment, making a difference for the first time in bringing girls into primary education and the opportunities that flow from that. The parents told us that once the girls learn to read and write they teach others in the family and they become better mothers. Even in a young teenager's years, they are doing it.

I just want to, in closing, show you one of the little girls participating in one of the schools that we observed. This little girl wants to be a doctor and help others in her community. Her chances without our assistance dollars would be a million to one. But with our assistance dollars, this dream is possible.

We need to continue our commitment in this area, and I am very pleased to work with the gentleman from Wisconsin and others in a bipartisan effort to continue to support this work.

U.S. DOLLARS ARE WORKING IN INTERNATIONAL BASIC EDUCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, what I want to do is to build a little bit on some of the comments that we have just heard from my companion and good friend, the gentleman from North Dakota (Mr. POMEROY).

We did travel together for 7 days in Ghana and Mali and did see some very good things and got some great news from a continent that, quite honestly, has seen less of good news and more of sobering news in recent months and years. The purpose of our brief time there was to measure education reform in general in those countries, but also, more importantly, to deal with the issues my good friend has pointed to of the role of girls' education in those countries and the pace of reform in that area.

We looked at a project called SAGE, Strategies for Advancing Girls Education, as it was being implemented in those two countries. That is a partnership involving USAID dollars and the expertise of the Academy for Educational Development and some wonderful other NGOs in the area and, of course, local leaders.

Now, I am quick to admit to my colleagues, as I was to my traveling companions, that I am a skeptic in this area. Twelve years ago, my wife, Sue, and I taught high school in east Africa, and we were very much aware of the institutional and cultural barriers that exist, particularly in the developing world, barriers which all too often prevent girls from going to school and finishing their education. I readily admit today that I came out a true believer, a great believer in the progress that our dollars are making in those countries.

There are so many heroes that the gentleman from North Dakota (Mr. POMEROY) and I can point to in these educational reforms. Of course, the local leaders and the parents' groups, who have to embrace these reforms in order for them to have a chance. Also wonderful organizations like Save the Children and OXfam. But in the brief time that I have, I would like to focus in particular on one program, a program involving USAID dollars and the Academy for Educational Development and something called the Life Skills Curriculum in the country of Mali.

Through this wonderful program, educators are able to weave throughout their curriculum valuable life skills, especially in the area of preventable health. My colleague and I watched with great interest as teachers would use lessons on, for example, how to prevent dysentery as part of their instruction on grammar so that these lessons truly were a part of the curriculum at every stage and at every level.

As I said, I was a skeptic. Those of us who have taught in the developing world are often struck by how irrelevant our lessons can often be, especially in countries that have an education system which is a holdover from a colonial power. Where I taught, we had the old English system, the English style, rote learning. But what we are seeing in countries like Mali is a new style of education, a new style that involves practical lessons day in and day out, and involves students talking to each other and building upon their own experience.

My colleagues can see to my left here a picture. This shows a young lady in Ghana. What she is using, because of the shortage of paper, she is using a little chalkboard, a little slate board to help her get through her lessons. That shows some of the material disadvantages that these students often have.

My next chart shows something which may appear very reasonable and normal and everyday to those of us in the West but is a quite remarkable characteristic of reform in education in Mali and Ghana, and that is having breakout groups, where students are no longer stuck in that old rote-learning pattern that is a holdover from the colonial days. Instead, they talk about lessons in a very real way, and they apply those lessons, especially those life-skills lessons, to their own experience and they use it to learn grammar, they use it to learn math, they use it to learn science. And the beauty of this is, even if these children, Lord forbid, are unable to go on to secondary school, unable to go on to high school, unlikely to go on to college, they will have learned valuable lessons on preventive health care.

We know these lessons will go a long way in preventing some of the great health challenges that we have seen.

☐ 1315

It will pay off in the long-run in these countries. It will pay off for America. It is a wonderful thing.

The good news is our dollars are working. I thank the gentleman from North Dakota (Mr. POMEROY) for the wonderful experience he included for me. It was truly a great experience.

AMERICAN HEART MONTH

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to wish everyone a happy Valentine's Day.

As we know, this is the day that everyone speaks from the heart. This is a day more flowers, especially roses, are given to loved ones, more chocolate and other boxes of candy are purchased. But I would like to call attention to this heart day and our heart health.

While we celebrate Valentine's Day, let us not forget our heart and the signs it gives off, or in some cases, signs that do not give off that are important.

Mr. Speaker, in 1963, a congressional mandate designated February as American Heart Month. Because Valentine's Day is the day of the heart, it is fitting to raise awareness that heart disease kills nearly one million Americans every year, which is about 41 percent of deaths here in the United States.

Heart disease is the number one killer of Americans. Every 33 seconds an American dies from heart disease, and every 21 seconds someone suffers a heart attack. Due to these statistics, Americans need to become more educated on heart disease risks, prevention, and treatment.

Heart disease is also the number one killer for women. About one in five women have some form of heart disease. Even though surveys show that women view breast cancer as a much greater risk to their health than heart disease, the reality is that a woman's lifetime risk of dying from heart disease is one in two, whereas it is one-in-nine lifetime risk for contracting breast cancer, which is also important to be educated and seek examination.

High cholesterol and hypertension are two of the main causes of heart disease, which is alarming considering the following statistics. Approximately 50 percent of women have cholesterol levels of 200/dL or higher. Seventy-nine percent of black women and 60 percent of Caucasians over the age of 45 were classified as having hypertension.

Further, women often experience other AIDS-related diseases, such as arthritis and osteoporosis that can mask heart disease symptoms and delay the seeking of necessary medical care.

There are also critical preventive measures that include tobacco-use cessation, regular exercise, reduced daily alcohol intake, and controlled blood pressure that women should know of and take to try to avoid this fatal disease.

While heart disease is also the number one killer in my State of California, the good news is that heart disease in California is less than the national average. We must ensure that fighting this disease is on the forefront of our agenda.

In addition to having annual checkups, screening and participating in regular exercise, it is important to be aware of the heart attack symptoms, which include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders, neck and arms; chest discomfort with light-headedness, fainting, sweating, nausea or shortness of breath; atypical chest pain, stomach or abdominal pain, nausea, or dizziness.

Women typically do not have the crushing chest pain, which is considered a classic symptom. As a result, women's symptoms can be overlooked until it is too late.

Heart disease is a critical health issue. Both men and women need to understand how they can prevent and detect heart disease. Both men and women need to become aware of heart attack symptoms and what to do if they experience any of these symptoms. We need a national effort to raise awareness of this disease.

Perhaps most of all, as the new cochair of the Congressional Caucus on Women's Issues, I urge all of my colleagues to please make sure they understand the facts and that they, their mothers, sisters, brothers, uncles, daughters all get screened on an annual basis.

So, happy Valentine's Day, Mr. Speaker; and let us not forget the heart.

ELECTION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I am pleased to be here on the floor of the House this afternoon submitting this special order on election reform.

Mr. Speaker, today I would like to address an issue that has been prominent in the minds of many Americans over the past few months but has been on my mind since 1993.

Twenty election reform proposals have been introduced in the House of Representatives since the opening of the 107th Congress. I applaud the thoughtful and expedient response of my colleagues as I myself am soon to unveil my own proposal for strengthening America's voting system and have, in fact, organized my first town hall meeting during the President's Day recess on this specific issue.

When I was elected Secretary of State for the great State of Rhode Island, it had the oldest voting equipment in the entire Nation. Beginning in 1993, as a State representative and then as Secretary of State, I worked with my colleagues in the legislature, the State Board of Elections, local canvassing authorities, and the public to investigate voting problems throughout the State and develop effective solutions.

By May of 1994, our Commission reported the need to replace our antiquated Shoup lever voting machines with optical scanning equipment. Because it is cost effective, it would help increase voter participation.

By the end of 1996, the procurement process had begun; and by September 1997 primary local elections, the optical scan equipment was firmly in place. In both 1998 and 2000 elections, these machines were in full operation throughout the State of Rhode Island.

Implementation of the new optical scan equipment was cost effective because it was cost neutral. Rhode Island's revenue neutral laws ensured that the expenses for staffing, storage, and transportation of voting equipment and printing and mailing ballots all equal the cost of establishing this new system. We also met our goal of increasing voter participation by increasing the number of registered voters by nearly 60,000 from 1993 to the year 2000.

Finally, ensuring timely accuracy in tabulating votes was also a top priority. Because the optical scan machines read voting ballots by sensing the mark within a defined period indicating the vote, this method ensures the clear intent of the voter is transmitted and tabulated.

This system also provides an audit trail for each ballot and enabled the use of ballots printed in multiple languages. However, since the machines were not accessible to blind or sight-impaired voters, I also introduced the Braille and Tactile ballot initiative to ensure that those who have lost their sight or are sight-impaired maintain their right to vote independently.

As Congress works with the President to explore ways to modernize the machinery of voting, I strongly urge my colleagues to join me in applying proven success stories such as what we have done in Rhode Island.

Models exist for accurate, efficient, and cost-effective election reform, which we should utilize in our efforts to ensure true democracy in America. Our voters deserve no less.

PRESIDENT BUSH'S TAX CUT PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, as someone who campaigned on the platform of providing tax relief for working American families, I am particularly proud today to announce my support for President Bush's plan to lower income tax rates across the board and to eliminate the marriage tax penalty.

I would like to address two issues today: number one, why I am supporting this plan; and, number two, what our opponents are saying about this plan and address those issues fairly and squarely.

First, why do I support this plan? Well, I support it because it is going to make a meaningful difference in the lives of so many working families here in the United States.

For example, for a married couple raising two children on a salary of $50,000 combined, they will receive a 50 percent tax cut. That is a savings of $1,600 a year. Now, a savings of $1,600 a year for that family translates into an extra $133 of groceries in their refrigerator every month for those two children that otherwise would not be there.

Now, as someone who himself grew up in relatively humble circumstances, raised by a single mom on a salary of a secretary with three children, I do not have to guess about how much working families and single mothers need tax relief. And that is why I am so enthusiastic in my support of President Bush's tax cut plan.

Now, not everybody agrees with me here. Our opponents have two things they are saying about this bill. And I believe these things are myths. But let us go ahead and address them squarely.

The first thing they say is this tax cut is simply too big, it does not leave enough money to shore up Social Security, Medicare and pay down the debt.

Well, here is the truth: 70 percent of this tax surplus goes to shore up Social Security, provide for prescription drugs, pay down the debt, with only 30 percent being used to return to taxpayers in the form of tax relief, the very folks who are responsible for this tax surplus.

Now, they say we could leave that 30 percent here in Washington, D.C. And I suppose we could. But what would happen? Congress would simply spend that money. Whether it is Republican Congress, Democrat Congress, or alien Congress, that money will be spent. It deserves to be returned to the people who paid these excessive taxes.

The second myth they say is that this is a tax cut just for the rich. Well, let us look at that little myth there. For a secretary making $38,000, a single mom raising three children, she will get a 100 percent tax cut, she will pay no taxes under this plan. For her boss, the lawyer making $100,000 a year with two kids, he will get a 16 percent tax cut. Secretary, 100 percent. Attorney, 16 percent. The low-income Americans are the big winners under this plan.

Now, why is that? Because we take the lowest rate of 15 percent and lower it down to 10 percent and we double the $500 per child tax credit.

Now, with that said, some folks say, well, that is all fine and good for the single moms and folks at the low end of the spectrum, let us just have taxes for the special people, let us not have the taxes for what they call the rich.

Well, once again, all of us pay taxes and all of us are entitled to tax relief. The truth of the matter is that the top 10 percent of wage earners in this country pay 66 percent of the taxes. These are the same people who every year create hundreds of thousands of jobs. Are these folks not entitled to the tax relief? Should we not encourage them to provide additional jobs in this economy?

In summary, this tax relief is desperately needed. It is going to make a meaningful difference in the lives of single moms and working families. A tax cut is not too big and it is not just for the rich.

In closing, let me say this. The leading cause of divorce in the United States today is arguments about money. On this Valentine's Day, we have a happy message of hope for married couples who are struggling to make ends meet: Help is on the way.

TRIBUTE TO MS. IMOGENE MATTHEWS OF GARY, INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens in Indiana's First Congressional District, Imogene Matthews of Gary, Indiana.

After serving the constituents of Northwest Indiana in my Gary District Office for the last 10 years, Imogene announced her retirement this past December.

Imogene Vanetta Matthews was born on April 15, 1954, in Gary, Indiana. Imogene, affectionately known as Moby, was the youngest girl of 11 children born to Emmett and Pauline Matthews. A lifetime native of Gary, Indiana, Imogene graduated from West Side High School in 1972.

One need look no further than her career choices after high school to determine what kind of person Imogene is. From her beginnings at the Gary Manpower Administration helping to place young children in day-care centers and homes, to her years of service as executive secretary for Gary Mayor Richard G. Hatcher, to the last person she assisted in her capacity as a Federal caseworker in my office, she has dedicated her life wholly to public service.

I was fortunate enough to have Moby on my staff as a Federal caseworker since 1989. Her commitment to her work and the people of Northwest Indiana eventually earned her a position as my Deputy District Director.

□ 1330

During her tenure in my office, she has worked selflessly to ensure the well-being of all those around her. Her exceptional knowledge and expertise in dealing with the Immigration and Naturalization Service and the Social Security Administration are unparalleled. While serving on my staff, she reunited dozens of families, helping loved ones attain the privilege of U.S. citizenship and aiding those already in the U.S. by acquiring the passports and visas they needed to visit their relatives abroad.

You only needed one meeting with Imogene to see the revelation that her choice of vocation is not only a result of the responsibility she feels to a community she loves but is also a reflection of her deep and abiding compassion for those around her. Federal casework can be a thankless task. But Moby never wavered. Regardless of the barriers that faced her, Imogene threw herself into her work with the patience and perseverance of Job. Her overwhelming commitment to following through on her promises made her an absolute miracle worker. My office is often the last resort for many of my constituents with problems. Imogene never let anyone feel desperate or afraid. On the contrary, she was a great source of hope to many people who had nowhere else to turn. She treated everyone who walked into my office with the dignity and respect they deserved, regardless of their situation in life or the details of their problems. After working with her for a decade, I can say easily that her kindness knows no bounds.

As one might expect, Imogene selflessly gives her free time and energy to her community as well, her friends, and, most importantly, her family. Imogene is a member of the NAACP as well as the Young Women's Christian Association. She is also an active volunteer for the American Association of Retired Persons and is a member of the Friends of the Gary Public Library. In addition to these important activities, Imogene promotes another cause that is near and dear to her heart. She is an avid Chicago Bulls fan and a Michael Jordan fan. Pictures of Michael Jordan adorned her office along with a life-size cutout of M.J.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Imogene "Moby" Matthews for her lifetime of dedication, service and compassion to the residents of northwest Indiana. She has touched the lives of many residents and she will be sorely missed not only by those she has helped with her outstanding service and uncompromising dedication but by myself and my staff who have seen her extraordinary expertise and felt her deep compassion and love. She will never be replaced.

NATIONAL GUARD AND RESERVE DAY

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, today is a very important day to American citizens and not just because it is Valentine's Day but because the President has also declared it National Guard and Reserve Day. I am encouraged that our national leadership is finally paying tribute to the citizen soldiers that play such a vital role in the protection of democracy and of our Nation's defense.

The National Guard has been there in every war and conflict that this Nation has ever fought. They were there in the Revolutionary War, the Civil War, both World War I and World War II, Korea, Vietnam, Operation Desert Storm and, most recently, Operation Allied Force in Kosovo. The National Guard is an integral part of America's military today, serving side by side with its active duty counterparts all over the world. They meet the security needs of our Nation, both at home and abroad.

Mr. Speaker, the National Guard is the only component in our military that has a dual mission. Their Federal mission is to serve as an essential partner with the country's Army and Air Force, responding to security needs worldwide. Just as important is their State mission of meeting the needs of our citizens during emergencies and disasters. The Guard, with its long history of assisting and protecting local communities, is well prepared to play this critical role in this critical mission area.

I would like to take this opportunity today, Mr. Speaker, to highlight the accomplishments of the South Dakota Army and Air National Guard. 4,452 people strong, the individuals of the South Dakota National Guard are some of the finest citizens in my State. They have served their Federal mission dutifully through deployments. As personnel from the 109th Medical Battalion deployed to Jamaica to perform medical readiness training, the 153rd Engineering Battalion worked on vertical construction in Hohenfels, Germany, and the 109th Engineer Group participated in warfighter exercises in Gafenwoehr. In just 3 years, the 147th Field Artillery's two battalions completed conversion to the multiple launch rocket system, and I have just gotten word that the 1085th Medical Company has been given the order to prepare the unit for full deployment to Bosnia. In addition, the 114th Fighter Wing of the Air National Guard has deployed more than 500 people in support of the Aerospace Expeditionary Force and is getting ready for their fourth deployment enforcing the no-fly zone in Iraq.

Mr. Speaker, these extraordinary individuals have also responded to their State mission, being called on just this past summer to fight the Jasper fire in the Black Hills of South Dakota. This fire was the biggest ever in the history of my State. The 285 soldiers and airmen that were called to active duty to help fight this fire were there to meet the challenge just like they have always been. Their quick response is a credit to the hardworking individuals and their dedication to their job as citizen soldiers.

One can see by looking at the call of duty of the South Dakota National Guard that their responsibilities are escalating. However, at the same time we have unfortunately witnessed a decline in fully funded personnel accounts and end strengths. As the National Guard's number one priority, we must continue to devote attention to full-time manning. Adequate personnel and support are absolutely necessary to ensure a ready and accessible Guard.

Following these lines, we must take steps to ensure that our Nation's forces are capable of fighting and winning two nearly simultaneous major regional conflicts. Procurement and modernization play a central role in this. They are crucial elements to our ability to respond to multiple engagements and threats to our national security. Unfortunately, the Army and Air Force are currently wearing out weapons systems and support mission equipment. This is a direct result of the rate at which we have deployed on peacekeeping missions. As we begin to work through the defense authorization and appropriations cycle this year and in the future, more attention must be given to procurement of new weapons systems and to combat capability for all forces.

It is critical that Congress and the new administration provide funding levels sufficient to ensure that America's military capabilities are in line with our superpower responsibilities. We also must take steps to reassess our deployment strategies. Currently there is a great mismatch between U.S. force levels and overseas commitments. In the past decade, U.S. forces, which have included members of the South Dakota National Guard, have been deployed 35 times to places like Panama, Saudi Arabia, Kuwait, Iraq, Haiti, Somalia, Bosnia, Kosovo and even East Timor.

In the 40-year span of the Cold War era, our military was only deployed 10 times. Today, the U.S. Armed Forces are 40 percent smaller but 30 percent busier than they were just 10 years ago. A national strategy that clearly indicates where and under what circumstances deploying American servicemen and women is necessary needs to be developed.

In addition to this increased operations tempo, Congress continues to identify new roles for the National Guard. These include defense against domestic terrorism, national missile defense, and defense against cyber-terrorism.

Members of the South Dakota National Guard form an essential part of our national security team. They are active participants in the full spectrum of operations, from the smallest contingencies to major theater conflicts. They are indispensable forces who truly embody our forefathers' vision. Their dedication to service, Mr. Speaker, and the outstanding manner in which they perform their duties exemplify the notion of the American citizen soldier. And so, Mr. Speaker, I would like to say thank you to them today.

REGARDING AMERICA'S MEN AND WOMEN IN UNIFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, Washington sometimes speaks with its own language. We talk in this town of taking risks, laying it on the line, or getting out on the edge, when the only cost of failure is to our pride or perceived prestige.

Out there beyond the Beltway, in many cases beyond America's shores, are people who really do take risks. They lay their lives on the line every day and they do so because we ask them to. They are, of course, America's finest, our men and women in uniform. And while some in this town may spare them a passing thought now and again, they are thinking of us, and Americans like us, every day. That is what devotion to duty means.

It is unfortunate but correct to note that those soldiers, sailors, airmen and Marines are never more prominent in our thoughts than when something goes wrong. Our hearts went out to the families of the sterling sailors aboard the U.S.S. *Cole*. We mourned the loss of brave Marines lost in recent aviation mishaps. And today our thoughts are with the families of soldiers killed and injured in an Army helicopter accident.

There is a message in these events, if we care to hear it. It is that even in times of greatest peace, the profession of arms is fraught with hazard. The world demands that we train hard, and realistic training brings real dangers. American interests require that our forces be forward, and those distant waters can mask unseen threats. And the requirement for technological leadership means that flaws in new systems can occasionally take a fearsome price.

So let us give thought on this Valentine's Day, this day dedicated to love, to those men and women who put love of country above all. We are free to speak our minds in this Chamber because, out there, they have accepted the job of keeping us free. We are able to run what we call political risks because they take on mortal risks.

We talk at some length about how to properly compensate our men and women in uniform. That debate goes on. But I would suggest, Mr. Speaker, that we owe a humbling debt to America's servicepeople that goes far beyond the monetary. Indeed, it is not too much to say that, in the framers' phrase, they defend our lives and our sacred honor. Such a gift is truly beyond price.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. THUNE). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to commemorate the 83rd anniversary of Lithuanian Independence Day and the 10th anniversary of freedom from Soviet occupation. I am especially proud of my Lithuanian heritage at this time of the year.

From the first Independence Day on February 16, 1918 until their reassertion of their independence on February 16, 1991, freedom from foreign domination has been a hard-earned dream for the Republic of Lithuania.

The Lithuanian people withstood unspeakable abuse under Soviet military forces that occupied Lithuania from 1940 to 1991 with dignity and restraint. In Vilnius, the capital of Lithuania, there are many reminders kept of the sacrifices made for freedom. The Vilnius KGB museum consists of a basement jail that has cells and torture chambers where secret police detained and interrogated Lithuanian prisoners before sending them into Siberian exile. The Lithuanian parliament building hosts a section of bullet-scarred barricades that were used in 1990 to ward off Russian tanks. Also, the Vilnius TV tower, which is the tallest structure in the city, has a monument to the 14 unarmed, freedom-loving Lithuanians who were murdered on January 13, 1991 by Soviet soldiers during their attempt to take over the tower.

In the 10 short years since the reestablishment of its independence, the Republic of Lithuania has restored democracy, ensured human rights, secured the rule of law, developed a free market economy, cultivated friendly relations with neighboring countries and successfully pursued a course of integration into the European Union. 2001 will be another critical year for Lithuania as it works to attract foreign investment and gain admission into NATO. Lithuania deserves our recognition for its perseverance in the face of immense challenges. It has proven not only to be a faithful friend to the United States but also a tenacious ally, as demonstrated by their recent assistance in our peacekeeping efforts in Bosnia. I hope we will not jeopardize their future security by withholding NATO membership beyond 2002.

In closing, I would like to thank the outgoing Ambassador from Lithuania, Mr. Stasys Sakalauskas, for his service in Washington, D.C. and his dedication to improving U.S.-Lithuania relations. I also welcome the new Ambassador who will be named at the end of this month, and I look forward to working with him.

I urge my colleagues to join me in commemorating the 83rd anniversary of Lithuanian independence.

PERSONAL EXPLANATION

Mr. SHIMKUS. Mr. Speaker, due to the cancellation of my flight, I missed the vote last night on H.R. 2, the Social Security and Medicare Lock-box Act of 2001. Had I been here, I would have voted in favor of the bill.

This legislation signifies our commitment to protect seniors' benefits. It ensures that Medicare and Social Security funds will only be used for their intended purposes and not be spent on other government programs. I believe this is a major step toward long-term reform that will assure all workers and retirees that these programs will be there for their future.

□ 1345

REPEALING THE 5-YEAR LIMITATION ON INTEREST DEDUCTIBILITY FOR STUDENT LOANS

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today I rise to re-introduce a bill important to all students—H.R. . In the 105th Congress, we passed legislation that allows students to deduct interest paid on student loans. We did this to make it easier for all Americans to bear the enormous costs of higher education, and I supported this effort whole-heartedly.

My bill improves this law by removing the current 60 month limitation period for deducting student loan interest. As the law currently stands, if your student loan is older than 5 years from when it came due, you are not eligible for a tax deduction.

This limitation needs to be removed. Higher education has become increasingly expensive and is creating a financial burden on graduates well beyond the first five years of graduation. According to the General Accounting Office, the average student loan in 1980 was $518; in 1995, it rose to $2,417, an increase of 367%. Tuition at 4-year public and private colleges and universities has risen nearly three times as much as median household income in the past 15 years. As a result, it is becoming harder for students to graduate from college or graduate school without the help of student loans.

Students that graduate with student loans start out a few steps behind those without it. It is harder for them to save for emergencies or to invest money for their future. It is also harder for them to meet day-to-day expenses. This tax deduction will help.

All interest accrued on student loans should be deductible. Congress can send the message that we value higher education and recognize the financial responsibility students have made by allowing the student loan deduction for the life of the loan.

This will do two things: It will encourage individuals to go to college or graduate school, and it will reduce the cost of an education. Mr. Speaker, I believe very strongly that the way to achieve the American Dream is through education, and that everyone should have this opportunity.

It is absolutely essential that we continue to invest in our most important hope for our children—education. I urge my colleagues to support my bill, H.R. .

PUBLICATION OF THE RULES OF THE COMMITTEE ON WAYS AND MEANS, 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I am submitting the attached Committee on Ways and Means rules for the 107th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2(a)(2).

The Committee adopted these Rules on February 7, 2001.

If you have any questions please contact John Kelliher at x69150.

COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES—MANUAL OF RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE ONE HUNDRED SEVENTH CONGRESS, ADOPTED FEBRUARY 7, 2001

(Prepared for the use of the Committee on Ways and Means by its staff)

FOREWORD

This manual has been prepared to assist Members of the Committee on Ways and Means, its staff, and the public. It presents in two parts various rules that affect the organization and procedures of the Committee on Ways and Means. Part I contains rules adopted by the Committee for the 107th Congress. Part II contains selected Rules of the House of Representatives, which are also a part of the rules of the Committee, affecting all standing committees of the House.

PART I.—RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 107TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.* * *

* * * 2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on February 7, 2001 adopted the following as the Rules of the Committee for the 107th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "Subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as the respective Chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regular scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The date during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records and Publications

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

Rule 7. Websites

The minority shall been entitled to a separate website that is linked to and accessible only from the full Committee's website. For any website created under this policy, the Ranking Minority Member is responsible for its content and must be identified on the introductory page.

All Committee websites must comply with House Regulations.

The content of a committee website may not:

(1) Include personal, political, or campaign information.

(2) Be directly linked or refer to websites created or operated by campaign or any campaign related entity, including political parties and committees.

(3) Include grassroots lobbying or solicit support for a Member's position.

(4) Generate, circulate, solicit or encourage signing petitions.

(5) Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

B. SUBCOMMITTEES

Rule 8. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5, or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

Rule 9. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

Rule 10. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

Rule 11. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

Rule 12. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 13. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 14. Questioning of Witnesses

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

Rule 15. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the House of Representatives.

Rule 16. Records of Hearings

In accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

Rule 17. Broadcasting of Hearings

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 18. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

Rule 19. Previous Question

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 20. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting sessions

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 21. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

Rule 22. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 23. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. HONORARIA.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. SPEAKING ENGAGEMENTS AND UNOFFICIAL TRAVEL.—

(1) ADVANCE APPROVAL REQUIRED.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approved by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) REQUIRED FOR APPROVAL.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) REASONABLE TRAVEL AND LODGING EXPENSES.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) TRIP SUMMARY AND REPORT.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. WAIVER.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

PART II.—SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

Part II of the Manual of Rules of the Committee on Ways and Means consists of selected Rules of the House of Representatives, which are also a part of the Committee's rules and which affect its organization, administration,. and operation. The rules cited herein are not exclusive of other rules of the House of Representatives applicable to the Committee, but rather are considered to be some of the more important rules to which frequent reference is made.

REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to section 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations. The allocation for fiscal year 2001 printed in the House Report 106–761 is increased to reflect $8,303,000,000 in additional new budget authority and $4,392,000,000 in additional outlays for emergency appropriations, as detailed in the following table:

Subcommittee (Purpose)	Budget authority	Outlays
Agriculture, the FDA and Related Agencies (Primarily for the Commodity Credit Corporation Fund)	$3.563,000,000	$3,088,000,000
Defense (Primarily for the repair of U.S.S. Cole)	249,000,000	185,000,000
Energy and Water Development (Primarily for nuclear nonproliferation)	214,000,000	133,000,000
Foreign Operations (Primarily for debt restructuring and international disaster assistance)	467,000,000	55,000,000
Interior (Primarily for Wildland fire management)	1,689,000,000	710,000,000
Legislative Branch (Primarily for the FHA general and special risk program account)	52,000,000	36,000,000
Transportation (Primarily for federal aid highways)	718,000,000	193,000,000
Treasury, Postal Service and General Government (For the Counterterrorism Fund)	55,000,000	....
Veterans, HUD and Independent Agencies (Primarily for FEMA disaster relief)	1,296,000,000	−8,000,000

Those allocation adjustments will change the allocation of House Committee on Appropriations to $609,656,000,000 in budget authority and $636,827,000,000 in outlays for fiscal year 2001. The aggregate total will increase to $1,537,861,000,000 in budget authority and $1,506,048,000,000 in outlays.

Questions may be directed to Dan Kowalski or Jim Bates at extension 67270.

FIRE SAFETY AT THE LIBRARY OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, late last month the Office of Compliance reported on its comprehensive fire-safety inspections of the three Library of Congress buildings.

After previous dire warnings over the last two years from the House Inspector General and the Compliance Office about the state of fire protection in the Capitol and congressional office buildings, I had hoped for a better report on conditions at the Library. Unfortunately, the Compliance Office found that the Library buildings suffer from many of the same deficiencies as the Capitol and congressional buildings.

I strongly believe that Congress must take every reasonable step to maximize the physical safety of the thousands who work in the Capitol complex every day and of the millions who visit every year. Congress also has a responsibility to safeguard the numerous valuable artifacts, many of them irreplaceable, which are housed in the Capitol and among the Library's collections.

In view of the Compliance Office's findings at the Library, the new Chairman of the House Administration Committee [Mr. NEY] and I have written jointly to the Architect of the Capitol, who has responsibility for maintaining the Library's buildings, asking for a detailed report on the status of his efforts to correct the deficiencies there. Specifically, we have requested detailed plans, timelines, and an identification of any additional resources needed to complete the task. We have also written to the House Inspector General, who has demonstrated substantial expertise in fire-protection matters, asking his office to participate in regular meetings with Architect and Library staff, offer whatever guidance he deems appropriate, and monitor progress, as he does in connection with ongoing fire-safety work in the House.

Last September the Architect unveiled before the House Administration Committee a staff reorganization plan that places all AOC fire-safety work under the supervision of a single senior-level subordinate, as proposed in a bill (H.R. 4366) that I introduced in the last Congress. The AOC is clearly moving in the right direction and I appreciate the progress he has made. The Chairman and I look forward to working with the Architect to ensure the deficiencies previously noted, and those just identified at the Library, are remedied as soon as practicable. I include for the RECORD the texts of our letters to the Architect and the Inspector General of the House:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 7, 2001.

Hon. ALAN M. HANTMAN, AIA,
The Architect of the Capitol,
The Capitol.

DEAR MR. HANTMAN: We have received the recent Office of Compliance report on its fire-safety inspections of the Library of Congress buildings. As you know, the Office found numerous fire-safety deficiencies in the three Library buildings, the same types of deficiencies found last year during thorough inspections of the Capitol and congressional office buildings. We are greatly concerned about the report and the grave danger posed to Library employees, visitors, and to the Library's enormous collection of books and artifacts, many irreplaceable, by decades of inadequate attention to fire-safety matters. We know you share our concern, and trust that you also share our determination to see these additional deficiencies corrected at the earliest possible date.

Toward that goal, we ask that you provide us immediately with a comprehensive report on the status of AOC efforts to correct deficiencies found in the Library buildings. Please provide detailed plans for the correction of deficiencies that remain uncorrected, including an identification of any additional resources that you may need to complete the work and timelines for its completion. We also ask that you assess the level of fire protection now afforded to the Library's most valuable artifacts, and indicate how you will prioritize the correction of deficiencies related to their protection.

We appreciate the progress that AOC has made in addressing fire-safety deficiencies in the House office buildings since the Inspector General's and Compliance Office's previous reports. We hope the Library can benefit from the AOC's experience in addressing those deficiencies. In that vein, we encourage you to incorporate into your approach for the Library the use of frequent, regular meetings among AOC, Library, and House Inspector General staff, to coordinate efforts and facilitate communication. A similar approach has worked well in the House.

Thanking you for your prompt attention to this request, with kindest regards, we remain

Sincerely yours,
BOB NEY,
Chairman.
STENY H. HOYER,
Ranking Minority Member.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 7, 2001.

Hon. STEVEN A. MCNAMARA,
Inspector General, House of Representatives,
Ford House Office Building.

DEAR MR. MCNAMARA: As you know, the Office of Compliance just reported on the results of its fire-safety inspections of the Library of Congress buildings. The Compliance Office found numerous fire-safety deficiencies in the three Library buildings, the same types of deficiencies that it and your office found during prior inspections of the Capitol and House office buildings. We are greatly concerned about the danger posed to Library employees, visitors, and to the Library's valuable collection of books and artifacts, many irreplaceable, by the effects of decades of inadequate attention to fire safety. We are eager to help the Architect of the Capitol reverse these effects.

Your office has considerable expertise in such matters, and you continue to oversee the Architect's efforts to correct fire-safety deficiencies in the Capitol and House buildings. We write to ask that you similarly monitor the AOC's work to correct the fire-safety deficiencies at the Library, offer the AOC and the Library whatever guidance you may deem appropriate, and keep the Committee apprised of progress. As work progresses, should you have any concerns, please bring them to the Committee's attention immediately. To coordinate efforts and facilitate communications, we have urged the Architect to incorporate into his approach at the Library a plan to conduct regular, frequent meetings among AOC staff, Library staff and your staff, as he has done in the House.

Thanking you for your attention to this matter, with kindest regards, we remain

Sincerely yours,
BOB NEY,
Chairman.
STENY H. HOYER,
Ranking Minority Member.

BUDGET PRIORITIES AND FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, the most important issue facing this Congress is the amount of the tax cut that has been proposed by the President and by the majority party, and a majority of Americans apparently think that this tax cut would be in their best interests. Today I would like to make five points why I disagree, and try to explain why I think a cut of this proposed magnitude is potentially disastrous.

The five points that I would like to make are, one, CBO's 10-year surplus projections are highly unreliable; secondly, the tax cut is skewed to benefit those who need the assistance the least; third, I believe that this tax cut is fiscally irresponsible in that it is substantially understated; fourthly, the tax cut ignores the financial catastrophe that we know is going to occur when the baby boom generation retires in another few years; and, fifth, it does not address what I believe is our highest priority, which is to pay off our public debt before we do anything else with the surplus.

On point number one, Mr. Speaker, the projections upon which we assume that we can afford the tax cut are highly dependent upon economic performance that is, at best, uncertain in the near term, and really has no credible basis over the long term. CBO has increased their estimates from 2.8 percent to a little above 3 percent annual growth, but if they are off by as much as eight-tenths of one percent, $4 trillion of the surplus goes away.

GAO Comptroller David Walker testified before the Congress that "no one should design tax or spending policy pegged to the precise numbers in any 10-year forecast." He also said it is important to remember that while projections for the next 10-year period look better, the long-term outlook looks much worse.

Mr. Speaker, secondly, it is important to understand that the effect of the tax cut applies primarily to those who in fact pay the most taxes. But the top 1 percent, people whose incomes are over $320,000 a year, now pay about 21 percent of the taxes. One percent pays 21 percent of the total Federal taxes; yet they would get 43 percent of the benefit. Eighty percent of the population would receive less than 29 percent of the entire tax cut benefit.

Thirdly, Mr. Speaker, while the tax plan proposes a $1.6 trillion cut, it does not include the additional interest costs that are incurred because it is not applied to paying down the debt. It also raises the number of people who will be subject to the alternative minimum tax from 2 million today to 27 million households by 2010. Virtually everybody over $75,000 over a year in income is going to get hit with the alternative minimum tax. They are going to be screaming at the time, and we are going to have to fix it at a substantial cost that is not factored in here. I should also say the estimates do not protect military retirement nor civil service retirement.

Fourthly, the baby boomer crisis. Once the baby boom generation that was born right after World War II starts to retire, we are going to be in the position of only three workers for every retiree. That creates a situation that is untenable. So after we get out past 2011, when all these estimates are pegged, we are going to find that for the next life span we are as much as $22 trillion short in Social Security and $12 trillion short in Medicare.

The best thing we could do right now is to currently fund that unfunded Social Security liability. If we put $3.1 trillion aside, as we would do if we were facing this in our own family or in a private corporation, we could fund that unfunded liability and not leave that burden to our children and grandchildren to do so.

Lastly, Mr. Speaker, let me say that our highest priority should be to pay down the debt. That is the best way we can invest in our future, and that is the best gift we can give to our children and grandchildren. We do it in our own family; we ought to do it in the Nation's best interest as well.

THE ECONOMIC FUTURE OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. BOYD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BOYD. Mr. Speaker, it is a real pleasure to be here today to talk about something I think that is critically important to the future of this country. I want us to look, if we will, deep into the 21st century, and I think we start that by looking back historically and seeing where we have come from. I want to talk a little bit about the economic future of this country.

Mr. Speaker, after all, as a government, the people of this country expect us to be an economic model, to provide a structure, an economic structure, that will enable the private sector to flourish.

It has worked as well, Mr. Speaker, as any plan that has been put together in the history of mankind. We have something here in this country that is very special. This economic model, this experiment we are on now for over 225 years, has taken us to be the most powerful Nation in the world, not only economically, but also militarily and politically.

Let us look back, Mr. Speaker, just a few short years, back into 1990. We just came out of the decade of the '80s. Ronald Reagan had served us 8 years wonderfully as our President. He had spent a lot of his time focusing on the Soviet Union and the Cold War, and actually we saw the fall of the Soviet Union in the late decade of the '80s.

But if you looked at what was happening fiscally in our country, Mr. Speaker, at that time, we were in pretty bad shape. Economically we were headed down the wrong path. If you go back to 1990, you would have found annual deficits in the range of $250 to $300 billion a year. You had a mounting debt that was climbing a quarter of a trillion dollars annually.

Many of us who were in the private sector at that time thought that the economic experiment that we were involved in in this country was headed for an economic disaster as we moved toward the 21st century.

But as you know, in 1990, with the leadership of President Bush, the first step was taken to change the economic direction of this country. As a matter of fact, those changes, led by President Bush, probably cost him his reelection in 1992.

Then again in 1993, under the leadership of President Clinton, another big step was taken to sort of build the wall around that foundation that President Bush had built to get us headed back in the right direction. With that economic plan in 1993, this government, this economic model that we are involved in here, began to head in the right direction and lower its deficits and head toward a day where we could actually pay our bills on an annual basis and would not be swallowed with red ink.

I know when I ran for Congress in 1996 it was the major campaign theme. The major campaign theme was balancing the budget, removing the deficits, the annual deficits that we had. So this is not something that is new, not something we just started talking about. This is important stuff for the long-term health of this country.

Under the leadership of the House and the Senate, Speaker Gingrich, Majority Leader LOTT in the Senate, and President Clinton, in 1997 a Balanced Budget Act was put into place, put into law, which was a plan, a blueprint, to lead us out of red ink and lead us into an era when we could actually pay our bills. This model we have is so wonderful that we actually achieved that goal of getting away from deficits about 5 years ahead of that schedule. The 1997 Balanced Budget Act had us balancing the budget in, I think, the year 2003–2004, but we actually achieve that about 3 or 4 years ahead of that schedule. We have a wonderful window of opportunity here now to continue the work, to continue the job.

Mr. Speaker, the budget process is like a business plan. It is like a business plan that our businesses all across this Nation do on an annual basis. They sit down and they look at what kind of business they want to do, what their objectives are, what parts of their business they have to fund, what revenue they can expect to come in, and then they put all that together in a budget and then they go out and implement it.

Mr. Speaker, that business plan allocates, in the case of our Federal Government, limited Federal resources to our priorities that we think are important.

Mr. Speaker, the surplus is currently projected at $2.7 trillion. That is if we do not use Social Security and Medicare. We all know the CBO, Mr. Speaker, which I have a summary here which we want to examine a little bit closer as we spend some time in this next hour, the CBO report talks about a $5.6 trillion figure over the next 10 years, and that is true; but we know that of that $5.6 trillion, that about half of it is money that comes into the Social Security trust fund and the Medicare Trust Fund.

So we really ought to all get on the same page and talk about the current surplus, the projected surplus, Mr. Speaker, being at $2.7 trillion, because even just as late as yesterday this House voted, I think unanimously, to reinsert its belief that the Social Security funds and the Medicare funds ought to go in a lockbox, and they ought not to be touched for any purpose, other than those two specific purposes.

So, Mr. Speaker, we want to spend the next hour examining some of the priorities that this Nation needs to deal with as we have this debate about surpluses, about tax cuts and about our economic plan.

Mr. Speaker, at this time I am glad to recognize the gentleman from Texas (Mr. STENHOLM) to spend a few minutes talking about his perspective.

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Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for taking this time today.

I hope that everyone will pay particular attention to some of the comments that many of our colleagues are going to be making. We will have the gentleman from Mississippi (Mr. TAYLOR), who will be on the floor momentarily, and will talk very accurately about the fact that we really do not have a surplus.

When we look at the Social Security trust fund, the Medicare trust fund, the

Military Retirees trust fund, highways, airports, that really and truly, there is no $5 trillion, 600 billion surplus.

We ask our colleagues, particularly our friends in the majority, to not just look at part of the CBO report, but take a look at the whole report. Notice where they make a very sound observation in that, first off, projecting the economy of the world for 10 years is almost impossible. No one pretends to be accurate. Yet, here we are now all of a sudden taking 10-year projections, and we hear $5.6 trillion of surpluses, and we have folks beginning to act like it is real, really beginning to say, "We are going to spend that money like it is real."

Here we ask Members to consider one major fact, that 70 percent of the projected surpluses that we are talking about do not occur until the years 2007, 2008, 2009, 2010, and 2011. Who of us can project tomorrow, much less 2011?

When we go past 2011 for this same CBO report, the $5,600,000,000,000 surplus, they show through another chart that we have serious problems. In fact, it is projected in the next 20 years after 2010 we will be consuming 200 percent of our gross domestic product every year. We all know if that were to happen, if it were to happen this year, that Congress would have a very difficult time dealing with that kind of an economic situation.

What the Blue Dogs have suggested in the past, are suggesting today, and will be suggesting tomorrow, let us understand a few basics: The $5 trillion, 600 billion number we have here is a projected surplus. We think the conservative thing to do is to be conservative with those surpluses.

As the gentleman from Florida (Mr. BOYD) observed a moment ago, the actual number of these projected surpluses that we have to deal with is 2.7, because we have already decided in an almost 100 percent bipartisan way that we are no longer going to spend the Social Security and Medicare surpluses in the unified budget. We are setting them aside in a lockbox.

Now, I was not very happy with the cuteness of the vote yesterday, of the actual bill yesterday, because it left a loophole. I hope the American people will hold us accountable not to the loopholes of being able to potentially spend these trust funds twice, which was possible by that resolution yesterday, but to really and truly mean it when we say we are not going to spend, and let us put it more positively, we are going to take this short-term benefit that we have with Social Security in which we are taking in more than we are paying out to today's beneficiaries and we are going to take that money and pay down the debt held by the public.

That is good. When I say that is good, that is being interpreted by the markets as being good. Everyone perhaps looking right now or listening to this right now should ask themselves, and answer a simple question, would they rather have 6¾ percent home mortgages or 9¾ percent home mortgages? When we are buying a new car, would we rather have a 6, 7, 8 percent loan, or an 18 percent loan?

As a result of the economic policies that have been followed over the last 8 or 10 years and the budget actions taken by the Congress over the last 6 or 8 years, we now find ourselves in a position in which the markets are reacting. Yes, we are collecting more tax revenue because people are making more money. That is good. That is not bad. But the question we have to ask is, how long will it continue?

We had a budget alternative, the Blue Dogs, last year which focused on reducing the national debt. This is our budget again this year. We had a budget that focused on saving Social Security first. My personal preference is, I wish we would have had the first serious discussion on this floor this year on saving Social Security and Medicare.

I happen to represent a rural district, and my hospitals and now my nursing homes, my nursing home constituency has been pointing out over the last several months, we are hurting, too. The BBA of 1997 reduced the reimbursement rates of the nursing homes, as well as the hospitals, below what it cost them to stay in business. We have to address that, and that is going to cost some money.

I want to make it very, very clear, the Blue Dog Democrats favor cutting taxes. We are very strongly in favor of dealing with the marriage tax penalty; a perfect day to discuss it, Valentine's Day. We are for it. We will vote for it. We encourage it to be in the final package.

We are for dealing with the estate tax, the so-called death tax. We believe that it is not helpful to have a penalty assessed to a small businessman or woman that spent a lifetime building up their business, and it will be in our budget.

We would like to see across-the-board tax cuts, if that is possible for us to do.

Some of us, myself being in this category, I would like to see us take this opportunity now to do more than just complain about the energy problems of this country.

A couple of years ago we had a depression in the oil patch. No one was worried about the domestic oil and gas producers, who were going broke in droves because no one can produce oil and gas at $7 a barrel, but no one was concerned about it then because we were all enjoying the cheapness of energy.

Well, today everyone, including those of us living in the oil patch, are complaining about the price of energy. Why would this not be a good time to look at using the Tax Code to accomplish some much needed improvements in our energy policy in this country?

A simple question I ask, and unfortunately it is not in the President's plan yet, but the President has said, I am amenable to change. I have submitted my plan to the Congress. We would like to hear Congress's opinion on where we go. I would like to see us deal with this.

I would like to see us deal with some environmental incentives, some production incentives, doing some things we clearly need to do for the benefit of this country. Most everyone would agree to that. There are a lot of things going on on both sides of the aisle to prepare us for this national energy policy. I mention that because that is not in the current numbers we hear being kicked around.

I know I have other colleagues that want to take a little bit of time now, so let me kind of summarize where we are as far as the Blue Dogs' input into the budget considerations this year. I can summarize it pretty quickly: Let us bring a budget to the floor of the House first. Let us not bring tax bills to the floor that everyone will feel inclined to vote for because they do not want to explain why they are opposed to it. Why not deal with the budget first, bring the budget out, and agree on what the budget should look like.

Here it is pretty simple. In a $5.6 trillion projected surplus, Social Security is 2.5 of that, Medicare is .4 of that, that leaves $2.7 trillion. How much of that $2.7 trillion surplus can we afford to spend on a tax cut? That is a simple question.

A lot of folks are saying, "There he goes, he is talking about spending like it is their money. Taxes are our money." No, let us not continue to forget that the Social Security system has an unfunded liability of almost $9 trillion. Part of that money we are talking about I think needs to be devoted back to saving Social Security. That is not in the current discussions that we hear. Medicare, the same.

For military retirement, we will hear from the gentleman from Mississippi (Mr. TAYLOR) in a moment, it is several hundred billions of dollars. Let us deal with that first. Then let us also agree how much additional spending we want to make in the area of defense. How much is it going to be required to make sure we maintain the strength of America that has allowed peace to become a prevalent word in this world today? How much?

We are going to build a missile defense system. The cheapest version I have heard is $50 billion over the next 10 years, probably more than that. So we are saying, let us have a tax cut. Let us put at least half of that projected surplus, though, against the debt. Let us have an absolute tough decision on spending.

Let us revise or bring back what worked so well for us over the last several years, at least prior to 1997. Let us put some caps on discretionary spending that we agree to, numbers, and then let the appropriators spend that money, but let us stay within that discretionary level.

We can do it. It can be done. We can meet the needs of defense, of veterans, of education, of health care, of agriculture. We can do all of these things if we truly reach out in a bipartisan way.

That term is getting overworked, but here today, we are on the floor. We would love to have a discussion with someone on the other side of the aisle regarding some of the points that I have made, that the gentleman from Florida (Mr. BOYD) has made, that our other colleagues will make here in a few moments.

The basics are, we think we ought to have a budget first. Let us have that debate first, and then let us debate the makeup of the tax cut and how much money we are going to spend or save. But even more importantly, let us not forget that the first priority today should be saving Social Security first. If we do not do that, if we do not make a serious effort to do that this year, it will be postponed for another 4 years, because we will never be able to bring it up in the climate that will be present here.

Mr. BOYD. Mr. Speaker, I thank my friend, the gentleman from Texas, who has been in this Congress a long time and is recognized as probably the major deficit hawk in Congress. I know that he is very pleased that we have come so far with the 1997 Balanced Budget Act, and I know that he is somewhat pained by the fact that we may be reversing that policy with really good spending caps in place.

I say to the gentleman from Texas, the 1997 Balanced Budget Act did put into place some very good spending caps. Those have expired I think as of this year. I really believe that it may be time for Congress to look again at what worked for us in 1997 and has really helped us tremendously, and hopefully we would take another step on the spending side to make sure that we do not let spending run out of control again.

Mr. STENHOLM. If the gentleman would yield again briefly, Mr. Speaker, the problem with the 1997 budget caps were that they were unrealistic. There was not anywhere close to a majority on the majority side of the aisle to live up to it. Therefore, it is extremely important that when we set the caps, be realistic. We have to increase money in the defense of this country, I will say that.

As I say that to the gentleman, I am talking about spending the people's money, because Congress does not make money. The only way we get money to spend is we have to tax people to get it. I am prepared to say, we have to spend a little bit more of our taxpayer dollars on defense. So let us put that in the budget. Let us not be unrealistic, as we were in saying we are going to increase defense but we are going to cut health care, we are going to cut agriculture, we are going to cut highways, we are going to cut justice, knowing the votes are not there.

This is where bipartisanship has to come forward. We will have a significant number of Democrats and a significant number of Republicans that can agree on a realistic set of caps.

Mr. BOYD. Reclaiming my time, Mr. Speaker, I think the important point is that any prudent business person would establish what the spending levels are first before they begin to implement any part of the budget. I think that is what the gentleman is recommending.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER), another leader in the Blue Dogs. He came in the same year as I did, after the 1996 election, and he has been a leader on these budget issues.

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate the opportunity to share this hour with my fellow Blue Dog Democrats, the voice of fiscal conservatism in this House. We have worked long and hard on fiscal issues: paying down the debt, cutting taxes, balancing the budget.

I am glad to be here with the gentleman from Florida (Mr. BOYD), the gentleman from Texas (Mr. STENHOLM), my colleague, the gentleman from Utah (Mr. MATHESON), and the gentleman from Mississippi (Mr. TAYLOR), to talk about what will be the dominant issue in this Congress for the next several months.

I think we all understand that when we began this Congress, we all shared a commitment to try to work together in a bipartisan way. I was pleased to see President Bush, who I served with when he was Governor of Texas, come with a pledge to try to work in a bipartisan way, because for too long the two parties in this House and in this Congress have warred with one another in such a way that the American people have become tired of seeing the bickering that exists here, and perhaps we have an open window of opportunity to work together in a more congenial and more bipartisan way in the common interest of all the American people.

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Mr. Speaker, I think the President's first test of bipartisanship will probably be the proposal on tax cuts. The Blue Dog Democrats believe there are two ways to put more money in the pockets of the American people. One is to cut taxes, two is to pay down our national debt and realize the lower interest rates that will flow for all Americans if we are fiscally responsible enough to pay down our national debt.

It is not only the right thing to do for our children, not to pass that big debt to them, but it is the right thing for all Americans, because the combination of cutting taxes and paying down debt will put more money in their pockets.

Economists estimate that if we can pay down our national debt, the publicly-held portion of it, over the next 6, 8 or 10 years, that we can lower interest rates by 2 percent for all American families. Now, that is a big deal, if you have to borrow money.

I come from a poor district, where people have a relatively low average annual income, and a lot of folks I represent have to go to the bank occasionally to borrow money to buy a new car or to borrow money to buy a new home or to borrow money to send their children to college.

For a family that has to borrow $115,000, for example, to buy a new home, if they pay that out on a 30-year mortgage at a fixed rate, 8 percent interest would cost them a monthly payment of $844. If we can get interest rates down just 2 percent for that family, that monthly payment would be $155 less. That is $1860 a year that we could put in the pockets of that family if we could get interest rates down.

Paying down the national debt not only will prevent us from passing on that terrifically huge debt to our children for them to figure out how to pay off, but it will put money in the pockets of American families today; so that is the choice.

Are we going to be for the big tax cut that does not allow us to pay down the national debt, does not allow us to protect and preserve Social Security and Medicare for the future, that does not allow us room to strengthen our national defense? That is the choice that the American people and this Congress have.

I know we all believe in tax cuts, and I want the biggest tax cut that we can afford, but this Congress must operate the same way that we all know we must operate in our own households. When we sit down at the beginning of the month, we balance our checkbook and we determine what our income is, and we divide that income up among the bills that we owe.

If there is something left after we pay our bills, then maybe we can go out for a fancy dinner or maybe we can even decide to buy a little nicer automobile or maybe we can afford to take a trip, but at my household, and I know at yours, we decide that on a month-by-month basis.

I do not know anybody who has ever sat down at the kitchen table and said, talking to their wife, you know, honey, I think, that we are going to be able to afford some things on down the line. I think I will probably get a raise every year for the next 10 years. And since I probably think I may get a raise, that means we have a surplus, and I think we ought to go ahead and spend that surplus now.

That is what this Congress is doing when this Congress decides to cut taxes in an amount equal to the surplus that is estimated to arrive here over the next 10 years. You would not do that at your household, and this Congress should not do it either.

We really have a very fundamental issue that I think every American family can understand. When you owe money, you pay your debt first. And if there is anything left, then we can cut our taxes, or we can spend on something like national defense or something that this Congress would like to support.

These budget estimates of surpluses are really funny numbers. We tell the Congressional Budget Office to develop an estimate of how much money might come into the Treasury over the next 10 years under a whole bunch of assumptions that do not make a whole bit of sense. One of the assumptions is that Federal spending go up at the rate of inflation.

Government spending, for the last 5 years, even under the Republican Congress, and all of us who have joined with them trying to hold down spending, government spending still went up at the rate of the gross domestic product. That is a fancy word, but it is a number that is bigger than inflation.

If we just continued to spend on defense at the rate of the gross domestic product, $450 billion of this surplus we are talking about over the next 10 years would disappear. If we simply continue to spend on education at the rate of the increase in the gross domestic product, $400 billion of that surplus would disappear.

What makes us think, after all of the efforts that we have made to be fiscally conservative and to hold down spending for the last 5 years, that we are going to be able to do even better than that? I hope we are better than that, frankly, but to cut taxes in an amount that prevents us from being able to meet the legitimate need of this country in areas like national defense is foolish.

I am convinced that the tax cut that the President has proposed is too big. We simply cannot afford it. So what can we afford? I think the Blue Dogs have a reasonable plan. We have always said, as this whole Congress has repeatedly pledged, we will not touch the surplus that accrues in the Social Security trust fund or the Medicare trust fund. Those trust funds are going to need every penny that will accrue in those funds.

What do we have left even under the optimistic estimate? We have about $2.7 trillion over 10 years. The Blue Dogs have said repeatedly take half of that and use it to pay down our national debt; take 25 percent of it and let us cut our taxes and let us set aside 25 percent to be sure that we save Social Security and Medicare and strengthen national defense and provide our kids with the kind of education that we know they need.

That is a fiscally conservative approach to budgeting, and the Blue Dogs believe foremost of all that we have to have a budget first.

The President sent his tax cut down here the other day. He has not sent his budget yet, and he has pledged to us that his tax cut will fit within his budget. Frankly, I do not think it will, but even if he moves the numbers enough to make it fit, there is going to be some things that will have to be neglected that I think most Americans want to protect; foremost among those is to protect Social Security and to protect Medicare.

Our seniors and those of us who will soon be seniors deserve the protection of a sound Social Security system, and we need to protect Medicare. Health care costs are going up. Many of the hospitals in my rural district are threatened with closing. I want to protect Medicare because those hospitals depend largely upon Medicare revenues to keep the doors open.

We believe in fiscal responsibility. The Blue Dog Democrats are going to fight for fiscal responsibility, and I am glad to join my colleagues on the floor today to advocate what I think is in the best interests of the American people.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER), my friend, one of the leaders of the Blue Dogs, for his fine leadership on these issues.

Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON), one of our new Members.

Mr. MATHESON. Mr. Speaker, I want to say to the gentleman from Florida (Mr. BOYD), it is a pleasure to be here today to talk about the importance of fiscal responsibility.

Mr. Speaker, I would like to tell the gentleman that when it comes to this type of issue, I am true to my Scottish heritage when it comes to money, especially the people's money.

I do not like deficits, and I do not like debt. It means that we live within our means. I come from the State of Utah. I feel the way a lot of my constituents feel. We conduct our lives in a way where we live within a budget. We try to face the future in a way where we pay down our debts when we have the opportunity to do so, and we try to plan for the future and invest in the future to make the world a better place for our children.

That is the type of attitude I think we ought to have as we approach this budget issue here in Congress, and that is why I am so proud to be associated with the Blue Dog coalition.

The Blue Dogs was first introduced to me when I was a candidate, and we sat down and we shared our thoughts about budget issues, about our desire to pay down the debt. Issues that make sense to me. Common sense solutions.

The Blue Dogs have a reputation of being up front with people about telling the truth, about trying to cut through a lot of the rhetoric that we have in terms of addressing such important issues. That is why I am proud to be here today with my fellow Blue Dogs to talk about these issues. I think as we look at this issue, it is important that we have the right perspective.

I have learned in my life as a businessman and in my personal life that it is very easy to get caught up in the short term day-to-day pressures and emotions of the moment, and that dominates your perspective. And, yet, we all recognize the benefit of taking a step back and taking the longer view when we make decisions.

We make better decisions when we do that; that same applies to Congress. I think too often we have a short-term perspective here. People look out to the next election when they make decisions.

We should not be driven by the next election. When we are making decisions, we should be looking at the next generation in how we make decisions on these important issues of maintaining fiscal responsibility, that is the perspective that I would like to have brought before this whole House of Congress.

Let us make it clear there will be tax cuts this year. I have certainly campaigned on the notion of tax cuts in terms of addressing the marriage penalty and estate tax issues, and I think there is great support within Congress to pursue that type of tax cut.

As we move forward in this tax cut discussion, I would offer a quick list of five items that should be considered, common sense considerations, that ought to be included in any discussion of these issues.

The first is that let us be up front about the nature of these budget projections. We ought to be skeptical about this. We are talking about a 10-year projection, and what is interesting is over 70 percent of the projected surplus takes place in the second 5 years.

Does it really make sense for us today to make a commitment assuming that is going to happen then? What is the rush to make that decision today? The responsible thing to do is to live within our means, do what we can to try to have our economy grow. And we hope that surplus occurs. We should all do what we can to make that occur, but let us be skeptical about the notion that this surplus is definitely going to happen.

I am a businessman. I have dealt with projections before. When we make projections of the future, the one thing we know, the minute we write it down on the paper is it is probably going to be wrong, so we ought to be cautious and we ought to be smart about that.

But let me talk about a future prediction where we can be certain, that is the second consideration we ought to keep in mind. The second prediction about the future is that we are going to have a whole bunch of baby boomers starting to retire in about 10 years, so wherever the economy goes, we know, in terms of the demographics of our country, we are going do have a lot more people moving into the retirement phase of their lives, and that is going to place far more pressure on Social Security and Medicare.

We have the opportunity now, while times are good, to address that issue. Let us not squander the prosperity we have today with short-term thinking. Let us take that longer view when it comes to Social Security and Medicare.

A third issue I will mention, a consideration we ought to think about as we look at these tax cuts. Most of us have put together a budget in our lives. Those of us in the business world have done that a lot. Everybody has probably done it for their own household, and when we look at a budget, simply stated, you look at money in and you look at money out. You have revenues and you have expenses, and you match them up, and you figure out what makes sense.

Right now we are only looking at half of that equation. How can we, as an institution, make informed decisions about tax cuts which affect the revenue side without also understanding how it fits with projected expenses?

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I say that if we are going to behave in a responsible manner, it is important to look at the whole budget before we make decisions.

Fourth, the issue we ought to remember is let us recognize the true cost of any tax cut. The projections we have right now about the surplus are based on nothing happening, on taxes staying the way they are now. If we do have that surplus, the assumptions in these projections are that we are going to pay down our debt. As we pay down the debt, we lower government spending on interest on that debt. If we are going to cut taxes, there is going to be a corresponding increase in government spending because we are not going to be paying down the debt as fast and there is more of an interest expense.

We are going to pursue tax cuts, but as we talk about it, let us be honest. Let us talk about the full cost of any tax cut that we pass in Congress. There is a cost in terms of increased interest because the debt will not be paid down as fast.

A fifth point that is a consideration, as we look at tax cuts is the notion that paying down the debt creates so many benefits, so many benefits in the short term, so many benefits in the long term. We bring down interest rates. That is good. We give ourselves greater flexibility if we remove that as part of government spending. Right now interest is the third highest expenditure of the Federal government behind Social Security and defense. We all like the notion of trying to cut government spending. This is an easy one. All we have to do is show some discipline, pay down our debt and lower expenditures on interest. That makes sense to me.

I think that it is important to have this discussion today as Blue Dogs, but I think it is important to have this discussion with our friends across the aisle. If we can take that longer view and set aside considerations of just the next election, there will be a better opportunity to have some bipartisan consideration and to really affect this in a positive way. We ought to have a bipartisan agreement to be fiscally responsible. I think we share a lot of values on both sides of the aisles. I am convinced that the Blue Dogs are prepared to engage in those discussions.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Utah (Mr. MATHESON) for coming. He is obviously going to be a very productive and bright Member of this Congress as we move through these critical times for this Nation.

Next, Mr. Speaker, I want to call on the gentleman from Mississippi who has been a leader on military views, particularly issues which relate to the welfare of our troops, all of our military men and women around the world; and obviously our national defense is maybe the most important role of this Federal Government.

The gentleman from Mississippi (Mr. TAYLOR) is going to spend some time now talking about the budget, and I am honored to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Florida for this opportunity.

If I were to walk into a town hall meeting and tell the people there that I discovered this magic cure to where our Nation can quit wasting a billion dollars a day, I would think that they would be excited about it.

People always say how about stopping wasteful foreign aid, which is about $13 billion, or why can we not cut back on food stamps which is about $30 billion. A $1 billion a day is $365 billion a year. If I can tell you that I had a way to quit wasting $1 billion a day of your tax money, I think you would be excited about it.

It is that easy. We just pay off the national debt. Each day this Nation squanders $1 billion in interest on the national debt. We did it yesterday, we did it the day before that, and we will do it tomorrow; and by the way, we are going to do it every day for the rest of your life until we pay off the national debt.

With that money do we educate a child, build a road, contribute to national security, fulfill our promise of lifetime health care to our retirees, no. That is why it makes it the most wasteful thing that we do as a Nation, is squandering your tax money in interest on the national debt.

What troubles me in this whole tax cut debate is how many of my colleagues from the Republican party are ignoring the fact that this Nation is $5.7 trillion in debt.

All of us have a tendency to think, well, I am 47 years old so I guess my generation has done my share of that debt because the Nation has been around for a long time. I wish that was true; but it is not. You see, almost all of the debt has occurred since 1980. And I think 1980 is a magical year. I hope we will keep it in mind during this whole debate. People say the Reagan years were a model for prosperity. They cut taxes and revenues went up and everything got better. Not quite true.

Actually during the Reagan administration with a Democratic House and Republican Senate, the debt doubled. All of the debt in the first 200 years of our Nation doubled in those 8 years. It set in motion a series of events which continued to get worse and only got better this last fiscal year when the Nation, for all of the talk of huge surpluses, had a tiny $8 billion surplus after we take into account the trust funds.

One of the things that I fear my Republican colleagues are doing, and I hope I am wrong and I want to give them an opportunity to tell me I am wrong, is misleading the American public as to the true nature of the debt. These are trust funds, and the key word here is trust. People in the military trust that money is set aside to pay for their retirements which adds up to $163 billion. They trust that that money is set aside and will be there to pay for their retirement.

Mr. Speaker, Americans know that a portion of their salary is taken out every month in their Social Security payment; and they trust that that money is being set aside so that when they retire, it will be there to pay their benefits. Americans who have a job also know that they are paying into the Medicare trust fund. Again, they are trusting their Nation to take that money and set it aside so when they get old, and if they get sick, we are going to help them with their medical bills.

Those people who work for our Nation have a trust fund as well. It is called the Federal Employees Retirement System. Again, money is taken out, it is supposed to be set aside so it is there to pay their benefits when they retire.

The net value of all of these trust funds is $2.348 trillion. But let me tell you the bad part. There is not a penny of it anywhere in any bank anywhere in the world. All there is for the $2.348 trillion are a bunch of IOUs. So when my Republican colleagues and our new President talk about all of this money laying around in Washington, I challenge them to show me where that $2.348 trillion is. It is not there.

And so would you not think that since honesty is going to be the order of the day under this administration, the most honest thing that we could do is pay back the money that we owe them. The military retirees who defended our Nation in places like Vietnam, Korea, Kosovo, Desert Shield, Desert Storm, do you not think that we ought to honor their commitment by paying them back the $163 billion that we owe them?

How about the folks that have paid into Medicare with the assumption that that money is going to be there when they get old. Do you not think that we ought to pay that money back? And it is to date $228 billion that we owe. It is gone. All we have is an IOU.

How about Social Security. Between old age survivor's insurance and the disability under Social Security which you paid into, we owe you $1.66 trillion. How can there be a surplus when we owe you that much money. Their buzz word is it is your money. They are right, and I think we ought to pay it back. I think that is a higher priority than giving some Americans a tax break. The groups that I talk about constitute every American, and the most honest thing that we can do is pay you back.

So let me tell you what has happened in the first 11 days of the Bush administration that troubles me. This publication used to come out at the end of the month for decades. It was called the Monthly Statement of the Public Debt. It was available on the World Wide Web for every American to see on a monthly basis, whether the politicians were paying down the debt or making it bigger. Within 11 days of the Bush administration taking over, what forever was called the Monthly Statement of the Public Debt of the United States was changed to the Monthly Statement of Treasury Securities of the United States.

Now, I have just got a hunch if I were to walk into a restaurant or coffee shop anywhere in America and went up to an unsuspecting couple and said would you like some of the public debt, they would probably tell me, no. That is your problem. But if I went to that same couple and said how would you like some Treasury Securities, they would probably take me up on that deal.

Do you remember the book 1984 where when there was a word they did not like, they came up with a new word to disguise the nature of it and they called it "news speak." Folks, this is news speak. This is an attempt by the Bush administration to mislead the American people as to the true nature of the public debt; and it is wrong. I have written the President. I do not think that he personally did it. I think somebody in his administration did it, but I want him to be aware of it. I think it ought to be changed.

Mr. Speaker, I think it is time we as a Nation were honest with the American public and paid them back the Social Security that we owe to them; paid them back the Medicare that we owe to them; paid the military retirees the money that we owe to them; and paid the Federal employees the money that we owe to them.

Mr. Speaker, after we fulfill those commitments, then we start looking for new ways to give some American tax breaks.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Mississippi. You can see that he does his home work. He understands these issues very well, and he has certainly been a leader on the military and budget side as it relates to the Federal debt.

At this time I would like to call on my friend the gentleman from Indiana (Mr. HILL) who is a wonderful new member of the Blue Dogs, actually moved out of the blue puppy category into a sophomore.

Mr. HILL. Mr. Speaker, I thank the gentleman from Florida and my good colleagues on the Blue Dogs Coalition.

Mr. Speaker, 2 years ago when I joined the Blue Dogs, I didn't know exactly what to expect, but I have discovered in the last 2 years that this is an organization of conservative Democrats that are very honest about what they say.

Mr. Speaker, everything that we have heard here today is exactly as it is. One of the great things about being a Blue Dogs member, and there are 33 of us, is that one can rely on the information that one receives. What the American people have been receiving in terms of the speeches that have been made here this afternoon is the truth. If the truth is known to the American people, I think that they will agree what we are talking about in terms of paying down the debt is an important component of this budgetary process and something that we ought to be doing.

Now, I cannot do as well as the other speakers have done so I will not repeat what they have said, but I do want to bring up one point and that is when CBO has made all of these huge projections of what the surpluses are going to be over the next 10 years, they will also tell us in their report that there is a 50 percent chance that they are going to be a hundred billion dollars wrong in the first 5 years. Most people do not realize that. Members of Congress I am sure do not realize that. If you do not take my word for it, go to the Web site. It is www.cbo.gov.

Mr. Speaker, the other projection they talk about is in the following 5 to 10 years there is a 50 percent chance that they will be off at least $250 billion. So we are talking about at least, at a very minimum, of a $350 billion potential swing in these projected budget surpluses. That is why the Blue Dogs have never come up with numbers, they have always come up with percentages. The idea of paying 50 percent of these surpluses down on paying the debt is a realistic approach to this budgetary process that does not lock us in and jeopardize our future in terms of going back to the old days of deficit spending.

Mr. Speaker, I want to make a point that there is a huge room for error in these projected surpluses, that we need to be cautious. The most important thing that we can do is pay down the debt in a way that is fiscally responsible and do tax cuts in a way that is fiscally responsible.

Mr. BOYD. I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I am not a member of the Blue Dogs Coalition, but I would like to be an honorary one today because I think this organization truly is the voice of fiscal responsibility in this institution, and I am so happy that my colleagues are here today with this message.

I have three points. Point one has to do with a story from this weekend. I was talking to a colleague who went to a meeting this past weekend, and he started to talk about the surplus. An older gentleman came up and poked his fingers in my colleague's chest and said, what do you mean by the surplus, you man, and my colleague started to explain it. He said, no, no, no, hold it right there.

□ 1445

As long as we have got a big debt, we have not got a big surplus. And this was not Alan Greenspan talking, but this was a fellow who I think was in touch with the heartland of this country, who understands that with a $5 trillion debt we ought to take care of the deficit first. That gentleman understands that 14 percent of all of his taxes, $14 of every $100 of income taxes he paid last year were wasted, down the black hole. They did not get a teacher, they did not get a soldier or a sailor, but went to pay interest on the Federal debt. That gentleman understood we have to pay a commitment to the public debt.

Second point. All of the numbers, which are essentially a fiscal hallucination about this alleged surplus, talk about this 10-year window of opportunity. But it is real interesting, because guess what happens the day after that 10-year opportunity? We baby boomers start to retire. The baby boom generation, which is going to drive us into a fiscal ditch, starts to retire in year 11, year 12 and year 13. And we know what will happen then: we will go right back down into deficit spending if we do not eliminate this debt first.

It is time for the baby boom generation, which I am a member of, to grow up. It is time for our generation to be fiscally responsible. And I appreciate the Blue Dogs and their request of the new administration. I hope they are serious about bipartisanship. This will be the real test to see whether they engage us, the Blue Dogs, and everybody else in a discussion of what this tax cut ought to be.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Washington for joining with us here on the floor, and we certainly do want to make him an honorary Blue Dog.

Mr. Speaker, I would like to yield now to the gentleman from Texas (Mr. STENHOLM) to summarize.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to help clarify some other rhetoric that we will be hearing from this floor regarding spending.

I have served in the House of Representatives since 1979. When we look at discretionary spending by the Congress, it has declined by 36 percent from 1978 until the year 2000 as a percent of our gross domestic product. Entitlement spending has gone up 3 percent during that same period. Revenues have gone up 14 percent since that period. Interest rates have gone up 43 percent.

That is why we are emphasizing paying down the debt. Monies spent on interest are the least productive number of dollars that we can spend in this Congress. Money spent on defense, on veterans, on military retirees, on health care, on education, on agriculture are the most productive dollars that we can spend. So long as they are spent prudently and with policies that we can agree to in a bipartisan way, they are the most efficient and the best way to deal with our Nation's problems.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas and, in summary, I want to read from the CBO's report that just came out, the summary. It will just take a few seconds here.

The summary starts out this way, Mr. Speaker, and I quote: "In the absence of significant legislative changes and assuming that the economy follows the path described in this report, the CBO projects that the total surplus will reach $281 billion in 2001. Such surpluses are projected to rise in the future approaching $889 billion in 2011 and accumulating to a $5.6 trillion figure." We know over half of that is Social Security. Here is an interesting sentence, Mr. Speaker: "That total is about $1 trillion higher than the cumulative surplus projected for the 10-year period in CBO's 2000 report, July 2000."

In 6 months, Mr. Speaker, the projected surplus changed by CBO's own estimates over $1 trillion. And I want to read one more sentence that goes on later in the summary report, Mr. Speaker, and this really should give pause to many of our American citizens:

"Over the long-term, however, budgetary pressures linked to the aging and retirement of the baby boom generation threaten to produce record deficits and unsustainable levels of Federal debt." Mr. Speaker, I want to say that again. "Budgetary pressures linked to the aging and retirement of the baby boom generation threaten to produce record deficits and unsustainable levels of Federal debt."

I am reading directly from the summary of the CBO report which came out last month.

Mr. Speaker, I want to thank the indulgence of the House and for the Speaker's courtesy today, as well as my colleagues who came and assisted today.

TAX FAIRNESS

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, I appreciate the opportunity to address the House today, and I wanted to take a few minutes to talk about not only the accomplishments of this Congress, but also to talk about a major issue of fairness, a fundamental issue of fairness in the Tax Code.

I represent the south side of Chicago. I represent the south suburbs and Cook and Will, Grundy and Kankakee and La Salle Counties. This is a very, very diverse district of city and suburbs and country. The message that I have heard time and time again since I was a candidate for Congress in 1994 the first time, was that folks back home want us to look for solutions to the challenges that we face.

I remember when I was first elected in 1994, we wanted to do some pretty radical things. We wanted to balance the budget, we wanted to reform the welfare system, we wanted to pay off the national debt, we wanted to stop the raid on Social Security and Medicare. We were called radical for having those kind of ideas and that kind of agenda.

I am proud to say in the 6 past years that this Republican Congress has accomplished those very goals. Not only have we balanced the budget 4 years in a row, but we have paid down almost $600 billion of the national debt. And according to the nonpartisan Congressional Budget Office, we are projected to see a surplus of extra tax revenue, a tax surplus of almost $5.6 trillion over the next 10 years.

Think about that. Our Federal budget this year is $1.9 trillion, but over the next 10 years we are expected to collect $5.6 trillion in more tax revenue than we are projected to spend. A huge surplus.

I am also proud to say that we did something that our grandparents, many seniors and those who aspire to be seniors have complained about over the years, and that is we stopped the raid on Social Security. Three years ago, this Republican Congress took the initiative and passed legislation which locked away 100 percent of Social Security for Social Security. This past year we did the same for Medicare. And yesterday we did it again for the coming budget year. We passed the Social Security and Medicare lockbox, setting aside 100 percent of the Social Security and Medicare trust fund surpluses for Social Security and Medicare to use those dollars not only to run our current program of Social Security and Medicare, but to set them aside as we modernize those programs to assure that Social Security and Medicare are there for future generations.

When it comes to welfare reform, I am proud to say that we reformed welfare. I remember when I was first elected we had more children living in poverty than ever before in our Nation's history and the highest rates of teenage illegitimacy. Clearly, our Nation's welfare system was failing. We passed welfare reform. Took us three times before we were able to convince the President to sign it into law, but he finally signed it into law in 1996. And since then we have seen our Nation's welfare rolls drop. In fact, in States like Illinois they have been cut in half, with almost 6 million former welfare recipients now on the tax rolls as working taxpayers. Clearly fundamental changes.

Think about it. We have balanced the budget, we have stopped the raid on Social Security, we have stopped the raid on Medicare, we have paid on the national debt $600 billion, and we are on track to eliminate our Nation's debt by the year 2009, and we also reformed and made fundamental changes to our Nation's welfare system.

One of our other priorities, of course, has been the issue of bringing fairness to the Tax Code. Now, I was proud that as a key part of the Contract With America we enacted the child tax credit. In States like Illinois, that meant an extra $3 billion in tax relief that stayed in the pocketbooks of Illinois taxpayers rather than going to Washington to be spent by Washington from that $500-per-child tax credit alone.

But there are other issues in the Tax Code that we need to address that are important to families. I thought Valentine's Day was an appropriate day to raise this issue. It is an issue of fundamental fairness. Is it right, is it fair that under our Tax Code 25 million married working couples, husband and wife both in the workforce, pay on average $1,400 more in higher taxes just because they are married? It just does not seem right, it does not seem fair that if a man and a woman who are both in the workforce decide to get married that they have to pay higher taxes if they make that choice.

The only way today to avoid the marriage tax penalty, if you are still single, is to not get married. And if you are married, the only form you can file to avoid the marriage tax penalty is to file for divorce. Well, that is wrong that under our Tax Code married working couples pay higher taxes than identical couples who live together outside of marriage. That is just wrong.

I am proud to say that this Republican Congress has made elimination of the marriage tax penalty a priority, and it is only appropriate that on this day, on Valentine's Day, that we deliver a valentine to the 25 million married working couples who suffer the marriage tax penalty and let them know that we want to eliminate the marriage tax penalty. It is wrong that married couples should have to pay higher taxes.

I am proud to say that our current President, President Bush, agrees that elimination of the marriage tax penalty needs to be addressed. Unfortunately, the previous President vetoed our effort to eliminate the marriage tax penalty, because last year we sent the Marriage Tax Elimination Act to President Clinton. He vetoed the bill. And of course that means 25 million couples still suffer that penalty.

During the campaign last fall, then-candidate Bush said had he received the bill, had he been President, he would have signed it into law. So we have an opportunity with our new President to work towards our goal of eliminating the marriage tax penalty.

Let me explain how the marriage tax penalty works. The marriage tax penalty occurs when a man and a woman, husband and wife, both are in the workforce. When they marry, they file their taxes jointly, which means they combine their incomes, and that usually pushes them into a higher tax bracket.

Let me give an example of a married couple from the district I represent in the south suburbs of Chicago. This is Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois. They actually live in a little town called Manhattan, but they are public school teachers in the Joliet area. They have a combined income of about **$65,000**. They now have a little boy named Ben. When they file their taxes, with their combined income, and after they do the personal exemptions and all the other provisions they have, they pay an average marriage tax penalty of almost **$1,400**.

And as Shad and Michelle have pointed out to me, for Shad and Michelle Hallihan and for the average married working couple, **$1,400** is real money to the folks back home in Illinois. Here in Washington, **$1,400** out of a **$1.9** trillion budget, it is a drop in the bucket. But for real people and real communities in places like Illinois, **$1,400** is a year's tuition at Joliet Junior College, it is 3 months of day care for the Hallihan family for their little child while they are teaching at school, it is 4,000 diapers for their infant. It is real money for real people.

And people like Shad and Michelle Hallihan and 25 million other married working couples suffer the marriage tax penalty, and unfortunately they continue to suffer the marriage tax penalty because our previous President vetoed our legislation to eliminate the marriage tax penalty.

I am proud to say today that we announced our plans to reintroduce the Marriage Tax Elimination Act for this Congress, legislation that as of today has over 230 bipartisan cosponsors. Now, I would point out that we need 218 votes to pass a bill; a majority of the House is 218. So a bipartisan majority of the House is cosponsoring our legislation to eliminate the marriage tax penalty.

□ 1500

For couples like Shad and Michelle Hallihan, we would help them by eliminating that marriage tax penalty with the Marriage Tax Elimination Act.

We note that our proposal does a number of things. Number one is, in the Marriage Tax Elimination Act, we essentially wipe out the overwhelming majority of the marriage tax penalty by, number one, broadening the brackets. There are five tax brackets, and we broaden each of them so that married couples, joint filers, can earn twice as much as a single filer in that same tax bracket and stay within each bracket paying the same rate.

That helps those that itemize their tax, couples like Shad and Michelle Hallihan, that happen to be homeowners.

Second, we double the standard deduction for joint filers twice that for singles. That will help married couples who do not itemize their taxes, usually middle class families, if you own a home, you itemize your taxes, but if you do not itemize your taxes, you use a standard deduction. So we help them, those who could not itemize by doubling the standard deduction.

We recognize the alternative minimum tax has a consequence when you adjust the rate brackets and we make a fix in our legislation that ensures that, even though we are adjusting for the marriage tax penalty, families like Shad and Michelle can continue to qualify for the child tax credit.

And last, for low-income working families who qualify for that earned income tax credit, we adjust the marriage tax penalty there, as well.

In fact, by adjusting the income threshold for married couples by **$2,000**, we provide for the average family of four eligible for the earned income credit about an extra **$400** a year in extra income that they can use by eliminating the marriage tax penalty in the earned income credit, as well.

The bottom line is we wanted to eliminate the marriage tax penalty. We feel it is fundamentally wrong that you should pay higher taxes just because you are married.

Now, President Bush has stepped forward because he recognizes, and we are very thankful that we have a President who agrees, we need to address the marriage tax penalty. And President Bush has a very balanced approach to cutting taxes. He says, out of a **$5.6** trillion surplus that we should take about a fourth of that, **$1.6** trillion, and use that to lower taxes, stimulate the economy, and bring fairness to the Tax Code.

The centerpiece of his tax cut, of course, is changing the rates and going from our current five rates to four rates. And of course, in addition to that rate reduction, which he feels is very important, and I agree with him, to stimulate this economy, he also attaches to it a proposal which will help reduce the marriage tax penalty, a second-earner deduction.

Now, that is an important step forward. But I would note that the President's plan provides only about **$700** in marriage tax relief; and, of course, the marriage tax penalty on average is **$1,400**. So his proposal only does about one-half of what we need to do if we really want to eliminate the marriage tax penalty.

So our hope is that, over the next few weeks, next few months, as we work to move the President's tax proposal through the Congress, particularly as we work to stimulate and revitalize our economy, that we can address the need to eliminate the marriage tax penalty, as well.

I and several members of the Committee on Ways and Means have met with the President. We have also met with the Treasury Secretary, Secretary O'Neill, and other representatives in the administration to talk about the need to do more to eliminate the marriage tax penalty.

We believe that really the way we can do more is when we adopt the President's rate reduction plan, which simplifies the Tax Code and lowers taxes for all Americans, that we also adjust the brackets in the President's plan so that we eliminate the marriage tax penalty. And that can be phased in.

In the same way that the President proposes with his rate reduction, we can make the adjustments for the marriage tax penalty, and we believe it should be done at the same time. It only makes sense when you adjust the rates to deal with marriage penalty at the same time.

So, my colleagues, I want to share with you that we feel this should be a bipartisan priority. And I am proud to say that 230 Members of this House are now cosponsors of the Marriage Tax Elimination Act.

I particularly want to thank my good friend, the gentleman from Michigan (Mr. BARCIA), who is the lead Democratic cosponsor of the Marriage Tax Elimination Act. He and the gentlewoman from West Virginia (Ms. CAPITO) and the gentleman from Indiana (Mr. KERNS) have taken the lead in working together with us to eliminate the marriage tax penalty. We want it to be a bipartisan effort.

There is no reason that Republicans and Democrats cannot work together with the Bush Administration to eliminate the most unfair consequence of our complicated Tax Code, and that is the marriage tax penalty.

My colleagues, we need fast action on the President's tax cut. And here is why I believe it is important that we need fast action.

I have watched the nightly news, just like my neighbors have, over the last several weeks in the Chicago area. We have seen tens of thousands of our neighbors losing their jobs because of the weak economy that President Bush inherited from his predecessor.

Unfortunately, companies like Montgomery Ward are going out of business. LTV Steel has declared bankruptcy. Lucent and Motorola and Outboard Marine and other companies in the Chicago area are announcing massive layoffs. And those individuals are telling me they are having a hard time finding a new job.

Well, if we want to stimulate the economy, Congress needs to set politics aside and move quickly, move quickly. We need fast action to cut taxes, to put more money in people's pockets, to help families pay their high home heating bills, to help families pay off their credit card bills, to put confidence back in the minds of the decision-makers in business as well as consumers about their future of our economy.

I believe, as we move quickly, not only should we lower taxes for all, but we need to address the need to eliminate the marriage tax penalty.

I am proud of the way that the President has balanced his tax plan. Because if you look at the President's tax plan, you will note that under his proposal that the biggest beneficiaries are moderate and middle class taxpayers, because they see the greatest proportion of their income returned in tax relief, meaning that moderate, middle income, taxpaying families will have the biggest portion of their income back essentially as a pay raise, an extra few weeks' pay, an extra end-of-the-year bonus that they can use to meet their needs.

I am proud to say he is doing that. And for a family making $50,000 a year, President Bush's proposal would provide an extra $2,000 in higher take-home pay. That is an extra three weeks' pay under the President's plan.

Now, if they are making $40,000 a year, it is about $1,600 more in higher take-home pay because of lower taxes. So that is pretty meaningful if you think about it. And at the end of the day, when his plan is done, higher income Americans will pay a higher proportion of the income tax burden.

So if you are concerned about who gets what and who pays more, low, moderate, middle income families will see a greater proportion of their income back in tax relief and, at the end of the day, wealthier Americans will pay a higher proportion of the overall tax burden. So if that is important for you, it is something to think about.

But for a family making $50,000 a year, a married couple with two kids, they will see an extra $1,600 to $2,000 in higher take-home pay under the President's plan. At the same time we reduce rates for all Americans, we believe that we should eliminate the marriage tax penalty, as well.

We want to help couples like Shad and Michelle Hallihan, two public school teachers who work hard every day, to ensure that the children of the Joliet-Will County area have a bright future.

We also want families like Shad and Michelle Hallihan to have a bright future as well by ensuring that Shad and Michelle Hallihan get to keep what is theirs. It is wrong that when they chose to get married that they had to pay higher taxes. That is just wrong.

We believe, by adoption of the Marriage Tax Elimination Act, we can eliminate the marriage tax penalty, and we want to work with President Bush and Democrats and Republicans, both in the House and the Senate to get the job done this time.

I was so proud last year when we passed the Marriage Tax Elimination Act out of this House and the Senate. It broke the hearts of 25 million married working couples when President Clinton vetoed the bill. But it is a new day. It is a new time of opportunity. We now have a chance to do the right thing, and that is, to eliminate the marriage tax penalty.

It is important to say that, here on Valentine's Day, what better valentine can we give 25 million married working couples than to eliminate the marriage tax penalty?

Let us work together. We have 230 cosponsors today. Hopefully, we will have more tomorrow.

NEED FOR GOOD MANAGEMENT IN EXECUTIVE BRANCH IS LONG OVERDUE

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HORN) is recognized for 30 minutes.

Mr. HORN. Mr. Speaker, with a new administration, it is time that we face up to the lack of management in the executive branch.

Mr. Speaker, today I am introducing legislation to create an Office of Management within the executive office of the President, H.R. 616.

The language of the bill is below and will be part of the RECORD.

The proposal that complements and extends the efforts of recent congresses to focus on one of the greatest challenges facing the Federal Government is seen best this way: finding an effective way to manage the complex collection of Government cabinet departments, independent agencies, and laws and regulations that exist to serve the public and provide for our national security.

Some might argue that this proposal is unnecessary or unimportant. Those arguments are profoundly misguided. The challenge of effectively managing our Government is, in fact, one of the most vital issues before us.

If we hope to solve the long-term problems that threaten Social Security and Medicare, and if we hope to strengthen our social safety net for children and other vulnerable members of our society and if we want to reduce the tax burden on American families, then we must start with a well-managed Federal Government.

As most Members of Congress know, each year we receive reports from the comptroller general of the United States, those excellent reports that billions of tax dollars are lost to waste, fraud, and abuse.

A January 2001 report by the General Accounting Office, which works for the comptroller general, stated the following: "We have identified inordinate program management risks in major program and mission areas. These range from large benefit payment programs that sustain substantial losses to the earned income tax credit that experiences a high rate of noncompliance."

In addition to these two programs, the General Accounting Office stated that poor management policies place vital programs such as Medicare, supplemental security income, student financial aid, and the Department of Housing and Urban Development's single family mortgage insurance and rental housing assistance at the high risk of waste, fraud, and misuse of the taxpayers' money.

The new GAO report lists 21 programs that remain at high risk of waste, fraud, abuse and mismanagement, in addition to the emerging government-wide problem of managing its strategic human capital.

Among the most significant problems, the report cited the Department of Defense's poor financial management. Despite the GAO's recognition of this serious accounting problem, which dates back to 1995, little has changed.

In May of last year, the Subcommittee on Government Management, Information, and Technology, which I chaired, found that the Department of Defense still cannot produce auditable financial statements. We started on that on a bipartisan basis back in 1993 and most of us said they will never make it. We were right.

In fact, the Department's Inspector General reported that, in 1999, the Department of Defense had to make bookkeeping adjustments that totaled $7.6 trillion, not million, not billion, we are talking about trillions, $7.6 trillion in order to reconcile its books with the United States Treasury and other sources of financial records.

The GAO's examination of the comptroller general of those adjustments found that at least $2.3 trillion of the adjustments were not supported by documentation, reliable information, or audit trails.

The Department of Defense is not the only agency with such problems. It is just the biggest. The subcommittee's examination of the 1999 financial audit of the Health Care Financing Administration found that the Agency had erroneously paid out an estimated $13.5 billion in its Medicare fee-for-service program. That is roughly 8 percent of the program's $170 billion budget.

As the General Accounting Office testified at a subcommittee hearing on this subject last year, accounting procedures were so inadequate that no one could even estimate how much of this money was lost to fraud.

These are just two examples of the enormous cost of the Government's poor management, outmoded business practices, and insufficient financial controls.

□ 1515

At another subcommittee hearing on the governmentwide consolidated financial statements last year, the Comptroller General of the United States, David Walker, testified that serious financial management weaknesses also exist at the Internal Revenue Service, the Forest Service, and the Federal Aviation Administration. We have excellent people there as directors, and they are turning a lot of this around.

Commissioner Rossotti at the Internal Revenue Service is an outstanding executive. He came from the private sector, and he has applied some of those theories to one of the largest bureaucracies in the United States.

The same with the forester of the Forest Service; the same with the Federal Aviation Administration. They are working very hard to move those agencies ahead. These weaknesses, said the Comptroller General, place billions of taxpayer dollars at high risk of being lost to waste, fraud, and misuse. There is only one way to find these abuses, and that is to ferret out each wasted dollar, agency by agency, program by program, line by line.

To accomplish this goal, we must make management a clear and unequivocal priority across the entire Federal Government. The General Accounting Office report came to the same conclusion, stating that "effectively addressing the underlying causes of program management weaknesses offers tremendous opportunities to reduce government costs and improve services." Congress must create a corps of management experts who not only have the ability and skill to address wasteful administration and program failures but who also have the power and mandate to force action and produce results.

The Office of Management and Budget in the Executive Office of the President was created by President Nixon in 1970 for the various purposes I have outlined. At that time, I supported the creation of that office and adding the "M" there and presumably then having a management component with the overworked budget side.

I thought at the time there is a real possibility to use the budget process to get the attention of Cabinet officers and strengthen their interest in management practices. I was absolutely wrong. Every one of my colleagues in the government and the senior service, senior civil service, all of them saw nothing happening. And when I got back here 6 years ago, that is exactly what had happened. For years, management experts whom I respect, inside and outside the government, have said that the "M" in OMB, the Office of Management and Budget, does not stand for management. It stands for mirage.

The unpleasant reality is that tying management to the power of the budget process was an excellent theory but one that never worked. The pressures and dynamics of the annual budget process have simply overwhelmed nearly every initiative aimed at improving management. In effect, the fledgling management trees could not survive among the tangled and gnarled limbs of the bureaucratic budgetary forest.

Since serving as chairman of the Subcommittee on Government Management, Information and Technology for the last 6 years, it has become very clear to me that we can no longer continue on our present course of muddling along, then papering over our fundamental management deficiencies with more tax dollars. This course has left us vulnerable to monetary waste and threatens to disrupt vital government programs that serve millions of Americans.

This very real problem seized my attention in April of 1996, some of my colleagues will remember, on the 2000 date change. Unless corrected, the year 2000 problem, called Y2K, threatened to disrupt government computers when their internal clocks moved from December 31, 1999 to January 1, 2000. The bulky computers of the sixties and seventies had little memory and to save that memory they said, Let us just call it 67, not 1967. At that time no one thought these systems would still be operating by the turn of the century.

As time went on, the concern grew that these computers would misinterpret the year 2000 as the year 1900; and there were some rather humorous but serious matters. In one case, a 104-year-old woman received a school district notice telling her to register for kindergarten and little things like that. But it was a serious problem.

It was grappled with not by OMB, it was grappled with when the President of the United States picked a person that had retired from OMB, brought that person in as assistant to the President. He did a very good job, and we can thank him for getting to it. But it took him a long time, 4 years, to get into this. They should have done it earlier. We would have saved billions of dollars if they had. But they did not. They did not take it seriously.

When I did a survey of the Cabinet back in 1996, there were two that had never heard of it, did not know a thing about it. We had some that did know something about it. But the one agency that was on top of all this was the Social Security Administration. They have long been a very well-run organization. In the sixties when I was on the Senate staff, we saw that every day. It is the type of thing that we should commend and we did.

The other thing was the Federal Highway Administration. They had a first-rate programmer tell them all about it back in 1987, and they just laughed. They said, "Oh, that isn't possible." You would think that would go up the line to the Secretary of Transportation at the time, but the fact was, it did not.

And the Federal Aviation Administration, therefore, did not really have to face up to the problem, and so they had to play catch-up in order to overcome what could have been done beginning in the 1980s. The President procrastinated until February 1998 even though the gentlewoman from New York (Mrs. MALONEY), the ranking Democrat on my committee, and I had sent him a letter urging him to appoint someone.

Well, he did, 2 years after the letter. But that also lost us time. The President appointed John Koskinen as an assistant to the President and he did pull it together, but it was running right to the last wire to be passed and the last hurdle. Mr. Koskinen served the President as deputy director of OMB for management. You would think something would have happened there. He was there from 1993 until he retired. He is a very good man, but in the OMB nest, it was not the way to run the program. And he knew that. And when you are an assistant to the President, you can get things done. The Cabinet officers start listening to you. Yet Mr. Koskinen's able leadership at OMB frankly did not do anything to solve the problem until he took retirement, the President called him back in, and then he went to work and focused on it.

The year 2000 crisis provides powerful evidence of the need for an Office of Management. The executive branch of our government must have one office that is focused solely on finding, deciphering and solving this type of problem before it occurs, not afterwards. We need one group of management-oriented professionals who are available to monitor and help find solutions to management problems before they become costly burdens to the taxpayers.

Looking back, Franklin Roosevelt had a small group of professionals who were capable of sorting out problems and their long-range implications. They had the ear of the President in that era of the budget. President Harry Truman had such a group, as did President Dwight D. Eisenhower. It went downhill on management after President Eisenhower left office, and more and more it was politicized. Instead of professional civil servants that knew what they were doing, neither Democrats nor Republicans knew what they were doing, and that is not good enough. What we need are professionals that work for the President, and that is the way that agency used to work. Had the year 2000 problem been taken seriously a decade ago, its solution might easily have been integrated into the routine maintenance and modernization of Federal computer systems. Unfortunately, that did not happen; and we lost probably a few billion. But they do not seem to care about that down there.

In recent years, five major Federal agencies have launched computer modernization efforts that sunk from lofty goals to abject failures. These efforts by the Internal Revenue Service, the Federal Aviation Administration, the Department of Defense, the National Weather Service, the Medicare program can be summed up as an ongoing series of repetitive disasters that at the highest possible cost failed to produce useful computer systems needed to serve the public. The Internal Revenue Service finally realized that its project had failed at the $4 billion mark. The FAA, Federal Aviation Administration, had a similar disaster that cost more than $3 billion before they canceled it and realized they were not going in the right direction. Both were costly examples of abysmal management. Another word for it is stupidity.

The American taxpayer deserves a lot more from the executive branch than it has received. The new Bush administration can solve a lot of those management problems which have been very well swept under the rug. We need to get it out from under the rug and deal with it. Three years ago, the General Accounting Office reported that "these efforts are having serious trouble meeting cost, schedule and/or performance goals. Such problems are all too common in Federal automation projects."

In short, good management could have saved taxpayers billions of dollars and given the government and its citizens modern, efficient, productive and effective technology. Yes, we need to strengthen the President's staff in the area of information technology, but we have an even greater need to have an integrated approach to management improvement.

The desperate need to improve the government's financial management systems which I have already referred to can be pursued meaningfully only in concert with information technology. In addition, however, many of the failures in upgrading these computer systems can be traced to inadequacies in the procurement process. At present, these three specialized areas of management reside in three independent offices within the Office of Management and Budget. We must remove all of them from the shackles of the budget process and insist that they work together to eliminate further loss of billions of dollars in wasteful and unsuccessful systems development.

Many other management challenges lie ahead. We need an organized and comprehensive governmentwide plan to protect government computers from cyber attacks such as the Melissa and I-Love-You viruses. Over the next few years, the Federal workforce will suffer massive attrition as a large number of workers become eligible to retire. We need an executive branch agencywide strategy to train new workers and retain veteran employees. An Office of Management would produce enormous dividends in these areas simply by early identification of problems such as these and pointing the way toward the most effective solutions.

Mr. Speaker, there are other vital areas that need the same kind of scrutiny and guidance that I believe would flow from an Office of Management. Beginning with the Debt Collection Improvement Act which became law in 1996, Congress has attempted to provide Federal departments and agencies with the tools they need to collect the billions of dollars in debts that these agencies are owed. Yet so far their collection efforts have been sluggish and ineffective. Good financial management practices and systems should be in place throughout the Federal Government. However, recent subcommittee hearings have again shown that too many agencies have neither.

We will have quite a number of hearings this year taking the Comptroller General's little reports on each of these agencies. We would obviously like the appropriations subcommittee to do the same thing and the authorizing committee, but we as the oversight will make sure what the Comptroller General has brought up should be read by every Member of this Chamber, and then we can face up to these problems and do something about it. But Congress cannot do it day to day. That is where the executive branch and the Executive Office of the President is important to have this type of an entity added to it, which is simply moving it around but getting a focus in it, and that is the Office of Management.

Regardless of party, most White House staffers are interested in policy development, not managing policy implementation. Policy involves hope, excitement and media coverage. Management, on the other hand, appears dull and dreary, whether it is program management or financial management. Yet good policies that are not translated by management into action have very little value. Removing the management problems from the current Office of Management and Budget would provide the President with a rational division of labor that would place a new and necessary emphasis on managing what is now unmanageable.

☐ 1530

Those who are engaged in budget analysis have different skills and fulfill different roles than those who work in financial and program management.

Since 1993, on a bipartisan basis, this Congress has authorized chief financial officers and chief information officers for each cabinet department and each independent agency. Both management and budget staffs could and should participate in annual budget reviews of the executive branch departments and agencies. Of course they should do that. But they also have to focus to be very effective, and you cannot be diverted, just going to meetings.

We do not need to create a new bureaucracy or require a major reorganization of the executive office of the President. We do, however, need to create a separate office of management, whose director has clear and direct access to the President or the President's Chief of Staff, similar to the President's relationship with the separate Director of Budget, who sits in his cabinet.

If we are to create government-wide accountability, then an office of management is essential. It is long-overdue reform that taxpayers deserve and good government demands. An office of management could work with departments and agencies in measuring the value of program effectiveness.

Mr. Speaker, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which is the subcommittee I now chair, will have a large agenda this year. We will follow up on all of the reports of the General Accounting Office and the Comptroller General of the United States.

We have had hearings on what the States are doing. We have had hearings on what other countries are doing. If Oregon can do it, why cannot the executive branch of the United States do it? If New Zealand can do it, why cannot the executive branch of the United States do it? If Australia can do it, why cannot the executive branch of the United States do it? It just gets down to a question of doing it.

My most famous and fun commencement address that I learned as a university president was when Winston Churchill, the great leader of the free world, was sitting there puffing on his cigar watching the graduates and what they were doing. He got up to the podium and he said, "Do it," and sat down. If commencement speeches were that long, two words, we would have better inspiration for most of the young people of America.

In August of 1910, Theodore Roosevelt spoke to this very issue. He said no matter how honest and decent we are in our private lives, if we do not have the right kind of law and the right kind of administration of the law, we cannot go forward as a Nation.

Mr. Speaker, it is time to go forward. If we are to create government-wide accountability, an office of management is essential. It is a long-overdue reform that taxpayers deserve and good government demands. The office of management could work with departments and agencies in measuring the value of program effectiveness.

Mr. Speaker, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, will have a large agenda this year. We will follow it up on just these various points: What Oregon, Australia and New Zealand are doing, why are we not doing? So let us try it.

CELEBRATING BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES of Ohio) is recognized for 60 minutes.

Mrs. JONES of Ohio. Mr. Speaker, once again on behalf of the Congressional Black Caucus we rise to celebrate Black History Month. As we said yesterday, this is a continuation of presentations from yesterday. Black History Month is an excellent time for reflection, assessment, and planning. A full understanding of our history is a necessary and crucial part of comprehending our present circumstances and crafting our future.

I want to recognize, if she chooses to be recognized once again, the Chair of the Congressional Black Caucus, the gentlewoman from the great State of Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, to my colleague, the gentlewoman from Ohio (Mrs. JONES), let me thank you for leading this celebration series of speeches today. It is important that we at least once a year give notice to the history of the African Americans in this country.

We especially think it is important this year, because we just had a very, very emotional, difficult experience with the past election, and the reason why we are so concerned about that is because we have had several turbulent periods in our history on our voting rights.

As you know, we got them very early; then Reconstruction, we lost a number of people. We have fought and died for our voting rights, and, as I indicated before, as Santayana once said: "Those who fail to learn from history are doomed to repeat it." We do not want to repeat the history we have had in this country, trying to gain equal respect and equal opportunity for casting votes as citizens in the United States.

So it is indeed important that we bring attention to this issue and plead and pray for a solution. I thank the gentlewoman very much.

Mrs. JONES of Ohio. I thank the gentlewoman.

Mr. Speaker, it gives me great pleasure at this time to yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me, and particularly do I thank her for her initiative and leadership in organizing this Black Caucus commemorative on and during Black History Month.

I want to congratulate the good gentlewoman from Ohio for the way in which she has hit the ground running. No grass grows under her feet. Her predecessor, the esteemed gentleman from Ohio, Mr. Stokes, left. We did not know whose feet would be big enough to fill his shoes. I am looking at her feet right now. They may not be big enough, but they certainly are filling them. They are not big enough because she is a lady, and that is not how a lady's feet operate. But this is only one indication of how the gentlewoman from Ohio operates.

Mr. Speaker, it is an important occasion this year, because each year we, of course, come forward, we who are African Americans, and others, to commemorate Black History Month. It may be that we were in danger of having Black History Month become like George Washington's birthday. You do it every year, you know you are doing it because something great and important is being commemorated.

But I must say, this year, all of us I believe have looked at Black History Month as a giant wake-up call for what it truly can mean and must mean in these times. This is no commemoration for African Americans or for America; this is a time for reflection and for action.

I could go down a list of reasons why the country does not need to be in repose on its oldest issue, born as a matter of original sin, race and racism in our country. That ought to be clear, although I fear it is not. Rather, in the limited time I necessarily have, I would like to focus on three reasons why a wake-up call comes this Black History Month: one has to do with how long it has taken us to honor the Father of Black History; second has to do with Florida and its aftermath; third has to do with the most pressing voting rights challenge in our time.

Dr. Carter G. Woodson, only the second black to get a Ph.D. from Harvard, a self-educated man until he went to the University of Chicago and got his masters, started the Association for the Study of Negro Life and History.

This man, this brilliant and great American historian, almost single-handedly uncovered suppressed African American history and started the process of challenging racist stereotypes throughout American historiography. Yet his house on 9th Street, the house where the association that he started and where he lived, has been boarded up for decades.

I come to the House today to thank the House for passing my bill during Black History Month last year, finally passed by the Senate, which allows the Park Service to do a feasibility study, now under way, to determine whether or not Dr. Carter G. Woodson's house will become a national historic site.

Carter G. Woodson started Negro History Week, which I always celebrated as a child in the segregated schools of the District of Columbia. It has evolved into Black History Month, now commemorated through the history and the world. It is time that we focused in on the man who began it all, began the process of correcting the history that we celebrate this month, the history, through its correction, that led finally to the historic civil rights acts themselves.

Second, the wake-up call comes in no small part because of Florida and its aftermath. We, especially those of us who come out of the civil rights movement, thought that, at least with respect to the great civil rights bills, our work could be said to be, if not done, well on its way. We certainly did not think there were major voting rights problems remaining in this country. We knew there were pockets; we knew of problems.

What we now know is that nationwide there have been systematic violations of people's voting rights forever in this country, and if there had not been a close election, we never would have known it. The results in Florida were beneath the standards of American democracy. The great shame is the court to which we move to the side on political matters decided an election for the first time in American history. That alone must never happen again.

Florida shows us that what African Americans struggled for in the 1965 Voting Rights Act is no longer simply a black problem. There were many more people than blacks who were disenfranchised in Florida. We cannot go back to Florida, but what we can do is not make this year go by without putting in motion the apparatus and the funds to correct the voting rights mechanisms or the election mechanisms in the United States of America. We do need a commission, we do need to study some of the long-range effects, but we need to begin the process of correction before the next election is held.

Finally, let me address what I said was the third great wake-up call, and that is the most pressing voting rights challenge in America today. That, of course, is the absence of congressional voting rights for almost 600,000 American citizens who live in the District of Columbia who have no voting representation on the floor of the House or the floor of the Senate, but on April 15th are expected to pay their Federal income taxes like everybody else.

This is a situation that cannot go on much longer, as we hold our heads high as we preach democracy around the world. Residents of the District of Columbia are not going to let it go on much longer. It has gotten to the point of civil disobedience. I myself testified at a trial yesterday regarding some civil disobedience that occurred here during the last appropriations period.

D.C. residents have been very patient. They do not seek to correct this by civil disobedience, the way we did in the civil rights movement. They seek to use the processes of this House in order to get the voting rights to which they are entitled as American citizens who pay their Federal income taxes every year.

So, for those for whom this month of commemoration has become just that, a commemoration, let me leave you with a notion that the way to commemorate this month is to think of what is still outstanding on the American agenda that most affects African Americans.

□ 1545

I believe that a small but important matter is making sure that Carter G. Woodson's home becomes a National Historic Site, and I believe that is under way. I come this afternoon to thank the House for what the House has done and what the Senate has done to make that possible.

There is Florida and its aftermath, which I think is only beginning. We will know if we have gotten anywhere by whether or not this year's budget and specific legislation has moved this issue forward this year, not this session but this year.

Finally, on that agenda must be the outstanding issue of taxpaying residents being left without voting rights in the Congress of the United States, and those taxpaying residents do not live in some far-off corner of our country. Those taxpaying residents live right under the nose of the Congress.

In their name, in this month of black history, particularly since the majority of them are African-Americans, I ask that the Congress move forward to grant voting rights in the Congress of the United States to the residents of the District of Columbia.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman from the District of Columbia.

For the record, I support voting rights for the District of Columbia, as many of us do, and we are going to continue to work this year in this Congress to see that each of the residents of the District of Columbia have a vote and a voice.

Mr. Speaker, let me just read a quote from the last black to leave Congress back in 1901, George Henry White, from North Carolina. He stood up on this very floor and declared, "You have excluded us. You have taken away the right to vote, and so I am the last one to leave. This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say, phoenix-like, he will rise up some day and come again. These parting words are on behalf of an outraged, heartbroken, bruised and bleeding but God-fearing people, a faithful, industrious, loyal people, rising people, full of potential force."

With that quote, I yield to my colleague, the gentleman from the great State of Illinois (Mr. RUSH). Just like the phoenix rising, he represents one of 37 African-American Members of the Congressional Black Caucus.

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I certainly want to commend the gentlewoman from Ohio for her leadership and her outstanding work on behalf of the entire Congressional Black Caucus, and also on behalf of American citizens who are minorities, who are dark-skinned citizens, all across this Nation, as she led the charge on this day and on yesterday to bring before the Congress of the United States the celebration of Black History Month.

Mr. Speaker, for as long as I can remember, Black History Month was a time of joyous celebration as the Nation took note of the accomplishments and achievements of black Americans throughout the history of this Nation, acknowledging their contributions, not only to the upliftment of this Nation, the progress of this Nation, but indeed, to acknowledge their accomplishments and achievements on behalf of nations throughout the world.

Indeed, the world is a better place because of the contributions of black Americans, and we honor and celebrate them during the month of February.

However, Mr. Speaker, this month of February is a month that the celebration is somewhat hollow. We are celebrating with less enthusiasm than we have celebrated past Black History Months. The reason for this is singularly the fact that just a few months ago there was an election for President of the United States, and, Mr. Speaker, that election, in the opinions of a significant number of American citizens, and I would say, indeed, the majority of black American citizens, that election was stolen from the rightful winner.

So, Mr. Speaker, I am here today to talk about a stolen Presidential election and the disenfranchisement of African-American voters during this last election.

As we speak on the floor today, the Committee on Energy and Commerce, on which I serve, is holding a hearing on the television network's coverage of last November's Presidential election. That is a hearing that I also have mixed feelings about because, whereas I understand and appreciate and am also concerned about the fact that the coverage, the network coverage of last November's election, left a lot to be desired, I feel as though that hearing is just tinkering along the edges. It is not really getting to the essence of the issue.

I and the voters of the First Congressional District, along with millions of American voters across the Nation, heard the results of Florida's Presidential balloting announced, then revised, then reversed, then rescinded by the networks.

The impact of those faulty projections and the havoc which they wreaked is still being felt today, not only by the individual who was defeated, Vice President Gore, but also by tens of thousands of American voters who believed then and believe now that their votes in Florida and in many States, like my State, the State of Illinois, were not counted.

Mr. Speaker, we have spent many, many years, and I have spent most of my adult life, fighting to ensure that African-Americans have the right to vote and that their vote be counted. I spent most of my political career fighting a dastard machine in the city of Chicago that moved with adroitness and skill on every election to suppress the African-American vote within the city of Chicago, within the State of Illinois.

Mr. Speaker, on election night in Chicago, and also in Cook County, I want to bring it to the attention of the American people that antiquated voting machines in Chicago and Cook County resulted in thousands of African-American voters' ballots being disqualified. Yet, in the rich suburban, Republican collar counties surrounding Cook County, where the population is not primarily minority, there were state-of-the-art voting machines in place which allowed for the smooth disposition of defective ballots, and for citizens to be recorded accurately right then and there.

Can Members believe it, in my State, in the State of Illinois, in Cook County, where a majority of minority citizens are, we had old, antiquated machines, that if in fact a ballot was put or entered into that machine, it was kicked out and that person lost their vote? But just a few miles away, in the Republican part of the State of Illinois, in the collar counties surrounding Cook County, they had up-to-date machines where once the card was entered in that machine, if in fact there was a mistake by the voter, it was immediately rejected and the voter right then and there, at the same time, could correct their mistake and enter that card once again into that machine and their vote would be counted.

So 125,000 African-American and minority voters in the County of Cook were denied their right to vote as a result of this duality of this double standard, of these two different machines, one antiquated, being utilized inside Cook County, and one up-to-date state of the art, being utilized outside of Cook County.

More than 200 years after the Emancipation Proclamation, African-American voters are still today being denied their rights, particularly their right to vote. It is incumbent upon us as Members of Congress to safeguard the rights of African-Americans and all voters, no matter what their race, color, or creed. There are lingering questions, many lingering questions, about this last Presidential election that need to be answered.

Mr. Speaker, I call upon Members of this Congress, Members of the 107th Congress, I call upon the leadership of this Congress, to get to the bottom of why, why did African-Americans and other minorities, why were they denied their right to vote? Why were their votes not counted? Why was there intimidation and harassment, and indeed, in some instances, faulty arrests of African-Americans on their way to the polls?

Why, Mr. Speaker, in the County of Cook, were there two different types of machines, one with faulty equipment, antiquated equipment, and the other one state-of-the-art equipment? Why were those two different types of machines used in the State of Illinois in a Presidential election?

The American people deserve the right to know that, to know the answer to those questions. African-Americans deserve the right to know the answer to those questions. Indeed, Mr. Speaker, we all deserve the right to know the answer to those questions.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Illinois very much, and I yield to my colleague, the gentleman from the great State of Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding to me. Moreover, I thank the gentlewoman for her outstanding leadership in this special order commemorating Black History Month. She has done a marvelous job over these two days, and we certainly appreciate her efforts.

Mrs. JONES of Ohio. If the gentleman will allow me to interrupt the gentleman, due to the large amount of people we have coming, I am going to ask my colleagues to try to restrict their comments to 3 to 5 minutes, please, and I thank the gentleman very much.

Mr. WYNN. Yes, I will be happy to do that. But as I say, the gentlewoman from Ohio has done a magnificent job, and we all appreciate it.

Mr. Speaker, I rise on the occasion of Black History Month to speak about electoral reform. There was a saying that those who do not learn the lessons of history are destined to repeat them. I want to comment for a few moments about a relatively ugly episode in American history, the disenfranchisement of African-Americans.

Return first to the era known as Jim Crow, an era in which African-Americans were legally and systematically denied the right to vote. They were, in essence, denied democracy. They were denied full citizenship. They were denied the very things that make us proud to be Americans.

Techniques such as poll taxes, literacy tests, requiring African-Americans to recite the Constitution, physical harassment, the denial of jobs for those people who chose or decided they wanted to vote, all of these were mechanisms that were used to systematically disenfranchise African-Americans during this period of our history known as Jim Crow.

In the sixties, and as a result of the civil rights movement, we saw a major mobilization as people of good will of all colors, races, and creeds came together to mobilize against this disenfranchisement and begin the movement known as the voting rights effort.

Unfortunately, in 1964, three such individuals, Michael Schwerner, James Chaney, and Andrew Goodman were killed while working in Mississippi to protect that fundamental aspect of American democracy, the right to vote.

But even more recently, a decade ago in New Jersey, under the thinly-veiled notion of ballot security, a program was instituted to actively discourage African-Americans from voting with physical intimidation and the presence of off-duty law enforcement officers designed to discourage people from voting.

This brings us to the present day and what I would like to call "the fiasco in Florida." Now, there are a lot of people who say to the African-American community, "You need to get over it. The election is over." Let me emphasize that this is not about the Gore campaign. This is not about who won that election, although that is certainly important.

What this is about for the African-American community is that the incidents we saw occurring in Florida recalled the incidents of the Jim Crow era; recalled the incidents surrounding the deaths of Schwerner, Chaney, and Goodman; recalled the so-called ballot security programs. So this is not just a matter of who won or who lost, this is a matter of a threat to what we believe are our fundamental rights.

What did we see in Florida? The use of identification requirements to discourage voters, requests for photo identification, which is not required in the law. Suddenly police checkpoints sprung up in African-American communities, discouraging people who might be on their way to vote and then to work.

We found voters turned away, being told they were not in fact registered when in fact they were. College students, eager, enthusiastic about voting for the first time, were turned away. There were allegations that the motor-voter program did not effectively register people. People who in fact had their voter registration card in hand were turned away by election officials.

□ 1600

Of course, as you heard from the gentleman from Illinois (Mr. RUSH), my colleague, faulty detective voting machines were disproportionately located in African American communities. All of these incidents bring to mind a very, very ugly episode in our history, and we are determined not to relive the mistakes of the past. We are determined to, in fact, learn the lessons of history.

To that end, I would say we need to do three things. First, we need to have a full Justice Department investigation of voting rights violations in Florida. That would give the administration an opportunity to truly prove that they want to extend the knowledge base and ensure that everyone has fair access to the voting process.

Second, we need legislation, legislation that would provide money to States so that they can buy modern voting machines and we can have uniform voting technology.

We also need to protect disputed ballots so people who believe they are registered could vote on a temporary basis and have that vote preserved until the legitimacy of their voting status could be determined.

Let me take a brief moment to mention another item that ought to be corrected by this Congress. Individuals who are convicted of crimes, served their sentence and served their parole, ought to have their voting rights restored. They have paid their debt to society.

Our prison system has said they have been rehabilitated, they ought not be denied that fundamental rights to vote.

Mr. Speaker, when I began I said that those who do not learn the lessons of history are destined to repeat them. I think the final lesson we need to learn on the occasion of Black History Month is that continued vigilance is necessary to protect our right to vote. We cannot take it for granted.

We need to register more voters. We need to educate voters as to their rights, and we need to protect the voters who come out and want to vote. We need to protect voting rights. I believe we have learned the lessons of history.

We have been reminded by virtue of what happened in Florida, and I hope as we reflect on the meaning and the history of African American History Month, that we will take to heart these ideas and ensure that never again in America will our citizens of any color be denied the right to vote.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. WYNN) for his comments.

Mr. Speaker, I yield to the gentleman from the great State of Illinois (Mr. DAVIS).

Mr. Speaker, I would like to also thank the gentleman from Illinois (Mr. DAVIS), because it was through his work that we were able to secure the hours to be able to have this Black History Month special order.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Ohio (Mrs. JONES) for her outstanding work and for yielding to me.

I rise, joining my colleagues, on this day during Black History Month to discuss two critical issues that impact every American citizen, voting rights and the need for reform.

Mr. Speaker, it is one of the great historic truisms that our right to vote, the ultimate expression of the empowerment of the people and the bedrock of our democracy, is also perhaps the most hard-won right accruing to Americans.

The battle to extend the right to vote to every citizen, especially women and African Americans, has shaped much of our Nation's history, and along with the battle to protect the vote has, and continues to, shape and reshape our notions of democracy.

Events in Florida this past November remind us that this is no mere intellectual exercise. Unfortunately, events in Florida during the election reflect the fact that we leave the 20th century facing an assault with great parallels to the events which ushered in the century.

After the Civil War, our Nation witnessed great movement towards democracy. Swept along by a powerful movement for African American equality, Congress passed the 14th and 15th amendments to the Constitution.

The movement for equality rapidly grew into a movement to claim a fair share of political representation. Some two dozen African Americans were elected to the Congress, and some 700 African Americans to State legislatures in the South.

The response was a wave of terrorism and oppression followed by a storm of political and legal repression.

One of the most horrific and shameful symbols of that wave of terror came in the summer of 1908, when in the town of Springfield, Illinois, my home State, home to President Abraham Lincoln, America learned of a race riot of mass terror against African Americans which lasted for days and which killed and wounded scores of African Americans and which drove thousands from the city.

Those riots led directly to the founding of the NAACP by W.E.B. DuBois and other brave and far-sighted individuals and to the unfolding of a century of struggle for political and voting rights.

The landmark cases, Smith versus Allwright giving African Americans the right to vote in primary elections in Texas, Thornburgh versus Gingles ruling that redistricting to dilute the voting strength of minorities is illegal, Chisom versus Roemer ruling that the Voting Rights Act applies to the election of Judges, were driven by the unrelenting determination of mass struggles and marches, boycotts, sit-ins and voter registration drives, and by the great political victories including, in the first place, the Voting Rights Act of 1965.

Second only to the 13th, 14th, 15th, 19th and 24th amendments to the Constitution, no tool has been more powerful in breaking the bonds which denied political representation to African Americans and other minorities, and especially even to women.

The NAACP Legal Defense Fund, the ACLU and a host of peoples' organizations wielded this tool with great effectiveness.

As a result, our democracy was expanded and enriched, our political institutions regained credibility, our government's effectiveness was redoubled.

However, those that thought full equality would come on its own had not fully appreciated the words of Frederick Douglass, when he said that power concedes nothing without struggle.

The 20th Century ended with the beating of Rodney King, the dragging death of James Byrd, the assassination of Ricky Byrdsong, and the 20th Century ended with renewed Supreme Court attacks on affirmative action and voting rights. With cases such as City of Mobile versus Bolden and Shaw versus Reno, the Supreme Court reflecting the political events of the last quarter of the century, began to dismantle generations of hard-won gains in the battle for equality and justice.

Gone were the days of overt racism. In its place was a new paradigm, one which shed crocodile tears for fairness and democracy, all the while ruthlessly ripping at African American voting rights.

It was not long ago that America responded to the demands of protests, wrapped her strong arms around the impervious suffrage movement led by African American leaders and other leaders and relieved trepidation of an abused who longed to take an active role in shaping our democracy.

On August 6, 1965, our Nation matured and took a giant leap forward towards equality. On that day, America witnessed the passage of the Voting Rights Act of 1965. This historic act enforced the right that no voting qualification or prerequisites to voting or standard practice or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

This landmark event, among other historical moments in American history, unified our country and together we began building a bond of comradeship and brotherhood. By voting, thousands of citizens began to speak a common language, democracy.

Ironically, this great achievement has been overshadowed by recent developments. According to the NAACP, despite a record level voter turnout among African Americans during the November 7 general election, black voters were confronted with a multitude of nonuniform election practices which impeded their ability to vote.

So when a private company, ChoicePoint, gave Florida officials a list with the names of 8,000 ex-felons to scrub from their voting lists, and it turned out that none on the list were felons, that is a new and deadly threat to democracy.

It makes no difference that the source of the list was the State of Texas. It makes no difference that Florida officials made an attempt to restore some of those purged. It makes no difference that the company dismissed the error as a minor glitch, less than 1/10 of 1 percent of the electorate.

The fact is that 8,000 votes is some 15 times the margin of victory in Florida, a margin which determined the Presidency of the United States. The fact is that in Hillsborough County, Florida, the number of African Americans on the list of felons was 54 percent while African Americans make up only 11.6 percent of Hillsborough's voting population.

The fact is that ChoicePoint is only a small part of a system which denies African Americans the right to vote and to have their vote counted in Florida, a system which includes, according to suit filed by the NAACP, arbitrary and racially disparate adverse impact on the electoral systems, racial disparity in election administration, wrongful purging of eligibility voters, failure to timely and correctly process voter registrations, improper procedures for change of residence and unequal access to the inactive list.

And so you see, Mr. Speaker, what happened in Florida is a mirror of what is happening all over America. Now is the time for America to say, not only will we renew the Voting Rights Act of 1965, but we will be serious in our efforts to make sure that each and every American, no matter where they live, no matter what their race, creed, ethnic origin, background, income status, they will have the right to participate effectively in the making of decisions in this great democracy, anything less than that makes a mockery of our understanding of what democracy really is.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his comments.

Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from the State of North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman (Mrs. JONES) for yielding to me, and I thank her for the leadership and making time available so that members of the Congressional Black Caucus can have this opportunity to speak today.

Mr. Speaker, it is important, and it is also very appropriate during Black History Month, for us to reflect upon and recall the struggles this Nation has experienced in our continuing quest to ensure that all our citizens are able to freely exercise their fundamental act of citizenship, voting.

In 1776, our Nation's founders made a remarkable beginning of a struggle to establish a more perfect union, a union which the government derived its power from the consent of the government. Our founders correctly, albeit, with some elitism, established voting as a foundation of our democratic republic. Voting was a process by which the will of the people would be expressed.

At first, the only people that mattered, those who enjoyed the privilege of voting, were white men who owned property. Through painful, sometimes bloody, often deadly struggles and sacrifices of many American heroes, the shackles of racial and gender discrimination have been shaken off. It is fitting that we take time to pause and to recall and to honor those great Americans and their contributions to our Nation, a Nation that shines like a beacon to other people around the world who also yearn to be free.

Mr. Speaker, after the Civil War, the signing of the Emancipation Proclamation and passage of series of amendments to the United States Constitution, the 13th, 14th and 15th amendments, African Americans, former slaves and sons of former slaves no longer were excluded from the great American experiment of self government. As a result, black men were elected to public office, especially in the South, in large numbers.

Women continued to be excluded from voting until the passage years later of the 19th amendment. In South Carolina, the State legislature had a black majority; in North Carolina, at least four Afro-Americans served in Congress before the turn of the century, including Mr. John Hyman, Mr. James O'Hara, Henry Cheatham and George H. White.

Then, the forces of hate, nullification and bigotry surged and our Nation entered the awful period called Jim Crowism, a period in which some whites, with the tacit or overt support of others, exerted power through a combination of terrorism, economic oppression and legalized separation of the races.

The terrorism included bombings of homes and churches, jailing of black men for minor, often presumed violence violations of law, beatings and lynchings. For years, African Americans were beaten and jailed for trying to register and to vote.

□ 1615

Foreign visitors commented about the strange fruit seen in the trees in many southern communities, the barriers imposed to black voter participation were widespread and severe. The barriers also included poll taxes and literacy tests, often given by white people who, themselves, could not read.

The struggle to overcome this horrible chapter of American history brought us to the modern civil rights effort of Thurgood Marshall, the architect of the litigation strategies of the NAACP; and Dr. Martin Luther King, who directed SCLC which, along with young John Lewis, now a Member of Congress; and many other individuals in the organization led protests and demonstrations to end racial discrimination that excluded African Americans from getting service at hotels and restaurants, from attending public schools with white children, from living in certain neighborhoods, from being considered for employment and college admissions, and most fundamentally, from registering to vote.

In 1957, Congress passed a Civil Rights Act that made it a Federal crime to interfere with a citizen's right to vote, and created the Civil Rights Commission to investigate violations of the law.

White politicians and white supremist groups intensified their resolve to prevent blacks from voting. Black applicants seeking to register to vote were made to wait for hours, voter registration places were open for very limited times and often suddenly closed when blacks tried to register, and their applications were lost or discarded.

Before the Voting Rights Act was passed 35 years ago, there were five African Americans in Congress. Today, there are 40. The important role of Federal enforcement of voting rights is clear. The recent voting irregularities in Florida and other States serve as a painful reminder of the need for a Federal presence and effective enforcement remedies as a safeguard against unfair, discriminatory State action.

We cannot go back, Mr. Speaker, to the period of disenfranchisement of segments of our population. This Nation paid a dear price for that, in broken lives and deferred dreams of generations of African Americans. We paid in the form of loss of national credibility and moral standing in the eyes of the world. We paid in the form of lost opportunities to achieve our national quest for a more perfect union, one nation, indivisible with liberty and justice for all.

We must learn from the lessons of history and take seriously the challenges presented by the recent Florida elections disaster. We must move forward to heal the Nation and to fix the problems in our voting procedures and machinery.

Congressman George White from North Carolina spoke from the floor in 1900. He knew he could not be reelected because of unfair voting practices taking place all across the country, including North Carolina. He was the last African-American Member of Congress during the Reconstruction era. Like a voice from the wilderness, he called on the Congress to pass legislation that would prohibit lynching. Congress refused to act. Congressman White told his colleagues that he was leaving the Congress but that African Americans, like a phoenix, would rise again and return to the Halls of Congress. Years passed before Mr. Oscar DePriest, from Illinois, was elected in 1928. Nearly a century passed before the gentleman from North Carolina (Mr. WATT) and I, in 1992, were elected to succeed George White from North Carolina.

Mr. Speaker, I know there are those who cannot appreciate the depth and pain of the deprivation suffered by many of our citizens for so many years, they must recognize the contradiction between our ideals, that all of our citizens' votes count in a democracy, and our tarnished history, years of unjust, legalized exclusion from voting of certain segments of our population.

We must work together, both Democrats and Republicans, black and white, Hispanic, Asian and Native Americans, to protect and promote voting and to ensure that all votes are indeed counted. Our government must be elected by the people for the people.

Mrs. JONES of Ohio. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, in keeping with the spirit of the many great men and women we honor each year during black history month, I rise today to join my colleagues in the Congressional Black Caucus in calling for meaningful election reform that will ensure the voting rights of all Americans.

I want to commend the gentlewoman from Ohio (Mrs. JONES) for her leadership on this matter and for scheduling this special order at this time.

We as Americans cannot afford to allow a repeat of what transpired during the last Presidential election. Although our Constitution guarantees every citizen the right to vote, what we witnessed last November was an electoral system so flawed and outdated that it caused the disenfranchisement of thousands, if not millions of eligible voters across our country.

The essence of our constitutional freedom itself is founded on the inalienable right of every eligible American citizen to cast his or her vote without obstruction or intimidation.

When this right is denied, whether by design or simple neglect, democracy itself suffers. Like Florida, in my own district in St. Louis, Missouri, thousands of citizens were turned away from the polls and denied their right to vote. The result of a failing system that was ill prepared to deal with the large voter turnout.

Such a situation cannot and must not be tolerated. That is why it is incumbent on those of us in Congress to work together to ensure that every eligible citizen in our country be afforded the unobstructed right to vote. And just as important, every vote cast also must be counted.

To do this, we must modernize our Nation's failing electoral system by creating one that is accurate, efficient, and tamper proof. To do any less, we risk forfeiting the rights and protections guaranteed to all Americans by law.

We must not allow partisan differences to prevent us from resolving the critical problem, and the public demands that we do not. Because if the people do not have confidence in the electoral process, how can we expect them to have faith in our government?

I thank the gentlewoman from Ohio (Mrs. JONES) very much for this opportunity to participate in the special order.

Mrs. JONES of Ohio. Mr. Speaker, I yield to the gentlewoman from the great State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might welcome the gentleman from Florida (Mr. PUTNUM), it is a delight.

I thank the gentlewoman from Ohio for her kindness, and I am gratified that we have been allowed this time in our Nation's history to be able to recount the many contributions of Americans.

And I stand before you today to emphasize the word "Americans" in America, for I might think that there may be those who may be listening who may have some consternation or some difficulty with Members of the United States Congress rising to the floor, to be able to emphasize both our difference and our commonality. The common core that joins us together is that we are Americans.

Mr. Speaker, I salute in this month the many heroes and leaders and activists and spokespersons and quiet people who, in their own way, have offered to contribute to the fundamental right of the right to vote. February happens to be the month we commemorate the contributions of African Americans to this great Nation, but it also gives us a time in 2001 to be able to reflect upon a journey that none of us thought that we would travel and that is a time that sunshine shown very brightly on a Democratic system frankly that is broken.

So I rise today to recount for those whose memories may have faded, Birmingham and Selma and Montgomery, North Carolina and South Carolina, Georgia and Mississippi and Texas and names like Martin King and Rosa Parks and Josiah Williams and Andy Young; but yes, those names that are yet not recorded, names of thousands upon thousands of young college students from all walks of life, all religions and races and creeds, that walked in the sixties to be able to reestablish the fundamental right to vote.

Mr. Speaker, I thought it was important, and I want to thank the Congresswoman from Ohio and the chairperson of the Congressional Black Caucus, that you hear us emphasize the need for refocusing on the right to vote. For you to understand that it was not easily secured, either by women, either by those who were without property, or either by those who look first and came first to this Nation in the bottom of the belly of a slave boat.

The real focus of the right to vote sort of jelled in the late 1950s and early 1960s as one began to expand this whole concept of civil rights. We all know about Rosa Parks. We pay tribute to her; and the concept of her movement was about accommodation and riding on buses and being able to eat in restaurants and hotels. It was the simple dignity of being able to use your money as any other American citizen.

But as we moved into the 1960s and as Martin King laid out the agenda for us in his 1963 "I Have a Dream," he began to realize that the political empowerment of a people was crucial to take one's role and one's right. And so we began to move after 1963 to emphasize over and over the right to vote. That right to vote bore fruit in 1964 in the Civil Rights Act and in the 1965 Voter Rights Act that said no one should be discriminated against in the right to vote.

Mr. Speaker, yet after signing that legislation, constantly throughout the decade of the 1960s and 1970s and 1980s and 1990s, we have found instances where: One, there has been voter intimidation. Two, votes have been thrown out. Three, minorities have lost elections for a variety of infractions that never rose to the level of national concern.

And yet in this election in 2001, although we recognize that it is finished, I believe the ultimate fact that a decision had to be made at the Supreme Court level of the United States, that people felt that they were turned away from the polls, that young college students who were dutifully registered to vote whose names were not on the polling list and who were then instructed to be turned away because there was not enough knowledge to know that you could affirm and testify to the fact that you had registered, there is need for electoral reform.

We should not let the tragedies of Montgomery, of Selma, and all that went before go on any further without solving the problem of allowing one vote, one person. The history of this Nation is embedded in the fact that each voice should be counted, but all too often people do not vote. People are disenfranchised, frightened, or turned away or their votes are not counted.

So in tribute to African American History Month, I believe the tribute should be forthright and forward-going. It should be a recommitment that, in fact, we will allow no intimidating force to ever keep us away from voting. We will answer the question of racial profiling. We will answer the question of blockades at polls. We will answer the question of antiquated voting equipment in certain areas of our community. We will lift up the Voting Rights Act of 1965 which reinforces the opportunity for people to be represented by people who will represent them in the best way.

Mr. Speaker, I do believe that our Declaration of Independence says it all. We all are created equal with certain inalienable rights of life, liberty, and the pursuit of happiness. In the pursuit of such liberty, it is imperative that our vote is counted. As we proceed to improve on the voting system, let it be in tribute to all of those who marched, who sung, who spoke, who lost their lives, all Americans with particular emphasis and tribute on African Americans who did not have the ultimate right to vote in the 1960s.

Mr. Speaker, let this African American History Month be a tribute of going forward, never to repeat again the days of Florida and the days of this last election where anyone, no matter who you are, new citizen or not, failed to vote because someone closed the door in your face.

□ 1630

There is much that I could say, and as my colleague well knows, when we are moved to speak on these issues, we are moved to speak. But I would only say that the Constitution charges us with the importance of ensuring that everyone has a right to vote.

Mr. Speaker, it is with great enthusiasm and appreciation that I join my colleagues of the House in recognition of Black History Month.

It is ironic that we are celebrating the first Black History Month of the new millennium, yet we must make so much more progress, my friends. The disenfranchisement of thousands of African American voters, along with countless others who's votes were not counted, opened many wounds in the recent election.

After the heated battles of the Civil Rights movement and the sacrifices of Martin Luther King, Malcolm X, as well as countless others, including the four little girls who were killed at the Sixteenth Street Baptist Church in Birmingham, Alabama, I believed that we had indeed made progress. Today, African Americans know that we have not yet overcome the weight of not being treated as full citizens of this great nation.

The seminal catalyst for voting rights was reflected by Dr. Martin Luther King, Jr. when he began a peaceful and historic march for black voting rights from Selma, Alabama on March 7, 1965.

When the peaceful marchers attempted to leave Selma they were beaten by law enforcement officers as they crossed the Edmund Pettus Bridge.

Two weeks later, under the protection of the Alabama National Guard, Dr. King was able to lead the march successfully, and in August of that same year President Johnson signed into law the Voting Rights Act of 1965. This was a civil rights victory because African Americans understood all too well the barriers to suffrage.

Today, I must say that history does and can repeat itself, if we are not vigilant. We have not been vigilant enough in keeping the spirit of the United States Constitution alive. We have not been vigilant in ensuring that every American has the right to freely exercise their franchise. We have not been vigilant in keeping a watchful eye on those who administer elections at the local, state, and national level.

We know that the hands of justice for black people in this country moves slowly all too often. After all, it was only last summer that men were indicted to face trial in the nearly forty year-old murders of African American girls who were killed one Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. This terrible act galvanized the civil rights movement and began a call for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 1963 bombing.

I am here to say that we as a nation cannot wait forty years to get our election system right. We are on a clock and it is fast approaching the mid-term elections in 2002 and the next Presidential Election Day in 2004. We must learn from the mistakes made and empower African Americans so every vote counts.

It is our nation's credo that all men, the human species both male and female, are equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. We as a nation was founded on the premise that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, which is expressed by our nation's founders in the Constitution of the United States. Thomas Paine's work titled the "Rights of Man," ably wrote "[T]hat men mean distinct and separate things when they speak of constitutions and of governments . . . A constitution is not the act of a government, but of a people constituting a government without a constitution, is power without a right."

The people of this nation at its inception said, "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

It is understood that the preamble to the Constitution of the United States is not a source of power for any department of the Federal Government, however, the Supreme Court has often referred to it as evidence of the origin, scope, and purpose of the Constitution. In Jacobson v. Massachusetts (1905), Justice Harlan wrote "Although that preamble indicates the general purposes for which the people ordained and established the Constitution, it has never been regarded as the source of any substantive power conferred on the government of the United States, or on any of its departments. Such powers embrace only those expressly granted in the body of the Constitution, and such as may be implied from those so granted."

Our Constitution, like all constitutions, is the property of a nation, and not of those who exercise the government. It is our belief, as Americans, that this democracy was and continues under the direct authority of the people of this nation.

All power exercised over a nation, must have some beginning. In America, the beginning of power is found in the Constitution, but in the history of mankind power has found two sources where it may either be delegated or assumed. There are no other sources of power other than the consent of the governed. All delegated power is trust, and all assumed power is usurpation. Time does not alter the truth or veracity of this statement. It only makes its truth clearer to those who can see and to those who learn the enlightened history of this great nation.

Our Constitution grants separately the power to legislate, to execute, and to adjudicate, and it provides throughout the document the means to accomplish those ends in a manner that would allow each of the branches of government to avoid "blandishments and incursions of the others." The beauty of this document is its goal, which was to frame a system of federal government by conferring sufficient power to govern while withholding the ability to abridge the liberties of the governed. To this reason, I share Henry David Thoreau's view that "Government does not keep the country free." Mr. Speaker, we as citizens must do our part in preserving the fundamental freedoms of our country.

The longstanding theory of elaborated and implemented constitutional power is grounded on several principles chief of which are: the conception that each branch performs unique and identifiable functions that are appropriate to each; and the limitation of the personnel of each branch to that branch, so that no one person or group should be able to serve in more than one branch simultaneously.

Thomas Paine argued that Government is not a trade which any man or body of men has a right to set up and exercise for his own emolument, but is altogether a trust, in right of those by whom that trust is delegated, and by who it is always resumable.

Unfortunately, evidence from the resolution of the election reveals that a breach of trust has occurred. The United States Supreme Court, sworn to protect and defend the Constitution of the United States, did not act as one might have expected. I share the disappointment of millions of Americans with the Court handling of Bush v. Gore. The unfortunate aspect of politics was meshed with the law in a way that erodes the public's confidence in our judicial system. Now, the Court must repair any institutional damage done.

The Supreme Court has more cases presented than it can possibly review and for this reason has over time applied two rules to judge the appropriateness of review the Standing Doctrine and the Ripeness Doctrine.

Standing is composed of both constitutional and prudential restraints on the power of the federal courts to render decisions. In Valley Forge Christian College v. Americans United (1982), Justice Rehnquist wrote that "The exercise of judicial power under Art. III is restricted to litigants who can show "injury in fact" resulting from the action that they seek to have the court adjudicate. The Doctrine of "standing" has a core constitutional component that a plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief. The concepts of standing present questions that must be answered by reference to the Art. III notion that federal courts may exercise power only in the last resort and as a necessity, and only when adjudication is consistent with a system of separated powers and the dispute is one traditionally thought to be capable of resolution through the judicial process.

The case brought before the Court in Bush v. Gore did not establish the fine points of standing because no injury had been incurred by then Governor Bush. It was only the presumption of impending injury that prompted the court's action. The Court's decision had the real impact of stopping the counting of votes in the State of Florida, a decision that had a direct effect on the outcome of the election.

Just as the question of standing has importance in the life of judicial review, so does the Ripeness Doctrine, which defines when a case may be brought before the Supreme Court for review. In the case of United Public Workers v. Mitchell, the Court declared that it could not rule in the matter because the plaintiffs "were not threatened with actual interference with their interest," there was only a potential threat of interference of their interest. The Court viewed the threat hypothetical and not ripe for review by a court of law.

In a dissenting view in Bush v. Gore by Justice Stevens joined by Justice Ginsburg and Justice Breyer argued that the ripeness issue presented to the Court had already been assigned to the States by the Constitution. Article II, Section 1 of the Constitution defines that each state shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled for the purpose of choosing the President and Vice President of the United States.

In addition, Mr. Speaker, we cannot deny that all voters do not use the same method of voting. The condition of the Florida election was the fruit of this disparity in that the variations in the methods voting lead to different methods of tallying votes and different success or failure rates in the accuracy of those tallies. The more modern pencil mark to fill an oval on a paper ballot that is feed into a computer to tally votes was found to only hold a three percent error rate while the punch card method of tallying votes had a fifteen percent error rate.

It is clear that the injured party in this matter are the voters of Florida who had to suffer through the biased actions of a Secretary of State who campaigned for then Governor Bush. The voters struggled to be heard in the face of repeated challenges and disruptions designed to end an orderly process of discerning voter intent when the machine failed in that determination. Let us remember today that a constitution is the property of a nation, and not of those who exercise the government. All the constitutions of America are declared to be established on behalf of the authority of the people.

For this reason I introduced H.R. 60, the Secure Democracy for All Americans Act, which would create a commission to address all of the problems associated with last year's election. We can do better Mr. Speaker.

The result of this infamous decision is that African Americans were shunned by the country where we were enslaved and died for our nation on the battlefields. I do remember the cries from Republicans and Democrats after it was learned that military service men and women votes cast by absentee ballot were under threat of not being counted, because I joined them in that outrage. The cry that we should not disenfranchise these Americans was shared by all who appreciate their dedication and service to our nation. My pain was at the lack of concern that those who were veterans of past conflicts were not given the same level of concern that their votes not go uncounted because they resided in Palm Beach County, and Miami County Florida.

We can and will do better if we adopt electoral reform that enable all Americans to have their vote counted. We can accomplish that in a bipartisan way, Mr. Speaker.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman from Texas.

I now call on my colleague, the gentlewoman from the great State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank my colleague from Ohio for her leadership and for bringing us all together to celebrate Black History Month over the last couple of days.

As we celebrate Black History Month, we are reminded that the struggle continues in our country for equality and justice for all. The recent Presidential election reminded us that voting rights, the very essence of our democracy, must be protected and enforced. Many African Americans discovered that equality and justice did not apply to them. America has unfortunately repeated a very sad chapter in our history, and we must never repeat it again.

African Americans had to wait almost 100 years after the formal birth of our country to receive the right to vote. One of the major turning points came after the Emancipation Proclamation in 1863. Less than 3 years later, the 13th amendment was ratified ending slavery. In 1870, the 15th amendment was ratified stating that the right to vote could not be denied in this country based on race, color or previous conditions of servitude. Many blacks were elected to Congress, two to the Senate from Mississippi, Hiram Revels and Blanche Bruce, and 20 Congressmen.

Just as the black community began to enjoy some newfound political freedoms in the post-Civil War era, most of their legal rights diminished after the Presidential election of 1876. The Democratic candidate, Samuel Tilden, won the popular vote and only needed one additional electoral vote to win the Presidency. However, his opponent, Rutherford Hayes, made a deal with the Democratic Party and the white-controlled South to remove Union troops from the South, which meant the end of enforcement of black rights in that part of the country, including the right to vote.

Hayes won the election and millions of blacks lost the new rights that they barely had time to appreciate as the South ushered in the period of Jim Crow. 120 years later, in the 2000 Presidential election, one candidate won the popular vote and another won the electoral vote. Many African Americans reported numerous problems trying to exercise their constitutional right to vote.

Just as in the 1876 election, Florida was one of the States at the center of the voting controversy. In a county in Florida a police check was set up which intimidated voters. Others reported that they were told that they were purged from the voting polls, even though they were indeed registered to vote and had their voting cards with them. Still others were told they could not vote because they were felons, when in fact they were not. Voting irregularities occurred outside of Florida as well, and so the 2000 elections showed us that the need to still be vigilant about this very important right remains.

Many men and women died for the right to vote. This is part of black history, it is a part of American history. We will not take the hard-fought right to vote for granted. African Americans had to wait almost 200 years for the full legal and enforced right to vote in this Nation. We will not see those rights taken away.

In closing, let me just say to my colleagues and to all here today that we want to remember and to thank the Congressional Black Caucus for this Special Order because it is so important that we focus on Black History Month and remember the long hard battles many African Americans and other Americans have fought for basic civil rights in our country. We should learn from our history so that we are not doomed to repeat some of the major miscarriages of justice.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include therein extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I want to take my last minute to wrap up.

This has been a great pleasure for the past 2 days to have an opportunity to host a Special Order for Black History Month. We decided this year to focus specifically on the whole issue of voter reform and the history of voter disenfranchisement that has occurred in this country.

If I have 30 seconds left, Mr. Speaker, I want to yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman very much. I would like to share with her how appreciative I am for the time that she has taken to organize this Special Order for the Congressional Black Caucus and others who wanted to participate.

We did focus on election reform. It is extremely important. We have a very rich history in this country of making sure we correct the wrongs and we open up this country to participation by all of those who would wish to participate in this democracy. When we see a problem, we move to correct it. This focus today on election reform is about that.

We will be working to make sure we correct the problems in the system.

Mrs. CHRISTENSEN. Mr. Speaker, not only during Black History Month but appropriately, as we continue to celebrate Black History Month for 2001, the Congressional Black Caucus is using this time and the voice that is afforded to us as members of this body to come before the country and its leaders to re-issue our call to reform the election system.

The Presidential election of 2000 will be remembered by many of our citizens for not living up to the promise of "Democracy for all". It is therefore clear that our election system must be fixed as it relates to the election of the President—but equally important, to ensure that all Americans are afforded their right to use.

Last November, many Americans, especially African-Americans, either saw their legally cast votes not counted or encountered a mire of obstacles that prevented them from being able to vote.

What occurred in the state of Florida last November, as well as in many other places in our country and which has occurred in election after election—must never be allowed to occur again.

According to the NAACP, irregularities ranging from the ridiculous—such as calls being made to primarily Black and Hispanic communities suggesting that the NAACP was calling to urge people to vote for President Bush—to specific complaints, from the time the polls were opened until they were closed, about police stops, actual polling places being moved, or the young and old being told that they weren't registered to vote when clearly they were.

We in the CBC will live up to our reputation as the "conscience of the Congress" and "the fairness cops" of the nation.

Tomorrow, Democrats will announce the creation of a Special Committee on Election Reform to investigate all the flaws plaguing our system and take swift action by submitting recommendations to Congress on how to fix the election process. In this vein we must: modernize the machinery of voting and provide better training for poll workers and voter education; enforce the National Voter Registration Act and the Voting Rights Act to ensure that more Americans have greater access to democracy; explore structural reforms like expanded time for voting, uniform poll closing times and easier access to voter registration; and provide models of election systems that work and promote these best practices.

We pledge to do all that we can to move forward swiftly and pass the best and most relevant recommendations into law soon.

Mr. Speaker and colleagues, as we focus on the election reform we must not lose sight of the fact that equal justice includes struggling for voting rights. To this end, the lack of voting rights for my constituents and those of my colleagues from the other U.S. Territories and Commonwealths must also be addressed. The fact we are not allowed to directly participate in the choice of who will be our Commander-in-Chief is fundamentally undemocratic. The people who live in the Territories are Americans in every respect except, that by virtue of where they live, they don't get to vote for President or to have voting representation in the Congress.

We should be ashamed, that as the only remaining superpower in the world and the biggest promoter of democracy abroad, that we afford citizens in our territories less voting rights that Canada—our neighbor to the north—provides to their citizens in the Yukon Territory or than France does to the citizens in their remaining overseas territories.

And so, in the spirit and goal of Black History Month, I am committed to working with my colleagues in the Congressional Black Caucus to urge Congress as a whole, as well as President Bush, to expeditiously come-up with and put in place the critically needed election reforms that will be developed by the Special Committee on Election Reform of the Democratic Caucus and by this Caucus, including providing voting rights to the people of the Territories.

In closing, I want to commend my colleague, STEPHANIE TUBBS JONES, for organizing this Special Order tonight.

Mr. CROWLEY. Mr. Speaker, seventy-five years ago, Dr. Carter G. Woodson, a noted African American historian and scholar, founded Negro History Week. He wanted to create an occasion for African Americans to remember, honor and celebrate the accomplishments and achievements of their ancestry.

As I stand before you on this diamond anniversary, all that I can say is—what a great tradition this has become.

African American Heritage month is important because it provides an opportunity for all American families and communities to come together and reflect upon the contributions African Americans have made to this great country.

Earlier this week, I invited one of my colleagues and close friends—Congressman HAROLD FORD, Jr. of Tennessee to join me at my 2nd annual African American Heritage Month Celebration.

This year's celebration was dedicated to African American Economic Development and empowerment in the New Millennium.

Everyone who attended the event that evening had a good time. Each year, I enjoy celebrating this great tradition and look forward to it.

African Americans have such a rich heritage and culture. Neither my district, the Seventh Congressional District of New York nor this country would be what it is today without the rich contributions of African American heritage and culture. I am proud to say that I represent the district that both Louis Armstrong and Malcolm X lived until the very last days of their lives.

In the aftermath of the 2000 Presidential election, many African Americans throughout this country find themselves engaged in another struggle.

While the civil right's movement ended some time ago the struggle for equal justice and equality still continues.

After this past election, too many people of color felt that the votes they cast were not counted.

Some even felt that there was an organized effort to disenfranchise their votes and keep them from the polls.

The problems of this past election are far too reminiscent of the problems African Americans had to face prior to the passage of the Civil Rights Act of 1964 and Voting Rights Act of 1965.

So while we celebrate, we must remember that the fight for equal rights, justice and equality must continue.

I believe that all leaders, regardless of their party affiliation, race, religion or creed must do all that they can to ensure all Americans are protected under the laws of this great nation.

As I stand before you here this afternoon, I pledge to do all that I can to ensure that these rights are protected for African Americans and all Americans regardless of their race, religion or creed.

I would like to thank my colleagues in the Congressional Black Caucus, especially Representative TUBBS JONES for allowing me this time this afternoon.

Mr. VISCLOSKY. Mr. Speaker, I rise today to celebrate Black History Month with my colleagues. As we approach the 45th Anniversary of the arrests in which many of Montgomery's African American leaders, including the Reverend Dr. Martin Luther King, Jr., were indicted, tried, and convicted under an old law prohibiting boycotts, it is important for us to remember that the quest for civil rights is an ongoing journey.

The Montgomery Bus Boycott officially began on December 1, 1955, when Rosa Parks, a seamstress and civil rights activist, was arrested for disobeying a city law that required blacks to give up their seats when white people wished to sit in those seats or in the same row. After this arrest, a chain of events unfolded that had an undeniable impact on American society.

African-American community leaders quickly urged all blacks to stay off the city buses on the day that Parks' case was due in court. Dr. King later wrote, "a miracle had taken place" when all the buses in Montgomery were empty the following morning.

Capitalizing on the boycott's initial success, local ministers and civil rights leaders met to organize themselves as the Montgomery Improvement Association. As important as the founding of the organization itself, the group elected King as president, and the group quickly moved on a unanimous vote to continue the boycott indefinitely.

Bus boycotts had been held before for short periods of time in other Southern cities, so local authorities were not expecting the Montgomery boycott to last very long. However, the resolve shown by the community was extraordinary. The Montgomery Improvement Association even organized a "private taxi" plan, under which blacks who owned cars picked up and dropped off blacks who needed rides at various points throughout the city.

Maintaining the boycott was not easy. Local leaders had their homes bombed, and private taxi drivers were arrested on trumped up traffic charges. Each day that it continued, attempts were made to break the boycott, which had hurt downtown businesses considerably.

In court, black residents of Montgomery pushed hard for complete integration of the city's buses. Because the Brown versus Board of Education decision said that the "separate but equal" doctrine had no place in public education, Montgomery's residents argued that the doctrine had no place in any public facilities. On November 13, 1956, the United States Supreme Court declared bus segregation unconstitutional. Montgomery's black residents returned to the buses after the Supreme Court mandate had been enacted in December of that same year—a full 382 days after the protests began.

Trying to put the Montgomery boycott into perspective is not an easy task, but I would argue that there are three key points to be made when discussing its legacy. First, the ascension of Dr. Martin Luther King as a leader is of the utmost importance. The boycott gave Dr. King a leadership position within the national movement, and he quickly became an international symbol of tolerance who worked tirelessly for the advancement of civil rights.

It should also be noted that the work of Dr. King was extraordinary because of his effectiveness at drawing support to the movement. He built a groundswell of support by recruiting like-minded people throughout the South across the normal barriers of race, age, and religion. A good example of this is the creation of the Student Non-violent Coordinating Committee in 1960, where King recruited both black and white college students to lead boycotts, sit-ins, and marches for the cause of civil rights.

Secondly, the Montgomery boycotts are an important aspect of America's history because they caught the attention of the entire nation. The massive scale and duration of this protest was widely reported, heightening public awareness to the lack of the civil rights of African-Americans.

As the first organized mass protest by blacks in Southern history, the Montgomery boycotts also set the tone for the rest of the movement. The boycott's effectiveness demonstrated the power of nonviolent direct action in the quest to end Southern segregation. Similar nonviolent protests and actions, including the important luncheon counter sit-ins that took place throughout the South at segregated stores and restaurants, can be traced to the Montgomery boycotts.

Lastly, honoring the history of the Montgomery boycott reinforces the fact that civil rights require our attention at all times. We must be vigilant at all times, to ensure that no person is ever discriminated against on the basis of the color of his or her skin. It may not always be easy, but the path has been laid out clearly for us. Collectively, we must commit ourselves to the protection of each person's unalienable rights to "life, liberty, and the pursuit of happiness."

Mr. CONYERS. Mr. Speaker, I commend the gentlelady from Ohio, Congresswoman STEPHANIE TUBBS JONES, for convening this critically important special order today. It is very appropriate that Members of the Congressional Black Caucus take this time to honor Black History Month, and more specifically, our nation's ongoing struggle to fulfill the promise of democracy.

When I first ran for Congress in 1964, I ran on a platform of "Jobs, Justice and Peace." I never thought at that time that the fundamental plank of justice, the right to vote, would remain the primary issue before us 37 years later. I never would have thought then that there would be cases of voter intimidation, disenfranchisement and confusing ballots in the 21st century.

Like most Americans, I wanted to believe that our system of justice would do all that it could under current laws to ensure the right to vote, particularly the right of African Americans and other historically disenfranchised voters will be protected. Unfortunately this was not the case in the 2000 presidential election.

Therefore I have joined with several of my colleagues in the Congress to begin the painstaking task of looking at reform of our system of voting from the top down and from the bottom up.

So, as we celebrate the history of African-Americans, we should commit ourselves to fight harder for the future of all of America. This Congress and the current Administration, must make real, true election reform their top priority.

DEMOCRATIC CAUCUS SPECIAL COMMITTEE AND CONGRESSIONAL SPECIAL COMMITTEE

Today, Democratic Leader GEPHARDT announced the formation of a Democratic Caucus Special Committee on Election Reform, chaired by Congresswoman MAXINE WATERS, and Co-chaired by myself, STENY HOYER and a number of our colleagues who have committed themselves to this task. The Democratic Caucus is committed to working on solutions, not rehashing the past.

We are hopeful that Speaker HASTERT will appoint a Congressional Special Committee soon and look forward to working with him and all of our Republican colleagues on a nonpartisan basis.

NATIONAL ROUNDUP OF VOTER IRREGULARITIES

From reports that flawed felony voter "purges" may have erroneously disenfranchised thousands of African-American voters to allegations of voter irregularities across the nation, we agree that the razor-thin margin in the 2000 Presidential election illuminated serious flaws in our electoral system.

Here are just a few of the problems encountered by voters in the past election:

PROBLEMS IN FLORIDA

The Problems in Florida are well known. From butterfly ballots that no one could understand, to police roadblocks near polling places, to overbroad felony voter purges, Florida showed the system is broken.

THE PROBLEM WAS NOT JUST IN FLORIDA—IT WAS NATIONWIDE

In Georgia, "Lines too long" was the single most commonly heard complaint from voters. Citizens in some communities waited at the polls for two hours or more, and some metro Atlanta voters did not cast ballots until after 11:00 p.m.—a more than four-hour wait. Contributing factors in some polling places were poor layout, a shortage of well-trained poll workers, and a shortage of poll locations.

In Louisiana, people who claimed that they were prevented from voting because their voter registration at local driver's license bureaus under the "motor voter" law never got processed. According to the Registrar of Voters, dozens of voters in Jefferson Parish alone found themselves with no designated precinct to go to. On the west bank of New Orleans, there were 75–100 calls from people who claimed to have changed their address, but were not in the Registrar's records. And in St. Tammany, Registrar of Voters M. Dwayne Wall said that approximately 100 people called because of apparent problems with the Department of Motor Vehicles registration process.

In Missouri, it was contended that many registered voters were inaccurately stricken from the rolls after a mail canvass. They also allege that procedures for re-registering those "inactive" voters were too cumbersome, and that many polling places were understaffed or had no telephone contact with the board's downtown headquarters.

And in my home state, voters complained that the polling places had undertrained administrators and long lines.

STORIES OF ELECTION DAY PROBLEMS

In New Orleans, voters were not allowed to vote because their voter registration at local driver's license bureaus under the state's motor voter law never got processed. Leslie Boudreaux moved from one precinct and registered. However, she was turned away at her polling place.

In Portland, Maine, it appears that as many as 15,000 voters were illegally purged from voting rolls and were forced to wait in long lines at City Hall to register again and vote. One voter forced to stand in line, Shirley Lewellyn, said she was "mad as hell" about having to stand in a long registration line when she wanted to be with her husband, who was undergoing minor eye surgery. "I've voted for 20 years at [my precinct], and when I went there this morning, they told me I wasn't on the list."

In Columbia, South Carolina, some registered voters said they were turned away from the polls, while others said they were intimidated by poll workers and NAACP poll watchers were asked to leave poll sites.

In Boston, Mass, a volunteer who was giving voters rides to the polls received a call from an amputee for a ride to the polls. The caller stated that he had attempted to vote at the polling place he had voted a year before and was turned away. The volunteer drove the man to four different poll sites and were turned away each time. Only at the last poll site were they told that the first poll site, the one the man had visited initially, was the correct one.

THERE ARE SOLUTIONS

Most importantly, we must address the instances of voter intimidation, such as police checkpoints near polling places, and the widespread problem of overbroad felony voter purges. The best voting machines in the world won't do any good if they don't let legal voters vote.

We should have more vigorous investigation and enforcement of civil rights laws and government aid to states should be contingent upon affirmative steps by states to comply with those laws.

The most obvious problem for states and localities has been an inability or unwilliness to fund 21st Century election technology. The federal government needs to step in and provide assistance to states to replace old voting machines.

But we need to help states do more than that. States need better trained poll workers and better educated voters.

We need to ensure that polling places are accessible to persons with disabilities. More than that, it is unthinkable in the year 2001 that we have not implemented technology that allows a seeing impaired person to cast an independent secret ballot. The federal government can provide financial assistance and encouragement in this area as well.

We need to use federal dollars to encourage states to make democracy easier, by implementing same day registration procedures.

And there is a "data gap." No unbiased entity is testing voting machines. There has been no rigorous study of whether other innovations, such as an election day holiday, are needed. We need to study these issues very carefully and very quickly.

In short, Congress needs to act and it needs to act soon before these incidents are repeated in the 2002 elections.

Together we have fought to end voting disenfranchisement and secure racial justice in the electoral arena. Today, the fight continues. The voice of each American must be allowed to be heard in our democracy.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for his kindness in allowing me this time, and I want to join others in commending the Congressional Black Caucus and our colleague, the gentlewoman from Ohio (Mrs. JONES), for her leadership in calling this Special Order today.

Nothing speaks to the contribution made by the African American community to our great country than the eloquence that we heard on this floor today from our Members and the fine record of achievement by the African American community and the members of the Congressional Black Caucus to Congress over time.

The focus today on this celebration of Black History Month has been election reform. My colleagues, including the gentlewoman from California (Ms. LEE), talked about the history of voting rights in this country and how African Americans first got those rights and what the struggle has been. Now, as we look to the future, we must improve.

The issue of electronic voting, using technologies for the future, having a uniform standard, even if it is not a uniform manner of casting ballots and counting them, is essential. We must be very proactive in making sure that the people in all of our communities, including the African American community, know that when they vote, they will be counted, that indeed they do count.

We must be aware of the fact that some of the technology may increase the disparity that we have, so I caution us as we go forward to involve ourselves in those technologies which increase participation and which are more uniform in their standard rather than again advantaging those who have more resources with technology at home.

So while we have big challenges ahead, again we are blessed with the resources, the human resources of the Congressional Black Caucus in this Congress. And I want to point with pride to a newly elected member of our Board of Supervisors in San Francisco, Sophie Maxwell. She comes from a proud tradition. Her mother, Enola Maxwell, is very active in education and other social and economic justice issues in our community. Sophie is a member of the Democratic State Central Committee. She has been a leader on issues in our community. She has made us, and will make us, all very proud.

But back to the Congressional Black Caucus, I want to thank them for what they are doing. It is important to the black community and important to the Black Caucus, and it is important to our great country.

With that, Mr. Speaker, though I have so much more to say but only a little time, I wish to yield to a great leader, someone we are very, very proud of in California, she is a national leader on this and so many other subjects important to strengthening our country and making the future brighter for all of America's children, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I want to thank my colleague, the gentlewoman from California (Ms. PELOSI), for her generosity in sharing her very limited time with me so that I will have an opportunity to continue my remarks on this very important issue of elections and election reform.

I am very proud to announce that the minority leader, the gentleman from Missouri (Mr. GEPHARDT), today appointed me to serve as the chairperson for a Democratic Caucus special election reform committee. I am honored to accept that appointment and to work with the vice chairs of that committee to travel across this country holding town halls, workshops, and meetings where we will listen to the people. We will hear from the people the problems that they are experiencing in their States and in their jurisdictions as it relates to the elections process.

We were focused on the problems of the election system in Florida in this recent election, and we were amazed at the disenfranchisement that took place there in so many different ways. But we have come to understand that it is not simply Florida, but everywhere we look in this country we can point to problems. Those problems include dysfunctional voting machines, long lines where people are waiting to vote that cannot get in before the polls close. We saw the butterfly ballot, and we learned that that was kind of the decision of one person. We saw in Florida, for example, that one person in the elections office could determine that absentee ballots or requests or applications could be taken out from the office to be taken home to be worked on. We saw all kinds of things.

So we are going to go around the country, and we are going to hear more. We are going to hear about consolidations that eliminate the ability for people to participate. Again, we have a lot of work to do. We will be doing that, and we hope that everyone who would like to be involved can be involved in this.

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am a farmer from Michigan, and I know that you are as well in your State of Florida.

Agriculture today and the plight of farmers is one of the serious issues before Congress. Another serious issue that is sort of the overriding consideration of where we go in the next several months is how high should taxes be in this country and how should government spend that tax money that comes down here to Washington as we decide on the priorities for spending.

This first chart is a pie chart that shows the different pieces of pie, or the percentage of spending this year that goes into several categories. Social Security takes 20 percent of all Federal spending. Social Security is the largest expenditure that we have in the Federal Government. Of course, the people at risk are the young people today that are going to be threatened with huge increases in taxes or reduced benefits in Social Security benefits.

Out of the approximately $2 trillion that we will be spending this year, 2001, 20 percent goes to Social Security. The next highest is 12 appropriation bills. Twelve of the appropriation bills all together, what we spend a half a year arguing on, spending for so-called discretionary spending, discretionary meaning what Congress has some discretion over, is 19 percent of the budget. The other 13th appropriation bill is defense, and that takes 17 percent.

But here is Social Security now taking much more than even defense spending, with Medicare at 11 percent. Medicare is even growing because we are talking now of how do we add some prescription drug coverage to Medicare. So we are looking at the challenge of the Federal Government's expenditure and the Federal Government getting bigger. That means more imposition on individual rights. It is giving more empowerment to Congress and the White House, and it is taking away authority and authorization and power from individuals.

□ 1645

So the first question it seems to me should be, how high should taxes be?

Mr. Speaker, I would ask our listening audience to give us a guess in their own mind of how many cents out of every dollar they earn goes for taxes at the local, State, and national level, what percentage of what you earn goes in taxes.

Well, if you are an average American taxpayer, a little over 41 percent goes in taxes, 41 cents out of every dollar you earn. When the seniors graduate next year or when they finish college or high school and go into the job market, on average they are going to be shelling out 41 cents of every dollar they earn in taxes, taking the first 4 months out of every year proportionately to pay taxes.

And, of course, everybody is now considering their Federal tax bill. They are looking at the taxes. If they have some investment in some mutual funds, they are getting notices on their 1099s that they have a capital gains tax to pay, even though the value of that mutual fund might have gone down in this past year.

So the question then becomes, how do we have tax fairness? It would be my suggestion that we make every possible effort to reduce taxes from that 41 percent down to at least 35 percent. That is what made this country great is the fact that you are going to get some reward for your efforts to save and invest to try to maybe get a second job or a second part-time job so you can take care of your family.

Well, we now have a tax system that says, look, not only are we going to tax you at the same rate if you get a second job, we are going to tax you at a higher rate if you start earning more money. I think there is a lot to do on tax fairness. I think there is a lot to do on tax simplification.

But I want to spend a little time talking about where we go on finances, and part of that question is how large should the Government debt be in this country.

Right now the debt today is $5.69 trillion, almost $5.7 trillion of debt. I am a farmer, as I mentioned, and our tradition on the farm has been to try to pay off some of that mortgage to leave your kids with a little better chance. But what we are doing in this country right now, in this body, and the Senate and the White House is borrowing all of this money and we are going to leave it up to our kids and our grandkids to pay back.

Without reform, Social Security leaves our kids a legacy of debt larger than we have today. Right now, of the $5.7 trillion, $3.4 trillion is so-called Treasury debt, Treasury bonds, Treasury paper. It is so-called the debt to the public, the public borrowing. The rest of the debt is debt that we borrow from the trust fund. Roughly $1.1 trillion comes from the Social Security trust fund that the Government has borrowed that extra money coming in from Social Security taxes and spent it on other programs.

Yesterday we passed a bill to make sure that we do not do that this year. And then there is $1.2 trillion that is from all of the other 119 trust funds. And so, most of what we are doing with the extra money coming in from the trust funds, we are writing out an IOU and we are using those dollars to pay down the public debt.

But when the baby-boomers start retiring around 2008, then we are looking at a situation where there is not going to be enough money coming in from Social Security taxes to pay benefits. So what do we do?

Well, what Washington has done in the past is increase taxes. I think it is important that we deal with Social Security now so that we do not rely on tax increases in the future.

And that is why we have this curve. As we pay down the debt held by the public, eventually we are going to have to start borrowing again to pay Social Security benefits and Medicare benefits, and that is going to leave our kids with that huge debt load.

The temporary debt reduction plan does little more than borrow the Social Security surplus to repay the debt held by the public; and when the baby-boomers retire. Social Security surpluses disappear and Federal debt again soars.

Again on the debt, for the whole load of hay, we see now that this is roughly the division of that $5.7 trillion of debt. But over time, if we keep borrowing money from the Social Security trust fund and Medicare trust fund and other trust funds and use that money to pay down the debt held by the public, then the debt held by the public continues to diminish, but the Social Security trust fund debt and the Medicare trust fund debt are still there. There is not enough money there to pay the benefits that are going to be required after the baby-boomers retire.

That is demonstrated in this chart. In the top left, we see a momentary surplus in Social Security taxes coming in. Right now your Social Security taxes are 12.4 percent of essentially everything you make. But when the baby-boomers retire and go out of the pay-in mode to recipients of Social Security, then the problem really hits us from twofold, a tremendous increase in the number of retirees that are going to be taking Social Security benefits and a reduced number of workers that are paying in their taxes to cover the cost of that program and starting.

Starting around 2012, there is going to be an insufficient amount of Social Security taxes coming in, so we are going to have to come up with money from someplace else.

What we have done on several occasions that I think should make every American very concerned is that we have either increased taxes and/or reduced benefits. We did that in 1977. We did it again in 1983 when we revised the Social Security system.

This red, by the way, represents $9 trillion of unfunded liability. That is why I think it is so important and I have urged this administration and, of course, I encouraged for the last 8 years the previous administration to move ahead with some changes in Social Security that will keep Social Security solvent.

I mean, if we take a trillion dollars out of this total $5.6 trillion that we are now guessing is going to be there over the next 10 years and we use that trillion to start some real returns on some of that money, we can save Social Security and keep it solvent for the next 75 years.

If we put it off, that means that we are going to have to be even more drastic in the future to make these changes. In other words, the longer we put off the solution to Social Security, the more drastic those changes are going to have to be.

I mentioned $9 trillion in today's dollars. The unfunded liability means that we would have to put $9 trillion into a savings account today to earn enough money in interest to pay benefits to add to what is going to come in in Social Security taxes to keep Social Security solvent for the next 75 years.

When Franklin D. Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement incomes. Social Security was supposed to be one leg of a three-legged stool.

I have some of those old brochures that I have looked up in the archives where it says, look, Social Security is one-third of what should be everybody's effort to have a secure retirement, one-third from Social Security, one-third from your individual savings and investment, and one-third from some kind of a pension plan that he encouraged everybody to partake in. But right now we have almost 22 percent of our Social Security recipients that depend on Social Security for 90 percent or more of their total retirement income.

So if there is one message in all of this talk about Social Security, if there is one message we can drive home: it is the importance of saving now for your retirement.

Let me tell you another reason. I chaired the Social Security Task Force here in Congress for the last couple of years in the Committee on the Budget, and the Social Security Task Force brought in futurist experts on health and on medicine, and their guess was that within 20 years, anybody that wanted to live to be 100 years old would have that option, and their estimate was that within 40 years anybody that wanted to live to be 120 years old would have that option.

I mean, what does that mean in all of our individual lives? What does that mean for our kids? What does that mean in terms of the importance of making the changes now to keep Social Security solvent in the future?

The personal retirement accounts that a lot of people have talked about and some people have said to me, well, now is not the time to talk about individually owned accounts because look what the stock market has done over the last 12 years.

The fact is that an average person retiring from Social Security 5 years from now is going to get a 1.1 percent return on the money that was paid in that they paid in and their employer paid in. Right now the average is 1.7 percent. But as taxes go up, the percentage and the likelihood that you are going to get that money back is going to diminish.

And so, the question is, can we do better than getting a 1.1 percent or even a 1.7 percent return on some of that money?

The other danger is, so, if we can put it into individual accounts where workers of America own that account and own that money so that when the problems in Washington make Members of Congress and the Senate and the President feel that other spending is more important, that we do not again cut Social Security benefits.

So there is some security in having this in individual accounts. And we can put it in safe investments. We brought in experts into our Social Security Task Force that said, look, we can guarantee a 4.2 percent return and guarantee that you will have at least a 4.2 percent return on the way we are going, we can invest your money.

Some other insurance companies have higher rates. Some others have lower rates. But the fact is that a CD at your bank, other investments that are secure, can do a lot better than that 1.1 to 1.7 percent return.

The fact is that the Supreme Court, on two decisions now, has said that there is no entitlement to Social Security. On two decisions the Supreme Court says Social Security taxes are simply another tax. Social Security benefits are simply another law that Congress has passed, and the President has signed to have a certain benefit structure and, therefore, there is no entitlement or no necessary connection between the two.

I think that should make us nervous, also.

Social Security is a system stretched to its limits. Seventy-eight million baby-boomers will begin to retire in 2008. Of course, the baby-boomers after World War II, the soldiers came home and there was a tremendous increase in birth rate and at that time, of course, we had that huge increase in population. We had problems in building our schools and building up our education system and the kind of services necessary to deal with that expanding population, and Social Security worked very well as an expanded workforce, paid in those taxes, and those taxes immediately go out to pay the benefits of existing retirees.

□ 1700

Social Security spending exceeds tax revenues starting technically in 2015, and that is when the problems really hit us. If there was a Social Security trust fund, then the Social Security trust fund would keep Social Security solvent until 2034 or 2035.

But let me spend just a couple of minutes on what the Social Security trust fund is. You pay in currently 12.4 percent of the first roughly $80,000 you earn in Social Security taxes. For the last almost 6 years now, there has been quite a huge surplus on the taxes coming in as opposed to what was needed to pay benefits.

Again it is a pay-as-you-go program. Taxes come in and by the end of the week, they are sent out in benefits almost. We are dealing with a situation where the government then writes an IOU, but you cannot cash in that IOU. It is nonnegotiable. They write the IOU, and say we are borrowing this money; and for the last 42 years, government has been spending any surplus that came in from Social Security on other government spending.

Starting last year, for the first time, and I introduced a bill in the spring of 1999 that said we would have a rescission or we would cut all spending if we started digging into the Social Security surplus, that ended up with the lockbox bill of the gentleman from California (Mr. HERGER).

We passed that again just yesterday, a lockbox bill that says we are not going to use the Social Security surplus for any spending. But now there are a bunch of IOUs in a steel file box down there that technically says the government has borrowed this money.

The question then becomes, when Social Security needs the money, how is it going to pay it back? It is going to do one of three things. To come up with that money to pay it back for benefits, it is either going to reduce the cost of Social Security, in other words, lower benefits so there is not so much to pay back or they are going to reduce other spending or they simply borrow more money.

You remember that earlier chart, how we are going to leave our kids this huge debt. That is because to pay Social Security benefits, we are going to have to borrow those huge amounts of dollars. By huge, I mean over the next 75 years, borrowing or somehow coming up with $120 trillion. Remember, our total budget this year is $2 trillion. Over the next 75 years, coming up with $120 trillion in excess of what is coming in in Social Security taxes to pay the benefits that are currently promised.

You can see now it is a huge problem. Nobody knows quite how to solve this problem. So we keep putting it off. The danger of this legislative body, of course, is until a crisis is almost on us, we do not react in solving some of the tough problems. That is why it is so important, Mr. Speaker, that the American people understand how dramatic, how challenging the problem is of keeping Social Security solvent.

Insolvency is certain. We know how many people there are and when they are going to retire. It is not some kind of economic projection. The actuaries over in the Social Security Administration know absolutely how many people there are. Their estimate of how long people are going to live is very, very accurate; and we know how much they are going to pay in and how much they are going to take out in Social Security. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075.

This other chart shows the paying-in problem. This is the demographics, the changing makeup of our population. Back in 1940, there were approximately 30 people working paying in their Social Security tax for every retiree. Today, there are just three people working paying in their Social Security tax for every one retiree. And over on your right, you see by 2025, the estimate is that at that time there are only going to be two people working for each retiree. Two people working for each retiree. A huge challenge, a huge potential to increase those taxes on those two workers. As you increase taxes, of course, you discourage economic development.

There is no Social Security with your name on it. As I give speeches around the country, a lot of people think that there is somehow an account that is in their name that entitles them to Social Security benefits. This is a quote from the Office of Management and Budget of the United States Government. They say: “These trust fund balances are available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense. They are the claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public or reducing benefits or other expenditures."

I thought I would throw that quote in, Mr. Speaker, to reaffirm the point that I was just trying to make earlier, that having the Social Security trust fund and pretending that somehow that is the solution out there is fooling ourselves. It is fooling the American people.

The public debt versus Social Security shortfall. Some have suggested that if we paid back the debt held by the public, now $3.4 trillion, somehow that savings on interest is going to accommodate the $46.6 trillion shortfall between now and 2057, over the next 56 years. This chart is simply to represent that that $3.4 trillion debt and roughly the 5 percent interest on that debt is not going to accommodate the huge shortfall in Social Security.

Some people have suggested, look, if we can keep the economy going strong, that will help solve our Social Security problems. It helps solve the Social Security problems in the short run, but because there is a direct relationship in the Social Security benefits you receive to the wages that you pay in, in the long term it does not help the problem, because the more you earn and the more you pay in, eventually the higher the benefits you are going to be entitled to. And spelling this out, Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth makes the numbers look better now but leaves a larger hole to fill later. Any administration has got to realize that saying that we are going to pay down the public debt to save Social Security is not going to do the job.

Helping me is a page by the name of Martha Stebbins. Martha is from New Hampshire. I was up in New Hampshire, Martha, and bought some maple syrup last summer. It is very good, but we make maple syrup in Michigan, too, that is pretty good. In fact, we make some maple syrup on my farm.

Back to business. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one should be an option of this Congress or the Senate or the President.

How about investing the money? How big a risk is it? The diminishing returns of your Social Security investment. Right now, this chart represents what you might get back in terms of Social Security benefits based on what you and your employer paid in, or if you are self-employed, what you paid in.

The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent for the market on the average over the last 100 years. If you look at just the last 10 years, then we are looking at returns that exceed 14 percent. It is a negative return, by the way, for minorities.

So if a young black male today because they have a shorter life span, they spend their life paying into Social Security, but then die and might get a $200 death benefit, but they essentially lose all their money. If some of this money was in their own account, then it would go to their heirs and it would not be simply kept by the Federal Government saying, well, this helps balance out everything else. On average, as I mentioned, it is 1.7 percent with a market return of over 7 percent.

This is a chart, I thought to demonstrate this point, the fact that it is not a good investment, it is not a good idea, and again let me make sure that everybody understands, Mr. Speaker, that in all of the proposals to solve Social Security, none of those proposals touch the disability and survivor benefits. So that portion of the Social Security that goes for disability, if you get hurt on the job, then you get some benefits the rest of your life, or if you die and your spouse or your kids need help, none of the proposals nor the three bills that I have introduced over the last 8 years, none of the proposals dig into that survivor disability portion of the package.

But to get back all of the money that you and your employer have paid in is going to take anybody that retires in the next several years, it is going to take 23 to 26 years that you are going to have to live after retirement to break even, to get back the money you and your employer put in. Because taxes have gone up so dramatically, that is why this graph has gone up and you are going to have to spend more time and live longer after you retire to break even. Of course, if you happened to retire in 1940, it took 2 months to get back everything you put in. In 1960, 2 years. Today it takes 23 years. You have got to live 23 years after you retire to break even and get the money back that you and your employer paid in in Social Security taxes.

This chart represents how we have increased taxes over the years. So people that say, well, you know, politicians that have to run for reelection would not dare to increase taxes again because already 75 percent of working Americans pay more in the Social Security tax than they do in the income tax. Seventy-five percent to 78 percent of Americans today pay more in Social Security tax, 78 percent if it is the total FICA tax, than they do in income tax.

And it is a very regressive way to tax. Yet this country has substantially increased that tax. In 1940, we had a 2 percent rate. That meant the employer paid 1 percent and the worker paid 1 percent on the first $3,000. The maximum for the year for both employee and employer were at $60 a year.

By 1960, we raised the rate to 6 percent, raised the base to $4,800; and the maximum was $288 a year. In 1980, we raised the rate to 10.16 percent on a base that was increased to $25,900. So the maximum went up to $2,630 a year.

Today we have a 12.4 percent tax, 6.2 for the employee and 6.2 for the employer on, since it is indexed is now up to $79,000, on the first $79,000, so the maximum total is about $10,000 a year.

This is our history of every time government has got into trouble where they needed more money than was provided by the revenues and the benefits that have been expanded, of course, over the years, then we ended up increasing taxes. And twice, in 1977 and in 1984, we also reduced benefits.

This is what I was mentioning in the FICA tax. So the FICA tax, 12.4 is Social Security; and the rest of the 15-odd is Medicare. So a total of a little over 15 percent goes in your payroll tax.

Right now 78 percent of American working families pay more in the payroll deduction in the FICA tax than they do in income tax. What I am trying to do with that chart is shout that it would be very unfair to again raise those taxes. But if we do not deal with Social Security now and we say, look, we are just going to use the Social Security surplus to pay down the debt held by the public, that $3.4 trillion to accommodate the $50 or $60 trillion shortfall in Social Security and pretend that somehow that is going to fix Social Security, I think it is not fair to ourselves to say that and I think it is not fair to the American people to think that that is going to be a possibility.

These are the six principles of my Social Security bill that I have been introducing. I was chairman of the Senate finance committee in the State of Michigan before I came here, and there were a couple of considerations and concerns I had before I came to Congress, and that was the low savings rate in the United States. We have a lower savings rate than any of the other G–7 countries.

Our savings rate is about 5 percent of what we earn. In Japan, for example, it is about 19 percent. In Korea, it has been as high as 35 percent of what they earn. We used to in this country save about 15 percent. Back in the 1940s and 1950s we were saving almost 15 percent of what we earned.

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But now our savings rate has tremendously gone down. Part of it maybe is the advertisements of "Fly now, pay later." "Come in and get a new car and get $200 immediate cash to buy Christmas presents," or something.

So we have encouraged debt. So there is a danger not only of the Federal Government mounting this kind of debt, but there is a problem with individual Americans relying more and more on those credit cards or other credit systems to borrow and borrow more money. That does a couple things. Number one, it disrupts economic expansion, because savings and investment mean that that investment is what companies use to do the research, to buy the kind of state-of-art equipment and machinery that can accommodate international competition.

It was important to me when I came to Congress that I try to do the kind of things to encourage savings, and one of those things was allowing some of this large Social Security tax to be invested and to be in the name of individuals. So that is when I started writing the bills.

So, number one, my Social Security proposals protect current and future beneficiaries, allow freedom of choice. In other words, if you do not want to go with any kind of a private investment plan that will be limited to safe investments by law and you want to stay in the current system, you can. It preserves the safety net, because we are not going to allow anybody to go without food or shelter in this country. It makes Americans better off, not worse off; and it creates a fully-funded system, and no tax increase.

Personal retirement accounts offer more retirement security.

If I have to take a drink of water, that probably means that I have talked almost long enough, and maybe the listening audience has listened long enough, so I am going to finish the last few slides.

Personal retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments in Social Security of $1,280, or from a personal retirement account he can expect $6,514.

When we passed the Social Security law back in 1934, we said that States and local governments could opt out of Social Security and develop their own pension retirement plan. Galveston, Texas, did just that. They decided not to go into Social Security, but to have their own retirement plan. Right now this chart compares what those individuals in Galveston County have as death and disability and retirement benefits as opposed to what they would have in Social Security.

On the death benefits, Social Security, $253; the Galveston plan, $75,000 in death benefits. Social Security, $1,280; the Galveston plan, with their own investments, $2,749. Monthly retirement payments, $1,280, compared to Galveston retirees getting $4,790.

San Diego did the same option. San Diego enjoys personal retirement accounts, PRAs, as well. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current system he would contribute twice as much in Social Security, but only receive $1,077.

The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference in ownership, in knowing that politicians are not going to take that away from you.

Even those who oppose PRAs agree they offer more retirement security. This is a letter from Senators BARBARA BOXER and DIANNE FEINSTEIN and TED KENNEDY to President Clinton. In their letter they said, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security."

So the question is, how can we make this more available to everybody, to, in effect, guarantee they are going to be better off and they are going to have an ownership of some of that retirement account?

I represented the United States in describing our pension retirement system in an international forum in London a couple of years ago, and it is interesting the number of countries that are ahead of us in terms of allowing their workers to own personal retirement accounts.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain, Switzerland, all offer worker-PRAs. The British workers chose PRAs with 10 percent returns, and two out of three British workers enrolled in the second-tier social security system. They are allowed to have half of their social security taxes go into these personal retirement accounts, and they have been getting 10 percent-a-year return. Again, that compares to our Social Security return, currently at 1.7 percent.

This is what has happened in equity investments over the last 100 years. It is a graph of the ups and downs of the returns on equities. Some bad years, in the early 1920s, during the Depression, 1929, a little depression. But, on average, if you leave your money in for over 12 years, in any time period, then you did not lose any money on equity investments. The average return over this time period was 6.7 percent.

Again, we are looking at a system, such as all Federal employees know about the Thrift Savings Plan, so it is limited to safe investments. It is limited to your choice of how much you want to put in equities versus government Treasury bills versus bonds for corporations, fixed income bonds or variable interest rate income bonds. So you balance that in terms of minimizing risk, and in all cases the experts suggest that it is going to be very, very easy to do much, much better than the 1.1 to 1.7 percent return you are going to get on Social Security.

Based on a family income of $58,475, the return on a personal retirement account is even better. We divided this into three different areas, if you invest 2 percent of your wages or 6 percent of your wages or 10 percent of your wages. If the average working life span is, what, if you go to work at 20, 25, and you retire at 65, 70, so on average I suspect we are working 40 years, paying in our Social Security taxes, so let me jump way over to the 40 years.

If you were to work 40 years and invest 2 percent of your money, then you would end up with just a little over a quarter of a million dollars. If you invested 10 percent of your money, you would have $1.4 million over the 40 year-period.

What we are looking at, if you just invested this money at 2 percent for the first 20 years, you would still have $55,000 after 20 years; or if you invested at 10 percent, you would have $274,000 over 10 years.

Again, the fact is that long-term investments, even with the fluctuations for that 12-year or 15-year period, we have never had a 12- or 15-year period in the history of the stock market, of equities, where there has been a loss. Again, the average return on such an investment has been 6.7 percent.

Okay, let me finish up just briefly with the Social Security bill that I have introduced. I am rewriting that bill now to make a couple changes that I think are important.

The question is, some people argue, well, you cannot let individuals invest the money themselves. So what I have done in this legislation is I have limited the investment to safe investments, index stocks, index bonds, an index of mutual funds, or an index of some of the foreign stock investments funds. That is what we are doing in the Thrift Savings Plan also.

My legislation allows workers to invest a portion of their Social Security taxes in their own personal retirement savings accounts that start at 2.5 percent of wages and gradually increase. So 2.5 percent out of the 12.4 percent that is going in Social Security taxes you would be allowed to have in your own account and invest it in your selection of maybe four, maybe five, limited so-called safe investments, and then I would leave it up to the Secretary of Treasury to add to that any other investment potential that he thought was safe and reasonable to add to this selection.

My proposal does not increase taxes. It repeals the Social Security earnings test for everybody over 62 years old; it gives workers the choice to retire as early as 59.5 years old, and as late as 70. In my proposal, I made a suggestion that you could increase your benefits 8 percent a year for every year after 65 that you delayed taking those benefits.

Mr. Speaker, it gives workers the choice to retire at 59½. It gives each spouse equal share of the PRSAs. If you are a stay-at-home mom, you get half of what your husband makes; or if you are a stay-at-home dad, half of what your wife makes would go in your individual PRSA account. So it is always divided equally between the two spouses. If one spouse makes more than the other spouse, they are added together and divided by two to represent how much would go into each account.

It also increases widow and widower benefits up to 110 percent. That is partially to encourage retirees that might be a surviving widow or widower to live in the same home. You cannot do it now. One cannot live on half as much money as two. So this adds to the surviving spouse's benefit.

It reinforces the safety net for low-income and disabled workers. It passes the Social Security Administration's 75-year solvency test. In other words, the actuaries over at Social Security have scored this and said this will keep Social Security solvent for at least 75 years. Actually, it would keep Social Security solvent forever, the way it is written.

The bill takes a portion of on-budget surpluses over the next 10 years. That is what I would like to stress. This bill borrows $800 billion of surpluses other than the Social Security surpluses to make the transition. Since we are taking all the money essentially now that is coming in and paying out $400 billion a year in Social Security benefits, how do you come up with enough money to stop paying out? You are not going to stop paying out those benefits, so how do you make the transition?

So the transition is made from borrowing some money from the general fund. Now that we have this surplus coming in, now is the time to take that step. So if we can take $1 trillion now from the other surpluses to fix Social Security, then we are going to have Social Security solvent; and it is not going to haunt our kids and grandkids later.

It uses capital market investments to create Social Security's rate of return above the 1.7 percent workers are now receiving. Over time, PRSAs grow, and Social Security fixed benefits are reduced. It indexes future benefit increases to the cost-of-living increases instead of wage growth.

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In other words, part of the problem now with Social Security is that benefits go up faster than the economy. Benefits increase based on wage inflation, which is higher than the CPI inflation. So one of the things my bill does is it changes the index of how much wages are increased to inflation. So it covers the increased cost of everything we buy, but it does not go up faster than everything we buy, as is currently structured under the current Social Security law.

Let me finish, Mr. Speaker, by simply saying that I think we are in luck with this new President we have. He suggested that we leave some of the money that taxpayers are paying in, now at an all-time high. We are paying more taxes now, at the 41 cents out of every dollar, than we have ever paid in the history of America in peacetime. There was one year during World War II that it was higher than what it is today.

So the fact is that another way to say that we have a surplus is saying that we are overtaxing somebody, someplace, somehow. So let us make taxes more fair, but at the same time, this President has said it is important to continue to pay down the debt so our kids and our grandkids are not left with that huge mortgage on the way we have operated government.

Thirdly, he said that we have to fix Social Security. So I am encouraged. I think the challenge before this body is not sweeping this problem of Social Security and Medicare solvency under the rug, to leave it for future Congresses or as future problems for taxpayers that will be our kids and our grandkids.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 28. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 32. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Seventh Congress—

the Senator from Texas (Mrs. HUTCHISON);

the Senator from Kansas (Mr. BROWNBACK);

the Senator from Oregon (Mr. SMITH); and

the Senator from Ohio (Mr. VOINVOICH).

The message also announced that pursuant to Public Law 106-550, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the James Madison Commemoration Commission Advisory Committee—

Steven G. Calabresi, of Illinois; and

Forrest McDonald, of Alabama.

The message also announced that pursuant to Public Law 106-398 and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore appoints the following individuals as members of the United States-China Security Review Commission:

Michael A. Ledeen, of Maryland.

Roger W. Robinson, Jr., of Maryland.

Arthur Waldron, of Pennsylvania.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SCIENCE—107TH CONGRESS

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, enclosed, please find a copy of the Rules of the Committee on Science of the U.S. House of Representatives. The Committee on Science adopted these rules by voice vote on February 14, 2001. We are submitting these rules to the CONGRESSIONAL RECORD for publication in compliance with rule XI, clause 2(a)(2).

COMMITTEE ON SCIENCE RULES FOR THE 107TH CONGRESS

RULE 1. GENERAL PROVISIONS

General Statement

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondatable privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman [XI 1(a)]

Membership

(b) A majority of majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

Power to Sit and Act; Subpoena Power

(c)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority of the Committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, with the concurrence of the Ranking Minority Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than a meeting or a hearing of the Committee.

Sensitive or Confidential Information Received Pursuant to Subpoena

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

National Security Information

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Oversight

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee, or of any Subcommittee, shall not undertake any investigation in the name of the Committee without formal approval by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

Order of Business

(h) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

Suspended Proceedings

(i) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

Other Procedures

(j) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

Use of Hearing Rooms

(k) In consultation with the Ranking Minority Member, the Chairman of the full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS [AND PROCEDURES]

Quorum [XI 2(h)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

Time and Place

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the Committee may convene as necessary additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI 2(c)]

(3) The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form including the Committee website. [XI 2(g)(3)]

Open Meetings [XI 2(g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such non-Committee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(q) a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate and the Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the Committee or Subcommittee may by the same procedure vote to close one subsequent day of the hearing.

Audio and Visual Coverage [XI, clause 4]

(e)(A) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(B)(1) Radio and television tapes, television film, and internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(2) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press

media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the object and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(3) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Special Meetings

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

Vice Chairman to Preside in Absence of Chairman

(h) Meetings and hearings of the Committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the Committee, or by the ranking majority member of the Committee present as Acting Chairman. [XI 2(d)]

Opening Statements; 5-Minute Rule

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one Member any address the Committee on any bill, motion or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting. [XI 2(j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one hour in the aggregate. [XI 2(j)]

Proxies

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

Witnesses

(l)(1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a 5-minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the 2 preceding fiscal years by the witness or by an entity represented by the witness. [XI 2(g)(4)]

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. [XI 2(j)(1)]

Hearing Procedures

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

Bill and Subject Matter Consideration

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g). [XI 2(c)]

Private Bills

(p) No private bill will be reported by the Committee if there are two or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

Consideration of Measure or Matter

(q)(1) It shall not be in order for the Committee to consider any new or original measure of matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter. [XIII 4(a)]

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

Requests for Written Motions

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

Requests for Record Votes at Full Committee

(s) A record vote of the Members may be had at the request of three or more Members or in the apparent absence of a quorum, by any one Member.

Report Language on Use of Federal Resources

(t) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the

Committee during a meeting or otherwise in writing by a majority of the Members.

Committee Records

(u)(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written requires of my Member of the Committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its Chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

Publication of Committee Hearings and Markups

(v) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE 3. SUBCOMMITTEES

Structure and Jurisdiction

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, and commercial application of energy technology including:

Department of Energy research, development, and demonstration programs;

Department of Energy laboratories;

Department of Energy science activities;

Energy supply activities;

Nuclear, solar and renewable energy, and other advanced energy technologies;

Uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate;

Fossil energy research and development;

Clean coal technology;

Energy conservation research and development;

Energy aspects of climate change; and energy standards.

(2) Subcommittee on Environment, Technology, and Standards

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness, technology, and environmental research, development, and demonstration including:

Technical standards and standardization of measurement;

The National Institute of Standards and Technology;

The National Technical Information Service;

Competitiveness, including small business competitiveness;

Tax antitrust, regulatory and other legal and governmental policies as they related to technological development and commercialization;

Technology transfer;

Patent and intellectual property policy;

International technology trade;

Research, development, and demonstration activities of the Department of Transportation;

Surface and water transportation research, development, and demonstration programs;

Environmental Protection Agency research and development programs;

Biotechnology policy;

National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research;

Risk assessment activities; and

Scientific issues related to environmental policy, including climate change.

(3) Subcommittee on Research

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including:

Office of Science and Technology Policy;

All scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;

Intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

International scientific cooperation;

National Science Foundation;

University research policy, including infrastructure and overhead;

University research partnerships, including those with industry;

Science scholarships;

Issues relating to computers, communications, and information technology;

Earthquake and fire research programs;

Research and development relating to health, biomedical, and nutritional programs;

To the extent appropriate, agricultural, geological, biological and life sciences research; and;

Materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including:

National space policy, including access to space;

Sub-orbital access and applications;

National Aeronautics and Space Administration and its contractor and government-operated laboratories;

Space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce;

Exploration and use of outer space;

International space cooperation;

National Space Council;

Space applications, space communications and related matters;

Earth remote sensing policy;

Civil aviation research, development, and demonstration;

Research, development, and demonstration programs of the Federal Aviation Administration; and

Space law.

Referral of Legislation

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate jurisdiction within two weeks, unless the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two week period if they believe Subcommittee jurisdictions so warrant.

Ex-Officio Members

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

Procedures

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one or more Members of that Subcommittee.

RULE 4. REPORTS

Substance of Legislative Reports

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) With respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted.

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v).

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2-4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views [XI 2(l)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b)(1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views the 2 subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

(e) Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

Timing and Filing of Committee Reports [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h)(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that members shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least 7 calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the Committee. [XI 1(d), XI 1(d)(4)]

Oversight Reports

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

Rule X. Organization of Committees.

Committees and their legislative jurisdictions.

1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions

assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(n) Committee on Science.

(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

(3) Civil aviation research and development.

(4) Environmental research and development.

(5) Marine research.

(6) Commercial application of energy technology.

(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

(8) National Aeronautics and Space Administration.

(9) National Space Council.

(10) National Science Foundation.

(11) National Weather Service.

(12) Outer space, including exploration and control thereof.

(13) Science Scholarships.

(14) Scientific research, development, and demonstration, and projects therefor.

* * * * *

SPECIAL OVERSIGHT FUNCTIONS

3. (j) The Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. CAPITO (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MORAN of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. POMEROY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. CULBERSON) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. THOMAS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 32 of the 107th Congress, the House stands adjourned until 2 p.m., Monday, February 26, 2001.

Thereupon, (at 5 o'clock and 32 minutes p.m.), pursuant to House Concurrent Resolution 32, the House adjourned until Monday, February 26, 2001, at 2 p.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan
2. Terry Everett
3. Bob Riley
4. Robert B. Aderholt
5. Robert E. (Bud) Cramer, Jr.
6. Spencer Bachus
7. Earl F. Hilliard

ALASKA

At Large

Don Young

ARIZONA

1. Jeff Flake
2. Ed Pastor
3. Bob Stump
4. John B. Shadegg
5. Jim Kolbe
6. J.D. Hayworth

ARKANSAS

1. Marion Berry
2. Vic Snyder
3. Asa Hutchinson
4. Mike Ross

CALIFORNIA

1. Mike Thompson
2. Wally Herger
3. Doug Ose
4. John T. Doolittle
5. Robert T. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Barbara Lee
10. Ellen O. Tauscher
11. Richard W. Pombo
12. Tom Lantos
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Michael M. Honda
16. Zoe Lofgren
17. Sam Farr
18. Gary A. Condit
19. George Radanovich
20. Calvin M. Dooley
21. William M. Thomas
22. Lois Capps
23. Elton Gallegly
24. Brad Sherman
25. Howard P. "Buck" McKeon
26. Howard L. Berman
27. Adam B. Schiff
28. David Dreier
29. Henry A. Waxman
30. Xavier Becerra
31. Hilda L. Solis
33. Lucille Roybal-Allard
34. Grace F. Napolitano
35. Maxine Waters
36. Jane Harman
37. Juanita Millender-McDonald
38. Stephen Horn
39. Edward R. Royce
40. Jerry Lewis
41. Gary G. Miller
42. Joe Baca
43. Ken Calvert
44. Mary Bono
45. Dana Rohrabacher
46. Loretta Sanchez
47. Christopher Cox
48. Darrell E. Issa
49. Susan A. Davis
50. Bob Filner
51. Randy "Duke" Cunningham
52. Duncan Hunter

COLORADO

1. Diana DeGette
2. Mark Udall
3. Scott McInnis
4. Bob Schaffer
5. Joel Hefley
6. Thomas G. Tancredo

CONNECTICUT

1. John B. Larson
2. Rob Simmons
3. Rosa L. DeLauro
4. Christopher Shays
5. James H. Maloney
6. Nancy L. Johnson

DELAWARE

At Large

Michael N. Castle

FLORIDA

1. Joe Scarborough
2. Allen Boyd
3. Corrine Brown
4. Ander Crenshaw
5. Karen L. Thurman
6. Cliff Stearns
7. John L. Mica
8. Ric Keller
9. Michael Bilirakis
10. C.W. Bill Young
11. Jim Davis
12. Adam H. Putnam
13. Dan Miller
14. Porter J. Goss
15. Dave Weldon
16. Mark Foley
17. Carrie P. Meek
18. Ileana Ros-Lehtinen
19. Robert Wexler
20. Peter Deutsch
21. Lincoln Diaz-Balart
22. E. Clay Shaw, Jr.
23. Alcee L. Hastings

GEORGIA

1. Jack Kingston
2. Sanford D. Bishop, Jr.
3. Mac Collins
4. Cynthia A. McKinney
5. John Lewis
6. Johnny Isakson
7. Bob Barr
8. Saxby Chambliss
9. Nathan Deal
10. Charlie Norwood
11. John Linder

HAWAII

1. Neil Abercrombie
2. Patsy T. Mink

IDAHO

1. C.L. "Butch" Otter
2. Michael K. Simpson

ILLINOIS

1. Bobby L. Rush
2. Jesse L. Jackson, Jr.
3. William O. Lipinski
4. Luis V. Gutierrez
5. Rod R. Blagojevich
6. Henry J. Hyde
7. Danny K. Davis
8. Philip M. Crane
9. Janice D. Schakowsky
10. Mark Steven Kirk
11. Jerry Weller
12. Jerry F. Costello
13. Judy Biggert
14. J. Dennis Hastert
15. Timothy V. Johnson
16. Donald A. Manzullo
17. Lane Evans
18. Ray LaHood
19. David D. Phelps
20. John Shimkus

INDIANA

1. Peter J. Visclosky
2. Mike Pence
3. Tim Roemer
4. Mark E. Souder
5. Steve Buyer
6. Dan Burton
7. Brian D. Kerns
8. John N. Hostettler
9. Baron P. Hill
10. Julia Carson

IOWA

1. James A. Leach
2. Jim Nussle
3. Leonard L. Boswell
4. Greg Ganske
5. Tom Latham

KANSAS

1. Jerry Moran
2. Jim Ryun
3. Dennis Moore
4. Todd Tiahrt

KENTUCKY

1. Ed Whitfield
2. Ron Lewis
3. Anne M. Northup
4. Ken Lucas
5. Harold Rogers
6. Ernie Fletcher

LOUISIANA

1. David Vitter
2. William J. Jefferson
3. W.J. (Billy) Tauzin
4. Jim McCrery
5. John Cooksey
6. Richard H. Baker
7. Christopher John

MAINE

1. Thomas H. Allen
2. John Elias Baldacci

MARYLAND

1. Wayne T. Gilchrest
2. Robert L. Ehrlich, Jr.
3. Benjamin L. Cardin
4. Albert Russell Wynn
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Elijah E. Cummings
8. Constance A. Morella

MASSACHUSETTS

1. John W. Olver
2. Richard E. Neal
3. James P. McGovern
4. Barney Frank
5. Martin T. Meehan
6. John F. Tierney
7. Edward J. Markey
8. Michael E. Capuano
9. John Joseph Moakley
10. William D. Delahunt

MICHIGAN

1. Bart Stupak
2. Peter Hoekstra
3. Vernon J. Ehlers
4. Dave Camp
5. James A. Barcia
6. Fred Upton
7. Nick Smith
8. Mike Rogers
9. Dale E. Kildee
10. David E. Bonior
11. Joe Knollenberg
12. Sander M. Levin
13. Lynn N. Rivers
14. John Conyers, Jr.
15. Carolyn C. Kilpatrick
16. John D. Dingell

MINNESOTA

1. Gil Gutknecht
2. Mark R. Kennedy
3. Jim Ramstad
4. Betty McCollum
5. Martin Olav Sabo
6. Bill Luther
7. Collin C. Peterson
8. James L. Oberstar

MISSISSIPPI

1. Roger F. Wicker
2. Bennie G. Thompson
3. Charles W. "Chip" Pickering
4. Ronnie Shows
5. Gene Taylor

MISSOURI

1. Wm. Lacy Clay
2. W. Todd Akin
3. Richard A. Gephardt
4. Ike Skelton
5. Karen McCarthy
6. Sam Graves
7. Roy Blunt
8. Jo Ann Emerson
9. Kenny C. Hulshof

MONTANA

At Large

Dennis R. Rehberg

NEBRASKA

1. Doug Bereuter
2. Lee Terry
3. Tom Osborne

NEVADA

1. Shelley Berkley
2. Jim Gibbons

NEW HAMPSHIRE

1. John E. Sununu
2. Charles F. Bass

NEW JERSEY

1. Robert E. Andrews
2. Frank A. LoBiondo
3. Jim Saxton
4. Christopher H. Smith
5. Marge Roukema
6. Frank Pallone, Jr.
7. Mike Ferguson
8. Bill Pascrell, Jr.
9. Steven R. Rothman
10. Donald M. Payne
11. Rodney P. Frelinghuysen
12. Rush D. Holt
13. Robert Menendez

NEW MEXICO

1. Heather Wilson
2. Joe Skeen
3. Tom Udall

NEW YORK

1. Felix J. Grucci, Jr.
2. Steve Israel
3. Peter T. King
4. Carolyn McCarthy
5. Gary L. Ackerman
6. Gregory W. Meeks
7. Joseph Crowley
8. Jerrold Nadler
9. Anthony D. Weiner
10. Edolphus Towns
11. Major R. Owens
12. Nydia M. Velázquez
13. Vito Fossella
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
18. Nita M. Lowey
19. Sue W. Kelly
20. Benjamin A. Gilman
21. Michael R. McNulty
22. John E. Sweeney
23. Sherwood L. Boehlert
24. John M. McHugh
25. James T. Walsh
26. Maurice D. Hinchey
27. Thomas M. Reynolds
28. Louise McIntosh Slaughter
29. John J. LaFalce
30. Jack Quinn
31. Amo Houghton

NORTH CAROLINA

1. Eva M. Clayton
2. Bob Etheridge
3. Walter B. Jones
4. David E. Price
5. Richard Burr
6. Howard Coble
7. Mike McIntyre
8. Robin Hayes
9. Sue Wilkins Myrick
10. Cass Ballenger
11. Charles H. Taylor

12. Melvin L. Watt

NORTH DAKOTA

At Large

Earl Pomeroy

OHIO

1. Steve Chabot
2. Rob Portman
3. Tony P. Hall
4. Michael G. Oxley
5. Paul E. Gillmor
6. Ted Strickland
7. David L. Hobson
8. John A. Boehner
9. Marcy Kaptur
10. Dennis J. Kucinich
11. Stephanie Tubbs Jones
12. Patrick J. Tiberi
13. Sherrod Brown
14. Tom Sawyer
15. Deborah Pryce
16. Ralph Regula
17. James A. Traficant, Jr.
18. Robert W. Ney
19. Steven C. LaTourette

OKLAHOMA

1. Steve Largent
2. Brad Carson
3. Wes Watkins
4. J.C. Watts, Jr.
5. Ernest J. Istook, Jr.
6. Frank D. Lucas

OREGON

1. David Wu
2. Greg Walden
3. Earl Blumenauer
4. Peter A. DeFazio
5. Darlene Hooley

PENNSYLVANIA

1. Robert A. Brady
2. Chaka Fattah
3. Robert A. Borski
4. Melissa A. Hart
5. John E. Peterson
6. Tim Holden
7. Curt Weldon
8. James C. Greenwood
9. Bud Shuster
10. Don Sherwood
11. Paul E. Kanjorski
12. John P. Murtha
13. Joseph M. Hoeffel
14. William J. Coyne
15. Patrick J. Toomey
16. Joseph R. Pitts
17. George W. Gekas
18. Michael F. Doyle
19. Todd Russell Platts
20. Frank Mascara
21. Phil English

RHODE ISLAND

1. Patrick J. Kennedy
2. James R. Langevin

SOUTH CAROLINA

1. Henry E. Brown, Jr.
2. Floyd Spence
3. Lindsey O. Graham
4. Jim DeMint
5. John M. Spratt, Jr.
6. James E. Clyburn

SOUTH DAKOTA

At Large

John R. Thune

TENNESSEE

1. William L. Jenkins
2. John J. Duncan, Jr.
3. Zach Wamp
4. Van Hilleary
5. Bob Clement
6. Bart Gordon
7. Ed Bryant
8. John S. Tanner
9. Harold E. Ford, Jr.

TEXAS

1. Max Sandlin
2. Jim Turner
3. Sam Johnson
4. Ralph M. Hall
5. Pete Sessions
6. Joe Barton
7. John Abney Culberson
8. Kevin Brady
9. Nick Lampson
10. Lloyd Doggett
11. Chet Edwards
12. Kay Granger
13. Mac Thornberry
14. Ron Paul
15. Rubén Hinojosa
16. Silvestre Reyes
17. Charles W. Stenholm
18. Sheila Jackson-Lee
19. Larry Combest
20. Charles A. Gonzalez
21. Lamar S. Smith
22. Tom DeLay
23. Henry Bonilla
24. Martin Frost
25. Ken Bentsen
26. Richard K. Armey
27. Solomon P. Ortiz
28. Ciro D. Rodriguez
29. Gene Green
30. Eddie Bernice Johnson

UTAH

1. James V. Hansen
2. Jim Matheson
3. Chris Cannon

VERMONT

At Large

Bernard Sanders

VIRGINIA

1. Jo Ann Davis
2. Edward L. Schrock
3. Robert C. Scott
4. Norman Sisisky
5. Virgil H. Goode, Jr.
6. Bob Goodlatte
7. Eric Cantor
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Thomas M. Davis

WASHINGTON

1. Jay Inslee
2. Rick Larsen
3. Brian Baird
4. Doc Hastings
5. George R. Nethercutt, Jr.
6. Norman D. Dicks
7. Jim McDermott
8. Jennifer Dunn
9. Adam Smith

WEST VIRGINIA

1. Alan B. Mollohan
2. Shelley Moore Capito
3. Nick J. Rahall II

WISCONSIN

1. Paul Ryan
2. Tammy Baldwin
3. Ron Kind
4. Gerald D. Kleczka
5. Thomas M. Barrett
6. Thomas E. Petri
7. David R. Obey
8. Mark Green
9. F. James Sensenbrenner, Jr.

WYOMING

At Large

Barbara Cubin

PUERTO RICO

Resident Commissioner

Aníbal Acevedo-Vilá

AMERICAN SAMOA

Delegate

Eni F. H. Faleomavaega

DISTRICT OF COLUMBIA

Delegate

Eleanor Holmes Norton

GUAM

Delegate

Robert A. Underwood

VIRGIN ISLANDS

Delegate

Donna M. Christensen

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Benjamin L. Cardin, Brad Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Wm. Lacy Clay, Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, Christopher Cox, William J. Coyne, Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy "Duke" Cunningham, Danny K. Davis, Jo Ann Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Lane Evans, Terry Everett, Sam Farr, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo

Houghton, Steny H. Hoyer, Kenny C. Hulshof, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray LaHood, Nick Lampson, James R. Langevin, Steve Largent, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Carolyn McCarthy, Jim McCrery, John McHugh, Scott McInnis, Howard P. McKeon, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Tom Osborne, Doug Ose, C. L. Otter, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Mark Udall, Robert A. Underwood, Fred Upton, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young,

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

823. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flutolanil, N-(3-(1-methylethoxy)phenyl)-2-(trifuoromethyl)benzamide; Pesticide Tolerance [OPP–301094; FRL–6761–1] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

824. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerance [OPP–301101; FRL–6764–2] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

825. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Carboxin; Extension of Tolerance for Emergency Exemptions [OPP–301100; FRL–6762–9] (RIN: 2070–AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

826. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Office of Security and Emergency Operations; Security Requirements for Protected Disclosures Under Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 [Docket No. SO-RM–00–3164] (RIN: 1992–AA26) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

827. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Guidelines for Safeguarding Member Information—received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

828. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule— Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1901–AA87) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

829. A communication from the President of the United States, transmitting clarification of Presidential Determiniation 2000–30 that was issued on September 19, 2000; to the Committee on Energy and Commerce.

830. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Nuclear Safety Management (RIN: 1901–AA34) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

831. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Contractor Legal Management Requirements; Department of Energy Acquisition Regulation (RIN: 1990–AA27) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

832. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Medicaid Managed Care [HCFA–2001–FC] (RIN: 0938–AI70) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

833. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans, One-Hour Ozone Attainment Demonstrations and Attainment Date Extension for the Metropolitan Washington D.C. Ozone Nonattainment Area; Correction [DC–2025, MD–3064, VA–5052; FRL–6943–9] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

834. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification to terminate the identification of Serbia as a particularly severe violator of religious freedom; to the Committee on International Relations.

835. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification to Authorize the Furnishing of Emergency Military Assistance to the United Nations Mission in Sierra Leone (UNAMSIL), Countries Participating in UNAMSIL, and Other Countries Involved in Peacekeeping Efforts or Affiliated Coalition Operations With Respect to Sierra Leone; to the Committee on International Relations.

836. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received February 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

837. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Suitability (RIN: 3206–AC19) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

838. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2001 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 991228355–0370–04; I.D. 101200F] (RIN: 0648–AM50) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Stemme GmbH & Co. KG Models S10 and S10–V Sailplanes [Docket No. 2000–CE–81–AD; Amendment 39–12068; AD 2000–26–18] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2000–SW–07–AD; Amendment 39–12044; AD 2000–25–09] (RIN: 2120–AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters [Docket No. 2000-SW-23-AD; Amendment 39-12062; AD 2000-26-12] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-1159A(G-III) Series Airplanes [Docket No. 2000-NM-144-AD; Amendment 39-12070; AD 2000-26-20] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000-CE-82-AD; Amendment 39-12069; AD 2000-26-19] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV); Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date [Docket Nos. FMCSA-97-2858 and FMCSA-99-5710] (RINs: 2126-AA51 and 2126-A44 [formerly RINs: 2125-E22 and 2125-AE60]) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Further Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material": Delay of Effective Date [FRL-6945-3] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Acting General Counsel, Office of New Markets Venture Capital, Small Business Administration, transmitting the Administration's final rule—New Markets Venture Capital Program—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

847. A letter from the Chief, Regulations Branch, Custom Service, Department of the Treasury, transmitting the Department's final rule—Duty-Free Treatment For Certain Beverages Made With Caribbean Rum [T.D. 01-17] (RIN: 1515-AC78) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

848. A letter from the Assistant Secretary for Import Administration and the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Department of Commerce, transmitting a report entitled, "Subsidies Enforcement Annual Report To The Congress"; to the Committee on Ways and Means.

849. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Construction Management Contracts—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

850. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Advance Payments From Construction Service Contracts (Revised)—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee cn Ways and Means.

851. A letter from the Deputy Associate Administrator, Internal Revenue Service, transmitting the Service's final rule—Claim Revenue Under A Long-Term Contract—received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

852. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 8943] (RIN: 1545-AY51) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

853. A letter from the Acting Executive Director, Office of Compliance, transmitting the annual report on the use of the Office by covered employees for calendar year 2000; jointly to the Committees on House Administration and Education and the Workforce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GANSKE (for himself, Mr. SHIMKUS, Mr. EVANS, Mr. LATHAM, Mr. WELLER, Mr. BLAGOJEVICH, Mr. LEACH, Mr. COSTELLO, Mr. PHELPS, Mr. RAMSTAD, Mr. UPTON, Ms. KAPTUR, Mr. LAHOOD, Mr. BOSWELL, Mr. MANZULLO, Mr. TERRY, Mr. ENGLISH, Mr. JOHNSON of Illinois, Mrs. THURMAN, Mr. RYUN of Kansas, Mr. BEREUTER, Mr. SOUDER, Mr. SIMPSON, Mr. GRAVES, Mr. OSBORNE, Mr. WHITFIELD, and Mrs. EMERSON):

H.R. 608. A bill to amend section 211 of the Clean Air Act to prohibit the use of MTBE, to provide flexibility within the oxygenate requirement of the Environmental Protection Agency's Reformulated Gasoline Program, to promote the use of renewable ethanol, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EVANS (for himself and Mr. BILIRAKIS):

H.R. 609. A bill to amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. BLAGOJEVICH, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. EVANS, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. SHIMKUS):

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for a portion of the amount paid for natural gas; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. CASTLE, and Mr. GEORGE MILLER of California):

H.R. 611. A bill to amend part F of the title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. GALLEGLY, and Mr. SHOWS):

H.R. 612. A bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself and Mr. CLEMENT):

H.R. 613. A bill to provide a grant to develop initiatives and disseminate information about character education, and a grant to research character education; to the Committee on Education and the Workforce.

By Mr. COBLE (for himself and Mr. BERMAN):

H:R. 614. A bill to make technical corrections in copyright law; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 615. A bill to make technical corrections in patent, copyright, and trademark laws; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BALLENGER, and Mr. MICA):

H.R. 616. A bill to establish an Office of Management in the Executive Office of the President, and to redesignate the Office of Management and Budget as the Office of the Federal Budget; to the Committee on Government Reform.

By Mr. ABERCROMBIE (for himself, Mrs. MINK of Hawaii, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, Mr. HANSEN, and Mr. RAHALL):

H.R. 617. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 618. A bill to amend title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

By Mr. BECERRA (for himself, Mr. MATSUI, Mr. WU, Ms. SCHAKOWSKY, Mr. FRANK, Mr. STARK, Ms. PELOSI, Mr. JACKSON of Illinois, Mr. UNDERWOOD, Mr. FILNER, Mr. LANTOS, Mr. GEORGE MILLER of California, Ms. LEE, Ms. ROYBAL-ALLARD, Mr. HORN, Mr. RODRIGUEZ, Mr. BACA, Mr. WAXMAN, Mr. GONZALEZ, Mr. REYES, Ms. ESHOO, Mr. NADLER, Mr. BLAGOJEVICH, Mr. FALEOMAVAEGA, Mr. ORTIZ, Mr. GUTIERREZ, Ms. WATERS, and Mr. HONDA):

H.R. 619. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. FROST, Mr. OWENS, Ms. KAPTUR, Mr. KUCINICH, Ms. MCKINNEY, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, and Mr. UDALL of New Mexico):

H.R. 620. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the model school dropout prevention grant program and the national school dropout prevention grant program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BERMAN (for himself, Mr. Lewis of California, Mr. Farr of California, Mr. Thomas, Mr. George Miller of California, Mr. Young of Florida, Ms. Harman, Mr. Gilman, Mr. Waxman, Mr. Stump, Mr. Sherman, Mr. Petri, Mr. Condit, Mr. Sensenbrenner, Ms. Pelosi, Mr. Regula, Mr. Stark, Mrs. Mink of Hawaii, Mr. Thompson of California, and Mr. Baca):

H.R. 621. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. DeMINT (for himself, Mr. Oberstar, Mr. Bachus, Mr. King, Ms. Pryce of Ohio, Mr. Ackerman, Mr. Aderholt, Mr. Akin, Mr. Andrews, Mr. Armey, Mr. Baird, Ms. Baldwin, Mr. Barrett, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bereuter, Mrs. Biggert, Mr. Bilirakis, Mr. Blagojevich, Mr. Blunt, Mr. Boehlert, Mr. Bonior, Mrs. Bono, Mr. Boucher, Mr. Brady of Texas, Ms. Brown of Florida, Mr. Brown of South Carolina, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Buyer, Mr. Callahan, Mr. Camp, Mr. Cannon, Mr. Cantor, Mr. Chabot, Mr. Chambliss, Mr. Cooksey, Mr. Costello, Mr. Cox, Mr. Coyne, Mr. Cramer, Mr. Crane, Mrs. Cubin, Mr. Cunningham, Mrs. Jo Ann Davis of Virginia, Mr. Thomas M. Davis of Virginia, Mr. Delahunt, Mr. .DeLay, Mr. Doolittle, Mr. Doyle, Mr. Duncan, Mr. Ehlers, Mrs. Emerson, Mr. English, Mr. Evans, Mr. Everett, Mr. Flake, Mr. Fletcher, Mr. Foley, Mr. Fossella, Mr. Frank, Mr. Frelinghuysen, Mr. Frost, Mr. Gibbons, Mr. Gillmor, Mr. Gilman, Mr. Goode, Mr. Gordon, Mr. Graham, Ms. Granger, Mr. Green of Texas, Mr. Greenwood, Mr. Grucci, Mr. Gutknecht, Mr. Hall of Ohio, Mr. Hansen, Ms. Hart, Mr. Hayes, Mr. Hayworth, Mr. Hobson, Mr. Holden, Mr. Horn, Mr. Hostettler, Mr. Hutchinson, Mr. Inslee, Mr. Isakson, Mr. Jenkins, Mrs. Johnson of Connecticut, Mr. Sam Johnson of Texas, Mrs. Jones of Ohio, Mr. Keller, Mrs. Kelly, Mr. Kerns, Mr. Kind, Mr. Kingston, Mr. Knollenberg, Mr. Kolbe, Mr. Kucinich, Mr. LaHood, Mr. Larson of Connecticut, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Lipinski, Mr. LoBiondo, Mr. Lucas of Oklahoma, Mrs. Maloney of New York, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McHugh, Mr. McInnis, Mr. McIntyre, Mr. McNulty, Mr. Meehan, Mr. Gary Miller of California, Mrs. Mink of Hawaii, Mr. Moore, Mr. Moran of Virginia, Mrs. Morella, Mrs. Myrick, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Ney, Mrs. Northup, Mr. Osborne, Mr. Oxley, Mr. Pascrell, Mr. Paul, Mr. Pence, Mr. Pickering, Mr. Pitts, Mr. Platts, Mr. Price of North Carolina, Mr. Putnam, Mr. Reynolds, Mr. Riley, Ms. Rivers, Mr. Roemer, Mr. Rogers of Michigan, Mrs. Roukema, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Sanders, Mr. Schaffer, Ms. Schakowsky, Mr. Schrock, Mr. Scott, Mr. Sensenbrenner, Mr. Shadegg, Mr. Shays, Mr. Sherwood, Mr. Shimkus, Mr. Simmons, Mr. Simpson, Mr. Skeen, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Michigan, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stupak, Mr. Sweeney, Mr. Tancredo, Mr. Tauzin, Mr. Terry, Mrs. Thurman, Mr. Tiahrt, Mr. Tiberi, Mr. Toomey, Mr. Underwood, Mr. Vitter, Mr. Walden of Oregon, Mr. Walsh, Mr. Waxman, Mr. Weldon of Florida, Mr. Whitfield, Mr. Wicker, Mr. Wolf, Mr. Baker, Mr. Allen, Mr. Wamp, Mr. Larsen of Washington, Mr. Istook, Mr. Crenshaw, Ms. Capito, Mr. Udall of Colorado, Mr. Baca, and Ms. Woolsey):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. Ose, and Mr. Fattah):

H.R. 623. A bill to provide funds to assist homeless children and youth; to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. Barrett, Mr. Upton, Mr. Brown of Ohio, Mr. Ehrlich, Mrs. Thurman, Mr. Waxman, Mr. Pallone, Mr. Deutsch, and Mr. Wynn):

H.R. 624. A bill to amend the Public Health Service Act to promote organ donation; to the Committee on Energy and Commerce.

By Mr. BLAGOJEVICH:

H.R. 625. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants to States for the construction, repair, renovation, and modernization of public school facilities, to amend the Internal Revenue Code of 1986 to expand the tax incentives for such undertakings, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself and Mr. McHugh):

H.R. 626. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture.

By Mr. BOEHNER (for himself, Mr. Cooksey, Mr. Pence, Mr. Johnson of Illinois, Mr. Osborne, Mr. Nethercutt, Mr. Fletcher, Mr. LaHood, and Mr. Hayes):

H.R. 627. A bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 628. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office"; to the Committee on Government Reform.

By Ms. BROWN of Florida:

H.R. 629. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office"; to the Committee on Government Reform.

By Mrs. CAPPS (for herself, Mr. Foley, Mr. Gilchrest, Mr. Brown of Ohio, Mrs. Morella, and Ms. McKinney):

H.R. 630. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Education and the Workforce.

By Mr. COOKSEY (for himself, Mr. Cramer, and Mr. Weldon of Florida):

H.R. 631. A bill to require the Secretary of the Treasury to mint coins in commemoration of Project Apollo; to the Committee on Financial Services.

By Mr. CUNNINGHAM (for himself, Mr. McDermott, Mr. Boehlert, Mr. Bilirakis, Mr. Hilliard, Mr. Rogers of Michigan, Mr. Schaffer, Mr. Gilchrest, Mr. Moran of Virginia, Mr. Frank, Mr. McNulty, Ms. Lee, Mr. Chambliss, Mr. Capuano, Mr. McIntyre, Mr. Saxton, Mr. Pastor, Mrs. Christensen, Mr. Sessions, Ms. Baldwin, Mr. Stenholm, Mr. Burton of Indiana, Mr. Kennedy of Rhode Island, Mr. Weldon of Pennsylvania, Mr. Bonior, Mr. Cummings, Mr. Cramer, Mr. Brady of Pennsylvania, Mr. Price of North Carolina, Mr. Conyers, Mr. King, Mr. Issa, Mr. Pickering, Mr. Weiner, Mr. Gilman, Mr. Watts of Oklahoma, Mr. Deal of Georgia, Mr. Hunter, Mr. Spence, Mr. McKeon, Mr. Wamp, Mrs. Wilson, Mr. Towns, Ms. Carson of Indiana, Mr. Istook, Mr. Rush, Mr. Horn, Mr. Frelinghuysen, Mr. Skelton, Mr. Lewis of California, Mr. Pascrell, Mr. Hastings of Florida, and Mr. Andrews):

H.R. 632. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Ms. DeLAURO (for herself and Mr. Leach):

H.R. 633. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. DeMINT (for himself, Ms. McCarthy of Missouri, Mr. Armey, Mr. Sununu, Mr. Weller, Mr. Stenholm, Mr. Kolbe, Mrs. Johnson of Connecticut, Mr. Foley, Mr. Sam Johnson of Texas, Mr. Greenwood, Mr. Walsh, Mr. Bartlett of Maryland, Mr. Calvert, Mr. Chambliss, Mr. Cooksey, Mr. Graham, Mr. Green of Wisconsin, Mr. Isakson, Mr. Issa, Mr. Jones of North Carolina, Mr. Largent, Mr. Gary Miller of California, Mr. Pitts, Mr. Rogers of Michigan, Mr. Ryun of Kansas, Mr. Schaffer, Mr. Sessions, Mr. Shadegg, Mr. Simpson, Mr. Spence, Mr.

SWEENEY, Mr. TANCREDO, Mr. TERRY, Mr. WALDEN of Oregon, and Mr. WELDON of Pennsylvania):

H.R. 634. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. DOYLE (for himself and Mr. COYNE):

H.R. 635. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. ENGLISH (for himself and Mr. PAUL):

H.R. 636. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 637. A bill to amend the Elementary and Secondary Education Act of 1965 to eliminate the funding limitation applicable to grants for special alternative instructional programs under subpart 1 of part A of title VII of such Act; to the Committee on Education and the Workforce.

By Mr. FRANK (for himself, Mr. NADLER, Ms. BALDWIN, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 638. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. PALLONE, Mrs. ROUKEMA, Mr. MENENDEZ, Mrs. MORELLA, Mr. SHAYS, Mr. GREEN of Texas, Mr. PASCRELL, Mr. FERGUSON, Mr. SAXTON, Mr. CROWLEY, Mr. MCGOVERN, Mr. LOBIONDO, Mr. BERMAN, Mr. SISISKY, Mr. WELLER, Mr. PETRI, Mr. FILNER, Mr. HINCHEY, Mr. SERRANO, Mr. SCHROCK, Mr. BOUCHER, Mr. KING, Mr. WELDON of Pennsylvania, Mr. GOODE, Mr. FRANK, Ms. RIVERS, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Mrs. MALONEY of New York, Mr. PAYNE, Ms. BALDWIN, Mr. BAIRD, Mr. GILMAN, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. RUSH, Mrs. CHRISTENSEN, Mr. CAPUANO, Mrs. LOWEY, Mr. WEINER, and Mr. ABERCROMBIE):

H.R. 639. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY (for himself and Mr. SHERMAN):

H.R. 640. A bill to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. GIBBONS (for himself, Ms. BERKLEY, Mr. BLUNT, Mr. CONYERS, Mr. LOBIONDO, Mr. BONIOR, Mr. WELLER, and Mr. RANGEL):

H.R. 641. A bill to protect amateur athletics and combat illegal sports gambling; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, and Mr. WYNN):

H.R. 642. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 643. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 644. A bill to approve a governing international fishery agreement between the United States and the Government of the Republic of Estonia; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 645. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Resources.

By Mr. GILLMOR (for himself, Mr. DEAL of Georgia, Mr. EHRLICH, Mr. LARGENT, Mr. PICKERING, Mr. STEARNS, and Mrs. WILSON):

H.R. 646. A bill to establish the Commission to Study the Structure and Reauthorization of the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. GOODE (for himself and Mr. PHELPS):

H.R. 647. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. ANDREWS, and Mr. PAUL):

H.R. 648. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. GRAHAM:

H.R. 649. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM (for himself, Mr. DEMINT, Mr. BURR of North Carolina, Mr. HILLEARY, Mr. SPENCE, Mr. FLETCHER, Mrs. EMERSON, Mr. FROST, Mr. GREEN of Texas, Mr. HASTINGS of Washington, and Mr. MCKEON):

H.R. 650. A bill to expand loan forgiveness for teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 651. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 652. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 653. A bill to amend title 10, United States Code, to direct the Secretary of the Army to establish a combat artillery medal; to the Committee on Armed Services.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Mr. GONZALEZ, Mr. BERMAN, and Mr. WAXMAN):

H.R. 654. A bill to reduce fraud in connection with the provision of legal advice and other services to individuals applying for immigration benefits or otherwise involved in immigration proceedings by requiring paid immigration consultants to be licensed and otherwise provide services in a satisfactory manner; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 655. A bill to establish a commission to study the culture and glorification of violence in America; to the Committee on the Judiciary.

By Mr. HERGER (for himself, Mr. TANNER, Mr. MANZULLO, and Ms. VELÁZQUEZ):

H.R. 656. A bill to amend the Internal Revenue Code of 1986 to allow use of cash accounting method for certain small businesses; to the Committee on Ways and Means.

By Mr. HERGER (for himself and Mr. TANNER):

H.R. 657. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mrs. THURMAN, Ms. DUNN, Mr. FOLEY, Mr. ENGLISH, and Mr. CAMP):

H.R. 658. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself and Mrs. JOHNSON of Connecticut):

H.R. 659. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2006; to the Committee on Education and the Workforce.

By Ms. HOOLEY of Oregon (for herself, Mr. DEFAZIO, Ms. RIVERS, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. BONIOR, Mr. FILNER, Mr. INSLEE, Mrs. MALONEY of New York, Mr. BROWN of Ohio, Mr. MARKEY, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. KLECZKA, Mr. CAPUANO, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. HINCHEY, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. LEE, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. THURMAN, Ms. ESHOO, Mr. SANDERS, Mr. EVANS, Mr. BALDACCI, Mr. KUCINICH, Mr. WEINER, Mr. MASCARA, Mr. LIPINSKI, and Mr. LANTOS):

H.R. 660. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. COYNE, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. ENGLISH, Mr. TANNER, Mr. SHAW, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. Watkins, Mr. Foley, Mr. Ramstad, Mr. Weller, Mr. Matsui, Mr. Rangel, Mr. Ryan of Wisconsin, and Mr. Becerra):

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mrs. Thurman):

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. Rodriguez, Ms. Granger, Mr. Abercrombie, Mr. Greenwood, Mr. Bentsen, Mrs. Kelly, Mr. Bonior, Mr. Leach, Mrs. Christensen, Mrs. Morella, Mr. Clyburn, Mr. Upton, Mr. Cramer, Mr. Green of Texas, Mr. Hilliard, Ms. Kilpatrick, Mrs. Maloney of New York, Mrs. Mink of Hawaii, and Mr. Towns):

H.R. 663. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. JEFFERSON (for himself, Mr. Abercrombie, Mr. Allen, Mr. Andrews, Mr. Baird, Mr. Baldacci, Ms. Baldwin, Mr. Barcia, Mr. Bartlett of Maryland, Mr. Becerra, Mr. Bentsen, Ms. Berkley, Mr. Berman, Mr. Bishop, Mr. Blagojevich, Mr. Bonior, Mrs. Bono, Mr. Borski, Mr. Boucher, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Burr of North Carolina, Mr. Cantor, Mrs. Christensen, Mr. Coyne, Mr. Cramer, Mr. Crowley, Mr. Cummings, Mr. Deal of Georgia, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Doyle, Mrs. Emerson, Mr. Engel, Mr. Foley, Mr. Frank, Mr. Frost, Mr. Gekas, Mr. Gilchrest, Mr. Gillmor, Mr. Gonzalez, Ms. Hart, Mr. Hilliard, Mr. Holden, Ms. Hooley of Oregon, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Illinois, Mr. Jones of North Carolina, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kind, Mr. King, Mr. Kucinich, Mr. LaHood, Mr. Lantos, Mr. LaTourette, Mr. LoBiondo, Mrs. Lowey, Mr. Luther, Mr. Maloney of Connecticut, Mr. Mascara, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McGovern, Mr. McHugh, Mr. McIntyre, Ms. McKinney, Mr. McNulty, Mrs. Maloney of New York, Mrs. Meek of Florida, Mr. Menendez, Mr. George Miller of California, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Ney, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Paul, Mr. Payne, Mr. Petri, Ms. Pelosi, Mr. Pomeroy, Mr. Portman, Mr. Quinn, Mr. Reyes, Mrs. Roukema, Mr. Rush, Mr. Sanders, Mr. Sawyer, Mr. Saxton, Mr. Schrock, Mr. Simmons, Ms. Slaughter, Mr. Stark, Mr. Thune, Mrs. Thurman, Mr. Towns, Mr. Udall of New Mexico, Mr. Walsh, Mr. Watkins, Mr. Watt of North Carolina, Mr. Waxman, Mr. Wexler, Mr. Whitfield, Mr. Wolf, and Mr. Wynn):

H.R. 664. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. Gephardt, Mr. Frost, Mr. Menendez, Ms. DeLauro, Mr. Lewis of Georgia, Mr. Pastor, Ms. Waters, Mr. George Miller of California, Mr. Rangel, Mr. Sandlin, Mr. Phelps, Mr. Abercrombie, Mr. Acevedo-Vila, Mr. Baca, Mr. Baird, Ms. Baldwin, Mr. Barrett, Mr. Becerra, Ms. Berkley, Mr. Blagojevich, Mr. Blumenauer, Mr. Borski, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Capuano, Mr. Cardin, Mrs. Christensen, Mr. Clay, Mr. Clyburn, Mr. Costello, Mr. Coyne, Mr. Crowley, Mr. Cummings, Mr. DeFazio, Mr. Delahunt, Mr. Dicks, Mr. Dingell, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Frank, Mr. Green of Texas, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Hilliard, Mr. Hinchey, Mr. Hoeffel, Mr. Honda, Mr. Inslee, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kucinich, Mr. LaFalce, Mr. Lampson, Mr. Langevin, Mr. Lantos, Ms. Lee, Mr. Maloney of Connecticut, Mr. Markey, Mr. Mascara, Mr. Matsui, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. Meehan, Mrs. Meek of Florida, Mr. Meeks of New York, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Murtha, Mr. Nadler, Mr. Neal of Massachusetts, Ms. Norton, Mr. Obey, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Payne, Mr. Price of North Carolina, Mr. Rahall, Ms. Rivers, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Ms. Sanchez, Mr. Sanders, Mr. Sawyer, Ms. Schakowsky, Mr. Serrano, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Strickland, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Towns, Ms. Velázquez, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H.R. 665. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. Matsui):

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 667. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mrs. Tauscher, Mr. Filner, Mrs. Johnson of Connecticut, Mr. Neal of Massachusetts, Mr. Sweeney, Mrs. Roukema, Mr. Capuano, Mr. LaHood, Mr. Smith of New Jersey, Mr. Gilman, Mr. Weller, Mr. McGovern, Mr. Larsen of Washington, Mr. Tierney, and Mrs. Thurman):

H.R. 668. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island:

H.R. 669. A bill to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building"; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 670. A bill to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building"; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 671. A bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself and Mr. McDermott):

H.R. 672. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the standard deduction; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. Knollenberg, Mr. LaTourette, and Mr. Camp):

H.R. 673. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mr. LaFALCE (for himself, Mr. Leach, Mr. Frank, Mr. Kanjorski, Mrs. Maloney of New York, Mr. Gutierrez, Mr. Sanders, Mr. Bentsen, Ms. Hooley of Oregon, Mr. Sandlin, Mrs. Jones of Ohio, Mr. Capuano, Ms. Pelosi, Mr. Hinchey, Ms. McCarthy of Missouri, Mr. Holden, Ms. Kaptur, Mr. Farr of California, Mr. McGovern, Ms. Eshoo, and Ms. McKinney):

H.R. 674. A bill to amend section 203 of the National Housing Act to provide for 1 percent downpayments for FHA mortgage loans for teachers and public safety officers to buy homes within the jurisdictions of their employing agencies; to the Committee on Financial Services.

By Mr. LANTOS (for himself, Mr. Kennedy of Rhode Island, Mr. Smith of New Jersey, Mr. Kirk, Mr. McGovern, Mrs. Lowey, Mr. Capuano, Mr. Berman, Mr. Ackerman, Mr. Weiner, Mr. Faleomavaega, Mr. Crowley, Ms. Pelosi, Mr. Oberstar, Mr. Kucinich, Mr. McDermott, Mr. Hall of Ohio, Mr. Kildee, Mr. Hinchey, Ms. McCollum, Mr. Langevin, Mr. Hoeffel, Mr. Frank, Mr. Wu, Mr. Brown of Ohio, Mr. McNulty, Mr. Delahunt, and Mr. Hastings of Florida):

H.R. 675. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on

International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM (for himself, Mr. Bachus, Mr. Ehrlich, Ms. Granger, Mr. Pitts, Mrs. Emerson, Mr. Riley, Mr. Duncan, Mr. Simpson, Ms. Hart, Mr. Whitfield, Mr. Chambliss, Mr. Paul, Mr. Smith of New Jersey, Mr. Pascrell, Ms. Ros-Lehtinen, Mrs. Northup, Mr. Burton of Indiana, Mr. Hostettler, and Mr. Ryun of Kansas):

H.R. 676. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount allowable as an annual contribution to education individual retirement accounts from $500 to $2,000, phased in over 3 years; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. LaHood, Mr. Costello, Mr. Davis of Illinois, Mr. DeFazio, Mr. Johnson of Illinois, and Mr. Rahall):

H.R. 677. A bill to amend title 49, United States Code, relating to inspection of commercial motor vehicles entering the United States along the United States-Mexico border, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York (for herself, Mr. Dicks, Mr. Serrano, Mr. George Miller of California, Mr. Kildee, Ms. Brown of Florida, Mr. Baldacci, Mr. Gilman, Mr. Brown of Ohio, Mrs. Christensen, Mr. Frost, Mr. Capuano, Mrs. Jones of Ohio, Mr. Paul, Mr. Owens, Mr. Engel, Mr. Evans, Mr. Waxman, and Ms. Woolsey):

H.R. 678. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the student loan interest deduction and to allow more taxpayers to claim that deduction; to the Committee on Ways and Means.

By Mr. McKEON:

H.R. 679. A bill to prohibit mining on a certain tract of Federal land in Los Angeles County, California, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. Frost, Mr. Green of Texas, Mr. Hinchey, Mr. Cummings, Mr. Davis of Illinois, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Ms. Millender-McDonald, Ms. McKinney, Mr. McNulty, Mrs. Meek of Florida, Mr. Rush, Mr. Wynn, Mr. Olver, and Mr. Petri):

H.R. 680. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. Brady of Pennsylvania, Mr. Cummings, Mr. Davis of Illinois, Mr. Frost, Ms. McKinney, Mr. Pascrell, Mr. Pastor, and Mr. Rangel):

H.R. 681. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to require that such Director report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mrs. MALONEY of New York:

H.R. 682. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. Frost, Mrs. Maloney of New York, and Mr. Hilliard):

H.R. 683. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 684. A bill to authorize assistance for mother-to-child HIV/AIDS transmission prevention efforts; to the Committee on International Relations.

By Mr. GEORGE MILLER of California:

H.R. 685. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in California for the use or reuse of reclaimed water and for the design and construction of demonstration and permanent facilities for that purpose, and for other purposes; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself, Mr. Paul, Mr. Blagojevich, Ms. Pelosi, Mr. Underwood, Ms. Brown of Florida, Mr. Hilliard, Mr. Etheridge, Mr. Costello, Mr. Hinojosa, Mr. Menendez, Ms. Kilpatrick, Ms. Roybal-Allard, Mr. Kucinich, Ms. Rivers, Mr. Traficant, Ms. Woolsey, Mrs. Kelly, Mr. Davis of Illinois, Mr. Abercrombie, and Mr. Green of Texas):

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to repeal the 60-month limitation period on the allowance of a deduction of interest on loans for higher education expenses; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Ms. McKinney, Mr. Frost, Ms. McCarthy of Missouri, Mr. Bentsen, Ms. Berkley, and Mrs. Jones of Ohio):

H.R. 687. A bill to expand the teacher loan forgiveness programs under the Federal Family Education Loan and Federal Direct Loan programs; to the Committee on Education and the Workforce.

By Mr. MOORE (for himself, Ms. DeLauro, Mrs. Maloney of New York, Mrs. Thurman, Mr. Blagojevich, Mr. Davis of Illinois, Ms. Eddie Bernice Johnson of Texas, Mr. Blumenauer, Mr. Lipinski, Mr. Serrano, and Ms. McKinney):

H.R. 688. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Energy and Commerce.

By Mrs. MORELLA (for herself, Mr. Bentsen, Ms. Berkley, Mr. Blumenauer, Mr. Capuano, Mr. Cummings, Mr. Davis of Illinois, Mr. Delahunt, Ms. DeLauro, Mr. Filner, Mr. Ford, Mr. Frost, Mr. Goode, Mr. Green of Texas, Mr. Hinchey, Mrs. Kelly, Ms. Kilpatrick, Mrs. Maloney of New York, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mr. Pascrell, Mr. Pallone, Mr. Sandlin, Mr. Sherman, Mrs. Thurman, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 689. A bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. Abercrombie, Mr. Ackerman, Ms. Baldwin, Mr. Becerra, Mr. Berman, Mr. Brown of Ohio, Mr. Capuano, Mr. Crowley, Mr. Davis of Illinois, Mr. DeFazio, Mr. Delahunt, Mr. Farr of California, Mr. Filner, Mr. Frank, Mr. Gutierrez, Mr. Holt, Mr. Larson of Connecticut, Mr. Lewis of Georgia, Mrs. Lowey, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Ms. McCollum, Mr. McDermott, Mr. McNulty, Mr. Meehan, Ms. Norton, Mr. Owens, Ms. Pelosi, Ms. Rivers, Ms. Roybal-Allard, Mr. Sanders, Ms. Schakowsky, Mrs. Tauscher, Mr. Towns, Mr. Waxman, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Mr. Brady of Pennsylvania, Ms. Lee, Mr. McGovern, and Mr. Stark):

H.R. 690. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 691. A bill to extend the authorization of funding for child passenger protection education grants through fiscal year 2003; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE (for himself, Mr. Nethercutt, Mr. Pomeroy, Mr. Baldacci, Mr. Phelps, Mr. Petri, Mr. Boehlert, Mrs. Emerson, and Mr. Thune):

H.R. 692. A bill to amend subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 to make improvements to the rural education achievement program; to the Committee on Education and the Workforce.

By Mr. PASCRELL (for himself, Mrs. Maloney of New York, Mrs. McCarthy of New York, Mr. Weiner, Mr. Delahunt, Mr. Capuano, Mr. Brady of Pennsylvania, and Mr. Barrett):

H.R. 693. A bill to ban the manufacture of handguns that cannot be personalized, to provide for a report to the Congress on the commercial feasibility of personalizing firearms, and to provide for grants to improve firearm safety; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 694. A bill to amend the National Labor Relations Act to permit elections to decertify representation by a labor organization; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. Murtha, Mr. Sherwood, Mr. Brady of Pennsylvania, Mr. English, Mr. Doyle, Mr. Gekas, Mr. Holden, Mr. Greenwood, Mr. Mascara, Ms. Hart, Mr. Weldon of Pennsylvania, Mr. Platts, and Mr. Kanjorski):

H.R. 695. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. RANGEL:

H.R. 696. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 697. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. Deutsch, Mr. Shows, Mr. Brown of Ohio, Mr. Bonior, Ms. Kaptur, Ms. DeLauro, Mr. Conyers, Mr. Nadler, Mrs. Mink of Hawaii, Mr. Oberstar, Mr. Crowley, Mr. Abercrombie, Mr. DeFazio, Mr. Hilliard, Mr. Filner, Mr. Olver, Mr. LaFalce, and Mr. Hinchey):

H.R. 698. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of certain prescription drugs by pharmacists and wholesalers; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 699. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2002; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 700. A bill to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. Dingell, Mr. Tauzin, Mr. George Miller of California, Mr. John, Mr. Hansen, Mr. Rahall, Mr. Kildee, Mr. Cooksey, and Mr. Saxton):

H.R. 701. A bill to use royalties from Outer Continental Shelf oil and gas production to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself and Mr. Gilchrest):

H.R. 702. A bill to encourage the safe and responsible use of personal watercraft, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. Doolittle, Mrs. Capps, Mr. Gary Miller of California, Mr. Filner, Mr. Hunter, Ms. Millender-McDonald, Ms. Woolsey, Ms. Berkley, Mr. Lantos, Mr. Thompson of California, Ms. Lofgren, Mr. Honda, and Mr. George Miller of California):

H.R. 704. A bill to permit the States in the Pacific time zone to temporarily adjust the standard time in response to the energy crisis; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself, Mr. Gibbons, Mr. Schaffer, Mr. Radanovich, Mr. Otter, Mr. Cannon, and Mr. Walden of Oregon):

H.R. 705. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 706. A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 707. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 708. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 709. A bill to provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself, Mr. Stupak, Mr. Bass, Mr. Hutchinson, Mr. Schaffer, Mr. Nethercutt, Mrs. Thurman, Mr. Rogers of Michigan, Mr. Frost, Mr. Smith of New Jersey, Ms. Norton, Ms. McCarthy of Missouri, Mr. Holt, and Mr. Fossella):

H.R. 710. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself and Mr. Schaffer):

H.R. 711. A bill to amend title 49, United States Code, to clarify that State attorney generals may enforce State consumer protection laws with respect to air transportation and the advertisement and sale of air transportation services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. Honda, Mr. Matsui, Mr. Baca, Mr. Condit, Ms. Woolsey, Mr. Farr of California, Mr. Filner, Mr. Hunter, Mr. Stark, and Ms. Solis):

H.R. 712. A bill to provide for a study by the National Academy of Sciences to determine the causes of recent increases in the price of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIERNEY (for himself, Ms. Lee, Mr. Conyers, Mr. Doyle, Mr. Bonior, Mr. Nadler, Mrs. Mink of Hawaii, Mr. Olver, Mr. Markey, Ms. Norton, Mr. George Miller of California, Mr. Blumenauer, Mr. Udall of Colorado, Mrs. Maloney of New York, Mr. Serrano, and Mr. Hinchey):

H.R. 713. A bill to require the Secretary of Agriculture to complete a report regarding the safety and monitoring of genetically engineered foods, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. Baird, Mr. Capuano, Ms. Carson of Indiana, Ms. Eshoo, Mr. Farr of California, Mr. Frank, Mr. Kildee, Mr. Kucinich, Mr. Lantos, Mr. LaTourette, Mrs. McCarthy of New York, Mr. Markey, Mr. George Miller of California, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Pallone, Mr. Payne, Mr. Sandlin, Mr. Scott, Mr. Traficant, and Mr. McGovern):

H.R. 714. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. TIERNEY (for himself, Mr. Moakley, Mr. Markey, Mr. Pallone, Mr. Stark, Mr. McGovern, Mr. Frank, Mr. Capuano, Mr. Andrews, Mr. Delahunt, Mr. Meehan, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Olver, Ms. Pelosi, Ms. Woolsey, and Mr. Weiner):

H.R. 715. A bill to require a study by the Bureau of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require a study by the General Accounting Office to determine how Federal benefits would be increased in each State if the determination of such benefits were based on such methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. Green of Texas, Mr. Shaw, Mr. Stark, and Mr. Sessions):

H.R. 716. A bill to provide for a study of anesthesia services furnished under the Medicare Program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself, Mr. Peterson of Minnesota, Mr. Greenwood, Mr. Tanner, Mr. Ehrlich, Mr. Cramer, Mr. Gordon, Mrs. Emerson, Mr. Riley, Mr. Bryant, Mr. Ford, Mr. Foley, Ms. Hooley of Oregon, Mr. King, Mr. Hobson, Mr. Pickering, Mr. Chambliss, Mr. Ehlers, Mr. Towns, Mr. McGovern, Mr. LaTourette, Mr. Doolittle, Mr. Watts of Oklahoma, Ms. Granger, Mr. Blumenauer, Mr. Murtha, Mr. Olver, Mr. Boehlert, Mr. Goodlatte, Mr. Holden, Mr. Watkins, Mr. Coble, Mr. Isakson, Mr. LoBiondo, Mr. McCrery, Mr. Kerns, Mr. Gilman, Mr. Rohrabacher, Mr. Issa, Mr. Calvert, Mr. Langevin, Mrs. Meek of Florida, Mr. Hastings of Florida, Ms. Brown of Florida, Mr. Miller of Florida, Mr. Otter, Mr. Walden of Oregon, Mrs. Myrick, Mr. LaHood, Mr. LIPINSKI, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. HOSTETTLER, Mr. KINGSTON, Mr. SCARBOROUGH, Mr. UPTON, Mr. LEACH, Mr. GILLMOR, Mr. WALSH, Mr. QUINN, Mr. GANSKE, Mr. JONES of North Carolina, Mr. BACHUS, Mr. OXLEY, Mr. TIAHRT, Mr. WELLER, Mr. MATSUI, Mr. WELDON of Florida, Mr. REYNOLDS, Mr. GUTKNECHT, Mr. CHABOT, Mr. HUNTER, Mr. GOODE, Mr. FLETCHER, Mr. SKELTON, Mr. MORAN of Virginia, Mr. RODRIGUEZ, Mr. TURNER, Mr. BENTSEN, Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. BILIRAKIS, Mr. ARMEY, Mr. MCHUGH, Mr. JENKINS, Mr. BOYD, Mr. PUTNAM, Mr. ROGERS of Michigan, Mr. KELLER, Mrs. KELLY, and Mr. MANZULLO):

H.R. 717. A bill to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; to the Committee on Energy and Commerce.

By Mrs. WILSON (for herself, Mr. GREEN of Texas, Mr. GARY MILLER of California, Mr. GOODLATTE, Mr. PICKERING, Mr. DEAL of Georgia, Mr. LARGENT, Mr. FOSSELLA, Mr. WALDEN of Oregon, Mr. BRYANT, Mr. TAUZIN, Mr. GILLMOR, Mr. FRELINGHUYSEN, Ms. CARSON of Indiana, Mr. KILDEE, Mr. ENGLISH, Mr. LEVIN, Mr. SIMMONS, Ms. ESHOO, Mr. HINCHEY, Mr. TERRY, Mr. RUSH, Mr. BONIOR, Mr. HORN, Mrs. EMERSON, Mr. ENGEL, Mrs. JO ANN DAVIS of Virginia, Ms. DEGETTE, Ms. HARMAN, Mr. MOORE, Mr. SHIMKUS, Mr. BARRETT, Mr. BOUCHER, Mr. GREENWOOD, Ms. MCCARTHY of Missouri, Mr. CRAMER, Mr. SESSIONS, Mr. GORDON, Mr. SHOWS, Mr. FRANK, Ms. MCKINNEY, Mr. HOLT, Mr. SANDLIN, Mr. SAWYER, Mr. STRICKLAND, Mr. WELLER, Mr. KING, Mr. BAKER, Ms. HART, Mr. PITTS, Mr. UDALL of New Mexico, Mr. LUTHER, Mr. REYES, Ms. PELOSI, Mr. FROST, Mr. EHRLICH, Mr. BURR of North Carolina, Mr. ADERHOLT, Mr. WOLF, Mr. ISAKSON, Mrs. CUBIN, Mr. BARTON of Texas, Mr. STEARNS, Mr. OXLEY, Ms. DUNN, Mr. HASTINGS of Washington, Mr. STUPAK, and Mr. BLUNT):

H.R. 718. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. FLETCHER):

H.R. 719. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that senior citizens are given an opportunity to serve as mentors, tutors, and volunteers for certain programs; to the Committee on Education and the Workforce.

By Mr. WU (for himself, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN):

H.R. 720. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN (for himself, Mr. BROWN of Ohio, Mr. LANGEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. MEEKS of New York, Mr. DELAHUNT, Mr. BALDACCI, Mr. FROST, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. BLAGOJEVICH, Mr. WATT of North Carolina, Mr. HOLDEN, Mr. BONIOR, Mr. GUTIERREZ, Ms. MCCARTHY of Missouri, Mr. SISISKY, Mr. SANDERS, Mr. ENGEL, Mr. MCNULTY, Mr. PAYNE, Mr. KILDEE, Mr. FILNER, Mr. CUMMINGS, Ms. WOOLSEY, Mr. SAWYER, Mr. STUPAK, Mr. KANJORSKI, Mr. MURTHA, Mr. HILLIARD, Mr. DICKS, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mr. DINGELL, Mr. SPRATT, Mr. KLECZKA, Mrs. MORELLA, Mr. HINCHEY, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FRANK, Mr. MOORE, Mr. WAXMAN, Ms. KILPATRICK, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. HOYER, Mr. ALLEN, Mrs. THURMAN, Ms. MCKINNEY, Mr. PRICE of North Carolina, Mr. FORD, Mr. STARK, Mr. PALLONE, Mr. KUCINICH, Mr. STRICKLAND, Ms. PELOSI, Mr. CONYERS, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, Ms. HOOLEY of Oregon, Mr. BACA, Mr. HALL of Ohio, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. GREEN of Texas, and Mr. RAHALL):

H.R. 721. A bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes; to the Committee on Government Reform.

By Mr. OBERSTAR (for himself, Mr. AKIN, Mr. ARMEY, Mr. BAKER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. GREEN of Wisconsin, Ms. HART, Mr. HAYES, Mr. HULSHOF, Mr. LIPINSKI, Mr. LUCAS of Kentucky, Mr. PICKERING, Mr. SHIMKUS, Mr. SHOWS, Mr. TANCREDO, and Mr. TERRY):

H.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. SAXTON:

H. Con. Res. 32. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BUYER (for himself and Mr. HAYES):

H. Con. Res. 33. Concurrent resolution recognizing the Boy Scouts of America for the public service it performs through its contributions to the lives of the Nation's boys and young men; to the Committee on the Judiciary.

By Mr. ETHERIDGE:

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Ava Gardner; to the Committee on Government Reform.

By Mr. GOSS:

H. Con. Res. 35. Concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico; to the Committee on International Relations.

By Mr. GREEN of Texas (for himself, Mr. JEFFERSON, Mr. MURTHA, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. BENTSEN, Mr. THORNBERRY, Mr. COSTELLO, Mr. PAYNE, Mr. GONZALEZ, Mr. GALLEGLY, Mr. GOODE, Mr. SMITH of Texas, Ms. MCCARTHY of Missouri, Mr. DEMINT, Mr. REYES, Mr. TOWNS, Mr. SESSIONS, Mr. CRAMER, Mr. GOODLATTE, Mr. RODRIGUEZ, Mr. HINOJOSA, Mrs. EMERSON, Mr. QUINN, Ms. BERKLEY, Mr. GANSKE, Mrs. MINK of Hawaii, Mr. RUSH, Mr. FATTAH, Mr. WALSH, Mr. MORAN of Virginia, Mr. HILLIARD, Mr. MASCARA, Mr. MCNULTY, Mrs. KELLY, Mr. TANCREDO, Mr. FOSSELLA, Mr. BACA, Mr. BALDACCI, Mrs. MORELLA, and Mr. LAFALCE):

H. Con. Res. 36. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself, Mr. GREENWOOD, Mr. BILIRAKIS, Mr. RAMSTAD, Mr. NORWOOD, Mr. WHITFIELD, Mr. HOBSON, Mrs. MALONEY of New York, Mr. DAVIS of Florida, Mr. NADLER, Mr. GOODE, Mr. BALDACCI, Mr. ENGLISH, Mr. LAFALCE, Ms. KAPTUR, Mr. LARSON of Connecticut, Mrs. KELLY, Mr. SHIMKUS, Mr. FARR of California, Mr. FROST, Mr. DOYLE, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. BARCIA, Mr. TANNER, Mr. DEUTSCH, Mr. WATKINS, Mr. MCNULTY, Ms. DELAURO, Mr. MCGOVERN, Mrs. CAPPS, Mr. PHELPS, Mrs. MORELLA, Mr. COSTELLO, Mr. SUNUNU, Mr. GANSKE, Ms. HART, Ms. BERKLEY, Mr. BASS, Mr. FOLEY, Mrs. NORTHUP, Mrs. LOWEY, and Mr. SIMMONS):

H. Con. Res. 37. Concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Ms. NORTON, Mr. HILLIARD, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mrs. MEEK of Florida, Ms. BALDWIN, Mr. MCNULTY, Mr. BERMAN, Mr. MCGOVERN, Mrs. CLAYTON, Mrs. MORELLA, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. FROST, Mrs. JOHNSON of Connecticut, Mrs. BIGGERT, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. THURMAN, Ms. DELAURO, and Mrs. LOWEY):

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. DREIER (for himself and Mr. MOAKLEY):

H. Res. 40. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 41. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. OXLEY:

H. Res. 42. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. TAUZIN:

H. Res. 43. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. HANSEN (for himself and Mr. Rahall):

H. Res. 44. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H. Res. 45. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. COMBEST:

H. Res. 46. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. GREEN of Wisconsin (for himself, Ms. Hooley of Oregon, Mr. Buyer, Mr. Barrett, Ms. DeLauro, Mr. Kleczka, Mr. Nethercutt, Mr. Petri, and Mr. Rangel):

H. Res. 47. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honorng American farm women; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin (for himself, Mr. Capuano, Mr. Shays, Mr. Meehan, Mr. Petri, Ms. Schakowsky, and Mr. Frank):

H. Res. 48. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. Bishop, Mr. Isakson, and Ms. McKinney):

H. Res. 49. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 50. A resolution expressing the sense of Congress with respect to Marcus Garvey; to the Committee on the Judiciary.

By Mr. TOWNS:

H. Res. 51. A resolution expressing the sense of the House of Representatives that the Government of Argentina should provide an immediate and final resolution to the Buenos Aires Yoga School case; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself, Mr. Engel, Mr. Rohrabacher, Mr. Calvert, Mr. Foley, Mr. Gekas, Mr. Riley, Ms. Granger, Mr. Frelinghuysen, Mr. Greenwood, Mrs. Bono, Mr. Bereuter, Ms. Jackson-Lee of Texas, Mr. Weiner, and Mr. Davis of Illinois):

H. Res. 52. A resolution expressing the sense of the House of Representatives regarding the grave danger of domestic terrorism and the need for improved organization in the executive branch and Congress to deter, prevent, prepare for, and respond to the impending threat of domestic terrorism; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H. Res. 53. A resolution to express the sense of the House of Representatives that the maximum Pell Grant should be increased to $4,350; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOWNS introduced a bill (H.R. 722) for the relief of Desmond J. Burke; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Reyes, Mr. Sessions, Mr. Souder, Mr. Issa, Mrs. Myrick, Mr. Fletcher, Mr. Simpson, Mr. Payne, Mr. Shimkus, Mr. Toomey, Mr. Ehrlich, Mr. Moran of Virginia, Mrs. Jo Ann Davis of Virginia, Mr. Graham, Mr. Brady of Texas, Mr. Watts of Oklahoma, and Mr. Skeen.

H.R. 36: Mrs. Morella, Mr. Phelps, Mr. Fattah, Mr. McInnis, Ms. Norton, Ms. Pelosi, Ms. McCarthy of Missouri, Mr. Leach, Mr. Gilchrest, Mr. Hill, and Mr. Moran of Virginia.

H.R. 50: Mr. Evans, Mr. Stearns, and Mr. McIntyre.

H.R. 65: Mr. Taylor of Mississippi.

H.R. 122: Mrs. Biggert, Mr. Coble, Mr. Schrock, Mr. Hunter, Mr. Riley, Mr. Gilchrest, Mr. Otter, Mr. Greenwood, Mr. Largent, Mr. Hefley, Mr. Cramer, Mr. Armey, Mr. Bonilla, Mr. Thornberry, Mr. Weldon of Florida, Mr. Watts of Oklahoma, Mr. Bartlett of Maryland, Ms. Berkley, Mr. King, Mrs. Johnson of Connecticut, Mr. Walsh, and Mr. Tiahrt.

H.R. 123: Mr. Taylor of Mississippi, Mr. Hall of Texas, Mr. Young of Alaska, Mr. Goode, and Mr. Boucher.

H.R. 131: Mr. Baca.

H.R. 138: Mr. Langevin and Mr. Gutierrez.

H.R. 139: Mr. Langevin and Mr. Gutierrez.

H.R. 145: Mr. Payne.

H.R. 148: Mr. Weiner.

H.R. 154: Mr. Issa, Mr. Langevin, Mr. DeFazio, Mr. Graham, and Mr. Peterson of Pennsylvania.

H.R. 159: Mr. Gutknecht, Mr. Doolittle, Mr. Otter, Mr. Barton of Texas, Mr. Lucas of Oklahoma, and Mr. Platts.

H.R. 162: Mr. Bentsen.

H.R. 179: Mr. Brown of Ohio, Mr. Flake, Mr. Rodriguez, Mr. Thompson of California, and Mr. Watt of North Carolina.

H.R. 183: Ms. Norton, Mr. Hinchey, Mr. Kildee, Mr. Doyle, Mrs. Thurman, Mr. McNulty, Mr. Lantos, Mrs. Mink of Hawaii, Ms. Hooley of Oregon, Mr. George Miller of California, Mr. Bonior, Ms. McCarthy of Missouri, Mr. Ackerman, Mrs. Christensen, Ms. Woolsey, Mr. Evans, Mr. Davis of Illinois, Mr. Payne, Ms. McCollum and Mr. Rush.

H.R. 187: Mr. Skelton.

H.R. 218: Mr. Shimkus and Mr. Gilman.

H.R. 220: Mr. Nethercutt.

H.R. 221: Mr. Udall of New Mexico, Ms. Kilpatrick, Mr. Frost, Mr. Blagojevich, Ms. Rivers, Mrs. Clayton, Mr. Lantos, Ms. Velázquez, Ms. Carson of Indiana, Mrs. Christensen, Mr. Gutierrez, Ms. McCarthy of Missouri, Mr. Rush, Mr. Payne, Mr. Bonior, Mr. Fattah, and Mr. Ford.

H.R. 236: Mr. Otter, Mr. Paul, Mr. Hilleary, Mr. Cantor, Ms. Capito, Mr. Platts, Mr. Whitfield, Mr. Goodlatte, Mr. Evans, Mr. Simpson, and Mr. Skeen.

H.R. 238: Mr. Sherman, Ms. Pelosi, and Mr. Condit.

H.R. 241: Ms. Rivers and Mr. Vitter.

H.R. 245: Ms. DeLauro and Ms. McKinney.

H.R. 259: Mr. Cramer.

H.R. 265: Mr. Towns, Mr. Frost, Mr. Abercrombie, Mr. Lantos, Mr. Sandlin, Mr. Sanders, Mr. Blagojevich, Mr. Owens, Mr. Kildee, Mr. Stark, and Mr. Engel.

H.R. 267: Mr. Terry, Mr. McHugh, Mr. Moran of Kansas, Mr. Baca, Mr. Lewis of Georgia, Mr. Bartlett of Maryland, and Mr. Honda.

H.R. 275: Mr. Reynolds, Mr. Hefley, and Mr. Duncan.

H.R. 286: Mr. Owens.

H.R. 287: Mr. Weiner.

H.R. 303: Mr. Schrock, Mr. Walden of Oregon, Mr. Camp, Mr. Mascara, Mr. Johnson of Illinois, Mr. Doolittle, Mr. Green of Wisconsin, Ms. Baldwin, Mr. Gillmor, Mr. Vitter, Ms. Kaptur, and Mr. Taylor of Mississippi.

H.R. 310: Mr. Dingell, Mr. Schaffer, and Mr. Evans.

H.R. 311: Mr. Johnson of Illinois and Mr. Udall of Colorado.

H.R. 325: Mr. Deal of Georgia.

H.R. 336: Ms. DeGette, Mr. Filner, Mrs. Christensen, Mr. Peterson of Minnesota, Mr. Boucher, and Mr. Sanders.

H.R. 345: Mr. Ford.

H.R. 367: Mr. Ackerman, Mr. Blagojevich, Ms. McKinney, Mr. Lantos, Mr. Sanders, Mr. Bonior, Mr. Kucinich, and Mr. Evans.

H.R. 368: Mr. Graham and Mr. Duncan.

H.R. 369: Mr. Fletcher, Mr. Hostettler and Mr. Duncan.

H.R. 370: Mr. Duncan.

H.R. 373: Mrs. Kelly, Mr. Johnson of Illinois, and Mr. Pascrell.

H.R. 397: Mr. Capuano, Mrs. Northup, Mrs. Kelly, Mrs. Tauscher, Ms. Slaughter, Mr. Larson of Connecticut, Mr. Lewis of Georgia, Mr. Conyers, Mr. Brady of Pennsylvania, Mrs. Meek of Florida, Mrs. Lowey, Mr. Gonzalez, Mr. Bartlett of Maryland, Mr. Towns, Ms. Ros-Lehtinen, Mr. DeFazio, and Mr. Isakson.

H.R. 419: Mr. Kucinich.

H.R. 429: Mr. Inslee.

H.R. 456: Mr. Doolittle, Mr. Tancredo, Mr. Hunter, Mr. Paul, Mr. Burton of Indiana, Mr. Bonilla, Mr. Gilchrest, and Mr. Brown of South Carolina.

H.R. 475: Mr. Chambliss, Mr. Cunningham, Mr. Armey, Mr. Ehlers, Mr. Owens, Mr. Paul and Mr. Duncan.

H.R. 478: Mr. Hilliard.

H.R. 482: Mr. Lucas of Kentucky and Mr. Bartlett of Maryland.

H.R. 489: Mr. Fletcher and Mr. Frost.

H.R. 490: Ms. Lofgren, Mr. Blagojevich, Mr. Gillmor, Mr. Kucinich, and Mr. Camp.

H.R. 491: Mr. FILNER.

H.R. 493: Mr. HILLIARD.

H.R. 494: Mr. HEFLEY.

H.R. 498: Mrs. EMERSON, Mr. SUNUNU, Mr. BACA, Mr. HALL of Ohio, Mr. BACHUS, Mr. PASTOR, Mr. GUTKNECHT, Mr. MOORE, Mr. WYNN, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. SCHROCK, Mr. SIMPSON, Mr. RAHALL, Mr. BLUNT, Mrs. MALONEY of New York, Mr. GREENWOOD, Mr. RANGEL, Mr. SABO, Mr. LANGEVIN, Mr. CLAY, Mr. BERRY, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. DAVIS of Illinois, Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUCAS of Oklahoma, Mr. MALONEY of Connecticut, Mr. PASCRELL, Mr. RANDANOVICH, Mr. SANDERS, Mr. PRICE of North Carolina, Mr. MENENDEZ, Mr. UPTON, Mr. RODRIQUEZ, Mr. LARGENT, Mr. CANNON, Mr. BISHOP, Mr. CARDIN, Mr. BORSKI, Mr. SESSIONS, Mrs. MINK of Hawaii, Mr. BOYD, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Mr. BONIOR, Mr. SCOTT, Mr. HILLIARD, Mr. SHAYS, Mr. NEAL of Massachusetts, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. OWENS, Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. HOYER, Mr. CUNNINGHAM, Mr. QUINN, Mr. SPRATT, Mr. THOMPSON of Mississippi, Mr. WEXLER, Mr. STRICKLAND, Mr. ISTOOK, Mr. WATTS of Oklahoma, Mr. DOOLITTLE, Mr. GREEN of Wisconsin, Ms. DELAURO, Mr. BEREUTER, Mr. NADLER, Mr. COSTELLO, Mr. COOKSEY, Mr. HOLDEN, Mr. WALDEN of Oregon, Mr. WAXMAN, Mr. ENGEL, Mr. THOMAS M. DAVIS of Virginia, Mr. WEINER, Mr. WATKINS, Mrs. ROUKEMA, Mr. KUCINICH, Mr. CLYBURN, Mr. DELAHUNT, Ms. RIVERS, Mr. OSBORNE, Mr. TIERNEY, MR. SAWYER, Mr. BALLENGER, Mr. LATOURETTE, Mr. BLUMENAUER, Mr. EVANS, Ms. MCCOLLUM, Mr. HASTINGS of Washington, Mr. GILLMOR, Mr. GRAHAM, and Ms. MCKINNEY.

H.R. 499: Mrs. MCCARTHY of New York.

H.R. 505: Mr. OWENS.

H.R. 510: Mrs. JONES of Ohio, Mr. GILMAN, Mr. SCHROCK, Mr. FRELINGHUYSEN, Mr. MCHUGH, Mr. KENNEDY of Rhode Island, Mr. TURNER, Ms. WATERS, Mr. HOYER, and Mr. KILDEE.

H.R. 511: Mr. ENGLISH, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mr. PAUL, Mrs. JONES of Ohio, Mr. BOUCHER, Mr. SANDERS, and Mr. GANSKE.

H.R. 518: Mr. ENGLISH and Mr. QUINN.

H.R. 525: Mr. EHLERS, Mr. SISISKY, Mr. TERRY, Mr. PAUL, and Mr. GREEN of Wisconsin.

H.R. 526: Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. KANJORSKI, Mr. CAPUANO, Ms. KAPTUR, Mr. NADLER, Mrs. MINK of Hawaii, Mr. UDALL of New Mexico, Mr. HALL of Ohio, Mr. WEINER, Mr. EVANS, Mr. THOMPSON of California, Mr. PRICE of North Carolina, and Mr. BALDACCI.

H.R. 527: Mr. MCCRERY, Mr. GARY MILLER of California, and Mr. SHIMKUS.

H.R. 533: Mr. BALDACCI.

H.R. 536: Mr. ENGEL, Mr. PAYNE, Mr. BERMAN, Mr. CROWLEY, Mr. FATTAH, Mr. DEUTSCH, Mrs. CHRISTENSEN, Mr. ROEMER, Mr. LANGEVIN, Ms. LOFGREN, Mr. EVANS, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. DICKS, Mr. DOOLEY of California, Mr. EDWARDS, Mr. CONYERS, and Mr. WATT of North Carolina.

H.R. 557: Mr. JONES of North Carolina.

H.R. 559: Mr. MARKEY, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. TIERNEY, Mr. CAPUANO, Mr. HASTERT, and Mr. GEPHARDT.

H.R. 560: Mr. HONDA, Mrs. CAPPS, and Mr. GONZALEZ.

H.R. 579: Mrs. JO ANN DAVIS of Virginia and Mr. FATTAH.

H. Con. Res. 25: Mr. PASCRELL, Mr. WALSH, Ms. RIVERS, and Mr. HILLIARD.

H. Res. 13: Mr. KUCINICH, Mr. FERGUSON, Ms. RIVERS, and Mr. HOEFFEL.

H. Res. 14: Ms. KAPTUR.

H. Res. 17: Mr. OLVER, Mr. RUSH, Mr. MARKEY, Mr. SANDERS, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, and Mr. NADLER.

H. Res. 26: Mr. MCNULTY.

EXTENSIONS OF REMARKS

HONORING TERRI THOMSON

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise to recognize Terri Thomson of Queens, New York, for her lifetime of community service. Thomson will be honored again next week by the Powhatan and Pocahontas Regular Democratic Club for her work to improve our education and quality of life in Queens.

Thomson currently serves New York City school children, parents and faculty as the Queens Representative to the City Board of Education. Thomson is one of seven Board members responsible for setting policy for an $11 billion budget, more than one million school children, 1100 school buildings, and more than 100,000 education professionals.

Thomson was appointed by Queens Borough President Claire Shulman to the New York City Board of Education in July 1998. She is Chair of both the Parent Outreach and Involvement and the Finance and Capital Budget Committees. She chaired a task force that has recommended all newly constructed high schools be offered as schools of choice on a year-round calendar as a strategy to alleviate overcrowding, particularly in Queens.

Terri has been a steadfast friend and consistent advocate for New York City public school children. I have attended dozens of meetings on local education issues with Terri, and she has been a powerful ally in the fight to ensure that Queens County gets its fair share of education resources.

Thomson has been a strong supporter of many community organizations and has served as a board member of the Greater Jamaica Development Corporation, Queens Symphony Orchestra, Queens Library Foundation, Flushing Council on Culture and the Arts, St. Francis College Board of Regents; as Chair of Queens County Overall Economic Development Corporation, Treasurer of the Queens Chamber of Commerce and Vice Chair of the Brooklyn Sports Foundation.

Thomson currently serves as Vice President and Director of State Civic Affairs in the Citigroup Corporate Affairs Department. Previously, she was Vice President and Director of New York City and State Government Relations for Citigroup in the Global Community Relations Department. She began her career with Citigroup in February 1990 as Director of Government Relations, representing her company in the communities of Queens, Brooklyn, Manhattan and Staten Island. Prior to her career at Citigroup, Terri was District Administrator for ten years for Congressman GARY ACKERMAN, advocating for the citizens of Queens.

A strong advocate for school governance reform, Thomson took a leadership role in changing the prohibition against Board of Education employees serving as parent representatives on School Leadership Teams. She has been relentless in fighting for capital dollars in the Board's Capital Plan to relieve the long-standing neglect of Queen's schools that has resulted in borough-wide overcrowding.

Thomson, a graduate of Queens College, was born in Brooklyn and has lived in Flushing, Queens since the age of three. Thomson and her husband Ed have two daughters, Patricia and Maryellen.

Mr. Speaker, please join me in commending Terri Thomson for all her work on behalf of her community.

INTRODUCTION OF A BILL TO ENSURE THAT INCOME AVERAGING FOR FARMERS NOT INCREASE A FARMER'S LIABILITY FOR THE ALTERNATIVE MINIMUM TAX

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the Farmer Tax Fairness Act, along with my Ways and Means Committee colleagues, Representatives THURMAN, DUNN, and FOLEY, ENGLISH, and CAMP. This legislation will help ensure that farmers have access to tax benefits rightfully owed them.

As those of us from agricultural areas understand, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. A few years ago, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of our nation's farmers have been unfairly denied the benefits of this important accounting tool.

Our legislation directly addresses the concerns being raised by farmers using income averaging. Under the Farmer Tax Fairness Act, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that farmer would disregard the AMT and pay taxes according to the averaging calculation. As such, farmers will be able to take full advantage of income averaging as intended by Congress.

This provision is a reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleagues to join me in promoting greater tax fairness for our nation's farmers.

100TH BIRTHDAY OF LANDIS, NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, a town in the Sixth District of North Carolina will celebrate its centennial next month, and I wish to take this opportunity to congratulate Landis, North Carolina, on its 100th birthday. Landis was founded in southern Rowan County on March 7, 1901, by a group of investors in the textile industry. The first textile operation was Linn Mill that was started on land owned by Columbus Linn. The founding fathers of the town that would later be named Landis were, in essence, the board of directors of the newly formed mill company.

How the town came to be known as Landis is subject of much discussion. According to Ted L. Allen, author of the Historical Survey (June 1974 N.C. Department of Natural and Economic Resources), Landis was named after famed jurist and baseball legend Judge Kennesaw Mountain Landis. According to Allen, "In 1901, the U.S. Government brought an anti-trust suit against a major U.S. oil company. The judge residing on the anti-trust case was Judge Kennesaw Mountain Landis. As a result of the large sum of money involved, 29 million dollars, and the name of the judge in the case, a motion was made one evening in an informal discussion that the town be named Landis. The community leaders adopted the name and the name was submitted to the post office department. The post office department did not object and on March 7, 1901, the N.C. General Assembly ratified the incorporation of the Town of Landis, North Carolina."

This story was well accepted by old timers in town. While it is a good story, there are a few holes in it. President Theodore Roosevelt didn't appoint Judge Landis until 1905. The oil company was Standard Oil Company and it appears that this case did not occur until the middle or latter part of the first decade of the 1900's. According to Frederick Corriher, his grandfather, Lotan A. Corriher, one of the original members of the Linn Mill board of directors, suggested that the town be named for Judge Landis at a town meeting in the 1920's. At that time, Judge Landis was commissioner of Major League Baseball, and thanks to the Black Sox scandal, was a national figure. Therefore, there is some friendly controversy about the naming of this town, but there are no disagreements about the future of Landis.

The future for Landis is bright. During its first 100 years, Landis has developed into a thriving bedroom community of more than 3,000 with a balance of industry and commercial growth. The town, always self-reliant, is a full-service small municipality. Landis remains true to its heritage as a textile community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Parkdale Mills, for example, operates two plants there.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Landis, North Carolina on its centennial celebration. We offer our best wishes for much prosperity and success during the century to come.

IN HONOR OF SFC LATOYA D. KING-JOHN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor the 18-year commitment of SFC Latoya King-John of Brooklyn, NY. Ms. King-John is currently serving in the United States Army Reserve. From 1996–1997, Ms. King-John served in Operation Joint Venture; leaving her husband and two young children while she worked as a movement control supervisor in Bosnia, Croatia, and Hungary.

In addition, Ms. King-John has worked for New York State for the past 17 years. While there she has been an active member of the Civil Service Employees Association, where she has served on the Education Committee of Local 351. Also, Ms. King-John is a member of the Non-Commissioned Officers Association. In 1999, Ms. King-John was recognized by the Disabled American Veterans.

Mr. Speaker, Ms. King-John has served this country for nearly two decades at great personal sacrifice; she has served New York State for nearly two decades as well. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

SUPPORT OF THE LABOR FIRST CONTRACT NEGOTIATIONS ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Labor Relations First Contract Negotiations Act.

The National Labor Relations Act guarantees the right of employees to organize and bargain collectively to improve living standards and working conditions. The right to organize is a basic civil right, and unions are an avenue to equity, fair treatment, and economic stability for working people. Free enterprise includes the freedom to organize as a unit to bargain collectively. Often, current law hinders this ability. That is why I have introduced the Labor Relations First Contract Negotiations Act.

This bill requires mediation and, if necessary, binding arbitration of initial contract negotiation disputes. Under this proposed bill, if an employer and a newly elected representative have not reached a collective bargaining agreement within 60 days of the representative's certification, the employer and the representative will jointly select a mediator to help them reach an agreement. If they cannot agree on a mediator, one will be appointed for them by the Federal Mediation and Conciliation Service. In the event that the parties do not reach an agreement in 30 days, the remaining issues may be transferred to the Federal Mediation and Conciliation Service for binding arbitration.

Let's make sure that everyone has a fair opportunity to negotiate a collective bargaining agreement. I urge my colleagues to join me in cosponsoring this legislation.

INTRODUCTION OF THE HOMEOWNERSHIP OPPORTUNITIES FOR UNIFORMED SERVICES AND EDUCATORS ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LAFALCE. Mr. Speaker, today, along with my colleague Representative LEACH and a number of other Members of the House, I will be introducing the Homeownership Opportunities for Uniformed Services and Educators Act, also known as the "HOUSE Act."

The HOUSE Act authorizes 1% down payment FHA mortgage loans for prekindergarten through 12th grade teachers, policemen, and firemen buying a home within the school district or local employing jurisdiction. This significantly reduces the down payment hurdle. For example, the down payment on a $132,000 home would be lowered from around $6,270 to only $1,320. In higher cost areas the effect would be more dramatic.

Moreover, for qualified borrowers, the bill defers the 1.5% up-front FHA premium that FHA customarily charges, which currently ranges from $1,980 to $3,590, depending on the size of the loan. Moreover, this deferred fee is reduced by 20% for each year of public service in the community, and entirely waived after five years of continued service.

Down payment and loan fee reductions will have the effect of helping school districts and localities recruit and retain qualified teachers, policemen and firemen. It will also make it easier for these public servants to buy a home within the community they work. And, the bill's premium waiver feature provides an incentive for continued public service in the local community.

The Congressional Budget Office (CBO) has estimated that the bill would generate 125,000 new loans to teachers, policemen, and firemen over the next five years. CBO also determined that the bill would actually increase the federal budget surplus by $162 million over the same period.

This legislation is supported by the Fraternal Order of Police, the American Federation of Teachers, the National Education Association, and the American Association of School Administrators.

Moreover, the bill enjoys bi-partisan support, and was in fact passed by the House last year, as Section 203 of H.R. 1776. Unfortunately, it died when the House and Senate failed to reach agreement. I urge my colleagues to join us in cosponsoring this important legislation, so that we may enact it into law this year.

HONORING ASSEMBLYMAN DENIS BUTLER

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to honor Assemblyman Denis Butler for his twenty-four years of elected service on behalf of the people of Queens. The Powhatan and Pocahontas Regular Democratic Club will honor Butler again next week for his tremendous advocacy for youth, senior citizens, veterans and the disabled.

Assemblyman Butler was first elected to the New York State Assembly in April of 1976, and enjoyed victories in every Assembly race since then. During his twenty-four years in the Assembly, Mr. Butler moved up the ranks to become an Assistant Speaker Pro Tempore, to which he was appointed in 1993. Assemblyman Butler previously held the positions of Vice-Chairman of the Majority Conference, Chairman of the Majority Conference and Chairman of the Committee on Standing Committees. He was also a member of the Executive Committee of the Eastern Regional Conference of the Council of State Governments.

As Chairman of the Queens Assembly Delegation, Assemblyman Butler has been an unfailing advocate for Astoria and Long Island City, successfully securing hundreds of thousands of dollars for numerous recreational, cultural, educational, civic, youth, anticrime and senior programs throughout Queens.

In 1998, Assemblyman Butler received the Brooklyn Diocese's Pro Vita award, presented to him by Bishop Francis J. Mugavero in recognition of his efforts on behalf of the unborn. In 1992, he was the recipient of the New York State Catholic Conference Public Policy Award, presented by John Cardinal O'Connor and the Bishops of New York State. Assemblyman Butler was the driving force behind the Maternity and Early Childhood Foundation, a non-for-profit statewide organization that promotes alternatives to abortion, successfully securing approximately 17 million dollars for the Foundation since 1983.

Assemblyman Butler is Vice-Chairman of the Queens Democratic County Committee and for thirty years was the Executive Member of the Powhatan Regular Democratic Club, one of the oldest clubs in New York State. In conjunction with the Powhatan and Pocahontas Clubs, Assemblyman Butler was the organizer for the last twenty-nine years of annual Toys for Tots Drive for the needy.

Mr. Butler is a lifelong resident of the District he represented, covering Astoria, Long Island City and Jackson Heights. A graduate of La Salle Academy and Cathedral College, Assemblyman Butler also attended St. Joseph's Seminary, Columbia University and the State University at Albany. Prior to his election to the New York State Assembly, Mr. Butler, who holds a Bachelor of Arts Degree, was an account executive and sales manager on the field of broadcasting, both in radio and television.

Married to former Mary Kerr, Assemblyman Butler and his lovely wife have three children: Kathleen, a health care administrator; Denis, an attorney; and Thomas, President of Butler Associates, a Manhattan based Public Relations and Marketing Firm.

I was proud to serve with Assemblyman Butler in the New York State Assembly for twelve years, and I am pleased to call him a friend.

Mr. Speaker, please join me in commending Assemblyman Butler for his twenty-four years of advocacy for the people of Queens and New York State.

INTRODUCING A BILL TO ENSURE THAT SMALL BUSINESSES ARE RIGHTFULLY ENTITLED TO USE THE CASH METHOD OF ACCOUNTING

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the "Cash Accounting for Small Business Act of 2001," a bill to simplify the tax code and provide relief for small businesses across the nation. I am pleased to be joined in this effort by my colleague on the Ways and Means Committee, Mr. TANNER, along with the chairman and ranking member of the Small Business Committee, Mr. MANZULLO and Ms. NYDIA VELÁZQUEZ.

One of the most complex and burdensome aspects of the Tax Code for many small businesses is also one of the most fundamental—their tax accounting method. While current tax law specifies a $5 million annual gross receipts test for the use of cash accounting, this test has often been misinterpreted by the IRS, especially for small businesses using inventory.

Today we are introducing the "Cash Accounting for Small Business Act of 2001," legislation to clarify tax accounting rules for small businesses. Our legislation will follow the recommendation of the IRS National Taxpayer Advocate in his 2000 report to Congress by further clarifying the $5 million threshold for use of the cash method of accounting. For small companies with average annual gross receipts below that level, they will be entitled to use the cash method. In addition, the bill will enable small businesses, particularly service providers below the $5 million threshold, to avoid the onerous inventory-accounting rules. As a result, small business owners will be able to save time and accounting costs and put them back into productive use.

According to accountants, the use of accrual accounting can increase a small business' accounting costs by as much as 50 percent. For small firms struggling to get their businesses off the ground, that's valuable capital thrown down the drain to pay for unnecessary recordkeeping. The costs for failure to comply, however, can be quite high. A survey by the Padgett Business Services Foundation, for example, revealed that on the inventory accounting issue alone, a small business found by the IRS to be using the incorrect bookkeeping method can end up paying $2,000 to $14,000, with an average of $7,200 in taxes, interest, and penalties.

Small business owners across the country have been clamoring for tax simplification. This legislation is a down payment on that goal. I urge all my colleagues to join me in this straight-forward effort to infuse some common sense into our overly complicated Tax Code. Small businesses contribute greatly to this country's economy, and they deserve a break from needless government-imposed compliance costs.

A TRIBUTE TO THE HONORABLE ALBERT VANN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor New York State Assemblyman Albert Vann of Brooklyn, New York upon his receipt of the Susan G. Hadden Pioneer Award from the Alliance for Public Technology. The Hon. Albert Vann has served as the NYS Assemblyman for the 56th Assembly since 1974. During this time Mr. Vann has been a tireless advocate on behalf of low-income communities, chairing the Assembly Standing Committee on Children and Families as well as the New York State Black and Puerto Rican Caucus. He is currently the Chairman of the Assembly Standing Committee on Corporations, Authorities and Commissions. The 'Corporations' Committee has oversight authority over the New York State Public Service Commission, the regulatory body for telecommunications and cable.

Assemblyman Vann has worked on a variety of initiatives to lay the groundwork to bring technology to low income and rural areas. Mr. Vann worked with me to expand the Congressional Black Caucus' Braintrust Communications Conference to include telecommunications and e-commerce issues. He also worked with the New York State Public Service Commission to create the Diffusion Fund, which provides $50 million to establish broadband capacity in low-income communities. In addition, he has held a series of technology seminars in his district to provide his constituents with networking opportunities in telecommunications and information services.

Al Vann was selected to serve as co-chair of the Assembly Task Force on Telecommunications where he worked on the ramifications of the 1996 Federal Telecommunications Act for New York State. He has used his positions to ensure that New York State maintains a leadership role on telecommunications issues. Al brought his technology access concerns to a national forum by chairing the National Black Caucus of State Legislators Telecommunications and Energy Committee.

Mr. Speaker, NYS Assemblyman Al Vann has been a tireless advocate on behalf of the technologically underserved, through his hard work and dedication, he has provided access where otherwise there would not be any. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this fine public servant.

INTRODUCTION OF A HOUSE CONTINUING RESOLUTION URGING INCREASED FEDERAL FUNDING FOR JUVENILE (TYPE 1) DIABETES RESEARCH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of legislation which urges Congress to increase federal funding for Type I diabetes, also known as juvenile diabetes.

Type I diabetes is a devastating illness that affects over 1 million Americans, many of whom are diagnosed as children. This serious disease robs children of their innocence and independence, and burdens its victims with a lifetime of finger-sticks, shots, and fear of dreaded complications.

Even with a strict regimen of insulin injections, blood-glucose monitoring, diet and exercise, people with Type I diabetes are at severe risk for blindness, kidney failure, amputations, heart disease and stroke.

The burden of diabetes is felt by all Americans. Americans spend $105 billion each year on the direct and indirect costs of this disease. One of every four Medicare dollars is spent on beneficiaries with diabetes, and one in ten health care dollars overall are spent on individuals with this serious disease.

There is great promise that a cure for Type I can be found in the near future. Advancements in genetic research, transplantation and immunology, and research into potential vaccines all hold the potential to eliminate Type I diabetes. But if we are to find a cure, we in Congress must find the money to pay for it.

The Diabetes Research Working Group (DRWG), a Congressionally appointed panel of experts in diabetes research, issued a report in 1999 that indicates the need for a significant increase in diabetes research. The DRWG recommended a $4.1 billion increase for diabetes research over a five year period. Congress must heed this report.

This legislation I am introducing today recognizes the particular burden of Type I diabetes, and the need to follow the recommendations of the DRWG. It also recognizes the importance of our partners in the private sector, such as the Juvenile Diabetes Research Foundation, which has donated more than $326 million to diabetes research since 1970 and will give $100 million in FY 2001.

Mr. Speaker, full funding for diabetes research will help eradicate this devastating illness, save billions of health care dollars, and end the unnecessary suffering of millions of Americans. I urge all of my colleagues to join me in our fight to cure Type I diabetes.

TEACHER RECRUITMENT AND RETENTION ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MOORE. Mr. Speaker, I rise today to ask my colleagues to support the Teacher Recruitment and Retention Act. I am introducing this legislation today to address a pressing need in school districts across the country—the need for teachers at all levels.

Local school districts all over the country are struggling with a teacher shortage that shows no signs of abating in the near future. Urban, rural and suburban districts are all struggling, to different degrees, with this problem caused by a combination of demographic trends and a low teacher retention rate.

The children of the Baby Boomers, or the "Baby Boom Echo," resulted in a 25% increase in our nation's birth rate that began in the mid-1970s and reached its peak in 1990 with the birth of 4.1 million children. The children of the Baby Boom Echo are flooding our schools—in the fall of 2000, 53 million young people entered our nation's public and private classrooms and, for the fourth year in a row, set a new national enrollment record for elementary and secondary education. The record 2000 enrollment reflects an increase of 6.5 million, or 14% since fall 1990.

Furthermore, the U.S. is on the verge of a massive wave of retirements as the large cohort of experienced teachers who were hired in the late 1960s and 1970s begin to leave the profession. A total of 2.2 million teachers are needed to meet enrollment increases in the next 10 years and to offset the large number of teachers who are preparing to retire. The nationwide shortage of teachers is already particularly pronounced in the disciplines of science, math, special education, and foreign languages.

Unfortunately, young teachers are leaving the profession at an alarming rate. Local school administrators are working overtime to find the qualified teachers they need, but their toughest problem is keeping them once hired. Our recent booming economy, which has benefited Americans at all levels, has drawn quality teachers to higher-paying, lower-stress jobs in the private sector. Twenty-two percent of all new teachers leave the profession in the first three years. Studies show that teachers are much more likely to remain in the field of education throughout their career if we can help them through the first three years.

Local school districts are already feeling the effects of this trend. Last year, I conducted a survey of school districts within the Third Congressional District in Kansas, and the principals reported to me that 92% of elementary schools, 95% of junior high/middle schools and 75% of high schools reported they were able to fill all teaching positions with qualified teachers. Furthermore, the principals fully expect this problem to continue—75% of all schools reported they anticipate difficulty hiring qualified teachers in the future, including 90% of the middle school and junior high schools.

It is time for the federal government to assist states and local school districts in attracting and keeping qualified teachers. It is also time to recognize that recruiting and retaining good teachers is a national priority worthy of federal investment.

Mr. Speaker, today with several of my colleagues I am introducing the Teacher Recruitment and Retention Act. This bill would forgive 100% of federal student loans (up to $10,000) over five years for any newly qualified educator who: teaches in a low-income school, teaches special education, or teaches in a designated teacher shortage area (as defined by the state departments of education). The provisions of this bill would apply to all Federal Family Education Loan (FFEL) Direct Loans (DL).

I encourage my colleagues to hear the requests of their school districts and join me in cosponsoring this important legislation.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BECERRA. Mr. Speaker, on January 30 and 31 and February 6, 7, and 13, I was unable to cast my votes on rollcall votes: No. 5, on motion to suspend and pass H.R. 93; No. 6 on motion to suspend and agree to H. Con. Res. 14; No. 7 on motion to suspend and agree to H. Con. Res. 15; No. 8 on approving the journal; No. 9 on motion to suspend and pass H.J. Res. 7; No. 10 on motion to suspend and agree to H. Res. 28; No. 11 on motion to suspend and pass H.R. 132; No. 12 on motion to suspend and agree to H. Res. 34; and No. 13 on motion to pass H.R. 2. Had I been present for the votes, I would have voted "aye" on rollcall votes 5, 6, 7, 8, 9, 10, 11, 12, and 13.

HONORING MARY ANNE KELLY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. CROWLEY. Mr. Speaker, I rise to honor Mary Anne Kelly for her great commitment to community and family involvement. Kelly will be recognized next week by the Powhatan and Pocahontas Regular Democratic Club for her work on behalf of her community in Long Island City and Astoria, New York.

Kelly's love for and roots in Queens are deep and long lasting. She was born in St. John's hospital, then located to Long Island City, where she was raised as the only child of loving parents, Florence and Lawrence Creamer of Astoria. She graduated from St. Joseph's Grammar School in Astoria with honors and was the recipient of the Math Medal. Mary Anne then attended St. Jean the Baptiste High School in Manhattan where she participated in numerous activities and did volunteer work with the New York Foundling Home. She said that although it was often heart wrenching, it was a wonderful feeling to be able to help infants and toddlers. It was a true labor of love.

Mrs. Kelly had every intention of entering Hunter College with the goal of becoming a Math teacher, as she loved working with children. However, the New York Telephone Company offered a wonderful opportunity to her, and she opted for the business world—a choice she does not regret. She worked for eight years in the commercial department, the last five years as a business representative. Kelly also served as her office's union representative.

In the summer of 1956, a mutual friend introduced Mary Anne to a wonderful man. Now after 43 years of marriage to Peter Kelly, Mary Anne claims that summer day was the luckiest day of her life. They were married in June of 1958 and had three marvelous children: Peter, now a Civil Court Judge, Anne-Marie, my talented Director of Constituent Service, and Carleen. In addition, they have a loving daughter-in-law Cathy, a terrific son-in-law Robert, and have been blessed with four beautiful grandchildren Christian, Bobby, Brian and Meghan.

Kelly's involvement with politics started with a phone call from Denis Butler who had decided to run for Democratic leader in Astoria. He invited her to run with him as female co-leader. They had known each other through their mutual involvement in church and Home School activities. Kelly was Vice President of the Rosary Society and had chaired many successful fundraisers for their school. That phone call was the beginning of a wonderful political union and a friendship that lasted through 30 years of service to their community and clubs. They have the honor of being the two leaders, male and female, in Queens who remained in office longer than any other political team. Although Kelly is no longer a Democratic District Leader, a title her daughter Anne-Marie Anzalone now holds, she will always remain devoted to her community and the Pocahontas and Powhatan clubs whose members have been so supportive over the years.

As an elected official, I appreciate the work and dedication of people like Mary Anne Kelly to democracy and good government. Mary Anne is the person who carries the petitions, stuffs the envelopes, helping to elect hundreds of talented men and women to all levels of government, from Queens courts to U.S. President.

Mr. Speaker, please join me recognizing Mrs. Mary Anne Kelly for her lifetime of service to the communities of Astoria and Long Island City, New York.

HONORING JOLIET JUNIOR COLLEGE (JJC)

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. WELLER. Mr. Speaker, today I honor Joliet Junior College (JJC) as they celebrate their 100 year anniversary and the unveiling of the U.S. Postal Service post card honoring JJC.

JJC is America's oldest public community college. It began in 1901 as an experimental postgraduate high school and was the "brain child" of J. Stanley Brown, Superintendent of Joliet Township High School, and William Rainey Harper, President of the University of Chicago. The college's initial enrollment was six students.

Brown and Harper's innovation created a junior college that academically paralleled the first two years of a 4-year college or university. The junior college was designed to accommodate students who wanted to remain within the community and still pursue a college education that was affordable. Today, Brown and Harper's vision has spread across the nation and has become a vital part of our economic prosperity and our cultural awareness.

Community Colleges have stood the test of time, meeting the challenges of recovery from depression and war, opening their doors to over 2.2 million veterans since World War II and teaching a generation of baby boomers. Now, our community colleges are faced with a myriad of new challenges as they enter their second century.

On February 20, 2001, the United States Postal Service will issue and unveil a post card in honor of the 100th anniversary of JJC and to also honor all of America's Community Colleges. It is my hope that this post card will reaffirm to the American public the value of a good education and will remind us here in Joliet how lucky we are to have JJC in our backyard.

Mr. Speaker, I urge this body to identify and recognize other institutions in their own districts whose actions have so greatly benefited and strengthened America's communities.

H.R. 599: MEDICARE MENTAL ILLNESS NON-DISCRIMINATION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. ROUKEMA. Mr. Speaker, yesterday I introduced H.R. 599, the Medicare Mental Illness Non-Discrimination Act. In reference to my extension of remarks concerning this legislation (on page E156 of the CONGRESSIONAL RECORD), I ask that a letter in support of H.R. 599 from Dr. Daniel B. Borenstein, President of the American Psychiatric Association (APA), be added in the RECORD. I submit the following letter from the APA into the CONGRESSIONAL RECORD.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, DC, February 8, 2001.

Representative MARGE ROUKEMA,
Rayburn Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: On behalf of the American Psychiatric Association (APA), the medical specialty representing more than 40,000 psychiatric physicians nationwide, I am writing to offer our heartfelt thanks for your sponsorship of legislation to end Medicare's historic discrimination against patients with mental illness.

As you know, Medicare currently requires patients seeking outpatient treatment for mental illness to pay 50 percent of their care out of pocket, as opposed to the 20 percent copayment charged for all other Medicare Part B services. This is simply a policy of discrimination by diagnosis that inflicts a heavy toll on Medicare patients who, for no fault of their own, happen to suffer from mental illness.

Your legislation would end this discrimination by requiring that Medicare patients pay only the same 20 percent copayment for mental illness treatment that they would pay when seeking any other medical treatment, including, for example, treatment for diabetes, cancer, heart disease, or the common cold. APA commends you for your continued dedication to persons with mental illness, and we join you in urging Congress to end Medicare's discriminatory coverage of mental illness treatment.

Thank you for your sponsorship of this most important bill. We look forward to working with you to secure its ultimate enactment.

Sincerely,
DANIEL B. BORENSTEIN, M.D.,
President.

INTRODUCTION OF A BILL TO STRENGTHEN AND IMPROVE THE BENEFITS PROVIDED TO SMALL BUSINESSES UNDER INTERNAL REVENUE CODE SECTION 179

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HERGER. Mr. Speaker, today I introduce the "Small Business Expensing Improvement Act of 2001," legislation to assist small businesses with the cost of new business investment. I am pleased to be joined in this effort by my colleague on the Ways and Means Committee, Mr. TANNER.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

The legislation we are introducing today will improve our tax laws to make it easier for small businesses to make the crucial investments in new equipment necessary for continued prosperity. Under Code Section 179, a small business is allowed to expense the first $24,000 in new business investment in a year. Our legislation will increase this amount to $35,000, beginning in 2001. Furthermore, our bill will index this amount to ensure that the value of this provision is not eroded over time.

This legislation will also allow more small businesses to take advantage of expensing by increasing from $200,000 to $300,000 the total amount a business may invest in a year and qualify for Section 179. It is important to note that this amount has not been adjusted for inflation since its enacting into law in 1986.

The "Small Business Expensing Improvement Act" also improves the small business expensing provision by following the recommendations of the IRS National Taxpayer Advocate in his 2000 Annual Report to Congress. Specifically, our legislation makes residential rental personal property and off-the-shelf computer software eligible for expensing under Section 179.

Mr. Speaker, in times of economic uncertainty, we must do all we can to encourage new investment and job creation. The "Small Business Expensing Improvement Act of 2001" will help accomplish this worthy goal, and I urge my colleagues to join me in this effort.

IN COMMEMORATION OF THE DAY OF REMEMBRANCE RE-INTRODUCTION OF THE WARTIME PARITY AND JUSTICE ACT OF 2001

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BECERRA. Mr. Speaker, on Saturday I will enjoy the privilege of joining with citizens in Los Angeles at the historic Japanese American National Museum dedicated in its mission to "remembering our history to better guard against the prejudice that threatens liberty and equality in a democratic society," in commemorating the Day of Remembrance. Truly by reflecting on our history we secure the promise of the "streets of gold" that our ancestors dreamed about. An America ripe with opportunity for all people—and a spirit refined by our struggles to build a brighter future as we secure the riches of the blessings of liberty.

On Saturday, we will gather to remember a solemn past so we can look onward towards a future of promise. We look back solemnly to a relocation center at Rohwer Arkansas where a young boy was forced to spend much of his childhood. But we see a more promising future as this boy, Los Angeles' very own, George Takei, overcame that experience to become a household name as an original cast member of one of America's most celebrated television programs. We look back solemnly at a relocation center called Heart Mountain in Wyoming where another innocent young boy was stripped of his freedom. But we see a more promising future as this boy, Norman Mineta, became the first Asian Pacific American ever to serve on a presidential cabinet. We look back solemnly as mothers and fathers stood behind barbed wires branded as traitors to the very flag for which their sons fought as valiant soldiers of the 442nd Combat Regiment. They helped secure our freedom even as we robbed that very freedom from their loved ones. But we look to a more promising future as last year President Clinton finally awarded this country's highest military citation, the Medal of Honor, to 22 of these heroes. Those medals are just a dim reflection of the brilliance of their courage and resilience. We can never repay their sacrifice for our nation.

These are the ones who have worked tirelessly to bring us where we are today. But there is still much more work that needs to be done. This year's Day of Remembrance theme behind which we gather, "Building a Stronger Community Through Civil Rights and Redress" is appropriately fitting as we work together towards the America we dream of today. Together we have achieved much but there is still much more left to do. I am proud to continue our struggle for civil rights. Along with the Congressional Asian Pacific American Caucus, I worked this last year in Congress to secure needed funding to build a memorial center right outside of Los Angeles at the Manzanar relocation center. My colleagues and I wanted to make sure that the camp stands to remind us never to erect another one again. We must remember our past so we can build a better future. Further, during the 106th Congress we worked in combating the sickness of hate motivated crimes, establishing the first ever Presidential Commission on Asian Pacific Americans, defending bilingual education, enabling minority owned businesses, and fighting against the troubling trend of racial profiling.

This year I followed closely the story which our keynote speaker, Ms. Alberta Lee, will speak about. Indeed, Mr. Wen Ho Lee's case sent shockwaves not only through the Asian Pacific American community but through all of us dedicated to civil rights—and those of us who know our history. Fifty-nine years ago after the tragic bombing of Pearl Harbor an entire group of American's became suspect and victims of racial profiling. The only "evidence" the United States had against them was the color of their skin. Unfortunately that was enough for President Franklin Roosevelt to sign Executive Order 9066. And so without a trial, more than 100,000 people of Japanese descent lost their freedom. It was not until 1983 that a Presidential Commission characterized the internment as an act of racism and wartime hysteria. After all those years the government never uncovered even a single case of sabotage or espionage committed by an American of Japanese ancestry during the war. Yet more than 100,000 people had already lost their freedom as little boys and girls wondered behind barbed wires, guarded by armed guards, what they had done wrong. Indeed we were troubled by Mr. Lee's case as we remembered what happened 59 years ago.

The second part of this year's Day of Remembrance theme is redress. Truly in order to move forward we must address the wounds of the past. After decades of struggle, President Reagan signed the historic Civil Liberties Act into law that finally gave redress to those who suffered by our government's mistakes.

We celebrate this victory even today because the achievement remains monumental. However, we are still only looking over the horizon as we look forward to a new day when this chapter of our history is finally brought to a close. The sun has not risen on the new day because it has not yet set on the old. There is still unfinished work that must be done before we can move forward into a brighter future.

Last year, I introduced bi-partisan legislation in Congress to finish the remaining work of redress. While most Americans are aware of the internment of Japanese Americans, few know about our government's activities in other countries resulting from prejudice held against people of Japanese ancestry. Recorded thoroughly in government files, the U.S. government involved itself in the expulsion and internment of an estimated 2,000 people of Japanese descent who lived in various Latin American countries. Uprooted from their homes and forced into the United States, these civilians were robbed of their freedom as they were kidnapped from nations not even directly involved in World War II. These individuals are still waiting for equitable redress, and justice cries out for them to receive it. That is why today I re-introduced the Wartime Parity and Justice Act of 2001 to finally turn the last page in this chapter of our nation's history.

This bill provides redress to every Japanese Latin American individual forcibly removed and interned in the United States. These people paid a tremendous price during one of our nation's most trying times. Indeed, America accomplished much during that great struggle. As we celebrate our great achievements as a nation let us also recognize our errors and join together as a nation to correct those mistakes. My legislation is the right thing to do to affirm our commitment to democracy and the rule of law.

In addition, the Wartime Parity and Justice Act of 2001 provides relief to Japanese Americans confined in this country but who never received redress under the Civil Liberties Act of 1988 given technicalities in the original law. Our laws must always establish justice. They should never deny it. That is why these provisions ensure that every American who suffered the same injustices will receive the same justice. Finally, we come today to remember because through remembrance scars are healed and we become more careful to guard against the same injuries again. That is why my legislation will reauthorize the educational mandate in the 1988 Act which was never fulfilled. This will etch this chapter of our nation's history in our national conscience for generations to come as a reminder never to repeat it again.

Let us renew our resolve to build a better future for our community through civil rights and redress as we dedicate ourselves to remembering how we compromised liberty in the past. This will help us to guard it more closely in the future. I look forward to working with my colleagues to pass this much needed legislation.

HONORING THE R.A. BLOCH CANCER FOUNDATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MOORE. Mr. Speaker, I rise today to honor a family and a foundation that have changed the lives of thousands of cancer patients in our country—Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation.

In 1978, Richard Bloch was told he had terminal lung cancer and that he had 3 months to live. He refused to accept this prognosis, and after two years of aggressive therapy, he was told he was cured.

Since Richard's bout with cancer, he and his wife Annette have devoted their lives to helping other cancer patients. Richard, one of America's best known businessmen, sold his interest in H&R Block, Inc. and retired from the company in 1982 to be able to devote all of his efforts to fighting cancer.

The Bloch Cancer Foundation, which is fully supported financially by the Bloch family, is fueled by over a thousand volunteers—other cancer survivors and supporters who share the vision of Richard and Annette Bloch, such as:

Doctors who have shared their time, knowledge and expertise;

Home volunteers who call newly diagnosed cancer patients and place the metaphorical arm around a shoulder. These home volunteers guide new patients through their apprehension and fears so they can face their disease with confidence;

Computer specialists who have developed the web sites so patients and survivors can seek help over the Internet;

Volunteers who give their time on a weekly basis to answer phones and e-mail and form the backbone of an organization committed to cancer patients;

The professionals and volunteers of the Bloch Cancer Support Center;

Those who help develop Cancer Survivors Parks;

Volunteers who helped to mail more than 98,000 books that were requested by cancer patients; and

The Board of Directors who help Dick and Annette develop and implement the programs of the foundation.

Mr. Speaker, on June 4, 2001, we will celebrate the 16th anniversary of Cancer Survivors Day, an event that was started by the Blochs in Kansas City and is now celebrated in over 700 communities throughout the United States. June 4th also marks the 21st anniversary of the Cancer Hot Line, which has received more than 125,000 calls from newly diagnosed cancer patients since its inception in 1980.

I encourage my colleagues to join me as I honor Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation for twenty-one years of steadfast commitment to cancer patients and survivors.

HONORING SUSAN B. ANTHONY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, Susan B. Anthony is well remembered as one of our nation's greatest champions not just of the right of women, but of all Americans. In addition to her work for women's rights, she was a leading voice speaking out against the evil of slavery. Her work in turning women away from abortion is regarded as one of her most important contributions. Susan B. Anthony declared that amongst her greatest joys was to have helped "bring about a better state of things, for mothers generally, so that their unborn little ones could not be willed away from them."

Today, on the 181st anniversary of her death, we honor this great human rights crusader and bring her wisdom to bear on one of the great human rights issues of our day—the right of life of the unborn. Susan B. Anthony was clear: abortion for her was nothing less than "child murder," and she devoted much of her energies toward making women independent of what she termed the "burden" of abortion. She did so not just because she knew abortion to be "child murder", but because she understood the lasting harm it has on women. As she noted, abortion could only "burden her conscience in life and burden her soul in death."

Susan B. Anthony fought to lift the unjust burdens oppressing women, including the burden of abortion. As we celebrate her birthday, let us also recommit ourselves to her goal of relieving women of the burden of abortion.

CONGRATULATING TENAFLY MIDDLE SCHOOL ON EFFORTS TO REMOVE LAND MINES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. ROUKEMA. Mr. Speaker, I thank the students of Tenafly Middle School for the work they have done to raise money to help rid a small Balkan town half a world away of land mines. The work these students have done is an outstanding example of humanitarian concern and compassion among amazingly young individuals—these are students in the sixth, seventh and eighth grades.

The Land Mine Awareness Club grew out of a class taught by language arts teacher Mark Hyman, called "Heroes of Conscience" and aimed at the development of student leaders by focusing on historical figures who were models of compassion and service. Students in the class decided two years ago to focus on the land mine issue, which had been championed by Britain's Princess Diana before her 1998 death.

About two dozen students from the class formed the Land Mine Awareness Club, designed a multimedia presentation on the world land mine problem, and chose the village of Podzvizd in northwestern Bosnia-Herzegovina as a "sister city." The students began taking their presentation to churches, civic groups and other organizations throughout Bergen County, explaining the dangers of land mines and appealing for donations to help remove land mines in Podzvizd.

The students soon formed a non-profit organization, Global Care Unlimited Inc., in order to collect donations on behalf of Podzvizd. In addition to the presentations by the club, the school's 800 students began a campaign of selling paper butterflies—representative of the deadly "butterfly" model of land mine—that raised $6,000. To date, the students have raised a total of approximately $15,000 in donations. Last week, Global Care signed an agreement with the U.S. State Department, which will match the private donations dollar for dollar under its Global Humanitarian Demining Program. In all, $30,000 is now available to remove hundreds of mines from a field near a school in Podzvizd.

Global Care Unlimited declares part of its goal to be "to develop student leadership potential in the areas of organization, communication and technology in the service of humanitarian ideals." The students participating in this project have, in fact, learned how to establish a formal, non-profit organization, have learned communication skills by working with the local media and technological skills in putting together the multimedia presentation used in their fund-raising efforts.

Special recognition must go to Mr. Hyman, a teacher who has made a difference not only in the lives of his own students but for the residents of Podzvizd as well. These students clearly took to heart the lessons they learned in this class and put them to use—in my mind, they have become "heroes of conscience" themselves.

Mr. Speaker, land mines are horrible enough when used during time of war by soldiers of one army against those of another. But land mines are unlike other weapons that observe a cease-fire when the war ends. Instead, they lie dormant, their locations often forgotten and difficult to find even if records are available. Civilians return to areas that were once battlefields and become victims of land mines even years after a conflict has ended. Approximately 110 million live land mines are estimated to be buried around the world today and one blows up every 22 seconds. Of those injured, 90 percent are civilians—more than one-third of them children. In nations such as Bosnia-Herzegovina, thousands of children with missing limbs are living evidence of the threat posed by land mines. And thousands of others have died as a result of the mines.

That is why I wrote to President Clinton last year, urging him to join the world effort led by Canada to ban anti-personnel land mines. In addition, I have co-sponsored the Land Mine Elimination Act, which would prohibit federal funds from being spent to deploy new anti-personnel land mines. A total of 156 nations support a complete ban of land mines, as do international leaders such as General Norman Schwarzkopf, Pope John Paul II and Bishop Desmond Tutu. I will continue to work hard to achieve the goal of ridding the globe of this man-made menace. This horror cannot be allowed to continue.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in congratulating these young people on the magnanimous humanitarian effort. We can all learn from the example offered by these youth. If I may quote from the Book of Isaiah, ". . . . and a little child shall lead them."

VETERANS' COMPENSATION EQUITY ACT OF 2001

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. EVANS. Mr. Speaker, today, I am introducing H.R. 609, the "Veterans' Compensation Equity Act of 2001". This legislation will provide more equitable treatment to approximately 150,000 older veterans who receive service-connected disability compensation from the Department of Veterans Affairs and who are also eligible to receive retirement pay based upon their military service.

Under current law, the amount of military retirement pay received by a military retiree is reduced on a dollar-for-dollar basis by the amount of VA service-connected disability compensation the military retiree receives. This reduction in military retirement pay when the military retiree is in receipt of service-connected disability compensation is intended to prevent dual compensation. The notion of dual compensation is simply erroneous. Service-connected disability benefits are paid to compensate a veteran for an injury or illness incurred or aggravated during military service. Retirement benefits are paid to military retirees who have spent at least 20 years of their lives serving our country as members of the Armed Forces. These two programs—military retirement pay and service-connected disability compensation—are completely different programs with entirely different purposes. Payments made by these programs are not and should not be considered duplicative.

The current treatment of military retirees who have service-connected disabilities is simply inequitable. A veteran receiving service-connected disability compensation could become eligible for civil service retirement based on his or her subsequent work as a civilian employee of the federal government. This individual, unlike the military retiree, can receive the full amount of both of the retirement benefit which has been earned and the service-connected disability compensation for which he or she may be eligible.

The "Veterans' Compensation Equity Act of 2001" will reduce and then eliminate the offset in military retirement benefits for veterans who are entitled to both military retirement pay and service-connected compensation benefits. Under this bill the offset will be completely eliminated when the retiree reaches age 65.

In many cases, retired military personnel are fortunate enough to have retired from military service unscathed. These military retirees are not eligible to receive VA compensation due to illnesses or injuries incurred or aggravated during their military careers. In addition to receiving military retirement pay they are able to earn additional income through non-military employment and thereby accrue Social Security or other retirement income benefits.

Military retirees who were not so fortunate, are required to forfeit a portion or all of their military retirement pay in order to receive service-connected compensation benefits due to illnesses or injuries which were incurred or aggravated during their military careers. Before we consider tax relief for our Nation's wealthiest citizens, we should allow military retirees to receive the full amount of the retirement benefits they have earned through many years of devoted military service and compensation for illnesses or injuries which were incurred or aggravated during their military careers. These veterans, as a result of their service-connected medical conditions, face diminished employment possibilities and therefore a diminished ability to earn additional income through civilian employment. They may completely lose the opportunity to accrue Social Security or other retirement income benefits.

In general, Social Security disability benefits received by retirees are offset by monies received under state Worker's Compensation and similar public disability laws. However, the

Social Security statute provides that this offset ends when the worker attains 65 years of age. Furthermore, while recipients of Social Security benefits who earn income have their Social Security benefits reduced as a result of their earnings, this offset is eliminated at retirement age (currently 65).

While all veterans who are subject to the concurrent receipt offset are unfairly penalized, my bill would begin to rectify the injustice which falls most heavily on our older veterans. This bill will promote fairness and equity between military retirees and Social Security retirees by eliminating the offset at age 65.

Military retirees who have given so much to the service of our country and suffered disease or disabilities as a direct result of their military service do not deserve to be impoverished in their older years by the concurrent receipt penalty.

I commend Mr. Bilirakis, an original cosponsor of this bill, for his longstanding efforts to address the problems our military retirees experience due to the statutory prohibition on concurrent receipt of military retirement pay and benefits from the Department of Veterans Affairs. I urge my colleagues to support this bipartisan effort to promote fairness for our Nation's older military retirees.

AMERICAN HEART MONTH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PRICE of North Carolina. Mr. Speaker, I want to join my colleagues in recognizing February as American Heart Month. I commend the American Heart Association and other organizations for their efforts to raise awareness of heart disease. Their work is essential to reducing the physical, emotional, and economic burden of heart disease on the American public.

Heart disease remains the number one killer in America. Currently 20 million Americans are living with some form of this disease. In 1997 alone, over nineteen thousand North Carolinians died of heart disease. Every American is at risk for heart disease, and most of us have loved ones who have suffered from some form of this disease. The financial cost to the American public is immense. Heart disease, together with stroke and other cardiovascular diseases, are estimated to cost approximately $300 billion in medical expenses and lost productivity in 2001.

One way each of us can help reduce the number of deaths and disability from heart disease is by being prepared for cardiac emergencies. Unfortunately, too many Americans do not know the warning signs of a heart attack. They include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulder, arm or neck; and chest discomfort with lightheadedness, fainting, sweating, nausea or shortness of breath. If a friend or family member is exhibiting these symptoms, you can assist them by recognizing these signs, being prepared to call 9–1–1, and administering CPR if needed. Just knowing these signs can save your life or the life of someone you care about.

I urge each of us to dedicate ourselves to learning more about heart disease, how to prevent it, how to recognize it, and what to do if you suspect that someone is having a problem. In the meantime, Congress must continue its strong commitment to the National Institutes of Health so researchers have the tools necessary to find new ways to treat and cure this devastating disease.

TRIBUTE TO ZINOVY GORBIS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Professor Zinovy Gorbis, who will be celebrating his 75th birthday on March 3. Professor Gorbis, a faculty member of UCLA's Mechanical, Aerospace, and Nuclear Engineering Department, committed his life to studying the properties of solid particles suspended in gas or liquid. His contribution to the field deserves our respect and admiration. He is a prolific scientist, holding 17 patents and authoring three extensive field-defining papers and numerous articles. Long before environmental concerns led to the intensive study of aerosols, Professor Gorbis identified gas/liquid-solid systems as the 5th state of matter. His ideas on the unique properties of gas solid systems continue to influence and direct research throughout the world.

Despite the countless number of hours spent researching, Professor Gorbis still found time for his family. And he rarely passed up an opportunity to dance or play chess. Perhaps as well as anyone else, he has always understood the importance of life's simple treasures. Indeed, his passion for life helped him overcome formidable tribulations that most of us could not possibly imagine, As a teenager, he fled to the Soviet Union after German troops invaded his home and he experienced firsthand the horrors of war. As he grew older, he was never fully trusted because he was a Jew, despite the wide recognition and respect he received for his scientific work. In 1975, he was dismissed from his position and precluded from teaching when his oldest son, Boris, applied to leave the Soviet Union. A year later, he fled to Vilnius, Lithuania, waiting for the day that he could live in freedom and continue his crucial work. The Soviets, however, fervently refused to allow his family to emigrate, and Professor Gorbis spent the next decade in oblivion, measuring noise in elevator shafts while his wife suffered from a crippling bone disease.

In 1987, Professor Gorbis and his family were finally allowed to leave the Soviet Union. He soon settled in southern California with his family, where they flourished and became outstanding citizens. Once again, he was able to contribute to science with selfless devotion. I ask my colleagues to join me in saluting Professor Gorbis for his outstanding achievements. His scientific work and his passion for life inspire us all. We thank Professor Gorbis and wish all the best to him and his family on his 75th birthday.

A VIEWPOINT ON THE SUPREME COURT CASE NY TIMES V. TASINI

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MCGOVERN. Mr. Speaker, I submit for the RECORD this letter from Marybeth Peters, the Register of Copyrights at the U.S. Office of Copyrights, establishing her position on the U.S. Supreme Court Case, NY Times versus Tasini.

REGISTER OF COPYRIGHTS,
LIBRARY OF CONGRESS,
Washington, DC, February 14, 2001.

Congressman JAMES P. MCGOVERN,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: I am responding to your letter requesting my views on New York Times v. Tasini. As you know, the Copyright Office was instrumental in the 1976 revision of the copyright law that created the publishers' privilege at the heart of the case. I believe that the Supreme Court should affirm the decision of the court of appeals.

In Tasini, the court of appeals ruled that newspaper and magazine publishers who publish articles written by freelance authors do not automatically have the right subsequently to include those articles in electronic databases. The publishers, arguing that this ruling will harm the public interest by requiring the withdrawal of such articles from these databases and irreplaceably destroying a portion of our national historic record, successfully petitioned the Supreme Court for a writ of certiorari.

The freelance authors assert that they have a legal right to be paid for their work. I agree that copyright law requires the publishers to secure the authors' permission and compensate them for commercially exploiting their works beyond the scope of section 201(c) of the Copyright Act. And I reject the publishers' protests that recognizing the authors' rights would mean that publishers would have to remove the affected articles from their databases. The issue in Tasini should not be whether the publishers should be enjoined from maintaining their databases of articles intact, but whether authors are entitled to compensation for downstream uses of their works.

The controlling law in this case is 17 U.S.C. §201(c) which governs the relationship between freelance authors and publishers of collective works such as newspapers and magazines. Section 201(c) is a default provision that establishes rights when there is no contract setting out different terms. The pertinent language of §201(c) states that a publisher acquires "only" a limited presumptive privilege to reproduce and distribute an author's contribution in "that particular collective work, any revision of that collective work, and any later collective work in the same series."

The Supreme Court's interpretation of section 201(c) will have important consequences for authors in the new digital networked environment. For over 20 years, the Copyright Office worked with Congress to undertake a major revision of copyright law, resulting in enactment of the 1976 Copyright Act. That Act included the current language of §201(c), which was finalized in 1965 of interests.

Although, in the words of Barbara Ringer, former Register and a chief architect of the

1976 Act, the Act represented "a break with the two-hundred-year old tradition that has identified copyright more closely with the publisher than with the author" and focused more on safeguarding the rights of authors, freelance authors have experienced significant economic loss since its enactment. This is due not only to their unequal bargaining power, but also to the digital revolution that has given publishers opportunities to exploit authors' works in ways barely foreseen in 1976. At one time these authors, who received a flat payment and no royalties or other benefits from the publisher, enjoyed a considerable secondary market. After giving an article to a publisher for use in a particular collective work, an author could sell the same article to a regional publication, another newspaper, or a syndicate. Section 201(c) was intended to limit a publisher's exploitation of freelance authors' works to ensure that authors retained control over subsequent commercial exploitation of their works.

In fact, at the time §201 came into effect, a respected attorney for a major publisher observed that with the passage of §201(c), authors "are much more able to control publishers' use of their work" and that the publishers' rights under §201(c) are "very limited." Indeed, he concluded that "the right to include the contribution in any revision would appear to be of little value to the publisher." Kurt Steele, "Special Report, Ownership of Contributions to Collective Works under the New Copyright Law," Legal Briefs for Editors, Publishers, and Writers (McGraw-Hill, July 1978).

In contrast, the interpretation of §201(c) advanced by publishers in Tasini would give them the right to exploit an article on a global scale immediately following its initial publication, and to continue to exploit it indefinitely. Such a result is beyond the scope of the statutory language and was never intended because, in a digital networked environment, it interferes with authors' ability to exploit secondary markets. Acceptance of this interpretation would lead to a significant risk that authors will not be fairly compensated as envisioned by the

THE PUBLIC DISPLAY RIGHT

Section 106 of the Copyright Act, which enumerates the exclusive rights of copyright owners, includes an exclusive right to display their works publicly. Among the other exclusive rights are the rights of reproduction and distribution. The limited privilege in §201(c) does not authorize publishers to display authors' contributions publicly, either in their original collective works or in any subsequent permitted versions. It refers only to "the privilege of reproducing and distributing the contribution." Thus, the plain language of the statute does not permit an interpretation that would permit a publisher to display or authorize the display of the contribution to the public.

The primary claim in Tasini involves the NEXIS database, an online database which gives subscribers access to articles from a vast number of periodicals. That access is obtained by displaying the articles over a computer network to subscribers who view them on computer monitors. NEXIS indisputably involves the public display of the authors' works. The other databases involved in the case, which are distributed on CD-ROMs, also (but not always) involve the public display of the works. Because the industry appears to be moving in the direction of a networked environment, CD-ROM distribution is likely to become a less significant means of disseminating information.

The Copyright Act defines "display" of a work as showing a copy of a work either directly or by means of "any other device or process." The databases involved in Tasini clearly involve the display of the authors' works, which are shown to subscribers by means of devices (computers and monitors).

To display a work "publicly" is to display "to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times." The NEXIS database permits individual users either to view the authors' works in different places at different times or simultaneously.

This conclusion is supported by the legislative history. The House Judiciary Committee Report at the time §203 was finalized referred to "sounds or images stored in an information system and capable of being performed or displayed at the initiative of individual members of the public" as being the type of "public" transmission Congress had in mind.

When Congress established the new public display right in the 1976 Act, it was aware that the display of works over information networks could displace traditional means of reproduction and delivery of copies. The 1965 Supplementary Report of the Register of Copyrights, a key part of the legislative history of the 1976 Act, reported on "the enormous potential importance of showing, rather than distributing copies as a means of disseminating an author's work" and "the implications of information storage and retrieval devices; when linked together by communications satellites or other means," they "could eventually provide libraries and individuals throughout the world with access to a single copy of a work by transmission of electronic images." It concluded that in certain areas at least, "'exhibition' may take over from 'reproduction' of 'copies' as the means of presenting authors' works to the public." The Report also stated that "in the future, textual or notated works (books, articles, the text of the dialogue and stage directions of a play or pantomime, the notated score of a musical or choreographic composition etc.) may well be given wide public dissemination by exhibition on mass communications devices."

When Congress followed the Register's advice and created a new display right, it specifically considered and rejected a proposal by publishers to merge the display right with the reproduction right, notwithstanding its recognition that "in the future electronic images may take the place of printed copies in some situations." H.R. Rep. No. 89-2237, at 55 (1966).

Thus, §201(c) cannot be read as permitting publishers to make or authorize the making of public displays of contributions to collective works. Section 201(c) cannot be read as authorizing the conduct at the heart of Tasini.

The publishers in Tasini assert that because the copyright law is "media-neutral," the §201(c) privilege necessarily requires that they be permitted to disseminate the authors' articles in an electronic environment. This focus on the "media-neutrality" of the Act is misplaced. Although the Act is in many respects media-neutral, e.g., in its definition of "copies" in terms of "any method now known or later developed" and in §102's provision that copyright protection subsists in works of authorship fixed in "any tangible medium of expression," the fact remains that the Act enumerates several separate rights of copyright owners, and the public display right is independent of the reproduction and distribution rights. The media-neutral aspects of the Act do not somehow merge the separate exclusive rights of the author.

REVISIONS OF COLLECTIVE WORKS

Although §201(c) provides that publishers may reproduce and distribute a contribution to a collective work in three particular contexts, the publishers claim

Although "revision" is not defined in Title 17, both common sense and the dictionary tell us that a database such as NEXIS, which contains every article published in a multitude of periodicals over a long period of time, is not a revision of today's edition of The New York Times or last week's Sports Illustrated. A "revision" is "a revised version" and to "revise" is "to make a new, amended, improved, or up-to-date version of" a work. Although NEXIS may contain all of the articles from today's New York Times, they are merged into a vast database of unrelated individual articles. What makes today's edition of a newspaper or magazine or any other collective work a "work" under the copyright law—its selection, coordination and arrangement—is destroyed when its contents are disassembled and then merged into a database so gigantic that the original collective work is unrecognizable. As the court of appeals concluded, the resulting database is, at best, a "new anthology," and it was Congress's intent to exclude new anthologies from the scope of the §201(c) privilege. It is far more than a new, amended, improved or up-to-date version of the original collective work.

The legislative history of §201(c) supports this conclusion. It offers, as examples of a revision of a collective work, an evening edition of a newspaper or a later edition of an encyclopedia. These examples retain elements that are consistent and recognizable from the original collective work so that a relationship between the original and the revision is apparent. Unlike NEXIS, they are recognizable as revisions of the originals. But as the Second Circuit noted, all that is left of the original collective works in the databases involved in Tasini are the authors' contributions.

It is clear that the databases involved in Tasini constitute, in the words of the legislative history, "new," "entirely different" or "other" works. No elements of arrangement or coordination of the pre-existing materials contained in the databases provide evidence of any similarity or relationship to the original collective works to indicate they are revisions. Additionally, the sheer volume of articles from a multitude of publishers of different collective works obliterates the relationship, or selection, of any particular group of articles that were once published together in any original collective work.

REMEDIES

Although the publishers and their supporters have alleged that significant losses in our national historic record will occur if the Second Circuit's opinion is affirmed, an injunction to remove these contributions from electronic databases is by no means a required remedy in Tasini. Recognizing that freelance contributions have been infringed does not necessarily require that electronic databases be dismantled. Certainly future additions to those databases should be authorized, and many publishers had already started obtaining authorization even before the decision in Tasini,

It would be more difficult to obtain permission retroactively for past infringements, but the lack of permission should not require issuance of an injunction requiring deletion of the authors' articles. I share the concern that such an injunction would have an adverse impact on scholarship and research. However, the Supreme Court, in Campbell versus Acuff-Rose Music, Inc., and other courts have recognized in the past that sometimes a remedy other than injunctive relief is preferable in copyright cases to protect the public interest. Recognizing authors' rights would not require the district court to issue an injunction when the case is remanded to determine a remedy, and I would hope that the Supreme Court will state that the remedy should be limited to a monetary award that would compensate the authors for the publishers' past and continuing unauthorized uses of their works. Ultimately, the Tasini case should be about how the authors should be compensated for the publishers' unauthorized use of their works, and not about whether the publishers must withdraw those works from their databases.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HONORING REVEREND WENDY WARD BILLINGSLEA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I ask that my colleagues join me in extending deep gratitude to The Reverend Wendy Ward Billingslea for her many years of service to St. Thomas Episcopal Parish School and Church.

Mother Wendy has blessed South Florida with her tireless devotion as a preacher, pastoral counselor, and teacher. At St. Thomas Episcopal Parish, where Mother Wendy worked as an associate rector for the last five years, she demonstrated her strong dedication to the children of our community as she instilled within them her passion for academics and for traditional family values. Mother Wendy continues to be a positive role model for all present and former students at St. Thomas Episcopal School and she embodies community leadership as she ministers to a congregation of 1500 members.

The St. Thomas Episcopal family will suffer a great loss with Mother Wendy's departure, but we wish her well on her new calling as the spiritual leader at St. Andrew's Episcopal Church in Greensboro, North Carolina.

Mother Wendy and her family, Art, Lauren, Kristin and Katie, have all played an important role in the life and ministry of St. Thomas.

Mr. Speaker, I ask that my colleagues join me in extending best wishes to Mother Wendy and in thanking her for the many ways in which she has touched the lives of South Floridians.

HONORING THE CONTRIBUTIONS OF ROBERTA CHEFF BROOKS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. LEE. Mr. Speaker, I want to bring to the attention of my colleagues the contributions of a great public servant, Roberta Cheff Brooks, on the occasion of her retirement from service to the House of Representatives and to the constituents of the 9th District of California. On February 21st, after more than 30 years in the United States Congress, Roberta will retire from her position as my District Director in our Oakland District office. She will be greatly missed.

Roberta, a native of Wilmington, Delaware received her Bachelor of Arts from Smith College in 1964. She moved to Berkeley, California in 1967 and became very active in local and anti-war politics.

She began her tenure with the House of Representatives in 1971 by working for my former boss, colleague and friend Congressman Ron Dellums. Roberta served as a liaison between the Berkeley Coalition and the Dellums for Congress campaign in 1970. Following that successful campaign, she was asked to work for the new Congressman Ron Dellums in his district office on constituent affairs.

Roberta was a strong voice in the anti-Vietnam War movement. While she worked hard to serve as an active voice for constituent's of the 9th District, she remained active in local politics through the April Coalition and later through Berkeley Citizens' Action.

Roberta's commitment to her community expanded as she became deeply involved with local boards and organizations, as well as, ad hoc groups that included the following: Oakland Perinatal Project (which was the precursor of the East Bay Perinatal Council) and the Coalition to Fight Infant Mortality. With these affiliations, she helped organize ad hoc hearings on infant mortality, which Congressman Dellums chaired as the Chairman of the D.C. Committee.

Roberta was a cofounder of the California Health Action Coalition which worked diligently on the bill Congressman Dellums introduced calling for a National Health Service. She was also part of a national coalition for a National Health Service and helped organize national groups working in several cities in the country to garner support for the bill.

She helped organize hearings on homelessness which Congressman Dellums chaired in Oakland. She served on the advisory board of Legal Assistance for Seniors for many years. She was also on the Board of the Coalition for the Medical Rights of Women and the Perinatal Health Rights Committee.

Roberta organized hearings chaired by Congressman LANTOS who came at the request of Congressman Dellums to investigate labor and safety issues related to the protracted Summit Hospital strike. The hearings contributed to a resolution of the strike and led to a more responsive board which included additional community members.

Roberta's commitment to "free speech" and community supported radio led her to serve on the local advisory board of KPFA radio for a number of years and on the national Pacifica Board of Directors for nine years.

When the 1993 Base Realignment and Closure Commission slated Oak Knoll Naval Hospital, Alameda Naval Station and Naval Rework facility, as well as, the Public Works Center located at Naval Supply Center, Oakland for closure, Roberta joined Sandre Swanson in establishing the East Bay Conversion and Reinvestment Commission. That Commission then proceeded to help establish the Alameda and Oakland Reuse authorities—public bodies on which Roberta served as an alternate and then later as a principal commissioner. These organizations focused on base conversions and provided oversight on reuse plans to convert the military bases to peacetime operations.

Throughout the base conversion process, Roberta's emphasis remained on the human resources component—job creation for workers; working to establish the homeless collaborative which worked with both reuse authorities to create a process which HUD has described as a model for accommodating the homeless in base closure; working hard with the community advisory groups; and working with public benefit conveyances. Roberta cites this as an extremely important part of her work especially since it was so creative, establishing policies and procedures for base closure. She assisted in developing a way to "sell" the federal worker to private industry, and other important projects.

Roberta has worked closely with all of the community health clinics in the district; Chabot Observatory; the Ed Roberts Campus at Ashby BART station; HIV/AIDS; Cuba; issues related to the elderly; and many others. She served on both Congressman Dellums' and Congresswoman BARBARA LEE'S political advisory boards throughout her career.

Her casework load has focused on Federal Workers compensation; Office of Personnel Management (which was known as the Civil Service Commission), and at other times, Social Security and EEOC. She has served thousands of constituents for Congressman Dellums and Congresswoman BARBARA LEE.

When Congressman Dellums retired in February of 1998, Roberta continued her Congressional career with me in April of that same year. She became my District Director and was the first female District Director in the history of the 9th Congressional District. Every member will attest that having a staff member with the ability to develop expertise quickly and thoroughly on a wide range of issues is extremely valuable. With Roberta on my team, I knew that I was getting the best political advice in order to make competent legislative and policy decisions.

Roberta represented me well on many issues and continued to handle some casework as well as extensive issues related to base closures, health, and homelessness. She helped coordinate a major Housing Summit which was sponsored by the Congressional Black Caucus Foundation in August 2000 which was attended by seventeen members of Congress and more than five hundred people.

Roberta is best known for her sound advice. Ron Dellums has said, "the only reason I did anything was because Roberta Brooks told me to." While her political judgement was always thorough and thoughtful, her message to young people was even more profound.

To young men and women she says, "work for someone whose politics you share because the work is very intense and it is very important that you believe in what you are doing." She tells them that she has been so blessed in her work life to have been able to go to work every day believing in what she is doing, believing she is making a difference and that her work is consistent with her own political beliefs. She says that is the best work a person can have.

Throughout Roberta's career, her professionalism was distinguished with honesty and integrity. I always knew that I could rely on her advice and suggestions because she used her mind, heart and soul in decision making. Because of this, the 9th Congressional District has been served with distinction and with grace. Roberta's forthrightness was appreciated by everyone. I particularly appreciated her tremendous clarity and directness.

Roberta is an American of the finest caliber and this institution will miss her greatly. As Roberta transitions onto new experiences and challenges, we all cheer for her future and success.

HONORING SCHOOL NURSES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today I share with my colleagues the deep respect and admiration that I have for our nation's school nurses. As you may know, January 6th was National School Nurse Day, and I used that opportunity to extend recognition to those who provide medical care for our children in New Mexico's schools.

As health care professionals, school nurses serve a unique role in our education system. They witness suffering and do their best to calm and help our students. Nurses bring their professional skills to bear, but they also bring their compassion and knowledge to help those at their most vulnerable. I believe that the contribution school nurses make to our students and schools is often overlooked.

Recently, I have been in touch with several school nurses, administrators, and others who have taken the time to inform me about the unique challenges that our rural health care school nurses face. Many of my colleagues would be surprised to learn that many schools in rural New Mexico do not have full-time nurses.

Mr. Speaker, I would like to honor the school nurses that serve McKinley County of my home state. These health care professionals deserved to be recognized for their contributions: Regina Belmont, E.J. Charles, Anna Chavez, Veronica Chavez, Lynne Dennison, Allison Kozeliski, Sara Landavazo, Barbara Lope, Phyllis Lynch, Esther Saucedo, Pam Smith, Camille Quest, and Nancy VanDipien. They have difficult jobs and I want to commend them for their service.

I would also like to recognize Cynthia Greenberg, who is the president of the New Mexico School Nurses Association, for her commitment to our schools and students.

In closing, I want to thank all the school nurses in New Mexico and around the country for their enthusiasm and dedication. I call on my colleagues to join me in thanking them for their valuable work.

CLINTON EXECUTIVE ORDERS CONTINUE TO KILL IDAHO JOBS

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OTTER. Mr. Speaker, yesterday one of the largest and most well known employers in Idaho—Boise Cascade—announced plans to close two lumber mills in the First District of Idaho, located in Cascade and Emmett. As a result, almost 400 of my constituents will lose their jobs. Many of these people have worked in the forest industry all of their lives.

Yesterday, I contacted the CEO of Boise Cascade about this unfortunate turn of events. He advised that the Clinton Administration's last minute executive orders squeezed their supply by shutting off access to thousands of acres of productive forest areas, and prevented any reasonable chance to harvest enough to keep their operations going.

I'm pleased that the Bush Administration has pledged to review these damaging executive orders. But reviewing them may not be enough.

I hope that the Bush Administration is just as aggressive with their use of executive orders as the Clinton Administration—in a way that protects the environment, the forests, and the livelihoods of our Idaho families and rural areas.

TRIBUTE TO MESCAL HORNBECK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HINCHEY. Mr. Speaker, while I often have the privilege of congratulating outstanding members of our community, I rarely have the honor of recognizing an individual as distinguished as Mescal Hornbeck. Through her work as nurse, teacher, community leader and town councilperson, Mescal has dedicated her life to helping others.

Mescal was instrumental in the development of the Woodstock Senior Recreation Committee, which continues to provide enjoyment for our senior citizens. Mescal's leadership with Meals on Wheels of Woodstock and the Woodstock Community Center is commendable and reflects her life-long commitment to community service. I am particularly grateful for Mescal's involvement with the Woodstock Chapter of Citizens for Universal Health Care where she is a tireless advocate for health care reform.

I have been fortunate to know and work with Mescal and have always found her to be extremely devoted to improving our community and our country. I am proud to call her my good friend. Mescal Hornbeck is a most deserving honoree and I applaud the creation of Woodstock's "Mescal Appreciation Day."

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2, The Social Security and Medicare Lockbox Act of 2001, that seeks to amend the Congressional Budget Act of 1974 to prevent the surpluses of the Social Security and Medicare Part A, Federal Hospital Insurance Trust Fund from being used for any purpose other than providing retirement and health security.

Mr. Speaker, during the 106th Congress, the House passed not one, but two, "lock boxes." On May 26, 1999, the House passed H.R. 1259, the "Social Security and Medicare Safe Deposit Box Act of 1999," which set aside just the Social Security surplus, by a vote of 416 to 12 and on June 20, 2000, the House passed H.R. 3859, the "Social Security and Medicare Safe Deposit Box Act of 2000," which set aside both the Social Security and the Medicare surplus, by an even wider margin—420 to 2. Yet, even though neither of those bills became law, we still managed to protect both the Social Security surplus and the Medicare surplus.

Not only is the Republican Leadership covering the same ground by bringing up this bill today, it is also making the same mistakes that it made in the past.

Just as with both "lock boxes" from the 106th Congress, the bill before the House today has not been considered by any of the Committees of jurisdiction, thereby denying Members the opportunity to debate and to improve the bill.

Just as with both "lock boxes" from the 106th Congress, the bill before the House today does nothing to improve the long-term solvency of either Social Security or Medicare. Certainly, it is critical to ensure that these surpluses are not used to finance a huge tax cut or to fund spending on other programs. However, strengthening Social Security and Medicare requires more than simply protecting the surpluses they already possess. It requires actually adding to those surpluses, but this bill would not add a single dollar to either the Social Security Trust Funds or the Medicare Trust Fund.

Just as with both "lock boxes" from the 106th Congress, the bill before the House today will not protect Social Security and Medicare surpluses nearly as stringently as the Republican Leadership would have you believe. Like its predecessors, this vaunted lock box can be "unlocked" by any bill that defines itself as either "Social Security reform legislation" or "Medicare reform legislation." This means that any bill, including bills to privatize Social Security or Medicare, can use the Social Security and Medicare surpluses as long as it designates itself as "reform."

Mr. Speaker, if we have already reached an agreement about the necessity of protecting the Social Security and Medicare surpluses and if there are obvious improvements that could be made to this bill, why is the Republican Leadership rushing this bill through the House?

The answer is obvious. When the Republican Leadership brings the President's tax cut to the House floor later this year, it wants to be able to claim that "Republicans protected Social Security and Medicare," regardless of the price tag for that tax cut and regardless of how much it drained away resources needed for other priorities.

It is one thing to claim that you have protected Social Security and Medicare, but it is quite another to actually do it. Despite the assertions that Republicans make about this bill, the President's tax plan could easily dip into the Social Security and Medicare surpluses. All it would take is for the Rules Committee to waive the points of order contained in this bill.

Indeed, it is not Democrats here in the House who need to be persuaded about setting aside Social Security and Medicare surpluses. Democrats here in the House voted in favor of a Social Security and Medicare lock box in overwhelming numbers in the last Congress and will vote in favor of one again today.

The people who need to be persuaded about setting aside Social Security and Medicare surpluses are Republicans, both in the other body and in the White House.

Mr. Speaker, even President Bush's chief economic advisor, Larry Lindsey, when asked whether the government should dip into the Social Security surplus to make room for tax cuts that he thinks might stimulate the economy, responded: "It's a question that needs to be asked," and OMB Director Mitch Daniels, when asked whether Medicare should get the same protection in terms of its surplus as Social Security, said: "I don't agree . . . We could allow the concept of a Medicare surplus which exists in Part A, but not en toto, to obscure the need for real reform to which this administration will be committed as a fairly early priority. So for that reason I would be very hesitant to treat those funds in the same way as we do Social Security where I think it's quite in order."

Furthermore, according to a Wall Street Journal article from February 5, 2001, "The Bush administration also won't wall off Medicare's current surpluses in a "lockbox' . . . In fact, Mr. Daniels said he has told his staff not to talk about a Medicare surplus."

In addition, according to BNA's Daily Report for Executives (February 7, 2001), Senate Majority Leader TRENT LOTT has yet to make a commitment to a Medicare lock-box, suggesting "'We're going to think that through' before deciding whether to back the Medicare lockbox measure . . ."

Mr. Speaker, Democrats strongly support setting aside the Social Security and Medicare surpluses, but we also understand that doing that alone is not enough. Both programs need more resources. Unfortunately, once the President's tax plan moves through Congress, it will likely consume all available budget surpluses.

We can not afford to squander the opportunity that budget surpluses provide. Democrats favor a tax cut, but one that is enacted within a fiscally responsible framework. Tax cuts should leave room for priorities like debt reduction, education, transportation, a bipartisan program for defense, and strengthening Social Security and Medicare, including the addition of coverage for medicines. We can not afford to completely drain budget surpluses to finance an enormous tax cut, instead of using them to address the challenges that the nation faces.

CELEBRATING STUDENT VOLUNTEERS

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LANGEVIN. Mr. Speaker, I wish today to congratulate several young students from my district who have achieved national recognition for performing outstanding volunteer service in their communities. Rochelle Cotton of East Greenwich and Michelle Wheelock of North Kingstown have been named as my state's top honorees, and Claire Berman of North Kingstown is a state finalist in the 2001 Prudential Spirit of Community Awards program. This is an annual honor that is conferred on the most impressive student volunteers around the country.

Miss Cotton is a junior at East Greenwich High School and was recognized for founding the Rhode Island Student Alliance. This student-run non-profit organization identifies issues that affect teenagers in the community and attempts to find solutions. Miss Cotton expanded the program to the entire state, personally presenting her idea to the principals of each high school. Representatives from every school in Rhode Island now meet monthly to work on a variety of projects, such as curbing youth violence and creating an advice book for high school freshmen. Miss Cotton is pleased that students can now come together for cooperation rather than competition.

Miss Wheelock is currently in the seventh grade at Wickford Middle School. She was honored for her work with seniors at a local nursing home. Motivated by the opportunity to "brighten up the day of every resident I met," Miss Wheelock never tires of trying to improve the lives of her new friends. Throughout her service with seniors, she always strives to understand what they are going through and listen to their concerns. Miss Wheelock plans to continue volunteering at the nursing home for as long as she can, sharing her happiness with her new friends.

Miss Berman is a junior at North Kingstown High School, who was instrumental in the collection of more than 840 cans of food for the North Kingstown Food Pantry. She accomplished this by organizing a competition where students competed to construct four-foot "Empire State Buildings" out of canned goods that were then donated to the pantry.

These three students are examples for all our young people. Given the growing trend of Americans being less involved in community activity than they once were, it is important to encourage the kind of dedicated service shown by these three young women. They are inspiring role models for us all.

Miss Cotton, Miss Wheelock and Miss Berman should be extremely proud to be chosen for this honor out of a group of such motivated volunteers. I would like to honor these young citizens for their initiative in bettering their communities. They are truly extraordinary in their level of commitment, and they deserve the admiration and respect of us all.

Mr. Speaker, I hope you and our colleagues will join me in congratulating these students, along with all of the Prudential Spirit of Community awardees throughout the country.

INTRODUCTION OF THE TEACHER TAX CREDIT ACT

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SCOTT. Mr. Speaker, I rise today to introduce the bipartisan "Teacher Tax Credit Act" which gives a $1,000 tax credit to eligible public school teachers to defray qualified costs for classroom expenses, professional development expenses, and interest paid on certain education loans. A similar bill, S. 225, has been introduced in the Senate by my Virginia colleague Senator JOHN WARNER.

I think that most people would agree that America's teachers did not enter the profession because they thought that the pay would be good. They teach for far more altruistic reasons: to educate our children and make a lasting difference in their lives. I'm sure that every one of us can remember at least one teacher who changed our lives for the better.

Despite the important role that teachers play in our children's lives, elementary and secondary school teachers remain underpaid, overworked, and all too often under-appreciated. Many teachers spend significant amounts of their own money on expenses that improve our children's education, both directly and indirectly. Teachers often spend their own money to buy learning materials for their classrooms such as books, supplies, pens, paper, and even computer equipment. They also have professional development expenses that indirectly benefit our children by insuring that they will be taught by qualified, competent people who know the latest teaching techniques.

All of these expenses benefit students in the classroom either through better classroom materials or through better teachers, and that which benefits America's students benefits all of us. Why do our teachers have to spend their own money on things that benefit all of us? Simply put, because current school budgets are not adequate to meet the costs of educating our children. Our teachers have stepped in to fill the gap with their own money.

Current tax law provides that teachers can deduct some of these expenses. There are several impediments to using this deduction, however, that result in few teachers actually realizing any benefit: teachers must itemize their returns, classroom and professional development deductions have to exceed 2 percent of their incomes, and student loan interest is deductible only for the first 60 months after graduation and is subject to an income phase-out.

In order to better help teachers defray these costs, I am introducing this bill with my good friend and Virginia colleague, Senator JOHN WARNER, who is the primary sponsor for this legislation in the Senate. Our bill would ensure that qualifying teachers would not have to itemize their deductions or exceed the 2 percent floor to receive the credit. Teachers would not be phased out of the student loan interest benefit based on income level, and there would be no 60 month limitation.

We all agree that our education system must leave no child behind. As we try to achieve this goal through strengthening and reforming our educational system, we must keep in mind their most important component—the teachers.

RECOGNIZING THE 5TH ANNUAL FAST OF REVEREND RONALD I. SCHUPP ON TIBETAN NATIONAL DAY, 2001

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I wish today to inform my colleagues that on March 10, 2001, which is Tibetan National Day, one of my constituents, Reverend Ronald I. Schupp will begin his fifth annual 24-hour fast to call attention to China's occupation of Tibet. Reverend Schupp will be sending a message to the People's Republic of China to free Tibet and allow for displaced Tibetans to return to their homeland.

The 14th Dalai Lama was forced to leave Tibet in 1959 and is still working for a just outcome to China's occupation of Tibet. In 1989, the Dalai Lama was awarded the Nobel Peace Prize for his ongoing efforts to focus attention on this subject.

I respect the efforts of Reverend Schupp and wish him well in his efforts on behalf of the people of Tibet.

181ST ANNIVERSARY OF SUSAN B. ANTHONY

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. DAVIS of Virginia. Mr. Speaker, I would like to bring attention to and commemorate tomorrow's 181st anniversary of the birth of Susan B. Anthony. This anniversary is a good time to remember her lifelong work for women's rights, her opposition to slavery, and work that changed the course of this nation. And it is a good time to remember, or perhaps, recover, another very important aspect of her legacy in promoting equal rights for all. I refer to Susan B. Anthony's pro-life legacy in calling for equal rights for both women and their unborn children.

In fact, Susan B. Anthony considered opposition to abortions as part and parcel of her work to promote women's rights. Anthony branded abortion, "child murder," and believed women turned to it only because of their treatment as second class citizens. She called for "prevention, not punishment," for the abortion problem of her day, and believed the best way to prevent abortion was to promote the dignity and equality of women.

More than a century later, "prevention, not punishment" remains a sound strategy for all those who would promote the rights of both women and unborn children.

OSTEOPOROSIS FEDERAL EMPLOYEE HEALTH BENEFITS STANDARDIZATION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Osteoporosis Federal Employee Health Benefits Standardization Act of 2001. This much needed legislation will provide the same consistency of osteoporosis coverage for our Federal employees and retirees as Congress approved for Medicare in the Balanced Budget Act of 1997.

Instead of a comprehensive national coverage policy, FEHBP leaves it to each of the over 350 participating plans to decide who is eligible to receive a bone mass measurement and what constitutes medical necessity. A survey of the 19 top plans participating in FEHBP indicate that many plans have no specific rules to guide reimbursement and instead cover the tests on a case-by-case basis. Several plans refuse to provide consumers information indicating when the plan covers the test and when it does not. Some plans cover the test only for people who already have osteoporosis. All individuals, whether they work in the public sector or private sector, should have health insurance coverage for osteoporosis screening because this affliction is so widespread but more importantly, because it is preventable when discovered early.

Osteoporosis is a major public health problem affecting 28 million Americans, who either have the disease or are at risk due to low bone mass; eighty percent are women. The disease causes 1.5 million fractures annually at a cost of $13.8 billion ($38 million per day) in direct medical expenses, and osteoporotic fractures cost the Medicare program 3 percent of its overall costs. In their lifetimes, one in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of a hip fracture is equal to her combined risk of contracting breast, uterine, and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass was detected early and treated. We now have drugs that promise to reduce fractures by 50 percent. However, identification of risk factors alone cannot predict how much bone a person has and how strong bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed.

It Is my hope that by making bone mass measurements available under the FEHBP, we can minimize the deleterious effects of osteoporosis and improve the lives of our Federal employees and retirees.

AMERICAN HEART MONTH

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. TIERNEY. Mr. Speaker, I join my colleagues in recognizing February as American Heart Month and in commending the 22.5 million volunteers and supporters committed to combating heart disease. Clearly, all citizens should "Be Prepared for Cardiac Emergencies. Know the signs of cardiac arrest. Call 9–1–1 immediately. Give CPR."

Paralysis, weakness, decreased sensation, numbness, tingling, decreased vision, slurred speech or the inability to speak, loss of memory and physical coordination, difficulty swallowing, lack of bladder control, mental capacity declines, mood changes, dysfunctional, uncontrollable, and unpredictable movement, shortness or loss of breath, fainting, and fatigue are all signs associated with cardiac arrest.

Immediate response to signs of cardiac arrest is imperative as seconds and minutes make the difference between life, the quality of life, and death. Every 29 seconds, someone in America suffers a heart attack, and every 60 seconds someone dies as a result of the same. While we have the luxury of emergency ambulatory responses as a result of 9–1–1, if we act while waiting on trained professionals to arrive, we can make a meaningful difference. For this reason, we should all encourage broader knowledge of CPR.

As medical professionals have said, when the heart is under attack, blood is not flowing to parts of the body, such as the brain, that solely rely on it for functioning, and permanent damage to the brain can occur if blood flow is not restored within four minutes. As a result, if life is sustained, the quality of life may be significantly diminished as irreversible harm often takes place. I am hopeful that those who have regular contact with loved ones at risk will be trained in CPR.

I applaud the American Heart Association and other organizations nationwide that educate and train all of us to be properly prepared for cardiac arrest by providing education that informs us about the causes and signs of heart disease and the skills necessary to react to these unfortunate episodes when they occur. Also, I thank my colleagues for pausing to recognize these organizations for their ongoing efforts in this vital area.

IN SUPPORT OF THE LAW ENFORCEMENT OFFICERS' HEALTH ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. STUPAK. Mr. Speaker, today I am introducing the Law Enforcement Officers' Health

Act to encourage all states to adopt a practice that has served Michigan's citizens and law enforcement officers well.

If a law enforcement officer in Michigan develops heart disease or a lung disorder, he or she is entitled to the presumption for the purposes of the workers' compensation system that the illness is an occupational disease. This recognition of the stressful nature of law enforcement work is also reflected in the workers' compensation systems of thirteen other states (California, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Nebraska, Nevada, North Dakota, Ohio and Virginia).

There are several reasons for states to grant this presumption to law enforcement officers who suffer from heart or lung problems.

With such a policy, states and municipalities are spared the administrative burden and cost of extended hearings and proceedings to determine whether or not such illnesses and disabilities are work related.

In addition to the expense, these proceedings frequently become adversarial, unnecessarily creating tension between the employer and employee and ultimately affecting the delivery of public safety services.

Finally—and perhaps most importantly to the law enforcement officer involved—the administrative process delays the treatments for which he or she will eventually be qualified.

Since heart diseases and lung disorders are almost always deemed to be occupational diseases as a result of the administrative process, the proceedings simply waste time and money.

The Law Enforcement Officers' Health Act does not impose a new federal mandate on states or otherwise interfere with states' rights. Instead, it would require states to adopt this policy in order to receive the full amount for which it is eligible under the Justice Department's Local Law Enforcement Block Grant Program. The award will be reduced by 10 percent if the state fails to adopt this presumption. A similar reduction with regard to a state's policy on health benefits for officers injured on the job has been in the law for several years.

The provisions of this legislation will not become effective until eighteen months after enactment so that an affected state will have adequate time to amend its laws or modify its regulations.

I have recently had the pleasure of working with the leadership of the International Union of Police Associations, AFL–CIO, in developing this legislation to ensure that all law enforcement officers receive the same health protections that their fellow officers in my state of Michigan enjoy. I particularly want to recognize Sam Cabral, International President, and Dennis Slocumb, Executive Vice President, for their dedication to this cause.

Mr. Speaker, I urge my colleagues to join me in sponsoring this legislation.

JAMES J. McGRATH—DEDICATED LAW ENFORCEMENT OFFICER

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues the distinguished career of one of my constituents, James J. McGrath of Ansonia, Connecticut.

Mr. McGrath recently retired from his post as Ansonia Police Chief, a position he held for 19 years. During that time, he presided over the Ansonia police force with integrity, professionalism, and a passionate sense of duty. Chief McGrath ended his career as the State of Connecticut's oldest police chief—and one of its most respected.

He is truly an institution in the city of Ansonia. Born and raised in the city's Derby Hill section, he graduated from Ansonia High School in 1943. Like all residents of this close-knit community, Chief McGrath has developed deep bonds with the community—bonds that will continue to deepen as Ansonia gives him thanks for his years of service.

Chief McGrath began his life of public service during World War II. From 1943–1947 he served in the United States Navy, defending our country as a member of the Submarine Service. After returning to civilian life and graduating college, he began a thirty year career as a Connecticut State Police Officer—where he achieved the rank of Captain. He began his tenure as Ansonia's police chief in 1981, and then held that position for nearly two decades.

Chief James J. McGrath has devoted his life to protecting the well-being of others. He worked tirelessly to ensure that Ansonia was a safe place to live and work for its families, children, and senior citizens. In fact, his dedication was such that during his 19 years as police chief, he never took a single sick day. I know that I speak for all Ansonia residents in saying that the city is deeply appreciative of his work and his leadership.

Perhaps there is no better way to illustrate Chief McGrath's commitment to public safety than to refer to his own words: "I'm as concerned about the welfare of the people of Ansonia as I am of my own family."

Mr. Speaker, Chief James J. McGrath deserves wide recognition for his lifelong dedication to law enforcement. I ask my colleagues to join me in congratulating this outstanding public servant, and to extend our best wishes as he embarks upon a well-deserved retirement.

GOLDEN TRIANGLE ENERGY COALITION PLANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GRAVES. Mr. Speaker, I rise today to congratulate the farmers-members of the Golden Triangle Energy Cooperative on the imminent success of the new ethanol plant in Craig, Missouri. The new plant will add value to members' agricultural commodities through efficient processing and bring renewed economic opportunity to Northwest Missouri. I am honored to have the Golden Triangle Energy Cooperative in my district.

On Saturday, February 17, 2001, we will celebrate the grand opening of the Golden Triangle Energy Coalition Plant. This plant will process 6 million bushels of corn each year, producing 15 million gallons of ethanol. This plant will not only benefit farmers, but also the environment and our consumers across the nation.

I am pleased that farmers in Northwest Missouri are making a positive impact on their rural community by expanding value-added markets, such as ethanol. In the past 10 years, more than 20 farmer-owned cooperatives were constructed nationwide. Today farmer-owned ethanol production facilities are responsible for one third of all U.S. ethanol production.

Farmers in Northwest Missouri are positioned to meet the nation's ethanol needs. Ethanol produced in Craig, Missouri will be sold across the country as a high-octane fuel bringing improved automobile performance to drivers while reducing air pollution. It is a clean-burning, renewable, domestically produced product. The new plant in Craig will create jobs and provide value-added markets to bolster agriculture and our rural economy.

Again, I congratulate and commend the farmer-owners of the Golden Triangle Coalition on the opening of the nation's newest ethanol plant. I look forward to working with them in the future.

HONORING ANTHONY F. COLE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LEACH. Mr. Speaker, I rise today to extol the virtues and lament the retirement of Anthony F. "Tony" Cole after more than 25 years of federal service.

A scholar and a gentleman, Tony graduated Phi Beta Kappa from the College of William and Mary, earned a Masters in history from Rutgers, and his law degree from the Marshall-Wythe School of Law at William and Mary.

In 1975 Tony joined the staff of the Board of Governors of the Federal Reserve System, where he served as Deputy General Counsel of the Depository Institutions Deregulation Committee and later as Special Assistant to the Board as its liaison with Congress.

Leaving these real jobs, Tony came to the Hill in 1986 to serve first as Minority Counsel and then as Minority Staff Director for the House Committee on Banking, Housing and Urban Affairs.

During my tenure as Chairman of the House Committee on Banking and Financial Services, from January 1995 to the end of last year, Tony was the Staff Director for the Committee.

Tony's fine hand may be seen in all of the major legislation the Committee considered over the past 15 years, from the reform of the savings and loan industry (FIRREA), to the financial modernization bill (Gramm-Leach-Bliley), to debt relief for the poorest countries in the world.

As my colleagues know, the job of a committee staff director is one of the most demanding on Capitol Hill. It requires assuaging the easily bruised egos of the Members, administering a multimillion dollar budget, managing a 50-member professional and support staff, and coordinating with leadership. All this must be accomplished while having at one's finger tips an encyclopedic knowledge of both current statute and the legislative process.

Nobody did it better than Tony.

A consummate professional, Tony was respected by both sides of the aisle and revered by the staff he led by precept and example. A person of grace and good humor, he gave of himself unstintingly to this institution and in so doing to serving the people of the United States.

The House needs the likes of Tony Cole and he will be sorely missed.

It is with profound gratitude that I wish Tony all the best in a well-deserved retirement.

DEFENSE FUNDING

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. McCARTHY of New York. Mr. Speaker, throughout our nation's history, our armed forces fought bravely to preserve and protect the liberties we cherish. As of late, we have done much to recognize the accomplishments of the generation that fought the Second World War, and rightly so. But we should not forget the equally impressive job our military forces are doing today. They faced down aggression in Iraq; restored democracy in Haiti; and ended ethnic cleansing in the former Yugoslavia. In short, they have much to be proud of

However, we are faced with some serious concerns. This increase in deployments and operations occurred during a time of military downsizing. It is clear to many we cannot, in good faith, ask our forces to be engaged around the world when they are stretched so thinly.

We have no choice but to embrace this opportunity and demonstrate our commitment to our military personnel. In this time of peace and budget surpluses, we must prepare for the threats that loom in the not-too-distant future by modernizing our military forces and investing in programs to recruit and retain quality military personnel.

We have done a great deal to ensure that our military forces are the best in the world, but the world is changing before our eyes—we need to do more. As we move though the budget process, let us show our support for these brave men and women by passing a responsible defense budget.

THE WAGE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Workers Access to Accountable Governance in Employment (WAGE) Act. This bill takes a first step toward restoring the rights of freedom of association and equal protection under the law to millions of American workers who are currently denied these rights by federal law.

The WAGE Act simply gives workers the same rights to hold decertification elections as they have to hold certification elections. Currently, while workers in this country are given the right to organize and have union certification elections each year, provided that 30 percent or more of the workforce wish to have them, workers are not given an equal right to have a decertification election, even if the same requirements are met.

As a result of the National Labor Relations Board (NLRB) created contract-bar rule, if 30 percent or more of a bargaining unit wants to hold an election to decertify a union as their representative, they are prohibited from doing so unless the contract is in at least its third year.

In other words, it does not matter whether or not workers want to continue to have the union as their representative. It does not matter whether or not the union represents the will of the workers. It does not even matter if the majority of the current workforce voted for union representation. They must accept that representation.

Mr. Speaker, this is absurd. The lowest criminal in this country has the right to change their representative in the courtroom. Yet millions of hardworking, law-abiding citizens cannot change their representation in the workplace.

As a result of the passage of the National Labor Relations Act (NLRA) in 1935 and the action taken by the federally-funded NLRB, workers can be forced to pay union dues or fees for unwanted representation as a condition of employment. Federal law may even force workers to accept union representation against the will of the majority of workers.

Talk about taxation without representation! Mr. Speaker, the WAGE Act takes a step toward returning a freedom to workers that they never should have lost in the first place: the right to choose their own representative. I urge my colleagues to support the nonpartisan, proworker WAGE Act.

IN RECOGNITION OF THE 80TH ANNIVERSARY OF THE MOUNT WASHINGTON AMERICAN LEGION POST 484

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding contributions of the Mount Washington American Legion Post 484, which celebrated its 80th anniversary on January 21, 2001.

The American Legion was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans organization. The Mount Washington American Legion Post 484 opened its chapter 80 years ago, and, since then, it has carried out its mission—to defend and teach the principles of democracy; to uphold the law of the land; to foster patriotism; to venerate, serve and support our veterans; to instill a sense of obligation to the community, state and nation; and to guard the rights and freedoms provided to us by the Constitution.

Post 484 has made a remarkable difference in the Cincinnati community by helping to improve the quality of life for our veterans and for others in the Second Congressional District of Ohio. Post 484 currently has about 400 members, many of whom have dedicated their time at Veterans Administration Hospital and Hospice volunteer programs. Its service also includes: volunteer work in our local schools; donations of blood to the Red Cross; environmental protection and crime prevention programs; and fundraising for crisis intervention and family support programs. Post 484 also has raised funds for the Americanism Youth Conference; the Spirit of Youth Fund; flag etiquette and citizenship programs; the Girl Scouts and Boy Scouts of America; and anti-substance abuse, child safety as well as literacy programs.

Mr. Speaker, the Mount Washington American Legion Post 484 reminds us that one of the best ways to help individuals and communities is through the hard work and dedication of our local volunteers. These volunteers, who have courageously defended our country, have exhibited an unrelenting service to our country. I hope my colleagues will join me in congratulating Post 484 and its members on 80 years of superb service to the Cincinnati area and to our nation.

IN RECOGNITION OF CHARLES E. CRIST

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. POMEROY. Mr. Speaker, I rise today to recognize Charles E. Crist. I have had the pleasure of working with Chuck for the past five years in his position as Deputy for Program and Project Management with the St. Paul District of the Corps of Engineers. Quite simply put, he is one of the finest public servants I have had the opportunity to work with.

Throughout his time with the St. Paul District, Chuck has stood out as an individual who could tackle complex, sensitive water resource issues. He is a man of great integrity, with a deep commitment to the issues he works on. His contributions to the Corps are numerous, but one that will always be recognized is his efforts to make the Corps a truly responsive agency to the needs of the communities it serves.

During the devastating flood of 1997, Chuck worked to coordinate emergency response measures in Grand Forks, North Dakota and all along the Red River. In the aftermath of the flood, Chuck assembled a team within the Corps to design plans for a permanent flood control project for Grand Forks. He was instrumental in leading efforts to expedite the development of the project reports needed to secure authorization. Without the quick, creative work of Chuck and his team within the Corps, we would have missed a critical window to secure congressional authorization. In recognition of this work, the team received the U.S. Army Corps of Engineers Outstanding Planning Achievement Award for Planning Team of the Year. Thanks to Chuck's dedicated efforts, Grand Forks is now getting the protection it so desperately needs.

In addition to his work in Grand Forks, Chuck has also led efforts to address the ongoing flooding in the Devils Lake Basin. His work has been critical to protecting the future of a town that has experienced eight years of continual flooding. All throughout this process, he has been able to balance a wide range of issues while implementing workable solutions. No matter what the challenge, Chuck has always been able to meet or exceed it.

Chuck's friendly demeanor and genuine sympathetic nature have made him a trusted public servant. He has been wholeheartedly committed to working with North Dakota communities through difficult water problems and challenges. Through tough and daunting times, he has always maintained a level of optimism that has gone unmatched. There is no doubt that North Dakota has been well-served under his leadership.

Above all, Chuck is a valued friend and partner. Chuck will be missed for his personality, remembered for his professionalism, and honored for the positive change he brought to the Corps. After a distinguished career that has spanned more than 32 years, I want to thank Chuck for his service to the Corps and the State of North Dakota. I wish him all the best in his retirement.

INTRODUCTION OF THE FOREIGN TRUCK SAFETY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill that I believe is paramount to keeping our highways and byways safe. The Foreign Truck Safety Act would mandate that all foreign trucks at our southern border be inspected if they have not passed inspection in the previous twelve months. This is necessary because last week a North American Free Trade Agreement (NAFTA) dispute panel ruled that our southern border with Mexico should be opened to unfettered cross-border trucking. The new Bush administration also stated they would abide by that ruling and open the border.

This ruling means that Mexican trucks, trucks that fail 35 percent of inspections across the border zone, and 50 percent of inspections in Texas, would be free to roam all throughout the United States. Since NAFTA went into effect in 1994, these trucks have been able to cross into a small NAFTA border zone. The border was scheduled to have been fully opened in December 1995, but due to real safety concerns and the high rate of failed inspections of Mexican trucks, the border was kept closed by the Clinton Administration.

The highly respected and non-political U.S. DOT Office of Inspector General (IG) concluded in a November 1999 report that "Adequate mechanisms are not in place to control access of Mexico-domiciled motor carriers into the United States." In a December 1998 report the IG stated, "We concluded that far too few trucks are being inspected at the U.S.-Mexico border, and that too few trucks comply with U.S. standards." And it has not gotten better since: in 2000 35 percent of Mexican trucks that were inspected were put out of service for significant safety violations. And what's discouraging is that less than two percent of Mexican trucks were inspected.

In addition, since NAFTA was signed in 1993, Mexico has known that it would have to harmonize its trucking laws and regulations with the U.S. and Canada (whose trucks have as good a safety record as U.S. trucks), and yet it has failed to do so. For example, the Land Transportation Standards Subcommittee (LTSS) was created by NAFTA to harmonize transportation standards and regulations by the year 2000. However, even though we are in 2001, Mexico does not have vehicle maintenance standards, roadside inspections, safety rating systems, a drug and alcohol testing program, or hours of service regulations. And Mexico has just started the process of mandating logbooks for record keeping, while the U.S. DOT is in the process of upgrading logbooks to electronic record keeping. Most importantly, Mexico allows trucks upwards of 100,000 pounds on its highways, while the U.S. limit is 80,000 pounds.

Without an adequate inspection system at the border, it is just a matter of time before 100,000 pound, unsafe trucks with drivers who haven't slept in days are driving straight into a tragedy on one of our highways. That's why the Foreign Truck Safety Act is necessary. In addition to mandating the inspection of foreign trucks, the bill would authorize the border states to impose and collect fees on trucks to cover the cost of these inspections. By requiring all trucks to pass inspections before entering the United States, we can help to limit the risks these unsafe trucks pose to our citizens. This country entered into NAFTA in order to better the lives of our citizens. I urge all of my colleagues to cosponsor and help me pass this legislation, because without it, we will simply put our citizens in more jeopardy. Thank you.

COMMEMORATIVE STAMP FOR AVA GARDNER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce a concurrent resolution recommending that the U.S. Postal Service issue a commemorative postage stamp for Johnston County's favorite daughter and one of America's most accomplished actresses, Ava Gardner.

Having grown up in Johnston County myself, I am proud to introduce this legislation in Ava Gardner's memory, not only because she is a famous North Carolinian; but because she touched the lives of thousands around the globe.

Despite her superstar status, Ava Gardner never forgot her humble Johnston County roots. She was born the youngest of seven children of Jonas and Mary Elizabeth Gardner in 1922 and grew up near Smithfield. When she was 13 her family moved to Newport News, Virginia, only to return to North Carolina where she attended high school in the Rock Ridge community and studied at Atlantic Christian College, which is now Barton College, in Wilson.

In the summer of 1941 the Smithfield Herald told the story of Ava Gardner's trip across country to a place called Hollywood. When she arrived there, it didn't take long for the whole world to recognize what the people of Smithfield and all of North Carolina already saw—Ava's remarkable talent. During her career, she starred in 64 films and won many honors including:

A Golden Globe nomination for "Best Actress in a Drama" for "Night of the Iguana" in 1964;

The Academy of Motion Pictures "Merit for Outstanding Achievement—Best Actress" nomination for "Mogambo" in 1953;

And the Look "Film Achievement" award for her performance in "The Hucksters" in 1947.

She was also the first woman from North Carolina to grace the cover of Time magazine. Indeed, Ava Gardner's story is the American Dream.

In addition to her success on the silver screen, Ava was a leader in the fight against cancer and worked tirelessly for more funding for research. She was also a patriot and was recognized by the U.S. Armed Forces for her spirit of public service and her performance as a guest star on the Armed Forces radio network's production of "Victorious Lady."

Ava Gardner was one of America's most accomplished actresses in the 20th century. She led the Hollywood golden age, shared the stage with Clark Gable, Burt Lancaster, and Grace Kelly. She served as a goodwill ambassador to people around the globe and graciously dedicated her fame to the fight against cancer.

Mr. Speaker, Ava Gardner's legacy lives on through her movies and the wonderful Ava Gardner Museum in Smithfield, North Carolina. Being commemorated on a postage stamp is a high honor reserved for remarkable people, places, and even cartoon characters. Surely, someone as glamorous and accomplished as Ava Gardner deserves her own stamp too.

CHILD PASSENGER PROTECTION EDUCATION GRANTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OBERSTAR. Mr. Speaker, this week is National Child Passenger Safety Week. This national observance reminds parents and caregivers of the importance of buckling up children correctly on every ride. According to the National Highway Traffic Safety Administration, in 1999, motor vehicle crashes killed more than 1,400 children (infants to age 14) and injured another 300,000. Six out of 10 children killed in these crashes were completely unrestrained. This is simply unacceptable.

Today, I introduce a bill to continue for fiscal years 2002 and 2003 the Child Passenger Protection Education Grant program authorized by Section 2003(b) of the Transportation Equity Act for the 21st Century (TEA 21). The bill authorizes $7.5 million for each of fiscal years 2002 and 2003 for the Secretary of Transportation to make incentive grants to states to encourage the implementation of child passenger protection programs in those states. Current authorizations for the Child Passenger Protection Education Grant program expire at the end of fiscal year 2001, whereas authorizations for virtually all other TEA 21 programs expire at the end of fiscal year 2003.

To increase seat belt use nationwide, the previous Administration established goals to reduce the number of child occupant fatalities 15 percent by 2000 and 25 percent by 2005. The Child Passenger Protection Education Grant program has played an important role in helping the Department meet the first of these goals. Since 1997, the number of child fatalities resulting from traffic crashes has declined 17 percent, exceeding the goal of 15 percent by 2000. Restraint use for infants has risen to 97 percent from 85 percent in 1996, and has climbed to 91 percent for children aged one to four, up from 60 percent in 1996.

Under my bill, a state may use its grant funds to implement programs that are designed to:

Prevent deaths and injuries to children;

Educate the public concerning all aspects of the proper installation of child restraints, appropriate child restraint design, selection, and placement, and harness threading and harness adjustment on child restraints; and

Train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

A state may carry out its child passenger protection education activities through a state program or through grants to political subdivisions of the state or to an appropriate private entity. Each state that receives a grant must submit a report that describes the program activities carried out with the funds made available under the grant. Not later than June 1, 2002, the Secretary of Transportation shall report to Congress on the implementation of the program, including a description of the programs carried out and materials developed and distributed by the states that receive grants under the program.

In each of fiscal years 2000 and 2001, the Transportation Appropriations Act provided $7.5 million to finance the Child Passenger Protection Education Grant program. It is essential that we continue to provide funding for the Child Passenger Protection Education Grant program to ensure that we make progress in preventing deaths and injuries to children on the nation's highways, and achieve our goal of a 25 percent reduction in child occupant fatalities by 2005.

INTRODUCTION OF THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. STARK. Mr. Speaker, I am proud to introduce the "Gift of Life Congressional Medal Act of 2001." This legislation creates a commemorative medal to honor organ donors and their survivors. Senator Frist, a heart and lung transplant surgeon himself, is introducing companion legislation in the Senate.

There is a serious shortage of available and suitable organ donors. Nearly 75,000 people are currently waiting for an organ transplant, and every 14 minutes a new name is added to the list. Because of low donor rates, over 6,000 people died in 1999 for lack of a suitable organ. Incentive programs and public education are critical to maintaining and increasing the number of organs donated each year.

We are very happy to hear that Secretary Thompson has made this a priority issue that he plans to address during his first 100 days as Secretary. He has promised to mount "a national campaign to raise awareness of organ donation", and to "do more to recognize families who donate organs of a loved one." The Gift of Life Congressional Medal Act is a great opportunity for us to work with Secretary Thompson to draw attention to this life-saving issue. It sends a clear message that donating one's organs is a self-less act that should receive the profound respect of the Nation.

The legislation allows the Health and Human Service's Organ Procurement Organization (OPO) and the Organ Procurement and Transplantation Network (OPTN) to establish a nonprofit fund to design, produce, and distribute a Congressional Medal of Honor for organ donors or their family members. Enactment of this legislation would have no cost to the Federal Government. The Treasury Department would provide an initial loan to OPTN for start-up purposes, which would be fully repaid. From then on, the program would be self-sufficient through charitable donations. The donor or family member would have the option of receiving the Congressional Gift of Life Medal. Families would also be able to request that a Member of Congress, state or local official, or community leader award the medal to the donor or donor's survivors.

Physicians can now transplant kidneys, lungs, pancreas, liver, and heart with considerable success. The demand for organs will continue to grow with the improvement of medical technologies. According to the United Network for Organ Sharing (UNOS), an average of 9,600 donations was made per year between 1995 and 1999. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

This is non-controversial, non-partisan legislation to increase organ donation. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donations.

HONORING LONNELL COOPER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. FROST. Mr. Speaker, I rise today to honor Lonnell Cooper, a retired sergeant with the Fort Worth Police Department and tremendous public servant who has served our community for half a century.

Throughout his life and career, Sgt. Cooper has been a stellar law enforcement officer and a trailblazer. He was a leader in breaking down the color barrier as one of the first six African Americans accepted to the Fort Worth Police Department. He also organized the department's first Explorer post.

Among the many honors bestowed on Sgt. Cooper throughout his distinguished career are Fort Worth Officer of the Year of the department's Service Division, he was designated an Outstanding Law Enforcement Officer by the State of Texas and a Pioneer in Criminal Justice by the U.S. Congress. The Mayor of Fort Worth even designated a "Sgt. Lonnell E. Cooper Day" in the city.

This Sunday, February 18, the New Rising Star Baptist Church is paying much deserved tribute to Sgt. Cooper for his lifetime of service to our community. I want to join with his family and many friends in thanking Sgt. Lonnell E. Cooper for all that he has done to make our community safer and a better place to live.

INTRODUCTION OF THE McKINNEY-VENTO HOMELESS EDUCATION ACT OF 2001

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the "McKinney-Vento Homeless Education Act of 2001." This legislation builds upon legislation I introduced during the last Congress, numbered H.R. 2888, to improve educational opportunities for homeless children.

As my colleagues will recall, a majority of H.R. 2888 was incorporated into H.R. 2, the Students Results Act, which overwhelmingly passed the House in October of 1999. I am hopeful that this year's version of the legislation will garner the same kind of bipartisan support as did the last bill and ultimately will find its way into law.

Mr. Speaker, I think you would agree that being homeless should not mean foregoing an education. Yet, that is what homelessness means for far too many of America's children and youth today.

Even with our healthy economy, estimates are that one million kids will experience homelessness this year. Due to red tape, lack of information, and bureaucratic delays, some homeless children are missing school or are being turned away at the schoolhouse door and, as a result, losing out on the chance for a better life.

Studies show that as a result of these problems, some 45 percent of homeless children do not attend school on a regular basis. In addition, homeless children are twice as likely to repeat a grade and have four times the rate of delayed development.

Congress recognized the importance of school to homeless children by establishing the Stewart B. McKinney Education of Homeless Children and Youth program. This program is designed to remove barriers that prevent or make it hard for homeless youth to enroll, attend and succeed in school. And, for many homeless children, it may make the difference between success in the classroom and failure in life.

Yet today, more than a decade after the passage of that important program, inadequacies in the federal law inadvertently are acting as barriers to the education of homeless children. We must act to strengthen these weak areas, and we must act now.

This Congress has the rare chance to review, redefine, and improve our federal education policies. Not since 1994, when programs under the Elementary and Secondary Education Act (ESEA) were last authorized, has Congress had a similar opportunity to examine K through 12 education in total.

I believe it is incumbent for Members from both sides of the aisle and in both chambers to take advantage of this unique opportunity to renew our commitment to homeless children. As the 107th Congress rushes forward to reauthorize our federal K–12 education programs, we must pause long enough to ensure that all homeless children are guaranteed access to a public education, so that they acquire the skills needed to escape poverty and lead productive lives. In doing so, we will be meeting America's commitment to, as President Bush has clearly stated, leaving no child behind.

Mr. Speaker, the following is what the McKinney-Vento Homeless Education Act does. The bill:

One: ensures that homeless children are immediately enrolled in school. This means that no homeless child will be prevented for days or weeks from walking through the school doors because of delayed paperwork or other bureaucracy;

Two: limits the disruption of education by requiring schools to make every effort to keep homeless children in the school they attended before becoming homeless, unless it is against their parents wishes. This provision ensures that homeless children are not unwillingly ripped away from their friends and environments where they are comfortable learning;

Three: keeps homeless students in school while disputes are being resolved. Homeless children often spend weeks or even months out of school while enrollment disputes remain unresolved. This legislation addresses this serious problem by creating a mechanism to quickly and fairly resolve such disputes, ensuring that the enrollment process burdens neither the school nor the child's education;

Four: requires local school districts to select a contact person to identify, enroll and provide resource information and resolve disputes relating to homeless students. Because many schools don't currently have a point of contact for homeless students, these children frequently go unseen and unserved;

Five: strengthens the quality and collection of data on homeless students at the federal level. This is particularly crucial, as the lack of a uniform method of data collection has resulted in unreliable information and the likely underreporting of the numbers of homeless students;

Six: prohibits federal funding from being used to segregate homeless students. Despite McKinney Act requirements to remove enrollment barriers and to integrate homeless students into the mainstream school environment, some school districts continue to segregate these children into separate schools or

Seven: increases accountability by providing States with greater flexibility to use authorized funds to provide technical support to local school districts in order to bring them into compliance with the Act;

Eight and finally: assists overlooked and underserved homeless children and youth by raising the program's authorized funding level to $90 million in FY2002 and reauthorizing the program for another five years.

Mr. Speaker, a majority of these provisions are derived from the Illinois Education for Homeless Children State Act, which many consider to be a model for the rest of the Nation. These provisions also are a reflection of the best ideas of some of America's most dedicated people—homeless advocates, educators, and experts at the US Department of Education.

Like many of my colleagues here in the House, I am a strong supporter of local control of education. I believe the McKinney-Vento Homeless Education Act of 2001 meets this principle while making the best use of limited federal resources.

Regrettably, homelessness is and will likely be for the immediate future a part of our society. However, being homeless should not limit a homeless child's opportunity to receive what every child in America is entitled—a free and quality public education. I urge my colleagues on both sides of the aisle to support this much-needed and timely bill.

In closing, let me take a moment to thank Illinois State Representative Mary Lou Cowlishaw, as well Sister Rose Marie Lorentzen and Diane Nilan with the Hesed House in Aurora, Illinois for bringing this issue to my attention and for their years of tireless, and often unrecognized, work on behalf of the homeless.

I also want to thank Barbara Duffield with the National Coalition for the Homeless for her help in putting together this bill and my colleagues Representative DOUG OSE of California and CHAKA FATTAH of Pennsylvania for being original cosponsors.

RECOGNIZING THE ACCOMPLISHMENTS OF THE SERVICE CORPS OF RETIRED EXECUTIVES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of SCORE, the Service Corps of Retired Executives. SCORE is a prototypical model for a nonprofit, non-governmental association that melds American expertise and entrepreneurial spirit with a uniquely American tradition of service and esprit de corps. SCORE utilizes the talents of current and retired American business executives, a talent pool that many consider to be among the finest business minds in the world, to provide volunteer business consulting service to the small business community. SCORE provides these services free of charge thanks to the efforts of its tireless volunteers.

Founded in 1964, there are currently 389 locally based chapters of the organization that provide business counseling at the community level. SCORE currently has over 11,000 volunteers and since its inception, has helped nearly four million business people throughout the nation with free advice. SCORE success stories run the gamut of the business world and include technology oriented companies, retail establishments, restaurants, and service providers, just to name a few. President Bush has repeatedly pointed out that community based organizations such as SCORE can provide an invaluable service to the nation without relying on government bureaucracy and expenditures of taxpayer dollars.

I salute the volunteers of the Service Corps of Retired Executives and hope that they serve as a model for a new generation of Americans dedicated to excellence with a commitment to service.

HONORING THE LIFE OF SAMUEL H. DAY, JR.

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to Sam Day, Jr., a tireless advocate for peace and justice. Sam Day's efforts to preserve our planet from nuclear destruction have been recognized not only in our home community of Madison, Wisconsin, but across the country and around the world.

I first heard of Sam Day long before I ever had the honor of meeting him. It was back in the late 70s. In high school, I studied Sam's legal, ethical, and moral case against the U.S.

government and his steadfast support for the First Amendment; his unyielding respect for our Constitution. As editor of "The Progressive" Magazine, Sam Day agreed to publish "The H-Bomb Secret: How We Got It, Why We're Telling It." The federal government tried to prevent publication of that article, bringing suit against the magazine in a case that upheld our right to free speech. By publishing that article, Sam taught us much more than how to build a bomb. His efforts taught us about the right of a citizen to question his or her government . . . a radical notion whether you're seventeen or seventy. And he taught us the obligation of every human being to actively oppose nuclear annihilation, no matter what the personal toll. These are lessons that I carry with me every day into the Halls of Congress.

Sam's commitment to social change was unwavering; his mission the same whether challenging the government of the United States on its nuclear policies or challenging our local bus company on policies that adversely affected people with disabilities—to protect and preserve humanity in the face of everything from outright aggression to insensitive indifference. He remained, until the very end, a self-proclaimed, "Old Codger for Peace." Our nation has lost a powerful voice of conscience. I ask the Congress today to recognize the life of Sam Day, Jr., an indefatigable fighter for peace, and to continue, through our own words and deeds, his lifelong pursuit of justice.

INTRODUCTION OF THE MIDDLE INCOME HEATING ASSISTANCE ACT OF 2001

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. RUSH. Mr. Speaker, today I rise to introduce the Middle Income Home Heating Assistance Act of 2001 (MIHHAA).

In the face of this winter's natural gas crisis, there has been a great deal of discussion nationwide, about raising the LIHEAP 150% poverty level eligibility cutoff. While LIHEAP funding and eligibility limits must be increased to protect the increasing number of people who desperately need assistance, the tremendous cost associated with such legislation, must be supported by other legislative initiatives designed to accomplish similar assistive goals.

Consider the statistics in Illinois alone. In Illinois, when the eligibility cutoff was 125% of poverty level, LIHEAP covered 633 thousand households. At the current eligibility cutoff of 150% of the poverty level, 740 thousand households will be covered. If raised to 175%, as some have proposed, close to 1.4 million households will be covered. This would more than double the number of homes currently covered, and would according to State officials, result in an additional $130 million in administrative costs.

Instead of altering LIHEAP, my bill would pick up where LIHEAP leaves off. The importance of relief for those earning just above the 150% poverty rate is especially clear in a year when many individuals have received increases in Social Security benefits, and have been pushed just beyond the cutoff.

My bill does the following: where a taxpayer, in any given year, pays an average of 50% more per therm, over the average per therm cost for the previous three years, she is entitled to a refundable tax credit. The maximum credit, which is phased out from the 150 to 300% poverty level, is $500. Under this bill, a family of four, with an annual income of $25,575 would be entitled to a $500 credit. The phase-out, for a family of four would end at one with an income of $51,150.

While we must find solutions to the United States' energy problems, we in Congress must also attend to the consequential costs which those problems levy against the average consumer. The Middle Income Home Heating Assistance Act of 2001 focuses on the middle income consumer, and ensures some relief in years where current law offers none.

CHARITY TO ELIMINATE POVERTY TAX CREDIT ACT OF 2001

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. KOLBE. Mr. Speaker, we are introducing today—Valentine's Day—the Charity To Eliminate Poverty Tax Credit Act of 2001. This legislation is a Valentine's present for all the families and people who are struggling every day to survive. I am talking about our nation's poor.

We are a wealthy nation. The federal government should reward people for trying to help raise the standard of living of those living in poverty.

This bill would give every American the option of sending $100 to an organization that primarily assists the poor instead of sending the money to the IRS.

When you fill out your tax forms this year, wouldn't you like the opportunity to redirect $100 of your money that is headed to the federal bureaucracy and give it directly to an organization that is helping raise the standard of living of some of America's poorest citizens?

The Charity To Eliminate Poverty Tax Credit Act of 2001 allows a tax credit up to $100 ($200 if filing a joint return) for charitable contributions to tax-exempt organizations that help people whose annual income is under 150 percent of the official poverty level. Currently, that level is $12,525 annually for an individual and $25,575 for a family of four.

The legislation also acknowledges the impact that inflation can have on the "real" dollars that people may give to charity so we have indexed the tax credit amount to inflation.

Another important provision requires an organization to spend at least 70 percent of its money on helping the poor in order to qualify. Only a maximum of 30 percent of the charitable organization's budget can be spent on administrative expenses, expenses to influence legislation, fundraising activities, and litigation costs, among others. We want the charitable contribution to go to the poor, not to increase an administrator's salary.

President Bush's tax proposal touches on this objective by suggesting that a charitable tax deduction be allowed for people who do not itemize their deductions. The President also has encouraged the States to provide a charitable tax credit. In my State of Arizona, we are already allowed to take a $200 charitable tax credit. This legislation goes one step further by offering the credit at the federal level.

Private charities succeed because they are community driven and stress personal responsibility. These local food banks and shelters become personally involved in helping change lives. I believe a better way to help the poor is through local organizations that are designed, implemented, and staffed by residents of the neighborhoods they serve.

Also, the tax credit will put more money on the table for programs that help the poor and create a more competitive atmosphere. Each organization will be overseen and judged, not by Washington, DC, but by the community and the people giving the money to the charitable organization. This will in turn improve services to the poor.

Hopefully, we will all agree to give a Valentine's gift to our nation's poor by enacting this anti-poverty relief tax credit—the Charity To Eliminate Poverty Tax Credit Act of 2001.

FIRE SAFETY AT THE LIBRARY OF CONGRESS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. NEY. Mr. Speaker, the Committee on House Administration has received a report from the Office of Compliance on its fire-safety investigation of the Library of Congress buildings. A similar report on fire safety in the Congressional Office Buildings was presented to the Committee in January of 2000.

The Office of Compliance report identified numerous deficiencies in Library fire safety and noted that while some conditions have already been corrected, others may require additional time and resources. After carefully considering the report, I, along with the Committee's ranking member, Mr. HOYER, have written to the Architect of the Capitol to determine what remedial measures will be implemented and the timetable for addressing each of the deficiencies raised in the report. I am committed to working with the Architect and the Librarian to make the Library buildings as safe as possible for the many public patrons, employees, Congressional staff, and Members who work in or visit the Library.

Twice in the Library's history, in 1812 and 1851, significant parts of its collections were decimated by fire. It is my hope that with the technology and expertise at our disposal, history will not repeat itself.

HONORING SERGEANT KYLE THOMAS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GARY MILLER of California. Mr. Speaker, I congratulate Sergeant Kyle Thomas, of the Orange County California Sheriff's Department, upon his retirement.

Sergeant Thomas began his career in law enforcement in 1958 when he joined the Alameda County Probation Department. He worked there until volunteering to serve in the United States Army in 1962. A distinguished veteran, Sergeant Thomas was an M.P. in Korea. After being honorably discharged, Sergeant Thomas was hired by the North Orange County Marshal's Department in 1966. Only three short months after being hired, Sergeant Thomas was promoted to Deputy II and assigned to Civil Field Services. For 15 years, Sergeant Thomas worked as a Civil Deputy, handling all types of enforcement duties.

In January of 1981, he was promoted to the rank of Sergeant. As a Sergeant, his responsibilities have spanned all aspects of North Orange County's operations. Because of his vast knowledge of civil procedure, Sergeant Thomas has become the Department's resident civil expert.

Sergeant Thomas is also an active leader in our community. He is a member of the Latino Peace Officers Association and served as their First Vice President for five years. He has been an active representative for the Association of Deputy Marshal's of Orange County and the State Marshal's Association.

In addition to his professional leadership, Sergeant Thomas also takes the time to keep local youth on a winning path. Since 1969, he has volunteered his services to teach Judo and wrestling at the Anaheim YMCA. He has also volunteered as an Orange Youth Soccer League trainer and currently coaches Judo at the Gemini Judo Club in Yorba Linda.

A resident of Placentia, California, Sergeant Thomas' retirement will bring more time with his wife of 38 years, Virginia, his two children, and three grandchildren.

Sergeant Thomas' exemplary career in law enforcement distinguishes him as a true American hero, worthy of this Congress' praise and gratitude.

RECOGNIZING JANE KRATOCHVIL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SHIMKUS. Mr. Speaker, today I recognize an admirable citizen from the great state of Illinois, Jane Kratochvil. As President Bush releases his Education Plan, "No Child Left Behind," and sets up his Faith Based Liaison Office in the White House that will encourage volunteer work as part of a multi-pronged approach to addressing social challenges, I wanted to take this opportunity to draw your attention to Ms. Kratochvil who is a shining example of selfless volunteerism.

Mr. Speaker, in addition to a very demanding full time job, Ms. Kratochvil spends her unpaid free time working with a program called "The School First Foundation." This non-profit organization helps underserved K–12 schools gain access to technology and teaching resources that serve to improve their learning environment. As part of this program, Jane works extensively in the Chicago inner-city area and travels on occasion to help in the difficult Roxbury district of Boston.

Jane's efforts are commendable. Not only is she touching the lives of the many underprivileged boys and girls she is teaching directly, but her organization is helping to identify and advance educational content that improves learning performance, so in essence, she is helping more students improve their minds and lives than we could ever quantify.

I want to extend my deepest thanks to Jane Kratochvil and all others like her. It is through volunteers like Jane that we will be successful in ensuring that all children receive a quality education and a fair shot at a successful life.

THE TENNESSEE STATE UNIVERSITY ALUMNI ASSOCIATION'S MIDWEST REGIONAL CONFERENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. KUCINICH. Mr. Speaker, today I recognize the Tennessee State University Alumni Association. Since its inception in 1923, it has provided guidance and scholarships to alumni both nationally and in the Northeast Ohio region.

The many local chapters of the alumni association have become pillars of our community, often sponsoring soup kitchens and mentoring programs in their neighborhoods. The Tennessee State University Alumni Association has worked tirelessly to help foster a sense of dignity and honor in the young people of their communities.

Countless children have been able to further their education and their futures because of the opportunity to attend college provided by Tennessee State University alunmi support. The scholarships which the alunmi association sponsors help to mold the lives of youths who might not otherwise have the resources necessary to attend such a fine institution. The intrinsic role that the alumni association has played in the lives of these young people is noteworthy.

The theme of this conference, "Don't Forget The Bridge That Brought You Across . . . Then and Now" gives us reason to reflect upon the many opportunities which we were blessed with throughout our lives. As children, we were all confronted with many challenges, and it is important to remember the people who helped us overcome those hurdles and have allowed us to succeed. The theme of this conference should inspire us to continue to contribute to our communities, to allow us to continue to provide opportunities for our youth, and to strengthen the social fabric of our society.

My fellow colleagues, please join me in honoring the Tennessee State University Alumni Association.

A BILL TO REPEAL SECTION 809. WHICH TAXES POLICYHOLDER DIVIDENDS OF MUTUAL LIFE INSURANCE COMPANIES, AND TO REPEAL SECTION 815, WHICH APPLIES TO POLICYHOLDER SURPLUS ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of our colleagues in introducing our bill, "The Life Insurance Tax Simplification Act of 2001." The bill repeals two sections of the Internal Revenue Code which no longer serve valid tax policy goals. Except for the effective date, the bill is identical to the one we introduced in the 106th Congress.

Congress has taken a major step forward in rewriting the regulatory structure of the financial services industry in the United States. This realignment is already having a positive impact on the way life insurance companies serve their customers, conduct their operations and merge their businesses to achieve greater market efficiencies. Unfortunately, the tax code contains several provisions which no longer represent valid tax policy goals, and in fact are carry-overs from the old tax and regulatory regimes that separated the life insurance industry from the rest of the financial world and differentiated between the stock and mutual segments of the life insurance industry. Today, the lines of competition are not between the stock and mutual segments of the life insurance industry. Rather, life insurers must compete in an aggressive, fast moving global financial services marketplace contrary to the premises underlying these old, outmoded tax rules.

In 1984 Congress enacted Section 809, which imposed an additional tax on mutual life insurers to guarantee that stock life insurers would not be competitively disadvantaged by what was then thought to be the dominant segment of the industry. Section 809 operates by taxing some of the dividends that mutual life insurers pay to their policyholders. When Section 809 was enacted, mutual life insurers held more than half the assets of U.S. life insurance companies. It is estimated that within a few years, life insurers operating as mutual companies are expected to constitute less than ten percent of the industry.

The tax is based on a bizarre formula under which the tax of each mutual life insurer increases if the earnings of its large stock company competitors rise—even when a mutual company's earnings fall. The provision has been criticized by the Treasury Department and others as fundamentally flawed in concept. The original rationale behind the enactment of Section 809 no longer exists. Accordingly, the bill would repeal Section 809.

Section 815 was added to the Code as part of the 1959 changes to the life insurance companies tax structure. Before 1959, life insurance companies were taxed only on their investment income. Underwriting (premium) income was not taxed, and underwriting expenses were not deductible. The change provided that all life insurance companies paid tax on investment income not set aside for policyholders and on one-half of their underwriting income. The other half of underwriting income for stock companies was not taxed unless it was distributed to shareholders (so-called "policyholders surplus account or PSA"). The 1959 tax structure sought to tax the proper amount of income of stock and mutual companies alike and the PSA mechanism helped implement that goal.

In 1984, Congress rewrote the rules again. Both stock and mutual companies were subjected to tax on all their investment and underwriting income. In this context, dividend deductions for mutuals were limited under Section 809, and the tax exclusion for a portion of stock company's underwriting income was discontinued. Congress made a decision not to tax the amount excluded between 1959 and 1984. Rather the amounts are only taxed if one of the specific events described in the current Section 815 occurs (principally dissolution of the company).

The bill would repeal the obsolete Section 815 provision. Since 1984, the Federal government has collected relatively small amounts of revenue with respect to PSAs as companies avoid the specific events which trigger PSAs taxation. There is not a "fund", "reserve," "provision" or "allocation" on a life insurance company's books to pay PSA taxes because, under generally accepted accounting principles, neither the government nor taxpayers have ever believed that significant amounts of tax would be triggered. Nevertheless, the continued existence of the PSAs does result in a burden on the companies in today's changing financial services world—a burden based on bookkeeping entries made from sixteen to forty-one years ago to comply with Congress' then vision of how segments of the life insurance industry should be taxed. In addition, the prior Administration made proposals to require that PSA balances be taxed, even though no triggering event has taken place—thus creating additional uncertainty.

The repeal of these two provisions, Sections 809 and 815, would provide certainty, less complexity, and remove two provisions from the Internal Revenue Code, which no longer serve a valid tax policy goal in the life insurance tax structure of the Internal Revenue Code. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO SHERIFF MICHAEL GAGE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BARCIA. Mr. Speaker, today I pay tribute to Sheriff Michael Gage upon his retirement as Huron County's top law enforcement official. During his decade-long tenure, Sheriff Gage pioneered community policing long before the term became common-place. As a police officer, as a father, as a devoted member of his church and contributor to his community, Michael Gage serves as a model for others to emulate.

Mike's strength of character, deep sense of duty and judiciousness earned him a well-deserved reputation for principled leadership within the Sheriff's Department and his community. His service was marked by a keen understanding that the law's reach must be guided by a firm but measured hand that takes into account individual and unique circumstances, as well as one's duty to strictly enforce the law.

While never swaying from his duty, Michael Gage also refused to shrink from offering compassion to those in need. During his time and after his time as Sheriff, Mike demonstrate a continuing commitment to helping those who found themselves on the wrong side of the law. In recent years, Mike has maintained correspondence with numerous former inmates and attempts to keep them on the right path by lending a willing ear and a responsive heart.

In his work and in his life, Michael Gage has lived out his faith in ways which have made a real difference for his family and his community. Mike has been thoroughly devoted to Carol, his wife of 34 years, and their three children, and their family has also reached out across international borders in hosting 17 exchange students in 20 years.

Finally, Mr. Speaker, I am proud that my friend's decision to turn in his badge will not mean a retreat from the dedicated service to his fellow citizens that has been the benchmark of his storied career. In fact, Mike is wasting no time in continuing his public service with his recent election to the Huron County Board of Commissioners. I know the board will welcome the addition of his significant knowledge, skills and experience as they work for the future of Huron County.

I ask my colleagues to join me in expressing gratitude to Sheriff Gage for his outstanding service and wish him continued success in serving the needs of Huron County.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT OF 2001

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. RILEY. Mr. Speaker, protecting America's retirement must be of the highest order. H.R. 2 is extraordinarily important for guaranteeing a secure retirement for Americans. Our Government must never revert back to raiding the Social Security trust fund.

We have a moral obligation to not allow the Medicare or Social Security surpluses to be carelessly squandered. All funds that are originally designated for Medicare or Social Security must stay there, regardless of a surplus or not. This legislation mandates that no Social Security or Medicare surpluses can be used for any other purpose other than debt reduction or Social Security and Medicare reform legislation. The creation of a "lockbox" for these funds, I believe, is essential for maintaining the current status of Social Security benefits and for protecting the future retirees in our country.

Every American citizen has been promised a secure retirement and access to health care in their twilight years, and as representatives of these citizens, we not only have a professional duty, but a moral obligation to keep that promise. The Social Security and Medicare LockBox Act will guarantee that these funds will be out of the reach of wasteful government spending and kept secure for today's beneficiaries and future retirees.

I urge my colleagues to join me today in support of the Social Security and Medicare Lockbox Act.

RECOGNIZING AMERICAN HEART MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. BACA. Mr. Speaker, on Valentine's day, a time of celebration of our loved ones, we should take a moment to recognize American Heart Month, established by the Congress in 1963. This February the American Heart Association's 22.5 million volunteers and supporters are joining together with the message that we can combat heart disease.

I worked on this issue in California, authoring a bill to fight against heart disease, and standing with the American Heart Association on this important issue.

Cardiovascular disease, including heart attack and stroke, is America's No. 1 killer and a leading cause of permanent disability. An American dies from cardiovascular disease every 33 seconds. Nearly 61 million Americans suffer from cardiovascular diseases. Cardiovascular diseases kill nearly 1 million Americans every year—about 41% of deaths in the U.S. If cardiovascular diseases were eliminated, life expectancy would rise by almost 7 years. Cardiovascular disease, will cost Americans an estimated $300 billion in medical expenses and lost productivity in 2001.

Coronary heart disease (including heart attack and crushing chest pain) is the single largest killer of all Americans. Every 29 seconds someone suffers a heart attack and every 60 seconds someone dies. This year, more than 1 million Americans will suffer a heart attack. More than 40% of these victims will die.

This tragic illness affects women, too. Heart disease, stroke and other cardiovascular diseases actually kill more American women than men. Cardiovascular diseases, including heart disease and stroke, remain the No. 1 killer of American females. More than 500,000 die each year. Cardiovascular diseases kill more females each year than the next 14 causes of death combined. Heart disease kills five and a half times as many American women as breast cancer. Stroke kills more than twice as many women as breast cancer. Cardiovascular diseases kill almost twice as many American females as all forms of cancer.

The American Heart Association and other organizations are working relentlessly to reduce the burden—both physical and economic—that heart disease places on Americans of all walks of life. This tragic illness affects the lives of almost all Americans in some way. We can win the fight against this devastating disease with the support of every man, woman, and child in our nation. We can save a life, if we are prepared for cardiac emergencies. We should know the signs. Call 9–1–1 immediately. Give CPR.

Unfortunately, too many Americans are not aware of the heart attack warning signs. The warning signs include uncomfortable pressure, fullness, squeezing or pain in the center of the chest lasting more than a few minutes; pain spreading to the shoulders, arm or neck; chest discomfort with lightheadedness, fainting, sweating, nausea or shortness of breath.

Together we can save a life. We will fight and win against this illness.

IN RECOGNITION OF THE RETIREMENT OF CHARLES T. HARRIS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I pay tribute to Charles T. Harris—one of our Federal Government's finest public servants and a long time resident of the Commonwealth of Virginia. This March he will retire from an exceptionally distinguished career of service to his country. He has served our nation both in uniform and as a career civil servant for over 38 years. He has been an exceptional leader and manager of the nation's treasure and his efforts have materially strengthened our national defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

Mr. Harris began his career in public service in the summer of 1962 when he entered the Corps of Cadets at the United States Military Academy at West Point, New York. After graduation, he served ten years on active duty including two tours of duty with the U.S. Army in Vietnam, first as a platoon leader and then as a company commander. After leaving the Army, Mr. Harris began his civilian career in the Department of the Army as a supervisory budget analyst responsible for the Army's logistics programs. In 1985, Mr. Harris began work in the Office of the Under Secretary of Defense (Comptroller), where since 1988 he has served in the Senior Executive Service in various leadership roles, including: Associate Director for Air Force Operations, Deputy Director of the Revolving Funds Directorate, Deputy Director and then Director for Operations and Personnel.

Mr. Harris' professionalism and significant contributions have been recognized by every administration he has served. Among his many awards, he has received the Outstanding Department of the Army Civilian Award (the PACE Award), the Presidential Rank Award for Meritorious Service, and most recently, the Department of Defense Distinguished Civilian Service Award, the highest award granted to civilian employees in DoD.

Through his civilian career as a financial manager, Mr. Harris has steadily and continuously accumulated a comprehensive knowledge of the workings of the Federal budget process particularly as it pertains to financing the nation's military forces. Year after year, Mr. Harris has succeeded in transforming the administration's defense priorities into a clear, defensible and compelling, articulation of the resource requirements necessary to execute the nation's peacetime and wartime military operations. In his role as Director of the Operations and Personnel Directorate, he is directly responsible for fully 65 percent of the Department of Defense annual budget. He has become an acknowledged expert on Military Readiness, Recruiting and Retention, Quality of Life, Contingency Operations, Military Healthcare, Training and Education.

Mr. Harris is an imaginative leader and exceptional manager who inspires his people to produce work of the highest quality. Throughout his career he has repeatedly sought out opportunities to materially improve the ways in which the Department of Defense allocates its resources to effectively execute the National Military Strategy. By actively working with stakeholders in the Congress and throughout the Department of Defense he has successfully streamlined and rationalized the submission of budget justification materials so that they are both more timely and more useful to decision makers.

Senior leaders, both in the Congress and in the Department of Defense have benefitted enormously from his unsurpassed experience, wisdom and clarity. His efforts have enabled our nation's leaders to make the most effective use of defense resources to ensure America's military strength in the twenty-first century. Mr. Harris is retiring from a career of exemplary merit and has earned the profound respect of a grateful nation. On behalf of my colleagues, I thank him for his service to our country and wish him well on his retirement.

INTRODUCTION OF THE CALIFORNIA RECLAIMED WATER ACT FOR THE 21ST CENTURY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am proud to introduce the California Reclaimed Water Act for the 21st Century. I introduced almost identical legislation in the 106th Congress (H.R. 5555).

The dry winter we are experiencing in California should be a reminder that water shortages and drought are quite normal in our State. I strongly believe that investment in reclaimed water technology—water recycling—can help us "drought-proof" many of our community water supplies in California.

Projects that recycle water result in a net increase in available local water supplies and can decrease the need for water that must be supplied and often imported from other sources. Because wastewater for recycling is available even when other water supplies are diminished, recycled water can assist in providing a long-term, reliable, local source of water even during droughts.

Our farmers, urban dwellers, sport and commercial fishing interests, tribes, mountain communities and environmentalists all seek a more reliable and a more certain water future. Recycled water plays an important part in meeting California's water needs today and will play an even more important role in the next several decades.

About 3 percent of the water supply in the San Francisco Bay Area is now recycled. Water managers hope that eventually as much as 40 percent of the water will be recycled, perhaps as much as 500,000 acre-feet per year. California cities need planning help and financial assistance to find markets for the recycled water, and to construct the treatment and conveyance facilities needed to get the treated water to identified markets.

Recycled water can be used for irrigation of golf courses, parks, school lands, business campuses, and highway medians, and for groundwater recharge, wetlands development; and industrial purposes. We have to start thinking about recycled water as a critical component of the water supply picture in California.

Californians and government agencies have recently affirmed their support for water recycling, first with the passage of the California water bond last year, and more recently with the approval of the CALFED water agreement which broadly sets a course for California's water future. Water recycling and reuse is a major element of both these new actions and policies.

The Federal government's support for water recycling was initially authorized in the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992. The Bureau of Reclamation's so-called "Title XVI" program originally approved financial assistance for planning, design and construction of four water recycling projects in California. More projects were approved in 1996.

The legislation I introduce today builds upon these Congressional efforts, voter ballot initiatives and agency studies.

The bill authorizes a series of new Title XVI water recycling projects and directs the Secretary of the Interior to work with various water districts throughout the State on water recycling activities. Specific projects included in the bill are: Castaic Lake Water Agency; Clear Lake Basin Water Reuse Project; San Ramon Valley Recycled Water Project; Inland Empire Regional Water Recycling Project; San Pablo Baylands Water Reuse Project in Sonoma, Napa, Marin and Solano Counties; State of California Water Recycling Program; Regional Brine Lines (salt removal) in Southern California and in the San Francisco Bay and the Santa Clara Valley areas; Lower Chino Dairy Area Desalination Demonstration and Reclamation Project; and the West Basin Comprehensive Desalination Demonstration Program.

These projects will have the capacity to produce hundreds of thousands of acre-feet of useable water. Each acre-foot of recycled water produced by these projects will reduce the demand in California for imported water from the Bay-Delta and the Colorado River.

Unlike traditional Bureau of Reclamation water projects, these water recycling projects require a majority of funds to be locally provided. Consistent with Title XVI limitations on recycling projects as authorized in 1992 and 1996, the projects proposed in my bill require 75 percent local funding. Federal cost sharing is limited to 25 percent. Moreover, this bill specifies that none of the funds can be used for annual operation and maintenance costs. Those annual expenses are the responsibility of the local water districts or management agency.

I strongly believe that water recycling will continue to play an important and growing role in total water management strategies to provide a safe and sustainable water supply in California and in many other parts of the country. The water recycling projects authorized by the legislation I am introducing today are part of a long-term solution to some of California's most difficult challenges. Water recycling is not the only solution. But, water recycling and water reuse can play a significant part as these projects can be designed, built, and placed in service within a short time.

BAN THE USE OF THE INTERNET TO OBTAIN OR DISPOSE OF A FIREARM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mrs. MINK of Hawaii. Mr. Speaker, today I re-introduce a bill to ban the use of the internet to obtain or dispose of a firearm.

Internet technology has brought our world closer together. It has made our lives more convenient by having almost anything we want available at our fingertips, literally, by the click of a button. We can purchase items from groceries, a brand new car, or even a semi-automatic weapon from a private seller via the internet.

The Gun Control Act of 1968 was enacted for the purpose of keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetence.

To curb the illegal use of firearms and enforce the Federal firearms laws, the Bureau of Alcohol, Tobacco, and Firearms (ATF) issues firearms licenses and conducts firearms licensee qualification and compliance inspections.

Use of the internet to dispose or obtain a firearm would bypass these Federal licensing requirements, as well as background checks and waiting periods. Compliance inspections to help identify and apprehend criminals who illegally purchase firearms would also be avoided.

Criminals having access are not all that we should be concerned about. Our children now have universal access to the internet—almost every classroom and many homes have been installed with and public libraries have at least one computer terminal with a modem. Our children must be protected from the ease the internet provides in obtaining firearms.

It may be difficult to track internet firearm purchases due to numerous security precautions available. Terrible damage may already have been done by the time the unlicensed purchaser and/or seller is detected.

We have an obligation to do all we can to keep our communities safe. This bill will help prevent such weapons from getting into the wrong hands.

I urge my colleagues to support this legislation.

INTRODUCTION OF LEGISLATION TO APPLY THE LOOK-THRU RULES FOR PURPOSES OF THE FOREIGN TAX CREDIT LIMITATION TO DIVIDENDS FROM FOREIGN CORPORATIONS NOT CONTROLLED BY A DOMESTIC CORPORATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am joined by Representative BOB MATSUI in the Introduction of legislation to clarify a provision of our tax code that is needlessly hindering U.S. businesses' ability to efficiently operate in overseas markets.

In some countries, U.S. investors face significant business, legal and political obstacles that prevent them from acquiring a controlling interest in a foreign company. This occurs in particular when the local government has a share in the foreign venture, the industry is heavily regulated (financial services, utilities, and oil and gas exploration, for example), or other business factors necessitate that the U.S. investor hold a minority interest. Consequently, U.S. companies must operate in these foreign countries through corporate joint ventures, many times in partnership with local businesses. U.S. international tax rules, however, tend to discourage corporate joint venture activity, even when these foreign laws require that U.S. companies take minority ownership interest in cooperative arrangements with local companies in order to do business.

In particular, the so-called "10/50 foreign tax credit rules" impose a separate foreign tax credit limitation for each corporate joint venture in which a U.S. company owns at least 10 percent but not more than 50 percent of the stock of the foreign entity.

The 10/50 regime is bad tax policy because it increases the cost of doing business for U.S. companies operating abroad by singling out income earned through a specific type of corporate business for separate foreign tax credit "basket" treatment. This provision inevitably prevents U.S. companies from fully using these tax credits, and thus subjects them to double taxation. Moreover, the current rules impose an unreasonable level of complexity, especially for companies with many foreign corporate joint ventures.

The 1997 Tax Relief Act partially corrected this inequity by eliminating separate baskets for 10/50 companies. Unfortunately, the 1997 act did not make the change effective for such dividends unless they were received after the year 2003. It further complicated the Tax Code by requiring two sets of rules—one from earnings and profits (E&P) generated before the year 2003 and one for dividends from E&P accumulated after the year 2002.

My legislation will greatly simplify the U.S. tax treatment for U.S. companies subjected to these 10/50 foreign tax credit rules. This bill will accelerate from 2003 to this year the repeal of the separate foreign tax credit basket for these companies. In doing so, so-called "look-thru treatment" will allow them to aggregate income from all such ventures according to the type of earnings from which the dividends are paid, thus conforming the treatment of this joint venture income to other income earned overseas by the U.S. companies. The proposal also ensures that pre-effective date foreign tax credits that are being carried forward also receive this look-thru treatment. Without such a rule, these tax credits will expire, a result that never was intended.

In 1999, the House of Representatives and the Senate passed the "Taxpayer Refund and Relief Act of 1999." Although former President Clinton vetoed that particular bill, his administration recommended this legislative proposal in its next budget proposal. Consequently, I am confident that this bill will have strong bipartisan support.

I urge my colleagues to join me in cosponsoring this important legislation.

HONORING CHAIRMAN ARTHUR LEVITT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. OXLEY. Mr. Speaker, last week marked the end of the Honorable Arthur Levitt's tenure as the longest-serving Chairman in the history of the United States Securities and Exchange Commission. Arthur has been a good friend of mine for quite some time. More importantly, over the past eight years, he has been a leader in preserving the integrity of our capital markets and protecting America's investors.

I have worked closely with Arthur during his entire tenure on a number of major initiatives, especially the past few years in my capacity as chairman of the former House Commerce Subcommittee on Finance and Hazardous Materials.

Chairman Levitt leaves the Commission with an enviable record of accomplishment. He worked tirelessly to achieve his top priority of protecting investors, conducting more than 40 investor town meetings across the country, listening and responding to their concerns.

He played an important role in the recent financial services debates. The financial modernization legislation—known as the Gramm-Leach-Bliley Act—was enacted after decades of futility. It was, in part, the product of Chairman Levitt's hard work and support.

Persuading the nation's stock exchanges to convert to decimal pricing took some prodding from the Commission and Congress, but I am pleased to report that America's investors are already benefiting from the narrower spreads that I envisioned when I introduced the Common Cents Stock Pricing Act of 1997. Chairman Levitt deserves a great deal of credit for helping implement this historic reform.

He played an integral role in passage of the National Securities Markets Improvement Act, which modernized the relationship between state and federal securities regulators and eliminated costly and duplicative state regulation of national securities offerings. More recently, his work on the Commodity Futures Modernization Act, helped us pass historic legislation to provide legal certainty to the trillion-dollar derivatives industry.

Finally, the SEC, under Mr. Levitt's direction, has taken important steps in creating a regulatory framework that embraces new technology and promotes competition.

In closing, Mr. Speaker, let me say that Arthur Levitt is a man of great integrity who has served his nation admirably. He is the quintessential public servant. The American people are better off for his tenure.

HONORING ISADORE TEMKIN ON HIS 80TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I today join the many friends and family members of my dear friend, Isadore Temkin, in extending my warmest wishes as he celebrates his 80th birthday. Throughout his life, he has been an outstanding leader in his community, always demonstrating a deep commitment to public service.

Issie, along with his wife Zena, has been actively involved in Connecticut's political arena for over forty-five years. Many of Connecticut's elected officials have benefitted from his support including former Governor Ella T. Grasso, former Senator Abraham Ribicoff, current Senator CHRISTOPHER DODD and myself. His invaluable friendship is a tremendous gift we have all cherished.

In the many years that I have known Is, I have continually been in awe of the incredible commitment he has to his hometown of Torrington, Connecticut. Though he has never held a public office, there are few that have had a greater impact on this community. For sixty years, he has been at the forefront of every major issue that has faced this eclectic New England city. With an enduring need to enrich this small community, Is was instrumental in the founding of two of the City's most famous treasures. Under the direction of former Parks and Recreation Supervisor Carl Bozenski and Is, the magical charm of Bozenski's Christmas Village came to life. A Christmas tradition for fifty years, this charming village is open only during the month of December offering children a chance to visit with Santa and explore his workshop, complete with elves and live reindeer. As one of the original founders of the Nutmeg Ballet, he helped to bring the love of arts to Litchfield County. Internationally recognized for dance training for twenty years, the Nutmeg also offers instruction in music and drama. Both Christmas Village and the Nutmeg Ballet have become Connecticut landmarks, much in part to Is Temkin's efforts.

Throughout his professional career, Is has practiced dentistry in the Torrington community and is continuing to do so today. Serving as a member of the Connecticut State Dental Commission, the regulatory board for dentistry, he ensured that residents received proper care from dentists practicing in Connecticut. Keeping true to his endless efforts to improve his community, he opened a clinic in memory of his brother and brother-in-law, both deceased dentists. For five years, the Dental Clinic at Brooker Memorial has ensured that hundreds of uninsured children are provided with the dental care they need. His unparalleled dedication and compassion is an inspiration to us all.

Through his innumerable good works, Is has left an indelible mark on the Torrington community and the State of Connecticut. I am honored to rise today and join his wife Zena, his children; Alan, Nan, and Bruce; family, friends, and colleagues in paying tribute to Isadore Temkin as he celebrates this wonderful occasion. My best wishes for many more years of health and happiness. HAPPY BIRTHDAY!

ON BUFFALO, NEW YORK: THE "CITY WITH HEART"

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. LAFALCE. Mr. Speaker, I want to share with my colleagues an article that appeared yesterday in the national newspaper, USA TODAY. After conducting a nationwide search for a "City with Heart", they chose my hometown of Buffalo, New York. In this great, historic city you will find four enjoyable seasons, world-class educational institutions, expansive parklands, and the finest in art and architecture. For sheer quality of life, dollar-for-dollar my money is on Buffalo.

It is with a great deal of pride that I commend to you this article entitled "Lots and Lots of Heart in Buffalo."

[From USA Today, Feb. 13, 2001]

THE CITY WITH HEART

(By Cathy Lynn Grossman)

BUFFALO—We're snowed by Buffalo.

USA Today launched a nationwide search for a "City with Heart"—one with the energy, excitement and community fellowship that make a one-stoplight town or a swarming metropolis a treasured hometown.

Readers responded to our call with notes, poems and a bit of professional public-relations puffery, singing the praises of more than 120 communities from Tacoma, Wash., to Miami, Fla., to Barnes, a cozy English town outside London.

Some listed their towns' tourist-brochure features. But most messages zeroed in on the great, unmappable qualities like generosity of spirit—the social capital that makes people rich in human connection, says political scientist Robert Putnam, author of Bowling Alone: The Collapse and Revival of American Community (Simon & Schuster, $26).

Many Americans remember with longing those places and times where we felt those bonds, expressed in "neighborhood parties and get-togethers with friends, the unreflective kindness of strangers, the shared pursuit of the public good."

The people of Buffalo still know these well. And they stuffed the valentine ballot box with the most notes to tell the world the sunny truth about their oft-maligned, blizzard-thumped city.

They managed to be simultaneously proud and humble about their world-class art, architecture and grand urban parks; a great history including two U.S. presidents; and generations of immigrants and their descendants who turn every weekend from May to October into a street festival.

"Don't let the snow fool you," wrote Marge McMillen, listing, as many did, the city's renowned museums and music hall, schools and sports teams. "Buffalo is a warm-hearted lady."

So we winged into town for a day to see.

Eleven Buffalo buffs—eight of them born here—joined us for platters of chicken wings at the Anchor Bar, world famous for the spicy tidbits that legend says were invented here. Friendlier people would be hard to find.

"That's why we all come back here," says Dennis Warzel, one of five in the lunch group who tried living elsewhere and felt Buffalo call him home. He's now rooted here as securely as the lavish Buffalo Botanical Gardens, where he spends hours volunteering.

"That's why my parents, who retired to Florida, returned to be with their old friends," says Bonnie MacGregor, bass drummer in the Celtic Spirit Pipe Band. If Buffalo were a band, its tunes would be drawn from Irish, Scottish, Polish, Italian, German, Slavic, Jewish, Native American and a dozen other cultures.

"This lovable rust-belt city is full of blue-collar guys of every ethnic background who get together on Sunday to watch the Bills and remove their shirts in 35-degree weather. (We) support everything from tractor pulls to the philharmonic—and hardly any drive-by shootings," quips Jim Joslin.

Good neighbors keep this city's heart beating, all agree. Asked for signs of neighborliness in action, Sandra Cochran leapt to mention Friends of Night People. Lodged in a pink and white house on the edge of downtown, it's a 24-hour soup kitchen and shelter of last resort, established 32 years ago when the homeless didn't have the media attention they get today.

"Generosity here is above and beyond anyplace I've ever worked," says director Darren Strickland, watching volunteer Betty Dorio make bologna and cheese sandwiches. The shelter serves 72,000 meals a year and provides eye, foot and health care for 1,600 children, women and elderly annually.

MacGregor noted the Roswell Park Cancer Institute. It was the nation's first such center and one of the largest for research and treatment. Yet it is permeated by positive feelings, she says, "Everyone smiles."

Indeed, that very gray Monday, there was upbeat 17-year-old Dan Zak, a weekly volunteer from Canisius High School, playing the grand piano in the hotel-handsome atrium lobby.

"You can be a workaholic here, but it's optional," says Russell DeFazio, who hikes and plays tennis in Delaware Park. "It's still a laid-back place."

"We work hard, but we make time to enjoy ourselves," echoes Alan Kegler.

With family. With friends. With strangers. "I wake up on a snowy day and my neighbor has already cleared my driveway," says Linda Storz. "You have to catch someone in the act just to thank them."

Ah, snow. Talk turns to that inescapable word, and once again the Buffalonians puff with pride.

"I love the coldest, snowiest days here because everyone grows closer. People come out of their houses, smiling and greeting one another on the street. It feels as safe as Mayberry and as beautiful and sentimental as a holiday greeting card," wrote Sara Saldi.

"It's not how much snow we get. It's how we handle it. Our city never closes. We clean up and get going where others can't," says Philip Wiggle.

Of course, problem-solving is second nature here in the birthplace of "brainstorming," a creative thinking process developed by a local advertising executive, Alex Osborn, that soon spread worldwide. Buffalo nurtures the idea with an annual creativity conference, that has drawn hundreds of think-outside-the-box folks for 43 years.

One problem minimized: The tell-your-grandchildren-about-it-someday blizzard that dumped 25 inches of snow in a day last Nov. 20 and gave even indefatigable Buffalo pause.

Most people would be calling the moving vans if they spent seven hours of a snowstorm trapped in a subway station like Monica Huxley. But Huxley, who hadn't lived in Buffalo yet a year, wrote to USA TODAY that the helpful camaraderie among strangers led her to love her new hometown.

MacGregor was among 200 who huddled in the Christmas wonderland of the tree-decorated Hyatt hotel lobby. She recalls:

"About 11:30 p.m., ladies from the hotel's housekeeping brought around lots of blankets and told us that we should each find a Christmas tree to sleep near. They then kept the tree lights on and turned the hall lights off. We slept like little kids in a big 'sleepover' underneath the trees."

Warzel was trapped on downtown streets for nearly 20 hours, including a stretch where a "lady went car to car passing out Ho-Hos." Nancy Lynch was assured that her son, trapped at school, was housed for the night by the welcoming parents of the school neighborhood; Ellen Kern, caught for "just 4½ hours on Maple Road in my car," marveled as strangers offered coffee and brushed snow from the windshields.

"For a big city, it's very small," says Kern.

Adds Nancy Lynch: "When people do small nice things for one another, they tend to want to reciprocate. When the cycle is repeated over and over again over the years, you end up with a City with Heart."

INTRODUCTION OF THE AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GILCHREST. Mr. Speaker, as the new chairman of the House Subcommittee on Fisheries Conservation, Wildlife and Oceans, I am pleased to introduce legislation to reauthorize the African Elephant Conservation Act of 1988.

Prior to the passage of this landmark conservation law, the population of African elephants plummeted from 1.3 million animals to less than 600,000. The primary causes of this catastrophic decline were the illegal poaching of elephants and the insatiable international demand for elephant ivory. Without immediate action, it was clear that this flagship species of the African continent would continue its march toward extinction.

In response to this crisis, the Congress passed the African Elephant Conservation Act. In addition, President George H. Bush used the authority of this law to prohibit the importation of all carved ivory into the United States and to persuade the convention on the International Trade in Endangered Species of wild fauna and flora [CITES] to place the African elephant on its Appendix I list. Through this listing, a worldwide commercial ban on all products derived from the species was established in January of 1990. Due to these actions, the price of ivory, the trade in ivory, and the poaching of elephants all decreased almost immediately.

A key component of this law was the establishment of the African Elephant Conservation Fund. Under the terms of the fund, the Secretary of the Interior is charged with the responsibility of reviewing and approving meritorious conservation projects. To date, 113 conservation projects that affect elephant population in 22 separate countries have been funded. In total, $11.9 million in federal money has been obligated for these projects, matched by $51.7 million in non-federal funds.

In recent years, money has been spent to aerial monitor elephants in Kenya; assess the impact of elephants on plant and habitat biodiversity in South Africa; control elephant crop damages in Ghana; financially assist the African elephant specialist group; study forest elephants in the Central African Republic; supplement anti-poaching activities in Zimbabwe; and track the origin of African elephant ivory.

While the population of African elephants is no longer declining, and, in fact, is growing in Southern Africa, the job of conserving this magnificent specifies is far from over. The number of worthwhile unfunded projects far exceeds those receiving aid and the African Elephant Conservation Fund remains the only dedicated source of funding for this species in the world. The authorization of appropriations for the act expires on September 30, 2002 and the goal of my legislation is to extend the highly effective conservation law for an additional 5 years.

It is essential that we not allow this irreplaceable species to disappear from this planet. During the last reauthorization process, the administration testified that "The principles embodied in this act are sound. They provide a catalyst for cooperative efforts among the governments of the world, nongovernmental organizations, and the private sector to work together for a common goal—the conservation and continued healthy existence of populations of African elephants. This is not a hand out, but a helping hand".

I urge my colleagues to join with me in support of the African Elephant Conservation Reauthorization Act of 2001.

INTRODUCTION OF THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SAXTON. Mr. Speaker, 4 years ago, I introduced the Asian Elephant Conservation Act. I took that action because I was startled to learn that there were less than 40,000 Asian elephants lived in the wild. Furthermore, nearly 50 percent of those elephants lived in various national parks in India, while the remaining animals were scattered in fragmented populations throughout 12 other countries in South and Southeast Asia.

The primary reason for this serious decline in population was the lose of essential habitat. It is no secret that elephants and man are in direct competition for the same resources. In most cases, it was the elephants who lost in those confrontations.

In addition, Asian elephants are poached for their bones, hide, meat, and teeth; they are still captured for domestication; and conflicts between elephants and people are escalating at an alarming rate. Furthermore, it was clear that millions of people were not aware of the plight of Asian elephants and that range countries lack the financial resources to help conserve this flagship species. Without an international effort, the future of the Asian elephant was in serious jeopardy.

In response to this problem, I, along with a number of other Members, proposed the establishment of an Asian elephant conservation fund. This concept was modeled after the highly successful African elephant conservation fund, and the fundamental goal of my legislation was to obtain a small amount of Federal assistance for on-the-ground conservation projects.

In testimony before my subcommittee, eight witnesses indicated strong support for my bill and their belief that it would be an effective way to assist Asian elephants. One of those witnesses, Dr. Terry Maple, the president of the American Zoo and Aquarium Association, stated that,

> This bill will provide competitive financing where it is needed most—in the wild to support protection, conservation, and management of threatened Asian elephants.

In addition, noted wildlife biologist, Doug Chadwick advised the subcommittee that

> To pass an Asian Elephant Conservation Act would be one of the most farsighted and yet practical things we could do the benefit of Americans, people throughout Asia, and the world we share.

Fortunately, this important legislation was overwhelmingly approved by both bodies, and it was signed into law on November 19, 1997.

Under the terms of P.L. 105–95, the Congress could appropriate up to $25 million to the Asian elephant conservation funds until September 30, 2002. In fact, some $1.9 million in Federal funds has been allocated and those moneys have been matched by an additional $1.1 million in private donations. Those funds have been used to underwrite 27 conservation grants in 9 different range countries.

The type of prospects funded have included: develop an elephant strategy in Sri Lanka; identification of a suitable managed elephant range in Malaysia; molecular tools for the local population assessment of Asian elephants; school education to support Asian elephant conversation in India and trace the mobility patterns, population dynamics, and feeding patterns of Sri Lankan elephants. These projects were carefully analyzed and competitively selected from a list of nearly 100 proposals that were submitted to the U.S. Fish and Wildlife Service.

While the early indications is that the worldwide population of Asian elephants has stopped its precipitous decline, it is unrealistic to believe that $3 million can save this species from extinction. Nevertheless, this law sent a powerful message to the international community that we must not allow this flagship species to disappear from the wild. The United States must continue to play a leadership role in this effort.

I, therefore, urge my colleagues to join with in support of the Asian Elephant Conservation Reauthorization Act of 2001 which will extend this vital conservation law for an additional 5 years.

INTRODUCTION OF H.R. 614, THE COPYRIGHT TECHNICAL CORRECTIONS ACT OF 2001

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, today I am introducing H.R. 614, the "Copyright Technical Corrections Act of 2001." H.R. 614 consists of purely technical amendments to Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 and title 17. H.R. 614 corrects errors in references, spelling, and punctuation; conforms the table of contents with section headings; restores the definitions in chapter 1 to alphabetical order; deletes an expired paragraph; and creates continuity in the grammatical style used throughout title 17.

This legislation makes necessary improvements to the Copyright Act. It is non-controversial and was passed under suspension of the rules in the 106th Congress. I urge Members to support H.R. 614.

TWENTY-SIXTH ANNUAL CAPITAL PRIDE FESTIVAL JUNE 4–10, 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 26th Annual Capital Pride Festival, a celebration of the National Capital Area's Lesbian, Gay, Bisexual, and Transgendered communities, their families and their friends and their many contributions to the District of Columbia.

Since its beginning in 1975, the Capital Pride Festival has grown from a small block party into a seven-day series of events. On Sunday, June 10, 2001, the Festival will culminate in a large downtown parade and a magnificent Pennsylvania Avenue street fair attended by people of all backgrounds from the District and the region. In 2000, over 125 contingents marched in the parade; more than 150,000 people attended the street fair in the shadow of the Capitol; and hundreds of vendors and organizations had stalls, booths, and pavilions. The street fair featured over five hours of local entertainers and national headline performers.

The citizens of the District of Columbia and I feel a special affinity for any Americans who do not share all the rights and privileges enjoyed by most citizens of the United States. I note that it has been seven years since the District of Columbia had any vote on the floor of the House of Representatives, and I remind this body that "Taxation Demands Representation" is deeply resented by the entire city.

My Lesbian, Gay, Bi-sexual, and Transgendered constituents feel this lack more acutely. Every April 15th they know they bear the burdens of our democracy, yet they neither have complete access to its power to redress the injustices that befall Lesbian, Gay, Bi-sexual, and Transgendered Americans, nor do they have full power to redress those special injustices which we suffer in the District of Columbia.

Congress has not yet protected sexual orientation from discrimination. Despite increasing reports of violence and physical abuse against Lesbian, Gay, Bi-sexual, and Transgendered Americans, Congress has not enacted protections against hate crimes. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crime Prevention Act. Congress must pass Permanent Partners Immigration Act. Congress must return full voting rights to the District of Columbia.

In June, we will celebrate the accomplishments of the Lesbian, Gay, Bi-sexual, and Transgendered Community and remember others who live on only in our hearts and prayers. As we celebrate and reflect, we must be "Proud and Strong Together" in the fight for full democracy for the District of Columbia and full civil rights for the Lesbian, Gay, Bi-Sexual, and Transgendered persons of this Great Nation.

Mr. Speaker, I ask the House to join me in saluting the 26th Annual Capital Pride Festival; its organizers, The Whitman-Walker Clinic and One-in-Ten; its sponsors; and the volunteers whose dedicated and creative energy make the Pride Festival possible.

HONORING JOLIET TOWNSHIP HIGH SCHOOLS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. WELLER. Mr. Speaker, today I honor Joliet Township High Schools (JTHS) as they celebrate their 100 year anniversary.

The Joliet Township High Schools began when the first school building's foundation was laid in the year 1900. JTHS was dedicated on April 4, 1901 and the original building was placed on the National Register of Historic Places in August of 1982. Today, Joliet Township High School has two campuses: Joliet West on Larkin Avenue and Joliet Central on East Jefferson Street.

When the building was originally dedicated, it was not only a high school but also the first home of Joliet Junior College. In 1902 the school enrollment was 125 students, but by 1917 the school had doubled in size.

When it comes to student support, Joliet Township High School has a great tradition of serving our country. During World War I, 34 students and 5 faculty members served the United States, and that number tripled during World War II. And, whenever a troop train came through Joliet, you could count on the high school band performing for them.

This high school has a rich tradition of student excellence. The high school has been recognized throughout the State of Illinois and the Nation not only in academic achievement, but in extra-curricular activities as well. From winning the National Band Title eight times, to winning the State Drama Competition six times, and most recently the 2000 Girls Softball State Title; Joliet Township High School has a tradition that spans 100 years.

Mr. Speaker, I urge this body to identify and recognize other institutions in their own districts whose actions have so greatly benefitted and strengthened America's communities.

INTRODUCTION OF THE RHINOCEROS AND TIGER REAUTHORIZATION ACT

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. GILCHREST. Mr. Speaker, I am today pleased to introduce legislation to extend the authorization of appropriations for the Rhinoceros and Tiger Conservation Act of 1994, which is a landmark conservation law.

When the Congress first enacted this proposal seven years ago, the population of these two magnificent animals had fallen to record lows. It was clear that unless immediate action was taken, these species would virtually disappear from their historic range. Fortunately, Congress responded to this crisis.

In the case of the five species of rhinoceros their population status was bleak. In fact, the number of African black rhinos alone had fallen from 65,000 animals in 1970 to fewer than 2,000 in 1994. In total, there were less than 11,000 rhinos living in the wild.

While human population growth was a major factor in the destruction of the rhinoceros habitat, the other major cause of the species decline was the huge demand for products made from rhinoceros horn. Rhinoceros horn has been used for generations to treat illnesses in children and for ceremonial purposes in certain Middle Eastern countries.

Despite this grim future, the fate of the five remaining subspecies of tigers was even worse. In 1990, there were more than 100,000 tigers living in the wild. In 1994, the total was fewer than 5,000 animals which represented a decline of 95 percent. As in the case of rhinos, the illegal hunting of tigers was the overwhelming factor in their demise. Tigers were killed for their fur, and other body parts. Tiger bone powders, wines, and tablets were used to combat pain, kidney, liver problems, rheumatism, convulsions, and heart conditions.

Despite the fact that both rhinos and tigers are internationally protected, these prohibitions have not been effective. In 1998, the Secretary of the Interior, Bruce Babbitt testified in support of reauthorizing the act when he said, "This is a small grant program, but it is amazing how much even a small amount of money can mean to our partners in other countries. Something more intangible—but often even more important—is the boost to their morale when they realize that we, the United States care enough to help them." At that same hearing, the president of the American Zoo and Aquarium Association stated that, "Passage—combined with increased appropriations for law enforcement will certainly be a bold step by the United States in ending the slaughter of the rhinoceros and tigers in the wild."

Since its passage in 1994, Congress has appropriated $2.9 million to the Rhinoceros and Tiger Conservation Fund. This money has been matched by $4.1 million in private funding. Together this money has been used to finance 111 conservation projects in 16 range countries. These projects have included: A database on tiger poaching, trade and other wildlife crimes in India; desert Rhino conservation and research; development of national tiger action plan in Cambodia; establishment of a viable population of "greater one-horned rhinoceros"; public education on Siberian tiger conservation; survey and habitat assessment for South China tigers; training in anti-poaching techniques for rhinoceros in southern national parks; training of staff in Nepal's Department of National Parks, and a video on tiger poaching in Russia. In addition, the National Fish and Wildlife Foundation has done a superb job of managing the Save the Tiger Fund that has helped to educate millions of people about the harmful effects of tiger poaching.

Since the establishment of this grant program, these conservation projects have helped to change international opinion on the need to protect their animals. While the job is far from complete, the population of both animals has slightly increased and there is new found hope of saving their species from extinction. However, it is essential that the availability of money to this fund be extended for an additional five years. In addition, I will work to increase the amount of appropriated money for rhinoceros and tiger projects. The good news is that the Department of the Interior financed 111 projects. The bad news is that it lacked the resources to fund some 358 other projects, many of which were highly meritorious.

I urge support for the Rhinoceros and Tiger Conservation Reauthorization Act of 2001.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise to support House Resolution 2 Social Security and Medicare Lockbox Act, the Social Security is the Nation's largest retirement and disability program providing cash benefits to 44 million retired and disabled workers and to their dependents and survivors. Medicare provides 39 million of them with health insurance. Today, 1 out of 6 Americans receive Social Security; 1 out of 7 receives Medicare. About 155 million workers paid taxes to support the two programs. A major issue for President George W. Bush will be to provide a fiscal responsible plan for maintaining the solvency of the Social Security System while guaranteeing income for America's retired and disabled workers.

Historically, Social Security has been a "pay-as-you-go" system. Ninety percent of the payroll taxes paid by workers are immediately spent as benefits to current Social Security recipients. The other 10 percent goes into the Social Security Trust Fund for payment of future benefits. Here lies the problem. In 1950 it took 16 workers to support 1 beneficiary on Social Security compared to 3.4 workers to support 1 recipient today. Mr. Speaker the American people demand that the Social Security and Medicare surpluses will not be used for anything other than their current purposes. Even if, the current $2.7 trillion projected surpluses that are available for tax and spending initiatives will be used up by President Bush's tax cut for the wealthiest 1 percent and other items that are associated with debt service costs. Spending our surpluses projected for the next 10 years leaves us nothing to protect Social Security and Medicare.

INTRODUCING H.R. 615, THE INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. COBLE. Mr. Speaker, today I introduce, H.R. 615, "The Intellectual Property Technical Amendments of 2001." As my colleagues know, the success of our economy and quality of modern life can be directly attributed to the innovation and genius of our patent and trademark system whether, it be in the fields of computers, media, aerospace, or bio-technology.

In 1999, Congress successfully passed landmark legislation to modernize our patent system and transform the Patent and Trademark Office (PTO) into a more autonomous and efficient agency. This legislation—the "American Inventors Protection Act"—was the most significant reform of its type in a generation, and it represented five years of hard work by a large, diverse group of Members, Administration officials, inventors, union representatives, and businesses.

At the same time, the Act contained a small number of clerical and other technical drafting errors. Today, I offer the opportunity for my colleagues to work with me to remedy these errors within this bill. In addition, this bill makes a small number of other non-controversial changes requested by the PTO. For example, it changes the title of the chief officer of the PTO from "Director" to "Commissioner." It also clarifies some of the agency's administrative duties and the protections for the independent inventor community.

This bill represents the progress made last session when the House was able to pass it (H.R. 4870) by a unanimous voice vote under suspension of the rules. The bill is being reintroduced in virtually the identical form as passed last year in order to expedite these house-keeping processes. Additional changes requested by others have been placed on the back burner for the present, since these revisions still require further review. Rest assured, there will be opportunities during the rest of the session for continued legislative oversight and innovation in these areas.

I urge all Members to support this innovation-friendly legislation.

PERSONAL EXPLANATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2001

Mr. SOUDER. Mr. Speaker, last evening I was unavoidably detained—specifically, two consecutive flights from Fort Wayne were grounded because of mechanical problems—and missed the votes congratulating President Sharon of Israel and guaranteeing a lock box on Social Security and Medicare funds. Had I been here, I would have supported both bills.

The problems in the Middle East are long-standing. I had the opportunity to meet President Sharon on several occasions. He is a tough but fair man. Israel, constantly pressed by those who challenge its right to exist, needs a strong leader at this time. We stand behind one as he faces the difficult times ahead.

I would also like to insert the following articles about the late Reverend Joseph White into the CONGRESSIONAL RECORD.

Reverend Jesse White was my friend. He was a friend to thousands and thousands of people.

He was a friend even to many he did not know because through his pioneering efforts he advanced the basic civil rights of many who may have been deprived of such rights without his efforts.

Not too many of us can look back and truly say we were a prophet. Dr. White was a prophet. He, and other pioneers in civil rights, had dreams that are now becoming reality.

Complete justice has not been achieved. But without Dr. White there would be less justice.

Not only does he leave behind a history, through his family, his legacy lives on. His sons carry on his ministry in different ways.

His daughter has been active in government and in promoting education training and opportunities.

We will miss Dr. White's leadership in Fort Wayne and his national influence as well.

Rev. White Demanded Equality

If the civil rights movement over the last half-century was embodied in any single Fort Wayne resident, surely it was the Rev. Jesse White, 73, who died Monday.

Tall, with a linebacker's physique and a booming baritone voice that was equally effective in soft conversation as a in delivering a sermon or demanding justice, the pastor of True Love Baptist Church had the rare ability to cut an imposing yet approachable presence in any room he entered.

Parishioners, friends and public officials will remember the Rev. White as much for his compassion in helping and serving people as in his passion for fighting for civil rights. For instance, one of his longtime friends, former City Councilman Charles B. Redd, remembers White as the civil rights leader who charged into a closed Fort Wayne Community Schools board meeting. But he also remembers the minister who would open his wallet to people in need, a caring pastor who ordered a youth caught looting a parishioner's car be taken not to jail but to the front of the congregation, where he prayed with the youth and asked the congregation to grant forgiveness.

His commanding presence and eloquence in giving voice to the wrongs of racism through a number of lenses—religion, the Constitution, economics, personally—made him a natural leader. He protested segregated Fort Wayne restaurants in the 1950s and 1960s. It was the Rev. White who helped direct a black boycott of Fort Wayne Community Schools in 1969, applying as much pressure on other black ministers to urge their congregations to participate as on the white leaders of the school system.

The Rev. White chose his battles wisely, a natural ability borne from the heart and soul, not public relations concerns, self-interests or pressure from others. "He was the kind of person who would do his own assessment, whether it was right or wrong, whether it was justice or injustice," Redd said.

Though he kept his long, signature sidebars long after they had become passe in a fashion sense, the Rev. White's approach changed along with the times. As the leader of the local Operation Breadbasket in the early 1980s, White set about to address the economic legacy of racism, leading boycotts—and negotiations—with national department store and grocery chains, urging them to hire more blacks at their Fort Wayne outlets. By the 1990s, White concentrated on helping the economically disadvantaged people in his own southeast neighborhoods, opening the 30-unit True Love Manor for senior citizen housing and the 52-unit Adams and Bruce Housing for people with disabilities. True Love's computer learning center helped more than 1,500 students ages 6 to 86 learn and upgrade their computer skills.

Through his ministry, his leadership in civil rights and his personal compassion, the Rev. Jesse White enriched his church, his neighborhood and Fort Wayne as a whole. He will be truly missed.

Fighter for Justice Changed the City

(By Frank Gray)

When NAACP President Michael Latham heard last month that the Rev. Jesse White was ill, he went to his house immediately.

"I'm in tears, and he's still Dr. White," Latham said. "He never changed."

A week ago, White was still teaching at True Love Baptist Church, treating the disease that would quickly kill him as just something else to deal with.

Even on Saturday, as he lay in the hospital, unable to respond when Latham asked him whether he was OK, White signaled with his-hand that everything was all right.

"He was full of life, not afraid of death," Latham said.

That's what White was like, unafraid of any showdown. He was used to them. In his 45 years in Fort Wayne, he'd had plenty, with companies, schools, even his own church at one point.

"Rev. White realized that things weren't going to change if someone didn't take action, so he led the march, he made the pronouncements that things were unfair," said Charles Redd, a former City Council member who had worked with White for decades.

"This community should be grateful," said the Rev. Temae Jordan. "We're enjoying the benefit of the struggles he took on."

Sometimes it was fun. White would occasionally have lunch with Redd at the Chamber of Commerce so plenty of people would see them and wonder what they were planning, Redd said. In reality, most of their serious discussions of strategy took place while bowling, he said.

Sometimes it was tense and serious.

When a local manufacturing company fired a handful of black workers for minor infractions several years ago. White thought the firings looked like a setup. he supported the fired workers as they picketed the company. He took their case to the top of the company. The business was afraid of repercussions from white workers if the fired workers were rehired, Redd said, but White created enough pressure that the men were reinstated.

Arguing that people without economic power have no power at all, White spearheaded boycotts of groceries and department stores to pressure them to hire more minority employees, and won.

His best-known boycott sowed seeds that are still growing today.

In 1969, White, along with officials in the Urban League and NAACP, protested that Fort Wayne schools were segregated. They presented solutions to the school board.

They were quickly rejected.

So White helped lead a boycott of Fort Wayne Community Schools. His and other churches established freedom schools and announced that black students would refuse to attend classes in the Fort Wayne schools.

Ninety-five percent of black students honored the boycott. Photos showed classrooms empty or with only one or two students.

Within days, the state took the side of the boycotters, forbidding the Fort Wayne district to build new schools or make additions to existing buildings.

It took two years, but a plan to eliminate segregation was approved, and the first magnet school, which draws students from across the district, was established.

The magnet school concept, long since expanded after later lawsuits, was first presented a generation ago by a group that included White.

White was one of a dwindling group, a man who took to the streets to call attention to things he didn't consider just.

In that sense he was a product of his time. He arrived in Fort Wayne at a time when the media didn't show up when a black man wasn't allowed to get on a bus. They only showed up when someone protested and boycotted. So that is what White did.

That had changed in the last 10 years or so for two reasons.

Times themselves had changed, Jordan said. Also, "When you're out on the front line, you see issues, but as you get older you realize that your greatest calling is to be a shepherd."

Until late last week, that was where the Rev. Jesse White could be found, shepherding people at the church he founded, though he knew he was also staring death in the face.

[From the Journal Gazette]

Rights Activist Jesse White dead at Age 73

(By David Gilner)

Nearly paralyzed by the brain tumor that would take his life three days later, the Rev. Jesse White insisted on leading a funeral service Friday for a parishioner he had baptized.

Three mem physically supported the Rev. White, one of Fort Wayne's most renowned civil rights leaders, as he warned the audience about life's fleeting nature.

"Don't waste your time, young people, for time is a master," his daughter, Rhonda White, recalled him saying. "Once a second or a minute or a day goes by, you can not grab it back."

The Rev, White 73, knew how prophetic his words would be.

About 2 a.m. Saturday, the pastor was admitted to Lutheran Hospital, where he died at 2:30 a.m. Monday.

City officials and civic leaders throughout Fort Wayne mourned the loss of a man who spent more than half a century fighting racism.

Glynn Hines, Fort Wayne City Council's only black member, said the Rev. White was an icon of activism, who lived by the seize-the-day philosophy he promoted with his final sermon.

"'That's his spirit of can-do, and I think he instilled that on many young people who came through his congregation," said Hines, who was baptized by the Rev. White in 1962.

A potent speaker and powerful singer, the Rev. White was a key member of Fort Wayne's "old guard" civil rights leaders who organized marches and boycotts to raise awareness of inequality.

Even in recent years, his thick glasses and thicker white sideburns could be spotted at rallies against crime on the city's southeast side.

"He may have been pleased with the inches of progress, but he was looking for miles," Hines said. "He always used to say, 'You'll know there's not a need to fight when there's not a need to fight.'"

The Rev. White was born in Natchez, Miss., in 1927. Traveling with a group of gospel singers, he first came to Fort Wayne in 1953. The next year, he made the city his home.

He became pastor of Progressive Baptist Church in 1955 and married Ionie Grace England in 1956. They had nine children.

In 1969, segregation sparked him to help lead a high-profile boycott against Fort Wayne Community Schools. He marched nationally and at home to raise awareness of discriminatory hiring at banks, super-markets and retailers. He became a confidant of Jesse Jackson, whose presidential campaigns the Rev. White helped coordinate in 1984 and 1988.

Progressive Baptist grew under the Rev. White's leadership, becoming Greater Progressive Baptist Church after moving into its seventh home in 1972. A power struggle and allegations of financial impropriety led the Rev. White to resign from Greater Progressive and found True Love Baptist Church in 1974.

Both churches became major players on Fort Wayne's civil rights front. Any friction between the two was forgotten, said Greater Progressive Pastor Ternae Jordan.

Jordan became pastor 16 years after the Rev. White's resignation, and he was excited about the chance to work alongside the Rev. White.

"There was no animosity between Dr. White and myself," Jordan said. "I knew the name of Jesse White before I even came to Fort Wayne. I grew up in the home of a minister, and Jesse White was a household name in African-American homes across the country."

The Rev. White became president of the local Council of Civic Action, brought Operation Bread-basket to Fort Wayne and was president of the local chapter of Jackson's Operation P.U.S.H.

His first wife died in 1993, and he married Vanessa Atkins in 1995.

Funderal services will be 10 a.m. Saturday at True Love Baptist Church, 715 E. Wallace St. Calling will be 9 a.m. to 4 p.m. Friday at Calvary Temple Worship Center, 1400 W. Washington Center Road.

A memorial service will be 5 to 8 p.m. Friday. He will be buried in Lindenwood Cemetery.

REV. JESSE WHITE REMEMBERED AS "DRUM MAJOR FOR JUSTICE"

(By Kevin Kilbane)

The Rev. Michael Latham remembers the phone calls.

When Latham first became a pastor 12 years ago, the Rev. Jesse White would call once a week to see how the younger man was doing.

At least once a month, White would call on Sunday morning to encourage Latham before the young man went off to lead Renaissance Missionary Baptist Church in worship. White, the pastor of True Love Baptist Church, always ended the conversation with the words, "Preach good."

"He was my mentor," Latham said of White, 73, who died Monday after a short illness.

During nearly 50 years of ministry in Fort Wayne, friends and White showed the same concern for other young pastors, people in need and those facing racial discrimination.

"I guess you could call him a drum major for justice," said Hana Stith, chairwoman of the African/African-American Historical Museum. "He really was."

The funeral service for White will be 10 a.m. Saturday at True Love Baptist, 715 E. Wallace St. Calling will be 9 a.m.–4 p.m. Friday at Calvary Temple Worship Center, 1400 W. Washington Center Road. A memorial service will follow from 5 to 8 p.m.

White, who moved to Fort Wayne in the early 1950s, first made an impact locally during the civil rights struggle of the late 1950s and early 1960s.

As president of the Civic Action Committee, he led other local African-American pastors in opening restaurants that had refused to serve minorities, recalled the Rev. James Bledsoe of St. John Missionary Baptist Church.

The committee intervened when companies refused to hire minorities or to treat them fairly, said Bledsoe, president of the local African-American pastors' Inter-denominational Ministerial Alliance.

In addition, White and the committee led protests against racial segregation in the Fort Wayne Community Schools district.

In fall 1969, for example, the pastors organized a boycott that kept 1,300 children out of schools. Children attended "freedom schools" in the churches for nine days before FWCS agreed to provide the students with equal educational resources.

"He didn't fear any retribution," Stith said. "He just stepped up and did what was right."

White also touched many lives through his dynamic preaching and as a mentor, clergy said.

First as pastor of Progressive Baptist Church from 1955 to 1974, and then as leader of True Love Baptist, which he founded in 1974, White was a frequent guest speaker at local pulpits.

"If anybody would call Dr. White to come and speak, he would never say no," Latham said.

White's preaching ability also frequently set up and preached at out-of-town crusades as part of his duties as chairman of the National Baptist Convention's evangelistic board, Bledsoe said.

"I do a lot of traveling," Bledsoe said, "and when I say I'm from Fort Wayne, they say, 'Oh, you are from Jesse White's town.'"

But despite a busy schedule, White was always willing to help with a community or personal need, said the Rev. Vernon Graham, executive pastor of Associated Churches of Fort Wayne and Allen County.

"He was like the tall oak tree," Graham said. "He was one of the pastors the younger pastors would turn to for advice and counseling."

Graham also frequently asked White's help in planning or carrying out Associated churches' projects. Those efforts have included establishing food banks and other programs to help the needy, and initiatives to heal racial division.

Through White's work, Latham and other pastors noted, present generations enjoy the freedom and opportunities they have now.

"Dr. White was one of the ones who paved the way," Latham said "I think what we are doing today is standing on his shoulders."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 15, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

11 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Army Corps of Engineers.
SD–138

FEBRUARY 28

9 a.m.
Indian Affairs
To hold hearings to receive the views of the Department of the Interior on matters of Indian Affairs.
SR–485

MARCH 13

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

MARCH 27

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.
SD–124

SENATE—*Thursday, February 15, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Providential Lord of History, we prepare for the forthcoming Presidents' weekend and the Senate's subsequent recess by expressing our gratitude for the way You have raised up great Presidents to lead us in each stage of our progress as a nation. Today we remember the faith in You that produced the greatness of Washington and Lincoln. Reverently, we recall Washington's confession of faith, "Providence has at all times been my only dependence," he said, "for all other sources seem to have failed us." And we call to mind Lincoln's declaration of dependence, "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go." The same affirmation of trust in You has been sounded by dynamic Presidents throughout our nation's history.

Thank You for Your hand upon President George W. Bush. Bless him as he expresses his trust in You in these strategic days of his Presidency. We praise You for the integrity of authentic faith expressed by the women and men of this Senate. It is with gratitude that we will say "one nation under God, indivisible" when we give our allegiance to the flag this morning. This is a nation You have blessed; we will rejoice and be glad to serve in it! Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 15, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader, the Senator from Oklahoma, is recognized.

THE CHAPLAIN'S PRAYER

Mr. NICKLES. Mr. President, first I wish to thank our Chaplain. He gives us daily blessings by beginning the Senate with a prayer. He does it so eloquently and so well; many of us almost take it for granted. But I wish to personally thank him for his dedication and his thoughtfulness. I think his construction of the prayers is a blessing to the Senate but, frankly, I think to our country as well.

SCHEDULE

Mr. NICKLES. Today the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate can be expected to consider any number of the following matters: the bill honoring our former colleague, Senator Paul Coverdell; a resolution relative to the energy crisis on the west coast; and/or the nomination of Joseph Allbaugh to head the Federal Emergency Management Agency. Therefore, votes can be expected to occur during today's session.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a time for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN.

MEASURE PLACED ON THE CALENDAR—S. 328

Mr. NICKLES. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 328) to amend the Coastal Zone Management Act.

Mr. NICKLES. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

Mr. NICKLES. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York, Mrs. CLINTON.

Mrs. CLINTON. Mr. President, as we begin our work on the 2002 budget, we find ourselves at a crossroads, facing a very big choice. The choice we make will determine whether we pay down our national debt. It will determine our investments in priorities like education, the environment, health care and Social Security. And it will define the quality of life for millions of Americans for years to come.

The choice we face is this: Do we continue along the budgetary path that we, as a Government and a nation, have followed in recent years? Or do we make a break from that path, and return to the one we followed 2 decades ago?

Let's look, for a minute, at history. Eight years ago our budget deficit was $290 billion—the largest in our history. The national debt was $3 trillion and unemployment had surged to 7.8 percent. At the time, the Congressional Budget Office predicted that the deficit would reach $513 billion by this year.

This year, the predicted deficit is, in fact, a surplus, likely to reach $281 billion. We are scheduled to pay off $600 billion of the national debt—concluding the largest three-year debt reduction in our nation's history. As Federal Reserve Chairman Alan Greenspan once said, our "commitment to fiscal discipline has been instrumental in achieving the longest expansion in the nation's history."

Now debt reduction has meant lower interest rates for college, car loans and home mortgages. With Government no longer draining resources out of the capital markets, private investment in equipment and software skyrocketed, and productivity gains kept fueling prosperity.

At the same time, we have invested in America's working families. We doubled student financial aid. In New York, for example, 45,000 more children enrolled in Head Start in 1999 than in

1993 and this year New York schools will receive an additional $100 million for renovations and repairs which, based on observations during my many visits, are very much needed.

Democrats and Republicans have worked together to set aside the Social Security and Medicare Trust Fund surpluses to extend their solvency. Together, we put more police on the streets, more teachers in classrooms and moved people from welfare to work.

And we have done all of this while holding Federal income taxes, as a percentage of income for the typical American family, to their lowest level in 35 years.

And something else happened. As the information age exploded, America flourished, making itself a leader in new technologies and increasing our productivity so that once again we became competitive in this new world. It turned out that these policies were not only prudent—but they opened the doors to the changes that prepared us and our children to be successes in the 21st Century. Twenty-two million new jobs were created—nearly 1 million in New York alone—unemployment dropped to 4 percent. And those jobs are pouring more than 900 billion dollars into our economy each year. That's how we have gone so quickly from deficit to surplus. But here's the catch: If we upset the careful balance of our economy, we can lose far more than the cost of the tax cut—a tax cut recession would cost us trillions more in lost income through lost jobs.

Mr. President, I share the concerns of many of my colleagues that President Bush's extremely large tax proposal will take us back to the days of big deficits, high interest rates, shrinking investment, and a growing national debt.

I may be old-fashioned, but as the daughter of a small businessman who did not believe in living outside our means and who even paid cash for the house where we lived, I just don't believe we should spend what we don't yet have in the bank. President Bush's extremely large tax plan would spend trillions we don't have, and may never have.

If we reverse the engines of economic growth by adopting President Bush's tax proposal, I fear that we will reverse the progress we've made—by increasing interest rates now and by saddling our children with big debts in the future.

I know and respect that President Bush supports faith-based programs, but his tax plan should not be one of them. Going forward with a huge tax proposal now is like getting a letter from Ed McMahon and going out to buy a yacht. A surplus projection is not a promise. And if the past is any guide, it's not even a likely outcome.

That is not my view alone. It is the view of many experts who have testified before the Budget Committee, on which I serve. It is the view of colleagues like the gentleman from West Virginia, Mr. BYRD and the gentleman from Florida, Mr. NELSON, both of whom voted for President Reagan's tax plans in the 1980's, only to regret those votes when those cuts plunged us deep into debt.

I encourage my colleagues to read the comments of both Mr. BYRD and Mr. NELSON in our Committee's proceedings, or speak with them personally about their historic and wise perspective.

The question before us is not whether or not we should enact tax cuts. I support tax cuts. The question is: how do we structure a responsible tax cut? A prudent tax cut that will allow us to pursue our important national values while keeping interest rates down and encouraging economic growth.

The path of fiscal discipline is marked by four signposts: It pays down the debt, it protects Social Security and Medicare, it invests wisely in children and families, and it reduces taxes in a prudent and sensible way.

I do not believe President Bush's tax plan meets those tests. It also fails the fairness test. President Bush says that, under his plan, the typical family of four will be able to keep $1,600 of their money. Citizens for Tax Justice found that when the Bush plan is fully in effect, 85 percent of families would receive a nominal tax cut of less than $1,600 or no tax cut at all.

Even if President Bush's proposal were fair to all Americans, it would not be prudent. During this time of surplus, it would leave nothing for the real reforms necessary to ensure that Social Security and Medicare are intact for future generations. The President's tax plan abandons the principle of putting first things first.

Just yesterday, some of America's wealthiest citizens came out against President Bush's estate tax repeal, saying that it was "bad for our democracy, our economy and our society." And I agree.

A tax cut that is fair to all Americans needs to be part of a framework that strengthens, not weakens, our economy. In my view, we can and should have a tax cut that cuts income tax rates, but we have to give relief to those paying the payroll tax on their income as well. And I believe there is a bipartisan consensus for smart, responsible and fair tax cuts.

It is smart to include a long-term care tax credit to provide relief for families caring for elderly and disabled family members. And the college opportunity tax deduction of $10,000 a year, championed by my distinguished colleague from New York, would enable families to pay for college, graduate study, or training courses. Tax cuts like these will bring tangible relief to New Yorkers and working families everywhere.

It's also both smart and responsible to invest in our people, especially in building the knowledge economy. And I know that the President has had first hand knowledge of that in his former position. We have to bring new technology to smaller communities across the country so they can take advantage of the well-educated workforce and higher education infrastructure that already exists in or near so many of these smaller communities.

And, we have an obligation to ensure fairness. We should not favor the richest Americans at the expense of the vast majority of Americans.

So how should we go forward? Will President Bush try to push through his one-sided and lop-sided proposals with the votes of his own party? If he does, I will respectfully have to dissent. Or will he sit down and negotiate to reduce its size and make it fairer to more Americans? If he does this then I hope I can support the outcome. Bipartisanship is a two-way street—it's not about Democrats supporting Republican proposals or even Republicans supporting Democratic proposals. It's about Republicans and Democrats working together to do what is right for the country. And the true test of leadership is not appealing to the people under the guise of bipartisanship, but actually hammering out a bipartisan compromise bill that merits the support of both sides of the aisle. That's the right way to pass a tax cut and protect our budget priorities.

And it is certainly what I hear when I meet with business leaders, workers and civic leaders in places like Rochester, and Rome, and Brooklyn and Watertown, just to name a few of the places I've been in the last week. They want a tax cut, but they also want to make sure we make the right choices for our budget.

History calls us to reject a spendthrift tax plan that would threaten our efforts to reform and modernize Medicare—including a long overdue prescription drug benefit that is voluntary, affordable and available to all beneficiaries.

I also fear a spendthrift tax plan would hurt our ability to invest in the military. As the gentleman from Connecticut, Mr. LIEBERMAN, said this week, "the President's tax plan would consume more than 80 percent of the on-budget surplus, leaving nothing but fiscal leftovers for national security."

I don't think any of us want that.

For me, the details of the 2002 budget have to be negotiated. But the big choice is clear. We must pass a budget that keeps paying down the debt, provides sensible tax cuts and invests in priorities that matter to the people we represent. We must stay the course that has helped us build the longest economic expansion in our nation's history. And we must avoid a course that takes us back, throws caution to the wind and risks mortgaging our children's future.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, 20 minutes shall be under the control of the Senator from Missouri, Mrs. CARNAHAN.

The Senator may proceed.

Mrs. CARNAHAN. Thank you, Mr. President.

(The remarks of Mrs. CARNAHAN pertaining to the introduction of S. 342 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. CARNAHAN. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is there an existing order with respect to morning business?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota, Mr. DORGAN, has 15 minutes under his control.

CONGRATULATING SENATOR CARNAHAN

Mr. DORGAN. Mr. President, Senator CARNAHAN just gave her first speech in the Senate. I listened to her speech. Our country has been blessed with men and women who have stepped forward to serve over many years. Some have stepped forward during times of great difficulty, none in more difficult circumstances than Senator CARNAHAN. Her husband, a candidate for the Senate, was tragically killed in an airplane crash, and she subsequently was appointed to the Senate.

I listened to her speech this morning. She will make a significant contribution to this country and to the debate on important issues such as education in the Senate. I know her late husband would be so proud today of the legacy for which she continues fighting—progress in our country's education system. I thank her for what she is doing and for her service to our country and congratulate her this morning on her statement to the Senate.

ENERGY PRICES

Mr. DORGAN. Mr. President, I rise to comment about the situation in this country with respect to energy.

Last evening I was signing letters, as is so often the case for those of us who serve in public life. We receive a great deal of mail, many phone calls, hundreds of e-mails every day, and then, of course, the old-fashioned way—we get letters actually written and stuck in an envelope and mailed to us. It is among the most important things we do, to try to respond to constituents.

Last evening, as is the case with most of my colleagues, I was spending time late in the evening reading mail and signing mail that has come from North Dakota. I came across a couple of letters I want to read to my colleagues and then describe what it is we need to be doing to respond to some of these issues.

I received a letter from a man named John. I have not contacted him, so I will not use his last name. John, from Fargo, ND, wrote the following:

> Dear Senator DORGAN,
>
> I am in complete shock after receiving my natural gas bill yesterday. I live in a modern house that is well insulated, I am careful about closing doors and ensuring that all the windows are sealed, I set my thermostat at 68 degrees (now even lower), and yet I receive a bill for natural gas alone, for over $726 for a one month period. How is that possible?
>
> Please tell me, Senator, how it is that we can live in the most technologically advanced country in the world, yet we can't maintain adequate stocks of natural gas to get us through the winter. Are we being gouged by producers?

He then asks a series of additional questions. I will not read the entire letter. I will only say that he asks a question he could ask on behalf of millions and millions of Americans who are opening their bills now to heat their homes and discovering, after 2 of the coldest first 2 months of the winter in a century in this country, it is costing a fortune to pay for natural gas bills, propane bills, home heating fuel bills. John writes a letter saying: I am doing all the right things. I have a home that is well insulated. I seal it. I keep the thermostat at 68, and my heating bill for natural gas last month is $726, and I can't afford it.

I have a second letter from another fellow also named John from North Dakota. He described what happened to him. He and his wife had purchased an older building that had been subdivided into several apartments. They took an apartment in their retirement years and were renting the others. He said he had been paying $300 a month for heat. When his February bill arrived, it was $1,091. He went to the office of the gas provider to talk to them. He said:

> I left the office wondering what to do. I didn't want to tell my wife the truth about this. She doesn't know about it yet. Today is her birthday, and tomorrow is our 53rd wedding anniversary. We have been making it okay in our retirement years, nothing to spare with the $1600 monthly income from our five apartments. This is our retirement home. We have no choice now but to sell it. Our $1,000 monthly bill would be impossible and yet they say it is going to go up even more. We don't want to move, but there is not much else we can do.

I am sure all of us are getting identical letters from around the country. What is happening? What on Earth has happened that has caused fuel bills to double, triple, and, in some cases, even quadruple? When people get fuel bills for $600, $700, $800 a month—and in North Dakota we have had a bitterly cold winter, the first 2 months especially, and especially the last few weeks again—it is sticker shock to get bills like that.

Now I want to mention a couple of additional points. I will be very brief. First of all, we need to take some emergency action. We need more money in LIHEAP. We are out of money. We have to do a supplemental at some point, and there has to be money for the low-income energy assistance program.

No. 2, I have suggested, in legislation I have joined others in introducing, a tax credit, an income tax credit to offset about 50 percent of the increase in home heating fuel bills of this year versus last year.

That is a way, it seems to me, to use a tax credit to put some money into people's pockets to offset about 50 percent of these increased bills. That would also be helpful.

Legislation will be introduced today that would deal with weatherization, LIHEAP, conservation grants to States, and increased energy efficiency in the Federal Government. Senator BINGAMAN has been working on that along with others, and I have been working with him, as well. We have a lot of things to do, both in the short term on an emergency basis, and in the long term. We also are investigating potential causes for the natural gas price increases.

But we also need, at the same time, to understand that we have the requirement to not only find more natural gas and oil—we stopped looking when it went to $10 a barrel—and now it is at $30 a barrel and there is a great deal of exploration again. I think all the evidence indicates that there is a record amount of drilling, and we will have more natural gas and oil coming on line within 6 months, 12 months, 24 months; but that is not going to solve the problem for the next 3 months, or even 6 months, or a year. So we are doing all of that.

At the same time, we need to be more concerned about the development of both renewable energy and also about conservation. Renewable energy, such as wind and biomass, can contribute a significant amount to this country's energy future. Any energy program that makes sense also must include an element of conservation. That is why I talk about weatherization and other issues.

Most important, I think, this ought to lead us to the question of the deregulation in areas of essential service. We need to be sure we have an adequate supply and demand relationship in areas of essential services for the American people. I don't suggest we reregulate natural gas supplies, but we ought to have a safe harbor somewhere with respect to production and consumption, so we don't get into a situation where people's natural gas bills spring up two, three, four, five times over what they were previously, for causes to which they didn't contribute. So I wanted to bring attention to these two letters from two fellows named John who wrote me lengthy letters about their respective experiences.

It is painful and difficult and, in some cases perhaps impossible, for some people to pay these kinds of home heating bills. They don't have the money. We need to do something on an emergency basis to try to be helpful to them. More importantly, this country needs a long-term energy strategy that works. Under both Republicans and Democrats, we have not had an energy strategy. We are far too dependent on the Middle East and on foreign sources of oil. If, God forbid, something should happen to interrupt the pipeline of foreign oil coming into this country, and all industrial countries, we would have an emergency on our hands.

We must do something to try to escape the excessive dependence that now exists on foreign energy, notwithstanding all of the current problems we have with respect to the dislocation between supply and demand. Energy issues are critical, and we must do something about them. It is time to have a national energy policy that works, No. 1, and, No. 2, it is time this Congress understands there is an emergency in parts of this country this winter, with respect to the need for some help to pay home heating fuel bills that are exceeding the ability of some people to pay them. That emergency includes the need to provide more money for low-income energy assistance, weatherization, and other related issues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

SENATOR CARNAHAN'S MAIDEN SPEECH

Mr. BOND. Mr. President, I rise briefly to welcome and congratulate my colleague, Senator CARNAHAN, the newly elected Senator from Missouri, on her first remarks on the floor. I apologize for not being able to be here when she made the comments. I was in a Health Committee meeting asking questions about Missouri education programs of the Secretary of Education.

I understand Senator CARNAHAN was talking about education on the floor, and I know education and children's issues are going to be areas where we will work together. Yesterday, Senator CARNAHAN joined as a cosponsor on a couple measures that are very important, ensuring 100-percent deductibility on health insurance for the self-employed, which is very important to farmers and small business people in my State, and also providing relief from the draconian cuts enforced by HCFA on home health care agencies, which cost us half the home health care agencies in Missouri.

We have many areas in which we are looking forward to working together. I tell my colleagues that Senator CARNAHAN has been a long-time friend. She and her family were close associates in Jefferson City. Senator CARNAHAN was best known in Missouri as a very strong helpmate of our late Governor, treasurer, and servant, Mel Carnahan. I got to know her very well when they shared the same public housing in which we had lived, the Governor's mansion in Missouri. She was a very strong champion of the preservation of that mansion and a most gracious hostess for all the people of Missouri who came there.

After the terrible tragedy which befell her family in our State last year, she was strong and gracious and was widely respected and admired by all Missourians. I know colleagues on this side of the aisle who have not had an opportunity to get to know her and work with her will look forward to doing so. I congratulate her and wish her well after making her first speech on the Senate floor. I know there will be many other issues which affect our mutual constituents on which we will be working together.

I thank the Chair and my colleagues for indulging me as I extend a very warm welcome to Senator CARNAHAN.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 341 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the time until 11:30 a.m. shall be under the control of the Senator from Arizona, Mr. KYL, or his designee.

The Senator from Arizona.

ESTATE TAX

Mr. KYL. Mr. President, I was surprised to read the headlines in the paper this morning—and I actually saw a little bit of this on the news last night—that billionaires in the United States actually support the estate tax and oppose President Bush's plan to repeal the estate tax.

One would think for a moment that is a man-bites-dog story; that is counterintuitive. Upon reflection, it actually makes a lot of sense and makes no sense. I will discuss that today. I will get back to the billionaires in just a moment.

First, to set the stage, we all know President Bush has proposed an important and innovative set of tax relief proposals that will help working American families, will help the economy at this time when it is beginning to falter, and will provide more fairness in our Tax Code. It has three essential features. There may be some other pieces added to this by the Congress.

Primarily, it calls for reduction in marginal income tax rates. That way, everybody who pays taxes receives a tax benefit, tax rate relief.

Second, it repeals the estate tax, one of the most unfair taxes we have ever produced in this country.

Third, it largely does away with what we call the marriage penalty, which actually provides a higher rate of taxes for two people who are married and working than if they were living together without having been married.

Both the repeal of the estate tax and the elimination of the marriage penalty were passed by the Senate and the House last year. We sent those bills to President Clinton and he vetoed them. In the campaign, Governor Bush said: If you send those bill to me, I will sign them. So they represent an important part of his tax relief proposal. Mr. President, I aim to say we will send them to President Bush so he can sign them.

Because there is such momentum behind the repeal of the estate tax, people who fear now that its repeal will actually become a reality have begun to take to the air waves and get their petitions out and to get on television proclaiming that naturally this is a very important and needed tax. The ones who would get the most publicity, of course, are the billionaires who say: Look, we will be paying a lot of this tax. If we can be for it, surely, everybody else can be for it; why would you want its repeal?

It turns out there are two primary reasons. I will summarize first and then go into a little more detail.

The first is that these are the very people who can well afford, A, to pay the taxes; but, B, to pay for the multimillions of dollars to find the loopholes to avoid paying most of the tax, to do the estate planning. That is the euphemism for the term which means hire accountants and lawyers to try to figure out a way to avoid paying most of the tax—and there are ways you can do this if you are willing to pay enough money to these lawyers. And there are ways, also, if you pay enough money to insurance companies.

By the way, I got a letter from an estate planner in New York. He said: You can't do away with the estate tax. This would hurt my livelihood. I make a living finding ways for people to avoid paying the estate tax.

I didn't do this, but I felt like writing back to him and saying, if we could figure out a way to eliminate death, I would probably get a letter from a mortician saying, you can't put me out of business like this.

These people make a lot of money helping people like George Soros, Bill Gates, Sr., and other people of great wealth. By the way, I admire all of these people for what they have been able to accumulate over their life. But they make a lot of money on these people doing estate planning. Frankly, I think it would be very interesting if all of the billionaires who have signed the petition calling for a continuation of the estate tax would tell us publicly how much money they have spent on estate planning and how much money they have been able to save as a result of what they have been able to accomplish with their lawyers and accountants. I expect they have been able to save more than most people will ever pay in taxes.

The first point we should realize is with these billionaires, this is chump change. They can pay the lawyers and accountants to figure out a way to save the most money and they are still happy to pay what they have to pay because it doesn't mean that much to them, unlike what it means to most Americans. My first challenge to all of these petition signers: Please come forward and state how much you are going to actually pay in estate taxes versus how much is in your estate. Specifically, is any one of these people willing to pay the entire obligation of the estate tax without any opportunity for estate planning to save money; without taking advantage of any loophole? If they think this is such a great tax, are they willing to pay all that is due without any kind of estate planning to avoid any part of the tax on their part?

That would be very interesting to find out for these people who think this is such a wonderful tax. And I present that challenge to them today. My guess is that during their lifetime, one reason they accumulated so much wealth was because they knew very well how to manipulate the stock market, how to manipulate the currency market, how to make sound investments, all the while eliminating or reducing to the lowest possible amount taxes they would have to pay.

There is nothing wrong with that. That is how a lot of people make their living. And certainly these very wealthy people have undoubtedly taken advantage of whatever provisions we have in the Tax Code for avoiding the payment of taxes.

The second reason why, even though this seems counterintuitive, and this makes a lot of sense, is many of these same people have as one of their primary goals in life running charitable foundations; in effect, spending other people's money for their charitable giving.

It is very easy to be very charitable when you are using someone else's money. What some of these people have said is, we need the force of Federal law to make people give their money when they die or make the widows and the orphans cough up the money when the breadwinner dies. We need to take 55 percent of their estate so we can put it into our charitable foundations and hand it out and get invited to all kinds of fancy dinners and do good. We are all for the good these charitable groups do.

Let no one make any mistake about that. It is easy to be charitable with someone else's money. The question is, Are you willing to be charitable with your own money? Even if you think other people should also give, would it be better for you to ask them to give from the goodness of their heart to charity or to use the confiscatory power of government to make them give by saying, we are going to take 55 percent of everything you own when you die?

There is one way to avoid it: If you can give it all away, then you are not passing it on to your heirs.

That is the first great problem with those who defend the estate tax. They say it would prevent the concentration of wealth if we can maintain this tax. That is absolutely, 180 degrees off from the American dream. Generation after generation in this country has said: We want to leave our family better than the previous generation. We want to work hard. We want to save. We want to provide for our kids' education so when we die they have a better chance in life than we did.

What is wrong with that? That is the American dream. These people say no. What is wrong is for one generation to be able to pass wealth on to another generation. Everybody should have to start from exactly the same point in life.

There are those who would manipulate Government, and our very lives, to force equality in fact rather than equality in opportunity. That is, in effect, what these people are saying: We are going to force everybody to be exactly equal because whatever it is you accomplished in life we are going to take away from you at the end of your life so your family, then, has to start all over again.

What incentive is there for most people to save for future generations, to try to help their kids or their grandkids to have a good start in life? I want to be able to put some things away for not just my kids but my grandkids. They mean so much to me. I want to make sure they have a good start in life, that they will be able to get a good education. What is wrong with that incentive to save?

These billionaires, they don't have any problem with that. They could buy half the countries in the world. They do not have to worry about what most of us have to worry about in life, and that is putting enough aside to be able to take care of ourselves in our old age and maybe provide something for our kids and grandkids thereafter. That is the American dream. These people would destroy that dream. That is wrong. I understand it is hard for them to appreciate that problem for many Americans. But it is a very real problem. I am going to get back to that problem in just a moment.

Let me talk about the next myth these people are trying to perpetrate, that actually it will hurt poorer people because if we do away with the estate tax, we are going to have to raise other taxes to make up for the revenue. Have these people been living on another planet? Are they not aware that this Government is going to be running a $5.6 trillion surplus?

The whole notion President Bush has here, as he said when he was Governor and running for the Presidency: We are going to have a massive surplus. We will have more than enough to have whatever we need to spend money on—save Social Security and Medicare and have enough left to have tax relief for the people. You don't have to raise taxes. That is what the surplus enables us to do. This is a specious argument. People ought to know better than to make this argument.

For the upcoming fiscal year, fiscal year 2002, the on-budget surplus is estimated to be at $142 billion, according to the CBO. We can afford, with an overtax payment of that amount, to return some of that money to the American people. And we do not have to then raise taxes somehow to do that.

The last budget of President Clinton projected estate tax revenues at $34-plus billion. That is for this fiscal year, 2002. That would represent about 1.5 percent of our revenues. So we have to keep this tax in place, a tax that produces only 1.5 percent of our revenues and causes great disruption and consternation in America's families?

Let me get back to what I said before about the problem of this business of creating wealth and the American dream. The fact is, of course, most Americans will not pay the death tax. But they still see something terribly wrong with a system that allows Washington to seize more than half of whatever is left when someone dies, that prevents hard-working Americans from passing the bulk of their nest egg on to their future generations.

Mr. President, I love a lot of things in this country. I give to charity. I love my country. But I think I love my kids and grandkids and my wife more than anything else in the world, and with this tax the Government says we cannot benefit them. We are going to force you to give that money to somebody else or to the U.S. Government. You cannot pass it on.

Most Americans see that as unfair, even if they are not going to have to pay for the tax and even if they don't have to pay a lot of money to try to avoid paying the tax through estate planning. A McLaughlin Associates poll conducted from January 26–27, just a week or so ago, found 89 percent of the people surveyed believed:

> . . . it was not fair for Government to tax a person's earnings while it is being earned and then tax it again after a person dies.

Let's understand: All the money you earned is taxed. We have an income tax in this country. So it is taxed. Then you invest it and do whatever, and you die and it is taxed again. So it is not as if this money has not already been taxed at least once.

Mr. President, 79 percent of the people in this survey approve the idea of abolishing the estate tax—79 percent. Most of them will never see any direct benefit from that, but they understand it is unfair. Most Americans are not envious. Most Americans do not want to squash everybody else down as a way of making themselves feel good. They aspire to earn more and to be able to save and maybe even have to worry about the estate tax.

Other polls have reached the same conclusion. I found one very interesting, a Gallup poll of last year, which found that 60 percent of the people supported repeal at that time, even though about three-fourths of them did not think they would ever have to pay the death tax themselves. They still favored its repeal because they are good, fair people. And fairness is what the effort to repeal the death tax is all about.

Edward J. McCaffrey—I think he would characterize himself as a liberal—a professor of law at the University of Southern California, said this:

> Polls and practices show that we like sin taxes, such as on alcohol and cigarettes. The estate tax is an anti-sin, or virtue tax. It is a tax on work and savings without consumption, on thrift, on long-term savings.

He is exactly right. It is a tax on virtue. It punishes savings. It punishes saving something and trying to pass it on to your kids. It basically says: Spend it all because you can't take it with you. That is a lifestyle that some have, perhaps, lived in this "me" generation, but it is not the right lifestyle for most Americans.

By the way, it is pretty hard to calibrate anyway. Spend it all because you can't take it with you; that is the idea here. What if you live a little longer than your bank account lasts? Then you turn to the Government to take care of you for the rest of the years of your life.

Being able to save also means being able to take care of yourself and your family, another virtue. This is a tax on virtue. The professor is correct.

Economists Henry Aaron and Alicia Munnell reached similar conclusions in a 1992 study in which they said death taxes:

> . . . have failed to achieve their intended purposes. They raise little revenue. They impose large excess burdens. They are unfair.

The next myth is that the estate tax is necessary to prevent the accumulation of wealth. A lot of people have noted that after about three generations the wealth seems to dissipate. But apart from that—and I don't know of any study that can quantify that—I can at least with an anecdote tell you what happens in most cases. These are not the George Soros kinds of cases but the average case.

A family in Arizona—and I am going to mention the man's name because he is a real hero to me. He was one of the best, big-hearted givers in Phoenix, AZ, for many years. His name is Jerry Wisotsky. Jerry moved out from New York to start a printing company by himself. He gradually added employees. He couldn't say no. Every charity in town went to him. He contributed. He has boys and girls clubs named after him. I won't get into his charitable contributions. He was a mainstay for our community and supported it. He had a very successful business that could support it. He had over 200 employees when he died.

His family tried mightily to plan around that death and to avoid having to sell the business. His daughter and son-in-law wanted to continue to run the business. After 2 or 3 years, they realized it was futile. The estate tax was simply too much. They had to sell the business to pay the estate tax.

Two things happened. First of all, they sold, I think, to a big German conglomerate. So much for preventing the accumulation of wealth. This little family-owned business that turned into a very good income producer, but which was still a small business, was sold to a giant company from another country. As I say, so much for the estate tax preventing the accumulation of wealth. But it did have the intended effect of making his family less able to give, to follow in his footsteps.

So we now no longer have Jerry Wisotsky or his daughter, Pearl Marr, being able to contribute to their community as he used to do.

That gets to another myth, that we have to have the estate tax in order to force charitable giving. Apart from the lunacy of that concept—it reminds me of the Woody Allen movie "Take The Money And Run" where Woody Allen plays this inept crook and his parents are seen with masks on saying: We tried to beat religion into that kid. Of course, it doesn't work.

It really doesn't work to force people to give to charity either. In fact, there are some interesting statistics. It is a specious argument that we have to have the estate tax in order to support charitable giving. But I think it is especially interesting because of these billionaires now supporting the tax.

There are also some studies that demonstrate the elimination of the estate tax would actually encourage the wealthy to give more during their lifetimes but less just before they die or in their bequeath—in their wills.

A study by David Joulfaian, a former Treasury Department economist for the National Bureau of Economic Research at the Brookings Institution, found that the estate tax has an important effect on the timing of charitable gifts. It encourages the very wealthy to bunch gifts at death rather than over their lifetime. He noted that the very wealthy give much less to charity during their lifetimes than the less wealthy, and considerably more through their estate and wills and bequeaths. This suggests that the elimination of the estate tax will encourage the wealthy to give more during their lifetime and less at death but not necessarily reduce the total amount of lifetime giving.

Another study shows that the bulk of charitable giving is made by people who can't deduct such gifts from their income taxes at all. According to Giving USA, total charitable giving in 1992 amounted to $190-plus billion, and only $15-plus billion—about 8 percent—came from bequeaths. If the goal is to encourage charitable giving, then Congress should consider an above-the-line deduction for all charitable gifts—for those who itemize as well as those taxpayers who don't itemize—rather than to continue to impose a punitive, confiscatory estate tax at the time of death when families can least afford to deal with it.

We also find charitable giving is strongly related to income and wealth. Simply put, the more income and wealth the people have, the more they tend to give charity.

William Randolph, an economist for the Congressional Budget Office, concluded from his research that charitable giving responds much less to changes in tax rates than permanent changes in income.

It is quite specious to argue that we have to have this tax for charitable giving in this country. Eight percent of the gifts come as bequeaths; the rest does not.

I also think the story today by the Los Angeles Times about the petition signed by all of these billionaires is very interesting. They say it was signed by men whose foundations "rely heavily on charitable donations." This is laid bare. Basically, this is a special interest group. People who have these foundations need to have money constantly pouring in so they can force taxes from people in order to play that game. Again, I am sure that in their hands very good things come to pass. But in someone else's hands, this same charitable giving could do just as much good. I find it offensive that these people—basically special interests in this country—would use the U.S. Government to extract taxpayer dollars from people and have the threat of that kind of 5-percent rate forcing people to give in their wills to these charitable foundations. If they can't persuade people to do it on the merits from the goodness of their heart, they ought not be in the business. That is the way I look at it.

There is another myth that the wealthy don't need another tax break. Of course, a lot of wealthy don't need a tax break. Of course, these are people who invest, which is exactly what our economy needs at this time.

But I would say something else; that is, we are not talking about just these billionaires. Sure, they don't need it. I stipulate that. But there are a lot of small businesspeople and farmers and others who do need to be able to maintain what they are doing. They don't want to have to sell the family farm. They don't want to have to sell the small business that I talked about a moment ago. They would like to be able to continue the operation generation after generation.

The point here about these very wealthy people is that the way we passed the bill last year they are going to be taxed anyway. They are not going to be taxed 55 percent when they die, but they are going to be taxed on the capital gains if and when the asset is sold. Eventually all assets are disposed of. Their heirs are not going to have to pay 55 percent of the estate in taxes. But when their heirs turn around and sell those assets under the bill that we passed last year—and I suspect the bill we will put forward this year—they are going to have to pay a capital gains tax on the sale. Importantly, they are going to have to pay that without a step-up in basis, except for an exemption which is equal to a little bit larger than the exemption we provide today—about a $5 million exemption.

So nobody who is exempt today would have to pay under this legislation. Except for that exemption, we do away with the step-up in basis so just as Mr. Gates, Sr., would have to pay a capital gains tax on the original cost of his investment if he sells that asset when he eventually dies and leaves that estate to his heirs, when they sell it they are going to have to pay a tax on the gain going back to his original basis. That means their tax is much less expensive, if you are interested in that. It is going to cost the Treasury a lot less money than some people think it will, but it doesn't let these people off the hook. They will be taxed under this proposal, but at least they have the choice of when they are taxed.

Instead of having to figure out how to pay this tax right after the breadwinner in the family dies and being faced with the possibility of perhaps having to dispose of the assets right then, they can wait until they want to make the economic decision to do so knowing full well they are going to pay a tax but they can understand the economics of paying the tax at that time.

I think this is the beauty of the approach of what we passed last year, which President Clinton vetoed and which I hope President Bush will include in his estate tax repeal. Remember there is another benefit to this.

I will close with this notion: It is very difficult to try to come up with an amount of exemption that is fair around the country. Some people said: Let's not repeal the tax; let's just create a much larger exemption.

I was talking to one of my colleagues from California yesterday who said the problem with that is that property values in California are now so high, and getting so much larger, that what is a taxable estate in California wouldn't even begin to qualify as a taxable estate in another State—let's say in a Midwest or Southern State. But in California, just because of the value of the property, even if that is all you own, you could easily be kicked up into the bracket where you have to pay a capital gains tax.

There is another problem that people are finding more and more. Again, this is happening in California. There is an environmental problem there. As people find they have to sell their property in order to pay the estate taxes, we are talking about environmentally sensitive land that could be held but is now having to be sold for development. And there are always plenty of developers hanging around ready to buy this good land and develop it.

What we are finding is that more and more native habitats are being destroyed as a result. With that in mind, Michael Bean of the Nature Conservancy, observed that the death tax "is highly regressive in the sense that it encourages the destruction of ecologically important land." It represents a real and present threat to endangered and threatened species and habitats. And because it tends to encourage development and sprawl, a lot of environmental organizations have joined in urging this repeal. Among those are the Izaak Walton League, the Wildlife Society, Quail Unlimited, the Wildlife Management Institute, and the International Association of Fish and Wildlife Agencies.

We see there are a lot of myths about the estate tax. That is exactly what they are, myths.

Second, we see that many Americans won't benefit directly from its repeal. There is very strong support for its repeal because Americans are fair people. They understand what will help our economy, and they understand what is fair to working families.

I think there are two motivations for retaining the tax. One of them is envy—that nobody should have more than I have. But it turns out that very few Americans support that. The other is this special interest notion that having the death tax is the only way we can make people contribute to a charity. They are going to force them to be charitable. Apart from whether or not that is a moral point of view, it certainly isn't or ought not to be the function of Government. As I said, if we want to use the power of Government to encourage charitable giving, there are much better ways to provide a deduction for charitable giving for both those who itemize and those who don't.

There are other things we can do as well. At the bottom of the day, it is not surprising that these billionaires would say: Let's keep the death tax. To them it doesn't matter. I renew my challenge. Are you willing to pay 100 percent of the death tax you owe or have you spent a lot of money to try to do estate planning to get around this? I think that would be a very interesting thing to find out. Most Americans cannot afford to do that. That is why this tax needs to be repealed.

I join President Bush in urging my colleagues to ensure that when his tax package passes, that it has the repeal of the death tax as one of its key components.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the Senator from Arizona has just been discussing; and that is very important tax relief for hardworking American families. That is something that will be a high priority for our Congress. I appreciate his leadership in that effort.

NATIONAL SECURITY AND OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, another high priority for our Congress is our national security, making sure the men and women in the military have the tools they need to do their job, because their job is protecting our freedom. They are laying their lives on the line every day to do that. I think they deserve the respect, attention and the tools they need to be successful.

Ten years ago, President Bush, Secretary CHENEY, and General Powell, developed a plan to downsize the military while keeping it strong and ready. Their plan envisioned a leaner force, consisting of fewer troops, ships, and aircraft, but one that was 100-percent manned and supported. This is not the force we have today.

Today's military has been cut in half since 1991, but the half is not whole. Our services are struggling to recruit and to retain personnel. We are cannibalizing ships, aircraft, and other weapons systems to support deployed units. The military is completing the missions today on the backs of our overworked and overextended troops. As they have done in the past, they are spending an extraordinary amount of time and effort doing whatever it takes to get by.

Congress and the administration must work together to help our men and women in uniform. They deserve it; and America requires it. We could easily throw money at the problems and feel as if we are doing something, but the military requires more than money. It requires a national strategy and leadership from the top. In today's new world, we need to assess what we are doing, why we are doing it, and provide the assets to successfully achieve our mission.

In the future, we must ensure that our military is used wisely, not wastefully. This requires an immediate review of overseas deployments and missions. We must focus our military commitments and we must focus our objectives. Before we deploy our forces into harm's way, we must know what it is we expect to accomplish, we must define success, and we must have an exit strategy.

We also need to encourage our allies to take a broader role where they can, allowing our forces to contribute in areas where the United States has significant advantages in command and control and logistics. Leadership means convincing our allies to do their share in their own backyards and not simply accepting their threats to leave Bosnia or Kosovo unless we remain with them on the ground. We must be able to convince our allies that if they will step up to the plate, if they will exercise their responsibility, that we will be a backstop for them if an emergency occurs.

Today's military requires better pay, better treatment, and better training. In order to recruit and retain military personnel, we must improve their pay. We can no longer allow fast food restaurants to compete with the military for pay and benefits. That is hardly the standard that we should have.

Our military deserve pay commensurate with their skills. They demand highly educated recruits to operate the sophisticated weapons systems that are used today and that will be used in the future. We cannot attract our young men and women unless we provide a competitive standard of living and quality of life.

The President's initiative to add $1.4 billion in pay and bonuses will help close the gap between military and civilian pay. In addition, we must treat our military personnel and their families better. There is an old saying that we recruit the soldier, but we retain the family.

In my years in the Senate, I have focused on improving three areas in the quality of life of our military: improved military housing, including barracks and family housing; access to quality medical care; and increased support for quality schools for military children.

On Monday President Bush proposed adding $400 million to upgrade substandard housing and $3.9 billion to improve military health care. This is so important to our military personnel, especially the ones deployed overseas without their families.

I have visited with our military people on the ground in places such as Saudi Arabia, Kuwait, Bosnia, and Kosovo. I can tell you, the No. 1 item on their agenda is quality health care for their families who are back home. They need to have decent housing, access to quality medical care, and good schools when they are away. Nothing is more frustrating, nothing will drive the soldier out of the Army faster, than to call home and have to contend with medical care problems from a phone booth in Bosnia.

Finally, for too long, we have neglected the facilities where our troops work and train. Forcing people to work in 60-year-old frame buildings with little heat and no air-conditioning, and attempting to maintain sophisticated aircraft and systems when hangers are leaking around them, is certainly not conducive to retaining good people.

Our current ranges and training facilities are also a national treasure, but they need to be upgraded. Improved training facilities also affect quality of life by allowing troops to effectively and efficiently train and then return home.

Taking care of our people also involves taking care of their equipment and buying the weapons they need to win if they are called upon to go. We need to modernize existing weapons. At the same time, we need to look ahead and use America's lead in technology to build our future weapons systems. American technology has been a force multiplier in the past and will be even more important in the future. We cannot allow potential enemies to gain a technology advantage while we spend our time and money on incremental improvements.

The President has said he intends to earmark $2.6 billion of the military procurement budget for research and development. We will use technology to reduce the risk to our forces and overwhelm any enemy quickly.

The military of the 21st century must be agile, lethal, readily deployable, and require minimal logistical support. Many of our adversaries will not confront our forces directly, therefore we must be prepared for both threats posed by terrorists or blackmail by rogue nations.

Our Army and Marine Corps must be light enough to quickly deploy but heavy enough to win. Our Navy must be able to fight at sea as well as affect the fight over land, and our Air Force must have a global reach. Our defense strategy should be prepared to defend rather than react. This is why deploying an anti-ballistic missile system is so important to American security.

Missile defense is not a threat against responsible nations. Rather, it is an insurance policy that would provide doubt in the mind of a rogue state, protect our Nation, help our allies, and increase the options available to the President.

I applaud the President for sticking by his guns in saying we are going to deploy a missile defense system, and I especially appreciate what Senator THAD COCHRAN has done year after year after year to move missile defense forward.

Taking care of our military includes taking care of our veterans. We must keep the promises we make or why would anyone trust us? We must renew our commitment to our veterans. We must keep our promises to these past defenders of freedom by providing quality medical and educational benefits.

I will soon introduce a bill regarding gulf war illness. Thousands of our gulf war veterans are affected by a chronic disability. One in seven have come back from Desert Storm with a disability they did not have when they left. These men and women served our Nation honorably and deserve the care to which they are entitled.

Our veterans also deserve educational benefits second to none. Veteran education pays a high yield on our investment. The veterans of World War II became our most educated segment of society upon their return home. These men and women went on to become our leaders in business and government. Veteran education has always provided a big incentive to volunteer for service. We must renew our commitment by improving and increasing these benefits.

If we expect to recruit and to retain our best, America must provide them with the best: the best pay, housing, medical care, and other benefits. I applaud the President's commitment to improving our military and strongly support his plans to look before we leap. Our resources are limited and they must be used wisely, but we can set priorities. We can have a budget that meets our strategy, if we have a well-run military with a clear strategy.

We should deploy our troops when there is a U.S. security interest, but not over deploy or over demand their deployment. If we remember this, then we will have a military that is well funded, efficient, and will accomplish the goals we have set for them.

Of all of the areas for which Congress is responsible, national security is No. 1. It is our highest priority. It is the responsibility of the Federal Government to make sure all of those who have died in the past 200 plus years, maintaining the freedom of this country, will never, ever have died in vain. The only way we can repay them is to keep the zeal for freedom alive in our generation and in future generations.

We will keep the zeal for freedom alive if we keep our national security a No. 1 priority and we respect the military who have the job to make sure our freedom is intact today and will be for our children and grandchildren.

I applaud President Bush's initiatives. He is going to make sure we take every step in a thoughtful way. We are going to rebuild our national defense. We are going to renew our commitment to national security for the families of our country, for the protection of our allies, and for the protection of democracy, wherever there are people in the world who are trying to become free, with the example for freedom being the United States of America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, are there time limitations currently in effect for speaking?

The PRESIDING OFFICER. Senator THOMAS has time reserved until noon, and then from that point on, 15 minutes have been reserved for the Senator from Maine.

Ms. COLLINS. Thank you, Mr. President. I ask unanimous consent that I be allowed to use my 15 minutes starting now.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELPING OUR MEN AND WOMEN IN UNIFORM

Ms. COLLINS. Mr. President, I first commend the Senator from Texas for her excellent statement on the needs of our men and women in uniform. As the Senator from Texas, I had the opportunity earlier this week to accompany President Bush and Secretary Rumsfeld, as well as a number of Members of Congress, on a trip to Fort Stewart in Georgia. There we had the opportunity to talk firsthand with our soldiers. We also had the opportunity to tour their barracks.

I must say I was shocked with what I saw. We saw soldiers living three in a very cramped space, 55 square feet per soldier, housing that is an embarrassment to the United States of America.

Mr. President, there is an old statement that nothing is too good for our troops. Well, "nothing" appears to be exactly what they are getting in some parts of this country. We need to recommit ourselves, if we are going to solve our recruitment and retention problems, to providing quality housing, competitive pay, and good health and retirement benefits to our men and women in uniform. For that reason, I applaud the President's initiative and his announcements this week of his commitment to remedy the pay, housing, and benefit problems that were so evident on this trip.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Ms. COLLINS. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I want to say how much I appreciate the statement that has been made by the Senator from Maine. I also appreciate that she took the time to go and see for herself. She is a new member of the Armed Services Committee and she wanted to see the conditions in which our soldiers are living. I know this is now going to be a priority for her to make these improvements.

I talked to the President after that visit he made, and he was so touched by the response he got from our troops. I know he has recommitted himself to making sure our troops have the support they need to do the job we are asking them to do. So I thank the Senator from Maine for going on that very important trip and for making that statement and that commitment.

I ask unanimous consent that the time I have used not be counted against the time of the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank the Senator from Texas for her comments. I was, indeed, so impressed with the pride and professionalism of the soldiers that I met. They were so committed to their jobs and to serving our country. We simply need to do better by them.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 351 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business for up to 8 minutes and that that time not count against the majority's allotted time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 352 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, there are now 90 minutes under the control of the majority leader or his designee.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF JOSEPH ALLBAUGH

Mrs. HUTCHISON. Mr. President, as in executive session, I ask unanimous consent that at 1:45 p.m. today the Senate proceed to executive session to consider the nomination of Joseph Allbaugh to be Director of the Federal Emergency Management Agency. I ask unanimous consent that the Senate then immediately proceed to a vote on the confirmation of the nomination. Further, I ask that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and, finally, the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 353 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the vote on the nomination of Joseph Allbaugh be changed to occur at 1:40 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 355 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 356 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, there will be a rollcall vote in the next few minutes on Joe Allbaugh to be Director of the Federal Emergency Management Agency. Just to put everybody on alert, I think at 1:40 there will be a rollcall vote.

I rise today in support of Joe Allbaugh to be Director of the Federal Emergency Management Agency. I have had the pleasure of knowing Joe Allbaugh for a long time. He is a native Oklahoman. He is actually a native of Kay County, my home county in northern Oklahoma. I had the pleasure of knowing him at Oklahoma State where he was a member, actually, of the fraternity of which I was a member. He is a very good friend of my wife's brother Steve. I think the world of Joe Allbaugh and his wife Dianne, and I think he will do an outstanding job as Director of FEMA. He will replace James Lee Witt, a native of Arkansas, who served our country and Arkansas well in that capacity, and I am confident Joe Allbaugh will as well.

Joe Allbaugh was politically active going all the way back to Goldwater. He helped our former colleague Henry Bellmon, not only in Bellmon's campaign but also in his administration. He also worked with Governor Bush in his administration, was chief of staff, and became quite familiar with State emergencies and disasters.

When we were growing up in Oklahoma, our neighborhood was known as Tornado Alley. Actually, in Joe's hometown of Blackwell, OK, in 1955 we had a severe tornado that killed 20 people and destroyed a very significant portion of the town. I remember that tornado well. All of us do. Joe Allbaugh learned then the value of coordination of emergency responses to natural disasters.

During his tenure as chief of staff to Governor Bush, he was well aware of the natural disasters that happened throughout the State of Texas. In 1998, there was a flood in San Antonio that killed 30 people. He was involved in coordinating State responses as well as requesting Federal resources and working with Federal officials. So he has a good appreciation of the combination of what should be done on the State level and what can and should be done on the Federal level as well.

He is well prepared for this task. I think he will do an outstanding job. I think all of us will be proud to have Joe Allbaugh serve as Director of the Federal Emergency Management Agency. I urge all my colleagues to support his nomination.

EXECUTIVE SESSION

NOMINATION OF JOE M. ALLBAUGH TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency, which the clerk will report nomination.

The legislative clerk read the nomination of Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

Mr. BINGAMAN. Mr. President, I rise today in support of the nomination of Joseph Allbaugh to be the next director of the Federal Emergency Management Administration, FEMA. I was pleased to hear that Mr. Allbaugh has experience in dealing with natural disasters in Texas and in his home state of Oklahoma.

I'm sure he learned during his tenure as chief of staff to former Governor George Bush that recovering from a disaster requires great collaboration and compassion. We learned that last year in New Mexico when we were faced with numerous forest fires, including the Cerro Grande fire that started near Los Alamos.

Because of the U.S. government's role in starting a controlled burn that soon burned out of control, eventually burning hundreds of homes and thousands of acres of forest land, the New Mexico delegation drafted the Cerro Grande Fire Assistance Act, CGFAA, and got the bill signed into law on July 13 of last year.

I emphasize that this was a delegation effort because I want Mr. Allbaugh to know that the New Mexico delegation worked side-by-side on every aspect of this fire compensation legislation. When it was introduced, all five members of the delegation were present. I hope that FEMA, under Mr. Allbaugh's guidance, will recognize the importance of collaborating with all members of the New Mexico delegation when it comes to the Cerro Grande fire, or any other disasters we are faced with in the future.

Because of FEMA's strong track record under James Lee Witt of responding quickly and effectively to disasters, the CGFAA designated FEMA as the lead agency to compensate the victims of the Cerro Grande fire. FEMA responded quickly and set up an Office of Cerro Grande Fire Claims in New Mexico in August 2000.

We are now almost six months into the claims process and we are beginning to face a few problems. I would like to point out to Mr. Allbaugh that the policy section in the Interim Final Regulations—regulations that have governed the claims process thus far—says, "It is FEMA's policy to provide for the expeditious resolution of meritorious claims through a process that is administered with sensitivity to the burdens placed upon Claimants by the Cerro Grande Fire." Based on the numerous complaints I have received recently about the claims process, it does not appear that the stated policy is being carried out as anticipated.

Mr. Allbaugh has been nominated for a position that carries with it enormous responsibility. I trust that he will carry out his responsibilities with respect to the Cerro Grande fire claims process with the sensitivity urged in the regulations.

Few of the fire victims have been able to begin rebuilding their lives and their homes because the final regulations are not complete. Many are hesitant to settle their claims against the federal government until the final regulations are published. Unfortunately, FEMA's 180-day deadline for settling claims is approaching for some claimants. We never anticipated that this deadline would come before the final regulations were in place. Nearly four months have passed since the comment period ended for the interim final regulations, yet we are still waiting for final regulations. I strongly urge Mr. Allbaugh to make it a top priority to ensure that the final regulations are published in the very near future.

Moreover, I urge Mr. Allbaugh to keep in mind that the Cerro Grande fire is different from most, if not all, other disasters FEMA has responded to in the past. This fire was not a natural disaster. It did not start as an act of God. Because of the federal government's involvement, the government had a responsibility to respond expeditiously and thoroughly.

The New Mexico delegation initiated that response by introducing compensation legislation. President Clinton responded by signing the legislation. It is now in Mr. Allbaugh's hands to make sure fire claims are responded to expeditiously and with compassion.

I look forward to sitting down with Mr. Allbaugh in the near future to discuss his plans for carrying out the intent of the CGFAA.

In the meantime, I will cast my vote in favor of Mr. Allbaugh.

Mr. MURKOWSKI. Mr. President, I rise to voice my sincere congratulations to Joe Allbaugh on his confirmation today as the new director of the

Federal Emergency Management Agency. I welcome him most sincerely to the Washington community.

Director Allbaugh has pledged to work closely with state and local governments. I believe this is the key to effective response. I encourage him to direct additional energies to expanding the ability of local agencies to respond immediately to those disasters that can be foreseen but not scheduled.

In my State of Alaska, we are familiar with natural disasters. We have experienced them, from storm flooding to tsunamis, to the great Alaska earthquake of 1964. We know the value of a strong federal presence during such crises.

I know that he is interested in my State. He has visited before, and I hope to be able to welcome him back as soon as possible—preferably with a fishing pole in hand, not on some less welcome occasion.

Joe Allbaugh is a big man with big skills. His reputation is that of an extremely accomplished manager with extraordinary abilities, and he has worked on campaigns that have given him knowledge of key issues in a majority of the states. These traits will be important to the smooth operation of FEMA, which is faced with extraordinary pressures in the event of a major disaster, as we have seen in past events. I am confident that he will serve our people and our communities well during times of need.

As the Governor's chief of staff in Texas, he both helped respond to immediate crises, and helped shape his state's disaster response processes. He now has the opportunity to do the same thing on a much grander scale—one which will be felt in every state of our great country. I look forward to his guidance in this critical and sensitive arena.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) would each vote "yea."

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—9

Bennett
Bunning
Crapo
Graham
Gramm
Hatch
Miller
Sarbanes
Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is tabled and the President is notified of the confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to proceed as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND DEPLOYMENT

Mr. BROWNBACK. Mr. President, I rise today to address an urgent issue in the rural parts of my State regarding a problem we are having with the digital divide being created. What is taking place is that in urban and suburban areas, they are getting access to high-speed Internet access so people can get on and get large quantities of data about which they can communicate back and forth rapidly. That is occurring and it is a good thing.

In the rural areas of my State and in many places across the country, they are not getting access to high-speed Internet. They have the old type of carrier that can get Internet access. They have Internet access, but they cannot get the high speed. Less than 19 percent of rural areas across the country have that high-speed Internet access compared to over 80 percent of the suburban areas across the country.

I will shortly be submitting a bill to try to address this inequity that is taking place and to keep this digital divide from further exacerbating the economies in suburban areas versus rural areas. The bill I put forward last year was the Regulatory Relief Act. It provides regulatory relief for those companies operating in rural areas to go ahead and deploy high-speed Internet access, and then not have to sell this new equipment at a reduced market price. It provides a regulatory relief to them to be able to do so.

I have worked on this issue for some period of time. We have worked on it in the Commerce Committee. There have been hearings held in the Commerce Committee on this. In the past, typically in the United States, when one of these sorts of situations starts to develop where rural areas get hindered because of their population being spread over wide areas versus urban areas, the Congress has frequently stepped in, the U.S. Government has frequently stepped in. Rural electrification and rural telephony come to mind, where you wouldn't have gotten distribution in the rural areas because it was just so far between people and the private companies could not make money. In this situation, we are not going to have to put resources forward but, rather, we have to put regulatory relief forward for the investment that will take place.

I have contacted a number of private sector groups that are looking at this and saying they will invest if we will provide them some regulatory relief. We will get that number up from 19 percent to a much higher number.

Last year, in the bill we put forward, and what we will put forward this year as well, is a requirement that, to get the regulatory relief, there has to be an increased deployment into the rural areas. That will be part of this as well.

It is a common theme in Washington today that broadband Internet access is revolutionizing the ways in which ever greater numbers of Americans are using the Internet. No longer a domain of simple data, graphics, and pictures, broadband access and its faster transmission speeds are transforming the Internet from a 56 bit-limited medium into a multi-megabyte medium, the practical outcome of which are functions such as video on demand, invaluable real-time telemedicine, improved distance learning, and powerful new tools for consumers and businesses alike on the e-commerce frontier.

Yet, as we revel in this technological marvel, we continue to find ourselves faced with the reality that there has been and continues to be a growing digital divide in our Nation—a separation of our urban and rural communities into broadband haves and have nots respectively. While it may have become fashionable for us to recognize the threat of this disparity it has not been so fashionable to actually do something about it. So, as we introduce legislative proposals, hold hearings, and generally acknowledge the difficulty in advancing any particular plan to help rural America, the digital divide continues to grow.

Last year the National Telecommunications and Information Administration in conjunction with the Rural Utilities Service concluded that broadband deployment in rural areas was indeed lacking. NTIA and RUS found that cable TV companies and local telephone companies were focusing on deploying cable modems and DSL in markets with the highest population densities in order to maximize revenues. It is no wonder then that the Federal Communications Commission's most recent report on the status of broadband deployment found that a mere 19 percent of our most remote communities had at least one subscriber to high-speed Internet access.

During the 106th Congress I introduced legislation, the Broadband Regulatory Relief Act of 2000, to serve as a vehicle for overcoming this divide. My legislative efforts last Congress reflected the real and pressing need for action to ensure that all Americans have access to broadband. My legislation's answer to this problem was to create an incentive for local telephone companies—already providing telephone service in our rural and remote communities—to deploy these advanced services. By providing these companies with regulatory relief we can counter the high cost of deploying broadband facilities in rural areas where populations are more dispersed than in densely populated areas.

Currently, the cable TV and competitive local telephone industries find their advanced services unencumbered by regulation. But because they have coalesced around our more densely populated regions, their marketplace freedom has not translated into rural broadband access. Yet, some members of the competitive community continue to argue that competition alone will ultimately drive broadband deployment into rural areas. As the FCC's deployment statistics bear out, this is not occurring. We can ill afford to hurry up and wait for the day when these companies see fit to include rural America in business plans currently dominated by a focus on urban businesses. The economics of broadband deployment in rural areas simply do not facilitate the type of competition we are currently witnessing in urban and densely populated suburban areas.

Meanwhile, contrasted with cable TV and CLECs, we continue to regulate broadband services offered by incumbent telephone companies as if they are part and parcel of their traditional telephone businesses. This simply is not the case. Broadband facilities being deployed throughout our cities and towns require billions of dollars of new capital investment in new infrastructure. Under the current regulatory regime, the sparse populations of rural communities diminish the return on broadband investment to such an extent that incumbent phone companies are not deploying them in those areas. By removing these incumbent regulations on what is new infrastructure in a nascent market, we will be providing local phone companies with the incentive to deploy broadband in exchange for the opportunity to pursue new revenue streams.

Let me be clear that my legislation in no way seeks to upset competition developing in our urban markets. The Broadband Regulatory Relief Act would have removed voice regulations from the advanced service offerings by incumbent local telephone companies, while preserving those same competitive measures for their traditional telephone services. The bill simply recognizes that broadband, as opposed to traditional voice service, is a new service in which no one competitor should be given a government-mandated advantage. Incumbent telephone companies started from the same zero broadband-subscribership levels as the cable TV and CLEC industry, and each of them should go forward in broadband deployment on a level playing field.

These are the principles embodied in the legislation I introduced last year, and will be embodied in legislation I intend to introduce shortly. I remain convinced that, before seeking out alternative solutions, we must look to deregulation as the best, most expedient means of insuring rural America is not left behind. The power of industry to innovate and deploy products and services to the public once government is removed from the marketplace is awesome, as proven by the impressive growth of the wireless industry, the Internet and e-commerce—both representing industries largely spared from Government interference.

Some have suggested alternatives such as tax incentives or fixed wireless solutions to achieve rural broadband deployment. While we can and should seek out alternative means of deploying these services throughout the Nation, we cannot afford to delay in enabling currently available solutions from working now. We can always seek out new alternatives and when confronted with marketplace developments that threaten the interests of consumers, we can certainly enact measures to protect them. But the challenge facing us most immediately in this matter is to be unafraid to rely on our industries, responsible for the long period of economic growth we have enjoyed, to do what they do best: innovate, and offer new products and services to the public.

I recognize that others have differing views and there exists a range of opinions on how best to promote broadband deployment in rural areas. While I may disagree with some of the views and proposals existing in the marketplace of ideas on this matter, I remain keenly interested in working with those who advocate them in the further interests of rural America. I am heartened by the knowledge that whatever our philosophical or policy-based disagreements, we all share the common goal of extending this vitally important technology to rural America. I look forward to working with all interested parties to seek a solution on how best to deliver these important services to rural and remote communities, and I am confident we can work together to achieve our common goal.

The kind Senator from West Virginia has been willing to allow me to come here, even though he has patiently waited on the floor to make his statement. I appreciate his generosity in allowing me to do so. I appreciate his kindness and generosity and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have some remarks to make in connection with the reconciliation process, but I understand the leadership wishes to proceed with a little business transaction, so I shall yield the floor and not proceed with my statement until the leadership has been able to transact that business.

In the meantime, I ask that I have control of the time until my speech has been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAUL D. COVERDELL PEACE CORPS HEADQUARTERS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 360 introduced earlier today by myself and a number of other Senators.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 360) to honor Paul D. Coverdell.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 360) was passed, as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PEACE CORPS HEADQUARTERS.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the headquarters offices of the Peace Corps, wherever situated, shall be referred to as the "Paul D. Coverdell Peace Corps Headquarters".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the headquarters or headquarters offices of the Peace Corps shall, on and after such date, be considered to refer to the Paul D. Coverdell Peace Corps Headquarters.

SEC. 2. WORLD WISE SCHOOLS PROGRAM.

Section 603 of the Paul D. Coverdell World Wise Schools Act of 2000 (title VI of Public Law 106–570) is amended by adding at the end the following new subsection:

"(c) NEW REFERENCES IN PEACE CORPS DOCUMENTS.—The Director of the Peace Corps shall ensure that any reference in any public document, record, or other paper of the Peace Corps, including any promotional material, produced on or after the date of enactment of this subsection, to the program described in subsection (a) be a reference to the 'Paul D. Coverdell World Wise Schools Program'.".

SEC. 3. PAUL D. COVERDELL BUILDING.

(a) AWARD.—From the amount appropriated under subsection (b) the Secretary of Education shall make an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of the Biomedical and Health Sciences at the University of Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2002.

Mr. LOTT. Mr. President, I thank all my colleagues for their cooperation in clearing this resolution. For those Members who may want to speak on the resolution, we are providing time on Monday, February 26, and some additional time on Tuesday, February 27, if necessary.

I know that Senator GRAMM and Senator MILLER, perhaps Senator REID, Senator DODD, and others may want to speak on this resolution. I am pleased we have been able to clear this bill honoring Senator Paul Coverdell.

Mr. REID. Mr. President, if I could just briefly respond to the leader, Senator MILLER and Senator CLELAND wish to speak on this bill. But they have agreed that they will do it when we come back after the recess. Senator MILLER wants to speak for 1 hour, and Senator CLELAND wants to speak for half an hour.

Mr. LOTT. Mr. President, I thank Senator REID for making sure Members understand that these Senators would like to speak, including Senator CLELAND. I thank Senator REID, Senator DASCHLE, and again Senator DODD for their fairness in being able to work through this. We will continue to work to make sure this whole area is properly attended to.

Mr. DODD. Mr. President, will the majority leader yield?

Mr. LOTT. Yes.

Mr. DODD. Mr. President, I don't expect the leader to stay for some remarks I will give at the conclusion of the majority leader's presentation. But I want him to know and others of my colleagues that I considered Paul Coverdell to be a very good friend of mine. We worked very closely together chairing or being ranking member on the committee that dealt with the Peace Corps during his tenure. In fact, I arranged and handled his confirmation process to become Director of the Peace Corps and feel very strongly about the relationship I had with him.

The concerns I raised over the last days have nothing whatsoever to do with my admiration and respect for Paul Coverdell. They have to do with an institution with which I have been closely identified and affiliated for 40 years, the Peace Corps. I am the only Member of this Chamber who served as a Peace Corps volunteer. In fact, I was the first Member of the U.S. Congress elected to serve in the Peace Corps as a volunteer along with Paul Tsongas of Massachusetts some 33 years ago.

My concern and my involvement with this organization are deeply felt. The remarks I will give this afternoon have to address that, as well as the larger issue to which the majority leader has referred; that is, the issue of the naming process that goes on around town for which I believe a number of my colleagues share a common concern. Maybe at some point we might draft some legislation that allows for a deliberate process to be used rather than sort of racing to the finish line as to who gets to put a label on some building or monument.

I appreciate his listening. But I want him to know that over these last several days as I raised my objection yesterday—the Senator from Nevada had an objection—I really wanted to have some time to pause and think this process through. But I appreciate and I know how closely the majority leader was to Paul Coverdell and how much his friendship meant to him. I hope he understands that what I was engaged in in no way was meant to be any disrespect at all for our former colleague but went to a deeper issue, one about which I feel strongly.

Mr. LOTT. Mr. President, let me say to the Senator from Connecticut that while they are appreciated, his assurances in that regard are not necessary. I remember quite well the speech the Senator from Connecticut gave on the floor after Senator Coverdell's death. I remember it particularly because it was so good and it was so passionate.

Second, we all know of the Senator's investment in and his commitment to the Peace Corps, and nobody would ever question that he cares about it, is interested in it, and will continue to be a supporter and guardian.

Lastly, the Senator from Connecticut, of all Senators, never has to say to us that he wouldn't be properly respectful of another colleague or a former colleague. The Senator from Connecticut has proven over and over again that when it comes to his colleagues in the Senate, his respect for them as individuals and his respect for them when they leave this institution is unwavering.

The Senator didn't have to make that statement. We never doubt it, and he was very courteous in the way he handled it. I appreciate that very much.

Mr. LEAHY. Mr. President, as we pass this resolution to name the Washington headquarters of one of President Kennedy's greatest legacies, the Peace Corps, after Paul Coverdell, Senators should recall that we already honored our departed friend and colleague last year. In addition to the programs that were named for Senator Coverdell last year that have already been identified by Senator DODD, we honored Senator Coverdell by placing his name on another major Government program and to the legislation that established it—the Paul Coverdell National Forensic Sciences Improvement Act of 2000.

We were all shocked and saddened last July by the untimely passing of our friend, Paul Coverdell. As I said at the time, he was one of the kindest people to grace this floor, and there was a certain peacefulness about him that was always pleasantly contagious. In a sometimes very divisive Senate, that peacefulness was so respected.

All of us who worked with Paul liked him; we missed him, and we wanted to honor his memory in an appropriate way. I think we did that. On October 26, 2000—just a few months after his sudden passing—the Paul Coverdell National Forensic Sciences Improvement Act of 2000 sailed through the Senate by unanimous consent. The House passed the bill a few months later, and President Clinton signed it into law on December 21. I worked closely with Senator SESSIONS to ensure passage of that legislation last year.

The Paul Coverdell National Forensic Sciences Improvement Act calls for an infusion of Federal funds to improve the quality of State and local crime labs. Passage of this important legislation was a fitting tribute to the former senior Senator from Georgia, who had been a leader on similar legislation in the past. Paul Coverdell was committed to ensuring that justice in this country is neither delayed nor denied, and he understood that existing backlogs in our Nation's crime labs were denying the swift administration of justice.

In his last years in the Senate, Paul Coverdell made the improvement of forensic science services one of his highest priorities. Rather than renaming more programs or buildings in Paul's honor, we should be funding the important legislation that he championed, and that we already passed in his memory.

Let me say a few words about this legislation, which I strongly supported.

The use of quality forensic science services is widely accepted as a key to effective crime-fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 80 cases in this country, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 10 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, forensic science services like DNA testing are critical to the effective administration of justice in 21st century America.

Forensic science workloads have increased significantly over the past 5 years, both in number and complexity. Since Congress established the Combined DNA Index System in the mid-1990s, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitations on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, VT. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better.

The Paul Coverdell National Forensic Sciences Improvement Act—if and when it is fully funded—will give States like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. It allocates $738 million over the next 6 years for grants to qualified forensic science laboratories and medical examiner's offices for laboratory accreditation, automated equipment, supplies, training, facility improvements, and staff enhancements.

We do not honor our colleague's memory by establishing a program in his name and then leaving it unfunded. I urge my colleagues on both sides of the aisle to support full and immediate funding of the Paul Coverdell National Sciences Improvement Act.

Mr. GRAMM. Mr. President, I am honored to be an original cosponsor of legislation to memorialize our friend, Senator Paul Coverdell. Paul served the citizens of the State of Georgia and the United States for over three decades as a State legislator, Peace Corps director, and U.S. Senator. I believe that this bill is a fitting and appropriate way to memorialize Paul and his work.

This legislation has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell. The legislation reaffirms language approved at the end of last year to ensue that the Peace Corps' World Wise Schools program will carry his name as well. Paul created the program during his tenure as Peace Corps director. The World Wise Schools initiative links Peace Corps volunteers serving around the globe with classrooms here in the United States. Paul correctly saw that such an effort would promote cultural awareness and foster an appreciation for global connections. Finally, the legislation authorizes an appropriation of $10 million, to be augmented by $30 million of state and private funds, to construct the Paul D. Coverdell Building for Biomedical and Health Sciences at the University of Georgia. Paul Coverdell was a tireless supporter of education in Georgia, and this building will be a living memorial to him and an unparalleled resource for the students, researchers, and educators of his State and our Nation.

The legislation consists of measures agreed upon by a bipartisan group of Senators assigned by Senator LOTT and DASCHLE to review the many worthy ideas proposed to honor Paul. After considering many suggestions, Senators HARRY REID, ZELL MILLER, MIKE DEWINE, and I agreed on the three provisions included in the legislation which has today been introduced by the majority leader and passed by the Senate. I believe that there can be no more fitting tribute to Paul and to all he achieved for the people of Georgia and the country that he loved and served until the day he died.

Mr. MILLER. Mr. President, I am honored to rise today to speak of our dear friend and colleague, Paul Coverdell.

We were all shocked and saddened last July when Paul died so unexpectedly. Georgia had lost one of its greatest public servants—a soft-spoken workhorse who served the people first and politics second. In a public career spanning three decades—from the Georgia Senate to the Peace Corps to the U.S. Senate—Paul served with dignity and earned everybody's respect along the way.

Immediately upon his death, folks in Washington and in Georgia began to think how we could remember this great Georgian in a worthy and enduring way.

Senator LOTT, our majority leader and one of Paul's greatest admirers, appointed a four-member committee of Senators to sort through the many ideas for memorializing Senator Coverdell. There were two Republicans—PHIL GRAMM of Texas and MIKE DEWINE of Ohio—and two Democrats—Minority Whip HARRY REID of Nevada and myself.

We quickly agreed that there should be two memorials for Senator Coverdell—one in Washington and one in Georgia.

In December, in a letter to party leaders Senator LOTT and Minority Leader TOM DASCHLE, we outlined the two memorials we thought were most fitting for Senator Coverdell.

In Georgia, we have chosen to honor Paul's commitment to education, research and agriculture at the State's flagship university with The Paul D. Coverdell Building for Biomedical and Health Sciences. This state-of-the-art science center will let scientists from different fields collaborate on improving the food supply, cleaning up the environment and finding cures for disease.

This will be a joint project with the Federal Government, the State of Georgia and the university. We will be asking Congress to allocate $10 million for the building. Georgia Governor Roy Barnes will ask the Legislature for a $10 million appropriation. And the university will raise the remaining $20 million for the building.

I was so glad that Senator Coverdell's widow, Nancy, joined us in announcing this memorial last month.

It is my hope that the scientists who gather in this center under Senator Coverdell's name will make great discoveries to improve the quality of life in Georgia and around the world.

In Washington, we have chosen to honor Senator Coverdell's legacy at the Peace Corps, where he served as director from 1989 to 1991. Paul's appointment to the Peace Corps was met with great skepticism at first. But he quickly gained respect by demanding professionalism and by shifting the agency's focus so that more money was spent actually getting volunteers where they were needed.

When the Berlin Wall came down, Paul seized the opportunity to move the Peace Corps into Eastern Europe to promote freedom and democracy. This move not only broadened the agency's mission, but also increased its prestige around the world.

Senator Coverdell also established the widely acclaimed World Wise Schools Program. Under this program, Peace Corps volunteers who have returned to the United States visit schools to give students their impressions and lessons from their overseas service.

To honor Paul's legacy at the Peace Corps, we are recommending that the Peace Corps headquarters offices in Washington be named the "Paul D. Coverdell Peace Corps Headquarters."

We also are recommending the designation of the Peace Corps' World Wise Schools Programs as the "Paul D. Coverdell World Wise Schools Programs."

Paul's dignity and decency inspired countless young people to serve their fellow man in far-away places. It is our hope that we can honor his legacy at the Peace Corps in this lasting way.

Mr. President, I hope that my colleagues will join me in supporting this memorial for our friend Senator Paul Coverdell, and I yield the floor.

JOHN JOSEPH MOAKLEY U.S. COURTHOUSE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 559 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 559) to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the John Joseph Moakley United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 559) was read the third time and passed.

Mr. LOTT. Mr. President, I should note that Senators KENNEDY and KERRY, I believe, will be prepared to speak on this resolution. This is a resolution designating the U.S. Courthouse in Boston after Congressman JOHN JOSEPH MOAKLEY. He is an outstanding individual. Senator DODD and I both had the privilege of serving on the Rules Committee in the House with him the famous Rules Committee—and have known him for, I guess, 25 years.

I am delighted and pleased that this bill will name this courthouse after Congressman MOAKLEY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleagues for taking such swift action to pass the legislation for the naming of the Federal courthouse in Boston after my very good friend and beloved figure in Boston, MA, Congressman JOE MOAKLEY, to rename the Federal courthouse in Boston after him. This measure is a fitting tribute to a wonderful friend, and an outstanding leader, for his long and brilliant career in public service.

Earlier this week, JOE MOAKLEY announced his decision not to seek reelection next year because of a serious illness that has just been diagnosed. In the brief time since his announcement, the outpouring of support and affection for JOE has been extraordinary. The reason is obvious. JOE MOAKLEY is one of the most beloved political leaders of our time. All of us in Massachusetts are especially fond of him. We admire his strength, his wisdom, his leadership, and his dedication to the people of Boston, our State, and our Nation.

JOE and his wife Evelyn made a wonderful team together, and we admired and loved them both very much. Vicki and I have such wonderful memories of the dinners we had together with them.

In addition to this well-deserved tribute today, I hope in the coming months we can return some of the loyalty, the affection, spirit, and support that Joe has given to so many of us throughout the years.

JOE MOAKLEY has always been a fighter. He was a boxer in college and a football star in high school. At the age of 13, he was with his father who was driving through south Boston, when they saw a neighborhood bully beating up a local child. JOE's father pulled the car over to the side of the road and asked his son what he was going to do about that situation. JOE jumped out of the car and went to the aid of the child and stopped the bully.

In all the years we have worked with him in Congress, that is the JOE MOAKLEY we know and love—always fighting for the underdog and all of those who need our help the most—fighting to provide better jobs, better education, better health care, better lives, better opportunities for the people of south Boston, and Massachusetts, and the Nation. The whole world knows of his magnificent leadership in protecting democracy in El Salvador.

The naming of the Federal courthouse in Boston for JOE is an especially fitting tribute because no one has done more to revitalize the area of south Boston than JOE MOAKLEY. As a child, JOE was a budding entrepreneur. I heard him tell the story about how he and his friends from south Boston used to race down to the railyard, where the courthouse now stands, to meet the trains that delivered farm products to the city. They collected the fruit that fell off the trains and then would sell it in the neighborhood. Their favorite fruit was watermelon because it had the highest resale value.

In half a century, and more, since then, JOE never lost his touch or his commitment to economic development in south Boston. As a Congressman, he has fought vigorously to revitalize the entire community and its neighborhoods for the past 30 years; and what an outstanding job he has done. Thanks to JOE MOAKLEY, the watermelons have long since made way for a beautiful new Federal courthouse, a convention center, the World Trade Center, and several new hotels. South Boston is booming today thanks to JOE MOAKLEY.

When he was not working to revitalize south Boston's economy or clean up Boston Harbor, JOE MOAKLEY was teaching his pride and joy—his french poodle named Twiggy—to sing. I understand JOE and Twiggy used to sing a famous duet to the tune of "Everybody Loves Redheads." JOE sang and Twiggy howled, and everyone loved them both.

When I think about all JOE MOAKLEY has done for Boston and Massachusetts, I also recall how long and hard and well he fought for funds to rebuild the Central Artery, to build the South Boston Piers Transitway, to clean up Boston Harbor, to modernize the Port of Boston, and to preserve Massachusetts's many historic sites—the Old State House, the Old South Meeting House, the U.S.S. Constitution, Dorchester Heights, and our famed historic marketplace, Faneuil Hall. JOE MOAKLEY's efforts to protect and preserve these extraordinary parts of our heritage guarantee they will be part of our State's history for generations to come.

In Congress, no one is more effective on the front lines or behind the scenes than JOE. The dean of our delegation has touched the hearts of all our people, and he has made a remarkable difference in their lives and hopes.

He is a voice for the voiceless, and an inspiration to all of us who know him. He champions the cause of hard-working families and the middle class. And all of us are proud to stand with him in all these battles.

The poet Yeats said it well:

> Think where man's glory most begins and ends, and say my glory was I had such friends.

We love you, JOE, and we are very proud of you.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, I thank you and express my gratitude to Senators LOTT, DODD, and KENNEDY for their courtesy and their assistance in helping to bring us to the point where this important resolution has been adopted by this Congress with respect to JOE MOAKLEY.

I thank my colleague for his comments with respect to Joe that we just shared.

In these last hours since JOE MOAKLEY announced his retirement from Congress, we have had the opportunity in our State—and I think many people down here in Washington—to share in a unique outpouring of support and emotion, all surrounding our friend and our colleague, the dean of the Massachusetts congressional delegation.

Today, with this resolution in Congress, we have had the opportunity not only to forever honor JOE, through the John Joseph Moakley United States Courthouse, but to also share our affection and our perceptions of this very special public servant, public person, this special representative of the people of Boston. We have been able to share that with all of our colleagues in the Congress and, indeed, with our fellow citizens in this country.

On Monday, as Senator KENNEDY just described, JOE shared with his constituents—with all of our State—that he has been diagnosed with an incurable form of leukemia, and that he will retire after he serves his current term in the House of Representatives.

JOE made this announcement together with friends and supporters at the courthouse that he helped to build in Boston, and he made it with a remarkable level of candor, of courage, and with a great, great sense of humor.

When JOE told us of the severity of the illness—and people learned of the severity of that illness—and the nature of the battle that still lies ahead for JOE, I think it reminded all of us of all of the battles that he has fought and, indeed, of the degree to which JOE MOAKLEY is a fighter, a special kind of fighter for the things he believes, and which, most of all, is doing what is right for his fellow citizens.

In all of the endeavors he has undertaken, all the years he has been in Congress, all the important people he has met, and all the important things he has done, this is a man who has never lost his sense of direction, his compass, if you will, which in his case is a special one with a unique sense of direction.

JOE has—I think everyone will agree—come out on the winning side of almost every fight he has ever fought.

He was born and raised—and living a lifetime—in south Boston, MA. JOE is not just from south Boston; he is of south Boston.

He wears those roots proudly as a badge of honor, never shy to admit that, in the end, this is a man who still knows how to settle an argument.

He is a member of a group of citizens we have proudly called our Greatest Generation. He earned his stripes as a member of that generation in a way that was not completely atypical but which I think sort of demonstrates the special nature of his patriotism and his sense of duty.

When he was 15 years old, JOE rose to the call of service to his country by falsifying his birth certificate so he could enlist in the U.S. Navy. He fought for his country, with honor, in World War II.

When he returned home from the South Pacific, he received his education at the University of Miami in Florida, but believe me, south Boston was never far from his heart or his consciousness. He returned home and went to law school at night at Suffolk University. Then he went to work for the people of Massachusetts.

He began his career in public life in the Massachusetts State Legislature at the age of 25, and then, before his election to the House of Representatives in 1972, he served in the State senate and on the Boston City Council. In both his approach and his effectiveness, JOE followed the path that was laid down by his great mentor in the Congress, former Speaker Tip O'Neill, a man who knew himself, who knew what he believed, and who knew there were things worth fighting for every single day.

That is what JOE has done the entire time he has served in Congress. As chairman of the Rules Committee, he did more than steward the course of important legislation and the operation of the House. He fought for an agenda, and he secured its passage into law. He built a reputation as a tough and effective legislator with a real ability to work across party lines and achieve consensus on so many issues. He put many of his opponents in the unenviable position of having to explain themselves to the gentleman from south Boston, a fight that people soon learned they were smarter to avoid.

JOE made it clear there were no borders, no limits that would apply to the fights he would embrace, and he insisted—and I think this is one of the most interesting things about JOE MOAKLEY—that foreign policy was not something foreign, even to the work of a bread-and-butter Democrat from south Boston, but an extension of the ideals he brought to work for his own constituents.

In 1983, JOE was among the first in the Congress to understand the simmering injustice in El Salvador. When he gathered with a small group of refugees from the brutal fighting in that country and listened to their stories, he was moved again to service. Those refugees told JOE they were in danger of being deported to El Salvador. That lit a fire under JOE MOAKLEY. He understood that being deported back to that country for those people, given their history, would mean death.

A Congressman from south Boston wasted no time in helping people from the southern part of our hemisphere. He sent his top aide, JIM MCGOVERN, to find answers. And, as always, JOE, himself, personally followed through, traveling again and again to El Salvador, heading up the Moakley commission and working to make it possible not just for those refugees to stay in the United States but also to address the broader questions of human rights abuses in Central America.

For more than a decade, JOE kept at it. For 10 long years plus, when a lot of people turned their attention elsewhere, JOE MOAKLEY continued to understand the difference between right and wrong. He fought against hundreds upon hundreds of deportations and, finally, he won an amendment barring them altogether in 1989.

Later that year, when six Jesuit priests were murdered in El Salvador, he led an investigation that pointed to elements of the U.S.-backed military as the murderers. It was quite fascinating, when we listened to JOE at the courthouse in Boston announcing the end of his career within the U.S. Congress—it was fascinating that even as he described himself as a bread-and-butter Democrat and a person who cared always about the issues of all of his constituents in his home city as well as in the rest of his constituency, measured against all the things he had done, he thought he was proudest of what he had done in El Salvador. He thought it so because it was a reflection of the kinds of things he learned from his constituents and from his home, and it reflected the depth of who he was as a citizen of south Boston.

JOE has been delivering for south Boston and the Nation for almost half a century, and he has done it the only way he knows—with hard work, with a smile, and with a special brand of humor. Whether it has been finding money for the "Big Dig," project after project, or for a whole host of other projects in Boston, he has been a national leader on issues from Central America to our relationship with Cuba.

JOE will tell you his secret, whether it is in a senior center in south Boston or when meeting with the heads of state around the world. It is his ability to listen and to remember who he is and from where he comes. And when he completes his 15th term in the House and retires, we will miss his service, his friendship, and his passion, but we will also know that until his last day in office, JOE MOAKLEY will continue to be a giant, caring first and foremost for the people he represents, living by Tip O'Neill's old adage—all politics is local—and with a special Moakley corollary that certain values and commitments are global as well.

He has used his remarkable clout to do what is right for Massachusetts and the Nation. And knowing JOE, having watched him and learned from him, as so many of us have, I know that in these next 2 years this courthouse will not be the only way he will be honored. The fights he will continue to wage for all that he believes, for working people, for jobs, for social and economic justice, will be the ultimate testimony to the full measure of the man whom we pause to honor today, and it will be the real measurement of those values by which JOE MOAKLEY has served.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

COMMEMORATING THE 5TH ANNIVERSARY OF THE 1996 TELECOM ACT

Mr. LOTT. Mr. President, recently we celebrated the fifth anniversary of the passage of the 1996 Telecom Act. This legislation—a comprehensive overhaul of our nation's laws governing communications—was the product of approximately ten years of hard work by many people. The intent of Congress in passing the Act was to spur competition, promote innovation, and provide new services at lower prices to consumers.

I hoped at the time that we passed the Act that it would have a tremendous impact on the economy, and my hopes were realized. Hundreds of thousands of new jobs were created in the communications sector in the first four years after passage of the Act, and this sector has been a major contributor to the nation's real economic growth since the Act's passage.

The blueprint of the 1996 Act provided industry and the markets the necessary certainty to foster and encourage investment in the telecommunications sector. This investment has occurred despite significant delays in the Act's implementation on the part of the FCC, and more disturbingly, delays related to the litigation of the Act in the courts. I am encouraged by the birth and growth of the competitive local telecommunications industry. Furthermore, I am pleased that two of the regional Bell companies satisfied the checklist required by section 271 of the Act in several states, thus indicating that these states are fully open to local competition. By opening these particular markets fully to local competition, these Bell companies are now able to offer long distance service in these states.

While I am pleased with these positive developments since the passage of the '96 Act, I believe it is time to review the '96 Act to determine whether it needs to be modified to fully achieve its purpose. While competition in many sectors of the telecommunications industry has undoubtedly increased, I believe that the Congress should consider how to create additional incentives for increased competition in those sectors of the telecommunications industry which remain dominated by a small number of competitors.

While we have seen the new competitive companies emerging in the marketplace with a particular focus on business clients, perhaps there are measures which would make it more attractive to these new companies to aggressively pursue the market for local service to consumers' homes. Although a few states are now fully open to local competition pursuant to the '96 Act's conditions, we need to do more to make it attractive for additional markets to be opened, especially rural markets. Additional inducements may be necessary to speed the process of opening more and more states for local competition, as it appears the promise of allowing the incumbent local carriers to enter the long distance service market may not be a sufficient motivating factor in many states.

I am also concerned, however, that there are significant deficiencies in the enforcement of the '96 Act. While there were encouraging developments in the telecommunications industry resulting from the passage of the Act, I have serious concerns about the health of the new competitive local telecommunications industry and a perception that true competition for incumbent local carriers has not been achieved due to such enforcement failures. For this reason, I believe that the 107th Congress should look closely at these enforcement issues, with a view towards possible tweaks that may be necessary to ensure full implementation of the Act as it was originally envisioned.

I was a strong supporter and key sponsor of the '96 Telecom Act, and I believe that its principles remain relevant and solid. However, a bit of fine-tuning may be in order as we learn from our experiences under the first five years of the Act and look forward to a telecommunications sector which thrives under additional competition, innovation, and consumer choice in the years to come.

FLUNKING AMERICAN HISTORY

Mr. BYRD. Mr. President, every February our Nation celebrates the birth of two of our most revered presidents—George Washington, the father of our Nation, who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided Nation toward a more perfect Union. Sadly, I fear that many of our Nation's school children may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed of that appreciation—robbed by a school system that no longer stresses a knowledge of American history. In fact, study after study has shown that many of the true meanings of our Nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—are lost on the majority of young Americans. What a waste. What a shame.

In 1994, the National Assessment of Educational Progress assessed fourth, eighth, and twelfth-grade students' knowledge of U.S. history. The results of this study are deeply disturbing. The study divided students into three groups—advanced, proficient, and basic—based on their ability to recall, understand, analyze, and interpret U.S. history. Only 17 percent of fourth graders, 14 percent of eighth graders, and 11 percent of twelfth graders were judged to be "proficient". Over one-third of fourth and eighth graders failed to reach the "basic" level and more than half of the twelfth graders surveyed could not even achieve the "basic" category in the history of their own Nation.

The questions were not overly difficult, especially not for a twelfth grader. One question asked students to name the document that contains the basic rules used to run the Government of the United States of America. Only 27 percent selected the U.S. Constitution as the correct answer. Imagine that—27 percent! How can we ever survive as a country, if more than ⅔ of our high school seniors are so ignorant about our basic charter? This deplorable record indicates that too many American children lack even the most rudimentary grounding in U.S. history.

Even more disturbing were the results of a study released last year by the American Council of Trustees and Alumni that tested the knowledge of college seniors who were on the verge of graduation. The organization gave students from fifty-five of our Nation's finest colleges and universities a typical high school-level American history exam. Nearly 80 percent—80 percent!—of these college seniors—the future leaders of our Nation—earned no better than a "D." A mere 23 percent could identify James Madison as the principal Framer of the Constitution; more than a third did not know that the Constitution established the separation of powers in American government; a scant 35 percent could correctly identify Harry S. Truman as the President in office at the start of the Korean Conflict; and just 60 percent could correctly select the fifty-year period in which the Civil War occurred—not the correct years, or even the correct decade, but the correct half-century.

These results are shameful and appalling. Not only are our grade-school students ignorant about their own history, so are our college students. Our children are being allowed to complete their formal educations without any semblance of historical context. To put it simply, young Americans do not know why they are free or what sacrifices it took to make us so.

An American student, regardless of race, religion, or gender, must know the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. They should be taught about our Nation's failures, our mistakes, and the inequities of our past. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful experiment in representative democracy. Without the lessons learned from the past, how can we ensure that our Nation's core ideals—life, liberty, equality, and freedom—will survive? As Marcus Tullius Cicero stated, "to be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it is woven into the life of our ancestors by the records of history?"

Last session, fearing that our children were being denied any sense of their own history, I added an amendment to an appropriations act that I believe will be a starting point for a partial solution to this egregious failure of the American educational system. This amendment appropriated $50 million to be distributed as competitive grants to schools across the Nation that teach American history as a separate subject within school curricula—no lumping of history into social studies. Schools that have previously sought to teach American history should be commended, and schools that wish to add this critical area of learning to their curriculae should be helped to do so. It is my hope that this money will serve as seed corn, and that future funding will be dedicated to the improvement and expansion of courses dedicated to teaching American history on its own, unencumbered by the lump sum approaches of "social studies" or "civics."

The history of our Nation is too important to be swept under the bed, locked in the closet or distorted beyond all recognition. The corridors of time are lined with the mistakes of societies that lost their way, cultures that forgot their purpose, and Nations that took no heed of the lessons of their past. I hope that this Nation, having studied the failures of those before it, would not endeavor to test fate's nerve.

Thucydides, the Greek historian, understood that the future can sometimes best be seen through the prism of the past. The following is an excerpt from the funeral oration of Pericles as reported by Thucydides in his "History of the Peloponnesian War."

> Fix your eyes on the greatness of Athens as you have it before you day by day, fall in love with her, and when you feel her great, remember that this greatness was won by men with courage, with knowledge of their duty, and with a sense of honor in action . . . So they gave their bodies to the commonwealth and received, each for his own memory, praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by. For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives. For you now it remains to rival what they have done and, knowing the secret of happiness to be freedom and the secret of freedom a brave heart, not idly to stand aside from the enemy's onset.

STELLERS SEA LION CRISIS

Mr. STEVENS. Mr. President, the Stellers sea lion crisis continues to be a serious issue for Alaska fishermen and the families and communities that depend on them. A recent guest columnist piece in the Seattle Post Intelligencer contains a good description of the flawed regulatory process that led us to this point. I ask unanimous consent that this piece be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Feb. 8, 2001]

LET'S DO RIGHT BY STELLERS SEA LION AND FISHERMEN

(By Glenn Reed)

In mid-December Sen. Ted Stevens, R–Alaska, was able to pass legislation that places requirements on the federal government's latest Biological Opinion dealing with interaction between fishing activity and the Stellers sea lion. Two of these requirements are that the government's opinion will undergo the legally required public review process as well as an independent scientific review. The legislation also requires the placement of protection measure for the Stellers sea lions, which the National Marine Fisheries Service has said will eliminate any negative impacts that might be caused to the sea lions by fishing activity.

This legislation also avoids a virtual shutdown of the fisheries and the resulting negative impact to the Washington-based fleet and Alaskan communities.

The senator's action also provides $30 million in new research money to the NMFS so that it can conduct the research necessary to determine if Alaska's fisheries are having an impact on Stellers—something that government scientists theorize, but that they have failed to even test after the industry has suffered through 10 years of increasingly severe harvest restrictions.

How did we get to this point? In 1990 the western population of Stellers sea lions was listed as a threatened species. In 1997 the western population of Stellers were listed as endangered. The cause of the Stellers' decline has never been determined. In the case of Stellers, the only regulatory steps available to the National Marine Fisheries Service were to progressively move commercial fisheries further and further out of their traditional areas. In the past decade the amount of fishing in the areas adjacent to sea lion rookeries and haulouts has been reduced to a fraction of historic levels (from 60 percent of the harvest in 1997 to under 15 percent in 2000). Fishing seasons have also been drastically altered in an attempt to help Stellers.

With all the costly restrictions that have been placed on fishing it would be logical to ask, "What benefits have sea lions realized over the past decade as a result of the redesigned fishery?"

Unfortunately, NMFS has conducted no studies to determine if any of the restrictions have had a positive effect, a negative effect or no effect. And it is worth noting that there is a body of opinion in the scientific community that argues that the government's actions over the past 10 years have been just as likely to cause more harm to Stellers than to have helped.

The basis for the government's placement of restrictions on fishing is a theory known as "localized depletion." The theory surmises that fishing activity is competing with sea lions for prey and is making it more difficult for Stellers to catch the fish they need. The theory has been rejected by the scientific advisers to the North Pacific Fisheries Management Council. Scientific arguments that run counter to the government's theory have been peer-reviewed and published, but largely ignored.

So why has the estimated sea lion population decreased so dramatically? Some things that leading marine mammal scientists outside the government consider most likely are listed below.

First, the stocks of those fish species which have historically provided Stellers with their greatest dietary benefit are far lower now than in the 1950s and 1960s when Stellers populations were very high. It could be that Stellers populations have declined because the ecosystem cannot support as large a population as it once did.

Also, the greatest population decline of sea lions occurred between the mid-1970s and the late '80s. During much of this time the taking (killing) of sea lions was commonplace and was at times encouraged by the government. Killer whales also prey on sea lions, and mariners have noted that killer-whale populations have increased sharply. Estimates of the impact of these activities in the period of the decline are able to account for a large portion of the overall decline.

NMFS admits in its Nov. 30 Biological Opinion that Alaska's fisheries aren't posing imminent harm to Stellers. There is time to study the effects of the actions that have been taken since 1990 to determine if they are helping sea lions or harming them. NMFS also admits that there is no threat of extinction for the next 100 years, and the agency is receiving more than $30 million this year alone to work on better understanding the situation. It would be particularly encouraging if the conservation community would participate in the support of scientific research designed to better understand and help the Stellers sea lion.

The legislation passed in December will provide an opportunity for public and scientific review to ensure the right decisions are made. NMFS does not need to take the "ready-shoot-aim" approach. We have time to find the right answers.

How will history judge us if in an attempt to save the Stellers sea lion we take actions that are ultimately responsible for causing them further harm?

ONE YEAR LATER

Mr. LEVIN. Mr. President, over the course of the next few weeks, the people of my home state of Michigan will memorialize the death of a little girl named Kayla Rolland.

Kayla Rolland was killed by a classmate in their own first-grade classroom at Buell Elementary School near Flint, Michigan almost one year ago. This well publicized school shooting sparked outrage across our state and nation and helped lead hundreds of thousands of mothers to march in Washington for safer gun laws.

Over the course of the year, we have learned more details about the shooting of the young girl. Police reports released just a few months ago reveal that the six-year-old boy who shot and killed Kayla had concealed the handgun in his pants pocket. He pulled the gun out of his pocket and pointed it at Kayla, who told the boy, "Jesus doesn't like you to point guns at someone." The young boy responded, "So? I don't like you" and fired the gun that killed the young girl. Just before she collapsed, she turned to her classmate and said, "I'm going to die."

For Kayla's mother and family, the pain from those few moments will last forever. At the Million Mom March, Kayla's mother spoke just a few days after what would have been Kayla's seventh birthday. She said:

> These are hard times for me and Kayla's brothers, sisters, and her father, and for the rest of my family. Kayla's death was devastating. There is not a day that goes by that I do not cry as I go on with my life without my daughter. A part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh or play again. I can never hold her and kiss her again. Or see her grow up, get married, and have a happy life. The gun that killed my daughter in her first grade classroom was a gun that could be loaded by a 6-year-old child, concealed by a 6-year-old child, and held and fired by a 6-year-old child. Please, don't ever forget that. This is proof that there is need for gun safety devices and gun control. I come here today, two days after what would have been her seventh birthday. I am a Mom with a terrible tragedy, and I hope it never, ever happens again.

One year after the death of Kayla Rolland, after hundreds of thousands of families marched in Washington at the Million Mom March, and after countless other shooting tragedies, Congress cannot guarantee that it never happens again because one year later Congress has not worked seriously to reduce youth access to guns or to pass legislation that will make our nation's children safer.

CONFIRMATION OF JOE ALLBAUGH

Mr. DOMENICI. Mr. President, Mr. Joe Allbaugh is fully qualified to serve as the next FEMA Director, and I will vote to confirm his nomination.

Most recently, Mr. Allbaugh served as the national campaign manager for President Bush. Prior to that Mr. Allbaugh was then-Governor Bush's chief of staff. In that capacity, he was responsible for management of crises and emergency response. On many occasions, he worked closely with FEMA and the related state agencies. Clearly, Mr. Allbaugh has the management experience needed to run this important federal agency.

The position of FEMA Director is very important to me and the people of New Mexico. Nine months ago the Los Alamos community was devastated by fires accidentally started by the U.S. Park Service. More than 400 homes were destroyed and many businesses were affected. Last summer, we worked hard to pass legislation to compensate the victims.

FEMA was charged with the task of processing the victims' claims, and in part they have tackled this undertaking admirably. However, the number of complaints has been mounting as the February 26 deadline for some final settlements fast approaches. Frankly, I am greatly concerned about the delays and mishandling of some of the claims—a concern shared by Mr. Allbaugh.

Mr. Allbaugh assured me that this issue would be addressed expeditiously. I am confident that he will make it a top priority to resolve these complaints and carry out FEMA's duties under the legislation. I look forward to working with him, and I believe he will be a superb FEMA Director.

THE CTBT AND A NATIONAL NON-PROLIFERATION POLICY

Mr. AKAKA. Mr. President, I rise today to discuss the Comprehensive Test Ban Treaty and how it fits into an integrated national non-proliferation policy. We all agree that proliferation of nuclear weapons is a bad thing. Slowing or halting new countries from acquiring nuclear weapons, or keeping current nuclear states from developing new, more powerful weapons is not a Democrat or Republican—it is a necessity. It also is not a new idea.

Since the end of World War II, every president has worked on ways to reduce other countries' access to nuclear weapons and their reasons for trying to acquire them. By mutual security alliances and numerous international agreements, we have succeeded in slowing the development of nuclear weapons. But, the game has changed. A number of smaller states may see nuclear weapons, and other weapons of mass destruction, as the only way to counter the unparalleled superiority of American conventional military power. Therefore, the United States has more reason than ever to lead global efforts to stop proliferation.

A national non-proliferation program needs to include diplomatic, economic, scientific and military tools, all honed and accessible for particular proliferation problems. One such tool should be the Comprehensive Test Ban Treaty, CTBT. It is time for a responsible, calm reconsideration of the CTBT. Former Joint Chiefs of Staff chairman General Shalikashvili's recent report addresses many of the questions and concerns raised in objection to the CTBT. I urge any of my colleagues who have not had a chance to read his report to do so. General Shalikashvili states that the CTBT ". . . is a very important part of global non-proliferation efforts and is compatible with keeping a safe, reliable U.S. nuclear deterrent . . . an objective and thorough net assessment shows convincingly that U.S. interests, as well as those of friends and allies, will be served by the Treaty's entry into force."

The CTBT does not mean an end to the threat of nuclear war or nuclear terrorism or nuclear proliferation. It is, however, a step in the right direction of containing these threats. Of course there are risks, but they exist with or without the CTBT. These risks can be better managed with the treaty than without it. An integrated and comprehensive non-proliferation strategy is required, of which the CTBT is a crucial part. In his report, General Shalikashvili outlines recommendations to make such a strategy.

Is the CTBT verifiable? With or without the CTBT, we will always need reliable information about nuclear testing activity. The CTBT gives us new sources of information and creates greater political clout for uncovering and addressing suspected violations. There is more to the verification regime than the International Monitoring System, which by itself will be an impressive network of 321 stations and 16 laboratories. There are also stations and satellites owned and operated by governments, research institutions, universities, and commercial companies.

A report by the Independent Commission on the Verifiability of the CTBT concludes that when all the resources are put into place, they will be able to detect, locate and identify all relevant events. Monitoring and verification will involve a complex and constantly evolving network, which any potential violator will have to confront. A treaty evader would need to muffle the seismic signal, ensure that no signature particles or gas escape the cavity, as well as avoid the creation of surface evidence, such as a crater. And, all test preparations, such as making a cavity or buying materials, would have to be done without causing suspicion. Only the United States and the former Soviet Union have ever been able to carry off such a test. How likely could an emerging nuclear weapon state do so? Some have argued that advancing technology would make hiding such a test easier, but that assumes all monitoring and detection technology will stand still. New technologies and the expansion of a global monitoring regime will make it more difficult to conceal such tests.

What about the safety and reliability of our nuclear weapon stockpile? General Shalikashvili, former Secretary of Defense Cohen, former Secretary of Energy Richardson, the Commander in Chief of U.S. Strategic Command, the directors of the three nuclear weapon laboratories, and numerous experts agree that the nation's nuclear stockpile is safe and reliable and that nuclear testing is not needed at this time. In the Armed Services Committee Department of Energy oversight hearing last week, Secretary of Energy Abraham stated ". . . that the results of the most recent process, which was just completed in January, enjoys the full confidence of the lab directors and the certification that just took place by my predecessor and the immediate past Secretary of Defense, another one of our former colleagues, is one that I have high confidence in." The United States has no alternative to the Stockpile Stewardship Program unless we want to return to the level of nuclear testing prior to the testing moratorium. The annual certification process provides a clear, candid and careful assessment of each nuclear weapon type in the stockpile.

I am especially concerned about recent news reports that President Bush wants to cut back funds for the Stockpile Stewardship Program. During the presidential campaign, President Bush stated that, while he was in favor of the nuclear weapon testing moratorium, he was opposed to CTBT ratification because it "is not enforceable" and it would "stop us from ensuring the safety and reliability of our nation's deterrent, should the need arise." For the Stockpile Stewardship Program to work, it must have both sufficient funds and a strong commitment from the Congress and Administration.

I do not believe that the American public wants to see resumed nuclear weapon testing, nor do they want any other country to do so. We all agree that the spread of weapons of mass destruction is one of the greatest national security threats we face. The CTBT establishes an international norm against nuclear testing while preserving the undisputed U.S. advantage in nuclear weapon technology. It reduces the likelihood that significant new threats will arise from proliferating nations while enhancing the already formidable U.S. monitoring capability. Finally, it strengthens our ability to persuade other nations to respect the obligations of the nuclear Non-Proliferation Regime.

We need to examine all the risks in a careful and deliberate manner, just as General Shalikashvili has done. Two days before the Senate's October 1999 vote against ratification of the CTBT, 62 of our colleagues sent a bipartisan letter to their respective leaders requesting that consideration of the Treaty be postponed until the next Congress. It is now sixteen months later. Let us work together to discuss how, not if, the U.S. should lead global efforts to deal with nuclear proliferation.

MINNESOTA FATALITIES IN THE OAHU ARMY HELICOPTER CRASH

Mr. DAYTON. Mr. President, I had planned to deliver this morning my first formal Senate remarks about the urgent need to provide prescription drug coverage for America's senior citizens. It is a crisis affecting many Minnesota seniors, and I will return to the floor very soon to address its urgency.

However, I have decided to defer my first address, to show my deep respect for the courageous soldiers killed in the recent crash of two Army Black Hawk helicopters. Two of the victims were native Minnesotans: Sergeant Thomas E. Barber and Major Robert L. Olson.

I offer my deepest condolences to the families and friends of Major Olson, Sergeant Barber, and the four other soldiers who gave their lives in the service of our country. We join with you in mourning their deaths, and we pay tribute to them for their ultimate sacrifice on behalf of our national defense. My prayers also extend to the eleven (11) other soldiers, who were injured in the accident. May they be graced with swift and complete recoveries.

As President Abraham Lincoln stated in his famous address at Gettysburg, "The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

This tragedy should remind us that, even during times of peace, our freedom and our security are neither free nor secure. They must continually be earned and protected, in order to be assured. For these always awesome, often invisible, and usually thankless responsibilities, we rely upon our Armed Forces, and especially upon the men and women in uniform.

They risk their lives, so that we can enjoy our lives. And sometimes, they are called upon even to give up their lives, in order to safeguard our lives. They make the ultimate sacrifice; they pay the ultimate price; they commit the ultimate acts of heroism, so that we might be safe, secure, and free.

All of us Americans owe these two Minnesotans, Major Robert L. Olson and Sergeant Thomas E. Barber, and their fellow soldiers a debt which we can never repay. We owe their families and friends our lifelong gratitude, support, and assistance for the burdens they must now bear on all our behalf. And we can only stand in awe and admiration as we witness such courage, such heroism, and such devotion as the men and women who serve their great country with their abilities and who protect it with their lives.

LITHUANIA'S NATIONAL DAY

Mr. DURBIN. Mr. President, Friday, February 16th is Lithuania's National Day marking the day in 1918 when the Lithuanian National Assembly declared independence after World War I.

But Lithuania was not "new" in 1918; it simply took its place among modern, democratic nation-states after an ancient history of a distinct culture and people. The Baltic peoples settled in the Baltic region during the second millennium BC, and the Medieval Lithuanian empire stretched for a time from the Baltic to Balkans and lasted hundreds of years.

But February 16th carried a special meaning for Lithuanians during the dark days of Soviet occupation. Lithuanians carried their hopes and dreams for freedom, democracy, and independence in their hearts and marked that special day silently or risked persecution by the KGB. Woe to those who showed the Lithuanian flag or celebrated on February 16th. They risked being hauled off to jail or into exile.

On March 1, 1990, Lithuania re-asserted its independence from the domination of the Soviet Union. Lithuania led the way for other Soviet Republics to throw off the yoke of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

This declaration was not without cost. In January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier. Five hundred people were injured during these attacks. Just last month, Lithuanians commemorated the tenth anniversary of those tragic events.

But these courageous Lithuanians did not suffer and die in vain. Lithuania has now become a vibrant democracy. It has established a free-market economy and the rule of law. Lithuania wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization.

The United States always refused to recognize the Soviet domination of the Baltic states. The U.S. position was that it would only recognize a free and independent Lithuania, Latvia, and Estonia. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Lithuania, Latvia, and Estonia are admitted into NATO as an unequivocal statement that we will never again tolerate domination of the Baltic states.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues can agree on the importance of Lithuania's contribution to freedom and independence for the former Soviet Republics and will join me in congratulating Lithuania on its National Day.

I am honored that my mother was born in the tiny Lithuanian village of Jurbarkas many years ago; that she came to this country proud of her heritage, but determined to be an American citizen. My late brother, Bill, and I visited Lithuania a few years ago and found that we have cousins in Jurbarkas that we had not known we had. For our family, the Iron Curtain literally cut off the Lithuanian branch from their American cousins. This Senator, the son of that proud Lithuanian mother, now serves in this great body and takes pride in being able to rise and salute the Lithuanian people on their independence.

MINNESOTA CELEBRATES BLACK HISTORY MONTH

Mr. DAYTON. Mr. President, This month in Minnesota and across the country we celebrate "Black History Month"—a time when our nation rightfully recognizes the many and varied achievements of African Americans and the positive contributions they have made to American society and to our way of life.

In 1926, Carter Woodson—considered by many to be the "Father of Black History"—created Negro History Week, which became Black History Week in the early 1970s. In 1976, February was chosen to be Black History Month, because it included the birthdays of Frederick Douglass and Abraham Lincoln, both of whom made heroic contributions to the lives of African Americans in this country.

Today, Americans of all races recognize Black History Month as an important way to celebrate the achievements of African-Americans in Minnesota and the United States.

However, today, and throughout our history as we honor this commemoration, we must also remember that we have a long way to go to ensure full and equal rights, opportunities, and benefits for all Americans.

We must be bolder in our efforts to ensure that all Americans—of every race—have the opportunity to share in—and contribute to—our economic prosperity. That means a quality education, adequate housing and health care for all Americans. And it means that our tax and budget policies must spread their benefits across all social and economic lines.

We must renew our commitments to ensure that all American—of every race—can fully share in—and contribute to—our economic prosperity. That means quality education, housing, and health care for all Americans. It means a good job with living wages, so that everyone can earn the American dream. And it means our tax and budget policies must spread their benefits across all social and economic lines.

We must increase our efforts to ensure that our justice system is color blind when it comes to enacting and enforcing our laws. Racial profiling, hate crimes, prejudice, and discrimination must be eliminated now and forever.

Ever since a Minneapolis Mayor named Hubert Humphrey challenged the consensus of the Democratic Party on civil rights in 1948, the women and men who have lead and shaped my party have made tremendous contributions to achieving these national goals. But this work is yet unfinished, and it is now, during Black History Month, that all members of this new Congress and our new President must rededicate ourselves to these causes.

I voted against confirmation of our new Attorney General, John Ashcroft, because I did not think he was adequately committed to upholding our nation's long and hard-fought tradition—forged by Democrats and Republicans alike—on civil rights. Now that he has been confirmed, however, I hope he will demonstrate through his actions that he truly is interested in justice for all Americans, regardless of race.

I intend to hold him to the promises he made during his confirmation process that he will not repeat his past actions that demonstrated a racial insensitivity which not only divided many communities, but also the work of this Senate.

The Bush Administration's recent announcement that it will appoint an African American as Attorney General Ashcroft's top deputy is a good start to healing some of these rifts, but we must see action.

Minnesota takes great pride in the African Americans who have made our state and our country a better place to live, work, and recreate. Their contributions to the arts, business, politics and culture are numerous.

Starting back in the Civil War, Black Minnesotans were involved in important undertakings that contributed to the good of the nation. In 1860, although there were only 259 residents of African descent in the state, 104 Black men served in the Union army. Despite being paid less and suffering from racial prejudice, they fought courageously along with their white brethren.

Minnesotans also played important roles in more recent civil rights advances. The U.S. Postal Service recently honored St. Paul native Roy Wilkins as the 24th American honored in the Black Heritage Commemorative Stamp Series. As a leader of the NAACP when this country made significant civil rights advances, his legacy is felt today across this country.

Alan Page was first known to most of us as an all-pro Hall of Fame lineman for the Minnesota Vikings. However, Alan has often said he takes more pride in his subsequent career as a Special Assistant Attorney General and an Associate Justice on the Minnesota Supreme Court.

Nellie Stone Johnson has had a long and distinguished record of public service in support of the advancement of minority concerns, the rights of workers, and equal opportunities for all people. Her life is chronicled with a series of "firsts." As a leader of organized labor in the 1930s and 1940s, she was the first woman vice president of the Minnesota Culinary Council and the first woman vice president of Local 665 of the Hotel and Restaurant Employees Union. She was also the first African American elected to citywide office in Minneapolis when she won a seat on the Library Board in 1945.

Sharon Sayles-Belton, another of Minnesota's greatest mayors, has for almost eight years led initiatives to make our state's largest city a better place to live, work, do business and educate our children.

And Billy McGee, a Public Defender who passed away last year, was a tireless champion of civil and human rights in the Twin Cities community. Everyone knew that they could call Billy at all hours and be assured of his help.

Minnesota native Dave Winfield and World Series hero Kirby Puckett were both voted into the Major League Baseball Hall of Fame last year. Not only are they great athletes, they are greatly respected and enormously contributing civic leaders.

And William Finney is the distinguished Chief of Police of our capitol city, St. Paul. He has successfully integrated that police force, combatted crime afflicting citizens of all races and nationalities, and helped lead the way for racial and social advances in his city.

Those are just a few of the Minnesotans who have and continue to set examples for the rest of us. There are many more women and men who are giving their very best to improve our state. As we celebrate Black History Month, we can all do well to look to their examples of activism and excellence. And we can strive to follow their leadership in making this country all that it should be for all our citizens.

ADDITIONAL STATEMENTS

HONORING CHASKA POLICE OFFICERS BRADY JUELL AND MIKE KLEBER

• Mr. WELLSTONE. Mr. President, I rise today to honor two Minnesota heroes.

Chaska police officers Brady Juell and Mike Kleber saved the lives of more than a dozen residents as fire burned through an apartment building.

On the morning of Tuesday February 6, 2001 a fire broke out in an apartment building in Chaska, Minnesota. With little regard for their own safety, Officers Juell and Kleber searched and found resident after resident. In some instances they literally pulled people to safety.

Officers Juell and Kleber did their job. But they did so much more: they inspired us because they showed how great and how selfless we can be.

The community will be honoring these brave men on March 3, but I wanted the Senate today to recognize these good and noble men who saved lives and provided us a glimpse of who we can be as a people.

I ask that the following articles from the Minneapolis Star Tribune and the Chaska Herald be printed in the RECORD.

[From the Minneapolis Star Tribune, Feb. 7, 2001]

POLICE OFFICERS SAVE PEOPLE FROM BURNING CHASKA APARTMENT

(By Chris Graves)

As he lay choking on smoke and unable to see, Brad Bandas saw the glimmer of a flashlight through the sooty black smoke filling his Chaska apartment building.

The 22-year-old man hoped that whoever was on the other side of the light saw his hand frantically waving.

Out of the smoke came a hand. Then Bandas was on his feet. Then he was outside, standing—and coughing—in the crisp, predawn air.

"The officer just clutched my hand and pulled me out and gave me the boost I needed," Bandas said. "I could have been dead. Smoke kills you."

He was one of more than a dozen apartment residents saved by Chaska police officers Brady Juell and Mike Kleber as fire lapped up the side of the three-story stucco building in the 600 block of Ravoux Rd. about 4 a.m. Tuesday.

One resident, Robert A. Ebert, 38, died in the blaze after he broke out his garden-level apartment window to try to escape.

Chaska Police Chief Scott Knight said a bystander tried to pull Ebert out of his burning apartment, but he fell backward and died in the blaze.

Knight said preliminary findings indicate the fire, which started in Ebert's apartment, was caused by an electrical malfunction and was an accident.

Knight beamed like a father about his officers' actions.

"They are heroes. I know we would have many more deaths," he said, "with the people sleeping and the rapid spread of fire and smoke."

Bandas had made it down to a first floor hall before collapsing. His fiancee, Jackie Gallipo, 19, watched from their third-floor apartment as he was pulled out of the building. The officers, as well as Bandas, were yelling at her to jump. The officers assured her they would catch her.

And they did.

"I climbed out the window and was hanging off the sill. I didn't want to jump," she said. "But I didn't want to burn up . . . so I jumped."

Knight said the two officers crawled through the smoke, banged on apartment doors and yelled to awaken residents. Several times, the two men used their shoulders to break down doors.

"They reluctantly accept the title 'hero,'" Knight said. "They said they were doing nothing short of what their peers would have done. But I have to tell you, they are heroes. "I'm beaming with pride."

[From the Chaska (MN) Herald, Feb. 7, 2001]

ONE DEAD IN FIRE; POLICE HELP SAVE OTHERS

(By Mark W. Olson)

Dave Cooper's first migraine in six months kept him awake early Tuesday morning. He was flipping from channel to channel when he heard glass breaking. Cooper looked out his Creekside Apartment window at the other Creekside Apartment building across the parking lot. Flames were shooting from a sub-level apartment of the three-story complex, at 625 Ravoux Road, and windows had shattered from the heat, Cooper said.

Cooper called 911, ran outside and into the west entrance of the blazing building and began pounding on doors. His girlfriend, Donna Busch, ran to the east side of the building and began yelling at residents from outside the apartment. By the time Cooper reached the second floor, the building was filled with smoke, he said.

Chaska Police Officers Brady Juell and Mike Kleber arrived about a minute after receiving the 3:54 a.m. call.

The fire began in Robert Andrew Ebert's sub-level apartment. He had apparently broken the bedroom window of his flame-filled apartment to escape and another resident had tried to reach for him, said Chaska Police Chief Scott Knight. By the time police officers arrived, flames six to 10 feet high were coming out of Ebert's apartment windows. Ebert, 38, died in the fire.

Ebert was the only occupant in the apartment. Knight said Ebert had a son, who did not live with him, and relatives in Watertown and Waconia.

The fire may have been "electrical in nature," according to Knight. Preliminary investigations by the State Fire Marshal point to it starting in Ebert's living room in the vicinity of the VCR and television. There is a continuing investigation into the exact cause.

The apartment building could be a complete loss, Knight said. There were 21 occupants in the building, according to apartment manager Brad Bandas. Residents suffered from smoke inhalation and one occupant sprained an ankle, Knight said.

Knight credited officers Juell and Kleber with saving many lives during the fire. "I can tell you that I am fiercely proud of these men," Knight said, at a Tuesday afternoon press conference. "I'm here to tell you they're heroes."

The officers entered the smoke and fire-filled building to get people out, experiencing "conditions we can't imagine," Knight said.

In one case, the officers saw a hand reach out from the darkness for help. The officers shouted at occupants to walk toward their flashlights. For one brief moment the officers lost each other in the smoke, Knight said. "They had to crawl and shout and came upon people by feel," Knight said.

Bandas, and his fiancée Jackie Gallipo, woke to the sound of smoke alarms. Their apartment was so full of smoke, Bandas said he couldn't see a television across the room.

He headed out the door of his third-floor apartment, thinking Gallipo was right behind him. "I couldn't see a damn thing," Bandas said. He felt his way out of the building by following stair railings. A police officer pulled him out the door. "All I could do was gasp for air," he said. Emergency crews gave him oxygen.

Meanwhile, Gallipo popped out a screen and jumped out a third-story window, into the arms of two awaiting police officers. "I'm just glad everyone got out," Bandas said.

"We thought someone's (clock) alarm was going off at first," said Al Knadel. Knadel and his girlfriend, Missy Schumacher, threw on shoes and jackets and headed for the door. By the time they left, flames were coming from under one of their apartment's doors.

"We just moved in a week ago," Knadel said. "Time to pack everything up and start at square one again."

Tuesday morning Bill and Virginia Standke, volunteers with the American Red Cross of Carver County, were helping the residents find temporary places to stay, and finding out what clothes and other supplies residents needed.

Firefighters from Chaska, Chanhassen, Shakopee, Victoria and Carver all fought the fire.

Chaska's last apartment building fire, on Jan. 15, 2000 at 123 W. 2nd Street in downtown Chaska, left 11 people homeless. There were no fatalities in the 2nd Street blaze. The historic 1891 F. Hammer building, made of Chaska brick, as since been repaired.●

TRIBUTE TO ED JOHNSON

● Mr. VOINOVICH. Mr. President, this past Monday, the Ohio agriculture community lost a dear friend with the passing of Ed Johnson. He was not only a friend of mine, he was a wonderful human being.

Ed Johnson grew up on a dairy farm in Fairfield County, Ohio. From the time he was a young boy, Ed realized that the only way to get ahead in life was through honest, hard work. This philosophy translated itself into a tremendous work ethic, which, combined with his robust energy and love for farming, made Ed an enthusiastic and well-regarded spokesman for Ohio farmers.

With a background in agricultural economics and agricultural education, Ed started out his professional life as a teacher before joining the Ohio Farm Bureau as Organizational Director for Fairfield, Pickaway and Ross Counties. He worked hard on behalf of "his" farmers and was a great source of agricultural information for both farmers and non-farmers alike. It was while he served at Ohio Farm Bureau that he discovered he had a real knack for radio, reporting on Farm Bureau events, then sporting events and farm market news.

Ed, it seems, had found his niche. He took his love of farming, combined it with his communication skills, and became a true media entrepreneur. He assumed the risk of starting up his own radio network, ABN, Agri Broadcasting Network, and developed a multi-state service to small stations by delivering market news and covering agricultural events. It wasn't long before Ed became an accomplished radio personality. As his success grew, he developed an early industry service of up-linking and down-linking sporting events for major radio, WBNS Columbus being one such station.

Ed also branched out into television, hosting his own weekly morning show, Agri Country, which aired in Ohio and three other states. With Ed at the helm, Agri Country has been popular to both farming and non-farming audiences since 1982.

In addition to his radio and television work, Ed advanced agriculture with "Ohio's Country Journal," a monthly publication that, even though it struggled for its first few years, has blossomed as readership numbers shot up. It is now "the" farm publication for Ohio's agriculture.

Ed's great contributions to agricultural media were surpassed only by his humanitarian giving in terms of his leadership and his time. His unselfish dedication to further the causes of his alma mater, the Ohio State University, the 4-H Foundation, the Future Farmers of America, and all Ohio farmers for that matter, were unparalleled.

Ed's personal caring and concern for society and his fellow man made him an outstanding communicator. Ed could talk with anyone—rich man or poor man; farm hand or a nation's president—he had an uncanny ability to put anyone he talked to totally at ease.

Throughout the years, I came to rely on Ed's knowledge of Ohio agriculture and his viewpoint on the agricultural situation throughout the state of Ohio. I appreciated his tireless efforts to promote agribusiness both within the state and nationwide.

Because of Ed's contribution to agriculture in the State of Ohio, I was pleased to induct him into Ohio's Agriculture Hall of Fame in 1997. On that occasion, I said "I don't think there's anyone in the state who is more readily identifiable with agriculture by the average person than Ed." Indeed.

I've often said that it's not the number of years that one lives, but what one does with those years that counts. In his sixty-three years, Ed lived his life to the fullest, and in so doing, touched the lives of countless individuals. Ed took risks, celebrated his successes and learned from his defeats, and, through it all, Ed never lost his focus, his positive attitude, nor his ever-present grin. There is no one comparable, and the void his loss has created in Ohio will not soon be filled.

Ed Johnson has been taken from us too early, and I will miss him. It is my hope that his wife, Marilyn, his children, Julie and Bart, his foster daughter Julie, his grandchildren—Adam, Eric, Nathan, Sarah, Elizabeth, Gage and Lauren—his brothers and sister and his entire family will take comfort in the knowledge that Ed is with our Father in Heaven.●

TRIBUTE TO PAUL NASH

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to and honor Paul Nash. Paul has been a highly-valued member of my legislative staff for more than 4 years, and I wanted to take this opportunity to publicly thank him for all his years of hard work and dedication to the people of South Dakota. Paul will no longer be working on my staff after next week, and I, along with my entire staff, will miss his contributions greatly.

Paul was one of the original members of my Senate staff when I began serving in this body in January of 1997. Paul has worked on a number of issues in my office, and for the past several years has been my legislative assistant responsible for staffing my Banking Committee assignment, as well as taxes, telecommunications, campaign finance reform, government employees and labor issues. Paul has been an instrumental part of some of my key legislative accomplishments since I have had the honor of serving in the Senate, including passage of the Johnson amendment to the Financial Services Modernization Act, and legislation to provide access to local television stations for rural satellite owners. Paul has also been actively involved in helping to produce bipartisan legislation in the past Congress and at the start of this Congress to reauthorize the Export Administration Act. His efforts have earned him the respect of many people he has worked with, including other Senators and staff of the Banking Committee.

Paul has also worked closely with members of the South Dakota financial services community, and I know he will be missed by them as well. Paul's efforts on telecommunication issues for rural America, as well as his hard work on many other issues, such as campaign finance reform and tax policy have also been important contributions to my legislative efforts of the past 4 years. He has been a true public servant for me, the people of South Dakota and the Nation.

I know Paul's parents, family, friends and colleagues are all very proud of him. Paul has a very bright future, and I know he will continue to succeed at whatever he chooses to do. On behalf of my wife Barbara and I, and my entire staff, I want to thank Paul Nash for his dedication and years of hard work for me and the people of South Dakota.•

JOHN HARRIES' 107TH BIRTHDAY

• Mr. INHOFE. Mr. President, it is my privilege to stand before you today to honor a man who has lived to see three centuries. On February 23, 2001, Mr. John Harries, of Edmond, Oklahoma, will be 107 years old.

Born on a farm twelve miles west of Waukegan, Illinois, in 1894, John has witnessed many major events throughout his lifetime, including two world wars. Showing true patriotism, he left dental school and joined the army at the onset of World War I. While fighting in France, he was exposed to mustard gas, which severely damaged his lungs. But the sacrifices he made in the name of freedom did not go unnoticed. Recently, France awarded him the French Legion of Honor for his service. This is the highest medal that the French award to foreigners.

Retiring in 1967, John spent most of his professional life at Salerno Baking Company in Chicago, where he was chief salesman. He was married to his wife, Mildred, for 66 years until her death in July, 2000. He then moved to Oklahoma, where he now lives with his niece, Nancy Pruett. I am proud to honor John Harries for his service and dedication to our country and his long life. Please join me in wishing him a wonderful 107th birthday.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 328. A bill to amend the Coastal Zone Management Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–668. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the Russian Federation and the Ukraine; to the Committee on Foreign Relations.

EC–669. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Delegation of Authority for Parts 17 and 18 [T.D. ATF–436]” (RIN1512–AB99) received on February 12, 2001; to the Committee on Finance.

EC–670. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Delegation of Authority for Part 25 [T.D. ATF–437]” (RIN1512–AC20) received on February 12, 2001; to the Committee on Finance.

EC–671. A communication from the Deputy Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Delegation of Authority for Parts 20, 21, and 22 [T.D. ATF–435]” (RIN1512–AC13) received on February 12, 2001; to the Committee on Finance.

EC–672. A communication from the Federal Register Liaison, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury” (RIN1550–AB43) received on February 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–673. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plan; Interest Assumptions for Valuing and Paying Benefits” received on February 12, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–674. A communication from the Director of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–675. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Mitigation of Impacts to Wetlands and Natural Habitat” (RIN2125–AD78) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–676. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV) Requirements for Operators of Small Passenger-Carrying CMVs; Delay of Effective Date” ((RIN2126–AA51)(RIN2126–AA44)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–677. A communication from the Deputy General Counsel of the Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “National Instant Criminal Background Check System Regulation” (RIN1110–AA02) received on February 12, 2001; to the Committee on the Judiciary.

EC–678. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Update of the list of countries whose citizens are ineligible for transit without visa (TWOV) privileges to the United States under the TWOV Program” (RIN1115–AF81) received on February 12, 2001; to the Committee on the Judiciary.

EC–679. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Removing Burma from the Guam Visa Waiver. Program” ((RIN1115–AF95)(INS2099–00)) received on February 12, 2001; to the Committee on the Judiciary.

EC–680. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Update of the list of countries whose citizens or nationals are ineligible for Transit Without Visa (TWOV) privileges to the United States under the TWOV program” ((RIN1115–AF81)(INS2020–99)) received on February 12, 2001; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. DODD, Mr. CONRAD, Mr. AKAKA, Mr. KENNEDY, Mr. REID, Mr. LEAHY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. JOHNSON):

S. 340. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KOHL, and Mr. DORGAN):

S. 341. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

By Mrs. CARNAHAN:

S. 342. A bill to assist local educational agencies by providing grants for proven measures for increasing the quality of education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 343. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself, Mr. Johnson, Mr. Baucus, Mr. McCain, and Mr. Inouye):

S. 344. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

By Mr. ALLARD (for himself, Mr. Harkin, Mr. Warner, Mr. Daschle, Mr. Akaka, Mr. Smith of Oregon, Mr. Kennedy, Mr. Levin, Mr. Kohl, Mr. Leahy, Mr. Gregg, Mr. Kyl, Mr. Torricelli, Mr. Dorgan, Mr. Smith of New Hampshire, Mr. Kerry, Mr. Schumer, Mr. Reid, Mr. Jeffords, Mr. Sarbanes, Ms. Stabenow, Mr. Bayh, Mr. Fitzgerald, Mrs. Boxer, Mr. DeWine, Ms. Collins, Mr. Wyden, Mr. Lugar, Mr. Feingold, and Mr. Brownback):

S. 345. A bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself, Mr. Stevens, Mr. Burns, Mr. Craig, Mr. Crapo, Mr. Inhofe, and Mr. Smith of Oregon):

S. 346. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

S. 347. A bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON:

S. 348. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.

By Mr. HUTCHINSON (for himself, Mr. Harkin, Mr. Smith of Oregon, Mr. Thomas, Mr. Bingaman, Mr. Sarbanes, Mr. Feingold, and Mr. Johnson):

S. 349. A bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. Smith of New Hampshire, Mr. Reid, Mrs. Boxer, Mr. Warner, Mr. Baucus, Mr. Specter, Mr. Graham, Mr. Campbell, Mr. Lieberman, Mr. Grassley, Mr. Carper, Mrs. Clinton, Mr. Corzine, and Mr. Wyden):

S. 350. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. Kerry):

S. 351. A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. Daschle, Mr. Leahy, Mr. Dorgan, Mr. Kennedy, Ms. Mikulski, Mr. Levin, Mr. Dodd, Mr. Schumer, Mr. Breaux, Mr. Durbin, Mr. Kerry, Mr. Dayton, Ms. Cantwell, Mr. Corzine, Mrs. Clinton, Mr. Reid, Mr. Akaka, Mrs. Carnahan, Mr. Johnson, Mr. Conrad, Mr. Wellstone, Ms. Landrieu, Mr. Kohl, Mr. Nelson of Nebraska, Mr. Reed, Mr. Lieberman, and Mr. Bayh):

S. 352. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. Domenici, Mrs. Feinstein, Mr. Gramm, Mr. Kyl, Mr. Sessions, and Mr. Bingaman):

S. 353. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year, and for other purposes; to the Committee on Foreign Relations.

By Mr. McCAIN:

S. 354. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. Santorum, Mr. Breaux, Mr. Cleland, Mr. Dodd, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Harkin, Mr. Johnson, Mr. Levin, Mr. Lieberman, Mr. Nelson of Florida, Mr. Reid, Ms. Stabenow, Mr. Torricelli, Mr. Brownback, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Corzine, Mr. Specter, Mr. Voinovich, Mr. Miller, and Mrs. Carnahan):

S. 355. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself, Mrs. Lincoln, and Mr. Breaux):

S. 356. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. Frist):

S. 357. A bill to amend the Social Security Act to preserve and improve the medicare program; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. Frist):

S. 358. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes; to the Committee on Finance.

By Mr. SHELBY:

S. 359. A bill to amend title 10, United States Code, to provide eligibility for members enlisting in a regular component of the Armed Forces to enroll for advanced training in the Senior Reserve Officers' Training Program; to increase the maximum age authorized for participation in the Senior Reserve Officers' Training Corps financial assistance program; and for other purposes; to the Committee on Armed Services.

By Mr. LOTT (for himself, Mr. Gramm, Mr. Miller, Mr. Reid, Mr. DeWine, Mr. Cleland, Mr. Allard, Mr. Allen, Mr. Bennett, Mr. Bond, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Craig, Mr. Crapo, Mr. Domenici, Mr. Ensign, Mr. Enzi, Mr. Fitzgerald, Mr. Frist, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Kyl, Mr. Lugar, Mr. McCain, Mr. McConnell, Mr. Murkowski, Mr. Nickles, Mr. Roberts, Mr. Santorum, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Voinovich, and Mr. Warner):

S. 360. A bill to honor Paul D. Coverdell; considered and passed.

By Mr. MURKOWSKI (for himself, Mr. Inhofe, and Mr. Enzi):

S. 361. A bill to establish age limitations for airmen; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. Hagel, Mr. Daschle, and Mrs. Lincoln):

S. 362. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. Johnson, Mr. Daschle, Mrs. Lincoln, and Mr. Harkin):

S. 363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. Daschle):

S. 364. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

By Mr. THOMAS:

S. 365. A bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. Craig, Mr. Cleland, Mr. Smith of Oregon, Ms. Cantwell, Mr. Wyden, and Mrs. Boxer):

S. 366. A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Ms. Snowe, Mrs. Clinton, Mr. Chafee, Mr. Reid, Ms. Collins, Mr. Leahy, Mr. Jeffords, Ms. Mikulski, Mrs. Feinstein, Mrs. Murray, Mr. Dodd, Mr. Akaka, Mr. Corzine, Mr. Durbin, Mr. Baucus, Mr. Biden, Mr. Feingold, and Mr. Specter):

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself and Mr. Hollings):

S. 368. A bill to develop voluntary consensus standards to ensure accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. Conrad, and Mr. Enzi):

S. 369. A bill to amend the Internal Revenue Code of 1986 to allow a written agreement relating to the exclusion of certain farm rental income from net earnings from self-employment; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. Conrad):

S. 370. A bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps; to the Committee on Finance.

By Mr. REED:

S. 371. A bill to establish and expand child opportunity zone family centers in public elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. Wellstone, and Mrs. Murray):

S. 372. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 373. A bill to provide for the professional development of elementary and secondary school educators; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. Harkin, and Mr. Cochran):

S. 374. A bill to authorize the operation by the National Guard of counterdrug schools, and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. Chafee, Mr. Leahy, Mr. Harkin, Mr. Feingold, Mr. Reed, Mr. Jeffords, and Mr. Kerry):

S. 375. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself and Mr. DeWine):

S. 376. A bill to amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States counterdrug efforts, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS:

S. 377. A bill to strengthen the role of the Federal Government in helping to identify children with reading deficiencies and to provide grants to State and local governments to implement early reading intervention programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. Fitzgerald):

S. 378. A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center"; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. Brownback, Mr. Kennedy, Mr. Cleland, Mr. Kerry, Mr. Leahy, Mr. Durbin, Mr. Kohl, Ms. Collins, Ms. Landrieu, Mr. McCain, and Mrs. Clinton):

S. 379. A bill to establish the National Commission on the Modernization of Federal Elections to conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. KOHL (for himself and Mr. Harkin):

S. 380. A bill to amend the Consolidated Farm and Rural Development Act to provide that agricultural producers that suffer or are likely to suffer substantial economic injury as the result of a sharp and significant increase in certain costs are eligible to receive emergency loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD (for himself and Mrs. Hutchison):

S. 381. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mr. Frist, Mr. Jeffords, Ms. Collins, Mr. DeWine, and Mr. Enzi):

S. 382. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 383. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

By Ms. SNOWE:

S. 384. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Graham):

S. 385. A bill to amend title 10, United States Code, to remove a limitation on the expansion of the Junior Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself and Mr. Corzine):

S. 386. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 387. A bill for the relief of Edwardo Reyes, Dianelita Reyes, and their children, Susy Damaris Reyes, Danny Daniel Reyes, and Brandon Neil Reyes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. Cleland):

S. Res. 25. A resolution designating the week beginning March 18, 2001 as "National Safe Place Week"; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Schumer, Mr. Harkin, Mr. Durbin, Mr. Kennedy, and Mrs. Boxer):

S. Res. 26. A resolution stating the sense of the Senate regarding funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

By Mr. HELMS:

S. Res. 27. A resolution to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWNBACK:

S. Con. Res. 15. A concurrent resolution to designate a National Day of Reconciliation; to the Committee on Rules and Administration.

By Mr. CHAFEE (for himself and Mr. Reed):

S. Con. Res. 16. A concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. Hutchison, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 39

At the request of Mr. Stevens, the names of the Senator from South Dakota (Mr. Daschle), the Senator from Washington (Mrs. Murray), and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. ALLARD), the Senator from New York (Mrs. CLINTON), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 41, supra.

S. 60

At the request of Mr. BYRD, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. CONRAD), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 82

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 82, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 83

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 83, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 84, a bill to increase the unified estate and gift taxes and the tax credit to exempt small businesses and farmers from estate taxes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

S. 94

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 126

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 126, supra.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Indiana (Mr. LUGAR), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 161

At the request of Mr. WELLSTONE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 161, a bill to establish the Violence Against Women Office within the Department of Justice.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 218, a bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes.

S. 223

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 223, a bill to terminate the effectiveness of certain drinking water regulations.

S. 226

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 226, a bill to establish a Northern Border States-Canada Trade Council, and for other purposes.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 295

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 315

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. GRAMM), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 315, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 321

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Michigan (Ms. STABENOW), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 325

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 325, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 326

At the request of Ms. COLLINS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana

(Mr. LUGAR) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 12

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

S. RES. 22

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. DODD, Mr. CONRAD, Mr. AKAKA, Mr. KENNEDY, Mr. REID, Mr. LEAHY, Mr. BINGAMAN, Mr. BAUCUS, and Mr. JOHNSON):

S. 340. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, earlier this week I had the honor and pleasure of meeting with the presidents, faculty and student leaders from South Dakota's tribal colleges to talk about the educational needs of Native Americans and the crucial role tribal colleges play in strengthening tribal communities. It was a fascinating conversation.

We sat around a table in my office in the United States Capitol building talking about the hopes and aspirations of the next generation of Native American leaders. Every one of those young people had good ideas and the poise and self-confidence to express them.

As the participants spoke of the importance and the power of education as the key to unlock the promise of the future, the story I heard was not one of bricks and mortar, but rather one of enduring spirit, sense of community and hope for a better quality of life. Listening to the discussion and observing the people in the room, I had no doubt that the future of Indian Country is in good hands.

Tribal colleges and universities play a critical role in educating Native Americans across the country, and I have come to believe they may well be the best kept secret in higher education. For more than 30 years, these institutions have been instrumental in providing a quality education for Native American students, many of whom our mainstream educational system previously had failed.

Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few who did, only one or two would graduate with a degree.

Then tribal colleges emerged, offering curricula that is culturally relevant and focused on a tribe's particular philosophy, culture, language and economic needs. With this focus and a clear mission, these institutions have had a high success rate in educating Native American and Alaska Native people, and tribal college enrollment has increased 62 percent over the last six years.

The track record of tribal colleges is impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduation. Over the last ten years, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 55 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, additional challenges remain before the future of these institutions is assured. These schools rely heavily on federal resources to provide educational opportunities for their students, and federal spending trends for these schools have been woefully inadequate. It is imperative that the bipartisan effort to provide additional core and facilities funding to tribal colleges continue.

In addition to resource constraints, tribal college administrators and faculty have expressed to me a particular frustration over the difficulty they experience in attracting qualified teachers to Indian Country. Geographic isolation and low salaries have made recruitment and retention particularly difficult for many of these schools, and this problem has been exacerbated by rising enrollment.

As a matter of public policy, it simply makes sense for Congress to help tribal college administrators overcome these serious barriers to the recruitment and retention of qualified faculty. Today, with the support of the South Dakota delegation of Tribal Colleges, the American Indian Higher Education Consortium, and the National Indian Education Association, and the co-sponsorship of my colleagues Senators BINGAMAN, CONRAD, BAUCUS, AKAKA, REID, KENNEDY, LEAHY, DODD, and JOHONSON, I am pleased to introduce the Tribal College or University Loan Forgiveness Act, which will provide forgiveness on federal student loans to individuals who commit to teach for up to five years in one of the 32 tribal colleges nationwide. Under this proposal, individuals who have Perkins, Direct or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness, which will help tribal colleges attract qualified teachers and encourage Native American students to fulfill their promise.

The Tribal College or University Loan Forgiveness Act will benefit individual students and their communities. By expanding opportunities for Native American students to develop valuable skills, it will not only allow individuals to maximize their human potential, but also spur economic growth and help facilitate self-sufficiency in communities that desperately need it.

I believe our responsibility as legislators was perhaps best summed up by one of my state's historic leaders, Sitting Bull, who said: "Let us put our minds together and see what life we can make for our children." This message still resonates loudly and applies today, and is reflected in the life's work of Sitting Bulls' great-great-great grandson, Ron McNeil, the president of Sitting Bull College, with whom I met on this very subject earlier in the week.

Mr. President, I look forward to working with Ron McNeil and his fellow educators across the country to familiarize the public with the accomplishments and the promise of the tribal college movement. And I look forward to working with my colleagues in the Congress to pass the Tribal College or University Loan Forgiveness Act as quickly as possible. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This Act may be cited as the "Tribal College or University Teacher Loan Forgiveness Act".

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking "or" after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(J) as a full-time teacher at a tribal College or University as defined in section 316(b)."; and

(B) in paragraph (3)(A)(i), by striking "or (I)" and inserting "(I), or (J)".

(2) Effective date.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL and Direct Loans.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

"(a) Program Authorized.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act, who—

"(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

"(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

"(b) Qualified Loan Amounts.—

"(1) Percentages.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

"(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of the Tribal College or University Teacher Loan Forgiveness Act to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

"(B) 20 percent of such total amount, for the third or fourth year of such employment; and

"(C) 30 percent of such total amount, for the fifth year of such employment.

"(2) Maximum.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

"(3) Treatment of consolidation loans.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

"(c) Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(d) Construction.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

"(e) Prevention of Double Benefits.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(f) Definition.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.".

SEC. 2. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this Act shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

By Mr. HOLLINGS (for himself, Mr. Stevens, Mrs. Hutchison, Mr. Inouye, Mr. Kohl, and Mr. Dorgan):

S. 341. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, on behalf of Senator Stevens, Senator Hutchison of Texas, Senator Inouye, Senator Kohl, Senator Dorgan, and myself, I send to the desk a bill, the Children's Protection From Violent Programming Act.

Mr. President, it has been a 50-year learning process. I am reminded of Peter, Paul, and Mary, singing that song about, "Where have all the flowers gone? When will they ever learn?" The truth of the matter is that we have learned. We have had hearings starting back in the early 1950s with Senator Kefauver. We have had Surgeon General reports, American Medical Association reports, American Psychological Association reports, National Cable Television Association reports, Kaiser Family Foundation reports—reports, reports, reports, again, again, and again; and only this yet to be introduced "Youth Violence: A Report of the Surgeon General," which I quote, among other findings, from page 93:

> Research to date justifies sustained efforts to curb the adverse effects of media violence on youth.

We have had Attorney General Janet Reno, along with other legal scholars, attest to the constitutionality of the safe harbor approach. The truth of the matter is that everybody is talking about bipartisanship. We have had it with respect to TV violence and its effect on children. In the last three Congresses, safe harbor has been reported out of committee almost unanimously, with only one dissenting vote in each Congress, 16–1, 19–1, 17–1, after a series of hearings in the Commerce Committee. Then it gets to the full Senate's calendar and it stops.

On Thursday, January 25, a thirteen year old boy was sentenced to life in prison for the killing of a six year old family friend. Why did he do it? To imitate pro wrestling he had watched on television. In this instance, the defendant punched, kicked, and threw a 48 pound little girl against a metal staircase after asking her "Do you want to play wrestling?" His defense attorney stated: "He wanted to emulate them. . . . Like Batman and Superman, they were his heroes." He added, that the defendant "didn't understand that he could hurt the 48-pound girl if he punched her and threw her because he had seen pro wrestlers do that hundreds of times without injuring each other." Apparently, the death was one of at least four cases in 1999 in which pro wrestling inspired the killing of one child by another.

The day after this sentencing, another thirteen year old boy suffered second and third degree burns when he tried to imitate an MTV personality who set himself on fire as part of the show "Jackass," which airs on that music network. The injured teen, who was from Torrington, CT, allowed his friend to douse his pants and shoes with gasoline and then light them on fire mistakenly assuming that he would not be injured. His burns, and required hospitalization tell another tale.

Mr. President, enough is enough. And yet, we can never bring ourselves to act. Remember, it was over three years ago, in Paducah, Kentucky, when a fourteen year old savagely murdered three teenage girls and shot five others who had just completed their morning prayer meeting at school. Prosecutors alleged the defendant plotted his killings after watching "The Basketball Diaries," a movie in which a tormented student dreams of brutally slaying his tormentors in the classroom. In the scene in which the killings take place, popular rock music resonates in the background and students high-five each other and laugh while their friend guns down multiple students and the classroom teacher.

And we all are familiar with the incident in which a young boy burned down his home, thereby killing his sister, while imitating the ritualistic pyromaniac practices that were glorified on the popular cartoon show "Beavis and Butthead." A few years before that, in 1991, a thirteen year old boy in Jerusalem accidentally killed himself when he imitated a TV hanging he had witnessed on one of his favorite action-adventure programs. His friends discovered him dead, hanging from the stairway bannister in his home.

How much copycat violence will it take? How many violent acts have to be committed, how much vandalism, destruction, injury, and death has to occur, before we act here in Congress? As we have seen in Littleton, Colorado, and in Paducah, Kentucky, violence in our culture is begetting violence by our youths. Violence is everywhere, it is readily accessible, and it is a source of corporate profits. As a Washington Post article entitled "When Death Imitates Art" stated two years ago—"For young people, the culture at large is bathed in blood and violence . . . where the more extreme the message, the more over the top gruesomeness, the better." This assessment is based on established evidence and facts. We know from the Congressional Research Service that before completing elementary school, the average child will witness 8,000 murders and 100,000 other acts of violence on television alone. By the time he or she graduates from high school, the exposure will rise to 40,000 televised murders. Often accompanied by popular music, portrayed in a glorified light, and delivered without reference to the negative consequences of such dire actions, television violence has a direct, adverse impact on our children.

The legislation I offer today provides an opportunity for us to act responsibly to lessen that impact, by limiting our children's exposure to the poisonous effects of televised, glorified, violence. We need to take advantage of that opportunity. The purveyors of violence in corporate America will no doubt criticize this effort and seek the mantle of the First Amendment while espousing the virtue of self-regulation. What they won't say is that U.S. law already restricts the broadcasting of indecent programming on television, a restriction the federal courts have upheld as consistent with the First Amendment. A similar approach for violence is also likely to be upheld, as has been demonstrated in previous Congresses through the hearing testimony of the U.S. Attorney General, the Chairman of the Federal Communications Commission, and numerous constitutional scholars. As for self-regulation, it has been proven unequivocally that such an approach will never work so long as it is pitted against the allure of the almighty dollar.

Mr. President, this is an issue about accountability and responsibility. Those responsible for supplying and distributing video programming have been entrusted with public resources—through grants of government spectrum and public rights of way—that allow them to deliver their programming to America's children. Notwithstanding the responsibility that accompanies the grant of this public trust, we know from the studies that there is more violence on television during prime time, during "sweeps weeks" and even on weekend afternoons. Why? Because violence sells and money talks. And no amount of self- regulation, and no number of antitrust exemptions is going to change that profit incentive.

Moreover, we know that no issue is more developed, more researched, and more debated than this one. Allow me to lay out the history.

We were in the last days of the Truman Administration when a House Subcommittee first looked at the issue of violence on radio and television.

The Senate Judiciary Committee and Senator Estes Kefauver began to examine media and youth violence in hearings in 1954 and the Senate Commerce Committee began hearings in 1960. In the Senate Commerce Committee alone we have held twenty two hearings on the issue of media violence.

In 1972, the Surgeon General's report concluded that there is a causal link between viewing violence as a child and subsequent violent or aggressive behavior.

In 1982, the National Institute of Mental Health, after ten years of research, found that "the consensus among most of the research community is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs."

Congress finally responded to this overwhelming evidence in 1990, when we granted the industry an antitrust exemption to meet and develop ways to reduce violence on television. In response to that legislation, the TV networks issued standards for the depiction of violence on broadcast television. Let me quote from those standards:

> All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. Gratuitous or excessive depictions of violence, (or redundant violence shown solely for its own sake), are not acceptable. Programs should not depict violence as glamorous, nor as an acceptable solution to human conflict. . . . Realistic depictions of violence should also portray, in human terms, the consequences of that violence to its victims and its perpetrators.

The goals articulated by these network standards are good ones—they are the same goals I hope to achieve with this legislation. Unfortunately, the standards developed pursuant to the 1990 antitrust exemption were never adhered to by the networks. Instead, the television industry ignored and violated those standards, thereby rendering the antitrust exemption meaningless. We know this because an industry commissioned study by the National Cable Television Association tells us as much. That NCTA study, issued in 1998, reported that:

> The way that most TV violence is portrayed continues to pose risks to viewers . . . Much of TV violence is still glamorized. . . . Most violence on television continues to be sanitized. Television often ignores or underestimates what happens to the victims of violence . . . Much of the serious physical aggression on television is still trivialized.

The NCTA report could not put it more plainly. The networks failed to heed their own standards. I hope we have learned our lesson: no antitrust exemption is going to protect children from the harms associated with television violence.

With respect to the causal impact of exposure to televised violence, the NCTA report was equally illuminating. It stated:

> Prior to this study, it had already been well established that television influences many kinds of attitudes and behaviors by modeling them as appropriate and/or desirable. A highly successful multi-billion dollar advertising industry is built on that premise. More specifically, violence on television has been shown in hundreds of studies to have an influence on aggressive behavior. Over the past 20 years, numerous respected academic and public health organizations and agencies—including the American Psychological Association, the American Medical Association, the U.S. Surgeon General, and the National Institute of Mental Health—have reviewed the existing body of evidence in this area and have unanimously affirmed the validity of that conclusion.

Finally, several weeks ago, the Surgeon General released a preliminary report that concludes—yet again—that there exists a scientific link between violent television programming and increased aggression in children. The report states: "A diverse body of research provides strong evidence that exposure to violence in the media can increase children's aggressive behavior in the short term." The report notes further that a smaller body of reports demonstrates that "long-term effects exist, and there are strong theoretical reasons that this is the case." Finally, the report concludes that "Research to date justifies sustained efforts to curb the adverse effects of media violence on youths."

So there you have it. We have come full circle with two significant surgeon general reports almost thirty years apart and scores of studies in between. In the interim, Congress and the Federal Communications Commission have tried to address this problem with a mix of regulation and self regulation. These attempts have been unsuccessful. In the 1970s, FCC Chairman Dick Wiley attempted to cajole industry to adopt a family hour, but that ultimately was abandoned. Then, in addition to the failed 1990 antitrust exemption, we acted in 1996, as part of the Telecommunications Act, to require televisions to be equipped with a V-Chip. We know today, however, almost five years since that provision was passed, that the V-chip is not working. For example, an April 2000 survey by the Kaiser Family Foundation demonstrates that only 9 percent of parents of children aged 2–17 own a television with a V-Chip. Moreover, only one-third of these parents (3 percent of all parents) have programmed the chip to block unsuitable programming. Finally, the survey indicated that 39 percent of parents of children aged 2–17 had never heard of the V-Chip.

As if that was not bad enough, we know further that the industry developed ratings system designed to work in conjunction with the V-chip is failing as well. To be specific, although almost all broadcast and cable channels now encode their programs with ratings, many violent programs are in fact not specifically rated "V" for violence—thereby rendering the system ineffective. The most recent survey by the Kaiser Family Foundation on this subject found that 79 percent of shows with violence did not receive the "V" rating. If the V-Chip and the ratings system do not provide enough protection, it is our responsibility to fill in the gap.

Last year, the Senate Commerce Committee held two high profile hearings to examine an issue related to televised violence—that of marketing violence to children. At those hearings we reviewed industry practices as outlined in a Federal Trade Commission report that found that the entertainment industry as a whole routinely marketed violent fare to children that was in fact rated as inappropriate for those same children. I raise this subject because some members of industry responded to the FTC report and our hearings by choosing to limit the advertising of violent material on television to certain hours of the day. In other words, they too believe that it is better to shield children from exposure to violent images when they are likely to comprise a substantial portion of the audience. While I applaud those voluntary actions, they do not go far enough, and as a result, we in Congress have to do more. If it is good for children to limit violent advertisements, it follows that it should be good for children to limit violent programming.

A recent study by Stanford University supports this conclusion. Released last month, the study determined that aggression by children can be reduced by limiting their exposure to media violence—exactly the approach advocated in our Safeharbor legislation.

Mr. President, that is why I am introducing my legislation today. My bill takes a two track approach to television violence. First, it would require the FCC to study whether the V-Chip and the content-based ratings system can capably meet the compelling government interest in protecting children from the harms associated with their exposure to violence on television. The FCC is to complete this determination within 12 months of enactment and is directed to continue an ongoing annual assessment of this issue. If the FCC at any time determines that the V-Chip and the ratings do not constitute an effective means of satisfying the government's compelling interest in protecting children, then it must institute a Safeharbor to shield children from violent programs when they are likely to comprise a substantial portion of the audience. While this legislation would apply to broadcast television and basic satellite and cable programming, it would exempt pay-per-view and premium cable and satellite programming from the Safeharbor.

Prior to the imposition of any safeharbor, the legislation directs the FCC to develop rules penalizing broadcasters and cable and satellite programmers for distributing violent programming on television that is not blockable by the V-Chip. These penalties will be triggered if violent shows are not in fact rated "V" for violence as required by the ratings system. This provision will increase the incentive for programmers to rate their shows accurately, and responds to evidence that most violent programming is in fact not specifically rated for violence, and therefore is not blockable by the V-Chip.

This legislation was reported favorably by the Senate Commerce Committee last year by a 17-1 vote. I look forward to moving the bill out of Committee again this year, and I hope that we can secure enactment of this measure for the first time in this Congress.

Mr. President, the evidence is in, we know the results, and we have a solution. Its time to enact a safeharbor for television violence.

Mr. President, I refer to page 23 of volume 3 of "A History of Broadcasting in the United States." It alludes to the year 1949 and the production of the program "Man Against Crime," starring Ralph Bellamy. I begin right on page 23:

"Man Against Crime was sponsored by Camel Cigarettes. This affected both writing and direction. Mimeographed instructions told writers, "Do not have the heavy or any disreputable person smoking a cigarette. Do not associate the smoking of cigarettes with undesirable scenes or situations plot wise."

> Cigarettes had to be smoked gracefully, never puffed nervously. A cigarette was never given to a character to calm his nerves, since this might suggest a narcotic effect. Writers received numerous plot instructions.

Listen carefully because this is the instruction that the writers were given 50 years ago:

> It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is from the History of Broadcasting.

The industry knows that violence is a moneymaker. Ten years ago, the distinguished Senator from Illinois said: No, no, wait a minute, don't rush into this thing; freedom of speech, freedom of speech. We don't want to damage the originality of the producers. So we gave an antitrust exemption so they could work together because Senator Simon said they could not work together and regulate because of antitrust provisions in the Federal statute. We gave them that protection.

Then came a very interesting study from cable television. Every time I speak in the Chamber, they give me another study. That is why I wish I could sing: When will they ever learn?

This study, done a few years ago, was financed by the National Cable Television Association, but it was done by the University of California at Santa Barbara, the University of North Carolina at Chapel Hill, the University of Texas at Austin and the University of Wisconsin at Madison. It included, amongst other council members, the American Federation of Television and Radio Artists, the Producers Guild of America, the Writers Guild of America West, the Caucus for Producers, Writers and Directors, the American Bar Association, and the Directors Guild of America. Point: The very people who are doing the producing found that violence begets children's violence.

Three weeks ago, a 13-year-old was sentenced to life in prison for bludgeoning to death a 48-pound 8 year old. He had seen this on a cable wrestling show. These wrestlers jumped on each other, they beat each others' heads against a post, and then flung opponents out of the ring. That was the undisputed record: That the 13-year-old saw wrestling matches where everybody got up and walked away unharmed and came back the next week.

Just last month, someone else emulated a stunt on MTV showing how people could be set on fire and then walk away unharmed. The individual saw the MTV program, tried it, and got first- and second-degree burns all over his body.

I will never forget years ago on the "Johnny Carson Show," they had a fellow with a tie around his neck, and he dropped through a trap door and hung and, again, just walked away. The next day a couple found their young teenager hanging from the bedroom fan. He had tied himself up, got on the edge of the bed, and jumped off and hanged himself.

We know monkey see-monkey do, and it begets violence. This country, the industrial country of the United States, has more violence than all other countries combined.

What have the other countries done? For years on end they have had a safe harbor in Europe, in Australia, and in New Zealand, and other places. They have a time set aside when children dominate the audience and thou shalt not have violent shows during that time. It works. Their children do not shoot up classrooms, they do not emulate violence, or kill little girls. That does not go on in Europe, but it continues to increase in our country, according to the Surgeon General's report just about to be released. We see it on the increase.

The Kaiser Family Foundation counters with: Oh, well, you have to get the V-chip. Under legal decisions, you have to use the least intrusive method of regulating so-called free speech. So we put the V-chip into the 1996 Telecommunications Act. That was supposed to allow parents to take charge. We constantly hear that when we know it is not the case.

Sixty-two percent of young single women are in the workforce with latchkey children at home. We have tried that V-chip. One, 40 percent of those interviewed under the Kaiser Family Foundation have never even heard of the V-chip—what are you talking about? Two, less than 10 percent have ever had the V-chip, and, three, less than 3 percent have ever used it.

It is impractical. You have to run around to the three or four TVs in the house and say: I have the program, and before I go to work this morning, I am going to put in the chip. Come on, that is unreal, but that is the political solution which has not worked.

I do not want to be put aside. I have been put aside. I offered an amendment a couple of years ago to the juvenile justice bill. Some colleagues said: Fritz, I would vote for your amendment, but I don't want any amendments on the juvenile justice bill, or we have not tried the V-chip. They gave any putoff they could think of.

We found out that we ought to just include it in a statute. In this bill, we direct the Federal Communications Commission to have hearings on this matter and determine whether or not the V-chip is effective and, if it is not, to promulgate a safe harbor.

Constitutionally, the Federal Communications Commission has been given that authority on indecency. Why not on violence? These programs have not been properly rated. We prescribe in this measure that the industry start rating violence—V for violence—on these shows. If they do not, there is going to be a penalty.

A Stanford University study has just been issued whereby they have tested the diminution of violence on television and there has been a diminution then in children's violence in that particular community. We will bring that to the floor. We are ready to debate this legislation. This is a bipartisan bill. We have had Republican and Democrats in the last three Congresses join in, but we have never had a fair hearing on the floor.

We have done this in a deliberate, measured fashion so that we can get it considered in this Congress.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of Senator Hollings' Children's Protection from Violent Television Programming Act. I thank Senator HOLLINGS for his leadership and hard work on this important issue shielding our children from excessive violence in the media.

This proposal is vital to ensure that the promise of the V-chip is fulfilled, that our public airwaves cannot be used and abused to the detriment of our families and our children. But today, in spite of the V-chip, our children are still being exposed to ultraviolent programming on television, even during the early prime time period known as "family hour."

Since my first term in office, I have fought to limit the amount of violence that our children are exposed to on television, in video games, in the movies and in music. Although I have focused on the video game industry encouraging the manufacturers to create and implement a ratings system I was also a vocal supporter of the V-chip provision included in the Telecommunications Act of 1996.

The V-chip legislation required the installation of blocking technology in most televisions. That technology is used in conjunction with a television ratings system so that parents can restrict their children's access to violent programming at all times. We know that parents can't realistically look over their children's shoulders every minute they're in front of the television. But the V-Chip allows them to configure their television to do essentially that.

Since January 2000, V-chip technology has been installed in every television measuring over 13". More than 25 million televisions have a V-chip now. However, a recent study by the Annenberg Public Policy Center revealed that nine in ten parents do not know about the television ratings system, and of parents who own and know about their V-chip, only half actually use the blocking technology.

Clearly, having a V-chip in a television is just not good enough. It has to be combined with a good, easily understood ratings system and a real commitment by manufacturers, retailers and broadcasters to educate parents. Without these elements, having a V-chip in your television is about as effective at protecting your child as requiring car seats but letting toddlers sit in the front seat without a seatbelt.

Mr. President, my first preference is to have V-chip technology that works and that parents trust. But if it seems otherwise, we will not stand idly by. This legislation presents a step-by-step approach: it asks the Federal Communications Commission (FCC) to gauge the success and public awareness of the V-chip. And if success is limited and public awareness is low, this measure vests the Commission with the power to remedy it.

So let's pass this legislation, and let's find out if the V-chip is really helping parents shield their children from violence on television. And if not, let's give the FCC the power to do something about it. Our families and especially our children deserve nothing less.

By Mrs. CARNAHAN:

S. 342. A bill to assist local educational agencies by providing grants for proven measures for increasing the quality of education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CARNAHAN. Mr. President, I come to the floor today to speak about an issue that is close to my heart and one that is essential to the Nation's future—the education of our children.

Education was a priority for my husband, the late Mel Carnahan, throughout his career, and it was a driving force during his two terms as Governor of Missouri.

I recall that one of the things he enjoyed most as he traveled around the State was visiting schools. He would come home excited about the good things that were happening in Missouri schools.

His Outstanding Schools Act, passed during his first term as Governor, brought major improvements to classrooms throughout our State. He dreamed of doing even more. As he traveled across Missouri seeking election to this body, he called for a new national commitment to the education of America's children.

Though he did not live to pursue that dream, I am proud to stand here in his place in the U.S. Senate to introduce my first bill—a bill imprinted with his hopes, a bill that fulfills his pledge to the citizens of Missouri, and a bill that reinforces the President's promise "to leave no child behind."

Though teachers, students, and parents are trying harder than ever, schools are facing difficult times.

My concern, and the focus of this legislation, is the classrooms of America: Classrooms that are severely crowded and housed in deteriorating facilities; classrooms where disorderly and sometimes violent students are disrupting learning; classrooms in need of math, science, and reading specialists.

As a result of these conditions, far too many students are failing to learn and are falling behind in comparison with students in other developed nations.

Increases in student population across the Nation further heighten the problems, as does the loss of teachers to retirement or other professions. According to the 1998 National Assessment of Education Progress, one-quarter of our students are still being taught in classes of more than 25 students.

As we watch class sizes grow, we see the physical condition of our older classrooms fall into dangerous disrepair. In Missouri alone, we face the daunting prospect of $4 billion in construction needs for our public schools over the next decade.

The threat and frequency of violence and disruptions in our classrooms remain at unacceptable levels. A recent study by the Educational Testing Service made this observation:

> School discipline * * * problems are critical factors in student achievement. Without order in our classrooms, teachers can't teach and students can't learn.

Our national leaders have been bemoaning the condition of public schools for many years. Over 50 years ago, President Truman said:

> The schools in this country are crowded and teachers underpaid. One of our greatest national needs is more and better schools.

Later, President Eisenhower noted:

> Millions of children were receiving substandard education because of unsanitary, overcrowded, and unsafe classrooms. * * * It was evident to many of us, but not all, that in view of the financial positions of many states and school districts, the federal government would have to help.

Yet decades after these remarks, the Federal Government still provides a mere 7 percent of the national education budget.

I understand there are many who are weary of increased Federal education funding because they fear that with such funds comes Federal control of local schools. While this is a legitimate concern, it need not be a paralyzing fear that prevents us from moving ahead with much needed classroom improvements.

There is a way for us to fund public schools without adding redtape, burdening our school districts, or enabling Federal bureaucrats to dictate local education policy.

The legislation I introduce today—the Quality Classrooms Act—will do just that. It calls for a new commitment of $50 billion over the next decade to our local schools.

These funds would flow directly from the Federal Government to local schools districts and would be dedicated exclusively to helping schools provide what parents, teachers, and students most desire—more intensive, individualized, face-to-face instruction in the classroom.

It recognizes that different school districts have different needs. Some may need to reduce class size, others to improve classroom conditions. In an attempt to provide more flexibility to each school district and to keep decisionmaking at the local level, this bill allows school districts to use the funding for one, or a combination of purposes. Each of the five options addresses class size or conditions—a formula that has led to improved student performance in the past.

Funds under the Quality Classrooms Act would be used to do one or more of the following: Hire new classroom teachers to reduce student-teacher ratios; build or renovate classrooms to relieve overcrowding; hire experienced teaching specialists, focusing on basics such as reading, science, and math; establish alternative discipline programs for the education of chronically violent and disruptive students; and provide a year-round schedule.

This menu of choices allows schools to retain flexibility, yet leaves parents and taxpayers with the comfort of knowing that resources are being spent on measures with proven success.

The bill provides added flexibility and innovation by setting aside 10 percent of the available funding for a competitive grant program. These "Innovation Grants" would encourage schools to develop creative approaches to quality instruction.

Grant recipients are required to evaluate these newly developed programs to determine what approaches enhance student performance. Aside from this evaluation, however, school districts will not be required to file burdensome reports or abide by new Federal mandates.

This proposed legislation makes sure that money goes to schools, teachers, and students, not the education bureaucracy. It requires the Department of Education to spend only the bare minimum necessary to operate the grant program. Funds flow directly from the Federal Government to local school districts.

I present this legislation knowing that education improvement is going to be one of the predominant themes in the 107th Congress. An important part of this theme is the discussion about how to make our schools more accountable. These discussions are centered around proposals by the President, my colleagues, Senators BAYH and LIEBERMAN, and others. Accountability must be a part of our education debate, and I look forward to participating in those efforts.

But even as we pursue that goal, we must make sure that all our public school students are learning in modern facilities, with skilled teachers, in classrooms with an appropriate number of well disciplined students.

To achieve these goals, we need a greater Federal investment in education. Families wanting to provide a better future for themselves and their children know the wisdom of investing in a home, a savings account, or a pension plan. It is a lesson worth noting as we ponder the future of public education. To shortchange America's children not only disheartens educators, parents, and communities, it violates our national interests and the vision that has marked us as a people.

I strongly urge my colleagues to consider this legislation designed to strengthen student achievement by promoting quality classrooms all across America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Classrooms Act".

SEC. 2. PURPOSE.

The purpose of this Act is to support local educational agencies by awarding grants for—

(1) the implementation of specific measures, as selected by local educational agencies from a local accountability menu, that have been proven to increase the quality of education; and

(2) the conduct of other activities that local educational agencies demonstrate will provide enhanced individual instruction for the students served by the agencies.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 4. GRANT PROGRAMS.

(a) LOCAL ACCOUNTABILITY MENU GRANTS.—

(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to local educational agencies to be used for the activities described in paragraph (3).

(2) APPLICATION.—

(A) IN GENERAL.—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) AUTHORIZED ACTIVITIES.—Grant funds awarded under this subsection may be used for one or more of the following measures, collectively established as the local accountability menu:

(A) Reduction of student-teacher ratios through the hiring of new classroom teachers.

(B) School construction assistance for the purpose of relieving overcrowded classrooms and reducing the use of portable classrooms.

(C) Hiring of additional experienced teachers who specialize in teaching core subjects such as reading, math, and science, and who will provide increased individualized instruction to students served by the local educational agency.

(D) Alternative programs for the education and discipline of chronically violent and disruptive students.

(E) Assistance to facilitate the local educational agency's establishment of a year-round school schedule that will allow the agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities.

(4) ADMINISTRATIVE CAP.—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

(b) INNOVATION GRANTS.—

(1) PROGRAM AUTHORIZED.—The Secretary shall reserve 10 percent of the amount made available to carry out this Act in each fiscal year to award grants, on a competitive basis, to local educational agencies for the local educational agencies to carry out the activities described in paragraph (3).

(2) Application.—

(A) In general.—A local educational agency desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) Contents.—Each application submitted under subparagraph (A) shall include—

(i) a description of the local educational agency's plan of activities for which grant funds under this subsection are sought;

(ii) a detailed budget of anticipated grant fund expenditures;

(iii) a detailed description of the methodology that the local educational agency will use to evaluate the effectiveness of grants received by such agency under this subsection; and

(iv) such assurances as the Secretary determines to be essential to ensure compliance with the requirements of this Act.

(3) Authorized activities.—Each local educational agency receiving a grant under this subsection shall use the amounts received under the grant for one or more activities that the local educational agency sufficiently demonstrates, as determined by the Secretary, will provide enhanced individual instruction for students served by the agency, but that are not part of the local accountability menu described in subsection (a)(3).

(4) Limitation.—No funds awarded under this subsection shall be used for tuition payments for students at private schools or for public school choice programs.

(5) Administrative cap.—A local educational agency that receives a grant under this subsection shall not use more than 3 percent of the funds received for administrative expenses.

SEC. 5. ALLOCATION.

(a) Administrative Cap.—The Secretary shall expend not more than 0.25 percent of the funds made available to carry out this Act on administrative costs.

(b) Funding to Indian Tribes.—From the amount made available to carry out this Act for any fiscal year, the Secretary shall reserve 0.75 percent to awards grants to Indian tribes to carry out the purposes of this Act.

(c) Formula.—From the amount made available to carry out this Act for any fiscal year, and remaining after the reservations under subsections (a) and (b) and under section 4(b)(1), the Secretary shall distribute such remaining amounts among the local education agencies as follows:

(1) 80 percent of such amount shall be allocated among such eligible, local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available as compared to the number of such children who reside in the school districts served by all eligible, local educational agencies for the fiscal year involved.

(2) 20 percent of such amount shall be allocated among such eligible local educational agencies in proportion to the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(d) Limitation on Carryover.—Not more than 20 percent of the funds allocated to a local educational agency for any fiscal year under this Act may remain available for obligation by such agency for 1 additional fiscal year.

SEC. 6. SANCTIONS.

If the Secretary determines that the local educational agency has used funds in violation of the provisions of this Act or the regulations promulgated by the Secretary pursuant to section 8, the Secretary may impose an appropriate sanction that may include reimbursement or ineligibility for additional funds for a period of years, depending upon the severity of the misuse of funds.

SEC. 7. REPORT AND DOCUMENTATION.

(a) Report to the Secretary.—At such time as the Secretary deems appropriate, and not less than once each year thereafter, each recipient of a grant under this Act shall submit to the Secretary a report that includes, for the year to which the report relates—

(1) a description of how the funds made available under this Act were expended in correlation with the plan and budget submitted under sections 4(a)(2) and 4(b)(2), as applicable; and

(2) an evaluation of the effectiveness of the grant received under this Act, as required by sections 4(a)(2)(B) and 4(b)(2)(B), as applicable.

(b) Documents and Information.—Each recipient of a grant under this Act shall provide the Secretary with all documents and information that the Secretary reasonably determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this Act.

SEC. 8. REGULATORY AUTHORITY.

The Secretary shall issue such regulations and guidelines as may be necessary to carry out this Act.

SEC. 9. NOTICE.

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide specific notification concerning the availability of grants authorized by this Act to each local educational agency.

SEC. 10. ANTIDISCRIMINATION.

Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability, or to modify or affect any right to enforcement of this Act that may exist under other Federal laws, except as expressly provided by this Act.

SEC. 11. MAINTENANCE OF EFFORT.

Funds made available under this Act shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $50,000,000,000 for the 10-fiscal year period beginning on October 1, 2002.

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 343. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, though there are glimmers of hope in Native communities, most Native Americans remain racked by unemployment, mired in poverty, and rank at or near the bottom of nearly every social and economic indicator of well-being that is tallied.

For years the Committee on Indian Affairs has made strengthening Indian economies a top priority. Healthy tribal economies and lower unemployment rates are imperative if tribes are to achieve the goals of self-sufficiency and true self-determination.

Although federal economic development assistance has been available for years, poverty, ill-health, and unemployment remain rampant on most Indian reservations.

One reason for the lack of success, despite spending billions of dollars promoting Indian economic development, is the absence of a consistent and consolidated federal mechanism that targets development resources to the areas and projects that are most promising. Indian business, economic, and community development programs span the entire federal government and for any given project undertaken by a tribe there may be 6 to 8 or more agencies involved. This fragmentation and lack of coordination is not producing the kind of results Indian country so badly needs.

To begin to remedy this problem, today I am pleased to introduce legislation that builds on the most successful federal Indian policy to date, Indian self-determination, and seeks to expand the principles of self-determination, and seeks to expand the principles of self-determination to the economic development realm.

The Indian Self-Determination and Education Assistance Act of 1975 authorizes Indian tribes and tribal consortia to "step into the shoes" of the federal government to administer programs and services historically provided by the United States.

This act has worked as it was intended and has resulted in improved efficiency of program delivery and service quality; increased tribal administrative acumen; better managed tribal institutions; stronger tribal economies; and a positive and healthy shift away from federal control over Indian lives to more flexible decision making and local control.

What began as a demonstration project in 1975 has blossomed into an every-increasing number of tribal governments that have come to realize the benefits of self-governance.

As of 1999, nearly 48 percent of all Bureau of Indian Affairs, BIA, and 50 percent of all Indian Health Service, IHS, programs and services have been assumed by tribes pursuant to Indian Self-Determination Act contracts and compacts.

The legislation I introduce today will launch the second phase of the self-determination experiment by assisting

Indian tribes in their use and maximization of existing resources for purposes of economic development.

By authorizing tribes and tribal consortia to consolidate and target existing funds for development purposes, this bill will promote a more efficient use of those resources. Perhaps more importantly, this legislation will lay the foundation for a coordinated development strategy that looks to employment creation, investment and improved standards of living in Indian country rather than how much money is spent by the federal government as the real measure of a successful development policy.

One goal of this bill is to eliminate inconsistencies and duplication in federal policies that continue to be a barrier to Indian development through the issuance of uniform regulations and policies governing the use of funds across agencies.

Similar to the demonstration project that will be authorized by this bill is the 477 Program which was created by Public Law 102-477. Under the 477 Program, tribes are eligible to consolidate all federally funded employment training and related services into a single, fully integrated program. This integration promotes tribal flexibility and efficiency, and has been one of the few successes in federal Indian economic development.

By authorizing federal-tribal arrangements to combine and coordinate resources, this bill will make the best use of existing programs to assist tribes in attracting private investment and capital into Indian reservations.

In the 106th Congress, the Committee on Indian Affairs held a hearing on an almost identical version of this bill. At the hearing, the committee received testimony strongly supporting the type of consolidation and coordination of federal resources represented in this legislation.

I am hopeful that the legislation introduced today will signal a new day for how the federal government assists Native communities in creating jobs and building a better future for their members.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

The Act may be cited as the "Indian Tribal Development Consolidated Funding Act of 2001".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) A unique legal and political relationship exists between the United States and Indian tribes that is reflected in article I, section 8, clause 3 of the Constitution, various treaties, Federal statutes, Supreme Court decisions, executive agreements, and course of dealing.

(2) Despite the infusion of substantial Federal dollars into Native American communities over several decades, the majority of Native Americans remain mired in poverty, unemployment, and despair.

(3) The efforts of the United States to foster community, economic, and business development in Native American communities have been hampered by fragmentation of authority, responsibility, and performance, and by lack of timeliness and coordination in resources and decision-making.

(4) The effectiveness of Federal and tribal efforts to generate employment opportunities and bring value-added activities and economic growth to Native American communities depends on cooperative arrangements among the various Federal agencies and Indian tribes.

(b) PURPOSES.—The purpose of this Act are to—

(1) enable Indian tribes and tribal organizations to use available Federal assistance more effectively and efficiently;

(2) adapt and target such assistance more readily to particular needs through wider use of projects that are supported by more than 1 executive agency, assistance program, or appropriation of the Federal Government;

(3) encourage Federal-tribal arrangements under which Indian tribes and tribal organizations may more effectively and efficiently combine Federal and tribal resources to support economic development projects;

(4) promote the coordination of Native American economic programs to maximize the benefits of these programs to encourage a more consolidated, national policy for economic development; and

(5) establish a demonstration project to aid Indian tribes in obtaining Federal resources and in more efficiently administering those resources for the furtherance of tribal self-governance and self-determination.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term "applicant" means an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, that submits an application under this Act for assistance for a community, economic, or business development project, including a project designed to improve the environment, housing facilities, community facilities, business or industrial facilities, or transportation, roads, or highways with respect to the Indian tribe, tribal organization, or consortium.

(2) ASSISTANCE.—The term "assistance" means the transfer of anything of value for a public purpose, support, or stimulation that is—

(A) authorized by a law of the United States;

(B) provided by the Federal Government through grant or contractual arrangements, including technical assistance programs providing assistance by loan, loan guarantee, or insurance; and

(C) authorized to include an Indian tribe or tribal organization, or a consortium of Indian tribes or tribal organizations, as eligible for receipt of funds under a statutory or administrative formula for the purposes of community, economic, or business development.

(3) ASSISTANCE PROGRAM.—The term "assistance program" means any program of the Federal Government that provides assistance for which Indian tribes or tribal organizations are eligible.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) PROJECT.—The term "project" means an undertaking that includes components that contribute materially to carrying out a purpose or closely-related purposes that are proposed or approved for assistance under more than 1 Federal Government program.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. LEAD AGENCY.

The lead agency for purposes of carrying out this Act shall be the Department of the Interior.

SEC. 5. SELECTION OF PARTICIPATING TRIBES.

(a) PARTICIPANTS.—

(1) IN GENERAL.—The Secretary may select from the applicant pool described in subsection (b) Indian tribes or tribal organizations, not to exceed 24 in each fiscal year, to submit an application to carry out a project under this Act.

(2) CONSORTIA.—Two or more Indian tribes or tribal organizations that are otherwise eligible to participate in a program or activity to which this Act applies may form a consortium to participate as an applicant under paragraph (1).

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe or tribal organization that—

(1) successfully completes the planning phase described in subsection (c);

(2) has requested participation in a project under this Act through a resolution or other official action of the tribal governing body; and

(3) has demonstrated, for the 3 fiscal years immediately preceding the fiscal year for which the requested participation is being made, financial stability and financial management capability as demonstrated by the Indian tribe or tribal organization, or each member of a consortium of tribes or tribal organizations, having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe or tribal organization.

(c) PLANNING PHASE.—Each applicant seeking to participate in a project under this Act shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organizational preparation. The applicant shall be eligible for a grant under this section to plan and negotiate participation in a project under this Act.

SEC. 6. APPLICATION REQUIREMENTS, REVIEW, AND APPROVAL.

(a) REQUIREMENTS.—Each applicant seeking to participate in a project under this Act shall submit an application to the head of the Federal executive agency responsible for administering the primary Federal program to be affected by the project that—

(1) identifies the programs to be integrated;

(2) is consistent with the purposes set forth in section 2(b);

(3) describes a comprehensive strategy that identifies the way in which Federal funds are to be integrated and delivered under the project and the results expected from the project;

(4) identifies the projected expenditures under the project in a single budget;

(5) identifies the agency or agencies of the tribal government that are to be involved in the implementation of the project;

(6) identifies any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project; and

(7) is approved by the governing body of the applicant, including in the case of an applicant that is a consortium or tribes or tribal organizations, the governing body of each affected member tribe or tribal organization.

(b) Review.—Upon receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall—

(1) consult with the head of each Federal executive agency that is proposed to provide funds to implement the project and with the applicant submitting the application; and

(2) consult and coordinate with the Department of the Interior as the lead agency under this Act for the purposes of processing the application.

(c) Approval.—

(1) Waivers.—

(A) In general.—With respect to any Federal statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the project that are identified in the application in accordance with subsection (a)(6) or as a result of the consultation required under subsection (b), the head of the Federal executive agency responsible for administering such provision, regulation, policy, or procedure shall, subject to subparagraph (B), waive the requirement so identified, notwithstanding any other provision of law.

(B) Limitation.—A statutory provision, regulation, policy, or procedure identified for waiver under subparagraph (A) may not be waived by the head of the Federal executive agency responsible for administering the provision, regulation, policy, or procedure if such head determines that a waiver would be inconsistent with—

(i) the purposes set forth in section 2(b); or

(ii) the provisions of the statute from which the program involved derives its authority that are specifically applicable to Indian programs.

(2) Project.—Not later than 90 days after the receipt of an application that meets the requirements of subsection (a), the head of the Federal executive agency receiving the application shall inform the applicant submitting the application, in writing, of the approval or disapproval of the application, including the approval or disapproval of a waiver sought in accordance with paragraph (1). If an application or a waiver is disapproved, the written notice shall identify the reasons for the disapproval and the applicant submitting the application shall be given an opportunity to amend the application or to petition the head of the Federal executive agency sending the notice to reconsider the disapproval of the application or the waiver.

SEC. 7. AUTHORITY OF HEADS OF FEDERAL EXECUTIVE AGENCIES.

(a) In General.—The President, acting through the heads of the appropriate Federal executive agencies, shall promulgate regulations necessary to carry out this Act and to ensure that this Act is applied and implemented by all Federal executive agencies.

(b) Scope of Coverage.—The Federal executive agencies that are included within the scope of this Act shall include—

(1) the Department of Agriculture;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Education;

(5) the Department of Energy;

(6) the Department of Health and Human Services;

(7) the Department of Housing and Urban Development;

(8) the Department of the Interior;

(9) the Department of Justice;

(10) the Department of Labor;

(11) the Department of Transportation;

(12) the Department of the Treasury;

(13) the Department of Veterans Affairs;

(14) the Environmental Protection Agency; and

(15) the Small Business Administration.

(c) Activities.—Notwithstanding any other provision of law, the head of each Federal executive agency, acting alone or jointly through an agreement with another Federal executive agency, may—

(1) identify related Federal programs that are likely to be particularly suitable in providing for the joint financing of specific kinds of projects with respect to Indian tribes or tribal organizations;

(2) assist in planning and developing such projects to be financed through different Federal programs;

(3) with respect to Federal programs or projects that are identified or developed under paragraphs (1) or (2), develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance;

(4) review administrative program requirements to identify those requirements that may impede the joint financing of such projects and modify such requirements when appropriate;

(5) establish common technical and administrative regulations for related Federal programs to assist in providing joint financing to support a specific project or class of projects; and

(6) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) an agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(d) Requirements.—In carrying out this Act, the head of each Federal executive agency shall—

(1) take all appropriate actions to carry out this Act when administering a Federal assistance program; and

(2) consult and cooperate with the heads of other Federal executive agencies to carry out this Act in assisting in the administration of Federal assistance programs of other Federal executive agencies that may be used to jointly finance projects undertaken by Indian tribes or tribal organizations.

SEC. 8. PROCEDURES FOR PROCESSING REQUESTS FOR JOINT FINANCING.

In processing an application or request for assistance for a project to be financed in accordance with this Act by at least 2 assistance programs, the head of a Federal executive agency shall take all appropriate actions to ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known to the head of the Federal agency involved by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the Federal Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from 1 Federal executive agency for a requesting Federal executive agency when the requesting agency makes the information or assurances directly.

SEC. 9. UNIFORM ADMINISTRATIVE PROCEDURES.

(a) In General.—To make participation in a project simpler than would otherwise be possible because of the application of varying or conflicting technical or administrative regulations or procedures that are not specifically required by the statute that authorizes the Federal program under which such project is funded, the head of a Federal executive agency may promulgate uniform regulations concerning inconsistent or conflicting requirements with respect to—

(1) the financial administration of the project including with respect to accounting, reporting, and auditing, and maintaining a separate bank account, to the extent consistent with this Act;

(2) the timing of payments by the Federal Government for the project when 1 payment schedule or a combined payment-schedule is to be established for the project;

(3) the provision of assistance by grant rather than procurement contract; and

(4) the accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Federal Government under the project.

(b) Review.—In making the processing of applications for assistance under a project simpler under this Act, the head of a Federal executive agency may provide for review of proposals for a project by a single panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by the statute that authorizes the Federal program under which the project is funded.

SEC. 10. DELEGATION OF SUPERVISION OF ASSISTANCE.

Pursuant to regulations established to implement this Act, the head of a Federal executive agency may delegate or otherwise enter into an arrangement to have another Federal executive agency carry out or supervise a project or class or projects jointly financed in accordance with this Act. Such a delegation—

(1) shall be made under conditions ensuring that the duties and powers delegated are exercised consistent with Federal law; and

(2) may not be made in a manner that relieves the head of a Federal executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

SEC. 11. JOINT ASSISTANCE FUNDS AND PROJECT FACILITATION.

(a) Joint Assistance Fund.—In providing support for a project in accordance with this Act, the head of a Federal executive agency may provide for the establishment by the applicant of a joint assistance fund to ensure that amounts received from more than 1 Federal assistance program or appropriation are more effectively administered.

(b) Agreement.—A joint assistance fund may only be established under subsection (a) in accordance with an agreement by the Federal executive agencies involved concerning the responsibilities of each such agency. Such an agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress; and

(2) provide that the agency administering the fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund.

(c) USE OF EXCESS FUNDS.—In any demonstration project conducted under this Act under which a joint assistance fund has been established under subsection (a) and the actual costs of the project are less than the estimated costs, use of the resulting excess funds shall be determined by the head of the Federal executive agency administering the joint assistance fund, after consultation with the applicant.

SEC. 12. FINANCIAL MANAGEMENT, ACCOUNTABILITY, AND AUDITS.

(a) SINGLE AUDIT ACT.—Recipients of funding provided in accordance with this Act shall be subject to the provisions of chapter 75 of title 31, United States Code.

(b) RECORDS.—With respect to each project financed through an account in a joint management fund established under section 11, the recipient of amounts from the fund shall maintain records as required by the head of the Federal executive agency responsible for administering the fund. Such records shall include—

(1) the amount and disposition by the recipient of assistance received under each Federal assistance program and appropriation;

(2) the total cost of the project for which such assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to conduct an audit of the project.

(c) AVAILABILITY.—Records of a recipient related to an amount received from a joint management fund under this Act shall be made available to the head of the Federal executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

SEC. 13. TECHNICAL ASSISTANCE AND PERSONNEL TRAINING.

Amounts available for technical assistance and personnel training under any Federal assistance program shall be available for technical assistance and training under a project approved for joint financing under this Act where a portion of such financing involves such Federal assistance program and another assistance program.

SEC. 14. JOINT STATE FINANCING FOR FEDERAL-TRIBAL ASSISTED PROJECTS.

Under regulations promulgated under this Act, the head of a Federal executive agency may enter into an agreement with a State to extend the benefits of this Act to a project that involves assistance from at least 1 Federal executive agency, the State, and at least 1 tribal agency or instrumentality. The agreement may include arrangements to process requests or administer assistance on a joint basis.

SEC. 15. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the President shall prepare and submit to Congress a report concerning the actions taken under this Act together with recommendations for the continuation of this Act or proposed amendments thereto. Such report shall include a detailed evaluation of the operation of this Act, including information on the benefits and costs of jointly financed projects that accrue to participating Indian tribes and tribal organizations.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BAUCUS, Mr. MCCAIN, and Mr. INOUYE):

S. 344. A bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be introducing a bill that provides needed clarifications in the law to improve the administration of both the Indian Reservation Roads Program and the Indian Reservation Road Bridge Program to better meet the transportation needs in native communities.

There is still an enormous need for physical infrastructure on Indian lands throughout the country. This infrastructure is necessary for Indian tribes and their citizens to carry out emergency services, law enforcement, and the transportation of goods and services.

Good transportation is fundamental to attracting private investment and enterprise into Native communities. When entrepreneurs or investors are calculating whether to invest in a community they first look to see if the basic building blocks exist within the community. Roads, highways, electricity, potable water, and other amenities are critical factors that investors look to before making their investment decisions.

For Indian communities, efficient and effective federal road financing and construction are one factor leading to healthy economies and higher standards of living.

In 1998 Congress enacted the Transportation Equity Act of the twenty-first century, "TEA–21," to authorize federal surface transportation programs with the goals of improved highways, increased safety, protecting the environment, and increased economic growth.

In passing TEA–21, Congress approved several Indian provisions that I was proud to have sponsored. One important provision required negotiated rule-making to develop an allocation formula that is both flexible and fair in addressing the needs of all Indian communities throughout the country. Another provision provided that all Indian reservation road monies under TEA–21 are eligible for tribes to contract and compact under the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93–638, as amended.

In the 106th Congress, the Committee on Indian Affairs held two hearings on the Indian reservation roads program and TEA–21. From testimony and other evidence presented, it is evident that there remain serious obstacles to a more efficient functioning of TEA–21 in Indian communities. I am sorry to say that one of the obstacles appears to be the administration of the program by the Bureau of Indian Affairs, BIA, itself.

Although reservation roads comprise 2.63 percent of the federal highway system, less than 1 percent of federal aid has been allocated to Indian roads. This bill would remove the so-called "obligation limitation" contained within TEA–21 and would allow the already-authorized funds for Indians to reach the intended beneficiaries. In fiscal year 2001, imposition of the obligation limitation diverted $34 million from the Indian Reservation Road program.

This bill also authorizes the Federal Lands Highway Program, FLHP, to establish a pilot program in which up to 12 tribes may, in their discretion, contract directly with the FLHP for the administration of their roads programs. The dual goals of this pilot program are to promote a more efficient use of existing resources, and to further the policy of Indian self-determination.

Under current law, the BIA is authorized to use "up to 6 percent" of roads funding for oversight and administration of the Indian roads program. If it was not clear in 1998, it should be clear now that these funds are not intended to be available to subsidize other BIA roads operations nor are they intended to be used for other BIA purposes.

The bill I am introducing today contains a provision that clarifies the "up to 6 percent" language by reiterating Congress' intent that the figure was and is intended as a maximum, not a minimum, funding level with regard to the BIA's administrative costs.

This bill also clarifies that tribes who are administering their Indian reservation roads program under Public Law 93–638 are authorized to receive the monies that the BIA would have used to administer these tribes' roads programs. Because tribes that are either "638" contractors or compactors have assumed the BIA's administrative functions, it is unnecessary for the BIA to withhold either administrative or project related funding from these tribes.

Finally, this bill seeks to eliminate the redundancy that is currently required in the health and safety certification process by allowing tribes to meet statutorily required health and safety standards without the need for a second, duplicative effort by the BIA. It is important to note that the standards themselves will not change, nor will the need for tribal compliance with those standards change.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Surface Transportation Act of 2001".

SEC. 2. AMENDMENTS RELATING TO INDIAN TRIBES.

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note) is amended—

(1) by striking "Code, and" and inserting "Code,"; and

(2) by inserting before the semicolon the following: ", and for each of fiscal years 2002 and 2003, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code".

(b) PILOT PROGRAM.—Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

"(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A), shall be made available, upon request of the Indian tribal government involved, to the Indian tribal government for contracts and agreements for the planning, research, engineering, and construction described in such subparagraph in accordance with the Indian Self-Determination and Education Assistance Act.

"(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies, shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

"(iii) SELECTION OF PARTICIPATING TRIBES.—

"(I) PARTICIPANTS.—

"(aa) IN GENERAL.—The Secretary shall select 12 geographically diverse Indian tribes in each fiscal year from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

"(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for purposes of becoming part of the applicant pool under subclause (II).

"(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equivalent to the funding that such tribe would otherwise receive pursuant to the funding formula established under section 1115(b) of the Transportation Equity Act for the 21st Century, plus an additional percentage of such amount, such additional percentage to be equivalent to the percentage of funds withheld during the fiscal year involved for the road program management costs of the Bureau of Indian Affairs under section 202(f)(1) of title 23, United States Code.

"(II) APPLICANT POOL.—The applicant pool described in this subclause shall consist of each Indian tribe (or consortium) that—

"(aa) has successfully completed the planning phase described in subclause (III);

"(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

"(cc) has, during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested, demonstrated financial stability and financial management capability through a showing of no material audit exceptions by the Indian tribe during such period.

"(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subparagraph, evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

"(IV) PLANNING PHASE.—An Indian tribe (or consortium) requesting participation in the project under this subparagraph shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organization preparation. The tribe (or consortium) shall be eligible to receive a grant under this subclause to plan and negotiate participation in such project.".

(c) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) INDIAN RESERVATION ROADS, ADMINISTRATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, not to exceed 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs shall be used to pay the administrative expenses of the Bureau for the Indian reservation roads program and the administrative expenses related to individual projects that are associated with such program. Such administrative funds shall be made available to an Indian tribal government, upon the request of the government, to be used for the associated administrative functions assumed by the Indian tribe under contracts and agreements entered into pursuant to the Indian Self-Determination and Education Assistance Act.

"(2) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribe or tribal organization may commence road and bridge construction under the Transportation Equity Act for the 21st Century (25 U.S.C. 104) that is funded through a contract or agreement under the Indian Self-Determination and Education Assistance Act so long as the Indian tribe or tribal organization has—

"(A) provided assurances in the contract or agreement that the construction will meet or exceed proper health and safety standards;

"(B) obtained the advance review of the plans and specifications from a licensed professional who has certified that the plans and specifications meet or exceed the proper health and safety standards; and

"(C) provided a copy of the certification under subparagraph (B) to the Bureau of Indian Affairs.

"(g) INDIAN RESERVATION ROADS PROGRAM, SAFETY INCENTIVE GRANTS.—

"(1) SEAT BELT SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive allocations under section 157 to assist Indian communities in developing innovative programs to promote increased seat belt use rates.

"(2) INTOXICATED DRIVER SAFETY INCENTIVE GRANT ELIGIBILITY.—Notwithstanding any other provision of law, an Indian tribe that is eligible to participate in the Indian reservation roads program under subsection (d) shall be deemed to be a State for purposes of being eligible for safety incentive grant funding under section 163 to assist Indian communities in the prevention of the operation of motor vehicles by intoxicated persons.

"(3) GRANT FUNDING PROCEDURES AND ELIGIBILITY CRITERIA.—The Secretary, in consultation with Indian tribal governments, may develop funding procedures and eligibility criteria applicable to Indian tribes with respect to allocations or grants described in paragraphs (1) and (2). The Secretary shall ensure that any such procedures or criteria are published annually in the Federal Register.".

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. INHOFE, and Mr. SMITH of Oregon):

S. 346. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators STEVENS, BURNS, CRAIG, CRAPO, INHOFE, and GORDON SMITH in introducing the Ninth Circuit Court of Appeals Reorganization Act of 2001. While this bill is not the first attempt to solve the crisis of the Ninth Circuit, I believe the need for change has never been greater. The Ninth Circuit has grown so large, and has drifted so far from prudent legal reasoning, that sweeping change is in order.

Congress has already recognized that change is needed. In 1997, we commissioned a report on structural alternatives for the federal courts of appeals. The Commission, chaired by former Supreme Court Justice Byron R. White, found numerous faults within the Ninth Circuit. In its conclusion, the Commission recommended major reforms and a drastic reorganization of the Circuit.

This bill will divide the Ninth Circuit into two independent circuits. The new Ninth Circuit would contain Arizona, California, and Nevada. A new Twelfth Circuit would be composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands. Immediately upon enactment, the concerns of the White Commission will be addressed. A more cohesive, efficient, and predictable judiciary will emerge.

In this debate, let us not forget why change is in order. The Ninth Circuit extends from the Arctic Circle to the Mexican border, spans the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands. Encompassing some 14 million square miles, the Ninth Circuit, by any means of measure, is the largest of all U.S. Circuit Courts of Appeal. It is larger than the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits combined!

The Circuit serves a population of more than 50 million people, almost 60 percent more than are served by the next largest circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million. That's an increase of 13 million people in just 10 years! How many people does this court have to serve before Congress will realize that the Ninth Circuit is overwhelmed by its population?

As I noted before, legislation to split the Ninth Circuit is certainly not novel. Since the day the Ninth Circuit was founded over a century ago, Congress has tinkered with the structure of the Circuit and has debated its split.

In 1866, Congress established a newly numbered Ninth Circuit Court of Appeals consisting of California, Nevada, and Oregon. Congress included Montana, Washington, and Idaho in the Circuit at the time each gained statehood. The present Ninth Circuit was completed by including Hawaii in 1911, Alaska in 1925, Arizona in 1929, Guam in 1951 and the Northern Mariana Islands in 1977. During this period of geographic expansion, Congress determined a split of the Ninth Circuit to be inevitable; numerous proposals to divide the Ninth Circuit were debated in Congress since before World War II.

Congressional members were not alone in advocating a split. In 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System Commission, commonly known as the Hruska Commission, recommended that the Ninth Circuit be divided. Also that year, the American Bar Association adopted a resolution in support of dividing the Ninth Circuit. The Hruska recommendation sparked controversy because it called for a Circuit division that split the state of California in half. Instead of that radical approach, Congress, in 1978, created the en banc proceedings as an effort to streamline the Ninth Circuit's docket. In 1990, the United States Department of Justice endorsed legislation to split the Ninth Circuit in a surprising reversal of the official "no position" approach it had previously assumed.

In 1995, a bill was reported from the Senate Judiciary Committee in which Chairman ORRIN HATCH of Utah declared in his Committee's report that the time for a split had arrived:

> The legislative history, in conjunction with available statistics and research concerning the Ninth Circuit, provides an ample record for an informed decision at this point as to whether to divide the Ninth Circuit . . . Upon careful consideration the time has indeed come.

Even more recently, Supreme Court Justice Anthony M. Kennedy had stated his concerns regarding the size of the Ninth Circuit. Justice Kennedy, a former member of the Ninth Circuit for twelve years, testified before a Senate Appropriations subcommittee, and stated that he has "increasing doubts about the wisdom of retaining, the Circuit's current size." During a House subcommittee hearing, Justice Kennedy had earlier voiced his reservations about the Circuit's size, saying that it "is larger than it ought to be," and he recommended "looking very hard" at dividing the Circuit.

Arguments in support of dividing the Ninth Circuit are both qualitative and quantitative. The magnitude of case filings in the Ninth Circuit creates a slow and cumbersome docket. Once a final brief is filed, it takes longer to receive a hearing or submission in the Ninth Circuit than any other Circuit. And, from the time of a lower court filing to final disposition, the Ninth Circuit is the second slowest Circuit in the nation.

The Ninth Circuit's travel expenses are the largest in the federal system, and operating costs of the Ninth Circuit surpass the costs of all other Circuits. In 1990, Congress allocated to the Ninth Circuit 28 active judges, which surpasses by twelve the second largest appellate court. This increase means that judicial travel expenses in 1996 were over double the amount of any other circuit. Additionally, support staff of the Circuit is so large and unwieldy that one appellate judge facetiously complained that it was "impossible to determine who actually was assigned to clerk."

The ever-expanding docket in the Ninth Circuit creates an inherent difficulty in keeping abreast of legal developments within its own jurisdiction, rendering inconsistency in Constitutional interpretation within the Court. Interestingly, the statistical opportunities for inconsistency on a 28 panel court calculates out to be 3,276 combinations of panels that could resolve any given issue. Former Oregon Senator Mark Hatfield expressed much concern about the growing inconsistency of the Ninth Circuit, stating that the "increased likelihood of intracircuit conflicts is an important justification for splitting the court."

One only needs to review the appallingly high reversal rate of Ninth Circuit cases to appreciate the severity of the problem. For example, between the years 1990 and 1995, the Ninth Circuit's average rate of reversal was higher than any other circuit. During its 1995–1996 session, the Supreme Court overturned an astounding 83% of the cases heard from the Ninth Circuit, a figure which is 30 percent higher than the national average reversal rate. In the 1996–1997 session alone, an astounding 95% of its cases reviewed by the Supreme Court were overturned. This number should raise more than a few eyebrows. A split of the Circuit would enable a more complete and sound review, thereby reducing the Circuit's rate of reversal before the Supreme Court.

Many who oppose legislation to bifurcate the Ninth Circuit, contend that all the Circuit needs is the appropriation of more federal dollars for more federal judges. However, history reveals this contention to be false. In fact, Congressional increases in the number of judges have yielded few improvements. Studies on omnibus judgeships legislation concluded that adding "judges only delayed what appeared to be a nearly inexorable climb in appeals taken to the court" and only served to further tax the judicial confirmation process.

As early as 1954, Supreme Court Justice Felix Frankfurter warned that the courts' growing business could not "be met by a steady increase in the number of federal judges" because this increase was "bound to depreciate the quality of the federal judiciary and thereby adversely affect the whole system." Soon after Congress divided the former Fifth Circuit, former Senator and Alabama Supreme Court Chief Justice, Howell Heflin, a Democrat from Alabama, remarked that "Congress recognized that a point is reached where the addition of judges decreases the effectiveness of the court, complicates the administration of uniform law, and potentially diminishes the quality of justice within a Circuit."

Former Oregon Senator Bob Packwood believed that a circuit split would enable judges to achieve a greater mastery of applicable, but unique, state law and state issues. He believed such a mastery was necessary because "burgeoning conflicts in the area of natural resources and the continuing expansion of international trade efforts will all expand the demand for judicial excellence . . . By reforming our courts now, they will be better able to dispense justice in a fair and expeditious manner."

I concur. The uniqueness of the Northwest, and in particular, Alaska, cannot be overstated. An effective appellate process demands mastery of state law and state issues relative to the geographic land mass, population and native cultures that are unique to the relevant region. Presently, California is responsible for almost 50 percent of the appellate court's filings, which means that California judges and California judicial philosophy dominate judicial decision on issues that are fundamentally unique to the Pacific Northwest. This need for greater regional representation is demonstrated by the fact that the East Coast is comprised of five federal circuits. A division of the Ninth Circuit will enable judges, lawyers and parties to master a more manageable and predictable universe of relevant caselaw.

Further, a division of the Ninth Circuit would honor Congress' original intent in establishing appellate court boundaries that respect and reflect a regional identity. In spite of efforts to modernize the administration of the Ninth Circuit, its size works against the original purpose of its creation: the uniform, coherent and efficient development and application of federal law in the region. Establishing a circuit comprised solely of states in the Northwest region would adhere to Congressional intent. Alaska, Washington, Oregon, Hawaii, Idaho, and Montana share similar land bases, populations and economies. Each state contains a high percentage of public lands, fairly comparable populations, is financially dependent upon tourism, and is blessed with an abundance of natural resources. A new Twelfth Circuit, comprised of states of the Pacific Northwest, would respect the economic, historical, cultural and legal ties which philosophically unite this region.

No one Court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. Legislation dividing the Ninth Circuit will create a regional commonality which will lead to greater uniformity and consistency in the development of federal law, and will ultimately strengthen the constitutional guarantee of justice to all.

While I may believe even more sweeping change is in order, I strongly urge that this body address the crisis in our judiciary system. It is the 50 million residents of the Ninth Circuit that suffer from our inaction. These Americans wait years before their cases are heard. And after these unreasonable delays, justice may not even be served by an over-stretched and out of touch judiciary.

Congress has known about the problem in the Ninth Circuit for a long time. Justice has been delayed too long. The time for reform has come, and I urge action on this bill.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ninth Circuit Court of Appeals Reorganization Act of 2001".

SEC. 2. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Arizona, California, Nevada.";

and

(B) by inserting between the last 2 items the following:

"Twelfth .... Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, Washington.".

SEC. 3. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 20";

and

(2) by inserting between the last 2 items the following:

"Twelfth .... 8".

SEC. 4. PLACES OF CIRCUIT COURT.

The table in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... San Francisco, Los Angeles.";

and

(2) by inserting between the last 2 items at the end the following:

"Twelfth .... Portland, Seattle.".

SEC. 5. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this Act—

(1) is in Arizona, California, or Nevada is assigned as a circuit judge of the new ninth circuit; and

(2) is in Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

SEC. 6. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 8. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1), shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 9. DEFINITIONS.

In this Act, the term—

(1) "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 2(2); and

(3) "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 2(3).

SEC. 10. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act and the amendments made by this Act. Such court shall cease to exist for administrative purposes on July 1, 2003.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 2001.

By Mr. THOMAS.

S. 347. A bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works.

Mr. THOMAS. Mr. President, I rise today to introduce the Listing and Delisting Reform Act of 2001. The Endangered Species Act has become one of the best examples of good intentions gone astray, and so today I am taking one small step toward injecting some common sense into what has become a regulatory nightmare. It is my intention to start making the law more effective for local landowners, public land managers, communities and state governments who truly hold the key to any successful effort to conserve species. My legislation seeks to improve the listing, recovery planning and delisting processes so that recovery, the goal of the act, is easier to achieve.

In Wyoming, we have seen first hand the need to revise the listing and delisting processes of the Endangered Species Act. Listing should be a purely scientific decision. Listing should be based on credible data that has been peer-reviewed. Not long ago, the Prebles Meadow Jumping Mouse was listed in the State of Wyoming. The listing process for this mouse demonstrates how the system has gone haywire devoid of good science. One of the more significant shortcomings of the Preble's Rule relates to confusion about claims regarding the "known range" of as opposed to the alleged "historical range." Historical data and current knowledge do not support the high, short-grass, semi-arid plains for southeastern Wyoming as part of the mouse's historical habitat range. The U.S. Fish and Wildlife Service has even admitted to uncertainties regarding taxonomic distinctions and ranges. Further, the state was not properly notified causing counties, commissioners, and landowners all to be caught off guard. Such poor practices do not foster the types of partnerships that are required if meaningful species conservation is to occur. Clearly, changes are desperately needed to the Endangered Species Act.

Not far behind the mouse in Wyoming, was the black tailed prairie dog. Petitions to list the prairie dog were being filed with the U.S. Fish and Wildlife Service. I've lived in Wyoming most of my life, and I've logged a lot of miles on the roads and highways in my state over the years. I can tell you from experience that there is no shortage of prairie dogs in Wyoming. Any farmer or rancher will concur with that opinion. This petition, and countless other actions throughout the country, makes it painfully clear that some folks are intent on completely eliminating activity on public lands, no matter what the cost to individuals or local communities that rely on the land for economic survival.

My legislation will require the Secretary of the Interior to use scientific or commercial data that is empirical, field tested and peer-reviewed. Right now, it's basically a "postage stamp" petition: any person who wants to start a listing process may petition a species with little or no scientific support. This legislation prevents this absurd practice by establishing minimum requirements for a listing petition that includes an analyses of the status of the species, its range, population trends and threats. The petition must also be peer reviewed. In order to list a species, the Secretary must determine if sufficient biological information exists in the petition to support a recovery plan. Under my proposal, states are made active participants in the process and the general public is provided a more substantial role.

This legislation requires explicit planning and forethought with regard to conservation and recovery at the time the species is listed. Let me be clear about the intent of this requirement. I do not question the basic premise that some species require the protection of the Endangered Species Act. However, listing a species can cause hardship on a community. For that reason, it is critically important and only reasonable that every listing be supported by sound science. We should be sure of the need for a listing before we ask the members of our communities and private landowners to make sacrifices.

In the past in my State of Wyoming, I have found that with several listings, the Secretary of the Interior was unable to tell me what measures were required to achieve species recovery. The Secretary could not tell me what acts or omissions we could expect to face as a consequence of listing. How can this be, if the Secretary is fully apprized of the status of the species? Conversely, if the Secretary cannot clearly describe how to reverse threatening acts to a species so that we can achieve recovery, how can we be sure that the species is, in fact, threatened?

This ambiguity has caused much undue frustration to the people of Wyoming. If the Secretary believes that certain farming or ranching practices, or the diversion of a certain amount of water, or a private citizen's development of one's own property, is the cause for a listing, then the Secretary should identify those activities that have to be curtailed or changed. If the Secretary does not have enough information to indicate what activities should be restricted, then why list a species? Why open producers and others to the burden of over-zealous enforcement and even litigation without being able to achieve the goal of recovering the species?

This legislation is ultimately designed to improve the quality of information used to support a listing. If the Secretary knows enough to list a species, he should know enough to tell us what will be required for recovery. That should be the case under current law, and that is all that this provision would require.

Just as the beginning of the process needs changes, we need to revise the end of the process the de-listing procedure. Recovery and delisting are quite simply, the goals of the Endangered Species Act. Yet, it is virtually impossible to currently de-list a species. There is no certainty in the process and the states the folks who have all the responsibility for managing the species once it is off the list are not true partners in that process. Once the recovery plan is met, the species should be de-listed.

Wyoming's experience with the grizzly bear pinpoints some of the problems with the current de-listing process. The Interagency Grizzly Bear Committee set criteria for recovery and in the Yellowstone ecosystem, those targets have been met, but the bear has still not been removed from the list. We've been battling the U.S. Fish and Wildlife Service for years over this one to no avail, despite tremendous effort and financial resources to meet recovery objectives. Despite rebounded populations, we keep funneling money down a black hole.

The point is something needs to be done. My constituents, rightly so, are angry and upset about this current law and the trickling effects of countless listings. Real lives are being impacted. It is time for some real changes. These are small changes but I believe they will make big impacts. The changes I've suggested will have a significant affect on the quality of science, public participation, state involvement, speed in recovery and finally the delisting of a species. Species that truly need protection will be protected, but let's not lost sight of the real goal recovery and delisting. I ask unamious consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Endangered Species Listing and Delisting Process Reform Act of 2001".

SEC. 2. LISTING PROCESS REFORMS.

(a) Best Scientific and Commercial Data Available.—

(1) In general.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

"DEFINITIONS AND GENERAL PROVISIONS";

(B) by striking "For the purposes of this Act—" and inserting the following:

"(a) Definitions.—In this Act:"; and

(C) by adding at the end the following:

"(b) General Provisions.—In any case in which this Act requires the Secretary to use the best scientific and commercial data available, the Secretary shall obtain and use scientific or commercial data that are empirical or have been field-tested or peer-reviewed.".

(2) Conforming amendment.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 3 and inserting the following:

"Sec. 3. Definitions and general provisions.".

(b) Finding of Sufficient Biological Information To Support Recovery Planning.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "shall make" and inserting the following: "shall—

"(i) make";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) determine that a species is an endangered species or a threatened species only if the Secretary finds that there is sufficient biological information to support recovery planning for the species under subsection (f)."; and

(2) in the first sentence of paragraph (3)(A), by inserting before the period at the end the following: "and as to whether the petition presents sufficient biological information to support recovery planning for the species under subsection (f)".

(c) Petition Process.—Section 4(b)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)) is amended by adding at the end the following:

"(E) Listing petition information.—In the case of a petition to add a species to a list published under subsection (c), a finding that the petition presents the information described in subparagraph (A) shall not be made unless the petition provides—

"(i) documentation from a published scientific source that the fish, wildlife, or plant that is the subject of the petition is a species;

"(ii)(I) a description of the available data on the historical and current range and distribution of the species;

"(II) an explanation of the methodology used to collect the data; and

"(III) identification of the location where the data can be reviewed;

"(iii) an appraisal of the available data on the status and trends of all extant populations of the species;

"(iv) an appraisal of the available data on the threats to the species;

"(v) an identification of the information contained or referred to in the petition that has been peer-reviewed or field-tested; and

"(vi) a description of at least 1 study or credible expert opinion, from a person not affiliated with the petitioner, to support the action requested in the petition.

"(F) Notification to states.—

"(i) Petitioned actions.—If a petition is found to present information described in subparagraph (A), the Secretary shall—

"(I) notify and provide a copy of the petition to the State agency of each State in which the species is believed to occur; and

"(II) solicit the assessment of the agency as to whether the petitioned action is warranted, which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

"(ii) Other actions.—If the Secretary has not received a petition to add a species to a list published under subsection (c) and the Secretary is considering proposing to list the species as an endangered species or a threatened species under subsection (a), the Secretary shall—

"(I) notify the State agency of each State in which the species is believed to occur; and

"(II) solicit the assessment of the agency as to whether the listing would be in accordance with subsection (a), which assessment shall be submitted to the Secretary during a comment period ending 90 days after the date of the notification.

"(iii) Consideration of state assessments.—Before publication of a finding described in subparagraph (A) that a petitioned action is warranted, the Secretary shall consider any assessments submitted with respect to the species within the comment period established under clause (i) or (ii).".

(d) Improvement of Public Hearings in the Listing Process.—

(1) In general.—Section 4(b)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(5)) is amended by striking subparagraph (E) and inserting the following:

"(E) promptly hold at least 2 hearings in each State in which the species proposed for determination as an endangered species or a threatened species is located (including at least 1 hearing in an affected rural area if 1 or more rural areas within the State are affected by the determination), except that the Secretary may not be required to hold more than 10 hearings under this subparagraph with respect to the proposed regulation.".

(2) Definition of rural area.—Section 3(a) of the Endangered Species Act of 1973 (16 U.S.C. 1532(a)) (as amended by subsection (a)(1)(B)) is amended—

(A) by redesignating paragraphs (12) through (14) as paragraphs (11) through (13), respectively; and

(B) by inserting before paragraph (15) the following:

"(14) Rural area.—The term 'rural area' means a county or unincorporated area that has no city or town with a population of more than 10,000 individuals.".

(3) Conforming amendment.—Section 7(n) of the Endangered Species Act of 1973 (16 U.S.C. 1536(n)) is amended in the first sentence by striking ", as defined by section 3(13) of this Act,".

(e) Emergency Listing.—Section 4(b)(7) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(7)) is amended in the first sentence by striking "posing a significant risk to the well-being" and inserting "that poses an imminent threat to the continued existence".

(f) Other Listing Reforms.—Section 4(b) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)) is amended by adding at the end the following:

"(9) Availability of listing data.—

"(A) In general.—Subject to subparagraph (B), upon publication of a proposed regulation determining that a species is an endangered species or a threatened species, the Secretary shall make publicly available—

"(i) all information on which the determination is based, including all scientific studies and data underlying the studies; and

"(ii) all information relating to the species that the Secretary possesses and that does not support the determination.

"(B) Limitation.—Subparagraph (A) does not require disclosure of any information that—

"(i) is not required to be made available under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); or

"(ii) is prohibited from being disclosed under section 552a of title 5, United States Code (commonly known as the 'Privacy Act').

"(10) Establishment of criteria for scientific studies to support listing.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall promulgate regulations that establish criteria that must be met for scientific and commercial data to be used as the basis of a determination under this section that a species is an endangered species or a threatened species.

"(11) Field data.—

"(A) Requirement.—The Secretary may not determine that a species is an endangered species or a threatened species unless the determination is supported by data obtained by observation of the species in the field.

"(B) Data from landowners.—The Secretary shall—

"(i) accept and acknowledge receipt of data regarding the status of a species that is collected by an owner of land through observation of the species on the land; and

"(ii) include the data in the rulemaking record compiled for any determination that the species is an endangered species or a threatened species.".

SEC. 3. DEADLINE FOR DEVELOPMENT OF RECOVERY PLANS.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

"(6) Deadline for development of recovery plans.—The Secretary shall—

"(A) begin developing a recovery plan required for a species under paragraph (1) on the date of promulgation of the proposed regulation to implement a determination under subsection (a)(1) with respect to the species; and

"(B) issue a recovery plan in final form not later than the date of promulgation of the final regulation to implement the determination.".

SEC. 4. DELISTING.

Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) (as amended by section 3) is amended by adding at the end the following:

"(7) Effect of fulfillment of recovery plan criteria.—

"(A) Change in status.—If the Secretary finds that the criteria of a recovery plan have been met for a change in status of the species covered by the recovery plan from an endangered species to a threatened species, or from a threatened species to an endangered species, the Secretary shall promptly publish in the Federal Register a notice of the change in status of the species.

"(B) Removal from listing.—If the Secretary finds that the criteria of a recovery plan have been met for the removal of the species covered by the recovery plan from a list published under subsection (c), the Secretary shall promptly publish in the Federal Register a notice of an intent to remove the species from the list.".

By Mr. HUTCHINSON:

S. 348. A bill to amend the Small Business Act to extend the authorization for the drug-free workplace program; to the Committee on Small Business.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Drug-Free Workplace Program Extension Act of 2001. This important legislation will reduce the number of employees who engage in substance abuse while on the job and will thus directly improve worker safety. As employee substance abuse declines, there will be a corresponding decline in the number of drug-related fatalities, injuries, and lost workdays. Workers who abuse substances not only hurt themselves, but their coworkers as well.

Approximately 1,000 workers are currently being injured and killed each year as a direct result of their own and their coworkers' substance abuse. Prior to 1993, the Bureau of Labor Statistics, BLS, reported that toxicological reports for occupational fatalities indicated that one-sixth of the nation's workers who died on the job were under the influence of alcohol or a controlled substance. Unfortunately, the true extent of this problem is not definitively known as a result of the Department of Labor's decision to order the BLS to discontinue the tracking of this statistic. In the meantime, we can commit to providing additional funding to enhance drug-free workplace programs.

The Drug-Free Workplace Program Extension Act of 2001 would simply amend the Small Business Act, SBA, to authorize another $10 million, $5 million each, in fiscal years 2004 and 2005 for grants to states and non-profit organizations working with small businesses to promote drug-free workplaces. I ask my colleagues to join me in this simple, non-partisan attempt to enhance the safety of American workers and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Workplace Program Extension Act of 2001".

SEC. 2. PROGRAM EXTENSION.

(a) IN GENERAL.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking "2003" and inserting "2005".

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "2003" and inserting "2005".

By Mr. HUTCHINSON (for himself, Mr. HARKIN, Mr. SMITH of Oregon, Mr. THOMAS, Mr. BINGAMAN, Mr. SARBANES, Mr. FEINGOLD, and Mr. JOHNSON):

S. 349. A bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, I rise today with my colleagues Senator HARKIN, Senator GORDON SMITH, and Senator THOMAS to introduce the Rural Law Enforcement Assistance Act of 2001. This important legislation will authorize the funding necessary to ensure that rural law enforcement agencies are able to secure the technical assistance, education, and training they need.

As in my home state of Arkansas, many rural law enforcement agencies are comprised of a handful of officers and don't have the financial resources to provide them with crucial technical assistance, education, and training. However, the need for these services is greater than ever as these officers are increasingly facing violent crimes that were once confined to urban settings. When one considers the fact that ten officers in 100,000 die in the line of duty each year in rural counties and communities with a population less than 25,000, as contrasted with seven in 100,000 in the largest cities, this legislation becomes necessary.

I am very proud that, under the leadership of Dr. Lee Colwell, the former Associate Director of the Federal Bureau of Investigation, the National Center for Rural Law Enforcement in Little Rock, Arkansas has taken the lead in addressing this problem. Since 1985, the Center has been providing the technical assistance, education, and training that rural law enforcement agencies so critically need. For instance, the Center is currently providing Internet access, forensic science education and training, and model management and investigative policies to rural law enforcement agencies throughout the nation. Its effectiveness is readily apparent as it is strongly supported by law enforcement agencies located in the following 40 states: Alabama; Alaska; Arizona; Arkansas; California; Connecticut; Delaware; Florida; Georgia; Illinois; Indiana; Iowa; Kentucky; Louisiana; Maine; Maryland; Michigan; Minnesota; Mississippi; Missouri; Montana; Nebraska; Nevada; New Jersey; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; South Carolina; South Dakota; Tennessee; Texas; Utah; Vermont; Virginia; Wisconsin; and Wyoming.

The Rural Law Enforcement Assistance Act of 2001 will establish eight regional centers to compliment the Center and thereby expand the technical assistance, education, and training available to local law enforcement agencies throughout our nation. Thus, I ask my colleagues to join with me as I work to see that this important measure is enacted into law and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Law Enforcement Assistance Act of 2001".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the members of the Board of the Center elected in accordance with the bylaws of the Center.

(2) CENTER.—The term "Center" means the National Center for Rural Law Enforcement, a nonprofit corporation located in Little Rock, Arkansas.

(3) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of the Center as appointed in accordance with the bylaws of the Center.

(4) INSTITUTIONS OF HIGHER EDUCATION.—The term "institutions of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(5) METROPOLITAN STATISTICAL AREA.—The term "metropolitan statistical area" has the same meaning given the term by the Bureau of the Census of the Department of Commerce.

(6) RURAL AREA.—The term "rural area" means an area that is located outside of a metropolitan statistical area.

(7) RURAL LAW ENFORCEMENT AGENCY.—The term "rural law enforcement agency" means a criminal justice or law enforcement agency that serves a county, parish, city, town, township, borough, or village that is located in a rural area.

SEC. 3. EDUCATION AND TRAINING PROGRAM GRANTS.

(a) GRANT AUTHORITY.—The Attorney General shall annually make a grant to the National Center for Rural Law Enforcement through the Office of Justice Programs, Bureau of Justice Affairs, if the Executive Director certifies in writing to the Attorney General that the Center—

(1) is incorporated in accordance with applicable State law;

(2) is in compliance with the bylaws of the Center;

(3) will use amounts made available under this section in accordance with subsection (b); and

(4) will not support any political party or candidate for elected or appointed office.

(b) USES OF FUNDS.—

(1) REQUIRED USES OF FUNDS.—The Center shall use amounts made available under this section to develop an education and training program for criminal justice or law enforcement agencies in rural areas and the employees of those agencies, which shall include—

(A) the development and delivery of management, forensic and computer education and training, technical assistance, and practical research and evaluation for employees of rural law enforcement agencies (including tribal law enforcement agencies and railroad law enforcement agencies), including supervisory and executive managers of those agencies;

(B) conducting research into the causes and prevention of criminal activity in rural areas, including the causes, assessment, evaluation, analysis, and prevention of criminal activity;

(C) the development and dissemination of information designed to assist States and units of local government in rural areas throughout the United States;

(D) the establishment and maintenance of a resource and information center for the collection, preparation, and dissemination of information regarding criminal justice and law enforcement in rural areas, including programs for the prevention of crime and recidivism; and

(E) the delivery of assistance, in a consulting capacity, to criminal justice agencies in the development, establishment, maintenance, and coordination of programs, facilities and services, education, training, and research relating to crime in rural areas.

(2) PERMISSIVE USES OF FUNDS.—The Center may use amounts made available under a grant under this section to enhance the education and training program developed under paragraph (1), through—

(A) educational opportunities for rural law enforcement agencies;

(B) the development, promotion, and voluntary adoption of educational and training standards and accreditation certification programs for rural law enforcement agencies and the employees of those agencies;

(C) grants to, and contracts with, State, and local governments, law enforcement agencies, public and private agencies, educational institutions, and other organizations and individuals to carry out this paragraph;

(D) the formulation and recommendation of law enforcement policy, goals, and standards in rural areas applicable to criminal justice agencies, organizations, institutions, and personnel; and

(E) coordination with institutions of higher education for the purpose of encouraging and delivering programs of study with those institutions for employees of rural law enforcement agencies.

(c) POWERS.—In carrying out subsection (b), the Executive Director may—

(1) request the head of any Federal department or agency to detail, on a reimbursable basis, 1 or more employees of the Federal department or agency to the Center to assist the Center in carrying out subsection (b), and any such detail shall be without interruption or loss of civil service status or privilege;

(2) request the Administrator of the General Services Administration to provide the

Center, on a reimbursable basis, the administrative support services necessary for the Center to carry out subsection (b); and

(3) procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates of compensation established by the Board, but not to exceed the daily equivalent of the maximum rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) REPORTING REQUIREMENTS.—The Executive Director shall annually submit to the Attorney General a report, which shall include—

(1) a description of the education and training program developed under subsection (b);

(2) the number and demographic representation of individuals who attended programs sponsored by the Center;

(3) a description of the extent to which resources of other governmental agencies or private entities were used in carrying out subsection (b); and

(4) a description of the extent to which contracts with other public and private entities were used in carrying out subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $13,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2007.

SEC. 4. REGIONAL CENTERS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Center shall establish 8 regional centers, 1 in each geographic region listed in subsection (b) that will be under the supervision, direction, and control of the Center.

(2) REQUIREMENT.—The 8 regional centers shall be established 2 per year during 2002, 2003, 2004, and 2005.

(b) REGIONS.—For purposes of subsection (a), the regions shall be as follows:

(1) REGION 1.—Region 1 shall be comprised of the following States—

(A) Connecticut;
(B) Maine;
(C) Massachusetts;
(D) New Hampshire;
(E) New York;
(F) Rhode Island; and
(G) Vermont.

(2) REGION 2.—Region 2 shall be comprised of the following States—

(A) Delaware;
(B) Maryland;
(C) New Jersey;
(D) Ohio;
(E) Pennsylvania;
(F) West Virginia; and
(G) Virginia.

(3) REGION 3.—Region 3 shall be comprised of the following States—

(A) Alabama;
(B) Florida;
(C) Georgia;
(D) Mississippi;
(E) North Carolina; and
(F) South Carolina.

(4) REGION 4.—Region 4 shall be comprised of the following States—

(A) Iowa;
(B) Minnesota;
(C) Nebraska;
(D) North Dakota;
(E) South Dakota; and
(F) Wisconsin.

(5) REGION 5.—Region 5 shall be comprised of the following States—

(A) Arkansas;
(B) Illinois;
(C) Indiana;
(D) Kentucky;
(E) Louisiana;
(F) Michigan;
(G) Missouri; and
(H) Tennessee.

(6) REGION 6.—Region 6 shall be comprised of the following States—

(A) Colorado;
(B) Kansas;
(C) New Mexico;
(D) Oklahoma; and
(E) Texas.

(7) REGION 7.—Region 7 shall be comprised of the following States—

(A) Arizona;
(B) California;
(C) Nevada; and
(D) Utah.

(8) REGION 8.—Region 8 shall be comprised of the following States—

(A) Alaska;
(B) Hawaii;
(C) Idaho;
(D) Montana;
(E) Oregon;
(F) Washington; and
(G) Wyoming.

(c) FUNDING.—

(1) IN GENERAL.—All funds for the regional centers shall be distributed by the Center which shall determine the budget base of each regional center based upon the budget request required to be submitted by each regional center under paragraph (2).

(2) BUDGET REQUEST.—Each regional center shall submit a budget request to the Center at such time and in such manner as the Executive Director may reasonably require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2002;
(2) $16,000,000 for fiscal year 2003;
(3) $24,000,000 for fiscal year 2004;
(4) $32,000,000 for fiscal year 2005; and
(5) such sums as may be necessary for each of fiscal years 2006 and 2007.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. BOXER, Mr. WARNER, Mr. BAUCUS, Mr. SPECTER, Mr. GRAHAM, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, and Mr. WYDEN):

S. 350. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I introduce the Brownfields Revitalization and Environmental Restoration Act of 2001. Together with Chairman BOB SMITH, Senators HARRY REID, and BARBARA BOXER, and other members of the Environment and Public Works Committee, I am reintroducing the popular bipartisan legislation that I co-authored in the 106th Congress. That bill eventually amassed sixty-six co-sponsors and I look forward to the bill enjoying the same strong bipartisan support it did last year.

As the chairman of the Senate Superfund Subcommittee, I have made brownfields reform my top environmental priority. As one of six former mayors in the Senate, I understand the environmental, economic, and social benefits that can be realized in our communities from revitalizing brownfields. Estimates show there to be between 450,000 and 600,000 brownfield sites in the United States. Why do we have so many of these abandoned sites? The shift away from an industrialized economy, the migration of land use from urban areas to suburban and rural areas, and our nation's strict liability contamination statutes have all contributed. By enacting this legislation, we can recycle our nation's contaminated land, reinvigorate our urban cores, stimulate economic development, revitalize blighted communities, abate environmental health risks, and reduce the pressure to develop pristine land.

People may legitimately question the necessity of enacting federal brownfields legislation. Given the frequent touting of brownfield success stories, is federal legislation necessary? The short answer is "yes". While many states have implemented innovative and effective brownfield programs, they cannot remove the federal barriers to brownfield redevelopment. By providing federal funding, eliminating federal liability for developers, and reducing the role of the federal government at brownfield sites, we will allow state and local governments to improve upon what they are already doing well.

I would like to briefly describe the highlights of our legislation. The bill authorizes $150 million per year to state and local governments to perform assessments and cleanup at brownfield sites. In addition, that money will allow EPA to issue grants for cleanup of sites to be converted into parks or open space. It also authorizes $50 million per year to establish and enhance state brownfield programs. The bill clarifies that prospective purchasers, innocent landowners, and contiguous property owners, that act appropriately, are not responsible for paying cleanup costs. Finally, this legislation offers finality by precluding EPA from taking an action at a site being addressed under a state cleanup program unless there is an "imminent and substantial endangerment" to public health or the environment, and additional work needs to be done.

Enactment of this legislation and the accompanying redevelopment will provide a building block for the revitalization of our communities. Communities whose fortunes sank along with the decline of mills and factories will once again attract new residents and well-paying jobs. We will bring vibrant industry back to the brownfield sites that currently host crime, mischief and contamination. There will be parks at sites that now contain more rubble than grass. City tax rolls will burgeon; schools will be invigorated; new homes will be built, and community character will be restored. This vision for our communities can be realized with enactment of this legislation.

As with all legislation, we must reach across the aisle and work with bipartisan cooperation to be successful. The legislation we are introducing today garnered sixty-six bipartisan cosponsors in the 106th Congress. It also enjoyed broad support from the real estate community, local government officials, state officials, business groups, and environmental groups. I hope that the bill will continue to attract such broad support in the 107th Congress. I would like to thank Chairman BOB SMITH, and Senators HARRY REID and BARBARA BOXER for their leadership on this issue and their steadfast commitment to moving this legislation forward. I look forward to working with all my colleagues and with the Administration on this very important measure.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.
Sec. 202. Prospective purchasers and windfall liens.
Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.
Sec. 302. Additions to National Priorities List.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BROWNFIELD SITE.—

"(A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"(B) EXCLUSIONS.—The term 'brownfield site' does not include—

"(i) a facility that is the subject of a planned or ongoing removal action under this title;

"(ii) a facility that is listed on the National Priorities List or is proposed for listing;

"(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

"(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(v) a facility that—

"(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(vi) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(viii) a portion of a facility—

"(I) at which there has been a release of polychlorinated biphenyls; and

"(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) ADDITIONAL AREAS.—For the purposes of section 128, the term 'brownfield site' includes—

"(i) a site that is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

"(ii) mine-scarred land.".

(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a general purpose unit of local government;

"(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(3) a government entity created by a State legislature;

"(4) a regional council or group of general purpose units of local government;

"(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(6) a State; or

"(7) an Indian Tribe.

"(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

"(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

"(B) perform targeted site assessments at brownfield sites.

"(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

"(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

"(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

"(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

"(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

"(A) eligible entities, to be used for capitalization of revolving loan funds; and

"(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites that is owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

"(2) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

"(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

"(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

"(3) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

"(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

“(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

“(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

“(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

“(E) such other factors as the Administrator considers appropriate to consider for the purposes of this section.

“(4) Compliance with applicable laws.—An eligible entity that provides assistance under paragraph (2) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

“(5) Transition.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

“(d) General Provisions.—

“(1) Maximum grant amount.—

“(A) Brownfield site characterization and assessment.—

“(i) In general.—A grant under subsection (b)—

“(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

“(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

“(ii) Waiver.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

“(B) Brownfield remediation.—

“(i) Grant amount.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

“(ii) Additional grant amount.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

“(I) the number of sites and number of communities that are addressed by the revolving loan fund;

“(II) the demand for funding by eligible entities that have not previously received a grant under this section;

“(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

“(IV) any other factors that the Administrator considers appropriate to carry out this section.

“(2) Prohibition.—

“(A) In general.—No part of a grant or loan under this section may be used for the payment of—

“(i) a penalty or fine;

“(ii) a Federal cost-share requirement;

“(iii) an administrative cost;

“(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

“(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)).

“(B) Exclusions.—For the purposes of subparagraph (A)(iii), the term ‘administrative cost’ does not include the cost of—

“(i) investigation and identification of the extent of contamination;

“(ii) design and performance of a response action; or

“(iii) monitoring of a natural resource.

“(3) Assistance for development of local government site remediation programs.—A local government that receives a grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

“(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

“(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

“(e) Grant Applications.—

“(1) Submission.—

“(A) In general.—

“(i) Application.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

“(ii) NCP requirements.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

“(B) Coordination.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

“(C) Guidance.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

“(2) Approval.—The Administrator shall—

“(A) complete an annual review of applications for grants that are received from eligible entities under this section; and

“(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

“(3) Ranking criteria.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

“(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

“(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

“(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

“(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

“(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

“(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

“(G) The extent to which the applicant is eligible for funding from other sources.

“(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

“(I) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

“(f) Implementation of Brownfields Programs.—

“(1) Establishment of program.—The Administrator may provide, or fund eligible entities to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

“(2) Funding restrictions.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

“(g) Audits.—

“(1) In general.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

“(2) Procedure.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

“(3) Violations.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

“(A) terminate the grant or loan;

“(B) require the person to repay any funds received; and

“(C) seek any other legal remedies available to the Administrator.

“(h) Leveraging.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

“(i) Agreements.—Each grant or loan made under this section shall be subject to an agreement that—

“(1) requires the recipient to comply with all applicable Federal and State laws;

“(2) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

“(3) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

“(4) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

“(j) Facility Other Than Brownfield Site.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

“(k) Funding.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2002 through 2006.”.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

“(o) Contiguous Properties.—

“(1) Not considered to be an owner or operator.—

“(A) In general.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

“(i) the person did not cause, contribute, or consent to the release or threatened release;

“(ii) the person is not—

“(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

“(II) the result of a reorganization of a business entity that was potentially liable;

“(iii) the person takes reasonable steps to—

“(I) stop any continuing release;

“(II) prevent any threatened future release; and

“(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

“(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the vessel or facility);

“(v) the person—

“(I) is in compliance with any land use restrictions established or relied on in connection with the response action at a facility; and

“(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

“(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

“(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

“(viii) at the time at which the person acquired the property, the person—

“(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

“(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

“(B) Demonstration.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

“(C) Bona fide prospective purchaser.—Any person that does not qualify as a person described in this paragraph because the person had knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

“(D) Ground water.—If a hazardous substance from 1 or more sources that are not on the property of a person enters ground water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

“(2) Effect of law.—With respect to a person described in this subsection, nothing in this subsection—

“(A) limits any defense to liability that may be available to the person under any other provision of law; or

“(B) imposes liability on the person that is not otherwise imposed by subsection (a).

“(3) Assurances.—The Administrator may—

“(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

“(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).”.

SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) Definition of Bona Fide Prospective Purchaser.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

“(40) Bona fide prospective purchaser.—The term ‘bona fide prospective purchaser’ means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

“(A) Disposal prior to acquisition.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

“(B) Inquiries.—

“(i) In general.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

“(ii) Standards and practices.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

“(iii) Residential use.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

“(C) Notices.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

“(D) Care.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

“(i) stop any continuing release;

“(ii) prevent any threatened future release; and

“(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

“(E) Cooperation, assistance, and access.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility).

“(F) Institutional control.—The person—

“(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

“(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

“(G) Requests; subpoenas.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

“(H) No affiliation.—The person is not—

“(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

“(I) any direct or indirect familial relationship; or

“(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

“(ii) the result of a reorganization of a business entity that was potentially liable.”.

(b) Prospective Purchaser and Windfall Lien.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

“(p) Prospective Purchaser and Windfall Lien.—

“(1) Limitation on liability.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

“(2) Lien.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the party obtain from an appropriate party a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

"(3) Conditions.—The conditions referred to in paragraph (2) are the following:

"(A) Response action.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

"(B) Fair market value.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

"(4) Amount; duration.—A lien under paragraph (2)—

"(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of—

"(i) satisfaction of the lien by sale or other means; or

"(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.".

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the second sentence—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), and is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) Reason to know.—

"(i) All appropriate inquiries.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release;

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) Standards and practices.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) Criteria.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional.

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

"(VI) Visual inspections of the facility and of adjoining properties.

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(iv) Interim standards and practices.—

"(I) Property purchased before May 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

"(aa) any specialized knowledge or experience on the part of the defendant;

"(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

"(cc) commonly known or reasonably ascertainable information about the property;

"(dd) the obviousness of the presence or likely presence of contamination at the property; and

"(ee) the ability of the defendant to detect the contamination by appropriate inspection.

"(II) Property purchased on or after May 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527-97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

"(v) Site inspection and title search.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) Definitions.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

"(41) Eligible response site.—

"(A) In general.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

"(B) Inclusions.—The term 'eligible response site' includes—

"(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

"(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

"(I) protect human health and the environment; and

"(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(C) Exclusions.—The term 'eligible response site' does not include—

"(i) a facility for which the President—

"(I) conducts or has conducted a remedial site investigation; and

"(II) after consultation with the State, determines or has determined that the site qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

"(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.".

(b) State Response Programs.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"SEC. 129. STATE RESPONSE PROGRAMS.

"(a) Assistance to States.—

"(1) In general.—

"(A) States.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(B) Use of grants by States.—

"(i) In general.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) Additional uses.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

"(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

"(II) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

“(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

“(A) Timely survey and inventory of brownfield sites in the State.

“(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

“(i) a response action will—

“(I) protect human health and the environment; and

“(II) be conducted in accordance with applicable Federal and State law; and

“(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

“(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

“(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

“(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

“(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

“(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

“(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

“(1) ENFORCEMENT.—

“(A) IN GENERAL.— Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

“(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

“(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

“(B) EXCEPTIONS.—The President may bring an enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

“(i) the State requests that the President provide assistance in the performance of a response action;

“(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

“(iii) after taking into consideration the response activities already taken, the Administrator determines that—

“(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

“(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

“(iv) the Administrator determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.

“(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

“(D) EPA NOTIFICATION.—

“(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

“(I) notify the State of the action the Administrator intends to take; and

“(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

“(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

“(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

“(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

“(II) the State is planning to abate the release or threatened release, any actions that are planned.

“(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

“(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

“(2) SAVINGS PROVISION.—

“(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

“(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

“(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

“(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

“(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after June 8, 2000.

“(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

“(1) this Act, except as provided in subsection (b);

“(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

“(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).”.

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

“(h) NPL DEFERRAL.—

“(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

“(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

“(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

“(ii) that will provide long-term protection of human health and the environment; or

“(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

“(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

"(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

"(A) the complexity of the site;

"(B) substantial progress made in negotiations; and

"(C) other appropriate factors, as determined by the President.

"(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

"(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

"(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

"(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.".

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, February 14, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, Senate Office Building, Washington, DC.

Hon. HARRY REID,
Ranking Minority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. BARBARA BOXER,
Ranking Minority Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: On behalf of The United States Conference of Mayors, I am writing to express the strong support of the nation's mayors for your bipartisan legislation, the "Brownfields Revitalization and Environmental Restoration Act of 2001." The mayors believe that this legislation can dramatically improve the nation's efforts to recycle abandoned and other underutilized brownfield sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

This is a national problem that deserves a strong and prompt federal response. The mayors believe that this bipartisan legislation will help accelerate ongoing private sector and public efforts to recycle America's land.

We thank you for your leadership on this priority legislation for the nation's cities. We strongly support this legislation and we encourage you to move forward expeditiously so that the nation can secure the many positive benefits to be achieved from the reuse and redevelopment of the many thousands of brownfields throughout the U.S.

Sincerely,

H. BRENT COLES,
President,
Mayor of Boise.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, February 14, 2001.

Hon. LINCOLN CHAFEE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CHAFEE: On behalf of the more than 760,000 members of the NATIONAL ASSOCIATION OF REALTORS®, I wish to convey our strong support for the "Brownfields Revitalization and Environmental Restoration Act." NAR commends you for your efforts in crafting a practical and effective bill which has garnered bipartisan support from the leadership of the Senate Environment and Public Works Committee.

NAR supports this bill because it:

Provides liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination;

Increases funding for the cleanup and redevelopment of the hundreds of thousands of our nation's contaminated "brownfields" sites;

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic, environmental and social enrichment of our communities. Unfortunately, liability concerns and a lack of adequate resources often deter redevelopment of such sites. As a result, properties that could be enhancing community growth are left dilapidated, contributing to nothing but economic ruin. Once revitalized, however, brownfields sites benefit their surrounding communities by increasing the tax base, creating jobs and providing new housing.

The new Administration has clearly indicated its support for brownfields revitalization efforts. The "Brownfields Revitalization and Environmental Restoration Act" is a positive, broadly-supported policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,
2001 President.

AMERICAN INSURANCE ASSOCIATION,
Washington, DC, February 14, 2001.

Senator LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, Risk Assessment, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the American Insurance Association, I want to congratulate you upon the introduction of the Brownfields Revitalization and Environmental Restoration Act.

We believe this bill will provide necessary relief to many cities struggling with the problem of abandoned, contaminated properties. While insurance is now emerging as one of the most useful tools for managing environmental liability risk in the redevelopment of contaminated properties, insurance products alone are not enough. The predicament for many cities is that they don't have the resources to address the brownfields problem, but they can't develop the resources without addressing the brownfields problem. Your bill is a giant step toward resolving this conundrum.

In sum, we believe this bill constitutes a positive step toward cleaning up hazardous waste sites. We are especially happy to observe that the bill does this through a mechanism other than litigation. Finally, we are pleased to note the bill is the product of a bipartisan consensus of the leadership of the Senate Environment Committee.

We look forward to working with you to see that this legislation becomes law.

Sincerely,

JOHN G. ARLINGTON,
Assistant Vice President.

NATIONAL ASSOCIATION OF
INDUSTRIAL AND OFFICE PROPERTIES,
Herndon, VA, February 14, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of The National Association of Industrial and Office Properties (NAIOP), I am writing to voice our support for the Brownfields Revitalization and Environmental Restoration Act of 2001. This legislation is very important to the development community as it promotes the cleanup and reuse of brownfields, provides financial assistance for brownfields revitalization and helps to provide incentives to put unused industrial sites back into productive use.

NAIOP, with over 9,400 members, is a national association that represents the interests of developers, owners and investors of industrial, office and related commercial real estate throughout North America. We applaud the efforts of the Committee to once again encourage brownfields revitalization.

With respect to brownfields, NAIOP is encouraged by the grant program proposed in the bill and supports federal assistance to states in establishing and expanding voluntary clean up programs. These provisions demonstrate a serious attempt toward achieving much-needed brownfields revitalization, which is a primary concern to the commercial real estate industry.

All across the country there is debate about how to control urban sprawl. We believe that this legislation will go further to address the issue of sprawl, especially since it will encourage the revitalization of our nation's urban areas.

NAIOP urges swift passage of this bill, and we look forward to working with you to achieve this result.

Sincerely,

ANNE EVANS ESTABROOK,
Chairman of the Board.
THOMAS J. BISACQUINO,
President.

International Council of
Shopping Centers,
Alexandria, VA, February 13, 2001.
Hon. Lincoln D. Chafee,
Senate Environmental and Public Works Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Chafee: The International Council of Shopping Centers (ICSC) strongly commends your plans to introduce the "Brownfields Revitalization and Environmental Restoration Act of 2001." Along with your co-sponsors, you have displayed critical leadership on a public policy issue too often caught up in partisan rhetoric. ICSC enthusiastically supports the legislation, as we did last year with S. 2700, and looks forward to working with you and your staff to ensure its passage.

Shopping centers are America's marketplace, representing economic growth, environmental responsibility, and community strength. Founded in 1957, the ICSC is the global trade association of the shopping center industry. Its nearly 35,000 U.S. members represent almost all of the 44,426 shopping centers in the United States. In addition, shopping centers employ over 11 million people, about nine percent of non-agricultural jobs in the United States. Legislation such as the "Brownfields Revitalization and Environmental Restoration Act of 2001" will allow center developers to further step-up their efforts to assist in the redevelopment of urban areas in their continuing efforts to enhance the environmental and economic quality of America's cities.

The 2001 Act will provide practical solutions to many of the issues developers confront when debating the merits of brownfields redevelopment. Provisions providing liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination; increased funding for the cleanup and redevelopment of the hundreds of thousands of the country's brownfields sites; and, recognition that sites remediated under the authority of state voluntary clean up laws should constitute final action are all vital to encouraging development in sites that may otherwise be left abandoned.

The targeted reforms you have focused on will result in greater infill development and enhance the urban landscape. The 2001 Act will not only spur economic development but also improve environmental quality throughout the country. ICSC looks forward to working with you in the coming months in support of this important legislation.

Sincerely,

William H. Hoffman, III,
Manager, Environmental Issues.

The Real Estate Roundtable,
February 14, 2001.
Hon. Lincoln D. Chafee,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, Hart Senate Office Building, Washington, DC.

Dear Senator Chafee: I am writing on behalf of the Real Estate Roundtable to express our members' enthusiastic support for "The Brownfields Revitalization and Environmental Restoration Act of 2001" (BRERA). This important legislation would make welcome reforms to the Comprehensive Environmental Response, Compensation and Liability Act or "Superfund" law.

Last year's similar legislation achieved an astonishing degree of bipartisan support—picking up a total 67 co-sponsors and broad support from a diverse array of environmental, state and local government and business organizations. Today we believe there is a great opportunity—with help from the Bush Administration—to move BRERA quickly through Congress and to the president's desk for signature. In that regard, we have been heartened by the strong signal of support for this type of bill sent by President Bush during his campaign for the presidency. As indicated by her remarks during her confirmation hearings, Administrator Christine Todd Whitman will also clearly be an ally.

There are brownfields in every state—and almost every community—in this country. If enacted into law, BRERA would significantly advance the economic prospects for remediating and recycling those properties into a broad range of productive uses. The economic and regulatory incentives included in the bill would help thousands of brownfield sites across the country become vibrant new employment centers. In other cases, the clean-up properties would provide many communities with environmentally sound housing alternatives.

As you know, The Real Estate Roundtable's members are America's leading real estate owners, advisors, builders, investors, lenders and managers. The Real Estate Roundtable (and its predecessor organization the National Realty Committee) has long supported enactment of bipartisan legislation that includes meaningful incentives for brownfields redevelopment. BRERA is clearly just such a piece of legislation.

In particular, the proposed legislation would go far in assuring those parties purchasing already contaminated "brownfields" properties that they have not also acquired unwarranted Superfund liability. Such assurance is critical to successfully financing and closing on brownfields transaction. In addition, we are pleased the bill recognizes the need to clarify the innocence of those individuals or companies whose real property has become contaminated simply because hazardous substances have migrated from adjacent sites.

The legislation also includes a provision that will, in most cases, reassure participants in state voluntary cleanup programs that their state-approved cleanup is not likely to be "second-guessed" by federal officials. This so-called "finality" assurance is crucial not only to potential buyers and sellers of brownfields properties but to their financial partners as well. The bill presents a welcome compromise on a very difficult policy challenge.

We look forward to working with you, other Senate leaders and the Administration to encourage the swift passage of BRERA.

Sincerely,

Jeffrey D. DeBoer,
President and Chief Operating Officer.

The Trust for Public Land,
Washington, DC, February 15, 2001.
Hon. Bob Smith,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. Harry Reid,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. Lincoln Chafee,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. Barbara Boxer,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Dear Chairman Smith, Chairman Chafee, Senator Reid, and Senator Boxer: On behalf of the Trust for Public Land, I am writing to thank you for introducing the Brownfields Revitalization and Environmental Restoration Act of 2001. We appreciate your outstanding efforts to promote local environmental quality, as typified by your energetic advocacy of this brownfields legislation.

TPL was honored to be part of the coalition that helped to push this legislation to the brink of enactment at the end of the 106th Congress, and we again look forward to working with you to make this legislation a reality within the near future. We are particularly grateful that you have re-introduced identical legislation this time around.

Given our experience in community open-space issues, we are heartened by the emphasis the legislation places on brownfields-to-parks conversion where appropriate, and its flexibility to tailor loan and grant funding based on community needs and eventual uses. In all, this legislation provides the framework and funding that an effective national approach to brownfields requires, and offers the promise of a much-needed federal partnership role in brownfields reclamation.

Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in underserved communities to reclaim abandoned sites and create open spaces where they are most needed. By transforming these idled sites into urgently needed parks and green spaces, or by focusing investment into their appropriate redevelopment, reclamation of brownfield properties brings new life to local economies and to the spirit of neighborhoods.

The Trust for Public Land gratefully recognizes the vision and careful craftsmanship you have shown in your work to advance this vital legislation, and we look forward to working with you towards its enactment.

Sincerely,

Alan Front,
Senior Vice President.

Institute of Scrap
Recycling Industries, Inc.,
Washington, DC, February 14, 2001.
Hon. Robert C. Smith,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. Lincoln D. Chafee,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. Harry Reid,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. Barbara Boxer,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Dear Senators Smith, Reid, Chafee and Boxer: The Institute of Scrap Recycling Industries, Inc. (ISRI), strongly supports the passage of the Brownfields Revitalization and Environmental Restoration Act of 2001. Passage of this bipartisan bill will reduce the many legal and regulatory barriers that stand in the way of brownfields redevelopment.

This important brownfields legislation will provide liability relief for innocent property owners who purchase a property without knowing that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state approved voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan brownfields bill. In the previous Congress, ISRI's membership worked to build grassroots support and sought cosponsors for S. 2700 of the 106th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001.

ISRI looks forward to continuing to work with you to see that the brownfields bill you have sponsored becomes law. We believe that the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WIENER,
President.

FEBRUARY 15, 2001.

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: We are writing to thank you for the outstanding leadership you have demonstrated by your re-introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. Our organizations, and our many community partners across America, are heartened by the benefits that this legislation would impart upon our landscapes, economies, public parks and our communities as a whole. Transforming abandoned brownfield sites into greenfields or new development will provide momentum for increasing "smart growth" and reducing sprawl by utilizing existing transportation infrastructure, which in turn will lead to better transportation systems and the revitalization of historic areas and our urban centers.

As you are well aware, brownfields pose some of the most critical land-use challenges—and afford some of the most promising revitalization opportunities—facing our nations' communities, from our cities to more rural locales. Revitalization of these idled sites into urgently needed parks and green spaces or into appropriate redevelopment will provide great benefits to our neighborhoods and local economies. In the process, it has also proven to be an extremely powerful too in local efforts to control urban sprawl by directing economic growth to already developed areas, encouraging the restoration and reuse of historical sites, and in addressing longstanding issues of environmental justice in underserved areas.

We acknowledge the commitment that the Environmental Protection Agency and other federal agencies have demonstrated to brownfields restoration through existing programs. At the same time, given that there are estimated 450,000–600,000 brownfield properties nationwide, we recognize that these limited resources have been stretched too far to allow for an optimal federal role. Additional investment, at higher levels and in new directions, is essential to meeting the enormous backlog of need and to establishing the truest federal partnership with the many state, local, and private entities working to renew brownfield sites.

The Brownfield Revitalization and Environmental Restoration Amendments Act of 2001 would provide this much needed federal response. Through our work with local governments, our organizations have witnessed first-hand—and have often worked as a partner to help create—the benefits that this bill would provide. We are particularly gratified by the emphasis your legislation places on brownfields-to-parks conversion, and the flexibility its provides to tailor funding based on a community's a particular needs. In all, this bill provides the framework and funding that an effective national approach to brownfields will require.

Accordingly, we appreciate your vision in developing this legislation, and we look forward to working with you towards its enactment.

Sincerely,

The Trust for Public Land; Scenic America; American Planning Association; The Enterprise Foundation; National Association of Regional Councils; Smart Growth America; Surface Transportation Policy Project; National Recreation and Park Association.

ENVIRONMENTAL BUSINESS
ACTION COALITION,
Washington, DC, February 14, 2001.

Hon. ROBERT SMITH,
Chairman, Environment & Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE, BOXER: On behalf of the Environmental Business Coalition (EBAC), I am writing to strongly support your introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. EBAC endorses this bipartisan effort and will work with you to secure its passage this year.

EBAC is an organization of nearly thirty-five environmental engineering, scientific and construction firms representing over 60,000 professional, managerial and support personnel in the hazardous waste cleanup field. Our companies are the experts in environmental cleanup, including Superfund and brownfields nationwide.

The Brownfields Revitalization and Environment Restoration Act of 2001 would provide the much-needed "finality" for states that already have successful cleanup programs. In addition, the measure would provide critically needed financial support for assessment and cleanup of brownfields. Finally, the proposal's liability reforms will go a long way in returning to productive use these abandoned sites burdening communities across the country.

While EBAC supports these provisions and believe they will make important contributions to the redevelopment of countless abandoned properties nationwide, we strongly urge you to expand the liability reform provisions contained in this legislation to include protections for Response Action Contractors (RAC's) form the Superfund law's unfair liability scheme. This will greatly increase the resources available for cleanups across the country. Similarly, we urge you to support the use of professional engineering judgment that will increase program efficiency as opposed to imposing nationwide ASTM standards on site cleanups. These "one-size-fits-all" dictates will needlessly complicate efforts by creating legal uncertainty for professionals addressing the inherently unique characteristics of contaminated sites.

EBAC appreciates your hard work in drafting this important legislation. We are committed to working closely with you to move this measure to enactment.

Sincerely,

JEREMIAH D. JACKSON,
President.

WASHINGTON, DC,
February 15, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID AND SENATOR BOXER: Smart Growth America would like to thank you for your leadership on the introduction the Brownfields Revitalization and Environmental Restoration Act of 2001. A broad coalition of elected officials, public and private sector professionals, community groups, and environmentalists have been championing the need for brownfields redevelopment for many years. The U.S. Conference of Mayors recently conducted a survey and found that across the country, 210 cities are plagued with 21,000 industrial or commercial sites whose redevelopment is hindered by environmental contamination or sometimes just the perception of contamination.

As advocates of smart growth—growth that revitalizes neighborhoods, creates and preserves affordable housing, promotes transportation choice, preserves scenic and historic resources, and conserves open space and farmland—we regard brownfields redevelopment as a top priority. Although we support the bill, we are concerned that the bill may not provide adequate protection of the environment and public health in certain cases. We believe this would be unwise and hope to work with you on appropriate amendments to the language.

The primary obstacle to brownfields redevelopment has been inadequate funding and liability issues for contiguous landowners, prospective purchasers and innocent landowners. This legislation addresses these issues and presents a tremendous opportunity for communities to capitalize on their untapped resources. The U.S. Conference of Mayors found that 176 cities estimated that between $878 million and $2.4 billion annually could be generated by fully tapping into the potential of brownfields sites. In addition, 189 cities predict that 554,419 new jobs could be generated.

We believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will allow communities nationwide to utilize their existing infrastructure to encourage economic development, remove environmental and public health hazards, promote neighborhood revitalization and preserve open space. We support your efforts and look forward to working with you to pass this truly groundbreaking legislation.

Sincerely,

Smart Growth America; National Trust for Historic Preservation; Surface Transportation Policy Project; Chesapeake Bay Foundation; Environmental Justice Resource Center, Clark Atlanta University; Great American Station Foundation, Center for Neighborhood Technology; Scenic America; American Planning Association; The Enterprise Foundation; National Center for Bicycling and Walking; and Environmental & Energy Study Institute.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I am pleased to join Senator REID, the ranking member of the Committee; Senator CHAFEE, the chairman of the Superfund Subcommittee; and Senator BOXER, ranking member of the Subcommittee, to introduce a bill that protects the environment, encourages community involvement, promotes economic redevelopment, provides incentive for the preservation of green spaces, and sets the stage for future comprehensive Superfund reform.

As a nation, our industrial heritage has left us with numerous contaminated abandoned or underutilized "brownfield" sites. Although the level of contamination at many of these sites is relatively low, and the potential value of the property may be quite high, developers often shy away from redeveloping these sites. Behind their reluctance: uncertainty regarding the level of contamination, the extent of potential liability, or the likely costs of cleanup.

The Brownfields Revitalization and Environmental Restoration Act of 2001 addresses the uncertainty that has long plagued developers, property owners, and communities seeking to make use of these otherwise desirable sites. This bill is identical to a bill we introduced last year, a bill that had the overwhelming support of 67 cosponsors, but unfortunately never saw floor time.

How is our bill better than current law? Simply stated, our bill provides an element of finality which does not exist today, while allowing for federal involvement under a specific universe of conditions. Our bill strikes a solid balance on the issue of finality between so-called "Republican bills" and "Democratic bills" championed in previous years with no bipartisan support. Furthermore, our bill provides authorization for critically needed funds to assess and clean up brownfield sites, which will create jobs, increase tax revenues, and preserve and create open space and parks. This is a balanced bill. If you never had a chance to review it last year, do so now. This year, we are determined to move this bill through the process—and quickly. Senator REID and I have committed to marking up this bill in early March, and we hope to have floor time soon afterwards.

There are an estimated 450,000 brownfield sites in the United States. These are low risk sites, not the traditional Superfund sites that would be impacted by comprehensive Superfund reform. However, if States and citizens continue to be discouraged form cleaning up brownfield sites, these sites will never be redeveloped, and may in fact become Superfund sites. While I strongly believe that comprehensive Superfund reform is needed, I feel that we can move forward with brownfield legislation without compromising our chances for comprehensive reform.

As brownfield sites are outside of the scope of Superfund, I believe that liability carve-outs are outside of the scope of any brownfield legislation. As I have done in the past, I continue to oppose narrow carve-outs. Carve-outs weaken attempts at overhauling the remedy selection and liability allocation provisions in the current Superfund statute and, frankly, make a bad system worse. Our brownfield legislation does not affect the allocation of liability at Superfund sites; instead, it provides needed resources to address sites, provides certainty to those who voluntarily cleanup, and prevents brownfields from being included in the superfund web. Brownfield legislation presents a win-win for all involved and should jumpstart action on substantive Superfund reform.

Let me just say that last year, the Congress made a bold move in approving bipartisan legislation to restore the Florida Everglades. One of the proudest moments of my Senate career was witnessing the signing into law of that landmark environmental legislation. I want to use the Everglades model—cooperation, partnership, bipartisanship—as an example of what Congress can do when it puts aside personal politics for good policy. No one thought we'd get Everglades to the President's desk in a presidential election year, but we proved them wrong. Pessimists have little faith that an equally divided Senate will accomplish more than partisan bickering. Let's prove them wrong, too, by committing to enact brownfield legislation in the first session of this Congress. By doing so, not only do we demonstrate to a skeptical nation that bipartisan cooperation is possible, but once again, the environment wins.

Our bill represents a carefully negotiated compromise, and as is the nature of a compromise, both sides had to give a little to reach common ground. Now that we stand together on that common ground, let's not undermine our widespread support by trying to bring the bill farther to the left or to the right. The Brownfield Revitalization and Environmental Restoration Act of 2001 is a strong bill and represents our best chance of addressing the issues plaguing brownfield sites. I urge your support for this bill.

Mr. REID. Mr. President, I rise today to introduce bipartisan legislation to cleanup American's brownfields. I am joined by my colleagues from the Environment and Public Works Committee in introducing this important legislation, Senators CHAFEE, SMITH, BOXER, BAUCUS, GRAHAM, CORZINE, and WARNER.

This is an exciting beginning to my tenure as the ranking member of the Environment and Public Works—this bill which I hope will be enacted swiftly, has broad support on both sides of the aisle, and which is supported by environmentalists, realtors and the business community.

What are brownfields? They are contaminated, abandoned sites that blight our communities, but also offer great promise for the future. there are, according to the Conference of Mayors, over 450,000 brownfields in the US, in every state of the union, and in both rural and urban areas. The Conference of Mayors has estimated that redeveloping these sites would create more than 587,000 jobs nationally and increase annual tax revenues from between $902 million to $2.4 billion dollars.

So, it is clear that there are great benefits to be realized from cleaning up these sites. For example, in Las Vegas alone, there are roughly 30 brownfields sites. It is estimated that cleaning up these sites would generate between $1.6 and $4 million per year of additional tax revenues, and create an estimated 320 jobs.

Some think of brownfields cleanup as just an urban issue, but brownfields can be found anywhere, even in our most rural areas. Their cleanup will have important economic benefits for rural America. For example, Hawthorne, a small town in Nevada has limited private lands to accommodate the town's growth. To the west of the city, 240 acres of valuable space have been used as a landfill for years. Nevada's brownfield program completed the first contamination assessment and companies are already interested in developing the land.

Brownfields funding can be used to complete the assessment and cleanup of this valuable rural land, allowing the town to grow, provide new jobs, and expand its tax base.

Let me give you another specific example of what we can do with brownfields funding. The National Guard Armory site in Las Vegas was the first site in the nation to be cleaned up under a loan from EPA's Brownfields Cleanup Revolving Loan Fund. This site had been used for a variety of military purposes, including chemical storage. The cleanup, including removal of over 600 cubic yards of soil contaminated with hazardous waste and petroleum hydrocarbons, cost only $50,000, but freed the site up for reuse. The city is making the site a community center with space for a senior center, a small business center, a cultural center and retail stores.

This bill will provide for many years more such success stories. With this bill, we can begin to address in a significant way those 450,000 sites and help our neighborhoods and business thrive.

These blighted areas pose threats to human health and the environment, contributing to economic depression, crime and job loss. They push new development into farmland and green spaces and cause sprawl, increasing driving time, traffic, congestion and air pollution.

The brownfields bill we are introducing today will directly spur such cleanup of these sites, in a number of ways.

It provides critically needed money to assess and clean up abandoned and underutilized brownfield sites.

It encourages cleanup and redevelopment of these properties, by providing legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners.

It provides for funding and expansion of state cleanup programs, and provides "certainty" for developers, but still ensures protection of public health and the environment.

It creates a public record of brownfield sites and enhances community involvement in site cleanup and reuse.

In conclusion, this bill has the support of a wide variety of groups, including environmentalists, mayors, businesses, and the real estate community. We are fortunate enough to have an opportunity to do well by so many. I look forward to working with my colleagues to enact this legislation this Congress and seeing the payoff in clean sites and new jobs in communities across the country.

Mrs. BOXER. Mr. President, as the ranking member of the Subcommittee on Superfund, Waste Control, and Risk Assessment, I am pleased to join my colleagues in sponsoring the Brownfields Revitalization and Environmental Restoration Act—a very important piece of legislation.

Our nation's industrial history has left us with the unfortunate legacy of tens of thousands of abandoned sites that are contaminated with hazardous materials.

Unfortunately, many of these sites are located in low-income, minority communities. The result is that this toxic legacy disproportionately impacts some of our most vulnerable and disempowered populations.

For many of my constituents in places like Oakland, Anaheim, Long Beach, Los Angeles, Sacramento, San Diego, and Stockton these polluted areas—or so-called "brownfields"—are a blight on the community. They are dead zones that sit unused or only partially used, sometimes posing health hazards, sometimes merely eyesores.

The idea behind the Brownfields Initiative is that those areas of light, or moderate, contamination should be restored for economic redevelopment, community use, or made into parks and greenways.

In Oakland, for instance, an abandoned industrial brownfield site is going to be transformed into a large-scale, mixed use development area. It will include a pedestrian walkway, retail shops, child care facilities, medical care facilities, a senior center, and a branch of the Oakland Public Library.

I'm proud to note that two California sites, in East Palo Alto and Los Angeles, have been selected by the Environmental Protection Agency, EPA, to be "Showcase Communities." These communities are at the cutting edge of the brownfields effort; their experiences will help us learn how to bring together federal, state, local, and nongovernmental interests to address the brownfields problem. They will serve as a model for the rest of the Nation.

While EPA has made important strides in the development of the Brownfields Initiative, there is much more than could be done.

By authorizing increased funding for this program, clarifying some of the liability questions, and directing the program to the areas of greatest need, this legislation will help expand the scope of this program and elevate its visibility in the eyes of the American public.

This legislation helps us set right some of the mistakes that were made in the past. And it illustrates what we have had to learn the hard way—that a prosperous economy and a healthy environment go hand in hand.

By cleaning up these contaminated brownfields, we can protect public health, while at the same time curbing the devastating impact of urban sprawl on our environment.

Encouraging the clean up of these contaminated properties will also mean new jobs and greater economic growth for the communities that need it most.

We owe it to our children to leave them an environment that is cleaner and healthier than the one we have inherited. This bill will help take us in that direction.

Mr. LEVIN. Mr. President, brownfields are abandoned, idled, or under-used commercial or industrial properties where development or expansion is hindered by real or perceived environmental contamination. Businesses located on brownfields were once the economic foundations of communities. Today, brownfields lie abandoned—the legacy of our industrial past. These properties taint our urban landscape. Contamination, or the perception of contamination, impedes brownfields redevelopment, stifles community development and threatens the health of our citizens and the environment. Redeveloped, brownfields can be engines for economic development. They represent new opportunities in our cities, older suburbs and rural areas for housing, jobs and recreation. Today, Senator SMITH, Senator REID, Senator CHAFEE and Senator BOXER introduced the Brownfields Revitalization and Environmental Restoration Act of 2001. I support their efforts to address this issue and I will co-sponsor the legislation.

As cochair of the Senate Smart Growth Task Force, I believe brownfields redevelopment is one of the most important ways to revitalize cities and implement growth management. The redevelopment of brownfields is one fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, use infrastructure that is already paid for and relieve development pressure on our urban fringe and farmlands.

The State of Michigan is a leader in brownfields redevelopment—offering technical assistance and grant and loan programs to help communities redevelop brownfields. This legislation will complement State and local efforts to successfully redevelop brownfields. The bill provides much needed funding to State and local jurisdictions for the assessment, characterization, and remediation of brownfield sites. Importantly, the bill removes the threat of lawsuits for contiguous landowners, prospective purchasers, and innocent landowners. Communities must often overcome serious financial and environmental barriers to redevelop brownfields. Greenfields availability, liability concerns, the time and cost of cleanup, and a reluctance to invest in older urban areas deters private investment. This bill will help communities address these barriers to redevelopment. Finally, the bill provides greater certainty to developers and parties conducting the cleanup, ensuring that decisions under state programs will not be second-guessed. Public investment and greater governmental certainty combined with private investment can provide incentives for redeveloping brownfield properties and level the economic playing field between greenfields and brownfields.

I believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will do much to encourage commercial, residential and recreational development in our nation's communities where existing infrastructure, access to public transit, and close proximity to cultural facilities currently exist. America's emerging markets and future potential for economic growth lies in our cities and older suburbs. This potential is reflected in locally unmet consumer demand, underutilized labor resources and developable land that is rich in infrastructure. In Detroit, the Department of Housing and Urban Development estimates that there is a $1.4 billion retail gap (the purchasing power of residents minus retail sales). In Flint, HUD estimates the retail gap to be $186 million and in East Lansing, $160 million. The redevelopment of brownfields will help communities realize the development potential of our urban communities. It is a critical tool for metropolitan areas to grow smarter—allowing us to recycle our Nation's land to promote continued economic growth while curtailing urban sprawl and cleaning up our environment.

By Ms. COLLINS (for herself and Mr. KERRY):

S. 351. A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today, along with Senator KERRY, I am introducing the Mercury Reduction and Disposal Act of 2001. This bill addresses the very serious problem of mercury in the environment and mercury disposal. It takes special aim at one of the most common and widely distributed sources of mercury, and that is mercury fever thermometers.

Mercury is a potent neurotoxin that is widespread in the environment and particularly harmful to developing children and pregnant women. In fact, a National Academy of Sciences report released last year attributed mercury exposure to birth defects and brain damage in up to 60,000 newborn children each year.

Although mercury can be safe in an elemental form or in amalgamations such as dental fillings, mercury takes on a highly toxic organic form known as methylmercury when it enters the environment. Methylmercury is almost completely absorbed into the blood and distributed to all tissues, including the brain. This organic mercury can accumulate in the food chain and become concentrated in some species of fish, posing a health threat to those who consume them. For this reason, 40 States have issued public health warnings advising certain individuals to restrict or avoid consuming fish from certain affected bodies of water.

Mr. President, the largest sources of mercury in the environment include incinerated solid waste, powerplant emissions, and emissions from chlor-alkali plants, such as the now closed HoltraChem Manufacturing Company in Orrington, ME.

About 50 tons of mercury are estimated to enter the environment from medical and solid waste incinerators, about 45 tons from powerplant emissions, and a large but uncertain amount derives from chlor-alkali plants.

Of the 50 tons of mercury that enters the environment from medical and solid waste incinerators, mercury thermometers are one of the largest, if not the largest, source. The EPA has estimated that mercury thermometers contributed approximately 17 tons of mercury to solid waste per year in the early 1990s. Although this number may well be declining due to innovative efforts, such as those in towns like Freeport, ME—the first town in Maine to ban the sale of mercury fever thermometers—it is still a very large amount.

Mr. President, I have a mercury thermometer right here. It is very familiar to all of us. Many of us know from personal experience how easily it can be broken. I have broken a couple myself, and not realizing the dangers of mercury back then, I used my hands to gather up the various beads of mercury and throw them away, not realizing the danger I was creating.

In fact, in 1998, the American Poison Control Center received 18,000 phone calls from consumers who had broken mercury thermometers.

This one mercury thermometer contains about 1 gram of mercury. That does not sound like much, but let me tell you, despite its small size, just one of these thermometers per year contains enough mercury to contaminate all of the fish in a 20-acre lake.

Let me repeat that. The mercury in one of these thermometers is sufficient to pollute a 20-acre lake.

The bill I am introducing today calls for a nationwide ban on the sale of mercury fever thermometers such as the one I just showed. It will also provide grants for swap programs to help consumers exchange mercury thermometers for digital or other alternatives.

I have an example of an alternative right here. This is a digital thermometer. Digital thermometers like this one are easier to read, much quicker to use, they do not break easily, and, most important of all, they do not contain a toxic element such as mercury.

My bill will allow millions of consumers across the Nation to receive free digital thermometers in exchange for their mercury thermometers. By bringing mercury thermometers in for proper disposal, consumers will ensure the mercury from their thermometers does not end up polluting our lakes and threatening our health. It will also reduce the risk of breakage and contamination inside the home.

Another important component of my bill is the safe disposal of the mercury collected from thermometer exchange programs. My legislation directs the EPA to ensure that the mercury is properly collected and stored to make sure it is kept out of the environment and out of commerce. This mercury will not reenter the environment, and it will not be sent, for example, to India, one of the largest manufacturers of mercury thermometers.

The mercury collected from thermometer exchange programs addresses only one part of the problem. The other aspect is the global circulation of mercury. When the HoltraChem chlor-alkali manufacturing plant in Orrington, ME, shut down last year, the plant was left with over 100 tons of unwanted mercury and no way to permanently dispose of it. In total, about 3,000 tons of mercury are held at similar plants across the United States.

In addition, large amounts of mercury are still being mined around the world. In 1999, Algeria mined 400 tons of virgin mercury and Kyrgyzstan mined 600 tons. In total, approximately 2,000 tons of new mercury are mined every year. Moreover, the Department of Defense currently has a stockpile of over 4,000 tons of mercury it does not want and does not know what to do with.

What can we do about these problems? What can we do about the situation where some countries are still mining large amounts of an element that is a known neurotoxin, while the United States and other countries are doing their best to remove this extremely toxic element from the environment? How will the United States dispose of the huge amounts of mercury at chlor-alkali plants and other no longer needed sources?

My legislation creates an interagency task force to address these very issues. This task force will be chaired by the Administrator of the Environmental Protection Agency and comprised of representatives from the States, other Federal agencies involved with mercury, and public health officials.

Specifically, my bill directs this task force to find ways to reduce the mercury threat to humans and the environment, to identify a long-term means of disposing of mercury, and to address the excess mercury problems from mines as well as from industrial sources.

In sum, this task force is directed to identify comprehensive solutions to the global mercury problem. In one year, the mercury task force will make recommendations to Congress for permanently disposing of mercury, for retiring mercury from chlor-alkali plants and other sources, and for reducing the amount of new mercury mined every year. At that time, it will be up to Congress to act on their recommendations.

In the meantime, this bill will make significant progress toward reducing one of the most widespread sources of mercury contamination in the environment, something that many of us still have in our medicine chests at home, and that is the mercury fever thermometer.

I thank the Presiding Officer for his attention. I urge support and cosponsorship of my colleagues for this initiative.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Reduction and Disposal Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

(2) according to recent studies, mercury deposition is a significant public health threat in many States throughout the United States;

(3) 40 States have issued fish advisories that warn certain individuals to restrict or avoid consuming mercury-contaminated fish from affected bodies of water;

(4) according to a report by the National Academy of Sciences, over 60,000 children are born each year in the United States at risk for adverse neurodevelopmental effects due to exposure to methyl mercury in utero;

(5) studies have documented that exposure to elevated levels of mercury in the environment results in serious harm to species of wildlife that consume fish;

(6) combustion of municipal and other solid waste is a major source of mercury emissions in the United States;

(7) according to the Mercury Study Report, prepared by the Environmental Protection Agency and submitted to Congress in 1997, mercury fever thermometers contribute approximately 17 tons of mercury to solid waste each year;

(8) the Governors of the New England States have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment";

(9) mercury fever thermometers are easily broken, creating a potential risk of dangerous exposure to mercury vapor in indoor air and risking mercury contamination of the environment; and

(10) according to the Environmental Protection Agency, the quantity of mercury in 1 mercury fever thermometer, approximately 1 gram, is enough to contaminate all fish in a lake with a surface area of 20 acres.

SEC. 3. MERCURY.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

"SEC. 3024. MERCURY.

"(a) PROHIBITION ON SALE OF MERCURY FEVER THERMOMETERS EXCEPT BY PRESCRIPTION.—Effective beginning 180 days after the date of enactment of this section—

"(1) a person shall not sell or supply mercury fever thermometers to consumers, except by prescription; and

"(2) with each mercury fever thermometer sold or supplied by prescription, the manufacturer of the thermometer shall provide clear instructions on—

"(A) careful handling of the thermometer to avoid breakage; and

"(B) proper cleanup of the thermometer and its contents in the event of breakage.

"(b) THERMOMETER EXCHANGE PROGRAM.—The Administrator shall make grants to States, municipalities, nonprofit organizations, or other suitable entities for implementation of a national program for the collection of mercury fever thermometers from households and their exchange for thermometers that do not contain mercury.

"(c) DISPOSAL OF COLLECTED MERCURY WASTE.—

"(1) INTERAGENCY TASK FORCE.—

"(A) ESTABLISHMENT.—There is established an advisory committee to be known as the 'Interagency Task Force on Mercury' (referred to in this section as the 'Task Force').

"(B) MEMBERSHIP.—The Task Force shall be composed of 7 members, of whom—

"(i) 1 member shall be the Administrator, who shall serve as Chairperson of the Task Force;

"(ii) 1 member shall be appointed by each of—

"(I) the Secretary of State;

"(II) the Secretary of Defense;

"(III) the Secretary of Energy; and

"(IV) the Director of the National Institute of Environmental Health Sciences of the Department of Health and Human Services;

"(iii) 1 member shall be appointed by the President to represent the American Public Health Association; and

"(iv) 1 member shall be appointed by the President from the Environmental Council of the States.

"(C) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 30 days after the date of enactment of this section.

"(D) TERM; VACANCIES.—

"(i) TERM.—A member shall be appointed for the life of the Task Force.

"(ii) VACANCIES.—A vacancy on the Task Force—

"(I) shall not affect the powers of the Task Force; and

"(II) shall be filled in the same manner as the original appointment was made.

"(E) MEETINGS.—

"(i) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

"(ii) CALLING OF MEETINGS.—The Task Force shall meet at the call of the Chairperson.

"(iii) QUORUM.—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

"(F) DUTIES.—Not later than 1 year after the date of the initial meeting of the Task Force, the Task Force shall submit to Congress a report containing recommendations concerning—

"(i) the long-term management and retirement of mercury collected from—

"(I) mercury fever thermometers;

"(II) other medical and commercial sources; and

"(III) government sources, including mercury stored by the Department of Defense and the Department of Energy;

"(ii) collection of mercury from industrial or other sources in the United States in cases in which the mercury is no longer needed, such as from retired chlor-alkali plants;

"(iii) programs to test the long-term durability of promising technologies for sequestration of mercury that has been retired from use;

"(iv) storage of mercury collected or sequestered under clause (i), (ii), or (iii) in a manner that ensures that there is no release of the mercury into the environment;

"(v) reduction of the total threat posed by mercury to humans and the environment; and

"(vi) reduction of the total quantity of mercury produced, used, and released on a global basis, including whether and how—

"(I) the quantity of virgin mercury mined from the ground and placed in circulation each year can be reduced through bilateral or international agreements or other means;

"(II) the quantity of mercury used in products and manufacturing can be reduced through substitution of mercury-free alternatives that are safer, available, and affordable; and

"(III) essential mercury needs can be met through use of stockpiles in existence on the date of enactment of this section and increased recycling rather than through use of virgin mercury.

"(G) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

"(H) INFORMATION FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this section.

"(ii) PROVISION OF INFORMATION.—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

"(I) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

"(J) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

"(K) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—

"(i) NON-FEDERAL EMPLOYEES.—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

"(ii) FEDERAL EMPLOYEES.—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(iii) TRAVEL EXPENSES.—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

"(L) STAFF AND FUNDING.—

"(i) DETERMINATION.—The Chairperson of the Task Force shall determine the level of staff and funding that are adequate to carry out the activities of the Task Force.

"(ii) SOURCE.—The staff and funding shall be provided by and drawn equally from the resources of—

“(I) the Department of Energy;

“(II) the Department of Defense; and

“(III) the Environmental Protection Agency.

“(iii) APPOINTMENT OF STAFF.—The Chairperson may, without regard to the civil service laws (including regulations), appoint and terminate such staff as are necessary to enable the Task Force to perform the duties of the Task Force.

“(iv) COMPENSATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Chairperson may fix the compensation of the staff of the Task Force that are not officers or employees of the Federal Government without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

“(II) MAXIMUM RATE OF PAY.—The rate of pay for the staff shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(v) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

“(I) IN GENERAL.—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

“(II) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

“(vi) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Task Force may procure for the purposes of the Task Force temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

“(M) TERMINATION OF TASK FORCE.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the report required under subparagraph (F).

“(2) RESPONSIBILITY OF THE ADMINISTRATOR FOR SAFE DISPOSAL AND STORAGE OF MERCURY.—In consultation with the Task Force, the Administrator shall—

“(A)(i) take title to the mercury collected under the thermometer exchange program established under subsection (b), or an equivalent quantity of mercury; and

“(ii) manage (or designate a contractor to manage) the mercury collected in a manner that ensures that the mercury collected is not released into the environment or reintroduced into commerce; and

“(B)(i) identify potential mercury stabilization technologies and measures that ensure minimal release of mercury into the environment; and

“(ii) conduct such research, development, and demonstration of the technologies and measures as the Administrator determines to be appropriate.

“(d) RELATION TO OTHER LAW.—Nothing in this section—

“(1) precludes any State from imposing any additional requirement; or

“(2) diminishes any obligation, liability, or other responsibility under other Federal law.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which—

“(1) not more than 2.5 percent shall be used to carry out the activities of the Task Force; and

“(2) not more than 2.5 percent shall be used to carry out subsection (c)(2)(B).”.

(b) CONFORMING AMENDMENT.—Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle C the following:

“Sec. 3024. Mercury.”.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. SCHUMER, Mr. BREAUX, Mr. DURBIN, Mr. KERRY, Mr. DAYTON, Ms. CANTWELL, Mr. CORZINE, Mrs. CLINTON, Mr. REID, Mr. AKAKA, Mrs. CARNAHAN, Mr. JOHNSON, Mr. CONRAD, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KOHL, Mr. NELSON of Nebraska, Mr. REED, Mr. LIEBERMAN, and Mr. BAYH):

S. 352. A bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the sue of energy savings performance contracts, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to increase the authorization for low-income energy assistance, weatherization and state energy conservation grants and to increase the energy efficiency of federal facilities. I am offering this bill on behalf of myself, Senator DASCHLE, and many of my colleagues.

Energy costs have been, and are expected, to remain especially high this year. We have had a long period of economic growth, enabled in part by extremely low oil and natural gas prices. But, we are finally experiencing the end of the excess capacity cushion that had kept the system functioning with low prices and relatively minor bumps along the way. Those extremely low oil and gas prices that consumers loved so much a few years ago devastated the domestic drilling industry. Drilling has recovered, so we will start seeing an impact on prices in the coming months as those supplies find their way to market.

In the interim, unusually cold weather early in the winter has resulted in natural gas bills at least 70 percent-100 percent higher than last year. Heating oil and propane prices correlate closely with natural gas. Farmers, especially, are seeing huge increases in propane prices this winter and are looking at dramatically higher fertilizer prices this spring. Natural gas prices and tight generating capacity are driving up electricity prices around the country, and many people in the southern states with high air conditioning needs will be especially hard hit this summer.

Applications for assistance have increased dramatically this year. Most states have already depleted the LIHEAP and Weatherization funds we appropriated for this year. Many states have laws prohibiting cutting off heating supplies during the winter, but when those prohibitions expire in March or April, the seriousness of the situation for low-income and working families will become harshly obvious. And assistance to low-income and working families for the summer cooling season will be impossible at current levels.

Some will say we need to address these issues as part of some comprehensive energy bill, yet to be written. I disagree.

We have immediate needs that cannot wait months, as we debate an ideal energy policy. The Administration has told us it will not even have its proposal to us for another two months. Individuals, families and small businesses are suffering today from energy bills they cannot pay. This bill authorizes changes to the LIHEAP program to help alleviate the financial burdens in the near term. The bill also focuses attention on investment in energy efficiency through the low income weatherization program, state conservation grants and the federal energy management program. This bill covers needed changes to existing authorizations. Next we need to ensure that full funding is forthcoming as soon as possible.

Specifically, the base authorization for the Low-Income Home Energy Assistance Program to $3.4 billion for fiscal years 2001 to 2005. The base funding has been relatively flat at roughly $2 billion since the mid-1980's. This increase comes close to addressing the erosion in the program due to inflation, but does not take into consideration the increase in population.

The bill provides states with additional flexibility on the income level for recipients, by increasing eligibility from 150 percent to 200 percent of the poverty level. This change, which only applies for the remainder of this fiscal year, will give the states the flexibility to help working families.

The bill also increases the authorization for the weatherization program to $310 million. The current appropriation is at $162 million, down from $300 million in the mid-1980s. The weatherization program is a long term investment in energy efficiency.

A one-time investment in weatherization yields savings of $300–$470 per household annually thereafter. The program requires trained staff, erratic and insufficient funding of the program has diminished its effectiveness in recent years. Increased energy efficiency is the least cost solution to meeting energy needs. Even at $310 million the program is still lower in real dollars than in the 1980's.

The bill increases the authorization for grants to state energy programs to $75 million. This program funds state conservation and emergency planning. The low level of funding in recent years has diminished the states' ability to implement state level conservation plans and to plan for emergencies in coordination with the Department of Energy and neighboring states.

Finally, Executive Order 13123 requires federal facilities to increase energy efficiency by 30 percent by 2005 and 35 percent by 2010 relative to 1985. The Federal Energy Management Program requires federal facility managers to evaluate opportunities for energy and water efficiency improvements and opportunities for siting renewable projects. Federal agencies spend $4 billion per year to heat, coal and power facilities, we can and should do better.

The bill includes several amendments to the program clarifying and enhancing the use of alternative financing tools to minimize the need for additional government outlays. The bill calls for a concerted effort by facility managers to meet those targets early, thereby saving taxpayer dollars, reducing stress on the power grid and demand for fuels.

Companion measures, that I support, have been introduced by Senator KERRY, S. 295, Senator FEINSTEIN, S. 286, to provide emergency loans to small businesses.

There will be plenty of time in this Congress to consider the highly complex issues of U.S. energy supply and consumption. Senator MURKOWSKI and I intend to proceed with a series of hearings to evaluate the different elements of our energy policy and systems. We need to focus on how we can ensure adequate fuel supplies and sufficient infrastructure to deliver those fuels, whether electricity, natural gas, or gasoline without degradation of environmental quality. We also need to look at issues of supply diversity and efficiency. Those efforts will require some time on the part of the Congress and the Administration, in consultation with the states and the various stakeholders.

We should not allow that lengthy process, though, to prevent us from meeting clear and present needs. I urge my colleagues to support immediate passage of this bill and the small business bills.

I ask unanimous consent that the text of this bill be printed in the RECORD.

S. 352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Emergency Response Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) high energy costs are causing hardship for families;

(2) restructured energy markets have increased the need for a higher and more consistent level of funding for low income energy assistance programs;

(3) conservation programs implemented by the States and the low income weatherization program reduce costs and need for additional energy supplies;

(4) energy conservation is a cornerstone of national energy security policy;

(5) the Federal Government is the largest consumer of energy in the economy of the United States;

(6) many opportunities exist for significant energy cost savings within the Federal Government.

(b) PURPOSES.—The purposes of this Act are to provide assistance to those individuals most affected by high energy prices and to promote and accelerate energy conservation investments in private and Federal facilities.

SEC. 3. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION AND STATE ENERGY GRANTS.

(b) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "These are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.".

(2) Section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)) is amended by adding at the end the following:

"And except that during fiscal year 2001, a State may make payments under this title to households with incomes up to and including 200 percent of the poverty level for such State;".

(b) WEATHERIZATION ASSISTANCE.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "For fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "$310,000,000 for each of fiscal years 2001 through 2005.".

(b) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "$75,000,000 for each of fiscal years 2001 through 2005".

SEC. 4. FEDERAL ENERGY MANAGEMENT REVIEWS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

(b) PRIORITY RESPONSE REVIEWS.—Each agency shall—

"(1) not later than October 1, 2001, undertake a comprehensive review of all practicable measures for—

"(A) increasing energy and water conservation, and

"(B) using renewable energy sources; and

"(2) not later than 180 days after completing the review, implement measures to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.".

SEC. 5. COST SAVINGS FROM REPLACEMENT FACILITIES.

Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

"(3)(A) In the case of any energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities being replaced.

"(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in subparagraph (A).".

SEC. 6. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 7. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) the term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in either—

"(A) an existing federally owned building or buildings or other federally owned facilities as a result of—

"(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(ii) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(iii) the increased efficient use of existing water sources; or "(B) a replacement facility under section 801(a)(3).".

(b) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

"(A) the performance of services for the design, acquisition, installation, testing, operations, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

"(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.".

(c) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4) is amended to read as follows:

"The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8459(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.".

Ms. CANTWELL. Mr. President, I am pleased to cosponsor the Energy Emergency Response Act of 2001, which will help low-income residents cope with high energy costs brought on by the crisis in California. I thank Senator BINGAMAN and others on the Committee on Energy and Natural Resources for their leadership in preparing this valuable legislation. The current crisis in energy supply and costs is a crucial and immediate problem for the people of Washington state.

I am working on several fronts to help alleviate these effects.

The Energy Emergency Response Act of 2001 authorizes increased funding for the Low-Income Home Energy Assistance Program, LIHEAP. The program is a lifeline to many of our most vulnerable people, providing direct assistance to eligible households to pay for home energy. Because of the energy crisis, applications for LIHEAP assistance in Washington state have increased by more than 50 percent this year. We need to bolster the program, or it will fall short at a time when low-income people need it the most.

This bill also authorizes increased funding for the Weatherization Program that provides insulation for Washington state homes, educates families on energy conservation, tests furnaces and ovens for safety and efficiency, and makes homes safer and healthier places to live. An average household saves 20 percent in fuel and energy costs every year as a result of participating in the Weatherization program. In these times of soaring energy costs, those savings are especially important. That is why this bill authorizes increased funding and raises the eligibility to 200 percent of the poverty level.

The bill requires Federal facility managers to evaluate opportunities to increase efficiency of energy and water use and installation of renewable energy projects at federal facilities. It also requires that the evaluation period be followed by implementation of energy and water savings within the 180 days.

Energy Savings Performance Contract usage is enhanced by this bill. These are innovative financing methods that leverage private sector investment and expertise to accomplish energy savings and cost savings in federal facilities. The bill amends the Federal Energy Management Program to include savings realized from operation and maintenance efficiencies.

This bill also authorizes a total of $75 million for state energy conservation. This is for energy efficiency and emergency planning at the state level. The bill also clarifies the definition of energy savings to include water conservation, excluding Federal hydroelectric facilities.

We are going to push for the funding of this bill to be appropriated through a special supplemental appropriation for 2001, adding $1 billion to base funding for LIHEAP, $152 million for weatherization, and $37 million for state energy conservation grants. We will also attempt to get forward funding for LIHEAP for 2002.

I will be working with the Washington State delegation, Senator BINGAMAN, and the Energy and Natural Resources Committee to move this bill and to push for funding as soon as possible. The energy crisis will not be resolved easily, but we can and should make this investment a part of our overall response to this issue. I urge my colleagues to move quickly on this legislation, and I hope that the President will make LIHEAP a priority in his upcoming budget.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRAMM, Mr. KYL, Mr. SESSIONS, and Mr. BINGAMAN):

S. 353. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year, and for other purposes; to the Committee on Foreign Relations.

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that will begin to reform our relationship with Mexico, particularly as it relates to our partnership in fighting drugs. I am pleased to be joined in this effort by Senators DIANNE FEINSTEIN, PETE DOMENICI, PHIL GRAMM, JON KYL, and JEFF SESSIONS, who are cosponsoring the legislation I will introduce today.

As you know, President Bush will visit Mexico on February 16th. He will hold a one day summit with Mexico's new President Vicente Fox. Improving cooperation between our two countries in the war on drugs will figure prominently on the President's agenda when he meets with President Fox.

Now is the time that we take the right first step in our mutual efforts to stop the flow of drugs into the United States through Mexico.

Last year, the Senate passed a resolution expressing a Sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counter-drug program that more effectively addresses illegal drug trafficking.

The resolution stated that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to implement such strategies and programs.

The legislation I am offering today again provides that a waiver is appropriate for this year. It also directs that a long term solution be found to the massive drug problem.

As you know, by March 1, after just six weeks in office, President Bush will be required to re-certify to Congress that Mexico is making progress in the war on drugs.

Forcing a confrontation so soon on the most important issue that we face with Mexico will serve neither country, and it will not loosen the grip that the drug culture has on both of our societies and economies.

Our bill will authorize a one-year waiver for Mexico from the annual certification process. The various reports and assessments prepared by the Department of State, the Department of Justice, or the Office of National Drug Control Policy will still be required.

The legislation will simply eliminate the requirement that the President in effect "grade" Mexico's performance in this area a scant 12 weeks after a new Mexican President has taken office.

Our legislation also takes another important step. It asks the President, no later than June 30, 2001, to develop and submit to Congress, a strategic plan outlining proposed efforts to increase cooperation between our two countries in the fight against drugs.

We need proposals on both sides of the border that will combat drug gangs; money laundering; drug smuggling and any other items the President believes should be addressed.

It seems to me that we must look for a comprehensive solution to this problem. We must look beyond the certification process—that in many ways is broken.

The strategic plan called for in this resolution should serve as the beginning of a new effort in the war against drugs.

We have two new leaders who are committed to tackling this problem. This bill is a good first step for building on the new relationship. I submit this to the Senate. I hope that we can consider this measure soon.

I want to say about the new leader of Mexico that he is taking a very positive approach and I think an aggressive one.

It was reported on February 2 of this year in the Washington Post in a byline that has the Mexico City date line that the new head of Mexico's customs agency has fired more than 90 people, including virtually every manager, in the first major purge of government officials since President Fox took office in December.

Forty-five out of the customs department's 47 supervisors were fired on corruption issues. In addition, in the first month of this year 150 tractor-trailers containing contraband were stopped by the Mexican customs office. Last year, for the entire year, 38 tractor-trailers were stopped for contraband merchandise.

That is a good sign. That is a sign that President Fox is going to make good on his promise to purge the corruption out of the system. We applaud him. That is why I think we should give him a chance to sit down with President Bush and work out a cooperative plan, one that is not punitive or unilateral but one that is cooperative. It will be in the best interest of both our countries to stop the cancer of drug trafficking. It is a cancer on both of our societies. The criminal element in Mexico certainly takes away from the productivity of that country. The criminal element that has arisen in the

United States that is preying on our children certainly must be stopped.

I hope we can have an expedited action on this bill because I think we can do some good. I intend to talk to our majority leader and the chairman of the Foreign Relations Committee to see if we can agree on something that will stop this decertification. Let's sit down and do something that will produce the results that both of our countries want.

By Mr. McCAIN:

S. 354. A bill to amend title XI of the Social Security Act to include additional information in social security account statements; to the Committee on Finance.

Mr. McCAIN. Mr. President, today I am introducing a bicameral piece of legislation with my colleague Representative DEMINT ensuring that every American worker is provided with honest information about the financial status of the Social Security program, including the real value of their personal retirement benefits. It is our obligation to talk straight with working Americans about the true financial status of the Social Security program.

Under the current system, hard working Americans—young and old—are not receiving straight, honest information regarding the actual financial status of the Social Security program, including how much it is receiving in payroll taxes and how much is needed to give promised benefits to seniors. It is our obligation to ensure that all Americans are provided with accurate information regarding exactly when the Social Security program will no longer have sufficient funds for paying full benefits.

Furthermore, we must begin providing working Americans with accurate, easy to understand information regarding the average rate of return they can expect to receive from Social Security as compared to the amount of taxes an individual pays into the program. It is only fair to be straight with everyone and let them know the true facts about how much they will pay in payroll taxes and what the limited return will be on their contributions.

Finally, I would like to take this opportunity to once again remind my colleagues of the very precarious financial condition of the entire Social Security system and the urgent need for a serious, bipartisan effort to reform and revitalize this cornerstone of many Americans' retirement planning.

The only way to achieve real reform of the Social Security system is to work together in a bipartisan manner. It's time to abandon the irresponsible game of playing partisan politics with Social Security. Democrats will have to stop using the issue to scare seniors into voting against Republicans. Republicans will have to resist using Social Security revenues to finance tax cuts. And both parties must stop raiding the Trust Funds to waste retirement dollars on more government spending. We must face up to our responsibilities, not as Republicans or Democrats, but as elected representatives of the American people with a common obligation to protect their interests.

We have an obligation to ensure that Social Security benefits are paid as promised, without putting an unfair burden on today and tomorrow's workers. It is time for us to talk straight to Americans about Social Security and begin working together in a bipartisan fashion to make the necessary changes to strengthen and save the nation's retirement program for the seniors of today and tomorrow.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Straight Talk on Social Security Act of 2001".

SEC. 2. MATERIAL TO BE INCLUDED IN SOCIAL SECURITY ACCOUNT STATEMENT.

Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(E) a statement of the current social security tax rates applicable with respect to wages and self-employment income, including an indication of the combined total of such rates of employee and employer taxes with respect to wages; and

"(F)(i) as determined by the Chief Actuary of the Social Security Administration, a comparison of the total annual amount of social security tax inflows (including amounts appropriated under subsections (a) and (b) of section 201 of this Act and section 121(e) of the Social Security Amendments of 1983 (26 U.S.C. 401 note)) during the preceding calendar year to the total annual amount paid in benefits during such calendar year;

"(ii) as determined by such Chief Actuary—

"(I) a statement of whether the ratio of the inflows described in clause (i) for future calendar years to amounts paid for such calendar years is expected to result in a cash flow deficit,

"(II) the calendar year that is expected to be the year in which any such deficit will commence, and

"(III) the first calendar year in which funds in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will cease to be sufficient to cover any such deficit;

"(iii) an explanation that states in substance—

"(I) that the Trust Fund balances reflect resources authorized by the Congress to pay future benefits, but they do not consist of real economic assets that can be used in the future to fund benefits, and that such balances are claims against the United States Treasury that, when redeemed, must be financed through increased taxes, public borrowing, benefit reduction, or elimination of other Federal expenditures,

"(II) that such benefits are established and maintained only to the extent the laws enacted by the Congress to govern such benefits so provide, and

"(III) that, under current law, inflows to the Trust Funds are at levels inadequate to ensure indefinitely the payment of benefits in full; and

"(iv) in simple and easily understood terms—

"(I) a representation of the rate of return that a typical taxpayer retiring at retirement age (as defined in section 216(l)) credited each year with average wages and self-employment income would receive on old-age insurance benefits as compared to the total amount of employer, employee, and self-employment contributions of such a taxpayer, as determined by such Chief Actuary for each cohort of workers born in each year beginning with 1925, which shall be set out in chart or graph form with an explanatory caption or legend, and

"(II) an explanation for the occurrence of past changes in such rate of return and for the possible occurrence of future changes in such rate of return.

The Comptroller General of the United States shall consult with the Chief Actuary to the extent the Chief Actuary determines necessary to meet the requirements of subparagraph (F).".

By Ms. LANDRIEU (for herself, Mr. SANTORUM, Mr. BREAUX, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. JOHNSON, Mr. LEVIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REID, Ms. STABENOW, Mr. TORRICELLI, Mr. BROWNBACK, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORZINE, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, and Mrs. CARNAHAN):

S. 355. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill which is long overdue. February is a particularly appropriate time to introduce this legislation, the Martin Luther King, Jr. Commemorative Coin Act of 2001, as this month we celebrate Black History Month.

Historian Carter G. Woodson began what was first called Negro History Week in 1926 when he realized schools were not teaching children about the history and achievements of black Americans. Now, for one month out of every year, we focus on the contributions of African-Americans during Black History Month. However, celebrations of the history and culture of black Americans should not be limited to just one month. By recognizing the history of black Americans every day of the year, we build the respect and perspective necessary to face the challenges before us.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, "Those who do not understand history are condemned to repeat it." America's history includes dark chapters—chapters in which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope, which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King, Jr. Commemorative Coin Act of 2001.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st century, I cannot think of a better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who have been denied civil or human rights because of their race, religion, gender, sexual orientation, or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. As a society, we must always remember Dr. King's message, "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'"

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our nation's history, African-Americans were included on only 4 out of 157 commemorative coins:

Jackie Robinson who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life;.

Booker T. Washington who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp;

George Washington Carver whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South; and

The Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us an opportunity to recognize the valuable contributions of all Americans who stood and were counted during our nation's civil rights struggle.

Americans such as the late Reverend Avery C. Alexander, a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an advisor to Governor Morrison of Louisiana in the 1950s.

Heroes such as Dr. C.O. Simpkins of Shreveport, Louisiana, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T.J. Jemison of Baton Rouge—a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my state. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, "If you want the present to be different from the past, study the past." This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future. Most importantly, this coin would serve as a reminder every day of the year, not just during Black History Month, of the great contributions of Dr. King and all black Americans who have shaped this nation's history and future.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dr. Martin Luther King, Jr., Commemorative Coin Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) Dr. Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all its citizens;

(2) Dr. Martin Luther King, Jr. was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950's and 1960's;

(3) Dr. Martin Luther King, Jr. was the keynote speaker at the August 28, 1963, March on Washington, the largest rally of the civil rights movement, during which, from the steps of the Lincoln Memorial and before a crowd of more than 200,000 people, he delivered his famous "I Have A Dream" speech, one of the classic orations in American history;

(4) Dr. Martin Luther King, Jr. was a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and was awarded the 1964 Nobel Peace Prize in recognition of his efforts;

(5) all Americans should commemorate the legacy of Dr. Martin Luther King, Jr. so "that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'"; and

(6) efforts are underway to secure the personal papers of Dr. Martin Luther King, Jr., for the Library of Congress so that they may be preserved and studied for generations to come.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act from all available sources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the human rights legacy and leadership of Dr. Martin Luther King, Jr.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2003"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Librarian of Congress, the Commission of Fine Arts, and the estate of Dr. Martin Luther King, Jr.; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2003.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Library of Congress for the purposes of purchasing and maintaining historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

Mr. MILLER. Mr. President, I am pleased to be an original cosponsor of S. 355, the Martin Luther King Jr. Commemorative Coin Act. The bill would instruct the U.S. Treasury to mint coins to commemorate the many contributions of Dr. Martin Luther King, Jr. The proceeds from the sale of the proposed commemorative coin will be used by the Library of Congress to purchase and maintain historical materials related to the legacy of Dr. King and America's Civil Rights era for future generations.

The coin will be silver and will be minted under the Act for only a 1-year period beginning on January 1, 2003.

Dr. Martin Luther King Jr. was an extraordinary leader whose march for justice stretched far beyond the red clay hills of our beloved Georgia. His was a long, tumultuous journey and his vision of equality is one that touched the lives of so many people around this country, including my own.

I will continue to do all I can to assure that we preserve his legacy for generations to come. It is my hope that this commemorative coin will become a collector's treasure and that its popularity will help us preserve the timeless and poignant story of Dr. King and the civil rights movement for our children.

Dr. King spoke these words in his final sermon on the day before he died in 1968:

> Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge, to make America what it ought to be.

I hope that every American who holds one of these commemorative coins in their hands will remember Dr. King's powerful message.

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, and Mr. BREAUX):

S. 356. A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, today I rise, along with Senators LINCOLN, BREAUX, and CARNAHAN, to introduce a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase. This legislation has particularly special meaning to Senators from Louisiana because the site of the actual transfer of the Louisiana Purchase in 1803, the Cabildo, is a building still located in Jackson Square in New Orleans.

The bicentennial of the Louisiana Purchase, which occurs in 2003, marks an event that more than any other, determined the character of our national life—determined that we should be a great expanding nation instead of a relatively small and stationary one.

For only $15 million, three cents an acre, a remarkable bargain, all or part of 14 states were created out of vast territory acquired in the Louisiana Purchase, virtually doubling the size of the United States. The largest peaceful land transaction in history, the Purchase opened the heartland of North America for exploration, settlement and achievement to the people of the United States and immigrant from around the world.

It made possible the travels of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life Out West. Around the world, the American Frontier became synonymous with the search for spiritual, economic and political freedom.

The bill we are introducing today creating this Commission would require an appropriation of no more than $4,000,000. The Commission would be composed of a bipartisan group of 24 members, appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, the Commission will submit a report to the President and Congress detailing its recommendations for activities to celebrate the event. By March 31, 2005, the Commission is to submit a final report describing all activities, programs, expenditures and donations relating to its work.

Commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance public understanding of the impact of westward expansion on American society and can provide lessons for democratic governance in our own time. I call on my colleagues to join us in honoring this momentous occasion in our nation's history and provide the proper ways and means for us to celebrate it appropriately.

Mr. President, again, this bill is to establish a national commission on the bicentennial of the Louisiana purchase. This, hopefully, is going to be an exciting celebration for our Nation. Of course, it will take place in the year 2003. This legislation has particularly special meaning to the Senators from Louisiana because the site of the actual transfer of the Louisiana purchase, of course, which was in 1803, took place in the Cabildo, a building that still stands right there on the historic Jackson Square in New Orleans.

The bicentennial of the Louisiana purchase which will occur in 2003 marks an event that more than any other determined the character of our national life. It determined that we should be a great and expanding Nation instead of a relatively small and stationary one.

As we all remember from our history classes, for only $15 million, 3 cents an acre—a remarkable bargain, actually, for part or all of 14 States that were created out of this vast territory acquired in the Louisiana Purchase, virtually doubling the size of the United States—this was, in fact, the largest peaceful land transaction in history. The purchase opened the heartland of North America for exploration, settlement, and achievement to the people of the United States and immigrants from around the world. It made possible the travel of Lewis and Clark, whose invaluable knowledge of the land and peoples beyond the Mississippi River emboldened thousands of Americans to search for a new life out West.

Around the world, the American frontier became synonymous with the search for spiritual, economic, and political freedom. So the bill we are introducing today creates a commission. It would require an appropriation of no more than $4 million. The commission would be composed of a bipartisan group of 24 members appointed by the President through recommendations of the Speaker of the House and the Senate majority and minority leaders. A year after enactment of this order, according to our legislation, the commission will submit a report to the President and Congress detailing its recommendations and activities to celebrate this wonderful event.

Hopefully, by March of 2005, the commission will submit a final report describing all of the activities and programs, expenditures, and donations relating to its work.

The commemoration of the Louisiana Purchase and the subsequent opening of the West can enhance a public understanding of the impact of the westward expansion on American society, and, I think, provide for all of us, adults and children alike, lessons we can use each day as we press forward for more stable and robust and terrific democracy and for governance in our time.

I call on colleagues today to join us in honoring this occasion in our Nation's history so we can provide the proper ways and means for us to celebrate it fully and appropriately.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Louisiana Purchase Bicentennial Commission Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Bicentennial of the Louisiana Purchase occurs in 2003, 200 years after the United States, under the leadership of President Thomas Jefferson and after due consideration and approval by Congress, paid $15,000,000 to France in order to acquire the vast area in the western half of the Mississippi River Basin;

(2) the Louisiana Purchase was the largest peaceful land transaction in history, virtually doubling the size of the United States;

(3) the Louisiana Purchase opened the heartland of the North American continent for exploration, settlement, and achievement to the people of the United States;

(4) in the wake of the Louisiana Purchase, the new frontier attracted immigrants from around the world and became synonymous with the search for spiritual, economic, and political freedom;

(5) today the States of Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming make up what was the Louisiana Territory; and

(6) commemoration of the Louisiana Purchase and the opening of the West would—

(A) enhance public understanding of the impact of westward expansion on the society of the United States; and

(B) provide lessons for continued democratic governance in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) BICENTENNIAL.—The term "Bicentennial" means the 200th anniversary of the Louisiana Purchase.

(2) COMMISSION.—The term "Commission" means the National Commission on the Bicentennial of the Louisiana Purchase established under section 4(a).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Bicentennial of the Louisiana Purchase".

(b) DUTIES.—The Commission shall plan, encourage, coordinate, and conduct the commemoration of the Bicentennial.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 24 members, of which 12 members shall be Republicans and 12 members shall be Democrats, including—

(A) 12 members, of which 6 members shall be Republicans and 6 members shall be Democrats, appointed by the President to represent the United States;

(B) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the majority and minority leaders of the Senate; and

(C) 6 members, of which 3 members shall be Republicans and 3 members shall be Democrats, appointed by the President, on the recommendation of the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) CRITERIA.—A member of the Commission shall be chosen from among individuals that have demonstrated a strong sense of public service, expertise in the appropriate professions, scholarship, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Commission shall not be an employee or former employee of the Federal Government.

(4) INTERNATIONAL PARTICIPATION.—The President shall invite the Governments of France and Spain to appoint, not later than 60 days after the date of enactment of this Act, 1 individual to serve as a nonvoting member of the Commission.

(5) DATE OF APPOINTMENTS.—The appointment of a member of the Commission described in paragraph (1) shall be made not later than 60 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCY.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(f) MEETINGS.—The Commission shall meet at the call of the Co-Chairpersons described under subsection (h).

(g) QUORUM.—A quorum of the Commission for decision-making purposes shall be 13 members, except that a lesser number of members, as determined by the Commission, may conduct meetings.

(h) CO-CHAIRPERSONS AND VICE CO-CHAIRPERSONS.—

(1) CO-CHAIRPERSONS.—The President shall designate 2 of the members, 1 of which shall be a Republican and 1 of which shall be a Democrat, to be Co-Chairpersons of the Commission.

(2) CO-VICE-CHAIRPERSONS.—The Commission shall select 2 Co-Vice-Chairpersons, 1 of which shall be a Republican and 1 of which shall be a Democrat, from among the members of the Commission.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan and develop activities appropriate to commemorate the Bicentennial including a limited number of proposed projects to be undertaken by the appropriate Federal departments and agencies that commemorate the Bicentennial by seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) consult with and encourage Indian tribes, appropriate Federal departments and agencies, State and local governments, elementary and secondary schools, colleges and universities, foreign governments, and private organizations to organize and participate in Bicentennial activities commemorating or examining—

(A) the history of the Louisiana Territory;

(B) the negotiations of the Louisiana Purchase;

(C) voyages of discovery;

(D) frontier movements; and

(E) the westward expansion of the United States; and

(3) coordinate activities throughout the United States and internationally that relate to the history and influence of the Louisiana Purchase.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President and Congress a comprehensive report that includes specific recommendations for—

(A) the allocation of financial and administrative responsibility among participating entities and persons with respect to commemoration of the Bicentennial; and

(B) the commemoration of the Bicentennial and related events through programs and activities, such as—

(i) the production, publication, and distribution of books, pamphlets, films, electronic publications, and other educational materials focusing on the history and impact of the Louisiana Purchase on the United States and the world;

(ii) bibliographical and documentary projects, publications, and electronic resources;

(iii) conferences, convocations, lectures, seminars, and other programs;

(iv) the development of programs by and for libraries, museums, parks and historic sites, including international and national traveling exhibitions;

(v) ceremonies and celebrations commemorating specific events;

(vi) the production, distribution, and performance of artistic works, and of programs and activities, focusing on the international and national significance of the Louisiana

Purchase and the westward movement opening the frontier for present and future generations; and,

(vii) the issuance of commemorative coins, medals, certificates of recognition, and stamps.

(2) ANNUAL REPORT.—The Commission shall submit an annual report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President;

(B) the Senate; and

(C) the House of Representatives.

(3) FINAL REPORT.—Not later than March 31, 2005, the Commission shall submit a final report that describes the activities, programs, expenditures, and donations of or received by the Commission to—

(A) the President;

(B) the Senate; and

(C) the House of Representatives.

(c) ASSISTANCE.—In carrying out this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies.

SEC. 6. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects that will contribute to public awareness of, and interest in, the Bicentennial, except that any commemorative coin, medal, or postage stamp recommended to be issued by the United States shall be sold only by a Federal department or agency;

(2) competitions and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the Bicentennial;

(3) a Bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of Bicentennial historical and commemorative significance; and

(4) the design and designation of logos, symbols, or marks for use in connection with the commemoration of the Bicentennial shall establish procedures regarding their use.

(b) ADVISORY COMMITTEE.—The Commission may appoint such advisory committees as the Commission determines necessary to carry out the purposes of this Act.

SEC. 7. ADMINISTRATION.

(a) LOCATION OF OFFICE.—

(1) PRINCIPAL OFFICE.—The principal office of the Commission shall be in New Orleans, Louisiana.

(2) SATELLITE OFFICE.—The Commission may establish a satellite office in Washington, D.C.

(b) STAFF.—

(1) APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.—

(A) IN GENERAL.—The Co-Chairpersons, with the advice of the Commission, may appoint and terminate a director and deputy director without regard to the civil service laws (including regulations).

(B) DELEGATION TO DIRECTOR.—The Commission may delegate such powers and duties to the director as may be necessary for the efficient operation and management of the Commission.

(2) STAFF PAID FROM FEDERAL FUNDS.—The Commission may use any available Federal funds to appoint and fix the compensation of not more than 10 additional personnel staff members, as the Commission determines necessary.

(3) STAFF PAID FROM NON-FEDERAL FUNDS.—The Commission may use any available non-Federal funds to appoint and fix the compensation of additional personnel.

(4) COMPENSATION.—

(A) MEMBERS.—

(i) IN GENERAL.—A member of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Co-Chairpersons of the Commission may fix the compensation of the director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—

(I) DIRECTOR.—The rate of pay for the director shall not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(II) DEPUTY DIRECTOR.—The rate of pay for the deputy director shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(III) STAFF MEMBERS.—The rate of pay for staff members appointed under paragraph (2) shall not exceed the rate payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—On request of the Commission, the head of any Federal agency or department may detail any of the personnel of the agency or department to the Commission to assist the Commission in carrying out this Act.

(2) REIMBURSEMENT.—A detail of personnel under this subsection shall be without reimbursement by the Commission to the agency from which the employee was detailed.

(3) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) OTHER REVENUES AND EXPENDITURES.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, enter into contracts, and expend funds appropriated, donated, or received to carry out contracts.

(2) DONATIONS.—

(A) IN GENERAL.—The Commission may solicit, accept, use, and dispose of donations of money, property, or personal services.

(B) LIMITATIONS.—Subject to subparagraph (C), the Commission shall not accept donations—

(i) the value of which exceeds $50,000 annually, in the case of donations from an individual; or

(ii) the value of which exceeds $250,000 annually, in the case of donations from a person other than an individual.

(C) NONPROFIT ORGANIZATION.—The limitations in subparagraph (B) shall not apply in the case of an organization that is—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(4) ACQUIRED ITEMS.—Any book, manuscript, miscellaneous printed matter, memorabilia, relic, and other material or property relating to the time period of the Louisiana Purchase acquired by the Commission may be deposited for preservation in national, State, or local libraries, museums, archives, or other agencies with the consent of the depositary institution.

(e) POSTAL SERVICES.—The Commission may use the United States mail to carry out this Act in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsections (b) and (c), there are authorized to be appropriated to carry out the purposes of this Act—

(1) $1,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each of fiscal years 2003 through 2005.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until March 31, 2005.

(c) LIMITATION.—The total amount of funds made available under this section shall not exceed $4,000,000.

SEC. 9. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective March 31, 2005.

By Mr. BREAUX (for himself and Mr. FRIST):

S. 358. A bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes; to the Committee on Finance.

Mr. FRIST. Mr. President, I am pleased to once again stand before the Senate and speak on the critical issue of Medicare reform and prescription drugs. Over the past 3 years, I have worked extensively on this issue with my friend Senator BREAUX, and we have introduced two pieces of bipartisan legislation comprehensively reforming and strengthening the Medicare program. Therefore, I am thrilled today to reintroduce these bills along with Senator BREAUX as we take the next step in this process towards improving Medicare.

No one disputes that Medicare needs changes. Every year, Congress considers numerous proposals to update the Medicare program—some more far-reaching than others. We have a strong consensus on the importance of a prescription drug benefit to Medicare beneficiaries. What remains for us, then, is to strengthen the Medicare program in a way that will bring it into the 21st century—by allowing seniors to have a prescription drug benefit, bringing the overall benefits package into line with what most other Americans receive, and giving the program the flexibility to change and grow over the years.

We all know Medicare's shortcomings. It is projected to be bankrupt by 2025. It only covers 53 percent of beneficiaries' health care costs, making seniors spend an average of $2,000 per year out-of-pocket on health care. It does not cover prescription drugs, long-term care, eyeglasses or dental care. As the fourth-largest item in the budget, its spending, left unchecked will consume an ever-increasing share of the Federal budget. A generational time-bomb awaits it as 77 million baby boomers begin to enter the program in 2010. It is an example of Congressional micromanagement at its worst, and its regulatory system encompasses more than 130,000 pages of HCFA regulations.

Designed in 1965, the Medicare program remains mired in the past. When Medicare was first enacted in 1965, it had the goal of providing seniors necessary acute health care that would otherwise have been unaffordable. However today's health care delivery systems are far more advanced than the program's creators ever imagined. It has simply not kept pace with the changing nature of health care. We must fix the program—not just continue to tinker around the edges.

I believe that the overwhelming public support for a prescription drug benefit gives us a real opportunity to improve Medicare in a bipartisan, comprehensive manner. Seniors absolutely need prescription drug benefits, but a free-standing drug benefit that fails to address the underlying program only exacerbates Medicare's financial and administrative troubles while removing the political will to tackle the pressing need for system-wide reform.

Therefore, any reform legislation, while including prescription drug coverage, must also address these other issues facing the program. The first bill we introduce today, "Breaux-Frist I," was the first bipartisan attempt to comprehensively reform Medicare in the program's 35-year history. Breaux-Frist I draws heavily on the recommendations of the National Bipartisan Commission on the Future of Medicare and is modeled after the Federal Employees Health Benefit Plan, (FEHBP), a plan through which we and millions of other Federal employees receive health care. This is a plan with a forty year track record of success in providing quality comprehensive health coverage.

Breaux-Frist I does three main things. First, it replaces the current system for competing health plans in Medicare, which is not working very well, with a new system based on the FEHBP. A new Medicare Board, not HCFA, would oversee the competition. It also requires that all Medicare plans; including the HCFA-sponsored plans, have a high option with prescription drug coverage and a limit on seniors' out-of-pocket costs. The Government would make the least cost high option plan available to low-income seniors for free and would share a part of the cost with all beneficiaries choosing a high option plan. Finally, it gives HCFA the opportunity to manage the government-run plans more like a business, with less regulation and less need for Congressional micromanagement.

Building on Breaux-Frist I and the findings of the Medicare Commission, our second piece of legislation, "Breaux-Frist II," takes the first steps towards long-term Medicare reform while adding a much needed outpatient prescription drug benefit to the program. The bill will provide seniors the option to choose the kind of health care coverage that best suits their individual needs, including enhanced benefits, outpatient prescription drug coverage, and protections against high out-of-pocket drug costs.

Breaux-Frist II establishes the Competitive Medicare Agency, CMA, an independent, executive-branch agency to spearhead an advanced level of Medicare management and oversight—leaving behind the intransigent bureaucracy and outdated mindset infecting the program and instead guaranteeing seniors choice, health care security, and improved benefits and delivery of care.

Vital to this bill is the Prescription Drug and Supplemental Benefit Program that provides beneficiaries outpatient prescription drugs and other additional benefits through new Medicare Prescription Plus plans offered by private entities or through Medicare+Choice plans. Seniors are guaranteed a minimum benefit but also have the choice of other drug benefit packages. I recognize more than anyone that a one-size-fits-all approach to health care does not work. It is important to pass along the same choices we, as members of Congress, have. Seniors deserve no less.

The bill also provides drug coverage premium subsidies for low-income beneficiaries and addresses the high costs of drugs by ensuring that no beneficiary will ever pay retail prices for prescription drugs again.

Both of these bills will prove successful in placing Medicare on the right road to financial stability and quality health care. They will ensure more competition, provide a universal prescription drug benefit, protect low-income and rural Americans and create new measures of Medicare's financial solvency.

Medicare must be modernized to provide seniors integrated health care choices, including outpatient prescription drug coverage. By moving forward on this legislation, we can truly provide choice and security for our Medicare beneficiaries to ensure their individual health care needs are met, today and well into the future. I look forward to working with Senator BREAUX, my colleagues on both sides of the aisle, and the White House towards this critical goal.

By Mr. SHELBY:

S. 359. A bill to amend title 10, United States Code, to provide eligibility for members enlisting in a regular component of the Armed Forces to enroll for advanced training in the Senior Reserve Officers' Training Program; to increase the maximum age authorized for participation in the Senior Reserve Officers' Training Corps financial assistance program; and for other purposes; to the Committee on Armed Services.

Mr. SHELBY. Mr. President, I rise to introduce the Senior Reserve Officers' Training Corps Eligibility Reform Act of 2001. I believe this bill will shore up the military's ability to recruit and retain qualified junior officers. This legislation will reform our college level Reserve Officer Training Corps Units by expanding eligibility for those programs.

This bill contains two primary provisions which will alter the way in which ROTC determines eligibility. First, it will allow active duty enlisted personnel, who have been selected for an officer commissioning program, to participate in ROTC training. These enlisted personnel are already on college campuses and are attached administratively to an ROTC unit. Their tuition is paid by their respective service and they earn their regular active duty pay while earning their degree. However, these enlisted personnel do not normally begin their formal officer training until after earning their degree when they attend their respective service's officer candidate school. On average, our military's officer candidate schools are three months long. This legislation would permit these personnel to complete their officer training at the ROTC unit which serves the college or university they are attending. This would be a more equitable use of an officer candidate's time and would decrease the time and cost associated with training. Additionally, it will free up positions at officer training schools and significantly increase their ability to cope with fluctuations in the number of officer recruits.

Second, this legislation increases the maximum age for participation in ROTC scholarship programs from 27 to 35. In other words, if a cadet or midshipman can complete their degree and earn their commission, by the maximum legal commissioning age of 35, they should be able to earn a scholarship which will pay for that education. This provision will allow the services to use scholarship money to cover the entire commissioning envelope. Our military recruiters will be able to provide financial incentives to an older yet valuable age group. I have been told that officer trainees in the 27 to 35 age group are more mature and focused and are less likely to try to back out of their service commitment.

This legislation is one small initiative in our effort to rebuild the morale and readiness of our armed forces. Whether they be infantry commanders, pilots, submariners, intelligence analysts or information technology specialists, our junior officer ranks are depleted across the spectrum. In conjunction with the service academies and officer candidate schools, the ROTC scholarship program has been the backbone of our military's ability to train and commission high quality junior officers. My proposal today would merely expand this established program to include regular active duty personnel and an older and more seasoned citizenry. Overall, I believe that this bill will help the military to commission more junior officers, especially those with valuable prior enlisted service. I urge my colleagues to support it.

By Mr. MURKOWSKI (for himself, Mr. INHOFE, and Mr. ENZI):

S. 361. A bill to establish age limitations for airmen; to the Committee on Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators INHOFE and ENZI in introducing legislation that attempts to diminish the scope of a problem that is facing our air transport industry, namely a critical shortage of pilots. The pilot shortage is starting to have effects in many rural states.

In response to this problem, I am today introducing a bill that would repeal the Federal Aviation Administration (FAA) rule which now requires pilots who fly under Part 121 to retire at ago 60. Under my legislation, pilots in excellent health would be allowed to continue to pilot commercial airliners until their 65th birthday.

The Age 60 rule was instituted 40 years ago when commercial jets were first entering service. The rule was established without the benefit of medical or scientific studies or public comment. The most recent study, the results of which were released in 1993, examined the correlation between age and accident rate as pilots approach 60. That study found no increase in accidents.

The FAA contends that although science does not dictate retirement at the age of 60, it is the age range when sharp increases in disease mortality and morbidity occur. In FAA's view it is too risky to allow older pilots to fly the largest aircraft, carrying the greatest number of passengers over the longest non-stop distances, in the highest density traffic.

However, 44 countries worldwide have relaxed the age 60 rule within the last ten years primarily because the pilot shortage is a worldwide phenomenon. Many of these air carriers currently fly into U.S. airspace.

One of the ways carriers are attempting to adapt to the shortage is to lower their flight time requirements. In my view, this is a risk factor the FAA should be concerned about.

How did this shortage occur? The reason is simple: There has been an explosive growth of the major airlines worldwide, and there's a shortage of military pilots who used to feed the system. In addition, there is an aging pilot pool that must retire at age 60.

Add to this domino effect the decline in the number of people learning to fly, due primarily to the cost, and the pool of available pilots has shrunk.

The shortage acutely affects my home state of Alaska because we depend on air transport far more than any other state. Rural residents in Alaska have no way out other than by air service. There are no rural routes, state or interstate highways serving most rural residents in Alaska and the airplane for many of them is their lifeline to the outside world.

The pilot shortage has left Alaskan carriers scrambling for pilots. Alaska's carriers must hire from the available pilot pool in the lower 48. Many of these pilots view flying in Alaska as a stepping stone that allows them to build up flight time. Although they get great flying experience in my home state, in nearly all instances when a pilot gets a higher-pay job offer with a larger carrier in the lower 48, he leaves Alaska.

According to the Alaska Air Carriers Association, raising the retirement age to 65 will help alleviate the shortage and keep experienced pilots flying and serving rural Alaskans.

I would note that what is happening across the country is that the major carriers are luring pilots from commuter airlines, who in turn recruit from the air charter and corporate industry, who in turn hire flight instructors, agriculture pilots, etc. Which leaves rural carriers strapped. The big fish are feeding off the little ones.

Small carriers simply cannot compete with the salaries, benefits and training costs of the major carriers. They simply do not have the financial resources.

According to figures provided by the Federal Aviation Administration, there were 694,000 pilots in 1988 and 616,342 in 1997. Within that number, private pilot certificates fell from approximately 300,000 in 1988 to 247,604 in 1997. Commercial certificates, like air taxi and small commuter pilots, fell from 143,000 in 1988 to 125,300 in 1997. The number of total pilots in Alaska fell from more than 10,000 in 1988 to approximately 8,700 in 1997.

However, light is beginning to show at the end of the tunnel. Organizations such as the Aircraft Owners and Pilots Association (AOPA) and the General Aviation Manufacturers Association (GAMA) have been monitoring this shortage for some time and have stepped up to the plate to get people interested in flying. AOPA has started a pilot mentoring program in 1994 and approximately 30,000 have entered the program. GAMA's "Be a Pilot" program is starting to bring more potential pilots into flight training.

Even the Air Force is starting to institute new programs to keep pilots.

In Alaska, as a result of a precedent-setting program involving Yute Air, the Association of Village Council Presidents, the University of Alaska, Anchorage, Aero Tech Flight Service, Inc., and the FAA, a program was developed to train rural Alaska Natives to fly. Seven are on their way to pilot careers.

Also, the number of students working on pilot licenses at the University's Flight Technology program has almost doubled in two years.

It is my hope that the shortage has hit rock bottom. But even so, it will take years before a cadre of qualified pilots is ready to take to the friendly skies.

The time has come for Congress to wrestle with this problem. As long as a pilot can pass the rigorous medical exam, he or she should be allowed to fly. Air service is critical to keep commerce alive, especially in rural states.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 30 days after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 65 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term "certificate holder" means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. DASCHLE, and Mrs. LINCOLN):

S. 362. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. DASCHLE, Mrs. LINCOLN, and Mr. HARKIN):

S. 363. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. DASCHLE):

S. 364. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm reintroducing several bills that are needed to fix glaring problems in our Internal Revenue Code.

Clearly, the issue of tax cuts will be the subject of extensive debate in the coming months. I think a responsible new tax relief plan could be crafted to ease the tax burden on working families and others who need it. I also believe that if the expected surpluses materialize, a significant part should be used to pay down the federal debt.

But, as we move forward with this debate about new tax breaks, I think Congress needs to remember that there are a number of tax fairness matters pending from previous years that we must address without any further delay.

First, when Congress enacted a new $500,000 capital gains exclusion for home sales in 1997, it offered a good deal to those families who live in urban areas affected by rising home and land prices. Unfortunately, this provision offers little or no benefits for family farmers because their farm homes are part of the larger farmstead. By itself, the farmhouse often has little value in relation to the surrounding farmland and buildings. This means that farmers who are selling the whole farm because they are retiring or who are being forced out of business because of the downturn in the farm economy may face a hefty tax bill at a time they can least afford it.

Legislation that Senator HAGEL and I are introducing today recognizes the economic realities of farming and extends the benefit of the $500,000 capital gains tax exclusion to farm families. Specifically, our legislation would expand the $500,000 capital gains exclusion for home sales to cover family farmers who sell their farmhouses or surrounding farmland, so long as they are actively farming prior to the sales.

We have introduced virtually identical legislation in the past. Our approach has garnered substantial bipartisan support from most of our colleagues. If we enact a major tax bill this year, we believe it ought to include language to correct this capital gains tax problem that many of our nation's farmers urgently need fixed.

Second, I'm introducing legislation along with Senators JOHNSON, DASCHLE and others to immediately eliminate the disparity between sole proprietors and their large corporate competitors in the tax treatment of their health insurance costs. Under current federal tax law, we tell our biggest corporations that they can deduct 100 percent of their health insurance costs, while we say to our nation's sole proprietors that they can deduct only 60 percent of these same costs. Almost everyone agrees that this circumstance is indefensible and needs to be remedied. Current law fixes this problem by 2003, but small business owners should not have to wait. Congress should act now to give them the full deduction.

This legislation addresses this inequity facing family farmers, ranchers, and other self-employed individuals by permitting them to deduct 100-percent of their health insurance costs beginning this year. The health of a family farmer or small business owner is just as important as the health of an officer of a large corporation and our tax laws should reflect that simple fact now.

The third bill I'm introducing today addresses what I believe is a major flaw in the current federal income tax expensing provision that hinders many small businesses from making needed building improvements. Under current law, small businesses generally can deduct immediately up to $24,000 in qualifying purchases of equipment and machinery. But they must depreciate over 39 years the costs of any storefront or other structural building improvements, even if those improvements are crucial to the business or to the maintenance of a Main Street.

This legislation tells the local drug store, shoe store or barber shop, which doesn't have much need for equipment purchases but does need to improve the storefront or interior, that it should be able to deduct the costs of such improvements, rather than be forced to depreciate them over nearly four decades. Specifically, my bill expands the current $24,000 expensing provision to cover investments in depreciable real property. The bill also increases the expensing amount to $25,000, which is currently scheduled to occur by the year 2003.

There are Main Streets across this country that were built or refurbished decades ago and now need investments and improvements. Our federal tax laws ought to assist small businesses to make such improvements, and my legislation is a simple way to accomplish that.

The Senate unanimously agreed to an amendment I offered to a larger tax bill last summer that would have made the changes I have proposed in the three bills I introduce today. Unfortunately, none of these provisions was included in the final version of that tax bill or other legislation before the Congress adjourned last year.

Therefore, I would urge my Senate colleagues to cosponsor each of these bills and work with me to get them added to any tax package passed by the Congress this year.

By Mr. THOMAS:

S. 365: A bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce a bill to provide recreational snowmobile access to certain units of the National Park System, and for other purposes.

Recently many of my constituents in and around Yellowstone and Grand Teton National Parks witnessed the bureaucracy exercise its powers and run roughshod over those who disagreed with its findings.

For years, the National Park Service managed and encouraged recreational snowmobiling in Yellowstone and Grand Teton National Parks and on the adjacent John D. Rockefeller, Jr. Memorial Parkway, providing thousands of Americans an opportunity to enjoy the winter wonders of the Yellowstone plateau and the majestic surrounding countryside.

Instead of continuing this reasonable approach to winter access, or constructively addressing perceived adverse issues; The Clinton administration hijacked the National Park Service effort to update Yellowstone's winter use management plan; corrupted the environmental impact statement process; cut off meaningful participation by cooperating states, local communities and citizens; disregarded critical facts and science, and injected new anti-snowmobile alternatives into the process at the last moment.

In short, federal land managers cast aside their statutory duties and obligations and instead accepted interpretations of law twisted to stage a grand political gesture—the banning of snowmobiles from National Parks, including Yellowstone and Grand Teton.

Snowmobiles often come under fire from those who suspect that the machines degrade air and water quality, despite the fact that scientists were unable to produce or confirm any resource degradation in the recent environmental impact study conducted by the National Park Service. In this regard, I have met personally with the presidents and CEO's of the four major snowmobile manufacturers. They have informed me, that as soon as the Environmental Protection Agency issues emission standards, they can produce and market snowmobiles that meet or exceed the standards within three years.

Mr. President, the industry only needs to have the emission standards set so that they can get on with their business. In fact, the Environmental Protection Agency, EPA, was in the process of creating standards; however, EPA employees were told to stand down by the President's appointees until the Yellowstone scenario was played out. They did not want to be confused by the facts nor did they desire to constructively address the perceived problems.

Headlines were more important than people as well as the economic viability of small communities and businesses in Idaho, Montana and Wyoming. Press reports were more important than providing winter visitors continued access to their parks.

The bureaucrats did decide that the "snowcoach only no other snowmachine" scenario is the only way people should enjoy, experience and view the majesty that winter brings to the Yellowstone region.

The "snowcoach only" scenario is unfortunately another bureaucratic snafu. No one considered that today's snowcoach is mechanically unreliable and it lacks the speed necessary to see much of the park in a day. While the snowcoach may be the correct and preferred mode of transportation for some, it is not for many. Telling local businessmen that more comfortable, more reliable snowcoaches will be developed in the next few years at taxpayer expense serves absolutely no purpose. I know of no such budget request or plan and I know of no one willing to invest in such a risky scheme.

I do know that a viable alternative for winter access is possible. More importantly, access can be attained in an environmentally sound manner. It is not an issue that should be ignored. I doubt that the new rules and regulations will stand the scrutiny of our court system. The International Snowmobile Manufacturer's Association and other parties have already filed suit against the Department of the Interior and the National Park Service challenging the government's arbitrary and capricious decision to reverse decades of traditional activity.

In watching the progress and the mistakes made, along with the information and facts ignored, I believe there is a real possibility that the newly issued rules and regulations will be overturned.

It is for this reason that I am introducing this legislation today. I believe that a proactive, constructive and environmentally sound approval to winter access to our parks needs to be discussed and implemented.

This legislation, when enacted, will:

(1) direct the EPA, within two years, to promulgate final national standards governing emissions by snowmobiles;

(2) the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System, and

(3) not later than five years after the enactment of this act, the National Park Service will not allow a snowmachine to operate within the boundaries of a park that does not meet the new emission and noise standards.

The measure also provides the Secretary with authorities to close portions of parks if damage to the resource can be shown and the bill requires comprehensive studies; which, to date, have not been completed, much less initiated. The studies will assess the impacts of recreational snowmobile use within the affected units of the System on park resources, visitor use and enjoyment, and adjacent communities.

I am not suggesting that snowmachine users have unfettered access across park lands. Any use will be closely monitored and highly regulated. Some are unaware of the fact that currently snowmachines in parks are limited to the same established roadways used by hundreds of automobiles during the summer months. The users are not allowed to travel at will in parks as they are allowed on other federal lands.

There will be some who will admit that cleaner, quieter machines are not that much different than the automobiles that tend to clog our park roadways from time to time. They would be correct, except that there are far fewer snowmachines visiting our parks than there are automobiles. They will point out; however, that snowmachines harass wildlife.

Some of the folks at Yellowstone coined a phrase—"bison ping pong" Evidently, there is a VCR tape that has been circulated showing two individuals on snowmobiles harassing a bison within the boundaries of Yellowstone National Park. I have not seen the tape and I cannot attest to its veracity.

Currently, there are laws that make it a federal crime to engage or participate in such activities. The National Park Service has all of the powers and authorities it needs to address this management problem or illegal activity, if indeed, it exists. I would advocate, that anyone apprehended in a park engaged in this sort of illegal activity, should be prosecuted to the fullest extent of the law, and in addition to fines and jail time, their machines should be confiscated.

The bottom line in the snowmobile debate is that with a little care, the program can be well managed, without causing damage to the park resources, including the wildlife therein.

Finally, I am committed to work with my colleagues toward the passage of this legislation. I am willing to compromise where necessary and I am willing to listen to all sides of this issue. I firmly believe that we can reach resolution.

The concept and management style which advocates the theory that there may be a problem with a particular activity, but we don't really know what the problem is—therefore the activity should be eliminated no matter who or what is inconvenienced, forced out of business, or denied access to our natural treasures—should not be allowed to continue unchecked.

I am an avid supporter and protector of our National Park System. I firmly believe this winter use can be accommodated through good management, good science and a little common sense.

I ask unanimous consent that the text of the bill, a synopsis of snowmobile regulations, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 365

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "National Park Service Winter Access Act".

SEC. 2. SNOWMOBILES.

(a) FINDINGS.—

(1) Recreational snowmobile use within units of the National Park system is an established, traditional, and legitimate means of visitor use and enjoyment of these public lands when conducted in a manner that does not adversely affect or impair park resources and values.

(2) The snowmobile manufacturers and the Environmental Protection Agency will be working to establish emissions standards for a new generation of snowmobiles. This new generation of machines will be cleaner and quieter and should be available to the public within five years.

(3) Cleaner, quieter snowmobiles may provide the public with a greater opportunity to enjoy the National Park System in a manner that is consistent with park resources and values.

(b) INTERIM PARK OPERATIONS.—

(1) As is consistent with the Act entitled, "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (16 U.S.C. 1 et seq.), in the following units of the National Park System where snowmobile use occurred or was authorized as of January 1, 2000, such use shall continue restricted to levels of no less than the average wintertime use and activity over the last three winters. This use can be subject to other reasonable regulations governing such use existing as of January 1, 2000, including emergency closure authority:

Acadia National Park, Maine
Black Canyon of the Gunnison National Park, Colorado
Crater Lake National Park, Oregon
Grand Teton National Park, Wyoming
Mount Rainier National Park, Washington
North Cascades National Park, Washington
Olympic National Park, Washington
Rocky Mountain National Park, Colorado
Sequoia National Park, California
Kings Canyon National Park, California
Theodore Roosevelt National Park, North Dakota
Voyageurs National Park, Minnesota
Yellowstone National Park, Idaho, Montana, Wyoming
Zion National Park, Utah
Appalachian National Scenic Trail, Multi-States
Saint Croix National Scenic River, Wisconsin, Minnesota
Pictured Rocks National Seashore, Michigan
Cedar Breaks National Monument, Utah
Dinosaur National Monument, Colorado, Utah
Grand Portage National Monument, Minnesota

Blue Ridge Parkway, North Carolina, Virginia
John D. Rockefeller, Jr. Parkway, Wyoming
Herbert Hoover National Historic Site, Iowa
Perry's Victory National Historic Site, Ohio
Bighorn Canyon National Recreation Area, Montana, Wyoming
Curecanti National Recreation Area, Colorado
Delaware Water Gap National Recreation Area, new Jersey, Pennsylvania
Lake Chelan National Recreation Area, Washington
Ross Lake National Recreation Area, Washington

(2)(i) Notwithstanding subsection (b)(1), and consistent with other applicable laws, the Secretary has the authority, if necessary, to address or avert significant environmental impacts in a particular unit or portion of a unit, to restrict snowmobile use and activity down to a level that is no less than 50% below the three year average level established under subsection (b)(1). The restrictions shall apply to the smallest practical portion of the unit adequate to address the impacts.

(ii) Before restricting use and activity in this manner, the Secretary shall make a finding of significant environmental impact based on on-the-ground study in the affected unit or portion of the unit and sound, peer-reviewed scientific information applicable to that unit or portion of the unit. Within at least 90 days before finalizing such restrictions, the Secretary shall notify the Senate Committee on Energy and Natural Resources and the House Committee on Resources of its intent and provide the public with at least 30 days to comment on the proposal.

(3) Consistent with other applicable law, the National Park Service may prohibit recreational snowmobile use within all units of the system not listed in subsection (b)(1).

(c) LONG-TERM PROGRAM AND OPERATIONS.—

(1) Within two years after the enactment of this Act, the Environmental Protection Agency shall promulgate final national standards governing emissions by snowmobiles.

(2) The Environmental Protection Agency may engage in negotiated rulemaking with the snowmobile manufacturers regarding this standard.

(3) Taking into account noise reductions achieved in conjunction with the emissions standard described in subsection (c)(1), not later than five years following the date of enactment of this Act, the National Park Service, in conjunction with the Society of Automotive Engineers, shall set noise standards for snowmobile use in the National Park System.

(d) MANAGEMENT PLANS AND STUDIES.—

(1) The National Park Service is directed to prepare management plans to assure education and enforcement of regulations governing recreational snowmobile use within the system.

(2) The National Park Service shall conduct new comprehensive studies to assess the impacts of recreational snowmobile use within the affected units of the system on park resources, visitor use and enjoyment, and adjacent communities. Among other things, these studies must include consideration of the EPA snowmobile emission standards, snowmobiles that are produced in response to those standards, and technological and other advances occurring or anticipated at that time. The conclusions derived from such studies shall be the basis for any proposed revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (g)(1) of this section.

(3) Not later than four years following the date of enactment of this Act, the National Park Service shall prepare a Report to Congress concerning the proper use of snowmobiles for recreation in National Park System units. Among other things, this Report shall consider the impact of the snowmobiles complaint with the emission standards set in subsection (c)(1) on wildlife, the environment, and other relevant factors.

(4) Not later than five years after the date of enactment of this Act, and based upon the findings of the report to Congress described in subsection (d)(3) and other relevant information, the National Park Service shall propose revised regulations and management plans to govern use of recreational snowmobiles within the units listed in subsection (b)(1) of this Act.

(i) No management plan or regulation developed in accordance with subsection (d)(4) shall permit the entry of snowmobiles that do not meet the emission and noise standards described in subsections (c)(1) and (c)(3), respectively, into the units of the National Park System described in section (b)(1) of this Act.

(e) SAVINGS CLAUSE.—

Nothing herein is intended to affect the provisions of Public Law 96-487, including but not limited to, Section 1110(a).

SYNOPSIS

YELLOWSTONE NATIONAL PARK

The regulation delineates a timeline that eliminates all recreational snowmobile access by the end of the 2003-04 season. This prohibition will be implemented incrementally over several years. Upon the effective date, February 21, 2001, the regulation designates established routes for snowmobiles and snowcoaches, public safety and air pollution restrictions for snowmobiles and snowcoaches, designated periods of operation for snowcoaches, permit and license requirements for snowmobile operators, and a prohibition on snowplanes.

Effective through the end of the 2001-2002 winter season, the use of snowmobiles is limited to the unplowed roadway. There are further restrictions on the routes available to snowmobiles during the 2002-2003 winter season and there are restrictions placed on what hours during the day that snowmobiles may be operated. Additional restrictions during this period include a daily limit on the number of snowmobiles allowed to use the park each day, a requirement for snowmobiles to be accompanied by a guide in groups of no more than 11. By the end of the 2003–2005 winter season, the use of snowmobiles in Yellowstone is prohibited.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

As in Yellowstone there are restrictions and requirements that go into effect immediately, such as registration, licensing, rules of the road, and restriction to keep snowmobiles on designated routes. Effective until the end of 2001-2002 winter season use, snowmobiles are required to stay on designated routes. Snowplanes are prohibited.

During the 2002-2003 season there are specific routes designated for snowmobile travel, limits on the numbers of snowmobiles each day are imposed, and the hours of operation are prescribed.

The prohibition on all snowmobile use occurs one year earlier than in Yellowstone, at the end of the 2002-2003 season.

GRAND TETON NATIONAL PARK

The regulations restricting snowmobile and snowplane use at Grand Teton NP vary from those found at Yellowstone and the John D. Rockefeller Memorial Parkway primarily to allow for access across parklands and access to private lands within the park. Recreational snowmobile use is eliminated entirely from Grand Teton NP, except for snowmobile use over certain designated routes and for specific purposes. Snowplane use is allowed to continue under permit until the end of the 2001-2002 season.

Upon the regulations effective date several public safety, licensing, and registration requirements are imposed, there is an exception on licensing for individuals accessing private and adjacent public lands.

The regulation specifies designated snowmobile routes that are effective to the end of the 2001–2002 winter season most of which follow unplowed roads. During the 2002-2003 winter season only the Continental Divide Snowmobile Trail is designated for snowmobile use. Effective winter use season of 2003–2004, the only snowmobile use is for reasonable and direct access to adjacent public and private lands via designated routes.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act's short title as the "National Park Service Winter Access Act."

Section 2(a) finds that snowmobile use in the National Park System is an established, traditional, and legitimate means of visitor use and enjoyment.

Paragraph 2 finds that snowmobile manufacturers and the Environmental Protection Agency will work together to establish emission standards for a new generation of snowmobiles which should be available in five years.

Paragraph 3 states that cleaner and quieter snowmobiles may provide the public the opportunity to enjoy the parks in a manner consistent with park values.

Subsection 2(b)(1) directs that until new emission standards and the new generation snowmobiles are available, the National Park Service will allow snowmobiles use to continue at levels no less than the average wintertime use and activity over the last three years. This subsection designates 29 National Park Service areas where such use will continue.

Paragraph 2(b)(2)(i) allows the Secretary to restrict snowmobile use and activity down to a level no less than 50% below the three year average level to address or avert significant environmental impacts. Such restrictions apply to the smallest practical area to address the impact.

Paragraph 2(b)(2)(ii) requires that before restricting snowmobile activity, the Secretary must make a finding of significant environmental impact and present these findings to House and Senate Committees as well as give adequate public notice.

Paragraph 2(b)(3) allows the National Park Service to prohibit snowmobile use in all areas not listed in paragraph 2(b)(1).

Subsection 2(c) requires the EPA to promulgate national standards on snowmobile emission.

Paragraph 2 allows the Environmental Protection Agency to engage in negotiated rulemaking with snowmobile manufacturers on emissions standards.

Paragraph 3 requires the National Park Service to set noise standards for snowmobile use within five years of this act's enactment, in conjunction with the Society of Automotive Engineers.

Subsection 2(d) directs the National Park Service to complete management plans addressing education and enforcement of regulations regarding recreational snowmobile use in the National Park System.

Paragraph 2 directs the National Park Service to conduct new studies on the impacts of recreational snowmobile use in the park system. The studies will consider the new EPA standards and anticipated changes in technology.

Paragraph 3 directs the National Park Service to prepare a Report to Congress addressing the use of snowmobiles in National Park Service units within four years of the act's enactment.

Paragraph 4 requires the National Park Service to propose revised regulations governing the use of snowmobiles in units affected by this act within five years of the enactment of the act. These regulations should include a prohibition on snowmobiles that do not meet established noise and emission standards

Subsection 2(e) states that nothing in this act will affect the access provisions of the Alaska National Interest Lands Act (PL 96-487).

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. CLELAND, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 366, A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain Agricultural Trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, CLELAND, GORDON SMITH, CANTWELL, WYDEN and BOXER to reintroduce the Agricultural Market Access and Development Act of 2001.

Trade is the lifeblood of Washington state's economy. From aerospace to software to agriculture, one out of every three jobs in my state is trade-related. Without access to markets around the world, Washington state's economy cannot function.

The legislation I am introducing today would open and expand markets for U.S. agricultural exports. It would help rural economies. It would create jobs in regions that need them the most.

In the 106th Congress, we focused our attention on opening markets to American goods and services. I strongly supported efforts to pass permanent normal trade relations for China, to reform our ineffective unilateral sanctions policies, and to create new trade relationships with Africa and the Caribbean Basin.

Our nation's producers generally supported these efforts, but their enthusiasm for new trade agreements is waning.

It's difficult for our farmers and ranchers to endorse new trade agreements when our trade partners heavily subsidize their producers.

It's difficult for farmers and ranchers to get excited about potential new markets when federal agencies give a green light to imports from nations that won't let our products in.

It's difficult for farmers and ranchers to support free trade when our competitors have the advantage of cheaper labor, cheaper land, cheaper water and fewer environmental regulations.

When these trade challenges are combined with low prices, a strong dollar, the 1997 Asian financial crisis, and higher energy and fertilizer prices, I understand why many of our farmers and ranchers are losing patience with our trade agreements.

I believe agricultural producers and rural communities should continue to support free trade. U.S. producers are so productive that we can't afford not to push for more open markets.

But I also believe we should give our agricultural producers a fighting chance to succeed. We need to pursue trade agreements that are fair. We need to enforce the good agreements we make. And we need to invest in market promotion and development.

The legislation I am introducing today will help give producers a fighting chance. It invests in market share, not potential markets. It builds on success, not rhetoric.

Current law authorizes hundreds of millions of dollars for the U.S. Department of Agriculture's Export Enhancement Program. But the program isn't being used. Current law does not allow the Secretary of Agriculture to transfer those authorized funds to programs that are being used, like the Market Access Program and the the Foreign Market Development "Cooperator" Program.

My bill would change that.

The Agricultural Market Access and Development Act does three things.

First, it raises the existing cap on the Market Access Program from $90 million to $200 million.

Second, it creates a $35 million floor for the Foreign Market Development "Cooperator" Program.

The Market Access Program and the Cooperator Program have helped to expand markets for apples, potatoes, wheat, wine and other products from Washington state and around the nation. Under these programs, the federal government reimburses a non-profit industry association or a private business for a portion of trade promotion activities.

Third, the bill establishes a mechanism to pay for these changes. It authorizes the Secretary of Agriculture to transfer a percentage of unspent funds under the Export Enhancement Program to market access and development programs.

The legislation I am introducing today is nearly identical to S. 1983, which I introduced in 1999. In the 106th Congress, more than eighty agriculture and food organizations wrote to Members of Congress supporting S. 1983. I believe we will have equal—if not greater—support as we start working on the next farm bill.

I urge my colleagues to cosponsor and support the Agricultural Market Access and Development Act.

Ms. CANTWELL. Mr. President, I am pleased to announce that I am cosponsoring the Agricultural Market Access and Development Act of 2001, which was introduced by Senator MURRAY today. This bill will authorize increases in the funding levels for agricultural market access and development programs in 2001 and 2002. These programs provide matching funds to assure aggressive marketing of our agricultural products in the international markets.

U.S. exports of high-value and consumer-oriented agricultural products have increased steadily in recent years but are facing stiff competition from foreign sources. In 1998 foreign competitors outspent the U.S. by nearly 4 to 1 on export promotion activities. The Market Access Program is a cost-sharing approach to help U.S. farmers and growers close this funding gap. Program funds are used to generically support important Washington agricultural products.

Washington State depends on agriculture to provide jobs, particularly in Eastern Washington which has been left out of the prosperity of the Puget Sound region. Apple growers in the Yakima valley must have new markets if their businesses are to survive and prosper. Eastern Washington needs these jobs and we need this program.

Export markets provide some of the best economic support to the agricultural community. Agricultural products are an important part of the dynamic market mix that makes Washington a thriving, productive economic area. The matching funding of the Market Access Program helps to provide support and encouragement for the farmers and growers so important to Washington State and the Northwest.

I thank Senator MURRAY for the leadership she has shown in promoting and protecting our agricultural interests. I look forward to continuing close cooperation with Senator MURRAY, other members of the Washington State delegation, as well as State and local leaders to support our valued agricultural interests.

By Mrs. BOXER (for herself, Ms. SNOWE, Mrs. CLINTON, Mr. CHAFEE, Mr. REID, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, Mr. FEINGOLD, and Mr. SPECTER):

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, within 48 hours of assuming the Presidency, President Bush issued a policy that will hurt the women of the world. A policy that takes us back to the 1980s, rather than ahead to the new century.

His policy, the Mexico City gag rule, cuts U.S. funding to any organization that uses its own funds to provide abortion services. It even cuts U.S. funds if the organization uses its own funds to simply counsel women on all their options which include abortions.

As a result, many organizations will be forced to either limit their services or simply close their doors to women across the world. And, this will cause women and families increased misery and death.

The current facts are chilling.

Approximately 78,000 women throughout the world die each year as a result of unsafe abortions. At least one-fourth of all unsafe abortions in the world are to girls aged 15–19. By 2015, contraceptive needs in developing countries will grow by more than 40 percent.

Make no mistake, the Mexican city gag rule will restrict family planning, not abortions.

The media has mistakenly portrayed the Mexico City policy. I think we need to be clear of what this policy does and does not do:

It does not change the fact that no United States funds can be used for abortion services. That is already law, and has been since 1973. It does restrict foreign organizations in ways that would be unconstitutional here at home.

It is puzzling for me to understand how anyone could fail to realize that family planning is crucial to preventing abortions.

According to Population Action International, research shows that higher levels of contraception use are associated with lower reliance on abortion.

For example, the recent increased availability of modern family planning methods has already resulted in a 33 percent drop in the abortion rate in Russia and a 60 percent reduction in Hungary.

Additionally, we know that young girls between the ages of 15 and 19 are twice as likely to die in childbirth as older mothers. Talk about a policy that is cruel to girls and young women—this is it.

Family planning can significantly improve the health of these girls and young women by teaching them to postpone childbearing until the healthiest times in their life, which would in turn prevent abortions.

However, as a result of the harsh penalties imposed by the Mexico City gag rule, family planning groups will not be able to adequately counsel these desperate women.

Picture a woman who has already walked sometimes half a day to get to the nearest clinic. How can we expect these clinics to then tell this woman who is seeking services on her own volition, that they cannot counsel her on the full array of her legal options when there is no other clinic within a hundred miles of them?

Additionally, the Mexico City policy goes against a fundamental tenet of American society . . . freedom of speech.

That is why today in the Senate today, I am introducing the bipartisan "Global Democracy Promotion Act."

The Boxer-Snowe bill aims to overturn the draconian restrictions place upon international family planning programs put in place by President Bush on January 22. Our bill will allow these organizations to continue to provide legal family planning services without needlessly restricting their funds.

Family planning organizations should not be prevented from using their own privately raised funds to provide legal abortion services, including counseling and referral services.

These groups should not be forced to relinquish their right to free speech in order to receive United States funding. This type of restriction is un-American and undermines our key foreign policy goal of supporting democracy worldwide.

The true bipartisan consensus is that family planning organizations should be supported, not punished, for helping women in need. We hope President Bush will change his mind and reverse his order. If not, we will work hard to overturn it.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Democracy Promotion Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

SEC. 3. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for the "Global Democracy Act of 2001", introduced by my friend and colleague from California, Senator BOXER.

Last month, President Bush announced that he was reinstating the "global gag rule" restricting United States assistance to international family planning organizations. I was extremely disappointed and amazed that the President opted to start his Administration with such a divisive action.

If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources needed to control their reproductive destinies and their health. International family planning programs reduce poverty, improve health, and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

The "Global Democracy Promotion Act of 2001" will allow foreign Non Governmental Organizations that receive U.S. family planning assistance to use non-U.S. funds to provide legal abortion services, including counseling and referrals and will lift the restrictions on lobbying and advocacy.

The United States must reclaim its leadership role on international family planning and reproductive issues. The United States must renew its commitment to help those around the world who need and want our help and assistance. I urge my colleagues to support this bill.

By Mr. McCAIN (for himself and Mr. HOLLINGS):

S. 368. A bill to develop voluntary consensus standards to ensure accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, on behalf of the nearly 280 million Americans in this country, today I am introducing the American Voting Standards and Technology Act. After one of the closest and most contested elections in our Nation's history, Americans want to have complete confidence in the electoral process. We can accomplish that goal by ridding politics of large, unregulated contributions, and by ensuring that every vote is counted and recorded accurately.

The key to achieving meaningful reform and to restoring Americans' faith in government, is finding both a short-term and a long-term solution to the widespread abuses of the past election. I have devised a two-pronged strategy toward realizing these necessary changes in our electoral system. First, on January 22, Senator FEINGOLD and I introduced the Bipartisan Campaign Reform Act of 2001. This measure bans soft money contributions, restricts corporate and union spending on electioneering ads, and provides for greater disclosure and stronger election laws. I look forward to bringing campaign finance reform back to the floor next month.

The bill that I am introducing today represents the second part of my electoral reform strategy. One of the most flagrant violations of our democratic electoral process was highlighted this past November by the overwhelming number of precincts who reported voting machine flaws. This is an embarrassment to our democracy. The American Voting Standards and Technology Act was written to directly address the root of these voting controversies—the actual machines. In the 2000 election, pre-scored punch-card ballots were used by one in three voters. These archaic "votomatic" machines, engineered in the 1960's, continue to be employed throughout the country, yet their ability to accurately record voters is questionable. In 1988, The National Institute of Standards and Technology, NIST, recommended the elimination of prescored ballot cards, but this recommendation was unfortunately never heeded.

To compound the problems with prescored punch cards, numerous studies reveal that throughout the country, ballots cast by African Americans were nullified at a much higher rate than those of Caucasians. In Atlanta's Fulton County, which uses old punch-card voting machines, one of every 16 ballots for president was invalidated, while two largely white neighboring counties, Cobb and Gwinnett, using more modern equipment had a rate of 1 in 200. Similar patterns were found in Florida and Illinois. We cannot encourage and expect every American to vote if we ignore the inequalities that are inherent in our entire voting system.

The National Association of Secretaries of States recently issued fifteen recommendations aimed at avoiding the problems of last year's presidential election. The resolution recommends that States: Ensure equal access to the election system for the elderly, disabled, and minority communities; modernize voting machines and equipment; and conduct aggressive voter education and outreach programs. The resolution also advocates that Congress authorize an update of the voluntary federal voting standards and fund the development of voluntary management standards for each voting system. Senator HOLLINGS and I have written the American Voting Standards and Technology Act in response to these recommendations.

This legislation that we are introducing today has three targets: First, it directs NIST to develop voluntary consensus standards to ensure the accuracy and validation of the voting process. Second, it authorizes matching grants to State agencies to purchase new or rehabilitated voting equipment to improve the ability of the public to cast a timely and accurate vote for the candidate of their choice. Finally, it authorizes grants throughout the Department of Commerce to State agencies to strengthen voter education campaigns. Both Senator HOLLINGS and I have been working closely with NIST to begin this process now so that the next election will not bring the same confusion and frustration at the polls.

How can we encourage young Americans to vote if they believe their vote may not be counted? We must modernize our voting machinery and improve our voting process without barraging the States and local governments with excessive rules and regulations. The American Voting Standards and Technology Act accomplishes these goals.

Mr. HOLLINGS. Mr. President, it has been said that there's no system worse than democracy—except for all of the other ones. What this aphorism reveals is that though democracy, in its republican form of elections, is the best form of government that we know of at this point, it nevertheless has its shortcomings, be they human or mechanical. A close election certainly tends to highlight these human and mechanical flaws in our voting systems. This was never more proven than by last year's Presidential election. Last November and December stories of overvotes, undervotes, and hanging chads flooded the media. Many voters complained that confusing butterfly ballots led them to make unintended choices, while others claimed they were denied the opportunity to vote by being left off of the registration rolls or through intimidation.

Unfortunately, these problems are not new. We've had difficulties using punch cards and other machine-readable ballots for more than 30 years. Federal officials were made aware of these issues as early as 1978, by a National Bureau of Standards, now NIST, study, Science & Technology: Effective Use of Computing Technology in Vote-Tallying. That study—and another in 1988—found difficulties in vote-tallying stemming from management failures, technology failures, and human operational failures. The 1978 report cited major difficulties in 7 cities. One of the key recommendations was the elimination of the pre-scored punch card, similar to the kind used in Palm Beach County's Votomatic machines.

We know that there is a problem, the question is what are we going to do about it? Senator McCAIN and I have one answer—the American Voting Standards and Technology Act, which we are introducing today. In short, the Act would direct the National Institute of Standards and Technology to develop voluntary consensus standards to ensure the accuracy and validation of the voting process from voter registration through any recount. Quite simply, NIST knows standards—it has been in the standards game for over 100 years. Its experts know how to work with stakeholders like state and local governments and private sector technology leaders to build valid, usable, reliable standards that people trust. The agency updates its standards regularly.

NIST's voluntary voting standards could set a threshold for accuracy, maintenance, and usability of voting systems that would feed into the second leg of our program—matching grants to State and local government agencies to purchase new or rehabilitated voting equipment. We want to give priority in this program to the places least able to afford state of the art voting equipment—the precincts with high unemployment and low income levels.

However, because we don't want to buy new equipment if no one knows how to use it, our bill would authorize the Department of Commerce to give grants to State agencies to strengthen voter education campaigns. We want voters to understand how to use the technology that is in their polling place and how to determine if their vote will be correctly counted.

The right to vote is the most fundamental right bestowed upon Americans by the U.S. Constitution. There are millions of Americans who lost faith in the guarantee and exercise of this fundamental right due to the circumstances of the last election. Senator MCCAIN and I do not claim to know how to restore the American people's faith in our voting systems. However, we do have an idea that setting basic performance standards, helping election officials acquire systems which meet those standards, and helping voters use those systems is part of the solution. When we return from the President's Day recess, we plan to schedule hearings to work through the details of our legislation and improve it. We realize that our American Voting Standards and Technology Act is only one piece of the pie, and we also look forward to working with other Senators who are examining other aspects of the electoral system.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. ENZI):

S. 369. A bill to amend the Internal Revenue Code of 1986 to allow a written agreement relating to the exclusion of certain farm rental income from net earnings from self-employment; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 370. A bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF AGRICULTURAL BONDS FROM STATE VOLUME CAP.

(a) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by inserting after paragraph (4) the following new paragraph:

"(5) any qualified small issue bond described in section 144(a)(12)(B)(ii).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

By Mr. REED:

S. 371. A bill to establish and expand child opportunity zone family centers in public elementary schools and secondary schools, and for their purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce legislation that seeks to remove barriers to learning by encouraging communities to coordinate community services through school-based or school-linked family centers. These centers would provide a comprehensive array of information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of children and their families.

As we strive to ensure the academic and future success of our students, we must recognize that the increasingly complex needs of children cannot be met by our schools and teachers alone. Children bring many social, health, and family problems to school, which leaves them in no shape to learn.

Some facts to illustrate this point:

Today, 7.5 million children under the age of 18 require mental health services, while the National Institute of Mental Health estimates that fewer than one in five receive the help they need.

11.3 million children—more than 90 percent of them in working families—have no health insurance.

It is estimated that nearly five million school-age children spend time without adult supervision during a typical week. Meanwhile, FBI data show that the peak hours for violent juvenile crime occur during the after-school hours of 3:00 p.m. to 8:00 p.m.

Also according to the FBI, juveniles accounted for 17 percent of all violent crime arrests in 1997, and juveniles are victims in nearly 25 percent of all crimes.

Programs and services exist to deal with these and other needs facing children—SCHIP, WIC, and after school programs, to name a few. However, too many children can't access such programs and services, and, consequently, too many children don't get the help they need. This is because these services are often too disjointed and fragmented, making it difficult for many families to find a point of entry. This problem is especially acute in low-income urban and rural areas.

To address these and other serious issues facing our children and families, a few states and localities have established centers and developed programs designed to provide families with access and linkages to needed social services, like health and mental health care, nutritional programs, child care, housing, and job training, in a location that is easily accessed by families—their children's school. The aim of my legislation is to support and expand such efforts.

Research indicates that school-linked family center programs are a cost-effective way to provide supports to children and families. According to a report by the Department of Education's Northeast and Islands Regional Educational Laboratory, school-linked services can also "help to increase student achievement, save money and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully." Moreover, according to a 1999 American Association of School Administrators Nationwide Survey, 82 percent of parents would like family centers in their schools to help improve their schools.

My legislation, the Child Opportunity Zone Family Center Act, builds on a successful model in my home state of Rhode Island, the Rhode Island Child Opportunity Zone (COZ) Family Center initiative, as well as Kentucky's Family Resource and Youth Service Centers, and Minnesota's Family Service program.

The Child Opportunity Zone Family Center Act, which is supported by more than 30 health, education, and children's organizations, would provide grants on a competitive basis to partnerships consisting of a high poverty public school; school district; other public agency, such as a department of health or social services; and non-profit community organizations. Partnerships would be required to complete a needs assessment, and then use this information to provide children and families with linkages to existing community prevention and intervention services in core areas such as education, child care, non-school hours care and enrichment programs, health services, mental health services, nutrition, family support, literacy services, parenting skills, and dropout prevention. In addition, partnerships would provide violence prevention education to children and families, as well as training to enable families to help their children meet challenging standards and succeed in school.

The guiding principle of Rhode Island's COZ Family Centers is to help children and families get the assistance they need so children are ready to learn in the classroom. This principle is reflected in my legislation, which contains accountability provisions to ensure that partnerships focus on improvements in student achievement, family participation in schools, access to health care, mental health care, child care, as well as family support services, and work to reduce violence among youth, truancy, suspension, and dropout rates in order to continue to receive funding.

As we again begin to consider the reauthorization of the Elementary and Secondary Education Act, I believe that it is critical that we do all we can to provide a seamless, integrated system of support for children and families. By giving families an opportunity to get the support they need, we can truly help children come to school ready to learn and in turn help children succeed in school and life. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD along with a letter of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"Part L—Child Opportunity Zone Family Centers

"SEC. 10995A. SHORT TITLE.

"This part may be cited as the 'Child Opportunity Zone Family Center Act of 2001'.

"SEC. 10995B. PURPOSE.

"The purpose of this part is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children's educational, health, mental health, and social outcomes.

"SEC. 10995C. DEFINITIONS.

"In this part:

"(1) CHILD OPPORTUNITY ZONE FAMILY CENTER.—The term 'child opportunity zone family center' means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

"(A) that contains—

"(i) at least 1 public elementary school or secondary school that—

"(I) receives assistance under title I and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

"(II) demonstrates parent involvement and parent support for the partnership's activities;

"(ii) a local educational agency;

"(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

"(iv) a nonprofit community-based organization, providing health, mental health, or social services;

"(v) a local child care resource and referral agency; and

"(vi) a local organization representing parents; and

"(B) that may contain—

"(i) an institution of higher education; and

"(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

"SEC. 10995D. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

"(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

"SEC. 10995E. REQUIRED ACTIVITIES.

"Each eligible partnership receiving a grant under this part shall use the grant funds—

"(1) in accordance with the needs assessment described in section 10995F(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, nutrition, literacy services, parenting skills, and drop-out prevention;

"(2) to provide intensive, high-quality, research-based programs that—

"(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

"(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

"(3) to provide training, information, and support to families to enable the families to participate effectively in their children's education, and to help their children meet challenging standards, including assisting families to—

"(A) understand the applicable accountability systems, including State and local content standards, performance standards, and assessments, their children's educational performance in comparison to the standards, and the steps the school is taking to address the children's needs and to help the children meet the standards; and

"(B) communicate effectively with personnel responsible for providing educational services to the families' children, and to participate in the development and implementation of school-parent compacts, parent involvement policies, and school plans.

"SEC. 10995F. APPLICATIONS.

"(a) IN GENERAL.—Each eligible partnership desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this part will be tailored to meet the specific needs of the children and families to be served;

"(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

"(3) describe how the partnership will effectively coordinate with the centers under section 1118 and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

"(4) describe the partnership's plan to—

"(A) develop and carry out the activities assisted under this part with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

"(B) coordinate the activities assisted under this part with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

"(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

"(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

"(A) determine the impact of activities assisted under this part as described in section 10995I(a); and

"(B) improve the activities assisted under this part; and

"(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this part.

"SEC. 10995G. FEDERAL SHARE.

"The Federal share of the cost of establishing and expanding child opportunity zone family centers—

"(1) for the first year for which an eligible partnership receives assistance under this part shall not exceed 90 percent;

"(2) for the second such year, shall not exceed 80 percent;

"(3) for the third such year, shall not exceed 70 percent;

"(4) for the fourth such year, shall not exceed 60 percent; and

"(5) for the fifth such year, shall not exceed 50 percent.

"SEC. 10995H. FUNDING.

"(a) CONTINUATION OF FUNDING.—Each eligible partnership that receives a grant under this part shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 10995I(a).

"(b) LIMITATION ON USE OF FUNDS TO OFFSET OTHER PROGRAMS.—Notwithstanding any other provision of law, none of the funds received under a grant under this part may be used to pay for expenses related to any other Federal program, including treating such funds as an offset against such a Federal program.

"SEC. 10995I. EVALUATIONS AND REPORTS.

"(a) LOCAL EVALUATIONS.—Each partnership receiving funds under this part shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnership's performance assessment effectiveness in reaching and meeting the needs of families and children served under this part, including performance measures demonstrating—

"(1) improvements in areas such as student achievement, family participation in schools, and access to health care, mental health care, child care, and family support services, resulting from activities assisted under this part; and

"(2) reductions in such areas as violence among youth, truancy, suspension, and dropout rates, resulting from activities assisted under this part.

"(b) NATIONAL EVALUATIONS.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this part to carry out a national evaluation of the effectiveness of the activities assisted under this part. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2001, and every year thereafter and shall be submitted to Congress.

"(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this part.

"SEC. 10995J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2005.".

AMERICAN ASSOCIATION
OF UNIVERSITY WOMEN,
Washington, DC, February 15, 2001.

DEAR SENATOR REED: The undersigned organizations, representing parents, educators, early childhood professionals, health professionals, pupil services personnel, and education advocates, thank you for introducing the Child Opportunity Zone Family Center Act (COZ). The Reed COZ bill would ensure the coordination of services in order to remove barriers to learning. According to a report of the Northeast and Islands Regional Educational Laboratory, school-linked services "help to increase student achievement, save money, and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully."

Unfortunately, too many children today are struggling with a variety of problems that make their ability to meet challenging academic standards much more difficult. Inadequate access to health care, lack of family and child mental health services, poor nutrition, abuse, and other social ills undercut these children's ability to succeed in the classroom and in their daily lives. The coordination of schools with the range of supportive services that children and families need is particularly important in low-income urban and rural areas. Families that need and would otherwise be eligible to receive services simply cannot access them without coordination at or through the schools.

The Reed COZ bill draws on successful efforts already underway in some areas. Kentucky's Family Resource and Youth Service Centers, Minnesota's Family Service program, and Rhode Island's Child Opportunity Zone Family Center Initiative need to be replicated more widely. The current barriers to these important services are pervasive in every state. We believe that these proposed grants are critical to helping schools and school districts partner with communities and parents to make possible the school-linked or school-based coordination of the necessary services for strengthening our nation's children.

Once again, we thank you for introducing the Reed Child Opportunity Zone Family Center Act. We look forward to working with you on this and many other important issues in the future.

Sincerely,

American Association of University Women.
American Association for Marriage and Family Therapy.
American Association of School Administrators.
American Counseling Association.
American Federation of Teachers.
American Psychological Association.
American School Counselor Association.
Association of Educational Service Agencies.
Council for Exceptional Children.
General Federation of Women's Clubs.
National Alliance of Black School Educators.
National Alliance for Partnerships in Equity.
National Association for Bilingual Education.
National Association for the Education of Young Children.
National Association of Elementary School Principals.
National Association of Pupil Services Administrators.
National Association of School Psychologists.
National Association of Secondary School Principals.
National Association of Social Workers.
National Association of State Directors of Special Education.
National Coalition for Sex Equity in Education.
National Council of Administrative Women in Education.
National Council of La Raza.
National Education Association.
National Education Knowledge Industry Association.
National PTA.
National Rural Education Association.
National School Boards Association.
School Social Work Association of America.
Wider Opportunities for Women.
Women & Philanthropy.

By Mr. REED (for himself, Mr. WELLSTONE, and Mrs. MURRAY):

S. 372. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Parent Act, which seeks to increase parental involvement in the educational lives of their children.

Research, experience, and reason tell us that providing parents with opportunities to play active roles in their children's schools empowers them to help their children excel. When parents are actively involved in their child's education, not only does their own child go further, but their child's school also improves to the benefit of all students. Indeed, as I have witnessed in Rhode Island, and I am sure my colleagues can attest to this in their states, our best schools are not simply those with the finest teachers and principals, but those which strive to engage parents in the education of their children.

Research shows that regardless of economic, ethnic, or cultural background, parental involvement is a major factor in determining a child's academic success. Parental involvement contributes to better grades and test scores, higher homework completion rates, better attendance, and greater discipline. Further, when parental involvement is a school priority, schools have fewer failing students, achieve better reputations in the community, and show improvements in staff morale.

In 1999, the American Association of School Administrators conducted a nationwide survey and found that 96 percent of parents believe that parental involvement is critical for a student to succeed in school and that 84 percent believe in parent involvement so strongly that they are willing to require such involvement. Further, a recent National PTA survey revealed that 91 percent of parents recognize that it is extremely important for parents to be involved in their children's school. Unfortunately, even as we extol the virtue of parental involvement, we must recognize that reality falls far short of that goal. The National PTA survey also found that roughly half the parents surveyed felt they were inadequately informed about ways in which they could participate in schools, or even gain access to basic information about their children's studies and their children's teachers. There are also other obstacles to greater parental involvement, such as working parents who find it difficult to get to schools and be involved or parents who have had negative schooling experiences and are wary of entering schools to participate in their children's education.

With more than 90 percent of parents believing that parental involvement is critical to a child's academic achievement and less than 50 percent of parents believing that their schools adequately involve them in their children's education, the reauthorization of the Elementary and Secondary Education Act, ESEA provides an opportunity to help bring schools and parents together, and to ensure parents have the tools to become meaningfully and effectively involved in their children's education. While the ESEA currently contains parental involvement provisions, they mainly apply to Title I schools and students, and have not been fully implemented.

That is why I am pleased to be joined by Senators WELLSTONE and MURRAY and Representative LYNN WOOLSEY in the other body in introducing the Parent Act. This legislation would amend the ESEA to bolster existing, and add new, parental involvement provisions.

The Parent Act requires that all schools implement effective, research-based parental involvement best practices, and it provides technical assistance to schools that are having problems implementing parental involvement programs. My bill also seeks to improve parental access to information about their children's education and a school's parental involvement policies; ensure that professional development activities provide training to teachers and administrators on how to foster relationships with parents and encourage parental involvement; utilize technology to expand efforts to connect schools and teachers with parents; and promote parental involvement in drug and violence prevention programs. Further, the bill requires each local district to make available to parents an annual report card which explains how a school is performing with respect to student achievement, teacher qualification, class size, school safety, dropout rates, the actions the school is taking to involve parents in school activities and decision making, and other school performance indicators.

The Parent Act also offers $500 million for school districts, with strict accountability measures, to supplement and support recognized and proven initiatives that improve student achievement through parental involvement. Currently, section 1118 of Title I requires districts to develop written parental involvement policies and requires schools to develop school-parent compacts, hold annual meetings for parents at schools, and involve parents in school review and improvement policies and plans. Local districts are required to spend 1 percent of their Title I allotment for this purpose, unless that 1 percent amounts to less than $5,000. In Rhode Island, however, in only 9 of the 34 districts that receive Title I funds is this amount above $5,000, and this situation is similar across the nation. In fact, the Final Report of the National Assessment of Title I found that a quarter of Title I schools do not have required school-parent compacts, more than four years after they were required. As Secretary Paige stated at his confirmation hearing, "increased assistance will be needed" to enhance parental involvement.

Last Congress, during the Health, Education, Labor, and Pensions Committee debate on ESEA, many provisions of the Parent Act were added to S. 2, the ESEA reauthorization bill. But S. 2 did not go far enough to ensure the parental involvement provisions of ESEA are actually implemented. The accountability provisions of the Parent Act and its grant resources are essential to making sure all of the elements for effective parental involvement are in place.

To succeed in the endeavor of increasing parental involvement, we must depend on parents, teachers, and school administrators throughout the country to work collaboratively to implement effective programs. However, federal leadership is needed to provide schools, teachers, and parents with the tools required for this task.

The bottom line of federal support for education is to increase student achievement. Parental involvement is essential to ensuring that our students succeed. This legislation is strongly supported by the National PTA, and I urge my colleagues to join Senators WELLSTONE and MURRAY, Representative WOOLSEY, and me in supporting the Parent Act, and working for its inclusion in the ESEA reauthorization.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parent Act of 2001".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Parents are the first and most influential educators of their children.

(2) The Federal Government must provide leadership, technical assistance, and financial support to States and local educational agencies, as partners, in helping the agencies implement successful and effective parental involvement policies and programs that lead to improved student achievement.

(3) State and local education officials, as well as teachers, principals, and other staff at the school level, must work as partners with the parents of the children they serve.

(4) Research has documented that, regardless of the economic, ethnic, or cultural background of the family, parental involvement in a child's education is a major factor in determining success in school.

(5) Parental involvement in a child's education contributes to positive outcomes such as improved grades and test scores, higher expectations for student achievement, better school attendance, improved homework completion rates, decreased violence and substance abuse, and higher rates of graduation and enrollment in postsecondary education.

(6) Numerous education laws now require meaningful parental involvement, including title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and elements of these laws should be extended to other Federal education programs.

SEC. 4. BASIC PROGRAMS.

(a) STATE PLAN.—Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (c)(1)(B), by striking "and technical assistance under section 1117" and inserting ", technical assistance under section 1117, and parental involvement under section 1118";

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

"(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State has identified or developed effective research-based best practices designed to foster meaningful parental involvement. Such best practices shall—

"(1) be disseminated to all schools and local educational agencies in the State;

"(2) be implemented in all schools in the State; and

"(3) address the full range of parental involvement activities required under section 1118.".

(b) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), and (10) respectively; and

(B) by inserting after paragraph (3) the following:

"(4) a description of the strategy the local educational agency will use to implement effective parental involvement in accordance with section 1118;";

(2) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I); and

(B) by inserting after subparagraph (C) the following:

"(D) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;"; and

(3) in subsection (e)(3), by inserting before the period the following: "and if such agency's parental involvement activities are in accordance with section 1118".

(c) SCHOOLWIDE PROGRAMS.—Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (b)(1)(E), by inserting after "involvement" the following: "in accordance with section 1118"; and

(2) in subsection (b)(2)(A)(iv), by inserting after "results" the following: "in a language the family can understand".

(d) Targeted Assistance.—Section 1115(c)(1)(H) (20 U.S.C. 6315(c)(1)(H)) is amended by inserting after "involvement" the following: "in accordance with section 1118".

(e) Assessments.—Section 1116 (20 U.S.C. 6317) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to the parental involvement programs described in section 1118, the professional development activities described in section 1119, and other activities assisted under this Act;";

(2) in subsection (c)(4), by inserting after "elements of student performance problems" the following: ", that addresses school problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development requirements in section 1119,";

(3) in subsection (d)(1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) annually review the effectiveness of the action or activities carried out under this part by each local educational agency receiving funds under this part with respect to parental involvement, professional development, and other activities assisted under this Act; and"; and

(4) in subsection (d)(5)(i)—

(A) in subclause (I), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(III) address problems, if any, in implementing the parental involvement requirements described in section 1118 and the professional development provisions described in section 1119; and".

(f) State Assistance.—Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a)(1), by inserting "parental involvement," after "including"; and

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) by inserting "parents," after "including"; and

(ii) by inserting "parental involvement programs," after "successful"; and

(B) by adding at the end the following:

"(4) Parental involvement.—Each State shall collect and disseminate effective parental involvement practices to local educational agencies and schools. Such practices shall—

"(A) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

"(B) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.".

(g) Parental Involvement.—Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting before the semicolon the following: "activities that will lead to improved student achievement for all students";

(2) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

"(B)(i) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives, and policies to improve student achievement through the involvement of parents.

"(ii)(I) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(II) Each application submitted under subclause (I) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.

"(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

"(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph, to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

"(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

"(vi) There are authorized to be appropriated to carry out this subparagraph $500,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, of which the Secretary may reserve not more than .20 percent to carry out the reviews described in clause (iv)."; and

(C) in subparagraph (C) (as so redesignated), by inserting "and granted under subparagraph (B)" after "subparagraph (A)";

(3) in subsection (b)(1), by inserting before the last sentence the following: "Parents shall be notified of the policy in the language most familiar to the parents.";

(4) in subsection (e)—

(A) in paragraph (1), by striking "participating parents" and inserting "all parents of children served by the school or agency, as appropriate,"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(C) materials or training using technology to foster parental involvement;";

(5) in subsection (g), by adding at the end the following: "Such local educational agencies and schools may use information, technical assistance, and other support from the parental information and resource centers to create parent resource centers in schools."; and

(6) by adding at the end the following:

"(i) State Review.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if such policies and practices meet the requirements of section 1118 and are meaningful and targeted to improve home and school communication, student achievement, and parental involvement in school planning, review, and improvement.".

SEC. 5. PROFESSIONAL DEVELOPMENT.

(a) Purposes.—Section 2002(2) (20 U.S.C. 6602(2)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(G) incorporates training in effective practices in order to encourage and offer opportunities to get parents involved in their child's education in ways that will foster student achievement and well-being; and

"(H) includes special training for teachers and administrators to develop the skills necessary to work most effectively with parents.".

(b) Authorized Activities.—Section 2102(c) (20 U.S.C. 6622(c)) is amended—

(1) in paragraph (13), by striking "and" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) the development and dissemination of model programs that teach teachers and administrators how best to work with parents and how to encourage the parent's involvement in the full range of parental involvement activities described in section 1118.".

(c) State Applications.—Section 2205(b)(2) (20 U.S.C. 6645(b)(2)) is amended—

(1) in subparagraph (N), by striking "and" after the semicolon;

(2) by redesignating subparagraph (O) as subparagraph (P); and

(3) by inserting after subparagraph (N) the following:

"(O) describe how the State will train teachers to foster relationships with parents and encourage parents to become collaborators with schools in their children's education; and".

(d) State-Level Activities.—Section 2207 (20 U.S.C. 6647) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following:

"(12) providing professional development programs that enable teachers, administrators, and pupil services personnel to effectively communicate with and involve parents in the education process to support school planning, review, improvement, and classroom instruction, and to work effectively with parent volunteers;".

(e) Local Plan and Application for Improving Teaching and Learning.—Section 2208 (20 U.S.C. 6648) is amended—

(1) in subsection (c)(2), by inserting "parents," after "administrators,"; and

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and

(B) by inserting after subparagraph (H) the following:

"(I) describe the specific professional development strategies that will be implemented to improve parental involvement in education and how such agency will be held accountable for implementing such strategies.".

(f) Local Allocation.—Section 2210(b)(3) (20 U.S.C. 6650(b)(3)) is amended—

(1) by redesignating subparagraphs (P) and (Q) as subparagraphs (Q) and (R), respectively; and

(2) by inserting after subparagraph (O) the following:

"(P) professional development activities designed to enable teachers, administrators, and pupil services personnel to communicate with parents regarding student achievement on assessments;".

SEC. 6. TECHNOLOGY FOR EDUCATION.

(a) Findings.—Section 3111 (20 U.S.C. 6811) is amended—

(1) in paragraph (6), by inserting "and by facilitating mentor relationships," after "by means of telecommunications,";

(2) in paragraph (14), by striking "and" after the semicolon;

(3) in paragraph (15), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

"(16) access to education technology and teachers trained in how to incorporate the technology into their instruction leads to improved student achievement, motivation, and school attendance;

"(17) the use of technology in education can enhance the educational opportunities schools can offer students with special needs; and

"(18) the introduction of education technology increases parental involvement, which has been shown to improve student achievement.".

(b) Statement of Purpose.—Section 3112 (20 U.S.C. 6812) is amended—

(1) in paragraph (11), by striking "and" after the semicolon;

(2) in paragraph (12), by striking the period and inserting "; and"; and

(3) by adding after paragraph (12), the following:

"(13) development and support for technology and technology programming that will enhance and facilitate meaningful parental involvement.".

(c) National Long-Range Technology Plan.—Section 3121(c)(4) (20 U.S.C. 6831(c)(4)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(G) increased parental involvement in schools through the use of technology;".

(d) Federal Leadership.—Section 3122(c) (20 U.S.C. 6832(c)) is amended—

(1) in paragraph (15), by striking "and" after the semicolon;

(2) by redesignating paragraph (16) as paragraph (17); and

(3) by inserting after paragraph (15) the following:

"(16) the development, demonstration, and evaluation of model technology programs designed to improve parental involvement; and".

(e) Local Uses of Funds.—Section 3134 (20 U.S.C. 6844) is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

"(8) providing support to help parents understand the technology being applied in their child's education so that parents are able to reinforce their child's learning.".

(f) Local Applications.—Section 3135 (20 U.S.C. 6845) is amended—

(1) in paragraph (1)(D)—

(A) in clause (i), by striking "and" after the semicolon;

(B) in clause (ii), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iii) a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction their child receives at school;";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(C) improve parental involvement in schools;";

(3) in paragraph (4)(B), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) describe how the local educational agency will effectively use technology to promote parental involvement and increase communication with parents.".

(g) National Challenge Grants.—Section 3136(c) (20 U.S.C. 6846(c)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) the project will enhance parental involvement by providing parents the information needed to more fully participate in their child's learning.".

SEC. 7. DRUG-FREE SCHOOLS AND COMMUNITIES.

(a) State Applications.—Section 4112 (20 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting ", including how the agency will receive input from parents regarding the use of such funds" after "4113(b)"; and

(B) in paragraph (6), by inserting ", and how such review will include input from parents" after "4115"; and

(2) in subsection (c)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).".

(b) Evaluation and Reporting.—Section 4117 (20 U.S.C. 7117) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts."; and

(2) in the first sentence of subsection (c), by striking the period and inserting "and a description of how parents were informed of, and participated in, violence and drug prevention efforts.".

SEC. 8. INNOVATIVE EDUCATION PROGRAM STRATEGIES.

(a) Definition.—Section 6003 (20 U.S.C. 7303) is amended—

(1) by striking "children, and (3)" and inserting "children, (3) adopting meaningful parental involvement policies and practices, and (4)"; and

(2) by adding at the end the following:

"(F) A climate that promotes meaningful parental involvement in the classroom and in site-based activities.".

(b) State Applications.—Section 6202(a) (20 U.S.C. 7332(a)) is amended—

(1) in paragraph (6), by striking "and" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) provides information on the parental involvement policies and practices promoted by the State.".

(c) Targeted Uses of Funds.—Section 6301(b) (20 U.S.C. 7351(b)) is amended—

(1) in paragraph (8), by striking "and" after the semicolon;

(2) in paragraph (9), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (9) the following:

"(10) programs to promote the meaningful involvement of parents.".

(d) Local Applications.—Section 6303(a)(1)(A) (20 U.S.C. 7353(a)(1)(A)) is amended by inserting ", including parental involvement," before "designed".

SEC. 9. GENERAL PROVISIONS.

(a) Definition.—Section 14101 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (24) through (30) as paragraphs (25) through (31), respectfully; and

(2) by inserting after paragraph (23) the following:

"(24) Parental involvement.—The term 'parental involvement', when used with respect to a school, means—

"(A) the school engages parents in regular, two-way, and meaningful communication;

"(B) parenting skills are promoted and supported at the school;

"(C) parents play an integral role in assisting student learning;

"(D) parents are welcome in the school;

"(E) parents are included in decision-making and advisory committees at the school; and

"(F) parents are included in other activities described in section 1118.".

(b) Parental Involvement.—Title XIV (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART H—PARENTAL INVOLVEMENT

"SEC. 14901. PARENTAL INVOLVEMENT.

"(a) State Parental Involvement Plan.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

"(1) a description of the agency's parental involvement policies, consistent with section 1118, including specific details about—

"(A) how Federal funds will be used to implement such policies; and

"(B) successful research-based practices in schools throughout the State; and

"(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

"(b) Parental Review of State Parental Involvement Plan.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

"(1) providing public notice of the policies in a manner and language understandable to parents;

"(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

"(3) including the comments received with the submission.

“(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents and in an easily understandable manner.

“(d) REPORT CARDS.—

“(1) IN GENERAL.—Each local educational agency that receives assistance under this Act shall prepare and make available to parents an annual report card that puts into context various factors that affect student performance, such as the socioeconomic status of families in the school attendance area, the level of student mobility, and the availability of other student support services, and includes, at a minimum—

“(A) student achievement information as demonstrated by how students within schools served by the local educational agency perform on tests;

“(B) other measurements of student achievement;

“(C) teacher qualifications;

“(D) class size;

“(E) school safety;

“(F) dropout rates;

“(G) actions being taken by schools served by the local educational agency to involve parents in school activities and decision making; and

“(H) information concerning whether schools served by the local educational agency have been identified for school improvement, and if so, what technical assistance, supports, and resources have been provided to help the schools improve student achievement.

“(2) STUDENT DATA.—Student data in each report card under paragraph (1) shall contain disaggregated results for the following categories:

“(A) Gender.

“(B) Racial and ethnic group.

“(C) Migrant status.

“(D) Students with disabilities, as compared with students who are not disabled.

“(E) Economically disadvantaged students, as compared with students who are not economically disadvantaged.

“(F) Students with limited English proficiency, as compared with students who are proficient in English.

“(3) FORMAT.—School report cards under this subsection shall—

“(A) be in a format that—

“(i) is informative to the parents and the public;

“(ii) is easily understandable; and

“(iii) is in the language most familiar to the parents; and

“(B) provide a clear description of statistical data.

“(4) OTHER INFORMATION.—A local educational agency may include in the agency's report card under this subsection any other appropriate information.

“(5) PUBLIC DISSEMINATION.—Beginning in the 2002–2003 school year, the local educational agency shall publicly report the information described in paragraph (1) through such means as posting on the Internet, distribution to the media, and through public agencies.

“(6) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.”.

By Mr. REED:

S. 373. A bill to provide for the professional development of elementary and secondary school educators; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development opportunities for teachers and administrators.

I have long worked to improve the quality of teaching in America's classrooms for the simple reason that well-trained and well-prepared teachers and principals are central to improving the academic performance and achievement of students. In the 105th Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained, and I was pleased that this legislation was included in the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, ESEA, the focus shifts to increasing support for both new and veteran classroom teachers, as well as school principals.

Research shows that professional development programs, however, too often consist of fragmented, one-shot workshops, at which teachers passively listen to experts, and lack significant opportunity for teacher interaction. The Department of Education recently evaluated the Eisenhower Professional Development program and found that the vast majority of professional development opportunities are not of sufficient duration or intensity to generate significant improvements in teaching. Other studies support that finding and show that such professional development fails to improve or even impact teaching practice.

We do not expect students to learn their “ABCs” after one day of lessons, and we should not expect a one-day professional development workshop to yield the desired results. Indeed, the Department of Education found that teaching would improve if teachers experienced consistent, high-quality professional development.

Moreover, a recent survey of teachers found that professional development is too short-term and lacks intensity. In fact, recent studies indicated that the majority of teachers participated in professional development activities from one to eight hours, or for no more than one day a year.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

There is also widespread agreement that a good principal is the keystone of a good school. However, there is great concern that the supply of quality principals may not meet the increasing demand for quality school leadership. Unfortunately, the depth and quality of support and development programs for both new and veteran principals varies widely, which creates another gap in our education system.

I am introducing legislation today which would reform professional development for teachers and principals.

There is broad consensus among experts about the elements that truly constitute an effective professional development program. Research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to work collaboratively; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, the higher their students scored on mathematics achievement on the state's assessment. Further, Community School District 2 in New York City has seen its investment in sustained, intensive professional development pay off with significant increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and offsite training opportunities. I have visited District 2 and have seen this outstanding professional development first hand.

My legislation builds on these successful models and the research on effective professional development to create a new formula program for high-quality professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, my legislation funds the following activities: mentoring; peer observation and coaching; curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum, addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; as well as release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, Department of Education data show that the Eisenhower Professional Development program activities are most effective when they are sponsored by institutions of higher education.

My legislation will also provide funding for leadership training to encourage highly qualified individuals to become principals, and to develop and enhance leadership, management, parental involvement, and mentoring skills for principals and superintendents. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical. Further, my legislation will provide funding for programs to encourage highly qualified and effective teachers to become mentoring teachers.

We know that our schools with the highest percentage of poverty have the greatest need for professional development improvement and resources, and that is why my bill targets funding to these schools.

Importantly, the Professional Development Reform Act offers resources but it demands results. The bill's strong accountability provisions require that school districts and schools which receive funding actually improve student performance and increase participation in sustained professional development in three years in order to secure additional funding.

In sum, my legislation seeks to ensure that new teachers and principals have the support they need to be successful educators, that all teachers have access to high quality professional development regardless of the content areas they teach, and that professional development does not isolate teachers, but rather brings teachers together as part of a coordinated and comprehensive strategy aligned with standards.

The time for action is now because schools must hire an estimated 2.2 million new teachers over the next decade due to increasing enrollments, the retirement of approximately half of our current teaching force, and high attrition rates. Ensuring that teachers and principals have the training, assistance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century. The Professional Development Reform Act, by increasing our professional development investment and focusing it on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the ESEA.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROFESSIONAL DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the "Professional Development Reform Act".

(b) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

"PART E—PROFESSIONAL DEVELOPMENT

"SEC. 2351. PURPOSES.

"The purposes of this part are as follows:

"(1) To improve the academic achievement of students by providing every student with a well-prepared teacher and every school with an effective principal.

"(2) To provide every beginning teacher with structured support, including a qualified and trained mentor teacher, to facilitate the transition into successful teaching.

"(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

"(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

"(5) To transform, strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—

"(A) are collaborative, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

"(B) allow teachers regular opportunities to practice and reflect upon their teaching and learning; and

"(C) are responsive to teacher needs.

"SEC. 2352. DEFINITIONS.

"In this part:

"(1) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means effective professional development that—

"(A) is sustained, high quality, intensive, and comprehensive;

"(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to help elementary school or secondary school students meet challenging State content standards and challenging State student performance standards;

"(C) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects;

"(D) includes sustained activities to encourage and provide instruction on how to work with and involve parents to foster student achievement, to address the specific needs of diverse students, including limited English proficient students, individuals with disabilities, and economically disadvantaged individuals, to integrate technology into the curriculum, to improve understanding and the use of student assessments, and to improve classroom management skills; and

"(E) includes sustained onsite training opportunities that provide active learning and observational opportunities for elementary school or secondary school teachers to model effective practice.

"(2) ADMINISTRATOR.—The term 'administrator' means a school principal or superintendent.

"(3) BEGINNING TEACHER.—The term 'beginning teacher' means an elementary school or secondary school teacher who has taught for 3 years or less.

"(4) MENTORING.—The term 'mentoring' means structured guidance and induction activities that provide ongoing and regular support to beginning teachers.

"SEC. 2353. STATE ALLOTMENT OF FUNDS.

"From the amount appropriated under section 2361 that is not reserved under section 2360 for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under section 2354 in an amount that bears the same relation to the amount appropriated under section 2361 that is not reserved under section 2360 for the fiscal year as the amount the State educational agency received under part A of title I for the fiscal year bears to the amount received under such part by all States having applications so approved for the fiscal year.

"SEC. 2354. STATE APPLICATION AND ACCOUNTABILITY PROVISIONS.

"Each State educational agency desiring an allotment under section 2353 for a fiscal year shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

"(1) a description of the strategy to be used to implement State activities described in section 2355;

"(2) a description of how the State educational agency will assist local educational agencies in transforming, strengthening, and improving professional development;

"(3) a description of how the activities described in section 2355 and the assistance described in paragraph (2) will assist the State in achieving the State's goals for comprehensive education reform, will help all students meet challenging State content standards and challenging State student performance standards, and will help all teachers meet State standards for teaching excellence;

"(4) a description of the manner in which the State educational agency will ensure, consistent with the State's comprehensive education reform plan policies, or statutes, that funds provided under this part will be effectively coordinated with all Federal and State professional development funds and activities, including funds and activities under this title, titles I, III, VI, and VII of this Act, title II of the Higher Education Act of 1965, section 307 of the Department of Education Appropriations Act, 1999, and the Goals 2000: Educate America Act; and

"(5) a description of—

"(A) how the State educational agency will collect and utilize data for evaluation of the activities carried out by local educational agencies under this part, including collecting baseline data in order to measure changes in the professional development opportunities provided to teachers and measure improvements in teaching practice and student performance; and

"(B) the specific performance measures the State educational agency will use to determine the need for technical assistance described in section 2355(3) and to make a continuation of funding determination under section 2358.

"SEC. 2355. STATE ACTIVITIES.

"From the amount allotted to a State educational agency under section 2353 for a fiscal year, the State educational agency—

"(1) shall reserve not more than 5 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, professional associations of administrators, institutions of higher education, or other groups or institutions that are responsive to the needs of administrators, or partnerships of those entities, programs that provide effective leadership training—

"(A) to encourage highly qualified individuals to become administrators; and

"(B) to develop and enhance instructional leadership, school management, parent involvement, mentoring, and staff evaluation skills of administrators;

"(2) shall reserve 3 percent to support, through grants made on a competitive basis to local educational agencies or consortia of local educational agencies, or through contracts with entities that are educational nonprofit organizations, institutions of higher education, or other groups or institutions that are responsive to the needs of teachers, or partnerships of those entities, programs that provide effective leadership and mentor training—

"(A) to encourage highly qualified and effective teachers to become mentor teachers; and

"(B) to develop and enhance the mentoring and peer coaching skills of such qualified and effective teachers;

"(3) may reserve not more than 2.5 percent for providing technical assistance and dissemination of information to schools and local educational agencies to help the schools and local educational agencies implement effective professional development activities that are aligned with challenging State content standards, challenging State student performance standards, and State standards for teaching excellence; and

"(4) may reserve not more than 2.5 percent for evaluating the effectiveness of the professional development provided by schools and local educational agencies under this part in improving teaching practice, increasing the academic achievement of students, and helping students meet challenging State content standards and challenging State student performance standards, and for administrative costs.

"SEC. 2356. LOCAL PROVISIONS.

"(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 for the fiscal year to each local educational agency in the State that is eligible to receive assistance under part A of title I for the fiscal year in an amount that bears the same relation to the allotted funds that are not reserved under section 2355 as the amount such local educational agency received under such part for the fiscal year bears to the amount all such local educational agencies in the State received under such part for the fiscal year.

"(b) APPLICATION AND ACCOUNTABILITY PROVISIONS.—Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require. The application shall include—

"(1) a description of how the local educational agency plans—

"(A) to work with schools served by the local educational agency that are described in section 2357 to carry out the local activities described in section 2357; and

"(B) to meet the purposes described in section 2351;

"(2) a description of the manner in which the local educational agency will ensure that—

"(A) the grant funds will be used—

"(i) to provide teachers with the knowledge and skills necessary, including subject matter and teaching methods, to teach students to meet the proficient or advanced level of performance on challenging State content standards and challenging State student performance standards, and to carry out any local education reform plans or policies; and

"(ii) to help teachers meet standards for teaching excellence; and

"(B) funds provided under this part will be effectively coordinated with all Federal, State, and local professional development funds and activities;

"(3) a description of how the professional development and mentoring activities to be carried out through the grant will address the ongoing professional development and mentoring of teachers and administrators;

"(4) a description of the local educational agency's strategy for—

"(A) selecting and training highly qualified mentor teachers (utilizing teachers certified by the National Board for Professional Teaching Standards and teachers granted advanced certification as a master or mentor teacher by the State, where possible), for matching such mentor teachers (from the beginning teachers' teaching disciplines) with the beginning teachers; and

"(B) providing release time for the teachers (utilizing highly qualified substitute teachers and high quality retired teachers, where possible);

"(5) a description of how the local educational agency will provide training to enable the teachers to address the needs of students with disabilities, students with limited English proficiency, and other students with special needs;

"(6) a description of how the professional development and mentoring activities will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students;

"(7) a description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education;

"(8) a description of how the local educational agency will collect and analyze data on the quality and impact of activities carried out in schools under this part, and the specific performance measures the local educational agency will use in the local educational agency's evaluation process;

"(9) a description of the local educational agency's plan to develop and carry out the activities described in section 2357 with the extensive participation of administrators, teachers, parents, and the partnering institution described in section 2357(4); and

"(10) a description of the local educational agency's strategy to ensure that there is schoolwide participation in the schools to be served.

"SEC. 2357. LOCAL ACTIVITIES.

"Each local educational agency receiving an allocation under this part shall use the allocation to carry out professional development activities in schools served by the local educational agency that have the highest percentages of students living in poverty, as measured in accordance with section 1113(a)(5), including—

"(1) mentoring, team teaching, and peer observation and coaching;

"(2) dedicated time for collaborative lesson planning and curriculum development meetings;

"(3) consultation with exemplary teachers and short-term and long-term visits to other classrooms and schools;

"(4) partnering with institutions of higher education and, where appropriate, educational nonprofit organizations, for joint efforts in designing the sustained professional development opportunities, for providing advanced content area courses and other assistance to improve the content knowledge and pedagogical practices of teachers, and providing training to address areas of teacher and administrator shortages, as appropriate;

"(5) providing release time (including compensation for mentor teachers and substitute teachers as necessary) for activities described in this section; and

"(6) developing professional development networks, through Internet links, where available, that—

"(A) provide a forum for interaction among teachers and administrators; and

"(B) allow the exchange of information regarding advances in content and pedagogy.

"SEC. 2358. CONTINUATION OF FUNDING.

"Each local educational agency or school that receives funding under this part shall be eligible to continue to receive the funding after the third year the local educational agency or school receives the funding if the local educational agency or school demonstrates that the local educational agency or school has—

"(1) improved student performance;

"(2) increased participation in sustained professional development and mentoring programs;

"(3) reduced the number of out-of-field placements and the number of teachers who are not certified or licensed;

"(4) reduced the beginning teacher attrition rate for the local educational agency or school; and

"(5) increased partnerships and linkages with institutions of higher education.

"SEC. 2359. SUPPLEMENT NOT SUPPLANT.

"Funds made available under this part shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to teacher programs or professional development.

"SEC. 2360. NATIONAL ACTIVITIES.

"(a) RESERVATION.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

"(b) NATIONAL EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide for an annual, independent, national evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

"(2) STATE REPORTS.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(4).

"(3) REPORT TO CONGRESS.—The Secretary annually shall submit to Congress a report that describes the information in the national evaluation and the State reports.

"(c) DISSEMINATION.—The Secretary shall collect and broadly disseminate information (including creating and maintaining a national database or clearinghouse) to help States, local educational agencies, schools, teachers, and institutions of higher education learn about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teaching and administrator opportunities.

"SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.".

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. COCHRAN):

S. 374. A bill to authorize the operation by the National Guard of counterdrug schools, and for other purposes; to the Committee on Armed Services.

Mr. GRASSLEY. Mr. President, I want to draw my colleagues' attention to the critical role our National Guard plays in efforts to rid our country of illegal drugs—a role that I believe should be expanded. The Guard operates several regional support schools around the nation, that facilitate valuable training for state and local law enforcement agencies. These schools are dedicated to teaching counterdrug-related skills to State and local law enforcement agencies and community based organizations. These counterdrug schools provide training to thousands of people each year that would otherwise not be able to receive it for a lack of resources.

Operating under the authority of Title 32, United States Code, Section 112, the National Guard actively supports local, state, and federal law enforcement agencies and community based antidrug coalitions. As a part of this effort, the National Guard currently operates four schools that provide unique and invaluable assistance to those individuals at the forefront of our country's drug interdiction and demand reduction effort. These schools, located in Pennsylvania, Florida, Mississippi, and California, have proved their effectiveness in developing training and educational opportunities for local law enforcement officials—opportunities that would not otherwise exist.

I note, however, that the vagaries in funding and geographical distribution of the existing schools have limited the effectiveness of these training programs. Our national drug problem is not a coastal problem, but affects all communities throughout the United States. I believe we need a more centrally located school to provide more accessible training in the Midwest and Northwest United States.

In addition to the need for a fifth school in the upper-Midwest, we should also consider the current budgeting process for these schools. I believe a critical element in achieving quality training for law enforcement and being cost-effective at the same time must include a unified National Guard Counterdrug schools budget which fully funds the schools. Rather than being pieced together from the National Guard State budgets, Defense Department support, and Congressional line items, there should be a discrete item for these National Guard schools so Congress can have a clearer idea of the mission, the funding, and the accomplishments of these schools.

Today, joining with my colleagues Senator HARKIN and Senator COCHRAN, I am introducing legislation that will accomplish these objectives. This legislation clarifies the authorities of the National Guard Bureau to operate the four existing counterdrug schools. In addition, it would establish one additional school in Iowa to serve law enforcement agencies in the Midwest and Northwest United States. It will establish a separate line of funding for these counterdrug schools with an authorized funding level of $25 million for FY 2002.

I want to take a moment to say something additional about the fifth school (Midwest Counterdrug Training Center, MCTC, to be established at Camp Dodge, located in Johnston, Iowa. Designed to fulfill a need for training in the Midwest and Northwest United States, it would be primarily supported by the Iowa National Guard, and serve as a training center for State and local law enforcement agencies in the Midwest and Northwest United States. Camp Dodge has much of the physical infrastructure necessary for the school, including housing and being the hub for a state-wide fiber optic network that allows for live, two way video and audio communication between Camp Dodge and every National Guard Armory and school district in the State of Iowa.

I hope all of my colleagues will join me in supporting this legislation, which I now send to the desk and ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate not more than five schools (to be known generally as "National Guard counterdrug schools") for the provision by the National Guard of training in drug interdiction and counter-drug activities, and drug demand reduction activities, to the personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(b) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), to be established in Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(c) USE OF NATIONAL GUARD PERSONNEL.—(1) To the extent provided for in the State drug interdiction and counter-drug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (a) at that school.

(2) In this subsection, the term "State drug interdiction and counter-drug activities plan", in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(d) ANNUAL REPORTS ON ACTIVITIES.—(1) Not later than February 1, 2002, and annually thereafter, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools.

(2) Each report under paragraph (1) shall set forth the following:

(A) The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(3) The report under paragraph (1) in 2002 shall set forth, in addition to the matters described in paragraph (2), a description of the activities relating to the establishment of the Midwest Counterdrug Training Center in Johnston, Iowa.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002,

$25,000,000 for purposes of the National Guard counterdrug schools in that fiscal year.

(2) The amount authorized to be appropriated by paragraph (1) is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for fiscal year 2002.

(f) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by subsection (e)(1)—

(A) $4,000,000 shall be available for the National Interagency Civil-Military Institute, San Luis Obispo, California;

(B) $8,000,000 shall be available for the Multi-Jurisdictional Counterdrug Task Force Training, St. Petersburg, Florida;

(C) $3,000,000 shall be available for the Midwest Counterdrug Training Center, Johnston, Iowa;

(D) $5,000,000 shall be available for the Regional Counterdrug Training Academy, Meridian, Mississippi; and

(E) $5,000,000 shall be available for the Northeast Regional Counterdrug Training Center, Fort Indiantown Gap, Pennsylvania.

(2) Amounts available under paragraph (1) shall remain available until expended.

(g) FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2002.—(1) The budget of the President that is submitted to Congress under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 2002 shall set forth as a separate budget item the amount requested for such fiscal year for the National Guard counterdrug schools.

(2) It is the sense of Congress that—

(A) the amount authorized to appropriated for the National Guard counterdrug schools for any fiscal year after fiscal year 2002 should not be less than the amount authorized to be appropriated for those schools for fiscal year 2002 by subsection (e)(1), in constant fiscal year 2002 dollars; and

(B) the amount made available to each National Guard counterdrug school for any fiscal year after fiscal year 2002 should not be less than the amount made available for such school for fiscal year 2002 by subsection (f)(1), in constant fiscal year 2002 dollars, except that the amount made available for the Midwest Counterdrug Training School should not be less than $5,000,000, in constant fiscal year 2002 dollars.

Mr. HARKIN. Mr. President, today I am introducing two bills that I believe will help address a critical need for Iowa state and local law enforcement.

These bills, which would provide needed training assistance in narcotics as well as overall law enforcement, are based on my conversations with Iowa law enforcement officials last summer.

The National Guard Counter Drug Schools Act, which I am cosponsoring with my colleague from Iowa, Senator GRASSLEY, would create a new counterdrug training school at Camp Dodge in Johnston, Iowa that law enforcement can use for the specialized training on drug investigations, including those cases that involve methamphetamine.

The National Guard has four of these centers in Florida, Pennsylvania, California and Mississippi. But, Senator GRASSLEY and I recognized the need for one in the Midwest—to help state and local law enforcement in their efforts to reduce the supply and demand of methamphetamine and other dangerous drugs.

The second one, which I am cosponsoring with Senator HUTCHINSON from Arkansas, would focus on rural law enforcement—and would provide new training and assistance resources for small town sheriff and police departments.

Right now, rural law enforcement officers in Iowa and across the country have limited resources where they can get continued training for general investigations, the latest in forensics technology and technical assistance.

One place where many of them go is the National Center for Rural Law Enforcement in Little Rock, Arkansas. But, these small departments need something that's closer to home.

The Rural Law Enforcement Assistance Act would bring the Center closer to these officers by expanding the center into branches in eight regions across the country.

I believe these two bills will help ensure that rural law enforcement agencies receive the training and assistance they need to make their communities safer.

By Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. HARKIN, Mr. FEINGOLD, Mr. REED, Mr. JEFFORDS, and Mr. KERRY):

S. 375. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, today, along with Senators CHAFEE, LEAHY, HARKIN, FEINGOLD, REED, JEFFORDS, and KERRY, I am introducing legislation to help facilitate East Timor's transition to independence. Congressman LANTOS, Congressman CHRIS SMITH, and others have introduced identical legislation in the House of Representatives.

In August 1999, after almost three decades of unrest under Indonesian rule, the people of East Timor voted overwhelmingly in favor of independence.

They did so at great personal risk. Anti-independence militia groups killed hundreds, hoping to intimidate and retaliate against those supporting independence. The militias also destroyed or severely damaged seventy percent of East Timor's infrastructure. Government services and public security were severely undermined.

An international effort, led by Australia and including the United States, brought much-needed stability to East Timor.

Now, under the United Nation's Transitional Authority, stability is taking hold again in East Timor, and normal life is slowly returning.

In coming months, looking to America and other democratic nations as an example, East Timor's leaders will hold a constitutional convention to decide which form of democratic government to adopt. It is a process that reminds us of our own Constitutional Convention and would make our Founding Fathers proud.

Late next year, after choosing a form of democratic government and electing leaders, East Timor is expected to declare its independence as the UN draws down. A new, democratic nation will take its rightful place in the world.

This is a success story. It is a great success story. But it is far from over.

East Timor remains one of the poorest places in Asia. Only 20 percent of its population is literate. The annual per capita gross national produce is $340.

The people of East Timor need and deserve our help. The extraordinary physical and moral courage they demonstrated over the years is impressive. The great faith in the democratic process they showed by voting for independence under the barrel of a gun must not go unrewarded.

This bill is our chance to help them, and help now. Its purpose is to put U.S. governmental programs and resources in place now and to enable U.S. government agencies to focus on the imminent reality of an independent East Timor. If we wait until East Timor declares its independence before we do the preliminary work, we will lose crucial time and do a disservice to both the United States and to East Timor.

Specifically, this bill lays the groundwork for establishing a firm bilateral and multilateral assistance structure.

It authorizes $25 million in bilateral assistance, $2 million for a Peace Corps presence and $1 million for a scholarship fund for East Timorese students to study in the United States.

It encourages the President, the Overseas Private Investment Corporation, the Trade and Development Agency and other agencies to put in place now the tools and programs to create an equitable trade and investment relationship.

It requires the State Department to establish an accredited mission to East Timor co-incident with independence.

And it authorizes the provision of excess defense articles and international military education and training, after the President certifies that these articles and training are in the interests of the United States and will help promote human rights in East Timor and the professionalization of East Timor's armed services.

The people of East Timor have chosen democracy. The United States has a golden opportunity to help them create their new democratic nation. But we must prepare for that day now. We must not miss this rare opportunity to help.

I ask that a copy of the bill appear in the RECORD, and I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Timor Transition to Independence Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On August 30, 1999, the East Timorese people voted overwhelmingly in favor of independence from Indonesia. Anti-independence militias, with the support of the Indonesian military, attempted to prevent then retaliated against this vote by launching a campaign of terror and violence, displacing 500,000 people and murdering at least 1,000 people.

(2) The violent campaign devastated East Timor's infrastructure, destroyed or severely damaged 60 to 80 percent of public and private property, and resulted in the collapse of virtually all vestiges of government, public services and public security.

(3) The Australian-led International Force for East Timor (INTERFET) entered East Timor in September 1999 and successfully restored order. On October 25, 1999, the United Nations Transitional Administration for East Timor (UNTAET) began to provide overall administration of East Timor, guide the people of East Timor in the establishment of a new democratic government, and maintain security and order.

(4) UNTAET and the East Timorese leadership currently anticipate that East Timor will become an independent nation as early as late 2001.

(5) East Timor is one of the poorest places in Asia. A large percentage of the population live below the poverty line, only 20 percent of East Timor's population is literate, most of East Timor's people remain unemployed, the annual per capita Gross National Product is $340, and life expectancy is only 56 years.

(6) The World Bank and the United Nations have estimated that it will require $300,000,000 in development assistance over the next three years to meet East Timor's basic development needs.

SEC. 3. SENSE OF CONGRESS RELATING TO SUPPORT FOR EAST TIMOR.

It is the sense of Congress that the United States should—

(1) facilitate East Timor's transition to independence, support formation of broad-based democracy in East Timor, help lay the groundwork for East Timor's economic recovery, and strengthen East Timor's security;

(2) help ensure that the nature and pace of the economic transition in East Timor is consistent with the needs and priorities of the East Timorese people, that East Timor develops a strong and independent economic infrastructure, and that the incomes of the East Timorese people rise accordingly;

(3) begin to lay the groundwork, prior to East Timor's independence, for an equitable bilateral trade and investment relationship;

(4)(A) officially open a diplomatic mission to East Timor as soon as possible;

(B) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(C) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained United States diplomatic mission is accredited to East Timor upon its independence;

(5) support efforts by the United Nations and East Timor to ensure justice and accountability related to past atrocities in East Timor through—

(A) United Nations investigations;

(B) development of East Timor's judicial system, including appropriate technical assistance to East Timor from the Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration;

(C) the possible establishment of an international tribunal for East Timor; and

(D) sharing with the United Nations Transitional Administration for East Timor (UNTAET) and East Timorese investigators any unclassified information relevant to past atrocities in East Timor gathered by the United States Government; and

(6)(A) as an interim step, support observer status for an official delegation from East Timor to observe and participate, as appropriate, in all deliberations of the Asia-Pacific Economic Cooperation (APEC) group, the Association of Southeast Asian Nations (ASEAN), and other international institutions; and

(B) after East Timor achieves independence, support full membership for East Timor in these and other international institutions, as appropriate.

SEC. 4. BILATERAL ASSISTANCE.

(a) AUTHORITY.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) support the development of civil society, including nongovernmental organizations in East Timor;

(2) promote the development of an independent news media;

(3) support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor's health care infrastructure, educational programs, and programs strengthening the role of women in society;

(4) promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;

(5) support the voluntary and safe repatriation and reintegration of refugees into East Timor; and

(6) support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out this section $30,000,000 for each of the fiscal years 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 5. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.

SEC. 6. PEACE CORPS ASSISTANCE.

(a) AUTHORITY.—The Director of the Peace Corps is authorized to—

(1) provide English language and other technical training for individuals in East Timor as well as other activities which promote education, economic development, and economic self-sufficiency; and

(2) quickly address immediate assistance needs in East Timor using the Peace Corps Crisis Corps, to the extent practicable.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Peace Corps to carry out this section $2,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. TRADE AND INVESTMENT ASSISTANCE.

(a) OPIC.—Beginning on the date of the enactment of this Act, the President should initiate negotiations with the United Nations Transitional Administration for East Timor (UNTAET), the National Council of East Timor, and the government of East Timor (after independence for East Timor)—

(1) to apply to East Timor the existing agreement between the Overseas Private Investment Corporation and Indonesia; or

(2) to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor,

in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) TRADE AND DEVELOPMENT AGENCY.—

(1) IN GENERAL.—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection $1,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States shall expand its activities in connection with exports to East Timor.

SEC. 8. GENERALIZED SYSTEM OF PREFERENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should encourage the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, to seek to become eligible for duty-free treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relating to generalized system of preferences).

(b) TECHNICAL ASSISTANCE.—The United States Trade Representative and the Commissioner of the United States Customs Service are authorized to provide technical assistance to UNTAET, the National Council of East Timor, and the government of East Timor (after independence for East Timor) in order to assist East Timor to become eligible for duty-free treatment under title V of the Trade Act of 1974.

SEC. 9. BILATERAL INVESTMENT TREATY.

It is the sense of Congress that the President should seek to enter into a bilateral investment treaty with the United Nations Transitional Administration for East Timor (UNTAET), in close consultation with the National Council of East Timor, in order to establish a more stable legal framework for United States investment in East Timor.

SEC. 10. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

(a) AUTHORITY.—The Secretary of State—

(1) is authorized to carry out an East Timorese scholarship program under the authorities of the United States Information

and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and the National Endowment for Democracy Act; and

(2) shall make every effort to identify and provide scholarships and other support to East Timorese students interested in pursuing undergraduate and graduate studies at institutions of higher education in the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Department of State, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003 to carry out subsection (a).

SEC. 11. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FACILITIES IN EAST TIMOR.

(a) Development of Detailed Plan.—The Secretary of State shall develop a detailed plan for the official establishment of a United States diplomatic mission to East Timor, with a view to—

(1) officially open a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission in East Timor as soon as possible;

(2) recognize East Timor, and establish diplomatic relations with East Timor, upon its independence; and

(3) ensure that a fully functioning, fully staffed, adequately resourced, and securely maintained diplomatic mission is accredited to East Timor upon its independence.

(b) Reports.—

(1) Initial report.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the detailed plan described in subsection (a), including a timetable for the official opening of a facility in Dili, East Timor, the personnel requirements for the mission, the estimated costs for establishing the facility, and its security requirements.

(2) Subsequent reports.—Beginning six months after the submission of the initial report under paragraph (1), and every six months thereafter until January 1, 2004, the Secretary of State shall submit to the committees specified in that paragraph a report on the status of the implementation of the detailed plan described in subsection (a), including any revisions to the plan (including its timetable, costs, or requirements) that have been made during the period covered by the report.

(3) Form of report.—Each report submitted under this subsection shall be in unclassified form, with a classified annex as necessary.

SEC. 12. SECURITY ASSISTANCE FOR EAST TIMOR.

(a) Authorization.—Beginning on the date on which the President transmits to the Congress a certification described in subsection (b), the President is authorized—

(1) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(2) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(b) Certification.—A certification described in this subsection is a certification that—

(1) East Timor has established an independent armed forces; and

(2) the assistance proposed to be provided pursuant to subsection (a)—

(A) is in the national security interests of the United States; and

(B) will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.

(c) Study and Report.—

(1) Study.—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) Report.—Not later than 1 month after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives setting forth the findings of the study conducted under paragraph (1).

SEC. 13. AUTHORITY FOR RADIO BROADCASTING.

The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of audio broadcasting to East Timor to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

SEC. 14. REPORTING REQUIREMENT.

(a) In General.—Not later than three months after the date of the enactment of this Act, and every six months thereafter until January 1, 2004, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Secretary of the Treasury, the United States Trade Representative, the Secretary of Commerce, the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, the President of the Export-Import Bank of the United States, the Secretary of Agriculture, and the Director of the Peace Corps, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) Information.—The report required by subsection (a) shall include—

(1) developments in East Timor's political and economic situation in the period covered by the report, including an evaluation of any elections occurring in East Timor and the refugee reintegration process in East Timor;

(2)(A) in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 4, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period; and

(B) in each subsequent report, a description in detail of the expenditure of United States bilateral foreign assistance during the period covered by each such report;

(3) a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;

(4) an assessment of—

(A) the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency during the period of time since the previous report; and

(B) the status of any negotiations with the United Nations Transitional Administration for East Timor (UNTAET) or East Timor to facilitate the operation of the United States trade agencies in East Timor;

(5) the nature and extent of United States-East Timor cultural, education, scientific, and academic exchanges, both official and unofficial, and any Peace Corps activities;

(6) a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and

(7) statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.

By Mr. GRASSLEY (for himself and Mr. DeWine):

S. 376. A bill to amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States counterdrug efforts, and for other purposes; to the Committee on Foreign Relations.

Mr. GRASSLEY. Mr. President, I am sending to the desk a bill for myself and Mr. DeWine to reform the current certification requirement for international drug control. As many members know, I have been a strong supporter of the drug certification process. I remain one. Of late, however, we have seen a lot of criticism of the process. Some of this has been by foreign countries and some here at home. Rather than answer all of these criticisms, I want to take a few moments to address what I believe have been misconceptions about the process.

The first point I want to make is to remind my colleagues why Congress required certification in the first place. It arose because we believed that doing something here and overseas about the drug problem was in the national interests. The public agreed. I might add the public has not changed its mind. I don't believe that we ought to do so either.

Most of the drugs available in the United States today come from overseas. They are produced overseas and smuggled to this country. That production is illegal. It is illegal in international law. It is illegal in the domestic laws of all the countries where these drugs are produced. It is illegal to smuggle the drugs. Here and abroad. The consequences of that smuggling—illegal drugs on our streets—are felt in homes and neighborhoods and schools all across this country.

I continue to believe that it is in our interest to stop that production and flow. I own that we have an obligation to expect countries to abide by international law, bilateral agreements, and their own legal codes on drug production and trafficking. I believe that it is not just a quirk of U.S. interest to expect that we and others commit ourselves to stopping this illegal production and trade. In fact, I believe that we have a moral obligation to stop these activities. In order to do that, we need a clear, knowable process that holds ourselves and other countries to account for what we do to help stop this production and trade.

Drug dealers do more harm to this country every year than all the terrorists put together have done in the past 10 years. Let me ask my colleagues, would you seriously offer to ignore or suspend the requirements that we have put in place that hold others to an international standard of conduct on stopping terrorism? Human rights? I think not. But that is one of the things being proposed for how to deal with international drug certification. I do not propose that we be any less committed to stopping illegal drugs internationally than we are when other important concerns are involved, and I ask my colleagues to support this view.

I also would point out that this is no time to carve out special exemptions for any one country or region. We remain collectively responsible to act responsibly on this issue. That means every one of us.

My second point on why we have the certification process is to note congressional intent. We passed the law 15 years ago to make stopping illegal drug production and transit a national priority. I do not believe that most members of Congress nor the majority of the U.S. public believe that it is time to change that. Drug trafficking and threats from major criminal organizations have grown worse not better. Our third largest foreign assistance program is to help Colombia deal with problems arising from trafficking and the thugs that promote it. Is it really time to say we no longer regard international drug trafficking as a national priority? I happen to believe that it is not.

I would also note that we have had repeated demonstrations in the past several years of the effectiveness of certification in securing improved international cooperation. Administration officials have testified repeatedly as to its effectiveness and utility. It has also given us needed leverage in specific cases to make important progress. I for one am unwilling to undo a process that has paid such dividends.

On the other hand, I am aware that the certification process has raised a number of concerns here and abroad in the past few years. While I do not think that the solution in response to these concerns is to suspend the process, I do have a suggestion that I believe will help. Hence the bill Senator DeWine and I send to the desk.

Briefly what this proposal does is to simplify the current methodology. At present, we have a three-step certification process: the President can certify a country as fully cooperating, decertify a country as failing to cooperate, or decertify with a national interest waiver. This aspect of the process has been the main source of contention. It has led some to believe that it forces the Administration to be less than candid about some countries that might be on the list. It has also complicated our relations with important allies.

What this proposal does is to go to a decertification only standard. This is similar to what we do with terrorism and human rights. In other words, the default position is that all countries are doing the right thing on meeting international drug control standards. The only countries singled out for consideration are those whose actions are clearly outside a reasonable assessment of accountability as defined in current law.

Our bill simplifies a complex process and focuses attention on the bad guys. It gives the President more flexibility. In doing so, we keep accountability. We keep a useful process in place. We avoid unnecessary complications with friends and allies doing the responsible thing. We maintain necessary reporting on international efforts. We keep our eye on a critical issue.

The provision also sunsets in three years unless Congress acts to keep it. That means we have a chance to drive it around the block, kick the tires, and see if it's a lemon or not.

I urge my colleagues to join us in supporting this bill and I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THREE-YEAR MODIFICATION OF PROCEDURES RELATING TO ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.

(a) In General.—Chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amended by adding at the end the following new section:

"SEC. 490A. LIMITATIONS DURING FISCAL YEARS 2002, 2003, AND 2004 ON ASSISTANCE FOR COUNTRIES NOT COOPERATING WITH UNITED STATES COUNTERDRUG EFFORTS.

"(a) Annual Identification of Countries Not Cooperating.—Not later than November 1 of 2001, 2002, and 2003, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that the President proposes to be subject to the provisions of subsection (f) in the fiscal year in which the country is so identified by reason that such country—

"(1) is not cooperating fully with the United States in achieving full compliance with the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

"(2) is not taking adequate steps on its own to achieve full compliance with the goals and objectives of the Convention; or

"(3) is not taking adequate steps to achieve full compliance with the goals and objectives of a bilateral agreement with the United States on illicit drug control.

"(b) Countries Subject to Withholding of Bilateral Assistance and Opposition to Multilateral Assistance.—

"(1) Identification.—Not later than March 1 of 2002, 2003, and 2004, the President shall submit to the appropriate committees of Congress a report identifying each country, if any, that shall be subject to the provisions of subsection (f) during the fiscal year in which the country is so identified under this subsection by reason of its identification in the most recent report under subsection (a).

"(2) Limitation on countries identified.—A country may be identified in a report under paragraph (1) only if the country is also identified in the most recent report under subsection (a).

"(c) Considerations Regarding Cooperation.—In determining whether or not a country is to be identified in a report under subsection (a) or (b), the President shall consider the extent to which the country—

"(1) has met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such matters as illicit cultivation, production, distribution, sale, transport, financing, money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(2) has accomplished the goals described in the applicable bilateral narcotics control agreement with the United States or a multilateral agreement;

"(3) has taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

"(4) in the case of a country that is a producer of licit opium—

"(A) maintains licit production and stockpiles of opium at levels no higher than those consistent with licit market demand; and

"(B) has taken adequate steps to prevent significant diversion of its licit cultivation and production of opium into illicit markets and to prevent illicit cultivation and production of opium.

"(d) Omission for National Security Reasons.—

"(1) In general.—The President may omit from identification in a report under subsection (b) a country identified in the most recent report under subsection (a) if the President determines that the vital national security interests of the United States require that the country be so omitted.

"(2) Notice to congress.—If the President omits a country under paragraph (1) from a report under subsection (b), the President shall include in the report under that subsection—

"(A) a full and complete description of the vital national security interests of the United States placed at risk if the country is not so omitted; and

"(B) a statement weighing the risk described in subparagraph (A) against the risk posed to the vital national security interests of the United States by reason of the failure of the country to cooperate fully with the United States in combatting narcotics or to take adequate steps to combat narcotics on its own.

"(e) CONGRESSIONAL ACTION.—

"(1) IN GENERAL.—The provisions of subsection (f) shall apply to a country in a fiscal year if Congress enacts a joint resolution, not later than March 30 of the fiscal year, providing that such provisions shall apply to the country in the fiscal year.

"(2) COVERED COUNTRIES.—A joint resolution referred to in paragraph (1) may apply to a country for a fiscal year only if the country was not identified in the report in the fiscal year under subsection (b).

"(3) SENATE PROCEDURES.—Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765), except that for purposes of that section the certification referred to in section 601(a)(2)(B) of that Act shall be the applicable report of the President under subsection (b) of this section.

"(f) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL ASSISTANCE.—

"(1) BILATERAL ASSISTANCE.—Commencing on March 1 of a fiscal year in which a country is identified in a report under subsection (b), or March 31 in the case of a country covered by a joint resolution enacted in accordance with subsection (e), fifty percent of the United States assistance allocated to the country for the fiscal year in the report required by section 653 shall be withheld from obligation and expenditure.

"(2) MULTILATERAL ASSISTANCE.—Commencing on March 1 of a year in which a country is identified in a report under subsection (b), or March 31 in the case of a country covered by a joint resolution enacted in accordance with subsection (e), the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after that date, against any loan or other utilization of the funds of such institution for the country.

"(3) MULTILATERAL DEVELOPMENT BANK DEFINED.—In this subsection, the term 'multilateral development bank' means the following:

"(A) The International Bank for Reconstruction and Development.

"(B) The International Development Association.

"(C) The Inter-American Development Bank.

"(D) The Asian Development Bank.

"(E) The African Development Bank.

"(F) The European Bank for Reconstruction and Development.

"(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the following:

"(1) The Committees on Foreign Relations and Appropriations of the Senate.

"(2) The Committees on International Relations and Appropriations of the House of Representatives.".

(b) RELATIONSHIP TO CURRENT CERTIFICATION PROCESS.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended by adding at the end the following new subsection:

"(i) LIMITATION ON APPLICABILITY.—This section shall not apply during fiscal years 2002, 2003, and 2004. For limitations on assistance during those fiscal years for countries not cooperating with United States counterdrug efforts see section 490A.".

(c) CONFORMING AMENDMENT.—Section 489(a)(3)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(3)(A)) is amended by inserting after "under section 490(h)" the following "or, in 2002, 2003, and 2004, as otherwise determined by the President for purposes of this section".

SEC. 2. INCLUSION OF MAJOR DRUG TRAFFICKING ORGANIZATIONS IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h), as amended by this Act, is further amended—

(1) in subsection (a), by adding after the flush matter at the end of paragraph (7) the following new paragraph (8):

"(8) The identity of each organization determined by the President to be a major drug trafficking organization, including a description of the activities of such organization during the 2 fiscal years preceding the fiscal year of the report."; and

(2) by adding at the end the following new subsection:

"(c) DEFINITIONS.—In this section:

"(1) MAJOR DRUG TRAFFICKING ORGANIZATION.—The term 'major drug trafficking organization' means any organization engaged in substantial amounts of illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, engages in money laundering or proceeds from such activities, or otherwise endeavor or attempt to do so, or to assist, abet, conspire, or collude with others to do so.

"(2) NARCOTIC DRUG; CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms 'narcotic drug', 'controlled substance', and 'listed chemical' have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 378. A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center"; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today Senator FITZGERALD and I are introducing legislation naming the Job Corps Center in Chicago, Illinois, for our former colleague, Senator Paul Simon.

During his 12 years in the Senate, Paul Simon was a stalwart champion of the Job Corps program and the work it does in connecting disadvantaged young people to the job market. He led the fight for the job corps as chairman of the authorizing subcommittee of jurisdiction and also through requests to the Senate Appropriations Committee. During most of this time, Chicago was the last remaining large city without a Job Corps center, despite the community's strong interest in the program. Securing a charter for a Job Corps center in Chicago was one of Paul Simon's top priorities in the latter half of his service in the Senate.

Working within the established process for establishing new centers, Paul Simon pressed ahead with Illinois allies like former U.S. Representative John Porter, Chicago Mayor Richard Daley, and the Job Corps community to ensure that Chicago's application met all program specifications and that the funds for expansion would be there when Chicago's charter was approved. These years of effort succeeded in meeting that goal. Eventually funds were appropriated for expansion of the Job Corps program, and Chicago's Job Corps center now is open and serving the Chicago community and, most importantly, its young people.

Naming the Chicago Job Corps Center for Paul Simon would be especially fitting for three reasons: Job training and employment policy are central elements of the legacy of his service in Congress; he has long been recognized as a diligent and effective champion of the Job Corps' mission; and he spent years to fulfill the goal of opening a Job Corps center in Chicago. Other centers in the Job Corps network have been named for individuals, and this designation would be particularly fitting for the Chicago center, a facility Paul Simon worked tirelessly to create.

Paul Simon was clearly one of the Senate's most respected voices. This legislation would honor his service and his commitment to youth and job training. It is a small but very appropriate way to recognize his leadership. I invite my colleagues to join Senator FITZGERALD and me in honoring Senator Paul Simon through this legislation.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. CLELAND, Mr. KERRY, Mr. LEAHY, Mr. DURBIN, Mr. KOHL, Ms. COLLINS, Ms. LANDRIEU, Mr. MCCAIN, and Mrs. CLINTON):

S. 379. A bill to establish the National Commission on the Modernization of Federal Elections conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

Mr. KERRY. Mr. President, I am pleased to join my colleagues Senators SCHUMER and BROWNBACK as an original cosponsor on the Federal Election Modernization Act of 2001. It has been approximately three months since Americans cast their vote for President, and for many, there remains a degree of uneasiness about the whole process. Many Americans who voted or tried to vote feel disenfranchised. They believe their votes didn't count and their voices weren't heard.

We can be thankful that we are past the days of poll taxes, literacy tests, and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy nation in the world to be using voting equipment that is 30 years old. And it is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn't get counted, while their white suburban neighbors, using better equipment, could rest assured that there were no voting irregularities in their precincts that would have caused their votes to be discarded.

If we can't promise all of our citizens that their votes will count equally, then all of the past work this nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

That is why I am pleased to join my colleagues on this bill. The bill creates a blue ribbon commission that will study the way we administer Federal elections and recommend ways to modernize the process. The bill also establishes a five-year, $2.5 billion grant program to help upgrade state and local election systems.

Both of these elements are critical if we are going to have real reform of our election processes. The commission, which will include among its advisory members a representative from the US Commission on Civil Rights, will study methods of voting and counting votes, methods of ensuring accessibility to the polls and to voting equipment, and methods of identifying registered voters. Its mission will be to provide Congress with recommendations to better ensure that all of our citizens can exercise their fundamental right to vote and have that vote count.

The second piece of this legislation provides states with a portion of the estimated $3–9 billion they will need to upgrade their voting systems. This bill provides $2.5 billion over five years in Federal matching grants to States and localities to buy new voting equipment, overhaul election administration technology, train poll workers, or implement any other recommendation of the Commission. States and localities will maintain their independence in administering their elections, as states are not required to carry out the Commission's recommendations. But more and more states are sure to apply for grants to finance the reforms they wish to adopt.

The Federal government must provide states with at least a portion of the resources they will need to overhaul their voting systems. State officials, from governors to county supervisors, face competing demands for funds every day, as they decide how to pay their teachers, pave their roads, and remove their garbage. When it comes to paying for Federal elections, buying the newest, most reliable technology may be far down on their list of priorities. That is why the Federal matching grant program is so important. It gives the incentive, as well as the resources, to make improvements that are necessary to assure the integrity of our elections.

If there is a silver lining to the chaos that followed the election in November, it is that Congress is now fully aware that we must repair our election system nationwide. This bill is critical to that effort.

By Mr. ALLARD (for himself and Mrs. HUTCHISON):

S. 381. A bill to amend the Uniformed and Overseas Citizens Absentee voting Act, the Soldiers' and Sailors' Civil Relief act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

Mr. ALLARD. Mrs. President, the bad taste left in everyone's mouth after the Florida election debacle is certainly strongest in those who had their franchise questioned while, incredibly, they were away serving our country. Military men and women are forced to give up some opportunities during their military service that the rest of us can still enjoy. They surrender some of the freedom of speech, privacy and personnel liberty that we take for granted. But losing their right to vote is never something they agreed to face, and never something we should allow them to face.

The bill I am introducing today with Senator KAY BAILEY HUTCHISON, the Military Voter Support Act, enhances the voting ability of absentee military voters in six key ways. This bill will help us ensure that we will not see the repeat of campaign lawyers scrutinizing military ballots in a partisan attempt to silence their voice.

I know that I was not the only one who felt outrage over this. My office received a flood of calls and letters from Colorado citizens equally upset. I hope this bill proves to our uniformed voters that we not only value their service, we value their voice, and we value their right to vote.

The language applies to service members, their spouses, and voting age dependents who are necessarily absentee with them.

The bill prohibits a state from disqualifying a ballot based upon lack of postmark or witness signature alone—this was the basis for most absentee ballot challenges in Florida. Technical faults beyond the control of the voter should not endanger their ballot.

The bill secures the voting residence of a military voter as they travel on orders. It prevents a repeat of the 1997 Texas lawsuit challenging future intent of residency.

It will allow polling places to be operated on military installations to serve military voters and others at the discretion of the appropriate service Secretary. The law against this was revived and enforced by the Clinton Administration for the 2000 elections.

There is a Catch-22 for military voters who are discharged and move before an election but after the residency deadline. They cannot vote through the military absentee ballot system. Yet sometimes they are not able to fulfill deadlines to establish residency in a State. This bill allows them to use the proper discharge forms as a residency waiver and vote in person at their new polling site.

Given the technologies available to us, it should be possible for the military to devise and run an efficient and reliable electronic voting program. The bill calls for a demonstration program during the 2002 elections of a possible electronic voting system for the 2004 elections.

After each election the Pentagon Federal Voting Assistance Program makes recommendations to each state on ways to improve the voting ability of absentee voters by state statute changes. This bill brings more attention to bear on these improvements—and hopefully generates more state legislature interest—by requiring the states to report on their implementation of these suggestions to the Secretary of Defense. I believe this mild requirement upon a state will raise the profile of these fixes, and facilitate in-depth discussion and study by the states. And that will, in turn, only serve to improve military absentee voting.

I sincerely hope that military members understand that we in the Congress are as outraged as they are about the problems they experienced in voting. This bill is a way to attack those problems. With it, I hope the 2002 election and every one following is a far better demonstration of our democracy and the value we place on the right to vote.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Ms. COLLINS, Mr. DEWINE, and Mr. ENZI):

S. 382. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination in Health Insurance Act. I am delighted to be joined by Senators FRIST, JEFFORDS, COLLINS, DEWINE, and ENZI as original cosponsors of this bill, which provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

Similar language passed the Senate in the last Congress as part of the Patients' Bill of Rights, and as an amendment to the FY2001 Labor-HHS-Education appropriations bill by a vote of 58 to 40. The only substantive difference between this year's legislation and last year's is the inclusion of a safe harbor provision to prevent conflict with the new HHS medical confidentiality regulations.

This bill ensures that people cannot be denied insurance coverage on the basis of genetic information, cannot be dropped from coverage on the basis of genetic information, cannot be charged exorbitant premiums based on genetic information, and cannot be discriminated against for requesting or receiving genetic services.

The bill also ensures that insurance companies cannot release a person's genetic information without their prior consent, and cannot carve out covered services because of an inherited genetic disorder. Finally, we included safe harbor language to prevent conflict with the new privacy regulations published in December by the Department of Health and Human Services.

Scientists are finding genetic links to a whole host of diseases such as breast cancer and Huntington's disease—in fact, there are now tests for over 450 disorders including Alzheimer's, cystic fibrosis, Parkinson's, glaucoma, and kidney and colon cancer. Last June America learned that scientists have completed their mapping of the human gene. This was a remarkable and historic event that opens the door to new scientific breakthroughs that may well help lead us one day to the cause and cure for many of these diseases.

Unfortunately, this remarkable news has the potential to become a dangerous tool. As the old adage goes, "knowledge is power" and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Today in America, we know that an estimated 15 million people are affected by over 4,000 currently known genetic disorders. And while we cannot yet prevent the diseases that genetic testing can help us find, we can give carriers of these mutated genes the information they need to take extra precautions to protect their health and that of their loved ones.

It is important to remember that while genetic testing is helpful as an informational tool, it still remains an inexact science. Prediction does not mean certainty—in the case of the Alzheimer's gene, for example, there is less than a 35 percent chance that a patient who tests positive for the mutated gene will actually develop the disease. And yet, that person should not have to worry about their health insurance coverage?

For instance, when it comes to breast cancer, we know that early detection can often mean the difference between life and death. We also know that women who inherit mutated forms of either of two genes related to breast cancer—BRCA1 or BRCA2 have an 85 percent risk of developing the disease. So, should a woman test positive, she is more likely to take measures such as regular mammograms and self-examinations that can detect cancer early—thereby giving herself a fighting chance.

But at the end of the day, all of this means nothing if people are afraid to take advantage of genetic testing. And people are afraid that the trade-off for gaining an edge in the battle against disease could be losing health insurance—or higher premiums. That's just plain wrong. We need every advantage we can get when it comes to breast cancer and other diseases, and that's why we need this bill.

The bill we are offering will address these concerns and will allow our health care system to catch up to the tremendous health care advances of the past few years. It makes no sense to be on the cutting edge of medicine but remain in the dark ages when it comes to genetic discrimination.

Anyone who has heard me speak on this issue before has heard me tell of the story of Bonnie Lee Tucker, a constituent whose situation is so compelling that it bears repeating. Indeed, Bonnie Lee puts a face and a name to the very problem I am trying to address here with this bill.

Nine women in Bonnie Lee's immediate family have been diagnosed with breast cancer. And Bonnie Lee herself is a breast cancer survivor. So you can imagine that Bonnie Lee is very worried about her daughter, and would like more than anything to have the BRCA test for breast cancer. But she hasn't because she is frightened that having this test could ruin her daughter's chances of ever obtaining insurance in the future.

Bonnie Lee Tucker is not alone. Across this country there are mothers and fathers who are caught in a grip of fear for their children—fear that they may have passed along a disease that, without early detection and treatment could kill their child and fear that if a genetic test detects a mutated gene they will have ruined their children's chance of obtaining insurance further down the line.

This bill will put an end to discriminatory insurance practices based on genetic testing and allow patients the freedom to access vital information about their health—and I hope my colleagues will join us in supporting it.

Mr. FRIST. Mr. President, I rise today to speak on the critical issue of genetic discrimination and to once again proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, and DEWINE, in introducing the Genetic Information Nondiscrimination in Health Insurance Act of 2001. This progressive, forward-looking legislation, which we have developed and pushed over the past several years, will provide patients with real protections against the threat of genetic discrimination in health insurance.

This week, researchers will, for the first time, publish the complete human genome map and sequence. As a physician and researcher, I applaud the completion of this work, and recognize that, although much has been done, much more remains before we may have a complete understanding of the human gene and its role in many diseases.

Over the past several years, I have closely followed the progress of the research into the human gene, aware of the prospect that it has to radically alter the practice of medicine, but also concerned by its potential for harm. The past generation has witnessed dramatic progress in this area—and I am aware of the great differences in medicine between the time when my father was visiting patients' homes with his black doctor's bag and my own experiences in heart and lung transplantation. But our increasing knowledge of the human genome represents an opportunity for revolutionary advances in medical diagnoses and treatment. Having access to these secrets of the human gene may open doors to an entirely new way of practicing medicine over the coming decades, by producing drugs designed for specific genes and genetically engineered organs for use in organ transplants, as well as enhancing the ability of preventive care based in large part on genetic testing.

We have already identified genes that are associated with an increased risk of diseases such as breast cancer, colon cancer and Alzheimer's dementia. In the past several weeks, in fact, researchers announced the discovery of a gene linked with type 1, or juvenile, diabetes, noting that, although the gene may not be the sole cause of the disease, targeting the gene, may help prevent its onset. As science moves forward, researchers will continue to learn more about links between genes and the risk of future disease. And, as more is learned in these fields, physicians will be able to better treat their patients against the risk of future diseases by prescribing preventive measures based on an individual's genetic tests.

However, as important as these advances are, there exists a threat to our ability to realize their full potential. If, as has been found to be the case, patients fear retribution for carrying "bad" genes and refuse to be tested, then much of the fruits of these labors will have been in vain. As more individuals fear discrimination in health insurance through denial of coverage or costly premiums, they will be more likely to refuse genetic testing. For example, as I noted when we first introduced this legislation two years ago, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination.

Often here in the United States Senate, we are asked to pass legislation in response to past or ongoing problems. But the legislation we are introducing today gives us a great opportunity to avoid this, to pass forward-thinking legislation that will prevent a problem, rather than be forced to revisit this issue in a few years to attempt to remedy a problem.

Particularly in the fields of biomedical research, where scientific progress moves at a rate much quicker than public policy debate and legislation, we are often forced to confront issues after the fact. But although we know that the fear of health insurance discrimination based upon one's genetic test results is already present in society, we have an opportunity through this legislation to calm that fear and to prevent such discrimination from ever taking place. But let no one misunderstand me. While this legislation is a chance to prevent what might happen, our window of opportunity is rapidly shortening. The every-escalating speed of genetic discovery demands that Congress move to prohibit discrimination against healthy individuals who may have a genetic predisposition to disease.

The bill that I introduce today with Senators SNOWE and JEFFORDS does just that. The Genetic Information Nondiscrimination in Health Insurance Act of 2001 prohibits group health plans or health insurance issuers from adjusting premiums based on predictive genetic information regarding an individual. It prohibits issuers in the individual insurance market from using predictive genetic information to deny coverage or set premium rates. It prohibits insurers from even asking an individual for predictive genetic information or requiring that person to undergo genetic testing. And it makes certain that insurers establish and maintain appropriate safeguards for the confidentiality of predictive genetic information as well as provide patients a description of those procedures in place to safeguard their predictive genetic information.

Over the past several years, Congress has invested great amounts in biomedical research, through the push to double the budget of the National Institutes of Health and other initiatives. The underlying goal in these endeavors has been to see patients benefit from our investments and fully utilize these medical advancements to improve their health. The deciphering of the human genome presents an unparalleled opportunity to more towards this goal of improving patients' health, but this will not be possible unless individuals are willing to be tested. Patients must feel safe from repercussions based on their genetic profile. The prohibition of genetic discrimination in insurance will remove the greatest barrier to testing and thus further accelerate our scientific progress.

Patients must not forgo genetic testing because they fear they may be discriminated against in insurance. We have the opportunity—we have the duty—to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

By Ms. SNOWE:

S. 383. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 384. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable; to the Committee on Finance.

Ms. SNOWE. Mr. President, long-term care is an issue that continues to tug at Congress and this country. In 1997 close to $117 billion was spent on long-term care—almost 12 percent of total U.S. health care expenditures. And it is estimated that those in need of long-term care will double by 2025, up from the 9 million using these vital services today.

The appropriate care for an individual should be an issue that is made by that individual and their loved ones. For many people, remaining at home is their choice. It allows them to remain with their loved ones in familiar surroundings. But we all know the truth is that in many cases it comes down to the financial realities of the family. We need to do more to assist these people and their families so that they really do have a choice.

Toward that end I am introducing a bill that provides a tax credit for families caring for a relative who suffers from Alzheimer's disease. When I first came to Congress over 20 years ago, not a single piece of legislation devoted to Alzheimer's disease had even been introduced. We have come a long way since then, as today "Alzheimer's" is a household word. It is also the most expensive uninsured illness in America.

Alzheimer's treatment is estimated to cost $100 billion each year. And according to the Alzheimer's Association it costs businesses in this country more than $33 billion a year due to caregiver absenteeism. Sadly, the number of those affected by this disease is rising and will continue to rise dramatically, from 4 million today to over 14 million by the middle of the century. As staggering as these numbers are, they pale in comparison to the emotional costs this disease places on the family.

The first bill I am introducing today would allow families to deduct the cost of home care and adult day and respite care provided to a dependent suffering from Alzheimer's disease. This bill is important because we need to, as a country, help lessen the financial and emotional cost of Alzheimer's by providing some relief to Alzheimer's patients and their families.

The second bill I am introducing today will strengthen the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of the tax credit to low-income taxpayers. This bill expands the dependent care tax credit, makes it applicable respite care expenses, and makes it refundable.

In 1976, the dependent care tax credit was created to help low- and moderate-income families alleviate the burden of employment-related dependent care. We have changed the DCTC since it was created 25 years ago and in fact, in the 1985 Tax Reform Act we indexed all the basic provision of the tax code that determine tax liability except for DCTC. We need to make the credit relevant by updating it to reflect today's world.

As more and more women enter the workforce combined with the aging of our population, we are continuing to see an increased need for both child and elder care. Expenses incurred for this care can place a large burden on a family's finances. The cost of full time child care can range from $4,000 to $10,000. The cost of nursing home care is more than of $40,000 a year. Managing these costs is difficult for many families, but it is exceptionally burdensome for those in lower income brackets.

My legislation will do that by indexing the credit to inflation and making it refundable so that those who do not reach the tax thresholds will still receive assistance. It also raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earing $15,000 or less. The scale would then be reduced by 1 percentage point for each additional $1,000 more of income, down to a credit of 20 percent for person earning $45,000 or more.

In order to assist those who care for loved ones at home, the bill also expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent care and $2,400 for two qualifying dependents.

I hope my colleagues will join me in supporting these two bills that will provide assistance to families that wish to provide long term care to their loved ones at home.

By Mr. THURMOND (for himself and Mr. GRAHAM):

S. 385. A bill to amend title 10, United States Code, to remove a limitation on the expansion of the Junior Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise to introduce legislation to improve our existing laws regarding the Junior Reserve Officers' Training Corps programs, more commonly known as JROTC. Established by Congress in 1916, Junior ROTC has demonstrated over the decades that it works. Junior ROTC is an elective high school course taught by retired military personnel at selected private and public high schools in the United States and its territories. It is also taught abroad through the Department of Defense Dependents School System. The main goal of JROTC is to motivate and develop young people. In order to accomplish this goal, the program combines classroom instruction and extracurricular activities oriented on attaining an awareness of the rights, responsibilities, and privileges of citizenship; developing the student's sense of personal responsibility; building life skills; and providing leadership opportunities.

As we are all aware, President Bush recently placed our Nation's youth at the top of his agenda. In his forward to the "No Child Left Behind" Education Reform Plan, the President stated that "[the] mission is to build the mind and character of every child, from every background." There is no existing education program that accomplishes exactly this goal better than JROTC. What students study in Junior ROTC is not primarily found in textbooks. What is learned by students enrolled in JROTC is not at the disposal of students and schools without the JROTC programs. As former Commandant of the Marine Corps, General Charles Krulak, summarized in a March 19, 1999 letter to me, "as we seek to identify and develop young men and women of character, this program does it all."

Widely recognized studies have praised JROTC as having a dramatic positive impact in high school education. In fact, one report noted that JROTC cadets boast a better class attendance rate, a lower number of disciplinary infractions, and a higher number of graduates. The report also stated that "Cadets performed better than the overall school population in every area that is routinely measured by educators, including: academic performance, grade point average, the Scholastic Aptitude Test, and the American College Test." It comes as no surprise that schools districts throughout the United States are clamoring to establish JROTC units at hundreds of high schools.

While the primary purpose of JROTC is to develop good citizens, there are, in fact, tangible benefits to our Nation's Armed Services. Statistics demonstrate that over 40 percent of students who graduate from the JROTC program choose some form of military service. Without a doubt, this fact proves conclusively that good citizens choose to serve their country.

The JROTC program's contribution to our Nation's schools, communities and Armed Forces is no less than remarkable in conveying a sense of service, patriotism, leadership communication skills, team work, and self-esteem. After JROTC and advancing into their futures, young men and women carry such virtues into America's society while serving as a bridge between the military and civil society at a time when the two have tended to diverge. The dividends of this cannot be overstated.

Soon we will be unable to expand the proven and praised Junior Reserve Officers' Training Corps programs. By law, the JROTC program is limited to having 3,500 units for schools throughout the United States. Each of our military services have limits to the number of units they may establish, and the Marine Corps has already reached its limitations. Without changing existing law, thousands of high schools will never have the opportunity to reap the benefits of the JROTC program. Furthermore, some Services have encountered difficulty recruiting retired Officers and Non-Commissioned Officers to fill instructor positions at certain high schools, especially in inner-city and rural schools. These staffing difficulties compromise the ability to establish these especially critical new units.

The legislation that I am introducing today is straightforward and simple. It seeks to repeal limitations on the number of Junior Reserve Officers' Training Corps units and opens the door to the many retired Guard and Reserve Officers and Non-Commissioned Officers who have expressed an interest in serving as JROTC instructors, but because of the existing law are unable to do so.

I urge my colleagues to support this legislation. Every Member in Congress has a stake in assuring its unfettered enactment.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

SEC. 2. CLARIFICATION OF AUTHORITY TO AUTHORIZE EMPLOYMENT OF RETIRED NATIONAL GUARD AND RESERVE PERSONNEL AS JROTC ADMINISTRATORS AND INSTRUCTORS.

Section 2031(d) of title 10, United States Code, is amended by inserting "regular or reserve component" after "as administrators and instructors in the program, retired" in the matter preceding paragraph (1).

By Mr. TORRICELLI (for himself, and Mr. CORZINE):

S. 386. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Great Falls area in Paterson, New Jersey. I am joined by my colleagues from New Jersey, Senator CORZINE, and pleased to announce that companion legislation has already been introduced in the House of Representatives by Congressman BILL PASCRELL.

Paterson is known as America's first industrialized city. Alexander Hamilton founded Paterson in 1792 as a mercantile private-public partnership, using the powerful falls to power industry. He built a laboratory, and established the Society for the Establishment of Useful Manufactures which actively promoted the textiles industry. Textiles were a large part of the development of industry in Paterson, once known as the Silk City, and regarded as the center of the textile industry for many years.

New and developing industries located to Paterson and contributed to the growth of the city. New immigrants, arriving at nearby Ellis Island, settled in Paterson, and provided the workforce necessary for this newly industrialized city to thrive.

Rich in history, the Paterson Great Falls is also endowed with natural beauty. The Great Falls is an island of beauty in a sea of urban development.

The Great Falls is the second largest waterfall on the East Coast, and attracts visitors from within and outside of New Jersey.

Paterson Great Falls is also an educational tool for New Jersey's children. Students young and old travel to Paterson Great Falls to witness its natural splendor, to learn about the industrial revolution, and the pioneers who helped build our Nation.

This area is truly a valuable asset to the State of New Jersey, and I feel it is only proper to share this wonderful resource with the entire nation by establishing the Paterson Great Falls as a unit of the National Park Service, NPS.

The Federal Government has already acknowledged the significance of Great Falls, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence Great Falls, and the NPS would provide staff and tours, and allow for a better, more educational interpretation of the site.

This designation is warranted. Our Nation's urban history is currently under-represented by the NPS. Not many sites tell the story of the growth of our Nation and its economy from that of agrarian to industrial. Other than Lowell, Massachusetts, a one-time industry powerhouse whose historic district was designated a national park, I am not aware of another NPS site which represents our Nation's rich urban history.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Paterson Great Falls area. I ask that my colleagues join me in support of this worthy effort, so that a critical chapter in the story of our nation may be told to future generations.

SENATE RESOLUTIONS

SENATE CONCURRENT RESOLUTION 15—TO DESIGNATE A NATIONAL DAY OF RECONCILIATION

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That on a date to be determined by the Speaker of the House of Representatives and the President pro tempore of the Senate, the Chaplain of the House of Representatives and the Chaplain of the Senate shall conduct a joint assembly, to be conducted in the House Chamber, in which Members of the House of Representatives and the Senate will be able to express the past struggles that we as a Nation have experienced, overcome, and still struggle with, and thereby lead the Nation in beginning the process of reconciliation.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF CONGRESS THAT THE GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE IN NEWPORT, RHODE ISLAND, WHICH IS ON DISPLAY AT THE B'NAI B'RITH KLUTZNICK NATIONAL JEWISH MUSEUM IN WASHINGTON, D.C., IS ONE OF THE MOST SIGNIFICANT EARLY STATEMENTS BUTTRESSING THE NASCENT AMERICAN CONSTITUTIONAL GUARANTEE OF RELIGIOUS FREEDOM.

Mr. CHAFEE (for himself and Mr. REED) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support";

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

Mr. REED. Mr. President, I rise to join my colleague from Rhode Island, Senator CHAFEE, in introducing a resolution commemorating the letter sent by President George Washington to Touro Synagogue in Newport Rhode Island, the oldest Jewish house of worship in the United States.

When Roger Williams came to Rhode Island in the 1630s, an individual's right to worship without government interference was unknown in other colonies or countries of the world. He made religious tolerance the core principle of his new settlement, and it became a beacon of hope for those suffering from persecution.

By the middle of the 17th century, 15 Jewish families, who knew the pain of intolerance firsthand, arrived in Newport to reclaim their faith and rebuild their lives. This group included Jews from Spain and Portugal who had been forced to become Christian converts to escape persecution. Rhode Island's lively experiment promised a new beginning.

The 18th century say many steps toward the realization of this promise, as increasing trade and religious tolerance spurred the growth of Newport and its Jewish community. By 1759, with about 75 families totaling some 300 people, the Congregation turned to the construction of a permanent house of worship. Four years later, this Synagogue was dedicated in a service led by Reverend Isaac Touro, the spiritual leader of the Congregation.

As this country's first President, George Washington was the leader of a nation still crafting its ideals and identity. Although the new Constitution had won ratification, many Americans feared that its concentration of power in a federal government threatened the individual liberties for which they had so recently gone to war. To alleviate these fears, Washington began a nationwide tour in support of a Bill of Rights that would explicitly protect basic freedoms of Americans against government intrusion.

This tour brought Washington to Newport in August 1790. During his visit, Washington received an eloquent letter from Moses Seixas, the warden of Touro Synagogue. Seixas commended the President for his work and leadership in establishing a government that respected the inalienable rights of all citizens.

Washington's response embraced Seixas' simple, elegant phrases to renew his and the nation's commitment to Rhode Island's founding principle. Addressing a Congregation dedicated to religious liberty in a state based on this ideal, Washington reaffirmed religious freedom as essential to the new nation's identity.

When Washington declared that "the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens," he made Rhode Island's history of religious liberty a model for the nation. "To bigotry no sanction." It is for good resonate that these words continue to resonate today, as we confront the challenges of an ever more closely linked, yet endlessly diverse community of nations. We all know too well the destruction that bigotry causes, and this plague is still with us. The fight for tolerance is as necessary now as in the days of President Washington or Roger Williams.

This fight for tolerance is the reason the original letter sent by George Washington remains on permanent display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C. This fight for tolerance is also the reason Americans of all religious faiths gather at the Klutznick Museum each February and at Touro Synagogue each August to hear readings of the letter. It is my hope these commemorations inspire us to follow the examples set by Roger Williams and President Washington and continue to fight for religious and personal liberty for all.

SENATE RESOLUTION 25—DESIGNATING THE WEEK BEGINNING MARCH 18, 2001 AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself and Mr. CLELAND) submitting the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 25

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 500 communities in 32 states and more than 9,000 locations have established Safe Place programs;

Whereas over 47,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 18 through March 24, 2001 as "National Safe Place Week" and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 26—STATING THE SENSE OF THE SENATE REGARDING FUNDING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. KERRY (for himself, Mr. SCHUMER, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 26

Whereas home energy assistance for working, low-income, and middle-income families with children, the elderly on fixed incomes, individuals with disabilities, and others who need such assistance is a critical part of the social safety net in cold weather areas during the winter, and a source of necessary cooling assistance during the summer;

Whereas the Low-Income Home Energy Assistance Program (referred to in this resolution as "LIHEAP") provides a highly targeted, cost-effective way to help millions of low-income residents of the United States pay their home energy bills;

Whereas more than ⅔ of the households that are eligible for assistance through LIHEAP have annual incomes of less than $8,000, and approximately ½ of those households have annual incomes of less than $6,000;

Whereas regular and emergency funding for LIHEAP for fiscal year 2001 has been exhausted in some States and nearly exhausted in several other States;

Whereas as a result, more than 30,000,000 households around the Nation may be left without energy assistance in areas that may face several more weeks of cold winter weather; and

Whereas without additional funding, members of those households may be forced to make an unacceptable choice between heating their homes or purchasing food, medicine, or other basic necessities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and Congress should immediately prepare and enact a supplemental appropriations bill to provide $1,000,000,000 in regular funding for LIHEAP, $152,000,000 for weatherization assistance grants under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), and $37,000,000 for State energy conservation plan grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SENATE RESOLUTION 27—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE 1944 DEPORTATION OF THE CHECHEN PEOPLE TO CENTRAL ASIA, AND FOR OTHER PURPOSES

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 27

Whereas for more than 200 years, the Chechen people have resisted the efforts of the Russian government to drive them from their land and to deny them their own culture;

Whereas beginning on February 23, 1944, nearly 500,000 Chechen civilians from the northern Caucasus were arrested en masse and forced onto trains for deportation to central Asia;

Whereas tens of thousands of Chechens, mainly women, children, and the elderly, died en route to central Asia;

Whereas mass killings and the use of poisons against the Chechen people accompanied the deportation;

Whereas the Chechen deportees were not given food, housing, or medical attention upon their arrival in central Asia;

Whereas the Soviet Union actively attempted to suppress all expressions of Chechen culture, including language, architecture, literature, music, and familial relations during the exile of the Chechen people;

Whereas it is generally accepted that more than one-third of the Chechen population died in transit during the deportation or while living in exile in central Asia;

Whereas the deportation order was not repealed until 1957;

Whereas the Chechens who returned to Chechnya found their homes and land taken over by new residents who violently opposed the Chechen return; and

Whereas neither the Soviet Union, nor its successor, the Russian Federation, has ever accepted full responsibility for the brutalities inflicted upon the Chechen people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should commemorate the 57th anniversary of the brutal deportation of the Chechen people from their native land;

(2) the current war in Chechnya should be viewed within the historical context of repeated abuses suffered by the Chechen people at the hands of the Russian state;

(3) the United States Government should make every effort to alleviate the suffering of the Chechen people; and

(4) it is in the interests of the United States, the Russian Federation, Chechnya, and the international community to find an immediate, peaceful, and political solution to the war in Chechnya.

Mr. HELMS. Mr. President, next week will mark the tragic anniversary of Stalin's mass deportation of Chechen civilians from the northern Caucasus to the barren steps of Central Asia. In the early morning hours of

February 23, 1944, thousands of Chechen families were ordered out of their homes, arrested, and loaded on to rail cars. Some five hundred thousand Chechens were deported to Central Asia. Tens of thousands, mainly women, children, and the elderly, died en route to Central Asia.

These deportations were part of Stalin's systematic effort to suppress the Chechen people and to strip them of their culture and history, including their language, architecture, music and even familial ties.

It was only in 1957 that Stalin's deportation order was repealed. However, many of those Chechens that were able to make the arduous journey back to their homes in the Caucasus found them occupied by new residents, many of whom violently opposed the Chechen return.

Today, the Chechen people are enduring yet another brutal assault directed by Moscow's authorities. Over the last year and half Russian President Vladimir Putin has conducted an indiscriminate war against the Chechen people. Russian forces subjected Chechnya's capital, Grozny, to a destruction unseen in Europe since World War II, and they have leveled numerous other Chechen towns and villages. Russian forces have herded the Chechen population into refugee or internment camps. This war against the Chechen people has left literally hundreds of thousands homeless and countless thousands of innocents dead. Let us not forget that more than 100,000 Chechens were killed in the Russo-Chechen war of 1994–1996—100,000 out of a population of fewer than a million.

Mr. President, it is with these facts in mind that I introduce a resolution marking next week's anniversary of Stalin's mass deportation of the Chechen people in 1944. My hope is that this resolution will communicate to the Chechen people the Senate's awareness of the suffering that they have endured and are enduring today. It is my hope that this resolution will prompt others to view the ongoing war in Chechnya within the historic context of the repeated abuses suffered by the Chechen people. By promoting a broader awareness of the history of Chechen people, I am confident that this resolution will contribute positively to the efforts of those who are trying to prompt a peaceful, political, and just end to war in Chechnya.

AMENDMENTS SUBMITTED

SMITH AMENDMENT NO. 12

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; which was referred to the Committee on Energy and Natural Resources.

On page 3, strike subsection (d) and insert the following:

(d) LIMITATIONS.—

(1) IN GENERAL.—A cost-of-service based rate shall not apply to a sale of electric energy at wholesale for delivery in a State that—

(A) prohibits public utilities from passing through to retail consumers wholesale rates approved by the Commission; or

(B) imposes a price limit on the sale of electric energy at retail that—

(i) precludes a public utility from recovering costs on a cost-of-service based rate; or

(ii) has precluded a public utility from making a payment when due to any entity within the western energy market from which the public utility purchased electric energy, and the default has not been cured.

(2) NO ORDERS TO SELL WITHOUT GUARANTEE OF PAYMENT.—Notwithstanding any other provision of law, neither the Secretary of Energy, the Commission, any other officer or agency in the Executive branch, nor any court may issue an order that requires a seller of electric energy or natural gas to sell electric energy or natural gas to a purchaser in a State described in paragraph (1) unless there is a guarantee that, as determined by the Commission, is sufficient to ensure that the seller will be paid the full purchase price when due.

(3) REQUIREMENT TO MEET IN-STATE DEMAND.—Notwithstanding any other provision of law, a State public utility commission in the western energy market may prohibit a public utility in the State from making any sale of electric energy to a purchaser in a State described in paragraph (1) at any time at which the public utility is not meeting the demand for electric energy in the service area of the public utility.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall—

(1) conduct an investigation to determine whether any public utility in a State described in subsection (d)(1) has been rendered uncreditworthy or has defaulted on any payment for electric energy as a result of a transfer of funds by the public utility to a parent company or to a subsidiary of the public utility (except a payment made in accordance with a State deregulation statute); and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce and Committee on Energy and Natural Resources of the Senate a report describing the results of the investigation.

(f) DURATION.—A cost-of-service based electric energy rate imposed under this Act shall remain in effect until such time as the market for electric energy in the western energy market reflects just and reasonable rates, as determined by the Commission.

(g) REPEAL.—This Act is repealed, and any cost-of-service based electric energy rate imposed under this Act that is then in effect shall no longer be effective, on the date that is 2 years after the date of enactment of this Act.

Mr. SMITH of Oregon. Mr. President, today I am filing an amendment to S. 287, bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.

My amendment would clarify the circumstances under which the Commission may impose interim limitations on the cost of electric energy, and provide a sunset date. While I applaud my colleague's efforts to help restore stability to the wholesale electricity market on the west coast, I believe S. 287 continues to insulate retail customers in California from the energy crisis in a way that is hampering conservation and investment in new generation.

By contrast, my constituents and energy-sensitive businesses in Oregon are already feeling the effects of the price volatility in the west. Utilities in the northwest are facing current rate increases of eleven to fifty percent. The customers of the Bonneville Power Administration are facing the prospect of 95 percent rate increases beginning in October, when current contracts expire.

I know that there is significant support for short-term wholesale price caps for the entire western market. However, that doesn't address what is still going on in California, where retail prices are capped at a level that is insulating consumers from the price shocks being felt by the rest of the West. So long as these retail rates remain capped at the current levels, there is no incentive to conserve, and no incentive for additional generation. Both conservation and additional generation are the keys to the long-term solution.

Much of the media attention in recent weeks has focused on efforts to keep the lights on in California and to keep that state's two largest utilities from going bankrupt. But the West Coast energy market extends to eleven other western states, including Oregon, that are all interconnected by the high-voltage transmission system.

I believe there is more that California can and must do immediately to address this situation. I know the California legislature is grappling with this situation, and I hope it will take the steps to restore the creditworthiness of California's utilities.

First and foremost, it must approve further electric rate increases. This is necessary to send the right price signals to Californians to conserve energy. Further, price increases are necessary to help California's investor-owned utilities—which have recently been reduced to "junk bond" status—from going bankrupt.

Avoiding bankruptcy for these utilities is important for Oregon and other western states. Since the middle of December, Northwest utilities have been forced to sell their surplus power into California, with no guarantee of being paid. If the California utilities subsequently seek bankruptcy protection, it will be Oregonians who are stuck with the bill for California's failed restructuring effort.

In fact, certain Oregon utilities are already receiving bills from California's power exchange for funds owed to the exchange by California utilities. In addition, the Bonneville Power Administration is owed over 100 million dollars for power sales it made into California in November 2000.

My amendment to the legislation offered by my colleague from California would do the following: It limits the authorities provided to the Federal Energy Regulatory Commission (Commission) to impose west-wide wholesale price caps by stipulating that the wholesale price cap cannot be imposed on sales into any state that has refused to allow utilities to pass on Commission-approved rates, has capped retail rates at levels that do not allow utilities to recover costs on a cost-of-service based rate, or has capped rates at a level that results in a default of payments for electricity.

Further, the amendment stipulates that the Secretary of Energy, the Commission, or the courts may not order sales of electricity or natural gas into any such state without guarantees of being paid. It also allows state public utility commissions in other western states to make sure that utility service areas are served before utilities in their respective states can sell into what might be a higher market in California.

It also orders the Secretary of Energy to conduct an inquiry into the charges of shifting funds between utilities and parent holding companies. Two weeks ago, at a hearing of the Energy Committee, I asked three California utilities if they were seeing any decrease in demand in response to calls for conservation. The answer was no.

I also asked several energy experts if, in their opinion, state officials in California were taking the measures needed to fix their broken restructuring effort. Again, the answer was either "No" or "Mostly, but not completely."

To put a human face on what is happening in my state, I would like to discuss a letter I recently received from a rural school district in my state. Basically, they are pleading for the energy crisis to be fixed because, as a small school district, they are having to take resources away from students to pay energy bills. Their local utility has just added a 20 percent surcharge to the cost of electricity. The district also heats a number of its school buildings with natural gas. In November 1999, the bill was $4,383.59. By November 2000, the bill to heat the same buildings was $11,942.

Another small school district in my state is concerned that its power bills may go up by $100,000. For them, that means laying off two teachers.

Oregon is doing its part to conserve, and to build new resources. My amendment today is trying to prod California to send the right price signals to its consumers to join us in this fight.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 1, 2001 at 9:30 a.m. in room SD–106 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to received testimony on S. 26, a bill to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market, S. 80, California Electricity Consumers Relief Act of 2001, and S. 287, a bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC–2 Senate Russell Courtyard, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, February 15, 2001 at 11 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on President Bush's Education Proposals during the session of the Senate on Thursday, February 15, 2001 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 15, 2001 at 10 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that a member of my staff, Kevin Krukfy, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. LOTT. For the information of all Senators, the two sides of the aisle are in the process of clearing a resolution, if at all possible, on the energy situation. We are hoping to work through that. If we can do so, we expect it will pass on a voice vote. Therefore, there will be no further votes this week.

The Senate will reconvene on Monday, February 26, and following the reading of George Washington's Farewell Address by the junior Senator, appropriately, from Virginia, Mr. ALLEN, the Senate will then conduct a lengthy period of morning business.

On Wednesday of that week, the Senate will be expected to begin consideration of the bankruptcy bill.

I thank my colleagues for their cooperation.

Again, I want to say that we may or may not have a resolution with regard to the energy situation. But the Senate would like to acknowledge there is a problem in this country and commit to taking appropriate and comprehensive actions in dealing with this problem in the weeks ahead.

I wish all of my colleagues a very enjoyable Presidents' Day work period.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PAUL D. COVERDELL

Mr. DODD. Mr. President, we have just adopted a resolution offered by the majority leader and others that will honor our former colleague, Paul Coverdell of Georgia, for his service as a Member of this body, as a member of the political life of the State of Georgia, and as a Director of the U.S. Peace Corps.

This resolution, among other things, would name the Washington national headquarters of the Peace Corps as the Paul D. Coverdell Peace Corps Headquarters.

The bill would also authorize $10 million in appropriations to give an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of Biomedical and Health Sciences at the University of Georgia.

The legislation to honor our former colleague, in addition to what was done last year—when we enacted the Paul D. Coverdell Worldwide School Act of 2000—would designate the Worldwide Schools Program as the Paul D. Coverdell Worldwide Schools Program that was begun by Senator Coverdell when he was Director of the Peace Corps.

Last year's action was a fitting one by this Congress to honor our former colleague and is an appropriate tribute which recognizes the special contribution Paul Coverdell made to the Peace Corps during his tenure as its Director. I strongly and enthusiastically supported its enactment.

Let me, first of all, say there is a particular reason I speak on this particular issue, in addition to my affection for Paul Coverdell and the years I spent working with him.

As I mentioned a moment ago in the colloquy with the distinguished majority leader, some 33 years ago, after I finished college, I served as a Peace Corps volunteer in the Dominican Republic not far from the Haitian border for 2½ years in the mountains. I worked with 22 communities and some 11,000 people in the northwest region of that country. It was an important period of maturation in my life. I learned a great deal about myself and have a deeper appreciation of my own country.

Serving outside of the United States and seeing the shortcomings of other nations, one appreciates in many ways unimaginable as a U.S. citizen, how fortunate we are to live in this great country with 200 years of strong democracy and freedoms and opportunities that the world envisions. One also comes away with a deeper appreciation of other cultures and other peoples. It was a wonderful experience.

I have often said that next to my family and the circumstances of growing up in a strong, healthy household with five siblings and wonderful parents, no other event in my life was as significant as these years as a Peace Corps volunteer—as a part of growing up and learning more about myself, sparking, in many ways, a determination to be a part of public life. And that has occurred over the years since my arrival in the House of Representatives as the first former Peace Corps volunteer to be elected to the Congress, along with Paul Tsongas that year, a blessed memory. And then I arrived in the Senate, along with Paul Tsongas, 2 years after his arrival, as Peace Corps volunteers here. Today I am the only returning volunteer.

I sometimes like to have some fun with my colleague from West Virginia, Mr. ROCKEFELLER, the junior Senator from West Virginia, who was a staff member of the Peace Corps. But we make a significant distinction between staff members and volunteers. The 161,000 Americans who are former Peace Corps volunteers will appreciate that distinction.

There are deeply emotional and strong feelings that I have about this organization and the contribution that it has made to our Nation and to millions of people all over the globe.

This was an idea that was born in a speech given by another Senator in the State of Michigan as he was running for President in 1960. His name was John Fitzgerald Kennedy. He said, on the steps of the University of Michigan, that he had an idea where Americans of all ages might take a period out of their lives to serve the needs of others around the globe. It was an idea that Hubert Humphrey had talked about as a Senator—not specifically the Peace Corps, but he had raised the idea of Americans serving the interests of others around the globe.

Then, over the years, beginning with the remarkable leadership of Sargent Shriver as the first Director of the Peace Corps, there have been 14 other Directors over 40 years. Most remarkably, there was one directorship under Loret Ruppe, the wife of a former Republican House Member, who I served with for 8 years under the Reagan years. She led the Peace Corps in a most magnificent way. In fact, I remember she even forwent some of her salary initially because she did not feel she understood the Peace Corps well enough to take a salary. That is how dedicated she was to this organization.

But over the years, we have talked about the Peace Corps not as John Kennedy's Peace Corps or Hubert Humphrey's Peace Corps or Sargent Shriver's Peace Corps or Loret Ruppe's Peace Corps or my Peace Corps; it has been the Nation's. It just says: The Peace Corps. There is one room at the Peace Corps named for Sargent Shriver, but that is the only facility I know of that has a name on it at all, because we never thought it belonged to any particular person.

Literally hundreds of thousands of people, in direct and indirect ways, have made a significant contribution to this organization. I served with volunteers who lost their lives during the term of their service. Yet despite that, and the efforts maybe in some countries to designate certain places or areas in memory of these individuals, we have kept it sort of as a nameless organization in that sense.

I hope people understand that when this proposal was made—and I respect the fact that these things can happen—no one came and asked me what I thought about whether or not we ought to name this building after one particular individual. Had I been asked about it prior to this decision to move forward with it—regardless of who had come forward with any particular name—I would have expressed the same reservation. This has nothing to do with my deep respect for Paul Coverdell. As the majority leader pointed out, I gave a heartfelt set of remarks at the time of his passing, so I feel somewhat awkward in even standing up and talking about this. But we have to be far more judicious, and careful not to race down and offer resolutions to put names on buildings in this community and elsewhere without thinking through what the implications are.

For those who have served well, brought honor to institutions, to try to race ahead with one name over another does not serve this country well, does not serve its institutions well.

I was asked to be the co-chairman of a bipartisan group last year to choose two Senators' portraits to be painted on two ovals outside this Chamber in the reception area. Slade Gorton from the State of Washington was the other member of this two-member commission. We made selections after deep discussions with the Senate historian and with other Members. In fact, I remember having a conversation with the distinguished former minority-majority leader, Senator BYRD of West Virginia, about his ideas.

We went to our respective caucuses, shared these ideas, and, finally, after having vetted the entire process, came to the Chamber with the suggestions of Senator Vandenberg and Senator Wagner of New York to be the two suggestions. But we went through the process even before we decided to put the portraits of the two Senators high up on the wall of the reception area.

I would urge my colleagues, aside from this particular set of circumstances, that rather than trying to compete with one another as to whether or not we are going to have a Republican or a Democrat or some particular name on a building, that we slow down, think, and be more careful about how we proceed on these matters.

That was the motivation, more than anything else, that caused me to object yesterday to this resolution going forward, the concerns I had about the naming process, in this particular resolution. So in no way does my lack of enthusiasm for this resolution, which is before us and which has just been adopted, suggest a criticism of Paul Coverdell's tenure at the Peace Corps. In fact, he was a very fine Director of the Peace Corps, who made a number of contributions to the organization, including the establishment, as we already heard, of the Worldwide Schools Program, and the dispatching of volunteers, for the first time, to Hungary and Poland.

As I said, there were also 14 other Directors of the Peace Corps who made significant contributions. Paul was not the Peace Corps's first Director. As I mentioned, Sargent Shriver was the first Director, who gave the organization the kind of direction and definition it needed at the outset and during his entire tenure. Loret Ruppe, who I mentioned, holds the honor of having served as the longest Director of the Peace Corps, which was during the 8 years of the Reagan administration. I respected Paul Coverdell enormously. I worked closely with him on Peace Corps issues when he was the Director between 1989 and 1991. I actually chaired his confirmation hearings before the Senate Foreign Relations Committee.

He and I continued to work together on Peace Corps matters when he joined the Senate in 1993, and served, as he did then, as the ranking member. I was then chairman of the subcommittee having jurisdiction over the Peace Corps. Whenever he would discuss any legislation related to the Peace Corps, the first thing Paul Coverdell would ask was, is it good for the Peace Corps? Is it going to create problems? Is it going to fracture the bipartisan consensus that has existed for 40 years with respect to this organization?

Paul always put the interests of the organization, and particularly the volunteers, first. I believe we should do so as well. That is our responsibility, in my view.

This year the Peace Corps will celebrate its 40th anniversary since being established by President Kennedy in 1961. The Peace Corps stands as a living embodiment of the well-remembered challenge that President Kennedy posed to all Americans more than four decades ago: It is not what your country can do for you but, rather, what you can do for your Nation.

The Peace Corps was first established by Executive order during the early days of the Kennedy administration. Sargent Shriver was named as its first Director. Soon thereafter Congress enacted legislation to codify it into law.

The legislation is quite simple. It set forth three goals for the organization: to help the people of interested nations in meeting their need for trained men and women, to help promote a better understanding of Americans on the part of peoples served, and to help promote a better understanding of other peoples on the part of Americans.

As the first Director of the Peace Corps, Sargent Shriver confronted the special challenge of transforming President Kennedy's challenge to America's young adults into an operation program that would meet the three goals established by this organization.

During the 5 years of his tenure as Director, Sargent Shriver gave form to the dream of voluntary service. The 14 Directors who followed in his footsteps benefitted from the foundation that he had established for the organization. However, each succeeding Director, in his or her own way, has also made significant contributions, which has kept the Peace Corps strong and vibrant over these past 40 years.

The heart and soul of the organization, however, is not the Directors of the Peace Corps, or the Peace Corps staff in Washington, or the buildings; it is the volunteers—past, present, and future.

Over the past 40 years, more than 161,000 Americans, young and old, men and women, have given up at least 2 years of their lives in service to our Nation, and in far flung corners of the world. I was privileged, as I said at the outset of these remarks, to be one of those volunteers.

Peace Corps volunteers have served in 130 nations, working to bring clean water to communities, teaching their children, helping start small businesses, and more recently joining in the international efforts to stop the spread of AIDS.

Today, there are more than 7,000 volunteers serving in 76 nations, working to put a living face on America for those people in developing countries who might never otherwise have any contact with America or her values. Through the Peace Corps, the United States has shared its most valuable resource in the promotion of peace and development—its people. That is our greatest resource, and volunteers are the very embodiment of our best values.

The men and women who have served and answered the call of the Peace Corps reflect the rich diversity of our Nation, but they have one thing in common; namely, a common spirit of service, of dedication, and of idealism. We should not let politics or partisan bickering ever in any way diminish that spirit. Let us continue to respect the unique nature of the Peace Corps and show deference to the tens of thousands of volunteers who have given their time to make the Peace Corps the internationally respected organization that it is today. It is more than one director. It is more than any one volunteer. In fact, the sum total of the Peace Corps is larger than all of its parts. That is why we should not try to embody the spirit of the organization by placing one of its elements above the others.

For those reasons, I raised the objections and the reservations about this resolution. I withdrew those reservations in the spirit of cooperation, knowing it is important that the Peace Corps not be embroiled in this kind of battle.

I hope in the future more patience will be demonstrated, more consultation involved, before we move ahead at the pace we did with this particular proposal. My respect and admiration to Paul and his family, to his wife, and to his staff and others who have worked with him over the years. Please understand that my objections raised here today, my reservations raised here today, have nothing whatsoever to do with my deep admiration for him, his work as Senator, or his work as Director of the Peace Corps during his 2 years of service.

I thank my colleague from West Virginia and yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent, on behalf of the majority leader, that the Senate now enter into a period for the transaction of morning business and Senators be permitted to speak for up to 10 minutes each, with the exception of my own statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION PROCESS REFORM

Mr. BYRD. Mr. President, one of the most significant pieces of legislation ever enacted by Congress was the Congressional Budget Act of 1974. In my capacity as Majority Whip, as well as Chairman of the Senate Rules Committee's Subcommittee on the Standing Rules of the Senate, I was deeply involved in the preparation of the Senate version of that bill, S. 1541. I assembled a staff working group to make extensive revisions to a bill that had been reported out of the Committee on Government Operations. That staff group consisted of representatives of the chairmen of the ten standing committees of the Senate, four joint committees, the House Appropriations Committee, the Congressional Research Service, and the Office of Senate Legislative Counsel, and the parliamentarian of the Senate—at that time, Robert Dove.

On March 19, 1974, we took S. 1541 to the Senate Floor. At that time I stated that, "when Senators look back some years in the future, many may be able to say that this was among the most important measures acted upon during our entire service in Congress."

As I pointed out in my remarks on March 19, 1974, "In the fifty years subsequent to the enactment of the Budget and Accounting Act, Congress had permitted its 'power of the purse' under The Constitution to slip away, or diminish." That trend, as I further pointed out, had been magnified during the previous five years. While presidents over many decades had occasionally seen fit to withhold funds appropriated by Congress, in the years leading up to the enactment of the Congressional Budget Act of 1974, the President had expanded this practice to cover programs throughout the Government. Many billions of dollars had been withheld, not because of any changes in circumstances after the action of the Congress in approving the funding, but merely because the President did not agree with the priorities or the judgments made by the Congress. As a consequence, the confidence of the public in its Government processes had been diminished.

In order to give force, then, to Congress's spending choices, and in order to stop this arbitrary withholding by the executive branch, it was necessary to put into place a new Budget and Impoundment Control Act. S. 1541 established a comprehensive congressional budget process. Under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

Let me repeat that sentence. There are probably Senators who wonder, why do we have a reconciliation process? Why was it created in the first instance? Let me say again, under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills and any other spending measures.

Perhaps I should say that again, just to show how far we have wandered from the course originally conceived by the Congress as the reconciliation process. At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills—all of them; today that would be 13 annual appropriation bills—followed by the annual appropriation bills and any other spending measures. Then Congress would issue any reconciliation instructions that might be necessary to bring the spending and the revenues in line with the budget resolution. That process was to then involve the passage of a second budget resolution.

Reconciliation involves a two-stage process in which reconciliation instructions are included in the budget resolution in order to direct appropriate committees to achieve the desired budgetary results, and then to incorporate those results into an omnibus bill which is considered under expedited procedures in the House and the Senate.

In its report entitled, "The Budget Reconciliation Process: Timing of Legislative Action," updated October 24, 2000, the CRS states that reconciliation was first used during the administration of President Carter in calendar year 1980 for fiscal year 1981. According to the Congressional Research Service, then, reconciliation was not used at all from the time of enactment of the Congressional Budget Act of 1974 until 6 years later, in calendar year 1980. During the period since 1980, for fiscal years 1981 through 2001, there have been 14 reconciliation measures enacted into law and three that have been vetoed.

As was contemplated by the Congressional Budget Act of 1974, the reconciliation process has been a very important and powerful tool with which to enforce the policies of annual budget resolutions. As a properly used deficit-fighting tool, reconciliation bills that have been enacted have resulted in well over a trillion dollars in budgetary savings in the past two decades.

I have often—at least in recent years—referred to the reconciliation process as a "bear trap." It is a bear trap because of the fast-track procedures that were included in the Congressional Budget Act to help Congress enact quickly necessary changes in spending or in revenues to ensure the integrity of the budget resolution targets.

This fast-track procedure limits Senate debate on reconciliation bills to 20 hours, and that time can be further limited by a nondebatable motion approved by a majority vote so that there being 20 hours on the resolution, a majority at any time could yield back its 10 hours, leaving only 10 hours, and then can proceed to move that the remaining 10 hours be reduced to 2 hours or 1 hour or a half hour or zero. That would be a nondebatable motion, and it needs only a majority to carry. Only germane amendments are allowed to reconciliation bills. Time on reconciliation bills, as I have already said, may be further limited by nondebatable motion. A determined majority could, in fact, as I have indicated, limit Senate consideration of reconciliation bills to no more than 1 hour, no more than 10 minutes, or no time at all.

Reconciliation bills, unfortunately, have proven to be almost irresistible vehicles for Senators to use to move all manner of legislation because of these fast-track procedures. At times, the misuse has been gross. On June 22, 1981, when the Senate was considering S. 1377, the Omnibus Reconciliation Act of 1981, then-majority leader, Howard Baker, called up amendment No. 171, which was cosponsored by me—I was then the minority leader—and by Senator DOMENICI of New Mexico, who is chairman of the Budget Committee, and by Senator Fritz Hollings of South Carolina, the then-ranking member of that committee.

Let me read a brief excerpt from a colloquy that occurred during the debate on that amendment:

> Mr. BAKER. Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as an institution. So long as a preponderance of its subject matter has a budgetary impact, a reconciliation bill could contain non-budgetary amendments to substantive law, and still be protected under the Budget Act. That notwithstanding, I believe—

This is Senator Howard Baker talking—

> that including such extraneous provisions in a reconciliation bill would be harmful to the character of the Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights.

That was the then-majority leader, a Republican, Howard Baker, speaking with reference to the protection of minority rights. His party was not in the minority. His party was in the majority at that time. But he spoke out on behalf of minority rights.

Senator Baker further said:

> It would evade the letter and spirit of Rule XXII.
>
> It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practices. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith—

This is Republican majority leader, Howard Baker, speaking now —

> with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights.
>
> For principally these reasons, I have labored with the distinguished minority leader—

Referring to Senator Robert C. Byrd—

> with the chairmen and ranking minority member of the Budget Committee, and with other committee chairmen to develop a bipartisan leadership amendment. This amendment would strike from the bill subject matter which all these parties can agree is extraneous to the reconciliation instructions set forth last month in House Concurrent Resolution 115. What will remain in the bill is directly responsive to these instructions, has a budgetary savings impact, and plainly belongs in a reconciliation measure.

That is the end of my excerpt of Senator Baker's remarks.

Mr. President, I followed Senator Baker's comments in 1981, as follows:

> Mr. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the United States Senate.
>
> The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.
>
> The reconciliation bill, if it includes such extraneous matters, would diminish the value of Rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally

> unfettered process of debate and amendment because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope, talking about the scope of a reconciliation bill.

I went on to say at that time:

> The amendment offered by the majority leader—

Meaning Mr. Baker—

> and me omits several nonbudget related authorizations which should also be stricken from this bill. The fact that they were not included in this amendment should not be construed as accepting their inclusion in the bill.
>
> We have gone as far as we can go in this amendment, but we have not gone as far as we should go.

And then, Mr. President, the amendment was agreed to by voice vote.

The Senate's first several years' experience with reconciliation was described in a Congressional Research Service report entitled "The Senate's Byrd Rule Against Extraneous Matters in Budget Reconciliation Bills," updated July 9, 1998. In that report, CRS states that reconciliation legislation often contained many provisions that were extraneous to implementing budget resolution policies. Reconciliation submissions by committees have included things that had no budget effect, that increased spending or reduced revenues when the reconciliation instructions called for reduced spending or increased revenues, or that violated another committee's jurisdiction. It was for this reason that I put forth what has come to be known as the "Byrd rule" as a means of curbing such practices.

The Byrd rule has been extended and modified several times over the years and in 1990 was incorporated into the Congressional Budget Act of 1974 as section 313 and made permanent, 2 U.S.C. 644.

I will not take the time of the Senate to go into great detail about the operations of the Byrd rule as applied to reconciliation measures. Suffice it to say, however, that, in general, a point of order authorized under the Byrd rule may be raised in order to strike extraneous matter already in the bill as reported or discharged—or in the conference report—or to prevent the incorporation of extraneous matter through the adoption of amendments or motions.

A motion to waive the Byrd rule or to sustain an appeal of the ruling of the Chair on a point of order raised under the Byrd rule requires an affirmative vote of three-fifths of the membership of the Senate. It takes 60 votes to waive that Byrd rule.

That Byrd rule has been criticized up one side and down the other. It has been criticized by the other body, by Members of the other body critical of the Byrd rule, but they should be thankful for the Byrd rule.

What I am attempting to lay out for the Senate today is the fact that this reconciliation process, while being very effective in enabling Congress to meet its deficit reduction targets over the past two decades, is fraught with opportunities for abuse because of its fast-track procedures.

When we created this reconciliation bill process, it was unthinkable that it would be used in ways that it has come to be used. The procedures have been abused. The abuse consists in the fact that those procedures take away from Senators the opportunity to offer their amendments and to debate them fully. That is the Senate's raison d'etre, its reason for being.

Reconciliation is a nonfilibusterable "bear trap" that should be used very sparingly and, I believe, only for purposes of fiscal restraint. That was the intention in the beginning. It was not intended to be used as a fast track in order to ram through very controversial, very costly tax cuts or to ram through authorization measures that otherwise might entail long and vigorous debate. In other words, reconciliation should be used only for reducing deficits or for increasing surpluses in years when no deficits are projected.

Relevant to this matter is a statement made on the Senate floor by the distinguished chairman of the Budget Committee, Mr. DOMENICI, and repeated in the "Budget Process Law Annotated, 1993 edition," on page 204. Here is what he said:

> Mr. President, will the distinguished minority leader—

Senator BYRD—

> permit me to respond to what "extraneousness" means thus far in its evolution in the Senate? Let me suggest that, going back to 1981, we have evolved these four definitions, and I believe they are used by minority and majority members of the committee now. I would just read them quickly:
>
> One, provisions that have no direct effect on spending and which are not essential to achieving the savings.
>
> Two, provisions which increase spending and are not so closely related to saving provisions that they cannot be separated.
>
> Three, provisions which extend authorizations without saving money, and which are not so closely related to saving provisions that they cannot be separated.
>
> Four, provisions which invade another committee's jurisdiction, whether or not they save money.
>
> And I am not saying that is all inclusive, but, up to this point, that is what we have been using."

So, Mr. President, there we have it, the statement in 1985 of Mr. DOMENICI, our distinguished Budget Committee chairman, as to what should be considered "extraneous" in reconciliation bills going back to 1981.

Nevertheless, in recent years, regrettably, the Republican congressional leadership has chosen to stray from the definitions set forth by Mr. DOMENICI. In fact, our distinguished Democratic Leader, Mr. DASCHLE, came to the Senate Floor on May 21, 1996, during consideration of the fiscal year 1997 budget resolution, and delivered very eloquent remarks concerning the fact that the budget resolution then before the Senate contained reconciliation instructions which in our distinguished leader's view should not have been in order, essentially because that budget resolution for fiscal year 1997 instructed a committee to produce a reconciliation measure that actually increased the deficit. At that time, Mr. DASCHLE pointed out what I believe most Senators felt in their hearts was the proper use of the reconciliation process, namely, that reconciliation instructions should be used to ensure that authorizing committees achieved their deficit-reducing targets and that they should be used as a way of forcing deficit reduction on committees. That should be the sole reason for using the highly restricted vehicle called reconciliation.

As our Democratic leader, Mr. DASCHLE, stated, "We deprive Senators of their normal right to debate and amend only because we seek to ensure that the committees follow through in the crucial business of exercising fiscal responsibility." Nevertheless, the Chair ruled that the reconciliation instructions in question were in order, and the vote on the appeal of that ruling sustained the chair by a party-line vote of 57 yeas to 43 nays. And, so, those reconciliation instructions were included in the fiscal year 1997 budget resolution. It bears noting that the conference report on the budget resolution for 1997, on pages 82–83, contained a discussion concerning that year's reconciliation process. I quote from page 82 of that conference report as follows,

> "Notwithstanding the fact that the authors of the 1974 Budget Act were neutral as to the policy objectives of reconciliation, since 1975, reconciliation and reconciliation legislation has been used to reduce the deficit. The conferees note that, while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit, but would result in a balanced budget by 2002."

So, Mr. President, the fiscal year 1997 reconciliation instructions, according to the conference report, resulted in deficit reduction, despite the fact that one of those reconciliation instructions allowed for a tax cut.

Now that brings us to the problem we have faced in the last two years. In 1999, the reconciliation process was used by the Republican leadership to allow for a $792 billion tax cut to be brought to the Senate using fast-track budget reconciliation procedures, taking away the rights of Senators to debate fully and amend that tax cut bill. I believe this was the first time (or at least one of the rare times) that reconciliation instructions were issued that mandated a worsening of fiscal discipline for the Federal Government. Unlike the fiscal year 1997 budget resolution, I do not believe that the budget reconciliation instructions in 1999 resulted in improving the fiscal status of the Federal budget. Again, in the year 2000, the reconciliation process was used to allow for major tax cuts to be brought before the Senate in reconciliation bills. In short, we have, in my view, abused and distorted beyond all recognition the original, very limited purpose for the optional reconciliation procedure.

Now, Mr. President, we have reason to believe the majority will again this year, put together a budget resolution which will contain reconciliation instructions to the Senate Finance and House Ways and Means Committees directing them, this time, to bring forth a $2 trillion tax cut bill. Bad habits tend to perpetuate, it seems.

In a recent article entitled, "Budget Battles, Government by Reconciliation," in the National Journal on January 9, 2001, the author, Mr. Stan Collender, states that, ". . . At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process."

Amen. Amen. A steady degradation of the congressional budget process. "Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues." We have virtually turned reconciliation on its head.

Mr. President, there is no reason whatever to consider the President's tax cut proposal as a reconciliation bill. The Senate should take up that massive tax cut proposal, which could result in loss of revenues to the Federal Treasury of over $2 trillion over the coming decade, as a freestanding measure, and today I'm writing to the two leaders urging that be done. It should be fully debated and amended. That is what was done in 1981 when Howard Baker was majority leader and I was minority leader.

President Reagan sent to Congress his tax cut proposal, as well as numerous proposals to cut spending. Appropriately, Congress used the reconciliation process to accomplish the spending cuts in the Omnibus Budget Reconciliation Act of 1981, but the Reagan tax cuts were brought before the Senate as a freestanding bill and were fully debated without depending on reconciliation fast-track procedures. More than one hundred amendments were disposed of and the Reagan tax cut bill was debated for twelve days prior to its passage. The Senate Republican leadership chose to do the right thing by bringing the Reagan tax cut bill to the Senate as a freestanding measure, rather than to use fast-track reconciliation procedures. It was thoroughly aired and the President's leadership was strengthened in the process. Taking the easy way, doing the expedient thing rarely requires much leadership. The Republican Leader, Howard Baker, did the right thing for his President, for the Senate, and for the country.

In 1994, my own leadership pleaded with me—my own Democratic leader—at length to agree to support the idea that the Clinton health care bill should be included in that year's reconciliation package. Not only did then Majority Leader Mitchell attempt to persuade me to go along, President Clinton also pressed me to allow his massive health care bill to be insulated by reconciliation's protections. And particularly the request to me was, "don't make a point of order under the Byrd rule." That would require 60 votes to overcome. There was the key: the Byrd rule.

Mr. President, I could not—and I stated so to my own majority leader, and I stated so to my own party leader in the White House—I could not in good conscience look the other way and allow what was clearly an abuse of congressional intent to occur. I intended, if nobody else did, to make that point of order under the Byrd rule.

So confronted with that situation, our majority leader and the others who were calling on me to go along accepted in good grace the fact that there was no point in pursuing that course.

I felt the changes, as dramatic as the Clinton health care package which would dramatically affect every man, woman, and child in this Nation, had to be subject to scrutiny by the people of this country through amendment and debate. I said to the President, and I said to my majority leader, and I said to others who importuned me to go along, I said I cannot in good conscience allow the rule to be abused. The people of this country are entitled to know what is in the bill. It is a very complicated bill. It will be a very costly bill, a very far-reaching bill. Not only the people of this country but also the Senators who are voting on the bill need to know what is in it. They have a right to know what is in it. So I could not and I would not and I did not allow that package to be handled in such a cavalier manner.

That wasn't easy to do. I stood up against my own majority leader. I stood up against the President of my own party and the White House.

It was the threat—the threat—of the use of the Byrd rule that bolstered my position. I had 60 votes; that 60-vote provision was in my hand. In other words, I make the point of order, and if the Senate waives it, it takes 60 votes. It would be pretty hard to do. So my view prevailed, and ultimately, the Clinton health care proposal was not passed.

It is time for this abuse of the reconciliation process to cease. We should not be using tight expedited procedures to take up measures that worsen the fiscal discipline of the Federal budget and that have far reaching, profound impacts on the people of this Nation.

Take up measures of that kind and debate them for only 20 hours, if the full 20 hours allowed should be taken? Or debate them for half that long? Is that the way to fulfill our obligation to the people of this country? Is that the way that we live up to the oath we take to support and defend the Constitution of the United States against all enemies, foreign and domestic?

It is an undermining of the legislative process to use the reconciliation instrument in order to enact a huge tax bill which is very controversial. There will be a lot of division of opinion on it. There are Senators who would want to offer amendments. But that beartrap of reconciliation measures, if that instrument is used, Senators will be denied the right to stand on their feet and debate at length and to offer amendments to that huge tax bill.

It is not just the Senators who would be denied the right to debate and amend, it is the people, the people who send Senators here, the people back there on the Plains and the prairies and on the stormy deep, in the coal mines of this country, in the factories, in the offices. They are the people who would be denied the opportunity. They are going to pay for whatever mistake or mistakes such a huge tax cut measure will promote.

The Bush tax cut bill should be brought up and debated as a freestanding bill, just as all appropriations bills are handled. Even emergency supplemental bills, to provide assistance to those who are hit by natural disasters, are fully debatable and amendable by the Senate.

If any proposal ever did, the President's tax proposal requires extensive debate, thought, and caring concern. There are too many issues, too many unanswered questions. We are finding that out in the Budget Committee, which is chaired by Mr. DOMENICI and the ranking member of which is Senator KENT CONRAD. We have had good hearings, good witnesses, good questions.

The tax proposal could sap the budget of the resources needed to solve the Social Security and Medicare crises that loom just over the horizon, due to the impending retirement of the baby boom generation. I am talking about those people who are sitting out there in front of me; that is the baby boom generation. I was around a long time before the baby boom generation came along. A long time. After just 4 years of surpluses, this bill could put us back on a course towards deficits, returning us to the days when we had to spend the Social Security surplus for day-to-day Federal operations. Do you want to go back to that? Is that where we want to go back to?

This bill would allocate over 42 percent of the tax cuts to the highest 1 percent of the taxpayers; over 42 percent of the tax cuts to the highest 1 percent of the taxpayers. One might say they are the people who pay that, pay most of the taxes. Well, wouldn't you like to be among that group? I would like to be in that group that pays most of the taxes. So shouldn't we have a discussion about this? Shouldn't we have a debate about it?

Hear me, shouldn't we have a debate on this matter? I urge the leaders of this body to consider this. Give us a debate on this matter. Let the Senate work its will, after thoughtful debate and with Senators having an opportunity to offer amendments.

If this bill undermines the financial markets' confidence that our Government is committed to long-term fiscal discipline, it could return us to the days of high interest rates, making the average wage earner's mortgage, education, and automobile more expensive. I think that possibility deserves a little debate. Don't you? How about you, who are watching through those cameras up there?

Mr. President, the Budget Committee, to the credit of the chairman and ranking member of that committee, has held numerous thought-provoking hearings, and the testimony from those hearings has provoked excellent questions from the members of that committee. But the testimony has been, by no means, conclusive about the wisdom of huge tax cuts.

I will support a tax cut. I like to vote for tax cuts. That is the easiest vote that one can cast. I have cast 15,877 rollcall votes in my tenure here in this body, and what an easy matter it is to vote to cut taxes. It doesn't take any courage. It doesn't take any backbone to vote to cut taxes. That is easy.

But the testimony has not been conclusive about the wisdom of huge tax cuts, about the size of the surplus, about the accuracy of 10-year projections—and they are all over the lot, those projections, believe me. It is like predicting the weather. To predict what a surplus will be a year from now, 2 years from now, 10 years from now?—the efficacy of large tax cuts as a tool for stimulating the economy; the wisdom of having some sort of trigger mechanism before proceeding with these tax cuts; the ability to protect Social Security and Medicare in light of giant tax cuts; or the ability of our economy to continue its present rate of growth. Serious doubts have been expressed by many of those testifying and in the Budget Committee, itself, by members on both sides of the aisle.

Yet I believe that the majority fully intends to bring the budget to the Senate floor with the President's tax proposal shrouded in this protective armor of reconciliation, virtually shutting out debate and precluding amendments by the full membership of this body—by the full membership of this body.

Why hold these excellent, thought-provoking hearings at all, if that is the plan? Why do we have to have hearings, if that is the plan from the beginning?

Hearings are intended to try to discover the flaws in a proposal, and to help Members make an informed judgment about the wisdom of proceeding with a matter. We who serve on the Budget Committee may have our chance to exercise our judgment on the budget, but what about the rest of the body? There are many, many views in this Senate on both sides of the aisle, and these views deserve to be heard.

We are talking about a gargantuan tax cut—a behemoth, which threatens to eat up the surplus, drain the Social Security and Medicare trust funds, cripple domestic discretionary spending, siphon off needed defense dollars, and leave us fully unprepared to deal with natural disasters or foreign upheavals. We are talking about making very dramatic changes in our fiscal policies based on—what? Based on projections. And your projection is as good as her projection or as good as his or as good as mine—projections which are admitted by the projectors, themselves, to be very, very tenuous, indeed.

I believe that the American people, those people out there, out in the mountains, in the coastal areas, those to the Pacific, to the Atlantic, from the Canadian-U.S. line to the Gulf of Mexico—all of you ought to have the benefit of a full and thorough debate about the choices before us. Do we pay down the debt with surplus monies? Do we reserve some of the surplus to protect the solvency of the Social Security and Medicare Trust Funds? How do we go about creating a wise and thoughtful plan concerning prescription drugs? Do we spend more on education, and public infrastructure? Do we allow more for Defense abroad and anti-terrorism at home? These are questions which need to be put before the full membership of the Senate and the House, and, through spirited debate and the offering of amendments, before the American people.

This Senator just strenuously, strenuously objects to having these far-reaching, critical matters swathed in the protective bandages of a reconciliation process and ramrodded through this body like some self-propelled missile. Nobody who has listened to the testimony in the Budget Committee could possibly claim that the right choices are clear. They are not clear. There is vast uncertainty and disagreement about nearly every aspect of our future budget policy.

The President's proposals are not an edict, and the Senate is not a quivering body of humble subjects who must obey under any and all circumstances.

I suggest that, if the faint dream of effecting some sort of true bipartisanship in Washington for a time is ever to jell into something tangible, reliance on reconciliation as the torpedo to deliver a knock-out punch for the President is a tactic which must be abandoned.

It is not a fair course. It is not a wise course. And, it is a course which short-changes the American people.

We must not shackle the intellects of one hundred Members of the Senate in this way.

That is what we would be doing. We would shackle, hand and foot, the intellects of 100 Members. One-hundred representatives of 280 million people would be shackled in this body, and shackled, as well, on the other side of the Capitol in the House.

We must not ignore the viewpoints of millions of Americans. We should not fear the wisdom of open and free-ranging debate about a proposal which is, at best, risky business. Now is no time to circle the wagons. Now is the time to hear all the voices and build consensus among ourselves and among our people.

There will be no victory here, if we make the wrong choices and plunge this Nation back to deficit status. I implore the Leadership to bring whatever tax bill we write to the full Senate as a freestanding non-reconciliation bill for a thorough examination by this body. The President has said that he wants bipartisanship. He has said that he has faith in his plan. There is no need to hide behind the iron wall of reconciliation. Let us not damage the President's leadership with the ruthless misuse of a process in this body, which may hand him a very hollow victory, indeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I had the opportunity to hear a good part of the statement by the Senator from West Virginia. As on so many important occasions, he has spoken for this institution and for our country. He has reminded us once more that as we care about the sum and substance of an issue, the process can be a more powerful factor and force as it is in this particular case almost on the substance because what we are looking at is a process and a procedure which will deny this Senate its true role as defined by the Founding Fathers when they met in Philadelphia and devised this institution of the Senate to be a place where ideas clash and where the Nation's business is to be considered in an open and deliberate way. That was going to permit the opportunity for the fashioning and the shaping of the legislation after adequate debate and consideration.

He is reminding us once again about our responsibilities to meet our Founding Fathers' intentions for this institution and how their definition is actually being corrupted by a procedure which is known as the reconciliation process, which is a phrase that is probably not well understood in terms of its significance and importance in the consideration of this tax reduction but will have a very dramatic effect on the opportunity for the American people's will to be expressed by a good debate and by the opportunity for the Senate to work its will.

This is one of the most important speeches we will hear this year.

I commend the Senator for taking the Senate's time in making it. I have listened to him as he has studied the propositions during the past several weeks. I watched him on CNN the other night while he was in attendance at the Budget Committee and listening to those talking about providing adequate defense of our country. I watched him for several hours listening to those presentations. I watched him, as well, in the Budget Committee when he was listening to those who spoke about the economic conditions in this country and about the details of the President's budget. As always, no one studies these issues more deeply and more thoroughly or more comprehensively.

His speech today is not one of partisanship but one of statesmanship in reminding the Senate and, most importantly, also the leadership about its responsibilities to the American people. I thank him for making it.

I hope, although this Chamber is not well occupied at this moment, all of our colleagues will take the time to examine this speech in the RECORD tomorrow.

I hope he will continue to press these points as we go through this process in the days and weeks ahead because it is in the interest of this institution and our country.

I thank the Senator for the time he has taken and for the thoughtful presentation.

Mr. BYRD. Mr. President, if the Senator will yield, I thank the Senator from Massachusetts for his time, for his waiting, and for his very wise words.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. KERRY. Mr. President, I am introducing a resolution, which I send to the desk, that addresses one of the most urgent needs of citizens all across the country. That resolution is cosponsored by Senators SCHUMER, HARKIN, KENNEDY, DURBIN, and BOXER.

What it does is call on Congress to take immediate action to enact supplemental appropriations that will include funding for the Low Income Home Energy Assistance Program. This program helps more than 30 million of our fellow citizens in low-income households around the Nation to pay rising energy bills. Every one of these households have fixed and low incomes, and many include children and elderly. More than two-thirds of the households eligible for this assistance have annual incomes of less than $8,000. As energy prices have risen and so have the costs to heat or cool a home, those families face an unacceptable proposition of choosing between their food, medicine, and other basic necessities.

Unfortunately, this program has literally exhausted its funds in a number of States, and it is nearly exhausted in many others. As a result, thousands of households around the Nation—particularly in areas that may face several more weeks of the severe cold weather—are at risk. As many colleagues know, the price of heating oil, natural gas, kerosene, propane, and electricity has risen significantly over the past year and in some areas sharply enough to cause a deep financial burden on many households.

It is my hope that President Bush and the Congress can work together to address this situation. I have talked with many of my colleagues. They share my concern, and they, too, have constituents in need. We are only in the middle of February at this point, and already some States have exhausted their LIHEAP support. March and April can be very cold months in New England, New York, and throughout the Midwest.

This resolution calls on President Bush, who has been a strong advocate for LIHEAP, to work with our leadership to craft and enact legislation that would put $1 billion into the LIHEAP program to help those in need now when they need it. It also calls on Congress to support supplemental appropriations of $152 million in weatherization and $37 million on State energy conservation plan grants. These programs we believe can significantly help reduce energy use and reduce the overall expense of the program.

There has been a lot of talk of bipartisanship in this Congress. I am reminded that bipartisanship really always counts the most when the national needs blur the lines of ideology and party. These are the times when the Senate has been at its very best. I suggest, respectfully, that with Americans struggling with their heating bills, and all of their bills as a result of their heating bills, and with commonsense relief for so many people directly within our grasp, there should not be an excuse for inaction. There would be every reason to act responsibly and rapidly. I hope my colleagues will join us in doing so.

I thank the Senator from Alaska for his courtesy, and I thank the Chair.

Mr. MURKOWSKI. Mr. President, let me thank my good friend from Massachusetts for his concern over energy efficiency and conservation assistance to low-income families. I am sure he will be pleased to know that in my remarks today concerning the comprehensive energy bill that will be introduced on the 26th, Monday, when we come back, about noon, we cover under title VI an extensive area of concern not only to the Senator from Massachusetts, but I think the entire eastern corridor and other parts of the United States that are subject to cold winters and dependent on high-cost heating oil.

I think it is appropriate to also note the study that came out by the CSIS yesterday indicating a reality that some of us hesitate to take seriously, but on the other hand this study has been underway for some 3 years. It simply states the harsh reality that we are going to be dependent on hydrocarbons for the foreseeable future. It was estimated in that study that the increase would go from about 83 to about 90 percent of the energy used in the world would come from hydrocarbons, primarily from the developing countries.

So the reality that we are likely to suddenly relieve ourselves of our dependence on foreign oil, unfortunately, is probably not a reality. The rationale for that is obvious. We don't have the technology, very frankly, particularly in the areas of transportation, for any other mode. That doesn't suggest we should not continue to fund, if you will, alternative energy, renewable energy and so forth, and continue to try to develop technology, such as hydrogen and various other things. But to suggest that somehow out of this energy crisis we can do it through conservation and efficiency alone is unrealistic. I wish that were the case.

I encourage all of my friends to take a look at this report, which is done by an objective, unbiased group.

Let me refer specifically to sections in our draft energy bill, and for the benefit of my friend from Massachusetts, who I see has left the floor, I will start from the beginning rather than what I was prepared to do, which was to comment specifically on the areas associated with the concerns of low-income families and programs on energy efficiency, conservation, and so forth. I will be happy to do that now that I see my friend is back. I think it represents an awareness and an acknowledgment of a situation that simply has to have relief.

In title VI—energy efficiency and conservation assistance to low-income families—we propose an extension of low-income home energy assistance. That specifically extends authorizations for the low-income home energy assistance programs, or LIHEAP, as it is termed, increasing authorized amounts from $2 billion to $3 billion, and it increases the authorized emergency funds from $600 million to $1 billion annually and extends programs making payments to States.

The other portion that we think is important is the energy-efficient schools program, which in draft section 602, which establishes a new program within the Department of Energy making grants to local school districts and improving energy efficiency of school buildings, expands the use of renewable energy, and authorizes $200 million in fiscal year 2002, increasing in subsequent fiscal years.

We have proposed amendments to the weatherization assistance program which expand eligibility and funding authorization for weatherization assistance—providing grants to low-income households to improve residential energy efficiency.

Then we have a portion that provides amendments to State energy programs. It sets procedures for regular review of existing State energy conservation programs and encourages regional energy conservation and planning.

It sets State energy efficiency goals of reducing energy use by 25 percent by the year 2010, compared to 1990 usage, and expands and extends authorization for State energy programs of $50 million in fiscal year 2000, increasing in subsequent fiscal years.

I look forward to our discussion when we come back from our recess on various aspects of our comprehensive bill and the bill that has been introduced by my good friend, Senator BINGAMAN, today which covers some of the areas in which the Senator from Massachusetts expressed an interest. Certainly, we have the motivation to try to respond because there is more than a need for LIHEAP. There is a need for more generation in this country to meet the crisis that is evidenced in California.

I am going to proceed with a general outline of the bill at this time.

Mr. KERRY. Will my colleague yield for 30 seconds?

Mr. MURKOWSKI. I will yield for a question.

Mr. KERRY. Let me say to my colleague, I very much welcome what he is suggesting, and this is a debate I will welcome and I know many of my colleagues will because there is a great deal of difficulty for the country in deciding what we do about the dependency as described.

I say again to my colleague and to my other colleagues, there is a distinction between the authorization that he is requesting, which is in the next budget cycle, and the supplemental appropriations that we are requesting to deal with the crisis now for families who are out of money and States that are out of money.

Regrettably, what the Senator—and I know the Senator knows the distinction well—is proposing is down the road, whereas we face an immediate crisis in LIHEAP funding at this moment. I think the Senator will agree with me, will he not, that there is that distinction between these bills?

Mr. MURKOWSKI. Mr. President, I am not going to get into a debate on the issue now. It was unfortunate today that both sides could not reach a resolve on the resolution concerning energy. It went to the Democratic side, and there was a reluctance on the other side because it did not include redress of the California dilemma, which is very difficult, as you know.

A lot of people are working on that. We have to recognize, first of all, that we have an energy crisis in this country. It is not unique to one area. California needs immediate assistance. All one has to do is talk to the California legislators, and the reality is to sit down in a timely manner and address this with some corrective action, which is going to involve a large segment of examination of not only conservation, weatherization, alternative energy, renewable energy, but making sure we go back to our conventional sources of energy—it has to come from somewhere—and use our technology to produce it in a safer manner with less of an environmental footprint.

As we all know, what we have concentrated pretty much on in the last several years is natural gas at the expense of coal and other things.

I am going to proceed with my remarks. I thank my friend from Massachusetts for his comments.

I alert all Members as to what is in this bill because it attempts, first of all, to address the broad interests associated with the crisis as we see it. It goes beyond the energy crisis because it is affecting the economy of this Nation as we see higher prices, shortages, and we see a growing consumer concern, a lack of confidence. A lot of it stems from the energy situation in this country.

What we are attempting to do, with the efforts of many people, is bring together a comprehensive outline. We will introduce the legislation on Monday the 26th. It will be referred, I believe, under rule XIV to the calendar, and from there it is referred to the two committees of jurisdiction. There is a tax aspect, and I suspect that will move to the Finance Committee on which I serve. The other portion will move to the Energy and Natural Resources Committee, which I chair.

It is our intention then to begin hearings on this legislation as soon as possible, and other legislation that has been introduced. Senator BYRD has a coal bill. Senator BINGAMAN has a bill affecting LIHEAP. At the same time, I urge Senator GRASSLEY, the chairman of the Finance Committee, to begin holding hearings, as well, on the tax aspects of this proposed legislation.

It is important to note the role of the administration. The Vice President has announced the formation of an energy task force. This task force is unique because it attempts to set energy policy for this Nation—what direction should we go. Unlike the previous effort where the Secretary of Energy, the head of the EPA, and the Secretary of the Interior pretty much went their separate ways, he is attempting to bring them together to address how we are going to handle resource development on public land for oil and gas, what role the Department of Energy is going to play in coordinating, if you will, an action that EPA may initiate that could put off the ability to produce more oil and gas—a coordinated effort to make policy.

We are going to get that from the administration, I imagine, 40 to 50 days from now. That will be incorporated in either a substitute or amendments to this proposed legislation.

Believe me, the legislation we will introduce is probably not in its entirety the legislation that is going to be adopted. It is going to be massaged, it is going to be cut, it is going to be stricken, it is going to be added to.

We have to start. It is not going to be a piecemeal effort. It is an attempt to address, across the board, in a responsible manner, the concerns affecting the dilemma in this country as we seek energy policy, as we seek relief and address the economy that is being affected by this.

The first title covers general provisions to protect energy supply and security. It involves consultation and reports on Federal energy actions affecting domestic energy security and supply.

Then we have an annual report on U.S. energy independence. The idea is to what extent should we try and maintain a greater degree of independence in this country from the standpoint of our national security.

It covers the National Strategic Petroleum Reserve and requires a study and report. As my colleagues know, we try to keep a 90-day supply. Today, we have about a 56-day supply, and the merits of having that should our imports be interrupted is paramount.

We have a study of existing rights-of-way to determine capability to support new pipelines or electric power transmission. It is just not enough to have energy. We have to transport it. Some of our pipelines are old. Some of our transmission facilities are inadequate. We have problems with eminent domain. How do you get there from here? How do you cross public lands?

We have a section covering the expanded use of Federal facilities to generate hydropower. We have a section requiring a nuclear generation study. Twenty percent of our energy comes from nuclear energy, and we have yet to deal with the nuclear waste issue. We were one vote short of a veto override in this body last year. We still, very frankly, are seeing the nuclear industry strangling on its own waste and our inability to address it with resolve. The French adopted in 1973 a nuclear program and they are almost 90 percent dependent on nuclear energy. They recover the plutonium, reinject it in the reactors, and address the waste in a responsible way. We cannot seem to get over that hump, yet we are 20 percent dependent.

We have a section on development of a strategy for spent nuclear fuel.

We have a section to study the status of the domestic refining industry. It is interesting, during a portion of our previous discussion on this topic, when we brought 30 million barrels out of the Strategic Petroleum Reserve, suddenly we found out our refineries were at full capacity. We have not built a refinery in 20 years. What a rude awakening.

We have a section to review the Federal Energy Regulatory Commission's annual reports on the availability of domestic energy resources to maintain the electric grid, a study of financing for new technologies, a review of regulations to eliminate barriers to emerging energy technology, interagency agreements on environmental review of interstate natural gas pipeline projects, a program for pipeline integrity safety and reliability, and research and development for new natural gas technologies.

For clean coal technology, we have cost and performance goals. We have technological research and development programs, authorization and appropriations for R&D power plant improvement initiatives, various coal mining research and development provisions, and programs to improve railroad efficiency.

For oil and gas we have deepwater and frontier royalty relief which has been so beneficial in the Gulf of Mexico where we have seen drilling take place now in 3,000 feet of water. Lease sales are going as deep as 6,000 feet. The technology has been developed rapidly and successfully.

Some in the media have picked this up and said this is a boondoggle for big oil. There is no alternative minimum tax here. This isn't something for big oil. Big oil can do very well on its own. It does not need assistance. However, the small guys do. The stripper wells do. Some of the independents do.

So we have a use of royalty in kind to fill the Strategic Petroleum Reserve. We have improvements to Federal oil and gas lease management. We have a royalty reinvestment in America provision. On nuclear, we have the Price-Anderson amendments which address the liability on the nuclear plants. We have a nuclear energy research initiative, nuclear energy plant optimization programs, nuclear energy technological development, nuclear energy production incentive, and nuclear energy improvements.

We have a provision for the Arctic Coastal Plain Security Act Of 2001 which proposes opening up ANWR, which I will discuss in my concluding remarks because that seems to be the lightning rod in the whole bill.

I mentioned when my friend, Senator KERRY from Massachusetts, was here, the title on energy efficiency conservation assistance to like families. We have covered that. We also have enhancement and extension of authority relating to Federal energy savings, performance contracts, Federal energy efficiency requirements, energy efficiency science initiatives. We also have an alternative fuels and renewable energy section, a significant section. We have an exception to HOV passenger requirements for alternative fuel vehicles. If you have an alternative fuel vehicle, something that doesn't run on gasoline, you can take it on the HOV lane all by yourself. We have alternative fuel credits for qualifying infrastructure, State and local governments' use of Federal alternative refueling requirements, and mandates on Federal fleet fuel economy, and use of alternative fuels.

If we are going to mandate things, the Government ought to lead the way, not the public. Our bill requires Federal agencies to increase the fuel economy of newly acquired Federal fleet passenger cars and light trucks by at least 3 miles per gallon by the year 2005. We are putting government where it ought to be, leading the way.

We have local government grant programs, extension of special treatment of duel-fuel vehicles under Department of Transportation fuel economy standards. We have renewable energy programs for residential, access to renewable energy resources. We have hydroelectric relicensing reform, which includes processes for consideration of Federal agencies on the condition of licensing of various facilities, including hydro dams, coordinating environmental review processes, and a study of small hydro projects. This bill helps ensure electric energy transmission reliability, and repeals PURPA mandatory purchase and sale requirements. We also repeal the Public Utility Holding Company Act, and encourage emission-free control measures under the State implementation plans.

On the aspect of taxes, we have enhanced oil recovery credit extended to certain nontertiary recovery methods, such as horizontal drilling. We have extension of Section 29 credits for producing fuel from nonconventional sources. We have 10-year carryback for a percentage of depletion for certain oil and gas properties. We repeal the current net income limitation on that percentage depletion. We clarify the definition of a "small refiner" as used in an exception to the oil depletion deduction, and we accelerate depreciation of oil and gas pipelines, petroleum facilities, and refineries. We also have capital construction funds for U.S. drilling vessels. We provide credits for investment to qualifying clean coal technology.

Regarding coal, we have huge coal reserves in this country. We could reduce our dependence on imported oil but we have not built a new coal-fired plant since 1985 because you cannot get a permit. We've used natural gas for electric energy producing capability, but we have the coal here. We have the technology to clean it up, and we should use it. We may have to adjust the permitting process to expedite it, but not at the sacrifice of the environment by any means.

We have new credits for investment for qualifying advanced clean coal technology, credits for production for qualifying advanced clean coal technology, and provisions relating to private loan financing for long-term natural gas contracts. We include the electric power industry's agreement on so-called "private use restrictions": tax-exempt bond financing of certain electric facilities, and we allow expensing of costs incurred for temporary storage of nuclear fuel. We have tax incentives for energy efficiency: credits for distributed power and combined heat and power property, a tax credit for energy efficiency improvements to existing homes and for construction of new energy-efficient homes, a tax credit for energy-efficient appliances and motor vehicles, and we have a credit for alternative fueled vehicles and for qualified electric vehicles, credit for retail sales of alternative fuels as motor vehicle fuel, extension of deductions for certain refueling property, and an additional deduction for the cost of installation of alternative fuels.

For renewable energy, we make modifications to the Section 45 credit for electricity produced from renewable resources, and extend it to include waste energy, and we establish a new tax credit for residential solar and wind property. Finally, we treat facilities using bagasse, sugar cane waste, to produce energy as solid waste disposal facilities.

Now if your particular area of interest is not in here, let us know and we will include it. This is a comprehensive bill. I remind all of my colleagues, this is an effort to start a process to address a problem that is affecting not only our economy but is creating a growing energy crisis moving from California across the country.

One of the lightning rods in the bill is the issue of ANWR, which is in my State of Alaska. I have tried several times, but I can't seem to get across the significance of trying to put this in perspective. I am happy to say that the occupant of the Chair is not from Texas because Alaska happens to be 2½ times the size of Texas. Put this in perspective: If we overlay Alaska on the United States, we get a picture of how big Alaska is. In the north it would touch Canada, and in the south it would touch Mexico; on the right it touches Florida, and on the left it goes to California. It is a big hunk of real estate.

What does it consist of? Anchorage is our largest city. In the upper right-hand corner is an area that is magically called ANWR. What does ANWR mean? It means the Arctic National Wildlife Refuge. That sounds pretty significant. What does ANWR consist of? Congress in 1980 made significant decisions in determining what this area would consist of and be used for. Out of the 19 million acres in ANWR, they determined they would designate 8.5 million acres of it as pure wilderness—that is the area in black with the slashes—8.5 million acres wilderness, no track vehicles, no activity of any kind. Visitors can go in on foot, and that is it. They decided to make 9.5 million additional acres a refuge. This area below was designated a refuge, even though the whole 19 million acres is classified as a refuge. But they did one other thing. They left out the Coastal Plain. This is the area in tan. That is 1.5 million acres. If you add all that up, you get 19 million acres. That is all of ANWR. But the difference and the point is, there cannot be any development in the wilderness. There cannot be any development in that refuge where the pointer is.

Congress has, solely, the authority to open up the ANWR Coastal Plain area. It is important to note what is in there because some people say it is the Serengeti of the West; it is the Grand Canyon—whatever. There is an Eskimo village there. People are living there. There are about 227 residents of Kaktovik.

Let me show you some pictures of Kaktovik. Here are some kids going to school in Kaktovik in the morning. You notice they didn't do a good job shoveling the walks. It is pretty harsh. It is winter about 10 months of the year. The kids are happy. One of them is getting some new teeth. You wonder why they are in the Eskimo parkas. Those ruffs are wolf ruffs. Do you know why they wear wolf ruffs? Because the breath doesn't freeze on wolf fur, but it freezes on others.

Here is what it looks like in the summertime. To suggest this is a pristine wilderness with nothing on it is a bit misleading. People live there. They hunt.

You can see the radar site. That is the radar site, in part. That is the DEW line, and the Arctic Ocean, and the ice is out there. There is an airfield and a couple of hangars, schools, little stores, and so forth.

We have another picture of Kaktovik. But my point in going through this is to illustrate that, indeed, in ANWR there is a designated area with only the authority by Congress to open it up, and it is that tiny fraction. Let's go back to the map again, the tiny fraction that we are considering, and that is the Coastal Plain.

If we do the arithmetic, we have already said it is 19 million acres in the ANWR area, and we are talking about leasing 1.5 million acres. And then the question is, What happens if you do that?

Let me show you a couple of things.

You see over on the left is what they call the Trans-Alaska pipeline. That is a 800-mile, 48-inch pipeline. It was built about 26 years ago and runs from Prudhoe Bay the length of Alaska. That goes the whole length of the State, 800 miles down to Valdez. That is where the oil flows. That is already there.

It comes, you will notice, from Prudhoe Bay. Prudhoe Bay is the largest oilfield in North America. It has been producing about 20 percent of the total crude oil produced in the United States for about 26 years. That pipeline was built so we could move that oil to market.

We tried to move it by tanker. We built the Manhattan and thought we would take it through the ice to the east coast. It did not work. The ice is simply too thick, so we built a pipeline. But the interesting thing is that the environmentalists said: If you build that pipeline the length of Alaska, the moose and the caribou are going to be divided. They will not be able to cross it. It is going to be an environmental disaster. That is a hot pipeline because that oil is hot when it comes out of the ground, and if you put the pipeline in permafrost, frozen ground, it is going to melt the ground, it is going to break, and you will have a mess on your hands.

All those doomsayers were wrong. It didn't happen. These are the same arguments being used today. They are saying if you go up there and open up that area, you are going to have a disaster.

What you have is interesting. You already have, between Prudhoe Bay and ANWR, an area—BP has a discovery in Badami. Badami is about 40 miles from Prudhoe Bay towards ANWR. There is a pipeline that goes out to Badami. Another 40 miles of pipeline added to that 20 and you will be in ANWR.

Another significant thing, there was one oil well drilled in Kaktovik, drilled there before 1980. It is what is called a tight hole. No one knows what is there other than Chevron and BP, but the geologists are excited because they say this area could contain a major discovery of a magnitude of ranging anywhere from 3.2 billion to 16 billion.

When you look for oil, you usually don't find it. If you look for it in Alaska, you better find a lot or we can't develop it. If we can't get 5,000 barrels, forget it; it will not be economically viable. That is where Prudhoe Bay has been so prolific. If it is not there in the magnitude it has to be, then the whole argument is academic. The question is, How significant is it?

I want to show a couple of photos of what the pipeline is used for. It has a dual use.

Here are three bears going for a walk on the pipeline. The reason they are walking there is it is easier than walking on the snow. It is like a paved highway. Nobody is bothering them, nobody is shooting them.

Here is a picture of what happens in Prudhoe Bay in the summertime, which doesn't last very long. These are the caribou. These are not stuffed; they are real. Nobody is bothering them, shooting them, running them down. This herd was 3,000 animals in the central Arctic when we started Prudhoe Bay. There are 26,000 caribou there now. We are doing fine.

We talk about the polar bear. Let's show an ice picture. It is mostly ice up there, but here is a nice picture. That is a nice ice picture. That is the harsh, bleak ANWR area in the wintertime, 10 months of the year. They say the polar bears are there—they are not there, they are out at sea.

Talk about polar bear, the U.S. has the greatest conservation for polar bear of any of our Arctic neighbors. If you want to trophy hunt polar bears, you can go to Russia or Canada, but you can't do it in the United States. It is prohibited. You can't take them. The Natives can take them for subsistence. So that is a bogus argument. There is a new study out and the number of polar bears have increased dramatically.

Here is a picture of the technology we have today, as far as drilling in the Arctic. You notice the ice road? There is no gravel road. They pour water on the snow, it freezes, and bingo, you have a road. OK?

That is a drill rig out in the middle of nowhere. You see the cars moving, you see the Arctic Ocean out there. That is the footprint. That is directional drilling. We have technology that lets you drill 100 wells through one of these, one spot, with directional drilling. It is not like in the old days.

What does it look like in the summertime? It looks like this for about 2 months. There is the tundra and that is what comes out, and the footprint is pretty small.

This is the drilling technology. This is out of the New York Times about 2 weeks ago. It shows you how they drill from one spot and go into various areas because they have a technology that they call 3-D seismic. It used to be 2-D. They can look down now and spot these little spots. Where they used to, if they hit the big one on the right, they were lucky, but now they can go after those little ones and get greater recovery through this from directional drilling technology. So you don't get a footprint all over the place, but the footprint is estimated to be 2,000 acres out of 19 million.

We asked the geologists to tell us—Prudhoe Bay is a big oilfield—we asked what the footprint is total, all the pipelines, the gathering stations, the bunkhouses, the various things. I think the figure was about 6,000 acres, but they said if they were going to do it today, they could do a field the size of Prudhoe Bay with a technology of 1,000 to 2,000 acres. So we are looking at the increasing manageability of the footprint.

I think I said enough about the technology. I think I have given you a picture of what ANWR consists of in the 19 million acres. I have tried to portray what is at risk here, 1.5 million acres.

But I will conclude with a little reference to some of my colleagues, some of whom said if this comes up, we are going to filibuster the issue.

Let me remind my colleagues. Don't they have an obligation to come up with an alternative? What are the alternatives? If we look at reality, we have to admit that with a 56-percent dependence on imported oil, and the reality of EIA saying that is going to increase to 70 percent by the year 2010, or thereabouts, and the CSIS study that says unfortunately we are going to become more dependent on the world for hydrocarbons and oil, that suggests there is not much relief in sight; we are going to continue to become more and more dependent.

I was asked while giving a speech the other day: Senator, since it was 37 percent in 1973 and now it is 56 percent, at what point do you believe our national security interest is compromised? I thought about it for a minute. I said: The best answer I can give you is that in 1991 we fought a war. We fought a war over oil. We fought a war against Saddam Hussein to stop him from invading Kuwait. And ultimately his mission was to go into Saudi Arabia and control the world's supply of oil. That is how important it was. Was it a national security issue? Sure, it was. We don't want Saddam Hussein to control the oil. Where would we be today if Saddam Hussein controlled the oil?

When you look at 56 percent and the reality of our increased dependence, the idea comes across that maybe we ought to try to reduce our dependence on imports. Then the question is, How do you do it? Before I tell you how to do it—I will conclude with that. My wife keeps reminding me: You keep saying that, and you never keep your word.

That reality is associated with where we are now acquiring our greatest increase in imported oil. It is from Iraq. We fought a war in 1991. We lost 147 lives. We had 400-some wounded. We had 23 taken prisoner.

Let's look at our foreign policy and try to make it simple so it is understandable, because we are flying sorties over Iraq; we are bombing. He sells us 750,000 barrels a day. It is increasing, I might add. I met him. He is not a nice guy. You try to kind of figure out what he is up to, and you generalize by saying he is up to no good. We are getting 750,000 barrels a day. We are sending our money over there. We get his oil, put it in our airplanes, and go bomb Iraq. We do it again the next day. If you believe it, we have flown hundreds and thousands of sorties. We are buying his oil, giving him the money, putting it in our airplanes, and bombing him. I kind of question that foreign policy. It may seem a little oversimplistic.

Let's ask Saddam Hussein what he is doing with the money. He is building a military capability, a missile delivery capability, a biological capability, and where is it aimed? Our greatest ally, Israel.

If I have made a full circle, which has been my intention, I hope I have been able to communicate what I consider a terrible inconsistency.

What we have in this bill is a commitment and a goal to reduce our dependence on imported oil to 50 percent, or less, by the year 2010. We can do it in a combination of ways. One is by opening up the area of ANWR. One is opening up the overthrust belt in Montana, in Wyoming, and Colorado—areas that have been withdrawn by the previous administration by the roadless policy. There are 23 trillion cubic feet of gas taken off commercial availability by that roadless designation in those States.

We can do something about reducing our dependence. Then we can bring on our improved technology of our conventional resources, such as nuclear, by addressing what we are going to do with nuclear waste; bring on our coal by developing our clean coal technology; and we can reduce our dependence, because it is in the national security interests of our Nation to reduce our dependence on the Mideast.

One thing the CSIS study points out is that for the foreseeable future the world will be looking at energy sources from unreliable, unstable areas of the world that foster terrorism. I get the message. I am sure you do, too.

The reality is that the argument against opening up this area is absolutely bogus. The bottom line is, the extreme environmental community needs an issue. And ANWR is their issue. It raises dollars. It raises membership. It raises fear. It never addresses the advanced technology and whether we can do it safely. Of course we can. We have had 30 years of experience in the Arctic. The footprint is smaller. The technology is better. But they need an issue that is far away, that the American people and most of the press can't afford to go up and look at.

I have pleaded with Members to come up before they speak as experts on what should be done in my State and look at it—take a look at it objectively. One Senator said to me after we landed and got out of the helicopter, after he looked around: All right, FRANK. Where is the wilderness? It is a mentality. Where is the wilderness? That is the wilderness. It is like there ought to be a sign that says "Wilderness 2 miles around to the left". You see. But I can't get Members to go.

We have a trip coming up. I implore those of you who feel strongly about this issue to find out something about it, because your information is coming from one source—America's environmental community. And this is their fight. They have to have it. It is their bread and butter. And they use scare tactics.

I am going to mention one more thing. This is a Canadian issue. We had the Canadian Minister on Environment here. He says to his Foreign Minister that we ought to oppose opening this area. He went down and talked to the Canadian Ambassador. Then he talked to our new Secretary of State. Canada looks on Alaska as a competitor for energy. That is neither here nor there. We get a significant amount, and a growing amount, of our energy from our good neighbors in Canada. But they do not practice what they preach, and they don't tell you the truth, unless you ask the right questions. Being on the Intelligence Committee, you know how that works.

Let me show you what this is. You see Alaska on the left. Over on the right is Canada. That green line divides them. You see the Arctic Coastal Plain up at the top. This is the route of porcupine caribou, which is a different herd from the pictures I showed you before. These animals migrate through northern Canada on that route that shows the tan area that moves around.

Up at the top, you see a lot of little things. Those are oil wells that the Canadians have drilled in Canada. There are about 89 of them. You see them particularly up at the top. They made a park out of that area because they did not strike any oil. That is Canada's own business. I admire them for making a park out of it. But the caribou were going through there when the oil wells were being drilled. The pregnant cows were going through there and going back to the calves. That is neither here nor there—just to point out an inconsistency.

They said they made a park out of it and that we ought to make a park out of ANWR. They don't tell you they built a highway through there. There it is—the Dempster Highway right through the migration of the caribou. It doesn't bother them. Trucks stop, and so forth. The greatest danger to the caribou is people running them down with snow machines and shooting them.

We have what we call the Gwich'in people. They are a fine group who live partially in Canada, at Old Crow, and over at Fort Yukon on our side. So they cross the border. This group many years ago proposed to lease some of their land on the Alaska side for oil drilling. We have the situation of the individual members on the leases. Unfortunately, there was not any interest because the geology wasn't very promising. So the oil industry did not choose to take them up on their leases. Of course, now they don't acknowledge they were ever willing to lease their land.

I just point that out as a bit of inconsistency. It is just part of the history, and we move on from there. But the difference is the Gwich'in people are two groups: The Gwich'in people themselves and the Gwich'in steering committee, which is funded by the national environmental groups, such as the Sierra Club. They, unfortunately, have a significant voice. And much of that voice is fear. They put fear in these people; that if we have this development up in ANWR, the livelihood and the dependence on the porcupine caribou herd will be sacrificed to the point they will lose their subsistence.

The other group is a little more open. To make my point—and I think it is important—if you look at the other map, the one showing the top of the world, you will see Alaska over here, and you see Barrow above Prudhoe Bay. This is our northern most community. It is a large Eskimo village.

What they have been able to do is, they formed a borough or a county. They formed their regional corporations. They formed their village corporations. They tax the oil activity. They tax the pipeline. They have the finest schools in the United States. They have indoor recesses. You can't believe it. They have health care.

Every child has an opportunity for a full-blown college education from the revenues that come in to the Eskimo people. They manage. They have become the strongest capitalists that I have ever seen. They do not have time for the inefficiencies of the Federal Government. It has been an extraordinary transition because they have a revenue stream. Their traditions of whaling are maintained.

What they have done is, they have invited the Gwich'ins up to see their standard of living on three occasions. The Gwich'ins almost came the last time, until the Gwich'ins' steering committee said: You can't go. You can't break the heritage. This is the influence, if you will, unfortunately, that exists.

Because the Barrow people now have educational opportunities, they have a choice. They can follow subsistence—hunting and fishing—they can go to college; they can move into jobs in the oil industry. There is very little employment in the Gwich'in area. That is their own business. I respect their choice. What I don't respect is the influence of the outside groups that use them. That is what I object to.

That is what a lot of this debate is all about because, as I said before—and the bottom line is—the environmental community needs this issue. They are milking it for all it is worth. A few of us are trying to bring in the realities that the arguments today against opening ANWR are the same arguments that were used against opening Prudhoe Bay 27, 28 years ago.

That is the extent of my harangue at this late hour, to try to put in perspective the debate. When my colleagues come to this floor and say: I am going to filibuster the issue, I think they ought to address the issue. I think they ought to go up and see for themselves. And I think they have an obligation to address the alternatives because you are not going to conserve your way out of this energy crisis. I think all of us who are realistic recognize that. We are going to need all of our sources of energy. We are going to need all of our technology. We are going to have to come together on reality.

There are two other things I wish to say. One is people might say, Senator MURKOWSKI, this is only a 6-month supply based on the reserves.

First of all, nobody knows what is in there. But let's say it is a 6-month supply. When you say that, that is assuming there is not going to be any other oil produced in the whole United States, in the gulf, or any place else for 6 months—pretty significant—no trains, no boats, no airplanes.

If you turn it around—and from my point of view—if we do not allow the development, that is like saying this country is not going to have 6 months' worth of oil for its trains, so forth and so on.

So you can flip that ridiculous argument around and it still comes out a ridiculous argument. So I do not put much significance in it, but, nevertheless, it is one of the arguments that is used.

Remember Prudhoe Bay? Ten billion barrels was the estimate. They have gotten 12 billion barrels already, and they are still kicking 1 million barrels a day. The technology is there, and certainly the need is. Again, I appeal to my colleagues who are still with us at this late hour, and all my colleagues, to recognize the national security interests of this country. And when—and at what point—we become vulnerable to imports, we have to consider what it does to the security of this Nation. We have already fought one war over oil. To me, that sends a pretty strong message.

I will simply recall the remarks of our friend and former colleague, Senator Mark Hatfield, who said: One of the reasons I support opening ANWR is I will never support sending another member of our Armed Forces into harm's way in the Mideast in a war over oil.

ORDERS FOR MONDAY, FEBRUARY 26, 2001

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 o'clock noon on Monday, February 26. I further ask consent that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and immediately following the reading of George Washington's Farewell Address by Senator ALLEN of Virginia, the Senate then proceed to a period of morning business until 4 p.m., to be divided in the following fashion: First, Senator MURKOWSKI will have from the completion of the Farewell Address to approximately 2:30 p.m.; Senator MILLER, 2:30 p.m. to 3:30 p.m.; Senator Cleland, 3:30 p.m. to 4 p.m.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. When the Senate reconvenes on Monday, February 26, Senator ALLEN will be recognized to read Washington's Farewell Address. Following the address, there will be further morning business until 4 p.m. During Monday's session, the Senate may also consider any legislative or executive items available for action.

DISCHARGE AND REFERRAL OF H.R. 2

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 2 and that the bill be referred jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 26, 2001

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 32.

There being no objection, the Senate, at 5:27 p.m., adjourned until Monday, February 26, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 15, 2001:

DEPARTMENT OF DEFENSE

PAUL D. WOLFOWITZ, OF MARYLAND, TO BE DEPUTY SECRETARY OF DEFENSE, VICE RUDY F. DE LEON.

EXECUTIVE OFFICE OF THE PRESIDENT

SEAN O'KEEFE, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE SYLVIA M. MATHEWS.

CONFIRMATION

EXECUTIVE NOMINATION CONFIRMED BY THE SENATE FEBRUARY 15, 2001:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JOE M. ALLBAUGH, OF TEXAS, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

HOUSE OF REPRESENTATIVES—*Monday, February 26, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore due to my illness.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, God of history and ever-present, You sent Your prophet Isaias to Your people when they were in need of hope and vision.

May Isaias' prophetic words guide us still. Send Your spirit upon this Nation and this Congress, that we may be open to hearing Your word and actively seek the salvation You alone can bring.

Make of us a people of compassion and holiness. In pursuing the avenues of justice for all, may we be a sign to the community of nations.

Help us to work toward the complete fulfillment of the deepest human hopes and Your inspiring promises.

With humility let us embrace our calling; to be truly prophetic, as Your servants of old, by earnestly fulfilling Your commands now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCHUGH) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHUGH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolutions of the House of the following titles:

S. 320. An act to make technical corrections in patent, copyright, and trademark laws.

S. 360. An act to honor Paul D. Coverdell.

S. Con. Res. 12. Concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day.

S. Con. Res. 13. Concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 15, 2001 at 4:50 p.m.

That the Senate passed without amendment H.R. 559.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to section 3 of Public Law 94–304, amended by section 1 of Public Law 99–7, and the order of the House of Wednesday, February 14, 2001, the Speaker on Thursday, February 15, 2001 appointed the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH of New Jersey, co-chairman;

Mr. WOLF of Virginia;

Mr. PITTS of Pennsylvania,

Mr. WAMP of Tennessee,

Mr. ADERHOLT of Alabama.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 28, 2001, MOTIONS TO SUSPEND THE RULES

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, February 28, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H.R. 256, H.R. 558, H.R. 621, and H. Con. Res. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RESOURCES, 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, submitted pursuant to clause 2(a)(1)(A) of Rule XI of the Rules of the House is a copy of the rules for the Committee on Resources, adopted at our organization meeting on February 14, 2001, by voice vote, for printing in the CONGRESSIONAL RECORD.

RULES FOR THE COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 107TH CONGRESS

(Adopted on February 14, 2001)

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and the Subcommittee Chairmen will appoint Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Clerk to note the names of all Members present within the 15-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(g) Roll Call Votes.—Roll call votes shall be ordered on the demand for one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(i) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(j) Access to Dais and Conference Room.—Access to the hearing rooms' daises and to the conference rooms adjacent of the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(k) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

RULE 4. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Chief Clerk of the Committee shall promptly notify the Daily Digest Clerk of the CONGRESSIONAL RECORD and shall promptly enter the appropriate information on the Committee's web site as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

(g) Opening Statements.—Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be

initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Clerk no later than 10 business days following the last day of the hearing.

(i) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Clerk of this request, the Chief Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each member joining therein and be filed with the Committee Chief Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the ¦Committee on Resources¦ ¦Subcommittee¦ and may not therefore necessarily reflect the views of its Members."

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks, Recreation and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserve water rights.

(2) The National Wilderness Preservation System, except for wilderness created from forest reserves from the public domain.

(3) Wild and Scenic Rivers Systems, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund, except those in public forests.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963, except those in public forests.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(8) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings, Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(9) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(10) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Forests and Forest Health

(1) Forest reservations, including management thereof, created from the public domain.

(2) Public forest lands generally, including measures or matters related to entry, easements, withdrawals and grazing.

(3) Federal reserved water rights on forest reserves.

(4) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of Agriculture.

(5) Federal and non-Federal outdoor recreation plans, programs and administration in public forests.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measure and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Rights of way over public lands for underground energy-related transportation.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Environmental and habitat measures and matters of general applicability.

(2) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(3) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(4) All matters regarding Native Alaskans and Native Hawaiians.

(5) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(6) All matters regarding insular areas of the United States.

(7) All measures of matters regarding the Freely Associated States and Antarctica.

(8) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(9) All measures and matters retained by the Full Committee under Committee rule 6(e).

(10) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure of matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any record otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee Rule 3.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, February 28.

Mr. HANSEN, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 320. An act to make technical corrections in patent, copyright, and trademark laws; to the Committee on the Judiciary.

S. 360. An act to honor Paul D. Coverdell; to the Committee on International Relations, in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 12. Concurrent resolution expressing the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation, and supporting National Donor Day; to the Committee on Energy and Commerce.

S. Con. Res. 13. Concurrent resolution expressing the sense of Congress with respect to the upcoming trip of President George W. Bush to Mexico to meet with newly elected President Vicente Fox, and with respect to future cooperative efforts between the United States and Mexico; to the Committee on International Relations.

ADJOURNMENT

Mr. MCHUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 27, 2001, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lynn Gallagher	11/28	11/30	Switzerland		472.00		6,562.96				7,034.96
	11/30	12/2	Belgium		376.00						376.00
Andy Baker	11/28	11/30	Switzerland		472.00		6,562.96				7,034.96
	11/30	12/2	Belgium		376.00						376.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					1,696.00		13,125.92				14,821.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, Jan. 24, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Mica	12/10	12/17	Italy		1,222.00		852.61				
Scott Billingsley	12/10	12/17	Italy		1,222.00		2,611.23				
Sharon Pinkerton	12/10	12/17	Italy		1,222.00		1,187.01		41.33		
Hon. Christopher Shays	11/26	11/27	UK		341.00		6,770.40				
	11/28	12/1	Switzerland		858.00						
	12/1	12/4	Belgium		714.00						
Larry Halloran	11/26	11/27	UK		341.00		6,974.22				
	11/28	12/1	Switzerland		858.00						
	12/1	12/4	Belgium		714.00						
Nick Palarino	11/26	11/27	UK		341.00		6,996.42				
	11/28	12/1	Switzerland		858.00		56.27				
	12/1	12/4	Belgium		714.00						
James Wilson	11/25	11/26	UK		341.00		723.55				
	11/26	12/01	Switzerland		858.00						
Hon. Henry Waxman	12/7	12/12	Israel		2,138.00		6,769.78				
Phil Barnett	12/4	12/12	Israel		2,968.00		5,044.42				
Committee total					15,710.00		37,985.91		41.33		53,737.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	11/23	11/30	North & South Korea		1,581.00		8,556.80				10,137.80
Committee total					1,581.00		8,556.80				10,137.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, Jan. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: It there were no expenditures during the calandar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Feb. 7, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Wyndee Parker	10/31	11/12	Africa		2,582.00						2,582.00
Commercial airfare							8,726.13				8,726.13
Robert Emmett	10/31	11/12	Africa		2,582.00						2,582.00
Commercial airfare							8,726.13				8,726.13
Jay Jakub	1/11	11/19	Asia		1,364.63						1,364.63
Commercial airfare							4,799.80				4,799.80
Merrell Moorhead	11/17	11/21	Europe		972.00		(3)				972.00
Brant Bassett	12/8	12/17	Middle East		2,270.00						2,270.00
Commercial airfare							6,567.70				6,567.70
John Stopher	12/8	12/17	Middle East		2,270.00						2,270.00
Commercial airfare							6,567.70				6,567.70
Committee total					12,040.63		35,387.46				47,428.09

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PORTER GOSS, Chairman, Jan. 25, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

854. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Investment of Customer Funds (RIN: 3038–AB56) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

855. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 2001, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107–46); to the Committee on Appropriations and ordered to be printed.

856. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during FY 2000, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

857. A letter from the Deputy Secretary, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 2000, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

858. A letter from the Chairman, Department of Defense Retirement Board of Actuaries, transmitting the Board's 2000 Report on the status of the Department of Defense Military Retirement Fund, pursuant to 10 U.S.C. 1464(c); to the Committee on Armed Services.

859. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting a report entitled, "Distribution of DoD Depot Maintenance Workloads for Fiscal Years 1999 and 2000"; to the Committee on Armed Services.

860. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting two reports entitled, "Efficient Utilization of Defense Laboratories" and the "Test and Evaluation Capabilities" are provided in response to section 913(a) of the National Defense Authorization Act for Fiscal Year 2000 (NDAA FY00); to the Committee on Armed Services.

861. A letter from the Assistant Secretary of Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting a report entitled, "Building the Public Trust: A Report to Congress on Fair Housing in America Management Reform," pursuant to 12 U.S.C. 1709(v); to the Committee on Financial Services.

862. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Financial Subsidiaries [Regulation H; Docket No. R–1066] received February 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

863. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received February 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

864. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the 2000 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

865. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the Commission's report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

866. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Efficiency Program for Commercial and Industrial Equipment; Efficiency Standards for Commercial Heating, Air Conditioning and Water Heating Equipment [Docket No. EE–RM/STD–00–100] (RIN: 1904–AB06) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

867. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards [Docket No. EE–RM–97–440] (RIN: 1904–AA77) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

868. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Alternate Fuel Transportation Program; Biodiesel Fuel Use Credit (RIN: 1904–AB00) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

869. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products; Clothes Washer Energy Conservation Standards [Docket No. EE–RM–94–403] (RIN: 1904–AA67) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

870. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Human Cells, Tissues, and Celluar and Tissue-Based Products; Establishment Registration and Listing [Docket No. 97N–484R] received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

871. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Hazard Analysis and Critical Control Point (HAACP); Procedures for the Safe and Sanitary Processing and Importing of Juice [Docket No. 97N–0511] (RIN: 0910–AA43) received February 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

872. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program; Change in Application of Federal Financial Participation Limits [HCFA–2086–F] (RIN: 0938–AJ96) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

873. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection: Delay of Effective Date [Docket No. NHTSA–98–4515; Notice 3] (RIN: 2127–AF43) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

874. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting: Delay of Effective Date [OPPTS–40014D; FRL–6722–10] (RIN: 2025–AA05) received February 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

875. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Video Description of Video Programming [MM Docket No. 99–339] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

876. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Columbia City, Florida) [MM Docket No. 97–252; RM–9602] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

877. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Regulations Governing Attribution Of Broadcast and Cable/MDS Interests [MM Docket No. 94–150] Review of the Commission's Regulations and Policies Affecting Investment In the Broadcast Industry [MM Docket No. 92–51] Reexamination of the Commission's Cross-Interest Policy [MM Docket No. 87–154] received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

878. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Video Description of Video Programming [MM Docket No. 99–339] received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

879. A letter from the Chief, Policy and Rules Division, Office of Engineering & Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50.2–50.4 GHz and 51.4–71.0 GHz Bands [ET Docket

No. 99-261] received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

880. A letter from the Chief, Policy and Rules Division, Office of Engineering & Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206; RM-9147; RM-9245] Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2–12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide A Fixed Service in the 12.2–12.7 GHz Band—Received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

881. A letter from the Chief, Policy and Rules Division, Office of Engineering & Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules With Regard to the 3650–3700 MHz Government Transfer Band [ET Docket No. 98–237; RM-9411] The 4.9 GHz Band Transferred from Federal Government Use [WT Docket No. 00-32] received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

882. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule Relating To Power Output Claims For Amplifiers Utilized in Home Entertainment Products—received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

883. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-602, "Galen Tait Memorial Park Designation Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

884. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-582, "Waverly Alley Designation Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

885. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-581, "Freedom of Information Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

886. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-573, "Public Access to Automated External Defibrillator Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

887. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-574, "Technical Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

888. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-575, "Individuals with Disabilities Parking Reform Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

889. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-599, "Omnibus Trusts and Estates Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-588, "John T. 'Big John' Williams Building Designation Temporary Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-592, "Motor Vehicle and Safe Driving Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-594, "Tree Protection Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-598, "Closing of a Public Alley in Square 209, S.O. 2000–37, Temporary Act of 2001" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-596, "Fire/EMS Excepted Service Designation Temporary Act of 2001" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-601, "Closing of a Public Alley in Square 741, S.O. 00–82, Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-600, "Uniform Child-Custody Jurisdiction and Enforcement Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-577, "Fair Phone Charges for Prisoners Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-578, "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-579, "Anthony W. Simms Tunnel Designation Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-583, "Closing of a Public Alley in Square 209, S.O. 2000–37, Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

901. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 13-589, "Necessity for Council Review and Approval of Standards for Public Art on Special Signs in the District of Columbia Temporary Act of 2001" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-591, "Harry L. Thomas, Sr., Recreation Center Designation Act of 2000" received February 16, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

903. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on General Purpose Financial Statements and the Independent Auditor's Report for the fiscal year ended September 30, 2000; to the Committee on Government Reform.

904. A letter from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

905. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report entitled, "2000 Annual Inventory of Commercial Activities Under the Federal Activities Inventory Reform Act P.L. 105–270"; to the Committee on Government Reform.

906. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

907. A letter from the Acting Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Morro Shoulderband Snail (Helminthoglypta walkeriana) (RIN: 1018–AG27) received February 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

908. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Zayante Band-Winged Grasshopper (RIN: 1018–AG28) received February 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

909. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures and Inseason Adjustments from the U.S.-Canada Border to the Oregon-California Border [Docket No. 000501119–01; I.D. 102300B] received February 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

910. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Pelagic Longline Fishery Vessel Monitoring Systems

[I.D. 110800A] (RIN: 0648-AJ67) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

911. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Emergency for the Summer Flounder Fishery; Extension of an Expiration Date [Docket No. 000727220-0220-01; I.D. 072400A] (RIN: 0648-AO32) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

912. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 010112013-1301-01; I.D. 012901A] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

913. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 010112013-1013-01; I.D. 012201D] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

914. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Extension of Closed Areas [Docket No. 001120324-1030-02; I.D. 110700D] (RIN: 0648-AO71) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

915. A letter from the Deputy General Counsel, FBI, Department of Justice, transmitting the Department's final rule—National Instant Criminal Background Check System Regulation [AG Order No. 2354-2001]; [FBI 105F] (RIN: 1110-AA02) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

916. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Drug Abuse Treatment and Intensive Confinement Center Programs: Early Release Consideration [BOP-1034-F; BOP-1052-F; BOP-1070-F] (RIN: 1120-AA36; RIN: 1120-AA66) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

917. A letter from the Acting Vice President for Government Affairs, Amtrak, transmitting the 2000 Annual Report, and Amtrak's FY 2002 Legislative Report and Grant Request, pursuant to 12 U.S.C. 1701y(f)(2); to the Committee on Transportation and Infrastructure.

918. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sacramento River, CA [CGD11-01-001] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

919. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hillsborough River, Tampa, FL [CGD07-01-003] (RIN: 2115-AE47) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

920. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Brorein Street Bridge, across the Hillsborough River, Tampa, FL [CGD07-01-009] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

921. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, NY [CGD01-01-008] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

922. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sanibel Causeway Bridge [CGD07-01-005] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

923. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Chelsea River, MA [CGD01-01-013] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

924. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hillsborough River [CGD07-01-002] (RIN: 2115-AE47) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (A300-600) Series Airplanes [Docket No. 2000-NM-48-AD; Amendment 39-12052; AD 2000-26-03] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 2000-NE-44-AD; Amendment 39-12071; AD 2001-01-01] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Civil Penalty Actions in Commercial Space Transportation [Docket No. FAA-2001-8607; Amendment Nos. 405-2 406-2] (RIN: 2120-AH18) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 99-NM-250-AD; Amendment 39-12058; AD 2000-26-08] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 97-NM-201-AD; Amendment 39-12059; AD 2000-26-09] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. 99-NM-190-AD; Amendment 39-12057; AD 2000-26-07] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model ATP Airplanes [Docket No. 99-NM-249-AD; Amendment 39-12060; AD 2000-26-10] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes [Docket No. 99-CE-34-AD; Amendment 39-12053; AD 2000-03-19] (RIN: 2120-AA64) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

933. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Revision to Federal Blood Alcohol Concentration (BAC) Standard for Recreational Vessel Operators: Delay of Effective Date [USCG-1998-4593] (RIN: 2115-AF72) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cape Romanzof, AK [Airspace Docket No. 00-AAL-13] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Prineville, OR [Airspace Docket No. 00-ANM-14] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sparrevohn, AK [Airspace Docket No. 00-AAL-10] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

937. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cape Newenham, AK [Airspace Docket No. 00–AAL–12] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

938. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tin City, AK [Airspace Docket No. 00–AAL–14] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cape Lisburne, AK [Airspace Docket No. 00–AAL–11] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Gage, OK [Airspace Docket No. 00–ASW–21] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bassett, NE [Airspace Docket No. 00–ACE–39] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Council Bluffs, IA [Airspace Docket No. 00–ACE–35] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bowling Green, MO [Airspace Docket No. 00–ACE–36] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grant, NE [Airspace Docket No. 00–ACE–37] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ogallala, NE [Airspace Docket No. 00–ACE–38] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bloomfield, IA [Airspace Docket No. 00–ACE–32] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amend Class E Airspace; Westminster, MD [Airspace Docket No. 00–AEA–04FR] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Albia, IA [Airspace Docket No. 00–ACE–33] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Astoria, OR [Airspace Docket No. 00–ANM–21] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Tillamook, OR [Airspace Docket No. 00–ANM–16] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Atlanta, TX [Airspace Docket No. 2000–ASW–19] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; St. George, UT [Airspace Docket No. 99–ANM–10] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30224; Amdt. No. 2030] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30225; Amdt. No. 2031] received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Civil Penalty Actions in Commercial Space Transportation: Delay of Effective Date (RIN: 2120–AH18) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sugar Land, TX [Airspace Docket No. 2001–ASW–03] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Algona, IA [Airspace Docket No. 00–ACE–34] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification and Revocation of VOR and Colored Federal Airways and Jet Routes; AK [Airspace Docket No. 98–AAL–26] (RIN: 2120–AA66) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amend Legal Description of Jet Route J–501 [Airspace Docket No. 00–ANM–20] (RIN: 2120–AA66) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30227; Amdt. No. 2033] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

961. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30228; Amdt. No. 2034] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

962. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30226; Amdt. No. 2032] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

963. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30230; Amdt. No. 2036] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30229; Amdt. No. 2035] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2000–NM–299–AD; Amendment 39–12107; AD 2001–03–04] (RIN: 2120–AA64) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH Model MBB–BK 117 Helicopters [Docket No. 99–SW–67–AD; Amendment 39–12056; AD 2000–26–06] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A Model A109E Helicopters [Docket No. 2000–SW–65–AD; Amendment 39–12106; AD 2000–25–54] (RIN: 2120–AA64) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Corrections to Flight Data Recorder Specifications [Docket Nos. 121–271, 121–278, 125–32 & 125–34] (RIN: 2120–AG–88) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

969. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH Model BO–105CB–5 and BO–105CBS–5 Helicopters [Docket No. 99–SW–65–AD; Amendment 39–12048; AD 2000–26–01] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

970. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 2000–CE–57–AD; Amendment 39–12073; AD 2001–01–03] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 99–CE–83–AD; Amendment 39–12072; AD 2001–01–02] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1 and Jetstream Series 200 Airplanes [Docket No. 99–CE–73–AD; Amendment 39–12006; AD 2000–23–33] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 60, A60, and B60 Airplanes [Docket No. 99–CE–74–AD; Amendment 39–12094; AD 2001–02–10] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models A36, B36TC, and 58 Airplanes [Docket No. 99–CE–79–AD; Amendment 39–12066; AD 2000–26–16] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 and EMB–135 Series Airplanes [Docket No. 2001–NM–16–AD; Amendment 39–12101; AD 2001–02–51] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes [Docket No. 2000–NM–133–AD; Amendment 39–11979; AD 2000–23–09] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

977. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–125–AD; Amendment 39–12090; AD 2001–02–06] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 2000–NM–129–AD; Amendment 39–11976; AD 2000–23–06] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

979. A letter from the Chief, Regulations Office, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Merchandise Processing Fee Eligible To Be Claimed As Unused Merchandise Drawback [TD 01–18] (RIN: 1515–AC67) received February 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

980. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2001 [HCFA–8007–N] (RIN: 0938–AK27) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

981. A letter from the Deputy Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule—Welfare-to-Work (WtW) Grants (RIN: 1205–AB15) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

982. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Purchase Price Allocations in Deemed and Actual Asset Acquisitions [TD 8940] (RIN: 1545–AY73) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

983. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Payee Statements (RIN: 1545–AY00) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

984. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001–15] received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

985. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—CPI Adjustment for Below-market Loans for 2001; Correction—received February 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

986. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter regarding the status of a joint report to Congress on the implementation of that portion of the Health Resources Sharing and Emergency Operations Act (38 U.S.C. 8111(f)) dealing with sharing of health care resources between the Department of Veterans Affairs and the Department of Defense; jointly to the Committees on Armed Services and Veterans' Affairs.

987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Transfer and Cross-Collateralization of Clean Water State Revolving Funds and Drinking Water State Revolving Funds—received February 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

988. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "Progress Toward Implementing Superfund" for fiscal years 1995-1997, pursuant to 42 U.S.C. 9620; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

989. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation to provide for the appointment of additional Federal circuit and district judges, and for other purposes; jointly to the Committees on the Judiciary and Resources.

990. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2001 [HCFA–8009–N] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

991. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Expanded Coverage for Outpatient Diabetes Self-Management Training and Diabetes Outcome Measurements [HCFA–3002–F] (RIN: 0938–AI96) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 256. A bill to extend for 11 additional months the period for which chapter

12 of title 11 of the United States Code is reenacted (Rept. 107–2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 333. A bill to amend title 11, United States Code, and for other purposes; with an amendment (Rept. 107–3 Pt. 1).

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the Committee on Financial Services discharged from further consideration. H.R. 333 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 333. Referral to the Committee on Financial Services extended for a period ending not later than February 26, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself and Mr. Boucher):

H.R. 723. A bill to amend the Atomic Energy Act of 1954 to remove an exemption from civil penalties for nuclear safety violations by nonprofit institutions; to the Committee on Energy and Commerce.

By Mr. BASS (for himself and Mr. Boucher):

H.R. 724. A bill to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. TRAFICANT (for himself and Mr. Barrett):

H.R. 725. A bill to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 726. A bill to amend title 18, United States Code, to ban using the Internet to obtain or dispose of a firearm; to the Committee on the Judiciary.

By Mr. SCHAFFER:

H. Res. 54. A resolution commemorating African American pioneers in Colorado; to the Committee on Resources.

By Ms. MILLENDER-McDONALD:

H. Res. 55. A resolution expressing the sense of the House of Representatives that there should be established a day of celebration in honor of Dr. Dorothy Irene Height; to the Committee on Government Reform.

By Mr. LANTOS (for himself, Mr. Wolf, Ms. Pelosi, Mr. Smith of New Jersey, Mr. Jackson of Illinois, Mr. Frank, Mr. Capuano, Mr. McGovern, and Ms. Rivers):

H. Res. 56. A resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the People's Republic of China to end its human rights violations in China and Tibet, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Hinchey.

H.R. 21: Mr. Traficant.

H.R. 23: Mr. Traficant.

H.R. 24: Mr. Traficant.

H.R. 31: Mr. Ney.

H.R. 68: Mr. Allen, Mr. Baldacci, Mr. Sununu, Mr. Calvert, Mr. LaHood, Mr. Clement, and Mr. Gordon.

H.R. 80: Mr. Kind, Mr. Traficant, and Mr. Horn.

H.R. 82: Mr. Traficant.

H.R. 89: Mr. Walsh, Ms. McKinney, and Mr. McGovern.

H.R. 90: Mr. Evans, Mr. Baird, Mr. Graham, and Mr. Strickland.

H.R. 123: Mr. Pickering and Mr. Combest.

H.R. 147: Mr. Evans, Ms. Eddie Bernice Johnson of Texas, Mr. Hinchey, and Mr. Rush.

H.R. 149: Mr. Andrews.

H.R. 188: Mr. Frost, Mrs. Jones of Ohio, Mr. Schaffer, and Mr. Osborne.

H.R. 237: Mr. Lantos and Mr. McGovern.

H.R. 239: Mr. Fattah, Mr. Kennedy of Rhode Island, Mr. Evans, Mr. LoBiondo, and Mr. Kolbe.

H.R. 250: Mr. Blagojevich, Mr. Traficant, Mr. Stupak, Mr. Green of Texas, Mr. DeFazio, Mr. Baird, Ms. Norton, and Mr. Payne.

H.R. 256: Mr. Gillmor, Mrs. Jones of Ohio, Mr. Schaffer, Mr. Ney, Mr. Otter, and Mr. Farr of California.

H.R. 270: Mr. Engel, Mr. Weiner, Mr. Waxman, and Ms. Woolsey.

H.R. 281: Mrs. McCarthy of New York.

H.R. 311: Mr. Jones of North Carolina.

H.R. 333: Mr. Peterson of Pennsylvania, Mr. Brown of South Carolina, Mr. Pombo, and Mr. Davis of Florida.

H.R. 340: Mr. Blumenauer, Mr. Evans, and Mr. Moran of Virginia.

H.R. 429: Mr. Kildee, Mr. Deutsch, Ms. Slaughter, Mr. Hinojosa, Mr. Larson of Connecticut, and Mrs. Christensen.

H.R. 466: Ms. McKinney.

H.R. 471: Mr. Borski.

H.R. 548: Mr. Bilirakis, Mr. McDermott, Mr. Moran of Virginia, Ms. McKinney, Mr. Deal of Georgia, and Mr. Pastor.

H.R. 555: Mr. Hoyer.

H.R. 612: Mr. Quinn, Mr. Tancredo, Mrs. Jones of Ohio, Mr. Frank, Mr. Traficant, Mr. Sanders, Mr. Lucas of Oklahoma, and Ms. Hooley of Oregon.

H.R. 665: Mr. Allen, Mr. Baldacci, Mr. Berman, Mr. Boucher, Mr. Fattah, Mr. Hoyer, Mrs. Lowey, Mrs. Maloney of New York, Mr. McNulty, and Ms. Pelosi.

H.R. 687: Mr. Davis of Florida, Mrs. McCarthy of New York, Mr. Lantos, and Mrs. Mink of Hawaii.

H. Res. 23: Mr. Lucas of Kentucky, Ms. McKinney, Mr. Sisisky, Mrs. Thurman, Mr. Stupak, and Mr. Schiff.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

5. The SPEAKER presented a petition of a Citizen of Pryer, Oklahoma, relative to enacting legislation to make micro-chip implants illegal; to the Committee on Government Reform.

6. Also, a petition of a Citizen of Chillicthe, Missouri, relative to petitioning the United States Congress to claim redress of grievances of a California congressional candidate; to the Committee on House Administration.

SENATE—*Monday, February 26, 2001*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer.

Majestic God, Creator of many different races and colors in the human family, we ask for love as inclusive as Your love and attitudes as free of prejudice as You have shown in Your care for all people.

This month as we gratefully recognize the importance of African Americans in our history, remind us of the truth in Dr. Martin Luther King's words that "the content of our character" is the highest goal we can achieve. So many outstanding black Americans have risen to prominence in our Nation because of the content of their character.

Along with Dr. King, we thank you for Phillis Wheatley, who in the 18th century at a very young age achieved international fame as the first black woman poet. We also remember Richard Allen, who at the dawning of the 19th century mobilized the black community in Philadelphia and formed the first independent black denomination.

As we work today, may these principled Americans be our examples. Let our words, thoughts, and actions reflect the content of Your character. Thank You for being our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Virginia, Mr. ALLEN, is recognized to read Washington's Farewell Address.

(Mr. KYL assumed the chair.)

Mr. ALLEN. I thank the Chair.

Mr. President, Members of the Senate, it is my honor to read George Washington's Farewell Address. As a preface to reading this address, I would like to make a few remarks so that everyone gets the context of the Farewell Address of George Washington.

In September of 1796, worn out by the burdens of the Presidency and attacks of political foes, George Washington announced his decision not to seek a third term. A student of history will see that Alexander Hamilton and James Madison left their fingerprints in helping President Washington compose this Farewell Address which is his political testament to the Nation.

The Farewell Address, which was designed to inspire and guide future generations, set forth Washington's defense of his administration's record and embodied a classic statement of Federalist doctrine.

Washington's principal concern was for the safety of the 8-year-old Constitution, and he believed the stability of the Republic was threatened by the forces of geographical sectionalism, political factionalism, and interference by foreign powers in the Nation's domestic affairs.

George Washington did not publicly deliver his Farewell Address. It first appeared on September 19, 1796, in the Philadelphia Daily American Advertiser and then in papers throughout our country.

On to the address entitled "Washington's Farewell Address."

Mr. ALLEN, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraórdinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

The PRESIDING OFFICER. The Chair thanks the Senator from Virginia.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I congratulate my colleague from Virginia on the reading of George Washington's Address. I listened carefully. I think we all share the thought and vision expressed in that address when it was first made. Each year it has been repeated, and being part of that tradition adds to the stature of our new Senator from the State of Virginia. I am pleased to have listened attentively to his reading.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. BYRD. Mr. President, I wish to associate myself with the remarks of the distinguished junior Senator from the State of Alaska concerning the meaning of the address and its eternal and continuing truths. We would all do well to listen annually to the reading of this address. I thank the distinguished junior Senator from Virginia for his eloquence and for his reading of the message this morning.

I am only sorry more Senators have not attended this important occasion. That is nothing new. I have, I think, attended the reading of the Farewell Address of our first and foremost and greatest President, George Washington, for many years. I try always to attend if I am in the city, and it goes without saying that I am generally here at this time.

I always get something new out of listening to this address. I only hope in the future our colleagues and our joint leadership will attempt to attend and encourage the attendance of all Senators to the reading of this address.

I close by thanking my colleague, Mr. ALLEN, again. I thank the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me also comment on the statement of the senior Senator from West Virginia, who clearly leads the way of all Senators as the historian of this body.

Reminding us that each time he has learned something new and takes a new appreciation of that with him is something we can all reflect on in our own lives so we, through our own contribution, can make things just a little bit better for someone somewhere—even our children and grandchildren.

Mr. BYRD. I thank my friend.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m. Under the previous order, the time until 2:30 p.m. shall be under the control of the Senator from Alaska, Mr. MURKOWSKI. The Senator is recognized.

NATIONAL ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I am going to be introducing today legislation which has been forthcoming for some time. The legislation is the specific energy bill that has been worked on by a number of my colleagues and professional staff on the Energy and Natural Resources Committee. As a consequence, what we have here is a comprehensive bill that will be introduced twice because one version will go to the Energy and Natural Resources Committee and that will be titles 1–8; and another version with the entire text, titles 1–9, will be referred to the Finance Committee.

Mr. President, this legislation is sponsored by myself and Senator BREAUX. It is bipartisan legislation. Included as original cosponsors are Senator LOTT, Senator VOINOVICH, Senator DOMENICI, Senator CRAIG, Senator CAMPBELL, Senator THOMAS, Senator SHELBY, Senator BURNS, and Senator HAGEL.

The purpose of the bill specifically is to protect the energy security of the United States and to decrease America's dependence on foreign oil sources to 50 percent by the year 2001 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiency, increasing domestic energy supplies, improving environmental air quality by the reduction of emissions from air pollutants and greenhouse gases, and decreasing the effects of increases in energy prices on the American consumers as well.

I would like to talk at some length this afternoon on what comprises this particular legislation. I am going to be referring specifically to the items in the comprehensive energy bill which is the National Energy Security Act of 2001.

I think it is fair to say we all have taken energy for granted for far too long. Yet now, with a weakening economy, increasing energy costs, and regional shortages, we are much more aware of the reality that we have really not had a real energy policy for most of the last decade—something we just took for granted—and suddenly we are seeing the spirals, we are seeing the shortages, and we are becoming concerned.

I think it is also fair in most cases to understand that energy is one of those nebulous things that is really so important that it is often overlooked. It grows our food, heats and cools our homes, and powers our electronic world. It is really what keeps us alive.

We have fought over energy. We just came back from the Persian Gulf war. Wars have been fought over energy. Billions of dollars are spent just to ensure that we have access to energy in various forms.

Our continued economic prosperity depends on a clean, secure, and affordable energy supply. It is for this reason that I rise today to introduce the National Energy Security Act of 2001.

What we put before the Senate today is a balanced portfolio of energy options, and to begin debate on these important issues.

Let me advise the President that by no means is this intended to be the package necessarily of comprehensive energy legislation that will ultimately come out of the committees of jurisdiction—the Energy and Natural Resources Committee and the Finance Committee—and onto the floor.

The purpose of the legislation is so that we can begin the debate on the important issues to determine just what kind of energy policy we should have in this country.

I should also mention that this particular legislation as proposed does not have the input of the new administration. They have only been in office for about 5 weeks. It is my understanding that an energy task force has been put together, by the order of the President, with the responsibility given to Vice President CHENEY. They anticipate having an energy policy developed within 45 or 60 days. Undoubtedly, the input from the administration is going to be a necessary additive to the ultimate debate, and legislation will be forthcoming.

During the last decade, the United States has lost control of its energy future. At no time in our history have we relied upon others for more of our energy supplies while producing a smaller percentage of the energy we consume.

Ten years ago, the U.S. imported less than half of the oil it consumed; today, that has increased to nearly 60 percent. Meanwhile, other types of energy have been made more difficult to produce, more difficult to deliver, and more difficult to use.

The rapid growth of the Internet and the "dot-com" economy during the 1990s led to significant increase in demand for energy. Yet, despite this increase in demand, domestic production of all forms of energy has remained flat over the last four years.

The impacts on the American consumer have been clear: higher energy prices, less economic growth, and less prosperity for all.

We can take a lesson from history. The lack of a coherent energy policy has led to the greatest energy price volatility since the energy crises of the 1970's.

For much of the past two years, global supply of crude oil has been nearly equal to global demand. As a result, crude oil prices have increased from $8.50 two years ago to near $30 today. We have seen the domestic development of oil in the United States drop proportionately. It is rather interesting to note, however, the development of the OPEC cartel and the discipline that has been evidenced by that group in the last several months as they have dropped the supply from time to time to ensure that the price remains between that ceiling and floor of $22 to $28, and by controlling production they can keep that price range.

Last summer, consumers faced gasoline price spikes in the Midwest as refineries were unable to keep up with demand. Gas prices over $2 per gallon were the norm.

As refineries were operating at capacity to produce gasoline, they were unable to produce the heating oil we needed for the winter. We faced a heating oil shortage, particularly in the Northeast.

Many consumers turned to natural gas to meet their winter heating needs, but expansion in gas-fired power plants has strained supply. We've seen natural gas prices increase from $1.80 per 1,000 cubic feet two years ago to over $10.00 in recent weeks.

And most recently, we've seen the consequences of inadequate electricity supply in California—no new power plants in 10 years—blackouts, elevators stuck, traffic lights off; and schools, fertilizer plants, plastic and computer chip makers were all affected.

Fertilizer plants refuse to make urea. They are now selling it. Urea is a byproduct of gas. We are seeing aluminum companies, rather than produce aluminum, sell their electricity.

All of these energy "crises" have a common cause: Supply of energy simply isn't keeping pace with demand in spite of our efforts at conservation.

With the economy on its longest joyride in history, policy makers chose not to check the fuel gauge. Our tank now almost empty, and our economic engine is sputtering. It is time to make tough choices. Add fuel to the tank.

The time has come for a sound national energy policy—one that uses the fuels of today to yield the technologies of tomorrow.

Our national energy plan—the National Energy Security Act of 2001—has at its core three fundamental goals:

Increased supply of conventional fuels—oil, coal, gas, nuclear.

We do it more efficiently and with the latest technology that provides cleaner utilization of these sources of energy.

Second, improve energy efficiency and conservation. We have the technology for clean coal. We have the utilization of nuclear. We just need to address what to do with the waste.

Third, expand the use of alternative fuels and renewable energy. We have this capability. Unfortunately, renewables and alternatives take a very small percentage of our energy mix—less than 4 percent. We have spent some $6 billion in research. We are going to have to spend more. But we simply cannot rely on alternatives and renewables. We have to go back to the basic sources of our energy—our oil, our coal, our gas, and our nuclear.

What does this legislation do? Some have called this an ANWR bill, but it is far more than that. I will talk about that a little later. But I hope my colleagues will look closely at this legislation and see that it is an attempt to have a balanced approach to meet our energy needs.

These new programs and incentives will help us to find, develop, deliver, and conserve all our domestic energy resources. In doing so, we will reduce our reliance on foreign oil to less than 50 percent by the year 2010 to protect our energy security. That is a goal of this legislation. It will not eliminate our dependence, but it will simply reduce it.

How do we do that? We do that by an expansion of our conventional sources of energy—our coal, our oil, our natural gas, and our nuclear, and using our technology to achieve it. Our objective is to provide the energy our economy requires for continued growth.

Again, we can improve the environmental quality of these fuels by investing in advanced research and development programs and providing tax incentives for developing new,. cleaner, more efficient technologies. We encourage new investment in energy infrastructure, transmission lines, natural gas pipelines, and drilling equipment. By doing so, we get the best technology out of the market. We have that technological capability, and we take steps to ensure the reliability of the Nation's electric power supply so critical for today's new economy.

We also provide new programs and incentives to expand the supply of renewable energy at home and alternative fuels in our automobiles.

A robust domestic energy industry—both fossil and renewables—helps to keep energy prices stable and affordable. I think you would agree, Mr. President, that is good business. And it is good for the consumer. But it is more than just supply.

Our legislation is not only about supply, as some would have you think. We also focus on using energy more efficiently.

Our legislation expands funding for the weatherization and LIHEAP energy assistance programs. It provides assistance to lower monthly energy bills and protects consumers and low-income families. We encourage State and regional energy conservation programs to minimize the effects of regional shortages in energy supply like the kinds we have recently seen in California.

This legislation includes several new incentives for energy-efficient homes, appliances, and vehicles to conserve energy resources and improve efficiency.

Finally, we provide new incentives for emerging distributed energy technologies that can provide reliable energy for business needs and combined heat and power technology to use waste energy more efficiently as space heating.

This new national energy strategy makes good economic sense. It protects consumers and low-income families against higher monthly energy bills. It reduces the likelihood of price spikes that can wipe out a company's profits or a family's savings overnight. It keeps the heat and lights on for the Nation's factories, homes, and businesses, and maintains economic growth.

It is also good from the standpoint of the environment. It makes good environmental sense, with cleaner, more efficient use of energy using new technologies and fewer air pollutants and greenhouse gases.

The "wild ride" in energy markets over the past 2 years has made our energy challenge very clear: We need to establish a sound national energy policy to ensure clean, secure, and affordable energy supplies. This policy must use all our fuels—fossil and renewables—to meet those needs, as well as conservation and alternatives.

The legislation we have introduced today is the first attempt to articulate the elements of a sound national energy strategy. Other elements we must also address separately are access issues, regulatory reform, nuclear waste, and climate change. But we must start now. I look forward to working with the President and my Republican and Democratic colleagues to enact this legislation into law.

This morning we opened this effort with a press conference. It was rather interesting to note some of the questions that were posed relative to the legislation Senator BREAUX and I, along with Senator LOTT and others, have introduced.

There was the question of, how much is this bill going to cost? Unfortunately, the Joint Tax Committee has not given us a figure. We expect that within 10 days. But it is a lot cheaper than not doing anything, if you will. And that is where we have been for far too long.

Another question was about, how important is the ANWR, the Arctic National Wildlife Refuge? Developing a national energy strategy is really a team effort. ANWR is one of the best players on that team because it is the one area where the geologists have said there is likely to be a major oilfield of gigantic proportions, somewhere in the area of 10 billion barrels and perhaps as much as 16 billion barrels. What does that mean? Well, 16 billion barrels would be what we would import from Saudi Arabia for a 30-year period of time. We do not believe we can afford to leave that source on the sidelines. We believe we have the technology to do it safely. Some have asked, how will this bill provide relief in California? There is certainly no immediate solutions to the California situation. California, unfortunately, became dependent on outside sources. I think there is a bit of a parallel there. I understand California is currently importing about 25 percent of its energy from outside the State. As a consequence, California has become vulnerable because they have not developed their own sources of energy. They prefer to buy it from other States that have surpluses.

Without going into the inefficiencies of deregulation—which was really not a true deregulation when you maintain a cap on retail prices—it is fair to say there is a situation where, in the sense of our increased dependence on imported oil, we are too dependent on outside sources. As a consequence of that, I think we are certainly vulnerable to price hikes for oil as well.

So I think that as we look at the California situation, we should recognize the exposure we have here in the United States on our increased dependence on oil, which is about 56 percent.

The question came up: What comments have we gotten from the administration? President Bush recognizes the need for a national strategy. Vice President CHENEY has been leading a task force to develop their own initiatives. It is my understanding that effort is going to be completed in about 45 days. So we look forward to incorporating their comments into our ongoing work at the appropriate time.

We have had meetings with our colleagues over in the House, Congressman TAUZIN and Congressman BARTON. And we have had a very positive response relative to the manner in which we hope to bring this legislation through the House and Senate.

Now, when will we have a vote on this? Obviously, it is going to the committees of jurisdiction for hearings—the Energy Committee and the Finance Committee. But what we wanted to do is get the debate started on the entire bill so we can move through the committee process and, hopefully, to the floor at a later date.

Some have said this bill calls for more nuclear power, and will this require an accelerated program for nuclear waste storage? We need to use all our domestic resources. Inasmuch as nuclear contributes about 20 percent of the total electric energy in this country, it is important that we continue our efforts to try to resolve what to do with the nuclear waste.

As you know, Mr. President, we were one vote short in the last Congress of overriding a Presidential veto. The difficulty with the nuclear waste issue is no one wants the waste. As a consequence, as we pursue our efforts in Nevada to develop the Yucca Mountain site, there is a noted lack of support from the Nevadans.

That is understandable, yet that waste has to go somewhere. As we look at some of the technology that has developed over the years, we find the French have addressed, through the vitrification process, the recovery of plutonium, putting it back in reactors, burning it, and basically getting rid of that proliferation. We don't seem to be able to do that in this country. Maybe we should give more thought to it.

There has been a question brought up about providing some short-term changes such as increasing CAFE standards in the legislation. We think we have addressed this because we have, as far as CAFE standards, put the burden on the Federal Government to have its vehicles pick up about 3 additional miles to the gallon, and that is a good place to start before we dictate to the American public any mandates with regard to this. It is fair to say that if it works for the Government, then the Government ought to lead the way.

There are some other points I will bring to the attention of the Senate at this time relative to the state we are in. This came about as a release last week from the Center for Strategic and International Studies, a well-renowned defense and foreign policy think tank here in Washington. It includes scholars, both moderates and conservatives, from both parties, and their conclusion in a three-volume, 3-year effort entitled "Geopolitics of Energy into the 21st Century."

The new study predicts that the U.S. and other industrial nations will become increasingly dependent on oil from the Middle East in the next 20 years and will need the region's most unstable countries—Iran, Iraq, and Libya—to raise their output. I wonder, at what price to the U.S.

Furthermore, I refer to a Wall Street Journal article on February 15 and an AP article of February 14 on the same subject, indicating that global demand will grow sharply over the next two decades. The oil will come from areas with increased risk of supply interruptions. Further, it states, by 2020, half of all petroleum used by the world will be met from countries that impose a high risk of internal stability. World energy demand will increase by 50 percent, and at some point developing countries, led by China, will begin to consume more energy than the developed countries.

Mr. LOTT. Mr. President, if the Senator from Alaska will yield, I came to the floor to commend and congratulate the distinguished chairman of the Energy and Natural Resources Committee for his work on this very important legislation. It is overdue. It is very broad, comprehensive legislation that is designed to address this problem. I think he should be recognized for the effort he has put into it.

This is a bill that has been developed in a bipartisan way with all different views and regions of the country reflected in various components of the bill. I acknowledge that.

I ask the Senator, when does he expect there will be some input from the administration, and how does he plan to proceed in terms of committee hearings and when he might actually get legislation ready for the Senate to consider?

Mr. MURKOWSKI. I appreciate that inquiry. As I believe the leader recalls, the President has appointed Vice President CHENEY to form a task force developing an energy policy for the administration. That task force has been at work for some time. My understanding is they should have this ready in about 45 days.

I am most appreciative of the Senator's cosponsorship, along with that of Senator BREAUX. This is a bipartisan package. It will go to the two committees of jurisdiction—the one I chair, the Energy and Natural Resources Committee, and the other is the Finance Committee. We will begin hearings as soon as I have had an opportunity to sit down with Senator BINGAMAN and find some mutually compatible dates. We intend to move on this and get the debate started because, as the Senator knows, it is a very comprehensive piece of legislation. There is going to be a lot of input into it. There are certain things we have to get done, and we need an estimate from Joint Tax.

This legislation is meant to stimulate new technology, to provide incentives for the small independents, the stripper wells, so we can keep those people going when the prices decline. It is not addressed to the large oil companies that can fend very well for themselves.

Mr. LOTT. I thank the Senator for his response. I asked so I could have some plan as to when we might bring it to the Senate. I hope that certainly in June or July of this year we would be able to get to it.

Let me ask the Senator another question. I don't want to take up all of his time. I would like to have some brief time to make some remarks of my own. I believe we are importing now 56 percent of the oil needs of this country.

Mr. MURKOWSKI. That is correct. The largest increase is now coming from Iraq, from Saddam Hussein. Remember, we fought a war over there in 1991.

Mr. LOTT. That is right. When I go around the country, I find there are a number of States with additional oil that could be used if we could get it out of the ground. It is not being used. There are a lot of areas of the country, such as my own, where we have a substantial supply of natural gas but there has not been an incentive or incentives for us to convert to natural gas, which is clean burning and has been a cheaper source of energy, even though, because of all the demand, it has been going up.

I found, when I was in Kentucky last week, there is substantial progress being made in clean coal technology that we could make better use of coal. In my own State, we have a nuclear plant but no place to put the nuclear waste. When I go out west, I see other sources being used. Wind is one example. The list is endless of the potential we have in this country. Yet we are not using it.

I wonder if the American people think we have a shortage of energy supply. I ask the distinguished chairman of the Energy and Natural Resources Committee, do we have a shortage? If we don't, why are we importing 56 percent of our energy needs from the OPEC countries of the world? I think this is totally indefensible.

Mr. MURKOWSKI. I think our national energy security interest is at risk. We fought a war over there to keep Saddam Hussein from invading Kuwait or going into Saudi Arabia. At what point do we compromise our national security? I think if we see fit to fight a war over it, it is pretty important. As the Department of Energy predicts, in the year 2006 or 2007, we will be in the high 60s, 60-some-odd-percent dependent on imports.

We have tremendous reserves in the Gulf of Mexico. We have reserves in the overthrust belt in my State of Alaska and tremendous resources of natural gas in Mississippi and Alabama, Texas, Louisiana. We have these resources. We have the technology to develop them safely. We have had a difficult time, perhaps, convincing the environmental community that we can make a smaller footprint. We can do a better job. And we have the American ingenuity and commitment to do it, if given the opportunity.

Many of these areas have been closed for exploration and development.

Mr. LOTT. Mr. President, as I go around the country and around my own State, more and more people are bringing this subject up to me. People are complaining about gasoline prices. They are complaining about their electricity bills or their natural gas bills. Out in the real world people seem to be concerned about it and mad about it, but when I come back here, I don't get the sense of urgency. In fact, there are a lot of people who seem to think all we need to do with our energy problem is provide more incentives to weatherize our houses, which is fine, and provide more money for the Low Income Home Energy Assistance Program, money that we give to low-income individuals to meet their heating and air-conditioning costs.

Now, I emphasize that while those are both fine in this bill, they are not an energy policy. The answer to the energy shortage is not for the Federal Government to pay the additional cost of not having an adequate supply.

So I commend the Senator for including those provisions in his bill. It is comprehensive. He has more incentives for exploration and conservation, for alternative sources, and for low-income needs. I look forward to us actually getting to the floor and having a full debate and amendments.

If we complete this year not having passed a major national energy policy bill, it is going to be a big mistake, a tragedy. I think it is the biggest threat to our future economic prosperity. If we don't do this now, we could be in danger because there won't be the power to run Silicon Valley or new automobile manufacturing plants or anything else. There will be shortages, and that will be a mistake for our future economy.

I thank the Senator for yielding. I wanted to engage in a little bit of a discussion about when we are going to take this up.

Mr. MURKOWSKI. Mr. President, I appreciate the remarks of the majority leader. I thank him for his commitment and enthusiasm to make sure this legislation is of the importance that it obviously is as we look at the situation in California. We just recognize, for example, we have huge resources of coal in this country—huge resources. We have the technology to clean that coal and reduce emissions. We haven't built a new coal-fired plant since the mid-1990s. Why? We could not get a permit, for all practical purposes. All the emphasis has been on natural gas.

If you are going to generate electricity, you get natural gas. It is becoming short in the sense that our reserves that are attainable are being pulled down very rapidly. So we are going to have to find, if you will, new reserves. We have the Gulf of Mexico, with the technology, drilling in 3,000 to 6,000 feet of water. While there is a risk associated with that, they have new technology virtually reducing that risk to a large degree, so it is manageable. I think we have to convince our environmental friends we do have the technology to make the footprint smaller, to do a better job, and to get on with the reality that we can't conserve our way out of this energy crisis. We have to simply produce more energy and sustain ourselves with new technologies, renewables, alternatives, and we have to conserve.

Nevertheless, when you talk about solar panels, in Alaska, sometimes it gets dark in the winter for a long time. The wind doesn't always blow like it does in Washington, DC, or sometimes in this Chamber. Nevertheless, when you and I leave here, we have to have jet fuel in that airplane, not hot air. I think it affords us the responsibility that we have to come up with some meaningful legislation.

If the majority leader would care to speak at this time, I am happy to yield the floor on this matter. I would appreciate being recognized upon the conclusion of his remarks.

Mr. LOTT. Mr. President, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil producing nations. America's dependence on foreign oil directly threatens our national security and our freedom. However, before you blame your neighbor's SUV, your local fuel distributors, the oil companies, the automakers, or any of the other usual scapegoats, consider this fact—America is one of the leading energy producing countries in the world. This country has the technology, alternative resources and enough oil and natural gas to be much more self-sufficient. America does not have to revert back to the practices of the 1970s.

This country is faced with a very serious problem. Our nation's's farmers are being hit hard—due to the cost of home heating bills, farm fuel costs, gasoline, and the impact of the crisis on the fertilizer industry. For obvious reasons, the transportation industry is also seeing a significant hit in air cargo and passenger transportation, intercity bus, trucking, and rail transportation. This in turn affects the tourism industry. Rising oil prices impact more than just energy costs. They are absorbed into a wide variety of goods causing a general increase in consumer prices. This cost increase threatens the engine of the nation's economy, our nation's small businesses.

All of this is simply because of the lack of an energy policy. As a result, U.S. crude oil production is down significantly, as consumption continues to rise. America now imports over 56 percent of the oil it consumes—compared to 36 percent at the time of the 1973 Arab oil embargo. At this rate the Department of Energy predicts America will be at least 65 percent dependent on foreign oil by 2020.

The National Energy Security Act of 2001, which we are introducing today, seeks an overall goal: To enhance national security by reducing dependence on foreign energy sources while protecting consumers by providing stable supplies at affordable prices. It provides incentives for the use of natural gas—a fuel which can burn cleanly in internal combustion engines, and which is abundant within our own borders—especially in the Gulf of Mexico. It also calls on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells, and the billions of barrels of oil we have in Alaska. Likewise, this measure does not ignore the use of renewable energy resources such as solar power, hydro-power, or wind power. However, Congress must acknowledge that America cannot realistically run only on renewable energy resources. Coal, oil, and natural gas remain our most abundant and affordable fuels, and they can be used in environmentally sound ways.

Some 55% of the electricity generated in the United States comes from coal-fired steam generating plants. Coal can make a significant contribution to U.S. energy security, if the environmental challenges of coal-fired plants can be met. This legislation will provide credits for emissions reductions and efficiency improvements. It will also provide a tax credit on investments in qualifying system of continuous emission control installed on existing coal-based units.

Congress must provide incentives for independent producers to keep their wells pumping, as well. Tax credits for marginal wells will restore our link to existing oil resources, including many in my home state of Mississippi. These wells are responsible for 50% of U.S. production.

We also need to increase the availability of domestic natural gas, which is the clean alternative for coal in electric power plants. Federal land out West may contain as much as 137 trillion cubic feet of natural gas. Similarly there is Federal land in Alaska which is estimated to contain 16 billion barrels of domestic crude oil None of these facts should be surprising.

There has to be a solution to this problem. Some would say that all we need to do is improve energy efficiency and reduce energy consumption. While there is a place for energy efficiency incentives in developing a natural energy policy, we must not starve our economy of the energy it needs to maintain and improve our standard of living. In the long run, a national energy policy that looks at all realistic sources of energy must be developed.

This is not the 1970s, America has better technology, more efficient and cleaner automobiles as well as more energy options. The question is: How long will we forgo these options and be held hostage to nations abroad or extremists at home? Millions of Americans are enduring mandated power outages because of lack of power infrastructure or are stuck with bigger heating bills due to increased demand and limited production of energy. America must tap the vast resources we have. If not, those bills are just going to get bigger, and those outages will occur more frequently. America can solve its energy problems but Congress must act in the interests of the entire nation, rather than a select few. America badly needs a comprehensive, but realistic, national energy policy, and we need it now.

Mr. President, again, as we have been discussing, today's fuel prices are a daily reminder that America is now at the mercy of foreign oil-producing nations. America's dependence on foreign oil directly threatens our national security and our freedom. We need to think about that and recognize it.

The situation we have seen in California is not going to be unique, and it is not just going to apply to the Midwest or the Northeast. This is going to be a national problem. It is going to affect our economy and our future security.

When we have the possibility that Iraq can cut off part of our oil supply, and maybe involve other Arab OPEC countries, that is extremely dangerous. Yes, we have SPR, the Strategic Petroleum Reserve, but only enough for a few days—perhaps a few weeks—at which point we would be on our economic knees and in danger from a security standpoint.

A lot of people want to blame something else: Oh, it is your neighbor's SUV; it is your local fuel distributors who are gouging you; or the oil companies are doing it because they want to make more money; or the automobile manufacturers can produce automobiles more fuel efficient. Perhaps they can, and I hope they will continue to make our automobiles better and more fuel efficient all the time, and they have been doing that.

There are any number of scapegoats. Before we do that, we should stop and realize America has plenty of energy sources. It is just that we are not using them or getting them out of the ground, and we are not taking advantage of the alternative fuels the way we should. We have the technology. That is why I specifically mention this clean coal technology. I am sure the distinguished Senator from West Virginia could tell you about it. There is a plant over here in Maryland that is using, I guess, a forward-leaning experimental basis—clean coal technology. We should explore that to the greatest extent possible. That is a resource of which we have a large supply. It is all across the board. Yet there are many in this country who say let's just revert back to the 1970s; let's just go with conservation; let's not worry about supply. I think that is a problem.

Our Nation's farmers are being hit hard. They are paying higher prices for farm fuel costs, heating bills, gasoline. That is affecting the fertilizer industry. For obvious reasons, the transportation industry is seeing a significant hit in air cargo and passenger transportation, intercity buses, trucking, and rail transportation. It has affected the entire economy already. Indications are—and perhaps the Senator from Alaska has already noted this—that the current oil price situation has already spiked up the CPI by four-tenths of a point. That is huge. But you don't have to be a rocket scientist to figure out how that would be happening because of the rising oil prices and the impact they have on energy costs across the board.

It is affecting consumer prices, and small businesses are also being hit. All this is simply because of the lack of a national energy policy. We thought we confronted this problem back in the 1970s when we had the long lines at gasoline stations. Remember, I think they had marathon sessions here in the Senate. We took action and we thought that would not happen again. We didn't do enough. America now imports about 56 percent of the oil we consume compared to 36 percent at the time of the 1973 Arab oil embargo. At this rate, the Department of Energy predicts America will be at least 65-percent dependent on foreign oil by 2020. That is extremely dangerous.

The National Energy Security Act of 2001, which we are introducing today, seeks an overall goal: To enhance national security by reducing dependence on foreign energy sources while protecting consumers by providing stable supplies at affordable prices. It provides incentives for the use of natural gas—a fuel that certainly burns cleaner than some of the types that we have now—where we have an abundance of it within our own borders, especially in my own area of the Gulf of Mexico. It calls on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells.

We have billions of barrels of oil that are available in these marginal wells and certainly up in the Alaska area. There are those who say: No, we can't open up ANWR or some areas on the west coast, areas on the east coast.

We could have everything environmentally pure, but we may not be able to have the energy supplies we need to run this country or to heat our homes or fuel our farmers or our economy generally.

We should also look at alternative sources such as solar power and hydropower, which is something we rely on in this country. We see a problem up in the Northeast, and because it has been a light year for rain and snow in the Northwest and in States such as Idaho, Oregon, and Washington, they have a potential problem there.

Some 55 percent of the electricity generated in the United States comes from these coal-fired, steam-generating plants, as I have indicated. Coal is something we have an abundance of, and with some more tax incentives, we can continue to make progress in coming up with new systems that will provide tremendous rewards for us.

I understand the natural gas area we have in the West is as much as 137 trillion cubic feet. It is estimated that we have 16 billion barrels of domestic crude oil in Alaska. None of these facts really should be surprising. We have known it, but we have not been serious about taking advantage of what we have there. We can do all this while protecting the environment.

I realize this is something you can't apply to every situation, but in the Gulf of Mexico, an area I am familiar with regarding oil and gas exploration—I live right on the gulf. I look out on the Gulf of Mexico. It is a wonderful sight and one of the most peaceful things I do. I sit on my front porch in a rocking chair and look at those gulf waters to my left toward the Alabama State line.

Not long ago, there was a natural gas well pumping away and doing fine. A couple of times they had to flare it, and at night it was a beautiful sight. They have done what they wanted to do with that well and have moved on.

As Senator MURKOWSKI has said, more and more of these oil and gas rigs are moving to deeper and deeper water. They drill now in such a way that they know what they are going to hit. They know where it is, and they can do it in 2,000, 3,000 feet of water. It is amazing technology.

Have we ever had an incident in my home area? No, never have we had an incident with an oilspill at a rig or with natural gas. The most dangerous thing we have is a Chevron refinery. Big ships come in and have to offload on to smaller ships. They bring those smaller ships into the harbor and port and offload them at the refinery. They, too, have been successful in not having incidents that have caused environmental problems, but there is more of a risk bringing in foreign oil from big boats to smaller boats to the dock than there is to drill for oil and gas.

Also, the best fishing in the gulf is around the rigs. Ask the people who live there. They will tell you it has been a tremendous boon to fishing. You catch the biggest fish right around the oil rigs off the coast of Louisiana and off the coast of Mississippi. This is a personal example.

We can have oil and gas exploration, protect the fish and wildlife, and do it in an environmentally safe way. I hope we will develop this overall policy. We can pick it apart. Some people are going to say: Oh, no, we can't open up ANWR. It is always interesting to me that the people who say we cannot do it are the people who do not live there. The people who live there think we can do it and do it in an environmentally sound way.

There will be those who object to that and maybe try to defeat it. Others will say we shouldn't give incentives to get these margin wells in operation. Others will say the Federal Government should not be involved in paying people's utility bills.

If we pick it apart piece by piece, we will wind up with nothing or a skeleton, and we will not have a national energy policy. If we do that, I predict, today on this floor, within the next 5 years we are going to have a disastrous energy supply situation in this country. We have an opportunity to do something about it this year in a bipartisan way that will be good for every region of the country and every group that might have an interest in energy policy.

I implore my colleagues in the Senate, and I call on this new administration: Let's step up to this. Let's not shrink from our own problems, desires, concerns, or knowledge. One thing that has always bothered me is if you know anything about a subject, if you know anything about energy, in this city you are disqualified; you have to be ignorant to decide what you need to do about the future energy needs of this country. That is a big mistake.

We have an opportunity with regard to our children's economic future. From a security and freedom standpoint, we must do this bill. I look forward to bringing it to the floor of the Senate for consideration by all Senators.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to Senator HAGEL.

Mr. HAGEL. Mr. President, energy touches every facet of our lives. Energy is serious business. America must have a national energy policy that ensures we have a reliable, stable, and affordable source of energy. This cannot be neglected. To do so leaves our Nation vulnerable on all fronts.

Energy policy ties together America's economy, our standard of living, our national security, and our geopolitical strategic interests around the world, and, of course, this Nation's future.

We have entered a period where low energy supply has met high energy demand. Oil prices have tripled over the last 2 years, hitting a high last fall of nearly $40 a barrel—the highest price since the buildup to the Persian Gulf war in November 1990.

Last Friday, the price of a barrel of oil was $29. This winter, California has endured severe disruptions in the supply of energy as a result of many factors, mostly a wrong-headed deregulation effort that left the market incapable of adapting to the imbalances between high demand and low supply.

We are also seeing the impact of a combination of record high natural gas prices and a harsh winter. Consumers all across the country are being hit with double and sometimes triple the energy bills they had last winter. It is very difficult for many families to absorb this shock to their budgets, and they cannot go without heat. We have increased the Federal funding for the Low-Income Home Energy Assistance Program, LIHEAP, to assist families in the short term. But the real answer is a long-term change in policy.

High energy costs ripple through the economy. Price spikes send a shock through the economy, increasing prices for everything that uses energy, and that is everything. They drive up inflation.

An analysis last year by the Heritage Foundation found that high oil prices would cost the average American family of four more than $1,300, decrease consumer spending by nearly $80 million, and cost our economy almost 500,000 jobs over the next 2 years.

In the United States, a slowdown in economic growth due to higher energy prices will have a negative impact on our Federal budget. The assumptions for projected Federal budget surpluses over the next 10 years do not take into account what would happen if high energy prices, energy shortages, or energy rationing stalled our economy. Where then would be our proposals to finance new prescription drug plans for Medicare recipients, provide more funding for education, grapple with the restructuring of our entitlement programs, and much needed funds to improve our Nation's military? The money needed to fund these areas of our Federal budget and pay down our national debt would have gone up in smoke—literally gone up in smoke.

Energy policy has broad national security implications for the United States because we are so reliant on foreign sources for our supply of crude oil.

During 1973, at the peak of the energy crisis, we relied on foreign sources of oil for 35 percent of our domestic supply. Since that time, we have become more, not less, dependent on foreign oil. Today we import about 57 percent of the oil used in the United States. Petroleum accounts for one-third of the U.S. total trade deficit. Who are we kidding?

Our reliance on foreign oil leaves the United States vulnerable to the whims of foreign oil cartels. Should something happen to threaten this supply, we cannot turn on the spigots in the United States overnight; we are literally blackmailed; we are literally captive to outside energy sources.

A tight oil market gives additional leverage to individual oil-exporting nations and tyrants. Half the world's spare production capacity right now is in Saudi Arabia. Iraq, whom we bomb by night and who imports oil by day, is now one of the fastest growing sources of U.S. oil imports.

Our allies would be more vulnerable to threats from oil-producing nations because they are even more dependent on foreign oil. America and its allies must never allow themselves to become political hostages of energy supplier nations. This could lead to international blackmail and dangerous, unpredictable world instability.

We drifted through the last 8 years without an energy policy, content to sit back and enjoy a good economy and take credit for that economy, but unwilling to prepare our Nation for the difficult challenges ahead and make the hard choices necessary for energy independence.

When this crisis arose last year, the Clinton administration had no solution or strategy for how to deal with the problem. The policies of the last administration served to discourage and at some points actually completely shut off domestic oil and natural gas production. Over the last 8 years, we have seen millions of acres of possible exploration areas for oil and natural gas completely taken off the table. While oil consumption in the United States has risen by 14 percent since 1992, U.S. crude oil production has declined by 17 percent. Over the last 4 years, 58,000 wells were shut down.

What do we do about this? What can we do to address this problem? We must pursue a comprehensive energy policy that decreases our reliance on foreign oil by increasing the safe and environmentally sound production of our domestic oil and gas resources and by developing a more diversified supply of energy sources.

We cannot wait for the next crisis to decide what we will do. Natural gas demand is estimated to grow by 30 percent over the next decade. Shutting off the lights and increasing efficiency won't begin to make up for the increased demand. We need a greater supply of energy.

We must develop a national energy policy that meets the present and future needs of our country. I am pleased today to join Chairman MURKOWSKI and my colleagues in introducing the National Energy Security Act. We must increase our production of energy.

This legislation will help ensure an affordable, reliable, and diversified domestic supply of energy. We must also focus on becoming more efficient in our use of energy. Conservation is important. This bill will help make energy prices less volatile and alleviate the impacts that the wild price swings have on the national economy. It will reduce our reliance on foreign oil.

The United States must seek to further diversify its energy resources portfolio. We must all learn the lessons of history and recognize that we should not be focusing our energy needs in one area but must have a diversity of sources of energy to meet those needs. The bill we are introducing today promotes alternative fuels for vehicles, it encourages the production of traditional sources of energy, and advances cleaner technologies for the future. It encourages the development of biofuels, geothermal, hydropower, clean coal, and other energy options. For the United States to protect itself from the whims of international oil cartels and tyrants, we must harness and develop as many of our renewable energy resources as possible. This bill also increases funding for LIHEAP by $1 billion to ensure that low-income families will not have to choose between heating their homes and feeding their families.

And, yes, part of the solution includes opening the Arctic National Wildlife Refuge to exploration. Drilling in ANWR has been used to portray the Bush administration, and those who support opening ANWR to drilling, as anti-environment. What strikes me odd about that line of argument is that it is faulty. It is faulty for many reasons. One of the most important among them is that most countries from which we import our oil now have very little regard for the environment. You look at some of these foreign oilfields around the world and you see total destruction of the environment, no regulation, no laws, no respect for the wildlife and the land on which they drill.

A study done by the Interstate Oil and Gas Compact Commission found that U.S. producers spend almost $3 billion annually, or roughly $2 a barrel, to comply with environmental regulation in the United States. I doubt that one-tenth of this is spent on environmental regulations in all the other oil- and gas-producing countries combined. Who is taking care of the environment and who is not taking care of the environment?

So if environmentalists are truly concerned about the worldwide environment, it would seem to me they would want every possible drop of that oil and natural gas to be found in the United States to be pumped and drilled under safe environmental regulations imposed by State and local governments, the EPA, the Federal Government, the U.S. Fish and Wildlife Service.

We are all concerned about the environment. We have led our Nation far too long without a comprehensive energy strategy. The President and Congress must immediately address America's need for a strong, defined national energy policy. It underpins our national independence. Energy independence underpins our national security, it underpins our economy, our standard of living, our trade, our role in the world, and the future for our children. Our Nation's future is directly connected to energy capacity. If we fail this great challenge, we will leave the world more dangerous than we found it. That is not our heritage. This will require bold, forceful, and intelligent leadership. We can do this. We will do this. This is America's heritage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Nebraska for his candid statement, particularly when he focused on the lack of sensitivity in the oilfields of much of the world. Yet we depend on the oil coming from there. We don't seem to have any regard for how it is produced or the sense at this time of the environment. We take it for granted and somehow just ignore that we have the responsibility because we are addicted to foreign oil and yet we accept no responsibility for the environment. I commend him for that observation. I thought it was very pertinent.

Mr. President, I ask unanimous consent that a list of the participants in the press conference on the National Energy Security Act of 2001, including the Campaign to Keep America Warm, Interstate Oil and Gas Compact, National Association of Regulatory Utility Commissioners, Small Business Survival Committee, National Association of Manufacturers, Association of Home Appliance Manufacturers, National Association of Neighborhoods, Fertilizer Institute, Edison Electric Institute, Printing Association, United States Combined Heating, American Gas, Washington Gas, Nuclear Institute, American Forestry Society, American Forests, American Institution of Architects, National Association of Home Builders, Air Transport Associates, Society of Independent Gasoline Manufacturers, National Association of Realtors, the Coalition for Affordable Renewable Energy, National Pumping and Heating, American Highway Users, National Restaurant Association, U.S. Oil and Gas Association, National Association of Convenience Stores, the National Refiners Association, the Independent Driver's Association, all who were in attendance and represented at the press conference where we discussed the introduction of this legislation this morning, be printed in the RECORD following my remarks relative to the introduction of this legislation. I also ask unanimous consent that a letter of support from the Teamsters be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MURKOWSKI. Much has been mentioned of one facet of this legislation. I refer to the ANWR area. I also want to add that while we have not sought cosponsors, there have been many who have come to the floor today or have contacted me. As a consequence, I think it is important to add my senior colleague, Senator STEVENS, even though I have not been able to contact him, so I condition that. But I don't want him to think we haven't thought of him. I add his name.

I will identify on the first map, to get a feeling for ANWR and what it is all about, I will demonstrate what part of Alaska comprises ANWR. It is 2½ times the size of Texas. Nevertheless, it is a big, big piece of real estate. This area on top is called ANWR. It in itself is about the size of South Carolina. It is 19 million acres. Notable on this map are the colored areas which are Federal lands.

The reason it is appropriate to reflect a little bit, I hear the quotation, why can't we have some area of wilderness that is as it always was, with no footprint of any kind? And the justification of ANWR, indeed, is it fits that description.

That is hardly accurate. If we look at another map shown in the scope of reality, we see the small portion of Alaska that is known as ANWR is 19 million acres, and we have set aside 8 million acres in wilderness and 9½ million acres in refuge, leaving 1½ million as a coastal point, which is the only area disturbed if drilling is authorized by the Congress of the United States.

These land designations were made in about 1980. They are permanent. The wilderness will remain the wilderness, 8 million acres, the 9.5 million acres will remain in the refuge, leaving the small area open for exploration.

The difference is the geologists say this is the most likely area where a major oil discovery might be made in North America, and they indicate 10 to 16 billion barrels, equal to what we import from Saudi Arabia.

The other fallacy not noted is there is a footprint there already.

There is a village. There are about 227 Eskimo people who live there. This is their airstrip, hangars, schools. This is a picture of the children going to school, happy, Eskimo children. It is a pretty bleak outlook because it is winter there about 10 months out of the year.

I want to show this major map again. When we talk about this area the size of the State of South Carolina, 19 million acres, and take it down to 1.5 million acres here—here is Kaktovik. The picture just appeared. To suggest there is nothing there is misleading. This is the radar site. This is the village. The airstrip is over here. The footprint is really there. That is what is in this area of ANWR. The rest of it, as I indicated, is a refuge or wilderness. I might add, we have about 118 refuge or wilderness areas where we are producing oil or gas. To suggest this is unique begs the issue. It is unique, but you have to keep it in perspective.

For those who say, why don't we have some area of wilderness that has not had any footprint, let me show a couple. In our State of Alaska, we have 59 million acres of wilderness. This is the Gates of the Arctic here, which is a little over 8 million acres. That is it. You can wander through it. It is designated "wilderness." You can view it for its beauty or its harshness.

We have another area here in the Wrangell-St. Elias area. We have some almost 11 million acres of wilderness in this area. To suggest this is the last wilderness is hardly respecting reality. I want the record to note that because many of my colleagues are under the opinion this is the only area left.

Let me conclude with a couple of other items that I think are relevant to this particular issue. To give some idea, Wrangell-St. Elias is much bigger in wilderness than is ANWR. The Gates of the Arctic, as I indicated, are about 8 million acres.

To give some idea of the extent of the efforts to accommodate the wildlife, this is an article entitled "Bruins Brewing? Polar bears apparently booming on stretch along Beaufort Sea."

It further states:

> Beaufort Sea area's polar [bear] population could be in excess of 2,500.

Some will suggest the polar bear den in ANWR. The polar bear don't den in ANWR, they den on the ice. There are a few that do winter there, but the most significant thing about what we do with the polar bear is we don't allow hunting of the polar bear. If you are a Caucasian, you cannot take a polar bear. You can in Russia or Canada, but you cannot take it in the United States because it is a marine mammal and is protected. The Native people take a few for subsistence. To suggest somehow we are going to decimate the polar bear is again mythical, a story, not made up of any scientific fact.

The idea of spills in the area—let me show the Prudhoe Bay area, because it represents the old technology. The oilfield is here with the caribou. There is the pipeline. There are the caribou. You have seen it before, Mr. President. Those are not stuffed animals. They are browsing around because there is nothing that will harm them.

If you spill a pint of oil from your transmission, it has to be reported. If you spill water, it has to be reported. We have very stringent environmental laws and regulations to ensure we reduce to a minimum the exposure.

I also want to show another picture of the wintertime and what some of the animals are acclimated to. Because it is easier to walk there, they walk on the pipeline. They are walking on the pipeline because it is easier to do that than it is to walk on the snow. These are actual photographs. It is not anything that was put together.

Let me also show pictures of what it looks like building the area in the wintertime where we have the rough and rugged tundra. In the winter, it is very bleak. There are about 10 months of winter a year. Here is the technology used to develop the oilfields. We use winter roads made of ice.

Again, it is new technology. Here is the same picture in the summer. It is about a 2-month summer. You can see the footprint is very manageable.

My point going into this detail is that those who criticize give very little credit to the advanced technology that we have, the ability to find oil and make a very small footprint.

The justification for going into ANWR is that geologists tell us that is where a major find is more likely to be made than any other area. They suggest somewhere in the area of 16 billion barrels.

As we look at what I think are some of our inconsistencies, let me remind you that we are now importing 750,000 barrels from Iraq. We fought a war over there in 1991. We lost 147 lives. The significance of depending on that source, I think, suggests we are compromising our national security. I say that realistically because the other day we noted we took a very aggressive posture, bombing some of the radar sites in Iraq up near Musel to take them out because we thought they were hindering our efforts to enforce a no-fly zone. What they did not tell you was there have been about 20,000 sorties since 1991–1992, at great cost to our Government, enforcing the no-fly zone.

Just what are we doing? If I can simplify our policy, we are importing 750,000 barrels of oil from Saddam Hussein. We give him payment for that oil. We take the oil, put it in our planes, and go bomb him. Maybe I am missing something. What does he do with our money? He takes our money and, in effect, takes care of his Republican Guard, which keeps him alive. He also develops a missile capability and a delivery capability and biological capability. At what is it aimed? At our greatest ally, Israel. Maybe I am being overly simplistic, but if you think about it, that is about what happens.

At what point do we sacrifice our national energy security interests? What we have done in this legislation which we have introduced today—I see Senator CRAIG on the floor—we are attempting to reduce our dependence to 50 percent or less, instead of increasing it. As the Department of Energy says, by the year 2005 or 2006, we will be close to 60 percent. At what point do we compromise totally? At what point are we becoming so dependent on the Mideast nations that we no longer have any leverage left? They can control the supply. They can control the price.

We are not going to eliminate our dependence, but we can reduce it. I see the U.S. Coast Guard reducing its mission capability for rescue and fishery patrol because of the increasing costs of fuel, which limits their mission capability. I ask unanimous consent this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Coast Guard Cuts Back on Patrols To Save Money

Kodiak (AP).—In an effort to save money, the Coast Guard has shaved five days off the cutter Storis next patrol of fishing grounds.

The Storis was due to leave Friday to patrol Alaska's domestic fishing grounds, including the Aleutians and the Bering Sea, and make routine boardings of U.S. fishing vessels. But the 230-foot cutter will not get under way until Wednesday morning, said Cmdr. Ray Massey.

"Our Pacific Area Command decided to go ahead and keep them at the dock as a cost-saving measure," Massey said. "We're concerned that they get under way. They've missed several days of domestic boardings."

The Coast Guard has taken similar measures in the past, Massey said. This time the Alaska command is trying to close a 10 percent cut in the operational budget.

"This budget struggle is based on the high cost of fuel and the mandated increases in salaries," Massey said.

The Department of Defense raised military wages 3.7 percent Jan. 1, but did not adjust the Coast Guard budget.

Cutters spend 45 days at sea when they are on standard patrol duty. It costs roughly $3,500 an hour when cutters are under way, Massey said. Multiplied by 24 hours, a few days tied to the dock results in savings of about $84,000 a day.

"We need a supplemental budget increase," Massey said.

The delay does not affect Coast Guard search-and-rescue operations, with helicopters and the 378-foot cutter Mellon on the grounds in the Bering Sea, he said.

The delay also did not disappoint most of the crew on-board the Storis, according to seaman Frances Jiannalone.

"It was like a total surprise. We were just about to get under way, I'm talking 10 minutes, and I answered a call. They asked if we were about to get under way. I said yes, and they said, 'Well, that's all about to change,'" Jiannalone said.

He said the captain announced the delay 10 minutes later.

Mr. MURKOWSKI. When that happens, it affects all of our capability as well.

When we look at the dreaded situation in this country relative to what has happened in California, we realize that some of our aluminum companies are not making aluminum because they have long-term contracts for energy and they are selling the energy. Urea fertilizer factories are no longer selling urea because they can sell the gas for a higher price than if they sold the product. These are inconsistencies that affect the very backbone of our Nation.

As we begin the debate on the energy bill, I encourage my colleagues who have heard from the environmental community that somehow this can't be done safely to recognize the responsibility on the national security interests of this Nation and to recognize the technological advances that we have made. For heaven's sake, come up and see for yourself. We have extended an invitation to Members of this body to come up to ANWR on the 30th or the 31st of March and the 1st of April. We extended that to spouses as well. Get an appreciation. Keep your mind open until you see it. Many of the Members, of course, tell me: FRANK, we understand you did open it. We really know that. But you know how it is with the environmental community if you argue against them.

What responsibility does the environmental community have relative to their responsibility to come up with some alternatives and recognize that we have an energy crisis? They simply say we can conserve our way out. You simply can't do it. We can do a better job of it. But we are an electronic society. We send e-mail and use our computers. The reality is we have to do better. We have to use alternatives. But you can't conserve your way out of this.

The reason I am going into this at some length is ANWR becomes somewhat of a lightning rod because it is a cause, if you will, for the environmental community. They need a cause. They need a cause that is far away where the American people can't really see it for themselves and that the press really can't afford to go see. As a consequence, it generates great membership, great dollars, and the fear that somehow we can't do this. Yet in Prudhoe Bay, we have had 30 years of experience and 30 years of technology. The footprint now is estimated—as you move from this technology 30 years ago over to this area on the map of ANWR—out of this million and a half acres up here in the Coastal Plain, which is the only thing we are talking about —we are not talking about this because this is a refuge—we are talking a footprint of roughly 2,000 acres. That would be the footprint if the oil is there in the volume.

I encourage my colleagues to keep the discussion and the debate within the parameters of facts as opposed to emotions. To suggest that somehow we do not have the technology to take care of the Porcupine caribou herd is ridiculous. We only allow drilling in the wintertime as a consequence of the caribou calving. We have improved the central Arctic herd.

People ask, Is this energy bill going to be compromised by ANWR? Is that the backbreaker? I hope my friends in this body and in the environmental community recognize that we have a responsibility to address an energy crisis, and by passing this legislation including ANWR, we are going to be able to reduce our dependence on imported oil to less than 50 percent within a reasonable period of time.

Some people say it is going to take you 10 years, if the oil is there. That is absolutely ridiculous. We have a pipeline 45 miles from Prudhoe Bay. It only needs another 25 miles, and we could have this area open in less than 3 years to have oil flowing, if indeed the oil is there.

Some people say, Senator, it is only a 6-month supply. That is a bogus argument. That assumes there is not going to be any other oil produced in this country for 6 months; all of it will stop.

You can turn that thing around, and say, well, if we don't develop it, then the United States is shortchanging itself with a 6-month supply for all the trains, airplanes, and all the boats. It is a ridiculous argument, if the oil is there.

Remember Prudhoe Bay. This area has been producing 20 percent of the total crude oil produced in the United States for the last 27 years. At one time it was 25 percent. That is the factual record.

Please keep this in mind. If you want wilderness, we have 59 million acres of wilderness in our State, and more than all the States put together. We are proud of it. But to suggest that somehow you are going to jeopardize this 19 million acres by initiating some drilling in 1½ million acres just doesn't fly with reality.

We must have an opportunity to debate some of these environmental groups that put fear in some of my Native people. These people who live in this area, whether they be the Eskimos on the North Slope or the Gwich'in people, are proud people and look for a better way of life and opportunities.

In Barrow, I always recall one friend of mine who said: Senator, I used to come to school to keep warm.

I said: What do you mean?

He said: The first thing I did when I got up and left our sod home was to go out and pick up driftwood. There were no trees. That would be driftwood floating down the McKenzie River and lying around on the beach. He said: I came to the Bureau of Indian Affairs school to keep warm.

Then we look at Barrow today. They have the most beautiful school in the United States. They have an indoor recess area because they have the taxing ability to improve their lives, to give them an alternative lifestyle where every child has an opportunity for a full paid college education, if they wish it. There is no where else in the country with that.

Then we have the Gwich'in people in Old Crow and other areas in Alaska down near the Fort Yukon Arctic village. I have been in the area and have met the people. But there is the group that the Gwich'in Steering Committee has put the fear into that somehow these people will lose the Porcupine caribou herd if, indeed, there is development in this Coastal Plain.

This is kind of interesting. This is the U.S. This is Alaska. This is Canada. This is the migration route of the caribou. They have a wide range. They come up here and calf sometimes in the Coastal Plain, and sometimes not. But, in any event, they cross a highway, the Dempster Highway. All these little marks are wells that were drilled in their path. They did not find any oil so they made a park out of it. That is fine. But somehow we have seen the environmental groups—the Sierra Club, Friends of the Earth, the Wilderness Society—fund this effort to basically suggest to the Gwich'in people that their lifestyle and their traditions will be lost, and their dependence on the Porcupine caribou herd will be lost if indeed, this development takes place.

There is another group of Gwich'ins who are looking forward to having job opportunities and so forth. Time and time again, they have been invited up to Barrow to meet with the Eskimos to see what the ability to tax oil and oil facilities has meant to their lifestyle. Each time the journey is cut short by the pressure of the Gwich'in Steering Committee. You have to be careful who you are talking to when you talk of the Gwich'ins because there are two different people. One of the groups—the Gwich'in Steering Committee—is funded by a significant portion of America's environmental community. And one more time: For what reason? Because they need a cause. Their cause generates membership, dollars, and is so far away that it can't be evaluated on its own merits.

That basically concludes my remarks on this particular aspect of the energy bill, which I think deserves some special attention since it has been identified time and time again.

I encourage my colleagues to give me a call if they have any further questions. I hope they will accept the invitation of Senator STEVENS and I to come up and visit the area. If not, we would be happy to meet their staffs.

I remind them that all of us have an obligation to meet our legitimate environmental concerns. We also have an obligation to address the national security interests of our Nation as far as our growing dependence on imported oil is concerned. This is an opportunity to relieve that in a very positive and meaningful manner.

I yield the floor.

EXHIBIT 1

NATIONAL ENERGY SECURITY ACT OF 2001—PRESS CONFERENCE PARTICIPANTS

Campaign to Keep America Warm: Jim Benfield.

IOGCC: Christine Hansen, Executive Director.

NARUC President and PA PUC Commissioner: Nora Mead Brownell.

KY Public Service Commissioner and Chair NARUC Gas Committee: Edward J Holmes.—"As Chairman of Naruc's Committee on Gas, my committee members and state public utility commissioners across the U.S. work with energy matters on a daily basis. I commend Sen. Murkowski's efforts in recognizing the need for federal legislation that institutes a comprehensive national energy policy including balanced reliance on all energy resources."

Small Business Survival Committee: Karen Kerrigan.—"This legislation, by increasing access to critical energy supplies and improving the infrastructure to move those supplies to consumers, will make for more reliable and affordable electric power and transportation fuel, which is essential to small business's economic well-being. Affordable energy is particularly important to small businesses which are extremely sensitive to price fluctuations and supply disruptions. For many small businesses, energy costs and reliable supplies are the difference between profits and losses."

Aluminum Association: Robin King.

The Fertilizer Institute: Ford West.

American Forestry and Paper Association: Hansen Moore.

U.S. Chamber of Commerce: Sally Jefferson.

National Association of Manufacturers: Mark Whittenton, Vice-President, Resources, Environment, and Regulation.—"With NAM calculations indicating that the rising price of oil and gas cost our economy more than $115 billion between 1999 and 2000, it is clear that energy problems will have ripple effects throughout the economy. Congress and the Administration must develop a strategic national energy plan to increase energy supply, improve energy efficiency and optimize all energy resources, including natural gas, oil and coal."

American Farm Bureau: Jon Doggett, Senior Director, Natural Resources and Energy.

Business Council on Sustainable Energy: Michael Marvin, President.

Plug Power Inc.: Jennifer A. Schafer, Director of Federal Governmental Affairs.—"Senator Murkowski is to be commended for his foresight in addressing the America's dire energy situation. We look forward to working with the Chairman and his staff to expand his distributed generation provisions to include residential fuel cell systems."

American Methanol Institute: Bailey Condrey, Jr., Director of Communications.—"The current energy situation underscores the need for a comprehensive energy policy that will encourage the use of alternative fuels and alternative fuel vehicles and technologies."

National Association of Neighborhoods: Ricardo Byrd.—"Energy is the lifeblood of America's neighborhoods: it heats, lights and powers our homes, providing for our most basic needs. We are witnessing this winter the devastating impact on our neighborhoods—particularly on seniors, poor and hardworking families—of the failure to have a comprehensive national energy policy."

Edison Electric Institute: Lynn LeMaster, Senior Vice President.—"U.S. energy policy should focus on assuring adequate domestic energy supplies, renewing and expanding our energy transportation infrastructure, assuring adequate electricity generation and a diverse fuel generation mix, improving energy efficiency, encouraging investment in new technology and providing energy assistance to low-income households. The Murkowski bill addresses all these concerns."

Printing Industries Association: Wendy Lechner, Senior Director, Federal Employment Policy.

ASAP Printing, Alexandria, VA.: Joe Brocato, Owner.—"In representing the 14,000 members of the Printing Industries of America (PIA) here today, I strongly support improving and increasing domestic energy sources and encouraging energy conservation. Printing companies like mine are fairly significant users of energy resources. As energy prices continue to increase, I worry about the effects. Do I raise prices and harm my relationship with my customers or will I be forced to let go long-time, loyal employees? Neither choice is a good one. A well thought out national energy policy is needed and needed soon."

United States Combined Heat and Power Association: John Jimison, Executive Director.—"We believe that this is a critical time for Congress to confront comprehensively the nation's energy imperatives—the need for adequate supplies of electric and thermal energy at competitive costs with short lead-times, maximum fuel efficiency, high reliability, and minimal environmental impact, in a market open to all participants."

American Petroleum Institute: Red Cavaney, President.

American Public Gas Association: Burt Kalish.

American Gas Association: Dave Parker, President and CEO.—"To meet consumers' strong demand for natural gas in coming years, we commend Senator Murkowski for sponsoring this important legislation, which calls for a comprehensive review of natural gas resources, expansion of the pipeline delivery system and development of energy-efficient technologies."

Questar Gas: Nick Rose, CEO, Chairman, American Gas Association.

Washington Gas: James H. DeGraffenreidt, Jr., Chairman & CEO.—"Authorization of significant, long-term LIHEAP funds and incentives to improve energy efficiency are clear benefits for our customers. Additionally, a national energy policy will benefit everyone by addressing the supply/demand relationship in a balanced and economically-efficient manner."

Nuclear Energy Institute: Joe Colvin, President.—"The energy policy proposed by Senator Murkowski is a well-crafted framework to build a brighter, better future for the American people. It recognizes the valuable role that nuclear energy plays in our country's diverse mix of energy sources, and it takes positive, practical steps to ensure a broad base of energy sources are available in the decades to come."

Association of Home Appliance Manufactures (AHAM): Joseph McGuire, President.—"The Association of Home Appliance Manufacturers applauds Sen. Murkowski for his leadership in helping develop a national energy policy. We support efforts to establish such a policy through measures aimed at energy supply, conservation and energy efficiency."

Natural Gas Vehicle Coalition: Paul Kirkhoven.—"We commend Senator Murkowski on his leadership by introducing the National Energy Security Policy Act. This bill, when enacted, will meet the energy needs of today's consumers and will promote the increased use of natural gas as a motor vehicle fuel."

American Propane Gas Association: Lisa Bontempo.

American Institute of Architects: Dan Wilson, Senior Director, Federal Affairs.

Association of Home Appliance Manufacturers: Joseph M. McGuire, President.

American Gas Cooling Center: Tony Occhionero, Executive Director.—"We commend the Chairman for his leadership in moving quickly to address the reliability and adequacy of our nation's energy system. As the legislation makes its way through Congress, we will work to ensure further peak demand reduction measures through inclusion of gas-fired cooling and additional on-site power generation."

Process Gas Consumers: Dena Wiggins.

Building Owners & Managers Association: Gerald Lederer, VP Government & Industry Affairs; Karen Penefiel.—"The federal government needs to enact a national energy policy which ensures all consumers have access to adequate supplies of reasonably priced energy. A building owner's "commodity" is a productive office environment, which is not an "interruptible service." Even a temporary (energy) shutdown can lead to major problems."

National Association of Home Builders: William P. Killmer, SR Staff VP, Government Affairs.

American Chemistry Council: Jim D. McIntire, Vice President.

Society of Independent Gasoline Marketers of America: Greg Scott, Counsel.—"SIGMA represents independent petroleum marketers who are deeply concerned about balkanization of the nation's motor fuels markets, retail price volatility, and the decreased overall supplies of gasoline and diesel fuel. SIGMA members are convinced the country can have clean fuels, environmental protection, and a sound national energy policy that increases overall supplies and competition."

National Association of Realtors: Doug Miller, Commercial Policy Rep, Gov. Affairs.

Competitive Enterprise Institute: Myron Ebel.—"Senator Murkowski's bill if enacted will re-establish the conditions necessary for the energy industries once again to be able to provide Americans with cheap and abundant, reliable energy, upon which our prosperity is based. For example, it will encourage environmentally-responsible oil and gas exploration and production on federal lands closed by Clinton and make it possible to build needed new pipelines and refineries."

National Association of Convenience Stores: John Eichberger, Director of Motor Fuels.—"NACS members sell approximately 60 percent of the motor fuels in the United States every year. NACS members are strongly supportive of a national energy policy that increases motor fuel production, provides clean motor fuels to our customers, and recognizes the important role that motor fuels play in driving our nation's economy.

The Coalition for Affordable and Reliable Energy (CARE): Paul Oakely.—"Senator Murkowski has taken the first step in the process of developing a much needed national energy policy. We support the development of a sound energy policy for America which takes full advantage of diverse domestic energy resources, including its abundant coal reserves, while striking a sensible balance among social, economic, national security, environmental and energy goals."

National Restaurant Association: Lee R. Culpepper, SRVP Government Affairs.

The National Petrochemical and Refiners Association: Bob Slaughter, General Counsel.—"The National Energy Security Act will strengthen America's refining infrastructure by refocusing public policy on the need to maintain and expand the nation's refinery capacity. This will help provide individual consumers with a stable supply of petroleum products at reasonable prices and petrochemical producers with predictable amounts of competitively-priced feedstocks."

Americn Highway Users Alliance: Bill Fay, Executive Director.

National Plumbing, Heating, and Cooling Contractors: Lake Coulson.—"PHCC is composed of almost 4,000 contracting business, many of whom are small businesses and are affected by the current energy situation. PHCC believes that the country needs an energy policy that will provide reliable energy and affordable prices for American families and businesses. PHCC-National Association supports efforts designed to improve energy efficiency and conservation. PHCC-National Association supports the installation and use of water conserving methods and products."

Owner Operator Independent Drivers Association: Paul Cullen, Government Affairs Representative.

Air Transport Association: Ed Merlis.—"Senior Vice President, Legislative and International Affairs. With jet fuel being our second highest expense item, airlines have felt the serious consequences of escalating energy prices, which raise airfares, particularly on leisure travelers. It is imperative that we develop a comprehensive national energy policy. Senator Murkowski's legislation is a strong, positive step in that direction."

Mr. CAMPBELL. Mr. President, today I am pleased to join my friend and colleague Senator MURKOWSKI as an original cosponsor of the National Security Act of 2001. This bill represents a significant effort to define our national energy policy and it will be considered shortly.

For years many Senate Republicans called on the previous administration to define our national energy policy. It is apparent that they never answered our calls. We all know that this bill must now be discussed and specific concerns need to be addressed. But, this is an important step to lay the foundation for our future energy plans.

We are a Nation that uses coal, oil, hydro power, natural gas and nuclear power. This cannot be disputed. But, the previous administration would not accept this reality. And, unfortunately, they tried to stand in the way of domestic oil production by locking up public lands. Now we are in a very good position with the current administration to build a secure energy policy which is long lasting, environmentally friendly and will decrease our dependence on foreign oil.

I am hopeful that this is just the starting point. Some organizations will have concerns with this bill, and I have some as well. For instance, Rural Electric Associations, commonly referred to as Co-ops, have concerns that I would like to see addressed, especially since such a big portion of my home state of Colorado is covered by Co-ops. I am confident, however that we can all come together, resolve our differences and construct a national energy policy that will ensure our future needs.

The National Security Act of 2001 is an important step forward to define our national energy policy, provide relief from our energy problems and promote domestic production so that our Nation can become more self sufficient for our energy needs. I urge my colleagues to come together to build our energy future.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Idaho is recognized.

Mr. CRAIG. Thank you, Mr. President.

Before I speak to the two pieces of legislation that Senator FRANK MURKOWSKI has introduced today, let me thank the chairman of the Energy and Natural Resources Committee for the leadership that he is demonstrating with the introduction of S. 388 and S. 389.

This country cries out for a clear, well developed policy for both the production and the transmission and/or shipment of energy that we clearly have found ourselves now lacking and in need of.

Every American is finally beginning to feel the pinch of energy; in this case, the lack thereof—whether it is at the gas pump, or whether it is in the power bill they receive monthly, or their space heating bill, or the cost of the goods that have a major component of energy in them.

The Senator has just concluded speaking about the potential of producing upwards of 16-plus billion barrels of oil domestically in our country in addition to what we already have. I will say—and I am sure I will say it more than once over the course of the next several months of debate—the ANWR issue is not an environmental issue. It never has been, and it never will be. It is a political issue.

The technology of today will protect that environment. When the oil is extracted and the wellheads are gone, it will hardly be noticeable that man, in the form of his modern technology, was there. This is a political issue by interest groups who need a cause. The Senator from Alaska has spelled that out well in the last few moments.

But I rise today in support of national energy and a National Energy Policy Act of the kind that the Senator has introduced today and of which I am a cosponsor. Clearly, this is the year when I hope Americans will insist and that we will respond with the development of a comprehensive energy policy.

We began to look at this anew in 1999. Back then, OPEC cut crude oil production to force up oil prices. We then had the luxury of very inexpensive crude oil. It worked. As you know, we saw our Secretary of Energy rushing off to the Middle East to beg them to turn their valves back on. While they did a little bit, they were destined to move crude oil from $12 a barrel to, at one point, a high of $32 a barrel last spring.

Our motorists—all of us—were worried about the increasing cost of gasoline, and truckers were concerned about rising fuel oil costs. Also, residential consumers in the Northeast watched as their home heating oil bills skyrocketed last year and remained extremely high through this winter.

In the past dozen months, the situation has worsened. Gasoline, fuel oil, and home heating oil have remained at a high premium. Natural gas prices have tripled to $6 per million Btu's from under $2 only a year ago. That is a tremendous increase in price. Natural gas production has remained static, even though the number of drilling rigs looking for gas has now tripled in the last year, as finally these unbelievable but very market-driven prices have resulted.

Further, natural gas in storage is just about a billion cubic feet—about half of what is usually in storage for this time of year. In other words, in that arena we are only half prepared. We simply cannot build the balance of the storage.

Further, natural gas is clearly costing the residential consumer an astronomical price—but beyond where the gas line goes, where you have to use bottled gas out in rural America for cooking, heat, and some space heat, there, once again, it has tripled; and even for the poorest of Americans, it is a cost they are finding very difficult to bear. Wholesale electric prices too have risen significantly.

Of course, we have all watched and been a part of—at least by action or by debate—the episode in California and the experimental, but very flawed, electricity deregulation effort that has produced an unbelievable high of nearly $300 for a megawatt hour in the spot market—$300 for a megawatt hour in the spot market—compared with just a few dollars at some points in an Idaho market a few years ago. That is a tremendous drive-up in cost. That is about 30 cents per kilowatt hour, or five times what the investor-owned utilities in California are allowed to charge their consumers.

To bring it into perspective, my consumers in Idaho, right now, are paying about 3.6 cents per kilowatt hour against a California market that has peaked at 30 cents per kilowatt. Some folks would say Idahoans are not paying enough. Let me tell you, Californians are not paying what the market would teach them to pay if their policies were different. Then they would dramatically change the politics of their State because, once again, ANWR is a political issue and the energy crisis in California is a political issue—and a political crisis.

Southern California Edison and Pacific Gas and Electric Company are struggling with a $10 billion unpaid bill for power. They were simply not able to go out and collect the money because California law would not let them collect the money for the very energy they bought to supply Californians. Californians have already consumed the electricity, but they have not paid the full price for it.

California, due to a shortage in the State of power-generating facilities, has been forced to import electricity from as far away as Texas. And up in my State of Idaho, we now produce power for California. Power supplies in the Northwest—my region of the country—have grown increasingly scarce. Competition for supplies and the fear that California utilities will be unable to pay their bills have forced up retail prices in Oregon, Washington, and my State of Idaho.

When the previous administration arrived in 1993, it announced its intent to drastically alter the way the Nation used energy, especially fossil fuels—gas and oil and coal. President Clinton argued that a broad-based Btu tax would force us away from coal and oil and natural gas to renewable energy forms, such as solar, wind, and biomass. That objective has remained a hallmark of that administration's energy policy.

Oh, yes, some of us have argued that the Clinton administration had no policy. Well, they came to town with one. And that one was rapidly rejected by the American consumer when the President said that the taxes he wanted to raise—nearly $72 billion out of the consuming public over a 5-year period—would help the market and help the environment. What it ultimately did—because it was rejected—was it caused even greater dependence on foreign oil and, of course, had phenomenal impacts, as we now see, on the consuming public. In fact, it would have unfairly punished energy-intensive States and industries.

Estimates by the American Petroleum Institute and the National Association of Manufacturers, at that time, predicted that the Btu tax, which was the hallmark of the Clinton policy, would reduce the gross domestic product of this country by $38 billion and that it would destroy nearly 700,000 jobs.

Just in the last 2 quarters, this runup in energy price—which would have been equivalent to raising that kind of a tax, only it is now greater—has cost the gross domestic product almost a half a percentage point. Studies now show at least four-tenths of a percent loss, or nearly half a percentage point, and several hundreds of thousands of jobs. So those estimates way back in 1994 were not very far off.

The administration claimed that the tax was needed to balance the budget and fund large new spending programs to offset the negative impacts of the tax. They also claimed that crude oil imports would decline by 400,000 barrels a day.

At the same time, DOE's own projections predicted the tax would shave oil import growth by less than one-tenth a percent after nearly 10 years under that program. DOE predicted by the year 2000 Americans still would depend on foreign oil for three-fifths of their total crude oil requirements.

DOE was not far off. With or without the tax, obviously with growth in the American economy and the tremendous wealth and advantages to the American consumer that the economy of the last decade has produced, we have grown dramatically more dependent upon foreign oil because we failed to produce our own. The American Petroleum Institute testified at that time that even if imports were to fall by the full 400,000 barrels a day claimed by the administration, the cost of a $34 billion in lost GDP is excessive relative to the alternatives of improving energy security. The story went on and on, and no energy policy got developed. In fact, quite the opposite occurred. A more restrictive approach to the production of domestic energy began to fill in behind the inability of our past President to force a huge tax increase on the American consumer.

In the end, Congress refused to accept the Clinton administration's efforts to tax our relatively inexpensive energy sources to finance their grandiose tax-and-spend social agenda that Congress rejected. Congress did agree to raise taxes on transportation fuels. We did that by 4.3 cents per gallon, a move I opposed and believed was wrong at the time. It is wrong now.

The past administration's obsession to reduce fossil fuel use as much as possible has put us in the position we find ourselves today. President Clinton said, on March 7, 2000, at the White House:

> . . . Americans should not want them [oil prices] to drop to $12 or $10 a barrel because that . . . takes our minds off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.

Here are the facts: Since 1993, domestic oil production has dropped by 17 percent. Domestic crude oil consumption, though, has gone up by 14 percent. Dependence on foreign sources of crude oil has risen to 56 percent in total crude oil requirements.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. CRAIG. I ask unanimous consent to continue for no more than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, might I ask the Senator, did he ask for 1 minute or 10 minutes?

Mr. CRAIG. I asked for 10.

Mr. KYL. Mr. President, I will certainly not object, although that will wipe out my opportunity to speak, as I understand it.

Mr. CRAIG. Reclaiming my time, let me ask for no more than 3 minutes. Would that accommodate the Senator from Arizona?

Mr. KYL. I am sure it would. I know there are other Senators who are to follow beginning at a particular time. That would be very helpful. I certainly don't want to interrupt the Senator from Idaho because I know he has very important comments to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. As I said, I am pleased to rise today to support introduction of the National Energy Security Act of

2001. At the request of the Majority Leader during the last Congress, Senator MURKOWSKI and other Senators began the process of developing a solution to the energy "fix" in which we found ourselves beginning in late 1999.

Back then, OPEC cut crude oil production to force up world oil prices. It worked—oil prices rose quickly from about $12 per barrel and hit a high of about $32 per barrel last spring.

Our motorists were worried about the increasing cost of gasoline and truckers were concerned about rising fuel oil prices. Also, residential customers in the Northeast watched as their home heating oil bills skyrocketed.

In the past dozen months the situation has worsened. Gasoline, fuel oil, and home heating oil prices remain high. Natural gas prices have tripled to about $6.00 per million Btu's (British Thermal Units). Natural gas production has remained static even though the number of drilling rigs looking for gas has tripled over the last year. Further, natural gas in storage is just above 1 billion cubic feet, about half of what is usually in storage this time of year. Residential gas customers in some parts of the Nation have seen their winter heating bills triple.

Wholesale electricity prices have risen significantly. In California, which is experimenting with a flawed electricity deregulation effort, electricity prices have been as high as $300 per megawatt hour (MwH) on the spot market.

That's about 30 cents per kilowatt hour or about 5 times what investor owned utilities in California are allowed to charge their customers.

Southern California Edison and Pacific Gas and Electric Company are staggering under more than $10 billion in unpaid bills for power.

California, due to a shortage of instate power generating facilities has been forced to import power from as far away as Texas and the Pacific Northwest. Power supplies in the Northwest are scarce and competition for supplies and fear that the California Utilities will be unable to pay their bills has forced up retail electricity prices in Oregon, Washington and my home state of Idaho.

When the previous administration arrived in 1993 it announced its intent to drastically alter the way the Nation used energy, especially fossil fuels.

President Clinton argued that a broad based Btu tax would force us away from coal, oil and natural gas to renewable energy from solar, wind and biomass—that objective has remained a hallmark of that administration's "energy policy."

The President promised the tax would raise nearly $72 billion over five years (1994–1998) and marketed it as fair, helpful to the environment, that it would force down our dependence on foreign oil, and would have trivial impacts on consumers.

In fact, it would have unfairly punished energy intensive states and industries. Estimates by the American Petroleum Institute and National Association of Manufacturers at the time predicted the tax would hurt exports, reduce GDP by $38 billion, and destroy as many as 700,000 American jobs.

The administration claimed the tax was needed to balance the budget and fund large new spending programs to offset the negative impacts of the tax.

They also claimed that crude oil imports would decline by 400,000 barrels per day.

At the same time, DOE's own projections predicted the tax would shave oil import growth by less than one-tenth after 10 years. DOE predicted that by the year 2000, Americans still would depend on foreign oil for three-fifths of their total crude oil requirements.

API testified: ". . . even if imports were to fall by the full 400,000 barrels a day claimed by the administration, the cost of $34 billion in lost GDP is excessive relative to other alternatives for improving energy security. Using the administration's optimistic predictions, the cost of the Btu tax works out to about $230 per barrel."

In the end, Congress refused to accept the Clinton administration's efforts to tax our relatively inexpensive energy sources to finance their grandiose tax and spend social agenda. Congress did agree to raise taxes on transportation fuels by 4.3 cents per gallon, a move Republicans tried to reverse during the 106th Congress.

The past administration's obsession to reduce fossil fuel use as much as possible has put us in the position we find ourselves today. President Clinton said on March 7, 2000 at the White House:

> . . . Americans should not want them [oil prices] to drop to $12 or $10 a barrel again because that . . . takes our mind off our business, which should be alternative fuels, energy conservation, reducing the impact of all this on global warming.

Since they came to office in 1993: Domestic oil production is down 17 percent; domestic crude oil consumption is up 14 percent; and dependence on foreign sources of crude oil has risen to 56 percent of total crude requirements.

By comparison, in 1973, during the Arab oil embargo, our dependence on foreign crude was 36 percent of our total crude oil requirements.

The past administration's failure to encourage domestic oil production and production of coal and natural gas has lead us to this point. That administration refused to acknowledge that vast reserves of oil and gas offshore, in Alaska and in the Rocky Mountain overthrust area should play a role in reducing our dependence on imported oil.

The Clinton administration in 2000 announced a ban on future exploration on most of the federal outer continental shelf until 2012.

In 1996 the Administration resorted used the Antiquities Act to create the Grant Staircase/Escalante Monument thereby dening access to about 23 billion tons of mineable coal reserves in Utah.

The U.S. Forest Service has issued road construction policies that are designed to restrict the energy industry's ability to explore for oil and gas on Forest Service lands.

Former President Clinton vetoed legislation in 1995 that would have opened the Coastal Plain of the remote Alaska National Wildlife Reserve denying the nation access to an estimated 16 billion barrels of domestic crude oil—which could amount to production of 1.5 million barrels per day over the next 20 years—about 10 percent of daily U.S. consumption.

The Clinton administration ignored a report prepared by the National Petroleum Council, requested by the Energy Secretary, explaining how the nation can increase production and use of domestic natural gas resources from about 22 trillion cubic feet per year to more than 30 trillion cubic feet per year over the next 10 to 12 years.

The past administration showed little interest in solving our domestic energy problems even as foreign oil producers have forced crude oil prices to over $30 per barrel and gasoline prices to almost $2.00 per gallon—double prices of only little more than a year ago.

Mr. President, the past administration has acted in other ways designed to force us away from the use of readily available, relatively inexpensive fossil fuels, nuclear energy and hydropower. It chose especially to vilify and deny the use of our most abundant national energy resource—coal.

The U.S. has the world's largest demonstrated coal reserve base and accounts for more than 90 percent of our total fossil energy reserves.

At present rates of recovery and use, U.S. reserves will last more than 270 years.

Coal is used to generate over 56 percent of our electricity supply—and about 88 percent of the Midwest's electricity needs.

Electricity from hydro represents about 10 to 12 percent of our electricity needs.

Nuclear powerplants meet about 20 percent of our total electricity demand. Yet the past administration had a dim view of these sources and took steps to reduce their use.

For example, former Interior Secretary Bruce Babbitt talked openly about "tearing down dams" in the West to restore habitat for fish, ignoring the power and transportation benefits they provide. And, the past administration imposed new, often impossible criteria that must be met before federal licenses can be reissued. Many existing hydro projects will seek relicensing over the next several decades.

The past administration also vetoed legislation designed to create a permanent nuclear waste storage facility and which fulfills a longstanding promise by the federal government to create such a facility. Without a federal storage facility, U.S. nuclear generating stations, which are running out of onsite storage capacity may be forced to begin shutting down some operations.

There are too many more examples of the past administration's failure to produce a coherent, balanced national energy plan. The result of this failure is tight energy supplies and high prices.

Solving these problems requires tough choices and I suggest that we begin now by pursuing a number of short and long term objectives. I think the bill we are introducing today addresses these challenges.

Mr. President, I want to touch briefly on two aspects that are of great concern to me and my fellow Idahoans. Chairman MURKOWSKI has already gone through it in some detail.

The bill contains provisions of great importance to the future of nuclear energy, which currently accounts for about twenty percent of U.S. electricity demand. Nuclear energy is a clean, safe, reliable technology which provides baseload power at low cost. The increase in natural gas prices has shown us the danger of relying on natural gas for all of our new electricity generation.

Other countries have adopted the advanced nuclear technologies developed in this country and are putting them to use. In fact there is much excitement in the energy industry over plans to build a new type of nuclear plant—called "pebble bed reactor"—in South Africa. I believe at some point in the future we will once again appreciate the value of non-emitting energy such as nuclear, and choose to construct additional nuclear generating facilities in the U.S. For this reason, I am working with my colleague, Senator DOMENICI, to develop other proposals regarding the nuclear energy option and we hope to have additional legislation soon for the Senate to consider.

The legislation also provides important tax incentives to encourage the use of geothermal energy. I have personal experience with what a wonderful role geothermal can play in our energy mix because the Idaho Statehouse in Boise and other buildings in the downtown area are heated with geothermal energy.

In the right applications, geothermal is a clean, efficient energy source available for our use and because there are no ongoing fuel costs and relatively inexpensive maintenance costs, after the initial capital investment, it is a very low cost energy option.

Finally, Mr. President, I want to address the matter of power from hydroelectric facilities, upon which the Pacific Northwest is highly dependent. The relicensing process for hydroelectric facilities is becoming increasingly costly and time-consuming. It now takes more than five years to relicense a facility—up from only 9 months in 1980 according to the Federal Energy Regulatory Commission.

Hydropower currently accounts for about 12 percent of the electricity generated in the United States and it produces that power without air pollution or the greenhouse gas emissions.

Under current law, several federal agencies are required to set conditions for licenses without regard to the effects those conditions have on project economics, energy benefits, impacts on greenhouse gas emissions and values protected by other statutes and regulations. Far too often the relicensing process is plagued with agency disagreements and inconsistent demands.

A very large number of public and privately owned hydro facilities will be up for relicensing over the next ten years. Some may be abandoned if the relicensing process becomes prohibitively expensive and time-consuming. The legislation being introduced today will help streamline the process and make the involved agencies more fully accountable for their decisions.

The legislation does not change or modify any existing environmental laws, nor does it remove regulatory authority from various agencies. It does not call for the repeal of mandatory conditions on a FERC issued license.

It is clear to me and many of my colleagues that hydropower is at risk and one of our most important tasks here in the Senate is to develop policies that lead to an energy strategy that will ensure an adequate supply of reasonably priced, reliable energy to all Americans in an environmentally responsible manner. The relicensing of non-federal hydropower can and should continue to be an important strategy.

In addition, we should work with our Western Hemisphere neighbors to help them increase their crude oil and natural gas production.

We should provide relief to consumers by eliminating the 4.3 cents a gallon tax on motor gasoline enacted in 1993.

We need to step away from punitive, command and control environmental regulations and move toward performance based regulatory concepts that offer the regulated community opportunities to find flexible approaches to reducing emissions of legally regulated contaminants.

We must carefully assess the capabilities of our energy production and delivery systems to find opportunities to improve system productivity, efficiency and reliability.

We must ensure that sufficient funds are available to help those with lower incomes to weatherize their homes and pay their energy bills.

While renewable energy sources provide only about 3 percent of total U.S. demand for energy, we should continue to provide incentives for our citizens to use wind, solar, and other renewables.

We should encourage motor vehicle manufacturers to ensure that consumers have access to safe and highly efficient cars and trucks.

We must realize that we are part of the problem. Our unwillingness to develop our own abundant oil, gas and coal resources dooms us to greater dependence on foreign sources, especially for crude oil. We must make the conscious choice to carefully find and develop our resources while protecting our environment.

I conclude by drawing attention to a portion of this bill that is increasingly valuable; that is the area of new technology. Some who will argue against this bill would suggest that it is merely a reason to fall back to our habits of old. That is not true. We want to and will continue to fund the new technology, much of it started in the decade of the 1990s. It is clearly important. We are not always going to have hydrocarbons around, and we should not be that dependent upon them. But in the short term, in the next several decades, as we are using our resources and fueling our economy, we need to look at nuclear technology and new clean coal technology so we can use the abundance of these resources and in an environmentally sound way.

In my State of Idaho, we are dependent on hydropower. There are many, including the past administration and many of their devotees, who would suggest the dams on those rivers that produce that clean source of energy, nonpolluting, nongreenhouse gas-emitting, that those dams ought to be breached. They insist that if the dams are not removed then they ought to be regulated in a much more stringent way. In fact, the licensing process the Federal Energy Regulatory Commission has as a part of its responsibility to renew these hydro facilities is one that I am working on. And within this legislation is a reform of the licensing process, not to change it and take stakeholders or interested parties away from it, but to ask them to perform their responsibilities in a timely fashion and in a responsible fashion.

Why should it take 10 years to relicense a hydro facility and cost millions upon millions of dollars that ultimately the consumer has to pay? If it needs retrofitting, if it needs improvement of technology for environmental reasons, those are conclusions that can be drawn in a reasonably quick way, and managed responsibly, so that we can balance out our energy needs.

The legislation the Senate now has before us will be coupled with the work the Bush administration is doing now through their Cabinet level working group. This administration wants an energy policy, too, and it is their goal to produce one for the American people.

Our economy depends on an abundant supply of environmentally sound, relatively low-cost energy. It is the wealth of our country. It is what drives this marvelous economic engine of ours. And it does something very simple—it puts money in the pocketbook of the worker. It turns the lights on in his or her home. It helps educate our children. It does all of the wonderful things we in America have grown to expect.

Why should we suggest that we ought to have anything less if we can do it with the environment in mind and at a relatively low cost. That can be accomplished in a policy in which the Federal Government promotes the concept of energy production instead of setting up one trip wire after another to disallow it from happening.

I look forward to the coming debate. I think it is critical that all of us get ourselves involved and educated in the issues at hand.

These two pieces of legislation go a long way toward allowing that to happen.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I compliment the Senator from Idaho on the points he was making. I look forward to joining him in tackling this very difficult problem of making some sense out of our national energy policy. Senator CRAIG has the expertise to lead us, along with Senator MURKOWSKI. I will be looking forward to joining them in that effort.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I rise to speak about the subject of energy, the energy prospects we face as a nation, and the need to develop new energy policies here in this Congress. The United States is currently experiencing unusually high and volatile energy prices. We have seen that in my State of New Mexico, and I assume we have seen that in the State of Florida, where the Presiding Officer lives.

During most of the 1990s, in spite of robust economic growth and increased demand for energy, increased productivity, and reduction in energy use per dollar of gross domestic product, along with the introduction of market competition, all of those factors acted to hold down prices, but now we have finally exhausted the buffer of excess capacity that kept the system functioning with low prices and relatively minor bumps along the way. So that excess capacity is gone, and there are a number of factors and circumstances that have contributed to the current situation we face—the situation of inadequate supply, too much demand.

Remedies are not as apparent as some would argue. The Republican energy package, which was introduced today by my colleague, Senator MURKOWSKI, contains a number of provisions that I and many Democrats, I am sure, would be glad to support. In fact, many of those proposals are similar to, if not the same as, provisions originally introduced by Democrats in the last Congress. Much of what has been introduced today involves proposals to change the tax laws; and in some cases those proposals are meritorious; in other cases, they are not an adequate substitute for changes in actual energy policy.

Just last week, President Bush made a very strong statement about tax policy and his determination not to modify his income tax proposals with other unrelated tax measures. This bill that was introduced today, with over 180 pages of tax proposals, seems to reflect some disconnect between the administration's views on the subject of tax provisions directed or targeted at this particular industry and the views of some of my colleagues on the Republican side in the Senate.

I had hoped, and still hope, we can proceed on a bipartisan and collaborative basis to develop solutions to these critical problems. I strongly believe that a package with equal emphasis on both supply and demand measures, developed with bipartisan support, is the only way we can pass responsible energy legislation in this Congress. I hope we can proceed with the input of this new administration and with the input from the States and various stakeholders to develop such consensus legislation.

It is important to step back and look at the current context. The restructured electricity and natural gas markets of today pose very different public policy challenges from the old regulatory models. Ever-increasing consumer demand for transportation fuels, compounded by the recession in Asia and subsequent determination by OPEC to actively intervene in the market, has increased the volatility and high prices of oil and natural gas.

As the economic growth of recent years has used up the excess capacity in the fuels, power, and natural gas sectors, the frictions and imperfections in those markets have become very apparent.

The old model of split responsibility between States and the Federal Government is no longer adequate. We need new mechanisms and policies to address regional needs and circumstances. We need a new model for ensuring short-term and long-term energy demand and supply needs and managing weather-related and supply emergencies.

There are several regional energy boards and various planning commissions that could be reviewed as models for new legislation in this area. In consultation with the States, we need to determine how to ensure regional entities have adequate authority to do what is needed in those regions. We should evaluate whether an additional grant of authority from the Federal Government or a specific authorization of responsibility should be written into Federal statute.

I will speak for a moment about infrastructure needs. Electric transmission lines, natural gas and oil pipelines, powerplants, and refineries have all become increasingly difficult to site. The No. 1 problem is not environmental permitting, as some persistently argue in public debate today. As our society has become increasingly urbanized and congested, local communities have become increasingly active in opposing the siting of new infrastructure, and tax incentives do not address this major hurdle.

Certainly the environmental rules governing the permitting process could be streamlined to expedite processing and facilitate investments in new technologies not in the marketplace when the existing rules were written. We should consider the possibility of siting new infrastructure on existing rights-of-way or at Federal facilities or on brownfields.

We also need to evaluate whether incentives or different policies at the State or Federal level are necessary to ensure adequate investment in new capacity. Overemphasis on short-term and spot contracts compounded by ongoing uncertainty with respect to the future regulatory environment have had a stifling effect upon investment. We need to develop a consensus on policies that provide greater certainty and a mechanism to address the public's growing resistance to siting new facilities.

On the subject of supply diversity and efficiency, the counter to major new infrastructure projects is to emphasize increasing energy efficiency and development of smaller distributed generation. We need to enact national standards and policies for interconnection of distributed generation technologies to ensure diversity of fuels and technologies for the future. Commercial investment in new technologies and nonconventional fuels will require some degree of additional incentives. I introduced legislation in the last Congress to address these issues, and I am pleased to see similar provisions included in this Republican legislation today.

Increasing the efficient use of energy is the single most effective and least-cost policy for both the short term and the long term. Investments in more energy-efficient lighting, more energy-efficient appliances, and more energy-efficient buildings generate benefits in terms of energy savings, emission reductions, and human health improvements. Improvements to installation practices for heating and cooling systems, including duct work, could take considerable pressure off the power grid and off natural gas supplies in the coming months. Expediting the replacement of older appliances with newer high-efficiency models would not only reduce energy consumption, it would create new manufacturing jobs.

Projections of capacity constraints and high electricity prices in the New York urban area could be mitigated with a concerted effort to upgrade lighting, heating, and cooling systems in commercial buildings even before this summer is upon us. These improvements would immediately reduce pressure on the grid and save businesses money in the process.

The National Conference of Mayors, at its recent meeting here in Washington, called for an increase of 10 percent in the efficient use of energy.

Over the past decade or so, sales of sport utility vehicles and light trucks grew to become fully half the passenger vehicles sold in this country. Meanwhile, a moratorium on even studying increasing fuel efficiency was imposed by the Republican-controlled Congress in the last 2 years. I do not think we can even talk about a comprehensive energy policy without concrete policies to reduce oil demand. We cannot just produce our way to independence from foreign oil supplies.

I call my colleagues' attention to this chart. The chart is entitled: "Petroleum Use Increases Mainly in the Transportation Sector."

This is for the period 1970 to the year 2020, and it shows a history and then a projection for consumption in the transportation sector, consumption in the industrial sector, consumption in the residential-commercial sector, and finally consumption in the electricity generation activity.

The obvious conclusion one draws from this chart is that the growth consumption is in the transportation sector. That is the top line. That is because of the inefficiency of the vehicles we are driving more and more each year in this country. There can be no serious discussion about reducing our dependence on foreign oil without a discussion of what can be done to reverse these trends. I hope that is part of the debate we have over the next few months in this Chamber about our energy policy.

On the subject of supply, I do agree with my Republican colleagues on the need to increase the supply of petroleum products. The U.S. has domestic natural gas and oil resources that can be developed in an efficient and environmentally sensitive manner. In fact, under the previous administration, oil and natural gas production on Federal lands and in the Outer Continental Shelf increased substantially. Let me repeat that, Mr. President, because most people are not aware of that. In the previous administration, oil and natural gas production on Federal lands and on the Outer Continental Shelf increased substantially. Production on State and private lands did not keep pace with production on Federal lands.

Policies should first emphasize maximizing the recovery of resources currently open to development. The North Slope of Alaska in the vicinity of Prudhoe Bay is estimated to contain at least 32 and maybe as much as 38 trillion cubic feet of natural gas that is ready for development. Until now, producing and transporting the gas from the North Slope has not been economical. Producers are currently conducting a feasibility study for a pipeline to bring the gas to market in Canada and also in the lower 48. The U.S. Geological Survey has estimated that with additional exploration in the area, the potential resources could be double the current estimate which I have given of 32 to 38 trillion cubic feet.

Such a project will involve a number of Federal and State agencies, Native groups, the Government of Canada, and many private stakeholders in ensuring the efficient processing of all permitting and certifications necessary to be a top priority of this Congress. I have committed to Senator MURKOWSKI to work with him to facilitate any legislative actions that are appropriate to accomplish this.

Another producing area with great potential is the deep water Gulf of Mexico. The gulf has had an explosion of development in recent years, in part due to royalty incentives to offset the higher costs of developing a frontier area.

The Minerals Management Service is scheduled to hold a lease sale later this year for an area in the eastern planning area of the gulf. This chart shows what I am talking about. The green area is the sale 1881. The lease sale would cover a narrow strip of Federal waters directly south of the Alabama coastline which expands into a broader area 100 miles out in the gulf.

The MMS, the Minerals Management Service, estimates 240 million barrels of oil and 1.8 trillion cubic feet of natural gas will be developed from this area. Those figures could go as high as 370 million barrels of oil and 3.2 trillion cubic feet of natural gas.

Unfortunately, the Governor of Florida, Jeb Bush, the President's brother, has written to the Department of the Interior urging cancellation of this lease sale and any future lease sales in this entire eastern planning region. I certainly understand that Floridians may have concerns about the development close to their beaches, but most of this area is more than 100 miles from the State and in Federal waters.

When the Minerals Management Service prepared the leasing plan for this 5-year-period, they had extensive public meetings and consultations with States. The State of Florida supported proceeding with this sale. This is not a wildlife refuge. It is a huge expanse of Federal water where industry has developed oil and gas for years and has developed it in a safe and environmentally sound manner. This is a sale which we should go forward with in order to meet the needs the country will have for additional supply in the future.

A serious, long-term commitment to research and development of the next generation of powerplants is essential. Such a program should include all feasible fuels and technologies, with an emphasis on a fleet of technologies to ensure fuel diversity while meeting energy supply and emission reduction targets. Development and deployment of more efficient generating and end-use technologies are critical.

Commitment to a coordinated research, development, and deployment program to ensure the safe and reliable operation of pipelines and transmission lines is also essential to restore public confidence in the safety of these systems. The Pipeline Safety Act, S. 235, which passed the Senate by a vote of 98–0 earlier this month, contains the framework for such a program for natural gas and oil pipelines. A parallel program exists within the Department of Energy for the electric transmission system, and I hope we will see a serious commitment to these programs in the budget that the President sends to Congress in the next week or so.

The oil and gas industry has made great strides in increasing productivity and bringing down exploration and production costs. Development of 3D and 4D seismic analysis techniques, horizontal drilling, and deep water production systems are some examples that have enabled the industry to continue producing more oil and gas from the mature fields on shore and to set world records in deep water development in the Gulf of Mexico. A robust R&D program to maximize recovery, to address problems of operations in ultra deep waters, and to evaluate the potential of methane hydrates will be critical to future development of affordable natural gas supplies.

I am concerned that the President maintain a serious commitment to funding critical energy research and development. We have shortchanged ourselves in the past by cutting investment in R&D to meet other budget objectives. We should not make that same mistake again this year.

On tax policy, the Finance Committee will soon begin hearings on the President's budget and tax proposals. These hearings will give the Senate an opportunity to evaluate a range of tax incentives to enhance investment and distribute a generation from combined heat and power systems and fuel cells to renewable technologies and energy-efficient property used in business. Many of these proposals are included in the bill that was introduced today by Senator MURKOWSKI. They have been included in legislation I have introduced and cosponsored in the past.

We need to carefully analyze the need for policy measures versus changes in tax policies as we go through this debate over the next few months. The omnibus Republican energy bill is very generous in its modification of the Tax Code as a solution to many shortfalls, perceived and otherwise, in our energy policy. For example, at a time when oil and gas prices are at such high levels, with the major oil companies reporting record earnings, I believe it is valid to say that the industry does not need additional tax incentives in order to go forward and explore and produce petroleum products. What we do need are well-thought-out, countercyclical measures that give producers incentives to maintain investment in domestic exploration and drilling during a time of extremely low prices as we had a year or two ago.

Top priority should be given to policies that correct market failures and meet major policy goals of increasing efficiency and diversifying technologies.

We need to develop long-term policies, and I have been speaking about some of those long-term policies. In the interim, individuals and families and small businesses are suffering today from energy bills that they cannot pay. President Bush, during his campaign, made clear his support for ensuring adequate funds for the LIHEAP program—that is Low Income Home Energy Assistance Program—and for the low-income efficiency programs.

In addition to the stress on families and individuals, higher energy prices are having an impact on our economy as well. Every dollar spent on these programs will be immediately and completely reinjected into the economy, unlike tax cuts that will not have an impact for months into the future. I urge the President to send those in Congress a request for a supplemental appropriation with his budget for next year, a supplemental appropriation so we can adequately fund the LIHEAP program and adequately fund the weatherization programs that are so important for many in our country.

Our majority leader, earlier this afternoon, indicated we would not be addressing energy policy on the Senate floor until sometime this summer, June or July I believe was his estimate. That may be an appropriate time to address long-term energy policy because it will take several months to develop a good piece of legislation which we can support on a bipartisan basis. But that is too long to wait for attention to these immediate needs, the need to adequately fund the LIHEAP program and the weatherization programs.

We are not at a crossroads where one path or the other needs to be taken in our national energy policy. The supply side only path that some have advocated would be both futile and destructive. The path of maximum efficiency—renewable and emission-free energy—is a very long road with many milestones along the way. It would be foolhardy to put all of our confidence in that path, as well.

We need a commitment to parallel paths, with a focus on maintaining the core values of equity and affordability and environmental integrity. I believe we can do that if we get on with the consideration of the legislation I introduced the week before we had our recess to address our immediate needs for adequate funding of the programs that assist families to deal with the high cost of energy they are facing this winter. And then we need this bipartisan effort to develop some long-term policies.

I am confident with good will on both sides of the political aisle we can come up with a bipartisan piece of legislation that will move our country forward and help us deal with these very real problems. I commend all of my colleagues for their interest in these energy issues. I hope we can work together constructively to address them in the months ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we have been talking about energy today. I rise now to talk about this Nation's struggle to deal with a threatening energy situation that is affecting our economy.

I don't think there is any other issue that will come before Congress that will have more to do with our daily lives than this one.

For those of you who do not believe we are in a situation that makes us all very uncomfortable, I ask you to rethink that. The prevailing mind-set must change in order to solve this problem that has reached a crisis proportion.

Don't let anybody tell you differently. We are in the midst of one of the worst energy shortages this Nation has ever experienced. The oil shortage will pale to the one of the 1970s because it entails all forms of energy. I remember the long gas lines and forced reductions in heating energy that we faced in the 1970s. I also remember the financial pain that it placed on all Americans—especially Montanans. We come from a large State. We are very mobile. In fact, if you look at the size of Montana from the northwest corner to the southeast corner, it is farther than the distance from Chicago to Washington, DC.

All of us were hurt during those days. Families of farmers and ranchers, over-the-road truck drivers, manufacturing companies, loggers, and the mining industry were jolted by that energy shortage—jolted to the point where some did not recover at all.

When coupled with high interest rates at that time and runaway inflation, it was truly a double whammy. I do not want to see that happen again. But little did I know, although I should have, that our memories are very short on our understanding of energy and the role it plays in our everyday lives. We took it for granted too long, even though the signs of the impending dangers were there. It is still talked about in the Halls here, but the message fell on ears that did not want to listen.

In Montana, we have already seen the impact. Columbia Falls Aluminum Company, one of the largest users of electrical power, closed its doors for a year. Montana Resources in Butte, MT, closed its doors, and we don't know when that will ever be open. Many others will have to do the same if price signals on the cost of commodities or the cost of power does not change. I am told that farmers placing orders for their spring fertilizer needs are stunned when they hear the price. Any increase in the cost of production would be devastating to grain growers in Montana.

As you know, natural gas is used in the production of nitrogen for urea and fertilizer that is used across the country.

Facing this problem is something within itself. We are in the midst of a crisis. We must use caution. We cannot succumb to the knee-jerk reactions that are of a temporary nature. Usually, that leads to a long-term nightmare.

While I know the challenge that faces us, I plan to approach it with a great deal of caution.

First off, there are some folks who are promulgating the idea that we impose Federal price caps on electricity. That will not work in the Northwestern United States at this time. Price caps discourage investment, generation and transmission at a time when we need all three.

The National Energy Security Act of 2001 introduced by Senator MURKOWSKI today is a piece of legislation that is pretty well thought out and is supposed to stabilize energy prices as we see them today.

That is why I am adding my name as a cosponsor to that bill. But as with any bill, there are portions I would like to work on with Senator MURKOWSKI, the administration, and the Energy Committee when we begin the debate. But I am generally comfortable that the legislation is a positive move in the right direction for our country and American consumers.

The bill aims to protect the energy security of the United States and decrease America's dependency on foreign oil sources to less than 50 percent by the year 2010 by enhancing the use of renewable energy sources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies. As written, it will improve environmental quality by reducing emissions of air pollutants, greenhouse gases, and it will, in effect, stunt the increased costs of energy to the American consumer.

But let's take a closer and intensive look at what I perceive are the reasons we are in this energy situation today. Electricity prices are skyrocketing. We are seeing high gasoline prices, oil prices, natural gas prices, and heating oil prices as well. In fact, the price per barrel of oil has gone from $15.99 in 1992 to well over $30 this year. Natural gas prices have gone from $1.74 per thousand cubic feet at the wellhead to nearly $5 per thousand cubic feet today. Electricity prices in the Northwest have gone from roughly $20 per megawatt hour in 1992 to nearly $250 per megawatt hour right now. I don't have a high enough math degree to figure how much of an increase that really is. Gasoline prices were around 93 cents per gallon in 1992 and now sit at nearly a $1.40 or $1.50 per gallon today. And these prices are before taxes are added. So prices have gone up across the board for all forms of energy.

The policies of the past 8 years, or as some would say the lack of a clear national energy policy, has contributed to this predicament we find ourselves in today.

In the Northwest, we have seen a 24 percent increase in electricity consumption since 1992, while generation has only increased 4 percent. If you add the California situation into the mix, the discrepancy grows even larger. Further, the Electric Power Research Institute recently found that there is going to be a 20 to 25 percent growth in electricity demand in the next 10 years, but, again, only a 4 percent increase in generation and also the transmission lines to carry that electricity, that power. The stats speak for themselves. If we do not see more generation and the ability to transmit it—if those do not come on-line—high energy prices are here to stay. We must lose the mentality that electricity comes from a switch like the mentality that milk comes from a jug.

Common sense tells us that our regulation policies should allow the supply to meet the demand.

We can and must identify and reform or, in some cases, remove some of the regulatory burdens. We now have a mandate to assess and improve agency performance, which could lead to more timely processing of permits and applications to produce power.

Public lands in the West, what role do they play? Or should they play a role? They do have a role to play. They may hold the key to the dependency of foreign sources of oil and natural gas. We can and must improve the usage and management of our public lands, which means better coordination with local citizens affected by agency action. And there needs to be consistency within the agencies so that investors have some kind of idea about when they may see a return on their investment.

We have seen that oil and gas exploration increased with the previous administration. That is true. It is a true statement. It is also true that more lands were withdrawn from exploration than in any other administration. Exploration might have increased but, I would ask, did production?

Finally, we must reduce the time and cost for approving exploration and management of development projects. Our Federal agencies need to help ease the pain of regulatory burdens that have been placed on America's energy consumers.

Next, we need to be able to access those vast resources on our public lands. The Federal Government currently manages—now listen to this figure—650 million acres of land. More than 90 percent of this land is west of the Mississippi River. In fact, 52 percent of the land in the West is managed by Federal and State Governments. In Montana, nearly 50 percent of our land is owned by the Federal Government. Folks, 95 percent of the undiscovered oil and 40 percent of the undiscovered gas is estimated to be located under these public lands. It is obvious to me that herein lies a part of our solution to energy dependence on foreign sources. We have the ways and means to manage our natural resources on public lands so that the environment is treated like we would treat our own homes.

I am confident that the new administration, working with Energy Committee Chairman FRANK MURKOWSKI and the rest of the Congress, will develop a comprehensive plan that will take the step to solve the problems that we are facing. As I stated before, we must look at our regulations and regulatory burdens. We must be able to site generation facilities in a timely manner. We, as policymakers and acting in the best interests of all Americans, should be able to site transmission lines in a timely manner.

Finally, we must remove the barriers that stifle incentives for investment in our power markets, while at the same time providing incentives to do the same. We have worked ourselves out of crisis situations in the past. American ingenuity and imagination will again, in a free market, take its role and provide us again with affordable energy, but it must be allowed to do so. It must be allowed in our shared American values.

REMEMBERING DALE EARNHARDT

Mr. KYL. Mr. President, I rise to speak today about Dale Earnhardt. During this past week, millions of racing fans all around the country have been mourning the death of this stock car great. He was killed on the last turn of the last lap of the prestigious Daytona 500 just a week ago Sunday.

I rise today not only to eulogize Dale Earnhardt but to try to explain to those who are not racing fans why his life and death means so much to those of us who are. I believe there are some lessons of life here that have relevance to all of us and, indeed, to the health of our country.

Why is Dale Earnhardt's death an occasion for such reflection? The first reason has to do with the man himself. I did not know him well. His closest friends talked not just about Dale Earnhardt the race car driver but about Dale Earnhardt the man, a family man, a man who was intensely loyal to his friends, a man who went out of his way to do thoughtful favors, who took great care of his employees, and who helped younger drivers.

Ironically, he died at almost the precise moment that Michael Waltrip took the checkered flag at the Daytona 500 race. It was Waltrip's first victory ever in a very long racing career, well over 400 starts. Dale Earnhardt believed in Michael Waltrip. He believed he could win if he had the right equipment. So he hired him; he provided him a car that could win, and Michael Waltrip did the rest.

Earnhardt always seemed to me quiet; in fact, even shy. But on the track he was anything but shy. He was known as "the Intimidator." That is because of the way he raced. He was tough. It seemed he would always find a way to win, even if his car was not as good that day as some of the others.

Sometimes, especially earlier in his career, he was perhaps too aggressive. But he didn't see racing as a sport for the weak. Indeed, I don't think there is anything wrong with having a strong desire to be the very best you can be. That seemed to be Dale Earnhardt's motivation in life. As racing fans, as sports fans of any kind, we all have our favorites, but no real NASCAR fan would deny that he was the greatest driver of his time.

It takes away nothing from the other great drivers to acknowledge that Dale Earnhardt was the best. He had enormous natural talent and courage. It takes courage to drive a car right on the edge, at 200 miles per hour. He had experience, racing smarts, and he had an unquenchable will—the will to win. He won seven NASCAR championships, tied only by Richard Petty. He had a lot of other racing victories as well. One of the racing series is called IROC, International Race of Champions, where everybody is given an identical car and it is up to the drivers to show who is the best using identically prepared cars. Earnhardt frequently won because of his skill.

It may be just a sport, but we can all appreciate excellence. Whether in art, music, business, or sport, it is a joy to watch the very best perform. That is one of the reasons Dale Earnhardt will be so sorely missed. His peers will miss him as well as his fans.

Why was he so tough? It had to do with respect. One of the highest accomplishments for a race car driver was to have the respect of Dale Earnhardt. In NASCAR racing, you knew you had made it when Dale Earnhardt said so.

Some wonder how well NASCAR will fare with the death of its greatest driver. But Dale Earnhardt would scoff at that thought. It was always his dream to drive a NASCAR. NASCAR was a great sports organization before he got there, and it will continue to grow. It is the Nation's fastest-growing sport. Just as Richard Petty's 200 wins and 7 championships earned him the moniker "The King," NASCAR will add Dale Earnhardt to its great history and tradition, and it will continue.

Back to the original question: Why do so many millions of Americans mourn his death? I think it has to do with the very nature of NASCAR itself. It is a family affair, and all NASCAR fans consider themselves part of that family. You start with NASCAR itself, the National Association of Stock Car Racing, which was started by Bill France, from Daytona Beach, FL. His family took it over. His son Bill France, Jr., has been the head of NASCAR during its great growth period.

I pray for Bill France, Jr.'s health. He has, in effect, turned most of the business over to other members of his family now and also to the CEO of NASCAR, Mike Helton. The crews, the owners, the sponsors, the drivers, the owners of the tracks, and the media that cover the sport are all a very close-knit unit. The competitors race hard against each other, but they will always come to each other's aid in times of difficulty.

Not only is there a strong sense of values within the people who participate in the sport, but also strong values within the family, starting with a firm belief in God. When the race is over, ordinarily when the driver maneuvers out of the car and claims victory, first of all he will thank God for a safe race. Then he will thank his crew for preparing the car, and he will thank a lot of other people for enabling him to win. At the races, each Sunday morning before the race starts there is a chapel service and a prayer before the race.

A lot of these things don't characterize typical sports events. These are good people. They are not prima donnas like some other sports figures. They provide interviews and give autographs and do appearances. They appeal to young people. They are really normal people doing very extraordinary things. Fans can relate to them. They look at them not as role models but as people who, in a sense, are like them. Many came up the hard way, as Earnhardt did. He didn't even graduate from high school. His father was a great driver in his own right. Now Dale Earnhardt's son, Dale Jr., will have to do the same.

In the end, Dale Earnhardt is mourned because his life is an example of the American dream. He came from very humble beginnings—in his case, from the small town of Kannapolis, NC—worked hard, and ended up a success. Dale Earnhardt is mourned because he embodied fine qualities: humility, loyalty, caring, hard work, pride in one's work, and the competitive spirit. Most of all, he loved his family and friends.

Today, I join the millions of Americans who are praying for Dale's wife Theresa, his children, and all of the good people who are fans of NASCAR.

Mr. EDWARDS. Mr. President, I rise today to note with sadness the tragic death of Dale Earnhardt.

For the past week, the Nation has mourned the loss of a racing legend.

But in my home State of North Carolina, his death has a special significance because we have lost a cherished native son.

Dale Earnhardt was a hero to countless NASCAR fans in North Carolina and across our country.

His success on the track helped elevate stock-car racing from a regional pastime to a national sport.

Racing brought Dale fame and wealth, but he never forgot his roots in Kannapolis, North Carolina or the hometown fans who backed him from the beginning.

He never let them down. They always knew they could count on Dale to give it his all every time.

Dale Earnhardt was a champion from the start, winning NASCAR rookie-of-the-year honors back in 1975.

In 26 years of racing, Dale won 7 Winston Cup Series titles, 76 races in all, including the 1998 Daytona 500, and became the leading all-time money winner in racing history.

His fans and his fellow racers called him "The Intimidator"—not just because he won so many races—but because he was a fierce competitor.

Dale Earnhardt was more than a great race car driver. He was also a great American success story, rising from poverty and a ninth-grade education to become a racing legend and extraordinarily successful businessman.

He was also a great husband to his wife Teresa, and a great father to his children, Taylor, Dale Jr., Kelley, and Kerry. Our hearts go out to them.

North Carolina has lost one of her favorite sons, and NASCAR has lost perhaps its greatest champion. Our prayers go out to his family, friends, and fans.

Mr. HELMS. Mr. President, I was so glad to hear my distinguished colleague from North Carolina talking about Dale Earnhardt. Dale was a remarkable citizen and individual. I knew him well. In fact, when the news came that he had died in the accident, I immediately arranged for a flag to be flown at half-mast over the Capitol to be sent to his widow for use at the funeral.

Dale had a good sense of humor, and he was not unaware of the risk involved in the business in which he chose to participate. I remember when he came to a dinner in Charlotte when I was running for reelection, and he and others had arranged for me to get a "Winston Cup" jacket, I think they called it. It was a thing that only race car drivers can wear with impunity. But I wear it every once in a while because I am so grateful for this industry—and that is what it is in North Carolina, a big business.

Dale Earnhardt was—how do you put it—an authentic American. There was no pretense about him. He was a hero to millions of stock car racing fans who followed his remarkable career as a seven-time Winston Cup champion when that fatal crash occurred on the last lap of the Daytona 500 on February 18.

North Carolina has lost a son and America has lost an incredible hero. Dale Earnhardt touched people whether or not they were fans of the motor sports. Growing up in North Carolina and working at what he loved, he was indeed remarkable. The passion he had for life did not end when he left the track. He carried it over to his family. He lived life to its fullest and loved every second of it.

Race fans throughout the world felt as if they had lost a member of their family—and they had. Known as "The Intimidator" for his aggressive driving style, Dale Earnhardt was a legend not only for his racing career, but for his having guided thousands of young people into useful, meaningful adulthoods. Dale Earnhardt is an inspiration to millions for allowing them to realize that a dream can be achieved.

The United States Senate family extends their deepest sympathy to Mrs. Earnhardt, their two sons and two daughters, and their other loved ones.

Mr. CAMPBELL. Mr. President, it is with great sorrow that I am recognizing today the loss of one of the greatest NASCAR drivers ever to get behind the wheel, Dale Earnhardt, who tragically died at this year's Daytona 500. The Nation not only lost an icon of the racing world, but also a great man.

Dale Earnhardt's career achievements are vast, better than most teams of drivers. In his 26 years of racing, Dale won 76 races and secured seven Winston Cup Championships. But, the biggest accomplishment Dale earned is the respect and admiration of his fellow drivers and his fans through his hard work and dedication to the sport he loved. Everyone involved in racing will never forget what Dale has done for the sport and how his accomplishments have forever turned racing into a way of life.

He had an aggressive driving style that was rivaled by none, and revered by all. Dale Earnhardt set the standard by which every driver was measured. On the race track it was all business. Off the track he was a man with a huge heart and a tender way who always had time for fans and other racers. You can never replace a driver like Dale Earnhardt, but his legend will live on.

As a motorsports enthusiast myself and co-chair of the Congressional Motorsports Caucus, it is with regret for me to make this Senate floor statement. Today I invite my Senate colleagues to join me in sending my sincere condolences to the Earnhardt family and everyone that has been touched by the man known as the Intimidator on the race track. The number 3 car will be missed on the track. But, racing will go on. Dale would have wanted it that way.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA V. GARRETT SUPREME COURT CASE

Mr. THURMOND. Mr. President, during the Congressional recess last week, the Supreme Court issued an extremely important decision regarding the Americans with Disabilities Act and the principles of federalism. The decision, Board of Trustees of the University of Alabama v. Garrett, is one in a series of cases that is helping reassert the role of the States in our Federal system of Government.

The eleventh amendment to the Constitution prohibits States from being sued in Federal court by private citizens for money damages, unless the State consents. In the Garrett case, the Supreme Court said that based on this provision it is unconstitutional for the Congress to hold the States liable for private lawsuits under the ADA. The Congress did not or could not create a record of a pattern of discrimination by the States sufficient to meet the heavy burden required by the Constitution.

While the case referred to Title I of the ADA, which concerns employment discrimination, the reasoning of the Court should apply equally to all of the ADA and well beyond the ADA.

I would like to note just one example. In 1998, the Supreme Court held that the language of the ADA was clear enough to cover state and local prisons. I immediately introduced legislation to exclude State and local prisons from the ADA because I do not believe that the Congress considered the ADA applying to these institutions when it passed the legislation. After all, the housing of prisoners is a core State function, with about 94 percent of prisoners being maintained in State and local facilities.

I have reintroduced the legislation, S. 34, in this Congress. However, this Supreme Court decision should be very beneficial in limiting the application of the ADA in the prison context on the State level even without the Congress amending the ADA. This is just an example of how this case will help keep the Federal Government out of areas that traditionally have been reserved to the States.

Far too often, the Congress ignores the principles of federalism and acts as though the States are subdivisions of the Federal Government. Decisions such as Garrett remind the Congress that this is simply not the case. The Constitution created a Federal Government of limited, enumerated powers, and those powers that the Constitution does not provide for the Federal Government are reserved to the States and to the people.

The Congress must do more to recognize the separation of powers between the Federal Government and the States. I am pleased that the Supreme Court is showing a renewed respect for the principles of federalism.

RULES OF THE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 107th Congress adopted by the committee on February 7, 2001.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 7, 2001)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) *"Advice and Consent" Clauses.*—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, selection of witnesses.*—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the Ranking Member of the Committee or subcommittee may request that an equal number of public witnesses selected by the Ranking Member be called to testify at that hearing.

(d) *Public Announcement.*—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the Chairman of the Committee, or subcommittee, in consultation with the Ranking Member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Member. The Chairman, in consultation with the Ranking Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) *Staff Attendance.*—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation.*—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the

Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any Member of the Committee, the Committee shall authorize the issuance of a subpoena only at a meeting of the Committee. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the Chairman and the Ranking Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the Chairman and Ranking Member of the full Committee.

When the Chairman and the Ranking Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) *Domestic Travel.*—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) *Personal Representatives of the Member (PRM).*—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) *Amendment.*—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

RULES OF THE SELECT COMMITTEE ON ETHICS

Mr. ROBERTS. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics for the 107th Congress, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON ETHICS JURISDICTION AND AUTHORITY, S. RES. 338, 88TH CONG., 2D SESS. (1964)

Resolved, That (a) is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from Members of the majority party and three shall be selected from Members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a Member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the Membership of the Select Committee shall not affect the authority of the remaining Members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member, and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A). For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provisions of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualified himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualified himself or herself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these; and

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term "preliminary inquiry" means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term "adjudicatory review" means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such a adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of not fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of a duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate on its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rule setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rules or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rules or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by an employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

PART II: SUPPLEMENTARY PROCEDURAL RULES

RULE 1. GENERAL PROCEDURES

(a) Officers: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory review hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify

himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) Complaint, Allegation, or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Source of Complaint, Allegation, or Information: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Form and Content of Complaints: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) Definition of Preliminary Inquiry: A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Basis For Preliminary Inquiry: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) Scope of Preliminary Inquiry:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) Opportunity for Response: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) Final Report: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) Committee Action: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a deminimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be

considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) Definition of Adjudicatory Review: An "adjudicatory review" is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) Scope of Adjudicatory Review: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Final Report of Adjudicatory Review to Committee: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) Committee Action:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), & (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) Right of Appeal:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes on order of restitution or reprimand. (See Rule 4(d)).

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses: (1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right To Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for adjudicatory hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions, (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to cross-examine and call witnesses:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee, within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary hearing procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) Signature and service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of subpoena: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons authorized to take depositions: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any

other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such preliminary inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) Applicable Rules and Standards of Conduct:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved in the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to the information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedure for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the

possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion.

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretive ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Ruling: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statue, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as a Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

TRIBUTES TO ALAN CRANSTON

• Mr. CONRAD. Mr. President, I rise today to join my colleagues in mourning the death of our former colleague from California, Senator Alan Cranston. The nation lost a truly remarkable man last December.

Senator Alan Cranston had a long and effective career of public service spanning six decades, including 24 years as a United States Senator. He first entered public service in 1942 as Chief of the Foreign Language Division of the Office of War Information in the Executive Offices of the President. This began his very productive life of public service.

I served side-by-side with Senator Cranston for six years. In those six years alone he had his hand in many fundamental pieces of legislation. For example he produced the Cranston-Gonzales National Affordable Housing Act of 1990, the first major piece of housing legislation in a decade. He was also the original author of the California Desert Protection Act, which was enacted in 1993. Throughout his long career, Senator Cranston was a true advocate for the environment, civil rights, and world peace.

Whether one agreed or disagreed with Alan Cranston's views, we here in the Senate will always remember him for his integrity and dedication. Alan Cranston fought tirelessly for his beliefs, no matter what the consequence. Yet he was also kind, energetic, and thoughtful.

Put simply, I admired and respected Senator Alan Cranston. I would now like to take this opportunity to extend my thoughts and prayers to his sister Eleanor Cranston, his son Kim, his daughter-in-law Collette Penne Cranston, his granddaughter Evan Cranston, and to his remaining friends, family and staff. We will all miss him.•

Mr. HARKIN. Mr. President, when I heard that my friend, Alan Cranston, passed away this New Year's Eve, I couldn't quite believe it. I remember Alan as a man in a constant state of motion, always pressing on for the causes he cared for, plotting the next steps, pondering how he could do more. It is hard to reconcile the finality of death with the endless, focused energy that defined his life.

Alan's record of service spans the better part of the twentieth century. He was a journalist who covered World War II, an author who warned Americans about the threat of Hitler, a leader of an organization that opposed discrimination against immigrants, long before that was fashionable.

He revived the California Democratic party in the 1950's, was the California state controller in the 1960's, and served his first term in the United States Senate in the 1970's. He was a Senator for 24 years, including seven consecutive terms as Democratic whip, and he even made a run for the Presidency in 1984. And since his retirement from the Senate in 1993, Alan had dedicated himself to the cause he cared about most; eliminating nuclear weapons.

If you didn't know Alan, his impressive list of accomplishments might lead you to think that he must have been a man of great showmanship and obvious charisma. But that wasn't Alan.

Alan believed in the philosophy of Lao-tzu: "A leader is best when people barely know that he exists. But of a good leader, when his work is done, his aim fulfilled, they will all say, 'We did this ourselves.'" Accordingly, Alan did a lot of his work behind the scenes. He had neither the time nor the patience for back-slapping and schmoozing: he liked to cut to the chase, let you know what was what, and move on to the next thing.

Alan was never loud or arrogant or flashy. He didn't have to be. His authority came from a force deeper than personality. It came from his conscience.

The anti-war activist, Father Daniel Berrigan, once talked about the danger of "verbalizing . . . moral impulses out of existence." That was never within the realm of possibility for Alan. Whether he was standing up for veterans, working to save millions of acres of desert and wilderness, or speaking out for nuclear disarmament, Alan steadfastly followed his conscience, even when it led him to the uncharted paths or difficult places where no one else would go.

I don't know whether it was the result of this active conscience or his fierce intellect or some combination of the two, but Alan had this extraordinary prescience, this ability to predict with startling accuracy what the future would bring. He understood the threat of Adolf Hitler long before many others, and he worked to warn us before it was too late. He fought discrimination against immigrants, long before most of us realized that was the right thing to do. He spoke out about nuclear weapons long before the disarmament movement took root in the popular imagination.

And he believed in the notion of uniform world law decades before the rise of the global age. In fact, many decades ago, he was the leader of the World Federalist Association, a group dedicated to the idea of establishing a uniform world law. Back then, the WFA must have seemed like a somewhat eccentric organization, oddly out of synch with the times.

But it was vintage Alan, just another manifestation of his profound idealism. Alan really believed that people of all different nationalities and races and ethnicities could rise to meet the standard of a just rule of law.

Alan once said of nuclear deterrence: "This may have been necessary during the cold war; it is not necessary forever. It is not acceptable forever. I say it is unworthy of our nation, unworthy of any nation; it is unworthy of civilization."

Alan had the highest hopes for our world. We owe it to him to try to live up to them and to carry out his legacy of peace in the new millennium he did not live to see.

In conclusion, I ask that a recent article from Roll Call on Alan Cranston by Daniel Perry appear in the RECORD at the end of my remarks.

Dan Perry, a former staffer for Alan Cranston, is a leader in his own right. For years he has been on the forefront of aging and health policy as head of the Alliance for Aging Research. His remarks reflect his deep admiration for Senator Cranston and his commitment to the Senator's lofty ideals.

The article is as follows:

[From Roll Call, Jan. 4, 2001]

CRANSTON LEGACY SERVES AS MODEL FOR MEMBERS OF THE 107TH CONGRESS

(By Daniel Perry)

The sharply divided 107th Congress would do well to ponder the quiet but enduringly effective political skills of the late Sen. Alan Cranston (D) of California. His 24-year Senate career, during tumultuous and partisan times, showed that strong beliefs make good politics, but success begins with respecting the motives and sincerity of others, including your opponents.

Cranston's sudden death, just hours before the first day of 2001, ended a life devoted to issues about which he was passionate: International peace and arms control, human rights and protection of the environment. For this Californian the quest for high public office—even the United States Senate—was never a simple pursuit of power nor an end in itself.

Politics and policy were the means by which he could help make the human passage on earth fairer, safer and more serene. His commitment to halting future use of nuclear weapons began when he was introduced to Albert Einstein in 1946. He was still working tirelessly toward that goal when he died, at age 86, eight years after he left the Senate.

In the shorthand of the obituary writer, Cranston is remembered for winning four Senate elections, serving seven consecutive terms as Democratic Whip, for having run for president as the champion of a nuclear freeze and for being tarred by the so-called Keating Five scandal. While all true, that doesn't begin to describe a political career of amazing productivity and accomplishment, showing just how much one person quietly can do to shape his or her times.

By one count, there were 2,500 tallies in the Senate between 1969 and 1989 that were decided by fewer than five votes, and often by a single vote. Cranston was often a crucial player, not only for his vote alone but as a behind-the-scene strategist, head counter, marshaler of forces and shrewd compromiser who always lived to fight another day.

He was frequently one-half of various Senate odd-couple pairings, meshing his principles with pragmatism. He teamed with conservative Senators such as Strom Thurmond (R-S.C.) to improve veterans programs, Alfonse D'Amato (R-N.Y.) on public housing measures and the legendary Barry Goldwater (R-Ariz.) to protect press freedoms guaranteed under the First Amendment.

Cranston was liberal and an idealist to the core, but never an ideologue or blindly partisan. That balance enabled him to become one of the most durable and successful California politicians of the 20th century. He was elected six times to statewide office from California.

Representing the West Coast megastate in the Senate meant skillfully balancing myriad insistent and often conflicting home-state interests. Even as California changed politically and demographically, Cranston managed to steer a delicate course between the state's giant agribusiness interests and those of consumers, family farmers and farm workers; he weighed the claims of home builders and growing communities against the need to preserve open spaces and wildlife habitats.

Amazingly, he helped end the Vietnam War and was a major figure in the nation's arms control and peace movements, even as he effectively represented the epicenter of the nation's defense and aerospace industries.

It is a measure of the man that he was able to separate the warriors of Vietnam from the war itself. From 1969 to 1992 all legislation concerning America's veterans bore his stamp, especially measures improving health care and mental health services for those who fought in the nation's most unpopular war.

Teaming up with the late Rep. Phillip Burton (D) of San Francisco on environmental issues, the two Californians managed to place under federal protection as much acreage as all the national park lands created earlier in the 20th century combined.

Today there is a catalog of thousands of bills and amendments he personally authored affecting virtually every aspect of national life: civil rights, adoption and foster care reform, wild rivers, research to improve aging and longevity, workplace safety, emergency medical services and much more.

He lived by the maxim that a leader can accomplish great things if he doesn't mind who gets the credit.

The Cranston style has not been much in evidence in Washington during recent years. However, Members in the 107th Congress—where many a cause will be determined by one or very few votes—would do well to consider the lessons of his enabling career. If they study the Cranston legacy and seek to emulate it, the nation and the world will be better for it.

Mr. KENNEDY. Mr. President, Kim, Colette, Evan, R.E.—let me begin by saying I loved Alan too. I will never forget the 24 years of friendship and leadership and achievement with which he graced the Senate and the nation. So it's a special privilege and honor for me to be part of this tribute today. Alan is profoundly missed by his family and friends, his colleagues in the Congress, and by all those around the world who pursue the great goals of hope and progress and peace.

I must say, I grew up thinking Cranston was a city in Rhode Island. But Alan taught each of us that Cranston stands for something else as well, the very best in public service.

Alan loved to lead behind the scenes, for 14 of those 24 Senate years with us, he was our Democratic whip, and he wrote the book about the job. In those great years, we used to tease Alan about the position, because so few people outside Congress knew what it involved. Since Alan was from California, a lot of people thought the Minority Whip was the name of a Leather Bar in Malibu.

But seriously, Alan was a giant of his day on many issues, and his concern for social justice made him a leader on them all. We served together for many years on the Labor Committee and especially the Health Subcommittee, and his insights were indispensable. I always felt that if we'd had another Alan Cranston or two in those years, we'd have actually passed our Health Security Act, and made health care the basic right for all that it ought to be, instead of just an expensive privilege for the few.

Perhaps the greatest legacy that Alan left us was his able and tireless work for democracy and world peace. Every village in the world is closer to that goal today because of Alan. No one in the Senate fought harder or more effectively for our nuclear weapons freeze in the 1980's, or for nuclear arms control. His hope for a nuclear-free future still represents the highest aspiration of millions, even billions, throughout the world.

I also recall Alan's pioneering efforts to press for Senate action to end the war in Vietnam, and his equally able leadership for civil rights at home and human rights around the world. We know how deeply he felt about injustice to anyone anywhere. His leadership in the battle against apartheid in South Africa was indispensable.

Throughout his brilliant career, the causes of civil rights and human rights were central to Alan's being and his mission—and America and the world are better off today because Alan Cranston passed this way.

A key part of all his achievements was his unique ability to translate his ideals into practical legislation. Few if any Senators have been as skilled as Alan in the art of constructive legislative compromise that fairly leads to progress for the Nation.

He was a vigorous supporter of the Peace Corps, a strong overseer of its performance, and a brilliant advocate for all the Peace Corps Volunteers. He was a champion for health coverage of returning Volunteers, and one of the first to understand that good health coverage had to include mental health services too.

In many ways, his first love was the Peace Corps, and I know that President Kennedy would have been very proud of him. Even before he came to the Senate, he had his first contact with the Corps, as a consultant for Sargent Shriver. As Alan often said, he became involved because he was so inspired by my brother's vision of a world where Americans of all ages could work side-by-side with peoples throughout the world to put an end to poverty.

Because of Alan, the Peace Corps today is thriving as never before—free of the partisan tensions that divide us on other issues, spreading international understanding of Alan's and America's best ideals, educating new generations of young Americans about our common heritage as travelers on spaceship earth, teaching us about the beauty, the richness, and the diversity of other peoples, other languages, and other cultures and about the enduring importance of the greatest pursuit of all, the pursuit of peace.

Near the end of John Bunyan's "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

> Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.
>
> When the day that he must go hence was come, many accompanied him to the riverside, into which as he went, he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

We loved you, Alan. We miss you. And we always will.

Mr. KERRY. Mr. President, it is a special privilege to join all of you today to honor the life and extraordinary accomplishments of Alan Cranston.

As we all know, Alan was a sprinter and—always with an incredible mischievous twinkle in his eye he sprinted through life. I think one of the most enduring images of him is of Alan on the eve of the Iowa caucuses in 1984 at the Holiday Inn in Keokuk, Iowa, sprinting barefooted down the 40-meter hallway, walking back and repeating the exercise for about 40 minutes. It was no coincidence that Alan's favorite hotel in the country, Chicago's O'Hare Hilton, boasts 250-meter hallways.

Three weeks ago in California we shared a goodbye to our friend, this sprinter, at a memorial service—calling to mind the many ways he enriched public lives and personal relationships.

There in the Grace Cathedral, we heard Colette Cranston say that in death Alan Cranston "has become my Jiminy Cricket—that little voice in her conscience that says, 'Colette, think before you leap.'" It would not be an exaggeration to say that warning was characteristic of Alan when he served here in the United States Senate. He wanted us to look, and he wanted us to leap. He implored us to put a human face on public policy—to think not in statistics and numbers and programs alone, but in terms of people: and the people he spoke of most often were senior citizens, children, those without decent housing, immigrants, and those in need of a helping hand regardless of race or religion. He was a moral voice, a voice of conscience, someone who understood that even as he remained vigilant defending the needs of the homefront in California, he was also a global citizen who knew this institution had global responsibilities.

Through four terms as a United States Senator, he remained a man of enormous humility on his answering machine he was simply "Alan"—as he was to so many who knew him. This personal sense of place and restraint made it easy to underestimate the contributions he made to the Senate, and to our country. Certainly he never paused long enough to personally remind us of the impact of his service, of the history he was a part of and the lives he touched.

I first met Alan in 1971 when I had returned from Vietnam and many of our veterans were part of an effort to end a failed American policy in Vietnam. In Alan Cranston we found one of the few Senators willing not just to join in the public opposition to the war in Vietnam, but to become a voice of healing for the veterans of the war a statesman whose leadership enabled others, over time, to separate their feelings for the war from their feelings for the veterans of the war. At a time when too many wanted to disown its veterans, Alan offered Vietnam veterans a warm embrace. He was eager to do something all too rare in Washington: listen—and he listened to veterans who had much to say, much of it ignored for too long. He honored their pride and their pain with sensitivity and understanding.

That's when I first saw the great energy and commitment Alan brought to the issues affecting veterans, especially those of the Vietnam era. He was deeply involved on veterans' health care issues, among the first to fight for recognition of post-Vietnam stress syndrome, and a leader in insisting on coverage under the V.A. for its treatment. When the Agent Orange issue came to the fore, Alan insisted on getting answers from an unresponsive government about the consequences of exposure to dioxin, making sure that veterans and their families got the health care they needed. Under his leadership Congress grudgingly increased GI Bill benefits for Vietnam veterans—veterans who too often had to fight for benefits they should have been guaranteed without question—indeed, for veterans who had to fight if only to have a memorial and if only to have the government recognize that they fought in a war and not a police conflict Alan's leadership made all the difference. It is a sad truth in our country's history that a weary Nation seemed eager to turn its back on so many Vietnam veterans who simply sought their due; it should forever be a source of pride to the Cranston family that Alan was chief among those who insisted that America honor that service and keep faith with sons who left pieces of themselves and years of their lives on the battlefield in that far-away Nation.

This was a man who fought with the greatest of passion for those who had fought in a difficult war—even as he was also the Senator who fought against all that war represents—remembering that war, brutality, and killing are the ultimate failure of diplomacy.

Alan Cranston was above all a man of peace. With him it was not just a policy but a passion. Remember: This was a man who, in 1934, found himself in the same room as Adolf Hitler. Five years later, he wrote a critical English translation of Adolf Hitler's "Mein Kampf" in an effort to reveal the German leader's true plans. He wore Hitler's ensuing lawsuit as a badge of honor, proud that he had stood up to try and warn the English-speaking world about the evils of Nazism.

Throughout the rest of his service he used public office to force Americans to listen to other prescient warnings—about nuclear arms, about a dangerous arms race spiraling beyond our control, and about hopes for peace that he refused to give up even as others chose to beat the drums for war.

Senator Cranston came to his famous commitment to arms control after meeting with Albert Einstein in 1946. He left that meeting convinced that the threat of atomic weapons had to be stemmed—and he spent the balance of his life arguing that conviction before the Nation.

As a member of the Senate leadership and a senior voice on the Democratic side of the Foreign Relations Committee he worked to reduce the nuclear threat. One of his most important efforts was one of the least publicized. Throughout the 1970s and the 1980's, Alan convened a unique arms control study group the "SALT Study Group". This senators-only gathering met monthly in his office, off the record, and face to face to define common ground. He knew the impact quiet diplomacy could have on the issues he cared about most of all.

He loved what the Peace Corps does, and he fought for it. He fought to attach human rights conditions on aid to El Salvador and to halt contra aid. He was a leading national advocate for a mutual verifiable nuclear freeze. He was always an idealist whose increase in political power was always met by progress for the issues he cared about so deeply. It was not just the work of a career, but of a lifetime—after he left the Senate he chaired the State of the World Forum and joined with former Soviet leader Mikhail Gorbachev as chairman of the Gorbachev Foundation/USA and in 1999, he founded the Global Security Institute.

He did that because he sensed that the end of the Cold War, with all the opportunity it afforded, created a more dangerous world, with aging nuclear weapons in increasingly disparate and unreliable hands. He was haunted by the threat of nuclear terrorism. He was passionate about the nuclear test ban treaty and was angry when it went down to a shallow and partisan defeat in the Senate. We missed his voice in that debate; we miss him still more today.

When he left the Senate, Alan reflected upon his service and his accomplishments. Of his lasting legacy, he said simply: "Most of all, I have dedicated myself to the cause of peace."

That dedication was real and lasting—a legacy of peace for a good and peaceful man who gave living embodiment to Culbertson's simple, stubborn faith that "God and the politicians willing, the United States can declare peace upon the world, and win it." That belief was Alan Cranston and it is a belief worth fighting for.

HOME HEALTH CARE STABILITY ACT

Mr. BURNS. Mr. President, I rise today to add my name as a cosponsor to the Home Health Care Stability Act of 2001. I commend the leadership of my friends Senator COLLINS and Senator BOND and I am pleased to join my many other colleagues in support of this very important piece of legislation.

This bill is two-fold, it will permanently eliminate the automatic 15 percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1, 2002 and will also extend the temporary 10 percent add-on payment for home health patients in rural areas to ensure that these patients continue to have access to much-needed care.

Times are rapidly changing. Today more than ever, patients are spending less time in the hospital. More and more, we are seeing procedures done on an outpatient basis, with recovery and care for patients with chronic conditions taking place in the home. In addition, in my State of Montana, for example, the number of elderly who are chronically ill or disabled continues to grow. How do we care properly and compassionately for these individuals? As our population ages, the answer to this question becomes more and more important.

Increasingly, the answer for many is home health care. Home health care is an important part of Medicare in which seniors and the disabled can get the care they need, where they want it: in the comfort and security of their own homes. Additionally, home health care is a necessity because, for many, their health or physical condition makes it almost impossible to leave home. Not only is it convenient, but much more importantly, patients love it. They love it because home health care allows seniors and others with disabilities a feeling of independence and dignity, despite their illnesses. Often home health is an alternative to more expensive services in hospitals, and, thus, is a cost-effective alternative to providing care.

However, folks, there is a home health care crisis—too many seniors and disabled who should be receiving health care services at home are not getting it. This is wrong. Many of our most frail and vulnerable have had to be repeatedly hospitalized with problems that could have been avoided had they been continuing to receive their home health benefits. Others are trying to pay for the care themselves, often on very limited means. Some are going without care altogether.

By the late 1990s, home health care was the fastest growing component of Medicare spending, growing at an average of 26 percent annually. We all know what happened next—in an effort to balance the budget and make the home health program more cost-effective and efficient, Congress in the Balanced Budget Act of 1997, BBA, tried to cut the growth in Medicare spending. Unfortunately, the real results of this action went much farther than we intended, in large part because of faulty implementation and excessive regulatory requirements of the Health Care Financing Administration, HCFA. As the cuts and regulations spun out-of-control, health care providers struggled to survive, while many were forced to close their doors entirely. Ultimately, patients suffered the most. This story applies to patients and providers in all parts of Medicare, hospitals, nursing homes, home health care providers, everyone.

Now, on the horizon, is yet another 15-percent cut that would put many of our already struggling home health agencies at risk and would seriously jeopardize access to critical home health services for millions of our Nation's seniors. In my State of Montana, access to home health care is already a problem for many, we cannot make this problem worse. Home health and, most importantly, the patients who depend on its services cannot afford this. We must act now.

I am indeed proud that last year we passed legislation, the Medicare, Medicaid, and S-CHIP Benefits Improvement and Protection Act, which provided some relief to struggling home health agencies. However, I do not think that it went far enough. First, we must eliminate the 15 percent cut completely. The simple fact is that an additional 15 percent cut in Medicare home health payments would spell death for those low-cost agencies which are currently struggling to hang on, and it would further reduce seniors' access to critical home care services. We have already delayed this 15 percent cut three times—the time has come to do away with it once and for all. Secondly, we must also make permanent the temporary 10 percent add-on for home health services furnished patients in rural areas. This, too, was included in last year's legislation, this bill would make it permanent.

In Montana, we know too well how very expensive it is for home health agencies to deliver services to rural patients. They have to travel long distances, and it takes a long time to reach those patients. That all adds to the cost.

The Home Health Care Stability Act will provide essential relief for our home health agencies that are struggling to make ends meet. I am proud to add my name as a cosponsor of this important piece of legislation. I hope we can get quick action on this bill to ensure that seniors and the disabled have appropriate access to quality home health care.

PUBLIC MEDAL OF VALOR ACT

Mr. LEAHY. Mr. President, I am pleased to cosponsor the Public Safety Officer Medal of Valor Act, S. 39, which was introduced by Senator STEVENS. I thank him for his hard work on this important piece of legislation.

I supported and cosponsored the Public Safety Officer Medal of Valor Act in the last Congress as well. I was disappointed that this legislation did not become law then. In April and May, 1999, I made sure that the Senate acted on this bill. On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS for introducing the measure and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was during National Police Week nearly two years ago. The measure was sent to the House of Representatives where it lay dormant for the remainder of the 106th Congress.

Instead, the House, in the last Congress, insisted that the Senate take up, fix and pass the House-passed version of this measure, H.R. 46, if it were to become law. House members indicated that they were prepared to accept most of the Senate-passed text, but insisted that it be enacted under the House bill number. In order to get this important measure to the President, we did that on December 15, 2000. We discharged the House-passed version of that bill from the Judiciary Committee, adopting a complete substitute, and sent it back to the House. Unfortunately, the House failed to act on our good faith effort last year, and the Public Medal of Valor was never enacted.

This year, I have again worked with Senator STEVENS, Senator HATCH, and others to get this important bill passed. I urge my colleagues to work towards improvements to ensure that the Medal of Valor Board will work effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation should establish both of these entities. It is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for recommendations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less. I hope the Senate will quickly act on these changes to this important measure.

BLACK HISTORY MONTH

Mr. KERRY. Mr. President, I'd like to make a few comments today in recognition of Black History Month. For a quarter-century, our country has held the month of February in special regard as a time to remember and reflect on the rich history and extraordinary achievements of African Americans. Today, I would like to speak about some important and influential African Americans from my home State of Massachusetts.

The diversity we celebrate during this month encompasses many areas. African-American leaders should be recognized not only for their achievements in the face of racial discrimination, but for the accomplishments they have made in a wide variety of occupations. Diversity stretches beyond race and crosses into gender, age, and occupation. The following men and women cover a wide spectrum of interests, eras, and accomplishments, and each has made a significant contribution to the Massachusetts community.

In 1845, Macon B. Allen became the first African American officially admitted to the bar, and he practiced law for many years in Worcester, Massachusetts before moving to South Carolina, where he became one of the first black Federal judges in the Nation. Mr. Allen set a precedent that opened many doors for the minority attorneys and judges who followed in his footsteps.

Dr. W.E.B DuBois has long been recognized as a figure of leadership in African-American history. Dr. Dubois fought racism through words, writing in such publications as the National Association for the Advancement of Colored People journal. He approached civil rights boldly, advocating the eradication of all distinctions on the basis of race or color. Throughout the early half of the 20th century, DuBois sought this ideal, in his words, "to obtain without compromise such rights and privileges as belonged to members of civilization of which he was a part."

John Thomas, an athlete from Massachusetts, truly soared above his competition. As a freshman at Boston University, Thomas established a new world record for the high jump at 7 feet, 1¼ inches in 1959. As the first athlete to consistently jump more than 7 feet, Thomas went on to break his own record twice. He represented America in the 1960 Summer Olympics in Rome, medaling in the high jump. In addition to his athletic activities, Thomas served his local community as a leader in several organizations, including the Boy Scouts of America and the National Multiple Sclerosis Society.

Dorothy West was heralded as "the last living member of the Harlem Renaissance" until her death in 1998. Despite her ties to the New York artists' movement, her roots in Massachusetts run deep. Ms. West was born near Martha's Vineyard and spent nearly her entire life there. Ms. West became an award-winning writer when she was still a teenager, and she started and edited several literary magazines that focused on black writers of the era. She returned to Martha's Vineyard to finish her first novel, The Living is Easy, published in 1948, and to write her second novel, The Wedding, later published in 1995.

These stories provide meaningful snapshot of how African Americans have contributed greatly to Massachusetts and our Nation. Their triumphs, along with the everyday achievements of African-Americans in my state, should be applauded. I am proud that my State has such a richly diverse history and I'm pleased we have set aside this month to commemorate these accomplished individuals. I hope as a Nation we will remember these achievements not only this month, but everyday.

Mr. WELLSTONE. Mr. President, I rise today to speak on behalf of this year's Black History Month theme, "Creating and Defining the African American Community: Family, Church, Politics and Culture." I would like to note that while we take time in February to recall the contributions, accomplishments and services that our fellow citizens have rendered, it is important to remember that the contributions of African Americans to America happen everyday in every walk of life.

Moreover, in our review of these vital contributions, we are called upon to acknowledge the courage, talent, determination, leadership and vision of those men, women and children who made an impact in the face of incredible obstacles.

This year's theme, I believe, is fundamental not only in defining the African American community, but the American community at large. The struggle for a better America begins with each individual and his or her call to civic duty. The historical context of building a better America begins with gaining a deeper understanding of our history and how our social environment has been shaped.

The civil rights movement helped our Nation, and particularly our government, recognize that universal participation and rights are enjoined upon all citizens, regardless of the color of their skin. One of the many lessons that can be gleaned from this movement is that it is our duty as Americans to embrace the diverse elements of our society so that future generations can see themselves in our Nation's past and realize that they have a role to play in seizing the future's countless opportunities.

In acknowledging the various elements of the African American community of Family, Church, Politics and Culture, I would like to acknowledge a few of the outstanding contributions of African Americans in the state of Minnesota. Their efforts have helped shape the social, economic and political landscape of that vibrant community as well as the community at large.

Just recently, the United States Postal Service issued a stamp in its Postal Service's Black Heritage commemorative series. This stamp commemorates the life and accomplishments of one of the great leaders of the civil rights movement, Mr. Roy Wilkins, who grew up in St. Paul and attended the University of Minnesota. In 1931 he was appointed assistant executive secretary of the National Association for the Advancement of Colored People, NAACP, the largest civil rights organization in the U.S. From 1934 to 1949 he was editor of The Crisis, the official magazine of the NAACP. Wilkins served as a consultant to the War Department on black employment during World War II. After the war he continued his service to the NAACP; he was executive secretary from 1955 to 1965 and executive director from 1965 until his retirement in 1977. He played a major role in the preparation of Brown versus Board of Education of Topeka, 1954, and was one of the organizers of the March on Washington in 1963. It is only fitting that the legacy of a man of such integrity, vision, and deep conviction is given tribute through this special recognition. His leadership and dedication to the civil rights cause is exemplary.

I am proud to honor the religious community not only for their spiritual guidance of the African American community, but also for their unwavering efforts to improve the quality of life in our cities and state. The Coalition of Black Churches in Minneapolis and the St. Paul Ministerial Alliance truly have made a difference in the community with their outreach on behalf of their congregations and community, through their experience and sacrifice, through their political will with their legislative agendas, and most importantly, through their leadership and exemplary behavior. They are not simply preaching the meaning of values, family and community service, they are also showing us.

In the arena of politics, Ms. Neva Walker became the first African American woman to be elected to the Minnesota Legislature just last fall. Given the dispiriting level of civic participation in our society today, I truly am appreciative of the vision and leadership that Representative Walker brings to her constituents and our state. I am honored to know and work with Representative Walker. As the first African American woman legislator in our state I know she will make important changes, provide needed leadership, and introduce legislation that will greatly help many people.

Our community also is extremely privileged to have an organization with the capacity and outreach of African American Family Services. For 25 years, this organization has reached out to the community to provide culturally specific services and programs ranging from providing critical services in clinical health, family preservation, domestic violence, and adolescent violence prevention and anger management. In addition, this organization provides its clients and the community with a resource center, which includes a resource library and a technical assistance center, which creates training programs to educate human resource professionals on enhancing service delivery to African American clients.

A tribute to some of the heroes of the community would not be complete without a mention of two men who brought so much joy to the fans of the Minnesota Twins. Mr. Kirby Puckett and Mr. Dave Winfield, who were both inducted into Major League Baseball's Hall of Fame, provided Twins fans in Minnesota and around the country with some spectacular plays which will forever be in our memories. Aside from their outstanding professional accomplishments, both players continue to be exemplary role models and community leaders.

Let us take this opportunity to rededicate and re-invigorate ourselves, as Americans, to the cause of working together to create a society which not only understands the concept of unity in diversity, but lives it; which not only preaches economic justice, but implements it; that not only espouses equality of opportunity, but ensures it.

JUNIOR RESERVE OFFICERS TRAINING CORPS

Mr. GRAHAM. Mr. President, on February 15th, I was pleased to join Senator THURMOND in introducing a bill that would remove current restrictions preventing the expansion of the Junior Reserve Officers Training Corps, JROTC. This bill would also address the shortage of JROTC instructors by expanding the qualifying criteria to National Guard and Reserve Officers. There is nearly unanimous agreement that JROTC is turning today's children into tomorrow's leaders. Additionally, high school performance measures consistently indicate that JROTC cadets attend class more frequently, are responsible for fewer disciplinary infractions, and are more likely to graduate. JROTC's blend of local, State, and Federal involvement has also been a model for good government, and it has sponsored teamwork not just in its cadets but also in the agencies responsible for the program. As many members know, I have long been a supporter of the JROTC program, having secured $27 million in supplemental appropriation for JROTC in 1999. By removing the current limitations on its expansion, we are enabling more students to participate in what has proven to be an exemplary program. The legislation would remove the congressionally-mandated ceiling of 3,500 JROTC units. It would also allow the Marine Corps to continue to expand their program which had previously been capped at 210 units. All together the Army, Air Force, Navy, and Marine Corps have more than 2,700 school units totaling over 425,000 cadets, with hundreds of schools nationwide on waiting lists for a JROTC program. JROTC has carried bipartisan support since Congress established it in 1926.

I urge my colleagues to support this legislation.

NAVAL RESERVE'S 86TH BIRTHDAY

Ms. LANDRIEU. Mr. President, on March 3rd we honor the 86th birthday of the United States Naval Reserve. Since 1915 the Naval Reserve has exemplified the highest virtues of loyalty, service, and sacrifice. They have served and fought alongside their active duty comrades from the Atlantic to the far reaches of the Pacific, to the jungles of Vietnam and across the vast expanse of the Arabian desert as a battle-tested and skilled force that is the envy of the world.

Back in 1915, no one could have imagined the role that fledgling naval reserve would play in supporting the Navy today. The term "Weekend Warrior" no longer applies to these citizen-soldiers. As a trained, professional and well-equipped cadre of dedicated men and women, they are a key component of everything the Navy does, both in peacetime and in war. Many of them have made the ultimate sacrifice in the cause of freedom and we honor their memory.

They serve on ships, in squadrons, on staffs, and in hospitals performing a myriad of tasks essential to mission accomplishment. Seamlessly integrated alongside their active-duty shipmates you cannot tell the difference between them. This is the reality of today's total force and what enables our marvelous military to remain engaged around the world.

They have a proud heritage and a bright future. In the spirit of the Minutemen of Lexington and Concord these great Americans stand ready to answer their Nation's call at any time, and the world is a better place because of the sacrifice they and their families make.

In my hometown of New Orleans, we are fortunate enough to be rich in Naval history and tradition. We are the proud home of the Naval Reserve Headquarters where Rear Admiral John Totushek commands more than 88,000 reservists across the United States and around the world.

As we set out in this new century, the importance of the Naval Reserve has never been more clear. Tomorrow, as today and for generations past, the razor sharp readiness of the United States Navy serves as a beacon to America's friends and a warning to our enemies, promising swift action, great victories and richer traditions yet to come.

On this day, I offer warmest regards to all members of the Naval Reserve, and to the families who also serve by supporting them. You represent all that is wonderful about our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO LEON KENISON UPON HIS RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Leon Kenison, an exemplary public official who dedicated himself to serving the people of New Hampshire for almost four decades. As Commissioner of the Department of Transportation since 1996, he has brought to the office the professional skills and knowledge of the politics and practice of road building so vital to an agency that touches the lives of every person who lives in or visits the Granite State.

Leon began his career with the Department of Transportation in 1963, a week before graduating from the University of New Hampshire. He is widely respected for his transportation expertise at state, regional and national levels, and has chaired several key committees for the American Association of State Highway Transportation Officials. During his tenure with the DOT, Leon approached his work with a can-do attitude, and balanced what needs to be done with what can be done.

Throughout his career, Leon accomplished a great deal for transportation in New Hampshire. The people of this state look upon him with tremendous gratitude and admiration for all that he has done. I have often sought Leon's support and expertise on transportation issues. We worked closely together to make sure that New Hampshire's needs were met in the Transportation Equity Act for the 21st Century. Under his leadership, the DOT not only secured funding to complete major highway projects including Route 101 and I–93, but also placed more emphasis on environmental protection, car pools, express bus, rail and other new programs.

It is an honor and a privilege to serve Leon Kenison in the U.S. Senate and I wish him and his family godspeed in his retirement and in all of their future endeavors. •

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–681. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2001–15) received on February 13, 2001; to the Committee on Finance.

EC–682. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" ((RIN1545-AY51)(TD8943)) received on February 13, 2001; to the Committee on Finance.

EC–683. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Below-market Loans for 2001; Correction" (Ann. 2001–19) received on February 13, 2001; to the Committee on Finance.

EC–684. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Allocations' in Deemed and 'Actual Asset Acquisitions" ((RIN1545–AY73)(TD8940)) received on February 13, 2001; to the Committee on Finance.

EC–685. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Payee Statements" (RIN1545–AY00) received on February 13, 2001; to the Committee on Finance.

EC–686. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Annual Report of the Administration of the Government in the Sunshine Act for Calendar Year 2000; to the Committee on Governmental Affairs.

EC–687. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the semiannual Monetary Policy Report for the period from July 2000 through February 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–688. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Further Revisions to the Clean Water Act Regulatory Definition of 'Discharge of Dredged Material': Delay of Effective Date" (FRL6945–3) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–689. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to-Know Toxic Chemical Release Reporting; Delay of Effective Date" (FRL6722–10) received on February 13, 2001; to the Committee on Environment and Public Works.

EC–690. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report concerning internal accounting and financial controls for Fiscal Year 2000; to the Committee on Energy and Natural Resources.

EC–691. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albia, IA; docket no. 00–ACE–33" ((RIN2120–AA66)(2001–0049)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–692. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cape Lisburne, AK; docket no. 00–AAL–11" ((RIN2120–AA66)(2001–0035)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–693. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Aliens Ineligible to Transit Without Visas (TWOV)" (RIN1400–AA48) received on February 13, 2001; to the Committee on Foreign Relations.

EC–694. A communication from the Acting Assistant Secretary of the Division of Transportation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2001 Indian Reservation Roads Funds" (RIN1076–AE09) received on February 16, 2001; to the Committee on Indian Affairs.

EC–695. A communication from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Major Capital Investment Projects; Delay of Effective Date" ((RIN2132–AA63)(2001–0001)) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–696. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Intelligent Transportation System Architecture Standards; Delay of Effective Date" ((RIN2125–AE65)(2001–0001)) received on February 12, 2001; to the Committee on Environment and Public Works.

EC–697. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks" received on February 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–698. A communication from the Acting Administrator of Transportation and Marketing, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program" (RIN0581–AA40) received on February 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–699. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions where CEM Exists" (Docket No. 00–115–3) received on February 21, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–700. A communication from the Deputy Assistant Secretary of Fish, Wildlife and Parks, Ranger Activities Division Regulations Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Winter Use in Yellowstone National Park, Grand Teton National Park, and Rockefeller Parkway" (RIN1024–AC82) received on February 12, 2001; to the Committee on Energy and Natural Resources.

EC–701. A communication from the Assistant Secretary of Land and Minerals Management, Economics Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Oil and Gas Leasing" (RIN1010–AC69) received on February 21, 2001; to the Committee on Energy and Natural Resources.

EC–702. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Duty-Free Treatment for Certain Beverages Made with Caribbean Rum" (RIN1515–AC78) received on February 12, 2001; to the Committee on Finance.

EC–703. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deductibility of ESOP Redemption Proceeds" (Revenue Rule 2001–6) received on February 12, 2001; to the Committee on Finance.

EC–704. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Intermediary Transactions Tax Shelter" (Notice 2001–16, 2001–9) received on February 12, 2001; to the Committee on Finance.

EC–705. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Contingent Liability Tax Shelter" (Notice 2001–17, 2001–9) received on February 12, 2001; to the Committee on Finance.

EC–706. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Retroactive Adoption of an Accident and Health Plan" (UIL105.06–05) received on February 12, 2001; to the Committee on Finance.

EC–707. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Procedure 99–18 (Debt Substitutions)" (Rev. Proc. 2001–21, 2001–9) received on February 12, 2001; to the Committee on Finance.

EC–708. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 472 Regarding the Dollar-Value LIFO Inventory Method—Used Cars" (Rev. Proc. 2001–23) received on February 12, 2001; to the Committee on Finance.

EC–709. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Employee Plans Correction Procedures in Revenue Procedure 2000–16" (Rev. Proc. 2001–17) received on February 12, 2001; to the Committee on Finance.

EC–710. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Employment Taxes to Statutory Options" (Notice 2001–14) received on February 12, 2001; to the Committee on Finance.

EC–711. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2001" (Rev. Rule 2001–7) received on February 12, 2001; to the Committee on Finance.

EC–712. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Earnings and Profits Adjustments on Exercise of Option" (Rev. Rule 2001–1, 2001–9) received on February 12, 2001; to the Committee on Finance.

EC–713. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Rule 2001–4" (Notice 2001–23) received on February 21, 2001; to the Committee on Finance.

EC–714. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repeal of Installment Sale Restriction for Accrual Taxpayers" (Notice 2001-22) received on February 21, 2001; to the Committee on Finance.

EC-715. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Section 13.02 of the Appendix to Revenue Procedure 99-49" (Rev. Proc. 2001-25, 2001-12) received on February 21, 2001; to the Committee on Finance.

EC-716. A communication from the Acting Vice President of Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, Amtrak's Annual Report, Legislative Report, and Grant Request for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Track Safety Standards Amendment to Address Gage Restraint Measurement Systems: Delay of Effective Date" ((RIN2130-AB32)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of pipelines): Delay of Effective Date" ((RIN2137-AD45)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Deputy Chief Counsel of the Research and Special Programs Administration, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Areas Unusually Sensitive to Environmental Damage: Delay of Effective Date" ((RIN2137-AC34)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV) Requirements for Operators of Small Passenger—Carrying CMV's" (RIN2126-AA51) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electric Vehicle Safety: Delay of Effective Date" ((RIN2127-AF43)(2001-0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-722. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades (CGD 95-054): Delay of Effective Date" ((RIN2115-AF17)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-723. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Federal Blood Alcohol Concentration (BAC) Standards for Recreational Vessel Operators (USCA-1998-4593): Delay of Effective Date" ((RIN2115-AF72)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-724. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, NY (CGD01-01-008)" ((RIN2115-AE47)(2001-0013)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-725. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sanibel Causeway Bridge (CGD07-01-005)" ((RIN2115-AE47)(2001-0012)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-726. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Chelsea River, MA (CGD01-01-013)" ((RIN2115-AE47)(2001-0011)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-727. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Brorein Street Bridge, across the Hillsborough River, Tampa, FL (CGD07-01-009)" ((RIN2115-AE47)(2001-0010)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-728. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sacramento River, CA (CGD11-01-001)" ((RIN2115-AE47)(2001-0015)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-729. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hillsborough River, Tampa, FL (CGD07-01-003)" ((RIN2115-AE47)(2001-0014)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-730. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Federal Blood Alcohol Concentration (BAC) Standard for Recreational Vessel Operators (USCG-1998-4593)" (RIN2115-AF72) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-731. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Elizabeth River, Eastern Branch, Norfolk, Virginia (CGD05-98-090)" ((RIN2115-AE47)(2001-0009)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-732. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Wrangell Narrows, Petersburg, AK (COTP Southeast Alaska 01-001)" ((RIN2115-AA97)(2001-0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. Breaux, Mr. Lott, Mr. Voinovich, Mr. Domenici, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Shelby, Mr. Burns, Mr. Hagel, Mr. Stevens, and Mr. Hutchinson):

S. 388. A bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. Breaux, Mr. Lott, Mr. Voinovich, Mr. Domenici, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Shelby, Mr. Burns, Mr. Hagel, Mr. Stevens, and Mr. Hutchinson):

S. 389. A bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 390. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 391. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 39

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

At the request of Mr. STEVENS, the names of the Senator from Utah (Mr. BENNETT), the Senator from Alabama (Mr. SHELBY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. FRIST), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 39, supra.

S. 60

At the request of Mr. BYRD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 99

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 120

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 120, a bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 135

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 135, a bill to amend title XVIII of the Social Security Act to improve payments for direct graduate medical education under the medicare program.

S. 154

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maine (Ms. COLLINS), and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 216

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 216, a bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. SNOWE), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 289

At the request of Mr. SESSIONS, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 289, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 295

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 325

At the request of Mr. FRIST, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 325, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 326

At the request of Ms. COLLINS, the names of the Senator from Montana (Mr. BURNS) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 343

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 343, a bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities.

S. 379

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 379, a bill to establish the National Commission on the Modernization of Federal Elections to conduct a study of Federal voting procedures and election administration, to establish the Federal Election Modernization Grant Program to provide grants to States and localities for the modernization of voting procedures and election administration, and for other purposes.

S.CON.RES. 4

At the request of Mr. NICKLES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.Con.Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S.CON.RES. 7

At the request of Mr. KERRY, the names of the Senator from Texas (Mrs.

HUTCHISON) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S.Con.Res. 7, a concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

S.CON.RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Mrs. MURRAY), the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S.Con.Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S.RES. 19

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002.

S.RES. 20

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.Res. 20, a resolution designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.RES. 22

At the request of Mr. HUTCHINSON, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S.Res. 22, supra.

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S.Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

S.RES. 27

At the request of Mr. HELMS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S.Res. 27, a resolution to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 391. A bill to establish the Steel Industry National Historic Park in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the nation by creating the "Steel Industry National Historic Park" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be understated. A national park devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great nation. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of $1 million annually since Fiscal Year 1998. I am hopeful that this support will continue however; more than just resources are necessary. That is why I am introducing this important legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national park that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration or destruction. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our nation's development. Some of these sites include the Carrie Furnace complex, the Hot Metal Bridge, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Park under my legislation.

Highlights of such a national park would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national park under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked an important period in our nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the federal government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who will sponsor the companion legislation in the House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, Executive Director of the Steel Industry Heritage Corporation, in order to bring this national park to fruition. I urge my colleagues in the United States Congress to cosponsor this legislation and I will work for its swift passage. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Industry National Historic Park Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the United States steel industry;

(2) a large proportion of the buildings and other structures in the Commonwealth are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge; and

(3) despite substantial efforts by the Commonwealth, as well as individuals and public and private entities in the Commonwealth, to preserve and interpret these significant historical and cultural buildings and structures, such buildings and structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this Act are to provide for the preservation, development, interpretation, and use of the nationally significant historical and cultural buildings, structures, and sites described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Pennsylvania.

(2) PARK.—The term "park" means the Steel Industry National Historic Park established by section 4.

(3) PLAN.—The term "plan" means the management plan for the park required under section 7.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. STEEL INDUSTRY NATIONAL HISTORIC PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Steel Industry National Historic Park in the Commonwealth.

(b) COMPONENTS.—The park shall consist of land and interests in land comprising the former United States Steel Homestead Works, including—

(1) the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill;

(2) the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house;

(3) the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall; and

(4) all other property included in the park—

(A) by Federal law; or

(B) acquired by the Secretary for inclusion in the park under section 5 or other Federal law.

SEC. 5. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire—

(1) land and interests in land described in paragraphs (1), (2), or (3) of section 4(b); and

(2) not more than 10 acres of land adjacent to, or in the general vicinity of, the property described in paragraphs (1), (2), or (3) of section 4(b), for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(b) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the park.

(c) MEANS.—An acquisition of real property or personal property shall be made by donation.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with interested public and private entities and individuals to carry out this Act.

(2) REIMBURSEMENT.—A payment made by the Secretary under the terms of a cooperative agreement entered into under this subsection shall be subject to an agreement that if at any time the project assisted is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the interested entity or individual shall reimburse the Secretary for the greater of—

(A) the amount of assistance provided for the project; or

(B) the portion of the increased value of the project that is attributable to that assistance, determined as of the date of the conversion, use, or disposal.

(c) TECHNICAL ASSISTANCE.—The Secretary may provide to any person technical assistance for—

(1) preserving historic structures of the park;

(2) maintaining the cultural landscape of the park; and

(3) local preservation planning for the park.

SEC. 7. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) prepare a plan for the park; and

(2) submit the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) CONSULTATION WITH LOCAL OFFICIALS.—In preparing the plan under subsection (a)(1), the Secretary shall consult with—

(1) a representative of each political subdivision of the Commonwealth that has jurisdiction over all or a portion of the park; and

(2) a representative of the Steel Industry Heritage Corporation.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 1, 2001 in SH-216 at 9:00 a.m. The purpose of this hearing will be to review the status of conservation programs in the current farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on February 28, 2001 in SR-328A at 9:00 a.m. The purpose of this hearing will be to review the status of conservation programs in the current farm bill and to conduct a committee business meeting to discuss the committee rules and budget.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 28, 2001 at 9:00 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing to receive the views of the Department of the Interior on matters of Indian Affairs.

Those wishing additional information may contact Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, February 26, 2001. The purpose of this hearing will be to review the Farm Credit Administration's proposed regulation on national charters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that John Barth, a fellow in my office, be granted the privilege of the floor during the time of my remarks pertaining to the death of Dale Earnhardt.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEADING NORTH CAROLINA EXECUTIVE CALLS FOR WELL-DEFINED TV PUBLIC SERVICE

Mr. HELMS. Mr. President, a leading citizen of my State of North Carolina is a young man named Jim Goodmon. Jim is president and CEO of Capital Broadcasting Company in my hometown of Raleigh. Capital Broadcasting owns and operates several leading broadcast entities—TV stations, radio stations, and networks serving all of North Carolina and some bordering States.

James F. Goodmon is president and CEO of Capital Broadcasting Company, where more than a quarter of a century ago I had the privilege of serving as an officer. When I was elected to the Senate in 1972, I shortly thereafter, as a Senator, divested myself of all ownership in the company because Senators are often called upon to vote on legislation affecting broadcasting and broadcasters.

At that time, in 1972–73, Jim Goodmon had just completed his studies at Duke University and had just married a lovely and very bright young Tennessee lady—who, by the way, is herself prominent for her tireless work in literally saving the lives of down-on-their-luck people who have no place to go. She makes a place for them to go to rebuild themselves and reshape their character.

Having said all that, my purpose in speaking in the Senate is a profile on Jim Goodmon published in the December 13 edition of TV Technology. That is the name of it. It is an industry publication whose specialty is digital television. The headline on that article was "Jim Goodmon: Mayberry Values Collide With Harsh DTV Reality."

Now, this article, in my view, speaks well of Jim Goodmon, not merely regarding his business acumen, nor about the kind of businessman Jim is. I think it is, instead, a measurement of Jim Goodmon's sense of personal responsibility. In that regard, the article speaks for itself, and I encourage Senators and all other readers of the CONGRESSIONAL RECORD to review it.

I will refer to a couple of paragraphs in this publication, TV Technology, written by Frank Beacham. It says, under the dateline of New York:

> Soft-spoken Jim Goodmon—like the mythical Sheriff Andy Taylor of TV's Mayberry has a comforting way of tackling the most intractable problems with common sense and good humor. How else could he have done the seemingly impossible task of making broadcast cynics feel warm and fuzzy about digital television?
>
> After hearing Goodmon explain his philosophy of broadcasting, one can just imagine Andy, Barney, Thelma Lou, and Aunt Bea sitting around their HDTV set enjoying the local coverage of North Carolina's State Fair on WRAL, Goodmon's Raleigh, N.C., station.
>
> A third-generation North Carolina broadcaster whose first job was giving free TV antennas to WRAL viewers in the 1950s, Goodmon comes off as a radical reformer in Norman Rockwell clothing. Unlike FCC Chairman Bill Kennard, who draws lightening for saying many of the same things, Goodmon gets nods of respect even from those who disagree with him.
>
> "He represents what broadcasting ought to be," commented an audience member moments after hearing Goodmon speak in New York City at the Consumer Electronic Association's DTV Summit.
>
> Unlike many of his broadcasting industry contemporaries, Goodmon not only embraces the opportunities of digital television but insists that all broadcasters should be required to air some HDTV programming every evening. Eyebrows inch up further when he advocates that broadcasters should be held to a well-defined public service obligation enforced by a new NAB code of conduct.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From TV Technology, Dec. 13, 2000]

JIM GOODMON: MAYBERRY VALUES COLLIDE WITH HARSH DTV REALITY

(By Frank Beacham)

Soft-spoken Jim Goodmon—like the mythical Sheriff Andy Taylor of TV's Mayberry has a comforting way of tackling the most intractable problems with common sense and good humor. How else could he have done the seemingly impossible task of making broadcast cynics feel warm and fuzzy about digital television?

After hearing Goodmon explain his philosophy of broadcasting, one can just imagine Andy, Barney, Thelma Lou and Aunt Bea sitting around their HDTV set enjoying the local coverage of North Carolina's State Fair on WRAL, Goodmon's Raleigh, N.C., station.

A third-generation North Carolina broadcaster whose first job was giving free TV antennas to WRAL viewers in the 1950's, Goodmon comes off as a radical reformer in Norman Rockwell clothing. Unlike FCC Chairman Bill Kennard, who draws lightning for saying many of the same things, Goodmon gets nods of respect even from those who disagree with him.

"He represents what broadcasting ought to be," commented an audience member moments after hearing Goodmon speak in New York City at the Consumer Electronic Association's DTV Summit.

Unlike many of his broadcasting industry contemporaries, Goodmon not only embraces the opportunities of digital television, but insists that all broadcasters should be required to air some HDTV programming every evening. Eyebrows inch up further when he advocates that broadcasters should be held to a well-defined public service obligation enforced by a new NAB code of conduct.

AGAINST THE TIDE

As president and CEO of Capitol Broadcasting Company, Goodmon is swimming against the tide in an era when media corporations that own large station groups spend millions of dollars to lobby Congress against such regulation.

A genuine broadcast pioneer, Goodmon guided WRAL as it became the first station in the United States to broadcast an HDTV signal. Now, four years later, the station is about to become the first to begin all-HDTV newscasts.

Goodmon's business plan is simple: "Our plan is to stay in business. Period."

"What we are talking about here is the future of broadcasting. How do we remain competitive in the future? The way we do it is digital," he said in his address at the DTV Summit.

Rejecting a recent mantra from many of his industry colleagues, Goodmon said the DTV transition is not about new revenue streams.

"This is not about sending e-mail to watches or selling our spectrum to high-speed data providers," he said. "This is about how we stay competitive. About how we can be good local broadcasters in the future."

He cited WRAL's motto: "The main thing is to keep the main thing the main thing." The main thing, Goodmon said, is local news. "That's why in January we are going to start doing five hours a day of local news in high definition."

HDTV: LIKE BEING THERE

It was HD coverage of Sen. John Glenn's space shuttle flight, Goodmon said, that convinced him news would benefit from high-resolution video and Dolby Digital sound.

"What is television news? It's being there," Goodmon said. "Putting the viewer there. There is no better way to put the viewer there than high definition."

Goodmon said viewers like the widescreen 16:9 aspect ratio and Dolby digital sound that HD provides.

"Sound and 16:9 are a big deal. We're talking about creating an experience here . . . getting wrapped up in it."

He said, as a result of experiences in local HD production over the past four years, the station sees HD bringing significant enhancements to hockey, auto racing, football, basketball, baseball, outdoor symphonies, art exhibits and documentaries.

Multicasting has also benefited WRAL, Goodmon said, by giving the station the opportunity to respond to new programming opportunities.

"We were broadcasting a basketball game and had some flood news in North Carolina. We interrupted the game, did the flood coverage and then said: 'If you want to watch the basketball game, stay on Channel 5.1. We are going to do continuous flood coverage on Channel 5.2 and we'll have our weather radar on all the time on Channel 5.3.' What you can do with this technology is limited only by your imagination."

Goodmon said he sees multicasting as a way to expand the station's brand with a broader array of programming.

"We don't see multicasting as an opportunity to start a new full-time channel or something like that."

Ditto for datacasting. WRAL now has 200 volunteers with PCs equipped to receive its data broadcasts.

"We send IP traffic 24 hours a day. We ask users to allot about 500 Mb on their hard drive and dedicate it to the data."

A key application is local news. The station is working toward a service where viewers can watch a newscast on-demand on their PC, either in its entirely or on an interactive story-by-story basis.

Currently, WRAL has about 700 HD viewers in its 23-county market. As in the early days of his career, Goodmon now makes sure every new DTV set owner in the Raleigh-Durham area gets an outdoor television antenna, courtesy of the station.

"We know most of our viewers and get lots of comments from them."

The station uses an e-mail group conference to stay in touch with digital set owners.

As for fellow broadcasters who see no business model for an immediate return on their investment from digital television, Goodmon offers another homily: "Sometimes you have to spend money just to stay in business."

MUST-CARRY A MUST-HAVE

Though Goodmon's aggressive use of digital technology in his local market is impressive, even he acknowledges the national DTV transition is facing some big obstacles.

One of the largest stumbling blocks is digital must-carry, something FCC Chairman Kennard has cautioned broadcasters not to depend upon. Even if enacted, a new must-carry requirement would face an uncertain future with years of legal battles and appeals. But, to Goodmon, it's a make or break issue.

"Cable has 70 percent of the homes," he said. "How are we going to get digital into the homes if they are not on cable? I think we need full digital must-carry on satellite as well. And I mean full digital must-carry—everything, including our data."

Goodmon proposes coupling digital must-carry with a now elusive public service requirement.

"How can we ask for digital must-carry if we don't agree to public service standards? To me, the two go together.

"Along with getting this digital license comes a commitment to serve the public interest, whatever that is," he continued. "That's not a very defined notion. It needs to be defined as a minimum standard. We need this standard set and then we need to return to a broadcasting code of conduct. I'm really showing my age talking about the NAB code, but that was a great thing."

Also essential for a successful transition, said Goodmon, is a requirement for an integrated digital tuner in all new DTV receivers, preferably by 2003, and a requirement that every digital station air at least two hours of HDTV programming each night between 6 p.m. and 11 p.m.

"We broadcasters asked Congress to do high definition," reminded Goodmon. "If you take a digital license, you should be required to do HD each night. The networks need to push primetime HD. If they do that, the stations will have to carry it."

Finally, he called on television receiver manufacturers to come forward with public assurance of a fix for multipath problems that can block reception in urban areas. Though he said WRAL has had no problems with the 8-VSB transmission standard and that he favors retaining it, a strong message of assurance either through a technical standard or other objective method must be sent to calm fears over the technology.

"Broadcasters need assurance," Goodmon insisted. "Tell us we don't have to worry about the multipath problem."

In addition, he said the consumer electronics industry has "to stand up and say this receiver thing is not a problem. It can be with a standard or some other way. But it must be said."

SENATOR PAUL COVERDELL

Mr. HELMS. Mr. President, President George Bush summoned Paul Coverdell to Washington one day in 1989 to ask Paul to consider serving as the 11th Director of the Peace Corps.

It will come as no surprise that Paul's tenure at the Peace Corps was marked by intense effort, positive results, and commitment to American interests. He gave a high priority to the well-being of the volunteers he sent out, who were, after all, the face of young America to other countries around the world.

There were significant hurdles to overcome at the Peace Corps, including flagging morale and limited resources. Nonetheless, Paul Coverdell recognized the need to respond to the high international historic drama of sweeping changes, for example, the fall of communism in Europe.

He found the necessary resources to send Peace Corps volunteers to countries struggling to emerge from the weight of communist rule. Under Paul Coverdell's leadership, the first volunteers were sent to Hungary, Poland, Romania, and the Czech and Slovak Republics.

Paul Coverdell took great pride in the Peace Corps; for example, he unfailingly referred to it as "The United States Peace Corps" and he described the Peace corps as "a vibrant, vital part of United States foreign policy."

In tribute to our esteemed and beloved departed colleague and friend, today we are approving legislation to designate the Washington office of the Peace Corps as the "Paul D. Coverdell Peace Corps Headquarters."

I know Senators will unhesitatingly support this fitting tribute to a remarkable gentleman who was without question a committed public servant, a statesman, and a friend.

Mr. President, seeing nobody seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services, to the Board of Visitors of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the majority leader, pursuant to Public Law 105-341, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Becky Norton Dunlop, of Virginia, vice Elaine L. Chao.

ORDERS FOR TUESDAY, FEBRUARY 27, 2001

Mr. HELMS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, February 27. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators allowed to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS, or his designee, 10 to 11 a.m.; Senator DURBIN, or his designee, 11 a.m. to 12 p.m. Further, I ask unanimous consent that if the leader time is used during the controlled time, the controlled time be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. tomorrow for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Madam President, for the information of all Senators, the Senate will be in a period for morning business prior to the 12:30 p.m. recess tomorrow. Upon reconvening at 2:15 p.m., the Senate is expected to resume morning business for the remainder of the afternoon. Senators are reminded to be in the Senate Chamber by 8:30 p.m. to proceed at 8:40 p.m. to the Hall of the House of Representatives for the President's address.

Madam President, I ask unanimous consent that when the Senate completes its business on Tuesday afternoon, it recess until the hour of 8:30 p.m. for the joint session of Congress to hear the President's address.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. HELMS. Madam President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:05 p.m., adjourned until Tuesday, February 27, 2001, at 10 a.m.

NOMINATION

Executive nomination received by the Senate February 26, 2001:

DEPARTMENT OF THE TREASURY

MARK A. WEINBERGER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JONATHAN TALISMAN, RESIGNED.

EXTENSIONS OF REMARKS

IN HONOR OF SAINT DEMETRIOS CATHEDRAL AFTERNOON SCHOOL AND MR. GEORGE ALMIROUDIS AND MR. NIKOS PAPHITIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mrs. MALONEY of New York. Mr. Speaker, I wish today to bring to the attention of my colleagues an exemplary after school program being offered in my district in Queens, New York, the Saint Demetrios Cathedral Afternoon School.

Saint Demetrios Cathedral, Greek Orthodox Archdiocese of North and South America, Hellenic Orthodox Community of Astoria is an institution that promotes education, understanding, community service and the preservation of the Hellenic culture. In order to help neighborhood children learn more about their heritage, Saint Demetrios established an extra curricular program that offers afternoon and Saturday classes for grades 1–7. The curriculum includes instruction in Greek, spoken and written, Hellenic history, Orthodox religion, Hellenic traditions and culture, as well as instruction in Hellenic dancing. The Seventh grade students receive preparation for the Greek Regents' exam.

Saint Demetrios is the world's largest Hellenic community outside of Athens. Founded in 1927, the church has, over the years, been home to tens of thousands of Hellenic immigrants, more recently, second-, third-, and fourth-generation Hellenic-Americans. In addition to Greek afternoon school, the parish includes a parochial school for pre-K to high school and Sunday School for religious instruction.

The program is administered by Anastasios Koularmanis, Supervising Principal and Timoleon Kokkinos, Director of Afternoon School. No school will succeed without the support of the parents. Fortunately, Saint Demetrios's school has an active and involved parent body.

This Sunday, February 11, the Saint Demetrios Afternoon School will have its annual luncheon that will honor, two true philanthropists of the community, Mr. George Almiroudis and Mr. Nikos Paphitis.

George Almiroudis was born in Greece in 1951, on the island of Chios in the medieval village of Mesta. He completed his high school education and three-year military obligation and in 1974 emigrated to the United States.

Upon his arrival in the United States, he worked hard and followed the "American Dream." Today he is a very successful general contractor. His company MESTA construction is named after his hometown. The company employs more than 100 people in my district.

In addition to his successful business ventures, George has focused his energies on many charitable organizations and events. He served as President of the MESTA Fraternal Organization, and the Chian Federation, Secretary of the International Coordinating Committee Justice for Cyprus and member of the Children's Hospital in Boston and of the New York Hospital. In addition, he is a member of the Hellenic Issues Committee of the Council of Hellenes Abroad.

George's humanitarianism is exemplified by his creation of the George K. Almiroudis Chian Geriatric Foundation, Ltd. The mission of the foundation is to provide emotional, physical, financial and psychological support to Hellenic American senior citizens residing in senior residencies and nursing homes in the United States and Greece.

To date his work has been recognized by the Borough Presidents of Queens and the Bronx and the Council of Hellenes Abroad who identified him as one of the most active Hellenes in the United States.

George Almiroudis could not do all of this without the support of his wife Triantafillia Mathioudis-Almiroudis and their three sons, Constantinos, Adamatios and George Jr.

Mr. Nikos Paphitis, the second honoree was born in Pentayia, Morphou in Cyprus, an area that has been under Turkish occupation since the 1974 invasion. He completed his high school education and military service in Cyprus.

Nikos Paphitis came to the United States to pursue higher education. He received a Bachelor of Science in Accounting from York College.

In 1991 he joined Cyprus Popular Bank serving as Customer Legal Relations and Affairs in the Finance Department. He is currently serving as Chief Representative of LAIKI Group in New York. An industrious and resourceful individual, Nikos is active with the Cyprus Federation of America. He is currently serving as Chairman of the Philanthropic Committee of the Cyprus Federation along with several other causes.

He is married to Evie Georgiou and they have two children Andreas (10) and Marilena (7) who are attending St. Demetrios Greek Orthodox School in Astoria.

Mr. Speaker, I salute the wonderful work of the Saint Demetrios After School Program and the two great individuals they have honored, George Almiroudis and Nikos Paphitis. I ask my colleagues to join me in recognizing their contributions to the Astoria community.

PERSPECTIVES ON CIVIL RIGHTS AND RACISM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. CONYERS. Mr. Speaker, I submit the following article "King Assembly Presents Unique Perspectives on Civil Rights, Racism" from the February Edition of Cranbrook Kingswood Crane-Clarion student newspaper, which follows, for inclusion in the CONGRESSIONAL RECORD.

[From the Cranbrook Kingswood Crane-Clarion, February 2001]

KING ASSEMBLY PRESENTS UNIQUE PERSPECTIVES ON CIVIL RIGHTS, RACISM

(By Noah Peters)

At the outset of the 2001 Martin Luther King, Jr. assembly, held January 24th at the Kingswood Gym, Cranbrook headmaster George Swope said that this year's assembly would focus less on the life of King and more on how King affected the lives of others. In essence, the assembly strove to inspire appreciation of Dr. King through personal introspection on the legacy, as opposed to being a history lesson.

In that spirit, the program featured many unique segments. Among them was a piece, "Who Am I?," featuring several students and staff reading short monologues as victims of prejudice against different kinds of people. For example, senior Mike Mahdi read one as an African-American who others think got his job based on his race, not merit; Maureen Briske, administrative assistant Kingswood Dean Fran Dagbovie, addressed prejudice and arrogance against secretarial workers; English teacher Chris MacDonald read the words of what a new and misunderstood teacher might feel.

Others spoke as handicapped persons, foreign people, and various ethnic groups. The purpose was to show that racism and other forms of prejudice are still prevalent in the attitudes of the majority by citing examples of cases in which it occurs. "Injustice everywhere" was a major target of King's movement.

Another segment featured a panel of speakers, mostly teachers, who shared their personal experiences concerning Dr. King and the civil rights era. The first speaker, Swope, talked of how he came to support civil rights after moving from an "all-white Chicago suburb" to a racially mixed boarding school.

Next, Spanish teacher Richard Bowdy shared his experience of taking a date to hear Dr. King speak in high school, and made the point that, though Dr. King is generally looked on as a peaceful figure, he was very controversial in his day, "committed to confrontation as much as he was committed to non-violence."

After Bowdy spoke, English teacher Winniefred Anthonio spoke of her experience as an immigrant during the civil rights movement, and History Robert spoke about the theme of who each of us is. Lastly, Ida Tomlin, an administrator at the Cranbrook Institute of Science, related her experience dealing with discrimination as a youth in Meridian, Mississippi.

The program concluded with Excerpts from "Song of Myself," a film by senior Carlos Navarrete Patino featuring students reading from Whitman's poem, each in their own style. The talks were consistent with King's philosophy. As Tomlin put it, King once said, "Very few people will rise to genius . . . [so] be the best of whoever you are."

TRIBUTE TO DR. WILLIAM F. BRADLEY, DVM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to the late Dr. William F. Bradley, a veterinarian from Douglas County, Kansas, who passed away recently, after a full life that was dedicated to his family, his veterinary practice, and service to his community.

Dr. Bradley exemplified the kind of individual whose selfless dedication to others forms the glue that has held together so many Kansas communities over the past century. He is best known in Lawrence, Kansas, for his longtime service on the school board for Lawrence and Douglas County, where he served for four years as board president. Additionally, he spent many years as Wakarusa Township trustee and was an active participant in local Republican Party politics. His wife, Bev, was twice elected Douglas County Commissioner as the Republican candidate. More importantly, though, Dr. Bradley was a founding member of the O'Connell Youth Ranch and a founder of the Lawrence Boys Club.

An active member of several local service organizations, 4–H groups and the Lawrence Chamber of Commerce, with Bev, Dr. Bradley was a devoted father to six sons. He epitomized the public-spirited pillar of our communities who does so much in towns and cities across the United States to bring people together to solve problems and constructively face challenges. His sense of duty touched many lives in Douglas County and in Lawrence; I was proud to represent him in Congress and I join with my constituents in mourning his loss.

Mr. Speaker, I place into the CONGRESSIONAL RECORD an obituary for Dr. William F. Bradley that was carried by the Lawrence Journal-World and I am pleased to have this opportunity to take note of our loss.

[From the Lawrence Journal-World (KS), Jan. 28, 2001]

WILLIAM F. BRADLEY

Services for William Ferdie Bradley, 74, Lawrence, will be at 2 p.m. Thursday at the First Presbyterian Church in Lawrence. Burial will be in Memorial Park Cemetery.

Bradley died Friday, Jan. 26, 2001, at his home.

He was born Feb. 16, 1926, in Topeka, the son of Aubrey J. Bradley and Neta Bernice (Davis) Bradley.

He was raised on a farm near Blue Mound and attended Unity Township and Blue Mound schools before going to college at Kansas State University, where he earned his bachelor's degree in 1949 and his doctor of veterinary medicine degree in 1953.

Bradley practiced veterinary medicine in Mexico, Mo., then served in the U.S. Army until 1957. He then established the Bradley Veterinary Hospital in Lawrence. He sold the practice to his son, John S. Bradley, when he retired in 1990.

Bradley served on the Lawrence School Board for 11 years, four years as president. He was active in the Masonic Lodge and the Lawrence Host Lions Club. He was the Wakarusa Township trustee for many years, a 4-H leader for the Meadowlark and Kanza 4-H clubs and a trustee for the Kansas State University Alumni Assn. He was a member of numerous veterinary associations, the Lawrence Chamber of Commerce, the Kansas Association of Commerce and Industry and the American Hereford Assn. He also served as an associate professor of biological sciences at Baker University for several years.

He was also a founding member of the O'Connell Youth Ranch and was a founder of the Lawrence Boys Club.

He married Beverly Ann Torrens on Aug. 23, 1953, in Independence. She survives of the home.

Other survivors include five sons, William Jr. of Jackson, Wyo., Roger Sebastapol, Calif., Philip and John, both of Lawrence, and Kent, Wichita; one foster son, Greg Evans, Lawrence; three brothers, Aubrey Jr., Wichita, H. Keith, Lenexa, and Wayne, Louisburg; one sister, Idabelle Ostrum, Houston; seven grandchildren; and one foster grandchild.

The family will meet friends from 6:30 p.m. to 8:30 p.m. Wednesday at Warren-McElwain Mortuary.

The family suggests memorials to Pet Trust at Kansas State University in care of the College of Veterinary Medicine or the Douglas County 4-H Foundation, sent in care of the mortuary.

NATIONAL BURN AWARENESS WEEK

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. MOAKLEY. Mr. Speaker, I ask our colleagues to join me in recognizing the importance of National Burn Awareness Week that was observed February 4–10, 2001. Burn Awareness Week provides an opportunity to educate children and families about the risks that lead to unfortunate and tragic accidents, particularly for the youngest and most vulnerable—our babies and children. The children of Boston who have been the victims of burn accidents have been benefiting from the service of the Shriners Hospitals for Children since 1968 when the Boston burn center first opened.

Unfortunately, infants and young children face greater risks from burn injuries than adults or older children. They rely more on the adults around them to ensure their environment is safe and free from potential burn-causing hazards. That is why in addition to treating over 20 percent of all pediatric burns in the nation at their four national burn centers in Boston, Galveston, Cincinnati and Sacramento, Shriners Hospitals focus on education and prevention of burn injuries.

The Shriners Hospitals for Children is a unique charitable organization that has never sought nor received federal, state, local or third party funding of any kind. Additionally, Shriners Hospitals are distinctive in that they offer full physical, psychological, and emotional care to all the children they treat.

With the 2001 budget for the 22 orthopaedic and burn hospitals totaling $567 million, and with an active patient roster at over 156,000 children, it is obvious how important the Shriners Hospitals are to the health of our children. The Shriners Hospitals are 100 percent free, despite the fact that they will spend $1.55 million dollars on children every 24 hours in 2001.

In recognition of Burn Awareness Week, Mr. Speaker, I ask my colleagues to commend such charitable organizations as the Shriners Hospitals that contribute greatly to the care, education, and research necessary to treat and work to prevent children's burn accidents.

CONGRATULATING PRIME MINISTER-ELECT OF ISRAEL, ARIEL SHARON

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Ms. KAPTUR. Mr. Speaker, I rise today to voice my concern with H. Res. 34, an imperfect resolution congratulating the Prime Minister-elect of Israel, Ariel Sharon, calling for an end to violence in the Middle East, and reaffirming the friendship between the Governments of the United States and Israel. While I will vote in favor of this resolution, as I did on earlier resolutions late last year, I hold serious and continuous concerns about its implications for the peace process.

Like my colleagues, I applaud Israel on its open and democratic election process. While the process was encouraging, the results were disappointing. Voter turnout was the lowest in Israel's history and participation by the Arab population was minimal. This division in the population further fractures the possibilities for a lasting peace.

According to statistics released from the Israeli Embassy, 55 Israelis have been killed since September 27, 2000, in riot-related situations.

According to statistics released from the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), 366 Palestinians, Israeli Arabs, and Palestinians in southern Lebanon have been killed between the dates of September 28, 2000 and February 6, 2001.

H. Res. 34 specifically calls on Yassir Arafat, Chairman of the Palestinian Liberation Organization (and President of the Palestinian Authority) to "use his influence and resources to see that violence in the Middle East is brought to an end." This statement unwisely places the onus of peace solely on the shoulders of the Palestinians. I have been consistent in my calls for all parties to be accountable and willing to strive for a workable peace.

Isn't it counterproductive to place the blame or praise wholly on one party?

Americans must be concerned about how the new government will proceed. I strongly hope that Prime Minister Ariel Sharon will look to the future with the goal of peace and reconciliation. Israel, the Palestinians, and the Middle East Region overall have suffered greatly throughout the last century. This new millennium offers a chance for hope. It is my wish that Mr. Sharon will take that chance for peace.

If the United States wishes to be an honest broker for peace, we must be fair-handed and aware of how our votes, actions, and statements will be viewed by all factions involved in this unsettled region of the world.

RECOGNIZING HUGH S. BURNES, SR. OF ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize Hugh Burnes, who has recently been selected as the 2001 recipient of the "Heart of the Community" Board of Governors Award in Rome, Floyd County, Georgia.

Mr. Burnes began his volunteer service with the American Legion and the Community Chest in 1946. He spent fifty-five years dedicating his time and leadership to more than a dozen organizations such as the YMCA, Boy Scouts, Dick Wicker Boys Home, Rome Community Prayer Breakfast and the Rome Rotary Club.

The dedication to excellence exhibited by Hugh Burnes makes him a role model for his peers and for young people in the community. I am pleased to honor his impressive accomplishments and wish him well as he is recognized by the Board of Governors and the citizens of Rome, Georgia.

IN MEMORY OF CIVIC LEADER AND LAWYER ANDREW S. CARROLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Andrew Carroll, a resident of Sedalia, MO. He was 43.

Andrew Carroll, a son of Edgar S. and June Utz Carroll, was born in Kansas City, MO, on May 31, 1957. He graduated from Warrensburg High School in 1975 and enrolled at Central Missouri State University. At Central Missouri State University he was a recipient of a Regents scholarship and was voted outstanding undergraduate of the School of Public Service. He also participated in athletics, he was selected all-MIAA Track and Field and was a member of the honors program Phi Kappa Phi. Mr. Carroll graduated in 1978 Summa Cum Laude, and in 1981, he graduated from the University of Missouri-Kansas City School of Law.

He began legal practice in 1981 with his father and later operated a solo practice in Warrensburg. Mr. Carroll was a member of the Missouri Bar Association, American Bar Association, Johnson County Bar Association, Pettis County Bar Association, Kansas City Metropolitan Bar Association, Missouri Organization of Defense Lawyers, and the Missouri Association of Trial Attorneys. He served as Active General Counsel for CMSU and as city prosecutor for the city of Warrensburg.

Mr. Carroll also was an elder at Broadway Presbyterian Church, a member of the Board of Legal Office Management at State Fair Community College, and a member of the board of directors of the Children's Therapy Center and the Sedalia Boys and Girls Club. He chaired the 1997 Osage Trails District Friends of Scouting Fundraiser and was a member of the board of directors of Warrensburg Main Street, Inc., serving as president in 1999–2000. Mr. Carroll was the recipient of the Leadership Award 2000 and a member of the Tax Increment Financing Commission for the city of Warrensburg, serving as chairman from 1998–2000. He was also a past member of the Warrensburg and Sedalia Lions Clubs.

Mr. Speaker, Andrew Carroll will be greatly missed by all who knew him. I know the Members of the House will join in extending heartfelt condolences to his family, his wife Linda, and his three sons, John, Nicholas, and Jacob.

A TRIBUTE TO RUTH ABRAHAM

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to the memory of an outstanding woman, Ruth Abraham, who dedicated her life to fighting for civil rights and social justice.

Ruth was well respected and admired by her colleagues, friends and family. She was a leader of progressive causes and an activist whose interest in social and political reform led her to the ACLU where she served on the staff for 18 years, and as a volunteer and board member after retiring in 1981. She was beloved throughout the organization and affectionately nicknamed "the mother of chapters," because of her work to expand and nurture the chapter movement. She traveled throughout the country to teach ACLU affiliates about grassroots development.

Ruth's activism was by no means limited to her work with the ACLU. She immersed herself in politics and social issues from the day she first arrived in Los Angeles in 1950. As a founding member of one of the most successful Southern Californian coalition-forming organizations of the 1960s and 1970s, Californians for Liberal Representation (CLR), she helped to elect the first African-American, Augustus Hawkins, and the first Latino west of the Mississippi, Edward R. Roybal, to Congress. In addition, she helped break other color barriers by working to elect James Jones and Julian Nava to the Los Angeles Unified School Board.

Ruth played an instrumental role in electing the first African-American mayor of a predominately white American city, Tom Bradley of Los Angeles. After Mayor Bradley was elected to office in 1973, Ruth chaired the selection committee which recommended the appointment of new commissioners. Ruth was also active in the campaigns of Senator Alan Cranston, Congressman Julian Dixon and Judge Pacht in his race for Congress.

Los Angeles City Controller, Rick Tuttle, described her as a "giant fighter for the causes of civil liberties and civil rights." He worked closely with her and remembers her as a "true champion" in the battle to end racial and religious discrimination in housing during the 1960s.

While students at UCLA, we first met Ruth when she was the leader of the California Democratic Council (CDC). We have been privileged to work with her on many challenging issues since that time and have seen firsthand the powerful impact she has had on those around her. She was a woman of tremendous courage, integrity, idealism and commitment.

Having lived through the deaths of her husband Bud and her son, Steve, she is survived by her youngest son, Peter. Ruth will be missed by all of us whose lives she has touched.

Mr. Speaker, we are proud to ask our colleagues to join us in saluting the late Ruth Abraham.

HONORING DR. PHILIP GAMALIEL HUBBARD

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. LEACH. Mr. Speaker, I invite my colleagues' attention to the career and life story of Dr. Philip Gamaliel Hubbard, a groundbreaking American educator who will celebrate his 80th birthday later this week. Dr. Hubbard is truly an extraordinary Iowan, and his journey through the last eight decades of the 20th century is a story all Americans should know.

Philip G. Hubbard was born in the small town of Macon in north central Missouri on March 4, 1921—the day that Warren Gamaliel Harding was inaugurated President of the United States. His parents clearly had big plans for him, giving him the new President's unusual middle name for his own. His father died when he was only 18 days old, and four years later his mother gave up a teaching career to move 140 miles north to Des Moines, where her children would have the opportunity to attend Iowa's unsegregated schools.

Phil graduated from Des Moines' North High School and enrolled in the University of Iowa's College of Engineering in 1940, buttressed by a $252 savings account earned from shining shoes. Since African Americans were not permitted to live in university housing at the time, he first boarded in a private home with the relatives of Lulu Johnson, the first African American woman to earn a Ph.D at an American university, and then in the Kappa Alpha Psi fraternity house. In 1943, after pawning his great uncle's gold watch to buy a wedding suit and a ring, Phil married his fiancee, Wynonna Marie Griffin, and eight days later reported for active duty in the Army.

Returning to the university at the end of the war, Phil finished his undergraduate degree in electrical engineering and his doctorate in hydraulics. He was appointed an associate professor in 1956 and a full professor in 1959, meritoriously triumphing over an unacknowledged, hurtful and short-sighted tradition to become the first African American tenured professor in the university's history. Teaching and research in one of the nation's premier research institutes occupied his next several years, although he combined scholarship with a quiet but determined social activism, pushing Iowa City to adopt one of the nation's first fair housing ordinances and encouraging Iowa's congressional representatives to support the Civil Rights Act of 1965.

His effective blending of academic life with his work in human and civil rights led to his 1965 appointment as dean of academic affairs. Dr. Hubbard became vice president of the university in 1972, a position in which he gave distinguished service until his retirement in 1991.

Dr. Hubbard's quarter century at the center of university administration was a period of dramatic social change in the university, in the State of Iowa, and in the larger world. The theme that runs through his career as an administrator is his steadfast commitment to expanding human rights on and off campus. Working with university presidents Howard Bowen, Willard "Sandy" Boyd, James O. Freedman, and Hunter Rawlings III over more than twenty-five years, Dr. Hubbard succeeded in fully opening the resources of the University of Iowa to students from all ethnic backgrounds and to both genders. He accorded new respect for the opinions of students, creatively developed educational opportunity programs and scholarships for low-income and minority students, and helped to institute affirmative action at all levels of the university.

The University of Iowa's reputation as a welcoming place where all people may secure a quality education is in large part a result of the vision and hard work of Philip G. Hubbard. Dr. Hubbard's place in Iowa history books is ensured by his service as the University of Iowa's first African American professor, dean and vice president. His real place in Iowa history, however, is guaranteed by two far more significant things: his role in opening the university to the kind of board diversity that reflects the best in American values and deeply enriches the educational experience, and the powerful effect he has had on the hearts of those given the privilege of crossing his path.

The university, the State of Iowa and the world are better for the contributions of this truly exemplary American.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. MOORE. Mr. Speaker, I rise today in support of the principles underlying H.R. 2—that Social Security and Medicare Trust Funds should not be used for any purpose other than funding the retirement or health care needs of our seniors. This bill takes a large step towards maintaining fiscal discipline by recognizing that Social Security and Medicare trust funds should be off the table when Congress considers tax and spending legislation.

This effort is particularly courageous since the administration opposes efforts to preserve Medicare trust funds for the health security needs of our seniors. During his confirmation hearing, OMB Director, Mitch Daniels, stated that he "would be very hesitant to see us treat [Medicare] funds the same way we do Social Security." I applaud the majority's recognition of the fact that both programs face a demographic crisis as the baby boomers get older, and that both programs deserve to be protected to fund our commitments to them in the future.

Medicare's financial condition is actually more serious than that of Social Security. The Medicare trust fund is projected to become insolvent in 2025, whereas the Social Security Trust fund will remain solvent until 2037. This highlights the importance of preventing Medicare surpluses from being used for any other purpose than protecting Medicare; this includes financing a prescription drug benefit or any revenue reducing policy with trust fund reserves—whether they come from Social Security or Medicare. This means that every member who votes for this bill today is serving notice that they will not use Social Security or Medicare trust funds for any purpose other than funding or reforming these programs.

Mr. Speaker, while I applaud the majority's commitment to this cause, I am concerned that the bill before us today contains a large loophole that would allow the Medicare and Social Security surpluses to be spent for any purpose so long as it is labeled "reform." For the record, I want to be clear that the term "reform" does not and should not include new programs such as, providing a prescription drug benefit under Medicare or dismantling the Social Security safety net with private accounts. I also want to be clear that if Members vote for this bill, they are voting to prevent new programs labeled reform from crowding out Social Security and Medicare surpluses to make room for other revenue-reducing initiatives.

Finally, Mr. Speaker, while I am encouraged with the majority's commitment to this cause, I am disappointed in the manner in which this bill is being considered today. The future of the Social Security and Medicare surpluses is a complicated and serious matter that deserves a full, free and honest discussion of the issue and alternative ways to solve the problem. Rather than allowing this exchange of ideas, the majority circumvented committee consideration of this issue, instead rushing the bill to the floor under expedited rules that allow only an hour of debate and no opportunity for amendment.

Allowing members to have a voice in this process could have corrected the loophole in the present bill. To be sure, Representative ROSS and I have recently introduced legislation that would correct this problem by entirely preventing the use of Social Security and Medicare trust funds—except for their intended purpose.

BLACK HISTORY MONTH

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. BISHOP. Mr. Speaker, today we're focusing on the right to vote.

This is certainly an appropriate theme for this year's observance of Black History Month—coming, as it does, in the aftermath of a national election which may have been decided by breakdowns in voting machines and procedures, by faulty ballots, by voting place errors and abuses that effectively denied this most fundamental right to many citizens.

Complaints of irregularities have been widespread in a number of states. Moreover, many of the absentee ballots cast by our military personnel—the men and women defending our freedom away from home, often in harm's way—were thrown out because of technicalities.

I believe we can do better.

In our country, the freest and most advanced in the world, there should be no excuse for not having a non-partisan, modern, well-managed system that ensures to the highest degree possible that qualified voters will have access to the polls and their votes will be fairly counted.

If we could not do better, our form of representative government—with its guarantee of freedom of speech and religion, from unjust fear, and from the denial of opportunity—would be on very shaky ground.

Therefore, Mr. Speaker, let this Special Order serve as a reminder that it is the responsibility of each of us, as members of "The People's House," to determine to the best of our ability exactly what went wrong in this last national election and to consider what should properly be done at the federal level to help ensure that it doesn't happen again.

When I think of the voting franchise in the context of Black History Month, I first think of Selma.

In the mid-1960's, this was the scene of a series of campaigns to secure the right to vote, which had been routinely denied to black citizens. People had lost their lives just for trying to get people registered. Black citizens who came to register were harassed and sometimes arrested on charges of unlawful assembly. Beatings had become commonplace. Many black people lost their jobs just for attempting to register and vote, suffering severe economic consequences. Today, this community presents keys to the city to those who fought for civil rights. But, back then, attempting to register and vote could be a perilous thing to do.

These efforts culminated in "Bloody Sunday," when our friend and colleague from Georgia, John Lewis, led demonstrators across the Pettus Bridge into the ranks of armed troops, rallying much of the country around the enactment of the Voting Rights Act—the crowning achievement of the Civil Rights Movement.

That was a high point in a struggle that had been going on for nearly two centuries.

In our country's formative years, it was thought by many that only people who owned property should be permitted to vote and participate in the political process. Free blacks were effectively excluded until after the implementation of the Voting Rights Act, even after the adoption of the 13th Amendment that granted the voting franchise to black males in 1866. This exclusion also extended to all women, who did not gain the right to vote until the ratification of the 19th Amendment in 1920.

In fact, not one country granted its citizens universal suffrage prior to the 20th century—not Greece in the 5th Century B.C., England with the signing of the Magna Carta in 1215, or the United States with the adoption of the Declaration of Independence in 1776.

I'm told that Finland, in 1906, was the first country to elect its government on the principle of universal suffrage in competitive, multi-party elections. But perhaps no one inspired the world more than those who valiantly carried the torch of freedom here in the United States, providing a beacon of light for the whole world to follow.

Today, there are 119 countries with democratic forms of government—almost two-thirds of the world's nations containing three-fifths of its people. For the first time in history, a majority of the world's people live under governments of their own choosing. Representative government can now be said to be a universal human value—a set of principles that are aspired to by the vast majority of people in our own country and around the world.

In 1867, Sojourner Truth told a group of friends who gathered for her 80th birthday: "It is about time for me to be going. I have been 40 years as a slave and 40 years free, and would be here 40 years more to have equal rights for all. I suppose I am kept here because something remains for me to do. I suppose I am yet to help to break the chain."

This continues to be our task today: to make sure the inalienable right to vote is never taken from anyone, and the chain remains broken for ourselves and for all humankind.

NAVAL HONORS GIVEN TO TWO SHIPS WITH CONNECTIONS TO MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. SKELTON. Mr. Speaker, it is with great pride that I inform the House of the presentation of the Navy Captain Edward F. Ney Memorial Awards to two Navy ships with ties to Missouri.

The U.S.S. *Harry S Truman* (CVN 75) was awarded first place in the aircraft carrier division and the U.S.S. *Jefferson City* (SSN 759) was awarded honorable mention in the submarine division.

The Ney awards were established in 1958 by the Secretary of the Navy and the International Food Service Executives Association to improve and recognize quality food service in the Navy. The awards honor overall food service excellence by evaluating key areas in customer service, restauranteurship, cleanliness and management. An independent team that reviewed food preparation, management, administration, equipment safety, sanitation, plastic waste and disposal evaluated each category.

Mr. Speaker, the men and women responsible for this exemplary service deserved to be recognized. I know the Members of the House will join me in extending congratulations to the servicepeople aboard these ships.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA AND THE HONOREE OF THEIR ANNUAL DINNER-DANCE, ISMINI MICHAELS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mrs. MALONEY of New York. Mr. Speaker, I wish to bring to the attention of this congress an outstanding organization located in my district in Queens. The Pancyprian Association of America Women's Issues Network (WIN) is dedicated to education, health, and a better quality of life for the Astoria community. This year they will be honoring Ismini Michaels at their annual Dinner Dance on March 3, 2001.

Ismini Michaels was born in Nicosia, Cyprus and graduated from the Teaching Academy of Cyprus. She was a teacher for twelve years at St. Anthony's School in Nicosia. Among her many accomplishments, Ms. Michaels founded the children's choir and organized dozens of wonderful cultural events. She was a member of the "Pnevmatiki Stegi," the Choir of Cyprus, and worked at PIK, the Cypriot television station, hosting the television series Music and Dances of Cyprus.

In 1975, following the Turkish invasion, Ismini immigrated to New York City with her family in search of a better future. In New York, she worked at the Transfiguration of Christ Greek School in Corona for three years, and from 1981 through the present she has worked at the Archangel Michael Afternoon School in Roslyn, NY.

A dynamic member of the Hellenic community, Ismini has served in the Women's Division of the United Cyprians of America, the PanPaphian Association and the Cypriot Teachers Association. After the sudden death of her beloved husband, Stelios, she took on the continuation of his work with the Department of Health of Cyprus and the Greenpoint Chapter of Deborah Hospital, securing free therapy and surgeries for children with cancer.

Today Ismini is a member of the Pancyprian Association of America and its subdivision, the Women's Issues Network, as well as a member and the President of the Choir of the Pancyprian Cultural Division. She is also a member of the committee for Scholarships from the PanPaphian Association, and Treasurer of the Greek Children's Fund at Memorial Sloan Kettering and Schneider Hospitals. She is also on the Board of Directors of the Cyprus Federation of America and is a production member of the television show "H Kypros Mas" (Our Cyprus) hosted and produced by Petros Petridis, with whom she has worked with for many years organizing theatrical and cultural events.

Ismini Michaels lives in Queens and has three daughters, Maria, Andri and Noni. From her daughter Andri she has two grandchildren, Stella and Nicholas.

I wish her the best of health so that she may continue her many contributions toward her fellow man and her beloved homelands of the United States and Cyprus.

SHOULD THE U.S. HELP HAITI?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mr. CONYERS. Mr. Speaker, today I would like to bring to the attention of the House an article written by one of our former colleagues, Joseph Kennedy, II. In an article which originally appeared in the Boston Globe, Mr. Kennedy takes note of the spectacular progress that Haiti has made towards democracy. He lauds their progress though they are one of the poorest countries in the world and have environment, water, and electricity problems. Additionally, the majority of Haitians are illiterate. He points out that America, though mighty, needs Haiti. He goes on to applaud the recently elected President, Jean-Bertraud Aristide and urges the U.S. to support his Presidency. I submit this article for your perusal and I too join Mr. Kennedy in his conclusion that the U.S. should and must help Haiti. I also laud Secretary Powell for his comments which appeared in an Associated Press article, where the Secretary called President Aristide's commitments to carry out governmental and political reforms, "an appropriate road map." I would like to insert into the CONGRESSIONAL RECORD Mr. Kennedy's article which appeared in the Boston Globe on February 7, 2001.

US SHOULD HELP ARISTIDE REBUILD HAITI

Today's inauguration of President Jean Bertrand Aristide serves to remind us of how far Haitian Democracy has come and how far the economy has to go in order to establish peace and prosperity in our Hemisphere's poorest nation. The average Haitian lives on less than $1 a day—the lowest in the Western Hemisphere. Malnutrition is three times the regional average. More than 65 percent of Haitians cannot read or write. The same percentage survive on subsistence slash-and-burn farming that strips the landscape. The legacy of deforestation has left the mountains countryside barren and the coastal waters muddy with topsoil runoff.

Clean water and working sewage systems are largely inaccessible. In a country suffering from dangerous outbreaks of polio and drug-resistant tuberculosis, health care is a luxury. Housing in rural Haiti is crowded and inadequate. In the cardboard shacks and plastic villages of the urban slums, it's downright dangerous.

Americans have an interest in keeping Haitians in Haiti. Those who take to rafts to risk ocean crossings either die along the way or end up as refugees on our shores. The United States also has an interest in stemming the flow of drugs coming from South America by way of Haiti.

Some critics call Aristide a threat. In my work with him over the past decade, I have found him to be an honorable man who looks out for the poor and the vulnerable.

It is time to end a debate based on rumor and focus instead on Aristide's commitment to use his new term of office to reform Haitian institutions, fix the worst aspects of the last elections, and reach out to the opposition.

This commitment was made in a solemn agreement with the U.S. government last December. Haiti agreed to implement a number of important political, judicial, and economic reforms, including: Holding runoff elections to settle disputes over 10 Senate last May, establishing an electoral council with opposition parties, increasing cooperation with the United States to fight drug-trafficking and money-laundering, strengthening the judicial system and protecting human rights; and launching discussions with international financial institutions to craft strategies to achieve budgetary and economic reforms.

President Bush and Secretary of State Colin Powell should accept the pact signed by the Clinton administration. In addition, opposition leaders ought to work with and not obstruct the Article administration.

A key factor in raising the standard of living for ordinary Haitians is private-sector investments in Haiti. In the last year, Fusion Telecommunications, whose board I serve on, assisted the Haitian national phone company, Teleco. I was proud to help bring more than $1 million in private investment from Fusion into Haiti. Of course, there are hurdles investing in developing countries, but these challenges should not translate into abandonment, political or economic. The alternative to abandonment is engagement.

We can help Haiti overcome its brutal history and enter a new period of peace and prosperity. It will not happen overnight, but without the commitment of the private and public sectors, it will not happen at all.

Ten years ago, the poor of Port-au-Prince whitewashed their city walls, emblazoned them with the insignia of President Aristide's party, and cheered as their president-elect rode to his inauguration.

The second Aristide government is poised to accept the world's help to build a new Haiti. Turning our backs will simply create a new crisis. The Haitian people possess vast resources of spirit and ingenuity. Unleashing their economic potential will build a stronger nation, create new partnerships in the region, and redeem the promise of democracy so long desired to Haiti.

IN HONOR OF JOAN MATULA ON THE OCCASION OF HER 90TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 2001

Mrs. MALONEY of New York. Mr. Speaker, I wish to pay tribute to Ms. Joan Matula, who celebrates her 90th birthday this weekend on February 19, 2001. Ms. Matula leads a rich and wonderful life and contributes greatly to the community in which she lives. She is a model of civic virtue and community leadership and a beacon of hope for all of us who desire greater participation in the public sphere where the concerns of the many come before the demands of the few.

Ms. Matula is a founder, a stalwart member, and a great leader of the Roosevelt Island Seniors Association (RISA). Founded in 1976, RISA brings the Roosevelt Island senior community together to make the island a better place to live and to enjoy the company of neighbors.

As a co-founder of RISA in 1976, Ms. Matula has served in many capacities, including service as the organization's president for four terms and vice-president for two terms. She knows well the needs of the senior community on Roosevelt Island and the best approaches to meet those needs. Believe me Mr. Speaker, Roosevelt Island has seldom, very seldom witnessed a seniors event, or even a general island activity, parade or public event that Ms. Matula has not attended. She literally ran the senior center for six years and has represented RISA at the Roosevelt Island Residents Association (RRA) since 1977, bringing the concern of the seniors to the attention of leading figures in the community.

Ms. Matula has been involved in Roosevelt Island community concerns since the beginning. She worked at the Goldwater hospital as a medical secretary until her retirement in 1976. While there Ms. Matula helped residents improve and maintain their health on numerous occasions. She even led the Roosevelt Island nutrition program for eight years, focusing on the prevention of illness and the health of everyone on the island.

Joan has always cared about her country and has consistently participated in the electoral process. She served as a member of the New York City election Board for 20 years and encouraged Roosevelt Island residents to vote in numerous elections.

Ms. Matula is truly a remarkable person. She is always there whenever there is an event to promote on Roosevelt Island or an idea upon which to build. I consider Joan a very dear friend and, as many residents of Roosevelt Island know, to know Joan is to love her. Mr. Speaker, I salute the life and work of Joan Matula and I ask my fellow Members of Congress to join me in recognizing the contributions she has made to the community of Roosevelt Island, to the great City of New York and to our country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 27, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9 a.m.

Agriculture, Nutrition, and Forestry

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, rules of procedure for the 107th Congress; to be followed by hearings to examine statutes of conservation programs in the current farm bill.

SR–328A

Small Business

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses and rules of procedure for the 107th Congress.

SR–428A

Indian Affairs

Organizational business meeting to consider pending committee business; to be followed by hearings to receive the views of the Department of the Interior on matters of Indian Affairs.

SR–485

9:30 a.m.

Health, Education, Labor, and Pensions

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, and rules of procedure for the 107th Congress.

SD–430

Rules and Administration

Organizational business meeting to consider pending committee business.

SR–301

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

Appropriations
Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2002 for defense health programs.

SD–192

United States Senate Caucus on International Narcotics Control

To hold hearings to examine Plan Colombia and to make an initial assessment of the current drug situation, including human rights issues, future budget needs, Embassy staffing issues, potential for regional spillover, and any associated time lines and goals.

SD–215

10:30 a.m.

Foreign Relations

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses.

SD–419

Environment and Public Works

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, and rules of procedure for the 107th Congress.

SD–406

11 a.m.

Foreign Relations

To hold hearings to examine the report of the Independent Task Force cosponsored by the Council on Foreign Relations and the Center for Strategic and International Studies on State Department Reform.

SD–419

2 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

Finance

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, and rules of procedure for the 107th Congress.

SD–215

2:30 p.m.

Finance

To hold hearings to examine certain revenue proposals within the President's proposed budget request for fiscal year 2002.

SD–215

MARCH 1

9 a.m.

Agriculture, Nutrition, and Forestry

To continue hearings to examine the statutes of conservation programs in the current farm bill.

SH–216

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Fleet Reserve Association, and the Air Force Sergeants Association.

345 Cannon Building

Commerce, Science, and Transportation

To hold hearings to examine the progress of the transition from analog to digital TV.

SR–253

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.

SD–342

10 a.m.

Foreign Relations

To hold hearings to examine the antidrug certification process.

SD–419

Banking, Housing, and Urban Affairs

Business meeting to consider S. 143, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission; proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, and rules of procedure for the 107th Congress.

SD–538

11 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2002.

SD–608

2:30 p.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine United States policy towards Iraq.

SD–419

Armed Services

To hold hearings on current and future worldwide threats to the national security of the United States, to be followed by closed hearings (in Room SH–219).

SH–216

MARCH 2

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To continue hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.

SD–342

10 a.m.

Budget

To continue hearings to examine the President's proposed budget request for fiscal year 2002.

SD–608

MARCH 6

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To resume hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.

SD–342

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

345 Cannon Building

MARCH 13

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.

SD–124

MARCH 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

MARCH 27

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.

SD–124

APRIL 3

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.

SD–124

APRIL 24

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.

SD–124

MAY 1

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain programs that fall within the jurisdiction of the subcommittee.

SD–124

POSTPONEMENTS

MARCH 1

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and committee amendment No. 12 to S. 287 listed above.

SD-106

SENATE—*Tuesday, February 27, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He will direct your paths.—Proverbs 3:5,6.

Gracious God, we put our trust in You. We resist the human tendency to lean on our own understanding; we acknowledge our need for Your wisdom in our search for solutions all of us can support. As an intentional act of will, we commit to You everything we think, say, and do today. Direct our paths as we give precedence to patriotism over party and loyalty to You over anything or anyone else. We need You, Father. Strengthen each one of us and strengthen our oneness. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 27, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak up to 10 minutes each. Under the previous order, the time until 11 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Wyoming, is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the leader, the Senate will be in a period of morning business throughout the day. At 12:30, the Senate will recess for weekly party conferences to meet. When the Senate reconvenes at 2:15, there will be an additional period of morning business to allow Senators to introduce legislation and to make statements.

By previous consent, when the Senate completes its business this afternoon, it will recess until 8:30 tonight. Senators are reminded to be in the Senate Chamber by 8:30 to proceed as a body at 8:40 this evening to the Hall of the House of Representatives for the President's address.

THE BUDGET

Mr. THOMAS. Mr. President, one of the most important things we do in the Senate throughout the year is to put together a budget. The budget, of course, on its face, is how we spend the money. However, it is much more than that. It sets the priorities of the Senate and the Congress and the Government, what the Government will do throughout the year, by adjudicating and allocating these expenditures to certain areas.

In addition, of course, it has to do with the broader issue of what size Government we have, what is the role of the Government, and what is the role of the Federal Government vis-a-vis other governments. So it is one of the most important documents and one of the most important activities we engage in during the entire year.

The President this evening will lay forth his priorities for budgeting, which, of course, will be very important. He will set out the expenditure level for this country. These things all become very important. We are going to hear more about it today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah, Mr. BENNETT.

THE PRESIDENT'S ADDRESS

Mr. BENNETT. Mr. President, tonight we will hear from President Bush as he presents the budget. I remember when I first came to this town as a very young man back in the 1960s, one of my wise mentors commented that every President enjoys a honeymoon, and it lasts until he offers his first budget. Once we get down to the money, the platitudes stop; that is when the honeymoon ends.

I suppose tonight we will see the end of whatever honeymoon President Bush is experiencing as people begin to disagree with his priorities with respect to the money. That is as it should be. We should get away from the generalities and, frankly, the hyperbole of the political campaign and down to the realities of governing as quickly as possible.

I can't help but think back over my first experience as a Member of this body some 8 years ago when President Clinton presented his first budget. I was a brand-new Member of the minority. I had gone through the campaign with President Clinton. He and I had both campaigned on the same thing: Change. He, of course, wanted to change the Presidency; I wanted to change the Congress. He succeeded; I didn't. But I at least got elected back into a Congress where the Republicans were very much in the minority.

In his campaign, President Clinton promised a middle-class tax cut. But when he stood before America on that first occasion and presented his first budget, he said things were so much different once he had gotten into the Presidency than he had thought they were when he was running for the Presidency he had to not only rescind his call for a tax cut but ask for a tax increase.

One of the things I am looking forward to tonight is that President George W. Bush will not change from the position he took in the campaign. He promised he would campaign for a tax cut, for tax relief, and I understand tonight he will, in fact, propose that on which he campaigned—tax relief.

He will propose a number of other things. We will go down them in the standard checklist, laundry list fashion of politicians, and say that is too much for this, that is not enough for that, we are in favor of this, but we want to amend that. And we will go down it as if this is a checklist that is cast in bronze. We will fight over the details.

Again, I have learned that is what goes on around here. In fact, however, if we can step back from that process for a minute, we should realize the economy is not a checklist. The economy is a constantly shifting, constantly changing series of literally millions of priorities on the part of individuals. Individuals change jobs; individuals graduate from college; individuals start businesses; individuals see their businesses fail. Sometimes large corporations see their businesses fail. The best projections come to sometimes unpleasant surprises.

Look, for example, at what was billed as the largest merger in the history of the automotive industry, Daimler and Chrysler. Daimler, the organization from Germany, thought they were buying the crown jewel of the American automobile industry in Chrysler, the most profitable of the big three in America, only to discover a few years later their projections had gone awry and they were facing mountains of red ink. Now they are scrambling to change.

We are looking at the best projections we can find with respect to what will happen in the American economy over the next 10 years, and we are setting down some priorities as to how we will respond if, indeed, those projections come to pass. I make here a very bold prediction: The projections we have before us for the next 10 years will not be accurate.

That is a very far limb I am going out on, I realize, but I feel confident with that. I will be even more specific: They will either be too good or too bad. We have never had the experience of any Federal agency making projections over the coming years with anything like the pinpoint accuracy we presume when we debate budgets around here. We stand here and we say this is so many billion too high for this and so many billion too low, and so on. Then reality comes in, and we are always stunned that it is different from our projections.

When I first came here 8 years ago and debated President Clinton's first projections, we were being told with absolute certainty that we were facing budget deficits as far as the eye could see and we had to have this tax increase to deal with these overwhelming deficits. Now we are being told we are facing budget surpluses that will go on as far as the eye can see into the trillions of dollars.

I happen to think we will, indeed, see surpluses but they will not be in the exact order of magnitude that our current projections say they will. They will be, I say with great confidence, either higher or lower. It is similar to the question someone asked of, I believe it was J.P. Morgan, when they said, "What will the stock market do today?" thinking he was the greatest expert on the stock market. He looked at his questioner with great sagacity, and he said: "It will fluctuate."

What will the economy do? It will grow or it will shrink, and it will do so in a pattern that is virtually impossible to estimate with the exactness that we get budget figures. To say the total surplus over the next 10 years will be exactly $5.6 trillion is an exercise in guessing—creative guessing, educated guessing, well-researched guessing, but it is still guessing.

So as we get into the budget President Bush will give us, and as we go through the necessary exercise of adopting exact numbers, let us recognize that this is an exercise we go through every year. Every year we adjust the budget, every year we adjust our guesses, every year we try to do a little better than we did the year before, and every year we have a year's more hard data behind us that we hope will help guide us where we are going in the future.

We now know, for example, when President Clinton said we were in a serious recession as we were adopting the budget in 1993, if we look back at the economic data, the recession in fact ended in 1991. It still felt like a recession, but we were, in fact, not in one. I think we took some steps that, in retrospect, we probably should not have taken on the basis of what things seemed to be rather than on the basis of what things were.

All right, having said that, let me comment on what I see in President George W. Bush's budget. He is setting out his priorities. I think that is what we should focus on: What are the priorities that this President hopes this Congress will adopt as we look to the future.

My own guess of the future surplus is that it is going to be better, in terms of Federal income, than $5.6 trillion. I think the $5.6 trillion number which has been adopted as the best summary of the various estimates is probably low. If I were the CEO of a business looking at this kind of forecast, I would say let's get fairly aggressive at trying to grow the business, let's get fairly aggressive at taking those steps that will prepare us for the prosperity that we think lies ahead.

I think there are those who say: No, no, the $5.6 trillion number is too high; let us get very conservative; let us get very restrictive with what we do with the money in this budget. My own gut tells me that is the way to make sure we do not hit the $5.6 trillion, that we constrict the growth, and we see to it that this economy gets less rather than more in the future.

But these are the President's priorities as I understand them. Let me just list them and then talk about whether or not it is a good set of priorities. His first priority has to do with improving our educational system. I think our educational system since the demise of the Soviet Union has become the No. 1 survival issue for the United States. If we do not get our educational system geared to the needs of the future, we will pay a huge price in the future. So his priority of improving education strikes me as the right budgetary priority, the thing that should be first.

Next is protecting Social Security. That has become the Holy Grail of American politics. Every politician says he wants to protect Social Security. It is to be expected that President Bush will put it right next to education.

Next, preserve Medicare. I have a little bit of a reaction to that language, "preserve Medicare," because I have found that everybody who deals with Medicare in its present structure hates it. Oh, they don't hate the idea of having money to deal with their health care problem, but the structure is absolutely devastating. Yes, from a budgetary standpoint I think what the President is going to propose is wise. But I hope as we go through that process we can start talking about changing Medicare so human beings can understand it.

Just a quick vignette: I have a constituent who came to me and she said: I am a very intelligent person, I think. I am a college graduate, and I have a professional life. I take care of my mother's medical problems, and my mother is on Medicare.

She said: I am totally defeated by the paper that comes through the mail to me with respect to mother's Medicare, and I finally adopted this strategy. I throw everything away, and once a month I call the Salt Lake Clinic where my mother is being treated and I say, "How much money do I owe you?" And they give me a number, and I write them a check.

She said that is the only way she can deal with the complexities that come out of Medicare.

A much younger man who came to me when we were out in our home States celebrating Presidents Day said: My father just went on Medicare. I had no idea how disastrously complicated that really is and how far short of really meeting his needs it is.

So let's not get carried away in the political rhetoric of preserving Medicare to think that the Medicare system as it is currently running makes any sense at all. Let us understand that if we are going to fund Medicare—and President Bush recommends that we do—we have the responsibility to do some fairly heavy lifting between now and the time that funding comes along, to examine the way Medicare is run.

I hope Secretary Thompson, as the new Secretary of HHS, will take a long, hard look at HCFA and say what can be done to make the Medicare accounting process and examination of claims process intelligible to human beings because it is clearly not that at the moment.

All right: Education, Social Security, Medicare—defense. One of the things we have seen over the last 8 years has been what used to be called the peace dividend. Ever since Ronald Reagan and George Bush's father, Bush the 1st, or Bush the 41st—whatever shorthand title we wish to put on him—ended the cold war and the Soviet Union disappeared, we have seen the defense budget as a percentage of gross domestic product decrease dramatically. We should see that happen. That is the peace dividend we should hope for.

When President Clinton used to stand and say this is the smallest Government in a generation, basically he was talking about the Defense Department. All of the shrinking of civilian jobs in the Government, of which he was so proud, occurred primarily in the Defense Department. We got to the point where we went a little too far with that. Our defense budget is now a smaller percentage of the gross domestic product than it was prior to World War II.

It is back to the 1939–1940 level. It is beginning to show. We do not need the kind of defense we needed during the cold war, but we need a defense that can deter anyone who would like to take us to world war III. It is appropriate that President Bush has listed that as his next priority.

Improving health care. I have already talked about improvements I would like to see in Medicare. President Bush recognizes that this is an area where we need to spend more, not less.

Interestingly, many Republicans say any kind of government expenditure is bad. They want to cut anything. And any budget cut that comes along, they immediately clear. This is an area where we should not be cutting because it is an investment that will, indeed, pay huge dividends in the future. I am delighted, as one who has supported doubling the funding for NIH and other basic research in health care, to note that President Bush is going to double the funding for medical research on such important health issues as cancer. I look forward to the country reaping the benefits of that kind of investment.

The fact that President Bush can talk about that kind of an increase even as he is talking about presiding over a smaller government demonstrates that this is a man who has his priorities straight. This has been a Republican initiative right from the first. It started with Senator Connie Mack of Florida who has had personal experience with the ravages of cancer. He didn't just have a knee-jerk response to those experiences but began to look into what was being done at the National Institutes of Health and the National Cancer Institute, and came back to the rest of us and said this is good, sound investment.

Hearings were held. Testimony was taken. We Republicans led the way on seeing to it that basic health research would be increased very substantially in this country because we recognized the dividends that would pass.

I am delighted to note that President Bush is going to carry on that Republican initiative that began on the floor of this Senate with Senator Mack from Florida and is proposing this kind of an increase for NIH medical research.

Next, the environment. We hear an enormous amount of conversation about the environment. We must cut back on this; we must do that, and so on. Frankly, if you dig into it, from my point of view, much of it is based on what is being called junk science.

Junk science, to summarize it very quickly, is that science that is produced and then taken to the media rather than for peer review. Scientists come to a conclusion and then call a press conference rather than turning to other scientists to say where they went wrong. Once the media has hold of it and has spread it, then there is no calling it back. Then it gets set into the public mind, and the public culture is absolute truth. Those who try to catch up with it after the fact always have difficulty. We have seen examples of that. One that rankled the agricultural field was the excitement over the alar scare where film stars suddenly became scientists and testified before the Congress about all of the apples being tainted. Checking into it carefully and doing peer review indicated that, in fact, alar was not going to poison every man, woman, and child in the United States. But the scare had a tremendous impact on apple growers. Frankly, parents wanted kids to eat more apples. And it has taken a long time for the reality to catch up with that kind of junk science.

When we are talking about the environment, let's not talk about junk science. Let's talk about some significant investments in the environment that make sense.

President Bush is proposing fully funding the Land and Water Conservation Fund, which is a $900 million commitment, and he is giving EPA the second highest operating budget in its history which, for whatever it is worth, happens to be $59 million higher than the request from President Clinton.

I am not at all impressed with the idea that we must spend more than President Clinton in a certain area. But since there are those in the media who think President Clinton was the example of how you fund efforts on the environment, I think it is important to point out that George W. Bush is not cutting back on that kind of commitment.

Those are his priorities. Identify first; then the standard, Social Security and Medicare; a new one for the administration, which is defense, funding for health care research, and activities to protect the environment. Those are a pretty good series of priorities, in my view.

But there are two others that are in this particular budget that are different from what we have seen. One is a commitment to pay off the debt.

When I first got here 8 years ago, we were told with the same confidence that we are being told about surpluses how we would have deficits as far as the eye could see. Those deficits have disappeared. They have turned into surpluses because the economy has—surprise—grown faster than anybody anticipated it would and registered those projections, inaccurate as that. As that is going on, we must continue to pay down the debt. George W. Bush said we will do that.

It comes down to this: He says: These are my priorities; these are the priorities I recommend to the Congress. Once these priorities are fully funded, we have this much left over. And what do we do with the money left over? He says we do two things: First, we pay down the debt; second, we give whatever is left back to the people who have been overcharged for the Government services they have been buying with their taxes.

I think that is an appropriate arrangement of the money. Here is the priority. Here is what we are going to spend it on. Yes, we are going to be spending more than we were spending in the past, but we still have this much left.

What do we do with that which we have left? We pay our debts and we give money back to people whom we have overcharged. Could anything be fairer than that? Can anything be simpler than that? But the big fight, of course, is going to be on the last item—giving money back to those who have been overcharged. Who are they? Maybe the people who should get the money back shouldn't be the people who sent it here in the first place. Maybe the money should not go back to the people who were overcharged but to the people who never shopped in the first place.

That would be the conversation we would have if this were a business. Of course, it wouldn't be cast in those terms because this is not a business. This is a government. As a government in a democracy, this means there are votes to be courted. There are special interest groups to be satisfied. When we get back to that area of money to be given back to those who have been overcharged, that is where the heat will come. That is where the rhetoric will come. That is where the shouting will come. That is where we will have our most bitter debates.

I, for one, am encouraged by the fact that the heart of President Bush's tax plan is the reduction of the marginal rate. This is why.

First, there is the question of fairness. Should anybody be required to pay more than a third of his or her income to the Federal Government? If you take a poll—there are those who live by polls in this Chamber—and ask the American people what should be the highest total anybody should pay, over the years the numbers have stayed pretty stable. It is 25 percent. Most Americans think no one should be forced to pay more than 25 percent of his or her income into the Federal Government. We are now close to 40. President Bush is saying no. Let's bring that number back to a third. Let's bring that number back to 33. I don't think that is unreasonable. I think it fits with where the American people think we ought to be.

The second reason why I think we ought to bring down the top rate from roughly 40 to a third is because I recognize that it is in that area that the American entrepreneurial machine takes hold. Look at our counterparts in Europe. Japan: I have owned a business in Japan. I have been involved in a joint venture with companies in Europe. I know that in those countries they have many of the things we have. You think they are almost identical. They have big corporations. They have hard-working people. They have a well-educated workforce. The one thing they don't have that is almost uniquely American, with perhaps the exception of Hong Kong, is they do not have the entrepreneurial spirit. And where do the entrepreneurs fund their businesses? They fund their businesses—the growth, the new jobs, the new creation—at the edge of the marginal tax rate.

If you bring the top marginal tax rate down from 40 percent to 33 percent, you are going to see a whole host of new industries, new enterprises, and new activities spring up that will make it possible for the higher end of the projection of what will happen in the economy come to pass.

Mr. President, that is a brief overview of the President's proposal. I look forward to hearing him flesh it out tonight in his presentation to the joint session of Congress. I express my delight that we are going to hear this President stand true to the things he said during the campaign. It will be a refreshing change.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague from Utah for his remarks about the budget.

I have had some White House briefings on what would be in the President's budget. It is so refreshing to see a President, who made promises, and tonight is going to unveil his plans to keep the promises he made to the American people.

I, as one Member of the Senate, am certainly going to try to help the President keep those promises because I, too, made those promises to the American people because I believe we can treat this budget as any family in America treats their household budget; that is, we can make priorities. We can decide what we want to spend more money to do, what we want to spend less money to do, and where our priorities are going to be for saving our own money. That is the theory behind the President's budget.

He is basically saying: We are going to cover our priorities. We are going to increase spending in the priority areas. We are going to flat line the areas that are not priorities or areas where the project is complete. And we are going to have more of our own money back in our pocketbooks. At the same time, the President is going to pay down the debt at the greatest rate that we can pay it down. I think that is a balanced approach.

Let's talk about some of the priorities. One that I am very pleased the President is going to put forward is the No. 1 priority, which is education. Public education is the foundation of our country. It is what makes us different from most other countries in the world; and that is we want public education to give every child the chance to reach his or her full potential; that they can go to public schools all their life, and they will have a great education that will allow them to do whatever they want to do in life. That is the American way. We have fallen behind in that dream. The President wants that dream to come back. And Congress is going to support him. We are going to make sure every child can reach his or her full potential in this country with a public education.

So we are going to target those funds so that when the local school district wants to do creative things—wants to have teacher incentives, wants to encourage people to come from careers into the classroom, or from military retirement into the classroom—we will allow that alternative certification to bring that person in to give language or math or science that is not able to be offered in that school unless we do some creative recruiting.

Those are the kinds of things that we want to foster with the Federal funds. We want the decisions to be made at the local level. We want goals to make sure every child can read by the third grade because we know if a child cannot read in the third grade, they are going to start falling behind. Of course, they are not going to be able to pass algebra if they do not have the basic reading skills. So we take one step at a time. And we start with the basics. That is what the goals will be.

Secondly, tonight our President is going to call for prescription drug benefits and options under Medicare. That is very important. Fifteen years ago, people would have had to go in the hospital; they would have to have major surgery to treat an illness. Today, that can be done with drugs. And, yes, those prescription drugs are expensive. So we need to make sure we are covering those drug costs and giving people the options to be able to afford the drugs they need to stay healthy, while at the same time having their other living expenses be covered.

So we want to have a prescription drug option in Medicare. We want to have benefits for those who cannot afford it. That is going to be a priority in the President's budget.

We are going to keep national defense as our highest priority. We are going to make sure our military is strong and ready. I have visited our troops in the field all over the world. I know morale has been low. We have not focused enough on our national defense and the people who are serving in our military. So we are going to have pay raises, we are going to upgrade the health care for our military personnel and their families, and we are going to make sure they have quality housing.

Just last week, in Texas, I was at Fort Sam Houston and I walked through housing where the paint was peeling. That is not acceptable. We are not going to have that for our military personnel. We are going to give them good, quality housing and health care. We are going to make sure their children have quality education, especially on the bases that have school districts within the bases. We are going to step up to the plate to make sure we are doing what is necessary to give our young people, who are the dependents of military personnel, a quality public education.

So we are going to do those things to upgrade our military. And we are going to make sure we have the quality equipment and the training to give these people who are pledging their lives for our freedom the chance to do their jobs, and to do it right. We are going to support our military.

These are areas where we are going to increase spending.

I believe Congress will support President Bush's initiatives in the budget.

Also, another priority we have not talked very much about is a rainy day fund. President Bush is going to put in place a rainy day fund. Some people are concerned that maybe our economy will go soft. We do not want to get into a deficit again. So he is going to suggest we have a rainy day fund. And I am going to support him all the way. I will introduce legislation to make sure we have a rainy day fund, just like every home in America will have if they have a quality budget in their homes—a rainy day fund for emergencies.

So those are the priorities we will have in our budget. But it is no less of a priority that we also pay down the debt and that we have more money for taxpayers in their own pocketbooks because they are sending too much to Washington in income taxes.

It is very important that people be able to keep more of the money they earn because people are paying higher taxes than they have ever paid in peacetime. We need to give them some relief, particularly because the economy is a little soft right now. We want people to have the confidence they can spend their money.

But we also want them to be able to save some of their money. So we are going to have a balanced plan that will pay down the debt and will give tax relief for hard-working Americans—for every hard-working American. We are going to have priority spending, and we are going to do what every household in America will do; that is, provide for the priorities in our budget and not spend more in the areas where we do not need to spend more and target those areas where we know we are going to have to do a better job than we have been doing in national defense, in education, in prescription drug options. Those are the things we will focus on in this budget.

I am so pleased our President is showing the leadership we have needed in this country to go in the right direction for responsible stewardship of our taxpayer dollars.

Mr. President, I thank you and look forward to introducing the legislation and working with others who have already introduced legislation to accomplish the goals that will be outlined tonight by the President of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET PROPOSAL

Mr. BROWNBACK. Mr. President, I wish to address my colleagues for a few minutes about the budget proposal that the President will put forward tonight. I look forward to the proposal. I think it is going to have a number of priorities for the country and the direction in which the country should move. These priorities include fiscal restraint, debt reduction, and responsible tax relief. It is these three areas that I want to address briefly today. The President will put forward a budget request that certainly has plenty of spending in it—in my estimation, probably too much. It is a $1.9 trillion budget. That is a very large proposal. It includes responsible tax relief—$1.6 trillion in tax relief over a 10-year period of time. This will set the stage for an honest discussion of taxes and needed tax cuts.

As colleagues know, the budget surplus projected by the Congressional Budget Office is lower than it would have been without the increases in spending by Congress over the past few years.

I have a chart that points out what happens with surpluses. We should be saving the surplus and cutting taxes with it, however people say: We have all this money, let's spend it. This is what happened during the spending spree in the last 6 months of last year, which reduced the 10-year surplus by $561 billion alone. That happened during a 6-month period at the end of last year. There is an iron rule of government that if you have money lying on the table, it is going to be spent. We need to pay down the debt and cut taxes; we don't need these sizes of spending increases across the board. We need increases in some areas, and we need to cut spending in other areas.

The second point is fiscal discipline, particularly in the area of corporate welfare. Now is the time, as we look at re-prioritizing—putting more money in some areas and less in others—to address corporate welfare and zero these areas out, putting funds from these areas in such places as the President has proposed, and increasing the budget for the National Institutes of Health.

The President is proposing an increase in NIH funding of $2.8 billion, or almost 14 percent. I think this is something for which we can all be proud. It is a basic research function. It helps us in discovering what we can do to live longer, healthier lives. That is very good. Let's take the increase in funding from places like corporate welfare and put it into NIH without a huge growth in the overall spending.

I am particularly heartened that the President is looking at doing exactly this—cutting in some areas to produce increases in other areas. Yet, at the same time, the President is trimming the growth of Government spending down to a 4-percent growth rate. This constitutes important increases in funding for programs in Government that deserve more funding, as well as reductions in other areas of Government that need to be reevaluated.

I want to point out two other things because there are a number of people saying the size of the tax cut is too big. It is $1.6 trillion over a 10-year period. To give the overall example of what is taking place, here is a pie chart of the Bush tax cut as a portion of the total revenue during this 10-year time period. Total revenue is $28.4 trillion; the Bush tax cut is $1.6 trillion. The Bush tax cut proposal is a small portion of total revenue. In a situation where we are overtaxing the public, we can afford to do this.

What about the allocation of this surplus that we have? Are we using enough to pay down the debt? The answer is, yes, we are. We should pay down the debt, and we can pay down the debt. The remaining surplus is $1.1 trillion; the Bush tax proposal is $1.6 trillion. The Social Security and Medicare funds set-aside are $2.9 trillion. This is an allocation of where the overall surplus is going. Most of it is going to Social Security and Medicare.

So what we need is a good, honest debate about tax cuts.

A final point I want to make is about triggers on tax cuts. Some say, well, OK, we will do tax cuts, but if our receipts aren't as large as projected, if the surplus isn't as big as it is projected to be, let's cut the size of this tax cut. I don't think that is a good idea. Tax cuts need to be firmly in place for the community and the Nation to be able to react and say: I am going to have more confidence and wherewithal to spend if I know the tax cut will be here.

I don't think triggers are a good idea. But if triggers get put in for a smaller tax cut—say, if our receipts are lower than we project and we put in a trigger to make the tax cut smaller—we should say if the surplus is bigger than projected, let's have a trigger for a bigger tax cut. If we are going to produce a trigger for a smaller one, let's look at a trigger for a bigger tax cut if receipts are larger than currently being projected in the budget.

This is an exciting time for us in the country as we look at the prospects of the new President putting forward his budget allocations. There is going to be a lot to talk about, in a positive sense, on fiscal restraint, debt reduction, and tax relief—important topics for this body and for the American public.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, if there is time remaining for the majority party, I won't take their time.

The PRESIDING OFFICER. I believe there will be. The time expires at 11.

Mr. WELLSTONE. Fine.

Mr. THOMAS. Mr. President, what is the parliamentary status?

The PRESIDING OFFICER. We are in morning business.

The Senator from Wyoming is recognized.

Mr. WELLSTONE. Mr. President, I would be pleased to speak for the Republican Party if the Senator wants me to.

Mr. THOMAS. If the Senator would care to, I would be surprised but certainly happy about it.

Mr. WELLSTONE. I will follow the Senator.

THE PRESIDENT'S BUDGET

Mr. THOMAS. Mr. President, we are talking about the budget this morning, about the tax reductions that the President will speak of this evening, I think talking about the importance of how the budget is arranged, how it matches the needs of our people, of our country. It seems to me, as I think I mentioned before, it is one of the most important decisions we will make, and that is the allocation and indeed the priorities of what our program will be in the coming year.

I want to just talk in more general terms perhaps about some parts of it. First of all, I think in most everything we do here, we ought to try to have a vision of what it is we are seeking to accomplish a little way down the road and, hopefully, sometimes quite a way down the road, 10 or 20 years. What do we want the country to look like in 10, 20 years? What is it we want to do during the next year? That has a great deal of impact on what we do with financing and with the budget.

Of course, one of the priorities has been security and defense. I think, clearly, it is time to take a long look at that and make additional investments in our military and in our defense.

One of the things that needs immediate attention is the welfare of our military men and women. I think all of us have taken the occasion to visit military bases—in some cases overseas—such as Warren Air Force Base in Cheyenne, WY. Last year, I had the opportunity to return to the base where I served in the military, Quantico, VA. The first place they took me, in terms of their needs, was housing for the military.

The President has indicated his desire to immediately increase spending for salaries for the military, housing, and health care. There is no question that ought to be one of our priorities.

Following that, there ought to be a substantial review of our military strategic needs, because changes have taken place in the world and changes have taken place in military structures. That is a wise thing to do in terms of further funding. It seems to me that priority is one that encompasses a notion that we want to take better care of those men and women who have volunteered to be in the service to protect their country, and then take a long look at our capacity to deal with today's threats and the threats we will see tomorrow.

Education: Every time one takes a poll or asks questions of folks in my State or nationwide, education is generally the No. 1 issue. It is easy to be for education, but it is a little bit more difficult to figure out what to do about it. Nevertheless, I think all will agree education is a high priority, that education is something we have to look to down the road. What is more important than providing a good education for the young people who are going to be running this world?

We find ourselves with some differences about how we do that. A strong feeling has existed that Washington ought to decide what the money is for; it ought to be sent from Washington with attached instructions as to how to use it. I believe strongly that the needs in Meeteetse, WY, are different from the needs in Pittsburgh. Local people in the States ought to have the opportunity to use those dollars as they see fit, with some accountability, so we can ensure ours kids are getting the best education and can have a successful life. Again, I hope we can see what we want for education.

I am particularly interested in the third priority the President has laid out, and that is energy. We have some problems in energy. Hopefully, some of them are short term. We have some long-term opportunities to do the things in the field of energy that we want to happen. One of them is to improve and increase domestic production so we are not totally dependent on OPEC and overseas imports of foreign energy. That is not wrong necessarily, but we become a victim of imports.

We need an energy policy. We have not had an energy policy over the last number of years. The policies are fairly broad, and they are implemented in more detail, but it is my view that we need a policy for energy. It ought to be one that encourages domestic production, and there are many ways to do that. Some, I suppose, will be by way of taxes. I am not as excited about that as I am the opportunity to encourage domestic production.

I spent last week in Wyoming. Wyoming is one of the large energy producers in this country. We have an opportunity to increase our gas production—we are doing that now—and we have an opportunity to increase oil production. We are the largest producer of coal in the Nation. Coal is a basic resource but can even be better as we do research. Domestic production is one part of a basic policy.

Research: We need to continue research. One area is to make coal cleaner and to enrich coal so we get more Btu's out of coal and bring the transportation costs down.

We want to do more with air quality, and we can. In almost any instance, it is fair to say when you have large electric generators, up in the 1,500-megawatt area, coal is the most efficient producer of energy, and we need to research that.

We need diversity of energy sources. I am a great supporter of natural gas, but we find ourselves overly dependent on natural gas. Natural gas is a flexible fuel that can be used not only for stationary generation but also can be used for many other things.

I hope we will have some diversity, that we will have hydro, coal, and oil. We ought to also be working on diversity of renewable energy. We can do more in renewables than we have in the past, and that ought to be part of our basic policy.

Transportation: Energy has to be moved. We see the problem in California. Part of the problem is the unwillingness or the inability, at least the absence of transmission lines and pipelines, to move energy. Some people don't like to see transmission lines. They won't see them because it will be dark. That is the choice we have to make. We need to do that. It is increasingly difficult to get the easements to do that.

Conservation: Part of our policy ought to be the more efficient use of energy so that we can get more out of our energy and renewables, as I have mentioned. Of course, one of our goals, one of our missions, ought to be a reasonable price for the consumers. We have seen that change in the last several months. That is not something we want to continue.

We ought to be looking at defense, education, and energy. Medicare is very important to health care. It needs to be revised. There have been a number of efforts to do that. We have not completed those efforts. We need to include some aspect of pharmaceuticals.

What do we want to see in the future? I happen to be cochairman of the conference on rural health care in our caucus. Rural health care is a little different from health care in the large cities. Not every little town in every State is going to have all kinds of medical care. They are not going to have specialists. We need an outreach so that all people in this country have access to health care. It needs to be done differently. We need telemedicine. We need to do a number of things. That is another goal we need to pursue and envision where we want to be.

Social Security: If we do not do something with Social Security, these young people here, who now have 12.5 percent of their salaries withdrawn when they work, will not have benefits. We can change that. We are going to be talking about individual accounts that can be invested in the private sector, that can be invested in equities or bonds and can offer a much higher return so they will have benefits.

I hope, rather than seeking to find a political item to work on for the election of 2002, we can take a longer look at these issues and say here is where we want to be and here is what it takes to do that. We have a great opportunity in terms of tax relief, our budget, our spending, and we have that opportunity now. I hope we take full advantage of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX CUTS

Mr. WELLSTONE. Mr. President, I won't speak for the Presiding Officer, the Senator from Kansas, or Republicans but I will speak for myself and I hope many in my party.

First, I start with what I think people in Minnesota and people in the country mean by civility. I don't think they mean there should be no debate. I think people are all for passionate debate. They just want to make sure it is civil debate. What I say on the floor of the Senate is based upon what I honestly believe is good and right for Minnesota and my country, but it is not at all directed at any of my colleagues on the other side in any personal way, nor is it directed at the President in any personal way.

Second, another operational definition before I go forward with my comments: what do people mean by "the center"? I think people want us to govern at the center of their lives. I will say something I heard my colleague from Wyoming mention and I agree. Part of what people are focused on is education—no question. People are focused on health security. People are very focused on affordable child care, which I view as education. It is silly to define education as kindergarten through 12. I think it is pre-K all the way to age 65. Elderly people and other working families are focused on the cost of prescription drugs. Many can't afford it. People are also focused, of course, on how to have a small business or a family farm or have a job from which they can support their family.

Those are issues that are terribly important to people, and there are other issues as well. One we will deal with within the next month will be reform and how we can really move to a political process which, hopefully, will be less dependent on big money and more dependent on big and little people.

I want to speak directly, given this introduction, to the President's tax cut. We have heard from a number of Senators about specifics, so I don't need to go over them. To make a very long story short, after we take this $1.6 trillion tax cut and add additional costs, interest that has to be paid, and after we look at what we have by way of surplus—that is to say, non-Social Security, non-Medicare—basically, what we have is a tax cut that represents a Robin-Hood-in-reverse approach to public policy. That is what we have when, depending upon whose estimate one believes, the top 1 percent of our population gets anywhere from 40 to 45 percent of the tax benefits of the Bush plan. Unbelievable. It is similar to a subsidy in inverse relationship to need.

Now, again, understand—a Robin-Hood-in-reverse tax cut has the wealthy benefitting. At the same time, let me take the President's words in his inaugural speech about leaving no child behind. At the same time, one-third of the children in America today live in families who will not receive one dime from this tax cut; 50 percent of African American children live in families in our country who will not receive one dime from this tax cut; and about 57 percent of Latino, Latina children live in families who will not receive one dime from this tax cut because none of it is refundable.

If you live in a family with an income of less than $27,000 a year, you receive no benefit.

The argument is, they don't pay any taxes. These families pay payroll tax; they pay sales tax. You better believe they pay taxes. These are some of the children who are most deserving in terms of being given a chance to reach their full potential. It is not in this tax cut proposal.

While on the one hand we have most of the benefits going to the top 1 percent, we have very few of the benefits going to those families and those children most in need. It is outrageous.

One amendment I will prepare when we bring this reconciliation bill to the floor will be an amendment to make the child credit refundable. Then we can help a lot of children and a lot of families. For all Senators who say, "we are for children, we are for children, we are for children, we are for the future, leave no child behind," I want to give them a chance to vote on that.

Let me go on and make another point which I think is the second and, to me, the most devastating critique of this tax cut proposal by President Bush. It is not unlike 1981. If we do this, there will be precious little for any investment in any other areas—I think by design. I think this is an administration, in spite of its rhetoric about leaving no child behind, which basically believes most citizens should be on their own.

So there will not be the funding to make sure senior citizens can afford prescription drug costs. No question about it. There will not be the funding for expanding health care coverage for our citizens. No question about it. And there certainly will not be the funding for education and to leave no child behind.

Now, the President tried to argue the other day—it has already been shot down—that there is a huge increase in the education budget. Mr. President, some of it was forward funding from this past year. As it turns out, over the last 5 or 6 years, this is the smallest percentage increase we have seen except for one out of the last 5 years. That hardly represents some dramatic, new investment in children.

So my question is, How do you leave no child behind when only 2 percent of the children who could benefit from early Head Start—2 years of age and under, the most critical years for learning—right now benefit? That is all the funding we have. And there are really no additional resources for early Head Start. Only 50 percent of the children who can benefit from Head Start—that is, to give a head start to the children who come from disadvantaged backgrounds—and there is going to be a pittance for any additional funding—when 11 percent of the children who could benefit from affordable child care—that is just low-income families, much less working families, much less moderate-income, middle-income families—11 percent who are of the eligible children right now are able to benefit because we so severely underfund early childhood development.

So we have a President who says he is committed to education, we have a President who says he will leave no child behind, and we have tax cuts that go to the wealthy. But will they benefit the families—one-third of the children who live in low- and moderate-income families, half of the children who live in low- and moderate-income families? We have a tax cut proposal that makes it impossible for us to invest in the health and skills and intellect and character of our children. Frankly, "leave no child behind" becomes just a slogan, and I express indignation about this.

There will be a pittance to make sure our children are kindergarten ready, and then when it comes to some of the K-through-12 programs, let me be really clear. Right now, the Title 1 Program for low- and moderate-income children is funded at the 30-percent level. There is, again, a pittance in this budget for any increase in that funding.

The IDEA program for children with special needs is vastly underfunded. In my State of Minnesota, from the Governor to Democrat to Republicans, they say: Live up to your 40-percent funding commitment, Federal Government. Then we would have some additional resources to do other things for children.

Guess what. In this budget we will see a pittance when it comes to any increase in funding for the IDEA program for children with special needs.

We have an education program called Leave No Child Behind, which is going to rely on testing, testing which makes it clear that we should not rely on one single standardized multiple-choice test which everyone who does testing says we should not do, which is educationally deadening; it puts the kids in a straitjacket; it puts the teachers in a straitjacket. We will not have that.

What we will do is take a lot of schools in this country that have been underfunded because they are in districts that are property-tax poor—not rich; they can't have the same resources; they don't have the same resources as the most affluent of suburbs—schools where children come from homes where English is the second language, children who come from homes where families have to move two or three or four times a year because of inadequate housing, children who come from homes where they are hungry when they come to school, children who come from homes where they haven't had the good developmental child care; they haven't been read to; they don't know how to use the computer; they haven't had any of those opportunities; they come to kindergarten way behind—this budget does nothing to make sure these children will have the same chance as other children to reach their full potential. Instead, we have tax cuts, 40 percent plus of the benefits going to the top 1 percent of the population.

We have testing. All we are going to do is set up these kids, these schools, and these teachers for failure. We are providing none of the resources and none of the tools to make sure these children can achieve and do well, but we are going to have tests and we are going to test kids starting as young as age 8, every single year, and then we are going to say after 3 years: Schools, if you don't make the grade, we will flunk you and we will move to vouchers.

I think the people who deserve an F grade are the White House and those people in the House and the Senate who do not seem to be willing to be held accountable for the health, skills, intellect, and character of all the children in our country. That, to me, merits a failing grade.

I hope my party does not join in this tax-cutting frenzy. I hope we will focus on honest tax cuts that benefit working families, middle-income families and moderate-income families. I hope we focus on a child care credit for all families so we will be helping all children. I hope we get the help where it is needed. I hope this is not just one huge bonanza for wealthy people.

Frankly, I say to Democrats, this is our moment of truth. Above and beyond tax cuts that work for citizens in this country, we want to make sure there are resources for investment. We must be willing to draw the line and say to President Bush and Republicans: You go with your tax cut plan, 40 to 44 percent of the benefits going to the top 1 percent; we go for investment in children and education. President Bush, you go for a tax cut plan with 44 percent of the benefits going to the top 1 percent; we go for expanding health care coverage. President Bush, Republicans: You go for a tax cut plan that is Robin Hood in reverse, with most of the benefits going to wealthy people; we go for making sure our parents and grandparents can afford prescription drug coverage. President Bush, you go for your tax cut, Robin Hood in reverse, going to wealthy people in this country; we go for affordable housing—that is what we are about. We are supposed to be the party of the people, so let's try to make sure the tax cuts, in combination with the investment, benefit the vast majority of people in this country.

I think it is terribly important for Democrats to find their voice and for us to be as strong as possible, both in opposition to President Bush's tax cut proposal going mainly to the wealthy and in enunciation of what we stand for. We stand for some tax cuts that are honest tax cuts that benefit the majority of families and citizens in our country, not leaving out those families who are most in need of help, and in addition investment in our children, in education, in health care. That is what we are about.

I am lucky enough to be friends with Marian Wright Edelman, director of the Children's Defense Fund, and her husband Peter, two wonderful people of justice. The theme of the Children's Defense Fund has been "Leave no child behind." That is what they are all about. President Bush is now talking about, "Leave no child behind."

"Leave no child behind" I take seriously. "Leave no child behind" is a beautiful way of calling on all of us in the United States of America to be our own best selves. But if "Leave no child behind" is just an empty slogan and we do not back up the rhetoric with resources, and we don't put our money where our mouth is, and we don't make the true investment, which is not in this tax cut proposal or in the budget we are getting from this President, then, frankly, we will have engaged in just symbolic politics. We will not have done well for children, all the children in our country. That will be a profound mistake, and I think we will not be the better for it.

Without trying to sound pseudo-anything, I look forward to this debate. I am going to have a lot of amendments that are going to focus on leaving no child behind. Education, leave no child behind; health care, leave no child behind; housing, leave no child behind; violence, leave no child behind. We are going to have votes on all of these. If my colleagues have a better proposal for how not to leave any child behind, I am all for it. I certainly do not see it in the proposal of the President.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I listened with great interest to the speeches this morning on the Republican side of the aisle about the President's State of the Union Address this evening. It is clear the focal point of the President's speech will be his proposed tax cut.

It is interesting when I read the newspapers across Illinois and here in Washington, DC, that the President is having a difficult time convincing the American people that his tax cut is the right thing to do. I have been around politics and politicians for decades. I cannot think of an easier task than to sell people on the idea of cutting their taxes. But it appears the President is having a tough time making the sale even though he has suggested this is good for the economy and that it will provide additional spending power for people in America.

Folks are a little skeptical. I think they have a right to be skeptical. If you take a look at the President's proposed tax cut, you will find that Americans like the idea of a tax cut until you suggest to them that we really make choices here on Capitol Hill and in Washington, DC—that you have to make a choice between a tax cut and something else. Frankly, when it gets down to those choices, the support of the American people for the President's proposed tax cut starts to dwindle dramatically because I think the American people understand the whole notion of a tax cut is based on an educated guess of what our economy and our Government will look like—not just next year but 5, 6, 7, 8, 9, and 10 years from now.

To say these projections are inaccurate is to be kind because, frankly, they are not much more reliable than a weather report. Imagine a weather forecast for a month from now. Would you take the umbrella or not based on such a forecast? I doubt if many families would not. Yet the President would have us basically say we will now chart the course of America's Government spending for the next 10 years based on these projections and guesses from economists in Washington.

Former President Harry Truman used to say he was looking throughout his professional career for a one-armed economist because he said then they wouldn't be able to say, "on the other hand." He knew, as we know, that even the best economists disagree. Even the best economists are frequently wrong.

Most of the surplus the President is using as a basis for his tax cut doesn't even arrive on Capitol Hill under their projections until 5 years from now. Almost 75 percent of it starts to arrive in the last 5 years of the 10-year period.

So it is reasonable to ask if we are thinking about projections in our economy 5 years from now, how good were these same economists 5 years ago when they had to make an educated guess about what America would look like today. There are a lot of factors that go into that guess. You have to try to assume what the growth of the economy is going to be, the number of people employed. You have to take productivity and inflation into account.

Five years ago, the very best economists sat down with the very best computers and then said this fiscal year we would experience a $320 billion deficit.

That was their best guess 5 years ago. What do we find? Right now we are experiencing a $270 billion surplus. They missed it by $590 billion 5 years ago.

This evening the President will begin his speech with the assumption that the economists are right; that we should really base all of our plans and our policies based on economic projections 5 to 10 years from now. I think people are genuinely skeptical; they understand we have had similar messages from previous Presidents. It wasn't that many years ago that President Ronald Reagan arrived in town. He suggested when he was elected in 1989 that a massive tax cut was the best thing for America. He proceeded to convince a bipartisan group in Congress to vote for that tax cut. The net result of that tax cut was, frankly, a rocky road for the economy throughout his Presidency.

Frankly, I never would have been elected to the House of Representatives had the economy not been so bad in central Illinois in 1982, the second year of the Reagan Presidency. And equally, if not more important, those tax cuts on top of his spending program led to record deficits. We started accumulating more red ink and debt in Washington than ever in our history after President Reagan had convinced the Congress that a tax cut was the best medicine for America.

Fortunately, in the last 8 years we have seen a turnaround. We have seen a fiscally responsible approach. We have seen not only a reduction in Federal spending, a reduction in the size of Government, but an unprecedented era of prosperity. I think the American people value that prosperity more than the promise of a tax cut. They understand that like most free market economies, you will have your downturns. And we are in one of them. I hope it is short lived and shallow. No one can say.

But we want to do the right things here in Washington at this moment with this President to make certain we get back on that track we were on for 8 years under the previous administration.

I can recall in 1993 when the issue came to this Senate floor and to the House of Representatives where I served, and President Clinton suggested we had to take the deficit seriously. We had to put in a combination of spending cuts and tax increases to finally get rid of the deficit. Not a single Republican supported that proposal—not one. It passed in the Senate because Vice President Gore cast the tie-breaking vote.

We have layers of Republican quotes projecting that this idea of giving, I guess, strong medicine to the American economy would be a disaster; that it would really put an end to any prospect of economic growth. Yet we found exactly the opposite occurred.

It is curious to me that President Clinton could come forward as he did in 1993 with a projection for our economy that worked, give us the hard news, face the lumps in the next election, and really come up with a plan to help America. Most families and businesses agreed. For the last 8 years, we have seen 22 million new jobs created in America, more home ownership than ever in our history, inflation under control, the welfare rolls coming down, violent crime coming down, and an expansion across the board in the economy in virtually everything but the agricultural sector.

We want to return to that. But many of us believe a President's responsibility when it comes to leadership is not just to say what is popular. Being for a tax cut is a popular thing to say. Yet the President is having a tough time selling it.

One of the reasons he is having a tough time selling it is when you take a look at the tax cut, you find out the top 1 percent of wage earners in America under President Bush's tax cut receive 42.6 percent of all of the tax benefits. The bottom 90 percent—people below about $64,900 in income—receive 29 percent of the benefits.

The President's response is that is not fair to say because the people in the top 1 percent pay all the taxes; they should get a bigger cut. Not so. The people in the top 1 percent in America pay 21 percent of the Federal income taxes. They get 42.6 percent of President Bush's tax cut.

Who are these people? These are folks with an income above $319,000 a year. These are people with an average income of $900,000. These are the big winners tonight.

So when you hear the applause after the President says we need a tax cut for America, you are going to hear it the loudest from the top 1 percent. They are the big winners. The folks in the bottom 80 percent are not. These people in the top 1 percent will receive an average of $46,000 in tax cuts under President Bush's tax plan, while the people in the lower 60 percent, for example, will receive an average tax cut of $227 a year.

So the President would have us risk the future of our economy by basing a tax cut on projections 5, 6, 7, 8, 9, and 10 years from now; and then he would turn around and, with those projections, have us enact a tax cut not for the average working person, not for middle-income families, not for people in Illinois struggling to pay heating bills and tuition costs but, no, for people who make at least $25,000 a month. They are the big winners.

Frankly, what it does, in putting all of this money into the tax cut, is it ties our hands when it comes to important priorities for America. Let me give you an example, for just a minute. The national debt is $5.7 trillion. That is our mortgage. We have accumulated most of it in the last 14 or 15 years. It is a mortgage that costs us every single day in interest payments. How much is the interest payment on our old mortgage? It is $1 billion a day—$1 billion in Federal taxes collected every day to pay interest on old debt in America.

What could we do with $1 billion a day in America? Boy, I can think of some things. Education, health care, investment in America's infrastructure, medical research—these are items which I think most American families value. But we take that amount of money from families and businesses and individuals each day—$1 billion—to pay interest on old debt.

Frankly, if we want to leave our children a great legacy, it is not a legacy of giving a fat tax break to the wealthiest people in America. The best legacy for our kids is to pay down this debt.

Let's burn the mortgage. Let's get it over with. If we are in a time of surplus, let's balance the books once and for all. Shouldn't that be our first priority?

If we go with the President's tax cut, let me tell you what it means. Maybe not in the first year, but in the next several years we are going to find our hands tied when it comes to investing in America.

I doubt there is anybody in this country who would argue with the following statement: The future of America is going to be found in our classrooms. If we do not have good teachers, quality schools, and students learning, can we hope the 21st century will be an American century? I do not think so. The President has put that in as a priority but a much lower priority. The first priority is a big tax cut for the top 1 percent of wage earners in America.

I wish to mention one other thing. I see my colleague from Connecticut. I am going to defer to him in a moment.

Senator MIKULSKI of Maryland came up with a term today which I think is important to think about. She said: We not only have a mortgage, we have a balloon payment coming. Do you know what a balloon payment is? When the baby boomers reach Social Security age and when they decide they need Social Security and Medicare—guess what—the current system is going to be truly taxed, and many of us are going to have to answer as to whether or not, when we had a surplus, we prepared for that balloon payment.

If you have a home and you know a balloon payment is coming, you better get ready for it because then you are going to have to refinance the home if you don't have the amount to pay. We are not going to have the money to pay into Social Security and into Medicare if the President's tax cut goes through as proposed. He will take the money out of education. He is going to make a proposal, I understand, to privatize Social Security, by taking money out of the Social Security trust fund. He already raids the Medicare trust fund to pay for this tax cut, primarily for the wealthiest people in America.

So you say to yourself, now I understand why the President is having a tough time selling what seems on its surface to be such a popular idea—the tax cut. If a politician can't sell a tax cut, how is he going to sell the American people on a tough decision, something that is painful? The President is not having good luck selling it because the American people are skeptical. They think it is far more important to empower families across America to get this economy moving again. They think it is far more important to make necessary improvements in our future—in education, in health care, and a prescription drug benefit under Social Security, Medicare.

Important, as well, is to pay down the national debt. You will not hear much said about that tonight. It will be mentioned in passing that we are going to take care of all these things—not to worry. But the bottom line is, we know that is not the case. We need to be concerned about it. We need to accept fiscal responsibility, as we did 7 or 8 years ago, in the hopes we can return to the prosperity of our economy which we saw a few months ago.

I will listen carefully to the President's speech tonight. I am sure my colleague from Connecticut will, as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and thank my friend and colleague from Illinois for yielding the floor but also for his very astute and targeted comments.

This is an important day. I rise to speak, with my colleagues, about exactly the same matters that Senator DURBIN addressed because they are at the heart of our prosperity as a nation and the future of every single American; and that is the state of our economy, the tax cuts that President Bush will be advocating tonight, and the strategies that we must adopt if we are to create the widest opportunities for the largest number of our fellow Americans.

The President and all of us with him are facing a moment of truth tonight. This is an important evening because the lives of every American will be affected for years to come by how Congress and the administration resolve the important fiscal and economic questions that our Nation faces.

I am afraid, as the President prepares to address Congress and the Nation tonight, that he is reaching for the wrong medicine. The American economy appears to have a slight head cold right now. If we take the medicine President Bush is offering, I am afraid we are going to have a bad case of pneumonia.

I have spoken before about my opposition to the size and substance of the President's proposed tax cut. It is a tax cut we can ill afford, based on money that has not yet materialized, and it gives the most to those who need it the least.

But the trouble with the President's plan is not just a matter of numbers; the trouble is also with the values that it represents, such as the value of work and rewarding work. Because instead of helping those who are working hard around our country to become wealthy, President Bush's tax proposal rewards those who already are wealthy and do not need the tax cut he is going to give them. Instead of expanding opportunity, and other great American values, the Bush tax cut threatens our prosperity. Instead of honoring our obligations to our parents and our children, the Bush tax cut leaves America unprepared to adequately invest in education, health care, retirement security, and national security.

I am not opposed to tax cuts. I know my friend from Illinois, and our other colleagues, are not opposed to tax cuts either. I am for tax cuts that honor America's values and prolong America's prosperity. I am for tax cuts that are prowork, profamily, and progrowth. I am for tax cuts that fit into the context of an overall sound budget framework because our hard-won prosperity will surely wither if we do not balance tax cuts with significant debt reduction and targeted investments that benefit the greatest number of our citizens.

For 8 years, we have enjoyed a steady and remarkable level of growth that actually has revolutionized longstanding assumptions about economic expansion. After two decades of low growth, low productivity, and high unemployment in the 1970s and the 1980s, technological innovations—remarkable technological innovations—dramatically improved the economy and have brought us the closest I have ever seen in my lifetime to true full employment.

Now we are experiencing an economic downturn. It is not a recession, as some, including some in the Bush administration, have called it. But it is a slowdown in our rate of growth. We have a number of tools at our disposal to keep the growth going.

I want to sound the alarm today that unless we deal wisely with the bounteous growth we have had, we risk throwing it all away. Then the current temporary slowdown will, in reality, become a recession. That is what is on the line as we gather to hear President Bush's State of the Union tonight.

The fact is that a new economy has emerged. Yet the administration's policies seem rooted in the old economy. When you count interest costs and other revenue expenses, the Bush tax cut plan weighs in at $2.3 trillion over the next 10 years. It would consume 96 percent of the entire non-Social Security and non-Medicare surplus, leaving, by my reckoning, just $100 billion for all other investments that we need to make in national security, retirement security, education, prescription drug benefits, and worker training. The money left over, therefore, is clearly not enough.

What if the surpluses do not materialize? Remember, although we have had 3 good years, all this talk of the trillions of dollars we are arguing about spending is talk about projections; it is not money in the bank. What if those surpluses don't materialize? Well, then, I don't see how the administration, based on its budget plan and bloated tax plan, would have any other options but to either raid the Social Security and Medicare trust funds or to radically slash Government spending. Indeed, I say that President Bush's tax cut threatens to return us to the failed economic experiments of an earlier era of ballooning deficits, high interest rates, high unemployment, and high capital costs for business as well.

There is another serious shortcoming to the administration's plan. I want to talk about it in a bit of detail for a few moments this morning. President Bush's tax cut plan contains no business and growth incentives which actually could help the economy lift itself out of the slowdown it is in now and regain the extraordinary high levels of growth we have enjoyed for years. With apologies to Gertrude Stein, there is no "there" there when it comes to spurring on the New Economy or innovation or productivity that have been the central driving forces of it for America and America's families over the last several years.

Let's look at some of the tax cut proposals President Bush is going to recommend and see how they relate to the central question of how do we get our economy growing vigorously again.

The estate tax. I am leaving aside whether you are for or against it but trying to gauge the impact on the question of economic growth. The estate tax changes create no economic or investment incentives. The marriage penalty reform corrects a fairness problem. The broad rate changes being described largely benefit an economic elite, as Senator DURBIN's chart showed. At least a third—depending on your reckoning, as much as 43 percent—is going to people whose average income is $900,000. That won't stimulate the economy.

It is hard to find very many economists, including those who are for the Bush tax cut, who say it will have the effect of getting us out of the economic slowdown we are in that has dropped the markets and begun to lead to some layoffs. You can be for the Bush tax cut on various grounds, and you can be against it on various grounds, but I don't hear very many people arguing that it is the way to stimulate the economy. Why? Because it won't move through the economy rapidly enough to have an effect where it would count.

The fact is that the economic downturn that we have now is primarily focused on the technology sector of the economy. That is why I think we need to think about incentives for growth in that very same technology sector which has driven the growth we have had over the last 8 years. So what are the tools or how might we use a tax cut better?

First, let me address what I think would be the most equitable way to return some of the dividends of our hard-won prosperity to those who need it most. It is just fairness to help those families reward those who are working hard to raise themselves up in America as a matter of equity. For most Americans, the most crushing tax burden is not the income tax. The tax that they pay most to Washington is not the income tax; it is the payroll tax, the money taken out of their paychecks. It is a regressive tax. It is, in fact, a tax on work.

Many of us here have been putting together proposals that we think would reduce the work penalty by giving every working American a refundable tax credit. That means it would go to people who don't pay income taxes because their income is so low. Unlike the Bush tax cut, which would bestow at least one-third of its benefits on the top 1 percent, whose average is income is $900,000, the payroll tax credit we are talking about would provide real tax relief to middle-class working families and to the lower income workers—not people who are not working, but workers, those I have talked about who pay payroll taxes or have it taken out of their paychecks but have no income tax liability. Beyond that is fairness in sharing our growth with those who need it most.

I think we have to act on business tax incentives that will target the drivers of economic growth in our time in the new economy: Capital investment, a skilled workforce, and productivity. While large businesses have been driving our productivity gains by implementing information technology, small firms, which still account for 98 percent of employers, have been moving more slowly into the new economy simply because they can't afford its entry fees. A potential fix here would give small companies tax credits to invest—and invest now—in information technology. This is like servers and network hardware, broadband hookups, computers, and e-business software. Small business, after all, accounts for 40 percent of our economy and 60 percent of the new jobs; but fewer than one-third of small businesses are wired to the Internet today.

This is a stunning statistic: Those that are wired—the small businesses wired to the Internet—have grown 46 percent faster than their counterparts that are unplugged. If we encouraged small business owners to strive for information technology efficiency now, and phased a credit out in a few years—if we couldn't afford it anymore—we could keep productivity growing and help us grow out of the current economic downturn.

Let me talk about a second potential business tax incentive tool, and that would be one that would zero out—eliminate—capital gains taxes for long-term investments in entrepreneurial firms.

I have long supported, since I came to the Senate in 1989, cuts in capital gains to spur growth and encourage a strong venture capital market. I remember being one of six members of my party who stood to support the capital gains tax cut proposal that then-President Bush proposed. Capital gains have been purged, in my opinion. We finally adopted a broad-based capital gains cut in 1997, and I think that cut, and earlier more targeted forms of it, have encouraged the boom in entrepreneurship and startups that have institutionalized innovation in the United States.

This country's entrepreneurial depth is an asset we must nurture, and we can do so by cutting the capital gains rate to zero for long-term investments in startups, small entrepreneurial firms.

In the new economy, finally, employers need a knowledgeable labor force that adds value to the new technology. Right now, employers are investing too heavily in remedial education to make up for failures in the performance of our K-12 school system. Employers who are making these remedial education investments to bring our workforce into the new economy should be encouraged to do so with a new education tax credit system—a business education tax credit system.

For the same reason, I am supportive of tax relief for low- and middle-income families struggling to pay the cost of their children's college education. We are talking about a tax deduction for up to $10,000 a year that is spent by families in this country to educate their children or themselves.

Those are three proposals where business tax cuts would have a direct effect on sustaining economic growth and getting us back to the boom in the American economy that we seem to temporarily have left.

At the end of the debate which President Bush will begin tonight, the best approach, of course, is the responsible approach; the approach that embraces the highest values and most far-reaching and broadly shared goals of the American people.

The goal of any tax cut and prosperity plan cannot be short-term politics. It has to be the long-term economic interests and values of the American people.

We are poised at a crossroads: After 8 years of economic good fortune, we can go forward and continue to pay down the debt, offer sensible, broad-based tax cuts that are both personal and business, and begin paying the IOUs we already owe for retirement benefits for baby boomers; or we can turn back, choosing policies that will undermine our productivity, reward the few, and leave education, health, retirement security, and our national defenses underfunded.

That is a big choice with serious consequences for each and every family and each and every individual in our country. I know the American people want to move forward toward expanded opportunities and continued prosperity. That is the heart of what it means to be an American. I hope we, their representatives, in Congress and in the administration, from both parties, will have the common sense in good times we had when they were bad to build on 8 years of success with fiscal discipline and sound economic policies and humane investments in our future.

That is what is on the line tonight as all of us in both Chambers and the American people listen to President Bush deliver his first State of the Union. I thank the Chair. I thank my colleagues. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I understand the time is controlled by the Democrats until noon.

The PRESIDING OFFICER. Until the hour of noon, yes.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

EDUCATION

Mr. REED. Mr. President, the last election demonstrated clearly and graphically the importance of education as a concern to the American people. It is perhaps their highest priority. They have indicated overwhelmingly in poll after poll that education reform and improvement is something they desperately want and that this

Nation desperately needs. They have also indicated their top priority for the use of the Federal budget is investment in education. Indeed, 81 percent of individuals polled recently indicated they would approve of a bold national commitment to improve education similar to our commitment to build the Interstate Highway System and to do many other projects of critical importance to the American public.

It is, indeed, fitting then that President Bush would embrace this notion of education reform. I commend him for his interest. I welcome the beginning of a very serious debate about how we can at the Federal level assist local communities to improve elementary and secondary education in the United States.

We should begin, I believe, by recognizing that over the past 8 years, we have made progress. We established in Goals 2000 a focus on educational reform. In the reauthorization of the Elementary and Secondary Education Act in 1994, we insisted that high standards be the benchmark and the measuring rod of our commitment to educational reform.

We have also over the last few years passed legislation to diminish class size and to repair and renovate crumbling schools throughout this country. So we begin this process with success, but we also begin with the idea that we have to do much more, and we have to do it together.

We recognize that historically, constitutionally, and culturally, educational policy is the province of State and local governments.

The Federal Government does play a role, and we have played this role quite robustly since 1965. The role may be described as encouraging innovation at the local level and also overcoming inertia at the local level so that every student in America, particularly students from disadvantaged backgrounds, have the opportunity to seize all the opportunities of this great country. This has been our role since 1965.

A characteristic of Federal participation in elementary and secondary education is that it is targeted, particularly with respect to low-income students. We have an obligation to continue this support. We have an obligation to continue to work with the States and localities, in a sense as their junior partner, but as their important partner, to ensure that every child in this country will have the ability to achieve and obtain a quality public education.

President Bush's proposal at this juncture is an outline, it is a prospectus, it is a vision, if you will, for some of the things he would like to see done to improve education. There are elements which we all share, including concentration and focus on high standards and accountability, emphasis on reading, teacher quality, and school safety. And there are other elements with which we disagree.

Among the first order of these elements is the notion of vouchers. I am pleased to see or at least sense that the President has retreated a bit from his campaign discussions about vouchers, recognizing this is not the answer for addressing the needs of our public school system. We have to emphasize parental involvement, teacher preparation, resources to improve curriculum—things that have to be done in the context of public education.

I hope if we continue to emphasize these approaches and deemphasize vouchers that we will make much more progress as we work on educational reform in this Congress.

There is another aspect of the President's proposal that has drawn, I think, justifiable criticism. That is the notion of block granting all of the Federal funds, essentially giving the States a check and saying: Do what you will.

We recognize that we are, as I said previously, the junior partners in this enterprise. Federal spending is roughly 7 percent of all spending on elementary and secondary education. Our focus has always been on assisting the neediest children.

To put all of our funds into a block grant and simply hand it over to the States would, I think, lead to a loss of focus, and, more dangerously, a loss of emphasis by Federal dollars on those poor disadvantaged students. There are many examples of how a block grant has distorted what was a good program before. One which comes to mind is library books. Back in 1965, we specifically committed, as an aid to local school systems, to provide funding to acquire library books. In fact, many of the books on the shelves today, if you open them up, are stamped "ESEA, 1965." It was a successful program. It put books on the shelves. But, more importantly, it put books in the hands of students throughout this country.

Years ago, this specific program was rolled into a larger block grant. What we have seen is that libraries throughout this country in the schools in America are not what they should be. We have seen books on the shelves that are grossly out of date. Interestingly enough, an effort on my part to publicize and address the lack of appropriate library books through bipartisan legislation was reported in the Washington Times on February 20. Most interesting, though, was a response on February 23 by a school librarian that showed some of the real frustrations that school personnel face with the lack of focused Federal funding for specific programs.

This school librarian, who has worked for 27 years, saw the article and then described the problem in her words.

> The money coming down for spending has been diverted by administrators for technology, she says. The computers are bought with book money and the administrators can brag about how wired the schools are. The librarians are ordered to keep the old books on the shelves and count everything, including unbound periodicals and old filmstrips dating back to the 1940s.
>
> And most of all keep their mouth shut about the books—just count and keep quiet. Now do you wonder why librarians keep quiet?

The point is, there is an advantage and value in Federal programs that have specific and explicit policy choices for localities. What we sometimes get in flexibility is lost in focus. We should be conscious and careful as we embrace educational reform to be very clear about those programs we believe should be supported specifically—something like library books—and make sure our education funding is not lumped into some vast category where local administrators, under severe pressure, can find ways to distort our intent to support a specific program.

There is another aspect, too, of the issue of block grants. People will say: This is not about money. If you just give the States more flexibility, they don't need the extra money.

It turns out that most public school reform is based not only upon administrative changes but increased resources for schools. That is the case in Texas. Preceding Governor Bush's term, in fact, going back several terms before that, Texas embarked on a process of redistributing its local school aid. In fact, today it is one of those States which takes resources from wealthy districts and gives them to poor districts. That process began before the testing regime was put in place in Texas.

One can argue that as much as testing might have been a source of improvement, just as much or perhaps more was the fact that now for the first time, local school systems are getting the needed funding to conduct the kinds of programs—buying technology, professional development—that are so necessary.

We have to be conscious, too, as we talk about the Federal role, to recognize if we are going to talk big, we have to have the resources to back it up. It is not all done simply by changing the chairs around the table, by talking about noneconomic reforms, nonresource reforms.

There is another issue, too, that the President has advanced. This is an issue for which I commend him. It is an issue in terms of accountability that I fought for in 1994, along with my colleague, Senator BINGAMAN.

I was a Member of the other body. Senator BINGAMAN was here. In the context of the debate on Goals 2000, we attempted for the first time to talk about not only standards that children must achieve, but the resources those schools must have so these children can meet those standards.

During the course of this debate, we ran into significant opposition, principally opposition from our colleagues on the Republican side. They objected, sometimes in principle, to the notion we would be telling local school systems what to do.

I think this debate was important because it recognized for the first time that Federal resources should not be committed without tough standards of accountability, and that these tough standards should be a way to move the system forward. It recognized when we have tough standards and adequate resources you are more likely to get the kind of improvement in educational quality that we all desperately want.

After the Goals 2000 debate, we started discussions on the reauthorization of the Elementary and Secondary Education Act of 1965. This legislation focused on changes to title I. In the context of this debate, I proposed several amendments which would deal with corrective action, to essentially require local school districts to identify those schools that were failing the State standards, and then develop a plan of action that would bring those schools up to the State standards.

Once again, we ran into opposition. I was successful in passing an amendment that exists today in law that requires the State to take corrective action for title I schools following several years of failing to meet the State educational standards. That is on the books today. In fact, the States are already identifying those schools that are not performing up to standards.

In 1998–99, 8,800 schools were identified as needing improvement by the States. Now, interestingly enough, the States are not required to transmit specific school names to the Federal Department of Education, so we don't know specifically what schools are failing, but we know there are at least 8,800 schools throughout the country that are not meeting State standards.

Unfortunately, because of the time to work through the process of evaluation and corrective action, it is not yet clear whether or not the States have taken effective corrective action. But this notion of accountability, this notion of making sure the States look at their schools, evaluate their schools, propose corrective action and follow through is not a new idea. It exists today for the title I schools. I hope in the process of this debate and reauthorization we can expand the concept of accountability to all schools, that we can put in place real accountability standards, and that these standards will move forward dramatically the educational achievement of our children throughout the United States.

Again, another aspect of the President's proposal related to accountability is his insistence to date that we mandate States to require testing of each student from grades 3 to 8 in order to receive Federal education funding. We all recognize that testing is an essential part of education, but I hope we all recognize that testing alone is not sufficient to improve our schools. Once again we have to have the resources and once again we have to have the commitment to ensure that the resources go to those schools that are most in need.

Tests should be an indicator of how well a school is doing, but they should not be a high-risk evaluation of an individual child, in my view. They are diagnostic tools. We can use them to see generally how well a school is doing. But, as we have been cautioned by the National Research Council, "no single test score can be considered a definitive measure of a student's knowledge," and that "an educational decision that would have a major impact on a test taker should not be based solely or automatically on a single test score."

As we approach this issue of testing, let me be clear: If we are evaluating how a school or school system is doing as a way to provide additional resources or additional corrective action, these tests can be valuable. But if we allow these tests on a one-time basis to determine the future of students, we will be making a very significant mistake.

Also, we should understand the science of testing is a difficult one indeed, and there are many consequences, both intended and unintended, from the application of testing in schools. Again, I think it is appropriate to look at the example of Texas since it is so much in the forefront of our discussions these days. The Texas Assessment of Academic Skills, the TAAS, the test that is used in Texas, has been promoted as almost miraculous in its ability to generate significant gains in educational improvement. But there is evidence that indeed the success reflected in TAAS is not also shown when other tests are applied to roughly the same group of students in Texas. The National Assessment of Educational Progress is a well recognized test, and studies have shown significant differences between the success rates of students in Texas on that test versus the success rate touted by Texas officials using their own tests.

We have to be very careful about State tests because there is both the technical difficulty of developing those tests and also the political pressure to make tests that everyone will succeed in passing because it helps avoid tough choices about helping schools and tough actions about ensuring that schools that do not work are adequately addressed.

So we have a situation where we have to be careful about the test. We also have to be careful about the effect on students. One other statistic from Texas is that students who are leaving high school short of a diploma and taking a GED instead has increased in Texas significantly from approximately 47,000 in 1989 to 74,000 in 1996. That is an increase of 57 percent. The increase nationally was only 26 percent. So we have to ask ourselves, were people dropping out or being subtly or not so subtly encouraged to leave because of the testing regime that was in place in Texas?

There is another aspect that I alluded to: Not just those who choose to take the GED but those who choose to leave school entirely, forfeit the opportunity to improve their education, at least temporarily, and seek other means, either working or simply just leaving school. Once again, if you look at the cohort class of 1991, the year TAAS was implemented, the percentage of students who progressed from grade 6 to graduation dropped from 65 percent to 55 percent for black and Hispanic students and from 75 percent to 68 percent for white students. Once again you have to ask yourself: Is this testing causing unintended consequences: Dropouts and alternate approaches to educational attainment, like the GED? We have to be careful as we go forward.

We also have to consider another characteristic, and that is whether or not all the students taking the test are being counted in the test results. Another statistic in Texas is the increase in those students who are being classified as "in special education," who are then not counted in a school's accountability ratings.

Again, we have to be very careful as we go forward on this testing issue to ensure that these tests are benchmarks of school performance and are not unfairly marking students on a one-time basis for success or failure, or driving students away from school when in fact school could be more beneficial.

The other factor, too, and something we have to be very much concerned about, is that these testing regimes cost money. It has been estimated that in my State of Rhode Island, if we were to adopt the President's proposal, each year we would have to spend $3.2 million simply for test development. On top of that, funding would be needed to implement and administer the tests. That is a significant amount of money in a very small State to devote just to testing, because we also want to do many other things: We want to improve professional development, we want to improve parental involvement, and we want a host of other things that cost money. If all the extra resources, new resources at the local level, are tied up in testing, that is going to take us away from other important initiatives.

As a result, I believe if we are going to embark on any form of mandated Federal testing, the Federal Government should provide this testing money, which is an additional cost that has not yet been recognized by the President's proposal. This brings us, of course, to the notion of how much money will there be for educational reform in this administration.

Everyone wants education reform. We are about to embark on a process of debate and deliberation that will lead, I believe, rather quickly, to a new reauthorization. But whatever we do depends upon how much we are willing to support this legislation with real resources. The President last week announced he is proposing a $4.6 billion increase in education spending which, by his calculation, will be an 11.5-percent increase in educational spending in our budget.

Let's look a little more closely at those numbers. First, the President's proposal disregards the fact that we have already advanced funded $2.1 billion in last year's appropriation for the coming year. So you have to, I think, fairly, subtract that $2.1 billion we have already committed in terms of evaluating how much extra money is going to education. When you do that, you find out the increase is not 11.5 percent but it is 5.7 percent, about $2.4 billion extra.

You also have to put this in context. That is a 5.7-percent increase, which would be less than what we have done in the last 4 out of 5 years. So one can ask, where is all this extra money? Where is this massive commitment, this bold innovation to fix American education? Where is it? Indeed, if you look back over the last 5 years, we have been averaging up to 13-percent increases in educational spending. We need the money as well as the rhetoric. I hope whatever we do legislatively in terms of authorization we match with robust appropriations.

There is another aspect of the budget with respect to education. This educational increase is not solely devoted to elementary and secondary education, because we also have a significant support system for higher education. When you look at that, the money available just for elementary and secondary education in the President's proposal is about $1.6 billion. Again, that is not the robust, huge sums that we need to start an educational revolution in conjunction with the States.

If you look at the President's proposal, his commitment to Reading First, which is his literacy program, is $900 million. That is far above what we are spending for literacy now. If that commitment is made, then less than $1 billion would be available for all the other programs, including title I, new testing provisions, teacher quality, safe schools, and afterschool programs.

So we really have to ask ourselves, is there anything beyond the rhetoric, beyond the rhetoric?

Are there resources that are going to go into this educational reform? If we don't commit the money, then this will be an exercise that will be ineffective in addressing the reality of the public education problem in this country.

I believe we have to have real education reform. I believe we can do it. We should build on the success of the past. We should recognize that we already have in place accountability provisions of title I schools upon which we can build. But we also have to do other things such as reinvigorate our direct support of library materials. We have to ensure that there is effective parental involvement. We have to provide teachers with sustained, effective, and intensive mentoring and professional development, as well as provide principals with effective leadership training. We have to help schools and communities work together to address not just the educational challenges of children but some of the health care and social challenges that detract from their education. We can do this, and we should do this.

I hope over the next several weeks and months, throughout the deliberations on the Elementary and Secondary Education Act, we will come together on an elementary and secondary education development plan that will be significant and meaningful, that will be built on our past success, and that will assist States and localities, and that we will find the funds necessary to translate our words into deeds. By doing so, we will realize educational improvement in America and ensure well-educated young people who can not only man the increasingly complex positions in our economy but continue to be citizens who will sustain and move the country forth.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Member from the State of Wyoming, I ask unanimous consent to dispense with the quorum call. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Without objection, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:46 p.m., recessed until 2:15 p.m.

Whereupon, the Senate, at 2:15 p.m., reassembled when called to order by the Presiding Officer (Mr. INHOFE).

MORNING BUSINESS

The PRESIDING OFFICER. The Senate is in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

In my capacity as a Senator from the State of Oklahoma, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASE CLOSURE ROUNDS

Mr. McCAIN. Mr. President, I have a bill at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 397) to amend the Defense Base Closure Realignment Act of 1990 to authorize additional rounds of base closures and realignments under that act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

(The remarks of Mr. McCAIN pertaining to the introduction of S. 397 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

NATIONAL ENERGY SECURITY ACT OF 2001

Mr. DOMENICI. Mr. President, I rise to congratulate my colleague, Senator MURKOWSKI, for his efforts in developing the National Energy Security Act of 2001. This act represents a collection of critically important actions; actions that can move the Nation beyond the almost perpetual energy crises that we've experienced in the last few years.

Our Nation has not followed or even developed a comprehensive energy strategy for far too long. We've all paid the price for that omission. Major changes in energy availability and prices are devastating the lives of many of our citizens.

We have seen oil prices gyrate in the last two years by over three times. At one extreme, we destroyed much of our ability to develop new oil and gas wells. At the other extreme, we impacted the Nation's economy. And throughout the last few years, we have prohibited exploration and utilization of public lands that could have been impacting some of our most critical shortages.

Natural gas prices have more than tripled just this year in many parts of the country. The impact on millions of our citizens has created another major crisis.

We have seen the economy of California, the sixth largest economy when compared to all the nations of the world, brought to its knees by the recent energy shortages. Blackouts have struck in unpredictable patterns, disrupting lives. Unfortunately, California is only the first of many areas that are likely to be impacted by the lack of past coherent policy.

It has been terribly frustrating to me to recognize that most of these problems were caused by our own actions, or lack of actions. We have had help falling into these traps, of course, from OPEC for example. But much of these problems are completely predictable. Actions could and absolutely should have been taken to drastically mitigate the severity of the impacts.

I appreciate that Senator MURKOWSKI has taken care in his bill to recognize and emphasize that there is no one "silver bullet" to solve our nation's energy problems. His bill creates opportunities for all of the major energy sources to maximize their contribution to our nation's energy needs; that's the only credible approach to the severity of the current issues.

His bill recognizes that no single energy source represents a vast untapped resource, ready for immediate exploitation. It recognizes that solutions have to include options that impact our needs in the near term, like more natural gas and safe pipelines, as well as approaches that have much longer lead times, like nuclear power and renewables. And while natural gas enables relatively near term impacts with only modest pollution concerns, it is a finite resource and any credible national energy policy has to address a future without readily obtained supplies of natural gas.

Solutions have to build on our existing major national energy providers, like the coal and nuclear plants that provide more than 70 percent of our electricity today. And where these large providers have risk areas, like air emissions from coal and a credible national strategy for spent nuclear fuel, we must work diligently to address the risk areas. Where the past administration argued that these risks meant we should minimize the contribution from these sources, we should instead face the reality that these sources represent some of our major national strengths and end biases against their success.

The days of arguing for massive research and incentives only for one single source of energy and only for improved efficiency, as if they alone can solve our nation's long term energy needs, must be put far behind us. They need to be recognized for what they are, important components of a coherent national energy strategy, and absolutely not a "silver bullet."

This National Energy Security Act addresses virtually all of these widely divergent, but critically important, areas of national policy. I enthusiastically support the act as a vitally necessary step in achieving the energy stability that our citizens demand.

In selected areas, like coal and nuclear, additional bills may prove useful to target actions on these specific sources. I'm working on such a bill for nuclear energy, and Senator BYRD has a legislative thrust for clean coal. These bills can build on the National Energy Security Act and strengthen it in some key areas.

I salute the efforts of the chairman of the Energy and Natural Resources Committee for his untiring efforts to advance this bill. It's not easy to include in one package a set of initiatives that impact all of the major sources of our Nation's energy. From new incentives for oil and gas exploration, to improved pipeline safety, to creation of vitally needed new domestic oil fields, to major expansion of our current woefully inadequate clean coal programs, to strong support for renewables, and to measures to ensure that nuclear energy remains a viable and strong option for our Nation's energy needs—this bill covers the whole range.

I'm proud to join Senator MURKOWSKI as a cosponsor of his National Energy Security Act of 2001 and urge my colleagues to join in supporting this key initiative.

NOMINATION OF JOSEPH ALLBAUGH

Mr. GRAHAM. Mr. President, on February 15, 2001 the Senate voted 91–0 to confirm Mr. Joseph Allbaugh to be Director of the Federal Emergency Management Agency. I was absent from this vote due to a pre-scheduled surgery that afternoon. Had I been in the Chamber on February 15, I would have voted for Mr. Allbaugh, and my vote would not have affected the outcome on this unanimous demonstration of support for this confirmation. I look forward to working with Mr. Allbaugh at his post at FEMA. This agency is the critical link in the ability of our communities to prepare for and recover from natural disasters which inevitably strike our nation.

THE CHILD CITIZENSHIP ACT OF 2000

Mr. CAMPBELL. Mr. President, today marks a special day in the lives of tens of thousands of American families. Families who have adopted children from other nations, providing them with safe environments, good food, a good education, and most importantly, loving homes.

Traditionally, adoptive families have had to endure a lengthy and expensive bureaucratic process, and navigate through a daunting maze of paperwork, as they have tried to secure U.S. citizenship for their foreign-born adopted children. All that changed first thing this morning when the Child Citizenship Act of 2000 took effect. This important act of Congress, which passed the Senate unanimously last October, cleared the way today for approximately 75,000 children adopted from abroad to become Americans. When these children went to sleep last night, they were in naturalization limbo. When they woke up this morning, they were citizens of the United States of America. I send my warmest welcome to these new young Americans.

In some cases, adoptive parents were not aware of the need to file applications for citizenship for their adopted children. Many of these children grew up to discover they were not considered U.S. citizens. Some have faced the possibility of having to return to a country they have never known. The Child Citizenship Act of 2000 corrected this injustice.

Today, families in Colorado and across this Nation, celebrate the automatic citizenship of foreign-adopted children who meet the requirements outlined in the act. For the O'Neil family of Englewood, Colorado among many such families across the state and our nation, it is a day of great joy.

Today is a day when we greet many new U.S. citizens. I wish to extend my congratulations to our newest and youngest citizens and their families, as well as to my colleagues who worked so diligently to make this day possible.

TRIBUTE TO ALAN CRANSTON

Mr. CLELAND. Mr. President, one of the first times I ever came to the Dirksen Senate Office Building, a location where I now have my Senate office, was on December 12, 1969, some 20 months after my injury in Vietnam, when I was summoned to appear before the Senate Committee on Veterans' Affairs about how the Veterans Administration was handling returning Vietnam war veterans. That meeting was chaired by a tall, lean Senator from California named Alan Cranston and it was the start of a three decade friendship. Thus, in 1974 after experiencing what hopefully will prove to be my only electoral defeat, in the Democratic Primary for Lieutenant Governor of Georgia, one of the first people I turned to was Senator Cranston, who generously accepted my offer to come out to California to campaign for his successful re-election. Then, after the General Election, he came to my aid by serving as guest-of-honor at a fund-raising dinner to pay off my campaign debt. And to top it off, Senator Cranston helped me get a job as a special investigator for the Senate Veterans' Affairs Committee, which is where I was serving when President Carter selected me to head the VA, in no small part because of the strong recommendation of Alan Cranston.

I hope this short discourse makes it clear the debt of gratitude that I personally owed to Senator Cranston, but more importantly, it is indicative of the kind of man Alan was: dynamic, thoughtful, compassionate. He touched many lives, including veterans who benefited from his tireless commitment especially on behalf of Vietnam era veterans, future generations of Americans who today and for all time to come will benefit from his far-sighted commitment to the protection of our land, air and water and for citizens of the world who benefit from his long-time commitment to world peace, a cause he continued to pursue till the end of his life through the Global Security Institute.

Another part of the Cranston legacy is perhaps somewhat less known to the general public: his efforts on behalf of the disabled. When Alan Cranston came to the Senate in 1969, those with disabilities had virtually no legal protections against various forms of discrimination and indeed faced many barriers, physical and otherwise, to just getting in to the halls of government. To Alan Cranston, that was unacceptable. He led the efforts to enact the landmark Federal Rehabilitation Act of 1973 which outlawed discrimination against the disabled in all federally funded programs.

Among its many provisions, the 1973 law: Required federally funded buildings to be made accessible; promoted the hiring and advancement of qualified persons with disabilities by the Federal Government; and established the Architectural and Transportation Barriers Compliance Board, which has responsibility for setting standards for accessibility and for assisting and enforcing compliance with accessibility laws. I was honored to be named to that Board by President Carter in 1979.

Throughout the remainder of the 1970's Alan worked to revamp federally assisted State vocational rehabilitation programs by his sponsorship of laws that gave priority to the most seriously disabled and, most importantly, required a focus and follow-through on employment. In 1980, he sponsored successful legislation to make these same improvements in vocational rehabilitation programs for veterans. And in 1990, Senator Cranston was a leading co-sponsor of the Americans with Disabilities Act, which in many ways was a culmination of two decades of leadership by Senator Cranston on behalf of fairness and opportunity for persons with disabilities.

It was a great honor to have known and worked with Alan Cranston. Our country is a better place because of his achievements, which we celebrate today.

ADDITIONAL STATEMENTS

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

• Mr. SARBANES. Mr. President, I rise today to commemorate the Centennial Anniversary of the National Institute of Standards and Technology in Gaithersburg, which will occur on March 3, 2001.

NIST and its scientists, researchers, and other personnel have a tremendous list of accomplishments over the last 100 years. Through its support of industry and its development of critical technology measurements, standards, and applications, NIST has played a critical role in our Nation's technological advances and, indeed, has helped to revolutionize the U.S. economy.

Initially founded as the National Bureau of Standards, NIST is our Nation's oldest Federal laboratory. In fact, the Institute's mission was first stated in the Articles of Confederation and the U.S. Constitution, making it as old as the Republic itself. The initial purpose of the Institute was to establish authoritative national standards of quantities and products. In its first three decades, NIST mainly served industries working to modernize by improving physical measurements, standards development, and testing methods. During this time, the Institute played an instrumental role in the creation of such critical 20th century innovations as the measurement of electricity, improvement of product assembly techniques, development of the aviation and automobile industry, and the creation of the radio.

After aiding the military effort during World War II, the National Institute of Standards and Technology and its workforce helped to develop many of the scientific innovations that have enabled our modern economy to flourish. NIST was able to foster and improve measurements of temperature, force, time, and weights. These and other technical improvements enabled the U.S. space program, aviation and naval industries, and perhaps the most importantly, the computer industry to excel.

In 1988, in part to emphasize its diverse range of activities, the National Bureau of Standards was renamed the National Institute of Standards and Technology. Today, the Institute continues to act as a behind-the-scenes specialist in the systems and operations that collectively drive the U.S. economy, including satellite, communication and transportation networks, and our laboratories, factories, hospitals, and businesses.

Over the years, I have had the opportunity to work closely with a number of individuals at the National Institute of Standards and Technology and I can personally attest to the high caliber, quality, and commitment of its workforce. NIST employs many of our Nation's most dedicated and talented scientists, as is evidenced by its legacy of a number of Nobel-Prize winners.

More recently, I along with the rest of the Maryland delegation have worked with the Institute on a comprehensive ten year initiative to upgrade its laboratory infrastructure, which is expected to be completed by the year 2004. It is our hope that through this effort, with upgraded facilities, to match the quality of its personnel, NIST will be able to continue advancing the scientific and technological infrastructure of U.S. industry into the 21st Century.

Again, we take great pride in the accomplishments of the National Institute of Standards and Technology, in the people that work there, and in having the Institute in Maryland. I commend NIST for its 100 years of success and remarkable achievements and am confident that it will continue its remarkable track record of advancing science and technology for hundreds of years to come.•

SONNY O'DAY

• Mr. BAUCUS. Mr. President, on February 7, 2001, the State of Montana bid farewell to a favored son from Laurel, Montana. "Sonny O'Day," the Kid from Meaderville, was a local hero and businessman who held his family, friends and fans close to his heart.

SONNY O'DAY (CHARLES A. GEORGE), 1913–2001

Sonny O'Day, the Kid From Meaderville, boxed his final round, hung up his gloves, snuffed his famous stogie, and exited the ring quietly in his sleep on Wednesday, January 31.

Sonny, whose legal name was Charles Augustus George, was born Carlo Giorgi on March 8, 1913, to David and Rosa, Ragghianti, Giorgi in Lucca, Italy. His father was killed during World War I. Rosa emigrated to America with her three children to marry her brother-in-law, Angelo Giorgi, in 1920. They passed through Ellis Island, where the family name was Americanized to "George," and took the train through the vast expanses of their new country to the Montana mining community of Meaderville, in Butte.

Sonny loved all sports and was a natural athlete. Starting to box as a 10-year-old, Sonny was a protégé of Butte's Pat Sullivan Boxing Club. He represented the club in amateur fights throughout the State. He also was an avid football player, swimmer and diver. The City Championship football photograph of his Franklin School team was proudly displayed in his Wall of Fame.

Sonny was privately religious and moral, and proudly remembered his years as an altar boy at St. Joseph's Parish.

His life-long commitment to family began early when he held his dying mother in his arms at age 14. After her death, Sonny gathered his younger sister and invalid stepfather, Angelo, escorting them back to the family villa in Italy. After Angelo's death, Sonny immediately returned to the U.S. to avoid being conscripted into Mussolini's army.

Upon returning from Italy in the early 1930's, the 16-year-old orphan arrived in New York City, where he was told his pugilism could earn him money. He paid his dues sleeping in an Eastside gym and in Central Park in order to get his big break. Lying about his age, he fought amateur bouts until an agent spotted him and said, "You've got talent, kid, but the Irish control the game. Nobody is gonna come see an Italian boxer!" Sonny's reddish hair and freckles were the perfect fit to a new identity—Sonny O'Day—and new birthdate—St. Patrick's Day.

Spanning the next 17 years, welterweight Sonny fought 529 fights, lost 32 and had, as Sonny used to say, "some draws and the rest wins," in Madison Square Garden, Sunset Garden, and other major venues throughout the United States. He first met World Heavy Weight Champion Jack Dempsey when he refereed one of Sonny's early fights.

Living by the adage: "Smile and the world smiles with you, cry and you cry alone," Sonny was known to greet strangers with his famous smile, booming voice, crunching handshake, and the introductory greeting, "Shake the hand that shook the world!"

His love of Butte was as strong as his handshake. He rarely called the city by name. To him, it was "The Sacred City," and Butte cherished him in return, calling him "The Mayor of Meaderville," "The Meaderville Phantom," and "Butte's Boxing Star."

Sonny took his professional boxing earnings and opened two famous Butte nightclubs in the late 1930's: The Savoy and Melody Lane. There, he entertained sports and Hollywood greats including Gene Tunney, Cary Grant and Barbara Hutton.

He proudly served the U.S. Army during World War II, and married Carra Burton on September 20, 1944, while stationed in Gadsden, Alabama. The couple returned to Montana after the war where he established his bar and tavern in Laurel.

Sonny O'Day's "Boxing Hall of Champions," complete with a boxing ring, was his passion. He entertained beneath his pictures and memorabilia with stories that rhapsodized his listeners. He loved every minute of it, and bragged that he would never retire. Children came in for free candy, and parents came in for Sonny to give the kids their first lessons in self-defense. Sonny's bar was a local tourist attraction for years, and is listed as one of Montana's favorites in a number of publications.

Sonny's St. Patrick's Day celebrations were legendary for thousands of fans who descended on the community. It was customary for the Governor—Republican or Democrat—to call Sonny on St. Patrick's Day to wish him happy birthday. In 1986, Governor Ted Schwinden decided a phone call wasn't good enough, and came to Laurel to host Sonny's St. Patrick's Day party. The Laurel Chamber of Commerce surprised Sonny on St. Patrick's Day 1995 by honoring him for 50 years of business. The highlight was a celebrated bout between Sonny and special guest Todd Foster, fellow Montana boxing welterweight and 1988 Olympian. Foster allowed Sonny his final knockout punch for the "Downtown Laurel Businessmen's Crown."

In 1952, Golden Gloves Boxing came to Montana, and Sonny helped train these young fighters. At the Shrine Temple in Billings, Golden Gloves championships of an eight-State region took place, and Sonny refereed the very first bout and many more over the years.

When boxing turned professional in Montana, Sonny served on the State Athletic Commission for 26 years under seven different governors. This led him to bring 77 professional bouts to Montana, including three world championship fights. As chairman of the Commission, he promoted the Gene Fullmer-Joey Giardello Middleweight Championship of the World title match on April 29, 1960, in Bozeman.

Basements and gyms all over Billings and Laurel were the sites for years to come as Sonny trained young fighters. He estimated that he helped develop 2,500–3,000 fighters during those years.

The Student Council of Eastern Montana College, now Montana State University-Billings, originated the annual Sonny O'Day Smoker, a fund raiser that entertained the greater Billings area from 1975–81.

Sonny's civic community service included 30 years as a Kiwanian, including service as a State Lieutenant Governor; a lifetime member of the Elks; and a founding member of the Montana Gambling Commission. Although he was a professional boxer, he did not believe in corporal punishment, and his daughters fondly remember they never received anything but love from "those registered hands!" Whenever the mines in Butte went on strike, he would spearhead caravans of trucks to take food and presents to the miners. He never forgot to feed the alley cats—even on holidays. For a man who had earned his living by the "manly act of self-defense," as Sonny called it, those who knew him saw a gentle soul who lavished kisses and never hesitated to cry tears of sadness or joy.

His love of cooking was legendary, and no one could enter his home without being invited to dinner. His family never knew who Sonny would bring home to dinner. Jack Dempsey, Sugar Ray Seale, numerous governors and senators, including Mike Mansfield, sat at the family table in Laurel.

Sonny never forgot his Italian roots, and continued to visit and support his sister and her family in Lucca until her death. Visits to the family villa in Lucca rejuvenated him. He was especially proud of the family legacy: The Ragghianti Art Museum, renowned in the province of Tuscany.

Sonny is survived by his wife of 56 years, Carra Burton George; his three daughters: Mary-Glynn, Terry, Cromwell of Missoula and grandchildren Charlie, Lauren and David; Nancy, Sam, Talboom of Green River, Wyo. and grandchildren Justin, Carlee, and Jake; and Shelley, Larry, Van Atta of Billings and grandchildren John, Nick, and Marissa; sister-in-law Lois George and her children Michael and Mary Grace, of San Diego, Calif.; and nieces Elisa Mussi and Lalla Volpi, and nephew Carlo Volpi, of Lucca, Italy. He was preceded in death by his parents; brother Gus George; sister Mary Volpi; and son-in-law John Pingree.

God surely must be dancing in Heaven, knowing you're joining Him, Sonny; just as you surely will tell Him, "It's all in the footwork."●

IN HONOR OF THE FIFTH GRADERS AT SHOEMAKER SCHOOL IN MACUNGIE, PENNSYLVANIA

● Mr. SANTORUM. Mr. President, I stand before you today to recognize a select number of outstanding students from Macungie, Pennsylvania. I was honored to hear of a tremendous service that these fine young boys and girls did at Shoemaker School in November of last year.

Seventy-five fifth graders in the Community Service Club of Shoemaker School conducted a walk-a-thon to raise money for paralyzed veterans across the United States through the Paralyzed Veterans of America. The walk-a-thon occurred over several school days, where the children walked during breaks during the school day. Some children even sacrificed their lunches and walked in the rain and cold weather just to raise a few more dollars.

These fine young Americans set a wonderful example to men, women, and children everywhere. With a little initiative and a lot of heart, the fifth graders at Shoemaker School were able to help paralyzed veterans throughout our great Nation. I commend each and everyone of these dedicated, selfless children, and it is an honor for me to recognize them today.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE EMERGENCY DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S. REGISTERED CIVILIAN AIRCRAFT IN INTERNATIONAL AIRSPACE NORTH OF CUBA ON FEBRUARY 14, 1996 IS TO CONTINUE IN EFFECT BEYOND MARCH 1, 2001—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2001*.

REPORT ON THE PROPOSED BUDGET FOR THE UNITED STATES OF AMERICA—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table.

To the Congress of the United States:

Mr. Speaker, Mr. Vice President, Members of Congress:

It is a great privilege to be here to outline a new budget and a new approach for governing our great country.

I thank you for your invitation to speak here tonight. I want to thank so many of you who have accepted my invitation to come to the White House to discuss important issues. We are off to a good start. I will continue to meet with you and ask for your input. You have been kind and candid, and I thank you for making a new President feel welcome.

The last time I visited the Capitol, I came to take an oath. On the steps of this building, I pledged to honor our Constitution and laws, and I asked you to join me in setting a tone of civility and respect in Washington. I hope America is noticing the difference. We are making progress. Together, we are changing the tone of our Nation's capital. And this spirit of respect and cooperation is vital—because in the end, we will be judged not only by what we say or how we say it, but by what we are able to accomplish.

America today is a nation with great challenges—but greater resources. An artist using statistics as a brush could paint two very different pictures of our country. One would have warning signs: increasing layoffs, rising energy prices, too many failing schools, persistent poverty, the stubborn vestiges of racism. Another picture would be full of blessings: a balanced budget, big surpluses, a military that is second to none, a country at peace with its neighbors, technology that is revolutionizing the world, and our greatest strength, concerned citizens who care for our country and for each other.

Neither picture is complete in and of itself. And tonight I challenge and invite Congress to work with me to use the resources of one picture to repaint the other—to direct the advantages of our time to solve the problems of our people.

Some of these resources will come from government—some, but not all. Year after year in Washington, budget debates seem to come down to an old, tired argument: on one side, those who want more government, regardless of the cost; on the other, those who want less government, regardless of the need.

We should leave those arguments to the last century and chart a different course. Government has a role, and an important one. Yet too much government crowds out initiative and hard work, private charity and the private economy. Our new governing vision says government should be active, but limited, engaged, but not overbearing.

My budget is based on that philosophy. It is reasonable and it is responsible. It meets our obligations and funds our growing needs. We increase spending next year for Social Security and Medicare and other entitlement programs by $81 billion. We have increased spending for discretionary programs by a very responsible 4 percent, above the rate of inflation. My plan pays down an unprecedented amount of our national debt, and then when money is still left over, my plan returns it to the people who earned it in the first place.

A budget's impact is counted in dollars, but measured in lives. Excellent schools, quality health care, a secure retirement, a cleaner environment, a stronger defense—these are all important needs and we fund them.

The highest percentage increase in our budget should go to our children's education. Education is my top priority and by supporting this budget, you will make it yours as well.

Reading is the foundation of all learning, so during the next 5 years, we triple spending, adding another $5 billion to help every child in America learn to read. Values are important, so we have tripled funding for character education to teach our children not only reading and writing, but right from wrong.

We have increased funding to train and recruit teachers, because we know a good education starts with a good teacher. And I have a wonderful partner in this effort. I like teachers so much, I married one. Please help me salute our gracious First Lady, Laura Bush.

Laura has begun a new effort to recruit Americans to the profession that will shape our future: teaching. Laura will travel across America, to promote sound teaching practices and early reading skills in our schools and in programs such as Head Start.

When it comes to our schools, dollars alone do not always make the difference. Funding is important, and so is reform. So we must tie funding to higher standards and accountability for results.

I believe in local control of schools: we should not and we will not run our public schools from Washington. Yet when the Federal Government spends tax dollars, we must insist on results.

Children should be tested on basic reading and math skills every year, between grades three and eight. Measuring is the only way to know whether all our children are learning—and I want to know, because I refuse to leave any child behind.

Critics of testing contend it distracts from learning. They talk about "teaching to the test." But let us put that logic to the test. If you test children on basic math and reading skills, and you are "teaching to the test," you are teaching . . . math and reading. And that is the whole idea.

As standards rise, local schools will need more flexibility to meet them. So we must streamline the dozens of Federal education programs into five and let States spend money in those categories as they see fit.

Schools will be given a reasonable chance to improve, and the support to do so. Yet if they do not, if they continue to fail, we must give parents and students different options—a better public school, a private school, tutoring, or a charter school. In the end, every child in a bad situation must be given a better choice, because when it comes to our children, failure is not an option.

Another priority in my budget is to keep the vital promises of Medicare and Social Security, and together we will do so. To meet the health care needs of all America's seniors, we double the Medicare budget over the next 10 years.

My budget dedicates $238 billion to Medicare next year alone, enough to fund all current programs and to begin a new prescription drug benefit for low-income seniors. No senior in America should have to choose between buying food and buying prescriptions.

To make sure the retirement savings of America's seniors are not diverted to any other program—my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

My budget puts a priority on access to health care—without telling Americans what doctor they have to see or what coverage they must choose.

Many working Americans do not have health care coverage. We will help them buy their own insurance with refundable tax credits. And to provide quality care in low-income neighborhoods, over the next 5 years we will double the number of people served at community health care centers.

And we will address the concerns of those who have health coverage yet worry their insurance company does not care and will not pay. Together, this Congress and this President will find common ground to make sure doctors make medical decisions and patients get the health care they deserve with a Patients' Bill of Rights.

When it comes to their health, people want to get the medical care they need, not be forced to go to court because they did not get it. We will ensure access to the courts for those with legitimate claims, but first, let us put in place a strong independent review so we promote quality health care, not frivolous lawsuits.

My budget also increases funding for medical research, which gives hope to many who struggle with serious disease. Our prayers tonight are with one of your own who is engaged in his own fight against cancer, a fine representative and a good man, Congressman JOE MOAKLEY. God bless you, JOE. And I can think of no more appropriate tribute to JOE than to have the Congress finish the job of doubling the budget for the National Institutes of Health.

My New Freedom Initiative for Americans with Disabilities funds new technologies, expands opportunities to work, and makes our society more welcoming. For the more than 50 million Americans with disabilities, we must continue to break down barriers to equality.

The budget I propose to you also supports the people who keep our country strong and free, the men and women who serve in the United States military. I am requesting $5.7 billion in increased military pay and benefits, and health care and housing. Our men and women in uniform give America their best and we owe them our support.

America's veterans honored their commitment to our country through their military service. I will honor our commitment to them with a billion dollar increase to ensure better access to quality care and faster decisions on benefit claims.

My budget will improve our environment by accelerating the cleanup of toxic Brownfields. And I propose we make a major investment in conservation by fully funding the Land and Water Conservation Fund.

Our National Parks have a special place in our country's life. Our parks are places of great natural beauty and history. As good stewards, we must leave them better than we have found them, so I propose providing $4.9 billion in resources over 5 years for the upkeep of these national treasures.

And my budget adopts a hopeful new approach to help the poor and disadvantaged. We must encourage and support the work of charities and faith-based and community groups that offer help and love one person at a time. These groups are working in every neighborhood in America, to fight homelessness and addiction and domestic violence, to provide a hot meal or a mentor or a safe haven for our children. Government should welcome these groups to apply for funds, not discriminate against them.

Government cannot be replaced by charities or volunteers. And government should not fund religious activities. But our Nation should support the good works of these good people who are helping neighbors in need.

So I am proposing allowing all taxpayers, whether they itemize or not, to deduct their charitable contributions. Estimates show this could encourage as much as $14 billion a year in new charitable giving—money that will save and change lives.

Our budget provides more than $700 million over the next 10 years for a Federal Compassion Capital Fund with a focused and noble mission: to provide a mentor to the more than 1 million children with a parent in prison, and to support other local efforts to fight illiteracy, teen pregnancy, drug addiction, and other difficult problems.

With us tonight is the Mayor of Philadelphia. Please help me welcome Mayor John Street. Mayor Street has encouraged faith-based and community organizations to make a difference in Philadelphia and he has invited me to his city this summer, to see compassion in action.

I am personally aware of just how effective the Mayor is. Mayor Street is a Democrat. Let the record show that I lost his city. But some things are bigger than politics. So I look forward to coming to your city to see your faith-based programs in action.

As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our Nation's justice when the law points a finger of suspicion at groups, instead of individuals. All our citizens are created equal and must be treated equally. Earlier today I asked Attorney General Ashcroft to develop specific recommendations to end racial profiling. It is wrong. We must end it.

In so doing, we will not hinder the work of our Nation's brave police officers. They protect us every day, often at great risk. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve.

My budget has funded a responsible increase in our ongoing operations, it has funded our Nation's important priorities, it has protected Social Security and Medicare, and our surpluses are big enough that there is still money left over.

Many of you have talked about the need to pay down our national debt. I have listened, and I agree.

My budget proposal pays down an unprecedented amount of public debt. We owe it to our children and grandchildren to act now, and I hope you will join me to pay down $2 trillion in debt during the next 10 years.

At the end of those 10 years, we will have paid down all the debt that is available to retire. That is more debt repaid more quickly than has ever been repaid by any nation at any time in history.

We should also prepare for the unexpected, for the uncertainties of the future. We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies or additional spending needs. For example, after a strategic review, we may need to increase defense spending, we may need additional money for our farmers, or additional money to reform Medicare. And so my budget sets aside almost a trillion dollars over 10 years for additional needs . . . that is one trillion additional reasons you can feel comfortable supporting this budget.

We have increased our budget at a responsible 4 percent, we have funded our priorities, we have paid down all the available debt, we have prepared for contingencies—and we still have money left over.

Yogi Berra once said: "When you come to a fork in the road, take it." Now we come to a fork in the road. We have two choices. Even though we have already met our needs, we could spend the money on more and bigger government. That is the road our Nation has traveled in recent years. Last year, government spending shot up 8 percent. That is far more than our economy grew, far more than personal income grew and far more than the rate of inflation. If you continue on that road, you will spend the surplus and have to dip into Social Security to pay other bills.

Unrestrained government spending is a dangerous road to deficits, so we must take a different path. The other choice is to let the American people spend their own money to meet their own needs, to fund their own priorities and pay down their own debts. I hope you will join me and stand firmly on the side of the people.

The growing surplus exists because taxes are too high and government is charging more than it needs. The people of America have been overcharged and on their behalf, I am here to ask for a refund.

Some say my tax plan is too big, others say it is too small. I respectfully disagree. This tax relief is just right.

I did not throw darts at a board to come up with a number for tax relief. I did not take a poll, or develop an arbitrary formula that might sound good. I looked at problems in the tax code and calculated the cost to fix them.

A tax rate of 15 percent is too high for those who earn low wages, so we lowered the rate to 10 percent. No one should pay more than a third of the money they earn in Federal income taxes, so we lowered the top rate to 33 percent. This reform will be welcome relief for America's small businesses, which often pay taxes at the highest rate, and help for small business means jobs for Americans.

We simplified the tax code by reducing the number of tax rates from the current five rates to four lower ones: 10, 15, 25, and 33 percent. In my plan, no one is targeted in or targeted out . . . every one who pays income taxes will get tax relief.

Our government should not tax, and thereby discourage marriage, so we reduced the marriage penalty. I want to help families rear and support their children, so we doubled the child credit to $1,000 per child. It is not fair to tax the same earnings twice—once when you earn them, and again when you die, so we must repeal the death tax.

These changes add up to significant help. A typical family with two children will save $1,600 a year on their Federal income taxes. Sixteen hundred dollars may not sound like a lot to some, but it means a lot to many families. Sixteen hundred dollars buys gas for two cars for an entire year, it pays tuition for a year at a community college, it pays the average family grocery bill for 3 months. That is real money.

With us tonight, representing many American families, are Steven and Josefina Ramos. Please help me welcome them. The Ramoses are from Pennsylvania, but they could be from any one of your districts. Steven is a network administrator for a school district, Josefina is a Spanish teacher at a charter school, and they have a 2-year-old daughter, Lianna. Steven and Josefina tell me they pay almost $8,000 a year in Federal income taxes; my plan will save them more than $2,000. Let me tell you what Steven says: "Two thousand dollars a year means a lot to my family. If we had this money, it would help us reach our goal of paying off our personal debt in two years." After that, Steven and Josefina want to start saving for Lianna's college education. Government should never stand in the way of families achieving their dreams. The surplus is not the government's money, the surplus is the people's money.

For lower-income families, my tax relief plan restores basic fairness. Right now, complicated tax rules punish hard work. A waitress supporting two children on $25,000 a year can lose nearly half of every additional dollar she earns. Her overtime, her hardest hours, are taxed at nearly 50 percent. This sends a terrible message: You will never get ahead. But America's message must be different: We must honor hard work, never punish it.

With tax relief, overtime will no longer be overtax time for the waitress. People with the smallest incomes will get the highest percentage reductions. And millions of additional American families will be removed from the income tax rolls entirely.

Tax relief is right and tax relief is urgent. The long economic expansion that began almost 10 years ago is faltering. Lower interest rates will eventually help, but we cannot assume they will do the job all by themselves.

Forty years ago and then twenty years ago, two Presidents, one Democrat and one Republican, John F. Kennedy and Ronald Reagan, advocated tax cuts to—in President Kennedy's words—"get this country moving again."

They knew then, what we must do now: To create economic growth and opportunity, we must put money back into the hands of the people who buy goods and create jobs.

We must act quickly. The Chairman of the Federal Reserve has testified before Congress that tax cuts often come too late to stimulate economic recovery. So I want to work with you to give our economy an important jump start by making tax relief retroactive.

We must act now because it is the right thing to do. We must also act now because we have other things to do. We must show courage to confront and resolve tough challenges: to restructure our Nation's defenses, to meet our growing need for energy, and to reform Medicare and Social Security.

America has a window of opportunity to extend and secure our present peace by promoting a distinctly American internationalism. We will work with our allies and friends to be a force for good and a champion of freedom. We will work for free markets and free trade and freedom from oppression. Nations making progress toward freedom will find America is their friend.

We will promote our values, and we will promote peace. And we need a strong military to keep the peace. But our military was shaped to confront the challenges of the past. So I have asked the Secretary of Defense to review America's armed forces and prepare to transform them to meet emerging threats. My budget makes a downpayment on the research and development that will be required. Yet, in our broader transformation effort, we must put strategy first, then spending. Our defense vision will drive our defense budget, not the other way around.

Our Nation also needs a clear strategy to confront the threats of the 21st century, threats that are more widespread and less certain. They range from terrorists who threaten with bombs to tyrants and rogue nations intent on developing weapons of mass destruction. To protect our own people, our allies and friends, we must develop and we must deploy effective missile defenses.

And as we transform our military, we can discard Cold War relics, and reduce our own nuclear forces to reflect today's needs.

A strong America is the world's best hope for peace and freedom. Yet the cause of freedom rests on more than our ability to defend ourselves and our allies. Freedom is exported every day, as we ship goods and products that improve the lives of millions of people. Free trade brings greater political and personal freedom.

Each of the previous five Presidents has had the ability to negotiate far-reaching trade agreements. Tonight I ask you to give me the strong hand of presidential trade promotion authority, and to do so quickly.

As we meet tonight, many citizens are struggling with the high costs of energy. We have a serious energy problem that demands a national energy policy. The West is confronting a major energy shortage that has resulted in high prices and uncertainty. I have asked Federal agencies to work with California officials to help speed construction of new energy sources. And I have directed Vice President CHENEY, Commerce Secretary Evans, Energy Secretary Abraham, and other senior members of my Administration to recommend a national energy policy.

Our energy demand outstrips our supply. We can produce more energy at home while protecting our environment, and we must. We can produce more electricity to meet demand, and we must. We can promote alternative energy sources and conservation, and we must. America must become more energy independent.

Perhaps the biggest test of our foresight and courage will be reforming Medicare and Social Security.

Medicare's finances are strained and its coverage is outdated. Ninety-nine percent of employer-provided health plans offer some form of prescription drug coverage . . . Medicare does not. The framework for reform has been developed by Senators FRIST and BREAUX and Congressman THOMAS, and now, it is time to act. Medicare must be modernized. And we must make sure that every senior on Medicare can choose a health plan that offers prescription drugs.

Seven years from now, the baby boom generation will begin to claim Social Security benefits. Everyone in this chamber knows that Social Security is not prepared to fully fund their retirement. And we only have a couple of years to get prepared. Without reform, this country will one day awaken to a stark choice: either a drastic rise in payroll taxes, or a radical cut in retirement benefits. There is a better way.

This spring I will form a presidential commission to reform Social Security. The commission will make its recommendations by next fall. Reform should be based on these principles: It must preserve the benefits of all current retirees and those nearing retirement. It must return Social Security to sound financial footing. And it must offer personal savings accounts to younger workers who want them.

Social Security now offers workers a return of less than 2 percent on the money they pay into the system. To save the system, we must increase that by allowing younger workers to make safe, sound investments at a higher rate of return.

Ownership, access to wealth, and independence should not be the privilege of a few. They are the hope of every American . . . and we must make them the foundation of Social Security.

By confronting the tough challenge of reform, by being responsible with our budget, we can earn the trust of the American people. And, we can add to that trust by enacting fair and balanced election and campaign finance reforms.

The agenda I have set before you tonight is worthy of a great country. America is a nation at peace, but not a nation at rest. Much has been given to us, and much is expected.

Let us agree to bridge old divides. But let us also agree that our good will must be dedicated to great goals. Bipartisanship is more than minding our manners, it is doing our duty.

No one can speak in this Capitol and not be awed by its history. At so many turning points, debates in these chambers have reflected the collected or divided conscience of our country. And when we walk through Statuary Hall, and see those men and women of marble, we are reminded of their courage and achievement.

Yet America's purpose is never found in statues or history. America's purpose always stands before us.

Our generation must show courage in a time of blessing, as our Nation has always shown in times of crisis. And our courage issue by issue, can gather to greatness, and serve our country. This is the privilege, and responsibility, we share. And if we work together, we can prove that public service is noble.

We all came here for a reason. We all have things we want to accomplish, and promises to keep. Juntos podemos, together we can. We can make Americans proud of their government. Together we can share in the credit of making our country more prosperous and generous and just—and earn from our conscience and from our fellow citizens, the highest possible praise: well done, good and faithful servants.

Thank you. Good night. And God Bless America.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 27, 2001*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-733. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GMBH Model BO 105CB 5 and BO 105CBS 5 Helicopters" ((RIN2120-AA64)(2001-0102)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-734. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes" ((RIN2120-AA64)(2001-0117)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-735. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-300, 400, and 500 Series Airplanes" ((RIN2120-AA64)(2001-0110)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-736. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model f28 Mark 1000, 2000, 3000, and 4000 Series Airplanes" ((RIN2120-AA64)(2001-0101)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-737. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Boeing Model 747-400, -400F; 767-200, and -300 Series Airplanes Equipped with P and W Model PW4000 Series Engines" ((RIN2120-AA64)(2001-0109)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-738. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200 Series Airplanes" ((RIN2120-AA64)(2001-0108)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-739. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes" ((RIN2120-AA64)(2001-0107)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-740. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: C1 604 Variant of Bombardier Model Canadair CL 600 2B16 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA8060NM-D, SA8072NM-D or SA8086NM-D" ((RIN2120-AA64)(2001-0106)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-741. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S76A, S76B, and S76C Helicopters" ((RIN2120-AA64)(2001-0115)) received on February 12, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC-742. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Falcon 10 and Model Mystere-Falcon 50 Series Airplanes" ((RIN2120-AA64)(2001-0114)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-743. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 200 and 300 Series Airplanes" ((RIN2120-AA64)(2001-0113)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-744. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(2001-0112)) received on February 12, 2001: to the Committee on Commerce, Science, and Transportation.

EC-745. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Construcciones Aeronauticas, SA Model CN-235, CN-235-100, and CN-235-200 Series Airplanes" ((RIN2120-AA64)(2001-0111)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-746. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and A300 B4; Model A300 B4-600, A300 B4-600R, and A300 F4 500R; and Model A310 Series Airplanes; Equipped with Dowty Ram Air Turbines" ((RIN2120-AA64)(2001-0120)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-747. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-301, -321, and -322 Series Airplanes and Model A340-211, -212, -214, -311, -312, and -313 Series Airplanes" ((RIN2120-AA64)(2001-0119)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-748. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Jetstream Model 4101 Airplanes" ((RIN2120-AA64)(2001-0118)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-749. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Eurocopter Deutschland GMBM Model MBB-

BK 117 Helicopters" ((RIN2120–AA64)(2001–0094)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–750. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3–60 SHERPA, AD3–SHERPA, SD3–30, and SD3–60 Series Airplanes" ((RIN2120–AA64)(2001–0095)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–751. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64)(2001–0099)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–752. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 145 Series" ((RIN2120–AA64)(2001–0098)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–753. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10, Model MD–10 and Model MD–11 Series Airplanes" ((RIN2120–AA64)(2001–0097)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–754. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 mk1 and Jetstream Series 200 Airplanes" ((RIN2120–AA64)(2001–0096)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–755. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes" ((RIN2120–AA64)(2001–0100)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–756. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft LTD Model PC 6 Airplanes" ((RIN2120–AA64)(2001–0105)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–757. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes" ((RIN2120–AA64)(2001–0104)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–758. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300–600, and A310 Series Airplanes" ((RIN2120–AA64)(2001–0103)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–759. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cape Romanzof, AK" ((RIN2120–AA66)(2001–0034)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–760. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace, Atlanta, TX; Confirmation of Effective Date" ((RIN2120–AA66)(2001–0050)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–761. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Cage, OK" ((RIN2120–A66)(2001–0048)) received on February 12 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–762. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 and Model A300 B4–600, A300 BR–600R, and A300 F4–600R Series Airplanes" ((RIN2120–AA64)(2001–0116)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–763. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2, A300 B4, A300 B4–600, A300 B4–600R, and A310 Series Airplanes" ((RIN2120–AA64)(2001–0125)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–764. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series Airplanes" ((RIN2120–AA64)(2001–0124)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–765. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B36TC, and 58 Airplanes" ((RIN2120–AA64)(2001–0123)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–766. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Model PC 12 and PC 12/45 Airplanes" ((RIN2120–AA64)(2001–0122)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–767. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP 137 Mk1, Jetstream Series 200 and Jetstream Models 3101 and 3201 Airplanes" ((RIN2120–AA64)(2001–0121)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–768. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S 76A, S 76B, and S 76C Helicopters" ((RIN2120–AA64)(2001–0130)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Deutschland GmbH Model BR700–715A1–30, Br700–715B1–30, and BR700–715C1–30 Turbofan Engines" ((RIN2120–AA64)(2001–0129)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–770. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 60, A60, and B60 Airplanes" ((RIN2120–AA64)(2001–0128)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolladen Schneider Flugzeugbau GmbH Models LS 4 and Ls 4A Sailplanes" ((RIN2120–AA64)(2001–0126)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc., Model 369A, H, HE, D, E, FF, and 500 N Helicopters" ((RIN2120–AA64)(2001–0127)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 525 Airplanes" ((RIN2120–AA64)(2001–0135)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: P and W Canada Models PW306A and PW306B Turbofan Engines" ((RIN2120–AA64)(2001–0134)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–775. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

Empresa Brasileira de Aeronautica SA Model EMB 145 and EMB 135 Series Airplanes" ((RIN2120–AA64)(2001–0133)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–776. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ltd, Model Galaxy Airplanes" ((RIN2120–AA64)(2001–0132)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–777. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Textron Canada Model 206A, B, L, L1, and L3 Helicopters" ((RIN2120–AA64)(2001–0131)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–778. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, Asoria, OR" ((RIN2120–AA66)(2001–0036)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–779. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tillamook, OR" ((RIN2120–AA66)(2001–0037)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–780. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International Models CFM56–7B Turbofan Engines" ((RIN2120–AA64)(2001–0137)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–781. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters" ((RIN2120–AA64)(2001–0136)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–782. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace Bowling Green, MO" ((RIN2120–AA66)(2001–0042)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grant NE" ((RIN2120–AA66)(2001–0041)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–784. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Prineville, OR" ((RIN2120–AA66)(2001–0039)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–785. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ogallala, NE" ((RIN2120–AA66)(2001–0040)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Legal Description of Jet Route J 501" ((RIN2120–AA66)(2001–0038)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–787. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bloomfield, IA" ((RIN2120–AA66)(2001–0047)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–788. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sparrevohn, AK" ((RIN2120–AA66)(2001–0046)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–789. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cape Newenham, AK" ((RIN2120–AA66)(2001–0045)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–790. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bassett NE" ((RIN2120–AA66)(2001–0044)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–791. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Council Bluffs, IA" ((RIN2120–AA66)(2001–0043)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–792. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tin City, AK" ((RIN2120–AA66)(2001–0033)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–793. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Actions in Commercial Space Transportation; Request for Comments" ((RIN2120–AH18)(2001–0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–794. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Actions in Commercial Space Transportation: Delay of Effective Date" ((RIN2120–AH18)(2001–0002)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–795. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Data Recorder Specifications; Correction" ((RIN2120–AG88)(2001–0001)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–796. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amend Class E Airspace; Westminister, MD" ((RIN2120–AA66)(2001–0031)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–797. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E4 Airspace; Gainesville, FL; Correction" ((RIN2120–AA66)(2001–0032)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–798. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Stemme GmbH and Co. KIG Models S10 and S10–V Sailplanes; Request for Comments" ((RIN2120–AA64)(2001–0081)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–799. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G 1159A Series Airplanes" ((RIN2120–AA64)(2001–0082)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–800. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64)(2001–0083)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–801. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26)" ((RIN2120–AA65)(2001–0012)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–802. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (7)" ((RIN2120–AA65)(2001–0011)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–803. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100 Series Airplanes" ((RIN2120–AA64)(2001–0089)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–804. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model 4101 Airplanes" ((RIN2120–AA64)(2001–0090)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–805. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes; Removal" ((RIN2120–AA64)(2001–0091)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–806. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters" ((RIN2120–AA64)(2001–0092)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–807. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAe Systems Limited Model ATP Airplanes" ((RIN2120–AA64)(2001–0087)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–808. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes" ((RIN2120–AA64)(2001–0078)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–809. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–300 Series Airplanes" ((RIN2120–AA64)(2001–0079)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–810. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pittsburg, KS; Confirmation of Effective Date" ((RIN2120–AA66)(2001–0029)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–811. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta SpA Model A109E Helicopters" ((RIN2120–AA64)(2001–0086)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–812. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes and Model A300 Br–600, A300 Br–600R, and A300 Fr–600R Series Airplanes" ((RIN2120–AA64)(2001–0085)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–813. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BMW Rolls–Royce GmbH Models BR700–710A1–10 and BR700–710A2–20 Turbofan Engines" ((RIN2120–AA64)(2001–0084)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–814. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146 RJ Series Airplanes" ((RIN2120–AA64)(2001–0088)) received on February 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–815. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; St. George, UT" ((RIN2120–AA66)(2001–0054)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–816. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (53)" ((RIN2120–AA65)(2001–0017)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–817. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (36)" ((RIN2120–AA65)(2001–0016)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–818. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (114)" ((RIN2120–AA65)(2001–0015)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–819. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (16)" ((RIN2120–AA65)(2001–0014)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–820. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sugar Land, TX; Request for Comments" ((RIN2120–AA66)(2001–0055)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–821. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Algona, IA; Confirmation of Effective Date" ((RIN2120–AA66)(2001–0056)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–822. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (6)" ((RIN2120–AA63)(2001–0002)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–823. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (42)" ((RIN2120–AA65)(2001–0013)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–824. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600–2B19 Series Airplanes; Request for Comments" ((RIN2120–AA64)(2001–0141)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–825. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of VOR Federal V–480 and Jet Route J–120; AK" ((RIN2120–AA66)(2001–0051)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–826. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of VOR and Colored Federal Airways and Jet Routes; AK; Correction" ((RIN2120–AA66)(2001–0052)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–827. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; Tri-City, DOT" ((RIN2120–AA66)(2001–0053)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–828. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta SpA Model A 109E Helicopters; Request for Comments" ((RIN2120–AA64)(2001–

0140)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–829. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Inc Models 214B and 214B–1; Request for Comments" ((RIN2120–AA64)(2001–0139)) received on February 15, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES (for himself, Mr. WARNER, Mrs. MURRAY, and Mr. CAMPBELL):

S. 392. A bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. TORRICELLI):

S. 393. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Finance.

By Mr. DOMENICI:

S. 394. A bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program; to the Committee on Appropriations.

By Mr. BOND (for himself and Mr. KERRY):

S. 395. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business.

By Mr. BOND (for himself and Mr. KERRY):

S. 396. A bill to provide for national quadrennial summits on small business and State summits on small business, to establish the White House Quadrennial Commission on Small Business, and for other purposes; to the Committee on Small Business.

By Mr. MCCAIN (for himself, Mr. LEVIN, Mr. HAGEL, Mr. LIEBERMAN, Mr. KYL, Mr. REED, Mr. VOINOVICH, Mr. FEINGOLD, Mr. JEFFORDS, Mr. DEWINE, and Mr. KOHL):

S. 397. A bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under the Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act; to the Committee on Armed Services.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 398. A bill to combat international money laundering and to protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS (for himself and Mr. DODD):

S. 399. A bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. ROBERTS, Mrs. LINCOLN, and Mr. DORGAN):

S. 400. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. LINCOLN):

S. 401. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. LINCOLN):

S. 402. A bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 403. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 404. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself, Mr. EDWARDS, Mr. MILLER, and Mr. CORZINE):

S. 405. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI (for himself, Mr. CORZINE, Mrs. BOXER, Mr. DURBIN, and Mr. KENNEDY):

S. 406. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 407. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 408. A bill to provide emergency relief to small businesses affected by significant increases in the price of electricity; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 28. A resolution to authorize testimony and legal representation in State of Idaho v. Fredrick Leroy Leas, Sr.; considered and agreed to.

By Mr. EDWARDS (for himself and Mr. HELMS):

S. Res. 29. A resolution honoring Dale Earnhardt and expressing condolences of the United States Senate to his family on his death; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. Res. 30. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. KENNEDY, and Mr. AKAKA):

S. Con. Res. 17. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States; to the Committee on Governmental Affairs.

By Mr. DODD (for himself and Mr. CHAFEE):

S. Con. Res. 18. A concurrent resolution recognizing the achievements and contributions of the Peace Corps over the past 40 years, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. FEINGOLD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 104

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 143

At the request of Mr. GRAMM, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 143, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Alabama

(Mr. SESSIONS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 148

At the request of Mr. CRAIG, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 164

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 164, a bill to prepare tomorrows teachers to use technology through pre-service and in-service training, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 207

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 305

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 305, a bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62.

S. 316

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 316, a bill to provide for teacher liability protection.

S. 321

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 335

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 335, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Montana (Mr. BAUCUS), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 355

At the request of Mr. SANTORUM, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 355, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 366

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 366, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 367

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 20

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 20, a resolution designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S. RES. 23

At the request of Mr. CLELAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 23, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

S. RES. 24

At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as "National Safe Place Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Mr. WARNER, Mrs. MURRAY, and Mr. CAMPBELL):

S. 392. A bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am introducing legislation together with Senators WARNER, CAMPBELL, and MURRAY, which would grant a Federal Charter to the Korean War Veterans Association, Incorporated. This legislation recognizes and honors the 5.7 million Americans who fought and served during the Korean War for their struggles and sacrifices on behalf of freedom and the principles and ideals of our nation.

The year 2000 marked the 50th Anniversary of the Korean War. In June 1950 when the North Korea People's Army swept across the 38th Parallel to occupy Seoul, South Korea, members of our Armed Forces—including many from the State of Maryland—immediately answered the call of the U.N. to repel this forceful invasion. Without hesitation, these soldiers traveled to an unfamiliar corner of the world to join an unprecedented multinational force comprised of 22 countries and risked their lives to protect freedom. The Americans who led this international effort were true patriots who fought with remarkable courage.

In battles such as Pork Chop Hill, the Inchon Landing and the frozen Chosin Reservoir, which was fought in temperatures as low as fifty-seven degrees below zero, they faced some of the most brutal combat in history. By the time the fighting had ended, 8,176 Americans were listed as missing or prisoners of war—some of whom are still missing—and over 36,000 Americans had died. One hundred and thirty-one Korean War Veterans were awarded the nation's highest commendation for combat bravery, the Medal of Honor. Ninety-four of these soldiers gave their lives in the process. There is an engraving on the Korean War Veterans Memorial which reflects these losses and how brutal a war this was. It reads, "Freedom is not Free." Yet, as a Nation, we have done little more than establish this memorial to publicly acknowledge the bravery of those who fought the Korean War. The Korean War has been termed by many as the "Forgotten War." Freedom is not free. We owe our Korean War Veterans a debt of gratitude. Granting this Federal charter—at no cost to the government—is a small expression of appreciation that we as a Nation can offer to these men and women, one which will enable them to work as a unified front to ensure that the "Forgotten War" is forgotten no more.

The Korean War Veterans Association was originally incorporated on June 25, 1985. Since its first annual reunion and memorial service in Arlington, Virginia, where its members decided to develop a national focus and strong commitment to service, the association has grown substantially to a membership of over 17,000. A Federal charter would allow the Association to continue and grow its mission and further its charitable and benevolent causes. Specifically, it will afford the Korean War Veterans' Association the same status as other major veterans organizations and allow it to participate as part of select committees with other congressionally chartered veterans and military groups. A Federal charter will also accelerate the Association's "accreditation" with the Department of Veterans Affairs which will enable its members to assist in processing veterans' claims.

The Korean War Veterans have asked for very little in return for their service and sacrifice. I urge my colleagues to join me in supporting this legislation and ask that the text of the measure be printed in the RECORD immediately following my comments.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Duty to maintain corporate and tax-exempt status.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.

"§ 120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

"The purposes of the corporation are as provided in its articles of incorporation and include—

"(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

"(2) providing a means of contact and communication among members of the corporation;

"(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

"(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§120111. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(b) Clerical Amendment.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

"1201. Korean War Veterans Association, Incorporated ....120101".

By Mr. FRIST (for himself and Mr. Torricelli):

S. 393. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research, to the Committee on Finance.

Mr. FRIST. Mr. President, I rise today to introduce bipartisan legislation, the Paul Coverdell Medical Research Investment Act.

Under the current tax code, deductible charitable cash gifts to support medical research are limited to 50% of an individual's adjusted gross income. This bill would simply increase the deductibility of cash gifts for medical research to 80 percent of an individual's adjusted gross income. For those individuals who are willing and able to give more than 80 percent of their income, the bill also extends the period an individual can carry the deduction forward for excess charitable gifts from five years to ten years.

In what is perhaps the most important change for today's economy, the bill allows taxpayers to donate stock without being penalized for it. Americans regularly donate stock acquired through a stock option plan to their favorite charity. And often they make the donation within a year of exercising their stock options. But current law penalizes these donations by taxing them as ordinary income or as capital gain. These taxes can run as high as 40 percent, which acts as a disincentive to contribute to charities. How absurd that someone who donates $1,000 to a charity has to sell $1,400 of stock to pay for it. The person could wait a year and give the stock then, but why delay the contribution when that money can be put to work curing disease today. The Paul Coverdell MRI Act is premised on a simple truth: people should not be penalized for helping others.

PriceWaterhouseCoopers, relying on IRS data and studies of charitable giving, conducted a study on the effects of the Paul Coverdell MRI Act. It concluded that if the proposal were in effect last year there would have been a 4.0 percent to 4.5 percent increase in individual giving in 2000. This amounts to $180.4 million additional dollars in charitable donations for medical research dollars that would result in tangible health benefits to all Americans. If the additional giving grew every year over five years at the same rate as national income, a billion dollars more would be put to work to cure disease. Over the course of ten years, the number jumps to $2.3 billion in new money for medical research. For many research efforts, that money could mean the difference between finding a cure or not finding a cure.

The returns from increased funding of medical research not only in economic sayings to the country, but in terms of curing disease and finding new treatments could be enormous. The amount and impact of disease in this country is staggering. Each day more than 1,500 Americans die of cancer. Sixteen million people have diabetes, their lives are shortened by an average of fifteen years. Cardiovascular diseases take approximately one million American lives a year. One and a half million people have Parkinson's Disease. Countless families suffer with the pain of a loved one who has Alzheimer's. And yet these diseases go without a cure. We must work towards the day when they are cured, prevented, or eliminated—just like polio and smallpox were years ago.

Increased funding of medical research by the private sector is needed to save and improve American lives. New discoveries in science and technology are creating even greater opportunities than in the past for large returns from money invested in medical research. The mapping of the human genome is but one example. Dr. Abraham Lieberman, a neurologist at the National Parkinson's Foundation, was quoted in Newsweek as saying that the medical research community today is "standing at the same threshold that we reached with infectious disease 100 years ago."

The Paul Coverdell MRI Act encourages the financial gifts that will enable that threshold to be overcome. I hope you will join me in supporting it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows: .

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Coverdell Medical Research Investment Act of 2001".

SEC. 2. INCREASE IN LIMITATION ON CHARITABLE DEDUCTION FOR CONTRIBUTIONS FOR MEDICAL RESEARCH.

(a) In General.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 (relating to percentage limitations) is amended by adding at the end the following new subparagraph:

"(G) Special limitation with respect to certain contributions for medical research.—

"(i) In general.—Any medical research contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

"(I) 80 percent of the taxpayer's contribution base for any taxable year, or

"(II) the excess of 80 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraphs (A) and (B) (determined without regard to subparagraph (C)).

"(ii) Carryover.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a medical research contribution in each of the 10 succeeding taxable years in order of time.

"(iii) Treatment of capital gain property.—In the case of any medical research contribution of capital gain property (as defined in subparagraph (C)(iv)), subsection (e)(1) shall apply to such contribution.

"(iv) Medical research contribution.—For purposes of this subparagraph, the term 'medical research contribution' means a charitable contribution—

"(I) to an organization described in clauses (ii), (iii), (v), or (vi) of subparagraph (A), and

"(II) which is designated for the use of conducting medical research.

"(v) Medical research.—For purposes of this subparagraph, the term 'medical research' has the meaning given such term under the regulations promulgated under subparagraph (A)(ii), as in effect on the date of the enactment of this subparagraph.".

(b) Conforming Amendments.—

(1) Section 170(b)(1)(A) of the Internal Revenue Code of 1986 is amended in the matter preceding clause (i) by inserting "(other than a medical research contribution)" after "contribution".

(2) Section 170(b)(1)(B) of such Code is amended by inserting "or a medical research contribution" after "applies".

(3) Section 170(b)(1)(C)(i) of such Code is amended by striking "subparagraph (D)" and inserting "subparagraph (D) or (G)".

(4) Section 170(b)(1)(D)(i) of such Code is amended—

(A) in the matter preceding subclause (I), by inserting "or a medical research contribution" after "applies", and

(B) in the second sentence, by inserting "(other than medical research contributions)" before the period.

(5) Section 545(b)(2) of such Code is amended by striking "and (D)" and inserting "(D), and (G)".

(6) Section 556(b)(2) of such Code is amended by striking "and (D)" and inserting "(D), and (G)".

(c) Effective Date.—The amendments made by this section shall apply—

(1) to contributions made in taxable years beginning after December 31, 2001, and

(2) to contributions made on or before December 31, 2001, but only to the extent that a deduction would be allowed under section 170 of the Internal Revenue Code of 1986 for taxable years beginning after December 31, 2000, had section 170(b)(1)(G) of such Code (as added by this section) applied to such contributions when made.

SEC. 3. TREATMENT OF CERTAIN INCENTIVE STOCK OPTIONS.

(a) AMT Adjustments.—Section 56(b)(3) of the Internal Revenue Code of 1986 (relating to treatment of incentive stock options) is amended—

(1) by striking "Section 421" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), section 421", and

(2) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN MEDICAL RESEARCH STOCK.—

"(i) IN GENERAL.—This paragraph shall not apply in the case of a medical research stock transfer.

"(ii) MEDICAL RESEARCH STOCK TRANSFER.—For purposes of clause (i), the term 'medical research stock transfer' means a transfer—

"(I) of stock which is traded on an established securities market,

(II) of stock which is acquired pursuant to the exercise of an incentive stock option within the same taxable year as such transfer occurs, and

"(III) which is a medical research contribution (as defined in section 170(b)(1)(G)(iv)).".

(b) NONRECOGNITION OF CERTAIN INCENTIVE STOCK OPTIONS.—Section 422(c) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

"(8) MEDICAL RESEARCH CONTRIBUTIONS.—For purposes of this section and section 421, the transfer of a share of stock which is a medical research stock transfer (as defined in section 56(b)(3)(B)) shall be treated as meeting the requirements of subsection (a)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of stock made after the date of the enactment of this Act.

By Mr. DOMENICI:

S. 394. A bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program; to the Committee on Appropriations.

Mr. DOMENICI. Mr. President, as many Senators know, there has been a major problem in funding for health care for military families and military retirees since 1993. Budgets for the Defense Health Program have been submitted to Congress without requesting enough spending to cover all known medical and health care expenses.

This problem has been recurring year after year because budget officials in the Department of Defense had been "low balling" their predictions of inflation in DoD's Defense Health Program; they have projected medical inflation at or below the overall economy's rate. Meanwhile, medical care costs have grown well above the national inflation rate.

Since 1996 DoD has projected an average annual inflation rate of 1.8 percent in the Defense Health Program, but the actual average rate over that time period is 4.9 percent.

Just last year, DoD predicted 2.1 percent inflation for the Defense Health Program in 2001; experts are predicting the rate to be 7.9 percent.

This unacceptable budgeting practice has resulted in expenses being incurred but no funds to pay the bills. Congress has responded by funding these gaps with additional spending, usually in emergency supplemental appropriations bills.

While we have addressed the problem when we ultimately learn the size of the funding gap, the inappropriate budgeting practices of the past have had a major negative impact on military service men and women, military retirees, and the dependents of both.

When military medical personnel and civilian providers do not know if or when they will receive full funding, appointments for healthcare can be complicated, and the services rendered can be delayed or degraded. A system that many already find troublesome can become exasperating.

This problem is not small; it directly affects an active beneficiary population of almost six million, including 1.5 million active duty servicemen and women, 1 million retirees, and 3.3 family dependents.

For several years the problem has been growing, from approximately $240 million in 1994 to as much as $1.3 billion in fiscal year 2000. Coincident with the enactment of "Tricare for Life" and other new health care benefits in the Defense Authorization Act for 2001, the problem has remained at this all time high level and is currently estimated to be $1.2 billion for 2001. Some predict it may ultimately be $1.4 billion before the year is over.

President Bush has already pledged that he will fully fund Tricare costs in 2002 at an estimated $3.9 billion, and I have every expectation that with the proper advice he will also fully fund all 2002 Defense Health Program costs. However, the earlier 2001 funding gap remains, and I believe Congress can and should act as promptly as possible to fully fund all known costs.

Accordingly, I am introducing legislation to provide a supplemental appropriation of the currently estimated $1.2 billion for the Defense Health Program for 2001.

Because the money is needed on an urgent basis, I will discuss how we can address this matter with the Chairman of the Senate Appropriations Committee when he convenes a meeting of the Defense Subcommittee on February 28 to conduct hearings on the Military Health System. I fully expect that we will act as promptly as possible and in time to address real needs.

I am also announcing four specific recommendations for the Defense Health Program I will make as Chairman of the Senate Budget Committee for the 2002 congressional budget resolution:

Sufficient budget authority and outlays to enable the enactment of the 2001 appropriations legislation I am introducing today.

An additional $1.4 billion in fiscal year 2002 to accommodate actual inflation in DoD health care, rather than the unrealistic under-estimate left by the officials of the outgoing Administration.

To accommodate future inflation, the budget resolution will also provide the requisite amounts of budget authority and outlays to accommodate 5 percent inflation for the next ten years. While I have every expectation that President Bush and Secretary of Defense Rumsfeld will address this underfunding in the 2002 budget, I am adding these amounts, totaling $18 billion over 10 years, just in case their review of the defense budget has not yet addressed the unacceptable budgeting practices of the past.

In its current estimates, the Congressional Budget Office has not included additional discretionary spending in its "baseline" for the "Tricare for Life" program. The technical reasons for this are esoteric, but the money is substantial, $9.8 billion over 10 years. If this money were not also added now, we would just be engaging in another form of underfunding.

Congress and the executive branch have made various promises to both active duty and retired military personnel for their healthcare and the healthcare of their dependents. It is unacceptable to make these promises but not to include in the budget the money required to make good on them. The steps I am taking today are the first steps toward making that happen.

By Mr. BOND (for himself and Mr. KERRY):

S. 395. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business.

Mr. BOND. Mr. President, I rise in support of the Independent Office of Advocacy Act of 2001. This bill is designed to build on the success achieved by the Office of Advocacy over the past 24 years. It is intended to strengthen that foundation to make the Office of Advocacy a stronger, more effective advocate for all small businesses throughout the United States. This bill was approved unanimously by the Senate during the 106th Congress; however, it was not taken up in the House of Representatives prior to the adjournment last month. It is my understanding the House Committee on Small Business under its new chairman, DON MANZULLO, is likely to act on similar legislation this year.

The Office of Advocacy is a unique office within the Federal Government. It is part of the Small Business Administration, SBA/Agency, and its director, the Chief Counsel for Advocacy, is nominated by the President and confirmed by the Senate. At the same time, the Office is also intended to be the independent voice for small business within the Federal Government. It is supposed to develop proposals for changing government policies to help small businesses, and it is supposed to represent the views and interests of small businesses before other Federal agencies.

As the director of the Office of Advocacy, the Chief Counsel for Advocacy has a dual responsibility. On the one hand, he is the independent watchdog for small business. On the other hand, he is also a part of the President's administration. As you can imagine, those are sometimes difficult roles to play simultaneously.

The Independent Office of Advocacy Act of 2001 would make the Office of Advocacy and the Chief Counsel for Advocacy a fully independent advocate within the executive branch acting on behalf of the small business community. The bill would establish a clear mandate that the Office of Advocacy will fight on behalf of small businesses regardless of the position taken on critical issues by the President and his administration.

The Independent Office of Advocacy Act of 2001 would direct the Chief Counsel to submit an annual report on Federal agency compliance with the Regulatory Flexibility Act to the President and the Senate and House Committees on Small Business. The Reg Flex Act is a very important weapon in the war against the over-regulation of small businesses. When the Senate first debated this bill in the 106th Congress, I offered an amendment at the request of Senator FRED THOMPSON, chairman of the Government Affairs Committee, that would direct the Chief Counsel for Advocacy to send a copy of the report to the Senate Government Affairs Committee. In addition, my amendment also required that copies of the report be sent to the House Committee on Government Reform and the House and Senate Committees on the Judiciary. I believe these changes make good sense for each of the committees to receive this report on Reg Flex compliance, and I have included them in the version of the bill being introduced and debated today.

The Office of Advocacy as envisioned by the Independent Office of Advocacy Act 2001 would be unique within the executive branch. The Chief Counsel for Advocacy would be a wide-ranging advocate, who would be free to take positions contrary to the administration's policies and to advocate change in government programs and attitudes as they impact small businesses. During its consideration of the bill in 1999, the Committee on Small Business adopted unanimously an amendment I offered, which was cosponsored by Senator JOHN KERRY, the committee's ranking Democrat, to require the Chief Counsel to be appointed "from civilian life." This qualification is intended to emphasize that the person nominated to serve in this important role should have a strong small business background.

In 1976, Congress established the Office of Advocacy in the SBA to be the eyes, ears and voice for small business within the Federal Government. Over time, it has been assumed that the Office of Advocacy is the "independent" voice for small business. While I strongly believe that the Office of Advocacy and the Chief Counsel should be independent and free to advocate or support positions that might be contrary to the administration's policies, I have come to find that the Office has not been as independent as necessary to do the job for small business.

For example, funding for the Office of Advocacy comes from the salaries and expense account of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. Today's allocation of staff is 49, and fewer are actually on-board as the result of the longstanding hiring freeze at the SBA. The independence of the Office is diminished when the Office of Advocacy staff is reduced to allow for increased staffing for new programs and additional initiatives in other areas of SBA, at the discretion of the Administrator.

In addition, the General Accounting Office, GAO, undertook a report for me on personnel practices at the SBA, GAO/GGD-99-68. I was alarmed by the GAO's finding that during the past eight years, the Assistant Advocates and Regional Advocates hired by the Office of Advocacy shared many of the attributes of schedule C political appointees. In fact Regional Advocates are frequently cleared by the White House personnel office—the same procedure followed for approving Schedule C political appointees.

The facts discussed in the GAO report cast the Office of Advocacy in a whole new light. The report raised questions, concerns and suspicions regarding the independence of the Office of Advocacy. Has there been a time when the Office did not pursue a matter as vigorously as it might have were it not for direct or indirect political influence? Prior to receipt of the GAO Report, my response was a resounding "No." But since receipt of the GAO report, a question mark arises.

Let me take a moment and note that I will be unrelenting in my efforts to insure the complete independence of the Office of Advocacy in all matters, at all times, for the continued benefit of all small businesses. However, so long as the administration controls the budget allocated to the Office of Advocacy and controls who is hired, the independence of the Office may be in jeopardy. We must correct this situation, and the sooner we do it, the better it will be for the small business community. As our government is changing over to President Bush's administration, this would be a opportune time to establish, once and for all, the actual independence of the Office of Advocacy.

The Independent Office of Advocacy Act of 2001 builds a firewall to prevent the political intrusion into the management of day-to-day operations of the Office of Advocacy. The bill would require that the SBA's budget include a separate account for the Office of Advocacy. No longer would its funds come from the general operating account of the Agency. The separate account would also provide for the number of full-time employees who would work within the Office of Advocacy. No longer would the Chief Counsel for Advocacy have to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

The bill would also continue the practice of allowing the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by federal law and the Office of Personnel Management, (OPM). I believe this special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Council to hire quickly those persons who can best asset the Office in responding to changing issues and problems confronting small businesses.

Mr. President, the Independent Office of Advocacy Act is a sound bill. It is the product of a great deal of thoughtful, objective review and consideration by me, the staff of the Committee on Small Business, representatives of the small business community, former Chief Counsels for Advocacy and others. These individuals have also devoted much time and effort in actively participating in a committee roundtable discussion on the Office of Advocacy, which my committee held on April 21, 1999. As I stated earlier, the Committee on Small Business approved this bill by a unanimous 17-0 vote, and it was later approved unanimously by the Senate. I urge each of my colleagues to review this legislation closely.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Office of Advocacy Act of 2001".

SEC. 2. FINDINGS.

The Congress finds that—

(1) excessive regulations continue to burden United States small businesses;

(2) Federal agencies are reluctant to comply with the requirements of chapter 6 of title 5, United States Code, and continue to propose regulations that impose disproportionate burdens on small businesses;

(3) the Office of Advocacy of the Small Business Administration (referred to in this Act as the "Office") is an effective advocate for small businesses that can help to ensure

that agencies are responsive to small businesses and that agencies comply with their statutory obligations under chapter 6 of title 5, United States Code, and under the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121; 106 Stat. 4249 et seq.);

(4) the independence of the Office is essential to ensure that it can serve as an effective advocate for small businesses without being restricted by the views or policies of the Small Business Administration or any other executive branch agency;

(5) the Office needs sufficient resources to conduct the research required to assess effectively the impact of regulations on small businesses; and

(6) the research, information, and expertise of the Office make it a valuable adviser to Congress as well as the executive branch agencies with which the Office works on behalf of small businesses.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that the Office has the statutory independence and adequate financial resources to advocate for and on behalf of small business;

(2) to require that the Office report to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator of the Small Business Administration in order to keep them fully and currently informed about issues and regulations affecting small businesses and the necessity for corrective action by the regulatory agency or the Congress;

(3) to provide a separate authorization for appropriations for the Office;

(4) to authorize the Office to report to the President and to the Congress regarding agency compliance with chapter 6 of title 5, United States Code; and

(5) to enhance the role of the Office pursuant to chapter 6 of title 5, United States Code.

SEC. 4. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking sections 201 through 203 and inserting the following:

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Office of Advocacy Act'.

"SEC. 202. DEFINITIONS.

"In this title—

"(1) the term 'Administration' means the Small Business Administration;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration;

"(3) the term 'Chief Counsel' means the Chief Counsel for Advocacy appointed under section 203; and

"(4) the term 'Office' means the Office of Advocacy established under section 203.

"SEC. 203. ESTABLISHMENT OF OFFICE OF ADVOCACY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Administration an Office of Advocacy.

"(2) APPROPRIATION REQUESTS.—Each appropriation request prepared and submitted by the Administration under section 1108 of title 31, United States Code, shall include a separate request relating to the Office.

"(b) CHIEF COUNSEL FOR ADVOCACY.—

"(1) IN GENERAL.—The management of the Office shall be vested in a Chief Counsel for Advocacy, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the ground of fitness to perform the duties of the office.

"(2) EMPLOYMENT RESTRICTION.—The individual appointed to the office of Chief Counsel may not serve as an officer or employee of the Administration during the 5-year period preceding the date of appointment.

"(3) REMOVAL.—The Chief Counsel may be removed from office by the President, and the President shall notify the Congress of any such removal not later than 30 days before the date of the removal, except that 30-day prior notice shall not be required in the case of misconduct, neglect of duty, malfeasance, or if there is reasonable cause to believe that the Chief Counsel has committed a crime for which a sentence of imprisonment can be imposed.

"(c) PRIMARY FUNCTIONS.—The Office shall—

"(1) examine the role of small business concerns in the economy of the United States and the contribution that small business concerns can make in improving competition, encouraging economic and social mobility for all citizens, restraining inflation, spurring production, expanding employment opportunities, increasing productivity, promoting exports, stimulating innovation and entrepreneurship, and providing the means by which new and untested products and services can be brought to the marketplace;

"(2) assess the effectiveness of Federal subsidy and assistance programs for small business concerns and the desirability of reducing the emphasis on those programs and increasing the emphasis on general assistance programs designed to benefit all small business concerns;

"(3) measure the direct costs and other effects of government regulation of small business concerns, and make legislative, regulatory, and nonlegislative proposals for eliminating the excessive or unnecessary regulation of small business concerns;

"(4) determine the impact of the tax structure on small business concerns and make legislative, regulatory, and other proposals for altering the tax structure to enable all small business concerns to realize their potential for contributing to the improvement of the Nation's economic well-being;

"(5) study the ability of financial markets and institutions to meet small business credit needs and determine the impact of government demands on credit for small business concerns;

"(6) determine financial resource availability and recommend, with respect to small business concerns, methods for—

"(A) delivery of financial assistance to minority and women-owned enterprises, including methods for securing equity capital;

"(B) generating markets for goods and services;

"(C) providing effective business education, more effective management and technical assistance, and training; and

"(D) assistance in complying with Federal, State, and local laws;

"(7) evaluate the efforts of Federal agencies and the private sector to assist minority and women-owned small business concerns;

"(8) make such recommendations as may be appropriate to assist the development and strengthening of minority, women-owned, and other small business concerns;

"(9) recommend specific measures for creating an environment in which all businesses will have the opportunity—

"(A) to compete effectively and expand to their full potential; and

"(B) to ascertain any common reasons for small business successes and failures;

"(10) to determine the desirability of developing a set of rational, objective criteria to be used to define small business, and to develop such criteria, if appropriate;

"(11) make recommendations and submit reports to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator with respect to issues and regulations affecting small business concerns and the necessity for corrective action by the Administrator, any Federal department or agency, or the Congress; and

"(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator and to the Congress in order to promote the establishment and growth of those small business concerns.

"(d) ADDITIONAL FUNCTIONS.—The Office shall, on a continuing basis—

"(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other department or agency of the Federal Government that affects small business concerns;

"(2) counsel small business concerns on the means by which to resolve questions and problems concerning the relationship between small business and the Federal Government;

"(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of this title and communicate such proposals to the appropriate Federal agencies;

"(4) represent the views and interests of small business concerns before other Federal agencies whose policies and activities may affect small business;

"(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government that are of benefit to small business concerns, and information on the means by which small business concerns can participate in or make use of such programs and services; and

"(6) carry out the responsibilities of the Office under chapter 6 of title 5, United States Code.

"(e) OVERHEAD AND ADMINISTRATIVE SUPPORT.—The Administrator shall provide the Office with appropriate and adequate office space at central and field office locations of the Administration, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.".

(b) REPORTS TO CONGRESS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 206 and inserting the following:

"SEC. 206. REPORTS TO CONGRESS.

"(a) ANNUAL REPORTS.—Not less than annually, the Chief Counsel shall submit to the President and to the Committees on Small

Business of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives a report on agency compliance with chapter 6 of title 5, United States Code.

"(b) Additional Reports.—In addition to the reports required under subsection (a) of this section and section 203(c)(11), the Chief Counsel may prepare and publish such reports as the Chief Counsel determines to be appropriate.

"(c) Prohibition.—No report under this title shall be submitted to the Office of Management and Budget or to any other department or agency of the Federal Government for any purpose before submission of the report to the President and to the Congress.".

(c) Authorization of Appropriations.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to the Office to carry out this title such sums as may be necessary for each fiscal year.

"(b) Availability.—Any amount appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.".

(d) Incumbent Chief Counsel for Advocacy.—The individual serving as the Chief Counsel for Advocacy of the Small Business Administration on the date of enactment of this Act shall continue to serve in that position after such date in accordance with section 203 of the Office of Advocacy Act, as amended by this section.

Mr. KERRY. Mr. President, I am pleased to join with my friend and colleague, Chairman of the Senate Committee on Small Business, KIT BOND, in introducing the "Independent Office of Advocacy Act." This legislation will help ensure the Small Business Administration's (SBA) Office of Advocacy has the necessary autonomy to remain an independent voice for America's small businesses. I would like to thank the Chairman and his staff for working with me and my staff to make the necessary changes to this legislation to garner bipartisan support.

This legislation is similar to a bill introduced by Chairman BOND, which I supported, during the 106th Congress. While this legislation received strong support in the Senate Committee on Small Business and on the floor of the Senate, the House did not take any action. I am hopeful that this legislation will be enacted during the 107th Congress.

The Independent Office of Advocacy Act rewrites the law that created the Small Business Administration's Office of Advocacy to allow for increased autonomy. It reaffirms the Office's statutory and financial independence by preventing the President from firing the advocate without 30 days prior notice to Congress and by creating a separate authorization for the Office from that of SBA's. It also states that the Chief Counsel shall be appointed without regard to political affiliation, and shall not have served in the Administration for a period of 5 years prior to the date of appointment.

The legislation also makes women-owned businesses an equal priority of the Office of Advocacy by adding women-owned business to the primary functions of the Office of Advocacy, wherever minority owned business appears. It also adds new reporting requirements and additional functions to the Office of Advocacy with regard to enforcement of the Small Business Regulatory Enforcement Fairness Act, SBREFA. The provisions regarding SBREFA are already a part of existing law in Chapter 6 Title 5 of US Code, and will now, rightly, be added to the statute establishing the Office of Advocacy.

But at its heart, this legislation will allow the Office of Advocacy to better represent small business interests before Congress, Federal agencies, and the Federal Government without fear of reprisal for disagreeing with the position of the current Administration.

For those of my colleagues without an intimate knowledge of the important role the Office of Advocacy and its Chief Counsel play in protecting and promoting America's small businesses, I will briefly elaborate its important functions and achievements. From studying the role of small business in the U.S. economy, to promoting small business exports, to lightening the regulatory burden of small businesses through the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act, SBREFA, the Office of Advocacy has a wide scope of authority and responsibility.

The U.S. Congress created the Office of Advocacy, headed by a Chief Counsel to be appointed by the President from the private sector and confirmed by the Senate, in June of 1976. The rationale was to give small businesses a louder voice in the councils of government.

Each year, the Office of Advocacy works to facilitate meetings for small business people with congressional staff and executive branch officials, and convenes ad hoc issue-specific meetings to discuss small business concerns. It has published numerous reports, compiled vast amounts of data and successfully lightened the regulatory burden on America's small businesses. In the area of contracting, the Office of Advocacy developed PRO-Net, a database of small businesses used by contracting officers to find small businesses interested in selling to the Federal government.

The U.S. Congress, the Administration and of course, small businesses, have all benefitted from the work of the Office of Advocacy. For example, between 1998 and 2000, regulatory changes supported by the Office of Advocacy saved small businesses around $20 billion in annual and one-time compliance costs.

Mr. President, small businesses remain the backbone of the U.S. economy, accounting for 99 percent of all employers, providing 75 percent of all net new jobs, and accounting for 51 percent of private-sector output. In fact, and this may surprise some of my colleagues, small businesses employ 38 percent of high-tech workers, an increasingly important sector in our economy.

Small businesses have also taken the lead in moving people from welfare to work and an increasing number of women and minorities are turning to small business ownership as a means to gain economic self-sufficiency. Put simply, small businesses represent what is best in the United States economy, providing innovation, competition and entrepreneurship.

Their interests are vast, their activities divergent, and the difficulties they face to stay in business are numerous. To provide the necessary support to help them, SBA's Office of Advocacy needs our support.

The responsibility and authority given the Office of Advocacy and the Chief Counsel are crucial to their ability to be an effective independent voice in the Federal Government for small businesses. When the Senate Committee on Small Business held a Roundtable meeting about the Office of Advocacy with small business concerns on April 21, 1999, every person in the room was concerned about the present and future state of affairs for the Office of Advocacy. These small businesses asked us to do everything we could to protect and strengthen this important office. I believe this legislation accomplishes this important goal.

I have always been a strong supporter of the Office of Advocacy and I am pleased to join with Chairman BOND in introducing this legislation, which will ensure that it remains an independent and effective voice representing America's small businesses.

By Mr. BOND (for himself and Mr. KERRY):

S. 396. A bill to provide for national quadrennial summits on small business and State summits on small business, to establish the White House Quadrennial Commission on Small Business, and for other purposes; to the Committee on Small Business.

Mr. BOND. Mr. President, it is with great pleasure that I am introducing the White House Quadrennial Small Business Summit Act of 2001. This bill is designed to create a permanent independent commission that will carry-on the extraordinary work that has been accomplished by three White House Conferences on Small Business. The Small Business Commission will direct national and state Small business summits, and small business delegates from every state will attend the summits.

Last year, representatives of small businesses and organizers of prior White House Conferences on Small Business worked closely with the Committee on Small Business to develop legislation similar to the bill I am introducing today. The bill passed the Senate last year as part of the Small Business Reauthorization Act of 2000, S. 3121; however, it was dropped in Conference.

For the past 15 years, small businesses have been the fastest growing sector of the U.S. economy. When large businesses were restructuring and laying off significant numbers of workers, small businesses not only filled the gap, but their growth actually caused a net increase in new jobs. Today, small businesses employ over one-half of all workers in the United States, and they generate nearly 55 percent of the gross domestic product. Were it not for small businesses, our country could not have experienced the sustained economic upsurge that has been ongoing since 1992.

Because small businesses play such a significant role in our economy, in both rural towns and bustling inner cities, I believe it is important that the Federal government sponsor a national conference every four years to highlight the successes of small businesses and to focus national attention on the problems that may be hindering the ability of small businesses to start up and grow.

Small business ownership is, has been, and will continue to be the dream of millions of Americans. Countries from all over the world send delegations to the United states to study why our system of small business ownership is so successful, all the while looking for a way to duplicate our success in their countries. Because we see and experience the successes of small businesses on a daily basis, it is easy to lose sight of the very special thing we have going for us in the United States, where each of us can have the opportunity to own and run our own business.

The White House Quadrennial Small Business Summit Act of 2001 is designed to capture and focus our attention on small business every four years. In this way, we will take the opportunity to study what is happening throughout the United States to small businesses. In one sense, the bill is designed to put small business on a pinnacle so we can appreciate what they have accomplished. At the same time, and just as important, every four years we will have an opportunity to learn from small businesses in each state what is not going well for them, such as, actions by the Federal government that hinder small business growth or state and local regulations that are a deterrent to starting a business.

My bill creates an independent, bipartisan White House Quadrennial Commission on Small Business, which will be made up of 8 small business advocates and the Small Business Administration's Chief Counsel for Advocacy. Every four years, during the first year following a presidential election, the President will name four National Commissioners. In the U.S. Senate and the House of Representatives, the Majority Leader and Minority Leader of each body will each name one National Commissioner.

Widespread participation from small businesses in each state will contribute to the work leading up to the national Small Business Summit. Under the bill, the Small Business Summit will take place one year after the Quadrennial Commissioners are appointed. The first act of the Commissioners will be to request that each Governor and each U.S. Senator name a small business delegate and alternate delegate from their respective states to the National Convention. Each U.S. Representative will be asked to name a small business delegate and alternative from his or her Congressional district. And the President will name a delegate and alternate from each state.

The delegates to the Small Business Summit must be owners or officers of small businesses. Prior to the national Small Business Summit, there will be individual State Summits at which additional delegates will be elected to attend the national Summit. Three delegates and three alternates will be elected from each Congressional district within the state.

The small busines delegates will play a major role leading up to the Small Business Summit. We will be looking to the small business delegates to develop and highlight issues of critical concern to small businesses. The work at the state level by the small business delegates will need to be thorough and thoughtful to make the Small Business Summit a success.

My goal will be for the small business delegates to think broadly, that is, to think "out of the box." Their attention should include but not be restricted to the traditional issues associated with small business concerns, such as access to capital, tax reform and regulatory reform. In my role as Chairman of the Committee on Small Business, I will urge the delegates to focus on a wide array of issues that impact significantly on small businesses, including the importance of a solid education and the need for skilled, trained workers.

Once the small business delegates are selected, the Small Business Commission will serve as a resource to the delegates for issue development and for planning the State Conferences. The Small Business Commission will have a modest staff, including an Executive Director, that will work full time to make the State and National Summits successes. A major resource to the Small Business Commission and its staff will be the Chief Counsel for Advocacy from the SBA. The Chief Counsel and the Office of Advocacy will serve as a major resource to the Small Business Commission, and in turn, to the small business delegates, by providing them with both substantive background information and other administrative materials in support of the State and National Summits.

Mr. President, small businesses generally do not have the resources to maintain full time representatives to lobby our Federal government. They are too busy running their businesses to devote much attention to educating government officials as to what is going well, what is going poorly, and what needs improvement for the small business community. The White House Quadrennial Small Business Summit will give small businesses an opportunity every four years to make its mark on the Congress and the Executive Branch. I urge each of my colleagues to review their proposal, and I hope they will agree to join me as cosponsors of the "White House Quadrennial Small Busines Summit Act of 2001."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White House Quadrennial Small Business Summit Act of 2001".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "Chief Counsel" means the Chief Counsel for Advocacy of the Small Business Administration;

(3) the term "Small Business Commission" means the national White House Quadrennial Commission on Small Business established under section 6;

(4) the term "Small Business Summit"—

(A) means the White House Quadrennial Summit on Small Business conducted under section 3(a); and

(B) includes the last White House Conference on Small Business occurring before 2002;

(5) the term "small business" has the meaning given the term "small business concern" in section 3 of the Small Business Act;

(6) the term "State" means any of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands; and

(7) the term "State Summit" means a State Summit on Small Business conducted under section 3(b).

SEC. 3. NATIONAL AND STATE QUADRENNIAL SUMMITS ON SMALL BUSINESS.

(a) QUADRENNIAL SUMMITS.—There shall be a national White House Quadrennial Summit on Small Business once every 4 years, to be held during the second year following each

Presidential election, to carry out the purposes set forth in section 4.

(b) State Summits.—Each Small Business Summit referred to in subsection (a) shall be preceded by a State Summit on Small Business, with not fewer than 1 such summit held in each State, and with not fewer than 2 such summits held in any State having a population of more than 10,000,000.

SEC. 4. PURPOSES OF SMALL BUSINESS SUMMITS.

The purposes of each Small Business Summit shall be—

(1) to increase public awareness of the contribution of small business to the national economy;

(2) to identify the problems of small business;

(3) to examine the status of minorities and women as small business owners;

(4) to assist small business in carrying out its role as the Nation's job creator;

(5) to assemble small businesses to develop such specific and comprehensive recommendations for legislative and regulatory action as may be appropriate for maintaining and encouraging the economic viability of small business and thereby, the Nation; and

(6) to review the status of recommendations adopted at the immediately preceding Small Business Summit.

SEC. 5. SUMMIT PARTICIPANTS.

(a) In General.—To carry out the purposes set forth in section 4, the Small Business Commission shall conduct Small Business Summits and State Summits to bring together individuals concerned with issues relating to small business.

(b) Summit Delegates.—

(1) Qualification.—Only individuals who are owners or officers of a small business shall be eligible for appointment or election as delegates (or alternates) to the Small Business Summit, or be eligible to vote in the selection of delegates at the State Summits pursuant to this subsection.

(2) Appointed delegates.—Two months before the date of the first State Summit, there shall be—

(A) 1 delegate (and 1 alternate) appointed by the Governor of each State;

(B) 1 delegate (and 1 alternate) appointed by each Member of the House of Representatives, from the congressional district of that Member;

(C) 1 delegate (and 1 alternate) appointed by each Member of the Senate from the home State of that Member; and

(D) 53 delegates (and 53 alternates) appointed by the President, 1 from each State.

(3) Elected delegates.—The participants at each State Summit shall elect 3 delegates and 3 alternates to the Small Business Summit for each congressional district within the State, or part of the State represented at the Summit, or not fewer than 9 delegates, pursuant to rules developed by the Small Business Commission.

(4) Powers and duties.—Delegates to each Small Business Summit shall—

(A) attend the State summits in his or her respective State;

(B) elect a delegation chairperson, vice chairperson, and other leadership as may be necessary;

(C) conduct meetings and other activities at the State level before the date of the Small Business Summit, subject to the approval of the Small Business Commission; and

(D) direct such State level summits, meetings, and activities toward the consideration of the purposes set forth in section 4, in order to prepare for the next Small Business Summit.

(5) Alternates.—Alternates shall serve during the absence or unavailability of the delegate.

(c) Role of the Chief Counsel.—The Chief Counsel shall, after consultation and in coordination with the Small Business Commission, assist in carrying out the Small Business Summits and State Summits required by this Act by—

(1) preparing and providing background information and administrative materials for use by participants in the summits;

(2) distributing issue information and administrative communications, electronically where possible through an Internet web site and e-mail, and in printed form if requested;

(3) maintaining an Internet web site and regular e-mail communications after each Small Business Summit to inform delegates and the public of the status of recommendations and related governmental activity; and

(4) maintaining, between summits, an active interim organization of delegate representatives from each region of the Administration, to advise the Chief Counsel on each of the major small business issue areas, and monitor the progress of the Summits' recommendations.

(d) Expenses.—Each delegate (and alternate) to each Small Business Summit and State Summit—

(1) shall be responsible for the expenses of that delegate related to attending the summits; and

(2) shall not be reimbursed either from funds made available pursuant to this section or the Small Business Act.

(e) Advisory Committee.—

(1) In general.—The Small Business Commission shall appoint a Summit Advisory Committee, which shall be composed of 10 individuals who were participants at the most recently preceding Small Business Summit, to advise the Small Business Commission on the organization, rules, and processes of the Summits.

(2) Preference.—Preference for appointment under this subsection shall be given to individuals who have been active participants in the implementation process following the most recently preceding Small Business Summit.

(f) Public Participation.—Small Business Summits and State Summits shall be open to the public, and no fee or charge may be imposed on any attendee, other than an amount necessary to cover the cost of any meal provided, plus, with respect to State Summits, a registration fee to defray the expense of meeting rooms and materials of not to exceed $20 per person.

SEC. 6. WHITE HOUSE QUADRENNIAL COMMISSION ON SMALL BUSINESS.

(a) Establishment.—There is established the White House Quadrennial Commission on Small Business.

(b) Membership.—

(1) Appointment.—The Small Business Commission shall be composed of 9 members, including—

(A) the Chief Counsel;

(B) 4 members appointed by the President;

(C) 1 member appointed by the Majority Leader of the Senate;

(D) 1 member appointed by the Minority Leader of the Senate;

(E) 1 member appointed by the Majority Leader of the House of Representatives; and

(F) 1 member appointed by the Minority Leader of the House of Representatives.

(2) Selection.—Members of the Small Business Commission described in subparagraphs (B) through (F) of paragraph (1) shall be selected from among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of small business and the purposes set forth in section 4.

(3) Time of appointment.—The appointments required by paragraph (1)—

(A) shall be made not later than 18 months before the opening date of each Small Business Summit; and

(B) shall expire 6 months after the date on which each Small Business Summit is convened.

(c) Election of Chairperson.—At the first meeting of the Small Business Commission, a majority of the members present and voting shall elect a member of the Small Business Commission to serve as the Chairperson.

(d) Powers and Duties of Commission.—The Small Business Commission—

(1) may enter into contracts with public agencies, private organizations, and academic institutions to carry out this Act;

(2) shall consult, coordinate, and contract with an independent, nonpartisan organization that—

(A) has both substantive and logistical experience in developing and organizing conferences and forums throughout the Nation with elected officials and other government and business leaders;

(B) has experience in generating private resources from multiple States in the form of event sponsorships; and

(C) can demonstrate evidence of a working relationship with Members of Congress from the majority and minority parties, and at least 1 Federal agency; and

(3) shall prescribe such financial controls and accounting procedures as needed for the handling of funds from fees and charges and the payment of authorized meal, facility, travel, and other related expenses.

(e) Planning and Administration of Summits.—In carrying out the Small Business Summits and State Summits, the Small Business Commission shall consult with—

(1) the Chief Counsel;

(2) Congress; and

(3) such other Federal agencies as the Small Business Commission determines to be appropriate.

(f) Reports Required.—Not later than 6 months after the date on which each Small Business Summit is convened, the Small Business Commission shall submit to the President and to the Chairpersons and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives a final report, which shall—

(1) include the findings and recommendations of the Small Business Summit and any proposals for legislative action necessary to implement those recommendations; and

(2) be made available to the public.

(g) Quorum.—Four voting members of the Small Business Commission shall constitute a quorum for purposes of transacting business.

(h) Meetings.—The Small Business Commission shall meet not later than 20 calendar days after the appointment of the initial members of the Small Business Commission, and not less frequently than every 30 calendar days thereafter.

(i) Vacancies.—Any vacancy on the Small Business Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(j) Executive Director and Staff.—The Small Business Commission may appoint and compensate an Executive Director and such other personnel to conduct the Small Business Summits and State Summits as the Small Business Commission may determine to be advisable, without regard to title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(k) FUNDING.—Members of the Small Business Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Small Business Commission.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out each Small Business Summit and the State Summits required by this Act, $5,000,000, which shall remain available until expended. New spending authority or authority to enter contracts as provided in this title shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

(b) SPECIFIC EARMARK.—No amount made available to the Small Business Administration may be made available to carry out this title, other than amounts made available specifically for the purpose of conducting the Small Business Summits and State Summits.

By Mr. MCCAIN (for himself, Mr. LEVIN, Mr. HAGEL, Mr. LIEBERMAN, Mr. KYL, Mr. REED, Mr. VOINOVICH, Mr. FEINGOLD, Mr. JEFFORDS, Mr. DEWINE, and Mr. KOHL):

S. 397. A bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under the Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I rise today to introduce legislation that would authorize two rounds of U.S. military installation realignment and closures to occur in 2003 and 2005. I am pleased to have Senators LEVIN, HAGEL, LIEBERMAN, KYL, REED, KOHL, VOINOVICH, FEINGOLD, JEFFORDS and DEWINE as co-sponsors of this bill.

Although I would prefer to say that this is a new idea—it isn't. In 1970, the Blue Ribbon Defense Panel, "Fithugh Commission") made reference to "consolidation of military activities at fewer installations would contribute to more efficient operations and would produce substantial savings." In 1983, the President's Private Sector Survey on Cost Control, "Grace Commission" made strong recommendations for military base closures. In 1997, the Quadrennial Defense Review recommended that, even after four base closure rounds in 1988, 1991, 1993 and 1995, the Armed Forces "must shed excess infrastructure." Likewise, the 1997 Defense Reform Initiative and the National Defense Panel "strongly urged Congress and the Department of Defense to move quickly to restore the base realignment and closure, BRAC, process."

Mr. President, we have too many military bases. The cold war is over. We will never have a requirement for as many bases as we have today. Clearly we could save, according to most conservative estimates, somewhere between $3 and $4 billion a year of taxpayer dollars that are now expended unnecessarily on keeping military bases open.

The Congressional Budget Office, former Secretaries DICK CHENEY and William Cohen, nearly all the Service Chiefs and other respected defense experts have been consistent in their plea that the Pentagon be permitted to divest themselves of excess infrastructure beyond what was eliminated during the prior rounds of base closings. Through the end of 1998, the Pentagon had closed 97 major bases in the United States after four previous rounds of BRAC. Since then, it has closed none. Moreover, the savings from closing additional unneeded bases should be used for force modernization purposes.

We have heard over the last several years of the dire situation of our military forces. We have heard testimony of plunging readiness, modernization programs that are decades behind schedule, and quality of life deficiencies that are so great we cannot retain or recruit the personnel we need. As a result of this realization, there has been a groundswell of support in Congress for the Armed Forces, including a number of pay, retirement and medical benefit initiatives and the promise of a significant increase in defense spending.

All of these proposals are excellent starting points to help rebuild our military, but we must not forget that much of it will be in vain if the Department of Defense is obligated to maintain 23 percent excess capacity in infrastructure. When we actually look for the dollars to pay for these initiatives, it is unconscionable that some would not look to the billions of dollars to be saved by base realignment and closure. Only 30 percent of the defense budget funds combat forces, while the remaining 70 percent is devoted to support functions such as bases. Continuing to squander precious dollars in this manner will make it impossible for us to adequately modernize our forces for the future. The Joint Chiefs of Staff have stated repeatedly that they desire more opportunities to streamline the military's infrastructure. We cannot sit idly by and throw money and ideas at the problem when part of the solution is staring us in the face.

This proposed legislation offers a significant change to present law. Under this legislation, privatization in-place would be permitted only when explicitly recommended by the Commission. Additionally, the Secretary of Defense must consider local government input in preparing his list of desired base closures.

Total BRAC savings realized from the four previous closure rounds exceed total costs to date. Department of Defense figures suggest previous base closures will save, after one-time closing costs, $15 billion through fiscal year 2001, $25 billion through fiscal year 2003 and $6.1 billion a year thereafter. Additional needed closures can save $20 billion by 2015, and $3 billion a year thereafter. Sooner or later these surplus bases will be closed anyway. The sooner the issue is addressed, the greater will be the savings that will ultimately go toward defense modernization and greater pay raises for service members.

Previous base closure rounds have had many success stories. For example, after England Air Force Base closed in 1992, Alexandria, Louisiana benefitted from the creation of over 1,400 jobs—nearly double the number of jobs lost. Across the U.S. about 60,000 new jobs have been created at closing military bases. At bases closed more than 2 years, nearly 75 percent of the civilian jobs have been replaced.

In Charleston, South Carolina, where the number of defense job losses, as a percentage of the work force, was greater than at any other base closure location, 23 major entities are reusing the former Navy facilities and providing more than 3,300 jobs and another 13 more civilian industrial applications are pending adding soon even more newly created jobs to that number. Additionally, roughly 75 percent of the 6 million square feet of leasable space on the base is occupied. This is comparable to the successes in my home state of Arizona with the closure of Williams Air Force Base in the Phoenix East Valley. This is not to say that base closures are easy for any community, but it does suggest that communities can and will continue to thrive.

We can continue to maintain a military infrastructure that we do not need, or we can provide the necessary funds to ensure our military can fight and win future wars. Every dollar we spend on bases we do not need is a dollar we cannot spend on training our troops, keeping personnel quality of life at an appropriate level, maintaining force structure, replacing old weapons systems, and advancing our military technology.

We must finish the job we started by authorizing these two final rounds of base realignment and closure. I urge my colleagues to join us in support of this critical bill and to work diligently throughout the year to put aside local politics for what is clearly in the best interest of our military forces.

Mr. President, I believe this measure is long overdue. I believe the additional

$3 to $4 billion a year we could save by closing unnecessary bases could be used for the betterment of the quality of life of our men and women in the military. I believe it is hard to understand why, when the overwhelming majority of outside opinion, whether it be liberal or conservative organizations that are watchdogs of our defense policies and programs, all agree we have too many bases. We needed these bases during the cold war and we needed them very badly. They obviously contributed enormously to our ability to win the cold war. No one envisions future threats that would require the number of bases that are part of our military establishment today.

I hope that the chairmen of the Armed Services Committee in past years who have strongly opposed base closing rounds will now join with me and others in seeing this legislation through the Armed Services Committee and to the floor of the Senate.

It makes sense. I believe that the record is replete with examples of bases that have been closed which ultimately after a period of a few years have ended up of greater benefit to the surrounding communities than when the bases were military bases. But more importantly than that, we simply can't afford some of them as we make the tough decisions and follow the President's guidance on the fundamental reevaluation of our systems technology and weapons systems that we need to make in order to meet the challenges of the post-cold-war era. A part of that is to make available as much funding as possible not only for the quality of life of the men and women in the military but for our ability to develop a viable missile defense system, and to bring to our military the best equipment that this Nation's technology can provide.

I hope we will move on this issue. I anticipate, hopefully, that the administration will also, again as past administrations have, support another round of base closings.

I ask unanimous consent the bill be referred to the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be appropriately referred.

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill to authorize two additional base realignment and closure rounds be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.

(a) Commission Matters.—

(1) Appointment.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

"(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

"(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph".

(2) Meetings.—Subsection (e) of that section is amended by striking "and 1995" and inserting "1995, 2003, and 2005".

(3) Staff.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking "and 1994" and inserting ", 1994, and 2004".

(4) Funding.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(5) Termination.—Subsection (l) of that section is amended by striking "December 31, 1995" and inserting "December 31, 2005".

(b) Procedures.—

(1) Force-structure plan.—Subsection (a)(1) of section 2903 of that Act is amended by striking "and 1996," and inserting "1996, 2004, and 2006,".

(2) Selection criteria.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005," after "December 31, 1990,"; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991".

(3) Department of defense recommendations.—Subsection (c)(1) of such section 2903 is amended by striking "and March 1, 1995," and inserting "March 1, 1995, March 14, 2003, and May 16, 2005,".

(4) Commission review and recommendations.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than May 1 in the case of such recommendations in 2003, or no later than July 1 in the case of such recommendations in 2005," after "such recommendations,".

(5) Review by president.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005," after "under this part,".

(c) Relationship to Other Base Closure Authority.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2005,".

SEC. 2. MODIFICATION OF BASE CLOSURE AUTHORITIES UNDER 1990 BASE CLOSURE LAW.

(a) Cost Savings and Return on Investment under Secretary of Defense Selection Criteria.—Subsection (b) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by adding at the end the following:

"(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.".

(b) Department of Defense Recommendations to Commission.—Subsection (c) of such section 2903 is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In making recommendations to the Commission under this subsection in any year after 2000, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 2000 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(3) in paragraph (7), as so redesignated—

(A) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(B) in the second sentence, by striking "24 hours" and inserting "48 hours".

(c) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2000 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;".

SEC. 3. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(b) OTHER CLARIFYING AMENDMENTS.—

(1) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(A) Section 2905(b)(3).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(iv).

(D) Section 2905(b)(7)(N).

(E) Section 2910(10)(B).

(2) That Act is further amended by inserting "or realigned" after "closed" each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(ii).

(B) Section 2905(b)(3)(D).

(C) Section 2905(b)(3)(E).

(D) Section 2905(b)(4)(A).

(E) Section 2905(b)(5)(A).

(F) Section 2910(9).

(G) Section 2910(10).

(3) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

Mr. LEVIN. Mr. President, I am pleased to once again join my colleague from the Armed Services Committee, Senator McCAIN, along with our cosponsors Senators LIEBERMAN, VOINOVICH, REED, KYL, HAGEL, KOHL, FEINGOLD, DEWINE, and JEFFORDS in introducing legislation that allows the Department of Defense to close excess, unneeded military bases.

For the past four years, former Secretary of Defense Bill Cohen asked the Congress to authorize two additional base closure rounds. But Congress did not act.

We have a new Congress, a new President, and a new Secretary of Defense, but we also have some unfinished business to attend to. Base closure is one of the most important examples. And as we promised we would be, Senator McCAIN and I and our cosponsors are back.

General Shelton, the Chairman of the Joint Chiefs of Staff, and the other chiefs have repeatedly said we need to close more military bases, and I expect they will once again tell us we need to realign or close more bases when the President's budget is submitted later this year.

The legislation we are introducing today is intended to start the debate, and I hope the administration will make a similar legislative proposal to the Congress.

This legislation calls for two additional base closure rounds, in 2003 and 2005, that would basically follow the same procedures that were used in 1991, 1993 and 1995, with two notable exceptions.

First, the whole process would start and finish two months later in 2005 than it would in 2003 and did in previous rounds, to give a new President, if there is one in 2005, sufficient time to nominate commissioners.

Second, under our legislation, privatization in place would not be permitted at closing installation unless the Base Closure Commission expressly recommends it.

In a November 1998 report, the General Accounting Office listed five key elements of the base closure process that "contributed to the success of prior rounds". Our legislation retains all of those key elements. GAO also stated that they "have not identified any long-term readiness problems that were related to domestic base realignments and closures," that "DOD continues to retain excess capacity" and that "substantial savings are expected" from base closures.

Mr. President, every expert and every study agrees on the basic facts—the Defense Department has more bases than it needs, and closing bases saves substantial money over time, usually within a few years.

The April 1998 report the Department of Defense provided to the Congress clearly demonstrated that we have excess capacity. For example, the report showed that by 2003:

The Army will have reduced its classroom training personnel by 43 percent, while classroom space will have been reduced by only 7 percent.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, while the base structure for those aircraft will be only 35 percent smaller.

The Navy will have 33 percent more hangars for its aircraft than it requires.

Experts inside and outside of Government agree with the Defense Department on this issue. As the Congressional Budget Office stated in a letter to me, "the [DoD] report's basic message is consistent with CBO's own conclusions: past and future BRAC rounds will lead to significant savings for DoD."

Every year we delay another base closure round, we waste about $1.5 billion in annual savings that we can never recoup. And every dollar we waste on bases we do not need is a dollar we cannot spend on things we do need.

The new administration is now undertaking several strategy reviews. It is possible that those reviews will conclude that the military we want for the future needs exactly the base structure we have today and that all our forces are in exactly the right place and none of them need to be realigned to different locations. It is possible that they will conclude Secretary Cohen and General Shelton didn't know what they were talking about and we really don't have any excess infrastructure.

I will be astounded if any serious defense review reaches such a conclusion. But even if it did, it is important to understand that this legislation does not prejudge or pre-empt these reviews. What it does is prepare us to act whatever the result of those reviews.

Should the new administration decide they don't want to propose any closures or realignments, this bill would not force them to. It authorizes two more rounds; it does not require them. And the Defense Department would have ample time to conclude their reviews before the first round would start in 2003, so the results of their strategy reviews could be fully incorporated into the force structure plan the new rounds would be based on.

I urge my colleagues to support this legislation.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 398. A bill to combat international money laundering and to protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, I believe the United States must do more to stop international criminals from legitimizing their profits from the sale of drugs, from terror or from organized crime by laundering money into the United States financial system.

That is why today, along with Senators GRASSLEY, SARBANES, LEVIN and ROCKEFELLER, I am introducing the International Counter-Money Laundering and Foreign Anticorruption Act of 2001, which will give the Secretary of the Treasury the tools to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. During the 106th Congress, the House Banking Committee reported out this legislation with a bipartisan 33–1 vote.

Money laundering is the financial side of international crime. It occurs when criminals seek to disguise money that was illegally obtained. It allows terrorists, drug cartels, organized crime groups, corrupt foreign government officials and others to preserve the profit from their illegal activities and to finance new crimes. Money laundering provides the fuel that allows criminal organizations to conduct their ongoing affairs. It has a corrosive effect on international markets and financial institutions. Money launderers rely upon the existence of jurisdictions outside the United States that offer bank secrecy and special tax or regulatory advantages to non residents, and often complement those advantages with weak financial supervision and regulatory regimes.

Today, the global volume of laundered money is estimated to be 2-5 percent of global Gross Domestic Product, between $600 billion and $1.5 trillion. The effects of money laundering extend far beyond the parameters of law enforcement, creating international political issues while generating domestic political crises.

International criminals have taken advantage of the advances in technology and the weak financial supervision in some jurisdictions to smuggle their illicit funds into the United States financial system. Globalization and advances in communications and technologies allow criminals to move their illicit gains faster and farther than ever before. The ability to launder money into the United States through these jurisdictions has allowed corrupt foreign officials to systematically divert public assets for their personal use, which in turn undermines U.S. efforts to promote stable democratic institutions and vibrant economies abroad.

In December 2000, a federal interagency working group in support of the President's International Crime Control Strategy released an International Crime Threat Assessment. This report states that international banking and financial systems are currently being used to legitimize and transfer criminal proceeds and that huge sums of money are laundered in the world's largest financial markets including the United States. The report warns that international criminal groups will use changes in technology and the world economy to enhance their capability to launder and move money and may be able to cause significant disruption to international financial systems.

In October 2000, the General Accounting Office determined that Euro-American Corporate Services, Inc. had formed more than 2,000 corporations for Russian brokers. From 1991 through January 2000, more than $1.4 billion in wire transfer transactions was deposited into 236 accounts for these corporations opened at two United States banks. More than half of these funds were then transferred out of the U.S. banking system. The GAO believes that these banking activities raise questions about whether the U.S. banks were used to launder money.

In February 2000, State and Federal regulators formally sanctioned the Bank of New York for "deficiencies" in its anti-money laundering practices including lax auditing and risk management procedures involving their international banking business. The sanctions were based on the Bank of New York's involvement in an alleged money laundering scheme where more than $7 billion in funds were transmitted from Russia into the bank. Federal investigators are currently attempting to tie the $7 billion to criminal activities in Russia such as corporate theft, political graft or racketeering.

In November 1999, the minority staff of the Senate Governmental Affairs Subcommittee on Investigations released a report on private banking and money laundering. The report describes a number of incidences where high level government officials have used private banking accounts with U.S. financial institutions to launder millions of dollars from foreign governments. The report details how Raul Salinas, brother of former President of Mexico, Carlos Salinas, used private bank accounts to launder money out of Mexico. Representatives from Citigroup testified at a Subcommittee hearing that the bank had been slow to correct controls over their private banking accounts.

Earlier this month, the Minority Staff of the U.S. Senate Permanent Subcommittee on Investigations, headed by Senator CARL LEVIN, released a report that reveals that most U.S. banks lack appropriate anti-money laundering safeguards on their correspondent accounts. This report proves that high risk foreign banks that are denied their own correspondent accounts at U.S. banks can get the same access by opening correspondent accounts at other foreign banks that have U.S. accounts. The report recommends that U.S. regulators and law enforcement offer increased assistance to help banks identify high-risk foreign banks.

During the 1980s, as Chairman of the Senate Permanent Subcommittee on Investigations, I began an investigation of the Bank of Credit and Commerce International (BCCI), and uncovered a complex money laundering scheme. Unlike any ordinary bank, BCCI was from its earliest days made up of multiplying layers of entities, related to one another through an impenetrable series of holding companies, affiliates, subsidiaries, banks-within-banks, insider dealings and nominee relationships.

By fracturing corporate structure, record keeping, regulatory review, and audits, the complex BCCI family of entities was able to evade ordinary legal restrictions on the movement of capital and goods as a matter of daily practice and routine. In designing BCCI as a vehicle fundamentally free of government control, its creators developed an ideal mechanism for facilitating illicit activity by others.

BCCI's used this complex corporate structure to commit fraud involving billions of dollars; and launder money for their clients in Europe, Africa, Asia and the Americas. Fortunately, we were able to bring many of those involved in BCCI to justice. However, my investigation clearly showed that rogue financial institutions have the ability to circumvent the laws designed to stop financial crimes.

In recent years, the U.S. and other well-developed financial centers have been working together to improve their anti-money laundering regimes and to set international anti-money laundering standards. Back in 1988, I included a provision in the State Department Reauthorization bill that requires major money laundering countries to adopt laws similar to our own on reporting currency or face sanctions. This provision led to Panama and Venezuela negotiating what were called Kerry agreements with the United States decreasing their vulnerability to the placement of U.S. currency by drug traffickers in the process.

Unfortunately, other nations—some small, remote islands—have moved in the other direction. Many have passed laws that provide for excessive bank secrecy, anonymous company incorporation, economic citizenship, and other provisions that directly conflict with well-established international anti-money laundering standards. In doing so, they have become money laundering havens for international criminal networks. Some even blatantly advertise the fact that their laws protect anyone doing business from U.S. law enforcement.

Last year, the Financial Action Task Force, an intergovernmental body established to develop and promote policies to combat financial crime, released a report naming fifteen jurisdictions—including the Bahamas, The Cayman Islands, Russia, Israel, and the Philippines—that have failed to take adequate measures to combat international money laundering. This is a clear warning to financial institutions in the United States that they must begin to scrutinize many of their financial transactions with customers in these countries. Soon, the Financial Action Task Force will develop bank advisories and criminal sanctions that effectively drive legitimate financial business from these nations, depriving them of a lucrative source of tax revenue. This report has provided important information that governments and financial institutions around the world should learn from in developing their own anti-money laundering laws and policies.

Last year, the Financial Stability Forum released a report that categorizes offshore financial centers according to their perceived quality of supervision and degree of regulatory cooperation. The Organization of Economic Cooperation and Development (OECD) began a new crackdown on harmful tax competition. Members of the European Union reached an agreement in principle on sweeping changes to bank secrecy laws, intended to bring cross-border investment income within the net of tax authorities.

The actions by the Financial Action Task Force, the European Union and others show a renewed international focus and commitment to curbing financial abuse around the world. I believe the United States has a similar obligation to use this new information to update our anti-money laundering statutes.

The International Counter-Money Laundering and Anticorruption Act of 2001, which I am introducing today, would provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, while allowing legitimate international commerce to continue to flow unimpeded. It will give the Secretary of the Treasury—acting in consultation with other senior government officials and the Congress—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of "primary money laundering concern." Then, on a case-by-case basis, the Secretary will have the option to use a series of new tools to combat the specific type of foreign money laundering threat we face. In some cases, the Secretary will have the option to require banks to pierce the veil of secrecy behind which foreign criminals hide. In other cases, the Secretary will have the option to require the identification those using a foreign bank's correspondent or payable-through accounts. If these transparency provisions were deemed to be inadequate to address the specific problem identified, the Secretary would have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their laws and practices into line with international anti-money laundering standards. The passage of this legislation will make it much more difficult for international criminal organizations to launder the proceeds of their crimes into the United States.

This bill fills in the current gap between bank advisories and International Emergency Economic Powers Act, IEEPA, sanctions by providing five new intermediate measures. Under current law, the only counter-money laundering tools available to the federal government are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the IEEPA. This legislation gives five additional measures to increase the government's ability to apply pressure effectively against targeted jurisdictions or institutions.

This legislation will in no way jeopardize the privacy of the American public. The focus is on foreign jurisdictions, financial institutions and classes of transactions that present a threat to the United States, not on American citizens. The actions that the Secretary of the Treasury is authorized to take are designated solely to combat the abuse of our banks by specifically identified foreign money laundering threats. This legislation is in no way similar to the Know-Your-Customer regulations that were proposed by bank regulators in 1999. Further, the intent of this legislation is not to add additional regulatory burdens on financial institutions, but, to give the Secretary of the Treasury the ability to take action against existing money laundering threats.

Let me repeat, this legislation only gives the discretion to use these tools to the Secretary of the Treasury. There is no automatic trigger that forces action whenever evidence of money laundering is determined. Before any action is taken, the Secretary of the Treasury, in consultation with other key government officials, must first determine whether a specific country, financial institution or type of transaction is of primary money laundering concern. The Treasury Secretary will develop a calibrated response that will consider the effectiveness of the measure to address the threat, whether other countries are taking similar steps, and whether the response will cause harm to U.S. financial institutions and other firms.

This legislation will strengthen the ability of the Secretary to combat international money laundering and help protect the integrity of the U.S. financial system. This bill has been supported by the heads of all the major federal law enforcement agencies.

Today, advances in technology are bringing the world closer together than ever before and opening up new opportunities for economic growth. However, with these new advantages come equally important obligations. We must do everything possible to insure that the changes in technology do not give comfort to international criminals by giving them new ways to hide the financial proceeds of their crimes. This legislation is a first step toward limiting the scourge of money laundering and will help stop the development of international criminal organizations. I believe this legislation deserves consideration by the Senate during the 107th Congress.

Mr. SARBANES. Mr. President, I am pleased to join Senators KERRY, GRASSLEY, and LEVIN in introducing the International Counter-Money Laundering and Foreign Anti-Corruption Act of 2001, "ICMLA". This legislation is identical to a bill I co-sponsored last year.

Money laundering poses an ongoing threat to the financial stability of the U.S. It is estimated by the Department of the Treasury that the global volume of laundered money accounts for between 2–5 percent of the global GDP. Although serious efforts to combat international money laundering began in the mid-1980's, recent scandals about the involvement of some the most prominent U.S. banks in money laundering schemes have highlighted key weaknesses in current laws.

The ICMLA is designed to bolster the United States' ability to counter the laundering of the proceeds of drug trafficking, organized crime, terrorism and official corruption from abroad. The bill broadens the authority of the Secretary of the Treasury, ensures that banking transactions and financial relationship do not contravene the purposes of current anti-money laundering statutes, provides a clear mandate for subjecting foreign jurisdictions that facilitate money laundering to special scrutiny, and enhances reporting of suspicious activities. The bill similarly strengthens current measures to prevent the use of the U.S. financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

First, Section 101 of the ICMLA gives the Secretary of the Treasury, in consultation with other key government officials, discretionary authority to impose five new "special measures" against foreign jurisdictions and entities that are of "primary money laundering concern" to the United States. Under current law, the only counter-money laundering tools available to the federal government are advisories, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the International Emergency Economic Powers Act, "IEEPA". The five new intermediate measures will increase the government's ability to apply well-calibrated pressure against targeted jurisdictions or institutions. These new measures include: 1. requiring additional record keeping/reporting on particular transactions, 2. requiring the identification of the beneficial foreign owner of a U.S. bank account, 3. requiring the identification of those individuals using a U.S. bank account opened by a foreign bank to engage in banking transactions a "payable-through account", 4. requiring the identification of those using a U.S. bank account established to receive deposits and make payments on behalf of a foreign financial institution, a "correspondent account", and 5. restricting or prohibiting the opening or maintaining of certain correspondent accounts. The Democratic staff of the Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee recently completed an investigation and published results critical of certain correspondent banking activities.

Second, the bill seeks to enhance oversight into illegal activities by clarifying that the "safe harbor" from civil liability for filing a Suspicious Activity Report, "SAR", applies in any litigation, including suit for breach of contract or in an arbitration proceeding. Under the Bank Secrecy Act, "BSA", any financial institution or officer, director, employee, or agent of a financial institution is protected against private civil liability for filing a SAR. Section 201 of the bill amends the BSA to clarify the prohibition on disclosing that a SAR has been filed. These reports are the cornerstone of our nation's money-laundering efforts because they provide the information necessary to alert law enforcement to illegal activity.

Third, the bill enhances enforcement of Geographic Targeting Orders, "GTO". These orders lower the dollar thresholds for reporting transactions within a defined geographic area. Section 202 of the bill clarifies that civil and criminal penalties for violations of the Bank Secrecy Act and its regulations also apply to reports required by GTO's. In addition, the section clarifies that structuring a transaction to avoid a reporting requirement by a GTO is a criminal offense and extends the presumptive GTO period from 60 to 180 days.

Fourth, Section 203 of the bill permits a bank, upon request of another bank, to include suspicious illegal activity in written employment references. Under this provision, banks would be permitted to share information concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Finally, Title III of the bill addresses corruption by foreign officials and ruling elites. Earlier this year, the Secretary of the Treasury, in consultation with the Attorney General and the financial services regulators, issued guidelines to financial institutions operating in the U.S. on appropriate practices and procedures to reduce the likelihood that such institutions could facilitate proceeds expropriated by or on behalf of foreign senior government officials. Title III would help build upon efforts to combat corruption by foreign officials and ruling elites. It provides that the U.S. government should make clear that it will take all steps necessary to identify the proceeds of foreign government corruption which have been deposited in U.S. financial institutions and return such proceeds to the citizens of the country to whom such assets belong. It also encourages the U.S. to continue to actively and publicly support the objectives of the Financial Action Task Force on Money Laundering with regard to combating international money laundering.

The ICMLA addresses many of the shortcomings of current law. the Secretary of Treasury is granted additional authority to require greater transparency of transactions and accounts as well as to narrowly target penalties and sanctions. The reporting and collection of additional information on suspected illegal activity will greatly enhance the ability of bank regulators and law enforcement to combat the laundering of drug money, proceeds from corrupt regimes, and other illegal activities.

The House Banking Committee passed the identical anti-money laundering bill by a vote of 31 to 1 on June 8, 2000. I hope that we can move this legislation expeditiously in the Senate.

By Mr. EDWARDS (for himself and Mr. DODD):

S. 399. A bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, I rise today along with my colleague Senator DODD to re-introduce the College Fire Prevention Act. This measure would provide federal matching grants for the installation of fire sprinkler systems in college and university dormitories and fraternity and sorority houses. I believe the time is now to address the sad situation of deadly fires that occur in our children's college living facilities.

The tragic fire that occurred at Seton Hall University on Wednesday January 19th, 2000 will not be long forgotten. Sadly, three freshman, all 18 years old, died. Fifty-four students, two South Orange firefighters and two South Orange police officers were injured. The dormitory, Boland Hall, was a six-story, 350 room structure built in 1952 that housed approximately 600 students. Astonishingly, the fire was contained to the third floor lounge of Boland Hall. This dormitory was equipped with smoke alarms but no sprinkler system.

Unfortunately, the Boland Hall fire was not the first of its kind. And it reminded many people in North Carolina of their own tragic experience with dorm fires. In 1996, on Mother's Day and Graduation Day, a fire in the Phi Gamma Delta fraternity house at the University of North Carolina at Chapel Hill killed five college juniors and injured three others. The 3-story plus basement fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

Sadly, there have been countless other dorm fires. On December 9, 1997, a student died in a dormitory fire at Greenville College in Greenville, Illinois. The dormitory, Kinney Hall, was built in the 1960s and had no fire sprinkler system. On January 10, 1997, a student died at the University of Tennessee at Martin. The dormitory, Ellington Hall, had no fire sprinkler system. On January 3, 1997 a student died in a dormitory fire at Central Missouri State University in Warrensburg, Missouri. On October 21, 1994, five students died in a fraternity house fire in Bloomsburg; Pennsylvania. The list goes on and on. In a typical year between 1980 and 1998, the National Fire Protection Association estimates there were an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 70 injuries, and 8 million dollars in property damage.

So now we must ask, what can be done? What can we do to curtail these tragic fires from taking the lives of our children, our young adults? We should focus our attention on the lack of fire sprinklers in college dormitories and fraternity and sorority houses. Sprinklers save lives. Indeed, the National Fire Protection Association has never recorded a fire that killed more than 2 people in a public assembly, educational, institutional, or residential building where a sprinkler system was operating properly.

Despite the clear benefits of sprinklers, many college dorms do not have them. New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings. In 1998, 93 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 34 percent of them had fire sprinklers present.

At my state's flagship university at Chapel Hill, for example, only six of the 29 residence halls have sprinklers. A report published by The Raleigh News & Observer in the wake of the Seton Hall fire also noted that only seven of 19 dorms at North Carolina State University are equipped with the life-saving devices, and there are sprinklers in two of the 10 dorms at North

Carolina Central University. At Duke University, only five of 26 dorms have sprinklers.

The legislation I introduce today authorizes the Secretary of Education, in consultation with the United States Fire Administration, to award grants to States, private or public colleges or universities, fraternities, or sororities to assist them in providing fire sprinkler systems for their student housing and dormitories. These entities would be required to produce matching funds equal to one-half of the cost. This legislation authorizes $100 million for fiscal years 2002 through 2006.

In North Carolina, we decided to initiate a drive to install sprinklers in our public college and university dorms. The overall cost is estimated at 57.5 million dollars. Given how much it is going to cost North Carolina's public colleges and universities to install sprinklers, I think it's clear that the $100 million that this measure authorizes is just a drop in the bucket. But my hope is that by providing this small incentive we can encourage more colleges to institute a comprehensive review of their dorm's fire safety and to install sprinklers. All they need is a helping hand. With this modest measure of prevention, we can help prevent the needless and tragic loss of young lives.

Parents should not have to worry about their children living in fire traps. When we send our children away to college, we are sending them to a home away from home where hundreds of other students eat, sleep, burn candles, use electric appliances and smoke. We must not compromise on their safety. In short, the best way to ensure the protection of our college students is to install fire sprinklers in our college dormitories and fraternity and sorority houses. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Fire Prevention Act".

SEC 2. FINDINGS.

Congress makes the following findings:

(1) On Wednesday, January 19, 2000, a fire occurred at a Seton Hall University dormitory. Three male freshmen, all 18 years of age, died. Fifty-four students, 2 South Orange firefighters, and 2 South Orange police officers were injured. The dormitory was a 6-story, 350-room structure built in 1952, that housed approximately 600 students. It was equipped with smoke alarms but no fire sprinkler system.

(2) On Mother's Day 1996 in Chapel Hill, North Carolina, a fire in the Phi Gamma Delta Fraternity House killed 5 college juniors and injured 3. The 3-story plus basement fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

(3) It is estimated that between 1980 and 1998, an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 70 injuries, and $8,000,000 in property damage were reported to public fire departments.

(4) Within dormitories, fraternities, and sororities the number 1 cause of fires is arson or suspected arson. The second leading cause of college building fires is cooking, while the third leading cause is smoking.

(5) The National Fire Protection Association has no record of a fire killing more than 2 people in a completely fire sprinklered public assembly, educational, institutional, or residential building where the sprinkler system was operating properly.

(6) New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings.

(7) In 1998, 93 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 34 percent had fire sprinklers present.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for each of the fiscal years 2002 through 2006.

SEC. 4. GRANTS AUTHORIZED.

(a) PROGRAM AUTHORITY.—The Secretary of Education, in consultation with the United States Fire Administration, is authorized to award grants to States, private or public colleges or universities, fraternities, and sororities to assist them in providing fire sprinkler systems, or other fire suppression or prevention technologies, for their student housing and dormitories.

(b) MATCHING FUNDS REQUIREMENT.—The Secretary of Education may not award a grant under this section unless the entity receiving the grant provides, from State, local, or private sources, matching funds in an amount equal to not less than one-half of the cost of the activities for which assistance is sought.

SEC. 5. PROGRAM REQUIREMENTS.

(a) APPLICATION.—Each entity desiring a grant under this Act shall submit to the Secretary of Education an application at such time and in such manner as the Secretary may require.

(b) PRIORITY.—In awarding grants under this Act, the Secretary shall give priority to applicants that demonstrate in the application submitted under subsection (a) the inability to fund the sprinkler system, or other fire suppression or prevention technology, from sources other than funds provided under this Act.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—An entity that receives a grant under this Act shall not use more than 4 percent of the grant funds for administrative expenses.

SEC. 6. DATA AND REPORT.

The Comptroller General shall—

(1) gather data on the number of college and university housing facilities and dormitories that have and do not have fire sprinkler systems and other fire suppression or prevention technologies; and

(2) report such data to Congress.

SEC. 7. ADMISSIBILITY.

Notwithstanding any other provision of law, any application for assistance under this Act, any negative determination on the part of the Secretary of Education with respect to such application, or any statement of reasons for the determination, shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

By Mr. BAUCUS (for himself, Mr. ROBERTS, Mrs. LINCOLN, and Mr. DORGAN):

S. 400. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. LINCOLN):

S. 401. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Finance.

S. 402. A bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities, medicines, medical supplies, medical instruments, or medical equipment and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am introducing today a series of bills that would end the embargo on trade with Cuba and normalize our economic relations with this country that is a mere ninety miles off our shore. I should add that Congressman CHARLES RANGEL is offering a set of companion bills in the House today.

Last July, I led a small group of Senators to Havana. During our brief visit, we met with Fidel Castro. But we also spent three hours with a group of six dissidents who had spent years in prison, yet have chosen heroically to continue their dissent from within Cuba. We met with the leader of Cuba's largest independent NGO. It was clear to me that our Cuba policy was outdated and needed fundamental change.

I have long fought against unilateral economic sanctions, unless our national security was at stake. The Cuba embargo is a unilateral sanction, but our national security is not at stake. The Defense Department has concluded that Cuba does not represent any security threat to this nation. None of our closest allies supports the embargo. Nor do any of our trading partners in the Americas.

Unilateral sanctions do not work. The embargo has not changed the behavior of the Cuban government and its leadership. It has not changed the behavior of Fidel Castro. But the embargo has hurt the people of Cuba. And the embargo has hurt American farmers and businesses, as our Asian, European, and Canadian competitors have rushed in to fill the gap in the Cuban market.

The U.S. International Trade Commission released a report on the economic impact of U.S. sanctions on Cuba. The ITC found that the embargo costs US exporters, farmers, manufacturers, and service providers between $650 million and one billion dollars a year in lost sales. This is intolerable.

We should lift the embargo. We should engage Cuba economically. We should engage the people of Cuba.

The bills I am introducing today do just that. The first bill, on which I am joined by Senators ROBERTS, LINCOLN, and DORGAN, is the "Free Trade with Cuba Act", that would lift the embargo completely. The second bill, on which I am joined by Senators ROBERTS and LINCOLN, is the "United States-Cuba Trade Act of 2001", that would remove Cuba from Jackson-Vanik treatment and provide normal trade relations status on a permanent basis. The third bill, on which I am also joined by Senators ROBERTS and LINCOLN, is the "Cuban Humanitarian Trade Act of 2001", that removes the restrictions on food and medicine exports imposed in the last Congress, repeals the codification of travel restrictions, and removes limitations on remittances to individual Cuban citizens.

I am not suggesting that we embrace Fidel Castro. Far from it! His leadership, his treatment of his own people, his failed economic, political, and social policies—these are unacceptable to all Americans. But the world has changed since the United States initiated the embargo forty years and ten Presidents ago. It does us no good to wait until Castro is gone from the scene before we begin to develop normal relations with the Cuban people and with Cuba's future leaders. If we fail to develop those relationships now, the inevitable transition to democracy and a market economy will be much harder on all of the Cuban people. And events in Cuba could easily escalate out of control and put the United States in the middle of a dangerous domestic crisis on the island.

Jim Hoagland, in a recent Washington Post column, wrote about his concern "when sanctions linger too long and become a political football and a substitute for policy, as is the case today in Cuba." This accurately describes where we are today.

To help further edify my colleagues on this issue, I would like to enter into the record a column from the February 9 Wall Street Journal by Philip Peters, Vice President of the Lexington Institute, who explains how changes in U.S. policy can help the Cuban people who continue to suffer under Castro's policies of political and economic repression.

The three bills that I am offering today serve our national interest, will help us move toward a peaceful transition in the post-Castro era, and will help the Cuban people now. I urge support from all my colleagues.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, February 9, 2001]

"LET YANKEE TOURISTS SHOWER DOLLARS ON CUBA'S POOR"

(By Philip Peters)

In her final press conference as Secretary of State, Madeleine Albright's message to the Cuban people was succinct. In reference to the aging Fidel Castro she said, "I wish them the actuarial tables." It was an odd statement on behalf of a superpower that could have used the previous eight years to exercise considerable influence on its small island neighbor.

It was also a fitting end to the Clinton administration's passive approach to Cuba policy, where the impulse to reassess strategy was nearly always trumped by the imperative of avoiding political risk in Florida. Even in 1998, when Republican leaders such as Sen. John Warner and former Secretary of State George Shultz urged the creation of a presidential bipartisan commission—a golden opportunity to conduct a long overdue post-Cold War review that could have included the full range of Cuban-American voices—politics held the Clinton White House back.

President Bush has an opportunity to make a fresh start. Today's strict embargo policy, based on the goal of denying hard currency to the Cuban government, made sense during the Cold War when Cuba was a genuine security threat and Washington had reason to make Cuba an expensive satellite for the Soviet Union to maintain.

Today, with sanctions twice tightened during the 1990s, Fidel Castro remains firmly in power. With the Soviet-era security threat gone, it is time to recognize that isolating Cuba from commerce and contact with Americans is counterproductive because it reduces American influence in Cuba. President Bush's Cuba policy is not yet defined, but Secretary of State Colin Powell has said that "We will only participate in those activities with Cuba that benefit the people directly and not the government."

This standard sounds good in theory, but in practice it is impossible to achieve. Virtually every form of economic activity with Cuba benefits both the people and the government. Today, European and Canadian trade, investment and tourism benefit Cuban state enterprises. But they also increase the earnings of Cuban workers, expose Cubans to foreigners and non-socialist ideas, bring capitalist business practices, and reshape the Cuban economy to fit its comparative advantages in the global system. This adds up to humanitarian benefits for the Cuban people, and a head start on a future transition to a more market-oriented economy.

U.S. economic activity also benefits both the state and the people of Cuba. Family remittances, estimated by the United Nations at over $700 million annually, bring more foreign exchange than sugar exports. Many of these dollars land in the Cuban treasury when Cubans spend them in state retail stores. U.S.-Cuba phone connections allow families to communicate, but generate over $70 million a year for the state phone company. A strict application of Secretary Powell's own standard would cut off these valuable benefits.

The trick, then, for an administration that seems to want to end unilateral trade sanctions everywhere but Cuba, will not be to reach for Secretary Powell's unattainable standard. Rather, it will be to choose among forms of engagement that serve America's humanitarian interest in helping Cubans to prosper, our long-term economic interest of nudging Cuba toward a market economy, and our political interest in exposing Cubans to Americans and American ideas.

President Bush could begin by supporting the congressional consensus, expressed last year by greater than three-to-one majorities in the House and Senate, to lift all restrictions on food and medicine sales. This step would begin to reverse the implicit assumption in U.S. policy that American interests are somehow served if products such as rice, powdered milk, and drugs are more scarce or expensive for Cubans to acquire. It would also support the calls by Cuban dissidents such as Elizardo Sanchez and the Christian Liberation Movement for an end to this part of the embargo. It "hurts the people, not the regime," Mr. Sanchez says, and is "an odd way of demonstrating support for human rights."

President Bush could then end all restrictions on Cuban-American remittances, now limited to $1,200 a year, and on family visits, which are permitted only in cases of "humanitarian emergency" a cruel regulation that forces families to lie by the thousands each December when they visit relatives at Christmas.

Finally, the president could support an end to the travel ban imposed on Americans—a mistaken policy that treats free contact between American and Cuban societies as a detriment rather than an opportunity. "If we have a million Americans walking on the streets of Havana, you will have something like the pope's visit multiplied by 10," independent journalist Manuel David Orrio told the Chicago Tribune in 1999. A Havana clergyman told me last month that visiting Americans "would permeate this place with the idea of a free society."

Like other international travelers, Americans' spending would boost Cubans' earnings in hotels and restaurants and expand Cuba's incipient private sector. An influx of U.S. travelers would immediately create a shortage of lodging that would be filled partially by Cubans who legally rent rooms in their homes. Demand for the services of artisans, taxis and private restaurants would also increase, adding to the disposable income that sustains other entrepreneurs, from carpenters and repairmen to food vendors and tutors.

As this sector, now 150,000 strong, gains income and expands, demand would increase for the freely priced, privately sold produce in Cuba's 300 farmers markets, benefitting farmers across Cuba who have no contact with tourists. Americans would experience "the interface between the entrepreneurial folks" that President Bush lauds as a virtue of open trade with communist China, to say nothing of the value of their personal contact with Cubans. This may be why a Florida International University poll shows a slim majority of Cuban-Americans, and three fourths of the most recent Cuban immigrants, supporting an end to the travel ban.

A policy opening of this type would leave the trade embargo largely intact for future review, and it would do nothing to diminish America's stark opposition to Cuban human rights practices. However, it would increase concrete support to the Cuban people, and it would spur the development of free-market activity in the post-Castro Cuba that is now taking shape.

By Mr. COCHRAN:

S. 403. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr President, today, I am introducing legislation reauthorizing the National Writing Project, the only Federal program to improve the teaching of writing in America's classrooms.

Literacy is at the foundation of school and workplace success, of citizenship in a democracy, and of learning in all disciplines. The National Writing Project has been instrumental in helping teachers develop better teaching skills so they can help our children improve their ability to read, write, and think.

The National Writing Project is a twenty-seven-year old national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing and has had federal support since 1991. Successful writing teachers attend Invitational Summer Institutes at their local universities. During the school year these teachers provide workshops for other teachers in the schools. At 167 sites in 49 states, the National Writing Project trains over 100,000 teachers every year.

The program has become a national model for other disciplines and is now recognized by the Department of Education as an important part of national education policy. The program also generates an average of $6.32 in private, state, and local funds for every federal dollar appropriated. The National Writing Project is making teachers better at their jobs.

I introduced the National Writing Project Act for the first time in 1990. Since then, I have worked with other Senators to ensure that it has remained a program that supports states and local schools in their efforts to have better teachers. Last Congress when I introduced this bill, it was cosponsored by 52 Senators. I hope it will receive even greater support in the 107th Congress. I invite other Senators to join me in sponsoring this legislation.

By Mr. McCAIN:

S. 404. A bill to provide for the technical integrity of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I rise today to introduce a bill that will allow our communities and churches to benefit from low-power radio service.

Mr. President, low-power FM radio service provides community based organizations, churches, and other nonprofit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness of local issues important to our communities. As such, low-power FM is supported by many national and local organizations who seek to provide the public with increased sources of news and perspectives in an otherwise increasingly consolidated medium.

Last Congress, special interests forces opposed to low-power FM radio, most notably the National Association of Broadcasters and National Public Radio, mounted a vigorous behind-the-scenes campaign to kill low-power FM radio. And unfortunately, these special interests succeeded in attaching an appropriations rider in the dead of the night—without a single debate on the floor of the Senate—that effectively did just that.

Mr. President, the Low Power Radio Act of 2001 seeks to remedy this derailment of the democratic process. The Low Power Radio Act of 2001 will allow the FCC to license low-power FM radio service, while at the same time protecting existing full-power stations from interference. Specifically, the legislation directs the FCC—the expert agency with the experience and engineering resources to make such a determination—to determine which, if any, low-power radio stations are causing interference to existing full-power stations, and determine what the low-power FM station must do to alleviate it. Thus, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that the FCC finds to be causing harmful interference in their actual, everyday operations. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service.

This legislation will provide an efficient and effective means to detect and resolve harmful interference. By providing a procedural remedy that authorizes the FCC to impose damages on frivolous complaints, the bill will discourage the creation of low-power stations most likely to cause harmful interference while at the same time discouraging full-power broadcasters from making unwarranted interference claims.

In the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the Low Power Radio Act of 2001.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Low Power Radio Act of 2001".

SEC. 2. PURPOSE.

It is the purpose of this Act to ensure the technical integrity of the FM radio band, while permitting the introduction of low power FM transmitters into such band without causing harmful interference.

SEC. 3. HARMFUL INTERFERENCE PROHIBITED.

(a) In General.—Any low-power FM radio licensee determined by the Federal Communications Commission to be transmitting a signal causing harmful interference to one or more licensed radio services shall, if so ordered by the Commission, cease the transmission of the interfering signal, and may not recommence transmitting such signal until it has taken whatever action the Commission may prescribe in order to assure that the radio licensee that has sustained the interference remains able to serve the public interest, convenience and necessity as required by the Commission's rules.

(b) Complaint.—Any radio service licensee or subcarrier program provider may file a complaint with the Commission against any low-power FM radio licensee for transmitting a signal that is alleged to cause harmful interference. The complaint shall be filed in a form, and contain such information as, prescribed by the Commission.

(c) Expedited Consideration.—In any complaint filed pursuant to the provisions of subsection (b), the Commission shall render a final decision no later than 90 calendar days after the date on which the complaint was received by the Commission.

(d) Punitive Damages.—In any final decision rendered pursuant to this section, the Commission is authorized to impose punitive damages not to exceed 5 times the low-power FM station's costs if the Commission finds that the complaint was frivolous and without any merit or purpose other than to impede the provision of non-interfering low-power FM service.

(e) Section 316(a)(3) of Communications Act.—Section 316(a)(3) of the Communications Act of 1934 (47 U.S.C. 316(a)(3)) shall not apply to a complaint filed pursuant to this section.

(f) Rules.—The Commission shall adopt rules implementing the provisions of this section within 45 days after the date of enactment of this Act.

(g) Harmful Interference Defined.—For purposes of this section, the term "harmful interference" means interference which endangers the functioning of a radio navigation service or of other safety services or that seriously degrades, obstructs, or repeatedly interrupts a radio service operating in accordance with the rules and regulations of the Federal Communications Commission.

(h) Repeal of Certain Provisions.—

(1) Restoration of Communications Act.—Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(2) Nullification of action under repealed provision.—Any action taken by the Federal Communications Commission under section 336(h) of the Communications Act of 1934 (47 U.S.C. 336(h)) as added by section 143(a) of Division B of A Bill Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes (106 Pub. L. 554; Appendix-H.R. 5666) before the date of enactment of this Act is null and void.

(3) Repeal.—The Act entitled A Bill Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes (106 Pub. L. 554; Appendix-H.R. 5666) is amended by striking section 143.

SEC. 4. DIGITAL RADIO TRANSITION.

The Federal Communications Commission shall complete all rulemakings necessary to implement the transition to digital radio no later than February 23, 2002.

By Mr. LEAHY (for himself and Mr. Hatch):

S. 407. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce implementing legislation for the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, Protocol. I have introduced identical bills in the last two Congresses, but the Senate unfortunately did not consider those bills. Chairman HATCH has joined me in introducing this legislation, and I thank him for his leadership on this and other intellectual property matters of such critical importance to the economy and industry of our country.

This bill is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses. This bill is one of many measures I have introduced and supported over the past few years to ensure that American trademark holders receive strong protection in today's world of changing technology and complex international markets.

Over the past few years, Senator HATCH and I have worked together successfully on a number of initiatives to bolster trademark protection and keep our trademark laws up-to-date. For example, in the 104th Congress, we supported the Federal Trademark Dilution Act of 1995, enacted to provide intellectual property rights holders with the power to enjoin another person's commercial use of famous marks that would cause dilution of the mark's distinctive quality. In the 105th Congress, we introduced legislation, S. 2193, to implement the Trademark Law Treaty. S. 2193 simplified trademark registration requirements around the world by establishing a list of maximum requirements which Treaty member countries can impose on trademark applicants. The bill passed the Senate on September 17, 1998, and was signed by the President on October 30, 1998. I am proud of this legislation since all American businesses, and particularly small American businesses, will benefit as a result.

Also, in the 105th Congress, I introduced S. 1727 to authorize a comprehensive study of the effects of adding new generic Top Level Domains on trademark and other intellectual property rights. This bill became law as part of the Next Generation Internet Research Act, S. 1609, which was signed into law on October 28, 1998.

In the 106th Congress, Senator HATCH and I worked together for enactment of the Anticybersquatting Consumer Protection Act, which protects against the registration, in bad faith with intent to profit, as a domain name of another person's trademark or the name of a living person. This bill was passed as part of the FY 2000 Omnibus Appropriations bill on November 29, 1999.

Also in the 106th Congress, we worked to pass the Trademark Amendments Act, which enhanced protection for trademark owners and consumers by making it possible to prevent trademark dilution before it occurs, by clarifying the remedies available under the Federal trademark dilution statute, by providing recourse against the Federal Government for its infringement of others' trademarks, and by creating greater certainty and uniformity in the area of trade dress protection. The bill passed the Senate on July 1, 1999, and was enacted on August 5, 1999.

Together, these measures represent significant steps in our efforts to ensure that American trademark law adequately serves and promote American interests.

The legislation I introduce today with Senator HATCH would ease the trademark registration burden on small and medium-sized businesses by enabling them to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection.

I first introduced the Madrid Protocol Implementation Act in the 105th Congress as S. 2191, then again in the 106th Congress as S. 671. The Judiciary Committee reported S. 671 favorably and unanimously, on February 10, 2000. In the House of Representatives, Congressmen COBLE and BERMAN sponsored and passed an identical bill, H.R. 769, on April 13, 1999.

Since 1891, the Madrid Agreement Concerning the International Registration of Marks, Agreement has provided an international trademark registration system. However, prior to adoption of the Protocol, the U.S. declined to join the Agreement because it contained terms deemed inimical to American intellectual property interests. In 1989, the terms of the Agreement were modified by the Protocol, which corrected the objectionable terms of the Agreement and made American participation a possibility. For example, under the Protocol, applications for international trademark extension can be completed in English; formerly, applications were required to be completed in French.

Another stumbling block to the United States joining the Protocol was resolved last year. Specifically, the European Community, EC, had taken the position that under the Protocol, the EC, as an intergovernmental member of the Protocol, received a separate vote in the Assembly established by the agreement in addition to the votes of its member states. The State Department opposed this position as a contravention of the democratic concept of one-vote-per-country.

On February 2, 2000, the Assembly of the Madrid Protocol expressed its intent "to use their voting rights in such a way as to ensure that the number of votes cast by the European Community and its member States does not exceed the number of the European Community's Member States." In short, this letter appeared to resolve differences between the Administration and the European Community, EC, regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the agreement.

Shortly after this letter was forwarded by the Assembly, I wrote to then Secretary of State Madeleine Albright requesting information on the Administration's position in light of the resolution of the voting dispute. At a hearing of the Foreign Operations Subcommittee on April 14, 2000, I further inquired of Secretary Albright about the progress the Administration was making on this matter, particularly in light of the fact that differences over the voting rights of the European Union and participation of intergovernmental organizations in this intellectual property treaty were resolved in accordance with the U.S. position.

Subsequently, President Clinton transmitted Treaty Document 106-41, the Protocol Relating to the Madrid Agreement to the Senate for ratification on September 5, 2000. Shortly after transmittal, on September 13, 2000, the Foreign Relations Committee held a hearing to consider Protocol. Unfortunately, no further action was taken on the Protocol or the implementing legislation before the Congress adjourned.

United States membership in the Protocol would greatly enhance the ability of any U.S. business, whether large or small, to protect its trademarks in other countries more quickly, cheaply and easily. That, in turn, will make it easier for American businesses to enter foreign markets and to protect their trademarks in those markets. The Protocol would not require substantive changes to American trademark law, but merely to certain procedures for registering trademarks. Passage of this implementing legislation will help to ensure timely accession to and implementation of the Madrid Protocol, and it will send a clear signal to the international community, U.S. businesses, and trademark owners that Congress is serious about our Nation becoming part of a low-cost, efficient system to promote the international registration of marks. I look forward to working with Senator Hatch and my other colleagues for ratification of the Protocol and passage of the implementing legislation.

I ask unanimous consent that a copy of the bill and the sectional analysis be placed in the Record after my statement, as well as any additional statements regarding this bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Madrid Protocol Implementation Act".

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended (15 U.S.C. 1051 and following) (commonly referred to as the "Trademark Act of 1946") is amended by adding after section 51 the following new title:

"TITLE XII—THE MADRID PROTOCOL

"SEC. 60. DEFINITIONS.

"For purposes of this title:

"(1) Madrid protocol.—The term 'Madrid Protocol' means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

"(2) Basic application.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(3) Basic registration.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(4) Contracting party.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

"(5) Date of recordal.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

"(6) Declaration of bona fide intention to use the mark in commerce.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

"(A) the applicant or holder has a bona fide intention to use the mark in commerce;

"(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce; and

"(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

"(7) Extension of protection.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

"(8) Holder of an international registration.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

"(9) International application.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

"(10) International bureau.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

"(11) International register.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

"(12) International registration.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

"(13) International registration date.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

"(14) Notification of refusal.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

"(15) Office of a contracting party.—The term 'Office of a Contracting Party' means—

"(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks; or

"(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

"(16) Office of origin.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

"(17) Opposition period.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

"SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

"The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

"(1) is a national of the United States;

"(2) is domiciled in the United States; or

"(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Director.

"SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

"Upon the filing of an application for international registration and payment of the prescribed fees, the Director shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Director shall transmit the international application to the International Bureau.

"SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

"With respect to an international application transmitted to the International Bureau under section 62, the Director shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of the goods and services listed in the international registration—

"(1) within 5 years after the international registration date; or

"(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

"The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

"(1) directly with the International Bureau; or

"(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Director.

"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

"(a) In General.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

"(b) If United States Is Office of Origin.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

“SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

“(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

“(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

“(1) The international registration date, if the request for extension of protection was filed in the international application.

“(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

“(3) The date of priority claimed pursuant to section 67.

“SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

“The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

“(1) the international registration contained a claim of such priority; and

“(2)(A) the international application contained a request for extension of protection to the United States; or

“(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

“SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

“(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Director shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

“(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

“(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

“(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

“(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Director shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

“(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Director shall transmit to the International Bureau any of the following that applies to such request:

“(A) A notification of refusal based on an examination of the request for extension of protection.

“(B) A notification of refusal based on the filing of an opposition to the request.

“(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

“(2) If the Director has sent a notification of the possibility of opposition under paragraph (1)(C), the Director shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

“(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Director after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

“(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Director shall issue a certificate of extension of protection pursuant to the request.

“(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Director.

“SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

“(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Director shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

“(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

“(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register; and

“(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

“SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

“(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Director shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

“(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

“(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed pursuant to section 1 or 44.

“SEC. 71. AFFIDAVITS AND FEES.

“(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director—

“(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Director, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Director; and

“(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Director, and at the end of each 10-year period thereafter, unless—

“(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Director; or

"(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Director.

"(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

"SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

"An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

"SEC. 73. INCONTESTABILITY.

"The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Director issues the certificate of the extension of protection under section 69, except as provided in section 74.

"SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

"An extension of protection shall convey the same rights as an existing registration for the same mark, if—

"(1) the extension of protection and the existing registration are owned by the same person;

"(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

"(3) the certificate of extension of protection is issued after the date of the existing registration.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

MADRID PROTOCOL IMPLEMENTATION ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides a short title: the "Madrid Protocol Implementation Act."

SECTION 2. AMENDMENTS TO THE TRADEMARK ACT OF 1946

This section amends the "Trademark Act of 1946" by adding a new Title XII with the following provisions:

The owner of a registration granted by the Patent and Trademark Office (PTO) or the owner of a pending application before the PTO may file an international application for trademark protection at the PTO.

After receipt of the appropriate fee and inspection of the application, the PTO Director is charged with the duty of transmitting the application to the WIPO International Bureau.

The Director is also obliged to notify the International Bureau whenever the international application has been ". . . restricted, abandoned, canceled, or has expired . . ." within a specified time period.

The holder of an international registration may request an extension of its registration by filing with the PTO or the International Bureau.

The holder of an international registration is entitled to the benefits of extension in the United States to the extent necessary to give effect to any provision of the Protocol; however, an extension of an international registration shall not apply to the United States if the PTO is the office of origin with respect to that mark.

The holder of an international registration with an extension of protection in the United States may claim a date of priority based on certain conditions.

If the PTO Director believes that an applicant is entitled to an extension of protection, he or she publishes the mark in the "Official Gazette" of the PTO. This serves notice to third parties who oppose the extension. Unless an official protest conducted pursuant to existing law is successful, the request for extension may not be refused. If the request for extension is denied, however, the Director notifies the International Bureau of such action and sets forth the reason(s) why. The Director must also apprise the International Bureau of other relevant information pertaining to requests for extension within the designated time periods.

If an extension for protection is granted, the Director issues a certificate attesting to such action, and publishes notice of the certificate in the "Gazette." Holders of extension certificates thereafter enjoy protection equal to that of other owners of registration listed on the Principal Register of the PTO.

If the International Bureau notifies the PTO of a cancellation of some or all of the goods and services listed in the international registration, the Director must cancel an extension of protection with respect to the same goods and services as of the date on which the international registration was canceled. Similarly, if the International Bureau does not renew an international registration, the corresponding extension of protection in the United States shall cease to be valid. Finally, the holder of an international registration canceled in whole or in part by the International Bureau may file an application for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration.

The holder of an extension of protection must, within designated time periods and under certain conditions, file an affidavit setting forth the relevant goods or services covered an any explanation as to why their nonuse in commerce is related to "special circumstances," along with a filing fee.

The right to an extension of protection may be assigned to a third party so long as the individual is a national of, or is domiciled in, or has a "bona fide" business located in a country that is a member of the Protocol; or has such a business in a country that is a member of an intergovernmental organization (like the E.U.) belonging to the Protocol.

An extension of protection conveys the same rights as an existing registration for the same mark if the extension and existing registration are owned by the same person, and extension of protection and the existing registration cover the same goods or services, and the certificate of extension is issued after the date of the existing registration.

SECTION 3. EFFECTIVE DATE

This section states that the effective date of the act shall commence on the date on which the Madrid Protocol takes effect in the United States.

Mr. HATCH. Mr. President, today I am pleased to introduce with my distinguished colleague, Senator LEAHY, legislation that will, for the first time, enable American businesses to obtain international trademark protection with the filing of a single application and the payment of a single fee.

For many businesses, a company's trademark is its most valuable asset. This is illustrated now as never before in the growth of the new Internet economy, where so-called "branding" is the name of the game and the cornerstone of any business plan. Whether a business is an e-business or a more traditional Main Street storefront, United States trademark law has proven to be a powerful tool for these businesses in protecting their marks against domestic misappropriation. However, as global trading increases and multinational businesses grow, worldwide trademark protection is becoming extremely important and desirable. Unfortunately, achieving similar protection on an international scale has always been a much more difficult task. This difficulty stems in large part from the diversity among national trademark laws, as well as the sometimes prohibitive costs of filing individual registrations and seeking foreign representation in each and every country for which trademark protection is sought. As a result, American businesses, and small businesses in particular, are often forced to pick only a handful of countries in which to seek protection for their brand names and hope for the best in the rest of the world.

In the past, Senator LEAHY and I have sponsored a number of bills addressing the international protection of intellectual property. In the trademark arena, we strongly supported legislation implementing the Trademark Law Treaty. That treaty serves to streamline the trademark registration process in member countries around the world and to minimize the hurdles faced by American trademark owners in securing international protection of their marks. The legislation we introduce today will build upon those improvements by allowing trademark owners to seek international protection with a single application filed in the English language with the United States Patent and Trademark Office, USPTO, and with the payment of a single fee. Most important, it paves the way for the USPTO to act as a one-stop shop for international trademark protection without making substantive changes to United States trademark law. Foreign trademark owners must still meet all of the substantive requirements of United States trademark law in order to gain protection in the United States based on an international application filed under the Madrid Protocol. In short, it is a win-win situation for American trademark owners.

As my colleagues here know, United States adherence to the Madrid Protocol was stalled for years over administrative provisions—unrelated to the substance of the Protocol itself—relating to voting rights. Since 1994, the Administration voiced objections to these provisions, which would allow an intergovernmental organization, e.g., the European Union, a vote in certain treaty matters taken before the Assembly, separate and apart from the votes of its member states. Although matters before the Assembly would largely be limited to administrative matters, e.g., those involving formalities and fee changes, the concern expressed has been that these provisions, which appear to violate the democratic principle of one vote for each state, would create an undesirable precedent in future international agreements.

While this stumbling block to United States accession to the Protocol has been the subject of much negotiation between the United States and the European Union, I am pleased that a successful resolution on this issue of voting rights has been reached, and I was pleased that the Senate finally received the Administration's request for its advice and consent last year. By passing The Madrid Protocol Implementation Act, we will take an important step in making sure that American trademark owners will be able to take full advantage of the benefits of the Protocol as soon as it comes into force with respect to the United States. This is a particularly important measure for American competitiveness, and for the individual businesses in each of our states. I want to thank Senator LEAHY for his leadership with respect to this legislation, and I look forward to my colleagues' support for it.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 408. A bill to provide emergency relief to small businesses affected by significant increases in the price of electricity; to the Committee on Small Business.

Mrs. BOXER. Mr. President, today, I am introducing the Small Business Electricity Emergency Relief Act. As the electricity crisis in California continues, small businesses are being hit hard by the increase in electricity prices.

Across California, small business owners are opening their electricity bills only to be in a state of shock. In some cases they find that their bills have doubled, and sometimes even tripled. This has resulted in many small businesses having to close their doors and many more facing severe economic hardship.

Under the Small Business Electricity Emergency Relief Act of 2001, the Small Business Administration could make loans to small businesses that have suffered economic injury due to a "sharp and significant increase" in their electricity bills.

This legislation will provide California's small businesses with some much needed financial relief. This will greatly assist small businesses in the San Diego region that suffered dramatic increases in their electricity bills last summer.

Small businesses represent the heart of our great state's thriving economy. This legislation will ensure that these small businesses are provided assistance to help keep their lights on.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF IDAHO V. FREDRICK LEROY LEAS, SR.

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 28

Whereas, in the case of State of Idaho v. Fredrick Leroy Leas, Sr., C. No. CR–00–01326, pending in the District Court Of The Second Judicial District Of The State Of Idaho, in and for the County of Latah, testimony has been subpoenaed from Cindy Agidius, an employee in the office of Senator Mike Crapo;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Cindy Agidius is authorized to testify in the case of State of Idaho v. Fredrick Leroy Leas, Sr., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Cindy Agidius in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 29—HONORING DALE EARNHARDT AND EXPRESSING CONDOLENCES OF THE UNITED STATES SENATE TO HIS FAMILY ON HIS DEATH

Mr. EDWARDS (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 29

Whereas the Senate has heard with great sadness of the death of Dale Earnhardt in a tragic accident;

Whereas Dale Earnhardt, a native of Kannapolis, North Carolina, represents a genuine American success story, rising from poverty to become a racing legend and accomplished businessman;

Whereas Dale Earnhardt became the first driver to follow Rookie of the Year honors in 1979 with the Winston Cup championship the next year;

Whereas Dale Earnhardt is tied only with Richard Petty in winning seven Winston Cup Series titles during his 26 years in racing;

Whereas Dale Earnhardt followed in his father's footsteps as a stock car driver, and earned the nickname "The Intimidator" for his aggressive racing style with which he went on to win 76 career races, including the 1998 Daytona 500;

Whereas Dale Earnhardt was not only devoted to the sport of racing, but to his family as the loving husband of Teresa, and loving father of Taylor Nicole, Dale Jr., Kelley, and Kerry;

Whereas Dale Earnhardt's love for life and countless contributions to family and the State of North Carolina serve as an inspiration to millions;

Whereas Dale Earnhardt contributed significantly to the growth and popularity of NASCAR in America through his support of and dedication to racing;

Whereas fans across the nation mourn the untimely loss of one of NASCAR's greatest champions;

Whereas in days following the passing of Dale Earnhardt, fellow drivers and NASCAR officials repeatedly referred to him as "the greatest driver in the history of the sport": Now, therefore,be it

Resolved, That the Senate—

(1) Recognizes that the world has too soon lost one of its most beloved sports heroes and one of the greatest drivers in racing history; and honors him in his devotion to life, family, and motor sports; and

(2) expresses its deep and heartfelt condolences to the family of Dale Earnhardt on their tragic loss.

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI submitted the following original resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration.

S. RES. 30

Resolved,

SECTION 1. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget (referred to in this resolution as the "committee") is authorized from March 1, 2001, through February 28, 2003, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2001.—The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this section shall not exceed $2,880,615, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2002 PERIOD.—The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this section shall not exceed $5,112,126, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2003.—For the period October 1, 2002, through February 28, 2003, expenses of the committee under this section shall not exceed $2,187,120, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2001, through September 30, 2001, for the period October 1, 2001, through September 30, 2002, and for the period October 1, 2002, through February 28, 2003, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SENATE CONCURRENT RESOLUTION 17—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE COMPENSATION OF MEMBERS OF THE UNIFORMED SERVICES AND THE ADJUSTMENTS IN THE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. KENNEDY, and Mr. AKAKA) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs.

S. CON. RES. 17

Whereas members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States;

Whereas increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector;

Whereas there is a 32 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers, and an estimated 10 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers; and

Whereas in almost every year of the past 2 decades, members of the uniformed services and civilian employees of the United States have received equal adjustments in compensation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President, I am pleased to join with Senators WARNER, MIKULSKI, BINGAMAN, and KENNEDY in introducing a resolution which would express the sense of the Congress that parity between Federal civilian pay and military pay should be maintained. A comparison of military and civilian pay increases by the Congressional Research Service finds that in 17 of these last 20 years military and civilian pay increases have been identical. Disparate treatment of civilian and military pay goes against longstanding policy of parity for all those who have chosen to serve our Nation—whether that service be in the civilian workforce or in the armed services.

In the 106th Congress, an overwhelming majority of the United States Senate agreed, and approved a bipartisan pay parity amendment on February 24, 1999 by a vote of 94 to 6 during consideration of S. 4, the Soldiers', Sailors', Airmen's, and Marines Bill of Rights Act. In many instances, Federal civilian and military employees work side-by-side doing the important work of the Nation, and the Senate has recognized that we should not undermine the morale of these very dedicated public servants by failing to bring them in line with military personnel.

The rationales for an increase in military and civilian pay are the same. Both the armed services and the Federal civilian workforce need to address critical retention and recruitment problems. This year, the General Accounting Office, GAO, has added "human capital" as one of the areas of high risk for the Federal government. A wave of potential retirements threaten institutional experience and knowledge at every level. An estimated 53 percent of the Federal workforce will be eligible to retire by 2004. By that same time, approximately 60 percent of the Senior Executive Service, our top civilian managers, will be eligible for retirement.

These vacancies will occur in an era in which those entering the workforce are less likely to join public service. As the GAO has noted, the "Federal government has often acted as if its people were costs to be cut rather than assets to be valued." Congress has continually asked Federal employees to make significant sacrifices for the sake of our Nation's fiscal health. FEPCA, legislation passed in 1990 to bring the pay of Federal employees in line with that offered in the private sector, has never been fully implemented. Between 1993 and 1999, the executive branch has cut 17 percent of its workforce, totaling 377,000 full time positions. In 1996, Federal employees were forced to make higher contributions to their retirement plans in order to help pay down the national debt. But through it all, Federal employees have continued to provide high quality service to the American public, usually with fewer resources and personnel.

One way to ensure the Federal government is able to attract and retain qualified public servants is to ensure parity between civil service employees and members of the armed forces. I urge my colleagues to join me in support of this important resolution.

SENATE CONCURRENT RESOLUTION 18—RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE PEACE CORPS OVER THE PAST 40 YEARS, AND FOR OTHER PURPOSES

Mr. DODD (for himself and Mr. CHAFEE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 18

Whereas the Peace Corps has become a powerful symbol of the commitment of the United States to encourage progress, create opportunity, and expand development at the grassroots level in the developing world;

Whereas more than 162,000 Americans have served as Peace Corps volunteers in 134 countries in Africa, Asia and the Pacific, Central Asia, Eastern and Central Europe, and Central and South America since 1961;

Whereas Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business, education, health, and the environment, and have improved the lives of individuals and communities around the world;

Whereas Peace Corps volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries;

Whereas Peace Corps volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to the United States;

Whereas Peace Corps volunteers embody and represent many of the most enduring values of the United States, such as a spirit of service, a commitment to helping others, and a call for friendship among nations;

Whereas the Peace Corps continues to receive broad, bipartisan support in Congress and from the American people; and

Whereas March 1, 2001, will mark the 40th anniversary of the founding of the Peace Corps: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the achievements and contributions of the Peace Corps over the past 40 years be celebrated;

(2) the dedication and sacrifice of Peace Corps volunteers, past and present, be recognized and their continued contributions be acknowledged not only for their service in other countries but also in their own communities; and

(3) the President is requested to honor Peace Corps volunteers and reaffirm the commitment of the United States to international peace and understanding.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DODD. Mr. President, I rise today to introduce a resolution celebrating the 40th anniversary of the founding of the Peace Corps. Many of my colleagues know of my history as a Peace Corps volunteer in the Dominican Republic, and the great impact that that experience had on me. Serving outside of the United States and seeing the shortcomings of other nations, I grew to appreciate this nation more and more, and developed a strong sense of what it means to be an American. And, I was proud to share my experiences as a United States citizen with the people I was sent to help. At the end of the day, the smiling faces of the people in the community in which I was stationed made all my hard work worthwhile.

My experience as a Peace Corps volunteer was almost 33 years ago, when the Peace Corps was still a relatively new organization. But, under the leadership of such distinguished directors as Sargent Shriver, Loret Ruppe, Paul Coverdell, Mark Schneider, and all the other directors in the Peace Corps' history, the organization has grown and grown. I am proud to stand here today and report that from its humble beginnings as a method for Americans to share their expertise and assistance with other nations, the Peace Corps has grown into an organization that sends more than 7,000 volunteers to 76 different countries a year.

These volunteers are really the heart and soul of the Peace Corps. They are the ones at the front lines, working hard and making individual connections with the citizens of the countries in which they work. Since 1961, Peace Corps volunteers have brought a wealth of practical assistance to communities in Africa, Latin America, Asia, the Middle East, Eastern Europe, and the Pacific. They have worked at such disparate tasks as halting the spread of AIDS, advising small business owners, protecting the environment, educating students, and increasing farm yields. Volunteers have played a vital role in short-term disaster relief and humanitarian efforts. In the face of many personal and physical challenges, Peace Corps volunteers offer their ingenuity and an approach to problem solving that is both optimistic and pragmatic. Above all, the Peace Corps enduring success is rooted in volunteer's commitment to leave behind skills that allow people to take charge of their own futures.

Peace Corps volunteers also make a difference at home by continuing their community service and strengthening Americans' appreciation of other cultures. By visiting classrooms, working with community groups, and speaking with friends and family members, volunteers help others learn more about the world in which we live and help build a legacy of service for the next generation.

Today, the Peace Corps continues to strengthen existing programs and expand its activities around the world, including new programs in Mozambique, Bangladesh, and Georgia. The Peace Corps also plans to graduate from several countries where volunteers have made significant progress during a critical period of transformation, including Poland, the Slovak Republic, Estonia, Latvia, and Lithuania.

Current volunteers are somewhat different than the volunteers of the early years when I was a volunteer. The average age has risen from 22 to 28, the percentage of women has increased from 35 to 60, the number of volunteers with graduate degrees is growing, and today's volunteers represent the most ethnically diverse group so far. However, today's volunteers share a characteristic with their predecessors that is a cornerstone of Peace Corps service—a commitment to the spirit of volunteerism and service that President Kennedy first envisioned 40 years ago.

Today, on Peace Corps Day, thousands of returned volunteers will celebrate by sharing the knowledge and insights gained from their overseas experiences with school groups and local communities throughout the United States. A series of activities are also planned in the Peace Corps countries, where volunteers and their host country colleagues will celebrate their accomplishments and the universal goals of partnership and goodwill.

I hope that my colleagues will join me in supporting this resolution celebrating the Peace Corps and its worldwide network on the 40th anniversary of the Peace Corps, and in honoring Peace Corps volunteers, past and present, for their four decades of service to the world.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, February 28, 2001, in Room SR–301 Russell Senate Office Building, to conduct its organizational meeting for the 107th Congress.

For further information concerning this meeting, please contact Tam Somerville at the committee on 4–6352.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings entitled "The Role of U.S. Correspondent Banking In International Money Laundering." The upcoming hearings will focus on correspondent banking as a vehicle for money laundering; the role of offshore banks in international money laundering; and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.

The hearings will take place on Thursday, March 1; Friday, March 2; and Tuesday, March 6, 2001, at 9:30 a.m. each day, in room 342 of the Dirksen Senate office Building. For further information, please contact Linda Gustitus of the subcommittee's minority staff at 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 27, 2001, at 9:30 a.m., in open session to consider the nomination of Paul D. Wolfowitz to be the Deputy Secretary of Defense.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 27, 2001, to hear testimony regarding Trade Globalization and American Trade Policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 27, 2001 at 10:30 am for a hearing to consider the nomination of Sean O'Keefe to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, February 27, 2001 at 2:30 p.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL AND RISK ASSESSMENT

Mr. NICKLES. Mr. President. I ask unanimous consent that the Subcommittee on Superfund, Waste Control and Risk Assessment be authorized to meet on Tuesday, February 27, 2001 at 10:15 am on S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Mr. Michael Yudin, be granted the privilege of the floor for the duration of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President. I ask unanimous consent that a legislative fellow, Navy Lieutenant Commander Dell Bull, be granted floor privileges during consideration to amend the Defense Base Closure and Realignment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. NICKLES. Mr. President, I ask unanimous consent the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for a joint session to be held at 9 p.m. this evening, Tuesday, February 27, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION IN STATE OF IDAHO V. FREDRICK LEROY LEAS, SR.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Senate Resolution 28, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 280) to authorize testimony and legal representation in State of Idaho v. Fredrick Leroy Leas, Sr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 28) was agreed to.

The preamble was agreed to.

(The resolution with its preamble is located in today's RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR WEDNESDAY, FEBRUARY 28, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the joint session is completed this evening, the Senate then automatically adjourn until the hour of 10 a.m. on Wednesday, February 28. I further ask consent that on Wednesday, immediately following the prayer, the Journal or proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 1 p.m. with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 11 o'clock until 12 o'clock; Senator THOMAS, or his designee, from 12 o'clock to 1 o'clock; further, that if leader time is used during controlled time, the controlled time be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, tomorrow morning the Senate will be in a period of morning business. Following morning business, the Senate may consider the bankruptcy legislation or any nominations that are available. Members will be notified as any votes are scheduled. As a reminder, all Senators are asked to be in the Senate Chamber this evening at 8:30 in order to proceed at 8:40 to the House of Representatives for the President's address.

RECESS

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess until 8:30 this evening.

There being no objection, the Senate, at 4:32 p.m., recessed until 8:34 p.m.; whereupon, the Senate reassembled, when called to order by the Vice President (DICK CHENEY).

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. 107–1)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Sergeant at Arms, James W. Ziglar, the Secretary of the Senate, Gary Sisco, and the Vice President of the United States, DICK CHENEY, proceeded to the hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 10:06 p.m., the Senate adjourned until Wednesday, February 28, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2001:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. HARVEY E. JOHNSON, JR., 0186
CAPT. SALLY BRICE-O'HARA, 0516

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES D. BANKERS, 2533
BRIG. GEN. MARVIN J. BARRY, 3766
BRIG. GEN. JOHN D. DORRIS, 4306
BRIG. GEN. PATRICK J. GALLAGHER, 3723
BRIG. GEN. RONALD M. SEGA, 0560

To be brigadier general

COL. FRED F. CASTLE JR., 7019
COL. THOMAS A. DYCHES, 7682
COL. JOHN H. GRUESER, 2541
COL. BRUCE E. HAWLEY, 0110
COL. CHRISTOPHER M. JONIEC, 6899
COL. WILLIAM P. KANE, 0212
COL. MICHAEL K. LYNCH, 7075
COL. CARLOS E. MARTINEZ, 5382
COL. CHARLES W. NEELEY, 4691
COL. MARK A. PILLAR, 9547
COL. WILLIAM M. RAJCZAK, 8761
COL. THOMAS M. STOGSDILL, 7360
COL. DALE TIMOTHY WHITE, 2292
COL. FLOYD C. WILLIAMS, 8603

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT M. CARROTHERS, 3234

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT M. DIAMOND, 5525

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE P. KLYNOOT, 5848

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES F. AMOS, 1550
BRIG. GEN. JOHN G. CASTELLAW, 2524
BRIG. GEN. TIMOTHY E. DONOVAN, 4843
BRIG. GEN. ROBERT M. FLANAGAN, 2865
BRIG. GEN. JAMES N. MATTIS, 7981
BRIG. GEN. GORDON C. NASH, 4684
BRIG. GEN. ROBERT M. SHEA, 3652
BRIG. GEN. FRANCES C. WILSON, 7788

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL S. BAKER, 2305
CAPT. LEWIS S. LIBBY III, 7663
CAPT. CHARLES A. WILLIAMS, 6312

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT E. COWLEY III, 2000
CAPT. ROBERT D. HUFSTADER, JR., 5472
CAPT. NANCY LESCAVAGE, 7676
CAPT. ALAN S. THOMPSON, 2891

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JAMES E. BEEBE, 2459
CAPT. HUGO G. BLACKWOOD, 6868
CAPT. DANIEL S. MASTAGNI, 9620
CAPT. PAUL V. SHEBALIN, 4813
CAPT. JOHN M. STEWART, JR., 5084

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) KENNETH C. BELISLE, 8016
REAR ADM. (LH) MARK R. FEICHTINGER, 3808
REAR ADM. (LH) JOHN A. JACKSON, 3255
REAR ADM. (LH) JOHN P. MCLAUGHLIN, 4645
REAR ADM. (LH) JAMES B. PLEHAL, 5145
REAR ADM. (LH) JOE S. THOMPSON, 2971

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

*BRIAN J. STERNER, 3989

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM N.C. CULBERTSON, 1057
DONALD R. FORDEN, 9705
ROBERT S. MORTENSON, JR., 9146

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LAUREN N. JOHNSON-NAUMANN, 4460
ALAN K. LEWIS, 8984
TERESA A. TOWNE, 8486
JEFFREY W. WATSON, 4905

To be major

ERVIN LOCKLEAR, 9540

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

EDWARD J. FALESKI, 7423
TYRONE R. STEPHENS, 5752

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(C).

To be colonel

WILLIAM D. CARPENTER, 2390

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114.

To be captain

ANTOIN M. ALEXANDER, 4323
SPRING R. ANDERSON, 7571
LEE S. ASTLE, 7819
SCOTT J. BARNACLE, 5450
BRADLEY J. BOETIG, 3738
TERESA A. BONZANI, 3998
CHRISTINE L. CAMPBELL, 5489
BRETT D. COONS, 9163
AMY A. COSTELLO, 9585
ERIC P. CRITCHLEY, 4729
STEVEN W. DAVIS, 8845
TIMOTHY J. DUNCAN, 7883
HERMAN R. ELLEMBERGER, 2010
ROBERT L. EMERY, 2000
JASON H. EVES, 6172
SHANNON D. FABER, 5842
ERIC M. FLAKE, 7558
STUART R. GROSS, 6386
AUDREY M. HALL, 4516
EVELYN M. HARDER, 3753
STEPHANIE K. HORNE, 5001
DAVID T. HSIEH, 1535
DAVID L. HUANG, 0870
TINA R. KINSLEY, 0561
MICHAEL J. KOZNARSKY, 8618
JIMMY J. LAU, 7961
CHRISTOPHER T. LEBRUN, 3325
KI LEE, 6006
JULIA C. MASTERS, 6947
STEPHEN C. MATURO, 5709
EDWARD L. MAZUCHOWSKI II, 9425
PETER G. MICHAELSON, 4064
JEFREY W. MOLLOY, 6651
ANTHONY J. MONTEGUT, 9393
JOSHUA C. MORGANSTEIN, 0078
PATRICIA A. PANKEY, 6668
TIMOTHY M. PHILLIPS, 3301
ERICA D. RADDEN, 8154
MICHAEL T. SHOEMAKER, 1370
MEGAN M. SHUTTS, 8190
LEANNE C. SIENKO, 1885
KAMAL D. SINGH, 8881
SHAYNE C. STOKES, 6496
JAMES E. STORMO, 5180
JEFFREY P. TAN, 3547
DOUGLAS W. WHITE, 4094
KEVIN M. WHITE, 6769
TORY W. WOODARD, 7369

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

PHILIP M. ABSHERE, 8027
JOHN T. ADKISSON, 4590
PATRICK D. AIELLO, 2516
JEFFREY R. ALLEN, 3257
BRADLEY J. APPLEGATE, 7389
WESLEY A. BEAM, JR., 5894
JOHN N. BELLINGER, JR., 2605
JOHN D. BLEDSOE, JR., 2664
THOMAS M. BOTCHIE, 1605
PAUL D. BROWN, JR., 4649
STANLEY E. CLARKE III, 5311
WILLIAM T. CLAYTON, 8795
FRED D. COVINGTON, JR., 3244
JOHN R. DALLAS, JR., 3704
VINCENT P. DANG, 8152
ROBERT S. DEMPSTER, 0031
SHARON S. DIEFFENDERFER, 5586
DOROTHY J. DONNELLY, 2545
GARY L. EBBEN, 7381
RICHARD G. ELLIOTT, 5998
DARLENE S. FALINSKI, 6777
SHERRIE L. FOWLKES, 0401
MICHAEL W. FRANK, 1507
TONY HART, 2339
DONALD D. HARVEL, 0643
THOMAS G. HEATH, 3314
JAMES B. HINSON, 1337
CYNTHIA T. ISLIN, 0596
JOHN P. JANSON, 2721
KENNETH M. JEFFERSON, 8919
MICHAEL A. JEFFERSON, 5320
FRED R. JOHNSON, 3038
RICHARD C. JULIAN, 5614
ADAM D. KING, 5689
MARTIN G. KLEIN, 6512
TERRY L. LAWSON, 1142
GARY K. LEBARON, 7798
LONNIE J. LEE, 7346
EDWARD C. LEWIS, 4715
HENRY A. LITZ, 5141
JAMES E. MAKOWSKE, 8937
MICHAEL T. MCCOLLUM, 2141
DONALD L. MCCORMACK, 4178
JAMES M. MCCORMACK, 3599
GEORGE R. MCCURDY III, 0050
PATRICK M. MEAGHER, 4963
DAVID J. MELLISH, 7491
JOHN W. MERRITT, 9572
MICHAEL D. MILLER, 0703
MARSA L. MITCHELL, 6064
PATRICK J. MOISIO, 4550
MICHAEL S. MOORE, 2900
JOHN M. MOTLEY, JR., 2694
CHARLES L. MYERS, 8369
CARL NAGEL III, 0381
BARRON V. NESSELRODE, 6595
COLIS NEWBLE, JR., 1792
RUDOLPH NUDO, JR., 8413
DEAN W. OSWALD, 4546
MICHAEL L. PEPLINSKI, 9509
CHERYL A. PRISLAND, 7565
ESTHER A. RADA, 9001
DON E. REYNOLDS, 4641
WILLIAM P. ROBERTSON, 2975
SAMUEL H. SCHURIG, 4756
DAVID G. SEAMAN, 1636
MARK F. SEARS, 0235
FRANKLIN H. SHARPE, 7831
JEFFREY A. SHELLEY, 4699
RICHARD W. SLOAN, 7287
STEVEN T. SNIPES, 3764
MARK L. STEPHENS, 7045
ROY E. UPTEGRAFF III, 9155
JACKIE W. VAUGHN, 0458
WAYNE P. WAKEMAN, 7735

STEPHANIE K. WALSH. 7006
ARTHUR N. WERTS. 0302
TONY L. WEST. 0933
PAUL H. WIETLISBACH. 7121
JOHN M. WILLIAMS. 9520
AARON K. WILSON. 2541
ROBERT P. WRIGHT. 7835

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10. U.S.C., SECTION 12203:

To be colonel

WILLIAM R. ACKER. 0358
BRADLEY S. ADAMS. 4809
FREDERICK L. ALLEY. 9742
DARRELL ANDERSON. 2869
MARK W. ARMSTRONG. 5614
MARK A. ARNOLD. 9669
JAMES J. BALDI. 5311
RANDALL R. BARRETT. 1113
ROBERT B. BARTLETT. 5618
GARY E. BEEBE. 6627
CHRISTIN R. BELKOWSKI. 4573
DEBORAH L. BELL. 3866
GEORGE N.J. BENTLEY. 3541
ELAINE BETSCH. 8417
ROBERT I. BLAND. 0488
BETTY A. BOWEN. 9196
RICHARD K.J. BOWERS. 5816
MARTI H. BREIDENSTEIN. 3821
HENRY D. BRINKMAN. 5947
RICHARD J. BROOKS. 9702
RICHARD H. BROWN. 4381
BRAD O. BUCHANAN. 7121
JAMES W. BUCK. 4453
KATHRYN CACIC. 7776
CHESTER CAMP. 9281
OLIN T. CARPENTER. 3241
KARL A. CHIMIAK. 9491
BETTY L. CHRISTIANSEN. 4478
WILLIAM G. CLAPP. 5907
JEAN M. CLIFFORD. 2022
WILLIAM W. COLLIER. 7060
RONNIE D. COMPTON. 8173
THOMAS R. COON. 7963
MARGARET A. COPE. 8034
STEVEN L. CORNELIUS. 9188
DAVID B. COX. 8708
VANCE S. COX. 6663
GRAY K. COYNER. 5093
JOSEPH R. CRITES. 4390
HOWARD S. CUNNINGHAM. 5578
THOMAS A. CURRAN. 7417
JOHN CZABARANEK. 4374
DAVID M. DECKMAN. 4929
ROBERT DECUBELLIS. 2043
ALBERT J. DIAMOND. 1965
CHRISTOPHER R. DIXON. 1783
MAXIMO G. DLAROTTA. 3303
PETER DOBY. 4067
JOHN M. DUNPHY. JR., 3636
LAURIE S. ELIASSON. 5961
DAVID W. ENGEL. 4072
ABRAHAM A. ENGELBERG. 1191
HARRY F. FARMER. JR., 3293
NORMAN A. FRESE. 4651
STANLEY G. FULLER. 0436
STEVEN R. FUSCHER. 2970
KARL M. GAUBY. 3307
ROBERT L. GEIGER. 6094
STEVEN J. GELFAND. 6000
GLENN D. GIANINI. 4145
DONALD E. GILLAM. 2472
GARY M. GILLESPIE. 6128
BRENDA J. GOODMAN. 1842
JACK W. GRADY. 6598
JOHN C. GRAY. 5418
VARENE T. GUMMERSALL. 4538
VIRGINIA W. HADDAD. 7358
LINDA W. HAINES. 9265
DAVID C. HALL. 9070
JUDITHE A. HANOVER. 2266
FRANCIS W. HARKINS. JR., 5163
DAVID R. HAULMAN. 0022
EMIL M. HAUSER. 4652
TERRELL K. HEBERT. 4733
STUART S. HELLER. 5627
TIMOTHY HIGGINS. 4814
JOHN C. HILDEBRAND. JR., 3238
DENNIS E. HINK. 3859
ROBERT C. HINOTE. 6734
WILLIAM J. HOAK III. 5671
E. DAVID HOARD. 4695
JAMES F. HOELSCHER. 4262
JAMES R. HOGUE. 4929
DEBORAH J. INMAN. 5600
WALFRED R. JOHNSON. 1757
JAMES P. JOYCE. 1314
JOHN C. KELLY. 2292
RICHARD L. KEMPTON. 9031
RANDALL C. KIES. 2927
STANLEY D. KING. 3325
CHARLES C. KIRK. 5952
STEVEN A. KLEIN. 7203
MICHAEL E. KNIGHT. 0979
THOMAS F. KOESTER. III 8951
MICHAEL D. KOHN. 5804
SUSAN M. KONCZAL. 4900
RICHARD A. KRAEMER. 1298
DAVID L. KRAMER. 2702
KEVIN J. KUHN. 5148
MARK A. KYLE. 0227
GLENN J. LARSEN. 8494
DONALD C. LATSON. 9196
TERRY L. LAWRENSON. 6559
ERNEST J. LEROY. 1576
JAMES N. LEWIS, JR., 9424
NORMAN E. LINDSEY. 8862
JORGE L. LLAMBES. 1400
PAULA J. LOOMIS. 7026
CHERYL A. MACH. 3615
THOMAS M. MAHONEY. 4368
BOHDAN A. MAKAREWYCZ. 4963
ANTHONY D. MARTIN. 5404
GLENN M. MARTIN. 4136
JOSEPH W. MASON. 9971
WILLIAM B. MATTA. 8994
DONALD K. MATTHEWS. 2179
CRAIG W. MC COLLUM. 0040
KAREN MC COY. 1621
ROBERT S. MC CREA. 4417
STEPHEN W. MERRILL. 4643
GREGORY L. MICHAEL. 4609
JERRY D. MILES. 6958
SUSAN L. MILOVICH. 5011
TIMOTHY H. MINER. 5044
EDWARD I. MISKER. 2433
DIANA M. MURAWSKY. 8618
DONALD W. NEAL. JR., 8497
BRUCE L. NELSON. 9561
JOHN R. NUNNALLY. JR., 1077
ELTON J. OGG. 5930
JANET M. O. PALANCA. 4597
GLENN W. PASSAVANT. 2084
JOHN W. PATTON III. 5103
KIM J. PETERSON. 1083
JOHN A. PHELPS. 5323
GREGORY A. PHILLIPS. 3525
RICHARD A. PLEZIA. 3818
PHILIP D. POLAND. 1215
LAWRENCE J. POLKABLA. 7980
HOUSTON H. POLSON. 1821
DAVID S. POST. 9447
AHART W. POWERS, JR., 3747
BOBBY F. PRAYTOR. 1304
ROBERT W. RAMSEY III. 3121
KEVIN L. REINERT. 5618
ROBERT L. RENNER. 6263
MAZHAR RISHI. 0157
RALPH W. RISSMILLER. JR., 3340
DENNIS J. ROBERTON. 0145
RICHARD O. ROBERTS. JR., 7613
JEFFERY A. ROBERTSON. 2890
SCOTT R. ROBIRDS. 6135
SHARYN ANN ROETTGER. 9640
JOHN P. RUSSELL. JR., 1143
DEREK P. RYDHOLM. 8580
PATRICK J. SANJENIS. 3841
DALE W. SANTEE. 8685
GLENN S. SCADDEN. 7676
TIMOTHY A. SCHMIDT. 3352
ROBERT G. SCHULTZ. 7569
NELLIE N. SCOTT. 4882
DEBRA A. SCULLARY. 1058
EDWARD H. SEELIGER. JR., 4192
HARVEY T. SEKIMOTO. 9227
PAMELA A. SEXTON. 8288
GARY W. SHANNON. 6556
RICHARD A. SHOOK. JR., 1131
RENATA T. SIERZEGA. 4050
WILLIAM F. SIMPSON. 2857
FLORENCIO SINGSON. 2207
KATHLEEN D. SMITH. 9523
ROBERT F. STAMPS. 9210
ROBERT A. STENEVIK. 6748
CHRISTOPHER C. STEVENS. 4420
WILLIAM J. STEVENS II. 5583
JAMES N. STEWART. 7861
DAVID L. STOUTAMIRE. 8464
MARTHA A. STOWE. 9395
STEPHEN D. STRINGHAM. 0341
TIMOTHY S. STRONGIN. 4705
JOAN SULLIVAN. 2506
ROBERT R. SWAIN. JR., 8757
CONSTANCE O. TAYLOR. 7187
TONI L. TENGELSEN. 1465
CRAIG R. THOMAS. 0985
STEPHEN W. THOMAS. 4498
HOWARD N. THOMPSON. 2169
SAMUEL G. TOTA. 4549
THEODORE L. TRUEX. 3790
CHRISTINE M. TURNER. 3200
PATRICIA L. VANDENBROEKE. 4113
ROBERT G. VITOLO. 1382
LINDA S. WADDELL. 9831
KAREN S. WAGENHALS. 4621
PATRICIA B. WALEGIR. 9138
JAMES L. WALRAVEN. 7547
RUTH M. W. WARREN. 9980
WILLIAM T. WATKINS. 5194
DENNIS D. WEAVER. 9871
JOSEPH G. WEBSTER. 9191
ROBERT G. WEST. 4652
DANIEL P. WHALEN. 8048
PAUL W. WHALEY. 0776
GREGORY B. WHITE. 5471
MICHAEL N. WILSON. 5392
JANICE M. WINKLEPLECK. 1564
JOHN T. WINTERS. JR., 5825
ARTHUR P. ZAPOLSKI. 4885
CHRISTINA M. K. ZIENO. 8055

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10. U.S.C., SECTIONS 624 AND 531:

To be colonel

ROBERT C. ALLEN. 6750
MICHAEL J. ATWOOD. 1332
DOUGLAS E. BEAKES. 9969
ALAN B. BERG. 0448
DANIEL K. BERRY. 6756
ERIC J. BRENDLINGER. 7585
ROBERT R. BURNETT. 8553
JAY A. CLEMENS. 7455
*JAMES E. COX. JR., 2319
DOMINIC A. DEFRANCIS. 7411
RAYMOND S. DOUGHERTY. 0151
*THOMAS M. DYKES. 4957
RUSSELL W. EGGERT. 0962
CARLOS ESQUIVEL. 0712
KAREN A. FOX. 3711
MELISSA H. FRIES. 8718
JOHN W. FUCHS. 4238
RUSSELL G. GELORMINI. 9724
DAVID A. GONZALES. 9324
THOMAS W. GRACE. JR., 5131
STEVEN D. GULBRANSON. 1831
STEPHEN R. HOLT. 8173
*JAMES E. HOUGAS. JR., 6690
LEO D. HURLEY. 8346
TERENCE A. IMBERY. 8364
*VIRGIL S. JEFFERSON. 2872
DAVID M. JENKINS. 6951
TIMOTHY T. JEX. 6614
ROBERT JOHNSON. 1820
DENNIS W. KELLY. JR., 9360
JAMES R. KNOWLES. 7038
*EVERETTE D. LAFON. 4312
JAMES S. LINDEMUTH. 9853
FRANK J. LORUSSO. 8430
JEFF R. MACPHERSON. 9679
*THOMAS J. MC LAUGHLIN. 4922
CHRISTOPHER C. MEDLEY. 0563
THEODORE A. MICKLE. JR., 2268
*JOHN P. MITCHELL. 5840
PAUL F. MONTANY. 4612
*VERBA A. MOORE. 8958
KENT R. MURPHY. 5376
PETER C. MUSKAT. 4837
JAMES S. NEVILLE. 2185
KEITH J. ODEGARD. 1653
REED G. PANOS. 9047
BRIAN B. PARSA. 1082
PAUL A. PHILLIPS. 9679
MARK S. RASCH. 9803
*MARK K. REED. 0038
TIMOTHY G. SANDERS. 8468
MICHAEL G. SCHAFFRINNA. 0125
DONALD C. SEDBERRY. 4438
KIMBERLY A. SLAWINSKI. 8528
RANDALL W. SMART. 8566
JOHN J. TAPPEL. 9556
WALTER L. THOMAS. 7157
DALE R. TIDABACK. 7941
ANDREW TONG. 1709
*JOHN R. TORRENT. 2180
JULIA H. TOWNSEND. 7488
*RICHARD J. TUBB. 8067
*ROBERT C. VANDERGRAAF. 7358
KRAIG S. VANDEWALLE. 5612
ROBERT P. VOGT. 6798
DOUGLAS C. WARREN. 2358
LON J. WARREN. 5878

To be lieutenant colonel

BRIAN D. AFFLECK. 8523
DALE R. AGNER. 9420
MARK K. ARNESS. 2895
*CHAD J. AULTMAN. 8400
*ERIKA V. BARGER. 6399
*MICHAEL T. BASHFORD. 6377
*DAVID M. BENDER. 7248
GARY E. BENEDETTI. 0241
JAMES R. BENNION. 2681
*ROBERT T. BENTS. 4748
*BRIAN E. BERGERON. 0906
*JOHN J. BOMALASKI. 3774
JAMES P. BONAR. 0019
JOHN P. BOUFFARD. 0306
DEBORAH K. BRADLEY. 2707
*KEITH E. BRANDT. 5444
*DIRK C. BRINGHURST. 4841
*MARK J. BRINKMAN. 3873
*ROBERT P. BUTCHER. 8955
*KEVIN J. CALLERAME. 5854
*JOHN F. CAUDILL II. 8003
*ROGER W. CHILDRESS. 2812
ANNA S. CLAYTON. 2615
*TIMOTHY PATRICK CONNALL. 7853
*LAWSON A. B. COPLEY. 0384
MICHAEL P. CURRISTON. 7629
*DOUGLAS B. CURRY. 8761
*ERNEST L. DABREO. 7833
*KEITH F. DAHLHAUSER. 5352
JEFFREY N. DAVILA. 2918
*RAJIV H. DESAI. 2179
MARK E. DIDIER. 0008
*ALDO J. DOMENICHINI. 2886
*JON M. DOSSETT. 2582
SCOTT A. DRAPER. 2467
*THOMAS J. ELTON. 7728
*BRUCE G. ENSIGN. 7337
STEVEN D. FILARDO. 2950
*DANIEL K. FLOOD. 1599

*DOUGLAS E. FORD, 6212
PAUL A. FRIEDRICHS, 7938
*LEE A. FULSAAS, 9929
*MATTHEW R. GEE, 4743
ROBERT B. GOOD, 8129
JANET T. GOODWIN, 8402
MARK D. GOODWIN, 7001
*WILLIAM K. GRAHAM, 7118
*JAY D. GRAVER, 4908
*SCOTT R. GREENING, 0523
DOUGLAS J. GRIDER, 4992
*MICHAEL D. GRINKEMEYER, 3140
*SAMUEL HAKIM, 0156
*BRIAN H. HALL, 5778
JOHN F. HAMILTON, JR., 2671
MARY F. HART, 3409
*TIMOTHY N. HICKMAN, 7217
*BARBARA A. HILGENBERG, 4053
*THOMAS S. HOFFMAN, 8646
*EDWARD G. JOHNSON, 0498
ROBERT C. JONES, 5958
*WOODSON S. JONES, 4402
*VIKRAM S. KASHYAP, 4656
*PATRICK J. KEARNEY, 6135
BRIAN S. KENDALL, 7670
BRYAN C. KING, 6936
*TIMOTHY C. KIRKPATRICK, 3652
STEVEN L. KLYN, 0254
*JOHN O. KRAUSE, 7774
*KARL P. LACKLER, 2094
JOSEPH J. LEGAN, 4846
*JOHN T. MANSFIELD, 5777
KEITH E. MC COY, 9767
*RANDALL J. MC DANIEL, 8292
ELIZABETH L. MC DONNELL, 8850
*DAVID S. MCKENNA, 3338
*JEFFREY D. MEDLAND, 7777
GARY A. MELLICK, 1881
*MATTHEW E. MITCHELL, 1176
NICOLE N. MOORE, 3577
ANDREW M. M MORAN, 2555
*KEITH H. MORITA, 2612
*MICHAEL J. MOULTON, 1630
*MARSHALL J. MURPHY, 9148
*ROGER K. MUSE, 0121
*RANDALL H. NEAL, 4878
*RORY G. OWEN, 8272
*RAFAEL A. PAGAN, 5680
*ALLAN S. PARKE, 5840
*JOHN K. PAUL III, 7459
*WILLIAM B. PERRY, 2502
*MICHAEL E. POTH, 8361
JOHN B. REED, 8390
*ROBERT V. REINHART, JR., 1726
CRAIG R. RUDER, 8222
TOD S. RUSSELL, 9118
ROBERT A. SCHMITZ, 2204
*ANNE H. SHOLES, 5494
*MARIO A. SILVA, 6795
BRETT D. SKIDMORE, 0826
*ANDREW C. STEELE, 6478
*KEVIN T. STEPHAN, 8485
*KENTON E. STEPHENS, JR., 9333
GARY N. STOKES, 5494
ALAN B. STONE, 1941
*RICHARD W. SUMRALL, 0331
*RALPH M. SUTHERLIN, 2879
*JANINE D. TAYLOR, 5069
CHARLES S. TEDDER, 8695
*GLENN L. TERRY, 2386
*WILLIAM A. THOMAS, JR., 2984
*JORGE TOBAR, 6031
MARK Y. UYEHARA, 7760
*JAMES P. VANDECAR, 3709
*FRANCESCA VASTAFALLDORF, 9026
*ELIZABETH A. WALTER, 7615
*KEVIN T. WATKINS, 5556
DANIEL C. WEAVER, 9284
RANDON S. WELTON, 1889
*LORNA A. WESTFALL, 8754
*THOMAS C. WHITE, 3770
*JAMES A. WIMSATT III, 7345
*LOLO WONG, 1203
JOHN M. YACCINO, 1457

To be major

KENT D. ABBOTT, 1354
JAYE E. ADAMS, 3214
BRIAN K. AGAN, 8590
SENTHIL ALAGARSAMY, 1476
PER K. AMUNDSON, 7926
LOY LANE ANDERSON, 5473
MARJORIE P. ANDERSON, 8723
DINA M. ANDREOTTI, 6799
CHARLES ARIZ, 7323
MARK E. AUGSPURGER, 5888
ANTHONY R. AVENTA, 9109
JEFFREY M. BABUSCHAK, 2673
WILLIAM R. BAEZ, 6207
WAYNE B. BAREFIELD, 6816
CHESTER P. BARTON III, 6132
JANET L. BEHRENHOFF, 7974
JOHN C. BENNETT, 8988
VICTOR D. BENTINGANAN, JR., 8971
JEFFREY M. BENZICK, 4398
JONATHAN W. BERRY, 3552
MICHAEL P. BERRY, 7689
SEAN E. BEYER, 6493
ARTHUR A. BLAIN, 0910
DAVID E. BLOCKER, 9199
TIMOTHY R. BONINE, 8491
TIMOTHY D. BONNIWELL, 6046
KENNETH J. BOOMGAARD, 4246
CHRISTOPHER J. BORCHARDT, 9216
STEVEN P. BOWERS, JR., 6761
LINDA R. BOYD, 1833
KIMBERLY R. BRADLEY, 8564
JOHN L. BRIDGES, JR., 7727
MATTHEW J. BRONK, 9539
JOSEPH V. BROWNE, 0801
KEVIN BRYAN, 0699
ANGELA M. BULLOCK, 2117
DANIEL F. BURIAN, 1108
GEOFFREY M. BURNS, 4234
DAVID S. BUSH, 1349
TODD R. CALLISTER, 9836
CHARLES L. CAMPBELL, 4523
JOHN T. CAMPBELL II, 9229
MARK E. CAMPBELL, 3807
DAMARIES CANDELARIO SOTO, 9204
CLAY D. CANNON, 1690
MICHAEL K. CAO, 2070
RENEE D. CARLSON, 4792
JAYSON C. CARR, 1959
JOHN S. CARRICK, 7439
ALESIA C. CARRIZALES, 4414
SCOTT C. CARRIZALES, 8930
MATTHEW B. CARROLL, 1214
JAMES A. CHAMBERS, 3793
LI ING CHANG, 7414
ARTEMIO C. CHAPA, 8513
MOLINDA M. CHARTRAND, 9719
THOMAS F. CHEATLE, 1564
BETTY CHEN, 2628
RAJA S. CHERUVU, 1851
WILLIE T. CHI, 4375
JOHN H. CHOE, 8928
DIXON L. CHRISTIAN, 8697
MARCUS CHRISTOPHER, 4556
VALERIE J. CLEGG, 8754
CATHERINE E. COGLEY, 2742
ROBERT V. COLEMAN, 1351
ROBERT T. COLLIER JR., 3536
EVE A. CONNOLLY, 0828
RACHEL S. CONRAD, 2089
JUNE M. COOK, 3754
LYNETTE CORBETT, 3958
JOHN J. COTTON, 5552
JACQUELINE COUNTRYMAN, 5905
MITCHELL W. COX, 0784
GLEN H. CRAWFORD, 5241
JENNIFER L. CRUISE, 0039
MARGARET A. CURRY, 8934
STEVEN J. CYR, 1524
SCOTT J. DARBY, 7662
JEFFREY T. DARDINGER, 8935
PIERRE ALAIN L. DAUBY, 1679
EDWIN P. DAVIS JR., 9387
KEENAN M. DAVIS, 8134
WILLIAM E. DECKER, 5249
JOAN N. DIXON, 8318
REYNOLD RODNEY MARK DLIMA, 1460
JOHN LEO DOLAN III, 6371
JAMES A. DOMBROWSKI, 6003
TERRANCE E. DONNAL, JR., 1980
PETER G. DREWES, 3033
CASEY E. DUNCAN, 2100
DAVID T. DUNN, 5897
JULES R. DUVAL, 2151
NATHAN L. EASTMAN, 9310
DAVID F. EDWARDS, 9386
JOHN C. EGAN, 7487
SONIA S. ELLISOR, 1926
CHRISTINE R. ERDIELALENA, 3661
CHRISTOPHER A. ETTRICH, 7641
STACY N. EVANS, 6769
ANTHONY T. EVERHART, 7060
BLAIR W. FADEM, 5019
ROBERT A. FAIZON, 5978
STEVEN S. FARKAS, 6568
SCOTT E. FAULKNER, 8559
STEPHEN R. FEAGINS, 4731
DONNA B. FICO, 7306
DANIEL J. FLEMING, 9074
NICOLE J. FLISS, 3849
MICHAEL A. FORGIONE, 4321
ROBERT A. FORINASH, 4013
SUSAN M. FRANSSEN, 7316
TODD W. FRIEZE, 4603
LORRAINE C. GALLAGHER, 5580
MICHAEL L. GALLENTINE, 8130
CATHY GANEY, 6359
KATHLEEN A. GATES, 5416
BRUCE E. GEARHART, 2900
FLORIN C. GEORGESCU, 1322
VINOD K. GIDVANIDIAZ, 1101
STEPHEN A. GILL, 4803
TED F. GINGRICH JR., 7156
HOWARD R. GIVENS, 0427
SHERI L. GLADISH, 3380
PAUL D. GLEASON II, 9149
DAGOBERTO I. GONZALEZ, JR., 9991
HEIDI S. H. GOO, 5763
RANDALL LANE GOODMAN, 6901
STEVEN W. GORDON, 0981
ROBERT A. GRAVES, 4916
KERYL J. GREEN, 0982
PATRICK M. GROGAN, 5119
JULIE A. GRONEK, 4163
DOUGLAS P. GUENTER, 5379
ANTHONY J. GULDE, 7659
SHERYL A. HAGGERTY, 3645
JOHN C. HALL, 1584
GREGG M. HALLBAUER, 5731
SHANNON P. HANCOCK, 8913
SHARON L. HARWELL, 0519
THOMAS A. HAWKINS, 2293
CRAIG L. HEINS, 6269
MELINDA B. HENNE, 8367
PATRICK E. HILL, 5438
KHAI LINH V. HO, 5000
NHUE ANH HO, 7997
DOUGLAS G. HOFF, 9281
FRANCIS T. HOLLAND, 6329
GEORGE F. HOLMES, 4255
DAVID T. HOLT, 5955
YU H. HONG, 1643
SANDRA GRAVES HOOKER, 3722
BRADFORD T. HSU, 5617
CHRISTOPHER L. HUGH, 4054
DUNCAN G. HUGHES, 8294
KATHRYN G. HUGHES, 5351
JAMES E. HUIZENGA, 1809
KARRAR HUSAIN, 1234
JAVED H. HUSSAIN, 3206
KRISTEN J. INGLIS, 9799
GRILL NOANA ISSAR, 4686
THOMAS A. JACOBSON, 8443
JOHN F. JAMES, 9249
RIMAS V. JANUSONIS, 2049
CHRISTOPHER J. JAYNE, 8917
DENISE A. JOHNSON, 6609
GREGORY L. JOHNSON, 2495
ROBERT G. JOHNSON, JR., 8305
WILLIAM T. JOHNSTON, 1170
DAVID M. JONES, 9841
LADONNA R. JONES, 0340
SAMUEL O. JONES IV, 8614
SARAH S. JONES, 6677
ROBERT F. KACPROWICZ, 7543
WARREN R. KADRMAS, 4904
LISA B. KAMERLING, 2307
DONALD L. KANE, 7957
JOHN CHOONGWHA KANG, 5313
LEONID M. KATKOVSKY, 2770
JULIE L. KELLEY, 8221
PATRICK S. KELLEY, 0095
GREGORY A. KENNEBECK, 8846
JOHN P. KENNEDY, 7367
ROBERT S. KENT, 9011
CHETAN U. KHAROD, 0771
JASMIN A. KILAYKO, 6178
JOHN K. KIM, 4884
STEVEN M. KINDSVATER, 3673
DAVID L. KING, 6131
JOSHUA A. KING, 1612
MICHELLE L. KNIGHT, 3688
RODNEY R. KNIGHT, 9647
BRIAN R. KNOPF, 5564
JAMES F. KNOWLES, 6338
TODD T. KOBAYASHI, 0772
PETER J. KOBES, 0169
THOMAS D. KOHL, 0667
DENNIS E. KOSELAK, 6998
CHARLES J. KOVALCHICK, 2354
MARK D. KRISKOVICH, 8364
NATHAN P. KWON, 0908
LIBBY A. LAKE, 5998
DARIH A. LANE, 4644
DONALD J. LANE, 9895
JANICE M. LANGER, 8887
LAURA B. LANNING, 8432
HENRY K.K. LAU, 1074
DAVID P. LAUGHLIN, 0490
LAWRENCE G. LAWTON, 9714
MINH QUANG LE, 4827
CARLA B. LEE, 2930
ERNEST C. LEE, 6224
ROY E. LEE, 2681
MARK A. LEIBEL, 4588
MARK A. LEPAGE, 3406
JAMES G. LIESEN, 0900
MICHAEL C. LILLY, 4164
GREGG A. LINDSEY, 2527
DAVID C. LINN, 8112
DIANE M. LOVELL, 9963
RODOLFO M. LOZANO, 3821
GERALD D. LUCIANI, 7106
PATRICK J. MARSH, 3869
JOHN P. MARSHALL, 3211
JOHN B. MARTINIE, 6045
WALTER M. MATTHEWS, 6483
JOHN D. MC ARTHUR, 5613
RICHARD A. MC CLURE, 3153
MARK E. MC DANIEL, 2661
LESLIE G. MC DONALD, 8126
DAVID P. MC NABNEY, 8599
JEFFREY D. MC NEIL, 1186
CHARLES M. MC RANEY, 4262
MONICA A. MEDYNSKI, 5958
EVAN R. MEEKS, 0948
PAUL J. MEGEHEE, 3232
DEVI L. MERCHANT, 4500
CATHERINE A. METIVIER, 9252
LANE M. MEYER, 2431
JULIE M. MILLER, 4728
MICHAEL L. MILLER, 4514
JOHN W. B. MILLSPAUGH, 2316
DANIEL I. MIRSKI, 2559
TERENCE B. MITCHELL, 3606
JON M. MOORE, 0575
TERRALL N. MOORE, 0095
MARILYN J. MORA, 5263
SCOTT F. MORRISON, 7943
ANDREW T. MUELLER, 5864
ENEYA H. MULAGHA, 1279

DAVID W. MUNITZ, 5030
CABOT S. MURDOCK, 2939
JEFFREY G. NALESNIK, 4463
SALLY W. NALESNIK, 7757
RAMANN NALLAMALA, 3422
JUSTIN B. NAST, 5292
DOUGLAS A. NELSON, 3086
ERIC W. NELSON, 0892
STEPHEN L. NELSON, JR., 7774
THOMAS C. NEWTON, 9626
WILFREDO J. NIEVES, 4097
TOMMY S. NOGGLE, 9855
DAVID P. OHMSTEDE, 6339
NEIL M. OLSEN, 5611
CHRISTOPHER E. OLSON, 5742
DONALD T. OSBORN, 1951
JEANNE P. OSBORN, 8090
BENJAMIN W. OSBORNE, 0070
JOSEPH A. OUMA, 6756
PAMELA A. OVERMYER, 0970
RAJESH S. PADMANABHAN, 4217
JOE A. PASTRANO, 9228
ROBERT G. PATTERSON, 7913
ROBYN T. K. PATTON, 9483
CHRISTOPHER P. PAULSON, 1363
GREG M. PAVICH, 4338
BARAK PERAHIA, 9619
STEVEN D. PERRY, 6960
ANN JERRY PETERS, 1019
KENNY J. PETERSON, 8899
LINDA K. PETERSON, 1284
ALLAN S. PHILP, JR., 3788
KIMBERLY D. PIETSZAK, 3098
RAUL A. PINON, JR., 7874
AMIR PIROUZIAN, 4025
TAMARA T. PISTORIA, 9704
JOSEPH A. POCREVA, 9732
LAURA E. POLITO, 0246
BRIAN N. PORTER, 0910
JOSEPH P. PUENTE, 7940
TIMOTHY F. RAGSDALE, 1980
KARIN E. RAINEY, 1939
DANIEL S. RASKIND, 1578
MANOJ RAVI, 9377
DAVID J. RAWSON, 6605
TODD R. REULBACH, 7996
ANDREW J. REYNOLDS, 0021
KAREN C. RICHARDS, 7263
RANDY R. RICHARDSON, 1634
ADRIANNE M. RIDLEY, 6197
MARK R. ROBBINS, 0273
STACEY J. ROBINSON, 0016
JOY A. N. RODRIGUEZ, 2816
RAYMOND M. RODRIGUEZ, 4450
DAVID M. ROGERS, 7821
CHRISTOPHER S. ROHDE, 1008
MARK ROSENBERG, 3495
ERICK M. SANTOS, 7450
BRIAN S. SARACINO, 2484
ROBERT J. SCHIMMEL, 7803
KEITH E. SCHLECHTE, 7539
JAMES M. SCHMITT, 0542
ALBERT B. SCHRANER, 4150
CHRISTIE L. SCHROLL, 8427
GREGORY L. SCHUMACHER, 8541
DAREN A. SCROGGIE, 5435
FRED G. SEALE IV, 6390
NEIL E. SEETHALER, 7718
PETER H. SEIDENBERG, 9034
JO A. SHARMA, 7446
DONALD SHEETS, JR., 2666
JESSE C. SHICK, 5686
TRACY C. SHUMAN, 7970
KYLE E. SIMMERS, 8290
SCOTT A. SIMMS, 9777
PETER T. SIPOS, 0569
MARC A. SISK, 3158
JAMES A. SKROCKI, 7381
CHRISTOPHER L. SLACK, 7078
NANCY J. SMILEY, 8979
DARRELL S. SMITH, 8814
JAMES P. SMITH, 8682
JOHN T. SMITH, 2797
MICHAEL J. SMITH, 6712
PAMELA D. SMITH, 5012
BRANDON T. SNOOK, 0059
BRENT A. SONDAY, 6097
JAMES E. SPLICHAL, 0769
MARIA L. STAMP, 7184
COREY M. STANLEY, 8327
ERIC S. STANSBY, 5488
STACIE LYNN STAPLETON, 7339
GREGORY E. STEMPKY, 0186
JOHN B. STETSON, 2500
STEVEN W. STETSON, 7197
MICHAEL J. STONER, 4818
SEAN S. STOUT, 4438
DAVID L. STRUBLE, 6328
SREEKUMAR SUBRAMANIAN, 6195
KRISTIN M. SUFKA, 8456
ROBERT T. SULLIVAN, 7542
PARISA A. SUTHUN, 6564
SUSAN M. SWAYNE, 2354
JEFFREY C. SWEENEY, 0607
GREGORY B. SWEITZER, 5263
MICHAEL A. TALL, 6826
BRYAN K. TALLENT, 6972
LOWELL O. TAN, 6008
NATHAN L. TAYLOR, 8219
STEVEN B. TAYLOR, 9105
PETER J. TERRY, 4144
ROBERT E. THAXTON, 0526
ABRAHAM K. THOMAS, 9812
JOHN W. THOMAS, 9748
NICOLE M. THOMAS, 7195
KATHLEEN L. TODD, 1110
JOHN M. TOKISH, 2014
MICHAEL F. TREXLER, 5494
ERIC J. TRUEBLOOD, 7200
ALICIA L. TSCHIRHART, 2444
DANIEL R. TUCKEY, 4925
GARY T. UNDERHILL, 3507
RICHARD A. VANDERWEELE, 3763
JAMES E. VANGILDER IV, 4817
RAMON E. VARGAS, 8300
JANET L. VEESART, 3379
JOANNE RUTH VOGEL, 0993
JOHN L. VOGL, 6175
STEPHEN J. VREEKE, 4342
JOHN K. WALTON, 9986
CRAIG A. WARDELL, 8997
DANIEL J. WATTENDORF, 5038
DESIREE M. WEBB, 7831
MICHAEL D. WEBB, 1426
KATHLEEN A. WEBER, 9638
KATHRYN A. WEESNER, 6603
MICHAEL J. WELSH, 7226
MARK K. WIDSTROM, 3844
LEE D. WILLIAMES, 5488
ALAN L. WILLIAMS, 9997
JONATHAN W. WILLIAMS, 9972
PAMELA M. WILLIAMS, 3397
JOHN E. WILLIAMSON, 4296
ALAN P. WIMMER, 0683
WILLIAM E. WINTER III, 2257
CHARLES P. WOOD, 1845
DAVID A. WOOD, 2481
DEBORAH S. WOODARD, 9973
BRUCE A. WOODFORD, 4127
DONALD R. WOOLEVER, 5330
BENJAMIN D. WRIGHT, 6377
FRANK K. YOUNG, 5946
JEFFREY M. YOUNG, 7322
MICHAEL R. YOUNKER, 1079
MARK A. YUSPA, 2284
RODOLFO H. ZARAGOZA, 7718
SHAWN P. ZARR, 5665
SOLOMON F. ZEWDU, 6834
RYAN J. ZUCKER, 7041

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

FREDERICK H. ABBOTT III, 5776
THOMAS G. ABBOTT, 7719
JOHN T. ACKERMAN, 0957
TIMOTHY A. ADAM, 5405
BRYAN C. ADAMS, 4262
LINDA M. ADAMS, 7807
MARCELLA F. ADAMS, 8554
KATHERINE A. ADAMSON, 4969
EDWARD J. ADELMAN, 4084
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JOHN J. ANDUAGAARIAS, 5969
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DUSTIN G. ASHTON, 3144
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AMY K. BACHELOR, 0522
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BERNARD BADAMI, 0967
ROBERT S. BAERST, 4257
BRENT G. BAILEY, 0327
CHRISTOPHER J. BAIN, 9361
ANDREW B. BAKER, 0292
JAMES H. BAKER, 9331
LONNY P. BAKER, 7337
SCOTT A. BAKER, 4729
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RONALD L. BANKS, 2558
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ERIC J. BATWAY, 2935
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JAY A. BAUMGARTNER, 2531
JAMES R. BAXTER, 4874
KERRY L. BEAGHAN, 6426
DEBRA F. BEAN, 9653
DEBORAH S. BEATTY, 0831
PHILLIP J. BEAUDOIN, 8527
DIANE L. BECK, 7567
NIKOLAUS W. BEHNER, 3201
ARTHUR T. BEISNER II, 7092
DAVID L. BELL, 0116
KEVIN T. BELL, 0908
BRIAN C. BELLACICCO, 8533
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WILLIAM J. BUECHEL, 8022
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JACK J. CELIE. 3269
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DELBERT G. CHRISTMAN. 9240
ALLAN J. CHROMY. 8647
CHRISTOPHER M. CICERE. 4250
ROBERT D. CLAMPITT. 8021
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JOHN B. CLARKE. 3444
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STEVEN A. COFFIN. 4831
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JOHN A. COTE. 7589
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ROBERT L. CUMMINGS. JR., 5912
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BUDDY E. DEES. JR., 7485
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JON D. EDWARDS. 6927
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SCOTT J. ERICKSON. 6895
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ELLIOT T. FAIR III. 7193
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MARK R. FAIRCHILD. 0561
MARK B. FALKE. 0845
MICHAEL A. FANTINI. 0711
JEFFREY L. FANTO. 6574
JOHN H. FARRELL. 0683
RAYMOND E. FARRELL. JR., 6971
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SUZANNE F. FELD. 7486
THOMAS J. FELDHAUSEN. 6979
ROLAND D. FENTON. JR., 3624
GLENN A. FERGUSON. 5389
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SYLVIA E.D. FERRY. 9957
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TIMOTHY J. FINNEGAN. 7772
GREG A. FINNEY. 3482
MARK E. FISCHER. 6568
SCOTT A. FISCHER. 0570
RICHARD N. FISH. 4478
CAROL A. FISHER. 4659
SUSAN D. FISK. 0201
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JAY S. FITZGERALD. 2303
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GARY D. FLINCHBAUGH. 2623
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DAVID B. FRYE. 2697
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JEFFREY I. GETTLE. 8456
BRUCE E. GIESIGE. 0231
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RICHARD A. GONZALUDO. 9810
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TIMOTHY G. GRAVELLE. 0327
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PAUL A. GRIFFITH. JR., 6503
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TRACI D. GUARINIELLO. 2146
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GARY R. HANSON, 9803
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DANE E. HARREL, 2943
CHRISTOPHER A. HARRINGTON, 0537
JERRY S.G. HARRINGTON, 3338
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*SHARON M. HEFFNER, 1798
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DONNA C. HEINZ, 6199
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GARLAND S. HENDERSON, 8523
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JOHN M. HENNIGAN, 8148
STEPHEN E. HENNING, 2190
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WILLIAM S. HICKMAN, 8474
DANIEL K. HICKS, 0357
KERRY D. HICKS, 5923
PATRICK C. HIGBY, 4067
JOHN F. HILBING, 3538
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SCOTT WILLIAM HILL, 9311
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LAWRENCE W. HINKIN, 9958
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GENE L. HODGE, 6927
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LINDA K. HOGAN, 2961
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GLENN R. HOVER, 1775
DOUGLAS C. HOWARD, JR., 1195
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DIRK M. HUTCHISON, 9045
TIMOTHY D. HUTCHISON, 9733
ROBERT D. HYDE, 5605
WINTHROP C. IDLE, 9306
BRET L. INDERMILL, 1678
GERARDO INUMERABLE, JR., 1732
SUSAN L. IRONS, 6412
PAUL E. IRWIN JR., 9545
WILLIAM P. ISLER JR., 9620
DAWN G. JACKSON, 3751
JEFFREY A. JACKSON, 6142
BRETT L. JAMES, 5096
TERRY C. JAMES, 6975
GARY E. JANDZINSKI, 7765
SHAWN J. JANSEN, 9041
STACEY L. JANSEN, 1166
BARBARA A. JARRETT, 4457
RICHARD S. JARVIS, 5461
VINCENT B. JEFFERSON, 1644
BENJAMIN W. JENKINS, 2977
JAY R. JENNINGS, 6178
CARL V. JERRETT, 3323
DANIEL R. JODER, 7321
VINCENT J. JODOIN, 8296
BRUCE G. JOHNSON, 8364
CHARLES D. JOHNSON, 2663
DAVID C. JOHNSON, 8227
DONALD B. JOHNSON, 3126
JAMES C. JOHNSON, 0140
JAMES L. JOHNSON, 9616
OSWALD L. JOHNSON, 2457
RENEE M. JOHNSON, 1321
ROBERT N. JOHNSON, JR., 3196
STEPHEN S. JOHNSON, 9598
ANGELA V. JOHNSON-HUGHES, 4388
BRUCE W. JONES, 4687
CHARLES E. JONES, JR., 5111
DIMITRI K. JONES, 3277
DONALD R. JONES, 5141
GEORGE E. JONES, JR., 6076
HOWARD G. JONES III, 7308
WESTON W. JONES, 4724
JODI S. JORDAN, 3079
LAURIE A. JORDAN, 6192
LEWIS E. JORDAN, JR., 4893
MICHAEL J. JORDAN, 7872
JOSHUA JOSE, 7478
VINCENT T. JOVENE, JR., 7079
DOUGLAS W. JUBACK, 2480
WARD F. JUEDEMAN, 8867
JOEL B. JUNKER, 4377
CHERYL ANN JUNKER, 4077
THOMAS Z. JUNYSZEK, 6402
JUDSON J. JUSELL, 3525
JOHN H. KAFER, 0064
RANDEE B. KAISER, 2844
JOHN J. KAPLAN, 4606
PATRICIA A. KARABA, 2644
HANS R. KASPAR, 3906
CHARLES V. KASTENHOLZ, 5387
MICHAEL D. KEATON, 8314
HAROLD W. KECK, JR., 4107
RICKY L. KEELING, 2749
EDWARD N. KEEN, 8823
MICHAEL H. KEIFER, 2862
CHAN W. KEITH, 9328
KEITH R. KELLER, 2119
DAVID H. KELLEY, 8358
ELIZABETH KELLY, 6101
PATRICK M. KELLY, 7461
POLLY S. KENNY, 9048
DAVID A. KENSINGER, 4729
ELIZABETH B. KERR, 5303
DAVID A. KERSEY, 1460
RANDALL T. KERSEY, 8930
GREGORY L. KESLER, 4189
RICHARD B. KEYES, 6626
MOHAMMED A. KHAN, JR., 3620
BRENDA M. KHOURY, 3275
DAVID A. KILCHER, 6103
KEVIN L. KILPATRICK, 4142
HARRY R. KIMBERLY III, 8558
DONALD FRANCIS KIMMINAU, 4192
GREGORY R. KINCAID, 1043
CRAIG K. KING, 9986
DALE G. KING, 0485
RALPH F. KING III, 2030
WALTER J. KING, 2061
GALEN P. KIRCHMEIER, 3864
DONALD E. KIRKLAND, 8446
SCOTT ALAN KISER, 9275
JEFFERY T. KLAY, 4576
JERRY G. KLINE, 8566
STEVEN V. KNUTSON, 6441
JEFFREY A. KOCH, 8892
LAURA J. KOCH, 9261
DONALD J. KOCHANSKI, 0512
DONALD A. KOEHLER, 3176
KEVIN P. KOEHLER, 4911
STEVEN S. KOEHLER, 1174
FREDERICK M. KOENNECKE, 6501
JOHN T. KONOPKA, 6119
STEPHEN W. KORNS, 8940
KEITH J. KOSAN, 4323
EDWARD J. KOSLOW, 9570
DAVID J. KOSSLER, 3579
EDWARD A. KOSTELNIK, JR., 8111
MARILYN H. KOTT, 7719
KATHLEEN A. KOURY, 2975
JOHN A. KOVALCIN, 8508
STEPHEN R. KOWALSKI, 7891
EDWARD C. KRAFT III, 9341
BARBARA A. KRAUSE, 0198
MICHAEL V. KRUEGER, 3912
ROBERT W. KUHN, JR., 9436
EDWARD J. KULAS, JR., 0142
DAVID A. KULESH, 5730
DAVID R. KUNSELMAN, 6787
WILLIAM A. KURLANDER, 4224
DAVID W. KYGER, 3958
JAMES D. LABOMBARD, 1805
STUART L. LABOVITZ, 4710
FRANKLIN D. LADSON, 9687
JOHN S. LAING, 3113
LARRY LAIRD, 3946
ALAN T. LAKE, 3755
STEVEN K. LAMBERT, 3742
JEFFERY H. LAMOTHE, 3822
DAVID G. LANDFAIR, 8682
CYNTHIA M. LANDRUMTSU, 7768
CAROL L. LANE, 6716
STEPHEN A. LANGFORD, 7388
CHARLES R. LANGLAIS, 3045
BART W. LANGLAND, 8551
LOUIS E. LAPORTE, 9728
GARY W. LARBERG, 8569
SCOTT C. LARRIMORE, 1760
WAYNE A. LARSEN, 0520
DONALD M. LARSON, 3511
JAMES R. LASCHE, 4496
JOHN A. LASLEY, 7004
KELLY J. LATIMER, 0556
SHARON MARY LATOUR, 1121
JOHN A. LAUB, JR., 1910
PHILIP J. LAWLOR, 2222
ARDENE M. LAWRENCE, 6981
WILLIAM G. LAWRENCE, JR., 6978
STUART P. LAY, 0926
ANN K. LEE, 5823
ARNOLD E. M. LEE, 2240
EUGENE K. LEE II, 9015
JILL H. LEE, 6397
JONI R. LEE, 5496
KEVIN A. LEE, 0610
KEVIN L. LEEK, 2365
PAUL J. LEGENDRE III, 8452
DAVID A. LEGGE, 5849
CEDRIC E. LEIGHTON, 4154
STEVEN G. LEONARD, 1024
ANTHONY D. LEPPELLERE, 5899
PAUL W. LESAINT, 8519
ANDREW R. LESNICK, 9885
JAMES B. LESSEL, 7665
LEE K. LEVY II, 3448
MARK LEWANDOWSKI, 7954
RONALD F. LEWANDOWSKI, 3755
JAMES A. LEWIS III, 4989
JERRY D. LEWIS, 2484
ROBERT A. LEWIT, 5821
DARWINA M. LIGUORI, 3736
DENNIS E. LILEIKIS, 0652
MICHAEL L. LINDAUER, 6890
STEPHEN T. LING, 2074
TAMARA L. LINK, 3045
LISA M. LIPSCOMB, 4306
DENNIS W. LISHERNESS, 0996
MARK J. LITTLE, 8647
ROBERT A. LITTRELL, 7064
RICKY J. LOCASTRO, 9767
DAVID M. LOFTUS, 9778
ANTHONY M. LOGUE, 1827
ANTHONY S. LOMBARDO, 8648
JOHN W. LONG, 2129
RANDY R. LONG, 7159
STEVEN R. LOOTENS, 7134
IVAN LOPEZ, 3561
JAMES R. LORRAINE, 3839
PHILIP E. LOUDEN, JR., 3095
IRENE T. LOVATO, 6246
JEFFREY S. LOWDERMILK, 7005
MICHAEL T. LUFT, 8717
JAMES P. LUKE, 3379
THOMAS P. LUKENIC, 4546
KEVIN M. LYNCH, 3205
JOHN M. LYONS, 1647
LORI A. MACIAS, 4196
NINA D. MACK, 3650
CRAIG S. MACLEOD, 0261
STEPHEN D. MACLEOD, 9650
SCOTT A. MACQUEEN, 7966
BRIAN J. MAGERS, 9722
ROBERT P. MAGGARD, 0137
JOSEPH B. MAGUIRE, 2885
THOMAS O. MAJOR, 5412
VICTOR J. MAKELA, 2741

PATRICK C. MALACKOWSKI, 3918
CHERYL L. MALONE, 7989
DAVID M. MALONEY, 0922
DENNIS M. MALONEY, 7113
ROSA M. MANCHA, 2562
KEVIN J. MANION, 7895
MICHAEL A. MANKUS, 0650
TIMOTHY A. MANNING, 6223
CHAD T. MANSKE, 0037
RAYMOND C. MAPLE, 6349
STEVEN G. MARCH, 6701
EDWARD G. MARCHAND, 1683
RONALD MARCHIONI, 6416
RICHARD S. MARKS, 9501
ROBERT E. MARMELSTEIN, 7341
RONALD L. MARSELLE, 2966
SONDRA K. MARSTON, 4503
KIRK MARTIN, 7749
PAUL F. MARTIN, 2471
TODD A. MARTIN, 3510
RICHARD A. MARTINEZ, 8739
JEFFREY K. MASON, 4167
MAUREEN E. MASSEY, 5968
STEPHEN G. MASTERS, 8752
MICHAEL J. MASUCCI, 0462
JOSE A. MATA, 1460
TODD H. MATHES, 6243
MARK D. MATTISON, 0503
KEVIN L. MATTOCH, 1352
MARY E. MATUSIEWICZ, 2462
GARY A. MAUSOLF, 3474
SCOTT G. MAW, 6362
KAREN E. MAYBERRY, 2511
GILLOUS R. MAYS II, 9480
LAURELI MAZIK, 4999
RICHARD H. MC BRIDE, JR., 1051
JACKIE L. MC CARTHY, 2900
DOUGLAS A. MC CARTY, 0540
ROBERT A. MC CAUGHAN, 9289
PATRICK A. MC CLELLAND, 6686
EDWARD R. MC CLESKEY, 3159
DAVID C. MC CORMICK, 0958
KIMBERLEY A. MC CRAE, 2933
PATRICK J. MC CREA, 4535
JAMES D. MC CULLOUGH, 9314
JOHN F. MC CUNE, 1001
AMY K. MC DANIELS, 6619
KEVIN J. MC ELROY, 4854
MARY F. MC FADDEN, 8066
MICHAEL L. MC GEE, 5533
PATRICIA I. MC GINNIS, 5573
JAMES J. MC GOVERN, 2902
MATTHEW M. MC GOVERN, 7393
MICHAEL J. MC INERNEY, 1167
PAUL S. MC INTYRE, 0300
KENNETH A. MC KELLAR, 3869
EDWARD L. MC KINZIE, 0557
CALLIS L. MC LAIN, 6012
JAMES MC LEAN, JR., 5983
MARK A. MC LEAN, 0924
LAURIE J. MC MULLAN, 2137
JOSEPH W. MC NAMEE, 9753
MARGARET M. MC NEILL, 5082
KENNETH E. MC NULTY II, 5388
JOANNE P. MC PHERSON, 9124
SHARYN N. MC WHORTER, 0477
JOHN S. MEADOR, 4053
DARREN D. MEDLIN, 4124
MARCIA R. MEEKSEURE, 7451
JAMES J. MEERSMAN, 8678
RICHARD MELLO, 7582
LAWRENCE J. MELLON, 4762
LIONEL S. MELLOTT, 2325
BRIAN S. MELTON, 6140
MICHAEL E. MENNING, 6881
DWIGHT M. MENTZER, JR., 1859
IVAN L. MERRITT, 3292
ALAN R. METZLER, 4695
JOHN H. MEYER III, 8187
KIMBERLY A. MEYER, 9940
VICKI D. MICHETTI, 3313
DAVID A. MILLER, 4772
EVAN M. MILLER, 4111
GREGORY A. MILLER, 7608
JOSEPH C. MILLER, 7714
MICHAEL D. MILLER, 9933
MICHELLE C. MILLER, 3524
PATRICK J. S. MILLER, 1337
RAYMARD G. MILLER, 0419
RICHARD R. MILLER, 2083
STEVEN L. MILLER, 7527
TIMOTHY D. MILLER, 4248
PRESTON R. MILLIKAN, 4421
RICHARD C. MILLS, 5712
JAMES W. MILROY, 8217
GREGORY R. MINKIEWICZ, 9828
JEFFERY G. MINTZLAFF, 3149
M. J. MITCHELL, 8968
MICHAEL A. MITCHELL, 1936
ROBERT M. MITCHELL, 5603
SCOTT E. MITCHELL, 1983
KATHRYN M. MOENE, 1321
MARK H. MOL, 0994
CHRISTOPHE P. MONAHAN, 3324
DAVID R. MONISMITH, 7842
SAM H. MONTGOMERY, JR., 6036
MANUEL R. MONTOYA, 0843
JAY H. MONTROSS, 9843
JAMES W. MOORE, 3159
KEVIN R. MOORE, 4919
WINFRED G. MOORE, 6340
LUIS O. MORALES, 7426
ERIC G. MORAN, 5832
MICHAEL JOHN MORAN, 6325
SUSAN N. MORELAND, 1918
GEORGE G. MORETTI, 2619
JAMES A. MORGAN, 0891
KEITH W. MORGAN, 8560
MARTIN S. MORGAN, JR., 4421
MARYDARLENE MORGAN, 1903
MATTHEW E. MORGAN, 5200
MICHAEL B. MORGAN, 2214
ROBERT K. MORING, 4412
JOHN C. MORLEY, 3962
PATRICK D. MORONEY, 1177
BRETT E. MORRIS, 2481
CHARLES R. MORRISON, 3785
MARSHALL T. MORRISON, 5270
WILLIAM J. MORROW, JR., 2870
BARBARA I. MOSSL, 0934
JOSEPH R. MOTSAY, 3087
STEPHEN K. MOULTON, 4627
MARIO N. MOYA, 7938
DANIEL V. B. MULLEN, 8593
KEVIN M. MULVIHILL, 4955
DOUGLAS G. MURDOCK, 1884
KEVIN M. MURNANE, 0108
ANTHONY R. MURPHY, 0178
MONTE J. MURPHY, 2327
PAUL R. MURPHY, 4739
JAMES E. MURRAY, 3172
GREGORY J. MYERS, 4677
EDWARD P. NAGLER, 8406
MARK K. NAKANISHI, 3419
KENT L. NAMIKAS, 2385
JUAN C. NARVID, 6769
EARL R. NASON, 1665
CONRADO E. NAVARRO, 3904
GUY C. NEDDO, 5653
MARIA K. NEFF, 3382
BRIAN K. NELSON, 7739
ERIC L. NELSON, 2409
ERIC T. NELSON, 4418
JEFFREY E. NELSON, 6108
KENNETH L. NELSON, 5945
PAUL F. NELSON, 4567
ROGER W. NELSON, 4300
KURT M. NEUMAN, 8180
SCOTT A. NEUMANN, 9657
DALLAS N. NEWSOME, 1210
HARRY N. NEWTON, 0635
HIAWATHA K. NEWTON, 4759
KEITH E. NICKLES, 8317
STEVEN P. NIEHOFF, 6897
CRAIG K. NIIYA, 0028
PERRY L. NOUIS, 9930
WILLIAM K. NUGENT JR., 9402
CRAIG M. NYGAARD, 8935
PERRY R. OAKS, 0949
JAMES W. O'BRIEN, 8132
JOHN L. O'BRIEN, 7936
MARY F. O'BRIEN, 6916
TIMOTHY J. O'BRIEN, 2862
BRIAN E. O'CONNOR, 8710
MARY K. ODAHL, 5412
RICHARD A. ODDO, 2818
CHRISTOPHER J. ODELL, 5298
JAMES R. OELGOETZ JR., 4526
THOMAS R. O'HARA, 7790
MICHAEL J. O'KEEFE, 1809
ROSALINDA C. OLIVER, 3824
STEPHEN W. OLIVER JR., 3787
WESLEY A. OLSON, 4961
LISA A. H. ONAGA, 7800
MICHAEL F. O'NEAL, 7125
STEPHEN E. OREAR, 9271
BRIAN V. ORTMAN, 1031
KATHLEEN O'SULLIVAN, 3893
GREGORY S. OTEY, 8312
CHARLES A. OWEN, 5201
JONATHAN M. OWENS, 4081
SCOTT A. OWENS, 9920
BRETT C. OXMAN, 9010
RANDOLPH A. PAGAN, 3638
FREDERIC C. PAGE, 9902
JILL S. PAGE, 7589
JESS D. PALMER, 2033
STEVEN C. PANGER, 7073
JEAN PAPROCKI JR., 9670
CHRISTOPHER L. PARKER, 0629
LAMAR D. PARKER, 5412
RANDALL C. PARKER, 4813
TIMOTHY H. PARMER, 8655
TERRY W. PARROTT, 5481
JAMES B. PARSONS, 0591
TERRY A. PARSONS, 2404
WILLIAM C. PASZKIEWICZ, 7899
ERIC J. PAUL, 5938
NANCY J. PAUL, 2079
DALE L. PAYNE, 2930
ERIC R. PAYNE, 2381
ANDREW H. PEARS, 4746
FRANK C. PEARSON II, 7848
JANICE C. PEGRAM, 4959
MICHAEL E. PELLETIER, 5398
THOMAS PEPPARD, 1287
MICHAEL H. PERALES, 0955
STEVEN J. PERENCHIO, 6431
CARMEN F. PERONE JR., 1915
MELVYN T. J. PERREIRA JR., 8920
CATHERINE M. PERRO, 1176
CLIFTON PERRY, 6505
WANDA C. PERRY, 7827
MITCHELL A. PETERSEN, 3075
JAMES P. PETERSON, 5385
MARY E. PETERSON, 3853
PATRICIA J. PETNICKI, 6856
GREGORY J. PETREQUIN, 8881
HERBERT PHILLIPS JR., 8553
JAMES M. PHILLIPS JR., 1465
JOHN M. PHILLIPS, 9565
PAUL E. PHILLIPS, 8637
JAMES A. PICKLE, 3560
DAVID R. PIERCE, 7229
MARLENE R. PIETROCOLA, 0116
MEGHAN R. PILGER, 9373
ANN M. PINC, 4151
MICHAEL A. PIPAN, 1410
JOHN F. PISTOLESSI, 5517
JERRY P. PITTS, 4923
PHILIP A. PLATT, 0510
JOHN A. PLAZA, 6338
BRIAN S. PLETCHER, 7848
JOHN M. PLETCHER, 3113
PRESTON M. PLOUS, 4838
MICHAEL R. PLUMMER, 4731
CLAUDE J. POITRAS, 2960
MARK S. PONTI, 3590
ROBERT B. POST, 7094
GREGORY L. POTTER, 9358
TONY POUNDS, 7609
GEORGE M. PRASCSAK JR., 9448
*JERRY A. PRASS, 8402
WILLIAM D. PREASKORN, 2347
STEVEN J. PRESTON, 6933
ROGER B. PRICE, 5692
JEFFREY W. PRICHARD, 8349
JOHN W. PROBST, 8617
KAREN A. PULLEN, 3701
KRISTIN M. PURDY, 1924
RUSSELL J. QUINN, 8577
STEVEN E. RADEMACHER, 4401
STEVEN G. RAFFERTY, 3917
JON V. RAMER, 0619
ROSE A. RAMIREZ, 2374
RONALD R. RATTON, 4421
JOHN T. RAUCH, JR., 4156
CHRISTIAN P. RAUSCHENBACH, 5762
CYNTHIA K. RAUSOBOTKA, 4467
*REDMOND M. RAUX, 1399
GREGORY C. RAY, 4599
PHILIP C. REAMY, 5249
REID D. REASOR, 1130
JAMES C. REAVIS, 0214
NIMA D. REAVIS, 2193
JOSEPH L. RECTOR, 0998
GREGORY M. REDICK, 2576
FRANK J. REDNER, JR., 0925
DARREN J. REED, 6949
JAMES F. REED, 3683
GLENN C. REEDY, 1752
REX W. REES, 3935
ROBERT M. REESE, 1906
KURT L. REESMAN, 3683
MARY E. REGISTER, 9198
G. D. REICHARD, 0746
CALVIN E. REID, JR., 0030
MICHAEL J. REIN, 3054
JEFFREY S. RENNER, 9625
STELLA R. RENNER, 1985
ROBERT A. RENNICKER, 0045
DAVID A. RETH, 2370
ROBERT C. REVILLE, 7351
LEONIDAS D. REYES, 8271
BART R. RHODES, 0805
ALAN G. RIBA, 5286
ROBERT B. RICARTE, 1254
JOHN F. RICHARDS, JR., 3501
JAMES P. RICHTER, 4175
DOUGLAS B. RIDER, 0521
GEORGE E. RIEBLING, 2528
JAMES G. RIEMENS-VAN LAARE, 3357
DARRELL L. RIGGS, 3341
KEVIN F. RILEY, 7071
JAMES P. RIORDAN, 0014
GEORGE A. RISSE, 3735
MICHAEL P. RITS, 9044
ROBERT G. RITTER, 0913
STEPHEN B. RITTER, 5044
JOSE A. RIVERAGAUD, 5351
JAMES C. RIX, 5057
ANTHONY D. ROAKE, 8373
RICHARD F. ROBEL, JR., 2123
ALBERT E. ROBERTSON, JR., 5500
ERICA ROBERTSON, 2780
JEFFREY K. ROBINSON, 3973
JOSEPH H. ROBINSON, 9229
KATHRYN L. ROBINSON, 7359
PHILLIP L. ROBINSON, 6351
KEVIN E. ROBITAILLE, 0354
RICHARD K. ROCKWELL, 4176
EVAN G. ROELOFS, 5924
JAMES G. ROLLINS, 0239
ANTHONY ROMANO, 8582
CRAIG W. ROMERO, 6693
JUDITH I. ROSEN, 3824
THOMAS F. ROSHETKO, 5285
AUTUMN K. ROSS, 0685
GEORGE H. ROSS III, 8170
JOSEPH J. ROSSACCI, 0640
FRANK J. ROSSI, 2912
GLENN G. ROUSSEAU, 8672
JAMES A. ROUSSEAU, 2583
RONALD C. ROUX, 2855
DAVID B. ROYAL, 1665
ARTHUR E. ROZIER, 0190

WILLIAM R. RUCK II, 3424
STANLEY RUFF, 4330
RICHARD J. RUGGIERO, 1513
MARK H. RUMPH, 3545
JANE E. RUSSELL, 1291
JOHN A. RUTKOWSKI, 0189
CRAIG A. RUTLAND, 5556
KATHLEEN D. RYAN, 6929
MARK R. RYDELL, 6594
LINDA MAUREEN RYERSE, 7290
RAYMOND A. SABLE, 4622
JOHN M. SAGHERA, 3880
KATHLEEN C. SAKURA, 3872
LORI S. SALGADO, 8906
JEFFREY M. SALING, 6774
RONALD L. SAMIC, 5850
DANIEL SANCHEZ, 4768
RAUL N. SANCHEZ, 1630
JOHN C. SANDERS, 9706
RONALD J. SANDERS, 8691
MICHAEL D. SANDQUIST, 3810
CLAUDIA L. SANDS, 5745
JOHN P. SANTACROCE, 9882
ORAZIO F. SANTULLO, JR., 0836
MICHAEL D. SARCHET, 9230
JOHN D. SCARBOROUGH, 6564
BRIAN M. SCHAAF, 7195
SCOTT A. SCHAEFFLER, 9982
JEFFREY L. SCHAFF, 2199
DIRK D. SCHALCH, 7926
JOSEPHINE F. SCHANTZ, 2422
GREGORY J. SCHILLER, 0191
JOSEPH V. SCHMIDT, 6168
PAUL G. SCHMIDT, 0796
JOSEPH P. SCHMITZ, 5904
ERIC W. SCHNAIBLE, 3033
STEVEN M. SCHNEIDER, 2480
THOMAS A. SCHNEIDER, 6225
THOMAS M. SCHORSCH, 5354
MARIA L. SCHREFFLER, 9069
LISA M. SCHULZLATSIS, 7809
GREGORY E. SCHWAB, 9385
JAMES E. SCHWENKE, 0224
ALTON J. SCOTT, 9329
BRYAN E. SCOTT, 8722
JOHN P. SCOTT, 4470
TOI V. SCRENCI, 2522
KENNETH E. SCRITCHFIELD, 3148
THOMAS B. SCRUGGS, 4306
KEITH A. SEAMAN, 1698
BRIAN G. SEARCY, 0302
PATRICIA K. F. SEARCY, 4385
BARRE R. SEGUIN, 2391
PAUL S. SEKETA, 4743
JOHN SELLERS, 0338
DANIEL J. SETTERGREN, 3947
GEORGE H. SEWELL III, 3715
THOMAS J. SEXTON, 4789
DONALD L. SHAFFER, 7372
MARTHA T. SHAFFER, 0133
SHARON A. SHAFFER, 7536
BRUCE G. SHAPIRO, 7529
JOHN S. SHAPLAND, 7996
ANDRE G. SHAPPELL, 9677
ROBERT B. SHARP, JR., 3854
THOMAS J. SHARPY, 3239
PETRA L. SHARRETT, 2295
GARY L. SHAW, 8383
ROBERT S. H. SHAW, 5306
RUSSELL J. SHAW, JR., 5366
STUART J. SHAW, 1570
STEPHEN E. SHEA, 5800
STEVEN C. SHEPARD, 8929
JIMMY SHEPPARD, JR., 8697
JOHN T. SHEPPARD, 9069
GARY D. SHERWOOD, 6963
JOSEPH T. SHINNICK, 5585
MICHAEL D. SHIRLEY, 7863
THOMAS P. SHOAF, 9791
EDWARD F. SHOCK, 4228
DOUGLAS G. SHRYOCK, 6944
DENNIS W. SHUMAKER, 0059
ROBERT B. SHUMATE, 6128
SANDRA J. SHURMAN, 0176
BRADFORD J. SHWEDO, 6066
RODNEY S. SIBILA, 7811
LANCE B. SIGMON, 9047
JAMES K. SIKES, 7686
DOROTHY A. SILVANIC, 7975
JOHN C. SIMMONS, 8641
OLGA B. SIMONS, 0046
DENNIS J. SIMPSON, 1571
JON T. SIMS, JR., 8211
ROBERT W. SINGLETON, 8636
KENNETH G. SIPPERLY, JR., 7373
DAVID G. SIZOO, 2732
PAUL A. SJOBERG, 2498
TRACEY S. SKELTON, 4567
MICHAEL R. SKIDMORE, 6948
JADE A. SKINNER, 8218
JOHN A. SKINNER, 2599
ROBERT J. SKINNER, 4093
PAUL J. SKOWRONEK, 4838
JAMES C. SLIFE, 1260
BOBBY J. SMALL, JR., 5314
TRACY A. SMIEDENDORF, 3667
ALLAN J. SMITH, 0160
DANIEL L. SMITH, 5432
DAVID C. SMITH, 8439
DAVID R. SMITH, 6358
DOREEN A. SMITH, 1272
DOUGLAS F. SMITH, 2060
GEORGE M. SMITH, 6762
JURGEN W. SMITH, 7026
KATHLEEN A. SMITH, 8469
MICHAEL S. SMITH, 8628
MONICA R. SMITH, 1703
PAUL L. SMITH, 1261
SCOTT F. SMITH, 9470
STEVEN A. SMITH, 0733
SUZANNE L. SMITH, 0534
FRANK T. SMOLINSKY, 9431
ERICK A. SNELLMAN, 1290
DAVID E. SNYDER, 1375
GREGORY D. SNYDER, 0719
JEFFREY A. SNYDER, 1582
DAVID I. S. SOBRINO, 3860
JANET L. SOMLYAY, 6770
CHRISTOPHER T. SORRENTINO, 2501
ROBIN G. SOULE, 1876
JAMES A. SPAULDING, 6471
JEFFREY S. SPEAR, 5566
MICHAEL W. SPENCER, 7669
WILLIAM J. SPENDLEY, JR., 9509
JOHN M. SPILKER, 9009
MARK S. SPILLMAN, 8338
MICHAEL J. SPITZ, 6432
SCOTT A. SPRENGER, 1250
BRUCE E. SPRINGS, 0903
STEVEN W. STAGNER, 2221
STEVEN R. STALLINGS, 8339
ROBERT F. STAMMLER, 8231
STEPHEN W. STARKS, 9763
JON K. STATON, 7159
LYNDSAY A. STAUFFER, 8065
SCOTT A. STEFANOV, 4082
JOHN H. STEIN, 6640
MARCY A. STEINKE-FIKE, 2497
JON R. STEPHENS, 2639
NICOLE S. STERMER, 8159
JAYNE E. STETTO, 1740
DAVID F. STEWART, 4919
GREGORY A. STEWART, 2883
MICHAEL H. STICKNEY, 7100
EDWARD S. STINCHCOMB, 0968
CHARLES K. STITT, JR., 8568
MARY A. STOCKDALE, 6559
GEORGE R. STOLLER, JR., 0983
ERIC J. STONE, 2137
PATRICK M. STONEHAM, 6559
JEFFREY N. STOUT, 8440
LESLIE STOUTE, 7929
TYRONE A. STRACHAN, 3559
GERALD E. STREFF, 9999
STEPHEN B. STREHLE, 0207
STEPHEN L. STROM, 4754
MICHAEL R. STROUD, 8237
ROBERT C. STROUD, 8729
SCOTT A. STURGILL, 4395
SHARON K. SUGHRU, 7206
JOHN J. SULLIVAN, 9353
DAVID B. SUMRELL, 0240
JON M. SUTTERFIELD, 2082
RICKY E. SWARD, 2951
JAMES A. SWEENEY III, 7974
KEITH A. SWENSEN, 9696
THOMAS J. SWIDEREK, 7296
SHANNON W. SWITTS, 3890
RICHARD J. TAGLANG, JR., 2097
EDWARD J. TANNER, 6019
JOSE C. TAURO III, 4616
JANET T. TAYLOR, 2146
JON M. TAYLOR, 1011
THOMAS J. TENPENNY, 2095
CHRISTOPHER I. TERRY, 3800
THOMAS J. THIBODEAU, 0858
EDWIN R. THOELE, 9088
EVAN C. THOMAS, 0109
JON T. THOMAS, 1747
WILLIAM L. THOMAS, JR., 0434
CAREY S. THOMPSON, 6373
CHARLES F. THOMPSON, 1567
CHERYL H. THOMPSON, 4303
STEVEN B. THOMPSON, 1493
STEVEN L. THOMPSON, 0224
TERRACE B. THOMPSON, 4698
PATRICIA F. THON, 9349
THOMAS R. TIGHE, 2966
THERESA C. TILLOCK, 9607
TIMOTHY A. TIPPETT, 4880
ROBERT W. TOMASINO, 7807
JAMES J. TOMASZEWSKI, 2895
EDWARD B. TOMME, 4753
WILLIAM L. TONGUE, 0323
DAVID F. TOOMEY III, 0775
CAMERON W. TORRENS, 2122
KEVIN L. TOY, 0672
LAURA L. TRENT, 2093
PHILLIP C. TRIPLETT, JR., 7187
RANDALL C. TRITT, 2109
HARRY A. TRUHN, 3582
ERIC P. TRUMBLE, 6946
MARC TRUUMEES, 5611
JAMES M. TUCCI, 9681
CAREY F. TUCKER, 4345
DAVID L. TURNER, 7866
RANDY B. TYMOFICHUK, 7443
CONSTANTINE TZAVARAS, 7261
MICHAEL ULISSE, 7388
STEPHEN G. UYEHATA, 0638
CHRISTOPHER R. VALLE, 2669
ROBIN P. VANDERBERRY, 1504
DAVID G. VANDERVEER, JR., 9840
DEBORAH L. VANDEVEN, 0615
WENDY P. VANDYKE, 4068
SCOTT M. VANNESS, 6786
WILLIAM J. VAUGHT, JR., 0262
JOSEPH A. VENEZIANO, 9165
EDUARDO L. VICENCIO, 6307
JAMES G. VICK, 7301
ANGELA M. VINCENT, 3482
STEPHEN MICHAEL VINICA, 4495
JEAN N. VITE, 5589
TAMMY A. VON BUSCH, 3122
SCOTT R. VOSKOVITCH, 4441
*STEPHEN ALLEN VOYT, 0713
JAMES B. WAGER JR., 6310
ROBERT S. WAINNER, 8435
FRANKLIN S. WALDEN, 1625
ROBERT M. WALKER, 6218
ROBERT M. WALKER, 3689
GERALD B. WALKINGTON, 5641
JANICE D. WALLACE, 3465
JON D. WALZ, 1977
CHRISTOPHER A. WARACK, 3367
BRIAN K. WARD, 0133
CHARLES H. WARD, JR., 9956
MICHAEL P. WARD, 7544
THOMAS B. WARD, 3653
WARREN G. WARD, 6021
RICHARD E. WARREN, 4434
JAY J. WARWICK, 8936
ROBERT A. WASHBURN II, 0960
ROBERT A. WASSERMAN, 0638
HAROLD E. WATERS, JR., 8104
BARBARA K. WATKINS, 4606
TERRY WATKINS, 7272
CHARLES F. WATTERSON, 8309
WILLIAM A. WAUGAMAN, 8437
BRADLEY A. WAYLAND, 2196
PAUL A. WEBB, 4415
REBECCA E. WEIRICK, 9889
JERRY K. WELDON II, 0128
SUZANNE O'REILLY WELLS, 6098
JAMES A. WENTWORTH, 4349
JAY M. WENTZELL, 2562
JOSEPH D. WERCINSKI, 2154
PHILIP V. WESTERFIELD, 6298
BRYAN T. WHEELER, 5344
MATTHEW T. WHELAN, 9753
PETER A. WHELAN, 5772
JOHN W. WHISENHUNT, 5887
DOUGLAS A. WHITE, 0015
DOUGLAS R. WHITE, 3455
STEVEN C. WHITE, 0556
OVETA M. WHITE-ABISOGUN, 0819
STEPHEN N. WHITING, 6886
JAMES R. WHITTON, 0842
SCOTT G. WIERSCHKE, 3976
KARL J. WIERSUM, 8130
DAVID A. WILKINS, 1473
ALBERT H. WILLIAMS, JR., 5731
FRANK Q. WILLIAMS, 6381
JOSEPH S. WILLIAMS, 1651
RICHARD K. WILLIAMS, 2985
DAVID L. WILLIAMSEN, 3418
MARY A. WILLMON, 3527
HENRY T. WILSON, 9929
MICHAEL R. WILSON, 7985
PATRICK A. WILSON, 5222
STEVEN P. WINKLMANN, 6344
MICHAEL F. WINTERS, 6288
JEFFREY A. WITKO, 7055
BRIAN K. WITT, 2055
ELIZABETH A. WOISH, 1837
GARY M. WOLBERT, 8832
MICHAEL K. WOLF, 0541
ANITA R. WOLFE, 0352
DALLAS A. WOLFE, 3501
FRED L. WOOD, 4600
JOHNNY L. WOOD, 1000
TIMOTHY S. WOODRUFF, 1051
TYRONE M. WOODYARD, 1939
RICHARD A. WOOLEY, 8844
GUY T. WORTHINGTON, 6125
LORI A. WORTMAN, 4540
CHRISTOPHER F. WRENN, 3044
BROOKS D. WRIGHT, 0876
JOHN D. WRIGHT, 7210
RICHARD N. WRIGHT, 3173
ERIC J. WYDRA, 8029
ROBERT T. WYNN, 3082
DAVID L. YANG, 3705
LAURIE L. YANKOSKY, 9239
EDWARD K. YANKSON, 6972
KENNETH L. YAPHE, 5918
DARRELL E. YOST, 6713
DOUGLAS E. YOUNG, 3405
HARRIET L. YOUNG, 7002
MICHAEL V. YUILL, 7688
PAUL J. ZABBO, 5223
TODD M. ZACHARY, 0591
DANIEL R. ZAHIRNIAK, 4591
ROBERT J. ZALESKE, 4985
NOEL ZAMOT, 4158
JOHN L. ZAWASKY, 5711
EDWARD C. ZICK, 9847
DONALD M. ZIMMERMAN, 4416
GARY R. ZIMMERMAN, 0104
PAUL J. ZOLLMANN, 3304
DANIEL C. ZOOK, 5325
KIMBERLEE B. ZORICH, 6815
LOUIS V. ZUCCARELLO, 2680
MICHAEL F. ZUPAN, 1060

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

MARK DICKENS, 3406
EDWARD TIMMONS, 9098

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be lieutenant colonel

*JOSEPH N. DANIEL, 2781 MC

To be major

LESLIE W. SMITH, 6103 MC
GEORGINA YOUNG, 3120 MC
PHILLIP HOLMES, 5346 MC

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE R. BEHUNIN, 8159
COMMODORE L. MANN, 6059
DONALD P. MCMAHON, 4130
JAMES A. OBRIEN, 2631
ROBERT L. PETRONE, 6057
LINWOOD M. SAWYER, 2075
RANDALL E. SMITH, 2187

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT G. CARMICHAAEL, JR., 3715
DABNEY T. GILLIAM, JR., 9692
LARRY R. JONES, 6207

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JAMES P. CONTRERAS, 5368
RUSSELL K. PRICE, 1653
LORENZO RIDDICK, 9466
ROBERT D. WILLIAMS, 6500

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS (AN) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be lieutenant colonel

CHERYL E. CARROLL, 0088 AN

To be major

*SUSAN R. MEILER, 5047 AN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*JEFFREY A. ARNOLD, 8645 JA
PHILIP B. BANDY, 2183 JA
PATRICK A. BARNETT, 7996 JA
*SHANE E. BARTEE, 3595 JA
*CHERYL E. BOONE, 6581 JA
*GREGORY L. BOWMAN, 5872 JA
*DANIEL G. BROOKHART, 9491 JA
*KRISTA K. BUSH, 7096 JA
KAREN H. CARLISLE, 5887 JA
*LAURA L. CASULLI, 4820 JA
*GARY P. CORN, 0712 JA
*MICHELLE E. CRAWFORD, 1305 JA
*PAUL T. CYGNAROWICZ, 7288 JA
*WENDY P. DAKNIS, 8385 JA
JOHN C. DEHN, 1942 JA
*DEVON L. DONAHUE, 9554 JA
KATHRYN A. DONNELLY, 3230 JA
*JAMES M. DORN, 6912 JA
*STACY E. FLIPPIN, 9348 JA
*JAMES J. GIBSON, 2882 JA
*CHRISTIAN M. GIFFORD, 6145 JA
*ALTON L. GWALTNEY III, 9866 JA
JEFFREY C. HAGLER, 8408 JA
*STEVEN P. HAIGHT, 6942 JA
*AMILCAR A. HERNANDEZ, 5579 JA
*NEWTON W. HILL, 0802 JA
*SEAN K. HOWE, 5534 JA
*MARC A. HOWZE, 6575 JA
ROBERT P. HUSTON, 6643 JA
*BRADLEY J. JAN, 3972 JA
*TRACY A. JANKE, 8715 JA
*LAURA K. KLEIN, 7955 JA
MICHAEL L. KRAMER, 2410 JA
*ARDEN B. LEVY, 0963 JA
*DONALD G. LOBEDA, JR., 7881 JA
*CHARLES D. LOZANO, 1619 JA
*JOSEPH L. MARSHALL, 0841 JA
JENNIFER H. MCGEE, 9959 JA
*JAMES R. MCKEE, JR., 5868 JA
*CRAIG E. MERUTKA, 4225 JA
*RICHARD V. MEYER, 1033 JA
*TODD S. MILLIARD, 4191 JA
*SUZANNE G. MITCHEM, 4634 JA
*SAMUEL W. MORRIS, 5303 JA
*MICHAEL L. NORRIS, 7717 JA
*JOEL A. NOVAK, 0160 JA
*JOHN N. OHLWEILER, 3781 JA
*CYNTHIA G. OLSEN, 4781 JA
*PAUL J. PERRONE, JR., 1031 JA
*JOSEPH A. PIXLEY, 7987 JA
*JUAN A. PYFROM, 1557 JA
*MICHAEL L. ROBERTS, 6841 JA
KEVIN K. ROBITAILLE, 7982 JA
*LORRAINE ROWBO, 3900 JA
*MATTHEW P. RUZICKA, 7721 JA
MALCOLM G. SCHAEFER, 6874 JA
PAULA I. SCHASBERGER, 3853 JA
*WILLIAM A. SCHMITTEL, 3933 JA
THOMAS R. SERRANO, 6491 JA
*JEFFREY L. SPEARS, 9666 JA
*JUSTIN S. TADE, 3027 JA
*STACEY J. TERWILLIGER, 8402 JA
*VINCE T. VANEK, 3660 JA
*KATHERINE A. VARNEY, 0308 JA
*JERIA B. WARD, 7357 JA
CHARLES L. YOUNG, 7575 JA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS (AN), MEDICAL SERVICE CORPS (MS), MEDICAL SPECIALIST CORPS (SP) AND VETERINARY CORPS (VC) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

*CARA M. ALEXANDER, 3151 MS
*PATRICIA J. ALLEN, 2940 MS
BRIAN ALMQUIST, 3382 MS
CARLOS C. AMAYA, 7681 AN
*SHARON M. AMAYA, 4157 AN
*CAROLYN ANDERSEN, 1251 AN
*RICHARD D. ARES, 8906 SP
*GARRETT R. BAER, 8211 SP
SHAUN M. BAILEY, 2041 MS
TRACY L. BAKER, 0126 AN
*JOHN E. BALSER, 6885 SP
*DANIEL T. BARNES, 7629 MS
*MARQUETTA A. BARNES, 1493 AN
STEPHEN A. BARNES, 0337 MS
*CORINA M. BARROW, 5185 AN
*BRIAN E. BARTHELME, 0536 MS
*RENE M. BATTISTA, 9593 SP
BEVERLY A. BEAVERS, 0245 MS
*DONNA E. BEED, 2319 MS
*ROGER L. BEHRMAN, 9832 SP
*DEBORAH L. BELANGER, 3273 AN
BRIAN E. BENHAM, 9431 AN
*GRETA L. BENNETT, 9175 MS
*EARL G. BENSON, 1025 SP
*RACHELLE M. BESEMAN, 9744 MS
WILLIAM J. BETTIN, 8536 MS
*LEE W. BEWLEY, 6719 MS
*MELVIN F. BISHOP, 2193 MS
*KEVIN M. BONDS, 9980 MS
JOSE A. BONILLA, 5982 MS
*BRIAN E. BOUTILIER, 9569 SP
CHADWICK A. BOWERS, 1057 MS
LAURA E. BOWERS, 9301 MS
*CORRINA A. BRADFORD, 1110 MS
*RICKY W. BRETTHAUER, 7973 SP
*WILLIAM T. BRISCOE, 0680 MS
*SONYA R. BROWN, 3780 MS
TERRY J. BROWN, 0441 AN
DAVID J. BROYHILL, 6097 MS
*WESLEY E. BURNETT, 2083 MS
*JENNIFER B. CACI, 9339 MS
*CHERYL Y. CAMERON, 1052 MS
*WEYMAN E. CANNINGTON, 5427 MS
*GAVIN H. CARMICHAEL, 9741 MS
*JOHN J. CASEY III, 3146 MS
RONALD M. CASHION, 6066 AN
*RANDEL C. CASSELS, 9370 AN
*DAVID A. CERVANTES, 7899 AN
JOSEPH B. CHAPMAN, 6808 AN
*JOSE L. CHAVEZ, 3254 MS
*THOMAS R. COE, 7855 AN
CHRISTOPHER P. COLEY, 3626 MS
*MARY L. CONNELL, 1054 MS
*VICKIE L. CONNOLLY, 6492 SP
JENIFER M. CONSTANTIAN, 7410 AN
*JERRY A. COOK, 9442 MS
DEREK C. COOPER, 1940 MS
*ANTONIO E. COPELAND, 8226 MS
*OLIVERIO CORCHADOMEDINA, 1019 SP
*ROBERT S. CORNES, 4446 MS
*BRIAN D. CRANDALL, 4021 MS
KATHLEEN F. CURRAN, 7318 AN
ELLEN S. DALY, 1233 MS
*ALAN M. DAUS, 6510 MS
*GWENDOLYN L. DAVIS, 8987 AN
*MARY B. DAVIS, 2683 AN
*PAUL J. DEAN, 0144 MS
RALPH W. DEATHERAGE, 3238 MS
DAVID H. DENNEY, 7612 MS
*VIRGINIA M. DESWARTE, 2140 MS
*KARL M. DEVLIN, 6689 MS
*MARK W. DICK, 1601 MS
*DIANE S. DIEHL, 9839 AN
MARK J. DOLE, 1805 MS
*PROSPERO C. DONAN, 5216 AN
*JOHN E. DULAVERIS, 8625 AN
*MICHAEL L. DUPREE, 4338 MS
*JOSEPH C. DUPUIS, 1449 MS
*SUSAN C. EASLEY, 1650 MS
*JOHN P. EDDY, 5877 MS
*BONNIE B. EILAT, 2284 SP
*AUSTIN W. ELLIOTT, 6434 MS
LAURA M. ELLIOTT, 7729 MS
*ANNE M. EMSHOFF, 4513 VC
*KATHLEEN M. FEELEY, 7059 AN
LAURA L. FEIDER, 8732 AN
*STEPHEN A. FELT, 8523 VC
*WILLIAM R. FINNEARTY II, 0714 MS
*SARAH L. FLASH, 0680 SP
*DERRICK W. FLOWERS, 0364 MS
*RONALD S. FOLEY, 5232 MS
DAVID J. FUGAZZOTTO, JR., 6970 MS
*JOSEPH F. GALL, 9601 AN
YVETTE L. GAMBREL, 6603 AN
*MATTHEW B. GARBER, 3971 SP
*KIMBERLY S. GARCIA, 6799 AN
*JUANITA GAUSS, 7760 AN
*HAROLD J. GEOLINGO, 0423 MS
*CHARLINE GEREPKA, 6919 AN
DAVID R. GIBSON, 3978 MS
STEPHEN L. GOFFAR, 8627 SP
*CHERYL B. GOGGINS, 7822 MS
*ROBERT A. GOODMAN, 4008 VC
*MONTEZ GORRELLGOODE, 7862 AN
*JOHN H. GOURLEY, 1593 AN
*MARJORIE A. GRANTHAM, 5681 MS
*ANTHONY L. GREEN, 0571 MS
*JERRY L. GREEN, JR., 6910 AN
*LISA GREEN, JR., 2895 AN
*MICHELLE S. GREENE, 8732 MS
*CHRISTOPHER A. GRUBER, 6038 MS
*HEATHER B. GUESS, 4196 AN
KURT A. GUSTAFSON, 3415 MS
SAM E. HADDAD JR., 9048 MS
*HERMAN HAGGRAY, JR., 8522 MS
*THOMAS F. HAIGLER, 5484 SP
*GARY L. HALL, 7622 SP
KELLY M. HALVERSON, 1142 MS
*MICHAELE M. HAMMEL, 1646 MS
MARY E. HARGROVE, 2925 AN
*CHERYL R. HARRIS, 0268 AN
*ELLIS HARRIS, 0872 MS
*EULYNNE HARRISON, 6331 AN
*JAMES A. HAWKINS, JR., 3353 MS
*JUDITH M. HAWKINS, 4755 AN
*MICHAEL D. HEATH, 3354 MS
*CHRISTINE J. HELD, 4542 SP
*DIANNE T. HELINSKI, 6525 SP
*VERNELL J. HENDERSON, 9802 AN
*JUDITH A. HIGGINBOTHAM, 8278 AN
*CRISTL E. HIGHTOWER, 3189 AN
*THOMAS M. HILL, 1263 MS
*MARK L. HOHSTADT, 1181 MS
*HENRY E. HOLLIDAY III, 2754 MS
*TERRI J. HOLLOWAYPETTY, 2772 AN
WILLIAM G. HOWARD, 5879 MS
*ROBERT F. HOWE, 2475 MS
*JAMES N. HOWELL, 7474 AN
*TIMOTHY D. HOWER, 2188 MS
*JULIE K. HUDSON, 0039 SP
*CHARLES C. HUNGER, 7967 SP
*MICHAEL HURTADO, 0289 AN
*KAREN A. HUTCHINS, 7934 AN
*LEONICIA O. ICAYAN, 4667 AN
*MARK A. IRELAND, 9532 MS
*JENNIE M. IRIZARRY, 4775 AN
*ANDREA R. JACKSON, 9972 AN
*SHELLEY B. JAMES, 8121 AN
*SUPING JIANG, 5328 MS
*WILLIAM D. JUDD, 5826 MS
DARLENE M. JULKOWSKI, 1332 AN
*BRADLEY J. KAMROWSKIPOPPEN, 7777 MS
*NINA A. KAPLAN, 5797 VC
*HEIDI C. KAUFMAN, 2417 SP
*CHRISTOPHER E. KELLER, 4443 VC
NICOLE L. KERKENBUSH, 5863 AN
MARIALORNA P. KERL, 8213 AN
GREGORY L. KIMM, 2173 MS
*LELA C. KING, 1132 MS
KRIESTIN L. KLEINSCHMIDT, 6944 AN
*ROBERT A. KNEELAND, 6627 MS
JANET L. KUBAS, 7043 AN
*ELLEN M. KURT, 2991 MS
*YVETTE J. LANDRUM, 7942 MS
*FELICIA D. LANGEL, 8427 VC
*CHRISTOPHER J. LANIER, 0360 VC
*BRUCE R. LANUM, 8819 AN
*LINDA A. LAPOINTE, 7414 AN
*ABRAHAM A. LEDOUX, 3650 MS
*JANET A. LESLIE, 6821 VC
*JOHN F. LESO, 0996 MS
*ROBERT A. LETIZIO, 7596 MS
*STEVE J. LEWIS, 5192 MS
*BRADLEY A. LIEURANCE, 8255 MS
*ALAN D. LINDSLEY, 0760 SP
*KENNETH R. LOPEZ, 4431 VC
*WILLIAM H. LOVELL, 3075 MS
*MICHAEL W. LUCE, 4113 AN
*DARYL J. MAGOULICK, 3050 AN
ERIC M. MAROYKA, 1233 MS
*THOMAS M. MARTIN, 1152 MS
*LEONARDO M. MARTINEZ, 0027 AN

*MACY F. MCGINTY, 9850 AN
LEIGH K. MCGRAW, 6485 AN
*LINDA J. MCKINNEYWILSON, 4505 AN
*SANDRA N. MCNAUGHTON, 7024 AN
*ANTHONY L. MCQUEEN, 5074 MS
*SUSAN R. MEILER, 5047 AN
*DAVID MENDOZA, 5633 AN
*ANTHONY C. MONTELEONE, 6542 VC
*JULIO C. MONTERO, 7462 VC
*TROY E. MOSLEY, 2483 MS
STEPHEN C. MOSS II, 1929 MS
ELIZABETH A. MURRAY, 6546 AN
*MARGARET S. NEIDERT, 0872 VC
*CHUNG C. NELSON, 5480 MS
*ANTHONY R. NESBITT, 0475 MS
*MALETA J. NOVAK, 1121 AN
*STEVEN J. NOVAK, 7101 AN
*ROBIN L. ODELL, 4281 AN
*GERMAINE D. OLIVER, 0321 MS
*MACK C. OQUINN, JR., 8050 MS
JOHN M. ORSINGHER, 6645 MS
*PAUL H. OWEN, 4945 SP
*HANNAH S. PARK, 8367 AN
*LARRY R. PATTERSON, 2627 MS
DIANE L. PAULSON, 3596 AN
*TIMOTHY L. PENDERGRASS, 2038 SP
*KENNETH B. PERKINS, 9302 SP
*JAMES L. PERRINE, 0141 AN
*LILLIAN M. PETERSON, 7061 AN
*BETH J. PETTITWILLIS, 0768 AN
*SHANA L. PHILLIPS, 0073 VC
*PATRICK J. PIANALTO, 2071 MS
PATRICK W. PICARDO, 5511 MS
*JASON G. PIKE, 9530 MS
*DEBORAH M. PINATHOMAS, 1099 AN
*ANDRE R. PIPPEN, 9345 MS
*NOEL G. POINDEXTER, 6741 AN
*PATRICK B. POLK, 3580 AN
*JOSEPH A. PONCE, 9744 MS
*RICHARD M. PRIOR, 9661 AN
*ANGELA C. QUINTANILLA, 7529 AN
RONALD R. RAGIN, 9891 MS
*CHRISTOPHER W. RICHARDS, 6461 MS
*ROBERT S. RICHARDS, 6532 MS
*PEDRO J. RICO, 2359 VC
KEITH A. RIGDON, 1006 MS
JEFFERY F. RIMMER, 8433 MS
*DAVID C. RINALDI, 1156 AN
*OSCAR RIVERA, 6820 AN
*BRADLEY L. ROBINSON, 5134 MS
CHERYL L. ROBINSON, 2519 AN
*JENNIFER L. ROBISON, 5983 AN
*THOMAS R. RYLANDER, JR., 6564 MS
NANCY A. SADDLER, 5227 AN
MAUREEN A. SALAFAI, 8986 AN
*WILLIE E. SALLIS, 3601 SP
*HELEN A. SANTIAGO, 0903 SP
MICHAEL P. SASSANO, 0829 MS
JANE F. SCHILLACI, 2534 MS
CLINTON W. SCHRECKHISE, 9394 MS
*LOUIS J. SCHWARTZ, 4776 MS
*KRYSTAL R. SCOFIELDJOHNSON, 4192 AN
*SHAWN J. SCOTT, 6062 SP
*CARLOS SEGURA JR., 4543 SP
*CHAD M. SEKUTERA, 5740 AN
SHONNEIL W. SEVERNS, 8402 MS
*SCOTT W. SHAFFER, 5781 SP
*SONYA C. SHAW, 4989 AN
DAVID R. SHOEMAKER, 6640 MS
*MAURICE L. SIPOS, 3585 MS
*WAYNE R. SLICTON, 0294 SP
*DARIA J. SMITH, 8703 MS
JOHN V. SMITH, 4454 MS
MICHAEL W. SMITH, 6735 MS
*MARGARET S. SOBIECK, 5238 AN
*CHERYL D. SOFALY, 4067 VC
*MATTHEW D. SOMMER, 4312 AN
ERIC B. SONES, 9994 MS
*PORTIA C. SORRELLS, 9725 MS
*MIAN S. SPRAGUE, 8423 AN
*DENISE L. SQUIRE, 6615 MS
*JOYCE E. SQUIRES, 2326 AN
*BREW M. STANFA, 2890 MS
DANIEL L. STARMAND, 5630 AN
WILLIAM F. STARNES, 4016 MS
*THOMAS J. STEINBACH, 9350 VC
CARMEN A. STELLA, 7964 AN
*MARK STEVENS, 2458 SP
DANIEL C. STEWART, 9695 MS
*ELIZABETH STORY, 1665 SP
*LOUIS R. STOUT, 7985 AN
*MICHAEL W. SUMMERS, 2853 SP
*NANCY L. SWEET, 8540 AN
*BRUCE C. SYVINSKI, 1019 MS
KATHERINE E. TAYLORBAKER, 0554 AN
*MARTIN E. TENNEY, 1481 MS
*LAURA A. THOMAS, 4618 MS
*ROSALIND E. THOMAS, 2822 AN
*TODD M. THOMAS, 7404 VC
*DAVID M. THOMPSON, 7497 MS
*TONY N. TIDWELL, 3238 MS
MARGA TOILLIONSTEFFENSMEIE, 2111 MS
*ROBER TORRESCARTAGENA, 3167 MS
*CLIFTON M. TRINIDAD, 3548 SP
*LAURA R. TRINKLE, 3432 MS
*KARLOW V. TUTT, 6136 AN
*ALAN K. UEOKA, 7698 MS
*JOAN E. ULSHER, 3708 MS
*COMBS D. UPSHAW, 2590 AN
*RONALD C. VANROEKEL, 5978 MS
VERONICA A. VILLAFRANCA, 7845 AN
KEITH A. WAGNER, 0387 MS
RONALD D. WALKER, 3830 MS
*THOMPSON E. WALL, 8730 AN
*TRACY S. WALLACE, 4095 AN
*TRAVIS W. WATSON, 3553 MS
RICHARD M. WEBB, 2782 MS
*KARL A. WERBOVETZ, 3120 MS
*WILLIAM C. WERLING, 9225 SP
DAVID A. WESTON, 2841 AN
ROBIN M. WHITACRE, 3631 MS
*KIMBERLY A. WHITTEN, 4143 VC
*KENDRA P. WHYATT, 5880 AN
*THOMAS S. WIECZOREK, 0488 MS
*PATRICIA M. WILLIAMS, 9362 SP
*YVETTE WOODS, 8927 SP
*KRISTIN K. WOOLLEY, 5811 MS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD M. ADKINS, 1800
FRANCISCO ALICEA, JR., 5090
CHARLES D. ALLEN, 7600
PERRY D. ALLMENDINGER, 2765
THOMAS A. ALLMON, 1511
DAVID L. ANDERSON, 3770
DONNIE P. ANDERSON, 0457
GUSTAF E. ANDERSON III, 9986
JOSEPH ANDERSON III, 0128
NICHOLAS J. ANDERSON, 2029
JAMES A. ANGELOSANTE, 5533
BILLY W. ANTLEY, JR., 6337
WILLIAM R. APPLEGATE, 4143
JEFFREY A. APPLEGET, 4361
KEITH A. ARMSTRONG, 7005
STEPHEN D. AUSTIN, 3077
JAMES F. BABBITT, 0819
DOUGLAS S. BAKER III, 1115
THOMAS P. BALTAZAR, 7697
MARK F. BARNETTE, 5165
DANIEL BARRETO, 6761
PATRICIA A. BAXTER, 4990
WILLIAM D. BEATTY III, 2467
WADE B. BECNEL, 3873
DAVID F. BEDEY, 2170
JAMES D. BEIRNE, 3536
ROBERT M. BELL, 4641
THOMAS B. BENNETT, 1225
JANICE M. BERRY, 1711
PAUL A. BETHKE, 0864
MICHAEL G. BETTEZ, 6343
DAMIAN P. BIANCA, 7420
STEPHEN G. BIANCO, 9922
ROY C. BIERWIRTH, 4564
DONALD A. BIRD, 5669
MICHAEL D. BISACRE, 9984
JOHN M. BLAINE, JR., 5983
ALBERT M. BLEAKLEY JR., 7356
MICHAEL E. BOATNER, 3611
JOHN M. BOLCHOZ, 8637
JOHN H. BONE, JR., 0456
DAVID J. BONGI, 6781
DOUGLAS C. BONNER, 3701
JOHN A. BONSELL, 0669
STEVEN R. BOSHEARS, 6156
MICHAEL BOWMAN, 6897
DARRYL M. BRADLEY, 4368
THOMAS L. BRANZ, 7045
CHARLES B. BRESLIN, 9980
MARC P. BRODEUR, 6245
RICHARD W. BROOKS, 7360
DAVID W. BROWN, 5815
HEIDI V. BROWN, 1821
MATTHEW J. BROWN, 7130
ROBERT B. BROWN, 3015
WILFRED F. BROWN, JR., 7547
STEPHEN D. BUCK, 3696
RONALD M. BUFFKIN, 5941
VICTOR A. BUNDE, 9428
JOHN D. BURKE, 5575
RONALD B. BYRNES, JR., 9148
MARK J. CAIN, 1841
STEPHEN T. CAMPBELL, 2330
MICHAEL CARDARELLI, 3904
GARY B. CARNEY, 7018
ROBERT L. CARNEY, 9392
SHERRY L. CARPENTER, 2803
DOUGLAS E. CARROLL, 4583
LANCE S. CARROLL, 7539
FREDERICK L. CARTER, 0723
MICHAEL B. CERVONE, 2391
JIMMY J. CHANDLER, 1497
GARY H. CHEEK, 5138
JOHN A. CHRISTENSEN III, 4000
BENJAMIN R. CLARK, 9205
MICHAEL D. CLAY, 7412
JAMES D. CLEGG, 1489
DONALD A. COE, 4258
JACK COLLINS, 2214
LYNN A. COLLYAR, 4719
JOE E. CONLEY, 9110
ARTHUR W. CONNOR, JR., 1457
ROBERT T. COOK, JR., 8876
RANDALL G. CONWAY, 6406
STEVEN R. CORBETT, 2378
MICHAEL A. CORDES, 3673
MICHAEL J. CORLEY, 0974
KENDALL P. COX, 8942
STEVEN J. COX, 4550
WILLIAM T. CROSBY, 8622
JESSE R. CROSS, 6494
BRENDA F. CRUTCHFIELD, 4079
WINFRED S CUMMINGS, 0410
ERICKSON D. CYPHER, 8349
STEVEN M. CZEPIGA, 9405
DENISE F. DAILEY, 3066
HENRY J. DAVIS, 5966
KEVIN A. DAVIS, 1806
LAUREN S. DAVIS, JR., 7475
MARK J. DAVIS, 5552
RICHARD A. DAVIS, 2011
DONALD W. DAWSON III, 2908
RICHARD P. DEFATTA, 0222
WILLIAM M. DEKANICH, 5536
SERGIO DELAPENA, 8425
JAMES F. DEMING, 9250
ROBERT J. DEVLIN, 7217
MICHAEL W. DEYOUNG, 7171
MANUEL A. DIEMER, 1811
KEVIN M. DIETRICK, 6361
PHILIP J. DISALVO, 2403
GERALD A. DOLINISH, 1112
WILLIAM F. DONAHER, 5131
GOODE G. DORMAN III, 7704
RANDAL A. DRAGON, 1615
WAYNE DRAKE, 7178
SHARON R. DUFFY, 7208
RAYMOND J. DUNCAN, JR., 4874
PETER P. DURR, 0858
TIMOTHY E. EAYRE, 0825
SCOTT A. EHRMANTRAUT, 9232
JERRY B. ELLIOTT, 7127
BRYAN W. ELLIS, 6365
DAVID R. ELLIS, 0561
RICHARD T. ELLIS, 4731
MARVIN A. ENGLERT, 3678
ADOLPH H. ERNST III, 0101
MARK J. ESHELMAN, 8870
ALLEN C. ESTES, 2804
PHILIP M. EVANS, 4061
ROBERT C. FAILLE, JR., 2057
MARK D. FEIERSTEIN, 1858
DONALD M. FERRELL, 9308
JON E. FINKE, 9055
MICHAEL S. FLANAGAN, 5697
DOUGLAS L. FLETCHER, 1606
MICHAEL T. FLYNN, 4740
MICHAEL D. FORMICA, 0743
MICHAEL E. FOX, 6036
STEVEN G. FOX, 1667
BERNARD P. GABRIEL, 5949
WAYNE L. GARCIA, 6410
JOHN P. GARDNER, 9266
WILLIAM B. GARRETT III, 7276
DANIEL L. GARVEY, 9331
GREGORY P. GASS, 4221
FRANCIS K. GATES III, 4685
WILLIAM M. GAVORA, 4546
MARK D. GELHARDT SR, 0340
HOA GENERAZIO SR, 7260
CHARLES L. GIBSON SR, 1577
TIMOTHY J. GIBSON, 4895
CECIL D. GIDDENS, 1935
JOHN H. GILL, 4809
TROY E. GILLELAND, JR., 3227
AARON P. GILLISON, 9063
DOUGLAS GLOVER, 2164
MARK V. GLYNN, 7634
RUSSELL D. GOLD, 4309
WALTER M. GOLDEN, JR., 3792
FELIX O. GONZALES, SR, 0453
ROBERT L. GORDON III, 7839
CLIFFORD P. GRAHAM, 9374
JAMES E. GRANGER, 3500
GUS E. GREENE, 2127
DANIEL G. GREY, 6709
WILLIAM F. GRIMSLEY, 5306
ROBERT L. GROLLER, 7613
MARK L. GROTKE, 4415
JOSE A. GUADALUPE, 2792
ROBERT T. GUGLIELMI, 3561
GASPER GULOTTA, 9304
DAVID D. HALE, 7207
MATTHEW T. HALE, 8033
JOHN C. HAMILTON, 2533
WILLIAM W. HAMILTON, JR., 9337
KIRT T. HARDY, 8602
FRANK L. HARMAN III, 3984
JAMES H. HARPER, 4925
THELMA P. HARPER, 9145
GARY R. HARTER, 2514
AARON C. HARVEY III, 6046
DEREK J. HARVEY, 6553
MARK I. HAUGHS, 8292
ROBERT B. HAVERTY, 1798
THOMAS A. HEANEY, JR., 0426
KURT M. HEINE, 6993
MICHAEL R. HELMICK, 7061
EMORY R. HELTON, 3271
JAMES M. HEVERIN III, 4901
JAMES R. HICKEY, 4546
BRADFORD C. HILDRETH, 7176
RICHARD W. HOBERNICHT, 5177
FREDERICK B. HODGES, 7686
MICHAEL J. HOFF, 8570
SAMUEL A. HOLLOWAY, 1079
CHARLES W. HOOPER, 8888
RUSSELL J. HRDY, 3852
JAMES H. HUGGINS II, 6390
SUSAN L. HUGGLER, 9853
JACK D. HUMPHREY JR., 6089
BRIAN R. HURLEY, 4454
MARK S. HURLEY, 2498

ANTHONY R. IERARDI, 8705
RONALD G. ISOM, 2685
JAN P. ITHIER, 1534
JOHN W. IVES, 1036
KOREY V. JACKSON, 1630
MARTIN A. JACOBY, 1331
LARRY W. JAMESON, 8411
PETER S. JANKER, 7854
LESTER C. JAURON, 8568
RICHARD B. JENKINS, 5394
DOROTHY T. JOHNSON, 2769
MARK H. JOHNSON, 0949
RODNEY E. JOHNSON, 3376
FREEMAN E. JONES, 8127
JON M. JONES, 3601
WILLIE C. JORDAN, 9404
JAMES M. JOYNER, 1250
JOSEPH JUDGE III, 5506
RICHARD G. JUNG, SR., 1532
WILLIAM E. KAISER, JR., 6227
CHARLES T. KALLAM, 0954
JOHN A. KARDOS, 6055
ANTHONY B. KAZMIERSKI, 3852
WILLIAM T. KEEGAN, 9746
WILLIAM D. KENDRICK, 1666
RICHARD P. KENNEY, 7024
WILLIAM G. KIDD, 7073
THOMAS S. KIDWELL, 1612
CHARLES H. KING III, 7793
ROGER L. KING, 3264
ROBERT T. KLEPPINGER, 1365
WILLIAM K. KLIMACK, 5901
JARED A. KLINE, 9993
JOHN C. KNIE, 7808
DALE A. KNIERIEMEN, 9157
CHRISTINE B. KNIGHTON, 6254
THOMAS L. KONING, 8350
FRANCIS X. KOSICH, 4692
KELLY D. KRUGER, 9409
LINDA L. KRUGER, 4447
MARCUS A. KUIPER, 7969
CHARLES M. KUYK, 0382
THOMAS L. LACROSSE, 6994
HOWARD D. LAINE, 1533
KEVIN T. LAMAR, 2919
JEFFREY P. LAMOE, 0905
COREY R. LANGENWALTER, 0180
JAMES P. LARSEN, 0316
ROBERT K. LAWRENCE, 2375
GARY A. LEE, 5092
JEAN M. LEGARE, 7579
MARY A. LEGERE, 7243
VICTORIA A. LEIGNADIER, 6947
JUDITH K. LEMIRE, 2827
STEVEN M. LEMONS, 2377
JAMES L. LEONARD, 8275
FRANK G. LESTER III, 2278
GABRIEL F. LEYVA, 9758
JAMES A. LIEN, 4776
ANTHONY S. LIETO, 5702
MARILYNN K. LIETZ, 3785
MICHAEL S. LINNINGTON, 8710
MARK T. LITTEL, 3575
MARK K. LITTLEJOHN, 7874
GARY A. LONGHANY, 3075
JOHN R. LUCE, 0425
ALAN R. LYNN, 8649
KENNETH A. MADDOX, 5127
MARK W. MAIERS, 1707
JANE F. MALISZEWSKI, 0036
AUGUST R. MANCUSO III, 4888
HENRY MANNING III, 3855
ELTON R. MANSKE, 9144
JULIE T. MANTA, 6727
EDWIN H. MARTIN, 5064
JAMES N. MARTIN, 5399
ALEX MASCELLI, 3076
MARY J. MASON, 4398
FREDERICK J. MAXWELL, 0371
THEODORE M. MAYER, 5080
WILLIAM C. MAYVILLE, 1736
LARRY D. MC CALLISTER, 3675
HARRY W. MC CLELLAN, JR., 7992
JAMES C. MC CONVILLE, 5757
THOMAS J. MC COOL, 7812
CURTIS L. MC COY, 5471
MATTHEW P. MC GUINESS, 1978
COLLEEN L. MC GUIRE, 3398
DAVID J. MC KENNA, 1389
DONALD G. MC MILLIAN, 9044
JAMES R. MEREDITH, 0819
PAUL D. MEREDITH, 2584
DAN C. MEYER, 2654
JEFFREY C. MEYER, 2636
ROBERT W. MILFORD, 4318
RICHARD D. MILLER, JR., 4226
WILLIAM J. MILLER, 3115
MARK A. MILLEY, 6104
AINSWORTH B. MILLS, 6539
JOHN R. MINAHAN, 0473
ANITA R. MINNIEFIELD, 5567
JOHNNY F. MITCHELL, 5254
STEPHEN D. MITCHELL, 0841
JAMES E. MOENTMANN, 2821
MICHAEL E. MOODY, 7161
JOSEPH A. MOORE JR., 6656
CHRISTOPHER P. MOOSMANN, 6918
CHERYL A. MORGAN, 6900
JAMES R. MULVENNA, 1272
JOSEPH V. MUSCARELLA, 5317
RICHARD P. MUSTION, 7399
WILLIAM P. NANRY, 8012
ANTHONY D. NEAL, 7237
ROBERT S. NELSON, 4236
RONALD A. NEWTON, 9605
THOMAS E. NICKERSON, 9306
JAMES C. NIXON, 5433
KEVIN S. NOONAN, 7926
WILLIAM B. NORMAN, 1290
KEITH S. NORRIS, 8033
DOUGLAS J. NORTON, 7887
HENRY J. NOWAK, 8712
DEAN A. NOWOWIEJSKI, 2142
DONALD C. OLSON, 1884
JUAN L. ORAMA, 4150
CHARLES C. OTTERSTEDT, 4369
PHILLIP B. OWENS, 9411
MICHAEL G. PADGETT, 7677
RALPH G. PALLOTTA, 6084
JAMES PALSHA, 5929
RAYMOND P. PALUMBO, 9347
JAMES P. PARKER, 4534
GARY S. PATTON, 6191
JOSEPH E. PECORARO, 2060
RICHARD N. PEDERSEN, 1879
JOSEPH E. PEDONE, 3041
DAVID R. PELIZZON, 6923
JOHN M. PEPPERS, 1093
ALVIN A. PERKINS, 8992
CHRISTOPHER S. PERKINS, 4848
LARRY D. PERKINS, 8903
MARK W. PERRIN, 7150
RALPH J. PERRY, 3633
STEVEN E. PETERS, 8712
DAVID D. PHILLIPS, 4200
ROBERT F. PIDGEON, 1962
DANA J. PITTARD, 4461
PATRICK N. PLOURD, 0846
PETER J. PODBIELSKI, 7839
LAWRENCE J. PORTOUW, 5709
TERRENCE M. POTTER, 1704
CURTIS D. POTTS, 8198
MICHAEL A. POWELL, 7083
JOHN S. PRALL JR., 4137
STANLEY C. PRECZEWSKI, 0169
NANCY L. PRICE, 4505
RICHARD PROIETTO, 5541
DAVID N. PRUITT, 4824
JEFFREY L. PUTZ, 9442
JEFFREY A. RARIG, 9262
VALERIE A. RASMUSSEN, 9472
WILLIAM RASMUSSEN, 9739
GEORGE H. RHYNEDANCE, 3699
SHELLEY A. RICHARDSON, 7944
THOMAS J. RICHARDSON, 5539
WAYNE P. RICHARDSON, 7302
WALTER RIEDLE JR., 8784
JAMES A. ROBARDS JR., 4718
RONALD V. ROBINSON, 8835
MICHAEL E. ROUNDS, 6679
PETER J. ROWAN, 0926
STEVE A. ROWE, 6576
ROBERT A. ROWLETTE JR., 5880
DAVID A. ROZELL, 9985
FREDERICK S. RUDESHEIM, 8656
STEVEN L. RUNDLE, 7734
DANIEL J. RUSSELL, 6520
KEVIN D. SADERUP, 1364
WILLIAM P. SAIA, 8981
MILLARD V. SALES JR., 6987
DONALD G. SALO JR., 7190
SUE A. SANDUSKY, 9424
EDWARD J. SANNWALDT, 4911
RICHARD G. SCHENCK, 3068
RODNEY H. SCHMIDT, 5561
STEPHEN G. SCHMITH, 8993
DAVID A. SCHNEIDER, 1191
RANDLE E. SCOTT, 5986
TEDDY R. SEEL, 2192
STEVEN P. SEMMENS, 9116
JOHN E. SEWARD, 0909
DAVID W. SHAFFER, 9687
LAWRENCE G. SHATTUCK, 6857
PATRICK L. SHERMAN, 8654
KENNETH D. SHIVE, 9922
STEVEN W. SHIVELY, 4806
RICHARD C. SHRANK, 9653
JOHN A. SIMPSON JR., 3618
STANLEY L. SIMS, 7398
NATHAN K. SLATE, 0054
WILLIAM M. SLAYTON, 8143
NATHANIEL H. SLEDGE JR., 0331
ANTOINETTE G. SMART, 4967
JON P. SMART, 2962
BILLY R. SMITH, 0817
EUGENE A. SMITH, 8116
JEFFREY C. SMITH, 5251
JOSEPH M. SMITH, 6847
KEITH A. SMITH, 7263
MICHAEL SMITH, 3598
TODD R. SMITH, 4297
CHARLES T. SNIFFIN, 9415
DAVID B. SNODGRASS, 6857
KATHLEEN G. SNOOK, 7056
THOMAS F. SPELLISSY, 1596
JOHN J. SPINELLI, 8771
LEE A. STAAB, 5411
MARTIN N. STANTON, 2756
THOMAS H. STANTON, 6449
MARK L. STAPLETON, 0403
KURT J. STEIN, 6492
CAROLYN A. STEWART, 2019
KURT S. STORY, 6669
HENRY M. STPIERRE, 7535
KEVIN P. STRAMARA, 4399
RICKI L. SULLIVAN, 3004
THOMAS L. SWAREN, 4451
RICHARD E. TALLEY, 3364
GEORGE E. TEAGUE, 5584
DAVID A. TEEPLES, 1729
SCOTT E. THEIN, 2073
FRANK J. THEISING, 9963
ALBERT P. THOMAS, JR., 5432
KELLY J. THOMAS, 0604
RAYMOND A. THOMAS III, 0142
JERRY D. THOMASON, 3519
MASON W. THORNAL, 5142
TERENCE M. TIDLER, 8898
FRANK P. TODD, 5195
THOMAS G. TORRANCE, 1654
KONRAD J. TRAUTMAN, 8515
KEVIN G. TROLLER, 1628
STANLEY Q. TUNSTALL, SR., 0595
LORRAINE E. TYACKE, 6082
KURT F. UBBELOHDE, 8590
LEWIS L. VANDYKE, 6614
GILBERTO VILLAHERMOSA, 6253
WILLIAM C. VOGT, 3217
JEFFREY D. VORDERMARK, 5229
ALLAN R. VOSBURGH, 2581
PAUL H. VOSTI, 2647
PATRICK D. VYE, 0983
SUSAN K. WAGNER, 9352
GARY R. WALLACE, 6035
BETTE R. WASHINGTON, 6895
GEORGE K. WASHINGTON, 6310
BEN W. WEINER, 2468
JASON S. WEINTRAUB, 1686
DAVIS S. WELCH, 5712
DONALD J. WELCH, JR., 2354
STEPHEN K. WEST, 4531
JOHN F. WHARTON, 3063
GARY W. WHITEHEAD, 3008
CHARLES K. WILLIAMS, 0311
KEWYN L. WILLIAMS, 7808
MARVIN W. WILLIAMS, 0251
RICHARD A. WILLIAMS, 7806
DANIEL M. WILSON, JR., 4755
MARILEE D. WILSON, 1867
WALTER E. WININGER, JR., 3964
JOHN W. WISEMAN II, 0628
PETER V. WOJCIK, 5055
ROBERTA A. WOODS, 9351
JEFFREY W. YAEGER, 0799
BRUCE P. YOST, 9309
THOMAS W. YOUNG, 6315
CURT S. ZARGAN, 8068
PETER J. ZIELINSKI, 9435
X0268

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS (CH) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

HANSON R. BONEY, 8969 CH
DAVID H. BRADFORD, 2656 CH
WILFRED BREWSTER, JR., 8386 CH
JAMES R. GRIFFITH, 1174 CH
MICHEAL A. HOYT, 1271 CH
CLARKE L. MCGRIFF, 4175 CH
DANIEL A. MILLER, 5580 CH
DANIEL K. NAGLE, 0948 CH
REES R. STEVENS, 2223 CH
REINALDO VELEZ, 7526 CH
JAMES E. WALKER, 5832 CH
WILLIAM D. WILLETT, 8634 CH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH D. APODACA, 7374
CHARLES A. JOHNSON, JR., 5379

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN A. AHO, 1211
SCOTT D. AIKEN, 3508
BENJAMIN P. ALLEGRETTI, 9483
BERN J. ALTMAN, 7833
BRIAN J. ANDERSON, 3458
JOEL D. ANDERSON, 8017
EUGENE N. APICELLA, 3462
ROBERT K. ARMSTRONG, JR., 6315
TIMOTHY T. ARMSTRONG, 9569
VAUGHN A. ARY, 6163
JOE D. BAKER II, 0583
KATHY A. BANNICK, 9679
DENNIS J. BARHAM, 0149
JOHN D. BARTH, 7108
KEVIN M. BARTH, 0252
RICHARD W. BAXTER, 2690
JAMES C. BECKER, JR., 3828
MICHAEL H. BELDING, 8210
RONNIE A. BERNAL, 6113
MONTE G. BIERSCHENK, 0340
MITCHELL S. BIONDICH, 2284
TRENT BLACKSON, 7196
GREGORY F. BOND, 5496

DAVID H. BOOTH, 2310
EUGENE N. BOSE, 2170
ROBERT L. BOWDEN III, 8163
JOSEPH G. BOWE, 7603
MICHAEL R. BOWERSOX, 6971
PETER L. BOWLING, 8795
JEFFRY S. BRADY, 8597
IRIC B. BRESSLER, 6423
GARY E. BROWN, JR., 9379
MICHAEL P. BRUEN, 8543
ERIC V. BRYANT, 4353
JAMES E. BUDWAY, 7927
DAVID L. BURCHINAL, 4741
ADRIAN W. BURKE, 6385
GERARD K. BURNS, 5349
MICHAEL H. BURT, 1735
BRETT K. BURTIS, 2594
JOHN M. BUTTERWORTH, 9367
BRENNAN T. BYRNE, 6077
BRIAN J. BYRNE, 1132
GREGORY R. CALDWELL, 3662
PATRICK J. CAMPBELL, 3388
JOHN W. CARL, 9327
CARL W. CARRELL, 6397
CHARLES K. CARROLL, 6474
FRANCIS X. CARROLL, 1516
CARLEN T. CHARLESTON, 6764
JAMES B. CHARTIER, 0784
CHARLES G. CHIAROTTI, 5335
JAMES W. CLARK, JR., 6867
JAMIE E. CLARK, 3257
KENNETH W. CLARK, 4234
ROBERT D. CLARK, 2305
THOMAS S. CLARK III, 4336
CRAIG R. CLEMENT, 9099
ROBERT C. CLEMENTS, 5941
ROBERT W. COATE, 1160
DAVID W. COFFMAN, 8012
RICHARD D. COLEMAN, JR., 3666
ADAM J. COPP, 0957
STEPHEN P. CORCORAN, 0167
GEOFFREY A. CORSON, 3806
WILLIAM R. COSTANTINI, 7691
JOHN D. COWLEY, 7757
EDWIN B. COYL III, 6623
DOUGLAS F. CROMWELL, 3821
KRISTA J. CROSETTO, 1929
RONALD R. DALTON, 2208
NEWELL B. DAY II, 0506
JEFFERY E. DEAROLPH, 7547
RICHARD A. DEFOREST, 6185
PATRICK M. DELATTE, 6540
PETER L. DELORIER, 2355
JAMES G. DERDALL, 1032
KURT E. DIEHL, 8648
MARK V. DILLARD, 4694
WILLIAM L. DOLLEY, 4360
GREGORY M. DOUQUET, 4034
ROBERT T. DURKIN, 0450
DANIEL W. ELZIE, 4324
CLAYTON O. EVERS, JR., 7744
JOACHIM W. FACK, 9691
MARK C. FELSKE, 6785
PATRICK D. FORD, 3609
TIMOTHY S. FOSTER, 6818
STEVEN D. FOX, 8807
MICHAEL M. FRAZIER, 1579
BENNETT C. FREEMON, 5799
SCOTT B. FROSCH, 6324
STEPHEN J. GABRI, 1546
JAMES M. GANNON, 2786
ROBERT L. GARDNER, 3841
DAVID P. GARNISH, 8798
KENNETH E. GASKILL, JR., 7378
ROBERT W. GATES, 9310
BRAD R. GERSTBREIN, 9941
THOMAS C. GILLESPIE, 1480
BRENT P. GODDARD, 7057
ROBERT G. GOLDEN III, 4168
GILBERTO C. GONZALEZ, 8285
THOMAS A. GORRY, 4930
KIMBERLY A. GRAHAM, 1488
DAVID S. GRANTHAM, 8439
ANTHONY J. GRECO, JR., 9737
MICHAEL S. GROGAN, 1189
KEVIN L. GROSS, 6893
BRETT J. GROSSHANS, 3057
MICHAEL A. GROVES, 3399
ROLANDO GUZMAN, 5692
GREGG T. HABEL, 9124
JOHN R. HAHN, 7300
RONALD D. HAHN, JR., 6703
JACK Q. HALL, 7649
JEFFREY W. HANNAY, 6281
TIMOTHY G. HANSON, 7353
JOSEPH K. HAVILAND, 2224
JEFFREY M. HAYNES, 4660
BRENT HEARN II, 3953
JEFFREY J. HEDERER, 4247
KENNETH S. HELFRICH, 5381
DALE W. HERDEGEN, 9309
DAN P. HICKEY, 1390
PATRICK R. HOGAN, 1925
JAMES A. HOGBERG, 2261
LARRY J. HOLCOMB, 5580
CHRISTOPHER B. HOUSER, 5304
MICHAEL J. HOWER, 8572
MICHAEL R. HUDSON, 1471
JAY L. HUSTON, 5607
STEVEN M. IMMEL, 2759
JEROME A. JACKSON, 4598
RUSSELL E. JAMISON, JR., 4937
HAROLD D. JOHNSON III, 3933
KIM C. JOHNSON, 3214
MICHAEL J. JOHNSON, 5061
WILLIAM A. JOHNSON, 4951
KEVIN M. JONES, 1468
MICHAEL S. JONES, 6572
CHARLES A. KELLY, 7070
KEVIN M. KELLY, 3230
STEVEN A. KELLY, 3421
PAUL J. KENNEDY, 3287
PHILLIP W. KENOYER, 7412
BRIAN D. KERL, 5033
ERIC P. KESSLER, 8446
ASAD A. KHAN, 5240
ROBERT F. KILLACKEY, JR., 3953
EARNEST D. KING, 1546
JAMES C. KING II, 2377
KEVIN D. KING, 2461
CHARLES L. KIRKLAND, 8430
DOUGLAS R. KLEINSMITH, 9882
DARRIC M. KNIGHT, 8719
BARRY L. KRAGEL, 1830
BERNARD J. KRUEGER, 4640
PAUL A. KUCKUK, 0658
KEVAN B. KVENLOG, 1264
JAMES G. KYSER IV, 4040
MICHAEL E. LANGLEY, 3483
MICHAEL L. LAWRENCE, 6762
PAUL J. LEBLANC, 9402
GARY C. LEHMANN, 9376
LAWRENCE S. LOCH, 1084
PATRICK G. LOONEY, 6426
MATTHEW A. LOPEZ, 7059
JON K. LOWREY, 0443
KENNETH D. LOY, 9878
MARC L. MAGRAM, 9162
JOAQUIN F. MALAVET, 7370
JOHN C. MALIK III, 0444
JOHN P. MANGOLD, 7497
JOSEPH C. MARELLO, JR., 3572
RONALD J. MARTIN, 0452
WAYNE R. MARTIN, 2683
ANTONIO J. MATTALIANO, JR., 5034
TERESA F. MCCARTHY, 5287
ROB B. MCCLARY, 4420
MARC D. MCCOY, 8547
MICHAEL V. MCDONALD, 0601
RUSSELL O. MCGEE, 4031
MARK D. MCGRAW, 3261
STEPHEN A. MEDEIROS, 3523
MARK W. MELORO, 0451
JEFFREY L. MERCHANT, 6896
LAWRENCE E. MICCOLIS, 8157
LAUREN R. MIHLON, 7567
ROBERT M. MILLER, 4432
MICHAEL T. MIZE, 6900
MICHAEL F. MORRIS, 5105
DONALD C. MORSE, 8005
CHRISTEN A. NIELSEN, 1303
JAMES E. NIERLE, 5338
STEPHEN G. NITZSCHKE, 8329
GREGG P. OLSON, 7633
DAVID P. OLSZOWY, 3066
JOHN P. OROURKE, 7173
ROY A. OSBORN, 5777
DAVID F. OVERTON, 2944
STEPHEN M. PACE, 3004
RICK A. PAGEL, 4581
MICHAEL S. PALERMO, JR., 1926
HOWARD T. PARKER, JR., 8465
RUSSELL A. PAULSEN, 1433
DUANE B. PERRY, 8609
NORMAN L. PETERS, 2941
DONNA J. PETIT, 2433
ROBERT G. PETIT, 0883
DAVID K. PIGMAN, 5357
JOHN M. POLLOCK, 4105
RICHARD R. POSEY, 4754
CATHY M. POWALSKI, 6987
LAULIE S. POWELL, 3676
JOEL R. POWERS, 1093
DAVID A. RABABY, 5068
ROBERT N. RACKHAM, JR., 7273
MICHAEL R. RAMOS, 9330
PATRICK L. REDMON, 9370
TERENCE W. REID, 5227
CARL A. REYNOSO, 9259
JOSEPH P. RICHARDS, 8836
CURTIS M. ROGERS III, 4462
DAVID S. ROWE, 3676
JEREMIAH I. RUPERT, 2327
SPENCER RUTLEDGE III, 8332
PHILIP G. RYNN, 6137
STANLEY W. SALAMON, 9735
STEVE SCHEPS, 5432
TODD W. SCHLUND, 2328
ROBERT C. SCHUTZ IV, 2768
GARRY S. SCHWARTZ, 5639
RUSSELL W. SCOTT III, 1352
DOUGLAS L. SEAL, 3296
SCOT S. SEITZ, 6678
CHRISTOPHER A. SHARP, 0665
MARK V. SHIGLEY, 5760
MATTHEW SHIHADEH, 3495
MARTIN H. SITLER, 0385
BARTON S. SLOAT, 3752
GEORGE W. SMITH, JR., 2329
JAY C. SMITH, 2471
RANDALL W. SMITH, 6246
RUSSELL H. SMITH, 0599
MATTHEW J. SMITHMECK, 1304
ANDREW L. SOLGERE, 9628
MICHAEL R. STAHLMAN, 4000
RODDY STATEN, 1116
RICHARD V. STAUFFER, JR., 7266
THEODORE J. STOUT, 6729
DANNY R. STRAND, 0340
FREDERICK W. STURCKOW, 0856
ARTHUR T. STURGEON, JR., 2039
DANIEL J. SULLIVAN, 1330
DIANNE L. SUMNER, 4567
SUSAN C. SWANSON, 5309
JEROME E. SZEWCZYNSKI, 6956
KATHY L. TATE, 3229
DAVID M. TAYLOR, 9724
MARK A. TAYLOR, 1234
DON M. THANARS, 0695
ALAN L. THOMA, 1599
GREGORY S. THOMAS, 6213
JOSEPH J. THOMAS, 2714
WILBERT E. THOMAS, 9746
KENNETH G. THOMPSON, 6423
FRANK D. TOPLEY, JR., 1719
NORBERT J. TORRES, 4840
ERIC M. TRANTER, 2682
ERIC B. TREWORGY, 0157
BRAD E. VALDYKE, 8516
ALVIN J. VANSTEENBERGEN, 1228
JOSE F. VAZQUEZ, 6995
THOMAS M. VILAS, 4570
ROBERT E. WALLACE, 1442
RONALD D. WALLACE, 4860
JOHN S. WALSH, 7292
THOMAS W. WARD, 8134
PAUL J. WEBER, 8425
ROBERT K. WEINKLE, JR., 9124
ROBERT F. WENDEL, 8423
RICHARD M. WERSEL, JR., 4883
MICHAEL B. WEST, 8668
KEVIN L. WHITE, 4202
VICTOR WIGFALL II, 2228
JAMES M. WILLIAMS, 8616
ROBERT C. WOMELSDORF, 0941
MICHAEL K. WOODWARD, 9171
LLOYD A. WRIGHT, 6450
DANIEL D. YOO, 5152
JOHN J. YUHAS, JR., 7018
JEFFREY R. ZELLER, 0744

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

WILLIAM S. AITKEN, 5297
GREGORY S. AKERS, 6715
JUAN G. AYALA, 2023
THOMAS B. BAILEY III, 2469
MARK H. BAMBERGER, 8341
DAVID J. BARILE, 8743
THOMAS BRANDL, 4276
RAYMOND T. BRIGHT, 8667
JOSEPH A. BRUDER IV, 8928
CATKIN M. BURTON, 2820
WILLIAM H. CALLAHAN, JR., 7190
THOMAS L. CARIKER, 5320
JEFFREY L. CASPERS, 2574
JOSEPH D. CASSEL, JR., 6767
GUY M. CLOSE, 8701
ARTHUR J. CORBETT, 0716
MATTHEW A. DAPSON, 4495
KEVIN J. DELMOUR, 2272
ROBERT W. DESTAFNEY, 3454
JOE D. DOWDY, 0703
ROBERT J. DRUMMOND, 5065
MICHAEL A. DYER, 8369
LAURIN P. ECK, 4042
KEITH B. FERRELL, 8286
RICHARD J. FINDLAY, 9879
MICHAEL E. FINNIE, 1078
GEORGE E. FLEMING III, 1293
WARREN J. FOERSCH, 3290
KENNETH P. GARDINER, 3677
DAVID C. GARZA, 1156
THOMAS E. GLAZER, 5114
TERRANCE A. GOULD, 4715
WILLIAM W. GRIFFEN, JR., 9409
JAMES E. HARBISON, 5039
WILLIAM J. HARTIG, 5404
MICHAEL L. HAWKINS, 2790
DAVID R. HEINZ, 0784
KEVIN G. HERRMANN, 5073
JOHN P. HOLDEN, 9357
GLENN M. HOPPE, 6837
JAMES R. HOWCROFT, 7457
WILLIAM D. HUGHES III, 7702
TIMOTHY L. HUNTER, 5179
DOUGLAS J. JEROTHE, 0144
RONALD J. JOHNSON, 9335
ROBERT E. JOSLIN, 6747
DAVID P. KARCHER, JR., 4184
STEVEN M. KEIM, 3226
KEVIN L. KELLEY, 1630
LAWRENCE M. KING, JR., 0442
JOSEPH M. LANCE III, 9576
JAMES B. LASTER, 4280
KEITH A. LAWLESS, 0627
TIMOTHY G. LEARN, 9813
BEVELY G. LEE, 2370
ALAN R. LEWIS, 0850
MARC C. LIEBER, 0171
ERIC T. LITAKER, 6785
STEPHEN P. LYNCH, 3273
CRAIG A. MARSHALL, 7639

JEFFERY L. MARSHALL, 2827
FRANK D. MAZUR, 8593
EDWARD M. MCCUE III, 1699
KENNETH F. MCKENZIE, JR., 6735
DANIEL L. MCMANUS, 6660
CRAIG M. MCVAY, 6899
LEO A. MERCADO, JR., 5176
JONATHAN G. MICLOT, 8741
DAVID J. MOLLAHAN, 9765
JOHN E. MONTEMAYOR, 0849
MEDIO MONTI, 1764
CHARLES R. MYERS, 5891
CHRISTOPHER E. O'CONNOR, 3232
KEITH A. OLIVER, 8462
ROGER J. OLTMAN, 0737
BERNARD E. O'NEIL, 1556
JOHN E. PAGE, 0007
ANTHONY B. PAIS, 1679
MICHAEL J. PAULOVICH, 7497
KAREN S. PROKOP, 9416
JOHN C. PROSS, 9101
THOMAS F. QUALLS, JR., 7415
DAVID G. REIST, 1269
WILLIAM E. RIZZIO, JR., 6005
ROBERT L. RUSCH, 0685
MICHAEL L. SAWYERS, 7867
MICHAEL H. SCHMITT, 9460
KEITH A. SEIWELL, 7812
MARK S. SHAFER, 0759
GARY P. SHAW, 4789
ROLF A. SIEGEL, 0467
CHRISTOPHER H. SONNTAG, 4583
COSMAS R. SPOFFORD, 9360
BYRON F. STEBBINS, 8575
MARTIN J. SULLIVAN, 1276
SUSAN G. SWEATT, 9094
PETER J. TALLERI, 9793
JOHN A. TERRELL, 6944
DWIGHT E. TRAFTON, 8167
ROBERT S. TROUT, 6355
PETER T. UNDERWOOD, 0074
GLENN L. WAGNER, 7767
ROBERT P. WAGNER III, 8518
ALAN W. WALLACE, 2818
ROBERT S. WALSH, 8100
DAVID L. WALTER, 9060
GLENN M. WALTERS, 8340
GARY A. WARNER, 7233
PATRICIA F. WARREN, 8922
MICHAEL M. WEBER, 0408
OTTO W. WEIGL, JR., 9987
ANTHONY J. WENDEL III, 2629
GARY L. WILLISON, 4127
DAVID M. WUNDER, 9810
LON M. YEARY, 1289
RONNY L. YOWELL, 5656
DOUGLAS P. YUROVICH, 6798

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD SCHAEFER, 9810

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

TERRY W. BENNETT, 7736
ANTHONY C. CREGO, 6776
GREGORY T. ECKERT, 1658
JOHN C. GROVE, 6222
MARK A. HOCHSTETLER, 1017
AARON JOHNSON, 9410
JOHN P. MERLI, 8929
STEVEN B. MULESKI, 2171
STEVEN K. SPEIGHT, 9330
NATHAN B. SUKOLS, 9486
JON B. WALSH, 2995
LAWRENCE R. WILSON, 6878

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENT W. ABERNATHY, 4175
CARLO J. ACCARDI, 4077
FREDERICK AIKENS, 0667
WILLIAM L. ALDRED, JR., 3367
BOYD L. ALEXANDER, 1763
ANTHONY ALFORD, 9908
CHARLES M. ALLEN, JR., 8784
JAMES M. ALLEN, 6900
PATRICK D. ALLEN, 3405
RONALD C. ALLEN, 5067
JOHN R. ALVARADO, 6491
NICHOLAS C. AMODEO, 1938
ROMA J. AMUNDSON, 8996
MARCIA L. ANDREWS, 0824
PERRY E. ANTHONY, 9663
JAMES F. ARGABRIGHT, 5145
JAMES W. ATCHISON, 8583
MICHAEL E. AVAKIAN, 6742
PETER M. AYLWARD, 8297
JOHN T. BAKER, 3417
ROBERT K. BALSTER, 8953
PAUL BARABANI, 0031
LOGAN B. BARBEE, 8991
CHRISTOPHER R. BARBOUR, 8678
HUGH G. BARCLAY IV, 6659
KENNETH P. BARDEN, JR., 4915
JOHN I. BARNES III, 8491
WAYNE C. BARR, JR., 8953
PERRY E. BARTH, 5698
TIMOTHY L. BARTHOLOMEW, 0562
DAVID E. BASSERT, JR., 3452
GARY W. BAUMANN, 8508
RICHARD A. BAYLOR, 3612
RICHARD L. BAYSINGER, 5990
WILLIAM G. BEARD, 8900
DONALD L. BELANGER, 1484
THOMAS A. BELOTE, 2849
ROY C. BENNETT, 6068
RICHARD J. BERESFORD, 0025
LAWRENCE E. BERGESON, 1575
MARCELO R. BERGQUIST, 0899
GEORGE M. BESHENICH, 2836
VICTORIA A. BETTERTON, 4038
VICTOR A. BETZOLD, 5516
LETTIE J. BIEN, 5601
DONALD J. BILLONI, 6179
EDWARD J. BINSEEL, 8958
ERNEST BIO, 0784
CHARLES D. BLAKENEY, 8206
ROBERT C. BLIX, 7377
JOSEPH G. BLUME, JR., 5603
KEITH J. BOBENMOYER, 4533
ROBERT C. BOLTON, 8102
PHILLIP BOOKERT, 0302
CANFIELD D. BOONE, 3071
THOMAS P. BOYLE, JR., 5445
JAMES F. BOYNTON, JR., 6913
PAMELA J. BRADY, 1725
ALLEN E. BREWER, 9815
GORDON M. BREWER, 8161
PHILIP S. BREWSTER III, 4443
WILLIAM E. BRITTIN, 1156
DEBRA A. BROADWATER, 1446
CURTIS R. BROOKS, 8169
TILDEN L. BROOKS, JR., 3269
MICHAEL P. BROWN, 6828
STEVEN L. BROWN, 3531
LOUIS J. BRUNE III, 2124
WILLIAM J. BRUNKHORST, 8996
RALPH T. BRUNSON, 1101
RICHARD L. BUCK, 1522
TERRY L. BULLER, 8303
ROBERT W. BURNS, 1639
CHARLES N. BUSICK, 1374
THOMAS D. BUTLER, JR., 3016
GLEN CADLE, JR., 6971
JOHNNIE L. CAHOON, JR., 9547
SAMUEL E. CANIPE, 9179
THOMAS W. CAPLES, 9139
HUBERT D. CAPPS, 9508
PHILIP R. CARLIN, 2376
BRUCE W. CARLSON, 5483
ANTHONY J. CARLUCCI, 9444
MELVIN J. CARR, 2390
JOHN D. CARROLL, 5199
ROOSEVELT CARTER, JR., 6653
MARK A. CENTRA, 9677
WALTER B. CHAHANOVICH, 5937
ROBERT J. CHANDLER JR., 7621
ROBERT L. CHILCOAT, 3108
MARK J. CHRISTIAN, 8252
DONALD L. CHU, 6866
MICHAEL L. CHURCH, 8158
ALAN D. CHUTE, 5345
EUGENE CLARK, 0812
RICHARD L. CLARK, 5929
ROBERT G. CLARK, 6354
WILLIAM J. CLEGG III, 4058
LESTER L. CLEMENT, 1583
WILLIAM G. COBB, 9420
GERALD W. COCHRANE, 2148
WILLIAM B. COLLINS, 6130
PETER M. COLLOTON, 2143
MARTIN D. COMPTON, 6500
MICHELE G. COMPTON, 5758
CHARLES R. CONN, 8585
JAMES A. CORMAN, 9366
STEPHEN G. CORRIGAN, 8829
JAMES W. CORRIVEAU, 8627
ROBERT O. CORTEZ, 1529
BILLY J. COSSON, 9244
HARRY E. COULTER JR., 2728
BRARRY A. COX, 1480
WARREN G. CRECY, 8979
JOSEPH A. CUELLAR, 4656
WILLIAM N. CULBERTSON, 1057
WALTER R. CYRUS, 8947
JEAN L. DABREAU, 5962
JOHN A. DAROCHA, 9718
DAVID M. DAVISON, 7296
MICHAEL E. DEBOLD, 5059
ROBERT F. DELCAMPO, 3312
WILLIAM DENEKE, 8630
LYNNE E. DERIE, 1859
JOSEPH R. DEWITT, 7218
RONALD F. DIANA, 0757
JOSEPH B. DIBARTOLOMEO, 9810
RICHARD R. DILLON, 1619
THADDEUS A. DMUCHOWSKI, 7794
JAMES M. DOBBINS, 6854
HARRY C. DOBSON, 4007
MICHAEL F. DOSSETT, 4211
WILLIAM C. DOWD, 5969
JAMES D. DOYLE, 5900
JOSEPH H. DOYLE, 1642
DONALD A. DRISCOLL, 1515
DEBRA A. DUBOIS, 7309
ROGER B. DUFF, 8632
DONALD C. DURANT, 1243
KENT J. DURING, 2945
LOUIS R. DURNYA, 4138
JOHN B. DWYER, 5980
RONALD J. DYKSTRA, 7625
MARK M. EARLEY, 6309
STEVEN D. ECKER, 1777
MARI K. EDER, 2706
GREGORY B. EDWARDS, 8242
KENNETH D. EDWARDS, 4553
THOMAS R. EICHENBERG, 6780
DAVID J. ELICERIO, 3002
DALE G. ELLIS, 3418
KATHLEEN K. ELLIS, 0103
ALLAN L. ENRIGHT, 3362
WILLIAM L. ENYART JR., 0507
THOMAS P. ERSFELD, 5789
BEVERLY J. ERTMAN, 2158
GEORGE C. ESCHER, 6306
CARL W. EVANS, 2961
WILLIAM C. FALKNER, 6556
JOHN M. FARENISH, 9438
JACKIE D. FARR, 6334
GERALD T. FAVERO, 7478
PETER S. FEDORKOWICZ, 5520
DONALD P. FIORINO, 8011
ROLAND A. FLORES, 1623
PATSY M. FLOYD, 3434
DOUGLAS J. FONTENOT, 8693
GERALD W. FONTENOT, 1914
ROBERT G. FORD, 4546
HENRY J. FORESMAN JR., 0590
BRIAN A. FORZANI, 9363
FOSTER F. FOUNTAIN, 9137
WALTER E. FOUNTAIN, 8380
PETER D. FOX, 2306
STEPHEN R. FRANK, 2000
DALE L. FRINK, 9564
DONALD W. FULLER, 3199
PAMELA A. FUNK, 0850
JAMES L. GABRIELLI, 2582
BERTRAND R. GAGNE, 0746
RONALD S. GALLIMORE, 0262
ALBERT J. GARDNER, 7370
GLENN H. GARDNER, 3511
JAMES P. GARDNER, 3936
RICHARD A. GARZA, 3491
JERRY T. GASKIN, 5399
REGINALD B. GEARY, 9931
RICHARD P. GEBHART, 0167
DAVID L. GERSTENLAUER, 9566
DANIEL G. GIAQUINTO, 9826
GERALD G. GIBBONS JR., 3678
WILLIAM J. GLASSER, 1794
WILLIAM J. GOTHARD, 7477
MARTIN L. GRABER, 3495
ROBERT D. GRAMS, 6283
ANTHONY J. GRATSON, 3907
THOMAS R. GREATHOUSE, 6191
ELLEN P. GREENE, 4102
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WILLIAM C. HAASS, 6978
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ROBERT E. HAMMEL, 0225
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ROBERT C. HARGREAVES, 5576
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DONALD J. HARRINGTON, 3456
EARNEST L. HARRINGTON, JR., 8684
STEPHEN J. HATCH, 3082
MARK C. HATFIELD, 0158
FLOYD D. HAUGHT, 5805
REED T. HAUSER, 4730
LAWRENCE M. HAYDEN, 6067
ROBERT W. HAYES, JR., 8336
WILLIAM J. HAYES, 1203
HARRY W. HELFRICH IV, 3527
KARL D. HELLER, 2353
HOWARD W. HELSER, 6944
CARY R. HENDERSON, 6980
KATHY L. HENNES, 2503
JEFFREY W. HETHERINGTON, 9875
JAMES D. HOGAN, 8654
GAROLD D. HOLCOMBE, 0114
FRANK E. HOLLAND III, 2530
THOMAS M. HOLLENHORST, 6891
NOREEN J. HOLTHAUS, 5892
GREGORY R. HOOSE, 0764
THOMAS F. HOPKINS, 2011
DEBORAH Y. HOWELL, 6138
MELVIN A. HOWRY, 2781
STEPHAN K. HUCAL, 1136
JOHN C. HUDSON, 1283
PAUL F. HULSLANDER, 4233
STEPHEN J. HUMMEL, 1683
BERNIE R. HUNSTAD, 7236
CHARLES H. HUNT, JR., 0209
LIMUEL HUNTER, JR., 9357
PAUL J. HUTTER, 9861
JAMES G. IVEY, 1080

ROBERT C. JACKLE, 7919
MARK H. JACKSON, 9706
RAYMOND JARDINE, JR., 4294
STEPHANIE A. JEFFORDS, 2967
DANIEL J. JENSEN, 9329
MARK A. JENSEN, 4675
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ERIC P. JOHNSON, 7047
FREDERICK J. JOHNSON, 7701
JEFFREY W. JOHNSON, 6029
ROBERT W. JOHNSON, 8233
SCOTT W. JOHNSON, 1707
GARY L. JONES, 7353
KAFFIA JONES, 3808
TED S. KANAMINE, 6830
JAMES M. KANE, 4857
JANIS L. KARPINSKI, 0063
GUSTAV G. KAUFMANN, 2089
WILLIAM J. KAUTT III, 6346
DEMPSEY D. KEE, 7616
GARY E. KELLY, 3617
LARRY T. KIMMICH, 1334
GARY G. KLEIST, 5198
PETER KOLE, JR., 2507
GERY W. KOSEL, 2635
RANDOLPH J. KRANEPUHL, 1382
DONALD L. KREBS, 1296
JOHN R. KREYE, 6288
KIRK M. KRIST, 8703
NORMA J. KRUEGER, 5028
RANDALL W. LAMBRECHT, 0129
MARK E. LANDERS, 7963
WILLIAM H. LANDON, 2822
LENWOOD A. LANDRUM, 6758
ROBERT E. LANDSTROM, 0443
DOUGLAS J. LANGE, 5873
DAVID E. LECKRONE, 2761
JERRY G. LEDOUX, 9568
SCOTT D. LEGWOLD, 0857
JEFFREY L. LEIBY, 4399
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LESTER H. LETTERMAN, 6946
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ALBAN LIANG, 7046
PATRICIA LINDGRENGRICHNIK, 7501
ELIZABETH J. LIPPMANN, 0935
DENNIS A. LITTLE, 7572
DAVID A. LIVELY, 6879
ROGER A. LIVINGSTON, 5405
JOHN I. LODEN, 0836
CORY L. LOFTUS, 4773
HENRY S. LONG, JR., 0352
TOM C. LOOMIS, 9901
FELIPE J. LOPEZ, 5648
JERRY G. LOVE, 5429
ROBERT L. LOWERY, JR., 7274
DAVID M. LOWRY, 1007
JOHN D. LYBRAND, JR., 0433
NEIL D. MACKENZIE II, 9422
CHRISTINE T. MALLOS, 0578
HENRY M. MARTIN, JR., 8008
SHIRLEY M. MARTIN, 9945
HECTOR M. MARTIR, 6870
MATTHEW G. MASNIK, 0470
LARRY J. MASSEY, 2313
ROBERT A. MAST, JR., 1833
JOHN R. MATHEWS, 7284
TERRELL W. MATHEWS, 4562
JEFF W. MATHIS III, 4869
MICHAEL D. MATZ, 8456
GEORGE P. MAUGHAN, 6514
WILLIAM R. MAY, 4506
ELLSWORTH E. MAYFIELD, 8427
JOSE S. MAYORGA, JR., 9411
MICHAEL E. MCCALISTER, 5840
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WEYMAN W. MCCRANIE, JR., 8899
JERRY T. MCDANIEL, 1464
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MICHAEL W. MCHENRY, 0437
BYRON W. MCKINNON, 1088
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KENNETH D. MCRAE, 1506
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MICHAEL E. MERGENS, 3127
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RANDY M. MOATE, 0991
DOUGLAS MOLLENKOPF, 6129
CHARLES E. MOORE, 6503
JOHN D. MOORS, JR., 3879
WILLIAM J. MORRISSEY, 7425
RONALD O. MORROW, 6575
CRAIG H. MORTON, 9177
BRUCE E. MUNSON, 0085
PATRICK A. MURPHY, 0096
ROBERT E. MURPHY, 3940
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HOMER I. NEWTON, 8941
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THOMAS PALGUTA, 4792
RONALD J. PARK, 5083
WILLIAM H. PATTERSON III, 9970
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DAVID C. PERKINS, 0048
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GREGORY W. PHELPS, 0582
JAMES F. PHILLIPS, 3885
DONALD W. PIPES, 4077
STANLEY C. PLUMMER, 9367
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DEBORAH R. READ, 4121
NORMAN L. REDDING, JR., 9145
LARRY D. REESE, 8121
TIMOTHY J. REGAN, 9595
ROBERT C. REGO, 8607
PRICE L. REINERT, 0564
TIMOTHY R. RENSEMA, 0120
DANIEL M. REYNA, 3023
BARRY L. REYNOLDS, 6404
CHARLES W. RHOADS, 6116
KENNETH W. RIGBY, 0830
WILLIAM D. ROBERTS, 0829
JOSEPH L. ROGERS, 0001
LARRY E. ROGERS, 5416
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JAMES P. RUPPER, 4184
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CHARLES D. SAFLEY, 5588
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RAFAEL SANCHEZ, 8559
GREGORY J. SANDERS, 6138
RICHARD L. SANDERS, 8363
JOHN C. SANFORD, 0501
GUS L. SANKEY, 4841
ANGEL L. SARRAGA, 1315
JAMES M. SCHAEFER, 9578
WESLEY H. SCHERMANN, JR., 6069
AUSTIN SCHMIDT, 5387
RONALD M. SCHROCK, 9167
JAMES A. SCHUSTER, 6156
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BRION L. SCHWEBKE, 2854
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LOUIS J. SCOTTI, 5800
HENRY P. SCULLY, 7575
DENNIS S. SEARS, 9867
THOMAS J. SELLARS, 7334
KAREN J. SHADDICK, 3020
ANTHONY S. SHANNON, 9180
LEN D. SHARTZER, 2944
FREDERICK A. SHAW III, 5230
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RICHARD J. SHERLOCK, JR., 9856
SAMUEL M. SHILLER, 2731
STANLEY P. SHOPE, 9023
KING E. SIDWELL, 5791
KEITH D. SIMMONS, 2075
CHARLES R. SINGLETON, 0391
JOHN J. SKOLL, 9768
BRENDA G. SMITH, 1862
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LARRY E. SMITH, 4616
MICHAEL D. SMITH, 2295
RONALD B. SMITH, 5112
SIMS H. SMITH, 3986
MICHAEL R. SNIPES, 3139
SHELDON R. SNOW, 4543
WILLIAM S. SOBOTA, JR., 9282
GLENN A. SONNEE, 7840
NORMAN R. SPERO, 2467
PHILIP W. SPIES, JR., 4433
REX A. SPITLER, 9825
EDDY M. SPURGIN, 8186
ROBERT P. STALL, 9143
MARCY A. STANTON, 4144
DAVID E. STARK, 5530
CHARLES M. STEELMAN, 6496
THOMAS S. STEFANKO, 6318
JEANETTE L. STERNER, 6243
STANLEY M. STRICKLEN, 0565
GEORGE M. STRIPLING, 1358
JAMES M. STRYKER, 5980
JAMES C. STUBBS, 1026
THOMAS R. SUTTER, 7473
ANDREW A. SWANSON, 0134
STANLEY P. SYMAN, 6445
DENIS H. TAGA, 5778
FRANCIS B. TAVENNER, JR., 3257
BENNY M. TERRELL, 3044
BURTHEL THOMAS, 5513
KEVIN D. THOMAS, 8557
NANCY A. THOMAS, 4632
RANDAL E. THOMAS, 9772
GEORGE C. THOMPSON, 5012
KARL C. THOMPSON, 2623
DOUGLAS R. THOMSON, 3156
PHILLIP J. THORPE, 4583
RONALD L. THORSETT, 0316
TERRY E. THRALL, 8955
EMELIO K. TIO, 3593
JAMES B. TODD, 0411
RICHARD K. TREACY, 4674
WILLIAM D. TROUT, 8924
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MICHAEL J. ULEKOWSKI, 5501
THOMAS J. UMBERG, 2562
ROBERT L. VALENCIA, 3325
RICHARD C. VINSON, 5858
RAYMOND D. WADLEY, 4022
SCOTT D. WAGNER, 3810
DONALD P. WALKER, 2260
WILLIAM A. WALSH, 4922
ANDREW C. WARD, 2633
ROBERT S. WARREN, 1755
MARVIN R. WARZECHA, 1718
ROBERT E. WATSON, 2342
CRAIG A. WEBBER, 7841
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CHRIS H. WELLS, 9012
CAMILLA K. WHITE, 3498
JAMES R. WHITE, 8292
NORMAN J. WHITE, 5412
MICHAEL J. WHITEHEAD, 4032
THOMAS M. WHITESIDE, JR., 6763
FRANCIS B. WILLIAMS III, 2531
JOE D. WILLINGHAM, 9413
RODNEY E. WILLIS, 2534
SUZANNE H. WILSON, 6561
JEFFRY K. WOLFE, 7171
KENNETH W. WOODARD, 2957
CLAUDELL WOODS, 2585
HARLEY K. WOOSTER, JR., 9738
GLENN R. WORTHINGTON, 2053
JOHN M. WUTHENOW, 6233
WILLIAM C. YOUMANS, 3548
DAVID K. YOUNG, 5514
ROBERT E. YOUNG, 1761

HOUSE OF REPRESENTATIVES—*Tuesday, February 27, 2001*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

NORTH AMERICAN SLAVERY MEMORIAL COUNCIL ACT

The SPEAKER. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, it is a delight to be back here to serve the people.

I am here in honor of Black History Month. I would like to bring my colleagues' attention to legislation that I intend to introduce today. The bill is entitled the North American Slavery Memorial Council Act.

I believe that this bill can best be thought of by a quote from Papa Dallas Stewart. He was a former slave that was captured; and his comment sort of provides the essence, I think, of what my bill is trying to do. This is what he said: "And one thing I want you to promise me: that you are going to tell all the children my story." So my colleagues, we need to tell it.

Stewart, a former slave, knew firsthand the heartache and the pain that slavery could bring. As a child, his eyes were burned out when an overseer caught him simply studying the alphabet. He spent his life encouraging others to never forget the horrors of slavery. He understood the problems of forgetting the past. He recognized that we must share the painful past in order to protect our future. We must help ensure that future generations grasp the injustice that occurred in North America's past so that we may never repeat it.

My bill is patterned after the Holocaust Museum Act and pays tribute to those who suffered and perished under slavery in North America.

Mr. Speaker, slavery infected our past and oppressed several ethnic groups. Education is one of the best weapons to prevent such injustices, and what better way to educate future generations than with a fitting tribute in our Nation's Capital to those who were enslaved in North America.

My bill is designed to ensure that Americans never forget the horrors of slavery. We have wisely given honor to those who lost their lives and suffered during the Holocaust. But we have neglected to honor those who lost their lives and were imprisoned by slavery. We should offer a proper tribute to those who were denied their freedom in North America, and I am confident that my bill will help to rectify this oversight.

Last year, the Roth Horowitz Gallery in New York City showed a splendid exhibition. It was entitled "Witness." The exhibit chronicled the practice of lynching between 1863 and 1960. An article stated that after the opening of the exhibit, hundreds of visitors had poured in to see the exhibit, many of them waiting in lines up to 20 minutes in freezing temperatures. After one viewer came out, this is what he said: "Perhaps the popularity of this exhibition should serve as an argument for a museum devoted to slavery."

Acknowledging slavery as a tragedy is very important. Groups have begun holding commemorations on their own. In fact, one group is the St. Paul's Community Baptist Church of Brooklyn, New York. The horror they are remembering is what is called the Middle Passage and the hundreds of years of enslavement that followed. The church pastor, the Reverend Johnny Ray Youngblood, would like every church and civic organization in this country to do the same.

Youngblood believes, along with many of his church congregants, that acknowledging, just simply acknowledging the pain of the past will pave the way for real change, political and personal.

Several noted psychologists contend that because of the trauma from this original deep wound, it was so great, so deep and has gone on so long publicly ungrieved, it may account for some of our social ills.

As with the many public remembrances of the Jewish Holocaust, St. Paul's commemoration allows grieving for forefathers and mothers, acknowledging the psychic wounds whose agonies still are felt in our communities today. One church observer said, "You have to admit there was pain, real pain. Once you admit it, then you can heal it."

So, Mr. Speaker, that is exactly what this museum would seek to do. We can heal, and people healing will prevent division. One way is to acknowledge the past problems and injustices. Americans have a rich history, but we must be true in recalling our history and slavery is sadly a part of that history. This museum will stand as a beacon and not only pay tribute to those who were forced into slavery, but should also stand to help end slavery that still exists throughout the world.

For the sake of Papa Stewart and countless others, we must never forget the past. I encourage my colleagues to join with me in cosponsoring the North American Slavery Museum bill.

AMERICA'S GOAL: DO NOT SPEND THE SURPLUS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, tonight the President of the United States will come before this Chamber in joint session, and I suspect he is going to talk about three areas that should be important to all of us. One is what do we do with taxes and how much should they be lowered, and should we continue a wartime tax rate in this time of peace that is now bringing in an estimated $5.6 trillion of surpluses over the next 10 years, and probably that is going to be much higher; and, is it reasonable to say that surpluses are really overtaxation.

The next question I think that he will also address is Social Security and the importance of keeping Social Security solvent. If we were to have a perfect world, or, if you will, a perfect Congress, we would probably not have a tax cut and we would start a program keeping Social Security solvent. But the danger in this body and over in the Senate is, if the money is laying there, all this extra surplus money coming in, if it is sort of laying there on the counter, if you will, Congress tends to increase spending.

The President will also talk about the importance of continuing to pay down the debt. And, if you will join me on this chart for just a second for what is the debt of this country, the total public debt as defined in law is made up of three areas where government is borrowing. One is the debt held by the public, the Wall Street debt, the Treasury bills that are issued on a regular

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

basis. That is approximately $3.4 trillion. On the top we see the pink area, and the pink area is about $1.1 trillion of money that has been borrowed from extra Social Security taxes coming in, so what government has been doing for the last 40 years is taking this extra surplus from Social Security and spending it on other programs. At least now we have decided to, even though we are not doing anything to fix Social Security and keep it solvent, at least we are not going to spend that money, we have decided. The other area is about $1.2 trillion that is the other 116 trust funds of Federal Government.

So what we are doing, if we do not fix Social Security and do not use some of that money to invest better than the job we are doing right now with Social Security, we are lending it to the government, government writes an IOU and says, you cannot cash this in, but we will write you an IOU from the money we are borrowing from Social Security, we are taking the actual cash dollars and using it to pay down the debt held by the public. So over time, the debt held by the public will go down, but the amount that we owe the Social Security Trust Fund and the other trust funds will go up, to keep the total debt of this country about even and not have the total go down.

Madam Speaker, this represents what has happened to the public debt, all three of the previous charts. If my colleagues will join me on this chart, we will see that the public debt of this country has remained relatively low up until the last 20 years, and now it is skyrocketing. What that means to me is that whether it is the debt held by the public or what we owe the Social Security Trust Fund or what we owe the other trust funds, somehow, some place, some time, government is going to have to come up with the money to pay that loan back.

So that is the challenge for us. Where do we come up with that money? How do we come up with that money? If all we do is shuffle boxes around and use the surpluses coming in from Social Security and the other trust funds to pay down the debt held by the public, the debt will go way down low; but when the baby boomers start retiring, then we have to come up with the extra money needed to pay Social Security benefits, and the debt will soar. So again, if we are looking at the previous chart, the debt of this country has been going up tremendously, and now, if we use a little bit of the money of the Social Security surplus to pay down the debt, the debt will actually go down, but then again on the chart we just looked at, we just reviewed, it will again soar.

The challenge before this body is what do we do with the surplus money coming in? Madam Speaker, listen to the increased spending dilemma that has faced this Congress. In 1997, we set budget caps. If we had stuck to those budget caps that we set in 1997, the increased spending over the next 10 years would have been $1.7 trillion less than it is today. Because of that increased spending, because of the propensity of this Chamber and the Senate and the White House to spend more money, we have increased spending more over the next 10 years because of what we have done in the last 5 than what the President is suggesting as a tax cut. Some of the tax cut will help get some of the money out of town so we will not spend it. That is our goal.

HOUSE MUST ADDRESS ISSUE OF INTENTIONAL DISENFRANCHISEMENT OF MILITARY VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Madam Speaker, I had the great privilege and honor to travel with colleagues during this past Presidents' break under the leadership of the gentleman from Nebraska (Mr. BEREUTER) to visit parliamentarians who deal with NATO concerns. As most Americans know, we have valuable partners overseas providing defense for peace and well-being all across the Atlantic, including the North American countries and our allies and friends overseas in Europe. We get together a couple of times a year to examine policy and, of course, at this time there is a great deal of interest in the new administration and where it is going. We had useful meetings, timely meetings, and there will be reports coming forth on those in time.

I wanted to speak about an aspect of the trip we took this time that I think is more important, because there is some business for our House. As is customary, we quite often visit our troops when we are out in these areas. We go to remote areas, places like the Sinai on this trip, and dangerous areas, places like the Balkans; and we go to support areas, places like Italy and places where there are active operations in places like Turkey where our troops are flying, our Air Force. We talk to our troops. We get right out there; we do not get just the red carpet treatment talking to the officers. We talk to the men and women in uniform, hearing what their gripes are, their concerns, worries and wants; and we try to get the message back to them to say thanks for what they are doing. We talk to the Army, Marines, Air Force, and Coast Guard when we are in those places.

There was a lot of concern this time in our conversations with the troops; but we did find a common thread on a subject that this House needs to do something about, and that was the fact that their vote was not counted in the last election. There is a concern out there that the extra efforts they took, because it is tough to get their votes cast when they are involved in military duty, because they are doing things in remote parts of the world and it is not like the pleasures that we have and the convenience and the logistics we have, just going and casting our votes on Election Day in this country or even doing an absentee ballot in this country. It is very complicated for them.

So the fact that their vote may have been thrown out is particularly disturbing to them, whether it was because of technical problems like the postmarks on the ballots or the rules for witnesses or whether or not there are time deadlines that could not be managed and so forth because of where they were. These are correctable things, and between the work of the States and the supervisors of elections at the local level and the Federal-level rules, I think we can get this corrected and taken care of.

Madam Speaker, what troubled the troops the most was that there are apparently some people who actively wanted to disenfranchise the military vote because it did not measure up ideologically with the views of their candidate. Unfortunately, as we read in Florida, and I am proud to represent a good part of Florida, southwest Florida, we read public reports in the newspaper that indeed, efforts were under way to disenfranchise intentionally the military vote because it might turn the election in a different direction. That, of course, is extremely odious.

Madam Speaker, I hope this Congress will take steps to make clear once and for all that the sense of this body and the people who represent the people of the United States of America find this particularly odious, especially when we understand that the risk, the separations, the hardship, the work that our troops are doing around the world, that many of us just take for granted. When you are out there and see it firsthand and talk to these folks, you are proud; and to think that somebody would actively say, we are not sure we want to have their vote counted because it might not help my candidate, is, certainly, misguided.

So we have work to do on this. I urge my colleagues to pay attention to this and support legislation when it comes forward. I am proud of our troops overseas, and I know every single Member of this body is too.

MEMBER REPORT ON U.S. MISSION IN KOSOVO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Missouri (Mr. SKELTON) is recognized during morning hour debates for 5 minutes.

Mr. SKELTON. Madam Speaker, I have just returned from the Balkans, Bosnia and Kosovo with two other members of the Committee on Armed Services. Due to the ongoing debate in this House and elsewhere regarding the U.S. role, I offer Members a report on my observations.

The situation in Kosovo is, of course, complicated. To be summed up broadly, Serbs inside Kosovo are afraid of the Albanian majority, while those Albanians are afraid of the nation of Serbia next door. These two groups have one thing in common: they are both glad the U.S. and European troops are there to protect them and provide stability.

It is not well known that the U.S. provides a small minority of the force in Kosovo. Visitors who see only Camp Bondsteel and the American sectors can get the impression that the United States stands alone between ancient enemies. That is a skewed view. The fact is that American forces are only 18 percent of the efforts in Kosovo. General Ferrell told me that he intends to reduce the figure by some 15 to 20 percent. In fact, there are more American contractors building roads and schools, cooking meals, providing support for the troops than there are American soldiers.

Let us talk about those soldiers, Madam Speaker. We hear a lot about bringing Americans home and how soldiers do not belong out there, so I asked the soldiers on the line, and they are proud of what they are doing. They told me they are proud to be peacemakers. They know why they are in Kosovo. In fact, the enlisted soldiers know more about the political situation in the Balkans than a lot of political scientists do here in Washington.

The proof of their pride is that re-enlistment is higher among the units deployed in Kosovo than anywhere else in the Army. The soldiers are working hard and the tempo of operations is high. When our troops believe that they are doing what they came into the Army to do, they will come back, and they are. That is a strong message to all of us and especially to those who think peacekeeping is somehow below the dignity of American soldiers.

Remember, too, that the soldiers on that line today will be the leaders and NCOs of the next conflict, if one comes.

We are also working well with our allies, as well as the Russians. It is a fringe benefit that can pay off for the U.S. in the future. By the way, believe it or not, the Russians send troops to Kosovo as a reward for good service elsewhere. A French general told me that their involvement in Kosovo has been the best thing to happen to recruitment in a long time.

We are making a difference. I asked soldiers of all ranks, What would happen if the U.S. pulled out of the Balkans? One said it best in a simple word: "Boom." Kosovo today is not what it was even 6 months ago. One American sergeant told me that the local population has fought itself out, and that they are glad we are there so that they can stop fighting. But if we leave, the weariness will not prevail.

The peace is clearly tenuous. I visited one village where the Serbian and Albanian children share the same schoolhouse. They go into different rooms through different doors, but the fact that they are in the same building is a breakthrough. On the other hand, there was an armed patrol of 16 Albanian guerillas leaving their training location, which is in an officially demilitarized zone, and that night a van was blown up, killing three Serb policemen. Passions clearly still run high.

But the facts should not frighten the United States from its duty. As General Quinlan told me, Madam Speaker, there is no military solution to this situation; but our military presence is buying the time and space for a political solution. Yes, tension in the Balkans remains high, but America can be proud of our young men and our young women as they are keeping the peace and, more important, they are proud of it. Madam Speaker, I hope that every Member here is proud of them too. I certainly am.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, by Your light and grace, grant us vision. Sometimes when we ask vision of You, we are impelled to unlock mysteries or blinded by the future. But the vision You offer is given to help us live fully into the present moment.

Walking by faith is like walking by candlelight. You give us just enough to take our next step.

Grant us vision as a Nation that we may make the right step, at Your direction, together.

As leaders in this Congress, shed Your light upon us that people are willing to follow our lead. As representatives may we find Your people willing to move with us in the direction You guide.

Give us grateful hearts which recognize Your gift, acting in us, when we find common vision. Vision gives us hope now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain designations required by law for the 107th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following members to serve on the Joint Committee on Taxation for the 107th Congress: Mr. Thomas, Mr. Crane, Mr. Shaw, Mr. Rangel and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Thomas, Mr. Crane, Mr. Shaw, Mr. Rangel and Mr. Levin.

Sincerely,

WILLIAM M. THOMAS,
Chairman.

APPOINTMENT OF MEMBERS AS OFFICIAL ADVISERS TO UNITED STATES DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS DURING FIRST SESSION OF 107TH CONGRESS

The SPEAKER pro tempore. Without objection, and pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), the Chair announces the Speaker's appointment of the following Members of the House to be accredited by the President as official advisers to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 107th Congress:

Mr. THOMAS of California,
Mr. CRANE of Illinois,
Mr. SHAW of Florida,
Mr. RANGEL of New York, and
Mr. LEVIN of Michigan.

There was no objection.

DESERT STORM CEASE FIRE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, 10 years ago today 600,000 American servicemen and women fought to preserve the tenets of democracy and freedom in the Middle East.

Tomorrow marks the 10th anniversary of the cease fire ending Desert Storm, a military campaign that showed America's continued commitment against totalitarian aggression.

As an Air Force pilot during Desert Storm, I proudly served under the leadership of President George Bush, General Colin Powell and General Norman Schwarzkopf.

Their vision created a new model of global power that has sent our potential adversaries scrambling for alternative solutions rather than military aggression.

Yet the true heroes of Desert Storm were the men and women who fought with great courage and honor. 10 years ago, the strength of our Nation and Armed Forces successfully liberated Kuwait from Saddam Hussein's rule of terror. Today, let us remember the commitment and ideals that led our Nation to victory.

PASS H.R. 305, LEGISLATION CREATING AN AGENCY TO MONITOR THE DEPARTMENT OF JUSTICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for 16 years FBI agent Robert Hanssen allegedly stole 6,000 top secret documents and sold them to Russia. Now if that is not enough to rape the Statue of Liberty, the FBI said Hanssen did that all by himself. Unbelievable. I say if Hanssen did that all by himself, I am a fashion leader.

Hey, enough is enough. It is getting so bad, China is buying elections. Laptops with top secrets are disappearing into thin air. Now FBI agents are selling our secrets. Beam me up.

Even a seeing eye dog can smell the fact that we need to pass H.R. 305 and create an agency to monitor the Department of Justice who investigates themselves and never finds any wrongdoing. My God, this is out of hand.

I yield back the fact that the FBI should be looking into FBI agent James Maddak, Sacramento, California, and his activities and urge an investigation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

RECOGNIZING AND HONORING DALE EARNHARDT

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) recognizing and honoring Dale Earnhardt and expressing the condolences of the House of Representatives to his family on his death.

The Clerk read as follows:

H. RES. 57

Whereas Ralph Dale Earnhardt was born in Kannapolis, North Carolina, on April 29, 1951;

Whereas Dale Earnhardt was the son of Martha and the late Ralph Earnhardt and brother of Danny Earnhardt, Randy Earnhardt, Kaye Snipes, and Cathy Watkins;

Whereas his father, Ralph Earnhardt, a pioneer of the National Association for Stock Car Auto Racing (NASCAR), introduced Dale Earnhardt to the sport, and Dale began racing Hobby-class cars in and around Kannapolis, working full-time welding and mounting tires during the day and either racing or working on his cars at night;

Whereas, upon the death of his father in 1973, Dale Earnhardt followed in his footsteps, becoming a professional race car driver;

Whereas Dale Earnhardt made his Winston Cup debut in 1975 and was named Rookie of the Year in 1979, his first full season of racing;

Whereas Dale Earnhardt earned his first Winston Cup Championship in 1980, becoming the first driver to win Rookie of the Year honors and the Winston Cup Championship in successive years;

Whereas Dale Earnhardt had an extraordinary career as a NASCAR driver, was named Driver of the Year five times, and is tied with Richard Petty for the most Winston Cup Championships, with seven titles;

Whereas Dale Earnhardt won 76 career races, including the 1998 Daytona 500;

Whereas Dale Earnhardt lived and worked in Mooresville, North Carolina, and his racing and related businesses contributed much to the employment, business development, and prestige of Mecklenburg, Cabarrus, Davidson, Iredell, Lincoln, and Rowan counties in North Carolina;

Whereas Dale Earnhardt, nicknamed the Intimadator, was a fierce competitor, an exceptional driver, and a legend in his sport;

Whereas Dale Earnhardt was always known for his kindness and friendliness to his fans and community;

Whereas Dale Earnhardt was a loving husband to his wife, Teresa, and an exemplary father to his sons, Dale Jr. and Kerry, and daughters, Kelley and Taylor;

Whereas Dale Earnhardt was a man of strong faith and had on his dashboard a citation from Proverbs 18:10, "The name of the Lord is a strong tower, the righteous runneth into it and is safe.";

Whereas Dale Earnhardt was one of the most respected drivers for his achievements on and off the track and in the words of his son, Dale Jr., "stands as an example of what hard work and dedication will achieve. He praises God, loves his family, enjoys his friends."; and

Whereas Dale Earnhardt died in a crash during the final lap of the Daytona 500 on February 18, 2001, prompting Bill France, Jr., Chairman of NASCAR's board of directors to declare, "NASCAR has lost its greatest driver in the history of the sport." : Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Dale Earnhardt as one of the greatest race car drivers ever to participate in the sport of racing and for his many contributions to the Nation throughout his lifetime, and honors him for transcending the sport of racing to become a role model as both a talented competitor and as a loving husband and father; and

(2) extends its deepest condolences to the family of Dale Earnhardt.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 57.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I doubt that there has ever been a day in American sports history as full of rapidly changing emotions as we experienced at this year's Daytona 500 race. Millions of NASCAR fans watched as Michael Waltrip won his first victory in 463 starts as Dale Earnhardt, Jr. finished a very close second.

Both cars were owned by racing legend Dale Earnhardt. But back coming out of turn four, the familiar black numbered car three of Dale Earnhardt himself was sitting motionless after striking hard into the wall in a multicar accident. Jubilation for Michael Waltrip's victory rapidly turned to concern for Dale. Sadly, the worst fears of millions were confirmed that evening when NASCAR President Mike Helton announced, "we've lost Dale Earnhardt."

Mr. Speaker, the man NASCAR Chairman Bill France called NASCAR's "greatest driver" was dead. With this resolution today, the House of Representatives recognizes Dale Earnhardt as one of the greatest drivers ever to participate in the sport of racing and for his contributions to the Nation throughout his lifetime.

It honors him for transcending the sport of racing to become a role model as both a talented competitor and also as a loving husband and father. The resolution also expresses our very deepest condolences to Dale's family.

Mr. Speaker, it is hard to overestimate the impact Dale Earnhardt had on the sport of auto racing. He was well known as "the Intimidator." He was a fiercely competitive driver who would, in the words of NASCAR driver Jimmy Spencer, and I quote, "race you just as hard for the 20th as he would for the win."

His accomplishments are familiar. He won seven NASCAR Winston Cup titles and three IROC championships.

He was motorsports' leading all-time money winner, and sixth on the career Winston Cup victories list, with 76, and was closing in on Terry Labonte's record of 655 consecutive starts.

But this list of accomplishments really does not convey the respect that other drivers and racing experts held for Dale Earnhardt's skill.

They talked about his so-called car control, about how he could save his car when others would have wrecked. They said he was so good that he could, as they have been quoted, "see the air." Nor does it convey the affection that so many held for this fierce competitor.

Jimmy Spencer has said "there were two Dale Earnhardts; the Dale Earnhardt that raced you for every inch on the track, and the Dale Earnhardt who cared about making people happy." Dale Jarret called Earnhardt "the greatest driving talent NASCAR has ever seen," but chose to remember him, as I would like to quote, "for his caring and giving personality."

His popularity among those involved in NASCAR, as well as with racing fans, was demonstrated when, after many years, Dale finally won the Daytona 500, NASCAR's most prestigious race. The Intimidator drove to the victory lane amidst the outstretched hands of virtually every member of his competitors' teams as they lined up to cheer him.

Richard Childress, for whom Dale Earnhardt raced for almost 20 years, reminded us that Dale, and I quote, "was a loving husband and a proud father and grandfather."

Mr. Speaker, I have the great honor and privilege of representing the most famous auto raceway in the world, the Daytona Beach Speedway. At Daytona a week ago this past Sunday, racing fans and the Dale Earnhardt family lost their hero.

From Daytona Beach to Kannapolis, North Carolina, from our Atlantic to Pacific shores, Dale Earnhardt's sudden death made us all pause. Over and over, millions of Americans and fans throughout the world have viewed those television clips of that crash.

Having seen Dale Earnhardt survive much more ferocious-looking wrecks made it even more difficult to accept his lost.

□ 1415

While his legend still lives, Dale Earnhardt has taken his place in history. Many may race, but no one will ever match the fame or admiration this man has achieved. That admiration is reflected in the tributes, not that I just cited, but the tributes I have seen across our country in the past few days, not just the words of people in high places, but in the small shop marquees, on local business signs and handmade placards throughout our land.

Our only consolation is that, as Dale's son has said, his dad went to be in a better place. I somehow know that this is true having personally witnessed Dale and other race car drivers in their pre-race gatherings and driver meetings. I remember them well, particularly in Daytona.

What struck me as I observed these racing stars in these pre-race sessions was not a rowdy, boisterous racing group, but a prayerful gathering of gentlemen, many surrounded by their family. We saw this past week that faith, those same family members and countless fans who came most respectfully together to honor his memory.

I believe Dale Earnhardt would be as proud of the way he has been remembered as we are as proud of his memory.

Mr. Speaker, our hearts go out today to Dale's wife Teresa and to Dale's family as they grieve the loss of this remarkable man. I encourage all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

The Earnhardt family has a passion for race car driving. Dale Earnhardt's father Ralph was a pioneer of the National Association for Stock Car Auto Racing. Ralph Earnhardt died at age 45 of a heart attack while working on a race car. Dale's son, Dale Earnhardt, Jr., is also a race car driver. It sure runs in the family.

It is regrettable that Dale, Sr. died while pursuing his passion, racing his familiar No. 3 black Chevrolet in a pack of cars in the Daytona 500.

Earnhardt, known as the Intimidator for his blunt demeanor, his push-broom mustache, and his steely, unrelenting driving style left behind an extraordinary record of achievement: 76 career wins over 26 years, 7 Winston Cup championships, more than $40 million in career earnings.

Dale Earnhardt was one of the best known stock car drivers our country has ever seen. He may become even better known as the catalyst that made NASCAR driving a safer sport.

Earnhardt's death, which may have been attributed to a broken lap belt, has led some drivers to question how NASCAR investigates fatalities and addresses safety concerns. With NASCAR's fourth fatality in 10 months, drivers seem eager to take an active role in making sure stock car racing is as safe as it is enjoyable to millions of Americans.

When hearing of Dale Earnhardt's death Bill France, Jr., Chairman of NASCAR's Board of Directors, declared NASCAR has lost its greatest driver in the history of the sport.

NASCAR and stock car racing fans have lost a legendary race car driver, and they may gain inspiration to ensure that it never happens again.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. HAYES), a sponsor of this resolution.

Mr. HAYES. Mr. Speaker, it is with great sorrow but with great honor to rise before my colleagues today and to speak about a man that I had the privilege of knowing. The North Carolina delegation has joined unanimously together to honor the life and the accomplishments of Dale Earnhardt, and we will hear from a number of our Members.

I was asked particularly by the gentleman from North Carolina (Mr. COBLE), who is unable to be here, to relay his best wishes, condolences to the Earnhardt family. He has been detained at a charitable event.

I would like to identify myself with the remarks of the gentleman from Florida (Mr. MICA) and thank the gentlewoman from the District of Columbia (Ms. NORTON) for her kind remarks.

Thousands and thousands of people were touched by Dale Earnhardt. One of the things that has come out of this week of mourning and memorialization are a number of facts. On Dale Earnhardt's dashboard was Proverbs 18:10, which says, "The name of the Lord is a strong tower. The righteous run to it and are safe." This was on his dashboard, placed there by another driver's wife. This is what Dale Earnhardt believed. As the gentleman from Florida (Mr. MICA) said, his faith was a tremendous part of his life, his career, and his witness to the public.

He has left unmatchable marks on history for his skill as a driver, his reflexes, his coordination. He could do things with an automobile that no one else could do. He was said to be able to manage an ill-handling race car better than anyone else who has ever driven. It has been remarkable this week in Kannapolis and Concord, the home of Dale Earnhardt, the outpouring of sympathy, of grief, but again of celebration for what this man, his family and the sport stands for.

Last week, a memorial service was held in Charlotte for the NASCAR family. It was very, very remarkable. The chaplain of Motor Racing Outreach, which is the ministry of NASCAR, gave a wonderful testimony about the man who is often known as the Intimidator, but the man whom, when he met the first time, he met as the father, the father of a daughter Taylor, son Dale, Jr., Kelley. Also he has a son who was at the memorial service on Sunday night, Kerry, in Kannapolis.

But, again, telling the story about Dale Earnhardt gave more about the life of the man than any of his racing career, which is remarkable in and of itself. He knew the Father. As Dale Beaver said, he has gone to a better place to be with that Father because he knew the Son. The Son was the relationship that he had that made it possible for him to be with the Father.

As that service closed, Dale Beaver said to the audience, which covered millions by television, do you know him, the Son that Dale knew? Hundreds, thousands of people have come to know Christ because of Dale Earnhardt's witness even in his passing.

One sports writer even said many, many people are going to want to go to heaven now so they can get to meet Dale Earnhardt.

It was a remarkable service Sunday night. 5,000 people gathered at the Kannapolis baseball stadium to pay homage to a fallen NASCAR hero. A man whose son said he praises his God, he loves his family, and he enjoys his fans, a remarkable, remarkable witness.

The gentleman from Missouri (Mr. SKELTON) was here a moment ago. As I left the stadium that night, a man and his wife in the parking lot next to me were from the district of the gentleman from Missouri (Mr. SKELTON). The folks on the other side were from Florida. They came from everywhere, again, to pay homage to a man whose honesty, integrity, straightforward speaking of the truth speaks volumes of his life, but gives us examples as we go forward regardless of who we are and what we do, examples of the kind of leadership we can exhibit because we have either known him or known of him.

My sympathies to his family and my regards to all of those who know and remember Dale Earnhardt.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman for yielding me this time and the chairman for bringing this resolution forward. Mr. Speaker, let me thank the gentleman from North Carolina (Mr. WATT) and the gentleman from North Carolina (Mr. HAYES) and other Members of our delegation who have worked on it. It is important.

Just a little over a week ago, our national conscience was shocked at the loss of a person who can only fittingly be described as a true legend and a great North Carolina son. Our shock and dismay were increased by the untimely death of a man who had really defied death many times.

Dale Earnhardt was more than a hero to the racing world. He was and will remain a true inspiration to countless people, many whose lives may be very humble but who aspire to great things.

The story of Dale Earnhardt is a story of the American dream. Dale Earnhardt knew what every American is taught: If one works hard, plays by the rules and remains committed to one's faith, one's family and one's community, one's dreams are only limited by the size of one's imagination.

Dale Earnhardt dreamed at an early age that he would race cars when he grew up, just like his daddy had, and on the dirt tracks of eastern North Carolina, that dream came true. Dale Earnhardt dreamed that one day he would join the Winston Cup series; and in 1979 he did, finishing that year with rookie of the year honors.

Dale Earnhardt dreamed of winning, and he did, winning 76 times. He dreamed of winning the Winston Cup championship, the true test of season-long endurance for a stock car racer; and that dream was fulfilled seven times.

Dale Earnhardt dreamed of winning racing's version of the Super Bowl, and he realized that dream in 1998, when he finally won the big one that had eluded him, the Daytona 500.

Dale also had big dreams for his family, and he was proud of all of his children. But, you know, he must have been especially proud to have had two of his sons follow him into racing, just as he had followed his father into the sport.

If my colleagues did not know the Intimidator and do not know him, or if they do not follow NASCAR, they may not understand the loss that so many millions of Americans are feeling today. Because of his humble roots, competitive drive, the size of his desire and his dreams, and his personality, and because of the success this combination brought to him, his family and his sport, his loss has touched a chord throughout the Nation much like the loss of Elvis Presley did to an earlier generation of Americans.

But our thoughts and prayers continue to be with the Earnhardt family. Because so many people want to express their sympathy and grief, I placed condolence books outside my office just yesterday, and over 75 people have signed it. I will do another one in the Speaker's lobby for the Members, Mr. Speaker.

Much like the official State tree of North Carolina, the Loblolly Pine, Dale Earnhardt will always stand tall and proud, an inspiration to every American who dreams big dreams, races to win, and reaches for the stars.

Mr. MICA. Mr. Speaker, it is my honor to yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I want to thank my colleagues, the gentleman from Florida (Mr. MICA) and the gentleman from North Carolina (Mr. HAYES) for bringing this forward.

I rise today in sorrow like everyone else, but, yes, also to honor one of North Carolina's greatest citizens, Dale Earnhardt. He was a true original. There was only one of him. A lot of people said that about him. He probably will go down in history because he has been known throughout the world as one of the greatest race car drivers ever to get behind the wheel of a stock car.

His talents may never be matched and his achievements may not be paralleled, but his winning attitude both on and off the track is one that really was contagious for so many people. His glory in race cars was important, but i think the fact that he was such a fantastic role model for so many people is what we really need to focus on.

I did know Dale Earnhardt, and I saw him touch many lives. He inspired so many people because he showed them that you can, with perseverance and determination, become anything you want in today's world. You can live your dreams. You can accomplish your goals.

He never let his fame get in the way of his work ethic or in what he did for the community. He did have enormous success, but he did not forget his roots where he came from, and he never compromised his beliefs.

□ 1430

He encompassed the whole sport. And today, with what goes on in sports, we do not see NASCAR drivers who are in and out of drug rehab, or who are fighting over contracts or some of the other things that go on. They live good lives and are good role models for most of the people in this country, and they also dedicate their lives to their passion. They have taught the rest of us about what it is to have true devotion not only to sports but to our faith.

Dale Earnhardt was a leader, and the memory of his Number 3 black Chevrolet is going to inspire fans for years to come. But I think ultimately his greatest legacy may be that he inspired so many people who never have attended an automobile race or maybe never will. But today they have been inspired by Dale Earnhardt.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, 10 days ago, America lost one of its legends with the death of Dale Earnhardt at the Daytona 500. In the best tradition of NASCAR racing, in the tradition of Junior Johnson and King Richard, Richard Petty, we lost a hero. We lost a person who understood competition maybe better than anyone we have ever seen; a person who understood that every day was about going out and seeing whether or not he could be a winner.

Dale Earnhardt won 76 times over these 26 years. He won seven Winston Cup championships. And it was for that reason that he was called "the Intimidator," because everyone knew, if they tuned in to a NASCAR race, if the Number 3 was still on the track toward the end of the race, he was going to spend all his time trying to figure out how to win that race. It did not matter if he was down a lap or if he was in the back of the pack; everyone knew he was going to try to edge his way forward. Sometimes he did it by bumping people gently, sometimes he bumped people roughly; but the fact was he felt it was open for anyone to win that race.

He was not a great fan of managed competition or people deciding the rules and the regulations under which NASCAR would be run. He did not like the restrictors, the aerodynamic restrictions on design. He thought it ought to be just raw competition, as those people who went before him in the NASCAR races. That is why he was a hero to millions and millions of people in this country and all over the world.

That is why when I called my son to talk about the accident afterwards, he talked of how he and his wife sat there with tears in their eyes as they realized that he had died. And other members of our family who had been great fans of his over many, many, many years suffered the loss along with his family and all of his fans.

Yes, we truly lost a great hero. We truly lost a wonderful role model and example for so many people about playing every day for real and about competing in the best form and with great gusto. We will miss the Number 3. We will miss the Intimidator. But we know he leaves us a legacy, and all of those drivers who follow him, as with his son, Dale Earnhardt, Junior.

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time.

The loss of Dale Earnhardt, Mr. Speaker, is a devastating tragedy to his family, his fans, and the sport of auto racing. The seven-time Winston Cup champion's death cuts deeper because he died while trying to be a good friend, father, and boss.

Dale personified what NASCAR is about. His career spanned more than 2 decades and included 676 races, 76 victories and 70 second-place finishes. He ran his first Winston Cup race at Charlotte Motor Speedway on May 25, 1975, starting 33rd and finishing 22nd. He got his first full-time ride in 1979 and scored his first victory on April 1 of that year at Bristol, Tennessee. Earnhardt was rookie of the year that year and its champion the very next season.

Dale helped move the sport of auto racing from a Southern tradition to a mainstream American sport. It will continue that way. His presence in the sport set a standard of excellence that may never be reached again. His spirit will dwell on the race tracks and the garages and with the fans forever.

Dale Earnhardt will likely go down as one of the greatest competitors and drivers throughout NASCAR history; but he was also a husband, a father, and grandfather, as well as a friend to many. He will be greatly missed and all of our deepest sympathies are with the entire Earnhardt family.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), the author of the resolution.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time, and let me correct at the outset her statement. This has been a joint effort from the very beginning; and I want to thank my colleague, the gentleman from North Carolina (Mr. HAYES), from the adjoining congressional district, for placing the marker that brings this resolution to the floor today and for working with us to get the resolution in a form where both of us thought that it was worthwhile and a good idea.

I also want to thank the gentleman from North Carolina (Mr. COBLE) in particular. Because while Dale Earnhardt was born in the district which the gentleman from North Carolina (Mr. HAYES) represents, and lived in my congressional district, he had his primary place of business in the congressional district of the gentleman from North Carolina (Mr. COBLE). So this has really been a joint effort of the three of us.

But that is also an understatement, because all of our colleagues, from North Carolina in particular, have a special feeling about what this is all about; and we want to thank all of the representatives from North Carolina for joining as cosponsors of the resolution, and I want to thank all of my colleagues who have come to the floor and/or have called to express support for the resolution.

I want to start, however, with another facet, because several people have also called me and said why is this important enough to come to the floor of the House. I want to address that issue, because I am not sure that people really understand why this is so important. It is obviously important, and we extend our sincere condolences to Dale Earnhardt's mother, Martha, to his wife and to his brothers and their children. This is important to them. Our hearts go out to them because they have lost a member of their family.

My colleagues would never have believed the other people around this family who, once they heard about the accident, lined up at the place of business, went to the Charlotte Motor Speedway and were just there building impromptu memorials to this hero. So in a special sort of way Dale Earnhardt has an extended family that is unbelievable.

If my colleagues look at the contents of the resolution, they can see that he lived in Mooresville, North Carolina, which is in my congressional district; but his racing and related businesses contributed much to the employment, business development, and prestige of Mecklenburg, Cabarrus, Iredell, Rowan, Davidson, and Lincoln Counties in North Carolina.

Think about this sport, which has become such an exciting sport for so many people all across America. There is not another single event that brings the number of people to our area of the State as the World 600 race, with 160,000 to 180,000 people coming to observe this sport and that race; coming into the neighborhood, coming into these counties that surround the Charlotte Motor Speedway and making a major financial contribution to our geographic area.

A lot of people have thought of racing as having a singular kind of appeal to one group of people. But let me tell my colleagues that I attended my first race more than 20 years ago and I found out what attending a race of this kind is like. I have sat in the stands with the fans, where everybody around me has become a part of my family for that afternoon while participating in that event. I have sat in the box, where there is an air of excitement there that is just unbelievable, in addition to the business that it brings to the community.

But we need to go beyond even that. Because for those people who think that this sport is raw and for the unsophisticated, I have also visited the shops of some of these race drivers where these cars are prepared. There I found the most exquisite, advanced technology and the tightest specifications that NASCAR imposes on these automobiles in those shops. So while the perception may be out there that this sport is for the good old guys, let me dissuade my colleagues of that notion. This is fast becoming America's sport, much like basketball, much like football. It has taken its place alongside of these, and this is an important event.

Of all of that background, now, let me take this one individual and elevate him, because along with Richard Petty, Dale Earnhardt was kind of the superstar of this sport. Much like Michael Jordan and Wilt Chamberlain became the superstars of basketball or there are recognizable names in football, Dale Earnhardt became the hero and recognizable name in this sport. And so we honor him particularly for that reason.

But then there is another component to it. I picked up a newspaper, The New York Times, over the weekend, and on the sports page there was this touching article about how Dale Earnhardt had touched the life of Rodney Rogers, who is a professional basketball player with the Phoenix Suns when Rodney Rogers was attending Wake Forest University in North Carolina. Dale Earnhardt reached out to him and they became friends. So there is a special feeling between sports that this hero has generated.

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That feeling, that persona, that individual, that father, that brother, that son, has permeated this whole sport. The loss of this individual is a tremendous loss to our area. From everything I am hearing from my colleagues now, they also recognize that it is a tremendous loss to America. We honor Dale Earnhardt. We extend our condolences to his family and to the racing family through this resolution.

Farewell, Dale Earnhardt.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to express the sorrow and condolences of this side of the aisle, and I know that Dale Earnhardt's family has the condolences of this entire House. I want to express that sentiment especially to Dale's family and to his millions of fans.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend both the gentleman from North Carolina (Mr. HAYES) and the gentleman from North Carolina (Mr. WATT) for introducing this resolution. I also want to take a moment to thank the chairman of our full Committee on Government Reform, the gentleman from Indiana (Mr. BURTON); the gentleman from Florida (Mr. SCARBOROUGH), who is chairman of the Subcommittee on Civil Service and Agency Organization; as well as the ranking members of the full committee and subcommittee, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS), for expediting consideration of the resolution today.

Mr. Speaker, there is really little that we can do to ease the pain of the Earnhardt family, but I hope they will look upon today's House action as well as the outpouring of support from fans and friends across the Nation as evidence of how the man they loved and who loved them elevated this sport to new levels and touched the lives of so many who never even met him. I hope it will offer some consolation to them in their time of grief and help them to look back on their life with Dale with pride on his many accomplishments and also the knowledge that he meant so much to so many. I urge all Members to support this resolution.

Mr. LEVIN. Mr. Speaker, as cochair of the Congressional Motor Sports Caucus, I want to express my strong support for the resolution before the House today, which honors the life and accomplishments of Dale Earnhardt, Sr., who lost his life on the last lap of the Daytona 500 on February 18.

Dale Earnhardt was arguably the greatest driver in NASCAR history. He was Rookie of the Year in 1979, won his first Winston Cup Championship the very next year, and won six more championships by 1994, tying the record held by Richard Petty for most career titles. He won a remarkable 76 races in his lifetime, yet it wasn't until 1998 that he finally conquered the Daytona 500.

Known by such names as Ironhead, the Man in Black, and the Intimidator for his take-no-prisoners style of driving. Dale Earnhardt was a force to be reckoned with on race tracks across America. I recently saw an excerpt from an interview he gave, where he commented on the dangers associated with stock car racing. He said, "Do you want to race, or don't you? I want to race." These 12 words sum up Dale Earnhardt's philosophy about his sport.

Stock car racing continues to be one of the most popular spectator sports in America, and no one had more to do with that than Dale Earnhardt. His black number 3 Chevy Monte Carlo and distinctive signature are known not only in the United States, but worldwide. Fans across this Nation have been honoring Dale Earnhardt's achievements and mourning his tragic death. It is appropriate that the House of Representatives join them as we pass this resolution today.

As we commemorate the life of a NASCAR legend, I offer my condolences to the family, friends, and many fans of Dale Earnhardt. I urge all my colleagues to join me in supporting the resolution.

Mr. BACA. Mr. Speaker, today, I would like to join my colleagues in expressing sadness over the loss of racing legend, Dale Earnhardt. My district has the honor of having the California Speedway in Fontana, CA, a $120-million state-of-the-art facility that participates in the NASCAR Winston Cup Series.

Dale Earnhardt was a true legend in the NASCAR Winston Cup Series where he won seven titles. I join California Speedway President Bill Miller in expressing deep sadness in this tragedy and send my thoughts and prayers to his family and friends.

I also wish to send my regrets to the millions of racing fans in California and throughout the world. It is apparent by the makeshift memorial at the site of the crash and the outpouring of grief since the accident, that Dale Earnhardt made an impact on the sport of racing and its fans.

I think we all agree that a true American hero was lost on that final lap of the 2001 Daytona 500.

Mr. CRENSHAW. Mr. Speaker, one week ago, the Nation watched stunned as one of its favorite sons, Dale Earnhardt, died in a tragic accident at the Daytona 500.

Representing a small portion of the city that hosts the famous Daytona 500, I have witnessed the coming of age of racing, as it spread from rural America to the suburbs to the cities. Daytona Beach entertains more than 8 million visitors every year, and no small number of them comes to the city to see the most famous NASCAR speedway.

While racing has only recently mushroomed in popularity, bringing new and vibrant personalities into everyday lives, Dale Earnhardt has been legendary in racing circles for more than 25 years. He was a pioneer in a pastime that has become as much a part of popular culture today as baseball.

I had the pleasure of meeting Dale Earnhardt when I served as Grand Marshall for the Pepsi 400 in 1994. Though known as the Intimidator, I found him to be easy-going and warm. Before the race, he took the time to show my daughters and me all the fun, behind-the-scenes secrets of racing. And, afterward, when he had won the race and had even collapsed from heat and exhaustion, he put me immediately at ease with his friendly sense of humor.

Racing fans have watched Dale Earnhardt nurture his family before their eyes, passing his love of racing along to his son, Dale, Jr., who now carries on his father's legacy. His skill on the racetrack and his easy-going charm will be sorely missed. His family is in our thoughts and prayers.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of the resolution that pays tribute to the seven-time NASCAR Winston Cup Champion, Dale Earnhardt. Not was Mr. Earnhardt one of the most talented drivers NASCAR has ever seen, he was also a strong role model for our country's youth. His untimely death was a shock to our constituents and a great loss to our country and the NASCAR community.

Dale Earnhardt's recent death has deeply saddened the people of our community as it has the people from across the country. On February 22, 2001, more than 500 citizens of my district gathered at our local NASCAR facility, the Sears Point Raceway, in Sonoma, CA, to pay tribute to his memory. Braving both thunderstorms and hail, these fans honored his life and his achievements. This service included an eight-by-four-foot poster board that was signed by race fans from all over Marin and Sonoma. In addition caps, pictures, flowers, and notes were left by fans in his honor. Future events have been planned at the raceway to honor his memory and they will contribute all of the proceeds from the sale of his souvenirs this season to Speedway Children's Charities in Mr. Earnhardt's name.

The loss of a legend like Dale Earnhardt will be felt by members of Marin and Sonoma counties for many years to come. I believe the words of Sears Point Raceway president and general manager Steve Page best sum up the sentiments of our local community:

> Dale Earnhardt may have been the most talented driver ever to climb in a stock car, but his loss will be felt well beyond the racing community. Dale was one of the most distinctive personalities in the world of sports. His image as a fierce competitor, as the relentless pursuer in the black car personified the qualities that have characterized history's greatest athletes. These were no fans more passionate or loyal than Dale Earnhardt fans.

Mr. Speaker, on behalf of all NASCAR fans across the nation, and especially those who have enjoyed Mr. Earnhardt's time racing at Sears Point Raceway, I send our deepest sympathies to his family.

Mr. RILEY. Mr. Speaker, today I pay tribute to one of racing's greatest heroes, Dale Earnhardt, who was tragically killed in the last lap of the Daytona 500.

Dale Earnhardt is tied for the most Winston Cup Championships with seven. A five-time Driver of the Year, Earnhardt also won a total of 10 Winston Cup victories in my district at Talladega Superspeedway.

A tenacious competitor, he was loved by his fans and respected by all.

But more important than his achievements on the track was his commitment to his faith and to his family. He was a loving father and grandfather, and was known for his caring and giving personality. Our prayers go out to his family and friends in this difficult time.

I'm sure you will agree, Mr. Speaker, along with racing fans around the world, that Dale Earnhardt nudged and bumped his way to the front of our hearts.

Ms. SANCHEZ. Mr. Speaker, I rise today to honor the late Dale Earnhardt. His untimely death last week at age 49 has shocked not only the racing world but the world at large.

A native of Kannapolis, NC, Earnhardt was born into a racing dynasty. His father, Ralph, was a legendary race car driver who won NASCAR's 1956 national championship in the Late Model Sportsman division, and Earnhardt dropped out of high school to follow in his father's footsteps.

He started on the short dirt tracks in the Carolinas that made his father famous, working his way up through the ranks of NASCAR. He ran his first Winston Cup race at the Charlotte Motor Speedway on May 25, 1975, and by 1979 he was driving full-time. His first victory came on April 1, 1979, at Bristol, Tenn.

That year proved to be a banner year for the man who would later come to be known as "The Intimidator." Named the Winston Cup rookie of the year in 1979, Earnhardt became its champion the following season. During the next 15 years, he continued to amass Winston Cup titles, eventually tying racing legend Richard Petty with seven.

But Earnhardt's accomplishments weren't measured by titles alone. He was a successful team owner, who died fending off the pack at Daytona so that his friend Michael Waltrip—who was driving an Earnhardt car—could win the race. He raised four children, and passed his love of racing onto his two sons, Kerry and Dale, Jr., both of whom compete today. And his trademark black No. 3 Chevrolet became synonymous with all the adrenaline and excitement of a NASCAR race.

Off the race track, Earnhardt's contributions often went unheralded. Rarely did anyone learn about the seed he bought for destitute farmers, the car parts he loaned to rival racing teams or the comfort he gave to other racers in times of despair.

Colleagues, please join me in celebrating the life of Dale Earnhardt, a cultural icon whose impact on the world of racing may never be fully known.

Mr. WICKER. Mr. Speaker, I join my colleagues and the millions of fellow Americans who mourned the loss of NASCAR Racing legend Dale Earnhardt in extending my condolences to the family, as well as to his racing crew and fans. Dale was from Kannapolis, NC, but could have lived in any small town in America as your next door neighbor. His departure from racing will no doubt be felt in the NASCAR community, for years to come. The nation lost a sports superstar on February 18, 2001.

Much has been written about Dale Earnhardt. Indeed, his life was one of triumph over tremendous odds. He met Americans in their living rooms each Sunday and gave them opportunities to cheer; we all knew that if Dale was in the lineup he would be at the front of the pack at some point during the race. His passion for racing, love for the sport, seven-time Winston Cup Points champion and 76 race wins made him simply the best.

A constituent in Mississippi may have summarized Dale when he said ". . . he made you smile, made you laugh, made you shout for joy, and broke your heart."

Mr. CASTLE. Mr. Speaker, I rise today in strong support of this resolution to honor the life of Dale Earnhardt and express Congress' condolences to his widow, Teresa, his four children, and the rest of his family.

On Sunday, February 18, 2001, at the age of 49, Dale Earnhardt died as a result of injuries sustained in a crash on his final lap of the Daytona 500. Throughout his stellar career as one of the most beloved NASCAR drivers in history, Earnhardt shared his gift and entertained millions of Americans. On behalf of the thousands of Delawareans who are NASCAR and Dale Earnhardt fans, I am grateful to have this opportunity to recognize Dale Earnhardt for his many accomplishments, including his many races in Dover, Delaware.

Considered an international hero in the world of race car driving, Earnhardt won the Winston Cup championship seven times, tying for the all-time record as he accumulated 76 career wins including the Daytona 500 in 1998. At Dover Downs International Speedway in Delaware, he finished in the Top 10 in 25 of his 44 races, and earned first place three times, including a sweep of the 1989 events. This past weekend Dover Downs opened its gates to give Delaware fans the opportunity to gather at the Start-Finish line, pit area, and Victory Lane, along with a special prayer service in honor of Earnhardt. Earnhardt's personal appeal stems from his humble beginnings, as he worked his way up by tinkering with cars in the garage his father had built in the barn behind the family's home in Kannapolis, NC. Innate ability and pure determination earned him the nickname "The Intimidator" on his way to conquering the racing world.

Unlike other superstars, Earnhardt was a man to whom dedicated NASCAR fans could relate. He was a regular guy, driving a pickup truck and always seen sporting jeans and sunglasses. By his appearance, one would never know he was one of the most financially successful athletes in the nation.

Mr. Speaker, Dale Earnhardt's death is a great loss not only to the world of NASCAR, but to everyone who admires hard work and determination. However, we can take solace in his own words. He told reporters once, "I'm a lucky man. I'm telling you, I have it all. The Lord's looked after me, I reckon." Race fans in Delaware and across the Nation will never forget Dale Earnhardt.

Mr. SMITH of Michigan. Mr. Speaker, I rise today to join with my colleagues in honoring the legacy of Dale Earnhardt. The death of Dale Earnhardt is heartbreaking for millions of racing fans around the world. My district is home to the Michigan International Speedway which is located in Brooklyn, MI, and I speak for thousands of my constituents in expressing my deepest sympathy to Dale's wife Teresa, his mother Martha, and his children—Kerry, Dale, Jr., Kelley, and Taylor Nicole.

In countries all over the world, the name of the man referred to as "The Intimidator" is known. To some in the United States, he represented what this country was all about. He came from the barest of essentials in his hometown of Kannapolis, NC, and grew up doing what his dad did—race cars. He came from having almost nothing to having most everything he could ever want. He was proof of the American dream.

But as we all know, Dale was more than just a racing legend. He was an individual respected by all who ever came in contact with him—a role model who inspired thousands of young Americans. Athletes in other sports would be wise to follow Dale's model of what a champion is supposed to be. Our society needs more role models like Dale Earnhardt and while the racing community will never fill the void left by the loss of Dale Earnhardt his legacy will be carried on by the thousands of Americans he inspired over the years.

Ms. GRANGER. Mr. Speaker, I rise today to honor and remember the life of NASCAR hero Dale Earnhardt. Mr. Earnhardt had one of the most remarkable careers in the history of motor sports. I join my colleagues to express my deepest sorrow at his untimely passing. Our thoughts and prayers go out to his wife Teresa, as well as his mother, Martha, and his four children: Kerry, Kelley, Dale, Jr., and Taylor Nicole; and to all of his family, friends and fans at this difficult time in their lives.

"The Man in Black", "The Intimidator", "Ironhead" all of these nicknames for a man who lived the American Dream by rising to the top of his field from humble beginnings. He was a man who seemed destined to become a race car driver. Dale Earnhardt was born April 29, 1951, in Kannapolis, NC, where the streets were actually named after automobiles—the Earnhardts lived on Sedan Street. The son of NASCAR champion Ralph Earnhardt, Dale Earnhardt began his own pro racing career in 1975 at the age of 24. He was named NASCAR's rookie of the year in 1979. The following year he won his first Winston Cup championship, the only driver in history to win a series championship following his rookie year.

Mr. Earnhardt won an impressive seven NASCAR Winston Cup Series titles and had 76 Winston Cup victories, making him sixth on the list of all-time wins. He also has the distinction of being motor sports all-time leading money winner.

I was proud to help bring the great Texas Motor Speedway to my hometown of Fort Worth, Texas in 1997. Since this tragedy, the Texas Motor Speedway has commissioned a special Dale Earnhardt flag. The flag is designed around his famous number "3". That flag now flies in memoriam as thousands of NASCAR fans leave cards, flowers and balloons as they mourn their fallen hero. Again, my heart goes out to Dale Earnhardt's family and to all those who are grieving his passing. Mr. Earnhardt will truly be missed, but his spirit will live with us forever.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the resolution, House Resolution 57.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ESTABLISHING A DAY OF CELEBRATION IN HONOR OF DR. DOROTHY IRENE HEIGHT

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 55) expressing the sense of the House of Representatives that there should be established a day of celebration in honor of Dr. Dorothy Irene Height.

The Clerk read as follows:

H. RES. 55

Whereas, for nearly half a century, Dr. Dorothy Irene Height has been a leader in the struggle for equality and human rights;

Whereas Dr. Height founded the Center for Racial Justice, served as President of the National Council of Negro Women and the Delta Sigma Theta Sorority, Incorporated, and held several leadership positions with the Young Women's Christian Association of America;

Whereas, under the leadership of Dr. Height, the National Council of Negro Women achieved tax-exempt status, developed model programs on topics ranging from teenage parenting to eradicating hunger, and established the Bethune Museum and Archives for Black Women, the first institution devoted to the history of black women;

Whereas Dr. Height conceived of and organized the Black Family Reunion Celebration, which is now in its eleventh year and has had 14,000,000 participants;

Whereas Dr. Height has worked with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A. Phillip Randolph, and others to prevent lynching, desegregate the Armed Forces, reform the criminal justice system, and provide equal access to public accommodations;

Whereas Dr. Height has served as a participant at conferences hosted by the United Nations and the President of the United States;

Whereas the distinguished service and contributions of Dr. Height to making the world more just and humane have earned her more than 50 awards and honors from local, State, and national organizations, and from the Federal Government, including the Spingarn Medal from the National Association for the Advancement of Colored People, the Presidential Medal of Freedom from President Clinton, and induction into the National Women's Hall of Fame;

Whereas Dr. Height has received more than 24 honorary degrees from educational institutions worldwide; and

Whereas the life of Dr. Height exemplifies a passionate commitment to the realization of a just society and a vision of a better world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Dr. Dorothy Irene Height as a valiant advocate and crusader for human rights; and

(2) acknowledges the more than 6 decades of distinguished leadership and service of Dr. Dorothy Irene Height.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 55, the legislation before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have before the House for consideration House Resolution 55, legislation introduced by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Mr. Speaker, this legislation honors the work of Dorothy Height. Throughout her career, Dr. Height has been recognized as a leader in the struggle for equality and human rights for all people. As president of the National Council on Negro Women, Dr. Height has an outstanding record of accomplishments. Under her leadership, the council developed model programs on topics ranging from teenage parenting to eradicating hunger and established the Bethune Museum and Archives for Black Women, which was the first institution devoted to the history of black women.

Dr. Height organized the Black Family Reunion Celebration which is now in its 11th year with over 14 million participants. Dr. Height's contributions have earned her more than 50 awards and honors from every level, local, State and national organizations. For her tireless efforts on behalf of the less fortunate, President Ronald Reagan presented her the Citizens Medal award for distinguished service to the country in 1989.

Mr. Speaker, I am pleased to encourage all of the Members of the House to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Dynamic, committed, engaging, steadfast. These are only some of the many words that come to mind to describe Dr. Dorothy Height, a tireless champion of women, children, civil rights, peace and justice. For nearly half a century, Dr. Height has been a leader in the struggle for equality and human rights. In 1935 as a caseworker for the New York City welfare department, Dr. Dorothy Height became the first black person named to deal with Harlem rights and thus emerged, as a very young woman, into public life.

She quickly became one of the young leaders of the national youth movement of the New Deal era. When Dr. Height was serving as assistant director of the Harlem YWCA in 1937, Mary McLeod Bethune, founder and president of the National Council of Negro women, asked Dr. Height to join her in her quest for women's rights for full equality and employment, that is to say, equal employment, pay and education.

That was the beginning of Dr. Height's dual role as YWCA staff and NCNW volunteer, integrating her training as a social worker and her commitment to rise above the limitations of both race and sex. Dr. Height was elected national president of the Delta Sigma Theta sorority in 1947 and ushered in a new era of organizational development.

During the 1960s, she worked closely with Dr. Martin Luther King Jr., Roy Wilkins and others to prevent lynching, desegregating the Armed Forces, reform the criminal justice system and secure the landmark civil rights legislation.

In 1957, she assumed the presidency of the National Council of Negro Women. As president, she has brilliantly led a crusade for justice for African American women and has both conceived and organized the Black Family Reunion Celebration which has been held here in Washington and in cities throughout the country since 1986.

Dr. Height is now chair and president emerita of NCNW. She has worked tirelessly in the international arena with UNESCO, USAID and as a representative of numerous world meetings, conferences and missions. As a recipient of more than 25 honorary doctoral degrees and countless awards, Dr. Height continues more than six decades as a public servant in every sense of the word as a dream giver, as an earth shaker, and as a crusader for human rights.

Mr. Speaker, that is my official statement. If I may, I would like to offer a personal statement, because Dorothy Height reminds me every time I see her that she has moved from New York City; and she is now my constituent. And what a constituent she is to have. This resolution marks half a century of unique work for human rights, for all the people of the world, from an extraordinary woman.

February is Black History Month, so it is appropriate to celebrate the life and work of Dorothy Height. March is Women's History Month; and we could equally have celebrated Dr. Height's work next month, for this is a woman who has managed to make history in two identities at once, as an American woman and as an African American.

You will hear her extraordinary accomplishments in detail momentarily. I want simply to pay tribute to her on a specific score, a leadership role that has made a very special difference.

When the feminist movement thrust forward in the 1960s, there was extraordinary confusion in the African American community about how to greet this enormous onslaught of white women calling themselves a movement. The confusion was among black women, black men, minority people around the country. It was as if they had forgotten that half of the black people are black women.

Dorothy Height had the courage to step forward in the midst of that confusion and declare proudly that she was not only a civil rights leader, a leader of African Americans, but she was a feminist leader. Few others had the courage in the late sixties and early seventies to step right up in front, put her hands on her hips and say, "Look at me, I'm both. I'm black and I'm a woman, and I'm going to get out here and fight for both."

When you try to divide her identity that way, you divide the great movement for human rights. Representative Shirley Chisholm, the first black woman to serve in this body, was another of those courageous women that stepped forward. Black men and women as a result, both in this body and in the country, have been among the foremost feminists and among the foremost advocates of women's rights precisely because there were a very few leaders who exercised the preeminent role of leadership and clarified what the right thing to do was and is.

Thus, I simply want to take special note of Dorothy Height's active leadership in this regard to add to her many, many medals of leadership, her unwillingness to bifurcate human rights in any form.

Mr. Speaker, it is my pleasure to yield the balance of my time to the gentlewoman from California (Ms. MILLENDER-McDONALD) whose foresight is responsible for this resolution.

The SPEAKER pro tempore. Without objection, the gentlewoman from California will control the balance of the time.

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the gentlewoman from the District of Columbia. In fact, she brought such a spirit to this debate and to this presentation. She is absolutely right. We are 2 days before Women's History Month, and I was really grappling with the whole notion of whether we should introduce this month or the next month. But we know that there are young African American women who look up to Dorothy Height and the struggle that she had in trying to bring human dignity and human rights to this country, and so we thought that it was necessary to do this in the month of February.

I would like to thank the gentleman from Florida (Mr. MICA) in the absence of my cochair, the gentlewoman from Illinois (Mrs. BIGGERT), who could not be here to introduce it on the Republican side.

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Mr. Speaker, in keeping with our celebration of Black History Month, I rise in strong support of House Resolution 55, which honors Dr. Dorothy Irene Height's life and achievements. I have had the honor of knowing her for years but have formed a closer relationship since coming to Washington. I have always been impressed with her grace, dignity and wisdom.

Recently, the League of African American Women, an organization of over 40 women groups that I founded about 10 years ago, honored Dr. Height for her vision and leadership. It was at that event that I expressed a need for a national declaration of gratitude for the works of this great leader and the seeds of greatness she has planted for future generations. Thus, the reason for this resolution.

For more than half a century, Dr. Dorothy Irene Height has given leadership to the struggle for equality and human rights for all people by founding the Center for Racial Justice, promoting racial justice and religious freedom at the YWCA, and working with the National Council of Negro Women on women's rights, pay equity and educational advancement. Her life exemplifies a passionate commitment for a just society and a vision of a better world.

During Dr. Height's career, she worked closely with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young and A. Philip Randolph and others and was the only woman allowed to be present in several high-powered strategy sessions, and I can remember looking at her and admiring her when I was a young girl as her being the only woman that sat in the room with President Johnson, and all of the men whose names I have just mentioned, to craft the civil rights laws.

As a result, Dr. Height has participated in virtually all major civil and human rights events.

Dr. Height is also known for her extensive international advocacy work, educating work and promoting human dignity in training assignments in Asia, Africa, Europe and South America.

With more than six decades of public life as a valiant advocate, earth shaker and crusader of human rights, it is fitting to celebrate this illustrious woman as we enter into a new millennium. I am proud to honor Dr. Height by sponsoring this resolution with the women of the House. I am also very proud to announce that tomorrow cities around the Nation will be declaring February 28 of 2001 as Dr. Dorothy Irene Height Day.

Dorothy Height is truly a historic figure and a renaissance woman, and I urge all Members to support this resolution and join me in honoring her lifetime achievements.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a great American, Dr. Dorothy Irene Height. I would like to commend my colleague, the great woman from the State of California (Ms. MILLENDER-McDONALD) for her insight in pushing such a resolution.

Dr. Height exemplifies the best qualities of leadership as reflected in her six decades of work to improve the lives of other people. Dr. Height once stated we have to improve life, not just for those who have the most skills and those who know how to manipulate the system but also for and with those who often have so much to give but never get the opportunity.

This philosophy has never been needed more than now, at this period of our history in the year 2001. Currently, we live in a period of unparalleled opportunity. However, there are many people who are unprepared to take advantage of these opportunities. At this time in our history, we must be mindful of the goals of Dr. Height's work to lift as we climb.

Today, the Congressional Black Caucus held an historic hearing regarding electoral reform, the first hearing to be held after the November election debacle. Consistent with her words to improve life, we move to say we are not going to get over it; we cannot get over it, and Dr. Height would not want us to get over it.

With Dr. Height's graduation from New York University in 1933, she earned a Bachelor's and Master's Degree in educational psychology. Not many opportunities were available to women and people of color. Her career then began to unfold and it represents the liberation of African America, of black African America, and the advance of women's rights and the struggle and effort to lift up the poor and powerless.

She became a volunteer with the National Council of Negro Women and worked with Dr. Mary McLeod Bethune, became President of that organization after Ms. Bethune's death. She worked closely with other great civil rights leaders.

As a self-help advocate, Dr. Height has been instrumental in the initiation of NCNW-sponsored food.

I close with this: I am proud to honor Dr. Height today; proud to be a member of Delta Sigma Theta sorority, a national service sorority dedicated to providing assistance to those in need.

Mr. MICA. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA) for yielding me this time.

Mr. Speaker, I wanted to come here on the floor to pay tribute to a woman who is a dear friend of mine and who is a mentor of mine. I am just so pleased and I want to commend the authors of this resolution for bringing it out on the floor.

Dorothy Height reminds me of something that Shakespeare said, "Those about her, from her shall learn the perfect ways of honor," and indeed she epitomizes that.

It is a pleasure to recognize a pioneer for both human and civil rights. Throughout Dr. Dorothy Irene Height's career, which spanned over six decades, Ms. Height has joined with other such great leaders as Martin Luther King, Jr., Whitney Young, Mary McLeod Bethune to make our country a better place for all people.

In 1957, Dorothy Height assumed presidency of the National Council of Negro Women, which led the civil rights movement for voting rights and desegregated education. In addition to her 20 honorary degrees and over 50 awards, Dorothy Height received the Citizens Medal Award for distinguished national service in 1989, the Stellar Award and the Presidential Medal of Freedom in 1994, to name simply a few.

Dr. Height's international influence initiated the only African American private voluntary organization in Africa, as well as organizations in Asia, Europe and South America. Her national associations include the inauguration of the Center for Racial Justice and founded the Black Family Reunion Celebration, which is an event that has attracted over 11 million visitors and supporters.

Before her retirement in 1996, Dorothy Height secured funding for a national headquarters for the National Council of Negro Women in Washington, D.C., our Nation's capital. I have appeared with her in panels and forums. I have also listened to her speak, and I am always absolutely amazed at her insight and her brilliance and her identification with people, with all people.

Throughout her life, Dorothy Height has made an immense impact on both women's rights and human rights issues with her tireless passion and positive nature.

She continues to be an inspiration and a teacher to us all and my personal friend and role model. I am proud to join my colleagues in recognizing her life's achievements.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, this Congress owes a tribute to the gentlewoman from California (Ms. MILLENDER-MCDONALD) for having the foresight of introducing this legislation regarding Dr. Dorothy Irene Height. I am pleased and privileged to be here today. I have known Ms. Dorothy Height for 50 years as she started out in a college where I taught many years ago, Bethune Cookman College. She was a colleague and a friend of Dr. Mary McLeod Bethune, so it is with privilege and honor that I stand here today to pay tribute to Dr. Height.

It is very hard to describe Dr. Height because she is a phenomenal woman. It is very hard to even describe a superlative for Dr. Height. She is an academic. She is a scholar. She is a social worker. She is a giver for everyone. Dr. Height was a mainstream black woman who did things for everybody, not only black America but white America as well, and particularly for women. She reached out through her work with the YWCA and through her work with the National Council of Negro Women. During those days, it was sort of a courageous stand to be a member of the National Council of Negro Women.

She has been a leader in the struggle for equality and civil rights and human rights for everyone. Her life exemplifies her passionate commitment to a just society and a vision for a better world. Dr. Height was more than words. She was a woman of action. She is known all over the world for her extensive international and developmental education work. She initiated the first African American private voluntary organization working in Africa way back in 1975, building on the success of the National Council of Negro Women's assignments in Asia, Africa, Europe, and South America.

Working closely with Dr. Martin Luther King, Roy Wilkins, Whitney Young, A. Philip Randolph and others, Dr. Height participated in virtually all major civil and human rights events in the United States in the 1950s and 1960s. It took a phenomenal woman to do that, Mr. Speaker.

In 1989, she received a Presidential Citizens Medal Award for distinguished service to the country. Each President in this country has honored Dr. Height in some way, both Republican and Democrat, and all of them understood that this woman was a little bit different and a cut above. Therefore, they honored her in every way.

After nearly five decades of national leadership, Dr. Height still remains very active in the struggle for equality and human rights for all people. She still serves as chair of the Leadership Conference on Civil Rights and Chair Emeritus of the National Council of Negro Women. She is a role model for all of us in the Congress and for all who aspire to positions of leadership. Dr. Height rightfully takes her place as one of our Nation's giants in social and educational leadership.

Dr. Dorothy Irene Height is my hero, and, Mr. Speaker, we do her honor.

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. MICA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

The SPEAKER pro tempore (Mr. STEARNS). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, what an honor to join the gentlewoman from California (Ms. MILLENDER-MCDONALD) for this great day and to thank her for her leadership of the Women's Caucus, but thank her in particular for her leadership on this issue. I am proud to join her as an original cosponsor.

Mr. Speaker, I thank the House and I thank the gentleman from Florida (Mr. MICA) for his leadership as well.

I am going to speak from the heart. I have a prepared text but this is such a grand day that I am overwhelmed with emotion, and it is a day that the gentlewoman from California (Ms. MILLENDER-MCDONALD) has helped bring to fruition, and we thank her for it; long overdue.

Just a few hours or so ago, we were in a hearing talking about how to empower the election process of America.

Dorothy Height is the successor to the great leader of that wonderful college, Bethune Cookman, and I am always reminded of her statement about educating the little children. Mary McLeod Bethune had five broken little chairs and she decided to organize a college, a beautiful college, that now exists that my predecessor at the mike, the gentlewoman from Florida (Mrs. MEEK) went to and graduated and had the honor of calling her her mentor. Well, she trained Dorothy Height and Dorothy Height came to the front of the leadership realm during a time when women were usually sitting down and not sitting down like Rosa Parks were. They were pushed to the back.

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Dorothy Height stood tall and she was regal, but she was sound and she was heard, having the ear of Presidents, starting I think as early as Franklin Delano Roosevelt, moving through Truman, Eisenhower, Kennedy, Johnson, Nixon. There was not one, including Carter and others since that time, with whom Dorothy Height did not have an active role.

What was her issue? Her issue was dealing with the American people, the hopeless and helpless. It was dealing with improving education in historically black colleges, with uplifting women and providing them with training so they could go outside of the home and become contributing members, as they desired to do. It was opening the doors of opportunity.

She got her start from the YWCA, and getting her start there, she was able to promote a number of programs that helped women. She worked closely with Dr. Martin Luther King, Roy Wilkins, Whitney Young, and A. Phillip Randolph. She knew Barbara Jordan, Barbara Jordan asking and answering the question, what do we want: "just simply what America promises," and that is equality and opportunity. That is what Dorothy Height spoke to us about.

She was head of the National Council of Negro Women, which seems to isolate her, but I would say, the head of an organized body of women wanting what is better for women, what is better for Americans: helping us move beyond our own stereotypes, helping the aged, and working to ensure that those people who cannot speak can be heard.

She had a vision, and the vision was that we would own property, meaning the National Council of Negro Women, on Pennsylvania Avenue. I believe it is the only property owned by African-Americans. What a dream.

Now, just a few hundred yards down from the White House, sits this beautiful edifice that is not a testament to isolated Americans, it is a testament to what Americans can do when they pull up their bootstraps. That is what Dorothy Height did on behalf of the National Council of Negro Women.

I honor her out of my heart, out of my soul, and out of my spirit, Mr. Speaker, a woman who stood next to all the civil rights fighters and spoke on my behalf when I could not. This is a great day.

Mr. Speaker, I would simply close by acknowledging the dream she had, which was to enhance the property of Pennsylvania Avenue with our presence. Now we have this wonderful building that is not just in bricks and mortar, but it is a building that studies how to improve the working conditions of women; how to deal with enhancing the educational needs of a larger community; how to heal the racial divide in our country; how to actively say that civil rights is not an isolated part of one particular constituency, but it is of all Americans.

Out of that, let me say, Mr. Speaker, that she has been acknowledged by the Stellar Award; the Spirit of Cincinnati Ambassador Award; The Camille Cosby World of Children Award; the National Caucus and Center on Black Aged Living Legacy Award; the Caring Award by the Caring Institute.

I have been honored by receiving a Dorothy Height Award, and what a precious award of leadership, not because I deserve it, but because Dorothy Height deserves to have an award named after her, after all the years that she has stood alongside of the civil rights fighters; the only woman, I think, to speak, or one of the very few women, in 1964 at the March on Washington, when she heard the words, "I have a dream."

I would simply say that Dorothy Irene Height has an outstanding record of accomplishment.

As a self-help advocate, she has been instrumental in the initiation of the National Council of Negro Women's sponsorship of food, child care, housing, and career educational programs that embody the principles of self-reliance.

As a promoter of black family life, she conceived and organized the Black Family Reunion Celebration in 1986 to reinforce the historic strength of family, both the African-American family, but the American family. Now it is in its 9th year.

So Dr. Dorothy Irene Height deserves this lifetime resolution, this lifetime acknowledgement of her achievement. She is a brilliant woman, an advocate of women's rights, and she is still going on. So I simply close by saying I will walk with the Constitution because Dorothy Irene Height gave me the right to stand tall as a woman.

Mr. Speaker, Dorothy Height's lifetime of achievement measures the liberation of Black America, the advance of women's rights and a determined effort to lift the poor and the powerless into the Hall of Power and influence in our Nation.

Dorothy Height began her career as a staff member of the YWCA in New York City, becoming director of the Center for Racial Justice. She became a volunteer with the National Council of Negro Women, when she worked with NCNW founder Mary McLeod Bethune.

When Bethune died, Height became president, a position she continues to hold. NCNW, an organization of national organizations and community sections with outreach to 4 million women, develops model national and international community-based programs, sent scores of women to help in the Freedom Schools of the civil rights movement, and spearheaded voter registration drives Height's collaborative leadership style brings together people of different cultures for mutual benefit.

Because of Dorothy Height's commitment to the Black family she has hosted since 1986, the Black Family Reunion Celebration in which almost 10 million have participated.

Born in Richmond, VA, she moved with her parents to Ranklin, PA, at an early age. Winner of a scholarship for her exceptional oratorical skills, she entered New York University where she earned the Bachelor and Master degrees in 4 years.

While working as a caseworker for the welfare department in New York, Dr. Height joined the NCNW in 1937 and her career as a pioneer in civil rights activities began to unfold. She served on the national staff of the YWCA of USA from 1944 to 1977 where she was active in developing its leadership training and interracial and ecumenical education programs. In 1965 she inaugurated the Center for Racial Justice which is still a major initiative of the National YWCA. She served as the 10th national president of the Delta Sigma Theta Sorority, Inc. from 1946 to 1957 before becoming president of the NCNW in 1958.

Working closely with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A. Philip Randolph, and others, Dr. Height participated in virtually all major civil and human rights events in the 1950's and 1960's. For her tireless efforts on behalf of the less fortunate, President Ronald Regan presented her the Citizens Medal Award for distinguished service to the country in 1989.

Dr. Height is known for her extensive international and developmental education work. She initiated the sole African-American private voluntary organization working in Africa in 1975, building on the success of NCNW's assignments in Asia, Africa, Europe, and South America.

In three decades of national leadership, she has served on major policymaking bodies affecting women, social welfare, economic development, and civil and human rights, and has received numerous appointments and awards. The most recent recognitions include appointment to the Advisory Council of the White House Initiative on Historically Black Colleges and Universities by President Bush and to the National Advisory Council on Aging by Secretary of Health and Human Services Louis Sullivan. Her awards are extensive with the most recent ones including the Stellar Award; the Spirit of Cincinnati Ambassador Award; Camille Cosby World of Children Award; National Caucus and Center on Black Aged Living Legacy Award; the Caring Award by the Caring Institute; NAFEO Distinguished Leadership Award; the Olender Foundation's Generous Heart Award; and the Franklin Delano Roosevelt Freedom From Want Award.

She also received 19 honorary doctorates from colleges and universities.

As president of NCNW, Dorothy Irene Height has an outstanding record of accomplishments. As a self-help advocate, she has been instrumental in the initiation of NCNW sponsored food, child care, housing and career educational programs that embody the principles of self-reliance. As a promoter of Black family life she conceived and organized the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the African-American Family. Now in its ninth year, this multicity cultural event has attracted some 11.5 million people.

Dr. Dorothy I. Height's lifetime of achievement measures the liberation of Black America, the brilliant advance of women's rights, and the most determined effort to lift up the poor and the powerless. Dream giver and earth shaker, Dr. Dorothy Height has followed and expanded on the original purpose of the National Council of Negro Women, giving new meaning, new courage and pride to women, youth and families everywhere.

Dorothy Height has been recognized numerous times for his contributions to America. She has received the Spingarn Medal from the NAACP, July 1993 and has been inducted into "National Womens Hall of Fame", October, 1993.

I am pleased and honored to stand with fellow women of the Congress, the Congressional Black Caucus to recognize a living American legend and champion of equal rights and justice for all Americans—Dorothy Height.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 55.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I commend the gentlewoman from California (Ms. MILLENDER-McDONALD) for introducing this important resolution, for her efforts to bring to the floor this resolution today, and also to recognize, at a time when our young people so desperately need role models, someone who follows in the footsteps of some of my African-American female heroes: Mary McLeod Bethune; Zora Neal Hurston, someone who I love and adore as a black author, and whose works have not been properly recognized until late; Barbara Jordan; and today I saw so many Barbara Jordans on the floor who I am very proud of, and who serve as role models in the House of Representatives, again for so many young people across this land who need role models.

Dorothy Height's life exemplifies her passionate commitment to a just society, and her vision of a much better world for everyone. It is fitting today that Congress acknowledge more than 6 decades of distinguished leadership and service provided by Dorothy Irene Height.

I want to again thank the sponsors of this legislation, and thank the gentleman from Indiana (Mr. BURTON), chairman of our full committee, and the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service of the Committee on Government Reform, for bringing this legislation forward; and also the ranking member, and the chief ranking member, of course, is the gentleman from California (Mr. WAXMAN), and also Mr. DAVIS, for working expeditiously to bring this resolution to the floor today.

I urge Members to lend their support to this resolution.

Ms. BROWN of Florida. Mr. Speaker, throughout her career, Dr. Dorothy I. Height has been a leader in the struggle for equality and human rights for all people. Her life serves as an example of one who is passionately committed for a just society and her vision of a better world.

In 1965, she started the Center for Racial Justice which is still a major initiative of the National YWCA.

She worked closely with Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A. Philip Randolph as well as others. Dr. Height participated in virtually all major civil and human rights events in the 1950s and 1960s. For her tireless efforts on behalf of the less fortunate, President Ronald Reagan presented her the Citizens Medal Award for distinguished service to the country in 1989.

Dr. Height is known for her extensive international and developmental education work. She initiated the sole African American private voluntary organization working in Africa in 1975, building on the success of NCNW's assignments in Asia, Africa, Europe, and South America. In three decades of national leadership, she has served on major policymaking bodies affecting women, social welfare, economic development, and civil and human rights, and has received numerous appointments and awards. The most recent recognitions include appointment to the Advisory Council of the White House Initiative on Historically Black Colleges and Universities by President Bush and to the National Advisory Council on Aging by Secretary of Health and Human Services Louis Sullivan. As a self-help advocate, she has been instrumental in the initiation of NCNW sponsored food, child care, housing and career educational programs that embody the principles of self-reliance. As a promoter of Black family life she conceived and organized the Black Family Reunion Celebration in 1986 to reinforce the historic strengths and traditional values of the African American Family. Now in its ninth year, this multi-city cultural event has attracted some 11.5 million people.

Dr. Dorothy I. Height's lifetime of achievement measures the liberation of Black America, the brilliant advance of women's rights, and the most determined effort to lift up the poor and the powerless. Dream giver and earth shaker, Dr. Dorothy Height has followed and expanded on the original purpose of the National Council of Negro Women, giving new meaning, new courage and pride to women, youth and families everywhere.

Mr. CUMMINGS. Mr. Speaker, today we salute a true living legend—Dr. Dorothy Height. An icon, Dr. Height has been a model in the struggle for human rights everywhere. Throughout a career spanning over six decades, Dr. Height has served as a notable leader, filling an array of positions, and always doing so with an unyielding sense of commitment, determination, class, and integrity.

There are so many different words with which one might describe Dr. Height:

Stalwart because of her dedication to women and the Black community. She has given over three decades of committed leadership and service as President of the National Council of Negro Women (NCNW) where she orchestrated their child care, housing, and career educational programs;

Fashionable because of her stunning grace and trademark stylish hats, turning heads everywhere she goes;

A heroine and role model, Dr. Height filled the post of national president of Delta Sigma Theta Sorority, Inc. and served on the national staff for the YWCA; and

An incredible champion for her work as a valiant civil rights leader, serving with the likes of Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, and A. Phillip Randolph.

I salute Dr. Dorothy Height with a quote from famous poet Nikki Giovanni's poem, "Ego Tripping":

She was born in the congo
She walked to the fertile crescent and built the sphinx
She designed a pyramid so tough that a star that only glows every one hundred years falls into the center giving divine perfect light
She is bad!!
She is so perfect so divine so ethereal so surreal
She cannot be comprehended except by her permission
I mean . . . *She can fly like a bird in the sky* . . .

Ms. LEE. Mr. Speaker, today, I would like to recognize a distinguished woman who devoted her life to fighting for human rights, peace, and justice.

Dr. Dorothy Irene Height was the first African-American named to deal with the Harlem riots of 1935 and became one of the young leaders of the National Youth Movement of the New Deal era.

She dedicated her life to more than six decades of distinguished leadership and service. Dr. Height established the Center for Racial Justice and the Bethune Museum and Archives for Black women. She served as president of the National Council of Negro Women and organized the Black Family Reunion Celebration.

She worked hard to improve lives while working at the YWCA and the National Council of Negro Women, as the fourth elected President.

She diligently worked to expand women's rights for full and equal employment, pay, and education. She not only worked to expand women's rights in the U.S., but also in the international arena.

She has touched many lives through her instrumental work on improving child care, housing projects, and career and educational programs that embody the principles of self-reliance.

I want to commend Dr. Height for her work to better people's lives through her commitment to fight for human rights as well as uphold justice, equality, and freedom throughout the world. Thank you Dr. Height for your tremendous work. You are a living legacy.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to join with my colleagues in passing House Resolution 55, honoring Dr. Dorothy Irene Height as an activist and crusader for human rights. Dr. Height has dedicated her life to serving her community. She has affected great change in the areas of women's empowerment, social welfare, economic development, and civil and human rights.

She has been a tireless advocate, working for decades on behalf of socially and economically disadvantaged communities. And she is perhaps most notable because she understands the diversity of this country and our world, utilizing a collaborative leadership style, to bring people of different cultures together for mutual benefit. She is a true leader in the struggle for equality and social justice.

Dr. Dorothy Irene Height is truly an amazing individual, for whom I have a great deal of admiration and respect.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the resolution, H. Res. 55.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

Mr. WELDON of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 39) honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs.

The Clerk read as follows:

H. CON. RES. 39

Whereas, during Operation Desert Storm, Iraq launched a Scud missile at Dhahran, Saudi Arabia early in the evening of February 25, 1991;

Whereas one Patriot missile battery on a Dhahran airfield was not operational and another nearby battery did not track the Scud missile effectively;

Whereas the Scud missile hit a warehouse serving as a United States Army barracks in the Dhahran suburb of Al Khobar, killing 28 soldiers and injuring 100 other soldiers;

Whereas the thoughts and prayers of the Congress and the country remain with the families of these soldiers;

Whereas this single incident resulted in more United States combat casualties than any other in Operation Desert Storm and since;

Whereas Scud missile attacks paralyzed the country of Israel during Operation Desert Storm;

Whereas the Patriot missile batteries, which were used in Operation Desert Storm for missile defense, were not originally designed for missile defense;

Whereas the United States and our allies still have not fielded advanced theater missile defenses;

Whereas missile technology proliferation makes missile attacks on United States forces increasingly possible; and

Whereas February 25, 2001, is the 10th anniversary of the Scud missile attack which caused the deaths of these brave soldiers who died in service to their country: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) on behalf of the American people, extends its sympathy and thanks to the families of Specialist Steven E. Atherton, Corporal Stanley Bartusiak, Specialist John A. Boliver, Jr., Sergeant Joseph P. Bongiorni III, Sergeant John T. Boxler, Specialist Beverly S. Clark, Sergeant Allen B. Craver, Corporal Rolando A. Delagneau, Specialist Steven P. Farnen, Specialist Duane W. Hollen, Jr., Specialist Glen D. Jones, Specialist Frank S. Keough, Specialist Anthony E. Madison, Specialist Steven G. Mason, Specialist Christine L. Mayes, Specialist Michael W. Mills, Specialist Adrienne L. Mitchell, Specialist Ronald D. Rennison, Private First Class Timothy A. Shaw, Specialist Steven J. Siko, Corporal Brian K. Simpson, Specialist Thomas G. Stone, Specialist James D. Tatum, Private First Class Robert C. Wade, Sergeant Frank J. Walls, Corporal Jonathan M. Williams, Specialist Richard V. Wolverton, and Specialist James E. Worthy, all of whom were killed by an Iraqi missile attack on February 25, 1991, while in service to their country; and

(2) resolves to support appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

GENERAL LEAVE

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 39.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 10 years ago 2 days ago on Sunday, February 25, the largest loss of American life in military conflict in the last 10 years took place in Desert Storm as a group of American soldiers were involved in setting up an operation to support Operation Desert Storm. Unfortunately, a Scud missile was launched by Saddam Hussein's units into the barracks, and as a result, 28 young Americans were killed and 99 others were seriously injured.

Today we offer this resolution jointly as a bipartisan memorial to these brave individuals. I am pleased to be the original cosponsor with our good friend, the gentleman from Pennsylvania (Mr. MURTHA), whose district half of these brave young Americans resided in.

We are also pleased to have the distinguished ranking member of the Committee on Armed Services with us, the gentleman from Missouri (Mr. SKELTON), who is one of the sponsors of this legislation, and our good friend, the gentleman from El Paso, Texas (Mr. REYES).

Mr. Speaker, what a tragedy this was as 28 young Americans were snuffed out in the prime of their lives because of Saddam Hussein's attack on them in a cowardly manner, without any forewarning. In fact, it was 8:40 p.m. on February 25 when parts of a Scud missile destroyed the barracks housing members of the 14th Quartermaster Detachment in the single most devastating attack on U.S. forces during that war. Ninety-nine others were seriously injured. The 14th Quartermaster Detachment from Pennsylvania lost 13 soldiers and suffered 43 wounded. Casualties were evacuated to medical facilities in Saudi Arabia and Germany. The 14th, which had been in Saudi Arabia only 6 days, suffered the greatest number of casualties of any allied unit during Operation Desert Storm. Eighty-one percent of the unit's 69 soldiers had been killed or wounded.

During the ensuing 10 years, Mr. Speaker, a number of significant events have taken place to honor the memory of these brave individuals.

Tonight we pay special recognition on the 10th anniversary to Specialist Steven Atherton, 26 years old; Specialist John Boliver, 27 years old; Sergeant Joseph Bongiorni, III, 20 years old; Sergeant John Boxler, 44 years old; Specialist Beverly Clark, 23 years old; Sergeant Allen Craver, 32 years old; Specialist Frank Keough, 22 years old; Specialist Anthony Madison, 27 years old; Specialist Christine Mayes, 22 years old; Specialist Stephen Siko, 24 years old; Specialist Thomas Stone, 20 years old; Specialist Frank Walls, 20 years old; Specialist Richard Wolverton, 22 years old, all from the 14th Detachment.

From other units: Corporal Stanley Bartusiak, 34 years old; Corporal Rolando Delagneau, 30 years old; Specialist Steven Farnen, 22 years old; Specialist Glen Jones, 21 years old;

Specialist Duane Hollen, Jr., 24 years old; Specialist Steven Mason, 23 years old; Specialist Michael Mills, 23 years old; Specialist Adrienne Mitchell, 20 years old; Specialist Ronald Rennison, 21 years old; Private First Class Timothy Shaw, 21 years old; Corporal Brian Simpson, 22 years old; Specialist James Tatum, 22 years old; Private First Class Robert Wade, 31 years old; Corporal Jonathan Williams, 23 years old; and Specialist James Worthy, 22 years old.

Mr. Speaker, tonight we pay a special tribute to these brave Americans who paid the ultimate price and made the supreme sacrifice on behalf of their country. But Mr. Speaker, the outrage is that 10 years later America still has not yet deployed a highly effective theater missile defense system to protect our troops from further attacks of this type.

Mr. Speaker, that is a national embarrassment and a national disgrace, that 10 years after we had the largest loss of life from the military forces of this country in a Scud attack, a low-complexity Scud attack, we still have not deployed the highly effective system to protect our troops from further attacks of this type.

Mr. Speaker, we must do better. I ask our colleagues to join with us in this battle for effective missile defense.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do appreciate this, and I rise in support of House Concurrent Resolution 39. This bill is cosponsored by my two friends, the gentlemen from Pennsylvania, Mr. MURTHA and Mr. WELDON. I compliment the gentleman from Pennsylvania (Mr. WELDON) on his efforts.

□ 1530

This bill honors the 28 American soldiers who were killed by an Iraqi SCUD missile on February, 25, 10 years ago, 1991, during the Persian Gulf War. This missile attack caused more United States casualties than any other single incident during the conflict, and it is altogether fitting that we pay tribute to those who gave their lives for their country as a result of this attack. It is particularly poignant when nearly all of those killed come from the single unit, from a single geographic region, in a single State, in this case, the State of Pennsylvania.

I might add that those 28 young Guardsmen all left families, all suffered the pain and anxiety of loss of a loved one.

Mr. Speaker, if I may, I well remember experiencing a family going through that same agony. In April of 1941, Fort Hood, Texas, I was present when the parents of a young soldier named Cooper were presented a Silver Star posthumously as this young Cooper, as on that same occasion of Desert Storm, threw himself on top of a downed American soldier and incoming artillery shell killed him.

So I understand. My sympathy goes out to the families.

At this time, though, I would add, Mr. Speaker, that recognizing those specific ones that are mentioned here, or the ones that I mentioned, in no way diminishes the honor or the reverence that we hold for the other service members who were killed or were wounded during Operation Desert Shield or Operation Desert Storm.

I publicly extend the same sympathy and thanks to all the families of those who lost loved ones during the Persian Gulf War. This is not just a commemoration, Mr. Speaker. By adopting this resolution, we resolve to support appropriate and effective theater missile defense so American forces deployed forward will not be vulnerable to similar missile attacks in the future.

Improving our theater missile defense capability is and should be an integral part of our weapons modernization effort.

Mr. Speaker, I am happy to report that since the Persian Gulf War, we have fielded the next generation of Patriot missiles known as PAC-3, and we are rapidly developing the Medium Extended Air Range Defense System which is known as MEADS. As a result, our forces today are far better prepared to defend against the theater missile attack than it was during the 1991 conflict.

These efforts have enjoyed strong support on both sides of the aisle. This is a good bill. It honors outstanding Americans. It proposes a sound policy.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. WELDON) and I thank the gentleman for yielding the time to me.

Mr. Speaker, I urge the adoption of this.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me the time and the gentleman from Pennsylvania (Mr. WELDON).

Mr. Speaker, it is with a great sense of loss that I rise to remember the 28 U.S. soldiers who sacrificed their lives on the evening of February 25, 1991 when a Scud missile hit and destroyed the converted warehouse where they were housed.

These men and women, most from the 14th Quartermaster Detachment, an Army Reserve unit from Greensburg, Pennsylvania, had answered the call and were serving their Nation when and where they were needed.

Although our air defenders tried valiantly to use the Patriot system to protect our soldiers and our allies during the Gulf War, that system was simply not designed for missile defense.

Since then, however, we have made great strides in the Patriot program and are nearly ready to deploy the advanced Patriot system called PAC-3. The PAC-3 system is proven to engage and destroy ballistic missiles like Scuds. If this missile system had been in our inventory 10 years ago, it could have prevented this Scud missile tragedy.

Mr. Speaker, while we still have a long way to go to ensure the safety, both here and abroad, from short-range ballistic missiles like Scuds and from the expanding threat of longer-range ballistic missiles like the No Dong missile. I believe we must continue to field the PAC-3 system throughout the Patriot force as quickly as possible.

We must continue our support for programs like THAAD, MEADS, and our Navy theater missile defense program.

While in war-time, no system guarantees security. This, I find, would be one of the best tributes to these 28 U.S. soldiers that we would never run that risk again, simply by paying tribute to them through prudent and careful exercising of deployment of the PAC-3 system.

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to rise and acknowledge and support the comments of my colleagues and say that we are making progress. I fully support the PAC-3, the MEADS program which we are doing cooperatively with Italy and Germany is moving along.

We have had tremendous success with the Arab program with Israel, and we are now beginning discussions with our European friends and even our Middle Eastern friends and our Far East Asia friends on how to promote effective missile defense.

But I have to underscore the fact, Mr. Speaker, that missiles are the weapon of choice of tyrants and dictators. Many of our colleagues talk about the threats coming from a weapon of mass destruction or coming from the illegal use of computer systems, and my colleagues and I have been the first to acknowledge that they are real threats, the threats of chemical, biological or nuclear attacks or the threats posed by a cyberattack on our SMART systems. But the fact remains that the weapon of choice of tyrants is the missile.

When Saddam Hussain chose to rain terror in Israel, he did not pick suitcase bombs. He did not pick chemical or biological agents. He picked the missiles to rain terror in Israel to which they could not properly defend themselves against.

When Saddam Hussain decided to take out American soldiers, it was a Scud missile he chose, a low-complexity Scud missile. He snuffed out 28 young lives, **6 days after they arrived.**

These were young people who were mothers and sisters and sons and fathers. They were volunteer firefighters, and they were local businesspeople who were called up as reservists to serve the country. Yet America was not able to provide the level of protection against those missiles.

Today, Mr. Speaker, over 70 nations in the world have missiles that pose direct threats to our troops, our allies, and the people of America.

Over 22 Nations today, Mr. Speaker, are building missiles and have the capability of building enhanced missiles. In fact, Mr. Speaker, that Scud missile that was used 10 years ago has been enhanced three and four times by the North Koreans, by the Iranians, and by the Iraqis. In fact, Iran is now working on a medium-ranged missile that will soon threaten all of Israel.

The growth in the threat of these missiles has been unbelievably aggressive. In fact, just since last September, when President Clinton made a decision on our National Missile Defense Program, September 21, Iran tested a brand-new Shehab 3 missile. The Shehab 3 missile is a couple of steps above the Scud missile that killed our troops in Desert Storm.

On September 24, Libya received its first 50 Nodongs. The Nodong is an enhanced version of the Scud missile. Now Libya has at least 50 of these missiles. In October, Russia tested mobile and silo-based TOPOL MICBMs with a 6200 nautical mile range. In November, China conducted tests, their second tests of the DF31. That test also included decoys in the warhead.

In January, India conducted a second Agni test, another theater missile.

Mr. Speaker, unfortunately, around the world, the threat of offensive missiles remains very real and very dangerous.

As we honor these brave Americans tonight, as we honor and pay respects to not only what they did, but to their families for the sacrifice that they made in having one of their loved ones stand up for America at a time of need, and have their life snuffed out in the process, it is absolutely essential that this House go on record as saying with their votes that we want our government and our military to continue the work that people like the gentleman from Missouri (Mr. SKELTON) and the gentleman from Texas (Mr. REYES) and the gentleman from Pennsylvania (Mr. MURTHA) and Members on our side have been proposing.

Aggressive theater missile defense systems that can protect our troops and moving forward with missile defense programs that can protect America and our allies, that is the least we can do, Mr. Speaker, on this the anniversary of the loss of these brave Americans.

Mr. Speaker, I thank my colleagues for joining with us. I thank the gentleman from Missouri (Mr. SKELTON) for his outstanding leadership on behalf of the Nation's warriors and patriots.

Mr. Speaker, I ask all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentleman from Pennsylvania (Mr. WELDON) for working so well and putting this bill before us. It is a fitting tribute to those young Americans that died 10 years ago in Desert Storm. I hope it is some solace to those families and not just to those families but to the other families who lost loved ones in that conflict. America is great, as Tocqueville once wrote, because America is good. And America was there in the Persian Gulf because we stood for good values.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. WELDON) for offering this resolution, because it does reflect the best that comes from America.

Ms. LEE. Mr. Speaker, I rise today to express my genuine sympathy to the families of U.S. service members killed in Saudi Arabia in 1991.

I too honor their sacrifice. The greatest tribute we could provide to these brave men and women is to work for nuclear disarmament and world peace.

Nuclear proliferation is a real danger today. That is why I believe it is imperative that the United States abide by its own treaties and the principles of nonproliferation.

The proposed missile defense systems will increase the nuclear threats we face, not diminish them.

We should not spend billions of dollars on an unworkable missile system, when we have real security needs that must be met, when we have soldiers on food stamps, when we have gulf-war veterans denied badly needed medical care, and when we face such serious healthcare, educational, and housing problems here at home that undermine both the general welfare of the country and our common defense.

I join my colleagues in expressing our sympathy to the families of those killed in 1991. My hope is that we do not put any more men and women in harm's way. I must oppose any missile system that makes the world a more dangerous place.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Con. Res. 39, a bill to honor the sacrifices of Operation Desert Storm. I urge my colleagues to join in supporting this worthwhile legislation.

This year marks the tenth anniversary of Operation Desert Storm, a military operation undertaken by a United States-led coalition to drive Saddam Hussein's Iraqui Army out of Kuwait. This objective was achieved decisively with a minimum of allied casualties.

Regrettably, however, no military action occurs without some losses, and while the number of United States deaths during Desert Storm was low, that does nothing to detract from the 299 servicemembers who gave their lives in defeating Iraq.

One incident in particular stands out from the conflict. On February 25, 1991, Iraqi forces launched a Scud missile at the city of Dhahran in Saudi Arabia. The missile struck a warehouse which was serving as a U.S. Army barracks in the suburb of Al Khobar, killing 28 soldiers and injuring 100 others. This incident resulted in more U.S. combat casualties than any other in Operation Desert Storm, or in subsequent operations.

This concurrent resolution expresses the sense of Congress on behalf of the American people extending its sympathy and thanks to the families of the 28 soldiers who were killed in that attack. It further resolves to support appropriate and effective missile defense programs to help prevent a similar unnecessary loss of lives from occurring again. Had a more effective missile defense system been in place on that February night in 1991, in all likelihood those 28 Americans would have survived.

It is fitting that we honor those soldiers who made the ultimate sacrifice for their country, as we are doing today. The best way for us to honor their sacrifice is to ensure that history does not repeat itself in any future war. For this reason, we should rededicate ourselves to the task of developing and deploying an effective theater missile defense system. Once this has been accomplished, future generations of young Americans will be safer in regional military conflicts.

Accordingly, I urge my colleagues to join in supporting this resolution.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. WELDON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 39.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WELDON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONTINUATION OF NATIONAL EMERGENCY RELATING TO CUBA AND OF EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2001.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 44 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Res. 57, de novo; and

H. Con. Res. 39, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING AND HONORING DALE EARNHARDT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 57.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the resolution, H. Res. 57.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 39.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. WELDON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 39, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, answered "present" 2, not voting 35, as follows:

[Roll No. 16]

YEAS—395

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Lee
Miller, George

NOT VOTING—35

Ackerman
Becerra
Bonilla
Buyer
Coyne
Cramer
DeLauro
Dingell
Fossella
Gekas
Graham
Hayworth
Hunter
Inslee
Issa
Lantos
McKeon
Moran (VA)
Myrick
Pallone
Putnam
Rehberg
Riley
Rohrabacher
Ros-Lehtinen
Rothman
Sanchez
Sanders
Simpson
Strickland
Tancredo
Thomas
Vitter
Wicker
Wilson

☐ 1727

Mr. FRELINGHUYSEN changed his vote from "nay" to "yea."

Mr. GEORGE MILLER of California changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, I was unavoidably detained when the vote was called for rollcall No. 16. I strongly support the resolution honoring the brave Americans who made the ultimate sacrifice on February 25, 1991, during Operation Desert Storm. Had I been present, I would have voted "yea."

Mr. TANCREDO. Mr. Speaker, on rollcall No. 16, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. THOMAS. Mr. Speaker, during rollcall vote 16, I was unavoidably detained. Had I been present, I would have voted "yea."

☐ 1730

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 63) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 63

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on International Relations: Mr. ENGEL of New York to rank immediately after Mr. DAVIS of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 14) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 1, line 3, strike out "April 18, 2001" and insert "April 19, 2001".

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of H. Con. Res. 14, sponsored by our distinguished colleague from Ohio, Mr. NEY.

House Concurrent Resolution 14 permits the use of our Congressional Rotunda for the annual ceremony to commemorate the Days of Remembrance of the victims of the Holocaust.

The annual day of Remembrance, sponsored by the Holocaust Memorial Council of which I am a member, will be held on April 18, 2001. This important program allows the Congress and the Nation to observe the days of remembrance, to pay tribute to the American liberators of the concentration camp's survivors, and by commemorating this enormous tragedy, ensuring that it never happens again.

Accordingly, Mr. Speaker, I am pleased to join in urging the adoption of this resolution.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 28, 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 28, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 34 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

☐ 2045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 28 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from Michigan (Mr. BONIOR);

The gentleman from Texas (Mr. FROST); and

The gentleman from New Jersey (Mr. MENENDEZ).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Idaho (Mr. CRAIG);

The Senator from Tennessee (Mr. FRIST);

The Senator from Alaska (Mr. STEVENS);

The Senator from Texas (Mr. GRAMM);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Maine (Ms. SNOWE);

The Senator from New Hampshire (Mr. GREGG);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from West Virginia (Mr. ROCKEFELLER);

The Senator from Washington (Mrs. MURRAY);

The Senator from Illinois (Mr. DURBIN);

The Senator from California (Mrs. BOXER);

The Senator from Louisiana (Mr. BREAUX); and

The Senator from Florida (Mr. NELSON).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador to the United States from Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Supreme Court of the United States.

An Associate Justice of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 4 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

ADDRESS TO THE JOINT SESSION OF CONGRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of Congress:

It is a great privilege to be here to outline a new budget and a new approach for governing our great country.

I thank you for your invitation to speak here tonight. I know Congress had to formally invite me and it could have been a close vote. So, Mr. Vice President, I appreciate you being here to break the tie. I want to thank so many of you who have accepted my invitation to come to the White House to discuss important issues. We are off to a good start. I will continue to meet with you and ask for your input. You have been kind and candid, and I thank you for making a new President feel welcome.

The last time I visited the Capitol, I came to take an oath. On the steps of this building, I pledged to honor our Constitution and laws, and I asked you to join me in setting a tone of civility and respect in Washington. I hope America is noticing the difference. We are making progress. Together, we are changing the tone in the Nation's capital. And this spirit of respect and cooperation is vital, because in the end we will be judged not only by what we say or how we say it, we will be judged by what we are able to accomplish.

America today is a Nation with great challenges, but greater resources. An artist using statistics as a brush could paint two very different pictures of our country. One would have warning signs: increasing layoffs, rising energy prices, too many failing schools, persistent poverty, the stubborn vestiges of racism. Another picture would be full of blessings: a balanced budget, big surpluses, a military that is second to none, a country at peace with its neighbors, technology that is revolutionizing the world, and our greatest strength, concerned citizens who care for our country and care for each other.

Neither picture is complete in and of itself. And tonight I challenge and invite Congress to work with me to use the resources of one picture to repaint the other, to direct the advantages of our time to solve the problems of our people.

Some of these resources will come from government, some but not all. Year after year in Washington, budget debates seem to come down to an old, tired argument: on one side those who want more government, regardless of the cost; on the other, those who want less government, regardless of the need.

We should leave those arguments to the last century and chart a different course. Government has a role, and an important role. Yet too much government crowds out initiative and hard work, private charity and the private economy. Our new governing vision says government should be active but limited, engaged but not overbearing.

My budget is based on that philosophy. It is reasonable and it is responsible. It meets our obligations and funds our growing needs. We increase spending next year for Social Security and Medicare and other entitlement programs by $81 billion. We have increased spending for discretionary programs by a very responsible 4 percent, above the rate of inflation. My plan pays down an unprecedented amount of our national debt, and then when money is still left over, my plan returns it to the people who earned it in the first place.

A budget's impact is counted in dollars, but measured in lives. Excellent schools, quality health care, a secure retirement, a cleaner environment, a stronger defense, these are all important needs, and we fund them.

The highest percentage increase in our budget should go to our children's education. Education is my top priority. Education is my top priority, and by supporting this budget, you will make it yours as well.

Reading is the foundation of all learning, so during the next 5 years we triple spending, adding $5 billion to help every child in America learn to read. Values are important, so we have tripled funding for character education to teach our children not only reading and writing, but right from wrong.

We have increased funding to train and recruit teachers, because we know a good education starts with a good teacher.

And I have a wonderful partner in this effort. I like teachers so much, I married one. Laura has begun a new effort to recruit Americans to the profession that will shape our future: teaching. She will travel across America to promote sound teaching practices and early reading skills in our schools and in programs such as Head Start.

When it comes to our schools, dollars alone do not always make the difference. Funding is important, and so is reform. So we must tie funding to higher standards and accountability for results.

I believe in local control of schools. We should not and we will not run public schools from Washington, DC. Yet when the Federal government spends tax dollars, we must insist on results. Children should be tested on basic reading and math skills every year, between grades three and eight. Measuring is the only way to know whether all our children are learning, and I want to know, because I refuse to leave any child behind in America.

Critics of testing contend it distracts from learning. They talk about "teaching to the test." But let us put that logic to the test. If you test a child on basic math and reading skills and you are "teaching to the test," you are teaching math and reading, and that is the whole idea.

As standards rise, local schools will need more flexibility to meet them, so we must streamline the dozens of Federal education programs into five, and let States spend money in those categories as they see fit. Schools will be given a reasonable chance to improve, and the support to do so.

Yet if they don't, if they continue to fail, we must give parents and students different options: a better public school, a private school, tutoring, or a charter school. In the end, every child in a bad situation must be given a better choice, because when it comes to our children, failure is simply not an option.

Another priority in my budget is to keep the vital promises of Medicare and Social Security, and together we will do so. To meet the health care needs of all America's seniors, we double the Medicare budget over the next 10 years.

My budget dedicates $238 billion to Medicare next year alone, enough to fund all current programs and to begin a new prescription drug benefit for low-income seniors. No senior in America should have to choose between buying food and buying prescriptions.

To make sure the retirement savings of America's seniors are not diverted into any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

My budget puts a priority on access to health care, without telling Americans what doctor they have to see or what coverage they must choose. Many working Americans do not have health care coverage, so we will help them buy their own insurance with refundable tax credits. And to provide quality care in low-income neighborhoods, over the next 5 years we will double the number of people served at community health care centers.

And we will address the concerns of those who have health coverage yet worry their insurance company does not care and won't pay. Together, this Congress and this President will find common ground to make sure doctors make medical decisions and patients get the health care they deserve with a Patients' Bill of Rights.

When it comes to their health, people want to get the medical care they need, not be forced to go to court because they didn't get it. We will ensure access to the courts for those with legitimate claims, but first, let us put in place a strong independent review so we promote quality health care, not frivolous lawsuits.

My budget also increases funding for medical research, which gives hope to many who struggle with serious disease. Our prayers tonight are with one of your own who is engaged in his own fight against cancer, a fine Representative and a good man, Congressman JOE MOAKLEY. I can think of no more appropriate tribute to JOE than to have the Congress finish the job of doubling the budget for the National Institutes of Health.

My New Freedom Initiative for Americans with Disabilities funds new technologies, expands opportunities to work, and makes our society more welcoming. For the more than 50 million Americans with disabilities, we must continue to break down barriers to equality.

The budget I propose to you also supports the people who keep our country strong and free, the men and women who serve in the United States military. I am requesting $5.7 billion in increased military pay and benefits, and health care and housing. Our men and women in uniform give America their best, and we owe them our support.

America's veterans honored their commitment to our country through their military service. I will honor our commitment to them with a $1 billion increase to ensure better access to quality care and faster decisions on benefit claims.

My budget will improve our environment by accelerating the cleanup of toxic brownfields. I propose we make a major investment in conservation by fully funding the Land and Water Conservation Fund.

Our national parks have a special place in our country's life. Our parks are places of great natural beauty and history. As good stewards, we must leave them better than we have found them, so I propose providing $4.9 billion over 5 years for the upkeep of these national treasures.

My budget adopts a hopeful new approach to help the poor and the disadvantaged. We must encourage and support the work of charities and faith-based and community groups that offer help and love, one person at a time. These groups are working in every neighborhood in America to fight homelessness and addiction and domestic violence, to provide a hot meal or a mentor, or a safe haven for our children. Government should welcome these groups to apply for funds, not discriminate against them.

Government cannot be replaced by charities or volunteers. Government should not fund religious activities, but our Nation should support the good works of these good people who are helping their neighbors in need. So I propose allowing all taxpayers, whether they itemize or not, to deduct their charitable contributions. Estimates show this could encourage as much as $14 billion a year in new charitable giving, money that will save and change lives.

Our budget provides more than $700 million over the next 10 years for a Federal Compassion Capital Fund with a focused and noble mission: to provide a mentor for the more than 1 million children with a parent in prison and to support other local efforts to fight illiteracy, teen pregnancy, drug addiction and other difficult problems.

With us tonight is the Mayor of Philadelphia. Please help me welcome Mayor John Street. Hi, Mr. Mayor.

Mayor Street has encouraged faith-based and community organizations to make a significant difference in Philadelphia. He has invited me to his city this summer to see compassion in action. I am personally aware of just how effective the mayor is.

Mayor Street is a Democrat. Let the record show I lost his city, big time. But some things are bigger than politics. So I look forward to coming to your city to see your faith-based programs in action.

As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our Nation's justice when the law points a finger of suspicion at groups, instead of individuals. All our citizens are created equal and must be treated equally. Earlier today, I asked John Ashcroft, the Attorney General, to develop specific recommendations to end racial profiling.

It is wrong, and we will end it. It is wrong. In so doing, we will not hinder the work of our Nation's brave police officers. They protect us every day, often at great risk. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve.

My budget has funded a responsible increase in our ongoing operations. It has funded our Nation's important priorities. It has protected Social Security and Medicare. And our surpluses are big enough that there is still money left over.

Many of you have talked about the need to pay down our national debt. I listened, and I agree.

We owe it to our children and our grandchildren to act now, and I hope you will join me to pay down $2 trillion in debt during the next 10 years.

At the end of those 10 years, we will have paid down all the debt that is available to retire. That is more debt repaid more quickly than has ever been repaid by any nation at any time in history.

We should also prepare for the unexpected, for the uncertainties of the future. We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies or additional spending needs. For example, after a strategic review, we may need to increase defense spending. We may need to increase spending for our farmers or additional money to reform Medicare. So my budget sets aside almost a trillion dollars over 10 years for additional needs, that is one trillion additional reasons you can feel comfortable supporting this budget.

We have increased our budget at a responsible 4 percent. We have funded our priorities. We have paid down all the available debt. We have prepared for contingencies, and we still have money left over. Yogi Berra once said "when you come to a fork in the road, take it." Now we come to a fork in the road. We have two choices. Even though we have already met our needs, we could spend the money on more and bigger government. That is the road our Nation has traveled in recent years.

Last year, government spending shot up 8 percent. That is far more than our economy grew, far more than personal income grew and far more than the rate of inflation. If you continue on that road, you will spend the surplus and have to dip into Social Security to pay other bills.

Unrestrained government spending is a dangerous road to deficits, so we must take a different path. The other choice is to let the American people spend their own money to meet their own needs. I hope you will join me in standing firmly on the side of the people.

You see, the growing surplus exists because taxes are too high and government is charging more than it needs. The people of America have been overcharged, and on their behalf, I am here asking for a refund.

Some say my tax plan is too big. Others say it is too small. I respectfully disagree. This plan is just right.

I did not throw darts at a board to come up with a number for tax relief. I did not take a poll or develop an arbitrary formula that might sound good. I looked at problems in the Tax Code and calculated the costs to fix them.

A tax rate of 15 percent is too high for those who earn low wages, so we must lower the rate to 10 percent. No one should pay more than a third of the money they earn in Federal income taxes, so we lowered the top rate to 33 percent.

This reform will be welcome relief for America's small businesses, which often pay taxes at the highest rate, and help for small business means jobs for Americans.

We simplified the Tax Code by reducing the number of tax rates from the current five rates to four lower ones, 10 percent, 15 percent, 25 percent and 33 percent. In my plan, no one is targeted in or targeted out. Everyone who pays income taxes will get relief.

Our government should not tax and thereby discourage marriage, so we reduced the marriage penalty. I want to help families rear and support their children, so we doubled the child credit to $1,000 per child.

It is not fair to tax the same earnings twice, once when you earn them and again when you die, so we must repeal the death tax.

These changes add up to significant help. A typical family with two children will save $1,600 a year on their Federal income taxes. Now, 1,600 may not sound like a lot to some, but it means a lot to many families.

Sixteen hundred dollars buys gas for two cars for an entire year. It pays tuition for a year at a community college. It pays the average family grocery bill for 3 months. That is real money.

With us tonight, representing many American families, are Steven and Josefina Ramos. They are from Pennsylvania, but they could be from any one of your districts. Steven is a network administrator for a school district. Josefina is a Spanish teacher at a charter school, and they have a 2-year-old daughter. Steven and Josefina tell me they pay almost $8,000 a year in Federal income taxes. My plan will save them more than $2,000.

Let me tell you what Steven says, "$2,000 a year means a lot to my family. If we had this money, it would help us reach our goal of paying off our personal debt in 2 years time." After that, Steven and Josefina want to start saving for Lianna's college education.

My attitude is government should never stand in the way of families achieving their dreams. And as we debate this issue, always remember, the surplus is not the government's money, the surplus is the people's money.

For lower-income families, my tax plan restores basic fairness. Right now, complicated tax rules punish hard work. A waitress supporting two children on $25,000 a year can lose nearly half of every additional dollar she earns above the 25,000. For overtime, her hardest hours, are taxed at nearly 50 percent. This sends a terrible message: You will never get ahead. But America's message must be different. We must honor hard work, never punish it.

With tax relief, overtime will no longer be overtax time for the waitress. People with the smallest incomes will get the highest percentage reductions. And millions of additional American families will be removed from the income tax rolls entirely.

Tax relief is right and tax relief is urgent. The long economic expansion that began almost 10 years ago is faltering. Lower interest rates will eventually help, but we cannot assume they will do the job all by themselves.

Forty years ago and then 20 years ago, two Presidents, one Democrat and one Republican, John F. Kennedy and Ronald Reagan, advocated tax cuts to, in President Kennedy's words, "get this country moving again." They knew then, what we must do now; to create economic growth and opportunity, we must put money back into the hands of the people who buy goods and create jobs.

We must act quickly. The Chairman of the Federal Reserve has testified before Congress that tax cuts often come too late to stimulate economic recovery. So I want to work with you to give our economy an important jump start by making tax relief retroactive.

We must act now because it is the right thing to do. We must also act now because we have other things to do. We must show courage to confront and resolve tough challenges: To restructure our Nation's defenses, to meet our growing need for energy, and to reform Medicare and Social Security.

America has a window of opportunity to extend and secure our present peace by promoting a distinctly American internationalism. We will work with our allies and friends to be a force for good and a champion of freedom. We will work for free markets and free trade and freedom from oppression. Nations making progress toward freedom will find America is their friend.

We will promote our values, and we will promote peace. And we need a strong military to keep the peace. But our military was shaped to confront the challenges of the past. So I have asked the Secretary of Defense to review America's armed forces and prepare to transform them to meet emerging threats. My budget makes a down payment on the research and development that will be required. Yet, in our broader transformation effort, we must put strategy first, then spending. Our defense vision will drive our defense budget, not the other way around.

Our Nation also needs a clear strategy to confront the threats of the 21st century, threats that are more widespread and less certain. They range from terrorists who threaten with bombs to tyrants and rogue nations intent on developing weapons of mass destruction. To protect our own people, our allies and friends, we must develop and we must deploy effective missile defenses.

And as we transform our military, we can discard Cold War relics, and reduce our own nuclear forces to reflect today's needs.

A strong America is the world's best hope for peace and freedom. Yet the cause of freedom rests on more than our ability to defend ourselves and our allies. Freedom is exported every day, as we ship goods and products that improve the lives of millions of people. Free trade brings greater political and personal freedom.

Each of the previous five presidents has had the ability to negotiate far-reaching trade agreements. Tonight I ask to give me the strong hand of presidential trade promotion authority, and to do so quickly.

As we meet tonight, many citizens are struggling with the high costs of energy. We have a serious energy problem that demands a national energy policy. The West is confronting a major energy shortage that has resulted in high prices and uncertainty. I have asked Federal agencies to work with California officials to help speed construction of new energy sources. And I have directed Vice President Cheney, Commerce Secretary Evans, Energy Secretary Abraham, and other senior members of my administration to develop a national energy policy.

Our energy demand outstrips our supply. We can produce more energy at home while protecting our environment, and we must. We can produce more electricity to meet demand, and we must. We can promote alternative energy sources and conservation, and we must. America must become more energy independent, and we will.

Perhaps the biggest test of our foresight and courage will be reforming Medicare and Social Security.

Medicare's finances are strained, and its coverage is outdated. Ninety-nine percent of employer-provided health plans offer some form of prescription drug coverage. Medicare does not. The framework for reform has been developed by Senators FRIST and BREAUX and Congressman THOMAS; and now is the time to act. Medicare must be modernized. And we must make sure that every senior on Medicare can choose a health care plan that offers prescription drugs.

Seven years from now, the baby boom generation will begin to claim Social Security benefits. Everyone in this Chamber knows that Social Security is not prepared to fully fund their retirement. And we only have a couple of years to get prepared. Without reform, this country will one day awaken to a stark choice: either a drastic rise in payroll taxes or a radical cut in retirement benefits. There is a better way.

This spring I will form a Presidential commission to reform Social Security. The commission will make its recommendations by next fall. Reform should be based on these principles: It must preserve the benefits of all current retirees and those nearing retirement. It must return Social Security to sound financial footing, and it must offer personal savings accounts to younger workers who want them.

Social Security now offers workers a return of less than 2 percent on the money they pay into the system. To save the system, we must increase that by allowing younger workers to make safe, sound investments at a higher rate of return.

Ownership, access to wealth, and independence should not be the privilege of a few. They are the hope of every American, and we must make them the foundation of Social Security.

By confronting the tough challenge of reform, by being responsible with our budget, we can earn the trust of the American people. And we can add to that trust by enacting fair and balanced election and campaign reforms.

The agenda I have set before you tonight is worthy of a great Nation. America is a Nation at peace, but not a Nation at rest. Much has been given to us, and much is expected.

Let us agree to bridge old divides. But let us also agree that our goodwill must be dedicated to great goals. Bipartisanship is more than minding our manners, it is doing our duty.

No one can speak in this Capitol and not be awed by its history. At so many turning points, debates in these chambers have reflected the collected or divided conscience of our country. And when we walk through Statuary Hall and see those men and women of marble, we are reminded of their courage and achievement.

Yet America's purpose is never found only in statues or history. America's purpose always stands before us.

Our generation must show courage in a time of blessing as our Nation has always shown in times of crisis. And our courage, issue by issue, can gather to greatness and serve our country. This is the privilege and responsibility we share. And if we work together, we can prove that public service is noble.

We all came here for a reason. We all have things we want to accomplish and promises to keep. Juntos podemos, together we can. We can make Americans proud of their government. Together we can share in the credit of making our country more prosperous and generous and just, and earn from our conscience and from our fellow citizens, the highest possible praise: well done, good and faithful servants.

Thank you all. Good night. And God bless.

(Applause, the Members rising.)

At 9 o'clock and 59 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

An Associate Justice of the Supreme Court of the United States;

The Acting Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. THUNE. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

PRINTING OF A REVISED EDITION OF BLACK AMERICANS IN CONGRESS, 1870–1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland, (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, with the co-sponsorship of 44 of our colleagues, I have today introduced a concurrent resolution providing for the printing of a revised edition of the House document entitled Black Americans in Congress, 1870–1989.

The latest edition of this handsome work, published in 1990, contains brief biographies, photographs or sketches, and other important historical information about the 66 distinguished African-Americans who had served in either house of Congress as of January 23, 1990. An analysis of the membership of the six subsequent Congresses reveals that, as of today, an additional 40 distinguished African-Americans have served since the last edition. Moreover, several of the distinguished Members depicted in the last edition continued to serve in this House, and their biographies require appropriate updates. Clearly, the time has come to revise and reprint this important historical work.

My concurrent resolution directs the Library of Congress to revise the volume under the direction of the Committee on House Administration. The resolution provides for the printing of a number of copies of the volume, in a suitable binding, for distribution to Members of both houses as determined by the Committee on House Administration and the Senate Committee on Rules and Administration.

Mr. Speaker, the 1976 and 1990 editions of Black Americans in Congress have been a tremendous source of historical information for Members, scholars, students, and others about the distinguished African-Americans who have served their countrymen in the halls of the Senate and House of Representatives. The next edition will doubtless similarly become a tremendous resource, and a treasured addition to libraries across this land. I urge the Members to support my concurrent resolution.

PUBLICATION OF THE RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, pursuant to the provisions of Rule XI of the Rules of the House, I submit for printing in the RECORD the Rules of the Committee on International Relations which were adopted by the committee on this date.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 107TH CONGRESS

(Adopted February 14, 2001)

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred to as the "Committee"), to the extent applicable. A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a privileged non-debatable motion in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the "Chairman") shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee.

Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, (3) authorizing the issuance of subpoenas, and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(b) Hearings

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted by a Member of the Committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may be the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or of a subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or by the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record. Members shall be notified by the Chief of Staff of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including whenever possible a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee member by delivery to the member's office at least 23 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. Bills or subjects not listed on such agenda shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee or by the Chairman and Ranking Minority Member of the Committee or subcommittee.

RULE 6. WITNESSES

(a) Interrogation of Witnesses

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain form questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not longer than 30 minutes. On such occasions, an equal number of minority members of the Committee designated by the Ranking Minority Member shall be permitted to question the same witness for the same period of time. Committee staff may be permitted to question a witness for equal specified periods either with the concurrence of the Chairman and Ranking Minority Member or by motion. However, in no case may questioning by Committee staff proceed before each Member of the Committee who wishes to speak under the 5-minute rule has had one opportunity to do so.

(b) Statements of Witnesses

Each witness who is to appear before the committee or a subcommittee is required to file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the Chairman of the Committee or subcommittee, of his or her proposed testimony to provide to Members and staff of the Committee or subcommittee, the news media, and the general public. The witness shall limit his or her oral presentation to a brief summary of his or her testimony. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extent practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) or any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form, along with any attachments and appendix materials.

The Committee or subcommittee shall notify Members at least two working days in advance of a hearing of the availability of testimony submitted by witnesses.

The requirements of this subsection or any part thereof may be waived by the Chairman or Ranking Minority Member of the Committee or subcommittee, or the presiding Member, provided that the witness or the Chairman or Ranking Minority Member has submitted, prior to the witness's appearance, a written explanation as to the reasons testimony has not been made available to the Committee or subcommittee. In the event a witness submits neither his or her testimony at least two working days in advance of his or her appearance nor has a written explanation been submitted as to prior availability, the witness shall be released from testifying unless a majority of the committee or subcommittee votes to accept his or her testimony.

(c) Oaths

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

RULE 7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing or by agreement of the Chairman and Ranking Minority Member of the Committee or subcommittee within five calendar days of the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

(a) Reports on Bills and Resolutions

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in any Committee report on the measure or matter.

(b) Prior Approval of Certain Reports

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or a subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Committee or subcommittee, as appropriate. A proposed investigative or oversight report shall be considered as read if it has been available to members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which clause 2(l) of Rule XI and clause 3(a)(1) of Rule XIII of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(c) Foreign Travel Reports

At the same time that the report required by clause 8(b)(3) of Rule X of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present.

Except in unusual circumstances, a bill or resolution originating in the House of Representatives that contains exclusively findings and policy declarations or expressions of the sense of the House of Representatives or the sense of the Congress shall not be considered by the Committee or a subcommittee unless such bill or resolution has at least 25 House co-sponsors, at least ten of whom are members of the Committee.

For purposes of this Rule, unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(b) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee, except as provided in paragraph (c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) Full Committee

The full Committee will be responsible for oversight and legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, treaties, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; export administration, licenses and licensing policy for the export of dual use equipment and technology, and other matters relating to international economic policy and trade; and all other matters not specifically assigned to a subcommittee. The full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(b) Subcommittees

There shall be six standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittee

There shall be one subcommittee with functional jurisdiction:

Subcommittee on International Operations and Human Rights.-Oversight of Department of State, Broadcasting Board of Governors, Overseas Private Investment Corporation, Trade and Development Agency, and related agency operations; the diplomatic service; international education and cultural affairs; embassy security and foreign buildings; the United Nations, its affiliated agencies, and other international organizations; parliamentary conferences and exchanges; protection of American citizens, abroad; international broadcasting; international communication and information policy; and the American Red Cross. Oversight of, and (to the degree applicable to matters outside the Foreign Assistance Act, the Arms Export Control Act, the Export Administration Act, and the provision of foreign assistance) legislation pertaining to implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights, including sanctions legislation aimed at the promotion of human rights and democracy generally and legislation relating to the confiscation or expropriation of property of United States citizens. Oversight of international population planning and child survival activities.

2. Regional Subcommittees

There shall be five subcommittees with regional jurisdiction: the Subcommittee on Europe; the Subcommittee on the Middle East and South Asia; the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on East Asia and the Pacific.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Legislation and oversight regarding human rights practices in particular countries.

(6) Oversight of regional lending institutions.

(7) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(8) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(9) Base rights and other facilities access agreements and regional security pacts.

(10) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(11) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(12) Oversight of all foreign assistance activities affecting the region.

(13) Such other matters as the Chairman of the full Committee may determine.

RULE 15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman of the full Committee shall designate a Member of the majority party on each subcommittee as its vice chairman.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

RULE 16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 2 weeks. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees for consideration. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the full Committee.

Subcommittees with regional jurisdiction shall have primary jurisdiction over legislation regarding human rights practices in particular countries within the region. The Subcommittee on International Operations and Human Rights shall have additional jurisdiction over such legislation.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

RULE 17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

RULE 18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

RULE 19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

RULE 20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by clause 13 of Rule XXIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by clause 13 of Rule

XXIV of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by clause 13 of Rule XXII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure safes in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman after consultation with the Ranking Minority Member.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except as provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after inquiring of the Chief of Staff or an assigned staff member. Access to the SCIF will be afforded during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff members will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the executive branch shall be handled in accordance with the procedures that apply within the executive branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman, after consultation with the Ranking Minority Member, may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee.

RULE 21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and clause 4 of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashgun shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the

Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

RULE 23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

RULE 24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

RULE 25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. CRAMER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. OTTER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, February 28.

Mr. YOUNG of Florida, for 5 minutes, February 28.

Mr. HYDE, for 5 minutes, today.

ADJOURNMENT

Mr. THUNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 28, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

992. A letter from the Acting Assistant Secretary for Legislative Affairs, Secretary of State, transmitting certification that Armenia, Azerbaijan, Georgia, Moldova, Kazakhstan, Kyrgyzstan, and Uzbekistan are committed to the courses of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160), Section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (Title XIV of Public Law 102-511); to the Committee on Armed Services.

993. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea defense articles and services (Transmittal No. 01-02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

994. A letter from the Secretary of State, transmitting a report which sets forth all sales and licensed commercial exports pursuant to section 25(a)(1) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

995. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-593, "District Government Personnel Exchange Agreement Amendment Act of 2000" received February 27, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

996. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-587, "Nurse's Rehabilitation Program Act of 2000" received February 27, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310, and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (A300-600) Series Airplanes [Docket No. 2000-NM-48-AD; Amendment 39-12052; AD 2000-26-03] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, and -322 Series Airplanes; and Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes [Docket No. 2000-NM-292-AD; Amendment 39-12079; AD 2001-01-09] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. 99-NM-326-AD; Amendment 39-12046; AD 2000-25-11] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-134-AD; Amendment 39-12047; AD 2000-25-12] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2000-NM-313-AD; Amendment 39-12084; AD 2001-01-13] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 99-NM-380-AD; Amendment 39-12085; AD 2001-02-01] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1003. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4 (A300); Model A300 B4-600, A300 B4-600R, and A300 F4-600R (A300-600); and Model A310 Series Airplanes; Equipped With Dowty Ram Air Turbines [Docket No. 99-NM-202-AD; Amendment 39-12076; AD 2001-01-06] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1004. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400, 747-400F, 767-200, and 767-300 Series Airplanes Equipped With Pratt & Whitney Model PW4000 Series Engines [Docket No. 2000-NM-391-AD; Amendment 39-12080; AD 2001-01-10] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2000-NM-184-AD; Amendment 39-12093; AD 2001-02-09] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1006. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Model 525 (CitationJet 1) Airplanes [Docket No. 2000-CE-71-AD; Amendment 39-12099; AD 2001-02-13] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1007. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2000–NM–214–AD; Amendment 39–12064; AD 2000–26–14] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1008. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CL–604 Variant of Bombardier Model Canadair CL–600–2B16 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA8060NM-D, SA8072NM-D, or SA8086NM-D [Docket No. 2000–NM–80–AD; Amendment 39–12089; AD 2001–02–05] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1009. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4–600, A300 B4–600R, A300 F4–600R, and A310 Series Airplanes [Docket No. 2000–NM–72–AD; Amendment 39–12077; AD 2001–01–07] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes [Docket No. 2000–NM–104–AD; Amendment 39–11977; AD 2000–23–07] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235, CN–235–100, and CN–235–200 Series Airplanes [Docket No. 2000–NM–264–AD; Amendment 39–12082; AD 2001–01–12] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76A, S–76B, and S–76C Helicopters [Docket No. 2000–SW–52–AD; Amendment 39–12074; AD 2001–01–04] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001–SW–02–AD; Amendment 39–12100; AD 2001–01–52] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, B, L, L1, and L3 Helicopters [Docket No. 2000–SW–34–AD; Amendment 39–12087; AD 2001–02–03] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1015. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland GmbH (Formerly BMW Rolls-Royce GmbH) Model BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 Turbofan Engines [Docket No. 2000–NE–54–AD; Amendment 39–12098; AD 2000–25–51] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1016. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Inc. Model 205A–1, 205B, 212, 412, and 412CF Helicopters [Docket No. 2000–SW–49–AD; Amendment 39–12037; AD 2000–25–03] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1017. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2000–NM–141–AD; Amendment 39–12078; AD 2001–01–08] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1018. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Galaxy Airplanes [Docket No. 2001–NM–14–AD; Amendment 39–12102; AD 2001–03–01] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1019. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada Models PW306A and PW306B Turbofan Engines [Docket No. 2000–NE–51–AD; Amendment 39–12103; AD 2001–03–02] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1020. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–6 Airplanes [Docket No. 99–CE–77–AD; Amendment 39–12088; AD 2001–02–04] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1021. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International (CFMI) Model CFM56–7B Turbofan Engines [Docket No. 2001–NE–03–AD; Amendment 39–12097; AD 2001–02–12] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1022. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 2000–CE–55–AD; Amendment 39–12067; AD 2000–26–17] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STEARNS (for himself, Mr. PICKERING, Mr. OXLEY, Mr. BLUMENAUER, Mr. BERMAN, Mr. OBERSTAR, and Mrs. CAPPS):

H.R. 727. A bill to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 728. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 729. A bill to establish State revolving funds for school construction; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Ms. DELAURO, Mr. PASCRELL, Mr. WELDON of Pennsylvania, Mr. BLAGOJEVICH, Mr. LANTOS, Mr. MCGOVERN, and Mrs. MALONEY of New York):

H.R. 730. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 731. A bill to prohibit the discharge of a firearm within 1000 feet of any Federal land or facility; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 732. A bill to amend title 28, United States Code, to provide for individuals serving as Federal jurors to continue to receive their normal average wage or salary during such service; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 733. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 734. A bill to amend the Railroad Retirement Act of 1974 to eliminate a limitation on benefits; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 735. A bill to direct the National Highway Transportation Safety Administration to issue standards for the use of motorized skate boards; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 736. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself, Mr. BENTSEN, Mr. RAMSTAD, Mr. DOYLE, Mrs. JOHNSON of Connecticut, Mr. HORN, Mr. LOBIONDO, Mr. GOODE, Mrs. MORELLA, Mr. ENGLISH, Ms. HOOLEY of Oregon, Mr. BEREUTER, Mr. HOLT, Mr. WATKINS, Mr. HUTCHINSON, Mr. SAXTON, and Mr. OSBORNE):

H.R. 737. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. BLUNT (for himself, Mr. Bentsen, Mr. Largent, Mr. Shadegg, Mr. Riley, Mr. Shimkus, Mr. Chambliss, Mr. Radanovich, Mr. Sessions, Mr. Cooksey, Mr. LaTourette, Mr. Young of Alaska, Mrs. Wilson, Mr. Allen, Mr. Baldacci, Mr. Delahunt, Mr. Frost, Mr. Kanjorski, Mr. Moore, Mr. Sandlin, Mr. Maloney of Connecticut, Mr. Shows, Ms. Pryce of Ohio, Mr. Bonilla, Mr. Hilliard, Mr. Hinchey, Mr. Stenholm, Mr. Skeen, Mr. Schaffer, Mr. McHugh, Mr. Jones of North Carolina, Mr. Simpson, Mr. Hutchinson, Mr. Pitts, Mr. Calvert, Ms. Berkley, Mr. Hall of Texas, Mr. Doolittle, Ms. Hooley of Oregon, Mr. Pascrell, Mr. Thompson of Mississippi, Mr. Moran of Kansas, Mr. Thune, Mr. Lewis of Kentucky, Ms. McCarthy of Missouri, Mr. Hall of Ohio, Mr. Pomeroy, Mr. Walden of Oregon, Mr. Whitfield, Mr. Oxley, Mr. Otter, Mr. McIntyre, Mr. Peterson of Pennsylvania, Mr. Sununu, Mrs. Bono, Mr. Watts of Oklahoma, Mr. Gillmor, Mr. Sanders, Mr. Clement, Mr. Fossella, Mr. Hastings of Washington, Mr. Johnson of Illinois, Mr. Moran of Virginia, Mr. Taylor of North Carolina, Mr. Lampson, Mrs. Northup, Mr. Souder, Mr. DeMint, Mr. Watkins, Mr. Terry, and Mr. Peterson of Minnesota):

H.R. 738. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. Stark, Mr. Levin, and Mr. McDermott):

H.R. 739. A bill to update the supplemental security income program, and to increase incentives for working, saving, and pursuing an education; to the Committee on Ways and Means.

By Mr. COBLE (for himself, Mr. Sensenbrenner, Mrs. Bono, and Mr. Wexler):

H.R. 740. A bill to reauthorize the United States Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. COBLE (for himself and Mr. Berman):

H.R. 741. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Sanders, Ms. Velázquez, Mr. Bonior, Mr. Clay, Ms. McKinney, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Slaughter, and Ms. Baldwin):

H.R. 742. A bill to provide the people of Iraq with access to food and medicines from the United States, and for other purposes; to the Committee on International Relations.

By Mr. DUNCAN:

H.R. 743. A bill to eliminate the fees associated with Forest Service special use permits authorizing a church to use structures and improvements on National Forest System lands for religious or educational purposes; to the Committee on Agriculture.

By Ms. DUNN (for herself and Mr. Cardin):

H.R. 744. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 745.. A bill to amend the Higher Education Act of 1965 to prevent veterans' contributions to GI bill benefits from reducing Federal student financial assistance; to the Committee on Education and the Workforce.

By Mr. HEFLEY (for himself, Mr. Gillmor, Mr. Jones of North Carolina, Mrs. Jones of Ohio, Mrs. Kelly, Mr. Riley, Mr. Boswell, Mr. Combest, Mr. Stenholm, Ms. Baldwin, Mr. Berry, Mr. Boucher, Mr. Bryant, Mr. Davis of Illinois, Ms. DeGette, Mr. Doyle, Mr. Edwards, Mrs. Emerson, Mr. Goode, Mr. Gordon, Mr. Hill, Mr. Hinojosa, Mr. Istook, Mr. Johnson of Illinois, Mr. LaHood, Mr. Latham, Mr. McInnis, Mr. Nethercutt, Mr. Norwood, Mr. Osborne, Mr. Peterson of Pennsylvania, Mr. Rush, Mr. Schaffer, Mr. Sessions, Mr. Smith of New Jersey, Mr. Tancredo, Mr. Terry, Mr. Thune, and Mr. Udall of Colorado):

H.R. 746. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under such Act, and for other purposes; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. Bartlett of Maryland, Mr. Hilliard, Mr. Kildee, Mr. Filner, Mrs. Mink of Hawaii, Ms. Pelosi, Mr. Brady of Pennsylvania, Mr. George Miller of California, Mr. DeFazio, Mr. Abercrombie, and Mr. McGovern):

H.R. 747. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 748. A bill to authorize the Small Business Administration to make grants and loans to small business concerns, and grants to agricultural enterprises, to enable such concerns and enterprises to reopen for business after a natural or other disaster; to the Committee on Small Business.

By Mrs. KELLY (for herself and Mr. Sweeney):

H.R. 749. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. English, Ms. Pryce of Ohio, and Mr. Sweeney):

H.R. 750. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING:

H.R. 751. A bill to amend title 18, United States Code, to protect the sanctity of religious communications; to the Committee on the Judiciary.

By Mr. KING:

H.R. 752. A bill to develop voluntary consensus standards to ensure the accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods, and for other purposes; to the Committee on Science, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself, Mr. Dreier, Mr. Hinojosa, Mr. Bonilla, Mr. Reyes, Mr. Ortiz, and Mr. Filner):

H.R. 753. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H.R. 754. A bill to amend the Appalachian Regional Development Act of 1965 to designate Edmonson, Hart, and Metcalfe Counties, Kentucky, as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mr. Greenwood, Ms. Pelosi, Mr. Shays, Mrs. Maloney of New York, Mrs. Johnson of Connecticut, Mr. Nadler, Mr. Moran of Virginia, Mr. Wexler, Mr. Crowley, Mr. Kirk, Mr. Olver, Mr. Capuano, Mr. Price of North Carolina, Mr. Gilman, Ms. Velázquez, Mr. Sanders, Mr. Allen, Mr. Horn, Ms. Roybal-Allard, Mr. Abercrombie, Mr. Hilliard, Mr. Blagojevich, Mr. Hinchey, Mr. Smith of Washington, Mr. Gutierrez, Mr. McGovern, Mr. McDermott, Mr. Towns, Mr. Meehan, Mrs. Jones of Ohio, Mr. Ackerman, Ms. Eshoo, Mr. Thompson of California, Mr. DeFazio, Mr. Bentsen, Ms. DeLauro, Mr. Farr of California, Mr. Stark, Mr. Baldacci, Mr. Serrano, Mr. Tierney, Mr. Waxman, Mr. Deutsch, Ms. McCarthy of Missouri, Mr. Menendez, Mr. Cummings, Ms. Norton, Mr. Levin, Mrs. Mink of Hawaii, Mrs. Thurman, Mr. Berman, Mrs. McCarthy of New York, Mr. Conyers, Ms. Slaughter, Mr. George Miller of California, Ms. Lee, Mrs. Morella, Ms. Rivers, Mr. Frost, Ms. Lofgren, Mr. Holt, Mr. Honda, Mr. Rodriguez, Mr. Delahunt, Mr. Hoeffel, Mr. Sawyer, Ms. Woolsey, Ms. Kilpatrick, Ms. Harman, Mr. Brown of Ohio, Mrs. Meek of Florida, and Mr. Bonior):

H.R. 755. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mrs. McCARTHY of New York (for herself, Mr. Hinchey, Mr. Kildee, Mr. Etheridge, Mr. George Miller of California, Mrs. Morella, Mr. Payne, Mr. Scott, Mr. Andrews, Mr. Tierney, Ms. Schakowsky, Mr. Wu, Mrs. Meek of Florida, Mr. Pascrell, Mr. Hinojosa, and Ms. Woolsey):

H.R. 756. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to provide programs that benefit the educational, health, social service, cultural, and recreational needs of inner and small cities and rural and disadvantaged suburban communities; to the Committee on Education and the Workforce.

By Mrs. McCARTHY of New York (for herself, Mr. Crowley, Mr. King, Mrs. Lowey, Mr. Nadler, Mr. Ackerman, Mr. Towns, Mr. Meeks of New York, Mr. Grucci, and Mr. Weiner):

H.R. 757. A bill to amend title 49, United States Code, to temporarily limit the number of airline flights at LaGuardia Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York (for herself, Mr. Grucci, Mr. Ackerman, Mrs. Mink of Hawaii, and Mr. Doggett):

H.R. 758. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 759. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit to an exclusion equivalent of $5,000,000; to the Committee on Ways and Means.

By Mr. ROYCE (for himself, Mr. Calvert, Mr. Filner, Mr. LaTourette, Mr. Gibbons, Ms. Roybal-Allard, Mr. Cunningham, and Mr. Sherman):

H.R. 760. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Ms. SLAUGHTER (for herself and Mr. DeFazio):

H.R. 761. A bill to impose a temporary moratorium on certain airline mergers and acquisitions; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. Meeks of New York, Mr. McGovern, and Mr. Davis of Illinois):

H.R. 762. A bill to establish the North American Slavery Memorial Council; to the Committee on Resources.

By Mr. STUPAK:

H.R. 763. A bill to name the Department of Veterans Affairs outpatient clinic located in Menominee, Michigan, as the "Fred W. Matz Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself and Mr. Camp):

H.R. 764. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WYNN (for himself, Ms. McKinney, Mr. Hinchey, Ms. Kilpatrick, Mrs. Christensen, Mr. Clay, Mr. Towns, Ms. Lee, Mr. McGovern, Mr. Davis of Illinois, Ms. McCarthy of Missouri, Mr. Cummings, Ms. Jackson-Lee of Texas, Mr. Owens, Mr. Payne, Mr. Stark, and Mr. Fattah):

H.R. 765. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

By Mr. FRANK:

H.J. Res. 22. A joint resolution proposing an amendment to the Constitution of the United States of America to prohibit the granting of Presidential reprieves and pardons between October 1 of a year in which a Presidential election occurs and January 21 of the year following, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself and Mr. Murtha):

H. Con. Res. 39. Concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs; to the Committee on Armed Services.

By Mr. BURTON of Indiana:

H. Con. Res. 40. Concurrent resolution expressing the sense of the Congress that national news organizations should refrain from projecting the winner of a Presidential election until all of the polls in the Continental United States have closed; to the Committee on Energy and Commerce.

By Mr. THOMAS M. DAVIS of Virginia (for himself, Mr. Ballenger, Mr. Delahunt, Mr. Diaz-Balart, Mr. Moakley, Mrs. Morella, Mr. Frank, Mr. Brady of Pennsylvania, Ms. Roybal-Allard, Mr. Wexler, and Mr. Menendez):

H. Con. Res. 41. Concurrent resolution expressing sympathy for the victims of the devastating earthquakes that struck El Salvador on January 13, 2001, and February 13, 2001, and supporting ongoing aid efforts; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. Thomas M. Davis of Virginia, Mr. Wolf, Mr. Moran of Virginia, Mr. Wynn, Mrs. Morella, Mr. Cummings, Mr. Cardin, Ms. Norton, Mr. Frank, Mr. Lantos, Mr. Baldacci, Mr. Sisisky, Mr. Price of North Carolina, Mr. Kildee, Ms. McKinney, Mr. Davis of Illinois, Mr. McGovern, and Ms. Brown of Florida):

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. HOYER (for himself, Mr. Ney, Mr. Fattah, Mr. Davis of Florida, Mr. Bishop, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mr. Ford, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Kind, Mr. Larson of Connecticut, Ms. Lee, Mr. Lewis of Georgia, Ms. McKinney, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott, Mr. Serrano, Mr. Thompson of Mississippi, Mr. Towns, Ms. Waters, Mr. Watt of North Carolina, Mr. Watts of Oklahoma, and Mr. Wynn):

H. Con. Res. 43. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Black Americans in Congress, 1870–1989"; to the Committee on House Administration.

By Mr. HAYES (for himself, Mr. Watt of North Carolina, Mr. Coble, Mr. Ballenger, Mr. Price of North Carolina, Mr. Taylor of North Carolina, Mrs. Clayton, Mr. Burr of North Carolina, Mr. Jones of North Carolina, Mrs. Myrick, Mr. Etheridge, Mr. McIntyre, Mr. Murtha, Mr. Castle, Ms. Granger, Mr. Riley, Mr. Gibbons, Mr. Boucher, Mr. Collins, Mr. Mica, Mr. Hoyer, Ms. Carson of Indiana, Mrs. Jones of Ohio, Mr. Cantor, Mr. Crenshaw, Mr. Foley, Ms. Norton, Mr. Thomas, and Mr. Goodlatte):

H. Res. 57. A resolution recognizing and honoring Dale Earnhardt and expressing the condolences of the House of Representatives to his family on his death; to the Committee on Government Reform.

By Mr. HYDE:

H. Res. 58. A resolution providing amounts for the expenses of the Committee on Internationl Relations in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. SENSENBRENNER:

H. Res. 59. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. BOEHLERT:

H. Res. 60. A resolution providing amounts for the expenses of the Committee on Science in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. BOEHNER (for himself and Mr. George Miller of California):

H. Res. 61. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 62. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. MENENDEZ:

H. Res. 63. A resolution Designating minority membership on certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BURTON of Indiana:

H. Res. 64. A resolution providing amounts for the expenses of the Committee on Government Reform in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. KING:

H. Res. 65. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. MANZULLO:

H. Res. 66. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. REYES (for himself and Mr. Rodriguez):

H. Res. 67. A resolution recognizing the importance of combatting tuberculosis on a worldwide basis, and acknowledging the severe impact that TB has on minority populations in the United States; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP:

H. Res. 68. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 766. A bill for the relief of Marleen R. Delay; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 767. A bill for the relief of Valentine Nwandu; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Kennedy of Rhode Island, Mr. Boyd, Mr. DeFazio, Mr. Blumenauer, Mr. Meeks of New York, and Mr. Wynn.

H.R. 25: Mr. McNulty.

H.R. 36: Mr. English, Ms. McKinney, Mr. Udall of Colorado, Mr. Lantos, and Mrs. Northup.

H.R. 39: Mr. Rehberg, Mr. Ryun of Kansas, Mr. Flake, Mr. Goode, Mr. Thornberry, and Mr. Hostettler.

H.R. 42: Mr. Shays.

H.R. 43: Mr. Kennedy of Rhode Island.

H.R. 51: Mr. Shows, Mr. Clement, Mr. Baldacci, Mr. Turner, Ms. Hooley of Oregon, Mr. Sisisky, Mr. Frost, Mr. Taylor of Mississippi, Ms. Norton, Mr. Meehan, Mrs. Christensen, Mrs. Maloney of New York, Mr. George Miller of California, Ms. Baldwin, Mr. Cunningham, Mr. Kucinich, and Mr. McGovern.

H.R. 65: Mr. Stupak, Mr. Udall of New Mexico, Ms. McKinney, Mr. Spence, Mr. Stearns, Mr. Sweeney, Mr. John, Mr. Calvert, Mr. Collins, Mr. Rodriguez, Mr. Schrock, Mr. Souder, Mr. Hinchey, Mr. Dicks, and Mr. Cummings.

H.R. 87: Mr. Serrano, Mr. Rahall, Mrs. Christensen, Mr. Cummings, Mr. Frost, Mr. Diaz-Balart, Mr. Capuano, Ms. McKinney, Ms. Berkley, and Ms. Roybal-Allard.

H.R. 90: Ms. Rivers, Mr. McGovern, Mr. LoBiondo, Mr. Upton, Mr. Hayworth, and Mr. Phelps.

H.R. 97: Ms. Eshoo, Mr. Payne, Mr. Brown of Ohio, Ms. Veláquez, Mr. Gillmor, Mr. Mascara, Mr. DeFazio, Mr. Kanjorski, Mr. Bonior, Mr. Stupak, Mr. Paul, Mr. LaHood, Mr. Boucher, Mr. Gallegly, Mr. Saxton, Mr. Schaffer, Mr. Goode, Mr. Sessions, Mrs. Thurman, Mr. Clyburn, Mr. Bachus, Ms. McKinney, and Mr. Gilchrest.

H.R. 99: Mr. Kolbe, Mr. Hall of Texas, Mr. Toomey, Mr. Peterson of Pennsylvania, and Mr. Souder.

H.R. 100: Ms. Millender-McDonald, Mr. Stenholm, Mr. Hobson, and Mr. Engel.

H.R. 101: Ms. Millender-McDonald, Mr. Stenholm, Mr. Hobson, Mr. Engel, and Mr. Holden.

H.R. 102: Ms. Millender-McDonald, Mr. Stenholm, Mr. Hobson, Mr. Engel, and Mr. Holden.

H.R. 134: Ms. McKinney, Mr. Wexler, and Ms. Baldwin.

H.R. 157: Mr. Hoeffel.

H.R. 162: Ms. Woolsey.

H.R. 168: Mr. Souder.

H.R. 171: Mr. Owens and Mrs. Mink of Hawaii.

H.R. 179: Mr. Baird, Mr. Bartlett of Maryland, Mr. Boyd, Mr. Cannon, Mrs. Capito, Mr. Conyers, Mr. Farr of California, Mr. Fattah, Mr. Goodlatte, Mr. Hall of Ohio, Mr. Hansen, Mr. Herger, Mr. Hilleary, Mr. Hinojosa, Mr. Isakson, Mr. John, Mr. LaFalce, Mr. Larsen of Washington, Ms. Lee, Mr. Lucas of Oklahoma, Mr. Manzullo, Mrs. McCarthy of New York, Mr. Moakley, Mr. Mollohan, Ms. Norton, Mr. Payne, Mr. Pickering, Mr. Rahall, Mr. Reyes, Mr. Rothman, Mr. Schiff, Mr. Stupak, Mr. Taylor of Mississippi, Mr. Weiner, and Mr. Wicker.

H.R. 184: Mr. Smith of New Jersey, Mr. Stark, Mr. Underwood, and Mr. Lantos.

H.R. 187: Mr. Stupak, Ms. McKinney, Mr. Gordon, Mrs. Christensen, Mr. McHugh, and Mrs. Emerson.

H.R. 189: Mr. Skeen.

H.R. 190: Mr. Taylor of North Carolina.

H.R. 192: Mr. King.

H.R. 214: Mr. Moore.

H.R. 218: Mr. Burton of Indiana, Mr. Goodlatte, Ms. Pryce of Ohio, Mr. Barr of Georgia, Mr. Stenholm, Mr. Taylor of North Carolina, Mr. Bryant, Mr. Baird, Mr. Pence, and Mr. Bartlett of Maryland.

H.R. 219: Mr. Smith of New Jersey and Mr. Ney.

H.R. 220: Mr. Hilleary.

H.R. 225: Ms. Woolsey, Mr. Markey, Mr. Payne, Mr. Fattah, Ms. Waters, Mr. Jackson of Illinois, Mr. Conyers, and Mr. Abercrombie.

H.R. 230: Mr. Hilliard, Mr. Sanders, and Mrs. Mink of Hawaii.

H.R. 231: Mr. Hilliard and Mrs. Mink of Hawaii.

H.R. 238: Mr. Lantos and Ms. Solis.

H.R. 246: Mr. Shadegg and Mr. Jones of North Carolina.

H.R. 250: Mr. Sherwood, Mr. Upton, Mr. LaHood, Mr. Pomeroy, Mr. Phelps, Ms. Brown of Florida, Mr. Hall of Texas, Mr. Jefferson, Mr. Moran of Kansas, Mr. Strickland, Mr. Etheridge, Mr. Frank, Mr. Bass, Mr. Young of Alaska, Mr. Wexler, Mr. Acevedo-Vilá, Mr. Toomey, Mr. Neal of Massachusetts, Mr. Fattah, Ms. McCollum, Mr. Gutierrez, Mr. Israel, Mr. Blumenauer, and Mr. Ross.

H.R. 257: Mr. Pitts and Mr. Peterson of Pennsylvania.

H.R. 261: Mr. Filner.

H.R. 266: Mr. Hilliard and Mr. Wexler.

H.R. 268: Ms. Woolsey, Mr. Kucinich, Mr. Condit, and Mr. Baca.

H.R. 269: Mr. Peterson of Minnesota.

H.R. 283: Mr. Hilliard, Mr. Filner, Ms. McKinney, Mr. Lantos, Mr. McGovern, Ms. Eddie Bernice Johnson of Texas, Mr. Abercrombie, and Mr. George Miller of California.,

H.R. 286: Mrs. Thurman, Mrs. Lowey, and Mr. McGovern.

H.R. 288: Mr. Condit and Mr. Wexler.

H.R. 289: Mr. Stark.

H.R. 290: Mr. Abercrombie, Mr. Thompson of Mississippi, Mrs. Christensen, and Ms. Norton.

H.R. 293: Mr. Pallone, Mr. Bereuter, Mr. Baca, Mr. Filner, Mr. Oberstar, Mr. Carson of Oklahoma, Mr. Abercrombie, Ms. Hooley of Oregon, Mr. Kennedy of Rhode Island, Mr. Rangel, Ms. Lee, Mr. Owens, Mr. Condit, Mr. Stupak, and Mr. Blumenauer.

H.R. 303: Mr. Chambliss, Mr. Stupak, Mr. Watts of Oklahoma, Mr. Allen, Mr. Rothman, Ms. McKinney, Mr. Smith of Washington, Mr. Schiff, Mr. Spence, Mr. Cannon, Mr. Wamp, Mr. Oberstar, Mr. Sweeney, Mr. Ramstad, Mr. LaTourette, Mr. Diaz-Balart, Mr. Ryun of Kansas, Mr. Istook, Mr. John, Mr. Abercrombie, Mr. Brown of Ohio, Mr. Pickering, Mr. Nethercutt, Mr. Blagojevich, Mr. Pitts, Ms. Pryce of Ohio, Mr. Bartlett of Maryland, Mr. Olver, Mr. Calvert, Mr. Hansen, Mr. Graves, Mr. Herger, Mr. Thompson of California, Mr. Lampson, Mr. Thornberry, Mr. Gallegly, Mr. Wicker, Mr. Manzullo, Mr. Shays, Mr. Pallone, Mr. Souder, Mr. Taylor of North Carolina, Mr. Dicks, Mr. Cummings, and Mr. Riley.

H.R. 311: Mr. Hayworth.

H.R. 316: Mr. Peterson of Pennsylvania and Mr. Souder.

H.R. 317: Mr. Hefley and Mr. DeMint.

H.R. 318: Mr. Brown of Ohio, Mrs. McCarthy of New York, Mr. Towns, Mrs. Tauscher, Ms. Pelosi, Mr. Blumenauer, Mr. McHugh, Mr. Frank, Mr. Moran of Virginia, Mr. Rush, Mr. Tierney, Mr. Frost, Mr. Davis of Illinois, Mr. Cummings, Mr. Clement, Ms. McKinney, Mr. Hoyer, Ms. Kaptur, Ms. Baldwin, Mr. Blagojevich, Mr. Lantos, Mr. Nadler, Ms. Roybal-Allard, Mr. Delahunt, and Mr. Hinchey.

H.R. 322: Mr. Bentsen, Mr. Boyd, Mr. Crenshaw, Mr. Hall of Texas, Mr. Hastings of Florida, Mr. Matsui, Mr. Rodriguez, Mr. Sandlin, Mr. Sessions, Mr. Stearns, Mr. Turner, and Mr. Wexler.

H.R. 326: Mr. Hinojosa, Mr. Deutsch, Mr. Kildee, Mr. Horn, Mr. Brady of Pennsylvania, and Mr. Hoeffel.

H.R. 331: Mr. Stearns, Mr. Hayworth, and Mr. Taylor of North Carolina.

H.R. 340: Mr. Udall of Colorado, Mr. Underwood, Ms. Schakowsky, Mr. Clay, and Mr. Gordon.

H.R. 356: Mr. Stearns, Mr. Souder, Mr. Taylor of North Carolina, and Mr. Bonior.

H.R. 361: Ms. Kilpatrick, Ms. McCollum, Mr. Wexler, and Mr. Delahunt.

H.R. 364: Mr. Boyd, Ms. Brown of Florida, Mr. Crenshaw, Mrs. Thurman, Mr. Stearns, Mr. Bilirakis, Mr. Young of Florida, Mr. Davis of Florida, Mr. Putnam, Mr. Miller of Florida, Mr. Goss, Mr. Weldon of Florida, Mr. Foley, Mr. Wexler, Mr. Deutsch, Mr. Diaz-Balart, Mr. Shaw, and Mr. Hastings of Florida.

H.R. 368: Mr. Ryun of Kansas.

H.R. 369: Mr. Crenshaw and Mr. Stearns.

H.R. 380: Mr. Mascara and Mr. Lucas of Kentucky.

H.R. 385: Mr. Hostettler and Mr. Peterson of Pennsylvania.

H.R. 386: Mr. Schaffer.

H.R. 389: Ms. McKinney.

H.R. 391: Mr. Smith of New Jersey, Mr. Stark, and Mr. Ehrlich.

H.R. 419: Ms. Lee, Mr. Serrano, Mr. Kildee, Mrs. Mink of Hawaii, Mr. Markey, Mr. Kennedy of Rhode Island, and Mr. Clay.

H.R. 429: Mr. McGovern.

H.R. 435: Ms. McKinney and Mr. Schaffer.

H.R. 439: Ms. Hooley of Oregon.

H.R. 454: Mr. Blagojevich and Mr. Leach.

H.R. 457: Mr. Evans, Mr. Abercrombie, Mr. Stupak, Mr. Gonzalez, Mr. Kildee, Ms. Brown of Florida, Mr. Barrett, Mr. Costello, Mr. Hilliard, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Ms. Baldwin, Mr. Hall of Ohio, and Mrs. Christensen.

H.R. 460: Ms. Norton, Ms. Roybal-Allard, Mr. George Miller of California, Mr. Kucinich, Mr. Davis of Illinois, Mr. Evans, Mr. Sanders, Mr. Brown of Ohio, Mr. Filner, Mrs. Christensen, Mr. Visclosky, and Ms. Schakowsky.

H.R. 476: Mr. Graham and Mr. Hall of Ohio.

H.R. 478: Mr. Gordon and Mr. Sisisky.

H.R. 488: Ms. Slaughter and Mr. Coyne.

H.R. 491: Mr. Cunningham, Mr. Becerra, Mr. Schiff, Ms. Roybal-Allard, and Mr. Underwood.

H.R. 493: Mrs. Jones of Ohio.

H.R. 494: Mr. Schaffer and Mr. Souder.

H.R. 496: Mr. Shimkus, Mr. Berry, Mr. Hutchinson, and Mr. Peterson of Minnesota.

H.R. 503: Mr. Hulshof, Mr. Barton of Texas, Mr. Stenholm, Mr. Ney, Mr. Goode, and Ms. Hart.

H.R. 511: Mr. George Miller of California, Ms. McCarthy of Missouri, Mr. Stupak, Ms. Baldwin, Ms. McKinney, Mr. Udall of New Mexico, Mr. John, Mr. Reyes, Mr. Kildee, Mr. Meehan, Mrs. Christensen, Mr. Wexler, and Mr. Crowley.

H.R. 519: Mr. Pastor.

H.R. 531: Mr. Moakley, Mr. Becerra, Mr. Moran of Virginia, and Ms. Lofgren.

H.R. 532: Ms. Eshoo.

H.R. 536: Mr. Gallegly, Mr. Faleomavaega, Mr. Hall of Ohio, Mr. Hoeffel, Mr. Inslee, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. LaFalce, Mr. Hinojosa, Ms. Harman, Mr. Allen, Mr. Gutierrez, Mr. Schiff, Mr. Rahall, Mr. Taylor of Mississippi, Mrs. Napolitano, Mr. Sherman, Mr. Baca, Mr. Clement, Mr. Underwood, Mr. Wexler, Mr. Thompson of Mississippi, Mr. Skelton, Mr. Taylor of North Carolina, Ms. Schakowsky, Mr. Clay, Mr. Souder, Mr. Moran of Virginia, Mr. Pascrell, and Mr. Strickland.

H.R. 539: Mr. Cantor, Mr. Bonilla, Mr. Platts, Mr. English, Mr. Otter, Mr. Nethercutt, Mr. Brady of Texas, Mrs. Jo Ann Davis of Virginia, Mr. Stump, Mr. Crenshaw, Mr. Ney, Mr. Schaffer, and Mr. Souder.

H.R. 544: Ms. Brown of Florida, Mr. Frank, Mr. Moore, Ms. Kaptur, Mr. Wexler, Mrs. Christensen, Ms. Baldwin, Mrs. Morella, Mr. Doyle, Mr. Brown of Ohio, Mrs. Thurman, Mr. George Miller of California, Ms. Woolsey, and Mr. Kucinich.

H.R. 548: Mr. Wexler, Mr. Schrock, Mr. Whitfield, Mr. Horn, and Mr. Taylor of North Carolina.

H.R. 549: Mr. Kolbe, Mr. Sensenbrenner, Mr. Keller, Mr. Deal of Georgia, Mr. Crenshaw, Ms. Pryce of Ohio, Mr. Shaw, Mr. Hostettler, Mr. Schrock, and Mr. Peterson of Pennsylvania.

H.R. 557: Mr. McIntyre, Mr. Clement, Mr. Coble, Mr. Gordon, Mrs. Roukema, Mr. Pickering, Mr. Istook, Mr. Wolf, Ms. McKinney, Mr. Taylor of North Carolina, Mrs. Jones of Ohio, Mrs. Clayton, Mr. Moore, and Mr. Burr of North Carolina.

H.R. 558: Mr. English, Mr. Gekas, Mr. Brady of Pennsylvania, Mr. Doyle, Mr. Greenwood, Ms. Hart, Mr. Kanjorski, Mr. Borski, Mr. Mascara, Mr. Fattah, Mr. Murtha, Mr. Hoeffel, Mr. Peterson of Pennsylvania, Mr. Sherwood, and Mr. Platts.

H.R. 565: Mr. Blunt.

H.R. 570: Mr. Lantos and Mrs. Jones of Ohio.

H.R. 572: Mr. Levin, Mr. Holt, Mr. Andrews, Mr. Hinchey, and Mr. McGovern.

H.R. 573: Mr. Abercrombie, Mr. Frost, Mr. Baca, Ms. McKinney, Mr. Lantos, Ms. McCarthy, of Missouri, Mr. Waxman, Mr. Meeks of New York, Mr. Baldacci, Mrs. Christensen, Mr. Doyle, and Ms. DeGette.

H.R. 582: Mr. English.

H.R. 585: Mr. Ney.

H.R. 586: Mr. Kucinich, Mr. Tancredo, Mr. Crenshaw, Ms. Pryce of Ohio, Mr. Gilchrest, Mr. Weldon of Florida, Mr. Hayworth, Mrs. Morella, and Mr. Peterson of Pennsylvania.

H.R. 590: Mr. Capuano, Mr. Wynn, Mr. Wexler, and Mr. McGovern.

H.R. 594: Ms. McKinney, Mr. Mascara, Mr. Scott, and Mr. Brady of Pennsylvania.

H.R. 602: Mr. Sawyer, Mr. Davis of Florida, Mr. Watt of North Carolina, Mr. Sabo, Mr. LaFalce, Mr. Baker, Mr. Taylor of North Carolina, and Mr. Doggett.

H.R. 606: Mr. Kirk, Mr. Deutsch, Ms. McKinney, Mr. Baca, Mr. Frost, Mrs. Thurman, Mr. Oberstar, Mrs. Meek of Florida, Mr. Ackerman, Mr. Weiner, Mr. Hastings of Florida, Mr. Evans, and Mrs. Tauscher.

H.R. 608: Mr. Moore.

H.R. 613: Mr. Wicker, Mr. Gallegly, Mrs. Morella, Mr. Bentsen, and Mr. Baldacci.

H.R. 621: Mr. Rangel and Mr. Schiff.

H.R. 623: Ms. Baldwin, Mr. Coyne, and Mr. McHugh.

H.R. 624: Mr. Hilliard, Mr. Kind, and Ms. Baldwin.

H.R. 630: Mr. DeFazio and Mr. Bonior.

H.R. 632: Mr. Payne, Mr. Thomas M. Davis of Virginia, Mrs. Jones of Ohio, Mr. Bentsen, Ms. Rivers, Mr. McGovern, Mr. Schrock, Mr. Davis of Illinois, and Mr. Ney.

H.R. 633: Mr. Blagojevich, Mr. Hilliard, Mrs. Morella, Mr. Baca, Ms. Pelosi, Ms. Norton, Mr. Pallone, Ms. McCarthy of Missouri, Mr. Sanders, Mr. McDermott, Mr. Wexler, Mrs. Thurman, Mr. Ney, Mr. Doyle, Mr. Brady of Pennsylvania, and Mrs. Maloney of New York.

H.R. 637: Mr. Shadegg and Mr. Hayworth.

H.R. 638: Mr. Wexler Mr. Olver, Mrs. Tauscher, Ms. Lee, Ms. Pelosi, Ms. Schakowsky, Ms. McKinney, Mr. Hilliard, Mr. Brady of Pennsylvania, Mr. Meehan, Mr. Filner, Mr. Lantos, Mr. George Miller of California, and Mr. Stark.

H.R. 642: Mr. Ehrlich and Mr. Hoyer.

H.R. 650: Mr. Cooksey, Mr. McHugh, and Mr. Smith of New Jersey.

H.R. 658: Mr. Hayworth and Mr. Lewis of Kentucky.

H.R. 663: Mr. Waxman, Ms. Jackson-Lee of Texas, and Mr. Frost.

H.R. 664: Mr. Moran of Virginia, Mr. Thomas M. Davis of Virginia, Mr. Murtha, Mr. Baker, Mr. Costello, Mr. Smith of New Jersey, Mr. Edwards, Mr. Hinchey Mr. Blumenauer, Mrs. Jones of Ohio, Mr. Sisisky, Mr. Lewis of Kentucky, Mr. Hoyer, Mr. Pascrell, Mr. Rahall, Mr. Holt, Mr. Bilirakis, Mr. John, Mr. Ross, Mr. Taylor of North Carolina, and Mr. Bonilla.

H.R. 668: Mr. Delahunt, Mr. Boucher, Mr. Taylor of Mississippi, Mr. Frank, Mr. Leach, Mr. Larson of Connecticut, Mr. Etheridge, Mrs. Christensen, Mr. Fattah, Mr. Hoyer, Mr. Maloney of Connecticut, and Mr. English.

H.R. 671: Mr. Meehan, Mr. Markey, Ms. Woolsey, Mr. Tierney, Mr. Towns, Mr. Blagojevich, Mr. Pascrell, Mr. McGovern, Mr. Conyers, and Mr. Filner.

H.R. 678: Ms. McCarthy of Missouri, Ms. McKinney, Ms. Eschoo, Mr. Lantos, Mrs. Lowey, Ms. Pelosi, Mr. Gutierrez, Mr. Allen, and Mr. Hinojosa.

H.R. 680: Mr. Underwood and Mrs. Mink of Hawaii.

H.R. 681: Mr. Hilliard and Mr. Gordon.

H.R. 683: Mr. Oberstar, Mr. Stenholm, Mr. Olver, Mr. Borski, Mr. Coyne, Mr. Filner, Mr. Maloney of Connecticut, Mr. Pallone, Mr. Frank, Ms. McCarthy of Missouri, Ms. DeGette, and Mr. Pomeroy.

H.R. 714: Mr. Frost, Mrs. Jones of Ohio, Mr. Waxman, Mr. Etheridge, Mr. Kennedy of Rhode Island, Ms. Rivers, and Mr. Fattah.

H.R. 717: Mr. Neal of Massachusetts, Mr. Stearns, Mr. John, Ms. McCarthy of Missouri, Mrs. Mink of Hawaii, Mrs. Morella, Mrs. Lowey, Ms. Pryce of Ohio, Mrs. Thurman, Mr. Brown of Ohio, Mr. Sessions, Mr. Kolbe, Mr. Radanovich, Mr. Baker, Mr. Hilleary, and Mr. Grucci.

H.R. 721: Mr. Fattah, Mr. Cardin, Mr. Coyne, Mr. Tierney, Mr. Inslee, Mrs. Jones of Ohio, Ms. McCollum, Mr. Sabo, Mr. Petri, Mr. Davis of Illinois, Ms. Rivers, Mr. Costello, Mr. McDermott, Mr. Pascrell, Ms. Schakowsky, Mr. Levin, Ms. Norton, Mr. Gordon, and Mr. McGovern.

H. Con. Res. 3: Mr. Udall of New Mexico, Ms. Lofgren, Mr. Rush, Mr. Rodriguez, and Mr. Berman.

H. Con. Res. 12: Mr. Hilliard, Mr. Hall of Ohio, and Mr. Conyers.

H. Con. Res. 17: Mr. Evans, Mr. Price of North Carolina, Mr. Frank, Ms. Hooley of Oregon, Mr. Hilliard, Mr. Dooley of California, Mr. Waxman, Mr. Capuano, Mr. Hinchey, Mr. George Miller of California, and Mr. Stark.

H. Con. Res. 23: Mr. Manzullo, Mr. Petri, and Mr. Hilleary.

H. Con. Res. 25: Mr. Price of North Carolina, Mr. George Miller of California, Mr. Doyle, and Mr. Shadegg.

H. Con. Res. 26: Mr. Tierney.

H. Con. Res. 37: Mr. Souder.

H. Con. Res. 38: Ms. McKinney, Mr. Davis of Illinois, Mr. Baca, Mrs. Christensen, and Ms. Schakowsky.

H. Res. 13: Mr. George Miller of California, Mr. McGovern, Mr. Shimkus, and Mr. Fattah.

H. Res. 15: Mr. Hall of Texas, Mr. Bartlett of Maryland, and Mr. Hilleary.

H. Res. 54: Mr. Tancredo, Ms. Norton, Mr. Udall of Colorado, Mrs. Jones of Ohio, Mr. Hefley, Ms. DeGette, and Mr. McInnis.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING SENATOR JIM CARNES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, Senator Carnes has been named chairman of the Senate Energy, Natural Resources and Environment Committee.

Whereas, Senator Carnes has been named vice-chairman of the Finance and Financial Institutions Committee.

Whereas, Senator Carnes will also sit on the Agriculture, and Highways and Transportation Committees.

Whereas, Senator Carnes has continuously demonstrated his commitment and love for his family, his community and his country, I am honored to call him a friend and a constituent.

INTRODUCTION OF THE MADRID PROTOCOL IMPLEMENTATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. COBLE. Mr. Speaker, today I am introducing the Madrid Protocol Implementation Act. This implementing legislation for the Protocol related to the Madrid Agreement on the International Registration of Marks was introduced in the past four Congresses. While the Administration has not forwarded the treaty to the Senate for ratification, the introduction of this legislation is important in that it sends a signal to the international community, U.S. businesses, and trademark owners that the Congress is serious about our Nation becoming part of a low-cost, efficient system for the international registration of trademarks.

The World Intellectual Property Organization (WIPO) administers the Protocol, which in turn operates the international system for the registration of trademarks. This system would assist our businesses in protecting their proprietary names and brand-name goods while saving cost, time, and effort. This is especially important to our small businesses which may only be able to afford world-wide protection for their marks through a low-cost international registration system.

The Madrid Protocol took effect in April 1996 and currently binds 12 countries. Without the participation of the United States, however, the Protocol may never achieve its purpose of providing a one-stop, low-cost shop for trademark applicants who can—by filing one application in their country and in their language—receive protection by each member country of the Protocol.

In previous Congresses, the Department of State objected to ratification based on its dispute with the European Community over a voting rights procedure that would apply to the administration of the treaty. An acceptable resolution to this problem was reached during the 106th Congress, and the House passed the bill under suspension of the rules without opposition. Unfortunately, Senate ratification of the Protocol and passage of the implementing language were derailed as result of a private dispute over a mark ("Havana Club") between a rum distiller (Bacardi) and a French concern (Pernod) which formed a joint venture with the Cuban government. Although negotiations to develop an acceptable compromise failed, it is my understanding that the Senate and trademark community will redouble their efforts to resolve this problem during the present term.

Mr. Speaker, it is important to move this legislation forward as a way of encouraging all parties involved in the Bacardi dispute to intensify their negotiations. House consideration of the Protocol will also assure American trademark holders that the United States stands ready to benefit imminently from its ratification.

I urge my colleagues to support the Madrid Protocol Implementation Act.

IN REMEMBRANCE OF LITHUANIA'S INDEPENDENCE DAY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CAMP. Mr. Speaker, I wish to honor Lithuania's Independence Day, which occurred on February 16th. This is the 83rd Anniversary of this historic event.

The Republic of Lithuania declared independence on February 16, 1918. The Lithuanian people enjoyed a 22 year period of self-rule and freedom before the occupation of the Soviet Union in 1940. Their traumatic times did not end there. In 1941, Nazi Germany invaded and 90% of Lithuania's 250,000 Jews were killed. The Soviets regained control over the area in 1944, resulting in a 46 year occupation, during which 700,000 Lithuanians were either deported to Siberia, forced into exile, imprisoned or shot.

Throughout all of their struggles, the Lithuanian people never gave up on their dream of independence. In 1990, they were the first Baltic State to secede from the Soviet Union and declare independence. After a hard fought struggle with the former Soviet empire, Lithuania finally regained independence.

I offer my congratulations on the stability of the country as a republic with a strong hold on democracy and a growing economy. I wish the Republic of Lithuania the best as they work for full integration into the world community, NATO and the European Union.

The people of Lithuania are proud and courageous, and I salute their faithfulness, endurance and patriotism. I extend my warmest wishes to the Republic of Lithuania as they celebrate another year of freedom.

TRIBUTE TO GLENN ALBERT WARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Ms. ESHOO. Mr. Speaker, I wish today to honor Glenn Albert Ward, an outstanding citizen and dedicated community leader who passed away on January 11, 2001, at the age of 81. He is survived by his wife Lee, his son John Ward, his brother Jerri, as well as grandchildren and stepchildren.

Mr. Ward was born in Kansas City, Kansas but moved to California soon after, making San Mateo County, California his home for more than 35 years.

He began his career at American Associated Indemnity Insurance Company before becoming manager at Owl-Rexall Drug Company in San Francisco. He later spent a number of years with Metcalfe Rexall Pharmacy in San Carlos. He was also an active member of the public sector. Prior to retiring, he was a financial officer for the San Mateo County Probation Department. Mr. Ward enriched the lives of countless people as an understanding and fair superior. With his intelligence, common sense, warmth, and wisdom, he earned the love and respect of those who crossed his path. His deep regard for public service was passed on to his son John, who served with distinction as a member of the San Mateo County Board of Supervisors. To this day, I am proud to have served as a colleague of John's on the Board.

Glenn Ward was known to be a world traveler and a passionate aviator. He traveled across the United States countless times. His passion extended to numerous community activities. He was a dedicated volunteer at Messiah Lutheran Church in Santa Cruz and a "founding father" of the Vista de Lago Homeowners Association in Scotts Valley. For more than half a century, he was involved with the Masonic Order, San Carlos Lodge, and Santa Cruz Lodge.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a noble man who helped make our nation what it is today and to most especially extend to his son John our abiding sympathy. Together, they were one of the most devoted and admired father-son teams I've ever known.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A PROCLAMATION HONORING MR. JOHN RAYTIS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, Mr. Raytis, publisher of the Times Recorder and the Coshocton Tribune, resigned from his position.

Whereas, Mr. Raytis was a publisher in the community for six years.

Whereas, Mr. Raytis received the Sertoma Service to Mankind Award in 2000, and remains active in the community.

Whereas, Mr. Raytis has continuously demonstrated his commitment and love for his family, his community and his country, I am honored to call him a friend.

INTRODUCTION OF THE PATENT AND TRADEMARK OFFICE REAUTHORIZATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. COBLE. Mr. Speaker, today I introduce the "Patent and Trademark Office Reauthorization Act," and urge my colleagues to support what will prove to be an important contribution to our high-tech economy.

Briefly, by way of background, the operations of the Patent and Trademark Office are fully-funded through user-fee revenue; the agency receives no stipend from the taxpayers. Since 1992, however, more than $600 million in PTO funds have been withheld and used for other purposes. This policy results in manpower shortages and inhibits the development of modernization efforts at the agency. With PTO workloads increasing every year, the ultimate losers are the men and women who pay the fees to have their patent and trademark applications processed. Our country suffers as well, since the development and export of intellectual property is crucial to the national economy.

The Patent and Trademark Office Reauthorization Act will protect PTO revenues from diversion to other programs. The bill accomplishes this goal by amending two key provisions of section 42 of the Patent Act, which prescribes the PTO funding mechanism.

First, the requirement in subsection (b) that all agency funds be credited to a special PTO Appropriation Account is deleted; instead, such funds are to be credited to a PTO Account in the Treasury.

Second, the requirement in subsection (c) that subjects agency access to and expenditure of collected fees to appropriations is also deleted. This means that the Commissioner will have the authority to collect all fees and use them for agency operations until expended.

This is a necessary bill for reasons that are known by all who support the operations of the Patent and Trademark Office. I urge my colleagues again to endorse the measure.

TRIBUTE TO SERGEANT MICHAEL G. WOODS

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mrs. NAPOLITANO. Mr. Speaker, I wish today to honor a dedicated public servant in my hometown of Norwalk, California. Sergeant Michael G. Woods of the Los Angeles County Sheriff's Department will retire next month after 23 years of service to the citizens of Los Angeles County. It is truly an honor to recognize him today.

Sergeant Woods moved to the United States from England in 1957 and graduated from Glendale High School in 1964. Sergeant Woods joined the United States Navy in 1965 and served in Vietnam from 1966–1967. After being discharged from the service in 1968, he married his wife Jackie and began work for Sears, Roebuck and Co., working at the Glendale and Hollywood stores. Michael and Jackie became the proud parents of two daughters, Lori, born in 1969, and Toni, born in 1973.

Sergeant Woods left Sears in 1978 and joined the Los Angeles County Sheriff's Department that same year beginning in the custody division. In 1979, he received an Associate's degree from Glendale Junior College. During this time, he quickly advanced in the department, was promoted to the Transportation Bureau and then to Field Operations in 1982 serving various stations throughout Los Angeles County. Eventually, he was given the responsibility for conducting background investigations of potential deputy sheriff trainees. Finally in 1996, he was promoted to the rank of Sergeant and transferred to the Norwalk station. During this time he served as a patrol sergeant and acting watch commander. Sergeant Woods was also active in the department's community relations outreach in areas such as the ride share program, civilian volunteer program, reserve program and special programs to name just a few.

I want to personally express my warmest wishes to Sergeant Michael G. Woods and his family as they embark on the next phase of their life's journey. The people of Los Angeles County and the State of California have been exceptionally well served by his dedication and devout public service.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. QUINN. Mr. Speaker, in this time of unprecedented budget surpluses, the first and most important responsibility Congress has is to protect Social Security and Medicare, and the senior citizens they serve. On February 13th, the House of Representatives took this first step when it overwhelmingly passed H.R. 2, the Social Security and Medicare Lockbox Act of 2001.

I was proud to support this bill, as I did last year. H.R. 2 prevents any other legislation or amendment from dipping into Social Security or Medicare Trust Fund Surpluses. This proposed lockbox would ensure that trust fund surpluses can only be spent on their intended uses of retirement and health care security.

Until we enact Social Security and Medicare reform legislation, which I hope we will do in this Congress, all trust fund surpluses will be used to pay down the national debt. The money cannot be used for any other programs or spending projects, period. Before we consider tax cuts, we owe our seniors no less than this.

A PROCLAMATION HONORING REPRESENTATIVE JIM ASLANIDES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, Representative Aslanides has been named to the Agriculture and Natural Resources Committee.

Whereas, Representative Aslanides will serve on the Energy and Environment, and Health and Family Services Committees.

Whereas, Representative Aslanides has continuously demonstrated his commitment and love for his family, his community and his country, I am honored to call him a friend.

TRIBUTE TO CHIEF RICHARD A. VANDEREYK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. LEVIN. Mr. Speaker, today I pay tribute to Police Chief Richard A. VanderEyk, who retired from the Pleasant Ridge Police Department on February 2, 2001.

Chief VanderEyk's public service began in March of 1967 when he entered the United States Air Force. After his discharge from the Air Force, Chief VanderEyk was employed as an officer with the Pleasant Ridge Police Department in 1973. He was promoted to Sergeant in 1988 and to Chief in 1991.

Chief VanderEyk earned an Associate Degree in Criminal Justice and continued to improve his skills through education. He attended the Michigan Association of Chiefs of Police Criminal Justice Management Institute's New Chiefs School in 1991 and in 1997–1998 the Police Staff and Command School at Eastern Michigan University.

Chief VanderEyk has supported the law enforcement community at every level. Beginning with his membership in the Fraternal Order of Police, then extending to the National Association of Chiefs of Police and the Michigan Association of Police. He also served as treasurer and a member of the executive board for the Oakland County Association of Chiefs of Police.

Throughout his life, dedication and hard work have been synonymous with this outstanding public servant.

Mr. Speaker, I ask my colleagues to join me in thanking Chief VanderEyk for his years of public service and in wishing him and his wife, Jacqueline, good health and happiness in the years ahead.

CONGRATULATIONS TO THE FIRST NATIONAL BANK TEXAS FOR 100 YEARS OF SERVICE TO THE PEOPLE OF KILLEEN AND BELL COUNTY, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. EDWARDS. Mr. Speaker, today I congratulate the First National Bank Texas for 100 years of service to the people of Killeen and Bell County.

Originally known as the First National Bank of Killeen, it was organized with capital stock of $25,000 on Feb. 27, 1901.

It has provided uninterrupted service to Central Texans through two World Wars, the Great Depression, the construction of Fort Hood, the Cold War, 18 U.S. Presidents and the dawn of a new millennium. The bank also has been a trendsetter: the city's first elevator was located in its lobby in the 1960s and the bank introduced the first automated teller machine to the area in the 1970s. The bank continues to innovate in the areas of retail and Internet banking.

Today, February 27, 2001, the bank, now known as First National Bank Texas, will celebrate its 100th year anniversary with a community-wide celebration.

The bank, the oldest bank in Bell County, has had its ups-and-downs but ultimately it has flourished over the years. It now employs more than 1,100 Texans across the state, with 690 in Bell County. The bank is one of the largest nongovernmental employers in the area. Modern reminders of early bank leaders C.R. Clements and Will Rancier are with us today in the form of the C.R. Clements Boys and Girls Club and Rancier Avenue.

I ask Members to join me in offering congratulations to the First National Bank Texas on a century of growth and service to Central Texas families and businesses.

INTRODUCTION OF THE SSI MODERNIZATION ACT OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CARDIN. Mr. Speaker, many States have decided to increase the amount of money welfare recipients can earn before their Temporary Assistance for Needy Families (TANF) benefit is reduced. This strategy produces two very beneficial effects: It rewards and promotes employment and it helps working families escape poverty. Unfortunately, the primary Federal program that helps low-income disabled and elderly Americans has not pursued a similar strategy. In fact, the income exclusions for the Supplemental Security Income (SSI) program have been frozen in time for nearly thirty years.

In 1972, a general income exclusion (GIE) for SSI was set at $20 a month, meaning the first $20 of outside income did not count dollar for dollar against the SSI benefit amount, which is currently $530 a month for an individual. This GIE is usually applied to Social Security income, which of course is based on past employment. In addition, an earned income exclusion was also established in 1972 to allow a disregard of the first $65 a month, plus half of the remaining earnings. Neither of these provisions, which reward past and current work efforts, have been increased in the past three decades. If they had kept pace with inflation over that time period, the GIE would be worth $80 a month and the earned income exclusion would be set at $260 a month.

I am introducing the SSI Modernization Act to reduce these work disincentives, as well as to decrease obstacles to saving and pursuing an education. The bill would increase the GIE to $40 a month and the earned income exclusion to $130 a month, and then index those amounts to inflation in future years. To encourage individuals to save for their future, the bill also would increase the SSI asset limit from $2,000 for an individual and $3,000 for a couple to $3,000 for an individual and $4,500 for a couple. Furthermore, the legislation would increase the disregard level for small amounts of income received on an irregular basis, and it would simplify the treatment of educational grants and scholarships under SSI income and asset rules. Finally, the bill would postpone eligibility redeterminations for SSI recipients turning 18 years of age, if they are attending a secondary school and are under the age of 21. This last provision recognizes that applying a work-based eligibility standard (under which adults are considered) is not appropriate for a disabled youth still attending high school.

Mr. Speaker, I urge my colleagues to support this effort to update the SSI program and to increase incentives for working, saving and pursuing an education. Having waited almost thirty years to address many of these issues, we cannot afford to wait any longer to reward work and to improve the quality of life for our Nation's disabled and elderly.

A PROCLAMATION HONORING REPRESENTATIVE NANCY HOLLISTER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, Representative Hollister will serve as vice-chairwoman of the House Energy, and Environment Committee.

Whereas, Representative Hollister has been named to two other committees—Public Utilities, and Retirement and Aging.

Whereas, Representative Hollister has continuously demonstrated her commitment and love for her family, her community and her country, I am honored to call her a friend.

TRIBUTE TO REABER NELL LUCAS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, although death is a part of life, often times it becomes difficult to accept. Last week, Ms. Reaber Lucas, a dear friend of mine, passed away. Ms. Lucas was born on July 4th, 1946 in Amite County, MS to Willie, Sr. and Ora Lee Wesley Harden Lucas, who both preceded her in death.

Reaber graduated from Bettye Mae Jack High School in Morton, MS and attended Milwaukee Area Technical College where she studied Social Work. Later she attended Jackson State University majoring in Accounting. Utilizing her background in Accounting and Social Work, Reaber served as Branch Director, Division of Community Services for the State of Mississippi Department of Human Services, until her retirement in 1997. Reaber thoroughly enjoyed serving as a community activist as an active member of the Hinds County Federation of Democratic Women and the National Association for the Advancement of Colored People.

Reaber devoted her life to Christ at an early age, and joined Rose Hill Missionary Baptist Church in Meadville, MS. After the family moved to Morton, MS, she joined Christian Triumph Missionary Baptist Church. While Reaber lived in Milwaukee, WI, she became a member of St. Matthews Methodist Church. After relocating to Jackson, MS, she continued to be faithful to God and became a member of New Hope Baptist Church under the leadership of Reverend Dr. Jerry Young, where she continued to serve until her death.

One of the many attributes Reaber possessed, was her ability to empower and organize. Reaber's energetic work ethic and responsibility to her community was the primary reason for many of the African-American elected officials, myself included, currently representing Jackson, Mississippi. Reaber believed that African-Americans should have a voice and the only way to insure that was to help them exercise their right to vote.

Mr. Speaker, it's only fitting that I recognized Ms. Lucas during Black History Month. Without her assistance, I can't be certain that I would be here today as a Member of Congress. Reaber was an asset to her family, community, city and state. She will be truly missed.

A TRIBUTE TO NASA EMPLOYEES AT MARSHALL SPACE FLIGHT CENTER

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CRAMER. Mr. Speaker, today I congratulate the NASA employees and contractors at Marshall Space Flight Center for their role in the successful delivery of NASA's Destiny Laboratory Module, the second of the U.S. pressurized modules, to the International Space Station. I am proud to say that the extremely talented men and women of the Boeing Company built Destiny in my district at the Marshall Space Flight Center. This includes the successful design, development, assembly, integration, and testing of Destiny, as well as its delivery to Kennedy Space Center in November 1998.

The Destiny Laboratory, the long-awaited centerpiece of the Space Station, will allow the United States and its international partners to perform fundamental science experiments around-the-clock in the microgravity environment of space. This state-of-the-art module has a capacity of 24 rack locations, of which 13 are especially designed to support important scientific research. Once these racks arrive on later Shuttle flights, scientists can begin fundamental long-term research in space that can help improve the quality of human life back on Earth. Some of the first experiments will focus on the growth of proteins in the absence of the effects of gravity, hopefully leading to a better understanding of the true structure of harmful viruses that develop under strong gravitational effects on Earth. The Station will also allow researchers to study how the human body is affected by long-term exposure to the low-gravity environment of space, which is a crucial first step in establishing a human presence elsewhere in our solar system.

Mr. Speaker, while Destiny is primarily intended to be the key U.S. science facility on board Station, the addition of this engineering marvel to the current Space Station configuration on-orbit will also expand the Station's power, life support, and attitude control capabilities. It will enable the transfer of flight control responsibilities from the Russians to NASA personnel, providing command and control capability for NASA's Mission Control in Houston. The Station had been under Russian command and control since the launch of the Russian-built Zarya Module in November 1998. The addition of the Destiny Laboratory, which is 28 feet in length and 14 feet in diameter, will also give Station occupants more habitable space than was available aboard Skylab or Mir.

The launch of Destiny now allows NASA to focus on providing other high priority capabilities necessary to complete the ISS. One of these capabilities will be provided by the U.S. Propulsion System, and is necessary to eliminate our dependence on the propulsion systems on-board the Russian Service Module and the regular launch of Russian Progress vehicles. It is also time for NASA to aggressively move forward with the U.S. Habitation Module, which would provide safe living quarters for the full complement of seven Station inhabitants. This is the module that will provide for the crew and enable a full vigorous science research program to bring about the expected return on the taxpayer's investment in this unique national resource. Mr. Speaker, the Habitation Module and much of the Propulsion System will be built at the Marshall Space Flight Center by Boeing—the same highly skilled team that also constructed the U.S. Unity node—and therefore I believe they will be in good hands.

Mr. Speaker, North Alabama has a long heritage of spacecraft construction, starting with the rockets that placed men in Earth orbit and eventually on the Moon. I am proud to congratulate the world-class Space Station team in North Alabama for continuing this proud heritage of excellence with the development of the Destiny Laboratory Module. I expect it to be one of the highlights of this year's space program.

FISCAL DISCIPLINE MUST APPLY TO PENTAGON ALSO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. FRANK. Mr. Speaker, in an area where we talk about our military budgets in almost unbounded terms—whether it's the hundreds of billions of dollars of accounting entries in Pentagon books that can't be supported, or the multiple billions of dollars that Congress added to the Pentagon's coffers in recent years beyond what the administration requested—it's easy to lose any sense of scale about this spending or the sacrifices we make for such largess. Therefore, I submit into the RECORD the following piece by John Isaacs, President of the Council for a Livable World and one the most thoughtful voices in America on the subject of rational national security spending.

PENTAGON UPSET WITH $14 BILLION BOOST

(By John Isaacs)

President George W. Bush's recent decision to use the Clinton Administration's defense budget request for fiscal 2002 has set off a wave of criticism. Big defense spenders are angry that the $310 billion request for Department of Defense programs is only a $14 billion increase from last year's budget. Only in Washington would a $14 billion raise be considered "paltry." To put it in perspective here are some comparisons:

How much is $14 billion?

It's more than the defense budgets of all the states of concern—Iran, Iraq, Libya, North Korea, Cuba, Sudan and Syria combined ($12.8 billion).

It's greater than total federal spending on law enforcement activities including the FBI, DEA and the INS ($13.6 billion). President Bush just announced he will cut the Justice Department budget by one billion dollars.

It's equal to the entire budget of the U.S. Treasury Department.

It's more than the federal government spends on higher education ($13.8 billion).

It's almost as much as the non-military international affairs budget ($15 billion).

It's equal to all federal government expenditures on water resources, conservation and land management, and recreational resources combined ($14.3 billion).

It's greater than the Gross Domestic Products of 40 individual nations including: Azerbaijan, Armenia, Angola, Estonia, Chad, Cambodia, Niger, Madagascar, Jamaica, Haiti, Trinidad & Tobago, Qatar and Papua New Guinea.

A PROCLAMATION RECOGNIZING THE ENGAGEMENT OF CAROLINE MULLEN AND CARLOS ESPINOSA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Caroline and Carlos are to be united in marriage;

Whereas, they will declare their love before God, family and friends;

Whereas, this momentous day will begin their years of sharing, loving and working together;

Whereas, may Caroline and Carlos be blessed with all the happiness and love that two people can share and may their love grow with each passing year;

Whereas, Mr. Speaker, I am pleased to congratulate Caroline and Carlos on their recent engagement. I ask that my colleagues join me in wishing Caroline and Carlos many years of happiness together.

COMMEMORATING THE 200TH ANNIVERSARY OF THE TOWN OF HADLEY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. SWEENEY. Mr. Speaker, I wish today to commemorate the 200th anniversary of the town of Hadley, New York, February 27, 2001.

I have always been proud of the heritage and physical beauty of the 22nd Congressional district of New York which I have the privilege to represent. To savor the history and character of the picturesque towns in the Hudson Valley and Adirondack Mountains is the reason that I return home every weekend.

We often forget that the real America is the small towns and villages that are rich in pride and culture, and not the bustle of Washington. It is these small towns and villages where the great traditions of this country were founded. I would like to talk about one of these great towns today.

Mr. Speaker, the town of Hadley, New York in Saratoga County will be commemorating 200 years of existence since they separated from the nearby towns of Greenfield and Northumberland back in 1801. Hadley is one of the many beautiful river towns that we have in New York State. Located at the southern gateway to the Adirondacks and where the Sacandaga River meets the Hudson River, Hadley has endured many transformations.

Like so many of the small river towns, Hadley has seen the rise and fall of the mills. Hadley has been transformed from a mill town to a power source with two dams located inside of the township providing electricity for many New York State residents. Even though many things have changed there, like everywhere else, there is something that still remains an unmistakable part of the town's character. That is the distinct small town charm and the good citizens of Hadley. This can be seen throughout all areas of the town, including the churches, the fire department, and the fields where children play and farmers work. Yes, Mr. Speaker, the neighborly hospitality is one thing that thankfully hasn't changed in Hadley. The pride and values of the citizenry is one of the most admired traits of small towns, not only in New York's 22nd district, but throughout America.

Mr. Speaker, I commend the 1628 citizens of Hadley for their commitment to their values and their hard work in organizing a celebration of their heritage. I offer a full written history of the Town of Hadley that I am submitting into the RECORD. Therefore, Mr. Speaker, it is with great pride to ask all members of the House of Representatives to join me in paying tribute to the citizens of Hadley on the towns' 200th birthday and also in wishing them many more years of good fortune.

HADLEY

The town of Hadley originated February 27, 1801 from the Town of Greenfield and Northumberland. Corinth was removed in 1818 and a section of the Town of Day in 1819.

This town is located in the far northeastern corner of Saratoga County and is nestled in the Kayaderossera Mountains at the southern gateway to the Adirondack Mountains where the Sacandaga River meets the Hudson River.

Hadley is surrounded by the Warren County Towns of Stony Creek to the north and Lake Luzerne to the east. Corinth, in Saratoga County is to the south and Day is to the west. We have no record on how Hadley got its name.

EARLY SETTLERS

First settlement was about 1788. A man by the name of Richard Hilton is credited with being the first settler.

The first Supervisor of the Town of Hadley was Benjamin Cowles in 1801.

A man named Wilson taught the first school from 1791 to 1820. There was a log schoolhouse in the Ellis neighborhood—John Johnson and Walter Knott were the teachers.

1826—First organization of Baptist Church—Reverend Chandler was Pastor, John Lovelass and John Jenkins were deacons. Lynwood Cemetery is located next to the church.

1844—Wesleyan Methodist Church—Ministers in charge were the Reverends S.H. Foster, James Dayton and William Hawkins. Walter Sutliff was class leader.

The first saw mill was built in 1791 by Delane and Hazard. The first grist mill was built in 1803 by Jeremy Rockwell. In 1807 the first store was also built by Rockwell.

December 1, 1865 the Hadley Railroad Station was constructed, and at the time the railroad was named the Adirondack Railway. In 1902 the Delaware and Hudson acquired the railways. This railroad station saw large amounts of vacationers on their way to local resorts for the summer season, until it was closed on August 5, 1958. Railroad spurs served the paper mill, grist mill and wooden until it was closed on August 5, 1958. Railroad spurs served the paper mill, grist mill and wooden ware factory in the Town of Hadley. November 17, 1989 the last freight train carrying iron ore from Tahawus passed through Hadley. There are plans for possible future use of the tracks for a tourist attraction train ride.

The wooden ware factory and saw mill were located near the railroad station. The factory made wood items of white birch from the adjacent saw mill, later the factory became a shirt factory. In the early 1920s Delbert Pasco opened a feed and grain business. Joseph White purchased the buildings in 1967, replacing the saw mill with a garage. Both the garage and former factory burned on February 3, 1969. Mr. White then built the logging truck garage which now occupies the site as Biondi Rigging.

The Railroad House, built in 1866 by John Kathan of Conklingville, was located on land next to the former Post Office on Rockwell Street. The Railroad House, then run by the Taylor family, burned in 1899. Paul King purchased the property in 1900 and erected the Arlington Hotel. The hotel was 3 stories high and had 30 rooms. An Arlington stage met passengers at the D&H Stanton, just down the street. The King family continuously operated the hotel until its destruction by fire February 12, 1954.

The Jeremy Rockwell Homestead was built in 1812. The 12 room home of federal style architecture had Corinthian pillars topped with Grecian Urns and a central, second story Palladian window. The timbers of the home were lumbered from the property. Jeremy Rockwell settled on the Hudson River due to the availability of water power. A grist mill and a saw mill were built but washed out in 1830. Burned July 4, 1986.

The Rockwells became prosperous and influential in the Hadley-Luzerne area, being successful in several business ventures. The large front portion of their home burned July 4, 1986 and the back portion burned several years later.

The River Rock Hotel was located between the Jeremy Rockwell home and the bridge to Luzerne. It was operated by Mr. Toomey and his partner Guy Phelteplace. The hotel accommodated 28 guests. Foundation ruins, which remain from the hotel or a store, also in this vicinity, can be seen to the left approaching the bridge.

The Cascade House—Harmon Rockwell one of Jeremy Rockwell's 13 children, built the Cascade House in 1843. The hotel stood on the high bank of the Hudson River below the bridge over the gorge and offered a scenic view of the river and mountains. In 1878 Rockwell's grandson Charles built the Rockwell Falls Fiber Company beyond the Cascade House, which later was used as an office for the paper mill.

Paper Mill—Looking from the bridge to the confluence of the Hudson and Sacandaga Rivers, retaining wall ruins of the former George West Paper Mill may be seen on the Hadley side of the river. In times of melting snow and unusually heavy rainfalls, river water flows into the wall ruins. The paper mill began operation in 1878 and closed about 1923. The buildings were demolished in 1936 after the New York Power Company purchased the property, now owned by Niagara Mohawk Power Corporation.

Jeremy Rockwell was Justice of the Peace as early as 1808 and continued to act as such until 1830. From 1816 to 1819 he was Town Clerk, and in the spring of 1819 was elected Supervisor of the town, he continued until his death in 1835. Jeremy Rockwell also held offices of Associate Judge, member of the Assembly and was a member of the Convention that framed the Constitution of 1821 for the State. He died August 14, 1835 at the age of 70.

Since October 21, 1826 there was a Hadley Post Office where Jeremy Rockwell was Post-Master. The Post Office was a small booth building at the entrance to the wooden plank bridge to Lake Luzerne. In 1877 a new Post Office building was located on the south side of Rockwell Street adjacent to the bridge. The building was moved close to the four corners when the new concrete bridge was built in 1932 and continued until 1991 when a new building was erected on Old Corinth Road, to house the post office. Currently a Laundromat and dog groomer occupy that building.

Saratoga Rose—The private residence, Hill Top was built in the 1880's by the Myers Van Zandt family. Myers, a New York City businessman, married Catherine Rockwell, granddaughter of Jeremy Rockwell. Through the years the home has been the Upper Hudson Sanitarium, residence of the paper mill superintendent, Rozelle's Funeral Home in the 1930's and apartments in the 1940's. In 1984 it was restored and opened as Highclere Inn and Restaurant by Margaret and James Mandigo. Further renovations were made by Nancy and Anthony Merlino and reopened as Saratoga Rose on May 31, 1988.

The VanZandt Cottage—The Jeremy Rockwell Family lived in the cottage, built in 1792 until the larger Rockwell family home was completed in 1812. Jeremy Rockwell's granddaughter Catherine and her husband Myers VanZandt occupied the cottage until the completion of their home, Hilltop, in the 1880's. The cottage was moved to the opposite side of the street when Niagara Mohawk purchased the property in 1926. The cottage is presently the residence of the Garofalo family.

The Bow Bridge—The Parabolic Bridge, better known as the Bow Bridge, was built in 1885 to replace an 1813 wooden covered bridge, which burned. The Bow Bridge is one of the 3 iron lenticular truss bridges built in New York State and is the only one yet standing. The Bow Bridge was placed on the National Register of Historic Places on March 25, 1977.

Henry Rockwell Home—Better known locally as the Fowler Home, was built in 1817 by Jeremy Rockwell for his first born son Henry. Many design elements were copied from Jeremy's own home.

The soil in the Town of Hadley is sandy and light with many large boulders. In the southeastern part of the town stands the iron mountain, Mount Anthony, which rises to a considerable height. It is the highest peak in the Kayadarossera Range. The ore is not rich enough to be mined for a profitable business.

In 1930 the Sacandaga River was made into a dam 27 miles long, by flooding the river valley from Hadley to Broadalbin. This is known as the Conklingville Dam. In 1953 the river below the dam was flooded for a mile and a half becoming Stewart Dam. There is just a short distance left of the Sacandaga River until it meets the Hudson River, flowing in from the north. Therefore, today we have 2 dams in the Town of Hadley.

1. The Town of Hadley installed the lighting district on October 4, 1930.
2. January 3, 1928 the Van R. Rhodes Fire Department was formed and the Ladies Auxiliary was organized June of 1939.
3. The Hadley Fire Tower, erected of wood in 1916, was replaced by New York State with a steel tower in 1920.

4. A High School was located on the Stony Creek Road, opposite the present Town Hall. It was a 2 story wooden building, which was destroyed by fire in 1910. On July 30, 1909, in the Town of Lake Luzerne, a replacement school was accepted.

The Town of Hadley has, in the past, had 3 doctors. Dr. Thompson, Dr. Rodgers, and Dr. Leo Giordano. At present, there are no doctors in town.

Politics in the Town of Hadley. The Town Board is predominantly Republican.

Population of the Town is 1,628, according to the 1990 census.

Schools—Hadley-Luzerne Central School currently serves the population.

Public Housing—Today there are several apartment buildings in the town.

Sports—We have a Park Committee that maintains and improves the Sam Smead Memorial Park. There are several softball teams that have league play throughout the summer, and the park is also used by the school, churches, and individuals for planned activities.

Highest point of elevation is Hadley Mountain at 2,653 feet. The entrance is on Tower Road.

Industrial Enterprises—Lynwood Tannery was built in 1848 by Gordon Conkling. The paper collar/box factory, owned by James Libby, began its operations 1872.

HONORING CLAUDIA STANLEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Claudia Stanley for being named a 2001 Top Ten Business Woman. She will receive the award at the annual convention of the American Business Women's Association (ABWA) in Atlanta, GA.

Claudia was nominated by the local Ponderosa Chapter of ABWA in Fresno. She has served as President, Vice-President, Treasurer, Bulletin-Committee Chairman, and Ways and Means Chairman for the Ponderosa Chapter.

For nearly a decade Claudia has effectively run her successful business, the certified public accounting firm C. Stanley CPA & Associates. Her business currently serves more than 350 clients.

Stanley is originally from the Boston area. She moved to Fresno with her family at the age of 12. She attended the former Queen of the Valley Academy. After high school she worked at a minimum-wage job before deciding to tackle college. She earned a bachelor's degree in business with an emphasis on accounting from Fresno State University. It took her 11 years to finish college because she held a full time job while attending class at night.

Her career and philanthropic achievements include teaching Sunday School for 24 years and membership in the local chapter of the Society of California Accountants.

Mr. Speaker, I want to recognize Claudia Stanley for being named a 2001 Top Ten Business Woman. I urge my colleagues to join me in wishing Ms. Stanley many more years of continued success.

TRIBUTE TO CHRISTY REYNOLDS

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. HILL. Mr. Speaker, one of the reasons southern Indiana is such a great place to live is because our citizens and organizations generously contribute their time and their money to help their neighbors and their communities.

There are times, however, when a Hoosier shows a commitment to better his or her community that is above and beyond the outstanding work that is done every day. One of these Hoosiers is Ms. Christy Reynolds, of Jeffersonville, Indiana. She recently donated $25,000 to Haven House Services, a non-profit organization that provides shelter, support, and services to people in need in Clark, Floyd, and Harrison Counties.

While making a contribution of $25,000 to any charitable program or organization is an act of great generosity, Christy's donation is even more remarkable. She was once close to being a resident of Haven House herself. A single mother of two daughters, ages 3 and 12, Christy and her family have lived in Jeffersonville their entire lives. As a teenager, Christy dropped out of high school and struggled with many of her parental responsibilities. She found her way to Haven House Services, a place that offered her healing, hope, and a chance to learn a vocation.

She overcame some major obstacles and got on the right track. She is now employed as a VISTA volunteer at Haven House. She helps organize Haven House's spring and summer fundraisers, as well as the annual Christmas party Haven House throws for its clients in Clark and Floyd counties.

Recently, Christy's father passed away after a long bout with lung cancer and she inherited $75,000. She gave $25,000 of this inheritance to Haven House.

I salute Christy for this wonderful act of charity. As Haven House helped Christy get through her own difficult times, Christy is making it possible for Haven House to help other people who know the pain of being homeless and without hope. Christy has bought a home, left the welfare rolls, and in her own words, "did what was right by giving to others. Because when you give, it comes back to you." Christy's contribution should be a reminder to all of us what generosity and love of neighbor really mean.

HONORING JERRY MARTIN AS THE MERCED-MARIPOSA CENTRAL LABOR COUNCIL LABOR LEADER OF THE YEAR

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor my good friend, Mr. Jerry Martin, who is being recognized as Labor Leader of the Year by the Merced-Mariposa Central Labor Council. Jerry has brought tenacity, dedication, leadership, commitment and a certain "Martin Style" to labor organizing and political activities in California's Great Central Valley. He has been intimately involved in the development of Local 1288 of the United Food and Commercial Workers, one of the most effective and successful unions in the Central valley.

Jerry has also made the Merced-Mariposa Central Labor Council one of California's most effective and respected labor organizations. When the Merced-Mariposa Central Labor Council gives its word, it keeps it. Whether it is financial power or people power, or both, once a pledge is made, it is kept. Elected officials also know the Labor Council will hold them accountable, that once their word is given, it too, must be honored.

Jerry Martin has also made the annual Merced-Mariposa Central Labor Council "Union Yes" dinner one of the most interesting political events in California. People who come to this dinner never know what they will get, but they do know it will be memorable.

It is with great pride, and a little trepidation, that I recognize Jerry Martin for his many years of devoted work on behalf of the working men and women of our valley, our state, and our nation. I ask my colleagues to join me in honoring Jerry Martin as Merced-Mariposa Central Labor, Council Labor Leader of the Year.

HONORING RETIREMENT OF SUSAN McCAHAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CARDIN. Mr. Speaker, today I honor the public service of Susan McCahan, Executive Assistant to the Speaker of the House of Maryland.

Susan served as Executive Assistant to five Maryland Speakers of the House, myself included. Her behind the scenes work created an efficient and productive work environment. Thanks in large part to Susan's extraordinary talents the Maryland Legislature was transformed into one of the most productive, respected, and effective legislative bodies in the nation.

Speakers came and moved on, but Susan McCahan was the stable influence that permitted continuous improvement in the Maryland House of Delegates. Under her supervision, the first House Office Building was constructed. She helped institute professional management within the legislative branch of government. Budget discipline was instituted.

Her interest in the legislative page program enabled hundreds of high school students from throughout Maryland to participate in the democratic process.

In addition to her legislative duties, Susan also served as chair of the Leadership Staff Section to the National Conference of State Legislators. Her leadership in the Speaker's Society—the organization for former members of the House of Delegates—gave her the distinction of serving as the Executive Director of that organization.

On a personal note, during eight years as Speaker, Susan's professional management skills allowed me the opportunity to concentrate on policy development.

In 1967 when Susan McCahan started her public service, the legislative branch of Maryland government was dominated by the Executive branch. Today, thanks in large part to Susan, the Maryland Legislature is an independent and strong voice in developing and overseeing state policy.

I would ask my colleagues to join me in thanking Susan McCahan for her service and contributions to the legislative process and the State of Maryland and wishing her well in her retirement.

HONORING REV. CHESTER McGENSY FOR HIS PORTRAITS OF SUCCESS AWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Reverend Chester McGensy for receiving the Portraits of Success Award. This award pays tribute to Reverend McGensy's involvement in the African-American community. His active involvement has made him a role model for the members of his local community.

Reverend McGensy was born and raised in Fresno. In 1986, as a General Building Contractor, he established Delta Electric, an electrical contracting company. His company became a vital part of Fresno's economy employing several individuals. In 1990, while operating Delta Electric, Chester felt a holy calling into the gospel ministry. He decided to further his education in the gospel by attending the Mennonite Brethren Seminary. After nine successful years in business, Chester left his company to begin a new church in Northeast Fresno. In 1995 he began Family Community Church with 5 members. Under his leadership, the church membership has grown to over 750 members. The church has recently completed its first structure, a 22,000 square foot multipurpose building in Northeast Fresno.

His involvement with community organizations include: West Fresno Ministerial Alliance, No Name Fellowship, Edison High School Parent Club, Clovis West Foundation, Evangel Home, Marjoree Mason Home, Angel Tree Project, Feed Fresno Food Give-A-Way, Prison Ministry, Salvation Army Bell Ringers, Poverello House, and the Rescue Mission.

His accomplishments have earned him a Portraits of Success Award, presented by KSEE–24 and Companies That Care in recognition of African-American History Month.

Mr. Speaker, I rise to recognize Reverend Chester McGensy for his commitment to improving the lives of the people in the community. I urge my colleagues to join me in wishing Reverend McGensy many more years of continued success.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 2001

Mr. HILL. Mr. Speaker, I rise today in support of H.R. 2 because I believe we should honor the commitment our government has made to protect America's seniors. We must guarantee that the money American workers pay into Social Security and Medicare, plus all of the interest those Trust Funds earn on this money, is used to keep Medicare and Social Security solvent. Not only will this bill help us shore up Social Security and Medicare, but taking these Trust Funds off-budget will allow us to pay down our national debt and keep our economy strong.

Congress should protect the retirement funds we have promised to military retirees in the same way we are protecting Medicare and Social Security. We must not spend or otherwise dedicate any funds that are currently building in the Military Retirement Trust Fund, the on-budget fund that pays the military pensions of hundreds of thousands of men and women who have served this country in uniform.

At the end of the year 2000, the balance of the Military Retirement Trust Fund was $163 billion. Over the next 10 years, the Congressional Budget Office projects that more than $100 billion additional dollars will be set aside in the fund.

Few people realize that the current the budget surplus estimate includes money already promised to military personnel for their retirement. We should not consider any of the dollars set aside for military retirees as part of this surplus. And we certainly should not spend any of the money in the Military Retirement Trust Fund for purposes other than paying the retirement benefits of our fighting men and women. While I support this bill, I hope my colleagues will do the right thing by passing similar legislation to protect the Military Retirement Trust Fund.

My colleague, GENE TAYLOR, and I have introduced a resolution calling on Congress to preserve the Military Retirement Trust Fund. H. Res. 23, the Military Retirement Protection Resolution, says Congress should not use the Military Retirement Trust Fund money for anything but what it is intended for: paying military retirement benefits. That is the least we can do for the men and women who send so much of their lives defending our nation.

HONORING THE LIFE OF MRS. CHRISSIE WOOLCOCK COLLINS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. CONDIT. Mr. Speaker, I rise today to recognize the contributions of the late Mrs. Chrissie Woolcock Collins, the cofounder of one of the world's most famous medical information and identification devices, Medic Alert. Mrs. Collins was memorialized at a service on Saturday, January 27, 2001.

Medic Alert Foundation is the nation's leading emergency medical information and identification service, and one of the world's largest non-profit organizations, representing over 4 million members worldwide. The service has helped protect and save lives for nearly 45 years.

Mrs. Collins was born on July 30, 1906, in Douglas, Isle of Man, British Isles. She and her family immigrated to Turlock, California in 1912. She attended elementary schools in Turlock, and graduated from Turlock High School in 1923.

She earned a bachelor degree in music from the University of the Pacific in Stockton, California in 1928. In 1929 she married Marion Carter Collins whom she met in the eight grade. Her husband went on to earn his medical degree and was a practicing physician in Turlock. Mrs. Collins was formerly employed as supervisor of music for the Turlock Elementary School System and as choral director for adult education in Turlock. She and Dr. Collins raised four children—Michael, Linda, Tom and Margaret.

In 1953 while on vacation her daughter, Linda, cut her finger. She was taken to the Lillian Collins Hospital in Turlock and attended to by her uncle, Dr. James Collins. He performed a skin test before injecting Linda with the full dose of tetanus antitoxin. Instantly, she went into anaphylactic shock, developed hives, had difficulty breathing and had to be sustained by an oxygen tent.

Dr. and Mrs. Collins took the lessons learned from their daughter's mishap and developed them into concepts that today characterized the first and most recognized emergency medical information service, Medic Alert Foundation. They realized that the need for immediate recogniaiton of a medical condition by emergency medical personnel was a concern shared by millions of others. Together, they designed an emblem that has stood the test of time and remained virtually unchanged over the years. They used a version of the healing arts symbol, the caduceus, or staff of Aesculapius, flanked by the words 'Medic Alert' in red. A jeweler in San Francisco crafted the bracelet and engraved Linda's allergies to tetanus antitoxin, aspirin and sulfa drugs on the back. The original bracelet, now in the permanent collection of the Smithsonian Institution, signifies the importance of the Collins' efforts and dedication. Today, the Medic Alert emblem is worn by more than 4 million members worldwide.

Her dedication and commitment to the community continued throughout the years. In addition to her participation in many civic and social organizations, she was honored by the Muir Trail Council of Girl Scouts, the Native Daughters of the Golden West, the Turlock Chamber of Commerce as well as many other organizations.

Her contributions and influence on Medic Alert Foundation are legendary. She is recognized not only as the organization's co-founder, but its conscience and spirit as well. From 1960 until her death, Mrs. Collins served on the board of directors for the Medic Alert Foundation.

It is an honor and a privilege to recognize the life and accomplishments of Mrs. Chrissie Collins. Through Mrs. Collins' continued efforts, Medic Alert Foundation is a worldwide organization that has served countless numbers of people. I am very proud that Medic Alert Foundation calls Turlock, California its home. Mrs. Collins' legacy will serve as an example for the community today, tomorrow and for our future.

FEDERAL DEPOSIT INSURANCE ADJUSTMENT ACT—A DESCRIPTION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. HEFLEY. Mr. Speaker, The Federal Deposit Insurance Adjustment Act indexes deposit insurance coverage to inflation every three years, as well as retroactively indexing back to 1980, thus raising the deposit insurance ceiling to approximately $200,000.

Since 1980, FDIC deposit insurance has lost almost half of its value on an inflation-indexed basis. Today, deposit insurance is less than it was in 1974 when FDIC coverage was doubled to $40,000.

The Federal Deposit Insurance Adjustment Act provides depositors with increased security while strengthening the safety and soundness of the banking system. It will help local communities by enabling depositors to keep more of their money in local banks, where it can be reinvested for community projects and local lending. Lastly, it will help small depositors, especially those on fixed incomes and small businesses, who need liquidity, or who are not in a position to take advantage of our stock market or to bear the risks inherent in the stock market.

STATEMENT TO ACCOMPANY THE AIRLINE MERGER MORATORIUM ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Ms. SLAUGHTER. Mr. Speaker, we are in the midst of a merger tsunami. Airline mergers are sweeping over us, and airline competition will be lost in the tide. Ten major airlines are preparing to consolidate into three mega airlines controlling eighty-five percent of the U.S. commercial air transportation services.

A GAO report that I, along with my colleague JAMES OBERSTAR (MN), requested made clear in December that the proposed US Airways/United merger would trigger further consolidation of the industry, thereby reducing the industry to as few as three major carriers. That prediction has come true faster than any of us imagined. It appears that the mere possibility of a United/US Airways merger has prompted American Airlines to buy Trans World Airlines. Now press reports indicate that Delta Airlines, Continental Airlines and Northwest Airlines are also exploring a strategic alliance.

No one believes that these mergers are going to benefit consumers. We need a moratorium to determine how detrimental the impact of these mergers will on the flying public.

Twenty-two years into deregulation, we have been left with fewer airlines, eroding passenger service, and gridlock. President Bush would have the opportunity during a moratorium to order a comprehensive review of how these mergers will adversely impact the public. Newly appointed U.S. Transportation Secretary Norman Y. Mineta and U.S. Attorney General John Ashcroft would have the necessary time to fully understand the problems, opportunities and constraints faced by new carriers.

A moratorium would provide the Bush administration with sufficient time to establish a new merger policy. These are enormously complex mergers where the public interest must be a factor in determining whether to allow them to go forward.

A moratorium would provide Congress an opportunity to request its own independent analysis of consolidation-related issues from the Transportation Research Board (TRB)—as Congress did in 1999 with respect to the DOT Competition Guidelines.

Congress could seek a TRB analysis of the many merger-related questions that remain open including the following:

What are the anticipated long-term impacts on air transportation system workers should these mergers be approved?

Is US Airways really a failing airline? If so, why is United paying a huge market premium to acquire it?

What is the best use of publicly owned takeoff and landing time slots at Reagan National Airport?

What would be the national economic impacts from a labor strike among airline employees should these mergers consolidate the airline industry into three major carriers?

Generations of American taxpayers have poured their hard-earned tax dollars into building our nation's aviation infrastructure. These same taxpayers now find themselves at the mercy of the marketing departments of megacarriers who can decide with impunity which regions of the country will live or die based on their access to air service.

We owe it to our constituents to take a hard look at how these mergers will further impact our communities.

CBC HEARING ON ELECTION REFORM

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Ms. MCKINNEY. Mr. Speaker, in 1857, the Supreme Court majority penned these infamous words: "[The black man has] no rights which the white man was bound to respect." The state of minority voting rights in America is in disorder, and I see a direct line between the debacle of 2000 and that shameful ruling in the Dred Scott case that found that blacks could not be citizens of the United States of America. From that decision and onto Plessy v. Ferguson in 1896, which struck down a federal law passed to enforce the Fourteenth Amendment to the Constitution, black Americans have known that the Supreme Court can, at its worst, become a reflection of the particular mutation of racism of the day.

We find ourselves today in a serious retrenchment on our country's commitment to mainstreaming into American life its former slaves. Affirmative action has been decimated. The Voting Rights Act has been bludgeoned, with its enforcement section due to expire in less than a decade, and the ability of minorities to elect their candidates of choice severely hampered by the Supreme Court in its rulings limiting the ability to create black-majority congressional districts and limiting the enforcement powers of the Department of Justice.

But no one, I'm certain, ever thought that the kind of voter suppression witnessed in the 2000 Presidential elections would ever be revisited upon America's minorities. If I had to give a State of the State of the Minority Vote, I would say that disfranchisement, not enfranchisement, is the order of the day. First, in 1978, the Burger Supreme Court turned the Fourteenth Amendment sideways by outlawing the use of racial quotas implemented for the purpose of including minorities in Americas life. A few years later, the Rehnquist Court stood the Fourteenth Amendment on its head by issuing its startling decision in Shaw v. Reno that completely changed the political map for Americas minorities. In the Court's ruling in Johnson v. Miller, Georgia's redistricting case I learned the hard way that Supreme Court justices, like other participants in our judiciary, are political actors first and foremost. I saw them dismantle my district and pave the way so that other black voters across the South could receive similar mistreatment.

The Voting Rights Act was passed to prohibit impediments to voting. The original focus was literacy tests, poll taxes, and direct threats and intimidation, along with redistricting, dual voter lists, location of polling places and eventually, voter registration, and purging of names from the voter list. However, innovation has never been lacking among those who want to suppress and deny minority voting rights. As we have seen in the debacle of the Year 2000 Presidential Elections, especially in Florida, minority voter suppression comes in many forms.

Take my State of Georgia. In the majority black precincts of my district, the chaos was so pervasive it could have been planned. In one precinct in my district, white police even blocked the entrance and refused free access for voters because of an erroneous belief that I hadn't supported their pay raise. Too often there was only one voter list. There were poorly trained elections workers, old equipment and overcrowded precincts right next to unused spacious accommodations. The frequent inability to handle high voter turnout is particularly disgraceful. Having to stand in line, sometimes outside in the rain and sometimes for as many as five hours, is outrageous and unconscionable and should not be tolerated anywhere, let alone the world's wealthiest nation. Yet that happened at many of my precincts in my district. It is also inexcusable to stand in line for hours, only to reach the table and be told that you are not at the correct voting place, that there is no time to get to the correct place and that you won't be able to vote. This also happened over and over again in my district.

Interestingly, we have Democrats in charge of our county, yes they vote to deny funds to allow a smooth voting process for the areas of the county now experiencing tremendous population growth. It shouldn't be surprising that this population growth is nearly all black. What makes this governing body's failure to appropriate the necessary funds to accommodate our new voters is so shocking that we had this same scenario in 1996, a Presidential election year and the year in which I faced reelection in a majority white district with well-financed white Democratic and Republican opposition. An overwhelming black turnout returned me to Congress despite the new district and in the process the county elected its first black sheriff and superior court clerk. They immediately voted to give the black newspaper the legal organ designation and a change in the county was evident. There should not have been a repeat of the chaos this year, but there was. I would suggest that perhaps the leaders responsible for appropriating funds for DeKalb County don't want large voter participation from the black residents on its south side. That's the only way I can explain the failure to fund adequately the elections office for the past four years. I would argue that, this is a subtle violation of the Voting Rights Act with the intent and effect of suppressing the minority vote.

Let me address other ways that we are disfranchised:

A recent study by the Southern Regional Council found that punchcard machines are disproportionately used by black voters in Georgia and disproportionately fail to register votes. Similar findings come from other states, yet many states are hard-pressed for funds for the infrastructure of democracy. If Congress fails to fund modernization of election equipment in the United States and better training and education of pollworkers and voters, we will send the message that it doesn't matter if votes aren't counted. A one-time Federal investment equal to less than one percent of the annual defense budget would give Americans the voting mechanics a modern democracy—let alone one of our status—demands. If President Bush truly wants to move beyond the controversy in Florida, his immediate step must be to support full federal support to states in modernizing equipment and procedures.

Why should people who have served their time and paid their debt to society be permanently disfranchised from America's body politic? Fourteen States bar criminal offenders from voting even after they have finished their sentences. Once these people have returned to society, become good mothers and fathers, have jobs and are taxpayers, why should they not be allowed to vote? And because of the disproportionate impact of racism in this country, blacks and Latinos bear a disproportionate share of

I strongly support creation of black-majority legislative districts. In a winner-take-all system in which 50.1 percent of voters can win 100 percent of power, they often are the only vehicle for people of color winning representation. But why should we accept these winner-take-all electoral rules that by definition deny representation to any political grouping that is in a minority in an area? What makes Republicans living in a majority-Republican district any more deserving of a chance to elect someone than Republicans living in a majority-Democratic district? Why should the black voters who were so happy to help elect me in my original congressional district no longer have that chance just because the courts ordered my district changed? How can some downplay the role of race in voting in America even as no blacks or Latinos serve in the U.S. Senate—and no State has a black or Latino majority?

I work hard to represent everyone in my district, but I have no illusions; a large number of my constituents would prefer another Representative. And as the only Congresswoman from Georgia and the only black woman Representative from the deep South States of South Carolina, Georgia, Alabama, Mississippi and Louisiana, I feel an obligation to speak for many people outside my district. Different voting systems would allow elections to be based on this reality, rather than the fallacy that Members speak only for the people in their districts.

Our entire electoral system should be reformed to make our institutions more reflective of America's voters. That's why I have authored in each of the past three Congresses the Voters Choice Act which allows the States to adopt proportional voting systems. Of the world's 36 major, full-fledged democracies, 33 use forms of proportional representation for national elections. Proportional systems also have a history in the United States. For example, then-governor George W. Bush signed legislation in Texas that has contributed to more than 50 localities moving to proportional systems in Texas. In May 2000, Amarillo used cumulative voting for the first time to elect its school board. It resulted in victories by the first black candidate ever to win a seat, the first Latino candidate to win since the 1970s, a tripling of voter turnout and widespread acceptance of the new rules. It is proportional representation in the Republic of South Africa that allows the Afrikaaner parties to have representative in the South African Parliament despite majority rule.

The principle of proportional voting is simple: That like-minded voters should be able to win seats in proportion to their share of the vote without hurting the rights of others—which is to say that 20 percent of like-minded voters in Peoria can fill one of five city council seats with its cumulative voting system, and 51 percent will elect a majority of three seats. It mechanisms range from party-based systems, which allow small parties to win seats, to candidate-based systems that would simply widen the "bid tent" of the major parties. Either way, its impact would be powerful in reinvigorating American politics, encouraging more cooperative policy-making and giving voters a greater range of choice.

Campaign finance reform must become more than a slogan, but law, if we are to really give voters a choice in candidates. Right now, the special interests select the candidates before we even get to vote, so our choices as voters are severely limited due to the influence of special interest political money. I have benefited from current laws, as my incumbency helped me raise enough money to have the chance to reach new voters and hold onto my seat in Congress even after it was converted into a white-majority district. But that doesn't stop me from wanting to establish a political playing field in which all Americans have a chance to play, not just those with money or rich friends.

America is increasingly becoming a country of people of color. We know that southern resistance to minority gains of the Civil Rights Era never ended. But as America becomes a country of color we have seen southern resistance spread across our land. We must remain vigilant. Any policy that has the effect of suppressing or diluting the votes of people of color is not sustainable and violates the Voting Rights Act. We have severe problems facing us today. A black boy born in Harlem has less chance of reaching age 65 than a boy born in Bangladesh. Twenty-six black men were executed last year. And too many black men have been relegated to the streets, underpasses, and heating grates of America's urban cities. It is only through the vote that we will be able to change the conditions in our community and to right the multitudinous wrongs that have been foisted upon our condition. We have the power to change the status quo and our opponents know that well. That is why the practice of minority voter suppression is alive and well. However, until now, we didn't realize the power that we have. The Emperor is naked now. And as a result, the devious acts of minority vote suppression have been laid bare for the world to see. We have seen them too. I predict that the black electorate will never be the same. Just like white America, we now know that our votes count and as a result we will demand that our votes be counted.

HONORING CAROLYN GOLDEN FOR HER PORTRAITS OF SUCCESS AWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Carolyn Golden for receiving the Portraits of Success Award. This award pays tribute to Ms. Golden's involvement in the African-American community. Her active involvement has made her a role model for the members of her local community.

Carolyn graduated from Fresno University in 1973. In 1974, she began work as a Deputy Probation Officer. From 1978 to 1991 she served as a Campus Probation Officer, a Placement Officer, and a Superior Court Investigator. In 1991, Carolyn became the Probation Services Manager for the Fresno County Probation Department. She also serves as the Project Coordinator of the Victim/Witness Program in Fresno County.

Her involvement with volunteer and professional organizations include: KVPT, Alpha

Kappa Alpha Sorority, Black Catholic United, N.A.A.C.P., YWCA Marjoree Mason Center, Big Brother/Big Sister, Central Valley March of Dimes, African-American Museum San Joaquin Valley, Citizen's Advisory Committee for Pleasant Valley State Prison, Women's Criminal Justice Association, Black Peace Officer's Association, California Victim Witness Coordinating Council, AD HOC Committee Member, Domestic Violence Round Table, California Probation & Parole Correctional Association.

Her accomplishments have earned her a Portraits of Success Award, presented by KSEE–24 and Companies That Care in recognition of African-American History Month.

Mr. Speaker, I rise to recognize Carolyn Golden for her commitment to improving the lives of the people in the community. I urge my colleagues to join me in wishing Carolyn Golden many more years of continued success.

INTRODUCTION OF THE MEDICAL RESEARCH INVESTMENT ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Ms. DUNN. Mr. Speaker, I rise today to introduce bipartisan legislation, the Paul Coverdell Medical Research Investment Act.

Under the current tax code, deductible charitable cash gifts to support medical research are limited to 50% of an individual's adjusted gross income. This bill would simply increase the deductibility of cash gifts for medical research to 80% of an individual's adjusted gross income. For those individuals who are willing and able to give more than 80% of their income, the bill also extends the period an individual can carry the deduction forward for excess charitable gifts from five years to ten years.

In what is perhaps the most important change for today's economy, the bill allows taxpayers to donate stock without being penalized for it. Americans regularly donate stock acquired through a stock option plan to their favorite charity. And often they make the donation within a year of exercising their stock options. But current law penalizes these donations by taxing them as ordinary income or as capital gain. These taxes can run as high as 40%, which acts as a disincentive to contribute to charities. How absurd that someone who donates $1,000 to a charity has to sell $1,400 of stock to pay for it. The person could wait a year and give the stock then, but why delay the contribution when that money can be put to work curing disease today. The MRI Act is premised on a simple truth: People should not be penalized for helping others.

PriceWaterhouseCoopers, relying on IRS data and studies of charitable giving, conducted a study on the effects of the MRI Act. It concluded that if the proposal were in effect last year there would have been a 4.0% to 4.5% income in individual giving in 2000. This amounts to $180.4 million additional dollars in charitable donations for medical research—dollars that would result in tangible health benefits to all Americans. If the additional giving grew every year over five years at the same rate as national income a billion dollars more would be put to work to cure disease. Over the course of ten years, the number jumps to $2.3 billion in new money for medical research. For many research efforts, that money could mean the difference between finding a cure or not finding a cure.

The returns from increased funding of medical research—not only in economic savings to the country, but in terms of curing disease and finding new treatments—could be enormous. The amount and impact of disease in this country is staggering. Each day more than 1,500 Americans die of cancer. Sixteen million people have diabetes—their lives are shortened by an average of fifteen years. Cardiovascular diseases take approximately one million American lives a year. One and a half million people have Parkinson's Disease. Countless families suffer with the pain of a loved one who has Alzheimer's. And yet these diseases go without a cure. We must work towards the day then they are cured, prevented, or eliminated—just like polio and smallpox were years ago.

Increased funding of medical research by the private sector is needed to save and improve American lives. New discoveries in science and technology are creating even greater opportunities than in the past for large returns from money invested in medical research. The mapping of the human genome is but one example. Dr. Abraham Lieberman, a neurologist at the National Parkinson's Foundation, was quoted in Newsweek as saying that the medical research community today is "standing at the same threshold that we reached with infectious disease 100 years ago."

The MRI Act encourages the financial gifts that will enable that threshold to be overcome. I hope you will join me in supporting it.

IN TRIBUTE TO NORWEGIAN AMBASSADOR TOM VRAALSEN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. SABO. Mr. Speaker, I rise today on behalf of the co-founders of the Friends of Norway Congressional Caucus—Representative EARL POMEROY of North Dakota, Representative JOHN THUNE of South Dakota, and myself—to pay tribute to a dear friend, His Excellency Tom Vraalsen, as he concludes his tenure as the Norwegian Ambassador to the United States. After five years of distinguished service here, Ambassador Vraalsen is leaving to become the Norwegian Ambassador to Finland.

Ambassador Vraalsen's record of public service to his own country, and to the world community, is remarkable. Prior to his tenure as Norwegian Ambassador to the United States, he served as the Norwegian Ambassador to Great Britain and Northern Ireland. He served as Norway's Deputy Permanent Representative to the United Nations from 1975 to 1979. A member of the Foreign Service since 1960, Ambassador Vraalsen has also held several positions in Norwegian embassies in Peking, Cairo, Manila, and Jakarta.

Ambassador Vraalsen is a respected expert in international humanitarian and socio-economic development issues—having most recently served as Special Envoy of the U.N. Secretary-General for Humanitarian Affairs in the Sudan in 1998. In addition, he has written numerous papers and articles on African economic development issues, as well as conflict prevention and resolution, and he is author and co-author, respectively, of two books: The U.N.—Dream and Reality (1984) and U.N. in Focus (1975).

Our friendships with Ambassador Vraalsen have been complemented through our work with him on the Friends of Norway Congressional Caucus—an organization we established in the House of Representatives in 1999. Ambassador Vraalsen first developed the idea to create the Caucus, which he believed would help foster connections between American and Norwegian leaders and address issues of concern to the Norwegian-American community. Many members of our Caucus are of Norwegian heritage, or represent states in which a significant proportion of Norwegian-Americans live.

The Friends of Norway Congressional Caucus has grown, and today it boasts over 40 members. With Ambassador Vraalsen's cooperation and encouragement, the organization has served as an important medium for promoting cultural, commercial, and economic ties between the United States and Norway.

Ambassador Vraalsen has served his country well as Ambassador to the United States. We feel honored to have worked with him. As he embarks upon a new path in his career of service, we will miss his advice and counsel on issues important to our two countries.

Mr. Speaker, today we wish Ambassador Vraalsen the best of luck, and good health and happiness always. We will miss him.

COMMENDING THE COMMUNITY SERVICE OF THE HOLYOKE MALL AT INGLESIDE IN HOLYOKE, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. OLVER. Mr. Speaker, I rise to commend the outstanding community service of the Holyoke Mall at Ingleside in Holyoke, Massachusetts.

Many communities in western Massachusetts have faced significant economic and social challenges since the paper industries which once dominated our region's economy moved south and west in the latter half of the twentieth century.

Holyoke, Massachusetts is one such city. But, fortunately for its residents, Holyoke has been blessed with superior creative leadership, both in the public and private sector. Economic revitalization, educational advancements and hope for a better tomorrow are all on the rise in Holyoke, and the Holyoke Mall at Ingleside, one of the city's best corporate citizens, is a big part of Holyoke's bright future.

Each year for the past nine years, the Holyoke Mall has helped produce "The Future Begins Here" coalition event that supports children's programs throughout the Pioneer Valley. Some of Holyoke's neediest children benefit from "The Future Begins Here," and the Holyoke Mall should be commended for its strong commitment to the initiative. May 6, 2001 will mark the tenth year of the event, with the Holyoke Mall still on board as a key partner.

I commend the Holyoke Mall at Ingleside's focus on the children of the Pioneer Valley. It will help build a better tomorrow for everyone in western Massachusetts.

RECOGNIZING CLOVIS UNIFIED SCHOOL DISTRICT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Clovis Unified School District for receiving the Meritorious Budget Award. The Association of School Business Officials (ASBO) International is given for excellence in the preparation and issuance of a school system annual budget.

ASBO International and school business management professionals designed the Meritorious Budget Awards Program to enable school business administrators to achieve a standard of excellence in budget presentation. This program has helped school systems build a solid foundation in the skills of developing, analyzing, and presenting a budget.

The Meritorious Budget Award is only given to school districts that have met or exceeded the Meritorious Budget Award Program Criteria. This is the only award program that is specifically designed to enhance school budgeting and honor a school system for a job well done.

The Association of School Business Officials International, founded in 1910, is a professional association that provides programs and services to promote the highest standards of school business management practices, professional growth, and the effective use of educational resources.

Mr. Speaker, I rise to recognize Clovis Unified School District for receiving the Meritorious Budget Award. I urge my colleagues to join me in wishing Clovis Unified School District many more years of continued success.

"REMEMBER THE TITANS": EXTOLLING THE VIRTUES OF BLACK HISTORY MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate Black History Month and to salute the millions of African-Americans who have made enormous contributions to our culture.

We in the Eighth District of Virginia are particularly proud to celebrate Black History Month in 2001, for during the past few months Americans have become familiar with one of the greatest stories of racial reconciliation in our nation's history. I refer to "Remember the Titans," which is the story of the integration of the T.C. Williams High School football team. "Remember the Titans" was released last fall by Disney Pictures and features actors Denzel Washington and Will Patton.

In 1971, the Alexandria City Council voted to integrate T.C. Williams High School, a decision that was criticized by many in the community, as T.C. Williams was one of the first schools to be integrated in the Commonwealth of Virginia. We were still in the midst of the Vietnam War, and on the domestic front, relations between those of different races were strained and unstable.

During the summer of 1971, Coach Herman Boone, an African-American who had been coaching in North Carolina, secured the Head Coach position at T.C. Williams High School, a decision that infuriated the white football players and coaching staff already in place at the school. Many of the football players threatened to leave the team and not play football, rather than play for a black coach. Mr. Bill Yoast had been the Assistant Coach at T.C. Williams High School and was next in line to be named Head Coach when Coach Boone arrived on the scene. Coach Yoast remained the Assistant Coach of the football team, and he too struggled with the decision that had been made, even contemplating retiring from coaching football.

After a rocky beginning, Coach Boone and Coach Yoast focused on the same goal: to have the best football team in Virginia, and the country, a goal which they achieved. The Titans won every game that they played, and ended the season as the second best high school team in the nation.

The 1971 T.C. Williams High School football team embodies the ideals we celebrate during Black History Month. In a sense, the football players along with Coaches Boone and Yoast became a family, one which united not only their divided school, but their community as well. Friendships were formed between black and white students that are sustained to this day. We should recall the lessons of the Titans today: to look beyond the outward appearance, and to look instead, as Dr. Martin Luther King, Jr. taught us, at the content of character.

The integration of T.C. Williams High School in 1971, and the peaceful transition that followed after the community as a whole gathered behind the team, paved the way for other schools in Northern Virginia to integrate. I am extremely proud to represent the City of Alexandria and especially T.C. Williams High School, which today remains one of the most culturally diverse high schools in Virginia, where 40 different languages are spoken daily by students from over sixty countries. The student body at T.C. Williams High School is very reflective of the diversity, and more importantly, of the unity, of our great nation.

I am very proud, Mr. Speaker, that the story of Coach Herman Boone and this remarkable team will forever be a part of Black History Month.

MOVING HUMANITY TOWARD A GREAT FUTURE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mrs. CAPPS. Mr. Speaker, today I bring to the attention of my colleagues, a thoughtful article by Frank Kelly that appeared in the Santa Barbara News-Press, entitled "Moving Humanity Toward a Great Future" on October 1, 2000.

Mr. Frank K. Kelly has been a journalist, a speechwriter for President Truman, Assistant to the Senate Majority Leader, Vice President of the Center for the Study of Democratic Institutions, and Vice President of the Nuclear Age Peace Foundation.

Mr. Speaker, I submit the following article:

The sight of 152 national leaders streaming into the United Nations headquarters for a Millennium Summit meeting filled me with rejoicing. The leaders were called together by the Secretary General to develop plans for action to move toward lasting peace and a sustainable future for every one on Earth. They endorsed an eight-page plan to deal with the world community's hardest problems—and the U.N. staff has responded to the Summit mandate.

That gathering was particularly encouraging for me because it came close to being what I had envisioned 33 years ago in articles for the Center Magazine and the Saturday Review. Those articles focused on the signs I saw then of the coming transformation of humanity—when people everywhere would act to meet the needs of every member of the human family. I saw the creative power of human beings being released in a glorious surge of new achievements.

In the Center Magazine articles, I proposed that the Secretary General should be authorized by the U.N. to present annual reports on the state of humanity—reports based on information drawn from all the nations and broadcast around the world each year. I contended that the reports should emphasize the noblest deeds and wisest statements of human beings in every field. It should salute Heroes of Humanity—men and women who were highly creative and compassionate, who served one another and helped one another, who broke the bonds which kept others from developing their abilities, who displayed the deepest respect for the inherent dignity of each human person.

The Millennium Summit was certainly based on the transforming principles that I expected to see. Secretary General Kofi Annan asked leaders there to take every possible step to enable the people of every country to move upward in health and prosperity, and to make a strong effort to reduce the number of people living in dire poverty by 50 percent by the year 2015. His goals were clearly similar to those of an American president—Harry Truman—who declared in an inaugural address in 1949: "Only by helping the least fortunate of its members to help themselves can the human family achieve the decent, satisfying life that is the right of all people."

The gathering of the world's political leaders at the U.N. this year must be followed year by year by reports to humanity from the Secretary General. Year after year, the people of this planet must be reminded of what wonderful, mysterious, amazing beings they actually are. There must be continuing celebrations of human greatness.

I do not believe that political leaders—even the best ones among them—can adequately represent the brilliance, the beauty, the enormous diversities of human beings. Future Summit meetings and future reports must involve singers and dancers, choirs of voices, painters and sculptors, novelists and historians and poets, musicians and composers, mystics and spiritual servants, mediators, theologians, retreat masters, and scientists, homebuilders and architects, craftsmen and teachers, administrators and fire wheelers—people from every field. And every celebration should proclaim and reflect the inexhaustible energies of love.

The Millennium Summit revived for many the people the torrent of hope with which we began the New Year. One the first day of the year 2000 there were television broadcasts from places we had never seen before—showing people welcoming the new era with songs and dances, with outburst of exuberant joy. We felt the kinship of belonging to one human family—but that wave of linkage subsided as the patterns of previous centuries took over again. The new perspectives which we had glimpsed through global communications were not absorbed into our thinking and acting.

But the gathering of leaders at the U.N. brought back our awareness of the fact that we do live in a time of transformation. With all their capacities and their limitations, the leaders made informal contacts with one another than they had never experienced before. When Fidel Castro came close to Bill Clinton and shook Clinton's hand before anyone could stop him, there was a moment of change that would not be forgotten. And the President heard comments from other leaders who milled around him and approached him as person, he responded to them and he had a personal impact on each one of them.

The effects of the Millennium Summit will be felt in countless ways. The U.N. has already gained new vitality from it—new attention from the media, new understanding from people who had largely ignored it. The leaders who mingled there, who talked in the halls and encountered one another unexpectedly, will feel wider responsibilities to the world community as well as to their own nations.

Yet this time of transformation goes far beyond the repercussions from a conference of presidents and prime ministers. It has started dialogues in the homes of people everywhere—and around the Earth through the Internet. It calls for a continuous recognition of the creative events occurring in all countries. It demands a wider awareness of the fast currents of change that are carrying us into new circles of conflict and compassion, new embraces new surges of evolution, tall feelings of hope that great things are coming.

In July, 50 passionate advocates of long-range thinking and constructive action took part in a three-day meeting at La Casa de Maria, a conference and retreat center in Santa Barbara, with the purposes of connecting their lives to one another and becoming more effective in benefiting humanity and a threatened world. Much attention was given to the ideas of Joanna Macy, a Buddhist philosopher and activist, who believes that many signs indicate a great turning in human attitudes. She asserts that many people are turning away from destructive habits of an

The men and women in the sessions at La Casa cited these goals: "To provide people the opportunity to experience and share with others the innermost responses to the present condition of our world: to reframe their pain for the world as evidence of their interconnectedness in the web of life and hence their power to take part in its healing; to provide people with concepts—from system science, deep ecology, or spiritual traditions—which illumine this power along with exercises which reveal its play in their own lives . . . to enable people to embrace the great turning as a challenge which they are fully capable of meeting in a variety of ways, and as a privilege in which they can take joy . . ."

The soaring presence of joy permeated the gathering in Santa Barbara. We danced and we sang, we looked at one another face to face, finding deep realities in each other's eyes; we imagined what the people of the next century might ask us if we were confronted by representatives of future generations. We went far forward in time and in our sharing of our thoughts and emotions. We laughed together and some of us came close to tears. We felt the potential greatness of the human species.

That experience in the beautiful surroundings of La Casa de Maria on El Bosque road reinforced my conviction that Summit Meetings for Humanity should be held annually or possibly more often. It made me determined again to uphold a right of celebration as a human right essential for a full understanding of the immortal power in the depths of human beings.

Walter Wriston, author of "The Twilight of Sovereignty," has given us a vivid description of the increasing impact of the global communications system which now provides unlimited channels for education and illumination: "Instead of merely invalidating George Orwell's vision of Big Brother watching the citizen, information technology has allowed the reverse to happen. The average citizen is able to watch Big Brother. Individuals anywhere in the world with a computer and modem can access thousands of databases internationally. And these individuals, who communicate with each other electronically regardless of race, gender, or color, are spreading the spirit of personal expression—of freedom—to the four corners of the Earth."

Noting that we are now living in what can be called a global village, Wriston observed: "In a global village, denying people human rights or democratic freedoms no longer means denying them an abstraction they have never experienced, but rather it means denying them the established customs of the village. Once people are convinced that these things are possible in the village, an enormous burden falls upon those who would withhold them."

This is the Age of Open Doors—and the doors cannot be closed against anyone. More than 50 years ago, the U.N. General Assembly endorsed a revolutionary statement drafted by committee headed by an American woman, Eleanor Roosevelt—the Universal Declaration of Human Rights. The Assembly called upon all member countries and people everywhere "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories." The Declaration is now part of the human heritage—an essential element in the aspirations of people all over the planet.

The Declaration proclaims a bedrock fact: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Every Summit Meeting for Humanity in all the years to come should begin with a reading of the 30 specific articles of the Declaration. It encourages us to become intensely aware of our own marvelous gifts—the package that came to us in the process of becoming human. It sanctions the pleasure of trying new thoughts, of taking new steps on new paths, and tossing our fears behind us. In the light of it, we welcome the hunger to know and to grow that we see in all the glorious beings around us.

Many scientists now acknowledge that human beings embody the creative power of the universe in a special way. We are connected with the divine power that shaped the stars and brought all things into existence. We are limited only by the range of our imaginations—our visions of what can be done.

Herman Hesse, a great novelist, described our situation most beautifully. In one of his books, he wrote: "What then can give rise to a true spirit of peace on Earth? Not commandments and not practical experience. Like all human progress, the love of peace must come from knowledge."

It is the knowledge of the living substance in us, in each of us, in you and me . . . the secret godliness that each of us bears within us. It is the knowledge that, starting from this innermost point, we can at all times transcend all pairs of opposites, transforming white into black, evil into good, night into day.

The Indians call it Atman; the Chinese; Tao; the Christians call it grace. When the supreme knowledge is present (as in Jesus, Buddha, Plato, or Lao-Tzu) a threshold is crossed, beyond which miracles begin. The war and enmity cease. We can read of it in the New Testament and the discourses of Gautama. Anyone who is so inclined can laugh at it and call it "introverted rubbish," but to one who has experienced it his enemy becomes his brother, death becomes birth, disgrace honor, calamity good fortune. . .

"Each thing on Earth discloses itself twofold, as 'of this world' and not of this world. But 'this world' means what is outside us. Everything that is outside us can become enemy, danger, fear and death. The light dawns with the experience that this entire 'outworld world' is not only an object of our perception but at the same time the creation of our soul, with the transformation of all outward into inward things, of the world into the self."

As humanity moves from one summit to another, as the deep connections of the human family shift from the outward world to the world within us, as we know one another fully at last, the inner knowledge enfolds all of us. A glorious age is around us, and in us, and we will take it all into ourselves.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mrs. BONO. Mr. Speaker, I was necessarily absent for all legislative business during the week of February 12, 2001 through February 16, 2001, due to a medical condition. As a result, I missed the following votes: On Tuesday, February 13, 2001—question "On Motion to Suspend the Rules and Agree, as Amended" (Roll No. 12) for issue H. Res. 7—Congratulating the Prime Minister-elect of Israel, Airel Sharon, calling for an end to violence in the Middle East, reaffirming the friendship between the Governments of the United States and Israel—question "On Motion to Suspend the Rules and Pass, as Amended" (Roll No. 13) for issue H.R. 2—Social Security and Medicare Lock-Box Act. On Wednesday, February 14, 2001—question "On Motion to Suspend the Rules and Pass" (Roll No. 14) for issue H.R. 524—Electronic Commerce Enhancement Act—question "On Passage" (Roll No. 15) for issue H.R. 554—Rail Passenger Disaster Family Assistance Act.

Had I been present, I would have voted "yea" for question "On Motion to Suspend the Rules and Pass, as Amended" for issue H. Res. 34 (Roll No. 12), "yea" for question "On Motion to Suspend the Rules and Pass, as Amended" for issue H.R. 2 (Roll No. 13), "yea" for question "On Motion to Suspend the Rules and Pass" for issue H.R. 524 (Roll No. 14), "yea" for question "On Passage" for issue H.R. 554.

A TRIBUTE TO EMILY RADANOVICH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor my niece, Emily Radanovich, for her outstanding performance on the basketball court for the Mariposa High School girls JV basketball team. As a proud uncle, Mr. Speaker, I would like to enter the following Mariposa Gazette article:

RADANOVICH GOES WILD IN DOUBLE-OVERTIME

(By Bruce Gilbert)

In eleven years of covering the Mariposa High girls JV basketball team, this reporter has never before witnessed a performance quite like the one put on by freshman point guard Emily Radanovich in last week's memorable 59–58 win over Orestimba.

With the teams second leading scorer, Katie Lombard, not in uniform due to illness, and with the entire starting front line of sophomores Shannon Poole, Lindsay Miller and Lisa Bower in foul trouble throughout the game, and all eventually fouling out, Radanovich put the Grizzlies on her diminutive back and carried them to victory with long-range shooting, never before seen by this reporter at the girls JV level. All Radanovich did was burn the nets for an eye-popping 31 points, including a sensational six three-pointers. The young freshman sank 11 out of 19 shots from the floor and three out of four free throws, while also handing out three assists.

Radanovich, off a pass from freshman guard Elizabeth Steele, connected on her third basket of the quarter to give MCHS a 40–38 lead with just 16 seconds remaining. However, OHS answered with an outside shot a split second before the buzzer sounded to send the game to overtime.

The overtime began with Radanovich nailing her fifth trey of the game, but Orestimba responded with a basket of their own. Miller then sank a free throw to make it 44–42, and freshman forward Desirae Gilbreth followed with a bucket off an assist from Radanovich to bump the MCHS lead up to 46–42. Radanovich then stripped the OHS point guard of the ball and drove in for a lay-up to give the Grizzlies a 48–42 lead.

The Warriors responded with a pair of free throws, but at the other end of the court MCHS freshman Amanda Fuqua answered with a pair of charity tosses to re-establish the six point lead at 50–44. Orestimba then connected on a three-pointer and added a pair of freebies to cut the Grizzley lead to 50–49.

With the clock ticking down, the Warriors were forced to foul with five seconds remaining. Radanovich then made one of two with OHS rebounding and calling time-out with four seconds left. Orestimba inbounded the ball to mid-court, and a Warrior drove the left side of the lane, putting up a six-foot bank shot just before the buzzer sounded to send the game into a second overtime.

In the second extra period both teams seemed focused on defense as OHS took the lead at 52–51. Radanovich then bombed in her sixth shot of the night from beyond the arc to give MCHS a 54–52 lead. Following a free throw by Fuqua, and with just 40 seconds left, freshman forward Melissa Bevington stunned the Warriors by hitting from just inside the arc, giving the Grizzlies a five-point lead at 57–52.

OHS answered with a three-pointer of their own, but were forced to foul Radanovich to regain the ball. With 24 seconds left to play, the smiling Radanovich hit nothing but net on both free throws, making it 59–55. The Warriors then air-mailed another trey in the closing seconds to make the final score 59–58.

Besides Radanovich, Fuqua also played well in the absence of the sophomore front court, finishing with eight points and a game high 13 rebounds. Miller had 12 rebounds before fouling out, while Steele totaled nine boards and three assists.

The JV's are now 15–9 on the season, and 9–3 (tied for second) in SL action. They will conclude their season this Thursday, Feb. 15, at 6 pm., when they host the Gustine Reds (9–3 in league).

Mr. Speaker, I want to congratulate Emily Radanovich, as well as the entire girls JV team at Mariposa High School. I urge my colleagues to join me in applauding Emily and the girls for a great season and a job well done.

EVEN OUTSIDE INDIA, SIKHS CONTINUE TO BE HARASSED BY THE INDIAN GOVERNMENT AND ITS ALLIES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. TOWNS. Mr. Speaker, a disturbing case of Indian harassment against the Sikhs recently came to my attention. Dr. Harjinder Singh Dilgeer is a Sikh who serves as co-editor of the International Journal of Sikh Affairs. Dr. Dilgeer is a Norwegian citizen.

Dr. Dilgeer went to India a few years ago to work for the Shiromani Gurdwara Prabandhak Committee (SGPC). When new leaders achieved power in the SGPC, Dr. Dilgeer lost his job. He decided to move his family back to Norway.

On January 1, Dr. Dilgeer and his wife and two sons went to the New Delhi airport. The Indian immigration authorities at the airport detained the Dilgeer family because Dr. Dilgeer was on the Indian government's blacklist. An immigration official took Mrs. Dilgeer and the Dilgeers' two sons into another room. He accused them of not being related to Dr. Dilgeer and he threatened them.

After about an hour, Dr. Dilgeer demanded to speak to the Norwegian Ambassador and to a Member of Parliament who is a friend of his. At that point, the Dilgeers were allowed to board their flight. They arrived at the gate with just two minutes to go.

The Dilgeers' flight to Moscow, where they were to meet a connecting flight back to Norway, missed the connection, so the Dilgeers had to stay in Moscow. They were supposed to be put up in a hotel, but when the Russian immigration authorities checked their passports, they detained Dr. Dilgeer and his family at the airport because Dr. Dilgeer was labelled an "International Terrorist." They said they were acting on information received from Indian immigration authorities. The Dilgeers spend the night sleeping on the airport floor while Dr. Dilgeer was in a Russian lock-up.

Russia is India's long-time ally. India supported the Soviet invasion of Afghanistan and has a friendship treaty with the Soviet Union. Russia was one of the countries whose Ambassador attended a meeting led by Indian Defense Minister George Fernandes to discuss setting up a security alliance "to stop the U.S." The Indian government used its influence with its old ally to harass a Sikh simply for leaving the country.

This is typical of Indian tyranny. The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians in Nagaland since 1947, over 70,000 Muslims in Kashmir since 1988, and tens of thousands of Dalits, Assamese, Tamils, Manipuris, and others. Two independent investigations confirmed that the Indian government massacred 35 Sikhs in the village of Chithi Singhpora in March and evidence suggests that the government was responsible for the murders of six Sikhs last month. The book Soft Target shows that the Indian government shot down its own airliner in 1985, killing 329 people, to damage the Sikhs. Christians have been subject to a wave of violence and oppression since Christmas 1998. This repression has included church burnings, raping nuns, murdering priests, and the burning to death of a missionary and his 8- and 10-year-old sons. The Hitavada newspaper reported in 1994 that the Indian government paid the late governor of Punjab, Surendra Nath, to foment covert terrorist activity in Punjab, Khalistan, and in Kashmir. These are just some examples of India's ongoing tyranny against minorities.

Mr. Speaker, this is not acceptable conduct from any country, especially one that claims to be "the world's largest democracy." Yet despite a pattern of tyranny India remains one of the largest recipients of U.S. aid. That aid should be ended and Congress should go on record in support of self-determination for the people of Khalistan, Kashmir, Nagalim, and the other minorities seeking their freedom from India. That is the best way to ensure freedom for all the people in South Asia.

I would like to place in the RECORD a report on the Dilgeer incident by Dr. Awatar Singh Sekhon, editor of the International Journal of Sikh Affairs. It is very informative about India's repressive treatment of minorities.

[From the International Journal of Sikh Affairs]

TORTURE, THREATS AND INHUMANE TREATMENT BY INDIAN IMMIGRATION PERSONNEL AT THE INDIRA GANDHI INTERNATIONAL AIRPORT, ON 1ST JANUARY, 2001 AND BY THE RUSSIAN IMMIGRATION PERSONNEL, MOSCOW (INTERNATIONAL) AIRPORT, MOSCOW, RUSSIA

(By Dr. Awatar Singh Sekhon, Editor)

No. of Victims: Four (Husband and wife and Two sons) (a) First Names of victims: (Dr.) Harjinder and Mrs. Harjinder Middle Name: Singh, Mrs. Dilgeer & Singhs (Two sons).

Dr. Harjinder Singh Dilgeer is an authority on the Sikh faith, Sikh history and Sikh culture. Dr. Dilgeer is the founder and Editor in Chief of The Sikhs: Present and Present An International Journal of Sikh Affairs. Dr. Dilgeer is the Editor in Chief (on leave) of the International Journal of Sikh Affairs ISSN 1481-5435.

(b) Family Name: Dilgeer (Author of the article, "Delhi Airport Te Sikhan Naal Salook" meaning "Delhi Airport Authorities' Treatment To the Sikhs": Sant Sipahi (International), Punjabi monthly, published from AMRITSAR, PUNJAB, February 2001, Volume 55 (issue No 2), p. 34-35.

(c) E-mail/address: Sant Sipahi C/-<santsipahi@hotmail.com>; 4313 Ranjitpura; Post office: Khalsa College, AMRITSARJI 143 002, India.

(d) Country: formerly of PUNJAB, India (C/-<santsipahi.hotmail.com>; 1413 Ranjitpura; Post office: Khalsa College, AMRITSARJI 143 002, India) Citizenship: Norwegian Travelled on: Norwegian Passport Airline: Aeroflot Russian Airline Flight No.: Not available.

(e) Persons involved: Family of the Victims (Total 4 persons of a family).

(f) Details of incident: Dr. Harjinder Singh Dilgeer, Mrs. Dilgeer and their two sons arrived at the Delhi airport on 1st January, 2001, to go back to his country, Norway. His connecting flight was via Moscow. After checking in, Dr. Dilgeer and family went to the Immigration counter. The immigration authorities detained the family as his name was in their computer (Black listed). One of the immigration personnel told his colleague that he (they) is going out of country and let him/them go. However, the checking continued and they were asked to sit on a bench. In the meantime, another personnel came. He took away their passports (Dr. Dilgeer and Mrs. Dilgeer; their sons travelled on the mother's passport). This immigration personnel asked Mrs. Dilgeer and her sons that you have to prove that you are Dr. Dilgeer's wife and his sons. In the meantime another personnel named Chohan (Chauhan) came. He behaved rudely. Dr. Dilgeer told him that "I am not an Indian citizen and you behave like a gentleman." This Chohan fellow took Mrs. Dilgeer and their sons along and asked them (mother and sons) and threatened them that "you have no relationship with Dr. Dilgeer." Dr. Dilgeer and you (three) are not related. The immigration personnel threatened them and applied psychological pressure during the interrogation. One hour had gone/passed. Then Dr. Dilgeer demanded from the personnel that "he would like to speak to the Ambassador of Norway, Delhi, on phone. Also he would like to speak to one of his friends who is a Member of Parliament of India. After his demand, the immigration personnel changed his behavior and "stamped their passports." Dr. Dilgeer and family arrived just "two" minutes before closing the aircraft's door.

TREATMENT AT MOSCOW AIRPORT

The flight from Delhi missed connection to their flight to Norway. The Russian Immigration personnel checked their passport in order to provide them Hotel until the next available flight to Norway. Dr. Dilgeer was told that you cannot stay in a hotel and you will have to stay at the airport, because you are an "International Terrorist." Their terminology of the International Terrorist was based on the "Terrorists' List provided by the Government of India." The Moscow Immigration authorities kept him (Dr. Dilgeer) in a lock up under their custody. Dr. Dilgeer's family spent the night at the airport and slept on the floor.

This has been the treatment, threats and slandering the Sikhs by the Indian immigration personnel at the Delhi international airport and by the Russian airport authorities of the Moscow airport. India, as everybody knows it, is the best partner (political) bed fellow of Russia in the world affairs.

The writer, Dr. Awatar Singh Sekhon (Machaki), Managing Editor and Acting Editor in Chief of the International Journal of Sikh Affairs ISSN 1481-5435, requests the Amnesty International, UN High Commission for Human Rights and other agencies to consider Dr. Dilgeer and his family's case based on the serious violations of their human rights, violations of the rights as international passengers and defaming Dr. Dilgeer as International terrorist by the Russian immigration authorities, based on the information provided to them by the world's "terrorist" administration. India is known to the peace-loving countries of the world as "the largest democracy, India." Democracies do not harass and kill innocent citizens and torture them indiscriminately.

BLAME CONGRESS FOR HMOS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. PAUL. Mr. Speaker, I highly recommend the attached article, "Blame Congress for HMOs" by Twila Brase, a registered nurse and President of the Citizens' Council on Health Care, to my colleagues. Ms. Brase demolishes the myth that Health Maintenance Organizations (HMOs), whose power to deny Americans the health care of their choice has been the subject of much concern, are the result of an unregulated free-market. Instead, Ms. Brase reveals how HMOs were fostered on the American people by the federal government for the express purpose of rationing care.

The story behind the creation of the HMOs is a classic illustration of how the unintended consequences of government policies provide a justification for further expansions of government power. During the early seventies, Congress embraced HMOs in order to address concerns about rapidly escalating health care costs. However, it was Congress which had caused health care costs to spiral by removing control over the health care dollar from consumers and thus eliminating any incentive for consumers to pay attention to costs when selecting health care. Because the consumer had the incentive to control health care cost stripped away, and because politicians where unwilling to either give up power by giving individuals control over their health care or take responsibility for rationing care, a third way to control costs had to be created. Thus, the Nixon Administration, working with advocates of nationalized medicine, crafted legislation providing federal subsidies to HMOs, preempting state laws forbidding physicians to sign contracts to deny care to their patients, and mandating that health plans offer an HMO option in addition to traditional fee-for-service coverage. Federal subsidies, preemption of state law, and mandates on private business hardly sounds like the workings of the free market. Instead, HMOs are the result of the same Nixon-era corporatist, Big Government mindset that produced wage-and-price controls.

Mr. Speaker, in reading this article, I am sure many of my colleagues will think it ironic that many of the supporters of Nixon's plan to foist HMOs on the American public are today promoting the so-called "patients' rights" legislation which attempts to deal with the problem of the HMOs by imposing new federal mandates on the private sector. However, this is not really surprising because both the legislation creating HMOs and the Patients' Bill of Rights reflect the belief that individuals are incapable of providing for their own health care needs in the free market, and therefore government must control health care. The only real difference between our system of medicine and the Canadian "single payer" system is that in America, Congress contracted out the job of rationing health care resources to the HMOs.

As Ms. Brase, points out, so-called "patients' rights" legislation will only further empower federal bureaucrats to make health care decisions for individuals and entrench the current government-HMO complex. Furthermore, because the Patient's Bill of Rights will increase health care costs, thus increasing the number of Americans without health insurance, it will result in pleas for yet another government intervention in the health care market!

The only true solution to the health care problems is to truly allow the private sector to work by restoring control of the health care dollar to the individual through Medical Savings Accounts (MSAs) and large tax credits. In the Medicare program, seniors should not be herded into HMOs but instead should receive increased ability to use Medicare MSAs, which give them control over their health care dollars. Of course, the limits on private contracting in the Medicare program should be lifted immediately.

In conclusion, Mr. Speaker, I hope all my colleagues will read this article and take its lesson to heart. Government-managed care, whether of the socialist or corporatist variety, is doomed to failure. Congress must instead restore a true free-market in health care if we are serious about creating conditions under which individuals can receive quality care free of unnecessary interference from third-parties and central planners.

[From the Ideas On Liberty, Feb. 2001]

BLAME CONGRESS FOR HMOS

(By Twila Brase)

Only 27 years ago, congressional Republicans and Democrats agreed that American patients should gently but firmly be forced into managed care. That patients do not know this fact is evidenced by public outrage directed at health maintenance organizations (HMOs) instead of Congress.

Although members of Congress have managed to keep the public in the dark by joining in the clamor against HMOs, legislative history puts the responsibility and blame squarely in their collective lap.

The proliferation of managed-care organizations (MCOs) in general, and HMOs in particular, resulted from the 1965 enactment of Medicare for the elderly and Medicaid for the poor. Literally overnight, on July 1, 1966, millions of Americans lost all financial responsibility for their health-care decisions.

Offering "free care" led to predictable results. Because Congress placed no restrictions on benefits and removed all sense of cost-consciousness, health-care use and medical costs skyrocketed. Congressional testimony reveals that between 1969 and 1971, physician fees increased 7 percent and hospital charges jumped 13 percent, while the Consumer Price Index rose only 5.3 percent. The nation's health-care bill, which was only $39 billion in 1965, increased to $75 billion in 1971. Patients had found the fount of unlimited care, and doctors and hospitals had discovered a pot of gold.

This stampede to the doctor's office, through the U.S. Treasury, sent Congress into a panic. It had unlocked the health-care appetite of millions, and the results were disastrous. While fiscal prudence demanded a hasty retreat, Congress opted instead for deception.

Limited by a noninterference promise attached to Medicare law—enacted in response to concerns that government health care would permit rationing—Congress and federal officials had to be creative. Although Medicare officials could not deny services outright, they could shift financial risk to doctors and hospitals, thereby influencing decision-making at the bedside.

Beginning in 1971, Congress began to restrict reimbursements. They authorized the economic stabilization program to limit price increases; the Relative Value Resource Based System (RVRBS) to cut physician payments; Diagnostic-Related Groups (DRGs) to limit hospitals payments; and most recently, the Prospective Payment System (PPS) to offer fixed prepayments to hospitals, nursing homes, and home health agencies for anticipated services regardless of costs incurred. In effect, Congress initiated managed care.

NATIONAL HEALTH-CARE AGENDA ADVANCES

Advocates of universal coverage saw this financial crisis as an opportunity to advance Senator Edward M. Kennedy, a longtime advocate of national health care, proceeded to hold three months of extensive hearings in 1971 on what was termed the "Health Care Crisis in America." Following these hearings, he held a series of hearing "on the whole question of HMO's."

Introducing the HMO hearings, Kennedy said, "We need legislation which reorganizes the system to guarantee a sufficient volume of high quality medical care, distributed equitably across the country and available at reasonable cost to every American. It is going to take a drastic overhaul of our entire way of doing business in the health-care field in order to solve the financing and organizational aspects of our health crisis. One aspect of that solution is the creation of comprehensive systems of health-care deliver."

In 1972, President Richard M. Nixon heralded his desire for the HMO in a speech to Congress: "the Health Maintenance Organization concept is such a central feature of my National Health Strategy." The administration had already authorized, without specific legislative authority, $26 million for 110 HMO projects. That same year, the U.S. Senate passed a $5.2 billion bill permitting the establishment of HMOs "to improve the nation's health-care delivery system by encouraging prepaid comprehensive health-care programs."

But what the House of Representatives refused to concur, it was left to the 93rd Congress to pass the HMO Act in 1973. Just before a voice vote passed the bill in the House, U.S. Representative Harley O. Staggers, Sr., of West Virginia said, "I rise in support of the conference report which will stimulate development of health maintenance organizations. . . . I think that this new system will be successful and give us exciting and constructive alternatives to our existing programs of delivering better health services to Americans."

In the Senate, Kennedy, author of the HMO Act, also encouraged its passage: "I have strongly advocated passage of legislation to assist the development of health maintenance organizations as a viable and competitive alternative to fee-for-service practice. . . . This bill represents the first initiative by the Federal Government which attempts to come to grips directly with the problems of fragmentation and disorganization in the health care industry. . . . I believe that the HMO is the best idea put forth so far for containing costs and improving the organization and the delivery of health-care services." In a roll call vote, only Senator Herman Talmadge voted against the bill.

On December 29, 1973, President Nixon signed the HMO Act of 1973 into law.

As patients have since discovered, the HMO—staffed by physicians employed by and beholden to corporations—was not much of a Christmas present or an insurance product. It promises coverage but often denies access. The HMO, like other prepaid MCOs, requires enrollees to pay in advance for a long list of routine and major medical benefits, whether the health-care services are needed, wanted, or ever used. The HMOs are then allowed to manage care—without access to dollars and service—through definitions of medical necessity, restrictive drug formularies, and HMO-approved clinical guidelines. As a result, HMOs can keep millions of dollars from premium-paying patients.

HMO BARRIERS ELIMINATED

Congress's plan to save its members' political skins and national agendas relied on employer-sponsored coverage and taxpayer subsidies to HMOs. The planners' long-range goal was to place Medicare and Medicaid recipients into managed care where HMO managers, instead of Congress, could ration care and the government's financial liability

To accomplish this goal, public officials had to ensure that HMOs developed the size and stability necessary to take on the financial risks of capitated government health-care programs. This required that HMOs capture a significant portion of the private insurance market. Once Medicare and Medicaid recipients began to enroll in HMOs, the organizations would have the flexibility to pool their resources, redistribute private premium dollars, and ration care across their patient populations.

Using the HMO Act of 1973, Congress eliminated three major barriers to HMO growth, as clarified by U.S. Representative Claude Pepper of Florida: "First, HMO's are expensive to start; second, restrictive State laws often make the operation of HMO's illegal; and, third, HMO's cannot compete effectively in employer health benefit plans with existing private insurance programs. The third factor occurs because HMO premiums are often greater than those for an insurance plan."

To bring the privately insured into HMOs, Congress forced employers with 25 or more employees to offer HMOs as an option—a law that remained in effect until 1995. Congress then provided a total of $373 million in federal subsidies to fund planning and startup expenses, and to lower the cost of HMO premiums. This allowed HMOs to undercut the premium prices of their insurance competitors and gain significant market share.

In addition, the federal law pre-empted state laws, that prohibited physicians from receiving payments for not providing care. In other words, payments to physicians by HMOs for certain behavior (fewer admissions to hospitals, rationing care, prescribing cheaper medicines) were now legal.

The combined strategy of subsidies, federal power, and new legal requirements worked like a charm. Employees searching for the lowest priced comprehensive insurance policy flowed into HMOs, bringing their dollars with them. According to the Health Resources Services Administration (HRSA), the percentage of working Americans with private insurance enrolled in managed care rose from 29 percent in 1988 to over 50 percent in 1997. In 1999, 181.4 million people were enrolled in managed-care plans.

Once HMOs were filled with the privately insured, Congress moved to add the publicly subsidized. Medicaid Section 1115 waivers allowed states to herd Medicaid recipients into HMOs, and Medicare+Choice was offered to the elderly. By June 1998, over 53 percent of Medicaid recipients were enrolled in managed-care plans, according to HRSA. In addition, about 15 percent of the 39 million Medicare recipients were in HMOs in 2000.

HMOS SERVE PUBLIC-HEALTH AGENDA

Despite the public outcry against HMOs, federal support for managed care has not waned. In August 1998, HRSA announced the creation of a Center for Managed Care to provide "leadership, coordination, and advancement of managed care systems . . . [and to] develop working relationships with the private managed care industry to assure mutual areas of cooperation."

The move to managed care has been strongly supported by public-health officials who anticipate that public-private partnerships will provide funding for public-health infrastructure and initiatives, along with access to the medical records of private patients. The fact that health care is now organized in large groups by companies that hold millions of patient records and control literally hundreds of millions of health-care dollars has allowed unprecedented relationships to form between governments and health plans.

For example, Minnesota's HMOs, MCOs, and nonprofit insurers are required by law to fund public-health initiatives approved by the Minnesota Department of Health, the state regulator for managed care plans. The Blue Cross-Blue Shield tobacco lawsuit, which brought billions of dollars into state and health-plan coffers, is just one example of the you-scratch-my-back-I'll-scratch-yours initiatives. Yet this hidden tax, which further limits funds available for medical care, remains virtually unknown to enrollees.

Federal officials, eager to keep HMOs in business, have even been willing to violate federal law. In August 1998, a federal court chided the U.S. Department of Health and Human Services for renewing HMO contracts that violate their own Medicare regulations.

THE RUSE OF PATIENT PROTECTION

Truth be told, HMOs allowed politicians to promise access to comprehensive health-care services without actually delivering them. Because treatment decisions could not be linked directly to Congress, HMOs provided the perfect cover for its plans to contain costs nationwide through health-care rationing. Now that citizens are angry with managed (rationed) care, the responsible parties in Congress, Senator Kennedy in particular, return with legislation ostensibly to protect patients from the HMOs they instituted.

At worst, such offers are an obfuscation designed to entrench federal control over health care through the HMOs. At best they are deceptive placation. Congress has no desire to eliminate managed care, and federal regulation of HMOs and other managed-care corporations will not protect patients from rationing. Even the U.S. Supreme Court acknowledged in its June 12, 2000, *Pegram* v. *Herdrich* decision that to survive financially as Congress intended, HMOs must give physicians incentives to ration treatment.

Real patient protection flows from patient control. Only when patients hold health-care dollars in their own hands will they experience the protection and power inherent in purchasing their own insurance policies, making cost-conscious health-care decisions, and inciting cost-reducing competition for the cash.

What could be so bad about that? A lot, it seems. Public officials worry privately that patients with power may not choose managed-care plans, eventually destabilizing the HMOs Congress is so dependent on for cost containment and national health-care initiatives. Witness congressional constraints on individually owned, tax-free medical savings accounts and the reluctance to break up employer-sponsored coverage by providing federal tax breaks to individuals. Unless citizens wise up to Congress's unabashed but unadvertised support for managed care, it appears unlikely that real patient power will rise readily to the top of its agenda.

RECOGNIZING MAULDIN-DORFMEIER CONSTRUCTION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mauldin-Dorfmeier Construction for receiving the prestigious Excellence in Construction Eagle Award. Mauldin-Dorfmeier is receiving the "Best of the Best" Award from the Golden Gate Chapter of Associated Builders and Contractors.

Mauldin-Dorfmeier Construction, Inc. (MDC) was established in 1983 by Patrick Mauldin and Alan Dorfmeier. Their general contractors activities are focused in central and northern California. MDC has its administrative offices and construction yard based in Fresno.

MDC has a staff of over 55 professionals, including experienced project managers, engineers, and over 150 skilled craftsmen ready to take on any construction task. Their current bonding capability is in excess of $100 million, with the ability to bond individual projects in excess of $50 million.

Mauldin-Dorfmeier has received many industry awards, including the coveted "Constructor Award for Excellence in Client Service," awarded by the Associated General Contractors of California for the Bulldog Stadium Expansion.

Mr. Speaker, I rise to recognize Mauldin-Dorfmeier Construction, Inc. for receiving the Excellence in Construction Eagle Award. I urge my colleagues to join me in wishing Mauldin-Dorfmeier many more years of continued success.

HOUSE OF REPRESENTATIVES—*Wednesday, February 28, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2001.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Ed Schreiber, Brookhaven Cumberland Presbyterian Church, Nashville, Tennessee, offered the following prayer:

Almighty God, Father of all, from the House of Representatives of the Congress of the United States of America, we offer this prayer of praise and thanks; also our intercessory prayer for our leaders in education, religion, government, and industry throughout the world.

We implore Thy blessings upon our President, a true statesman, George W. Bush, his family, and members of his administration. Likewise, Heavenly Father, bestow Thy abundant blessings on the Members of the 107th Congress.

We ask Your divine blessing on our children, our greatest treasure, and our older people. In a broken and fearful world, give us courage to pray and to act with integrity for the well-being of all Thy creation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

REVEREND ED SCHREIBER

(Mr. WOLF asked and was given permission to address the House for 1 minute.)

Mr. WOLF. Mr. Speaker, I am pleased to welcome Reverend Ed Schreiber and thank him for delivering our opening prayer this morning. At 96 years of age, Pastor Schreiber recently became the oldest person ever to graduate from Memphis Theological Seminary.

Although Reverend Schreiber is not from my congressional district, I read about him in the Winchester Star, a newspaper from my district, and I was extremely impressed by his courage and determination of this man to seek a seminary degree in his 90s.

Reverend Schreiber spent his childhood in Augusta, Georgia, and his adult life in Nashville where he worked as a schoolteacher and as municipal planner. After more than 20 years into his retirement and after a painful death of his wife in 1991, Reverend Schreiber felt called to pursue a seminary degree.

He began his studies at the age of 92 and did not let much of anything slow him down. The Reverend was ordained as a pastor in the Cumberland Presbyterian denomination last June. He is also the chaplain of the Prime Timers, an active senior citizen group based out of his own church, Brookhaven Cumberland Presbyterian Church.

He attributes love for living, friends, a sense of purpose, a sense of humor, faith in God for his continuing energy. He believes that now, at his age of 96, at 96, he is being called to be a more credible witness for God. His tenacity and heeding to a calling is, quite frankly, I think, an inspiration to us all.

I welcome him to the Chamber today.

TRIBUTE TO SERGEANT WILLIAM WARD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to a Hoosier hero who may have been overlooked in all of the media coverage about last week's capture of two fugitive teenagers suspected of murdering a family in New Hampshire.

I take this opportunity because doing excellent police work happens when no one is looking. "Sheriff Avoids Tragedy" is seldom a headline and "Captured Without Incident" does not have the same made-for-TV angle that most producers look for, but it is exactly the kind of admirable police work that characterizes Henry County Sheriff Sergeant William Ward.

Sergeant Ward was monitoring the citizens band radio and overheard a trucker on Interstate 70 trying to find a ride for two teenaged boys headed for California. Ward knew about the national search underway from two accused killers of New England.

Using judgment honed by more than 22 years of service, Sergeant Ward showed just how Indiana and our county are served by these tremendous work-a-day heroes.

Sergeant Ward and his wife, Candy, together have four children, Sara, Paul, Thad, and Matthew. I know that his family and all of us in East Central Indiana are proud of his excellent service record. Today, we pause to call special attention to his actions last week. This is important because it is one small part of a career of excellent service.

BUDGET PRIORITIES

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, as President Bush said last night, "We will be judged not by what we say or how we say it, but by what we are able to accomplish."

But despite the President's best assumptions and intentions, here is what his tax plan would actually accomplish: raiding the Medicare Trust Fund, shortchanging education, defense and prescription drugs, and leaving America still with a trillion dollar debt. That is like squandering your kids' college savings on a personal vacation. It is not responsible, and it is just plain wrong.

The truth is, beneath President Bush's skilled sales pitch, his fuzzy math, that just does not add up. His tax plan is not fiscally responsible and shortchanges middle-class working families.

Democrats are committed to an honest, fair and fiscally responsible budget that includes all of America's priorities, from education and defense to health care and tax relief for all taxpayers.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The sooner the Republicans abandon their budgetary smoke and mirrors and join us, the sooner we can get to work on the accomplishments President Bush promised.

BUDGET SURPLUS BELONGS TO THE PEOPLE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last night President Bush told the American people they deserve tax relief. And he is right. He said "the growing surplus exists because taxes are too high and government is charging more than it needs. The American people have been overcharged and, on their behalf, I am here to ask for a refund."

Well, I am on the President's side. We are not talking about a little surplus. We are talking about enough money to pay down the debt; enough money to bolster and save Social Security; enough money to preserve Medicare; enough money to pay off every dime of public debt that will become liquid over the next 10 years; enough money to strengthen our military; enough money to keep $1 trillion set aside for needed spending. And we still have $1.6 trillion left over.

How can anyone think we do not have enough for this tax cut? The surplus belongs to the people, not to us.

After we have done the work we are elected to do, it is our duty to refund the rest back to the taxpayers who have overpaid. It is not the government's money.

THE IRS CAN NOW RAID CHURCHES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, imagine a raid by 150 policemen. Was it a mob bust in Russia? No.

Was it a drug warehouse in China? No.

It was a church in Indianapolis. That is right. The Internal Revenue Service raided a Baptist Church seizing the pastor, and, in fact, removing the pastor by force. Unbelievable.

Now, everyone knows there is two sides to every story. Think about it. In America, you cannot pray in school, but now, the IRS can raid churches. Beam me up. America is going to hell in a hand basket. I yield back the Gestapo attitude that just keeps growing in our Federal Government.

PRESIDENT SETS MISSION TO RETURN POWER OF GOVERNMENT BACK TO THE PEOPLE

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, it is clear that the President of the United States has set out on a mission to return the power of government back to the people.

Mr. Bush effectively made the case that was sound fiscal discipline. The Federal surplus provides us with the opportunity to strengthen Social Security, revitalize our armed forces and continue to pay down the debt while returning some of the money back to those who earned it, the American people.

By providing tax relief for all Americans, the President's plan takes the extra money out of Washington, where it otherwise will be certainly spent on programs designed to enlarge Federal Government programs.

President Bush recognizes that after the bills are paid, the left-over funds belong to the American taxpayers. Rejecting a plan to use a portion of the surplus for tax relief is the equivalent of paying for a gallon of milk at the grocery store with a $10 bill and having the cashier refuse to give you back the change. It is wrong.

I feel that the President's plan puts America on the right track towards fiscal discipline as well as providing the American family with much-needed tax relief.

LOOKING CLOSELY AND CONSTRUCTIVELY AT THE PRESIDENT'S PROPOSALS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I applaud President Bush for setting a positive tone for the country and for trying to find areas of agreement where we can make progress. I am going to be looking closely and constructively at his proposals in education, prescription drugs and Social Security.

While I agree with many of the priorities the President outlined, I am very concerned about his overall budget. It risks the fiscal discipline that has been important to our strong economy, and it fails to make the investments that our families need.

The President's tax plan would weaken our economy, and it fails to provide fair and significant tax cuts for those who need it the most.

Instead of cutting taxes for working and for middle-class families, the President's budget gives 43 percent of the benefit of his tax cut to just the top 1 percent of wage earners. If we act responsibly, we can have a significant tax cut for all Americans and still meet the Nation's other pressing needs such as education, Social Security, a Medicare prescription drug benefit, and national defense. The President's tax cut, however, makes meeting these needs impossible.

We should be able to come together on a fiscally responsible budget that meets the needs of all Americans. While the President's plan does not meet this goal, I look forward to receiving his full budget and working together to do what is right for our country.

IT IS TIME FOR THE REST OF THE STORY FROM THE PRESIDENT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, after President Bush's speech last night, it is time, as Paul Harvey would say, for the rest of the story.

To those who have prospered the most in the last 10 years, who earn over $300,000 a year, President Bush gives almost $1 trillion of public money. But to those seniors who are desperate for a Medicare prescription drug benefit, the President says, in effect, forget it. He proposes to give subsidies to HMOs and insurance companies in the hopes that they will offer seniors private insurance.

To those parents, teachers, and educators who want full funding of special education, the President said, in effect, forget it.

To those who built Medicare and Social Security, brick by brick over 65 years, President Bush said, in effect, tear down these buildings.

He wants to turn Medicare over to insurance companies, and he wants to privatize Social Security. That is the rest of the story; and unfortunately, it is not pretty.

A BLUEPRINT FOR NEW BEGINNINGS, A RESPONSIBLE BUDGET FOR AMERICA'S PRIORITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–45)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

With a great sense of purpose, I present to the Congress my budget. It offers more than a plan for funding the Government for the next year; it offers a new vision for governing the Nation for a new generation.

For too long, politics in Washington has been divided between those who wanted big Government without regard to cost and those who wanted small Government without regard to need. Too often the result has been too few needs met at too high a cost. This budget offers a new approach—a different approach for an era that expects a Federal Government that is both active to promote opportunity and limited to preserve freedom.

Our new approach is compassionate:

It will revitalize our public schools by testing for achievement, rewarding schools that succeed, and giving more flexibility to parents of children in schools that persistently fail.

It will reinvigorate our civil society by putting Government on the side of faith-based and other local initiatives that work—that actually help Americans escape drugs, lives of crime, poverty, and despair.

It will meet our Nation's commitments to seniors. We will strengthen Social Security, modernize Medicare, and provide prescription drugs to low-income seniors.

This new approach is also responsible:

It will retire nearly $1 trillion in debt over the next four years. This will be the largest debt reduction ever achieved by any nation at any time. It achieves the maximum amount of debt reduction possible without payment of wasteful premiums. It will reduce the indebtedness of the United States, relative to our national income, to the lowest level since early in the 20th Century and to the lowest level of any of the largest industrial economies.

It will provide reasonable spending increases to meet needs while slowing the recent explosive growth that could threaten future prosperity. It moderates the growth of discretionary spending from the recent trend of more than six percent to four percent, while allowing Medicare and Social Security to grow to meet the Nation's commitments to its retirees.

It will deliver tax relief to everyone who pays income taxes, giving the most dramatic reductions to the least affluent taxpayers. It will also give our economy a timely second wind and reduce the tax burden—now at the highest level as a percentage of Gross Domestic Product since World War II.

Finally, this new approach begins to confront great challenges from which Government has too long flinched. Social Security as it now exists will provide future beneficiaries with the equivalent of a dismal two percent real rate of return on their investment, yet the system is headed for insolvency. Our new approach honors our commitment to Social Security by reserving every dollar of the Social Security payroll tax for Social Security, strengthening the system by making further necessary reform feasible.

Medicare as it exists does not adequately care for our seniors in many ways, including the lack of prescription drug coverage. Yet Medicare spending already exceeds Medicare taxes and premiums by $66 billion this year, and Medicare will spend $900 billion more than it takes in over the next 10 years. Reform is urgently needed. Our new approach will safeguard Medicare by ensuring that the resources for reform will be available.

New threats to our national security are proliferating. They demand a rethinking of our defense priorities, our force structure, and our military technology. This new approach begins the work of restoring our military, putting investments in our people first to recognize their importance to the military of the future.

It is not hard to see the difficulties that may lie ahead if we fail to act promptly. The economic outlook is uncertain. Unemployment is rising, and consumer confidence is falling. Excessive taxation is corroding our prosperity. Government spending has risen too quickly, while essential reforms, especially for our schools, have been neglected. And we have little time before the demographic challenge of Social Security and Medicare becomes a crisis.

We cannot afford to delay action to meet these challenges. And we will not. It will demand political courage to face these problems now, but I am convinced that we are prepared to work together to begin a new era of shared purposes and common principles. This budget begins the work of refining those purposes and those principles into policy—a compassionate, responsible, and courageous policy worthy of a compassionate, responsible, and courageous Nation.

GEORGE W. BUSH.
February 28, 2001.

□ 1015

PERMISSION FOR SPEAKER TO ENTERTAIN A MOTION TO SUSPEND RULES ON WEDNESDAY, FEBRUARY 28, 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain a motion to suspend the rules relating to House Resolution 54, today, Wednesday, February 28, 2001.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after debate has concluded on remaining motions.

FAMILY FARMER BANKRUPTCY RELIEF EXTENSION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 256) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106-5 and Public Law 106–70, is amended—

(1) by striking "July 1, 2000" each place it appears and inserting "June 1, 2001"; and

(2) in subsection (a)—

(A) by striking "September 30, 1999" and inserting "June 30, 2000"; and

(B) by striking "October 1, 1999" and inserting "July 1, 2000".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I will include in the RECORD the Congressional Budget Office's cost estimate of H.R. 256.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 256.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 256. Chapter 12 is a form of bankruptcy relief only available to family farmers enacted on a temporary basis to respond to the particularized needs of farmers in financial distress. As a part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986, chapter 12 has been extended several times since 1986 until it lapsed on July 1 of last year.

Absent chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives. None of these forms of bankruptcy relief, however, work quite as well for farmers as chapter 12. Chapter 11, for example, will require a farmer to sell the family farm to pay the claims of creditors. With respect to chapter 13, many farmers would simply be ineligible to file under that form of bankruptcy relief because of its debt limits. Chapter 11 is an expensive process that does not accommodate the special needs of farmers.

In the last Congress, the House on two occasions passed legislation that would have extended chapter 12. Unfortunately, the other body did not act on these bills and chapter 12 expired on July 1, 2000 as a result. By virtue of H.R. 256, chapter 12 will be reenacted retroactive to July 1, 2000 and extended for 11 months to June 1 of this year. I must note, however, that H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, a bill that will be considered on the floor tomorrow, will make chapter 12 a permanent fixture of the Bankruptcy Code for family farmers. I urge my colleagues to vote for H.R. 256.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 26, 2001.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 256, a bill to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Walker, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 256—A bill to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted

H.R. 256 would extend chapter 12 of title 11 of the U.S. Code until June 1, 2001. Chapter 12, which was created by the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554), specifies bankruptcy procedures available only to family farmers with regular annual income and is intended to facilitate an efficient and expeditious bankruptcy process. The authorization for such bankruptcy proceedings expired July 1, 2000.

CBO estimates that enacting H.R. 256 would have no significant budgetary impact. It would result in a small loss of offsetting collections to the U.S. Trustee System Fund, thus causing an insignificant increase in net outlays from this fund in 2001. In addition, CBO estimates that enacting H.R. 256 would result in a negligible loss of offsetting receipts and revenues in 2001. Because H.R. 256 would affect direct spending and governmental receipts pay-as-you-go procedures would apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Based on information from the Executive Office of the United States Trustees, CBO expects that, without the temporary extension of chapter 12, family farmers filing for bankruptcy would split their filings about evenly between chapter 11 and chapter 13. Chapter 12 has a $200 filing fee and does not require the bankrupt party to pay quarterly fees to the government. Chapter 11, in contrast, requires an $800 filing fee as well as quarterly filing fees. (On average, $1,000 is collected per case.) Chapter 13 requires only a $130 filing fee.

Bankruptcy fees are recorded in three different places in the budget. Portions of the fees are recorded as governmental receipts (revenues), as offsetting collections to the appropriation for the U.S. Trustee System Fund, and as offsettting receipts to the Administrative Office of the United States Courts (AOUSC). The percentage of the fees allocated among these accounts varies by chapter. Because only 300 to 400 bankruptcy cases are likely to be affected by the bill, it would have only a small effect on the amount of fees collected in 2001.

The CBO staff contact for this estimate is Lanette J. Walker, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

Mr. Speaker, I reserve the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bipartisan legislation before us, H.R. 256, which I am sponsoring with the gentleman from Michigan (Mr. SMITH) would restore needed bankruptcy protection for family farmers.

Last June the authorization for chapter 12 of the Bankruptcy Code expired. Since that time, family farmers who must turn to the Bankruptcy Code have faced almost certain liquidation of their assets and an end to their family farms and their way of life.

Our legislation, H.R. 256, would restore chapter 12 to the Bankruptcy Code through May 31, 2001. The bankruptcy reform bill which is scheduled for floor action tomorrow, that is H.R. 333, includes a permanent reauthorization of chapter 12.

But since the current authorization has expired, farmers need immediate relief. With planting season just about to begin, farmers need to know that they can reorganize and keep their farms. With milk at lowest prices in decades, far below the break-even point, dairy farmers need to know that they have this option, too.

Our bill would provide security for family farmers in crisis; the security that they need to decide whether they can stay in business during these incredibly difficult times.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SMITH), the author of the bill.

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman for yielding me this time. I thank the gentlewoman from Wisconsin (Ms. BALDWIN) for joining with me in introducing this bill. I thank the chairman especially for expediting the bill, bringing it to the floor, along with the full bankruptcy bill tomorrow.

This is so very important. The first thing I would urge is for the United States Senate to try to immediately move this bill into effect.

Let me tell my colleagues the predicament. Since last July, farmers have not had the availability of chapter 12 which was originally designed and specifically written to accommodate their needs in a bankruptcy situation. We are now facing an environment in United States agriculture where commodity prices are at record lows. Many farmers that had become highly leveraged are now facing bankruptcy or the potential for bankruptcy.

Chapter 11 and chapter 13 do not accommodate the needs of a family farmer. In too many cases they simply have to sell out their equipment or other property. To tell a farmer to reorganize, but at the same time urging, insisting that that farmer sell their means of production, their livelihood, the way they can work themselves out of debt means often that those farmers are put out of business.

Congress I think has long recognized, Mr. Speaker, that farmers face special circumstances in bankruptcy not faced by other debtors. Congress provided special provisions for farmers in section 75 of the Bankruptcy Act in 1933. And certainly when Congress held hearings to determine whether the Bankruptcy Code adequately provided for family farmers, Congress concluded that it did not.

The enactment of chapter 12 removed many barriers that family farmers face when filing for a bankruptcy. For example, it is more streamlined and less complex and expensive than chapter 11 which is more suitable for large corporations.

A farmer, a dairy farmer, in fact, in Wisconsin has a herd of 65 cows and 60 heifers and is facing low commodity prices, depressed milk prices. He has part of his operation in a corporation designed to pass the farm on to his kids, and; therefore, he cannot even use chapter 13. Being forced to use chapter 11 may very well put that farmer out of business because chapter 12 is not available.

Another dairy farmer that I am aware of struggles to make a go of it with a 100 head herd which, Mr. Speaker, was about the size of my own herd right before I decided to get out of the dairy business and come into Congress. Because this particular farmer has more debt relative to assets than a lender will tolerate, he needs to restructure. Under chapter 12, he could rewrite his notes. If chapter 12 is not there, again, this farmer may very well be forced to sell his property and go out of business.

The enactment of chapter 12 has, according to testimony cited by the commission, reduced family farm failures. The commission concluded, and I would quote here, "The test of time has revealed that chapter 12 generally provides financially distressed family farmers with an effective framework within which to reorganize their operations and restructure their debts."

Now, although this provision was originally created as a temporary one, the commission recommended the Congress made it permanent. That is what our Committee on the Judiciary did in the full bankruptcy bill.

I urge my colleagues to move this forward, to move it to the Senate. I would urge that the Senate immediately consider the importance of this. Farmers have been without this provision since last July. This legislation simply extends it 3 months until June, a temporary extension which is so important.

Bankruptcy courts and bankruptcy judges are trying to hold in abeyance some of those farmers cases that need chapter 12 to survive. I hope we can move ahead quickly. I thank, again, the Committee on the Judiciary for moving this bill so quickly.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 256, which extends chapter 12 bankruptcy for family farms and ranches until June 1, 2001. In fact, this legislation makes chapter 12 retroactively effective as of July 1, 2000, which is the previous expiration date. This legislation is very important to the nation's agriculture sector. It should have been enacted last year.

First, this Member would thank the distinguished gentleman from Michigan (Mr. SMITH) for introducing this legislation (H.R. 256). This Member would also like to express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Judiciary Committee, for his efforts in getting this measure to the House floor for consideration.

This Member supports this extension of chapter 12 bankruptcy since it allows family farmers to reorganize their debts as compared to liquidating their assets. Using the chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the Nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low-commodity prices. Not only will many family farmers have no viable option but to end their operations, it will also cause land values to likely plunge. Such a decrease in value of farmland will affect the ability of family farmers to earn a living. In addition, it will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of chapter 12 bankruptcy because of the situation now being faced by our Nation's farm families—it is clear that the agricultural sector is hurting.

In closing, for these aforementioned reasons and many others, this Member urges his colleagues to support H.R. 256.

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong support of this bill to extend for 11 months chapter 12 bankruptcy for America's small farmers. I also want to thank the Chairman, Mr. SENSENBRENNER, and the ranking member, Mr. CONYERS, of the House Judiciary Committee for moving so expeditiously in passing H.R. 256 out of committee and bringing it here to the floor today.

Chapter 12 of the bankruptcy code allows farmers the option to reorganize debt over 3 to 5 years rather than having to liquidate their assets when they declare bankruptcy. It also encourages responsible efforts by farmers facing bankruptcy by requiring them to designate income not needed for farm operations or family costs to pay off their debt. As these payments are made, chapter 12 prevents foreclosure on the family farm.

And we are talking about family farms here. To qualify for bankruptcy protection, these farmers will have to have at least 50 percent of their gross annual income coming from farming, no less than 80 percent of debts resulting in farm operations, and total debts not more than $1.5 million.

It saddens me that this legislation is necessary in order to save family farms around the nation. But while most Americans have been enjoying the benefits of an unprecedented prosperous economy, family farmers have suffered from prolonged, depressed commodity prices. And most recently, farmers are confronting rising input costs for energy and fertilizer.

We are taking action today to make sure that small farmers can stay on their land and work through these hard times. With signs pointing to a possible slowdown in the American economy as a whole, I believe we should permanently extend the chapter 12 farmer bankruptcy provision. Small farmers should have one less worry every morning when they get up to harvest America's bounty that each of us enjoys every day.

I am pleased to cosponsor this legislation that we will be passing today and thank the bill's managers for their efforts to see it enacted into law. I strongly support this legislation on behalf of the hardworking, God-fearing farmers of North Carolina's Second District and across America.

Ms. BALDWIN. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 256.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1030

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 558) to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the "Edward N. Cahn Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Edward N. Cahn Federal Building and United States Courthouse".

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an exciting day for this subcommittee and the full committee. I think this Congress already has passed 10 pieces of legislation and this will be the second and third piece of legislation that has come out of this hard-working subcommittee and the full Committee on Transportation and Infrastructure, headed by the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

I also, on a personal note, am excited about the opportunity that presents itself in this Congress to work with the gentleman from Illinois (Mr. COSTELLO). Unlike some matters we may take up in the 107th Congress, the work of this subcommittee will be bipartisan, nonpartisan, and will help with the business of building America.

Mr. Speaker, H.R. 558 designates the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal building and United States courthouse. Judge Cahn was born and raised in Allentown, Pennsylvania, and graduated from Allentown, High School. He went on to attend Lehigh University, graduating magna cum laude in 1955. In addition to winning a high school basketball championship with Allentown

High, Judge Cahn was the first Lehigh University basketball player to score 1,000 points during his collegiate career.

After graduating from Yale Law School, Judge Cahn returned to the Lehigh Valley. He served in the United States Marine Corps Reserves until 1964 and in the private practice of law until 1974. In 1975, President Ford appointed Edward Cahn to Pennsylvania's Eastern District Federal Court; and for 23 years Judge Cahn fairly and expeditiously administered the law from the Federal bench in Allentown, Pennsylvania. He is the only judge in the third circuit to work out of the Allentown courthouse. In 1993, Judge Cahn was appointed the court's chief judge until his retirement in December of 1998.

This is a fitting honor to an exceptional jurist and a local Lehigh Valley hero. I support this bill and encourage my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank the chairman of the subcommittee. I look forward to working with him in this session of Congress, not only on these bills but on economic development efforts that the subcommittee will undertake in this session.

Mr. Speaker, H.R. 558 is a bill to designate the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal building and United States courthouse.

Judge Cahn has served the citizens of Allentown, Pennsylvania, and Lehigh County for 4 decades. He is a native of Allentown and attended Lehigh University graduating magna cum laude in 1955.

After graduating from Yale in 1958, Judge Cahn was admitted to the Lehigh County court in 1959. In 1975, President Ford nominated him for the Federal bench in Pennsylvania's Eastern District Court. Judge Cahn worked from the bench for the next 24 years in Allentown.

Throughout his long distinguished legal career, Judge Cahn was known for his attention to detail and his fairness. He has been a mentor to others, impressing on other lawyers that all cases are important and deserving of attention.

It is very fitting that we acknowledge the outstanding contributions of Judge Cahn by designating the courthouse in Allentown, Pennsylvania, in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Allentown, Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I rise today, Mr. Speaker, to urge my colleagues to pass H.R. 558, a bill that I introduced to name Allentown's Federal courthouse for retired judge Edward N. Cahn.

As we have heard, Judge Cahn is a native of Pennsylvania's Lehigh Valley, and he has really honored our community over many years with his distinguished service as a judge in the district court of eastern Pennsylvania. In fact, if it were not for Judge Cahn's substantial efforts and commitment, Allentown might not even have this courthouse, which we badly needed and which now serves a very important purpose. It is only fitting this courthouse would bear his name.

The outpouring of community support to name Allentown's courthouse after Judge Cahn has been overwhelming and bipartisan. I have been approached by judges, prosecutors, public defenders, private attorneys, and many others asking that Judge Cahn be honored in this way. His childhood friend and former colleague, Judge Arnold Rappoport, once said, "Whether it is being captain of the basketball team in Lehigh University or being in the Marines, he has a pioneering will to achieve. The energy and drive never changed for Judge Cahn."

As we have heard, he is a graduate of Lehigh University in the Lehigh Valley, a graduate of Yale Law School, and Judge Cahn practiced law in Allentown for 16 years before President Ford appointed him to the District Court. Judge Cahn then served on the Federal bench for 23 years, including 5 years as chief judge. As a jurist and public servant, he practiced fairness and equality under the law.

Judge Cahn is widely credited with helping the Lehigh Valley of Pennsylvania garner the respect and recognition it deserves within the Federal legal community. One of Judge Cahn's former law partners, John Roberts, said of Judge Cahn's retirement that "the Federal bench has lost a star." And although he is recently retired, Judge Cahn is already missed on the Federal bench. Perhaps naming the courthouse after him will serve as an enduring reminder of the contribution he has made to the administration of justice in Pennsylvania.

I would like to take a moment to extend some special thanks to some people who have helped: my colleague, the gentleman from Pennsylvania (Mr. HOLDEN) for his efforts in helping to pass this bill. I would also like to thank the members of the Pennsylvania delegation who agreed to cosponsor this legislation and honor someone who has done so much for Pennsylvania.

I would like to thank my colleagues, the gentleman from Ohio (Mr. LATOURETTE), chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, as well as the ranking members, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Minnesota (Mr. OBERSTAR).

I would also like to thank briefly the gentleman from Texas, the majority leader, for helping to bring this legislation to the floor so expeditiously; and I want to urge my colleagues to pass H.R. 558 and bestow this well-deserved honor on Allentown's courthouse and the man who made it possible.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), a member of the full Committee on Transportation and Infrastructure.

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this legislation.

The gentlemen from Ohio and Illinois and my neighbor from Pennsylvania have already elaborated in great detail about the distinguished career that lasted 23 years for Judge Cahn on the Federal bench. He certainly did serve with distinction not only the Lehigh Valley but all of the Eastern District of Pennsylvania and, really, the Commonwealth of Pennsylvania during that tenure.

I would just like to add for the record that during part of Judge Cahn's tenure on the bench, I served as sheriff of Schuylkill County for 7 years, and I had the great pleasure of being in his courtroom on several different occasions and had my deputies in his courtroom on many, many more occasions. I would just like to say that he was well respected. His reputation for being honest and sincere and hard working was beyond question.

I think it is all together fitting and proper we name this beautiful courthouse in Allentown after Judge Cahn for his outstanding service of 23 years. And maybe after that, I say to my friend from Lehigh Valley, we can get a judge in the Lehigh Valley and we can get one to the vacant courthouse in the city of Reading, as we fill these vacancies that are so desperately needed in the Eastern District of Pennsylvania.

But I think this is good legislation. Judge Cahn is certainly deserving of it. I urge all my colleagues to support it.

Mr. COSTELLO. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 558.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JAMES C. CORMAN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 621) to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

The Clerk read as follows:

H.R. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the "James C. Corman Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James C. Corman Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 621 designates the Federal building in Van Nuys, California, as the James C. Corman Federal building. Congressman Corman was born in Galena, Kansas, and was a graduate of Belmont High School. He earned his undergraduate degree from UCLA, his juris doctor from USC, and his LLD from the University of San Fernando Valley School of Law. He was appointed to the California bar in 1949.

Congressman Corman first served his country in the United States Marine Corps during the Second World War and later as a colonel in the Marine Corps Reserves. In 1957, Congressman Corman was elected to the Los Angeles City Council. He served on the council until being elected to the 87th Congress in 1960 and was reelected to the House of Representatives for 10 succeeding terms.

He served on the Committee on the Judiciary, where he was instrumental in fighting for the passage of the 1964 Civil Rights Act, and on the Committee on Ways and Means, where he was a leading advocate for the poor and the disadvantaged working on tax and welfare reform.

Congressman Corman was also proud to serve on President Johnson's National Advisory Commission on Civil Disorders to investigate the causes of multi-city rioting in 1967. As many of us are aware, former Congressman Corman passed away at the age of 80 last January.

I support this bill, and I encourage my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 621, a bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the James C. Corman Federal building.

Congressman Jim Corman represented the 21st Congressional District in California for 20 years, from 1961 until 1981, the years which saw the Vietnam War, urban riots, Watergate, and the first manned flight to the Moon.

Jim Corman was born on October 20, 1920, in Galena, Kansas. In 1933, after his father died, he and his mother moved to the Los Angeles area.

During World War II, Congressman Corman served in the Marines. After the war, he worked his way through UCLA and USC Law School. He began his public career in 1957 when he was elected to serve on the Los Angeles City Council.

In 1961, he was elected to Congress and was named to the Committee on the Judiciary. In addition, he served on the House Committee on Ways and Means.

Congressman Corman was named by President Johnson as one of the 10 people named to the National Advisory Commission on Civil Disorders, formerly known as the Kerner Commission. During his tenure on the commission, he was optimistic about finding the causes and developing solutions for racism in America.

In 1968, he became President Johnson's point man on welfare reform. Having been close to poverty as he was growing up, Corman displayed a particular energy and devotion to solving welfare problems.

□ 1045

During his 20 years of service, his concern for senior citizens and the poorest members of our society became his trademark and part of his legacy. Jim Corman saw the fruition of his efforts in the enactment of the Civil Rights Act of 1964, which he considered the greatest accomplishment of his political career. Jim was well liked, a hard worker, a first-rate legislator. It is fitting and proper to honor Congressman James Corman with this designation.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank our ranking member for yielding me this time and compliment the gentleman from Illinois on managing his first two bills as our new ranking member of the Subcommittee on Economic Development, Public Buildings and Emergency Management and our new chairman, the gentleman from Ohio, on his new and fitting chairmanship which I know he will discharge with great distinction as he has always done in all of his service in the Congress.

It is really with a full heart that I come to the floor with this legislation to name the Federal building for Jim Corman.

Congressman Corman was my friend and in a way a mentor on decency and civility and dignity from the time I began my service in the House as a member of the staff of my predecessor, John Blatnik, with whom Jim Corman was very close. And through work on the Democratic Study Group, through work on civil rights, especially the Civil Rights Act of 1964, which largely was shaped in the office of John Blatnik, who with the then Kennedy administration staffers and Justice Department, Jim Corman was a solid, unyielding, unbending voice for the strongest possible language and the most comprehensive framing of that legislation to address the wrongs of our society.

Jim Corman was born in poverty, raised without a father, whom he lost while Jim was still very young, his father also young, and resolved to overcome poverty and distress. He like so many of his generation served voluntarily in World War II as a member of the United States Marine Corps. He came out battle hardened, tough, but still filled with compassion for the greatest needs in society. He constantly referred to those memories while speaking on legislation considered in this Chamber known as the Great Society programs for which he was a passionate advocate. His service on what was popularly known as the Kerner Commission, the National Advisory Commission on Civil Disorders, was along with his advocacy of the Civil Rights Act of 1964 surely one of the highlights of his career. He embodied civility, decency, dignity of bearing, respect for the institution, appreciation for the traditions of the House and for the civility that is necessary in floor debate. He was the very model of decorum.

But it is also fitting that at this time we take up the naming of a public building and Federal building in his memory that we do so at a time when election reform is at the forefront of everyone's agenda. Jim Corman, I think, had only one regret about public service, and that was that the election was called too early. Television reports from exit polls on the East Coast were flashed across the country to California. President Carter's own early concession caused people standing in line, waiting to vote, to turn around and leave. And Jim Corman always felt and I think studies later confirmed that those were largely votes that would have returned him to office.

As we designate this Federal building, let us also redouble our efforts at election reform to cure the ills of the past as Jim Corman worked so hard to cure the ills of racial divide and divisiveness in America, to restore dignity to the election process as he worked so hard to restore dignity to African Americans and to others who were neglected and left aside in the prosperity of our great country. I urge the adoption of this legislation.

To his devoted wife, Nancy, their two sons, Adam and Brian, I offer my profound sympathy as well as my congratulations on the designation of the James C. Corman Federal Building.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN), the sponsor of this legislation.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the committee for so quickly allowing this legislation to be discharged and brought to the floor. I introduced this legislation to honor the memory of James C. Corman, our former colleague, who passed away last January. Jim dedicated a quarter of his life to this institution and he made his mark here in many ways, on issues great and small.

He was first elected to Congress in 1960, where he served on the committee on which I now serve, the Committee on the Judiciary, through 1968. I think for any young person just getting interested in government, public affairs and politics at that time, probably the hallmark piece of legislation that passed in those early 1960s was the famous Civil Rights Act of 1964. Jim as a second-term Member of this body by virtue of his deep and abiding commitment to equal justice and to civil rights and by virtue of his skill and talent as a legislator became one of the chief architects and the floor manager for title VII of that act, that portion of the Civil Rights Act of 1964 which prohibited discrimination based on race, creed, religion or gender in the employment practices of this country, private sector as well as public.

In fact, Jim's commitment to the work of the Committee on the Judiciary caused him to call me soon after I won election to a district which by virtue of the vagaries of reapportionment now has my district representing essentially every part of what Jim represented during those 20 years. He called me and urged me to seek membership on that committee because of the great constitutional and civil rights issues that were before the Committee on the Judiciary.

From 1968 to 1980, Jim moved from the Committee on the Judiciary to the Committee on Ways and Means, where he worked diligently on many important issues, taxes, trade, Social Security and welfare reform. It was particularly in the hard, nitty-gritty work, work with very little reward, in the area of welfare law and Social Security law that Jim developed a new second reputation for expertise and skill. Jim's abiding interest was to secure justice and a better life for the less fortunate in our society. He was certainly one of the most effective advocates this body has ever had for senior citizens and the poor.

He was always a courtly man, kind and considerate, and he left a legacy of integrity and honor and service to others rarely matched in public life today, or then. Politics was different in those days. Now you have the slick TV commercials and the specialized direct mail and so much of it is a tactician's and strategist's effort. Jim's politics was a very personal politics. He was not interested in the latest and fanciest political techniques. Perhaps that helped to create the conditions by which he finally lost that bitter election of 1980. But everywhere I have gone, and this is now 20 years since his service to the San Fernando Valley ended in this Congress, people always ask me, "How is Jim doing?" "Boy, I loved Jim Corman." "Jim Corman's office did this for me." "Jim Corman was always there when we needed him." "I remember Jim Corman cleaning, washing, hosing off the street in front of his district office every weekend."

Jim had a special commitment on a human level and on a person-to-person level to the constituents that he represented. One of the very valuable things for the San Fernando Valley area of Los Angeles that Jim did was to get the funds to build the Federal building, the first Federal building in the San Fernando Valley, and it is only fitting that this building be named after him. I have been blessed to have the opportunity to know and to learn from and to be inspired by Jim Corman. My memories of him will always be a great joy to me. I thank this body for bringing so quickly at the early part of this session this legislation to honor him to the floor.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MATSUI), who is a cosponsor of the legislation.

Mr. MATSUI. I thank the gentleman from Illinois (Mr. COSTELLO) for yielding me this time.

Mr. Speaker, as my colleagues before me, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. BERMAN), have said, we have all been inspired by Jim Corman. I was a freshman Member in 1979, when Jim actually was serving his last term in office and he and his wife Nancy opened their hearts up to the freshman Members and hosted us at their home and made sure that we were comfortable and really understood this town. I have to say that my relationship with him, my wife Doris' relationship with Nancy, was one of the finest that we have had in our years in Washington, D.C. Jim had two children from his first marriage, Mary Anne and Chuck Corman, had two sons with his wife Nancy, Adam and Brian, who are now, one is in college and the other one is, I believe, in high school.

From a professional level, I just want to tell one anecdote about Jim Corman, and I guess it says a lot about him as a person and as a human being. In 1980, when he was up for reelection, he knew he was going to have a very, very difficult race because the antibusing leader in the San Fernando Valley which he represented decided to run against him for Congress in the Republican Party. Jim had always been an advocate of allowing busing to occur. There was a constitutional amendment on the floor of the House, I believe it was in the spring of 1980, some months before the general election. Many of us new Members, who perhaps were a little more attuned to our congressional districts, went to Jim and said, "Jim, vote in favor of this constitutional amendment. You can take this. This is not a big deal. Why should you stick your neck out?"

Jim thought about it for a minute while he was looking at the three or four of us that were talking to him on the floor of the House, and he said, "I feel very strongly that everyone should have equal opportunities in school." You may agree or disagree with the concept of busing that was going on in the sixties, seventies and eighties. Jim Corman happened to believe that busing was a tool to use in order to make sure that we had diversity obviously in our communities and in our Nation.

He said that he could not work against his beliefs for political purposes, and he took that hard vote and a press conference was held against him. He went out later and talked to the press and defended his position in a way that was very, very strong, very, very sensitive. I would say that many Members at that time perhaps would have capitulated and basically have said, yeah, why not just take a pass on this one here.

Jim Corman lost that election, partly because President Carter had announced the election was over and conceded defeat very early, it was 5 o'clock in California, but also because he was a principled individual. Many of us over the years, the next 20 years of his life, talked to him about that vote and his legacy. He said, "You know, that was the hardest vote but it was the finest vote I ever had in this institution." I have to say that if all of us would act as Jim Corman acts, this country and this institution would be a better place.

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Let me just conclude by making one other observation, Mr. Speaker. From a personal level, Corman was really one of the finest gentlemen that I have ever had the opportunity to meet. When he passed away and his obituary appeared in the Los Angeles Times, before I had a chance to call my son Brian, my son called me when he saw the obituary and he said, I saw that Mr. Corman passed away. Brian was 6 or 7 years old when Jim was still a Member of the House. And he said, Dad, I cannot tell you how much Mr. Corman means to me or meant to me.

Jim loved children. Jim would spend hours and hours with children of the Members of Congress, and I have to say that Jim Corman's legacy will be this post office but his legacy also will be the many, many Americans who will be thinking about him as long as they live.

I cannot think of a greater tribute than to name a post office after Jim Corman and to pay tribute to him on the floor of this institution.

Mr. STARK. Mr. Speaker, I wish today to support H.R. 621, designating the James C. Corman Federal Building.

Jim Corman was a true statesman who served his constituents in California, and indeed, the people of the United States, with great distinction. Jim cared passionately for the poor and worked to see that their interests were heard in Washington. He was one of the great leaders in the Congress seeking health insurance for all and he worked hard to enact a decent, humane social policy for the disadvantaged.

Jim rejected the voices in Congress who seek to help those already blessed with wealth while neglecting those who cannot put food on their tables. "I don't think there is anything uplifting about hunger," he once said. Jim was a tireless advocate for the uninsured and he passed on his sense of passion to his colleagues, including me. When I was first assigned to the House Ways and Means Committee, Jim taught me "how things were done." I am grateful to have served with Jim Corman and I know his constituents were grateful for his service.

Naming this Federal building after Jim Corman is a proper tribute to a man who dedicated his life to public service. Jim will be best remembered, however, for his tireless work on behalf of those who are less fortunate.

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 621.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 558 and H.R. 621.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HONORING NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND ITS EMPLOYEES FOR 100 YEARS OF SERVICE TO THE NATION

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 27) honoring the National Institute of Standards and Technology and its employees for 100 years of service to the Nation.

The Clerk read as follows:

H. CON. RES. 27

Whereas the National Institute of Standards and Technology was founded on March 3, 1901, originally as the National Bureau of Standards, and is our Nation's oldest Federal laboratory;

Whereas, prior to formal establishment in 1901, the National Institute of Standards and Technology's mission was first stated in the Articles of Confederation and the Constitution of these United States, and is as old as the Republic itself;

Whereas the National Institute of Standards and Technology strengthens the United States economy and improves the quality of life by working with industry to develop and apply technology, measurements, and standards;

Whereas in the past 100 years, the National Institute of Standards and Technology has helped to maintain United States technology at the leading edge, while also making solid contributions to our economy and international competitiveness;

Whereas the National Institute of Standards and Technology has served as a behind-the-scenes specialist, with its research, measurement tools, and technical services integrated deeply into many of the systems and operations that, collectively, drive the economy, including manufacturing cells, satellite systems, communication and transportation networks, laboratories, factories, hospitals, businesses, and the extended enterprises of the new economy;

Whereas the National Institute of Standards and Technology has also made solid contributions to improving our lives by helping develop image processing, DNA diagnostic "chips", smoke detectors, automated error correcting software for machine tools, atomic clocks, X-ray standards for mammography, scanning tunneling microscopy, pollution control technology, and high-speed dental drills;

Whereas the National Institute of Standards and Technology plays a major role in the National Conference on Weights and Measures, the organization of State and local officials who ensure fairness in sales of more than $4,000,000,000,000 worth of goods and services—from deli meats to gasoline to railroad freight;

Whereas National Institute of Standards and Technology research has additionally provided a broad and varied stream of benefits, such as decreases in train derailments as a result of standards ensuring the quality of steel, smoother riding, lower maintenance automobiles as a result of technology that improves the fit of assembled parts, and reductions in sulfur dioxide emissions as a result of improved measurements in the oil industry;

Whereas the National Institute of Standards and Technology has been a leader in helping small manufacturing companies in all 50 States to modernize and prepare for the 21st Century;

Whereas the National Institute of Standards and Technology, through its Malcolm Baldrige National Quality Program, has helped define best practices in business, in education, and in health care, and has helped leading companies become even more competitive;

Whereas the National Institute of Standards and Technology employs about 3,300 people, and operates primarily in 2 locations, Gaithersburg, Maryland, and Boulder, Colorado, with some of our Nation's finest and most dedicated Federal scientists, including Nobel Prize winners;

Whereas the lack of laboratory space led to the establishment of a cryogenic engineering laboratory and radio facilities on land donated by citizens of Boulder, Colorado, in 1950, and the eventual partnership with the University of Colorado of the Joint Institute for Laboratory Astrophysics;

Whereas the National Institute of Standards and Technology is poised to embark on its second century with 2 new state-of-the-art laboratories, the Advanced Chemical Sciences Laboratory and the Advanced Measurement Laboratory at its Gaithersburg, Maryland, headquarters, to fulfill its mission; and

Whereas the National Institute of Standards and Technology is committed to building the advanced science and technology infrastructure needed to ensure future prosperity and the global competitiveness of United States industry in the 21st century and beyond: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historical significance of the centennial of the founding of the National Institute of Standards and Technology;

(2) acknowledges 100 years of achievement and service by the National Bureau of Standards and the National Institute of Standards and Technology to the United States; and

(3) reaffirms its commitment to support during the next 100 years the research, technological advancements, and discoveries made at the National Institute of Standards and Technology, a crown jewel in the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have introduced, along with my colleague, the gentleman from Colorado (Mr. UDALL), H. Con. Res. 27, the resolution that honors the National Institute of Standards and Technology and its employees for 100 years of service to our Nation.

A century ago on March 3, 1901, the 56th Congress established the National Bureau of Standards, the predecessor to NIST, and created the Nation's first Federal laboratory.

When NBS was originally founded, its mission was to support industry, commerce and scientific institutions, as well as all branches of government. Prior to this formal establishment, however, the core mandate of NBS was first laid out in the Articles of Confederation and the Constitution of these United States, thereby making NIST's mission as old as the Republic itself.

NBS was created at a time of enormous industrial development in the United States to help support interstate commerce in industries such as steel manufacturing, railroads, telephone and electrical power, that were technically very sophisticated for their time but lacked adequate standards.

In the first 2 decades of the 20th century, the Federal laboratory won international recognition for its outstanding achievements in physical measurements, development of standards, and test measures, and this tradition continues today.

In these early years, the research conducted by NIST scientists laid the foundation for a number of advances in many scientific and technical fields, such as standards for x-ray dosage, fire hose couplings, lighting and electrical power usage, temporary measurement of molten metals, materials corrosion studies and testing, and metallurgy, among others.

Both World Wars found NIST deeply involved in mobilizing science to solve pressing weapons and war material problems, including research on, one, the determination of the properties and purities of uranium and other critical materials used in nuclear reactors and atomic bombs; two, testing and development of standards for material used by industry in the production of synthetic rubber; three, the design of two early smart weapons, the radio proximity fuse and the Bat, the first fully automated guided missile ever used successfully in combat; and, four, quartz crystals used in radio equipment, new metal alloys, new plastics, and specialized paper for war maps.

In 1949, the atomic age of time-keeping began at NIST; and ever since, the advances in the performance of atomic clocks have supported the development of new technologies such as high data rate, telecommunications and the global positioning system. During the 1950s and 1960s, NIST research helped usher in the computer age and was employed in the space race.

NIST's Standards Eastern Automatic Computer, the first operational, internally programmed digital computer in the United States, was a marvel at the dawn of the computer era, introducing many firsts and early applications of the technology that helped shape the information technology boom of the late 20th century.

In 1966, the need for expanded facilities led NIST to move from its aging facilities in the District of Columbia to farmland in what was then considered the rural community of Gaithersburg, Maryland, although the site is now considered prime real estate in an ever expanding Washington suburb.

In 1988, the National Bureau of Standards was renamed the National Institute of Standards and Technology, in recognition of its expanded mission to strengthen the United States economy and improve the quality of life by working with industry to develop and apply technology, measurements and standards.

NIST scientists continue to make solid contributions to our economy and international competitiveness, while serving as a behind-the-scenes specialist with its research, measurement tools, and technical services integrated deeply into many of the systems and operations that collectively drive the economy, including manufacturing cells, satellite systems, communication and transportation networks, laboratories, factories, hospitals, businesses, and the extended enterprises of the new economy.

NIST has been a leader in helping small manufacturing companies in all 50 States to modernize and prepare for the 21st century, as well as helping lead companies to become even more competitive by defining best practices in business, in education, and in health care through its Malcolm Baldridge National Quality Program.

Mr. Speaker, I am extremely proud to represent NIST's Gaithersburg, Maryland, headquarters and some of our Nation's finest and most dedicated Federal scientists, including Nobel Prize winners that work there. I am also very pleased to note that to better fulfill its mission, NIST is embarking on its second century with two new state-of-the-art laboratories, the Advanced Chemical Sciences Laboratory and the Advanced Measurement Laboratory, at its Gaithersburg, Maryland, headquarters.

NIST will now possess the equipment to perform its vital job of tackling the awesome technological challenges that face our Nation as we begin this new millennium.

As the former chairman of the Subcommittee on Technology with budget authority and legislative oversight over NIST, I have long been concerned that NIST laboratory infrastructure had been obsolete and required repair. It was clear to me and to others that without state-of-the-art measurement and calibration equipment, NIST simply could not fulfill its mission. NIST laboratories needed to upgrade the facilities to meet the increased precision required by an increasingly complex technological world, and these two new laboratories further bolster NIST's efforts and reputation as the crown jewel of the Federal science and technology efforts.

Of course, we all know that world-class facilities are useless without world-class employees, and luckily NIST already has the latter. After all, state-of-the-art laboratories are merely enabling tools. NIST and our Nation, for that matter, are fortunate to have one of the world's finest assemblages of scientific and engineering expertise. It is a dedicated workforce that is committed to building the advanced science and technology infrastructure needed to ensure future prosperity and the global competitiveness of the United States industry in the 21st century and beyond.

Mr. Speaker, I urge my colleagues to recognize the historical significance of the centennial of NIST's founding and acknowledge its 100 years of achievement and service. So I urge passage of this very significant resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and to join my colleague, the gentlewoman from Maryland (Mrs. MORELLA) in honoring the National Institute of Standards and Technology and its employees on the occasion of its centennial.

The National Institute of Standards and Technology was chartered by Congress on March 3, 1901, as the Federal Government's first physical science research laboratory. Scientists, engineers and industrialists first advocated the establishment of a standards laboratory, pointing to the new challenges facing the U.S. as a rapidly industrializing world power.

Beginning with just a staff of 12, NIST has grown to become a vital arm of the Department of Commerce's technology administration. In its first 100 years, NIST has partnered successfully with industry, science and government to establish the foundations for this country's technological advances. The resolution we are considering today appropriately calls NIST a crown jewel in the Federal Government, emphasizing its contributions to the Nation.

In particular, I would like to draw attention to the work of NIST's laboratories in Boulder, Colorado, in my district. In 1950, to address the lack of laboratory space, NIST established a cryogenic engineering laboratory and radio facilities on land donated by the citizens of Boulder, Colorado. NIST facilities were expanded in the mid-1960s when NIST and the University of Colorado joined forces to create the Joint Institute for Laboratory Astrophysics, known as JILA, a cooperative effort that has gained widespread recognition in atomic physics and other fields.

This partnership between NIST and the University of Colorado has led to some amazing discoveries. Beginning in the 1970s, the discipline of cooling and trapping atoms was established in part by experiments with electrically charged atoms by researchers at the NIST Boulder campus. This work inspired Dr. William Phillips and his team to demonstrate both the trapping and the cooling of atoms well below the temperature limits generally believed possible. Dr. Phillips was awarded the Nobel Prize in Physics in 1997 for this work.

In 1995, using the same techniques of laser cooling and trapping of atoms, scientists at JILA cooled rubidium atoms to less than one-millionth of a degree above absolute zero.

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This was 300 times lower in temperature than ever achieved before, and created a new state of matter predicted decades ago by Einstein and the Indian physicist Bose. The Bose-Einstein condensate is widely hailed as one of the century's major achievements in physics. This research has enabled the design and construction of one of the world's most accurate clocks, which is used by NIST, in cooperation with the Naval Observatory, to maintain the Nation's time standard.

This clock, which is called the NIST F-1, is so accurate that it will neither gain nor lose a second in 20 million years, something that is almost incomprehensible.

If we think about this precise time information, it is needed by electric power companies, radio and television stations, telephone companies, air traffic control systems, the Global Positioning System, participants in space exploration, the Internet, and navigators of ships and planes. All need to compare their own timing equipment to a reliable, internationally-recognized standard, which NIST provides.

Mr. Speaker, these are just some of the contributions NIST has provided to the Nation in the half century of their existence. As we approach the 50th anniversary of these labs in Boulder, I would like to raise my remarks on another issue in regard to the current state of the labs.

Some know, and the gentlewoman from Maryland (Mrs. MORELLA) just mentioned it, NIST celebrated the completion of the NIST Advanced Chemistry Science Laboratory in Gaithersburg. After an $80 million investment, NIST can now boast another world-class facility in which to conduct more world-class research.

Also at Gaithersburg just last year, ground was broken for the Advanced Measurement Laboratory, which has projected costs of over $200 million.

Now that Gaithersburg's needs have been addressed, Boulder is next in line to receive critical funding for construction and maintenance projects. This, according to NIST's published plans, lists construction and maintenance project priorities for the labs.

I am very hopeful that the new administration will recognize the value of the Boulder lab's contributions, and the necessity of upgrading these facilities so the scientists in Boulder can continue to contribute top-flight research. NIST's Boulder campus, as has the campus in Gaithersburg, has done much for the Nation and for Colorado, and it will continue to do so in the future. But in order to get the full value from the asset, we must invest in its upkeep.

Mr. Speaker, I am glad that Congress is acknowledging today the critical role NIST has played in helping build this country's science and technology infrastructure in the 20th century. This resolution also recognizes that NIST is poised to make significant contributions to even greater advances in the 21st century. I will continue to support NIST's work, and call attention to NIST's important contributions to ensure our "crown jewel" gets the credit it deserves.

As always, I am grateful to my colleague, the gentlewoman from Maryland (Mrs. MORELLA), for working with me on this important resolution. Again, I salute NIST on the occasion of its 100th birthday, and urge the adoption of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Science is meeting on an energy topic. Otherwise, there would be many others who have joined in support of this resolution who would be here speaking of it. But I think the 100 years of achievement, looking on into the future, perhaps mentions it well.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to add a note to what the gentlewoman from Maryland (Mrs. MORELLA) just said, that when we look at our colleagues on the Committee on Science, particularly the gentleman from Michigan (Mr. EHLERS), he served at the JILA Laboratory in Boulder a number of years ago, and has the direct experience himself with the great contributions that these labs have provided. I know he would be here today with us if his schedule permitted.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to join with the gentleman, who represents NIST in Boulder, Colorado, as I represent Gaithersburg, Maryland's NIST facilities, in this resolution, which is so important.

I urge all of our colleagues to support it.

Mr. BOEHLERT. Mr. Speaker, I wish today to support H. Con. Res. 27, a resolution honoring the National Institute of Standards and Technology and its valuable employees for 100 years of service to our country.

A century ago, our predecessors here in Congress recognized the importance of creating an institution with a mission to work closely with private industry to help further our nation's technological progress and strengthen its economic performance.

So strongly did our colleagues feel about the important role in our economy that this new entity could play, the Committee on Coinage, Weights and Measures that recommended its creation at that time wrote:

> No more essential aid could be given to manufacturing, commerce, the makers of scientific apparatus, the scientific work of the government, of schools, colleges, and universities than by the establishment of the institution proposed in this bill.

And thus the National Bureau of Standards, which we now know as the National Institute for Standards and Technology, was created.

And over the past 100 years, Mr. Speaker, NIST and its employees have not let us down. Literally, it is all but impossible to name a major innovation that has improved our quality of life with which NIST has not had some involvement.

NIST's federal laboratories have partnered with industry to initiate innovations for safer and more fuel efficient automobiles, biomedical breakthroughs like breast cancer diagnostics, refrigerant and air conditioning standards, analysis of DNA, and calibrations for wireless telecommunications systems, among numerous others.

Activities as far reaching as trading on the New York Stock Exchange and space navigation rely on NIST for their work in the area of high-accuracy timekeeping. In fact, with the newly enhanced NIST-built atomic clock that will neither gain nor lose a second in 20 million years, the Institute receives millions of requests for accurate time via the Internet each and every day.

NIST has also proven to be a valuable resource to our nation's small businesses—the backbone of our economy. NIST's Manufacturing Extension Partnership Program, or MEP, provides small manufacturers with a network of over 400 centers nationwide that they can rely on for the advice and expertise they need to succeed in the ever-changing business world.

NIST is a well-run agency that has supported our nation's economic growth by working to develop and apply technology, measurements, and standards integral to our ability to compete in today's global marketplace.

As the Chairman of the House Science Committee, I want to acknowledge the efforts of my colleagues, Mrs. MORELLA and Mr. BARCIA, the Chairwoman and Ranking Member of the Technology Subcommittee last Congress. I appreciate their commitment over the past few years to ensuring that NIST's laboratory functions have received the budget prioritization they deserve. NIST labs continue to be the cornerstone of our federal science and technology efforts.

With construction underway on NIST's much needed Advanced Measurement Laboratory located at its Gaithersburg campus, we can also be assured that the Institute's lab system will continue to shine well into the next century. This new state-of-the-art laboratory will allow NIST's world class scientists to make precision measurements under stable conditions with tight control of vibration, temperature, humidity, air cleanliness, and electrical power.

I want to thank Congresswoman MORELLA and Congressman UDALL for introducing this resolution today. But most of all I want to thank NIST and its employees for their 100 years of service to our nation.

I urge my colleagues to support H. Con. Res. 27.

Mr. BACA. Mr. Speaker, I support H. Con. Res. 27, Honoring the National Institute of Standards and Technology (NIST) and Its Employees for 100 Years of Service.

The National Institute of Standards and Technology is our Nation's oldest Federal laboratory, with a mission that dates back to the founding of our Republic. NIST employs about 3,300 people, with some of our Nation's finest and most dedicated Federal scientists, including Nobel Prize winners.

In the past 100 years, NIST has helped to maintain United States technology at the cutting edge, while also making contributions to our economy and international competitiveness. Many advances can be traced to the assistance of the National Institute of Standards and Technology, including satellite systems, communication and transportation networks, image processing, DNA diagnostic "chips", smoke detectors, automated error correcting software for machine tools, atomic clocks, X-ray standards for mammography, scanning tunneling miscroscopy, pollution control technology, high-speed dental drills, laboratories, factories, hospitals, businesses, and the extended enterprises of the new economy.

I am concerned, however, that the President's proposed budget may cut funding for some NIST programs, including the Advanced Technology Program and the Manufacturing Extension Partnership.

I am also troubled by potential proposed cuts in other science programs, such as an apparent decision to cut the Energy Department's budget to $19 billion, roughly $700 million below current levels. At a time when our states, including California, are facing great challenges in providing sufficient energy, and at reasonable prices, we should not be cutting funding for programs, such as those which explore renewable energy sources.

America has been on a course of jobs and prosperity, developed by the hard work of the American people over the last eight years. We should not change course. We still have much work to do in our communities, to encourage research and development, foster small business development, launch new high-tech revolutions. We must create new jobs, provide educational opportunities, ensure that all who are willing to work can advance.

Therefore, as the Congress today celebrates the work of NIST and its proud traditions, let us resolve not unilaterally to disarm our nation of the finest minds and resources, which have led to an economic and technological renaissance. Our nation is the admiration of the modern world. People come here to learn in our universities, work in our corporations, and find a better life. Let us resolve to continue our fight to keep America number-one in scientific innovation and job creation.

Mr. BARCIA. Mr. Speaker, I rise in support of H. Con. Res. 27 honoring the National Institute of Standards and Technology on its centennial.

Chairwoman MORELLA has already described many of the important activities that NIST performs. I just want to add that though NIST is often un-noticed inside the beltway, its work is widely recognized and utilized in industry and homes across America.

For example, in my home state of Michigan, with its strong manufacturing base, NIST measurement standards and reference materials are widely used in our automotive and chemical industries. However, NIST's products go well beyond our industrial base.

Basic research by NIST scientists have resulted in a Nobel Prize and the synthesis of the Bose-Einstein Condensate—dubbed the molecule of the century. In addition, NIST is probably the only Federal research laboratory to receive an Emmy—for its pioneering work to develop closed captioning technology used in television.

I want to take this time to thank NIST employees for their hard work and dedication, often with much less recognition than their counterparts at other federal laboratories. On a personal note, I would like to also express my thanks to all NIST employees for talking to me about their work and improving my understanding of the important work performed at the Boulder and Gaithersburg facilities.

On behalf of the Science Committee, I want to commend you for the outstanding work done in the last one hundred years. You've set high standards for future NIST employees to match in the next one hundred.

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 27, which honors the National Institute of Standards and Technology and its employees for 100 years of service. Chairwoman MORELLA has already highlighted many of NIST's achievements. I want to speak about the philosophy and hard work of NIST's employees.

The Constitution gives the Federal government the responsibility to "fix the standard of weights and measures." In 1901, the National Bureau of Standards (NSB) was formally established. Little could the Founding Fathers, or President McKinley who signed the original legislation, have guessed at the scope of activities that agency would have to undertake.

Initially NBS set simple standards such as the length of a foot, the weight of a pound, and the volume of a gallon. Today, NIST, the successor agency to the NBS, is involved in measurement activities including time measurement accurate to a loss of a second every 20 million years which is important to the global positioning system, setting the length of nanometer essential to the semiconductor industry, and accurate measures of X-ray emissions used to calibrate hospital equipment. These are just a few examples of NIST measurement and standards activities that support many of the daily services we rely upon.

NIST has been successful because it is responsive to the needs of industry. NIST is one of the few federal agencies that work in partnership with industry to develop the measurement tools that are the basis for the development of new technologies. NIST constantly reinvents its research mission to meet industry's evolving needs. Many in Congress complain that Federal agencies are unresponsive to their customer's needs—and this complaint is true some of the time. But NIST's record proves that an agency can serve its customers and further the public's interests in reliable standards for products.

I urge my colleagues in joining with me supporting this resolution honoring NIST employees.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 27.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING AFRICAN AMERICAN PIONEERS IN COLORADO

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 54) commemorating African American pioneers in Colorado.

The Clerk read as follows:

H. RES. 54

Whereas February is Black History Month, a month-long celebration for Americans to reflect on both the history and teachings of African Americans whose contributions are still too little known;

Whereas Black History Month was started in 1976 and February was chosen because the birthdays of both Frederick Douglass and Abraham Lincoln fall in that month;

Whereas African Americans were an integral part of settling the West, arriving in covered wagons, establishing self-sufficient settlements, and filling numerous jobs from barber to teacher, doctor to State legislator;

Whereas nearly one-third of the cowboys who helped build the American West were of African American descent;

Whereas one of the best examples of an African American prairie settlement is Dearfield, Colorado, an African American agriculture community;

Whereas Oliver T. Jackson, an African American, inspired by Booker T. Washington's book Up From Slavery that urged African Americans to return to the land and earn their own way with their own hands, took these ideas to heart and established Dearfield, Colorado, in 1910;

Whereas Oliver T. Jackson inspired 60 African American settlers to join in his agriculture colony, live off the land, and become self-sufficient;

Whereas within 5 years, Dearfield, Colorado, had 44 wooden cabins, over 600 farm acres, 2 churches, a school, a boarding house, a blacksmith shop, a doctor's office, a cement factory, and a filling station;

Whereas Oliver T. Jackson and those at Dearfield, Colorado, reached their goal of becoming a prosperous, self-sufficient community, with a peak population of 700;

Whereas by the mid-1930's, plagued by drought and the Great Depression, the community dwindled down to 12, including Oliver T. Jackson and his wife; and

Whereas Dearfield, Colorado, was subsequently abandoned and is now in need of restoration in order to help fulfill the goal of Black History Month and educate Americans about the role of African Americans in the settling of the American West: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all Americans to learn about the history of African Americans whose contributions are still too little known;

(2) recognizes the role that African Americans, like those at Dearfield, Colorado, greatly contributed to settling and shaping the American West; and

(3) supports the restoration of the site at Dearfield, Colorado, in order to educate the American public about the history and contributions of African Americans to the West and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today draws a close to February, which is Black History Month. Officially implemented in 1976, this month-long celebration is a time for Americans to reflect on the historical contributions of African Americans and the teachings of African Americans whose contributions remain little-known. February was chosen as Black History Month because Frederick Douglass and Abraham Lincoln have birthdays during this month.

Mr. Speaker, in order to help fulfill the two important goals of Black History Month, it is appropriate to direct Congress and the attention of the American people to the history and contributions of African Americans in the West.

In my district, Colorado, there was once a unique African American prairie settlement called Dearfield. It was located about 25 miles Southwest of Greeley, Colorado. Dearfield is one of the best examples of an African American agricultural colony in the Nation. Today, all that remains of Dearfield are a few old outbuildings, some old foundations, and a few fence rows.

Not only is Dearfield a unique and fine example of an all African-American settlement, but Dearfield blends insight into the history of African Americans. Following the Civil War, many African Americans from the South headed West to escape oppression and racism.

These pioneering individuals held a wide variety of occupations. For example, many were trappers, miners, cattlemen, laborers, doctors, barbers, and even a State legislator named Joseph H. Stewart, who served in the Colorado House of Representatives around the turn of the century.

There are many little-known facts about African Americans and their settlement of the West. Many of those facts are those of which Americans are still unaware. Nearly one-third, for example, of the cowboys who helped build the American West were of African American descent. African Americans were some of the West's earliest millionaires, owning much of the West's most valuable real estate, and many of its prominent businesses. In fact, one of the first gold discoveries in Idaho Springs, Colorado, was made by Henry Parker, an African American miner.

African Americans were also military heroes in one of the greatest wars in the West, the taking of San Juan Hill with Teddy Roosevelt in the Spanish American War. In fact, the African-American 10th Cavalry was a major factor in that victory.

By 1890, African Americans had a significant presence in the West. About 6,000 African Americans lived in Colorado, including 5,000 who owned property. Dearfield for many reasons was a shining example of African-American history and contributions to the American West.

In 1910, African-American Oliver T. Jackson established Dearfield as an agricultural colony. He was inspired by Booker T. Washington's book, Up From Slavery, that urged African Americans to return to the land and earn their own way with their own hands.

Joseph Westbrook was responsible for naming Dearfield. He said African Americans must hold it dear to them. It may be interesting to note that Westbrook, a physician, was a member of the Denver General Hospital for 17 years, and served with the Interracial Commission and the Denver Chamber of Commerce.

Oliver T. Jackson convinced 60 African-American settlers to join him in Dearfield. Within 5 years, Dearfield was a prosperous, self-sufficient community with a population of 700. Dearfield had 44 wooden cabins, over 600 farm acres, two churches, a school, a boarding house, a blacksmith shop, a doctor's office, a cement factory, and a filling station.

The demise of Dearfield was much like many other pioneering communities on the high Plains. Dearfield was plagued by the drought and the Great Depression, and the population dwindled from 700 to just 12. Oliver T. Jackson and his wife were among those remaining.

Mr. Speaker, today Dearfield is a collection of ruins. Two organizations in Colorado, Colorado Preservation, Incorporated, and the Black American West Museum and Heritage Center, are working hard to restore the town in order to teach Americans the history and contributions of African Americans in the West.

Dearfield accomplishes the goal of Black History Month in 3 ways.

One, Dearfield helps educate Americans about the contributions of African Americans in settling the West.

Two, Dearfield helps educate Americans about the unique African American agricultural establishment that thrived and is still influential today.

Three, Dearfield helps educate Americans about African-Americans' lives and histories following the Civil War.

Mr. Speaker, I ask the House to favorably consider the resolution and adopt it today.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. I want to commend my colleagues, the gentleman from Colorado (Mr. SCHAFFER) for his leadership in bringing it forward today. I am proud to join him, as always, as a cosponsor.

People of African-American descent have been involved in the history of the West for centuries, at least since the time of Coronado. As the resolution before us notes, they were an integral part of the expansion into and settlement of Colorado and other western States by people from other parts of the United States.

Notable among them were African Americans who served in the U.S.

Army, often referred to as Buffalo Soldiers, especially by Native Americans, for whom the term was one of respect.

In Colorado and elsewhere, African Americans were involved in ranching. By some estimates, fully one-third of the cowboys who have so greatly shaped our image of the West have been African Americans. In Colorado, they worked in the mines, labored in industrial towns like Pueblo, helped shape Denver and other communities, and were farmers as well.

Today African Americans continue to make important contributions in Colorado to our economy, to our culture, and at the highest levels of our municipal and State governments. Together with fellow Coloradans, they look forward to this new century with hope and determination to make our State's future one of opportunity and achievement.

But as we look forward, it is important that we not lose sight of the past and the distance that we in Colorado and in the Nation have come. For as we all know, we must remember the past if we are to understand the present and to build for the future. So the resolution before us is most appropriate, both as it pertains to a specific example of African-American pioneers, and as it calls for us to remember the larger story of which they were a part.

As noted in the resolution before us, as my colleague, the gentleman from Colorado (Mr. SCHAFFER) pointed out, Oliver Jackson and other African Americans joined to form an agricultural colony in northeastern Colorado early in the last century. The result was the founding of Dearfield, which reached a peak population of 700 before it, like so many other agricultural communities on the Plains, began to fade away.

Today, the resolution notes, Dearfield is no longer an active community. Drought, the Great Depression, and other economic and social changes have left it abandoned, but Dearfield has not been forgotten. On the contrary, by passing this resolution, the House today will be saying that it is important for all of us in Colorado and in the rest of this country to remember the contributions of Oliver Jackson and the other settlers of Dearfield, and all of the other African-American pioneers in Colorado and the West.

So again, I thank my colleague for bringing forward this resolution, and look forward to working with him to help increase public recognition and understanding of the importance of the Dearfield settlers and of other African Americans, the history of our State, and the West.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, in honor of African American History Month this February, I would like to join my colleagues in recognizing the outstanding contributions of African Americans in history like those of Dearfield, Colorado. These remarkable pioneers greatly contributed to the settling and shaping of the American West.

For example, in California, we have a remarkable African-American pioneer, Alvin Coffey, who braved the journey across country not once but twice while enslaved.

After his final voyage, he was able to save money to buy his freedom and settle in California. He became very successful. In the final years of his life, he gave his entire income to charity.

In honor of this month-long celebration of achievement and history of African Americans, we must remember the continuing struggle that many people in this country face in the search for freedom, equality and full representation as guaranteed by our Constitution.

On February 17, Black History Month was celebrated in my district. African-American communities came together.

Specifically, I would like to commend the following newspapers in my district who contribute to inspire and shape the political landscape for our areas of African-American communities: The Precinct Reporter, Brian Townsend, editor and owner and brother to my Chief of Staff, Michael Townsend; The Black Voice, Cheryl Brown, editor, whose daughter Paulette Brown-Hinds is my congressional representative and press secretary, and whose father, Hardy Brown, is an extremely hard-working community activist in the Inland Empire.

African Americans contributed greatly to the remarkable history of our Nation. We must recognize their sacrifice and struggles. However, most importantly, we must continue to follow the footsteps of those heroes and fight on for freedom. We must fight on for justice. Only when everyone's voice is heard can we continue our long march towards equal opportunity for all.

Let our dreams keep alive. Let hope keep alive. Let us remember the struggle that Martin Luther King has done for our country and for our Nation, and never forget we must continue to fight for justice and equality.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say this is a great resolution, and I am honored to be able to introduce it in the House. I want to just mention all of the people back home in Colorado who have worked hard to elevate the prominence of Dearfield, and also to my colleague, the gentleman from Colorado (Mr. UDALL), a cosponsor of the resolution, this is a great Colorado effort and a great western statement, and particularly fitting on this closing day of Black History Month.

Mr. Speaker, I yield back the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I would just echo the statements of my friend and colleague, the gentleman from the great State of Colorado.

Ms. DEGETTE. Mr. Speaker, I rise in support of H. Res. 54, to commemorate African American pioneers in Colorado and I thank my colleague for introducing this important legislation. I believe it is appropriate for Americans to more fully understand the contributions made by African Americans to the history of our country, especially their roles in shaping the culture of the West. Specifically, this resolution highlights the founding of a town called Dearfield, Colorado by Oliver T. Jackson in 1910. It is appropriate this February, during Black History Month, to honor the founding of Dearfield as well as other contributions African Americans made to the development of the West.

The Black American West Museum and Heritage Center is located in my district in Denver. Paul Stewart founded this museum to educate people about the role of African Americans in the settling of the West. When Mr. Stewart played "Cowboys and Indians" as a child, he never played a cowboy because, as he was told, there were no black cowboys. Through the work of the Black History Museum and Heritage Center, Mr. Stewart has since proven his childhood friends wrong. Nearly one-third of the cowboys who helped build the West were African American. In fact, African Americans in the West worked in various positions including doctors, riders on the Pony Express, stage coach drivers, teachers, and soldiers.

In Colorado, Dearfield was established by an African American and grew to include a school, churches, a blacksmith shop, a doctor's office, and other community markers. Dearfield succumbed to a drought and the Great Depression in the mid-1930's, yet it remains a prized piece of African American history in the Western United States.

The African American pioneers of the early West achieved much during their lives, including helping to pave the way for modern-day African American pioneers. From civil rights activists to teachers and business leaders, African Americans continue to shape and influence Colorado and the American West. While we pause to remember those African Americans who helped settle Colorado, let us also recognize those who continue to shape our state and nation.

I thank Congressman SCHAFFER for introducing this legislation and reminding us all of the important contributions to Colorado and the West made by African Americans.

Mr. RODRIGUEZ. Mr. Speaker, today I am honored to join in support of the resolution by the gentleman from Colorado (BOB SCHAFFER) to honor the outstanding contributions of African American Pioneers of the West. As we reflect upon the development of the American West, the vital role of African Americans is shamefully overlooked.

In the American West, African Americans were settlers, explorers, cowboys, ranchers, soldiers, peace officers, miners, blacksmiths, lawyers and legislators. But because our historical literature fails to appropriately acknowledge their many achievements, African Americans are largely omitted from the stories of

Western American settlement. The fact is, Mr. Speaker, African Americans made a vitally significant contribution to the success of our early nation.

As much as one-third of all cowboys were African American. The cowboy, or vaquero, as their Hispanic counterparts were called, was one of the most dangerous and hardest jobs in the West, vital to developing an economic base. African Americans, some of the first Western American millionaires, purchased land and worked to develop agriculture into the national economic asset it is today.

African Americans traveled west in covered wagons across the country to form all-Black, self-sufficient towns. African American residents held every position and job necessary to ensure the town's survival. As blacksmiths or State legislators, African Americans made the West a part of our Nation.

African Americans also introduced law and order to the West. As peace officers and as soldiers in the United States Army, African Americans made the frontier safer for settlers. In Texas' early years, about half of the lawmen who rode with the State Police were African Americans. Many African Americans also rode with Theodore Roosevelt's famous Rough Riders and these Buffalo soldiers were famous for their uncommon valor.

It is appropriate, especially during Black History Month, to celebrate the many positive efforts of African Americans in forging the American West. We celebrate this history by acknowledging the heritage and significant contributions of our African American brothers and sisters.

I applaud Congressman SCHAFFER and the members of the Congressional Black Caucus for bringing long-overdue attention to these little known historical facts. I call on schools across the Nation to incorporate this important history into our student's education.

Mr. UDALL of Colorado. Mr. Speaker, I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, H. Res. 54.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SCHAFFER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 54.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 11 o'clock and 39 minutes a.m.), the House stood in recess for approximately 5 minutes.

□ 1145

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o'clock and 45 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 256, by the yeas and nays,

H.R. 558, by the yeas and nays,

H.R. 621, by the yeas and nays,

H. Con. Res. 27, by yeas and nays, and

H. Res. 54, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FAMILY FARMER BANKRUPTCY RELIEF EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 256.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 256, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 22, as follows:

[Roll No. 17]

YEAS—408

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—2

Paul
Rohrabacher

NOT VOTING—22

Ackerman
Becerra
Conyers
Cramer
Doolittle
Fossella
Ganske
Gibbons
Hansen
Hart
Latham
Leach
Moore
Ney
Otter
Rahall
Ros-Lehtinen
Rothman
Smith (WA)
Snyder
Terry
Wynn

□ 1210

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OTTER. Mr. Speaker, on rollcall No. 17, due to a broken foot, I was too slow. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 558.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 558, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 18]

YEAS—412

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Becerra
Conyers
Cramer
Ganske
Gibbons
Gutknecht
Hansen
Hart
Latham
Leach
Moore
Ney
Rahall
Ros-Lehtinen
Rothman
Smith (WA)
Snyder
Terry
Wynn

□ 1220

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JAMES C. CORMAN FEDERAL BUILDING

The SPEAKER pro tempore (Mr. LINDER). The pending business is the question of suspending the rules and passing the bill, H.R. 621.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 621, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 19]

YEAS—413

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey

Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Becerra
Conyers
Cramer
Ganske
Gibbons
Hart
Latham
LaTourette
Leach
Markey
Ney
Rahall
Ros-Lehtinen
Rothman
Snyder
Terry
Udall (CO)
Wynn

□ 1231

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND ITS EMPLOYEES FOR 100 YEARS OF SERVICE TO THE NATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 27.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 27, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 18, as follows:

[Roll No. 20]

YEAS—413

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz

Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Ackerman
Becerra
Conyers
Cramer
Dingell
Ganske
Gibbons
Hart
Latham
LaTourette
Leach
Ney
Rahall
Ros-Lehtinen
Rothman
Snyder
Terry
Wynn

☐ 1238

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING AFRICAN-AMERICAN PIONEERS IN COLORADO

The SPEAKER pro tempore (Mr. LINDER). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 54.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, H. Res. 54, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 21]

YEAS—411

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Becerra
Cramer
Dingell
Ganske
Gibbons
Hart
Latham
LaTourette
Leach
McIntyre
Ney
Rahall
Ros-Lehtinen
Rothman
Ryun (KS)
Snyder
Stearns
Taylor (NC)
Terry
Wynn

☐ 1245

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF WALTER E. MASSEY AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 19) providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FATTAH. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from

Florida (Mr. MICA) for purposes of explaining the joint resolution.

Mr. MICA. I thank the gentleman from Pennsylvania for yielding to me, Mr. Speaker.

Mr. Speaker, this request today in consideration of House Joint Resolution 19 provides for the appointment of Dr. Walter Massey to serve on the Board of Regents of the Smithsonian Institution.

This governing board of the Smithsonian is composed of 17 members, which includes the Chief Justice of the Supreme Court and the Vice President of the United States, three members of each of the U.S. House of Representatives and the other body, the Senate, and nine citizens who are nominated by the board and approved jointly in a resolution of Congress.

The nine citizen members serve for a term of 6 years each, and are eligible for reappointment to one additional term.

Currently, Dr. Walter Massey is the President of Morehouse College, which is the Nation's only historically black all-male 4-year liberal arts institution. I am pleased also to report to the House that Dr. Massey has broad academic and administrative experience, serving as a provost and senior vice president for academic affairs at the University of California.

His career encompasses service as a former director of the National Science Foundation, to which he was appointed by former President George Bush.

The Foundation is the government's lead agency for support of research and education in mathematics, science, and engineering, and furthermore, Dr. Massey's teaching experience includes work as the dean of the college, and also a professor of physics at Brown University, and as assistant professor at the University of Illinois. He has an extensive science background, and is involved in numerous research studies.

Dr. Walter Massey's qualification as an educator, coupled with his extensive science background, makes him a very strong candidate for serving on this the Smithsonian Board of Regents for that Institution.

So I rise in support of House Joint Resolution 19 and urge its adoption.

Mr. FATTAH. Mr. Speaker, continuing to reserve the right to object, I yield to the gentleman from the great State of Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend and colleague for yielding to me.

Mr. Speaker, I rise in support of House Joint Resolution 19, which will provide for the appointment of Dr. Walter Massey as a member of the Board of Regents for the Smithsonian Institution.

Dr. Massey is the ninth president of Morehouse College, which is located in Atlanta, Georgia, my congressional district. Through his work, innovative thinking, and firm leadership, Dr. Massey has made a remarkable contribution, not just to Morehouse College, but to other colleges and universities, and to our Nation.

I have no doubt that Dr. Massey will have an unwavering commitment to the Smithsonian Institution, with his deep understanding and appreciation of American history, art, and our diverse culture.

I urge all of my colleagues to support this resolution.

Mr. FATTAH. Mr. Speaker, continuing to reserve the right to object, I would like to say that Dr. Massey is a fine appointment to the Board of Regents. He holds a Ph.D. in physics. He has been the President of Morehouse College. He has served as the head of a national laboratory in Chicago. He has provided a tremendous amount of service, and is a great educator.

Mr. Speaker, I thank the gentleman from Florida and the gentleman from Georgia.

Mr. SPEAKER, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H. J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Frank A. Shrontz of Washington on May 4, 2000, is filled by the appointment of Walter E. Massey of Georgia. The appointment is for a term of 6 years and shall take effect on the date of the enactment of this joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. LINDER) laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2001.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to my appointment to the House Budget Committee, I hereby take leave of my assignment to the Committee on Small Business. Thank you.

Sincerely,

CAROLYN MCCARTHY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
February 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER, Pursuant to the rules of the House of Representatives and of the House Democratic Caucus, with this letter I am tendering my resignation from the House Committee on Small Business, for the 107th Congress, so that I may accept an appointment to the House Committee on the Budget.

Please feel free to let me know whenever I may be of assistance.

Very truly yours,

DENNIS MOORE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR HONORABLE HASTERT: I hereby resign my position on the House Small Business Committee.

Sincerely,

RUBÉN HINOJOSA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a resolution (H. Res. 69) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 69

Resolved, That the following Members be, and are hereby, elected to the following named standing committee of the House of Representatives:

Committee on Small Business: to rank in the following order after Mr. Langevin of Rhode Island: Mr. Baird of Washington, Mrs. Napolitano of California, and Mr. Udall of Colorado.

SEC. 2. Committee on Small Business: to rank in the following order after Mr. Udall of Colorado: Mr. Acevedo-Vilá of Puerto Rico.

Mr. Carson of Oklahoma, and Mr. Ross of Arkansas.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON APPROPRIATIONS 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I am submitting herewith in accordance with clause 2(a)(1) of rule XI the rules of the Committee on Appropriations adopted by the Committee on Appropriations today, February 28, 2001.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS—COMMITTEE RULES

(Approved February 28, 2001)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Sixth Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Seventh Congress.

The foregoing resolution adopts the following rules:

SECTION 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SECTION 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; *Provided, however*, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SECTION 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 9(c) of Rule X of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 9(c) of Rule X of the Rules of the House of Representatives: *Provided*, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SECTION 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspections shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule VII of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any

decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SECTION 5: COMMITTEE AND SUBCOMMITTEE HEARINGS.

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; *Provided, however,* That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause (4)(f) of Rule XI of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or subcommittee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

SECTION 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure of the matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement—Each report of the Committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (i)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports.—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; *Provided*, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

(k) Performance Goals and Objectives—Each Committee report shall contain a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

SECTION 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SECTION 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202 (b) of the Legislative Reorganization Act of 1946 and in Clause 3(a) of Rule X of the Rules of the House of Representatives:

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SECTION 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 8 of Rule X of the Rules of the House of Representatives and Section 502 (b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports.

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Oversight pertaining to such travel, and as promulgated from time to time by the Chairman.

FISCAL ISSUES RAISED BY PRESIDENT BUSH IN HIS ADDRESS TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I would like to address some of the fiscal issues raised by the President when he spoke in this Hall scarcely 12 or 13 hours ago.

First, we are told that a 4 percent increase in the budget for domestic programs is sufficient and represents a genuine increase in those programs. Keep in mind, Mr. Speaker, our population is growing faster than 1 percent a year. Inflation is greater than 3 percent. Accordingly, a 4 percent nominal increase in expenditure is actually a real cut in the benefits that can be provided by a government program.

For example, Mr. Speaker, if our goal was to provide one pencil for every schoolchild in America, we would need to provide more than a 4 percent increase in that budget, because the price of pencils is likely to go up over 3 percent, and the number of students is likely to increase by more than 1 percent.

Mr. Speaker, we were told, I think correctly, that we cannot continue year after year to increase expenditure by 8 percent, even nominally by 8 percent, but a 4 percent increase when not adjusted for population or inflation represents an actual cut.

Mr. Speaker, we were given a tax cut proposal in which almost half of the benefits go to the richest 1 percent of Americans, those with the highest income, a group of individuals who have, on average, $900,000 of income every year. Certainly we can do better in targeting the tax cut.

We have been told that repealing the estate tax will not have an adverse impact on charity because, when people make charitable contributions, they are not influenced by the tax law but instead are influenced only by their desire to help the charity.

Our President yesterday exploded that argument that has been made on this floor by many Republican Members when he stated that "By allowing an income tax deduction for those who do not itemize, we will encourage as much as $14 billion of charitable giving."

So our President asks us to imagine a person of modest means putting $5 in the collection plate; that a person who does not even itemize their deductions somehow will be motivated to put more money in the collection plate if we change our tax law, but that an individual leaving $5 million to a university to have a building named after them will not be influenced by the repeal of the estate tax.

Nothing could be further from the truth. Trust me, I was a tax professional for nearly 15 years. I never got asked, "Should I put $5 in the collection plate or $6? But I venture to say there are very few $5 million gifts that are not influenced by the estate and income tax law.

Then we were asked by the President to imagine a waitress with two kids earning just $25,000, and we were told this was the reason we should adopt the President's tax cut. Keep in mind, his tax cut would increase her income by only 2 percent. That is as stingy as a 25-cent tip.

But just to the point, that $25,000 waitress example was a carefully selected anomaly designed to disguise what the Bush tax proposal really does. Keep in mind, there are many waitresses who make only $20,000 a year, and under the President's proposal they get nothing, not even a 1 cent insult tip left on the table.

If we want to design a tax cut to benefit that image that was painted for us so cleverly yesterday of someone who is busing tables or waiting on tables making $25 $20,000, $25,000 and trying to support a couple of kids, we need to adopt a completely different approach to the tax cut.

Mr. Speaker, we need estate tax relief, but we need estate tax relief that is designed not to gut the estate tax as a source of revenue, but rather, something that will make sure that the estate tax falls only on 1 percent of the estates, meaning 99 percent of Americans would not have to worry about that tax.

□ 1300

That would still allow us to generate the vast majority of revenue that is generated by that tax, and then we could afford to provide real tax relief to waitresses making $25,000 or even $20,000.

THE 2000 CENSUS

The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I want to first commend the President for proposing his tax relief package for permanent relief for the American people. Everybody who pays taxes gets tax relief. They have lowered the lowest rate, from 15 percent to 10 percent. That is going to help real working people in America.

But, Mr. Speaker, I am here to talk about the Census, because I feel it is important to place in the record some facts regarding the 2000 Census that some of us may have forgotten over the last several days as my colleagues on the other side try to tear down the Census head count in order to build it up with a statistical adjustment.

What seems to be forgotten is how good the 2000 Census really was. The Census Bureau announced that compared to the last Census, the undercount of African Americans may have been cut in half. The undercount of Hispanics also was cut by more than half. The undercount of American Indians was reduced by more than two-thirds, and the elderly and children have never been counted so well.

The preceding Congress appropriated an unprecedented $6.5 billion for the Census effort. Let us take a moment to see what the American people received for their tax dollars.

This 2000 Census reversed a three-decade drop in the questionnaire mail back response rate.

The 2000 Census reached more Americans, including those living in the hardest to count communities, than ever before.

The 2000 Census established a first-time-ever paid advertising campaign that focused on educating the American people on the importance of the Census participation.

The 2000 Census included more than 140,000 local, State and national partnerships to promote Census awareness and participation. The 2000 Census included a Census in the Schools program, that reached out to millions of students and parents nationwide to promote Census awareness and participation.

And for the first time, with the 2000 Census, Americans were able to file their Census forms electronically using the Internet.

There are Members of this body who are quick to focus on the limited number of people that chose not to participate in this Census. But I will point out for the record that Census 2000 found and counted nearly 99 percent of the population, more than any other Census.

This Census dramatically reduced the traditional undercount of children, the poor, and members of minority communities.

Regardless of what side of the adjustment debate a person falls, this Census was one of the best in our Nation's history. Opponents of a real head count said it could not be done. They said we could not improve upon past Censuses. They said that the undercount would most certainly grow larger. They said we must sample and adjust people because they will not answer the call.

But we said no. We must do everything we can to get an actual head count. Get out there and advertise, educate, involve local officials, spread the word, make it easier for people to be counted. An actual enumeration is what the Constitution calls for. It is what the Supreme Court called for, and it is what public law calls for.

And now we can and should stand proud and say, it worked. An unprecedented 99 percent of our population was counted. All the efforts to get an accurate head count paid off.

Mr. Speaker, I call on my colleagues to congratulate the hard efforts of those career civil servants in the Bureau who worked long and difficult hours.

I call upon my colleagues to remember and congratulate the thousands of State and local volunteers and countless others in each and every one of our districts who partnered with the Bureau to make the head count such a success.

While the news regarding the Census has been good, the political rhetoric surrounding the Census threatens to taint the entire effort.

For months now, relentless pressure has been placed on President Bush and Secretary Evans to use the controversial adjustment plan known as sampling to recreate people that may not have been counted.

My position on adjustment has not changed. Adjustment is a Pandora's box, filled with unintended consequences, legal uncertainty and inaccuracy. Some would have us to believe that this decision is simply about statistics. Load the numbers into the computer, hit enter, and that is your answer. Adjust or do not adjust.

These people could not be further from the truth. The adjustment decision has far-reaching legal, political and social consequences. Adjustment simply has too many risks and unintended consequences to be justified for any Census, and particularly because we have such a great Census taking these risks even seems more unjustified. Instead, we should all be thrilled with the incredible inroads made with the differential undercount. Significant reductions occurred in the undercount rates for African Americans, Hispanics and American Indians.

The 2000 Census head count is one we all can and should be proud of.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, last night, we heard our President talk all about accountability. He wants our schools and our teachers to be more accountable to their students and the parents. This literally patterns after what is in a lot of our State laws and in the State of Texas.

He wants government to be more accountable to its citizens, and I think we all agree with both of those premises.

Mr. Speaker, I also appreciate the President's support for HMO reform, and hopefully similar to what the law is in the State of Texas. HMOs should be accountable to their patients, just like schools should be accountable to their students and parents, and government should be accountable to the taxpayers and citizens.

President Bush told us last night that he wants to promote quality health care through a strong, independent review organization, and I agree. The independent review organizations had been instrumental in the success of the Patients' Bill of Rights in the State of Texas.

But the independent review organizations, the IROs, are powerless if health plans can ignore their recommendations without consequences. By providing legal remedies in State courts, patients have a layer of protection that ensures health plans will do the right thing.

As much as the President talks about frivolous lawsuits, we have not seen that thing in Texas called a frivolous lawsuit. In fact, after 3 years on the books, our patient protections there have been less than five lawsuits filed in 3 years, less than five. That is hardly the glut of lawsuits that opponents of patient protection seem to fear.

The Texas plan for HMO reform has worked because the binding independent review protects health care plans from being held liable for punitive damages. You can provide that protection in there. But on the flip side, the HMO plans, the health plans know that if they ignore those independent review organization recommendations, they will have to answer in State court.

That is a powerful incentive to do the right thing.

The Bipartisan Patient Protection Act includes these important accountability provisions, while still protecting employers and health care plans from frivolous lawsuits.

The Bipartisan Patient Protection Act ensures that HMO plans who follow the recommendations of that external review board cannot be held liable for punitive damages. It also limits the amount of damages that can be awarded so that the plans are not forced to pay arbitrary sums.

Without accountability provisions, though, patients are defenseless against their HMO plans. They have no remedy if an HMO ignores the recommendation of the review board or acts in bad faith. Without accountability, a Patients' Bill of Rights provides no protections at all.

We have to have accountability, just like we do from the government to our taxpayer. Mr. Speaker, managed care plans seem content to write the rules, but they cry foul when we want them to play by those same rules. It is time we level the playing field on the Federal level, just like a lot of our States have done, and ensure that HMOs provide the medical care that they agreed to do.

That is why we should pass the Bipartisan Patient Protection Act.

LET US SUPPORT THE PRESIDENT'S INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am delighted to be here today following the address of President Bush to our colleagues and to the Nation regarding his priorities and where he hopes to take our Nation in the next 4 years during his administration.

Let me first commend him for identifying and discussing a number of issues that I would expect Democrats and Republicans to agree on wholeheartedly.

He mentioned Head Start specifically. He talked about the environment. He talked about a military pay increase for the personnel first before we buy new equipment.

He talked about our continuing efforts to increase the budget at the National Institutes of Health. He pledged to restore integrity to the Social Security system. He offered what is a blueprint for Medicare reform, and specifically one piece that was music to my ears, an effort to pay down the national debt.

Now, if we listened to the other side of the aisle this morning, those baying at the moon, suggesting somehow that this is an irresponsible blueprint of fiscal remedy, who have argued against tax cuts, argued for more spending and consistently raised rhetoric that somehow this whole process is irresponsible from the start, it begs the question. Whose money is it really? If you stay around Washington or any of our capital cities around the country and you remain in the room with politicians for very long, they will convince you it is government's money.

That theme plays out today on national talk radio as they launch an aggressive attack to demean the President's proposal, again suggesting it is irresponsible and telling us that they have a better plan.

Having come to Congress in 1994, I remember the legacy left us by the majority party, at that time the Democratic Party, which was a ballooning deficit, out-of-control debt, increasing allocations annually for interest to pay on the debt, no ability to reign in spending, and when they really ran into rough sledding in the high degree of deficits, they blamed Ronald Reagan.

As a member of the Committee on Ways and Means and a Member of Congress, I can assure the American public listening to me that the only persons who can effectuate tax cuts, spending proposals are the Members of Congress, the House and the Senate, as prescribed by the Constitution.

Yes, President Reagan recommended tax cuts, and he was successful in convincing Congress to pass them, but along the way they were careless in not reducing spending to offset that reduced amount income. So we borrowed against the legacy of future generations to fund the programs that were near and dear to the hearts of Members of this body. We have a chance to do something different now. When we proposed paying down the debt and balancing the budget, we were told by then-President Clinton we could not do it in 13 years, maybe 11 if we tried hard. Lo and behold, we suggested 7, we did it in 4, and now we have what is surplus dollars in the Treasury.

The call from the other side is to spend, spend, spend more money on priorities. I think if you listened to the President clearly last night, he outlined priorities that meet the test of time, are designed to help society's most vulnerable, are prepared to protect our domestic tranquility and our national security and really go about changing the fundamental way we conduct our mathematical equation here in this body.

Now, my colleagues can complain and can obfuscate and can deride his proposals, but I believe in my heart that at the end of the day they will come around to suggest and recommend that these are not irresponsible cuts.

Mr. Speaker, I remember last year when we proposed, I believe, some $600 billion, potentially $700 billion tax relief to the constituents, we call it tax relief, but it is really refunding of overpayment, we were told that number was exorbitant. It was out of sight, it was out of mind. It would explode the deficit.

Yet, I hear the number bandied about by the other side of the aisle that they may accept $900 billion. What a difference a year makes. What a difference a year makes.

Let us focus on trying to resolve first and foremost our disagreements on key policy issues, but let us also take a moment to recognize the hard work of every American who sends their money to Washington and hope they can do some good with it, hope we can improve the infrastructure of our Nation's highways, strengthen Social Security, provide for the military pay increase as necessary and do the kind of things that society should do for its constituents.

As the President suggested last night, charities are no replacement for government, and I am a supporter of some of the involvement government has in our daily lives. But if we keep the money here, if we keep it on the table, and we suggest somehow we will pay down the debt, folks, get with it and get real, it will not happen.

Once there is an excess of money left on the table, there is a program in every Member's district that deserves that surplus, and we will argue and we will debate and we will spend.

Let us join together, support the President's initiative, give the taxpayers some real relief, give them some of their overpayment of surplus revenues back to them so they can spend it in their communities, on their children, figuring out their future and letting the government take less of their take-home pay on a weekly basis.

ELECTION OF MEMBER TO COMMITTEE ON SMALL BUSINESS

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 70), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 70

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Small Business: Ms. CAPITO of West Virginia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider is laid on the table.

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COMBEST) is recognized for 5 minutes.

Mr. COMBEST. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on February 14, 2001.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House of Representatives shall govern the procedure of the committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House of Representatives, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees. (See appendix A for the applicable Rules of the House of Representatives.)

(2) As provided in clause 1(a)(2) of House rule XI, each subcommittee is part of the committee and is subject to the authority and direction of the committee and its rules so far as applicable. (See also committee rules III, IV, V, VI, VII and X, infra.)

(b) Authority to Conduct Investigations.—The committee and its subcommittees, after consultation with the chairman of the committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under rule X of the Rules of the House of Representatives and in accordance with clause 2(m) of House rule XI.

(c) Authority to Print.—The committee is authorized by the Rules of the House of Representatives to have printed and bound testimony and other data presented at hearings held by the committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee and its subcommittees shall be paid from applicable accounts of the House described in clause (i)(1) of House rule X in accordance with clause 1(c) of House rule XI. (See also paragraphs (d), (e) and (f) of committee rule VIII.)

(d) Vice Chairman.—The Member of the majority party on the committee or subcommittee designated by the chairman of the full committee shall be the vice chairman of the committee or subcommittee in accordance with clause 2(d) of House rule XI.

(e) Presiding Member.—If the chairman of the committee or subcommittee is not present at any committee or subcommittee meeting or hearing, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at a committee or subcommittee meeting or hearing the ranking member of the majority party who is present shall preside in accordance with clause 2(d), House rule XI.

(f) Activities Report.—(1) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of the Rules of the House of Representatives during the Congress ending on January 3 of such year. (See also committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of House rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee, and any recommendations made or actions taken with respect thereto.

(g) Publication of Rules.—The committee's rules shall be published in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year as provided in clause 2(a) of House rule XI.

(h) Joint Committee Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

II. COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) Regular Meetings.—(1) Regular meetings of the committee, in accordance with clause 2(b) of House rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the chairman shall determine the regular meeting day of the committee, if any, for that month. The chairman shall provide each member of the committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the chairman or a majority of the committee. If the chairman believes that there will not be any bill, resolution or other matter considered before the full committee and there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the chairman, there may be matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of committee rule X for provisions that apply to meetings of subcommittees.)

(b) Additional Meetings.—The chairman may call and convene, as he or she considers necessary, after consultation with the ranking minority member of the committee, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such additional meetings pursuant to a notice from the chairman.

(c) Special Meetings.—If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the majority staff director (serving as the clerk of the committee for such purpose) shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House rule XI. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the majority staff director (serving as the clerk) of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

III. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House rule XI. (See appendix A.)

(b) Broadcasting and Photography.—Whenever a committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House rule XI. (See appendix A.) When such radio coverage is conducted in the committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The chairman of the committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) Closed Meetings—Attendees.—No person other than members of the committee or subcommittee and such congressional staff and departmental representatives as the committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House rule XI.

(d) Addressing the Committee.—A committee member may address the committee or a subcommittee on any bill, motion, or other matter under consideration. (See committee rule VII (e) relating to questioning a witness at a hearing.) The time a Member may address the committee or subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) Meetings to Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Prohibition on Proxy Voting.—No vote by any Member of the committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) Location of Persons at Meetings.—No person other than the committee or subcommittee members and committee or subcommittee staff may be seated in the rostrum area during a meeting of the committee or subcommittee unless by unanimous consent of committee or subcommittee.

(h) Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the chairman to address the committee or subcommittee at a meeting for a period limited to 5 minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) Demanding Record Vote.—A record vote of the committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(j) Submission of Motions or Amendments In Advance of Business Meetings.—The committee and subcommittee chairman may request and committee and subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the chairman and the ranking minority member of the committee or the subcommittee 24 hours before a committee or subcommittee business meeting.

(k) Points of Order.—No point of order against the hearing or meeting procedures of the committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) Limitation on Committee Sittings.—The committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

IV. QUORUMS

(a) Working Quorum.—One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the members of the committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure. (See clause 2(h)(1) of House rule XI, and committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of rule XI of the Rules of the House of Representatives; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House rule XI. (See also committee rule VI.)

(c) Quorum for Taking Testimony.—Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) Unanimous Consent Agreement on Voting.—Whenever a record vote is ordered on a question other than a motion to recess or adjourn and debate has concluded thereon, the committee or subcommittee by unanimous consent may postpone further proceedings on such question to a designated time.

V. RECORDS

(a) Maintenance of Records.—The committee shall keep a complete record of all committee and subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all committee and subcommittee action and a record of all votes on any question and a tally on all record votes. The result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during committee office hours in the committee offices and within 2 weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the committee. Members of the committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the committee. The committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the committee or subcommittee determines otherwise. The committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The majority staff director shall promptly notify the chairman and the ranking minority member of any request for access to such records.

(d) Availability of Archived Records.—The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The chairman shall notify the ranking minority member of the committee of the need for a committee order pursuant to clause 3(b)(3) or clause 4(b) of such House rule, to withhold a record otherwise available.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a business meeting of the committee or subcommittee shall be kept and thereafter may be published if the chairman of the committee, after consultation with the ranking minority member, determines there is need for such a record. The proceedings of the committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the committee or subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the committee shall make its publications available in electronic form.

VI. POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority to Sit and Act.—For the purpose of carrying out any of its function and duties under House rules X and XI, the committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The chairman of the committee or subcommittee, or any Member designated by the chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be authorized and issued by the committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House rule XI. Such authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee. As soon as practicable after a subpoena is issued under this rule, the chairman shall notify all members of the committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all members of the committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena *duces tecum* may specify terms of return other than at meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the committee or any subcommittee, may report to the offices of the committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington DC, the subpoenaed witness may contact the majority staff director of the committee, or his or her representative, before leaving the hearing room.

VII. HEARING PROCEDURES

(a) Power to Hear.—For the purpose of carrying out any of its functions and duties under House rule X and XI, the committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of committee rule VI and paragraph (f) of committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) Announcement.—The chairman of the committee shall after consultation with the ranking minority member of the committee, make a public announcement of the date, place and subject matter of any committee hearing at least 1 week before the commencement of the hearing. The chairman of a subcommittee shall schedule a hearing only after consultation with the chairman of the committee and after consultation with the ranking minority member of the subcommittee, and the chairmen of the other subcommittees after such consultation with the committee chairman, and shall request the majority staff director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the chairman of the committee or the subcommittee, with concurrence of the ranking minority member of the committee or subcommittee, determines there is good cause to begin the hearing sooner, or, if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the chairman of the committee or subcommittee, as appropriate, shall request the majority staff director to make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) Scheduling of Witnesses.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the chairman of the committee or subcommittee, unless a majority of the committee or subcommittee determines otherwise.

(d) Written Statement; Oral Testimony.—(1) Each witness who is to appear before the committee or a subcommittee, shall insofar as practicable file with the majority staff director of the committee, at least 2 working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to committee or subcommittee members, staff, and the news media. Insofar as practicable, the committee or subcommittee staff shall distribute such written statements to all members of the committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the chairman of the committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of committee rule VI, the chairman of the committee or one of its subcommittees, or any Member designated by the chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) Questioning of Witnesses.—Committee or subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for 5 minutes until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the chairman of the committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the committee or subcommittee determines otherwise, no person shall interrogate witnesses other than committee and subcommittee members.

(f) Extended Questioning for Designated Members.—Notwithstanding paragraph (e), the chairman and ranking minority member may designate an equal number of members from each party to question a witness for a period not longer than 60 minutes.

(g) Witnesses for the Minority.—When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House rule XI.

(h) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the committee shall make available immediately to all members of the committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the chairman of the committee or subcommittee shall, to the extent practicable, make available to the members of the committee any official reports from departments and agencies on such matter. (See committee rule X(f).)

(i) Participation of Committee Members in Subcommittees.—All members of the committee may attend any subcommittee hearing in accordance with clause 2(g)(2) of House rule XI, but a Member who is not a member of the subcommittee may not vote on any matter before the subcommittee nor offer any amendments or motions and shall not be counted for purposes of establishing a quorum for the subcommittee and may not question witnesses without the unanimous consent of the subcommittee.

(j) Open Hearings.—Each hearing conducted by the committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House rule XI (see also committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(k) Hearings and Reports.—(1)(i) The chairman of the committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the committee rules (and the applicable provisions of clause 2 of House rule XI, regarding hearing procedures, an excerpt of which appears in appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chairman of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee or subcommittee. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee. (See paragraph (c) of committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

VIII. THE REPORTING OF BILLS AND RESOLUTIONS

(a) Filing of Reports.—The chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the committee unless a majority of the committee is actually present. A committee report on any bill, resolution, or other measure approved by the committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the majority staff director of the committee a written request, signed by a majority of the committee, for the reporting of that bill or resolution. The majority staff director of the committee shall notify the chairman immediately when such a request is filed.

(b) Content of Reports.—Each committee report on any bill or resolution approved by the committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House rule XIII and clause 2(b)(1) of House rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the 5 fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with——

(i) a comparison of these estimates with those made and submitted to the committee by any Government agency when practicable, and

(ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause 3 of House rule XIII; .

(12) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104-4).

(14) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104-1.

(c) Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the majority staff director of the committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with House rule XI, clause 2(l) and House rule XIII, clause 3(a)(1)), as filed by one or more members of the committee, shall be included within and made a part of the report filed by the committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House rule XII, clause 3(a)(1)) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude——

(1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or

(2) the filing by the committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) Committee Prints.—All committee or subcommittee prints or other committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the chairman of the committee or the committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House of Representatives without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

IX. OTHER COMMITTEE ACTIVITIES

(a) Oversight Plan.—Not later than February 15 of the first session of a Congress, the chairman shall convene the committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the committee shall, to the maximum extent feasible——

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every 10 years.

The committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House rule X. The committee shall include in the report filed pursuant to clause 1(d) of House rule XI a summary of the oversight plans submitted by the committee under clause 2(d) of House rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee and any recommendations made or actions taken thereon.

(b) Annual Appropriations.—The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) Budget Act Compliance: Views and Estimates (See appendix B).—By February 25 each year and after the President submits a budget under section 1105(a) of title 31, United State Code, the committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See appendix B).

(e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the chairman shall, after consultation with the ranking minority member, determine the number of conferees the chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in House rule I, clause 11, the names of those members of the committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The chairman shall, to the fullest extent feasible, include those members of the committee who were the principal proponents of the major provisions of the bill as it passed the House and such other committee members of the majority party as the chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority party members to minority party members on the committee. In making recommendations of minority party members as conferees, the chairman shall consult with the ranking minority member of the committee.

X. SUBCOMMITTEES

(a) Number and Composition.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including ex officio members.

The chairman may create additional subcommittees of an ad hoc nature as the chairman determines to be appropriate subject to any limitations provided for in the House rules. The chairman and ranking minority member of the committee serve as ex officio members of the subcommittees. (See paragraph (e) of this rule).

(b) Ratios.—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each subcommittee shall have the following general jurisdiction and number of members:

Department Operations, Oversight, Nutrition, and Forestry (15 members, 8 majority, 7 minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, forest reserves other than those created from the public domain, plant pesticides, quarantine, adulteration of seeds, and insect pests.

Conservation, Credit, Rural Development, and Research (17 members, 9 majority, 8 minority).—Soil, water, and resource conservation, small watershed program, agricultural credit, rural development, rural electrification, energy and biobased energy production, farm security and family farming matters, agricultural research, education, and extension services.

General Farm Commodities and Risk Management (37 members, 19 majority, 18 minority).—Program and markets related to cotton, cotton seed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, crop insurance, commodity exchanges, and biotechnology.

Livestock and Horticulture (19 members, 10 majority, 9 minority).—Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing and promotion of such commodities, aquaculture, animal welfare, grazing, fruits and vegetables, and marketing orders.

Specialty Crops and Foreign Agriculture Programs (19 members, 10 majority, 9 minority).—Peanuts, sugar, tobacco, honey and bees, marketing orders related to such commodities, foreign agricultural assistance, and trade promotion programs, generally.

(d) Referral of Legislation.—

(1)(a) In general.—All bills, resolutions, and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the committee. After consultation with the ranking minority member, the chairman may determine that the committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the committee.

(2) The chairman, by a majority vote of the committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the committee. The committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(3) Unless the committee, a quorum being present, decides otherwise by a majority vote, the chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the chairman for the purpose of considering the matter and reporting to the committee thereon, or make such other provisions deemed appropriate.

(e) Service on subcommittees.—(1) The chairman and the ranking minority member shall serve as ex officio members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The chairman and the ranking minority member may not be counted for the purpose of establishing a quorum.

(2) Any member of the committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings in accordance with clause 2(g)(2) of House rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum for any motion, vote, or other subcommittee action;

(iii) participate in questioning a witness under the 5-minute rule, unless permitted to do so by the subcommittee chairman or a majority of the subcommittee a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) Subcommittee Hearings and Meetings.—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee chairmen with the committee chairman. (See committee rule VII.)

(2) After consultation with the committee chairman, subcommittee chairmen shall set dates for hearings and meetings of their subcommittees and shall request the majority staff director to make any announcement relating thereto. (See committee rule VII(b).) In setting the dates, the committee chairman and subcommittee chairman shall consult with other subcommittee chairmen and relevant committee and subcommittee ranking minority members in an effort to avoid simultaneously scheduling committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the chairman and the ranking minority member of the committee by the majority staff director.

(4) Subcommittees may hold meetings or hearings outside of the House if the chairman of the committee and other subcommittee chairmen and the ranking minority member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of committee meetings under committee rule II(a) and special or additional meetings under committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The chairman may also appoint an acting subcommittee chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded to the committee by a subcommittee shall be promptly forwarded by the subcommittee chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such recommendation, the majority staff director of the committee shall promptly advise all members of the committee of the subcommittee action.

(3) The committee shall not consider any matters recommended by subcommittees until 2 calendar days have elapsed from the date of action, unless the chairman or a majority of the committee determines otherwise.

(h) Subcommittee Investigations.—No investigation shall be initiated by a subcommittee without the prior consultation with the chairman of the committee or a majority of the committee.

XI. COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) Committee Budget.—The chairman, in consultation with the majority members of the committee, and the minority members of the committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the committee and subcommittees. After consultation with the ranking minority member, the chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) Committee Staff.—(1) The chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the committee not assigned to the minority. The professional and clerical staff of the committee not assigned to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House rule X, clause 9).

(2) The ranking minority member of the committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House rule X, clause 6(d)).

(c) Committee Travel.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of committee members and committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House rule X, clause 8 (reprinted in appendix A)). Official travel for any Member or any committee staff member shall be paid only upon the prior authorization of the chairman. Official travel may be authorized by the chairman for any committee Member and any committee staff member in connection with the attendance of hearings conducted by the committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the committee, prior authorization must be obtained from the subcommittee chairman and the full committee chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the committee chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the committee shall make an itemized report to the chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

XII. AMENDMENT OF RULES

These rules may be amended by a majority vote of the committee. A proposed change in these rules shall not be considered by the committee as provided in clause 2 of House rule XI, unless written notice of the proposed change has been provided to each committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the committee shall be published in the Congressional Record within 30 calendar days after its approval.

□ 1315

PAYING DOWN THE PUBLIC DEBT

The SPEAKER pro tempore (Mr. LINDER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, last night we heard a new President talk about some of the priorities of this country and some of the potential problems with the economy which could eventually affect jobs, not only the number of jobs, but the kind of incomes that are offered for those jobs.

To me the important thing is not whether or not we have a tax cut. To me I think the most important thing we can do to strengthen the economy is to hold down the increase in Federal Government spending. We have seen a Federal Government over the years that has ballooned in size, and the political situation is that when Members of Congress, both the House and the Senate, come up with new programs, new spending, take home pork-barrel projects, they end up on television, the front page of papers and it is announced on the radio; and it probably increases their chances of being reelected.

Mr. Speaker, the problem is having a government growing bigger and bigger, which is bad for the economy when we take more and more money out of worker's pockets and send it to Washington; but the problem is also taking away the empowerment from individuals and sending it to Washington, so Washington ends up with more rules and more governing of your lives and how you live it and take care of your family. I see that moving the question of how big should government be to the top of my personal list.

Now the question is: In a situation now where we have more money coming into government than is currently used or is currently anticipated of being used over the next 10 years, what do we do with those extra dollars.

What happened last year is we increased discretionary spending by approximately 8 percent. The three bills that we finished in December had an increase of almost 14 percent. So government and the tendency for government to get bigger and bigger and control more and more of our lives is very real.

Mr. Speaker, I want to talk about this chart that I have beside me that relates to a lot of talk these days about debt, about paying down the debt. There are three parts to the $5.7 trillion of total public debt in this country. And the three elements that make up the total of $5.7 trillion are:

The debt held by the public, $3.4 trillion. This is the Treasury paper that is loaned out, that is borrowing money for government needs; and so I call it the Wall Street debt.

The other debt is the debt to approximately 119 trust funds, that is about $1.2 trillion; and the debt to the Social Security trust fund, and that is now $1.1 trillion.

So when people talk, when Washington talks about paying down the public debt, they are talking about borrowing money from Social Security trust funds and the other trust funds and using those dollars to pay down the debt held by the public.

Let me briefly go through that again. There is extra money coming into Social Security right now, approximately $150 billion that Social Security taxes will bring in more than is required to send out immediately for Social Security benefits. So what do you do with that $150 billion. Mr. Speaker, we have said look, we are going to take those dollars and write out an IOU and we are going to use that to pay down the so-called Wall Street debt, the debt held by the public.

But over the years, what is anticipated is the total debt, the total debt, the total public debt subject to the debt limit under law is not going to go down. All we do is increase the size of the debt to Social Security, increase the size of the debt to the other 118 trust funds that we have, the largest being civil service, veterans, et cetera, and we decrease the amount of debt held by the public. There are some 20- and 30-year bills out here that would be very difficult to bid up and pay down so we are saying now you can only go so far in paying down the public debt.

Mr. Speaker, the question is what do we do with the extra surplus dollars coming out of the Federal Government. The danger is if we leave this money, if you will, on the counter, available for politicians to spend, the tendency is to spend that extra money.

Mr. Speaker, let me give one example of our trying, our effort. In 1997, with the caps on spending that we set in 1997 and we passed into law, passed by this House, passed by the Senate, signed by the President, that we were going to limit how much discretionary funding we spent over the next 5 years; if we had stuck to those spending caps through those years, that level of spending that is going to exist for the next 10 years that were talked about last night, that we talk about in the 10-year budget, that we talk about in the 10-year savings, if we had stuck to those caps that we set for ourselves instead of violating those caps, we would have spending over the next 10 years that is $1.7 trillion less than what we anticipate for spending because of the new spending levels and the giant increases in spending every year. That could double the tax cut.

One way to help make sure that Washington does not spend that money is to say look, let us set some of this money aside to do nothing except pay down part of that debt held by the public. So even though we borrow some money from Social Security and the other trust funds, at least we do not expand government spending, we use it to pay down the debt held by the public.

Mr. Speaker, the other way is to get some of that money out of town. You would do that by a tax reduction. So can we have the kind of tax reduction that is going to increase fairness, a kind of tax reduction that is going to stimulate the economy during this downswing or at least leveling off of the economy? The answer is absolutely, yes.

There are two ways that we can be significant in helping for this economic recovery in the short term. One is lowering interest rates. Alan Greenspan and the Feds can do that by issuing a rule on what the discount rate is for interest. That lowers interest for everybody.

The other way is government can start reducing the bidding up of available dollars. In other words, paying down the Federal debt to leave more money available for everybody else. So as you decrease the demand for that money, then interest rates are also going to tend to go down.

Let me show my colleagues this next chart. This is what has happened to the total public debt. The public debt is defined in law as the total debt, public debt, subject to the debt limit that includes what we are borrowing from the trust funds in addition to the Treasury paper, the Treasury notes that we are issuing.

As my colleagues see, we did very well from 1940 to about 1982. In 1982, the debt of this country just expanded by leaps and bounds. And how bad is going into public debt? The reason the debt was increased is because, politically, it is easier to increase borrowing than it is to go out and raise taxes.

So to expand government, a decision was made to increase borrowing. So we substantially increase the borrowing, making it tough for our kids and our grandkids because someday, somehow, somewhere, future generations are going to have to pay back this debt, whether it is an obligation to Social Security, whether it is an obligation to Medicare, or whether it is an obligation to the Treasury bills where government has borrowed money.

The next chart sort of starts relating to a particular interest of mine, and that is Social Security. What do we do about the problem of Social Security when the baby boomers retire. They start retiring 8 years from now, and they go out of the, if you will, the mode of paying in their FICA taxes to support Social Security; and they become recipients as they retire. Social Security is going to start, if you will, going broke, start having to have less dollars coming in in taxes than is needed to pay benefits.

It is estimated by Greenspan and others that the unfunded liability of Social Security right now is $9 trillion; that we would have to come up with $9 trillion today to put it in a savings account earning an interest rate of at least 2.2 percent to accommodate keeping our promise to future retirees.

So if we simply continue to borrow Social Security dollars and other trust fund dollars to pay down the debt held by the public, this represents the debt held by the public when the baby boomers retire, and we start needing that money to pay benefits again, then we substantially increase our borrowing to start paying back some of the money. So it is just a temporary downswing and then a giant increase in the debt that will be required if we continue to borrow money in the future.

Back to this chart. So if my colleagues can visualize, if my colleagues can visualize a projection of the increase in debt up till this year, what we are looking at if we borrow money from Social Security and write out an IOU and then pay back the debt, we would have a downswing. But then it would go dramatically upward to increase the debt of the country.

I am a farmer from Michigan. It has always been the tradition for farmers to try to pay off some of the mortgage, to pay it down so that their kids could have a little better chance. In this body, we are not doing our job. We are increasing the debt. We are increasing the obligation to our kids and our grandkids.

Then let me go over this last chart. The President last night suggested maybe some private investment. A lot of people have said, well, gosh, how can one talk about equity investments when the stock market is so volatile right now? What about the downswings?

This chart that I made up represents what has happened to stock investments in the last 100 years. Some downswings, definitely downswings, up, down, up, down, up, down. But with a long-term investment, there has never been a 12-year period where stocks did not have a positive return.

So if one is going to put some of that money into some kind of an equity investment, then the only way it is reasonable, is if one starts talking to younger workers of America, number one; number two, you say one can have the option. One can have some of this money if one puts it into an IRA type investment for one's retirement.

There is going to be limits on where one can invest that money. It is not going to be a situation where some snake-oil salesman can say, look, put your money with me, and then we will double with it. It is going to be limited investments, such as 401(k)s, such as the Thrift Savings accounts that Federal Government employees have. Probably there is also going to be an obligation that half of it or 40 percent or a certain amount goes into bonds or interest-bearing accounts. So only part of that investment can go into growth funds or equity investments.

I think the important thing to realize is the comparison of the average of 6.7 percent a year return on equities as compared to what you are going to get from Social Security. Right now, if one is an average Social Security recipient retiree, one is getting back 1.7 percent return on the money that one and one's employer paid into Social Security.

So then the logical question is, can we do better than a 1.7 percent return? The answer of course is, if one has checked one's CDs or checked most any savings account or checked the school loans that are tax free, there are a lot of ways that we can do much better than a 1.7 percent return that one is going to get from Social Security.

I have got a chart that I will show my colleagues a little bit later; that the average retiree starting next year is going to have to live 22 years after they retire simply to break even on the money that they have sent into Social Security. Social Security is not a good investment.

Ben Snyder is a page helping me put up these charts. Ben is from Northwestern Pennsylvania. We have a page program. Everybody should know and maybe start applying for a page job. It is very interesting. I think we have got about 80 total pages. They come during their junior year in high school, and they work like heck. They get up, I think, at 5:30 in the morning to accommodate both going to school and working as a page in the United States Congress.

□ 1330

This pie chart represents how we are now spending money. The largest piece of pie, if that is visible, roughly 20 percent, is what is being paid out in Social Security. Social Security is the largest Federal Government expenditure and it is growing. Medicare is growing faster. If we go ahead with prescription drug coverage to add to the cost of Medicare, then we are looking at a Medicare expense that could very easily equal the cost of Social Security within the next 50 years.

We argue in this Chamber a good part of the year over discretionary spending. There are 13 appropriation bills. Twelve of those appropriation bills represent 19 percent. The 13th appropriation bill is defense. Defense, by itself, represents 17 percent. In both cases that is still smaller than what is being paid out in Social Security.

So how do we fix the problem when we know eventually that we are going to run out of tax money coming in for Social Security? One possible recourse is to increase taxes on workers. One possibility is to reduce benefits. I do not think either one of those options is acceptable and should not even be considered.

When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to be sort of a part of a three-legged stool, where there would be private pensions, personal savings, plus Social Security. So instead of people going over the hill after the Great Depression to the poor house, the Congress passed a law saying, look, we are going to have forced savings and we are going to take some money out of taxpayers' paychecks while they are working to ensure that they have a little Social Security when they retire. That is the program that we have been operating under since 1934.

Right now, Social Security is a system stretched to its limits. There are 78 million baby boomers who begin retiring 7 years from now. They go out of the paying-in mode and into the recipient or taking-money-out-of-Social Security mode. Social Security spending exceeds tax revenues starting in 2015. Social Security trust funds go broke technically in 2037. We are going to have a new trustee's report soon, and that might even go up to 2040.

The question is, with all of this money, the $1.1 trillion so far, and by that year it will be another $4 trillion, how does government pay back this money? Maybe there are three options, maybe four: we can increase taxes again on workers or on the general public; we can cut other benefit programs or cut Social Security benefits; we can dramatically increase borrowing to put this country further in debt and put our kids and our grandkids at greater jeopardy and also risk economic development in this country with that kind of negative savings; we can start looking at a fix for the program now. And that is what we should be doing.

I was encouraged that President Clinton said, "Let us put Social Security first," but he did not come up with a bill. I was encouraged last night that this President said, "Let us give a priority to Social Security." But what I wonder and am concerned with regarding this commission is does that just put off the question into the future. I would hope we could move aggressively ahead.

We have Democrat Senators, like Senator Moynihan, Senator KERRY, Democrats in the House, like the gentleman from Texas (Mr. STENHOLM), and a lot of Republicans that have come up with proposals on how we can keep Social Security solvent. But, Mr. Speaker, here is what everybody should remember: that the longer we put off the decision on fixing Social Security, the more dramatic and drastic those changes are going to have to be. So the quicker we do it, the better. So let us move ahead. If it is a commission, hopefully we can move quickly.

Insolvency is certain. We know how many people there are, and we know when they are going to retire: 62, 65 and, in some cases, 67. We know that people will live longer in retirement.

I chaired the Social Security task force, a bipartisan task force, made up of Republicans and Democrats. We ended up, after hearing all of the testimony, agreeing on 18 different parts of the solution that both Republicans and Democrats could agree to. But on the part of living longer, I wanted to mention what some of the medical profession were suggesting in terms of our longevity, our long life-span. They suggest that within 20 to 25 years, anybody that wants to live to be 100 years old will have that option. Within 30 to 35 years, anybody that wants to live to be 120 years old could very well have that option.

What does that do to an individual's personal savings now? Is there going to be enough money in their savings accounts to accommodate any kind of a decent retirement if they are to live that extra 20 years or 30 years over the average today? And what is it going to do to programs that industry has that have guaranteed a fixed income on retirement? It is going to be tremendously expensive. What is it going to do to Social Security and Medicare? A tremendous imposition, a tremendous danger of asking American taxpayers to dig deeper into their pockets in the future to accommodate that growing senior population.

The last point. Taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075; $120 trillion more is going to be required over and above what is coming in from the payroll tax. One hundred twenty trillion dollars in the future dollars is the same way as expressing the current $9 trillion unfunded liability that we need today to put into an investment account to return at least a 2.2 percent interest rate to accommodate future retirees.

Here is part of the problem: there are fewer workers. It is a program that was designed in 1934 to be a pay-as-you-go program. Like a chain letter, it depended on expansion. It depended on more and more workers paying in part of their payroll tax to accommodate retirees. In 1940, for example, we had 38 workers paying in their Social Security tax for every retiree. In 1940, 38 workers paying in their Social Security tax for every retiree.

Today, it is down to three workers, working with that increased tax and paying in their Social Security tax to accommodate every one retiree. The estimate is that by 2025 there will be just two workers. Because people are living longer, because the birthrate went down substantially after the baby boomers, and the life-span is dramatically increasing, there are fewer workers. So we have fewer workers and more retirees, which makes it tough on those two guys left that are going to end up having to pay that kind of tax, especially if we do not start planning now for the long-term solvency of Social Security.

This represents the long-term solvency up until 1975. Because we increased taxes on Social Security substantially in 1983, the so-called Greenspan Commission in 1983 got together as a commission, what we are talking about now, and they decided to do two things: reduce benefits and increase taxes. They increased taxes so dramatically that there has been a huge surplus since that time coming in from Social Security taxes over and above what was needed for paying out benefits. And let us remind ourselves that it is a pay-as-you-go program. Most of that money comes in at the end of the month; and within the next week, most of the money is sent out in terms of paying benefits for existing retirees. So a huge imposition.

The red part of this chart represents the $120 trillion that Social Security is going to be short of paying benefits over and above what is coming in in Social Security taxes. So I should make my point, Mr. Speaker, and the point is let us not waste this short-term opportunity that we have to make some use of this money to start getting a better return on that money coming in.

There is no Social Security account with our name on it. I have made maybe between 200, 250 speeches around the United States and a lot of people think somehow that there is an entitlement there, that there is an account with their name on it which they are entitled to. This is a quote from the President's Office of Management and Budget and it says: "These trust fund balances are available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense. They are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures."

That is the problem. A lot of people, say, "Well, we have a trust fund that is going to take care of us until 2035, maybe 2040 when the trustee's report comes out. The question is where does the money come from? The money is gone. Over the last 40 years we have taken the extra Social Security surplus and spent it on other programs, which have almost become entitlements.

So it increases the size of government and perpetuates itself because on almost every new spending that is developed there now becomes an interest group, a special interest group, that starts doing everything they can to lobby Congress to continue that spending. And if we continue it the second year, then there is a feeling, well, we are entitled to it. So a strong public political pressure to continue that spending. That is one of the problems that we have seen in this country, is that government has continued to grow.

The public debt now, as I mentioned earlier, is $3.4 trillion. So what we hear is the suggestion that if we pay down this $3.4 trillion it will accommodate the $120 trillion over the next 75 years, or the $46.6 trillion over the next 55, 56 years. The fact is that that little block of money, or the interest savings, worse yet, the interest savings that we save from paying off this $3.4 trillion is going to somehow accommodate the shortfall that we are facing in Social Security.

Some have suggested economic growth will help take care of the Social Security problem. Not so. Because there is a direct relation between the wages we make and the taxes we pay in, in relation to the benefits we will ultimately receive, short-term economic growth and increased wages means that in the short run there is extra money coming into the Social Security Trust Fund; but in the long run, when eventually that person retires, their entitlement for benefits is going to be significantly larger. We increase benefits not based on inflation increases but based on wage inflation. So at some point it ends up catching up with us and simply costing more.

Let me just read through this chart. Social Security benefits are indexed to wage growth. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth makes the numbers look better currently now, but leaves a larger hole to fill later. And the administration has used these short-term advantages, I think, over the last 8 years, to do nothing. Very disappointing.

What I have decided, Mr. Speaker, I have decided that it is going to take the bully pulpit of the President; it is going to take that information going out to America so more and more people know the seriousness of the Social Security problem.

Medicare is also going broke, but right now we are talking about adding a prescription drug coverage to Medicare. There is no question a lot of people need that prescription drug benefit. But, again, it is like a cargo ship that is already overloaded that we know if we are not careful it is going to sink, and yet we are adding more cargo to that ship.

☐ 1345

I hope we are very, very careful in the way we design any kind of a prescription drug program or any kind of benefit expansion, whether it is Social Security or Medicare or any of the other benefits. We should not be allowed to do that in any way that simply says that we will borrow more money later or we will tax the younger generation later when we need it or we will pretend that we are going to cut other benefits. My guess is that we do not have the intestinal fortitude to cut Social Security benefits or Medicare benefits significantly or any other government expenditures to accommodate the need in the future.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. The Social Security trust fund contains nothing but IOUs and to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut 30 percent. That is just in the next 30 or 40 years.

Here is the average return on what you get on Social Security. Over the last 25 years, the average return on equities, for example, combined with some kind of investment in interest income, such as bonds or other securities, has been 6.7 percent over the last 100 years. It has been approximately 7 percent over the last 25 years. The real return of Social Security is less than 2 percent, or 1.7 percent for most workers, it shows a negative return for some, compared to over 7 percent for the market. Some minority groups and some people that are put in unhealthy environments in their working lives end up dying earlier, so they end up paying into Social Security but never getting anything back really. For example, a young black male, because their life expectancy is earlier than even when they start drawing benefits, is going to have a negative return on average for what they and their employer are putting into Social Security. The average again is 1.7 percent and the market for the last 25 years has given a return of 7 percent.

Even those who oppose PRAs, personal retirement accounts, agree that they offer more retirement security. This is a letter written by Senator BARBARA BOXER and DIANNE FEINSTEIN and Senator TED KENNEDY to then President Clinton. They said, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security."

What we did in 1934 is we left it an option to local government and to State government whether they wanted to participate in the Social Security program or whether they wanted to have their own payroll deduction with their own investments.

The U.S. trails other countries in terms of coming up with some programs that are owned by the worker, that they have control over.

Let me just point out, Mr. Speaker, that the Supreme Court on two decisions now has said that there is no entitlement to Social Security. Social Security is a tax on one hand that Congress has passed and the President has signed and the benefit package is simply another benefit package that is not related and otherwise no obligation on the part of government. So government can change any time they want to. When we ran into problems in 1977, when we ran into problems in 1983, in both of those situations government made the decision to lower benefits and increase taxes. I see that as a danger but I see it as a plus if we can have a personal retirement savings account that is in the control of the individual where politicians cannot, if you will, mess around with them in future years.

I see an absolute in our Social Security Task Force that I chaired. We had different vendors come in suggesting that they could guarantee a return much higher than the 1.7 percent that Social Security has, a guaranteed return with part of the investment in equities. With that guarantee you have a little less risk but like in our thrift savings account for the Federal Government, our thrift savings account gives individual Federal employees the option of putting some of the money in index stocks or index bonds or Treasury paper. And so you have some choice but it is limited to more safe investments. If we have a Social Security account, I visualize that as having similar characteristics where you would have a limit on where you could invest that money and a requirement that a certain percentage go into securities that would be interest-bearing and absolute. Look at what can be paid at your local bank on a CD or a government savings bond or any kind of investments that are available out there and very secure in terms of interest, none of which are as low as the 1.7 percent.

This just says that in the 18 years since Chile offered the PRAs, 95 percent of the Chilean workers have created accounts. They have their own passbook. Their average rate of return has been 11.3 percent a year. British workers chose PRAs with 10 percent returns. I was over in Europe representing what our country's public pension program was, and I was surprised to learn that so many countries around the world are so much further ahead in the private investments that give a much greater retirement benefit package than our current Social Security plan does in this country.

For this chart we came up with a dollar amount of $58,475. If the total family income were this $58,000, the return on a PRA is even better. We broke it down into 20 years, 30 years and 40 years, with a decision of whether or not to invest 2 percent of the money, 6 percent of the money or 10 percent of the money. You can see if you go all the way on purple, invest it in a working career for 40 years, you end up putting 10 percent of your money in for 40 years, it ends up being $1,389,000. This is the magic of compound interest. It is another demonstration that you cannot just go in and out of the market. It has got to be more of a long term.

There has never been any period in American history, even around the greatest recession and depression, any 15-year period anyplace you want to put it on the map that has not shown a positive return in equities. For example, if you have 40 percent of your money in investment accounts and not more than 60 percent in equities and you left that money in for 35 years, guess how bad the market would have to drop for you to be worse off than Social Security. The stock market would have to drop 100 percent. That is, of course, never going to happen. It is never going to go to zero. That is because even the 40 percent that are in investment funds are going to end up giving you more than you are going to end up with Social Security.

This is my legislation for Social Security, and I am just going to briefly go through the highlights of the bill. When I first came to Congress in 1993, I wrote my first Social Security bill. I have written three Social Security bills now in each of the last three sessions. They have all been scored to keep Social Security solvent. I have spent a lot of time because I think it is a very, very important program, and I think the consequences of doing nothing, of continuing to put this off, are going to tremendously jeopardize future retirees and going to put a huge burden on future workers. The bill that I introduced, the Solvency Act for 2000, allows workers to invest a portion of their Social Security taxes in their own personal retirement savings account, the PRSAs that start at 2.5 percent of wages and gradually over the next 50 years increase that amount. We do not touch, nor does any proposal that has been introduced in Congress, touch any part of Social Security that is designed as an insurance program for disability and survivors. Nobody is talking about doing anything with that program. That would continue totally to be a Federal Government program to ensure against disability on the job and the need of survivors if something happened to that particular worker.

My bill does not increase taxes. It repeals the Social Security earnings test for someone 62 years old. It gives workers the choice to retire as early as 59½ years old, and as late as 70. In my proposal, which interestingly I use the word actuarially sound, it does not cost any more to tell a person, Look, if you want to put off your benefits after age 65, we will increase future benefits 8 percent a year in what you otherwise would have gotten from Social Security for every year that you put off retiring. If you wanted to put off the whole 5 years, you could have a 40 percent increase in benefits. It is actuarially balanced simply because your life expectancy, some people might die at 69 or 70, on the average it is not going to cost any more if we allow people to put off their retirement. More and more seniors are in good health and are willing to continue working and that should be a flexible program of choice that is available.

My bill that I introduced this last session takes a portion of the on-budget surplus over the next 10 years. It takes $800 billion over and above the Social Security surplus. So we go into the, if you will, on-budget surplus, some of the surplus that we are talking about. Remember now, this is a pay-as-you-go program. The money comes in, most of it goes out by the end of the week that it comes in, so how do you change that to allow some real investments, some personal investments?

That is the cost of transition. To accommodate that cost of transition, to put the money in accounts that are going to give a better return than Social Security does by far, then you need some extra money. Part of that is going to be the Social Security surplus money, but in addition, it is going to take money from the general fund surplus.

So when you hear Washington talk about paying down the debt in the next 10 years, again the debt they are talking about is not the total debt. The debt they are talking about is the Treasury bills, the Treasury paper debt. Here again, the only way that is going to be paid down is if you take the Social Security surplus dollars, write an IOU and use that money to pay down the other debt. By definition, that means that if you are using that money to pay down the Treasury bill debt, you are not using that money to accommodate a transition so that we can have a Social Security program that is going to be solved forever.

I resist and I urge my colleagues and the White House to not suggest that we are going to pay down the debt held by the public over the next 10 years, because by definition that means that we are not going to solve Social Security.

My bill uses the capital market investment to increase the Social Security rate of return, and it is interesting, when I wrote this it was 1.8 percent, today it is 1.7 percent, that workers are now receiving from Social Security. Over time, PRSAs grow and the Social Security fixed benefit is reduced. It indexes future benefit increases to the cost of living increases instead of wage growth. Future benefits would be indexed and increased to a COLA that represents inflation rather than the higher increase due to inflation. That goes a long way in solving the problem.

This is another way of representing that Social Security is a bad investment. To get back what you and your employer put in, or what you put in if you are a private business, in 1940 you had to stay alive 2 months after you retired to get everything back you had put in. By 1960, you had to stay alive 2 years to get everything back. Today when you retire, you have to live 23 years after you retire to break even getting the money back that you and your employer put into Social Security. Not a good investment. We can do better.

This represents what this government has done on tax increases when we have gotten into trouble, Mr. Speaker, in past years. In 1940, the Social Security rate was 2 percent. The employer paid 1 percent, the employee paid 1 percent on the first $3,000. The maximum payment for both employee and employer was $60. In 1960, we raised the rate to 6 percent. We raised the base to $4,800 for a maximum payment, employer and employee, of $288. In 1980, we jumped it to 10.16 percent of the first $26,000. And, of course, after the 1983 changes, we are up to 12.4 percent on the first $78,000. That is about a $10,000 a year payment going into Social Security. The danger is, is what is going to happen in this line and in this line if we do not do anything to fix Social Security and if we put it off, then the likelihood is, is that we are going to put the imposition of more taxes on the American worker to accommodate those existing retirees.

With those tax increases, here is the situation that we have found ourselves in. Now 78 percent of families pay more in the payroll tax than they do in the income tax.

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So part of the discussion on a tax cut, how do we accommodate a break for those individuals that pay more in the FICA tax, the payroll withholding tax, than they do in the income tax? My suggestion is that we tell these workers that if they want, it is their choice, but if they want, they can take a part of their Social Security tax and invest it in an IRA, to ultimately increase their retirement benefits.

So I would like to see that part of this tax package that starts that opportunity with the limitation on safe investments, with a requirement that a certain amount go into interest-bearing accounts.

There are six principles of saving Social Security: Protect current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off; and create a fully funded system; and no tax increases.

Again, if I come back to my concern of the danger of increasing spending and almost demanding that this body is faced with the kind of lobbyists and special interest pressure to continue that expanded spending, expanding the spending of the Federal Government is the greatest negative, the greatest potential to making our economy worse, than almost anything else we can do.

When we talk about this tax increase, we talk about a situation where this tax increase does not even offset the projected 1993 tax increase. The tax reduction, the tax cut, that President Bush is talking about that our Committee on Ways and Means is taking up tomorrow does not offset those past tax increases.

I think the question we should ask ourselves is, how high should taxes be in the United States? How high should taxes be? And then when we make that decision, we say, look, we do not want them too high. That is going to discourage entrepreneurs. It is going to discourage somebody from going out and getting a second job if they want to do better for their family because government takes more and more of it away. Then after we set that limit, let us discipline ourselves to set priorities on how to spend that amount of money.

There is an unlimited need. We are going to hear Republicans and Democrats suggest that we should not have tax cuts because there are all those needs out there for more government spending. I think this is dangerous. I think we should not let ourselves fall into the trap of trying to fix every problem there is from Washington and simply asking all taxpayers to pay a greater tax on what they might earn.

How would Members react, Mr. Speaker, if they were thinking of starting a new business that would employ workers and give them a good salary if government told them if they are a success we are going to take half of the money that they make and if they fail then tough luck, they do not have any money to send their kids to piano lessons and do not have the money to have a decent vacation? If we increase taxes too high, it is a negative on the economy. If we let the debt grow too much, then it becomes the kind of negative savings that we are seeing in this country.

By the way, this country has a lower savings rate than any other industrial country in the world.

Finishing up, personal retirement accounts, they do not come out of Social Security. They would simply come out of the additional funds that are now coming into government, the so-called surplus. They become part of Social Security retirement benefits. A worker will own his or her own retirement account and it is limited to safe investments that will earn more than the 1.7 percent that we now see as an average return coming back in.

Social Security personal retirement accounts offer more retirement security. For example, if John Doe makes $36,000 a year, in Social Security he can expect $1,280 a month in a personal retirement account compared to what has happened in the last 100 years with no more than 60 percent in equities. He would have $6,514 per month retirement from his PRAs. As I mentioned, States and local governments had the option of going into the Social Security program or doing their own investments. Galveston County, Texas, decided they wanted to do their own investment so they are not paying into Social Security.

Just a comparison in Galveston, death benefits $253 in Social Security, $7,500 under the Galveston plan. Social Security benefits for disability, $1,280; Galveston plan, $2,749. Social Security payments $1,280 a month compared to the Galveston plan now paying $4,790 a month.

I just simply demonstrate this to say that we can do better than the 1.7 percent return we are now getting on Social Security. San Diego did the same thing.

Mr. Speaker, I would conclude by urging this body to hold the limit on spending. Again, we have tried to set caps on spending. We did that last in 1997 with the 1997 caps on spending. If we would have had the discipline to hold down spending, to do what we said we were going to do when we passed those 1997 caps, the baseline, what is projected for increased spending over the years, that is roughly inflation plus 1 percent, the projected spending if we would have stuck with those caps that we set for ourselves, would be $1.7 trillion less than is now projected under the new baseline. So we could have doubled the tax cut.

So the danger and the question is, how do we keep government from continuing to grow at the rate that it has been growing? How do we make sure we pay down the total debt of this country, including the debt that is owed to the trust funds, Social Security, Medicare and the other trust funds, to make sure we keep Medicare and Social Security solvent? It is a huge challenge.

Mr. Speaker, I appreciate the time; and I urge the President, I urge my colleagues, to move aggressively to solving Social Security and developing ways that we can discipline ourselves. A lot of this has to come from the White House. Discipline the Federal Government from continuing to increase spending like we have in the past.

PRINTING OF A REVISED EDITION OF "BLACK AMERICANS IN CONGRESS, 1870–1989"

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOYER. Mr. Speaker, this is the last day of Black History Month, a vital commemoration that we celebrate in our Nation each February. I have had the privilege of hosting for 20 years, every year that I have been in Congress, a black history breakfast in my district, to which I have invited extraordinary speakers over the years, including our colleagues, the gentleman from Georgia (Mr. LEWIS), the gentleman from Illinois (Mr. JACKSON); as well as his father; and many other distinguished African Americans and Members of this House.

At the outset, because she has a committee meeting to attend, I would like to yield to one of our newer colleagues but who is not new to the struggle for civil rights in this country and in her city. She is also a leader in her city as a prosecutor and as a judge. It gives me a great deal of pleasure to yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding.

Mr. Speaker, I have to say that in the time that I have been in Congress, although 2 years and 60 days, the gentleman from Maryland (Mr. HOYER) has been one of my finest friends and has given me great instruction and guidance; but I want to be invited to be the speaker at the Black History Month breakfast next year.

Mr. HOYER. I hear the gentlewoman.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the resolution to reprint the book called Black Americans in Congress; and I thank my colleague, the gentleman from Maryland (Mr. HOYER), and my colleague, the gentleman from Ohio (Mr. NEY), for their insight and vision to do such a thing.

I rise today to honor the contributions of black Americans in the Congress of the United States. In our collective history, the period of 1865 to 1877 marked reconstruction. The first African-American Member of Congress, Senator Hiram Rhodes Revels from Mississippi, Republican, served in 1870 in the 41st Congress.

Senator Revels was also the first black Member of Congress and the first black Member from Mississippi. Senator Revels began an illustrious tradition that has continued through this day. The History of Blacks in Congress was last published in 1989. It is now time to update this volume to reflect the work of individual Members of Congress, as well as the collective work of the Congressional Black Caucus over the past 12 years.

In the 212 years of congressional history, African-American Members of Congress have shown that effective African-American leadership is more than simple expressiveness. It must deliver substance by opening up opportunities for the poor and powerless. It must enhance race relations but also hold accountable any group or individual that may seek to disenfranchise people of color.

Hiram Revels and other 19th and 20th century black Members of Congress worked to ensure that representation of African Americans through the franchise, voting rights. At this point in our history, it is highly significant that we must continue to examine the systematic disenfranchisement of voters, most recently during the 2000 elections.

Most African Americans who aspire to leadership in the post-civil rights era will understand what makes a difference in people's lives: Homes and safe neighborhoods, schools that teach our children, businesses that support economic growth and jobs in our communities, faith and community institutions. These matters are at the heart of much of the work of the Members of Congress, both black and white. But until our society prioritizes fairness, economic stability, health care, security for seniors, and education, advocacy on behalf of the poor and powerless need continue. African-American Members of Congress will continue to strongly advocate to ensure that our society evolves into a more perfect union.

Again, I am so happy to join my colleague, the gentleman from Maryland (Mr. HOYER), and my other colleagues as we push to reprint Black Americans in Congress. This time maybe I will get printed in the program since I have managed to make it here, and am blessed to be here.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. JONES) for her remarks. She is impossible not to include, Mr. Speaker. She is effervescent, ever-present and ever-ready; and we thank her for her participation.

Mr. Speaker, I mentioned that today is the last day of Black History Month. It is appropriate that we look back on this history and we look back with our eyes wide open at the injustices committed on American soil. The stain on our history deserves no defense because it is simply indefensible, but let us take this opportunity today to look back and learn from those who led our Nation out of darkness through the strength of character, through the unbreakable human spirit, through the unending quest for freedom and human dignity and in the words of that great national anthem, "facing the rising sun of their new day begun, let us march until victory is won."

The inspiring lives of our colleagues teach rich lessons for all of us. The inspiring lives of great African Americans do so as well: George Washington Carver; Frederick Douglas; Sojourner Truth; Harriet Tubman; W.E.B. DuBois; Thurgood Marshall, from my own State; Jackie Robinson; Dr. Martin Luther King, Jr.; and Shirley Chisholm, who served with such high distinction in this House. Mr. Speaker, that list of great African Americans could go on and on; and that list is continually growing.

If we take a look around this very body, Mr. Speaker, we will see a new generation of African-American leaders who serve the American people so ably, so proudly. It is important that we recognize their contributions and their service to the people of America.

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It is important that we capture the rich lessons of their lives which inspire generations yet to come, not just of young African-Americans who will see them as role models, but young Americans and young people throughout the world who will see them as courageous human beings who have overcome great adversity, racism, in many instances, economic deprivation, cultural deprivation.

Some, have come from advantaged homes, but they have not forgotten that there is a struggle that continues.

To that end, Mr. Speaker, I have joined more than 40 of our colleagues in introducing a bipartisan concurrent resolution for the printing of a revised edition of the House document entitled "Black Americans in Congress, 1870 to 1989." I introduced this because in the last 10 years now we have had many distinguished African-Americans join our ranks. I and my cosponsors want to make sure that they are remembered.

The latest edition of this work, published in 1990, contains biographies, photographs, and other important historical information about the 66 distinguished African-Americans who had served in either Chamber of Congress as of January 23, 1990. Since that time, an additional 40 distinguished African-Americans have served or are now serving.

As we celebrate Black History Month, therefore, I encourage my colleagues to support this important resolution, which directs the Library of Congress to revise and update this volume. It will be a tremendously important resource for Members, scholars, students, and others.

To appreciate history, we must recognize where we have been and how far we have come. When the Voting Rights Act was signed into law by President Johnson in 1965, there were five African-Americans in Congress. Today there are 38, nearly eight times that number. Progress? Yes. But our work is far from finished. We cannot, rest on our laurels or that accomplishment. That, Mr. Speaker, as all of us in America know, became painfully clear during last November's national election.

Yesterday I participated in an important hearing on election reform convened by the Members of the Congressional Black Caucus. It is undeniable that the election problems and irregularities that arose not just in Florida, where we focused, but all across this land, contain a profound civil rights dimension.

It is a basic right of American citizenship to have the opportunity to vote. It is a fundamental responsibility of our democracy that we ensure that their everyone's vote is properly counted. In Atlanta's Fulton County, which uses punch card machines similar to those that gained so much notoriety in Florida, one in every 16 ballots for President was invalidated. In Cobb and Gwinnett Counties, two largely white neighboring counties that use more modern optical-scan equipment, the nullification rate was one in 200. Think of it. In the inner city, one in 16 ballots was thrown out. In the more affluent suburbs, which could afford better technology, only one in 200. What a stark contrast that is a 1,250 percent difference.

That is not acceptable in America, it is not acceptable in any democracy. In many Chicago precincts populated by African-Americans, one in every six ballots was thrown out. In contrast, neighboring DeKalb and Henry Counties, which are mostly white and use optical scan equipment had a spoilage rate of only three-tenths of a percent, one in six versus three-tenths in 100.

It is painfully clear today, Mr. Speaker, nearly 36 years to the day after the famous bloody Sunday civil rights march in Selma, Alabama, an event that awakened the Nation to rank injustice and led to enactment of the Voting Rights Act, that our work is not finished. Far from it. Those brave foot soldiers of the civil rights movement, including our beloved colleague, the gentleman from Georgia (Mr. LEWIS), marched in Selma and across our Nation for the most basic right in a democracy, fought for the right to vote.

Mr. Speaker, I will be marching across the Edmond Pettis Bridge on Sunday. I will be marching across that bridge with the gentleman from Georgia (Mr. LEWIS) and many others to commemorate that historic march which directly led just a few months later to the passage and enactment and signing by President Lyndon Johnson of the Voting Rights Act.

The right to vote alone is simply not enough. Even in a Nation as great as ours, we must redouble our effort to ensure that every single vote is counted, and that the integrity of our election system is never threatened.

It is startling, Mr. Speaker, that women were not able to vote in this country until the 1920s. African-Americans could not vote, not because legally they could not, but because they actually were discouraged. They were not empowered by being encouraged to register to vote. They were instead given literacy tests and other devices were used to preclude them from exercising what the 13th, 14th, and 15th Amendments said was rightfully theirs as citizens of this country.

As we conclude Black History Month, as many of us prepare, as I said, to join the gentleman from Georgia (Mr. LEWIS) and others this weekend in a pilgrimage to the historic civil rights sites in Montgomery, Birmingham, and Selma, let us redouble our commitment to the spirit and righteousness of that historic Voting Rights Act and say, never again, never again will we accept an election system that fails to count every vote.

As Frederick Douglass, the abolitionist and journalist who escaped from slavery, said so many years ago, "The whole history of the progress of human liberty shows that all concessions yet made to august claims have been born of earnest struggle. If there is no struggle, there is no progress."

When we join the earnest struggle for human liberty, then and only then, Mr. Speaker, will we have learned the rich lessons that Black History Month helps us to teach. Then and only then will we honor the extraordinary Americans, African Americans, but Americans, committed to their country, chosen by their neighbors to serve in this Congress who have enriched this institution, enriched their fellow African Americans, and enriched this Nation by their service.

Mr. Speaker, I am pleased in this special order to urge every one of my colleagues to support this resolution to reprint this fine publication to ensure that even the newest Members of this Congress who are African Americans are included in it, so that everybody in America can know of their background, of their service, and of their commitment.

Mr. Speaker, I am pleased to yield to the gentleman from Missouri (Mr. CLAY), a distinguished former member of the Missouri Senate, the son of a distinguished former member of this body, William Clay, who chaired the Committee on Education and Labor for a number of years, who was a giant in speaking out for the education of every American child, white or black, yellow, brown, or red.

The gentleman's father is, I know, extraordinarily proud of his son, who has been selected by his Missouri neighbors to represent them here. No father can send a son here; only the citizens can do that.

I am pleased now to yield to the gentleman from Missouri (Mr. CLAY), the son of a great American, a great American himself, and the president of the House freshman class for the year 2000.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is appropriate that I rise on this, the last day of Black History Month, to urge my colleagues to support passage of House Concurrent Resolution 43.

I also want to thank my distinguished colleague, the gentleman from Maryland (Mr. HOYER), for scheduling this special order and allowing us this opportunity to speak on the measure.

As the gentleman from Maryland (Mr. HOYER) mentioned earlier, I am a second generation African American Member of this body. I am only the second African American to succeed a parent in this body, with the gentleman from Tennessee (Mr. FORD) being the first.

We were proud to follow in our parents' footsteps, and with both his father and my father being founding members of the Congressional Black Caucus, that adds a certain significance, also.

House Concurrent Resolution 43 calls on the Library of Congress to update and reprint the historic publication, "Black Americans in Congress, 1870 to 1989." I urge all of my colleagues to support this effort. Black Americans in Congress is an important historical document for all Americans. It brings together the stories of men and women of color who, through their own determination and commitment, overcame incredible barriers to serve this Nation with distinction as Members of Congress. The collective stories are a record of achievement that we can all be proud of.

It has been more than a decade since this collection was last issued, and during that time many more distinguished African Americans have stepped forward to serve their Nation as Congressmen and Congresswomen. Their stories of success in public service deserve to be told, as well.

I encourage all of my colleagues in the House to support and pass this resolution.

Mr. HOYER. I thank the gentleman for his comments, and contributions. He and the gentleman from Tennessee (Mr. FORD) have two fathers who are very, very proud, and I know mothers, as well, proud of their sons who are serving so ably and following their fathers' footsteps so appropriately. I thank the gentleman for his comments.

Mr. Speaker, I said earlier that on Sunday I would be marching across the Edmond Pettis Bridge. One of the people that I am sure will be walking with us is a great fighter for civil rights who was there during the darkest days, most difficult days of the struggle for, as Martin Luther King, Jr., said, America to live out its promise. He represents Birmingham, the city of Bull Connor, one of the examples of how hate and racism can inflict a community like a cancer. The gentleman was perhaps not as famous, but a giant himself of the civil rights movement.

I am very proud to yield to my friend, the gentleman from Alabama (Mr. HILLIARD), formerly a member of the Alabama Senate and chairman of one of its most important committees.

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Mr. HILLIARD. Mr. Speaker, history is very important, not only for the sake of knowing of the past, but being able to look at the past in terms of the future and the present and interpret history and perhaps see the resemblance and correct the things of the past, so that in the present we will not make those same mistakes.

It is very important that we have documentation that explained the facts, that explained the order of being during a particular time. It is very important that information be gathered and be cataloged and be published, so that in the future, people will be able to reflect back in a written manner and ascertain facts of the past.

Mr. Speaker, I speak because I am one of those who have an appreciation of history. Unless we make sure that our history is accurate, that the record is clear, concise and in a form that can be interpreted, digested and related to the future, we will never be able to have accurate representation of the past, and we will never be able to correct problems of the past, so that those mistakes will not be made in the present, nor in the future.

Bloody Sunday in Selma, Alabama was one of those historical events in Alabama that changed this Nation, that called for laws in the State of Alabama and in the United States Congress to be changed. So it is always important that an accurate representation be made on Bloody Sunday.

It is also important that an accurate representation of the history of those who serve in the United States Congress be documented for the present and for the future.

Mr. Speaker, as a student of history, I ask that all Members concur and support the gentleman from Maryland (Mr. HOYER) and what the gentleman is seeking to do.

This has been done in the past, and it was good. It must be done in the present, so that we may continue the goodness of the past so that it will be available in the future.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Alabama (Mr. HILLIARD) for his contribution, not just to speak on this resolution, but his contribution over at least three, possibly four decades of service to his State, to his community and to our Nation. I thank the gentleman from Alabama.

Mr. Speaker, I am pleased to yield to the gentleman from New York (Mr. MEEKS), my friend, one of our newer Members, but one of our most able Members.

Mr. MEEKS of New York. Mr. Speaker, this month, as we celebrate the achievements of African Americans to our great country, I find this resolution most appropriate to recognize the hard work of African American legislators and the world's greatest legislative body, the United States Congress.

As we do today, African Americans have always been the conscience of the Congress, fighting for people and communities that have traditionally had no voice in these hallowed halls, championing for the protection of civil rights of all people.

This book will give a historic illustration of the tireless work black Members of Congress made during the post-Civil War era to the last decade in the 20th century, arguably the most crucial period in our country's history.

Mr. Speaker, I stand here today as a proud Member of Congress, because of the work of black pioneers who served in this body at the turn of the century through the civil rights movement and right on up to today.

Mr. Speaker, I know from looking at the first edition of the book that I stand here as only the 98th Member of Congress who happens to be of African descent. And I know that that first edition sits on my coffee table at home and there a number of young people that pick it up and look at it and begin to ask questions about the people that are contained in there and read the contributions that they have made to this great Nation.

Indeed, I know of some teachers who utilize this book as part of their curriculum, not just in February, but throughout the year in teaching all children, no matter what color they may be, about the accomplishments of those who serve in these hallowed halls and the contributions that they have made to these United States.

Mr. Speaker, for sure we have come a long way, and Members who happen to be of African descent that is in this body have helped make this Nation great and greater than it would have been had they been excluded from this body.

So I want to thank the gentleman from Maryland (Mr. HOYER), my good friend, for introducing this timely resolution. As Black History Month comes to its conclusion, let us all celebrate the achievements of black Members of Congress by updating the work of African American Members of Congress from 1989 until today.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York (Mr. MEEKS) for his contribution. And the gentleman is correct, the history of this institution would not be nearly as rich, as important as it is without the contribution of Americans of African descent. Mr. Speaker, I thank him for his contribution.

Mr. Speaker, I am pleased to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a distinguished representative of a great State. She is the Chair of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on behalf of this publication. Every month, and this happens to be the last day of that month, we have Black History Month. We have that because much of the history of black Americans was not recorded and intertwined with history making.

Often, we do not know our own history until we can get some publication where someone wrote something down about what was going on.

All too often, we find the absence of anything that sometimes we accomplish unless it is breaking the law. Our young people need role models. They need to know opportunities are really available. When they can see a publication like this, then often it gives them that inspiration to feel that it is possible for them, too. That is why I think that it is very worthy of having it printed and updated now.

Classrooms at every level can utilize something of this sort, and it is not because we think we are that special. It is because there are so many young black Americans that do not even know today that many of us serve in Congress and do not know what we do.

It is very moving to walk into a classroom and students just want to touch you, because they think that where you have gone and what you have achieved is untouchable until you can say to them, it is touchable. It is touchable because the people that are featured in this book helped to make that possible.

And the next one that comes out, it will be those people that helped to bring us to the next level. It is important, and it makes for a more positive attitude with our young people for them to work toward a most successful and productive future.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her contribution. I want to join her in saying that it was not any individual Member of this Congress of African American descent seeking to have a new book published with his picture. It was a thought, as the gentleman from New York (Mr. MEEKS) mentioned and the gentlewoman has mentioned, that we have millions of young people around this country who are not sure of what the opportunities are. And knowing that there have been trailblazers who have done that and been there will give them a confidence that they, too, can seek opportunity and success in any place in America.

Mr. Speaker, I am pleased to yield to the gentleman from Maryland (Mr. CUMMINGS), my very close friend, who is the Vice Chair of the Congressional Black Caucus and a great leader of this Congress.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for yielding to me, and I want to thank him for his leadership and sponsorship, and I join the gentleman in sponsoring this legislation and on speaking on it today.

As I listened to the gentleman and then I saw the gentleman from South Carolina (Mr. CLYBURN) walk into this Chamber, I could not help but think about my great grandfather.

The only thing I have from him is to see his grave. I have never seen a picture of him. I have never seen anything written about him, nothing.

I think it is so important that our young people be connected with their past. It is so very, very, very important. This is the kind of effort that does that.

As the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) talked about it, there is something about a child seeing someone who looks like them and saying that here is an African American woman, she is a Congresswoman, and I can be one, too.

Mr. Speaker, I remember when I was a little boy, I mean being a Congressman was just off limits. I just did not even think about it, but I will tell my colleagues one thing, if someone had presented a book like this to me and I could see people who were doing it in my space and in my time, it certainly would have been a major force in helping me to get to where I have gotten to today.

Mr. Speaker, I applaud this effort. I think it is very important that we document our history. During this month, African American History Month, so often what happens is that we set aside this month for African American history, but as I have often said, everyday, 365 days a year, we should not only celebrate the history of African Americans, but celebrate the history of this wonderful country and how all of us have come together to work together.

Mr. Speaker, I think a document such as this not only helps African American children, but guess what, it helps white children, Hispanics and others, too, because then they get a chance to see that their classmates and the foreparents of their classmates made a tremendous contribution to their society.

My daughter was in a class once and she was telling me how a number of the white children just could not believe that her father was in Congress, could not believe it. But I think documents like this remind all of us of the power of the determination, the power of working hard, the power that people can have to attain high heights.

I have often said, and we have said it many times in our State of Maryland, our children are the living messages we send to a future we may never see. When we send a message through a book like this one, it is a powerful message, because someone once said that what a book does is it memorializes a time and a space. It memorializes it, so when we are dead and gone, this document will still be here, lifting up the lives and encouraging people to go forth.

I applaud my good friend, the gentleman from Maryland (Mr. HOYER), with regard to "Black Americans in Congress" and seeing that it will now be extended from 1870 straight on up to the present time.

I think it is a wonderful effort, and I think we all ought to applaud ourselves for sending that wonderful, powerful message to our future.

Mr. HOYER. Mr. Speaker, the gentleman from Maryland (Mr. CUMMINGS) is one of the most eloquent Members we have in this body. When he was in the Maryland General Assembly, he was the Speaker Pro Tempore of our House of Delegates, the second highest leader in our House. The gentleman did an extraordinary job there. He is doing an extraordinary job here, and I thank him for his contribution.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN), the immediate past Chair of the Congressional Black Caucus, whom I have known for almost 40 years. He and I started out in the Young Democrats together. We have gone through a lot of history ourselves.

He came to this Congress several years ago. He is a colleague on the Committee on Appropriations, a real leader on the steering committee, the managing committee of our party. He has done an extraordinary job in leading the Congressional Black Caucus and an extraordinary job in serving South Carolina and America.

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Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) very much for yielding me the time. I thank him so much for his leadership, not just on this issue, but his leadership here in the Congress on so many issues. Also, I want to thank the gentleman for our long-time friendship. The gentleman is right. I started adding up the years in my head. I hate to think of it, but the gentleman is probably close to it.

Mr. HOYER. Stop doing that.

Mr. CLYBURN. But, Mr. Speaker, I thank the gentleman from Maryland so much for his friendship over the years, and I appreciate being a part of this special order to speak on this very special issue.

As the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), our chair in the Congressional Black Caucus, stated so eloquently, one of the reasons to me, the main reason for this document, which I think was first published in the 101st Congress, and of course I came here in the 103rd, is in order to give young people most especially in our country a fuller understanding of the broad history of this great Nation.

I have always maintained, as so many others, that Black History Month is a time for us in this country to focus attention in an affirmative way on what some of the issues are today that have come to pass because of our passive resistance in so many areas in years gone by.

As I go around my district during this month, I like to remind the students that I talk to. I go to public schools and private schools. In fact, I have gone to participating in a Black History Month program in a private academy in my district with only one black student. But I accepted the invitation, because I wanted to be there to talk to those students, irrespective of skin color, about what this month really means.

In this country, we tend sometimes when we know that there is an issue that needs to be addressed, we tend not to take the giant step. We want to creep and then crawl, then walk and run.

We started out, when I was a kid, we had Black History Week, the week that embraced both the birthdays of Abraham Lincoln and Frederick Douglass.

that was set aside every year for us to focus attention on the contribution of African Americans. That was done because our textbooks in those times were completely devoid of any mention of African Americans, irrespective of what field they may have made their contributions in.

So in 1976, I believe, under the direction of, first, former President Gerald Ford I think, and then followed in action by maybe executive order by Jimmy Carter when he became President, we moved it to Black History Month.

So we have gone from one week now to a month. I believe that, in the not too distant future, we will eliminate whatever reasons we have for setting aside this month, because I think that we will slowly but surely get to a point where we are going to bring into our textbooks all of the contributions of African Americans in whatever field of endeavor.

I think now, though, we are here to talk about updating this book that really discusses the history of African Americans' service in this great body. I believe it is important for us to understand that this is to offer an opportunity for everybody, red and yellow, black and white, to get a better understanding of their history and a better understanding of all of the people who are citizens of our great Nation what contributions they may have made to the development of this Nation.

Because in so many instances, I am actually surprised when I go to these schools the number of young students, black and white, who are just unaware of this rich history and the kind of respect that can be developed for each other when we have a better understanding that all of us have a rich history in this country and all of us, irrespective of background, race, gender, hair texture or which side of town one may have been born on, all of us have made significant contributions that the entire country celebrates this month and celebrates the year round.

I am going to use an example of what happened in the school I was in the other day to underscore this point. I said to the students that I talked to, I said, you know, when I was a child, I remember the most dreaded disease known to us children at that time was the disease of polio. We used to really live in fear of it. I remember one would come home from school with a headache, my mother feeling that may have been the first sign of polio. Polio visited my neighborhood twice, leaving one of my playmates dead and another one crippled for life.

But along came two people, Jonas Salk and Albert Sabin, whose great work, great study and contributions have virtually eliminated polio from the face of the earth.

Well, at the same time, there were soldiers dying on battlefields all over the world, not because of the wounds they were receiving, but they were dying because of a loss of blood. Along came a guy named Charles Drew who saw that life did not have to end this way. Because of his hard work and his study, he came up with a method by which we can refrigerate blood and save it until we need it.

So I tell students these two stories to let them know that it does not matter to me that Jonas Salk and Albert Sabin happen to have been born white, nor should it matter to anybody else that Charles Drew happened to be born black. What matters to all of us is these three men made contributions so that all of us can have better lives, better quality of life today.

When these things are put in our books so that our students can see that people of various backgrounds, various skin colors did in fact make significant contributions, there is a higher level of respect they will have one for the other.

They will learn to treat that student sitting next to him or her irrespective of what the gender or color they may be with a new level of honor because they will know that that could very well be another leader in the political world, in the government affairs, in science, in whatever field of endeavor they may undertake.

So I want to thank the gentleman from Maryland (Mr. HOYER) for bringing this resolution so that we can update this book, because I think that, when one looks at some of the men and women who have been elected to this august body since it was last published in 1989, it behooves all of us to make them familiar to all of our students so those students can get a better level of respect for this body and for the men and women serving in it.

So I thank the gentleman from Maryland (Mr. HOYER) for letting me be a part of this special order. I hope that the entire Congress will see that the wisdom of going forward with this resolution, funding it, so we can get it out to all of our libraries and our schools, these men and women who make significant contributions day in and day out to the governmental affairs of our great Nation.

Hopefully they may spark something into that little girl or boy who may wonder whether or not service in this body can, in fact, be something they can look forward to and use that as a stepping stone instead of the many stumbling blocks that have been placed in many of their ways in years gone by. So I thank the gentleman so much for letting me be a part of this.

Mr. HOYER. Mr. Speaker, I thank the gentleman from South Carolina (Mr. CLYBURN) for his remarks. I want to say that, having known him for a long period of time, there is no doubt in my mind that he has himself been a spark, an inspiration to many, many young people, not only in his home area of South Carolina, but around this country, to see the opportunities available to them.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to join my colleagues in support of the concurrent resolution authorizing the printing of a revised version of "Black Americans In Congress, 1870–1989." Our beloved Capitol is rich in culture, art, and most importantly, history.

It is this great history that paints a picture of growth, prosperity and advancement for all of the world to see. And in this spirit, it behooves us to take note of those great pioneers, who came before us, and blazed a trail for us to follow. It is important to take note of the accomplishments of Congressman Jefferson Franklin Long, the first Black congressman from Georgia. It is essential that history reflects the legacy of Bill Dawson, the first Black congressman to serve on a major congressional committee. We can never forget the contributions of Adam Clayton Powell who introduced legislation to outlaw lynching and the poll tax, and to ban discrimination in the armed forces, housing, employment and transportation. These are just three out of countless examples that illustrate the important accomplishments of legislative patriarchs who presided in these hallowed halls.

The reprinting of "Black Americans in Congress," is essential. I urge my colleagues to pass this resolution to help further our dedication in preserving and maintaining the rich history of our Country and fortifying the spirit and heart of our Country's citizens.

Mr. CONYERS. Mr. Speaker, I rise today in support of H. Con. Res. 43, legislation to authorize printing of a revised and updated version of the book "Black Americans in Congress, 1870–1989." This volume is an important chronicle of the history of the United States Congress. It is especially appropriate that we take time during Black History Month to recognize the many African-American Members of Congress that have come before us.

The printing of an updated version of "Black Americans in Congress" will serve as an educational and historical reference for all Americans. We must never forget that there were Black Members of this Congress in 1870, just five years after the end of slavery. We must not hesitate to teach our children that there were, at one time, Members of Congress who had barely secured their own right to vote. As we continue to work towards the promise of our democratic system, it becomes even more relevant to recognize those past Members of Congress who struggled, in sometimes hostile environments, to serve our country. Special thanks go to my good friend STENY HOYER and the Members of the House Administration Committee who have shown such leadership on this important issue. As a founding member and Dean of the Congressional Black Caucus, I encourage the House to pass this resolution.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of this special order.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Maryland?

There was no objection.

INTRODUCTION OF THE VOTING IMPROVEMENT ACT

Mr. HOYER. Mr. Speaker, on an additional subject, today together with the gentleman from California (Mr. HORN) and the gentleman from North Carolina (Mr. PRICE), my colleagues, and 60 additional cosponsors, I am introducing the Voting Improvement Act. This bill provides a short-term and a long-term solution to a crisis we face in the wake of the 2000 elections.

One of the reactions that I have heard repeatedly from my constituents in the months since the election, was shock at the sheer number of votes that were cast but were not counted—19,000 discarded ballots in Palm Beach County alone. Those numbers are shocking—and they have the potential to drive voters away from the polls permanently unless we can act quickly to repair our voting system and repair the voters' confidence in that system.

In 615 days we will be having a federal election. That election will be subjected to the greatest amount of media scrutiny that has ever befallen an election in this country. And that is why I believe that it is imperative that we devise a way to bring about the most dramatic reduction possible in the number of votes that are cast but not counted.

The quickest way to get more votes counted is to target the system with the highest rate of error and the lowest rate of public confidence. That system is, without a doubt, the punch card. A joint MIT Caltech analysis recently estimated that the nationwide error rate for punch cards is 2.5 percent. This translates to as many as 986,000 votes cast but not counted on punch card systems alone. Almost a third of voters used punch card systems in 2000, making it the most commonly used voting method.

Yet, in some jurisdictions punch cards have had error rates as high as 6.25 percent or one in every 16 ballots. These disturbingly high rates of spoiled ballots also have a troubling tendency of occurring in jurisdictions with high populations of minority voters. For example, in Chicago rates of uncounted ballots increased from 1 in 20 in precincts that were less than 30 percent African American, to 1 in 12 ballots in precincts more heavily populated with minorities. Fifty one precincts in Chicago had ballots that were ruined at a rate of 1 in 6 ballots. These 51 precincts were 90 percent African American and Hispanic.

Punch card technology has not changed significantly since its introduction in 1964. This is true even though there is virtually no other technology that has not undergone revolutionary improvements since 1964. We no longer use rotary dial 1964 telephones, or portable 78 rpm record players. Desktop computers have completely displaced typewriters, and even the venerable rolodex is being quickly replaced by the Palm Pilot. Yet the punch card counter remains virtually unchanged. In fact, punch cards themselves, a standard IBM product used in any number of computer systems in 1964—today are produced only for the purpose of voting! There is no excuse for keeping a punch card voting system in place. Particularly as this bill will provide $6,000 a precinct to any jurisdiction that replaces punch cards by Election Day 2002.

While punch card voting systems are the number one offender, they are not the only problem. One estimate from a Bryn Mawr computer scientist is that nationwide, and across voting equipment, about two percent of the votes cast nationwide in 2000 were not counted. That means that over 2 million voters were unintentionally disenfranchised. Spoiled ballots occurred on lever machines, on punch cards, on optical scanners and on modern electronic touch screens. The number of ballots not counted far exceeds any measure of the margin of victory in the Presidential election.

We have neglected our election system as a whole—trusting in outmoded equipment because it is familiar—and trusting in wide margins of victory because they often occur. I believe that with focus and funding we can develop voting technology that is cost effective, that is accurate, and that is accessible to all voters including the blind and the disabled. While it is not possible to eliminate spoiled ballots, there is no reason that we should not be able to reduce the nationwide error rate to .5 percent.

I know that it is possible as a nation to drastically reduce the numbers of uncounted votes and do it quickly. It is possible because my own state of Maryland did it. They went from a statewide error rate of 1.5 percent in 1988 to a statewide error rate of less than .5 percent in 2000. They accomplished this remarkable achievement in part by getting rid of punch cards. Maryland stands as an example and a challenge to the rest of the states. If we can reduce the number of uncounted ballots to .5 percent nationwide, one and a half million more voters would have their votes counted.

Whatever the means by which we seek to reduce the number of uncounted votes—through this bill—through some other Congressional proposal—or by State action—we must work hard to get these votes counted. I also want to say to the States and to the counties—this is an urgent problem. Do not wait. Do not trust that federal resources are coming. Act now to make improvements including buying new equipment for 2002. I fear that one of the unintentional effects of the discussion about this issue on Capitol Hill, is that we are unintentionally producing a disincentive for states and counties. The Voting Improvement Act would provide reimbursements to any punch card jurisdiction that acts now and gets new equipment in place for Election Day 2002. I challenge those state and counties to do so.

Nonetheless, money and equipment alone cannot solve the problems with our voting system. New technology must be accompanied by voter education, and by polling place resources including helpful and well trained workers and officials. That is why the punch card buyout is simply step one of the Voting Improvement Act.

The Voting Improvement Act would also create a new four member bipartisan Election Administration Commission. The primary function of the new agency would be to administer an annual grant program to aid states in the administration of elections. In 2003, the punch card buyout would be replaced by a grant program to provide $140 million annually to states and to counties.

Unlike the buyout which requires no commitments from the States, the grant program would require States or local jurisdictions to provide 25 percent in matching funds. States will also be required to install equipment that can be used by blind and disabled voters to vote privately, and States must also provide assurances that they are in full compliance with existing laws.

Ten million dollars of the grant money would also be reserved for research and development by manufacturers. one of the problems that election officials have faced in buying new equipment is that the available technology is simply not as good as it could be. In part, that is because the market for voting equipment is not that large. Thus, the grant money would help to stimulate the production of equipment that better accommodates all types of disabilities, is more cost effective, and is more accurate and easy to use.

A minimum of 20 percent of grant funds for States and local jurisdictions would be required to be used for voter education and for training. Voter education plays a critical role in getting more votes counted. The implementation of new voting systems cannot be successful unless the voters are amply educated in how to properly use it. Polls must also be staffed with people trained to aid voters in getting their votes cast and counted, not at discouraging them from voting at all. To that end, the bill would provide leave to any federal employee who worked in a polling place on a federal election day. Making federal worker resources available is an attempt to aid election officials in the tremendous task of recruiting and training the huge work force that play a key role in making federal elections work.

The new Commission would also be responsible for creation of a Model Election Code. Like the Uniform Commercial Code or other Model Codes, it would serve as a resource to States that are seeking to protect themselves from legal challenges. The Model Code would cover statutory provisions including what constitutes a vote, when and how a recount should be held, and how an election contest should be handled. I hope that an organization with experience in producing model laws, such as the National Conference of Commissioners on Uniform State Laws, will agree to draft the Model Code, as I believe that a product will that imprimatur of expertise and credibility could prove a valuable resource in improving election statutes nationwide.

Finally, the new Commission would serve as a national clearinghouse for information and study on what elections practices work best. It would develop voluntary "best practice standards" to study issues including how a ballot should best be designed, how voter registration list should best be maintained, and how many votes continue to go uncounted across the country.

This bipartisan legislation is supported by a broad and diverse group of Members. I am very hopeful that we will continue to add more co-sponsors and move this legislation forward.

A few weeks ago, President Bush met with members of the Congressional Black Caucus and remarked: "This is America. Everyone deserves the right to vote." However, as we all know now, the right to vote is not enough. Every vote also must be counted. The Voting Improvement Act will help us do just that, and will go a long way in restoring public confidence in our election system and our democracy itself.

BIPARTISAN CONGRESSIONAL DELEGATION TRIP

The SPEAKER pro tempore (Mr. OSBORNE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to take the 1-hour Special Order to highlight a congressional delegation trip that transpired last week traveling to Moscow, Russia; Kiev, Ukraine; and Kishinev, Moldova. One of the areas that perhaps presents the greatest challenge to us over the next several years is our relationship with those critical countries.

The delegation that traveled to those countries was a bipartisan delegation. In fact, I was outnumbered. There were four Democrats and three Republicans. But it was a solid bipartisan effort. We had no disagreements and we had, I think, one of the most exciting series of meetings that any delegation has had in that part of the world.

It was a delegation that hit the ground running. We were hosted by the chairman of President Putin's political party in Moscow, the Unity Party, Boris Gryzlov. Even though our plane was late because of problems with the weather, we left on Saturday, we were hoping to arrive Sunday afternoon, we arrived in our hotel in Moscow at 12:30 a.m.; and there waiting for us was the Deputy Minister for Housing and Construction in Moscow.

So we had our first meeting at 12:30 in the morning until 1:30 in the morning. So those who say Members of Congress do not work, I would say this delegation worked. That was to set the tone for the trip. That was the first of 41 meetings that occurred during 5 days in the capital cities of Moscow, Kiev and Kishinev.

It was a very historically significant time because each of those countries are going through some very difficult turmoil. As we all know, Russia has been drifting away from the West. In fact, while we were there, we got an update on a new strategic partnership that Russia is now aligning itself with China.

In the Ukraine, we were there in the midst of a crisis as the President of that country, President Kuchma, was under severe criticism for having allegedly been taped in ordering the assassination of a prominent journalist in Ukraine. The people in many regards were demanding, not just free press, but were demanding that President Kuchma be held accountable and be removed from office.

In Moldova, the meetings were equally significant because, 2 days after we were in Moldova, they had their parliamentary elections. Unfortunately, Mr. Speaker, the Communists won control of the Moldovan parliament with 71 percent of the vote, a major shift in that country, a very strategically important country, a major shift away from the democratic reforms that have been occurring in Moldova over the past 8 years.

So that underscores the importance of the reason why our trip was significant.

I want to go through the trip in a great amount of detail, but I would like to call on my colleagues while they are here to make whatever comments they would like to make.

The cochair of the delegation is someone who I have the highest admiration for in this institution. He and I worked together on a number of issues, Russia being one of them. Seven years ago, the gentleman from Maryland (Mr. HOYER) and I were able to convince our leadership, then Speaker Gingrich and Minority Leader GEPHARDT, that we should institutionalize the relationship between the Russian Duma, their parliament, and our Congress.

The gentleman from Maryland (Mr. HOYER) and I have co-chaired that initiative for the past 7 years, and we have had dozens of meetings in America and in Russia trying to build a closer sense of cooperation with the parliamentarians in the Russian Duma in all fashions.

The gentleman from Maryland also is the first vice president of the Committee for Security and Cooperation in Europe, and so he represents our country on issues affecting the European community as it relates to Russia and other Nations. He also is the former chairman of the Helsinki Commission, so he has worked tirelessly for human rights throughout the world.

So it was a real pleasure to have the gentleman from Maryland (Mr. HOYER) on this trip.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), my good friend and colleague, for his own summation of our trip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership. The gentleman from Pennsylvania (Mr. WELDON) and I have been friends since he came to the Congress many years ago.

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He serves on the Committee on Armed Services and is one of the most knowledgeable Members in the Congress on matters related to our national defense. But probably less well known is his extraordinary depth of knowledge of Russia, of the former Soviet Union, of former Soviet officials, and present leaders in Russia itself. He is a friend of many, a colleague of others, and an interlocutor of many more.

Obviously, our relationship to Russia is one of the most important relationships that we have as a Nation. The relationship between Russia and the United States is one critical to international security and stability. As vice president of the Parliamentary Assembly of the Organization on Security and Cooperation in Europe, I have the opportunity to meet regularly with members of the Duma. However, under the leadership of the gentleman from Pennsylvania (Mr. WELDON), and with the concurrence, as he pointed out, of then-Speaker Gingrich and minority leader GEPHARDT, we established a formal relationship.

It is interesting to note that the supreme Soviet, when the Soviet Union was still in existence, sought a formal relationship with the Congress. We demurred and did not want to enter such a relationship. The reason for that, of course, is they were not a democratically elected parliament. We have seen historic changes, revolutionary changes as Russia emerged as a new democracy. It is a democracy, obviously, struggling with its economy and struggling with a developing democracy. It was the thought of the gentleman from Pennsylvania (Mr. WELDON), with which I strongly agreed, that the better and closer relationship they had with representatives of the people's House and of the United States Senate, really the examples for democratic parliamentary bodies in the world, it would assist them in their developing democracy and would assist us as well in establishing a relationship which would lead to better understanding and, therefore, more cooperation.

Mr. Speaker, the gentleman from Pennsylvania mentioned that I chaired and am now the ranking member of the Helsinki Commission. That commission focuses on human rights. I kidded when we were in Moscow, when Viktor Chernomyrdin was at dinner with us, that I was coming back to the United States and raising a human rights issue about the gentleman from Pennsylvania making us work so hard. Forty-one meetings in 4 days is quite a schedule. But I found the meetings extraordinarily productive, worthwhile, and I think establishing a better relationship between our two countries and, indeed, between the leaders in Moldova, although they are now new, and the leaders in the Ukraine, although now troubled.

I had to leave the trip early and go to Vienna for a meeting of the standing committee of the Organization on Security and Cooperation in Europe where I have the privilege of representing our country, but I know from talking to Members who concluded the trip that it was an extraordinarily worthwhile trip.

The gentleman from Pennsylvania (Mr. HOEFFEL) is going to speak after me. He is a new Member of Congress. This was, I think, his first visit to Russia and to some of the former Soviet states. It was my 15th or 16th visit. The gentleman from Pennsylvania (Mr. WELDON) has been there, as I recall his saying, 23 times.

Mr. Speaker, we need to continue these visits. We need to continue this conversation. We need to continue with cooperation. There will, of course, be and are times when we disagree; but we need to disagree while talking to one another. We need to disagree while understanding the perspective of one another. It is critical for our own countries and critical for all the world, and I want to thank the gentleman for his leadership and to tell him how much I appreciate co-chairing the Congress-Duma committee with him and the worthwhile work that we and other Members of the House of Representatives and the United States Senate and the Duma are doing to establish an ongoing, continuing, positive relationship with this great merging democracy, Russia.

I thank the gentleman for yielding to me.

Mr. WELDON of Pennsylvania. I thank the gentleman from Maryland for his leadership on this delegation and in the Congress and, actually, in the world. He is extremely well respected around the world for his commitment to principles that are important to any democratic nation.

Just to give our colleagues one example of one of the issues that the gentleman from Maryland (Mr. HOYER) raised repeatedly in Russia was freedom of the press. He arranged a meeting with one of those, a fellow by the name of Mr. Kiselov, who is the equivalent to our Dan Rather or one of those kinds of people, Ted Koppel. The gentleman from Maryland was very adamant in pressing the Russians on the freedom of the press as a key part of any democracy. In fact, he challenged them on the rumored threats to shut down one of the TV stations and to further censor their media.

Perhaps the gentleman would like to elaborate on that point.

Mr. HOYER. I will take a little more time. I know the gentleman from Pennsylvania (Mr. HOEFFEL) has a meeting to go to, and I want to get to him, but I did have the opportunity to meet with Mr. Kiselov, who, as the gentleman from Pennsylvania (Mr. WELDON) pointed out, is sort of our Tom Brokaw, Peter Jennings, Walter Cronkite, and Dan Rather rolled up into one. Media-MOST and NTV is the only independent TV station in Russia. It is funded by, in part at least, by a gentleman named Gusinsky. We urged the members of the Russian Duma and other officials with whom we met to ensure that they would continue to be free and independent.

It is interesting that Ted Turner, who has so successfully opened up the eyes of the world to other lands through CNN, an extraordinary contribution to the interchange of peoples and the knowledge of one people of another, it is interesting that he has made an offer, along with partners, George Soros and others, to participate at the level of $30 million in helping to finance this independent TV station. We urged the leaders in Russia to ensure that that station would remain independent, because we know that a democracy cannot flourish without an independent press, without independent criticism, without an independent voice letting the people of that democracy know what their government is doing. If it is only a government-owned station, or if it is only a station owned by an organization like Gasprom, dependent on the government, then it will not be a free and objective voice. It will not be an alternative voice.

So that was one of the issues that we had the opportunity to raise. I know that the gentleman from Pennsylvania (Mr. WELDON), who is probably the expert in this Congress on national missile defense, will relate the numerous discussions we had on that issue to ensure that there is not a misunderstanding on either side as to what the objectives are and what the sense of responsibility is with respect to defending our peoples, both in Russia and in the United States, from those who would terrorize our peoples by ballistic missile attacks from a Third World nation.

So the issue of independent media outlets, the issue of defense and security arrangements between our two peoples, were very important issues among many, many others that we raised. I am not going to go into them all, because I know the gentleman from Pennsylvania (Mr. WELDON) will as well. But we talked about health issues, we talked about the environment, we talked about fighting drugs, and we talked about confronting terrorists in a cooperative way, because all of those issues were convergent in the best interests of both of our citizenry. Again, the discussions that we have that lead to better understanding and more cooperation will certainly result in a more stable and secure international environment.

Again, I thank the gentleman for allowing me to speak briefly about the importance of NTV and Media-MOST to the growth of the democracy in Russia. I thank the gentleman for yielding to me.

Mr. WELDON of Pennsylvania. I thank my colleague again for stopping by this evening. He is extremely busy.

Joining us from the delegation, Mr. Speaker, among the seven Members of Congress who were with us besides the gentleman from Maryland (Mr. HOYER) and the gentleman I am going to introduce next were, on the Republican side, the gentleman from Colorado (Mr. SCHAFFER) and our freshman Republican, the gentleman from Florida (Mr. CRENSHAW). Joining us on the Democrat side were the gentleman from Ohio (Mr. KUCINICH), and also a senior member of the Committee on Appropriations, the gentlewoman from Ohio (Ms. KAPTUR). So it was a strongly bipartisan and well-balanced delegation that gave the people that we met with a complete picture of the political landscape in America.

It was a pleasure to have one of our more junior Members of Congress with us. He is now in his second term. He hit the ground running. It was his first trip to Moscow, and he did the people of Montgomery County well by showing the very positive side of America, yet confronting the Russians where needed as well as the other countries that we visited on the important issues that face our two societies.

I would like now to recognize my colleague, the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentleman for yielding to me; and I want to thank my colleague, the gentleman from Pennsylvania (Mr. WELDON), for his extraordinary leadership in this Congress and on this trip due to his vast knowledge of Russia and the former Soviet Union, the extraordinary contacts he has as a result of those 23 visits. I can report to the House that the gentleman is well known and well regarded among Russian officials, members of the Duma, as well as members of the Putin cabinet and members of the Russian military.

My colleague has devoted years and years to the study of Russia. And with his relationships and in developing relationships with people in Russia, that reflects so well on this Congress and provided such great guidance to us on this trip. And, of course, he will agree that we were blessed to have as a co-chair on the trip the gentleman from Maryland (Mr. HOYER), who just spoke, who also has a marvelous background with his many visits to Russia. I cannot imagine a delegation that could possibly be better led than this one led by my colleague, the gentleman from Pennsylvania (Mr. WELDON), and the gentleman from Maryland (Mr. HOYER).

I wanted to thank my colleague for his foresight in establishing with the gentleman from Maryland (Mr. HOYER) the Congress-Duma committee. I wanted to say just a few words about how interesting I found this relationship during our visit to Moscow; how useful I found it to be to have an established format and framework in which Members of Congress could talk with Members of the Russian state Duma and have a very free flow of information and questions back and forth.

In fact, we had that free flow of information. I was able, along with the members of our delegation, to ask some tough questions of our Russian guests regarding, first off, the question of freedom of the press that the gentleman from Maryland (Mr. HOYER) has just eloquently addressed. We were able to ask the members of the Duma why this crackdown is occurring against the independent media in Russia. We asked about the background for it, the reasons for it, and we got some mixed results.

Some of the members on the Russian side denied that there was any serious crackdown or infringement of freedom of the press in Russia. That is not the information that we have been given by human rights advocates, by our embassy personnel and by others. We did not resolve this dispute in our discussions, but we had a good opportunity to talk about it and to raise the issue and to make sure that the members of the Duma understand that the Members of Congress are well aware of this issue.

I and other members of the congressional delegation were able to raise questions about legislation the Duma is considering that would restrict religious practices in Russia by regulating organized religion, and legislation that would restrict and limit political parties in Russia. Both of those restrictions are of great concern to those of us in this country who understand how important it is not just to have a free and independent media but also, obviously, to have a free exercise of religion and a political system that allows political parties to organize free of government control.

□ 1515

There is no doubt that while Russia is moving toward a more democratic society, dedicated to free enterprise and the development of free markets, there are still some efforts involved to centralize society and government, efforts that we do not fully support here in this country. We were able to raise these issues with our colleagues from the Russian Duma in a way that I think was very positive. In turn, as the gentleman from Pennsylvania (Mr. WELDON) knows, this format gave members of the Duma the opportunity to raise issues with us. I and members of our delegation asked them about the arms transfers to Iran which concerned us. Their reply was that this was an economic matter, that the budget problems they have in Russia leads them to sell their arms technology and the ability to establish nuclear reactors, for example, to Iran to help with their budget problem. And so they asked us, in turn, to help them with their debt, to help the Paris Club of Nations to understand the need to either forgive or restructure some of the Russian debt that is owed that is a crushing burden on that economy. Much of that debt is Soviet era. Some of that debt is World War II era. The Russians made a good argument for the need for some debt relief. But that, of course, did not change our belief that these arm sales and technology transfers to Iran is not something that we view as simply an economic issue as the Russians do but something that we consider to be a security threat to this country and a political problem for this country that must be addressed and must be changed.

And, of course, the issue that we discussed the most with our Russian hosts was the question of arms control and missile defense. While we did not have a complete meeting of the minds on that issue and while in fact our own delegation had several different views on the question of missile defense in particular, we did have a good discussion which I think would be summarized that the Russian officials as well as the Russian military would like to see continued arms negotiations, bilateral negotiations as opposed to unilateral reductions, because the process of going through bilateral negotiations allows confidence and trust to be developed on both sides and allows the negotiations of verification provisions that would make sure that through inspections and other mechanisms, we can be sure that the reductions in arms that are being negotiated are actually implemented, something that is not available when one country unilaterally cuts its weapons.

On the question of missile defense, the Russians are very alarmed by the possibility that this country will unilaterally deploy a national missile defense. They seem anxious to work with Western nations on the notion of missile defenses. They recognize that the biggest threat to them as the biggest threat to us is the concern about rogue nations, terrorist use of weapons and of course the possibility of accidental launches. I think while we certainly did not come to a meeting of the minds, there is a greater understanding, I think, as a result of this visit regarding the potential for the United States and Russia and our European allies and NATO to work jointly to develop a joint missile defense system that would protect all of the Western democracies and our emerging democracies, such as Russia, against the very real threats that our President has quite rightly pointed out that are posed by rogue nations and others.

I thank the gentleman for this opportunity to speak. I did not mean to talk this long this afternoon, but the gentleman has given me an opportunity to learn a great deal about Russia and the former Soviet Union. It was a fascinating trip. I believe that this kind of travel is very useful for Members of Congress. And when there is an organization in place, such as the Congress-Duma Committee, it gives a wonderful opportunity for a better understanding between parliamentarians of different countries. I thank the gentleman for the work he has done over the last decade or so here in Congress dealing with Russia. I thank him for his leadership on the trip, and I thank him for his time this afternoon.

Mr. WELDON of Pennsylvania. I thank my colleague for his outstanding contributions to the trip. He was a valuable partner, he was an aggressive representative of the American position, and yet he was open and aware of the need to listen to the Russian-Ukrainian-Moldovan perspective of world issues and the relationship to our relationship with those countries. I thank my colleague for being here this evening.

Mr. Speaker, at this time before I introduce one of my other colleagues who was on the trip, I would like to go through and just highlight the kind of meetings we held and give the overall themes of what the purpose of our trip was all about.

First of all, since we formed the Duma-Congress initiative 7 years ago, I have had two overriding purposes in our relationship with Russia. We tend to want to rely on the Presidents of our two countries to work out our relationship. As we all know, they are the heads of state and they are the ones who set the overall policy. But there is a constructive role for the parliaments to play. There is a very important role that we can do to assist emerging democracies like those we visited. The two overriding purposes I have had in forming the interparliamentary dialogue with the Russians was to empower the parliament to show the emerging Duma and its leaders how they can accomplish the same kinds of checks and balances that we provide in our government here in America. By interacting with committee chairs, by sharing staffs, by having regular meetings on issues that are both common to us like the environment, health care, social issues, economic issues, we also can confront the more difficult issues, strategic issues, defense issues, multilateral relationships. So our overriding purpose is to empower the parliament, make it more of a constructive force in the democracy so it can in fact achieve the same kind of role that our Congress plays in America, one that only makes the democracy in Russia stronger.

The second purpose is to help Russia build a middle class. Because if Russia is to survive over the long haul, we can do all that we want to encourage relationships but we have to help Russia understand what it is going to take to build a middle class. The strength of America is our middle class. I am convinced that what has largely empowered that middle class has been the ability of people to own and buy their own homes, to own a piece of America, if you will, and what we have been doing for the past 5 years is working with Russia to put into place a mortgage financing system for average Russians. These discussions were a major part of our efforts in Russia. We also had similar discussions in the other countries. So focusing on empowering the parliament and building a middle class, they were the overriding themes of our talks, but we had a wide range of talks.

I think, Mr. Speaker, we took the right approach. In visiting Russia, we did not go over there as if they were our enemy. Unfortunately, the presidential visit that took place last May between President Clinton and President Putin had the two of them come together and focus on things that we totally disagree on; namely, how many missiles should we point at each other. We took the exact opposite approach. The major thrust of our meetings were positive. They were about health care initiatives. They were about environmental initiatives, economic initiatives, technology initiatives, a mortgage system, ways that we could further cooperate and allow Russia to build a stable society and one that is closely interconnected with an American society. That reflects the kinds of meetings that we had.

I mentioned our first meeting was at 12:30 a.m. on Monday morning when we arrived and our plane was late, we drove to the hotel and there in our hotel in downtown Moscow was the Deputy Minister of Housing and Construction Mr. Ponomorof waiting for us. And so the Members of Congress, even though they had been flying for over 24 straight hours, sat up for another hour until 1:30 in the morning and had our first meeting.

On Monday morning, we arose at 8 a.m. and we had meetings with the deputy minister of the economy, the housing minister for all of Russia and the finance minister. We met with our Ambassador, Jim Collins, to get a briefing from the State Department there. For lunch we were hosted by the American business leaders, the executives of American companies who have set up operations throughout Russia, and we heard from them about what we should be doing to better improve the relationship economically between Russia and America. We then traveled to a hospital on the outskirts of Moscow, Hospital No. 7. We were joined by representatives of cancer institutes in America who had flown over separately from the Fox Chase Cancer Center and from the National Cancer Institutes, we took a delegation and traveled out to the largest hospital in Moscow, a 1,500-bed hospital that focuses on cancer and cancer research. Right adjacent to this hospital is the Blokhin Cancer Center. Our purpose was to build on a memorandum of understanding that had been signed 2 weeks earlier by the Russian and American Cancer Research Centers. So our first serious meeting outside of the government was with ties to establish closer relations between our health care system.

After the meeting at Hospital No. 7, we went to the Nuclear Safety Institute, where again we ceremoniously signed memorandums of understanding that were agreed upon by our Department of Energy earlier to establish joint projects between the Kurchatov Institute, an institute in downtown Moscow, and the Nuclear Safety Institute, to bring our two countries closer together to protect the people in both countries from the threat of nuclear problems, the theft of nuclear material, the disintegration of nuclear material, the illegal dumping of nuclear waste and establishing a new framework of cooperation.

In fact, Mr. Speaker, one of the most interesting discussions on the trip was with our Russian counterparts who floated the idea that perhaps we can create a new way of disposing or actually storing our spent nuclear fuel.

As we all know, Mr. Speaker, in America, Yucca Mountain is very controversial, which is the site where we would ultimately store our spent nuclear waste. What the Russians are beginning to talk about is America and Russia joining together and having a common site, probably in Siberia or in the Ural Mountains that would be managed by an international organization where America and Russia together would store their spent nuclear fuel so that we could work together on research over the next several decades of how to eliminate that spent nuclear fuel and how to develop new peaceful solutions and new peaceful uses of spent nuclear fuel, an interesting concept that we invited the Russians to come back to us with some specific ideas on.

With Kurchatov we continued our discussions about cooperation, in particular some measures of providing a new form of energy that could be floated on barges involving nuclear power plants, to assist where there are energy shortfalls like that that we have just seen experienced in California.

Our final major event on Monday was a dinner hosted by the executives of UKOS Oil Company, the second largest oil company in Russia, and there we talked about economic interaction, we talked about ways that American companies can more aggressively engage with the energy giants that are developing inside of Russia. As President Bush outlined to us last night, that developing an national energy strategy is critically important, our goal was to see whether or not Russia can become a key strategic ally in terms of offering us other energy resources.

On Tuesday at 8 a.m. we started our meetings with the Ministry of Atomic Energy. Minister Adamov hosted us for an hour. We discussed the broad range of nuclear issues involving both Russia and America. There are productive opportunities that are arising from that meeting. I will outline them in more detail in a report that I will file.

The rest of Tuesday was spent in the Duma. We met with the Deputy Speaker, all the factional leaders and the major committees in the Duma, including international affairs, foreign affairs, housing and mortgages, ecology, all the major interest areas in the Russian Duma that we could work together on. In fact, a part of our meeting with the Ecology Committee of the Duma, which is chaired by Chairman Grachev, was to sign an agreement to assist the Russians in building a cooperative effort to deal with their environmental issues and concerns. Working with a London-based group, the Advisory Council on Protecting the Seas, over the past 4 years, Russia has developed a strategy to begin to address its environmental concerns. At our meeting with Chairman Grachev, we affirmed our support to help Russia through the U.N. acquire the money to implement that environmental plan of action.

Also on Tuesday, we had a dinner with the Moscow Petroleum Club. Former Prime Minister Viktor Chernomyrdin, former Ambassador to the U.S. Yuli Vorontsov, our Ambassador and a host of other dignitaries joined us for a solid evening of both social interaction and, more importantly, constructive dialogue about U.S.-Russian relations.

On Wednesday we traveled to Moldova. In Moldova the delegation met individually with all the senior leaders of the Moldovan government, the President, the Prime Minister, the Foreign Minister, the Speaker of the Parliament and we met with the parliamentary members themselves, including the Communist faction.

□ 1530

Now when we arrived in Moldova, they were controlled by a western faction. Unfortunately, two days later, Moldova's parliamentary elections turned the control over to the communists who now control 71 percent of the Moldovan parliament.

One of our prime purposes in going to Moldova was to establish a new interparliamentary linkage between the Moldovan parliament and the U.S. Congress. Chairing the American side of that interparliamentary linkage is the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Ohio (Mr. KUCINICH).

At this point in time, Mr. Speaker, I would like to turn to my colleague, the gentleman from Ohio (Mr. KUCINICH), who is the co-chair of the Moldovan American Interparliamentary Assembly, who was on the trip, for his comments both about Moldova and more broadly about the trip in general. So I yield to my good friend, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. WELDON) for yielding. I want to thank the gentleman for his outstanding leadership in reaching out to people in Russia and the Ukraine, Moldova and throughout Europe. I think that I can speak for everyone on the trip in saying that we believe that the gentleman from Pennsylvania (Mr. WELDON) has brought a level of stature to his position as a Member of Congress where one can see the respect with which he is held by leaders of all the nations who have met with him many times concerning their movement towards democratization. So I can say what an honor it was for me to be on the trip and to share in the dedication of the gentleman from Pennsylvania (Mr. WELDON), and his knowledge and his passion for bringing people together, particularly at a parliamentary level.

Since the gentleman left off mentioning with Moldova, we went to Moldova in the hope of encouraging the rule of law, democratic order, market economy and as the gentleman from Pennsylvania (Mr. WELDON) may have recounted or has been recounted early, Moldova made a choice a few days ago for the Communist Party to be involved in the organization of its government and actually direct the organization of its government.

The notes that I have from the meeting indicate that the leader of the party in Moldova stated that they appreciated the contacts with the U.S. Congress and they look for those contacts to become stronger and that they respect the United States as a world power and they hope that our government will work with them and respect the choices that have been made by the people and that they hoped that the relations will develop between the U.S. Congress and the Moldovan government. This was done, of course, prospectively because as it turns out Moldova did vote for the Communist Party.

The gentleman from Pennsylvania (Mr. WELDON) and members of our delegation actually laid the groundwork for a dialogue with a government which now may have a totally different perspective than we do about how things should be done, but at least we are in a position where we can be talking.

Furthermore, the opening that made with Russia, we had, I thought, very important discussions with parliamentarians about issues of financial aid and the International Monetary Fund, the need for further economic reforms, discussions about privatization, discussions about the role of NATO, which a number of parliamentarians were concerned about, the bombing of Serbia, which, by the way, it was almost 2 years ago that the gentleman from Pennsylvania (Mr. WELDON) led a delegation to Vienna, which I was privileged to participate in, that created a framework for ending the bombing in Serbia. Actually, as we met with the members of the Russian parliament there, we created more of a structure for increased exchange and confidence building, and I thought that was very important.

In our discussions with Lubov Sliska, who was the first deputy of the Duma, she pointed out how important it was to have productive discussions with NATO; that she wanted to see trade and economic growth emphasized in our relations, agriculture, energy, foreign affairs, internal security, defense and disarmament, cooperation on crime investigations, culture and health.

Our meeting with Sergey Kiriyenko, who was at one time the prime minister of Russia and is now one of the super governors appointed by President Putin, I thought was very productive. He pointed out among other things how grave is the threat of chemical weapons. They have 40,000 tons of chemical weapons they want to dispose of, and how he had hoped we could bring a level of cooperation through parliamentary contact to help raise the issue of these chemical weapons, increase the awareness of the need for U.S. and Russian cooperation, sponsor colloquia in the U.S. Congress on this; that we as Members of Congress could write letters to our fellows urging them to get involved; sign a letter to the President talking about the need to do something about these chemical weapons and to generally pursue a course that would enable Russia to get some assistance on trying to dispense with this.

One final comment, if I may, I think our visit to Ukraine was momentous because we were able to get the Kuchma administration to recognize how serious our commitment is to freedom of press, freedom of speech and freedom of assembly in this country. We take it quite seriously.

In an unprecedented 2 hour and 15 minute meeting with the President of Ukraine, we got him to agree to an F.B.I. independent investigation and assistance on the forensics of a case that involves the murder of a journalist, H.E. Khandogiy, whose death has unfortunately been linked to people in power in Ukraine.

So what we did on our trip was to affirm support for democratization; was to show people all over the world that they can benefit by taking a course of market economics that are tempered by respecting the systems of power that exist in a country. One of the things that I thought was quite telling that was said by Mr. Kiriyenko, and I would like to close with this thought, is the importance of paying attention to people and developing people. He said that in the future we will compete not just with price or quality but with respect to who will be first to introduce innovation.

He spoke of the significance of human capital, people, investing in people. He said this is not just a financial issue, it is not a technical issue, it is a problem of culture, and it is not incidental that we talk of culture. He talked of the importance of us learning other cultures, the importance of us understanding the results of culture and transitional economies, and I think that message that we bring back here is one that shows that we as Members of Congress can help to improve exchanges with other parliamentarians around the world, can be vessels for freedom and justice and can continue the work of this country as being the light of the world.

I thank the gentleman from Pennsylvania (Mr. WELDON) for his indulgence here, and I thank him for giving me the privilege of assisting him and other Members, the gentlewoman from Ohio (Ms. KAPTUR) and others of the delegation, in this very important mission.

Mr. WELDON of Pennsylvania. I want to thank my friend and colleague, the gentleman from Ohio (Mr. KUCINICH) for his remarks. He played an absolutely unbelievable role in this trip. He has kicked off, along with the gentleman from Pennsylvania (Mr. PITTS), a new initiative with the Moldovan parliament. Nothing could be more important right now because of Moldova's strategic location, because of Moldova's issues. Part of our visit to Moldova, besides the formal meeting, included a trip to Trans-Dniester, which is an independent enclave where the 14th Army Division of the Russian military is still located. In fact, there are so many units there that we were told it would take days and days and over a year, if you had four train loads a day hauling armaments out of Moldova it would be over a year and you still would not have removed all of the 14th Army Division. So we traveled up there, and we met with someone who calls himself President, the leader of this breakaway public, Mr. Smirnov, and the gentleman from Ohio (Mr. KUCINICH) joined us in a dialogue with this breakaway group saying it is important that you reunify with Moldova and the West and the U.S. wants to help you.

We also visited a collective farm or a former collective farm on perhaps one of our most emotional visits on the trip to see young children and adults who have been given the opportunity to take over the land that used to be owned by the state and now own it privately; to see the pride in their faces as they stood up before us and they told their personal stories of having taken back land that their grandfathers and grandmothers had had decades ago that now is controlled by them; and the products they are producing with no pesticides, no fertilizers, organic farming at its best. This is a part of the Moldovan experience, and the groundwork we laid will allow our Congress to play an integral role with this new communist-controlled parliament which won the elections in Moldova this past Monday.

So I would say to the gentleman from Ohio (Mr. KUCINICH), he was a very important addition to the trip and we thank him. It was really good because all of them got to see that in America there are two sides on missile defense. Every time I would give one position, the gentleman from Ohio (Mr. KUCINICH) would give the other. We said that is healthy, that is America. It was a good dialogue, and I thank the gentleman for being with us on the trip.

Mr. KUCINICH. I thank the gentleman.

Mr. WELDON of Pennsylvania. The other important part of our trip, Mr. Speaker, was Ukraine. Arriving in Ukraine 3 days ahead of us, after having left us in Moscow, were our two Members of Congress who know the most about Ukraine. In fact, they are both of Ukrainian ancestry. They are the new cochairs of the Ukrainian Rada American Congress initiative coming together on behalf of our two countries. The gentlewoman from Ohio (Ms. KAPTUR) has traveled to Ukraine a number of times. She has been out on the farms, outside of the big cities, looking for strategies to help the Ukrainian people.

She is our Democrat co-chair. The gentleman from Colorado (Mr. SCHAFFER) is our Republican co-chair. The gentlewoman from Ohio (Ms. KAPTUR) is just the person to talk to when it comes to that part of the world, and if anyone wants to know anything about Ukraine, they cannot know anything without talking to the gentlewoman from Ohio (Ms. KAPTUR). So our good friend and colleague on the trip and leader in the Congress, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank my good friend and most able colleague, the gentleman from Pennsylvania (Mr. WELDON), for arranging for this special order. I wanted to publicly acknowledge the incredibly important role he is playing in helping to build bridges to nations that were our former enemies. I think as history is written, as surely it will be, and we look back at the challenge to building the peace as opposed to only fighting either hot or cold wars, the role of the gentleman from Pennsylvania (Mr. WELDON) will be absolutely essential and recognized, and I hope the American people as they listen to this special order today will understand that it is in America's interest to build functioning democracies in that part of the world; that we cannot afford to ignore the millions and millions of people that live there and still need to learn about the institutions of freedom, certainly in the management of their own instruments of governance. The gentleman from Pennsylvania (Mr. WELDON) has been the leader in establishing the Congressional Duma exchange in Russia.

For the last 8 years, sometimes I am sure it was a lonely task trying to make friendships with people who had just recently been some of our most harsh critics and bitter enemies, and yet the gentleman has pursued this year after year after year. To me, that is the test of true leadership, and I wanted to say that.

I hope the gentleman's constituents are listening to this. I hope the American people are listening because truly we have to figure out how to build a peace that will last, and it can only come through communication with the leaders of those countries and with the people institution of those countries.

In the brief time I have to say something tonight, I also wanted to acknowledge, in terms of Ukraine, the gentleman from Colorado (Mr. SCHAFFER), who is our partner in this effort, Republican and Democrat working together on behalf of the interests of freedom, in signing the agreement that we would like to submit to the RECORD this evening for the new Congressional Rada exchange for Ukraine.

It is modeled on the impressive work that the gentleman has done, along with the gentleman from Maryland (Mr. HOYER), in Russia for these past several years. We have a lot of work to do in Ukraine and we arrived at a most delicate moment, and I will say a word about that in a second. But I wanted to say to my colleagues here this evening, the gentleman from Florida (Mr. CRENSHAW), what a great thrill it was for me to be able to travel with him, with his wife; the gentleman from Pennsylvania (Mr. HOEFFEL); the gentleman from Ohio (Mr. KUCINICH), who was with us a little earlier this evening; and the gentleman from Maryland (Mr. HOYER); and certainly the gentleman from Pennsylvania (Mr. PITTS), who has a major responsibility on the Moldovan Parliamentary Exchange.

To be there particularly at this time and to experience the ambassadors' wisdom really, the ambassador of the United States to Russia, Mr. James Collins, the ambassador from the United States to Ukraine, Ambassador Carlos Pascual. Honestly, they are among the most able citizens that we could send into that most complex part of the world.

☐ 1545

As an American, I was just very proud to be there and to be able to listen to them and to learn from them, and to have their help in meeting the people that we needed to in those countries.

At the urging of the gentleman from Pennsylvania (Mr. WELDON), several of us attempted to put the beginnings of an agreement on housing, helping Russia to begin, begin the first mortgage system. It will not be easy. It is a vast country with 13 time zones, no sense of free enterprise, no institutions in place, either financial or in terms of the substantive work that needs to be done to create a mortgage system based on collateral, including land. There is no system of collateralizing land to borrow against.

But America must help in this endeavor. We cannot be like ostriches with our heads in the ground. We have to use the instruments of freedom, all the institutions we have available to us, to try at this moment in history to make a difference.

I want to thank the gentleman from Pennsylvania for leading us down that path, recognizing that community development is an equal partner, along with a strong defense, in order to help nations remain at peace.

In terms of Ukraine, I just wanted to say that we arrived at a time when the President of the country obviously is under extreme duress. There are charges and countercharges, and the institutions of that country are not strong enough to conduct a full and thorough investigation of the actual criminal acts that were involved in the beheading of a very well known journalist in that country who had been a critic of many aspects of the current government.

I wish to submit to the RECORD also this evening the press statement that all of us created in Ukraine and released to the international press encouraging that there be a full investigation, and in fact, even engaging other partners from the West, from Europe, from the United States, in trying to get at the true facts in this case.

The press statement referred to is as follows:

U.S. DELEGATION CONDUCTS WHIRLWIND FACT-FINDING VISIT OF RUSSIA, MOLDOVA AND UKRAINE

DELEGATION URGES PEACEFUL, DEMOCRATIC RESOLUTION TO CURRENT CRISIS; DELEGATION ESTABLISHES HISTORIC U.S. CONGRESS-VERKHOVENA RADA PARLIAMENTARY EXCHANGE

A Congressional delegation of seven members of the U.S. Congress led by the Honorable Curt Weldon (R–PA) is completing a three-nation visit including Russia, Moldova, and Ukraine. The purpose of this visit was to continue the relationships established seven years ago between the United States House of Representatives and the Russian Duma, and to establish similar relationships with the parliaments of Moldova and Ukraine. The other members of the delegation include: Representative Steny Hoyer (D–MD), Representative Marcy Kaptur (D-OH), Representative Bob Schaffer (R–CO), Representative Dennis Kucinich (D-OH), Representative Joe Hoeffel (D-PA), and Representative Ander Crenshaw (R-FL).

The Congressional delegation participated in over 40 scheduled meetings in the three countries that included meeting with the Presidents of Moldova and Ukraine, as well as the leadership of the parliaments, senior civilian cabinet level officials and military leaders in all three countries. In Russia and Ukraine, the delegation met with prominent media figures concerned with press freedoms in their respective countries.

While meeting with President Leonid Kuchma and other officials in Kyiv, the delegation expressed its serious concerns with the Heorhiy Gongadze incident, and believes the subsequent investigation must be pursued irrespective of where it may lead. That pursuit must be compatible with the following principals: The freedom of speech, press, and assembly; the rule of law; and nonviolence.

The delegation believes that any settlement of the Gongadze crisis not taking the above points into account would adversely affect future Ukrainian/American relations.

The delegation also: Extends its sincere sympathy to the families and associates of Mr. Gongadze; reiterates the offer of technical support from the Federal Bureau of Investigation; expresses its strong belief and insistence that a credible and independent investigation is essential in order to earn the confidence of Ukraine and the rest of the world community; affirms the principle that those accused must be considered innocent until proven guilty; and intends to introduce a resolution in the House of Representatives to express the sense of Congress that this incident should be resolved peacefully.

During the over two hour meeting with President Kuchma, the delegation was gratified to receive the commitment of the President to follow the rule of law, maintain the freedom of the press and assembly, and to use restraint in the use of force.

U.S. CONGRESS-RADA PARLIAMENTARY EXCHANGE

We, the undersigned members of the United States House of Representatives and members of the Parliament of Ukraine, do hereby establish the U.S. Congress-Rada Parliamentary Exchange (further referred to as CRPE), for the purpose of facilitating expanded strategic relations between the United States and Ukraine.

The purpose of CRPE is to foster closer relations between our two legislatures to address key bilateral issues. It is the goal of the CRPE Parliament to examine issues of mutual understanding and continue a constructive dialogue toward permanent peace and prosperity.

Having reviewed the work of the initial congressional delegation to Ukraine in November 1999, which participated in discussions of mutual interest in trade, economic well-being, energy reformation, agriculture, and military relations, CRPE will promote closer relationships between the lawmakers of both countries.

Building upon the strategic partnership between the United States and Ukraine first established in 1996, the CRPE shall serve as a conduit in further developing and continuing economic and political cooperation between the two countries.

Now, be it resolved by affirmation of the undersigned Members of the House of Representatives, with the support of the Congressional Ukrainian Caucus, and the Parliamentarians of the Ukrainian Verkhovna Rada there is hereby established, the U.S. Congress-Rada Parliamentary Exchange. Be it further resolved, the Exchange shall:

(1) Constitute a working group to help resolve any issues hampering an expansion of economic and political cooperation between the United States and Ukraine; and,

(2) Establish items of discussion by the CRPE which encompass economic relations, trade, space exploration, health-care, the environment, agriculture, natural resources, and any other matter important to the promotion of close ties between the United States and Ukraine; and,

(3) Convene bi-annually in the United States and Ukraine to formally exchange viewpoints brought about by current events. The CRPE will from time to time issue recommendations to be pursued in each legislature.

The founders of the CRPE hereby acknowledge the leaders of the Congress of the United States, in coordination with the Congressional Ukrainian Caucus, and the Parliament of Ukraine, for their dedication to establishing the Exchange.

Signed at Washington, D.C. November 18, 1999 by: Hon. Dennis Hastert, Speaker of the U.S. House of Representatives, Signed at Kyiv, on November 30, 1999 by: Hon. Oleksander Tkachenko, Speaker of the Ukrainian Parliament.

Ms. KAPTUR. Also to that country, we would urge Ukraine to follow the principles of freedom of speech, press, assembly, the rule of law, and nonviolence. We want to walk alongside them. As they get through this particular crisis, we know their country will be stronger, just as ours will be stronger as a result of the crises that we have been through.

We expressed our deep regrets to the families who are so troubled by the disappearance of Mr. Gongadze, and we also reiterated and believe that in the meeting with the gentleman from Pennsylvania (Mr. WELDON) and President Kuchma, we got the first commitment of an agreement from the Ukrainian government to use resources in the West to help get at the bottom of what actually created the crime.

We urge the government of Ukraine to use us. We believe that the confidence of the people of Ukraine and the West depends on a fair and thorough investigation of the facts. We are going to be introducing a resolution here in the House to express the sense that this Congress wants this incident resolved peacefully.

So I wanted to say to the gentleman from Pennsylvania (Mr. WELDON) for the record this evening, I just again want to thank the gentleman so very much for the gentleman's international leadership in bringing this all together and doing what is historically correct and imperative for peace in this new millennium.

Mr. Speaker, I also include for the RECORD an article that relates to Russia and some of the difficulties that church-related organizations are having in accessing properties.

The article referred to is as follows:

ICE CURTAIN IN THE EAST

(By Geraldine Fagan)

On 7 January, Russia's Orthodox Church celebrated the two-thousandth anniversary of the birth of Christ. Thousands attended the Christmas liturgy in Moscow's Cathedral of Christ the Saviour, triumphantly, and, many have averred, tastelessly, restored to the city's skyline more than 60 years after Stalin ordered its obliteration from it. Live coverage of the event was marred, however, when Patriarch Alexis II arrived more than an hour late, delayed by his participation in the day's informal meetings between President Putin and the German Chancellor, Gerhard Schroder. As the television cameras panned in on the massed faithful awaiting their Patriarch, they picked out the emerald robes of seemingly the most senior cleric in attendance—Mufti Talgat Tadzhuddin, head of Russia's Central Spiritual Directorate of Muslims. For the third year running, the chief representative of Russia's Roman Catholics, Tadeusz Kondrusiewicz, had not been invited.

Catholic-Orthodox relations in Russia remain poor. The Moscow Patriarchate's frequent complaints that the Catholic Church is engaging in rampant proselytism translate into a state policy of containment. In Moscow, there are 27 Masses in more than 10 languages every Sunday—almost all of which take place under two roofs. Attempts to reclaim the third historically Catholic building of the church of SS Peter and Paul in order to relieve the strain have been fruitless. When Cardinal Angelo Sodano acting as papal legate made a request to Mayor Luzhkov's office for three plots of land to build chapels in lieu of the return of the church of SS Peter and Paul, he reportedly received a strong and swift rejection.

According to one Catholic source in Moscow, the Catholic Church has agreed not to create any new institutions or structures in the city, so that the number of legally registered parishes totals five. The remainder—including those which group Filipinos, Latin Americans, Koreans and Iraqis—are either termed "pastoral points" in an official directory of the Catholic Church in Russia for the year 2000, or else are not listed at all. In addition, the two apostolic administrations ("diocese" would be too provocative a term) of southern European Russia and eastern Siberia have been denied registration because they are headed by foreigners. Bishop Jerzy Mazur, a Pole, and Bishop Clemens Pickel, a German, have been told that they will be granted Russian citizenship only if they marry a Russian, and currently have to pass any noninternal documentation—such as invitations for visiting foreign clergy—to their counterparts with legal status in Moscow or Novosibirsk. By contrast, the American-born Berl Lazar, the Kremlin's preferred choice as chief rabbi over Adolf Shayevich, who is backed by the industrialist and oligarch Vladimir Gusinsky, faced no obstruction in obtaining Russian citizenship.

The chancellor of the Moscow-based European Apostolic Administration, the Catholic priest Fr Igor Kovalevsky, insists that the Catholic Church in Russia "is just trying to function normally and provide for its minority here. We are not posing any competition at all." With 60 per cent of the Russian population claiming to be Orthodox, and the Catholic Church bending over backwards to keep to its own while simultaneously supporting the Orthodox through foundations such as Aid to the Church in Need, it is intended difficult to see why the Catholic minority of approximately 500,000 is subject to so much hostility.

Orthodox fears of competition appear more realistic, however, when one takes into account the fact that so few Russians are truly touched by Orthodoxy. Where they have a presence, Catholics might constitute 1 per cent of the population, with practising Orthodox making up another 3 per cent. In addition, the concentration of Orthodox parishes is such that 8,450, or almost half, are situated not in Russia, but in the west in Ukraine. The vast area of Siberia east of the Yenisei River, by contrast, contains approximately 500 parishes. The Orthodox Church's current total of 19,000 parishes is still only a fraction of the 78,000 it had before the Revolution, and the euphoria of the early 1990s when many new believers were received is a thing of the past.

Does this mean that the much-vaunted revival of Orthodoxy in Russia is a fiction? Many Western commentators have looked for it in vain, expecting a healthy revival to exhibit certain characteristics, such as social work, a desire for ecumenical dialogue or a move towards modernising liturgical language. By contrast, they have seen a rise in nationalism within the Church coupled with virulent anti-Catholicism.

If one can speak of a revival, it does not exhibit those characteristics sought for by Western Christians. There is a core of sincere, sober-minded practising Orthodox in Russia devoted to their Church, but they tend to concentrate upon the vertical aspects of church life. Asked whether there had been an Orthodox revival in Russia, one young parishioner told me that it was difficult to know what such a revival would be like from the point of view of the New Testament, since "God's kingdom is not of this world". In the light of such sentiments, it is perhaps easier to understand why one of the strongest elements of revival is not in the social sphere, but monasticism. Compared with their Christian counterparts in western Europe, however, practising Orthodox are stronger within sections of society such as academia and youth, where they tend to enjoy the respect of their non-believing peers rather than experiencing their skepticism.

Nationalist feeling among these practising Orthodox, however, remains passive. Nationalists prefer to parade on the streets with banners rather than attend church, and, as before the Revolution, only a tiny minority of Orthodox monarchists belong to the virulently nationalist Black Hundreds movement. There are in any case two forms of nationalism in Russia—Stalinist and pre-revolutionary. Most nationalists belong in the first category and are indifferent to religion. This does not stop them from being opposed to the institution of the Catholic Church, however, since there is a general perception that it belongs to an organised anti-Russian force, and all Russians were taught in school that Catholics were crusaders from the Baltics repelled by the national hero Alexander Nevsky.

Although punching above their weight, practising Orthodox in favour of ecumenical dialogue are indeed very few. In the Soviet era, the pro-ecumenical element within the Church gained an artificial influence because of its usefulness to the foreign policy aims of the regime, and precisely for that reason is now frequently viewed with derision by post-revival practising believers. For most Orthodox, ecumenical dialogue with Catholics (and others) is impossible for a simple reason—they are heretics. To Russian Orthodox, however, this does not necessarily conjure up emotive images of burnings at the stake: one parishioner matter-of-factly explained to me that the word "heresy" merely derives from the Greek for "opinion"; that is, anything deviating from Orthodox tradition is the product of the mistaken human notion that this tradition could be improved upon.

In one Moscow parish I recently heard a sermon in which the priest likened Orthodoxy to the calculation 2 × 2=4. At some stage, he said, Catholics (and others) decided that in fact it would be more accurate to say 2 × 2=4.000025. "You can build a chair with those people using their calculations and it will turn out all right", he explained to the congregation, "but if you both build spaceships and set your course on a far-off planet, their spaceship will end up somewhere else". The Catholic concept promoted by Pope John Paul II of a Europe breathing with two lungs, East and West, is not theologically possible for Orthodox in Russia. No amount of sensitive diplomacy and donations of floating churches from Catholics will change that.

There are signs, however, that the Vatican might be becoming wise to all this. The passivity towards Orthodox criticism throughout the past decade in Russia, culminating in intense diplomatic efforts to bring the Pope here in the symbolic year of 2000, has brought few returns. In the light of this, it is of some significance that the recently-returned and restored Church of the Immaculate Conception in Moscow is now openly referred to as a cathedral. Of much greater import is the planned papal visit to predominantly Orthodox Ukraine, set up without the agreement of the leader of the only officially-recognised Orthodox Church in that country—the one that gives allegiance to the Moscow Patriarchate. It looks as if Catholic-Russian Orthodox relations might be about to become stormier, if also more open.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentlewoman from Ohio. We all have a very valued possession in this Congress with the gentlewoman from Ohio (Ms. KAPTUR), who is an outstanding leader, commands respect wherever she goes, and always presents a nonpartisan view in terms of improving relations.

The gentlewoman's leadership as a senior member of the Committee on Appropriations, a specialist on agriculture issues, on economic development and empowerment issues, is known throughout the world, especially in Ukraine and now in Russia. We appreciate that.

I look forward to working with the gentlewoman and our good friend, the gentleman from Colorado (Mr. SCHAFFER), in helping Ukraine become a key ally of the U.S. over the next several years.

Mr. Speaker, I yield to the gentleman from Florida (Mr. CRENSHAW), our freshman member of the delegation, an outstanding Member. He was involved, engaged, and he played a very vital role. We look to him to provide that freshman leadership in showing other colleagues of ours that are new to Congress that they can play a very constructive role in helping to make the world a safer place.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman from Pennsylvania for the privilege to travel with him. As a freshman, as the gentleman points out, it was remarkable to me to know and understand first-hand some of the problems in that region, and as a new member of the Committee on Armed Services, I think it is going to be even more valuable.

I would just like to make a couple of observations that really hit home to me, particularly in Russia. It was a grueling trip, with 40 meetings in six cities and 23 meetings in Moscow, but I came away with such a unique understanding of that region of the world. I think there is no better way, if we are going to develop a lasting peace, than for people to talk to people and get to know and understand each other.

But as I observed from just a political standpoint, it was so encouraging to me to see that Russia is moving in the right direction. They have opened their society. There is freedom of religion, freedom of assembly, freedom of the press. They are establishing a rule of law.

But I think it was particularly important for us to be there at that time, because as crises occur, there is always that chance that we can move forward and become more open, or move backwards and become oppressive and regressive.

I was encouraged to see things moving in the right direction from a political standpoint. The rule of law seems to be taking place. Property rights are being established. We were instrumental in trying to encourage the use of mortgages as people borrow money to try to own their own property.

From an economic standpoint, I was particularly pleased to see that last year their economy grew about 7 percent, investment was up 15 to 17 percent, so that is all encouraging. I think that has a lot to do with the political stability that is coming into play.

But as the gentleman and I know, how important that economic engine becomes. I was astounded to learn that while the economy is growing, it is relatively small by world standards, in the neighborhood of $30 billion, when that is half of what the State of Florida is. So they have a long way to go, but they are moving in the right direction.

Finally, as we visited, it was encouraging to me to see from a security standpoint that they are taking steps in the right direction: reducing their military, dealing with us in ways to solve their biological and chemical weapons problem. I guess the jury is still out on that.

But the message we took is when we talk about national missile defense, we want to work together; they are no longer our enemy, that the Cold War is over. Yet, it is still not a safe place to live. There are rogue nations, there is nuclear proliferation. I hope they will continue the dialogue with us that we began so we can work together for a long and lasting peace.

Again, I say to the gentleman from Pennsylvania (Mr. WELDON), I want to thank him as a freshman here for that incredible opportunity to begin to understand and now to work as a member of the Committee on Armed Services to try to make this a safer place for everyone.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our colleague. The people of Florida have sent us a great one. He is going to be a star in this body. We can already see it in the way he handled himself and the way he conducted himself in meeting with these foreign leaders. I thank the gentleman for his great leadership, and for what I know is going to be a very effective role in this Congress during his long tenure here.

Mr. Speaker, there it is, a summary of our trip. We are proud of what we did. We have no apologies to make: 41 meetings in five days in three different States, a number of cities, visits with the people on collective farms, in hospitals, going out and having dinner with ordinary people and future and emerging leaders, all of it designed to build better relations between America and the emerging former Soviet states.

I want to close, Mr. Speaker, with a brief outline of a meeting that I had with General Kavshnin. General Kavshnin is the equivalent to our General Shelton. The meeting was supposed to last for 30 minutes. He had all of his generals lined up there together across the table. We sat there for over 2 hours, a very animated discussion about where Russia is, the strength of the Russian military, the recent military exercise they were involved in, and what his vision of an American-Russian relationship will be in the future.

I will be candid, it was not the most warm discussion of our trip, but it was a candid discussion of Russia's concerns. We reassured him that America is not trying to drive Russia into the corner. To the contrary, we do not want Russia aligned more closely with China against us. We challenged General Kavshnin, based on discussions I had before going on the trip with Secretary of Defense Don Rumsfeld, who I have the highest respect for, and the general in charge of our missile defense organization, General Kadish, who I have equal praise for.

Their challenge from me to the Russians was: We are waiting for your response, Russia, to work together. That was the message we carried throughout our trip: We are waiting for you, Russia, to come back and tell us how we can work together on defending our people, the European people, and the Russian people from the threat of rogue states, states that do not abide by the norms.

In that meeting with General Kavshnin, we opened the door for further dialogue.

Finally, Mr. Speaker, we were disappointed with one aspect of the trip: We did not get to meet President Putin. We had had a commitment before we left that we would meet with him. We were told when we arrived that, because of the bombing of Iraq, he would not meet with us. It was disappointing, because I had been on Air Force One the previous Tuesday, I had told President Bush of our trip to Russia, and he said to me, Congressman, make sure you tell President Putin and the Russians that we want to be their friends. We have no quarrel with the Russians. We want to work together.

That was the message, Mr. Speaker, that I wanted to deliver to Mr. Putin personally with our delegation. We were not able to do that. Otherwise, the trip was a resounding success. I thank my colleagues for participating.

INTRODUCTION OF H.R. 775, THE VOTING IMPROVEMENT ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I am pleased to join today with our colleague, the gentleman from Maryland (Mr. HOYER), and others in introducing the Voting Improvement Act of 2001, H.R. 775, as we will call it.

The past election produced a great deal of confusion, turmoil, and uncertainty. Although there were a number of factors in producing that confusion, one major factor in Florida and other States was the continuing use of outdated and even antiquated punch card voting systems.

The bill we are introducing today tackles this problem immediately and directly by establishing a grant program for the States to replace all punch card systems before the next Federal election in 2002. In short, this bill provides a practical solution for solving some of the more troublesome voting equipment problems.

As the gentleman from Maryland (Mr. HOYER) has noted in introducing the bill, punch card systems have the highest rate of error among all voting methods. One study by the Massachusetts Institute of Technology and the California Institute of Technology recently estimated that the nationwide error rate for punch cards is 2½ percent, and in a national election that would mean that nearly 1 million votes are thrown out and never counted due to mistakes caused by punch card systems. Clearly, we need to make replacements of these antiquated systems a very high priority.

In addition to immediate equipment replacement, this bill establishes an ongoing grant program to assure that new voting systems are developed and deployed so that voters have up-to-date systems in the future.

The bill also assures that voter education and training of poll workers are given increased attention and support, and H.R. 775 establishes a permanent bipartisan commission to act as a nationwide resource for information gathering and studying the best practices for ballot design and other basic election needs.

Mr. Speaker, the Voting Improvement Act is one of several proposals being introduced for overhauling our election laws and making certain that we never repeat the chaos of the past election. All of these demand careful review and the development of a bipartisan consensus for sound reform. This bill sets clear priorities and offers practical solutions that must be part of any final reform plan.

I urge our colleagues to join us in this effort in backing H.R. 775.

□ 1600

REFORM EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, in the President's address last night he reaffirmed the fact that education is one of his top priorities. It appears from the speech that the President made that the only priority which ranks above education is the tax cut that is being proposed.

I salute the President for his selection and for his devotion and dedication to education as the number one priority. I think it is very important that he has taken note of the fact that this has been the priority of the American people for the last 4 years or 5 years.

Education has ranked as either the number one priority or somewhere in the top two or three priorities for the last 5 years. So the President is acknowledging the fact that in a democracy, the directions really come from the bottom.

He is not alone. The previous President chose to call himself the Education President, President Clinton. At one point he said he wanted to be the Education President. And he and the younger Mr. Bush are not the only ones.

Father Bush, I think, first coined the phrase Education President. The father of the present President said he wanted to be the Education President.

Before that, Ronald Reagan launched the movement to reform education in America with a report called A Nation At Risk, A Nation At Risk. We are now in our fourth President who has chosen to make education a number one priority. We should be making some tremendous progress in terms of the improvement of education in our Nation.

I regretfully report, however, that this is not the case. Despite the fact that lip service has been paid to the reform of education in America by the last four Presidents, the progress has been fairly slow. The flaw is in the lack of resources.

When A Nation At Risk was issued as a report by President Ronald Reagan, President Reagan offered no program with any dollars. He offered strictly jawboning, lectures about how important it was to improve education.

President George Bush, following President Reagan, did offer a program, but it was a very sparse program in terms of dollars. There were a lot of words and a lot of lectures again, but very little was offered in terms of resources.

President Clinton offered a dramatic blueprint for the reform of education. President Clinton did build on some of the activities of President Bush, Father Bush. Father Bush had launched the governors campaign to improve education. There was a huge governors conference and the governors came together, and they set forth goals to be achieved.

There was a step-by-step progression forward, which President Clinton as a governor, Governor Clinton of Arkansas, had been involved in, and President Clinton did build on what President Bush had started. President Clinton also added some dollars to the master plan.

I think, relatively speaking, if you compare the record of President Clinton on education to the record of his predecessor, Father Bush, to the record of Ronald Reagan, President Clinton had a very outstanding record in terms of resources committed as well as the necessary job owning.

But even the Clinton administration did not dare, for whatever reason, which I do not care to go into today, set forth a bold blueprint and the resources to match it, which would deal with the problem in a constructive way. Why? Why is it? Repeatedly there is a sense within America that ordinary people, the public opinion polls keep showing that there is a gut reaction, a gut feeling that nothing is more important than education. There is a feeling that we are not doing enough to improve education in America.

Why is that? The gut reaction and the common sense feeling does not translate into really bold action. We have had bold action within the last 5 years. We have had bold action in terms of a transportation plan.

One of the boldest initiatives taken in the domestic front was the bill which authorized $218 billion over a period of 6 years for transportation projects, road building, bridges, et cetera, et cetera. So we did some big spending on a domestic issue.

We have been spending large amounts of money, of course, on defense. And continually under all of these Presidents, the defense budget has done very well. But in the domestic arena, we moved in a very bold way to fund a transportation act which provided $218 billion over a 6-year period. That is the kind of action that I always dreamed of, and I think it was necessary.

I maintain it still is necessary if we are really going to come to grips with what has to happen in the area of education.

Education suffers from a lack of resources, and that is the primary problem. We cannot escape that. No amount of jawboning and no amount of theorizing, no amount of testing will escape the fact that there is a definite lack of resources.

Let me just set the stage and establish some parameters which are both local and national. At the local level, in New York City, we have just received the results of a 7-year court case. A ruling has been made after a 7-year trial by a Supreme Court judge that New York State has systematically been short-changing New York City in education funding over the years. The order of the judge is that New York State must take steps immediately to provide greater resources to New York City.

It is at the local level. The Nation's largest city, 1.2 million children, about 1,100 schools, more than 60,000 teachers. It is at the local level, but I think it has good, strong implications for the entire Nation.

The lack of resources is pinpointed by Judge Leland DeGrasse's decision, which declared that New York City schools have been grossly neglected and underfunded.

I maintain at this point that despite all the rhetoric and discussion about education at the national level through the last four Presidents, the problem in America is that the schools of America are grossly underfunded. Now, many of the Members of Congress and many members in government are high places, live in neighborhoods where their schools are doing all right, but I am talking about across the Nation as a whole.

There are too many schools that need considerable resources that they are not receiving. They need the resources in the areas of physical infrastructure. They need resources in other areas.

Mr. Speaker, in fact, I think that this applies to all of America, Justice Leland DeGrasse's decision in the case of New York City versus the State reads as follows, I am just going to read a section from his conclusion, this court has held, I am quoting from Justice DeGrasse's decisions, this court has held that a sound basic education mandated by the education article consists of the foundational skills that students need to become productive citizens capable of civic engagement and sustaining competitive employment.

In order to ensure that public schools offer a sound basic education, the State must take steps to ensure at least the following resources, which as described in the body of this opinion, for the most part, currently are not given to New York City's public school students.

The following resources are not provided for New York City's students. This is the finding of a judge after 7 years of trial.

Number one, sufficient numbers of qualified teachers, principals and other personnel; number three, appropriate class sizes; number three, adequate and accessible school buildings with sufficient space to ensure appropriate class size and implementation of a sound curriculum; number four, sufficient and up-to-date books, supplies, libraries, educational technology and laboratories; number five, suitable curricula, including an expanded platform of programs to help at-risk students by giving them more time on tests; number six, adequate resources for students for extraordinary needs; number seven, a safe, orderly environment.

Education discussions become extremely complicated. People think that there is a morass out there, and there is no way out of this endless discussion of what it takes to reform education in America.

Here we have a judge that has listed the simple elements, the components of what is needed to establish a sound basic education system. Those are the terms that he uses repeatedly.

I think in America we can, first of all, expect from every jurisdiction, every school district in America, every State, every jurisdiction should seek to establish a sound basic education. That is a terminology used in the State constitution. Not all States may use that term, but basically when States talk about the right responsibility for providing an education, it basically means the same thing, a sound basic education.

Let me go back for a moment and repeat his definition of a sound basic education. That is an education that allows students to become productive citizens, productive citizens. How does he define a productive citizen? A productive citizen is a citizen capable of civic engagement and sustaining competitive employment. It sounds too simple to be true. But this is what it boils down to.

We need to produce students who are capable of civic engagement and sustaining competitive employment. Both of those are rather complicated. Not complicated, it is easy to understand the concept to fulfill that concept. I do not want to oversimplify it.

To be capable of civic engagement; what does that mean? Surely it means that students produced by our system ought to be able to evaluate the pronouncements of officials seeking election and be able to vote in intelligent ways in election. It surely means that they ought to be evaluate the system that we have structured to provide for the election of our officials and be able to come up with system that is are fair and just.

Civic engagement means more than the old civic books which talk about how a bill becomes law in Congress. I have those little booklets I give to the kids on how a bill becomes law in Congress, very similar to how a bill becomes law in the State legislature.

Those little steps of the introduction and the action in the committee and the action on the floor and all of that is elementary and very inadequate in terms of telling students about what is necessary to have appropriate civic engagement.

How do we get elected? We have elections. We have primaries that elect people in the parties. We have elections between the major parties on Election Day. We all go to the polls. The polls are fair. They are policed by policemen and monitors. Both sides can have people who are judging whether or not the election is being conducted fairly, and it all appears to be a wonderful exercise that we can all applaud.

Students are not told about the fact that in all the counties of America you have different systems for electing. They are not told about the fact that machines have to be purchased because of varying circumstances. Some machines are very old and do not function very well. They are not told about the fact that from one county to another, you may have different ballots and some ballots are more difficult than others.

Human beings who are political entities, Republicans and Democrats, make up the ballots. And once you have the election and you have to have a count, there are human, subjective judgments that enter in, and you may have to have court cases, and, finally, the case may get to the Supreme Court that voting in our democracy is not as simple as it may be.

Mr. Speaker, to have students educated in a way which makes them capable of civic engagement, we have to do more in that area, and understand that it is not as simple as it has been made to appear over the last 100 years in our civic textbooks.

In the area of sustaining competitive employment, things are very complicated. There was a time when sustaining competitive employment meant all you had to do was to know how to read a few signs and follow instructions and follow a few written instructions, but mostly oral instructions, and the straw boss, or the foreman, in the plant would tell you which widget you have to put on which line as it moved and how many boxes you have to pick up. For a long time, the young people coming out of our schools were absorbed by the manufactured industries.

□ 1615

Most of them, for many years, did not even complete high school, and it was not necessary in order for them to obtain competitive employment. Sustaining competitive employment 30 years ago was very different than sustaining competitive employment now.

So sustaining competitive employment now, if the State is responsible for making it possible for students to sustain competitive employment, then the State must provide the kinds of tools and equipment that are in a present working environment.

The computer is dominant in the present working environment, whether one is talking about an assembly line in a factory or inside an office where the production of data and the distribution of data, the retrieval of data is the only concern. The computer science digital devices, they have all taken over.

If one has schools that do not have educational technology that is sufficient, computer labs, then one is not providing sustaining competitive employment.

So a decision like this challenges the system. When a judge says one must produce students who can become citizens capable of civic engagement and sustaining competitive employment, one is laying down a formidable challenge to the education system of today.

A challenge in America today I think is how do we meet the challenges of our complex modern world. What kind of education system do we produce. We are a very powerful, smug, fat, comfortable empire at this point. Rome was just a village compared to the United States of America. Nothing has ever existed like the United States of America. Never have so many been so comfortable. Never have so many had benefits provided for them. Never have so many enjoyed the fruits of productivity in the area of technology and science and the fruits of productivity in agriculture.

America is great partially because of the fact that there is a common sense out there which says education is important. Something in the air that Thomas Jefferson breathed made Thomas Jefferson decide I will go and establish the University of Virginia. The University of Virginia later became the model for all of the land grant colleges. We have every State of the Union that produce something similar to the University of Virginia. We are better in terms of the land grant colleges helped by the United States Government.

The Federal Government established the Morrel Act. The Morrel Act provided the funding for land grant colleges. Land grant colleges define themselves in much the way the judge is defining basic education here, not in terms of Latin and philosophy and Greek, but whatever is necessary to allow citizens to become productive.

So agriculture, engineering and topics that usually were not taught in higher education institutions were the primary curricula of the land grant colleges.

So the land grant colleges were a part of the American instinct to push for more education, and our laws which made every State take on the responsibility for education. There is nothing about a responsibility to provide education in the United States Federal Constitution. But every State has something in their State Constitution which takes on the responsibility for the provision of education. Very American.

Later on, after World War II was ended, that same instinct, the same drive from the bottom to assert that education is number one priority led to the creation of the Bill of Rights for the G.I. bill, which allowed every returning American soldier to get the funding for an education from high school equivalency diplomas and high school diplomas, all the way up to college, college degrees.

Our universities and colleges were filled up with G.I.s going to school. They were later able to take on the revolution of technology.

Automation came along, and a number of new developments came along after World War II that we were able to sufficiently master because we were producing out of our universities and colleges a broad base of very highly trained people who could take that on.

So in America, we have had that push and that drive for education before. The question is now are we too smug, are we too petty, are we too driven to penny pinch that we cannot conceive of anything as great as the G.I. bill which said every soldier can go to school. If one wants to be a barber, one can get money to get trained as a barber. If one wants to be a mechanic, one gets money to be trained as a mechanic. If one wants to be a doctor of philosophy, one can get the money. The government will pay for one to become a doctor of philosophy.

We do not have that kind of spirit which says that, in order to earn a living in the future, every student is going to have to be exposed to computers and have some kind of basic computer literacy; reading, writing, arithmetic, and computer literacy. If one is going to have computer literacy, then education is going to cost more than it costs before.

Here we are with President Bush producing a plan which says he will leave no child behind. I have read the President's outline. I have a copy right here. "The bipartisan education reform will be the cornerstone of my administration," by George W. Bush. It is an impressive outline of what he intends to do.

The President has not yet introduced a bill. The Republicans who are on the

Committee on Education and the Workforce, I serve on the Committee on Education and the Workforce where this bill would have to be, this function, most of it will have to come through our committee. The President has introduced no bill yet. But his outline is interesting.

I would applaud President Bush in his outline for emphasizing at the very beginning the fact that we need to focus most of our resources that are available on the schools that need the most, on the failing schools, on the schools which have the most at-risk students, the most disadvantaged students. I would applaud that. It seems that that is common sense, one might say.

Why should one applaud the President for immediately proposing that our primary first dollars be focused intentionally on the schools that are in the greatest need? Why would not that be understood by everybody who is interested in improving education in America? It is not a self-evident fact. It is not endorsed by all the members of the President's party.

The great battle between the Democrats on the Committee on Education and the Workforce and the Republicans on the Committee on Education and the Workforce both in the House of Representatives and, I think, in the other body the same problem has arisen, is that the Republicans on the committee want to take the limited dollars that we have available in title I and other education programs and spread them out further. They want to have flexibility. They want to have block grants.

So the President's first statements, which call for intensifying and focusing more of the dollars on the schools in greatest need runs contrary to the position that the members of his own party have taken in the House of Representatives.

Let me recapitulate, Mr. Speaker. I really am talking about the education imperative. I am agreeing with the President of the United States that we ought to have education as one of our number one priorities. I think it should be the number one priority ahead of the tax cut even.

I think that the President's proposals deserve careful analysis, and I would start by applauding the first parts of his proposal which call for focusing on failing schools, disadvantaged students. Our resources should go there first. That seems to be a self-evident conclusion, but it is not.

The Republicans in the House of Representatives on the Committee on Education and the Workforce and some Democrats in the House have not seen fit to make that kind of dedicated proposition, support that kind of dedicated proposition.

In fact, when I talk about school construction and the fact that the first dollars for school construction ought to go to the areas which still have coal burning furnaces in their schools, or asbestos, overcrowding so great that the schools cannot provide lunch for the youngsters except on a three-cycle program where they start feeding the first cycle at 10 o'clock in the morning because of the overcrowding. They force students to eat lunch at 10 o'clock in the morning. They have just had breakfast already, so why should they be forced to eat lunch? I said we should give the priority to those areas. Most of those kinds of schools and situations are in the inner cities.

I have had Democratic colleagues who talk about, no, we do not want any construction bill which does not give equal treatment to all districts, you know. So I have a bill which calls for funding all school districts according to the number of school-age pupils.

All districts feel that they have a need. Some may need money for computerization and improving the safety facilities around the school. Some may need money for remodeling the auditorium, the gymnasium. Others may need money for life and death matters like getting rid of a coal-burning furnace which is jeopardizing the health and safety of the children or getting rid of asbestos. Others may need money to build new schools because of the fact that the overcrowding is strangling the whole process of education.

So President Bush, I will unite with him, and I hope that my Democratic colleagues in the House of Representatives, in general, beginning with those on the Committee on Education and the Workforce, will unite with the President on the proposition that resources ought to be better focused.

Whatever we have to offer ought to be focused on the schools that are failing and the areas which have students with greatest need. Title I was conceived that way. The Federal Government became a partner in education to help with poverty areas whereas districts were too poor to educate youngsters.

Lyndon Johnson fashioned the Elementary and Secondary Education Act and title I as a primary provision of that act which funnels funds into districts according to the number of children who qualify for free lunches. Free lunches are provided by the United States Department of Agriculture. If one is eligible for those free lunches, that is the definition of the level of poverty that one must have in order to qualify for title I funds.

So we have a yardstick, a barometer for measuring where the problem is. The correlation between poverty and lack of achievement is well established.

The number one cause of poor school performance is poverty. Now, let me not be misquoted that all poor children are in a position where they cannot perform; that there are no schools in poor neighborhoods where children do not perform very well. There are numerous exceptions. The poverty does not fix the children into a pattern where it is impossible for them to perform well.

One of the best schools in my district, PS–161 on Crown Street, I was surprised to find out that 90 percent of the children, more than 90 percent of the children in that school qualified for free lunches, which means that they come from poor homes. Yet, that school performed as a second or third best sixth grade reading class in the whole State of New York.

The State of New York, of course, is very variant. The State of New York has very rich communities, very rich school districts. I think the school district in New York State that spends the most money per pupil spends $24,000 per pupil. $24,000 per pupil is spent in the richest district. In New York City, we are spending between $6,000 and $7,000 per pupil.

Nevertheless, there are children performing in some of these poor schools who can outperform schools in richer school districts. So it does not lock them in, but generally, generally poverty and low performance go together. The correlation has been proven over and over again.

So I congratulate President Bush on saying we should focus the money. I will unite with President Bush in a bipartisan cooperation. I call on all my colleagues to unite with President Bush to push for the concentration and the focus of Federal resources in the areas that need money, that need resources most.

□ 1630

Let us not have competitive grants in education anymore. Any additional money, and we need far more money, should not be funding that is put out there and then a proposal must be submitted and those who submit proposals will have to compete. They will have a peer review process, and the best written proposal will get the money. What we find is that the districts in America who have the best proposal writers are walking off with the available funding.

After-school centers, for example, 21st century learning centers they call them, they provide after-school money, Saturday tutoring, summer school money, very exemplary programs. I do not think anybody in the Congress, Republican or Democrat, who would say these programs do not work. If we are able to get after-school centers to provide that extra tutoring and Saturday tutoring, the things that go into those programs, then children can succeed, and we have seen the progress that students make. But the funding of the Federal Government for the 21st century learning centers does not even reach one quarter of those in need at this point, and those that are reached are not the most needy because it was a competitive grant and proposals had to be submitted and what we find is the best proposal writers are prevailing.

All future grants in education should be given out on the basis of need. In other words, we can target the areas where the need is greatest by following the formula for free lunches. The school districts which have the largest numbers of pupils who receive free lunches are the poorest districts. We should not have them compete with other districts for after-school learning centers. We should say there is where the need is and additional funding goes to meet this need.

Community technology centers. Community technology centers were proposed by the Congressional Black Caucus. We called them storefront computer centers because what we wanted to do was to have a situation where the deficiency in the homes of poor children would be compensated for by having the availability of computers in places where members of the family as well as the students could go to practice. They need access to a computer. Among other things, they need access to a computer in order to be able to master computer literacy. So a computer storefront center concept was a response of the Clinton administration to a request made by the Congressional Black Caucus.

I applaud the Clinton administration for their response. I applaud the Republican majority for agreeing to the funding. But the computer storefront centers in the bureaucratic process and the bureaucratic approach became computer technology centers. Already we had ratcheted them up to another level beyond the simple storefront centers that we talked about. The very title that came out for the RFP, the request for proposals, went out to everybody for computer technology centers. Already the proposal was more complicated than a simple gathering of computers at a storefront place, with some personnel to keep it open late at night and on Saturdays. It became something more difficult.

The proposal writers went to work all over America. Now, there are some school systems and some schools themselves that have excellent proposal writers. If there is a proposal, with guidelines, regardless of the circumstances on the ground, they will produce a magnificent proposal. And when the peer review readers get that proposal, they will mark it 100. It has no relationship with the actual need.

Those who are most in need usually do not have excellent proposal writers. Those schools have teachers and personnel who have moved on, and the schools that have the least experienced personnel, the ones least likely to have good proposal writers, or the districts who are struggling to meet the needs of putting people in the classroom every day, they cannot afford to hire somebody who becomes a specialist in proposal writing.

So what is happening in the Clinton administration, where we had funding for some good programs, all the way from Gear Up, community technology centers, and the Safe Schools and Drugs Act, there were a number of different programs that have been funded on the basis of competitive submissions and that process has led to the pupils and the schools and the district of greatest need not having received those programs.

So one thing the President can do, and we will certainly cooperate with him, is to have a provision which requires that programs that are deemed to be necessary to help improve the performance of disadvantaged and at-risk students are programs that should be targeted to those areas without a competitive bidding process.

We have many other programs that do get a distribution of their funds based on need or formula. We could have a formula which says if there are certain numbers of students which receive the free lunches or who are eligible for Title I funding, then that helps to drive and determine where the need is and that is where we should place the programs that we deem are necessary to improve education. So I agree with that point that the President starts with, and we certainly hope we can make that work in concrete terms.

One of the problems we will be up against is that the members of the committee who are Republican have a Republican position in the House in general that is going in the other direction. They do not want to target the money into the poorest districts. They want to have block grants. The block grant goes to the State and the State governor determines where the money goes. The Federal Government is out of it. That is disaster, in our opinion.

Block grants have flexibility. We can have a grant which is for a specific program, like Title I; but the flexibility is so great until they can skim off money for administration, they could use some of it to improve the parking lot in a richer district. All kinds of things can happen when we grant flexibility to the States. It can go in the direction which is opposite where the President has chosen for it to go.

Second point. President Bush says we will concentrate resources, and after we concentrate resources we will test. As a result of the testing process we will make judgments. After 2 years, any school that is still failing will be required to allow its students to choose a public alternative. Public school choice will be mandated after 2 years. After 3 years, any school that is still failing will be closed down and declared ineligible for Federal funding and will be privatized. The schools would have an option. They can give the students vouchers and send them off to private schools, or they can become charter schools, or they can become contracted to profit-making contractors who would run the schools. Three years.

I agree that we should focus on failing schools. I do not agree that 3-years-and-a-school-is-out is an appropriate process. Three strikes and you are out. Three years and you are out. I think that two problems exist there. Three years is not enough time. We do not transform institutions in 3 years. We do not solve problems involving human beings that fast in 3 years. That is a pretty harsh judgment to make: either improve, come up to standard in 3 years, or we close it down.

We do not say that to any other set of institutions. We would have closed down the CIA and the FBI if we judged that harshly: either improve or perform. The CIA did not see the Soviet Union collapsing. Half of its resources were devoted to the Soviet Union, and they did not see the economy of the Soviet Union collapsing until I think the networks announced it to them. The CIA allowed Aldrich Ames, the person who was in charge of counterespionage, to sit there for years and destroy their effectiveness in terms of counterespionage. But we have not cut the CIA budget. We have not done anything to an institution that had a gross failure.

We have had gross failures. The FBI now has grossly failed in the area of their own counterespionage operation. Nobody has dared to say we should get rid of the FBI because of the fact that the chief of counterintelligence was himself the mole and directing the operation for so many years, 15 years. We do not judge institutions anywhere else in our democracy so harshly.

Why do we say to a school in a neighborhood struggling to educate its youngsters that they must either improve or we take all the Federal money away in 3 years? They have 3 years. So I think we ought to have some flexibility.

We will work with the President on that area, and maybe we can have some flexibility, between 5 and 7 years, some kind of barometers of progress where school improvement at a certain rate we can assume is going to keep going and not harshly move in to take over after 3 years. The problem with the 3-year mandate is that there are many of us who suspect that it is a setup for failure; that by mandating 3 years, we set the school up to become privatized, with the real objective to privatize the schools of America.

It is no secret that the members of the majority party want to go to vouchers, although not for their own school districts. When I question members of the majority party who advocate vouchers for poor districts, vouchers for the inner city, they do not want vouchers. They do not go to their own constituency and their own neighborhoods and say we are in favor of vouchers, because most of their neighborhoods where their children go to school have good schools. They have good public schools. Our goal is to have public schools as good as the ones that the majority of the Members of Congress have in their neighborhoods. Public schools.

However, the push for vouchers cannot be resisted. The push for privatization cannot be resisted. The President now and the majority party in the House of Representatives, the majority party in the Senate, all are pushing for privatization. So what better situation to allow for a massive privatization of the schools in America than that to set up the schools for failure and say that they must succeed in 3 years or they must be privatized; they will be out of business?

The other part of that is in 3 years what kind of resources does the President propose to provide? In 3 years, what kind of funding will the Federal Government provide for these schools? How will we increase what exists already? The President proposed in his speech last night that education would be the area of domestic programming to get the largest increase in his budget. He proposes to increase education funding by 10 percent. That is 10 percent over what exists now.

We have actually had a rate of funding over the last 4 years greater than that. The increases in funding for education have been greater than 10 percent per year over the last 4 years. So the President would slow down the process, not increase it. He has made education the number one priority in terms of rhetoric, but in his first discussion of dollars he is slowing down the commitment to the provision of the necessary resources for the improvement of education.

Here is the rub: I went to the White House as part of the Congressional Black Caucus meeting with the President and I spoke on education. I said, "Mr. President, there are some good features in your plan. We would like to have a dialogue with you about it, but there are no figures, no dollars." At that time he had no dollar figures. He only came up with those last week, and last night he reaffirmed the fact that he is going to increase education by 10 percent.

□ 1645

In the Congressional Black Caucus, we had a resolution passed like 2 years ago when they first began to talk about a surplus and we said that whatever the surplus is, let us devote 10 percent of the surplus, the present education budget, let us add onto that each year 10 percent of the surplus. If the surplus does not pan out to be as high as they thought it would be, it is 10 percent of whatever it is. The projections for the surplus at that time were $200 billion, what it is roughly now, around $200 billion, the same figure. That meant 10 percent for education would be $20 billion; $20 billion per year added to the education budget.

Does that seem like an exorbitant amount? No. What you can do is in this time of most fortunate times of prosperity, deal with the capital expenditures. You do not have to increase the operating budgets of any schools. The aid would not be such that you would make the schools dependent. Spend for school construction. Spend for school computers, equipment, the capital expenditures. Now let us have every district be freed of the need to expend for capital items and especially let us set free those districts that need decent schools, buildings, safe buildings, buildings conducive to learning. Especially let us get the schools wired for computers and let us put computers in the schools. All of those things do not require that the Federal Government get involved in discussions of curriculum in the local school, discipline, administration. You do not have to get involved in local school matters. As the President said, the money came from the people. It is their money. Anyhow, we are not benevolently passing back money that does not belong to the people. Give it back to the people in the area of highest priority in terms of capital expenditures for education and get out. You are not required to stay in after you give help for school buildings. There is nothing to keep you there interfering with the way the schools are run. If you give money for computers, there is nothing to require you to stay there and interfere with the way the schools are run.

A $20 billion increase in education per year over the next 10 years would create the kind of education system in America that would carry us forward into the 21st and 22nd century and make us completely inviolable, because it is education. Our greatness, our superiority in the military sector, in the industrial sector, commercial sector, in the cultural sector is dependent on a very highly educated population, a base of education which has people at every level educated. That must continue. If we fail to take this opportunity, if we are petty now and small-minded, have no vision and can only see an increase of 10 percent of the current budget, rather than 10 percent of the surplus, then we are going to lose a golden opportunity to guarantee that what happened to the Roman Empire will never happen to the American empire.

Our empire is far more shaky than you think it is. We are alone in the world of 5 or 6 billion people and we have less than 300 million people who enjoy a very high standard of living. We have allies in industrialized areas. If you put us altogether, maybe we have a billion people who enjoy a very high standard of living, but what about the other 5 billion? Do you think you are really going to be able to exist unless we take our superior education, our productivity, our inventiveness, our ingenuity and keep spreading the prosperity of it, the benefits of prosperity and the benefits of inventiveness and the benefits of technology throughout the entire world. We have to have an educated population to do this. Everybody must be seen as a potential resource in the effort to keep America great in this area.

We are showing strains at every level. There is a great shortage of teachers. Thousands and thousands of teachers are needed right now and they are not available in certain areas. The projection is that it will be hundreds of thousands of teachers needed in the next 5 to 10 years and they will not be there. We have shortages in other areas. Policemen. In the area of government service, the quality of people, there is a problem. In the quality of people in the military, there is a problem. We had an aircraft carrier launched a couple of years ago, a new aircraft carrier launched and they were short 300 people. They could not get 300 people to fill the necessary positions on the ship because the ship was such a high technology, the aircraft carrier had such high technology devices until they needed a very well educated population. They could not find the people. Those shortages in the military continue to exist. Ever more complicated weapons are invented and we are not matching that with a massive education program to be able to pull from the bottom what we need in terms of education.

The caliber of people in high places obviously is a problem. I do not think 20 years ago we would have had a captain or an admiral or anybody in charge of a ship in the Middle East who would be so careless as to allow his ship to be put in a position where a man in a fishing boat could bring a bomb and blow a hole in the ship and the lives of 12 to 15 sailors were lost. That bomb incident in the Middle East, I do not think we would have had a person in charge of a ship who was that dumb, who was that unqualified. I do not think we would have had the submarine accident that happened in Japan, that you would have people in charge of a ship who were as dumb as the people or as careless, unqualified as the people in that submarine who let that happen. From all the facts that I hear, the human error, the sloppiness is part of a pattern. The sloppiness in the CIA that produced Aldrich Ames, the sloppiness in the FBI that produced Mr. Hanssen, the sloppiness, the erosion of quality in the Navy that produces these accidents. It is all over. We have glitches in every level of our society because the complexities of operating things are so great until you need not just people at the very top who are excellent people but you need them all the way down the line.

The man who put the oil in the airplane is the one I worry about when I get on the plane. Him and the mechanic who tightened the bolts on the little screws that had to be tightened, all those details are what makes a plane go. I do not worry about the pilot because we spend more money to train pilots than we do on anybody else, any other category of worker in the Nation. The pilots are well trained. But I worry about all those other people we are dependent upon. Education in America has to produce the high quality at every level. We have to get rid of our pettiness and go forward. We have to understand that this is no place to exercise some of our weaknesses, to let some of our weaknesses rise to the top.

The Education Committee that I serve on is also called the Workforce Committee, Education and the Workforce. It used to be called the Education and Labor Committee. It is very antilabor, so much that they changed the name. They got rid of the word "labor." But nevertheless all the functions related to working people in America must come from the same committee. We have a hostile atmosphere there toward working families. We have a move on now to roll back the standards in ergonomics, to change the way labor unions can provide money in political campaigns. There is an attack on working families through labor unions. That is where the people who are going to make our society run have to come from. They have to come from working families. Middle-class families are going to continue to produce doctors and lawyers and people in the higher professions, the business graduates. We need more computer scientists, we need people to operate the ships. We need whole categories of people that must be producing. The only place they can come from are working families. The attacks that are being made on labor are ridiculous because of the fact that we are undermining a segment of the population, working families, that is critical.

In the area of minorities, we are still making critical mistakes in the area of minority education and the way we deal with minorities. We do not understand that the youngest population that we have are among the African Americans and the Hispanics. They have the youngest people. These are the people who are now at school age, who are going to be the workforce of tomorrow when many of the other folks in the majority population have begun to retire. The way we treat minor and children of minority families is critical.

I want to end with one last statement on a recent development within our Education and Workforce Committee. We are going forward in the committee with the assignments for the new 107th Congress. This button I have on relates to a problem that has arisen in the reconfiguration of our committee subcommittees, the subcommittees laid out by the majority. The majority Republicans decide. We hoped that they would have done this in consultation with Democrats, but the pattern nowadays is that they do not consult with the minority, the Democrats are never consulted on these things, so they came with a proposal for a Subcommittee on 21st Century Competitiveness. I think the Subcommittee on 21st Century Competitiveness is very much in order, very much in line with where we have to go. I am here saying that education is the hope of America, that the only way our society is going to survive is by focusing intensely on our education system and guaranteeing maximum education for all. I think that the change of a name of a committee that used to be the Higher Education Committee to the Subcommittee on 21st Century Competitiveness is appropriate. We were excited about that. But in the process of doing that and creating other committees, they took out of the Subcommittee on 21st Century Competitiveness all of the higher education titles related to minority schools. The historically black colleges and universities, title 3(B), the Hispanic serving institutions and the tribal colleges, all serving minorities, they were taken out of the Subcommittee on 21st Century Competitiveness. They were put into another committee which is called Committee for Select Education. In Select Education, you have the problems of juvenile delinquency prevention, child abuse prevention and a number of social programs and problems that are very important. We would like to see them dealt with. But why do you take out of the Committee on Competitiveness the minority colleges, the minority colleges, which have a great role to play in making America competitive in the 21st century? Where are we going to get the computer scientists from?

We have title 1(B) now, H1B, I think, which brings in foreigners to take positions in the computer science industry, in the information technology industry. We should have more and better computer programs in these historically black colleges and universities and in the Hispanic serving institutions and the tribal colleges. When we discuss 21st century competitiveness, we do not want to have a situation where the historically black colleges and the Hispanic serving institutions, the tribal colleges are not on the table, they are not being discussed. They go into another committee.

In boxing, if you have a bout scheduled after the main event, you get very little attention. No matter how much effort the boxers put forth, after the main event nobody is interested. The main event is the Subcommittee on 21st Century Competitiveness. We would like to have the historically black colleges and universities there. We would like to have the Hispanic serving institutions there. We would like to have the tribal colleges there. All of the members of the Education Committee who are minorities, we happen to have on that committee four people who are African Americans, three people who are Hispanic Americans, two who are Asian Americans and one who is a Native American. We all pleaded with the Republican leaders of the committee to not do that because it appeared, one, to push the minorities out of the process of preparing for 21st century competitiveness, it appeared that way, and in reality we know from experience that when you separate out things, they are not treated equally. When they get more attention as an event that takes place after the main event, if they are not at the table when the funding is being discussed, when the appropriations are being discussed, they will not prevail.

That is just one of the kinds of blunders that we must worry about as we go into the 107th Congress. There is no crisis on the horizon which raises our level of adrenalin. We do not feel any intermediate emergency. We are a pretty smug, comfortable people, the American Nation at this point. It is an opportunity. We should not relax.

When President Bush talked about the angel in the whirlwind in his inaugural address, the angel in the whirlwind which always seemed to be there to guide America through crisis. If we stop and think, that has been the case. We have gone through numerous crises in this country. We have had leaders produced at just the right time, Thomas Jefferson, Abraham Lincoln, and Roosevelt whose decisiveness and vision and cleverness matched Adolf Hitler. Not only did he get us out of the Depression but he led the way to the defeat of fascism.

We have had critical periods in our history and had to rise to the occasion. Usually they were very physical kinds of challenges. The challenge we face now is different and it requires some creativity and some vision in terms of here we are in the midst of a peacetime prosperity with resources that are unparalleled. Never before in the history of mankind has a Nation existed as rich and powerful as America. If all we can do now is to declare war on our working families and go after their labor unions and undermine the structure for providing jobs and higher wages, if all we can do is do negative things like classify minorities in a special way, if those are the things we do, we will destroy our opportunity to overcome the problems that the Roman Empire finally faced.

We do not have to decline. This empire can go on and on forever, but it has to have a firm commitment and dedication to education. We must put the money and the resources behind our rhetoric.

President Bush, I congratulate you on the rhetoric. Now we have to get the resources for education to make education our number one priority in reality.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

Mr. SESSIONS (during the special order of Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 107–4) on the resolution (H. Res. 71) providing for consideration of the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, in accordance with section 219 of H. Con. Res. 290, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the section 302(a) allocation to the House Committee on Commerce, set forth in H. Rept. 106–577, to reflect $15 million in additional new budget authority and outlays for fiscal year 2001 and $250 million for the period of fiscal years 2001 through 2005.

Section 219 of H. Con. Res. 290 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Commerce for legislation that provides Medicaid coverage for women diagnosed with cervical and breast cancer through the screening program of the Centers for Disease Control. Under the terms of section 219, the amount of the adjustment is in the amount of budget authority and outlays provided by such legislation, but may not exceed $50 million in new budget authority and outlays for fiscal year 2001 and $250 million in new budget authority and outlays for the period of fiscal years 2001 through 2005.

H.R. 4386, which became P.L. 106–345, provided funding for the specified purpose. Costs begin in fiscal year 2001 at $15 million in new budget authority and outlays and total $250 million in new budget authority and outlays over the period 2001–2005.

If you have any questions, please contact Dan Kowalski of my staff at 67270.

Mr. Speaker, in accordance with section 220 of H. Con. Res. 290, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the section 302(a) allocation to the House Committee on Agriculture, as revised, to reflect $995 million in additional new budget authority and outlays for the period of fiscal years 2001 through 2005.

Section 220 of H. Con. Res. 290 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Agriculture for legislation that provides for the stabilization of receipt-based payments to counties that support school and road systems and that provides for the dedication of a portion of those payments to local investments in Federal lands within such counties. Under the terms of section 220, the amount of the adjustment is in the amount of budget authority and outlays provided by such legislation, but may not exceed $200 million in new budget authority and outlays for fiscal year 2001 and $1.1 billion in new budget authority and outlays for the period of fiscal years 2001 through 2005.

H.R. 2389, which became P.L. 106–393, provided funding for those specified purposes. Costs begin in fiscal year 2002 and total $995 million in new budget authority and outlays over the period 2001–2005.

If you have any questions, please contact Dan Kowalski of my staff at 67270.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2001 THROUGH FY 2005

Mr. NUSSLE. Mr. Speaker, to facilitate the application 302 and 311 of the Congressional Budget Act and sections 202 and 203 of the conference report accompanying H. Con. Res. 290, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2001 and for the five-year period of fiscal years 2001 through fiscal year 2005. This status report is current through February 27, 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, revenues, the surplus, and advance appropriations with the aggregate levels set forth by H. Con. Res. 290. This comparison is needed to implement section 311(a) of the Budget Act and sections 202 and 203(b) of H. Con. Res. 290, which create points of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2001 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each authorizing committee with jurisdiction over direct spending programs with the "section 302(a)" allocations for discretionary action made under H. Con. Res. 290 for fiscal year 2001 and fiscal 2001 through 2005. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to enforce section 11(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2001 with the revised "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act because the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that, if at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), there shall be a sequestration of amounts within that category to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only.

STATUS OF THE FISCAL YEAR 2001 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 290—REFLECTING ACTION COMPLETED AS OF FEBRUARY 27, 2001

[On-budget amounts, in millions of dollars]

	Fiscal year 2001	Fiscal years 2001–2005
Appropriate Level (as amended):		
Budget Authority	1,537,861	n.a
Outlays	1,506.048	n.a
Revenues	1,503,200	8,022,400
Surplus	−2,848	n.a
Advance Appropriations	23,500	n.a
Current Level:		
Budget Authority	1,563,641	n.a
Outlays	1,515,063	n.a
Revenues	1,512,273	8,155,727
Surplus	−2,790	n.a
Advance Appropriations	23,524	n.a
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	25,780	n.a
Outlays	9,015	n.a
Revenues	9,073	133,327
Surplus	−58	n.a
Advance Appropriations	24	n.a

n.a.=Not applicable because annual appropriations acts for fiscal years 2002 through 2005 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 2001 would cause FY2001 budget authority to further exceed the appropriate level set by H. Con. Res. 290.

OUTLAYS

Enactment of any measure providing new outlays for FY2001 would cause FY2001 outlays to further exceed the appropriate level set by H. Con. Res. 290.

REVENUES

Enactment of any measure that would result in any revenue loss for FY2001 in excess of $9,073,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 290.

Enactment of any measure resulting in any revenue loss for the period FY2001 through 2005 in excess of $133,327,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 290.

SURPLUS

Enactment of any measure that reduces the surplus for FY2001 by more than $58,000,000 (if not already included in the current level estimate) would cause the FY2001 surplus to fall below the appropriate level set by section 201(c) of H. Con. Res. 290.

ADVANCE APPROPRIATION

Enactment of any measure authorizing new advance appropriations for FY2001 would cause FY2001 advance appropriations to further exceed the appropriate level set by section 203(b) of H. Con. Res. 290.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(a) REFLECTING ACTION COMPLETED AS OF FEBRUARY 27, 2001

[Fiscal years, in millions of dollars]

House Committee	2001		2001–2005 total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	3,062	2,295	10,832	9,819
Current level	3,284	2,319	11,095	10,145
Difference	222	24	263	326
Armed Services:				
Allocation	0	0	0	0
Current level	38	23	20,151	20,129
Difference	38	23	20,151	20,129
Banking and Financial Services:				
Allocation	0	0	0	−1,329
Current level	−16	−16	−53	−53
Difference	−16	−16	−53	1,276
Education and the Workforce:				
Allocation	0	0	0	0
Current level	6	4	30	28
Difference	6	4	30	28
Commerce:				
Allocation	15	15	250	250
Current level	1,540	1,540	−418	−418
Difference	1,525	1,525	−668	−668
International Relations:				
Allocation	0	0	0	0
Current level	348	348	475	478
Difference	348	348	475	478
Government Reform:				
Allocation	0	0	0	0
Current level	−6	−6	22	22
Difference	−6	−6	22	22
House Administration:				
Allocation	0	0	0	0
Current level	4	3	4	4
Difference	4	3	4	4
Resources:				
Allocation	0	0	162	44
Current level	−97	−114	39	39
Difference	−97	−114	−123	−5
Judiciary:				
Allocation	0	0	0	0
Current level	−112	−263	−370	−388
Difference	−112	−263	−370	−388
Small Business:				
Allocation	0	0	0	0
Current level	−10	−10	−10	−10
Difference	−10	−10	−10	−10
Transportation and Infrastructure:				
Allocation	0	0	0	0
Current level	14	14	132	132
Difference	14	14	132	132
Veterans' Affairs:				
Allocation	510	479	7,280	7,037
Current level	534	503	2,559	2,360
Difference	24	24	−4,721	−4,677
Ways and Means:				
Allocation	55	25	3,035	3,038
Current level	2,731	2,731	18,793	18,794
Difference	2,676	2,706	15,758	15,756

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2001—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(b)

[In million of dollars]

Appropriations Subcommittee	Revised 302(b) Suballocations as of July 19, 2000 (H. Rpt. 100–761)		Adjustments Not Reflected in 302(b) Suballocations		Current Level Reflecting Action Completed as of February 9, 2001		Currel Level minus Adjusted Suballocations	
	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	14,548	14,972	3,563	3,088	18,746	18,285	635	225
Commerce, Justice, State	34,904	35,778	0	0	37,539	37,215	2,635	1,437
National Defense	288,297	279,618	249	185	287,381	277,741	−1,165	−2,062
District of Columbia	414	414	0	0	463	467	49	53
Energy & Water Development	21,743	21,950	214	133	23,556	23,012	1,599	929
Foreign Operations	13,281	14,974	467	55	14,868	15,260	1,120	231
Interior	14,723	15,224	1,689	710	18,888	17,298	2,476	1,364
Labor, HHS & Education	99,547	95,075	0	0	108,947	98,158	9,400	3,083
Legislative Branch	2,468	2,480	52	36	2,689	2,583	169	67
Military Construction	4,932	2,119	0	0	4,956	2,116	24	−3
Transportation [1]	13,735	48,255	718	193	16,804	49,194	2,351	746
Treasury-Postal Service	14,402	14,751	55	0	15,592	15,086	1,135	335
VA-HUD-Independent Agencies	78,317	85,840	1,296	−8	82,654	86,613	3,041	781
Unassigned	42	985	0	0	0	768	−42	−217
Grand total	601,353	632,435	8,303	4,392	633,083	643,796	23,427	6,969

[1] Transportation does not include mass transit BA.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[In millions of dollars]

	Defense [1]		Nondefense [1]		General Purpose		Highway Category		Mass Transit Category	
	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT
Statutory cap [2]	n.a.	n.a.	n.a.	n.a.	640,803	613,247	n.a.	26,920	n.a.	4,639
Current level	311,003	299,876	322,080	311,634	633,083	611,510	n.a.	27,294	n.a.	4,992

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—Continued

[In millions of dollars]

	Defense[1]		Nondefense[1]		General Purpose		Highway Category		Mass Transit Category	
	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT
Current level over (+)/under (−) statutory cap	n.a.	n.a.	n.a.	n.a.	−7,720	−1,737	n.a.	374	n.a.	35

n.a. = Not applicable.

[1] Defense and nondefense categories are advisory rather than statutory.

[2] Established by OMB Final Sequestration Report for Fiscal Year 2001.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 28, 2001.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representative, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2001 budget and is current through February 27, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001. The budget resolution figures incorporate revisions submitted to the House by the Committee on the Budget to reflect funding for emergency requirements, disability reviews, and adoption assistance. Those revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated September 8, 2000, the following legislation has been enacted into law:

The Long-Term Care Security Act (Public Law 106-265).

Security Assistance Act of 2000 (Public Law 106-280).

Interior and Related Agencies Appropriations, 2001 (Public Law 106-291).

Lincoln County Land Act of 2000 (Public Law 106-298).

An act to provide personnel flexibilities available for GAO (Public law 106-303).

Children's Health Act of 2000 (Public Law 106-310).

An act to increase fees to employers who are petitioners (Public Law 106-311).

American Competitiveness in the 21st Century Act (Public Law 106-313).

Black Hills National Forest and Rocky Mountain Research Station Improvement Act of 2000 (Public Law 106-329).

Transportation Appropriations, 2001 (Public Law 106-346).

Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354).

An act to amend title 5, United States Code, on Thrift Savings Plans (Public Law 106-361).

An act to direct the Secretary of the Interior to convey property (Public Law 106-366).

National Museum of the American Indian Commemorative Coin Act (Public Law 106-375).

An act to direct the Secretary of the Interior to convey facilities (Public Law 106-376).

Veterans Affairs, HUD Appropriations, 2001 (Public Law 106-377).

Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386).

Agriculture and Rural Development Appropriations, 2001 (Public Law 106-387).

An act to authorize the Bureau of Reclamation to provide cost sharing (Public Law 106-392).

County Schools Funding Revitalization Act of 1999 (Public Law 106-393).

Federal Employees Health Benefits Children's Equity Act of 2000 (Public Law 106-394).

Floyd D. Spence National Defense Authorization Act for 2001 (Public Law 106-398).

Veteran's Compensation COLA Act of 2000 (Public Law 106-413).

Alaska Native and American Indian Direct Reimbursement Act (Public Law 106-417).

Veterans' Benefits and Health Care Improvements Act of 2000 (Public Law 106-419).

National Transportation Safety Board Amendments Act of 2000 (Public Law 106-424).

Santo Domingo Pueblo Claims Settlement Act of 2000 (Public Law 106-425).

An act making further continuing appropriations for Fiscal Year 2001 (Public Law 106-426).

Foreign Operations Appropriations, 2001 (Public Law 106-429).

Arizona National Forest Improvement Act of 1999 (Public Law 106-458).

Grain Standards and Warehouse Improvement Act of 2000 (Public Law 106-472).

An act to amend the Harmonized Tariff Schedule to modify rates of duty (Public Law 106-476).

Palmetto Bend Conveyance Act (Public Law 106-512).

An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (Public Law 106-519).

An act making further continuing appropriations for Fiscal Year 2001 (Public Law 106-520).

District of Columbia Appropriations, 2001 (Public Law 106-552).

Commerce, Justice, State Appropriations, 2001 (Public Law 106-417).

Water Resources Development Act of 2000 (Public Law 106-541).

Consolidated Appropriations, 2001 (Public Law 106-554).

An act to direct the Secretary of the Interior to conduct a study (Public Law 106-566).

Omnibus Indian Advancement Act (Public Law 106-568).

American Homeownership and Economic Opportunity Act of 2000 (Public Law 106-569).

Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106-571).

Installment Tax Correction Act of 2000 (Public Law 106-573).

These actions have changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF FEBRUARY 27, 2001

[In millions of dollars]

	Budget Authority	Outlays	Revenues	Surplus
Enacted before 2000:				
Revenues	0	0	1,514,800	
Permanents and other spending legislation	961,064	916,715	0	
Appropriation legislation	0	266,010	0	
Offsetting, receipts	−297,807	−297,807	0	
Total, enacted before 2000:	663,257	884,918	1,514,800	n.a.
Enacted in 2000:				
Authorizing legislation:				
An act to amend the Food Stamp Act of 1977 (P.L. 106–171)	1	1	0	
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106–176)	8	6	0	
Wendell H. Ford Aviation Investment & Reform Act (P.L. 106–181)	3,200	0	−2	
Civil Asset Forfeiture Reform Act of 2000 (P.L. 106–185)	−114	−75	−115	
Trade and Development Act of 2000 (P.L. 106–200)	−47	−47	−442	
Agricultural Risk Protection Act of 2000 (P.L. 106–224)	3,060	2,165	0	
Valles Caldera Preservation Act (P.L. 106–248)	−1	−1	0	
Griffith Project Prepayment and Conveyance Act (P.L. 106–249)	−103	−103	0	
Semipostal Authorization Act (P.L. 106–253)	−2	−2	0	
Long-Term Care Security Act (P.L. 106–265)	3	3	0	
Security Assistance Act of 2000 (P.L. 106–280)	6	6	0	
Lincoln County Land Act of 2000 (P.L. 106–298)	−3	−3	0	
An act to provide personnel flexibilities available for GAO (P.L. 106–303)	0	0	0	
Children's Health Act of 2000 (P.L. 106–310)	2	2	0	
An act to increase fees to employers who are petitioners (P.L. 106–311)	0	−64	0	
American Competitiveness in the 21st Century Act (P.L. 106–313)	0	−126	0	
Black Hills National forest and Rocky Mountain Research Station Improvement Act of 2000 (P.L. 106–329)	−1	−1	0	
Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106–354)	15	15	0	

FISCAL YEAR 2001 HOUSE CURRENT LEVEL REPORT AS OF FEBRUARY 27, 2001—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues	Surplus
An act to amend Title 5, United States Code, on Thrift Savings Plans (P.L. 106–361)	−3	−3	−6	
An act to direct the Secretary of the Interior to convey property (P.L. 106–366)	−5	−5	0	
National Museum of the American Indian Commemorative Coin Act (P.L. 106–375)	−3	−3	0	
An act to direct the Secretary of the Interior to convey facilities (P.L. 106–376)	−2	−2	0	
Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106–386)	342	342	0	
An act to authorize the Bureau of Reclamation to provide cost sharing (P.L. 106–392)	23	8	0	
County Schools Funding Revitalization Act of 1999 (P.L. 106–393)	21	21	0	
Federal Employees Health Benefits Children's Equity Act of 2000 (P.L. 106–394)	−1	−1	0	
Floyd D. Spence National Defense Authorization Act of 2001 (P.L. 106–398)	−22	−22	0	
Veteran's Compensation COLA Act of 2000 (P.L. 106–413)	380	349	0	
Alaska Native and American Indian Direct Reimbursement Act (P.L. 106–417)	9	9	0	
Veterans' Benefits and Health Care Improvements Act of 2000 (P.L. 106–419)	154	154	0	
National Transportation Safety Board Amendments Act of 2000 (P.L. 106–424)	12	12	0	
Santo Domingo Pueblo Claims Settlement Act of 2000 (P.L. 106–425)	8	8	0	
Arizona National Forest Improvement Act of 1999 (P.L. 106–458)	−5	−5	0	
Grain Standards and Warehouse Improvement Act of 2000 (P.L. 106–472)	1	1	0	
An act to amend the Harmonized Tariff Schedule to modify rates of duty (P.L. 106–476)	0	0	−26	
Palmetto Bend Conveyance Act (P.L. 106–512)	−42	−42	0	
An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (P.L. 106–519)	0	0	−153	
Water Resources Development Act of 2000 (P.L. 106–541)	2	2	0	
Consolidated Appropriations Act of 2001 (P.L. 106–554)	4,568	4,480	−139	
An act to direct the Secretary of the Interior to conduct a study (P.L. 106–566)	5	5	0	
Omnibus Indian Advancement Act (P.L. 106–568)	8	8	0	
American Homeownership and Economic Opportunity Act of 2000 (P.L. 106–569)	−13	−13	−68	
Federal Physicians Comparability Allowance Amendments of 2000 (P.L. 106–571)	−3	−3	1	
Installment Tax Correction Act of 2000 (P.L. 106–573)	0	0	−1,120	
Total, authorizing legislation	11,458	7,076	−2,070	
Appropriatoins Acts:				
Agriculture and Rural Development Appropriations, 2001 (P.L. 106–387)	77,830	42,663	0	
Commerce, Justice, State Appropriations, 2001 (P.L. 106–553)	37,812	25,437	0	
Defense Appropriations, 2001 (P.L. 106–259)	287,806	188,945	0	
District of Columbia Appropriations, 2001 (P.L. 106–522)	440	408	0	
Energy and Water Development Appropriations, 2001 (P.L. 106–377)	23,598	15,129	0	
Foreign Operations Appropriations, 2001 (P.L. 106–429)	14,945	5,457	0	
Interior and Related Agencies Appropriations, 2001 (P.L. 106–291)	18,905	11,912	0	
Labor, HHS, Education Appropriations, 2001 (P.L. 106–554)	289,432	227,557	0	
Legislative Branch Appropriations, 2001 (P.L. 106–554)	2,577	2,207	3	
Military Construction Appropriations, 2001 (P.L. 106–246)	4,932	−3,982	0	
Transportation Appropriations Act, 2001 (P.L. 106–346)	18,834	21,236	−460	
Treasury, Postal Service, General Government Appropriations, 2001 (P.L. 106–554)	29,964	26,342	0	
Veterans Affairs, HUD Appropriations, 2001 (P.L. 106–377)	103,577	62,961	0	
An act making further continuing appropriations for Fiscal Year 2001 (P.L. 106–426)	7	7	0	
An act making further continuing appropriations for Fiscal Year 2001 (P.L. 106–520)	7	7	0	
Consolidated Appropriations 2001 (P.L. 106–554)	15	−115	0	
Total, appropriations act:	910,681	626,171	−457	
Total, enacted in 2000:	922,139	633,247	−2,527	n.a.
Entitlements and Mandatories:				
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	−17,123	238	0	n.a.
Total Current Level[a]	1,563,641	1,515,063	1,512,273	−2,790
Total Budget Resolution	1,537,861	1,506,048	1,503,200	−2,848
Current Level Over Budget Resolution	25,780	9,015	9,073	0
Current Level Under Budget Resolution	0	0	0	58
Memorandum:				
Revenues, 2001–2005:				
House Current Level	0	0	8,155,727	n.a.
House Budget Resolution	0	0	8,022,400	n.a.
Current Level Over Budget Resolution	0	0	133,327	n.a.
2001 Advances:				
FY 2002 House Current Level	23,159	n.a.	n.a.	n.a.
FY 2003 House Current Level	365	n.a.	n.a.	n.a.
FY 2001 House Budget Resolution	23,500	n.a.	n.a.	n.a.
Current Level Over Budget Resolution	24	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Notes: P.L. = Public Law; n.a. = not applicable.

[a] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include $3,380 million in budget authority or $3,340 million in outlays for Social Security administrative expenses. As a result, current level excludes these items. In addition, for comparability purposes, current level budget authority excludes $1,252 million that was appropriated for mass transit.

PUBLICATION OF THE RULES OF THE COMMITTEE ON VETERANS' AFFAIRS 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, pursuant to the provisions of Rule XI of the rules of the House, I submit for printing in the RECORD the Rules of the Committee on Veterans' Affairs as adopted by the committee on February 14, 2001.

COMMITTEE RULES OF PROCEDURE FOR THE 107TH CONGRESS

(Adopted February 14, 2001)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a privileged motion in Committees and Subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

Regular and Additional Meetings

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

Public Announcement

(b)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the Subcommittee Chairman, as the case may be, shall consult with the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

Quorum and Rollcalls

(c)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

Calling and Interrogating Witnesses

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the ranking minority member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

Media Coverage of Proceedings

(e) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4 of House rule XI.

Subpoenas

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of an investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

Establishment and Jurisdiction of Subcommittees

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. Provided, however, That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

Referral to Subcommittees

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

Powers and Duties

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so shall notify the Chairman and the ranking minority party member of the Committee of the Subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIBBONS (at the request of Mr. ARMEY) for today on account of official business.

Mr. TERRY (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MENENDEZ) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. MILLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. COMBEST, for 5 minutes, today.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

(The following Member (at the request of Mr. OWENS) to revise and extend his remarks and include extraneous material:)

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 p.m.), the House adjourned until tomorrow, Thursday, March 1, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1023. A letter from the Principal Deputy Under Secretary, Acquisition and Technology, Department of Defense, transmitting the National Defense Stockpile Annual Materials Plan (AMP) for fiscal year 2002 and revisions to the fiscal year 2001 AMP, pursuant to 50 U.S.C. 98d; to the Committee on Armed Services.

1024. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report entitled, "Use Of Plain Language In FDIC Rulemakings Pursuant To Section 722 Of The Gramm-Leach-Bliley Act of 1999"; to the Committee on Financial Services.

1025. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Standards for Privacy of Individually Identifiable Health Information (RIN: 0991-AB08) received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1026. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Notification of justification of defense articles, services, and military education and training furnished under section 506 of the Foreign Assistance Act of 1961 to provide assistance to countries that participated in the Economic Community of West Africa States' Peacekeeping Force (ECOMOG), pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

1027. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Notification of justification of defense articles, services, and military education and training furnished under section 506 of the Foreign Assistance Act of 1961 to Mexico, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

1028. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Fiscal Year 1999 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

1029. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1030. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the 2000 Annual Report of the Migratory Bird Conservation Commission, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

1031. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Track Safety Standards: Delay of Effective Date [Docket No. RST–90–1, Notice No. 13] (RIN: 2130–AB32) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1032. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolladen Schneider Flugzeugbau GmbH Models LS 4 and LS 4a Sailplanes [Docket No. 99–CE–75–AD; Amendment 39–12081; AD 2001–01–11] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1033. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3 SHERPA, SD3–30, and SD3–60 Series Airplanes [Docket No. 99–NM–226–AD; Amendment 39–12092; AD 2001–02–08] (RIN: 2120–AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1034. A letter from the Progam Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters [Docket No. 2000–SW–56–AD; Amendment 39–12104; AD 2001–03–03] (RIN: 2120–AA64) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30231; Amdt. No. 427] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 71. Resolution providing for consideration of the bill (H.R. 333) to amend title 11, United States Code, and for other purposes (Rept. 107–4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 3. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself and Mr. Frank):

H.R. 768. A bill to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

By Mr. FLETCHER (for himself, Mr. Clement, Mr. Jones of North Carolina, Mr. Goode, Mr. Hayes, Mr. Etheridge, Mr. Boucher, Mr. Rogers of Kentucky, Mr. Lucas of Kentucky, Mr. Whitfield, Mr. Gordon, Mr. Rahall, Mr. Lewis of Kentucky, and Mrs. Clayton):

H.R. 769. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made to tobacco quota and allotment holders and tobacco growers pursuant to Phase I or II of the Master Settlement Agreement between a State and tobacco product manufacturers; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mrs. Johnson of Connecticut, Mrs. Morella, Mr. Bonior, Mr. Shays, Ms. Woolsey, Mr. Leach, Mr. Gephardt, Mr. Frelinghuysen, Mr. Wexler, Mr. Bass, Mr. Hinchey, Mr. Smith of New Jersey, Mrs. Maloney of New York, Mr. Saxton, Mr. Tierney, Mr. Greenwood, Mr. Hastings of Florida, Mrs. Napolitano, Ms. Roybal-Allard, Ms. Kilpatrick, Mr. Wu, Mr. Menendez, Mr. Engel, Mr. Baldacci, Mr. Serrano, Mr. Delahunt, Mr. Berman, Mr. Kildee, Mr. Evans, Mr. Sanders, Mr. Weiner, Mr. Inslee, Mr. Waxman, Mr. Barrett, Mr. Hoeffel, Mr. Lewis of Georgia, Mr. Blumenauer, Mr. Rothman, Mr. McGovern, Mr. Nadler, Mrs. Meek of Florida, Ms. Rivers, Mr. Boucher, Mr. Blagojevich, Mr. Allen, Mr. Deutsch, Mr. Frank, Mr. Hall of Ohio, Mr. Davis of Florida, Mr. Olver, Mr. Kleczka, Mrs. Capps, Ms. DeLauro, Ms. Slaughter, Ms. Lee, Mr. Pallone, Mr. Kucinich, Mr. Luther, Mr. Brown of Ohio, Mr. DeFazio, Ms. Hooley of Oregon, Mr. Brady of Pennsylvania, Mr. Neal of Massachusetts, Mr. Bishop, Mr. Coyne, Mr. Conyers, Ms. Schakowsky, Mr. Cardin, Mr. Moran of Virginia, Ms. McKinney, Mr. Costello, Mr. Stark, Mrs. Lowey, Mr. Filner, Ms. McCarthy of Missouri, Mr. Moore, Mr. Payne, Mr. Maloney of Connecticut, Mr. Baird, Mr. McNulty, Mr. Udall of Colorado, Mr. Pastor, Mr. Price of North Carolina, Ms. Norton, Mr. Sabo, Mr. Levin, Mr. Lantos, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Matsui, Mr. Andrews, Mrs. Tauscher, Ms. Eshoo, Mr. Langevin, Ms. Pelosi, Mr. Obey, Mr. McDermott, Mr. Fattah, Mr. Meehan, Mr. Holt, Mr. Capuano, Mr. Farr of California, Mr. Kennedy of Rhode Island, Ms. Carson of Indiana, Mrs. Jones of Ohio, Ms. DeGette, Mr. Scott, Ms. McCollum, Mr. Schiff, Mr. Pascrell, Mr. Sherman, Mr. Ackerman, Mr. Crowley, Ms. Harman, Mr. Rangel, Mr. Towns, Mr. Rush, Ms. Brown of Florida, Mr. Phelps, Mr. Cummings, Mr. Snyder, and Mr. Jackson of Illinois):

H.R. 770. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mr. BLAGOJEVICH:

H.R. 771. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants to States for the construction, repair, renovation, and modernization of public school facilities, to amend the Internal Revenue Code of 1986 to expand the tax incentives for such undertakings, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 772. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to identify and mentor college eligible high school students and their parents or legal guardians, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. Stark, Mr. Levin, and Mr. McDermott):

H.R. 773. A bill to amend the Internal Revenue Code of 1986 to provide that a part-time worker who otherwise meets the eligibility requirements for unemployment compensation not be precluded from receiving such compensation solely because such individual is seeking only part-time work; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Neal of Massachusetts, Mr. Paul, Mr. Herger, Mr. Rogers of Michigan, Mr. Tancredo, Mr. Souder, Mr. Brady of Texas, Mr. Stupak, Mr. Peterson of Pennsylvania, and Mr. Watkins):

H.R. 774. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Horn, Mr. Price of North Carolina, Mr. Fattah, Mr. Davis of Florida, Mr. Frost, Mr. Menendez, Ms. Eddie Bernice Johnson of Texas, Mr. Reyes, Mr. Dingell, Mr. Stenholm, Mr. Lantos, Mr. Abercrombie, Mr. Blagojevich, Mr. Brown of Ohio, Mr. Langevin, Mr. Baca, Mr. Baird, Mr. Bentsen, Ms. Brown of Florida, Mr. Boyd, Mr. Carson of Oklahoma, Mrs. Christensen, Mr. Clay, Mr. Crowley, Mr. Deutsch, Mr. Dooley of California, Mr. Etheridge, Mr. Ford, Mr. Gonzalez, Mr. Gordon, Mr. Hall of Ohio, Mr. Hastings of Florida, Mr. Hill, Mr. Hinojosa, Mr. Holt, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mrs. Jones of Texas, Mr. Jackson, of Ohio, Mr. Kennedy of Rhode Island, Mr. Lipinski, Mrs. Maloney of New York, Mr. Matheson, Ms. McCollum, Mr. McGovern, Ms. McKinney, Mrs. Meek of Florida, Mr. Moore, Mr. Pastor, Mr. Ross, Ms. Roybal-Allard, Mr. Rush, Mrs. Tauscher, Mr. Thompson of California, Mr. Thompson of Mississippi, Mrs. Thurman, Mr. Towns, Mr. Watt of North Carolina, Mr. Wexler, and Mr. Wynn):

H.R. 775. A bill to establish a program to provide funds to State and local governments to replace punch card voting systems, to establish the Election Administration Commission to make grants to State and local governments to assist in the administration of Federal elections, to develop a model election code, and otherwise provide assistance with the administration of certain Federal election laws and programs, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Paul, Mr. Tancredo, Mr. Souder, Mr. Brady of Texas, Mr. Peterson of Pennsylvania, and Mr. Watkins):

H.R. 776. A bill to amend the Internal Revenue Code of 1986 to exempt the deduction for charitable contributions from the phase-out of itemized deductions; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Barcia, Mr. Paul, Mr. Herger, Mr. Tancredo, Mr. Rogers of Michigan, Mr. Souder, Mr. Nethercutt, Mr. Brady of Texas, Mr. Stupak, Mr. Peterson of Pennsylvania, Mr. Hefley, and Mr. Watkins):

H.R. 777. A bill to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. Markey, Mr. Lewis of California, Mr. Hunter, Mrs. Capps, Mrs. Bono, Mr. Farr of California, Mr. Issa, Mr. George Miller of California, Mr. Dreier, Mr. Baldacci, Mr. Bass, Mr. Frank, Mr. Horn, Mr. Filner, Mr. Maloney of Connecticut, Mr. Pascrell, Mr. Hinchey, Mr. Boehlert, Mr. Allen, Mr. Lewis of Georgia, and Ms. DeLauro):

H.R. 778. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. Moran of Virginia, Mr. Whitfield, Mr. Skeen, Mr. Watts of Oklahoma, Mr. Jenkins, Mr. Hansen, Mr. Cooksey, Mr. Chambliss, Mr. Diaz-Balart, Mr. Boucher, and Mr. Filner):

H.R. 779. A bill to remove certain restrictions on participation in the demonstration project conducted by the Secretary of Defense to provide health care for Medicare-eligible Department of Defense beneficiaries under the Federal Employees Health Benefits program, and to extend the period for carrying out such project; to the Committee on Armed Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 780. A bill to authorize and request the President to award the Medal of Honor to James L. Cadigan of Hingham, Massachusetts; to the Committee on Armed Services.

By Ms. DeLAURO (for herself, Mr. Abercrombie, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Baldacci, Ms. Baldwin, Mr. Barcia, Mr. Barrett, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Blagojevich, Mr. Blumenauer, Mr. Bonior, Mr. Borski, Mr. Boswell, Ms. Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Ms. Carson of Indiana, Mrs. Christensen, Mrs. Clayton, Mr. Conyers, Mr. Costello, Mr. Coyne, Mr. Crowley, Mr. Cummings, Mr. DeFazio, Mr. Delahunt, Mr. Deutsch, Mr. Dicks, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Gephardt, Mr. Green of Texas, Mr. Gutierrez, Mr. Hall of Texas, Mr. Hinchey, Mr. Holden, Mr. Holt, Mr. Hoyer, Mr. Inslee, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kleczka, Mr. Kucinich, Mr. Lantos, Mr. Larson of Connecticut, Mr. Levin, Mrs. Lowey, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Matsui, Ms. McCarthy of Missouri, Mrs. McCarthy of New York, Ms. McCollum, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moore, Mr. Moran of Virginia, Ms. Norton, Mr. Obey, Mr. Pascrell, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Reyes, Ms. Rivers, Ms. Roybal-Allard, Mr. Rodriguez, Mr. Rush, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Serrano, Mr. Sherman, Mr. Shows, Ms. Slaughter, Mr. Strickland, Mr. Stupak, Mrs. Tauscher, Mr. Tierney, Mr. Towns, Mr. Udall of New Mexico, Ms. Waters, Mr. Watt of North Carolina, Mr. Waxman, and Ms. Woolsey):

H.R. 781. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 782. A bill to provide for the establishment of an Internet site on Federal financial assistance; to the Committee on Government Reform.

By Mr. ENGLISH:

H.R. 783. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to develop a plan for stockpiling potassium iodide tablets in areas within a 50-mile radius of a nuclear power plant; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH (for himself, Mr. Visclosky, and Mr. Regula):

H.R. 784. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Matsui, Mr. Gonzalez, Mr. Royce, Mr. Tanner, Mr. McInnis, Mr. Crane, Mr. Herger, Mr. Watkins, Mr. English, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. Houghton, Mr. Portman, Mr. Watts of Oklahoma, Ms. Pryce of Ohio, Mr. Ehrlich, Mr. Chambliss, Mr. Miller of Florida, Mr. Jones of North Carolina, Mr. Bonilla, Mr. Boehner, Mr. Radanovich, Mr. Hinchey, Mr. Cannon, Mr. Paul, Mrs. Meek of Florida, Mr. Chabot, Ms. Jackson-Lee of Texas, Mr. Doolittle, and Mr. Calvert):

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. George Miller of California, Mr. Scott, Mr. Payne, Mr. Hinchey, Mr. DeFazio, Mr. Baldacci, Mr. Capuano, Mr. Tierney, Mr. Farr of California, Mr. Abercrombie, Mr. Andrews, Mr. Fattah, Ms. Lee, Mr. Sabo, Ms. Norton, Mr. Olver, Mr. Meeks of New York, Ms. Schakowsky, Mrs. Morella, Mrs. Christensen, Mr. Underwood, Mr. Stark, Mr. Lantos, and Ms. Waters):

H.R. 786. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GRAHAM (for himself, Mr. Sensenbrenner, Mr. Smith of Texas, and Mr. Flake):

H.R. 787. A bill to amend section 7353 of title V, United States Code, to cover gifts to Members-elect; to the Committee on House Administration.

By Mr. GREEN of Wisconsin:

H.R. 788. A bill to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin:

H.R. 789. A bill to require executive agencies to establish expedited review procedures for granting a waiver to a State under a grant program administered by the agency if another State has already been granted a similar waiver by the agency under such program; to the Committee on Government Reform.

By Ms. HOOLEY of Oregon (for herself, Mr. Weldon of Pennsylvania, Ms. McKinney, Mr. Walden of Oregon, Mr. Hyde, Mr. Bonior, Mr. DeFazio, Mrs. Emerson, Ms. Kilpatrick, Mr. Hinchey, Mr. Kucinich, Mr. Wolf, Mr. Barrett, Mr. McGovern, Mr. Sessions, Mr. Owens, and Mr. George Miller of California):

H.R. 790. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Illinois:

H.R. 791. A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois; to the Committee on Resources.

By Mrs. KELLY (for herself, Mr. Ganske, Mr. Moore, Mrs. Maloney of New York, Mr. Bachus, Mr. Hilliard, Mr. Frost, Mr. Boucher, Mr. King, Mr. Baldacci, Mr. McNulty, Mr. Price of North Carolina, Mr. Doyle, Mr. Cooksey, Mr. Luther, Mr. Whitfield, Mr. Frank, Mr. English, Mr. Strickland, Mr. Pallone, Mr. Matsui, Ms. Roybal-Allard, Mrs. Morella, Mr. Foley, Mr. Coyne, Ms. Dunn, Mr. Ackerman, Mr. Oxley, Mr. Gilman, Ms. Berkley, Mr. Wolf, Mr. Walsh, Mr. Hinchey, Mr. McIntyre, Mr. Payne, Mr. Fattah, Mrs. Christensen, Mr. Bonior, Mr. Weiner, Mr. Owens, Mrs. Thurman, Mrs. Roukema, Mr. Visclosky, Mr. Kildee, Mr. Leach, Mr. Kucinich, Mr. Clement, and Mr. McGovern):

H.R. 792. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO:

H.R. 793. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House located in Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. MOORE (for himself, Mr. Moran of Kansas, Mr. Tanner, Mr. Stenholm, Ms. McCarthy of Missouri, Mr. Sandlin, Mr. Condit, Mr. Lantos, Mr. McGovern, Mr. Abercrombie, and Mr. Shows):

H.R. 794. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. Weiner, Mr. Crowley, Mr. Hinchey, Mrs. Maloney of New York, Mr. Serrano, Mr. Towns, Mr. Engel, and Mr. McNulty):

H.R. 795. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself, Mr. Jefferson, Mr. Neal of Massachusetts, and Mr. Ramstad):

H.R. 796. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Jefferson, Mr. Neal of Massachusetts, and Mr. Ramstad):

H.R. 797. A bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. Jefferson, Mr. Neal of Massachusetts, and Mr. Ramstad):

H.R. 798. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 799. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift tax; to the Committee on Ways and Means.

By Mr. SCARBOROUGH:

H.R. 800. A bill to amend the Internal Revenue Code of 1986 to eliminate taxes on capital gains after December 31, 2004; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Hayworth, and Mr. Reyes):

H.R. 801. A bill to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. Scott, Mr. Hutchinson, Mr. Green of Wisconsin, and Mr. Keller):

H.R. 802. A bill to authorize the Public Safety Officer Medal of Valor, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 803. A bill to amend title XVIII of the Social Security Act to make the Medicare Program more competitive and efficient, to extend the solvency of the Medicare Program, to provide for a prescription drug benefit under the Medicare Program, to improve quality of care, to make Medicare supplemental insurance (Medigap) more affordable, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself and Mr. Crane):

H.R. 804. A bill to amend the Internal Revenue Code of 1986 to repeal the 2 percent excise tax on the net investment income of tax-exempt foundations; to the Committee on Ways and Means.

By Mr. THORNBERRY (for himself, Mr. Skeen, Mr. Smith of Texas, Mr. Watts of Oklahoma, Mr. Sessions, Mr. Stenholm, Mr. Watkins, Mr. Bonilla, Mr. Lucas of Oklahoma, Mr. Moran of Kansas, and Mr. Combest):

H.R. 805. A bill to amend the Internal Revenue Code of 1986 to enhance domestic oil and gas production; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Luther, Mr. Baldacci, Mr. Chambliss, Mr. Holden, Mr. Goode, Mr. Schaffer, Mr. Greenwood, Mr. Flake, Mr. Kolbe, Mr. Goss, Mr. Simmons, Mr. Royce, Mr. Peterson of Pennsylvania, Mr. Stearns, Mr. Camp, and Mr. Oxley):

H.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to allow an item veto of appropriation bills; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H. Con. Res. 44. Concurrent resolution recognizing the vital importance of hunting as a legitimate tool of wildlife resource management; to the Committee on Resources.

By Mr. KOLBE (for himself, Mr. Hoyer, Mr. Ganske, Mrs. Bono, Mr. Lewis of Kentucky, Mrs. Roukema, Mr. Bonilla, Mr. LaTourette, Mr. Neal of Massachusetts, Mr. Pitts, Mr. Ehrlich, Mr. Knollenberg, Mr. Bilirakis, Mr. Miller of Florida, Mr. Dooley of California, Mr. Davis of Florida, Mrs. Northup, Mr. McInnis, Mr. Wexler, Mr. Mica, Mr. Weller, Mrs. Kelly, Mr. Kleczka, Mr. Ramstad, Mr. Blunt, Mr. Nussle, Mr. Wynn, Mr. Hill, Mr. Lucas of Kentucky, Mr. Manzullo, Mr. Mascara, Mr. Boehlert, Mr. Cunningham, Mr. LaHood, Mr. Matsui, Mr. Gary Miller of California, Mrs. Johnson of Connecticut, Mr. Leach, Mr. Cummings, Mr. Lampson, Mr. Gutierrez, Mr. Gonzalez, Mr. Latham, Mr. Phelps, Mr. Greenwood, Ms. Pryce of Ohio, Mr. Fletcher, Mr. Sununu, and Mr. Barcia):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H. Res. 69. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. FOLEY:

H. Res. 70. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. SESSIONS:

H. Res. 71. A resolution providing for consideration of the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; House Calendar No. 2. House Report. No. 107–4.

By Mr. GEKAS (for himself, Mr. Bentsen, and Mrs. Morella):

H. Res. 72. A resolution to express the sense of the House of Representatives that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002; to the Committee on Energy and Commerce.

By Mr. GRAHAM (for himself, Mr. Sensenbrenner, Mr. Smith of Texas, and Mr. Flake):

H. Res. 73. A resolution amending the Rules of the House of Representatives to provide that the gift rule covers Members-elect; to the Committee on Rules.

By Mr. NUSSLE:

H. Res. 74. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 806. A bill for the relief of Michael and Julie Schindler; to the Committee on the Judiciary.

By Mr. McINTYRE:

H.R. 807. A bill for the relief of Rabon Lowry of Pembroke, North Carolina; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. DeGette, Mr. Cannon, Mr. Rehberg, Mr. Taylor of North Carolina, Mr. Etheridge, Mr. Weldon of Pennsylvania, Mr. Peterson of Pennsylvania, Mr. Gilchrest, Mr. Burr of North Carolina, Mr. Hinojosa, and Ms. Jackson-Lee of Texas.

H.R. 51: Mr. Hutchinson, Mr. Green of Wisconsin, Mr. Ose, and Mr. Dingell.

H.R. 85: Ms. McKinney, Mr. Cardin, Ms. Hart, Mr. Stupak, Mr. Rothman, Mr. Graham, Mr. Peterson of Pennsylvania, and Mr. Norwood.

H.R. 90: Mr. Goodlatte.

H.R. 129: Mr. Fattah.

H.R. 138: Mr. George Miller of California, Mr. Clay, and Ms. McKinney.

H.R. 139: Mr. George Miller of California, Mr. Clay, and Ms. McKinney.

H.R. 179: Ms. Granger.

H.R. 219: Mr. Tancredo.

H.R. 232: Mr. Clement.

H.R. 238: Ms. Lofgren.

H.R. 250: Mrs. Napolitano, Mr. Boehlert, Mr. Kind, Mr. Allen, Mr. Hayes, Mr. Kildee, Mr. Thompson of Mississippi, Mr. Johnson of Illinois, Mr. Brady of Pennsylvania, Mr. Sandlin, Mr. Latham, Mr. Lipinski, Mrs. Jo Ann Davis of Virginia, Mr. Barr of Georgia, Mr. Hulshof, Mr. Baca, Mrs. Cubin, Ms. DeGette, and Mr. Doolittle.

H.R. 267: Mr. Skeen, Mr. Larsen of Washington, Mr. Neal of Massachusetts, Mr. Watts of Oklahoma, Mr. Gekas, Mr. Davis of Illinois, Mr. Gonzalez, Mr. Taylor of North Carolina, Mrs. Morella, Mrs. Tauscher, Ms. McKinney, Mr. Bereuter, Mr. Ney, Mr. Doolittle, Mr. Simpson, Mr. Chambliss, Mr. Rush, Mr. Engel, Mr. McGovern, and Mr. Gillmor.

H.R. 281: Mr. Hinojosa.

H.R. 296: Ms. Schakowsky.

H.R. 303: Mr. LoBiondo, Mr. Goodlatte, Mr. McNulty, and Mr. Wolf.

H.R. 335: Mr. Lewis of Kentucky and Mr. Sessions.

H.R. 337: Mr. Blunt, Mr. Buyer, and Mr. Whitfield.

H.R. 338: Mr. Blunt and Mr. Whitfield.

H.R. 340: Mr. Barcia.

H.R. 346: Mr. Baca, Ms. Velázquez, Mr. Frost, and Mr. Sherman.

H.R. 367: Mrs. Thurman, Mr. George Miller of California, and Mr. Rush.

H.R. 386: Mr. DEAL of Georgia.

H.R. 389: Ms. HOOLEY of Oregon.

H.R. 394: Mr. SAXTON, Mr. SHOWS, Mrs. BONO, Mr. MORAN of Virginia, Mr. CALLAHAN, Mr. WELDON of Florida, Mr. BLUNT, Mr. PITTS, Mr. HALL of Ohio, Mr. PASCRELL, Mr. PAUL, Mr. NORWOOD, Mr. ISAKSON, Mr. ABERCROMBIE, Mr. SHIMKUS, Mr. MOORE, Mr. CLYBURN, Mr. GOODE, Mr. BAIRD, Mr. SPENCE, Mr. CALVERT, Mr. POMEROY, Mr. SOUDER, and Mr. SNYDER.

H.R. 397: Mr. MORAN of Virginia, Mr. McDERMOTT, Mr. MATSUI, Mr. SABO, Mrs. MORELLA, Mr. FARR of California, Mr. MARKEY, Ms. PRYCE of Ohio, Mr. MEEHAN, Mr. VISCLOSKY, Mr. WYNN, and Mr. CLAY.

H.R. 425: Mr. PAYNE, Mr. HINCHEY, Mr. CUMMINGS, Mrs. MEEK of Florida, Mr. RUSH, Ms. ESHOO, Mr. STARK, Ms. McCOLLUM, and Mrs. CLAYTON.

H.R. 436: Mr. HUTCHINSON, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, and Mr. BRADY of Texas.

H.R. 459: Ms. McKINNEY, Mr. LANTOS, Mr. PASCRELL, Mr. ABERCROMBIE, and Mrs. CAPPS.

H.R. 476: Mr. PETRI, Mr. RAHALL, and Mr. STENHOLM.

H.R. 489: Ms. McKINNEY, Mr. BACA, Mr. HORN, and Mr. ETHERIDGE.

H.R. 490: Mr. OSE, Mrs. JOHNSON of Connecticut, Ms. PRYCE of Ohio, Mr. SMITH of New Jersey, Ms. SLAUGHTER, Mr. HORN, Mr. UPTON, Ms. KAPTUR, and Mr. SCHROCK.

H.R. 498: Mrs. DAVIS of California, Mr. DEUTSCH, Mr. SCHAFFER, Mr. LEACH, Mr. MASCARA, Mr. CALVERT, Ms. GRANGER, Ms. DUNN, Ms. DeGETTE, Mr. FATTAH, Mr. GUTIERREZ, Mr. HORN, Ms. PRYCE of Ohio, Mr. KILDEE, Mr. McGOVERN, Mr. OLVER, Mr. PETERSON of Minnesota, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. STEARNS, Mr. SERRANO, Mr. DICKS, Mr. BURR of North Carolina, Mr. DIAZ-BALART, Mr. LEWIS of Calfornia, Mrs. THURMAN, MR. FILNER, Mr. PENCE, Mr. BLAGOJEVICH, Mr. CLEMENT, Mr. DOYLE, Mr. OBERSTAR, Mr. RILEY, Mr. DEAL of Georgia, Mr. ORTIZ, Mr. JEFFERSON, Ms. McCARTHY of Missouri, and Mr. AKIN.

H.R. 499: Mr. BARRETT.

H.R. 503: Mr. NORWOOD and Mr. KING.

H.R. 504: Mr. SAWYER, Ms. McKINNEY, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. UPTON, Mr. McINTYRE, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. WYNN, Mr. GEORGE MILLER of California, and Mr. HILLEARY.

H.R. 511: Mr. UPTON.

H.R. 525: Mr. LoBIONDO, Mr. CALVERT, Mr. HUTCHINSON, and Mr. GREENWOOD.

H.R. 527: Mr. SKEEN, Mrs. JONES of Ohio, Mr. SESSIONS, Mr. GORDON, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. BOEHNER, Mr. PETRI, Mr. GOODLATTE, Mr. BONILLA, Mr. SMITH of Texas, Mr. GONZALEZ, and Mr. PENCE.

H.R. 560: Mr. LARSEN of Washington, Ms. PELOSI, Mr. PASCRELL, and Mr. CROWLEY.

H.R. 561: Mr. BACA, Mr. BROWN of Ohio, Mr. McGOVERN, and Mr. ENGEL.

H.R. 585: Mr. ISTOOK.

H.R. 600: Mr. DEAL of Georgia, Mr. McHUGH, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. RYUN of Kansas, Mr. RAMSTAD, Mr. LEACH, Mr. DOYLE, Mr. FILNER, Mr. CAMP, Mr. NORWOOD, Mr. KING, Mr. CLEMENT, Mr. BERMAN, Mr. FRANK, Mrs. MINK of Hawaii, Mr. CRAMER, Mr. McGOVERN, and Mrs. WILSON.

H.R. 602: Mr. ROEMER, Mr. BARRETT, and Mr. JACKSON of Illinois.

H.R. 612: Mr. ETHERIDGE, Mr. BALDACCI, Mr. HINOJOSA, Ms. McKINNEY, Mrs. KELLY, Mr. GORDON, Mr. STUPAK, Mr. GREEN of Wisconsin, Mr. SCHAFFER, and Mr. PALLONE.

H.R. 622: Mr. VISCLOSKY, Mr. SABO, Mr. FILNER, Ms. KAPTUR, Mr. BONILLA, Mr. TAYLOR of North Carolina, Mr. BERMAN, Mr. CROWLEY, Mr. GALLEGLY, Mr. DeFAZIO, Mr. CLEMENT, Mr. BISHOP, Mr. WU, Mr. BORSKI, Mr. LUCAS of Kentucky, Mr. EHRLICH, and Mr. NORWOOD.

H.R. 637: Mr. TANCREDO.

H.R. 643: Mr. FALEOMAVAEGA.

H.R. 645: Mr. FALEOMAVAEGA.

H.R. 659: Mr. BASS, Mr. HORN, Mr. MALONEY of Connecticut, Mr. WAXMAN, Mrs. MORELLA, and Mr. LARSEN of Washington.

H.R. 661: Mr. LEVIN and Mr. HAYWORTH.

H.R. 683: Mr. CAPUANO, Mr. LIPINSKI, Ms. VELÁZQUEZ, Mr. ETHERIDGE, and Mr. FATTAH.

H.R. 686: Mr. PASCRELL, Ms. McKINNEY, Mr. McGOVERN, Mr. FROST, and Mr. GEORGE MILLER of California.

H.R. 690: Mr. LANTOS, Mr. HINCHEY, Ms. McKINNEY, Mr. KOLBE, Mr. SABO, Mr. KUCINICH, Mr. WU, Mr. SERRANO, Mr. PASTOR, Mr. BLUMENAUER, Ms. McCARTHY of Missouri, and Mr. ENGEL.

H.R. 700: Mr. FALEOMAVAEGA.

H.R. 730: Mrs. DAVIS of California.

H.R. 737: Mr. BARCIA.

H.R. 755: Mr. LARSEN of Washington, Mr. BLUMENAUER, and Mr. MATSUI.

H.J. Res. 11: Mr. BACHUS, Mr. GOODLATTE, Mr. ETHERIDGE, Mr. CALLAHAN, and Mr. LoBIONDO.

H. Con. Res. 4: Mr. ETHERIDGE.

H. Con. Res. 34: Mr. McINTYRE, Mr. FROST, Mr. PASCRELL, Mrs. MYRICK, Mr. PRICE of North Carolina, and Mr. HOYER.

H. Con. Res. 36: Mr. BARTON of Texas, Ms. DeGETTE, Mr. GILCHREST, Mr. SAWYER, Mr. NETHERCUTT, Ms. BROWN of Florida, Mr. GIBBONS, Mr. LAMPSON, Mr. LANTOS, Mr. POMEROY, Mr. LaHOOD, Ms. PRYCE of Ohio, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. MEEHAN, Mr. DOYLE, Mr. WEXLER, Mr. NEY, Mr. KILDEE, Mr. BONIOR, and Mr. RAHALL.

H. Con. Res. 41: Mr. BERMAN, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. STARK, Mr. COSTELLO, Ms. SOLIS, and Mrs. MYRICK.

H. Con. Res. 42: Mr. TOWNS, Mr. BRADY of Pennsylvania, Ms. McCARTHY of Missouri, and Ms. DeLAURO.

H. Res. 27: Mr. TIERNEY, Mr. OBERSTAR, Mrs. THURMAN, Mr. SOUDER, Mr. McHUGH, Mr. VISCLOSKY, and Mr. BONIOR.

H. Res. 48: Mr. LUTHER, Mr. McGOVERN, Mr. GANSKE, Mrs. MORELLA, Mr. WAXMAN, Mr. BERMAN, and Mr. DOGGETT.

H. Res. 54: Ms. BALDWIN.

SENATE—*Wednesday, February 28, 2001*

The Senate met at 10:01 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God of spiritual fire, set us aflame with true passion. Your presence burning in us gives us empathy for others and enthusiasm for our calling to be servant leaders. Your love in us is like a fire. It sets us ablaze with moral passion and social responsibility. You give us devotion for social justice. Our commitment to fight for what is right consumes us. On fire with patriotism, we love our Nation and serve with radiance. Your fire also burns out the chaff of negativism, divisiveness, and judgmentalism. You purify our motives with Your holy fire.

Lord, Your fire galvanizes us into oneness. Here are our hearts. If they have burned out, relight them; if the flame is low, stoke it with Your Spirit; if our fires are banked, set them ablaze again.

Today, we especially thank You for John W. Euill II, Detective and Crime Specialist for the U.S. Capitol Police, who has recently retired after faithfully serving this body. Bless John and his family. May his retirement years continue to be joyful and purposeful. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

SCHEDULE

Mr. MURKOWSKI. Mr. President, let me take this opportunity to wish you and my good friend, Senator REID, good morning.

I announce on behalf of the leader, today the Senate will be in a period of morning business until 1 p.m., with the time between 11 a.m. and 1 p.m. under the control of Senator DURBIN and Senator THOMAS. Following morning business, the Senate may consider the bankruptcy legislation or any nominations that are available for action. Members should be aware that votes are possible during today's session. Notification will be given to all offices as those votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 10 minutes each.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I have been given a few moments this morning to share with you a concern I have over legislation that undoubtedly will be introduced at some time in the Senate. It involves the issue of ANWR, which is an area in my State of Alaska that is looked upon by many as a partial solution to our energy crisis and to others as a sacrifice of our environmental character and quality. Let me, just for reference, identify the ANWR area because, again, I think we need to keep things in perspective.

This is ANWR. It is about 19 million acres, the size of the State of South Carolina. You see this area way up in the corner, that is a proportion, the proportion of how it looks in relation to the entire landmass of the State of Alaska. The point I want to bring out to my colleagues is that roughly half, 8.5 million acres, are in wilderness in perpetuity. The other portion is refuge, leaving a coastal plain of about 1.5 million acres about which only Congress can make a determination whether or not it could or should be opened.

As a consequence, in our energy bill which we introduced yesterday, I found there was very little focus on the bill itself. Most of the focus seems to be on the issue of ANWR. I want to make sure everyone understands, as we look at this energy crisis, ANWR is not the answer. It is not intended to be the answer. But it is part of the solution to our energy crisis for specific reasons. A, we are 56-percent dependent on imported oil. B, as a consequence of that, one has to question at what time, at what point we begin, if you will, to jeopardize our national energy security because of our increased dependence on imported oil.

I was asked the other day: Senator what was our dependence in 1973 when we had the Arab oil embargo; it was 37 percent, it is 56 percent now. The Department of Energy says if we keep going the way we are, we will be over 62 percent or 63 percent by the year 2006 or 2007. At what point do we really compromise our national security by being so dependent on outside sources: Do we rely on Saudi Arabia, Venezuela, Mexico, and other areas?

Let's look back to 1991–1992. We fought a war over oil. We stopped Saddam Hussein from going into Kuwait. He had his eyes on Saudi Arabia as well. He wanted to control the world's supply of oil. So we have already pretty much made the commitment of just how far we will go. Now the question is, As we become more dependent, when does our national security really become jeopardized? I think we are there already.

As a consequence, any effort, in my opinion, by Members to consider introducing legislation that would put ANWR in a wilderness in perpetuity really puts our national security at risk. I ask Members who obviously have a sensitivity concerning the environment—which we all do—to reflect a little bit on the merits of this legislation. At a time when we have an energy crisis in this country, is it appropriate that Members, who obviously are extremely sensitive to the pressures by the environmental community, would yield to those pressures and suggest we put the area where we are most likely to make a major discovery, in North America, off limits at a time when we have an energy crisis? At a time when we have previously fought a war over oil?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Let me share a couple of other observations because I think they reflect meaningfully on the message I would like to deliver briefly today. That is the myth associated with ANWR, that somehow this is the last untouched area in the United States. That is absolutely incorrect.

Let me show a beautiful picture of this 1002 area. This is the million and a half acres that, indeed, are part of ANWR. There are probably 100,000 caribou in that picture. It is a little bit difficult to see it. But it is interesting to reflect the place from which the picture was taken.

I ask unanimous consent that the certification from the photographer, Kenneth Whitten, in a letter to Senator BARBARA BOXER, be printed in the RECORD. It was June 20, 2000, and it identifies specifically where the picture was taken.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAIRBANKS, AK,
June 20, 2000.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: Following are specific answers to questions you asked about photographs I took that were produced as a poster by the Porcupine Caribou Management Board.

1. The photos were taken at Beaufort Lagoon, an abandoned DEW line station on the arctic coast east of Kaktovik, Alaska. Beaufort Langoon lies within the 1002 area, about 6-8 miles from its eastern boundary. The photos were taken July 4, 1991. About 100,000 caribou walked past Beaufort Lagoon that day.

2. The photos were taken from a rooftop, looking south and southwest across the lagoon toward the mainland and the coastal plain. All the flatter terrain in the foreground of the photos and all of the visible caribou are within the 1002 area. The Brooks Range mountains in the distance are south of the 1002 area, but are readily visible from all parts of the 1002 area on clear days. The snowcapped peaks in the photo are the highest peaks in the Brooks Range. In the far western part of the 1002 area, the mountains are even closer to the coast, but the peaks are not as high. East of the 1002 area the mountains are also lower, but closer to the coast.

3. The image is typical of the 1002 coastal plain. However, a person standing at ground level on flat terrain would not have quite as good a view. There are many low hills or bluffs along watercourses in the 1002 area that offer similar overviews of the coastal plain, but the old buildings at Beaufort Lagoon may be the only place right on the coast in the 1002 area where one can get high enough to see so much of the plain at once. Similar or better views are readily available throughout the 1002 area from aircraft.

4. All of the lower, flat terrain in the photo (where the caribou are) is within the 1002 area and potentially available for oil and gas development.

5. The coastal plain within the Arctic Wildlife refuge and the 1002 area is generally narrower than the coastal plain further west on the North Slope. Thus wildlife tends to be more concentrated than elsewhere, with waterfowl and shorebird nesting, other migratory birds, caribou calving, muskoxen, land predators, and marine birds and mammals all in closer proximity and denser concentrations than elsewhere on the North Slope. Some other areas of the North Slope have higher abundances of one or a few species, but the ANWR coastal plain has the greatest variety and concentrations for such a relatively small area.

6. I was the Alaska Department of Fish and Game research biologist in charge of Porcupine Caribou Herd research and monitoring from 1978-1997. I spent 2-6 weeks each summer working on the ANWR coastal plain, plus additional time throughout the rest of the year following the caribou elsewhere on their migrations through northern Alaska and Canada. I served on the Porcupine Caribou Technical Committee (now advisory to the International Porcupine Caribou Board) from about 1979-2000 and I represented the State on the International Porcupine Caribou Board at most meetings from about 1993-2000. From 1996-2000 I was the Regional Research Coordinator for the Alaska Department of Fish and Game for interior and northeastern Alaska, but I still maintain an active role in Porcupine Caribou matters. During the late 1970s and most of the 1980s I was also involved in research on the Central Arctic Caribou herd in the Prudhoe Bay area. I retired after 24½ years with the Alaska Department of Fish and Game on May 31, 2000.

If I can be of any further assistance in your efforts to protect the ANWR coastal plain, please don't hesitate to contact me.

Sincerely,

KENNETH R. WHITTEN.

Mr. MURKOWSKI. "The photos were taken from a rooftop looking south and southwest across the lagoon." And it is in the area of the lagoon.

The significance of it is, if it is in wilderness, what is a rooftop doing there?

The reality is that also within this area is the village Kaktovik, which is in the 1002 area, which is often overlooked. This is the same part of the land, and it shows the village of about 227 people. It shows a radar station, an airport, the ocean, and so forth. It is a pretty harsh environment.

Let me show you another contrast, and the contrast is caribou browsing in the Prudhoe Bay area. There is moderate activity. There happens to be a drilling rig in that particular picture. You see a pipeline. The realization is if the caribou are undisturbed and they are not threatened, why do they have a tendency to become used to activity?

The point of these two pictures I think shows the contrast that, indeed, we are talking about two different areas. We are talking about the Coastal Plain. We are talking about two different herds of caribou. But we are still talking about caribou, and we have been able to protect those caribou as a consequence of not allowing any harassment, shooting, or otherwise as opposed to the Porcupine herd which is subject in that area to subsistence hunting, which is traditional among the Native people.

I want to show you the contrast, and I want you to recognize that this picture was taken from a roof in a wilderness and in a wilderness there is not supposed to be any rooftop. Part of that wilderness includes the village where 227 people live. They have children. They have schools and so forth.

Again, I refer to the reality of how Alaskans live in the Arctic. I want to show you pictures of some children. This is the little village of Kaktovik. These are kids going to school in the morning. You notice how they are dressed in their parkas. It is pretty bleak and harsh. The realization of that kind of a lifestyle relates to a friend of mine named Oliver Leavitt, who is with the Arctic Slope Regional Cooperation. The last time I was in Barrow with a group of Senators he took us to the new school in Barrow. He said: I use to come to school to keep warm. He said: I had to pick up driftwood on the beach early in the morning, take it home to our sod home, and then I went to school to keep warm.

I quote a friend of mine by the name of Jacob Adams, who is the president of the Regional Corporation:

> I love life in the Arctic. But it is harsh, expensive, and for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

There is another side to this; that is, the residents who live there, and their attitude and their commitment to their lifestyle that depend on the caribou.

We recently had comments by former President Carter. President Carter signed the Alaska national interest lands bill in 1980. Alaskans assumed at that time that the land issue was resolved. We have put 59 million acres in wilderness in the State of Alaska. These are the areas. I don't expect the President to really reflect on where these are. But when you talk about wilderness and talk about ANWR, you also talk about other areas that are larger than ANWR that are wilderness in Alaska. The question is, How much? Under statehood in 1959, we thought we could get a commitment from the Federal Government as to how much would be enough. In 1980, we signed an agreement basically under the Alaska National Interest Lands Conservation Act. Here is a two-page list. The point I want to make is that the Wrangell-St. Elias wilderness has 87 million acres. We have 8 million in ANWR. Gates of the Arctic has 7 million acres. It goes on and on to total roughly 58 million acres.

I simply point this out to counter those who suggest that we need some area of wilderness in Alaska that is untouched. ANWR is not untouched. Gates of the Arctic, for all practical purposes, is untouched. Wrangell-St. Elias, for all practical purposes, is untouched. Let's keep the arguments in perspective.

I will conclude with the statement from President Carter in signing the Alaska National Interest Lands Conservation Act in 1980.

> This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Mr. President, I quote from the same signing ceremony Mo Udall, the chief sponsor of the legislation.

> I'm joyous. I'm glad today for the people of Alaska. They can get on with building a great State. They're a great people. And this matter is settled and put to rest, and the development of Alaska can go forward with balance.

There you have it. That is what Alaskans believed in at the time this was accomplished.

Let me also advise you that in the President's budget, which came out today, on page 69 the President also proposes linking near-term and long-term approaches by encouraging new oil and gas production on Federal lands and using Federal income from that sale to support increased efforts to develop solar, and to develop renewable energy sources. The administration's legislative proposal will include opening a small part of the Arctic National Wildlife Refuge.

Let me show you again that chart because it suggests that we are opening only a sliver. You have to keep these things in perspective. This is 19 million acres—the size of the State of South Carolina. This sliver up here is 1.5 million acres. Industry says that the oil is there and they can develop it in less than 2,000 acres.

The percentage is something that is very hard to communicate to people, but it is very real. It is a sliver we are proposing, and it is not the total answer to our energy crisis, by any means. But what it does is send a very strong signal to OPEC that we mean business about reducing our dependence on imported oil. I am convinced once we come to grips with that, you are going to see OPEC relax a little bit. They are going to increase their production.

I think you will see the price drop. If we don't do this, they are going to get the message. And the message is to reduce production and keep the high prices up.

Again, I encourage my colleagues and the staff listening to recognize the significance of any effort to put this permanently away at a time when we have an energy crisis that would send terrible signals to OPEC and would jeopardize our national energy security. I said this on this floor time and time again.

But as we look at our increasing dependence on imported oil and where that oil is coming from now that we are seeing about 750,000 barrels a day coming from Iraq that we fought a war with in 1991 and 1992, we are forgetting that we lost 147 lives. We are forgetting that as we buy Saddam Hussein's oil we are putting it in our airplanes and going over and bombing it. That may be an overly simplistic statement. But it is factual. We have had over 20,000 sorties where we have enforced the no-fly zone over Iraq.

What is he doing with our money? He is developing a missiles and biological capabilities. And at whom are these weapons aimed? They are aimed at Israel, our greatest ally.

I hope the American people and my colleagues will reflect a little bit on this. Again, this isn't the answer to the energy crisis. This is one small part, but it is, I think, fair to bring this up to my colleagues and recognize that as we look at the comprehensive energy bill that we put in, along with Senator LOTT and a number of other cosponsors, nobody seems to be paying any attention to the merits of this broad, comprehensive bill. It is like you go to a bullfight and you want to see some blood. The media and attention seem to be focusing on one single thing, ANWR.

I think it is appropriate that we respond in some detail. We have letters from organized labor. This isn't a benefits issue for labor; this a job issue for labor. It is estimated there would be about 750,000 jobs in the United States associated with the development of this if, indeed, the oil is there. So it is very real.

Let me show you what this area looks like in wintertime because it is tough, it is harsh. The winter is roughly 10 months of the year. This is a picture of it. There it is. That is the tundra in the wintertime. In the summertime, why, it looks a little different. I will show you a picture with one well to give you some idea of the technology we have because we have been able to use ice roads. I think we have a picture associated with development in the Arctic. This picture shows that is the kind of footprint there is because of technology we have been able to develop.

Let me close with one other observation to my friends from California, Washington, and Oregon specifically. The oil production out of Alaska goes to the west coast of the United States—virtually all of it. We used to export a little of that oil only when it was surplus to what the West coast could use. We have not had an export since April of 2000. If we do not develop a replacement for declining Prudhoe Bay, then California, Washington, and Oregon are going to get their oil overseas—from Saudi Arabia, from Venezuela, from the rain forests of Colombia, these are places where there is no environmental oversight. They are going to get it in foreign tankers.

As a consequence, I think the risk is much higher than getting it here in our own country where we can contribute meaningfully to the balance of payments, keep jobs in the United States, and have the environmental oversight that is appropriate.

One of the things that bothers me is how many people are concerned about developing oil and gas in the United States; yet we have environmental laws, both Federal and State, and the highest technology in the world. But they do not reflect on the oil coming from overseas and what kind of an environmental oversight is associated there. In many cases there is virtually none.

It is manageable. We do have the technology to develop it. And we should listen, I think, to the people who live in the area with regard to their concerns in relation to the opportunities for a choice of a lifestyle, education, and so forth.

Mr. President, I do appreciate the time allotted to me today. Again, I want to emphasize ANWR is not the solution to the energy crisis, but it can make a significant difference because as we commit to reduce our dependence on imported energy to less than 50 percent by opening ANWR alone, if the volume is in the area of a million barrels a day, we would be able to achieve that.

Mr. President, obviously, I will have other opportunities to speak, and there are time commitments this morning. But I think the timeliness of the matter, and some Members contemplating the merits of going to a wilderness bill, that they consider the merits of the points I have brought up today.

Indeed, we have the capability to open up this sliver—and it is a sliver—it is a very small fraction of a huge area the size of the State of South Carolina. We have 30 years of experience in the Arctic. As a consequence, nothing is risk free, but we have learned how to eliminate the risk dramatically.

I hope Members will visit ANWR when we take our Senate trip up there on March 30, 31, and the first day of April because I think it is necessary to see it, to talk to the people, to look at the old technology, reflect on the new technology, and get an appreciation for a very unique part of our great Nation, but a very, very harsh environment that is blessed with extraordinary resources in the oil and gas reserves that exist in the area.

Mr. President, I conclude my remarks and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. WELLSTONE. Mr. President, I know there will be other Democrats coming to the floor to respond to President Bush's address last night to the Nation. I thought I might just take a few minutes. First of all, I want to start by congratulating the President. When it comes to delivery and a sincere presentation, he deserves very high marks.

I am more worried about the substance. I am more worried about what the President was not very explicit about; in other words, what was left out of the speech, what were some unpleasant realities that were kind of put in parentheses.

I would like to just make a couple of points—because I think the people in the country ultimately, where this budget debate becomes most important and where the rubber meets the road and how all of these priorities affect people where they work, where they live, where their children go to school—about what wasn't in this speech last night.

In focusing on families and the benefits for families and children, the President neglected to say yesterday that one-third of all children in the United States of America live in homes that will not see one penny of the tax cut; about 56 percent of Spanish children in homes will not receive one penny of relief from the President's tax proposal, to the fact that over 40 percent of the benefits go to the top 1 percent.

That doesn't meet the Minnesota standard of fairness. I don't think it meets the standard of fairness for people in the country.

What the President didn't really focus on was whether or not in his budget proposal he is committed to having the Federal Government live up to its commitment on a very important program called the IDEA program for kids with special needs.

Governors talked about this at the conference. Our Governor from Minnesota talked about it. Every school, on demand, about every 2 weeks people talk about it. This is the program for children with special needs, the IDEA program that Senator HARKIN and others fought so hard on.

We are really supposed to be contributing 40 percent of the costs. I believe Minnesotans and people around the country, when they see the President's budget, are going to see a Robin Hood in reverse; a tax cut of 40 percent-plus of the benefits going to the top 1 percent, and crowding out any money or any investment or any commitment on our part to dramatically expanding our funding for the IDEA program. It is not going to be there. You are going to see no new significant investment of Federal resources in the IDEA program. The President didn't talk about that.

What was left out? The President did not focus on his proposal to drill for oil in the Arctic National Wildlife Refuge.

In just a few minutes, I will be at a press conference with Senator LIEBERMAN and others at which we are all going to support preserving 125 million acres of the Coastal Plain, a very precious area, as a wilderness area. We are going to be proposing that we not drill our way to energy security. Drilling for oil in the Arctic National Wildlife Refuge would be similar to doing it in the Boundary Waters Conservation Area in Minnesota. It really defines the very value that we should have as to preservation and conservation. We are all but strangers, I guess, on this land, and we ought to leave it better for our children and our grandchildren.

The President did not talk about his proposal for oil drilling in the ANWR, and he didn't talk about the cuts that are going to take place. Because if you have huge tax cuts, to be really honest about what it will cost and the surplus, and if you are not willing to raid the Medicare and Social Security trust fund—the President didn't talk about the fact that in order to make his numbers add up, they may very well have to do that—we are going to see some reductions.

There was a piece yesterday in USA Today that the President intends to cut the budget for renewable energy policy by 30 percent. For States such as Minnesota, a cold weather State at the other end of the pipeline, we are interested in the environment. We are not interested in importing more barrels of oil or millions of cubic feet of natural gas. We are interested in biomass, electricity, wind, saving energy, and fuel efficiency standards which are clean technology, and where small business is more respectful of the environment and, indeed, where it would enable our country to be more energy independent. The President didn't focus on that in his speech last night.

There were rumors—only rumors because we don't have the numbers yet—that the SBA is going to take a huge cut. I tell you that small businesses are similar to family farms. We love them in the abstract. But when it comes to actually making the commitment to small businesses, that is where we fall short. The 504 program has leveraged a tremendous amount of money in the State of Minnesota to enable people to start a small business and to grow that business. I feel an outrage in just telling you that when people get a chance to look at the specifics of these numbers, they are going to see a set of priorities that is not going to be pretty. And I don't think they are going to be consistent with what most people believe.

Most people are saying tax cuts for all families. Don't do it disproportionately for the wealthy. Please make sure there is help for people who need help, and let's do it based on the standard of fairness. Most people are saying don't touch the Social Security and Medicare trust fund. Most people are saying we are interested in whether or not for our parents and grandparents we can cover prescription drug costs. We are committed to education and children. We want to see a commitment. What happened with expanded health care coverage?

All of that prioritizing goes out the window when you get rigorous in your analysis. It is the Yiddish proverb, "You cannot dance at two weddings at the same time." You can't have a tax cut over $2 trillion and do what the President says he wants to do and make these investments. It won't happen.

Finally, I was at a joint congressional hearing where the VFW testified. There was a huge delegation of VFW representatives from Minnesota.

I would like to put all Democrats and Republicans on alert. The veterans are already very focused on this budget. They came up with an independent budget proposal. We fell short. Senator JOHNSON and I had some comments on this. We were only partially successful.

I will tell my colleagues that the veterans community wants us to live up to our commitment to them. This is a community that is getting older, and the issue is long-term care. In my State, it is an issue of whether or not our region gets its fair share of resources. There are too many veterans—about 2 percent of the homeless population in the United States—who are homeless, and many of them are Vietnam vets. That is a national disgrace.

They are interested in the commitment to those veterans. They are interested in making sure we can do good outpatient care. They are interested in making sure there are not long waits for veterans who need health care. They are interested in whether or not we are going to fund veterans' health care. They are interested in whether or not this budget is going to make any sense.

Frankly, in the context of all these tax cuts mainly going to the wealthy, I am going to go on record today on the floor of the Senate to say that this administration will not be able to follow through on its commitment to veterans, its commitment to children, its commitment to leaving no child behind, its commitment to education, its commitment to covering prescription drug costs for senior citizens.

My mom and dad both had Parkinson's disease. Don't say to a couple: You make $20,000 a year or $21,000 a year; therefore, you make too much money to get any help. You are not making much money when you try to live on $21,000 a year, or whatever it is.

So I simply say, I think ultimately what we have before us could be a grand and important debate. I am absolutely confident as to where people in the country will come down on this matter when they see the specifics and how it affects them, their children, where they live, where they work, where their children go to school. It is a value question. I think it is a spiritual question. We have done well. We have the prosperity.

The question is, What decisions do we make as a nation and as a community? What are our priorities? Is it going to be mainly Robin-Hood-in-reverse tax cuts, with the top 1 percent getting over 40 percent of the benefits or will we be talking about tax cuts that benefit all families? And will we be talking about making sure we protect Social Security and Medicare? And, yes, will we live up to our words, to our commitments for children, for education, for prescription drug costs, for expanded health care coverage? That is what we are about. That is what this debate is about.

I think it is more of a conservative saying, but I like it as a liberal, as a Senator from the State of Minnesota: There is no such thing as a free lunch. We can't do it all. So we need to make our priorities clear. We are going to have to make value choices.

I make a choice, as a Senator, for children and education. I make a choice for affordable prescription drugs. I make a choice for expanded health care coverage. I make a choice for two very important social insurance programs: Social Security and Medicare. And I make a choice for tax cuts that benefit all families, not just having benefits that disproportionately go to the top 1 or 5 percent.

I think that is what this debate is about. I think we are ready for it. I think the outcome of this debate is going to be hugely important to people in Minnesota and all over our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, are we in morning business? That is my understanding.

The PRESIDING OFFICER. The Senator from Illinois controls the time from 11 until 12 o'clock.

Mr. DURBIN. I thank the Chair.

Mr. President, I salute my colleague from Minnesota. I know he is leaving the floor. I came in at the end of his remarks. I know he was responding to the President's State of the Union Address and probably has another meeting to go to, but he captured my sentiment on this completely.

I think what we have to look at now is what is in the best interest of this Nation in terms of the long haul. We have just finished the 20th century which we called the "American Century." Will the 21st century be an American century? I think some of the decisions we are making today will decide that.

I think the Senator from Minnesota put his finger on it: What are the most important things for the future of families in America? I think over and over they tell us: Education, Senator, Congressman, Governor. We want you to do something about education.

I heard the President talk about education last night. I think the Senator from Minnesota believes, as I do, there is a lot we can do to make this a stronger nation in this century, but it means an investment in education. If we decide, instead, that we are going to give a tax cut primarily to the wealthiest people in America instead of investing in education, instead of expanding health care coverage, instead of protecting Social Security and Medicare, then it is very shortsighted.

The President's remarks were well received. I thought he did an excellent job in his first State of the Union Address. But now it is time to step back and reflect. We not only reflect on his remarks, but we reflect on his record in Texas where he tried the same thing—a tax cut that did not work, a State that is now out of money. We do not want to go down that same road.

I thank the Senator from Minnesota for his remarks.

Mr. WELLSTONE. Mr. President, I thank my colleague. I apologize; I am going to be with other Senators at a gathering that will focus on oil drilling in the Arctic National Wildlife Refuge, to which we are opposed. That is the only reason I leave the floor.

One thing I wish to say to my colleague from Illinois, I congratulate the President's delivery, and I think he is sincere in what he said. That is the good part. I think there is one maybe bad part to last night, and I think it is a very important challenge for President Bush, which is, that if you talk about education and children and leaving no child behind and you talk about covering prescription drug costs for elderly people and helping people with that hardship—to use but two examples—then people hear that and they say: You know what, this is going to be a Government that responds to us. The hope builds up, and ultimately, if you are not able to back that with the investment of resources, and it is just symbolic because you basically put it all into a tax cut, mainly going to the wealthy people, the top 1 percent or 5 percent, then that really invites—mutiny is too strong a word—anger.

You can't play around with those issues. You have to back the rhetoric with the resources. If I had to critique the President's speech last night, to me that is the disconnect. I am troubled by that because these issues affect real people and their lives. And why are we here except to do better for people.

I think we have to back up our speeches and our rhetoric with our priorities.

Mr. DURBIN. I thank the Senator from Minnesota.

Really, after the President's speech last night, the question most people in America are asking is, Can we have it all? Frankly, last night the President said: Yes, we can have it all. We can have a tax cut for the wealthiest people in America. They receive 43 percent of the Bush tax cut. Sadly, there are literally millions of families that receive no benefit from the President's tax cut. They are people who pay a payroll tax and not an income tax. They are taxed families. They need relief. They need help with heating bills and paying education and health care expenses. There is no help for them in the President's tax cut package.

We on the Democratic side believe we have to take a sensible, fiscally responsible approach to this. We have been down this road before. It was not that many years ago that we were deep into deficits. We had these deficits that now have accumulated into a national mortgage, a national debt of $5.7 trillion. It is still there. When the President says we are going to pay off $2 trillion on the national debt, the debt is $5.7 trillion.

We on the Democratic side believe that we have a responsibility to continue to bring down that debt even more. We collect $1 billion in taxes a day—every day—to pay interest on the old debt. It does not educate a child, pay for a teacher, or make America's defense stronger. It is money paid to bondholders all over the world who own America's mortgage.

We believe the President, in saying he would spend $2 trillion in paying down the debt, has really broken a promise. If he is going to keep the promise that Congress has made to keep Social Security first, to protect the Social Security and Medicare trust funds, the $2 trillion paydown does not do it. In fact, it requires the President, under his projections, to reach into the Social Security and Medicare trust funds to create his so-called rainy day fund. I do not think that is going to work.

As someone said yesterday, if a businessperson wanted to reach in the pension plan of his employees for some other purpose, he would find himself in a Federal institution, and it would not be the White House. In this situation, we believe that paying down that debt and protecting the Social Security and Medicare trust funds is really a solemn obligation and a first priority.

We also believe that if there is to be a tax cut, it should not be one that primarily benefits the wealthy and leaves millions of families behind. We believe there should be a tax cut for everyone in this country. And we believe the tax cut should be fair. If you talk about 43 percent of his tax cut going to the top 1 percent in income, these are people who make over $319,000 a year. People who have an income of over $25,000 a month receive the most benefit from President Bush's tax cut.

I would like to see our tax cut be something we can afford, something that is sensible, consistent with debt reduction, consistent with important investments in this country, and one that really focuses on families.

I just did a radio talk show with WLS Radio in Chicago. They asked me: What are you thinking about when you talk about these families? I said: I think about a couple who are Chicago public school teachers, and their combined income might be $100,000 a year. I do not consider them to be a wealthy family. They are the type of family that struggles with mortgage payments and school expenses and all the things that go with bringing up a family.

If we focus our attention on people with family incomes below $100,000 and say these are the folks who need a helping hand, that is a sensible starting point. Yes, there will be a tax break for the wealthiest among us, but why should they take 43 percent of the total tax cut?

People believe they are overtaxed. I think we can help them. In time of surplus, we should help them. We also should help them to understand that we want America's economy to start moving again. We hope this slowdown will come to an end soon, that we will turn away from this downturn, or recession, or whatever it might be, and once again get on the path of prosperity on which we have been for the last 8 or 10 years. If we are going to return to that path, we have to make the right decisions now. The President's tax cut, sadly, is not the right decision.

Unfortunately, he will spend over 90 percent of the projected surplus over the next 10 years on this tax cut and leave little or nothing for prescription drug benefits under Medicare, for investments in education, for expanding health insurance coverage for more American families, or for putting more money in our national defense.

We cannot have it all. Last night the President told us: You can have it all. You can give a tax cut to the wealthiest in America, primarily; you can go ahead and spend all this money I am promising and everything is going to be fine.

Those of us who have studied the history of our Nation know that sometimes the most pleasing and appealing political promises don't pay off for America. I am afraid what the President has proposed is just such a promise.

I understand the President is now going out, touring America, to sell the idea of a tax cut. I can't imagine this political assignment. The President has to convince America we need a tax cut. If the President were going out trying to sell a tax increase, I could understand it. That is a tough job. You have to explain the circumstances and try to convince the American people you are right. Here he is, trying to sell the American people on the idea of a tax cut. They are reluctant; they are not buying it. They want to have some questions answered.

One of the questions they ask is, How do you know we are going to have a surplus? If we are not going to have a surplus next year, 5 years, 10 years from now, why would you change the Tax Code in a permanent way and give a tax cut that gives away a surplus that you are not sure of? That is a valid question.

What it boils down to is that a lot of people think the President is gambling with the economy on budget predictions that are no more reliable than weather forecasts. These people who make these predictions have been wrong in the past, consistently wrong. Many of us believe we should deal with a tax cut and a spending program phased in to make sure there is always enough money for America's priorities, priorities such as Social Security, Medicare, education—to make certain that if we have a surplus, the tax cut is really shared by all Americans and does not go just to the wealthiest among us.

We are facing a balloon payment in Social Security in just a few years. The baby boomers are going to turn up at the Social Security window. When they do, there will be a lot of them, a lot more than we have ever had in our history. If you know that balloon payment is coming, should you not plan ahead?

Remember what the President said last night. He is going to appoint a Social Security commission to look into the future of Social Security.

Time out. He appoints the commission after he has already announced the tax cut. He will have used up the surplus and then said to the commission: How are we going to take care of Social Security? Wouldn't responsible leadership suggest we do it just the opposite, that we have a Social Security evaluation or commission, decide what we are going to need, and make sure the money is there, that if there is a surplus, it will be there for Social Security and for Medicare, and then decide if, with the remaining surplus, we can afford a tax cut? Not so. The President wants the tax cut first. That is the mistake he is making.

It also troubles me that after all of the years or promising that the Social Security and Medicare trust funds would be sacred and inviolate, the President's approach calls for taking out $1 trillion from these trust funds. That is going to be a hard sell. Somebody said: Is the President going to be grabbing the third rail of politics if he does that? I think he will.

Many of us on both sides of the aisle believe you do not play with the Social Security trust fund. This is part of a sacred contract, a promise we made to people, an investment that today's wage earners are making in a trust fund so the money will be there when they need it as well.

Taking money out of the trust fund, as the President's proposal would lead us to, to create a rainy day fund or whatever it is is not going to fly. Congress is going to resist it. We are going to insist that those trust funds be protected.

On Medicare, the President, unfortunately, has not proposed any new spending. These baby boomers and others who retire count on Medicare to pay for their health care bills. If we don't take Medicare seriously, we will find ourselves facing budget shortfalls in that critical program, and 40 million Americans today and even more in the future will wonder whether or not there are adequate funds in Medicare to pay for their medical expenses.

In making this commitment to our future, we have to talk sense to the American people. Maybe we won't say the most popular things on Capitol Hill, maybe we won't hold out the prospect of the big tax cut immediately, but we do believe that a tax cut is something we can support, as Democrats and as Republicans, once we put it all in perspective. The perspective is, what is a realistic projection, a realistic prediction in terms of the surplus we are going to have? What is the safe way each year to decide how much we can afford to put in a tax cut? How can we take care of other priorities such as paying down this national debt in a systematic way, a way that brings us to a point where we can say to our children: We just burned the mortgage. It is your America now, mortgage free. Make your own plans for your own future, and you won't have to compete with the Federal Government when it comes to interest rates, because we are not borrowing money any longer for a $5.7 trillion national debt. We are not competing with you when you want a mortgage for your home or a loan for your car or your credit bills, whatever it is.

These things are good for the future of this country. Although they may not be as popular as the two words "tax cut," they offer things Americans will look forward to.

When it comes to education, people always say: That is our highest priority. If it is our highest priority, are we willing to set goals for this Nation and live up to them? Are we willing to say that the schoolday our children live through each day should be a complete day that is positive and constructive, that from the moment those children are left at school until they can be returned to a parent, they are going to be in a positive, safe, and learning environment?

That isn't the case today in schools across America. Children are turned loose at 2:30, 3, 3:30 in the afternoon, long before their parents come home. Afterschool programs should be part of a schoolday. Maybe it will not be tutorials for kids who are doing well. It might be enrichment classes or art classes or music classes—even sports, for that matter—but something that is constructive and positive. America's schools should reflect America's families.

When we talk about a vision for the 21st century in education, our schools have to be part of that vision. They ought to be safe buildings, too. In my home State of Illinois, we have many great school districts but a lot of them where the schools are just crumbling around the students. Schools are not what they should be so the students are able to learn in a safe, clean, and healthy environment. The Federal Government should make that investment with the States, with the local school districts, to make those schools safer.

In the classrooms themselves, our teachers are facing a lot of challenges. I think about how little I know about computers, though I tried to learn a little bit more. I wonder if I could ever teach a course in computers even to a youngster. Most kids know a lot more about computers than I do. If our teachers are going to be able to use computers and teach our kids technology that will make their lives more meaningful, teachers need training and opportunities and they need adequate pay. We should treat them as the professionals they are and hold our schools accountable.

I agree with the President on this: Let's make sure our schools are productive. If we have testing, it is a good way to see whether or not the kids are making progress. I believe in tests. The President was right last night: You can overdo it in teaching to a test. However, if you are teaching to a standard of learning so that a child can move to the next grade successfully, I support it. We did it throughout my school career many years ago, and we do it now in the city of Chicago and across the State of Illinois.

It makes sense; I support the President's proposal, but if we are to leave no child behind, if we are going to invest in education as we should, then certainly we have to step back and say, is this tax cut of $1.6 trillion—primarily for the wealthiest people in this country—the first thing America needs in the 21st century?

I don't believe it is. I think the first thing we need to do is carefully look at the books, see what is on hand, and then a tax cut across the board for all families, pay down the national debt, and invest in these priorities—Social Security, Medicare, and education.

Finally, I will mention the issue of health insurance. It is almost disgraceful that at this moment in our history, with our prosperity, over 43 million Americans have no health insurance at all. I can't imagine getting up and going to work as the head of a household with a family without the protection of some type of health insurance. Yet we know that happens day after day.

I was glad to see the National Governors' Association come together in Washington this last week. They are proposing changes in Medicaid—changes that could lead to universal coverage so that every family in America would at least have a primary health insurance plan. I think we ought to move in that direction—not a Government plan or a Government-run program but a program that opens up to private health insurance sources and others so we can allow people to have that basic protection and peace of mind.

That is not the case today. As a consequence, many kids in America go without immunization. People with basic care who can live a long period of time don't have the chance. I am sorry that the President's speech last night really didn't address this. I think if the President, as he moves around and talks to working families, sits down and asks families about their priorities, they will tell him that health care is one of the most important, and that they are worried about the cost and availability of it.

The last point is this. Last night the President brought in from Philadelphia a family who seemed to be two people who were working very hard to make a good living. We stood and applauded them as the President described them as a "typical American family." I am glad they were with us as a reminder of why many of us serve in the Senate and in the House of Representatives. The President said this lower income family is going to need the help of a tax break. I think lower income families do need the help of a tax break.

I remind the President and his party that for the last 6 years they have consistently resisted every effort to raise the minimum wage in America. It has been stuck at $5.15 an hour for 14 million Americans. So if we have sympathy for these families, if we value hard work, if we believe in the dignity that comes with those activities, for goodness' sake, why aren't we increasing the minimum wage? We have waited too long. That wage is continuing to deteriorate because of inflation, and we should be sensitive to it.

I hope as we get into this tax cut discussion we will not forget the basis—that is, that these folks who get up every morning and go to work, to clean off the tables in restaurants, make the beds in hotels, tend to our parents and grandparents in nursing homes, to be there to make sure the workplace is safe for kids in day-care centers, are the people making $5.15 an hour.

The Republican Party has resisted for 5 years now every effort to raise that minimum wage. For that family in Philadelphia, for 350,000 Illinois families that are working for a minimum wage, I implore the President and the Republican Party not only to think of tax cuts but to think about increasing the minimum wage to show that they value work, as we all should in America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

PRESIDENT BUSH'S BUDGET FOR AMERICA

Mr. SMITH of New Hampshire. Mr. President, last night I had the privilege of personally witnessing President Bush deliver remarks outlining his budget for America and outlining the priorities of that budget. I must say, it was refreshing, for one who has long fought over the past 16 to 17 years in both the House and the Senate, to hear tax cuts being proposed, and not only tax cuts being proposed, but also the opportunity to finally downsize the national debt so we can stop mortgaging our children's future.

The President, in that plan for America's priorities, included tax relief, debt reduction, and some much needed reform for some very important programs. One of the negatives over the past 20 or 30 years is that as our deficits and our debts became larger, many times we neglected a lot of key initiatives, areas where the Federal Government could be helpful to the American people. So it is a pleasure to see the debt diminished and money being returned to the taxpayers at the same time, and, in conjunction with that, we are going to provide dollars in much needed areas. I want to talk about that.

First, in President Bush's budget, we will see the largest debt reduction in American history. Think of that: The largest debt reduction in American history. It is good news and bad news. It is good that it is the largest debt reduction; it is bad that we have debt that large in the first place.

The key thing to understand is that this proposal pays down the national debt by $2 trillion over the next 10 years. That is the largest reduction in debt to the lowest share of the economy since the First World War. With the leadership of the Republican Congress, we have already paid off an enormous portion of the national debt—nearly $363 billion so far. If you stop to think about it, it costs about $60 million to borrow every billion dollars.

Multiply $60 million times 363 and see how much we save in interest on that debt. That $60 million will go a long way in New Hampshire. It was a lot of money where I grew up. That is just on $1 billion of borrowed money; we have paid $363 billion of it already, and we are proposing to pay off $2 trillion—with a "t"—in the next 10 years. There is a ripple effect through the economy when taking the American Government out of the borrowing market and putting money back into the taxpayers' pockets.

By the end of this fiscal year, we will pay off another $262 billion. That is $625 billion of debt reduction. Putting it in perspective, in 1997, the first year we balanced the budget, the debt held by the public was $3.7 trillion. By the end of this year, the debt will be $3.1 trillion, still a lot. Over the next 10 years, we will take $2 trillion more off that debt, leaving a little over $1 trillion in debt. Over the next 2 years, our Social Security-Medicare lockbox policy will reduce the national debt by an additional $400 billion.

I was very proud to support President Bush's plan to reduce this enormous national debt which for so long has mortgaged our children's future.

It is important to understand everything else. I will discuss some items, including returning money to the taxpayers, providing dollars for Social Security and Medicare, education, defense. Put the increases in perspective. You will get a tax refund. We will talk about that in a moment. Reduce the debt by $2 trillion, and there is still money to do those things. That is amazing.

That is a great tribute to this President who didn't come into the White House and say, this is the way we did it last year; we will budget the same way we did last year. He sat down with his key advisers and worked through this budget and found out where the needs were. At the same time, he said he will reduce the debt, put money back into the taxpayers' pocketbooks, and fund programs that deserve to be funded.

The tax reduction is fair. It is responsible. It is tax relief for all Americans. It is certainly welcome news to my own State of New Hampshire. Do I think the tax cut could be bigger? Sure. But I plan to work with the President to expand tax relief. The President's tax cut is bold. I support it. I will be with him all the way through this process.

Good men and women of my State—and I am sure it is true all over America—have always been weary of taxes. New Hampshire is one of the only States in the Union that does not have, at this date, a sales or income tax. There are some in our State who want to impose a sales tax. I am very encouraged to see the President provide tax relief to the citizens of my great State and this Nation.

There is some irony. When I came to Washington several years ago, I wanted to bring the New Hampshire example to Washington—less taxes, less spending. Now we are seeing the reverse. President Bush comes in to cut taxes, cut spending, reduce the national debt. Ironically, some officials in New Hampshire are doing just the opposite—raising taxes, trying to find more revenue.

Now more than ever, I believe that hard-working Americans deserve tax relief. If you buy a television set and pay $600, and you get home and the price tag says $450, you were overcharged. So you go back to the store and get your money back.

We hear all the fancy and somewhat bureaucratic terms—surplus; we have a big surplus in the Federal Government. What that means is the taxpayers of America have been overcharged. That is more money than we need to operate our Government. It ought to go back to you. It is that simple. We will hear it today. We have heard it all week. We heard it last night in the response to the President that we don't need this tax cut; it is too big.

I make a suggestion to those who don't need it and don't want a refund: When you send in your tax return, put a little check mark on it that says you don't want the money, and send a check back to the Federal Government. You don't have to take the tax credit if you don't want it. If you don't want the tax cut, send the money back and we will put the money on the debt. I am fascinated by those who say they don't want the tax cut. Fine, you don't have to take it; you can turn it back.

There are a lot of people out there who do want it. For starters, Americans spend more money paying taxes than they do on food, clothing, and shelter combined. That is wrong, pure and simple. We need to change that.

President Bush last night in a bipartisan, nonconfrontational but firm and resolute way said let's do this for the American people. We always hear the debates. That taxes will get cut, and they don't get cut. It seems to be a bunch of words that don't mean anything. The President reached out and said: Let's not get into class warfare; let's just reduce taxes on the American people. It is good for the economy. It is good for the people. It is their money. It is not ours; it is theirs.

Federal taxes alone cost American families $7,238 per year. That is more than any other item in their budget for most people. Taxpayer freedom day, the average day Americans first start working for themselves, was May 10 last year. So from January 1 to May 10, you worked to pay your Federal taxes. Where is the incentive to move forward and to succeed and do better? I say return the money.

Not only are we returning money to the people from whom we took it; we are paying down the debt at the same time. A lot of people say, I don't want tax relief; don't give me tax relief; just pay down the debt. We are saying we are doing both. If you own a Government savings bond, we cannot pay that because we owe that to you. And you may have a 20- or 30-year bond. If we wanted to pay it off in one fell swoop, we couldn't. But a $2 trillion reduction over 10 years is pretty doggone good.

For every 8 hours of work performed, the average taxpayer in America works 3 hours to pay the tax collector. I think that is too much. I know some who hem and haw, saying, I don't know whether I can support this tax cut; it is too big, too small—a thousand different reasons. I think if the average taxpayer has to work until May 10 to pay their Federal taxes, has to work 3 hours of every day to pay the tax collector, it is time the taxpayer got a break.

This is a big break. Today's average taxpayer faces a combined Federal, State, and local tax burden of nearly 50 percent of their income. I am delighted to support this President in providing the typical family of four paying income taxes a full $1,600 in tax relief.

We are in Washington talking about trillions. I don't know what is after trillion. I hope we don't have to deal with it during my tenure in the Senate. We are talking trillions and billions and occasionally millions. Let's talk in hundreds and thousands. That is what the average American deals with—hundreds of dollars and thousands of dollars, not trillions and billions. Let's bring it down. Ask yourself what you could do with $1,600 if you didn't have to give it to the Federal Government. What could you do? There are a lot of things you could do. I am sure you can think of them as well as I can. If you have a child, say, born this year, if you multiply $1,600 times 18 years and add the compounded interest if you put it in a bank account somewhere or a CD, you will find you have a pretty doggone good downpayment on a college education—for the first year anyway—or perhaps a little more money for groceries, a little more money for clothing, perhaps a little bit for that first home mortgage. Add it up. That is real money, as Everett Dirksen used to say.

I think we have to get away from talking about all these trillions and billions of dollars and think about what that means to the average taxpayer of America. I say this in all sincerity: If there are taxpayers out there who do not want that $1,600, send it back. But for the rest of us who might like to have it and the families all across America who struggle really hard to make ends meet who would like that $1,600, why should we take it away from them? But some are proposing we do that.

President Bush is not. President Bush is saying we need to give that back to the taxpayers; nobody ought to spend more than one-third of their paycheck to support the Federal Government. I agree with him. It is refreshing to hear it.

But the President also believes a tax rate of 15 percent is too high for hard-working men and women who earn low wages. So he has proposed we lower that even to 10 percent, down from 15 percent—I agree with that—and double the child tax credit to $1,000 per child, and eliminate the marriage penalty, penalizing people who get married.

We in the Federal Government should be encouraging the makeup of the family not breakup, and, of course, eliminating the infamous death tax which the President mentioned last night. All your life, you work hard to earn money, pay taxes on that money, and have perhaps a business or home or some asset you want to leave to your children, and they cannot afford to receive it from you upon your death because they cannot pay the taxes on it, so they have to sell it, whether it be a business or home. That is not right. We ought to change it. Yet there are some who still want to fight the President on that—a million-dollar threshold or whatever. When you start talking about a business or what you build up all your life, if you have to sell it to pay all the taxes, what are you going to do?

This is a good plan: Pay down the debt and give money back to the taxpayers who provided the money for us. We—all of us, the taxpayers—funded the cold war. We won the cold war. We funded that national debt, unfortunately, for all those years, and now we are going to defund it. We are going to pay it off, and we are going to give money back to the taxpayers who earned it.

There is one great thing about this budget. I have been around here for a few years, and I have seen many budgets come and go. Most of them are dead on arrival, but I am hopeful this one will not be because this President not only reduces debt and provides tax relief for the American family but he also funds important priorities.

I can remember—and many of my colleagues can, too—year after year, people coming down here saying we were going to lose our money, we were going to lose this and that, we were going to get cut here and there because we were fighting for every single dollar because the interest on the debt was going up $300 billion, $400 billion a year just to fund that debt.

We are changing that now. We are reversing that. It is a new paradigm. It is a new America, a new century, a new President. There is new excitement here in Washington because we are paying off debt, we are paying back taxpayers the money they deserve to get back, and we are funding new initiatives and new priorities, good initiatives and good priorities.

Let's talk about some of them. One is the environment. I chair the Environment and Public Works Committee in the Senate. I commend President Bush's budget. It invests in one of our Nation's most important assets, our environment. Where are we without it? He is proposing to accelerate the cleanup of toxic waste sites called brownfields. It is a reflection of the bill that Senator CHAFEE and I have introduced to clean up brownfields. The administration has endorsed that bill. I am very excited about it because brownfields, these toxic waste sites, are all over America. There are some 400,000 to 500,000 of them, some in New Hampshire.

What is a brownfield? A brownfield is a site that has toxic waste in it. It is not a Superfund site, not as bad as some of them, but for years and years contractors have been afraid to come on these sites and clean them up for fear the Federal Government would come in and say they did not do a good enough job and fine them, and so forth. We have now clarified this in the law so these sites can be cleaned up.

Here is what it accomplishes: No. 1, it cleans up a blight in a community. These are not just large cities. It is also the small town of Bradford, NH. I say to any of my constituents in Bradford, if you are listening, help is coming for you. In the town of Bradford, there is a toxic waste site that needs to be cleaned up. It has not been cleaned up because the law has not allowed it to be cleaned up. They want to make a park there. All they have been trying to do is get the funds to clean up this site to make a park. This is what we can do because the President has laid out a budget that pays down that debt, puts money back in the taxpayers' pockets, and allows us to fund programs such as this for the first time in so many years—truly fund them.

I am excited about it. When you clean up that brownfield, you are going to create jobs because somebody is working to clean it up; No. 2, you are going to eliminate the blighted site in the community; and, No. 3, maybe somebody builds something there, a new business or something that does not go outside of town and bulldoze off 10 acres of green space. It is just a fantastic opportunity, and President Bush came right out of the gate and mentioned it specifically last night in his speech: Brownfields legislation. We are going to help clean up brownfields. That is good news for certainly every large city in America and thousands of small towns all across America.

It is a great opportunity we have not had in the past because we had this debt. Now we are not only putting money back directly in the pockets of the taxpayers, under this budget, but we are also putting money back into the community. So if you are a taxpayer in Bradford, NH, you are going to get a Federal tax cut if you pay taxes and, second, you are going to have your community improved with dollars that are going to come into that community because we have the opportunity to do it now because we are running these surpluses.

This is exciting news. It is not just brownfields. I could go on and on with a number of environmental priorities where we could do this—water infrastructure, sewerage pipes, clean water—all kinds of environmental initiatives now that we will be able to fund.

Another one is the Land and Water Conservation Fund where moneys can be provided to help create parks and trails and so many other positive things—habitats. It is just a great opportunity for us.

Another item is defense. The defense of the United States has been neglected over the past several years. Everybody knows it. The President has proposed a $5.7 billion increase in pay and benefits. I just came back from the Mediterranean, visiting the troops out there, worried about terrorist attacks and so forth, putting their lives on the line every single day. And some of them are on food stamps? Come on, America. We can do better.

The President of the United States, within days of the beginning of his term, went directly to the military aboard ship and on bases and told our sailors, our airmen, our marines, who are defending our interests and values all over the world: We are going to increase your pay and benefits. He lived up to that promise, and he put it in the budget.

It should be there. It absolutely should be there. We take for granted what these men and women do. Believe me, we take it for granted. If you have a young son, or daughter, or husband, or wife, or a dad, or a mom who is out there, you know we take that for granted. They are the best in the world, and they deserve the best we can provide them. Now, finally, with this budget we are able to do that. It will give the military the vital funds to compete with the private sector in order to recruit the best people.

President Bush has correctly realized our increasingly high-tech military requires that special steps be taken in order to attract and retain personnel with computer science and other disciplines. Right now, there is a great opportunity out there in the private sector. A lot of people are pulled to that, but many people want to serve in the military, and if they just have the opportunity to do it, with better pay and better benefits, we can pull more people toward the military.

In addition to the military pay and benefits, the President has pledged to increase pay incentives for highly trained military personnel, and I know that is good news for the military.

Let me discuss a couple of other issues: Education. I am a former teacher. I taught school for 6 years. You are never a former teacher; you are always a teacher. I also served on a school board. I have also been a father for 25-plus years. So I think I know a little bit about education from four or five different perspectives, if you will.

I agree; decisions regarding education are best done at the local level, period. That is where the best decisions are made. You cannot sugar-coat that any other way. The best decisions are made at the local level. We don't need a national school board running our public schools.

We need the local school boards to run those schools with the parents, with the teachers, with the administrators, and with the students working together.

Some will say there is a lot of money in President Bush's education plan. There is an 11-percent increase in education funding at the Federal level. Look how it is applied. This plan provides the local schools, local districts, and States more freedom in administering the Federal dollars. They are going to have more choices. They are going to combine dozens and dozens of Federal education programs into only five and allow the States and the local communities to spend the money as they see fit in the categories that they see as best.

President Bush said last night: Leave no child behind. I think this is the best opportunity we have had in many years to make that come true. Passing year after year a child who can't read or write doesn't do any good. It puts them at a tremendous disadvantage when they come out into society. It is not necessary. Our schools and teachers should be about kids. If they can't compete, then parents ought to have the opportunity to say, well, I am going to go over here to this school or this school. That is what rich folks do. They send their kids to some private school, if they want to. They borrow money to do it because they don t like the public school.

I am a former public school teacher. I am a strong advocate of public schools. They ought to be competitive and good. And if they are not and won't improve, then parents ought to have the right to choose another school.

The Bush plan provides schools with more freedom in administering these Federal dollars. But it also holds States accountable for improving student achievement, which will be demonstrated through assessments in reading and math. The plan provides reading programs which will be available to States to provide research-based reading programs in the early elementary grades and low-income preschools.

Some think we are going to put all of this taxpayer money on the public debt and not do anything else and that we are going to cut these programs. We are not. That is the beauty of the budget. It is one of the best, if not the best, budgets I have seen since I have been in Washington. It preserves and protects Social Security. It locks away every penny—$2.6 trillion goes right into the lockbox for Social Security. We cannot touch it for anything else. There will be no more Government greedy hands in there borrowing the money and using it for something else.

In addition, the President talks about making those dollars in Social Security go further.

With Medicare, it is the same thing. It spends every dime for Medicare. That is what it is gathered for and collected for, and that is what it should be spent for. It passes it on.

I have spent a year looking at the prescription drug issue. It can be done without hurting the program's solvency. We can provide help for our senior citizens who need prescription drugs. They deserve it and are going to get that help under this budget.

Finally, faith-based initiatives are somewhat of a controversial matter. It is not controversial to me. I think the President made it very clear last night. Faith-based proposals can get the job done. There are so many people out there working in various charitable organizations, whether they be religious or not. They are trying to do a job. We are not picking sides. The President is simply saying why not help all of these good-hearted Americans who are working and doing a wonderful job to restore and heal the lives of men and women in need? They can do it better than any Federal Government program. They can do it better than any bureaucrat in Washington, and they are doing it OK. God bless them. If you have ever been out to see what they do, your heart goes out to them. In spite of everything, they are out there day in and day out begging for more money. We need a chance to provide the dollars to these folks who can get people back on track and be productive again.

Billy Graham once said that our basic problems today are not social problems; it is not a lack of education. The problems are the problems of the human heart, a heart that is not right to God. These organizations recognize that God has the power to change lives and heal wounds and instill an inner drive in people so they have tools to change destructive behavior.

Faith-based organizations provide needed community services. This is a nation under God. We are not supposed to take God out of our Government. We are just not supposed to have a state-sponsored church. Sometimes we forget that. Why not help these people? President Bush does. He took it head on. He knew he was going to get hit for it. But he is doing it anyway. That is leadership. Faith-based organizations are very effective, and they are going to get help. That is why I support President Bush's plan.

Let me close with this point: Under this budget, we pay back $2 trillion of the national debt over the next 10 years. We provide $1.6 trillion to go back into the pockets of the people from whom we took it. And we do all of these things that I mentioned. I haven't even gotten started with the things I could have added to the list. That is a good budget.

I tell you, ladies and gentlemen, that is leadership. When you step up to the plate and take on something such as that, that is leadership. President Bush deserves a lot of credit for coming up here last night and laying that out in a concise and clear way and not being afraid to take on these tough challenges.

I sincerely hope my colleagues will act quickly to pass this budget so the country will be the beneficiary of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

DALE EARNHARDT

Mr. FRIST. Mr. President, I rise today to pay tribute to an American legend, a workingman who rose from his roots to the very top of his profession, indeed, to the top of the world, the racing world, that is. And that is why we loved him.

As all legends, he was the best at what he did. He was the greatest race car driver in the history of NASCAR and perhaps the greatest driver who ever lived.

With an uncanny feel for his car in a take-no-prisoners attitude on the track, he brought millions and millions of fans into the sport. That is why we loved him.

He was the people's champ, the last cowboy, iron head, the intimidator, but most of all and most appealing about him was that he was funny and warm. He was like us. He was human. He was accessible. And that is why we loved him.

But Dale Earnhardt was much, much more. When a young fan was dying of cancer, Dale spent 15 minutes on the phone with him and flatly rejected any attempt to publicize it. When a local pastor came around seeking donations to pave the parking lot in his church, Dale wrote out a check for the full amount on the condition that the pastor never reveal that all the money came from one person, and especially not who that person was. He routinely aided high school bands and church groups and once gave John Andretti a motor so he could qualify.

When the wife of the doctor who tended drivers injured at the track had to travel across the country, leaving his pregnant wife behind, Dale called to make sure she was all right, and then sent two men with a pickup to the mountain retreat where they lived just in case she needed a fast trip to the hospital.

His favorite charity, one that is familiar to many of us, was the Make a Wish Foundation—perhaps because he knew what true magic was all about.

Describing the tough racer with the tender heart, one NASCAR publicist said: He'd do nothing for you on the track but anything for you off it. That is why we loved him.

As we all know, Dale Earnhardt died a week from last Sunday on the final lap of the Daytona 500 doing what he did best—racing for victory. Victory alluded him but death did not. After 281 finishes in the top 5, 428 in the top 10, and 76 wins, including 9 at the world's fastest half mile in Bristol, TN, where, by the way, he was also Rookie of the Year in 1979. Dale Earnhardt passed from living to legend. His death—like his life—transcended his sport.

To the hundreds, indeed, the thousands who knew him—and the millions who did not—he was John Wayne, Humphrey Bogart, and James Dean all rolled into one. He was a husband, a father, a mentor, and a friend. But most of all, he was like America—caring, big-hearted, open, and free. And that is why we loved him.

PRESIDENT BUSH'S ADDRESS TO CONGRESS AND HIS BUDGET

Mr. FRIST. Mr. President, I rise, just for a few minutes, to comment on the President's address last night and the budget that he has sent to the Congress. It, indeed, represents a new beginning, a new start, a cause for hope, a cause for optimism that is reflected in the benefits and the advantages for every family in Tennessee, as well as across the United States of America.

The budget does set a roadmap, a blueprint, as we look to the future, as we look to next year, the next 5 years, and the next 10 years. Very clearly, the President's budget does three things: No. 1, it funds America's priorities, as we have debated in campaigns over the last 6 to 8 months and debated on the floor of the Senate over the past couple years. It funds the largest debt reduction in not just the history of the United States but the history of the world. And it provides fair and responsible tax relief.

First and foremost, I believe it pays off historic amounts of debt. It provides absolutely the fastest and largest debt reduction ever seen in history—$2 trillion over a 10-year period.

Secondly, it funds many programs that we are currently discussing and debating, and programs that we are putting together, investing in individual families, in children, in youth, in health care, and in education. It strengthens education. It allows the opportunity to modernize education. And as has been pointed out on the floor, it offers the largest spending increase of any Federal department—over 11 percent. It triples funding for children's reading programs.

In the field of health care—and the President mentioned it last night in his address—he looks in the direction of the uninsured. There are about 42, 43 million people uninsured. He addresses the uninsured by, on the one hand, saying, yes, we need to further invest in the National Institutes of Health, and continues that doubling, but he also mentioned 1,200 new community health centers that will be there tomorrow for people who are uninsured, who depend on those community health centers for their health care. That makes health care more accessible for all.

He talked about refundable tax credits, again, to lower that barrier which stands between many people, and having the appropriate access to an insurance policy that will be there for acute care and chronic care and preventive care.

Thirdly, the President spoke loudly and clearly when he said now is the time we can take advantage of a surplus that has been generated by hard-working men and women and families out there, a surplus that reflects their dollars, their hard work.

Now is the time for responsible tax relief—using roughly one-fourth of the budget surplus—to provide the typical family of four paying income taxes as much as $1,600 of tax relief, a 50-percent tax cut for that typical family of four making $50,000.

I thought last night was a time when we had the opportunity to talk about the hopes and dreams in an optimistic way, with a new beginning for every family. I do want to underscore the privilege and opportunity I have of working on the Budget Committee of the Senate, where we will go into further detail over the next several days as this budget is laid out before us. It is a new beginning with the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Tennessee for talking about the President's budget plan. I, too, am very pleased that President Bush is keeping the promises he made to the American people when he was elected President of the United States. Congress is going to work with the President to make sure we have the balanced and responsible approach he has requested of Congress to work with him.

Let's talk about the balance that is in this plan. We have a $5.6 trillion surplus. The first and foremost responsibility we have with this surplus is to protect Social Security. That is exactly what we do. We will protect Social Security by keeping all of the Social Security part of the surplus in the Social Security fund.

Secondly, we are going to spend more money for high-priority items. The President has outlined the high-priority items he considers are No. 1 issues facing America today—No. 1, No. 2, and No. 3: Public education, national defense, and prescription drug benefits for our senior citizens.

There is no question that many people believe they cannot afford the drugs they have to take to stay healthy. That is not a choice people should have to make. We want to make sure they do have the fundamental prescription drugs they need at a price they can afford. So we will have to spend more money in that area.

National security is the major responsibility of the U.S. Government. States and individuals cannot protect themselves from wars or from an incoming ballistic missile. We must do that with all of the States contributing to our country and our Federal Army, Navy, Air Force, and Marines.

So we have to make sure our men and women in the military have the health care, the educational benefits for themselves and their children, and the pay they deserve. These are the people on the front line. These are the people stepping up to the plate to protect our freedom—our freedom to talk on the floor today, our freedom to go to a playground and have safety on that playground. These are the people on the front line doing it. We are going to treat them well.

Of course, we must have a public education system that allows every child to reach his or her full potential with a public education. We want no child in our country to be left behind. If we can get the resources to these children at the earliest levels, where they have basic reading skills in the third grade, where they have the ability to do simple basic math in the fourth grade, then we will give them the tools they need to be able to learn algebra and calculus and the more complicated math and science and reading opportunities they must be able to address. So we are going to fund those priorities at a higher level.

We are going to pay down the debt at the greatest rate we can. We cannot pay down the debt fully because people would not be able to invest in Treasurys. We want that very safe investment for our people. And we want to invest for the United States. We want our Government money to earn interest. We don't want it to sit there. We will have some debt, but all of the outside-owned debt is going to be paid down, $2 trillion over the next 10 years.

Last, but certainly not least, we are going to give tax relief to every American. Every American who is working will get tax relief under the plan put forward last night by President Bush. We are going to simplify the tax system. We have a five-rate structure today: a 15-percent bracket, a 28-percent bracket, a 31-percent bracket, a 36-percent bracket, and a 39.6-percent bracket. We want to lower all of those rates and only have four: a 10, 15, 25, and a 33.

I thought the President said it very well last night. He thinks anyone in the 15-percent bracket should pay no more than 10 percent of his or her income to the Federal Government. As well, we don't think any American should pay more than one-third of what they make to the Federal Government, so the top bracket would be 33 percent.

What does that mean in real terms? It means that one in five taxpaying families with children will no longer pay any income tax at all. It will completely remove 6 million American families from the tax rolls. A family of four making $35,000 would get a 100-percent Federal income tax cut—off the rolls. A family of four that makes $50,000 would receive a 50-percent tax cut, receiving approximately $1,600 in relief. A family of four making $75,000 will receive a 25-percent tax cut. We are going to give real relief to every working American.

We are also going to increase the earned-income tax credit to make sure people who are coming off welfare know that it is better to work and there is a reward for working rather than being on welfare. These are the effects that tax relief can make for every American.

We will also double the child tax credit to make sure every family with children will have a $1,000-per-child tax credit rather than the $500-per-child tax credit they now have. We want to make sure that you can deduct your charitable contributions, even if you don't itemize deductions. We want to eliminate the death tax because we don't think someone in America should have to sell their family-owned business or their farm just to pay taxes to the Federal Government. This is not money that has never been taxed. It is money that was taxed when it was earned and taxed when it was invested. There is no need to tax it again. We have a projected $5.6 trillion surplus, and we do not think people should have to pay taxes and sell a small business and take away all the jobs in that small business just to pay taxes to the Federal Government.

We do want to lower the Federal tax burden on the families of our country at the same time that we are paying down the debt so it will be the very minimum amount of debt required to have Government securities. We do want to prioritize spending so we are covering the costs that we know are a priority—public education, a strong national defense, prescription drug options under Medicare. These are the things where we will increase money, and we will flat line expenses that we don't need to increase.

Some people say: You mean you are actually going to not spend more in a Government program? Well, doesn't every family budget that way? Does a family spend the same amount every year on the same items? No. Maybe your children need more in clothes this year or maybe they don't need more in clothes. Maybe they are OK on clothes, and so you can buy the new computer. You make choices in a family. That is what we need to do in the Federal Government as well.

It is time we had a balanced approach. Every time I hear somebody criticizing the tax cut plan, it is because they want to spend more money. We are making Social Security secure. We are going to give more benefits under Medicare. My goodness, why would we want to spend more and more money when we have a surplus and when we are prioritizing the needs of the Government and when the taxpayer dollars don't belong to Government.

That is the real difference. A lot of people around here think tax dollars belong to them. Tax dollars belong to the people who earn it, and they should have the choices to spend it the way they see fit for their families. This is not money I worked to earn, and I shouldn't make the decisions on how to spend it except for the overall national good. The overall national good should not take more than 33 percent of anyone's salary, and it should take the lowest amount that is absolutely necessary because this is money people work very hard to bring home for their families.

I applaud the President for a balanced approach, for giving tax relief to every American who is working, for paying down the debt at the greatest rate that we have ever seen, for prioritizing our spending to increase national defense, public education, and Medicare prescription drug benefits, and to make sure all of our programs are sound and solid. We can do these things if we are responsible stewards of the taxpayer dollars and if we remember that the taxpayer dollars do not belong to the Federal Government except to the extent absolutely necessary. They belong to the people who earned them.

We are going to make sure we are responsible stewards of those dollars that people have worked so hard to support their family.

I will work with the President of the United States to be a responsible leader with the very important duty we have to the people who elected us to the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we have a few minutes remaining on the time allocated for us in morning business. I thank my friend from Texas. I certainly agree with her analysis of where these surplus dollars belong. That is the bottom line.

Obviously, we have a responsibility to fund the programs that are there, programs that are important, the programs that genuinely belong as a responsibility of the Federal Government. We have a responsibility to ensure that Medicare and Social Security are there for people when they need it. We have a responsibility to pay down the debt. Those of us in my generation have spent the money, and we are going to let the younger generation pick up the bill. That is not what we want to do. We clearly have that responsibility.

Not everyone agrees, of course, on how to do that. That is the purpose of this body, to debate the various options. Generally, the debate centers on the amount of expenditures in the Federal Government, the size of the Federal Government.

There are those who believe the Federal Government has a responsibility to do most everything for everybody, to be the governance of the whole country. Others believe there is a constitutional limit on the kinds of things the Federal Government should involve itself in, that in fact the real issue ought to be to support local and State governments, the governments closest to the people, to do most of those things.

So that debate goes on and will, I suppose, go on for a very long time. I was very impressed with the President's talk last night. Apparently, most people in the country were, according to the kinds of polling and questions that were asked in terms of his command of the issues. I think everyone was impressed with that. I don't think there is any question but that the President has strengthened his presentations as opposed to when he was a candidate. Somebody wrote that when he stepped into the Oval Office, he kind of transformed. That may be so.

More important, of course, was the message that was sent, the things the President put out as priorities. Again, I was impressed that he is now seeking to implement those things he talked about and ran on in the election. That is neat. That is what you are supposed to do—put out the issues you are going to be for, and when you are elected, you do it. I think that is excellent.

I also believe one of the refreshing things about this speech last evening was that it was a little different direction from what we have been talking about over the last 8 years—a little different direction in putting some priorities on things and funding things even more than perhaps they have been funded. At the same time, we are seeking to control the size of Government and put a 4-percent growth rate on discretionary spending. It was as high as 8 percent last year, and it was 16 percent in some agencies. That is too high. Again, that depends on your point of view.

I was very impressed with the President's presentation. Obviously, it will be debated and discussed. We have already had a good deal of discussion about the size of it. That seems kind of interesting. We will talk about it some more.

The size of the Bush tax cut is fairly modest, as a matter of fact, by historical standards. Going back to President Kennedy, he recommended a tax reduction that was 2 percent of the gross national product. President Reagan had a tax reduction that chose 3.3 percent of the gross national product. President Bush's proposal is 1.2 percent. That is less than either of the others in terms of the gross national product. All this stuff we hear about it being so out of size—apparently, comparatively it is not.

Also, I think it is kind of interesting to look at the next 10-year projection of total income, which is about $28 trillion. The tax relief over that same 10-year period is about $1.6 trillion. I never thought I would say $1.6 trillion isn't a lot because it is; but compared to the total, it is a small, or relatively small, percentage. I think that is something to keep in mind.

Also, as you look at what happened in terms of having surpluses, in relation to spending here, there is a substantial difference. Average discretionary spending, during the time when we were without a surplus, was about 2 percent over the last couple years. With the surplus, it has been 6 to 8 percent.

Now I don't argue the fact that some of the spending is the kind of spending we want to make. I am persuaded—and I have seen this in my own State legislature and here certainly—when there is a surplus, the growth of government goes up substantially. It goes up almost uncontrollably. So I think the idea of doing the three or four basic things the President set out last night is substantially right. One is to provide the money for those things that are key priorities in our Government activities. Two is to pay off the national debt under the proposition that it would be paid off in 10 years—all that can be paid off under the economic circumstances. And then we will have a tax return to the people who have paid the dollars.

We are all interested, of course, in those issues, in those activities that are out there, such as education. I was home this weekend, and we talked a little about how we see our State, our communities, our public lands, and our families in Wyoming in 10, 15 years. Interestingly enough, the most common thing, actually, was education and the economy—jobs. Of course, we all want our kids to have the best education but there is quite a little interest in having job training and education. Everywhere you go, education is always there.

This proposal has the Education Department at an 11.5-percent increase—which is the most in a very long time—to go for young people in preschool and reading and those things.

Of course, Social Security is to be protected; $1.6 trillion out of the surplus would be preserved there.

Medicare, of course, comes out of the 2.5 percent on top of the Social Security. It would be there for a priority for doing some things. Pharmaceuticals: That is going to be a difficult thing, but it is something we are all dedicated to doing.

Strengthening defense, of course. It is interesting. I have had a couple opportunities to go on bases. One is in my home State. It is a missile base, Warren Air Force Base. I asked: What are your highest priorities? First was housing, particularly enlisted and NCO housing. Some of it had been there 30, 40 years. I went down to Quantico, VA, where I served in the Marine Corps. The first priority was base housing.

In this budget is a substantial amount of money for pay and housing for the military and also for health care. Then we will properly take a look at the military in general, the strategic aspects of it and weapons aspects of it. Times have changed, and the whole challenge of the military has changed. We used to go in with five divisions and tanks and artillery. Now we are more likely to have to move about a group by air and ship, and they have to sustain themselves for weeks. It is a totally different kind of thing.

I think we have a great opportunity here to meet our obligations as the Federal Government, to meet our fairness obligations with the taxpayers and return the surplus to them, and to meet our obligations to young people by paying off the debt we have incurred.

I am excited about the opportunities. If you want to look down the road, what do you see? How do you see the Federal Government? How do you see our country in 15 years? These are the kinds of things that will be important to us—to strengthen the economy with an energy policy and do these kinds of things.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. Madam President, I ask unanimous consent that the Senate continue morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that I now be recognized to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEEPING PROMISES ON PRESCRIPTION DRUG COVERAGE

Mr. DAYTON. Mr. President, I rise today to give my first speech on the Senate floor, mindful of what a great privilege it is to stand here and also what a tremendous opportunity it is to be of service to others.

I am also mindful that I was elected last fall for special reasons. I made some very important promises to Minnesotans, promises that I intend to keep. Foremost among them was my promise to Minnesota senior citizens to help design and pass prescription drug coverage that would be available to everyone who is presently receiving Medicare.

Far too many times last year, I saw the suffering and the fear which our elderly were experiencing. I saw it in their weary faces, in their eyes filled with tears, and in their trembling hands. For them, the promises of Social Security and Medicare were unraveling, promises of retirement years with reliable economic security, free at least from the financial uncertainties and emergencies. But in their lives, higher and higher prescription drug prices destroyed their financial health and ravaged their emotional well-being.

So last spring I began my "Rx Express" bus trips to Canada. Borrowing this idea from others, I took busloads of Minnesota senior citizens to Canada where they could buy the same prescription medicines at far lower prices—often for half the cost in the United States, or less, for the same medicine, produced by exactly the same manufacturer.

I rode the first bus myself, leaving St. Cloud, MN, at 7 a.m. with 42 senior citizens and returning almost 18 hours later. This was no pleasure cruise. In fact, we spent the entire time crowded together on a compact bus, stopping only for customs, a Canadian doctor's office, a pharmacist, and for dinner. As we traveled those long hours, I was struck by the awful absurdity of our trip, because we in Minnesota pride ourselves on having world-class medical care facilities. In fact, people come from all over the world to Minnesota for the best possible health care—places such as the Mayo Clinic, the University of Minnesota Hospital, and Children's Hospital. Yet here we were, enduring a miserable travel marathon so that our senior citizens—the most elderly, frail, and vulnerable among us—could save precious dollars on the costs of their life-saving medicines.

Believe me, their cost savings were very substantial. We took a dozen of these bus trips to Canada last year, and the average savings per senior was $350. One gentlemen saved over $1,400 on the cost of his U.S. drugs for the 6 months. Another woman said to me that her life had been saved twice—once when her medicine became available, and the second time when she could actually afford them.

I will continue the Rx Express buses by donating my Senate paychecks to the Minnesota Senior Federation or some other organization that will use my contributions to continue them. However, the solution to prescription drug affordability is not to bus every Minnesotan to Canada. Rather, it is to provide prescription drug coverage to every senior citizen across America.

When I was home last week, many elderly Minnesotans asked me, when will this kind of program become a reality? For them, the need is immediate and acute. So their need for us to act is immediate and acute. Unfortunately, today Congress shows little sign of reacting with urgency to this emergency. Last year, Members deadlocked over the form this coverage should take. Some favored adding prescription drug coverage as a direct benefit under Medicare. Others wanted to assist seniors in purchasing private insurance policies to provide such coverage. Other proposals were introduced, but none gained enough support to pass into law.

So here we are again, and here again are the elderly in Minnesota and in 49 other States waiting for us to do what almost all of us say we want to do. As the President said last night, no senior in America should have to choose between buying food and buying prescriptions. The President is absolutely right. Yet today, across our country, retired Americans are being forced to make that same terrible choice: Don't eat, turn off the heat, or stop taking life-enhancing or even life-preserving medicines.

The President also said last night that Medicare must be modernized and we must make sure every senior on Medicare can choose a health care plan that offers prescription drugs. Again, the President is right. His words offer hope to millions of seniors who do not have and cannot afford such coverage. But as my mother used to say to me when I was growing up, actions speak louder than words. She usually said that when my actions or inactions were contradicting my words. For this Congress, that test begins today.

Were all the commitments I made just words? Were all the promises I made and heard others make just words? Were the President's assurances last night just words? I know I meant what I said, and I truly believe President Bush meant what he said last night. But now we must act. Now we must act.

The same proposals that were made last year can be considered again. I strongly prefer providing direct coverage under Medicare. I believe it best meets the essential requirements for any good plan—that the program would provide an immediate benefit; the plan would have universal coverage, the benefit being available to all eligible beneficiaries; the plan would negotiate discounts, allowing both seniors and the Government to get the lowest prices, negotiating price reductions just as every large business with self-insurers or every large HMO regularly does on behalf of its clients; the plan would provide catastrophic coverage for beneficiaries who have the highest drug costs.

However, I also know that these are some of the very reasons the pharmaceutical industry and others will fiercely oppose this particular program. I don't want to participate in another deadlock that prevented Congress from acting last year, nor do I want to participate in creating new excuses for why Congress has not passed universal drug coverage which the President can sign this year. I prefer it to be this month, but certainly no less than this year.

That timetable surely means designing and enacting a prescription drug program that is separate from and passes before so-called comprehensive Medicare reform. If that lengthy review and reform points to modifications or improvements in our previously enacted prescription drug coverage, then so be it. If we can design a better, less costly, more efficient program, then terrific, but as Franklin Delano Roosevelt said to his Cabinet when he took office in 1933: Try something. If it doesn't work, try something else, but for God's sake, try something.

We can adopt one of the programs that has already been proposed or, in the President's spirit of bipartisanship, we can merge two of last year's competing proposals providing, for example, direct Medicare coverage for seniors earning up to 175 percent of the poverty level and for seniors earning over that amount, private insurance policies. Then we can see which one works better. What is important is to get something working now.

President Dwight Eisenhower once said: I think the people want peace so much that one of these days governments better get out of their way and let them have it. In the same way, I believe America's senior citizens want prescription drug coverage so much that our Government had better let them have it. The sooner the better. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR EDWARD KENNEDY'S BIRTHDAY

Mr. BYRD. Mr. President, this is the last day of February. I believe it was Percy Bysshe Shelley who said, "O Wind, if Winter comes, can Spring be far behind?"

Spring is just around the corner.

Mr. President, while the Senate was in recess, the senior Senator from Massachusetts became a little bit more senior. On February 22, Senator EDWARD KENNEDY celebrated his 69th birthday.

Oh, to be 69 again.

In recognition of that occasion, I wish to say today what an enjoyable privilege it has been to work in the Senate with TED KENNEDY. History will be fair to Senator KENNEDY, and I have no doubt that history will judge him as one of the most effective Senators on that roll of 1,864 Senators as of now.

He is one of those rare workhorses. In the Senate we have show horses and we have workhorses. The show horses, you see them on TV quite often for the most part. Of course, we expect our elected leaders to be on TV often, but the workhorses, you don't see them on TV quite as often.

TED KENNEDY is one of those rare workhorse Senators in the truest meaning of that word. We will say it is one word, "workhorse."

Nearly every piece of progressive legislation since 1977 bears, if not TED KENNEDY's name, at least his imprint. That may be a bit of an exaggeration, so let me put it this way. I was first elected majority leader in the Senate in 1977. I was majority leader through the years of the Carter administration, 1977 through 1980. During that time, I was very familiar with the committee work, the legislation that I called up, the legislation that was amended, and the legislation that was adopted here and went to conference, the legislation that eventually became law. Many pieces of progressive legislation, beginning at the time of my tenure as majority leader the first time, carried TED KENNEDY's imprint.

He is a Senator who does his homework; he knows his subject. When he calls up an amendment, when he manages a bill, when he is the ranking member on a bill that has been called up, TED KENNEDY knows what he is talking about. We may not always agree with him, but we listen because we know he has mastered that subject matter.

Although blessed with wealth, he has always been a powerful and eloquent voice for the poor and oppressed, not just in the United States but also around the world. And he has also been a powerful and eloquent voice for the Democratic Party, its traditions, its causes.

We will long remember his soaring voice, his speeches to Democratic conventions, as well as his passionate struggle for the rights of the working people, for health care reform, for the strengthening of the Social Security net for America's less fortunate.

In the Senate, he has shown that public service is the place where, to paraphrase his late brother, John F. Kennedy, Americans can stop asking what their country can do for them but what they can do for their country.

Though we were out of session on TED KENNEDY's birthday, I say belatedly that I will always remember the support that Senator KENNEDY gave me during the years it was my privilege to serve as the Senate Democratic leader. When times got tough, as they occasionally do for a Senate leader, I knew I could always count on Senator KENNEDY's assistance. It may have been needed for an additional vote; it may have been for his assistance in building approval for a legislative proposal, but whatever was needed, Senator KENNEDY was there, and I was thankful.

Senator KENNEDY is a true friend, not only to me but also to the people of West Virginia, and when I make this personal reference the following two happenings will illustrate what I mean.

When I reached my 80th birthday—the Psalmist doesn't promise 80 years; the Psalmist promises only 70, but goes on to say:

> And if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

On my 80th birthday, I was in Charleston, WV, and the then-Governor of the State, Gov. Cecil Underwood, had invited me over to the Governor's mansion. I was enjoying a luncheon there, given by Cecil Underwood in my honor. During the luncheon, I was called to the telephone. On the telephone was my chief of staff, Barbara Videnieks, who said to me, "Senator, we have a visitor in the office," meaning here in Washington. She said, "Senator TED KENNEDY is here, and he has with him 80 roses."

TED KENNEDY brought the roses to my office himself, 80 roses. I never had that to happen to me before, and I am not sure that many Senators in this Chamber, if any other than I, can recount such a beautiful experience as that was for me. There was TED KENNEDY in my office—I was in Charleston, at the Governor's mansion—with 80 roses on my 80th birthday. You can bet before he was able to get out of my office and down to the subway car I was on the telephone calling him and thanking him for being such a real friend.

You would think we vote together just like that all the time. We don't. But we never argue about it; we never have any falling out about it, when we have little differences of viewpoints with respect to legislation. There is this underlying bond of friendship between Senator KENNEDY and me.

Last year, I was at the Greenbriar with my wife of 63 years on our anniversary. And, lo and behold, here came to our room at the Greenbriar 63 red roses. From whom? TED KENNEDY. I was surprised. That is TED KENNEDY. Our friendship will always be strong. He thought of me on our wedding anniversary, and he thought of Erma. He is just like that. But who else sent me 63 roses on our wedding anniversary? Nobody.

I think it is remarkable that there has grown up that kind of bond of affection and friendship between these two Senators.

Most people probably remember President John F. Kennedy introducing himself to the people of France by saying he was the person who accompanied Jaqueline Kennedy to Paris. A year before that, President Kennedy, upon a return visit to the Appalachian coal fields in West Virginia, introduced himself saying—here is President Kennedy saying—"I will introduce myself—Teddy Kennedy's brother."

During the last election, I saw for myself a tremendous display of this continued affection for Senator KENNEDY among my people, the people of West Virginia. When Senator KENNEDY and I appeared at a political rally in the heart of the State's southern coal fields where I grew up, we were promptly swamped by swarms of people—swarms of West Virginians, mountain people—seeking TED KENNEDY's autograph and wanting to shake hands with him or simply to see him.

I will always be pleased to introduce myself as Senator TED KENNEDY's friend, and I will always be glad that I have had the opportunity to serve with him in the Senate.

I say belatedly to TED KENNEDY, with his birthday of a few days ago, Senator KENNEDY, because of you, many people in this country are much better off. Because of you, millions of our citizens have a voice that is heard in these Halls. So happy birthday, Senator KENNEDY, and may God bless you.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR DAYTON'S MAIDEN SPEECH

Mr. WELLSTONE. Mr. President, I was at a conference dealing with health care policy when my colleague, Senator DAYTON, spoke. I come to the floor to congratulate Senator DAYTON for his words.

When he campaigned for the U.S. Senate seat, he spoke on cost of prescription drugs, especially for the elderly. I think it applies to many other families as well. Over and over again, he said this was his No. 1 priority. He said our country could do better. He said this was a matter of elementary justice. He talked about older people in Minnesota—senior citizens—two-thirds of whom have no prescription drug coverage. He talked about, for example, seniors cutting pills in half because they could not afford them or people running out of food or their homes being cold.

I think it is very significant that when Senator DAYTON came to the floor of the Senate today to give his first speech, his maiden speech, he talked about prescription drug costs and his commitment to introducing responsible legislation that will make a real difference in the lives of people.

The reason I think it is significant is not only because he spoke on an issue that is very important to people's lives, but it is all the more important because he said something about MARK DAYTON in very personal terms. He campaigned on this issue. He listened to many people in Minnesota, and many elderly people talk about these costs.

He came to the Senate after winning the election, and he basically stayed true to the commitment he made to people in his State. Senator DAYTON has been my friend for many years. I think he will be a great Senator.

I always said—and I said to Senator Rod Grams after the election—that no one can ever say to Senator Rod Grams that he did not vote for what he believed in; that he did not say what he believed. I think he deserves an awful lot of credit for that.

I never like it when anyone loses. I don't like to see people lose. I like to see people win. It is because of my Jewish roots.

I think MARK DAYTON is going to be a great Senator for the State of Minnesota and for this country, and I am very honored to serve in the Senate with him. As the senior Senator, I hope he will consider my views over and over again. I doubt that he will. And it will probably make him an even better Senator if he doesn't.

He spoke powerful words. I am sorry I was not on the floor with him. But I thank him for his commitment to the people. I thank him for his passion. I thank him for caring about public service, and I thank Senator DAYTON for caring about senior citizens and other citizens in the country. I thank him for his commitment to Minnesota.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in a period of morning business, with Members allowed to speak for up to 10 minutes.

U.S. SUPREME COURT

Mr. LEAHY. Mr. President, I have become increasingly concerned about some of the recent actions of the U.S. Supreme Court. As a member of the bar of the Court, as a U.S. Senator, as an American, I, of course, respect the decisions of the Supreme Court as being the ultimate decisions of law for our country. As an American, I accept any of its decisions as the ultimate interpretation of our Constitution, whether I agree or disagree. I have probably supported the Supreme Court and our judicial system more than anybody else on this floor.

Having said that, I think we can at least still have in this country a discussion of some of the things the Court has done. Recently, we have seen another assault by the Court on the legislative powers of Congress.

My concern may be more in sadness than in anger over what has happened. It is very easy to give talks about activist Supreme Courts, but it is hard to think of a time, certainly in my lifetime, with a more activist Supreme Court than the current one. Last week, the Court held that State employees are not protected by the Federal law banning discrimination against the disabled. The case was decided by the same 5-4 majority that brought us Bush v. Gore and other examples of judicial activism, the so-called "conservative" wing of the Rehnquist Court.

I accept they are indeed "conservative" in the sense that they greatly restrict the role of the Federal Government in protecting the individual rights and liberties of ordinary Americans. They are very conservative in the sense they have decided that the unelected five-member majority can go against the overwhelming bipartisan position of the elected Members of the House and the Senate, Republican and Democrat.

The case I speak of involved two Alabama State employees. Patricia Garrett sued the University of Alabama for demoting her when she returned to work after undergoing treatment for breast cancer. Milton Ash sued the State Department of Youth Services for refusing to modify his duties and work environment to accommodate his medical problems, which included chronic asthma.

These are precisely the sorts of grievances Congress set out to remedy when it passed a landmark civil rights law called the Americans with Disabilities Act, commonly known as the ADA. I was proud to be part of the overwhelming bipartisan consensus that passed the ADA—proud because of the principles the ADA stands for. It stands for the principle that America does not tolerate discrimination against those in our society who suffer misfortune and illness. It stands for the principle that every disabled person in America is entitled to be treated fairly in the workplace. And it stands for the principle that all employers, whether government or private employers, should be held accountable in a court of law when they violate the rights of the disabled.

Nondiscrimination, fairness in employment, and government accountability are each important core values in our society. They are principles that the American people know well and hold dear. They are the values that the first President Bush upheld when he signed the ADA into law. I remember it very well, that day at the White House when he signed the law. He reminded the Supreme Court of these principles when he took the unusual step of writing an eloquent brief to the Supreme Court in support of the ADA and in support of Patricia Garrett and Milton Ash's right to their day in court. I applaud him for that.

Sadly, last week the activist wing of the Supreme Court paid little heed to the view of either democratic branch of our government—the Congress that enacted the ADA or former President Bush who signed it into law. These five activist Justices gave short shrift to the core values of the American people that the ADA embodies.

Instead of protecting the disabled from discrimination, they denied the disabled their day in court. Instead of requiring fair treatment for all American workers, they created a special exception limiting the rights of government workers. Instead of promoting government accountability, they championed, above all else, the obscure doctrine of State sovereign immunity. That is legalese for saying the government gets a special exemption, preventing it from being held accountable in a court of law.

We hear a lot of rhetoric, complaining about so-called "activist" judges. I have heard it used by my friends on the other side of the aisle to describe Democratic judicial appointees who say they will uphold settled law, such as Roe v. Wade, or those who have been associated with public interest organizations that have fought to defend individual civil liberties. It is sometimes applied even to conservative Republican appointees such as Justices O'Connor and Kennedy, when it is felt that they are not being conservative enough.

When he served on the Judiciary Committee in the Senate, our new Attorney General gave a speech on what he called "judicial despotism." He complained about "the alarming increase in activism" on the Supreme Court. He referred to the majority of the Court, including Justice Kennedy, as "ruffians in robes."

I do not use such language. That kind of name calling does no good for the mutually respectful relationship among the three branches of government, the relationship that our Constitution and the American people call for. I have refrained from using such language, even when I strongly disagree with a decision, such as the 5-4 decision in Bush v. Gore, when the Supreme Court, in effect, decided a Presidential election.

But I mention the question of activism because the American people should know that activism does not come in just one flavor. Some would say judicial activism and liberal activism are one and the same. Of course they are not. Judicial activism can work both ways. It can work to expand protections for all our rights or it can be used to limit our rights.

As one of the Nation's leading constitutional scholars, Professor Cass Sunstein, pointed out in an article last month, history teaches that for most of the 20th century, judicial activism was predominantly conservative, and the unelected judicial branch was far to the right of the democratic branches of our Government.

Actually, that is where we are today at the start of the 21st century. The reality today in courts such as the U.S. Supreme Court and Fourth Circuit that are dominated by ideologically conservative Republican appointees is that the dominant flavor of judicial activism is right wing. In fact, I do not think we have seen such right-wing activism in the courts since the ultra conservative Supreme Court of the 1920s and the 1930s.

There is also, as some commentators have pointed out, an almost arrogant disregard of the Congress by the Supreme Court. There is a feeling that the Congress is somehow unable, even in those cases where Republicans and Democrats join hands in an overwhelming majority—that somehow we are unable to express the will of the people or uphold the Constitution.

In statements that the Court has made, it acts as though the Congress is almost unnecessary; that we are not competent to do anything; that we are irrelevant. Well, not totally irrelevant. I have heard from the Justices that they do want a pay raise. Last year, of course, they were asking for permission to give high-paying speeches to special interest groups. I am glad the Court believes we are good for something.

Last week's ruling is really just the latest in a long and ever growing line of 5-4 decisions that second-guess congressional policy judgment to strike down Federal statutes and generally treat Congress as a least favored administrative agency rather than a coequal branch of the Federal Government.

Last year the Court took aim at the Age Discrimination in Employment Act and the Violence Against Women Act. Before that, it was our laws on intellectual property and workplace standards. Before that, it was our gun control laws.

Now the Court's "federalism" crusade adds workers with disabilities to its growing list of victims: older workers, children in gun-infested schools, intellectual property owners, and victims of violence motivated by gender, to name just a few.

If you accept the common theme of this 5-4 majority in the U.S. Supreme Court, the Congress ought to just close up shop and leave town because they will do everything for the American people. The elected representatives of the American people are unnecessary with, as I said, the possible exception of voting for the pay raise that the courts have asked for.

Now it is up to another President Bush and another Congress to seek new ways to protect the rights of disabled Americans and the rights of the other groups sacrificed on the Court's altar of federalism. I believe Congress needs to reassert its Democratic prerogatives—respectfully but firmly. Congress needs to reassert, in fact remind, the Supreme Court of the Constitution, that we are a coequal branch of government whose policy determinations deserve respect just as they ask respect for their legal determinations. It is time for the people's elected representatives, Democratic and Republican, to reengage the bipartisan consensus of principle that produced the ADA, and to work together to restore the rights of ordinary Americans that have been taken away by an increasingly activist U.S. Supreme Court.

Again, as I have said, I have stood on the floor of the Senate defending the Supreme Court as much or more than anybody I know in my 26 years here. I have defended the Supreme Court on decisions even when I disagreed with the Court. I did that even with respect to the 5-4 decision on the Florida election—actually the national election. While I felt the Court was wrong, I stated that its decision was the law and that we must all abide by it.

But I am disturbed by this increasingly dismissive tone of the Court, in which it acts as though the Congress, Republicans and Democrats together, do not have the ability to represent the American people. The fact that we were elected by people all over this great Nation is almost irrelevant. In the ADA case, the fact that we had spent years on this, and that a Republican President had strongly supported our position, was irrelevant.

I think it is a dangerous path, just as it would be a dangerous path for us to be dismissive of the U.S. Supreme Court. It is equally dangerous for the Court to be dismissive of the Congress because ultimately the American people suffer. We as a Nation have maintained our democracy and fostered our wonderful growth because of our separation of powers—because of the way we have sustained the three equal branches of Government. What a shame it would be if one branch, the only unelected branch, continued to be so dismissive of the other two branches, both elected.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASH WEDNESDAY

Mr. BROWNBACK. Mr. President, I rise to speak for a few minutes as if in morning business. It is on a broad topic. It is about this day and what this is.

It seems kind of interesting when we start to celebrate things like St. Patrick's Day or Valentine's Day. What is the basis? Why do we do these things? There is always this kind of digging into it to find a very interesting story.

For St. Valentine's Day, we celebrate it recognizing a priest who married people in Rome when it was forbidden. The Emperor at the time was not given enough soldiers to sign up for the military because they wanted to get married, have families, and stay home with their families. So the Emperor decreed that nobody could get married. The priest said: I don't agree with that. So he quietly and secretly married a number of people and was then later arrested, incarcerated, and beheaded for having done this nice, wonderful thing. It is a great reminder of what Valentine's Day is about when we send cards.

Today we celebrate Ash Wednesday. A number of people of different faiths celebrate Ash Wednesday.

What is Ash Wednesday about? It comes from a number of references in the Bible, particularly in Genesis where it says, "Dust thou art, and into dust thou shalt return".

It is a recognition of the symbolism of what we physically are, and how the physical body ends up.

This comes from the Web page of EWTN about Ash Wednesday: "The liturgical use of ashes originated in the Old Testament times. Ashes symbolized mourning, mortality, and penance. In the Book of Esther, Mordecai put on sackcloth and ashes when he heard of the decree of the King to kill all of the Jewish people in the Persian Empire. (Esther 4:1). Job repented in sackcloth and ashes. (Job 42:6). Prophesying the Babylonian captivity of Jerusalem, Daniel wrote, "I turned to the Lord God, pleading in earnest prayer, with fasting, sackcloth, and ashes." (Daniel 9:3). Jesus made reference to ashes, "If the miracles worked in you had taken place in Tyre and Sidon, they would have reformed in sackcloth and ashes long ago." (Matthew 11:21).

In the Middle Ages, the priest would bless the dying person with holy water, saying, "Remember that thou art dust and to dust thou shalt return." The Church adapted the use of ashes to mark the beginning of the penitential season of Lent, when we remember our mortality and mourn for our sins. In the present liturgy for Ash Wednesday, it remembers that as well.

I simply rise to remind us of what the symbolism is, if we go around the hallways and see people with ashes on their foreheads. The symbolism there is about the mortality of each of us, that from dust we came and to dust we return. And it is a symbolism and a day of reflecting on our own sins and our own needs. I think maybe that is a useful thing for us to do as a nation, to reflect on what we have done right, and what we have done wrong, and see what we can do better as we move forward.

So this day of Ash Wednesday seems to be a good day for us to reflect on our own mortality, our own sinfulness, and what we can do to be better both individually and as a nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT BUSH'S TAX CUT PROPOSAL

Mr. NICKLES. Mr. President, last night President Bush spoke before a joint session of Congress and outlined his agenda in many areas—certainly in education, in preserving and saving Social Security, and Medicare. He challenged Congress. He also made a very strong case for reducing our taxes. He said: We can pay down the debt, we can fund our priorities, pay down the debt to the maximum amount practical—in other words, retire every bond that would mature between now and the year 2010—pay down the debt as much as possible, and we can still give significant tax relief.

Some people said that is not enough. Some people said it is too much. The President said it is about right. I happen to agree with him.

To my colleagues on the Democrat side who responded and said: We would agree to a $900 billion tax cut but we can't go for the $1.6 trillion tax cut—when we talk figures, I think it is important we talk policy and not just figures.

The policy—and the bulk and the essence of what President Bush is pushing for—is reductions in marginal rates, reducing tax rates for taxpayers. Some have said: Wait a minute. This is a greater dollar benefit for higher income people. But the fact is the President's proposal cuts the rates more for lower income people than it does for those people with a higher income level.

Unfortunately, some people, when taxes are discussed, want to play class warfare. They want to rob Peter to pay Paul. They want to use the Tax Code as a method of income redistribution. I do not think we should do that.

If we are going to have a tax cut, I think we should cut taxes for the people who pay the taxes. We have programs where we spend money for the general population, most of that focused on lower income populations. But if you are going to have a tax cut, you should cut taxes for taxpayers. President Bush's proposal does just that.

He has greater percentage tax reductions for those on the lower income scale than he does for those on the higher income scale. Let me just talk about that a little bit.

He takes the 15-percent bracket and moves it to 10 percent for many individuals. That is a 33-percent rate reduction. He reduces other rates. He moves the 28-percent rate to 25 percent. That is 3 percentage points, but that is about a 10- or 11-percent rate reduction. Yes, he moves the maximum rate from 39.6 percent to 33 percent, and that is an 11-percent rate reduction.

Some have said that is too much for the upper income. I point out that that rate, even if we enacted all of President Bush's income tax rate reduction, is still much higher than it was when President Clinton was elected because he raised the maximum rates substantially.

Let me just give a little historical background on what has happened to the maximum rate since I have been in the Senate.

When I was elected to the Senate in 1980, the maximum personal income tax rate was 70 percent. Ronald Reagan and 8 years later, it was 28 percent—a very significant reduction. Some people said that caused enormous deficits. That was not because the rates were cut because, frankly, revenues to the Federal Government doubled in that period of time. So revenues increased dramatically, though we reduced income tax rates from 70 percent to 28 percent.

President Bush, in 1990, agreed with the Democratic-controlled Congress—reluctantly, I believe—but raised the maximum rate from 28 percent to 31 percent, raised it 3 points, about 11 percent.

President Clinton, in 1993, raised the maximum rate from 31 percent to 39.6 percent—its current maximum rate—but he also did a couple of other things that a lot of people tend to forget about. He said: There will be no cap on the amount of Medicare tax that you pay on your income.

At one time, Medicare was taxed on the same basis as Social Security—about $75,000. Now there is no cap. So you pay 2.9 percent. Actually, the employee pays 1.45 percent and the employer matches that. It totals 2.9 percent on all income. If you have a salary like Tiger Woods or Michael Jordan, you pay a lot of Medicare tax—2.9 percent. So you can actually add that 2.9 percent to the maximum tax rate, the 39.6 percent. So that increases to a total of about 42.3 percent.

Then President Clinton did something else. He phased out the deductions and exemptions for people who have incomes above $100,000. We can add another 1 or 2 percentage points on as a result. So President Clinton, in the tax act that passed in 1993 by one vote in both the House and Senate—Vice President Gore broke the tie in the Senate—raised the maximum rate from 31 percent to about 44 percent.

President Bush today is saying, let's reduce the income tax rate down to 33 percent. He didn't take off the increase in the Medicare tax and didn't change the deduction limitation, so actually the net max tax, under the Bush proposal, is about 37.5 percent. Keep in mind, it was 31 percent when Bill Clinton was elected. So after all these reductions that President Bush is talking about, the maximum rate is still about 20 percent higher than it was when President Clinton was elected.

Yes, he has a tax reduction, but he is reducing taxes less than President Clinton increased them. That is the point. Certainly, for upper incomes that is the case. Let me repeat that. President Bush has a tax cut. Some people say it is too much, his tax cut for upper income people. I have heard so much demagoguery and class warfare concerning people who make higher incomes. Their tax rates are much higher today. Assuming we pass all of President Bush's tax cut on income taxes, it is much higher than it was when President Clinton was elected, about 20 percent higher.

You might remember President Clinton, when he had a moment of truthfulness in Texas, admitted that. He said: You might think I raised taxes too much. I agree with you. I did raise taxes too much.

President Bush is saying we need some tax relief. We have enormous surpluses, and we have to decide who is going to spend the surpluses. Are we going to come up with new ways within the Government to spend them? We can. There are unlimited demands on spending public money, somebody else's money, unlimited. That is not too hard for people to figure out. If you ask your kids: Could you spend more money? You bet. You ask your friends: Could you spend more money? You bet. You ask your spouse: Could you spend more money? You bet. If we leave a lot of money on the table here, can we find more ways in Government to spend it? You bet. There are unlimited demands on spending somebody else's money.

We have to do what is fair, what is right. How much is reasonable? We actually have taxation, as a percentage of GNP, at an all-time high. We are taking in a lot more right now than we need to fund the Government. If we leave it on the table, we will find ways to gobble it up. That is what we have done in the last couple years.

Last year nondefense discretionary spending budget authority grew at 14 percent, far in excess of the budget. We didn't abide by the budget last year. Congress was spending money. We will do it again, Heaven help us.

I don't think we will because I believe we are going to have discipline in the budget process this year. Unlike what we have had for the last 8 years, a President who pushed us to spend more—we now have a President who says: Let's show discipline. Instead of having somebody in the White House who is going to be threatening to veto a bill unless we spend more money, we have a person in the White House saying he is going to veto a bill if we don't show some fiscal discipline.

President Bush, instead of saying let's rescind money that is a 14-percent increase, he said, we will even build upon it. We will increase spending with inflation, spending increases of about 4 percent, which is in excess of inflation. He is being pretty generous. He enumerated a lot of ways where he can spend money. He said: We can do all those things. We can pay down the maximum amount of debt allowable, and then we should give some tax relief.

The core of his tax relief is rate reduction. Rate reductions are necessary. I mentioned this because a lot of people aren't aware of how much the Government is taking from them. They should be. If they are in the process of doing their income tax returns, as millions of Americans are this month and next, they will find out. There is a big difference between the gross amount they are paid and the net they receive. The difference, in many cases, is what goes to the Federal Government. It goes to the Federal Government in the form of income taxes, in the form of Social Security taxes and Medicare taxes. The net in many cases is much smaller.

We can get some relief. We should get some relief. We must get some relief. The President's proposal of across-the-board rate reductions is the only fair and the best way to do it.

Some have said we need "targeted" tax cuts. Targeted means we are going to define who benefits and who does not. If you spend your money the way we think you should spend it, you will get a tax cut. If you don't, you don't get one. So if you do Government-approved, designed, adopted, favored behavior, we will give you a tax cut. If you don't, you are out of luck. In other words, that is another way of saying we think we can spend your money better than you can. You spend it the way we want you to and we will give you some relief. But if you don't, we are going to spend it.

I happen to disagree with that wholeheartedly. If we are going to give a tax cut, let's not have members of the Finance Committee and the Ways and Means Committee and Members on the floor of the House and Senate saying: We are going to design and direct where the money should go. We should allow individuals to make those decisions. That is what President Bush calls for.

Let me touch on one other issue that has been demagogued unmercifully, and that is the issue of the death tax. Last year we passed a bill to eliminate the death tax. It was slightly different than what President Bush has called for. The President's proposal doesn't cost as much, according to the bean counters in Joint Tax. It costs about $100 billion, $104 billion over 10 years, according to their estimates. Let me talk about that.

A lot of people have said this only goes to the wealthiest people. I disagree. People who make that comment don't understand what makes America run. They don't know there are millions of businesses out there today that are trying to build and grow, and yet they are suffocated with this overall idea that if they pass on, if they die, the Government is going to come in and take half of their business. So they don't grow their business, or else they come up with all kinds of schemes to avoid this tax. There is a tax, a Federal tax called a death tax, an inheritance tax, an estate tax where the Government comes and if you have a taxable estate above $3 million, the Federal Government wants 55 percent, over half.

How in the world can it be fair in this day and age for the Federal Government to come in and say they want half of anybody's property that they worked their entire life on and their kids want to keep the business going and they say you have to sell that business because we want half? That is present law. That needs to be changed. It will be changed, in my opinion.

President Clinton vetoed the bill last year. We put it on his desk. We had overwhelming bipartisan support in the House, and we had a lot of Democrats who supported it in the Senate. We passed it. President Clinton vetoed it. I regret that decision. We have a new President, one who will sign it.

I used to manage a business. We thought about growing it—and we grew it a lot, and we could have done a lot more—but this idea of working really hard with the idea of building it up and making it successful, maybe making it worth more and then having the Government come in and take over half of it was a suffocating proposition. Did we suffer? No. Who really suffered? Our employees who could have had a new business. Maybe the kids who would work for those employees would have had a better income. They might have had more educational opportunities. There would have been growth and opportunity for more people. This tax hurts in so many ways that people just can't even calculate.

Let me touch on what the proposal that we passed last year would do. We replaced the taxable event of death and said: The taxable event should be when the property is sold. Present law is, when somebody dies, they pass the property on to the kids. There is a taxable event. If you have a taxable estate above the deductible amount—right now $675,000—you are at a taxable rate of 37 percent. Anything above that, Uncle Sam wants over a third. At $3 million, the rate is 55 percent. If you have a taxable estate of $10 million, it is 60 percent. Between $10 million and $17 million, it is 60 percent. How could we have a rate at 60 percent? Why is the Government entitled to take 60 percent of something somebody has worked their entire life for? I can't imagine. That is on the law books today. One of the reasons is because people said: Let's just increase the exemption and leave the rates high. We made that mistake. We will not make it again. I hope we don't make it again.

I have heard some people say that as an alternative let's just increase the exemption another million or two. We will exempt people and put more in the zero bracket. If you are still a taxpayer, bingo, you are going to have to pay 55 percent. I disagree. I think that is wrong, unconscionable. Why would you take half of somebody's property because they happen to pass on? Our proposal—what we passed last year—replaced the taxable event of somebody's death and made it a taxable event when the property is sold. So the person who dies doesn't benefit because they are going to Heaven—I hope they are—and they can't take the money with them. But their kids, the beneficiaries, right now have to pay a tax.

Under present law, they may have to sell the farm, the ranch, the business, or the property and assets—they may have to sell half of it just to pay the tax. What we are saying is there is no taxable event when somebody dies. The taxable event would be when they sell the property. If they inherit an ongoing business, a farm, or a ranch, or property, if they keep it, there is no taxable event. When they sell it, guess what? They have the assets to pay the tax, and the tax will be for capital gains. But the tax rate will be 20 percent, not 55 percent or 60 percent. That is fair. It is income that hasn't been taxed before because it is capital gains.

To me, that makes the system work. You tax the property once. You tax a gain that hasn't been taxed before, unlike a death tax. You might pay income on these properties you are building up in a business year after year, and you have paid income tax on it and you put money into it, it appreciates, and right now you get a little stepped-up basis, but, bingo, you have to pay a big tax. Why? Because you die. Sorry, second generation; if you want to keep the company going, if you want to keep the employees, you may have to pay a tax of 55 percent because this business is worth $3 million. That may sound like a lot, but it is not. In some places in Colorado, and others, it might be a development. You may have to sell it just to pay the tax so that Uncle Sam can take half. I think that is wrong. Our proposal is that you don't have a taxable event when somebody dies; it is when the property is sold—when it is sold. That would be on a voluntary sale, when whoever inherited it wanted to sell it, and they would pay a capital gains tax of 20 percent.

We leave the step-up basis alone, or at a lower level. They pay 20 percent on the gain of the property. If the property has been in the family for decades, you may have a significant capital gain. That is only fair because that property hasn't been taxed. I think this system makes sense. I think it would save so much.

I can't imagine the money that has been spent in this country trying to create schemes and, in some cases, scams, and other ways of trying to avoid this unfair tax. So now we would say you would not have to have foundations, you would not have to come up with irrevocable trusts and different games and try to give property around to avoid this tax. You can say, wait a minute, there will be a taxable event when they sell the property. They will then have the liquid resources to be able to pay the tax, and it will be 20 percent. People won't have to go through tax avoidance, and planners, and lawyers, and so on, who are working this system trying to help people avoid this unfair tax.

I mention that, Mr. President, because I think a lot of people have tried to demagog the issue. They have tried to unfairly characterize President Bush's proposal to eliminate this tax. I think what we passed last year was eminently fair. We had the votes last year, and I believe we have the votes this year. I think we will pass it and do a good thing for the economy, the American people, for free enterprise, and for families by eliminating this so-called unfair death tax. We will replace it with a capital gains tax when the property is voluntarily sold.

I am excited about President Bush's economic package. I am excited about his tax proposal. I think at long last taxpayers have a friend in the White House. They haven't had one for the last 8 years. We now have a friend who will give them long overdue relief. I am excited about that, and I expect we will be successful in passing substantial tax relief this year. I look forward to that happening, and I compliment President Bush on his package and his presentation. I tell taxpayers that help is on the way, and hopefully we can make it the law of the land.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. NICKLES. Mr. President, for the information of our colleagues, we expect a rollcall vote shortly on one or more nominations to the Treasury Department. One will be John Duncan to be Deputy Under Secretary of the Treasury. There may be additional nominations as well. There will be a rollcall vote ordered in the very near future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN M. DUNCAN TO BE DEPUTY UNDER SECRETARY OF THE TREASURY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination reported by the Finance Committee today: John M. Duncan to be Deputy Under Secretary of Treasury.

I further ask unanimous consent that the Senate immediately proceed to a vote on the nomination and that, following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of John M. Duncan, of the District of Columbia, to be Deputy Under Secretary of the Treasury.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John M. Duncan to be Deputy Under Secretary of the Treasury? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. CARPER) would vote "aye."

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—94

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—6

Carper
Hagel
Hutchinson
Johnson
Lincoln
Nelson

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SESSIONS). The President will be notified.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT REQUEST—BANKRUPTCY

Mr. LOTT. Mr. President, as most Members know, the Senate has been waiting for the Judiciary Committee to complete action on the very important bankruptcy bill for some time now. There is a long history behind it. As you recall, we passed the bankruptcy bill last year by a very wide margin, 70–28. The bill was eventually vetoed, even though, when I talked to the President personally about it, I had the impression that he had some hesitancy in vetoing it, but he did. And in view of the lateness of the hour, it was not overridden—an effort was not made to override it.

So at the beginning of this session, it seemed to me this was a bill that had been worked through the meat grinder very aggressively and that we should move it very quickly. So my thought was we should file it and, under rule XIV, bring it directly to the floor of the Senate. I did not make any effort to do that in a surprising way. There seemed to be pretty broad agreement that that would be a reasonable way to approach it.

However, there was some feeling by the ranking member on the Judiciary Committee that the committee should have a chance to have a look at the legislation. I discussed it with the chairman of the Judiciary Committee, Senator HATCH. While he would have preferred that it go straight to the floor, he thought that was a reasonable request and that that would make the Members feel it was being done in a fairer way. So be it; that would be fine.

All along, of course, I was talking to Senator DASCHLE, and we were talking about the best way to proceed, never wanting to surprise him at all. So it went to the Judiciary Committee. At that point then, there was an objection which delayed it for another week. And I thought the next week we would get it out. For a variety of reasons, without pointing fingers at anybody, it did not come out the week before the President's Day work period. Then I thought that this week we would get to it.

I think the committee needs to be congratulated because the committee worked yesterday, it worked again today, and it completed its work. I do not know how many amendments actually were considered, but they dealt in some way with as many as 30 amendments and I guess voted on a whole lot of them. They reported out the bill today, so we are ready to go. I hope we can get to the substance of the bill and have a full and free debate—amendments will be offered, considered, and voted on—and then we will bring this legislation to conclusion.

This is a part of my extraordinary, good-faith effort, I say to the distinguished Senator from Minnesota, to make sure we go by regular order—let the committees do their job, be considerate of other Senators' wishes, be considerate of the chairman of the Judiciary Committee, be considerate of the ranking Democrat on the committee, and confer with my colleague, Senator DASCHLE, the leader of the Democrats here in the Senate, to make sure he is aware of what I am thinking, and ask for his help. And he has given it.

So I really bent over backward. It is part of this atmosphere we are trying to create—bipartisanship, working together. As we look toward bringing education to the floor, and campaign finance reform to the floor, and the budget resolution, I am doing everything I can to set a tone where everybody can make their case. Everybody will have that opportunity. But I must say, I am really getting frustrated. However, I am ever hopeful that my gentle nature and my plaintive plea will appeal to the Senators who might have some reservations about us moving to consider this bill.

So, Mr. President, I ask unanimous consent that the Senate begin consideration of the bankruptcy bill, reported out of the Judiciary Committee today, at 10 a.m. on Thursday.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am glad to yield to the distinguished assistant minority leader.

Mr. REID. Mr. President, I say to the majority leader, we know the strong feelings the Senator from Minnesota has, and we respect that wholeheartedly.

I had one problem with the bill that dealt with something that was offered on the floor by Senator SCHUMER and me dealing with clinic violence. It went to conference. They stripped it, even though it passed here by an extremely wide margin.

The Judiciary Committee put that in yesterday. It is in the bill that will come before the Senate. I am very grateful to Senator LEAHY, who worked so hard on this matter, and the entire Judiciary Committee for allowing it to be part of this bill.

I believe it is a much better bill with this provision in it. It was not in the bill when it came to the floor out of conference. I voted against it. I am appreciative of what the Judiciary Committee has done in this regard.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I will be glad to yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will follow our minority leader. I wanted to respond to what the majority leader said, but I will follow the leader.

Mr. DASCHLE. I would prefer to follow the senior Senator from the State of Minnesota.

Mr. LOTT. To help with all this, why don't I yield the floor. I will stay to participate because I have a feeling the Senator from Minnesota is going to be persuaded by the generous nature of his leader and my persuasive abilities to let us get to the substance of the bill. I know with this Senator from Minnesota, I have heard him time and time again say: I have a right as a Senator to make my case and offer my amendments. I believe he will remember on occasion I have supported his right to be able to do that. He will have his right. But to delay this bill another week, what does it accomplish? We could begin to make progress, and we could have a vote on amendments.

I wish he would reconsider. This is on the motion to proceed. I think the American people look at us and say: Excuse me? You are going to have a cloture vote to cut off a filibuster on the motion to proceed to the bill; then you are on the bill and you have to do it again?

I hope the Senator will relent. I yield the floor to see what the Senator has to say.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I won't be long. I thank the majority leader for his graciousness, even though we are in disagreement. I appreciate not only what he said but the way he said it.

It is extremely important that to the maximum extent possible we work together. This bill is going to come to the floor of the Senate; there is no question about it. There are going to be votes. As a Senator from Minnesota, I will use this occasion. Perhaps we will have discussion tomorrow and can reach some agreement about how to move forward. Let me say that to the majority leader.

This is an opportunity for me to say to other Senators and, more importantly, to the people of Minnesota, this bill is harsh and one sided. I cannot believe that we make it so difficult for people who find themselves in such difficult circumstances. Fifty percent of the people of the country who declare bankruptcy do it because of a major medical expense. Almost all the rest of the cases are because of someone losing a job or because of a divorce.

I will not speak long, but I want the majority leader to know how heartfelt my objection is. It is not just a question of procedure or inside baseball in the Senate. I don't want to miss an opportunity to talk about how harsh and mistaken this piece of legislation is.

We just had 1,300 LTV workers laid off work in northeast Minnesota. The way this bill reads, in terms of what they can file for chapter 7, they are supposed to look at the average of their income over the last 5 months. That doesn't help them. Many of them just lost their jobs. I don't want them to go under. I want them to be able to rebuild their lives.

In my not so humble opinion, this is a classic example of a financial services industry with enormous clout putting on a full court press. I am proud, working with other Senators, to have held them off and held them off. This bill may pass. It doesn't ask these credit card companies to be accountable at all. It does not deal with some of the worst circumstances that affect families that are going to go under. It has an onerous means test. It is extremely one sided.

The first piece of legislation we are going to pass in the Senate, as the economy begins to go down and people are worried about losing their jobs and are feeling the economic squeeze, is a piece of legislation that is going to make it practically impossible for many families that are going under, through no fault of their own, to file for chapter 7 and rebuild their lives. What a start.

I come to the floor to object because I believe this is an egregious piece of legislation. The majority leader has been gracious to me. He knows I have the right, as does the minority leader, to object.

I say to the majority leader: This is tonight. Because he has been gracious, we can talk tomorrow and maybe we can figure out a way that we can proceed. However, I am not going to give up my opportunity to talk about how harsh this legislation is, and I am not going to give up my opportunity, in every way I can, to point out the weaknesses. There will be plenty of opportunity next week as well.

I hope when we do move forward—and this is something I want to discuss with the leader—there will be the opportunity for amendments, and we will have a full-scale debate; we will operate as a Senate, which is what the majority leader and minority leader want us to do. For tonight, I have to object, and I object for those reasons.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, once again, we hear the eloquent passion of a Senator who cares deeply about an issue. I applaud him for that passion and his compassion for those who are now out of work as a result of layoffs in Minnesota. I understand how deeply felt his views are.

He has expressed, in his own eloquent way, that it is within his right to object tonight. Each Senator has enormous power to stop things. Each Senator has enormous power to change the legislative process.

The majority leader, on several occasions, could have thwarted this process, avoided regular order, prevented Senators from the opportunity that I believe we will have next week to offer amendments. He could have done a number of things using his rights, first as a Senator and, secondly, as a leader, to undermine what we have delicately constructed here in this new bipartisan environment. He could have done that. Senator LOTT chose not to do that.

The majority leader said, in keeping with the spirit we are trying to maintain, as much as I wanted to go to this bill 3 weeks ago, last week, the week before, as many times as we have talked about this, every time I have asked him, he has said: Look, I am going to try to maintain the kind of spirit that we have been able to create so far where we can have a win-win; Senators who are passionately opposed to this bill ought to have the right to express themselves, ought to have the right to offer amendments, ought to have the right to have a good debate; Senators who want to move this process along ought to be able to use the tools available to them to do that as well.

What we are trying to do is to strike a delicate balance because there is passion on both sides. There is a depth of feeling on both sides. I, frankly, have been on both sides because I am so ambivalent about the importance of the arguments raised by the Senator from Minnesota as well as the concern that I have for the abuse we find in the system.

I appreciate very much the Senator from Minnesota expressing himself and at least giving us the possibility that we could revisit this issue tomorrow, and I recognize, once again, that if every Senator exercised all of their rights, we probably wouldn't get much done in this body.

But because everybody uses common sense, attempts to strike a balance between exercising those rights and moving along the legislative process, generally, we have worked out things in a way that has accommodated the needs of most people. It is in keeping with that spirit that I hope we can talk to the issue again tomorrow. I thank the Senator from Minnesota, and I thank the majority leader.

I yield the floor.

Mr. LOTT. Mr. President, I appreciate the comments of the Senator from South Dakota. He has been working with me in good faith. We communicate regularly. We have to keep trying to do that. That is why I sense that he feels the same frustration that I do, that we both try to bend over backward to accommodate everybody, and it is still very tough. We are facing further delays.

I am encouraged. The Senator from Minnesota has indicated we can talk tomorrow, and we will look for a way to move this legislation forward in a way that is acceptable hopefully to him and everybody else. I will look for him tomorrow.

There are two points I want to make. The first bill we pass in the Senate this year is not going to be the bankruptcy bill. I think the first one we passed was pipeline safety. It is good legislation, broadly supported. We passed one other bill that week. I think pipeline safety was the first one.

The other thing is that I understand how the Senator feels, and you have to have some emotions and compassion for people who get into difficult straits. There needs to be a way for them to come out of them and get a job or have a job and get back into business. Also, this is personal with me, too. My mother and father tried to be small business owners. My dad was a pipefitter in the shipyard. It was hot, tough work. He decided they could get into the furniture business at one point. He would go pick up the furniture in his pickup truck and bring it back to the store. It was Market Street Furniture Company. I will never forget it. He would do the selling and delivering, and they sold a lot of items on credit. My mother was the bookkeeper in the back of the store. One of the reasons why they could not make it was that many of those people to whom they sold the furniture on credit just would not pay their bills.

So there is another side. There are small business men and women who wind up holding the bag, and when you are a small business man or woman, that profit margin is pretty tiny. It is 5 percent, 10 percent maybe. But I remember it was very small in that furniture store.

There were other factors involved, but eventually it ran them out of business. My dad went back to the shipyard, and he got to work in the pipe department. But that is the other side of the coin.

What about the small business men and women who are out there trying to create jobs to help their family and people say, "We don't want to pay"? A lot of them hide behind bankruptcy.

I have supported bankruptcy laws and reform of bankruptcy laws. I supported the bankruptcy judges system. But we have made it too easy now for people to use bankruptcy as an excuse to hide and get out of paying what they owe. There is broad, bipartisan support on this. I think we ought to get it done as soon as we can. I will work with the Senator to make sure he believes his voice was heard. I know how he feels about it personally. I do, too. There is another side of that coin. It is kind of a family thing with me. We will find a way to get it done.

I thank Senator DASCHLE and Senator REID for staying on the floor and working through this.

I yield the floor.

Mr. WELLSTONE. Mr. President, I don't want to debate the majority leader tonight. I want him to know that one of the good things about the very important debate we are going to have is that I will be able—the Presiding Officer is involved in this debate as well—to cite independent study after independent study showing that the abuse, when it comes to bankruptcy, is a very small percentage. I think the majority leader will be pleased to hear that given the comment he made. We will have the debate. I thank the majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate enter into a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. DASCHLE. Mr. President, I rise today to recognize the celebration of Black History month. It began in the 1920's when Dr. Carter G. Woodson, a historian and educator, proposed the idea of creating "Negro History Week" during the second week of February to commemorate the history and achievements of the black community. He chose this week to honor the birthdays of Abraham Lincoln and Frederick Douglass, both of whom had a great impact on the lives of African Americans across the country. Since 1976, we have dedicated the entire month of February to celebrating the contributions of African Americans throughout our Nation's history.

Today, African Americans represent about 13 percent of our total population, and they greatly contribute to the increasingly dynamic cultural tapestry of America. Over the years, they have actively shaped the future of our country in the roles of teachers, parents, judges, doctors, lawyers, religious leaders, and factory workers.

Although the African American population of my home State is smaller than most, the cultural heritage of South Dakota has been enriched by our African American community.

I am proud to tell you about Oscar Micheaux, the first African American to produce a feature-length film, as well as the first African American to break the "sound barrier" with a "talkie" motion picture, the earliest form of film with sound. Born to freed slaves in 1884, Micheaux grew up in Illinois as one of 11 children, before he moved to South Dakota to become a farmer. It was on the South Dakota prairie that he began to write, publish, and sell his first novels.

At a time when blacks were not welcome in the film industry, Micheaux started his own company, where he wrote, directed, and produced at least 43 movies during the course of his life. He dealt with such controversial subjects as white-on-black crime, intra-racial discrimination, and lynching. In 1919, he released "The Homesteader," a movie based on his autobiographical book that describes his experiences on the South Dakota plains. This became the first feature length film produced by an African American.

Because Hollywood discriminated against blacks, Micheaux was forced to do all of the work for his films independently. He was responsible for not only producing, but distributing his films which were only viewed in segregated black theaters. Some of his films that addressed issues like real estate discrimination and inter-racial relationships were censored and confiscated for being too "controversial." Despite facing discrimination, Micheaux paved the way for blacks in the film industry.

Micheaux is revered by such entertainment industry figures as Spike Lee, Robert Townsend, Tim Reid, and Carl Franklin. South Dakota holds an annual film festival in Micheaux's honor. A true pioneer in every sense, he is a hero to all Americans who have a dream.

I salute this accomplished, self-made man. His achievements serve as a wonderful example of how barriers can be overcome and how dreams can be attained. Micheaux and other figures in the African American community remind us of the difference an individual can make to the Nation, and that dreams can still be attained, even in the face of adversity. Micheaux's life encompasses Dr. King's vision when he said that he had a dream that ". . . children will one day live in a Nation where they will not be judged by the color of their skin, but by the content of their character."

We are still working today to realize this dream. Black History Month not only celebrates the individual achievements of the African American community, but reminds us all that we need to come together as a greater community to ensure that everyone has equal rights, freedoms, and the resources to achieve their dreams.

Mr. DURBIN. Mr. President, I rise today in recognition, honor and celebration of Black History Month. This year's theme is "Creating and Defining the African-American Community: Family, Church, Politics and Culture." We should use the forum this month to educate all Americans that African-American history is American history. African-Americans have played a key role in shaping America by their known and untold contributions to science, art, education, politics, commerce and culture.

Dr. Carter G. Woodson is the founder of Black History Week which has expanded to Black History Month. Dr. Woodson, the son of slaves, realized that the rich and detailed history of African-Americans was in danger of fading to obscurity, so he became an impassioned teacher and advocate of African-American history, and created some of the first courses and textbooks devoted to this topic. He also founded what is now known as the Association for the Study of African-American Life and History. A firm believer in the importance of education, he studied at Harvard, the Sorbonne in Paris and the University of Chicago. Dr. Woodson was also Dean at Howard University in Washington DC.

Black History Month gives Americans an opportunity not only to learn of great African-American leaders like Dr. Martin Luther King, Jr., but also to learn of lesser known African-Americans who have played key roles in molding our great country. For instance, most Americans do not know that Jean Baptist Pointe DuSable founded the city of Chicago. Mr. DuSable was born in 1745 in Haiti to a white French sea captain and a black former slave. After his mother's death, Mr. DuSable went to France with his father to be educated and at the age of 20 sailed to America. Eventually, Mr. DuSable settled in what would become the great State of Illinois and became a fur trader. In 1779, Mr. DuSable built a trading post in a location that the Indians called Eschikcago or "place of smelly waters." The trading post eventually developed into the settlement now known as Chicago.

Similarly, Lewis Howard Latimer made great contributions to society. Mr. Latimer perfected Thomas Edison's invention of the electric light bulb by creating the carbon filament light bulb. Mr. Latimer was the sole African-American member of Edison's team of inventors. His 1881 creation of the carbon filament light bulb alleviated the electric light bulb's design flaws of a short life span and a tendency to shatter when becoming too hot.

In addition, African-Americans like Daniel Hale Williams have accomplished astounding breakthroughs in the medical field. One night a deliveryman, who had been stabbed in the heart, was rushed into the emergency room at Chicago's Provident Hospital. Dr. Williams decided to open the man's chest and operate. He successfully repaired the torn tissue in the man's heart and completed the operation. Dr. Williams made history that night as the first doctor to perform open-heart surgery. His patient went on to live for another 20 years.

Dr. Charles Richard Drew also made contributions that revolutionized the medical field. Dr. Drew was a world-renowned surgeon, medical assistant and educator. He transformed the practice of medicine by creating a way to preserve blood. Dr. Drew also created the first blood bank and developed a way to efficiently store blood plasma.

While most American know of the courageous story of Rosa Parks, not as many are aware of the bravery of her predecessor, Ida B. Wells-Barnett. Ms. Wells-Barnett was a school teacher who refused to give up her seat on a Memphis-bound train. After being physically forced out of her seat, Ms. Wells-Barnett brought a suit against the railroad for their actions, and won. Later, however, the State court overruled the decision of the circuit court. Ida Wells went on to become an influential journalist. She moved to Chicago at the turn of the century and worked tirelessly to fight against the horrible scourge of lynching, and to fight for fair treatment of African-Americans. The Chicago Housing Authority named one of its first housing developments the Ida B. Wells Homes, and in 1990, the U.S. Postal Service honored her life's work by issuing the Ida B. Wells stamp.

I am pleased to be able to speak today about the accomplishments of these great Americans. Black History Month can help us look back and recognize the great obstacles African-Americans have overcome. It can also help us look ahead and recognize the great obstacles that still hinder African-Americans today.

The disenfranchisement of thousands of African-American citizens in Florida this past election year clearly illustrates this point. Instead of being proud that they participated in the democratic process, many African-Americans were outraged because their voices were silenced. Their votes did not count. A disproportionate number of the invalidated votes cast for President in South Florida were from African-American and Caribbean communities. In all, an astounding one-third, 22,807, of the rejected ballots were cast in predominantly black areas.

Many African-Americans rightfully believe their disenfranchisement resulted from the use of antiquated voting equipment. Analysis of the Florida election plainly shows that Americans who voted in areas that utilized punch card ballots had a much greater chance that their vote would be invalidated than those who voted in areas that utilized more modern equipment. In this great democracy, it is unacceptable that thousands of legally qualified voters were disenfranchised because of obsolete voting machinery.

Unfortunately, this problem was not limited to Florida. In Fulton County, GA, a community with a large African-American population, punch-card voting equipment was used which resulted in one out of every 16 votes cast for President being invalidated. However, Fulton's neighbors, two largely white counties, utilized more modern equipment which resulted in only one in every 200 votes cast for President being invalidated.

Even my home State of Illinois was plagued with problems stemming from outdated voting equipment, especially in largely African-American communities. For instance, in Chicago, one out of every six votes cast for President was invalidated while almost none of the votes in some of the city's outer suburbs were rejected. This indefensible disparity is one of the reasons that I am proud to cosponsor the Federal Election Modernization Act of 2001. This Act will supply funding to States to help replace obsolete voting equipment. I personally believe the price to equip every voting precinct in the country with user-friendly and reliable mechanism to cast and count ballots is well worth it. The millions of dollars in estimated costs to ensure accuracy pale when compared to the value of protecting each individual's right to vote and the price paid by those who fought and gave their lives to secure this right.

As Americans, we must realize that even though discrimination is legally eradicated from American society, vestiges of the decades of discrimination still remain today. We need only look at the voting difficulties that plagued African-Americans in the 2000 election to demonstrate this point. If America is ever to achieve its full potential, we must acknowledge, address and eliminate the obstacles that African-Americans face not only during Black History Month, but every day.

Mrs. CARNAHAN. Mr. President, every February, our Nation pauses to recognize the tremendous contributions of African-Americans to the history of our Nation. In 1926, Dr. Carter G. Woodson established Negro History Week because he saw that most of the contributions African-Americans had made to American culture and industry were being ignored by historians.

We have come a long way since 1926. More and more of our history books acknowledge the contributions of African-Americans. Our schools have made it part of their curriculum, libraries and museums create exhibits, and our celebration of African-American history has been expanded to an entire month.

But we still have a long way to go.

We need African-American History Month because many people don't know about African-American heroes like Crispus Attucks, who led the Boston uprising in 1770 and became the first casualty of the American Revolution. Equally forgotten are African-American inventors like Garrett Morgan, who developed the traffic light and gas mask.

These Americans have added to the richness and greatness of our country. It is appropriate that as we stand in our Nation's Capitol, a structure which was built by the back-breaking labor of both free and slave African-Americans, we talk about the contributions African-Americans have made to this country's history and to its future.

I want to take a moment to focus on the contributions of Missourians.

Any Missourian can name George Washington Carver's most famous invention, peanut butter, but few realize the role Carver played in the agricultural revolution that occurred in the South in the early 1900's. Carver's work to wean the South from its single-crop cultivation of cotton and his development of commercial uses for alternate crops like peanuts and sweet potatoes helped modernize Southern agriculture, paving the way for a better life for the entire South.

Scott Joplin led a revolution of a different kind. While living in Sedalia, MO he created a blend of classical and folk music that took America by storm. Ragtime, as his style came to be called, has become America's unique contribution to classical music and is a driving force behind jazz and blues.

In literature, Missourians are proud of the heritage of Langston Hughes of Joplin, Missouri. One of the major American writers of the 20th century, Hughes was a poet, novelist, editor, playwright, and journalist.

Another African-American Missourian became famous not only as an inventor but also as the most outstanding jockey of his time. Tom Bass, of Mexico, MO trained some of the finest race and show horses of his day. At the peak of his career he rode in the Inauguration of President Grover Cleveland and gave a command performance before Queen Victoria. In addition to being a famous jockey, he invented the "Bass bit" which is still used today.

Missouri has borne some notable civil rights leaders as well. Perhaps the most prominent of them is Roy Wilkins. Wilkins served as executive director of the National Association for the Advancement of Colored People from 1955–1977. Appointed during the most turbulent era in the civil rights movement, Wilkins kept the NAACP on the path of nonviolence and rejected racism in all forms. His leadership and devotion to the principle of nonviolence earned him the reputation of a senior statesman in the Civil Rights Movement.

All of these great Missourians, and others too numerous to mention, struggled against bigotry and violence, but each showed, through their natural talents, that racism was not just wrong, but un-American. So it is fitting that we take this month to learn more about the history of African-Americans in this country, and recognize the contributions of African-Americans to our great Nation.

Mr. LEAHY. Mr. President, February is Black History Month. For the last several years I have worked with other Senators and the Administration to help make history by breaking down the remaining vestiges of barriers to African-Americans and other minorities and women on the Federal courts around the country. We have had a number of successes in that regard over the last few years. I recall, in particular, the confirmations of Judge Sonia Sotomayor to the Second Circuit, Judge Julio Fuentes to the Third Circuit, Judge Eric Clay to the Sixth Circuit, Judge Ann Williams to the Seventh Circuit, Judges Richard Paez, Marsha Berzon, Johnnie Rawlinson, Kim Wardlaw and Margaret McKeown to the Ninth Circuit, Judge Charles Wilson to the Eleventh Circuit and a number of others.

Many took too long. Many were delayed by anonymous holds. Many other outstanding nominees were never accorded a hearing, a Committee vote or a vote by the United States Senate. One of my greatest regrets during my service in the Senate was the Republican caucus vote against Judge Ronnie White in 1999. I was glad to be able to provide him with the opportunity to testify and correct the record and clear his reputation and good name in the course of confirmation hearings on the Attorney General nomination in January.

As important as it is to remember our history, it is also important to make progress and add to that history. We continue to have the opportunity to do that here in the United States Senate. On January 3, 2001, President Clinton renominated Roger Gregory to serve on the United States Court of Appeals for the Fourth Circuit. Even though the Fourth Circuit, covering Maryland, North Carolina, South Carolina, Virginia, and West Virginia, contains the largest African-American population of any circuit in this country, it had never had an African-American appellate judge.

Last December, during an extended congressional recess, the President exercised his constitutional power to make recess appointments and appointed Roger Gregory to the Fourth Circuit.

In early January, when the Senate convened to begin this new season, the President resubmitted Judge Gregory's nomination to us.

In the ensuing weeks, the new President has seen fit to leave that nomination before the Senate for our consideration and action. Both Senator WARNER and Senator ALLEN support this nomination. Last year Senator Robb also strongly supported it.

Senator WARNER, Senator ALLEN, Senator Robb and Senator EDWARDS and others have all spoken in the last several months in support of the confirmation of Roger Gregory. Now it is time for the Senate to step up to the challenge and act on Judge Gregory's nomination to a full, lifetime appointment to that important judicial position.

Mr. Gregory was not the first African-American nominated to the Fourth Circuit. President Clinton nominated four qualified African-Americans to the Fourth Circuit: Judge James Beatty, of North Carolina was nominated in December 1995, and re-nominated in January 1997; Judge James Wynn, of North Carolina, was nominated in August 1999; Roger Gregory was nominated in June 2000; and Judge Andre Davis was nominated in October 2000. None of these exceptional candidates ever received a Judiciary Committee hearing, let alone a vote on the Senate floor.

Senator ALLEN, in one of his first speeches on the Senate floor, came here to talk about Roger Gregory's qualifications, and the importance of acting in a bipartisan way to confirm him. Here is what Senator ALLEN said:

> [I]t is my belief that in Roger Gregory, the Fourth Circuit—and, indeed, America—has a well-respected and honorable jurist who will administer justice with integrity and dignity. He will, in my judgment, decide cases based upon and in adherence to duly adopted laws and the Constitution. I respectfully urge my colleagues and the administration to join me in supporting Judge Gregory.

Senator JOHN WARNER joined the discussion, rising to say that he agreed with what Senator ALLEN had said on the need to confirm Roger Gregory. As reflected in letters that Senator WARNER shared with the Senate, he and Senator ALLEN have written to Senator HATCH and to President Bush urging that Judge Gregory receive a hearing and be confirmed. I commend them for their commitment to this nomination.

Roger Gregory was an outstanding lawyer, and he will be an exceptionally good judge on the Fourth Circuit. From Richmond, Virginia, Judge Gregory was the first in his family to finish high school. After college and law school, he returned to be a professor at a school where his mother had worked as a maid. He entered private practice, and later founded his own, highly-respected law firm in Richmond, where he handled a wide variety of complex litigation matters in State and Federal court for individual and corporate clients. Roger Gregory built a reputation as a seasoned litigator and widely respected member of his community.

Judge Gregory's recess appointment as the first African-American judge on the Fourth Circuit also places him firmly in a tradition of using such appointments to bring diversity to the federal bench. Four of the five first African-American appellate judges were recess appointed to their first positions as Federal judges. That includes the appointment of William Henry Hastie as the first African-American on the Federal bench by President Harry Truman in 1949. Not long after that appointment, a little over 51 years ago, the Senate confirmed Judge Hastie, showing itself to be, as I have said many times, the conscience of the Nation.

The roster of trailblazing African-American recess-appointees also includes President John Kennedy's 1961 appointment of Thurgood Marshall to the Second Circuit Court of Appeals; Spottswood Robinson to the D.C. Circuit; and President Lyndon Johnson's 1964 appointment of Leon Higginbotham to the Third Circuit. Other well-known and well-respected judges to be appointed during a recess are: Judge David Bazelon to the D.C. Circuit; Judge Augustus N. Hand to the Second Circuit; Judge Griffin Bell of the Fifth Circuit; and Supreme Court Justices William Brennan and Earl Warren.

Today, during the month of February, Black History Month, I come to the Senate floor to call on my colleagues to once again shine as the conscience of the nation, and move quickly toward making Roger Gregory's lifetime appointment to the Fourth Circuit. He is eminently qualified to sit on the court, he has received praise for his integrity and legal talent, and he has been strongly endorsed by both of his home state Senators.

Roger Gregory should be given a hearing before the Judiciary Committee without further delay. In deference to the position that President Bush took during the campaign, the Senate should act on this nomination in the next couple of weeks. The excuse from last year, that his nomination in June came too late in the year for Senate action, is inapplicable now. Let his be the first judicial nomination to come before the Committee and the Senate this year. His papers have long since been submitted to the Committee—we have had them in hand for eight months now. There can be no reason not to commit today, during this month when we honor the achievements and contributions of African-Americans, to move Roger Gregory swiftly to a hearing, through the Committee and then on to the Senate floor for a full Senate vote.

After all of the delays meted out to the previous African-American nominees to the Fourth Circuit, the Senate has another chance to make history. As history has been made in so many other occasions for African-American judges, let us not squander this opportunity to make Roger Gregory the first African-American to be confirmed by the United States Senate to the Fourth Circuit Court of Appeals.

Mr. LEVIN. Mr. President, I am very pleased to commemorate African American History Month. Each year, during the month of February, we remember and reflect on the rich and extraordinary achievements of African Americans. We also remember and reflect on the suffering, degradation and brutality of slavery, which cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

We remember and celebrate the brave and determined African American conductors of the Underground Railroad, like Harriet Tubman. In 1849, Tubman escaped from the Eastern Shore of Maryland and became known as "Moses" to her people when she made 19 trips to the South and helped deliver at least 300 fellow captives to liberation. We remember and celebrate John Parker of Ripley, Ohio who frequently ventured to Kentucky and Virginia to help transport by boat hundreds of runaway slaves across the Ohio River; and William Still, Robert Purvis and David Ruggles who in the 1830s organized and stationed vigilance committees throughout the North to help guide slaves to freedom destinations. And we remember and celebrate James Fairfield, who went into the deep South and rescued enslaved African Americans by posing as a slave trader, risking his life and property. We remember and celebrate the City of Detroit in my home state of Michigan where the Underground Railroad assisted over 40,000 slaves in reaching freedom in Canada.

Let us not forget, that we celebrate African American History Month because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of the Negro and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction, a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Throughout the Nation, we celebrate the many important contributions African Americans have made in all facets of American life.

Lerone Bennett, editor, writer and lecturer recently reflected on the life and times of Dr. Woodson. In an article he wrote for Johnson's Publications, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College, in Kentucky, he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly etched in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999. I commend Dr. Velma Laws-Clay who headed the Monument Steering Committee and Sculptor Tina Allen for making their dream, a true monument to Sojourner Truth, a reality.

Sojourner Truth had an extraordinary life. She was born Isabella Baumfree in 1797, served as a slave under several different masters, and was eventually freed in 1828 when New York state outlawed slavery. Truth continued to live in New York and became strongly involved in religion. In 1843, in an act of religious faith, she changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration West in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass.

In 1851, Sojourner Truth delivered her famous "Ain't I a Woman?" speech at the Women's Convention in Akron, Ohio. In the speech, Truth attacked both racism and sexism. Truth made her case for equality in plain-spoken English when she said, "Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a woman? Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him."

By the mid-1850s, Truth had settled in Battle Creek, MI. She continued to travel and speak out for equality. During the Civil War, Truth traveled throughout Michigan, gathering food and clothing for Negro volunteer regiments. Truth's travels during the war eventually led her to a meeting with President Abraham Lincoln in 1864, at which she presented her ideas on assisting freed slaves. Truth remained in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. Due to bad health, Sojourner Truth returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. The Congressional Gold Medal was presented to Rosa Parks on June 15, 1999 during an elaborate ceremony in the U.S. Capitol Rotunda. I was pleased to cosponsor this fitting tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty-five years ago in Montgomery, AL the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world.

My home state of Michigan proudly claims Rosa Parks as one of our own. Prompted by unceasing threats on their lives and persistent harassment, Rosa Parks and her husband moved to Detroit in 1957 where Parks' brother resided.

Rosa Parks' arrest in Alabama for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history, the boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

We have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr, and many others, let us rededicate ourselves to continuing the struggle on Civil Rights and to human rights.

TRIBUTE TO SENATOR ALAN CRANSTON

Mr. DASCHLE. Mr. President, on the morning of the last day of the 20th century, as he was preparing his breakfast, Alan Cranston died at his home in Los Altos. After 86 years, his great huge heart just stopped.

There can never be a good time to lose someone like Alan Cranston. Such leaders are too rare. Still, there is something fitting about Alan Cranston leaving us just as the century came to a close. It was almost as if, having spent his life working to protect us from the darker possibilities of the 20th century, he held on until the last day in order to see us safely to the new century.

I first came to know Senator Cranston from a distance. He was four years into his second Senate term, and had just been elected Democratic Whip, when I was first elected to the House. That was back in 1978.

Studying Senator Cranston from the other chamber, I realized early on that he possessed a rare balance. He was a standard bearer for great public causes—and he was as good a behind-the-scenes organizer and vote counter as I have ever seen. He was a pragmatic idealist.

I also noticed something else about Alan Cranston back then. I noticed that he listened respectfully to all kinds of people and very often, just by listening, was able to bring people together. In this practice, and in many others, I have tried since then to follow his example.

Another thing I admired about Alan Cranston was his tremendous running ability. From the time he was in high school, he was a champion sprinter. In college, he was a member of the nation's fastest one-mile sprint relay team in America, and he remained a competitive runner most of his life. At one point, I understand, he held the world record for the 100-yard dash among 55-year-olds. As a 53-year-old runner who is not likely to break any speed records soon, I find that amazing. I also find it a little ironic—because in politics, Alan Cranston was no sprinter. He was a marathon runner.

When Alan Cranston signed on to a cause, it was for life. As a reporter in Europe in 1936, he was among the first to recognize the evil of fascism for what it was. He chronicled the rise of Hitler and Mussolini. When he discovered that Hitler had authorized the export of a sanitized copy of Mein Kampf to America, he acquired a copy of the German text and had it translated accurately, with all its hideous lies restored. He sold copies for 10 cents—thus giving America some of its true glimpses into the real Hitler.

A copyright infringement lawsuit brought by Hitler himself eventually forced Alan Cranston to stop selling copies of Mein Kampf in America. But nothing could ever stop him from speaking out against oppressors of freedom and human dignity.

In 1946, Alan Cranston met Albert Einstein, who persuaded him that nuclear weapons must be banned or they will destroy the human race. From that day until he died, Alan Cranston was a tireless champion in the effort to monitor nuclear arms and reduce their use.

During his years here in the Senate, he also championed an array of other noble causes—from the environment, to civil rights, to the men and women who serve in our nation's military.

Literally and figuratively, Alan Cranston was a towering figure in this Senate for nearly a quarter of a century. He was an example to many of us and to me personally. I am proud to say he was also a friend.

With some sadness, and with gratitude for his lifetime of service to our nation, I join my colleagues in honoring the memory of Alan Cranston and conveying our deep regrets to his family—especially his sister Ruth, his son Kim, and his granddaughter—as well as his many friends across this country and around the world. Alan Cranston was loved in this Senate, and he will be deeply missed.

TRIBUTE TO CHERYL FLETCHER

Mr. NICKLES. Mr. President, today I rise to recognize the efforts of Cheryl Fletcher for her outstanding service. Today, Cheryl is retiring after more than 21 years of service to me, the U.S. Senate and the people of Oklahoma.

Cheryl has been with me since the beginning of my U.S. Senate career.

She joined my first U.S. Senate campaign in 1980. After winning, I asked her to establish an office in my hometown—Ponca City. Before joining my staff, she worked as director of the Ponca City United Way.

During the last 21 years, Cheryl has served as the State Director, coordinating my schedule in Oklahoma and working as my liaison for northern Oklahoma. She has worked diligently for the people of Alfalfa, Grant, Kay, Washington, Osage, Pawnee, Payne, Noble, Major and Garfield counties. She's been Ponca City's Outstanding Citizen of the Year and an active member of the Chamber of Commerce.

My colleagues can appreciate the tight time schedules we keep, and Cheryl is one of the best when it comes to keeping me on time. I remember late one night, we were going back to Ponca from a meeting in Woodward. Cheryl was driving and flew right past a stop sign. Needless to say, my heart skipped a beat. Rain storms, snow storms, even perfect weather, Cheryl was determined to get us there on time.

Her service, dedication and hard work have always been an asset to me and all Oklahomans. I and the entire State of Oklahoma will miss her knowledge and experience. It has been my privilege and pleasure to work with her these years.

Few believed a young businessman from Ponca City could be a U.S. Senator. Cheryl believed and worked tirelessly to convince them, and occasionally me, that they were wrong.

Today, in Ponca City, Pioneer Bank, Home National Bank, Conoco, and Evans and Associates is hosting a reception in her honor. I know the place will be packed and I'm sorry I can't be there to personally recognize her on this special day.

I want to congratulate Cheryl, who is a loyal friend and employee, and thank her for 21 years of hard work. I wish her all the best.

PRESIDENT BUSH'S BUDGET

Mr. KENNEDY. Mr. President, last night I listened with great interest as President Bush outlined his budget proposal. It was a strong speech, and I commend the President for his encouraging comments on education, as well as his kind words for our good friend Congressman JOE MOAKLEY. But our challenge now is to produce a realistic budget. As the President describes it, the surplus is so big that the American people can now have it all—huge tax cuts for everyone, increased spending on national priorities, and elimination of the national debt.

I fully agree with President Bush that budgets are fundamentally about our values and priorities, but I strongly disagree with him on what those priorities should be. While President Bush made the benefits of his plan appear real and the costs painless, I think the American people correctly suspect that his words sound too good to be true. Just as there's no such thing as a free lunch, there's no such thing as a free $2 trillion tax cut.

I support a substantial tax cut, but not one that is so large that it crowds out continued debt reduction and investment in national priorities like education, health care, and worker training and protection efforts. Not one that is so large that it jeopardizes Medicare and Social Security.

This budget claims to provide massive tax cuts and maximize reduction of the national debt and keep our commitments under Social Security and Medicare and make the investments needed to keep the nation strong. It makes five claims that are arithmetically impossible. The numbers simply do not add up.

First, this budget argues that the nation can afford a $2 trillion tax cut right now. The White House claims that its proposed $1.6 trillion tax cut "uses only one fourth of the budget surplus." This is highly misleading. Make no mistake about it—President Bush's tax cut really consumes about 90% of the available budget surplus.

The tax cut now sought by the Administration would consume well over $2 trillion of the budget surplus. When President Bush cites the $1.6 trillion figure, he neglects the increased cost of interest on the larger national debt caused by the tax cut, and he ignores the added cost of his plan to make the tax cut retroactive.

We must be clear about the real size of the surplus. While the Congressional Budget Office projects that the federal government will collect $5.6 trillion more than it spends over the next ten years, only $2.7 trillion of this amount can properly be called a "surplus." The other $2.9 trillion is money that workers deposit with the government so they'll be protected by Social Security and Medicare when they retire. Workers pay this $2.9 trillion in payroll taxes for specific retirement and medical benefits. It is wrong to include money from workers' Social Security and Medicare payroll taxes in the same pot used to finance the Administration's income tax and estate tax cuts.

Thus, at most $2.7 trillion in available surplus is projected over the next ten years. Even the Congressional Budget Office acknowledges the great uncertainty of its own surplus estimate. CBO itself recognizes that a small reduction in economy's growth would reduce its surplus estimates by trillions of dollars. Any responsible budget would reserve a significant share of the projected surplus in case the projections prove too optimistic. Without such a reserve, any shortfall could return the nation to large deficits and raids on the Social Security Trust Fund. Yet the Administration's budget commits every last dollar of the projected on-budget surplus and more, sacrificing the fiscal caution that uncertainty in the surplus projection demands.

President Bush's tax cuts would consume well over $2 trillion of the $2.7 trillion available surplus, leaving precious little over the next ten years—to strengthen Social Security and Medicare before the baby boomers retire, to begin the quality prescription drug benefit that seniors desperately need, to provide the education increases that the nation's children deserve, to train and protect the American workers whose increased productivity has proved essential to our strong economy, to advance scientific research, to improve the nation's military readiness, to improve the security of family farmers, and to avoid burdening our children with the debt that we have accumulated.

After the Bush tax cut, we will simply not have the resources to meet these urgent challenges.

All American workers deserve a tax cut, but its total size must be reduced far below the $2 trillion Bush proposal so that we can address our legitimate national needs.

Second, this budget pretends to protect Social Security and Medicare. More than half of what President Bush terms the "surplus" is actually money that workers deposit with the government through the payroll tax to pay for their future Social Security and Medicare benefits. Just because the government does not pay those dollars out this year does not make us free to spend them. Over the next ten years, Social Security will take in $2.5 trillion more dollars than it will pay out and Medicare will take in $400 billion more dollars than it will pay out. But every penny of this will be needed to provide Social Security and Medicare benefits when the baby boomers retire.

If we use that money for other purposes now, we would be increasing the long term deficits in the Social Security and Medicare programs, accelerating the date on which each of those programs will not have sufficient revenue to pay the full cost of the benefits provided under current law. The only fiscally responsible use for the so-called Social Security and Medicare "surpluses" is to set those funds aside to pay future retirement and medical benefits owed under current law.

The Administration's budget fails to set the entire $2.9 trillion aside to cover the cost of future Social Security and Medicare benefits. It only protects $2 trillion of that amount. The remaining $900 billion is used for other purposes. This seriously threatens the retirement benefits of current workers. While the Bush budget is vague on just how this money will be used, it appears that more than $500 billion of it will be used to finance the Administration's scheme to create private retirement accounts. Money is diverted from the Social Security Trust Fund to finance those accounts. I believe it would be terribly wrong to take money out of Social Security to finance private accounts. Without the guarantee of Social Security's monthly benefit check, one half the nation's elderly would be living in poverty. Taking money out of the Social Security Trust Fund will weaken the program's ability to meet its legal obligations to the senior citizens it serves.

The President also plans to use current payroll taxes to finance prescription drug assistance for some seniors. But these dollars already belong to Social Security and Medicare, and they are needed to pay current benefits. The Bush plan really just tells Medicare to offer a prescription drug benefit without providing one new dollar to fund that benefit. His plan spends the same dollars twice. It is a cruel hoax.

The Bush budget also allows part of this $900 billion in payroll tax revenue to be used for purposes ranging from military preparedness to farm aid, flagrantly violating what I have taken to be broad bipartisan agreement to protect payroll taxes for Social Security and Medicare.

The threat posed by the Bush budget to Social Security and Medicare is very real. Not only does it fail to reserve any of the on-budget surplus to financially strengthen Social Security and Medicare by paying down the debt; it invades the Social Security and Medicare Trust Funds by removing $900 billion that already belong to these essential programs.

Democrats are committed to keeping Social Security and Medicare strong. We do this by reserving all payroll taxes to pay for the retirement and medical benefits that are now promised to seniors under current law. No qualifications, no exceptions. This commitment means that workers' payroll taxes are not available to fund income tax and estate tax cuts, private retirement accounts, or new spending.

Third, this budget alleges that it meets the nation's core health needs. America's seniors desperately need access to prescription drugs, but this budget provides only a placebo. President Bush said the right things about how high a priority prescription drugs are for America's seniors, but the numbers in his budget show that his words can't pass the truth in advertising test.

While the Administration's budget lavishes new tax breaks on the wealthy, it leaves little for the elderly whose lives often depend on prescription drugs. The budget gives five times more money to the wealthiest one percent of taxpayers than it allows for the Medicare drug benefits that 39 million senior and disabled citizens need.

There can be no question about the urgent need for a Medicare prescription drug benefit. A third of senior citizens—12 million people—have no prescription drug coverage at all. Only half of all senior citizens have prescription drug coverage throughout the year. Meanwhile, last year alone prescription drug costs increased an average 17 percent.

President Bush's budget responds with baby steps toward prescription drug coverage. After adjusting for inflation, President Bush's budget actually proposes one-third less than the inadequate amount he proposed in his campaign. His "immediate helping hand" program for the lowest income senior citizens virtually exhausts the resources that he allocates, leaving the majority of seniors with nothing. This plan is even less generous than the Republican bill passed by the House last year. And the Congressional Budget Office said that the House Republican plan was so underfunded that over half of all senior citizens with no coverage today would not be able to participate under it. Yet this budget allocates less money than the House Republican plan.

Medicare is a solemn promise to senior citizens.. It says, "Work hard, pay into the trust fund during your working years, and you will have health security in your retirement years." But this promise is being broken each and every day, because Medicare does not cover prescription drugs. The sad reality is that the Bush budget does not mend that broken promise—and it is now the responsibility of the Congress to keep faith with senior citizens.

The Administration's budget also fails to address the needs of the nation's uninsured. An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs.

The health consequences of being uninsured are even more devastating. In any given year, one-third of the uninsured go without needed medical care. Eight million uninsured Americans fail to take medication their doctors prescribe because they cannot afford to fill the prescription. Four hundred thousand children suffering from asthma never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured. Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has already spread in their bodies.

The chilling bottom line is that eighty-three thousand Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

The Administration's budget provides only a small amount for refundable tax credits to purchase health insurance policies—an amount too small to help the vast majority of the uninsured. In this time of unprecedented budget surpluses, isn't it more important to assure that children and their parents can see a doctor when they fall ill than it is to provide new tax breaks for millionaires?

Fourth, this budget does not meet the education needs of school children. The claim that this budget increases education funding by $4.6 billion or 11.5 percent is just plain wrong. This budget contains little more than a cost of living increase for our nation's schools, and few new investments to improve them.

The Administration's budget counts $2.1 billion that President Clinton and Congress approved last year as part of this year's increase. If President Bush did nothing on education, almost half of his "increase" would happen anyway. The real increase that he proposes is $2.4 billion only 5.7 percent above current levels. The reality is that President Bush proposes only $1.8 billion in new money for education next year, a mere 4 percent above inflation.

We need strong new investments to turn around our failing schools. But this budget does not even keep up with the average 13 percent annual increase Congress has provided for education over the last 5 years, and it will not enable communities and families across the country to meet their education needs.

I applaud President Bush for trying to make education a top priority. I applaud him for challenging the nation to "leave no child behind." But I am disappointed that this budget fails to provide the resources needed to produce the action that we all agree is necessary.

President Bush says that he will increase funding for ESEA programs by $1.6 billion, including $600 million more for the Reading First program. I support the Reading First increase, but it leaves only $1 billion for new investments in all other elementary and secondary education priorities.

This year, schools confront record enrollments of 53 million elementary and secondary school students, and that number will continue to rise steadily, reaching an average six percent increase in student enrollment each year. The Administration's budget fails to keep pace with population growth in schools, and it is possible that under the budget he proposes, federal education support per student will decrease over the next ten years.

Schools and communities will have to educate millions more children and help them meet higher standards of learning while addressing overcrowded classrooms, a shortage of qualified teachers, increased safety concerns, and a lack of adequate after-school programs. Schools simply cannot face these challenges alone. They need the help of their communities, their states, and the federal government to provide the best opportunities for all children.

I am prepared to work with the President to enact his proposal for annual testing. But communities will need resources to develop and implement the tests, and ensure that they are of the highest quality. If overall education funding per student does not increase significantly, the nation cannot expect to achieve the right balance between investing in strategies that work and increasing accountability for results.

Parents across the country will give President Bush and Congress a test at the end of the year. If our education investments do not help communities turn around every failing school, help all qualified students afford to go to college, and ensure that workers have the training they need, this Republican Congress and this Republican White House will deserve a failing grade on education.

I hope we will work together to make the improvements in President Bush's budget that will be needed to earn an A+ from the nation's parents.

Finally, this budget claims that its tax cut is fair to working families. In reality, the wealthiest 1 percent of taxpayers, who pay 20 percent of all federal taxes, would receive 43 percent of the tax benefits from Bush's plan. Their average annual tax cut would be more than $46,000, more than a majority of American workers earn in a year.

The contrast is stark. Eighty percent of American families have annual incomes below $65,000. They would receive less than 30 percent of the tax benefits under Bush's plan. The average tax cut those families would receive each year is less than $400. Twelve million low-income families who work and pay taxes would get no tax cut at all under Bush's plan. If we are going to return a share of the surplus to the people, that certainly is not a fair way to do it.

Because the Bush tax cut is slanted so heavily to the wealthy, it is possible to enact a tax cut that costs less than half of President Bush's proposal, yet actually provides more tax relief for working families. That is what Congress should accomplish this year.

A close look at the Administration's budget only confirms that indeed we cannot have it all. There is no way to eliminate the national debt, provide massive tax cuts, and meet all of the nation's legitimate needs.

President Bush's budget asks working families to sacrifice while the wealthiest families in America collect far more than their fair share. Overall, this budget threatens our prosperity and ignores the most fundamental national needs.

Governing is all about choices. And I believe that this budget makes the wrong choices for working families in America.

HONORING MRS. MATILDA TSCHETTER OF HURON, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, a few weeks ago, South Dakota, and the country, lost a friend. Mrs. Matilda Tschetter of Huron, South Dakota was laid to rest on February 3rd in Freeman, SD.

This chamber is no stranger to great men and women, and the RECORD is replete with recognition of their accomplishments. From Presidents to civil rights leaders, we often come to the floor to recognize Americans who have made a difference in our country. Matilda Tschetter may not have been featured on the front page of the newspaper, but she was certainly a great South Dakotan, and a great American. And she, too, made a difference in this world.

Matilda Tschetter represents all that is great about our people. Strong, smart, and committed to her family, she spent much of her life serving others. Matilda and her late husband Henry were both educators. They raised a family, and Matilda remained active in Democratic politics throughout her life. I got to know Matilda when she served as a Senior Intern in my office. I was impressed by both her kindness and her informed thoughts on the issues confronting our country and the world. I understand that in the last election, Matilda voted absentee and made a point to remind everyone in her family to vote on election day. Matilda certainly understood the responsibility that comes with the privilege of living in a democracy.

In South Dakota, and throughout the country, people like Matilda Tschetter quietly make our country a better place. They are committed to their families, to their communities and to their country. They persevered through the Great Depression and are the reason our country is as strong as it is. Matilda Tschetter will certainly be missed.

Today the Senate joins me in paying tribute to an admirable woman. My sincere condolences go out to Matilda Tschetter's surviving family: her daughter, Dianne Sandvick, and her son-in-law, Dr. Roger Sandvick. In this difficult time, my thoughts and prayers are with them, and with Matilda's many friends.

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH of New Hampshire. Mr. President, in accordance with the rule XXVI (2) of the Senate, I ask unanimous consent that the rules of the Committee on Environment and Public Works, adopted by the committee February 28, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking member shall preside. If neither the chair nor the ranking member is present, the responsibility for presiding shall alternate between the parties for the members present, beginning with the chair's party and based on seniority.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking member of the subcommittee shall preside. If neither the chair nor the ranking member is present, the responsibility for presiding shall alternate between the parties, beginning with the chair's party and based on seniority.

(3) At the request of the ranking member, the ranking member or his or her designee may chair a hearing of the full committee or a subcommittee, with the concurrence of the chair of the full committee or subcommittee.

(4) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, including at least three members of each party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, including at least two members of each party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall, after consultation with the ranking member, make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing. The chair and ranking member shall seek to attain an equal balance of the interests of the two parties when selecting subjects for and scheduling hearings.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) For any hearing, both the chair and the ranking member are entitled to an equal number of non-federal government witnesses.

(5) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall, after consultation with the ranking member of the committee or the subcommittee, provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday. The chair and ranking member shall seek to attain an equal balance of the interests of the two parties when setting the agenda of business meetings.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee and the ranking member of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Clean Air, Wetlands, Private Property, and Nuclear Safety; Transportation and Infrastructure; Fisheries, Wildlife, and Water; and Superfund, Waste Control, and Risk Assessment.

(b) MEMBERSHIP: The committee chair and the ranking member shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted. A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

RULES AND SUBCOMMITTEE ASSIGNMENTS FOR THE AGRICULTURE COMMITTEE

Mr. LUGAR. Mr. President, today the Committee on Agriculture, Nutrition, and Forestry conducted a business meeting where the committee funding resolution, committee rules and subcommittee assignments were considered favorably and passed out of the Committee. I ask unanimous consent that a copy of the rules of the committee and a memorandum of understanding be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JURISDICTION OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

(a)(1) Committee on Agriculture, Nutrition, and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

1. Agricultural economics and research.
2. Agricultural extension services and experiment stations.
3. Agricultural production, marketing, and stabilization of prices.
4. Agriculture and agricultural commodities.
5. Animal industry and diseases.
6. Crop insurance and soil conservation.
7. Farm credit and farm security.
8. Food from fresh waters.
9. Food stamp programs.
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain.
11. Home economics.
12. Human nutrition.
13. Inspection of livestock, meat, and agricultural products.
14. Pests and pesticides.
15. Plant industry, soils, and agricultural engineering.
16. Rural development, rural electrification, and watersheds.
17. School nutrition programs.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Rule 1—Meetings

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

Rule 2—Meetings and Hearings in General

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

Rule 3—Hearing Procedures

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

Rule 4—Nominations

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resumé which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

Rule 5—Quorums

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

Rule 6—Voting

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

Rule 7—Subcommittees

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

Rule 8—Investigations, subpoenas and depositions

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

Rule 9—Amending the rules

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CHAIRMAN AND RANKING DEMOCRATIC MEMBER, U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

This Memorandum of Understanding (MOU) between Chairman Richard Lugar and Ranking Democratic Member Tom Harkin addresses Senate Agriculture Committee operational details and budget issues for the duration of the 107th Congress.

HEARINGS AND BUSINESS SESSIONS

We agree that all hearings and business sessions will be called by Chairman Lugar. The Chairman agrees to also schedule hearings and business meetings requested by Senator Harkin. Business sessions will only be held at the full Committee level. All hearings and business sessions in Washington, D.C. will be Chaired by Chairman Lugar. Field Hearings will be chaired by Chairman Lugar or by Senator Harkin at the election of Chairman Lugar. With respect to any investigation authorized by the Committee, Chairman Lugar and Senator Harkin will resolve issues related to subpoenas and depositions consistent with the foregoing understanding.

HEARING WITNESSES

We agree that Republican and Democratic Committee staff will work together in planning hearings and in the selection of witnesses. Staff shall work to develop an agreed upon list of specific witnesses for hearings. To the extent there is disagreement concerning the naming of a specific witness or witnesses, accommodation will be reached between the Committee staff directors. We agree that to the maximum extent possible, the list of witnesses should be evenly divided between Republican and Democratic choices.

SUBCOMMITTEES

Subcommittee Chairmen and Democratic Ranking Members are encouraged to carefully review hearing and hearing witness agreements between Chairman Lugar and Senator Harkin at the full Committee level when considering and selecting witnesses for subcommittee-level hearings.

10% ADMINISTRATIVE FUNDS

S. Res. 8 states that up to an additional 10% of the committee budget shall be allocated for administrative expenses. We agree these funds shall be evenly divided between the majority and minority budgets with each having discretion on the use of such funds, pending Rules Committee authorization.

ADMINISTRATIVE AND OFFICE MAIL FUNDS

Funds for official mail and administrative expenses shall be utilized between Chairman Lugar and Senator Harkin in a manner that is equitable in light of the evenly divided membership of the Committee and consistent with accomplishing the necessary work of the Committee.

NON-DESIGNATED STAFF

The Republican and Democratic Staff Directors will consult on hiring non-designated staff, with the understanding that there will be parity in the availability of non-designated staff to assist both Republican and Democratic Committee members and staff in the performance of the Committee's work.

OFFICE SPACE

It is understood that Agriculture Committee office space will be evenly divided between Republican and Democratic staff.

RICHARD G. LUGAR,
Chairman.
TOM HARKIN,
Ranking Democratic Member.

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that a copy of the rules of procedure adopted today by the Committee on Rules and Administration for the 107th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted Feb. 28, 2001)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings——

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least a week in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the rules of the Special Committee on Aging be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SPECIAL COMMITTEE ON AGING—RULES OF PROCEDURE

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. Notice and Agenda:

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The chairman shall inform the Committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a

manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The Rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

RULES OF THE COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I ask unanimous consent that a copy of the Rules of the Committee on the Budget for the 107th Congress as adopted by the Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET—ONE-HUNDRED-SEVENTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designated for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)-(e), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The Committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the Committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meetings or hearing of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.

RULES OF THE COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, consistent with standing rule XXVI, I ask unanimous consent that a copy of the Rules of the Senate Committee on Small Business be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON SMALL BUSINESS FOR THE 107TH CONGRESS

(Note: Changes are in italic)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on *5 business* days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the Office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, *such member of the Committee as the Chairman shall designate* shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record §3231 (daily edition March 21, 1986)

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote *on the date of the meeting* to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the *Offices of the Chairman and the Ranking Member* at least *2 business days* prior to the meeting. This subsection may be waived by *agreement of* the Chairman *and Ranking Member* or by a majority vote of the members of the Committee.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. *If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days.* Written notice of all hearings, *including the title, a description of the hearing, and a tentative witness list* shall be given *at least 5 business days in* advance, *where* practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, *but must be in writing.*

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) *The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness.* Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, *but must be in writing.* Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, pursuant to the requirements of paragraph

2 of Senate rule XXVI, I ask unanimous consent the rules of the Committee on Health, Education, Labor, and Pensions for the 107th Congress adopted by the committee on February 28, 2001 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrent of a majority of the members who are actually present at the time such actions is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule.12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or a subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term "majority" as used in the committees' rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed; with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

Guidelines of the Senate Committee on Health, Education, Labor, and Pensions With Respect to Hearings, Markup Sessions, and Related Matters

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.
2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.
3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.
4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed.

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:
   (a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and
   (b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and
2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.
3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

ADDITIONAL STATEMENTS

TRIBUTE TO MR. ROBERT C. McWILLIAMS III

• Mr. HUTCHINSON. Mr. President, I rise today to pay tribute to a man who through his service and dedication made a significant difference in the lives of those who work at the Pine Bluff Arsenal in my home State of Arkansas. Mr. Robert C. McWilliams passed away recently, and the State will mourn his loss.

Robert McWilliams, was commissioned into the Army in 1964 as a second lieutenant of armor. He served two tours in Vietnam as an Army aviator and was awarded the Distinguished Flying Cross, Air Medal, Bronze Star Medal, Army Commendation Medal, National Defense Service Medal and was decorated with Senior Aviator Wings. After his service in Vietnam, he was stationed at Pine Bluff Arsenal, where he served as Provost Marshal, Chief of Security, and finally president of the local chapter of the American Federation of Government Employees.

It was in that last position that Bob truly emerged as a tireless advocate for the hundreds of men and women who work at the Pine Bluff Arsenal, toiling on behalf of our nation's security. I enjoyed the many conversations I had with Bob, for he never wasted an opportunity to argue for higher wages and more job security for those he represented. I knew that whenever I needed a candid opinion of how decisions made in Washington, D.C., would affect life in Jefferson County, I could call on him. Now that he is gone, I will miss him.

Robert C. McWilliams served his nation with dignity and honor. To those who knew him, he is remembered with fondness. I wish to extend my deepest sympathies for his passing to his family and loved ones.•

NIST CENTENNIAL

• Mr. LIEBERMAN. Mr. President, I rise today to celebrate the centennial of the founding of one of this country's technology treasures, the National Institute of Standards and Technology, or NIST.

For 100 years, the National Institute of Standards and Technology has helped to keep U.S. technology on the cutting edge. It has been a reliable and critical source of assistance to industry, science, and government. NIST's research, measurement tools, and technical services are integrated deeply into the many systems and operations that drive our national economy.

There are few aspects of our everyday lives and no corner of this country that is not touched by the work of NIST. In my State of Connecticut and in every State across this country, factories, communication and transportation networks, laboratories, hospitals, educational institutions, gas stations, coffee shops, and the extended enterprises of both the traditional and new economies are dependent on the work of NIST, its talented staff, and its ahead-of-the-curve research.

In order to understand the role that NIST has played in helping to make this country the economic powerhouse it is, we should take a little trip back in time, say about 100 years, to the beginning of the last century. It was a time before air conditioning, before plastics, before airplanes. Teddy Roosevelt had just become President and a middle-class income was no more than $5,000. We were at the dawn of the age of technology and we were excited about the opportunities for the rapidly evolving advances in science and technology.

We were also very confused. There were no authoritative national standards for any quantities or products. For example, there were eight separate values for the gallon. It was difficult, sometimes impossible, for Americans to conduct fair transactions or to get parts to fit together properly. Construction materials were of an uneven quality. Household products were unreliable. This commercial chaos hindered economic growth.

As the 1800s rolled into the 1900s, this country was in a precarious position. We were dependent on the research and scientific work of other countries. Few Americans were working as scientists, because most scientific work was performed overseas. American instruments were shipped abroad to be calibrated, and American scientists and engineers had to wait for their ships to come in, literally, before they could move ahead. The confusion and reliance on other nations was handicapping the United States in competition with trade rivals, such as Germany and England, countries which already had their own national measurement laboratories.

I am pleased to say that as they entered the 20th century, our predecessors in Congress acted wisely to remedy this commercial chaos and scientific competitive disadvantage. In 1901, in the final hours of its final session, the 56th Congress voted overwhelmingly to tackle a pervasive national need by creating the National Bureau of Standards, now known as NIST. Working closely with the leading scientists and industrialists of the time, this body, with great foresight, endorsed the concept of a national standards laboratory just as the century was beginning.

A century later, NIST has become an organization of 3,200 employees, plus 2,000 field agents who partner with NIST in all 50 states and Puerto Rico, 1,600 guest researchers and another 1,500 industrial research partners. A lot has happened to science and technology over the past century and NIST has helped to lay the foundations for our nation's progress.

I would like to spend just a few minutes reviewing some key contributions the Institute has made to industry, science, technology, national security and consumers. In the early years of the century, thousands of train derailments were caused by broken rails, wheel flanges and axles. NIST ran tests, and reported that the steel industry had not established uniform practices in manufacturing rails and wheels. By 1930, as better steel went into rails and trains, with NIST's help in standardizing materials and processing, the rate of accidents from these causes fell by two-thirds.

At the end of the century, industry had become increasingly dependent on information and knowledge and NIST continued to be relevant in that area. For example, financial services, telecommunications companies, and hardware and software products relied heavily on the data encryption standard issued by NIST in 1977, the first publicly available standard of this type and the first cryptographic algorithm endorsed by the Federal Government. Today, NIST is coordinating a successor standard, having run an Olympics-type worldwide competition.

The Global Positioning System and other communications and navigation technologies are more accurate, thanks to improved timekeeping, a trend promoted by NIST's operation of the first atomic clock, which was based on the ammonia molecule, in 1949. Progress in cooling atoms to within the tiniest fraction of "absolute zero" enabled NIST to build one of the world's most accurate atomic clocks, NIST F-1, which is used to maintain the nation's time standard.

NIST's critical role for industry has not been limited to research. Its Manufacturing Extension Partnership program has been boosting the competitiveness of this country's 361,000 smaller manufacturers since 1989. In 1999, more than 23,000 firms took advantage of its services, increasing or retaining billions of dollars in sales, saving hundreds of millions of dollars in costs, and creating or retaining tens of thousands of jobs.

Another relatively recent and important addition to NIST's work has been its Malcolm Baldrige National Quality Award program that has helped thousands of organizations to improve their overall performance. The Baldrige Criteria for Performance Excellence have been used by tens of thousands of organizations and they have been called the "single most influential document in the modern history of American business."

The once-troubled $7 billion U.S. printed wiring board industry, with its 200,000 jobs, was turned around by a research project co-funded by NIST's Advanced Technology Program. The joint venture led to dramatic efficiencies in research and development, accelerated research, and produced significant technological advances. ATP has played a key role in pushing ahead emerging critical technologies.

NIST's work extends to national security. During military conflicts, NIST was called on to perform numerous tasks, ranging from development of a synthetic substitute for rubber to improving submarine communications to helping design the "Bat," the first fully automated guided missile to be used successfully in combat. Important initial research on the atomic bomb was carried out by NIST, which served as a central control lab for determination of the properties of uranium.

Like industry and our security forces, consumers also count heavily on NIST. For example, withdrawals from automated teller machines are among the billions of dollars worth of electronic data transaction that have been secured for many years with the first publicly available data encryption standard, issued by NIST in 1977. Today, NIST is coordinating the development of an even more powerful successor standard.

Today, patients receive accurate radiation doses in disease diagnosis and treatment today thanks to NIST radiation measurement and standards activities under way since the 1970s. NIST's contributions to the safe medical use of radiation began many years ago. It included efforts to help bring about the 1931 X-ray safety code, which set guidelines for protective devices for patients and operators.

The U.S. death rate from fires declined by 50 percent between the early 1970's and late 1990's, in large part because smoke detectors are now installed in 95 percent of homes. NIST made this improvement possible by developing, with Underwriters Laboratories' participation, the first fire performance standard for smoke detectors and recommendations on number, type and placement of the extinguishers.

It is clear that over its first 100 years, NIST has become part of the fabric of the U.S. economy and society. Our homes, factories, laboratories, hospitals, schools, police and fire departments, and military all have benefitted from NIST's technical handiwork. NIST's importance to this country is as true today as at any time in the agency's 100 year history.

Now we must look to the future as we celebrate this highly valued institution. Science, technology and society obviously have been transformed over the century and NIST's challenges are changing, too.

What's next for NIST? As science and technology advance, the need for new and more accurate measurements also grows. To meet the exacting needs of electronic manufacturers, for example, NIST researchers have developed methods for counting electrons, one by one. And to open the frontier of nanotechnology, where feature sizes are hundreds and even thousands of times smaller than the diameter of a human hair, they are devising molecular rulers, derived from interatomic spacings in perfectly ordered crystals.

Standards have become crucial for efficient business entry into emerging technologies. Standards have also become a tool of other nations for creating mercantile trade barriers. NIST's role in setting sound global technology standards is becoming critical to U.S. performance in the global economy.

Information Technology security is fundamental to our electronic infrastructure, and NIST is addressing those challenges with special attention to helping other government agencies to improve the security of their systems.

With tough global competition and a growing productivity gap compared with larger manufacturers, small firms will sorely need even greater the access to a nationwide system of technical and business assistance offered by NIST's Manufacturing Extension Partnership.

The Baldrige criteria for organizational improvement are just taking hold in the education and healthcare sectors, and manufacturers and service firms continue to find these evolving criteria to be effective guideposts to help them meet increasing customer demands for excellence.

The new technologies fostered over the past decade by NIST's cost-sharing of high-risk research through the Advanced Technology Program, will be emerging at a quickening pace over the next several years as companies turn these enabling technologies into marketplace offerings.

As NIST moves into its second century, it is clearly committed to working with industry, building the science, technology and business infrastructure needed to ensure future economic prosperity and a higher quality of life for all Americans. We are building a new economy in this century that is based on innovation. NIST is playing an important role in support of the private sector, in building that new economy.

As with our predecessors a century ago, it is the responsibility of this body to support NIST in meeting those challenges. As NIST celebrates its centennial and looks forward to even greater accomplishments, let us in this body reaffirm our commitment to creating new generations of science, technology, economic growth and security. Congress has played an important role in

NIST's first century of success. Now as NIST begins its second century of service to U.S. industry and all Americans, it is Congress' responsibility to keep this treasure a strong resource that will help prepare us for the century ahead.•

HONORING THE FAMILY OF KAYLA ROLLAND

• Mr. LEVIN. Mr. President, there is a family in my home State of Michigan who is to be honored for its courage. The family of Kayla Rolland, the little girl who was shot by her first-grade classmate, has been a source of inspiration to all families who have lost loved ones in gun tragedies.

Despite her own suffering, Kayla's mother, Veronica McQueen, found the strength to speak out to all Americans about her family's tragedy at the Million Mom March. The memory of Kayla and Mrs. McQueen's words of courage helped lead thousands of families from our State to march in Washington for sensible and safe gun laws.

Mrs. McQueen continues to speak out with hope that she can prevent another family from suffering what her family has suffered. Last weekend, as family and friends gathered together to memorialize the one year shooting death of young Kayla, Mrs. McQueen, said:

> I pray to God that by being here and sharing with you our sorrow and grief in some way we have made people more aware of gun and school safety and common sense gun laws and to protect our children from guns and, hopefully, save children from what happened to my special little angel, Kayla. This is so important to us.
>
> It has been a very horrible year for all of us. The pain will not go away. I miss her more as time goes on, but Kayla's behind me. Her spirit is driving me on to help save other children from gun violence, and I hope and pray you all will—help save our children.
>
> In a few days, it will be one year since I lost a piece of my heart with Kayla's death. Please—mothers, fathers, sisters, brothers, everywhere—please never forget how my baby died.
>
> Let's always put our children first and speak out for their safety.

I regret that I could not be at the memorial service for Kayla, but I want to assure Mrs. McQueen and her family that I stand by her words and her mission. Kayla will always be in my thoughts and prayers and hopefully she will be the spirit that guides us all to put the safety of children first.

U.S. POSTAL INSPECTION SERVICE

• Mr. AKAKA. Mr. President, I rise today to pay tribute to the exceptional men and women of the U.S. Postal Inspection Service, a premiere Federal law enforcement agency and protector of the U.S. mail. Founded by Benjamin Franklin, the Nation's first postmaster general, it is one of the oldest Federal law enforcement agencies. The Postal Inspection Service has a long, proud, and successful history of enforcing laws against those who would use the Nation's postal system to defraud, endanger, or otherwise harm the American people.

America has long entrusted her secrets and commerce to the Postal Service. Dedicated postal workers have delivered untold love letters from sweethearts, care packages from home, financial instruments from bankers, and mail-order parcels from merchants. Preserving this trust is the Postal Inspection Service. In days past, Postal Inspectors protected colonial America's post offices from theft and embezzlement and protected the American people from mail fraud swindles following the Civil War. Postal Inspectors solved the last known stagecoach robbery in the United States in 1916 and protected the transfer of the Nation's $15.5 billion gold reserve from New York to Fort Knox in 1934. Postal Inspectors organized the massive military mail system during World War II and protected the priceless Hope Diamond when it was transferred to the Smithsonian Institution in 1958. In recent years, Postal Inspectors have conducted major investigations from Wall Street insider trading to child pornography to international art fraud. The Postal Inspection Service was one of three Federal law enforcement agencies assigned to the Unabomber task force.

As a testament to their reputation and professionalism, postal inspectors were selected by former Senator John Danforth to serve as the primary investigators looking into the confrontation at Waco, TX. In 1996, Postal Inspectors served on the Federal task force investigating the shootout at Ruby Ridge, ID.

In addition to its expertise as a Federal law enforcement agency, the Postal Inspection Service serves as the security arm of the U.S. Postal Service. When natural disasters or civil disorders occur, postal inspectors and postal police officers are among the first to respond, protecting the U.S. mail, postal workers, and property. Immediately following these emergencies, the Postal Inspection Service works with the Federal Emergency Management Agency to re-establish basic Government mail service, and safeguards delivery of the tons of private relief and aid that is often sent through the U.S. mail.

The Service continues to work to preserve America's confidence in the U.S. mail, even as the Internet assumes a prominent role in our society. Just as it has adapted from stagecoach robberies to Wall Street insider trading schemes, the Postal Inspection Service has now set its sights on Internet fraudsters and cyber-criminals who use the U.S. mail as part of their schemes. It is appropriate that the Service is currently giving significant prevention and investigative attention to the issue of identity theft where thieves steal other's identifying information—name, address, date of birth, Social Security number and mother's maiden name—to take over the victim's financial accounts.

Today, there are approximately 2,000 postal inspectors stationed throughout the United States responsible for enforcing more than 200 Federal criminal statutes.

As the ranking Democrat on the Subcommittee on International Security, Proliferation, and Federal Services, I have the privilege of providing legislative support and oversight of this distinguished department. I am continually impressed with the quality and breadth of service they provide the American public. In addition to a large cadre of postal inspectors, the Postal Inspection Service includes uniformed postal police officers, forensic specialists, and a host of other professional and technical employees. I thank the men and women of the Postal Inspection Service, and recognize them in this special way for their outstanding dedication and service to the country.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Finance.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "A BLUE PRINT FOR NEW BEGINNINGS: A RESPONSIBLE BUDGET FOR AMERICA'S PRIORITIES"—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and the Budget.

To the Congress of the United States:

With a great sense of purpose, I present to the Congress my budget. It offers more than a plan for funding the Government for the next year; it offers a new vision for governing the Nation for a new generation.

For too long, politics in Washington has been divided between those who wanted big Government without regard to cost and those who wanted small Government without regard to need. Too often the result has been too few needs met at too high a cost. This budget offers a new approach—a different approach for an era that expects a Federal Government that is both active to promote opportunity and limited to preserve freedom.

Our new approach is compassionate:

It will revitalize our public schools by testing for achievement, rewarding schools that succeed, and giving more flexibility to parents of children in schools that persistently fail.

It will reinvigorate our civil society by putting Government on the side of faith-based and other local initiatives that work—that actually help Americans escape drugs, lives of crime, poverty, and despair.

It will meet our Nation's commitments to seniors. We will strengthen Social Security, modernize Medicare, and provide prescription drugs to low-income seniors.

This new approach is also responsible:

It will retire nearly $1 trillion in debt over the next four years. This will be the largest debt reduction ever achieved by any nation at any time. It achieves the maximum amount of debt reduction possible without payment of wasteful premiums. It will reduce the indebtedness of the United States, relative to our national income, to the lowest level since early in the 20th Century and to the lowest level of any of the largest industrial economies.

It will provide reasonable spending increases to meet needs while slowing the recent explosive growth that could threaten future prosperity. It moderates the growth of discretionary spending from the recent trend of more than six percent to four percent, while allowing Medicare and Social Security to grow to meet the Nation's commitments to its retirees.

It will deliver tax relief to everyone who pays income taxes, giving the most dramatic reductions to the least affluent taxpayers. It will also give our economy a timely second wind and reduce the tax burden—now at the highest level as a percentage of Gross Domestic Product since World War II.

Finally, this new approach begins to confront great challenges from which Government has too long flinched. Social Security as it now exists will provide future beneficiaries with the equivalent of a dismal two percent real rate of return on their investment, yet the system is headed for insolvency. Our new approach honors our commitment to Social Security by reserving every dollar of the Social Security payroll tax for Social Security, strengthening the system by making further necessary reform feasible.

Medicare as it exists does not adequately care for our seniors in many ways, including the lack of prescription drug coverage. Yet Medicare spending already exceeds Medicare taxes and premiums by $66 billion this year, and Medicare will spend $900 billion more than it takes in over the next 10 years. Reform is urgently needed. Our new approach will safeguard Medicare by ensuring that the resources for reform will be available.

New threats to our national security are proliferating. They demand a rethinking of our defense priorities, our force structure, and our military technology. This new approach begins the work of restoring our military, putting investments in our people first to recognize their importance to the military of the future.

It is not hard to see the difficulties that may lie ahead if we fail to act promptly. The economic outlook is uncertain. Unemployment is rising, and consumer confidence is falling. Excessive taxation is corroding our prosperity. Government spending has risen too quickly, while essential reforms, especially for our schools, have been neglected. And we have little time before the demographic challenge of Social Security and Medicare becomes a crisis.

We cannot afford to delay action to meet these challenges. And we will not. It will demand political courage to face these problems now, but I am convinced that we are prepared to work together to begin a new era of shared purposes and common principles. This budget begins the work of refining those purposes and those principles into policy—a compassionate, responsible, and courageous policy worthy of a compassionate, responsible, and courageous Nation.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2001.*

MESSAGE FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 14) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, and the order of the House of Wednesday, February 14, 2001, the Speaker on Thursday, February 15, 2001 appointed the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Co-chairman, Mr. WOLF of Virginia, Mr. PITTS of Pennsylvania, Mr. WAMP of Tennessee, and Mr. ADERHOLT of Alabama.

The message further announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means designated the following Members to serve on the Joint Committee on Taxation for the 107th Congress: Mr. THOMAS, Mr. CRANE, Mr. SHAW, Mr. RANGEL, and Mr. STARK.

The message also announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), the Speaker appoints the following Members of the House of Representatives to be accredited by the President as official advisers to United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the first session of the 107th Congress: Mr. THOMAS of California, Mr. CRANE of Illinois, Mr. SHAW of Florida, Mr. RANGEL of New York, and Mr. LEVIN of Michigan.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 39. Concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 39. Concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–830. A communication from the Acting General Counsel for the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Report of Tabulation of Population to States and Localities Pursuant to 13 USC 141(c) and Availability of Other Population Information; Revocation of Delegation of Authority" (RIN0607–AA33) received on February 21, 2001; to the Committee on Governmental Affairs.

EC–831. A communication from the Acting Director of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report containing the list of government activities not inherently governmental in nature for the year 2000; to the Committee on Governmental Affairs.

EC–832. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–579, "Anthony W. Simms Tunnel Designation Act of 2000"; to the Committee on Governmental Affairs.

EC-833. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-581, "Freedom of Information Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-834. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-578, "Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-835. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-573, "Public Access to Automated External Defibrillator Act of 2000"; to the Committee on Governmental Affairs.

EC-836. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-575, "Individuals with Disabilities Parking Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-837. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-602, "Galen Tait Memorial Park Designation Act of 2000"; to the Committee on Governmental Affairs.

EC-838. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-601, "Closing of a Public Alley in Square 741, S.O. 00-82, Act of 2000"; to the Committee on Governmental Affairs.

EC-839. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-600, "Uniform Child-Custody Jurisdiction and Enforcement Act of 2000"; to the Committee on Governmental Affairs.

EC-840. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 10-594, "Tree Protection Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-841. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-598, "Closing of a Public Alley in Square 209, S.O. 2000-37, Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC-842. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-596, "Fire/EMS Excepted Service Designation Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-843. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-592, "Motor Vehicle and Safe Driving Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-844. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-574, "Technical Amendments Act of 2000"; to the Committee on Governmental Affairs.

EC-845. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-577, "Fair Phone Charges for Prisoners Act of 2000"; to the Committee on Governmental Affairs.

EC-846. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-582, "Waverly Alley Designation Act of 2000"; to the Committee on Governmental Affairs.

EC-847. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-588, "John T. 'Big John' Williams Building Designation Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC-848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-589, "Necessity for Council Review and Approval of Standards for Public Art on Special Signs in the District of Columbia Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC-849. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-591, "Harry L. Thomas, Sr., Recreation Center Designation Act of 2000"; to the Committee on Governmental Affairs.

EC-850. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-583, "Closing of a Public Alley in Square 209, S. O. 2000-37, Act of 2000"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 31: An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry.

From the Committee on Foreign Relations, without amendment:

S. Res. 32: An original resolution authorizing expenditures by the Committee on Foreign Relations.

From the Special Committee on Aging, without amendment:

S. Res. 33: An original resolution authorizing expenditures by the Special Committee on Aging.

From the Committee on Environment and Public Works, without amendment:

S. Res. 34: An original resolution authorizing expenditures by the Committee on Environment and Public Works.

From the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 35: An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

From the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 36: An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

From the Committee on Finance, without amendment:

S. Res. 37: An original resolution authorizing expenditures by the Committee on Finance.

From the Committee on Armed Services, without amendment:

S. Res. 38: An original resolution authorizing expenditures by the Committee on Armed Services.

From the Committee on Rules and Administration, without amendment:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated.

Air Force nomination of Robert V. Garza, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Linda M. Christiansen and ending Robert M. Monberg, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning *Charles G. Beleny and ending Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Jay O. Aanrud and ending *Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Marcus G. Coker, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Eugene K. Ressler, Jr., which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Kenneth W. Smith, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nomination of Timothy I. Sullivan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Virginia G. Barham and ending James C. Butt, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Felix T. Castagnola and ending Aaron R. Kenneston, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning William P. Blaich and ending Ira K. Weil, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Gregory O. Block and ending Robert D. Teetsel, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Moses N. Adiele and ending Horace J. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Norman F. Allen and ending Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Stephen C. Allison and ending Stacey YoungMccaughan, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations of Robert M. Nagle, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning James M. Ivey and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2001.

Army nomination of Steven L. Powell, which was received by the Senate and appeared in the Congressional Record on January 13, 2001.

Army nomination of Mark R. Withers, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Danny W. Agee and ending Ronald K. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Arthur D. Bacon and ending Richard T. Vann, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

TO BE VICE ADMIRAL

Rear Adm. Albert H. Konetzni, Jr., 2358.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

TO BE VICE ADMIRAL

Rear Adm. Timothy W. LaFleur, 3609.

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

TO BE REAR ADMIRAL

Rear Adm. (lh) James S. Allan, 7214.
Rear Adm. (lh) Howard W. Dawson, Jr., 6320.
Rear Adm. (lh) Karen A. Harmeyer, 8014.
Rear Adm. (lh) Maurice B. Hill, Jr., 6455.
Rear Adm. (lh) James M. Walley, Jr., 5129.

Navy nomination of Kevin D. Sullivan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Stephen L. Cooley, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Brian J.C. Haley, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of William J. Nault, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of James P. Scanlan, which was received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination beginning Douglas J. Adams and ending Gregory J. Zacharski, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Navy nomination of Mark R. Munson, which was received by the Senate and appeared in the Congressional Record on February 3, 2001.

Navy nomination of Thomas F. Kolon, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Bernadette M. Semple, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of John D. Carpenter, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Darren S. Harvey, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nomination of Travis C. Schweizer, which was received by the Senate and appeared in the Congressional Record on February 13, 2001.

Navy nominations beginning Francis R. Baucus and ending Scott W. Stuart, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Marine Corps nominations beginning Ronald S. Culp and ending Christopher J. Loria, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

(The above nominations were reported with the recommendation that they be confirmed.)

Marine Corps nominations beginning Educardo A. Abisellan and ending Richard D. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

By Mr. GRASSLEY for the Committee on Finance.

Mark A. Weinberger, of Maryland, to be an Assistant Secretary of the Treasury.

John M. Duncan, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. DURBIN):

S. 409. A bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAPO:

S. 410. A bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, Mr. WELLSTONE, Mrs. CLINTON, Mr. CORZINE, Mr. LEAHY, Mr. DODD, Mr. KOHL, Mr. SARBANES, Mr. EDWARDS, Mr. TORRICELLI, Mr. HARKIN, Mr. REED, Mr. BIDEN, Ms. CANTWELL, Mr. DURBIN, Ms. STABENOW, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, and Mr. WYDEN):

S. 411. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 412. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. DODD):

S. 413. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, and Mr. BREAUX):

S. 414. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. GRASSLEY):

S. 415. A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL):

S. 416. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Ms. MIKULSKI):

S. 417. A bill to amend section 203 of the National Housing Act to provide for 1 percent downpayments for FHA mortgage loans for teachers and public safety officers to buy homes within the jurisdictions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S. 418. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 419. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 31. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 33. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. SMITH of New Hampshire:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. MCCAIN:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. WARNER:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. SANTORUM:

S. Con. Res. 19. A concurrent resolution honoring the ultimate sacrifice made by 28 United States soldiers killed by an Iraqi missile attack on February 25, 1991, during Operation Desert Storm, and resolving to support appropriate and effective theater missile defense programs; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 38

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 131

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 149

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 161

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Ms. STABENOW), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 161, a bill to establish the Violence Against Women Office within the Department of Justice.

S. 168

At the request of Mr. BROWNBACK, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 168, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan.

S. 177

At the request of Mr. AKAKA, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 220

At the request of Mr. GRASSLEY, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Delaware (Mr. BIDEN), and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 220, a bill to amend title 11, United States Code, and for other purposes.

S. 267

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 272

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 272, a bill to rescind fiscal year 2001 procurement funds for the V–22 Osprey aircraft program other than as necessary to maintain the production base and to require certain reports to Congress concerning that program.

S. 275

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Georgia (Mr. MILLER), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Dakota (Mr. CONRAD), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 295

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 327

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 332

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 332, a bill to provide for a study of anesthesia services furnished under the medicare program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. SMITH), the Senator from Georgia (Mr. CLELAND), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 351

At the request of Ms. COLLINS, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 393

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 397, a bill to amend the Defense Base Closure and Realignment Act of 1990 to authorize additional rounds of base closures and realignments under the Act in 2003 and 2005, to modify certain authorities relating to closures and realignments under that Act.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 17

At the request of Mr. SARBANES, the names of the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. RES. 20

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 20, a resolution designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as "National Safe Place Week."

S. RES. 29

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Res. 29, a resolution honoring Dale Earnhardt and expressing condolences of the United States Senate to his family on his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. DURBIN):

S. 409. A bill to amend title 38, United States Code, to clarify the standards for compensation of Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator DURBIN of Illinois to offer legislation on a very important issue for those men and women who served during the Persian Gulf War. A companion bill was introduced in the House by Congressman MANZULLO from Illinois. This bill will amend the Persian Gulf War Veterans' Benefits Act, title I of Public Law 103–446. That law provides for the payment of compensation to Persian Gulf veterans suffering from a chronic disability resulting from an undiagnosed illness or a combination of undiagnosed illnesses. This bill will extend the presumptive period from December 31, 2001 to "from December 31, 2011 or such a later date as the Secretary may prescribe by regulation." Additionally, the bill further expands the definition of an undiagnosed illness and gives a comprehensive list of signs or symptoms that may be manifestation of an undiagnosed illness such as fatigue, muscle pain, joint pain, gastrointestinal signs and symptoms to name a few. Today, 10 years after the end of the Persian Gulf War many of our veterans are suffering from undiagnosed illnesses.

President Bush in a speech titled "Our Debt of Honor" on November 10, 1999, Veterans Day, said of our Persian

Gulf War Veterans, "They should not have to go to elaborate lengths to prove that they are ill, just because their malady has yet to be fully explained. A 1994 law was passed to grant them the presumption of disability. Yet even now they are met with skeptical looks and paper-shuffling excuses for withholding coverage. If I have anything to say about it, all that is going to end. In the military, when you are called to account for a mistake, you are expected to give one simple answer: "No excuse, sir." And that should be the attitude of any government official who fails to make good on our public responsibilities to veterans. There are no excuses for it.

Of the nearly 700,000 U.S. military personnel who served in the Persian Gulf in 1990 and 1991, more than 100,000 have complained of an array of symptoms that have become known as the Gulf War Syndrome. These symptoms include chronic fatigue, muscle and joint pain, memory loss, sleep disorders, depression and concentration problems among others. Approximately 9,000 of those were denied claims under the 1994 law.

There are some who question whether or not such a syndrome actually exists and many continue to theorize that these symptoms are largely psychological and brought about by post-traumatic stress. I believe the evidence is increasingly clear that this is not stress related. We have an obligation to ensure Gulf War veterans are properly diagnosed and treated effectively and compensated for any service connected disabilities.

What we do know is that our veterans were exposed to a host of pharmaceuticals, chemicals and environmental toxins. Indeed those who served were apparently exposed to some veritable witch's brew of known and potential hazards to health including blowing dust and sand particles, smoke from oil well fires, petroleum fuels and their combustion products, possible exposure to chemical warfare nerve agents and biological warfare agents, pyridostigmine bromide pills to protect against organophosphate nerve agents, insecticides, vaccinations, infectious diseases, depleted uranium, and psychological and physiological stress.

This bill will be a step in the right direction and is the way to help repay our debt to these veterans. Not only is it the right thing and fair thing to do, but during these times of increased deployments and personnel shortages, it is in our national interest to continue to show our dedicated service members that we appreciate their sacrifice and commitment.

I commend the Senator from Illinois for his support on this issue and urge other Senators to join us in this effort.

By Mr. CRAPO:

S. 410. A bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise today to introduce legislation that is an important step in continuing to recognize the victims of dating violence. The bill I am introducing today would allow victims of dating violence to qualify for federal legal assistance grants authorized under the Violence Against Women Act.

Dating violence is a predominately little-known and misunderstood aspect of domestic violence. Historically, domestic violence laws have only been applied in cases where the victims have been married or cohabitating with the abuser, or where the couple shares a child together. Unfortunately, this criteria ignores the equally dangerous violence that can occur in dating relationships. Victims of domestic violence are victims regardless of their relationship to the abuser. These victims face the same trauma and the same manipulation as every other domestic violence victim. As Congress focuses its attention on providing necessary assistance to the states for prevention and treatment of domestic violence, we must not allow victims of dating violence to be left behind.

The lack of recourse for victims of dating violence was brought to my attention through a tragic incident in my home State of Idaho. In December 1999, Cassie Dehl, a seventeen-year-old girl from Soda Springs, Idaho, was killed in an accident involving her abusive boyfriend. Despite documentation of years of vicious and life-threatening abuse, Cassie's parents were unable to obtain legal protection for their daughter because neither Federal or Idaho domestic violence law applied to teenage dating relationships. Although the abuse was evident and the need for assistance was clear, no one was able to offer Cassie the help that was needed to prevent this senseless act.

Last year, Congress overwhelmingly reauthorized a number of important domestic violence programs under the Violence Against Women Act. In addition to continuing the existing programs, the VAWA reauthorization included two new provisions of particular importance. First, a legal definition of dating violence was created, the first such definition under federal law. Secondly, a new grant program to provide civil legal assistance to victims of domestic violence was authorized. Unfortunately, while many of the existing VAWA programs were expanded to include dating violence, the new legal assistance grant was not. My legislation will correct this discrepancy.

The victims of dating violence require and deserve the same legal assistance given to other victims of domestic violence. The ability to obtain a legal protection order or pursue other legal remedies can be the difference in a victim being able to break the cycle of oppressive abuse and regain control of their life. Under my legislation, victims of dating violence will have the same legal standing as all other victims of domestic violence when seeking civil legal assistance.

I applaud Congress for coming together last year to bring attention to the continuing problem of domestic violence. In order to build upon the advances we made last year, I urge my colleagues to support my legislation that takes another step toward achieving an equal status for victims of dating violence.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended—

(1) in subsection (a), by inserting "dating violence," after "domestic violence,";

(2) in subsection (b)—

(A) by inserting before paragraph (1) the following:

"(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.";

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4) respectively; and

(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph, by inserting "dating violence," after "domestic violence,";

(3) in subsection (c)—

(A) in paragraph (1), by inserting—

(i) ", dating violence," after "domestic violence"; and

(ii) "dating violence," after "domestic violence,";

(B) in paragraph (2), by inserting "dating violence," after "domestic violence,"; and

(C) in paragraph (3), by inserting "dating violence," after "domestic violence,";

(4) in subsection (d)—

(A) in paragraph (1), by inserting ", dating violence," after "domestic violence";

(B) in paragraph (2), by inserting ", dating violence," after "domestic violence";

(C) in paragraph (3), by inserting ", dating violence," after "domestic violence"; and

(D) in paragraph (4), by inserting "dating violence," after "domestic violence,";

(5) in subsection (e), by inserting "dating violence," after "domestic violence,"; and

(6) in subsection (f)(2)(A), by inserting "dating violence," after "domestic violence,".

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mr. KERRY, Mr. WELLSTONE, Mrs. CLINTON, Mr. CORZINE, Mr. LEAHY, Mr. DODD, Mr. KOHL, Mr. SARBANES, Mr. EDWARDS, Mr. TORRICELLI, Mr. HARKIN, Mr. REED, Mr. BIDEN, Ms. CANTWELL, Mr. DURBIN, Ms. STABENOW, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, and Mr. WYDEN):

S. 411. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I am pleased today to introduce, along with 23 of my colleagues, legislation to protect forever the Arctic National Wildlife Refuge from oil exploration and other potentially harmful development. Our legislation will bequeath, undisturbed, the vital heart of America's greatest, most pristine wilderness ecosystem and wildlife sanctuary to future generations.

Advocates of drilling offer the Refuge as a quick fix for our country's energy woes and a long-term solution to our debilitating dependence on foreign oil. It is neither.

Proponents of drilling argue that there is a princely sum of black gold lying beneath the Refuge. But not according to the scientific experts of the U.S. Geological Survey, who in a 1998 study determined that a six to eight-month supply of oil would likely be recovered from the Refuge over its 50-year lifespan because most of the oil there is simply too expensive to extract. This is not the low end estimate; it is the most likely one. And not a drop of oil would emerge from ANWR for about 10 years. This is hardly the answer to our energy needs, now or in the future.

In fact, the only thing we know for certain about drilling in the Refuge, as a result of years of analysis and experience, is that it would immeasurably and irreversibly damage one of the last preserves of its kind in the world. To drill for oil in the Arctic Refuge is like chopping down the California Redwoods for firewood, or capping Old Faithful for geothermal power, or damming the Grand Canyon for hydroelectric power, unthinkable acts because the cost in lost natural treasures is obviously too high.

To judge the environmental threat, listen to the ecologists and biologists who have extensively studied the impact of drilling, not to the politicians. Scientific analyses by the U.S. Fish & Wildlife Service have concluded that drilling would severely harm the refuge's abundant populations of caribou, polar bears, musk oxen, and snow geese.

Advocates of drilling claim that these concerns are grossly exaggerated because drilling would only impact an area the size of an airport. But what they don't tell you is that this "airport" has terminals outside that spread all over the Refuge. A spider web of infrastructure, including hundreds of miles of roads and pipelines, production facilities, ports, and housing and services for thousands of people would be required. As was recently said on "60 Minutes," it would be "urban sprawl on the tundra."

The probable environmental consequences of drilling also go well beyond the animals of the North Slope. The Trans-Alaska and Prudhoe Bay oil fields have averaged more than 400 spills a year of everything from crude oil to acid, including an oil spill of approximately 9,000 barrels just last week. Current oil operations on Alaska's North Slope emit tons of harmful pollutants every year which cause smog and acid rain and contribute to global warming.

And that gets to the larger point. We have a long-term energy problem in America, but drilling in the Arctic Refuge will not help solve it. In fact, drilling in the Arctic deludes us into thinking we can oil-produce our way out of our energy problem. We can't because nature has left us with too little oil within our control to meet our needs. We must draw what we can from our own resources in an environmentally-protective way.

But, in the end, that will not be enough. To become more energy independent and environmentally-protective, we must also conserve, we must be more efficient, use alternative energy sources and rapidly develop new technologies like fuel cells.

That is why we want to protect the Arctic Refuge, and why we will fight all attempts to drill there for oil with any legislative weapon we possess, including a filibuster in the Senate.

In short, for the sake of America's energy and environmental future, we are once again today drawing a line in the Arctic tundra. We will do everything necessary to protect it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

"(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area, Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).".

Mr. FEINGOLD. Mr. President, I have joined with the Senior Senator from Connecticut, Mr. LIEBERMAN, as a co-sponsor of legislation he has introduced today to designate the coastal plain of the Arctic Refuge as a wilderness area. I have been a co-sponsor of this bill since I became a member of this body. I am concerned that Congress will be forced to consider whether or not to drill on the coastal plain of the Refuge before we take substantive action about whether or not the area should be designated as wilderness. Establishment of drilling on the coastal plain would be allowing a use on the coastal plain that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. I want my colleagues to be aware that this is the situation, and that we are not going to increase the supply of oil in the near term, or reduce today's high gasoline or other high energy prices by drilling in the Refuge. I fear that drilling in the Refuge is being promoted not to help us address our current energy situation. As a member of Budget Committee I fear that this idea is again being proposed so that we can reaping the revenue from the leasing of the coastal plain so that we can entertain large tax cuts.

Second, I oppose drilling in the Refuge because it does not advance our domestic energy security. I cannot believe that the American people want energy security at the expense of the protection of a substantial asset such as the Arctic Refuge's coastal plain. I stand ready to work to find other sources of energy, to use existing sources more efficiently, to address consumption and to promote sustainable sources.

Third, I oppose drilling in the Refuge because of its potential impact upon existing wilderness, that's right, existing wilderness which has already been designated in the Arctic Refuge. East of the coastal plain are 8 million acres that have already been designated as wilderness. We have had very little discussion about the impact of drilling in the Refuge on areas we have already designated and I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Refuge but also could endanger areas that we believed had already protected in the public trust.

I want to speak today specifically to colleagues who may be considering the potential of possible oil discoveries in the Arctic National Wildlife Refuge in light of current high oil prices. Colleagues should keep in mind that the Senate's consideration of the coastal plain as a source of oil is not triggered by any new developments or changes in the geology or economics that affect potential development of Arctic resources. The United States Geological Survey has already re-considered those factors in its 1998 re-assessment of the Arctic Refuge coastal plain's oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that have long advocated drilling in the Arctic Refuge, to exploit public concern about the current high prices of domestic heating oil, aviation gas and motor fuels.

First, I want to address the issue, at the forefront of many of my colleagues' minds, of whether drilling in the Arctic Refuge constitutes a meaningful or appropriate response to the fact that the U.S. oil production is declining and exports are increasing. To answer that question, I want to review some import, export and consumption data compiled by two federal agencies, the Energy Information Agency and the Maritime Administration.

I'm sure it will not surprise my colleagues that the last two decades have been marked by a steady decline in total domestic crude oil production, which includes crude oil plus natural gas liquids. Moreover, after a decline in petroleum consumption during the 1980s, oil use is again on the rise. In addition during the 1989–99 period, North Slope production declined from 1.885 million barrels per day to approximately 1.06 million barrels per day; the North Slope thus accounted for three quarters of the total domestic production decline which was a 1.105 million barrels per day decline in production during this period.

At the same time that imports are increasing, U.S. export of oil products and crude oil totals nearly 1.0 million barrels per day. Of that total, most, approximately seven barrels out of eight, is refined product. As far as crude exports are concerned, Maritime Agency data indicate that export of Alaska North Slope crude in 1999 averaged about approximately 7.1 percent of total Alaska North Slope production.

These data point to the complicated, transnational nature of the world petroleum market, a market in which the U.S. continues to export nearly a million barrels of petroleum products per day, nearly 5 percent of total consumption. In light of the fact that we exist in a global economy, the United States is not likely to be able to produce its way out of the current petroleum shortages. When one looks at the fact that the Middle East possesses the preponderance of world oil reserves, it becomes clear that concerns about increasing use of imported oil might be better addressed by decreasing consumption through conservation and the switch to alternative energy sources.

In addition, we have heard, over the course of several debates here on the floor, that the Arctic Refuge has the "potential" of yielding 16 billion barrels of oil. I also wanted to address the issue of the likelihood that 16 billion barrels of oil will be discovered beneath the coastal plain of the Arctic Refuge. First of all, that figure represents the outside limit of probabilities for an assessment area that includes the area of the Arctic Refuge coastal plain currently barred from drilling, plus adjacent areas where exploration has taken place. When one just examines the area within the Arctic Refuge that is under consideration, the correct low-probability estimate of oil is 11.8 billion barrels of undiscovered oil , 25 percent less than the 16 billion barrel figure we have heard to date. A field capable of that production has been discovered only once on this continent, at Prudhoe Bay. Moreover, despite recent advances in exploration technology, the U.S. Geological Survey has abandoned the notion of finding a super-giant field and looks instead to the possibility of discovering several much smaller fields beneath the coastal plain of the Arctic Refuge. Rather, the USGS assigns a probability of 5 percent or one chance in twenty, to the possibility that a field of that magnitude will be discovered. The mean estimate for technically recoverable oil is considerably lower and the figure for oil that is economically recoverable is lower still. In fact, the USGS concluded that it would expect to find four fields scattered across the refuge capable of producing, altogether, approximately 3.2 billion barrels of oil, one fifth the amount of oil that we have heard might be available.

However, even if one accepts a higher number for the coastal plain's petroleum potential, members of this body need seriously to consider whether there is any connection between oil that might be found in the Arctic Refuge and the current high prices of petroleum products. I feel, simply, that the Arctic Refuge is not a solution to the current situation.

For starters, it might take a decade to bring to market any oil that might be discovered in the Arctic Refuge. Exploration, discovery and assessment, field design and installation and pipeline design and construction are all time-consuming endeavors. The people of Wisconsin want lower gas prices now, not ten years from now.

Moreover, the price of oil is determined by global supply and demand factors, not by the presence or absence of an individual oil field. Consider the case of Prudhoe Bay. In 1976, the year before the nation's largest oil field, the largest ever discovered in North America entered production, a barrel of West Texas intermediate crude oil sold for $12.65 and standard gasoline averaged $0.59 per gallon. Two years later, with Prudhoe Bay adding more than a million barrels per day to domestic supply in 1978, West Texas crude had increased by more than 15 percent, to $14.85 per barrel, and gasoline averaged nearly $0.63 per gallon. During the next two years, as Prudhoe production increased, oil prices skyrocketed to $37.37 per barrel, while gasoline nearly doubled, to $1.19 per gallon. In 1985, with Prudhoe Bay and Kuparuk both operating at full throttle, a barrel of West Texas crude sold for more than $28.00 per barrel and gasoline averaged $1.12 per gallon.

So Mr. President, if drilling may impair our ability to make a decision about the wilderness-qualities of the Refuge in the future, if the Refuge does not contain as much oil as we thought, and if opening the coastal plain to drilling may do little to impact our current domestic prices, why are we considering doing so? The facts don't point toward drilling in the Refuge: the Refuge may not contain as much oil as we think, and opening the coastal plain to drilling may have only a minor impact on our current domestic prices.

Finally, I have concerns about the arguments that I have heard in recent days that oil drilling and environmental protection are compatible. Only days ago I was traveling through the Niger Delta region of Nigeria by boat, where I observed firsthand the environmental devastation caused by the oil industry. The terrible stillness of an environment that should be teeming with life made a very powerful impression on me. These are the same multinational companies that have access to the same kinds of technologies, and though they are operating in a vastly different regulatory regime, I was profoundly struck by the environmental legacy of oil development in another ecologically rich coastal area.

For these reasons, I support my colleague from Connecticut. I appreciate the fundamental concern that we need to develop a new energy strategy for this country. However, I disagree strongly when drilling would occur in this particular location which I feel is deserving of wilderness designation.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 412. A bill to provide for a temporary Federal district judgeship for the southern district of Indiana; to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I rise today with Senator RICHARD LUGAR to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation creates an additional temporary judgeship for the Southern District of Indiana to help ease the strain that has resulted from an extremely heavy caseload of civil and criminal litigation.

The Southern District is in dire need of an additional judge. Last year, the District's caseload was much higher than the national average and greater than any other court in the Seventh Circuit. In fact, there were 599 filings per judge, a number almost twenty percent greater than the national average of 474.

In addition to an increase in the number of criminal cases filed in recent years, the Federal Bureau of Prisons death row, located at the United States Penitentiary in Terre Haute, IN, is in the Southern District and houses approximately twenty-one inmates currently under a federal sentence of death. Hence, the Southern District also must be able to manage the habeas corpus petitions that are typically filed by death row inmates.

Further, our State capital of Indianapolis is located in this district, and as a growing urban center, is significantly contributing to the number and complexity of the cases before the Southern District. Federal and local law enforcement are aggressively prosecuting drug crimes, but if we expect them to succeed in making our communities safer, we must give them the tools they need. An additional judgeship for the Southern District would be one such tool.

There is wide support for an additional judgeship in this district. As early as 1996, the Judicial Conference recommended to Congress that the Southern District of Indiana receive a new temporary judgeship. In 1999, the Judicial Conference again urged Congress to create a temporary judgeship for this district. The legislation Senator LUGAR and I introduce today follows this recommendation and aims to aid the Southern District in the timely and efficient adjudication of its cases. I urge my colleagues to give this legislation their serious consideration and support.

Mr. LUGAR. Mr. President, I rise today with Senator EVAN BAYH to introduce the Southern District of Indiana Temporary Judgeship Act. This legislation will help remedy the strain experienced by the Federal Court for the Southern District of Indiana from its extremely heavy caseload.

The Southern District's caseload far exceeds the national average and is more than any other district court in the 7th Circuit. Indeed, the most recent report of the Judicial Business of the United States Courts indicates that the Southern District had 599 filings per judge, compared to a national average of 474. Over the last 10 years, the area of Indiana comprising the Southern District has seen explosive population growth, the designation of the penitentiary at Terre Haute, IN, as the place of confinement for those sentenced to death under federal law, and a large increase in the amount of multi-district litigation. Yet, despite these changes, Indiana has not had a new judgeship added since 1990. I am pleased, therefore, to join with Senator BAYH to help ensure that the delivery of justice is unimpeded.

There is wide agreement about the need for this additional judgeship, and the Judicial Conference of the United States has called upon Congress since 1996 to add a temporary judge to the Southern District. I urge my colleagues to support this legislation.

By Mr. COCHRAN (for himself and Mr. DODD):

S. 413. A bill to amend part F of title X of the Elementary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut, Mr. DODD, has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

"We the People . . . The Citizen and the Constitution," has proven to be a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of professionals as well as community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital. I am proud that Ocean Springs High School will be representing Mississippi at this year's competition in April.

The 32nd Annual Phi Delta Kappa/Gallup Poll of 2000 indicated that preparing students to become responsible citizens was one of the most important purposes of public schools. The popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning.

Studies by the Education Testing Service have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

In addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which links American civic educators with counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Last year, Mississippi became the latest state to participate in this important international exchange program. Ms. Susie Burroughs, Mississippi's Civic Education program director, joined the exchange program to Hungary and helped train Hungarian teachers in lessons of democracy. Under Ms. Burroughs direction, more Mississippi teachers than ever began participation in the We the People program.

We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

Mr. DODD. Mr. President, I rise to join my friend and colleague from Mississippi, Senator COCHRAN, in introducing the Education for Democracy Act.

The Education for Democracy Act reauthorizes grants to The Center for Civic Education to provide a course of instruction on Constitutional principles and history and on the roles of State and local governments in the Federal system, and, in coordination with the National Council on Economic Education, curriculum and teacher training programs in civics, government, and economics for teachers from many foreign countries.

The strength of our democracy comes from the informed participation of citizens, whether voting in an election, spending time on jury duty, volunteering for community service, or simply keeping aware of current affairs. The purpose of this bill is to improve the quality of civics and government education, and to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

Thomas Jefferson said: "I know of no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion." In addition to offering instruction in the core subject areas, it is essential that our schools prepare our children to be informed, effective, and responsible citizens.

Comprehension of and commitment to democratic values is of particular consequence for every American. The values, principles, and beliefs that we share not only have provided a foundation for the stability of our government, they have spurred efforts by individuals and groups which have brought us closer to realizing our goal of liberty and justice for all.

College freshmen in 1999 demonstrated the lowest levels of political interest in the 22-year history of surveys conducted by the Higher Education Research Institute at the University of California at Los Angeles. That finding should serve as a warning to protect our democracy by ensuring that our children receive instruction in civic education.

Our founding documents, the Declaration of Independence and the Constitution, proclaim that ultimate political authority rests with the people, who have the power to create, alter, or abolish government. As wielders of such awesome power, it is imperative that the people, all the people, be educated to exercise their power judiciously.

The programs for teachers from other countries also are of great importance. America's greatness and power flow from our democratic principles. Exporting those principles will promote human rights and ensure international stability.

Senator DOMENICI and I recently introduced the Strong Character for Strong Schools Act to help expand States' and schools' ability to make character education, including civics education, a central part of every child's education. I think that good citizenship is an essential part of good character, and I ask my colleagues to join Senator COCHRAN and me in support of the Education for Democracy Act.

By Mr. CLELAND (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, and Mr. BREAUX):

S. 414. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Mr. President, last October the U.S. Department of Commerce published its latest report on Internet access in the United States. According to the Department's Falling Through the Net: Toward Digital Inclusion, more Americans than ever are connected to the Internet and groups that have traditionally been digital "have nots" are making significant gains. Although a record number of Americans have Internet access, the report concludes that a "digital divide" still exists "between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities."

Increasing numbers of Americans are using the Internet to vote, shop, pay bills, take education courses, and acquire new skills. Now more than ever it is critical that all Americans have the tools necessary for full participation in the Information Age economy. However, the Commerce report finds that in some cases, the digital divide has expanded over the last 20 months. For example, the gap in Internet access rates between African American households and the nation as a whole is now 18 percent, 3 percent more than in December 1998. And the gap in Internet access between Hispanic households and the national average is 17.9 percent, 4.3 percent more than it was 20 months ago.

America's higher education institutions are demonstrating similar trends, persistent inequities in a generally improving picture. Last year the Department of Commerce teamed up with the National Association for Equal Opportunity in Higher Education, NAFEO, to undertake, for the first time ever, an in-depth study of Internet access at Historically Black Colleges and Universities, HBCUs, across America. The result was the landmark Historically Black Colleges and Universities: An Assessment of Networking and Connectivity. The report found that 98 percent of the 80 HBCUs surveyed had basic access to the Internet, World Wide Web, and campus networks. At the same time, however, the report also found "serious areas of digital divide in student access, high-speed connectivity and insufficient infrastructure."

In particular, the Commerce study reported that fewer than 25 percent of HBCU students, or only 1 out of every 4, personally own computers, compared to 49 percent of students in institutions of higher education as a whole. Further, only two HBCUs, or 3 percent, indicated that financial aid was available to help their students close the "computer ownership gap." In addition, half of the HBCU campuses surveyed did not provide student access to computing resources at a critical location—the campus dormitory. And most of the campuses lacked high-speed connectivity to the Internet and World Wide Web, a key area and one that the report speculated may "restrict HBCUs from making the digital leap into the 21st Century." In regard to rural, private HBCUs, the Commerce report found "a significant technology gap."

There have been to date no published studies of Internet-connectivity at either Hispanic-Serving Institutions, HSIs, or Tribal Colleges and Universities which are comparable to the October 2000 U.S. Department of Commerce report. Nevertheless, we have hard data which point to this alarming conclusion: Serious digital divide issues exist which affect the ability of Minority-Serving Institutions, MSIs, to be competitive with other institutions of higher learning in the Information Age. With their high level of poverty, and with only 8 percent of all American Indian households having Internet access, Jose C. de Baca, executive director of the American Indian Science and Technology Education Consortium, says that "American Indians are the ethnic group most likely to be caught on the wrong side of the digital divide." Tribal Colleges offer an important technology opportunity for these isolated American Indian reservation communities. However, studies show that while most U.S. universities need access to T–3 lines for necessary research and data flow, only one Tribal College currently has access to that bandwidth. Moreover, less than half of the Tribal Colleges can access smaller T–1 lines and this access is sporadic. In fact, many Tribal Colleges are not even networked to provide intracampus e-mail service ("Circle of Prosperity: A Vision for the Technological Future of Tribal Colleges and American Indians").

Similarly, Hispanic-Serving Institutions can have a powerful impact on the Digital Divide in the Hispanic community, but in testimony to the Congressional Web-based Education Commission, Dr. Antonio Perez, representing the Hispanic Association of Colleges and Universities, HACU, stated that there is an acute shortage of Hispanic faculty in the areas of information technology. According to the Computing Research Association Taulbee Survey of institutions granting doctoral degrees in computer science and computer engineering, only two percent of the Computer Science and one percent of the Computer Engineering Ph.D. recipients were Hispanics for 1998–1999. Dr. Perez stated that this proportion "typifies Hispanic and minority professional participation in Information Technology in general," and in his testimony he underscored the need for federal assistance if Hispanic-Serving Institutions are to become "equal partners" in this new Information Age.

In an effort to address the technology gap that exists at Minority-Serving Institutions across the country, today I am joined by my distinguished colleagues, Senator HOLLINGS, Senator STEVENS, and Senator INOUYE, in introducing the National Technology Instrumentation Challenge Act. This legislation would create a new grant program within the Department of Commerce, the center of technological expertise and innovation in the federal government. Our bill would provide up to $250 million to help Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities bridge the Digital Divide. The grant money could be used for such activities as campus wiring, equipment upgrade, technology training, and hardware and software acquisition. A Minority-Serving Institution, for example, could use funds provided under this legislation to offer its students universal access to campus networks and computing resources. Or they might choose to use their grant money to dramatically increase their connectivity speed rates beyond the T-1 level. In sum, this legislation offers a significant opportunity for those institutions serving the largest concentrations of the nation's minority students to keep pace with the advancing technologies of the 21st Century.

In the ever expanding and always exciting world of the Information Highway, it should be our mandate to work to ensure that no one in this country is left behind, least of all our leaders of tomorrow. The National Technology Instrumentation Challenge Act is a positive step in creating digital opportunity for all students in America, in whose hands the future of this great nation rests. The legislation is endorsed by the National Association for Equal Opportunity in Higher Education, the National Association for the Advancement of Colored People, the Hispanic Association of Colleges and Universities, the American Indian Higher Education Consortium, the Alliance for Equity in Higher Education, the League of United Latin American Citizens, the National Indian Education Association, the Native Hawaiian Education Association, the National Indian School Board Association, the United National Indian Tribal Youth, and the Atlanta University Center.

Mr. President, I ask unanimous consent that the text of the bill and the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NTIA Digital Network Technology Program Act".

SEC. 2. ESTABLISHMENT OF PROGRAM.

The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"PART D—DIGITAL NETWORK TECHNOLOGY PROGRAM

"SEC. 171. PROGRAM AUTHORIZED.

"The Secretary shall establish, within the NTIA's Technology Opportunities Program a digital network technologies program to strengthen the capacity of eligible institutions to provide instruction in digital network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction.

"SEC. 172. ACTIVITIES SUPPORTED.

"An eligible institution shall use a grant, contract, or cooperative agreement awarded under this part—

"(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure necessary to teach students and teachers about technology in the classroom;

"(2) to develop and provide educational services, including faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education;

"(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

"(4) implement a joint project to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority business or a business located in HUB zones, as defined by the Small Business Administration; or

"(5) provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education.

"SEC. 173. APPLICATION AND REVIEW PROCEDURE.

"(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The Secretary, in consultation with the panel described in subsection (b), shall establish a procedure by which to accept such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

"(b) PEER REVIEW PANEL.—The Secretary shall establish a peer review panel to aid the Secretary in establishing the application procedure described in subsection (a) and selecting applicants to receive grants, contracts, and cooperative agreements under section 171. In selecting the members for such panel, the Secretary may consult with appropriate cabinet-level officials, representatives of non-Federal organizations, and representatives of eligible institutions to ensure that the membership of such panel reflects membership of the minority higher education community, including Federal agency personnel and other individuals who are knowledgeable about issues regarding minority education institutions.

"SEC. 174. MATCHING REQUIREMENT.

"The Secretary may not award a grant, contract, or cooperative agreement to an eligible institution under this part unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

"SEC. 175. LIMITATION.

"An eligible institution that receives a grant, contract, or cooperative agreement under this part that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this part until every other eligible institution has received a grant, contract, or cooperative agreement under this part.

"SEC. 176. ANNUAL REPORT AND EVALUATION.

"(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this part shall provide an annual report to the Secretary on its use of the grant, contract, or cooperative agreement.

"(b) EVALUATION BY SECRETARY.—The Secretary, in consultation with the Secretary of Education, shall—

"(1) review the reports provided under subsection (a) each year;

"(2) evaluate the program authorized by section 171 on the basis of those reports; and

"(3) conduct a final evaluation at the end of the third year.

"(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

"(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress based on the final evaluation within 1 year after conducting the final evaluation. In the report, the Secretary shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.".

SEC. 3. DEFINITIONS.

Section 102(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901(a) is amended by adding at the end the following:

"(6) Eligible institution defined.—The term "eligible institution" means an institution that is—

"(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C) of the Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

"(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

"(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

"(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

"(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

"(F) an institution determined by the Secretary, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce not more than $250,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2007, to carry out part D of the National Telecommunications and Information Administration Organization Act.

ALLIANCE FOR EQUITY
IN HIGHER EDUCATION,
Washington, DC, February 21, 2001.
Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Alliance for Equity in Higher Education—a national coalition of higher education associations that serves over 320 member institutions and educates more than one-third of all students of color in the United States—we would like to extend our joint support and appreciation for the "National Technology Instrumentation Challenge Act" legislation.

The Alliance for Equity in Higher Education, which was established in July 1999 by the American Indian Higher Education Consortium (AIHEC), the Hispanic Association of Colleges and Universities (HACU), and the National Association for Equal Opportunity in Higher Education (NAFEO), has identified the technology gap facing Tribal Colleges and Universities (TCUs), Hispanic-Serving Institutions (HSIs), and Historically and Predominantly Black Colleges and Universities (HBCUs) as one of its primary policy focuses. In fact, the Alliance is hosting an interactive planning meeting at the end of this month to explore the application of information technology at minority-serving colleges and universities. Your legislation will provide our students, faculty, and staff with the essential skills and training in the use of technology, a significant need on all our campuses.

As you know, among minority groups, the need to increase the capacities of students and faculty as active participants in the world of technology is paramount. For example, approximately 75 percent of students attending 80 NAFEO-member HBCUs indicated that they do not own their own computers, and 85 percent of surveyed HBCUs do not offer academic degrees through distance learning. Many TCUs cannot even provide intra-campus email to students and faculty, and only one TCU has access to a high speed bandwidth. In addition, only 24 percent of Hispanic households had Internet access in 2000, and HSIs serve a majority of Hispanic students entering postsecondary education.

The Alliance for Equity in Higher Education appreciates you spearheading this effort and encouraging our students and institutions to be competitive players in the higher education community as well as the 21st Century workforce. We welcome the opportunity of offer our assistance in championing this important initiative.

Sincerely,

ANTONIO FLORES,
President, HACU.
GERALD GIPP,
Executive Director, AIHEC.
HENRY PONDER,
President, NAFEO.

NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION,
Silver Spring, MD, February 14, 2001.
Hon. MAX CLELAND,
U.S. Senate, Senate Dirksen Building,
Washington, DC.

DEAR SENATOR CLELAND: On behalf of the National Association for Equal Opportunity in Higher Education (NAFEO), we want to thank you for introducing legislation which will help address one of the greatest challenges facing the American educational system today—the emerging digital divide between students who have access to the information highway and those who do not. We strongly support your legislation, the National Technology Instrumentation Challenge Act, which would provide an essential tool in bridging the growing high-tech gap which exists for certain of this nation's institutions of higher learning.

As revealed in a recent survey of 80 Historically Black Colleges and Universities (HBCUs) by the U.S. Department of Commerce and NAFEO, fifty percent of these institutions do not have computers available in the location most accessible to students, their dormitories. Additionally, most HBCUs do not have high-speed connectivity to the Internet and World Wide Web, and only three percent of these colleges and universities indicated that financial aid was available to help their students close the "computer ownership gap."

Making high tech grant money available to HBCUs, Hispanic-serving institutions and tribal colleges and universities would help these institutions acquire computers, wire their campuses and provide technology training. In doing so, your bill would provide these institutions with the opportunity to become competitive with other colleges and universities in the Information Age. The National Technology Instrumentation Challenge Act would make a significant contribution by helping to place the tools of tomorrow's technology into the hands of tomorrow's leaders. Once again, we commend you on the introduction of this important piece of legislation.

Thanks for all you do in "keeping the doors of opportunity open."

Sincerely,

HENRY PONDER,
CEO/President.

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Alexandria, VA, February 2001.

DEAR SENATOR: On behalf of the nation's 32 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC), we respectfully request your support for legislation to be introduced by Senator Cleland in the very near future. This legislation to be titled the "National Technology Instrumentation Challenge Act, will establish a program within the Department of Commerce, National Institute for Standards and Technology (NIST) to fund Tribal Colleges and Universities, as well as Historically Black College and Universities, Hispanic Serving Institutions of Higher Education and Alaska Native and Native Hawaiian educational organizations in an effort to teach technology skills to both teachers and students.

Tribal Colleges serve remote, isolated American Indian reservation communities, many of which are located on federal trust lands, and therefore do not have the resources or tax base to fully support a college. State governments provide little or no funding, while the Federal government funds the colleges at only slightly over half of the authorized level. For many Tribal College students the next nearest college is more than 100 miles away. With other priorities, such as fixing leaky roofs and upgrading substandard wiring and inadequate heating systems, it is nearly impossible to keep pace with advancing technologies.

Among American Indian households, only 9 percent have computers compared to 23.2 percent of African American households, 25.5 percent of Hispanic and about 47 percent of White Americans. For necessary research and information flow, most US universities need access to T–3 lines. Currently, only one Tribal College has access to that bandwidth. Many Tribal Colleges are not even networked to provide intra-campus e-mail service. Without financial help to secure the proper facilities equipment and training, we will rapidly fall behind in our ability to prepare our teachers and students in uses of current and emerging technology systems.

AIHEC's 32 member colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Cleland for championing this effort and for your support. The success of this legislation will be a tremendous step in bringing the Tribal Colleges and other MSIs much needed resources to prepare our students to compete in the workforce of the 21st Century.

Respectfully,

DR. JAMES SHANLEY,
President, Fort Peck Community College.

NATIONAL INDIAN
EDUCATION ASSOCIATION,
Alexandria, VA, February 13, 2001.
Hon. MAX CLELAND,
U.S. Senate,
Washington, DC.

SENATOR CLELAND: The National Indian Education Association (NIEA) is pleased to offer its support for the proposed "National Technology Instrumentation Challenge Act" you intend to introduce before Congress today. As a national advocate on behalf of the education concerns of American Indians, Alaska Natives, and Native Hawaiians, the National Indian Education Association is pleased to see a legislative proposal that targets one of the most pressing needs in Indian and Native Hawaiian communities.

As administered by the Secretary of Commerce, the program would empower minority institutions, including tribal colleges and Alaska Native organizations, to carry out national technology instrumentation programs. These programs will teach technology skills to teachers and students in uniquely rural and urban settings. Indian communities will stand to benefit greatly from this initiative as they struggle to meet the ever-increasing needs of their tribal members. Experience has shown that reservation communities often are the last segment of the population to benefit from the power that technology can offer. These dollars will allow for an equal playing field as our Indian institutions prepare students for the challenges of the new millennium.

This legislation will also equip tribal and minority-serving institutions with the tools, services and infrastructure needed to teach the latest advancements in technology as they relate to the student in the classroom. Students have the uncanny ability to grasp the meaning of technology faster than many adults and this endeavor captures that youthful ability to learn.

We look forward to working with your office and the Secretary of Commerce when this legislation becomes law. We are also pleased to inform the Senator that we have gained additional support for this legislation from three of our national American Indian Alaska Native and Native Hawaiian partners. These include: The National Indian School Board Association (NISBA); United National Indian Tribal Youth (UNITY); and the Native Hawaiian Education Association (NHEA).

Again, on behalf of the three thousand members of NIEA and our educational partners, we look forward to a fruitful and productive 107th Congress. Thank you for your support.

With Best Regards,

JOHN W. CHEEK,
Executive Director.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. GRASSLEY):

S. 415. A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, the time has come for the Congress to really understand what is going on in the airline industry. It is an industry that no longer competes. Passengers no longer matter. We are like cattle in a stockade.

Today, I am introducing legislation to restore the public's interest in our aviation system, to reclaim it from the carriers. Senator MCCAIN joins me in sponsoring this bill.

We have spent countless hearings listening to various airline executives, government officials and expert witness talk about the problems confronting the traveling public. It is time we put all of that information and knowledge together to benefit the traveling public.

Let's start with the hubs. There are twenty major airports, essential facilities, where 1 carrier has more than fifty percent of the total enplaned passengers. Study after study has told us, warned us, that concentrated hubs lead to higher fares, particularly for markets to those hubs with no competition. Average fares are higher by 41 percent according to DOT, and even higher for smaller, shorter haul markets, by as much as 54 percent. DOT estimates that for only 10 of the hubs, 24.7 million people are overcharged, and another 25 to 50 million choose not to fly because of high fares.

We have got to take a can opener and pry open the lids to the hubs, for without competition, whatever benefits deregulation has brought, will quickly fade away. Our legislation will ensure that other air carriers have the ability to compete, the ability to provide people with options, and the ability to threaten to serve every market out of the dominated hubs. Gates, facilities and other assets will need to be provided where they are unavailable, or where competition dictates a need for such facilities. Dominant air carriers have relied upon Federal dollars to expand these facilities, and they have taken advantage of those monies by establishing unregulated local monopolies. It is time to use the power and leverage of the Federal government to restore a balance to the marketplace.

Right now, the air carriers are attempting to dictate what the industry will look like. If they are successful, all of the concerns raised by countless studies, will not only be realized, but they will be exacerbated. The public's needs, the public's convenience, are something that must be first and foremost as we watch this industry evolve.

Airline deregulation forced the carriers to compete on price for a while, but not on service. Congress had to threaten legislation in 1999 before the airlines even began to even understand the depth of consumer anger towards the airlines. Today though, they no longer compete on price. Instead, they seek to acquire one another to create massive systems, perhaps only three will survive, leaving us all far worse tomorrow than we are today. And clearly today, we are not getting what is needed.

What are the facts: United wants to buy US Airways, and create DC Air. American wants to buy TWA, a failing company with a hub in St. Louis, and then American wants to buy a part of US Airways. Continental and Delta have a 25 year marketing relations, and Delta, Continental and Northwest are all eying other deals.

Right now there are 20 major cities where one carrier effectively controls airline service. Department of Transportation, General Accounting Office, National Research Council and others have all documented abuses, high fares, market dominance, hoarding of facilities at airports so other carriers can not enter, and let's not forget poor service. It must stop. It is not enough for the antitrust laws to look at each transaction in a vacuum. The public's interest, its needs, and its convenience must be reasserted.

DOT, in its January 2001 study, made three key observations:

> The facts are clear. Without the presence of effective price competition, network carriers charge much higher prices and curtail capacity available to price sensitive passengers at the hubs. . . . With effective price competition, consumers benefit from both better service and lower fares, citing Atlanta and Salt Lake City as examples where a low cost carrier is able to provide competition to a dominant hub carrier.
>
> The key to eliminating market power and fare premiums is to encourage entry into as many uncontested markets as possible.
>
> . . . barriers to entry at dominated hubs are most difficult to surmount considering the operational and marketing leverage a network carrier has in it hub markets.

In its 1999 study, the Department stated most clearly what we are trying to achieve:

> Moreover, unless there is reasonable likelihood that a new entrant's short term and long term needs for gates and other facilities will be met, it may simply decide not to serve a community.—FAA/OST Task Force Study, October 1999, at page iii.

I urge my colleagues to cosponsor this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 415

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Competition Restoration Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The airline industry continues to evolve into a system dominated by a few large air carriers and a handful of smaller, niche air carriers. Absent Congressional action, access to critical markets is likely to be foreclosed.

(2) In testimony before the Commerce Committee in 1978, the then-President of Eastern Airlines testified that the top 5 air carriers had 68.6 percent of the domestic market. If the mergers and acquisitions proposed in 2000 and 2001 are consummated, the 5 largest network airlines in the United States will account for approximately 83 percent of the air transportation business (based on revenue passenger miles flown in 1999).

(3) According to Department of Transportation statistics, taking into account the proposed mergers of United Airlines and US Airways, and of American Airlines and TWA, there will be at least 20 large hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic.

(4) The continued consolidation of the airline industry may inure to the detriment of public convenience and need, and the further concentration of market power in the hands of even fewer large competitors may lead to unfair methods of competition.

(5) A more concentrated airline industry would be likely to result in less competition and higher fares, giving consumers fewer choices and decreased customer service.

(6) The Department of Transportation has documented that air fares are relatively higher at those main hub airports where a single airline carries more than 50 percent of the passenger traffic, and studies indicate that unfair methods of competition are more likely to occur at such airports, thus inhibiting competitive responses from other carriers when fares are raised or capacity reduced.

(7) The General Accounting Office has conducted a number of studies that document the presence of both high fares and problems with competition in the airline industry at dominated hub airports.

(8) The National Research Council of the Transportation Research Board has recognized that higher fares exist in short haul markets connected to concentrated hub airports.

(9) A Department of Transportation study indicates that the entry and existence of low fare airline competitors in the marketplace has resulted in a reported $6.3 billion in annual savings to airline passengers.

(10) While the antitrust rules generally govern mergers and acquisitions in the air carrier industry, and will continue to do so, the public concern about the importance of air transportation, the impact of over scheduling, increasing flight delays and cancellations, poor service, and continued hub domination requires the Department of Transportation to assert its authority in analyzing

proposed transactions among air carriers that affect consumers.

SEC. 3. PUBLIC INTEREST REVIEW OF AIR CARRIER ACQUISITIONS AND MERGERS.

(a) In General.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 41722. Mergers and acquisitions

"(a) Protection of Public Interest; Competition Test.—

"(1) In general.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would have more than 10 percent of the passenger enplanements in the United States (based on projections from the most recent annual data available to the Secretary of Transportation) if the Secretary determines that the effect of the acquisition—

"(A) would be substantially to lessen competition, or

"(B) would result in reasonable industry concentration, excessive market domination, monopoly powers, or other conditions that would tend to allow at least 1 air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation at any large hub airport (as defined in section 47134(d)(2)) or in at least 10 percent of the top 500 markets for passenger air transportation in the United States.

"(2) Exception.—Notwithstanding paragraph (1), such an acquisition may proceed if the Secretary finds that—

"(A) the anticompetitive effects of the proposed transaction are outweighed in the public interest by the probable effect of the acquisition in meeting significant transportation conveniences and needs of the public; and

"(B) those significant transportation conveniences and needs of the public may not be satisfied by a reasonably available alternative having materially less anticompetitive effects.

"(b) Dominant Carriers Required To Relinquish Some Gates, Facilities, and Assets at Hub Airport.—

"(1) In general.—An air carrier may not acquire, directly or indirectly, any voting securities or assets of another air carrier if, after the acquisition, the air carrier resulting from the acquisition would be a dominant air carrier at any large hub airport (as defined in section 47134(d)(2)) unless the Secretary of Transportation finds that—

"(A) the air carrier resulting from the acquisition will provide gates, facilities, and other assets at the hub airport on a fair, reasonable, and nondiscriminatory basis to another air carrier that—

"(i) holds a certificate issued under chapter 411 authorizing it to provide air transportation for passengers;

"(ii) has fewer than 15 percent of the average daily passenger enplanements at that airport; and

"(iii) is able, or will be able, to utilize the gate, facility, or other asset provided to it at a reasonable level of utilization; or

"(B) gates, facilities, and other assets are available, or will be made available in a timely manner, on a fair, reasonable, and nondiscriminatory basis to accommodate competitive access to that airport by other air carriers.

"(2) Limitation.—Paragraph (1) does not require an air carrier to relinquish control, or otherwise dispose, of more than 10 percent of the gates, facilities, and other assets controlled by that air carrier at any airport, as determined by the Secretary.

"(3) Plan required.—Before the Secretary may make a finding under paragraph (1), the acquiring air carrier and the air carrier being acquired shall file a joint plan in writing with the Secretary that states with such specificity as the Secretary may require exactly how the air carrier resulting from the acquisition will comply with the requirements of paragraph (1).

"(4) Enforcement of plan.—If the Secretary determines, more than 90 days after the date on which an acquisition described in paragraph (1) is completed, that the air carrier has failed substantially to carry out the plan submitted under paragraph (3), the Secretary may—

"(A) withdraw approval of the acquisition;

"(B) withdraw authority for the air carrier to serve international markets; or

"(C) take such other action as may be necessary to compel compliance with the plan.

"(c) Notification; Waiting Period; Final Rule.—

"(1) In general.—In order for the Secretary to be able to make the determination required by subsection (a)—

"(A) each air carrier (or in the case of a tender offer, the acquiring air carrier) shall submit a notification to the Secretary, in such form and containing such information as the Secretary may require; and

"(B) wait until the waiting period described in paragraph (2) has expired before effecting the acquisition.

"(2) Waiting period.—

"(A) In general.—The waiting period begins on the date of receipt by the Secretary of a completed notification required by paragraph (1)(A) and ends on the thirtieth day after that date, or (in the case of a cash tender offer) the fifteenth day after that date.

"(B) Waiver; modification.—The Secretary may waive the notification requirement, shorten the waiting period, or extend the waiting period (by not more than 180 days), in order to coordinate action under this subsection with the Department of Justice under the antitrust laws of the United States.

"(3) Coordination with DOJ.—The Secretary and the Attorney General may enter into a memorandum of understanding to ensure that the determination required by subsection (a) is made within the same time frame as any Department of Justice review of a proposed acquisition under section 7A of the Clayton Act (15 U.S.C. 18a).

"(4) Final action within 180 days.—The Secretary shall take final action with respect to any acquisition requiring a determination under subsection (a) within 180 days after the date on which the Secretary receives the notification required by paragraph (1)(A).

"(d) AIR 21 Competition Plan Review.—The Secretary shall examine any hub airport affected by a proposed acquisition described in subsection (a) to determine whether that airport has complied with the competition plan requirement of sections 47106(f) or 40117(k) of title 49, United States Code, and whether gates and other facilities are being made available at costs that are fair and reasonable to air carriers in accordance with the requirements of section 41712(c)(3). The sponsor (as defined in section 47102(19)) of any hub airport shall cooperate fully with the Secretary in carrying out an examination under this subsection.

"(e) Definitions.—In this section:

"(1) Dominated hub airport.—The term 'dominated hub airport' means an airport—

"(A) that each year has at least .25 percent of the total annual boardings in the United States; and

"(B) at which 1 air carrier accounts for more than 50 percent of the enplaned passengers.

"(2) Dominant air carrier.—The term 'dominant air carrier' means an air carrier that accounts for more than 50 percent of the enplaned passengers at an airport.

"(3) Control.—With respect to whether a corporation or other entity is considered to be controlled by another corporation or other entity, the term 'control' means that more than 10 percent of the ownership, voting rights, capital stock, or other pecuniary interest in that corporation or entity is owned, held, or controlled, directly or indirectly, by such other corporation or entity.

"(4) Enplanements.—The term 'passenger enplanements' means the annual number of passenger enplanements, as determined by the Secretary of Transportation, based on the most recent data available.

"(5) Asset.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).".

(b) Special Rule.—For the purpose of applying section 41722 of title 49, United States Code, to an acquisition or merger involving major air carriers proposed after January 1, 2000, that has not been consummated before February 15, 2001—

(1) subsection (c) of that section shall not apply; but

(2) the Secretary of Transportation shall require such information from the acquiring air carrier and the acquired air carrier, or the merging air carriers, as may be necessary to carry out that section, and shall complete the review required by that section within a reasonable period that is not to exceed 180 days from the date on which the Secretary receives the requested information from all parties.

(c) Conforming Amendment.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following;

"41722. Mergers and acquisitions".

SEC. 4. COMPETITIVE ACCESS TO GATES, FACILITIES, AND OTHER ASSETS.

(a) Subchapter I of chapter 417, as amended by section 3, is further amended by adding at the end thereof the following:

"§ 41723. Competitive access to gates, facilities, and other assets

"(a) DOT Review of Gates, Facilities, and Assets.—Within 90 days after the date of the enactment of Aviation Competition Restoration Act, the Secretary of Transportation shall investigate the assignment and usage of gates, facilities, and other assets by major air carriers at the largest 35 airports in the United States in terms of air passenger traffic. The investigation shall include an assessment of—

"(1) whether, and to what extent, gates, facilities, and other assets are being fully utilized by major air carriers at those airports;

"(2) whether gates, facilities, and other assets are available for competitive access to enhance competition; and

"(3) whether the reassignment of gates, facilities, and other assets to, or other means of increasing access to gates, facilities, and other assets for, air carriers (other than dominant air carriers (as defined in section 41722(e)(2)) would improve competition among air carriers at any such airport or provide other benefits to the flying public without compromising safety or creating scheduling, efficiency, or other problems at airports providing service to or from those airports.

"(b) Authority of Secretary To Make Gates, Etc., Available.—The Secretary shall require a major air carrier, upon application by another air carrier or on the Secretary's own' motion to make gates, facilities, and other assets available to other air carriers on terms that are fair, reasonable, and nondiscriminatory to ensure competitive access to those airports if the Secretary determines, on the basis of the investigation conducted under subsection (a), that such gates, facilities, and other assets are not available and that competition would be enhanced thereby at those airports.

"(c) Definitions.—

"(1) Major air carrier.—In this section the term 'major air carrier' means an air carrier certificated under section 41102 that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of each year, as reported to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, and identified as a reporting carrier periodically in accounting and reporting directives issued by the Office of Airline Information.

"(2) Asset.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).".

(b) Conforming Amendment.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41722 the following:

"41723. Competitive access to gates, facilities, and other assets".

SEC. 5. UNFAIR METHODS OF COMPETITION IN AIR TRANSPORTATION.

(a) Unfair Competition Through Use of Gates, Facilities, and Other Assets.—Section 41712 of title 49, United States Code, is amended by adding at the end the following:

"(c) Underutilization of Gates, Facilities, or Other Assets.—

"(1) In general.—It is an unfair method of competition in air transportation under subsection (a) for a dominant air carrier at a dominated hub airport—

"(A) to fail to utilize gates, facilities, and other assets fully at that airport; and

"(B) to refuse, deny, or fail to provide a gate, facility, or other asset at such an airport that is underutilized by it, or that will not be fully utilized by it within 1 year, to another carrier on fair, reasonable, and nondiscriminatory terms upon request of the airport, the other air carrier, or the Secretary.

"(2) Requesting carrier must file with DOT.—An air carrier making a request for a gate, facility, or other asset under paragraph (1) shall file a copy of the request with the Secretary when it is submitted to the dominant air carrier.

"(3) Availability of gates and other essential services.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports where a 'majority-in-interest clause' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other essential facilities.

"(4) Definitions.—In this subsection:

"(A) Dominant air carrier.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

"(B) Dominated hub airport.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

"(C) Covered airport.—The term 'covered airport' has the meaning given that term by section 47106(f)(3).

"(D) Asset.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).".

(b) Conforming Amendment.—Section 155 of the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century (49 U.S.C. 47101 nt) is amended by striking subsection (d).

SEC. 6. AIP COMPETITION FUNDING.

(a) In General.—Subchapter I of chapter 471 of title 49, United States Code, is amended by adding at the end the following:

"§ 47138. Competition enhancement program

"(a) In General.—The Secretary of Transportation shall make project grants under this subchapter from the Airport and Airway Trust Fund for gates, related facilities, and other assets to enhance and increase competition among air carriers for passenger air transportation.

"(b) Secretary May Incur Obligations.—The Secretary may incur obligations to make grants under this section.

"(c) Authorization of Appropriations.—There are authorized to be appropriated from the Airport and Airway Trust Fund **$300,000,000** for fiscal year 2002, such amount to remain available until expended.".

(b) AIP Grants.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

"(q) Gates, Facilities, and Other Assets.—

"(1) In general.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant at a dominated hub airport only if the Secretary—

"(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

"(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

"(2) Definitions.—In this subsection:

"(A) Dominant air carrier.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

"(B) Dominated hub airport.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

"(C) Asset.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).".

(c) PFC Funds.—Seciton 40117 of title 49, United States Code, is amended by adding at the end the following:

"(l) Facilities for Competitive Access.—

"(1) In general.—The Secretary may approve an application under subsection (c) for a project at a dominated hub airport only if the Secretary—

"(A) receives appropriate assurances that the airport will provide gates, facilities, and other assets on fair, reasonable, and nondiscriminatory terms to air carriers, other than a dominant air carrier, to ensure competitive access to essential facilities; or

"(B) determines that gates, facilities, and other assets are available at that airport on a fair, reasonable, and nondiscriminatory basis to air carriers other than a dominant air carrier.

"(2) Definitions.—In this subsection:

"(A) Dominant air carrier.—The term 'dominant air carrier' has the meaning given that term by section 41722(e)(2).

"(B) Dominated hub airport.—The term 'dominated hub airport' has the meaning given that term by section 41722(e)(1).

"(C) Asset.—The term 'asset' includes slots (as defined in section 41714(h)(4)) and slot exemptions (within the meaning of section 41714(a)(2)).".

(d) Conforming Amendment.—The chapter analysis for subchapter I of chapter 471 of such title is amended by inserting after the item relating to section 47137 the following:

"47138. Competition enhancement program".

Mr. McCAIN. Mr. President, today I join my colleague, Senator Hollings, in introducing the Aviation Competition Restoration Act. This legislation would give the Department of Transportation additional authority to review airline industry mergers and to enhance competition and access at dominated hub airports. If Congress does not act quickly to address the problems of industry consolidation and the reduction in meaningful competition, consumers will suffer as air fares inevitably increase and choices decline.

Not since deregulation of the airline industry have we faced such a critical point in the history of air transportation in this country. We are closer than ever to seeing an industry totally dominated by three mega-airlines. Last year, United proposed purchasing US Airways. Earlier this year, American Airlines announced that it would purchase a faltering TWA and join with United to carve up US Airways. Since then, Delta and Continental have talked about some type of combination if the other mergers occur. These developments do not bode well for consumers.

I recognize that there may be some benefits to these mergers. But the harm that will be inflicted on consumers far outweighs any gains. As the number of competitors dwindles, air travelers are almost certain to get squeezed. The Commerce Committee has held numerous hearings since the first deal was announced. I continue to believe that these proposals are not good for the consumer.

Last year, the Commerce Committee approved a Senate Resolution expressing deep concern about the proposed United-US Airways deal. Expressions of concern are no longer enough. We must act to ensure that the Executive Branch has the tools to thoroughly evaluate these proposals and their effect on competition. We must also give them the tools to effectuate a more competitive environment. The Airline Competition Restoration Act would give the Department the authority to ensure that carriers have competitive access to critical airport markets by reallocating gates, facilities and other assets used or controlled by an air carrier prior to approving a merger or in other non-competitive circumstances.

This bill is just one piece of a potential solution to the tremendous problems that air travelers face on a daily basis. More people are flying now than ever before. That means that more people are affected by the lack of capacity, antiquated air traffic control, and over scheduling that continue to plague aviation travel. We had 674 million people fly last year. That number is expected to reach one billion within 10 years. One billion air travelers in a system that has basically reached gridlock today should be of great concern to all of us.

This is not a partisan issue. This is not a rural or urban issue. This is an issue that affects the business traveler and the leisure traveler. We must act to enhance competition and prevent further gridlock and delay in our aviation system. I look forward to working with my colleagues to try and address these issues in the coming months.

By Mr. KERRY (for himself, Mr. DEWINE, Mrs. BOXER, and Mr. KOHL):

S. 416. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing legislation, along with Senator DEWINE, Senator BOXER, and Senator KOHL, that will set minimum standards for gun safety locks. Discussion is swirling around the U.S. Congress, in state legislatures throughout the country, and in our cities and towns about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. To date, eighteen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the market that are easily overcome by a child. There are 12 safety standards for every toy, but there is not even a single safety standard for a gun lock.

Earlier this month the Consumer Product Safety Commission, CPSC, and the National Sport Shooting Foundation announced a voluntary recall of 400,000 gun safety locks that were distributed by Project HomeSafe, a nationwide program whose purpose is to promote safe firearms handling and storage practices through distribution of gun locks and safety education messages. And last July the CPSC and MasterLock joined together in another voluntary recall of 752,000 gun locks. Both of the gun locks recalled could be easily opened with paper clips, tweezers, or by banging it on a table. When testing gun locks to replace the recalled locks, the CPSC found that all but two of the 32 locks tested could be opened without a key. I find this astonishing. Millions of Americans have come to depend on gun locks as a way to prevent their children from gaining access to a handgun, and it is extremely disturbing to learn that so many locks could be overcome.

The legislation that we are introducing today requires the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks. The legislation does not require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. During the 106th Congress, the Senate passed an amendment that would require the use of gun safety locks by a vote of 78–20.

While I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult, probably impossible, for consumers to be assured that the lock they purchase will be effective. In early February President Bush announced the Administration's support for a five-year, $75 million-a-year federal program to distribute free gun locks to every gun owner. I commend the President's proposal to distribute free gun locks, but believe that it is critically important that the locks function as intended.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4- year olds and 70 percent of 5- to 6- year olds had sufficient finger strength to fire 59, or 92 percent, of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

The Senate has been gridlocked over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation, which I truly believe every Senator can support, would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shootings in this country.

Mr. DEWINE. Mr. President, I rise today as an original cosponsor of the Gun Lock Consumer Protection Act being introduced by my friend from Massachusetts, Senator KERRY. I support this bill because I believe it will save lives.

Recently, we have all borne witness to a disturbing trend. Increasingly, we are hearing shocking news reports that another child has died because of his or her access to a loaded, unlocked firearm. In 1999 alone, this was an almost daily occurrence. Last year, more than 300 children died in gun accidents. Most of these accidents occurred in a child's own home, or the home of a close friend or relative. Places where these children should feel the safest.

The mixture of children and loaded firearms is certainly extremely combustible. An estimated 3.3 million children in the United States live in homes with firearms that are always or sometimes kept loaded and unlocked. Now, I believe that the majority of parents with firearms believe they are being responsible about gun storage and other safety measures dealing with firearms. But, the fact is that, some parents have a fundamental misunderstanding of a child's ability to gain access to and fire a gun, distinguish between real and toy guns, make good judgements about handling a gun, and consistently following rules about gun safety. In fact, nearly two-thirds of parents with school-age children who keep a gun in the home believe that the firearm is safe from their children. However, one study found that when a gun was in the home, 75 to 80 percent of first and second graders knew where the gun was kept.

Many gun owners, State and local governments, as well as this Senate, have begun to recognize the combustible relationship between children and loaded, accessible firearms. This recognition has led many gun owners to purchase gun safety locks to ensure safe storage of their handguns and to prevent children from gaining access to weapons. In some States, gun locks are required at the time handguns are purchased. At least seventeen States have laws that require or encourage the use of gun locks that deter child access to handguns. And, finally, the Senate passed an amendment to the juvenile justice bill last Congress that would require the use of gun safety locks.

Despite the facts that gun owners are buying more firearm safety devices and governments are rushing to mandate their use, there are no minimal safety standards for these devices. There are many different types of trigger locks, safety locks, lock boxes, and other devices available. There is a wide range in the quality and effectiveness of these devices. Some are inadequate to prevent the accidental discharge of the firearm or to prevent a child access to the firearm.

As governments move toward mandated safety devices, I believe it is important that consumers know that the device they are buying is actually adequate to serve its intended purpose. If States are going to prosecute adults when a child uses a firearm, these gun owners should have at least some peace of mind that their gun storage or safety lock device is adequate.

Many of the safety lock devices currently on the market will not provide that peace of mind. Over the past year, the Consumer Product Safety Commission has tested thirty-two different lock devices. Thirty did not work as they were intended to work. In other words, 90 percent of the lock devices tested by the CPSC do not work! To date, CPSC has worked with two organizations to recall faulty locks. Because of the organizations' willingness to work with the CPSC, over 1.1 million safety locks have been recalled and replaced.

The legislation I am introducing today with Senator KERRY would help responsible gun owners and parents know that the safety device they are buying is at least minimally adequate. This legislation is just common sense. It simply requires the Consumer Product Safety Commission, CPSC, to formulate minimum safety standards for gun safety locks and to ensure that only adequate locks meeting that standard are available for purchase by consumers. The standard to be used by the Commission requires that gun safety locks are sufficiently difficult for children to deactivate or remove and that the safety locks prevent the discharge of the handgun unless the lock has been deactivated or removed.

It is important to note what this bill does not do. First of all, it does not give CPSC any say in standards of firearms or ammunition. In other words, it is not intended to regulate firearms themselves in any way whatsoever. Second, it will not have the effect of mandating what gun lock device is used. As I said earlier, there are many different types of gun locks currently available. Some of these allow for easy access and use of firearms for adults should they decide that is important to them. Other devices are more cumbersome and do not provide quick and easy access. Gun owners would be free to decide what device is best for them. This legislation would have no effect on that issue. Finally, this legislation does not require the use of gun safety locks. While the Senate has already passed legislation to do this, if that language is removed in conference, this legislation will not affect that.

As I said earlier, I support this legislation because I believe it will save lives. But, more than that, this legislation will empower parents who decide that they want to have a gun safety lock but are awash in a sea of different devices, to purchase only gun safety locks that provide adequate protection for their children. I urge my colleagues to join Senator KERRY and I in support of this bill.

By Mr. INOUYE:

S. 418. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment, to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

The business meals and entertainment expenses deduction was reduced from 80 percent to 50 percent, in the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Its results have been detrimental to small businesses, the self-employed, and independent and traveling sales representatives. These groups rely on one-on-one meetings, usually during meals, for their marketing strategy, and the reduction of the business meals and entertainment deduction has impacted their marketing efforts.

Many small business organizations have shown their support for an increase in this deduction. The National Restaurant Association, National Federation of Independent Business, National Employees and Restaurant Employees International Union, National Association of the Self-Employed, and the American Hotel and Motel Association, have all spoken of the need for the reestablishment of the 80 percent deduction for business meal and entertainment expenses.

For example, traveling and independent sales representatives incur substantial travel and entertainment expenses from spending, annually, an average of 150 nights on the road. Home-based businesses also rely heavily on meeting with clients outside of the home and over meals. Such businesses have been harmed by the reduction of this deduction to 50 percent.

Currently, there are approximately 23.2 million persons who spend money on business meals in the U.S., down from 25.3 million in 1989. The total economic impact on small businesses of restoring the business meal deduction from 50 percent to 80 percent ranges from $5 to $690 million, depending on the state. In the state of Hawaii, the estimated economic impact ranges from $32 to $43 million.

I urge my colleagues to join me in cosponsoring this important legislation. Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

"For taxable years beginning in calendar year—	The applicable percentage is—
2001	68
2002	74
2003 or thereafter	80.".

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking "ONLY 50 PERCENT" and inserting "PORTION".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 419. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to recognize the historical significance of the Abel and Mary Nicholson House, located in Salem County New Jersey. I am pleased to have Senator CORZINE join me in this important effort, and would like to announce that Congressman LOBIONDO will introduce companion legislation in the House of Representatives.

The Nicholson House was built in 1722 and is a rare surviving example of an early 18th century patterned brick building. It is a classic example of architecture of this period. The original portion of the house has survived for over 280 years with only routine maintenance. It is a unique resource which can provide significant opportunities for studying our nation's history and culture. As one of the most significant "first period" houses surviving in the Delaware Valley, the Nicholson House represents a piece of history from both Southern New Jersey and early American life.

In addition, it is situated in an area known for its early American economy. Delaware Bay schooners patrolled the waters of the Delaware River throughout the 18th and 19th centuries harvesting clams and oysters. This industry was an integral part of the region's economy, and contribute to the culture and history of New Jersey.

The site is listed on the New Jersey Register of Historic Places, as well as the National Register of Historic Places. In addition, the National Park Service recognized the importance and historical value of the this site by designating the Nicholson House and a National Historic Landmark.

The Salem County Historical society and the Salem County Department of Economic Development both endorse the establishment of a national park at this site. A national park would encourage ecotourism in the area and spur economic growth. In addition, the site is located at the southern end of the New Jersey Coastal Heritage Trail. This theme trail runs along the New Jersey coastline and introduces visitors to the region and encourages them to take full advantage of the many natural and cultural attractions. The Nicholson House National Park would be the southern anchor of this interpretive trail and would enhance tourism and understanding of the culture and history of the region.

This area is truly a valuable asset to the State of New Jersey, and I feel it is only proper to share this wonderful resource with the entire nation by establishing the Nicholson House as a unit of the National Park Service, (NPS).

The Federal Government has already acknowledge the significance of the Nicholson House, by designating the area a national historic landmark. Establishing it as a unit of the NPS would increase the presence the site, and the NPS would provide staff and tours, and allow for a better, more educational interpretation.

My legislation would take the first step towards this important designation by directing the NPS to study the feasibility of establishing a national park at the Nicholson House. I ask that my colleagues join me in support of this worthy effort, so that an important element of our culture may be preserved for future generations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 31—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry, which was referred to the Committee on Rules and Administration.

S. RES. 31

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2001, through September 30, 2001; October 1, 2001 to September 30, 2002; and October 1, 2002 through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate; (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,794,378, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this resolution shall not exceed $3,181,922, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

(c) The expenses of the committee for the period October 1, 2002, through February 28, 2003, under this resolution shall not exceed $1,360,530, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4000 may be expended for the training of the professional staff of such committee (under procedures specified by section 212(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the distribution of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationary, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002 through February 28, 2003 to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration.

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,495,457, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,427,295, of which amount (1) not to exceed

$45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,893,716, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

S. RES. 33

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,240,422, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $2,199,621, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $940,522, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH of New Hampshire submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Environment and Public Works.

S. RES. 34

Resolved,

SECTION 1. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (referred to in this resolution as the "committee") is authorized from March 1, 2001, through February 28, 2003, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2001.—The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this section shall not exceed $2,318,050, of which amount—

(1) not to exceed $24,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2002 PERIOD.—The expenses of the committee for the period October 1, 2001, through September 30, 2002, under this section shall not exceed $4,108,958, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2003.—For the period October 1, 2002, through February 28, 2003, expenses of the committee under this section shall not exceed $1,756,412, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2001, through September 30, 2001, for the period October 1, 2001, through September 30, 2002, and for the period October 1, 2002, through February 28, 2003, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration.

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,895,623, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $6,910,215, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,955,379, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2002 and February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration.

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,968,783, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,265,771, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,251,960, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2002, and February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through

September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. GRASSLEY submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration.

S. RES. 37

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,230,940, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,729,572, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,449,931, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration.

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $3,301,692, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $5,859,150, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,506,642, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations of legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. The Committee on Armed Services is authorized from March 1, 2001, until otherwise provided by law, to expend not to exceed $10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar.

S. Res. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and Oct. 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,183,041, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2001, expenses of the committee under this resolution shall not exceed $2,099,802, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2001, through February 28, 2003, expenses of the committee under this resolution shall not exceed $898,454, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE CONCURRENT RESOLUTION 19—HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED BY AN IRAQI MISSILE ATTACK ON FEBRUARY 25, 1991, DURING OPERATION DESERT STORM, AND RESOLVING TO SUPPORT APPROPRIATE AND EFFECTIVE THEATER MISSILE DEFENSE PROGRAMS

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Armed Services.

S. Con. Res. 19

Whereas during Operation Desert Storm, Iraq launched a Scud missile at Dhahran, Saudi Arabia early in the evening of February 25, 1991;

Whereas 1 Patriot missile battery on a Dhahran airfield was not operational and another nearby battery did not track the Scud missile effectively;

Whereas the Scud missile hit a warehouse serving as a United States Army barracks in the Dhahran suburb of Al Khobar, killing 28 soldiers and injuring 100 other soldiers;

Whereas the thoughts and prayers of Congress and the American people remain with the families of those soldiers;

Whereas this single incident resulted in more United States combat casualties than any other battle during or since Operation Desert Storm;

Whereas Scud missile attacks paralyzed the country of Israel during Operation Desert Storm;

Whereas the Patriot missile batteries, which were used in Operation Desert Storm for missile defense, were not originally designed for missile defense;

Whereas the United States and our allies still have not fielded advanced theater missile defenses;

Whereas missile technology proliferation makes missile attacks on United States forces increasingly possible; and

Whereas February 25, 2001, is the 10th anniversary of the Scud missile attack which caused the deaths of these brave soldiers who died in service to their country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) on behalf of the American people, extends its sympathy and thanks to the families of Specialist Steven E. Atherton, Corporal Stanley Bartusiak, Specialist John A. Boliver, Jr., Sergeant Joseph P. Bongiorni III, Sergeant John T. Boxler, Specialist Beverly S. Clark, Sergeant Allen B. Craver, Corporal Rolando A. Delagneau, Specialist Steven P. Farnen, Specialist Duane W. Hollen, Jr., Specialist Glen D. Jones, Specialist Frank S. Keough, Specialist Anthony E. Madison, Specialist Steven G. Mason, Specialist Christine L. Mayes, Specialist Michael W. Mills, Specialist Adrienne L. Mitchell, Specialist Ronald D. Rennison, Private First Class Timothy A. Shaw, Specialist Steven J. Siko, Corporal Brian K. Simpson, Specialist Thomas G. Stone, Specialist James D. Tatum, Private First Class Robert C. Wade, Sergeant Frank J. Walls, Corporal Jonathan M. Williams, Specialist Richard V. Wolverton, and Specialist James E. Worthy, all of whom were killed by an Iraqi missile attack on February 25, 1991, while in service to their country; and

(2) resolves to support appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing which was previously scheduled before the Committee on Energy and Natural Resources on Thursday, March 1, 2001, at 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building, has been rescheduled for Thursday, March 15, 2001, at 9:30 a.m., in room SH–216 of the Senate Hart Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 26, a bill to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market, S. 80, California Electricity Consumers Relief Act of 2001, and S. 287, a bill to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC-2 Senate Russell Courtyard, Washington, DC 20510–6150.

For further information, please call Trici Henninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 28, 2001. The purpose of this hearing will be to review the statutes conservation programs in the current farm bill and to conduct a committee business meeting to discuss the committee rules and budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 28, 2001, at 10:30 a.m. to conduct a business meeting to act on the following agenda items:

1. Committee rules for the 107th Congress.
2. Committee funding resolution for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to hear testimony regarding the nomination of Mark A. Weinberger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to hear testimony regarding Revenue Proposals in the President's Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, to organize for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, February 28, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 28, 2001, at 9 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing to receive the views of the Department of the Interior on matters of Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, February 28, 2001, at 9:30 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, at 9:30 a.m., to conduct its organizational meeting for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, beginning at 9 a.m., in room 428A of the Russell Senate Office Building to hold its Organizational Meeting for the 107th Congress.

Immediately following the Organizational Meeting, we will turn to official Committee business including: (1) S. 295, Small Business Energy Emergency Relief Act of 2001; (2) S. 174, Microloan Program Improvement Act of 2001; (3) The Independent Office of Advocacy Act of 2001; and (4) The White House Quadrennial Small Business Summit Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Veterans of Foreign Wars. The hearing will be held on Wednesday, February 28, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 28, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nominations at the desk just reported by the Armed Services Committee.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF THE TREASURY

John M. Duncan, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

DEPARTMENT OF DEFENSE

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Albert H. Konetzni Jr., 2358

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy W. LaFleur, 3609

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) James S. Allan, 7214
Rear Adm. (lh) Howard W. Dawson Jr., 6320
Rear Adm. (lh) Karen A. Harmeyer, 8014
Rear Adm. (lh) Maurice B. Hill Jr., 6455
Rear Adm. (lh) James M. Walley Jr., 5129

IN THE AIR FORCE

The following named officer for appointment to the grade indicated in the United States Air Force, under title 10, U.S.C., section 1552:

To be major

Robert V. Garza, 0136

Air Force nominations beginning Linda M. Christiansen, and ending Robert M. Monberg, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Charles G. Beleney, and ending Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Air Force nominations beginning Jay O. Aanrud, and ending Daniel S. Zulli, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE ARMY

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Marcus G. Coker, 2781

The following named officer for appointment as a Permanent Professor of the United

States Military Academy in the grade indicated under title 10 U.S.C. section 4333(b):

To be colonel

Eugene K. Ressler Jr., 8827

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Kenneth W. Smith, 3784

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 12203 and 12211:

To be colonel

Timothy I. Sullivan, 6483

Army nominations beginning Virginia G. Barham, and ending James C. Butt, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Felix T. Castagnola, and ending Aaron R. Kenneston, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning William P. Blaich, and ending Ira K. Weil, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Gregory O. Block, and ending Robert D. Teetsel, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Moses N. Adiele, and ending Horace J. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Norman F. Allen, and ending Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Army nominations beginning Stephen C. Allison, and ending Stacy Young McCaughan, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

The following named Army National Guard of the United States officer for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., section 12203 and 12211:

To be colonel

Robert M. Nagle, 0138

Army nominations beginning James M. Ivey, and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be lieutenant colonel

Steven L. Powell, 9720

The following named officer for Regular appointment to the grade indicated in the United States Army Medical Corps under title 10, U.S.C., sections 531, 624 and 3064:

To be lieutenant colonel

Mark R. Withers, 1102 MC

Army nominations beginning Danny W. Agee, and ending Ronald K. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Army nominations beginning Arthur D. Bacon, and ending Richard T. Vann Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE MARINE CORPS

Marine Corps nominations beginning Ronald S. Culp, and ending Christopher J. Loria, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

Marine Corps nominations beginning Eduardo A. Abisellan, and Ending Richard D. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

IN THE NAVY

The following named officer for original Regular appointment as a permanent limited duty officer to the grade indicated in the United States Navy under title 10, U.S.C., sections 531 and 5589:

To be lieutenant

Kevin D. Sullivan, 3612

The following named officer for Regular appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 531:

To be lieutenant commander

Stephen L. Cooley, 7735

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Brian J.C. Haley, 2808

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

William J. Nault, 0925

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

James P. Scanlan, 1538

Navy nominations beginning Douglas J. Adams, and ending Gregory J. Zacharski, which nominations were received by the Senate and appeared in the Congressional Record on January 3, 2001.

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be captain

Mark R. Munson, 6572

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Thomas K. Kolon, 0469

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be commander

Bernadette M. Semple, 1928

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

John D. Carpenter, 9793

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Darren S. Harvey, 3713

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

To be lieutenant commander

Travis C. Schweizer, 6746

Navy nominations beginning Frances R. Baccus, and ending Scott W. Stuart, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nomination of BILL FRIST, and that the Senate immediately proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. This is so Senator FRIST will be the representative of the United States to the 55th Session of the General Assembly of the U.N.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF STATE

Bill Frist, of Tennessee, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: The Senator from Iowa (Mr. GRASSLEY); the Senator from Utah (Mr. HATCH); the Senator from Alaska (Mr. MURKOWSKI); the Senator from Montana (Mr. BAUCUS); and the Senator from West Virginia (Mr. ROCKEFELLER).

UNANIMOUS CONSENT AGREEMENT—COMMITTEE BUDGETS AND RULES

Mr. LOTT. Mr. President, I ask unanimous consent that in accordance with the provisions of S. Res. 189 of the 106th Congress, there be authorized for the period of March 1, 2001, through March

10, 2001, funds for the expenses of each of the standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs, and such sums as may be necessary for agency contributions related to the compensation of the employees of such committees for the above described period, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

I further ask unanimous consent that such sums be $\frac{1}{15}$ of the amount provided the committees under S. Res. 189 for the period of October 1, 2000, through February 28, 2001.

I further ask unanimous consent that notwithstanding the provisions of rule XXVI of the Standing Rules of the Senate, for the purposes of the 107th Congress, the publication date for committee rules shall not be later than March 10, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR JUDICIARY COMMITTEE TO FILE BANKRUPTCY LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the Judiciary Committee have until 8 p.m. tonight to file the bankruptcy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DALE EARNHARDT

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 29, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 29) honoring Dale Earnhardt and expressing condolences of the U.S. Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, last October, Dale Earnhardt drove his familiar black Goodwrench Chevrolet, with the silver No. 3 painted on each side, past a waving checkered flag to win the Winston 500 at Talladega Superspeedway. The victory was Earnhardt's tenth first place NASCAR Winston Cup race at Talladega, a feat no other driver has accomplished. It was the 76th win of his career; sadly, it was his last.

A week ago Sunday, Dale Earnhardt died in a tragic accident on the last turn of the last lap of one of the last great American traditions, the Daytona 500. NASCAR lost one of its greatest drivers who was in large part responsible for the tremendous growth of the sport from a regional pastime to an international success. Winston Cup drivers lost a fierce competitor whose aggressive style set the standard for a generation. Millions of fans lost the "Intimidator," a hero admired as much for his charismatic demeanor as his talent as a driver and tenacity during a race. Whether you cheered for him or against him, you couldn't help but admire the passion with which he pursued the checkered flag.

There is a bittersweet irony in that Dale Earnhardt finished his career at Daytona. The track at Daytona defined Earnhardt as a racer. He won 34 races there, more than any other driver. This earned him the reputation as the best superspeedway racer of all time. The Intimidator, however, did not win the Daytona 500 until the 1998 season. It took 20 years, but he finally took the greatest of all superspeedway races.

No other measure of success was as elusive to Dale Earnhardt. In 1979, he beat Harry Gant, Terry Labonte, and Joe Milliken for the Rookie of the Year in one of the most competitive rookie battles ever. He joined Richard Petty as the only other driver to win the NASCAR Winston Cup Championship seven times. He was voted National Motorsports Press Association Driver of the Year five times. Dale Earnhardt was the only driver to win the Winston Cup title the year after winning the rookie title.

Although he did his best to live up to his nickname the "Intimidator" during a race, Dale Earnhardt was the first to extend a hand and offer congratulations after it was over. This is the mark of a true champion.

Dale Earnhardt often expressed frustration at the practice of NASCAR to require artificial devices to reduce speeds on some tracks and the type of racing it produced. Nevertheless, he excelled at these so-called restrictor-plate races. In fact, Dale Earnhardt mastered the draft so well at these races that the fellow racers he passed remarked, "it was like he can see air."

In Alabama, we look forward to seeing the black No. 3 car on the high banks at Talladega twice a year. No matter where he started at the beginning of the race, you could count on Dale Earnhardt to be near the front by the end. His victories at the world's biggest and fastest track include, as I mentioned earlier, ten NASCAR Winston Cup races, as well as one NASCAR Busch Grand national race and three IROC races where he bested the greatest drivers of his time.

Dale Earnhardt was intensely loyal to his family. He was a father whose pride in his children was greater than his desire in winning races. Our thoughts are with his wife Teresa, and his children: Kerry, Kelly, Dale, Jr. and Taylor Nicole. May God bless all of them and watch over them in this time of need.

Former driver and now television analyst Darrell Waltrip perhaps best captured the sentiment of drivers and fans alike when he said, "The scariest thing on the track used to be seeing Dale Earnhardt in your rear view mirror. Now the scariest thing is not seeing him there at all."

The world will miss Dale Earnhardt and his competitive spirit. We pray that his family and friends find some comfort in the way his fans admired this truly unique American sports icon.

Mr. CARPER. Mr. President, today we stand and honor the life and accomplishments of "The Man" Dale Earnhardt.

Millions of Americans will remember him as a NASCAR legend, perhaps the best that ever raced. But the people I've spoken with and read about who knew him well remember better a kind father, a loving husband, and a trusted friend.

For over 21 years, Dale Earnhardt delighted hundreds of thousands of people at the Dover Downs, International Speedway in my state of Delaware. Like most of the places Dale raced, at Dover Downs he won, and won big.

But the people of my State honor him for more than his wins at our NASCAR track, three first-place finishes, or the money he earned there, the most of any Winston Cup driver in history.

The reverence and respect from NASCAR fans stems from his constant pursuit of excellence and his refusal to give less than his all every time he took to the track.

They called him "The Intimidator," and on the track, that was true, but to the fans in Dover that he spent time with signing autographs, shaking hands, and in some cases sharing dinner at their kitcken table, Dale Earnhardt was known as "The Man."

Last Friday, Dover Downs opened up to those who needed a chance to say "good bye." Even though a blizzard had blown through our State the night before, over 5,000 people turned out to pay their respects. In a moving display of affection, families created in the winner's circle a shrine of flowers, posters, hats, pictures, and poems honoring their hero.

I was told once that the greatest measures of a man's life are the people he has touched, the difference he has made and the standards he has set for others to follow.

Despite his passing, Dale Earnhardt's legacy of excellence will forever influence his sport and its millions of fans. We honor him today for the lives he touched and the children he inspired.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 29) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in the RECORD of February 27, 2001, under "Statements on Submitted Resolutions.")

Mr. LOTT. This is a resolution by Senator EDWARDS of North Carolina.

RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE PEACE CORPS

Mr. LOTT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 18, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 18) recognizing the achievements and contributions of the Peace Corps over the past 40 years, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, en bloc, with no intervening action, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 18) was agreed to.

The preamble was agreed to.

(The text of the concurrent resolution is located in the RECORD of February 27, 2001, under "Statements on Submitted Resolutions.")

ORDERS FOR THURSDAY, MARCH 1, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, March 1. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 1 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions:

Senator MURKOWSKI from 10 a.m. until 10:15 a.m.; Senator ENSIGN from 10:15 a.m. to 10:30 a.m.; Senator THOMAS from 10:30 a.m. to 11 a.m.; Senators WELLSTONE and DAYTON from 11 a.m. to 11:25 a.m.; Senator CLINTON from 11:25 a.m. to 11:40 a.m.; Senator DORGAN from 11:40 a.m. to 12 p.m.; Senator HUTCHISON from 12 p.m. to 12:30 p.m.; and Senator DURBIN, or his designee, from 12:30 p.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 1 p.m. Following morning business, the Senate hopes to begin consideration of the bankruptcy bill which was reported out today by the Judiciary Committee. We will consult with Senators and see if we can find a way to proceed to that. We also may consider other nominations that will be available for floor action. We believe there will be some who will be available, so there is a strong possibility there will be a vote or votes tomorrow. We will let the Senators know, after I consult with Senator DASCHLE, exactly when those votes might occur and when the business for the week will be completed.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Thursday, March 1, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 2001:

DEPARTMENT OF THE TREASURY

DAVID AUFHAUSER, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE NEAL S. WOLIN, RESIGNED.

JOHN M. DUNCAN, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE RUTH MARTHA THOMAS.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE FEBRUARY 28, 2001:

DEPARTMENT OF THE TREASURY

JOHN M. DUNCAN, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

DEPARTMENT OF DEFENSE

PAUL D. WOLFOWITZ, OF MARYLAND, TO BE DEPUTY SECRETARY OF DEFENSE.

DEPARTMENT OF STATE

BILL FRIST, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT H. KONETZNI, JR., 2358

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY W. LAFLEUR, 3609

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JAMES S. ALLAN, 7214
REAR ADM. (LH) HOWARD W. DAWSON, JR., 6320
REAR ADM. (LH) KAREN A. HARMEYER, 8014
REAR ADM. (LH) MAURICE B. HILL, JR., 6455
REAR ADM. (LH) JAMES M. WALLEY, JR., 5129

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTION 1552:

To be major

ROBERT V. GARZA, 0136

AIR FORCE NOMINATIONS BEGINNING LINDA M. CHRISTIANSEN, AND ENDING ROBERT M. MONBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

AIR FORCE NOMINATIONS BEGINNING *CHARLES G. BELENY, AND ENDING MICHELE R. ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

AIR FORCE NOMINATIONS BEGINNING JAY O. AANRUD AND ENDING *DANIEL S. ZULLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARCUS G. COKER, 2781

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10 U.S.C. SECTION 4333 (B):

To be colonel

EUGENE K. RESSLER, JR., 8827

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH W. SMITH, 3784

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY I. SULLIVAN, 6483

ARMY NOMINATIONS BEGINNING VIRGINIA G. BARHAM AND ENDING JAMES C. BUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING FELIX T. CASTAGNOLA, AND ENDING AARON R. KENNESTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING WILLIAM P. BLAICH AND ENDING IRA K. WEIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING GREGORY O. BLOCK AND ENDING ROBERT D. TEETSEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING MOSES N. ADIELE AND ENDING HORACE J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING NORMAN F. ALLEN AND ENDING DARIA P. WOLLSCHLAEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

ARMY NOMINATIONS BEGINNING STEPHEN C. ALLISON AND ENDING STACEY YOUNGMCCAUGHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT M. NAGLE, 0138

ARMY NOMINATIONS BEGINNING JAMES M. IVEY, AND ENDING DOUGLAS C. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN L. POWELL, 9270

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be lieutenant colonel

MARK R. WITHERS, 1102 MC

ARMY NOMINATIONS BEGINNING DANNY W. AGEE, AND ENDING RONALD K. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

ARMY NOMINATIONS BEGINNING ARTHUR D. BACON, AND ENDING RICHARD T. VANN JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RONALD S. CULP, AND ENDING CHRISTOPHER J. LORIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

MARINE CORPS NOMINATIONS BEGINNING EDUARDO A. ABISELLAN, AND ENDING RICHARD D. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR ORIGINAL REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be lieutenant

KEVIN D. SULLIVAN, 3612

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN L. COOLEY, 7735

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN J.C. HALEY, 2808

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILLIAM J. NAULT, 0925

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES P. SCANLAN, 1538

NAVY NOMINATIONS BEGINNING DOUGLAS J. ADAMS, AND ENDING GREGORY J. ZACHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MARK R. MUNSON, 6572

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS F. KOLON, 0469

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BERNADETTE M. SEMPLE, 1928

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN D. CARPENTER, 9793

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DARREN S. HARVEY, 3713

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TRAVIS C. SCHWEIZER, 6746

NAVY NOMINATIONS BEGINNING FRANCES R. BACCUS, AND ENDING SCOTT W. STUART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2001.

EXTENSIONS OF REMARKS

IN RECOGNITION OF RUBEN PABON, JR., HONOREE OF NOSOTROS MAGAZINE'S 33RD ANNIVERSARY GALA AWARD BANQUET

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Ruben Pabon, Jr., who will be honored at the 33rd anniversary Gala Award Banquet of Nosotros Magazine on Saturday, February 21, 2001. The Banquet is an annual event that honors distinguished Hispanic leaders for their important contributions to society. This is an opportune time for today's Hispanic leaders to reflect on the economic, political, and cultural contributions that Hispanics have made to American society.

Ruben Pabon, Jr. was born in New York City and currently resides in New Jersey. He served in the United States Army during the Korean War, rising to the rank of sergeant. After being honorably discharged, he accepted a position with Pan American World Airways, from which he retired in 1987.

Mr. Pabon has continually exhibited a great passion for community service, which began when he joined the Newark Borinquen Lions Club, helping to establish outreach programs for the Hispanic community in Newark, New Jersey. He was later elected President of the Club, and received the Governor's and President's Awards for his hard work and dedication.

Mr. Pabon serves on several housing boards that seek to address the problems faced by Hispanic senior citizens and those in need of affordable housing in Newark. He currently serves as an active member of a task force created by Bergen County Executive Pat Schuber to recommend strategies for the implementation of a multi-cultural center in Bergen County, New Jersey. In addition, Mr. Pabon is treasurer of the Spanish American Cultural Association; a member of the Knights of Columbus; a member of the Hispanic Business and Professional Association; and a volunteer for the Association for Retarded Citizens in Bergen County.

In honoring Ruben Pabon, Jr., Nosotros Magazine is promoting the most important values in American Society today: hard work, dedication, and compassion. Mr. Pabon embodies these American ideals; and, throughout his career, he has worked tirelessly to provide others with the opportunity to meet the standard of excellence he has set.

Because of community leaders like Mr. Pabon, the Hispanic community is not only experiencing economic empowerment, but also political strength. Today, we prepare for a future that reflects our years of hard work, and our commitment to each other.

Today, I ask my colleagues to join me in recognizing Ruben Pabon, Jr. for his invaluable contributions to the Hispanic community.

TRIBUTE TO JERRY R. POER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Jerry R. Poer, a salon and cosmetology school owner from my district. On January 26, 2001, he was inducted into the National Cosmetology Association's Board of Directors Hall of Renown.

Mr. Poer was recently honored at the International Beauty Show in Long Beach, California. The award acknowledges his many years of contributions to the cosmetology industry. Poer has received numerous other awards and honors during his distinguished career. He has received the Charleston Cosmetologist of the Year and the South Carolina Cosmetologist of the Year honors. He has also served as President of the National Cosmetology Association of South Carolina and Styles Director of the South Carolina Fashion and Education Committee. While a member of Hair America he served as coordinator for the NCA Montage Collection.

Mr. Poer has been a platform artist, lecturer, and consultant for state shows, modeling agencies, and many educational classes. Modern Salon, American Salon, Passion, and Men's Passion have each featured Mr. Poer during his career. Mr. Poer has been inducted into the South Carolina Cosmetology Hall of Fame and served on the Governor's Advisory Board. Students and staff of his cosmetology school have received nine State Hair Styling Championships.

Mr. Speaker, I ask you to join me and my colleagues today in paying tribute to an individual whose dedication to his field is extremely noteworthy. Mr. Jerry R. Poer continues to this day to support the growth and advancement of the cosmetology industry and he deserves our praise.

CELEBRATION OF 75TH ANNIVERSARY OF THE SACRED HEART PARISH IN EAST CHICAGO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with tremendous pleasure and admiration that I congratulate the parishioners of the Sacred Heart Parish in East Chicago, Indiana, as they celebrate their 75th anniversary as a congregation, as well as the 60th anniversary of the opening services in their current sanctuary, on March 4, 2001. The day will begin with a special Mass conducted by Bishop Dale Melczek to be followed by a celebratory luncheon.

Originally known as Mission of Assumption Slovak Parish, Sacred Heart was founded in order to service the spiritual needs of Slovaks in East Chicago and Whiting, Indiana. Services were held at several churches in the two cities until Father Clement Mlinarovich saw a great need for the Mission in East Chicago. From 1926 to 1941, the Sacred Heart Parish conducted Masses, confessions, and missions at various churches throughout the city.

After many years of relying on other churches' facilities, the dedicated parishioners decided to build their own sanctuary. The beautiful church was dedicated in May 1941 by Bishop John Francis Noll of the Fort Wayne Diocese, with many delighted Slovak priests and lay citizens from around Lake County attending. The Sacred Heart congregation was overjoyed that they finally had their own house of worship. They also took special pride in the building because many of the parishioners volunteered to assist with its construction.

Father Andrew G. Grutka was the first resident pastor at the newly completed church. He preached to the Sacred Heart congregation from 1942 to 1944, after which he became the first Bishop of the Diocese of Gary. Father Louis Duray and Father Milan Bach succeeded Father Grutka and made significant improvements, including beautifying the sanctuary and purchasing a home for the priest. Father Joseph Semancik was later sent to Sacred Heart as the pastor, a position he maintains today.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the congregation of Sacred Heart parish in East Chicago, Indiana as they celebrate the 75th anniversary of their founding and the 60th anniversary of the construction of their church. Sacred Heart Parish has undergone many changes from the time it began as the Mission of Assumption Slovak Parish. They have settled in East Chicago, built a beautiful sanctuary, and expanded the congregation to include a variety of ethnic backgrounds. What has remained the same is the dedication, loyalty, and love for their fellow man the parishioners have displayed throughout the parish's many years of service to the community. May God continue to bless the parishioners and the church leaders for many years to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FEDERAL EMPLOYEE HEALTH BENEFITS FOR MILITARY RETIREES: LET'S CARRY OUT A CREDIBLE DEMONSTRATION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CUNNINGHAM. Mr. Speaker, today I am reintroducing legislation that will address deficiencies in the ongoing demonstration project to assess the viability of a Federal Employees Health Benefit Program (FEHBP) option for military retirees. Since Congress authorized that demonstration in the FY99 Defense Authorization, I have raised concerns that the limits on it would prevent us from gaining adequate data on which to judge this option. Unfortunately, those concerns have been validated over the past years, and I am resubmitting corrective legislation to put us back on the right track.

While many in Congress have been pushing for an FEHBP option for military retirees for years, that effort has been stymied because some believe that it would be too costly. That is because budget analysts made some illogical assumptions in projecting the cost of FEHBP for military retirees. For example, the budgeteers incorrectly calculated that all eligible military retirees would select this option. But that is not logical. Some people may be satisfied with their access to care under Tricare, or opt out based on cost calculations. Moreover, budget analysts did not account for the savings that would accrue in other health programs for those who participate in FEHBP.

Given these unrealistic assumptions, I joined other FEHBP supporters in pushing a demonstration so that we could validate the true cost and viability of this option. Unfortunately, even the demonstration was scaled back, creating a "Catch 22" situation.

Congress authorized a three-year demonstration limited to 66,000 participants at up to ten sites. Because the number of eligibles that could be offered this option was capped at 69,663, it has been almost impossible to attract a credible pool of participants on which to judge the viability and cost. To achieve anything close to our intent, we would have to have one hundred percent participation—something no one but the budget analysts ever assumed possible. Set up for failure, this effort could provide opponents the perfect fodder to kill the FEHBP option.

DOD never began any real marketing of the option to potential beneficiaries until August 1999—two months before the pilot was to begin. And the effort that was made was completely inadequate. Notification consisted of a postcard mailer without any detailed information so that eligible participants could compare costs to their current arrangements. People who have Medicare Part B coverage were not informed that under some plans, they wouldn't have to make copayments or meet deductibles. The Department was slow to announce health fairs conducted by FEHBP insurers, leaving less than a week in most cases for potential participants to plan.

The artificial limits, combined with inadequate marketing of FEHBP to military retiree, led to unusually low participation. At the end of 1999, less than one thousand people in eight sites nationwide have signed up for the FEHBP option. Fortunately, a renewed marketing effort and extension for signup last year increased participation to 7200. But almost two years were lost in getting this demonstration off the ground, and it is set to expire at the end of 2002. Meanwhile, DOD still must spend money to market to this small group of eligible participants.

Those who participate in the FEHBP program are also prohibited from getting any further care in a military treatment facility. MTFs such as Walter Reed Army Medical Center need the older patients to keep up their full range of medical skills and they have the space to accommodate retirees. We should allow MTFs to bill health care plans for services—as we are now starting to do with Medicare Subvention.

My bill would address these limitations by:

Removing the limits on the number of people and areas of the country in which the demonstration may be carried out.

Removing the restriction, which prevents participants from using military treatment facilities (MTFs), and allows MTFs to charge the FEHBP plans for retiree services. That balances cost considerations, and ensures a steady mix of older patients so that the military medical personnel are able to keep up their full range of skills.

Extending the current demonstration two years so that we have the benefit of solid data and a credible program on which to judge the viability of the FEHBP option.

Mr. Speaker, these fixes are no substitute for comprehensive military retiree health care reform. In my view, the time for demonstrations and patchwork fixes to the DOD health care system is over. Congress took a major step in that direction last year by authorizing the "Tricare for Life" benefits. But we need comprehensive action to ensure a menu of affordable heath care options for military retirees. I am confident that an honest assessment will confirm the viability of an FEHBP option for all military retirees.

We cannot continue to punt on that because of budget concerns. We provide FEHBP to millions of civilian federal employees throughout their careers and in retirement. Military personnel and their families make many sacrifices throughout their careers. The least we can do is provide them with the same level of care that other federal workers have. They deserve no less.

INTRODUCTION OF THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MARKEY. Mr. Speaker, I am pleased to join my colleague the gentleman from California (Mr. CUNNINGHAM) and a bipartisan coalition of other Members in introducing the "Energy Efficient Buildings Incentives Act."

Energy use in buildings in this country accounts for approximately 35% of polluting air emissions nationwide about twice as much as the pollution from cars. It costs the average American $1500 to heat and cool their homes every year, which amounts to an annual cost of $150 billion nationwide. Commercial buildings and schools incur $100 billion in annual utility bills. And yet, the tax code fails to provide sufficient incentives to reduce wasteful and unnecessary energy use. This is bad policy, and it must be changed. in these times of "brown outs" and "black outs" in communities across this nation and in times of rising fuel prices, we should be looking for ways to ensure that energy is never wasted.

That is why we have introduced the "Energy Efficient Buildings Incentives Act." Our bill would spur use of energy efficient technologies, such as super-efficient air conditioning units, which could result in a substantial drop in peak electricity demand of at least 20,000 megawatts—the equivalent of the output of 40 large power plants. At a time when many communities are currently facing electricity supply shortages, and the local political issues involved with siting and building new power plants are difficult and contentious, our bill provides a way to reduce pressures on the nation's electricity grid. Specifically, our bill provides tax incentives for:

Efficient residential buildings, saving 30% or 50% of energy cost to the homeowner compared to national model codes, with a higher incentive for the higher savings.

Efficient heating, cooling, and water heating equipment that reduces consumer energy costs, and, for air conditioners, reduces peak electric power demand, by about 20% (lower incentives) and 30%–50% (higher incentives) compared to national standards.

New and existing commercial buildings with 50% reductions in energy costs to the owner or tenant, and solar hot water photovoltaic systems.

If only 50% of new buildings reach the energy efficiency goals of this legislation, air pollution emissions in this country could be reduced by over 3% in the next decade, and decrease even more dramatically over time. In that same ten-year period, this legislation could result in direct economic savings of $40 billion to consumers and businesses. For example, a family that installs an energy efficient water heater can get $250 to $500 back from the tax code changes and an additional $50 to $200 every year in reduced utility bills. Or a family that purchases a new home that meets the standards in this bill can get as much as $2,000 returned to them by the tax incentives, in addition to the $300 or more in continuing energy savings.

I urge other Members to join us in saving American consumers money, improving the air we breathe and the water we drink, increasing the competitiveness of American industries, and eliminating inefficiencies in the tax code by encouraging energy efficiency in our schools and our commercial and residential buildings.

IN RECOGNITION OF JUDGE JULIO FUENTES, HONOREE OF NOSOTROS MAGAZINE'S 33RD ANNIVERSARY GALA AWARD BANQUET

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Judge Julio Fuentes, who will be honored at the 33rd Anniversary Gala Award Banquet of Nosotros Magazine on Saturday, February 21, 2001. The Banquet is an annual event that honors distinguished Hispanic leaders for their important contributions to society. This is an opportune time for today's Hispanic leaders to reflect on the economic, political, and cultural contributions that Hispanics have made to American society.

Judge Fuentes was born in Puerto Rico and raised in Toms River, New Jersey. He served in the U.S. Army from 1966 to 1969 as a military police officer. He earned his Bachelor's Degree at Southern Illinois University and his Juris Doctor at the State University of New York at Buffalo. While serving as a judge, Fuentes earned two Master's Degrees, one in Latin American Affairs at New York University and one in Liberal Arts at Rutgers University.

Throughout his career, Judge Fuentes has served with distinction and honor. For over 20 years, he has proven to be an impartial, open-minded, bright, and dedicated public servant at the Municipal, Superior, and Appeals Court levels.

Judge Fuentes's recent appointment to the 3rd U.S. Court of Appeals resonates with historic significance: He is the first Hispanic ever to be appointed to this prestigious court. As a result, the judicial branch is one step closer to reflecting America's rich diversity.

In honoring Judge Julio Fuentes, Nosotros Magazine is promoting the most important values in American society today: Hard work, dedication, and compassion. Judge Fuentes embodies these American ideals; and, throughout his career, he has worked tirelessly to provide others with the opportunity to meet the standard of excellence he has set.

Because of community leaders like Judge Fuentes, the Hispanic community is not only experiencing economic empowerment, but also political strength. Today, we prepare for a future that reflects our years of hard work, and our commitment to each other.

Today, I ask my colleagues to join me in recognizing Judge Julio Fuentes for his many contributions to the Hispanic community.

TRIBUTE TO D.E. SUMPTER AND ASSOCIATES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to D.E. Sumpter and Associates (DESA) for the contributions they have made to the landscape of the South Carolina business community. This month the company commemorated its 15th anniversary.

DESA, Inc., an African American woman-owned business, has grown to 150 employees from its humble beginnings in 1986. In addition to its headquarters in Columbia, SC, the company now has regional offices in Charleston, SC, Atlanta, GA, and Falls Church, VA. DESA specializes in development education for minority businesses, conference management, technical assistance, construction management, and hospital management.

The State newspaper named DESA's founder, Diane Sumpter, one of the "People to Watch in Business in the Midlands in 2001." She contributes to her community through service on the Cultural Council of Richland and Lexington Counties. She has served on the boards of the South Carolina Chamber of Commerce and the Greater Columbia Chamber of Commerce. Ms. Sumpter is also a founding member of the Minority Contractors Association for the State of South Carolina. She is a Life Member of the NAACP, and has recently joined the Board of Directors of the South Carolina Small Business Chamber of Commerce.

DESA has worked with numerous small minority and women owned businesses through mentor protégé programs. The company has been awarded SBA's 1990 Advocate of the Year, Midland Minority Supplier Development Council's 1991 Vendor of the Year, SBA's 1992 South Carolina Minority Business Person, and the YWCA Tribute to Women in Industry Award. Most recently, DESA received the 2000 BB&T Trailblazer Award.

Mr. Speaker, please join me in paying tribute to DESA and its proprietor, my good friend, Ms. Diane Sumpter for the contributions she and her company have made to our State and Nation.

TRIBUTE TO SUSAN REHRER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I congratulate Ms. Susan Rehrer as she retires after 21 years of dedicated service to the Visiting Nurse Association (VNA) of Northwest Indiana. A retirement celebration will be held for her on Tuesday, March 6, 2001 at the Center for the Visual and Performing Arts in Munster, Indiana.

As Executive Director of the VNA for the past 13 years, Susan has been directly responsible for the management and administration of the agency's programs and services. She has been instrumental in leading the VNA through many different changes, including industry upheaval, market influx, new innovative programming and financial viability. Through her diligence the VNA has not only survived through these difficult changes, but it has thrived in the midst of the industry's transition.

Susan's leadership helped to successfully develop the Critical Pathways program. This program is an individualized patient care plan which relies on precise, detail-oriented information. It has revolutionized the industry by allowing each patient to receive the care needed. Susan is extremely proud of the development of this program, and her hard work has helped to ensure its success.

During her years at the VNA, Susan has demonstrated a sincere love for the community in which she lives. In addition to improving the lives of others through her professional career, she has also volunteered her time to champion many causes aimed at bringing comfort to those in need of assistance. She has played an active role in the Healthy Start program, a community-based infant mortality reduction plan employed in many areas of Northwest Indiana and throughout the country. Susan is also involved in the Healthy East Chicago program, designed to mobilize individuals and resources to promote a healthy community.

For all of her conscientious efforts, both professionally and voluntarily, Susan has been recognized by her peers. She has earned numerous state and national awards for excellence in the health care industry. Her dedication to the VNA movement and home health care in Indiana has been extraordinary. She is a true believer in the industry's importance and its ability to improve the lives of those who otherwise would live in discomfort.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in congratulating Ms. Susan Rehrer for her 21 years of service to the Visiting Nurse Association, and the last 13 years as the Executive Director. Susan has shown impeccable leadership abilities as well as an undying love for her community. The people of Northwest Indiana will surely miss her enthusiasm, but we thank her for her years of service and wish her happiness in her well-deserved retirement.

INTRODUCTION OF THE MORRIS K. UDALL ARCTIC WILDERNESS ACT OF 2001

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MARKEY. Mr. Speaker, one of the most magnificent wildlife reserves in America has been targeted for oil and gas development. It is threatened as never before, and will lose its wild, untrammeled character forever if we do not organize to fight this threat. Today, Rep. NANCY JOHNSON and I are introducing the Morris K. Udall Arctic Wilderness Act of 2001, with more than 120 cosponsors, Republican and Democrat, all united in their goal to preserve this precious wilderness in its current pristine, roadless condition for future generations of Americans.

We have a bipartisan legacy to protect, and we take it very seriously. It is a legacy of Republican President Eisenhower, who set aside the core of the Refuge in 1960. It is a legacy of Democratic President Carter, who expanded it in 1980. It is the legacy of Republican Senator Bill Roth and Democratic Representative Bruce Vento and especially Morris Udall, who fought so hard to achieve what we propose today, and twice succeeded in shepherding this wilderness proposal through the

House. Now is the time to finish the job they began—now is the time to say "Yes" to setting aside the Coastal Plain as a fully protected unit of the Wilderness Preservation System.

Every summer, the Arctic coastal plain becomes the focus of one of the last great migratory miracles of nature when 130,000 caribou, the Porcupine caribou herd, start their ancient annual trek, first east away from the plain into Canada, then south and west back into interior Alaska, and finally north in a final push over the mountains and down the river valleys back to the coastal plain, their traditional birthing grounds. This herd, migrating thousands of miles each year and yet funneling into a relatively limited area of tundra, contrasts sharply with the non-migratory Central Arctic herd living near the Prudhoe Bay oil fields.

The coastal plain of the Refuge is the biological heart of the Refuge ecosystem and critical to the survival of a one-of-a-kind migratory species. When you drill in the heart, every other part of the biological system suffers.

The oil industry has placed a bull's eye on the heart of the Refuge and says "hold still. This won't hurt. It will only affect a small surface area of your vital organs!"

Nevertheless, the oil industry has placed a bull's eye on the very same piece of land that Congress set aside as critical habitat for the caribou. The industry wants to spread the industrial footprint of Prudhoe Bay into a pristine area. Let's take a look at the industrial footprints that have already been left on the North Slope. Look at Deadhorse and Prudhoe Bay. They are part of a vast Industrial Complex that generates, on average, one toxic spill a day of oil, or chemicals, or industrial waste of some kind that seeps into the tundra or sits in toxic drilling mud pits. It is one big Energy Sacrifice Zone that already spews more nitrogen oxide pollution into the Arctic air each year than the city of Washington, DC.

Allowing this industrial blight to ooze into the Refuge would be an unmitigated disaster. It would be as if we had opened up a bottle of black ink and thrown it on the face of the Mona Lisa.

But why invade this critical habitat for oil if we don't have to?

The fact is, it would not only be bad environmental policy, it is totally unnecessary. Here's why:

1. Fuel economy. According to EPA scientists, if cars, mini-vans, and SUV's improved their average fuel economy just 3 miles per gallon, we would save more oil within ten years than would ever be produced from the Refuge. Can we do that? We already did it once! In 1987, the fleetwide average fuel economy topped 26 miles per gallon, but in the last 13 years, we have slipped back to 24 mpg on average, a level we first reached in 1981! Simply using existing technology will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry wants to drill out of the Refuge.

2. Natural Gas: The fossil fuel of the future is gas, not gasoline, because it can be used for transportation, heating and, most importantly, electricity, and it pollutes less than the alternatives. The new economy needs electricity, and it isn't looking to Alaskan oil to generate it. California gets only 1 percent of its electricity from oil; the nation gets less than 3 percent, while 15 percent already comes from natural gas and its growing. Alaska has huge potential reserves of natural gas on the North Slope, particularly around Prudhoe Bay and to the west, in an area that has already been set aside for oil and gas drilling called the National Petroleum Reserve. Moreover, we have significant gas reserves in the lower 48 and the Caribbean. The Coastal Plain of the Refuge has virgually none.

3. Oil not in the Refuge: The National Petroleum Reserve in Alaska has been specifically set aside for the production of oil and gas. It is a vast area, 15 times the size of the Coastal Plain, and relatively under-explored by the industry. Anything found there is just as close to Prudhoe Bay as the Refuge, but can be developed without invading a critical habitat in a national refuge. In fact, just last October, BP announced the discovery of a field in this Reserve that appears to be as large as Kuparuk, the second largest field on the North Slope. While the potential for oil in the Refuge still appears larger than in the Reserve, the Reserve holds much greater promise for natural gas, so that every exploratory well has a greater chance of finding recoverable quantities of one fuel or the other.

Our dependence on foreign oil is real, but we cannot escape it by drilling for oil in the United States. Energy legislation introduced this week in

We consume 25 percent of the world's oil but control only 3 percent of the world's reserves. 76 percent of those reserves are in OPEC, so we will continue to look to foreign suppliers as long as we continue to ignore the fuel economy of our cars and as long as we continue to fuel them with gasoline.

The public senses that a drill-in-the-Refuge energy strategy is a loser. Why sacrifice something that can never be re-created—this one-of-a-kind wilderness—simply to avoid something relatively painless—sensible fuel economy?

The latest poll, done by Democratic pollster Mark Mellman and Republican pollster Christine Matthews, shows a margin of 52–35 percent opposed to drilling for oil in the refuge.

The public is making clear to Congress that other options should be pursued, not just because the Refuge is so special, but because the other options will succeed where continuing to put a polluting fuel in gas-guzzling automobiles is a recipe for failure.

Sending in the oil rigs to scatter the caribou and shatter the wilderness is what I Call "UNIMOG energy policy." You may have heard about the UNIMOG. It is a proposed new SUV that will be 9 feet tall, 7½ feet long, 3½ inches wider than a Humvee, weight 6 tons and get 10 miles per gallon.

That's the kind of thinking that leads not just to this refuge, but to every other pristine wilderness area, in a desperate search for yet another drop of oil. And it perpetuates a head-in-the-haze attitude towards polluting our atmosphere with greenhouse gases and continuing our reliance on OPEC oil for the foreseeable future.

Now that our energy woes have forced us to think about the interaction of energy and environmental policy, it is a good time to say no to a UNIMOG energy policy and yes to a policy that moves us away from gas-guzzling automobiles to clean-burning fuels, hybrid engines, and much higher efficiency in our energy consumption.

If we adopt the UNIMOG energy policy, we will have failed twice—we will remain just as dependent on oil for our energy future, and we will have hastened the demise of the ancient rhythms of a unique migratory caribou herd in America's last frontier.

We have many choices to make regarding our energy future, but we have very few choices when it comes to industrial pressures on incomparable natural wonders. Let us be clear with the American people that there are places that are so special for their environmental, wilderness or recreational value that we simply will not drill there as long as alternatives exist. The Arctic Refuge is federal land that was set aside for all the people of the United States. It does not belong to the oil companies, it does not belong to one state. It is a public wilderness treasure, we are the trustees.

We do not dam Yosemite Valley for hydropower.

We do not strip mine Yellowstone for coal.

We do not string wind turbines along the edge of the Grand Canyon.

And we should not drill for oil and gas in the Arctic Refuge.

We should preserve it, instead, as the magnificent wilderness it has always been, and must always be.

IN HONOR OF KAREN SMITH, 20TH GRAND MARSHAL OF THE BAYONNE ST. PATRICK'S DAY PARADE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Karen Smith, who has been selected as the 20th Grand Marshal of the Bayonne St. Patrick's Day Parade. Ms. Smith was selected as the Grand Marshal in recognition of her years of dedicated service to Bayonne's Irish American community.

Karen Smith was born in Bayonne, New Jersey to Philip and Frances O'Donnell. She attended St. Vincent's School and the Holy Family Academy. After receiving her BS in Nursing from the College of Mt. St. Joseph in Ohio, Ms. Smith returned home in 1974 and began her nursing career in Bayonne Hospital, where she cares for the sick to this day in the Endoscopy Department.

Ms. Smith takes great pride in serving the Irish American community. She is a member of Ireland's 32 Club, the County Corkmen's Association, the Ticket and Raffle Committee for the annual New Jersey Irish Festival, and the Women of Irish Heritage of the Jersey Shore. She also works for Project Children, which promotes understanding and tolerance by allowing Catholic and Protestant children from Ireland to interact peacefully with each other while temporarily living with American families.

Ms. Smith's many contributions to the Irish American community are a result of her great love for America, Ireland, and the community of Bayonne.

Today, I ask my colleagues to join me in honoring Karen Smith for being selected as the 20th Grand Marshal of the Bayonne St. Patrick's Day Parade.

TRIBUTE TO JOYCE RHENEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Joyce Rheney who on February 14, 2001 was honored as South Carolina Mother of the Year 2001. The Mother of the Year Committee recognizes the dignity of motherhood and the influence that mothers have on their families, professions, communities and churches.

Along with her duties as mother and wife, Mrs. Rheney manages to find time to donate her talents to her community in several capacities. She is a member of Orangeburg City Council, serving her 12th year in office. She is an active representative of the Downtown Orangeburg Revitalization Association board and served as co-chair on the committee to renovate Steyenson Auditorium. She volunteered to serve on the Foundation Board of TRMC and was the 1997 co-chair of the fundraising gala. The funds raised by this gala are used in the community for hospice cancer patient care and Camp Catch-A-Breath. She was elected president of the foundation for 2000–2001.

Mrs. Rheney is a 1949 graduate of Jefferson-Hillman School of Nursing in Birmingham, Alabama. Her first job was as director of nursing at a tuberculosis sanitarium in Decatur, Georgia. After her move to South Carolina, she accepted positions in the surgical unit of Roper Hospital and later as pediatric head nurse at Saint Francis Hospital in Charleston, South Carolina.

Upon moving to Orangeburg, South Carolina in 1954, Mrs. Rheney immediately became active in the community. She held memberships in the Junior Service League, the Medical Alliance, and the Salvation Army Advisory Board. In the 1960's and 1970's she was an active supporter and volunteer for many activities at Wade Hampton Academy, where her children were students. Mrs. Rheney and her husband, Dr. John Rheney, Jr. are the parents of four children: John III, a local dentist; Betsy, a human resources representative in Aiken; Bruce, a local bank vice-president; and David, a Greenville attorney. The Rheneys raised their children in a loving, Christian home, encouraging them to love God, one another, and themselves.

As South Carolina's Mother of the Year, Mrs. Rheney will represent the state in Portland, Oregon in April at the national convention of American Mothers, Inc., a non-profit, interfaith organization founded for the purpose of developing and strengthening the moral and spiritual foundation of America's families. I am privileged to serve parts of Orangeburg county in this august body, a county which has seen three other of its outstanding women attain the state's Mother of the Year honor. Mr. Speaker, please join me in honoring Mrs. Joyce Rheney, for her outstanding work as an exemplary mother and unselfish community servant.

HONORING GEORGE BECKER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. VISCLOSKY. Mr. Speaker, on February 28, 2001, one of this nation's most distinguished and able labor leaders will officially retire. George Becker, the president of the United Steelworkers of America, will formally mark the conclusion of a career that spans 57 years.

During his tenure as the president of the Steelworkers union, he has reinvigorated the union's political presence as a force in the national debate about trade, globalization, and its effects on working men and women. He has been an outspoken critic of free trade agreements, such as NAFTA, that have resulted in the loss of tens of thousands of American manufacturing jobs and a weakening of America's manufacturing and industrial base. He has been a fierce proponent of workers' rights and human rights, especially in China, Mexico, and other developing nations around the world.

George Becker literally grew up across the street from a steel mill; the Granite City mill in his hometown of Granite City, Illinois. He went to work in the mill in the summer of 1944. Besides Granite City Steel, Becker also worked as a crane operator at General Steel Castings, and as an assembler at Fisher Body. He also served on active duty in the U.S. Marine Corps.

Becker became active in USWA Local 4804 at Dow Chemical's aluminum rolling mill in Madison, Illinois, where he worked as an inspector. Over the years, he was elected by his co-workers as local union treasurer, vice president, and president. As a result of his hard work and leadership, Becker was later appointed as a USWA staff representative.

In 1975, Becker came to the USWA's International headquarters in Pittsburgh as a staff technician in the union's Safety and Health Department. He helped to establish some of the first national health standards adopted later by the Occupational Safety and Health Administration (OSHA) for workers exposed to lead, arsenic, and other toxic substances.

Becker also led the union's collective bargaining in the aluminum industry as chair of the USWA's Aluminum Industry Conference. Later, he also headed the Steelworkers' organizing program and led major corporate campaigns, including a worldwide campaign against Ravenswood Aluminum Corporation and the return to work of 1,600 Steelworkers after a 20-month lockout. The Ravenswood struggle was later chronicled in the 1999 book, titled, "Ravenswood: The Steelworkers' Victory and the Revival of American Labor," by Tom Juravich and Kate Bronfenbrenner.

In 1985, Becker was elected as international vice president for administration. He was reelected to that position in 1989. He also served as administrative assistant to Lynn Williams after Williams became international secretary in 1977 and international president in 1983.

In November, 1993, Becker was elected international president of the United Steelworkers and was reelected to a second term in November, 1997.

Becker's presidency of the Steelworkers has included many milestones for the union.

In June, 1995, Becker won the support of his Board of Directors to reorganize the Steelworkers from 18 districts in the U.S. into nine districts, increasing efficiency and political strength. In July, 1995, Becker engineered the merger of the 98,000-member United Rubber Workers with the Steelworkers. In 1997, the 40,000-member Aluminum, Brick, and Glass Workers Union also merged with the Steelworkers.

Under George Becker's leadership, the Steelworkers won significant settlements in strikes at Bridgestone/Firestone, Wheeling-Pittsburgh Steel, and Newport News Shipbuilding Company. The struggle at Wheeling-Pittsburgh Steel restored a defined benefit pension plan for 4,500 members. The struggle at Newport news Shipbuilding also won significant increases in workers' wages and pension benefits.

Becker also expanded the Steelworkers' political strength by creating a Rapid Response program, which informs and activates local union members to lobby Congress on issues crucial to working men and women. In 1998, Steelworkers generated over 170,000 letters to Congress opposing so-called "fast track" trade negotiating authority, which played a major part in defeating the measure. Becker also initiated a Washington internship program for the union, which brings rank and file members to Washington for an intensive 12-week long session of education about the workings of Congress along with practical experience in the art of lobbying on behalf of the union's legislative agenda.

Becker has become a regular fixture in Washington with frequent appearances and testimony before Congressional committees, the U.S. International Trade Commission, the Administration, and other government agencies. As one of the vice-presidents of the AFL–CIO, he was instrumental in reforming the labor federation and was a key supporter of John Sweeney as AFL–CIO president in 1995.

On the world stage, Becker is an executive committee member of the International Metalworkers Federation (IMF) and chairman of the world rubber council of the International Federation of Chemical, Energy, Mine, and General Workers' Unions (ICEM).

In 1998, Becker was appointed by President Clinton to the President's Export Council and the U.S. Trade and Environmental Policy Advisory Committee; both important forums which he used to speak out on behalf of workers' rights. Becker also served as a member of the Congressional Trade Deficit Review Commission, which conducted extensive hearings in Washington and across the nation on the causes and consequences of the nation's burgeoning trade deficits. Becker's leadership ensured that Steelworkers were prominent in the protests marking the Seattle WTO Ministerial meeting in December, 1999.

Mr. Speaker, George Becker's success as a labor leader has been because of his intelligence, skills, and tenacity. Because of all of those attributes and above all, because he has never forgotten where he came from, his career has improved the lives of millions of American workers and their families. I hope my colleagues will join me in congratulating Steelworkers union president George Becker upon his retirement and for a lifetime of dedicated service to not only the men and women of his beloved Steelworkers union, but all working men and women.

SALUTING THE TUSKEGEE AIRMEN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. ISRAEL. Mr. Speaker, February marks Black History Month and its arrival has afforded us the opportunity to spotlight some of the most courageous men in our nation's history. I am referring to the Tuskegee Airmen, African-Americans who were asked to simultaneously fight the institutionalized segregation of their homeland and the battle hardened pilots fielded by the Luftwaffe of dreaded Nazi Germany.

On the very site where some nine thousand Republic Thunderbolt fighters were built during World War II, a permanent tribute has been created by the American Airpower Museum in Farmingdale, Long Island that salutes the valor and sacrifice of the Tuskegee Airmen. A full size replica of their P–51 fighter welcomes the museum visitor and helps explain the story of these amazing airmen.

I was honored and pleased to be able to join members of the Tuskegee Airmen, and the many friends of Republic Airport and my constituents in dedicating this exhibit during Black History Month.

Tuskegee Airmen flew more than 15,500 sorties and completed nearly 1,600 missions and they are credited with never losing an American bomber to enemy fighters while flying escort. This tribute at the American Airpower Museum at Republic will forever remind us that racism did not deter these brave men from serving their country, defending our freedoms and protecting our future.

In addition, credit must be offered to two companies that came forward to underwrite this effort—Equal and Avirex—whose support made this tribute possible. These firms reflect the type of public-private partnership that is ensuring our nation's heritage is preserved, protected, and celebrated. I congratulate them for their efforts and publicly salute their commitment to this task.

The remarks of Lee Archer, a Tuskegee Airman ace who is credited with five kills, will ring forever at this historic defense plant. He repeated the words of fellow African-American Air Force pilot Chappie James, "you agitate, you demand, you argue but when the country is in trouble you hold her hand."

JANUARY 31, 2001 SPEECH TO THE UNIVERSITIES RESEARCH ASSOCIATION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. BOEHLERT. Mr. Speaker, I had the honor to present my maiden speech as Chairman of the House Science Committee to the Universities Research Association on January 31, 2001.

In my remarks, I outlined my goals and initial priorities for the 107th Congress. As I said in the speech: I want to ensure that we have a healthy, sustainable and productive R&D establishment—one that educates students, increases human knowledge, strengthens U.S. competitiveness and contributes to the well-being of the nation and the world. With those goals in mind, I intend to concentrate initially on three priorities—science and math education, energy policy and the environment—three areas in which the resources and expertise of the scientific enterprise must be brought to bear on issues of national significance.

Mr. Speaker, for the information of my colleagues, I submit herewith the full text of my remarks into the CONGRESSIONAL RECORD.

CONGRESSMAN SHERWOOD BOEHLERT (R-NY) SPEECH TO UNIVERSITIES RESEARCH ASSOCIATION—JANUARY 31, 2001

It's a pleasure to be with you this morning. This is actually my first speech as chairman of the House Science Committee, so I want to use this opportunity to give you a general sense of where I hope to take the Committee. You can think of this "maiden speech" as a kind of experiment—if it works, you'll be the only people to have heard these themes when they were fresh; if it doesn't work, you'll be the only people to have heard them—period.

Actually, though, after serving on the Committee for 18 years and having worked with many of you, the issues before the Science Committee are hardly virgin territory for me.

I even think I know the recipe for becoming a popular chairman. My formula was prompted by Clark Kerr's famous advice on how to become a popular university president. He said that to be successful at running a university you just had to provide three things—"football for the alumni, parking for the faculty and sex for the students." Committees are supposed to be a bit more tame, so I figure the three things I have to provide to be popular are: press coverage for the Members, parking for the staff, and money for the scientific community.

I do indeed intend to provide those three items, but I want to go beyond that. I want to build the Science Committee into a significant force within the Congress and, with that momentum, I want to ensure that we have a healthy, sustainable, and productive R&D establishment—one that educates students, increases human knowledge, strengthens U.S. competitiveness and contributes to the well-being of the nation and the world.

With those goals in mind, I intend to concentrate initially on three priorities—science and math education, energy policy and the environment—three areas in which the resources and expertise of the scientific enterprise must be brought to bear on issues of national significance.

Education is perhaps the most pressing dilemma of the three. I imagine that by now we can all recite the litany of evidence that our education system is not performing adequately—particularly—but not exclusively—at the K–12 level. There are the TIMSS surveys showing that U.S. students lag behind their peers in other nations. There is the predominance of foreign students in our graduate programs. There is our continual need to increase the number of H–1B visas to meet our employment needs. There is the underrepresentation of women and minorities in science and mathematics. And the list goes on and on.

The evidence is easy to adduce because it's been familiar for so long. In fact, I dare say, the concerns have not changed appreciably since I first joined the Science Committee in 1983. Unfortunately, a familiar list of solutions doesn't spring as readily to our lips.

Now, I hope you won't be surprised to learn that I don't have a ready set of solutions. I have not been holding back on providing answers all these years just so I could offer them up the moment I became chairman. What I do have is a set of questions that I hope will frame the Committee's agenda as we put together an education program, in concert with the Administration and other House committees.

Here are some of my questions. First, how can we attract more top students into science and math teaching?

This is a fundamental question. No curriculum, no piece of technology, no exam is going to cure our education ills if we don't have teachers who are conversant with the subject matter they are teaching, and who can communicate their excitement and their comfort, to the students. I think scholarships are part of the answer, but clearly we need something move systemic.

Second, how can we ensure that technology actually improves education? The government's focus needs to shift from merely providing access to technology to figuring out how to use it in a manner that truly offers education, not distraction or empty entertainment or even mere information.

Third, how can we use exams in a way that promotes critical thinking, retention of knowledge and a love of learning? The current mania for measurement is a necessary antidote to an era marked by a lack of accountability. But the wrong kinds of tests will not only mask evidence of a continuing decline; they could contribute to it.

This isn't a speech on education policy, so I'll leave the matter there, for now—except to say that the question I've raised—and indeed the entire national discussion about education—must be of active concern to your institutions.

And one of my goals will be to find new ways to draw on the resources of our great research universities to help answer the kinds of questions that I just posed. The partnership between universities and industry has grown markedly closer in recent years; the relationship between universities and our nation's school systems must do the same.

Universities can also play a role in addressing my second priority area—energy policy. Clearly, as President Bush has said, we need a comprehensive energy policy that looks at all aspects of supply and demand, in both the short- and long-term.

But my focus will be on ensuring that we concentrate sufficiently on alternative sources of energy—wind, solar, fuel cells, etc.—and on conservation and efficiency. These are areas that have been underfunded in terms of both research and deployment.

Moreover, we have spent so much time over the past 20 years having philosophical battles over government energy programs that we haven't devoted enough effort to figuring out how to make the programs work better. The energy supply programs of the Department of Energy (DOE) are due for a good, hard look from people who unequivocally support their goals.

In the area of environment, as well, our government research programs need to be reviewed by people who genuinely want to improve them, by folks who want more reliable results, not more convenience ones. We need to ensure that research in ecology and other environmental sciences—fields in which we know astonishingly little—that such research is adequately funded and is conducted by top scientists both inside and outside the government.

But in making environment a focus of the Science Committee's work, I want to do more than explore the workings of government research programs. I want the Committee to be a central forum to learn about the science behind ongoing—and, even more importantly, brewing—controversies in environmental policy.

Two prominent examples spring to mind immediately. First, global climate change, where the scientific consensus is growing all the time that we face serious consequences from human-generated emissions of greenhouse gases; and second, biotechnology, where I believe more serious attention needs to be paid to concerns about possible ecological impacts even as we acknowledged the potential benefits of genetically modified organisms.

Now, I realize, of course, that I have been speaking to you for a while without mentioning any of the science policy issues usually discussed at URA gatherings. Well, I did say that this was an experiment—but it's not supposed to be one that tests your patience.

But I wanted to start with my three immediate priorities because they will be the subject of our first three full Committee hearings—probably in early March—and because I think that the entire research community needs to think more about such issues, about the intersection of research with our national goals and concerns.

But I don't mean to indicate the Committee will turn away from the equally critical concerns about the health of the research enterprise itself.

So let me say unambiguously that I will fight to increase research funding, in general, and funding for the physical sciences, in particular. Unique and vital DOE facilities, like Fermilab, must continue to prosper, even as we participate in international projects like the Large Hadron Collider.

With that commitment in mind, I want the Committee, early on, to take a serious look at the balance within the federal research portfolio. Now we all know that that is a somewhat euphemistic way of raising the question, "Is biomedical research bulking too large in the federal research budget?" Those who believe that the National Institutes of Health (NIH) are eating up a disproportionate share of the federal budget have two solid facts on their side: the extraordinary growth in that share, and the dependence of the American economy, and of biomedical research itself, on a wide range of research disciplines. And a cursory look at the numbers certainly gives one the feeling that things may be a little out of whack.

But if we are to take action, we're going to need to dig a little deeper and ask some tougher question. How would we know if NIH was over-funded in either relative or absolute terms? Given the public concern with health and the advances in biology why shouldn't NIH get a larger share of the pie? Hasn't one set of concerns always loomed largest in the federal R&D budget whether that be the Manhattan Project or the Cold War or the Space Race?

These are not meant, in the least, as merely rhetorical questions. They are difficult questions that ought to be explored further if we're going to make a case for either limiting NIH's growth or greatly increasing the budget for every other field.

Similarly, we need to ask tough questions, if we're really thinking about doubling the entire federal civilian science budget. Questions like: Why double? What are we going to get for that money? How will we know if we are under- or over-spending in any field?

The science policy debate sometimes seems composed entirely of randomly generated numbers. We really need to push for more data.

I don't say this out of any opposition to the proposed bill that would set a goal of doubling the science budget. In fact, I'm kindly disposed toward that bill. I would like to find a way to pass it. The bill might do some real good because it would put Congress on the record as saying that science spending is a real priority.

But that shouldn't obscure the fact that doubling will never become a reality if we can't make a much more solid case to the appropriators.

It's a case that is going to have to be made agency by agency, as well as in general terms. Looking at DOE, for example, I want to get a much clearer sense of the Department's needs as it tries to upgrade aging facilities and replace a retiring workforce. And despite years of post-Cold War studies, my sense is that we still don't have a clear policy regarding the role of the national laboratories.

If we're going to increase the federal science budget, we also need to take a much harder look, brushing aside all cant, at the changing nature of our research universities. I'm thinking here especially of the questions raised by the growing partnership between universities and industry.

That partnership, encouraged by legislation, is having many beneficial effects. But it's time we make sure that we understand better how it's affecting the university—in terms of education, the free flow of information, the nature of university research, and the development of intellectual property, to name just a few matters of concern.

This is the time to review that relationship, when it is still developing and fluid. Neither partner has been sufficiently willing to do that. University officials sometimes simultaneously argue, on the one hand, that partnerships are at the cutting-edge of organizational arrangements and, on the other, that their hallowed institutions are still seeking the truth in the time-honored way that has not changed appreciably since the Middle Ages. I exaggerate, of course, but the discussion really does have to be a little bit more open.

Universities ran into trouble in undergraduate education, in part, because they were unwilling for too long to acknowledge that the rise of the modern research university had changed the nature of the campus. That reluctance stemmed from the understandable fear that raising questions would lead some to argue that research and education could not productively co-exist. But in the end, the lack of discussion hurt undergraduate education in a way that put research at greater risk. An honest, open look at partnerships now should help make them more productive rather than hampering them.

Obviously, there are many more issues before the Committee, but what I've discussed should give you a good sense of my approach and concerns.

My goal is to be your staunchest ally and your fairest critic. To be Shakespearean about it, my role model will be Cordelia—King Lear's daughter who would not utter false professions of love, but who stood by her father when everyone else had deserted him. I won't press the analogy—I don't want to imply that university presidents will become crazed, naked old men wandering helplessly about the moors.

All I mean to say is that you can count on me to fight for the nation's interest by bolstering, and drawing on the expertise of the scientific community. You can also count on me to ask tough and uncomfortable questions to ensure that the scientific community is acting in its and the nation's long-term interests. I intend to do that openly, fairly, cooperatively and with true intellectual curiosity.

I want to run the Committee in a way that would make Einstein smile. I want to make sure that as long as I'm chairman, no one plays dice with your universe.

I look forward to working with all of you.

IN HONOR OF GOV. RICK PERRY, BORDERFEST TEXAN OF THE YEAR RECIPIENT

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HINOJOSA. Mr. Speaker, every year since 1977, the City of Hidalgo in my district has held BorderFest. This is a four day event celebrating the diverse ethnic groups in South Texas. Not only are there entertainment, educational and cultural events, but each year a recipient is chosen for the prestigious Texan of the Year award.

Past recipients of the award have included business and community leaders, college presidents, and government officials. This year's recipient is Texas Governor Rick Perry.

Governor Perry was recently sworn in as the 47th Governor of the State of Texas. He previously served as Lieutenant Governor, Texas Commissioner of Agriculture, and a representative to the Texas Legislature. He is a graduate of Texas A&M University and served in the U.S. Air Force.

As a fifth generation Texan, Governor Perry has devoted his public life to serving his fellow Texans. He is committed to public school reform, and has pledged to make the Texas higher education system the best in the nation. He has also recognized the need to rebuild the state's infrastructure and take advantage of new technology. He is known for his willingness to work with members from both parties to get the job done.

Rick Perry is well-deserving of this honor, and I commend the BorderFest Award committee for its selection of Gov. Perry.

ARCTIC REFUGE WILDERNESS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Ms. SLAUGHTER. Mr. Speaker, although nearly 95 percent of Alaska's North Slope is available for drilling, international petroleum companies are still pushing Congress to open the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas exploration and development.

I am pleased to join my colleagues Representative MARKEY and Representative NANCY JOHNSON as we continue efforts to permanently protect the Arctic National Wildlife Refuge.

My constituents in Rochester, New York are hurting due to the high energy prices.

But opening up the Arctic National Wildlife Refuge to oil and gas development is not the answer.

Forget for the moment that this area is the heart of a refuge which serves as critical breeding or migratory habitat for over 200 species of animals and more than 180 bird species and that exploration could cause significant environmental damage.

I would like to remind my colleagues that studies by the U.S. Geological Survey and the General Accounting Office have concluded there is probably far less oil in the Arctic Refuge than previously believed.

And if we allowed drilling for oil in the Alaskan wildlife refuge, it would not produce any oil for an estimated 10 years.

Even then, it would not significantly reduce our nation's dependence on foreign oil.

During . full operating capacity, ANVRR would supply only about 2 percent of America's oil demand in a given year.

Finally, none of the North Slope oil reaches the East Coast because it is too far to transport.

Therefore, development in ANWR would not have any measurable impact on home heating oil shortages or prices in the Northeast.

The Energy Department's National Renewable Energy Laboratory (NREL) in Golden, Colorado claims that 100% of U.S. electricity needs could be met by installing just 17 square miles of rooftop solar panels in each state. The possibilities are endless if we devote the necessary resources and expertise to meeting our domestic energy demand.

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IN RECOGNITION OF GEORGE A. CASTRO, II, RECIPIENT OF THE HISPANIC AMERICAN RECOGNITION AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize George A. Castro, II, President of the Hispanic American Association for Political Awareness, for his personal achievements and for his outstanding contributions to his community. Mr. Castro will receive the Hispanic American Recognition Award from Mayor Jim McGreevey on February 25, 2001.

George A. Castro, II emigrated to the United States from Colombia in 1985 with only his lucky quarter and a strong desire for success. A short time later, he started his first business, a cleaning company, which grew to 60 employees in just a few years. The rapid growth of the company allowed it to bid on the state's largest jobs.

In 1989, Mr. Castro received his real estate license and gained employment at an ERA office in Union County, where he became the top-producing seller with more than $10 million in sales after his first year and $27 million the following year. In 1991, Mr. Castro opened his own office, Countywide-Realty, as an independent broker. Within a year and a half, Countywide was one of the most successful real estate offices in New Jersey. The office joined the Century 21 franchise in 1995, eventually changing its name to Century 21 Atlantic.

Recently, Century 21 Atlantic received Century 21's prestigious Double Centurion Office award for achieving more than $90 million in sales in 1999, a 300% increase over the previous year.

Mr. Castro is an accomplished businessman and community activist. The success of Century 21 Atlantic and the Ritz Theatre and Performing Arts Center, which he purchased in 1994, has made him a role model for the Hispanic community. Mr. Castro serves as the Chairman of the Hispanic Political Action Committee and is a member of the Zoning Board of Adjustment for the City of Elizabeth. He also participates in the Boy Scouts of America, Eastern Union County.

Today, I ask my colleagues to join me in recognizing George A. Castro, II for all he has accomplished and for all he has contributed to his community.

* * *

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to express concern over the second section of H. Con. Res. 39, honoring the sacrifices of the heroic U.S. soldiers killed by an Iraqi missile attack ten years ago.

Mr. Speaker, in this section, Congress "resolves to support appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again." Undoubtedly, we must work to ensure that American service men and women are never again victim to such a tragedy. But would the most futuristic theater missile defense system the Pentagon is currently working on the Theater High-Altitude Area Defense system, or THAAD, have helped our soldiers ten years ago? Probably not: the system failed six consecutive tests before finally intercepting a target missile for the first time in June 1999. Many experts believe this system will be no more effective than our patriot missiles at defending an attack like the one on American troops in Saudi Arabia ten years ago. Meanwhile, Mr. Speaker, projected costs for construction of THAAD are now estimated at $9.5 billion.

Mr. Speaker, for those who believe in the necessity of missile defense, there are other less expensive and more effective theater missile defense programs in development that might represent an improvement on the system that failed the twenty-eight soldiers we honor today. To the extent we promote such cost-effective weaponry through this resolution, we duly recognize the valor of these men and women. To the extent, however, this resolution supplies blanket endorsement of any theater missile defense system, we do not accomplish a lofty purpose.

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HONORING DR. MARGARET DRICKAMER FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure, though a sad heart, that I pay tribute to an outstanding leader in geriatric medicine and a tremendous asset to the VA Connecticut Health System, Dr. Margaret Drickamer, as she retires from her service to the United States Veterans Administration.

It has been nearly fifteen years since Dr. Drickamer first came to the VA Medical Center in West Haven, Connecticut as the Medical Director of the then Nursing Home Care Unit. In that time, Dr. Drickamer has been responsible for the complete reorganization of the department as well as the expansion of services available to Connecticut veterans—making a real difference in lives of many. Today, the section of Geriatrics and Extended Care is a multi-faceted program which provides a continuum of inpatient, outpatient and consultative services.

When Dr. Drickamer first came to the VA, she was charged with the oversight of the Nursing Home Care Unit, an inpatient unit which provided long-term, residential nursing care for several dozen veterans. Under her leadership, this small unit has been transformed into a successful continuum of care, including an extended inpatient care unit, a geriatric day hospital program, an expanded geriatrics clinic, a homebased primary care program and a palliative care program. The multitude of services now offered by the Geriatrics and Extended Care section have had an extraordinary impact on thousands of Connecticut veterans.

Dr. Drickamer's success can be attributed to her endless commitment to the patients of the Medical Center and the outstanding compassion she demonstrates each day. Each time I visit the Medical Center, I am told by patients how much they depend on Dr. Drickamer, both as their doctor and, more importantly, their friend. Equally important is her dedication to her staff. Their enthusiasm and generosity a reflection of the example she has set for over a decade. Led by her innovative vision, Dr. Drickamer has ensured that Connecticut's veterans are receiving quality care.

In addition to her work at the VA Medical Center, Dr. Drickamer is widely recognized for her work as an educator in her field. Articles and abstracts published in the American Journal of Medicine, the New England Journal of Medicine, and the Annals of Internal Medicine are only a few of her many professional accomplishments. She has been honored with a myriad of awards and honors—a true testament to her unparalleled dedication.

It is my great honor to join friends and colleagues in thanking Dr. Margaret Drickamer for her many years of service to the West Haven VA Medical Center and our community. Her innumerable efforts on behalf of our country's veterans have left an indelible mark on our nation. My best wishes to you on your future endeavors.

HONORING THE ULTIMATE SACRIFICE MADE BY 28 UNITED STATES SOLDIERS KILLED DURING OPERATION DESERT STORM

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of this resolution.

It's been ten years since the Persian Gulf War and the allied victory in Operation Desert Storm. We learned a great deal during the war, perhaps most importantly that strong relationships with our allies and others were critical to building the kind of support necessary to see the war through. Those relationships have also been critical in maintaining pressure on Saddam Hussein in the years following the allied victory. The war also taught us that we can achieve our objectives—with minimal loss of life—thanks to our professionally trained troops and technologically advanced weapons systems.

While we know that war inevitably entails loss of life, and that soldiers assume the risks of war, this realization doesn't make it easier to bear the news when a loved one is killed in service to our country. Today we honor the sacrifices of the 28 servicemen killed in February 1991 when an Iraqi Scud missile hit a U.S. Army barracks in Saudi Arabia. We extend our sympathy and thanks to their families, and we honor their memories. In the same spirit, we honor the contributions of those serving today in our armed forces. Every day they brave hardships in the name of defending our country and our freedom. We can never be grateful enough for what they do.

This resolution also asks us to resolve to support "appropriate and effective theater missile defense programs to help prevent attacks on forward deployed United States forces from occurring again." I am supporting this resolution for what it says and not for what some may believe it says.

Just to be clear: Theater missile defense systems are different from the proposed national missile defense system, which continues to raise many questions and concerns that I believe must be addressed before deployment can be considered.

There is no question that we must do all we can to defend our troops in the field. We should provide them with the best training, equipment, and weapons. We should also develop better technologies to protect them from incoming enemy fire. This means doing all we can to be better able to counter the kind of threat posed by Iraq's Scud missiles back in 1991.

Mr. Speaker, this ten-year anniversary presents us with a duty and an opportunity. We have the duty to look back in honor of our servicemen, but we also have the opportunity to look forward to identify possible new solutions to longstanding regional problems. This is an opportunity for us to consider anew questions about our overall Persian Gulf policy—the viability of our current sanctions regime on Iraq, the importance of working with our allies in the region, and our overdependence on foreign oil. Along those lines, I was encouraged to learn today of Secretary Powell's proposal to refocus sanctions more narrowly on Saddam Hussein's military capabilities and ease the economic sanctions that have placed an unfair burden on Iraq's population, This is a step in the right direction.

If we can help to bring stability to the region, we can rest assured knowing that our servicemen will be less likely to be put in harm's way in the future.

Again, I stand with my colleagues here today to honor the memories of the U.S. soldiers lost in Operation Desert Storm. We will not forget their sacrifice.

TRIBUTE TO RICKEY GELB

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to Rickey Gelb, recipient of the 2000 Fernando Award.

The Fernando Award is awarded annually in recognition of an individual's lifetime achievement of volunteerism in California's San Fernando Valley. Rickey Gelb is a most worthy recipient.

Rickey has lived in the San Fernando Valley nearly all of his life. He is the managing general partner of development and management company Gelb Enterprises and owner of RMG Properties. He is also a licensed general contractor in California.

Rickey and his wife Robbi are longtime close personal friends of my wife Janice and I. I know firsthand that Rickey's success is well-earned. He graduated from Valley Junior College with an associate's degree in 1967. With that, he went to work for ATA Stores, where over the next 25 years he worked his way up from truck driver and repairman to senior corporate officer and major stockholder. During that time, he also founded Gelb Enterprises.

Since 1985, Rickey has devoted his entrepreneurial efforts exclusively to the development and expansion of Gelb Enterprises.

He has also been an extraordinary volunteer.

Rickey Gelb serves on the board of the First Commerce Bank and is a past president of the West Valley Police Activity League (PALS). He is currently CFO of the Encino Chamber of Commerce, a member of the Los Angeles Department of Transportation Mobile Action Committee, a Commissioner for the City of Los Angeles, a member of the Ventura/Cahuenga Boulevard Review Board and Treasurer of Mayor Richard Riordon's Valley Job Recovery Corporation.

In addition, Rickey is on the Board of Directors of the Mid-Valley Jeopardy Foundation, on the Police, Fire and Public Safety Committee, Encino/Tarzana Hospital Community Foundation and on Councilwoman Cindy Miscikowski's Encino Community Council.

Rickey Gelb is a recipient of the Criminal Justice Award and has received numerous appreciation awards from City, County, State and Federal agencies and charitable foundations. He now serves as a member of the Patrons Association of LAVC and is president of the Alumni Association. He received the Distinguished Alumni Award at the 50th Anniversary celebration.

Mr. Speaker, I know my colleagues will join me in congratulating Rickey Gelb for the honor of receiving the 2000 Fernando Award and thank him and Robbi for decades of service to our community.

THE PARITY FOR PART-TIME WORKERS ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CARDIN. Mr. Speaker, unemployed part-time workers who meet monetary eligibility requirements are precluded from receiving Unemployment Insurance (UI) in at least 31 States merely because they seek part-time, rather than full-time employment. This means that a laid-off parent who wants to continue to work part-time to care for a child is denied UI benefits while looking for employment, despite having earned sufficient past wages to be eligible for such assistance.

For this reason, I am reintroducing the Parity for Part-time Workers Act. This legislation would prohibit the denial of UI based solely on the fact that an individual is seeking part-time work, if the individual: (1) Otherwise qualifies for unemployment compensation based wholly or mostly on part-time work; and (2) seeks at least 20 hours of work a week. In short, this family-friendly legislation will help level the playing field for part-time workers.

In 1995, the non-partisan Advisory Council on Unemployment Compensation recommended prohibiting discrimination against part-time workers. More recently, a working group on UI issues with members representing businesses, workers and the State and Federal UI agencies also recommended that part-time workers be treated more fairly. And finally, a Government Accounting Office (GAO) report released last month clearly illustrates the inequitable barriers standing between part-time and other low-wage workers and UI benefits. I do not think we need any additional evidence that this problem demands an immediate solution.

I urge my colleagues to support this effort to prevent discrimination against unemployed part-time workers.

IN SUPPORT OF THE BLUNT-BENTSEN RETIREMENT PLAN ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. BENTSEN. Mr. Speaker, it is with great pleasure that I wish today, to join with my distinguished colleague, Mr. Blunt, in introducing legislation to give small employers the chance to show how much they care for their employees. The Blunt-Bentsen Retirement Plan Act would establish the "qualified small employer plan," a new kind of design-based plan available exclusively to employers with fewer than 100 employees.

Today, we, as a nation, are experiencing the lowest unemployment rate in a generation. This recent boom in job creation has been driven in large part by growth in the number of small businesses created. However, even as incomes rise, we have an abysmally low savings rate of 3.8 percent of disposable personal income. There is broad consensus that a substantial number of American workers will be unable to afford a retirement that maintains their current lifestyle, at least not without working more years than currently planned. According to the nonpartisan Employee Benefit Research Institute (EBRI), 36 percent of American workers are not saving for retirement.

Americans think of retirement income in terms of a "three-legged stool," consisting of Social Security, personal savings, and employer-sponsored benefits. Unfortunately, employer-sponsored retirement plans are not available to all American workers. In fact, only 21 percent of all individuals employed by small businesses with less than 100 employees participate in an employer-sponsored plan, compared to 64 percent of those who work for businesses with more than 100 employees. Moreover, only 11.1 percent of working family heads who work at business with 10 or fewer employees actually participate in employer-sponsored plans. According to EBRI's 2000 survey of small employers, thirty-nine percent who currently do not offer plans, contemplate starting a plan in the next two years.

Under current law, small business employers who want to offer a retirement plan to their employees are forced to choose between unappealing options. They can either establish a traditional qualified plan, and manage the prohibitively high compliance and administration costs or set up a highly restrictive design-based plan (such as the SIMPLE or SEP). The Blunt-Bentsen Retirement Plan offers a third option. The Blunt-Bentsen bill would establish the "qualified small employer plan," a new kind of design-based plan available exclusively to small employers (those with fewer than 100 employees). The Blunt-Bentsen bill seeks to offer small businesses and their employees with opportunities for pension savings commonly available to large corporations and public sector employees. Characteristics of the qualified small employer plan include 100 percent coverage, accelerated vesting, and minimum non-integrated benefits.

The most important aspect of this legislation is that the employer must make an annual, mandatory contribution of at least three percent of an employee's compensation if that employee is at least 21-years-old and has worked more than 1,000 hours in the preceding calendar year. It does not matter whether the employee contributes. Employers have the option of contributing as much as 10 percent. This will undoubtedly give small business employees not only a stake in equity, but a larger stake in the success of that business. In a world largely absent of retirement plans where employers alone make annual contributions, I believe this measure provides a third practical alternative to government mandated pensions and no pension coverage at all. In turn, small business employers are allowed to contribute a higher percentage of their salary to a retirement plan than they would otherwise be allowed under current law.

Second, for a variety of reasons, the number of companies offering defined benefit plans has fallen dramatically. Between 1970 and 1990, the percentage of private sector workers covered by a pension plan decreased by 2 percent from 45 percent in 1970 to 43 percent in 1990. This is not progress.

Finally, an aging population where most men and women who reach age 65 can expect to live at least another decade will surely place some stress on Social Security's ability to pay out benefits. Today, Social Security is the main source of income for 80 percent of retirees. While Social Security is currently strong, it faces challenges to its solvency as the Baby Boom generation nears retirement.

In short, the three-legged stool of retirement security is in jeopardy without a correction. Plans where employers make automatic, mandatory contributions have been replaced by plans where employees make voluntary contributions. No longer do companies automatically bear the risks and costs of professionally made investment decisions. Today, workers have to bear the risks and costs of their investment decisions. Investment decisions can be quite scary for inexperienced, first time, lower- and middle-income investors, who have a lot more to lose than wealthy investors. Employees in these pension plans not only have to take a crash course in "Investing 101" but are less likely to accomplish personal savings with stagnant or slowly rising wages.

It is imperative that Congress put in place new, innovative and cost-effective ways to expand pension coverage. The Blunt-Bentsen bill put a new critical tool in the hands of small businesses to create greater security against the risks and burdens of old age, inflation, and economic downturns for their employees.

REFORMING THE ESTATE TAX

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mrs. MINK of Hawaii. Mr. Speaker, yesterday I introduced H.R. 759, a bill that would reform the estate tax and provide an immediate exclusion equivalent deduction of $5 million.

Clearly the estate tax has a deleterious effect on successful persons who hope to pass along property to their children. In my State of Hawaii, property values are highly inflated and properties which would not result in any estate tax on the mainland are subject to estate tax in Hawaii. In 1997, the latest figures available, 2.5 percent of estates in Hawaii were subject to Federal estate taxes, compared to only 1.9 percent nationwide.

Existing inheritance taxes unfairly penalize ordinary individuals who work hard their entire lives so they can leave something for their children. The tax scale hits family farmers and businesses disproportionately. I have received many letters from constituents detailing the burden the tax has had on their small business.

Currently, the first $675,000 of estates are exempt from tax. The exemption level will increase to $1,000,000 in 2006. Family businesses have an exemption of $1,300,000, These numbers are too low. No small family-owned farm or small family-owned business should have to be sold by the children to pay an inheritance tax.

I agree that a full repeal of the estate tax would give too much tax relief to the wealthiest Americans. My bill merely increases the exemption for estates to $5 million and makes that change effective immediately.

I urge my colleagues to cosponsor this legislation.

IN HONOR OF BLACK HISTORY MONTH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. ENGEL. Mr. Speaker, since 1976 Black History Month has been celebrated in February to recognize the heritage and achievements of African-Americans.

I rise in honor of Black History Month and its 2001 theme—Creating and Defining the African-American Community: Family, Church, Politics, and Culture. As I reflect on this year's theme, I feel we must come together to remember the struggle of African-Americans and honor all of their accomplishments.

At one time, this country erected every conceivable legal, societal and cultural roadblock to prevent African-Americans from having access to education, wealth and politics in our society. In overcoming these roadblocks, they have contributed greatly to America's identity, community, culture and politics. We must recognize the African-American community and the critical role African-Americans have and will continue to have in the development of our country.

But, we must always remember that so much more must be done. I have been horrified by the reports from Florida about voter disenfranchisement. From poor staffing, inadequate explanations of voting procedures, to outright voter intimidation, these issues must be addressed. To truly move into the 21st century, we must end the practices of the 19th century.

We must also end, once and for all, the despicable practice of racial profiling. The process of singling out people who "may"—and I underline and emphasize may—be engaged in criminal activity solely because of race is infuriating. There is just no logic behind it—but instead there is hate and discrimination. I was pleased to learn of President Bush's move to end racial profiling. I plan to hold him and his administration to this commitment.

I represent the great state of New York and a district rich in history. From early politicians to famous athletes, African-Americans in the Bronx have been pioneers in many different fields. From scientists, to members of the clergy, to entertainers, more and more African-Americans are represented in leadership positions in our society.

I am always inspired by the community spirit and leadership I witness from African-Americans in the 17th Congressional District of New York. It is my hope that as we celebrate Black History Month in the future, we will be able to celebrate the many more achievements of African-Americans.

IN MEMORY OF THE HONORABLE LYNN M. EWING, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of Representatives of the passing of my good friend The Honorable Lynn M. Ewing Jr. of Nevada, Missouri. He was 70.

Lynn, a son of the late Lynn M. Ewing Sr. and Margaret Blair Ewing Coffey, was born in Nevada, Missouri, on November 14, 1930. After graduating from Nevada High School in 1948, Lynn attended Princeton University. He received an AB in 1952 and a Juris Doctor degree in 1954 from the University of Missouri-Columbia, graduating second in his law school class. Mr. Ewing was a member of Phi Beta Kappa, Sigma Nu fraternity and Order of the Coif.

He entered the United States Air Force and served as an attorney in the Judge Advocate General Corps until returning to Nevada in 1956 and joining the law firm Ewing, Ewing, Ewing, Carter and Wight. He continued to practice law with the Ewing law Firm until his death.

Lynn was involved with the Farm and Home Savings Association for 24 years, serving as general counsel, board member and president. He was a life member of the American Bar Association, a member of the Missouri Bar Association and the Vernon County Bar Association, and a fellow of the American College of Mortgage Attorneys. He served on the Missouri Bar Disciplinary Committee. He was admitted to practice before the United States Supreme Court in 1961. He was elected to the Missouri House of Representatives in 1959 and served three terms representing the citizens of Vernon and Barton counties.

Lynn formerly served as chairman of the Vernon County Democratic Central Committee. He was elected to the Nevada City Council in 1967 and served the city for six years, including two terms as mayor. He served on the board of directors of the Nevada Regional Medical Center, the Nevada Library Board, the Nevada Chamber of Commerce, the Nevada Planning commission and the Nevada Economic Development Corporation. He also served as a board member of Citizens State Bank, Nevada, Missouri. He was a member of the Nevada Rotary Club and was named citizen of the year in 1975. He received the Paul Harris Fellow Award from the Rotary.

Lynn was a member of the All Saints Episcopal Church and served the church as a vestry member, senior warden and lector. Mr. Ewing was appointed by Governor Warren Hearnes to serve on the Missouri Land Reclamation Commission and by Governor Mel Carnahan to serve on the Coordinating Board for Higher Education, where he served as chairperson. He was a member of the Missouri Academy of Squires. He was a member of the Missouri Savings and Loan Association and the U.S. League of Saving and Loan Associations. He received a Faculty Alumni Award from the University of Missouri. He served on the Missouri Law School Foundation board of directors and was a member of the University of Missouri-Columbia Jefferson Club. He was a charter member of the University of Missouri-Columbia Law Society and Mosaic Society.

Mr. Speaker, Lynn Ewing Jr. will be missed by all who knew him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Peggy; his brother, Blair; his two daughters, Margrace Buckler and Melissa Arnold; his son, Lynn M. Ewing III—and his grandchildren.

CELEBRATING THE LIFE AND ACCOMPLISHMENTS OF BEN BARKIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to take this opportunity to share my admiration for my longtime friend and constituent, Mr. Ben Barkin, who passed away recently at the age of 85.

Ben Barkin is fondly remembered as the father of Milwaukee's Great Circus Parade. The parade features circus wagons from the Circus World Museum in Baraboo, Wisconsin, some more than one hundred years old. It celebrates America's history of the circus by recreating old-fashioned circus parades in an authentic manner, along a three-mile route through downtown Milwaukee.

In 1963, Ben Barkin and Charles "Chappie" Fox organized Milwaukee's first Great Circus Parade. Ben convinced the Joseph Schlitz Brewing Company to be the parade's exclusive sponsor. In 1973, Schlitz was no longer able to sponsor the parade, and the parade shut down for twelve years, but in 1985, Ben was able to bring it back. The Great Circus Parade was made an annual event the following year, after Ben raised more than $900,000. Mr. Barkin retired as the chairman of the Great Circus Parade in 1995, but he remained its guiding light. His greatest accomplishment was promotion of the parade at a national level, and securing funding to keep the parade free to the public.

The Great Circus Parade now brings in hundreds of thousands of visitors from all over the United States. It is also shown on 200 public television stations nationwide and worldwide on the U.S. Information Agency's Worldnet System and the Armed Forces Television Network.

A Milwaukee Journal Sentinel article describing the 2000 Great Circus Parade captured the parade's magic for children of all ages. Seven-year-old Terry Parks told the newspaper, "I got to see a real lion, not something on TV." Sixty-two-year-old Richard Czaja said, "I love the horses, and the wagons were unbelievable the way they restored them and kept them up." Circus Parade fans come to Milwaukee and camp out every year near the city's lakefront. The resulting tent city is affectionately known as Barkinville, and each year Mr. Barkin would go down and meet the people camping out for the parade.

Throughout his life, Ben focused his endless energy to other things other than the Great Circus Parade. During World War II, Ben volunteered with the U.S. Treasury to sell war bonds, and he helped make Milwaukee the standard for war bond fund raising. He was invited to Washington to present the model that was soon adopted by the rest of the country. After the war he founded the nationally recognized public relations firm of Barkin, Herman, Solochek, and Paulsen. In 1970, he was named as the "best publicist in the country" by 100 of the nation's largest newspapers. That same year he helped Bud Selig bring the Brewers to Milwaukee.

Ben Barkin was an advocate for civil rights by looking past religious and racial differences. He was the chairman of the B'nai B'rith Youth Commission, and spoke out advocating better race relations. He also supported religious causes, whether they were Catholic, Jewish, or Protestant. Ben was also a devoted husband to Shirley for more than fifty years, and a loving father to his son Coleman.

On February 2, 2001, Wisconsin lost one of its greatest citizens, and children lost a friend. I ask my colleagues to join me in remembering this great American and in celebrating his life and his legacy.

TRIBUTE TO HERITAGE HIGH SCHOOL HURRICANES—STATE GROUP AAA DIVISION 5 FOOTBALL CHAMPIONS

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SCOTT. Mr. Speaker, I rise today with great pride to call attention to a group of young students from Newport News, Virginia who have distinguished themselves, their school, their community and the Commonwealth of Virginia.

The Heritage High School Hurricanes football team had a remarkable season and I believe the Hurricanes deserve formal recognition for their accomplishments. On December 2, 2000, the Heritage High School Hurricanes won its first state Group AAA Division 5 Football Final at the University of Richmond Stadium. The Heritage Hurricanes completed the 2000 season with a truly impressive record, 14–0. It was the only unbeaten team in the AAA.

Established in 1996, Heritage High School is a magnet school specializing in engineering and technology. Heritage High School was named in honor of five former high schools located in Newport News. Students must meet rigorous academic requirements, take responsibility for academic progress, behavior and attendance, and they are expected to participate in school and community activities. This drive for excellence has now been extended into the field of athletics.

To quote from our hometown newspaper, the Daily Press,

> [s]ome high school defenses have big kids. Some have fast kids. Some have smart kids. Once in a blue moon a Heritage comes along. A team with kids who are big, fast and smart.

Their remarkable 2000 season carries on the tradition of championship football in Newport News, started by Newport News High School in 1931, and continued by Carver High School in 1961 and our last state champion—the 1966 Huntington High Vikings.

I want to extend my enthusiastic congratulations for a job well done to the Heritage High School Hurricanes—the Group AAA Division 5 2000 Virginia High School League State Football Champions.

THE SSI MODERNIZATION ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. STARK. Mr. Speaker, today I support "The SSI Modernization Act of 2001," for which I am an original cosponsor. In 1972, the Congress passed legislation to create the Supplementary Security Income (SSI) Program to help the most vulnerable in our society. The SSI Program provides a base level of a support to the elderly, disabled and blind who do not qualify for Social Security or whose Social Security benefits are inadequate. Currently, about 6.6 million of these individuals rely on SSI to provide income for the basic necessities of food, clothing, and shelter.

Unfortunately, Congress has done little since the creation of SSI to ensure that the program serves the recipients in the 21st century as well as it did in the 20th century. As a result, the program now serves a population living at a level of 70 percent of poverty and does not serve those at or near the poverty line. This bill does six items to modernize SSI:

1. It rewards SSI recipients who want to work by increasing the amount of earned income excluded from reducing the SSI benefit from $65 to $130 a month and indexes it to inflation in future years. This limit has not been increased since 1972 and would be $260 a month if they had kept pace with inflation.

2. It increases the General Income exclusion from $20 to $40 of income per month and would index the amount to inflation in future years. This exclusion means that the first $40 of income received by an SSI recipient will not be used to reduce their benefit check. For recipients who have a significant work history and receive a Social Security benefit, they will be able to retain more of their Social Security benefit. This limit has not been increased since 1972 and would be $80 if it had kept pace with inflation.

3. The bill increases the amount of resources that recipients are allowed to own from $2,000 to $3,000 for an individual and from $3,000 to $4,500 for a couple and then indexes it for inflation in future years. If these resources limits had kept pace with inflation they would be $6,000 for an individual and $9,000 for a couple.

4. The amount of infrequent or irregular income that recipients are allowed to earn before benefit reduction is increased from $10 to $20 a month for earned income and $20 to $40 a month for unearned income. These limits have not been changed since 1981.

5. The bill delays SSI eligibility redeterminations for disabled children from 18 years old until one of two things occur first: either the person becomes 21 years old or finishes secondary school.

6. SSI would exclude the entire amount of educational grants, scholarships from SSI income determinations and exclude it for up to 9 months for SSI resource determinations.

This is a small incremental bill that makes some long overdue technical improvements to SSI. I look forward to working with my colleagues to quickly enact this legislation to improve the lives of the most economically vulnerable Americans who depend on SSI.

TRIBUTE TO JOURNALIST BERNARD SHAW

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Ms. NORTON. Mr. Speaker, today is a sad day for the news junkies of the world. Bernard Shaw, one of the industry's most respected journalists, is stepping down from the CNN anchor desk after 20 years on the job.

Shaw was there when the fledgling cable network first turned on the lights and rolled tape in 1980. And he has remained with CNN, reporting some of the century's most exciting national and international events.

How many of us recall the Persian Gulf War and Shaw's reports of bombs falling over Baghdad. And who can forget his pointed questioning of politicians, who often found it difficult to be as pointed in their response.

For many of us, the really difficult part begins as Bernard Shaw takes his leave and "stands down," as he says, from CNN. But how do we say goodbye to someone who, after so many years, has become a fixture in our homes and offices?

Bernie Shaw will be missed because of his special brand of professionalism and nononsense reporting. He will be missed because we have enjoyed sharing his love of politics and world events.

And, for many of us, Bernard Shaw will be missed because over the years, he has been the lone African American, who has anchored national broadcasts and major events. He has moderated presidential debates, anchored coverage of primaries and national elections, and traveled the world reporting breaking international news. It is unlikely that Bernard Shaw's job description included the term, "role model," but it is certain that his skill and tenacity have inspired many and engendered considerable respect and pride among us all.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 16, on motion to suspend the rules and agree to the resolution H. Con. Res. 39. Had I been present I would have voted "yea."

STATEMENT TO ACCOMPANY THE INTRODUCTION OF THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Energy Efficient Buildings Incentives Act. I am joined in this effort by a substantial and diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, as well as Mr. SMITH of New Hampshire in the Senate, and many others. This bill is supported by a strong coalition of industries and organizations. I have submitted a list of supporters below.

My constituents in San Diego have been suffering from outrageously high-energy prices for nearly a year. Our citizens and city have been forced into a crisis by the State legislature's deregulation of the electricity market. While I and my colleagues from San Diego are seeking solutions to this terrible crisis, I am introducing this bill in an effort to formulate a long-term energy plan.

The Energy Efficient Buildings Incentives Act will provide tax incentives for the construction of energy efficient buildings. Structures of this nature could potentially cut energy usage by as much as 50 percent. This would result in a nearly 6 percent reduction in air emissions over the next 10 years—equivalent to taking 40 percent of the automobiles off the road.

The bill will offer tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The legislation is structured to promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future. The incentives will apply to:

Efficient new residential buildings that save 30 percent to 50 percent in energy costs compared to national model codes, including a higher incentive for higher savings.

Efficient heating, cooling, and water heating equipment that reduce emissions and peak electric loads by about 20 percent (lower incentives) and 30 percent–50 percent (higher incentives) compared to national standards.

Efficient commercial buildings with 50 percent energy and power cost savings.

Residential-scale solar hot water and photovoltaic equipment.

The design and administration for these energy efficient structures is based on the track record of successful state programs over the past decade. Buildings account for some 35 percent of air pollution emissions nationwide, and cost their owners over $250 billion a year in energy costs. They also contribute to well over half of peak electric power demand. If enacted promptly the incentives in this bill will begin to mitigate electric peak reliability problems by the summer of 2001.

This bill will help both families and businesses reduce annual energy costs, saving over $80 billion in present value over the next decade. Energy costs of businesses are tax deductible under current law, so reductions in energy costs means billion of dollars in saving to the Federal government.

I urge all my colleagues to join me in supporting the energy Efficient Buildings Incentives Act. Together we can provide for a cleaner environment and help reduce energy needs, thus postponing the need for building new power plants as well as helping to save our environment.

THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

Natural Resources Defense Council, Environmental Defense, Consumer's Choice Council, U.S. PIRG, World Wildlife Federation, Defenders of Wildlife, American Oceans Campaign, Environmental and Energy Study Institute, American Council for an Energy-Efficient Economy, Legal Environmental Assistance Foundation, Inc., Michigan Environmental Council, Minnesotans for an Energy Efficient Economy, American Rivers, and World Wildlife Fund.

ENRON, Pacific Gas and Electric Company, Sacramento Municipal Utility District, PacificCorp, Northern California Power Agency, CA Municipal Utilities Association, and Northeastern Public Power Association.

American Portland Cement Alliance, Air Conditioning Contractors of America, Foamed Polystyrene Alliance, North American Insulation Manufacturers Association, Polyisocyanurate Insulation Manufacturers Association, American Energy Technologies, American Solar Energy, and Energy Conservation Services of North Florida.

National Association of State Energy Officials, Home Builders Association of Central Vermont, Inc., Insulation Contractors Association of America, California Building Industry Association, California Association of Building Energy Consultants, National Council of the Housing Industry, National Association of State Energy Officials, and Florida Solar Energy Industries Association.

Union of Concerned Scientists, National Wildlife Federation, Sierra Club, The Wilderness Society, National Environmental Trust, Physicians for Social Responsibility, Global Green USA, Friends of the Earth, Alliance to Save Energy, League of Conservation Voters, American Oceans Campaign, Consumer's Choice Council, National Environmental Trust, and Izaak Walton League of America.

Massachusetts Electric, Southern California Edison, Montana Power, California ISO, Sempra Energy, City of Los Angeles, and Los Angeles Water & Power.

Siemens Solar Industries, TRANE, Climatic-Solar Corp., Energy Partners, Solar Systems of Florida, AllSolar Service Company Inc., Solar-Fit, and Solar Source.

National Insulation Association, California Energy Commission, Florida Solar Energy Center, Solar Energy Industries Association, California Air Resources Board, and Manufactured Housing Assoc.

TRIBUTE TO JEAN N. CHAMBERLAIN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. LEVIN. Mr. Speaker, today I reflect on the outstanding accomplishments of Ms. Jean Chamberlain, as she is honored by the Oak Park Business & Education Alliance of Oak Park, Michigan.

The Oak Park Business & Education Alliance is dedicated to the empowerment of urban schools. Their decision to honor Jean is a reflection of her long-time dedication to the communities of South Oakland County.

For over 40 years, Jean has been a resident of Royal Oak, Michigan. She began her public career after raising a family. Her valuable leadership has helped bring together the cities, the county government and local businesses of southern Oakland County.

Since March of 1993, Jean Chamberlain has served as the first and only South Oakland Governmental Liaison. She previously acted as the Executive Manager of the Greater Royal Oak and Oak Park Chambers of Commerce. She continues to work with a variety of organizations including the Woodward Dream Cruise Board of Directors; the Eight Mile Boulevard Association; and the Salvation Army Advisory Council, among others.

Her tireless work resulted in the Michigan Women's Commission naming her, in 1998, as one of the 20 most outstanding women in Michigan.

Mr. Speaker, I ask my colleagues to join my salute to an exceptional leader, Jean Chamberlain. I wish her continued success.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Ms. SANCHEZ. Mr. Speaker, during Rollcall vote No. 16, on February 27, 2001 on H. Con. Res. 39 I was unavoidably detained. Had I been present, I would have voted "yea."

CENTRAL NEW JERSEY RECOGNIZES ROCKY L. PETERSON FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HOLT. Mr. Speaker, I speak to recognize Rocky Peterson for his dedication to the cause of social justice for Central New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the achievements Rocky has made fighting prejudice as an active member of his community and a positive contributor to our society.

Mr. Peterson is a Partner at the Princeton law firm of Hill Wallack, where he serves as the partner-in-charge of the School and Municipal Law practice group. Mr. Peterson concentrates his practice in general litigation, municipal law and labor and employment issues on behalf of both public entities and educational organizations.

Throughout his distinguished career a lawyer Rocky Peterson has been a tireless advocate for central New Jersey's diverse communities. Mr. Peterson is an active member in many local professional and community organizations. He takes special interest in the arts as a founder and organizer of the Trenton Jazz Festival.

Once again, I applaud the efforts of Rocky Peterson and ask my colleagues to join me in recognizing his steadfast commitment to serving our community.

IN SUPPORT OF THE IRA CHARITABLE ROLLOVER INCENTIVE ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CRANE. Mr. Speaker, today I am introducing legislation entitled the "IRA Charitable Rollover Incentive Act of 2001". This is one of three bills I am introducing today to correct certain peculiarities in the tax code that discourage charitable giving. I introduced a similar bill in the 106th Congress, which garnered

125 co-sponsors. The essence of this bill was included in the tax bill vetoed by President Clinton in 1999 and was included again in the pension reform bill that passed last year.

This legislation would allow individuals age 59½ or older to contribute amounts currently held in Individual Retirement Accounts (IRAs) directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction. This legislation will give individuals more freedom to allocate their resources as they see fit while providing badly needed resources to churches, colleges and universities, and other social organizations.

All IRA withdrawals are generally taxed as ordinary income. Currently, individuals may withdraw funds from an IRA without incurring an early withdrawal penalty once they reach age 59½. Under so-called minimum distribution rules, an individual must begin making withdrawals by April 1st following the year he or she reaches age 70½. The IRA was intended to encourage individuals to save for retirement, but due to the strong economy in recent years and the general increase in asset values, many individuals have more than sufficient funds to retire comfortably. Thus it is a common practice for retirees to transfer some of their wealth to charities and, in some cases, that wealth is held in an IRA.

If our tax code were not so laden with peculiarities and oddities, this legislation would not be needed. A taxpayer could readily recognize the income for tax purposes and take a charitable deduction. Unfortunately, in many cases under current law such a simple arrangement results in a loss of some portion of the charitable deduction. For example, charitable contributions are subject to the itemized deduction "haircut" under which certain taxpayers lose a portion of their charitable deduction. I have introduced separate legislation to address this problem.

Another problem results when a donation exceeds 50 percent of the taxpayer's adjusted gross income—30 percent if the gift is to a private foundation. In this case the taxpayer cannot take the full deduction immediately; it must be spread over a period of years. Given the time value of money, delaying the timing of the deduction means the taxpayer can only effectively deduct a fraction of the value of the total gift.

It is impossible to know how much capital is trapped by the current rollover rules and thus unavailable to our nation's charities. According to one report, there is over $1 trillion held in IRA accounts. If only 1 percent of this would be donated to charity but for the tax problems associated with charitable rollovers, this represents a $10 billion loss of resources to these organizations that do so much good.

This is sound legislation that has consistently received strong bi-partisan support. I hope we can finally see its enactment in 2001.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

RECOGNIZING THE MEN AND WOMEN WHO SERVED IN THE GULF WAR

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2001

Ms. BALDWIN. Mr. Speaker, I rise today, on the 10th Anniversary of the cease-fire that ended the Gulf War, to recognize those who served in our country's military during this conflict. Across this nation families and friends will honor the many who served and sacrificed for our nation. I'm deeply honored to observe this day and I salute all those who served in our nation's military during this time of war, of containment, and of peace-making, and peacekeeping.

I believe that we must take every opportunity possible to honor our service members, veterans, and their families. We must honor them for giving their time and energies and, too often, their lives in the service of our nation. In addition to honoring them through words, we must also honor them through action. Too many Gulf War service members and their families have been forgotten in the years that have followed the War. They have been left on their own to discover why their lives have changed forever because of fatigue and sickness that cannot be explained. Today, I ask that we all commit ourselves to honoring those who served in the Gulf War by doing everything within our power to solve this ongoing mystery. We must do everything within our power to assure that the men and women who have served our nation in its time of need are being served in their time of need.

To all who served in our nation's military and their loved ones who waited and worried at home, we honor your service and your sacrifices. Not just today, but every day.

H.R. 775: IMPROVING OUR ELECTION LAWS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HORN. Mr. Speaker, I am pleased to join today with our colleague, Mr. HOYER, and others in introducing the Voting Improvement Act of 2001. As we all know, the past election produced a great deal of confusion, turmoil and uncertainty. Although there were a number of factors in producing that confusion, one major factor in Florida and other states was the continuing use of outdated and even antiquated punch-card voting systems.

The bill we are introducing today tackles this problem immediately and directly by establishing a grant program for the states to replace all punch card systems before the next federal election in 2002. In short, this bill provides a practical solution for solving some of our most troublesome voting equipment problems.

As Mr. HOYER has noted, punch card systems have the highest rate of error among all voting methods—one study by MIT and Caltech recently estimated that the nationwide error rate for punch cards is 2.5 percent. In a national election, that would mean that nearly 1 million votes are thrown out and never counted due to mistakes caused by punch card systems. Clearly, we need to make replacement of these antiquated systems a high priority.

In addition to immediate equipment replacement, this bill establishes an ongoing grant program to assure that new voting systems are developed and deployed so that voters have up-to-date systems in the future. The bill also assures that voter education and training of poll workers are given increased attention and support. And, it establishes a permanent bipartisan commission to act as a nationwide resource for information gathering and studying the "best practices" for ballot design and other basic election needs.

Mr. Speaker, the Voting Improvement Act is one of several proposals being introduced for overhauling our election laws and making certain that we never repeat the chaos of the past election. All of these demand careful review and the development of a bipartisan consensus for sound reform. This bill sets clear priorities and offers practical solutions that must be part of any final reform plan. I urge our colleagues to join us in this effort.

CENTRAL NEW JERSEY RECOGNIZES JAMES B. GOLDEN, JR. FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HOLT. Mr. Speaker, today I speak in recognition of James B. Golden, Jr. and his ongoing dedication to serving the growing needs of Central New Jersey families. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the dedication Director Golden has shown working to address the needs of a diverse community.

On March 13, 2000, James was appointed Director of the Trenton Police Department. In this capacity he oversees a department of 511 sworn and civilian employees who protect and serve more than 88,000 citizens in and around New Jersey's capital city.

Prior to joining the force in Trenton, Director Golden held the position of Chief of Police with the Saginaw, Michigan Police Department.

Director Golden comes to Trenton with a long and outstanding career. He is a graduate of the 179th session of the FBI National Academy, the Senior Management Institute for Police (SMIP) at Harvard University, and the Temple University Public Service Management Institute.

He is a Past President of the National Organization of Black Law Enforcement Executives (NOBLE). While in Saginaw, he served on the Advisory Board of the St. Mary's Medical Center; he was a member of Boys and Girls Club Board of Trustees and was the immediate Past Chairman of the Saginaw County Crime Prevention Council.

Once again, I applaud the efforts of Director Golden and ask all my colleagues to join me in recognizing his steadfast commitment to serving our community.

INTRODUCTION OF THE CHARITABLE CONTRIBUTIONS GROWTH ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CRANE. Mr. Speaker, today I am introducing legislation to help our charitable organizations and promote fairness in our tax code by encouraging charitable giving. This is one of three bills I am introducing today to correct certain peculiarities in the tax code that discourage charitable giving.

Many taxpayers today contribute to charitable organizations out of the goodness of their hearts and in the expectation that they will not be subject to federal income tax on their gifts. However, in some cases taxpayers suffer a reduction in the amount of their charitable deductions. For example, under current law itemizing taxpayers with incomes above a certain threshold ($128,950 this year for a married couple filing jointly) suffer a phase-down in the total amount of charitable contributions they can take. The phase-down is at the rate of 3 percent of their itemized deductions for every $1,000 over the threshold, up to a total in lost deductions of 80 percent. Thus, a taxpayer making a $10,000 contribution and subject to this phase-down could lose up to $8,000 in charitable deduction. This is part of the itemized deduction "haircut" administered as part of the 1986 Tax Reform Act.

Obviously, most individuals give to charity because the act of charity is a blessing for both the giver and the receiver. It is hard to imagine the individual who gives for the purpose of getting a tax deduction. Nevertheless, taxes can affect the amount an individual is willing to give. When the tax burden overall increases, individuals have less discretionary income and thus less income to give to charity. And when the effective price of charitable giving rises, which is exactly the consequence of the phase-down in itemized deductions, there is a disincentive to give.

The legislation I am introducing today is very simple. It excludes from the itemized deduction "haircut" all qualified charitable contributions. Qualified medical expenses, certain investment interest expense, and deductions for casualty losses already receive this treatment. Certainly charitable contributions should be treated no worse.

This legislation is good social policy because it provides additional, private resources to charitable organizations. It also helps to develop the strength of our social fabric by encouraging more individuals to become involved in their communities through charitable organizations. In many instances, individuals first become involved through financial contributions before applying their personal time, energy, and creativity.

This legislation is also good economic policy because charitable organizations help to build up those on the paths to success while acting as an effective safety net to those in trouble or need. As welfare reform has taught us abundantly, given the right incentives and the proper assistance, almost every individual can evolve from being a ward of society to being a productive member.

And this legislation is sound tax policy. Whether we have an income tax or a consumption tax, one principle remains clear and unchanging. No one should be taxed on property given to someone else.

This legislation is an important step toward increasing the resources of our charitable organizations. I hope my colleagues will join me as co-sponsors. I hope President Bush will endorse this legislation as part of his faith-based program. And I hope it can find its way to his desk this year for his signature.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

BLACK HISTORY MONTH

HON. ADAM SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SCHIFF. Mr. Speaker, as we celebrate Black History Month, I would like to recognize several African American leaders from my district in California: Loretta Glickman Hillson, Ruby McKnight Williams and Ralph Riddle.

Loretta Glickman Hillson began her political career in the 1960s as President of the Human Relations Committee at Pasadena City College. As President of this organization, she led the fight to ensure equal access for all in the Rose Queen tryouts sponsored by the Tournament of Roses Association. Subsequently in 1978, Hillson became the first African American woman to become a member of the Tournament of Roses Association.

In 1977, Hillson became the first African American woman to be elected to the Pasadena City Council. After serving three years on the City Council, Hillson then became Pasadena's first African American vice-mayor. In 1982, Hillson won a momentous victory in the Pasadena mayoral election, once again breaking the color barrier by becoming the first African American woman to become Mayor of Pasadena. Hillson's selection as Mayor also marked the first time in the history of the United States, that a black woman became Mayor of a city with a population over 100,000. During her political career in Pasadena, Hillson was successful in making local government more accessible to residents in black neighborhoods, resulting in increased political activism and heightened interest in civil affairs among the black community.

Prior to beginning her political career, Hillson sang professionally with the New Christy Minstrels. She also spent several years as a choir director, English teacher and investment counselor. She is currently living in Lubbock, Texas with her husband Reverend William B. Hillson, whom she married in 1991. Hillson's career paved the road for a more equal and representative government in Pasadena. Her strength and character will continue to be admired by generations to come.

Although Loretta Hillson certainly faced opposition and adversity during her tenure in city politics, many civil rights leaders of the past are responsible for the opportunities which African Americans like Hillson have enjoyed.

Rudy McKnight Williams is one of those leaders whose undaunting courage helped shape the society we live in today. Williams was born in 1894 in Topeka, Kansas, and as a young adult moved to California just as the Depression swept the nation. As a single woman in 1930, Williams had moved to California with the hope of becoming a kindergarten teacher as she had been in Topeka. Yet, the Pasadena school district denied employment to Williams because of her race. Although she faced an extremely segregated community with discriminatory laws, Williams refused to let her dreams be destroyed by racism and prejudice. Leaving her teaching career behind, Williams became a founding member of the Pasadena branch of the NAACP. She became a leader of the Civil Rights Movement in Southern California, petitioning for municipal and school employment, home ownership and access to public swimming pools for African Americans.

In addition to her work with the NAACP, Williams also volunteered with the League of Women Voters, and served as Commission Chairman of the Pasadena Recreation Commission. She was also President of the Tuesday Morning Club, The Women's Democratic Club, and the Interracial Women's Club. Yet, her greatest service was to the NAACP where she served for over 65 years, including two terms as President in 1959 and from 1969–1982. In addition, Williams served for six years as an advisor to the NAACP National Youth Work Committee. During Williams' leadership in the NAACP, the Pasadena branch backed two precedent-setting school integration cases in which Williams visited the U.S. Supreme Court to witness the decisions. Mrs. Williams was also involved in other organizations, including Co-Op Village, Citizens Urban Renewal Advisory Committee, Pasadena Head Start, and the Pasadena Commission on Human Needs and Opportunities. Williams remained active with the NAACP as President Emeritus of the NAACP Executive Board until her death in 1999.

Williams contributed much to the spirit of Pasadena. Her community activism and work with our youth will be sorely missed. Yet, Williams' legacy lives on as Pasadena pays her tribute in an annual awards banquet in her name honoring those who exhibit excellence in community service.

In addition to Loretta Glickman Hillson and Ruby McKnight Williams, I would like to honor Ralph Riddle, another Pasadena community leader who assisted in changing the Pasadena Police Department. Ralph Riddle was born on June 9, 1916 in Pasadena, California. He attended Pasadena High School and then completed his university education in Arizona. In 1942, Ralph joined the military and spent four years as an Army Sergeant stationed throughout the world. After returning to Pasadena, Riddle joined the Pasadena Police Department on November 12, 1946, becoming the first African American police officer in the history of the Pasadena Police Department.

Although Riddle was assigned to various units within the Pasadena Police Department, his first love was community relations. Prior to the late 1960s, the Pasadena Police Department was without a community relations department. Under the leadership of Police Chief Bob McGowan, Riddle helped establish a community relations department and was subsequently chosen to lead the unit. In this position, Riddle acted as a liaison between the Pasadena Police Department and the African American community. He remained in this position until 1974, when he retired from the Pasadena Police Department and became the Pasadena City College security chief until the early 1980s. In addition to Riddle's community service efforts, he volunteered extensively with the Pasadena NAACP.

Although Mr. Riddle passed away in January of 1990, his life continues to touch the Pasadena community through his shining example and through the career of his daughter-in-law, Lt. Phlunte Riddle, the first African American Sergeant and First African American Lieutenant in the history of the Pasadena Police Department.

Mr. Speaker, I am pleased to participate in Black History Month as well as to pay tribute to Loretta Glickman Hillson, Ruby McKnight Williams and Ralph Riddle. I am extremely proud of the rich history in my district and of the leadership, humanity, and compassion exhibited by Mrs. Hillson, Mrs. Williams and Mr. Riddle. In closing, I would like to wish Loretta and Reverend Hillson the very best. To the family of Ruby McKnight Williams and Ralph Riddle, a grateful community gives thanks that both Ruby's and Ralph's lives touched so many. And to Lt. Phlunte Riddle, I wish you the very best in all your endeavors.

BLACK HISTORY MONTH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CANTOR. Mr. Speaker, February is a national celebration of the role of black Americans in all segments of life in the United States. It is a time to celebrate the achievement of blacks in every field from science and the arts to government and politics. February gives us a chance to reflect on how much black Americans have contributed to America and an opportunity to learn from the past in order to look confidently toward the future. Black history in the United States has been a proving ground for America's ideals and this month we celebrate our nation's diversity.

The story of black Americans is one of valor in the face of hardship. Because of the struggles they have endured, we have become better people. Through their sacrifice, we have become a better nation. All Americans must be reminded of their undying dedication to the ideals of freedom and liberty upon which our nation was founded. Their progress throughout American history is a true testament to the reality of the American dream.

Understanding our past allows us to pursue a bright future as a diverse, but united nation. For this reason, I commend the deserved attention February brings to African-Americans who have shaped our history and who will be an integral part of our destiny. I seek the day when the tragic side of the black legacy in America can be laid to rest once and for all and applaud black Americans for their tremendous contributions to the history of our great nation.

CENTRAL NEW JERSEY RECOGNIZES LARRY A. SHEFFIELD FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HOLT. Mr. Speaker, today I recognize Larry Sheffield for his ongoing dedication to serving the diverse needs of Central New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the achievements Larry has made fighting prejudice as an active member of his community and a positive contributor to our society.

Mr. Sheffield is the President and CEO of Universal Consulting Group, Inc., a management consulting firm specializing in emerging, growth and ethnic markets. Prior to establishing the consulting group, Mr. Sheffield was responsible for managing practices in the New Jersey office of Goodrich and Sherwood.

Throughout his distinguished career, Larry Sheffield has been a tireless advocate for Central New Jersey's diverse communities. Mr. Sheffield is an active member in many local professional and community organizations. Larry's achievements have won him praise from such organizations as the Jaycee's, the Harlem YMCA and the Boys Club of America.

Once again, I applaud the efforts of Larry Sheffield and ask my colleagues to join me in recognizing his steadfast commitment to serving our community.

IN SUPPORT OF THE CHARITABLE GIVING TAX RELIEF ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CRANE. Mr. Speaker, today I am introducing legislation entitled the "Charitable Giving Relief Act". This is one of three bills I am introducing today to correct certain anomalies in the tax code that discourage charitable giving.

Specifically, this bill will allow nonitemizers to deduct 100 percent of any charitable contributions up to the amount of the standard deduction. Under current law, while nonitemizers receive the standard deduction, only itemizers can take a deduction for their charitable contributions.

Non-itemizers are predominantly low- and middle-income taxpayers who as a group give generously to charitable causes. However, lacking a specific deduction for their charitable contributions, there can be no question that they face a disincentive to making charitable contributions relative to itemizers, who tend to be upper-middle income and upper-income taxpayers. This certainly appears unfair. But, more importantly, it means charitable organizations supported predominantly by lower-income individuals are even more strapped for financial support than they need be. For example, churches serving lower-income communities have fewer resources to address the needs of their congregations as a result of this disincentive.

I introduced similar legislation in the 106th Congress, and 149 Members signed on as cosponsors. I have made two important changes to last year's bill, however. First, taxpayers would now be able to deduct the full amount of their contribution, rather than only half And, second, to prevent certain individuals from gaming the system I limit the amount a non-itemizer can take to the amount of the standard deduction.

Along with the two other bills I am introducing today preserving the charitable deduction against the itemized deduction phasedown and allowing IRA rollovers to charity, we have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities. These bills will significantly increase the resources available to our charitable organizations.

Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver. The act of receiving elevates the condition of the recipient. Charity is thus a blessed act that should suffer no discouragement from something so mean as the tax code.

A TRIBUTE TO MR. H. LEE DIXSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. LEWIS of California. Mr. President, today I recognize an outstanding civil servant, Mr. H. Lee Dixson, who has served with distinction for the past seven years for the Secretary of the Navy as the Assistant Deputy Commandant for Programs and Resources under the Commandant of the Marine Corps and as the Fiscal Director of the Marine Corps. It is a privilege for me to recognize his many outstanding achievements in this capacity and to commend him for a career spanning more than 35 years of superb service to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure as Assistant Deputy Commandant for Programs and Resources and as Fiscal Director, which began in March 1994, Mr. Dixson has provided Members of the Senate Appropriations Committee, as well as our professional and personal staffs with timely and accurate support regarding United States

Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the committee, the Department of the Navy and the Marine Corps to strengthen their close working relationship and to ensure that the most modern, well-trained and well-equipped Marine forces are attained for the defense of our great Nation.

Mr. President, Lee Dixson and his wife, Carolyn, have made many sacrifices during his career, and as they embark on the next great adventure beyond their beloved Marine Corps, I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever-faithful service to God, country and the Department of the Navy. Semper Fidelis.

BRISTOL-MYERS SQUIBB COMPANY ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. STARK. Mr. Speaker, I have recently sent the following letter to Bristol Myers Squibb highlighting the extent to which this company has been inflating its drug prices and engaging in other deceptive business practices.

The evidence provided shows that Bristol-Myers Squibb Co. has knowingly and deliberately inflated their representation of the average wholesale price ("AWP") which is utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers.

In doing so, Bristol-Myers Squibb Co. is abusing the public trust, endangering patients by affecting physician prescribing practices, and exploiting America's seniors and disabled who are forced to pay 20 percent of these inflated drug costs. And American taxpayers are picking up the rest of the tab.

To help bring an end to these harmful, misleading practices, I have called on the FDA to conduct a full investigation into such business practices.

These practices must stop and these companies must return the money to the public that is owed because of their abusive practices.

I submit the following letter to Bristol-Myers Squibb Co. to the CONGRESSIONAL RECORD.

February 22, 2001.

Mr. PETER DOLAN,
President, Bristol-Myers Squibb Co., New York, NY.

DEAR MR. DOLAN: Ongoing Congressional investigations have uncovered compelling evidence that Bristol-Myers Squibb ("Bristol") has for many years deliberately overstated the prices of some of its prescription drugs in order to cause the Medicare and Medicaid programs to pay inflated amounts to Bristol's customers. Bristol's participation in this scheme is costing American taxpayers billions of dollars in excessive drug costs and is jeopardizing the public's health safety and welfare. Bristol touts itself as "America's Most Admired Pharmaceutical Company" and says it is 11 out of 1,025 companies measured for "social responsibility". Yet, I think it is outrageous that your company would falsely inflate prices at a time when Medicare and the states' Medicaid Programs battle the crisis of spiraling prescription drug prices.

The price manipulation scheme is executed through Bristol's falsely inflated representations of average wholesale price ("AWP"), direct price ("DP") and wholesaler acquisition cost ("WAC"), which are utilized by Medicare, Medicaid and most private third party payers in establishing drug reimbursements to providers. The difference between the inflated representations of AWP, DP and WAC versus the true prices that providers are paying is regularly referred to in your industry as "the spread".

Bristol has control over the AWP's, DP's and WAC's published for its drugs and directs national publishers to change their prices. An internal Bristol document directing a national publisher of drug prices to increase all of Bristol's AWPs for oncology drugs by multiplying Bristol's supplied direct prices by a 25% factor rather than the previous 20.5% factor. A variance of 16% to 20% between direct drug prices and AWPs represents a range that would more than generously cover inventory costs, normal price variances and any reasonable mark-up on oncology drugs occurring in the wholesale marketplace [Bristol sold the vast majority of its infusion oncology drugs directly to oncologists through its wholly owned OTN subsidiary, and while OTN did not mark up drug prices or at any time own the drugs, it was instead paid a commission directly from Bristol without the occurrence of any significant mark-ups at the wholesale level]. None of the 4.5% price increase was intended to provide more revenues to Bristol or enable wholesalers to charge higher prices to oncologist. There were no significant price markups at the wholesale level. Instead, the increase in the AWP created a spread that, in itself, provided a financial kickback to oncologists for prescribing Bristol's cancer drugs.

Since the additional 4.5% orchestrated by Bristol in 1992, the Medicare Program has needlessly paid more than an estimated $60 million dollars for just two of Bristol's cancer drugs—this taxpayer abuse does not even account for additional Medicare beneficiary co-payments. To add insult to injury, one of the drugs Taxol (Paclitaxel) was significantly developed with taxpayer funds by the National Institute of Health.

A similar AWP increase by Glaxo drew the following objection from its competitor, Smith Kline Beecham: In an apparent effort to increase reimbursement to physicians and clinics, effective 1/10/95, Glaxo increased AWP for Zofran by 8.5% while simultaneously fully discounting this increase to physicians . . . The net effect of these adjustments is to increase the amount of reimbursement available to physicians from Medicare and other third party payors whose reimbursement is based on AWP. Since the net price paid to Glaxo for the non-hospital sales of the Zofran multi-dose vial is actually lower, it does not appear that the increase in AWP was designed to increase revenue per unit to Glaxo. Absent any other tenable explanation, this adjustment appears to reflect an intent to induce physicians to purchase Zofran based on the opportunity to receive increased reimbursement from Medicare and other third party payors. In fact, we have had numerous verbal reports from the field concerning Glaxo representatives who are now selling Zofran based on the opportunity for physicians to receive a higher reimbursement from Medicare and other third-party payors while the cost to the physician of Zofran has not changed.

The evidence clearly shows that Bristol has intentionally reported inflated prices and engaged in other improper business practices in order to cause its customers to receive windfall profits from Medicare and Medicaid when submitting claims for certain drugs. The evidence further reveals that Bristol manipulated prices for the express purpose of expanding sales and increasing market share of certain drugs where the arranging of a financial benefit or inducement would influence the decisions of healthcare providers submitting the Medicare and Medicaid claims. Indeed, Bristol did not falsify published prices in connection with other drugs, where sales and market penetration strategies did not include the arranging of such financial "kickbacks" to the healthcare provider.

In the case of the drugs for which Bristol sought to arrange a financial kickback at the expense of the government programs, the manipulated discrepancies between your company's falsely inflated AWP's and DP's versus their true costs are staggering. For example, in the **2000** edition of the Red Book, Bristol reported an AWP of **$1296.64** for one 20mg/ml, 50ml vial of Vepesid (Etoposide) for injection [NDC #00015-3062-20], while Bristol was actually offering to sell the exact same drug to Innovatix members (a large national group purchasing organization) for **$70.00**. This represents a spread between Bristol's falsely inflated AWP and the real price of **$1226.64**.

In addition to Bristol's unconscionable price manipulation of Vepesid, I am also concerned about Bristol's newer drug Etopophos. As the following excerpts from Bristol's own documents reveal, Bristol's earlier participation in the false price manipulation scheme with respect to Etoposide (Vepesid) interfered with physicians medical decisions to use Etopophos:

"The Etopophos product profile is significantly superior to that of etoposide injection . . .".

"Currently, physician practices can take advantage of the growing disparity between VePesid's [name brand for Etoposide] list price (and, subsequently, the Average Wholesale Price [AWPI]) and the actual acquisition cost when obtaining reimbursement for etoposide purchases. If the acquisition price of Etopophos is close to the list price, the physician's financial incentive for selecting the brand is largely diminished".

Bristol thus acknowledges that financial inducements influence the professional judgment of physicians and other healthcare providers. Bristol's strategy of increasing the sales of its drugs by enriching, with taxpayer dollars, the physicians and others who administer drugs is reprehensible and a blatant abuse of the privileges that Bristol enjoys as a major pharmaceutical manufacturer in the United States.

Physicians should be free to choose drugs based on what is medically best for their patient. Inflated price reports should not be used to financially induce physicians to administer Bristol's'drugs. Bristol's conduct, in conjunction with other drug companies, has cost the taxpayers billions of dollars and serves as a corruptive influence on the exercise of independent medical judgment.

Bristol employed a number of other financial inducements to stimulate the sales of its drugs at the expense of the Medicare and Medicaid Programs that were concealed from the Government. Such inducements included volume discounts, rebates, off invoice pricing and free goods designed to lower the net cost to the purchaser while concealing the actual cost of the drug from reimbursement officials. Bristol provided free Etopophos to Drs. Lessner and Troner in exchange for the Miami oncologist's agreement to purchase other Bristol cancer drugs. This arrangement had the effect of lowering the net cost of the cancer drugs to the oncologist and creating an even greater spread than would already result from the invoiced prices. The value of the free goods is often significant: Similarly, other exhibits show that Bristol provided free Cytogards in order to create a lower than invoice cost to physicians that purchased other cancer drugs through the Oncology Therapeutic Network.

It is important to note that the above free good examples created financial incentives to the physicians that were over and above the spread created by the difference between Bristol's reported prices and regular prices provided to the market.

Bristol's price manipulation scheme was directed at both the Medicare and Medicaid Programs. Bristol commonly reported prices directly to Medicare carriers as well as State Medicaid Programs. Exhibit 8, attached hereto, contains examples of Bristol's price reports that were routinely directed to State Medicaid Programs and Medicare carriers through Western Union Mailgrams.

This scheme is further illustrated by Bristol's fraudulent price representations about its drug Blenoxane. Bristol's AWP fraud with respect to Blenoxane is clearly demonstrated in Composite Exhibit 9, attached hereto, which consists of invoices relating to sales of the drug by Oncology Therapeutic Network to Jeffery N. Paonessa, MD, an oncologist practicing in St. Petersburg, Florida. In 1995, Bristol caused an AWP to be published of $276.29 when it sold Blenoxane to Dr. Paonessa for $224.22. In 1996, Bristol increased its reports of AWP to $291.49, while continuing to sell the drug to Dr. Paonessa for $224.27. In 1997, Bristol falsely reported that it had increased its AWP to $304.60 when, in reality, it lowered the price to oncologists as reflected by its price to Dr. Paonessa of $155.00. In 1998, Bristol again reported a false AWP of $304.60 while reducing its price to oncologists as reflected by the $140.00 price to Dr. Paonessa. The following chart summarizes this information:

Blenoxane 15—NDC#00015-3010-20

Year	Red Book AWP	Price to Florida oncologist	Spread
1995	$276.29	$224.22	$52.07
1996	291.49	224.22	67.27
1997	304.60	155.00	149.60
1998	304.60	140.00	164.60

It is essential that the Health Care Financing Administration ("HCFA") and other government reimbursement authorities receive truthful and accurate information from Bristol regarding drugs for which the government reimburses. The evidence uncovered by the Congressional investigations to date seems to reveal a conscious, concerted and successful effort by Bristol to actively mislead HCFA and others about the price of their drugs. I have forwarded this matter to the Department of Justice and request that Bristol's conduct be investigated under the Anti-Kickback and Prescription Drug Marketing Statutes.

Bristol's price manipulation has already caused the Medicare and Medicaid Programs unconscionable damage. The inflation index for prescription drugs continues to rise at a rate of more than twice that of the consumer price index. The American taxpayer, Congress and the press are being told that these increases are justified by the cost of developing new pharmaceutical products. Bristol and several other manufacturers are clearly exploiting the upward spiral in drug prices by falsely reporting that prices for some drugs are rising when they are in truth and in fact falling. This fraudulent price manipulation cannot be permitted to continue. I urge Bristol to immediately examine its corporate conscience, correct its behavior and make amends for the injuries it has caused government programs to date. It is time to earn your claims for social responsibility.

Please share this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,
Ranking Member.

BLACK HISTORY MONTH

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. BOYD. Mr. Speaker, the month of February is known as "Black History Month." It celebrates, not only the black race, but also the spirit and contributions of African-American culture.

The beauty and strength of America is rooted in her people. Each ethnicity contributes to the diverse patchwork that is our nation. I find it particularly important that we recognize the history of black Americans during the month of February. From the egregious stories of abduction that brought so many ancestors to this nation, to Jackie Robinson tearing down the barriers of color in Major League Baseball, the story of black America, with its highs and lows, is one that should be revived and remembered.

As Black History Month in the year 2001 comes to a close, I embrace the future with a stronger knowledge of the past and look forward to the day Dr. Martin Luther King dreamed of "when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to Join hands and sing in the words of the old Negro spiritual, 'Free at last! Free at last! Thank God almighty, we are free at last!' "

CENTRAL NEW JERSEY RECOGNIZES DEFOREST B. SOARIES, JR. FOR HIS SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. HOLT. Mr. Speaker, today I recognize Rev. Dr. DeForest B. Soaries, Jr., and his ongoing dedication to serving the needs of families throughout New Jersey. I join with the Metropolitan Trenton African American Chamber of Commerce in recognizing the many contributions he has made working to address the growing needs of our diverse community.

On January 12, 1999, Governor Christine Todd Whitman presented Rev. Soaries as New Jersey's Secretary of State. Secretary Soaries has since brought new energy to the Department of State and its mission to preserve and promote the story of New Jersey and its citizenry. With his broad experience and extensive abilities, Secretary Soaries oversees one of the leading departments of state government.

In his official capacity, Secretary Soaries oversees the Department of State's operating agencies consisting of the New Jersey State Museum; New Jersey Martin Luther King, Jr., Commission; and the Governor's Office of Volunteerism to name a few. Additionally, Secretary Soaries was charged with advancing a number of Governor Whitman's quality of life programs.

Secretary Soaries is an ordained minister and presently serves as the senior pastor of the very active First Baptist Church of Lincoln Gardens. Since joining the leadership of First Baptist, Secretary Soaries has worked to increase the congregation's membership. Secretary Soaries has aided in the development of a number of economic, spiritual, and educational programs for church members and local residents.

Once again, I applaud the many ongoing contributions to our community made by New Jersey's Secretary of State DeForest Soaries and ask all my colleagues to join me in recognizing these commitments.

DISTINGUISHED DIRECTOR'S AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. LIPINSKI. Mr. Speaker, today I personally extend my warmest congratulations to United States Marshal James L. Whigham and the honorable men and women of the Northern District of Illinois' United States Marshals Service.

On February 28, 2001, Marshal James L. Whigham accepted the prestigious 2000 Director's Distinguished District Award on behalf of the Northern District of Illinois' United States Marshals Service. The outstanding achievements of Marshal James L. Whigham and the men and women of the Northern District have brought great pride to my district, and I commend their dedication and commitment to their service.

It is a great achievement and honor to be distinguished among the other United States Marshals Service districts. This honor has truly shown the strong leadership and exemplary performance of the United States Marshals in the Northern District of Illinois.

I am very proud of United States Marshal James L. Whigham and the men and women of the Northern District of Illinois. I wish them the best of luck in their future service to our community.

PERSONAL EXPLANATION

HON. DENNIS REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. REHBERG. Mr. Speaker, I was unavoidably detained due to travel delays and was not able to cast a vote on rollcall No. 16. Mr. Speaker, had I been present and not unavoidably delayed I would have voted "yea" on this important House Concurrent Resolution.

IN MEMORY OF CLARENCE MARVIN BLACKMAN, SR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. ETHERIDGE. Mr. Speaker, today I honor the life of Clarence Marvin Blackman, Sr. of Benson, North Carolina, who died December 20, 2000. In his passing, Benson lost one of its most outstanding citizens and a man who was instrumental in growing the town to its present state. He was the kind of citizen who had the best interest of his community in mind before he made any decision.

As one of his friends put it, "If anything good happened in Benson, it was a safe bet that C.M. Blackman would be one of the people behind it."

Born in Johnston County, Blackman was the son of the late Frank and Callie Altman Blackman. He came to Benson in 1934 to open a farm supply and grocery store with Alton Massengill. He later bought out his partner and in subsequent years added an insurance agency to the business he already owned. In 1950, Blackman and four other Benson men founded the Benson Livestock Market, putting a market in easy reach of the hundreds of farmers in Harnett and Johnston counties.

A man of great energy and widespread interests, Blackman served as a town commissioner for 29 years and was mayor from 1955 to 1959. He was named Citizen of the Year in 1962 and was a charter member of the Benson Lions and the Benson Businessman's Club, which later became the Benson Area Chamber of Commerce. He was also a member of the Benson Junior Order.

After being appointed to the Board of Directors of the Benson Annual Sing in the early 1940's, Blackman served as assistant manager. He also served as announcer for the competitions.

Blackman loved his family and friends and business associates. He hosted a Christmas breakfast for them every year for 31 years. In 1999, the breakfast was named in his honor as the Annual C.M. Blackman Christmas Breakfast.

Blackman's survivors include his wife, Pernella Massengill Blackman; a daughter, Jackie B. Smith of Fayetteville; two sons, C.M. Blackman, Jr., of Raleigh and Danny Blackman of Dunn; six grandchildren and eight great-grandchildren.

Mr. Speaker, C.M. Blackman, Sr. used every minute of his long and productive life to make the world a better place. He was a respected and successful businessman, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

INTRODUCTION OF A BILL TO REPEAL THE 2-PERCENT EXCISE TAX ON PRIVATE FOUNDATIONS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. STEARNS. Mr. Speaker, the United States is blessed with a deep spirit of philanthropy. Charitable organizations serve the interests of both the individual and the community. Private foundations, in particular, have made a measurable difference in the lives of Americans. From access to public libraries, developing the polio vaccine, and even leading in the creation of Emergency 911, each and every American has experienced the benefits of the tireless efforts of these foundations.

Currently, there are approximately 47,000 foundations in the United States. In 1998, foundations gave away an estimated $22 billion in grants. These foundations were also forced to give the Federal Government a grant of $500 million in 1999.

Under current law, nonprofit private foundations generally must pay a 2-percent excise tax on their net investment income. This requirement was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of Government audits of these organizations. However, since 1990, the number of IRS audits on private foundations has decreased from 1200 to 191. Yet, excise collections have grown from $204.3 million in 1990 to $499.6 million in 1999.

In addition, private foundations are bound by a 5-percent distribution rule. Foundations must make annual qualifying distributions for charitable purposes equal to roughly 5-percent of the fair market value of the foundation's net investment assets. The required 2-percent excise tax—payable to the IRS—actually counts as a credit to the 5-percent distribution rule.

So, what we have is a private foundation making a charitable grant to the Federal Government every year. Now, the last time I looked, the Federal Government was not in any dire need of charitable contributions. In fact, in the next 10 years, the Federal budget surplus is projected to be $5.7 trillion. In 2002 alone, we are projected to have a $231 billion surplus. Therefore, I believe that Americans have been more than "charitable" in giving the Government their hard-earned dollars. It is time that we begin the process of returning that money to the people.

President Bush is working to accomplish that goal with his reduction in tax rates, and allowing for the increased use of charitable deductions and credits. My bill goes one step further, it gives those charitable organizations relief from wasting $500 million on the Federal Government and, instead, giving the money to those who truly need it.

I would also like to emphasize that former President Clinton proposed a reduction in the excise tax in his fiscal year 2001 budget. The Treasury Department noted, "Lowering the excise tax rate for all foundations would make additional funds available for charitable purposes." Common sense dictates that the elimination of this tax would spur additional charitable giving.

I want to thank Congressman CRANE for his support on this bill and ask our colleagues to lend their support as well.

VETERANS' OPPORTUNITIES ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing on behalf of Mr. Evans, Mr. Hayworth, Mr. Reyes and myself the Veterans' Opportunities Act of 2001. This measure would make a number of needed improvements to VA benefits and services including memorial affairs, life insurance, the means-tested pension program, automobile and adaptive equipment and specially adapted housing for seriously disabled veterans. Five different transition and outreach services to servicemembers, veterans, and disabled veterans and their dependents are included in the bill, as well as provisions affecting various veterans' educational assistance programs.

My colleagues and I have also consulted with Armed Services Committee Chairman BOB STUMP and Ranking Democratic Member IKE SKELTON to make certain time-sensitive technical amendments to certain servicemembers' and veterans' education provisions in current law.

Mr. Speaker, veterans' benefits and services indeed are "earned opportunities." They are earned through selfless and often hazardous service to our nation, during war and peace alike. Doing right by America's sons and daughters who have worn the military uniform is firmly ingrained in our national values, our national pride, and our sense of moral responsibility. On behalf of my fellow original cosponsors, I would like to highlight just a few of the 17 provisions in the bill.

Sadly, our nation loses about 1,500 World War II veterans each week. The Department of Veterans Affairs projects that the current death rate for our veterans will continue to increase, peaking in 2008. Our bill would increase the burial and funeral expenses for veterans whose death is service-connected from $1,500 to $2,000; increase burial and funeral expenses for veterans with nonservice-connected disabilities from $300 to $500; and increase the burial plot allowance from $150 to $300. The amount payable for these benefits has remained constant for many years in spite of inflation. The purchasing power associated with these provisions still is limited and I consider these provisions as a starting point for further improvements. I note that VA continues to maintain some 119 veterans cemeteries and 26 States participate in VA's State Cemetery Grants program. Both of these programs provide a final resting place for our veterans, and are separate and independent from the burial benefits in this bill.

Mr. Speaker, VA provides certain severely disabled veterans with grants for the purchase of automobiles or other conveyances. The grant also provides for adaptive equipment necessary for safe operation of these vehicles. Our bill would increase the amount of assistance for automobile and adaptive equipment for severely disabled veterans from $8,000, which Congress established in October 1998, to $9,000. Veterans eligible for the automobile allowance are among the most seriously disabled. I have a deep respect for them. Prior to the 1998 increase, Congress had not adjusted the grant since 1988. We need to ensure that seriously disabled veterans have the opportunity to participate in the everyday freedoms sustained by their service. We owe them nothing less and they ask for nothing more.

VA provides a one-time specially adapted housing grant of up to $43,000 to veterans with service-connected disabilities consisting of certain combinations of loss or loss of use of extremities and blindness or other organic diseases or injuries. Veterans with service-connected blindness alone or with loss or loss of use of both upper extremities may receive a home adaption grant of up to $8,250. Our bill would increase the amount of assistance for specially adapted housing grants for severely disabled veterans from $43,000 to $48,000 and the amount for additional adaptations that may be necessary later in the life of the dwelling from $8,250 to $9,250. I urge my colleagues to support these increases because, unless the amounts of the grants are periodically adjusted, inflation erodes their value and effectiveness.

Whenever we have the opportunity to make our policies family-friendly for Americans who wear the military uniform, I think we should do so. Our bill would extend coverage under the Servicemembers Group Life Insurance program to dependent spouses and children. The amount of coverage for a spouse would not exceed $100,000 and the amount of coverage for each child would be $10,000. The servicemember would not pay premiums on the child's coverage.

Mr. Speaker, I applaud my colleagues LANE EVANS and JERRY MORAN for their efforts on our provision that would revise the rules with respect to the net worth limitation for VA's means-tested pension program. Under our bill, the value of real property owned by the veteran and the veteran's spouse and children would be excluded if such property is used for farming, ranching, or similar agricultural purposes. I believe this provision is a fairer approach to the family farmer who becomes disabled from nonservice connected causes. Further, it would simplify administration of this program.

I appreciate Representatives PASCRELL and DOYLE'S work on our next provisions, which would expand the definition of "eligible dependent" for purposes of VA outreach services to mean a spouse, surviving spouse, child, or dependent parent. The bill would require VA to make known through a variety of means such as the Internet, media outlets, and veterans' publications the VA services available, and require VA to provide to the veteran or dependent information concerning benefits and health care services whenever the veteran or dependent first applies for any benefit. My colleagues and I appreciate VA Under Secretary for Benefits Joe Thompson making Ms. Diane Fuller and Mr. Dennis Rhodes available to assist us in drafting this legislation.

Mr. Speaker, the fundamental marker of a successful transition for our servicemembers is timely and suitable employment. The Departments of Labor, Veterans Affairs and Defense operate a Transition Assistance Program, known as "TAP" for this and other transition purposes. In its 1999 report to the Veterans' Affairs and Armed Services Committees of the House and the Senate, the bipartisan Congressional Commission on Service members and Transition Assistance made a number of recommendations to improve servicemembers' transition programs and services. The Commission reported that the Department of Defense expects to separate about 238,000 servicemembers annually for the foreseeable future and that during the 10-year period from 1987 to 1997, total unemployment compensation to former servicemembers surpassed $2.9 billion. The Commission also reported that compared with other veterans, Department of Labor Transition Assistance Program participants collected Unemployment Insurance for Ex-Service Members benefits for shorter periods because they found jobs more quickly. About 65 percent of servicemembers are married at the time of transition and many have children.

The issue our bill addresses is one of the timing of the Transition Assistance Program. Although section 1142 of title 10, United States Code, requires the Services to furnish transition assistance no later than 90 days before an individual's separation or retirement, the law does not specify the earliest point at which this service should begin. Transition Assistance Program statistics reveal that the majority of servicemembers are within this three-month window when they first visit a transition office.

The Commission reported that during its visit with servicemembers at military installations in the Continental United States and around the world, servicemembers repeatedly voiced their desire to begin the transition process earlier than 90 days prior to separation—ideally one-year prior for regular separatees and two years prior for retirees. The Commission agreed that this approach gives servicemembers more adequate time to prepare. The Commission's Vice Chairman, G. Kim Wincup, former staff director of the House Armed Services Committee, an Assistant Secretary of the Army during the Persian Gulf War, was the Commission's chief advisor on transition matters. We note the Commission's observation in its report that: "additionally, it provides commanders flexibility since many servicemembers are deployed during the last six months of their active duty. With additional time, servicemembers could learn the fundamentals of transition and the job search process before deployment and relieve the pressure to compress transition and out processing into the last few weeks."

This provision in our bill would expand the availability of pre-separation counseling (and Transition Assistance Program assistance for servicemembers) as furnished by the Departments of Defense, Veterans Affairs and Labor to as early as nine months for separatees and 18 months for retirees, but in no event less than 90 days. TAP is so important because often it is the last thing servicemembers remember about their military service and it is what they share with the next generation.

Mr. Speaker, dramatic changes have occurred in both the methods for providing education and in the institutions offering courses over the past several years. As the Transition Commission pointed out, "postsecondary education is now available on the Internet, through broadcast media and videotape on satellite campuses, and through non-campus programs." Our bill would permit veterans to use VA educational assistance benefits for an independent study certificate program offered by an institution of higher learning. I thank the University of Phoenix, Embry-Riddle Aeronautical University, DeAnza Community College, Washington State University and George Washington University for bringing this issue to the Committee's attention.

I strongly urge my colleagues to support this legislation.

INTERNATIONAL TRIBUNAL RULING ON RAPE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I was pleased to hear about the International Criminal Tribunal's conviction of the three Bosnian Serbs for rape, torture, and sexual enslavement of Muslim women during the Bosnian war. I submit into the RECORD the following Washington Post article that appeared on February 23, 2001, which details the outcome of the verdict. Perhaps most significantly, the judges ruled that mass rape is a crime against humanity, the most serious category of international crimes after genocide.

This is a landmark moment in the struggle for women's rights and in addressing issues of violence against women. For the first time, in the international justice system, sex crimes against women are being specifically identified and punished. In the past, UN war crimes tribunals ignored mass rape and sexual enslavement and considered these crimes to be a natural occurrence in war. Crimes against women like forced prostitution and rape that took place during WWII were never even prosecuted in the international tribunals that followed the war.

Violence against women is unacceptable. We, in the United States, need to recognize the importance of this decision, take it to heart, and make ending violence against women a priority here at home and abroad.

I want to recognize Presiding Judge Florence Mumba for her excellent work in pushing this trial to a just conclusion. It is a milestone decision for women all over the world.

I applaud this decision and hope that we, in Congress, will follow this global legal model and use all of our means and resolve to bring justice and security to the women of our nation and the world.

[From the Washington Post, Feb. 23, 2001]

WATERSHED RULING ON RAPE

SERBS FOUND GUILTY OF 'CRIME AGAINST HUMANITY'

(By Peter Finn)

BERLIN, Feb. 22.—Three Bosnian Serbs were found guilty today by a U.N. war crimes tribunal of the rape, torture and enslavement of Muslim women during the Bosnian war. It was the first time an international court ruled that rape is a "crime against humanity"

The three men were sentenced to between 12 and 28 years in prison for sex crimes committed near the town of Foca, southeast of Sarajevo, in 1992 and 1993, at the height of Bosnia's ethnic conflict. Human rights groups have estimated that tens of thousands of women, mostly Moslems, were raped during the war.

The judges found the three men's crimes to be part of a pattern of violent sexual abuse and intimidation condoned by the wartime Bosnian Serb leadership. "What the evidence shows is that the rapes were used by members of the Bosnian Serb armed forces as an instrument of terror," said Presiding Judge Florence Mumba as she sentenced the men at the International Criminal Tribunal for the former Yugoslavia at the Hague.

Today's decision was also significant for breaking old patterns by which international courts considered rape during war to be some lesser offense, if an offense at all. The decision "opens a whole new category" of war crime, said Eugene R. Fidell, of the National Institute of Military Justice, a nonprofit organization in Washington.

During World War II, the Japanese and German armies systematically enslaved thousands of women to serve as prostitutes for their soldiers. Dutch authorities tried Japanese officers who enslaved Dutch nationals, but the international war crimes tribunals that the allies created after the war did not treat the womens enslavement as a war crime, or crime of any kind.

Likewise, international courts have generally not treated as war crimes rape and other sexual violence that soldiers in combat zones commit of their own volition, assuming the soldiers were prosecuted at all.

In today's decision, Dragoljub Kunarac, 40, was sentenced to 28 years on 11 counts, including rape, torture and enslavement as crimes against humanity. Radomir Kovac, 39, was sentenced to 20 years on four counts. And Zoran Vukovic, 45, was sentenced to 12 years after the court dismissed most of the charges against him but convicted him on four counts.

The crimes occurred as Bosnia, formerly a republic of Yugoslavia, was the scene of war between its three main ethnic groups, Serbs, Muslims and Croats.

After Foca, a largely Muslim town, was overrun by Bosnian Serb forces, its mosques were burned and its civilian population rounded up and imprisoned in separate camps for males and females.

Sixteen rape victims and other witnesses testified at the eight-month trial that Serb paramilitary forces entered the women's detention centers and selected women and girls as young as 12 for nightly gang rapes and sexual torture. Many of the women were left with permanent gynecological and physchological damage.

In an impassioned and scathing judgment today, Mumba said, "Muslim women and girls, mothers and daughters together [were] were robbed of the last vestiges of human dignity."

"Women and girls [were] treated like chattels, pieces of property at the arbitrary disposal of the Serb occupation forces."

Lawyers for the convicted men had argued that the women were willing sexual partners.

As Kunarac stood before the three-judge panel, Mumba said, "You abused and ravaged Muslim women because of their ethnicity, and from among their number, you picked whomsoever you fancied on a given occasion." Kunarac briefly bowed his head as his sentence of 28 years was read.

"I remember he was very forceful. He wanted to hurt me," one witness testified about Kunarac during the trial. "But he could never hurt me as much as my soul was hurting me."

Sentencing Kovac, the court said that it was particularly appalled at his treatment of a 12-year-old-girl, who was identified only as A.B. None of the 16 victims who testified, or other victims, was identified, so as to shield them from further trauma.

A.B., the court said, was "a helpless little child for whom you showed absolutely no compassion whatsoever, but whom you abused sexually in the same way as the other girls. You finally sold her like an object in the knowledge that this would almost certainly mean further sexual assaults by other men."

The court noted that eight years later, A.B. has never been heard from.

Sentencing Vukovic to 12 years, the judges found that he raped a 15-year-old girl after threatening her mother with death if she did not tell him where her daughter was hiding. Mumba recalled case after case, summarizing the catalog of horror before she issued the prison terms.

In one instance, she noted, Kunarac "personally raped Witness FWS-183 and aided and abetted her rape by the two other soldiers by encouraging the other men while they were raping her. You further mocked the victim by telling the other soldiers to wait for their turn while you were raping her, by laughing at her while she was raped by the other soldiers, and finally by saying that she would carry Serb babies and that she would not know the father."

Noting that the three soldiers were not the masterminds of the war—Bosnia Serb leaders have been indicted but remain fugitives—the court said that "lawless opportunists should expect no mercy [from the court], no matter how low their position in the chain of command may be."

Foca now lies in the Serb zone of Bosnia and was renamed Srbinje after the war. There are few Muslims in the town today.

Dirk Ryneveld, the lead prosecutor in the case, welcomed the verdicts and commended "the bravery of the victims who came forward to tell their stories."

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001: CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. SENSENBRENNER. Mr. Speaker, on Thursday, March 1, 2001, the House is scheduled to consider H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001." On February 15, 2001, the Committee on the Judiciary ordered reported favorably the bill H.R. 333 and the report thereon was filed on February 26, 2001. The Congressional Budget Office ("CBO") cost estimate, however, was not available for filing on February 26. Therefore, I hereby submit the CBO cost estimate for printing in the CONGRESSIONAL RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 27, 2001.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for federal costs), Erin Whitaker (for the revenue impact), Shelley Finlayson (for the state and local impact), and Paige Piper Bach (for the private-sector impact).

Sincerely,

BARRY B. ANDERSEN
(for Dan L. Crippen, Director).

Enclosure

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 333—Bankruptcy Abuse Prevention and Consumer Protection Act of 2001

Summary: CBO estimates that implementing H.R. 333 would increase discretionary costs primarily to the U.S. Trustees by $256 million over the 2002–2006 period. At the same time, the bill would slightly increase the fees charged for filing a bankruptcy case, and would change how some of these fees are currently recorded in the budget. We estimate that implementing the bill would increase the amount of bankruptcy fees that are treated as an offset to appropriations by $279 million over the five-year period, resulting in a net decrease in discretionary spending of $23 million over this period.

In addition, CBO estimates that enacting this bill would decrease governmental receipts (revenues) by $260 million over the 2002–2006 period because bankruptcy fees that are currently recorded as revenues would be reclassified as offsetting collections and offsetting receipts. Finally, enactment of H.R. 333 would result in filling additional judgeships, and we estimate that their mandatory pay and benefits would cost $18 million over the next five years. Because the bill would affect direct spending and governmental receipts, pay-as-you-go procedures would apply. Assuming appropriation of the necessary amounts to implement the bill, CBO estimates that its enactment would reduce budget surpluses by $255 million over the 2001–2006 period.

H.R. 333 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates the costs would be insignificant and would not exceed the threshold established in that act ($55 million in 2000, adjusted annually for inflation). Overall, CBO expects that enacting this bill would benefit state and local governments by enhancing their ability to collect outstanding obligations in bankruptcy cases.

H.R. 333 would impose private-sector mandates, as defined by UMRA, on bankruptcy attorneys, creditors, bankruptcy petition preparers, debt-relief agencies, and credit and charge-card companies. CBO estimates that the direct costs of these mandates would exceed the annual threshold established by UMRA ($109 million in 2000, adjusted annually for inflation).

Major provisions: In addition to establishing means-testing for determining eligibility for chapter 7 bankruptcy relief, H.R. 333 would:

Require the Executive Office for the United States Trustees (U.S. Trustees) to establish a test program to educate debtors on financial management;

Authorize 23 new temporary judgeships and extend five existing judgeships in 21 federal districts;

Permit courts to waive chapter 7 filing fees and other fees for debtors who could not pay such fees in installments;

Require that at least one of every 250 bankruptcy cases under chapter 13 or chapter 7 be audited by an independent certified public accountant;

Require the Administrative Office of the United States Courts (AOUSC) to receive and maintain tax returns for certain chapter 7 and chapter 13 debtors;

Require the AOUSC and the U.S. Trustees to collect and publish certain statistics on bankruptcy cases; and

Increase chapter 7 and chapter 13 bankruptcy filing fees and change the budgetary treatment of such fees.

Other provisions would make various changes affecting the bankruptcy provisions for municipalities and the treatment of tax liabilities in bankruptcy cases.

Estimated cost to the Federal Government: As shown in the following table, CBO estimates that implementing H.R. 333 would result in a net decrease in discretionary spending of $23 million over the 2002–2006 period, subject to appropriation actions. In addition, we estimate that mandatory spending for the salaries and benefits of bankruptcy judges would increase by less than $500,000 in 2001 and by $18 million over the 2002–2006 period. Enacting the bill's provisions for adjusting filing fees would reduce revenues by $260 million over the next five years. That change in revenues would be more than offset, however, by increased collections to be credited against discretionary spending if future appropriation actions are consistent with the bill. (The estimated net decrease in discretionary spending of $23 million reflects an increase in

	By fiscal year, in millions of dollars					
	2001	2002	2003	2004	2005	2006
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Means-Testing (Section 102)						
Estimated Authorization Level	0	11	10	10	10	9
Estimated Outlays	0	9	10	10	10	9
GAO, SBA, and U.S. Trustees Studies (Sections 103, 230, and 443)						
Estimated Authorization Level	0	1	[1]	0	0	0
Estimated Outlays	0	1	[1]	0	0	0
Debtor Financial Management Training (Section 105)						
Estimated Authorization Level	0	3	1	0	0	0
Estimated Outlays	0	2	1	[1]	0	0
Credit Counseling Certification (Section 106)						
Estimated Authorization Level	0	4	3	3	4	4
Estimated Outlays	0	3	3	3	4	4
Maintenance of Tax Returns (Section 315)						
Estimated Authorization Level	0	1	2	2	2	2
Estimated Outlays	0	1	2	2	2	2
Changes in Bankruptcy Filing Fees (Sections 325 and 418)						
Estimated Authorization Level	0	−51	−59	−59	−55	−55
Estimated Outlays	0	−51	−59	−59	−55	−55
U.S. Trustee Site Visits (Section 439)						
Estimated Authorization Level	0	3	2	2	2	3
Estimated Outlays	0	2	2	2	2	3
Compiling and Publishing Data (Sections 601–602)						
Estimated Authorization Level	0	0	8	8	7	7
Estimated Outlays	0	0	8	8	7	7
Audit Procedures (Section 603)						
Estimated Authorization Level	0	0	14	17	18	19
Estimated Outlays	0	0	14	17	18	19
Additional Judgeships—Support Costs (Section 1224)						
Estimated Authorization Level	[1]	7	13	14	15	14
Estimated Outlays	[1]	7	13	14	15	14
FTC Toll-Free Hotline (Section 1301)						
Estimated Authorization Level	0	2	1	1	1	1
Estimated Outlays	0	2	1	1	1	1
Total Discretionary Changes						
Estimated Budget Authority	[1]	−19	−5	−2	4	4
Estimated Outlays	[1]	−24	−5	−2	4	4
CHANGES IN DIRECT SPENDING						
Additional Judgeships (Section 1224)						
Estimated Budget Authority	[1]	2	4	4	4	4
Estimated Outlays	[1]	2	4	4	4	4
CHANGES IN REVENUES						
Changes in Revenue from Filing Fees						
Estimated Revenues	0	−45	−53	−54	−54	−54

[1] Less than $500,000.

Note: GAO = General Accounting Office.
SBA = Small Business Administration.
FTC = Federal Trade Commission.

Basis of Estimate: For purposes of this estimate, CBO assumes that H.R. 333 will be enacted during the third quarter of fiscal year 2001 and that the amounts necessary to implement the bill will be appropriated for each fiscal year.

Spending subject to appropriation

Most of the estimated increases in discretionary spending would be required to fund the additional workload that would be imposed on the U.S. Trustees. These increases would be more than offset by changes in bankruptcy filing fees that would be recorded as offsetting collections under the bill. CBO estimates that implementing H.R. 333 would result in a net reduction in discretionary costs of $23 million over the 2002–2006 period.

Means-Testing (Section 102). This section would establish a system of means-testing for determining a debtor's eligibility for relief under chapter 7. Under the means test, if the amount of debtor income remaining after certain expenses and other specified amounts are deducted from the debtor's current monthly income exceeds the threshold specified in section 102, then the debtor would be presumed ineligible for chapter 7 relief. A debtor who could not demonstrate "extraordinary circumstances," which would cause the expected disposable income to fall below the threshold, could file under other chapters of the bankruptcy code.

Although the private trustees would be responsible for conducting the initial review of a debtor's income and expenses and filing the majority of motions for dismissal or conversion, CBO expects that the workload of the U.S. Trustees would increase under the means-testing provision. The U.S. Trustees would provide increased oversight of the work performed by the private trustees, file additional motions for dismissal or conversion, and take part in additional litigation that is expected to occur as the courts and debtors debate allowable expenses and other related issues. Although CBO cannot predict the amount of such litigation, we expect that, during the first few years following enactment of the bill, the amount of litigation could be significant, as parties test the new law's standards. In subsequent years, litigation could begin to subside as precedents are established. Based on information from the U.S. Trustees, CBO estimates that the U.S. Trustees would require 115 additional attorneys, paralegals, and analysts to address the increased workload. As a result, CBO estimates that implementing this provision would cost $48 million over the next five years.

General Accounting Office (GAO), Small Business Administration (SBA), and U.S. Trustees Studies (Sections 103, 230, and 443). Section 103 would require the U.S. Trustees to conduct a study regarding the use of Internal Revenue Service expense standards for determining a debtor's current monthly expenses and the impact of these standards on debtors and bankruptcy courts. Section 230 would require GAO to conduct a study regarding the feasibility of requiring trustees to provide the Office of Child Support Enforcement information about outstanding child support obligations of debtors. Section 443 would require the Administrator of SBA, in consultation with the Attorney General, the U.S. Trustees, and the AOUSC, to conduct a study on small business bankruptcy issues. Based on information from U.S. Trustees, GAO, SBA, CBO estimates that completing the necessary studies would cost up to $1 million in 2002, and less than $500,000 in 2003.

Debtor Financial Management Test Training Program (Section 105). This section would require the U.S. Trustees to establish a test training program to educate debtors on financial management. The test training program would be authorized for six judicial districts over an 18-month period. Based on information from the U.S. Trustees, CBO estimates that about 90,000 debtors would participate if such a program were administered by the U.S. Trustees in fiscal years 2002 and 2003. At a projected cost of about $40 per debtor, CBO estimates that this provision would cost $4 million over the 2002–2004 period.

Credit Counseling Certification (Section 106). This section would require the U.S. Trustees to certify, on an annual basis, that certain credit counseling services could provide adequate services to potential debtors. Based on information from the U.S. Trustees, CBO estimates that the U.S. Trustees would require additional attorneys and analysts to handle the greater workload associated with certification. CBO estimates that enacting this provision would cost $17 million over the next five years.

Maintenance of Tax Returns (Section 315). This section would authorize the AOUSC to receive and retain debtors' tax returns for the year prior to the commencement of the bankruptcy for chapter 7 and chapter 13 filings. Such collection and storage of tax returns would commence only at the request of a creditor. Based on information from the AOUSC, CBO expects that creditors will request tax information in about 25 percent of such cases. CBO estimates that implementing H.R. 333 would cost $9 million over the next five years to store and provide access to over two million tax returns.

Changes in Bankruptcy Filing Fees (Sections 325 and 418). Section 325 would increase chapter 7 and chapter 13 bankruptcy filing fees and change the distribution of such fees. In addition, the bill would allow the U.S. Trustee System Fund to collect 75 percent of chapter 11 filing fees. Under current law, the filing fee for chapter 7 and chapter 13 is $155 and is divided between the U.S. Trustee System Fund, the AOUSC, the private trustee assigned to the case, and the remainder is recorded as a governmental receipt (i.e., revenue). Under H.R. 333, the filing fee for a chapter 7 case would be $160, and income from this fee would be recorded in two different places in the budget. Of the $160, $65 would be recorded as an offsetting collection to the appropriation for the U.S. Trustee System Fund, and $50 would be recorded as an offsetting receipt and spent without further appropriation by the AOUSC. The remainder of this fee would be spent by the private trustees assigned to each case. The bill would reduce the filing fee for a chapter 13 case to $150 and change how the fee is recorded in the budget. The U.S. Trustee System Fund would receive $105 and the AOUSC would receive $45 per case. Under H.R. 333, no portion of chapter 7, chapter 11, or chapter 13 filing fees would be recorded as governmental receipts.

Section 418 would permit a bankruptcy court or district court to waive the chapter 7 filing fee and other fees for a debtor who is unable to pay such fees in installments. Based on information from the AOUSC, CBO expects that in fiscal year 2002 chapter 7 filing fees would be waived for about 3.5 percent of all chapter 7 filers and that the percentage waived would gradually increase to about 10 percent by fiscal year 2005.

Considering the expected reduction in the use of chapter 7 because of means-testing and the provision that would allow fee waivers, CBO estimates that implementing the new fee structure and changes in fee classifications would result in an increase in offsetting collections totaling $279 million over the 2002–2006 period.

U.S. Trustee Site Visits in Chapter 11 Cases (Section 439). This section would expand the responsibilities of the U.S. Trustees in small business bankruptcy cases to include site visits to inspect the debtor's premises, review records, and verify that the debtor has filed tax returns. Based on information from the U.S. Trustees, CBO estimates that implementing section 439 would require about 20 additional analysts to conduct over 2,300 site visits each year. CBO estimates that implementing this provision would cost about $11 million over the next five years for the salaries, benefits, and travel expenses associated with these additional personnel.

Compilation and Publication of Bankruptcy Data and Statistics (Sections 601–602). H.R. 333 would require the AOUSC to collect data on chapter 7, chapter 11, and chapter 13 cases and the U.S. Trustees to make such information available to the public. CBO estimates that it would cost about $30 million over the 2002–2006 period to meet these requirements. Of the total estimated cost, about $26 million would be required for additional legal clerks, analysts, and data base support. The remainder would be incurred by the U.S. Trustees for compiling data and providing Internet access to records pertaining to bankruptcy cases.

Audit Procedures (Section 603). Beginning 18 months after enactment, H.R. 333 would require that at least one out of every 250 bankruptcy cases under chapter 7, chapter 11, and chapter 13, plus other selected cases under those chapters, be audited by an independent certified public accountant. Based on information from the U.S. Trustees, CBO estimates that about 1.6 million cases would be subject to audits in fiscal year 2003, increasing to about 1.9 million in fiscal year 2006. CBO assumes that about 0.8 percent of those cases would be audited and that each audit would cost about $1,000 (in 2001 dollars). CBO also expects that the U.S. Trustees would need about 10 additional analysts and attorneys to support the follow-up work associated with the audits. We estimate that implementing this provision would cost $68 million over the 2003–2006 period.

Additional Judgeships—Support Costs (Section 1224). This provision would extend five temporary bankruptcy judgeships and authorize 23 new temporary bankruptcy judgeships for 21 federal judicial districts. Based on information from the AOUSC, CBO assumes that about half of the 23 new positions would be filled by the beginning of fiscal year 2002 and the rest would be filled by the start of fiscal year 2003. Also, we anticipate that all five temporary judgeships would be filled by fiscal year 2003. We expect that discretionary expenditures for support costs associated with each judgeship would average about $460,000 annually (in 2001 dollars). CBO estimates that the administrative support of additional bankruptcy judges would require an appropriation of less than $500,000 in fiscal year 2001 and $63 million over the 2002–2006 period. (Salaries and benefits for the judges are classified as mandatory spending, and those costs are described below.)

Federal Trade Commission Toll-Free Hotline (Section 1301). This section would require the Federal Trade Commission (FTC) to operate a toll-free number for consumers to calculate how long it would take to pay off a credit card debt if they were to make only the minimum monthly payments. Based on information from the FTC about the demand for the agency's other credit-related hotline, CBO expects that the FTC would receive about 20,000 calls each month. CBO estimates that the equipment and personnel necessary to serve this volume of inquiries would cost $2 million in 2002 and $6 million over the 2002–2006 period, subject to the appropriation of the necessary amounts.

Direct spending and revenues

Additional Judgeships (Section 1224). CBO estimates that enacting the means-testing provision (section 102) would impose some additional workload on the courts. Section 128 would authorize 23 new temporary bankruptcy judgeships and extend five existing temporary judgeships. Based on information from the AOUSC and other bankruptcy experts, CBO expects that the increase in the number of bankruptcy judges would be sufficient to meet the increased workload. Assuming that the salary and benefits of a bankruptcy judge would average about $155,000 a year (in 2001 dollars), CBO estimates that the mandatory costs associated with the salaries and benefits of these additional judgeships would be less than $500,000 in fiscal year 2001 and about $18 million over the 2002–2006 period.

Changes in Bankruptcy Filing Fees (Sections 102, 325, and 418). Section 325 would change the classification of where bankruptcy filing fees are recorded in the budget. Under current law, filing fees are divided between the U.S. Trustee System Fund, the AOUSC, the private trustee assigned to the case, and the remainder is recorded as governmental receipts (i.e., revenues). The percentage of the fees allocated to these different parts of the budget varies by chapter. Under the fee structure specified in the bill, the portions of chapter 7, chapter 11, and chapter 13 filing fees that are now recorded as governmental receipts would be recorded as offsetting collections or offsetting receipts. Therefore, CBO estimates that enacting H.R. 333 would reduce governmental receipts by $260 million over the 2002–2006 period. (The change in offsetting receipts would be matched by additional spending, resulting in no net change in direct spending.)

Tax Provisions (Title VII). Title VII of H.R. 333 would alter several provisions related to tax claims. It would alter the treatment of certain tax liens, disallow the discharge of taxes resulting from fraudulent tax returns under chapter 13 or chapter 11 of the bankruptcy code, require periodic cash payments of priority tax claims, and specify the rate of interest on tax claims. Title VII also would change the status of assessment periods for tax claims and would alter various administrative requirements. Based on information from the Internal Revenue Service and the Joint Committee on Taxation, CBO estimates that these provisions would increase revenues, but that any increase would be negligible.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The means-testing, waiver of fees, and changes in filing fees provisions would affect receipts, and the additional judgeships would increase direct spending; hence, pay-as-you-go procedures would apply. The net changes in outlays and governmental receipts are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	2	4	4	4	4	4	4	2	2	2
Changes in receipts	0	−45	−53	−54	−54	−54	−54	−54	−54	−54	−54

Estimated impact on state, local, and tribal governments: H.R. 333 contains intergovernmental mandates as defined in UMRA, but such costs would not be significant and would not exceed the threshold established in that act ($55 million in 2000, adjusted annually for inflation). Overall, CBO expects that enacting this bill would benefit state and local governments by enhancing their ability to collect outstanding obligations in bankruptcy cases.

Mandates

Section 227 of the bill would preempt state laws governing contracts between a debt relief agency and a debtor, but only to the extent that those state laws are inconsistent with the federal requirements set forth in this bill. Such preemptions are mandates as defined in UMRA. Because the preemption would not require states to change their laws, CBO estimates the costs to states of complying with this mandate would not be significant.

Section 719 would require state and local income tax procedures to conform to the Internal Revenue Code with regard to dividing tax liabilities and responsibilities between the estate and the debtor, the tax consequences of partnerships and transfers of property, and the taxable period of the debtor. CBO estimates that this provision would increase costs for the administration of state and local tax laws, but would not require state and local tax rates to conform to the federal rates. Such administrative costs would not be significant and would likely be offset by increased collections.

Section 1310 would prohibit state courts from recognizing or enforcing certain foreign judgments. Based on the small number of potential cases and the small likelihood that those cases would be heard in state courts, CBO estimates that there would be no significant costs associated with complying with this mandate.

Other impacts

The changes to bankruptcy law in the bill would affect state and local governments primarily as creditors and holders of tax or child support claims against debtors. In addition, it would change some of the state statutes that govern which of a debtor's assets are protected from creditors in a bankruptcy proceeding.

A 1996 survey of the 50 states conducted by the Federation of Tax Administrators and the States' Association of Bankruptcy Attorneys, the most recent data available, indicated that more than 360,000 taxpayers in bankruptcy owed claims totaling about $4 billion. Of these claims, states reported collecting only about $234 million. Total bankruptcy filings have increased since 1996. While CBO cannot predict how much more money might be collected, it is likely that states and local governments would collect a greater share of future claims than they would under current law.

Exemptions. Although bankruptcy is regulated according to federal statute, states are allowed to provide debtors with certain exemptions for property, insurance, and other items that are different from those allowed under the federal bankruptcy code. (Exempt property remains in possession of the debtor and is not available to pay off creditors.) In some states debtors can chose the federal or state exemption; other states require a debtor to use only the state exemptions. The bill would reduce the value of a debtor's homestead exemption under certain circumstances and create a new exemption for certain retirement funds and education savings plans. This bill also would place a ceiling of $100,000 on the exemptions for the value of certain property acquired in the two years prior to a bankruptcy filing under certain circumstances.

These exemption standards would apply regardless of the state policy on exemptions. The new homestead exemption and property-value limitation could make more money available to creditors in some cases, while the exemptions on retirement and education savings generally would make less money available.

Domestic Support Obligations. The bill would significantly enhance a state's ability to collect domestic support obligations, including child support. Domestic support obligations owed to state or local governments would be given priority over all other claims, except those same obligations owed to individuals. The bill would make these debts nondischargeable (not able to be written-off at the end of bankruptcy). The bill also would require that filers under chapter 11 and 13 cases pay domestic support obligations owed to government agencies or individuals in order to receive a discharge of outstanding debts. In addition, under this bill, the automatic stay that is triggered by filing bankruptcy would not apply to domestic support obligations owed by debtors or withheld from regular income, as it currently does. The bill also would require bankruptcy trustees to notify individuals with domestic support claims of their right to use the services of a state child support enforcement agency, and notify the agency that it has done so. The last known address of the debtor would be a part of the notification.

Tax Payment Plans. The bill would require that payment plans for tax liabilities be limited to five years and that payment amounts be regular and not less favorable than payments for other obligations. Under current law, taxing authorities sometimes face payment plans that include a series of small payments over time followed by a large balloon payment near the end of the planned payment stream. At that point, the debtors often fail to complete their payments. This provision would require that taxes be paid at a rate proportionate to those of other debts, but does not specifically prohibit balloon provisions. It also would establish interest rates to be applied to outstanding tax liabilities. Under current law, any interest charges on outstanding tax liabilities are determined at the discretion of the bankruptcy judge.

However, this status is granted only if a tax is assessed within a specific period of time from the date of the bankruptcy filing. If that filing is subsequently dismissed and a new filing is made, the tax claim may lose its priority status. The bill would make adjustments to this provision, allowing more time to pass in some circumstances, thus increasing the likelihood that state or local tax claims would maintain their priority status.

Taxes and Administrative Expenses. Under current law, certain expenses and the priority of claims reduce the funds that would otherwise be available to pay tax liens on property. The bill would increase the priority of those liens in certain circumstances against certain expenses and claims, thereby making it more likely that funds would remain available to cover tax obligations. Governmental units would not be required to file a request for certain administrative expenses as a condition of being allowed such an expense. The bill also would allow state and local governments to claim administrative expenses for costs incurred by closing a health care business.

Fuel Tax Claims. Under current law, all states owed fuel tax under the International Fuel Tax Agreement have to file separate claims against debtors under the bankruptcy code. The bill would allow a state designated under the agreement to file a single claim on behalf of all states owed the fuel taxes. This would simplify the filing process.

Tax Return Filing. A number of provisions in the bill would require debtors to have filed tax returns, and in some cases to be current in their tax payments, before a bankruptcy case may continue. These provisions would help states identify potential claims in bankruptcy cases where they may be owed delinquent taxes.

Priority of Payments. In some circumstances under current law, debtors have borrowed money or incurred some new obligation that is dischargeable (able to be written-off at the end of bankruptcy) to pay for an obligation that would not be dischargeable. This bill would give the new debt the same priority as the underlying debt. If the underlying debt had a priority higher than that of state or local tax liabilities, state and local governments could lose access to some funds. However, it is possible that the underlying debt could be for a tax claim, in which case the taxing authority would face no loss. Because it is unclear what types of nondischargeable debts are covered by new debt and the degree to which this new provision would discourage such activity, CBO can estimate neither the direction nor the magnitude of the provision's impact on states and localities.

Single Asset Cases. One provision of the bill would allow expedited bankruptcy proceedings in certain single asset cases (usually involving a large office building). State and local governments could benefit to the extent that real property is returned to productive tax rolls earlier as a result of this provision.

Municipal Bankruptcy. The bill would clarify regulations governing municipal bankruptcy actions and allow municipalities that have filed for bankruptcy to liquidate certain financial contracts.

Estimated impact on the private sector

Mandates

H.R. 333 would impose new private-sector mandates on bankruptcy attorneys, creditors, bankruptcy petition preparers, debt-relief agencies, and credit and charge-card companies. Consumer bankruptcy attorneys would be required to make reasonable inquiries to confirm that the information in documents they submit to the court or to the bankruptcy trustee is well grounded in fact. Creditors would be required to make disclosures in their agreements with debtors and provide certain notices to courts and debtors. Bankruptcy petition preparers and debt-relief agencies would also be required to provide certain notices to debtors. Credit and charge-card companies would be required to disclose specified information in monthly billing statements, new account introductory rate offers, and internet-based solicitations. CBO estimates that the direct costs of these mandates would exceed the annual threshold established by UMRA ($109 million in 2000, adjusted annually for inflation).

Section 102 of the bill would make bankruptcy attorneys liable for misleading statements and inaccuracies in schedules and documents submitted to the court or to the trustee. To avoid sanctions and potential civil penalties, attorneys would need to verify the information given to them by their clients regarding the list of creditors, assets and liabilities, and income and expenditures. Completing a reasonable investigation of debtors' financial affairs and, for chapter 7 cases, computing debtor eligibility, would require attorneys to expend additional effort. Information from the American Bar Association indicates that this requirement would increase attorney costs by $150 to $500 per case. Based on the 1.59 million projected filings under chapter 7 (liquidation) and chapter 13 (rehabilitation), CBO estimates that the direct cost of complying with this mandate would be between $240 million and $790 million in fiscal year 2002. With a rise in projected filings over the next three years, annual direct costs would reach a peak in fiscal year 2004 at between $280 million and $950 million and remain in that range through fiscal year 2006. The additional costs for attorneys would most likely be passed on to debtors.

The bill would require certain notices to be disclosed as part of the bankruptcy process. Section 203 of the bill would require a creditor with an unsecured consumer debt seeking a reaffirmation agreement with a debtor to provide certain disclosures. The agreement reaffirms the debt discharged in bankruptcy between a holder of a claim and the debtor.

These disclosures must be made clearly and conspicuously in writing and include certain advisories and explanations. The required disclosures could be incorporated into existing standard reaffirmation agreements. Section 221 would require bankruptcy petition preparers who are not attorneys to give the debtor written notice explaining that the preparer may not provide legal advice. Section 228 would require a debt-relief agency providing bankruptcy assistance to an assisted person to give certain written notices to the person and to execute a written contract. Such agencies also would be required to supply certain advisories and explanations regarding the bankruptcy process. Most attorneys and debt-relief counselors currently provide similar information. Based on information from bankruptcy practitioners, CBO estimates that the direct costs of complying with these mandates would fall well below the annual threshold established by UMRA.

H.R. 333 also requires credit lenders to provide additional disclosures to consumers. Credit and charge-card companies would be required to include certain disclosures in billing statements with respect to various open-end credit plans regarding the disadvantages of making only the minimum payment. Other disclosures would be required to be included in application and solicitation materials involving introductory rate offers, internet-based credit card solicitations, and for late payment deadlines and penalties. Based on information from credit lenders, CBO estimates that the direct costs of these disclosure requirements would fall below the annual threshold.

Other impacts

H.R. 333 also contains many provisions that would benefit creditors. Most significant for creditors are provisions that would shift debtors from chapter 7 to chapter 13 and provisions that would expand the types of debts that would be nondischargeable. By expanding the types of debts that are nondischargeable, some creditors would continue to receive payments on debts that would be discharged under current law. Means-testing in the bankruptcy system would result in more individuals being required to seek relief under chapter 13 rather than chapter 7. Because chapter 13 requires debtors to develop a plan to repay creditors over a specified period, the total pool of funds available for distribution for creditors would likely increase. As long as the likelihood of repayment by debtors and the pool of funds increases by an amount greater than the cost to creditors of administering the new bankruptcy code, creditors would be made better off under the bill.

Under UMRA, duties arising from participation in voluntary federal programs are not mandates. The bankruptcy process is largely voluntary for debtors, and debtor-initiated bankruptcies are equivalent to participation in a voluntary federal program. Consequently, new duties imposed by the bill on individuals who file as debtors do not meet the definition of private-sector mandates, and additional cost for debtors would not be counted as direct costs for purposes of UMRA.

Estimate prepared by: Federal Costs: Lanette J. Walker and Ken Johnson; Revenues: Erin Whitaker; Impact on State, Local, and Tribal Governments: Shelley Finlayson; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE DECEPTIVE STORM OF GREED AND PETTINESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. OWENS. Mr. Speaker, In his inaugural address President Bush left us with one profound image: the specter of an "Angel in the Whirlwind" guiding the fate of our nation. Democracy in America has survived and expanded despite the numerous whirlwinds and storms. At several critical periods our ship of state could have been blown off course and been wrecked on the rocks: from the challenges of Aaron Burr and Jefferson Davis, to the grabbing greed which spawned the depression and the racist totalitarian threat of Hitler's Nazism. Always, in the past, the churning American political process has produced the leadership capable of conquering crises. But now we are confronted with a new kind of subtle and invisible emergency. We are confronting an enemy that has no guns. Internal smugness, arrogance, and the lack of empathy and compassion are attacking the moral spinal cord of the nation. In a previous inaugural address President Clinton correctly identified America as the "indispensable nation." Will the "Angel in the Whirlwind" guide us to new leaders who will know how to use our great wealth and power to fulfill this mission? At critical and pivotal points in our past, that great "Angel in the Whirlwind" has delivered saviors: Thomas Jefferson with his bold ideas and actions; Abraham Lincoln, frontier toughness with compassion far beyond any of his peers; Franklin Roosevelt with the vision and decisiveness that ended depression hardships and defeated Hitler. Now prosperity has brought the United States to a different kind of pivotal point in history. The question is, shall a nation with the unprecedented means to enhance survival and the resources to facilitate a less difficult pursuit of happiness for all of its people; shall such a nation at this critical moment choke on its own pettiness and greed thus rendering itself morally disabled forever. We pray for deliverance by the "Angel in the Whirlwind."

ANGEL IN THE WHIRLWIND

Angel in the whirlwind,
Tell us where you've been;
Come steer us through the storm,
Halt all this public sin.
Angel in the whirlwind
Blow forth great truths;
All men are born equal,
Some men die great;
Profiles in courage
Never come too late.
Lincoln in the whirlwind
Blew powerful justice down;
Emancipation proclamation,
Magnificent sensation,
Plain ordinary people
Transformed to noble creations.
Sailors in the whirlwind
Forsake all ease,
Typhoons still lurk near,
Patriots must not fear.
Angel in the whirlwind,
Jefferson at your side,
Ships ashore at Normandy,
In every boat you ride,

Protect our future fate,
Martin King's posterity
Is waiting at the gate.
Angel in the whirlwind
Wrestle with the terror:
Tornado twisted greed;
Volcanoes belching
Ashes of indifference;
Human kind's highest hope
Strangling on a golden rope;
Merciful empire
That might've been,
Critically infected now
By the virus of public sin;
Giant graves reserved for midget men.
Angel in the whirlwind
Stay to save the brave and free,
Bring back judicial integrity,
Point us toward eternity,
Come steer us through new storms,
Angel in the whirlwind.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. WICKER. Mr. Speaker, on Rollcall No. 16 Tuesday, February 27, I was detained due to being with the official delegation honoring the 10th anniversary of the liberation of Kuwait. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. PALLONE. Mr. Speaker, on Rollcall No. 16, H. Con. Res. 39, Tuesday February 27, 2001, had I been present, I would have voted "yea."

PRASAD CHILDREN'S HEALTH PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. GILMAN. Mr. Speaker, February has been Children's Health Month. Today, on the last day of the month, it is an appropriate time to reflect on how important the health of our young people is to the future of our Nation. A strong, vibrant citizenry is the very keystone to our future. Today, in the wealthiest economy in the history of the world, there is no excuse to put the health of our boys and girls on the back burner.

I have been made familiar with a program which performs such exemplarly health service that it is an appropriate model for health programs throughout the United States.

The PRASAD Children's Dental Health Program (CDHP) voluntarily serves all the young people in Sullivan County, New York. It provides health education, fluoride with parental consent, and restorative care through a mobile clinic that travels to every school district in Sullivan County.

The outstanding volunteers of PRASAD Children's Dental Health Program go into the schools to educate the children, provide free toothbrushes, and help fight the scourge of tooth decay and gum disease.

The program is targeted to children who qualify for the free lunch program, have Medicaid or Child Health Plus for their insurance, or who have no dental insurance. The health education and fluoride prevention aspects of the program are available to all children, regardless of parental income.

PRASAD CDHP has been in existence for five years and is supported wholly with private donations.

Mr. Speaker, tooth and gum disease is the number one chronic health problem of children in our nation. It is five times more common than asthma, and seven times more common than hay fever. It is estimated that 18 million school hours are lost each year by children due to dental problems.

I am greatly impressed by the outstanding service performed by the PRASAD Children's Dental Health Program. Dyan Campbell who is the national Program Director, is seeking the wherewithal to expand the program nationwide. I believe that Ms. Campbell and her program are deserving of our support and our kudos.

Mr. Speaker, I invite all of our colleagues to join with me in saluting this truly outstanding program—a role model for our nation's children's dental health.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 1, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 2

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.
SD–342

10 a.m.
Budget
To continue hearings to examine the President's proposed budget request for fiscal year 2002.
SD–608

MARCH 6

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To resume hearings to examine the role of United States correspondent banking and offshore banks as vehicles for international money laundering, and the efforts of financial entities, federal regulators, and law enforcement to limit money laundering activities within the United States.
SD–342

10 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the effectiveness of gun locks.
SR–253

MARCH 7

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine proposed legislation entitled Better Education For Students and Teachers Act.
SD–430

Commerce, Science, and Transportation
To hold hearings to examine voting technology reform.
SR–253

2 p.m.
Armed Services
To hold a closed briefing on current military operations.
SH–219

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:30 a.m.
Foreign Relations
To hold hearings to examine foreign policy issues and the President's proposed budget request for fiscal year 2002 for the Department of State.
SD–419

MARCH 13

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine the National Nuclear Security Administration, Department of Energy.
SD–124

MARCH 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on defense intelligence matters.
S-407, Capitol

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 15

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.
SH-216

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

MARCH 27

10:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings on issues relating to Yucca Mountain.
SD-124

APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD-124

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.
SD-124

APRIL 26

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
SD-124

MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD-124

MAY 3

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD-124

HOUSE OF REPRESENTATIVES—*Thursday, March 1, 2001*

The House met at 10 a.m.

Rabbi Lance Sussman, Temple Concord, Binghamton, New York, offered the following prayer:

Lord Our God, God of all people, Eternal Spirit of the Universe, we ask for blessings on this House and on the United States of America. Keep us strong as a Nation. Sustain in us a deep sense of justice. Incline our hearts to work for the betterment of all and peace for the human family. Keep alive in us the memory of all those who made ultimate sacrifices for our benefit as a Nation.

Bless this land with prosperity. Teach us to celebrate our differences and to unite around our common values. Be present with us in our homes, our places of work and on the way.

We thank You, Lord, for this day and for the opportunity to serve You by serving others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HINCHEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HINCHEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 18. Concurrent Resolution recognizing the achievements and contributions of the Peace Corps over the past 40 years, and for other purposes.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services, to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, to the Board of Visitors of the United States Naval Academy.

The message also announced that pursuant to Public Law 105–341, the Chair, on behalf of the Majority Leader, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Becky Norton Dunlop, of Virginia, vice Elaine L. Chao.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair announces on behalf of the Committee on Finance, the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Utah (Mr. HATCH).

The Senator from Alaska (Mr. MURKOWSKI).

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

RABBI LANCE SUSSMAN

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, it is with a great deal of pleasure and privilege that I welcome here my constituent, Rabbi Lance Sussman, of Binghamton, New York, as the guest chaplain. We are honored to have Rabbi Sussman with us this morning to offer the opening prayer for today's session. Rabbi Sussman is a native of Baltimore, where he graduated from Franklin and Marshall College. He was ordained at the Hebrew Union College Jewish Institute of Religion, where he earned a Ph.D. in American Jewish history.

In 1986, Rabbi Sussman was appointed to the faculty of Binghamton University, where he continues to teach Jewish history. He founded his own small press, called Kesher Press, and has published several notable works that document Jewish history in America and, specifically, in upstate New York.

In 1990, the rabbi was called to lead the Temple Concord in Binghamton and for 11 years has served his congregation and his community with great distinction. He established a food pantry and a seasonal museum called Hanukkah House, which now attracts thousands of school children of all faiths from across our region of New York. Working with Elderhostel, the rabbi has also worked to make Temple Concord a leading center for adult Jewish education.

Rabbi Sussman has been called to a new position as senior rabbi at the Reform Congregation Keneseth Israel in Elkins Park, Pennsylvania, where he will begin serving in July. He will be greatly missed by his congregation and the countless other residents of the Binghamton area whose lives he has touched.

Mr. Speaker, I am proud that this Chamber has honored Rabbi Sussman with the opportunity to offer today's opening prayer. It is a wonderful sendoff for a fine man and spiritual leader. I hope that you will join me in welcoming Rabbi Sussman, his wife Liz, their children, family members and congregants.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair will entertain 10 one-minutes per side.

TAX CUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President came here this week to present his responsible plan for paying down the debt, saving Social Security and Medicare, strengthening our defense and improving education. It is a good plan. It puts issues front and center that both he and his opponent campaigned on. How we get things done will be the subject of debate.

Mr. Speaker, some are questioning whether the President's tax cut is large enough. Why leave almost a trillion dollars just sitting in the Treasury waiting to be spent. Perhaps it would be better to increase the size of the President's tax cut and get that money out of Washington and out of the hands of politicians. But some in this body are very ho-hum about tax cuts. They say that we do not need them, that we should keep that money here so it can be spent. Keep in mind that the American people already spend more every year on taxes than they do on food, clothing, shelter and transportation combined.

Mr. Speaker, the American people need, deserve and should get a tax cut. If done soon enough, it will help stimulate the economy.

HONORING THE LIFE OF KAYLA ROLLAND

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I think it is appropriate to take a moment this morning to honor little Kayla Rolland. As a father and grandfather, I can understand the love that Kayla's family feels for her. Six-year-old Kayla was gunned down in a playground in Michigan 1 year ago. Her killer, a classmate in the first grade, had found a loaded gun at home. The tragic death of little Kayla has shaken us all and must force us to ask the question, how can we allow these gun-related tragedies to happen and not respond? Kayla's fate is not uncommon.

Mr. Speaker, do my colleagues know that more than 800 Americans die each year from guns shot from children under the age of 19? Do they know that the rate of firearm deaths of children 1 to 14 years of age is nearly 12 times higher in the United States than in all of the top 25 industrialized countries? If they did not know that, they should.

Whether it is childproof guns, whether it is personalized weapons, we need to come together on both sides of the aisle to do something that makes common sense.

PRESIDENT'S BUDGET IS RESPONSIBLE FOR AMERICA'S FAMILIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, President Bush this week released his budget, a budget which is fashioned in the same way that you and I and millions of Americans figure out their home monthly budget.

First, it funds our priorities, including education, health care, Social Security, Medicare and Defense.

Secondly, it pays down the Nation's debt, providing the greatest amount of debt reduction in U.S. history.

Third, the budget includes a $1 trillion contingency fund to ensure that the United States can meet any unforeseen or emergency funding burden.

Finally, the money left over is returned to the hard-working people of America through responsible tax relief that will not only encourage savings, but also spur continued economic growth.

This budget is responsible. It is visionary, and it is right for our future.

Mr. Speaker, I yield back the criticism of those who refuse to act in responsibly and simply want a frivolous way to spend America's tax dollars on more wasteful big government bureaucracy.

RECORD ADDICTION PROBLEM OF THE WORLD IN THE UNITED STATES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another underground tunnel was found on the Mexican border with a half of a ton of cocaine in it. Dug by hand, the tunnel connected a home to a sewer system, ultimately to Mexico.

Now if that is not enough to dust an angel. This is the sixth tunnel found since 1995. Think about it, kids are strung out on heroine and cocaine all across America, while drug pushers are running relay races with backpacks full of narcotics under and across our borders and Congress does nothing, because it is sensitive politically.

Beam me up. Beam me up here. Shame, Congress. American children are strung out, and I yield back a record addiction problem of the world in the United States of America.

THE PRESIDENT'S TAX REDUCTION PLAN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the President is today out in the heartland of America promoting his tax reduction plan, and it sparked a very interesting debate.

Everybody agrees that the money is going to be spent. The only argument is who is going to spend it, the hard-working American taxpayer who earned it or the bureaucrats in Washington who have taken it from them in higher than necessary taxes.

Mr. Speaker, the argument is very simple. There is going to be a lot of rhetoric about this, but cut through the rhetoric and listen to what they are saying. What they are saying is that you who earned it are too dumb to spend it wisely, so because they care so much for you, they are going to keep your money, rather than give it back to you, because if they gave it back to you, you would not spend it wisely and bureaucrats in Washington will spend it more wisely than you will.

I do not think the average American believes that, Mr. Speaker, and I think that the proposed tax cut is even too small. It is going to leave too much money on the table. And if it is there, the bureaucrats in Washington are going to spend it, and we ought to give it back to the people. They earned it, and they will spend it better than we will.

DEFEAT H.R. 333, THE SO-CALLED BANKRUPTCY REFORM BILL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Americans are told do not leave home without it. But if you overuse it, you can lose your home, or you can lose everything inside your home with it. I am speaking about H.R. 333, the so-called bankruptcy reform bill, which is up today for a vote on this floor.

This bill is a direct threat to American consumers and businesses. The so-called bankruptcy reform bill will hurt American families in financial crisis by subjecting them to an inflexible standard based on IRS collection guidelines.

The bill contains inflexible deadlines, excessive filing requirements, which would needlessly force viable businesses into liquidation. Had it been law a few weeks ago, it would have made impossible the reorganization of LTV Steel in Cleveland, resulting in its liquidation at the cost of 5,000 jobs.

In this bill, protections of household goods against liens have been decimated. Home security computers for adult education, firearms even for subsistence, hunting could be seized by a business or the IRS because of this change.

Defeat H.R. 333.

IDEA FULL FUNDING ACT OF 2001

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, today I will be introducing the IDEA Full Funding Act of 2001. I would like to thank my 27 colleagues who have already joined me in supporting this important measure.

In 1975, the U.S. Congress passed the Individuals with Disabilities Education Act, IDEA, mandating that local school districts provide appropriate education to students with special needs. Realizing that this could be a costly endeavor, Congress agreed to fund up to 40 percent of the average per pupil expenditure.

However, to date, Congress has only provided States with 14.9 percent of the funds promised. We need to do a better job of keeping the IDEA promise, and I am proposing that we strive to meet this goal.

My bill will achieve the 40 percent level in 2011. By steadily increasing funds over the next 10 years, we would demonstrate our commitment to our local school districts and practice fiscal prudence.

Mr. Speaker, I invite my colleagues to join me in meeting the IDEA promise.

EDUCATION AND WORKFORCE COMMITTEE BOYCOTT

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute.)

Mr. RODRIGUEZ. Mr. Speaker, I am deeply concerned about the decision of the Committee on Education and the Workforce to split the higher education issues.

I take offense that the higher education issues affecting Hispanic-serving institutions and historically black universities and colleges are not considered as mainstream, and, therefore, the bias-skewed mentality found it necessary to group them with such disparate issues as juvenile justice, runaway youths and other social issues.

It is a form of segregation and placing blame and blaming the victim. I am really concerned that the mentality that created the proposal is one that is placing blame rather than acknowledging that we all have a problem, that we all need to take ownership, that we all need to solve the issue and not designate it as a problem that belongs to one group or another, given that our Hispanic-serving institutions and our historically black colleges and universities are assisting youth and people throughout the country to make sure that they meet the challenges of the 21st century.

I have spoken to my universities back home, and they are seriously concerned with what has happened in the Committee on Education and the Workforce and, therefore, I ask the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, to reconsider this decision and let us make sure that every child is not left behind.

□ 1015

URGING SUPPORT FOR THE PEACE CORPS PROGRAM

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, today marks the 40th anniversary of the Peace Corps. Thirty years ago, I left my very comfortable middle-class home in Syracuse, New York for a thatched hut with a mud floor in the foothills of Nepal. I made a lot of friends. I gained a lot more knowledge than I imparted.

But today, I stand before my colleagues, among other Members of Congress, who served in the Peace Corps. Many of us are back home providing productive lives and leadership throughout many sectors of our country.

The knowledge of the world that these Peace Corps, former Peace Corps volunteers provide becomes more and more valuable as the world gets smaller. Congress needs to continue its strong support for this program. There are benefits certainly to the world in terms of better international relations, and it provides a constant infusion of new leaders to our country.

So, Mr. Speaker, I urge strong support for the continued Peace Corps program.

JUST DO IT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. WOOLSEY. Mr. Speaker, just do it. Go ahead, return the historically black colleges and universities and the Hispanic-serving universities to the subcommittee where they belong, the subcommittee that has jurisdiction over higher education, the Subcommittee on 21st Century Competitiveness, the subcommittee for this century.

Separating historically black, Hispanic, and tribal institutions from the higher education subcommittee is insulting. It is harmful. It takes us back to the 19th century.

The Republicans' decision is insulting and harmful. It is harmful to our colleagues. It is harmful to the institutions, to the students, and those who attend them, and it is harmful to our Nation.

What good reason could there be for not changing this decision? There is no good reason. Just do it.

STEEL REVITALIZATION ACT

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise this morning to discuss the steel crisis which has forced American steel producers like LTV Corporation in my city into bankruptcy. Today under the leadership of the gentleman from New York (Mr. QUINN), we will introduce, along with the gentleman from Indiana (Mr. VISCLOSKY), the Steel Revitalization Act.

The aim of this legislation is to aid American steel producers through import relief, legacy cost sharing, adjusting the Steel Loan Guarantee Program, and providing incentives to consolidate. We hope this legislation will help all steelworkers.

The flood of illegally subsidized foreign steel into American markets have caused our companies to declare bankruptcy at alarming rates.

I find it somewhat ironic that we are introducing the Steel Caucus package on the same day the House is expected to debate the bankruptcy reform.

Estimates of the cost of the economic impact of losing LTV in Cleveland show that the steel maker pays $338 million in annual wages and salaries and $68 million in benefits.

I urge my colleagues to support the Steel Revitalization Act and would press the House leadership to bring this legislation to the floor quickly.

EDUCATION AND WORKFORCE SUBCOMMITTEE JURISDICTIONS

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, the exclusion of minority higher education issues from the Subcommittee on 21st Century Competitiveness is a step backward. Congress must take a step forward and combine all higher education programs into one subcommittee.

In my district, Puerto Rico, I am proud to represent 46 institutions of higher education, both public and private, and comprised of over 174,000 students. Compared to many districts, my schools are permanently populated by minority students, and I am here to raise their voice in opposition.

By targeting minorities and placing them in a separate subcommittee with at-risk youth, child abuse, and domestic violence connotes that minorities are a problem in our society, when in reality it is the mixing of many cultures that make this Nation strong.

As minorities grow in numbers and influence our country, we have not forgotten our roots or the pain or discrimination of being ignored or left behind. Minorities seek and demand the same high quality education as the rest of the society. This exclusionary action lessens the quality and promotes ignorance.

I join my fellow colleagues today to let our voice be heard, our presence be known.

SEPARATE BUT EQUAL IS NOT ACCEPTABLE IN AMERICA

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, today, I am giving my first speech on the House floor. It is a great privilege to be here. I was sent to Congress to fight for equality and justice for Minnesota families and all American families.

Today I am speaking out against the inequality and injustice that only can be corrected by the majority on the Committed on Education and the Workforce.

Separating historically black colleges from other higher education institutions is a disgrace. Separating tribal colleges is unconscionable. Separating Hispanic-serving institutions is an injustice.

We are one Nation. Separate but equal is not acceptable in America, and it must not be acceptable in Congress.

I call upon the Republican leadership to unite all institutions of higher education into one subcommittee and treat all of our children with dignity and equality.

IN THE 21ST CENTURY, ALL SCHOOLS DESERVE LEVEL PLAYING FIELD

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise to express my dismay with the plan put forth by my Republican colleagues which would hurt our Nation's important minority-serving higher education institutions. This plan would remove Hispanic-serving institutions, historically black colleges and universities, and tribal colleges from the consideration of the Subcommittee on 21st Century Competitiveness, which deals with higher education and, instead, places them in a select Committee on Education and the Workforce which deals with juvenile crime and child abuse.

What kind of message are we sending when we exclude minority-serving institutions from our consideration of higher education? Why should schools like Cal State Los Angeles and East Los Angeles College located in my district be treated differently than any other college in our country?

Two of my heroes in government were educated there in East Los Angeles College. I am talking about Gloria Molina, the first Latina ever elected as Los Angeles County Supervisor, and a former colleague, Congressman Esteban Torres, who was a Member of this body.

Do we want to send a message that these schools and their graduates are somehow less than any other college or university? I do not think so. I urge Republicans to rethink this proposal and to send the right message; that, in the 21st century, all schools deserve a level playing field.

PROVIDING FOR CONSIDERATION OF H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 333) to amend title 11, United States Code, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon receipt of a message from the Senate transmitting H.R. 333 with Senate amendments thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on the Judiciary or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), my colleague and my friend; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us today is a fair and structured rule, providing for the consideration of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. The rule waives points of order against consideration of the bill and provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Judiciary.

The rule also provides that the amendments recommended by the Committee on Judiciary now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole and that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read.

The rule waives all points of order against provisions in the bill as amended and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. It provides that amendments made in order may be offered only in the order printed in the report and may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report divided equally and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for the division of the question in the House or in the Committee of the Whole.

The rule also waives all points of order against the amendments printed in the Committee on Rules report.

Finally, the rule provides one motion to recommit with or without instructions and provides authorization for a motion in the House to go to conference with the Senate on the bill, H.R. 333.

☐ 1030

Mr. Speaker, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001 will fundamentally reform the existing bankruptcy system into a needs-based system. I am proud of the tireless efforts of the House Committee on the Judiciary under the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently, and free from abuse.

We must end the days when debtors who are able to repay some portion of their debt are allowed to game the system to take advantage of those laws. Instead, this bill is crafted to ensure the debtor's rights to a fresh start while protecting the system from flagrant abuses from those who can pay their bills.

This should not be a controversial issue because Congress has spoken many times on this issue before today. Two Congresses ago, in the 105th Congress, the House and the Senate passed different versions of bankruptcy reform legislation. The House agreed to the conference report that was negotiated on October 9, 1998, by a vote of 300 to 125.

During the 106th Congress, both the House and the Senate overwhelmingly approved bankruptcy reform legislation, also on a bipartisan basis. The House passed H.R. 833 by a vote of 313 to 108 in May of 1999 and later passed the conference report by voice vote on October 12, 2000. Each time the bankruptcy reform legislation has received overwhelming support from both sides of the aisle. The Senate also voiced its strong support and passed the conference report by a vote of 70 to 28. Unfortunately, President Clinton chose to pocket veto this bill.

That is why we are here again today, Mr. Speaker. The legislation that we consider today is virtually identical to the conference report that passed the House in the 106th Congress.

There is a great need for this bill now. According to statistics released by the Administrative Office of the United States Courts, bankruptcy filings reached an all-time high of more than 1.4 million in 1998. The debts that remain unpaid as a result of those bankruptcies cost each American family that did pay their bills on time $400 a year in the form of higher cost for credit, goods and services. Unfortunately, much of the debt that was eventually passed on to consumers last year was debt that bankruptcy filers could have afforded to pay. They simply did not because of the current opportunities under the law. That is why it is so important for us today to pass real bankruptcy reform.

Without serious reform of our bankruptcy laws, these trends promise to continue growing, as they have every year, costing business and consumers even more in the form of losses and higher costs of credit. As we debate and vote today, we should keep in mind two important tenets of the bankruptcy reform: number one, the bankruptcy system should provide the amount of debt relief that an individual needs, no more and no less; and, number two, bankruptcy should be the last resort and not a first resort to financial crisis. It should not become a way of life.

Opponents of this bill have tried to divert the discussion away from the merits of the bill and claim it would make it more difficult for divorced women to obtain child support and alimony payments. However, nothing could be further from the truth. This bankruptcy reform bill protects the financial security of women and children by giving them higher priority than today's law. The legislation closes loopholes that allow some debtors to use the current system to delay, or even evade, child support and alimony payments. The bill recognizes that no obligation is more important than that of a parent to his or her children.

Currently, child support payments under today's law are the seventh priority behind such things as attorney's fees. Make no mistake about this, H.R. 333 puts women and children first at the top of the list. We should provide greater protection to families who are owed child support, and this bill will do just that.

One important part of this legislation is known as the "homestead provision." Protection of one's home is something that is very important to myself, the gentleman from Texas (Mr. FROST), who will be speaking in just a minute on behalf of the minority, and also our constituents in Texas. The homestead provision maintains the long-held standard that allows the States to decide if homestead should be protected, yet stops those who purchase a home before filing bankruptcy as a means to evade creditors.

The bill also addresses other problems, including needs-based bankruptcy. The heart of this legislation is a needs-based formula that separates filers into chapter 7 or chapter 13 based upon their ability to pay. While many families may face job loss, divorce, or medical bills and, therefore, legitimately need protection provided by the bankruptcy code, research has shown that some chapter 7 filers actually have the capacity to repay some of what they owe. Needs-based reform says that if someone can reasonably repay some of their debts, they should. This does not mean that the debtor cannot declare bankruptcy, but merely that the debtor needs to use chapter 13 rather than chapter 7 to repay some of the debt if he or she is able to do so.

This bill also recognizes the need for consumer education and protection. It includes education provisions that will ensure that debtors are made aware of their options before they file for bankruptcy, including alternatives to bankruptcy, such as credit counseling. And the bill cracks down on bankruptcy mills, law firms, and other entities that push debtors into bankruptcy without fully explaining the consequences.

Finally, the bill also imposes new restrictions and responsibilities upon creditors with the goal of preventing borrowers from getting in over their heads. For example, the bill requires creditors to disclose more about the effect of paying only the minimum payment and establishes new creditor penalties designed to encourage good-faith bankruptcy settlements with debtors.

Mr. Speaker, I am proud of this bill. This resolution will bring bankruptcy reform to the House of Representatives. The rule allows for full and fair debate on the underlying measure, as well as adequate opportunity for those who oppose the legislation to offer amendments. I urge my colleagues to support this rule and H.R. 333.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have long been a supporter of bankruptcy reform, and I support the bill before us today. I am, however, concerned that the Committee on Rules majority has started the year by denying Democratic Members the opportunity to offer amendments to this significant legislative proposal. Granted, the bill before us is identical to the bill vetoed by the President last year; but at the same time, we do have a deliberate process in this body that is being stifled by the majority. Just as the majority is intent on considering massive tax cuts before we even have received a real budget from the President, much less before we have a budget debate on the Hill, the majority has once again subverted the process.

Mr. Speaker, as I said, I am a supporter of this bill, but there are issues that deserve to be heard and debated. This rule makes in order six amendments. Democrats are grateful the Republican majority has at least seen fit to give us a substitute, but other significant amendments offered in the Committee on Rules yesterday are not included in this list of six.

For example, the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, offered an amendment, along with the gentlewoman from New York (Ms. SLAUGHTER), who is a member of the Committee on Rules. This amendment relates to the issue of payment of child support and alimony by debtors, which has long been an issue that has given many Members pause when considering whether or not to support reform of the bankruptcy system. Mr. Speaker, many believe the provisions in the bill adequately address these concerns. However, it is an issue that deserves to be heard and the Conyers-Slaughter amendment should have been made in order.

Mr. Speaker, it is not as if we have been extraordinarily busy in the weeks since the 107th Congress convened. Perhaps giving us an extra hour or two of debate time might be too taxing, considering the schedule we have kept so far this year, and that is the reason we will not be able to debate the Conyers-Slaughter amendment or other amendments submitted by Democratic Members; but if we are to have the change of tone in Washington the President is seeking, it seems to me that there should be a little more collegiality on the part of the Republican leadership when it comes time to parcel out amendments to bills the House is to debate.

Mr. Speaker, Democrats are not here to subvert the process. We have constituencies to represent and real problems to address. We can only hope in the coming months that we will be allowed to do that as we consider legislation that is vital to our country and to the people we represent.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of this resolution, an order of business resolution, providing for the consideration of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001.

I want to commend the gentleman from Texas (Mr. SESSIONS); the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules; and all the members of the Committee on Rules for reporting a fair, balanced, and appropriate rule for consideration of this important bankruptcy reform bill.

Mr. Speaker, this rule is not unlike rules passed in the 105th and 106th Congress providing for the consideration of bankruptcy reform bills. This structured rule provides ample time for debate and consideration of opposing views. It makes in order one minority substitute and provides one hour of debate on that substitute. It also makes in order a technical amendment which I will be offering which will make some minor technical corrections in the bill.

Mr. Speaker, this is a good rule and I urge the Members to support this resolution.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this bill represents an ill-considered change in public policy that totally advantages some creditors, particularly large credit card issuers, over families that seek bankruptcy relief because of financial catastrophes caused by major medical expenses, divorce, job loss, death of the family bread winner and the like. In fact, it was the former chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), that pointed out last year during the course of this debate that there were 75 consumer creditor enhancements in this bill. It also advantages the sophisticated debtor who has accumulated so-called "exempt assets," to the detriment of the unsophisticated debtor who has no assets and is earning $40,000, $45,000, or $50,000 a year trying to put bread on the family table.

The American people should know that a debtor can live in a mansion in Florida worth millions, have an individual retirement account of up to $1 million, have annuities worth additional millions of dollars, receive a nice big fat pension and not worry, because these assets are exempt and creditors cannot touch them.

□ 1045

But if you do not have any so-called exempt assets and are barely making it and genuinely need bankruptcy relief, woe is you. Those credit card companies will be able to chase you forever. Just imagine how this different treatment of debtors will appear to the American people. You can properly call this not a tax break for the wealthy but bankruptcy protection for the rich. Every fair-minded American should find this offensive and unconscionable. We are in the process of establishing different classes of debtors.

Now, proponents are concerned, justifiably, about the dramatic increase in the number of personal bankruptcy filings that peaked in 1998, as my friend from Texas indicated. I share his concern and their concerns. It is just that this bill is not the answer. It is not the panacea they claim. They predicted that unless we adopted an earlier version of this bill, those filings would continue to escalate. The original bill was introduced in 1997. Well, they were dead wrong. The bankruptcy rate declined by more than 9 percent in 1999 and further declined 6 percent in the year 2000. That represents 170,000 fewer filings in the year 2000 than in 1998. That is what they are not telling you, Mr. Speaker. That is a 2-year decline of greater than 15 percent in the bankruptcy rate. No doubt if the bill had passed when introduced in 1997, the sponsors would be taking bows for this positive trend. But it would have been undeserved. I have no doubt that they sincerely believe that the spike in the number of personal bankruptcies was caused by debtors, as I have heard the term, gaming the system, that bankruptcy was becoming a financial planning tool and that there was no longer a social stigma associated with bankruptcy and that the current Bankruptcy Code encouraged debtors to file for bankruptcy. Again in large measure they were wrong. Maybe they never carefully examined the evidence, because every independent analysis concluded that there was no data, no empirical research, no hard evidence that supported that theory. Let me add when I say independent analysis, I mean studies that were not bought and paid for by the credit card industry.

Government agencies agreed with those independent experts. To note a few, a CRS report issued in 1998 states, "There is a dearth of empirical data to support or refute the hypothesis." The CBO issued a report last year. One sentence sums it all up, and I am quoting: "The available research casts a dim light on the causes of personal bankruptcy and its consequences for the cost and availability of credit."

Myself and others proposed amendments, Mr. Speaker, that would have added some balance to the bill, that would have equaled the relationship between creditors and debtors. But unfortunately they were not made in order.

Mr. Speaker, I hope that the rule is rejected and that the underlying bill is defeated.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Our previous speaker, who is a very good friend of mine, was speaking about credit card debts, was speaking about who would and would not get relief under this bill. I would like to just state that the purpose of this bill is to allow all Americans the opportunity to file bankruptcy. The gentleman indicated that credit card companies would stay after that little guy for forever. But, in fact, that is not true. Because if the little guy that was in reference to, unless they had a nondischargeable debt, meaning that they took on this credit card debt fraudulently, immediately upon filing for bankruptcy they would get the relief, just like anyone else in this country.

We are not after the little guy. We are trying to do the right things for everybody. And so whether you did have a pension or whether you were a little guy, we would offer that same protection.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, again let me be very, very clear. The priority that is now given to credit card debt under this proposal is vastly different and much of that debt will become nondischargeable and we will be chasing people for $80 a month while others are living, with these exempt assets, the life of luxury. That is totally wrong and unconscionable.

Mr. SESSIONS. I appreciate the gentleman's help. In fact, I believe that a nondischargeable debt, as most of them are, would simply be given relief, and so it would not be cost effective to chase after $80 for forever, nor would it be appropriate and right. Nor would it be allowed under this law.

Mr. Speaker, I yield 2½ minutes to the gentleman from Palm Bay, Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. In recent years despite the trends downward, bankruptcies remain too high. I remain deeply troubled by this. I am very concerned that filing for bankruptcy continues to be much higher than it should be, and I believe that today many Americans are filing for bankruptcy again as a financial planning tool.

Filing for bankruptcy should be reserved for Americans who have been generally responsible but have gotten in over their heads primarily for circumstances that they could not control, such as the loss of a job, high medical bills, a disability in the family that puts a tremendous strain on the family budget, and other such circumstances.

Earlier this week, I had the members of the credit unions in the State of Florida come into my office. As we all know, credit unions are membership-owned financial institutions, owned by working people. They support this bill. Why is that the case? Because they are increasingly seeing bankruptcies of convenience, bankruptcies used as a financial planning tool. These are people who have been often irresponsible in their spending habits.

And who picks up the tab for these bankruptcies of convenience? All of the other members of the credit union, through higher interest rates and reduced benefits. Just to cite as an example what the credit unions are telling me that they are seeing more and more often is people who run up large credit card bills at places like Disney World, on trips to theme parks and trips to very, very nice hotels in the days and weeks prior to them filing for bankruptcy. Meanwhile, thousands of other hardworking Americans in those credit unions do not go to those kinds of places simply because they cannot afford it. But nonetheless they are paying for those trips by those people.

I realize that this is a very difficult issue, but I believe that the bill that we have on the floor today strikes the proper balance. It is a good bill. It protects consumers. That is what we should be primarily concerned about. It protects all Americans fairly. I encourage all my colleagues to support this rule, which is a very, very fair and good rule, and support the underlying bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in opposition to this rule. During committee consideration, I offered several amendments to correct oversights in the bill. These amendments were of a relatively minor character. The first would provide that when someone, for example, is legally separated from their spouse and files individually for bankruptcy, that we would not consider the separated spouse's income in determining whether the person filing for bankruptcy met the means test. As a practical matter, if someone is legally separated and has no access to the assets of the other spouse and yet that other spouse's assets are considered in the means test, they will not qualify for chapter 7. That is not appropriate. I am really astounded that this provision was taken out of the manager's amendment. During the committee hearing, the sponsor of the bill indicated that he thought that there was likely merit to this amendment.

The second that I offered would provide for a GAO study to determine the impact on child support, whether this will make it more difficult for people to collect child support. That was also rejected, a mere study of the issue. I do not know what we are afraid of. If we have a study of the issue and it finds, as the proponents of the bill say, that this has no net adverse impact on women trying to collect child support, then great, we know that. But if a year goes by and the study is conducted and it finds there are problems, we can then address them. What are we afraid of? Why are we afraid to find out the answer to those questions?

I am hoping this bill comes back from conference with the Senate in a different form. Many of us would like to support this bill. This bill has many important bankruptcy reforms in it. Many of us believe bankruptcy reform is vital. There are some positive things on child support in this bill, like relief from the automatic stay. But if even these minor issues that could ultimately be very important are rejected out of hand as they are in this rule, then the House is essentially delegating to the Senate to do the meaningful work on the bill. We are delegating to the Senate to decide what amendments should be taken and what not, what the form of the bill ought to be. I hope that this pattern would not persist with other legislation as well or we will really be delegating our responsibility to the other House.

In conclusion, Mr. Speaker, I would urge opposition to this rule and in the future would hope that where there are amendments that are acknowledged in committee as probably having merit, where suggestions such as a study are made, that they would be considered in order. I thank the Members for their consideration.

Mr. SESSIONS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Columbus, Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank my good friend from Texas and my colleague on the Committee on Rules for yielding me this time.

I rise in strong support of this balanced rule and for the underlying legislation.

Mr. Speaker, we have before us a fair and evenhanded rule that will allow us to consider important legislation to reform our Nation's bankruptcy system. This bankruptcy reform legislation will remedy weaknesses in existing law that allow higher income taxpayers to escape their responsibilities even when they are able to repay a portion of what they owe. This bill will take steps to eliminate what we call the bankruptcy of convenience. At the same time, the legislation will protect those who are truly needy and in need of a second chance to maintain their ability and obtain a fresh start.

Further, the legislation contains important protections for children and spouses who are owed child support and alimony. By equipping State child support collection agencies with the necessary tools and codifying the importance of child support and alimony obligations, this legislation will increase our commitment to children and families and will hold parents, husbands and wives to their responsibilities.

Mr. Speaker, the American public has indicated their desire for bankruptcy reform and, in fact, the Congress just last year demonstrated its strong support in passing very similar bankruptcy legislation reform, with 313 bipartisan votes. Today, we build upon our past success and take an important step forward toward finally enacting these needed reforms into law.

The administration has already stated its support for this overall package and recognizes the need to curb many of the abuses of the current bankruptcy protections. I urge my colleagues to support this fair and balanced rule as well as passage of this important legislation.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

In closing today, I would like to say that the Bankruptcy Review Commission was created in 1994 and filed its report in 1997. It was composed of people who were on the front lines, not only bankruptcy judges but also trustees from all across the country as well as those who were interested in small business, consumers and others. They have provided us feedback that we have included in this bill today. Today I had an opportunity to speak with the trustee of the Northern District of Texas and the Eastern District of Texas, Bill Neary.

☐ 1100

Mr. Neary provided me information and feedback that, in fact, he believed that the most complete, up-to-date opportunities that they are seeing in the marketplace today are included within this bill.

This rule that we are talking about is fair. It is doing the right thing. It will support the underlying legislation.

Mr. SENSENBRENNER. Mr. Speaker, at the request of the Committee on Financial Services, I hereby submit for the RECORD correspondence between that Committee and the Committee on the Judiciary relating to the Financial Services Committee's agreement to waive its consideration of H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001."

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, February 21, 2001.
Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR JIM: On February 14, 2001 the Committee on the Judiciary ordered reported H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. As you know, the Committee on Financial Services was granted an additional referral upon the bill's introduction pursuant to the committee's jurisdiction under Rule X of the Rules of the House of Representatives over banks and banking, credit, and securities and exchanges.

Because of your willingness to consult with the Financial Services Committee regarding this matter, your continuing support for our requested changes, and the need to move this legislation expeditiously, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 333. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 333 or related legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thanks for your attention to these matters.

Sincerely,
MICHAEL G. OXLEY,
Chairman.

COMMITTEE ON THE JUDICIARY,
Washington, DC, February 22, 2001.
Hon. MICHAEL G. OXLEY,
Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MIKE: This letter responds to your letter dated February 21, 2001, concerning H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001" which was favorably reported by the House Committee on the Judiciary on February 14, 2001.

I agree that the bill contains matters within the Financial Services Committee's jurisdiction and appreciate your willingness to be discharged from further consideration of H.R. 333 so that we may proceed to the floor.

Pursuant to your request, a copy of your letter and this letter will be included in the report of the Committee on the Judiciary on H.R. 333.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. LAFALCE. Mr. Speaker, I rise in opposition to the Rule. I had hoped that the House would have had an opportunity to debate the amendment sponsored by myself and Representatives KANJORSKI, NADLER, and JACKSON-LEE, that would have addressed the very serious problem of misleading and deceptive credit card practices. It is extremely disappointing that the Rule only provides for a handful of amendments. But, the Rule is thereby consistent with the history of this legislation, for H.R. 333 is the product of a shadow conference, not full congressional deliberations, where issues important to consumers and working families could have been seriously considered. The Financial Services Committee never even availed itself of the opportunity to review the bill, although it contains significant changes to the Truth In Lending Act.

The bill is not balanced. H.R. 333 attempts to deal with the results of the increasing level of consumer bankruptcies. But the bill fails to deal adequately with one of the principal causes. That cause is the aggressive promotion of consumer debt by credit card companies, without any attention to reasonable underwriting standards, and increasingly targeted at vulnerable populations that can neither afford it nor, often, repay it. As policymakers, we cannot expect consumers to willingly assume the greater financial responsibility contemplated under this bill unless we also simultaneously protect them from abusive practices which unfairly trap them into debt they can ill afford.

Our amendment addresses credit card company practices that directly contribute to the increasing level of consumer debt and the rise in consumer bankruptcies. It goes beyond the traditional emphasis on disclosure and provides stronger protections for all consumers against credit card company practices that are at the very least misleading and, often, intentionally deceptive. In particular, it addresses the concerns of populations which have proven to be most vulnerable. People in their twenties are the fastest growing group filing for bankruptcy. To a large degree, that is the result of aggressive targeting of students and young people just starting out in life by credit card companies that trap them into a cycle of debt before they have adequate income to sustain it.

The few provisions in H.R. 333 that attempt to address this issue are inadequate and may turn out to be illusory because their effective date could be delayed indefinitely through a mandatory regulatory process.

The credit card industry is asking Congress for relief from allegedly inadequate bankruptcy statutes. Congress should not consider such relief unless it also relives vulnerable consumers of the burden of abusive credit card company practices. We must do a better job of bringing balance to this bill, and ensuring that credit card issuers take responsibility for their own actions that have helped to create the consumer debt problems that America faces today.

I urge that my colleagues vote against this Rule, and let the Committees do their job and hold full and fair hearings on these issues.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 132, not voting 19, as follows:

[Roll No. 22]

YEAS—281

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Crowley
Cubin
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☐ 1123

Ms. SOLIS, Mrs. NAPOLITANO, Mr. POMEROY, Mrs. MEEK of Florida, Mr. FARR of California, Mrs. DAVIS of California, Mr. LAMPSON, Mr. GEPHARDT and Ms. MILLENDER-McDONALD changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 333.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection, and pursuant to clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. BISHOP of Georgia,
Ms. HARMAN of California,
Mr. SISISKY of Virginia,
Mr. CONDIT of California,
Mr. ROEMER of Indiana,
Mr. HASTINGS of Florida, and
Mr. REYES of Texas.

There was no objection.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 71 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 333.

☐ 1125

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, with Mr. QUINN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001.

Mr. Chairman, this bill is a bipartisan, balanced, and comprehensive package of reform measures pertaining to both consumer and business bankruptcy cases. The purpose of the bill is to improve bankruptcy law and practice by restoring personal responsibility and integrity in the bankruptcy system, and to ensure that the system is fair to both debtors and creditors.

With respect to its consumer provisions, H.R. 333 responds to several significant developments. One of these developments was the dramatic increase in consumer bankruptcy filings during the 1990s and the losses associated with those filings. Based on data released by the Administrative Office of the United States Courts, bankruptcy filings increased by more than 72 percent between 1994 and 1998. Mr. Chairman, for the first time in our Nation's history, bankruptcy filings exceeded 1 million in 1996. In calendar year 1997 alone, bankruptcy filings increased by more than 19 percent over the prior year. By 1998, the number of bankruptcy filings, according to the AO, reached an all-time high of more than 1.4 million cases. Although the most recent reporting periods indicate the filings have somewhat decreased, the Administrative Office states they remain well above the 1 million mark. Paradoxically, this dramatic increase in bankruptcy filing rates has occurred during a period when the economy was generally robust, with relatively low unemployment and high consumer confidence.

Coupled with this development was the release of a study estimating that financial losses attributable to bankruptcy filings in 1997 exceeded $44 billion. The committee received testimony in the last Congress stating that this figure, when amortized on a daily basis, amounts to a loss of at least $110 million a day.

Please note, those of us who pay our bills as we have agreed end up having to absorb these losses through higher costs and bank fees and interest rates.

Various other studies which thereafter became available concluded that some bankruptcy debtors can in fact repay a significant portion of their debts.

The heart of H.R. 333's consumer bankruptcy provisions is the implementation of an income-expense screening mechanism, usually referred to as a means-based or means test reform.

☐ 1130

These provisions are designed to ensure that debtors repay creditors the maximum they can afford.

In addition, the bill institutes significant consumer protection reforms, including mandatory credit counseling requirements and specific disclosures in connection with certain credit transactions.

The reforms are aimed to help debtors understand their rights and obligations with respect to reaffirmation agreements are also included in the legislation.

In addition, the legislation substantially expands the debtor's ability to exempt certain tax-qualified retirement accounts and pensions. It also creates a new provision that allows a consumer debtor to exempt certain education IRA and State tuition plans for his or her child's postsecondary education from the claims of creditors.

Most importantly, H.R. 333 requires debtors to participate in credit counseling programs before they file for bankruptcy relief, unless special circumstances do not permit such participation. The legislation's credit counseling provisions are intended to educate consumers about the consequences of bankruptcy, such as the potentially devastating effect it could have on their credit rating, and to provide them with guidance about how to manage their finances so that they can avoid future financial difficulties.

Mr. Chairman, the bill also makes extensive reforms pertinent to business bankruptcies. Many of these provisions are intended to heighten administrative scrutiny and judicial oversight of small business bankruptcy cases. In addition, the bill includes provisions designed to reduce systemic risk in the financial marketplace and to clarify the treatment of tax claims in bankruptcy cases. H.R. 333 also creates a new form of bankruptcy relief for transnational insolvencies and includes provisions regarding family farmer debtors and health care providers.

It should be noted that this bill is a product of more than 3 years of congressional consideration of bankruptcy reform legislation. As reported, H.R. 333 is virtually identical to the conference report on H.R. 2415, the Gekas-Grassley Bankruptcy Reform Act of 2000, which passed the House by a voice vote last October 12 and passed the other body on December 7 by a vote of 70 to 28. But for former President Clinton's December 19 pocket veto, this legislation would have been become law.

It should also be noted that support for bankruptcy reform legislation in the last two Congresses has been overwhelming and bipartisan. In the 105th Congress, for example, the House passed both H.R. 3150, the Bankruptcy Reform Act of 1998, and the conference report on that bill by veto proof margins. In the last Congress, the House passed H.R. 833, which is the successor to H.R. 2415, by a veto-proof margin of 313–108.

This bill is the product of extensive negotiation and compromise, as well as an exhaustive and amendatory process. In the last Congress alone, the House and Senate engaged in nearly 7 months of negotiations to reconcile the differences between their respective bills. The product of these exhaustive efforts was the conference report on H.R. 2415, which is virtually identical to this bill.

Mr. Chairman, this is a balanced, bipartisan and comprehensive reform measure, which will prevent the costly exploitation of our bankruptcy system, while protecting those debtors truly in need of bankruptcy protection.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at a time when our electoral system is in tatters, voter reform ignored, our campaign finance laws riddled with loopholes, our seniors in desperate need of prescription drug coverage, our minimum wage laws unadjusted for 6 years, the first major bill the Republican majority brings to this floor is bankruptcy. Not just any bankruptcy bill, a bill that massively tilts the playing field in favor of creditors and against the interests of ordinary consumers and workers. A bill opposed by every consumer group, by the bankruptcy judges and trustees themselves, by organized labor, by every major group concerned about seniors, women, children, victims of crime, this is the first bill we bring to the floor in the 107th Congress.

To all of my friends on both sides of the aisle who tell me that this bill is balanced and fair, I have one response, read the bill and understand it.

To those who argue the bill only punishes wealthy debtors or fraudulent debtors, check out how the bill give creditors massive new rights to bring threatening court motions against low-income debtors. Read how the bill permits credit card companies to reclaim common household goods which are of little value to them, but of every value to the debtor's family. Read how the bill makes it more difficult for people below the poverty line to keep their house or their car in bankruptcy.

To those who allege the bill protects alimony and child support, I would ask them if they know that the bill creates major new categories of nondischargeable debt that compete directly against the collection of child support and alimony payments, Mr. Chairman; whether they are aware that the bill allows landlords to evict battered women without bankruptcy child support approval, even if the eviction poses a threat to the women's physical well-being; whether they are aware that the bill forces women and children involved in bankruptcy to file personal information with the court, which is then placed on-line where the whole world has direct access to it.

To my modest efforts to correct the bill and the problems, we were ruled out of order. It was considered to be unworthy of debate in the House.

To those who assert the bill cracks down on credit card abuse, I would ask them to look at the meaningless boilerplate requirements included in the bill to realize that the bill does absolutely nothing to discourage abusive underaged lending, nothing to discourage reckless lending to the developmentally disabled, yes, and nothing to regulate the practice of so-called subprime lending to persons with no means or little ability to repay their debts.

Then some suggest the bill fixes the problem of homestead exemption abuse, I would suggest that rather than repeal or even cap the homestead exemption, the bill places only weak obstacles in its place. The bill does nothing to prevent the very worst abuses in the Bankruptcy Code, such as when financiers and criminals void tens of millions of dollars in debt, while they live high on the hog in their multimillion dollar mansions. They can still do it under this bill. Again, the majority would not even allow us an amendment to try to eliminate the abuse.

To those who believe this bill streamlines and expedites business bankruptcies, look at title 4, which adds numerous new paperwork burdens, imposes arbitrary deadlines, and makes it far more likely that struggling businesses, especially small ones, will be forced to liquidate and terminate workers.

And so it is amazing that Congress is taking these actions at a time when we are in the middle of an economic slowdown. It is like pouring gasoline on a fire of economic uncertainty.

I am ashamed of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Chairman, let me open my remarks by thanking the Committee on the Judiciary for bringing this bill to the floor early.

I must say, Mr. Chairman, from me personally, I take it as a matter of enormous pride that this is the first significant bill we bring to the floor in this Congress. This Congress represents a new beginning, I hope, for the government of the United States.

Mr. Chairman, I believe that the law of this land should always be a complement to and encouragement for those lessons in life that we as parents invest most heartfelt in the instruction of our children.

Every mom and dad in America today that has that precious baby as their charge, realizing the responsibility that I am this child's first and most important teacher, tries to teach the child those lessons of life that will endure and, if observed and followed, will make it possible for that child to be happy and successful in their own life and a blessing in the lives of the others. That is all we want for our children.

This is a wonderful ability, the ability of adults to hold their head high and know their duty and do their duty.

One of the things that we have already worked so hard with our children is to be so, so careful how we accept obligations in our lives and be judicious in that manner, but once we accept an obligation to understand the need as a matter of personal pride and honor to fulfill that obligation, the law of the land should complement that lesson on behalf of every child in America and on behalf of every parent that passes that lesson down to yet another generation.

Bankruptcy laws in America have not done that. Bankruptcy laws in America have put a lie to one of the most important lessons we teach our children. Bankruptcy laws in America have said to our children, you are a fool if you do not file. That is not right. Yes, this is a right step for us to take, a good step for us to take. It is not about the money. Anybody who thinks this bill is about who gets the money is missing the point, Mr. Chairman.

This bill is about the character of a Nation and will the Nation's laws have a character of the Nation's people.

Again, let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this opportunity for me as one Member to vote for the character of this great Nation, because, Mr. Chairman, we are a wonderful people. We deserve this bill.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Missouri (Mr. CONYERS), the ranking member, for yielding me the time, and I thank him for his leadership.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the time we will have to work together.

It is for that reason that I rise to the floor with a great deal of disappointment, disappointment because this would have been a very simple and gracious way to begin the collaborative uniting that has been so eloquently spoken to by many in this country; but, yet, we took the ice skating rinks of the Nation and we got on some ice-skates and we called it bankruptcy.

Before we could even hear the state of the budget, almost before the inauguration, this bill was skidding to victory, a bill that brakes the backs of working women, disappoints children and discourages people who are truly trying to work and do the right thing from getting their life back in order.

Let me simply suggest to you that this is what we are confronting. "Debt smothers young Americans," the USA Today article says. "As a freshman at the University of Houston in 1995, Jennifer signed up for a credit card and got a free T-shirt. A year later, she had piled up about $20,000 in debt and 14 credit cards. Jennifer is not a deadbeat. She is a young woman in college, seeking an opportunity and responding to the abusive solicitation by our credit card companies."

One mode of collaboration could have been that in this bill we would have had responsible restrictions and requirements on our credit card companies to educate those who utilize credit. Yes, I think it is good that mom and dad can train a young child and get them to be responsible and pay their debts. It is great. How many of us have tried that?

□ 1145

Mr. Chairman, I have a young 21-year-old in college in America, and the T-shirts are just flowing there from credit card companies attempting to sign up students, and the T-shirts look pretty. They look like the one I am holding. Some are blue and pink, and they come in all colors.

This is a bad bill because it has a means test that says we are going to be guided by the IRS standards. We are going to test you and give you a SAT and LSAT before you go into bankruptcy court. They say we know the difference when there is frivolous lawsuit. We know when deadbeats are trying to get out of paying their debts.

What about Jennifer. Her parents may not have known she was signing up. What about women and children and dads who have custody of children and need alimony and need child support. This is a horrible bill.

What this bill does is it presents a competition, a world boxing match between the credit card companies and those who are trying to get alimony and child support from the bankrupt debtor. It says you have got to get out and fight with a lawyer before you can get prioritization. It does not prioritize alimony and child support. It is a misrepresentation to that. This hurts women and children.

Mr. Chairman, I include for the RECORD an article and a letter signed by the American Association of University Women, Children NOW, Children's Defense Fund, Center for Law and Social Policy, among others, that says we cannot survive. This is a bad bill. This is not a uniting bill. This is bad for America.

The material referred to is as follows:

[From USA Today, Feb. 13, 2001]

DEBT SMOTHERS YOUNG AMERICANS

(By Christine Dugas)

As a freshman at the University of Houston in 1995, Jennifer Massey signed up for a credit card and got a free T-shirt. A year later, she had piled up about $20,000 in debt on 14 credit cards.

Paige Hall, 34, returned from her honeymoon in 1997 to find herself laid off from her job at a mortgage company in Atlanta. She was out of work for 4 months. She and her husband, Kevin, soon were trying to figure out how to pay $18,200 in bills from their wedding, honeymoon and furnishings for their new home.

By the time Mistie Medendorp was 29, she had $10,000 in credit card debt and $12,000 in student loans.

Like no other generation, today's 18- to 35-year-olds have grown up with a culture of debt—a product of easy credit, a booming economy and expensive lifestyles.

They often live paycheck to paycheck and use credit cards and loans to finance restaurant meals, high-tech toys and new cars that they couldn't otherwise afford, according to market researchers, debt counselors and consumer advocates.

"Lenders are much more willing to take a risk on people under 25 than they were 15 years ago," says Nina Prikazsky, a vice president at student loan corporation Nellie Mae. "They will give out credit cards based on a college student's expected ability to repay the bills."

Young people are taking advantage of the offers. A study out today from Nellie Mae shows that the average credit card debt among undergraduate students increased by nearly $1,000 in the past two years. On average, they owed $2,748 last year, up from $1,879 in 1998.

At a time when they could be setting aside money for a down payment on a home, many young people are mortgaging their financial future. Instead of getting a head start on saving for retirement, they are spending years digging themselves out of debt.

"I knew for a while that I had a problem. I wouldn't say I was living high on the hog, but when I wanted clothes, I'd buy a new outfit," says Medendorp, an Atlanta resident. "I'd go out to eat and charge it on my cards. There were a bunch of small expenses that added up and got out of control."

Massey, Hall and Medendorp each ended up seeking help from a local consumer credit counseling service. Hundreds of thousands more young people like them are turning to credit counseling or bankruptcy because they can no longer juggle their bills.

In 1999 alone, an estimated 461,000 Americans younger than 35 sought protection from their creditors in bankruptcy, up from about 380,000 in 1991, according to Harvard Law School professor Elizabeth Warren, principal researcher in a national survey of debtors who filed for bankruptcy.

At the Consumer Credit Counseling Service of Greater Denver, more than half of all the clients are 18 to 35 years old, says Darrin Sandoval, director of operations. On average, they have 30% more debt than all other age groups, he says.

"By the time they begin to settle into a suburban lifestyle, they are barely able to meet their debt obligations," Sandoval says. "If there is a job loss, an unexpected medical expense or the birth of a child, they supplement their income with credit cards. Soon they are being financially crushed."

DEBT HEADS

Unlike the baby boom generation—raised by Depression-era parents—young Americans today are often unfazed by the amount of debt they carry.

"This generation has lived through a time when everything was on the upswing," says J. Walker Smith, president of Yankelovich Partners, a market research firm. "There is no sense of worry about being over-leveraged. It all seems to work out."

Kevin Jackson, a 32-year-old software engineer in Denver, has about $8,000 in credit card debt and a $20,000 home-equity loan. He doesn't believe he has a debt problem, though his goal is to reduce his credit card balance to $2,000.

"You learn to live with a certain amount of debt," he says. "It's a means to an end. There is something to be said for paying for everything and something to be said for enjoying life, as long as you do it responsibly."

Unfortunately, enjoying life can be expensive, especially for many young Americans who feel it is essential to have the latest high-tech products and services, such as a cellphone, pager, voice mail, a computer with a second phone line or a DSL connection, an Internet service provider and a Palm Pilot.

Jackson just bought a DVD player and a big-screen TV. "I try to control costs," he says. "I easily could have spent $5,000 on the TV, but instead I paid $2,000 and I got a one-year, no-interest deal."

Movies, TV shows and advertising only reinforce the idea that young people are entitled to have an affluent lifestyle. "We're encouraged to overspend," says Jason Anthony, 31, co-author of Debt-free by 30, a book he wrote with a friend after they found themselves drowning in debt.

"We all see shows like Melrose Place and Beverly Hills 90210. It creates tremendous pressure to keep up. I'm one of the few persons who think a recession will be good for my generation. Our expectations are so elevated. In the frenzy to keep up, we've gotten into financial trouble," he says.

THE PERILS OF PLASTIC

Consumers like Massey, who get bogged down in credit card debt before they even graduate from college, learn the hard way about managing money. Now, 24 and married, Massey has a good job in marketing. She has cut up her credit cards and is gradually repaying her debt. However, there have been consequences: She had to explain to her boss that because she no longer has a credit card, she cannot travel for work if it involves renting a car or booking a hotel reservation on her own. She had to tell her husband about her debt problems before they were married.

"I lack confidence now," Massey says. "I'm hard on myself because of my mistakes. But I blame the credit card companies and the university for allowing them to promote the cards on campus without educating students about credit."

The percentage of undergraduate college students with a credit card jumped from 67% in 1998 to 78% last year, according to the Nellie Mae study. And many of them are filling their wallets with cards. Last year, 32% said they had four or more cards, up from 27% two years earlier.

Although graduate students have an even bigger appetite for credit, they are starting to show signs of restraint. Their average debt declined slightly from $4,925 in 1998 to $4,776 last year, Nellie Mae says.

Many young people will be saddled with credit card debts for years, experts say. Among all age groups, credit cardholders younger than 35 are least likely to pay their bills in full each month, according to Robert Manning, author of Credit Card Nation.

Though credit cards and uncontrolled spending are a combustible combination, many young people are pushed to the financial edge by the staggering cost of college. The average annual tuition at a four-year private university jumped to $16,332 last year from $7,207 in 1980, according to the College Board. Between 1991 and 2000, the average student loan burden among households under 35 increased nearly 142% to $15,700, according to an exclusive analysis of the finances of 18- to 34-year-olds for USA TODAY by Claritas, a market research firm based in San Diego.

Those who choose to go on and get a graduate degree pay an even higher price. Another Nellie Mae study found that those who borrow for graduate work, and specifically those in expensive professional programs in law and medicine, are likely to have unusually high debt burdens that are not always offset by comparably high salaries.

Karen Mann didn't need a survey to come to that conclusion. Her husband, Michael, is about to start his career as an orthopedic surgeon after racking up $400,000 in loans during four years of undergraduate school, four years of medical school, one year in an MBA program and a 5-year residency program.

During his residency and a subsequent fellowship, payments and some of the interest on his, student loans have been deferred. Soon they'll have to begin paying them off.

The interest payment alone is $20,000 a year.

The Manns are not extravagant. "I've always saved, and I have a budget," says Karen, 31. "I'd love to buy a house, but there's no way. We haven't been able to afford kids yet. The loans are so awesome that you do get crazy."

PAYING FOR EVERYTHING WITH CASH

The Manns are not alone in having to defer important goals because of heavy debt loads. Medendorp, a social worker in Decatur, Ga., lives on a budget and is diligently paying her bills with the help of a Consumer Credit Counseling Service debt-management plan. She pays for everything with cash. There are many things she'd like to do but can't afford, such as having laser eye surgery, going back to school and buying a home.

"When you get in a tar pit, forget about buying a home," author Anthony says. "Instead of saving for a down payment, you're making credit card payments."

At a time when the overall U.S. homeownership rate has risen to historic highs, young Americans are less likely than people their age 10 years ago to buy a home. The homeownership rate for heads of households younger than 35 has declined from 41.2% in 1982 to 39.7% in 1999, according to the Census Bureau. And if they own a home, young people tend to make smaller down payments or borrow against what equity they have. As a result, the average amount of equity accumulated by homeowners younger than 35 has shrunk to about $49,200 in 1999, from $57,100 10 years earlier, according to a study from the Consumer Federation of America.

"For middle-income Americans, the most important form of private savings is home equity," says Stephen Brobeck, executive director of the Consumer Federation of America. "It's essential to have paid off a mortgage by retirement so that living expenses are lower and one has an asset that can be borrowed on or sold if necessary."

By almost every measure, young people are falling behind. Between 1995 and 1998, the median net worth of families rose for all age groups except for the under 35 group. Their median net worth declined from $12,700 to $9,000, according to the Federal Reserve.

That is not to say that young people today are slackers and deadbeats, as they have sometimes been characterized. Many work hard and often make good incomes. Although they may have a lot of debt, they also are very focused on saving and investing, especially through 401(k)-type retirement accounts. Jackson, for example, contributes the maximum to his 401(k) plan.

"They want to protect themselves against future uncertainty," Smith says. "They absolutely don't expect that Social Security will be around for them."

But it's hard to save money if you are head over heels in debt. Massey earns $32,000 a year. With her husband, their annual income is more than $100,000. "But we're still broke trying to pay our bills," she says.

FEBRUARY 26, 2001.

DEAR REPRESENTATIVE: The undersigned organizations write to urge you to stand with America's women, children, and working families and oppose H.R. 333, the bankruptcy act of 2001.

If it becomes law, this bill will inflict greater pain on the hundreds of thousands of economically vulnerable women and families who are affected by the bankruptcy system each year. Over 150,000 women owed child support or alimony by men who file for bankruptcy become bankruptcy creditors. An even larger number of women owed child support or alimony—over 200,000—will be forced into bankruptcy themselves. Indeed, women are the largest and fastest growing group in bankruptcy.

H.R. 333 puts both women and children owed support who are bankruptcy creditors and those who must file for bankruptcy at greater risk. By increasing the rights of many other creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and these commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer; they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women who are owed support by men who file for bankruptcy, the domestic support provisions fail to ensure that, in this intensified competition for the debtor's limited resources before and after bankruptcy, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

This bankruptcy bill takes a harsh approach toward working families who fall on hard times. At the same time, it does little to curb real abuses of the bankruptcy system, such as concerted efforts by those convicted of violence, vandalism, and harassment against reproductive health clinics to use the bankruptcy system to avoid paying the judgments and penalties resulting from their illegal acts.

We urge you to vote against H.R. 333, and to insist on bankruptcy reform that is truly fair and balanced.

Very truly yours,

American Association of University Women; Children NOW; Children's Defense Fund; Center for Law and Social Policy (CLASP); Feminist Majority Foundation; National Association of Commissions for Women (NACW); National Center for Youth Law; National Organization for Women; National Partnership for Women & Families; National Youth Law Center; National Women's Conference; National Women's Law Center; NOW Legal Defense and Education Fund; OWL; The Women Activist Fund, Inc.; Wider Opportunities for Women; Women Employed; Women Work!; Women's Law Center of Maryland, Inc.; YWCA of the U.S.A.

Mr. Chairman, the issue of bankruptcy reform has been a heated topic of debate in this body since the first session of the 105th Congress, when shortly before the National Bankruptcy Review Commission issued its report recommending changes to the current bankruptcy laws; legislation was introduced to dramatically change the way in which consumer bankruptcies are administered under the U.S. Code, 11 U.S.C. sec. 101 et seq. Both the House and Senate enacted different versions of the bill in the second session of the 105th Congress and a conference report was filed shortly after. The House agreed to the conference report version of the bill by a vote of 300 to 25 on October 9, 1998, but this bill which then President Clinton threatened to veto, was not brought before the Senate for a vote prior to adjournment.

This legislation was again reintroduced in the 106th Congress and was passed by voice vote in the House and passed in the Senate by a vote of 70 to 28. Then President Clinton withheld his approval, Congress adjourned sine die, and the bill was "pocket" vetoed.

Mr. Chairman, in yesterday's hearing, I questioned Philip J. Strauss who was representing the California District Attorney's Association and the California Family Support Council on the fact that H.R. 333 places economically vulnerable women and children who are forced into bankruptcy, and those who are owed support by men who file for bankruptcy at greater risk by increasing the rights of many creditors, including credit card companies, finance companies, auto lenders, and others over that of the women and children. Mr. Strauss, however, appeared shocked at these facts and affirmatively stated that women and children's child support payments for former spouses are protected because the States collect money from people who owe child support and make payments to mothers.

Mr. Chairman, I was not able to finish my point yesterday, however, in the interest of justice for the thousands of women and children who will be held hostage by H.R. 333. However, I will correct this gross misrepresentation today. While it is true that States collect money from people who owe child support to make payments to mothers, H.R. 333 would effectively bottle this money in the coffers of the State because it increases the rights of creditors over these vulnerable women and children, and sets up a competition for scarce resources between parents and children owed support and commercial creditors both during and after bankruptcy. Therefore, single parents facing financial crises often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence would find it harder to regain their economic stability through the bankruptcy process.

Mr. Chairman, this fact is not something new whose light has recently been cast over the dark future of bankruptcy reform that would follow H.R. 333. The fact that H.R. 333 would effectively place women and children in a gladiator's arena with creditors to do battle for child support money owed by former spouses who file bankruptcy has been articulated by national organizations such as the National Women's Law Center, the National Association of Consumer Bankruptcy Attorney's, the National Organization for Women, a coalition of bankruptcy professors and bankruptcy judges, and the National Association of Attorney's General's to name but a few. How anyone could argue against the drastic effects and hardships that the language in this bill will cause on the vulnerable women and children in this country is beyond me.

I have consistently said that the greatest challenge before us in the bankruptcy reform efforts is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in the Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire a general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protection when they need them. H.R. 333 does not accomplish this goal.

Once again, however, the bankruptcy reform bill has been introduced, now in the 107th Congress. As with the bills introduced in the 105th and 106th Congresses, I cannot in good faith support H.R. 333 introduced in the 107th Congress, because it:

Will weaken important credit card disclosure provisions that will help ensure consumers understand the debt they are incurring;

Will eliminate protections for reasonable retirement pensions that reflect years of contributions by workers and their employers; and

Will include an anticonsumer provision eliminating existing law protections against inappropriate collection practices when collecting from people who bounce checks.

For H.R. 333 to accomplish its intended goals, I believe that it must include provisions that will:

Ensure families who need chapter 7 relief are able to get it, including the preservation of appropriate judicial discretion;

Ensure women and children seeking to collect child support from a debtor do not have to compete with other creditors;

Contain adequate protection for families against abusive reaffirmation practices of creditors;

Enhance, not detract from, the viability of Chapter 13 plans; and

Require adequate and accurate disclosure of credit repayment terms.

In addition, given the recent turn in the economy, resulting in major corporations laying off workers by the thousands, it is even more important for Congress to carefully consider the impact of H.R. 333.

Mr. Chairman, I am for bankruptcy reform, but I believe that it must be equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his or her family, and the creditors.

As I have already mentioned, in assessing bankruptcy reform we must balance two key principles. First, debtors must not be allowed to use the law to avoid repaying loans when they can actually afford to do so; and second, debtors should not be forced into serious hardship. Efforts to implement these two ideas have been made for a long time. The statute of Anne, enacted in 1705, was the first such effort. It introduced the idea of the fresh start into our law and punished those who abused the bankruptcy with death by hanging. In the bill before us today, the sponsors sought to draw the line by separating those who are worthy of a fresh start from those who abuse the system, but it is this very goal that they have failed to accomplish.

In reviewing H.R. 333, I was reminded of a hypothetical given by Douglas Baird, a law professor at the University of Chicago on H.R. 333's predecessors in the 105th and 106th Congresses stating that those bankruptcy reform bills would fail to balance the two competing goals that are the base of bankruptcy reform. The same is the case with H.R. 333 today.

Professor Baird's hypothetical considers an elderly woman living in Florida who returned to the workforce several years after her husband became ill and died. She makes $30,000 annually as a secretary and she has not taken a vacation in several years. She rents a one-bedroom apartment and owes $60,000, much of which stems from medical bills for the care of her late husband. Most of the remaining debt consists of unpaid credit card bills, most of it spent on household goods and groceries. Interest runs at 15 percent. The widow is behind in her payments, collection agencies call at home and at work, and they are threatening to garnish her wages.

The hypothetical then considers a 45-year-old businessman, also living in Florida. He works for a large corporation and makes $95,000 a year. He previously had his own business but it failed. Though single, he lives in a 5-bedroom house worth $500,000. He owes $60,000 in debt from his 10 credit cards, which he used to pay for vacations, clothes, and meals in restaurants. In addition, he is personally liable for $200,000 in debt from his failed business venture.

The current bankruptcy law would allow both the elderly widow and the businessman to file chapter 7 bankruptcy petitions and receive a fresh start. However, under H.R. 333, only the businessman would be allowed a fresh start because the widow's use of chapter 7 would be presumed abusive. The widow might be eligible for relief under chapter 13 but only if she commits all of her income for the next 5 years to the repayment of her debts, apart from monthly living expenses.

In contrast, under H.R. 333, the businessman will be eligible for chapter 7 relief, and be able to discharge all of his debt and keep his house.

The reform laid out in H.R. 333, will also increase hardship on debtors because it toughens the rules for ordinary debtors, most of whom declare bankruptcy not out of irresponsibility but because of catastrophic medical bills, unemployment, or divorce.

Mr. Chairman, women are the fastest growing and largest group filing bankruptcy today. In 1999, over half a million women filed for bankruptcy by themselves—more than men filing by themselves or married couples. Of this number, over 200,000 women who filed for bankruptcy, in 1999, tried to collect child support or alimony. The domestic support provisions of H.R. 333 does not solve the problems faced by women in bankruptcy and does nothing to address the additional problems it would cause to the hundreds of thousands of women forced into bankruptcy each year, including the single mothers forced into bankruptcy because they are unable to collect child support.

Furthermore, the National Association of Attorneys General has already warned that increasing the claims of partially secured creditors as H.R. 333 would do would make it more difficult to collect child support because credit card companies would treat all debts as secured, resulting in credit card debt being elevated to the same or a higher level than domestic support claims, and thus, make it more difficult to ensure that debtors are able to satisfy their obligations to their spouses and children.

H.R. 333 also creates a new priority for support debts owed to government units over that of a spouse, former spouse, or child, which must be paid in full in a chapter 13 plan. Mr. Speaker, this bill does not provide further protections to vulnerable women and children facing creditors, instead, the points I have outlined today show that H.R. 333 gives priority in many cases to the creditors over the vulnerable women and children.

H.R. 333 also fails in its attempt to encourage chapter 13 filings by debtors, resulting in many families who currently save their homes and cars through chapter 13 being no longer able to do so. Under current law, a chapter 13 case can be filed after a chapter 7 or 13 discharge, or after a dismissed case. This is important to families who might incur large medical expenses a few years after a prior discharge or whose chapter 13 plans fail for circumstances beyond their control.

H.R. 333, however, prohibits a new chapter 7 case within 8 years, rather than the current 6 years, after a petition resulting in a prior chapter 7 discharge, and a new chapter 13 case within 5 years. Furthermore, it is unclear whether the 5 years runs from the prior petition or the discharge. If the 5 years begin to run from the prior petition, it would mean that a chapter 13 case could be prohibited for up to 10 years after a prior chapter 13 petition.

H.R. 333 will also place many new obstacles in the path of bankruptcy debtors, which would decrease access to the system, especially for those with the least income, primarily by raising costs for filing motions, defending dischargeability litigation, obtaining stays in repeat filing, and other added administrative costs in the area of several hundred dollars which could be prohibitive for many families. This will greatly increase the already significant number of consumers who cannot afford attorney representation in bankruptcy and who would therefore have only the choices of filing pro se, going to an unqualified nonattorney petition preparer, or not filing at all.

In addition, H.R. 333 not only restricts the circumstances that families can file for chapter 13, it also significantly reduces the scope of the chapter 13 discharge making many of the debts that are currently dischargeable, nondischargeable under the full compliance discharge. This would effectively hurt debtors who can presently pay all they can afford.

Mr. Chairman, many of the provisions that are the base of H.R. 333 were designed for the sole purpose of reducing bankruptcy debtor filing fraud. As I stated at the out-set of my statement, I applaud and support this goal. However, the facts at hand tell us decisively that this goal will not be achieved under H.R. 333 because it is not narrowly tailored and does not provide fair and equal treatment in cases like homestead exemption. Furthermore, the goal of curbing bankruptcy debtor filing fraud is in serious question due to the sharp decline in bankruptcy filings overall. Statistics provided by the VISA Bankruptcy Notification Service, which compiles weekly reports on bankruptcy filings show a continued sharp decline in the bankruptcy rate which dropped by more than 9 percent in 1999, continuing to decline at an 8 percent annual rate in the first 5 months of the year 2000. Bankruptcies are now running at a lower level than in 1997, 1998, or 1999. The per capital growth rate in personal bankruptcies was up to 25.2 percent in 1997, up by 3.1 percent in 1998, down by 7.9 percent in 1999, and down by 7.7 percent in 2000. In addition, the growth rate in personal bankruptcies was up by 26.1 percent in 1997, up by 4.0 percent in 1998, down by 7.0 percent in 1999, and down by 6.8 percent in 2000. In addition to the VISA Bankruptcy Notification Services, these numbers are also consistent with those compiled by the Chicago Mercantile Exchange in connection with the Quarterly Bankruptcy Index contract. These numbers that show a continuing decline in bankruptcies supports the view that many of the provisions provided in H.R. 333 are unnecessary and counterproductive.

Mr. Chairman, as elected officials for the American people we must protect America's families. Most individuals who file petitions in the bankruptcy courts are usually experiencing turbulent times. Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process. This bill, is an extreme bill undertaken at the direction of special interest groups. We must protect working-class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for discharged debtors. It is ironic that the consumer lending industry actively solicits unsuspecting consumers through the mail with terms of easy credit, buy-now, pay-later rhetoric. After addicting debtors to this "financial crack" lenders are advocating for reform. Of course debtors are responsible for financial obligations that they incur; however, lenders must assume responsibility for their actions in creating the precarious financial crisis. we are discussing.

In the 105th Congress, I served as a member of the Subcommittee on Commercial and Administrative Law and as a conferee on H.R. 3150, the precursor to the bill before us today. As a member of that subcommittee in the 105th Congress, I signed onto the dissenting views of the accompanied the report from the committee. The dissents' conclusion is appropriate in this context.

For nearly 100 years, Congress has carefully considered the bankruptcy laws and legislated on a deliberate and bipartisan basis. In the past, Congress has elected also to carefully preserve an insolvency system, that provides for a fresh start for honest, hard-working debtors, protects ongoing businesses and jobs, and balances the rights of and between debtors and creditors.

Because H.R. 333 departs from these historical principles, and tramples on the preservation of the American people, I oppose this legislation in the interest of all that is just and fair.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS), the principal author of the bill.

Mr. GEKAS. Mr. Chairman, to the Members we state and restate the two principal themes that, from the very beginning of this crusade to bring about bankruptcy reform, have remained the truths of the entire debate.

Number one, in bankruptcy those who become so overburdened by debt, so crushed by the overweaning forces of finances that they no longer can meet and handle, to those people we guarantee a fresh start. That is what bankruptcy is all about, to allow and to foster a fresh start once this circumstance occurs. That we have never at all wavered in bringing about even to this moment.

The second truth is that in those circumstances where it is determined that a person filing for bankruptcy does indeed have the ability to repay some of the debt over a period of time, that individual should be compelled through a proper mechanism that we have in the bill to repay that portion of the debt. And so the purposes of bankruptcy envisioned by our forefathers have been met and yet we bring about some reform measures that guarantee or reguarantee the arena of personal responsibility on the part of the American citizen, the American worker and at the same time, to give relief where it is merited.

Mr. Chairman, what is never stated by the opponents of this bill and by the people who would criticize what we have attempted to do here is that most of the provisions of this bill have come about through testimony offered by our fellow citizens from every corner of American life, including women and children to which reference has been made many, many times; by the credit unions; by the taxing authorities; and they bring out two other truths that are part of the debate in this venture of ours here today.

One is this: Every time someone does file bankruptcy, it costs the consumer. All of the other consumers, the ones that the gentleman from Michigan says are opposed to this bill. Consumers are hurt by bankruptcy. Why? Because every time something like that occurs, the price of goods creeps up. Perhaps not envisioned immediately or seen, but they do creep up. So the consumer has to pay more at the supermarket because of bankruptcies.

Secondly, interest rates, because of the cost of credit, the cost of lending money goes up every time somebody files for bankruptcy, hits the consumer who is interested in borrowing money for a refrigerator or an automobile.

Third, I did not realize until we began investigating this whole area of concern, bankruptcy, even our taxes increase as a result of someone filing bankruptcy. I did not realize that the taxing authorities, until we were able to craft this particular piece of legislation, sometimes did not even know that a person owing back taxes or eventual taxes to be paid did not even know that those moneys were due them. We learned from the City of New York and the State of New York and other taxing authorities, municipal and county and state organizations, that for the first time they have in our bill a methodology for being notified that someone is going bankrupt and have an even chance of retrieving some of the back taxes. Why is that important? Because the consumers, the taxpayers are hurt every single time a bankruptcy is filed. The consumers, the taxpayers of our country, citizens of personal responsibility are supporting this legislation.

Mr. Chairman, I include for the RECORD a letter from the U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
Washington, DC., February 28, 2001.

To Members of the U.S. House of Representatives:

The U.S. Chamber of Commerce, the world's largest business federation, with more than three million businesses and organizations of every size, sector and region, strongly urges you to vote for the Bankruptcy Reform Act of 2001.

This balanced, bipartisan bill is identical to the bill which last year passed the House by voice vote and was overwhelmingly approved by the Senate by a 70–28 vote. An earlier version passed the House by a strong 313–108 vote.

There are two pillars upon which bankruptcy reform rests: debtors must not have their access to bankruptcy protection restricted, while those who can afford to pay a significant portion of their debts must be required to do so.

This balanced, bipartisan legislation will accomplish these goals:

Access to bankruptcy will unquestionably remain available for all Americans, regardless of income.

More than 100,000 bankruptcy filers are abusing the system every year by discharging debts that they have the ability to repay.

Abusers of the bankruptcy system, those who earn more than the median income and can afford to repay a signficiant portion of their debts, will be required to pay back what they can afford.

The bill provides substantial new protections for women and children trying to collect their child support and alimony, for example, by moving child support to first priority. Child support collection authorities describe the bill as a "veritable wish list" of provisions to assist them in their child support collection efforts.

The safe harbor provisions will protect lower income Americans by ensuring that they will have access to Chapter 7 relief without qualification.

The bill imposes significant new responsibilities and disclosures on lenders, and particularly credit card lenders.

The bill is fair to debtors, while it also stops the very rich from exploiting the system to discharge their debts, leaving everyone else holding the bag.

The U.S. Chamber of Commerce will consider Scoring this vote in its annual "How They Voted" Guide.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman very much for yielding me this time.

Mr. Chairman, I ask the gentleman from Wisconsin (Mr. SENSENBRENNER) if he would be willing to yield 1 additional minute to me.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 additional minute to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding that additional 1 minute.

Mr. Chairman, I rise in support of the bankruptcy reform legislation and urge its approval in the House. With this measure, we bring to conclusion a process that was launched 4 years ago to bring a much-needed reform to the Nation's bankruptcy laws.

During the time of the generally strong economy, consumer bankruptcy filings should be rare. Contrary, however, to this expectation, there are now more than 1.2 million annual bankruptcy filings, representing a five-fold increase since the last major bankruptcy law revision that took place in 1978.

The current level of annual filings is more than 90 percent greater than the number of one decade ago. Bankruptcies of convenience are driving these increased filings.

Bankruptcy was never meant to be a financial planning tool, but it is increasingly becoming a first stop rather than a last resort, as many filers who can repay a substantial part of their debt use the complete liquidation provisions of chapter 7 of the Bankruptcy Code rather than the court supervised repayment plans that are contained in chapter 13.

Our legislation will direct more filers into chapter 13 plans. Those who can afford to make payments will be required to do so.

This is a consumer protection measure. The typical American family pays a hidden tax of $550 each year arising from the increased cost of credit and the increases in prices for goods and services occasioned by the discharge of $50 billion annually in consumer bankruptcy debt. By requiring that people who can repay a substantial part of their debt do so in chapter 13 plans, we will lessen substantially that hidden tax.

Another key point should be made about the provisions of the bill. The alimony or child support recipient is clearly better off under our bill than she is under current law. At the present time, she stands seventh in the rank of priority for the payment of claims in bankruptcy proceedings.

Under the legislation we are putting forward, the child support or alimony recipient will have priority number one. Her claim will be first in line for payment. Other provisions of the bill also make it easier for her to execute against the assets of the bankruptcy state.

For this reason, our bill has been endorsed by the child support enforcement agencies of a number of States because of the better ability to collect child support payments which this bill provides. I will say again that the child support recipient is clearly better off under this bill than she is under current law.

This is a balanced bipartisan measure which contains new consumer protections and requires greater debt repayment by those who can afford to make the payments. Responsible borrowers and all consumers will benefit from its passage.

I want to commend the gentleman from Pennsylvania (Mr. GEKAS), the sponsor of this measure, for the leadership he has provided over the last 4 years as we have sought to make this important reform. The measure he brings to the floor today deserves the endorsement of this House.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation and associate my remarks with the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

This is a significant and substantial reform. It improves bankruptcy law and restores personal responsibility and integrity to our system. It does not diminish anything. It, at the same time, is a safety net for those who need it most.

I would like to refer to the child support component of this specifically because I was a pioneer in child support legislation, going back to the mid-1980s; and I served on the Commission for Interstate Child Support Enforcement. I want to make it clear that this is a giant step in terms of protecting child support. It has made those payments number one. Let there not be any misunderstanding about that.

The gentleman from Virginia (Mr. BOUCHER), the previous speaker, made reference to the State situation; and I would specifically like to reference that it does not, the automatic stay does not apply to State child-support collection agencies. I know from speaking with child-support advocates in New Jersey, in my State that has been a leader in this respect, that this change is a top priority for them to ensure the continued payment of child support.

Mr. Chairman, I want to again thank the leaders here and also acknowledge that there are components of this that the Committee on Financial Services has always agreed to.

Let me focus with more explicit details to the key elements of the bill as follows:

Mr. Chairman, I rise today in strong support of H.R. 333, the Bankruptcy Reform Act of 2001.

INTRODUCTION

Consumer bankruptcy reform is an important issue that needs to be addressed now. In 1998 Americans filed a record of 1.4 million consumer bankruptcy petitions representing an over 650 percent increase since 1978. Those who entered into bankruptcy erased an estimated $44 billion in consumer debt. This resulted in a hidden tax of almost $400 per household for families who have to pay monthly bills including mortgages, student loans, and insurance. It is important to note that this surge in bankruptcies in the last few years occurred at a time when the national economy has grown at a strong rate. In fact, between 1986 and 1996, real per capita annual disposable income grew by over 13 percent while personal bankruptcies more than doubled.

Bankruptcy is fast becoming the first stop financial planning tool rather than a last resort. The purpose of reform is to improve bankruptcy law and practice by restoring personal responsibility and integrity in the bankruptcy system but also ensuring that the safety net of the Bankruptcy code is intact for those who need it most. I am a strong supporter of the consumer bankruptcy reforms contained in the bill and I will continue to work hard for bankruptcy reform legislation.

FINANCIAL SERVICES

Included in this bill are important provisions from H.R. 1161, the Financial Contract Netting Improvement Act of 2000 passed by the House last year. The netting provisions have one primary purpose: to minimize the systemic risk evident in our nation's financial system. Specifically, to minimize risk that could occur when a counterpart to a derivative contract becomes insolvent. It amends our banking and bankruptcy insolvency laws to require netting of the financial and over-the-counter derivatives instruments that are often traded among large financial institutions. It is a commonsense approach that should be enacted this Congress.

These same provisions were part of last year's Working Group recommendations on the netting of derivatives and other financial contracts. The House passed similar netting provisions on three separate occasions in the last Congress—as a stand-alone bill, as part of last year's comprehensive Bankruptcy Reform bill and as part of H.R. 4541, the Commodity Futures Modernization Act of 2000 which reauthorized the Commodities Exchange Act.

CHILD SUPPORT

I would like to thank the Committee for the child support provisions in the Bankruptcy Reform Bill.

I have a long history of standing up for child support enforcement, having been a pioneer on child support reforms and having served on the U.S. Commission for Inter-State Child Support Enforcement. It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called "enforcement gap" the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion.

This legal abuse is a criminal violation as well as neglect of our children's most basic needs. In addition, the taxpayers are abused because billions of tax dollars are paid out because these families are falling onto the welfare roles at alarming rates.

H.R. 333 strengthens Child Support Enforcement by:

Child support payments are moved to Number one when determining which debts are paid first in a bankruptcy case. Currently, child support payments rank seventh behind such priorities as attorney's fees.

Confirmation and discharge of chapter 13 plans are made conditional upon the debtor's complete payment of child support. This will help further ensure that child support receives the priority it deserves.

Providing that the automatic stay does not apply to a state child support collection agency that is trying to recover child support payments. I know from speaking with child support advocates in New Jersey, that this change is a top priority for them to ensure continued payment of important child support.

The bill requires the GAO to study the feasibility of requiring all pertinent information about debtors to be collected by the Office of Child Support for the purpose to determine whether the debtor has outstanding child support payments. Chairman GEKAS and the committee at my request included the study so we can better enforce the law and make sure that dependent families get every penny they deserve.

These are important and real reforms that are supported by the Child Support Enforcement Services of New Jersey. The child support obligation for last year in New Jersey was $767 million. The total child support payments in arrears is $1.3 billion. Yes, I said $1.3 billion, of which about $800 million is still collectible. Bergen County in my district, along with six other New Jersey counties, makes up 53 percent of the total collections. The reforms in this bill will help us get that outstanding money to the families that need it most.

In conclusion, I strongly support this comprehensive bankruptcy bill and urge my colleagues support.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in opposition to the Bankruptcy Abuse Prevention and Consumer Protection Act. I do not oppose bankruptcy reform. Rather, I oppose this particular legislation in the manner in which it is being considered.

We have all heard the statistics concerning the alarming increase in bankruptcy filing over the past 2 decades. Consumer bankruptcy filings have reached record highs and our community banks and credit unions continue to suffer the burdens of their members' financial difficulties.

Does abuse of the bankruptcy system exist? Yes. Is reform needed? Certainly. Should those consumers with the means available to pay back some of their debt be required to do so? Absolutely. Does this bill provide the solution that is needed? No.

What is needed, Mr. Chairman, is balanced reform. We need reform that provides an adequate cap on homestead exemptions. We need reform that addresses the source of many recent personal bankruptcy filings, credit-card debt, in a proactive manner.

As our Nation's economy slows down, we need reform that strikes a better balance between meeting the needs of lenders and the needs of families who are in good faith turning to bankruptcy for a fresh start.

□ 1200

Had this legislation been considered in a fair and open manner, we would have been given the opportunity to address those flaws.

I am disappointed in the insistence the legislation be rushed to the floor for a vote without a serious opportunity for the committee or here on the floor to bring the bill into balance and achieve true bipartisan support. This is too important an issue to be rushed through the process as if we were merely naming a post office instead of sealing the economic fate of families and small businesses.

This bill does not strike an appropriate balance between families and lenders. It does not address the proliferation of credit card companies that are extending credit far too easily. It imposes too stringent a means test that takes discretion away from the bankruptcy judges and prevents them from applying their good judgment in a particular case before them.

Bankruptcy reform is clearly needed, but this bill is not the right solution. Once again I urge my colleagues to vote against this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. I would also like to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership in this area and for moving the bill so expeditiously through the Committee on the Judiciary to the House floor for debate. It has been debated and debated; and we have had many, many hearings on this bill, so it is clearly not being rushed.

I want to also thank the gentleman from Pennsylvania (Mr. GEKAS) for his tireless commitment to securing meaningful bankruptcy reform.

The text of H.R. 333, the bill we are considering today, is the result of last spring's conference committee between the House and Senate on which I served as a conferee. This vital piece of legislation protects individuals and businesses from having to pick up the tab for irresponsible debtors, debtors who are capable of paying off a significant portion of their debts. It protects responsible consumers and requires those who can afford to pay their debts to honor their commitments.

Mr. Chairman, there are people who truly have a legitimate need to declare bankruptcy. No one is denying this. At times, hard-working Americans come up against special circumstances that are beyond their control. Family illness, disability, or the loss of a spouse may necessitate the need to seek relief. This legislation effectively protects these individuals. Too frequently, however, people who have the financial ability or earnings potential to repay their debts are simply seeking an easy way out of making good on their debts. While this may prove convenient for the debtor, it is not fair to their friends and neighbors who are ultimately stuck with the bill.

As has been correctly stated by previous speakers, estimates show that the average American pays as much as $550 per year as a bad debt tax in the form of higher prices and increased consumer credit interest rates to cover the economic costs associated with excessive bankruptcy filings of others.

Mr. Chairman, I urge support of the bill.

Mr. NADLER. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, in the 13 or so blocks from my residence to my office this morning I promised myself that I was going to be calm and unemotional in this debate, despite the fact that I think the process in the committee was a charade and I think this is going to be a charade. At the end of the day this bill will not be amended because it is about making a political statement that our Republican leadership can get the bill that they passed last time and it can be signed.

This bill is an unfortunate convergence of expediency and politics. Nobody is likely to like what I say on either side of this issue because what I perceive has happened is that the people who wanted this bill knew that politically they could not get it unless they exempted the poorest people in the country from the provisions of this bill. And for those of us who start with the position that there is abuse in the bankruptcy system and have witnessed that abuse, we know that the abuse not only exists among high-income people but the abuse exists among low-income people also. But basically the same people who a couple of years ago were telling us that we need to make poor people responsible for their actions in the welfare reform context now say, for political expediency, we will accept a means test in the bankruptcy laws that basically sets up two classes of citizens for bankruptcy in this country, and that, Mr. Chairman, will be the legacy of this bill.

I know there are people who have kind of walked away from the debate because they said, well, this does not impact my constituency any more because my constituency is poor and poor people are exempted from this bill. However, it is irrational to set up a pauper's bankruptcy court system and a higher-income court system in this country for bankruptcies, and that will be the worst legacy, I believe, that this bill will carry forward as we go on.

Now, once that unholy coalition got formed and the expediency and politics got together and the agreement was cut, then the people who wanted this bill from the beginning started to pile on additional provisions, because there really was not an effective coalition out there fighting the bill. So now we end up with all kinds of provisions in this bill that are special interest provisions that really have no rational basis.

There was no demonstration of abuse by small businesses of the bankruptcy code. It was about individual abuse. Yet we have a whole body of provisions in this bill now making it more difficult for small businesses to reorganize under the bankruptcy laws. And I tell my colleagues that the impact of that ultimately will be that person after person after person will lose their jobs because small businesses will not be able to reorganize and continue in business to continue the jobs for those people.

So I do not know. It is difficult for me to even grab ahold of one or two or three provisions. The whole concept of this bill, the whole theory that divides poor people and rich people and says we are going to set up separate systems of bankruptcy for us, one, a pauper's court, in effect, and another a richer people's court, in effect, is just alien to anything I can come to grips with and is bad public policy.

I understand why it was expedient, I understand the politics of it, but it is sorry public policy. And that will be the most devastating legacy of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the bankruptcy reform legislation before us today. Many of the bankruptcy filings that do occur do originate from consumers who have been struck by sudden or unexpected financial hardship. No one wants to deny bankruptcy relief to those who truly deserve it. However, there are also consumers contributing to the upward trend in bankruptcy filing who could, with thoughtful planning and dedication, recommit themselves to repaying some of the debts they have incurred. These consumers, if permitted to simply walk away from their debts, will pass along their cost to others in the form of higher credit or tighter credit availability, increased tax burdens and higher prices for goods and services.

Now, the average American household pays about $400 a year in hidden costs associated with consumer bankruptcy. The abusers of this system, it is important to note, are not simply low-income families. In fact, many of the bankruptcy filers actually earn more than $100,000 in the year they file for bankruptcy. While this legislation has been depicted as a one-size-fits-all approach, it is highly flexible.

Mr. NADLER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. NADLER) has 11 minutes remaining.

Mr. NADLER. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to pose the question of why did we see the spike in bankruptcy filings up until 1998 and then saw a dramatic decline of some 15 percent in the last 2 years? Well, in 1998, the FDIC, the government agency, found that as a result of interest rate deregulation, credit card companies had become more profitable and were able to extend more unsecured credit to less creditworthy borrowers.

In other words, credit card issuers were handing money out to just about everyone. Anyone with teenagers knows that because they receive bundles of credit card solicitations. In other words, people who should not have been extended credit were getting it.

This conclusion, I suggest, is supported by an astonishing fact. The median family income of filers has dropped from $23,250 in 1981 to $17,650 in 1997. And we wonder why we have a crisis. But, as the filings peaked in 1998, the credit card companies saw their profits stall and began to tighten their underwriting requirements. In the last 2 years, we have seen this decline. In other words, the invisible hands of the marketplace are working.

As a University of Maryland study has concluded, the bankruptcy crisis is self-correcting. The reason is that lenders are profit-maximizing institutions that select their own credit criteria and they responded to this unexpected increase in personal bankruptcy. I find it rather ironic that proponents who usually proclaim the benefits of the free market would seek government intervention, a remedy, by the way, which will only impact the debtors and not impose any responsibility or accountability on creditors who behave irresponsibly.

Let the market work and reject this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH), the distinguished former chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, I thank the distinguished chairman for yielding this time to me.

Bankruptcy is an extraordinarily sensitive subject. The issue here, we must bear in mind, is balance, rather than the need for a bankruptcy law itself. After all, one of the first laws of the first Congress was a bankruptcy law, which was passed because we had debtors prisons in the United States. We ended debtors prisons, which were part of our experience as well as the European experience. We never had the pound-for-the-pound experience that was in Merchant of Venice in the European experience, but we had debtors prisons.

This bill is about balance, that is, who bears the cost, not about the principle of bankruptcy itself. I do not know if the balance is exactly right, but I am convinced its thrust is and that it is a better circumstance than current law.

I rise to stress one provision in this bill which I do not believe is controversial and was strongly supported by the Clinton administration Treasury as well as this Treasury and by the Federal Reserve, and that is the provision that relates to netting. We have a circumstance in international trade where the new phenomenon in international finance is a multi-trillion dollar trade in derivatives contracts, now over $30 trillion. These are the notional values of derivatives contracts. If they are allowed to net out, they come to less than a trillion dollars and can be managed.

So what this bill does is call for the automatic netting of derivatives contracts in the event of a bankruptcy circumstance. What this does is protect the international financial system and the domestic economy from true calamity in the event of a major derivatives party declaring bankruptcy.

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In essence, in awkward economic times, this is the overwhelmingly most important provision of the bill. On its basis alone, this bill should be adopted.

I thank the distinguished chairman of the Committee on the Judiciary for putting this provision in his bill. I am very appreciative that this step will become one of stabilizing rather than destabilizing the international economy. I urge my colleagues to support the bill.

Mr. NADLER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to this bill which will harm American families, American businesses, especially small businesses, harm children of divorce and open the door to even greater predatory practices by lenders. It is a wish list of every big money special interest group. It does not protect debtors, and that should be no surprise, because families in bankruptcy cannot make large campaign contributions, cannot buy ads in the paper, cannot hire fancy K Street lobbyists. This bill is the poster child for the need for campaign finance reform, the ugly result of much too much special interest money in politics.

Why is this bill being rushed through? Is it because there is a crisis in bankruptcy? No, there is not. Chapter 7 filings have declined by almost 20 percent in the last 2 years. Declined. Although studies bought and paid for by the credit card industry a few years ago told us that up to 25 percent of chapter 7 debtors could repay a substantial portion of their debts, the only independent study, sponsored by the American Bankruptcy Institute, found that only 3 percent could do so. There is no crisis warranting the most radical rewrite of the Bankruptcy Code in a quarter century.

The bill does not protect debtors and families. If it does, ask yourself why every consumer organization, every organization representing debtors, women's groups, children's advocacy groups, civil rights groups, seniors groups, bankruptcy judges, trustees and bankruptcy professionals have consistently criticized this bill for the last 4 years? How dare the sponsors of this bill tell us that it will improve the custodial mother's ability to collect child support because they make child support a priority when they know perfectly well that the priority expires with the bankruptcy discharge and Mom will then have to compete with the bank's collection department in State court with no priority. Why do the agencies that collect child support for State tax departments support this bill while those agencies who try to help mothers collect child support all uniformly oppose this bill? If this bill is good for business, why have some of the top judges and big business reorganization specialists all told us that this bill will make it harder to reorganize a business under chapter 11 and force more viable businesses into chapter 7 liquidation? As the economy slows down, is this any time to make business survival more difficult?

If this bill is about personal responsibility, why have so many consumer protection amendments been rejected, watered down and ruled out of order so we cannot even debate these issues? Why does the bill contain a special interest provision to allow a small group of wealthy investors to avoid having a legal judgment against them enforced in our courts as required by international law? Why does the bill let anti-abortion terrorists abuse the Bankruptcy Code to evade lawful court judgments through costly and lengthy litigation? Why does the bill fail to place a real cap on the millionaire's loophole, the unlimited homestead exemption? Why were we not even allowed to offer amendments and debate these issues on the floor?

If this bill is so pro-family, why was an amendment by the gentleman from California (Mr. SCHIFF) which would have corrected the bill so that a battered, legally separated spouse would not have to count the income of her husband as her own even if she never saw a nickel of it taken out of the bill? Why would the bill require that she use this phantom income to repay her creditors and deny her relief when she cannot? Why should a landlord be allowed to evict tenants despite the normal bankruptcy stay? Will homelessness make people better able to repay their debts?

Does any Member think that credit card companies will really return the extra profits this bill will give them over to consumers in the form of lower interest rates? How much of the profits that the credit card companies realized from interest rate deregulation have been passed on to consumers in lower interest rates? Have credit card interest rates gone down with mortgage rates and car rates?

Why have the conferences been held in secret? Why have industry lobbyists had more access to the deliberations than most members of the Committee on the Judiciary, even those appointed as conferees?

This bill is rotten and, like the bipartisan Garn-St Germain bill of a decade and a half ago that caused the savings and loan crisis and cost the taxpayers half a trillion dollars, this bill will come back to haunt every Member who votes for it when people lose their jobs, lose their families and are crushed under mountains of debt.

I urge rejection of this bill.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, there are a number of reasons that have not been pointed out why this bill is a bad bill, the reasons of why we have a fresh start, a tradition that if someone is inundated by debts so that they can cash in all they have and get a fresh start. Some people incur debts through no fault of their own, a business reversal, illness, loss of a job. There is no balance in this bill.

We have heard if you can pay a substantial portion of your bills, you ought to pay those. There is nothing in this bill that limits it to a substantial portion. If you can pay $167 a month out of whatever your bills are, millions of dollars, you have got to pay that $167 for the next 5 years. This will lead to frustration and desperation suffered by many Americans. If our goal were to increase the number of people that go berserk and shoot their colleagues, this is the kind of frustration and desperation that would lead to that kind of result.

I would hope that we would keep our traditional bankruptcy laws so that those who are totally inundated with debts and can never get out can get a fresh start.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time and also for his lifetime work on behalf of people in our country.

I rise today in strong opposition to this anticonsumer, antiworking family, antiwoman, anti-low income, antichild bankruptcy legislation and to support the Democratic alternative which provides for true bankruptcy reform. Many Americans, as we know, were left out of the economic boom of the past decade. They are saving less and accumulating more debt. To add insult to injury, the credit card companies are using aggressive, unsolicited marketing techniques to offer huge lines of credit to consumers who cannot afford it, including college students who have no income. All of these factors contribute to a system where more and more Americans are struggling just to get by, and some need to rely on bankruptcy as a safety net. This has nothing to do with being irresponsible or not wanting to pay one's bills.

Many working families are forced into bankruptcy when emergencies arise, including loss of a job, the loss of a spouse or long-term illness. Instead of helping families get back on their feet in these cases, the Republican reform bill would make declaring bankruptcy under chapter 7 or 13 much more difficult. This is just plain wrong.

The domestic support provisions in H.R. 333 are inadequate. Hundreds of thousands of women who are owed child support or alimony would be harmed financially under the Republican bill. The bill does nothing to protect women owed child support by men who declare bankruptcy or those who need to declare bankruptcy themselves due to financial hardship when their former spouse or noncustodial parent fails to pay child support. Additionally, this bill fails to ensure that parents and children will have first claim on the bankruptcy filer's funds rather than big business collection departments. This bill says to the majority of ordinary Americans that we are abandoning them on behalf of big-time corporations. It is wrong.

The Democratic alternative is sensible and is fair. The Republican bankruptcy reform bill is punitive.

Mr. CONYERS. Mr. Chairman, I proudly yield the balance of my time to the gentleman from Ohio (Mr. KUCINICH).

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Ohio is recognized for 1 minute.

Mr. KUCINICH. Mr. Chairman, this bill is bad for consumers and bad for business. Recently in Cleveland, the district I represent, a major American company sought to reorganize under chapter 11 of the bankruptcy laws. LTV, one of the most important employers in Ohio, one of the most strategically important companies in the country, was compelled to seek bankruptcy protection because of factors beyond their control, unfair and illegal dumping of cheap foreign steel and inadequate Federal enforcement of antidumping laws.

But if H.R. 333 had been law, LTV would not have been able to reorganize under chapter 11. Instead, the company would have been dissolved and the assets liquidated. Thousands of jobs would have been lost. H.R. 333 makes a change to existing law reducing the assets available to a debtor company for funding operations during a reorganization. H.R. 333, had it been in effect, would have affected LTV's ability to obtain credit, thus keeping the plants open during bankruptcy proceedings.

This is only one of the many extreme changes in the law that H.R. 333 would make. It is a bad bill, but especially as we may be on the verge of a recession at a time when more businesses will need to reorganize or else face layoffs and liquidation, this bill closes the door to reorganization. It virtually guarantees more layoffs, more liquidation, and more ruin for entrepreneurs, both large and small. Defeat H.R. 333.

Mrs. MALONEY of New York. Mr. Chairman, it is with great regret that I come to the floor in opposition to this bankruptcy bill.

Mr. Chairman, I supported this legislation when the House last took a recorded vote on bill.

Unfortunately, the bill that we are voting today lacks a critically important amendment that has been added in the Senate.

In the Senate, Judiciary Chairman HATCH and Senator SCHUMER of New York have agreed to a compromise amendment that resolves the issue of the treatment of perpetrators of abortion clinic violence who declare bankruptcy.

Bankruptcy reform is important but clinic bombers should not be allowed to excuse penalties assessed on them by the courts through bankruptcy.

This is a growing problem that the majority is ignoring.

More than 2,400 acts of violence have been reported at family planning clinics since 1997. These include bombings, arsons, death threats, kidnapings, asaults, and other acts of harassment.

I will carefully follow the progress of this issue in conference and I strongly urge my colleagues to add the Hatch-Schumer compromise.

Mr. DINGELL. Mr. Chairman, I rise today in opposition to H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. H.R. 333 will neither prevent more bankruptcies from occurring, nor protect consumers. It will, however, sanction the continued predatory and abusive practices of the credit card industry.

There is no bankruptcy crisis in America. Despite the rascality perpetrated by the credit card industry, including the solicitation of our minors, seniors and pets, personal bankruptcies are not increasing. In fact, even as the average household debt burden has continued to climb, over the past two years personal bankruptcies have dropped by more than 15 percent.

Studies show that irresponsible and overly aggressive lending practices were behind the high level of bankruptcies in the mid 1990's. However, the industry has not learned its lesson. Even as the industry enjoys its highest profit level in five years, it refuses to take responsibility for its poor lending practices and continues to increase its marketing and credit extension. Last year, the credit card industry increased its mail solicitations by about 14 percent. Additionally, total credit extended, which included unused credit lines and debt incurred by consumers, approached three trillion dollars for the first time ever.

This is outrageous behavior and it should not be rewarded. Unfortunately, the Republican leadership feels differently and has crafted a bill which encourages this despicable behavior at the expense of our most at risk citizens. Americans deserve better, especially at a time when the economy is slowing and more jobs are in jeopardy. As such, I urge all of my colleagues to oppose this wrongheaded piece of legislation.

Mr. LAFALCE. Mr. Chairman, this is the wrong bill at the wrong time. It is unfair and unreasonable to consider bankruptcy reform without focusing attention on the practices of the credit card issuers that directly contribute to consumer bankruptcies. Unfortunately, the bill being considered today will only encourage credit card companies to be more aggressive in exacerbating the problem of consumer debt.

The timing of this bill could hardly be worse. By all accounts, we are in the midst of a significant economic slowdown, which will undoubtedly put a strain on many families' budgets in the coming months. Bankruptcy acts as a safety valve during economic slowdowns, providing relief to families that have reached a financial crisis point in the midst of difficult economic times. Yet, Congress is moving full steam ahead to pass a bill that will shut off the safety valve for many families that have reached a financial crisis point, most often through job loss, a medical problem, or divorce.

Moreover, many families face these financial crises as the direct result of the practices of companies assisted by this legislation.

The credit card industry is before Congress asking for relief from allegedly inadequate bankruptcy statutes. Yet, these same companies continue to aggressively market credit cards to some of our most financially vulnerable citizens—students, seniors and the working poor. Credit card companies issued 3.3 billion credit card solicitations last year, many of which have been targeted at these vulnerable groups. Is it any wonder that young people in their twenties and older Americans are the fastest growing groups filing for bankruptcy?

The credit card industry continues to aggressively market to these groups because it's good business for them. Profits for the industry are up, despite higher overall bankruptcies during the past decade. Nothing boosts the bottom line better than a growing number of families who can do no more than pay the monthly minimum on their credit card bills. If too many customers ultimately default, the companies simply make up for it by raising fees still higher.

But now they come to Congress asking for relief from the burden of so-called "irresponsible" customers who default on their debts. I would suggest that some of these companies only have themselves to blame for much of the bankruptcy problem. No less a pro-business source than the Wall Street Journal recently had this to say on the issue: "America isn't a nation of deadbeats. By one estimate, at least 15% of families could benefit financially by filing for bankruptcy. Many more could do so with a little strategic planning beforehand. Yet fewer than 2% do."

On this point, I would urge my Republican colleagues to consider letting the free market do its job. If credit card companies have issued too much bad credit, then it is up to these same companies to correct their mistakes. They should not expect any help from the government in avoiding the results of their own bad decisions.

In sum, the current bankruptcy bill is out of balance. The bill increases the burden of families who find themselves unable to repay heavy loads of consumer debt because of job loss, medical illness or the failure of an ex-spouse to pay child support. But, it does not adequately address one of the principal causes of burdensome consumer debt—misleading and deceptive practices of the credit card companies who often aggressively induce the debt.

Congress has failed to act responsibly in its consideration of this legislation. The proponents of the bill have rushed this bill through without full Congressional deliberations, where issues important to consumers and working families could be considered. The Committee process has been circumvented. The bill makes significant changes to the Truth-In-Lending Act, but the Financial Services Committee has passed up the opportunity to review the legislation. We have ignored the advice of the National Bankruptcy Conference, a balanced group of bankruptcy experts that Congress has listened to in every bankruptcy reform effort for the last forty years, until this one.

I had hoped to introduce an amendment to the bankruptcy bill in order to address these unfair and deceptive credit card practices. Unfortunately, in their haste to rush the bankruptcy bill through the Congress, the Republican Leadership has blocked my amendment from being considered during today's Floor debate.

I feel strongly that Congress must address these abusive practices, and that is why I am joining with the Gentleman from Michigan, Mr. CONYERS, in a motion to recommit that will address concerns of populations which have proven to be most vulnerable—students and young people. People in their twenties are the fastest growing group filing for bankruptcy. To a large degree, that is the result of aggressive targeting of students and young people just starting out in life by credit card companies that trap them into a cycle of debt before they have adequate income to sustain it.

Mr. ISRAEL. Mr. Chairman, I rise in support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act. At its core, this bill responsibly ensures that those who can afford to repay their debts do so, while protecting important priorities such as child support, alimony, and education savings.

Last year, over $40 billion was lost through bankruptcy filings. This not only affects businesses, but families as well. Bankruptcy costs are passed on to consumers in the forms of higher interest rates and restricted access for lower and middle-income taxpayers to affordable mortgages. Indeed, bankruptcies cost each American household about $400 last year. It is fundamentally unfair that equal access to credit is threatened by those who abuse the system—irresponsible filings by people who can repay their debts.

H.R. 333 provides a mechanism to distinguish between those who can repay their debt from those who cannot. If a filer earns more than the median income and can afford to repay either $6,000 or 25 percent of non-priority debt over five years (after taking into account living expenses and priority expenses such as child support), then the debt should be repaid over time. This bill insists on personal responsibility for repaying obligations while providing bankruptcy protection for special situations such as declining income and unexpected family and medical expenses.

Mr. Chairman, according to a recent study 15 percent of people claiming Chapter 7 bankruptcy relief have the ability to repay 64 percent of their debt. Bankruptcy reform recognizes that when you have the means to repay your debt, you should do so. It restores personal responsibility. It compassionately recognizes that some unique and special circumstances should be considered when ordering a repayment of debt. It will increase access to credit and home mortgages for middle and low-income families.

That is why I support H.R. 333 today.

Mr. KIND. Mr. Chairman, I rise to share my support for H.R. 333—the Bankruptcy Abuse Prevention and Consumer Protection Act. This measure, though not perfect, ensures debtors who can afford to repay their debt do so, while at the same time protecting consumers.

Bankruptcies negatively affect people in the form of higher prices and tightened credit access for lower- and middle-income taxpayers. It is estimated that over $40 billion was discharged through bankruptcies last years. As we all know, money lost to bankruptcies is passed on to consumers in the form of higher prices for goods and services.

H.R. 333 also ensures that those individuals with the ability to repay their debts do so while protecting those truly in need. This legislation creates a needs based system and assures that those who can afford to pay are required to do so. A recent study determined that 15 percent of Chapter 7 filers could repay an average of 64 percent of their debt.

Most importantly, H.R. 333 makes all marital and parental obligations to children the first priority for payment in bankruptcy proceedings. It is for this reason a number of legal and child support enforcement organizations strongly support the bill.

While H.R. 333 is a good bill that could get better, it is my hope that House and Senate negotiators, during conference committee discussion, will work to eliminate current homestead exemption loopholes and seek to protect families from abusive reaffirmation practices of creditors.

Mrs. KELLY. Mr. Chairman, I rise today in strong support for H.R. 333, the Bankruptcy Reform Act, because it boils down to two words: personal responsibility. If one assumes a debt, they should do everything in their power to pay it off. However, a safety net has to remain for those who legitimately cannot pay their debts. Creditors should be made whole, if possible.

Some of my colleagues here today are trying to paint the word creditors to mean faceless financial institutions who are tricking consumers into assuming debt. They specifically speak of credit card debt. They unfortunately failed to note that credit card debt in the United States amounts to only 3.7 percent of all consumer debt. Furthermore, only 1 percent of credit card accounts end up in bankruptcy. Of that 1 percent it is estimated that 15 percent of those accounts can afford to repay some or all of their debt.

The people who are truly being hurt by our current bankruptcy system are Americans who play by the rules and pay their debts. Bankruptcy costs the average American family an average per year of $400.

Needs-based bankruptcy reform is well overdue, and that is what H.R. 833 delivers. It is the people who game the system that we have to stop.

I heard from my colleague from Virginia (Mr. MORAN). He stated last year more people filed for bankruptcy than graduated from college. That is a staggering fact. I am pleased to support H.R. 333's provisions which strengthen the Bankruptcy Code protections for ex-spouses and children. They have to be supported.

In the current bankruptcy law, child support and alimony are placed seventh behind attorney fees as debt obligations. If enacted, this bill would move child support and alimony payments to first on the list of debt obligations.

Also under current law, some debtors use the automatic stay to avoid paying child support payments after they file for bankruptcy. H.R. 333 exempts State child support authorities from the automatic stay, thus insuring less delay in the proper payment of child support. I vehemently oppose any legislation that would reduce the ability of women and children to receive support payments.

H.R. 333 is a good bill that moves us in the right direction, and I ask my colleagues from both sides of the aisle to join me in support of this reasonable reform.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act, that we will be voting on later today. We all agree that bankruptcy reform is necessary. However, the bill clearly puts creditors ahead of families. A fair bankruptcy reform bill would balance important obligations, like child support, with a creditor's right to receive payment. It would take into account the fact that most of the people who declare bankruptcy have been through trying ordeals such as divorce, unemployment, and illness resulting in exorbitant medical bills they can't afford to pay.

In addition, a truly effective bill would address a major cause of bankruptcy: predatory lending. But H.R. 333 remains silent on these and other critical issues. This bill is a missed opportunity to incorporate some real protections for American families.

Simply stated, it is good for credit card companies and bad for consumers. I urge my colleagues to oppose this bill.

Mr. BEREUTER. Mr. Chairman, this Member wishes today to express his support for the Bankruptcy Abuse Prevention and Consumer Protection Act, H.R. 333. It is important to note that this Member is an original cosponsor of H.R. 333.

First, this Member would thank the distinguished gentleman from Pennsylvania (Mr. GEKAS), for introducing the House bankruptcy legislation, H.R. 333. This Member would also like to express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This Member supports the Bankruptcy Reform Act for numerous reasons; however, the most important reasons include the following:

First, this Member supports the provision in H.R. 333 which provides for a means testing—needs-based—formula when determining whether an individual should file for Chapter 7 or Chapter 13 bankruptcy. Chapter 7 bankruptcy allows a debtor to be discharged of his or her personal liability for many unsecured debts. In addition, there is no requirement that a Chapter 7 filer repay many of his or her debts. However, Chapter 13 bankruptcy filers commit to repay some portion of his or her debts under a repayment plan.

Some Chapter 7 filers actually have the capacity to repay some of what they owe, but they choose Chapter 7 bankruptcy and are able to walk away from these debts. For example, the stories in which an individual filed for Chapter 7 bankruptcy and then proceeds to take a nice vacation and/or buys a new car are too common. Moreover, the status quo is costing the average American individual and family increased costs for consumer goods and credit because of the amount of debt which is never repaid to creditors.

As a response to these concerns, the needs-based test of H.R. 333 will help ensure that high income filers, who could repay some of what they owe, are required to file Chapter 13 bankruptcy as compared to Chapter 7. This needs-based system takes a debtor's income, expenses, obligations and any special circumstances into account to determine whether he or she has the capacity to repay a portion of their debts.

Second, this Member supports the additional monthly expense items that are exempted from consideration under the needs-based test which determines, under H.R. 333, whether a person can file either a Chapter 7 or 13 version of bankruptcy. These expenses include the following: reasonable expenses incurred to maintain the safety of the debtor and debtor's family from domestic violence; an additional food and clothing allowance if demonstrated to be reasonable and necessary; and reasonable and necessary expenses for the care and support of an elderly, chronically ill, or disabled member of the debtor's household or immediate family.

Lastly, this Member supports the permanent extension of Chapter 12 bankruptcy in H.R. 333 since it allows family farmers to reorganize their debts as compared to liquidating their assets. Using the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not permanently extended for family farmers, its expiration would be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option but to end their operations, it likely will also cause land values to plunge. Such a decrease in value of farmland will affect the ability of family farmers to obtain adequate credit to maintain a viable farm operation. It will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families. It is clear that the agricultural sector is hurting and by a permanent extension of the Chapter 12 authorization, Congress can avoid one more negative possibility.

In closing, for these aforementioned reasons and many others, this Member urges his colleagues to support H.R. 333.

Ms. SLAUGHTER. Mr. Chairman, I offered with my colleague, the distinguished ranking member of the Judiciary Committee (Mr. CONYERS), an amendment in the Rules Committee that would have specified that creditors would not be able to collect the money owed them by a debtor, if that action would prevent the debtor from making family payments, like alimony and child support.

Our amendment was not made in order. However, that does not mean I will remain silent on this issue. In 1994, I introduced the Spousal Equity in Bankruptcy Amendments to give priority to child and spousal support payments in bankruptcy proceedings, so that debtors' obligations to their children could not be discharged. That legislation became law as part of the Bankruptcy Reform Act of 1994.

Due to these and other child support enforcement reforms, child support collections have increased by 123 percent since 1992. But we have further to go, as American children in fiscal year 1999 were still owed $76.9 billion in child support. The supporters of this bill argue that since the bill creates a new priority in bankruptcy proceedings for child support and alimony payments, it provides far greater protections from bankruptcy for such payments than current law. They are wrong. Do not just take my word for it. Twenty women's and children's organizations and more than 100 professors of bankruptcy and commercial law have expressed their grave concerns about some of the provisions of the bankruptcy reform bill, particularly the effects of the bill on women and children.

This bill forces women and children as creditors to compete with powerful creditors, such as credit card issuers, to collect their claims after bankruptcy. In other words, the bill divides the pie into more pieces, leaving less for women and children who are owed child support and alimony. I urge all my colleagues to oppose H.R. 333 for this reason.

Mr. SMITH of Michigan. Mr. Chairman, my amendment is a simple one. It would raise the aggregate debt level a family farmer could have and qualify for Chapter 12 bankruptcy. Currently, the limit is set at $1,500,000, which was the original limit set in 1986 when Chapter 12 was created. It has not been raised since then although CPI–U has increased approximately 43 percent. With the increase in land and equipment values the debt level needs to be increased to accommodate family farmers.

It's important for farmers to be able to qualify for Chapter 12. Chapter 11 is for larger corporations and is very costly and requires that all creditors be paid off, which is typically impossible for a farmer. Chapter 13, on the other hand, can't be used by corporate entities, has low debt levels and doesn't provide for rewrites of debt, which is typical in a farm bankruptcy.

H.R. 333 does provide that Chapter 12's aggregate debt limit will be indexed starting this year. But this ignores the deterioration of the debt level's value from 1986 through 2001. My amendment takes into account this change in the CPI since then and adjusts the debt limit accordingly. The Senate has included this provisions in their bill and I am assured the increase will be in the final version we send to the President.

Mr. CROWLEY. Mr. Chairman, I rise in strong support for H.R. 333, The Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. This legislation represents a good, commonsense approach towards tackling the important yet complicated issues surrounding the issue of bankruptcy.

While the United States has undergone the greatest period of economic expansion in American history, in contrast, our nation has also witnessed over 1 million bankruptcy filings in each of the past five years. The facts show that in 1997 the consumer bankruptcy rate filing hit a record level of 1.3 million with $40 billion in consumer debt discharged. It is estimated that bankruptcy discharges cost each American household $400 a year and cost retailers billions. And recent trends demonstrate that our Nation—and our economy—can expect even more bankruptcies in the coming years. Ultimately, consumers pay the price for the surge in bankruptcy filings.

Last year, working in a bipartisan fashion, the House of Representatives passed basically this same legislation on an overwhelming vote of 318 to 108. The fundamental issue that drove Congress to pass this bill in the 106th Congress, and hopefully again today is—Why should consumers who work hard and pay their bills on time be forced to pick up the check for those who can afford to repay their debts, but instead choose to walk away and burden others with their responsibilities?

A few days ago, representatives from a number of credit unions came to my office, including Alan Kaufmann of the Melrose Credit Union in Woodside, Queens in my Congressional District. He detailed about how the hard working, middle class people of his credit union—and of my district—continually have to pick up the tab for those who file bankruptcy—whether legitimately, as many do, or irresponsibly, as far too many do.

In advocating for this legislation, I stress several key components of this bill: This legislation places child and family support first in bankruptcy—above all other claims. Let me repeat, this bankruptcy reform legislation recognizes that no obligation is more important than that of a parent to his or her children. This bill includes 9 provisions designed to strengthen protections for child support and alimony payments. Family and child support obligations come first—no ifs, ands or buts.

Second, this legislation will assist those that have filed for bankruptcy by assisting those people to pay their bills on time as well as create a new program about financial education. In fact, this bill creates a Debtors Bill of Rights. Specifically, H.R. 333 provides for new disclosures which bankruptcy petition preparers and attorneys who represent debtors must provide their customers or clients. This ensures that debtors are better informed about the nature and scope of bankruptcy, the different remedies available, and the significance of bankruptcy on an individual's personal financial affairs. The intent is also to allow debtors to better negotiate with their attorneys about fees and services provided.

Most importantly, this bill mandates personal responsibility. As I stated earlier, even in the booming economy of the mid and late 1990's—America saw record numbers of new bankruptcy filers. All of this costs tens of billions of dollars, and these losses by companies are passed directly onto Americans—Americans who pay their debts, use their credit cards responsibly and balance their checkbooks. These people should not be held responsible for bad debtors—but they are currently, and this is wrong.

As a believer in personal responsibility and working to protect the working and middle class residents I represent in Queens and the Bronx, I support this legislation. Responsible borrowers should not be paying the price for bankruptcy abuse—and too many of my constituents—hard working, middle class people—are paying for the sins of others.

I believe that individuals with the means to repay some or all of their debt should be required to meet their financial obligations and not pass their debts onto society. Only those who truly cannot repay their debts should be bale to immediately discharge all of their debts under Chapter 7—and this bill protects those people who are in greatest need of bankruptcy protection.

This is a good bill, it promotes personal responsibility and tightens up our current laws. Families and children are protected; consumers are protected; our local credit unions are protected and most important, hard working Americans who pay their bills and balance their household budgets are protected.

I ask for the support of all of my colleagues for this commonsense legislation.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001."

Mr. Chairman, for most people, the decision to file for bankruptcy protection is made with a heavy heart when all hope of managing one's personal finances has disappeared. Most consumers who file for bankruptcy are working families who have experienced a catastrophic event such as illness, job loss, or a recent divorce. The decision to file for bankruptcy is not one easily reached. It is the ultimate public statement of financial failure and a cry for help.

However, there are some with average or higher incomes who have exploited our bankruptcy laws to walk away from debt that they have the means to repay. H.R. 333 is virtually identical to H.R. 2415, legislation that passed both Houses in the 106th Congress. The main feature of this bill is the application of a means test to bar such individuals from filing for bankruptcy under Chapter 7—a section of the bankruptcy code that allows the debtor to escape liability for unsecured debts, such as credit card bills.

Though the number of personal bankruptcy filings skyrocketed in the past two decades, reaching a record of 1.44 million in 1998, recent statistics tell another story. However, in the past two years, bankruptcy filings have declined. Total filings first dropped 8.5 percent, to 1.32 million in 1999 and then another 5 percent, in 2000, to 1.25 million. With the number of consumer filings falling, the question emerges, is bankruptcy reform still necessary? I believe it is.

While most people treat bankruptcy as a last resort, there are some debtors that seek to exploit our current bankruptcy laws to simply walk away from consumer debt. This evenhanded measure establishes a means test for debtors to determine their eligibility for bankruptcy relief, based on the ability to repay debt under Chapter 13. Moreover, this legislation protects those low-income consumers who need a fresh start by allowing them to discharge their debts and rebuild their lives. Additionally, under H.R. 333, creditors also would receive unprecedented fair treatment. Under H.R. 333, all debts, secured or unsecured, are treated equally under bankruptcy law.

Mr. Chairman, I am very pleased that H.R. 333's $100,000 federal homestead cap (indexed for inflation) would only preempt state law if the homeowner file for bankruptcy protection within two years of establishing their initial homestead in the state, unless the value in excess of that amount occurs from a transfer of residences within the same state. Thus, any individual who has an existing homestead in Texas for two or more years would not be subject to the cap nor would they, anytime they moved within the state.

The Texas Homestead Law is a critical part of the Texas Constitution and is part of the history of Texas. The Texas Homestead Law was designed to protect settlers in Texas and to prevent the sale of their home for payment of debts. Sam Houston, one of the original founders of the Republic of Texas, was a strong proponent of including the Texas Homestead Act in the Texas Constitution because he had personal experience with declaring bankruptcy. In his former residence of Tennessee, he and his family lost everything. Sam Houston wanted to make sure that future Texans would not suffer the same humiliation.

H.R. 333 respects the Texas Homestead Act. I would not support any measure that would not do so. I have worked with others who represent Texas, including Senator KAY BAILEY HUTCHISON, to ensure that Texans retain their homestead exemption. In 1999, during consideration of an earlier version of this bill by the House, Representative BENTSEN successfully authored an amendment allowing states to opt out of the federal law placing a cap on the amount of equity protected by state homestead laws. The Bentsen amendment allows states to opt out of any federal cap. This language was amended in the Senate to create a two-year residency requirement before one's homestead is exempt from the cap. H.R. 333 maintains the Senate language, protecting the vast majority of Texas homeowners.

Mr. Chairman, while this legislation is not perfect, I believe it has some important provisions, including expanding the disclosure requirements under the Truth and Lending Act with respect to several types of credit plans and prohibiting retroactive finance charges with respect to open-ended credit card accounts. Therefore, Mr. Chairman, I urge passage of H.R. 333.

Mr. KINGSTON. Mr. Chairman, I have been a strong supporter of this bill throughout its formulation. Despite the healthy economy these past few years, people are still going bankrupt in record numbers. This legislation included some much needed reforms in the area of bankruptcies, especially in terms of personal credit.

I have also been very actively engaged in a section of this bill which deals with bankruptcy judges. In 1998, there were over 26,000 bankruptcy cases filed in the Southern and Middle Judicial Districts of Georgia alone, with only one shared judge to manage this tremendous volume. I fought hard to ensure that this bill would establish a new judgeship in the Southern Judicial District, which is the 7th busiest in the United States. The new judgeship would benefit most of the state, spanning five congressional districts, covering 3 million people.

Finally, I would like to thank Chairman GEKAS for his hard work in this area, and for the work of Alan on his personal staff, and Susan on the committee staff. Without everyone's team effort in dealing with this legislation, we would not have been successful.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 333. Consumer bankruptcy filings have increased over the past two decades, peaking at 1.44 million in 1998. Flaws in the bankruptcy law allow individuals to walk away from their debts, regardless of whether they are able to pay a portion of them. H.R. 333 offers a fresh start to those overwhelmed by debt and financial obligations, while also ensuring that debtors with financial means to pay a portion of their debt will have to do so.

I believe this legislation is a good start at consumer protection from predatory credit card companies. Credit card companies need to be held responsible for continued aggressive credit card marketing. The bill includes new safeguards against abusive reaffirmation agreements, new credit card disclosure specifications, and requirements that credit card companies provide explanatory statements on introductory interest rates and minimum payments.

In addition, I support this bill because it considers domestic support obligations, such as alimony and child support, as priority debts. These debts are nondischargeable, meaning they must be paid, regardless of whether an individual files under Chapter 7 or Chapter 13. This legislation raised the priority of domestic support obligations from seventh to first, thereby granting greater protection to child and domestic support.

Mr. Chairman, it is important to ensure bankruptcy protection is available to those who truly need it. This legislation provides such protections, places a higher priority on domestic support obligations, and offers some consumer protection from credit card companies. For these reasons, I support this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the amendments printed in the bill are adopted and the bill, as amended, is considered read for amendment under the 5-minute rule.

The text of H.R. 333, as amended, is as follows:

H.R. 333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation practices.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Residency requirement for homestead exemption.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitation.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.

Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 28, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the corporation with respect to failed and failing institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to disaffirmance or repudiation of qualified financial contracts.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 907. Bankruptcy Code amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Exemptions from contemporaneous execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stay.
Sec. 912. Asset-backed securitizations.
Sec. 913. Effective date; application of amendments.

TITLE X—PROTECTION OF FAMILY FARMERS

Sec. 1001. Permanent reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Certain claims owed to governmental units.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business and other administrative expenses.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Exclusion from program participation not subject to automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Effect of conversion.
Sec. 1208. Allowance of administrative expenses.
Sec. 1209. Exceptions to discharge.
Sec. 1210. Effect of discharge.
Sec. 1211. Protection against discriminatory treatment.
Sec. 1212. Property of the estate.
Sec. 1213. Preferences.
Sec. 1214. Postpetition transactions.
Sec. 1215. Disposition of property of the estate.
Sec. 1216. General provisions.
Sec. 1217. Abandonment of railroad line.
Sec. 1218. Contents of plan.
Sec. 1219. Discharge under chapter 12.
Sec. 1220. Bankruptcy cases and proceedings.
Sec. 1221. Knowing disregard of bankruptcy law or rule.
Sec. 1222. Transfers made by nonprofit charitable corporations.
Sec. 1223. Protection of valid purchase money security interests.
Sec. 1224. Bankruptcy judgeships.
Sec. 1225. Compensating trustees.
Sec. 1226. Amendment to section 362 of title 11, United States Code.
Sec. 1227. Judicial education.
Sec. 1228. Reclamation.
Sec. 1229. Providing requested tax documents to the court.
Sec. 1230. Encouraging creditworthiness.
Sec. 1231. Property no longer subject to redemption.
Sec. 1232. Trustees.
Sec. 1233. Bankruptcy forms.
Sec. 1234. Expedited appeals of bankruptcy cases to courts of appeals.
Sec. 1235. Exemptions.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

Sec. 1301. Enhanced disclosures under an open end credit plan.
Sec. 1302. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1303. Disclosures related to "introductory rates".
Sec. 1304. Internet-based credit card solicitations.
Sec. 1305. Disclosures related to late payment deadlines and penalties.
Sec. 1306. Prohibition on certain actions for failure to incur finance charges.
Sec. 1307. Dual use debit card.
Sec. 1308. Study of bankruptcy impact of credit extended to dependent students.
Sec. 1309. Clarification of clear and conspicuous.
Sec. 1310. Enforcement of certain foreign judgments barred.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion of" and inserting "trustee, bankruptcy administrator, or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title," after "consumer debts"; and

(III) by striking "a substantial abuse" and inserting "an abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

"(II) $10,000.

"(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

"(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

‘‘(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child under the age of 18 years up to $1,500 per year per child to attend a private elementary or secondary school, if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary.

‘‘(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

‘‘(I) the sum of—

‘‘(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

‘‘(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

‘‘(II) 60.

‘‘(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

‘‘(I) the total amount of debts entitled to priority; divided by

‘‘(II) 60.

‘‘(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

‘‘(ii) In order to establish special circumstances, the debtor shall be required to—

‘‘(I) itemize each additional expense or adjustment of income; and

‘‘(II) provide—

‘‘(aa) documentation for such expense or adjustment to income; and

‘‘(bb) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

‘‘(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

‘‘(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

‘‘(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

‘‘(II) $10,000.

‘‘(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

‘‘(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

‘‘(A) whether the debtor filed the petition in bad faith; or

‘‘(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

‘‘(4)(A) The court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

‘‘(i) a trustee appointed under section 586(a)(1) of title 28 or from a panel of private trustees maintained by the bankruptcy administrator brings a motion for dismissal or conversion under this subsection; and

‘‘(ii) the court—

‘‘(I) grants that motion; and

‘‘(II) finds that the action of the counsel for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

‘‘(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, at a minimum, the court shall order—

‘‘(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

‘‘(ii) the payment of the civil penalty to the trustee, the United States trustee, or the bankruptcy administrator.

‘‘(C) In the case of a petition, pleading, or written motion, the signature of an attorney shall constitute a certification that the attorney has—

‘‘(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

‘‘(ii) determined that the petition, pleading, or written motion—

‘‘(I) is well grounded in fact; and

‘‘(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

‘‘(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

‘‘(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion brought by a party in interest (other than a trustee, United States trustee, or bankruptcy administrator) under this subsection if—

‘‘(i) the court does not grant the motion; and

‘‘(ii) the court finds that—

‘‘(I) the position of the party that brought the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

‘‘(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

‘‘(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

‘‘(C) For purposes of this paragraph—

‘‘(i) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

‘‘(I) has less than 25 full-time employees as determined on the date the motion is filed; and

‘‘(II) is engaged in commercial or business activity; and

‘‘(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

‘‘(I) a parent corporation; and

‘‘(II) any other subsidiary corporation of the parent corporation.

‘‘(6) Only the judge, United States trustee, or bankruptcy administrator may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

‘‘(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

‘‘(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

‘‘(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.

‘‘(7) No judge, United States trustee, panel trustee, bankruptcy administrator or other party in interest may bring a motion under paragraph (2), if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

‘‘(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

‘‘(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

‘‘(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.’’.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

‘‘(10A) ‘current monthly income’—

‘‘(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 6-month period preceding the date of determination; and

‘‘(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act and payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;’’.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting ‘‘(a)’’ before ‘‘The trustee shall—’’; and

(2) by adding at the end the following:

‘‘(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be appropriate, if the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census.

"(3) In any case in which a motion to dismiss or convert, or a statement is required to be filed by this subsection, the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 704(b)(2) if the product of the debtor's current monthly income multiplied by 12 exceeds 100 percent, but does not exceed 150 percent of—

"(A)(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(ii) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; and

"(B) the product of the debtor's current monthly income, reduced by the amounts determined under section 707(b)(2)(A)(ii) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service) and clauses (iii) and (iv) of section 707(b)(2)(A), multiplied by 60 is less than the lesser of—

"(i) 25 percent of the debtor's nonpriority unsecured claims in the case or $6,000, whichever is greater; or

"(ii) $10,000.".

(d) Notice.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

"(d) In an individual case under chapter 7 in which the presumption of abuse is triggered under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has been triggered.".

(e) Nonlimitation of Information.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee, bankruptcy administrator or trustee.

(f) Dismissal for Certain Crimes.—Section 707 of title 11, United States Code, as amended by this section, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victims dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(g) Confirmation of Plan.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) the action of the debtor in filing the petition was in good faith;".

(h) Applicability of Means Test to Chapter 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "to unsecured creditors" after "to make payments"; and

(2) by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

"(A) for the maintenance or support of the debtor or a dependent of the debtor or for a domestic support obligation that first becomes payable after the date the petition is filed and for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

"(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.".

(i) Clerical Amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) Study.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) Recommendation.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

"(1) a brief description of—

"(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

"(B) the types of services available from credit counseling agencies; and

"(2) statements specifying that—

"(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both; and

"(B) all information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) Development of Financial Management and Training Curriculum and Materials.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate individual debtors on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit budget and credit counseling agencies for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from that agency by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.".

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.

"(12)(A) Paragraph (11) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of that district determines that the approved instructional courses are not adequate to service the additional individuals required to complete such instructional courses under this section.

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).".

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a publicly available list of—

"(1) credit counseling agencies that provide 1 or more programs described in section 109(h) currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable; and

"(2) instructional courses concerning personal financial management currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable.

"(b) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency or instructional course concerning personal financial management as follows:

"(1) The United States trustee or bankruptcy administrator shall have thoroughly reviewed the qualifications of the credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the programs or instructional courses which will be offered by such agency or provider, and may require an agency or provider of an instructional course which has sought approval to provide information with respect to such review.

"(2) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

"(3) When an agency or course of instruction is initially approved, such approval shall be for a probationary period not to exceed 6 months. An agency or course of instruction is initially approved if it did not appear on the approved list for the district under subsection (a) immediately prior to approval.

"(4) At the conclusion of the probationary period under paragraph (3), the United States trustee or bankruptcy administrator may only approve for an additional 1-year period, and for successive 1-year periods thereafter, any agency or course of instruction which has demonstrated during the probationary or subsequent period that such agency or course of instruction—

"(A) has met the standards set forth under this section during such period; and

"(B) can satisfy such standards in the future.

"(5) Not later than 30 days after any final decision under paragraph (4), that occurs either after the expiration of the initial probationary period, or after any 2-year period thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

"(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters as relate to the quality, effectiveness, and financial security of such programs.

"(2) To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

"(A) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

"(i) are not employed by the agency; and

"(ii) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

"(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

"(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

"(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

"(E) provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts;

"(F) provide trained counselors who receive no commissions or bonuses based on the counseling session outcome, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

"(G) demonstrate adequate experience and background in providing credit counseling; and

"(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

"(d) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

"(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

"(A) trained personnel with adequate experience and training in providing effective instruction and services;

"(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such course of instruction;

"(C) adequate facilities situated in reasonably convenient locations at which such course of instruction is offered, except that such facilities may include the provision of such course of instruction or program by telephone or through the Internet, if the course of instruction or program is effective; and

"(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such course of instruction or program, including any evaluation of satisfaction of course of instruction or program requirements for each debtor attending such course of instruction or program, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee, bankruptcy administrator, or chief bankruptcy judge for the district in which such course of instruction or program is offered; and

"(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

"(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

"(B) is otherwise likely to increase substantially debtor understanding of personal financial management.

"(e) The District Court may, at any time, investigate the qualifications of a credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such credit counseling agencies. The District Court may, at any time, remove from the approved list under subsection (a) a credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

"(f) The United States trustee or bankruptcy administrator shall notify the clerk that a credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

"(g)(1) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(2) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(A) any actual damages sustained by the debtor as a result of the violation; and

"(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

"(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.".

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency described in section 111 acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title), unless the plan is dismissed, in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

"(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

"(2) such act is in the ordinary course of business between the creditor and the debtor; and

"(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;";

(2) by adding at the end the following:

"(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with the reaffirmation.

"(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following:

"(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

"(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

"(C) The 'Amount Reaffirmed', using that term, which shall be—

"(i) the total amount which the debtor agrees to reaffirm, and

"(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

"(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

"(i) 'The amount of debt you have agreed to reaffirm'; and

"(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

"(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

"(i) if, at the time the petition is filed, the debt is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)(5) and (6)), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

"(ii) if, at the time the petition is filed, the debt is closed end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act (15 U.S.C. 1638(a)(4)), as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act (15 U.S.C. 1601 et seq.), by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

"(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

"(i) by making the statement: 'Your first payment in the amount of $ is due on but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

"(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

"(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: 'Note: When this disclosure refers to what a creditor 'may' do, it does not use the word 'may' to give the creditor specific permission. The word 'may' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'.

"(J)(i) The following additional statements:

"'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

"'1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

"'2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"'3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

"'4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

"'5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

"'7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

"'Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

"'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of the agreement in the future under certain conditions.

"'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

"(4) The form of reaffirmation agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5)(A) The declaration shall consist of the following:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

"(6)(A) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: .

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(B) Where the debtor is represented by counsel and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)), the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'I believe this agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'

"(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.). I (we), the debtor, affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(9) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(A) such creditor retains a security interest in real property that is the debtor's principal residence;

"(B) such act is in the ordinary course of business between the creditor and the debtor; and

"(C) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.

"(l) Notwithstanding any other provision of this title:

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

"(m)(1) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. No agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing shall be concluded before the entry of the debtor's discharge.

"(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)).".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt;".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated—

(A) by striking "Third" and inserting "Fourth"; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.".

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

"(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding in the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

"(8) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first becomes payable after the date on which the petition is filed; and";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of a civil action or proceeding—

"(i) for the establishment of paternity;

"(ii) for the establishment or modification of an order for domestic support obligations;

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

"(v) regarding domestic violence;

"(B) the collection of a domestic support obligation from property that is not property of the estate;

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.);".

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(B) in paragraph (15)—

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(ii) by inserting "or" after "court of record,"; and

(iii) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon; and

(C) by striking paragraph (18); and

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)".

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));";

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or"; and

(3) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;".

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) CONFIRMATION OF PLAN UNDER CHAPTER 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

(b) CONFIRMATION OF PLAN UNDER CHAPTER 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(10) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c); and"; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(10), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides for assistance in collecting child support during and after the bankruptcy procedures;

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(7), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

(2) by adding at the end the following:

"(d)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking "a person, other than an attorney or an employee of an attorney" and inserting "the attorney for the debtor or an employee of such attorney under the direct supervision of such attorney";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person or partner."; and

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by—

"(aa) the debtor; and

"(bb) the bankruptcy petition preparer, under penalty of perjury; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as redesignated—

(i) by striking "Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as redesignated, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or "(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as redesignated, by striking "or the United States trustee" and inserting "the United States trustee, the bankruptcy administrator, or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, United States trustee, or bankruptcy administrator, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, the United States trustee, or the bankruptcy administrator."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

"(3) The debtor, the trustee, a creditor, the United States trustee, or the bankruptcy administrator may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

"(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

"(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986."; and

(iv) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding";

(D) by striking "paragraph (2)" each place it appears and inserting "paragraph (3)";

(E) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)";

(F) by striking "Such property is—"; and

(G) by adding at the end the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;"; and

(4) by adding at the end of the flush material at the end of the subsection, the following: "Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) Exceptions To Discharge.—Section 523(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from the thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title.

Nothing in paragraph (18) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.".

(e) ASSET LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

"(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of that Code or a simple retirement account under section 408(p) of that Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 (which amount shall be adjusted as provided in section 104 of this title) in a case filed by an individual debtor, except that such amount may be increased if the interests of justice so require.".

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (10); and

(C) by inserting after paragraph (4) the following:

"(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;"; and

(2) by adding at the end the following:

"(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

"(3) 'assisted person' means any person whose debts consist primarily of consumer debts and whose non-exempt assets are less than $150,000;";

(2) by inserting after paragraph (4) the following:

"(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;"; and

(3) by inserting after paragraph (12) the following:

"(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

"(A) any person that is an officer, director, employee or agent of that person;

"(B) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(C) a creditor of the person, to the extent that the creditor is assisting the person to restructure any debt owed by the person to the creditor;

"(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a depository institution or credit union; or

"(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.".

(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting "101(3)," after "sections".

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 526. Restrictions on debt relief agencies

"(a) A debt relief agency shall not—

"(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

"(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

"(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

"(i) the services that such agency will provide to such person; or

"(ii) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

"(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

"(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

"(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

"(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and hearing, to have—

"(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

"(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

"(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

"(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

"(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

"(A) enjoin the violation of such section; or

"(B) impose an appropriate civil penalty against such person.".

"(d) No provision of this section, section 527, or section 528 shall—

"(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

"(2) be deemed to limit or curtail the authority or ability—

"(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

"(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting before the item relating to section 527, the following:

"526. Debt relief enforcement.".

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 527. Disclosures

"(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

"(1) the written notice required under section 342(b)(1) of this title; and

"(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

"(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

"(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

"(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

"(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

"(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

"'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

"'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

"'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

"'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

"'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

"'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

"'If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

"'Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

"(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

"(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2)) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

"(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

"(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

"(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 526 the following:

"527. Disclosures.".

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 528. Requirements for debt relief agencies

"(a) A debt relief agency shall—

"(1) not later than 5 business days after the first date such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

"(A) the services such agency will provide to such assisted person; and

"(B) the fees or charges for such services, and the terms of payment;

"(2) provide the assisted person with a copy of the fully executed and completed contract;

"(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

"(4) clearly and conspicuously using the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

"(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

"(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

"(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

"(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

"(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

"(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code,' or a substantially similar statement.".

(b) Conforming Amendment.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527, the following:

"528. Debtor's bill of rights.".

SEC. 230. GAO STUDY.

(a) Study.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by individual debtors under such title, the names and social security numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) Report.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court",

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) In General.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after the date of entry of such order by the court, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (19), as added by this Act, the following:

"(20) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case;".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a) (as so designated by this Act)—

(A) in paragraph (4), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7 of this title, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

"(A) enters into an agreement with the creditor pursuant to section 524(c) of this title with respect to the claim secured by such property; or

"(B) redeems such property from the security interest pursuant to section 722 of this title.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) of this title is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee brought before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" inserting "(e), (f), and (h)";

(B) by redesignating subsection (h) as subsection (k); and

(C) by inserting after subsection (g) the following:

"(h)(1) In an individual case under chapter 7, 11, or 13, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2) of this title—

"(A) to file timely any statement of intention required under section 521(a)(2) of this title with respect to that property or to indicate in that statement that the debtor will either surrender the property or retain it and, if retaining it, either redeem the property pursuant to section 722 of this title, reaffirm the debt it secures pursuant to section 524(c) of this title, or assume the unexpired lease pursuant to section 365(p) of this title if the trustee does not do so, as applicable; and

"(B) to take timely the action specified in that statement of intention, as it may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the proceeding on the motion."; and

(2) in section 521—

(A) in subsection (a)(2), as so designated by this Act, by striking "consumer";

(B) in subsection (a)(2)(B), as so designated by this Act—

(i) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a) of this title"; and

(ii) by striking "forty-five day" and inserting "30-day";

(C) in subsection (a)(2)(C), as so designated by this Act, by inserting ", except as provided in section 362(h) of this title" before the semicolon; and

(D) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h) of this title, with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549 of this title, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement which has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 5-year period preceding the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.".

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3)(A) of title 11, United States Code, as so designated by this Act, is amended—

(1) by striking "180 days" and inserting "730 days"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place" and inserting "or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a

longer portion of such 180-day period than in any other place".

SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting "subject to subsections (o) and (p)," before "any property"; and

(2) by adding at the end the following:

"(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 7-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

"(A) proposed by the plan to the trustee;

"(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

"(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

"(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

"(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (21), as added by this Act, the following:

"(22) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

"(23) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law;

"(24) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs;

"(25) under subsection (a) of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by inserting after subsection (e) the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.”.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

“(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term ‘household goods’ means—

“(i) clothing;

“(ii) furniture;

“(iii) appliances;

“(iv) 1 radio;

“(v) 1 television;

“(vi) 1 VCR;

“(vii) linens;

“(viii) china;

“(ix) crockery;

“(x) kitchenware;

“(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

“(xii) medical equipment and supplies;

“(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

“(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor.

“(B) The term ‘household goods’ does not include—

“(i) works of art (unless by or of the debtor or the dependents of the debtor);

“(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

“(iii) items acquired as antiques;

“(iv) jewelry (except wedding rings); and

“(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.”.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by this section, with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact that section 522(f)(4) of that title, as added by this section, has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to section 522(f)(4) of title 11, United States Code, consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

“(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);”.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) provided for under section 1322(b)(5);

“(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

“(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

“(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.”.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c)—

(A) by inserting “(1)” after “(c)”;

(B) by striking “, but the failure of such notice to contain such information shall not invalidate the legal effect of such notice”; and

(C) by adding at the end the following:

“(2) If, within the 90 days prior to the date of the filing of a petition in a voluntary case, the creditor supplied the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number. In the event the creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if the creditor supplied the debtor in the last 2 communications with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number.”; and

(2) by adding at the end the following:

“(e) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

“(f) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

“(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

“(2) No sanction under section 362(k) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.”.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a), as so designated by this Act, by striking paragraph (1) and inserting the following:

“(1) file—

“(A) a list of creditors; and

“(B) unless the court orders otherwise—

“(i) a schedule of assets and liabilities;

“(ii) a schedule of current income and current expenditures;

“(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

“(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

“(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

“(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

“(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

“(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;”; and

(2) by adding at the end the following:

“(e)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case, and the court shall make those documents available to the creditor who requests those documents.

“(2)(A) The debtor shall provide either a tax return or transcript at the election of the debtor, for the latest taxable period prior to filing for which a tax return has been or should have been filed, to the trustee, not later than 7 days before the date first set for the first meeting of creditors, or the case shall be dismissed, unless the debtor demonstrates that the failure to file a return as required is due to circumstances beyond the control of the debtor.

“(B) If a creditor has requested a tax return or transcript referred to in subparagraph (A), the debtor shall provide such tax return or transcript to the requesting creditor at the time the debtor provides the tax return or transcript to the trustee, or the case shall be dismissed, unless the debtor demonstrates that the debtor is unable to provide such information due to circumstances beyond the control of the debtor.

“(3)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

“(B) The court shall make such plan available to the creditor who request such plan—

“(i) at a reasonable cost; and

“(ii) not later than 5 days after such request.

“(f) An individual debtor in a case under chapter 7, 11, or 13 shall file with the court at the request of any party in interest—

“(1) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(g)(1) A statement referred to in subsection (f)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in subsection (e)(2)(A) and subsection (f) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (h).

"(h)(1) Not later than 180 days after the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

"(3) Not later than 1 year and 180 days after the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(i) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

"(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

"(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.";

(2) in section 1325(b)(1)(B), by striking "three-year period" and inserting "applicable commitment period"; and

(3) in section 1325(b), as amended by this Act, by adding at the end the following:

"(4) For purposes of this subsection, the 'applicable commitment period'—

"(A) subject to subparagraph (B), shall be—

"(i) 3 years; or

"(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4; and

"(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period."; and

(4) in section 1329(c), by striking "three years" and inserting "the applicable commitment period under section 1325(b)(1)(B)".

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) In general.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"(a) In a case concerning an individual debtor, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

"(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.".

(2) Clerical amendment.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) Contents of Plan.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) Confirmation of Plan.—

(1) Requirements relating to value of property.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(15) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) Requirement relating to interests in property.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) Effect of Confirmation—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payments under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value, as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) Modification of Plan.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

"(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

"(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125, as the court may direct, notice and a hearing, and such modification is approved.".

SEC. 322. LIMITATION.

(a) Exemptions.—Section 522 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548 of this title, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 2-year period preceding the filing of the petition which exceeds in the aggregate $100,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.

"(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of the 2-year period) into the debtor's current principal residence, where the debtor's previous and current residences are located in the same State.".

(b) Adjustment of Dollar Amounts.—Section 104(b) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "522(d)," and inserting "522(d), 522(n), 522(p),"; and

(2) in paragraph (3), by striking "522(d)," and inserting "522(d), 522(n), 522(p),".

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

(a) In General.—Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (6), as added by this Act, the following:

"(7) any amount—

"(A) withheld by an employer from the wages of employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title; or

"(B) received by the employer from employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title;".

(b) Application of Amendment.—The amendments made by this section shall not apply to cases commenced under title 11, United States Code, before the expiration of the 180-day period beginning on the date of enactment of this Act.

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) In General.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) by striking subsection (e) and inserting the following:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the date of commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

(b) Applicability.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) Actions Under Chapter 7 or 13 of Title 11, United States Code.—Section

1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2), by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4), by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 33.87 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

"(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.".

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) In the case of an individual debtor under chapters 7 and 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of filing the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purpose, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.".

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: "other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of paragraph (b)(1);"; and

(B) in paragraph (2)(D), by striking "penalty rate or provision" and inserting "penalty rate or penalty provision";

(2) in subsection (c)—

(A) in paragraph (2), by inserting "or" at the end;

(B) in paragraph (3), by striking "; or" at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting "or of a kind that section 365(b)(2) of this title expressly does not require to be cured" before the semicolon at the end;

(2) in subparagraph (C), by striking "and" at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a non-residential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, as amended by this Act, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (25), as added by this Act, the following:

"(26) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;".

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days upon motion of the trustee or lessor for cause.

"(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.".

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking "subsection" the first place it appears and inserting "subsections (b) and".

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

"(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) A committee appointed under subsection (a) shall—

“(A) provide access to information for creditors who—

“(i) hold claims of the kind represented by that committee; and

“(ii) are not appointed to the committee;

“(B) solicit and receive comments from the creditors described in subparagraph (A); and

“(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).”.

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

“(j)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

“(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, or any successor thereto.”.

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking “(A) In” and inserting “In”; and

(B) by inserting “to an examiner, trustee under chapter 11, or professional person” after “awarded”; and

(2) by adding at the end the following:

“(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326 of this title.”.

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

“(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.”.

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

“(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

“(B) made according to ordinary business terms;”;

(2) in paragraph (8), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.”.

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting “, or a nonconsumer debt against a noninsider of less than $10,000,” after “$5,000”.

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking “On” and inserting “(1) Subject to paragraph (2), on”; and

(2) by adding at the end the following:

“(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

“(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.”.

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking “dwelling” the first place it appears;

(2) by striking “ownership or” and inserting “ownership,”;

(3) by striking “housing” the first place it appears; and

(4) by striking “but only” and all that follows through “such period” and inserting “or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,”.

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: “Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.”.

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

“(14) ‘disinterested person’ means a person that—

“(A) is not a creditor, an equity security holder, or an insider;

“(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

“(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;”.

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, as amended by this Act, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

“(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and”.

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

“(B) Upon the filing of a report under subparagraph (A)—

“(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

“(ii) the service of any trustee appointed under subsection (d) shall terminate.

“(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.”.

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by adding at the end the following:

“(c)(1)(A) For purposes of this subsection, the term ‘assurance of payment’ means—

“(i) a cash deposit;

“(ii) a letter of credit;

“(iii) a certificate of deposit;

“(iv) a surety bond;

“(v) a prepayment of utility consumption; or

“(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

“(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

“(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

“(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

“(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

“(i) the absence of security before the date of filing of the petition;

“(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

“(iii) the availability of an administrative expense priority.

“(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.”.

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking “Notwithstanding section 1915 of this title, the” and inserting “The”; and

(2) by adding at the end the following:

"(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such debtor has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term "filing fee" means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

"(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

"(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.".

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon "and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information"; and

(2) by striking subsection (f), and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $3,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor's profitability;

"(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the plan shall be confirmed not later than 175 days after the date of the order for relief, unless such 175-day period is extended as provided in section 1121(e)(3).".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by this Act is amended—

(1) in subsection (k), as redesignated by this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages."; and

(2) by adding at the end the following:

"(l)(1) Except as provided in paragraph (2) of this subsection, the provisions of subsection (a) do not apply in a case in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) This subsection does not apply—

"(A) to an involuntary case involving no collusion by the debtor with creditors; or

"(B) to the filing of a petition if—

"(i) the debtor proves by a preponderance of the evidence that the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

"(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

"(B) the grounds include an act or omission of the debtor—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) that will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, the term 'cause' includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) repeated failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee or the bankruptcy administrator;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting "notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560, 561, 562" after "557,".

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district shall collect statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be on a standardized form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 2002, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current monthly income, average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number of cases in which the debtor was not represented by an attorney; and

"(III) of those cases in which a reaffirmation was filed, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel or damages awarded under such Rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United

States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"§ 589b. Bankruptcy data

"(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

"(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

"(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

"(3) appropriate privacy concerns and safeguards.

"(d) FINAL REPORTS.—Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General, shall propose, include with respect to a case under such title—

"(1) information about the length of time the case was pending;

"(2) assets abandoned;

"(3) assets exempted;

"(4) receipts and disbursements of the estate;

"(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

"(6) claims asserted;

"(7) claims allowed; and

"(8) distributions to claimants and claims discharged without payment

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

"(e) PERIODIC REPORTS.—Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General, in the discretion of the Attorney General, shall propose, include—

"(1) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(2) length of time the case has been pending;

"(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

"(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

"(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001; and"; and

(2) by adding at the end the following:

"(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001.

"(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.".

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by this Act, is amended in each of paragraphs (3) and (4) by inserting "or an auditor appointed under section 586(f) of title 28" after "serving in the case".

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards

as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under that subparagraph, any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of filing of the petition" after "gross receipts";

(B) in clause (i), by striking "for a taxable year ending on or before the date of filing of the petition"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days."; and

(2) by adding at the end the following:

"An otherwise applicable time period specified in this paragraph shall be suspended for (i) any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus (ii) any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314 of this Act, is amended by striking "paragraph" and inserting "section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt described in section 523(a)(2) or for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking "the debtor" and inserting "a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning an individual debtor's tax liability for a taxable period ending before the order for relief under this title".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments," and all that follows through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) over a period ending not later than 5 years after the date of the entry of the order for relief under section 301, 302, or 303; and

"(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for in the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) Payment of Taxes Required.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) Payment of Ad Valorem Taxes Required.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) Request for Payment of Administrative Expense Taxes Eliminated.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) Payment of Taxes and Fees as Secured Claims.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by this Act, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i), by inserting "or given" after "filed"; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) Additional Time Permitted for Filing Tax Returns.—

(1) In general.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) Conforming amendment.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

"1308. Filing of prepetition tax returns.".

(c) Dismissal or Conversion on Failure To Comply.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) Timely Filed Claims.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) Rules for Objections to Claims and to Confirmation.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (26), as added by this Act, the following:

"(27) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, upon motion of the trustee and after notice and hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of that authority in the setoff under section 506(a);".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 346 of title 11, United States Code, is amended to read as follows:

"§346. Special provisions related to the treatment of state and local taxes

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make said returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 728 of title 11, United States Code, is repealed.

(2) Section 1146 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(3) Section 1231 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(k)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.
"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.

"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition.
"1516. Presumptions concerning recognition.
"1517. Order granting recognition.
"1518. Subsequent information.
"1519. Relief that may be granted upon filing petition for recognition.
"1520. Effects of recognition of a foreign main proceeding.
"1521. Relief that may be granted upon recognition.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§ 1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies where—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

"(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

"(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

"§ 1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§ 1505. Authorization to act in a foreign country

"A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 1507. Additional assistance

"(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

"(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

"(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

"(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

"(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

"(3) a court in the United States shall grant comity or cooperation to the foreign representative.

"(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

"(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

"(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

"(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

"§ 1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

"(a) Upon recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726 of this title, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

"(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

"(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for their filing;

"(2) indicate whether secured creditors need to file their proofs of claim; and

"(3) contain any other information required to be included in such a notification to creditors under this title and the orders of the court.

"(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition

"(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

"(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

"(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

"§ 1516. Presumptions concerning recognition

"(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding (as defined in section 101) and that the person or body is a foreign representative (as defined in section 101), the court is entitled to so presume.

"(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

"(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order granting recognition

"(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

"(1) the foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

"(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

"(3) the petition meets the requirements of section 1515.

"(b) The foreign proceeding shall be recognized—

"(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

"(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

"(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. The case under this chapter may be closed in the manner prescribed under section 350.

"§ 1518. Subsequent information

"From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon filing petition for recognition

"(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

"(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1520. Effects of recognition of a foreign main proceeding

"(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

“(1) sections 361 and 362 apply with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

“(2) sections 363, 549, and 552 of this title apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

“(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

“(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

“(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

“(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

“§ 1521. Relief that may be granted upon recognition

“(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

“(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

“(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

“(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

“(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

“(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

“(6) extending relief granted under section 1519(a); and

“(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

“(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

“(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

“(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (28) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

“§ 1522. Protection of creditors and other interested persons

“(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

“(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3) of this title, to conditions it considers appropriate, including the giving of security or the filing of a bond.

“(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

“(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

“§ 1523. Actions to avoid acts detrimental to creditors

“(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

“(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

“§ 1524. Intervention by a foreign representative

“Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

“SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

“§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

“(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

“(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

“§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

“(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

“(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

“§ 1527. Forms of cooperation

“Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

“(1) appointment of a person or body, including an examiner, to act at the direction of the court;

“(2) communication of information by any means considered appropriate by the court;

“(3) coordination of the administration and supervision of the debtor's assets and affairs;

“(4) approval or implementation of agreements concerning the coordination of proceedings; and

“(5) coordination of concurrent proceedings regarding the same debtor.

“SUBCHAPTER V—CONCURRENT PROCEEDINGS

“§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

“After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

“§ 1529. Coordination of a case under this title and a foreign proceeding

“If a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

“(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

“(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

“(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

“(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

“(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

“(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

“(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 362(l), 555 through 557, and 559 through 562 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(j) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

"(2) section 1509 applies whether or not a case under this title is pending.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking "or 13" and inserting "13, or 15,".

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

"A case under chapter 15 of title 11 may be commenced in the district court for the district—

"(1) in which the debtor has its principal place of business or principal assets in the United States;

"(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

"(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.".

(d) OTHER SECTIONS OF TITLE 11.—

(1) Section 109(b)(3) of title 11, United States Code, is amended to read as follows:

"(3)(A) a foreign insurance company, engaged in such business in the United States; or

"(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101) in the United States.".

(2) Section 303(k) of title 11, United States Code, is repealed.

(3)(A) Section 304 of title 11, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 3 of title 11, United States Code, is amended by striking the item relating to section 304.

(C) Section 306 of title 11, United States Code, is amended by striking ", 304," each place it appears.

(4) Section 305(a)(2) of title 11, United States Code, is amended to read as follows:

"(2)(A) a petition under section 1515 of this title for recognition of a foreign proceeding has been granted; and

"(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.".

(5) Section 508 of title 11, United States Code, is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(c) Definition of Commodity Contract.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) Commodity contract.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause.".

(d) Definition of Forward Contract.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) Forward contract.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV).".

(e) Definition of Repurchase Agreement.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) Repurchase agreement.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V).

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) Definition of Swap Agreement.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) Swap agreement.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction similar to any other agreement or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subparagraph (I), (II), (III), (IV), or (V).

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations promulgated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.".

(g) Definition of Transfer.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) Transfer.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institutions's equity of redemption.".

(h) Treatment of Qualified Financial Contracts.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(B) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(C) by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);"; and

(2) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);".

(i) Avoidance of Transfers.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

SEC. 902. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) In General.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(2) by adding at the end the following new subparagraphs:

"(F) Clarification.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

"(G) Walkaway clauses not effective.—

"(i) In general.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) Walkaway clause defined.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(b) Technical and Conforming Amendment.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) Transfers of Qualified Financial Contracts to Financial Institutions.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) Transfer of qualified financial contracts.—

"(A) In general.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) Transfer to foreign bank, foreign financial institution, or branch or agency of a foreign bank or financial institution.—In transferring any qualified financial contract and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) Transfer of contracts subject to the rules of a clearing organization.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) Definition.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution.".

(b) Notice to Qualified Financial Contract Counterparties.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(c) Rights Against Receiver and Treatment of Bridge Banks.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) Certain rights not enforceable.—

"(i) Receivership.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) Conservatorship.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or sections 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) Notice.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) Treatment of bridge banks.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.".

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).".

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon ", or is exempt from such registration by order of the Securities and Exchange Commission"; and

(B) in subparagraph (B), by inserting before the period "or that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act";

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(3) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract";

(4) by amending paragraph (14)(A)(i) to read as follows:

"(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and"; and

(5) by adding at the end the following new paragraph:

"(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as 407A; and

(2) by inserting after section 406 the following new section:

"SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS AND UNINSURED FEDERAL BRANCHES AND AGENCIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, except that for such purpose—

"(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency;

"(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator of an uninsured national bank or uninsured Federal branch or Federal agency appointed by the Comptroller of the Currency; and

"(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank or an uninsured Federal branch or Federal agency.

"(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank or uninsured Federal branch or agency shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(c) REGULATORY AUTHORITY.—

"(1) IN GENERAL.—The Comptroller of the Currency, in consultation with the Federal Deposit Insurance Corporation, may promulgate regulations to implement this section.

"(2) SPECIFIC REQUIREMENT.—In promulgating regulations to implement this section, the Comptroller of the Currency shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

"(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.".

SEC. 907. BANKRUPTCY CODE AMENDMENTS.

(a) Definitions of Forward Contract, Repurchase Agreement, Securities Clearing Agency, Swap Agreement, Commodity Contract, and Securities Contract.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

"(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract on the date of the filing of the petition;";

(B) in paragraph (46), by striking "on any day during the period beginning 90 days before the date of" and inserting "at any time before";

(C) by amending paragraph (47) to read as follows:

"(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(A) means—

"(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

"(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

"(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

"(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;";

(D) in paragraph (48), by inserting ", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission," after "1934"; and

(E) by amending paragraph (53B) to read as follows:

"(53B) 'swap agreement'—

"(A) means—

"(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is an interest rate swap, option, future, or forward agreement, including—

"(I) a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(III) a currency swap, option, future, or forward agreement;

"(IV) an equity index or an equity swap, option, future, or forward agreement;

"(V) a debt index or a debt swap, option, future, or forward agreement;

"(VI) a credit spread or a credit swap, option, future, or forward agreement;

"(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

"(VIII) a weather swap, weather derivative, or weather option;

"(ii) any agreement or transaction similar to any other agreement or transaction referred to in this paragraph that—

"(I) is presently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

"(iii) any combination of agreements or transactions referred to in this subparagraph;

"(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

"(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

"(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.";

(2) in section 741(7), by striking paragraph (7) and inserting the following:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(ii) any option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, loan, interest, group or index, or option;

"(iv) any margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

"(vi) any combination of the agreements or transactions referred to in this subparagraph;

"(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) any security agreement or arrangement or other credit enhancement, related to any agreement or transaction referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

"(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan."; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) any combination of the agreements or transactions referred to in this paragraph;

"(H) any option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition;".

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means an entity that, at the time it enters into a securities contract, commodity contract, or forward contract, or at the time of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than **$1,000,000,000** in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than **$100,000,000** (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;"; and

(2) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761 or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;".

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing; and

"(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

"(38B) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by this Act, is amended—

(A) in paragraph (6), by inserting ", pledged to, and under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, and under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to margin, guarantee, secure, or settle any swap agreement;"; and

(D) by inserting after paragraph (27), as added by this Act, the following new paragraph:

"(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; or".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (28) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101-311)—

(A) by striking "under a swap agreement"; and

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(2) by adding at the end the following:

"(k) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of one or more swap agreements"; and

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of one or more swap agreements".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

"(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b) EXCEPTION.—

"(1) IN GENERAL.—A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) COMMODITY BROKERS.—If a debtor is a commodity broker subject to subchapter IV of chapter 7—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under that subchapter IV; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

"(3) CONSTRUCTION.—No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

"(A) a cross-margining agreement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under section 5(a)(12)(A) of the Commodity Exchange Act and has been approved; or

"(B) any other netting agreement between a clearing organization, as defined in section 761, and another entity that has been approved by the Commodity Futures Trading Commission.

"(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

"(d) CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15 of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.".

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting before the period the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(28), 555, 556, 559, 560, or 561 of this title)"; and

(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(28), 555, 556, 559, 560, 561".

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant,";

(2) in section 546(e), by inserting "financial participant," after "financial institution,";

(3) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(4) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by inserting before the period at the end ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice"; and

(5) in section 556, by inserting ", financial participant," after "commodity broker".

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.

"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 908. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping with respect to qualified financial contracts (including market valuations) by insured depository institutions.".

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by this Act) the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FROM STAY.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101 and 741 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

"(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

SEC. 912. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting after paragraph (7), as added by this Act, the following:

"(8) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a);"; and

(2) by adding at the end the following new subsection:

"(f) For purposes of this section—

"(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including, without limitation, all securities issued by governmental units, at least one class or tranche of which was rated investment grade by one or more nationally recognized securities rating organizations, when the securities were initially issued by an issuer;

"(2) the term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not the same are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units, including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities, including without limitation, all securities issued by governmental units;

"(3) the term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) the term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

"(5) the term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(8) (whether or not reference is made to this title or any section hereof), irrespective and without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 913. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

TITLE X—PROTECTION OF FAMILY FARMERS

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is hereby reenacted, and as here reenacted is amended by this Act.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on July 1, 2000.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2004.".

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS' OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

“(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

“(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

“(B) the holder of a particular claim agrees to a different treatment of that claim;”.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by this Act, is amended by striking “a State or local governmental unit” and inserting “any governmental unit”.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27A), as added by this Act, as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

“(27A) ‘health care business’—

“(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

“(i) the diagnosis or treatment of injury, deformity, or disease; and

“(ii) surgical, drug treatment, psychiatric, or obstetric care; and

“(B) includes—

“(i) any—

“(I) general or specialized hospital;

“(II) ancillary ambulatory, emergency, or surgical treatment facility;

“(III) hospice;

“(IV) home health agency; and

“(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

“(ii) any long-term care facility, including any—

“(I) skilled nursing facility;

“(II) intermediate care facility;

“(III) assisted living facility;

“(IV) home for the aged;

“(V) domiciliary care facility; and

“(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;”.

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

“(40A) ‘patient’ means any person who obtains or receives services from a health care business;

“(40B) ‘patient records’ means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;”.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

“§ 351. Disposal of patient records

“If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

“(1) The trustee shall—

“(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

“(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the last known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

“(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

“(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

“(A) if the records are written, shredding or burning the records; or

“(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

“351. Disposal of patient records.”.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

“(A) in disposing of patient records in accordance with section 351; or

“(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business;

“(9) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or related to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6); and”.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

“§ 332. Appointment of ombudsman

“(a) IN GENERAL.—

“(1) AUTHORITY TO APPOINT.—Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall order the appointment of an ombudsman to monitor the quality of patient care to represent the interests of the patients of the health care business, unless the court finds that the appointment of the ombudsman is not necessary for the protection of patients under the specific facts of the case.

“(2) QUALIFICATIONS.—If the court orders the appointment of an ombudsman, the United States trustee shall appoint 1 disinterested person, other than the United States trustee, to serve as an ombudsman, including a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq., 3058 et seq.).

“(b) DUTIES.—An ombudsman appointed under subsection (a) shall—

“(1) monitor the quality of patient care, to the extent necessary under the circumstances, including interviewing patients and physicians;

“(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

“(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

“(c) CONFIDENTIALITY.—An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. The ombudsman may not review confidential patient records, unless the court provides prior approval, with restrictions on the ombudsman to protect the confidentiality of patient records.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

“332. Appointment of ombudsman.”.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting “an ombudsman appointed under section 331, or” before “a professional person”; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "sections 704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "paragraphs (2), (5), (7), (8), (9), and (11) of section 704(a)".

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (28), as added by this Act, the following:

"(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).".

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking "In this title—" and inserting "In this title the following definitions shall apply:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A), (38), and (54A), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property."; and

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, as amended by section 322 of this Act, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of"; and

(2) in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so designated by this Act, is amended by striking "attorney's" and inserting "attorneys'".

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by this Act, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14);

(2) in subsection (a)(9), by striking "motor vehicle" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of" each place it appears;

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by this Act, is amended by inserting "1123(d)," after "1123(b),".

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1219. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9)".

SEC. 1220. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 1221. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 1222. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) Transfer of Property.—Section 541 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(g) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) Rule of Construction.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1223. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1224. BANKRUPTCY JUDGESHIPS.

(a) Short Title.—This section may be cited as the "Bankruptcy Judgeship Act of 2001".

(b) Temporary Judgeships.—

(1) Appointments.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Two additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) Vacancies.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(c) Extensions.—

(1) In general.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) Applicability of other provisions.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to temporary judgeship positions referred to in this subsection.

(d) Technical Amendments.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the United States court of appeals for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

(e) Effective Dates.—(1) Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) With respect to the temporary bankruptcy judgeship authorized for the district of South Carolina under paragraph (8) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), subsection (c)(1) as it applies to the extension specified in subparagraph (D) of such subsection shall take effect immediately before December 31, 2000.

SEC. 1225. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

"(A) by prorating such amount over the remaining duration of the plan; and

"(B) by monthly payments not to exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan."; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of this title—

"(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior proceeding under this title; and

"(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).".

SEC. 1226. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition;".

SEC. 1227. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test and reaffirmations under section 707(b) of title 11, United States Code, as amended by this Act.

SEC. 1228. RECLAMATION.

(a) Rights and Powers of the Trustee.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section and subsection (c) of section 507, and subject to the prior rights of holders of security interests in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, not later than 45 days after the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

"(A) not later than 45 days after the date of receipt of such goods by the debtor; or

"(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

"(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(7).".

(b) Administrative Expenses.—Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(10) the value of any goods received by the debtor not later than 20 days after the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.".

SEC. 1229. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual seeking bankruptcy under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a bankruptcy case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1230. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1231. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (8), as added by this Act, the following:

"(9) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b) of this title; or".

SEC. 1232. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the United States district court for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.".

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the United States district court in the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 1233. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

"The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.".

SEC. 1234. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) IN GENERAL.—Section 158 of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

"(d)(1) In a case in which the appeal is heard by the district court, the judgment, decision, order, or decree of the bankruptcy judge shall be deemed a judgment, decision, order, or decree of the district court entered 31 days after such appeal is filed with the district court, unless not later than 30 days after such appeal is filed with the district court—

"(A) the district court—

"(i) files a decision on the appeal from the judgment, decision, order, or decree of the bankruptcy judge; or

"(ii) enters an order extending such 30-day period for cause upon motion of a party or upon the court's own motion; or

"(B) all parties to the appeal file written consent that the district court may retain such appeal until it enters a decision.

"(2) For the purpose of this subsection, an appeal shall be considered filed with the district court on the date on which the notice of appeal is filed, except that in a case in which the appeal is heard by the district court because a party has made an election under subsection (c)(1)(B), the appeal shall be considered filed with the district court on the date on which such election is made.

"(e) The courts of appeals shall have jurisdiction of appeals from—

"(1) all final judgments, decisions, orders, and decrees of district courts entered under subsection (a);

"(2) all final judgments, decisions, orders, and decrees of bankruptcy appellate panels entered under subsection (b); and

"(3) all judgments, decisions, orders, and decrees of district courts entered under subsection (d) to the extent that such judgments, decisions, orders, and decrees would be reviewable by a district court under subsection (a).

"(f) In accordance with rules prescribed by the Supreme Court of the United States under sections 2072 through 2077, the court of appeals may, in its discretion, exercise jurisdiction over an appeal from an interlocutory judgment, decision, order, or decree under subsection (e)(3).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(c) of title 11, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

(2) Section 1334(d) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

(3) Section 1452(b) of title 28, United States Code, is amended by striking "section 158(d)" and inserting "subsection (e) or (f) of section 158".

SEC. 1235. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, is amended by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .’ (the blank space to be filled in by the creditor).

“(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .’ (the blank space to be filled in by the creditor).

“(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: ‘Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: .’ (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

“(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

“(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

“(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

“(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

“(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the program described in subclause (I).

“(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

“(H) The Board shall—

“(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

“(ii) establish the table required under clause (i) by assuming—

“(I) a significant number of different annual percentage rates;

“(II) a significant number of different account balances;

“(III) a significant number of different minimum payment amounts; and

“(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

“(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

“(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

“(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

“(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: ‘Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: .’ (the blank space to be filled in by the creditor).”.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the “Board”) shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISER.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the information described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.”.

(b) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) Effective date.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) Disclosures Related to Late Payment Deadlines and Penalties.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

“(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

“(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

“(B) The amount of the late payment fee to be imposed if payment is made after such date.”.

(b) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) Effective date.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) Prohibition on Certain Actions for Failure To Incur Finance Charges.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(h) Prohibition on Certain Actions for Failure To Incur Finance Charges.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.”.

(b) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) Effective date.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) Report.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) Considerations.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) Study.—

(1) In general.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) Extension of credit.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) Regulations.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term “clear and conspicuous”, as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) Examples.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) Standards.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

SEC. 1310. ENFORCEMENT OF CERTAIN FOREIGN JUDGMENTS BARRED.

(a) In General.—Notwithstanding any other provision of law or contract, a court within the United States shall not recognize or enforce any judgment rendered in a foreign court if, by clear and convincing evidence, the court in which recognition or enforcement of the judgment is sought determines that the judgment gives effect to any purported right or interest derived, directly or indirectly, from any fraudulent misrepresentation or fraudulent omission that occurred in the United States during the period beginning on January 1, 1975, and ending on December 31, 1993.

(b) Exception.—Subsection (a) shall not prevent recognition or enforcement of a judgment rendered in a foreign court if the foreign tribunal rendering judgment giving effect to the right or interest concerned determines that no fraudulent misrepresentation or fraudulent omission described in subsection (a) occurred.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) Application of Amendments.—Except as otherwise provided in this Act, the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

The CHAIRMAN pro tempore. No further amendment is in order except those printed in the House Report 107–4. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–4.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Sensenbrenner:

Page 10, line 13, strike “case) who is not a dependent” and insert “case who is not a dependent)”.

Page 22, line 3, strike “an individual case under chapter 7” and insert “a case under chapter 7 of this title in which the debtor is an individual and”.

Page 31, line 9, strike “service” and insert “agency”.

Page 34, line 20, strike “**services**” and insert “**agencies**”.

Page 41, lines 12 and 16, strike “service” and insert “agency”.

Page 42, in the matter following line 3, strike “services” and insert “agencies”.

Page 74, strike lines 5 through 20, and insert the following:

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;"; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)"; and

(3) in paragraph (15), as added by Public Law 103–394 (108 Stat. 4133)—

(A) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(B) by inserting "or" after "court of record,"; and

(C) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon.

Page 75, strike line 21.

Page 76, strike lines 1 through 5.

Page 86, line 14, insert "a person other than" before the open quotation marks.

Page 99, lines 18 through 21, indent the left margin 2 ems to the right.

Page 101, line 22, strike the period at the end and insert a semicolon.

Page 101, line 23, strike "Nothing in paragraph (18)" and insert "but nothing in this paragraph".

Page 107, line 18, strike "that person" and insert "a person who provides such assistance or of such preparer".

Page 107, lines 22, 23, and 24, strike "the person" and insert "such assisted person".

Page 113, strike the matter after line 4, and insert the following:

"526. Restrictions on debt relief agencies.".

Page 114, line 18, strike "proceeding" and insert "case".

Page 120, strike the matter after line 22, and insert the following:

"528. Requirements for debt relief agencies.".

Page 123, lines 19 and 24, strike "chapter 7, 11, or 13" and insert "chapters 7, 11, and 13".

Page 130, beginning line 15, strike "an individual case under chapter 7 of this title" and insert "a case under chapter 7 of this title in which the debtor in an individual".

Page 132, beginning on line 13, strike "an individual case under chapter 7, 11, or 13" and insert "in which the debtor is an individual".

Page 140, line 2, strike "chapter 13 proceeding" and insert "case under chapter 13".

Page 142, line 1, move the left margin 2 ems to the left.

Page 142, lines 2 through 13, move the left margin 2 ems to the left.

Page 144, line 13, indent the left margin 2 additional ems to the right.

Page 144, lines 14 through 25, indent the left margin 2 additional ems to the right.

Page 145, line 1, indent the left margin 2 additional ems to the right.

Page 145, lines 2 through 14, indent the left margin 2 additional ems to the right.

Page 164, beginning on line 10, strike "the case of an individual filing under chapter 7, 11, or 13" and insert "a case under chapter 7, 11, or 13 in which the debtor in an individual".

Page 165, line 7, strike "concerning an individual debtor" and insert " in which the debtor is an individual".

Page 171, line 3, strike "(3)" and insert "(2)".

Page 172, line 1, strike "amount" and insert "such amount under this clause".

Page 172, line 20, strike "amount" and insert "such amount under this clause".

Page 177, line 14, strike "(b)(l)" and insert "(b)(1)".

Page 183, line 24, strike "(i)" and insert "(h)".

Page 184, line 2, strike "(j)" and insert "(i)"

Beginning on page 184, line 23 and all that follows through line 2 on page 185, move the left margin 2 ems to the left.

Page 187, line 12, strike "period" and insert "period,".

Page 189, lines 11 through 14, move the left margin 2 ems to the left.

Page 198, line 24, strike "claims" and insert "expenses".

Page 200, line 11, strike "claims" and insert "expenses".

Page 201, line 2, add "of chapter 11" after "Subchapter 1".

Page 216, line 19, strike "each district" and insert "the district court, or the clerk of the bankruptcy court if one has been certified pursuant to section 156(b) of this title,".

Page 216, line 22, strike "on a standardized form" and insert "in a standardized format".

Page 218, line 5, insert "cases filed during" after "in".

Page 218, line 13, insert "for cases closed during the reporting period" after "case".

Page 218, line 14, insert "cases closed during" after "for".

Page 219, line 11, insert "entered" after "orders".

Page 219, line 13, strike "issued".

Page 224, beginning on line 24, strike "individual cases filed under chapter 7 or 13 of such title" and insert "cases filed under chapter 7 or 13 in which the debtor is an individual".

Page 234, line 7, insert "the" after "date of".

Page 235, line 3, strike "(i)".

Page 235, line 9, strike "(ii)".

Page 246, line 16, insert "claim for a" after "to a".

Page 248, line 3, insert "(1)" before "Section".

Page 252, after line 22, insert the following:

(2) Clerical Amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by striking the item relating to section 346 and inserting the following:

"346. Special provisions related to the treatment of State and local taxes.".

Page 252, line 24, insert "(A)" after "(1)".

Page 252, after line 25, insert the following:

(B) The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 728.

Page 281, line 13, strike "(j)" and insert "(k)".

Page 283, line 3, strike "15," and insert "15".

Page 327, line 17, strike the period and insert a semicolon.

Page 331, line 15, strike "Financial Institution".

Page 336, line 21, strike "(l)" and insert "(m)".

Page 337, line 13, strike "(k)" and insert "(j)".

Page 346, line 16, strike "561" and insert "561,".

Page 348, strike the matter following line 4, and insert the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

Page 356, strike lines 11 through 21 (and make such technical and conforming changes as may be appropriate).

Page 357, line 11, strike "Bankruptcy," and insert "Bankruptcy".

Page 369, line 13, insert "and inserting a semicolon" after "paragraph".

Page 370, line 1, strike "property." and insert "property;".

Page 370, line 3, strike "and (37)" and insert "(37), (38A), and (38B),".

Page 377, beginning on line 20, strike "judgeship positions shall be filled" and insert "bankruptcy judges shall be appointed".

Page 378, lines 1, 5, 9, 13, 15, 17, 19, 21, and 23, strike "judgeship" and insert "judge".

Page 378, line 3, 7, and 11, strike "judgeships" and insert "judges".

Page 379, lines 1, 3, 5, 7, 9, and 11, strike "judgeship" and insert "judge".

Page 379, beginning on line 23, strike "bankruptcy judgeship positions" and insert "office of bankruptcy judges".

Page 381, beginning on line 2, strike "judgeship positions referred to in this subsection" and insert "office of bankruptcy judges referred to in paragraph (1)".

Page 393, strike lines 10 through 13 (and conform the table of contents of the bill accordingly).

Page 411, line 21, strike "Applications and".

Page 412, line 1, strike "Applications and".

The CHAIRMAN pro tempore. Pursuant to House Resolution 71, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is one that proposes to make technical and conforming changes to the bill. The 420-page bill had a number of technical problems, such as improper spacing, incorrect terminology, drafting errors, incorrect headings, incorrect references to section numbers and grammatical inconsistencies. This amendment will clean up the bill which will make the provisions of the legislation easier to execute and to understand.

I want to emphasize that this amendment does not substantively alter the composition of the bill. Over the last several years, the Congress has considered, amended, debated, negotiated and refined this measure, and the product under consideration is the result of those labors. During the last Congress, that delicate balance is preserved in this legislation. This amendment improves the bill by making it as technically accurate as possible, which is important because lawyers, accountants, creditors and debtors will be relying on and scrutinizing its provisions. Again, this is a technical amendment meant only to clarify with precision the terms of this legislation. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Could I ask my friend the chairman why the Schiff provision was struck out after it had been put in, which led to the dilemma that we did not put it in, and so, therefore, it was subsequently struck out, and now we do not have it at all?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this provision was struck because it was determined to be substantive in nature and potentially controversial. It is the intention of me as the author of this amendment to have the amendment to be completely technical and nonsubstantive in nature and to clean up the inconsistencies in the bill that was presented to the President last year and ended up being pocket vetoed.

Mr. CONYERS. We are now in this situation that it was subsequently struck after we went to the Committee on Rules. We are under the limitation of the Committee on Rules' determination of what is allowed to be brought to the floor. So what do we do now, assuming that you are sympathetic to this, to what was in it?

By the way, it was also struck unilaterally. We never got any word that it was going to be struck. In the midst of the great atmosphere of bipartisanship which has been repeatedly urged upon us by the administration, we have a problem brewing that, if possible, I would like to try to extinguish. How do we do that?

□ 1230

The gentleman could extend me some kind of a proposal that would lend us to be able to get this measure back in.

By the way, I thought it was a technical amendment that the gentleman from California had accepted.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding again.

Mr. Chairman, the problem is that it ended up not being technical in nature and it ended up changing substantive rights in the bill, which is something that we had decided to keep out of the technical amendment.

I would further point out to my friend, the gentleman from Michigan (Mr. CONYERS), that the change was made prior to the Committee on Rules holding its hearing yesterday, and the amendment that was before the Committee on Rules was the revised text.

Mr. CONYERS. Mr. Chairman, it was issued February 28, 2001, 3:29 p.m.

Does the gentleman know what time we went into Committee on Rules yesterday? 2:00. So this came out afterward.

Beside that, we were not notified, contrary to the practice that I understand that we operate under for technical amendments.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, all of the amendments that were made in order by the Committee on Rules were redrafted to reflect the Union Calendar print that has been submitted to the House for its consideration. So of the five amendments that were made in order by the Committee on Rules, all of them had to be redrafted, recognizing the fact that the text of the bill as reported from committee is not the text of the Union Calendar printed as before the Committee of the Whole today.

Mr. CONYERS. I beg to differ with my friend, the chairman, but the only change was page numbers. There were no substantive changes whatsoever; and if the gentleman knows of any, beside the one of which I complain, which was dropping a technical amendment, there were no other changes made outside of the pagination.

So February 28, 2001, 3:29 p.m. It came after the fact, no notice. I think we are off to a not-good start here about how we are going to operate.

We went before the committee, and I was asked before the Committee on Rules what is my priority for these amendments? And I said in the order in which they are numbered if there is some cutoff.

How much time does the gentleman need?

Well, as much as the generosity will extend.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Michigan (Mr. CONYERS) has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, it was in the Committee on Rules that we were asked how much time and how many amendments we would like; and as I recall it, we got one amendment and certainly not in the priority which was listed.

So this is a very unhappy situation. The version before the House is not the version that was submitted to the Committee on Rules, and the majority dropped the amendment after the Committee on Rules met or the Committee on Rules did or the leadership did or somebody did to ensure that an important provision was eliminated that would ensure that children and single parents do not suffer unduly in bankruptcy.

Therefore, Mr. Chairman, I regretfully announce that I will not be able to support the gentleman's amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is a technical amendment. The gentleman from Michigan (Mr. CONYERS) is complaining about the fact that there is an omission in the technical amendment, and the fact that it is substantive in nature means that the provisions that the gentleman from Michigan (Mr. CONYERS) is complaining about do not belong in a technical amendment.

Now, the question before the committee, when we vote on this amendment, is whether or not to pass a technical amendment that is needed to clean up the bill and to make its provisions easier to understand and easier to execute when the court has questions placed before them.

A no vote means that people want to make it harder to understand and harder to execute. I would urge the House to support this amendment so that it can be made easier to understand by everybody.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 107–4.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 11, line 1, insert "or public" after "private".

The CHAIRMAN pro tempore. Pursuant to House Resolution 71, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank both the chairman and the ranking member and the

Committee on Rules for seeing merit in this amendment. As I indicated, I have concerns about this legislation. I have offered it to say that important elements of protecting the consumer are not included, but I do believe that we have an opportunity to add to the enhancement of the legislation. So I offer an amendment that speaks to all Americans, Americans who are raising children, from rural hamlets to urban centers, from large school districts to small school districts.

Recognizing that the education of our children from K to 12 is an expensive endeavor, H.R. 333 includes a provision that allows for private school expenses to be deducted or to be utilized as relates to bankruptcy so that those expenses could be paid, and therefore this particular amendment adds a debtor's monthly public school expenses as allowable expenses under the means test.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding.

Mr. Chairman, I believe that the gentlewoman has pointed out an unequal treatment in this bill which needs correction. I am happy to support the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE) and hope that we can get it passed quickly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) very much for his comments, and I will move to summarize my remarks. I ask the gentleman, if the gentleman would stand, I would very much encourage the gentleman's support. I believe that is what I heard. I am just trying to be clear.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman from Wisconsin said he is pleased to support the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman from Wisconsin very much for his support.

Mr. Chairman, I am going to be very responsive in summarizing simply to say that, as we well know, parents who have children who are in debate clubs and cheerleaders, choir, athletic programs in public schools have many of the enormous expenses that other parents have and we believe that equalizing that provision is very important. It certainly helps our low-income families, our middle-income families.

Mr. Chairman, I would like to ask my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I have a full page statement touting all of the excellent parts of the amendment of the gentlewoman from Texas (Ms. JACKSON-LEE), but I think I will insert them in the RECORD instead and congratulate the gentlewoman and thank the chairman of the committee for joining in his support.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his leadership and his excellent statement.

Mr. Chairman, I ask support of my amendment.

Mr. Chairman, this amendment to page 11, line 1 of H.R. 333 merely adds a debtor's monthly public school expenses as an allowable expense under the means test. My amendment would put public school expenses at an equal footing with that of private school expenses, which is already included in the bill.

I am surprised that my colleagues in the majority do not know that there are expenses associated with sending children to public schools. Parents whose children participate in extra-curricular activities such as, the debate club, bank, choir, athletic programs, cheerleaders, or dozens of other courses that are offered in public schools. These courses require that parents provide financial support from their own resources in order to support their child's participation in these programs. It is very unfair to assume that only parents whose children attend private schools have expenses worth protecting under this new bankruptcy reform legislation. What does not make sense is protecting private education, for no other reason other than it is private education, while ignoring the overwhelming majority of children who's parents send their children to public schools.

The principal problem with the means test is that the rigid one-size-fits-all in determining eligibility for chapter 7 and the operation of chapter 13 will often operate in an arbitrary fashion.

Access to bankruptcy would be more difficult, especially for low-income filers who are not able to meet the requirements because they cannot list public school expenses as an allowable expense as would their private school counterparts. The "safe harbor" provision that is supposed to protect some low-income families from the application of the IRS standards will not protect many single mothers, because it is based on the combined income of the debtor and the debtor's spouse—even if they are separated and the mother who is filing for bankruptcy is receiving no support from the nondebtor spouse from whom she is separated. As the committee knows, the majority of low-income families send their children to public schools (as opposed to higher income people) because they cannot afford the private school tuition. It would seem that if the true intent of this bill were to assist all Americans, a provision recognizing public school tuition would have accompanied the recognition of private school tuition as an allowable expense under the "means test," however, this is not the case.

Under my amendment, low-income people will have a more flexible standard (that is consistent with that of high-income people) that would allow the debtor to have a fair opportunity to financial recourse, which is not possible under the legislation as written. I think such a change in the standard would be warmly welcomed for middle-income and low-income filers. We cannot in good conscience allow such an unbalanced approach to prevail, Mr. Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 107-4.

AMENDMENT NO. 3 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GREEN of Wisconsin:

Page 121, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 231. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

"§ 112. Prohibition on disclosure of identity of minor child

"In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"112. Prohibition on disclosure of name of minor child.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 71, the gentleman from Wisconsin (Mr. GREEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by congratulating not only the gentleman from Pennsylvania (Mr. GEKAS) but also the gentleman from Wisconsin (Mr. SENSENBRENNER) for their fine work in moving this forward. This amendment that I rise to address is not so much an amendment about bankruptcy as it is an effort of closing a small, unintended hole in child safety. It in no way restricts the flow of necessary information regarding debtor's financial records, and it does not attempt to deal with larger issues of privacy or the Internet.

What it does try to do is take a small, modest step toward protecting children from unnecessary exposure to harm. The problem is a real simple one, Mr. Chairman.

When someone files for bankruptcy, they are naturally required to disclose information regarding themselves and their dependents. This information is vital to ensuring the integrity of the bankruptcy process, but as we all recognize, it is also very detailed and personal.

Schedule I, for example, a document entitled "The Current Income of Individual Debtors," requires the debtor to list his or her dependents, their names, ages and their relationship to the debtor. Now, much of this information is important to creditors. Unfortunately, if it is left unchanged it is also all of the information that some people might need to seek out and contact children. I think in this dangerous world, that represents a problem.

My amendment makes a single, small, modest change that makes no difference to the information that creditors need but perhaps a great difference to debtors. It simply prevents the name of the child from being disclosed in these forms that go into the public domain. That is all that it attempts to do.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to support the amendment. I think the points made by my colleague, the gentleman from Wisconsin (Mr. GREEN) are absolutely correct, and I believe that this would be a significant improvement to this bill and hope that the committee adopts it.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman for his graciousness.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say that my preceding amendment dealing with children being educated follows my concern as chair of the Congressional Children's Caucus and welcomes this amendment. I congratulate the gentleman for it.

The personal information about children certainly needs to be avoided in this instance and the gentleman is right, it has no impact on this legislation. We are happy to support his amendment, and congratulations.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin and commend him for taking action on a problem that was identified during our Committee hearing on the bill. While I agree that we must protect our children by removing their names from bankruptcy filings, which now can be accessed electronically over the Internet, this amendment is only the tip of the iceberg.

We have a much bigger problem—namely the availability of all kinds of personal information that is part of a bankruptcy proceeding. This information is now available for the world to see over the Internet. That is why our Democratic substitute limits electronic access to all personal, financial, or medical data that is part of a bankruptcy petition.

In addition to the names of children, there are all kinds of other information that debtors have to disclose in bankruptcy. There is basic personal information such as the debtor's social security number, telephone number, credit card and bank account numbers, medical history, mother's maiden name, and other highly sensitive data. I don't think any one of us would want this information to be just a point-and-click away from being available to persons who have no legitimate use for the information.

In addition, there's even a risk that personal information about third parties will be posted on the Internet. If the debtor is paying the medical expenses for a child or an aging parent, that medical information about someone other than the debtor will be just a point-and-click away as well.

If we really want to protect our children whose parent or guardian files for bankruptcy, then we've got to do more than just keep their names out of the filings. A provision in our Democratic substitute amendment that was originally drafted by Senator LEAHY would protect not only the names of children and all other sensitive information by limiting electronic access to such information only to those parties who certify that they are qualified to obtain it.

If we really want to protect the privacy of our children in bankruptcy, then we've got to support the Green amendment and the additional privacy protections in the Democratic substitute.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her support.

Mr. LAMPSON. Mr. Chairman, today I rise in support of Congressman GREEN's amendment would prevent the name of a child from being disclosed during a bankruptcy proceeding. Although this is a small part of the bigger picture of privacy, this amendment will have an immediate effect in protecting innocent children.

Last Congress, our former colleague and my former co-chairman of the Congressional Missing and Exploited Children's Caucus, Congressman Bob Franks, introduced legislation that would have amended the Federal criminal code to prohibit and set penalties for specified activities relating to personal information about a child including knowingly selling such information (by a list broker) without the written consent of a parent of that child, knowing that such information pertains to a child; and distributing or soliciting any such information, knowing or having reason to believe that the information will be used to abuse or physically harm the child.

How easily could a pedophile construct a list of names, ages and addresses of children simply by obtaining a list of bankruptcy filings over the Internet? Very easily.

I contacted the National Center for Missing and Exploited Children just to be certain that NCMEC doesn't use bankruptcy filings in aiding their searches for missing children. Few, if any, of these filings are used. While it may not be very common practice for a child predator to use these filings to his or her advantage, I would rather not take that chance.

I urge my colleagues to support Congressman GREEN's amendment to keep our children safe.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in House Report 107–4.

AMENDMENT NO. 4 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OXLEY:

Page 286, line 10, insert "mortgage" before "loan".

Page 286, line 11, insert ", and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, loan, interest, group or index, or option" before the semicolon at the end.

Page 287, line 10, insert a comma after "index".

Page 288, line 18, insert "or any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause" after "clause".

Page 291, line 8, insert "or any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause" after "clause".

Page 293, line 7, insert "or any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause" after "(III), or (IV)".

Page 296, line 2, insert "or any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause" after "(IV), or (V)".

Page 297, line 7, insert "total return," before "credit".

Page 297, line 15, insert "that is" before "similar".

Page 297, line 17, strike "that" and insert "and that has been,".

Page 297, beginning on line 18, strike "regularly entered into in the swap market" and insert "the subject of recurrent dealings in the swap markets".

Page 298, line 1, insert "quantitative measures associated with an occurrence, extent of an occurrence or contingency associated with a financial, commercial or economic consequence," before "or".

Page 298, line 1, insert "or financial" after "economic".

Page 298, line 2, insert "or financial" after "economic".

Page 299, beginning on line 4, strike "subparagraph" and insert "subclause".

Page 299, line 5, insert "or any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause" before the period at the end.

Page 299, line 19, insert "the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000," before "and".

Page 305, line 19, strike "contract" and insert "contracts".

Page 306, line 18, insert "cleared by or" before "subject".

Page 307, line 2, insert "and the term 'clearing organization' means a 'clearing organization' as defined in Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991" after "financial institution".

Page 313, line 2, strike "or that" and insert ", that".

Page 313, line 4, insert "or that is a multilateral clearing organization (as defined in section 408 of this Act)" before the closing quotation marks.

Page 317, line 12, strike "BANKS AND" insert "BANKS,".

Page 317, line 13, insert ", CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS" before the period.

Page 317, line 21, strike "**banks and**" and insert "**banks,**".

Page 317, line 22, insert ", **certain uninsured state member banks, and edge act corporations**" before the period.

Page 318, line 2, insert "or a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act," after "agency".

Page 318, line 7, insert "in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank" before the semicolon at the end.

Page 318, line 15, insert "in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank" before "; and".

Page 318, line 18, strike "bank or" and insert "bank,".

Page 318, line 19, insert "a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act" before the period at the end.

Page 318, line 21, strike "bank or" and insert "bank,".

Page 318, line 22, insert "a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act," after "agency".

Page 319, line 3, insert "and the Board of Governors of the Federal Reserve System" after "Currency".

Page 319, line 4, insert "each" after "may".

Page 319, line 8, insert "and the Board of Governors of the Federal Reserve System" after "Currency".

Page 319, line 8, insert "each" after "shall".

Page 321, line 6, insert "or any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph," after "(C), or (D)".

Page 321, beginning on line 7, strike "actual value of such contract on the date of the filing of the petition" and insert "damages in connection with any such agreement or transaction measured in accordance with Section 562 of this title".

Page 323, line 18, insert "or any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause" after "(iii), or (iv)" .

Page 323, beginning on line 19, strike "actual value of such contract on the date of the filing of the petition" and insert "damages in connection with any such agreement or transaction measured in accordance with section 562 of this title".

Page 324, beginning on line 11, strike "which is an interest rate swap" and insert "which is—

"(I) an interest rate swap".

Page 324, beginning on line 13, strike "including—" and all that follows through "a rate floor" on line 14, and insert "including a rate floor"

Page 325, line 3, insert "total return," before "credit spread".

Page 325, line 12, insert "that is" before "similar".

Page 325, line 13, insert "and" before "that".

Page 325, line 14, insert "has been," before "is".

Page 325, beginning on line 15, strike "regularly entered into in the swap market" and insert "the subject of recurrent dealings in the swap markets".

Page 325, line 23, insert "quantitative measures associated with an occurrence, extent of an occurrence or contingency associated with a financial, commercial or economic consequence," after "instruments,".

Page 325, line 24, insert "or financial" after "economic".

Page 325, line 25, insert "or financial" before "risk".

Page 326, line 24, insert "or any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause" . after "through (v)".

Page 326, beginning on line 25, strike "actual value of such contract on the date of the filing of the petition" and insert "damages in connection with any such agreement or transaction measured in accordance with section 562 of this title".

Page 327, line 14, insert "the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000," before "and".

Page 328, line 6, insert "mortgage" before "loan".

Page 328, line 7, insert ", and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, loan, interest, group or index, or option" before the semicolon at the end.

Page 329, line 25, strike the comma.

Page 330, line 2, insert "or any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution or financial participant in connection with any agreement or transaction referred to in this subparagraph" before the comma after "subparagraph".

Page 330, beginning on line 3, strike "actual value of such contract on the date of the filing of the petition" and insert "damages in connection with any such agreement or transaction measured in accordance with section 562 of this title".

Page 331, line 12, insert "or any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph" before the comma after "paragraph".

Page 331, beginning on line 12, strike "actual value of such contract on the date of the filing of the petition" and insert "damages in connection with any such agreement or transaction measured in accordance with section 562 of this title".

Page 331, after line 18, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(1) by striking paragraph (22) and inserting the following:

"(22) 'financial institution' means—

"(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

"(B) in connection with a securities contract, as defined in section 741, an investment company registered under the Investment Company Act of 1940;";

Page 332, line 13, strike "participant' means an entity" and insert "participant' means—

"(A) an entity".

Page 332, line 15, insert "swap agreement, repurchase agreement," after "commodity contract,".

Page 333, line 3, strike the closing quotation marks and the second semicolon.

Page 333, after line 3, insert the following new subparagraph:

"(B) a 'clearing organization' (as such term is defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);"; and

Page 333, line 7, strike the comma after "entity".

Page 333, line 9, strike "or" after "merchants".

Page 334, line 3, insert "or any guarantee or reimbursement obligation related to 1 or more of the foregoing" before the semicolon.

Page 334, line 24, strike "and".

Page 335, line 2, strike "and".

Page 335, line 7, insert "or financial participant" after "swap participant".

Page 335, line 13, insert "or financial participant" after "swap participant".

Page 335, line 15, strike "and".

Page 335, line 17, insert "or financial participant" after "swap participant".

Page 336, line 10, strike "and".

Page 337, strike line 8.

Page 337, after line 11, insert the following new subparagraph:

(C) by inserting 'or financial participant' after 'swap participant' each time such term appears; and

Page 339, strike line 12.

Page 339, line 15, strike the period at the end and insert "; and".

Page 339, after line 15, insert the following new paragraph:

(3) by striking so much of the text of the second sentence as appears before "whether" and inserting "As used in this section, the term "contractual right" includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal

Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,"

Page 339, strike line 23.

Page 340, line 3, strike the period at the end and insert "; and"

Page 340, after line 3, insert the following new paragraph:

(3) by striking so much of the text of the third sentence as appears before "whether" and inserting "As used in this section, the term "contractual right" includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,

Page 340, line 14, strike "and".

Page 340, line 18, strike the period and insert "; and".

Page 340, after line 18, insert the following new paragraph:

(4) by striking so much of the text of the second sentence as appears before "whether" and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a contract market designated under the Commodity Exchange Act), a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

Page 341, line 3, insert "**; proceedings under chapter 15**" after "**contracts**".

Page 342, line 11, insert "traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act" after "contract".

Page 342, line 22, insert "and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act" after "debtor".

Page 343, line 5, strike "agreement" and insert "or similar arrangement".

Page 343, beginning on line , strike "section 5a(a)(12)(A)" and insert "paragraph (1) or (2) of section 5c(c)".

Page 343, line 10, strike "been approved" and insert "not been abrogated or rendered ineffective by the Commodity Futures Trading Commission".

Page 343, beginning on line 18, strike "national" and all that follows through "market" on line 21, and insert "derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act)".

Page 344, strike the item following line 18, and insert the following new item:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.".

Page 345, line 21, insert "**financial participants**" before "**securities**".

Page 346, line 9, insert "in subsection (a)(2)(B)(ii), by inserting before the semicolon, and" after "(1)".

Page 346, line 10, insert a comma after "period",

Page 346, after line 22, insert the following new paragraph (and redesignate the subsequent paragraphs as paragraphs (3), (4), (7), and (8), respectively):

(2) in sections 362(b)(7) and 546(f), by inserting "or financial participant" after "repo participant" each time such term appears;

Page 347, after line 2, insert the following new paragraphs:

(5) in section 548(d)(2)(C), by inserting "or financial participant" after "repo participant";

(6) in section 548(d)(2)(D), by inserting "or financial participant" after "swap participant";

Page 347, beginning on line 6, strike "by inserting" and all that follows through "contract market" on line 8, and insert "by striking the second sentence and inserting 'As used in this section, the term "contractual right" includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act)' ".

Page 347, line 12, strike "and".

Page 347, line 14, strike the period and insert a semicolon.

Page 347, after line 14, insert the following new paragraphs:

(9) in section 559, by inserting "or financial participant" after "repo participant" each time such term appears; and

(10) in section 560, by inserting "or financial participant" after "swap participant".

Page 348, strike the item following line 4, and insert the following new item:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

Page 348, strike the item following line 7, and insert the following new item:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

Page 348, after the item following line 7, insert the following new section:

SEC. 907A. SECURITIES BROKER AND COMMODITY BROKER LIQUIDATION.

The Securities and Exchange Commission and the Commodity Futures Trading Commission may consult with each other with respect to—

(1) whether, under what circumstances, and the extent to which security futures products will be treated as commodity contracts or securities in a liquidation of a person that is both a securities broker and a commodity broker; and

(2) the treatment in such a liquidation of accounts in which both commodity contracts and securities are carried.

Page 352, line 1, insert a comma after "101".

Page 352, line 2, strike "and 741" and insert "741, and 761".

The CHAIRMAN pro tempore. Pursuant to House Resolution 71, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

□ 1245

Mr. OXLEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today in support of the amendment offered by the ranking minority member of the Committee on Financial Services, the gentleman from New York (Mr. LAFALCE), and myself.

Our amendment makes several technical and conforming changes to Title IX of H.R. 333. Currently Title IX contains the provisions of H.R. 1161 which passed the House three times in the 106th Congress but did not make it to the President.

That legislation was based upon recommendations of the Clinton administration. It had broad bipartisan support, and was sought by the financial services industry and the regulatory community.

I am very pleased we have brought this bill back to the floor so quickly and successfully. The majority leader and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), both deserve high praise for their work on this legislation.

Unfortunately, the bill before the House today does not make changes to these provisions necessitated by the later enactment of the Commodities Futures Modernization Act of 2000 sponsored by our good friend, Mr. Ewing. Without the changes in this amendment, similar kinds of financial contracts and market participants could be treated differently under the banking laws and the bankruptcy laws, where I come from.

Mr. Chairman, this does not make any sense. To my knowledge, this amendment is noncontroversial and has the support of the Treasury Department, the President's Working Group on Financial Markets, and the financial services industry. I am unaware of any opposition to the substance of this amendment.

We look forward to continuing to work with the administration and our colleagues in conference to address the remaining issues that were not included in this amendment. Mr. Chairman, this bill is a good bill and enjoys broad support.

I also want to thank my ranking minority member, the gentleman from New York (Mr. LAFALCE), for his assistance in developing this amendment which is so important to the smooth operation of our financial markets.

Mr. Chairman, this is a good amendment and a good bill. I urge all of my colleagues to support both.

Mr. Chairman, I am including for the RECORD some material explaining the provisions of title IX and the changes made by this amendment to provide needed technical background. This is a good amendment and a good bill, and I urge all of my colleagues to support both.

Section-by-Section Analysis of Title IX of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001 (H.R. 333)

I. INTRODUCTION

Title IX of H.R. 333 is based on the work of an interagency working group under the auspices of the President's Working Group on Financial Markets following a review of current statutory provisions governing the treatment of qualified financial contracts and similar financial contracts upon the insolvency of a counterparty.

II. PURPOSE

Title IX amends the U.S. Bankruptcy Code, the Federal Deposit Insurance Act (FDIA), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the payment system risk reduction and meeting provisions of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA), and the Securities Investor Protection Act of 1970 (SIPA). These amendments address the treatment of certain financial transactions following the insolvency of a party to such transactions. The amendments are designed to clarify and improve the consistency between the applicable statutes and to minimize the risk of a disruption within or between financial markets upon the insolvency of a market participant.

III. BACKGROUND

Since its adoption in 1978, the Bankruptcy Code has been amended several times to afford different treatment for certain financial transactions upon the bankruptcy of a debtor, as compared with the treatment of other commercial contracts and transactions. These amendments were designed to further the policy goal of minimizing the systemic risks potentially arising from certain interrelated financial activities and markets. Similar amendments have been made to the FDIA and FDICIA, and both the Federal Deposit Insurance Corporation (FDIC) and the Securities Investor Protection Corporation (SIPC) have issued policy statements and letters clarifying general issues in this regard.

Systemic risk has been defined as the risk that a disruption—at a firm, in a market segment, to a settlement system, etc—can cause widespread difficulties at other firms, in other market segments or in the financial system as a whole. If participants in certain financial activities are unable to enforce their rights to terminate financial contracts with an insolvent entity in a timely manner, to offset or net payment and other transfer obligations and entitlements arising under such contracts, and to foreclose on collateral securing such contracts, the resulting uncertainty and potential lack of liquidity could increase the risk of an inter-market disruption.

Congress has in the past taken steps to ensure that the risk of such systemic events is minimized. For example, both the Bankruptcy Code and the FDIA contain provisions that protect the rights of financial participants to terminate swap agreements, forward contracts, securities contracts, commodity contracts and repurchase agreements following the bankruptcy or insolvency of a counterparty to such contracts or agreements. Furthermore, other provisions prevent transfers made under such circumstances from being avoided as preferences or fraudulent conveyances (except when made with actual intent to defraud and taken in bath faith). Protections also are afforded to ensure that the acceleration, termination, liquidation, netting, setoff and collateral foreclosure provisions of such transactions and master agreements for such transactions are enforceable.

In addition, FDICIA was enacted in 1991 to protect the enforceability of close-out netting provisions in "netting contracts" between "financial institutions." FDICIA states that the goal of enforcing netting arrangements is to reduce systemic risk within the banking system and financial markets.

The orderly resolution of insolvencies involving counterparties to such contracts also is an important element in the reduction of systemic risk. The FDIA allows the receiver for an insolvent insured depository institution the opportunity to review the status of certain contracts to determine whether to terminate or transfer the contracts to new counterparties. These provisions provide the receiver with flexibility in determining the most appropriate resolution for the failed institution and facilitate the reduction of systemic risk by permitting the transfer, rather than termination, of such contracts.

IV. SUMMARY AND SECTION-BY-SECTION ANALYSIS

In general, Title IX is designed to clarify the treatment of certain financial contracts upon the insolvency of a counterparty and to promote the reduction of systemic risk. It furthers the goals of prior amendments to the Bankruptcy Code and the FDIA regarding the treatment of those financial contracts and of the payment system risk reduction provisions in FDICIA. It has four principal purposes:

1. To strengthen the provisions of the Bankruptcy Code and the FDIA that protect the enforceability of acceleration, termination, liquidation, close-out netting, collateral foreclosure and related provisions of certain financial agreements and transactions.

2. To harmonize the treatment of these financial agreements and transactions under the Bankruptcy Code and the FDIA.

3. To amend the FDIA and FDICIA to clarify that certain rights of the FDIC acting as conservator or receiver for a failed insured depository institution (and in some situations, rights of SIPC and receivers of certain uninsured institutions) cannot be defeated by operation of the terms of FDICIA.

4. To make other substantive and technical amendments to clarify the enforceability of financial agreements and transactions in bankruptcy or insolvency.

All these changes are designed to further minimize systemic risk to the banking system and the financial markets.

Section 901

Subsections (a) through (f) amend the FDIA definitions of "qualified financial contract," "securities contract," "commodity contract," "forward contract," "repurchase agreement" and "swap agreement" to make them consistent with the definitions in the Bankruptcy Code and to reflect the enactment of the Commodity Futures Modernization Act of 2000 (CFMA). It is intended that the legislative history and case law surrounding those terms, to the date of this amendment, be incorporated into the legislative history of the FDIA.

Subsection (b) amends the definition of "securities contract" expressly to encompass margin loans, to clarify the coverage of securities options and to clarify the coverage of repurchase and reverse repurchase transactions. The inclusion of "margin loans" in the definition is intended to encompass only those loans commonly known in the securities industry as "margin loans," such as arrangements where a securities broker or dealer extends credit to a customer in connection with the purchase, sale or trading of securities, and does not include loans that are not commonly referred to as "margin loans," however documented. The reference in subsection (b) to a "guarantee by or to any securities clearing agency" is intended to cover other arrangements, such as novation, that have an effect similar to a guarantee. The reference to a "loan" of a security in the definition is intended to apply to loans of securities, whether or not for a "permitted purpose" under margin regulations. The reference to "repurchase and reverse repurchase transactions" is intended to eliminate any inquiry under the qualified financial contract provisions of the FDIA as to whether a repurchase or reverse repurchase transaction is a purchase and sale transaction or a secured financing. Repurchase and reverse repurchase transactions meeting certain criteria are already covered under the definition of "repurchase agreement" in the FDIA (and a regulation of the FDIC). Repurchase and reverse repurchase transactions on all securities (including, for example, equity securities, asset-backed securities, corporate bonds and commercial paper) are included under the definition of "securities contract".

Subsection (b) also specifies that purchase, sale and repurchase obligations under a participation in a commercial mortgage loan do not constitute "securities contracts." While a contract for the purchase, sale or repurchase of a participation may constitute a "securities contract," the purchase, sale or repurchase obligation embedded in a participation agreement does not make that agreement a "securities contract."

A number of terms used in the qualified financial contract provisions, but not defined therein, are intended to have the meanings set forth in the analogous provisions of the Bankruptcy Code or FDICIA (for example, "securities clearing agency"). The term "person," however, is not intended to be so interpreted. Instead, "person" is intended to have the meaning set forth in 1 U.S.C. §1.

Subsection (e) amends the definition of "repurchase agreement" to codify the substance of the FDIC's 1995 regulation defining repurchase agreement to include those on qualified foreign government securities. See 12 C.F.R. §360.5 The term "qualified foreign government securities" is defined to include those that are direct obligations of, or fully guaranteed by, central governments of members of the Organization for Economic Cooperation and Development (OECD). Subsection (e) reflects developments in the repurchase agreement markets, which increasingly use foreign government securities as the underlying asset. The securities are limited to those issued by or guaranteed by full members of the OECD, as well as countries that have concluded special lending arrangements with the International Monetary Fund associated with the Fund's General Arrangements to Borrow.

Subsection (e) also amends the definition of "repurchase agreement" to include those on mortgage-related securities, mortgage loans and interests therein, and expressly to include principal and interest-only U.S. government and agency securities as securities that can be the subject of a "repurchase agreement." The reference in the definition to United States government- and agency-issued or fully guaranteed securities is intended to include obligations issued or guaranteed by Fannie Mae and the Federal Home Loan Mortgage Corporation (Freddie Mac) as well as all obligations eligible for purchase by Federal Reserve banks under the similar language of section 14(b) of the Federal Reserve Act.

This amendment is not intended to affect the status of repos involving securities or commodities as securities contracts, commodity contracts, or forward contracts, and their consequent eligibility for similar treatment under the qualified financial contract provisions. In particular, an agreement for the sale and repurchase of a security would continue to be a securities contract as defined in the FDIA, even if not a "repurchase agreement" as defined in the FDIA. Similarly, an agreement for the sale and repurchase of a commodity, even though not a "repurchase agreement" as defined in the FDIA, would continue to be a forward contract for purposes of the FDIA.

Subsection (e), like subsection (b) for "securities contracts," specifies that repurchase obligations under a participation in a commercial mortgage loan do not make the participation agreement a "repurchase agreement." Such repurchase obligations embedded in participations in commercial loans (such as recourse obligations) do not constitute a "repurchase agreement." However, a repurchase agreement involving the transfer of participations in commercial mortgage loans with a simultaneous agreement to repurchase the participation on demand or at a date certain one year or less after such transfer would constitute a "repurchase agreement" (as well as a "securities contract").

Subsection (f) amends the definition of "swap agreement" to include an "interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option." As amended, the definition of "swap agreement" will update the statutory definition and achieve contractual netting across economically similar transactions.

The definition of "swap agreement" originally was intended to provide sufficient flexibility to avoid the need to amend the definition as the nature and uses of swap transactions matured. To that end, the phrase "or any other similar agreement" was included in the definition. (The phrase "or any similar agreement" has been added to the definitions of "forward contract," "commodity contract," "repurchase agreement" and "securities contract" for the same reason.) To clarify this, subsection (f) expands the definition of "swap agreement" to include "any agreement or transactions that is similar to any other agreement or transaction referred to in [subsection (f)] . . . that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence or contingency associated with a financial, commercial or economic consequence, or economic or financial indices or measures of economic or financial risk or value."

The definition of "swap agreement," however, should not be interpreted to permit parties to document non-swaps as swap transactions. Traditional commercial arrangements, such as supply agreements, or other non-financial market transactions, such as commercial, residential or consumer loans, cannot be treated as "swaps" under either the FDIA or the Bankruptcy Code simply because the parties purport to document or label the transactions as "swap agreements." In addition, these definitions apply only for purposes of the FDIA and the Bankruptcy Code. These definitions, and the characterization of a certain transaction as a "swap agreement," are not intended to affect the characterization, definition, or treatment of any instruments under any other statute, regulation, or rule including, but not limited to, the statutes, regulations or rules enumerated in subsection (f). Similarly, the definition of "securities contract," "repurchase agreement," "forward contract," and "commodity contract," and the characterization of certain transactions as such a contract or agreement, are not intended to affect the characterization, definition, or treatment of any instruments under any other statute, regulation, or rule including, but not limited to, the statutes, regulations or rules enumerated in subsection (f).

The definition also includes any security agreement or arrangement, or other credit enhancement, related to a swap agreement, and any guarantee or reimbursement obligation related to a swap agreement. This ensures that any such agreement, arrangement or enhancement is itself deemed to be a swap agreement, and therefore eligible for treatment as such for purposes of termination, liquidation, acceleration, offset and netting under the FDIA and the Bankruptcy Code. Similar changes are made in the definitions of "forward contract," "commodity contract," "repurchase agreement" and "securities contract."

The use of the term "forward" in the definition of "swap agreement" is not intended to refer only to transactions that fall within the definition of "forward contract." Instead, a "forward" transaction could be a "swap agreement" even if not a "forward contract."

Subsection (g) amends the FDIA by adding a definition for "transfer," which is a key term used in the FDIA, to ensure that tit is broadly construed to encompass dispositions of property or interests in property. The definition tracks that in section 101 of the Bankruptcy Code.

Subsection (h) makes clarifying technical changes to conform the receivership and conservatorship provisions of the FDIA. This subsection (h) also clarifies that the FDIA expressly protects rights under security agreements, arrangements or other credit enhancements related to one or more qualified financial contracts (QFCs). An example of a security arrangement is a right of setoff, and examples of other credit enhancements are letters of credit, guarantees, reimbursement obligations and other similar agreements.

Subsection (i) clarifies that no provision of Federal or state law relating to the avoidance of preferential or fraudulent transfers (including the anti-preference provision of the National Bank Act) can be invoked to avoid a transfer made in connection with any QFC of an insured depository institution in conservatorship or receivership, absent actual fraudulent intent on the part of the transferee.

Section 902

Section 902 provides that no provision of law, including FDICIA, shall be construed to limit the power of the FDIC to transfer or to repudiate any QFC in accordance with its powers under the FDIA. As discussed below, there has been some uncertainty regarding whether or not FDICIA limits the authority of the FDIC to transfer or to repudiate QFCs of an insolvent financial institution. Section 902—as well as other provisions in the Act—clarify that FDICIA does not limit the transfer powers of the FDIC with respect to QFCs.

Section 902 denies enforcement to "walkaway" clauses in QFCs. A walkaway clause is defined as a provision that, after calculation of a value of a party's position or an amount due to or from one of the parties upon termination, liquidation or acceleration of the QFC, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a non-defaulting party.

Section 903

Subsection (a) amends the FDIA to expand the transfer authority of the FDIC to permit transfers of QFCs to "financial institutions" as defined in FDICIA or in regulations. This provision will allow the FDIC to transfer QFCs to a non-depository financial institution, provided the institution is not subject to bankruptcy or insolvency proceedings.

The new FDIA provision specifies that when the FDIC transfers QFCs that are cleared on or subject to the rules of a particular clearing organization; the transfer will not require the clearing organization to accept the transferee as a member of the organization. This provision gives the FDIC flexibility in resolving QFCs cleared on or subject to the rules of a clearing organization, while preserving the ability of such organizations to enforce appropriate risk reducing membership requirements. The amendment does not require the clearing organization to accept for clearing any QFCs from the transferee, except on the terms and conditions applicable to other [parties permitted to clear through that clearing organization. "Clearing organization" is defined to mean a "clearing organization" within the meaning of FDICIA (as amended both by the CFMA and by Section 906 of the Act).

The new FDIA provision also permits transfers to an eligible financial institution that is a non-U.S. person, or the branch or agency of a non-U.S. person or a U.S. financial institution that is not an FDIC-insured institution if, following the transfer, the contractual rights of the parties would be enforceable substantially to the same extent as under the FDIA. It is expected that the FDIC would not transfer QFCs to such a financial institution if there were an impending change of law that would impair the enforceability of the parties' contractual rights.

Subsection (b) amends the notification requirements following a transfer of the QFCs of a failed depository institution to require the FDIC to notify any party to a transferred QFC of such transfer by 5:00 p.m. (Eastern Time) on the business day following the date of the appointment of the FDIC acting as receiver or following the date of such transfer by the FDIC acting as a conservator. This amendment is consistent with the policy statement on QFCs issued by the FDIC on December 12, 1989.

Subsection (c) amends the FDIA to clarify the relationship between the FDIA and FDICIA. There has been some uncertainty whether FDICIA permits counterparties to terminate or liquidate a QFC before the expiration of the time period provided by the FDIA during which the FDIC may repudiate or transfer a QFC in a conservatorship or receivership. Subsection (c) provides that a party may not terminate a QFC based solely on the appointment of the FDIC as receiver until 5:00 p.m. (Eastern Time) on the business day following the appointment of the receiver or after the person has received notice of a transfer under FDIA section 11(d)(9), or based solely on the appointment of the FDIC as conservator, notwithstanding the provisions of FDICIA. This provides the FDIC with an opportunity to undertake an orderly resolution of the insured depository institution.

The amendment also prohibits the enforcement of rights of termination or liquidation that arise solely because of the insolvency of the institution or are based on the "financial condition" of the depository institution in receivership or conservatorship. For example, termination based on a cross-default provision in a QFC that is triggered upon a default under another contract could be rendered ineffective if such other default was caused by an acceleration of amounts due under that other contract, and such acceleration was based solely on the appointment of a conservator or receiver for that depository institution. Similarly, a provision in a QFC permitting termination of the QFC based solely on a downgraded credit rating of a party will not be enforceable in an FDIC receivership or conservatorship because the provision is based solely on the financial condition of the depository institution in default. However, any payment, delivery or other performance-based default, or breach of a representation or covenant putting in question the enforceability of the agreement, will not be deemed to be based solely on financial condition for purposes of this provision. The amendment is not intended to prevent counterparties from taking all actions permitted and recovering all damages authorized upon repudiation of any QFC by a conservator or receiver, or from taking actions based upon a receivership or other financial condition-triggered default in the absence of a transfer (as contemplated in Section 11(e)(10) of the FDIA).

The amendment allows the FDIC to meet its obligation to provide notice to parties to transferred QFCs by taking steps reasonably calculated to provide notice to such parties by the required time. This is consistent with the existing policy statement on QFCs issued by the FDIC on December 12, 1989.

Finally, the amendment permits the FDIC to transfer QFCs of a failed depository institution to a bridge bank or a depository institution organized by the FDIC for which a conservator is appointed either (i) immediately upon the organization of such institution or (ii) at the time of a purchase and assumption transaction between the FDIC and the institution. This provision clarifies that such institutions are not to be considered financial institutions that are ineligible to receive such transfers under FDIA section 11(e)(9). This is consistent with the existing policy statement on QFCs issued by the FDIC on December 12, 1989.

Section 904

Section 904 limits the disaffirmance and repudiation authority of the FDIC with respect to QFCs so that such authority is consistent with the FDIC's transfer authority under FDIA section 11(e)(9). This ensures that no disaffirmance, repudiation or transfer authority of the FDIC may be exercised to "cherry-pick" or otherwise treat independently all the QFCs between a depository institution in default and a person or any affiliate of such person. The FDIC has announced that its policy is not to repudiate or disaffirm QFCs selectively. This unified treatment is fundamental to the reduction of systemic risk.

Section 905

Section 905 states that a master agreement for one or more securities contracts, commodity contracts, forward contracts, repurchase agreements or swap agreements will be treated as a single QFC under the FDIA. This provision ensures that cross-product netting pursuant to a master agreement, or pursuant to an umbrella agreement for separate master agreements between the same parties, each of which is used to document one or more qualified financial contracts, will be enforceable under the FDIA. Cross-product meeting permits a wide variety of financial transactions between two parties to be netted, thereby maximizing the present and potential future risk-reducing benefits of the netting arrangement between the parties. Express recognition of the enforceability of such cross-product master agreements furthers the policy of increasing legal certainty and reducing systemic risks in the case of an insolvency of a large financial participant.

Section 906

Subsection (a)(1) amends the definition of "clearing organization" to include clearinghouses that are subject to exemptions pursuant to orders of the Securities and Exchange Commission or the Commodity Futures Trading Commission and to include multilateral clearing organizations (the definition of which was added to FDICIA by the CFMA).

Subsection (a)(2). FDICIA provides that a netting arrangement will be enforced pursuant to its terms, notwithstanding the failure of a party to the agreement. However, the current netting provisions of FDICIA limit this protection to "financial institutions," which include depository institutions. This subsection amends the FDICIA definition of covered institutions to include (i) uninsured national and State member banks, irrespective of their eligibility for deposit insurance and (ii) foreign banks (including the foreign bank and its branches or agencies as a combined group, or only the foreign bank parent of a branch or agency). The latter change will extend the protections of FDICIA to ensure that U.S. financial organizations participating in netting agreements with foreign banks are covered by the Act, thereby enhancing the safety and soundness of these arrangements. It is intended that a non-defaulting foreign bank and its branches and agencies be considered to be a single financial institution for purposes of the bilateral netting provisions of FDICIA (except to the extent that the non-defaulting foreign bank and its branches and agencies on the one hand, and the defaulting financial institution, on the other, have entered into agreements that clearly evidence an intention that the non-defaulting foreign bank and its branches and agencies be treated as separate financial institutions for purposes of the bilateral netting provisions of FDICIA).

Subsection (a)(3) amends FDICIA to provide that, for purposes of FDICIA, two or more clearing organizations that enter into a netting contract are considered "members" of each other. This assures the enforceability of netting arrangements involving two or more clearing organizations and a member common to all such organizations, thus reducing systemic risk in the event of the failure of such a member. Under the current FDICIA provisions, the enforceability of such arrangements depends on a case-by-case determination that clearing organizations could be regarded as members of each other for purposes of FDICIA.

Subsection (a)(4) amends the FDICIA definition of netting contract and the general rules applicable to netting contracts. The current FDICIA provisions require that the netting agreement must be governed by the law of the United States or a State to receive the protections of FDICIA. However, many of these agreements, particularly netting arrangements covering positions taken in foreign exchange dealings, are governed by the laws of a foreign country. This subsection broadens the definition of "netting contract" to include those agreements governed by foreign law, and preserves the FDICIA requirement that a netting contract not be invalid under, or precluded by, Federal law.

Subsections (b) and (c) establish two exceptions to FDICIA's protection of the enforceability of the provisions of netting contracts between financial institutions and among clearing organization members.

First, the termination provisions of netting contracts will not be enforceable based solely on (i) the appointment of a conservator for an insolvent depository institution under the FDIA or (ii) the appointment of a receiver for such institution under the FDIA, if such receiver transfers or repudiates QFCs in accordance with the FDIA and gives notice of a transfer by 5:00 p.m. on the business day following the appointment of a receiver. This change is made to confirm the FDIC's flexibility to transfer or repudiate the QFCs of an insolvent depository institution in accordance with the terms of the FDIA. This modification also provides important legal certainty regarding the treatment of QFCs under the FDIA, because the current relationship between the FDIA and FDICIA is unclear.

The second exception provides that FDICIA does not override a stay order under

SIPA with respect to foreclosure on securities (but not cash) collateral of a debtor (section 911 makes a conforming change to SIPA). There is also an exception relating to insolvent commodity brokers.

Subsections (b) and (c) also clarify that a security agreement or other credit enhancement related to a netting contract is enforceable to the same extent as the underlying netting contract.

Subsection (d) adds a new section 407 to FDICIA. This new section provides that, notwithstanding any other law, QFCs with uninsured national banks or uninsured Federal branches or agencies or uninsured State member banks or Edge Act corporations that operate, or operate as, a multilateral clearing organization and that are placed in receivership or conservatorship will be treated in the same manner as if the contract were with an insured national bank or insured Federal branch for which a receiver or conservator was appointed. This provision will ensure that parties to QFCs with these institutions will have the same rights and obligations as parties entering into the same agreements with insured depository institutions. The new section specifically limits the powers of a receiver or conservator for such an institution to those contained in 12 U.S.C. §§1821(e)(8), (9), (10), and (11), which address QFCs.

While the amendment would apply the same rules to such institutions that apply to insured institutions, the provision would not change the rules that apply to insured institutions. Nothing in this section would amend the International Banking Act, the Federal Deposit Insurance Act, the National Bank Act, or other statutory provisions with respect to receiverships of insured national banks or Federal branches.

Section 907

Subsection (a)(1) amends the Bankruptcy Code definitions of "repurchase agreement" and "swap agreement" to conform with the amendments to the FDIA contained in sections 901(e) and 901(f) of the Act.

In connection with the definition of "repurchase agreement," the term "qualified foreign government securities" is defined to include securities that are direct obligations of, or fully guaranteed by, central governments of members of the Organization for Economic Cooperation and Development (OECD). This language reflects developments in the repurchase agreement markets, which increasingly use foreign government securities as the underlying asset. The securities are limited to those issued by or guaranteed by full members of the OECD, as well as countries that have concluded special lending arrangements with the International Monetary Fund associated with the Fund's General Arrangements to Borrow.

Subsection (a)(1) also amends the definition of "repurchase agreement" to include those on mortgage-related securities, mortgage loans and interests therein, and expressly to include principal and interest-only U.S. government and agency securities as securities that can be the subject of a "repurchase agreement." The reference in the definition to United States government- and agency-issued or fully guaranteed securities is intended to include obligations issued or guaranteed by Fannie Mae and the Federal Home Loan Mortgage Corporation (Freddie Mac) as well as all obligations eligible for purchase by Federal Reserve banks under the similar language of section 14(b) of the Federal Reserve Act.

This amendment is not intended to affect the status of repos involving securities or commodities as securities contracts, commodity contracts, or forward contracts, and their consequent eligibility for similar treatment under other provisions of the Bankruptcy Code. In particular, an agreement for the sale and repurchase of a security would continue to be a securities contract as defined in the Bankruptcy Code and thus also would be subject to the Bankruptcy Code provisions pertaining to securities contracts, even if not a "repurchase agreement" as defined in the Bankruptcy Code. Similarly, an agreement for the sale and repurchase of a commodity, even though not a "repurchase agreement" as defined in the Bankruptcy Code, would continue to be a forward contract for purposes of the Bankruptcy Code and would be subject to the Bankruptcy Code provisions pertaining to forward contracts.

Subsection (a)(1) specifies that repurchase obligations under a participation in a commercial mortgage loan do not make the participation agreement a "repurchase agreement." Such repurchase obligations embedded in participations in commercial loans (such as recourse obligations) do not constitute a "repurchase agreement." However, a repurchase agreement involving the transfer of participations in commercial mortgage loans with a simultaneous agreement to repurchase the participation on demand or at a date certain one year or less after such transfer would constitute a "repurchase agreement" (as well as a "securities contract").

The definition of "swap agreement" is amended to include an "interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option." As amended, the definition of "swap agreement" will update the statutory definition and achieve contractual netting across economically similar transactions.

The definition of "swap agreement" originally was intended to provide sufficient flexibility to avoid the need to amend the definition as the nature and uses of swap transactions matured. To that end, the phrase "or any other similar agreement" was included in the definition. (The phrase "or any similar agreement" has been added to the definitions of "forward contract," "commodity contract," "repurchase agreement," and "securities contract" for the same reason.) To clarify this, subsection (a)(1) expands the definition of "swap agreement" to include "any agreement or transactions that is similar to any other agreement or transaction referred to in [subsection (a)(1)] and that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence or contingency associated with a financial, commercial or economic consequence, or economic or financial indices or measures of economic or financial risk or value."

The definition of "swap agreement" in this subsection should not be interpreted to permit parties to document non-swaps as swap transactions. Traditional commercial arrangements, such as supply agreements, or other non-financial market transactions, such as commercial, residential or consumer loans, cannot be treated as "swaps" under either the FDIA or the Bankruptcy Code because the parties purport to document or label the transactions as "swap agreements." These definitions, and the characterization of a certain transaction as a "swap agreement," are not intended to affect the characterization, definition, or treatment of any instruments under any other statute, regulation, or rule including, but not limited to, the statutes, regulations or rules enumerated in subsection (a)(1)(C). Similarly, the definitions of "securities contract," "repurchase agreement," "forward contract," and "commodity contract," and the characterization of certain transactions as such a contract or agreement, are not intended to affect the characterization, definition, or treatment of any instruments under any other statute, regulation, or rule including, but not limited to, the statutes, regulations or rules enumerated in subsection (f).

The definition also includes any security agreement or arrangement, or other credit enhancement, related to a swap agreement and any guarantee or reimbursement obligation related to a swap agreement. This ensures that any such agreement, arrangement or enhancement is itself deemed to be a swap agreement, and therefore eligible for treatment as such for purposes of termination, liquidation, acceleration, offset and netting under the Bankruptcy Code and the FDIA. Similar changes are made in the definitions of "forward contract," "commodity contract," "repurchase agreement," and "securities contract." An example of a security arrangement is a right of setoff; examples of other credit enhancements are letters of credit and other similar agreements. A security agreement or arrangement or guarantee or reimbursement obligation related to a "swap agreement," "forward contract," "commodity contract," "repurchase agreement" or "securities contract" will be such an agreement or contract only to the extent of the damages in connection with such agreement measured in accordance with Section 562 of the Bankruptcy Code (added by the Act). This limitation does not affect, however, the other provisions of the Bankruptcy Code (including Section 362(b)) relating to security arrangements in connection with agreements or contracts that otherwise qualify as "swap agreements," "forward contracts," "commodity contracts," "repurchase agreements" or "securities contracts."

The use of the term "forward" in the definition of "swap agreement" is not intended to refer only to transactions that fall within the definition of "forward contract." Instead, a "forward" transaction could be a "swap agreement" even if not a "forward contract."

Subsections (a)(2) and (a)(3) amend the Bankruptcy Code definitions of "securities contract" and "commodity contract," respectively, to conform them to the definition in the FDIA.

Subsection (a)(2), like the amendments to the FDIA, amends the definition of "securities contract" expressly to encompass margin loans, to clarify the coverage of securities options and to clarify the coverage of repurchase and reverse repurchase transactions. The inclusion of "margin loans" in the definition is intended to encompass only those loans commonly known in the securities industry as "margin loans," such as arrangements where a securities broker or dealer extends credit to a customer in connection with the purchase, sale or trading of securities, and does not include loans that are not commonly referred to as "margin loans," however documented. The reference in subsection (b) to a "guarantee" by or to a "securities clearing agency" is intended to cover other arrangements, such as novation, that have an effect similar to a guarantee. The reference to a "loan" of a security in the definition is intended to apply to loans of securities, whether or not for a "permitted purpose" under margin regulations. The reference to "repurchase and reverse repurchase transactions" is intended to eliminate any inquiry under Section 555 and related provisions as to whether a repurchase or reverse repurchase transaction is a purchase and sale transaction or a secured financing. Repurchase and reverse repurchase transactions meeting certain criteria are already covered under the definition of "repurchase agreement" in the Bankruptcy Code. Repurchase and reverse repurchase transactions on all securities (including, for example, equity securities, asset-backed securities, corporate bonds and commercial paper) are included under the definition of "securities contract". A repurchase or reverse repurchase transaction which is a "securities contract" but not a "repurchase agreement" would thus be subject to the "counterparty limitations" contained in Section 555 of the Bankruptcy Code (i.e., only stockbrokers, financial institutions, securities clearing agencies and financial participants can avail themselves of Section 555 and related provisions).

Subsection (a)(2) also specifies that purchase, sale and repurchase obligations under a participation in a commercial mortgage loan do not constitute "securities contracts." While a contract for the purchase, sale or repurchase of a participation may constitute a "securities contract," the purchase, sale or repurchase obligation embedded in a participation agreement does not make that agreement a "securities contract."

Subsection (b) amends the Bankruptcy Code definitions of "financial institution" and "forward contract merchant." The definition for "financial institution" includes Federal Reserve Banks and the receivers or conservators of insolvent depository institutions. With respect to securities contracts, the definition of "financial institution" expressly includes investment companies registered under the Investment Company Act of 1940.

Subsection (b) also adds a new definition of "financial participant" to limit the potential impact of insolvencies upon other major market participants. This definition will allow such market participants to close-out and net agreements with insolvent entities under sections 362(b)(6), 555, and 556 even if the creditor could not qualify as, for example, a commodity broker. Sections 326(b)(6), 555 and 556 preserve the limitations of the right to close-out and net such contracts, in most cases, to entities who qualify under the Bankruptcy Code's counterparty limitations. However, where the counterparty has transactions with a total gross dollar value of at least $1 billion in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of at least $100 million (aggregated across counterparties) in one or more agreements or transactions on any day during the previous 15-month period, sections 362(b)(6), 555 and 556 and corresponding amendments would permit it to exercise netting and related rights irrespective of its inability otherwise to satisfy those counterparty limitations. This change will help prevent systemic impact upon the markets from a single failure, and is derived from threshold tests contained in Regulation EE promulgated by the Federal Reserve Board in implementing the netting provisions of the Federal Deposit Insurance Corporation Improvement Act. It is intended that the 15-month period be measured with reference to the 15 months preceding the filing of a petition by or against the debtor.

"Financial participant" is also defined to include "clearing organizations" within the meaning of FDICIA (as amended by the CFMA and Section 906 of the Act). This amendment, together with the inclusion of "financial participants" as eligible counterparties in connection with "commodity contracts," "forward contracts" and "securities contracts" and the amendments made in other Sections of the Act to include "financial participants" as counterparties eligible for the protections in respect of "swap agreements" and "repurchase agreements", take into account the CFMA and will allow clearing organizations to benefit from the protections of all of the provisions of the Bankruptcy Code relating to these contracts and agreements. This will further the goal of promoting the clearing of derivatives and other transactions as a way to reduce systemic risk. The definition of "financial participant" (as with the other provisions of the Bankruptcy Code relating to "securities contracts," "forward contracts," "commodity contracts," "repurchase agreements" and "swap agreements") is not mutually exclusive, i.e., an entity that qualifies as a "financial participant" could also be a "swap participant," "repo participant," "forward contract merchant," "commodity broker," "stockbroker," "securities clearing agency" and/or "financial institution."

Subsection (c) adds to the Bankruptcy Code new definitions for the terms "master netting agreement" and "master netting agreement participant."

The definition of "master netting agreement" is designed to protect the termination and close-out netting provisions of cross-product master agreements between parties. Such an agreement may be used (i) to document a wide variety of securities contracts, commodity contracts, forward contracts, repurchase agreements and swap agreements or (ii) as an umbrella agreement for separate master agreements between the same parties, each of which is used to document a discrete type of transaction. The definition includes security agreements or arrangements or other credit enhancements related to one or more such agreements and clarifies that a master netting agreement will be treated as such even if it documents transactions that are not within the enumerated categories of qualifying transactions (but the provisions of the Bankruptcy Code relating to master netting agreements and the other categories of transactions will not apply to such other transactions).

A "master netting agreement participant" is any entity that is a party to an outstanding master netting agreement with a debtor before the filing of a bankruptcy petition.

Subsection (d) amends section 362(b) of the Bankruptcy Code to protect enforcement, free from the automatic stay, of setoff or netting provisions in swap agreements and in master netting agreements and security agreements or arrangements related to one or more swap agreements or master netting agreements. This provision parallels the other provisions of the Bankruptcy Code that protect netting provisions of securities contracts, commodity contracts, forward contracts, and repurchase agreements. Because the relevant definitions include related security agreements, the references to "setoff" in these provisions, as well as in section 362(b)(6) and (7) of the Bankruptcy Code, are intended to refer also to rights to foreclose on, and to set off against-obligations to return, collateral securing swap agreements, master netting agreements, repurchase agreements, securities contracts, commodity contracts, or forward contracts. Collateral may be pledged to cover the cost of replacing the defaulted transactions in the relevant market, as well as other costs and expenses incurred or estimated to be incurred for the purpose of hedging or reducing the risks arising out of such termination. Enforcement of these agreements and arrangements is consistent with the policy goal of minimizing systemic risk.

Subsection (d) also clarifies that the provisions protecting setoff and foreclosure in relation to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, and master netting agreements free from the automatic stay apply to collateral pledged by the debtor but that cannot technically be "held by" the creditor, such as receivables and book-entry securities, and to collateral that has been repledged by the creditor and securities re-sold pursuant to repurchase agreements.

The current codification of section 546 of the Bankruptcy Code contains two subsections designated as "(g)'; subsection (e) corrects this error.

Subsections (e) and (f) amend sections 546 and 548(d) of the Bankruptcy Code to provide that transfers made under or in connection with a master netting agreement may not be avoided by a trustee except where such transfer is made with actual intent to hinder, delay or defraud and not taken in good faith. This amendment provides the same protections for a transfer made under, or in connection with, a master netting agreement as currently is provided for margin payments, settlement payments and other transfers received by commodity brokers, forward contract merchants, stockbrokers, financial institutions, securities clearing agencies, repo participants, and swap participants under Sections 546 and 548(d), except to the extent the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.

Subsections (g), (h), (i) and (j) clarify that the provisions of the Bankruptcy Code that protect (i) rights of liquidation under securities contracts, commodity contracts, forward contracts and repurchase agreements also protect rights of termination or acceleration under such contracts, and (ii) rights to terminate under swap agreements also protect rights of liquidation and acceleration.

Subsection (k) adds a new section 561 to the Bankruptcy Code to protect the contractual right of a master netting agreement participant to enforce any rights of termination, liquidation, acceleration, offset or netting under a master netting agreement. Such rights include rights arising (i) from the rules of a derivatives clearing organization, multilateral clearing organization, securities exchange, securities association, contract market, derivatives transaction execution facility or board of trade, (ii) under common law, law merchant or (iii) by reason of normal business practice. This reflects the enactment of the CFMA and the current treatment of rights under swap agreements under section 560 of the Bankruptcy Code. Similar changes to reflect the enactment of the CFMA have been made to the definition of "contractual right" for purposes of Sections 555, 556, 559 and 560 of the Bankruptcy Code.

Subsections (b)(2)(A) and (b)(2)(B) of new Section 561 limit the exercise of contractual rights to net or to offset obligations where the debtor is a commodity broker and one leg of the obligations sought to be netted relates to commodity contracts traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act. Under subsection (b)(2)(A) netting or offsetting is not permitted in these circumstances if the party seeking to net or to offset has no positive net equity in the commodity accounts at the debtor. Subsection (b)(2)(B) applies only if the debtor is a commodity broker, acting on behalf of its own customer, and is in turn a customer of another commodity broker. In that case, the latter commodity broker may not net or offset obligations under such commodity contracts with other claims against its customer, the debtor. Subsections (b)(2)(A) and (b)(2)(B) limit the depletion of assets available for distribution to customers of commodity brokers. This is consistent with the principle of subchapter IV of chapter 7 of title 11 that gives priority to customer claims in the bankruptcy of a commodity broker. Subsection (b)(2)(C) provides an exception to subsections (b)(2)(A) and (b)(2)(B) for cross-margining and other similar arrangements approved by, or submitted to and not rendered ineffective by, the Commodity Futures Trading Commission, as well as certain other netting arrangements.

For the purposes of Bankruptcy Code sections 555, 556, 559, 560 and 561, it is intended that the normal business practice in the event of a default of a party based on bankruptcy or insolvency is to terminate, liquidate or accelerate securities contracts, commodity contracts, forward contracts, repurchase contracts, repurchase agreements, swap agreements and master netting agreements with the bankrupt or insolvent party.

The protection of netting and offset rights in sections 560 and 561 is in addition to the protections afforded in sections 362(b)(6), (b)(7), (b)(17) and (b)(28).

Under the Act, the termination, liquidation or acceleration rights of a master netting agreement participant are subject to limitations contained in other provisions of the Bankruptcy Code relating to securities contracts and repurchase agreements. In particular, if a securities contract or repurchase agreement is documented under a master netting agreement, a party's termination, liquidation and acceleration rights would be subject to the provisions of the Bankruptcy Code relating to orders authorized under the provisions of SIPA or any statute administered by the SEC. In addition, the netting rights of a party to a master netting agreement would be subject to any contractual terms between the parties limiting or waiving netting or set off rights. Similarly, a waiver by a bank or a counterparty of netting or set off rights in connection with QFCs would be enforceable under the FDIA.

Section 502 of the Act clarifies that, with respect to municipal bankruptcies, all the provisions of the Bankruptcy Code relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements and master netting agreements (which by their terms are intended to apply in all proceedings under title 11) will apply in a Chapter 9 proceeding for a municipality. Although sections 555, 556, 559 and 560 provide that they apply in any proceeding under the Bankruptcy Code, Section 502 makes a technical amendment in Chapter 9 to clarify the applicability of these provisions.

New Section 561 of the Bankruptcy Code clarifies that the provisions of the Bankruptcy Code related to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements and master netting agreements apply in a proceeding ancillary to a foreign insolvency proceeding under new Chapter 15.

Subsections (l) and (m) clarify that the exercise of termination and netting rights will not otherwise affect the priority of the creditor's claim after the exercise of netting, foreclosure and related rights.

Subsection (n) amends section 553 of the Bankruptcy Code to clarify that the acquisition by a creditor of setoff rights in connection with swap agreements, repurchase agreements, securities contracts, forward contracts, commodity contracts and master netting agreements cannot be avoided as a preference.

This subsection also adds setoff of the kinds described in sections 555, 556, 559, 560, and 561 of the Bankruptcy Code to the types of setoff excepted from section 553(b).

Subsection (o), as well as other subsections of the Act, adds references to "financial participant" in all the provisions of the Bankruptcy Code relating to securities, forward and commodity contracts and repurchase and swap agreements.

Section 908

Section 908 amends section 11(e)(8) of the Federal Deposit Insurance Act to explicitly authorize the FDIC, in consultation with appropriate Federal banking agencies, to prescribe regulations on recordkeeping with respect to QFCs. Adequate recordkeeping for such transactions is essential to effective risk management and to the reduction of systemic risk permitted by the orderly resolution of depository institutions utilizing QFCs.

Section 909

Section 909 amends FDIA section 13(e)(2) to provide that an agreement for the collateralization of governmental deposits, bankruptcy estate funds, Federal Reserve Bank or Federal Home Loan Bank extensions of credit or one or more QFCs shall not be deemed invalid solely because such agreement was not entered into contemporaneously with the acquisition of the collateral or because of pledges, delivery or substitution of the collateral made in accordance with such agreement.

The amendment codifies portions of policy statements issued by the FDIC regarding the application of section 13(e), which codifies the "D'Oench Duhme" doctrine. With respect to QFCs, this codification recognizes that QFCs often are subject to collateral and other security arrangements that may require posting and return of collateral on an ongoing basis based on the mark-to-market values of the collateralized transactions. The codification of only portions of the exiting FDIC policy statements on these and related issues should not give rise to any negative implication regarding the continued validity of these policy statements.

Section 910

Section 910 adds a new section 562 to the Bankruptcy Code providing that damages under any swap agreement, securities contract, forward contract, commodity contract, repurchase agreement or master netting agreement will be calculated as of the earlier of (i) the date of rejection of such agreement by a trustee or (ii) the date of liquidation, termination or acceleration of such contract or agreement.

New section 562 provides important legal certainty and makes the Bankruptcy Code consistent with the current provisions related to the timing of the calculation of damages under QFCs in the FDIA.

Section 911

Section 911 amends SIPA to provide that an order or decree issued pursuant to SIPA shall not operate as a stay of any right of liquiation, termination, acceleration, offset or netting under one or more securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements or master netting agreements (as defined in the Bankruptcy Code and including rights of foreclosure on collateral), except that such order or decree may stay any right to foreclose on or dispose of securities (but not cash) collateral pledged by the debtor or sold by the debtor under a repurchase agreement or lent by the debtor under a securities lending agreement. (A corresponding amendment to FDICIA is made by section 906). A creditor that was stayed in exercising rights against such securities would be entitled to post-insolvency interest to the extent of the value of such securities.

Section 912

Section 912 generally protects asset-backed securitization transactions from legal uncertainties and disruptions related to the bankruptcies of certain parties and allows for the further development of structured finance. Asset securitization involves the issuance of securities supported by assets having an ascertainable cash flow or market value. Securitization of receivables, such as small-business loans, commercial and multifamily mortgages, and car loans, allows for the funding of such loans from capital market sources. The process generally enlarges the pool of capital available and reduces financing costs for vital lending purposes such as the financing of small-business operations and home ownership.

Through a number of definitions designed to ensure that the exclusion from property of the estate applies only to the intended type of transaction, new section 541(b)(5) of the Bankruptcy Code excludes from the property of a debtor's estate any "eligible asset" (and proceeds thereof) to the extent that such eligible asset was "transferred" by the debtor, before the date of commencement of the case, to an "eligible entity" in connection with an "asset-backed securitization." Each term is explicitly defined to reflect its specific role or application in the securitization process to ensure that only bona fide securitizations are eligible for the safe harbor exclusion. All defined elements of a securitization must be present for the safe harbor to apply. Other commercial transactions lacking any of the defined elements, such as transactions documented and structured as collateralized lending arrangements and other commercial asset sales or financings that are unrelated to securitization transactions, would be ineligible for the safe harbor provided by section 541(b)(5).

The phrase "to the extent" in new section 541(b)(5) makes clear that a portion of the eligible asset may remain part of the debtor's estate, for example, where the eligible entity obtains the right to receive only interest payments on the first 10 percent of payments due on a receivable in connection with an asset-backed securitization. In addition, the reference to section 548(a) in new section 541(b)(5) will make clear that the safe harbor does not supersede a trustee's power to avoid fraudulent transfers.

New section 541(b)(5) is not intended to override state law requirements, if any, regarding "perfection" of an asset sale. However, regardless of strict compliance with such state law requirements, new section 541(b)(5) is intended to provide an exclusion of the debtor's interest in eligible assets (and proceeds thereof) from the debtor's estate, upon compliance with section 541(b)(5). Thus, despite an eligible entity's failure to have properly perfected a sale for state law purposes, the eligible assets in question would remain excluded from the debtor's estate. In such event, however, a third party creditor with an interest in such eligible assets under state law would not be precluded from asserting, outside of the bankruptcy proceedings, such interest against the issuer or any other party purporting to have an interest in those assets. In other words, the amendments do not purport to extinguish any party's interest in the securitized assets other than the debtor's interest to the extent transferred by the debtor to the securitization vehicle. In order to provide certainty to participants in the asset-backed securities market (including both issuers and purchasers of such securities), it is noted that the "strong-arm" provisions of section 544 of the Bankruptcy Code are not intended to override the general rule set forth in new section 541(b)(5) so as to bring such assets back into the debtor's estate.

Frequently, asset securitizations involve the issuance of more than one class of securities with differing payment priorities subordination provisions and other characteristics. The definition of "asset-backed securitization" contained in new section 541(e)(1) requires that at least one tranche of the asset-backed securities backed by the eligible assets in question be rated investment grade, thereby requiring that each asset-backed securitization as to which eligible assets are excluded from the debtor's estate be a carefully reviewed transaction subjected to third party scrutiny by a nationally recognized statistical rating organization. The investment-grade rating requirement applies only when the security is initially issued. In view of the cost and time associated with obtaining an investment-grade rating such ratings are generally not pursued for smaller transactions. These and other burdens of the rating process add further protection against potential abuse of the safe harbor for sham transactions and ensure its application for its intended purpose—to preserve payments on asset-backed securities issued in the public and private markets.

New section 541(e)(2) defines the term "eligible asset." This definition is based upon the definition provided in rule 3a–7 under the Investment Company Act of 1940, which provides an exemption from registration under the Investment Company Act for issuers of asset-backed securities (i.e., issuers in the business of purchasing, or otherwise acquiring, and holding eligible assets). The phrase "or other assets" is intended to cover assets often conveyed in connection with securitization transactions such as letters of credit, guarantees, cash collateral accounts, and other assets that are provided as additional credit support. This phrase would also cover other assets, such as swaps, hedge agreements, etc., that are provided to protect bondholders against interest rate, currency and other market risks. The inclusion of cash and securities as eligible assets allows so-called market-value based securitizations of equity and other non-amortizing securities to fall within the purview of the amendment, although securitizations of such securities are not included under Rule 3a–7 and therefore would be subject to regulation under the Investment Company Act if another exemption therefrom were not available.

New sections 541(e)(3) and (4) define the terms "eligible entity" and "issuer," respectively. The definitions exclude operating companies by encompassing only single purpose entities. Because securitization transactions often involve intermediary transferees, an eligible entity can be either an issuer or an entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer.

New section 541(e)(5) defines the term "transferred." In order for the eligible assets to be excluded from the debtor's estate under section 541, the debtor must represent and warrant in a written agreement that such eligible assets were sold, contributed or otherwise conveyed with the intention of removing them from the debtor's estate pursuant to section 541 (whether or not reference is made to section 541 in the written agreement). The definition makes clear that the debtor's written intention as to the exclusion of the eligible assets will be honored, regardless of the state law characterization of the transfer as a sale, contribution or other conveyance, and regardless of any other aspect of the transaction (such as the debtor's holding an interest in the issuer or any securities issued by the issuer, the ongoing servicing obligation of the debtor; the tax and accounting characterization; or any recourse to the debtor, whether relating to a breach of a representation, warranty or covenant, or otherwise) which may affect a state law analysis as to the true sale.

Section 913

Subsection (a) provides that the amendments made under Title IX take effect on the date of enactment.

Subsection (b) provides that the amendments made under Title IX shall not apply with respect to cases commenced, or to conservator/receiver appointments made, before the date of enactment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

Ms. JACKSON-LEE of Texas. I claim the time in opposition, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), ranking member of the Committee on Financial Services.

Mr. LAFALCE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I have difficulties with the bankruptcy bill and believe that it needs significant improvements in the amendatory process; amendments that we, unfortunately, for the most part will not be able to offer.

However, there are some technical matters in the bill within the jurisdiction of the Committee on Financial Services which require adjustments, and one of which has been allowed as an amendment by the gentleman from Ohio (Mr. OXLEY) and myself.

That title is solely concerned with changes to the current system for quickly netting the obligations of financial institutions in bankruptcy or receivership situations in order to prevent destabilizing disruptions in our clearing and settlement systems.

The provision now in the bill has passed the House repeatedly and without objection in the last Congress. The adjustments that the gentleman from Ohio (Mr. OXLEY) and I offer are largely technical and are necessitated by enactment of the Commodities Exchange Modernization Act during the last Congress.

Our amendment also includes some minor substantive changes which have been rendered advisable due to transitions in market structure since the President's Working Group on Financial Markets recommended the original text of Title IX in 1998.

The Justice Department and all regulatory departments and agencies which might be affected by these changes have been consulted, in detail, and offer no objections. These regulators include the Department of the Treasury, Federal Reserve, Securities and Exchange Commission, Federal Deposit Insurance Corporation, and the Commodities Futures Trading Commission. This group essentially mirrors the President's Working Group on Financial Markets as it was constituted in 1998.

Title IX contains provisions which are of central importance to the stability of our financial system. Their potential importance is magnified in a time of possible economic downturn. There is no opposition to these changes. Indeed, there is broad support. They could have, and should have, passed the House and Senate and been enacted into law last Congress. Unfortunately, they became unnecessarily caught up in the far more contentious bankruptcy debate.

If H.R. 333 again becomes caught up in a long and contentious debate, I will urge that Title IX be quickly pursued as an independent measure. If there were a major problem with the machinery of the securities system, the country would be hard pressed to resolve it expeditiously and easily without the enactment of these netting provisions. Instability and delay in such a circumstance could prove a recipe for major economic trouble. Our financial system has undergone such fundamental change that existing legal structures are woefully inadequate for handling an emergency—particularly if they involve new instruments for managing risk and transferring value, such as swaps.

The updating amendments Mr. OXLEY and I are proposing ensure that Title IX will be better tailored for the present and well-integrated with the Commodities Exchange Modernization Act of 2000. They will also establish a ready template for translating Title IX into an independent bill should that become necessary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank again the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership on this issue, as well as my colleague, the gentleman from New York (Mr. LAFALCE), and the ranking member of the Committee.

Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman and by his colleague, the ranking member, the gentleman from New York (Mr. LAFALCE).

Among other things, the amendment modifies the bill's so-called netting provisions to conform them to important changes made to Federal law in the Commodities Futures Modernization Act which was signed into law December 21, 2000.

I might point out to my colleagues that the provisions in this amendment were passed by this House in a bipartisan overwhelming vote last year, but they never made it into law. What they do is promote an orderly unwinding of financial contracts in those instances in which one party to a derivative contract becomes insolvent and those contracts go into a bankruptcy proceeding. This avoids that possibility.

We all found out from the long-term capital management situation, and that was 1998, a major hedge fund, what a situation that was. We want to avoid that in the future, tying these contracts up in a long bankruptcy proceeding.

The Commodity Futures Modernization Act made a number of important changes to the regulation of over-the-counter derivatives. The law expressly excluded certain derivative contracts from the Commodities Exchange Act, and allowed for the formation of new clearing entities. The amendment before the House now would update the "financial contracts" definition and the netting provisions to reflect new market developments in the swaps industry and the changes made in the Commodity Futures Modernization Act.

Let me again commend the chairman and the ranking member for bringing this important amendment to the floor today, and I urge my colleagues to support its adoption. If we do not do it, the next time we have a major financial player threatened with insolvency we will find ourselves needing to pass this, and we might as well get ahead of the game.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again thank the chairman of the Subcommittee on Financial Institutions of the Committee on Financial Services for his good work in this area.

Mr. Chairman, in summary, there were some other changes that the President's working group had requested that are not contained in this amendment, but we will hopefully reserve the right to seek those changes in conference, working very closely with all of the major players in this historic legislation.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 107-4.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 8, after line 11, insert the following (and make such technical and conforming changes as may be appropriate):

(III) by striking "whose debts are primarily consumer debts";

Page 10, line 7, strike "the continuation of".

Page 10, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

"(II) In addition, if the debtor does have health insurance benefits the debtor's monthly expenses shall include an allowance to pay for reasonable medical expenses, as circumstances require, not covered by the insurance for the debtor, the dependents of the debtor, and the spouse of the debtor.

Page 10, beginning on line 24, strike "actual administrative expenses" and insert "reasonable expense".

Page 11, line 1, insert "or public" after "private".

Page 11, after line 4, insert the following:

"(V) In addition, the debtor's monthly expenses shall include expenses necessary for the care of foster children in the custody of the debtor.

Page 11, beginning on line 1, strike "if" and all that follows through "why." on line 3.

Page 12, strike lines 2 through 6, and insert the following:

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be overcome if the court finds special circumstances indicating by a preponderance of the evidence that the debtor's income should be adjusted to less than the current monthly income, that the debtor's reasonably necessary expenses are greater than those allowed by the Internal Revenue Service guidelines, or that the debtor's financial difficulties were caused by circumstances beyond the debtor's control including medical problems.

Page 13, after line 3, insert the following:

"(v) A debtor whose current monthly income is equal to or less than the Federal Income Poverty Guidelines and has been for the 1-year period preceding the date of the filing of the petition may, in lieu of the requirements of clauses (iv) and (v) of section 521(a)(1)(B) and subsections (e), (f), and (g) of section 521, file with the court written evidence showing the debtor's income for the 1-year period before the date of the filing of the petition and a declaration under penalty of perjury that the debtor's income meets the test of this clause for that period.

Page 24, line 2, strike "current monthly income" and insert "projected disposable income".

Page 17, lines 6, 11, and 16, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 18, lines 2, 7, and 12, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 20, lines 18 and 23, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 21, lines 9 and 14, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 25, lines 9, 14, and 19, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 160, lines 14, 19, and 24, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 161, lines 9, 14, and 19, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 162, lines 17 and 23, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Page 163, line 4, insert "(adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for each subsequent year during which such median family income is not reported by the Bureau of the Census)" after "Census".

Beginning on page 45, strike line 24 and all that follows through line 9 on page 61, and insert the following:

(1) in subsection (c)(2)—

(A) in subparagraph (A) by striking "and" at the end;

(B) in subparagraph (B) by adding "and" at the end; and

(C) by adding at the end the following:

"(C) such agreement contains a clear and conspicuous statement which advises the debtor what portion of the debt to be reaffirmed is attributable to principal, interest, late fees, creditors attorney fees, expenses or other costs relating to the collection of the debt;";

(2) in subsection (c)(6)(B), by inserting "or is a debt described in subsection (c)(7)" after "real property"; and

(3) in subsection (c)—

(A) in paragraph (5) by striking "and" at the end;

(B) in paragraph (6) by striking the period and inserting "; and" at the end; and

(C) by adding at the end the following:

"(7) in a case concerning an individual, if the consideration for such agreement is based in whole or in part on an unsecured consumer debt, or is based in whole or in part upon a debt for an item of personalty the value of which at point of purchase was $1,000 or less, and in which the creditor asserts a purchase money interest, the court, approves such agreement as—

"(A) in the best interest of the debtor in light of the debtor's income and expenses;

"(B) not imposing an undue hardship on the debtor's future ability to pay for the needs of children and other dependents (including court ordered support);

"(C) not requiring the debtor to pay the creditors attorneys fees, expenses or other costs relating to the collection of debt;

"(D) not entered into to protect property that is necessary for the care and maintenance of children or other dependents that would have nominal value on repossession;

"(E) not entered into after coercive threats or actions by the creditor in the creditors course of dealings with the debtor; and

"(F) not unfair because excessive in amount based upon the value of the collateral.";

(4) in subsection (d)(2)—

(A) by striking "subsection (c)(6)" and inserting "paragraphs (6) and (7) of subsection (c)", and

(B) by striking ", if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor after of this section and adding at the end as applicable".

Page 86, strike lines 1 through 5 (and make such technical and conforming changes as may be appropriate).

Page 121, after line 16, insert (and make such technical and conforming changes as may be appropriate):

SEC. 231. PRIVACY POLICY ENFORCEMENT.

(a) FTC and State Attorneys General Authority To Protect Personal Privacy.—

(1) In general.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following new section:

"§ 308. Personally identifiable information; authority of Federal Trade Commission and State attorneys general

"(a) FTC Authority.—The Federal Trade Commission may appear and be heard in any case or proceeding under this title in which personally identifiable information is, or is proposed to be, used, sold, leased, or otherwise disclosed in violation of section 363(b)(3).

"(b) Authority of State Attorneys General.—A State, as parens patriae, may appear and be heard in any case or proceeding under this title in which—

"(1) the attorney general of a State has reason to believe that the personally identifiable information of the residents of that State has been or is threatened or adversely affected; and

"(2) personally identifiable information is, or is proposed to be, used, sold, leased, or otherwise disclosed in violation of section 363(b)(3).

"(c) No Affect on Other Authority.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission or a State to appear and be heard in any case or proceeding—

"(1) as a creditor where the Federal Trade Commission or a State asserts a claim against a debtor based on alleged violations of statutes within the enforcement jurisdiction of the Federal Trade Commission or the State; or

"(2) as a party in interest concerning other matters or issues within the jurisdiction of the Federal Trade Commission or the State.".

(2) Clerical amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Personally identifiable information; authority of Federal Trade Commission and State attorneys general.".

(b) Limitation On Sale, Use, or Lease of Certain Personally Identifiable Information.—Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

"(3)(A) If the debtor is not an individual, personally identifiable information in the possession of the debtor that relates to any other person may only—

"(i) be used by the debtor—

"(I) in accordance with the terms of the debtor's privacy policy in effect at the time of the bankruptcy filing; or

"(II) if no such privacy policy relating to the personally identifiable information was in effect at the time of the bankruptcy filing, in accordance with subparagraph (B); and

"(ii) be sold, leased, or otherwise disclosed by the debtor—

"(I) to a nondebtor party; and

"(II) in accordance with subparagraph (B).

"(B) In the case of the use, sale, lease, or other disclosure of personally identifiable information, as described in clause (i)(II) or (ii) of subparagraph (A), the debtor shall provide prior clear and conspicuous notice to the person to whom the personally identifiable information relates of—

"(i) the proposed use, sale, lease, or other disclosure of the information;

"(ii) the identity of the purchaser, lessee, or other recipient of the information, if applicable;

"(iii) the privacy policy of the purchaser, lessee, or other recipient of the information, if applicable; and

"(iv) the right of that person to choose not to have the information used or transferred, and an opportunity to choose not to have the information used or transferred.

"(C) The bankruptcy court, after notice to all parties in interest and the Federal Trade Commission and hearing—

"(i) shall establish mechanisms for providing clear and conspicuous notice and choice referred to in subparagraph (B); and

"(ii) may tailor such mechanisms to the specific circumstances of a case, as determined by the bankruptcy court.".

(c) Definition of Personally Identifiable Information.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

"(41A) 'personally identifiable information' means, with respect to the person to whom the information relates—

"(A) a first name, initials, and last name of that person, whether given at birth or adoption, assumed, or legally changed;

"(B) a home or other physical address for that person, including street name and name of city or town;

"(C) an e-mail address for that person;

"(D) a telephone number for that person;

"(E) a social security account number for that person;

"(F) a credit card account number for that person;

"(G) a birth date, birth certificate number, or place of birth for that person;

"(H) information concerning that person that the debtor collects and combines with any other identifier described in this paragraph; and

"(I) any other identifying information relating to that person that permits the physical or electronic contacting or identification of that person, as determined by the bankruptcy court.".

Page 198, strike lines 3 and 4 and insert the following:

308, as added by this Act, the following:

"§ 309. Debtor reporting requirements

Page 199, strike line 15 and all that follows through the end of the material between lines 15 and 16 and insert the following:

section 308, as added by this Act, the following:

"309. Debtor reporting requirements.".

Page 254, after line 4, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 605. PROTECTION OF PERSONAL PRIVACY IN BANKRUPTCY CASES.

(a) Personal Privacy Protection.—Section 107 of title 11, United States Code, is amended by adding at the end the following:

"(c) Electronic Access.—

"(1) In general.—The clerk of the bankruptcy court, the United States trustee, and the trustee in a case under this title may provide electronic access to a paper filed in a case under this title, to any of the information contained in a paper filed in such a case, and to the dockets of a bankruptcy court only as permitted in this subsection.

"(2) Limitations on access.—Except as provided in paragraph (3), the clerk of the bankruptcy court, the United States trustee, and the trustee in the case may not provide electronic access—

"(A) to the debtor's social security number, date of birth, mother's maiden name, telephone number, or account numbers (including bank account and credit card account numbers);

"(B) to any of the single line items in the debtor's schedule of assets or statement of income and expenditures; or

"(C) to any personal, medical, or financial information regarding the debtor or a relative of the debtor.

"(3) Permissible access.—The clerk of the bankruptcy court, the United States trustee, and the trustee in the case may provide electronic access to the information specified in paragraph (2) to—

"(A) a party in interest in the case;

"(B) an entity that requires any such information to determine whether it is a party in interest in the case;

"(C) the trustee in the case;

"(D) the United States trustee; or

"(E) a governmental unit that requires any such information for a bona fide law enforcement purpose.

"(4) CERTIFICATION REQUIRED.—A party or entity whose only basis for obtaining electronic access to information in a case under this title is under subparagraph (A) or (B) of paragraph (3) shall, as a condition to obtaining electronic access to any of the information listed in paragraph (2), certify, in writing or in electronic form, to the clerk of the bankruptcy court, the United States trustee, or the trustee in the case, as the case may be, that the party or entity—

"(A) properly qualifies for electronic access to information under paragraph (3);

"(B) will use the information obtained through electronic access only for the purpose of—

"(i) participating or determining whether to participate in the case;

"(ii) the entity's own internal credit evaluation of the debtor; or

"(iii) providing the information to a governmental unit for a bona fide law enforcement purpose;

"(C) will use reasonable means to secure the information obtained from unauthorized access and disclosure; and

"(D) will comply with the requirements of paragraph (6).

"(5) MAINTENANCE OF RECORDS.—The clerk of the bankruptcy court, the United States trustee, or the trustee in the case, as the case may be, shall maintain a record of, and shall make available to the debtor, the identity of and contact information for any entity that has obtained electronic access to information in a case under this title.

"(6) DUTIES OF RECIPIENT.—Upon written request by the debtor, an entity that has obtained electronic information under this subsection shall promptly inform the debtor of the content of the information stored by the entity and shall correct any such information to the extent that it differs from the information contained in the records of the bankruptcy court.

"(7) LIABILITY.—A party or entity that is required to make the certification required under paragraph (4), that obtains electronic access to information in a case, and that does not provide or does not comply with the certification is liable to the debtor for—

"(A) any actual damages;

"(B) the debtor's attorney's fees and costs in enforcing compliance with this subsection;

"(C) $500 per violation; and

"(D) punitive damages, if the violation is willful or part of a pattern or practice of violations of this subsection.

"(8) USE BY OFFICIAL RECIPIENTS.—An entity that obtains electronic access to information under subparagraph (C), (D), or (E) of paragraph (3)—

"(A) may use the information concerning an individual debtor only in connection with carrying out the official duties of that entity in connection with the administration of the case or the administration of the bankruptcy system in general; and

"(B) may not provide electronic access to any such information concerning an individual debtor, except in accordance with the provisions of this subsection.

"(9) ACCESS TO STATISTICAL INFORMATION.—The clerk of the bankruptcy court may provide electronic access to statistical information concerning cases and information concerning particular cases without regard to the restrictions of this subsection, but only if the information does not include any means of identifying a particular debtor's name, social security number, date of birth, mother's maiden name, telephone number, address, or account numbers (including bank account and credit card account numbers).

"(10) DEFINITION.—For purposes of this subsection, 'electronic access' means access through electronic means, such as through a computer or telephone, to a database or to court or other electronic records, without human intervention.

"(11) APPLICABILITY TO INDIVIDUALS.—This subsection applies only in a case in which the debtor is an individual.".

(b) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) CLERICAL AMENDMENTS.—Section 107 of title 11, United States Code, is amended—

(1) by inserting "GENERAL ACCESS.—" after "(a)"; and

(2) by inserting "PROTECTED MATTER.—" after "(b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 180 days after the date of enactment of this Act.

Page 145, strike lines 19 through 23 (and make such technical and conforming changes as may be appropriate).

Beginning on page 147, strike line 6 and all that follows through line 16 on page 148, and insert the following:

"(4)(A) For purposes of paragraph (1)(B), the term 'household goods' includes tangible personal property normally found in or around a residence, but does not include motorized vehicles used for transportation purposes.".

Page 159, line 12, insert ", or on a showing of good cause such longer period as the court considers to be reasonable," after "45 days".

Page 167, strike lines 21 through 24 (and make such technical and conforming changes as may be appropriate).

Page 236, line 8, strike "described in section 523(a)(2) or".

Page 182, line 3, strike the close quotation marks and the period at the end.

Page 182, after line 3, insert the following (and make such technical and conforming changes as may be appropriate):

"(iii) The court may extend the time periods specified in this paragraph if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order for relief.".

Page 186, line 18, strike "The" and insert "Unless the debtor establishes by clear and convincing evidence that there are circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief, the".

Page 186, line 21, strike "The" and insert "Unless the debtor establishes by clear and convincing evidence that there are circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief, the".

Page 191, after line 24, insert the following (and make such technical and conforming changes as may be appropriate):

"(4) The court may extend the time period specified in paragraph (2) if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date the assurance of payment was due.

Page 201, line 7, insert "(a)" before "In".

Page 202, line 25, strike the close quotation marks and the period at the end.

Page 202, after line 25, insert the following:

"(b) The court may extend the time periods specified in paragraphs (1) and (3) of subsection (a) if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances that there are beyond the debtor's control that were not foreseeable on the date of the order of relief.".

Page 204, line 5, strike "and" at the end.

Page 204, line 7, strike the close quotation marks and the period at the end.

Page 204, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

"(D) the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief.".

Page 204, line 14, insert "or the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order for relief" after "1121(e)(3)".

Page 353, line 19, insert "of this title or the transfer of the asset-backed securitization would not be a true transfer, conveyance or sale under nonbankruptcy law" after "548(a)".

Page 194, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 420. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

"(A) The actual, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after the commencement of the case, and wages awarded as backpay and benefits attributable to any period of time after commencement of the case as a result of the debtor's violation of Federal or State law, without regard to when the original unlawful act occurred or to whether any services were rendered.".

Page 194, before line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 421. CLARIFICATION OF DEBTOR'S DUTIES.

(a) DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended by inserting after paragraph (6) the following:—

"(7) unless a trustee is serving in the case, the debtor who, at the time of the commencement of the case, served as the administrator or plan sponsor of an employee benefit plan, pursuant to section 1002(16) of title 29, United States Code, shall continue to perform the obligations required of the plan administrator or plan sponsor; and

"(8) unless a trustee is serving in the case, where a proof of claim is filed on behalf of employees or retirees of the debtor by a labor organization serving as the collective bargaining representative of such employees or retirees, the debtor shall, for the purpose of facilitating the location of, and distribution to the employees and retirees of the allowed amount of the claim, provide to such collective bargaining representative a complete list of such employees or retirees and their current addresses as listed on the books and records of the debtor, and such other information as may reasonably be requested for the purpose of aiding in the claims distribution.".

(b) CHAPTER 7.—Section 704 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(12) where, at the time of the commencement of the case, the debtor served as the administrator or plan sponsor of an employee benefit plan, pursuant to section 1002(16) of title 29, United States Code, continue to perform the obligations required of the plan administrator or plan sponsor;

"(13) where a proof of claim is filed on behalf of employees or retirees of the debtor by a labor organization serving as the collective bargaining representative of such employees or retirees, provide to such collective bargaining representative a complete list of such employees or retirees and their current addresses as listed on the books and records of the debtor, and such other information as may reasonably be requested for the purpose of aiding in the distribution of allowed claims to such employees or retirees; and

"(14) assume the obligations of the debtor to withhold, report, and pay withholding taxes to the appropriate taxing authority with respect to the distribution of allowed claims for employee compensation and prepare and submit the reports and returns required by such authorities.".

(c) CHAPTER 11.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

"(1) perform the duties of the trustee as specified in section 704(2), (5), (7), (8), (9), (10), (11), and (12);".

(d) OFFICIAL FORM.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption an Official Bankruptcy Form to be used to file a proof of multiple claim for wages owed to employees of the debtor.

Page 358, after line 18, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 1004. EXPANDED DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500,000" and inserting "$3,000,000";

(B) by striking "80" and inserting "65"; and

(C) by striking "the taxable year preceding the taxable year" and inserting "at least 1 of the 3 taxable years preceding the taxable year"; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking "80" and inserting "65"; and

(B) in clause (ii), by striking "$1,500,000" and inserting "$3,000,000".

Page 393, after line 13, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 1236. TECHNICAL CORRECTIONS TO THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 2000.

(a) SENTENCING ENHANCEMENT GUIDELINES.—Section 3 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420) is amended—

(1) by striking "obtaining or providing of" and inserting "the obtaining of, the offering of assistance in obtaining"; and

(2) by striking "base offense level for misrepresentation" and inserting "enhanced penalties provided for in the Federal sentencing guidelines for an offense involving fraud or misrepresentation".

(b) LIMITATION ON EXEMPT PROPERTY.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420), is amended—

(1) by striking "in the obtaining or providing of" and inserting "or misrepresentation in the providing of, the offering of assistance in obtaining, or the furnishing of information to a consumer on,"; and

(2) by striking "(20 U.S.C. 1001)".

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on November 1, 2000.

(2) APPLICATION OF SECTION 552(C)(4) OF TITLE 11, UNITED STATES CODE.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420) and as amended by subsection (b) of this section, shall apply only with respect to cases commenced under title 11, United States Code, on or after November 1, 2000.

Beginning on page 419, strike lines 5 through 23 (and make such technical and conforming changes as may be appropriate).

The CHAIRMAN pro tempore. Pursuant to House Resolution 71, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Democratic substitute makes a number of technical improvements to this bill. It modifies some of the most onerous provisions on lower-income debtors and struggling businesses. We had hoped that most of these amendments could have been accepted by the bill's supporters during the committee markup on the bill. However, the majority have objected to each and every amendment that we were able to offer, no matter how obvious, technical, or noncontroversial.

I think, as the ranking member began his remarks, the gentleman from Michigan (Mr. CONYERS), we noted that this bill has moved at a very fast and very unmeasured speed, so the collaborative efforts have fallen short.

We would hope our colleagues would join us in understanding some of the sensitivities that we are trying to express that H.R. 333 needs to correct: the recognition, of course, of catastrophic illnesses and how it impacts those who file for bankruptcy; how those who are senior citizens fall upon hard times and need to file for bankruptcy; how women and children are negatively impacted and have to file for bankruptcy as it relates to alimony and child support of the particular debtor; that they are now seeking their alimony and child support and cannot do so, and it leads to catastrophic events in their lives.

If they realize, as well, or if the authors of the bill recognize that there are some indications that our economy has some weaknesses, this would be the absolute wrong time not to enhance legislation, of course, and to begin to acknowledge that in fact some of the provisions of this bill actually close or slam the door in the faces of hard-working Americans. That is why we have the AFL–CIO and so many women's groups who oppose this particular amendment, representing millions of Americans, this particular legislation.

While the provisions in the amendment are too numerous to describe in detail, here are a few examples to illustrate the point.

First, our amendment contains provisions clarifying the deductibility of health care costs from the means test. Without this amendment, a single mother could not claim as an expense the cost of medical care for a child who was seriously injured in a car accident after the date that the bankruptcy petition was filed.

The ability to claim medical costs as an expense under the means test should not turn on whether the condition occurred before the petition has been filed. One is still seriously injured.

Second, our amendment seeks to correct an oversight in the bill is that would directly impact on children. Although the bill allows parents to list the costs of caring for their dependent children as a monthly expense, the costs of caring for foster children are not included.

Parents who volunteer to become foster parents should not have a harder time making ends meet during a bankruptcy than biological parents.

Interestingly enough, Mr. Chairman, I work with foster parents in Harris County in Texas. In fact, we work to solicit, recruit foster parents to provide sort of an interlude for foster parents who never get vacations, sort of say to them that we thank them.

I can assure the Members that this is a real aspect of this bill that need to be corrected. It goes without saying that we should not be passing laws in this Congress that penalize children who have to be in foster homes and, as well, the loving foster parents.

Third, our amendment seeks to correct obvious shortcomings in the bill. For example, the bill says that for purposes of the means test, median income is based upon Census Bureau figures.

As we all know, the census only occurs once every 10 years, and obviously the economy is one that changes precipitously, as we have noted over the last couple of weeks, days, and months, which means that under this bill, in its current form, a debtor in 2009 would not pass the means test if her monthly income falls below the median income from 2000.

How ridiculous. How much of a difficulty would that debtor be placed in? All that our provision says is that those census figures should be adjusted periodically by Consumer Price Index updates.

The last position in our amendment that I am going to address is intended to respond to the arbitrary nature of the business bankruptcy provisions. The bill imposes all kind of bright line rules and firm deadlines on businesses seeking to reorganize. We would think that, at this time of economic uncertainty, we would want to be doing all that we can to ensure that Americans keep their jobs. We know some are losing them as we speak, but the business bankruptcy provisions do just the opposite. If a small business cannot complete its Chapter 11 reorganization plan under the bill's draconian timetable, then the business will be forced to liquidate.

Let me say to the thousands and millions of small businesses and medium-sized businesses, and maybe even large businesses all over America, they should be listening. We have not heard from them as to their understanding that what I have just said is that their doors will be closing, even if a delay is caused through no fault of the small business, such as when the reorganization is delayed pending the completion of a regulatory proceeding. We are slamming the doors shut on business all over America, and we are putting people on the streets without jobs.

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Once the deadline passes, the businesses will have to simply shut their doors. That means jobs will be lost, and this bill will contribute to increased unemployment in America, not reinforcing the value of holding your head up high, paying off your responsibilities, but yet what it will do is undermine hard-working Americans, and certainly our wonderful entrepreneurs who keep this economy running.

Although time allows me to discuss only a sampling of the provisions, I would like to emphasize that this amendment and this substitute is an extremely important bill that adds to H.R. 333. Mr. Chairman, I would like my colleagues to join me in supporting this legislation.

Mr. Chairman, I am pleased to come before you today with my fellow colleagues to offer the Conyers-Nadler-Scott-Watt-Jackson Lee-Baldwin-LaFalce-Tierney Democratic Substitute that would make a number of technical improvements to the Bankruptcy bill and modify some of the most onerous provisions on lower income debtors and struggling businesses.

Mr. Chairman, some of the important modifications that the Democratic Substitute would make to the Bankruptcy bill would be to amend page 10, line 14 of H.R. 333 to merely add a debtor's monthly public school expenses as an allowable expense under the means test. This is important because it would put public school expenses at an equal footing with that of private school expenses which is already included in the bill.

The principal problem with the means test is that the rigid one-size-fits-all test in determining eligibility for Chapter 7 and the operation of Chapter 13 will often operate in an arbitrary fashion.

Access to bankruptcy would be more difficult, especially for low-income filers who are not able to meet the requirements because they cannot list public school expenses as an allowable expense as would their private school counterparts. The "safe harbor" provision that is supposed to protect some low-income families from the application of the IRS standards will not protect many single mothers, because it is based on the combined income of the debtor and the debtor's spouse—even if they are separated and the mother who is filing for bankruptcy is receiving no support from the non-debtor spouse from whom she is separated. As the Committee knows, the majority of low-income families send their children to public schools (as opposed to higher-income people) because they cannot afford the private school tuition. It would seem that if the true intent of this bill were to assist all Americans, a provision recognizing public school tuition would have accompanied the recognition of private school tuition as an allowable expense under the "means test," however, this is not the case.

Under this important amendment, low-income people will have a more flexible standard (that is consistent with that of high-income people) that would allow the debtor to have a fair opportunity to financial recourse, which is not possible under the legislation as written. I think such a change in the standard would be warmly welcomed for middle-income and low-income filers.

The Democratic Substitute would also address one of the real flaws of H.R. 333, the means test approach as it relates to business debtors. It is well known that business debtors enjoy considerable favorable treatment are accorded under the means-test contained when compared to non-business debtors under H.R. 333.

H.R. 333's means-testing, regrettably, is known to be arbitrary and unworkable in practice. A one-size fits-all test will simply hurt low and middle-income filers disproportionately. Accordingly, the Democratic Substitute would ensure that business debtors are treated as favorably as non-business debtors within the framework of the means-testing standard contained in the bill by essentially expanding the means-test to apply to business debts.

Let me explain a few of the glaring difficulties with treatment of business debtors under H.R. 333. First, the bill relies upon IRS collection standards, which lay out no comprehensive or specific standards for the deduction of living expenses. In fact, the bill even fails to provide specific guidance concerning the appropriateness of deducting part or all of the funds a debtor may expend for items such as health care (both medical expenses and health insurance), taxes, and accounting and legal fees, among other things.

The 1973 Commission on Bankruptcy Laws similarly considered and rejected industry calls for mandatory Chapter 13s, noting that Congress itself rejected similar proposals in 1967, and observed: "[b]usiness debtors are not subject to any limitation on the availability of straight bankruptcy relief, including discharge from debts, and it was pointed out, quite apart from bankruptcy, business debtors are able to incorporate and to limit their liability to their investments in corporate assets . . ." See Report of the Commission on Bankruptcy Laws, H.R. Doc. No. 137, Part I, 93rd Congress, 15859 (1973).

The bottom line is that business debtors incur a windfall if the legislation is not amended. There are several consumer provisions in the bill that will exact hardships on all debtors, regardless of income level or degree of culpability. This will harm consumers, especially low-income filers and place them on an unfair playing field when compared to business debtors. For example, by allowing landlords to continue eviction or unlawful detainer actions even after debtors have obtained an automatic stay, the bill will force many battered women and families with children and seniors out on the streets, without ever having an opportunity to use bankruptcy to catch up on their rents.

Mr. Chairman, there is a sense that the approach regarding business and non-debtors within H.R. 333 must be revisited if bankruptcy reform is realized this year. The Democratic Substitute would solve this problem.

The Democratic Substitute would also address an important aspect of H.R. 333, disaster relief for debtors. Disaster relief is not recognizable as something you can write off in H.R. 333 as income. The Democratic Substitute would include disaster relief as part of allowable deductions within means-testing under H.R. 333. This would restore some fundamental fairness to the legislation, particularly when we think of the tragic accidents that occur with regular frequency in America.

If means-testing and other consumer provisions will harm low-income and middle-income people, then H.R. 333 is sure to have an undesirable effect on consumers that are victims of disasters. While it is unclear how such costs will affect the overall bankruptcy system, it is clear that excluding disaster assistance from allowable expenses under the means-test in H.R. 333 is an unfortunate and unnecessary component of the bill.

The Democratic Substitute also modifies some of the most onerous provisions on lower income debtors and struggling businesses by excluding persons below the poverty line from having to fulfill burdensome paperwork requirements that would otherwise be necessary to demonstrate that the debtor does not meet the requirements of means test. Under the provisions of the bill before the Rules Committee today these individuals would be prevented from having a fair and justifiable opportunity to file for bankruptcy due to financial restraints.

The Democratic Substitute would also discourage creditors from attempting to secure repayment of debts by entering into abusive reaffirmation agreements with debtors by providing safeguards so that debtors are made aware of exactly what debts they are agreeing to repay, whether they are secured or unsecured, and provides an opportunity for the court to determine whether the amendment is in the debtor's best interest and would eliminate the provision in the bill that expands the exception to discharge for student loans to cover a wide range of student loans, not just government insured loans and loans from non-profit organizations.

Mr. Chairman, we can not risk the creation of a "two-tier" credit system in this country that generally ignores the interests of individuals at lower income levels. The significant problems that are present within H.R. 333 will be addressed if you allow the Democratic Substitute to be debated on the floor. We must press forward and work together to find the best way to accomplish these goals for the greater benefit of all of the parties involved in this process.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), my colleague, and others. This amendment is problematic for several very important reasons.

First, it eviscerates more than 3 years of careful consideration, analysis, negotiation and compromise embodied in H.R. 333's needs-based reforms.

For example, one provision of this amendment completely rewrites the standard for overcoming the presumption of abuse in cases where debtors have the ability to pay debts. Although I did not participate in the negotiations that transpired between the House and the Senate last year, I am informed that H.R. 333's provisions are the product of intense analysis and exhaustive negotiation.

Second, the substitute amendment introduces truly novel concepts that have, to my knowledge, not been the subject of any oversight hearing by the House Committee on the Judiciary. These provisions, although perhaps well-intentioned, attempt to address various privacy issues perceived to be present in the bankruptcy system.

Under current law, most information filed in connection with a bankruptcy case is available to the public. Both the Justice Department and the Judicial Conference of the United States, however, have recently begun to consider whether unlimited public access to such information through the Internet and other electronic means should somehow be restricted.

Nevertheless, the substitute imposes a broad array of restrictions and requirements with regard to this matter and provides for the award of punitive damages for their violation under certain circumstances.

Rather than slip these substantive provisions in an amendment filed on the eve of floor consideration of this bill, they should be the subject of an oversight hearing where they can be aired in the light of day and the public should be given an opportunity to be heard.

Third, this amendment attempts to include in the bill amendments that were roundly defeated during the Committee on the Judiciary's markup of H.R. 333 last month.

Out of 18 amendments considered during the markup, the bill was reported with only one modest amendment making minor technical and conforming revisions.

The bill as reported clearly reflects the considered judgment of the Committee on the Judiciary that H.R. 333 is the product of an exhaustive and mandatory process, as well as extensive negotiation, and does not need to be further amended.

Accordingly, I urge my colleagues to oppose this substitute amendment

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Democratic substitute is an effort to make a number of improvements to the bill and to modify and take the sting out of some of the most onerous provisions on lower income debtors and struggling small businesses.

We had hoped that some of these, if not even most of the amendments, would have been accepted by the bill's supporters during the markup in the Committee on the Judiciary, but they have been all with great regularity rejected, and every amendment that we were able to offer was technical. No matter what happened, we were not able to get our message through.

While the provisions in the amendment are too numerous to describe here, a few details illustrate the fact that we have a clarification of the deductibility of health care costs from the means tests.

We correct an oversight in the bill that would directly impact on children, which allows parents to list the costs of caring for their dependent children as a monthly expense, but the costs of caring for foster children are not included at all.

Parents who voluntarily become foster parents will have a harder time making ends meet during bankruptcy than biological parents. Obviously, we do not think this was intended by even the Members of the House Committee on the Judiciary, and we wanted to correct it.

We have other shortcomings that are dealt with. The bill says that for purposes of a means test, the medium income is based on Census figures, but that only occurs every 10 years. We need something a little more periodically adjusted, for example, by Consumer Price Index updates.

Finally, the arbitrary nature of business banking provisions seems to be in order. A small business cannot complete its chapter 11 reorganization plan under the bill's very, very tough timetable. We have asked that we have a little bit more flexibility in that area.

Small businesses are the place where more jobs are created in this country than anywhere else, and so it is very important that these and other mentioned remedies and corrections be included, which have been previously mentioned.

I am hoping that the substitute amendment offered by myself and several of our colleagues would be accepted by the majority of the Members in the House.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding the time to me, and I rise in opposition to the substitute offered by the gentleman from Michigan (Mr. CONYERS).

If we were to adopt the tenets of the substitute that has been offered here, and that is what the intention is in the offering in the first place, we would be wiping out the tremendous advances in reform of bankruptcy that we have made up to now.

For instance, the gentleman from Virginia (Mr. BOUCHER) outlined in his presentation how we have changed the priorities for alimony and women's rights in support matters from what now exists as being a number 7 position, behind attorneys fees, I believe, in priorities, that is the existing system, to a situation where we place women, alimony, support, all the women's and children's issues, at the first priority.

What it means is if my colleagues vote for the substitute, my colleagues are reverting back to the current situation which places women number 7. We want them to be number 1.

The bankruptcy reform measure which is before my colleagues permits that, mandates that, brings women up to a number 1 position in claims under bankruptcy. If my colleagues want to go back to the system, make women number 7, then vote for the substitute.

The other situation that is obvious about the substitute is that it will not honor what we have tried to do with reform of small business and the business bankruptcies under chapter 11. Everyone should recognize that what we did in this bill was to adopt the recommendations of the Bankruptcy Commission with respect to business, reorganizations and bankruptcies.

If my colleagues vote for the substitute, my colleagues are erasing the recommendations of the Bankruptcy Commission, which this Congress authorized in the first place, to develop reforms in business bankruptcies.

Mr. Chairman, I say to my colleagues, if my colleagues want to go back to the primitive stages of bankruptcy which have caused this flood of bankruptcies or want to enter into a new phase of more responsibility for all phases of bankruptcy, then my colleagues too can argue about what my colleagues want to argue about.

The other phase to show my colleagues is the lack of foresight on the part of the people who are supporting the substitute.

Mr. Chairman, I would like to ask a question of the gentleman from Michigan (Mr. CONYERS), does the substitute include the recommendations for a change in homestead exemption?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Michigan.

Mr. CONYERS. No, sir, it does not.

Mr. GEKAS. Mr. Chairman, then I will skip that part of the argument.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman from Pennsylvania (Mr. GEKAS) yielding to me.

Mr. Chairman, I was going to suggest to the gentleman that he skip the first part of the argument, too, because this amendment does not do anything about the priorities. I was wondering whether he was debating another amendment possibly.

Mr. GEKAS. Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. WATT) for setting me right on this.

Mr. Chairman, the point is that the substitute wrecks bankruptcy reform. What I am trying to get across, and what I hope is the message to all the Members is that any amendments practically that would harm the basic reforms that we put into this measure are unacceptable.

Mr. Chairman, I ask that we vote down this substitute, as well as the other amendments.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent to control the time for our side.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to say that it is very magnanimous of the gentleman from Pennsylvania (Mr. GEKAS) to say that they are following a set of recommendations that were put forward by the Commission. This actually is the only one recommendation in their bill that they followed. They threw out 95 percent of the rest of the recommendations of that Commission, and nothing in this bill really follows the recommendations of the Commission.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding the time to me.

Mr. Chairman, I rise to speak in support of the amendment, which would add several improvements to H.R. 333. While the proponents of the underlying legislation portray this as a compromised bill, the approach in this bill is, in fact, a significant departure from well-established sound principles and procedures designed to protect consumers. It eliminates the tradition of a fresh start for those who are willing to cash in all of their chips to get the fresh start.

The underlying bill prevents most Americans from getting access to that fresh start and creates more people in our communities who will be financially desperate with nothing to lose.

There are several amendments that I would like to speak to in the substitute. One, the underlying bill directs the debtor to pay all that they can after food and rent towards their debts. In calculating what they can pay, it is only reasonable that we base the determination on the actual monthly income.

The underlying bill, however, counts all of your income for the last 6 months to determine what your average monthly income is, and that could include money that we received from a job that we have lost, money from an inheritance, or a gift, or an automobile accident settlement, things that are not going to be there. The court ought to have the opportunity to adjust your income to fit actual reality.

This amendment would allow the court to disregard one-time nonrecurring funds or take into consideration the fact that you lost the job, and that is what put you into financial distress to begin with.

Second, the amendment deals with illnesses for family members. The underlying bill allows you to consider ongoing expenses involved in illnesses or disabilities of family members, but it does not recognize new illnesses that may come about during the next 5 years. The amendment would allow those to be considered, too.

□ 1315

Another amendment prevents landlords from evicting tenants pending bankruptcy. The tradition of bankruptcy is that tenants have a stay of all proceedings and they have an opportunity to work out some arrangement so that they can stay in their house. This underlying bill allows for immediate eviction. This would retain the tradition of automatic stay.

Mr. Chairman, administrative expenses, they are limited to 10 percent to what is being paid in. If very much is not being paid in, a debtor may not have a reasonable amount to hire attorneys. This would allow for reasonable expenses which is usually the standard that is used.

Mr. Chairman, another amendment would deal with the assumption under the private school expenses. The underlying bill says private school expenses are paid if documentation and an explanation is provided. It does not say that the documentation is meaningful. A ridiculous explanation could be given. The amendment says that the trustee would determine whether expenses are reasonable and necessary, not whether an explanation was provided.

Mr. Chairman, these are just some of the much-needed changes. It will not fix the bill totally, but it would at least make a bad bill a little better.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, this is not a perfect bill, the underlying bill; but I think it is an important bill to pass. It is a bill that received the overwhelming bipartisan support of this House and of the Senate last year. Last year, because this bill is almost identical, it is relevant to recognize 96 Democrats voted for this bill last year. That is bipartisan. The reason that they did so was that they recognized that the American public wants a fair system. They want people to be able to get a new fresh start. They do not want a system that lends itself to abuse. That is basically the problem that we face today.

Mr. Chairman, back in 1980 there were only about 300,000 people that filed for bankruptcy. In 1998, 1.4 million people filed for bankruptcy. That is an enormous number. Something is wrong. What is wrong is that it has become too easy to wipe out your debts.

What is particularly galling is that this cost does not go away. It is not just limited to the bankruptcy court. We all pay for it. The American family today pays about $400 more per year to cover the cost of these bankruptcies. That is $400 that families who are paying their bills get stuck with that they ought not to. Approximately 100,000 people file for bankruptcy each year who could in fact pay off their debt, but they are avoiding about $1 billion annually of debt that they could pay off that they do not because the system has not been fixed. That is what this bill would do. It would fix the system. It is a needs-based bankruptcy plan.

Mr. Chairman, I have to tell my colleagues when there is a bill that is able to put child support and spousal support ahead of lawyer's fees, you had better get it passed immediately because once the trial lawyers find out that it is even ahead of lawyer's fees I do not know how long it will last, but we ought to do it.

We have a debtor's bill of rights here that addresses a number of the problems that we have had in terms of credit cards. Some people are taking these credit cards in, they sign up, they max it out whatever they can charge. They pile debt up, and then they get themselves relieved from paying off their debt; and oftentimes they can go right back to doing it all over again. It needs to be fixed.

Mr. Chairman, this bill is a good, balanced, bipartisan bill to fix it. I think we ought to vote for the underlying bill.

Mr. WATT of North Carolina. Mr. Chairman, would the Chair advise us of the time remaining on both sides.

The CHAIRMAN pro tempore (Mr. HOOD). The gentleman from North Carolina (Mr. WATT) has 15 minutes remaining; the gentleman from Wisconsin (Mr. SENSENBRENNER) has 20 minutes remaining. The gentleman from Wisconsin has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the committee.

Ms. WATERS. Mr. Chairman, I would like to address some strong problems and concerns I have with the proposed legislation. As a whole, the general consensus has been that we need to overhaul the Bankruptcy Code. However, H.R. 333 does so at the expense of consumers and small businesses. It is overly harsh on the honest but unfortunate debtor.

I tried to introduce an amendment which would prevent landlords from being able to evict domestic violence victims, elderly persons on limited income, and single parents with minor children on limited income without going through the bankruptcy court. That protection already exists under current law, but is absolutely removed by H.R. 333. I was not successful with that amendment.

Mr. Chairman, the Democratic substitute amendment which seeks to correct the most glaring problems with H.R. 333 deserves support, and I am here today to try to make a bad bill just a little bit better. The fifth provision of the Democratic substitute, for example, would allow debtors to exclude up to $1,500 for expenses for a child's schooling, whether those expenses are for a public or private school. The proposed legislation only allows for expenses from private schools. This discriminates against low-income debtors and has no logical rationale. I understand the gentlewoman from Texas (Ms. JACKSON-LEE) has taken this up. We have had two attempts to correct this in the bill.

Provision 12 of the Democratic substitute deals with reaffirmations. It would discourage creditors from entering into abusive reaffirmation agreements with debtors. H.R. 333 purports to protect women and children. However, when debtors enter into reaffirmation agreements, they are increasing the number of debts they must pay. Each time another debt is added to the list, it becomes more and more unlikely that child support and alimony will be paid. It does not matter that domestic support obligations are given first priority under this bill. Women and children do not have the resources to defend their rights over the rights of credit card companies. We should not ignore the fact that numerous women and children's organizations have spoken out in strong opposition to this bill.

Mr. Chairman, the Democratic substitute would provide an opportunity for court review of proposed reaffirmations, an essential measure to protect from abusive reaffirmations.

The Democratic substitute also addresses problems with medical expenses and health insurance premiums, exempts debtors who fall below the poverty line from burdensome reporting requirements, and ensures that governmental education loans are not placed in competition with higher interest rate loans from private institutions.

Passage of this amendment is crucial if we are to avoid a crisis in the bankruptcy system. We must not pass a bill merely because the time is right; we must pass a bill when the bill is right.

Mr. Chairman, I would like to address some strong problems and concerns I have with the proposed legislation as a whole. The general consensus has been that we need to overhaul the Bankruptcy Code. However, H.R. 333 does so at the expense of consumers and small businesses. It is overly harsh on the honest but unfortunate debtor.

I tried to introduce an amendment that would prevent landlords from being able to evict domestic violence victims, elderly persons on limited income, and single parents with minor children on limited income without going through bankruptcy court. That protection already exists under current law, but is removed by H.R. 333.

I was not successful with that amendment. However, I am here to support the Democratic Substitute amendment, which seeks to correct the most glaring problems with H.R. 333.

The fifth provision of the Democratic Substitute, for example, would allow debtors to exclude up to $1500 for expenses for a child's schooling, whether those expenses are for public or private school. The proposed legislation only allows for expenses from private school. This discriminates against low-income debtors and has no logical rationale.

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H.R. 333 purports to protect women and children. However, when debtors enter into reaffirmation agreements, they are increasing the number of debts they must pay. Each time another debt is added to the list, it becomes more and more unlikely that child support and alimony will be paid.

It does not matter that domestic support obligations are given first priority under H.R. 333. Women and children do not have the resources to defend their rights over the rights of credit card companies. We should not ignore the fact that numerous women and children's organizations have spoken out in strong opposition to H.R. 333. The Democratic Substitute would provide an opportunity for court review of proposed reaffirmations, an essential measure to protect from abusive reaffirmations.

The Democratic Substitute also addresses problems with medical expenses and health insurance premiums; exempts debtors who fall below the poverty line from burdensome reporting requirements; and ensures that governmental education loans are not placed in competition with higher-interest rate loans from private institutions. Passage of this amendment is crucial if we are to avoid a crisis in the bankruptcy system.

We must not pass a bill merely because the time is right. We must pass a bill when the bill is right.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the other very distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank my chairman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act, and in strong opposition to this substitute amendment. This important legislation, which is similar to the bankruptcy reform legislation passed out of the House last year by a vote of 313 to 108, is an honest compromise that is pro-personal responsibility and antibankruptcy abuse.

With a record high 1.4 million bankruptcy filings in 1998, every American must pay more for credit, goods and services when others go bankrupt. I worked to pass H.R. 833 last year and cosponsored H.R. 333 this year because it is high time that we relieve consumers from the burden of paying for the debts of others.

The Bankruptcy Abuse Prevention and Consumer Protection Act restores personal responsibility, fairness, and accountability to our bankruptcy laws and will be of great benefit to consumers. For too long, our bankruptcy laws have allowed individuals to walk away from their debts even though many are able to repay them. That is not fair to millions of hard-working families who pay their bills, mortgages, car loans, student loans, and credit card bills every month.

The loopholes in our bankruptcy laws have led to a 400 percent increase in personal bankruptcy filings since 1980 at a cost of $40 billion per year. These losses have been passed directly to consumers, costing every household that pays its bills an average of $400 in hidden taxes each year. In real terms, that is a year's supply of diapers or 20 tanks of gas.

The bill under consideration today retains the strong income-based means test that will distinguish between those who need the fresh start available under chapter 7 and those who can afford to file under chapter 13, which requires a 5-year repayment plan.

This important provision, which bases a debtor's ability to pay on clear and well-defined standards, will give a fresh start to those who need it, while ensuring that those who can afford to pay back some of their debt do so.

Under the current system, some irresponsible people filing for bankruptcy run up their credit card debt immediately prior to filing, knowing that their debts will soon be wiped away. These debts, however, do not just disappear. They are passed along to hard-working folks who play by the rules and pay their own bills on time.

The Bankruptcy Abuse Prevention and Consumer Protection Act ends this practice by requiring bankruptcy filers to pay back nondischargeable debts made in the period immediately prior to their filing.

While ending the abuses of our bankruptcy laws, the act is strongly pro-consumer in other ways as well. This legislation, for example, helps children by strengthening protections in the law that prioritize child support and alimony payments.

Additionally, H.R. 333 protects consumers from bankruptcy mills that encourage folks to file for bankruptcy without fully informing them of their rights and the potential harms that bankruptcy can cause.

This legislation also includes language that I strongly support to restore fairness and equity to the relationship between the U.S. Trustee and private-standing bankruptcy trustees. Specifically, the language will provide private trustees the right to seek judicial review in court in certain cases following an administrative hearing on the record of U.S. Trustee actions related to trustee expenses and trustee removal.

This compromise, worked out between the U.S. Trustee's office and representatives of the private bankruptcy trustees, will provide fairness to those who dedicate themselves to their duties as private trustees while ensuring that the U.S. Trustee is subject to the same checks and balances as other government agencies.

Mr. Chairman, bankruptcy should remain available to the folks who truly need it. But those who can afford to repay their debts should not be able to stick other folks with the tab. Enactment of this carefully crafted legislation will send a big signal toward those who would abuse our bankruptcy system that the free ride is over.

I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for moving this important legislation quickly to the floor, as well as the gentleman from Pennsylvania (Mr. GEKAS) for his outstanding work on this issue.

I urge my colleagues to support this fair and reasonable bill and to oppose the Democratic substitute.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is the wrong bill at the wrong time. It is driven, not by the public interest, it is driven by lobbyists primarily for the creditor industry that exists and walks the halls of the Capitol and has for years and years and years.

Most individuals who go into bankruptcy go there because they have lost a job, they have accumulated huge medical expenses, they have been through a divorce, et cetera, and for another major reason, because of the predatory practices of the credit industry; predatory practices with respect to the purchase and mortgage of one's home or a home equity loan; predatory practices with respect to the car that one buys or leases; predatory practices with respect to the credit card that one uses for almost everything in life today; predatory practices even with respect to one's virtual identity, the most personal information about oneself.

□ 1330

This Congress, for 6 years now, has not done a single thing about those predatory practices, has not even looked at them in hearings, refuses to take them up on the floor of the House, refuses to make amendments in order to rectify them; and yet our colleagues come before us with the bill basically drafted by the credit card industry.

I called some friends of mine, referees in bankruptcy and asked them what they thought of the bill before us. Terrible. I called some friends of mine, attorneys for major lending institutions specializing in one issue and one issue only, bankruptcy; and I asked them what they thought of it. They said, terrible.

This bill today in the House will pass, it will probably go before President Bush for his signature; but it is a terrible bill. And what is even more terrible is that my Republican colleagues have not even attempted to deal with the real problems that exist in the real world, the predatory practices of the credit industry.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

I keep hearing from the proponents how the benefits of this bill will flow to the American people. Well, if they believe that, I have a bridge that I want to sell them.

At one of our subcommittee hearings on this legislation last year I asked each of the panelists, and there were nine, whether the bill would result in lower interest rates to consumers. Every single one of them admitted probably not. Well, I appreciated their honesty. By the way, there is ample empirical evidence, hard evidence, to suggest that consumers will not benefit at all by this bill.

The American people should know that in 1996, a Harvard University study pointed out that between 1980 and 1982 the Federal funds rate fell from 13.4 percent to 3.5 percent, a drop of nearly 10 percentage points. The average credit card interest rates went the other way. It rose from nearly 17.3 percent to 17.9 percent. The bottom line, the credit card industry will be the only beneficiary of this proposal, and to suggest otherwise does not hold water.

So if my colleagues' concern is about credit card company profits, by all means vote for this bill. Be assured, however, if there is a concern that these companies are doing very well, if there are any doubts, pick up a copy of the January 26, 2001, edition of USA Today. The headline reads, and I am quoting, "Adding fees, new ones, raising old ones, and credit card profits are soaring." Credit card industry profit rose to a 5-year high last year. In fact, credit cards are one of the most profitable businesses in banking, according to a CEO in a consulting firm that advises credit card issuers.

The American people should also know that as profits rose, several major credit card issuers, including Chase and Providian, agreed to pay hefty penalties to settle complaints related to unfair late fees and other practices. And just this past week in Business Week, that liberal, liberal magazine, an article reflects how MBNA not only provided substantial contributions to both parties and to individual Members, but the MBNA credit card, which I understand is the third largest in the country, recently paid about $8 million for unfair practices and deceptive advertising.

So given that the credit card companies will be the chief beneficiaries of this public subsidy, because that is exactly what it is, exactly what it is, it seems to me there ought to be at least a quid pro quo. Let us require responsible corporate behavior and continue the decline that we have witnessed over the past 2 years in bankruptcy filings, the 170,000 fewer in 2000 than existed in 1998; and let us support the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, the time has come for bankruptcy reform. This will be the third time that Congress has passed a bankruptcy reform bill in our effort to get this through.

Our bankruptcy laws do play an important and necessary role in protecting Americans who really need them, and that is the key. That should be the key: need. And this bill makes the existing bankruptcy system a needs-based system addressing the flaw in the current system that encourages people to file for bankruptcy and walk away from their debts regardless of whether they are able to repay any portion of what they owe. It does this while protecting those who truly need protection. They are exempted under the bill.

The cost to all of us in terms of what is going on in these filings is great. This is a cost borne not only by the business community and the property owners but by the consumers who pay their bills responsibly. By some estimates, it takes 33 responsible consumers to pay for just one bankruptcy of convenience.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time. I also thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. NADLER), as well as their staffs, for including language on an amendment that I submitted on health care to this bill.

We have heard for some time now supporters of this bill urging us to believe that we face a bankruptcy fraud epidemic, with an exponentially increasing number of debtors who, but for the fact they are in bankruptcy, otherwise would pay their debts. Instead we find out, as one study says, that some 3.6 percent of chapter 7 debtors would hardly be able to pay any more of their bills if bankruptcy were not an option. That hardly constitutes a bankruptcy fraud epidemic, as advocates of the bill claim. More often, filing for bankruptcy is not a way out for scam artists, but a critical source of relief for common people trapped in unfortunate, and sometimes dire, circumstances.

Among the many egregious shortcomings of this particular bill is the absence of a definitive provision to allow the coverage of reasonable medical expenses whether a debtor does or does not have health insurance coverage. Certainly we all share the goal of ensuring that the bankruptcy system is not used as a shield for irresponsible spending decisions. But debt repayment should not preempt reasonable and necessary medical expenses. Currently, H.R. 333 in fact does that.

The health language contained in our substitute would allow debtors to cover reasonable medical expenses in the event of bankruptcy. Without this amendment, this protection is not guaranteed. The IRS guidelines that form the basis for the means test in this reform legislation can change from year to year. Right now these guidelines make it possible but do not guarantee allowance of reasonable medical expenses. In fact, three out of four debtors cite serious medical problems or exorbitant health care costs as the reason for their filing for bankruptcy. In 1999, a half million middle-class families were forced into bankruptcy for these reasons alone.

It does not make sense to deny people who have the financial wherewithal to pay for these medical expenses, when they should be able to file bankruptcy in the first place and be able to afford vital health care costs. This is a vital component of this bill, Mr. Chairman. Real bankruptcy reform should be about not eliminating opportunity but making sure people can stop having themselves financially devastated particularly because of medical problems.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in strong support of the well-fashioned Democratic alternative and to clarify also a mistake.

Unfortunately, Mr. Chairman, staff inadvertently added me as a cosponsor rather than the correct DAVIS. As the chairman knows, there are several of us here now. I respectfully request the record show I am not a cosponsor.

Mr. Chairman, I rise in strong support of the well fashioned Democratic alternative and to clarify my intentions with regard to H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act. On January 31, due to a clerical error, I was added as a cosponsor to H.R. 333. Evidently, it was intended to list my like-named colleague from Virginia. I was never contacted by the sponsor regarding cosponsorship and did not wish to do so.

It is somewhat rare that there are more members with the name Davis—five this term—than Smith, Lee or Jones, the usual winners.

With that confusion behind us, I want to express my strong support for the Democratic alternative fashioned and sponsored by several of my colleagues. There is no doubt that the bankruptcy system needs reform, however, we must ensure that we do not handicap well-meaning members of our society who have fallen on hard times. Most consumers who file for bankruptcy are not deadbeats, but instead are working families who have experienced a catastrophic event such as illness, job loss, or a recent divorce. The Democratic alternative seeks to remove many of the provisions of the original bill that may hurt lower and middle income families who are in financial difficulty by tilting the playing field against working families and small businesses in favor of creditors.

Mr. WATT of North Carolina. Would the chairman advise us of the amount of time remaining?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from North Carolina (Mr. WATT) has 4 minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 14 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, earlier today I spoke of my general views on this terrible bill. I want to comment on a remark the chairman of the committee made during the debate on this technical amendment concerning language proposed by the gentleman from California (Mr. SCHIFF) and initially accepted by the majority that would protect legally separated spouses from having the income of their spouses attributed to them in calculating how much they can repay their creditors.

The gentleman from California (Mr. SCHIFF) testified in support of the Sensenbrenner amendment in front of the Committee on Rules yesterday because of the inclusion of his language and what he thought was a simple clarification. In fact, his language, unknown to him, had been dropped from the amendment. The members of the majority on the Committee on Rules sat silently while he testified in favor of the amendment and never once disclosed to him or to any member of the Committee on Rules minority or the Committee on the Judiciary minority that in fact that language was removed from the manager's amendment.

Now the chairman tells us the Schiff amendment is not technical or clarifying but is in fact a controversial and substantive change. That is a startling admission. Is it really his intent that a woman who has been abused and is now separated from her husband and is living in fear and poverty must still count her abuser's income as a resource to be given to her creditors? I can see why some people in the banking industry might support this, but is there a single member of the majority who thinks that making it clear that the victim cannot be charged with the income of her abuser is anything more than a clarification or that it in fact reflects a controversial proposition?

If they really do think so, why did they fail at least to do the minority the courtesy of being honest about dropping the Schiff amendment rather than allowing our colleague from California to testify in support of the manager's amendment thinking his language was still included within it?

Mr. Chairman, our substitute attempts to make this bill a little more humane, or a little less inhumane I should say, by softening the inflexible means test which the former chairman of the committee, the gentleman from Illinois (Mr. HYDE), objected to and attempted to change last year. Evidently, the IRS is more popular on the other side of the aisle than the rhetoric would indicate since they would put into this bill the IRS guidelines to determine how much a debtor can afford to repay, the same IRS guidelines they found too harsh and instructed the IRS not to use with respect to tax cheats.

The substitute amendment drops the special interest amendment that benefits those wealthy investors I mentioned earlier. It makes sure the debtor has funds to support a foster child and pay for needed medical care. It modifies the bill to take up provisions that were secretly inserted into last year's conference report without any hearings or discussion that would hinder business reorganizations at a time when many more businesses are turning to chapter 11 to stay alive and preserve jobs and communities. It protects the privacy of the public from having their personal information disclosed or resold when a company goes into bankruptcy.

Earlier, we agreed to an amendment to strike the names of children from online bankruptcy information. We did not have hearings on that. We have not had hearings on most of the special interest provisions in this bill. Why so much interest in hearings now? I sympathize with the chairman, who says he was not part of the deliberations in conference on this bill. Neither was I, and I was a conferee.

One last word on child support. I do not want to hear again that this bill makes child support the first priority. No bankruptcy practitioner thinks that this bill in any way benefits children. At worst it will hinder the administration of the case. At best, it will do nothing. In ch. 13, all priority debts must be paid in full. In ch. 7, 98 percent of all cases are zero asset cases, so priority debts are almost never paid. It does nothing to help women whose debts are made non-dischargeable by this bill, and it does nothing to help them compete in state court if the non-custodial parents' debts to Visa survive bankruptcy. It does give a new and perverse meaning to the phrase, "women and children first."

I urge adoption of this amendment which will somewhat improve this bill. I urge adoption of the motion to instruct which would provide basic privacy protections for individuals in the bankruptcy system while we wait for the bureaucracy to get off its keister, and I urge rejection of this terrible bill.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

□ 1345

Mr. Chairman, I am not going to belabor this. I do not have time to belabor it any further. There are a number of us who believe that the bankruptcy system has been abused, but we also know that it is abused by people who are above the means test in this bill and people who are below the means test in this bill. So why would you impose an arbitrary means test rather than going directly for the abusers of the system? And if it is not about setting up an arbitrary system, then why would you not make an exception for those who really can show by whatever burden of proof you want to impose that they got into financial straits that result in bankruptcy by no fault of their own because that is what bankruptcy was always about, and that is what it should continue to be about.

We have tried to, in this amendment, soften the provisions. That has not occurred. The charade is over. We can now go forward.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this bill has been percolated through the Congress for the last 4 years. It has probably been one of the most debated, amended and negotiated bills that have come before the Congress of the United States in the last 25 years. At the end of the last Congress, overwhelming majorities in both Houses approved this bill. It was a voice vote in the House, and the vote in the other body was 70–28. I think that shows that the vast majority of Members of both political parties are happy with the compromises that have been reached as a result of almost 4 years of painstaking and seemingly never ending negotiations.

We hear an awful lot about the fact that bankruptcy reform is necessary. My friends on the other side of the aisle say, yes, we support bankruptcy reform but not this bill. That argument to me seems to be that the perfect is the enemy of the good. In any legislative body where compromise is the rule in order to pass legislation, the perfect is probably never attainable. This bill is a good bill. It is a bill that will make a dent on the $400 that every family in this country who pays their bills has to pay in increased taxes, increased costs for goods, increased costs for services as a result of about $44 billion a year being written off in debt and bankruptcy.

I think probably the best statement that was made during the debate came early on several hours ago, where our present bankruptcy laws are now being used by some as a financial planning tool. Bankruptcy should never be an item of financial planning. What it should be is a system of last resort, to allow people who have gotten in over their heads in debts to wipe the slate clean and to have a fresh start. This bill takes care of most of the abuses in the present bankruptcy system. It is a good bill. It is one that has been vetted by practically everybody who has been interested in this piece of legislation. It is not a perfect bill. I will be the first one to admit it. But it is a significant improvement.

I would urge support for this bill and opposition to this last amendment that goes back to some of the practices of the bad old days.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the Chair will reduce to 5 minutes the period of time within which a vote, if ordered, will be taken on amendment No. 1 offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The vote was taken by electronic device, and there were—ayes 160, noes 258, not voting 14, as follows:

[Roll No. 23]

AYES—158

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—251

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon

Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Baird
Cannon
Cramer
Deal
Inslee
Kingston
McDermott
Norwood
Ros-Lehtinen
Rothman
Snyder
Toomey

□ 1415

Mrs. KELLY, Ms. GRANGER, Messrs. BASS, GOSS, SHOWS, PORTMAN, CUNNINGHAM, TANCREDO, GARY MILLER of California, OSE, HOLT and SMITH of Michigan changed their vote from "aye" to "no."

Messrs. BLAGOJEVICH, CUMMINGS, COSTELLO and HOLDEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RAMSTAD. Mr. Chairman, on rollcall No. 23 I inadvertently pressed the "yea" button. I meant to vote "no."

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

□ 1415

Mr. CONYERS. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN pro tempore (Mr. LAHOOD). The demand for a recorded vote on amendment No. 1 is withdrawn and the amendment is adopted by the previous voice vote.

So the amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 333) to amend title 11, United States Code, and for other purposes, pursuant to House Resolution 71, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit the bill, H.R. 333, with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill (H.R. 333) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith, with the following amendment.

Page 393, strike line 16 and all that follows through page 403, line 3, and insert the following (and conform the table of contents accordingly):

SEC. 1301. ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by inserting after paragraph (6) (as added by section 1303 of this title) the following new paragraph:

"(7) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, any consumer who has not attained the age of 21, except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes in support of the motion.

Mr. CONYERS. Mr. Speaker, I offer the motion to recommit on behalf of myself and the gentleman from New York (Mr. LAFALCE).

Our amendment would simply prohibit the issuance of credit cards to persons under age 21 unless a parent acts as co-signer or the minor can demonstrate an independent source to pay the debt.

Right now, our credit card companies are sending millions of credit card solicitations to teenagers every year with sometimes $10,000 lines of credit. The credit cards offer these young people free gifts, toys, tee shirts. It is outrageous.

Financial troubles caused by reckless lending to teens haunt some of them for the rest of their lives, costing them far more when they try to buy a car or home or take out future loans as they become responsible citizens.

So this is not about fingerpointing. It is all our moral responsibility, our children's, ours as parents, Congress', and yes, even the credit card companies, too. This is a moral responsibility that none of us can shirk.

So this commonsense amendment imposes a reasonable requirement on credit card companies that will help our young people immeasurably.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, motions to recommit are usually considered fairly partisan in nature, and usually there are enormous differences between a motion to recommit and the main bill.

This is **not** partisan, and the differences **are** not enormous. I hope

Members would vote their consciences on this.

We take the main bill, and I do not like the main bill. I think it is pretty bad. I think there are dozens of predatory practices of the credit card industry we should have dealt with and we did not.

But there is one in particular that is particularly offensive. That is preying on our youth, entering into agreements with colleges where the colleges will get money so they can come onto campus and market to these youth, flooding them with credit card solicitations, $3.5 billion totally. I cannot tell the Members exactly how many went to our college students under 21.

These students are going to gambling establishments, they are going into their rooms using their laptop computers, they are engaging in Internet gambling. They are suffering enormous stress, financial and emotional, and there have been suicides, dropouts from colleges, because the credit card industry deviated from the standards they had just a few years ago: that is, show sufficient income yourself, or have your parents sign the applications. It is as simple as that.

That is all we do. That is all we do in this motion to recommit, say if one is under 21, show independent means or have your parent co-sign. That is the least we could do to deal with the multitudinous predatory practices that exist in the credit card industry.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit and ask the Members to vote no on this motion.

This motion to recommit proposes an amendment that does not deal with the Bankruptcy Code whatsoever, but amends the truth-in-lending act, as has been described by its proponents.

In most States of this country, including my home State of Wisconsin, the age of majority is 18. When one achieves the age of 18, one is responsible for one's contracts, one can sue and be sued, one can vote, and in many cases can run for and be elected to public office.

What this amendment proposes to say is that in terms of receiving solicitations for credit cards and receiving applications for credit cards, these adults are considered children for 3 more years. What it does is it paints with a broad brush every 18-, 19-, and 20-year-old and says, "You have to go run to your parents or show independent financial means before you can apply for a credit card."

So the good kids who would use credit responsibly and learn how to use credit responsibly are not able to get credit cards, just like the bad kids who would use credit irresponsibly.

I would submit to each Member of the House of Representatives that we should not be tarring kids with this broad brush; we should not be telling 18-, 19-, and 20-year-olds that they are adults for every purpose except just this one.

I think what we should be doing is empowering our young people and giving them the educational tools to make good credit decisions, rather than simply saying, The door is shut for you.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding.

Mr. Speaker, I also rise in opposition to the motion.

First let me associate myself with the remarks of the gentleman from Wisconsin, the chairman of the Committee on the Judiciary. As chairman of the Committee on Financial Services, I find some of the same concerns that the gentleman from Wisconsin has. We are again talking about people who are of legal age, 18.

I thought it was interesting that the title is, issuance of credit cards to underage consumers. By whose definition are they under age? By Federal law, they can vote. By most State laws, as the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, they can engage in contracts.

These are, for the most part, responsible people. We are really dealing here with stereotypes that are unfortunate because many of these people are responsible and treat credit in a responsible way, and they learn from their experience.

In Ohio, we had a young fellow just elected to the Ohio General Assembly just out of high school; he was 18 years old, a member of the Ohio General Assembly. Can Members imagine if he wanted to get a credit card to use, he would have to get his parents' consent. Here is a person who was duly elected by the people of Ohio to serve in the General Assembly.

This is I think a well-meaning amendment, but certainly wrongly directed. I would ask that the motion be defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 165, noes 253, not voting 14, as follows:

[Roll No. 24]

AYES—165

Abercrombie
Allen
Andrews
Baca
Baldacci
Barcia
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—253

Aderholt
Akin
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood

Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Baird
Cramer
Deal
Dunn
Gephardt
Inslee
Kingston
McDermott
Norwood
Ros-Lehtinen
Rothman
Snyder
Toomey

□ 1449

Messrs. HORN, MCCRERY and REGULA changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 306, nays 108, not voting 18, as follows:

[Roll No. 25]

YEAS—306

Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—108

Abercrombie
Allen
Baldacci
Baldwin
Barrett
Becerra
Berman
Blagojevich
Bonior
Borski
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Conyers
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank
Gutierrez
Hall (OH)
Hilliard
Hinchey
Hoeffel
Honda
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCollum
McGovern
McKinney
McNulty
Meehan
Millender-McDonald
Miller, George
Mink
Moakley
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Slaughter
Stark
Stupak
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—18

Ackerman
Baird
Cramer
Deal
Dunn
Gephardt
Gilman
Inslee
Jackson (IL)
Kingston
McDermott
Norwood
Peterson (MN)
Ros-Lehtinen
Rothman
Snyder
Toomey
Towns

□ 1457

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILMAN. Mr. Speaker, earlier today, I was unavoidably delayed by official business during the vote on final passage for H.R. 333. Accordingly, I was unable to vote on rollcall No. 25. If I had been present I would have voted "yea."

Mr. KINGSTON. Mr. Speaker, regrettably, I was unable to be in Washington on March 1, 2001 to cast a vote on H.R. 333, The Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, when it came to the House floor. At President Bush's request, I was attending an event in my home state of Georgia with the President. Had I been here, however, I would have voted in favor of the Bankruptcy Reform bill.

PERSONAL EXPLANATION

Mr. MCDERMOTT. Mr, Speaker, due to the 6.8 magnitude earthquake that struck my district yesterday I have returned to Seattle with the FEMA Director and was unable to vote today.

I would have voted against agreeing to the resolution to consider H. Res. 71 (rollcall No. 22).

I would have voted in favor of the Jackson-Lee amendment (rollcall No. 23).

I would have voted in favor of the motion to recommit (rollcall No. 24).

I would have voted against passage of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act (rollcall No. 25).

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, I was detained due to being with FEMA Director Joe Allbaugh to assess the damage caused by the earthquake in the Puget Sound. Had I been present, I would have voted "yea" on rollcall No. 22, "no" on rollcall No. 23, "no" on rollcall No. 24, and "yea" on rollcall No. 25.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 333.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 333, the Clerk be authorized to correct section numbers, punctuation, citations and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask to take this time to inquire from the distinguished majority leader and ask him to clarify the schedule for the remainder of the day, the week, and next week.

I yield to my colleague, the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, March 6 at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business. No recorded votes are expected before 6 p.m. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Member's offices tomorrow.

On Wednesday, March 7, and Thursday, March 8, the House will consider the following measures: H.R. 624, the Organ Donation Improvement Act of 2001; and H.R. 3, the Economic Growth and Tax Relief Act of 2001.

Mr. Speaker, I would like to wish all of my colleagues a safe journey home for the weekend and a pleasant weekend with their families and constituents.

Mr. BONIOR. Mr. Speaker, if I may inquire from the gentleman from Texas, we have been hearing rumors on our side of the aisle that we will be denied an opportunity for a fair and fiscally responsible tax cut substitute when the bill reaches the floor next week. I ask the gentleman from Texas if that is indeed the case.

□ 1500

Mr. ARMEY. Mr. Chairman, will the gentleman continue to yield.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman asking that, and it is unfortunate when there are rumors that are upsetting the Members.

The fact of the matter is the rule that governs consideration of that bill will be drafted in the Committee on Rules, and there has been no determination from the committee regarding that. I really cannot, in fact, predict or even suggest what the rule would look like except that it would be, I should think, and we would expect it to be consistent with what the Committee on Rules has done in the past.

Mr. BONIOR. Well, I would say to my friend that that leads me to be even more suspicious of what may transpire next week or in the Committee on Rules.

I just want the gentleman from Texas to know that we would consider it a real breach of bipartisanship. And our reaction to not being able to offer on our side of the aisle, on behalf of 211 Members of Congress that represent quite close to half the population in this country, a substitute that would express our views on how we want to give money back to people, put money in their pockets, if that is not made available to us, I would assure the gentleman from Texas that there will be a very, very negative reaction on this side of the aisle.

I think that the gentleman, per his comments on precedent, can look back and see that when there were examples of tax bills that came to the floor in the past, in fact when we were in the majority, did make available at various times, and I recall certainly during when President Bush was in the White House, during the late 1980s and early 1990s, we were able to do that for the minority. We expect to have the same kind of courtesy and the same type of response when we come to the floor next week.

We would be sadly and terribly disappointed and angry, if I might say so, if we do not have a chance to voice our view on behalf of 211 Members in our caucus.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, there certainly can be no failure on the part of this gentleman to perceive from the manner in which the gentleman from Michigan has just expressed that that would indeed be the case.

But the gentleman from Michigan, having served on the Committee on Rules while in the majority, must certainly be very well aware of the fact that the Committee on Rules does now, as it did then, take its responsibility and its prerogatives seriously. The rule will be written by the Committee on Rules in the Committee on Rules. I am just sorry to say that this gentleman cannot predict what the Committee on Rules will do at that time.

I am sorry that there is a rumor out there, but I have told the gentleman as candidly and straightforwardly as I can that the Committee on Rules has not met on this subject; that I have not discussed the subject of this rule with any member of the Committee on Rules; and I have no basis to project what the Committee on Rules would do except to observe what has been in fact the history of practices with the Committee on Rules with respect to rules of bills of this nature.

Mr. BONIOR. Mr. Speaker, I would say to the gentleman from Texas, having served for 14 years on the Committee on Rules, the Committee on Rules is an extension of the leadership. It is a leadership committee. And I am sure the gentleman from Texas is not telling me on the floor this afternoon that he has no input into what is going to happen up in the Committee on Rules, because I know, and I think everybody in this institution knows, that the gentleman from Texas and the Speaker and the majority whip, in fact, do have an input, always have had an input on what decision is being made up in the Committee on Rules, especially on such an important issue as a major, major tax bill.

So we expect to be treated with dignity and with fairness, and that means having an opportunity, win or lose, to offer a substitute to what the President and the Republican Party wants to offer.

Mr. ARMEY. Mr. Speaker, I do appreciate the gentleman's point. I mean the gentleman is being quite firm, but the fact of the matter is the chairman of the Committee on Rules does meet with the leadership, usually on Tuesday, to sit down and discuss a bill of this importance and the rule that would be drawn. And, yes indeed, in the Republican leadership model there is leadership input.

But the Committee on Rules is in fact a committee of very competent and able people who are quite able to make a final determination for themselves. That determination will be made by the Committee on Rules, and I do hope and expect with input, suggestions, recommendations from House leadership. I am just sorry to report to the gentleman there has been no such meeting now, and any rumors one has heard to the contrary should have very little credence in light of the fact that no such meeting to discuss this matter has taken place.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank my friend for yielding to me, and I would like to ask a question of the distinguished leader, my friend from Texas.

There has been a decision made, apparently by the leadership to which you refer, that we shall not follow the precedent and the history of the House regarding having a budget on the floor and discussed and debated before we get into significant parts of the budget, as the gentleman has indicated next week we will be voting on H.R. 3, which is a major, major tax bill with tremendous implications for Social Security, Medicare, defense, agriculture, and many other areas.

My question to the gentleman is, Under what history and precedence of the House has the leadership decided to bring forward a major tax bill before we have had an opportunity to have a good bipartisan discussion of the budget?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I do appreciate the gentleman from Texas' inquiry. I believe if one sought history and precedence for this decision, which in fact I would find no need to seek, one could find that in the consideration of the marriage penalty bill just last year.

Mr. STENHOLM. Mr. Speaker, will the gentleman continue to yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I would advise the majority leader that that is precisely what bothers me about this particular decision this year. Because now we have a tremendous potential problem with dealing with projected surpluses of $5.6 trillion, 70 percent of which will not occur until the years 2007, 2008, 2009, and 2010. Yet next week I believe the leadership decision has been made that we are going to discuss the utilization of that.

I know the gentleman will say we are going to discuss giving back to the American people some of which they have already paid. I am for that. I know of no one as yet that is not for that. But it seems to me that we are getting the cart before the horse when we come with that bill first without first dealing with the budget so that we might in fact conservatively deal with the future economics of this country.

Mr. ARMEY. If the gentleman from Michigan will continue to yield, and I do appreciate the gentleman yielding for the points made by the gentleman from Texas (Mr. STENHOLM), but let me just say with regard to the President's budget proposal of $1.6 trillion over the next 10 years in tax relief for the American people that we have under consideration in the Committee on Ways and Means right now a bill which would be only one of the seven items proposed by the President in his proposal that would amount to under $1 trillion over the next 10 years. That would still leave a $600 billion cushion between that and the budget, which we are confident will also, as passed by the House, call for $1.6 trillion.

So there is ample room to be certain that whatever is passed in the House on this floor, on the subject of tax reduction for the American people, will fit nicely within the parameters of the budget that will be acted upon by this body.

Mr. STENHOLM. If the gentleman from Michigan will continue to yield briefly for the majority leader's response. Precisely why we are having this kind of discussion today in dealing with these kinds of numbers is why some of us feel very strongly that there is a tremendous mistake about to be made if we get into these kinds of decisions before we have had the kind of open and honest debate in the Committee on the Budget in a bipartisan way and on the floor of the House in a bipartisan way, before we have committed as yet undetermined projected surpluses.

Some of us feel very strongly that we are making a mistake, and I hope my friend from Texas will have a good two or three nights sleep on this question and will come to a little different conclusion before we make that mistake next week.

Mr. ARMEY. Again, I appreciate the comments made by the gentleman from Texas. I understand the concern he has. I served in this body for 10 years in the minority. For 10 years in the minority I often found that I had disagreements, oftentimes heartfelt disagreements, with the manner in which the majority scheduled the business of the House. But the one inescapable fact that I had to live with for all those 10 years was the fact that it was the majority's prerogative to schedule the business of the House.

Mr. BONIOR. Reclaiming my time, Mr. Speaker, I am not arguing with the scheduling of the business, although I agree with the gentleman from Texas (Mr. STENHOLM). I would say to the majority leader that we should have a budget before we do this tax bill. It is what good common sense and what good families do when they plan their resource distribution. They put a budget down together before they decide on how they want to distribute it.

The President of the United States stood up there and gave a speech to us within the last week in which he quoted Yogi Berra when he said Yogi Berra said, "When you come to the fork in the road, you ought to take it." He probably should have quoted Yogi Berra when Yogi Berra said, "This is deja vu all over again." Because what we are about to do here, Mr. Speaker, without a budget first, we are going to go right to a tax bill where the numbers are in great dispute in terms of what the projections are going to be in the year 2007, 2088, 2009 and 2010.

We do not know that. We cannot predict the weather in the years 2007, 2008, 2009, and 2010. OMB has been wrong continually on their projections; and here we are rolling the dice like we did in 1981, assuming the money is going to be there, and the fact of the matter is we do not know that. That is why it is important for us to lay a budget out before we move ahead with a tax bill.

Now we are being told, not by the gentleman from Texas (Mr. ARMEY), because he has been forthright and he has said he does not know what he is going to do on the rule, but I gather from the gentleman's remarks and what I have heard on the floor in the last couple of days, is we are going to be shut out of even offering what we think is a more responsible and fiscally prudent substitute to deal with that question of exploding deficits, particularly in the out years, and putting us back into the deja-vu-all-over-again 1981 situation that we found ourselves in, and which took 15 years to dig ourselves out of debt from.

So the gentleman needs to understand, and I hope he does from the passion in our voices here this afternoon, that we want to be treated fairly. And if we make our case and we lose on the House floor, fine, that is the way this place is supposed to work. But if we do not get a chance to offer on behalf of 211 Members who were elected, as the gentleman was and his colleagues were, we feel aggrieved and we should be angry about it.

So I just plead with the gentleman, as we start this new Congress with this very important bill, that the gentleman goes back to his leadership meeting with the gentleman from California (Mr. DREIER), the Speaker, the gentleman from Texas (Mr. DELAY), and whoever else is in there, the gentleman from California (Mr. THOMAS) and the whole crowd, and the gentleman allows us to offer a substitute.

We know that the majority is probably going to win this vote. We are not naive. The gentleman has the majority on his side of the aisle. But we want the American people to understand that there is another viewpoint here. And for the gentleman to shut us off and not allow us to debate for at least an hour our view on a very important issue that is going to affect us perhaps for not only years but decades to come, I think it is, if I may say so, the height of irresponsibility and not in keeping with the bipartisan tone in which the President of the United States has been so proudly displaying and advocating over the course of the last couple weeks.

Mr. ARMEY. If I may, Mr. Speaker, let me just say the gentleman from Michigan makes a good point. I understand that rumors can be upsetting and I regret that. But I still, nevertheless, in light of the rumor, the gentleman is, on behalf of his party, correct to come to the floor and make the points he has made, and I respect that. I can only tell the gentleman with respect to that question, which I think is a very important question for him to raise here today, that the gentleman's views have been expressed very clearly here. I see no way that the Republican leadership in the Committee on Rules when they meet on that can be unaware of how strongly they have been expressed. Let me thank the gentleman for that.

If I may have just one more moment on the matter of the points raised by the gentleman from Texas (Mr. STENHOLM) with respect to scheduling consideration of the tax bill relative to the budget bill.

☐ 1515

His position is well known to us, has been well known to us, and has been expressed by people on this side of the aisle. We have been and are cognizant of that position as we plan the legislative schedule for the next few weeks. It is not a position that has not been considered. It is a position that has been weighed well, as raised by people on both sides of the aisle. Still in light of those considerations, we have made these scheduling decisions. We are quite comfortable to proceed on that. We understand that they will be disconcerting and upsetting to Members, but we believe in the interest of managing the business of this House, that is the best way to proceed and I would hope that the gentleman could accept that.

Mr. BOYD. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. BOYD. I thank the gentleman from Michigan for yielding.

Mr. Speaker, not to belabor the point, but I want to make a quick point that maybe has not been made. That is, that there are many on this side of the aisle that happen to agree with the President and many of the initiatives that he laid out in his speech on Tuesday evening and also in his budget he has presented, including strengthening our defense, including improving our educational system, including writing and implementing a prescription drug program, including helping assisting our veterans on their health care needs, including agricultural baseline needs that we know will exist, and also including his position on demeanor and the way he deals with people in a bipartisan way. It is refreshing. I know many of us on this side of the aisle have had many meetings with him since he has become President, including this Member, and with his staff to work on these issues.

I would simply say to the majority leader that I believe that most responsible people would think that it would be the proper thing to do to develop the budget, that is what the regular order of the rules of the House call for, prior to picking out a very small portion of that financial plan to pass which may seriously affect the way you do the other part. That is the only thing that I would say to the distinguished gentleman from Texas. There are a group of us that feel very strongly about that.

Mr. ARMEY. If the gentleman will yield further, again I appreciate that. I hope the gentlemen on his side of the aisle and my side of the aisle that feel so strongly in terms of this operational management model will abide with us in our interest of signaling to the American people on this tax reduction, this tax relief, that help is on the way. We want to get that signal out there early. We believe we can do that and be perfectly consistent with the requirement that in the end, as we work our way through this, it must all be reconciled to the budget that is passed by this body, the other body, and, of course, reconciled between the two bodies. There, of course, is no getting around that. So no matter how early we might act on any one part of it, in the end we will have that full reconciliation that I think would be a comfort to his concerns.

REPORT ON STATUS OF FEDERAL CRITICAL INFRASTRUCTURE PROTECTION ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SIMMONS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform:

To the Congress of the United States:

Pursuant to section 1053 of the Defense Authorization Act of 2001 (Public Law 106–398), enclosed is a comprehensive report detailing the specific steps taken by the Federal Government to develop critical infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD–63).

This report was drafted by the previous Administration and is a summary of their efforts as of January 15. However, since this requirement conveys to my Administration, I am forwarding the report.

Critical infrastructure protection is an issue of importance to U.S. economic and national security, and it will be a priority in my Administration. We intend to examine the attached report and other relevant materials in our review of the Federal Government's critical infrastructure protection efforts.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 1, 2001.*

ADJOURNMENT TO MONDAY, MARCH 5, 2001

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 6, 2001

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 5, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, March 6, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CELEBRATING 40TH ANNIVERSARY OF PEACE CORPS

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise also with the gentleman from New York (Mr. WALSH) to celebrate the 40th anniversary of the Peace Corps. It was founded on March 1, 1961 when President John F. Kennedy signed the legislation launching the Peace Corps.

Since then, more than 162,000 Americans have served and returned to this United States, having served in 134 different countries. Six now serve in the House of Representatives, three Republicans and three Democrats: the gentleman from Wisconsin (Mr. PETRI), the gentleman from Connecticut (Mr. SHAYS), the gentleman from New York (Mr.WALSH), myself, the gentleman from Ohio (Mr. HALL), and the gentleman from California (Mr. HONDA).

More than 67,000 volunteers are in the field today teaching in elementary schools, high schools and technical schools, building water systems and agricultural co-ops, teaching health care, and treating people in need.

But, Mr. Speaker, we need to do more. The demand for the Peace Corps is at an all-time high. More host countries want volunteers. The interest in serving in this country is at an all-time high. In fact, only about one out of nine people that have shown interest have a space abroad, because Congress has not fully funded the Peace Corps. The goal was to have 10,000 volunteers in the field by 2000. We only have 7,000. We need to do a better job. Fully fund the Peace Corps.

Mr. Speaker, it has been 38 years since I joined the Peace Corps, and I rise today to celebrate the 40th anniversary of the Peace Corps.

It was started on March 1, 1961, when President Kennedy signed the legislation launching the Peace Corps—establishing a bold and hopeful experiment to allow Volunteers to bring practical grassroots assistance to the people of developing nations to help them build a better life for themselves and their children.

Forty years later, the Peace Corps has succeeded beyond everyone's expectations.

Today there are more than 162,000 returned volunteers in the United States, six of whom serve in the House of Representatives and two in the United States Senate. They have served in 134 different nations, making significant and lasting contributions from Armenia and Bangladesh to Uzbekistan and Zimbabwe.

There are more than 7,000 Volunteers that are now living and working overseas. They are addressing critical development needs on a person-to-person basis: working with teachers and parents to teach English, math and science; helping spread and gain access to clean water; to grow more food; to help prevent the spread of AIDS; to help entrepreneurs start new businesses; to train students to use computers; and to work with nongovernmental organizations to protect our environment. Above all, Volunteers leave behind skills that allow individuals and communities to take charge of their own futures.

In our increasingly interconnected global community, Peace Corps Volunteers also promote greater cross-cultural awareness, both in the countries in which they serve and when they return home. As they work shoulder to shoulder with their host communities, Volunteers embody and share some of America's most enduring values: freedom, opportunity, hope, progress. It is these bonds of friendship and understanding that they create that can build the foundations for peace among nations.

And I can personally testify that the best service that is given to the Peace Corps is the continuation of service to our communities when we all come home. Today, because of the anniversary of the Peace Corps, thousands of returned Volunteers are visiting schools and local communities throughout the United States, sharing the knowledge and insights gained from their experiences abroad and passing along the value of services to others.

As we have learned around the world, the best way to support a democracy is to help development at the local level. Meanwhile, America's young and old, single and married, would like to serve their country, humanity and democracy. The Peace Corps is one of the most effective mechanisms for uniting these two ideals. This is an asset we should not let go to waste.

On this 40th anniversary of the Peace Corps, please join me in honoring all Volunteers, past, present, and future, and in celebrating their four decades of service to the world. The Peace Corps has served its country well, and we should all be proud.

CONGRATULATING MOST REVEREND EDWARD M. EGAN, ARCHBISHOP OF NEW YORK, ON HIS ELEVATION TO THE DIGNITY OF CARDINAL

(Mr. GRUCCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRUCCI. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Most Reverend Edward M. Egan, Archbishop of New York, upon his elevation to the dignity of Cardinal. It is most fitting that Cardinal Egan is the successor of the late John Cardinal O'Connor. New York's new Cardinal is well aware of the legacy left by his predecessor and he is well prepared to continue and strengthen that legacy. He too is dedicated to the dignity of all peoples and to caring for those who are most scorned or ignored by society.

Cardinal Egan has the wonderful ability to nurture and develop a sense of social justice among his fellow Catholics. As was the case with Cardinal O'Connor, he understands and deeply respects the values inherent in a multicultural and multireligious community. He has a deep and abiding respect for and dedication to education.

As he assumes his leadership role in the great Archdiocese of New York, it is right for us to wish him success in making this great community a more human, more caring and more believing community of brothers and sisters.

I ask my colleagues to please join me and all the members of the Archdiocese of New York in congratulating the Most Reverend Edward M. Egan upon his elevation to the dignity of Cardinal.

REGARDING THE DISTRICT OF COLUMBIA RETROCESSION ACT

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am introducing H.R. 810 to retrocede the District of Columbia to the State of Maryland, minus the Federal portion of the city. The city has the bumper slogan of "taxation without representation." This bill will provide taxation with representation for the residents of D.C. I think that this would be a great move forward for the people of this community. It would give them access to all the services of the State of Maryland and also an opportunity to elect a Congressperson, to vote on two United States Senators and to vote on members of the State legislature in Maryland.

The retrocession would create the fourth largest regional market in the United States between Baltimore and Washington. Does it work? In Canada there is a prime example of how this proposal could and would work. Its capital, Ottawa, lies in the province of Ontario and sends representatives to the provincial parliament in Ontario as well as the federal parliament as part of the Ontario delegation. It works very well for our neighbor Canada and I think it would work very well for the United States. Most importantly, it would give the people of the District of Columbia the right to vote, to have taxation with representation.

Mr. Speaker, two hundred years have passed since District of Columbia residents lost their right to vote. Despite the ratification of the 23rd Amendment in 1961, which returned their right to vote for President, District residents still lack voting representation on the floor of Congress. To increase national awareness of this situation, the District recently changed the slogan on its automobile license plates to read "Taxation Without Representation."

Today, I am once again introducing a bill that I strongly believe is the best solution to this problem, especially given the failure of other alternatives. This legislation would return the District of Columbia, barring a small federal enclave, to the State of Maryland.

The District of Columbia was originally comprised of territory ceded by the states of Virginia and Maryland. The Virginia portion was retroceded back to that state in 1846. Under this bill, the remaining territory, excluding a small enclave encompassing the White House, Congress, the Supreme Court and most executive agencies, would be returned to Maryland.

Retrocession would be mutually beneficial for both the District and the State of Maryland. It would finally give District residents a voting U.S. Representatives as well as two U.S. Senators. In addition, they would have further representation on the state level in Maryland. Beyond these political gains, District residents would stand to benefit from Maryland's larger and more established state infrastructure of facilities, services and assistance programs.

Maryland stands to gain as well. It most certainly would receive an additional seat in the House of Representatives, thus increasing its influence in Congress. Economically, Maryland would gain an area that boasts the nation's 2nd highest per capita income. Retrocession would create the 4th largest regional market in the country between Baltimore and Washington.

Canada offers a prime example of how this proposal could and would work. Its capital, Ottawa, lies in the province of Ontario and sends representatives to the provincial parliament in Toronto as well as the federal parliament as part of the Ontario delegation.

We need to come up with a practical and realistic solution to restore the full democratic rights of District residents. Efforts to give the District delegate full voting rights have not succeeded. I believe this legislation is the only reasonable option left to end Taxation Without Representation in the nation's capital.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTRICT OF COLUMBIA RETROCESSION ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I am pleased today to join my colleague, the gentleman from Ohio (Mr. REGULA), in introducing the District of Columbia Retrocession Act of 2001, H.R. 810. This legislation, long championed by the gentleman from Ohio (Mr. REGULA), would provide an immediate, practical solution to a serious problem, the lack of full voting rights for citizens of the District of Columbia.

The gentleman from Ohio (Mr. REGULA) first introduced this legislation in the 101st Congress and has renewed it in each succeeding Congress in an effort to return the District of Columbia, with the exception of a small Federal enclave, to the State of Maryland. The goal, which I strongly support, is to restore the basic rights of representative democracy to District of Columbia residents.

Residents of the District lost their voting rights in 1800 when Congress took control of areas ceded by the States of Maryland and Virginia to form the new Federal District as a permanent home for our national government. In 1961, a partial restoration of voting rights was provided by the 23rd Amendment to the Constitution. That amendment gave District of Columbia residents the right to vote for President but not for voting Members of Congress, either Representatives or Senators.

Since that time, there have been endless and fruitless talks about either statehood for the District or some other means to provide full and permanent representation in the House and with the Senate.

The legislation we are offering today would cut through this logjam by retrocession of a part of the current District as a Federal enclave containing the White House, Congress, the Supreme Court and most of the executive agencies.

The rest of the current District would be returned to the State of Maryland, just as the portion of the District west of the Potomac was returned to Virginia in 1846. By making this statutory change, we can restore full voting rights to every resident of the District of Columbia. Every resident would run and vote at least for one United States Representative and two United States Senators.

In addition, they would have the representation at the State level in Maryland. In addition, the gentleman from Ohio (Mr. REGULA) rightly points out that the D.C. residents would gain other benefits by becoming a part of Maryland's established economic and educational infrastructure and judicial system. The District would be able to reduce and streamline its bureaucracy to eliminate duplicating functions that the State of Maryland already performs for its citizens. At the same time, Maryland would gain economically and politically from retrocession.

District residents pay at least $1.6 billion in personal and property taxes and the Baltimore-Washington area would become the fourth largest regional market in the country.

In addition, Maryland would gain at least one seat in the House of Representatives, extending its influence in Congress.

Mr. Speaker, I would note that other benefits come from this legislation. Under the current arrangement, Congress exercises extensive oversight and even direction of District of Columbia governmental activities. Due to its unique status, the District has never attained the full powers and rights of a city and it has never been covered by the authority we accord to every State. The ambiguous status given to the District, under current arrangements, invites both internal confusion and uncertainty and external interference from Congress. We need to end the unnecessary difficulties that this creates by giving the District the full powers of a city within the full rights of a State. This legislation would achieve that goal and it could do so immediately.

It does not require passage and ratification of a constitutional amendment or the surmounting of any other impossibly high barrier to a solution. This is a sound and sensible approach that would benefit all concerned. I urge my colleagues to support it.

When my great grandfather came from Ireland to the District of Columbia, he could not vote then, but in the 1870s the District was permitted to vote, and for about 3 years he marched down there with top hat and tails because he was so proud to have the franchise. We do not have that franchise and we need to do it for the people that live within the District of Columbia, and we need to return that portion that was given from Maryland back to Maryland.

HUMAN RIGHTS COMMISSION OF PAKISTAN SAYS ABUSES GETTING WORSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, within the last week, a report investigating the state of human rights in Pakistan was released showing that no significant improvements have been made to restore a democratic government in that country. In fact, Mr. Speaker, there is growing evidence that seems to suggest that General Musharraf will put off national elections perhaps until January 2003, the deadline required by the nation's Supreme Court.

Mr. Speaker, I have come to the House floor numerous times over the last couple of years to voice my strong opposition to a 1999 coup that ended democratic rule in Pakistan. In October 1999, Pakistan Army Chief Musharraf led a coup against civilian Prime Minister Sharif and then proclaimed himself the nation's chief executive. Musharraf also suspended Pakistan's constitution as well as its representative bodies, including the National Assembly and the Senate. Musharraf says he will abide by the Supreme Court's deadline to return the nation to democratic rule, but I do not believe that January 2003 is soon enough.

Mr. Speaker, the U.S. Congress should voice its opposition to the Pakistani coup. We should go on record and collectively state that we will not tolerate the overthrow of an elected government. I cosponsored a resolution back in 1999 with former Congressman Sam Gejdenson of Connecticut that would accomplish this goal. The resolution was approved by the Committee on International Relations less than a month after it was introduced and less than a month after the coup. Unfortunately, after passing in committee the legislation was never seen again and never came to the floor of the House for a final vote.

I must say, Mr. Speaker, I am ashamed that the 106th Congress never went on record in opposition to the coup in Pakistan, and I would still like this Congress to do so in light of these latest reports. The ability of the military to seize power away from an elected government should not be tolerated.

The human rights report, released this week by the State Department, which included some documentation collected by the independent group, the Human Rights Commission of Pakistan, said that, quote, citizens continued to be denied the right to choose or change their government peacefully.

The report also included disturbing news that the Musharraf regime has taken, quote, steps to control the judiciary and to remove itself from judicial oversight. This so-called control over the judiciary could explain the reason why the nation's Supreme Court gave Musharraf 2 years to rule.

Another concern, Mr. Speaker, was that human rights abuses, which have been a problem in Pakistan for years, have not improved, even though goals were set at a conference on human rights at the beginning of last year. I should point out that Musharraf was very critical of human rights abuses that occurred under Sharif's watch, but after more than a year in office, Musharraf has not made any significant changes.

Mr. Speaker, other major human rights violations are also taking place across the border by General Musharraf and his government in India's state of Jammu and Kashmir. Pakistan's role in sowing death and destruction has been going on for years, but received world attention in 1999 when Pakistani military leaders, many of whom were involved in that year's coup d'etat, precipitated a major crisis by unleashing an attack against Indian positions in the area of Kargil, along the Line of Control that separates Indian and Pakistani controlled areas of Kashmir. Pakistan's actions were condemned by the United States and the international community, and Pakistan was forced to essentially withdraw. Over the past 2 years, the attacks by Pakistani forces on Indian army positions have continued, causing casualties on both sides and threatening the stability of the entire South Asia region.

Another State Department report, released last year and investigating terrorism around the world, notes that "Kashmiri extremist groups continued to operate in Pakistan, raising funds and recruiting new cadre." It blames these groups for numerous terrorist attacks against civilian targets in India's state of Jammu and Kashmir.

Mr. Speaker, I am also concerned that Pakistan is becoming a breeding ground for terrorists and the training of terrorist activities. That same State Department report looking at terrorist activities around the world found that the locus of terrorism directed against the United States continued to shift from the Middle East to South Asia.

Mr. Speaker, each of these reports sheds light on what is really going on in Pakistan. It is important that we not only be aware of these situations but also be willing, both the new Congress and the new administration, to call upon the current government in Pakistan to change the situation.

☐ 1530

PERMISSION TO MOVE REMARKS

Mr. HORN. Mr. Speaker, I ask unanimous consent that my 5 minutes follow the 1-minute speech of the gentleman from Ohio (Mr. REGULA), since we are talking on the same subject.

The SPEAKER pro tempore (Mr. SIMMONS). Is there objection to the request of the gentleman from California?

There was no objection.

FREEDOM OF ASSEMBLY, FREEDOM OF SPEECH, FREEDOM OF PRESS CANNOT BE COMPROMISED IN UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to report to my colleagues and to our country indeed on an extremely troubling event that occurred early this morning in the nation of Ukraine, the most important strategic nation in Central Europe today.

What happened was that Ukrainian police, and I am quoting from an international news report, launched an early morning strike on opponents of President Leonid Kuchma, swiftly pulling down a makeshift tent camp which had become a focus of protests against that country's leader.

I might add, having just returned from that country, those demonstrators were peaceful; they were living in freezing temperatures, in tents; and they have a right to assemble; they have a right to speech; they have a right to express their opinion.

The news report goes on, as police tore down the tents, demonstrators tried to wrest back meager belongings which were dumped into lorries. Those resisting were manhandled into the back of unmarked gray trucks. Several protestors waving the blue and yellow Ukrainian national flag threw themselves desperately in front of the vehicles before being dragged away. Four hundred police arrested 100 peaceful demonstrators. The demonstrators, who have braved months of freezing temperatures and alleged harassment in one of the most potent symbols of resistance against that country's President, vowed not to give up.

Two hundred people, bystanders, watched as officers rapidly dismantled the camp. They were shouting, shame on the police. Most seemed stunned by the action against the peaceful tent dwellers.

I have some pictures here from the international press showing the arrest of peaceful demonstrators.

Now, politically I may not agree with some of those demonstrators in terms of their ideology. Some may be of the far right or the far left. It really does not matter. They have a right to assemble. The government of Ukraine is saying, well, the courts of Ukraine ordered them to be dismantled because they were assembled in a part of the city where they did not have a permit. Having been there, I can say they were large sidewalks. They were not bothering anybody. It was in a median strip.

The question is, why would that government choose to forcibly remove these demonstrators at this time?

Our delegation, having just returned from Ukraine, spent over 2 hours with the President of that country offering the President the help of the West and getting at the bottom of what was causing the demonstrators to assemble, and that is the beheading of a journalist in that country and the possible implication of the President of that nation in that terrible act.

We offered the President advice, saying that transparency in investigation, objectivity in investigation, could raise the confidence level of his own people and, in fact, all freedom-loving peoples. We received his assurance that freedom of assembly would not be marred, that freedom of speech would be able to continue, that freedom of press would be allowed.

We said we would come back here to Washington and offer a resolution in which we would support those principles being maintained in that country as it emerges into a more democratic arrangement, and yet today we hear about this awful act in that country.

Now, as we develop this resolution, as Members of this body, we are going to word a stronger resolution because we believe that regardless of an individual's views, one cannot compromise freedom of assembly; one cannot compromise freedom of speech; one cannot compromise freedom of press.

I would urge in the strongest possible terms the government of that nation to find a central place in which these demonstrators might be allowed to express their opinions. They were not even talking. They were merely staying in tents in cold weather.

The government says, well, there were no toilets in the area. Let me say, respectfully, in many places there are no toilets in that country.

It is important that freedom be allowed to emerge. The West has to be a strong voice for freedom of assembly, the very principles that allow a democratic nation to emerge. Again, we would offer to the President of Ukraine all of the institutions that this country has to offer, with our friends in the OSCE, the Organization of Security and Cooperation in Europe; to have a thorough and impartial investigation; to raise the confidence level of citizens of Ukraine and citizens of the free world everywhere that investigations are being pursued thoroughly, completely, in a fair-minded and open manner.

To do this, to take this action, is a terrible, terrible sign to the West, and we ask that government to please provide an area for people to freely demonstrate.

[From the New York Times, Mar. 1, 2001]

UKRAINIAN POLICE TEAR DOWN ANTI-KUCHMA TENT CAMP

KIEV.—Ukrainian police launched an early morning strike on opponents of President Leonid Kuchma on Thursday, swiftly pulling down a makeshift tent camp which has become a focus of protests against the country's leader.

To cries of "Shame, shame" and "Kuchma out!" from bystanders, some 400 policemen took about an hour to surround and evict around 100 occupants from some 50 tents on Kiev's elegant Kreshchatyk street.

The camp was set up in December by protesters demanding that Kuchma investigate the mysterious death of a journalist, which has triggered a huge scandal in Ukraine.

The United States and European Union have expressed concern over the case and Kuchma's office published a letter from George W. Bush, during the Ukrainian leader to pursue reform and respect the rights of individuals.

As police tore down the tents, demonstrators tried to wrest back meager belongings, which were dumped into lorries. Those resisting were manhandled into the back of unmarked gray trucks.

Several protesters waving the blue and yellow Ukrainian national flag threw themselves desperately in front of the vehicles before being dragged away.

The demonstrators, who have braved months of freezing temperatures and alleged harassment in one of the most potent symbols of resistance against Kuchma, vowed not to give up.

"We'll put them back up. I can't say right now how quickly, but we'll be back," said a visibly-shaken Yuri Lutsenko, one of the leaders of the Ukraine Without Kuchma movement.

Around 200 people watched as officers rapidly dismantled the camp, several shouting "Shame on the police." Most seemed stunned by the action against the peaceful tent-dwellers.

Lutsenko, whose movement includes opposition parties, rights groups and ordinary citizens, said 40 protesters were arrested. Police spokesman Olexander Zarubytsky said 15 people had been charged with preventing officials from carrying out their duties.

The scandal was sparked when journalist Georgiy Gongadze, who was critical of Kuchma's rule, went missing. It intensified when a headless corpse was found outside Kiev in November.

CASE OF THE HEADLESS CORPSE

Kuchma's involvement was alleged when opposition politicians published tapes in which a voice similar to his was heard giving orders to "deal with" the reporter.

Austrian experts said on Wednesday that they could not verify that the voice was Kuchma's.

But the International Press Institute, a press freedom group, said that after nearly two months of deliberation it seemed hard to believe that the hundreds of hours of expletive-strewn recordings had been faked.

Kuchma denies all involvement but this did not prevent the U.S. and European statements of concern, as well as those from international human rights groups.

The Ukrainian president's office said the letter from Bush urged Kuchma to pursue reform and respect the rights of individuals. It also said the United States was ready to help Ukraine get through its current difficulties.

The tent dwellers, whose eviction had been ordered by a Kiev court, accused police of violating their freedom.

"You should have more respect for the constitution," one shouted as he was carried off by around 20 police.

"It is unbelievable, I am an invalid and he is pushing me around," said Vitaly Yushevich, who was pulled out of his tent by a burly police officer and bundled out of the camp.

Police said the protesters' belongings would be returned.

"We are carrying out the court's orders. . . . All the tents' occupiers will be able to claim their property back later," said a police officer at the scene.

GOVERNMENT'S DEMAND AND APPETITE FOR MONEY CAN NEVER BE SATISFIED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we see on an almost daily basis here in the Congress that government's demand or appetite for money can never be satisfied. I believe if we gave a department or agency twice what they were asking for, they might be happy for a short time but they would soon be back crying about a shortfall in funding. However, the message we need desperately to get out is that everyone is better off the more money that can be left in the private sector. More jobs are created and prices are lower the more money that is left in the private sector.

The most economical, most efficient way to spend money, the biggest bang for the buck so to speak, is to leave more money in private hands. This is because even though there is waste and inefficiency in the private sector, it pales in comparison to the waste and inefficiency within government, especially the Federal Government.

This has been proven all over the world throughout history. The countries with the best economies and the greatest progress have always been and continue to be the Nations with the lowest percentage of their total national income going to the government. The opposite is also true. The countries with populations closest to starvation or the lowest standard of living have always been countries where the government has taken most of the money, such as Cuba, several African nations, the former Soviet Union and others.

Also, big government produces a very small, elite class at the top and a huge starvation or under class. Probably the thing big government is best at is wiping out the middle class and creating huge differences between the rich and the poor. A small government such as in the U.S. prior to the mid-1960s produces a huge middle class. This is just part of why it is so important to pass President Bush's tax cut. The people are paying in a huge tax surplus. They not only deserve some of it back, but everyone will be better off and our economy will be stronger in the long run if we can get more money back into the private sector.

I realize that some big corporations are mad at the President now because his plan has no corporate tax breaks but is going entirely for individuals. However, the average person today is spending almost 40 percent of his or her income in taxes of all types, Federal, State and local; gas taxes, sales taxes, property taxes, income taxes, excise taxes, Social Security taxes. The GAO reports that 80 percent of the people now pay more in Social Security taxes than in income taxes. Also, most estimates are that people pay another 10 percent in regulatory costs, things that government makes businesses do that are passed on to the consumer in the form of higher prices.

This means that even here in the United States almost half of the average family's income is going to support government or pay the costs of things ordered by the government. This is not only enough, it is too much, and this is why President Bush and millions of others feel that it is time we started giving some of this tax surplus back to the people who paid it.

Mr. Speaker, also just like government's appetite for money can never be satisfied, one can never satisfy government's appetite for land. One of the most important things we need to do to ensure future prosperity is to stop government at all levels from taking over more private property.

□ 1545

The Nobel Prize-winning economist Milton Friedman has said, "You cannot have a free society without private property." Over the years when government has taken private property, it has most often taken it from lower- and middle-income people and small farmers.

Today, Federal, State, and local governments and quasi-governmental units and agencies now own about half the land in this Nation. The most disturbing thing is the rapid rate as which this taking has increased in the last 40 years.

Environmentalists who have supported most of this taking should realize that the worst polluters in the world have been the socialist nations, because their economies do not generate enough income to do good things for the environment, and that private property is almost always better cared for than public property, and at much lower cost.

There is a very dangerous plan, Mr. Speaker, being pushed by some liberal elitists and wealthy environmental extremists called the Wildlands Project. This project envisions taking 50 percent of the land now in private hands into wilderness. If people do not think their property would ever be taken, they should just look around at all the land around them that government has already taken.

We do not need more industrial parks, for example, where land is taken from small farmers or lower- or middle-income people and then given later to big multinational corporations, or land is taken from poor people and used for some project that enhances its value and then sold for big prices to rich people later on.

We had a policy of no net loss of wetlands. What we need now is a policy of no net loss of private property, requiring government to sell off some of its land to private owners for every new acre they take from lower- and middle-income people.

Private property, Mr. Speaker, is a very important part, a basic part of the freedom we have always treasured so highly in this Nation.

PUBLICATION OF THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules for the 107th Congress for the Committee on Education and the Workforce for publication in the CONGRESSIONAL RECORD.

THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 107TH CONGRESS

RULE 1. REGULAR, ADDITIONAL AND SPECIAL MEETINGS: VICE-CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice-chairman, or the Chairman's designee.

(e) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the Chairman, the vice-chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

(a) Subject to clauses (b) and (c), committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chairman may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chairman may permit committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(c) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives; together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be five standing subcommittees. In addition to the conducting oversight in the area of their respective jurisdictions as required in clause 2 of House Rule X, each subcommittee shall have the following jurisdictions:

Subcommittee on Education Reform.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, vocational education, preschool programs including the Head Start Act, school lunch and child nutrition, and overseas dependent schools; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, migrant and agricultural labor education and homeless education; educational research and improvement, including the office of Educational Research and Improvement; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP).

Subcommittee on 21st Century Competitiveness.—Education and training beyond the high school level including, but not limited to higher education generally, including postsecondary student assistance and employment services, Title IV of the Higher Education Act; training and apprenticeship including the Workforce Investment Act, displaced homemakers, adult basic education (family literacy), rehabilitation, professional development, and training programs from immigration funding; pre-service and inservice teacher training, including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; Title I of the Higher Education Act as it relates to Titles II and IV; science and technology programs, including Title III of the Elementary and Secondary Education act; all welfare reform programs including, work incentive programs, welfare-to-work requirements, and childcare services, including the Childcare Development Block Grant; Native American Programs Act, Robert A. Taft Institute, and Institute for Peace.

Subcommittee on Select Education.—rograms and services for the care and treatment of certain at risk youth, including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; all matters dealing with child abuse and domestic violence, including the Child Abuse Prevention and Treatment act, and child adoption; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; environmental education; all domestic volunteer programs; School to Work Opportunities Act; library services and construction, and programs related to the arts and humanities, museum services, and arts and artifacts indemnity; and Titles III, V, VI, and VII and Title I, as it relates to those Titles, of the Higher Education Act.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, Family and Medical Leave Act, Worker Adjustment and Retraining Notification Act, Employee Polygraph Protection Act of 1988, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety; and, in addition, oversight of compulsory union does within the jurisdiction of another subcommittee.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); all matters related to equal employment opportunity and civil rights in employment.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and any member of the committee may question witnesses only when they have been recognized by the Chairman for that purpose.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meeting or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. No subcommittee markups shall be scheduled simultaneously. As far as practicable, the Chairman shall not schedule a subcommittee markup during a full committee markup, nor shall the Chairman schedule any hearing during a markup.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS-HEARINGS-QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the committee or Subcommittee unless authorized by the Chairman.

RULE 14. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chairman of the full committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chairman shall notify in writing all members of the committee of the issuance of the subpoena.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members.

The minority part members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairman regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days have elapsed after written notification of such proposed referral to all subcommittee chairman, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he [or she] intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule IX and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House: This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.

Such disclaimer need not be included if the report was circulated to all members of the committee at least 7 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessry to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $5,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $5,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $5,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) *Television, Radio and Still Photography.* (1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of Rule XI, clause 4 of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House.

(2) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(b) *Internet Broadcast.* An open meeting or hearing of the committee or subcommittee may be covered and recorded, in whole or in part, by Internet broadcast, unless such meeting or hearing is closed pursuant to the Rules of the House and of the Committee. Such coverage shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and other applicable rules of the House of Representatives and of the Committee. Members of the Committee shall have prompt access to any recording of such coverage to the extent that such coverage is maintained. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 24. CHANGES IN COMMITTEE RULES

The committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all member and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such proposed change.

EVENTS IN THE UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, Ukraine is a country that was at one time a satellite of the Soviet Union, and 10 years ago it moved towards its own independence. Our President, Ronald Reagan, stood before the world and said, "Tear down that wall." And when the wall fell there were so many nations across the Soviet Union who became free, and Ukraine was one of those nations.

Ukraine, in declaring its independence, established the rights of its citizens, the same rights that are the bedrock of our democracy here in America. Freedom of speech, the right to assemble, freedom of press, are rights that have been granted to the people of Ukraine, and they are rights that have been fundamental to the unfolding of democracy in that country.

A few months ago, a Ukrainian journalist by the name of Heorhiy Gongadze, remember that name, it is an unusual name, but remember it, Heorhiy Gongadze, a Ukrainian journalist who challenged the government of his country, as journalists do here every day, Georgiy Gongadze was found dead. His head was cut off. His hands had their fingerprints removed, obviously with acid, and his hand was protruding from the shallow grave that his body had been put in.

After that, tapes were discovered, tapes that had been recorded by a member of the Presidential security staff in Ukraine, tapes were discovered that had the voice of the President of Ukraine on those tapes, although the government denies it is his voice, and the President of the Ukraine was calling upon someone to get rid of this journalist; very clear implications here, very clear implications that the President of a free nation was involved in calling for the demise of a reporter who later on turned up dead with his head cut off and his fingerprints obliterated.

As a result of this despicable crime, freedom-loving people in Ukraine began to protest: protest the government, protest what happened in the attack on the free press. They set up, as a symbol of their protest, a series of tents that went for a couple hundred yards down the main street of Kiev, the capital city. It was very impressive to see, and it was a protest that came from all levels of Ukrainian culture and society, from young and old, from the political left and the political right, from the political center, from nongovernment organizations, members of the media, and from members of the Ukrainian Rada, all involved in this protest.

The protests had been going on in this tent city for 2 months. A U.S. congressional delegation led by the gentleman from Pennsylvania (Mr. WELDON), a delegation that I was proud to be a member of, visited Ukraine last week, and we met with members of the press who expressed their concern about freedom of the press, about the chilling effect which the murder of this reporter had on free press in Ukraine.

We met with members of the nongovernment organizations who expressed concern about this tendency to drift away from democracy that the government had shown. We went, and some of us visited this tent city and actually talked to the people.

We had the opportunity to meet with the President of Ukraine in a 2-hour-and-15 minute meeting. During that meeting, the President assured us that he stood for freedom of press, that he stood for freedom of speech, that he stood for the right of assembly, those same rights that we know so well, those same rights that were accorded to the people of Ukraine.

We were asked by the media before we left, what would happen if, after we left, these tents came down? Because it was thought that our presence there discouraged any effort to remove the tents.

We found out the answer today, because once the congressional delegation left, the government ordered the police to remove the tents, protesters arrested, tents thrown in the truck. An area known as Independence Square is boarded off in Ukraine, boarded off, a statue of St. Michael sitting in the middle of that square that is boarded off, and people cannot even gather together.

There will be consequences, I say to President Kuchma, for his denial of the right of assembly and freedom of speech in his country. The international community is watching. The whole world is watching.

ROLE MODELS AND BLACK HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, promoting awareness of black history throughout the month of February allowed all of us an opportunity to not only learn from the past, but also remind ourselves and others about the importance of practicing acceptance and inclusion. However, while black history is recognized in February, it does not stop today, on March 1. If it truly is history in February, it is also history in March through January. That is why I decided to make these remarks today, rather than in February.

I am pleased that our Nation has chosen to recognize and celebrate the history of the African American culture. History teaches us that every culture and every society endures good and bad, and it is essential that we continue to learn from our past.

From the days of early American statehood, when African Americans like Harriet Tubman and many others fought to gain freedom from slavery, to the inspiring civil rights movement fostered by the determination of individuals such as Rosa Parks, Daisy Bates, and Dr. Martin Luther King, Jr., to our current times today, African Americans have played a vital role in America's history.

Last month, as we celebrated Black History Month, I was reminded of how the contributions of African Americans have had a particular influence on my life. Growing up during the 1960s and 1970s in south Arkansas in small towns like Emmet, Hope, and Prescott, I was fortunate to be among the first generation to attend integrated public schools.

Those were difficult times for our Nation, but as the son of public school educators, I was taught early on that blacks and whites could live and work together and value each other's differences.

As many small schools did at that time, our elementary school in Emmet combined two grades in each classroom. The teachers had close relationships with the students, and had a profound influence on our young lives.

I remember that two particular teachers played a special role in my upbringing as a young student, perhaps because they were both African American, or perhaps because they were simply warm, caring individuals. Their names were Velma Rowe and Corrine Gilbert.

Ms. Rowe and Ms. Gilbert always went the extra mile to make a difference in our lives as students, whether it was providing encouragement when we were having trouble keeping up, guidance and discipline when we stepped out of line, or congratulations for a job well done.

I may have been too young at that time to fully understand the history of racial inequality in our country, but looking back, they gave me a special insight into the important role of African Americans in our community and in our society. The impact of their example as teachers and as leaders in the African American community helped to shape my view, as I grew older, that we must all work together to accept each other and respect our differences.

In class, Ms. Rowe and Ms. Gilbert taught all of us that we were each important as individuals, no matter what our race or background, no matter whether we were rich or poor, and that we must show respect for all those around us. They instilled in us the value of a good education, and that, with hard work, determination, and a good heart, we could build a better world.

On Sunday, February 18, my wife, Holly, and our two children, Sydney Beth and Alex, joined me in attending the black history program at Greater Pleasant Hill Baptist Church in Arkadelphia, Arkansas. I had the privilege of participating with African Americans, young and old, in the program, which highlighted historical accomplishments of African Americans, named by using each letter of the alphabet from A to Z.

The service was a great opportunity for my family and me to reflect on how far we have come in the last 150 years towards the goal of racial harmony in this country, and yet, how far we still have to go in the continued battle for civil justice.

As I told Pastor Lewis Shepherd's congregation following the program, we must continue to reflect on black history throughout the year as we work together to foster greater understanding so that we can bridge the racial gaps that still exist in today's world.

I can only imagine what it was like for Ms. Rowe and Ms. Gilbert when they were growing up in the segregated South, and what challenges and obstructions they had to face each and every day.

As adults, they used their lives and experiences to bring people together and to serve as role models for me and so many students. Our challenge is to be the Ms. Rowes and Ms. Gilberts of today.

THE SITUATION IN UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to continue the efforts started by my colleagues here this afternoon regarding the situation in Ukraine.

I just had the pleasure of leading a delegation to Russia, Ukraine, and Moldova, where our primary purpose was to reestablish strong ties with the people of those three countries; to announce, specifically in Ukraine, the establishment of a new interparliamentary dialogue between the Rada and the American Congress.

While meeting in Ukraine, we were scheduled to have a 30-minute meeting with the President of that country, President Kuchma. The meeting lasted for 2 hours and 15 minutes because of the current turmoil in Ukraine relative to the murder and the atrocities committed against a reporter, and the evidence that some have put forth indicating a tape with supposedly or allegedly President Kuchma's voice ordering the assassination of the reporter.

In our meeting with President Kuchma, we pleaded with him that Ukraine had to abide by the rule of law and had to maintain the freedom of the press in this investigative process. We offered the support of our Federal Bureau of Investigation to the Ukrainian government to fully investigate this incident, so that everyone in the world would know the facts about this particular incident.

President Kuchma accepted that offer of the cooperation of our FBI.

□ 1600

We stressed with President Kuchma the need to maintain the rule of law, as well as protect the freedom of those to speak out who were in disagreement with his government.

He reaffirmed the commitment to those principles with the seven-member delegation that was a part of this trip. Today we find out, Mr. Speaker, that the Ukrainian government has shut down the basic first amendment rights of the people of that country to speak out. There had been a peaceful protest set up in downtown Kiev, where people from all walks of life in Ukraine were protesting what they felt was inadequate response by the government to this incident.

While we reaffirmed to President Kuchma that we were not there to try to impose our will on the people of Ukraine, it was absolutely essential that the rights guaranteed by any democracy under a Constitution such as that which Ukraine is now under be held up and be maintained.

It is absolutely devastating that today we hear that Ukraine has taken a step in the wrong direction. Mr. Speaker, this is not good news for America. It is not good news for Ukraine, nor the Ukrainian people.

I call upon President Kuchma and the Ukrainian government as friends of Ukraine wanting to support more enhanced cooperation to reestablish the basic principles of a free democracy, to reestablish the principles of freedom of speech and freedom of assembly, to reestablish the principle of the rule of law, to have a full and complete investigation of the murder of Mr. Gongadze wherever it might lead.

Unfortunately, if these steps are not taken, my prediction is that this Congress will act to send a signal to Ukraine that we are not happy with the steps that are being taken to reverse the progress that Ukraine has achieved over the past several years.

Mr. Speaker, as a friend of Ukraine and a friend of the Ukrainian people, I plead with President Kuchma to live up to the standards that he affirmed to the seven-member congressional delegation for his country, because the word received today does not coincide with what President Kuchma told us he would do as the leader of that great Nation.

PROBLEMS WITH ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, this afternoon and this evening I would like to talk about our problems with illegal narcotics. We have a new President. We have a new Congress.

I have recently, as of 2 weeks ago, been named chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources that deals with both the authorizing and the oversight on the narcotics question. Today I would kind of like to lay out where we are likely to head this year and some of the fundamental issues that we will be addressing.

This subcommittee has been headed by former Congressman Bill Zeliff, by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, by the gentleman from Florida (Mr. MICA), and we have been working together since the Republicans took over Congress to put an aggressive plan together with how to deal with drug abuse in America.

What we saw in 1992 to 1994 was such a dramatic rise in drug abuse in America that since 1994 we would have to have a reduction of 50 percent among young people to get back to where we were in 1992. We had been making steady progress for over a decade, but two events, in my opinion, set the whole chart in the wrong direction.

One was we cut our interdiction budget and let the drugs pour into our country, which gave a cheaper supply on the street in more purity and potency to the illegal narcotics.

Secondly, the messages were sent in our culture, including at the top of our political structure, that hey, I did not inhale, kind of joked around about drug abuse. We saw such a dramatic rise.

Let me repeat that, in 2 years drug abuse in America soared so much in 1992–1994 that among young people it would take a 50 percent reduction to get back to where it was the first 2 years of the Clinton administration.

Let me explain a couple of things, because I am going to talk more in detail tonight about interdiction. We just had a delegation, a congressional delegation, that went to an antinarcotics conference in Bolivia. We were there for several days, as well as in South America and the former landing operations that we have now to replace Panama. And I am going to get into that in more detail as we get into this discussion of the issue.

Because of Plan Colombia, we had, I believe, 5 congressional delegations, most from the Senate in Colombia, including ours, in the last district work period, because we have had a lot more focus in the United States on what is happening down in Colombia, not only in Congress, but the movie Traffic that is currently a nominated movie for the Oscars.

West Wing, the TV show, in the last couple of weeks featured a question of lost Americans in Colombia and the attention to the subject has soared. Before I get into the details of Plan Colombia, it is important to lay out a more comprehensive approach.

Mr. Speaker, we have to eradicate the drugs at the source. We have to work to interdict it. We need to work to arrest and prosecute those who are dealing and using it. We need to work with prevention. We need to work with treatment.

That is, in fact, what we do in the budget. Frequently, those who would attract those who are trying to fight illegal narcotics say all we are concerned about is Plan Colombia. The efforts in interdiction total $2.2 billion, or 17 percent of the Federal budget, and interdiction cannot be done by State and local governments.

We do not want the State of Indiana that I represent going and sending P-3 customs planes to get intelligence in the air. We do not want the State of Mississippi sending out boats to interdict in international waters. That is a Federal role.

International aid is $.9 billion, or another 5 percent. So total, the international aid interdiction totals 17 percent.

Domestic law enforcement from the Federal level aid is 51 percent of our budget, $9.8 billion. What we are doing in domestic law enforcement is almost three times as much as what we do in the international arena. That is only the Federal Government.

The State and local government also have even larger expenditures in law enforcement, the result of drug abuse in America.

In demand reduction, because sometimes we would think when we hear debates on the House floor that Plan Colombia, which is $1.2 billion, just dwarfs that. Why do we not spend it in treatment? Why do we not spend it in prevention.

We spend $3.8 billion Federal dollars in treatment and $2.5 billion in prevention, or $6.3 billion, or over twice as much as we spend in interdiction. The reason that is important to note here is only the Federal Government can do international interdiction. State and local governments and the private sector do most prevention and treatment programs.

The amount of dollars that we spend in prevention and treatment far dwarfs anything we spend in interdiction. It is just that only Congress can do international interdiction, whereas we have many, many State and local government and private sector programs in addition to this category at the Federal level being over twice the amount as interdiction international.

Let me give my colleagues some more examples, because every once in a while somebody will say to me, whether we are down in Central and South America or here, why are we so focused on interdiction and why are we not more focused on prevention and treatment?

Mr. Speaker, I also serve on the Committee on Education and the Workforce, and I have worked with the drug free and safe schools program. I also have an amendment currently, arguably the most unpopular amendment in the college campuses in America, where I said if you were convicted of either dealing or using illegal narcotics when you had a student loan, you would lose your loan for one year unless you go through a treatment program and tested clean twice.

If you are caught a second time, you lose your loan for 2 years, unless you go through a treatment program and tested clean twice. The third time, you cannot get a loan, which is pretty generous.

The goal here is to get people into treatment and to prevent people from getting onto drugs in the first place. If you are a dealer, by the way, that is not quite as generous a policy, it is two times.

The reason that is important is because those who say they really want prevention and treatment often criticize that amount as well. It seems like they want to criticize interdiction, but they also do not want actual accountability to people who abuse drugs, even if it means they will be led into a treatment program.

Rolling Stone magazine, I guess the current issue, attacks me again. They attacked me in the fall for this amendment saying somehow this is depriving, I guess, drug abusers and drug users of a tax-subsidized college education.

Thirdly, we have sponsored legislation which I carried through committee, and the gentleman from Ohio (Mr. PORTMAN) drafted, on community prevention grants. We have several of these in my district. This sometimes can be used for groups like Pride in Noble County, which is in my district. It can be used for other community drug prevention programs.

We also passed legislation to help businesses assist in how to work with drug testing and drug treatment programs that are within the civil liberties demands of any program.

We cannot just randomly test people. We have to have an equal, fair process, multiple tests so you do not get sued. Your goal here is not to play gotcha. Your goal is to help the individuals, because as businesses invest in people and develop them, they need to figure out how to help them be productive and not mess up their lives.

The gentleman from Minnesota (Mr. RAMSTAD) and others and I have cosponsored a bill to require drug and alcohol treatment as part of any health insurance plan. These are important to see, because tonight when I talk about interdiction, I am not saying there are not other aspects of the drug problem we have to deal with. We have to have a comprehensive approach.

Our committee, in addition to the interdiction, part of the way we wound up with the authorizing is ONDCP gets its budget approval and authorizing from our committee. General McCaffrey is the head of that, and hopefully under this administration, the efforts and the gains we have made in the last few years will be continued, and we will not have any backup in the sense of downgrading the Drug Czar's office or of getting rid of drug certification.

One important part, and I want to just take a minute, because this is another kind of hot issue being debated right now because of President Fox meeting with President Bush and President Pastrana meeting with President Bush, and that is what is the role of drug certification?

Whenever we meet with Central and South American countries and other countries around the world, they are very concerned that we have a certification process here in Congress that can pass judgment on whether their countries are working on drug certification.

They have a similar concern with human rights certification. If we drop drug certification, we certainly will be dropping human rights certification, too, because both things have the same rationale, and that is, we have certain standards on the money that we distribute that is passed through the government by the taxpayers of the United States, and we expect that the countries who get that aid or, for that matter, the drug certification is not tied to this directly, but it is something certainly to consider, is trade.

If they want benefits from America, then we have a right to say that the American taxpayers want to make sure that they are helping us with our biggest domestic problem, and that they are helping in not using any of our funds for human rights violations.

I hope that this administration, while working in a positive way with Mexico and the other South and Central American countries, will not drop the drug certification process or ask Congress to drop, because these would be bad signals, much like the bad signals that were sent out at the beginning of former President Clinton's administration. We do not want to have bad signals come out here at the beginning of President Bush's administration, even if that would not be his direct intent.

There are some difficulties. I admit that there are difficulties. For example, in the President's budget, do we keep the drug free and safe schools, or do we block grant more funds to give State and local schools more of an opportunity to make the decisions what they want to spend it on? Because if we do, in fact, only create five grant categories, as is potentially going to come in the President's education bill, that means we could be eliminating the only prevention program that we fund through the Federal Government, or the primary one, which is safe and drug free schools. That will be a difficult question that we have to address.

Secondly, we have in the faith-based question in the new faith based office, how do you deal with the fact that many of the most effective drug abuse programs, for example, Teen Challenge, Victory Life Temples in Texas, many of the most effective programs in America are religious-based, and how do we make sure that people who are not comfortable with the religious orientation, religious content-driven curriculum have alternatives because we cannot force and should not force anyone into a program that they do not agree with, yet those programs are very effective because it can change somebody's heart. You can often get them off drugs; otherwise, they often learn just how to scam the system.

We also have to face a very difficult fact; not only has it been hard to eliminate drugs at the source country level, but quite frankly, the results and the facts on everything from drug courts, which I support, to drug treatment programs, which I support, to drug free schools programs, which I support, have mixed effectiveness records as well. Sometimes it is an amount of dollars.

If your drug treatment program is not long enough, the person does not get completely rehabilitated. Sometimes it is dollars at the schools levels. Their dollars are so little about all they can get done is passing out rulers or pencils.

We have to figure out how to make the dollars effective. There are other reasons why they are not as effective either. We have to look at those. Are they targeting the right people? Is the message something that actually appeals to kids or do the messages appeal more to adults?

Then another big question that was tackled under General McCaffrey as Drug Czar was a media campaign. We had a national media campaign that looked in lump sum like a lot of dollars, but compared to what people were getting hit with in the movies and on television and, in particular, in rock music, it was a little tiny dribble in a huge ocean, and was our ad campaign very successful in changing people's attitudes, and how do we do that.

A lot of the questions that we are going to deal with in treatment and prevention are also very difficult. It is not just that what is happening in Colombia is difficult and what is happening in law enforcement is difficult, it is also difficult in prevention and treatment.

Some people say, well, it is just hopeless. We should just give up. We cannot eliminate drug abuse.

I happen to believe that the core problem is sin, because as long as people are going to sin, which they always will, it is going to be very difficult to eliminate it. Even if we do not accept that premise and want to say well, the problems are family breakup, their lack of economic opportunity, there is self-esteem problems, all of which are, to a degree, true, and certainly they are mostly intractable problems.

□ 1615

We cannot in the Federal Government say every family has to stay together. We have to make sure that every single person gets a job. We cannot pass a law to say that your self-esteem must be high. Obviously we cannot do that, but we need to work towards those things.

Mr. Speaker, we know that 70 to 85 percent of all crime in America is alcohol and illegal narcotics related. We hear about so-called victimless crime where someone is thrown in a jail for using a small amount of marijuana. I would like to see those cases; there are not very many. The bulk of crime that is drug related is robbery, assault, to get money or it is because the illegal narcotics has been an enabler and have resulted in child abuse, spouse abuse, rape, you name the problem. 70 to 85 percent of those problems are drug and alcohol related. It is clearly the biggest at least enabler problem that we have in this country.

Do we just give up? People say Congress has spent a lot of money, and has not eliminated drug abuse. Do we just give up. We have been spending money trying to eliminate child abuse since America was founded. Do we just give up? We have been trying to eliminate spouse abuse. Do we just give up? We have been trying to eliminate rape in America. Do we just give up? Of course not.

If you think that the drug war is something that takes 12 months or 24 months, you do not understand the nature of the problem. This is a problem that comes up every time young people are born, move into elementary and into junior high years, start to be exposed to the temptations, you have a whole other market that has to be reeducated and relearn why drug abuse is a problem. Just like racism and child abuse and spouse abuse, it is a never-ending problem that sometimes we get more control over and sometimes we get less control over, and we need to work on getting control of this.

There is a fad in America of "medicinal" use of marijuana, implying that there is anything in marijuana that is good, rather than it has one subcomponent in it that can be helpful in alleviating vomiting when you take certain things for cancer, that that component can be isolated and used other ways. Much like there is probably one good component in arsenic, there is probably one good chemical component in most things. But marijuana is not medicinal. Marijuana is no different than any other cigarette except that it is more potent and more dangerous than other cigarettes.

Mr. Speaker, for example, that kind of fad and the legalization fad, today in Washington we have an assistant health minister from the Netherlands bragging on C-SPAN earlier today and other places about how great the Netherlands program has been. Anybody who has heard of the drug Ecstacy in America and knows how it is ripping apart, starting on the East Coast and moving into the West gradually, and see what it is doing to individuals and young kids in our country, thank the Netherlands.

Their legalization program has made them the home port for the entire world for synthetic drugs. They can talk about how great their legalization program has worked, but they are the exporters causing problems in my hometown, and yet they have the nerve to tell the world how great their legalization program is working.

Mr. Speaker, I wanted to go through the demand focus before I move into Plan Colombia. First, on this chart let me illustrate a couple of fundamental points about the drug question. We have a hearing tomorrow morning at 9:30 where we are going to have General Pace, the head of SOUTHCOM, the military command structure of our Department of Defense that has the area south of Mexico and in South America with Randy Beers, who is the narcotics chief in the State Department, and also Mr. Marshall, who is the director of the DEA to talk about Plan Colombia in particular.

We know where the drugs come from, and we know where they come into the United States. That said, it is still hard to get control of it. Colombia, Peru just to the south and Bolivia, the Andean region, constitute basically 100 percent of the cocaine that comes into America, almost all of the heroin that is currently in America with the exception of some Asian heroin in the West, and most of our high-grade marijuana in America. So we know where it comes from and how it gets here.

It comes through the western Caribbean, through the eastern Pacific, often then up through Mexico, occasionally up increasingly through the

Caribbean corridor which has gone down as low as 38 percent, as high as 58 percent, it depends where the pressure is. Now, if you look at this, it gets harder as the drugs move from the source country. And understand Colombia, Bolivia and Peru are not little countries. They are together about the same size as the United States, so it is still a large area to cover. As they move into the whole Caribbean Sea and the eastern Pacific and can come into the United States from any direction, and much of it also goes to Europe and Asia, it becomes more difficult as we move from those countries.

The next thing is that in Colombia, it is also clear that coca and heroin poppy are not grown everywhere in the Andean country. While they can be grown in other places, it tends to be that the coca is concentrated near the equator with a certain elevation, and you can get better yields and better grades in some parts of these countries. Furthermore, the heroin poppy basically needs a high temperature, lots of humidity, that is why the Equator, at 8,000 feet or above. So within these countries, they can only go basically in some places. Furthermore, in those countries they do not want to be where there are population centers or roads because then it is easier for the military and the police to get them.

In Colombia there are two basic regions where the coca is grown. What has happened over the last few years for those who say that this is a hopeless battle, Bolivia at one point, because of the Chapare and Camiri areas being such a great area to grow coca, once produced 30 to 50 percent of the coca production. It is now down to less than 10 with their President committed to getting it to zero in the next few years through working with alternative development.

In Peru that used to be producing 30 to 40 percent, they made dramatic efforts to reduce it in Peru. Now, the instability of their current governmental situation leads the vulnerability back towards Peru. Ecuador, which is right up and right near the big cocaine area of Colombia, has not had the same level of growing of coca for a number of reasons. But they are very worried that this may spread to them along the Putamyo River.

Now, there are a number of reasons. One is the road system is a little more developed in the areas, that there is so much instability, and Ecuador has never been a target, five Presidents in 5 years. The tradition has been more in Colombia partly for access to the United States.

Let me illustrate one other thing. What is our compelling national interest in this? I have been going on about 70 to 85 percent of our crime in America being related to drug abuse. But it is more than just that.

Panama here, for those who are historians realize that this really is Colombia and was made Panama when Colombia would not take our offer when we wanted to build the canal there.

The narcotraffickers and others, these circles represent areas where the different terrorist groups have taken over part of Colombia have moved into the southern part of Panama and are in danger of threatening and shutting off or at least gaining control of the Panama Canal.

We have had our military kicked out of Panama. We cannot have our AWACS and our other spy planes which we were doing to interdict traffickers for the last few years, we cannot fly them out of Panama anymore. So we are busy building forward landing locations, one here in Ecuador, one over here in Aruba and Curacao. We have refueling stops up here in Honduras and in El Salvador because we have had to scatter around.

But what that means is right now some of our spy planes because we so, in my opinion, botched the Panama Canal situation, that we are having to come down from Puerto Rico or way in the United States and spending so much time trying to get a plane down there that they can fly around a little bit and then head back.

Now, in the Netherlands Antilles, we have had some usage of their fields, but we do not have an AWACS down there. Plus, quite frankly, the last administration diverted most of our intelligence capabilities over to the Balkan area.

Now the reason that becomes important, as I said, there is a trade nexus here. There is a drug nexus here. But this area is our choke-point on oil. Seventeen percent of America's oil comes from the Lake Maracaibo Venezuela area.

Colombia and Ecuador and Venezuela together supply more oil to America than the Middle East. We have had our attention diverted into every skirmish and every terrible human rights crisis in the world, and we are not watching in our own hemisphere. Our trade choke-point, the agriculture products that come from the Midwest and down and go to Asia come through here.

We are not watching our energy choke-point. We whine if gas hits $1.50. What if we lose this area to the narcotraffickers and they have a gun to our head and gas goes to $4 or $5 a gallon. What happens to the pickup makers in my district? What happens to people who drive trucks? What happens to the people who make RVs? What happens to the people who build boats? Ask the question, What are we going to do if we have this area fall under the narcotraffickers? We have a compelling national interest in these areas.

I want to respond, too, to two other things. One is in Plan Colombia. One would think from hearing much of the debate that Plan Colombia is predominantly a military exercise.

Now, I would like to insert into the RECORD two parts from the U.S. support for Plan Colombia from the U.S. Embassy document. And I have marked the pages, and I will insert that.

I want to read a couple of the highlights. We are spending 25 million to establish a human-rights task force. So it is 25 million to establish a human-rights task force, 7 million to strengthen human-rights institutions, 4 million to enhance protection of human-rights workers, 15 million to witness and judicial security and witness protection in human-rights cases, 2.5 million in child soldier rehabilitation, 1.5 million in human-rights monitoring, support for U.N. human-rights offices another million.

Then we are also investing in their governing capacity and reform to judicial system; for prosecuting or training, 4 million; for how to training judges, 3.5 million; how to train public defenders, 2 million; how to create the houses of justice, 1 million; policy reform criminal code, 1.5 million; policy reform enabling environment, 1 million.

We also have different programs on asset forfeiture, on countering organized financial crime, on prison security, on judicial police training academy, on multilateral case initiatives, and a whole series of things.

I wanted to point that out because what we realize here is our drug consumption, America has literally nearly destroyed one of the oldest democracies in South America, a democracy as old as America. The narco-terrorists represent a public support percent of 4 percent. The number of people in American prisons is approximately 1.5 percent. With one family member, they would represent 3 percent of our population.

This is not a rising up of a dissident movement in a country. These are people who predominantly are terrorists, funded by our drug habit in America that have undermined their governmental structure.

Now, as we work with trying to get control of the country, enable their structures to work again, and anybody who saw the movie "Clear and Present Danger," while it was a fictitious movie based on a fictitious book by Tom Clancy, I asked former Ambassador Morris Busby, who was ambassador at the time that so many of those judges were killed, whether the movie was accurate. He said not completely. I died in the movie.

It was basically accurate in the sense of nearly one-third of their judges were killed. Their police departments in many of these countries are terrorized because of the weaponry and the dollars that the dissident groups have.

□ 1630

Now, that said, I am also going to insert some marked pages here from Plan

Colombia, a document from President Pastrana in Colombia, for the Record. Let me read this paragraph:

"In short, the hopes of the Colombian people and the work of the Colombian government have been frustrated by drug trafficking, which makes it extremely difficult for the government to fulfill its constitutional duty. A vicious and pervasive cycle of violence and corruption has drained the resources essential to the construction and success of a modern state."

President Pastrana has set aside a demilitarized zone for the FARC. The right wing terrorists are now into narcotics and almost as large as the FARC, but there is a demilitarized zone where the president is trying to work with the peace process so at least those who have been concerned about land reform and other issues in Colombia have the ability to separate themselves from the narcoterrorists. He is working at that. But we have grave concerns that it has become a launching area and a protection area under the guise of a DMZ for the other areas.

Now, in trying to reestablish all those dollars I said for criminal justice reform and for legal reform, first there has to be order and the crops have to be eradicated; and then they can do the alternative development, which gives people an alternative to illegal narcotics.

Now, in addition to that, I worked with the gentleman from Alabama (Mr. Callahan) in last year's foreign operations where the University of Notre Dame, the Kellogg Institute, the Ford Foundation and others have put together a human rights center for Colombians who fled, often with $1 to $2 million prices on their head. Many of their top writers, many of their top people in the movie industry, people in all forms of cultural life in Colombia have gravitated to the University of Notre Dame because of Catholic ties and because of this center; and we need to help keep their culture together. This is an old democracy being destroyed in large part because of our drug consumption.

Now, they have to fight the battle there. A part of Plan Colombia I ask to insert is very clear. They have asked us for help. If they are not willing to do the fighting on the ground, if they are not willing to work to rebuild their institutions, there is not much we can do here. We have been through that before. But when people like the Colombian National Police, where they have had 30,000 police officers killed as they battled illegal narcotics, how can we not help them? The bullets being shot at them are coming predominantly with American and European money. All the battle is because in the soaring into Colombia, most of which has occurred in the last 5 to 8 years, is because of our habits.

Now, if we can help them, and that is all they are asking, is will we help them financially; they will do the fighting, they will do the rebuilding, but can we help them financially, our answer should be, since we have at stake our energy, or kids' and families' lives on the street with drug abuse and our trade, our answer should be, yes, what can we do. We should thank them for being willing to risk their lives to help fight our battles.

My colleagues can also see in the President's budget additional funds for the Andean region. Because if we are successful working with Colombia and giving them the resources with which to fight this battle, the narcotraffickers are not just going to give up. They will endanger other countries in the zone. As we heard the vice president of Bolivia so articulately say, what we need to do is convince people. People do not want to deal in narcotics that destroy people's lives; but we have to give them an alternative life-style to say, look, at least decent living can be made in other things. To some degree that means infrastructure questions; to some degree it means helping them with marketing, with training and different things so that they do not go back into narcotrafficking.

I do not believe they have a moral claim on us. I do not believe anybody who grows illegal narcotics or deals in illegal narcotics has a moral claim on the United States that says we must give them money. But I believe it is in our self-interest to help them, or they in fact will grow coca and will deal it. So it is in our self-interest to do so. Plus, I believe it is our moral charity that says, look, certainly they would not be doing this illegal activity if we were not consuming it. So we are going to help them.

But there is a difference from the cocaleros, the people who grow the coca, demanding a moral right to X amount of money in their life-style. We do not tell the kids on the street who are making $300 for 10 minutes' working as a lookout that if they go to McDonald's that they can earn $300. But we do have an obligation in America to try to make sure that people have a decent education; that there are economic opportunities for all Americans and that they can make it if they work at it. But they are not going to make $300 for 10 minutes as a lookout.

Some of these countries seem to be thinking that we are going to replace their cocaine income. No, what we want to do is, through trade policies and through helping them and their countries, get enough of an income that a mother and dad can support their kids with an acceptable life-style, where they are not hungry, where they have a shelter above their heads, where they can learn to read and write and have the potential to advance themselves. And to some degree we owe it to them because we have moved and fueled this narcotics effort.

So I thank my colleagues for giving me this opportunity today. As I say, we have a hearing tomorrow on Plan Colombia. We have money in the current President's budget, and this will be a hot debate over the next few months. As our colleagues who have just been down there, with many more going in a couple of weeks, and as the national media focuses on this issue, we will hear lots more about it. I intend to come down to the House floor and continue to stress the overall Andean package, of which Plan Colombia is part. It is part of a comprehensive approach to drug abuse, which is our number one source of crime in America, 70 to 85 percent, according to every sheriff and prosecutor in the country. And also it is a threat to our energy and economic trade in America and our very economic system.

Mr. Speaker, I include for the Record those articles I referred to earlier.

ALTERNATIVE ECONOMIC DEVELOPMENT AND RESETTLEMENT—FACTS AND FIGURES

Alternative Development (Voluntary Eradication): US $30M.

Assists farmers growing coca on small plots (three hectares or less) to obtain a licit income from agricultural, forestry, or livestock production and marketing.

The activity concentrates in three areas: (1) technical assistance in production, processing and marketing of licit, alternative products; (2) social infrastructure, such as schools and health clinics, and productive infrastructure, such as access roads and agroindustry; and (3) strengthening of local producer, community and government entities to eliminate illicit crops.

Environmental Programs: US $2.5M.

Protects Colombia's globally important biological diversity. By introducing economic alternatives to deforestation for communities living on the edges of protected areas, these programs offset ecological damage done by coca and poppy production in the Colombian Amazon and protect watersheds.

Support to Affected Municipalities: US $12M.

Encourages participation by municipalities in deciding investment priorities, on agreeing how to use social development funds, and in establishing oversight and monitoring procedures. This program will assist approximately 100 municipalities that have been involved in illicit crop eradication and that are aiding displaced persons.

Assist Internally Displaced Persons—Small Infrastructure Projects: US $22.5M.

Up to 50 municipalities are being identified in northern Colombia where support for displaced persons can be established. Medium term support for displaced persons is being implemented in cooperation with international organizations through grants for public infrastructure projects such as schoolrooms, water systems, road and bridge constitution and repair, and market shelters. The communities themselves select the projects, provided they meet criteria for participation in the development of municipal decisions, transparency in financial management, and active participation in alternative development or other governance activities. Approximately 100,000 displaced persons will benefit from these programs.

Alternative Development (Small Infrastructure Projects for existing Communities): US $10M.

Unless a community is able to improve its social and economic situation it is likely to return to illicit crop cultivation even after it has completed an eradication effort. These funds provide public infrastructure projects such as schoolrooms, water systems, road and bridge construction and repair, through municipal governments to provide the conditions in which communities continue to raise licit crops.

Alternative Development in Southern Colombia: US $10M.

Provides technical assistance and material support to municipal governments and local NGOs to strengthen local social services including education, health, and potable water. The program also provides agricultural extension services, agricultural inputs and marketing support. In exchange, some 2,000 farmers, through farmer associations, sign agreements voluntarily to abandon coca production. The entire Alternative Development zone, comprising eight municipalities in southern Colombia and 18,000 families, will benefit from this program.

Emergency Assistance in Southern Colombia: US $15M.

This program provides temporary food and shelter assistance for up to six months to families displaced by conflict and coca eradication in southern Colombia.

USAID Operating Expenses for Managing these programs: US $4M.

Total U.S. Plan Colombia support for alternative development and displaced persons: US $106M.

Protecting Human Rights, Improving Governing Capacity and Reforming the Judicial System: Facts and Figures

HUMAN RIGHTS

Establish Human Rights Task Forces: US $25M.

Strengthen Human Rights Institutions: US $7M.

Enhance Protection of Human Rights Workers: US $4M.

Witness and Judicial Security and Witness/Judicial Security in Human Rights Cases: US $15M.

Child Soldier Rehabilitation: US $2.5M.

Human Rights Monitoring: US $1.5M.

Support for U.N. Human Rights Office: US $1M.

IMPROVING GOVERNING CAPACITY AND REFORM TO THE JUDICIAL SYSTEM.

Prosecutor Training: US $4M.

Oral Accusatory Public Trials and Training of Judges: US $3.5M.

Public Defenders: US $2M.

Casas de Justicia: US $1M.

Policy Reform—Criminal Code: US $1.5M.

Policy Reform—Enabling Environment: US $1M.

ADDITIONAL SUPPORT FOR COLOMBIAN LAW ENFORCEMENT

Asset Forfeiture/Money-Laundering Task Force/Anti-corruption program/Asset Management Program/Financial Crime Program Counter-narcotics Investigative Units: US $15.OM.

Countering Organized Financial Crime: US $14M.

Prison Security: US $4.5M.

Judicial Police Training Academy: US $3M.

Multilateral Case Initiative: US $3M.

Banking Supervision Assistance and Revenue Enhancement Assistance: US $1.5M.

Maritime Enforcement and Port Security: US $2.5M.

Train Customs Police and Customs and Training Assistance: US $3M.

Military HR & Legal Reform: US $1.5M.

Anti-Kidnapping Strategy: US $1M.

Army JAG School: US $1M.

Total U.S. Plan Colombia support for protecting human rights, improving governing capacity and reform to the judicial system: US $119M.

In short, the hopes of the Colombian people and the work of the Colombian government have been frustrated by drug trafficking, which makes it extremely difficult for the government to fulfill its constitutional duty. A vicious and pervasive cycle of violence and corruption has drained the resources essential to the construction and success of a modern State.

We understand that reaching our objectives will depend on a social and governmental process that may take several years—a time when it is critical to achieve a lasting consensus within a Colombian society where people understand and demand their rights, but are also willing to abide by their responsibilities.

In the face of all this, my government is absolutely committed to strengthen the State, regain the confidence of our citizens, and restore the basic norms of a peaceful society. Attaining peace is not a matter of will alone. Peace must be built; it can come only through stabilizing the State, and enhancing its capacity to guarantee each and every citizen, throughout the entire country, their security and the freedom to exercise their rights and liberties.

Negotiaiton with the insurgents, which my government initiated, is at the core of our strategy because it is one critical way to resolve a forty-year-old historic conflict that raises enormous obstacles to creating the modern and progressive state Colombia so urgently needs to become. The search for peace and the defense of democratic institutions will require long effort, faith and determination, to deal successfully with the pressures and doubts inherent in so difficult a process.

The fight against drug trafficking constitutes another important part of Plan Colombia. The strategy would advance a partnership between consumer and producer countries, based on the principles of reciprocity and equality. The traffic in illicit drugs is clearly a transnational and complex threat, destructive to all our societies, with enormous consequences for those who consume this poison, and enormous effects from the violence and corruption fed by the immense revenues the drug trade generates. The solution will never come from finger-pointing by either producer or consumer countries. Our own national efforts will not be enough unless they are part of a truly international alliance against illegal drugs.

Colombia has demonstrated its absolute commitment and made heavy sacrifices to forge a definitive solution to the phenomenon of drug trafficking, to the armed conflict, human rights violations and destruction of the environment caused by drug production. Yet, in truth, we must acknowledge that more than twenty years after marijuana cultivation came to Colombia, along with increased cocaine and poppy cultivation, drug trafficking continues to grow as a destabilizing force, distorting the economy, reversing the advances made in land distribution, corrupting society, multiplying violence, depressing the investment climate—and most seriously, providing increased resources to fund all armed groups.

Colombia has been leading the global battle against drugs, taking on the drug cartels and losing many of our best citizens in the process. Now, as drug trafficking becomes a more fragmented network, more internationalized, underground, and thus harder to combat, the world continues testing new strategies. More resources are being targeted for education and prevention. We see the results in the increased confiscation and expropriation of profits and properties obtained from illegal drug trafficking. In Colombia, we have recently launched operations to destroy processing laboratories and distribution networks. We are improving and tightening security and control of our rivers and airspace to assure better interdiction, and we are exploring new ways to eradicate illegal crops. The factors directly related to drug trafficking—like money laundering, smuggling of chemicals, and illegal arms trafficking—are components of a multifaceted problem that must be dealt with across the globe, wherever illicit drugs are produced, transported, or consumed.

Our success also requires reforms at the very heart of our institutions, in particular, in our military forces to uphold the law and return a sense of security to all Colombians everywhere in Colombia. Strong, responsible, responsive military and police forces committed to peace and respect for human rights are indispensable to consolidating and maintaining the rule of law. Also, we need—and we are committed—to securing a modern and effective judicial system sworn to defend and promote respect for human rights. We will be tireless in this cause, convinced that our first obligation as a government is to guarantee that our citizens can exercise their rights and fundamental liberties, free from fear.

But Colombia's strategy for peace and progress also depends on reforming and modernizing other institutions so the political process can function as an effective instrument of economic advancement and social justice. To make progress here, we have to reduce the causes and provocations of violence, by opening new paths to social participation and creating a collective conscience which holds government accountable for results. Here our strategy includes a specific initiative to guarantee, within five years, full access for all our people to education and an adequate healthcare system, with special attention for the most vulnerable and neglected. In addition, we plan to strengthen local governments, in order to make them more sensitive and responsive to the needs and will of our citizens. We will also encourage active grassroots participation in our fight against corruption, kidnapping, violence, and the displacement of people and communities.

Finally, Colombia requires aid to strengthen its economy and generate employment. Our country needs better and fairer access to markets where our products can compete. Assistance from the United States, the European community and the rest of the international community is vital to our economic development. That development, in turn, is a critical counter force to drug trafficking, because it brings alternative legal employment, for individuals who might otherwise be lost to organized crime or to the insurgent groups that feed off drug-trafficking. We are convinced that the first step toward meaningful worldwide globalization is to create a sense of global solidarity. This is why Colombia is asking for support from its partners. We cannot succeed without programs for alternative development in rural areas, and easier international access for our legitimate exports. This is the only way to successfully offset the illegal drug trade.

There are reasons to be optimistic about the future of Colombia, especially if we receive a positive response from the world community, as we work to create widespread prosperity combined with justice. This will make it possible for Colombians to pave the way to a lasting peace.

The Spanish philosopher Miguel de Unamuno wrote: "Faith is not to believe in the invisible, but rather to create the invisible." Today, a peaceful, progressive, drug-free Colombia is an invisible ideal—but we are determined to make it the reality of our future. With the full commitment of all our resources and resolve, with the solidarity and assistance of our international partners in the common fight against the plague of drug trafficking, we can and will forge the new reality of a modern, democratic, and peaceful Colombia, not just surviving, but thriving in the new millennium as a proud and dignified member of the world community.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. BOEHNER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 18. Concurrent resolution recognizing the achievements and contributions of the Peace Corps over the past 40 years, and for other purposes; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 559. An act to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 2001, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Benjamin L. Cardin, Brad Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Wm. Lacy Clay, Eva M. Clayton, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Christopher Cox, William J. Coyne, Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Randy "Duke" Cunningham, Danny K. Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Jeff Flake, Ernie Fletcher, Mark Foley, Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, Ray LaHood, Nick Lampson, James R. Langevin, Steve Largent, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Carolyn McCarthy, Jim McCrery, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, John L. Mica, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Rob Portman, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, J.C. Watts, Jr., Henry A. Waxman, Curt Weldon, Dave Weldon, Jerry Weller, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 13, 2000 through January 3, 2001, shall be treated as though received on March 1, 2001. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDS of the 106th Congress.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1036. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Specifically Approved States Authorized To Receive Mares and Stallions Imported from Regions where CEM Exists [Docket No. 00–115–3] received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1037. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.2029(b), Table of Allotments, FM Broadcast Stations (Sparta and Buckhead, Georgia) [MM Docket No. 00–101; RM–9885] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1038. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fresno, California) [MM Docket No. 00–162; RM–9948] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1039. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Portsmouth, Virginia) [MM Docket No. 00–201; RM–9919] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1040. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Arkadelphia, Arkansas) [MM Docket No. 00–179; RM–9947] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1041. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Sheridan, Wyoming) [MM Docket No. 00–184; RM–9955] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1042. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Albany, New York) [MM Docket No. 00–183; RM–9959] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1043. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Henderson, Neveda) [MM Docket No. 00–181; RM–9933] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1044. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pentwater, Michigan) [MM Docket No. 00–141; RM–9930]; (Hawthorne, Neveda) [MM Docket No. 00–142; RM–9923]; (Ludington, Michigan) [MM Docket No. 00–143; RM–9931]; (Groveton; New Hampshire) [MM Docket No. 00–144; RM–9925]; and (Marceline, Missouri) [MM Docket No. 00–153; RM–9936] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1045. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Evansville, Indiana) [MM Docket No. 99–346; RM–9763] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1046. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle, and Woodward, Oklahoma) [MM Docket No. 98–155; RM–9082; RM–9133] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1047. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (McAllen, Texas) [MM Docket No. 99–315; RM–9731] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1048. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Hazleton, Pennsylvania) [MM Docket No. 00–119; RM–9879] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1049. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Macon and Walnut Grove, Mississippi) [MM Docket No. 97–188; RM–9137] received February 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1050. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification of justification of defense articles, services, and military education and training furnished under section 506 of the Foreign Assistance Act of 1961 for the purpose of providing anti-narcotics assistance, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

1051. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification of justification of defense articles, services, and military education and training furnished under section 506 of the Foreign Assistance Act of 1961 for the purpose of providing anti-narcotics assistance, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

1052. A letter from the Acting Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Distribution of Fiscal Year 2001 Indian Reservation Roads Funds—received February 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1053. A letter from the Deputy Assistant Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices; Final Rule: Delay of Effective Date [FRA Docket No. PB–9; Notice No. 18] (RIN: 2130–AB16) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1054. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Tri-City, TN [Airspace Docket No. 01–ASO–1] received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1055. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of VOR Federal V–480 and Jet Route J–120; AK [Airspace Docket No. 00–AAL–07] (RIN: 2120–AA66) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1056. A letter from the Deputy Executive Secretary to the Department, Office of Child Support Enforcement, Department of Health and Human Services, transmitting the Department's final rule—National Medical Support Notice; Delay of Effective Date (RIN: 0970-AB97) received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1057. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modification of Rev. Rul. 2001-4 [Notice 2001-23] received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1058. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Repeal of the Modification of the Installment Method for Accrual Method Taxpayers [Notice 2001-22] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT:

H.R. 780. A bill to authorize and request the President to award the Medal of Honor to James L. Cadigan of Hingham, Massachusetts; to the Committee on Armed Services.

By Mr. VISCLOSKY (for himself, Mr. QUINN, Mr. KUCINICH, Mr. ENGLISH, Mr. MURTHA, Mr. NEY, Mr. CARDIN, Ms. HART, Mr. COYNE, Mr. BILIRAKIS, Mrs. JONES of Ohio, Mr. WALSH, Mr. MOLLOHAN, Mr. HORN, Mr. MATSUI, Mr. EVANS, Mr. COSTELLO, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. MASCARA, Mr. LIPINSKI, Mr. OBERSTAR, Mr. RAHALL, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Mr. BONIOR, Mr. DINGELL, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BARCIA, Mr. BERRY, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CRAMER, Mr. CROWLEY, Mr. CUMMINGS, Mr. FILNER, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Mr. KANJORSKI, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Ms. RIVERS, Mr. RODRIGUEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SCOTT, Mr. SHIMKUS, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TOWNS, Mr. TRAFICANT, Mr. WEXLER, and Mr. WYNN):

H.R. 808. A bill to provide certain safeguards with respect to the domestic steel industry; referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. HYDE, Ms. NORTON, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILÁ):

H.R. 809. A bill to make technical corrections to various antitrust laws and to references to such laws; referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. ROHRABACHER, Mr. HOBSON, Mr. HORN, Mr. FOLEY, and Mr. DUNCAN):

H.R. 810. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. MORAN of Kansas, Mr. FILNER, Mr. STUMP, Mr. REYES, Mr. BILIRAKIS, Mr. STEARNS, Mr. BAKER, Mr. SIMMONS, Mr. BROWN of South Carolina, and Mr. BUYER):

H.R. 811. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself, Mr. HEFLEY, Ms. DEGETTE, Mr. TANCREDO, and Mr. SCHAFFER):

H.R. 812. A bill to establish the Rocky Flats National Wildlife Refuge in Colorado, and for other purposes; referred to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 813. A bill to amend title 10, United States Code, to enhance the ability of States and local governments to participate in projects conducted under the alternative authority of the Department of Defense to acquire and improve military housing; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 814, A bill to amend the Immigration and Nationality Act to provide for the admission to the United States for permanent residence without numerical limitation of spouses of permanent resident aliens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 815. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 816. A bill to protect the Social Security System and to amend the Congressional Budget Act of 1974 to require a two-thirds vote for legislation that changes the discretionary spending limits or the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 if the budget for the current year (or immediately preceding year) was not in surplus; referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 817. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Energy and Commerce.

By Mr. BONIOR (for himself, Mr. ABERCROMBIE, Mr. BORSKI, Ms. BROWN of Florida, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CROWLEY, Mr. DELAHUNT, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FOLEY, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Mr. HORN, Ms. JACKSON-LEE of Texas, Mrs. KELLY, Mr. KILDEE, Mr. KNOLLENBERG, Mr. LEVIN, Mr. LOBIONDO, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MENENDEZ, Mr. MOAKLEY, Mr. PASCRELL, Ms. RIVERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. STUPAK):

H.R. 818. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. TRAFICANT, Mr. GILLMOR, Mr. LATOURETTE, Ms. KAPTUR, Mr. HALL of Ohio, Mr. SAWYER, Mr. OXLEY, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. HOBSON, and Mr. NEY):

H.R. 819. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. CLAYTON:

H.R. 820. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991, to require the Equal Employment Opportunity Commission to mediate employee claims arising under such Acts, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COBLE:

H.R. 821. A bill to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogdon Post Office Building"; to the Committee on Government Reform.

By Mr. COLLINS (for himself, Mr. DEAL of Georgia, Mr. FOLEY, Mr. HOEKSTRA, Mr. PICKERING, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. GREENWOOD, Ms. DEGETTE, Mr. STRICKLAND, Mr. MCDERMOTT, Mr. FATTAH, Mr. NORWOOD, Mr. ENGLISH, Mr. COOKSEY, and Mr. INSLEE):

H.R. 822. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT (for himself, Mr. DREIER, Mr. BONILLA, Mr. BECERRA, Mr. HUNTER, Mr. FILNER, Mr. SKEEN, Mr. REYES, Mr. FLAKE, Mr. DEUTSCH, Mr. BISHOP, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. GARY MILLER of

California, Mr. Pastor, Mr. Andrews, Mr. Sessions, Mr. Hayworth, Mr. Dooley of California, Mr. Hastings of Washington, and Mr. Shadegg):

H.R. 823. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal criminal aliens and for emergency health services furnished to undocumented aliens; referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. **DUNN** (for herself, Mr. Duncan, Mr. Simpson, Mr. Whitfield, Mr. Deal of Georgia, Ms. Hart, Mr. Peterson of Pennsylvania, Mr. Crenshaw, Mr. English, Mr. Pascrell, Mr. Watts of Oklahoma, Mr. Greenwood, Mr. Baird, Mr. Otter, Mr. Taylor of North Carolina, Mr. Schaffer, and Mr. Souder):

H.R. 824. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. **FLAKE** (for himself, Mr. Shadegg, Mr. Horn, Mrs. Myrick, Mr. Pombo, and Mr. Frost):

H.R. 825. A bill to provide funds to schools that provide educational services to homeless children and youth; referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **FOLEY** (for himself, Mr. Watkins, Mr. Wamp, Mr. Pickering, Ms. Dunn, Mr. Shows, and Mr. Stump):

H.R. 826. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. **GRUCCI** (for himself and Mr. Weldon of Pennsylvania):

H.R. 827. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to fire departments for the acquisition of thermal imaging cameras; to the Committee on Transportation and Infrastructure.

By Mr. **GRUCCI**:

H.R. 828. A bill to amend title XVIII of the Social Security Act to expand coverage of preventive services under the Medicare Program and to provide coverage of outpatient prescription drugs under that program; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **HASTINGS** of Florida:

H.R. 829. A bill to direct the Federal Election Commission to set uniform national standards for Federal election procedures, change the Federal election day, and for other purposes; referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **HOSTETTLER** (for himself, Mr. Bartlett of Maryland, Mr. Ryun of Kansas, Mr. Akin, Mr. Flake, Mr. Burton of Indiana, Mr. Smith of New Jersey, Mr. Wolf, Mr. Paul, Mr. DeMint, Mr. Schaffer, Mr. Tancredo, Mrs. Myrick, Mr. Hilleary, Mr. Cantor, Mr. Jones of North Carolina, Mr. Sam Johnson of Texas, Mr. Shadegg, Mr. Toomey, Mr. Hoekstra, Mr. Herger, Mr. Istook, and Mr. Pitts):

H.R. 830. A bill to amend the Defense Dependents' Education Act of 1978 to allow home school students who are eligible for enrollment in a school of the overseas defense dependents' education system to use the auxiliary services of such schools; to the Committee on Education and the Workforce.

By Mrs. **JOHNSON** of Connecticut (for herself, Mrs. Thurman, Mr. McCrery, and Mr. Pomeroy):

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. **JONES** of North Carolina (for himself and Mr. Tancredo):

H.R. 832. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. **LaHOOD**:

H.R. 833. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; referred to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **McINNIS** (for himself, Mr. Hefley, Mr. Schaffer, Mr. Tancredo, Mr. Udall of Colorado, Mr. Pombo, Mr. Cannon, Ms. Baldwin, Mr. Barrett, Mr. Bereuter, Mr. Boehlert, Mr. Brown of Ohio, Mr. Doolittle, Mr. Ehlers, Mr. English, Mr. Hinchey, Mr. Houghton, Mr. Kind, Mr. Obey, Mr. Petri, and Mr. Traficant):

H.R. 834. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Resources.

By Mr. **GARY MILLER** of California (for himself, Mr. King, Mr. Baca, Mr. Ballenger, Mrs. Kelly, Mr. English, Mr. Herger, Mr. Simmons, Mr. Lantos, Mr. Ryun of Kansas, Mr. Doolittle, Mr. Bereuter, Mr. Rogers of Michigan, Mr. Vitter, Mr. Frost, Mr. Watts of Oklahoma, Ms. McKinney, Mr. Platts, Mr. Green of Wisconsin, Mr. Gillmor, Mr. Smith of New Jersey, Mr. Underwood, Mr. Berman, Mr. Carson of Oklahoma, Mr. Wicker, Mr. Baldacci, Mr. Camp, and Mr. Osborne):

H.R. 835. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2011; to the Committee on Education and the Workforce.

By Mr. **NETHERCUTT** (for himself and Ms. DeGette):

H.R. 836. A bill to amend title XVIII of the Social Security Act to provide for State accreditation of diabetes self-management training programs under the Medicare Program; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **OBERSTAR** (for himself and Mr. Stupak):

H.R. 837. A bill to provide that, for purposes of making determinations for certain trade remedies and trade adjustment assistance, imported semi-finished steel slabs and taconite pellets produced in the United States shall be considered to be articles like or directly competitive with each other; to the Committee on Ways and Means.

By Mr. **PITTS** (for himself, Mr. Portman, Mr. English, Mr. Regula, Mr. Peterson of Pennsylvania, and Mr. Souder):

H.R. 838. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are exempt from the self-employment tax by reason of their religious beliefs to establish Keogh plans, etc; to the Committee on Ways and Means.

By Mr. **PRICE** of North Carolina (for himself, Mr. Etheridge, Mr. Frost, Ms. McCarthy of Missouri, Mr. Clement, Ms. Carson of Indiana, Mr. Payne, Mr. Strickland, Ms. Hooley of Oregon, Mrs. Clayton, Mr. Baird, Mr. Watt of North Carolina, and Mr. Holt):

H.R. 839. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Ms. **PRYCE** of Ohio (for herself, Mr. Watts of Oklahoma, Mrs. Johnson of Connecticut, Mr. Foley, Mr. Lewis of Georgia, Mr. Matsui, and Mr. Becerra):

H.R. 840. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. **REYES**:

H.R. 841. A bill to suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes; to the Committee on International Relations.

By Mr. **REYNOLDS**:

H.R. 842. A bill to convey certain property at the Canandaigua Veterans Administration Medical Center in Canandaigua, New York, to the Canandaigua City School District; to the Committee on Veterans' Affairs.

By Mr. **REYNOLDS**:

H.R. 843. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. **REYNOLDS** (for himself, Mr. Crowley, Mr. Serrano, Mr. LaFalce, Mrs. Kelly, Mr. Towns, Mr.

Sweeney, Mr. Ackerman, Mr. Meeks of New York, Mr. Quinn, Mr. Houghton, Mrs. McCarthy of New York, Mr. Grucci, Mrs. Lowey, Mr. McHugh, Mr. Gilman, Mr. Fossella, Mr. Hinchey, Mr. Engel, and Ms. Slaughter):

H.R. 844. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 845. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. RIVERS:

H.R. 846. A bill to require the Administrator of the Environmental Protection Agency to prescribe a rule that prohibits the importation for disposal of polychlorinated biphenyls at concentrations of 50 parts per million or greater; to the Committee on Energy and Commerce.

By Ms. RIVERS:

H.R. 847. A bill to amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDLIN (for himself, Mr. Allen, Mr. Andrews, Mr. Baldacci, Ms. Baldwin, Mr. Barcia, Mr. Carson of Oklahoma, Mr. Clement, Mr. Costello, Mr. Doyle, Mr. Filner, Mr. Frank, Mr. Frost, Ms. Hooley of Oregon, Mr. McIntyre, Mr. Menendez, Mrs. Mink of Hawaii, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Paul, Mr. Quinn, Mr. Rahall, Ms. Woolsey, Mr. Wu, and Mr. Brown of Ohio):

H.R. 848. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself and Mr. Shadegg):

H.R. 849. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. Ehrlich, Ms. DeLauro, Mr. Stupak, Mr. Capuano, Mr. McGovern, Mr. Delahunt, Mr. Shays, Mr. Clement, Mr. Lampson, Ms. Millender-McDonald, Mr. Larson of Connecticut, Mrs. Jones of Ohio, Mr. Maloney of Connecticut, Mr. Crenshaw, Ms. Woolsey, Mr. Jones of North Carolina, Mrs. Johnson of Connecticut, Mr. Kucinich, Mr. Spence, Ms. McKinney, Mr. Dingell, Mr. Frost, and Mr. Taylor of Mississippi):

H.R. 850. A bill to provide for the establishment of the National Coast Guard Museum on Federal lands administered by the Coast Guard; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 851. A bill to amend the Emergency Steel Loan Guarantee Act of 1999 to prohibit steel companies receiving loan guarantees from investing the loan proceeds in foreign steel companies and using the loan proceeds to import steel products from foreign countries that are subject to certain trade remedies; to the Committee on Financial Services.

By Mr. TRAFICANT:

H.R. 852. A bill to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER (for himself, Mr. Blagojevich, Mr. Evans, Mr. Traficant, Mr. Filner, Mrs. Thurman, Ms. Velázquez, Ms. DeLauro, Mr. Pallone, Mr. Hilliard, Mr. Payne, and Mr. Sisisky):

H.R. 853. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Ms. DeGette):

H.R. 854. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. LEACH:

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and establish a new procedure for electing the President and Vice President; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi:

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States to provide that certain trust funds are outside the budget of the United States; to the Committee on the Judiciary.

By Mr. MANZULLO:

H. Con. Res. 46. A concurrent resolution expressing the sense of the Congress regarding chiropractic health care benefits; to the Committee on Government Reform.

By Mr. SCARBOROUGH:

H. Res. 75. A resolution expressing the sense of the House of Representatives that the Secretary of Veterans Affairs should recognize board certifications from the American Association of Physician Specialists, Inc., for purposes of employment of physicians by the Veterans Health Administration; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REGULA:

H.R. 855. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Skimmer*; to the Committee on Transportation and Infrastructure.

By Mr. SCARBOROUGH:

H.R. 856. A bill for the relief of Donna Christine Fargo; to the Committee on the Judiciary.

By Mr. SCARBOROUGH:

H.R. 857. A bill for the relief of Romeo P. Teodoro; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LaFalce.

H.R. 27: Mr. Hefley.

H.R. 41: Mrs. Morella, Mr. Honda, Mr. Kirk, Mrs. Roukema, Ms. Lofgren, Mr. Coyne, Mr. Pomeroy, Mrs. Capps, Mr. Otter, Mr. Lewis of Georgia, Mr. Fattah, Mr. Condit, Mr. Waxman, Mr. Peterson of Pennsylvania, Mr. Sherman, Mr. Wu, Mr. Hayworth, Mr. Foley, Mr. McInnis, Ms. Harman, Mr. Deal of Georgia, Mr. Holt, Mr. Hoeffel, Mr. Cox, Mr. Snyder, and Mr. Ferguson.

H.R. 51: Mr. McNulty, Mr. Boehlert, Mr. Reyes, and Mr. Jenkins.

H.R. 90: Mrs. Morella.

H.R. 127: Mr. Gutknecht, Mr. Taylor of Mississippi, Mr. Snyder, Mr. Peterson of Minnesota, Mr. Sensenbrenner, and Ms. Lofgren.

H.R. 128: Mrs. Maloney of New York.

H.R. 129: Mr. Issa.

H.R. 148: Mr. Filner, Ms. McCarthy of Missouri, Ms. McKinney, Mr. Brady of Pennsylvania, Mr. Kildee, Mrs. Christensen, and Mrs. Jones of Ohio.

H.R. 154: Mr. Crenshaw, Mr. Otter, Mr. Leach, and Mr. Taylor of North Carolina.

H.R. 161: Mr. Sessions.

H.R. 167: Mr. Weldon of Florida.

H.R. 169: Mrs. Morella, Mr. Smith of Texas, Mr. Gutknecht, Mr. Wynn, and Mr. Ehlers.

H.R. 179: Mr. Gallegly and Mr. Udall of Colorado.

H.R. 214: Mr. Johnson of Illinois.

H.R. 218: Mr. Issa, Mr. Radanovich, Mr. Norwood, Mr. Weldon of Pennsylvania, and Mr. Ehrlich.

H.R. 238: Mr. Schiff.

H.R. 281: Mr. Cunningham, Mr. Holden, Mr. Wolf, Mr. McNulty, Ms. Jackson-Lee of Texas, Mr. Sandlin, Ms. Hooley of Oregon, Ms. Pryce of Ohio, and Ms. Slaughter.

H.R. 294: Mr. Hastings of Washington, Mr. Lewis of Kentucky, Mr. Souder, Mr. Watkins, and Mr. Camp.

H.R. 301: Mr. Clyburn.

H.R. 302: Mr. Clyburn.

H.R. 303: Ms. Granger, Ms. Lofgren, and Mr. Udall of Colorado.

H.R. 311: Mr. Kirk and Mr. Ryun of Kansas.

H.R. 320: Mr. Stupak, Ms. McKinney, Mr. Hastings of Florida, Ms. Kilpatrick, Mr. Traficant, Mr. Owens, Mr. Rohrabacher, Mr. Tierney, Ms. Rivers, Mr. Crowley, Mr. Taylor of North Carolina, and Mr. Rahall.

H.R. 336: Mr. STUPAK, Mr. DAVIS of Illinois, Mr. GREEN of Wisconsin, Ms. MCKINNEY, Mr. STENHOLM, Mr. UDALL of New Mexico, Mrs. THURMAN, and Mr. NEY.

H.R. 346: Mr. EVANS.

H.R. 354: Mrs. CHRISTENSEN and Mrs. MYRICK.

H.R. 356: Mr. SNYDER and Mr. RAHALL.

H.R. 365: Mr. ENGLISH, Mr. BEREUTER, Mr. EVANS, Mr. INSLEE, and Ms. MCKINNEY.

H.R. 366: Mr. EVANS and Mrs. CHRISTENSEN.

H.R. 373: Mr. CALVERT.

H.R. 380: Mr. MATHESON.

H.R. 385: Mr. NORWOOD.

H.R. 428: Mr. HASTINGS of Florida, Mr. EHRLICH, Mr. MALONEY of Connecticut, Mr. ENGLISH, Mr. BURTON of Indiana, Mr. MARKEY, and Mr. SCHROCK.

H.R. 432: Ms. RIVERS.

H.R. 433: Ms. RIVERS.

H.R. 475: Mr. UPTON, Mr. SMITH of New Jersey, Mr. NEY, and Mr. SOUDER.

H.R. 477: Mr. CANTOR, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. LANTOS.

H.R. 481: Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. SANDERS, and Mr. BALDACCI.

H.R. 482: Mr. HAYWORTH and Mr. RYUN of Kansas.

H.R. 488: Mr. BORSKI, Mr. JACKSON of Illinois, and Ms. DELAURO.

H.R. 496: Mr. SIMPSON and Mr. PORTMAN.

H.R. 511: Mr. LIPINSKI.

H.R. 516: Ms. MCKINNEY, Mr. CRENSHAW, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. BARCIA, and Mr. INSLEE.

H.R. 527: Mr. TANCREDO and Mr. WELLER.

H.R. 550: Mr. CONYERS, Mr. HOEKSTRA, Mr. SMITH of Michigan, Ms. RIVERS, Mr. EHLERS, Mr. DINGELL and Mr. KNOLLENBERG.

H.R. 561: Mr. HOYER and Mr. UDALL of Colorado.

H.R. 570: Mr. HYDE.

H.R. 576: Mr. CONDIT, Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. REYES, Mr. KENNEDY of Rhode Island, and Mr. ETHERIDGE.

H.R. 583: Mr. CRAMER and Mr. ISAKSON.

H.R. 585: Ms. MCKINNEY.

H.R. 606: Ms. ROS-LEHTINEN and Ms. DELAURO.

H.R. 608: Mr. MORAN of Kansas.

H.R. 609: Mr. INSLEE, Mr. PETERSON of Minnesota, Ms. MCKINNEY, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. FROST, Ms. SCHAKOWSKY, Mr. COYNE, and Mr. BONIOR.

H.R. 612: Mr. GILMAN, Mr. WYNN, Mr. FROST, Mr. UDALL of Colorado, Mr. NETHERCUTT, Mr. BURTON of Indiana, Mr. RAHALL, and Mr. SOUDER.

H.R. 619: Mr. FROST, Mr. KENNEDY of Rhode Island, and Mr. BERMAN.

H.R. 620: Mr. GONZALEZ and Mr. GUTIERREZ.

H.R. 623: Mr. PAYNE, Mr. HORN, and Mr. FROST.

H.R. 624: Mr. BURR of North Carolina, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. CANTOR, and Mr. BENTSEN.

H.R. 631: Mr. HILLIARD, Mr. HOLDEN, Ms. MCKINNEY, Mr. FROST, Ms. MCCARTHY of Missouri, Mr. HORN, Mr. MCINTYRE, Mr. GOODLATTE, Mr. GOODE, Mr. CRANE, Mr. TAUZIN, Mr. PICKERING, Mr. SUNUNU, Mr. WAMP, Mrs. KELLY, Mr. KING, and Ms. BALDWIN.

H.R. 665: Mr. LIPINSKI, Mr. PASCRELL, and Mrs. THURMAN.

H.R. 673: Mr. SOUDER.

H.R. 674: Mrs. KELLY, Mr. NADLER, Mr. BERMAN, Mr. PASCRELL, Mr. UNDERWOOD, Mrs. CHRISTENSEN, Mr. LAMPSON, Mr. KUCINICH, and Mr. CLEMENT.

H.R. 677: Mr. CLEMENT, Mr. RUSH, Ms. SCHAKOWSKY, and Mr. PHELPS.

H.R. 683: Mr. MCGOVERN.

H.R. 692: Mr. ALLEN, Mr. UDALL of New Mexico, and Mr. MCHUGH.

H.R. 698: Mr. WAXMAN, Mr. FRANK, Mr. KILDEE, Mr. BACA, Mr. KLECZKA, Mrs. THURMAN, Ms. NORTON, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Ms. RIVERS, Mr. GREEN of Texas, Mr. WEINER, and Mr. EVANS.

H.R. 708: Mr. HINCHEY, Mr. SESSIONS, Mr. MCGOVERN, Mr. BALDACCI, Mrs. MALONEY of New York, and Mr. FROST.

H.R. 709: Mr. RAMSTAD.

H.R. 716: Mr. ISAKSON, Mr. BURR of North Carolina, Ms. MCKINNEY, Mr. GUTKNECHT, and Mr. BACHUS.

H.R. 742: Mr. KUCINICH and Ms. LEE.

H.R. 752: Mr. PASCRELL.

H.R. 755: Mr. JEFFERSON, Mr. MEEKS of New York, Mr. CLAY, Mr. ANDREWS, and Mr. PALLONE.

H.R. 760: Mr. BEREUTER, Mr. ISSA, Mr. BACHUS, Mrs. JONES of Ohio, Mr. GARY MILLER of California, Mr. DREIER, and Mr. LEWIS of California.

H.R. 761: Mr. DELAHUNT, Mr. HINCHEY, Mr. FARR of California, Ms. DELAURO, Mr. KUCINICH, Mr. KANJORSKI, Mr. BROWN of Ohio, Mr. MOAKLEY, and Mr. SANDERS.

H.R. 770: Ms. WATERS, Mr. ROEMER, Ms. LOFGREN, and Mr. GEORGE MILLER of California.

H.R. 778: Mr. WEINER and Mr. SOUDER.

H.R. 805: Mr. SANDLIN and Mr. HALL of Texas.

H.J. Res. 8: Mr. SENSENBRENNER, Mr. CALVERT, Mr. TAYLOR of North Carolina, Mr. PETERSON of Pennsylvania, Mr. KIRK, and Mr. ISSA.

H.J. Res. 13: Mr. DEFAZIO, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Mr. BONIOR, Mrs. MALONEY of New York, and Mr. MCGOVERN.

H. Con. Res. 22: Mr. BURR of North Carolina, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. TAYLOR of Mississippi, Mr. GILCHREST, Mr. TOM DAVIS of Virginia, Mr. HOSTETTLER, and Mr. PETERSON of Pennsylvania.

H. Con. Res. 31: Mr. PLATTS, Mr. WATT of North Carolina, Mrs. TAUSCHER, Mr. MASCARA, Mr. BROWN of Ohio, Mr. STENHOLM, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. SOUDER, and Mr. INSLEE.

H. Con. Res. 41: Mr. KIRK and Mr. HONDA.

H. Res. 13: Mr. HILLEARY, Mr. ISSA, Mr. RANGEL, and Mr. KLECZKA.

SENATE—*Thursday, March 1, 2001*

The Senate met at 10:01 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, as we begin Women's History Month today, we thank You for the indelible impact of women on American history. Specifically, we praise You for women like Emma Willard who started the first college for women, Jarena Lee who was the first black woman to preach in the African Methodist Episcopal Church, Harriet Beecher Stowe who helped abolish slavery by writing "Uncle Tom's Cabin," and Carrie Chapman Catt who tirelessly led the way for women to win the right to vote. We praise You for each of these women and the many others who have made personal sacrifices so that all women can claim their equality and freedom.

Today, Gracious God, we also give You thanks for the women who serve here in the Senate: the outstanding women Senators, the women who serve as officers, and the many women throughout the Senate family who continually glorify You in their loyalty and excellence.

Our prayer today, Gracious Lord, is that the role of women in the Senate will exemplify to the American people the importance of the leadership of women in every sector of our society.

Thank You, Gracious God. In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2001.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the time until 10:15 a.m. shall be under the control of the Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. Good morning, Mr. President. Let me wish you well, and the minority whip, Senator REID.

SCHEDULE

Mr. MURKOWSKI. I say on behalf of the leader, today the Senate will be in a period of morning business until 1 p.m. with all the time allocated by unanimous consent. Following morning business, it is hoped that the Senate can begin consideration of the bankruptcy legislation. It is hoped that an agreement can be reached on its consideration prior to the end of the week. The Senate may also consider any nominations that are available for action.

I thank my colleagues for their attention.

EXECUTIVE SESSION

NOMINATION OF MARK A. WEINBERGER TO BE AN ASSISTANT SECRETARY OF THE TREASURY

Mr. MURKOWSKI. Mr. President, on behalf of the leadership, on the Executive Calendar, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination reported by the Finance Committee: Calendar No. 17, Mark Weinberger. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I note for the record that the Democrats were ready to move on this yesterday. There was a problem on the other side. We are most happy to move this whenever the leader feels it appropriate. Therefore, I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MURKOWSKI. Mr. President, let me be sure the minority whip understands that this is for Assistant Secretary of the Treasury. I thank the Senator for his cooperation.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, let me take a few moments this morning to discuss the merits of the energy bill which was introduced earlier this week by a number of our colleagues. It is a bipartisan introduction by myself, Senator BREAUX, Senator LOTT, and a number of other Senators who are on the bill.

I think it is appropriate to kind of focus in on reality. We have an energy crisis in this country. It has been developing for a long time. It does not solve anything to point fingers at where the responsibility is. The bottom line is how to address it, how to resolve it, and how to get this country moving again. We are looking at the stock market, shaking our heads. We are listening to Alan Greenspan. The predictions for the economy are gloomy, and one of the causes, a significant cause, obviously, is the price of energy.

The price of energy has hit everyone in this body. If you live in Washington, DC, and you use gas, you know your gas bills have doubled. That means you have had to take a greater percentage of your disposable income to pay your gas bill. I will not go into gasoline prices which have escalated over an extended period of time. But the American public and Members of this body have an opportunity, and I think have an obligation, to come up with some positive solutions.

We would like to think that energy is bipartisan. We all have the same responsibility. We have different views on how to achieve a balance. But I think there is a basic philosophical opportunity for some self-examination

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

because some folks suggest we can simply conserve our way out of this crisis. Factually, we cannot conserve our way out of this crisis. It is understandable as we reflect on where we have come in the last 10 years. We are dependent on computers, air-conditioning. With a larger more affluent population, it simply uses more energy.

We can be more energy efficient, but the reality is, as the CSIS study showed, we are going to be dependent on fossil fuels for the next two decades at an increasing percentage—somewhere from 86 to close to 90 percent. We forget we are not the whole world. We kind of look at ourselves and say, well, we set the pattern. But given the growth of Third World countries such as China, their consumption of energy suggests that, as we look at the future, there is going to be more pressure on conventional hydrocarbons. We have to look to alternatives. We have to examine ways not to throw the baby out with the bath water, which is what some have suggested in criticism of this bill.

We have to recognize that for a long time we are going to be dependent on our conventional sources of energy, even though we have an abundance of coal and we have the technology to clean up our coal. Still, as we look for power generation relief, we don't look to coal anymore. There are a number of reasons for it. Obviously some coal has problems. It has problems associated with Btu's; it has problems associated with ash; it has problems associated with the chemical makeup of the coal that requires removal of impurities. But the technology is there although the cost increases. We work in this competitive area on the cost of energy per Btu.

Sulfur in coal can be removed. We can have scrubbers on our stacks. But we have to have a plan and an encouragement and in some cases assistance in developing this technology. We have this in this legislation.

Mr. President, 20 percent of our power—and I know my friend from Nevada occasionally rises to the occasion concerning nuclear power—20 percent of the power in this country is generated by nuclear energy. Yet we have not built a new plant in almost 20 years. You cannot build a plant. It is not economic. We cannot address what to do with the nuclear waste. I am not here to promote nuclear energy, solely. I am simply saying nuclear energy has a place in the mix of our energy production, just as coal does.

We have tremendous capacity and capability for hydro, particularly in the Pacific Northwest, but the prospects for building new hydro plants are very remote. We are talking about taking dams down, but we don't honestly evaluate what the tradeoff is. If we take down dams on the Columbia River, what is the result? We will lose the capability of barge traffic moving huge tonnages on that river. What will we do with them? We will put them on the highway; that is the tradeoff—oil.

Obviously, we are becoming more dependent on imported oil, 56 percent dependent. At what point do we sacrifice our national security effort by becoming increasingly dependent, and at what percentage does that occur? It is pretty hard to say. We are 56 percent dependent now. We were 37 percent in 1973 when we had the Arab oil embargo. The Department of Energy says it is going to be somewhere in the area of 63 or 64 or 65 percent.

I was asked that question the other day by a reporter: You talk about our dependence. We have become used to it. At what point do we really compromise our national security?

I thought for a moment. I said that in 1991–1992 we fought a war. We lost 147 lives. Is that sufficient? I think it is.

As we look to the future, we are going to continue to have a problem unless we relieve our dependence on imported energy sources, and particularly oil.

How do we do that? We do it through a combination of ways, developing other known sources of energy, such as I outlined, and opening up new sources of domestic energy.

One of the interesting things about this bill is it focuses. It is 300 pages, but it focuses like a lightning rod on one issue: opening ANWR. Do we do it safely? Can we do it safely? Do we have the technology? Clearly we do. There is absolutely no question about that.

On the other hand, America's environmental community has rallied to the cause to save ANWR, saying that we cannot do it safely. Somebody is wrong. But I can tell you what it has done. It has given the environmental community a cause. They need a national cause where people cannot evaluate the issue for themselves because they will not go up there. It increases membership and dollars.

Look at some of the colleges in the East: Save ANWR. There is no question of technology capability.

What we are facing here is very little focus on the energy bill in itself but great rhetoric. For example, the Sierra Club—may I ask what the time agreement is?

The ACTING PRESIDENT pro tempore. The Senator had until 10:15. It is now 10:15, I say to the Senator.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to add 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, and I will not object.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. That being the case, I ask everyone's time be advanced accordingly so no one loses any time because under the time agreement everyone has allocated time by the minute. I ask as part of that that everyone be advanced 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Alaska has an additional 10 minutes, and all other Senators' times will be moved back 10 minutes from that previously agreed to.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Nevada.

Let me spend a few minutes countering the allegations against this legislation. The Sierra Club came out with a report saying the bill was a giveaway for fossil fuel producers.

There is absolutely no incentive in this legislation for big oil. We focus on maintaining a viable domestic industry, reducing our dependence on foreign oil, and ensuring our national security. The Sierra Club release also calls for increased efficiency, renewable energy, and more efficient, less-polluting powerplants. I wonder if they have read the bill. We provided incentives for alternatives: fuels, renewable energy production, energy efficiency, just as they and we advocate.

Did they also ignore our new R&D program in the bill, and the incentives to use clean coal technology in existing and new powerplants? I doubt if they have read the bill.

The Sierra Club focuses on the need to improve fuel economy for cars, SUVs, and light trucks, and we agree. That is why our bill requires a 3-mile-per-gallon improvement in the fuel economy of Federal fleets by the year 2005. Why did we start with Federal fleets? We ought to start with Government. That is where it belongs. Government should show the way. So we provided new incentives for the purchase of hybrid vehicles that give double, even triple the gas mileage of today's cars. But they must not have seen this because the Sierra Club just doesn't appreciate the reality, that this is just not a bill that has one little portion covering ANWR.

Regarding the provisions of the bill, I think, for the most part, if the Sierra Club would sit down and read it, they would agree with it.

We have another group, the League of Conservation Voters, who, in a press release, have some polling data showing the public is against opening up the Arctic in Alaska. They say 66 percent of American voters support permanently closing ANWR to oil and gas exploration.

Isn't it funny what polls say. The Christian Science Monitor poll and the Chicago Tribune poll say otherwise.

The Christian Science Monitor; 54 percent support opening the area; the Chicago Tribune; 52 percent support opening the area. Three out of four support increased oil and gas exploration in our country.

The League of Conservation Voters goes on to state:

> America needs a sensible energy policy that places serious emphasis on energy conservation and alternative fuels. . .

Title VI of our bill focuses on energy efficiency, conservation, and assistance to low-income families. Title VII of the bill focuses on alternative fuels and renewable energy.

Our tax provisions have several new incentives for energy-efficient homes, appliances, vehicles, and for renewables.

As I indicated in my opening remarks, the Center for Strategic International Studies says, unfortunately, that we will remain dependent on fossil fuels for the near future. Shouldn't we direct our efforts towards developing technology to use these fuels more cleanly and more efficiently? We simply can't ignore our reliance on foreign oil. As I indicated, it is expected to reach 70 percent by the year 2002. We cannot ignore our coal at 52 percent of our electricity. We can't ignore nuclear, which is 20 percent of our electricity.

Instead of a comprehensive approach, some environmental groups want a national energy policy that requires massive shifts in our energy industry. Elimination of fossil fuels entirely, thousands of jobs lost, higher energy prices, and standard investment are not in their equation.

Our approach to an energy policy—the National Energy Security Act of 2001—we think is the right approach. It is comprehensive. It is balanced.

Obviously, in the hearing process we had input from all Members, and the administration is yet to be heard. But we are trying to use the philosophy of using the fuels of today to yield the technologies of tomorrow and ensuring clean, secure, and affordable energy in the future. I think this bill attempts to do that.

Let me leave you with one additional thought. We hear from many of the opponents of ANWR that all we have to do is get an extra 3 miles per gallon out of our cars and we will get the same amount of oil as drilling and opening up that area in our State. I question that claim. The real issue is do you think everyone in America should trade in their cars and buy new vehicles. And there are about 132 million cars in America. That doesn't count the trucks and the buses. But if the Americans have to go all out and buy new and efficient cars as pseudoënvironmentalists want them to do, it will cost more than $2.6 trillion. Since most Americans don't have $20,000 sitting around just waiting to go buy a new car, they are going to have to finance that car. That will probably raise the cost to more than $3 trillion. That seems to be their answer to Americans—get a new car and spend $3 trillion. That isn't going to happen either.

I think everyone has a responsibility to make some positive contributions to this legislation and recognize what is happening to our economy as a consequence of the scarcity of energy associated with the higher prices and the fact that energy is, indeed, taking a larger share out of everyone's budget and, as a consequence, affecting dramatically our economy.

Let's get serious, and let's do something meaningful about this.

I thank my colleague for the additional time. I appreciate the courtesy, and at any time I will certainly respond.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, as amended by the Senator from Nevada, the Senator from Nevada, Mr. ENSIGN, has control of the time until 10:40 a.m.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes following the statement of Senator ENSIGN.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Nevada is recognized.

LET NO NEVADA CHILD BE LEFT BEHIND

Mr. ENSIGN. Mr. President, Nevada's slogan is "Battle Born." And Nevadans are proud to use that slogan. It is on our State flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of the character of Nevadans. This is as true today as it was when our State entered the Union during the Civil War.

I am humbled to stand here in this Chamber where many distinguished Nevadans have preceded me, giants like Pat McCarran, Alan Bible, Howard Cannon, Paul Laxalt, and the man I succeeded, Dick Bryan. None of them forgot the unique culture of the West and their Nevada roots. The nature of the challenges may have changed over the years, but not the nature of the Nevadans fighting to overcome them.

In this era of globalization we are condemning our children, and our nation, to an uncertain future if we fail to confront a very different kind of threat—the intractable problems in our public schools.

Let me share some troubling statistics with you. If you compare our children to their counterparts in other nations, the most academically advanced American high school seniors ranked 15 out of 16—second from the bottom—on an advanced math test and 16 out of 16 on an advanced physics test. This is unacceptable.

Our public schools are failing our children. And unless we address this problem now—today—we will bear the consequences for a generation or more. Let's not forget: Today's students are tomorrow's leaders—in business, technology, engineering, government and every other field. If even the brightest of our young people cannot compete in the classroom with their colleagues abroad in math and science, how will they be able to compete with them as adults in the world of business? How can we expect them to develop into the innovators America needs to maintain—and, yes, expand—her dominant role in the global marketplace?

We need to make sure every single student in America graduates with the basic skills in communications, math, and information technology that are necessary to excel in the New Economy. As a nation, we simply cannot afford to accept the status quo.

As a fourth generation Nevadan, I know the people of my State are up to the challenge of creating a better education system. But they need the Federal Government to get out of their way so they can do it. We need a results-based system, which gives States greater flexibility to spend Federal education dollars, while holding them accountable for student achievement.

Today, Federal funds for States and local school districts are not linked to whether academic progress has been attained. The Department of Education simply doles out money in keeping with Washington-designed funding formulas and grant proposals. There is no incentive for innovation, and no penalty for failure.

President Bush wants to change this. He has proposed requiring federally funded annual reading and math testing in grades 3–8 to ensure student achievement and hold States accountable for the Federal money they receive. The test results will be the ruler by which the Department of Education can measure whether students are improving. These results will also provide parents with the information they need to track the progress of not only their own children, but of the schools their children attend.

The question we are all struggling with is what to do if and when this new system reveals that a particular school is failing to successfully educate our children. Under President Bush's plan, if a school is shown to be failing after three years (based on objective measures of student achievement), then a voucher will be given to parents whose children attend that failing school. The parents will then have the power to say to school officials: Shape up—or my kids are shipping out.

Now, I am certainly open to real alternatives to vouchers that are not driven by the anti-choice agenda of entrenched interests. However, I am not willing to sacrifice the well-being of individuals—our children—in order to preserve failing institutions. In my opinion, vouchers are an important part of the solution.

But to those who oppose them, let me challenge you—parents, teachers, administrators, alike—to come up with a better system that accomplishes just two things: First, it holds schools accountable for failing our children; and second, it actually helps the students. Together, we must find a way to save our children from being condemned to a virtual prison of poor literacy and numeracy which constrains their ability to succeed.

That means exploring all the options—from vouchers to charter schools—that can help level the playing field for our disadvantaged young people. For example, a new charter school will be opening in Las Vegas this fall—the Andre Agassi College Preparatory Academy—which will be committed to providing students access to technology on a daily basis.

The principal, Mr. Wayne Tanaka, left Clark High School, my alma mater, to help found this revolutionary new academy. He did it because he believed this focus would provide underprivileged students with a chance to excel in the classroom. And if they excel in the classroom, then ultimately they will have the tools to excel in the 21st century.

While I am pleased President Bush has proposed an 11-percent increase in funding for Federal education programs, I am concerned Nevada students will not be receiving their fair share of that increase. Currently, Nevadans get back only 41 cents for every dollar they send back to Washington, DC, for the education of their children. For years, this return has lagged behind nearly every State in the Union. It is just not right.

The majority of Federal education dollars are allocated through Title I of the Elementary and Secondary Education Act. Under Title I, Nevadans received a little over $600 per eligible student in the year 1999. Let's compare that to over $1,300 per student in Vermont.

I ask my colleagues, is this fair? Is a disadvantaged student in Vermont that much more worthy of additional funds than a disadvantaged student in Nevada? Does this promote the idea of equal access to education?

The theme of President Bush's education plan is "no child left behind." But under the current system children are getting left behind in fast growing States such as Nevada, and the President's plan does not adequately address this problem.

Nevada has grown by 66 percent over the last 10 years and shows no signs of slowing down. Under Title I, funding is based on the number of Title I students in each State, but the Department of Education updates these numbers only once every 4 years. And for Nevada, which has grown an average of 5 percent per year for the last 10 years, this has created an untenable situation.

Nevada school enrollment is increasing at three times the national average, and Federal funds are not keeping pace. In Clark County, which is where Las Vegas is, we are forced to build one new elementary school a month just to keep pace with the explosive growth. It is for that reason I am speaking with the White House and a number of my colleagues about a new high-growth grant, which I hope to include in the Elementary and Secondary Education Act. This grant will benefit all States with high growth rates, such as Nevada, Arizona, Georgia, Florida, North Carolina, and other States, so that we can give real meaning to the phrase "no child left behind."

Mr. President, I need my colleagues to understand what the students, parents, teachers, and administrators are faced with in my home State of Nevada. Every time I speak with them, I hear, time and time again, that our State needs more of these Title I dollars. The high growth grant is a means to provide high-growth States much needed relief without directly adjusting the current funding formula.

Ensuring that our children stay in school is one of my top priorities. I want to work with my colleagues on dropout prevention, particularly with the senior Senator from Nevada, who has been a leader on this issue. But what good does it do to keep young people in the classroom if they are not being taught the basics of civic virtue, such as citizenship, justice, fairness, respect, responsibility, and trustworthiness?

In addition to dropout prevention programs, we must also promote character education programs that train our young people to be virtuous citizens.

Our Nation's teachers are the key to solving many of our problems in our schools. And how can we require this of our teachers without the proper training or adequate pay?

I am encouraged that President Bush's education plan includes a new commitment to professional development for teachers. This is critical to ensuring that our teachers are properly trained to teach our Nation's children.

With all the talk about school construction and whether or not the Federal Government should or should not play a role in that activity, shouldn't we first ensure that our teachers are properly trained in the subjects they teach? Our math and science teachers need better training in math and science. Our reading and writing teachers need better training in reading and writing. It is that simple. We cannot expect our teachers to succeed in imparting knowledge to our children if our teachers are not properly trained in the areas they teach.

Teachers and administrators must be permitted to take the necessary steps to restore order in the classrooms. The Federal Government can work with State and local school districts to ensure that teachers have the freedom to discipline violent and disruptive students without the fear of lawsuits.

Our young people have a fundamental right to classrooms where they are free to learn and teachers are free to teach. That is denied them when a few chronically difficult children are allowed to poison the atmosphere, and teachers are left with no resources to stop them.

We also need to end the cycle of social promotion. Social promotion forces teachers to deal with underprepared students while they try to teach the prepared. It gives parents a false sense of progress and leads employers to conclude that diplomas are literally meaningless. But above all, the practice of social promotion dumps poorly educated graduates into a society where they cannot perform in the workplace, nor care for their families, nor discharge their duties as citizens. It is not fair to those individuals who have been at the mercy of a flawed system, and it is not fair to their dependents and our society as a whole.

I have been witness to the perils of social promotion. One of the heartbreaking experiences of my life was when I was sitting in a local library with a fourth grader who could not read Dr. Seuss's "Cat in the Hat." This young boy, when he was 10 years old, could not read these lines:

> The sun did not shine. It was too wet to play. So we sat in the house all that cold, cold, wet day.

This child is one of the lucky ones. His problem was caught relatively early. He has since received help with basic reading and other academic and social skills, skills that he should have learned in the first, second, and third grades. He is 13 now, and he is doing better. He has worked hard and made progress. But despite his efforts, he is still struggling to catch up with his classmates because habits of social promotion shuffled him forward in a system before he was ready.

If we expect our students to be able to compete in the global workforce, then we must provide them with the proper learning tools. Part of that answer lies in providing technology and the means to use it. Another part lies in better teacher training and higher teacher pay. Another part lies in holding failing schools accountable, and giving parents greater control over where and how education dollars are spent. And another part lies in more equitable funding. Together these individual answers create a solution.

The 107th Congress has a unique opportunity to fundamentally change the

Federal Government's role in education. I am not satisfied with the status quo, and neither are Nevada parents. After 36 years, the system is ripe for change. On behalf of Nevada families, I intend to press for that change.

I know that Nevadans have a fighting spirit to make our schools the best in the country—a fighting spirit that has been passed on, starting with our settlers, from one generation to the next. Our battle-born State was formed by facing up to difficult challenges, and we are up for the challenge of making sure that when it comes to education, no child is left behind.

I yield the floor.

The PRESIDING OFFICER. I thank the Senator from Nevada.

Under the previous order, the senior Senator from Nevada, Mr. REID, is recognized for 5 minutes.

COMMENDING SENATOR ENSIGN

Mr. REID. Mr. President, for more than 30 years, Senator Richard Bryan and I served together in various public offices. We took the bar together. We became inseparable friends. We were known in Nevada—and are still known—as the "Gold Dust Twins." So when Senator Bryan decided to retire, it was a tremendous personal blow to me. I really miss Richard.

But in life you move on. I feel so fortunate to be able to serve with JOHN ENSIGN. JOHN and I have known each other for a long time. His family, prior to 1998, were some of my biggest supporters. In 1998, of course, we ran against each other. It was an extremely close race, one of the closest races in the history of the State of Nevada, and, of course, in the history of the country.

It is easy to be gracious when you win; it is not so easy when you lose. It shows the goodness of a person as to how they are able to take defeat. JOHN ENSIGN could write a book on how people who suffer adversity should react.

Twenty-four years prior to that race between REID and ENSIGN, I lost a very close race in the State of Nevada. I didn't handle it nearly as well as JOHN ENSIGN handled his loss. I only wish I had handled the loss in 1974 the way JOHN ENSIGN did in 1998. To his credit, not only did he handle it, as my father would say, "as a man," he handled it extremely well. Not only that, he came back and 2 years later was elected to the Senate. One reason he was elected as easily as he was is how he handled the loss in 1998.

I am happy to be on the floor today at the time of the maiden speech of the junior Senator from the State of Nevada. I am sure his parents were watching on C-SPAN, and I know how proud they are. His father is a very quiet man. He goes to very few public functions. When he does, he is easy to find because he is always back someplace, usually alone, watching his son. His mother is more in the mix of things, but I am sure they were watching this morning as their son delivered his first speech on the Senate floor. I am sure they are very proud of JOHN, as they should be. He has been a real good son.

He is well educated. He is a doctor of veterinary medicine. He is someone who has been a successful businessman, both in the veterinary field and also in the business field. More important than that, JOHN ENSIGN has something his parents are more proud of than how he has succeeded in his professional public life. They are more proud of how he succeeded in his personal life. His wife Darlene and he have been extraordinary parents. I called JOHN at home not long ago and Darlene took the phone. I said: Could I speak to JOHN; what is he doing? She said: He is on the bed playing with the kids. That is what dads are supposed to be doing.

Mr. President, Mayor LaGuardia in New York City started a saying that we all use now: There is no Democratic or Republican way of cleaning the streets. That is true. In that same vein, there is no Democratic or Republican way of handling the problems that come to us in the State of Nevada, as they come to people in the State of Virginia. There is no strictly Democratic or Republican way of fixing the problems in the State of Nevada.

JOHN ENSIGN and I know that. That is why as soon as the election was over this past November he and I got together and said that we were going to set an example for the people of the State of Nevada. Everyone knew of the friendship of Richard Bryan and HARRY REID, but people were doubtful how HARRY REID and JOHN ENSIGN could represent the State of Nevada. Were we simply going to cancel each other's votes and be mean spirited about how we reacted to each other?

We were not going to vote the same way all the time, but we decided we would be gentlemen in the way that we handled the problems of the people of the State of Nevada. We believed there was no reason we couldn't become friends, just as HARRY REID and Richard Bryan were friends. While we are only a few months into this relationship, we both feel very good about it. We are on the road to setting an example for having the best bipartisan relationship in the history of the State of Nevada. We are going to try to do that. We vow to work closely together to protect the interests of our home State and protect the interests of bipartisanship.

We are here now. The Senate is 50/50. It is not going to stay that way. We don't know how much longer, whether the Democrats are going to control the Senate or the Republicans. Regardless of that, ENSIGN and REID are going to work together and have a good bipartisan relationship.

I ask unanimous consent to speak for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Today Senator ENSIGN in his maiden speech talked about substantive issues. These are substantive issues he has talked about for a number of years. He feels strongly about education and other matters. I am very proud of his first speech. I can remember my first Senate speech. Presiding over the Senate that day was Senator David Pryor of Arkansas. I gave a speech on the Taxpayers' Bill of Rights. That is now law. I was very fortunate the man that ran the subcommittee that had jurisdiction over this issue liked what I said. CHUCK GRASSLEY was listening. He was also interested in this issue. Immediately I got bipartisan support for the legislation, and it became law.

I salute my friend JOHN ENSIGN for his first speech. I look forward to many years of service to the State of Nevada by JOHN ENSIGN. I look forward to many years of friendship between JOHN ENSIGN and HARRY REID.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I say to my good friend from Nevada—I call him that, too—he has welcomed me to the Senate. He has shown me the ropes. As he discussed, we are going to work for the people of the State of Nevada because there are a lot of issues that affect our State that are very unique to it. They are not Republican or Democratic issues. We have agreed to disagree on issues that we feel strongly about that are national issues, and that is fine. We hope to also set an example for the rest of the Senate of how one can agree or not agree but not be disagreeable.

I thank the senior Senator from Nevada. He is representing our State in the tremendous position he is in today. We in Nevada are all very proud of him. I thank Mr. REID for attending my maiden speech on the floor. I look forward to many great years of working together.

The ACTING PRESIDENT pro tempore. Under the previous order, as amended, the time until 11:17 shall be under the control of the Senator from Wyoming, Mr. THOMAS.

ENERGY POLICY

Mr. THOMAS. Mr. President, I thank the Senators from Nevada for their conversation. Certainly we have a lot of things in common with Nevada, mostly public lands. We don't have the gambling revenue, however.

I rise to speak a few moments today on energy and energy policy. Certainly, this is one of the issues President Bush has talked about, and we have talked about it for some time in the Congress, the lack of a policy on energy. The President has asked Vice President CHENEY to come up with some ideas with regard to energy and an energy policy. I believe he is going to do that within the next month. I look forward to that.

One of the important and interesting aspects of this working group Vice President CHENEY has put together is that it involves the directors of several agencies. That is extremely important. What we thought is, we have an agency called the Department of Energy, which is fine, but much of what is done with respect to energy is done in some other agencies, such as Interior, EPA, and Agriculture. It is extremely important that we have a high level group such as this that will bring together the differences that have evolved out of the various agencies.

We also are seeking to reactivate and continually activate an oil and gas forum in the Senate for those States that have particular interests in the production aspect of oil and gas and fuel. Obviously, everyone has an interest in it. No one pays much attention to it when gas is $1 or $1.10 a gallon. When it gets to be $1.90, there is suddenly a lot of interest in it. I understand that. Even in our State of Wyoming, where we are maybe the energy center of the country our natural gas prices have gone up, for heating, of course, in the wintertime. And then the California situation certainly has brought attention to it as well.

So I think even though we have sought to do this over the last several years, it is time we really focused in on having a national energy policy. That will give some vision to what we expect and want to do with regard to energy and, indeed, how we would do that. It is interesting; I guess I wasn't aware of the impact high-tech has had on the electricity consumption in California. You don't think of this computer sitting in front of you, Mr. President, which is using a lot of energy. But there are so many that are turned on that it has, indeed, had an impact.

What do we need to do with the energy policy? I guess we ought to begin by saying, what do we want, expect, and need in terms of energy for our economy, our families, our communities, to have the kind of life we want to have? I think then we look at that demand situation. Of course, we have to take a look at how we are going to supply those needs.

We are currently about 56-percent dependent on foreign sources for our Nation's supply of oil. It cost more than $100 billion last year to bring those things here. Our dependence has increased over the years. It was about 36 percent in 1973 during the Arab oil embargo and 46 percent during Desert Storm. Now DOE projects that it will be about 65 percent by the year 2020—our dependency on foreign sources of energy—unless we change our situation.

So coupled with producing the product, I think there are some other things that each of us would like to see. We have to do something with the costs, see if we can level out costs. That is particularly important to us, really, those of us who are in the production field. I think a year ago the wellhead price of natural gas was about $1.50, and of course that wasn't enough to even offset the costs. You had a little exploration, a little production, and really our economy in those areas was kind of down, and all of a sudden it was like $9. So now there is a rush. We tend to have energy boom-and-bust cycles—not only for consumers but for producers and for communities around the country. How can we level that out some?

Diversity: I think we have to look at diversity. Certainly, there are a number of sources of energy. Some are used more than others. I think we need to have diversity.

The environment: As we produce domestically, obviously, we need to take into account very seriously the protection of the environment. There are new ways being discovered all the time as to how to do it. There is horizontal drilling where you can reach out over thousands of square miles with a very small footprint.

Conservation: As we look at that, there are ways in which we can use energy more efficiently than in the past.

So I hope we can do that on domestic production. We can do it, of course, in a number of ways. One of the ways, I am sure, that is most important is access. We were just listening to the Senator from Nevada and 87 percent of Nevada belongs to the Federal Government. Fifty percent belongs to the Federal Government in my State of Wyoming. So many of the lands where there is access and there are designs for multiple use—we haven't had the access to be able to explore and produce in these natural resource areas. Access is something that is very important to be able to do that. I suspect we will have to take a look at some incentives, whether they be tax incentives or other kinds of incentives, to urge people to produce, of course. One of them that is always talked about that has a certain amount of merit is a tax reduction for small production wells. Wells get to the point that it is not profitable to produce them but there is a good deal of resource there. So to encourage them to do that would be useful, I am sure.

I mentioned diversity. Gas is a great resource, and we are going to use a great deal of it. That is the problem we have, really, out in California. Of course, it is electricity, but to generate electricity, or want to, with gas. So you have to get gas there. But gas has a lot of opportunities to be used in many ways. I guess you could ask yourself, from a policy standpoint, should we be using gas almost exclusively in electricity generation when we could be using coal, for example, of which we have great reserves, and for stationary production; perhaps that is an alternative we ought to consider.

We want to be certain that coal will be clean fuel; and it is clean now, but it can be even cleaner if we use some research and continue to work at doing CO_2 and SO_2 and doing some things that we can do there.

Hydro: In the past several years, we have been in a situation where people were seeking to reduce the number of dams that were there and take away the production we have now. Hydro is a very efficient and, obviously, very clean fuel source. We can do that. I mentioned coal. Coal is one of our greatest resources, and we can do much with that as well.

Nuclear: There is a good deal more interest in doing nuclear things. I think in Illinois, right now, nuclear plants produce 40 or 50 percent of the electricity. Now we have to find something to do with nuclear waste. We haven't yet finished our Yucca Mountain proposition or some other things. Nor do we use it as they do in Europe, where they recycle and a great deal of their generation is done by nuclear. It is the cleanest in terms of air quality, as I understand it.

Renewables: We have some opportunities to increase the efficiency and make more competitive the cost of renewables, whether they be wind, air, sun, whatever. I think that is something we are looking forward to in the future.

In addition to that, the markets for energy, of course, are not generally where the energy is produced, so you have to move it. Part of the problem is, in California, nobody really wanted to build transmission lines. They didn't want to provide rights of way to move fuel. Well, if you are going to have fuel, you have to move it there. Are there better ways perhaps to do it? Maybe so.

I think one of the things we want to look at here, because it is interstate movement, is an electric transmission grid, so that there is an opportunity to move electricity perhaps even from Wyoming to California and that can be done.

So there are a lot of things that need to be done. I think they need to be set out, and we need to balance protection of the environment. Obviously, nobody wants to overlook that. At the same time, you can make it so restrictive that it is impossible to even produce it efficiently, cost effectively. Those are the kinds of things that I think very certainly need to be considered.

We have an act before us now. The chairman of the Energy Committee, Senator MURKOWSKI from Alaska, has put together a bill. I happen to be a cosponsor. It is a large bill that has to do with many of the things that are involved. I suspect there will be some changes in it before it is finally passed. I think it is a start, and I am very proud of what has been done there. It talks about protecting energy supplies, security for increasing efficiency, and the certification of pipelines. It has to do with technological research, advancing clean coal technology, alternative fuels, renewables, and conservation measures, just to name a few. It has to do with all kinds of things that would encourage us to have a clean, useful economic energy program in the United States to meet our needs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time until 11:25 a.m. shall be under the control of the Senators from Minnesota. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE and Mr. DAYTON pertaining to the introduction of S. 422 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New York is recognized.

Under the previous order, the time until 11:40 a.m. is in morning business under the control of the Senator from New York.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 426, S. 427, S. 428, S. 429, S. 430, S. 431, and S. 432 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. CLINTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 420

Mr. LOTT. Mr. President, I am very pleased to see the Presiding Officer in the chair this morning. I ask unanimous consent that at 1 p.m. on Monday, March 5, the Senate begin consideration of an original bill reported out of the Judiciary Committee yesterday, S. 420, regarding bankruptcy reform. I further ask unanimous consent that consideration on Monday be for debate only, to be equally divided in the usual form.

Mr. REID. Reserving the right to object, I am wondering if the leader would consider changing the 1 p.m. time to 1:30 or 2.

Mr. LOTT. Mr. President, I see no problem with that. I amend my request to indicate that we would begin at 2 p.m. on Monday, March 5 instead of 1 p.m.

Mr. WELLSTONE. Reserving the right to object, and I shall not, I first thank Senator REID and the majority leader for their good-faith discussion. I say to the majority leader, it is my understanding—and it is his word, which, to me, is enough—that the agreement we have, which is fine with me now, is that we will get started early next week, Monday afternoon, and that the majority leader is absolutely committed and intends for there to be full debate; Senators can bring substantive amendments out, and we will have a debate. That is what this agreement is about. We will move forward and we will have plenty of opportunity for important debate on this piece of legislation.

Am I correct that we will have the right to introduce amendments and have votes?

Mr. LOTT. Mr. President, absolutely. I know the Senator from Minnesota has more than one amendment he would want to have debated and considered and voted on. I presume there will be other Senators who may have amendments they would like to offer. I hope we can set reasonable time agreements so that at some point we will get a vote on the amendments and that we will move through the amendments and not have just one or two amendments tie up a day or days. Certainly, I believe both sides will act in good faith and will be reasonable, and we want a full debate and votes. We intend to proceed in that way.

Mr. WELLSTONE. Mr. President, I do not object. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I also ask unanimous consent that all sponsors of S. 220 be considered as cosponsors on S. 420.

Mr. REID. Reserving the right to object, Mr. President, next week we are going to get into some heavy lifting. This is a very important bill. There are a lot of amendments. For those in the press and others who have been wondering why we haven't been doing things, it is difficult early in the session to get to substantive matters. This is going to be some real substantive legislation. My friend from Minnesota has indicated he has a number of amendments to offer and others do. I look forward to some long days and a lot of good work next week on this bill.

Mr. LOTT. Mr. President, let me respond in this way: At the beginning of a new session, particularly with a new administration, you do have to have time to get amendments or bills produced. They have to work through committees. The committees have to get organized before they can begin reporting bills, plus a lot of time is spent on confirmations. I am glad we are ready now, though, to go to serious legislation.

Our colleagues should be on notice that the days probably will be long next week, and we will be having votes throughout the day Tuesday, Wednesday, Thursday, possibly even Friday. I can't project right now what will be required in that area. We may need to even go late in order to give Senators time to make their case on amendments and have votes. It is time to do that. I appreciate the help we have had in getting this bill ready for the floor.

Mr. REID. Mr. Leader, I am wondering if I could also ask—we have had a number of inquiries from Democratic Senators—what is the rest of the day going to be like?

Mr. LOTT. Let me respond to that, Mr. President, in that I know we have some requests from Senators who would like to make remarks. We are still looking to see if there are additional nominations that might be cleared either by voice vote or recorded votes. We should have a fix on that within the next couple hours. We will announce that. It is not expected that we would have votes into the night or tomorrow. Whatever we are going to do, we will do within a reasonable hour today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time until 12:30 p.m. shall be under the control of the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am not using that full 30 minutes, so if anyone else wishes the floor, they should come down at this time.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today to commemorate an important point in our history and that is the 165th anniversary of March 2, 1836, commonly known as Texas Independence Day.

Each year, I look forward to March 2. This is a special day for Texans, a day that fills our hearts with pride. On March 2, 165 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. My great, great grandfather was there, signing the Texas Declaration of Independence. As most of the delegates did, he went on eventually to fight in the Battle of San Jacinto, and Texas would finally become an independent nation.

He didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Mexican troops who they feared were coming after them.

This was known as the "runaway scrape," when the women and children in the Nacogdoches Territory fled toward Louisiana because they feared Indians and Mexican troops, and they were trying to go to safety. But the rigors of the trip were very harsh and all four of their children were dead when he returned.

Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops held the Alamo under siege, challenging this newly created republic.

Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.—William Barrett Travis, Lt. Col. Commander.

What Texan or otherwise can fail to be stirred by Colonel Travis' resolve. In fact, Colonel Travis' dire prediction came true, 4,000 to 5,000 Mexican troops did lay siege to the Alamo.

In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. The Alamo, as we all in Texas know, was crucial to Texas independence because those heroes at the Alamo held out for so long that Santa Anna's forces were battered and diminished. Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto just a month or so later on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots pledged their lives, honor, and treasure for freedom.

Every year, in, on, or around March 2, I read Colonel Travis' letter to my colleagues in the Senate. This is a tradition started by the late Senator John Tower, my friend. This is a reminder to all of us of the pride that Texans share in our history and in being the only State that came into the Union as a republic.

I am pleased to continue the tradition started by my friend, Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great-great-grandfather and my great-great-grandmother and her heroism as well as his, it was something that was ingrained in us: fighting for something we believe is right and for maintaining the vigil for freedom throughout our country to this day.

It is very important we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad later that same month, and those 54 men who met at Washington-on-the-Brazos putting their lives in danger as well by signing that declaration of independence and becoming traitors for a cause. Their deaths gave birth to Texas independence, and we became a nation, a status we enjoyed for 10 years before we entered the United States as a State.

I might add, we entered the Union by a 1-vote margin in the House and a 1-vote margin in the Senate. In fact, we were originally going to come into the United States through a treaty, but the two-thirds vote could not be received in the Senate for ratification. Therefore, President John Tyler, for whom one of our great cities in Texas is named, introduced the resolution into Congress. He said: No, we will pass a law to invite Texas to become a part of our Union. And that law passed by 1 vote in the House and 1 vote in the Senate.

I am very pleased Senator Tyler thought enough of us to ask us to join the Union and fight for our ability to do that. We have contributed a lot to the United States, and we are very proud of our heritage and the history of fighting for freedom that has been passed through the generations in my family, as well as in the families of so many Texans.

I am pleased to commemorate our great heritage and the history of Texas—Texas the republic and Texas the State.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise today to introduce some legislation which I send to the desk.

THE PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 425 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to be allowed to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of legislation is are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON of Florida. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the period for morning business be extended until 2 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

STARTLING ENERGY FACTS

Mr. MURKOWSKI. Mr. President, I rise to share with my colleagues circumstances that should be evidenced in prompt action on the energy bill which has been introduced as a bipartisan bill by Senator BREAUX and myself, Senator LOTT, and a number of other Senators.

I have said for some time that we have an energy crisis in this country. Let me share some startling facts.

The majority of the Fortune 500 corporations in this country, reporting fourth quarter earnings, have indicated their earnings have come in far less than projected as a consequence of the increased cost of energy in this country. There is a multiplier associated with that.

This has an effect on inventories, an effect on transportation, on virtually every facet of our economy from buying furniture to big-ticket items such as automobiles. Think for a moment that 50 percent of the homes in this country are dependent on natural gas. The average billing for energy for those homes has gone up 50 percent in the last year. There is no end in sight.

We have a situation where companies that traditionally make fertilizer—urea, the technical name—and use natural gas in the conversion of the fertilizer are no longer making fertilizer. They are reselling their supply of gas because they have some relatively low-cost gas sources. We have aluminum companies in the Northwest that are no longer manufacturing aluminum. They have shut their aluminum production down and are reselling their electricity because they have long-term contracts at favorable rates. In other words, it is cheaper to resell the power than it is to make the aluminum from the standpoint of return on investment. We have in Colorado copper mines that are no longer operating as a consequence of the cost of power. More and more people are becoming unemployed in these industries as a consequence of a lack of an energy policy.

It is not my intent to point fingers because that doesn't get us anywhere. We have to recognize that we have a crisis, and we have to recognize how we are going to get out of it. We are not going to get out of it by drilling our way out, nor are we going to get out of it by conservation. We are going to have to go back to the basics of our conventional energy sources, as well as the prospects for greater dependence on alternatives and renewables, and recognize the use of our technological capabilities to achieve a balance because our energy supply is out of balance.

We haven't built a new coal-fired plant in this country since the mid 1990s. Why? A number of reasons: Permitting, costs, the problems associated with removing high sulfur, and the realization that we have had to take many of our old coal-fired plants, which became inefficient and no longer could meet permits, out of the mix.

We haven't built a new nuclear plant in this country in nearly 20 years. Why? It is not because we don't have the technology. Nuclear contributes about 20 percent of our energy. It is emission free. The reality is that we have not been able to address what to do with our nuclear waste. We can't come to grips with the technology or with how or where we are going to dispose of it. As a consequence, nobody in their right mind would build a nuclear plant in this country. We talk about hydro, but we have limited the hydro available. We are debating whether to take some dams down, but there is a tradeoff. If you take the dams down, you eliminate the ability to move traffic by barge, so you put it on the highways.

So we have turned to natural gas as our preferred source of energy. A year ago, natural gas was about $2.16 per thousand cubic feet; now it is $8 or $9, and it has been up as high as $10. The point is that we are pulling our natural gas reserves down at a very rapid rate. The realization is, as we have seen in the California dilemma where they have become dependent on outside energy sources within their State of about 25 percent, the danger of becoming dependent on outside sources.

Let me conclude with a reference to oil, which is something I know something about. Currently, 56 percent of our oil comes from overseas, primarily the Mideast. The CSIS study shows that for the next decade we are going to increase our dependence on hydrocarbons. That doesn't mean we are not conserving more, or should not, or develop more alternatives. The realization is we are simply using more energy. Society moves by computer and e-mail, by technology, and it is fostered by energy.

The picture I am painting today is not very pretty, but there is one more facet of concern to this Senator from Alaska. When do we begin to compromise our national security interests by increasing our dependence on imported oil? I have said this in this Chamber on many occasions, and I will say it again.

If we look at our policy toward Iraq, a country we fought a war against in 1991 and 1992 to ensure that Saddam Hussein didn't invade Kuwait and go on into Saudi Arabia and basically control the world's supply of oil, isn't it ironic that since that time we have flown over 20,000 sorties, enforcing the no-fly zone, and the cost of that to the American taxpayer is difficult to calculate. You might say it is a Pentagon energy tax, but it costs each one of us to enforce that no-fly zone.

The other day, the raids in the northern part of Iraq were carried out to destroy Saddam Hussein's technical capability that he developed with his radar sensing system, which endangers our aircraft and our pilots. If you look at that scenario—and I have said this before—we seem to have an arrangement where we buy his oil, 750,000 barrels a day, and we put it in our airplanes, and then we go bomb him. That may be an oversimplistic statement, but I think it is fairly accurate.

What does he do with our money? He develops his missile capability, the delivery capability, and his biological capability. At whom is it aimed? Our greatest ally in the Mideast, Israel. So we have some inconsistencies.

I was asked the other day to explain at what point I thought we would compromise our energy security interests by increasing our dependence on imported oil from the Mideast. I thought for a while, and I responded by saying: I guess we have already been there. We fought this war and lost 147 lives. We have had 427 wounded. Now, the Department of Energy says we are going to be close to 63-, 64-, 65-percent dependence in the early years of the 2007 period, or thereabout. If we are going to increase that, at what point are we really vulnerable to being held hostage by the Mideast, Mr. President?

What does that mean? Well, it means that since we have become so dependent on one source—the Mideast, which is a very unstable part of the world—we face the reality of them controlling the price to the point where they can pretty well dictate the terms of our addiction to oil. They can do that simply by reducing the supply at any given time, and they have shown the discipline to do that. As a consequence of that, they can increase the price.

The point of my discussion is to suggest to you that we should all come to grips with the reality that this administration has to adopt an energy policy with great dispatch. It has been estimated that the high oil prices are reducing our U.S. economic growth by as much as 2 percent a year. Our lost GDP has been estimated at about $165 billion a year. It is estimated that we are losing approximately 5.5 million jobs that we would have had, had we had the availability of relatively low-cost energy.

The last point I want to make is as to our vulnerability. As I indicated in my opening remarks, we are not going to drill our way out of this, by any means. We are not going to conserve our way out. We have to go back to the basics and get the balance. There is legislation introduced in this body to put the one single area in North America where you are likely to find a major oil discovery into a wilderness in perpetuity. I really question the judgment of that action in a time of supply shortage of the present magnitude. To suggest that that arbitrary action is going to resolve our energy shortage is not only shortsighted but unrealistic.

If, indeed, this body chooses to open that sliver of ANWR—and I say a sliver because it is just that—out of 19 million acres, an area of the size of the State of South Carolina, we would propose to open a million and a half acres. The technology is in place, and we would have a footprint of between 1,000 and 2,000 acres. Imagine that, an area the size of the State of South Carolina. That is the sliver about which we are talking.

We have the technology to protect the environment, the ecology, and the caribou. The answer is certainly.

This alone will not, by any means, resolve the energy policy, but it will go a long way in two particular areas. If the oil is there in the abundance the geologists suggest, that one act will reduce our dependence on Mideast oil to less than 50 percent.

The goal of our energy bill—and its objective with which I think most people will agree—is to reduce our dependence on foreign sources of energy by the year 2010. The question is, How do we do it? We develop domestic sources with our technology in the overthrust belt, offshore of the Gulf of Mexico, my State of Alaska. We expand our energy sources by using technology to do it better.

To suggest this is the time to consider putting the wilderness off limits is unrealistic and I think bad politics because each one of us is going to bear the responsibility to our constituents to explain why we cannot get together on a workable, responsible energy policy, one that addresses the merits of a balanced effort to lower the cost, increase the productivity of our Nation, and do it with some dispatch.

I encourage my colleagues to take a look at this bill. It is a 300-page bill. God knows why it has to be 300 pages, but nevertheless that is what it came out to.

Also, this bill is a composite of Republican and Democratic ideas. It is a bipartisan bill—Senator BREAUX is one of the original cosponsors—and it attempts to promote alternative fuels, increase our conservation, and explore our own resource base and use our technology. As a consequence, we should get on with the challenge ahead because the sooner we get on with it, the sooner we can rectify this terrible situation that is beginning to throttle our economy, increase unemployment, and result in a situation where there is perhaps a similar exposure to that we have already seen in California.

California is striving for more energy as a consequence of not having produced energy in a manner to keep up with demand. We are in that same situation nationally.

I encourage my colleagues to review the legislation. I encourage them to communicate with us on changes and additions, and I encourage the administration, which is in the process of developing their view of an energy policy to do it with some dispatch because the rates are going up, the problem is getting worse, and the economic impact on our society and our businesses is evident, as I have already said.

EXTENSION OF MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I have been asked by the leader to propound a unanimous consent request.

I ask unanimous consent that the period for morning business be extended, with speakers permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL POLICY

Mr. DORGAN. Mr. President, we will begin, following the President's State of the Union Address, hopefully a thoughtful and aggressive debate about this country's fiscal policy including tax cuts, the budget, and related matters.

These are very important issues. I wish to speak about some of them today, not from the standpoint of politics or polls, but more from the standpoint of what I think the choices ought to be for this country's future. I know there is a heavy dose of politics surrounding all of this. That is not my interest. I am much more interested in trying to think through what would be good for this country, what is going to keep us on track for the next 5 and 10 years to provide an economy that expands and provides jobs and opportunities for our children and their children.

Having said that, I want to make a couple of comments to set the stage for where we are.

There are a lot of people who continually complain about this country, and it is hard to complain about this country with a straight face. This is the most remarkable place on the face of the Earth. We are the country that created a system of public education, saying to every child in this country: You can go to school and be whatever you want to be. We are not going to move you off in one direction or the other. Universal education.

It is us, our country, that has spawned an educational system that has created the scientists, engineers, and the thinkers. We split the atom and spliced genes. We have cloned animals. We invented the silicon chip and radar. We built television sets, the telephone, and computers. We built airplanes and learned to fly them. We built rockets and flew them all the way to the Moon. We cured small pox and polio. That is us; that is what we have done in this country. What a remarkable place in which to live.

We are also a country that in all of my adult lifetime, and the adult lifetime of most of the people who serve in this Congress, have had two enduring truths underlining everything else we have done. One of those truths is we were involved in a cold war with the Soviet Union, and that affected virtually everything we did, including the choices we made in this country in fiscal policy. The second enduring truth is we had a budget that seemed to produce deficits that every year grew larger and larger.

Those two truths which underlined virtually everything else we did in our lifetimes are now gone. There is no Soviet Union, there is no cold war, and there are no budget deficits. Everything has changed, and the result is a different kind of economy in this country in which we have surpluses. The question is what to do with these surpluses.

My great concern as a policymaker, not from the standpoint of someone who represents a political party, is that we not make the mistake we made before.

Twenty years ago this country embarked on a fiscal policy advocated by a President who said we can do the following: We can double our spending on defense, because then we were in the middle of a cold war with the Soviets; we can double our spending on defense; and we can have a very substantial tax cut, and it will all add up to a balanced budget.

In fact, it did not. It added up to trillions of dollars of Federal debt that then marched toward $5.7 trillion of Federal indebtedness in this country.

Let us not make that same mistake again. The author Russell Hoban said:

> If the past cannot teach the present, if a father cannot teach the son, then history need not have bothered to go on, and the world has wasted a great deal of time.

Let us learn from the past. Let us learn the lessons of the past in fiscal policy.

What does that mean for us with respect to these surpluses and with respect to proposed tax cuts and budgets?

Let me speak first about uncertainty. Nine months ago, Alan Greenspan—who is canonized in a new book, the American soothsayer, the economist who knows all and sees all—said our economy was growing way too fast and he needed to slow it down. Think of that. Nine months ago our economy was growing too rapidly, according to Alan Greenspan and the Federal Reserve Board. Nine months later, we are wondering whether we might be nearing a recession. Certainly, the economic growth rate has now dropped to near zero.

My point is this: If we can't see 9 months in advance, and the Federal Reserve Board could not, how can we then believe we can see 3 years, 5 years, 7 years, or 10 years ahead in terms of economic prosperity that would allow us to say there is enough surplus available to provide a very large permanent tax cut without providing substantial risk that will put this country right back in the same deficit ditch we were in for so long? The answer is, we cannot provide that assurance.

This is faith-based economic forecasting, nothing more, nothing less. No one knows what will happen in this country's future. We hope what happens is continued prosperity, economic growth without a recession. That is what we hope happens. But having both studied economics and taught economics, I understand no one has repealed the business cycle. There is inevitably an expansion and a contraction. We provide the stabilizers that tend to even those out just a bit, but no one has been able to repeal the business cycle. The uncertainty with respect to economic forecasting ought to lead us to be cautious.

Now the President proposes a $1.6 trillion tax cut. The actual numbers are closer to $2.6 trillion when you add up what needs to be done in order to implement his tax cut. It is not a difficult proposition to say to the American people: What I would like to provide for you is a tax cut. That is not difficult. Most people feel they are overtaxed. Most people want a tax cut. I also feel most people want a country that produces an expanding economy with the jobs and opportunity that comes with it.

Let me describe what I believe makes this economy work. It is not like the engine room of a ship of state where there are dials and knobs and levers and you have a bunch of folks with green hats who are down there dialing these things up just right—tax cuts here, M1b over here, velocity buddy over here, spending over here—and you get all the knobs and dials adjusted just right and the ship of state moves along effortlessly. That is not what moves the ship of state. It is confidence.

When the American people have confidence in the future, they make decisions and do things that represent that confidence. They buy cars, homes, and they do things that move the economy forward, producing jobs and opportunity.

When they are not confident, they withhold those judgments. They decide they can't afford to buy a car, they can't afford to buy a home, they will defer this purchase and the economy contracts. It is as simple as that, nothing more than a mattress of confidence upon which the economy rests.

The reason it turned around in 1992 and 1993, after the 1993 economic proposal that passed by one vote in the House and the Senate, was because people finally felt the Congress was serious about putting this country on track and getting rid of the budget deficits that became the growing tumor in this country's annual budget. So people had confidence about that and confidence in the future and we had this unprecedented lengthy economic expansion.

My fear is if we lock in place a tax cut that is enormously uncertain in terms of its consequences with respect to future deficits, that we will lose the confidence of the American people.

Let me be clear, I believe there is room for a tax cut. That is not what is at debate here. Republicans and Democrats both believe there can and should be a tax cut with this surplus. I also believe, however, the tax cut ought not be of such a size that it threatens our economic expansion. And I believe that a tax cut is part of a series of things that represents priorities in this country's economy.

We should, with a surplus, not only provide a tax cut, but we should as a priority also begin to pay down the Federal debt in a significant way. If during tough times you run up the Federal debt, during good times you have a responsibility to pay it down.

So reducing the Federal debt, $5.7 trillion to be exact, that was run up during tougher times and during periods when fiscal policy was not working, that ought to be paid down with part of that surplus. That ought to be a priority. Then let's have a tax cut. Especially let's have a tax cut that is fair.

Some say when you criticize the proposed tax cut offered to us by the present administration as being unfair, you are engaged in class warfare. Nonsense. It is well within our right to talk about what kind of tax cut ought to be proposed that is fair to all Americans.

Let me give an example. We have a range of taxes that are paid by the American people every year. Roughly $1 trillion in individual income taxes is paid by individual workers across this country. Roughly $650 billion in payroll taxes is paid by people who are working on jobs every day and every night across this country. The top 1 percent of the American income earners pay 21 percent of the total federal taxes. But the President has sent us a proposed tax cut that says the top 1 percent should get 43 percent of the tax cut.

Let me say that again: The top 1 percent of the income earners pay 21 percent of the taxes, and the President proposes they should get 43 percent of the tax cut. I say that doesn't make any sense. That is not fair. And others say, well, gee you are involved in class warfare. Nonsense.

Sigmund Freud's grandson had something to say about this. He said: When you hit someone over the head with a book and get a hollow sound, it doesn't mean the book is empty. Facts are facts. Facts are sometimes stubborn. The proposed tax cut will have an overwhelming advantage for the highest income earners in the country and provide far too little for working families. That is just a fact.

There is kind of a breathless quality to those who advocate this tax cut of $1.6 trillion or actually $2.6 trillion. There is an old saying: Never buy something from somebody who is out of breath.

We should do a tax cut. But it should be part of a set of priorities of paying down the Federal debt; providing a tax cut that is fair to all Americans, especially working families in this country; and, third, also recognizing there are other things we need to do that represent priorities.

What are those priorities? Among those priorities are to provide a prescription drug benefit in the Medicare program. We all know we need to do that. There isn't any question that if we had a Medicare program being created today, we would have a prescription drug benefit in that program. All of us have had the experience of someone coming up to us at a town meeting. I recall a meeting one evening in northern North Dakota. A woman came up to me, probably close to 80 years old, and grabbed me by the arm and said: Senator DORGAN and her eyes began to fill with tears and her chin began to quiver—I take several kinds of medicine for heart disease and diabetes, and I can't afford them. I can't pay the bills anymore. Yet I need that medicine to extend my life. What do I do?

All of us have had that experience. We know we need to put a prescription drug program in the Medicare program.

We know that ought to be a priority as well.

Education is a priority. We know what has made this country great, in part, is a public education system available to all children to become the best they can be, wherever they are, no matter their circumstance in life. We know that has contributed to the significance of this country's growth and opportunity.

How do we do that if it is not a priority to say we want to fix schools that are in serious disrepair? We can help do that. We want to reduce class size. We know it is easier to teach children in a class size of 15 kids than a class size of 32 kids. We know kids learn better in well-equipped classrooms rather than in some adjunct trailer in which you have stuck 30 kids with an inch between desks and a teacher trying to deal with all of them. That is a priority, as well.

Another priority for me is family farmers. We have a great many family farmers in North Dakota struggling mightily to try to stay on the farm. That is a priority. Grain prices have collapsed. Our farmers are told by the grain market that the food they produce has no value. What on Earth can we be thinking of? Has no value? Five hundred million people will go to bed with an ache in their belly in this world because it hurts to be hungry, and a farmer harvests grain and hauls it to the elevator to be told, "your food has no value." There is something dreadfully wrong with that. This country would want, it seems to me, to create and maintain a network of family farmers for this country's security interests, if for no other reason, but from my own view, we want to do that because it enriches our country to have a broad network of food production all across our country. Yet families are discovering they are losing their heritage on the family farm.

A friend of mine is an auctioneer. He said he was doing an auction sale one day, and a little boy came up at the end of the auction sale, and he had tears in his eyes. He was about 10 years old. He grabbed my friend by the leg. He was very distraught. The auctioneer tried to comfort him, and this little boy said to him: You sold my father's tractor.

He patted him on the shoulder, and he tried to comfort him some more, and the little boy said: I wanted to drive that tractor when I got big.

So that is a priority for me, family farmers.

My point is this. When we talk about having a budget policy, we cannot just have one central piece that says, here is what we want to do, to the exclusion of every other thing. That is not what made this country a great country in which to live.

Those of us who believe strongly that we ought to have a balanced fiscal policy believe we should avoid the mistake we made in the past, and that is believing that numbers that inherently don't add up do add up. We know better than that. We all took math and algebra. We understand what adds up. This proposal that has come to this Congress with a budget and a tax plan is well over $1 trillion short. It does not take a genius to see that. It is well over $1 trillion short of adding up. Yet everyone will walk around here, pretending this adds up. You would fail fourth-grade math believing that.

So first, it ought to add up—not for the purposes of helping one political party or another. That doesn't matter so much to me. It ought to add up for the benefit of this country's future. We need to keep this country on track. We need to continue an economy that provides jobs and opportunity ahead.

How will we do that? By encouraging and maintaining the confidence of the American people that we are doing the right thing. Most of the American people, I think, believe the right thing is, during good times, help pay down the Federal debt with some of that surplus: You ran it up in tougher times; pay it down in better times.

Second, yes, have a tax cut and make it fair to everybody.

Third, yes, there are other priorities as well. Pay some attention to them. If you want to talk about education, then pay attention to education and make some investments that will make our schools better schools. If you want to talk about prescription drug prices and helping senior citizens, then if both parties say let's do a prescription drug plan in Medicare, do it, and have the money to pay for it.

If you want to talk about the family farm and say it is important and is not just some little old diner that got left behind when the interstate came through, if you really believe family farmers are important, then decide you want to do something for them and help them during tough times. Those are priorities as well.

Simply put, my point is we have a lot to be thankful for in this country. Nobody lives in a better place on the face of this Earth. It is not an accident that we are here. As stewards of this country's legacy and its future, we as policymakers need to come together and engage in some cooperation on these things.

I am not someone who believes if we break out into full-scale debate, that is a bad thing for the country. People ask me from time to time, how are you getting along with 50 Senators on the Democratic side and 50 Senators on the Republican side? It is as if they are afraid we are going to have a debate. Look, a debate is what this country is about. There is the old saying, when everyone in the room is thinking the same thing, nobody is thinking very much.

This entire body is about debate. There is nothing wrong with aggressive, robust debate. In fact, that is the only way we get the best of what everyone has to offer. So we are going to have some significant, aggressive debates. And we should. I hope at the end of this debate good thinkers on all sides, from both political parties represented here in the Senate, will agree with me that it doesn't matter what the polls say, it doesn't matter what the politics are; what matters is that we do the right thing to keep this country on track, that we do the right thing to keep this country growing and to have this country provide the opportunities we want it to provide for our children and their children.

What we have inherited is not accidental. Those who came before us have struggled mightily to do the right thing. In some cases, it wasn't the popular thing but it was the right thing. We have a responsibility to accept this opportunity given to us to do the right thing as well.

I say to our new President, his Address to Congress, I think, dealt with a number of significant and important issues. On some of them, I will be supportive. On others, I will be a fierce opponent. But I hope, as we think through all of these issues, we can understand what the public interest is—not the party interest.

The decisions we make in this Chamber could well affect this country 5, 10, and 25 years from now. If we put this country on the wrong course and throw this economy back into growing, choking, heavy deficits year after year after year, it will once again be one of the enduring truths of the political life and the public life of everyone who comes after us in this Chamber; it will be one of the enduring truths that serves as a backdrop for every other decision that is made for the next 5, 10, and 25 years.

We were able, as I said when we started, to shed the yoke of those two enduring truths that cost us so much. The cold war? The Soviet Union is gone. That was a backdrop for virtually everything we did for many years. That is behind us. The growing budget deficits that represented a cancer in this country's budget—they are gone. They affected virtually everything we did in this Chamber for many years. That is a blessing. Those enduring truths have changed.

So let us make decisions now that do not re-create those liabilities for those who follow us. Let's make decisions that put this country on track to a much better and brighter future that is sustained for the long term.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. Thank you very much. I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AND MEDICARE OFF-BUDGET LOCKBOX ACT OF 2001

Ms. STABENOW. Mr. President, this afternoon I urge my colleagues to join with Senator CONRAD and myself and others who are sponsoring S. 21, the Social Security and Medicare Off-Budget Lockbox Act of 2001.

I know this legislation came before the body last year and passed by 60 votes, including 14 votes by my colleagues on the other side of the aisle.

I think this legislation is particularly critical at this time given the budget that the President has proposed to the Congress, and the fact that while he has indicated support for Social Security—although not reserving all of it but he has talked about Social Security—he did not mention reserving the Medicare trust fund. This is a critical issue for me and all the people I represent. To leave the Medicare trust fund unprotected as we talk about investments and spending and how we are going to address tax cuts for the future is very dangerous.

This morning we had the opportunity in the Budget Committee to hear from our new Secretary of the Treasury. Again, he spoke about Social Security but did not indicate a commitment to protecting the Medicare trust fund.

We have about $500 billion that needs to remain within the trust fund and be protected for the future. We all know that we are going to see within the next 10 or 11 years additional strains on Medicare as those of us who are baby boomers come into the system, and beyond. We have critical needs in Medicare. We don't need to put $500 billion in the column that is open for spending or a tax cut. We need to place it on the side with Social Security, in a lockbox—all of Social Security, all of Medicare in a lockbox—so we are guaranteeing that we are not touching a penny of either Social Security or Medicare.

When I first came to the Congress and was in the House of Representatives for 4 years, we were talking about trying to keep ourselves moving to pay off our debt so we could finally say that Social Security and Medicare trust funds would not be used in the bottom line of the budget.

We heard people in both parties—in fact, again a vote was taken last year to support this bill that has been reintroduced—and yet with all of that support, we now find ourselves in the position with a budget being proposed that does not add up, unless you add using Medicare trust funds to the bottom line. I am gravely concerned about that as we look to the future in Medicare.

We all want to see a tax cut. We may struggle and debate who ought to be receiving the majority of that tax cut. My preference is that a lot of it go across the board and be targeted to the working class men and women and their families.

We all talk about deficit reduction and protecting Social Security and Medicare for the future. Unfortunately, while sitting in the House Chamber on Tuesday night, I saw a proposal in broad terms that did not add up. My fear is that will move us backwards rather than forwards as we have been continuing to strengthen our fiscal position and our economy.

We do not need to go back to the eighties and higher interest rates and high unemployment. In my great State of Michigan, those were tough times for families, small businesses, and family farmers that I represent. I am in no way interested in going back to those times with fiscal policies that do not add up.

I join with the President and with others who want to see tax cuts for middle Americans. We can do that without spending Medicare and Social Security. We can do it without putting ourselves back into a situation where we are going into deficit spending.

I truly believe the people of the great State of Michigan want me to support a balanced approach that continues to pay down the debt and protects Social Security and Medicare, and to provide tax relief across the board that is focused on middle-income workers, small businesses, family farmers; and that we also are committed to a future that includes investment in our children, in education, access to college, and making sure that health care, particularly prescription drugs, is available for the people whom we represent.

Again, I urge my colleagues to join with us in a proactive way to support S. 21. I hope we can get everyone in this Chamber to be a cosponsor of this bill which clearly sends a message across the country that we want to work together to fashion a plan to keep our economy going and provide tax cuts, and that we not spend Medicare trust funds to do it.

I urge my colleagues to join in supporting the lockbox for Social Security and for Medicare.

Thank you, Mr. President. I yield my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET AND TAX REDUCTION PROPOSAL

Mr. BOND. Mr. President, one of the very lucky things we have around here is the opportunity to listen to some very intelligent people giving us their ideas on a lot of important subjects. Recently, I have had the pleasure of listening to Chairman Alan Greenspan, who spoke before the Budget Committee a couple weeks ago. Yesterday, we had our budget director, David Walker, speaking to the Centrist Coalition and also had an opportunity to listen to Larry Lindsey, the President's economic adviser, who used to serve on the Federal Reserve. I have learned a good number of things from them that I think are very important for the discussions we have about the budget and how we deal with the tax surplus that is confronting our country. As previous speakers have said, we are no longer in a cold-war world; we are no longer trying to get out of the budget deficit problem.

I think a couple things need to be clarified about some remarks I heard earlier. No. 1, it was not the tax increase of 1993 that got us out of the budget deficit situation. I served on the Budget Committee during those, what I would say were very frustrating years—1993, 1994, 1995. We went back and checked. Do you know something very interesting? In spite of the fact that President Clinton and the then-majority Democrats passed the largest tax increase in history, it did not do anything to lessen the deficits.

We went back and checked because the President's budget proposal, I think for four straight budgets, proposed deficits of $200 billion a year, roughly, as far as the eye could see.

There was no decrease in the deficit because they proposed to spend the money. We raised taxes to deal with the deficit, but then they raised spending to cover up the tax increases.

So it was not until we got into those battles in 1995—and those were difficult battles; I don't want to relive those days—but those were important battles because we finally made the point—with a Republican Congress and a Democratic President—that we had to start getting spending under control to get out of this deficit spiral that was driving us further and further into debt. And we did it.

And we did something else, again, without the support of the President initially, and with some, but not a lot of, support from the other side of the aisle. We cut the capital gains tax rate. At the time, CBO and others were saying: Oh, the capital gains cut is going to cost revenue to the Federal Government.

Some of us believe that when you cut taxes, particularly on an optional activity, such as selling property—which triggers capital gains—you can actually get more sales of property; that we could unlock some of the locked-in gains. We did, and capital gains revenues went up significantly.

But lo and behold, something else very important happened. As we took away the disincentive to roll over old investments and put them into new investments, we started investing them in something new called information technology, which enabled us to develop much more productive ways of doing things. Lo and behold, the productivity of this economy grew. When the productivity grows, that means we can get more goods and more services—a better quality—without paying more, and we can pay better wages.

We also had welfare reform, which took significant portions of the people off welfare and put them to work. Again, I am proud that the Republican Congress was able to pass a bill three times—two vetoes—and then it was finally signed, and we got more people working.

So we were really generating things with our economy. We had good jobs, and productivity was up. Our lucky streak ran out, probably back in September, as the indicators turned down. We are seeing signs that are not encouraging, that the business cycle may be going into a downturn. But we believe that for the long term, this country is going to continue to grow. The budget projections of the CBO, and the blue chip indicators, suggest that even if we do have these budget downturns, we still are probably going to have about a $5.6 trillion tax surplus over the next 10 years. It might be lower; it might be higher.

Most likely, if we can continue to invest in productivity—the rate of productivity growth we have had in recent years—it will be higher. So the question becomes, What do we do with that $5.7 trillion tax surplus? David Walker says we ought to pay down all the debt as quickly as we can.

Chairman Greenspan used to say that, but now he has said: Wait a minute, you can only pay down so much of the debt because a lot of it is in bonds and other long-term instruments that people are not going to want to sell because a lot of us have given savings bonds, and other things, to our kids or people who have made long-term commitments to saving. So we cannot get them all back.

So Alan Greenspan, when he testified before the Budget Committee, said it is time that we start reducing taxes. We need to continue to pay down the debt in a steady, consistent, prompt manner, but do not try to get rid of all of it, and start now with some tax relief.

So the President has come up with a proposal for that $5.6 trillion: To use $2.9 trillion of it for Social Security and Medicare; to use $1.6 trillion to reduce the tax burden of those who are paying taxes; and set aside another $1 trillion for needed investments—actually, expenditures that may come along, and that is after we have the ordinary inflationary growth. So that is even after Government grows by, say, 4 percent in discretionary spending.

The one thing that everybody agrees we should not do with that surplus is lock it in totally to more mandatory spending, entitlements, because that is what, according to David Walker, is going to break this country 20, 30, 40 years down the road, if we do not do something about it. We cannot continue to lock in automatic spending because you never can get out of it; it is too difficult.

So the President said he wants to give a $1.6 trillion tax reduction. Our Democratic friends say: We want only $900 billion in tax reduction. The President said: We are going to increase spending some. But apparently—my guess is—my colleagues on the other side of the aisle would want to spend the $700 billion difference between what they want as a tax reduction and what we want as a tax reduction.

Frankly, I think that is a bad way to go because our economy is suffering right now under the highest income tax rates we have ever had in peacetime. Mr. President, 21.6 percent is what we pay in taxes now. The only time it was higher was in 1944, at the height of World War II. That tax rate is too high. It threatens to choke off the money flowing into productivity, to businesses, to families, to make their own decisions, to make their own investments. So I believe $1.6 trillion is a reasonable figure. A portion of that must go to reduce marginal income tax rates.

Just a few years ago, the top marginal rate was 28 percent. A lot of people, if you poll them, will say: Yes, the Federal Government could take 28 to 30 percent of a rich person's income, take it in taxes.

The President is only lowering the top rate to 33 percent, but he is giving across-the-board tax relief to all Americans paying income tax. Six million people, the lowest income people paying income tax, could be dropped off the rolls. For a family of four making $35,000 a year now paying income tax, they would pay none. For a family of four making $50,000 a year, their income tax burden would be cut in half.

A question has been raised in this Chamber about progressivity. Are you continuing to tax the wealthy more? The answer to that is yes. You drop 6 million people off at the bottom; then you have the wealthy. Anybody who makes over $100,000 a year—we could say that is relatively high income—right now those people making over $100,000 a year pay 61.9 percent of the total income taxes collected. After the Bush plan is fully implemented, they would pay 64.1 percent. They would be paying a larger share, more than 2 percent more of the taxes. If we want progressivity, President Bush's plan is important.

Why is it important? Because only with that tax reduction can we make available the continuing investment in productivity that keeps the economy growing. Individuals, small businesses are making investments in other companies and in their own companies. There are some 20.7 million small businesses in America taxed at personal rates. They are proprietorships, personal operations—a farm, a small store, a computer consultant—or they are partnerships or sub S corporations. That means the individual tax rate affects the business.

A few years ago, after the 1985–86 tax cut, they only had to pay 28 percent as a top rate on their income. They used that money to invest in new equipment, in new employees, to expand their business. Now some of them at some rates pay as much as 44 percent as a top rate in their business. That is a significant cut in the amount of money that is available to invest in business and expand productivity.

I asked Alan Greenspan: Why is it that marginal tax rate cuts are the best thing we can do for the economy?

He said: For the long-term, the best thing you can do for the economy is to reduce marginal rates because reducing marginal rates puts more money into the investments we need—into technology, equipment that improves productivity, provides better wages and better economic opportunity and more jobs.

That is basically the reason why the Bush tax plan makes a great deal of sense.

There are a lot of other ideas around here. I am sure we will have an opportunity to work on them. For the long term, if we want to keep our economy growing—and I think we certainly do—we need a balanced approach that does as the President said: No. 1, reduces the debt as far as it can; provides tax reductions that will be put into productive investment; and puts money into high priority items, items such as education, items where we can see a real need.

We also need to reform Medicare, including prescription drug options for seniors in assisting low-income seniors. We ought to get about working to reform Social Security as well. As we do those things, leaving money in the private sector is the best way to make sure our country can progress.

There are those on the other side who say we are giving tax money back to the wealthy to purchase a Lexus. Frankly, we make a lot of cars in Missouri; we don't make the Lexus. If they have earned the money, the question is, How much of that do you tax away? If they buy a Ford or a Chevy or a Dodge minivan, they are putting a Missourian to work. That is not all bad. We could have that if we adopt a sound economic plan, a sound budget, and a responsible tax reform proposal. I believe the President's proposal is sound.

We have heard statements made, a lot of statements, that the top 1 percent of the income earners only pay 20 percent or 21 percent of the income tax. That is not true. They pay 34 percent of the income tax. They would wind up paying more under the Bush plan. It does keep progressivity as well as providing relief up and down the line.

I hope the American people will take the time to find out the truth about the economics of the budget and this tax relief plan. I believe if they do, they will find that this is a plan that makes sense. It is balanced. It meets the priority needs of the American people, and it is the best recipe we have to see continued economic growth, good jobs, increasing productivity, and a better way of life for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEMA

Mr. REID. Mr. President, in recent years in the State of Nevada we have had two natural disasters that have been very traumatic. One was in Reno, one in Las Vegas, and both were floods. The majority of the natural disasters that we have in America, are caused by water. There are earthquakes, of course, and there are fires, but most of our natural disasters have to do with water.

As I just mentioned, in Las Vegas and Reno we had two devastating floods. They both destroyed property. Thankfully the loss of life was fairly minimal, but there were lives lost, nevertheless, these floods were devastating. Homes were washed away. Businesses were washed away.

The one highlight, as I look back, was the fact that the Federal Emergency Management Agency, FEMA, was there and they did a wonderful job.

They were there during the violent storms—the storm in Las Vegas and the one in Reno.

I cannot stress enough how important FEMA was to the people of the State of Nevada. They move in quickly, set up first aid and relief stations, and constructed temporarily shelters. They set up a Federal office where they would meet with people to talk with them about their losses, whether or not there were emergency loans available.

After the worst was over, FEMA, through something called "Project Impact," set up a disaster mitigation project. In effect, what it did after the flood, was to help in Las Vegas to reduce Las Vegas' vulnerability to floods. Project Impact offers seed money to help cities all around the country allay the effects of natural disasters.

In Las Vegas, officials worked with State and local officials on waste, to upgrade the sewer system, build ducts, install backlog valves to prevent flood waters from entering homes, and install barriers to prevent similar disasters from happening again. Project Impact has made a real difference in Nevada.

The former mayor of Las Vegas, Jan Jones, said Las Vegas could not have gotten through the floods without the assistance of project impact.

I credit this project with helping hundreds and hundreds of Nevadans bounce back from a very difficult time.

Most recently, in fact yesterday, I was doing a radio program, National Public Radio, with Juan Williams. The program was interrupted because of the earthquake that took place at about 11:15 a.m. in Washington State. At the time I was on the radio program and he did not indicate the severity of the quake.

Yesterday's earthquake survivors were fortunate that the quake occurred deep in the ocean, some 30 miles underground. Even though it was almost 7 on the Richter scale, the loss of life was minimal. At this point we only know of one person who died as a result of that very severe earthquake. Several hundred have been hospitalized, and several of them are hurt badly, but the impact, because of where it occurred, was lessened.

Project Impact is a program that works. In the State of Nevada, with the money allocated to FEMA under Project Impact, the city is working on bracing schools, water tanks, working on bookshelves—things like that. The same is taking place, as we speak, in Seattle. Furniture and computers are being restored or repaired, and they have trained 1,600 homeowners to shore up their own houses.

I give this brief background to indicate that I think this new administration, wants to wipe out Government waste, they want to cut Federal spending, as we all do. I commend this administration for that. They want to save whatever money they can and return it back to the people in the form of tax cuts, and that is the right thing to do. But with all the good Project Impact has done, it is hard to understand why President Bush has targeted this program for elimination in his budget.

In the budget proposal, the outline which was presented to Congress yesterday, the President canceled FEMA's Project Impact, saying that the $25 million Federal-city program has not been effective.

I ask President Bush to reconsider. I am deeply concerned, because from the experience we have had in Nevada, this is a good program.

I am also very concerned that the President plans to cut overall FEMA spending by 17 percent. This is wrong. He is going to cut this program by about $400 million, forcing us to come back with a supplemental and put this money in anyway.

I do not know where the natural disasters are going to take place in America today. I do not know where the floods are going to take place. I do not know where the fires are going to take place. I do not know where the earthquakes are going to take place. But they are going to take place sometime during this fiscal year, and FEMA must have the money and resources to meet these emergencies.

When people are hurt, when people are afraid, we need to have the Federal Emergency Management Agency have the resources to take care of these people. FEMA has done a remarkably good job. They have become so much better than they were.

I say that our President, must take a look at what his people have recommended be done. This is the President's budget. He makes the ultimate decision. But I want those people who are working with President Bush to take another look at this. We cannot—we should not—eliminate $400 million from FEMA because, I repeat, even with the full funding, it is very likely we are going to have to come back, as we do every year, for more money for these emergencies.

Late yesterday, President Bush dispatched his new Director of FEMA, Joe Allbaugh, to the State of Washington. President Bush said Mr. Allbaugh would work with State and local officials to provide whatever help he could to the people of the State of Washington.

We have seen the pictures of Washington after the quake—the still pictures in newspapers—and we have seen the disaster more vividly on television. Seattle and other places in the State of Washington have very serious problems, and Seattle is showing the Nation exactly why FEMA funding is necessary and the real impact some of these budget cuts would have on our cities.

The State of Washington needs these moneys. Project Impact is a major reason that damage to Seattle was not more serious than it was.

So as we find ourselves in this tax and budget debate, these are the details we have to account for these emergencies.

I know Nevadans want a tax cut, and I know the people of Alabama want a tax cut. In every State of the Union, people want a tax cut. Nevadans and all Americans have worked hard to ensure this surplus. We have worked hard and they have worked hard to get it. They deserve a major tax cut. It is time to reach a compromise to make sure they can receive a fair tax cut, but it has to be one that pays down the debt and protects Social Security.

We have to give people their fair share of a tax cut, but that does not eliminate programs such as FEMA. It has to leave money so we can have a prescription drug benefit. It has to leave money so we can do the things we need to do regarding education.

So just as families plan for unexpected demands on their resources, we have the responsibility to ensure that this Nation has resources to respond to its emergencies, such as the floods I have talked about in Nevada and this earthquake that took place yesterday in Seattle.

In the past, parts of our Nation have been devastated by unyielding wildfires and unforgiving hurricanes and earthquakes. Unfortunately, we will have these emergencies.

I believe it is our responsibility to account for these inevitable commitments. The best way to do that is by preparing for the worst, not by reacting when lives have been taken and property has been destroyed. We need to be prepared, and we cannot be if we are going to cut Federal Emergency Management Agency funding by 17 percent. Certainly, we should not cancel FEMA's Project Impact moneys. These moneys are very important.

As I said, with Seattle, Project Impact has helped make Seattle buildings more earthquake resistant. Without this, problems in the State of Washington would even be worse.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

RULES OF THE ARMED SERVICES COMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Rules of Procedure of the Committee on Armed Services, as adopted yesterday by the Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

(Adopted February 28, 2001)

1. *Regular Meeting Day*. The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. *Additional Meetings*. The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. *Special Meetings*. Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings*. Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer*. The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. *Quorum*. (a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting*. Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. *Announcement of Votes*. The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. *Subpoenas*. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings*. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the

Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. *Nominations.* Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. *Real Property Transactions.* Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMM. Mr. President, in accordance with Rule XXVI.2. of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of the Committee on Banking, Housing, and Urban Affairs, as unanimously adopted the committee this morning.

I present these rules, as well as the text of a Memorandum of Understanding entered into by Senator SARBANES, the ranking member of the committee, and myself, for inclusion in the RECORD. While the Memorandum of Understanding is not a part of the committee rules, it is a mutual statement of the manner in which the committee will conduct its affairs for the best interests of all of the members of the committee and of the Senate.

I ask unanimous consent that the text of the committee rules and of the Memorandum of Understanding be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, March 1, 2001)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

(b) Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

(c) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

(d) Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

(e) Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection (e)(1) have been met.

(g) Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignments to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the

Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

(g) Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actual present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) Filing of statements.—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

(g) Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman anytime before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompanying him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).

13. Renegotiation of Government contracts.

14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

Committee Procedures for Presidential Nominees

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

Committee on Banking, Housing, and Urban Affairs—Memorandum of Understanding

(February 28, 2001)

This memorializes the understanding between Senators Gramm and Sarbanes regarding budget, staffing, organizational, and procedural matters affecting the Committee on Banking, Housing, and Urban Affairs during the 107th Congress while the Republicans and Democrats each have 50 members in the Senate, except that the points regarding budget/funding and the equal division of office space shall apply for the duration of the 107th Congress.

I. FUNDING

A. Staff funding will be divided in equal portions for Republicans and Democrats. This will be achieved by increasing the funding allocation available for the Democrats to the level equal to that which has been available for Republican staff.

B. The funding for non-designated staff (the Chief Clerk, the Deputy Chief Clerk, the Editor, and the front office staff) would continue to be provided equally from funds allocated to both Republicans and Democrats, as has been the customary practice for the committee.

C. Additional funds for administrative expenses will be divided equally.

II. OFFICE SPACE

Office space will be divided in equal portions for staff for Republicans and Democrats, not counting the space allocated for non-designated staff and the hearing room and the anteroom to the hearing room.

III. SUBCOMMITTEE ORGANIZATION

Subcommittees will be organized with regard to jurisdiction, leadership, and membership, as agreed to by vote of the Committee in accordance with Committee rules (see attached).

IV. PROCEDURES

A. Witnesses at committee and subcommittee hearings

1. Every effort will be made to work cooperatively in the identification of witnesses for each hearing. Republicans and Democrats will be allowed to identify equal numbers of witnesses (not counting administration or government agency witnesses, or presidential nominees), both for full committee hearings or any subcommittee hearings, and the Chairman of the Committee or subcommittee holding the hearing will, accordingly, issue invitations to all witnesses in a timely fashion so as to meet the requirements of Senate rules to give public notice of hearings at least one week prior to the holding of the hearing.

2. In keeping with this understanding, the general intention will be to keep the number of witnesses invited to a level that can be comfortably accommodated in a single hearing, including equal division of witnesses at each hearing, recognizing that circumstances may sometimes arise where an additional day or days of hearings would be advisable.

B. Hearing topics

1. The specific topics of hearings, both for the Committee and for subcommittees, will be developed by the respective Committee or Subcommittee Chairman in consultation with the appropriate Ranking Member.

2. The topic of two hearings per month (either at the full Committee or subcommittee level) may be designated by the Ranking Member of the Committee, in consultation with the Chairman of the Committee and relevant subcommittee, and such designation will be made in a timely fashion so as to meet the needs for scheduling, adequate notice of the hearing, and identification of witnesses.

3. Point 2 will not apply to any matter that could be placed on the Executive Calendar of the Senate, such as nominations and treaties.

C. Agenda of committee business meetings

The agenda for business meetings of the Committee, or of any subcommittee, will be developed by the Chairman in consultation with the appropriate Ranking Member.

TRADE AGREEMENT COMPLIANCE

Mr. BAUCUS. Mr. President, yesterday, I led a group of 11 Senators in urging President Bush to ensure that there will be full funding for the Commerce Department's International Trade Administration efforts to make sure that our Nation's trade agreements are fully implemented and followed by our trading partners. In the days leading up to the President's budget proposal, we were seriously concerned by reports that there would be deep cuts in this program. Although it appears that the fiscal 2002 budget does not include cuts, we continue to be concerned that anyone would even consider such a damaging move.

This Nation has had a serious problem over the past two decades with many of our most important trading partners who have not complied with commitments made in trade agreements. The Japanese record, for example, of compliance with trade agreements is poor. We have brought disputes against the European Union at the WTO, and won those cases, yet the EU still does not comply with its obligations. China has presented major problems in implementing agreements on intellectual property rights protection and on market access, and China's entry into the WTO will bring new and even more difficult challenges to our efforts to ensure compliance.

It is critical that our Government agencies have the resources they need to monitor compliance, and then to take the actions necessary to enforce the commitments made by other nations. Shortchanging those agencies means shortchanging the American farmer, rancher, worker, and business owner. Further, when our trading partners fail to comply with a trade agreement, it corrupts the negotiating process and leads to a loss of confidence in the entire trading system. We cannot allow that to happen.

Therefore, we 11 Senators are calling on the President to ensure that the Department of Commerce, USTR, and other agencies responsible for trade agreement compliance are fully funded to ensure that our trading partners follow the rules that they have agreed to follow.

I ask unanimous consent that the letter we sent to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 2001.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over the past twenty years, the United States has negotiated hundreds of bilateral, regional and multilateral trade agreements. Unfortunately, the record of compliance by many of our trading partners is woefully inadequate. In the case of Japan, for example, the American Chamber of Commerce in Japan has concluded that barely half of our major bilateral trade agreements were fully or mostly successful. China's imminent accession to the WTO gives us an unprecedented challenge in ensuring compliance with their new commitments to open and liberalize the Chinese market.

In order to rebuild the consensus on trade in this country, it is imperative that we demonstrate, to our businesses and to our citizens, that the agreements we have concluded produce results. Agreements without full compliance debase the entire trade negotiating process. Ensuring compliance must be a top priority for the United States.

Therefore, we are distressed by recent reports that the proposal for fiscal 2002 funding for the Commerce Department's International Trade Administration will not provide sufficient resources for compliance activities. Congress provided significant new funding to USTR and the International Trade Administration to increase their compliance capabilities in fiscal 2001. It would be a serious mistake to reduce our government's ability to ensure that trade agreements fulfill their goals and that our manufacturers, farmers and ranchers, service providers, and exporters benefit.

We urge you to ensure full budgetary support for these critically important compliance efforts.

Sincerely,

Max Baucus, Jeff Bingaman, Blanche L. Lincoln, Dick Durbin, Dianne Feinstein, Ted Kennedy, Byron L. Dorgan, Bob Graham, Max Cleland, Jack Reed, Patty Murray.

TRIBUTE TO DALE EARNHARDT

Mr. THOMPSON. Mr. President, it has been almost two weeks since American sports lost one of its greatest legends. On a Sunday, just like any other Sunday, millions of NASCAR fans watched the concluding laps of the Daytona 500 race. But February 18, 2001 is a Sunday that even those who were not at the race track, or glued to their televisions, will never forget. This was the day that we lost the person who many say was the sport's fiercest competitor.

I am, of course, speaking of Dale Earnhardt, a man who was aptly described as both "NASCAR's greatest driver" and "the Intimidator." As fans, friends and family continue to mourn his death, he is also remembered by labels such as "devoted husband" and "loving father" whose fearlessness on the track was eclipsed only by the size of his heart.

Adults and children alike are searching for the reasons why their hero was taken from them. Dale Earnhardt brought these strangers together, week after week, as a family devoted to following his career and celebrating his many victories. He became part of our lives through sports broadcasts and the media. He was only months away from his 50th birthday. He will not get to see his son follow in his footsteps and become a champion. But fans know that his devotion to the sport was so great that he was doing what he loved until the last moment.

A week after this tragedy, before all of the tears had dried, NASCAR continued with the racing season, but Dale Earnhardt was far from forgotten. The respect for this man was so great that drivers and crewman, men who raced against him for years, wore black, red and silver caps with Earnhardt's number three on them to honor their fallen comrade.

No one was ready to let Dale Earnhardt go. A man who had such spirit for the race of life as well as for the competition on the track will not easily fade into the past. His spectacular career statistics will certainly not let us forget and the way he lived his 49 years will be an even greater remembrance. He was admired in life and he will continue to be admired now that he has left us. He will continue to be a role model for drivers and fans alike. Dale Earnhardt will always be with us in our hearts, every time someone strives for greatness and every time someone takes the checkered flag.

TESTING FOR DEOXYNIVALENOL IN BARLEY

Mr. CONRAD. Mr. President, I believe the Senator from Indiana, the chairman of the Agriculture Committee, is aware that barley growers are concerned about the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration testing of deoxynivalenol, or DON, levels in malting barley. Is that correct?

Mr. LUGAR. The Senator from North Dakota is correct. Identifying the presence of DON in malting barley is important because the presence of DON reduces the price producers receive for their barley. Malting barley purchasers are affected because DON can affect the characteristics of the products they make with that barley.

Mr. CONRAD. Many malting barley growers believe that current GIPSA measurement standards are unacceptable. When the Congress reauthorized the Grain Standards Act late last year, the Senator and I discussed these measurement standards. The Senate suggests that the Federal Grain Inspection Program Grain Standards division of GIPSA consider new technology that would allow for the more accurate measurement of DON in barley.

Mr. LUGAR. We also suggest that GIPSA consider ceasing the use of the "Optional Procedure," under which they measure to the tenth of one part per million, and use only the "Standard Procedure," where measurements are rounded to the nearest whole number.

MARCH IS EYE DONOR MONTH

Mr. DURBIN. Mr. President, I rise today to bring to the attention of my colleagues and the public that March is National Eye Donor Month.

National recognition of Eye Donor Month dates back to the very early days of transplantation, when corneas were the only human transplants. Now, transplantations are common medical procedures by which people may give, so that others can live better, fuller, healthier lives.

National Eye Donor Month honors the thousands of Americans who, over the past 55 years, have each left behind a priceless legacy, their eyes. Since the first transplant agency was founded in New York City in 1944, sight has been restored to over half a million individuals by means of cornea transplantation.

Eye Donor Month is also about increasing public awareness of the continuing need for donors. Many people are still unaware of how easy it is to become an eye donor. All a donor needs to do is sign a card and announce to his or her family the intent to leave behind this special gift.

I am confident that if more Americans realized the true extent of the need for transplants, many more would willingly donate their corneas, once they can no longer use them. More than 46,000 Americans will need cornea transplants this year. Thousands of researchers will need donor eye tissue to explore prevention and treatment of blinding diseases.

Our Nation's eye banks, non-profit agencies operating under the umbrella of the Eye Bank Association of America, have done a heroic job of restoring sight to blind people. Today, cornea transplantation is the most common transplant procedure performed, with an extremely high success rate of nearly 90 percent.

This incredible success rate is due in part to a meticulous screening process that separates out corneas unsuitable for transplantation. These may be used for research purposes in surgical training and medical education. So, while each donated eye is put to good use, such a selective screening process must be supported by a large number of donations.

Right now, there are simply not enough donors. We must change that. I want to encourage my colleagues to celebrate National Eye Donor Month by working closely with our Nation's eye banks to educate the American public about how they can help others to see. Let us all aim to increase the number of eyes available for transplantation, so that we may illuminate the darkness for so many of our fellow citizens.

FEMA's PROJECT IMPACT

Mr. AKAKA. Mr. President, I was dismayed and confused to learn that the President's fiscal year 2002 budget proposal would eliminate the Federal Emergency Management Agency, FEMA, initiative, Project Impact. I draw my colleagues' attention to this nationwide program that works with cities and counties to help reduce the destructive effects of natural disasters because so many of their citizens have benefitted from these successful partnerships.

The very first Project Impact designated community was Deerfield Beach, FL, which joined in 1997 in response to the devastating effects of hurricanes. Another pilot community, Seattle, WA, uses Project Impact funds to ensure an earthquake-resistant community by retrofitting school buildings and bridges, identifying zones of vulnerability, training homeowners, and reinforcing hundreds of Seattle-area homes. Seattle formed neighborhood disaster teams and brought in local businesses to help.

It is important to note that Project Impact is a major reason why damage to Seattle during yesterday's earthquake was minimal. Only last April, Seattle held its eighth "Disaster Saturday" at a school that had been retrofitted with non-structural seismic retrofits as part of the city's "Project Impact's School Retrofit" program. I share Senator MURRAY's appreciation for FEMA's work, as well as her concern over the proposed cancellation of this important disaster mitigation program.

Since its inception in 1997, nearly 250 community partners and 2,500 business partners across the country have joined with Project Impact. In my own State of Hawaii, all four counties are community partners to Project Impact. The 50th State is vulnerable to risks from hurricanes, torrential rains and flooding, tsunamis, droughts, earthquakes, and even wildland fires. Urban areas like Houston, TX and Tulsa, OK, as well as rural communities, like Fremont County, WY, largely rural area of about 38,000 residents, and Virginia's Central Shenandoah Valley Planning District, have joined.

Kenai Peninsula Borough and Soldotna, AK are educating their citizens about mitigation measures that can be taken to prevent damage from earthquakes, wildfires and floods. The city of Buffalo, which lies on a major fault, has joined Project Impact to help with earthquake mitigation, as well damage from snow storms and floods. A few months ago, North Carolina was named the Outstanding Disaster-Resistant State in recognition for all the work that has been done in communities across the State. In Colorado, a $150,000 grant to a coalition in San Luis Valley was leverage into a $268,000 Emergency Preparedness Fund. Other Colorado communities that have benefitted include Fort Collins, Delta and Clear Creek, Morgan and El Paso counties. In Elgin, IL, Project Impact helped start a pilot program to mitigate the effects of tornadoes.

Project Impact's full title is "Project Impact: Building Disaster-resistant Communities." The initiative works by empowering communities to fashion hazard mitigation responses to local concerns and needs. FEMA helps communities carry out a detailed risk assessment and create disaster resistant strategies. Communities turn these strategies into policy by revising local building and land use codes and passing bond issues to construct prevention measures that will impact the entire community.

Project Impact operates on three simple principles: preventive action must be decided at local levels, private sector participation is vital, and long-term efforts and investments in prevention measures are essential. Project Impact takes resources from a Federal agency and gives it to the communities; helping them to become stronger and self-reliant.

Since its inception, Project Impact partners have revamped their local emergency management plans, elevated flood prone properties, developed mobile demonstration models for hazard resistant construction techniques and upgraded storm water drainage systems. In addition, Project Impact communities are encouraged to exchange ideas with each other. As former FEMA director James Lee Witt stated, ". . . participants know that Project Impact empowers them to save lives, protect property, protect their economies, livelihoods and save their citizens from the heartache of disaster."

Everything that I hear about Project Impact points to its successes. NASA, the U.S. Geological Survey, the U.S. Chamber of Commerce, and the Humane Society have all become Project Impact signatories in the past few months. Although the President's budget proposal states that Project Impact has not been effective, it is unclear how that conclusion was reached. We should not eliminate a program without reviewing its successes or failures. In order to evaluate Project Impact, I am requesting that the General Accounting Office review the program and measure its performance. It is only right that there be an audit of this program, which so many communities believe is an important government partnership, before eliminating its funding.

FEMA estimates that for every dollar spent on disaster mitigation, two dollars are saved in disaster response and recovery. I sincerely hope that the Project Impact communities will not be left without any Federal assistance for disaster mitigation. Roger Faris, a Seattle homeowner who thanked Project Impact for his home surviving Wednesday's earthquake without damage, said, "This is one of these non-partisan success programs that should have been expanded, not shut off."

ADDITIONAL STATEMENTS

OKLAHOMA SOONER WOMEN'S SOFTBALL 2000 NATIONAL CHAMPIONS

• Mr. NICKLES. Mr. President, I rise today to congratulate the Oklahoma Sooner softball team, which on September 19, defeated UCLA by a score of 3–1 to win the first women's national championship at the University of Oklahoma.

The championship game was played at Amateur Softball Association Hall of Fame Stadium in Oklahoma City, where the Sooner softball team closed out the year with a 66–8 record; 8 of these victories were consecutive wins during the NCAA Tournament.

The Sooner women were led to this championship by Patty Gasso, who was recognized as Coach of the Year, along with her assistants, Melyssa Panzer, Tim Walton and Jennifer Jamie, all of whom were recognized as the 2000 Speedline/NFCA Division 1 National Coaching Staff of the Year. Gasso, just finished her sixth season as head of the Sooner softball program. She has guided each of her teams to the NCAA Regional play-offs and won three Big 12 Conference championships.

From the entire State, we want to congratulate the University of Oklahoma women's softball team and their first-class coaching staff on this outstanding achievement.•

IN RECOGNITION OF BERNICE WILLIAMS

• Mr. TORRICELLI. Mr. President, I rise today to recognize Mrs. Bernice Williams as she retires after a distinguished 45 year career in the Immigration and Naturalization Service. Throughout this time, she has been of great service to both her nation and her community.

Mrs. Williams' accomplished a great deal during her tenure at the INS. In 1968 she had the distinction of becoming the first African American female officer for the Northern New Jersey office of the Department of Immigration. Since then, she has taken on many important roles in the INS such as serving as manager for EEO and Affirmative Action Programs and Projects as well as the Senior Immigration Examiner on sensitive political asylum cases.

Whether dealing with a timely asylum case or helping those in need in her community, Mrs. Williams has been selfless in everything she approaches. She is a member of the A. Philip Randolph Association and works through the Giblin Association to provide food and clothing to the less fortunate. She has also worked as a tutor for local children, helping to ensure a brighter future for our students. In these and countless other ways, she has given graciously of herself. In every aspect of her life, Mrs. Williams has exemplified the meaning of good citizenship.

The INS and the community of Newark have truly been blessed to have an individual as dedicated, talented and generous as Bernice Williams. It is a privilege to recognize her many accomplishments today.•

TRIBUTE TO JOHN CRADDOCK

• Mr. LUGAR. Mr. President, I rise today to recognize the efforts of a dedicated public servant, Mr. John Craddock of Muncie, IN.

As the Director of the Bureau of Water Quality for the City of Muncie for almost 30 years, Mr. Craddock has made a meaningful contribution to improving the quality of life for the people in Indiana and the Nation through his work to improve water quality for our cities.

Mr. Craddock created the Bureau of Water Quality in 1972 and has served as its only Director since its inception. He has transformed the river in Muncie from a polluted waterway to a healthy and beautiful centerpiece of the city.

Mr. Craddock's influence has reached well beyond the city of Muncie. He has been internationally recognized as an authority on environmental management of our rivers and streams. He has been asked by the Indiana Department of Environmental Management, the Indiana State Board of Health, and the Environmental Protection Agency to help develop industrial waste limits in state and federal laws and help set Indiana stream water quality standards.

During the past 10 years, Mr. Craddock has made approximately 575 presentations around the world, reaching more than 51,000 individuals who can make a difference in the effort to ensure a fresh water supply. He has been an active participant in United Nations conferences all over the world. His techniques and procedures in controlling industrial waste and sewage overflow have helped influence the methods now being used in Japan, England, Canada, Europe, South America, and many Third World countries where he has shared his knowledge and experience.

Mr. Craddock has dedicated his life to the preservation of our world's precious water resources. In addition to his service to the Muncie community, Mr. Craddock has been an outstanding representative for Muncie, the State of Indiana and the United States during his many world travels. Mr. Craddock also served his country in active duty in the U.S. Coast Guard for 4 years.

Mr. Craddock is a remarkable public servant who has done so much to help strengthen our cities and communities. On this very special occasion of Mr. Craddock's retirement, I want to take this opportunity to acknowledge his many achievements and to thank him for his commitment to our State and to our Nation.●

A TRIBUTE TO STEVEN A. HOOK

● Mr. CHAFEE. Mr. President, I am humbled today to honor the 1-year anniversary of the passing of Steven A. Hook of North Providence, RI.

During his 44 years, Steven proved that having a disability does not disable one from leading an active life. At the age of 14, Steve broke the fifth vertebra in his neck in an automobile accident, which left him partially paralyzed. Determined to walk again, Steven endured months of extensive therapy sessions, constantly pushing himself to new limits. During this battle, Steven found an inner-strength, a strength that would allow him to fight to empower people with disabilities.

Steven's desire to help those with disabilities led him to the PARI (People Actively Reaching Independence) Living Center in Pawtucket, RI. He began his career there in 1980 as a volunteer peer counselor and then program director. He was named executive director in 1997.

Steven was a crusader in implementing the landmark Americans with Disabilities Act of 1990 in Rhode Island's communities. He participated in two national training programs on the ADA. The programs were conducted by the National Council on Independent Living, Independent Living Research Utilization and the Disability Rights Education and Defense Fund under a grant provided by the Equal Employment Opportunity Commission and the U.S. Department of Justice. He also trained and was certified as a Rhode Island state mediator on Titles I, II, and III of the ADA. Steven was a member of countless other state and local boards, making strong contributions to Rhode Island and its residents.

Today my heart is with Steven's family and friends, mourning the loss of a great citizen of Rhode Island and our Nation. Steven's dedicated service on behalf of those living with disabilities should serve as inspiration for us all to give back to our communities. His life story should serve as a reminder that no matter the obstacles, where there is a will, there will always be a way.●

HONORING DR. JOHN C. CHAPMAN

● Mr. FRIST. Mr President, I rise today to recognize the remarkable accomplishments of Dr. John E. Chapman, who is today retiring as Dean of the Vanderbilt University School of Medicine. Dr. Chapman is not only one of the longest-serving deans in medical school history, but a man who has made a major contribution to medical education in America and around the world.

I had the great honor of serving with Dean Chapman from 1986 to 1994 when I was a member of the Vanderbilt Medical School faculty. Even then, his reputation around campus was legendary—for his compassion for young people, for his scholarship of medicine and history, and for his concern for the future of medical school education—a concern overwhelmingly apparent from even the most cursory glance around his office.

In addition to a bust of Winston Churchill, whom he met in 1946 when a national debate competition coincided with the Prime Minister's famous "Iron Curtain" speech, it housed a virtual museum of medical history. But perhaps the greatest evidence of his dedication to advancing the state of American medical education was a small album filled with the photographs of multi-generations of family members—grandfathers, sons and grandsons whose degrees were all conferred by Dr. Chapman.

In all, 3,317 men and women have received a medical degree from the man lovingly known as "the patron saint of medical students." And Dr. Chapman and his wife, Judy, made time for each of them, hosting parties for them at their home, and attending all their many functions to cheerlead their cause. Indeed, I'm convinced, Mr. President, that Vanderbilt's continuous Number One medical school rating based on student satisfaction would not have been achieved without Dr. Chapman.

But Dr. Chapman's influence was not confined to Tennessee. In addition to his leadership as the only three-term member of the American Medical Association's Council on Medical Education, he chaired the U.S. Medical Licensure Examination Committee—that oversees the examination of all physicians seeking to practice in the United States, and was one of only a small handful of physicians to sit on the governing councils of both the AMA and the Association of American Medical Colleges. In 1994, he lent his expertise to the Senate in testimony before this body on the state of medical school funding in America.

Yet, not content to confine his efforts to one country, he reached out even further, spearheading a medical student exchange program between Vanderbilt and the prestigious Karolinska Institute in Sweden. Other U.S. medical schools, following his lead, soon joined this remarkable program, causing the Karolinska Institute to hail his efforts as a "conspicuous contribution to medical education worldwide."

John Chapman has come a long way from the boy from the Missouri Ozarks, who became the man who shook the hand of Winston Churchill in 1946, to the physician who, in conjunction with Nobel Prize ceremonies in Stockholm, Sweden, received an honorary M.D. from the Karolinska Institute, to the medical historian and scholar who represented the AMA in hearings before the Senate. But despite his many awards and accolades and international recognition, his most remarkable accomplishment remains his commitment to students. While the average tenure for a medical school dean is five years, Dr. Chapman served his students five times as long.

Yet while he leaves the office of Dean tomorrow after 25 years, he will not leave Vanderbilt, but continue his commitment to students as Associate Vice Chancellor of Alumni Affairs.

For more than one quarter of a century, Dr. John Chapman has been a bulwark of strength in the often turbulent sea of medicine and medical education. Not only has medical education been his life's work, but he's done it for so long and at such a high level that the magnitude of his contributions to the entire field of medicine is both enormous and historic. They are accomplishments that make John Chapman not just a great physician, scholar, and teacher but a great American.

On behalf of all the people of Tennessee and physicians everywhere, I congratulate him and wish him well.•

TRIBUTE TO SPECIAL AGENT DAVID J. KARPOWICH

• Mr. ALLEN. Mr. President, I rise today to honor a lifetime commitment to law and order in the United States. On this day, March 1, 2001, Mr. David J. Karpowich of Springfield, VA, retires as a special agent with the U.S. Naval Criminal Investigative Service (NCIS), ending some 30 years of Federal law enforcement service.

Mr. Karpowich began his service to his country in July 1971, as a member of the U.S. Army's Military Police Corps. Following a brief stint as a uniformed officer with the U.S. Capitol Police Force, Mr. Karpowich was appointed a special agent with the Naval Investigative Service, now known as the Naval Criminal Investigative Service, on July 14, 1975, and embarked on a career that would span more than 25 years. His history of assignments includes South Carolina, California, and in Washington, DC, as a field investigator, polygraph examiner, counterintelligence manager, and inspector.

Among his many achievements with the Naval Criminal Investigative Service, Special Agent Karpowich will long be remembered for his contribution to its Polygraph Program. Under his responsible leadership, the NCIS Polygraph Program was considered among the finest within the Department of Defense, and he is credited with modernizing the program with new personnel, equipment and techniques.

More recently, Special Agent Karpowich shared the wisdom of his experience with the On-Site Inspection Agency (OSIA), as the senior NCIS representative to its Counterintelligence Staff and lastly as the Senior Inspector with the NCIS Headquarters Inspections Directorate, seeking to ensure efficiency and integrity within the Service.

In closing, I wish to commend David Karpowich for his commitment to law enforcement and for his many years of outstanding service to our nation and, in particular, to the members of our armed services. I wish him and his wife, Connie, Godspeed in his retirement.•

REPORT ON THE STATUS OF FEDERAL CRITICAL INFRASTRUCTURE PROTECTION ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations; and the Judiciary.

To the Congress of the United States:

Pursuant to section 1053 of the Defense Authorization Act of 2001 (Public Law 106–398), enclosed is a comprehensive report detailing the specific steps taken by the Federal Government to develop critical infrastructure assurance strategies and outlined by Presidential Decision Directive No. 63 (PDD–63).

This report was drafted by the previous Administration and is a summary of their efforts as of January 15. However, since this requirement conveys to my Administration, I am forwarding the report.

Critical infrastructure protection is an issue of importance to U.S. economic and national security, and it will be a priority in my Administration. We intend to examine the attached report and other relevant materials in our review of the Federal Government's critical infrastructure protection efforts.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 1, 2001.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 559. An Act to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse."

S. 279. An Act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 1:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 256. An Act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.R. 558. An Act to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

H.R. 621. An Act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

H.J. Res. 19. Joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution honoring the National Institute of Standards and Technology and its employees for 100 years of service to the Nation.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 558. An act to designate the Federal building and United States courthouse located at 504 West Hamilton street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse," to the Committee on Environment and Public Works.

H.R. 621. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building"; to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 1, 2001, he had presented to the President of the United States the following enrolled bill:

S. 279. An act affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–851. A communication from the Deputy General Counsel of the Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National Instant Criminal Background Check System Regulation; Delay of Effective Date" (RIN1110-AA02) received on February 28, 2001; to the Committee on the Judiciary.

EC–852. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report concerning purchases from foreign entities for Fiscal Year 2000; to the Committee on Armed Services.

EC–853. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Re-establishment of Tolerance for Emergency Exemptions" (FRL6766–5) received on February 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–854. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND–041–FOR) received on February 26, 2001; to the Committee on Energy and Natural Resources.

EC–855. A communication from the Acting Director of the Defense Security Cooperation

Agency, Department of Defense, transmitting, pursuant to law, a report concerning anti-narcotics assistance totaling $20,000,000; to the Committee on Foreign Relations.

EC–856. A communication from the Acting Director of the Defense Security Cooperation Agency, Department of Defense, transmitting, pursuant to law, a report relating to the anti-narcotics assistance to Mexico; to the Committee on Foreign Relations.

EC–857. A communication from the Acting Director of the Defense Security Cooperation Agency, Department of Defense, transmitting, pursuant to law, a report concerning the anti-narcotics assistance totaling $60,300,000; to the Committee on Foreign Relations.

EC–858. A communication from the Acting Director of the Defense Security Cooperation Agency, Department of Defense, transmitting, pursuant to law, a report concerning the Economic Community of West African States' Peacekeeping Force relating to Liberia; to the Committee on Foreign Relations.

EC–859. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relating to the Foreign Agents Registration Act, as amended, from January through June of 2000; to the Committee on Foreign Relations.

EC–860. A communication from the Chairman of the Counsel of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–593, "District Government Personnel Exchange Agreement Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–861. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–587, "Nurse's Rehabilitation Program Act of 2000"; to the Committee on Governmental Affairs.

EC–862. A communication from the Executive Director for Operations of the Nuclear Regulatory Commission, transmitting, pursuant law, a report concerning the commercial activities inventory for the year 2000; to the Committee on Governmental Affairs.

EC–863. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–539, "Interim Disability Assistance Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–864. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Coast Guard Activities New York Annual Fireworks Displays" ((RIN2115–AA97)(2001–0003)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–865. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Siesta Key Bridge (SR 758), Sarasota, FL" ((RIN2115–AE47)(2001–0020)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–866. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Arroyo Colorado, TX" ((RIN2115–AE47)(2001–0019)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–867. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Fort Point Channel, MA" ((RIN2115–AE47)(2001–0018)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–868. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Kennebec River, ME" ((RIN2115–AE47)(2001–0017)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–869. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Stickney Point Bridge (SR 72), Sarasota, FL" ((RIN2115–AE47)(2001–0022)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–870. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Cortez Bridge (SR 684), Cortez, FL" ((RIN2115–AE47)(2001–0021)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–871. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modified Vehicles To Accommodate a Person's Disability" (RIN2127–AG40) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–872. A communication from the Chairman of the Office of Economics, Environmental Analysis and Administration, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "STB Ex Parte No. 542 (Sub-No. 7) Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2001 Update" received on February 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–873. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon (Beech) Model MU-300, MU-300-10, 400, and 400A Series Airplanes" ((RIN2120–AA64)(2001–0145)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–874. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Floor Stock Payments" (Rev. Rul. 2001–8) received on February 27, 2001; to the Committee on Finance.

EC–875. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS–LIFO Department Store Indexes for January 2001" (Rev. Rul. 2001–14) received on February 27, 2001; to the Committee on Finance.

EC–876. A communication from the Acting Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Realingning the Boundry of the Walla Walla Valley Viticultural Area and the Eastern Boundary of the Columbia Valley Viticultural Area" (RIN1512–AA07) received on February 27, 2001; to the Committee on Finance.

EC–877. A communication from the Deputy Executive Secretary to the Department of Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Child Health; Implementing Regulations for the State Children's Health Insurance Program; Delay of Effective Date" (RIN0938–AI28) received on February 23, 2001; to the Committee on Finance.

EC–878. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates for March 2001" (Rev. Rul. 2001–12) received on February 21, 2001; to the Committee on Finance.

EC–879. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program: Medicaid Managed Care: Delay of Effective Date" (RIN0938–AI70) received on February 23, 2001; to the Committee on Finance.

EC–880. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election for Disaster Losses 2000" (Rev. Rul. 2001–15) received on February 28, 2001; to the Committee on Finance.

EC–881. A communication from the Acting Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority in Part 170" (RIN1512–AC23) received on February 28, 2001; to the Committee on Finance.

EC–882. A communication from the Acting Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority in Part 30" (RIN1512–AC16) received February 28, 2001; to the Committee on Finance.

EC–883. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Fiscal Year Clean Water Act Section 106 Grant Guidance"; to the Committee on Environment and Public Works.

EC–884. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Applicability of RCRA to Draindown and Seepage from Gold Heap Leaches"; to the Committee on Environment and Public Works.

EC–885. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Implementation of Vacature of TCLP Use for Evaluating Manufactured Gas Plant (MGP) Wastes in the Battery Recycling Case"; to the Committee on Environment and Public Works.

EC-886. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Release of Appraisals for Real Property Acquisitions at Superfund Sites"; to the Committee on Environment and Public Works.

EC-887. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Distribution of OSWER Soil Screening Guidance for Radionuclides: User's Guide and Technical Background Document"; to the Committee on Environment and Public Works.

EC-888. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Additional GPRA Measures"; to the Committee on Environment and Public Works.

EC-889. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Interpretive Letter to Greig R. Siedor, Onyx Environmental"; to the Committee on Environment and Public Works.

EC-890. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Financial Structure of Cooperative Agreement Funds Under the Brownsfields Cleanup Revolving Loan Fund (BCRLF) Program"; to the Committee on Environment and Public Works.

EC-891. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Enhancing State and Tribal Role Directive"; to the Committee on Environment and Public Works.

EC-892. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Use of Latest Planning Assumptions in Conformity Determinations"; to the Committee on Environment and Public Works.

EC-893. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Guidance on Distributing the 'Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings' in EPA Administrative Enforcement Actions"; to the Committee on Environment and Public Works.

EC-894. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Support of Regional Efforts to Negotiate Prospective Purchaser Agreements (PPAs) at Superfund Sites and Clarification of PPA Guidance"; to the Committee on Environment and Public Works.

EC-895. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Stationary Sources; Supplemental Delegation of Authority to Knox County, Tennessee" (FRL6941-7) received on February 27, 2001; to the Committee on Environment and Public Works.

EC-896. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NESHAP: Group IV Polymers and Resins" (FRL6948) received on February 28, 2001; to the Committee on Environment and Public Works.

EC-897. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards For Hazardous Air Pollutant Emissions: Group IV Polymers and Resins" (FRL6768-2) received on February 28, 2001; to the Committee on Environment and Public Works.

EC-898. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Fuel Solutions Revision" (RIN3150-AG72) received on February 28, 2001; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A resolution adopted by the Ascension Parish Council relative to the Louisiana ammonia industry; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 40: An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

From the Committee on the Judiciary, without amendment:

S. 420: An original bill to amend title II, United States Code, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. Torricelli, Mr. Biden, Mr. Hatch, Mr. Sessions, Mr. Carper, and Mr. Johnson):

S. 420. An original bill to amend title 11, United States Code, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. Cleland, Mr. Cochran, Mr. Wellstone, Mr. DeWine, Mr. Baucus, Mr. McConnell, Mr. Johnson, Mr. Bunning, and Ms. Snowe):

S. 421. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself, Mr. Dayton, Mr. Levin, and Ms. Stabenow):

S. 422. A bill to provide that, for purposes of certain trade remedies, imported semifinished steel slab shall be treated as like or directly competitive with taconite pellets; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. Smith of Oregon, and Mrs. Murray):

S. 423. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 424. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. Campbell):

S. 425. A bill to establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON (for herself, Mr. Baucus, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Leahy, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 426. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. Snowe, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 427. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit for small business jobs creation; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. Baucus, Mr. Bingaman, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Leahy, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 428. A bill to provide grants and other incentives to promote new communications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. Baucus, Mr. Bingaman, Mrs. Boxer, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Leahy, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 429. A bill to expand the Manufacturing Extension Program to bring the new economy to small and medium-sized businesses; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. Baucus, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Leahy, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 430. A bill to provide incentives to promote broadband telecommunications services in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Ms. Snowe, Mr. Baucus, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 431. A bill to establish regional skills alliances, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Ms. Snowe, Mr. Baucus, Mr. Bingaman, Mrs. Boxer, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Kennedy, Mr. Lieberman, Ms. Mikulski, Mr. Rockefeller, and Mr. Schumer):

S. 432. A bill to provide for business incubator activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire:

S. 433. A bill to amend the Internal Revenue Code of 1986 to remove the limitation that certain survivor benefits can only be excluded with respect to individuals dying after December 31, 1996; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JOHNSON, and Mr. HAGEL):

S. 434. A bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands; to the Committee on Indian Affairs.

By Mrs. BOXER (for herself and Mr. GRAMM):

S. 435. A bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. KOHL (for himself, Mr. CHAFEE, Mrs. BOXER, Mr. DURBIN, Mr. SCHUMER, Mr. REED, Mr. KERRY, and Mr. CORZINE):

S. 436. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. DODD, Mrs. MURRAY, and Mr. GRASSLEY):

S. 437. A bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 438. A bill to improve the quality of teachers in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 439. A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Nashville, Tennessee; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 440. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet-resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. MCCONNELL, Mr. FEINGOLD, Mr. INOUYE, Mr. LEVIN, Mr. DAYTON, Mr. LUGAR, and Mr. STEVENS):

S. 441. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

By Mr. CAMPBELL (for himself and Mr. HATCH):

S. 442. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 443. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 444. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE:

S. 445. A bill to provide for local family information centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 446. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. CRAIG, and Mr. HELMS):

S. 447. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. HATCH):

S. 448. A bill to provide permanent appropriations to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); to the Committee on Appropriations.

By Mr. DOMENICI (for himself and Mr. HATCH):

S. 449. A bill to ensure the timely payment of benefits to eligible persons under the Radiation Exposure Compensation Act (42 U.S.C. 2210); to the Committee on Appropriations.

By Mr. NELSON of Florida:

S. 450. A bill to amend the Gramm-Leach-Bliley Act to provide for enhanced protection of nonpublic personal information, including health information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 451. A bill to establish civil and criminal penalties for the sale or purchase of a social security number; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. ENZI, Mr. BOND, and Mr. HUTCHINSON):

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 41. A resolution designating April 4, 2001, as "National Murder Awareness Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 11, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals, and for other purposes.

S. 16

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 16, a bill to improve law enforcement, crime prevention, and victim assistance in the 21st century.

S. 19

At the request of Mr. DASCHLE, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 29

At the request of Mr. BOND, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 70

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 77

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 126

At the request of Mr. CLELAND, the name of the Senator from Minnesota

(Mr. DAYTON) was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 152

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 234

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 261

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 261, a bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 295

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 340

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 340, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 352

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 352, a bill to increase the authorization of appropriations for low-income energy assistance, weatherization, and state energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S.J. RES. 4

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 22

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 22, a resolution urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the Peoples Republic of China to end its human rights violations in China and Tibet, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CLELAND, Mr. COCHRAN, Mr. WELLSTONE, Mr. DEWINE, Mr. BAUCUS, Mr. MCCONNELL, Mr. JOHNSON, Mr. BUNNING, and Ms. SNOWE):

S. 421. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I am reintroducing, with nine of our colleagues, the Gifted and Talented Students Education Act. It is vital that we recognize the nearly three million students in the United States who are talented and gifted and provide them with a challenging education.

Our nation depends on students who will become the next generation of leaders in business, economics, the sciences, medicine, and education. Our lives will be enriched by the next generation of performing and fine artists. However, many of our gifted and talented students are not being challenged to their fullest ability at school and, as a result, are not performing at world-class levels. Worse, many of our top students lose interest in school and abandon their education altogether. If these gifted students are not adequately challenged, they will direct their energy and gifts toward destructive and wasteful activities and become a burden to society, instead of the most productive contributors.

The Gifted and Talented Students Education Act will help to ensure that gifted and talented students have the opportunity to achieve their highest potential by providing block grants, based on a state's student population, to state education agencies. These grants will be used to identify and provide educational services to gifted and talented students from all economic, ethnic, and racial backgrounds, including students with limited English proficiency and students with disabilities. The bill outlines four broad spending areas but leaves decisions on how best to serve these students to states and local school districts. The legislation ensures that the federal money benefits students by requiring the state education agency to distribute not less than 88 percent of the funds to schools and that the funds must supplement, not supplant, funds currently being spent. Additionally, rather than simply accepting federal funds for a new program, states must make their own commitment to these students by matching 20 percent of the federal funds. The matching requirements will help ensure that programs and services for gifted education develop a strong foothold in the state.

Currently, the only support talented and gifted students receive from the federal government is through the successful research based Javits Gifted and Talented Students Education Program. One well-known effort is Project CUE, a collaborative effort that included the College of New Rochelle and School District 9 in the South Bronx, which serves approximately 32,000 mostly poor and minority students. The program was designed to institute high-level challenging content for elementary school students, and to identify and nurture those students whose interests and talents could be developed in mathematics and science. Evaluation of the project indicated a significant improvement in the overall academic achievement of those students identified as potentially gifted, as well as increases in school attendance rates. Furthermore, the project resulted in a twenty percent improvement school-wide in science and math achievement, as measured in both local and statewide standardized tests. Just imagine how ALL talented and gifted students could benefit from consistent funding and support to implement programs like the one in the South Bronx.

Mr. President, our nation's gifted and talented students are among our great untapped resources. We must help states and local school districts provide a challenging education for these students so their particular gifts can flourish and be fully realized. It is my sincere hope that you and the rest of our colleagues will make this commitment to talented and gifted students this year.

By Mr. WELLSTONE (for himself, Mr. DAYTON, Mr. LEVIN, and Ms. STABENOW):

S. 422. A bill to provide that, for purposes of certain trade remedies, imported semifinished steel slab shall be treated as like or directly competitive with taconite pellets; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I send a bill to the desk. This is a bill Senator DAYTON and I are introducing today, and we are joined by Senators Levin and Stabenow.

This legislation is a huge priority for Senator DAYTON, and it is a huge priority for me. This is not abstract legislation. This is all about people whom we love and in whom we believe. This is about taconite. This is northeast Minnesota, the Iron Rangers. This is about our State.

Senator DAYTON and I are going to divide our time equally. I will follow Senator DAYTON.

Sometimes when we introduce legislation, it stays on the calendar, and other times we introduce legislation because we are determined in every way possible to look for ways to pass it, to work with the Department of Labor administratively on trade adjustment assistance.

We are going to devote all of our efforts jointly to pass legislation and get some relief, some assistance for people who are going through such difficult times. I think our colleagues will support us in this effort. I yield the floor to Senator Dayton.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. Dayton.

Mr. DAYTON. Mr. President, I am proud to rise today to join with my very distinguished colleague and longtime friend, the senior Senator from Minnesota, Mr. WELLSTONE, to introduce with him the Taconite Workers Relief Act of 2001.

That this legislation is even needed is a great American tragedy because this hard and dangerous work of iron ore mining and taconite production has bred a very special type of person. In Minnesota, we call them Iron Rangers. They are men and women who for generations have been hard-working, community-building, and patriotic Americans.

The bitter irony in the title of this legislation is that these men and women do not want relief; they want work. Unfortunately, over the last 20 years, the trade policies of successive administrations have thrown thousands of them out of work, and they now threaten to extinguish the iron ore mining and taconite-producing industries in Minnesota entirely, as well as the basic steel-making industry throughout this country.

Twenty years ago, this industry employed over 15,000 Minnesotans. Today, it is less than 5,000. Over 2,000 workers have been laid off in the last 2 years, and 1,400 of them come from one company, LTV, which has announced it is closing permanently.

It is bad enough that U.S. trade policies have allowed, and even encouraged, this economic and social devastation which has caused immeasurable and unspeakable human devastation in northeastern Minnesota—broken lives, broken homes and families, severe depressions, even suicides. Yet adding the grievous offense to these terrible tragedies, the U.S. Government has also refused to allow these displaced workers the benefits, the job training, and other supports which Congress clearly intended when it passed the Trade Adjustment Assistance Act.

In fact, the U.S. Department of Labor has consistently ruled that taconite pellets were not in direct competition with imports of semifinished steel or slab steel. That view is so ill-informed and absurd that it would be laughable if it were not for the further damage it has caused these already seriously harmed men and women. That makes such rulings inexcusable and trade adjustment assistance denials inhumane and even immoral.

This legislation would make such denials illegal. It would establish the obvious: that the imports of semifinished steel, in addition to the continuous import of foreign steel and iron ore, are directly causing these job losses.

It establishes that the illegal dumping of these products are within the province of the International Trade Commission which, I might add, is proven to be an ineffective protector of Minnesota industries and American jobs.

This legislation, while needed to provide the assistance these workers need and deserve, is by no means a solution to the much larger problem of protecting this basic industry for the sake of our national economy, for the sake of our national security, and certainly for the sake of these dedicated men and women in Minnesota and elsewhere in the country who want to go to work, who want to earn a living, who want to contribute to the economic strength of this country and who, through misguided policies, are now being denied the opportunity to do so.

I yield the floor to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that some letters from steelworkers and their families—without using last names, Barry, David, Lisa, Cliff, Joanne, and Lenore—be printed in the RECORD, along with a letter of support from John Swift, who is a commissioner of IRRRB, Jerry Fallos, USWA, which has just been ravaged by the LTV shutdown, Vince Lacer, who is mayor of the city of Aurora, and Richard Rojeski, USWA Local 2705, Chisholm, MN, along with letters from Louis Jondreau, Cleveland Cliffs Union Coordinator, and other letters of support from other steelworker local presidents throughout the range, along with a letter from David Foster, who is director of Steelworker District 11.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

To: The Honorable Senator WELLSTONE and Senator DAYTON.
From: Barry.

GENTLEMEN: I am writing this letter to you in support of receiving Trade Readjustment Allowance for those that have been displaced because of illegally dumped steel. I would like to tell you a little about my situation and myself. I am married with 3 daughters 2 cats and one dog. I am 40 years old, my wife Kathy is 41, my oldest daughter Jamie is 18, Allycia is 13, and my youngest daughter is Alexandra. She likes to be called Alex and is 7 years old. My oldest daughter Jamie is currently going to college, which has also stressed our financial situation. We are determined to get her through college. We live in a little town called Gilbert, MN. I have helped coach Babe Ruth Baseball and am on the United Way board of directors. I feel I do whatever I can to contribute to try to strengthen or support the community. I guess that is why I feel compelled to write to you about our situation.

LTV Steel Mining is the company that I used to work for. The reason that I say used to work for is because LTV Steel Corporation has announced that they are permanently closing our plant because they cannot compete with cheap dumped imported steel. There were approximately 1500 full time employees working there. Except for just a handful of employees to shut down the plant, the rest have been laid off including myself.

I would hope that you could seriously consider promoting TRA Benefits for those of us that are laid off. When I heard the announcement last spring, I immediately enrolled and took courses at a local junior college. Fall semester came and I went into a 2-year course called Automated Control Technologies. It was a struggle going to school full time, working full time, and trying to spend time with my family. I did it. I guess that I just want to show an example of my sincerity in trying to educate myself for whatever job the future may have for me. I really believe that I need an education now in order to market myself for employment. I am currently in the first year of a 2-year course. I would need one more year to get my diploma. The graduation date would be around June of 2002. I would need a monetary benefit to support my family while I continue my education. Then I promise you that once I finish school, I will be back into the workforce.

I know that everything costs money but I believe that this would be a good investment. The human element is the most important factor in this equation. The financial assistance that we need would strengthen our small rural areas and renew our will and spirit. The opportunity to get an education would help us make our transition into another employment area. I am 40 years old and this could be my last chance to be retrained. I am ready to take on the challenge but we need your help. Our fate and future are in your hands. Thank you for taking the time out to listen to me.

Sincerely,

BARRY AND FAMILY.

UNITED STEELWORKERS OF AMERICA,
LOCAL UNION 4108, DISTRICT 11,
Aurora, MN.

Dave and Lisa are both in their mid thirties. They have two daughters, Haley seven and Nadia four. Two years ago Dave injured his back at work and now has a partial permanent disability. Dave was permanently laid off Friday and will start collecting unemployment in two weeks. Dave is only one of hundreds of laid off steelworkers who are in desperate need of retraining. Dave will be out of unemployment and medical benefits in six months.

Cliff and Joanne have two teenage children. Cliff has twenty years of service with LTV. Cliff was permanently laid off last week. In six months Cliff will run out of unemployment benefits and will not have any health benefits in one year. Cliff's wife was recently diagnosed with breast cancer, their main concern is health insurance. With the proper retraining, Cliff would be able to get a good job that would help with health insurance.

Lenore is a single parent of a teenage son. She was just permanently laid off from LTV. Lenore has a high school education and general labor type skills she acquired from working at the mine. She realizes that without the opportunity to get retrained, she will have a difficult time trying to get a decent paying job.

These are just a couple of examples of some of the 1400 people that will be impacted by the shutdown of LTV.

As of today 797 employee's have applied for retraining through The Office Of Job Training. There are 189 people that are currently taking some type of retraining classes. The USWA/LTV Career Development Center has paid out over $50,000.00 in tuition assistance and has used up their budget for the entire year already. At the rate the money is being spent we are afraid the entire grant of 2.1 million dollars that the Office Of Job Training received for the LTV workers, will be used up before everyone has an opportunity to use it.

IRON RANGE RESOURCES &
REHABILITATION BOARD,
Eveleth, MN, February 27, 2001.

Hon. PAUL WELLSTONE,
U.S. Senator, Hart Senate Office Building Washington, DC.
Hon. MARK DAYTON,
U.S. Senator,
Washington, DC.
Hon. JAMES OBERSTAR,
U.S. Representative, Rayburn House Office Building, Washington, DC.

DEAR SENATOR WELLSTONE, SENATOR DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001." Our agency believes it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act" will enable Minnesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons of taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time lows, some domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production; U.S. Steel's Minntac plant will cut 450,000 tons; the Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

By all accounts, the taconite industry and its workers are in crisis. We must enact the Taconite Workers Relief Act immediately to protect and strengthen the industry and the communities of northern Minnesota.

Sincerely,

JOHN SWIFT,
Commissioner.

UNITED STEELWORKERS OF AMERICA,
LOCAL UNION 4108, DISTRICT 11,
Aurora, MN, February 23, 2001.

DEAR SENATORS WELLSTONE, DAYTON, AND CONGRESSMAN OBERSTAR: I'm writing this letter on behalf of the 1200 employee's I represent, that formally worked for LTV Steel Mining Company. I can't begin to tell you how much your bill, the Taconite Workers Relief Act, will mean to our members. As of today 900 employees were placed on permanent layoff. In six months these people will be out of unemployment benefits and a lot of them will be out of Health Benefits.

As every one knows the continued flow of imported steel is devastating not only the steel industry, but also the taconite industry. The taconite plants in Minnesota and across the country are in a crisis they may never recover from. With the closure of LTV steel Mining Company and the continued layoffs of miners from the six other mines it is critical to the survival of the Iron Range that this important piece of legislation gets passed. The benefits and protection that would be gained from this, is a critical piece of legislation to keep the people in Northern Minnesota. If this legislation is adopted it will enable the people to get the assistance and retraining they need to get on with their lives. With the help of you and other legislators, we can help prevent what happened in the early 80's, when there were massive layoffs across the range, and people lost their homes, and families were torn apart.

I know you have always said that our young people are our greatest resource, with this legislation we can keep our young people in Minnesota.

Sincerely,

JERRY FALLOS,
President, Local 4108.

CITY OF AURORA,
Aurora, MN, February 26, 2001.

Senator PAUL WELLSTONE,
St. Paul, MN.

DEAR SENATORS WELLSTONE AND DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001". We believe it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act of 2001" will enable Minnesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time lows, domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production; U.S. Steel's Minntac Plant will cut 450,000 tons; the Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

By all accounts, the taconite industry and its workers are in crisis. We must enact the "Taconite Workers Relief Act of 2001" immediately to protect and strengthen the industry and the communities of Northern Minnesota.

Sincerely,

VINCENT P. LACER,
Mayor.

USWA LOCAL 2705,
Chisholm, MN, February 23, 2001.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing to you today to thank you and Senator Dayton for taking time out of your busy schedules to come to the Iron Range and listen to our concerns in the mining Industry. I would like to tell you that I am in full support of the TAA recommendations and hope that we can get this through the Senate.

The importing of semi finished steel into this country is detrimental to the economy of the Iron Range. We need to get taconite pellets equal with semi-finished slabs and with the bill that you are proposing on TAA recommendations I believe will help the Taconite Industry and the Iron Range.

Please continue to press our issue of unfairly imported or dumped steel and semi-finished steel. With your help I know that we will win this battle.

RICHARD ROJESKI,
President.

UNITED STEELWORKERS OF AMERICA,
Chisholm, MN, February 23, 2001.
Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing you today to thank you and Senator Dayton for taking time out of your busy schedules to come to the Iron Range and listen to our concerns about the mining industry. I would like you to know that I am in full support of the TAA recommendations and hope that we can get this bill through the Senate.

The importing of semi finished steel into this country is detrimental to the Iron Range economy. We need to get taconite pellets equal to semi-finished slabs and with the bill that you are proposing on TAA recommendations I believe will help the taconite industry and the Iron Range.

Please continue to press our issue of unfairly imported or dumped steel and semi-finished steel. With your help I know that we will win this battle.

Sincerely,

LOUIS P. JONDREAU,
Cleveland Cliffs Union Coordinator.

LOCAL UNION NO. 6860,
UNITED STEELWORKERS OF AMERICA,
Eveleth, MN, February 22, 2001.

DEAR SENATOR WELLSTONE: I am writing this letter in support of the new legislation that you, Sen. Dayton and Rep. Oberstar are introducing into the Senate and House of Representatives on the illegal dumping of imports of semi-finished steel into the U.S. market.

As you know, in June of 1999, EVTAC Mining laid off approx. 150 Bargaining Unit employees because of the illegal dumping of imports of semi-finished steel into the U.S. market. I attempted, thru your office and Rep. Oberstar's office to get TAA/TRA benefits and was denied three (3) different times by the Dept. of Labor because Pellets were considered to be not alike, the same or not in direct competition with the imports of semi-finished steel. At least half of these employees are still in need of these benefits yet today.

This law could change this or at least help other employees in the future.

I will do everything I can to help you, Sen. Dayton and Rep. Oberstar get this Bill passed.

Please feel free to call if I can help.

In Solidarity,

SAMUEL H. RICKER,
President.

UNITED STEELWORKERS OF AMERICA,
DISTRICT #11,
Minneapolis, MN, FEBRUARY 27, 2001.
Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: I am writing to express my strong support for your introduction of the Taconite Workers' Relief Act which is designed to correct certain long-standing inequities in American trade laws as they apply to the unique situation of Minnesota and Michigan iron ore miners.

As you know, northern Minnesota was settled over 100 years ago by immigrant miners recruited from over 30 different countries to mine what were then known as the world's richest deposits of iron ore. The Mesabi Range fueled the industrial development of North America throughout the 20th Century, provided the raw material for the steel that won two world wars, and contributed to building many of the nation's great industrial fortunes. It likewise was typical of the ethnic melting pots that created the archetypal American communities—governed by strong family values, a sense of fair play, self-reliance, and a belief that working together we could shape our own future as we wished.

The steelworkers who go to work every day in Minnesota's iron ore mines, drilling, blasting, digging, hauling, crushing, and refining millions of tons of taconite ore still do so under remarkably harsh conditions. Twenty-four hours a day, 365 days a year, working on graveyard shifts in wind chills of 60 degrees below zero in the winter, as their parents, grandparents and great-grandparents did, our members are men and women with stamina and grit. We have always felt capable of standing up for our families and ourselves.

But now we need our government to stand up for our jobs and our communities. Without the enactment of federal legislation that prevents the illegal dumping of semi-finished steel products in the U.S. which destroy the market for the iron ore we mine, our jobs will be lost and our communities will die. We need the Taconite Workers' Relief Act to be passed immediately.

Thank you for your efforts on our behalf.

Sincerely,

DAVID FOSTER,
Director.

CITY OF BIWABIK,
Biwabik, MN.

DEAR SENATORS WELLSTONE AND DAYTON AND CONGRESSMAN OBERSTAR: I am writing to endorse the "Taconite Workers' Relief Act of 2001." We believe it is of vital importance that the taconite industry and its workers fully benefit from our trade laws. The "Taconite Workers' Relief Act" will enable Minnesota's working families on the Iron Range to gain access to benefits and protections they need, including Trade Adjustment Assistance.

Every ton of semi-finished steel displaces 1.3 tons of taconite in basic steel production. With U.S. imports of semi-finished steel at all time highs and their prices at all time lows, domestic steel producers have turned to dumped imports of steel slab, which has devastated the taconite industry, and thousands of working families in Minnesota. The injury caused by these imports is unquestionable. Last month, production cutbacks ravaged the U.S. iron ore industry: Northshore Mining Company announced that it will cut 700,000 tons of production, U.S. Steel's Minntac plant will cut 450,000 tons; Hibbing Taconite Company will cut 1.3 million tons of production; and LTV Steel Mining Company closed its mining plant, permanently eliminating 8 million tons of production and 1400 jobs.

As you may or may not know, this not only impacts the direct employees of the taconite industry, but equally as great the families, vendors, schools and communities that are affected by these layoffs, production cutbacks and shutdowns. This is an issue of today, not tomorrow.

By all accounts, the taconite industry and its workers are in crisis. We must enact the Taconite Workers' Relief Act immediately to protect and strengthen the industry and the communities of Northern MN.

Sincerely,

STEVE BRADACH,
Mayor.

UNITED STEELWORKERS OF AMERICA,
LOCAL 6115,
Virginia, MN.

TO WHOM IT MAY CONCERN: As a representative of workers at a northern Minnesota mining operation, I feel you should know the devastation on the lives of hard working individuals and their families when our industry is shrinking, because of unfairly traded steel and slabs. The downsizing of the steel industry is a result of unfairly traded imports and we (the mining industry) are doubly hit because of dumped slabs coming into this country. Why won't an administration or law help us or protect us with the same types of laws as the other end of our industry? On behalf of our membership, I would like to express our urgent support of Senator Wellstone's "Taconite Import Injury Adjustment Act of 2001."

Sincerely,

MARTY HENRY,
President.

UPPER PENINSULA BUILDING
TRADES COUNCIL,
Marquette, MI, February 28, 2001.
Re: Taconite Workers Relief Act.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: I want to go on record thanking you for introducing the Taconite Workers Relief Act. You well know the various consequences resulting from the Free Market Free-for-All occurring in the unprotected Steel Industry. Not the least of these consequences are the hardships that come down on the workers and their families who mine iron ore, the basic ingredient in steel production.

Those of us who provide construction services to the mines also lose out when the profiteers dump steel, import cheap iron ore, or otherwise take market steps that destroy our basic industries in the united States. Our situation in the Upper Peninsula of Michigan is that workers in the construction industry will also suffer along with mining families as our steel and iron ore industries are decimated by imports of one kind or another.

There is another related side issue that bothers me, too. What happens to our national defense capabilities when the United States no longer has the capacity to produce high grade steel, has no iron ore industry remaining, and perhaps, no longer has a friendly relationship with those who produce steel? Would that scenario not invite belligerence from our enemies?

Thank you, Senator Wellstone, for your concern for all workers.

Sincerely,

JON G. LASALLE,
Field Representative.

STAND UP FOR IRON ORE,
Ishpeming, MI, February 28, 2001.
Hon. PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: I applaud your introduction of the Taconite Workers Relief Act and offer you the full support and encouragement of our organization, Stand Up For Iron Ore. Your legislation will go a long way toward resolving the problems we have come together to work on. As iron ore miners and managers, vendors and suppliers, political and community leaders we all have a stake in ensuring that our industry is treated equally when trade cases are considered.

The iron ranges in Michigan and Minnesota have long been integral to that basic foundation of America's industrial might, the steel industry. For over one hundred and fifty years vibrant communities have grown up around the mines. Miners have worked under dangerous, grueling conditions to support their families. Mining companies and employees have paid the taxes that support government efforts Keewatin to Washington.

I find it unconscionable that our industry has been ignored as the impact of illegally traded steel has reverberated through the economy. I thank you for attempting to rectify this situation and I will do all I can to assist in rallying support for your efforts.

Respectfully,

MIKE PRUSI,
Coordinator.

Mr. WELLSTONE. Mr. President, I thank Senator DAYTON. This Taconite Workers Relief Act that we are introducing is also being introduced in the House of Representatives today by Congressman OBERSTAR.

This legislation has two central objectives. The first is to make sure the taconite workers in the Iron Range in Minnesota, and taconite-producing regions in Michigan, are eligible for trade adjustment assistance. The second provision says that the taconite industry and its workers should be fully brought under trade laws that, if enforced, provide some protection for our working families: section 201 cases, antidumping cases, and countervailing duty cases. I would like to take those one at a time.

On trade adjustment assistance, I could not be more in agreement with my colleague, Senator DAYTON, from Minnesota. The argument that has been made is that our taconite workers are not in competition with slab steel or semifinished steel and that could not be further from the truth in this highly integrated steel industry. We want to make sure we get this trade adjustment assistance to people, and the sooner the better. This is a matter of lifeline support. This is a matter of enabling a worker or workers to go to school, to get additional training, to have some support, to be able to keep their families going. It is unconscionable—I think Senators, Democrats and Republicans, will agree—that taconite workers now are not getting this protection.

We will make the direct appeal to Secretary of Labor Chao, who seems to me to be a very good person—agree or disagree on policies—because I still think, Senator DAYTON, that the Department of Labor can administratively provide this support. It has been done before. We hope it can be done again. We will make the direct appeal. We will work very hard at this administratively.

But if we cannot do it that way, we will come out on the floor of the Senate with an amendment, with a separate bill—however we best do it—to make sure we can get this trade adjustment assistance for taconite workers in Minnesota and in Michigan as well.

The other part of it deals with the whole question of trade laws and making sure for taconite workers—and, for that matter, steelworkers in general, because they are not, Senator DAYTON, getting the protection they deserve right now—that we really apply section 201 and really look at the whole problem of other countries illegally dumping steel and semifinished steel on our market way below the cost of production; and our taking action.

What is Government for, if not to be on the side of hard-working people. I say to my colleagues, you will not find a stronger work ethic or a group of citizens who work harder than those on the Iron Range. You cannot if you go anywhere in the country. The taconite workers fit everything we say on the floor of the Senate about what we think is important about America. They are people who work, work under tough conditions, are absolutely committed to supporting their families, and through no fault of their own they are out of work.

So I say to Senator DAYTON, and I would like to go back and forth with him in discussion in the time we have, I would say this is a short-run solution and then we will be trying to get to the bottom of this. In the short run, we want to make sure the assistance is there for the taconite workers. This is about survival. This is about supporting people who desperately need the help.

The other thing we want to do is get it right on trade on the Iron Range in Minnesota, and I am sure the same is true for Michigan. Frankly, I think about steelworkers and think about auto workers and I think about industrial workers all across our country. Our workers are not asking for any kind of isolationist policy. Our workers are more than willing to compete in an international economy. But we want trade laws that give us a level playing field.

When you have a situation where you have really what amounts to illegal dumping of cheap semifinished steel or steel on the market or when you have children working under deplorable working conditions, with nothing done about that, we have to figure out a way that this new global economy works for working people—works for working people in Brazil, works for working people in Russia, works for working people in South Korea, but also works for working people in the Iron Range of Minnesota and all across our country.

We are committed to both fronts. I say to Senator DAYTON, initially we want to get this assistance to people right away, immediately. Then we want to get colleagues engaged in this debate on trade policy which is so important when it comes to what crucially affects the lives of people.

I ask my colleague from Minnesota, if I can, whether he would be willing to reflect with me on the floor of the Senate on some of the meetings he has had in the range, just some of the conversations with people and what this all means to Iron Rangers in personal terms. What has been your experience meeting with steelworkers and others? I ask my colleague that question.

Mr. DAYTON. I agree with you, Senator WELLSTONE. People up there are suffering enormously because of these tragedies. To look in their faces, to see the pain and suffering, to see fathers and mothers who cannot support their families, who are losing not only their homes but their jobs and way of life—as you know, Senator, thousands of people from across the Iron Range have had to leave the area where they were born, where their families have lived for generations, because they cannot find work there.

We are losing especially the youngest. In fact, part of a whole generation of Minnesotans have had to leave the Iron Range because of the lack of job opportunities. The average age of a citizen now in northeastern Minnesota is over the age of 55. Over half the citizens who reside there are senior citizens. This kind of devastation is really unspeakable, unfair, and, as I say, it is a consequence of over 20 years of what I believe are misguided trade policies.

I agree with my distinguished colleague, the senior Senator from Minnesota, that we should be looking forward to working with the new Secretary of Labor, the new ambassador, and the international trade ambassador. They are not the architects of these policies. Hopefully, with a new administration, we can work together because at least the trade adjustment assistance benefits, the program itself—this is clearly, precisely what was intended by Congress when it was passed. It is just unconscionable that it has not been provided administratively already.

I agree with you that should be an option. But in the broader context of these policies, before these industries are wiped out in the United States, I hope the administration will take a serious look at them. I yield back to my colleague.

Mr. WELLSTONE. I say to my colleague, he is absolutely right. There have been a number of meetings I have been at and I know the same applies to

Senator DAYTON. I can remember one. It was right before Christmas. It was a meeting in Aurora. There were a lot of people there, a lot of the steelworkers, taconite workers, and also some of their families. I was asking people, besides legislation, what else can be done? This is the first time this has ever happened in the Iron Range, at least in the 20 or 25 years I have been up there. Senator DAYTON, this one fairly young worker stood up and he said: We need help for Christmas presents.

I never heard that before. When people were working, they made good wages and had health care benefits. Now they are worried about presents.

On the other issue that we are going to come up with, I don't know what the position of the administration will be. I think the Clinton administration was not strong enough at all. I am very skeptical about where the Bush administration is going to go, but we are going to push very hard, and where we can cooperate with them, we will do so; no question about it.

One of the terrible issues when we get to the bankruptcy bill soon is that for younger workers, next to losing their jobs, the next worst thing is health care. You are losing your job, but then you are scared to death about what is going to happen to health care coverage with your children.

For the younger workers who have been laid off in the case of the LTV mine shutting down, in a few months, they lose their health benefits; for the older workers who have worked a little longer, 1 year.

Maybe the Senator would want to respond to this.

Then there are the retirees. What I heard from the retirees was they are terrified LTV will file for chapter 7 and walk away from any health care. A lot of those retirees—too many I think—are struggling with cancer.

Did the Senator find that people were talking about health care as well when he met with them, and does he think that is yet another issue we ought to focus on?

Mr. DAYTON. Mr. President, I agree with Senator WELLSTONE. He points to a couple of other failures of our society. As he said, there is a lack of health coverage for families when someone loses their job through no choice or fault of their own. That is one of the great travesties of this situation. It takes what is an already awful situation and makes it even more destructive to an individual. It is bad enough when people can't afford Christmas presents, but then they cannot afford to take their child to a doctor and cannot afford to have their own health problems diagnosed on a timely basis. When they cannot afford to get surgery, then it becomes a problem this country and society should not allow.

I underscore the Senator's point that he made a short while ago. There was a janitor's position that opened up to take care of all sorts of restrooms and everything else in one of the county buildings and, that paid less than $7 an hour. There were over 300 applicants for that one position.

It underscores again how hard it is for people who want to work and are willing to work at anything rather than take a handout and relief.

It is basic humanity to offer assistance.

Again, I hope to work with the Senator so that we can pass this legislation. The administration must acknowledge their failure to provide assistance to the men and women of the Iron Range who want to contribute to the economic strength of this country.

Mr. WELLSTONE. Mr. President, I look forward to working with my colleague, Senator DAYTON, on this. I think two Senators from the same State who care deeply about people who are really hurting and who love northeastern Minnesota are going to give this every bit of effort. I am really looking forward to working with the Senator on this. I so much want to help people.

I yield the floor.

Mr. LEVIN. Mr. President, I am pleased to join with my colleagues from Michigan and Minnesota in sponsoring the Taconite Workers Relief Act of 2001. This is an important piece of legislation for the future of our States' taconite iron ore mines and their employees which are facing a severe import crisis that is threatening to put them out of business. Enactment of this legislation will simply allow an industry providing a key input into finished steel to use existing trade laws to fight back against harmful import surges and dumped steel as other sectors of the steel industry may currently do under existing trade law.

Taconite, iron ore, is an input into basic steel production and is displaced when semi-finished steel slab are imported. For example, one ton of semi-finished steel displaces 1.3 tons of iron ore in basic steel production.

Unfairly traded steel imports are overwhelming U.S. production, threatening to endanger both our national defense and manufacturing base. Recently, steel producers have found it cheaper to import semi-finished steel slabs than to make it themselves using iron ore from Michigan's Upper Peninsula and Minnesota. Unfortunately, if our taconite mines are overwhelmed by cheap imports and driven to bankruptcy, we will lose our capacity to make steel without depending on foreign sources of semi-finished steel. In effect, if we lose our taconite mining industry, we lose our domestic integrated steel manufacturing capabilities. For national security reasons, I don't think that is something we want to do.

This crisis particularly impacts Michigan and Minnesota. The taconite iron ore mines located there are a foundation of the economies in the communities where they are located. To make matters worse, the iron ore industry faces a unique problem in trying to combat these harmful and unfair trade practices. Although its workers are losing their jobs to cheap and probably illegally dumped imports, they cannot fight back using our trade laws that were specifically designed to deal with these situations.

This is because of how our trade laws have been interpreted in the past and the failure to recognize the U.S. iron ore industry's standing to file import relief cases against foreign producers of semi-finished steel. For example, under previous interpretations of U.S. trade laws, iron ore is not considered an article that is "like or directly competitive" with an imported article that is found to be a substantial cause of serious injury, or threat, to the domestic industry, even though it is a key input in making finished steel. This is clearly an oversight that should be corrected. The bill we are introducing today will achieve that goal.

This legislation would ensure that the taconite industry and its employees fully benefit from the protection of section 201, anti-dumping and countervailing duties laws as well as making its displaced employees eligible for Trade Adjustment Assistance. It does this by designating Taconite pellets as "like or directly competitive with semi-finished steel slab" for the purposes of eligibility for TAA and Section 201 remedies. It also would consider imported semi-finished steel slab eligible for countervailing duties, CVD, which are duties intended to provide relief to a domestic industry, taconite, that has been injured by subsidized imports, such as semi-finished steel, and for anti-dumping remedies.

I hope the Senate will recognize the fairness in giving parity to a critical sector of the steel industry that has been overlooked in the past and should not be forgotten now. There is too much at stake to let this industry go under.

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY):

S. 423. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce the Fort Clatsop National Memorial Expansion Act of 2001 with my friends and colleagues, Senator GORDON SMITH of Oregon and Senator PATTY MURRAY from Washington.

The Fort Clatsop Memorial marks the spot where Meriwether Lewis, William Clark, and the Corps of Discovery spent 106 days during the winter of 1805. The bicentennial of their historic journey is fast approaching. It is estimated that over a quarter-million people will visit the memorial during the bicentennial years of 2003 though 2006. Despite this anticipated influx of visitors, the memorial is legally limited to be no larger than 130 acres. This legislation would authorize a boundary expansion of the memorial up to 1500 acres and will therefore help accommodate the increasing number of visitors expected during the Lewis and Clark Bicentennial. The bill also authorizes a study of the national significance of Station Camp, another Lewis and Clark stopping point in 1805, located in Washington State.

Since the 1980s, the United States Park Service in Astoria, OR has been negotiating with Willamette Industries to acquire approximately 928 acres for the expansion of the Ft. Clatsop National Memorial. These acres are integral to the interpretation and enjoyment of the memorial's historic site. The Park Service and Willamette Industries have reached an agreement that will enable the Park Service to acquire this property. However, this legislation is necessary to authorize the expansion of the memorial's boundary before any additional lands can be acquired.

The Park Service has targeted the expansion of the Fort Clatsop Memorial as one of its highest priorities. The Clatsop County Commission supports this legislation, as do the local landowners in and around the memorial. In addition, I have heard from the National Parks and Conservation Association NPCA, the Trust for Public Lands, and the Conservation Fund, all of whom support this effort to expand the Ft. Clatsop Memorial.

I look forward to working with my colleagues to pass this legislation because the protection of this important American historic area will enable us to illustrate the story of Oregon and America's western expansion for all who visit this special place. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Clatsop National Memorial Expansion Act of 2001".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park Service site solely dedicated to the Lewis and Clark expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic "vote" to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the "Station Camp" site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

(a) by inserting in section 2 "(a)" before "The Secretary".

(b) by inserting in section 2 a period, ".", following "coast" and by striking the remainder of the section.

(c) by inserting in section 2 the following new subsections:

"(b) The Memorial shall also include the lands depicted on the map entitled 'Fort Clatsop Boundary Map', numbered and dated '405-80016-CCO-June-1996'. The area designated in the map as a 'buffer zone' shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

"(c) The total area designated as the Memorial shall contain no more than 1,500 acres."

(d) by inserting at the end of section 3 the following:

"(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands."

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as "Station Camp" near McGowan, Washington, to determine its suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with Section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

By Mrs. FEINSTEIN:

S. 424. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, my thoughts go out today to the people of Washington as they assess the damage and begin recovery from the earthquake there yesterday afternoon.

Yesterday's event is a reminder that earthquakes are a national problem, and one that can strike at any time, without warning.

It is in this light that I introduce, today, the Earthquake Loss Reduction Act of 2001. This bill provides incentives to encourage responsible state and local governments, individuals, and businesses to invest in damage prevention measures before an earthquake strikes. It is an "ounce of prevention" that will save the federal treasury, homeowners, businesses, and state and local governments the "pound of cure" for relief and recovery.

The legislation builds on the excellent work of our nation's earth scientists and engineers by making implementation of loss reduction measure a federal priority. We know where earthquake hazards exist, which buildings and utility and transportation systems are most vulnerable, and what the consequences will be to public safety, community character, and our economy if an earthquake strikes. We also know how to reduce losses. Guidelines exist that provide rational, common sense approaches to upgrade weak facilities.

The challenge as we enter the 21st century is to put this knowledge to work to reduce future losses, and improving the safety of Americans and the performance of privately and publicly owned buildings and facilities. The time to implement our knowledge is now.

There is no question that mitigation efforts save dollars and lives in the long run. It worries me greatly that the President, in his Budget, proposes a cut to existing mitigation efforts.

First, the President proposes eliminating the Project Impact program. Project Impact is the nation's premier disaster prevention initiative. Communities use Project Impact funds to retrofit hospitals and schools, to create flood barriers, and to help shore-up communities against any number of other possible natural disasters.

California has eight Project Impact communities, and has used Project Impact funds to stabilize emergency facilities and other important structures. Local communities do not always have the resources to mitigate these facilities on their own.

There are two other proposals in President Bush's budget that are cause for alarm.

1. The President's budget outline assumes $83 million in FEMA savings by

including a public buildings disaster insurance requirement, phased in over three years. This provision would mean that public entities like the U.C. system would have to have insurance on ALL structures before they could apply for federal assistance in the event of a disaster.

This proposal simply is not feasible for states like California. Insurance companies in California do not offer disaster insurance or, specifically, earthquake insurance.

It will be interesting to see how the cities affected by the Washington earthquake would be affected by this rule. Insurance companies in Washington do offer earthquake insurance and will be paying-out over the coming months. It will be interesting to see if the insurers are able to withstand the costs.

2. The budget also proposes reducing from 75 percent to 50 percent the federal share of funding for hazard mitigation grants. Once again, this is simply not feasible in California. California public institutions would not be able to afford 50 percent of clean-up costs after a major earthquake. It would be difficult for them to pay even 25 percent, which is current law.

These two provisions could cause my State, and others, great harm if enacted. I am prepared to fight them, and I will.

The United States Geological Survey tells us there are 40 states and five territories with a moderate or higher earthquake risk. Entire metropolitan areas in these states and territories are at risk of being crippled by earthquake damage because existing buildings and infrastructure were built without appropriate seismic requirements.

Areas lying outside "earthquake zones" are also affected. Even localized damage threatens complex economic systems and the magnitude of federal disaster aid. Let me give you a few examples of potential losses estimated by FEMA's regional earthquake loss estimation model, HAZUS.

A magnitude of 7.0 earthquake on California's Newport-Inglewood fault running through the Los Angeles basin could cause an estimated $80 billion in losses. Damage to buildings and business interruption would affect Los Angeles, Orange, San Bernardino, Riverside, Ventura, and San Diego Counties. About 58 percent of the damage would be to residential buildings, displacing about 400,000 people. An estimated 100,000 people would need shelter.

A magnitude 7.0 earthquake on the Hayward fault running along the east side of the San Francisco Bay could cause about $37 billion in damage. About 56 percent of the damage would be to residential buildings, displacing about 140,000 people. More than half of the losses would stem from damage to wood-frame homes and small business buildings.

A magnitude 7.5 earthquake on the Border Ranges fault near Anchorage, AK could cause about $5 billion in losses. Anchorage, a city of about 260,000 people, would suffer most of the damage. More than 60 percent of the damage would be to wood-frame buildings serving as homes and small businesses.

A magnitude 7.2 earthquake on the Wasatch fault on the east side of Salt Lake City could cause about $13 billion in losses to the eight counties in that region. Most of the damage, about $11 billion, would occur in Salt Lake County. Throughout the region, about 150,000 people would be displaced, nearly 38,000 would require shelter, and nearly $10 billion of the losses would result from damage and disruption to residential buildings.

As large as these estimates seem, the actual losses could be even greater. Make no mistake, earthquakes will strike these regions and others, we just do not know when. In each estimate, over half of the losses are expected to come from residential buildings. Most vulnerable residential buildings can be upgraded for reasonable levels of expenditures. The incentives proposed in this bill could make it happen.

While it is too early to determine the extent of the damage of yesterday's earthquake in Washington, taking a look at the losses from the 1994 earthquake in Northridge, CA. The direct losses from that quake totaled more than $44 billion. For all disasters declared since 1989, FEMA has paid nearly $28 billion in disaster assistance for repairs to public buildings and infrastructure and for humanitarian aid. FEMA's outlay for Northridge alone represents 25 percent of this 12-year aggregate figure, approximately $7 billion.

You and I know that supplemental relief funds disrupt carefully planned budget decisions and undermine ongoing programs. For some people, reducing recurring demands for federal disaster aid may be reason enough to support this bill, but there are more compelling reasons.

The cost and consequences of earthquakes are painful to the victims, both individuals and businesses. The plight of those in the disaster area may be obvious, but the effects extend outside of the disaster area, often across state borders affecting those who depend on damaged businesses and affected customers. The American economy depends on closely linked businesses, suppliers of raw materials and components, manufacturers, transporters, and marketers. Worldwide competitors seek the market share of American business when a disaster disrupts our economy.

Research from the Northridge earthquake indicates that even when businesses did not suffer direct damage in that quake, their presence in or near areas of wide-spread damage or disruption caused economic hardship. Economic losses can be large and have long-term effects on the future of businesses and regions. Simply put, earthquake loss reduction efforts improve the sustainability of American businesses.

What we need is a widespread investment in loss reduction by many parties, not just the federal government. Responsibility for earthquake safety rests with state and local government, individuals, and companies. The federal role I advocate is one of leadership backed by incentives to inform and motivate those responsible to implement loss-reduction actions. The result I seek is reduced pain and suffering, and more sustainable communities and businesses.

The Federal Government is already contributing to earthquake disaster prevention. In a little over twenty years, our National Earthquake Hazard Reduction Program has sponsored research and development activities in earth sciences and engineering and has produced the knowledge and tools, such as the HAZUS estimates I noted earlier, we need to reduce our risk. If we are to reduce losses, however, we must put this knowledge to work.

Reducing earthquake losses depends on the actions of millions of individual decision-makers, homeowners, business owners, and government officials. Many successful measures are easy to implement, but may seem expensive when considering competing demand for funds between immediate issues and the perceived low probability threat of an earthquake. The incentives in this bill provide good reasons to undertake loss reduction efforts. This bill will move knowledge from the laboratory to the community. The bill recognizes that shared responsibility for prevention means that those responsible for the facilities at risk accept responsibility for reducing the risk.

This legislation does the following:

1. It provides a credit against federal income taxes equal to 50 percent of a homeowner's investment in seismic retrofit, not to exceed $6,000.

2. It provides businesses an opportunity to depreciate the cost of seismic retrofit over five years.

3. The bill defines a seismic retrofitting bond as a bond for which 95 percent of the proceeds are used for seismic retrofitting expenditures or used to finance loans to borrowers for seismic retrofitting expenditures as "qualified bonds."

4. It encourages private investments in seismic retrofitting of residential properties by allowing deduction of passive activity losses.

5. The legislation provides mortgage insurance incentives for seismic retrofitting of residences.

6. It authorizes a $1 billion Loss Reduction Trust Fund to provide matching grants for mitigation measures and

recovery planning grants to reduce damage to, buildings and utility and transportation systems critical to disaster response. Provided to local government entities, public and private hospitals, institutions of higher education, and special districts, the trust fund grants would require that the state and the local entity recipients benefitting from the investment fund a portion of the cost. To be eligible, the local entities must also have in place a long-term strategic earthquake loss reduction plan and enforce land use, building code, and other measures to reduce the vulnerability of facilities in the jurisdiction.

7. And the bill authorizes establishment of the Advanced National Seismic Research and Monitoring System by the United States Geological Survey.

The incentives offered in this bill are available only if the recipient, sometimes with state aid, invests in the effort to prevent losses. These investments will spawn meaningful loss prevention actions that will benefit all of the stakeholders involved and will reduce the need for disaster aid.

Public/private partnership work:

City of Berkeley, CA, has demonstrated that even small incentives work. This city of 109,000 people spends about $1 million each year in hazard reduction activities. It rebates a portion of its real estate transfer tax, up to $1,500, to homeowners for loss reduction actions, waives permit fees for seismic residential retrofit projects, and offers low income loans up to $15,000 and some grants to low income senior and disabled homeowners for retrofit work.

In the 10 years since these incentives were put in place, 38 percent of the single-family homes have had some form of retrofit work done and 30 percent of small apartment buildings have been improved.

Berkeley has also passed seven special taxes that concentrate funding on pre-disaster mitigation.

Federal incentives can empower similar results nationwide. Cities like Berkeley, where the earthquake threat is a critical community concern, will benefit from the additional inducements included in this bill.

Preventing damage makes sense, and it benefits our nation in many ways besides reducing the need for disaster aid. Not all benefits are easily quantified because they accrue to a variety of stakeholders and many of the indirect and human effects are subtle, yet important.

Earthquakes impact all segments of the communities they strike, individuals, businesses, and public services such as police, fire, hospitals, and schools. Damage often creates economic ripples throughout the community and beyond state borders. Homeowners, building owners, their tenants, neighboring businesses, local and state government, and the Federal Government will benefit.

Let me give you three examples of loss reduction projects that have widespread benefits:

1. Water officials in Memphis, TN recently made the wise decision to invest in a structural upgrade of the Davis Water Pumping station. Strengthening this critical station cost about $488,000.

What the officials at the Memphis Light, Gas, and Water Division recognize is that there is a fifty-fifty chance that a moderate earthquake will strike the Memphis area within the next fifteen years. It would cost $17 million to replace the water pumping station after such an earthquake. Plus, every day the station is inoperable costs about $1.4 million in lost services.

The loss of drinkable water affects the entire community and cripples business activity. Considering the time to repair or replace a damaged pump facility, it is estimated that the cost of lost services would be $112 million. Clearly, a $488,000 investment is a good one.

The Loss Reduction Trust Fund established by this bill authorizes $1 billion in matching grants to strengthen critical infrastructure like the Davis Water Pumping Station.

2. Another good example of forward thinking is the Anheuser-Busch brewery in Los Angeles. After realizing its facilities were vulnerable to earthquake damage, the company began a $20 million program to retrofit critical buildings and equipment. The brewery is a critical company asset because it supplies the Southwest and Pacific regions. Although located only a few miles from the epicenter of the 1994 Northridge earthquake, the brewery was able to return to operation after just minor cleanup, repairs, and restoration of off-site water supply.

Anheuser-Busch estimated that damage and business interruption costs could have exceeded $300 million after the Northridge quake, had it not strengthened its facilities. There was more at stake than the viability of a major business. Damage affects employees, federal, state, and local government income, suppliers, vendors, and the surrounding community.

By accelerating depreciation of seismic retrofit expenses, this bill will encourage other businesses to carry out similar projects.

3. And there is another example from the Northridge earthquake. Three months before that quake, a homeowner in the Hollywood area of Los Angeles spent $3,200 to retrofit his 1911-vintage home. The house survived with only minor damage, while similar houses on the same block suffered severe damage. In fact, several of those neighboring homes were demolished by the earthquake.

Many homes across the nation are built on poorly braced foundation walls or piers and posts and are vulnerable to damage during even mild earthquake activity. The cost to add the bracing needed generally is only a few thousand dollars, yet the cost of repairing a home after it falls is tens of thousands of dollars. As with a business, when a home topples, there is more at stake than injury to family members and the cost of repairs. Not to mention the fact that a falling home can spark a fire that can burn an entire community.

This bill creates a tax credit for half of the cost of the seismic retrofit of a residence, makes mortgages for earthquake resistant homes more attractive than those for homes meeting lower standards, and makes it easier for local government to use general obligation bonds financing for loss prevention project loans.

FEMA's HAZUS software was recently used to estimate how the individual actions provided by the bill could add up to significant savings of importance to our communities, economy, and governments.

If a magnitude 7.0 earthquake occurred on the Newport-Inglewood fault under Los Angeles today, it could cause about $80 billion in damages. Thousands of businesses would be interrupted, 400,000 people would be displaced, and there would be several hundred deaths. If every existing building in that area were retrofitted to the standards in current codes, the losses would drop by $28 billion to $52 billion. Business interruption losses would drop from $15 billion to less than $6 billion. The number of people displaced would shrink to 93,000, and the estimated number of deaths would drop by over 90 percent.

Similarly, a magnitude 7.0 earthquake on the Hayward fault in the San Francisco Bay area would cause about $37 billion in damages, if it struck today. 140,000 people would be displaced. However, if every existing building were retrofitted to the standards in current codes, the losses would be reduced by a third. Business interruption losses would drop from $6.5 billion to about $2 billion. The number of people displaced would shrink to 40,000 and the estimated deaths would drop by more than 90 percent.

Assuming that all buildings meet the latest seismic standards is ambitious, but the resulting estimates give convincing evidence that implementing loss reduction measures can pay handsome dividends.

Moreover, the importance of loss reduction efforts extends beyond these quantitative estimates. Less damage means less psychological pain, more sustainable communities and businesses, protected stocks of low-income housing and architecturally and historically significant buildings and neighborhoods, and protected family savings. Every time a neighbor, employer, or local government invests in prevention, the entire community benefits.

Earthquakes are a nationwide problem. They have struck the Northeast and Northwest, damaged Charleston, Saint Louis, and Memphis, struck our mountain states, Alaska, and Hawaii. They will strike these and other places again.

Much of the knowledge we need to reduce losses from future earthquakes exists. While some forward thinking businesses, individuals, and local governments are already using the knowledge to invest in measures to reduce future losses, the Earthquake Loss Reduction Act creates modest federal incentives to foster a needed increase in the implementation of hazard mitigation measures.

This bill also establishes a $1 billion grant program to match the investments from local government entities, hospitals, and institutions of higher education. It challenges states to add to this match, and makes investment in properties for the purpose of seismic retrofit an attractive investment in our future. While the occurrence of large-scale earthquakes may be perceived as a low probability, our experience shows the high consequence of these events.

Strong federal leadership, and modest incentive, can lead Americans to undertake loss reduction measures and can lead us to a safer tomorrow. I urge my colleagues to support the Earthquake Loss Reduction Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Earthquake Loss Reduction Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) After 23 years of research funded by the National Earthquake Hazards Reduction Program, a substantial body of knowledge exists about earth sciences, geotechnical, and structural engineering and human behavior relating earthquakes.

(2) The foremost challenge as we enter the 21st century is putting this knowledge to work by reducing future losses to improve the safety of Americans and the performance of State and local government facilities and private buildings and facilities.

(3) Earthquakes and tsunamis cause great danger to human life and property throughout the United States and continue to threaten Americans significantly in over 40 States and territories.

(4) Too few States and local communities have sufficiently identified and assessed their risk and implemented adequate measures to reduce losses from such disasters and to ensure that their critical public infrastructure and facilities will continue to function after the disaster.

(5) Too much of the Nation's stocks of housing and commercial buildings remain inherently vulnerable to earthquake shaking. Future losses in these facilities can be lessened using currently feasible technology.

(6) Too much of local government infrastructure remain at risk and are likely to be non-functional in the aftermath of foreseeable earthquake events at the time when the services they provide are critically necessary.

(7) Federal, State and local government expenditures for disaster assistance and recovery have increased without commensurate reduction in the likelihood of future losses from such earthquakes.

(8) Feasible techniques for reducing future earthquake losses are readily available.

(9) Without economic incentives, it is unlikely that States and local communities and the public will be able to implement available measures to reduce losses and ensure continued functionality of their infrastructure.

(b) Purpose.—It is the purpose of this Act to establish a national disaster mitigation program that—

(1) reduces the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from earthquakes;

(2) offers financial incentives to encourage private sector efforts to reduce earthquake losses;

(3) provides matching funds to encourage and assist States and local governments and the private sector in their efforts to implement measures designed to ensure the continued functionality of public infrastructure, commerce, and habitation after earthquakes; and

(4) creates Federal, State and local government partnerships to reduce the vulnerability of public infrastructure, commercial enterprises, and residential buildings to earthquakes.

SEC. 3. NONREFUNDABLE CREDIT FOR EXPENSES RELATED TO SEISMIC RETROFIT OF PRINCIPAL RESIDENCE.

(a) General Rule.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. EXPENSES RELATED TO SEISMIC RETROFIT OF PRINCIPAL RESIDENCE.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of so much of the qualified seismic retrofit expenses of the taxpayer for the taxable year as do not exceed $6,000.

"(b) Qualified Seismic Retrofit Expenses.—For purposes of this section—

"(1) In general.—The term 'qualified seismic retrofit expenses' means amounts paid or incurred by the taxpayer during the taxable year in relation to any seismic retrofit construction of the principal residence of the taxpayer.

"(2) Seismic retrofit construction.—The term 'seismic retrofit construction' means any addition or improvement—

"(A) which is certified by the State disaster agency or other applicable agency—

"(i) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(ii) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(B) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).

"(3) Principal residence.—The term 'principal residence' has the same meaning as when used in section 121.

"(c) Denial of Double Benefit.—No deduction shall be allowed under any other provision of this chapter with respect to any amount of qualified seismic retrofit expenses taken into account under subsection (a).

"(d) Basis Adjustment.—For purposes of this subtitle, if a credit is allowed under this section with respect to any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) Conforming Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Expenses related to seismic retrofit of principal residence.".

(2) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following new paragraph:

"(28) in the case of a residence with respect to which a credit was allowed under section 25B, to the extent provided in section 25B(d).".

(c) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 2000.

SEC. 4. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN SEISMIC RETROFIT EXPENSES.

(a) Treatment as 5-Year Property.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking "and" at the end of clause (v), by striking the period and inserting ", and" at the end of clause (vi), and by inserting after clause (vi) the following new clause:

"(vii) any qualified seismic retrofit property.".

(b) Definition of Qualified Seismic Retrofit Property.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(15) Qualified Seismic Retrofit Property.—

"(A) In general.—The term 'qualified seismic retrofit property' means any addition or improvement to real property for which depreciation is allowable under this section—

"(i) for which the expenditure is properly chargeable to the capital account, and

"(ii) which is a seismic retrofit.

"(B) Seismic retrofit.—For purposes of subparagraph (A)(i), the term 'seismic retrofit' means any addition or improvement—

"(i) which is certified by the State disaster agency or other applicable agency—

"(I) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(II) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(ii) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).".

(c) Effective Date.—The amendments made by this section shall apply to qualified seismic retrofit property placed in service after December 31, 2000.

SEC. 5. QUALIFIED SEISMIC RETROFITTING BONDS.

(a) IN GENERAL.— Section 144 of the Internal Revenue Code of 1986 (relating to qualified small issue bond; qualified student loan bond; qualified redevelopment bond) is amended by adding at the end the following new subsection:

"(d) QUALIFIED SEISMIC RETROFITTING BOND.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified seismic retrofitting bond' means any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used—

"(A) for seismic retrofitting expenditures, and

"(B) in a manner which meets the requirements of paragraph (3).

"(2) SEISMIC RETROFITTING EXPENDITURE.—For purposes of paragraph (1), the term 'seismic retrofitting expenditure' means any amount properly chargeable to capital account—

"(A) which is certified by the State disaster agency or other applicable agency—

"(i) as resulting in the mitigation of the risk of damage to existing property from an earthquake, and

"(ii) as being in addition to any addition or improvement required by any State or local law with respect to such property, and

"(B) which is placed in service at least 5 years after the date the building is first placed in service.

Such term does not include the cost of acquiring such property (or any interest therein).

"(3) USE OF PROCEEDS REQUIREMENTS.—The use of the proceeds of an issue meets the requirements of this paragraph if within the 26-month period beginning with the date of issue—

"(A) at least 95 percent of the net proceeds of such issue are used for seismic retrofitting expenditures or are used to finance 1 or more loans to ultimate borrowers for such expenditures, or

"(B) to the extent not so used under subparagraph (A), such proceeds in excess of $10,000 are used to redeem bonds which are part of such issue.".

(b) BONDS TREATED AS QUALIFIED BONDS.—Paragraph (1) of section 141(e) of the Internal Revenue Code of 1986 (defining qualified bond) is amended by striking "or" at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following new subparagraph:

"(G) a qualified seismic retrofitting bond, or".

(c) BONDS INCLUDED FOR PURPOSES OF SMALL ISSUER EXEMPTION STATUS.—Subclause (I) of section 265(b)(3)(C)(ii) of the Internal Revenue Code of 1986 (relating to obligations not taken into account in determining status as qualified small issuer) is amended by inserting ", or a qualified seismic retrofitting bond, as defined in section 144(d)(1)" after "section 145".

(d) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

"(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans in connection with seismic retrofitting expenditures (as defined in section 144(d)(2) without regard to the capital account requirement), and

"(6) any qualified seismic retrofitting bond.".

(e) PROCEEDS OF MORTGAGE REVENUE BONDS USED IN CONNECTION WITH SEISMIC RETROFITTING.—

(1) IN GENERAL.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules for qualified mortgage bonds) is amended to read as follows:

"(4) QUALIFIED HOME IMPROVEMENT LOAN.—The term 'qualified home improvement loan' means—

"(A) the financing (in an amount which does not exceed $15,000)—

"(i) of alterations, repairs, and improvements on or in connection with an existing residence by the owner thereof, but

"(ii) only for such items as substantially protect or improve the basic livability or energy efficiency of the property, and

"(B) the financing (in an amount which does not exceed $20,000) of seismic retrofitting expenditures (as defined in section 144(d)(2) without regard to the capital account requirement) in connection with an existing residence by the owner thereof.".

(2) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of such Code (relating to income requirements) is amended by adding at the end the following new paragraph:

"(7) EXCEPTION FOR CERTAIN QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan (as defined in subsection (k)(4)(B).".

(f) CLERICAL AMENDMENTS.—

(1) The heading of section 144 of the Internal Revenue Code of 1986 is amended by striking "**bond.**" and inserting "**bond qualified seismic retrofitting bond.**".

(2) The item relating to section 144 in the table of sections for subpart A of part IV of subchapter B of chapter 1 of such Code is amended by striking "bond." and inserting "bond; qualified seismic retrofitting bond."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 6. TREATMENT OF PASSIVE LOSSES OF CERTAIN PARTNERSHIPS ENGAGED IN SEISMIC RETROFITTING.

(a) IN GENERAL.—Section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended by adding at the end the following new subsection:

"(n) EXEMPTION FOR SEISMIC RETROFITTING TRADE OR BUSINESS.—

"(1) IN GENERAL.—In the case of any natural person, subsection (a) shall not apply to that portion of the passive activity loss or the deduction equivalent (within the meaning of subsection (j)(5)) of the passive activity credit for any taxable year which is attributable to any seismic retrofitting activity which such person engages in during the taxable year, whether or not the taxpayer materially participates in such activity.

"(2) SEISMIC RETROFITTING ACTIVITY.—For purposes of this subsection, the term 'seismic retrofitting activity' means any activity which involves the trade or business of seismic retrofit construction (as defined in section 25B(b)(2)) for residential property.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 7. MORTGAGE INSURANCE INCENTIVE.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 12 U.S.C. 1709(b)(2)), is amended, in the second undesignated paragraph, by inserting "or due to seismic retrofitting of the residence (within the meaning of the term 'seismic retrofit construction' under section 25B(b)(2) of the Internal Revenue Code of 1986)" before the period at the end.

SEC. 8. EARTHQUAKE DISASTER MITIGATION AND RECOVERY PLANNING GRANT PROGRAM.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703) is amended by adding at the end the following:

"(8) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

"(9) CRITICAL FACILITY.—The term 'critical facility' means—

"(A) a public structure (including a police station, fire station, city or town hall, school, or other public building) or a public or nonprofit private hospital that is—

"(i) owned by an entity; and

"(ii) critical to the continuity of the entity or to the conduct of the disaster response activities of the entity; or

"(B) a facility that—

"(i) provides medical services to a specific occupational or industry segment of the general public; and

"(ii) is operated by an organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of such section.

"(10) CRITICAL PUBLIC INFRASTRUCTURE.—The term 'critical public infrastructure' means a utility or transportation system (including a bridge, energy system, water or sewer system, or communication system) that is—

"(A) owned by an entity; and

"(B) critical to the conduct of the disaster response activities of the entity.

"(11) EARTHQUAKE DISASTER.—

"(A) IN GENERAL.—The term 'earthquake disaster' means a disaster that results from a movement of the earth.

"(B) INCLUSIONS.—The term 'earthquake disaster' includes a disaster that results from a tsunami or an earthquake-caused landslide or liquefaction (as determined by the Director of the Agency).

"(12) GRANT PROGRAM.—The term 'grant program' means the earthquake disaster mitigation and recovery planning grant program established under section 6.

"(13) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(14) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(15) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) a city, town, township, county, parish, village, or other general-purpose political subdivision of a State;

"(B) an Indian tribe; and

"(C) a geologic hazard abatement or similar special purpose district formed to carry out or fund projects to reduce the vulnerability of infrastructure and buildings to earthquake disasters.

"(16) LOSS REDUCTION TRUST FUND.—The term 'Loss Reduction Trust Fund' means the Loss Reduction Trust Fund established by section 7.".

(2) CONFORMING AMENDMENT.—Section 5(b)(1) of the Earthquake Hazards Reduction

Act of 1977 (42 U.S.C. 7704(b)(1)) is amended by striking "(hereafter in this Act referred to as the 'Agency')".

(b) Grant Program.—The Earthquake Hazards Reduction Act of 1977 is amended by inserting after section 5 (42 U.S.C. 7704) the following:

"SEC. 6. EARTHQUAKE DISASTER MITIGATION AND RECOVERY PLANNING GRANT PROGRAM.

"(a) Establishment.—The Director of the Agency may establish a grant program to provide financial assistance to eligible recipients described in subsection (b) to pay the Federal share of the cost of carrying out earthquake disaster mitigation and recovery planning measures with respect to the critical facilities and critical public infrastructure under the jurisdiction of the recipients.

"(b) Eligible Recipients.—

"(1) In general.—To be eligible for a grant under the grant program, an entity shall be a local government, public or nonprofit private hospital, or public institution of higher education that—

"(A) has jurisdiction over, or is located in, an area that is subject to earthquake disasters;

"(B) submits to the Director of the Agency for approval an application for the grant in such form as the Director shall require;

"(C) has completed an earthquake disaster risk analysis;

"(D) has adopted a long-term strategic earthquake disaster loss reduction plan that identifies high priority earthquake disaster loss reduction projects; and

"(E) meets criteria established by the Director under paragraph (2).

"(2) Criteria.—

"(A) Establishment.—The Director of the Agency shall establish, by regulation, criteria that local governments, public and nonprofit private hospitals, and public institutions of higher education shall meet to qualify for grants under the grant program.

"(B) Requirement applicable to local governments.—The criteria under subparagraph (A) applicable to local governments shall include the requirement that a local government adopt and enforce comprehensive ordinances, building codes, land use measures, and other measures for earthquake disaster loss reduction that—

"(i) take into consideration the identified earthquake hazards applicable to the area over which the local government has jurisdiction; and

"(ii) reflect current, cost-effective techniques designed to reduce losses from earthquake disasters and ensure the continued functionality of critical facilities and critical public infrastructure.

"(C) Consultation.—The criteria under subparagraph (A) shall be adopted after consultation with—

"(i) Federal, State, and local government officials and agencies; and

"(ii) other persons knowledgeable in the fields of natural disasters and hazard mitigation.

"(c) Cost Sharing.—

"(1) Federal share.—

"(A) In general.—Subject to subparagraph (B), the Federal share of the cost of measures carried out using a grant under the grant program shall be 75 percent.

"(B) Insufficiency of federal funds.—In paying the Federal share under subparagraph (A) in a case in which there are insufficient funds in the Loss Reduction Trust Fund to fund all applications that are eligible for approval, the Director of the Agency may consider—

"(i) the desirability of geographical dispersal of available funds;

"(ii) the extent to which any applicant faces a greater risk of earthquake disasters, in number or severity, than other applicants;

"(iii) the extent to which each applicant is expending resources on addressing urgent problems concerning critical facilities or critical public infrastructure; and

"(iv) the extent to which the measures proposed to be funded using the grant are expected to result in cost savings to the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(2) Non-federal share.—

"(A) Grants to local governments (other than indian tribes).—In the case of a grant to a local government (other than an Indian tribe) under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

"(i) ½ by the State.

"(ii) ½ by the local government.

"(B) Grants to indian tribes.—In the case of a grant to an Indian tribe under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

"(i) ½ by the Bureau of Indian Affairs.

"(ii) ½ by the Indian tribe.

"(C) Grants to public hospitals.—In the case of a grant to a public hospital under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

"(i) ½ by the State, from funds other than general State appropriations to the hospital.

"(ii) ½ by the public hospital, from general State appropriations to the hospital or from funds donated to the hospital.

"(D) Grants to nonprofit private hospitals.—In the case of a grant to a nonprofit private hospital under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided by the nonprofit private hospital.

"(E) Grants to public institutions of higher education.—In the case of a grant to a public institution of higher education under the grant program, the non-Federal share of the cost of measures carried out using the grant shall be provided as follows:

"(i) ½ by the State, from funds other than general State appropriations to the institution of higher education.

"(ii) ½ by the public institution of higher education, from general State appropriations to the institution of higher education or from funds donated to the institution of higher education.

"(d) Use of Grant Funds.—

"(1) In general.—A grant under the grant program may be used—

"(A) to retrofit critical facilities and critical public infrastructure in accordance with paragraph (2);

"(B) to implement earthquake disaster mitigation measures in accordance with paragraph (3); or

"(C) to develop earthquake disaster recovery plans in accordance with paragraph (4).

"(2) Retrofit of critical facilities and critical public infrastructure.—

"(A) In general.—A grant under the grant program may be used to retrofit a critical facility or critical public infrastructure with parts or equipment that meets current standards for withstanding earthquake disasters (as determined by the Director of the Agency).

"(B) Selection of critical facilities and critical public infrastructure.—A critical facility or critical public infrastructure shall be selected for a grant under subparagraph (A) if the critical facility or critical public infrastructure is identified in a long-term strategic earthquake disaster loss reduction plan adopted under subsection (b)(1)(D) as having high priority for retrofit because of the effect that damage to the critical facility or critical public infrastructure from an earthquake disaster would have on the quality of human life in the region and on recovery from the earthquake disaster.

"(3) Implementation of earthquake disaster mitigation measures.—A grant under the grant program may be used to implement an earthquake disaster mitigation measure designed to ensure the continued functionality of a critical facility or critical public infrastructure.

"(4) Development of earthquake disaster recovery plans.—

"(A) In general.—A grant under the grant program may be used to develop an earthquake disaster recovery plan that includes—

"(i) a plan for reestablishing government operations and community services after an earthquake disaster; and

"(ii) a plan for long-term recovery after an earthquake disaster.

"(B) Schedule for payment of grant funds.—Of a grant for measures described in subparagraph (A)—

"(i) 50 percent shall be paid upon approval by the Director of the Agency of the application for the grant; and

"(ii) 50 percent shall be paid upon adoption of the earthquake disaster recovery plan by the local government, public hospital, or public institution of higher education.

"SEC. 7. LOSS REDUCTION TRUST FUND.

"(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the 'Loss Reduction Trust Fund', consisting of—

"(1) such amounts as are appropriated to the Loss Reduction Trust Fund under subsection (b);

"(2) such amounts as are appropriated to the Loss Reduction Trust Fund under section 13(e); and

"(3) any interest earned on investment of amounts in the Loss Reduction Trust Fund under subsection (d).

"(b) Transfers to Loss Reduction Trust Fund.—There are appropriated to the Loss Reduction Trust Fund amounts equivalent to—

"(1) such amounts as the Director of the Agency determines are remaining after the close-out of any active disaster declaration account under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(2) such amounts as—

"(A) were allocated for hazard mitigation assistance with respect to a major disaster under section 404 of that Act (42 U.S.C. 5170c); and

"(B) the Director of the Agency determines are remaining after expiration of the time limits established under subsection (c) of that section; and

"(3) amounts received as gifts under subsection (f).

"(c) Expenditures From Loss Reduction Trust Fund.—Upon request by the Director of the Agency, the Secretary of the Treasury shall transfer from the Loss Reduction Trust Fund to the Director of the Agency such amounts as the Director of the Agency determines are necessary to carry out section 6.

"(d) Investment of Amounts.—

"(1) In general.—The Secretary of the Treasury shall invest such portion of the

Loss Reduction Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

"(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Loss Reduction Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Loss Reduction Trust Fund shall be credited to and form a part of the Loss Reduction Trust Fund.

"(e) TRANSFERS OF AMOUNTS.—

"(1) IN GENERAL.—The amounts required to be transferred to the Loss Reduction Trust Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Loss Reduction Trust Fund on the basis of estimates made by the Secretary of the Treasury.

"(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(f) GIFTS.—The Secretary of the Treasury may accept gifts of cash for transfer to the Loss Reduction Trust Fund.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) LOSS REDUCTION TRUST FUND.—There is authorized to be appropriated to the Loss Reduction Trust Fund $1,000,000,000.".

(d) POSTDISASTER ASSISTANCE.—

(1) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

"(10) CRITICAL FACILITY.—The term 'critical facility' means—

"(A) a public structure (including a police station, fire station, city or town hall, school, or other public building) or a public or nonprofit private hospital that is—

"(i) owned by an entity; and

"(ii) critical to the continuity of the entity or to the conduct of the disaster response activities of the entity; or

"(B) a facility that—

"(i) provides medical services to a specific occupational or industry segment of the general public; and

"(ii) is operated by an organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of such section.

"(11) CRITICAL PUBLIC INFRASTRUCTURE.—The term 'critical public infrastructure' means a utility or transportation system (including a bridge, energy system, water or sewer system, or communication system) that is—

"(A) owned by an entity; and

"(B) critical to the conduct of the disaster response activities of the entity.".

(e) CONFORMING AMENDMENTS.—Section 12(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended by inserting "(as in effect on September 30, 1997)" after "6 of this Act" each place it appears.

SEC. 9. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

(a) IN GENERAL.—The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended—

(1) by redesignating section 12 as section 13; and

(2) by inserting after section 11 the following:

"SEC. 12. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an advanced national seismic research and monitoring system (referred to in this section as the 'system').

"(b) PURPOSE.—The purpose of the system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, and meld the monitoring systems into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

"(c) MANAGEMENT PLAN.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Earthquake Loss Reduction Act of 2001, the Director of the United States Geological Survey shall submit to Congress a 5-year management plan for establishing and operating the system.

"(2) REQUIRED ELEMENTS.—The plan shall include—

"(A) annual cost estimates for—

"(i) milestones, standards, and performance goals for modernization of the seismic monitoring systems referred to in subsection (b); and

"(ii) milestones, standards, and performance goals for operation of the system; and

"(B) plans for securing the participation of all existing networks in the system and for establishing new, or enhancing existing, partnerships to leverage resources.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) ESTABLISHMENT.—In addition to amounts made available under section 13(b), there are authorized to be appropriated to establish the system—

"(A) $33,500,000 for fiscal year 2002;

"(B) $33,700,000 for fiscal year 2003;

"(C) $35,100,000 for fiscal year 2004;

"(D) $35,000,000 for fiscal year 2005; and

"(E) $33,500,000 for fiscal year 2006.

"(2) OPERATION.—In addition to amounts made available under section 13(b), there are authorized to be appropriated to operate the system—

"(A) $4,500,000 for fiscal year 2002; and

"(B) $10,300,000 for fiscal year 2003.".

(b) CONFORMING AMENDMENTS.—Section 2 of Public Law 105-47 (42 U.S.C. 7704 note) is amended—

(1) in subsection (a)(7), by striking "section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b))" and inserting "section 13(b) of the Earthquake Hazards Reduction Act of 1977"; and

(2) in subsection (c)(2), by striking "section 12(c) of such Act (42 U.S.C. 7706(c))" and inserting "section 13(c) of that Act".

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 425. A bill to establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise today to introduce legislation, along with my good friend and Colorado colleague, Senator BEN NIGHTHORSE CAMPBELL, to permanently designate Rocky Flats as a National Wildlife Refuge following the cleanup and closure of the site.

This legislation is the beginning of a new chapter in the history of Rocky Flats. The Rocky Flats National Wildlife Refuge Act is the product of more than a year's worth of work by citizens, community leaders, and local elected officials. Its passage will ensure our children and grandchildren will continue to enjoy the wildlife and open space that currently exists at Rocky Flats.

To that end, I have worked in a bipartisan manner with my Colorado colleague from the other body, Congressman MARK UDALL, to produce the Rocky Flats National Wildlife Refuge Act of 2001. This bill was originally introduced in November of 2000, and with a few refinements, is being reintroduced today in both the Senate and House. Also, this bill could not be possible without the hard work and dedication of the local governments and the Rocky Flats stakeholders.

My vested interest in Rocky Flats began during the 1980's when I was the Chairman of the State Senate Committee on Health, Environment, Welfare and Institutions. Although I supported the national security mission of the Rocky Flats site prior to closure, I believe that the Department of Energy must also ensure the safety and health of all Coloradans and the environment. When the Rocky Flats site was shut down in 1990, cleaning up and closing of the site became one of my top legislative priorities and will remain so until this project is complete.

In 1999, I became the Strategic Subcommittee Chairman of the Senate Armed Services Committee, which has direct oversight of former DoE weapons facilities including Rocky Flats. This is the first site in the DoE complex to receive funding for cleanup and closure, and will therefore be a role model for other sites in the complex. As Chairman of the Subcommittee, I will continue to work closely with my colleagues to educate them on the importance of cleaning up and closing down Rocky Flats so it can be utilized as a National Wildlife Refuge. This education extends beyond the cleanup and closure of Rocky Flats to the importance of cleaning up and closing of all the former DoE weapons sites and how all closure sites in the DoE complex are closely tied together. That is why it is important for everyone in Congress with a closure site to work together in a non-partisan manner for the good of the country. We also need to work close with our new Secretary of Energy, Spencer Abraham, to ensure that cleanup and closure remain a priority for DoE.

As a brief summary of the bill, I would like to bring to your attention a few of the following high points of the bill:

To begin, Rocky Flats will remain in permanent federal ownership through a transfer from the Department of Energy to the U.S. Fish and Wildlife Service after the cleanup and closure of the site is complete.

The historic Lindsay Ranch will be preserved for future generations.

There will be no annexation of land to any local government, nor any construction of through roads. The only roads that may be constructed on the site would be by the Fish and Wildlife Service for the management of the refuge.

The Secretary of Energy and the Secretary of the Interior are authorized to grant a transportation right-of-way on the eastern boundary of the site for transportation improvements along Indiana Street. Please note, however, that we are aware of the continued evaluation of this issue and want this section of the bill to be consistent with the needs of the local governments.

The Department of Energy and the Fish and Wildlife Service are to enter into a Memorandum of Understanding addressing administrative responsibilities prior to the transfer of the site not later than 1 year after the enactment of this Act.

The Department of Energy will not transfer any property to the Fish and Wildlife Service that must be retained for future onsite monitoring or that must be retained for protection of human health and safety. This legislation also clarifies that in the event of future cleanup activities, this action will take priority over wildlife management.

One of the most important directives in this Act and it states that "nothing in this Act shall be construed to affect the degree of cleanup at the Rocky Flats site required under the Rocky Flats Cleanup Agreement or any Federal or State law." I believe it is important to reiterate that this bill should not be used as a mechanism to drive the level of cleanup. As with any cleanup, the future land use is always considered in setting cleanup levels, but other important factors will play into any decision. For instance, the protection of surface water coming off the site, the desire to minimize long-term operation and monitoring costs, and the State of Colorado's rules for decommissioning nuclear sites which say licensees should reduce potential radiation dose levels as low as reasonably achievable.

Once the site is transferred to the Fish and Wildlife Service, the refuge will be managed in accordance with the National Wildlife Refuge System Act to preserve wildlife, enhance wildlife habitat, conserve threatened and endangered species, provide education opportunities and scientific research, as well as wildlife compatible recreation.

The Fish and Wildlife Service are to convene a public process to include input on the management of the site.

I firmly believe that access rights and property rights must be preserved. Therefore, this legislation recognizes and preserves all mineral rights, water rights and utility rights-of-way. This Act does, however, provide the Secretary of Energy and the Secretary of Interior the authority to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

With regard to mineral rights, the Secretary of Energy is required to seek to purchase mineral rights from willing sellers.

As a tribute to the Cold War and the dedicated Rocky Flats workers both prior to and after the site closure, the bill authorizes the establishment of a Rocky Flats museum to commemorate the site requiring that the creation of the museum shall be studied, and a report shall be submitted to Congress within three years following the enactment of this act.

Finally, this bill directs the Department of Energy and the Fish and Wildlife Service to inform Congress on the costs associated with the implementation of this Act.

Lastly, I want to thank Representative MARK UDALL for the bi-partisan manner in which he and his staff worked with me and my office. Rocky Flats, like all other cleanup sites, is bigger than partisan politics and this effort proves it. I would also like to specifically thank the Department of Energy for taking the expedited cleanup plan and making it work within their budgetary guidelines; Kaiser-Hill for making the impossible, possible; and, I would like to say a great big thanks to all of the workers at Rocky Flats whose skill and dedication have made the reality of cleanup possible. Without the workers, even the best laid plans would be for naught.

Once cleanup and closure is accomplished in 2006, I look forward to returning to Rocky Flats for the dedication of the new Rocky Flats National Wildlife Refuge.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 426. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 427. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit for small business jobs creation; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 428. A bill to provide grants and other incentives to promote new communications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 429. A bill to expand the Manufacturing Extension Program to bring the new economy to small and medium-sized businesses; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 430. A bill to provide incentives to promote broadband telecommunications services in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BAUCUS, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 431. A bill to establish regional skills alliances, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BAUCUS, Mr. Bingaman, Mrs. BOXER, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 432. A bill to provide for business incubator activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. CLINTON. Mr. President, I rise today to **talk** about bringing development and good jobs to upstate New

York and other regions of our country that have not fully participated in our nation's economic growth.

As I travel across the state and listen to the struggles of small business owners and workers, I'm often reminded of my father, who ran a small business and worked hard every day to provide for our family. I think about people like him who live in Plattsburgh and Buffalo, Rochester, Syracuse, Binghamton, Oneonta and every town and village in between. Most importantly, I think that—with the right ideas and a lot of hard work—we can create opportunities that will revitalize New York's upstate economy, as well as in places like these all across our country.

Now as we all know, a historic shift has taken place in our economy and, to succeed in the twenty first century new economy, businesses have to be innovative, creative and flexible. Workers have to have better education and training; and community leaders have to bring all sectors of our communities together to make their hometowns more hospitable to high tech industries.

Many parts of upstate New York have not been able to fully enjoy the fruits of the new knowledge based economy. Too many of our finest young people leave the state for better jobs elsewhere. Two summers ago, I talked to an upstate New York professor who told me what he thought was the biggest barrier to economic progress in the region: poor internet access. He pointed out that just as canals and railroad lines had made upstate, western and central New York the hub of the industrial economy in the 19th and 20th centuries, the region's shortage of high speed internet lines would hold us back in the 21st Century.

Studies have shown, for example, that New York lags behind many states when it comes to the internet connections that are essential to commerce and communications in this new economy. But with leadership, and through partnerships, we can meet these challenges. All of us who care about the towns and villages in upstate New York and across our country have an obligation to help. That is why I am very proud today to introduce a package of legislation that is designed to bring new jobs to New York and to America.

This legislation is the result of a lot of conversations, and listening, and hard work by many people. These seven bills will help bring all of New York online and into the new economy by promoting entrepreneurship and innovation, and by knocking down some of the stubborn barriers to economic progress.

Just in the past three weeks, I have been in Rochester, and Rome and Watertown—Buffalo, and Niagara Falls meeting with business and labor leaders, academic, religious and civic leaders as well as citizens from all walks of life. I've also been meeting and talking with many of my Republican and Democratic colleagues here in the Congress—talking about the budget, and talking about the economies of New York and the rest of our nation.

I have found that this legislation I propose today reflects the views and values, not only of many New Yorkers, but also a number of my colleagues here in the Senate. We agree that we have to clear away some of the major obstacles to economic growth and that we must invest in the skills of our country's greatest resources—our people.

After all, upstate New York is the region where America's innovators, businesses and workers spun Thomas Edison's first light bulb, made cameras widely available to all Americans, created the nation's first business incubator and the pacemaker. Now, with a proud place in the economic history of our country, upstate New York deserves its place in the economic future as well. My legislation is designed to help bring all of New York to the forefront of the 21st century economy.

Specifically, I propose the creation of new technology bonds. Using federal tax credits, states and local governments will be able to issue such bonds to help local governments invest in the high-speed data lines they need to attract cutting edge businesses.

I propose creating new incentives to link industrial parks and small business incubators to the Internet—and to bring access to high-speed internet connections called broadband. Too many families and businesses still have to dial long distance to get on the Internet. That's why my plan also includes a $100 million initiative to help businesses bring broadband to rural and underserved communities.

I also support research into the next generation of broadband technologies that could make access to the Internet even more cost-effective. We have to help small businesses make the most of the new technologies to maximize profits and productivity. Too many firms still do not know where to begin when it comes to bringing their businesses online. Large businesses, we know, can spend millions on high-priced consultants to find out which computer and software systems to buy so they can best use the new technologies. But small, and even medium size businesses, just can't afford to do that.

So, as part of my package of incentives, I am introducing what I call a Technology Extension Program to help small and medium business owners. For years, the federal government has provided farmers advice and expertise through the Cooperative Extension system. More recently, the Department of Commerce has successfully helped small manufacturers with new technologies through the Manufacturing Extension Program. I think we can build on the successes of these programs and help small and medium business owners in the same way, creating partnerships with universities and community colleges to transform their innovations into jobs for more and more people.

New York is also a state blessed with some of the finest colleges and research institutions in the world. Yet, we haven't been able to transform a lot of those discoveries into commercial ventures near where they have been made. That's why my plan increases support for business incubators that can cut the time it takes for a breakthrough on the laboratory bench to make it to the factory and sales floor.

Of course one of the most important parts of this legislation focuses on investing in the skills of our people. We can create all the high tech jobs we need from, you know, Plattsburg to Reno—but if they don't have people to fill them it's not going to mean anything, as I know that the President understands. That's why I'll fight to increase America's investment in the Regional Skills Alliances that bring businesses, universities, and community colleges together to make sure workers have the training they need in the modern workplace.

I know that we have to support and encourage small businesses to bring jobs to places like upstate New York. My legislation will create a new Small Business Jobs Tax Credit to allow small firms in underserved communities across the country eligible because of population loss and low job growth—to claim a $3,000 tax credit for every employee they hire.

Mr. President, during my campaign I promised that my first legislation would focus on promoting economic growth in upstate New York. That is why I am particularly pleased to be here in fulfillment of that pledge.

But I see my plan as a part of a larger partnership to spur job creation across our country, where good people and their communities are in need of help. According to the latest Labor Department statistics New York, for example, as a whole enjoyed a 2.3 percent job growth rate last year. But upstate New York's job growth rate was about half of that at 1.2% and below the national average of 2.1 percent. Now behind those numbers are the lives and livelihoods of millions of people, and it is for those people that this legislation is being introduced. No parent should have to see a child leave his or her hometown simply because a good job can't be found.

My co-sponsors and I know that the fight for new jobs for New York and America is a long and difficult one. We do not expect everything in this plan to pass in one year alone, or even in the exact form in which it is introduced. And standing alone, no single plan or Senator will be able to get the job done. But my colleagues and I understand we need a long-term partnership among people in government at all levels and with the private sector, business, labor, schools universities and others.

That is why I also support S. 41 introduced by Senators HATCH and BAUCUS, and supported by many Democrats and Republicans to make the research and development tax credit permanent and to promote entrepreneurship and innovation. It's why I think we have to continue to tackle other stubborn barriers to economic growth like high utilities costs, high taxes and inadequate transportation and poor infrastructure. And of course, I can't talk about upstate New York without mentioning the spectacular geography and cultural heritage that is not only a source of pride, but also as a valuable economic resource.

Mr. President, I would like to thank my colleagues, representing both parties, who have come together to join and sponsor one or more of my bills today. I look forward to talking to more members of this chamber and the other body in the days and weeks ahead. I believe if we take good ideas and through hard work make them real, we can revitalize New York's upstate economy and also give hope to the hardworking, deserving families of communities across our country. No one should have to leave their hometown, their families, and their roots to find a good job in America.

I ask unanimous consent that text of the bills, the summary of the bills, and articles relevant to the bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Bond Initiative of 2001".

SEC. FINDINGS.

Congress finds the following:

(1) Access to high-speed Internet is as important to 21st Century businesses as access to the railroads and interstate highways was to businesses of the last century.

(2) Up to one-third of the United States population lacks access to high-speed Internet.

(3) Companies without access to high-speed Internet are unable to meet their market potential, just as a community cannot prosper if it doesn't have high quality roads and bridges.

(4) Technology bonds would provide incentives to State and local governments to partner with the private sector to expand broadband deployment in their communities, especially underserved urban and rural areas.

SEC. 2. CREDIT TO HOLDERS OF QUALIFIED TECHNOLOGY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Technology Bonds

"Sec. 54. Credit to holders of qualified technology bonds.

"SEC. 54. CREDIT TO HOLDERS OF QUALIFIED TECHNOLOGY BONDS

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified technology bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any qualified technology bond is the amount equal to the product of—

"(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

"(B) the face amount of the bond held by the taxpayer on the credit allowance date.

"(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will permit the issuance of qualified technology bonds without discount and without interest cost to the issuer.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than this subpart and subpart C).

"(d) QUALIFIED TECHNOLOGY BOND.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified technology bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for any or a series of qualified projects,

"(B) the bond is issued by a State or local government within the jurisdiction of which such project is located.

"(C) the issuer designates such bond for purposes of this section.

"(D) certifies that it has obtained the written approval of the Secretary of Commerce for such project, and

"(E) the term of each bond which is part of such issue does not exceed 15 years.

"(2) QUALIFIED PROJECT.—

"(A) IN GENERAL.—The term 'qualified project' means a project—

"(i) to expand broadband telecommunications services in an area within the jurisdiction of a State or local government,

"(ii) which is nominated by such State or local government for designation as a qualified project, and

"(iii) which the Secretary of Commerce, after consultation with the Secretary of Housing and Urban Development designates as a qualified project or a series of qualified projects.

"(B) DESIGNATION PREFERENCES.—With respect to designations under this section, preferences shall be given to—

"(i) nominations of projects involving underserved urban or rural areas lacking access to high-speed Internet connections, and

"(ii) nominations reflecting partnerships and comprehensive planning between State and local governments and the private sector.

"(e) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national technology bond limitation for each calendar year. Such limitation is $100,000,000 for 2002, 2003, 2004, 2005, and 2006, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national technology bond limitation for a calendar year shall be allocated by the Secretary among the qualified projects designated for such year.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified project shall not exceed the limitation amount allocated to such project under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the national technology limitation amount, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified projects, the national technology limitation amount for the following calendar year shall be increased by the amount of such excess.

"(f) OTHER DEFINITIONS.—For purposes of this subpart—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

"(3) STATE.—The term 'State' means the several States and the District of Columbia.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) OTHER SPECIAL RULES.—

"(1) PARATNERHSIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(2) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified technology bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(3) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified technology bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(4) REPORTING.—Issuers of qualified technology bonds shall submit reports similar to the reports required under section 149(e).".

(b) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED TECHNOLOGY BONDS.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(f)(2)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) Regulatory authority.—the Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) Clerical Amendments.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Subpart H. Nonrefundable Credit for Holders of Qualified Technology Bonds."

(2) Section 6401(b)(1) of such Code is amended by striking "and G" and inserting "G, and H".

(d) Effective Date.—the amendments made by this section shall apply to obligations issued after December 31, 2001.

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Jobs Tax Credit Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In many parts of the United States, segments of large cities, smaller cities, and rural areas are experiencing population loss and low job growth that hurt the surrounding communities.

(2) In areas hurt by low job growth, people are forced to leave the communities they have lived in their whole life to secure a job.

(3) A small business tax credit to promote jobs in areas suffering from low job growth and population loss would spur economic growth and would provide incentives for businesses to take advantage of an often underutilized, well-educated workforce.

(4) By promoting economic growth, such a tax credit would revitalize these areas that are less likely to receive other Federal investments.

SEC. 3. EXPANSION OF WORK OPPORTUNITY TAX CREDIT.

(a) In General.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following:

"(I) a qualified small business employee.".

(b) Qualified Small Business Employee.—Section 51(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following:

"(10) Qualified small business employee.—

"(A) In general.—The term 'qualified small business employee' means any individual—

"(i) hired by a qualified small business located in a development zone, or

"(ii) hired by a qualified small business and who is certified by the designated local agency as residing in such a development zone.

"(B) Qualified small business.—The term 'qualified small business' has the meaning given the term 'small employer' by section 4980D(d)(2).

"(C) Development zone.—For purposes of this section—

"(i) In general.—The term 'development zone' means any area—

"(I) which is nominated under the procedures defined in sections 1400E(a)(1)(A) and 1400E(a)(4) for renewal communities;

"(II) which the Secretary of Housing and Urban Development designates as a development zone, after consultation with the Secretary of Commerce;

"(III) which has a population of not less than 5,000 and not more than 150,000;

"(IV) which has a poverty rate not less than 20 percent (within the meaning of section 1400E(c)(3)(C));

"(V) which has an average annual rate of job growth of less than 2 percent during any 3 years of the preceding 5-year period; and

"(VI) which, during the period beginning January 1, 1990 and ending with the date of the enactment of this Act, has a net out-migration of inhabitants, or other population loss, from the area of at least 2 percent of the population of the area during such period:

"(ii) Number of designations.—The Secretary of Housing and Urban Development may not designate more than 100 development zones.

"(D) Special rules for determining amount of credit.—For purposes of applying this subpart to wages paid or incurred to any qualified small business employee—

"(i) subsection (a) shall be applied by substituting "20 percent of the qualified first, second, third, fourth, or fifth year wages" for "40 percent of the qualified first year wages", and

"(ii) in lieu of paragraphs (2) and (3) of subsection (b), the following definitions and special rule shall apply:

"(I) Qualified first-year wages.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

"(II) Qualified second-year wages.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (I).

"(III) Qualified third-year wages.—The term 'qualified third-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (II).

"(IV) Qualified fourth-year wages.—The term 'qualified fourth-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (III).

"(V) Qualified fifth-year wages.—The term 'qualified fifth-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under subclause (IV).

"(VI) Only first $15,000 of wages per year taken into account.—The amount of the qualified first, second, third, fourth, and fifth year wages which may be taken into account with respect to any individual shall not exceed $15,000 per year.".

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadband Expansion Grant Initiative of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Investing in a telecommunications infrastructure for underserved rural communities will increase the potential for long-term economic growth in those areas.

(2) Currently, too many families have to make long distance calls to connect to the Internet, and the deployment of broadband networks would make sure that connection to the Internet is more cost-effective and only a local call away.

(3) Small businesses would benefit from access to high-speed Internet links that would allow them to compete on national and international levels.

(4) Broadband deployment grants and loan guarantees would encourage private-sector investment in infrastructure advances.

SEC. 3. FACILITATION OF DEPLOYMENT OF BROADBAND TELECOMMUNICATIONS CAPABILITIES TO UNDERSERVED RURAL AREAS.

(a) In General.—In order to facilitate the deployment by the private sector of broadband telecommunications networks and capabilities (including wireless and satellite networks and capabilities) to underserved rural areas, the Secretary of Commerce (in this section, referred to as the "Secretary") may—

(1) make grants to eligible recipients for that purpose;

(2) guarantee loans, either whole or in part, of eligible recipients the proceeds of which are to be used for that purpose; or

(3) carry out activities under both paragraphs (1) and (2).

(b) Eligible Recipients.—For purposes of this section, an eligible recipient of a grant or loan guarantee under subsection (a) is any person or entity selected by the Secretary in accordance with such procedures as the Secretary shall establish.

(c) Underserved Rural Areas.—The Secretary shall identify the areas that constitute underserved rural areas for purposes of this section.

(d) Emphasis on Particular Capabilities.—In selecting a person or entity as an eligible recipient of a grant or loan guarantee under subsection (a), the Secretary shall give particular emphasis to persons or entities that propose to use the grant or the proceeds of the loan guaranteed, as the case may be, to leverage non-Federal resources to do one or more of the following:

(1) Provide underserved rural areas with access to Internet service by local telephone.

(2) Demonstrate new models or emerging technologies to bring broadband telecommunications services to underserved rural areas on a cost-effective basis.

(3) Use broadband telecommunications services to stimulate economic development, such as providing connections between and among industrial parks located in such areas and providing high-speed telecommunications service links to small business incubators.

(e) CONSULTATION.—The Secretary may consult with the Federal Communications Commission in carrying out activities under this section.

(f) LIMITATION ON AMOUNT.—The amount of any grants made under this section, and the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of any loans guaranteed under this section, may not, in the aggregate, exceed **$100,000,000.**

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for purposes of grants and loan guarantees under this section $100,000,000 for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Extension Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government developed the Agriculture Extension Program, and more recently, the Manufacturing Extension Program to help farmers and small manufacturers gain access to the latest technologies. Today's small and medium-sized businesses need a technology extension program that provides access to cutting edge technology.

(2) There is a need to create partnerships to cut the time it takes for new developments in university laboratories to reach the manufacturing floor, to help small and medium-sized businesses transform their innovations into jobs.

(3) There is a need to build upon the Manufacturing Extension Program to encourage the adoption of advanced technology.

SEC. 3. TECHNOLOGY EXTENSION PROGRAM.

(a) PURPOSE.—It is the purpose of this section—

(1) to encourage meaningful use of the most advanced available technologies by small businesses and medium-sized businesses to the maximum extent possible to improve the productivity of those businesses and thereby to promote economic growth; and

(2) to promote regional partnerships between educational institutions and businesses to develop such technologies and products in the surrounding areas.

(b) GRANT PROGRAM.—To achieve the purpose of this section, the Secretary of Commerce (in this section, referred to as the "Secretary") shall carry out a program to provide, through grants, financial assistance for the establishment and support of regional centers for the commercial use of advanced technologies by small businesses and medium-sized businesses.

(c) ELIGIBILITY.—An entity is eligible to receive a grant as a regional center under this section if the entity—

(1) is affiliated with a United States-based institution or organization that is operated on a not-for-profit basis, or any combination of two or more of such institutions or organizations;

(2) offers to enter into an agreement with the Secretary to function as a regional center for the commercial use of advanced technologies for the purpose of this section within a region determined appropriate by the Secretary; and

(3) demonstrates that it has the capabilities necessary to achieve the purpose of this section through its operations as a center within that region.

(d) SELECTION OF APPLICANTS.—

(1) COMPETITIVE PROCESS.—The Secretary shall use a competitive process for the awarding of grants under this section and, under that process, select recipients of the grants on the basis of merit, with priority given to underserved areas.

(2) APPLICATIONS FOR GRANTS.—The Secretary shall prescribe the form and content of applications required for grants under this section.

(e) SPECIFIC ACTIVITIES OF REGIONAL CENTERS.—A regional center may use the proceeds of a grant under this section for any activity that carries out the purpose of this section, including such activities as the following:

(1) Assist small businesses and medium-sized businesses to address their most critical needs for the application of the latest technology, improvement of infrastructure, and use of best business practices.

(2) In conjunction with institutions of higher education and laboratories located in the region, transfer technologies to small businesses and medium-sized businesses located in such region to create jobs and increase production in surrounding areas.

(f) ADDITION ADMINISTRATIVE AUTHORITIES.—

(1) COST-SHARING.—The Secretary may require the recipient of a grant to defray, out of funds available from sources other than the Federal Government, a specific level of the operating expenses of the regional center for which the grant is made.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary, in awarding a grant, may impose any other terms and conditions for the use of the proceeds of the grant that the Secretary determines appropriate for carrying out the purpose of this section and to protect the interests of the United States.

(g) DEFINITIONS OF SMALL BUSINESS AND MEDIUM-SIZED BUSINESS.—

(1) SECRETARY TO PRESCRIBE.—The Secretary shall prescribe the definitions of the terms "small business" and "medium-sized business" for the purpose of this section.

(2) SMALL BUSINESS STANDARDS.—In defining the term "small business", the Secretary shall apply the standards applicable for the definition of the term "small-business concern" under section 3 of the Small Business Act (15 U.S.C. 632).

(h) REGULATIONS.—The Secretary shall prescribe regulations for the grant program administered under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for carrying out this section $125,000,000 for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadband Rural Research Investment Act of 2001".

SEC. 2. FINDINGS.

Congress find the following:

(1) The availability of broadband telecommunications services in rural America is critical to economic development, job creation, and new services such as distance learning and telemedicine.

(2) Existing broadband technology cannot be deployed in many rural areas, either because of technical limitations, or the cost of deployment relative to the available market.

(3) Research in new broadband technology that addresses these barriers could increase the availability of broadband telecommunications services in rural areas.

SEC. 3. RESEARCH ON ENHANCEMENT OF BROADBAND TELECOMMUNICATIONS SERVICES.

(a) IN GENERAL.—The Director of the National Science Foundation (in this section, referred to as the "Director") shall carry out research on the following:

(1) Means of enhancing or facilitating the availability of broadband telecommunications services in rural areas and other remote areas.

(2) Means of facilitating or enhancing access to the Internet through broadband telecommunications services.

(b) SCOPE OF AUTHORITY.—The Director may carry out research under subsection (a) within the National Science Foundation or pursuant to such grants, agreements, or other arrangements as the Director considers appropriate.

(c) RESULTS OF RESEARCH.—The Director shall make available to the public, in such manner as the Director considers appropriate, the results of any research carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the National Science Foundation for purposes of activities under this section **$25,000,000** for fiscal year 2002, and such sums as are necessary for each fiscal year thereafter.

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regional Skills Alliances Act of 2001".

SEC. 2. FINDINGS.

(1) Many small businesses lack the financial capacity to support the training of high-skilled workers.

(2) Many high-tech companies concerned about worker training consider recruiting employees from overseas because a shortage of information technology workers remains a significant problem.

(3) Too many highly educated workers in underserved communities do not have the specialized skills needed to meet the needs of local businesses.

(4) Regional skills alliances bring businesses and 4-year colleges and universities and community colleges together to help develop and implement effective programs to make sure workers have the training needed to compete in the modern workplace.

SEC. 3. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Labor.

TITLE I—SKILL GRANTS

SEC. 101. AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, shall award grants to eligible entities described in subsection (b) to assist such entities to improve the job skills necessary for employment in specific industries.

(b) ELIGIBLE ENTITIES DESCRIBED.—

(1) IN GENERAL.—An eligible entity described in this subsection is a consortium that—

(A) shall consist of representatives from not less than 5 businesses, or a lesser number of businesses if such lesser number of businesses employs at least 30 percent of the employees in the industry involved in the region (or a non-profit organization that represents such businesses);

(B) may consist of representatives from—

(i) labor organizations;

(ii) State and local government; and

(iii) educational institutions;

(C) is established to serve one or more particular industries; and

(D) is established to serve a particular geographic region.

(2) MAJORITY OF REPRESENTATIVES.—A majority of the representatives described in paragraph (1)(A).

(c) PRIORITY FOR SMALL BUSINESSES.—In providing grants under subsection (a), the Secretary shall give priority to an eligible entity if a majority of representatives forming the entity represent small-business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(d) MAXIMUM AMOUNT OF GRANT.—The amount of a grant awarded to an eligible entity under subsection (a) may not exceed $1,000,000 for any fiscal year.

SEC. 102. USE OF AMOUNTS.

(a) IN GENERAL.—The Secretary may not award a grant under section 101 to an eligible entity unless such entity agrees to use amounts received from such grant to improve the job skills necessary for employment by businesses in the industry with respect to which such entity was established.

(b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In carrying out the program described in subsection (a), the eligible entity may provide for—

(A) an assessment of training and job skill needs for the industry;

(B) the development of a sequence of skill standards that are benchmarked to advanced industry practices;

(C) the development of curriculum and training methods, including, where appropriate, e-learning or technology-based training;

(D) the purchase, lease, or receipt of donations of training equipment;

(E) the identification of training providers and the development of partnerships between the industry and educational institutions, including community colleges;

(F) the development of apprenticeship programs;

(G) the development of training programs for workers, including dislocated workers;

(H) the development of training plans for businesses; and

(I) the development of the membership of the entity.

(2) ADDITIONAL REQUIREMENT.—In carrying out the program described in subsection (a), the eligible entity shall provide for the development and tracking of performance outcome measures for the program and the training providers involved in the program.

(c) ADMINISTRATIVE COSTS.—The eligible entity may use not more than 10 percent of the amount of a grant to pay for administrative costs associated with the program described in subsection (a).

SEC. 103. REQUIREMENT OF MATCHING FUNDS.

(a) IN GENERAL.—The Secretary may not award a grant under section 101 to an eligible entity unless such entity agrees that the entity will make available non-Federal contributions toward the costs of carrying out activities under the grant in an amount that is not less than $2 for each $1 of Federal funds provided under the grant, of which—

(1) $1 shall be provided by the businesses participating in the entity; and

(2) $1 shall be provided by the State or local government involved.

(b) OTHER CONTRIBUTIONS.—

(1) EQUIPMENT.—Equipment donations to facilities that are not owned or operated by the members of the eligible entity involved and that are shared by such members may be included in determining compliance with subsection (a).

(2) LIMITATION.—An eligible entity may not include in-kind contributions in complying with the requirement of subsection (a). The Secretary may consider such donations in ranking applications.

SEC. 104. LIMIT ON ADMINISTRATIVE EXPENSES.

The Secretary may use not more than 5 percent of the amounts made available to carry out this title to pay the Federal administrative costs associated with awarding grants under this title.

SEC. 105 AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of the fiscal years 2002, 2003, and 2004, and such sums as are necessary for each fiscal year thereafter.

TITLE II—PLANNING GRANTS

SEC. 201. AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, shall award grants to States to enable such states to assist businesses, organizations, and agencies described in section 101(b) in conducting planning to form consortia described in such section.

(b) MAXIMUM AMOUNT OF GRANT.—The amount of a grant awarded to a State under subsection (a) may not exceed $500,000 for any fiscal year.

SEC. 202. APPLICATION.

The Secretary may not award a grant under section 201 to a State unless such State submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 203. REQUIREMENT OF MATCHING FUNDS.

The Secretary may not award a grant under section 201 to a State unless such State agrees that it will make available non-Federal contributions toward the costs of carrying out activities under this title in an amount that is not less than $1 for each $1 of Federal funds provided under the grant.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year 2002.

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneurial Incubators Development Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) While small businesses have been an engine of economic growth over the past decade, they often lack access to the technology available to larger businesses.

(2) Business incubators have proven an effective source of economic growth in the States.

(3) Scientific discoveries need to be quickly converted into job and community ventures.

SEC. 3. GRANTS FOR SUPPORT OF BUSINESS INCUBATOR ACTIVITIES.

(a) PURPOSE.—It is the purpose of this section to encourage entrepreneurial creativity and risk taking through the support of the furnishing of business incubator services for newly established small businesses and medium-sized businesses.

(b) GRANT PROGRAM.—to achieve the purpose of this section, the Secretary of Commerce (in this section, referred to as the "Secretary") shall carry out a program to provide, through grants, financial assistance for the establishment and support of entities that provide business incubator services in support of the initiation and initial sustainment of business activities by newly established small businesses and medium-sized businesses.

(c) AWARDS OF GRANTS.—

(1) ELIGIBILITY REQUIREMENTS.—The Secretary shall prescribe the eligibility requirements for the awarding of grants under this section.

(2) COMPETITIVE SELECTION.—The Secretary shall use a competitive process for the awarding of grants under this section and, under that process, select recipients of the grant son the basis of merit, with priority given to underserved rural and urban communities.

(3) APPLICATIONS FOR GRANTS.—The Secretary shall prescribe the form and content of applications required for grants under this section.

(d) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

(1) COST-SHARING.—The Secretary may require the recipient of a grant under this section to defray a specific level of its operating expenses for business incubator services out of funds available from sources other than the Federal Government.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary, in awarding a grant, may impose any other terms and conditions for the use of the proceeds of the grant that the Secretary determines appropriate for carrying out the purpose of this section and to protect the interests of the United States, including the requirement that entities providing business incubator services that receive a grant under this section develop a plan for ultimately becoming self-sufficient.

(e) DEFINITIONS.—

(1) BUSINESS INCUBATOR SERVICES.—In this section, the term "business incubator services" includes professional and technical services necessary for the initiation and initial sustainment of operations of a newly established business, including such services as the following:

(A) LEGAL SERVICES.—Legal services, including aid in preparing corporate charters, partnership agreements, and basic contracts.

(B) INTELLECTUAL PROPERTY SERVICES.—Services in support of the protection of intellectual property through patents, trademarks, or otherwise.

(C) TECHNOLOGY SERVICES.—Services in support of the acquisition and use of advanced technology, including the use of Internet services and web-based services.

(D) PLANNING.—Advice on—

(i) strategic planning; and

(ii) marketing, including advertising.

(2) SMALL BUSINESS AND MEDIUM-SIZED BUSINESS.—

(A) SECRETARY TO PRESCRIBE.—The Secretary shall prescribe the definitions of the terms "small business" and "medium-sized business" for the purpose of this section.

(B) SMALL BUSINESS STANDARDS.—In defining the term "small business" for the purpose of this section, the Secretary shall apply the standards applicable for the definition of the term "small business concern" under section 3 of the Small Business Act (15 U.S.C. 632).

(f) REGULATIONS.—The Secretary shall prescribe regulations for the grant program administered under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Commerce for carrying out this section $50,000,000 for fiscal year 2002, and $200,000,000 for each fiscal year thereafter.

ECONOMIC DEVELOPMENT PROPOSALS FOR THE NEW ECONOMY—SUMMARY

In too many parts of America, many of our communities are plagued by low job growth and economic stagnation. These communities, which historically have been the backbone of our nation, are deeply concerned about their economic prospects. This package of incentives focuses on encouraging new technology companies to move to places where they can take advantage of a well-educated workforce and a higher education infrastructure that is often available and underutilized.

Technology Bonds: In order to help states and local governments invest in telecommunications infrastructure, this proposal invests $100 million a year in a new type of tax incentive: Technology Bonds. Localities would be allowed to use Technology Bonds to expand high-speed Internet access in their communities. These bonds would provide a significant incentive to state and local governments because they would not have to pay any interest on them, and, thus, would make no payments until maturity (15 years in the future). Because the program directs its benefits to communities, it will better ensure that higher need communities receive the benefits.

Small Business Jobs Tax Credit: This tax credit for small businesses will promote jobs in smaller communities. This proposal will provide a tax credit for wages, up to $3,000 per employee, for small businesses that locate in communities that are losing population, have low job growth rates and high poverty rates. Specifically, this proposal creates a 20% tax credit for wages of up to $15,000 per year, which is a value of up to $3,000 per employee, companies could receive the credit for up to five years. This initiative will focus on smaller communities by targeting communities with a population over 5,000. The program would designate roughly 100 communities and could subsidize roughly 8,000 jobs for each area.

Broadband Expansion Grant Initiative of 2001: This proposal complements Tech Bonds by creating a $100 million initiative to accelerate private-sector deployment of broadband networks in under-served rural communities. Right now many families have to make long distances calls to connect to Internet. This initiative will support $100 million in grants and loan guarantees to ensure the Internet is more cost-effective and only a local call away. It will connect industrial parks and small business incubators with high-speed links; and encourage trials of innovative deployment of broadband networks to provide cost-effective access to rural areas.

Technology Extension Act of 2001: During the early part of this century, the Federal government helped farmers gain access to new agricultural technologies through the Agriculture Extension Program at the Department of Agriculture. More recently, the Department of Commerce has successfully helped small manufacturers with new technologies through its Manufacturing Extension Program. Now it is time to provide small and medium-sized businesses with a technology extension program that provides the latest technology to improve productivity and promote economic growth. This initiative will build upon the Manufacturing Extension Program to address critical needs in areas such as technology applications, infrastructure upgrades and business practices, insurance and other forms. It would also work with universities and laboratories to transfer technologies to small and medium-sized businesses that will help them move products to markets faster. This program would be funded at $25 million the first year, growing to $125 million in fiscal year 2002.

Broadband Rural Research Investment Act of 2001: This proposal targets $25 million in funding for research to ensure the availability of broadband in rural areas. This proposal supports additional investments at the National Science Foundation for research in new broadband technology to increase the availability of broadband telecommunications services in remote and rural areas.

Regional Skills Alliances: Throughout the nation, high-tech companies often consider recruiting employees from overseas because a shortage of information technology workers remains a significant problem throughout the state. Too many small firms do not have the resources to train the workers they need. This proposals creates Regional Skills Alliances to bring businesses, schools, and community college together to help create effective programs to ensure workers have the training needed to compete in the new economy. Without some kind of support to create alliances, small firms just don't have the time or resources to collaborate with anybody on training. In fact, almost all existing RSA's report that they would not have been able to get off the ground without an independent, staffed entity to operate the alliance.

Entrepreneurial Incubators: This initiative would help entrepreneurs who have good ideas but cannot afford lawyers and consultants to access the help they need with legal complexities such as preparing corporate charters, partnership agreements, contracts, patent and intellectual property rules, and basic marketing strategies. This will especially help areas where universities can be key collaborators in entrepreneurial incubators. This proposal would initially invest $50 million and up to $200 million the following years, to increase business incubators nationally by a third.

[From the Associated Press]

HOW DOES UPSTATE KEEP BEST AND BRIGHTEST?

(By Michael Hill)

ALBANY, NY.—Jaclyn Welcher's college degree turned out to be a one-way ticket out of upstate New York.

After graduating from Siena College near Albany in 1998, Welcher tried to apply her marketing and management degree to a job around her parents' home in Queensbury. It didn't work out.

"I said: 'There's no point in this at all,'" Welcher recalled, "I'm outta here!" Welcher—now 24 and working in Los Angeles—is far from the only twenty-something to leave upstate New York.

Young New Yorkers have long been leaving for bigger paychecks and jazzier lifestyles in places like Boston, Austin and Atlanta. The exodus is considered a serious problem because young people are a vital cog in local economies—they take entry-level jobs, spend money and add vibrancy to an area. Employers and local officials have become concerned enough to try out some new strategies to attract and retain young workers.

Updated U.S. Census figures tracking local population changes by age won't be available until later this year. However, interviews with recent college graduates, employers and local leaders across New York reveal a widespread perception that upstate areas struggle in the competition for young workers.

Part of the problem is higher salaries offered elsewhere for certain jobs. For instance, the mean 1998 salary for a computer engineer in Rochester area was $54,910; it was $62,930 in the Raleigh-Durham-Chapel Hill area of North Carolina, according to federal Bureau of Labor Statistics data.

Lower pay can be mitigated by a relatively inexpensive costs of living—three-bedroom houses in Buffalo or Syracuse areas can be purchased for under $100,000. Albany Molecular Research Inc. Vice President James Grates said when he tells potential recruits in Berkeley that homes in the Albany area can go for $90,000–$110,000—two or three times less than similar houses in the Bay Area of California—"their jaws drop to the table."

But inexpensive housing is a bigger draw for workers ready to settle down and have a family. People in their 20s have been known to have other priorities—like being around other people in their 20s.

"California, Boston, Texas—they have some glitter to them. Fancy nightclubs, bars, sports bars, restaurants, entertainment . . . the perception is here we don't have as much of that," said Rochester Institute of Technology President Albert Simone.

Take Atlanta, where Jonathan Cancro reports that there are so many of his fellow University of Buffalo graduates that he's helping start a local chapter of the college's alumni association. One obvious sign of the Buffalo connection, Cancro said, is the number of bars catering to Bills fans.

"There are tons of people down here from New York," said the 30-year-old Long Island native. "Not just UB."

The twentysomething exodus has been serious enough to show up on some politicians' radar. Erie County Executive Joel Giambra ran a successful campaign in 1999 on the slogan "Keep Our Kids." Sen. Hilliary Rodham Clinton also lamented the loss of young people from New York while on the campaign trail last year.

Employers have noticed too, and have tried to sweeten the pot for young people. A survey last year by the Business Council of New York State employers bumping up starting pay and hastening first raises.

Companies also are experimenting with benefits that might be attractive to younger, childless workers. Media Logic, a marketing and advertising firm in Albany, includes yoga and stress classes as part of its employees benefits package.

Meanwhile, business groups in several cities are strengthening their links to local colleges in hopes in grabbing graduates to fill job slots.

In Sycrause, the Metropolitan Development Association is spending $550,000 in state grant money for summer internship programs aimed at keeping area college students in the region after graduation.

In Rochester, presidents of a number of area schools—including RIT, the University of Rochester and the state universities at Geneseo and Brockport—have met with local employers to find ways to make it easier for small- and medium-sized businesses to recruit local talent.

In Albany, the Center for Economic Growth plans to bring together business leaders, students and maybe even guidance counselors to start dialogues on what young graduates look for in an employer.

"To tell a 22-year-old freshly minted college graduate that the reason they should come to work for my company is because I have this incredible 401k plan—it's probably not going to raise their eyebrows and make them go 'Yahoo!'" said center President Kelly Lovell. Also, there are new signs of nightlife in many old upstate cities, be it brew pubs or couch-crammed coffee houses. Buffalo's Chippewa Street might be the most dramatic transformation—once notorious for its sex trade, it is now a gentrified strip packed with bars, dance clubs and restaurants.

Syracuse also is showing signs of rebirth, said super booster Jeff Brown. The 36-year-old lawyer is helping start a unique program to draw young people back to his hometown. Under the "Come Home to Sycrause" program volunteers will work off of alumni lists from local colleges and high schools, contacting young expatriates to see if they want to come back. The volunteers will help returnees network for jobs.

A web site is planned and there's already a toll-free number: 1-866-BAK-2SYR. Brown seems qualified for the job. He was once one of those young people who left, in his case for Washington D.C. Brown said he liked the hubbub but missed his home community. "At some point in your life," he said, "you realize there's something more to life than 20 different Ethiopian restaurants."

[From the New York Post, Mar. 1, 2001]

NEW YORK'S JOB GROWTH AGAIN TOPS U.S. RATE

(By Kenneth Lovett)

ALBANY.—Spurred by a surge in New York City, job growth in the state surpassed the nation's average, for the second straight year, in 2000.

The total number of jobs in the state grew by 2.3 percent last year, compared with the national average of 2.1 percent, the state Labor Department reported yesterday. New York's 4.2 percent unemployment rate in January matched the nation's for the first time in nearly a decade.

The city had a 5.6 percent unemployment rate in January, down from 5.9 percent in December and 6.4 percent last January.

Overall, New York had 7.168 million private-sector jobs in January, the highest number on record.

"Our policies have better positioned New York to fend off a national economic slowdown," Gov. Pataki said. Mayor Giuliani recently said the city was the "economic engine" for the state as a whole. The numbers seem to back him up.

New York City saw a 3.3-percent increase in jobs last year, by far the largest jump in the state.

Upstate saw 1.2 percent growth, significantly lower than the state average.

Large urban regions like Buffalo-Niagara Falls, Syracuse and Rochester saw jobs grow by only .3 percent, .9 percent and 1.1 percent, respectively.

The health of the upstate economy looms as a major issue in next year's gubernatorial race. Republican Rick Lazio drew heavy criticism last year when he downplayed the region's economic woes in his failed Senate bid against Hillary Rodham Clinton.

Democrats have already targeted the upstate economy as one of the primary issues they will use against Pataki next year.

Mr. BAUCUS. Mr. President, I rise today to discuss a growing crisis in America's rural communities. We live in a time of balanced budgets, large surpluses, record unemployment, and average wages rising across the country. However, this wealth is not universal across the United States. Our rural areas are suffering the exact opposite effect with large outmigration and negative job growth. My highest priority is reversing this trend, stimulating economic growth and bringing higher paying jobs to my home State of Montana. I am pleased to join Senator CLINTON in introducing economic development legislation that is targeted to the areas of greatest need, our rural communities.

Our Nation has enjoyed unparalleled economic prosperity during the past decade. However, the boom on Wall Street has not extended to Main Street, MT. The rural areas of America and Montana have endured increased unemployment, the loss of family farms, and the transition from a traditional economy based on natural resources to a new economy where information and technology are highly valued. The effects have been disastrous. Small businesses, which are essential components of community, have been driven under as people have been forced to make the most difficult choice of all and leave their home towns seeking a new and better paying job.

In Montana, the problems are actually worse. Statewide, we are suffering. Comparatively we rank forty-seventh in per-capita personal income and second in the number of people holding more than one job. With such a massive economic down-turn, State and local governments are left unable to assist in this economic transition simply due to a lack of funding. The private sector invests where it can, but there is not a company in existence that could finance the investment necessary to bring essential technology to sparsely populated areas.

Many of our small towns are left without hope because they are faced with no alternative to the current situation. The tools that are necessary to compete in the new economy are just not available to rural communities and the means to attain them do not exist. If rural America is to survive, we are charged with finding a way for these communities to compete on an equal footing with the more populous areas of this country and the world.

That is the intent of the legislative package that we are introducing today. In the same spirit that brought electricity and basic telephone service to our rural communities, we propose a mechanism for bringing broadband capabilities, cutting-edge technology equipment, and incentives for bringing new business to communities and regions that have been left behind.

The issues addressed by this legislation strike to the heart of the most pressing problems in my home State of Montana. Especially in Eastern Montana, the so-called "Digital Divide" is very real and presents a significant obstacle to economic growth and prosperity. Specifically, the Broadband Deployment Initiative and the Technology Extension Program will not only provide an incentive to the private sector to bring cutting-edge technology to the most rural areas, they will also provide the technical expertise to allow small and medium businesses to use these new tools to their maximum potential. They will be fully equipped to compete in a global economy.

I look forward to seeing this bipartisan legislation through Congress and enacted into law. I encourage my colleagues to assist us in this endeavor. It is our duty to ensure that all regions of America have a chance to achieve economic prosperity and have access to the necessary instruments of success.

By Mr. DASCHLE (for himself, Mr. JOHNSON and Mr. HAGEL):

S. 434. A bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands; to the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, today I am joining with Senators TIM JOHNSON and CHUCK HAGEL to introduce legislation to compensate the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for losses the tribes suffered when the Fort Randall and Gavins Point dams were constructed on the Missouri River over four decades ago.

As a result of the construction of these dams, more than 3,259 acres of land owned by the Yankton Sioux Tribe were flooded or subsequently lost to erosion. Also, approximately 600 acres of land located near the Santee village and 400 acres on the Niobrara Island of the Santee Sioux Tribe Indian Reservation were flooded. The flooding of these fertile lands struck a significant blow to the economies of these tribes, a loss for which they have never been adequately compensated. This legislation attempts to redress that unfortunate reality by providing the tribes resources to rebuild their infrastructure and strengthen their economies.

To appreciate fully the need for this legislation, it is important to understand history. The Fort Randall and Gavins Point dams were constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Fort Randall dam, which was an integral part of the Pick-Sloan project, initially flooded 2,851 acres of tribal land, forcing the relocation and resettlement of numerous families, including the traditional and self-sustaining community of White Swan, one of the four major settlement areas on the reservation. On other reservations, such as Crow Creek, Lower Brule, Cheyenne River, Standing Rock and Fort Berthold, communities affected by the Pick-Sloan dams were relocated to higher ground. In contract, the White Swan community was completely dissolved and its residents dispersed to whatever areas they could settle and start again.

The bill I am introducing today, the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act, follows the precedent established over the last ten years by a series of laws that address similar claims by other tribes in South Dakota for losses caused by the Pick-Sloan dams. In 1992, Congress granted the Three Affiliated Tribes of Fort Berthold Reservation and the Standing Rock Sioux Tribe compensation for direct damages, including lost reservation infrastructure, relocation and resettlement expenses, the general rehabilitation of the tribes and unfulfilled government commitments regarding replacement facilities. In 1996, Congress enacted legislation compensating the Crow Creek tribe for its losses and in 1997 legislation was enacted to compensate the Lower Brule tribe. Last year, the Cheyenne River Sioux Tribe also received compensation.

The Yankton Sioux Tribe and Santee Sioux Tribe have not yet received fair compensation for their losses. Their time has come.

The flooding caused by the Pick-Sloan projects touched every aspect of life on the Yankton and Santee Sioux reservations, as large portions of their communities were forced to relocate wherever they could find shelter. These effects were never fully considered when the federal government was acquiring these lands or designing the Pick-Sloan projects.

The Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act represents an important element of our continuing effort to compensate fairly the tribes of the Missouri River Basin for the sacrifices they made decades ago for the construction of the dams. Passage of this legislation will not only right a historic wrong, but in doing so it will also improve the lives of Native Americans living on these reservations.

It took decades for Congress to recognize the government's unfulfilled federal obligation to compensate the tribes for the effects of the construction of the Fort Randall and Gavins Point dams. We cannot, of course, reclaim the productive lands lost to those projects which are now covered with water and return them to the tribes. We can, however, help replace the forsaken economic potential of those lands by providing resources to improve the infrastructure on the reservations. This approach, in turn, will enhance opportunities for economic development that will benefit all members of the tribe.

I strongly urge my colleagues to approve the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act this year. Providing compensation to the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska for past economic harm inflicted by the federal government is long overdue, and further delay only compounds that harm. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—

(A) the Yankton Sioux Tribe should receive an aggregate amount equal to $23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to $4,789,010 for the loss value of 593.10 acres of Indian land located near the Santee village.

SEC. 3. DEFINITIONS.

In this Act:

(1) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Santee sioux tribe.—The term "Santee Sioux Tribe" means the Santee Sioux Tribe of Nebraska.

(3) Yankton sioux tribe.—The term Yankton Sioux Tribe" means the Yankton Sioux Tribe of South Dakota.

SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the "Yankton Sioux Tribe Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) Funding.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $23,023,743; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) Investment of Trust Fund.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Tribe.—

(1) Withdrawal of interest.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the

aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO YANKTON SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 6.

(C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Santee Sioux Tribe Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $4,789,010; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO SANTEE SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 6.

(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1); the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 6. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 4(d) or 5(d) (referred to in this subsection as a "tribal plan").

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under subsection (d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) TRIBAL PLAN REVIEW AND REVISION.—

(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

(3) CONSULTATION.—In preparing the tribal plan and any revisions to update the plan, each tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the tribes in carrying out the tribal plans shall be audited as part of the annual single-agency audit that the tribes are required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by each tribe under this section for the period covered by the audits were expended to carry out the respective tribal plans in a manner consistent with this section; and

(ii) include in the written findings of the audits the determinations made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audits described in subparagraph (A) shall be inserted in the published minutes of each tribal council's proceedings for the session at which the audit is presented to the tribal councils.

(d) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this Act may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe of Nebraska Development Trust Fund under section 5.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds under sections 4(b) and 5(b), all monetary claims that the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value or use of land related to lands described in section 2(a)(10) resulting from the Fort Randall and Gavins Point projects of the Pick-Sloan Missouri River Basin program shall be extinguished.

By Mrs. BOXER (for herself and Mr. GRAMM):

S. 435. A bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, over the last several years, Congress has had no good options when it comes to the certification of major drug producing and drug transit countries. This has been most apparent in our annual debate over the certification of Mexico's efforts in combating illicit drugs.

Certifying Mexico has been very difficult to do in light of the upsetting statistics showing that Mexico is a major point of production and transit for drugs entering the United States. I have also been, and continue to be, concerned about the influence of powerful drug cartels in Mexico. In fact, in 1998, I joined 44 other Senators in voting in favor of decertifying Mexico.

Nevertheless, I join many of my colleagues in the belief that the certification process does not work as it was intended. In some cases, what we have now is the worst of both worlds. The certification process subjects some of our closest allies and trading partners to an annual ritual of finger-pointing and humiliation rather than supporting mutual efforts to control illicit drugs.

Today, Senator GRAMM and I are reintroducing legislation which we hope will lead to a more honest and realistic way of addressing the international drug problem. By replacing confrontation with cooperation, we are encouraging nations to join the United States in fighting drugs while eliminating a process which strains our relations with allies such as Mexico.

Our legislation would exempt from the certification process those countries that have a bilateral agreement with the United States. These agreements would have to address issues relating to the control of illicit drugs—including production, distribution, interdiction, demand reduction, border security, and cooperation among law enforcement agencies.

This alternative will give both countries a way to work together for real goals with real results. Make no mistake, this will not give Mexico or any other country a free pass on fighting illicit drugs. On the contrary, our bill encourages the adoption of tough bilateral agreements. It specifically spells out issues that must be addressed in the agreements.

We specifically require the adoption of "timetables and objective and measurable standards." And we require semi-annual reports assessing the progress of both countries under the bilateral agreement. If progress is not made, the country returns to the annual certification process, which involves the possibility of sanctions.

This issue is particularly important to those of us from border states, which are hit so hard by the traffic in illegal drugs. I look forward to working with my colleagues on a bipartisan and comprehensive solution.

By Mr. KOHL (for himself, Mr. CHAFEE, Mrs. BOXER, Mr. DURBIN, Mr. SCHUMER, Mr. REED, Mr. KERRY, and Mr. CORZINE):

S. 436. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, today I introduce the Child Safety Lock Act of 2001, along with Senators CHAFEE, DURBIN, SCHUMER, REED, CORZINE, BOXER and KERRY. Our bipartisan measure will save children's lives by reducing the senseless tragedies that result when children get their hands on improperly stored and unlocked handguns.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. Safety locks can be effective in deterring some of these incidents and in preventing others.

The sad truth is that we are inviting disaster every time an unlocked gun is stored but is still easily accessible to children. In fact, guns are kept in 43 percent of American households with children. In 23 percent of the gun households, the guns are kept loaded. And, in one out of every eight of those homes the guns are left unlocked.

That is wrong. It is unacceptable. But these cold statistics do not begin to describe in human terms the daily tragedies that could be prevented by the use of a safety lock.

Take, for example, the story of a teenage girl in Milwaukee last year who was killed when the gun her boyfriend found accidentally went off, shooting her in the chest. A lock certainly would have prevented this tragedy. A lock would have also saved both the three-year-old in New Orleans who shot himself in the head with his mother's gun two months ago or the two-year-old boy who shot himself in the forehead with his mother's pistol in Pennsylvania last October. Of course, no one will ever forget the story of six-year-old Kayla Rolland in Michigan killed last year by a classmate who had brought a gun to school. The stories could go on for pages, each more tragic than the last, but the most tragic fact of all is that many of them were entirely preventable.

Our legislation will help address this problem. It is simple, effective and straightforward. It requires that a child safety device, or trigger lock, be sold with every handgun. These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it. Trigger locks are already used by tens of thousands of responsible gun owners to protect their firearms from unauthorized use, and they can be purchased in virtually any gun store for less than ten dollars.

This year, for the first time, this child safety lock bill includes standards for the safety locks, building on the work of Senator KERRY on this issue. A recent study by the Consumer Product Safety Commission and a recent recall by the safety lock manufacturers conclusively demonstrates that child safety locks are not being made well enough. A lock that is easily picked or one that breaks apart with little force defeats the safety purpose of this bill. We wouldn't use a lock that is less than foolproof to guard our most valuable possessions. We shouldn't use defective locks to protect what is most valuable to us—our children.

A child safety lock provision passed the Senate by an overwhelming vote of 78–20 last session as an amendment during the juvenile justice debate. This proposal is as popular with the rest of the country and the law enforcement community as it was with the last Senate. Polls show that between 75 and 80 percent of the American public, including gun owners, favor the mandatory sale of child safety locks with guns. When I surveyed almost 500 of Wisconsin's police chiefs and sheriffs last summer, approximately 90 percent responded that child safety locks should be sold with each gun.

In addition, according to published reports from last year's campaign, President Bush indicated that he supports the idea of mandatory child safety locks and would sign a bill that required the sale of a child safety lock with all new handguns. Attorney General Ashcroft confirmed that the administration supports the mandatory sale of child safety locks during his confirmation hearings before the Senate Judiciary Committee earlier this year.

This legislation is necessary to ensure that safety locks are provided with all handguns and to keep the pressure on handgun manufacturers to put safety first. We already protect children by requiring that seat belts be installed in all automobiles and that childproof safety caps be provided on medicine bottles. We should be no less vigilant when it comes to gun safety.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Lock Act of 2001".

SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'locking device' means a device or locking mechanism—

"(A) that—

"(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the 'mechanism and thereby allow discharge of the firearm; or

"(iii) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means; and

"(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.".

(b) Unlawful Acts.—

(1) In general.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) Locking Devices.—

"(1) In general.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) Exceptions.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).".

(2) Effective date.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) Liability; Evidence.—

(1) Liability.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) Rule of construction.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) Civil Penalties.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) Penalties Relating to Locking Devices.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

SEC. 3. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

(a) In General.—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

"SEC. 38. CHILD HANDGUN SAFETY LOCKS.

"(a) Establishment of Standard.— .

"(1) In general.—

"(A) Rulemaking required.—Notwithstanding section 3(a)(1)(E) of this Act, the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, within 90 days after the date of enactment of the Child Safety Lock Act of 2001 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause. Notwithstanding any other provision of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph within 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause. The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

"(B) Standard requirements.—The standard promulgated under subparagraph (A) shall require locking devices that—

"(i) are sufficiently difficult for children to de-activate or remove; and

"(ii) prevent the discharge of the handgun unless the locking device has been de-activated or removed.

"(2) Certain provisions not to apply.—

"(A) Provisions of this act.—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

"(B) Chapter 5 of title 5.—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

"(C) Chapter 6 of title 5.—Chapter 6 of title 5, United States Code, does not apply to this section.

"(D) National environmental policy act.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) does not apply to this section.

"(b) No Effect on State Law.—Notwithstanding section 26 of this Act, this section does not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of the law of any State or any political subdivision thereof, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of the inconsistency. A provision of State law is not inconsistent with this section if such provision affords greater protection to children in respect of handguns than is afforded by this section.

"(c) Enforcement.—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission under subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described in section 7(a).

"(d) Definitions.—In this section:

"(1) Child.—The term 'child' means an individual who has not attained the age of 13 years.

"(2) Locking device.—The term 'locking device' has the meaning given that term in clauses (i) and (iii) of section 921(a)(35)(A) of title 18, United States Code.".

(b) Conforming Amendment.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

"Sec. 38. Child handgun safety locks.".

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Consumer Product Safety Commission $2,000,000 to carry out the provisions of section 38 of the Consumer Product Safety Act, such sums to remain available until expended.

By Mr. DeWINE (for himself, Mr. Dodd, Mrs. Murray, and Mr. Grassley):

S. 437. A bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994; to the Committee on Health, Education, Labor, and Pensions.

Mr. DeWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Drug-Free Schools and Communities Reauthorization Act".

SEC. 2. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended to read as follows:

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 4001. SHORT TITLE.

"This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"Congress makes the following findings:

"(1) Every student should attend a school in a drug- and violence-free learning environment.

"(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

“(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

“(5) Research clearly shows that community contexts contribute to substance abuse and violence.

“(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

“(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

“SEC. 4003. PURPOSE.

“The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

“(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

“(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

“(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

“SEC. 4004. FUNDING.

“There are authorized to be appropriated—

“(1) $700,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under part A;

“(2) $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under part B; and

“(3) $75,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122.

“PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

“SEC. 4111. RESERVATIONS AND ALLOTMENTS.

“(a) Reservations.—From the amount made available under section 4004(1) to carry out this part for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

“(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

“(b) State Allotments.—

“(1) In general.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

“(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

“(2) Minimum.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(3) Reallotment.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

“(4) Definitions.—In this subsection:

“(A) State.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) Local educational agency.—The term ‘local educational agency’ includes educational service agencies and consortia of such agencies.

“(c) Limitation.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

“SEC. 4112. STATE APPLICATIONS.

“(a) In General.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

“(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

“(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

“(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

“(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

“(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

“(A) be focused on student behavior and attitudes and be derived from the needs assessment;

“(B) include targets and due dates for the attainment of such performance measures; and

“(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

“(8) includes any other information the Secretary may require.

“(b) State Educational Agency Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

“(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

“(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

“(3) a description of how the State educational agency will coordinate such agency's activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and

“(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

“(c) Governor's Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

“(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

“(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

“(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

“(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

“(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

“(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

“(d) Peer Review.—The Secretary shall use a peer review process in reviewing State applications under this section.

“(e) Interim Application.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2001 a 1-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 2001 unless the Secretary has approved such State's application and comprehensive plan in accordance with this part.

“SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

“(a) Use of Funds.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

“(b) State Level Programs.—

“(1) In general.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

“(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

“(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

“(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

“(D) demonstration projects in drug and violence prevention, including service-learning projects;

“(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

“(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

“(G) the evaluation of activities carried out within the State under this part.

“(2) Special rule.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) State Administration.—

“(1) In general.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) Uniform management information and reporting system.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) Local Educational Agency Programs.—

“(1) In general.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) Distribution.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) Enrollment and combination approach.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(I) to each local educational agency in an amount determined appropriate by the State education agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

“(B) Competitive and need approach.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this part; and

“(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this part.

“(3) Consideration of objective data.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

“(A) high or increasing rates of alcohol or drug use among youth;

“(B) high or increasing rates of victimization of youth by violence and crime;

“(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

“(D) the extent of illegal gang activity;

“(E) high or increasing incidence of violence associated with prejudice and intolerance;

“(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

“(G) high or increasing rates of referrals of youths to juvenile court;

“(H) high or increasing rates of expulsions and suspensions of students from schools;

“(I) high or increasing rates of reported cases of child abuse and domestic violence; and

“(J) high or increasing rates of drug related emergencies or deaths.

“(e) Reallocation of Funds.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(f) Return of Funds to State Educational Agency; Reallocation.—

“(1) Return.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

“(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

“(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

“(2) Reallocation.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

“(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

“SEC. 4114. GOVERNOR'S PROGRAMS.

“(a) Use of Funds.—

“(1) In general.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

‘‘(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

‘‘(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

‘‘(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

‘‘(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

‘‘(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

‘‘(A) a specification of the objectively measurable goals, objectives, and activities for the program;

‘‘(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

‘‘(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

‘‘(4) a specification for the method or methods by which measurements of program goals will be achieved; and

‘‘(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

‘‘(c) PROGRAMS AUTHORIZED.—

‘‘(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

‘‘(A) children and youth who are not normally served by State or local educational agencies; or

‘‘(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

‘‘(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

‘‘(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

‘‘(1) disseminating information about drug and violence prevention;

‘‘(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

‘‘(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

‘‘(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

‘‘(5) activities to protect students traveling to and from school;

‘‘(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

‘‘(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

‘‘(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

‘‘(9) developing and implementing strategies to prevent illegal gang activity;

‘‘(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

‘‘(11) service-learning projects that encourage drug- and violence-free lifestyles;

‘‘(12) evaluating programs and activities assisted under this section;

‘‘(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence; and

‘‘(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies.

‘‘SEC. 4115. LOCAL APPLICATIONS.

‘‘(a) APPLICATION REQUIRED.—

‘‘(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

‘‘(2) DEVELOPMENT.—

‘‘(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

‘‘(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

‘‘(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

‘‘(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this part with other related programs, projects, and activities;

‘‘(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this part; and

‘‘(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

‘‘(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

‘‘(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

‘‘(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

‘‘(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

‘‘(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

‘‘(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

‘‘(ii) specific reductions in the prevalence of identified risk factors;

‘‘(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

‘‘(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

‘‘(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

‘‘(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

‘‘(4) a specification for the method or methods by which measurements of program goals will be achieved;

‘‘(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

‘‘(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

‘‘(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

"(B) security procedures at school and while students are on the way to and from school;

"(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

"(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

"(7) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2) CONSIDERATIONS.—

"(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

"(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and school employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this part;

"(3) implement activities which shall only include—

"(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

"(B) the development of measurable goals and objectives;

"(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

"(D) an evaluation of program activities; and

"(4) implement prevention programming activities within the context of a research-based prevention framework.

"(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this part may include—

"(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug or violence prevention;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

"(i) family counseling; and

"(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

"(A) metal detectors;

"(B) electronic locks;

"(C) surveillance cameras; and

"(D) other drug and violence prevention-related equipment and technologies;

"(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(9) other research-based prevention programming that is—

"(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

"(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

"(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

"(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

"(11) community involvement activities including community mobilization;

"(12) voluntary parental involvement and training;

"(13) the evaluation of any of the activities authorized under this subsection;

"(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

"(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

"(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

"(A) to have responsibility for the safety or well-being of children;

"(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

"(C) to otherwise be employed at all by the local educational agency.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this part may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this part for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

``(d) Rule of Construction.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other research-based information.

"SEC. 4117. EVALUATION AND REPORTING.

``(a) Impact Evaluation.—

``(1) Biennial evaluation.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this part and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

``(A) whether funded community and local education agency programs—

``(i) provided a thorough assessment of the substance abuse and violence problem;

``(ii) used objective data and the knowledge of a wide range of community members;

``(iii) developed measurable goals and objectives; and

``(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

``(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

``(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

``(i) research-based variables that are predictive of drug use or violence;

``(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

``(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

``(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

``(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

``(2) Data collection.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence in elementary and secondary schools in the States.

``(3) Biennial report.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

``(b) State Report.—

``(1) In general.—By December 1, 2002, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

``(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

``(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

``(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

``(2) Special rule.—The report required by this subsection shall be—

``(A) in the form specified by the Secretary;

``(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

``(C) made readily available to the public.

``(c) Local Educational Agency Report.—

``(1) In general.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

``(2) Availability.—Information under paragraph (1) shall be made readily available to the public.

``(3) Provision of documentation.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

``(a) General Authority.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

``(b) Definition of Native Hawaiian.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"PART B—NATIONAL PROGRAMS

"SEC. 4121. FEDERAL ACTIVITIES.

``(a) Program Authorized.—From funds made available to carry out this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

``(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

``(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

``(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

``(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

``(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

``(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

``(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

``(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

``(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

``(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

``(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

``(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

``(13) other activities that meet unmet national needs related to the purposes of this title.

``(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

``(a) In General.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

``(b) Use of Funds.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is hereby established an advisory committee to be known as the ‘Safe and Drug Free Schools and Communities Advisory Committee’ (referred to in this section as the ‘Advisory Committee’) to—

“(A) consult with the Secretary under subsection (b);

“(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

“(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

“(D) provide technical assistance and training for safe and drug free school- and community-based programs;

“(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

“(F) review other regulations and standards developed under this title.

“(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

“(A) the Department of Education,

“(B) the Centers for Disease Control and Prevention;

“(C) the National Institute on Drug Abuse;

“(D) the National Institute on Alcoholism and Alcohol Abuse;

“(E) the Center for Substance Abuse Prevention;

“(F) the Center for Mental Health Services;

“(G) the Office of Juvenile Justice and Delinquency Prevention;

“(H) the Office of National Drug Control Policy; and

“(I) State and local governments, including education agencies.

“(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

“(b) PROGRAMS.—

“(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this part, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

“(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

“(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

“(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

“(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

“(i) provide a thorough assessment of the substance abuse and violence problem;

“(ii) utilize objective data and the knowledge of a wide range of community members;

“(iii) develop measurable goals and objectives; and

“(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

“(B) the provision of technical assistance and training to foster program accountability;

“(C) the diffusion and dissemination of best practices and programs;

“(D) the development of core data sets and evaluation tools;

“(E) program evaluations;

“(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

“(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

“SEC. 4124. HATE CRIME PREVENTION.

“(a) GRANT AUTHORIZATION.—From funds made available to carry out this part under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

“(b) USE OF FUNDS.—

“(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

“(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

“(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

“(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

“(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

“(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

“(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

“(A) a request for funds for the purposes described in this section;

“(B) a description of the schools and communities to be served by the grants; and

“(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

“(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

“(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

“(B) a description of the program to be developed or augmented by such Federal and matching funds;

“(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

“(D) proper and efficient administration of such program; and

“(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(c) AWARD OF GRANTS.—

“(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

“(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

“(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

“(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

“PART C—GENERAL PROVISIONS

“SEC. 4131. DEFINITIONS.

“In this part:

“(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

“(2) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

“(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

“(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(3) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(4) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(5) OBJECTIVELY MEASURABLE GOALS.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

"(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms 'protective factor', 'buffer', and 'asset' mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

"(7) RISK FACTOR.—The term 'risk factor' means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

"(8) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(9) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4132. MATERIALS.

"(a) 'ILLEGAL AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

"SEC. 4134. QUALITY RATING.

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

"(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

"(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

"(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

"(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

"(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

"(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.".

By Mr. DEWINE:

S. 438. A bill to improve the quality of teachers in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Quality Act of 2001".

TITLE I—EISENHOWER NATIONAL CLEARINGHOUSE IMPROVEMENT

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The most important education tool in any classroom is a qualified, highly trained teacher.

(2) The collection and effective dissemination of best practices in education is a primary responsibility of the Federal Government.

(3) The Eisenhower National Clearinghouse is the Nation's repository of kindergarten through grade 12 instructional materials in mathematics and science education, and disseminates information about these materials in a user-friendly format for educators.

(4) The Eisenhower National Clearinghouse collaborates with the national network of Eisenhower Regional Mathematics and Science Education Consortia and the collaboration includes twelve demonstration sites throughout the Nation.

(5) Since 1992, the Eisenhower National Clearinghouse has distributed 3,714,807 CD-ROM's and print publications. Products are distributed to every school building in the Nation, colleges of education, and various education groups and professional organizations. The Eisenhower National Clearinghouse has received over 40,000,000 hits to their web site since the creation of the web site in 1994. In addition, the Eisenhower National Clearinghouse has established over 100 access centers across the Nation to expand direct service to more teachers.

(b) PURPOSE.—The purpose of this title is—

(1) to expand the activities of the Eisenhower National Clearinghouse to include collecting and reviewing instructional and professional development materials and programs for language arts and social studies; and

(2) to require the Eisenhower National Clearinghouse to collect and analyze the materials and programs.

SEC. 102. EXPANDED ACTIVITIES.

(a) IN GENERAL.—Section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)) is amended—

(1) in subsection (a)(2), by striking "for Mathematics and Science";

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking "and science" each place the term appears and inserting ", science, language arts, and social studies";

(ii) in subparagraph (B), by striking "and science" and inserting ", science, language arts, and social studies";

(iii) in subparagraph (D), by striking "and science" and inserting ", science, language arts, and social studies"; and

(iv) by amending subparagraph (F) to read as follows:

"(F) gather (in consultation with the Department, national teacher associations, professional associations, and other reviewers and developers of education materials and programs) qualitative and evaluative materials and programs for the Clearinghouse, review the evaluation of the materials and programs, rank the effectiveness of the materials and programs on the basis of the evaluations, and distribute the results of the reviews to teachers in an easily accessible manner, except that nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the materials or programs.";

(B) in paragraph (4), by striking "or science" and inserting ", science, language arts, or social studies"; and

(C) by adding at the end the following:

"(9) EFFECTIVE USE OF TECHNOLOGY.—In reviewing evaluations of materials and programs under this subsection the Clearinghouse shall give particular attention to the effective use of education technology in mathematics, science, language arts, and social studies.".

(b) CONFORMING AMENDMENT.—Section 13302(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(10)) is amended by striking "Mathematics and Science".

TITLE II—TEACHER MENTORING

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The American teaching force is aging. The average school teacher was 43 years old in academic year 1993–1994, an increase of 3 years over the average age of school teachers in academic year 1987–1998. Nearly a quarter of American teachers are over 50 years old and nearing retirement.

(2) On average public school teachers have slightly more than 15 years teaching experience, and over a third of the public school teachers have 20 or more years of teaching experience.

(3) The experience of America's veteran teachers should be utilized to help introduce beginning teachers to the profession and to their new school.

(4) Retention of beginning teachers is a growing problem, with approximately 25 percent of beginning teachers leaving the teaching profession within their first 3 years in the classroom.

(b) PURPOSE.—The purpose of this title is to increase teacher retention and improve the support and performance of teachers by encouraging and assisting States to develop and operate mentoring programs for beginning teachers.

SEC. 202. DEFINITIONS.

The terms used in this title have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 203. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies to enable the State educational agencies to carry out mentoring programs under which public elementary school or secondary school teachers with more than 3 years teaching experience serve as mentor teachers to public elementary school or secondary school teachers with less than 3 years teaching experience.

(b) AMOUNT.—Each State educational agency having an application approved under subsection (d) for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under subsection (f) for the fiscal year as the number of elementary school and secondary school students in the State for the fiscal year bears to the number of such students in all States for the fiscal year.

(c) REALLOCATION.—The amount of a State educational agency's grant that will not be used by the State educational agency for a fiscal year shall be reallotted to the other State educational agency in the same manner as grants are awarded under subsection (b).

(d) APPLICATION.—Each State educational agency that desires a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain an assurance that funds provided under this title will be used to supplement and not supplant State or local public funds available for teacher mentoring programs; and

(3) contain an assurance that the State educational agency consulted with local educational agencies, school superintendents, school boards, parents, and institutions of higher education in the design and implementation of the teacher mentoring program to be assisted.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $5,000,000 for each of the fiscal years 2002 and 2003.

TITLE III—ALTERNATIVE CERTIFICATION AND LICENSURE OF TEACHERS

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the measure of a good teacher is how much and how well the teacher's students learn;

(2) the main teacher quality problem in 1998 was the lack of subject matter knowledge;

(3) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter the kindergarten through grade 12 classrooms as teachers;

(4) many talented professionals who have demonstrated a high level of subject area competence outside the education profession may wish to pursue careers in education, but have not fulfilled the traditional requirements to be certified or licensed as teachers;

(5) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession; and

(6) alternative routes can enable qualified individuals to fulfill State teacher certification or licensure requirements and will allow school systems to utilize the expertise of professionals and improve the pool of qualified individuals available to local educational agencies as teachers.

(b) PURPOSE.—It is the purpose of this title to improve the supply of well-qualified elementary school and secondary school teachers by encouraging and assisting States to develop and implement programs for alternative routes to teacher certification or licensure requirements.

SEC. 302. ALLOTMENTS.

(a) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State the lesser of—

(A) the amount the State applies for under section 303; or

(B) an amount that bears the same relation to the amount so appropriated as the total population of children ages 5 through 17 in the State bears to the total population of such children in all the States (based on the most recent data available that is satisfactory to the Secretary).

(2) REALLOCATION.—If a State does not apply for the State's allotment, or the full amount of the State's allotment, under paragraph (1), the Secretary may reallocate the excess funds to 1 or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

(b) SPECIAL RULE.—Notwithstanding section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)), funds awarded under this title shall remain available for obligation by a recipient for a period of 2 calendar years from the date of the grant.

SEC. 303. STATE APPLICATIONS.

(a) IN GENERAL.—Any State desiring to receive an allotment under this title shall, through the State educational agency, submit an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

(b) REQUIREMENTS.—Each application shall—

(1) describe the programs, projects, and activities to be undertaken with assistance provided under this title; and

(2) contain such assurances as the Secretary considers necessary, including assurances that—

(A) assistance provided to the State educational agency under this title will be used to supplement, and not to supplant, any State or local funds available for the development and implementation of programs to provide alternative routes to fulfilling teacher certification or licensure requirements;

(B) the State educational agency has, in developing and designing the application, consulted with—

(i) representatives of local educational agencies, including superintendents and school board members (including representatives of their professional organizations if appropriate);

(ii) elementary school and secondary school teachers, including representatives of their professional organizations;

(iii) schools or departments of education within institutions of higher education;

(iv) parents; and

(v) other interested individuals and organizations; and

(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with assistance provided under this title and the results achieved with respect to such activities.

(c) GEPA PROVISIONS INAPPLICABLE.—Sections 441 and 442 of the General Education Provisions Act (20 U.S.C. 1232d and 1232e), except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this title.

SEC. 304. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use funds provided under this title to support programs, projects, or activities that develop and implement new, or expand and improve existing, programs that enable individuals to move to a teaching career in elementary or secondary education from another occupation through an alternative route to teacher certification or licensure.

(2) TYPES OF ASSISTANCE.—A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through grants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies or institutions.

(b) USES.—Funds received under this title may be used for—

(1) the design, development, implementation, and evaluation of programs that enable qualified professionals who have demonstrated a high level of subject area competence outside the education profession and are interested in entering the education profession to fulfill State teacher certification or licensure requirements;

(2) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to fulfilling State teacher certification or licensure requirements;

(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers entering the school system through alternative routes to teacher certification or licensure;

(4) the development of recruitment strategies;

(5) the development of reciprocity agreements between or among States for the certification or licensure of teachers; or

(6) other programs, projects, and activities that—

(A) are designed to meet the purpose of this title; and

(B) the Secretary determines appropriate.

SEC. 305. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; AND STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 2002 and each of the 4 succeeding fiscal years.

TITLE IV—TEACHER QUALITY

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) individuals entering a classroom should have a sound grasp of the subject the individuals intend to teach, and the individuals should know how to teach;

(2) the quality of teachers impacts student achievement;

(3) people who enter the teaching profession through alternative certification programs can benefit from having the opportunity to attend a teacher training facility;

(4) teachers need to increase their subject matter knowledge;

(5) less than 40 percent of the individuals teaching the core subjects (English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects; and

(6) according to the Third International Mathematics and Science Study, American high school seniors finished near the bottom of the study in both science and mathematics.

(b) PURPOSE.—The purpose of this title is to strengthen teacher training programs by establishing a private and public partnership to create the best teacher training facilities in the world to ensure that teachers receive unlimited access to the most updated technology and skills training in education, so that students can benefit from the teachers' knowledge and experience.

SEC. 402. DEFINITIONS.

In this title:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 403. GRANTS.

(a) IN GENERAL.—From amounts appropriated under section 404 for a fiscal year the Secretary shall award grants to local educational agencies to enable the local educational agencies to establish teacher training facilities for elementary and secondary school teachers.

(b) COMPETITIVE BASIS.—The Secretary shall award grants under this title on a competitive basis.

(c) PARTNERSHIP CONTRACT REQUIRED.—In order to receive a grant under this title, a local educational agency shall enter into a contract with a nongovernmental organization to establish a teacher training facility.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this title shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain an assurance that the local educational agency—

(1) will raise matching funds, from public or private sources, for the support of the teacher training facility in an amount equal to the amount of funds provided under the grant;

(2) will train the teachers employed by the local educational agency at the teacher training facility for a period of 10 years after the date the agency enters into the contract described in subsection (c); and

(3) will spend not less than 0.5 percent of the local educational agency's total school budget for each fiscal year to support the teacher training facility.

(e) AMOUNT.—The Secretary shall award each grant under this section in an amount that is not less than $1,000,000 and not more than $4,000,000.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 2002, $12,000,000 for fiscal year 2003, $12,000,000 for fiscal year 2004, and $16,000,000 for fiscal year 2005.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 439. A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Nashville, Tennessee; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, today, I introduce the Nashville INS Sub-office Act along with Senator THOMPSON. This bill addresses important immigration issues facing Tennessee by authorizing funds for a much needed INS suboffice in Nashville.

The Mid-South region is experiencing exceptional population growth from not only other parts of the nation, but also from a significant number of foreign nationals looking to relocate. As a result of this new influx in population, the existing Memphis INS office is overstretched and facing an enormous backlog of cases. As the largest metropolitan area in the state, it only makes sense to open another INS office in Nashville.

The new office would be geographically positioned to better provide the necessary services for individuals living in Middle and East Tennessee. It would also help alleviate the excessive burden facing the Memphis office by transferring a large portion of its workload. The new Nashville sub-office would improve overall services and enables the INS to better address illegal immigration concerns in our area.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nashville INS Suboffice Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Immigration and Naturalization Service field office in Memphis, Tennessee, is designated as a suboffice within the jurisdiction of the district office in New Orleans, Louisiana.

(2) Over the past 10 years, the foreign national population has grown substantially in the jurisdictional area of the Memphis suboffice.

(3) It is estimated that more than 200,000 foreign nationals are residing in the jurisdictional area of the Memphis suboffice.

(4) The Memphis suboffice has pending an equal or greater number of cases, and receives as many new cases, as the New Orleans district office.

(5) Approximately 46 percent of the total number of permanent resident applications received by the Memphis suboffice come from individuals residing in middle and eastern Tennessee.

(6) In many instances, such individuals have to travel 3 to 6 hours each way to Memphis to receive service.

(7) Nashville is a logical location for a new Immigration and Naturalization Service suboffice because its central location will reduce such travel time and allow the Immigration and Naturalization Service to provide better and more efficient service to such individuals.

(8) As the largest metropolitan area in the State of Tennessee, major routes from across the State flow into Nashville and air transportation is readily available there.

(9) Establishment of a Nashville suboffice would make a strong statement about the commitment of the Immigration and Naturalization Service to gaining control over illegal immigration and would facilitate legal immigration and citizenship initiatives in central and eastern Tennessee.

(10) Congress has identified Nashville as a region underserved by the Immigration and Naturalization Service.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for each fiscal year to establish and operate an Immigration and Naturalization Service suboffice in Nashville, Tennessee. Such suboffice shall have jurisdiction over the following counties in the State of Tennessee: Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Coffee, Cumberland, Davidson, Dekalb, Dickson, Fentress, Franklin, Giles, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hardin, Hawkins, Hickman, Houston, Humphries, Jackson, Jefferson, Johnson, Knox, Lawrence, Lewis, Lincoln, Loudon, Macon, Marion, Marshall, Maury, McMinn, Meigs, Moore, Monroe, Montgomery, Morgan, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sevier, Sequatchie, Smith, Stewart, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, Wayne, White, Williamson, and Wilson.

By Mr. CAMPBELL:

S. 440. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet-resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I am introducing a package of four bills that will help improve our nation's justice system and honor those law enforcement officers and firefighters who gave their lives in the line of duty.

The first bill I am introducing is the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of

2001, an updated version of legislation I introduced during the last Congress.

This bill is named in honor of Officer Dale Claxton of Cortez, CO, a fine law enforcement officer and family man, who was fatally shot through the windshield of his patrol car on May 29, 1998, after stopping a stolen truck. His assailants turned out to be dangerous fugitives and a large-scale man hunt was launched. Officer Claxton was tragically and prematurely taken away from his wife and four children.

The Officer Dale Claxton Act would help law enforcement agencies acquire bullet resistant equipment including bullet resistant glass for law enforcement vehicles, hand-held shields and any other equipment that officers may need when they serve on the front lines of law enforcement. Specifically, this legislation would help our nation's state and local law enforcement officers acquire the bullet resistant equipment they need to protect themselves from would-be killers. This legislation would authorize the Department of Justice's Bureau of Justice Assistance to administer a $40 million matching grant program to assist these agencies purchase bullet resistant equipment.

This legislation is a worthy companion, and similar in many ways, to the Bulletproof Vest Partnership Grant Act, P.L. 105-181, which I introduced and the President signed into law on June 16, 1998. The legislation I am introducing today would help state and local law enforcement agencies acquire a wider array of bullet resistant equipment to supplement bullet proof vests.

As a former deputy sheriff, I am personally aware of the dangers which law enforcement officers face on the front lines every day. One way in which the federal government can improve their safety is to help them acquire bullet resistant glass and other equipment for patrol cars. These partnership grants are especially crucial for officers who serve in small local jurisdictions that often lack the funds to provide their officers with the life saving equipment they may need.

The second component of this legislation would launch an expedited and targeted research and development by authorizing $3 million over 3 years for the Justice Department's National Institute of Justice, NIJ, to conduct research and development of a new bullet resistant technologies, such as bonded acrylic, polymers, polycarbons, aluminized material, and transparent ceramics.

Promising new bullet resistant materials now being developed could be as revolutionary in coming years as the development of Kevlar was in the 1970s for the manufacture of body armor. These exciting new technologies promise to be lighter, more versatile and hopefully less expensive than traditional heavy bulletproof glass.

Our Nation's police officers, sheriffs and deputies regularly put their lives in harm's way as they protect the people and preserve the peace. They deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both accelerate the development of new lifesaving bullet resistant technologies and then help get them deployed into the field where they are needed. Officers lives will be saved.

I ask unanimous consent that the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Officer Dale Claxton Bulletproof Police Protective Equipment Act of 2001".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet-resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet-resistant equipment;

(3) according to studies, between 1990 and 2000, 1,700 law enforcement officers in the United States were shot and killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet-resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet-resistant equipment and video cameras.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET-RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program for Armor Vests";

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program for Bullet-Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet-resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet-resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet-resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'State and Local Law Enforcement Assistance' of the Departments of Commerce Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106–553).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program, described under the heading 'State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106–553), during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet-resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"In this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2002 through 2004 for grants under subpart A of that part; and

"(B) $40,000,000 for each of fiscal years 2002 through 2004 for grants under subpart B of that part.".

SEC. 4. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) BULLET-RESISTANT TECHNOLOGY DEVELOPMENT.—

"(1) IN GENERAL.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet-resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet-resistant technologies used in the private sector, in surplus military property, and by foreign countries; and

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet-resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with high-intensity drug trafficking areas.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2002 through 2004.".

By Mr. CAMPBELL (for himself, Mr. MCCONNELL, Mr. FEINGOLD, Mr. INOUYE, Mr. LEVIN, Mr. DAYTON, Mr. LUGAR, and Mr. STEVENS):

S. 441. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

Mr. CAMPBELL. Mr. President, the second bill I am introducing today is the "Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001."

I am pleased to be joined today by my colleagues, Senators MCCONNELL, FEINGOLD, INOUYE, LEVIN, DAYTON, STEVENS, and LUGAR who are original cosponsors.

This bill would help honor the sacrifice of the men and women who lost their lives in the line of duty by providing Capitol-flown flags to the families of deceased law enforcement officers and firefighters.

Under this legislation, the family of a deceased law enforcement officer can request from the Attorney General a flag flown over the U.S. Capitol in honor of the slain officer. The Department of Justice shall pay the cost of the flags, including shipping, out of discretionary grant funds, and provide them to the victim's family.

As a former deputy sheriff, I know firsthand the risks which law enforcement officers face everyday on the front lines protecting our communities. I also have great appreciation, as the Co-Chair of the Congressional Fire Caucus, for the service that our nation's firefighters provide, day in and day out, and that all too often, they end up sacrificing their lives while saving others.

I believe providing a Capitol-flown flag is a fitting way to show our appreciation for fallen officers and firefighters who make the ultimate sacrifice. It also lets their families know that Congress and the nation are grateful for their loved ones' service.

I ask unanimous consent that the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2001".

SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS.

(a) AUTHORITY.—

(1) IN GENERAL.—The family of a deceased law enforcement officer may request, and the Attorney General shall provide to such family, a Capitol-flown flag, which shall be supplied to the Attorney General by the Architect of the Capitol. The Department of Justice shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date on which the Attorney General establishes the procedure required by subsection (b).

(b) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish a procedure (including any appropriate forms) by which the family of a deceased law enforcement officer may request, and provide sufficient information to determine such officer's eligibility for, a Capitol-flown flag.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer who died on or after the date of enactment of this Act.

(d) DEFINITIONS.—In this Act—

(1) the term "Capitol-flown flag" means a United States flag flown over the United States Capitol in honor of the deceased law enforcement officer for whom such flag is requested; and

(2) the term "deceased law enforcement officer" means a person who was charged with protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

SEC. 3. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED FIREFIGHTERS.

(a) AUTHORITY.—The family of a paid or volunteer firefighter who dies in the line of duty may request, and the Director of the Federal Emergency Management Agency shall provide to such family, a capitol-flown flag, which shall be supplied to the Director by the Architect of the Capitol. The Federal Emergency Management Agency shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(b) EFFECTIVE DATE.—This section shall take effect on the date on which the Attorney General establishes the procedure required by section 2(b).

By Mr. CAMPBELL (for himself and Mr. HATCH):

S. 442. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, the third bill I am introducing today is a bill to authorize states to recognize each other's concealed weapons laws and exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property.

The language of this bill is based on S. 727, which I introduced in the 106th Congress. Specifically, this bill allows States to enter into agreements, known as "compacts," to recognize the concealed weapons laws of those States included in the compacts. This is not a Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always worked to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Protection Act of 2001".

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"SEC. 926B. CARRYING OF CONCEALED FIREARMS BY QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS.

"(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

"(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

"(2) carrying appropriate written identification.

"(b) Effect on Other Laws.—

"(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

"(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

"(B) a qualified former law enforcement officer.

"(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

"(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

"(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

"(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(4) DEFINITIONS.—In this section:

"(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

"(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

"(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

"(B) FIREARM.—The term 'firearm' means, any firearm that has, or of which any component has, traveled in interstate or foreign commerce.

"(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

"(i) retired from service with a public agency, other than for reasons of mental disability;

"(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;

"(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(iv) was not separated from service with a public agency due to a disciplinary action by the agency that prevented the carrying of a firearm;

"(v) meets the requirements established by the State in which the individual resides with respect to—

"(I) training in the use of firearms; and

"(II) carrying a concealed weapon; and

"(vi) is not prohibited by Federal law from receiving a firearm.

"(D) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

"(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

"(ii) is authorized by the agency to carry a firearm in the course of duty;

"(iii) meets any requirements established by the agency with respect to firearms; and

"(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified current and former law enforcement officers.".

SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(1) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(2) to establish agencies or guidelines as they may determine to be appropriate for making effective such agreements and compacts.

(b) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this section is hereby expressly reserved by Congress.

By Mr. CAMPBELL:

S. 443. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, the fourth bill I am introducing today is the "Stolen Gun Penalty Enhancement Act of 2001" which would increase the maximum prison sentences for violating existing stolen gun laws.

Many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports which indicate that almost half a million guns are stolen each year.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four states shows that over 50 percent of those inmates had stolen a gun. In the same study, gang members and drug sellers were more likely to have stolen a gun.

Specifically, this bill would increase the maximum penalty for violating four provisions of the firearms laws. Under title 18 of the U.S. Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. It is also illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition. The penalty for violating either of these provisions is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The Stolen Gun Penalty Enhancement Act of 2001 will send a strong signal to criminals who are even thinking about stealing a firearm. I urge my colleagues to join in support of this legislation.

Mr. Preisent, I ask unanimous consent that the Stolen Gun Penalty Enhancement Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10 years" and inserting "15 years"; and

(3) in subsection (l), by striking "10 years" and inserting "15 years".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 444. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, if there is one thing we all can agree on in education, it is that quality teachers are absolutely critical to how well children learn. Yet, the nation confronts one of the worst teacher shortages in history. With expanding enrollment, decreasing class size and one third of the nation's teachers nearing retirement age, public schools will need to hire as many as 2.2 million teachers over the next decade.

The need is greatest in specific subject areas such as mathematics, science, special education and bilingual education, all important subjects if the nation is to have an educated work force to keep it competitive in the world marketplace.

Teacher shortages are also greatest in specific geographical areas such as the inner city and rural areas. Ironically, it is the most educationally and socio-economically disadvantaged students that are under-served. If there is one action we can take that is guaranteed to help struggling schools and children, it is to provide states and school districts the means to ensure that there is a highly qualified teacher in every class room.

My bill, Teacher Corps, which I am proud to introduce today with my colleagues, Senators KENNEDY and SCHUMER, who for so long have fought to bring the best possible educational opportunities to all of America's children, is designed to do just that. Its components are based on a definite need and sound research concerning effective mechanisms for meeting that need.

Teacher Corps would fund collaboratives between state education agencies, local education agencies and institutions of higher education. The collaboratives would recruit top ranked college students and qualified mid career individuals, who have not yet been trained as teachers, to teach in the nation's poorest schools in the areas of greatest need—both geographically and academically. Districts and universities would work together to recruit only candidates who have an academic major or extensive and substantive professional experience in the subject in which they will teach.

The collaboratives would provide recruits a tuition free alternative route to certification which includes intensive study and a teaching internship. The internship would include mentoring, co-teaching and advanced course work in pedagogy, state standards, technology and other areas.

After the internship period, the collaboratives would offer individualized follow up training and mentoring in the first two years of full time teaching.

Corps members that become certified will be given priority in hiring within that district in exchange for a commitment to teach in low income schools for 3 years.

A good teacher can mean the world to any child whether it is through caring or through providing children with the skills they need to open their own doors to the future. Every time I enter schools in Minnesota, I am in awe of teachers' work. When a skilled, energetic teacher creates an invigorating learning environment for his or her students it is truly a magical thing. In my travels to schools around Minnesota and the country I see a great deal of that magic happening.

That is why it is so tragic to think that there are so many children that do not have access to qualified teachers, at the same time that many people interested in teaching are either not entering the profession or are not staying there once they have qualified.

Teacher Corps will help meet the growing need for teachers in low income urban and rural schools, and in high need subject areas such as math, science, bilingual and special education.

It will do so because Teacher Corps is rooted in three fundamental parts. Recruitment, retention and innovative, flexible, high quality training programs for college graduates and mid-career professionals who want to teach in high need areas.

The first principle is recruitment. As I mentioned before, we may need to hire as many as 2.2 million new teachers in the next decade to ensure that there are enough teachers in our schools. But, overall quantity is not the only issue. Quality and shortages in specific geographic and curriculum areas are equally critical. While there are teacher surpluses in some areas, certain states and cities are facing acute teacher shortages. In California, 1 out of every 10 teachers lacks proper credentials. Fifty-eight percent of new hires in Los Angeles are not certified.

There are also crucial shortages in some subject areas such as math, science, bilingual and special education. In my home state of Minnesota, 90 percent of principals report a serious shortage of strong candidates in at least one curriculum area. Fifty-four percent of the mathematics teachers in the state of Idaho and 48 percent of the science teachers in Florida and Tennessee did not major in the subject of their primary assignment.

The report recently released by the Commission chaired by our former colleague John Glenn highlights this problem in the area of math and science teaching. The Glenn Commission—in its report ominously, but accurately, titled "Before It's Too Late"—called on all the decision-makers in our country to establish an ongoing system to improve the quality of mathematics and science teaching in our elementary and secondary schools and to improve the quality of those teachers' preparation for the classroom.

Teacher Corps would meet this need because it would recruit and train thousands of high quality teachers into the field to meet the specific teaching needs of local school districts.

It would recruit and train top college students and mid-career professionals from around the country, who increasingly want to enter the teaching profession.

More college students want to enter teaching today than have wanted to join the profession in the past 30 years. In the surveys of incoming college students that UCLA conducts each fall, in recent years over 10 percent of all freshman consistently have said they want to teach in elementary and secondary schools.

Second, the design of the program ensures that the needs of local school districts will be considered so that only those candidates who meet the specific needs of that district will be recruited and trained. If, for example, there is a shortage of special education, bilingual, math and science teachers in a particular district, Teacher Corps would train people with only those skills. In setting up collaboratives in this way, teacher corps helps avoid the overproduction of candidates in areas where they are not needed.

Finally, Teacher Corps gives priority to high-need rural, inner suburban and urban districts to ensure that new teachers will enter where they are needed most.

However, it does not help to recruit teachers into high-need schools and train them if we cannot retain them in the profession. Teaching is one of the hardest, most important jobs there is. We ask teachers to prepare our children for adulthood. We ask them to educate our children so that they may be productive members of society. We entrust them with our children's minds and with their future. It is a disgrace how little support we give them in return. It is no surprise that one of the major causes of our teacher shortage is that teachers decide to change professions before retirement. Seventy-three percent of Minnesota teachers who leave the profession, leave for reasons other than retirement. In urban schools, 50 percent of teachers leave the field within five years of when they start teaching.

To retain high quality teachers in the profession, we must give teachers the support they deserve. Teachers, like doctors, need mentoring and support during the first years of their professional life. Teacher Corps offers new teachers the training, mentoring and support they need to meet the profession's many challenges. It includes methods of support that have proven effective in ensuring that teachers stay in schools. The key elements for effective teacher retention were laid out by the National Commission on Teaching and America's Future in 1996. Effective programs organize professional development around standards for teachers and students; provide a year long, preservice internship; include mentoring and strong evaluation of teacher skills; offer stable, high quality professional development.

Each of these criteria are included in the Teacher Corps program.

Further, Teacher Corps supports people who choose teaching by paying for their training. Through this financial and professional support, Teacher Corps will go a long way toward keeping recruits in teaching.

But, it is still not enough to recruit and retain teachers. Quality must be of primary importance. Research shows that the most important predictor of student success is not income, but the quality of the teacher. Despite this need, studies show that as the proportion of students of color and students from low-income families increases in schools, the test scores of teachers decline.

This is wrong. We are denying children from low income areas, children from racial minorities, children with limited English proficiency, access to what we know works. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-third reduction in the gap between black/white tests scores.

We cannot turn our back on this knowledge. We must act on it. We must give low income, minority and limited English proficiency children the same opportunities that all children have and we must do it now.

The very essence of Teacher Corps is to funnel high quality teachers where they are needed most. Teacher Corps would help ensure quality by using a selective, competitive recruitment process. It would provide high quality training, professional development, mentoring and evaluations of corps member performance, all of which have been proven to increase the quality of the teaching force and the achievement of the students they teach.

Further, by creating strong connections between universities and districts and by implementing effective professional development projects within districts, we are setting up powerful structures to benefit all teachers and students.

We have an opportunity to do what we know works to help children who need our help most. Good teachers have an extraordinary impact on children's lives and learning. We need to be sure that all children have access to such teachers and all children have the opportunity to learn so that all children may take advantage of the many opportunities this country provides.

By Mr. WELLSTONE:

S. 445. A bill to provide for local family information centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President: I rise today to introduce legislation that will go a long way to increase the accountability of our schools and to help parents become more involved in their children's education. We all know that families are crucial to improving our nation's schools. To ensure that schools and students meet challenging educational goals, families must be involved. Parents must insist that their children get the best education. They must understand, shape and support the reforms in their schools; and, they must work with schools to help all children meet their goals.

We know that when families are fully engaged in the educational process, students have: higher grades and test scores; better attendance and more homework done; fewer placements in special education; more positive attitudes and behavior; higher graduation rates; and greater enrollment in postsecondary education.

For school reforms to help all children, we must move to ensure that all parents are involved in their children's education. For many parents, this is not an easy task. Parents, particularly those who have limited English proficiency, those who are homeless, or those who have a troubled history with the school system, often need outside help to get the information, support, and training they need to help their children navigate through the school system.

Parent involvement is more important now than ever before. As we move in the direction of increased accountability, high stakes testing and expanded public school choice, it is critical that parents know everything that is required of them and their children. They need to be sure that they have access to every aspect of their child's schooling, or their child could easily be left behind.

Current provisions in Title I of the Elementary and Secondary Education Act provide for excellent and important ways for parents to get involved in their children's education. However, in some cases, parent involvement of the type envisioned by Title I remains a distant goal. Many Title I schools, though not all, have failed to fully bring parents into the development of parent involvement policies, school-parent compacts, and into planning and improvement for the school as provided for in Title I. Therefore, it is essential for families to have an independent source of information and support that they understand and trust so that they can participate in an informed and effective manner and help move the schools toward the goal of full parental participation.

To achieve this critical end, this legislation would provide competitive grants to community-based organizations to establish Local Family Information Centers. These centers, made up of community members as well as professionals from the Title I schools in the area, should have a track record of effective outreach and work with low income communities. They, in consultation with the school district, would develop a plan to provide parents with the full support that they need to be partners in their children's education. For example, they would help parents understand standards, tests, and accountability systems; support activities that are likely to improve student achievement in Title I schools; understand and analyze data that schools, districts, and states must provide under reporting requirements of ESEA and other laws; understand and participate in the implementation of parent involvement requirements of ESEA, including; understand school choice options; and, communicate effectively with school personnel.

This legislation is essential because it would reach and assist parents most isolated from participation by poverty, race, limited English proficiency and other factors. It is essential because ultimately, it should be parents that are the greatest lever for strong accountability in schools. It is essential because of what we know about how children learn—that children who are the farthest behind make the greatest gains when their parents are part of their school life.

Many schools do a very good job of involving parents in education reform. This bill does nothing but ensure that parents have the option of an independent voice in districts where schools do not do such a good job. If we are to educate our children, we must also educate and empower their parents. This legislation provides one necessary means to do so.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 446. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regular water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal Water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and wilderness designations have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and water systems. All rights to water or reservations of rights for any purpose in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

The State Water Sovereignty Protection Act provide that whenever the United States seeks to appropriate water or acquire a water right, it will be subject to State procedural and substantive water law. The Act further holds that States control the water within their boundaries and that the Federal Government may exercise management or control over water only in compliance with State law. Finally, in any administrative or judicial proceeding in which the United States participates pursuant to the McCarran amendment, the United States is subject to all costs and fees to the same extent as costs and fees may be imposed on a private party.

By Mr. CRAPO (for himself, Mr. CRAIG, and Mr. HELMS):

S. 447. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I rise to introduce the Water Adjudication Fee Fairness Act of 2001. This bill would require the federal government to pay the same filing fees and costs associated with state water rights' adjudications as is currently required of states and private parties.

To establish relative rights to water—water that is the lifeblood of many states, particularly in the west—states must conduct lengthy, complicated, and expensive proceedings in water rights' adjudications. In 1952, Congress recognized the necessity and benefit of requiring federal claims to be adjudicated in these state proceedings by adopting the McCarran amendment. The McCarran amendment waives the sovereign immunity of the United States and requires the federal government to submit to state court jurisdiction and to file water rights' claims in state general adjudication proceedings.

These federal claims are typically among the most complicated and largest of claims in state adjudications, and federal agencies are often the primary beneficiary of adjudication proceedings where states officially quantify and record their water rights. However, in 1992, the United States Supreme Court held that, under existing law, the U.S. need not pay fees for processing federal claims.

When the United States does not pay a proportionate share of the costs associated with adjudications, the burden of funding the proceedings unfairly shifts to other water users and often delays completion of the adjudications by diminishing the resources necessary to complete them. Delays in completing adjudications result in the inability to protect private and public property interests or determine how much unappropriated water may remain to satisfy important environmental and economic development priorities.

Additionally, because they are not subject to fees and costs like other water users in the adjudication, federal agencies can file questionable claims without facing court costs, inflating the number of their claims for future negotiation purposes. This creates an unlevel playing field favoring the federal agencies and places a further financial and resources burden on the system.

For example, in the Snake River Basin adjudication, which is in Idaho and is probably the largest water adjudication proceeding in the country, the United States Forest Service filed more than 3,700 federal claims. The Idaho Department of Water Resources expended thousands of dollars giving notice to all other claimants, additionally the State of Idaho and private claimants spent over $800,000 preparing objections to the Federal Service's claims. On the eve of the objection deadline, the US withdrew all but 71 of the claims—the Department of Justice's explanation: litigation strategy.

This example is not an isolated incident. At best, the taxpayers and states should not be forced to incur these costs simply because the agency does not take the time to seriously evaluate its claims. At worst, the taxpayers should not bear the brunt of the federal government's Machiavellian tactics.

I recognize that the federal government has a legitimate right to some reserved water rights; however, the federal government should play by the same rules as the states and other private users. The Water Adjudication Fee Fairness Act is legislation that remedies this situation by subjecting the United States, when party to a general adjudication, to the same fees and costs as state and private users in water rights adjudications.

This measure has the full support of the Western States Water Council and the Western Governor's Association. I ask my colleagues to join me in supporting water users, taxpayers, the states, and welcome their co-sponsorship.

I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Adjudication Fee Fairness Act of 2001".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Generally, water allocation in the western United States is based upon the doctrine of prior appropriation, under which water users' rights are quantified under State law. Appropriative rights carry designated priority dates that establish the relative right of priority to use water from a source. Most States in the West have developed judicial and administrative proceedings, often called general adjudications, to quantify and document these relative rights, including the rights to water claimed by the United States Government under either State or Federal law.

(2) State general adjudications are typically complicated, expensive civil court and administrative actions that can involve hundreds or even thousands of claimants. Such adjudications give certainty to water rights, provide direction for water administration, and reduce conflict over water allocation and water usage. Those claiming and establishing rights to water are the primary beneficiaries of State general adjudication proceedings.

(3) The Congress has recognized the benefits of the State general adjudication system, and by enactment of section 208 of the

Department of Justice Appropriation Act, 1953 (43 U.S.C. 666; popularly known as the "McCarran Amendment"), required the United States to submit to State court jurisdiction and to file claims in State general adjudication proceedings.

(4) Water rights claims by Federal agencies under either State or Federal law are often the largest or most complex claims in State general adjudications. However, the United States Supreme Court, in the case United States v. Idaho, 508 U.S. 1 (1992), determined that the McCarran Amendment does not require the United States to pay some filing fees simply because they were misconstrued or perceived to be the same as costs taxed against all parties.

(5) Since Federal agency water rights claims are among the most difficult to adjudicate, and since the United States is not required to pay some fees and costs paid by non-Federal claimants, the burden of funding adjudication proceedings unfairly shifts to private water users and State taxpayers.

(6) The lack of Federal Government funding to support State water rights adjudications in relation to the complexity of the claims involved has produced significant delays in completion of many State general adjudications. These delays inhibit the ability of both the States and Federal agencies to protect private and public property interests. Also, failure to complete the final adjudication of claims to water restricts the ability of resource managers to determine how much unappropriated water is available to satisfy environmental and economic development demands.

SEC. 3. LIABILITY OF UNITED STATES FOR FEES AND COSTS IN WATER USE RIGHTS PROCEEDINGS.

(a) IN GENERAL.—In any State administrative or judicial proceeding for the adjudication or administration of rights to the use of water in which the United States is a party, the United States shall be subject to the imposition of fees and costs on its claims to water rights under either State or Federal law to the same extent as a private party to the proceeding.

(b) APPLICATION.—Subsection (a) shall apply to proceedings pending on or initiated after the date of enactment of this Act, including with respect to fees and costs imposed in such a proceeding before the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—The head of any Federal agency that files or has pending any water rights claim shall prepare and submit to the Congress, within 90 days after the end of each fiscal year, a report that identifies—

(1) each such claim filed by the agency that has not yet been decreed;

(2) all fees and costs imposed on the United States for each claim identified under paragraph (1);

(3) any portion of such fees and costs that has not been paid; and

(4) the source of funds used to pay such fees and costs.

(d) FEES AND COSTS DEFINED.—In this section, the term "fees and costs" means any administrative fee, administrative cost, claim fee, judicial fee, or judicial cost imposed by a State on a party claiming a right to the use of water under either State or Federal law in a State proceeding referred to in subsection (a).

By Mr. DOMENICI (for himself and Mr. HATCH):

S. 448. A bill to provide permanent appropriations to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); to the Committee on Appropriations.

S. 449. A bill to ensure the timely payment of benefits to eligible persons under the Radiation Exposure Compensation Act (42 U.S.C. 2210); to the Committee on Appropriations.

Mr. DOMENICI. Mr. President, I rise today to introduce two bills that will provide full funding for the Radiation Exposure Compensation Trust Fund.

One of the unfortunate consequences of our country's rapid development of its nuclear weapons programs was that many of those who worked in the early uranium mines became afflicted with debilitating and too often deadly diseases, including various cancers and respiratory illnesses.

These miners and their families lived under tough conditions. Some lived in one-room houses located as close as 200 feet from the mine shafts. Their children played near the mines and their families drank underground water that exposed them to radiation. The miners endured long, uncomfortable days many feet underground.

One such miner was Paul Hicks, for whom this bill is named. Mr. Hicks of Grants, NM was a uranium miner for twelve years in New Mexico. He later worked as lead miner, a shift boss, and ended his career as a mine foreman. Paul was the President of the New Mexico Uranium Miners Council and he championed the fight on behalf of miners of the Najavo Nation, Acoma Pueblo, Grants, NM, Dove Creek, and Grand Junction, CO. Unfortunately, Paul passed away from bone cancer last year.

Although Paul is no longer with us, his voice on behalf of uranium miners will forever be heard. As long as I'm in the United States Senate I will carry his torch until justice for all uranium miners is realized.

Paul was not alone in his suffering. Other New Mexico uranium miners have been stricken by radiation-related diseases. Indeed, many of these miners were Native Americans—primarily from the Najavo Nation. As many as 1,500 Navajos worked in the uranium mines from 1947–1971.

To these Americans, the Federal government owes a special duty of care. The government has a longstanding trust relationship with Native Americans based on treaties and agreements. I regret to say that as for the Najavo miners our government has failed miserably in protecting this trust relationship.

After all, these Native American miners and all uranium miners helped build our nuclear arsenal—the arsenal that is, at least in part, responsible for ending the Cold War. Our nation owes them a debt of gratitude. Yet, despite their enormous sacrifice, the federal government failed to protect their health. The government had adequate warning about the radiation hazards associated with uranium mining. Nonetheless, prior to federal regulations in 1971, the miners were sent into poorly ventilated mines with almost no warnings about the dangers of radiation.

After a 13-year fight we finally passed legislation to rectify this injustice in 1990. The Radiation Exposure Compensation Act was intended to provide fair and swift compensation for those miners, federal workers, and downwinders who had contracted certain radiation-related illnesses.

Since 1990, more than 3500 claims have been paid by the federal government under RECA. However, by mid-2000 the fund had run dry.

The bottom line is that there is not enough money for the RECA trust fund. In fact, the Justice Department, who administers this program, has been sending IOU's to individuals who have already been approved for benefits.

Frankly, this is unconscionable. Those who helped protect our nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Senator HATCH and I propose a bill seeking $84 million in emergency supplemental appropriations to pay those claims that have already been approved as well as the projected number of approved claims for FY 2001. We are also introducing legislation to make all future payments for approved claims mandatory.

With this legislation, we will ensure that those who gave so much for our nation will at least receive their deserved benefits. We must never again let their sacrifice go unanswered.

Mr. President, I ask unanimous consent that a Department of Justice IOU letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
CIVIL DIVISION,
Washington, DC.

Re RECA Claim No. 201
Claimant: —— ——

DEAR MR. —— ——. I am pleased to inform you that your claim for compensation under the Radiation Exposure Compensation Act has been approved. Regretfully, because the money available to pay claims has been exhausted, we are unable to send a compensation payment to you at this time. When Congress provides additional funds, we will contact you to commence the payment process.

Thank you for your understanding.

Sincerely,

GERARD W. FISCHER,
Assistant Director,
Torts Branch, Civil Division.

Mr. HATCH. Mr. President, today I am joining with my esteemed colleague and chairman of the Budget Committee, Senator DOMENICI, in introducing two pieces of legislation that will ensure the full funding of the Radiation Exposure Compensation Act, RECA, Trust Fund.

As the original sponsor of the Radiation Exposure Compensation Act of 1990 and the subsequent amendments to the Act, S. 1515 which was enacted last year, I am pleased that this program has provided much needed compassionate compensation to thousands of individuals. And, although many RECA eligible individuals have received compensation, it is now apparent that a funding shortfall exists within the program resulting in hundreds of individuals not receiving their payments.

The legislation Senator DOMENICI and I are introducing today is designed to meet the funding shortfall so that all eligible individuals who are approved for compensation will receive their payment and not an "IOU" from the Justice Department.

The first bill ensures the timely payment of benefits to eligible persons by providing $84 million to the RECA Trust Fund for fiscal year 2001. The money will be available to the Justice Department to fund the existing claims that have already been processed as well as anticipated claims of the remainder of this fiscal year.

The second bill provides for a permanent appropriation to the RECA Trust Fund beginning in fiscal year 2002, and thereafter, such sums as may be necessary to meet the financial obligations of approved claims.

Both of these bills are needed in order to pay those individuals who have qualified under the original 1990 Act and the RECA 2000 amendments, as signed into law last July 10, 2000, but who have not received their payment because the fund is currently depleted. Moreover, as a result of the passage of RECA 2000, we have extended compensation to additional deserving citizens who have suffered mightily as a result of the cold war atomic testing programs.

In addition, the legislation we are introducing today provides that funding for the RECA trust fund be made through a permanent appropriation. This provision will provide certainty and stability in financing the trust fund and, thereby, ensure eligible individuals receive their compensation.

I want to thank my colleague, Senator DOMENICI, for his commitment to resolving this very difficult problem that many individuals are now facing. It is simply unfair for the federal government to promise compensation to harmed individuals and then tell these same people that there are no federal dollars to pay their claims. This situation is completely unacceptable.

I would also like to add, in this context, that within the next few weeks I will be introducing additional legislation that will not only complement the bills introduced today but also provide for necessary refinements and technical changes to improve the administration of the RECA program. I will have more to say about this legislation when it is introduced within the next several weeks.

I urge my colleagues to join me in supporting these important measures.

By Mr. NELSON of Florida:

S. 450. A bill to amend the Gramm-Leach-Bliley Act to provide for enhanced protection of nonpublic personal information, including health information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 451. A bill to establish civil and criminal penalties for the sale or purchase of a social security number; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to express my grave concern about the administration's decision that apparently favors the interests of big insurance companies over the health privacy rights of Americans.

I was dismayed to learn on Tuesday that the Secretary of Health and Human Services prevented new medical privacy rules from coming into effect. In essence, these rules would have prevented doctors and insurers from sharing private medical information about their patients.

The delay ostensibly is to allow further discussion. But it makes no sense. The rules have been debated in Washington for nearly 10 years. The Secretary's decision was unfortunate. There are no acceptable excuses for their delay. Consumers deserve to have their personally identifiable information protected from prying eyes.

I promised the people of my State in the course of the last 6 to 8 months of the discussion in the course of the campaign that I would make protecting their privacy one of my top priorities, because too often these days, personally identifiable medical and financial information is being shared, bought, or sold, and it is being done without the consent of the consumer. This practice must stop. It is our job to pass legislation that will stop it.

Today, I am going to be introducing two bills that begin to address aspects of the privacy crisis. Both bills build upon the undeniable principle that information gathered for one purpose should never be disclosed, made available, or otherwise used for another purpose without the consumer's consent.

Clearly, we should be able to share information with our doctor that we don't want revealed to other people, particularly an employer or a money lender. I am going to work hard to try to pass these privacy protections for every American.

The first bill prohibits banks and financial institutions from selling or sharing private customer information. I strongly believe that financial institutions should not be allowed to pass along confidential customer, financial, or medical information to affiliates, business partners, or others who wish to turn a profit from an individual's personal data.

I have a little bit of background in this because 6 years ago, when I had the privilege of being the elected insurance commissioner of the State of Florida, there was a case in front of the U.S. Supreme Court entitled Barnett Banks v. Bill Nelson, in my capacity as insurance commissioner. The issue was on a technical question of a 1916 Federal law as to whether or not banks could sell insurance. The Court ruled, on the basis of that law, that it pertained to the business of insurance, the upshot of which was that banks could sell insurance. In our argument, we noted that if that occurred, there was always the possibility that you had to protect against coercion and protect against privacy rights being invaded.

As a result of that unanimous Supreme Court decision, Congress then, in 1999, enacted the Financial Services Modernization Act. In the 11th hour of the closing of the session in October, the promise was made that, if you can pass this bill now, we will come back next year—the year 2000—and enact the privacy protections. That promise was not fulfilled in the year 2000.

For under the present condition of the law, there is a gaping loophole on privacy protection. In an era of mergers, under the new law, banks can now join with insurance companies and then evaluate the medical information of their affiliates' policyholders before deciding whether or not to issue a loan.

What my legislation will do is require the express written consent of the consumer before any personally identifiable medical information can be shared or sold, and the express consent of the consumer before any personally identifiable financial information can be shared or sold.

For the consumer, privacy should always be the assumption. To prevent coercion, this legislation I am introducing prohibits banks and financial companies from denying service to customers who refuse to consent to the sale of their personally identifiable financial and medical information. To make sure financial institutions take this law seriously, under the legislation, officers of the company can incur personal liability for failing to comply.

This is a serious problem: the invasion of our privacy under the current condition of the law. It demands a serious remedy. I am going to be encouraging all of our colleagues to join with me and fulfill the promise that the Congress made in 1999 in the enactment of the Financial Services Modernization Act by plugging this gaping loophole where there is no privacy protection.

There is a second bill that I am introducing today. It makes the selling or purchasing of an individual's Social Security number a Federal crime. Social Security numbers are often the key to unlocking vast stores of personal information, both in the private sector and the Federal Government. If there is any personal identification number, it is the Social Security number. We look all around us and we see that identity theft has grown at an alarming rate during the past decade—in many cases, through the Social Security number abuse.

My goodness, we have heard of credit cards being established in somebody else's name by the theft of their Social Security number and running up huge bills. We have heard these stories over and over, and even the confusion caused by identity theft, where crimes are reported to be attributed to an individual who does not have anything to do with it.

When a Social Security number falls into the wrong hands, tremendous financial and personal damage can be incurred. To tackle this terrible problem, this legislation that I am introducing today establishes criminal and monetary penalties. The bill creates both prison terms and fines of up to $100,000 for buying or selling Social Security numbers.

I hope in this field of privacy protection that the Senate is going to ultimately fulfill the promise that it made 2 years ago and move quickly in this session to protect the privacy of our American citizens.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Institution Privacy Protection Act of 2001".

SEC. 2. PROTECTION OF PRIVATE HEALTH INFORMATION.

Section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)) is amended by adding at the end the following:

"(D) The term 'nonpublic personal information' includes health information, defined as any information, including genetic information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium—

"(i) that is created or received by a health care provider, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, school or university; and

"(ii) that —

"(I) relates to the past, present, or future physical or mental health or condition of an individual (including individual cells and their components), the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

"(II) that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.".

SEC. 3. OPT-IN FOR SHARING OF INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in subsection (a)—

(A) by inserting "any affiliate or" before "a nonaffiliated";

(B) by striking "unless such" and inserting the following: "unless—

"(1) the institution provides"; and

(C) by striking the period at the end and inserting the following: "; and

"(2) the consumer to whom the information pertains—

"(A) has affirmatively consented (in writing, in the case of health information, as defined in section 509(4)(D)), in accordance with rules prescribed under section 504, to the disclosure of such information; and

"(B) has not withdrawn such consent."; and

(2) by striking subsection (b) and inserting the following:

"(b) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny a financial product or a financial service to any consumer based on the refusal by the consumer to grant the consent required by this section.".

SEC. 4. COMPLIANCE OFFICERS.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

"(c) COMPLIANCE OFFICERS.—Each financial institution shall designate a privacy compliance officer, who shall be responsible for ensuring compliance by the institution with the requirements of this title and the privacy policies of the institution.".

SEC. 5. LIABILITY.

Section 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6805) is amended by adding at the end the following:

"(e) CIVIL PENALTIES.—The Attorney General of the United States may bring a civil action in the appropriate district court of the United States against any financial institution that engages in conduct constituting a violation of this title, and, upon proof of such violation—

"(1) the financial institution shall be subject to a civil penalty of not more than $100,000 for each such violation; and

"(2) the officers and directors of the financial institution shall be subject to, and shall be personally liable for, a civil penalty of not more than $10,000 for each such violation.".

S. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "Social Security Number Protection Act of 2001".

SEC. 2. PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.

(a) DEFINITIONS.—In this section:

(1) PURCHASE.—The term "purchase" means providing directly or indirectly, anything of value in exchange for a social security number.

(2) SALE.—The term "sale" means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(3) SOCIAL SECURITY NUMBER.—The term "social security number" has the meaning given that term in section 208(c) of the Social Security Act (42 U.S.C. 408(c)), and includes a social security account number (as defined in such section) and any identifying portion or derivative of such a number.

(b) PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.—No person may sell or purchase a social security number.

(c) CIVIL MONEY PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated subsection (b) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than—

(A) in the case of an individual, $10,000 for each such violation; and

(B) in the case of any other person, $100,000 for each such violation.

(2) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)), and the provisions of subsections (d) and (e) of section 205 of the Social Security Act (42 U.S.C. 405), shall apply to a civil money penalty imposed under this subsection in the same manner as such provisions apply, respectively, to a penalty or proceeding under section 1128A(a) of that Act or to a hearing, investigation, or other proceeding authorized or directed under title II of that Act, except that, for purposes of this paragraph, any reference in section 1128A of that Act to "the Secretary" and any reference in section 205 of that Act to "the Commissioner of Social Security" shall be deemed to be a reference to the "Attorney General".

(d) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) knowingly and willfully sells or purchases (as such terms are defined in section 2(a) of the Social Security Number Protection Act of 2001) a social security number (as defined in subsection (c));".

By Mr. NICKLES (for himself, Mr. ENZI, Mr. BOND, and Mr. HUTCHINSON):

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMM submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration.

S. RES. 40

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2001 through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,741,526 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $496 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,862,013 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $2,079,076 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $354 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 41—DESIGNATING APRIL 4, 2001, AS "NATIONAL MURDER AWARENESS DAY"

Mr. SHELBY (for himself and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 41

Whereas murder needlessly claims the lives of thousands of Americans each year;

Whereas murder has a devastating effect on the families of victims throughout the United States; and

Whereas local community awareness and involvement can help eliminate the incidences of murder: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2001 as "National Murder Awareness Day"; and

(2) requests that the President issue a proclamation urging local communities throughout the United States to remember the victims of murder and carry out programs and activities to help eliminate the incidences of murder.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 6, 2001, in SH-216 at 9 a.m. The purpose of this hearing will be to review nutrition and school lunch programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THOMAS. Mr. President I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 1, 2001. The purpose of this hearing will be to review the statutes of conservation programs in the current farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2001, at 2:30 p.m., in open session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2001, at 2:30 p.m., in closed session to receive a briefing from the Joint Chiefs of Staff on current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 1, 2001, to conduct a markup of S. 143, the Competitive Market Supervision Act of 2001; the Banking Committee funding resolution for the 107th Congress; and other committee organizational matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 1, 2001, at 9:30 a.m. on digital TV.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday March 1, 2001, at 10 a.m. and 2:30 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, March 1, 2001, beginning at 10 a.m., in room 428A of the Russell Senate Office Building, to hold a forum entitled "Encouraging and Expanding Entrepreneurship: Examining the Federal Role."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Veteran's Affairs be authorized to meet to conduct a joint hearing with the House Committee on Veteran's Affairs to receive the legislative presentations of the Retired Enlisted

Association, Gold Star Wives of America, the Fleet Reserve Association, and the Air Force Sergeants Association. The hearing will be held on Thursday, March 1, 2001, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, March 1, 2001, 9:30 a.m., for a hearing entitled "The Role of U.S. Correspondent Banking In International Money Laundering."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Jake Jagdfeld and Marge Baker be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Reg Leichty of my staff be granted floor privileges for the duration of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SEAN O'KEEFE TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Mr. BENNETT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the nomination of Sean O'Keefe to be Deputy Director of the Office of Management and Budget. Further, I ask consent that the Senate proceed immediately to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination was considered and confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 104–191, reappoints Dr. Richard K. Harding of South Carolina to the National Committee on Vital and Health Statistics for a four-year term.

The Chair, on behalf of the President pro tempore, on the recommendation of the Democratic Leader, pursuant to P.L. 106–398, appoints C. Richard D'Amato of Maryland, Patrick A. Mulloy of Virginia, and William A. Reinsch of Maryland to the United States-China Security Review Commission.

APPOINTMENT OF WALTER E. MASSEY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.J. Res. 19, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 19) providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 19) was read the third time and passed.

HONORING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 27 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 27) honoring the National Institute of Standards and Technology and its employees for 100 years of service to the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 27) was agreed to.

The preamble was agreed to.

ORDERS FOR MONDAY, MARCH 5, 2001

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m. on Monday, March 5. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the bankruptcy bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will begin consideration of the bankruptcy bill starting at 2 p.m. Monday afternoon. The bill will be open for debate only during Monday's session. However, amendments are in order beginning Tuesday. Therefore, Senators can expect the first votes of the week on Tuesday.

ADJOURNMENT UNTIL MONDAY, MARCH 5, 2001, AT 2 P.M.

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:20 p.m., adjourned until Monday, March 5, 2001, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 2001:

DEPARTMENT OF THE TREASURY

MARK A. WEINBERGER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

SEAN O'KEEFE, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

EXTENSIONS OF REMARKS

CONGRATULATING THE PEACE CORPS ON THEIR 40TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. LANTOS. Mr. Speaker, I rise today to congratulate the Peace Corps on its 40th anniversary, and commend the agency and its volunteers on the invaluable contribution they have made in promoting America's interests and values around the world since its founding in 1961.

Forty years ago, President Kennedy challenged Americans to "ask not what your country can do for you, ask what you can do for your country." His inspiring words launched the Peace Corps, which President Kennedy officially established by Executive Order on March 1, 1961. The response to the President's call for this bold experiment was swift and enthusiastic, with the first volunteers accepting the challenge and leaving for their overseas assignments less than six months later.

Each successive generation has answered President Kennedy's call, expanding the Peace Corps' ranks and extending its reach every year. This year, more than 7,000 Peace Corps volunteers live and work alongside people in 76 countries. Over the course of the last four decades, a total of 162,000 volunteers in 134 countries have participated in this bold experiment. President Kennedy would be proud—and so should we.

The Peace Corps has met with such extraordinary success because its mission resonates with Americans and with the millions of people across the globe whom it has served. By immersing themselves in local cultures and working side-by-side with everyday people in the countries they serve, Peace Corps volunteers have made a positive impact in a very personal way. They work with teachers and parents to improve access to education. They work with community groups and local governments to stop the spread of HIV/AIDS and other infectious diseases. They work with entrepreneurs to develop better business practices; with farmers to develop better farming methods; with communities to protect their local environment. And they are harnessing the information revolution to train students in computer use and to establish local Internet resource centers around the globe.

The Peace Corps' work has made a critical contribution to America's national security. Born in the crucible of the Cold War as a means of preventing the false promise of Communism from taking hold in the developing world, it has adapted its mission for our global age to embrace all people struggling to survive and take advantage of the new opportunities of our times. Such work is critical to strengthen new democracies, encourage free markets, and promote human rights—all pillars of American foreign policy. Through the Peace Corps, people of foreign nations learn that America is a force for peace, justice and prosperity in the world.

The Peace Corps has also come to symbolize for millions across the globe the boundless hope, practical ingenuity, and noble vision our Nation embodies. As such, it represents one of the most enduring legacies of President Kennedy, and one of the shining stars in the constellation of initiatives that constitute America's foreign policy.

The Peace Corps is celebrating its milestone anniversary throughout the year with events that commemorate the agency's forty-year history and that raise awareness of its good work. I ask my colleagues, Mr. Speaker, to join me in celebrating the Peace Corps' success and wishing it success well into the future.

TRIBUTE TO SENIOR MASTER SERGEANT GEORGE C. FINCH, JR.

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. WALSH. Mr. Speaker, on February 28, 2001 Senior Master Sergeant George C. Finch, Jr. will retire as the Assistant Superintendent for the 174th Logistics Support Flight, New York Air National Guard in Syracuse, New York after 10 years at the position and 35 years of dedicated service in the United States Armed Forces.

A native of Central New York, Sergeant Finch's long and distinguished career in the United States Armed Forces began after graduating from Whitesboro High School when he entered the United States Air Force in June of 1966 as an Administrative Specialist. Since then, Sergeant Finch has honorably served in United States military operations around the world including Operation Desert Shield in Saudi Arabia, where Sergeant Finch acted as the Noncommissioned Officer in Charge of Plans, Scheduling and Documentation. After his return from Saudi Arabia, Sergeant Finch was reassigned as the Noncommissioned Officer in Charge of Plans, Scheduling, and Documentation, of the 174th Consolidated Aircraft Maintenance Squadron, and subsequently the 174th Logistics Support Flight. Since then, Sergeant Finch has served in Operation Provide Comfort in Turkey and Operation Northern Watch, also in Turkey, before finally being deployed to Prince Sultan Air Base, Kingdom of Saudi Arabia in March of 2000.

Sergeant Finch's military decorations include the Meritorious Service Medal, the Air Force Commendation Medal and the Air Force Achievement Medal. His military unit awards include the Joint Meritorious Service Award with one oak leaf cluster and the Air Force Outstanding Unit Award with Combat "V" Device and five oak leaf clusters. He also holds the Air Force Good Conduct Medal, the Air Reserve Forces Meritorious Service Medal with six oak leaf clusters, the National Defense Service Medal with one bronze service star, the Southwest Asia Service Medal with three campaign stars, and the Armed Forces Expeditionary Medal. Other service awards include the Air Force Overseas Service Long Tour Ribbon, the Air Force Longevity Service Award with seven oak leaf clusters, the Armed Forces Service Medal with Silver hourglass device, Mobilization "M" device and numeral four. His Foreign Service awards include the Kuwait Liberation Medal from Saudi Arabia and the Kuwait Liberation Medal from Kuwait.

On behalf of the 26th Congressional District, it is my honor to congratulate Sergeant Finch on his well deserved retirement and to thank him for 35 years of service to our Nation. We wish him and his family the very best.

INTRODUCTION OF ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am today reintroducing a bill to designate Rocky Flats as a National Wildlife Refuge once that former nuclear-weapons site in Colorado is cleaned up and closed.

This bill, the Rocky Flats National Wildlife Refuge Act of 2001, is essentially identical to one I introduced last year on which action was not completed before the end of the 106th Congress.

It will convert Rocky Flats into a National Wildlife Refuge, but only AFTER the site has been cleaned up and closed and a final Onsite Record of Decision has been submitted by EPA under the Superfund rules. And it includes specific provisions to make sure that the bill will not result in a less thorough cleanup.

The bill has been developed through a process of collaboration with Senator WAYNE ALLARD, who is introducing corresponding legislation in the Senate, and is cosponsored by Representatives DEGETTE, TANCREDO, SCHAFFER, and HEFLEY.

In shaping this legislation, Senator ALLARD and I have worked closely with local communities, State and Federal agencies, and interested members of the public. We received a great deal of very helpful input, including many detailed reactions to and comments on related legislation that I introduced in 1999 and discussion drafts that Senator ALLARD and I circulated earlier last year.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Both Senator ALLARD and I recognize that introduction of legislation is only the initial step in the formal legislative process. We welcome and will consider any further comments that anyone may have regarding the bills we are introducing today. However, we believe that these bills address the points raised by the many parties in Colorado who are interested in this important matter.

Here is a brief outline of the main provisions of the bills Senator ALLARD and I are introducing today, and the few points on which it differs from the earlier version of last year:

Here's what the bill would do, with changes from last year's bill noted in italics:

Maintain federal ownership of the property

Preserve the Lindsay Ranch Homestead facilities

Prohibit annexation of the site by any local government

Prohibit through roads

Allows up to *300 feet of land along Indiana Street* to be used in the future for transportation improvements (conditional on support of local communities, conformance with DRCOG's Regional Transportation Plan, and *minimization of any adverse impacts to the refuge*)

Require DOE to continue to cleanup and close the site

Continue the federal government's long-term obligation for cleanup

Require the DOE and the U.S. Fish and Wildlife Service to develop an agreement document on how the land and natural resources will be managed during cleanup

Requires the DOE to retain ownership of any long-term cleanup and pollution control facility (with consultation with federal and state agencies)

Require DOE to cleanup the site under the levels established by the regulators, the public *and interested state and federal agencies* based on science, law and agreements reached with the public on appropriate cleanup levels (directs that the National Wildlife Refuge cannot be used to affect the level of cleanup)

Direct that the refuge's management will be consistent with refuge-system laws, while allowing *wildlife-dependent* public use where appropriate and consistent with wildlife protection

Create a public involvement process to advise the U.S. Fish and Wildlife Service on how the refuge should be managed and to address other issues such as use of the site for wind power research, perimeter fencing, and a visitor center

Protect existing property rights, such as existing mineral rights, water rights and rights-of way for utilities—subject to reasonable conditions to protect cleanup actions and refuge resources

Require the DOE to attempt to purchase mineral rights at Rocky Flats

Allow the owners of any water-related easements on the site to do any needed surveys.

Authorize the creation of a Rocky Flats Museum to commemorate the work done at this site in helping to win the cold war and its challenging cleanup legacy

Require DOE and the U.S. Fish and Wildlife Service to identify funding needs

The bill will not:

Affect ongoing cleanup activities

Allow for the reduction of the extent of cleanup based on the creation of a refuge

Reduce the levels of funds allocated for cleanup work (cleanup and closure are to remain priorities)

Transfer any existing land from the site for other purposes (except for the possibility of some land along the eastern boundary for transportation improvements along Indiana Street, possible leasing on the site for wind power research, and utility rights-of-way)

Direct that a practice shooting range now on site remain when the site is converted to a wildlife refuge

Let me take a moment to address a few of the more important issues that were raised by the local communities and other parties and how they are addressed in this bill.

First, transportation issues. Rocky Flats is located in the midst of a growing area of the Denver metropolitan region. As this area continues to grow, pressure is being put on the existing transportation facilities just outside the boarders of the site. In addition, the Denver-metropolitan region has been constructing a beltway around the city. The last segment of this beltway yet to be completed or approved for construction is to be in the northwest section of Denver, the same general areas where Rocky Flats is located. The communities that surround the site have been considering transportation improvements in this area for a number of years—including the potential completion of the beltway, However, we are willing to continue to listen and to work with the local governments and the public on this issue.

So, one of the questions on which Senator ALLARD and I sought comments was whether our bills should allow some use of Rocky Flats land to assist in addressing the transportation needs and future demands. We asked for and received the views of the public and the local communities. That input, along with the recent decision by the local communities to forego for now the construction of the beltway in the northwest region of Denver, overwhelmingly indicated that the bill should allow for possible availability of some land along Indiana Street along the eastern

Second, the Rocky Flats Cold War Museum. This section of the bill authorizes the establishment of a museum to commemorate the cold-war history of the work done at Rocky Flats. Rocky Flats has been a major facility of interest to the Denver area and the communities that surround it. Even though this facility will be cleaned up and closed down, we should not forget the hard work done here, what role it played in our national security and the mixed record of its economic, environmental and social impacts. The city of Arvada has been particularly interested in this idea, and took the lead in proposing inclusion of such a provision in the bill. However, a number of other communities have expressed interest in also being considered as a possible site for the museum. Accordingly, the bills being introduced today provide that Arvada will be the location for the museum unless the Secretary of Energy, after consultation with relevant communities, decides to select a different location after consideration of all appropriate factors such as cost, potential visitorship, and proximity to the Rocky Flats site.

Third, private property rights. Most of the land at Rocky Flats is owned by the federal government, but within its boundaries there are a number of pre-existing private property rights, including mineral rights, water rights, and utility rights-of-way. In response to comments from many of their owners, the bills acknowledge the existence of these rights, preserve the rights of their owners, including rights of access, and allow the Secretaries of Energy and Interior to address access issues to continue necessary activities related to cleanup and closure of the site and proper management of its resources.

With regard to water rights, the bills protect existing easements and allow water rights holders access to perfect and maintain their rights. With regard to mineral rights, the bills urge the Secretaries of Energy and Interior to seek to acquire these rights from existing owners—but ensure that no funds from cleanup and closure can be used to accomplish this goal. Finally, with regard to power lines and the proposal to extend a line from a high-tension line that currently crosses the site, the bills preserve the existing rights-of-way for these lines and allows the construction of one power line from an existing line to serve the growing region northeast of Rocky Flats.

Fourth, the National Renewable Energy Laboratory's (NREL) National Wind Technology Center. This research facility, which is located northwest of the site, has been conducting important research on wind energy technology. As many in the region know, this area of the Front Range is subjected to strong winds that spill out over the mountains and onto the plains. This creates ideal wind conditions to test new wind power turbines. I support this research and believe that the work done at this facility can help us be more energy secure as we find ways to make wind power more productive and economical. The bills we are introducing today preserve this facility. It is outside the boundaries of the new wildlife refuge that the bill would create and thus would be allowed to continue at its present location. In addition, NREL has been considering expanding this facility onto the open lands of Rocky Flats. The bill allows NREL to pursue this proposal through the public involvement process.

Fifth, the bill does not include language to retain the existing shooting range on the site. This range—constructed by the DOE to train the site's security forces—has been used for local law enforcement training, and some have suggested that the bill should require it to remain available. However, under current cleanup plans the range is to be eliminated, and we are aware that both the public and local governments have concerns about the desirability of having such a range in a wildlife refuge. So, given the fact that the local governments are willing to work to locate an alternative facility, we have not included language in the bill to require that it remain.

Finally, cleanup levels. As this legislation has been developed, some concerns have been expressed that the establishment of Rocky Flats as a wildlife refuge could result in a less extensive or thorough cleanup of contamination that has resulted from its prior mission. Of course, that was not the intention of the bill I introduced in 1999 and it is definitely not the intention of the bills being introduced today. The language in these bills has been drafted to ensure that the cleanup is based on sound science, compliance with federal and state environmental laws and regulations, and public acceptability. The bills now tie the cleanup levels to the levels that will be established in the Rocky Flats Cleanup Agreement (RFCA) for soil, water and other media following a public process to review and reconsider the cleanup levels in the RFCA. In this way, the public will be involved in establishing cleanup levels and the Secretary of Energy will be required to conduct a thorough cleanup based on that input. In addition, the bills require that the establishment of the site as a wildlife refuge cannot be used to affect the cleanup levels—removing any possibility of arriving at a lesser cleanup due to this ultimate land use.

Mr. Speaker, I want to express my thanks to Senator ALLARD for his outstanding cooperation in drafting this important legislation. I am very appreciative of his contributions and look forward to continuing to work closely with him and the other members of the Colorado delegation in both the House and Senate to achieve enactment of this legislation.

In the past, Rocky Flats has been off-limits to development because it was a weapons plant. That era is over—and its legacy at Rocky Flats has been very mixed, to say the least. But it has left us with the opportunity to protect and maintain the outstanding natural, cultural, and open-space resources and value of this key part of Colorado's Front Range area. This bill would accomplish that end, would provide for appropriate future management of the lands, and would benefit not just the immediate area but all of Colorado and the nation as well.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BECERRA. Mr. Speaker, on February 27 and 28, 1 was unable to cast my votes on rollcall votes: No. 16 on motion to suspend the rules and agree on H. Con. Res. 39; No. 17 on motion to suspend the rules and pass H.R. 256; No. 18 on motion to suspend the rules and pass H.R. 558; No. 19 on motion to suspend the rules and pass H.R. 621; No. 20 on motion to suspend the rules and agree on H. Con. Res. 27; and No. 21 on motion to suspend the rules and agree on H. Res. 54. Had I been present for the votes, I would have voted "aye" on rollcall votes 16, 17, 18, 19, 20, and 21.

HONORING STEVE CASELDINE, 2000 RECIPIENT OF THE YMCA DISTINGUISHED SERVICE AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Steve Caseldine.

On the 3rd of March, Mr. Caseldine will be honored with the Ira. D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Steve for his exceptional devotion to developing community volunteerism.

A senior vice president and manager of the Corona office of Citizens Business Bank, Steve credits his employer's emphasis on community service for his own history of volunteerism. However, it is his love for fishing and membership with the Inland Empire Bassmasters, not employer, that has motivated Steve for the past three years to help area youth experience the traditional American hobby of fishing. To date, the Inland Empire Bassmasters have introduced more than 250 boys and girls to the joys of fishing. Many of these youth have come from the Corona Boys and Girls Club, Alternatives in Domestic Violence and the YMCA.

Since Joining Citizens Business Bank (then Chino Valley Bank) in 1981, Steve has also been an active participant in the community through the Corona Chamber of Commerce and Corona Rotary Club.

Mr. Caseldine met his wife Docia, while attending a small Christian college. In 1974, he earned a Business Administration degree and began his career in banking at Wells Fargo, in Orange County, before Joining Citizens. Steve and Docia have one son and daughter.

Mr. Speaker, I take this opportunity to thank Steve. Caseldine for his dedication, influence and involvement in our community. He has aided in developing and maintaining community volunteerism in the Corona-Norco area and the Inland Empire. I know that we will continue to benefit from his experience in the 43rd Congressional District and deep commitment to the region. It is a great pleasure for me to congratulate Steve on his outstanding career and lifelong devotion to community volunteerism.

HONORING THE PEACE CORPS ON ITS 40TH ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Ms. LEE. Mr. Speaker, when John F. Kennedy challenged Americans to put aside self-interest and go out and make the world a better place, he launched a crusade of service that continues today. Over the last four decades, thousands of Peace Corps volunteers have built bridges as well as friendships.

Peace Corps volunteers have helped children learn to read, helped villages obtain clean water, helped educate people about HIV/AIDS and other health threats, and helped farmers grow more food. In the process of these and countless other undertakings, what is most striking for many returned volunteers is not how much they taught, but rather how much they learned.

The Peace Corps embodies the highest principles of international and intercultural exchange. Peace Corps volunteers truly do think globally by acting locally. This grassroots program has made many lasting contributions to the world. John F. Kennedy called on Americans to ask what they could do for their country, but in fact, the Peace Corps mandate is much broader: it asks volunteers what they can do for their planet and its people.

I am proud to join my colleagues in congratulating the Peace Corps on its forty years of achievement and in reaffirming our national commitment to international service.

HONORING LUTHER F. (GUS) BLIVEN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. WALSH. Mr. Speaker, the people of Central New York lost their personal reporter last Sunday in Syracuse. Let me emphasize the word *their* because Luther F. (Gus) Bliven was that person for every day of his 71 year career with the Syracuse Post Standard.

For someone to work for the same employer over a 71 year span is remarkable in itself. But to have earned both the respect and trust of the people who read your work over that same time frame is the trademark of greatness. Gus Bliven covered the state legislature in Albany for almost 50 years. During that time frame he reported on seven governors, hundreds of state legislators, countless hearings and more all night sessions then he ever wished. He was a "reporter's reporter" as he developed the earned reputation of a no-nonsense but fair writer. He expected honest answers to his questions and when he got them the story reflected it. If he felt the response was less than truthful the story reflected that as well. You didn't want to ever be in that category.

Gus covered my father when he was mayor of Syracuse. They didn't always agree but they respected one another as strait-shooters. My father paid him a high compliment when he said that Gus Bliven was the best but toughest reporter he had ever known.

On Wednesday, February 28, 2001, this fine newspaperman was laid to rest. I won't be at his funeral because the House is in session requiring me to be here in Washington, but many people will join to say farewell to this news legend from Central New York. It almost seems fitting that as Christians begin the season of Lent, known as a time of getting closer to the Lord, Gus Bliven starts his journey home to God. He would have enjoyed this parallel.

INTRODUCTION OF THE COLORADO WILDERNESS ACT OF 2001

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am pleased to join as an original cosponsor of this legislation being introduced today by my colleague, Representative DEGETTE.

Representative DEGETTE has been a leader in the Colorado delegation in connection with the issue of wilderness designations of lands in our State managed by the Bureau of Land Management, and I am hopeful that the bill will serve to advance the debate on that issue. Conclusion of that debate is long overdue, and I am hopeful that we can get on with it.

I am sure some will object to this bill and find reasons, both philosophical and technical, to oppose it. I am also sure others will argue for its intact passage without change or amendment. I expect that the legislative process will produce results that are not completely satisfactory to either of those groups.

In my view, the bill outlines a good way to make progress—that is, through comprehensive legislation to address the majority of the BLM areas that have been proposed for wilderness. Of course, members of the delegation may also want to explore legislation dealing just with one or more of these areas, and I am ready to work with them on that approach as well.

All wilderness bills eventually are about compromise and map-drawing. Introduction of this bill obviously is not the end of the wilderness discussions in Colorado, and I look forward to working with the rest of my colleagues in the delegation to seek the maximum feasible degree of consensus that can result in wilderness designations for BLM lands in our State.

HONORING THE SYRACUSE SYMPHONY ORCHESTRA

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. WALSH. Mr. Speaker, this year marks the 40th Anniversary Season of the Syracuse Symphony Orchestra, a fully professional residential orchestra of national acclaim, which serves the entire central and northern New York State region. The Orchestra includes 6 professional musicians and a conducting staff of international caliber and performs over 100 full-orchestra concerts throughout Central and Northern New York, reaching more than 200,000 audience members during its 38-week season.

Now the 45th largest orchestra in the United States, the Syracuse Symphony Orchestra performs a vast array of programs including classics, pops, family, chamber orchestra, educational youth programs and free summer parks concerts. In addition, the Syracuse Symphony Orchestra presents The Nutcracker with a visiting ballet company each December and also plays for Syracuse Opera performances. Syracuse Symphony concerts are broadcast twice weekly on WCNYFM and the Orchestra proudly operates two youth ensembles—the Syracuse Symphony Youth Orchestra and Syracuse Symphony Youth String Orchestra.

Beyond its Syracuse-based activities, the Orchestra performs a heavy schedule of concerts in under-served regional communities. In addition to subscription series in Watertown, Rome and Cortland, the Orchestra frequently tours New York State and, in recent years, Pennsylvania, New Hampshire, and Connecticut. The Orchestra has made four trips to Carnegie Hall and produced several recordings, including the most recent compact disc release under the direction of Daniel Hege. The Orchestra collaborates with dozens of local organizations each year, including the Syracuse Stage, Syracuse University Oratorio Society, Syracuse Children's Chorus, Syracuse School of Dance, and the Center of Ballet and Dance Arts. In 1999, their excellence in the arts was recognized when The Orchestra received the prestigious New York State Governor's Arts Award.

I would like to take this opportunity to commend the Syracuse Symphony Orchestra for its many accomplishments throughout the past forty years and recognize its service to Central New York and surrounding communities. We wish its members and patrons every success in all future endeavors.

HONORING CARROLL BEACH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. UDALL of Colorado. Mr. Speaker, I salute my friend Carroll Beach, President of the Colorado and Wyoming Credit Union Leagues, on receiving the 2001 Herb Wegner Memorial Award for Lifetime Achievement from the National Credit Union Foundation, the philanthropic arm of the Credit Union National Association.

I feel that Credit Unions exemplify the great American ethic of pulling together with our neighbors to accomplish worthy goals that we could not hope to achieve individually. Credit unions help to foster a much-needed sense of community. They are member-owned cooperatives, where members typically receive their dividends in the form of more favorable interest rates and lower fees.

Since Carroll assumed control of Colorado's credit unions in 1973, the Colorado Credit Union system has grown from a handful of employees to 180 employees serving 1.4 million members. Nearly one out of three adults in Colorado belongs to a credit union. Credit union membership in Colorado has risen from 350,000 to 1.4 million under Carroll's leadership.

Over the last three decades, Carroll has worked to improve access to credit unions, striving towards his stated goal of seeing a day when every American can access a credit union and own the financial institution that serves them. I commend Mr. Beach on his innovative and creative leadership of the Colorado and Wyoming Credit Union Leagues, and congratulate him on receiving this much-deserved honor.

MINORITY COLLEGE STUDENTS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BECERRA. Mr. Speaker, today I join my colleagues to express my grave concern over the way minority students are treated by this Congress. On February 2, 2001, Republican Education and the Workforce Committee members voted to change the manner in which minority higher education issues are considered by the committee. Under these changes, consideration of issues affecting Historically Black Colleges and Hispanic Serving Institutions will take place in a new Select Education Subcommittee, while all other higher education issues will be handled by a newly formed Subcommittee on 21st Century Competitiveness.

Minority higher education institutions are an important part of our nation's educational system. Established under the Higher Education Act, these institutions continue to expand educational opportunities for financially needy and minority students. However, these new rule changes imposed by the Education and the Workforce Committee set minority education back at least 50 years, to a time when minorities were "separate but equal". When the 21st Century Competitiveness Subcommittee meets to discuss improving higher education and increasing the competitiveness of our college students, they will make crucial decisions that affect all students in higher education institutions, except those that are served at minority serving institutions.

These recent changes are unacceptable, and send a dangerous message to minority students throughout the nation. Congress must not support this blatant inequality, and I call upon the Majority to correct this injustice.

HONORING JOHN CLEGHORN, 2000 RECIPIENT OF THE YMCA DISTINGUISHED SERVICE AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is John Cleghorn. He has been active in so many community groups and activities that it is hard to imagine how he found the time to become a career law enforcement officer with the Los Angeles Police Department (LAPD) and the City of Corona, a husband and a father of three children.

On the 3rd of March, Mr. Cleghorn will be honored with the Ira. D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Mr. Cleghorn for his exceptional devotion to developing community volunteerism.

Born in Pasadena, California, John Cleghorn developed an inherent love for law enforcement, according to his mother, from numerous "ride-a-longs" with the Pasadena Police Department—a result of his youthful desire for adventure in the neighborhoods, where he promptly got lost. He met his wife, Janet Everett, at University High, and married her following his graduation from Los Angeles City College. Intent on a career in law enforcement, John then entered the Los Angeles Police Academy, after which he was inducted in the Army and served for two years.

John's career with the LAPD lasted for an impressive 27 years where he commanded many divisions. During those years, he also worked to obtain a Bachelor of Science in Police Administration from California State University, Los Angeles and a Masters in Public Communications from Pepperdine University. After retiring from LAPD in 1985, John was named the interim police chief of Corona, and short time later officially appointed as police chief. Mr. Cleghorn and his wife have a son, two daughters and six grandchildren.

With all of these career and family commitments, John's unselfish giving of time and energy to volunteerism is all the more impressive and serves as a model to his community, neighbors and own children and grandchildren. His strong commitment to the Inland Empire has displayed in his participation in the United Way, Corona Library Foundation, Corona Regional Medical Center Foundation, Alternatives to Domestic Violence and, of course, the Corona-Norco YMCA. He has also served as president of the Rotary Club and the Navy League.

Mr. Speaker, I take this opportunity to thank John Cleghorn for his dedication, influence and involvement in our community. He has aided In developing and maintaining community volunteerism in the Corona-Norco area and the Inland Empire. I know that we will continue to benefit from his longtime experience in the 43rd congressional district and deep commitment to the region. It is a great pleasure for me to congratulate John on his outstanding career with the LAPD and his lifelong devotion to community volunteerism.

TRIBUTE TO AHLERMAN VAN LEWIS, SR., PRESIDENT OF OAKLAND AFRICA SISTER CITIES INTERNATIONAL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Ms. LEE. Mr. Speaker, today I pay tribute to Mr. Ahlerman Van Lewis, Sr. Mr. Lewis served as the President of Oakland Africa Sister Cities International for many years and was an active member of the Ninth Congressional District. Sadly Mr. Lewis passed away on January 25, 2001 after a brief illness.

Ahlerman was the youngest son born to Fred and Mercie Lee Williams Lewis on September 11, 1931 in Diboll, Texas. He graduated from Henry G. Temple High School and attended Texas Southern University on a basketball scholarship. He was a member of the United States Air Force, where he served as a Morning Report Clerk.

After leaving the military, he joined his brothers, Raymond Rish and Henman "Lefty" Lewis, in the Oakland—Bay Area where he worked in the field of administrative services both at Fort Mason and the Presidio, in San Francisco, California.

Ahlerman married FranCione Newellene Johnson, on June 16, 1962. From this union came the two sons he cherished, Ahlerman "Ahlee" Van Lewis, II and Frederic Paul Lewis.

As the United States became vibrantly alive with civil rights activity, during the early 1960s, Ahlerman was inspired by the Black self-determination message of Malcom X and The Honorable Elijah Muhammed, An ardent member of the Fruit Of Islam, Brother Akbar Ali, as he was known in the Muslim community, dedicated himself to working with the local community to improve the conditions of African Americans in the city of Oakland and its surrounding environs. He was a member of Muhammed's Mosque # 26 for 40 years.

Fascinated with the thrust for Black business ownership and management, Ahlerman was first drawn to the catering business. This motivated him to obtain an Associate Arts Degree in Food Management from Laney College before he matriculated to San Francisco State University.

Turning his attention to inspiring African American youth, Ablerman began his teaching career with the Pittsburg School District before joining the Oakland Unified School District (OUSD). While teaching in Oakland, Ahlerman participated in the OUSD and Stanford University—Global Education Curriculum Development Project. This activity sparked a deep interest in West Africa. It was this interest that led Ahlerman to form Oakland Africa Sister Cities International, which was set up to foster a close relationship with Secondi-Takarodi, Ghana. As President of the Sister Cities project , Ahlermnan led the organization to host many special events. One such event was a collaboration with Rev. FranCione and the Pan Oaks Center for the Creative Arts to sponsor an exhibit of the work of more than ninety Oakland High School students' artistic impression of Jeff Stetson's play The Meeting.

Ahlerman worked with the OUSD's School to Careers Program to secure internships for students to work with the Sister Cities organization. One of the major projects the students were able to work on under Ahlerman's leadership was the George Washington Carver Exhibit. This exhibit was initiated by Tuskegee Institute. The exhibit was such a resounding success that Ahlermnan was later invited to Tuskegee, to receive a special honor for his work commemorating Dr. George Washington Carver.

Ahlerman Van Lewis, Sr. will be deeply missed by all who were blessed to have known and worked with him. He leaves behind a rich legacy of leadership and service to the African American community in Oakland, as well as the Ghanaian community in Sekondi-Takarodi, Ghana. We in the Ninth Congressional District can pay tribute to Ahlerman's memory by carrying on his work-of fostering a deeper interest and relationship with the continent of Africa, while at the same time continuing to commemorate the life of our own African American heroes, such as George Washington Carver.

RECOGNIZING THE WORK OF SUSAN B. ANTHONY ON HER 181ST BIRTHDAY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mrs. NORTHUP. Mr. Speaker, today I pay tribute to Susan B. Anthony and her work in promoting the life of the unborn.

As you may be aware, February 15, 2001 marked the 181st birthday of Susan B. Anthony, one of our nation's greatest champions of not just of the rights of women, but of all Americans.

However, Susan B. Anthony's work to secure women's rights took place on many fronts, from opposing prostitution to demanding the right to vote. And she considered her efforts in turning women away from abortion as some of the most important work of her life. She declared that amongst her greatest joys was to have helped "bring about a better state of things for mothers generally, so that their unborn little ones could not be willed away from them."

Today, we celebrate the spirit of Susan B. Anthony and continue her work in protecting the lives of the unborn. Her labors to provide more opportunities and choices for women leaves us with many alternatives to abortion. For example, the joy of motherhood and the act of responsible parenting can be extended to millions of women today through adoption. Adoption fills a vital role, ensuring that worthy options are available for women of all social segments, races, and backgrounds. Just like Susan B. Anthony, we can devote our energies toward making women independent of, and not dependent on, abortion as a recourse.

Susan B. Anthony fought to lift the unjust burdens oppressing women, including the burden of abortion. As we celebrate her birthday and Women's History Month, let us also recommit ourselves to her goal of promoting motherhood and the unborn life.

TRIBUTE TO THE LATE MARGARET AZEVEDO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Ms. WOOLSEY. Mr. Speaker, today I honor Ms. Margaret Azevedo. Margaret Azevedo, a long-time progressive in Marin County, exemplified the very best in public service to our community. During her 45 years of activism, Margaret was known for her thorough and balanced approach to preserving our environment. Her tireless efforts on behalf of the people of Marin and their quality of life earned her the respect and admiration of all who knew her.

As a member of many organizations including the Marin County Planning Commission, the North Central Regional Coastal Commission, the Coastal Conservancy, the Bay Area Transportation Study Commission, the Association of Bay Area Government's Housing Task Force, the League of Women Voters, the Marin Council for Civic Affairs and the Point Reyes National Seashore Foundation Margaret worked endlessly to enhance the long-term health of the Northbay community. She was known for her breadth of knowledge as well as a keen sense of humor.

Margaret Azevedo is credited with preserving 240,200 acres of open space as well as playing a major role in the establishment of the Golden Gate National Recreation Area and the Richardson Bay Audubon Sanctuary. Her numerous awards—such as the San Francisco Examiner's 10 most distinguished women of the Bay Area, Marin Women's Hall of Fame and the League of Women Voters' Bunny Lucheta Award for Outstanding Public Service in Marin County—are a testament to the success of her efforts.

Mr. Speaker, Margaret's death in December 2000, leaves a void in Marin that will be impossible to fill as well as a legacy that demonstrates the value of an individual's dedication to preserving and bettering our environment and our world.

INTRODUCTION OF THE ABEL AND MARY NICHOLSON HOUSE NATIONAL HISTORIC SITE STUDY ACT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. LoBIONDO. Mr. Speaker, I am pleased to introduce H.R. 793, the Abel and Mary Nicholson House Historic Site Study Act. This bill would require the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey, in my congressional district, as a unit of the National Park System. As part of the study the Secretary would also be required to consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route. This study is the required first step in designating the site as a national park.

The Abel and Mary Nicholson House was built in 1722 and is a rare surviving example of an unaltered early 18th century patterned brick building. The original portion of the house has existed for 280 years with only routine maintenance. This house is a unique resource which can provide significant opportunities for studying our nation's history and development.

I was pleased to announce the designation of this house as a National Historic Landmark on March 1, 2000, which made it the first National Historic Landmark site in Salem or Gloucester Counties, in New Jersey. The U.S. Department of the Interior designated the Nicholson House as a National Historic Landmark because of its historical importance to the entire nation and listed it in the National Register of Historic Places.

As one of the most significant "first period" houses surviving in the Delaware Valley, the Nicholson House represents a piece of history from both Southern New Jersey and early American life, and should remain protected and preserved to continue as a valuable teaching tool for generations to come.

SAINT ISIDORE SCHOOL CELEBRATES 100 YEARS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. EHLERS. Mr. Speaker, today I give recognition to St. Isidore School in Grand Rapids, Michigan for its 100 years of service to the Grand Rapids community. Founded by Polish immigrants, the school opened its doors to 144 students on January 2, 1901, in a northeastside building that served as a combination school, church, and convent. Since the ringing of the first bell in 1901, the school has served as an excellent example of families committed to providing their children with a positive Catholic school experience.

St. Isidore School, originally the city's East Side Polish parish school, has been through many changes over the years and has grown into a cosmopolitan school. The current facility on Spring Avenue was built in 1926 and in recent years has housed an average of 140 students in grades K–8. The record year was 1927 when the pupil count swelled to 920 students. During a 20 year period from 1927 thru 1947 St. Isidore's also opened its doors to ninth grade students.

During its 100 year existence, St. Isidore's has served as the starting point for numerous young men and women who have gone on to very challenging and successful careers. Graduates of the school have become priests, sisters, doctors, nurses, attorneys, engineers, accountants, teachers, administrators, elected officials, and good loyal employees of the many industries in the West Michigan area.

Mr. Speaker, I am extremely delighted to take this time to pay tribute to this superb school that has played a vital role in our city's history. I ask my colleagues to join me in saluting the efforts and commitment of the staff and students who have called St. Isidore home over the past 100 years. Their dedication to learning and excellence is a model for others to follow. Congratulations! May God also bless you for your next 100 years!

HONORING THE 50TH ANNIVERSARY OF SCOTT VFW POST 4183

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. COSTELLO. Mr. Speaker, today I ask my colleagues to join me in honoring the 50th anniversary of the Scott Veterans of Foreign Wars Post 4183 in Belleville, Illinois.

The Veteran's of Foreign Wars (VFW) of the United States traces it's roots back to 1899. That year, veterans of both the Spanish-American War and the Philippine Insurrection founded local organizations to secure rights and benefits for their veterans. In Columbus, Ohio, Spanish-American War veterans founded the American Veterans of Foreign Service and in Denver, Colorado, Philippine veterans organized the Colorado Society, Army of the Philippines. In 1913, both organizations merged to form the present Veterans of Foreign Wars organization.

The VFW is known the world over for their service not only to veterans, but to all people. They are considered to be one of the most influential forces in the halls of Congress. The efforts of the VFW resulted in the creation of the House Veteran's Committee, the WW 1 bonus, the national Veteran's Day holiday, various GI bills, the creation of a cabinet level office of Veteran's Affairs and support on many veteran's health issues. The VFW is active in disaster relief and also provides information to citizens about our national flag. You cannot also mention the VFW without mentioning their "buddy poppy" program which raises funds for veteran's homes.

The Scott VFW Post 4183 was chartered in 1951 with 88 members and was named the Loren Howerth VFW Post. Their first meetings were held in the basement of the P–3 Building at Scott Air Force base. In 1970, the post was renamed for Frederick M. Kocher, the commander largely responsible for re-energizing the post's efforts in reaching membership goals. Commander Kocher was also responsible for providing a commitment to service to those veterans who served their country. In the 80's, the Post took on it's present designation as the Scott VFW Post 4183.

The Post's present location on 3½ acres used to be a farmhouse that still remains as part of the Post complex. Additions to the farmhouse over the years were the inclusion of a bingo and meeting hall in 1954 and a building addition in 1986. Located just outside the Belleville Gate of Scott Air Force Base, VFW Post 4183 relies on base personnel for the majority of its membership. Currently, the Post has 446 members, residing in 35 different states and five foreign countries. Two hundred and forty of these Post members are considered life members and the membership roll includes a Pearl Harbor Veteran and a WW II Flying Sergeant. The majority of the membership are veterans from Korea, Vietnam and Desert Storm.

Post 4183 was the first VFW post in the United States to sponsor a perpetual scholarship for the VFW National Voice of Democracy program. This program allows high school students to participate in patriotic programs and the opportunity to earn awards and scholarships. The Post actively supports area veterans, as well as the Scott Air Force Base Elementary School, the Scott Chief's Group, the Family Support Center and the Scott Officer's Wives Club. The Post also works with local Cub Scouts, high schools, Special Olympics, the St. Clair County Sheriff's Department, East St. Louis Christmas Food Drives and area VA hospitals and the VFW National Home in Michigan. Post 4183 has the distinct honor of being named an "All State Post" nine times.

Mr. Speaker, I ask my colleagues to join me in congratulating the men and women of Scott VFW Post 4183 both past and present on fifty years of serving veterans and the people of Southwestern Illinois.

IMPROVE THE QUALITY OF AND COST EFFICIENCY OF MEDICARE SYSTEM: SUPPORT REIMBURSEMENT FOR CERTIFIED REGISTERED NURSE FIRST ASSISTANTS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. COLLINS. Mr. Speaker, today, I am pleased to introduce the Medicare Certified Registered Nurse First Assistant (CRNFA) Direct Reimbursement Act of 2001, which will provide equity in reimbursement for certified registered nurse first assistants who provide surgical first assisting services to Medicare patients. I introduced this legislation in the 106th Congress and am grateful that, last year, the Congress asked the General Accounting Office to study the issue and report within a year on the quality of care and cost effectiveness provided by CRNFAs. While I deeply appreciate this support, I also believe it is important to continue this effort on behalf of CRNFAs and am grateful for the fifteen colleagues that have agreed to rejoin me in this effort as original cosponsors of this legislation.

Having received more advanced education and training in first assisting than any other nonphysician provider, CRNFAs serve a vital role, directly assisting physicians with surgical procedures. Additionally, CRNFAs and RNFAs are the only providers—aside from the rare physician making house calls—who sometimes provide post-operative care by actually visiting patients at home following surgery. Thus, not only do CRNFAs have more clinical experience and education than other non-physician providers, but they also provide continuity of care to patients enabling higher quality and better patient outcomes.

CRNFAs also provide the additional benefit of cost efficiency. Health claims data from the Health Care Financing Administration (HCFA) reveal that physicians file more than 90% of the first assistant at surgery claims for Medicare reimbursement. Physicians receive 16 percent of the surgeon's fee for serving as a surgical first assistant. Under this legislation, CRNFAs will receive only 13.6 percent of the surgeon's fee for providing first assistant services. Furthermore, CRNFAs are equally as cost-effective as other non-physician first assisting providers who currently are reimbursed at 13.6 percent of the surgeon's fee for first assisting. Use of CRNFAs would, therefore, be a high quality yet cost-effective alternative for the nation's health care delivery system, affording additional flexibility to surgeons, hospitals and ambulatory surgery centers.

In closing, I would like to express my appreciation for the hard work of the Association of periOperative Registered Nurses (AORN) and its president, Brenda C. Ulmer, RN, MN, CNOR, in bringing this issue forward. I also thank the nurses of AORN for contacting their Representatives regarding this important bill; their help has been indispensable. As a provider of health care, the CRNFA is a viable solution for controlling rising health care costs. Working in collaborative practice with surgeons, CRNFAs are cost-effective to the patient and to the health care delivery system. I urge my colleagues to join me in supporting equity for certified registered nurse first assistants by cosponsoring the Medicare Certified Registered Nurse First Assistant Direct Reimbursement Act of 2001.

TRIBUTE TO RABBI HILLEL COHN, ON THE EVENT OF HIS RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BACA. Mr. Speaker, this June, Rabbi Hillel Cohn will be retiring from Congregation Emanu El, in San Bernardino, after 38 years of service, having served the Congregation since 1963.

Rabbi Cohn is one of the leading citizens of the San Bernardino area. He is known throughout the nation for his outstanding sermons and his work as a fine educator, counselor and community leader.

He is known for inspiring and creative sermons, including ones that reference Bob Dylan and the Genetic Code.

I have been privileged to know Rabbi Cohn, and have found him to be a mentor, a scholar, and an inspirational man.

I have been pleased to know his family, including his nephew, Mike Steinman, who served the people of the State of California as a Legislative Aide on my staff in Sacramento.

I have had the pleasure of working with Rabbi Cohn on religious issues, and keeping him advised on the progress of legislation, including the Religious Freedom Protection Act, which I authored in California.

Rabbi Cohn is part of a remarkable history of wise and gifted rabbis who have presided over Congregation Emanu El. The Congregation and the San Bernardino Jewish Community trace their history back to the early 1850's, when the first Jewish Settlers came to Southern California. The first Jewish community established in Southern California was in San Bernardino, and services began to be held in the 1850's, with the congregation formally being chartered in 1891.

Under Rabbi Cohn, the congregation has risen to great levels of prominence, winning national awards for the excellence of its Jewish Education program. The Congregation also operates a nationally-recognized pre-school and elementary school.

I am very pleased to have worked with Rabbi Cohn over the years, and wish him many years of blessed retirement. I am sure he will continue to grace the San Bernardino community with his scholarship and learning for many years to come. I offer my best wishes to him and his family on this occasion.

IN HONOR OF EDWIN J. KORCZYNSKI

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BLAGOJEVICH. Mr. Speaker, a decade ago, the people of the United States asked the brave men and women of our armed forces to take up an important cause in the Persian Gulf. Today, I rise to salute the achievements of a resident of my congressional district, Mr. Edwin J. "Ski" Korczynski, and to commemorate his important contributions.

Edwin was an America West Airline pilot when he served as a volunteer in Operations Desert Shield and Desert Storm, completing numerous missions in the Civil Reserve Air Fleet and Military Airlift Command operation, where civilian airliners were used for lift capability. As a pilot and flight engineer attached to the Military Airlift Command located at Scott Air Force Base, Korczynski helped transport military personnel and supplies vital to the Kuwaiti liberation effort. For his efforts, Pilot Korczynski was awarded the Civilian Desert Shield and Desert Storm medal for Outstanding Achievement as a Pilot/Flight Engineer flying CRAF/MAC missions. Although he is an honorably discharged United States Marine, Korczynski was not an activated reservist during this conflict, but was instead a volunteer committed to the cause.

The five daughters of what is known as the "Korczynski Krew"; Ediane M. Ayers, Kimberly A. Boersma, Elizabeth A. Haak, Bethany A. Korczynski, and Megan M. Korczynski, are understandably proud of their father, as he is of them. As they go about their daily lives in this great nation, they are thankful for the service of their father and his colleagues and comrades who have served in the uniform of this nation's armed services. It is particularly their father's willingness to volunteer which they know is so important to the fabric of our neighborhoods and is an example which is important whether in military service or community service.

Though it has been a decade since those operations in the Persian Gulf, Edwin Korczynski continues to volunteer his time and energy, first as Squadron Commander, United States Air Force/Civil Air Patrol/Lake in the Hills Composite Squadron/IL #482. He is also attached to the U.S. Naval Sea Cadet Corps/ Division 911, as Personnel Officer at Naval Training Command, Great Lakes, Scout Leader with the Berwyn Air Explorer Post #777, an Emergency Service Disaster Agency volunteer and American Red Cross Disaster Assist Team volunteer serving the citizens of the greater Chicago area. His wife, Diane, and his daughters have come to expect and appreciate this kind of commitment. These efforts are important not only in the organizations which benefit directly from his participation but in the example which is set for his friends, family and colleagues.

Mr. Speaker, even though the sands of the Persian Gulf have passed through the hourglass, it is important that we remember that time in our history. I am thankful for Ed Korczynski's participation in that important mission, and I appreciate his continued involvement in the betterment of our lives.

PROVISION TO HELP PRESERVE VETERANS' FAMILY FARMS INCLUDED IN VETERANS' OPPORTUNITIES ACT OF 2001

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. EVANS. Mr. Speaker, in the 106th Congress, I introduced H.R. 5271, the Veterans' Family Farm Preservation Act, to make it possible for more wartime veterans and their survivors to qualify for pension benefits from the Department of Veterans Affairs (VA) without being forced to sell their family farms and ranches. I am pleased that the provisions of this legislation have been included in the Veterans' Opportunities Act of 2001, H.R. 801, a bipartisan bill introduced on February 28, 2001. This legislation will also benefit low-income veterans who seek to obtain health care from VA.

The productivity of America's family farms is undisputed. Family farms and ranches feed our Nation. Family members and unpaid workers account for 70% of farm labor in the United States. While America's family farmers and ranchers are unmatched in their productivity, they have little or no control over many factors which determine the economic results of their labor.

Veterans who have gone in harm's way and placed their lives on the line by serving our nation in the Armed Forces should not be asked to relinquish their family farm in order to qualify for veterans' benefits. Unfortunately, that is what is occurring today. H.R. 801, which House Veterans Affairs Committee Chairman Chris Smith and I introduced together with J.D. Hayworth, Benefits Subcommittee Chairman and Ranking Democratic Subcommittee Member Silvestre Reyes, includes provisions to address this problem. I urge Members to support this bipartisan effort.

Pension benefits administered by the Department of Veterans Affairs (VA) are payable to wartime veterans who are totally and permanently disabled due to a non-service connected medical condition. A small, but important number of these disabled wartime veterans own family farms or ranches, which provide the livelihood for their families. Most family farms in the United States are very small. Over 75% of family farms have less than $50,000 in gross annual sales. After deductions for costs of operating the farm or ranch, the net income of the family farmer is much lower. Farmers receive an average of 20 cents for every dollar of produce sold. In 1995, the average net farm income for very small farms was $510. The average net farm income for small farms with gross sales between $50,000 and $250,000 averaged $14,335. Clearly most family farmers have modest annual income.

In determining eligibility for pension benefits, VA is required to consider not only the family income, but also the family's "net worth." Currently, unless VA determines that the land can be sold at "no substantial sacrifice", the value of farm and ranch land is included in determining net worth. Some veteran farmers are "land rich." While having little or no liquid assets, the value of their land makes their "net worth" appear larger on paper.

Family farms are important not only for the food and fiber they produce, but also for the values they represent. Family farms should not be considered as simply substitutes for liquid bank accounts or other liquid assets. In good years, family farms and ranches provide an adequate income. In bad times, adverse crop conditions or illness, the income and liquid resources of family farmers and ranchers are quickly depleted. Wartime veterans have made a substantial sacrifice on behalf of our Nation by serving in the Armed Forces. We should not ask them to sacrifice their family farms in order to receive the assistance they have earned by their wartime service.

I believe that an operating family farm can never be liquidated without substantial sacrifice on the part of the veteran. It is never reasonable to require a veteran to sell his or her means of future livelihood in order to obtain pension benefits or VA health care. If the farm is sold, the assets which in future years can be expected to generate income for the veteran and the veteran's dependents, are permanently lost.

Under H.R. 801, farm and ranch land owned by the veteran and the veteran's dependents would be excluded in determining net worth. The bill would also exclude land used for similar agricultural purposes, such as timberland, Christmas tree farms, or horticultural purposes.

During the past century, the number of family farms in our country has declined dramatically. When a veteran is required to sell his or her farm in order to receive necessary VA assistance, another family farm may be lost forever. No veteran should be called on to make this additional sacrifice. I urge my colleagues to support H.R. 801. America's family farmers and ranchers deserve the relief which this legislation will provide.

TRIBUTE TO THE REVEREND DOCTOR BENNETT WALKER SMITH, SR.—ST. JOHN BAPTIST CHURCH

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. QUINN. Mr. Speaker, I am honored today to pay tribute to my friend, Rev. Dr. Bennett Walker Smith, Sr. for his forty years of service in the ministry.

As Pastor of Saint John Baptist Church on Goodell in the City of Buffalo, Rev. Smith leads one of the largest and most vibrant congregations in all of Western New York. His steady message of service to God and community has inspired us all.

Throughout his remarkable life, Rev. Smith has been actively engaged in social and political change which has served to enhance the lives of all people, and African Americans in particular. His early years in the civil rights movement were shared with the late Reverend Dr. Martin Luther King, Jr., the late Reverend Ralph Abernathy, and the Reverend Jessie Jackson.

Within our Western New York community, Rev. Smith has taken a truly active role in the enhancement of the City of Buffalo. Under his leadership, St. John Baptist Church has built McCarley Gardens and the St. John Senior Citizens Tower, over 300 units in all, which provide housing for our community's seniors. It has also constructed the St. John Christian Academy that provides outstanding educational opportunity to over 250 students. I am honored to be working with him and St. John Baptist Church toward the completion of the next project, a Family Life Center that will provide a host of educational, health, and social services to our community.

In recognition of his service Rev. B.W. Smith has been honored as a member of "Who's Who in Religion," Ebony's "100 Most Influential Black Americans," and by the NCCJ, and has received the prestigious Evans-Young Award from the Buffalo Urban League.

Mr. Speaker, today I would like to join with the congregation of St. John Baptist Church and our entire Western New York community in recognition of the commitment to God, dedicated service, and leadership of Rev. Dr. B.W. Smith. I am honored to bring his great work to the attention of my colleagues and to this honorable body.

GUN VIOLENCE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mrs. McCARTHY of New York. Mr. Speaker, one year ago another special life was taken by gun violence in this country. Kayla Rollins was killed in her first grade classroom by a six year old boy who brought a loaded gun to school. The time has come and gone to end these senseless acts of gun violence by passing meaningful gun safety legislation.

The political pandering over this issue must end. How many children should we allow to become victims to gun violence? It's time for Congress to do the responsible thing and pass commonsense gun safety legislation. Kayla Rollins' family, as well as all families who lost a loved one to gun violence, deserve action.

Mr. Speaker, I submit for the RECORD a statement from Kayla Rollins's mother pleading for the Congress to pass immediate gun safety legislation.

Statement By Mrs. Rollins—March 1, 2001

Hello. I am Veronica McQueen. I am Kayla's mother. These are hard times for me and Kayla's brothers, sisters and her father, and for the rest of my family. Kayla's death was devastating. There is not a day that goes by I do not cry as I go on with my life without my daughter. A part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh or play again. I can never hold her and kiss her again, or see her grow up, get married and have a happy life. The gun that killed my daughter in her first grade class room was a gun that could be loaded by a six year old child, concealed by a six year old child, and held and fired by a six year old child. Please, don't ever forget that. This is proof that there is need for gun safety devices and gun control. I come here today, two days after what would have been her seventh birthday. I am a mom with a terrible tragedy, and I hope it never, ever happens again. Thank you.

HBCUs DESERVE PARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. TOWNS. Mr. Speaker, as a graduate of North Carolina A&T University, one of the Historically Black Colleges and Universities (HBCU), I cannot help but rise to express my shock over the outrageous decision by the majority members of the Committee on Education and the Workforce to exclude HBCUs from the new 2lst Century Competitiveness Subcommittee. I know that my friends across the aisle have no intention of riding on the media coattails of what some people perceive as this past fall's denial of minority voting rights; nevertheless, the misguided decision to separate HBCUs as well as Hispanic Serving Institutions (HSIs) and Tribally Controlled Colleges (TCCs) from non-minority higher education institutions on this subcommittee seems to play right into the hands of those who suggest that last fall's events were part of a concerted effort to deprive minorities of our right to vote.

Furthermore, placing these institutions of higher education into a new select education subcommittee which shares jurisdiction with juvenile delinquency, welfare, and child abuse seems to suggest that minority education is more social experiment than higher education program. I cannot tell you how disappointed I am to find out in the 107th Congress that my education is now considered second rate by those in the majority. I join with my fellow Democratic Caucus members in urging the Speaker of the House and the Majority in the House to restore HBCUs, HSIs, and TCCs to their appropriate status as equal institutions of higher education.

REMARKS HONORING THE 40TH ANNIVERSARY OF THE PEACE CORPS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to the Peace Corps and to join in the celebration of this wonderful organization's 40th anniversary.

Since its founding in 1961, few government initiatives have captured the imagination of the American people like the Peace Corps. Born out of President John F. Kennedy's bold vision for the future, the Peace Corps has served to promote world peace and friendship for four decades.

Remarkably, since 1961 over 160,000 Americans have joined the Peace Corps, serving in 134 countries and bringing hope to millions of people around the world. By working to bring clean water to villages and towns, teaching children, helping start new small businesses and stopping the spread of dangerous diseases, Peace Corps volunteers have served as our nation's ambassadors of "good will" to the rest of the world.

I am pleased to have Philip Peredo, a former Peace Corps volunteer, serve on my staff in my District Office in Hackensack, New Jersey. As a Peace Corps volunteer from 1998 until just last year, Phil taught English language classes at Neijiang Teacher's University in the Sichuan Province of the People's Republic of China. The lessons Phil taught his students about America will long endure, just as the lessons he learned from his students will stay with Phil for the rest of his life.

Whether they are in Africa, Asia and the Pacific, Central Asia, Eastern and Central Europe, or Central and South America, Peace Corps volunteers continue to make our world a better place.

For their idealism, for their commitment to achieving real progress for the less fortunate, I salute all Peace Corps volunteers, past and present. I wish the Peace Corps continued success in sharing America's promise with people around the world.

THE SOCIAL SECURITY BENEFIT RESTORATION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation addressing a serious issue for retired teachers and government employees across America. These public servants, after a lifetime of educating our youth and working for the taxpayers of America, find that their reward is a significant reduction in their Social Security benefits. It is time to end this penalty and give these retirees the benefits they are due.

Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? We should be encouraging able and intelligent people to teach our children and work for the government, not discouraging them by slashing their retirement benefits. We must bring equity to the Social Security benefits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits.

I urge my colleagues to join me in cosponsoring this legislation. For every retired government employee and retired teacher in your district experiencing reduced Social Security benefits, I urge your support for this bill.

HONORING THE 40TH ANNIVERSARY OF THE PEACE CORPS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the 40th anniversary of the Peace Corps. Since 1961, over 161,000 Americans have offered their energy to improving conditions in over 134 nations around the world.

Reflecting the rich diversity of the United States, Peace Corps volunteers share a common spirit of service, dedication, and idealism. Peace Corps volunteers must participate in intensive language and cross-cultural training to help them better adapt to their new communities. In addition to learning the local language and adapting to new cultures, volunteers also help improve their surroundings. Corps volunteers work to bring clean water to underdeveloped communities, teach children, start new small businesses, and stop the spread of AIDS. The Peace Corps always goes about its mission with the knowledge that, with assistance, developing nations can take control of their own destiny.

Because the University of Wisconsin-Madison has been a leading producer of Peace Corps volunteers for over a decade, the Peace Corps has chosen to commemorate their 40th Anniversary at the University of Wisconsin-Madison. Many of the first to serve in the Peace Corps were alumni of the UW-Madison. Since 1961, more than 2,500 alumni have dedicated a minimum of two years of their lives to help developing countries around the world. Almost 200 current graduate students, faculty, and staff have served in the Peace Corps. The Returned Peace Corps Volunteers (RPCVS) are an extremely active group in the 2nd Congressional District and a vital force in the Peace Corps community.

Forty years later, the Peace Corps continues to fulfill its promise by sharing one of our most precious resources: its citizens. The work of these volunteers has helped engender positive changes around the world. We, as citizens of the world, should honor the commitment of such an important organization.

VETERANS HOSPITALS EMERGENCY REPAIR ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. SMITH of New Jersey. Mr. Speaker, on behalf of myself, Mr. EVANS of Illinois, Mr. MORAN of Kansas and Mr. FILNER of California, and other members of the Veteran's Affairs Committee, I am introducing a new measure, the "Veterans Hospitals Emergency Repair Act," that my colleagues and I hope will begin to address what has become a troubling and lingering problem in some of our Nation's veterans hospitals: a crumbling and substandard patient-care infrastructure. The problems even include buildings that could collapse in earthquakes. In fact, Mr. Speaker, just yesterday in Tacoma, Washington, a temblor of 6.8 magnitude damaged patient care buildings 6 and 81 on the campus of the American Lake VA Medical Center.

Mr. Speaker, for the past several years, we have noted that the President's annual budget for VA health care has requested little or no funding for major medical facility construction projects for America's veterans. As we indicated last year in our report to the Committee on the Budget on the Administration's budget request for fiscal year 2001, VA has engaged in an effort through market-based research by independent organizations to determine whether present VA facility infrastructures are meeting needs in the most appropriate manner, and whether services to veterans can be enhanced with alternative approaches. This process, called "Capital Assets Realignment for Enhanced Services," or "CARES," has commenced within the Department of Veterans Affairs, but will require several years before bearing fruit. In the interim, Mr. Speaker, some VA hospitals need additional maintenance, repair and improvements to address immediate dangers and hazards, to promote safety and to sustain a reasonable standard of care for the nation's veterans. Recent reports by outside consultants and VA have revealed that dozens of VA health care buildings are still seriously at risk from seismic damage. The buildings at American Lake damaged in yesterday's earthquake were among those identified as being at the highest levels of risk.

Also, Mr. Speaker, a report by VA identified $57 million in improvements were needed to address women's health care; another report, by the Price Waterhouse firm, concluded that VA should be spending from 2 percent to 4 percent of its "plant replacement value" (PRV) on upkeep and replacement of its health care facilities. This PRV value in VA is about $35 billion; thus, using the Price Waterhouse index on maintenance and replacement, VA should be spending from $700 million to $1.4 billion each year. In fact, in fiscal year 2001, VA will spend only $170.2 million for these purposes.

While Congress authorized a number of major medical construction projects in the past three fiscal years, these have received no funding through the appropriations process. I understand that some of the more recent deferrals of major VA construction funding were intended to permit the CARES process to proceed in an orderly fashion, avoiding unnecessary spending on VA hospital facilities that might, in the future, not be needed for veterans. I agree with this general policy, especially for those larger hospital projects, ones that ordinarily would be considered under our regular annual construction authorization authority. We need to resist wasteful spending, especially when overall funds are so precious. But I believe that I have a better plan.

Mr. Speaker, when I assumed the Chairmanship of the Veterans Committee earlier this year, I asked what steps my colleagues and I might take immediately that could help our veterans. The legislation that I am introducing today is part of the answer. This bill, which I am pleased is cosponsored by my friend and the Ranking Member of the Committee, LANE EVANS of Illinois, Mr. JERRY MORAN of Kansas, our new Chairman of the Health Subcommittee, as well as the Subcommittee's Ranking Member, Mr. BOB FILNER of California, as well as other members of the Veteran's Affairs Committee, sets up a temporary, 2-year program of delegated authorizations of smaller construction projects (each limited to a cost of less than $25 million) that would update, improve and restore VA health care facilities in a defined number of sites each of these years. The Secretary would be given this power to approve individual facility projects, generally based on recommendations of an independent capital investments board and on criteria detailed in our bill that place a premium on projects to protect patient safety and privacy, improve seismic protection, provide barrier-free accommodation, and improve VA patient care facilities in several specialized areas of concern, such as privacy needs for women veterans, in order to meet the contemporary standard of care for our veterans.

The bill would require the Secretary, at the end of the process, to report his actions to the VA Committee and to the Appropriations Committee as well. The bill also would mandate a review of this delegated-project approach by the General Accounting Office, to ensure this is an effective mechanism to advance some VA medical construction during the pendency of CARES.

Mr. Speaker, our bill would authorize appropriations of $250 million in fiscal year 2002, and $300 million in fiscal year 2003, to accomplish these projects under the authority provided. Thus, I believe we can make the case for this interim approach and gain support for moving a specific list of relatively small but critical projects forward with independent review. I believe we soon can be doing something urgently needed for veterans, in the best traditions of our continuing commitment to them. Then we can await the development and conclusion of the CARES process, more comfortable in the knowledge that at least for many VA hospitals, their emergency maintenance needs for small-scale construction projects will not go unnoticed, unauthorized—and unfunded.

It should be noted that nothing in this bill prevents the Committee or the Congress from still considering the merits of large-scale, VA major medical facility construction project authorizations in these two fiscal years, should we decide to take such decisions, now or in the future. By its nature, the bill is intended as a stopgap measure to give the VA Secretary limited authority to keep its health care system viable while the CARES process proceeds.

Mr. Speaker, I believe, and I hope that my colleagues will agree with me, that this is a worthy bill. On very short notice, when VA was informally advised about the prospect of this kind of bill being introduced and considered by this House, 25 projects that would be appropriate under its terms were immediately identified. I am certain that there are many more, in all sectors of the VA health care system, that the Secretary will have an opportunity to consider and approve under this authority. Many VA facilities need funds right now for small projects on an emergency basis. In good conscience, we cannot continue to ignore them. In my judgment, we cannot afford to wait several years before deciding to provide ftinds when these projects confront the VA system, the veterans, and us today.

I strongly urge my colleagues to support this bill and help enact it as a high priority early this year.

IN HONOR OF JOHN JUSTIN, JR.

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Ms. GRANGER. Mr. Speaker, I rise today to honor and remember the life of a great Texan, John Justin, Jr. Mr. Justin passed away Monday at his home in Fort Worth, Texas. He was 84 years old. Mr. Justin was a boot maker and civic leader who was a tireless promoter of Fort Worth's western heritage. Our thoughts and prayers go out to his wife, Jane, his daughter Mary, son David, and to all of his family at this difficult time in their lives.

Mr. Justin was born in Nocona, Texas on January 17th, 1917 to John and Ruby Justin. He attended high school in Fort Worth but left as a teenager to come to Washington, DC, where he took a job as a messenger and graduated from night high school. He attended Oklahoma A&M and then returned to Texas to attend Texas Christian University. Mr. Justin served as a member of the TCU board of trustees since 1979, and was a longstanding booster. The athletic center at the university is named in his honor.

He started the Justin Barton Belt Company with a partner and produced fashionable belts. The company continued to thrive during Mr. Justin's service in the Merchant Marines during World War 11. In 1950, he took the reigns of the family business. Mr. Justin was the third generation to run Justin Industries, the family boot business that he expanded to include Acme Brick. John Justin, Jr. oversaw the introduction of several popular boot styles, and, under his direction, Justin Industries was regularly the boot market leader. Its motto, "The Standard of the West" says it all.

Mr. Justin was very active in the community. He was a member of the Fort Worth City Council from 1959 to 1961 and was mayor from 1961 to 1963. He was longtime chairman of the Fort Worth Stock Show and Rodeo. In the 1980s he led the drive to build the equestrian center at the Will Rogers complex that is now named in his honor. John Justin, Jr's most lasting contribution to Fort Worth will undoubtably be his drive to promote the city's western heritage. There is no question that he will be deeply missed within the Texas civic community.

Again, my heart goes out to Mr. Justin's family and to all those who are grieving his passing. He gave unselfishly to the city he loved so much. John Justin, Jr. was a Texas icon and his contributions to our community will never be forgotten.

SOCIAL SECURITY GUARANTEE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce legislation to protect the Social Security benefits of our senior citizens. With the prospect of Social Security reform looming in the not so distant future, it is important that we assure seniors that their benefits will not be cut to expedite Social Security reform. Seniors have worked too hard for a secure retirement, to see it jeopardized by a short-sighted effort to ensure future Social Security solvency.

Under current law, Americans have no property right to their Social Security benefits. Many Americans have paid Social Security taxes over their working lifetimes and are planning for retirement with the expectation that they will receive these Social Security benefits. However, at any time, Congress could eliminate or reduce these benefits in the name of Social Security reform.

The Social Security Guarantee Act would eliminate concerns over benefit reduction by seeking to give seniors a property right to their retirement benefits. Specifically, it would require the Secretary of the Treasury to issue to each recipient of Social Security retirement benefits a certificate that includes a written guarantee of a fixed monthly benefit, plus a guaranteed annual cost-of-living increase. By doing so, we hope to eliminate the use of senior scare tactics that have doomed Social Security reform prospects in the past.

I believe this is an important first step toward meaningful Social Security reform. We as members of Congress have a duty to our seniors to ensure their retirement security will not be jeopardized. At the same time, we cannot lose sight of the overall goal of reforming the Social Security program so that today's workers will have the retirement that they deserve as well.

Please join me in supporting this legislation as the beginning of meaningful discourse on Social Security reform.

HONORING ARCHBISHOP EDWARD M. EGAN

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. GRUCCI. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Most Reverend Edward M. Egan, Archbishop of New York upon his elevation to the dignity of Cardinal.

The Most Reverend Edward Egan is only the seventh Archbishop of New York to be named a Cardinal in the last one hundred and twenty five years. He was born on April 2, 1932, in Oak Park, Illinois. Having earned his Bachelor's in Philosophy from Saint Mary of the Lake Seminary in Mundelein, Illinois, he was sent to Rome to complete his seminary studies at Pontifical North American College in Vatican City. In 1958, he received a Licentiate in Sacred Theology from the Pontifical Gregorian University.

After ordination in Rome, he returned to the United States where he was assigned to the staff of Holy Name Cathedral in Chicago and the following year was named Secretary and Master of Ceremonies to Cardinal Albert Meyer. He was also named Assistant Chancellor.

From 1960 to 1965, Cardinal Archbishop Egan was Assistant Vice Rector of the North American College in Rome.

In 1972 he was appointed an auditor of the Sacred Roman Rota, which is the ordinary court of appeals for canonical cases appealed to the Vatican, particularly regarding the validity of marriage. He served as a judge of the Tribunal of the Rota from 1973 to 1985.

He was named Auxiliary Bishop of New York on April 4, 1985, and served as Vicar of Education for the New York archdiocese. He was appointed Bishop of Bridgeport on November 8, 1988. Since coming to the Diocese of Bridgeport, Bishop Egan has overseen the regionalization of diocesan elementary schools, established active Hispanic and Haitian Apostolates, founded the Saint John Fisher Seminary Residence for young men considering the priesthood, reorganized diocesan healthcare facilities, and initiated the inner-city Foundation for Charity and Education.

It's most fitting that Cardinal Egan is the successor of the late John Cardinal O'Connor. New York's new Cardinal is well aware of the legacy left by his predecessor and he is well prepared to continue and strengthen that legacy. He too is dedicated to the dignity of all peoples and to caring for those who are most scorned or ignored by society. Cardinal Egan has the wonderful ability to nurture and develop a sense of social justice among his fellow Catholics. As was the case with Cardinal O'Connor, he understands and deeply respects the values inherent in a multi-cultural and multi-religious community. He has a deep and abiding respect for and dedication to education.

As he assumes his leadership role in the great Archdiocese of New York, it is right for us to wish him success in making this great community a more human, more caring and more believing community of Brothers and Sisters.

Colleagues, please join me and all the members of the Archdiocese of New York in congratulating the Most Reverend Edward M. Egan upon his elevation to the dignity of Cardinal.

IN COMMEMORATION OF HELEN STIRLING GILL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. DEUTSCH. Mr. Speaker, I rise to honor the lifetime achievements of one of Davie, Florida's most active and charitable volunteers. Helen Stirling Gill, daughter of Davie's first mayor Frank Stirling, died Saturday, February 17, 2001, at the age of 78. Mrs. Gill was an active philanthropist for several decades, giving countless hours of service to her community. She will be dearly missed by the city's residents.

Born on July 10, 1922, in Gainesville, Mrs. Gill moved to Davie with her family in 1924, where her father was elected the town's first mayor. She married William "Billie" Gill in 1945, and the couple settled in Davie where they established their family business, Gill Realty.

Charming and attractive, Mrs. Gill was chosen as a Davie Orange Blossom Queen in the early 1940's. Devoted to the joy which local pageantry brought to her community, Mrs. Gill continued to help with the Orange Blossom festivities throughout her life by organizing Orange Blossom bake sales and events for children. In recognition of Mrs. Gill's contribution to the town of Davie, the Davie Chamber of Commerce dedicated the 64th Orange Blossom Festival Parade held February 24, 2001 to Mrs. Gill.

Mrs. Gill was also a devoted member of the Davie United Methodist Church where she taught Sunday School and played the piano during church services. Always a generous caretaker of her community, she visited the sick and prepared many meals for church community dinners.

In a collaborative effort with her husband and other Davie citizens, Mrs. Gill donated four acres for the creation of the Sheridan House for Girls in Southwest Ranches. The Sheridan House is a group home for girls and young women whose parents are unable to care for them. Mrs. Gill's generous contribution and care for those young women is testament to her kind spirit and love for her community. Indeed, Mr. Speaker, Helen Stirling Gill has left a lasting legacy for the people of Davie, Florida. She will be fondly remembered and dearly missed.

CELEBRATING PEACE CORPS 40TH ANNIVERSARY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. HONDA. Mr. Speaker, today I speak in recognition of the dedication and commitment of Peace Corps volunteers for the past four decades. Since its inception on March 1, 1961 the Peace Corps has become a powerful symbol of America's commitment to encouraging progress and developing opportunity across the world.

Today marks the 40th anniversary of the Executive Order signed by president John F. Kennedy that established the Peace Corps. Over 162,000 Americans, including seven current members of Congress, have served as Peace Corps volunteers. They have made significant and lasting contributions in agriculture, health care, science, human rights, and the environment, serving in over 134 nations worldwide. At the same time, they have been enriched by their experience and strengthened the ties of friendship between the people of the United States and the citizens of other nations.

The Peace Corps also serves as a model for countless other programs and continues to foster a spirit of cooperation and volunteerism worldwide. Its volunteers come from all races and all walks of life and embody the core values that we as Americans treasure.

I served in the Peace Corps from 1965 to 1967 in El Salvador. Like many returning volunteers, I have carried the ideals of the Peace Corps and the concept of public service my entire life—into my own community and into my career in the United States Congress.

Mr. Speaker I ask that the Members of Congress honor the men and women of the Peace Corps on the occasion of its 40th anniversary and continue to promote the spirit of service and volunteerism that they embody.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. MOORE. Mr. Speaker, on February 28, 2001, I was unavoidably detained away from the House floor; as a result I missed two recorded votes.

Had I been present, I would have voted aye on rollcall #17, passage of H.R. 256, legislation that would extend Chapter 12 federal bankruptcy protection for farmers retroactive to July 1, 2000, and through June 1, 2001. I also would have voted aye on rollcall #18, a bill that would designate a U.S. courthouse in Allentown, Pennsylvania, as the "Edwin N. Cahn Federal Building and U.S. Courthouse."

TRIBUTE TO THE ALABAMA GRAND CHAPTER, ORDER OF THE EASTERN STAR

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. CRAMER. Mr. Speaker, today I recognize the Alabama Grand Chapter of the Order of the Eastern Star on their One Hundredth Birthday. I congratulate them for one hundred extraordinary years of charity and human outreach. I also send my best wishes to the group for their birthday celebration to be held this Saturday, March 3, 2001 at the York Rite Temple in Birmingham.

Internationally, the Alabama Grand Chapter of the Order of the Eastern Star is the largest fraternal organization in the world that both men and women can belong. The Order was established in Alabama in 1901 in Montgomery. Thousands of members in the 200 chapters support countless numbers of charities and humanitarian projects such as cancer research and scholarships that enhance and enrich the lives of all of our citizens.

Each member has devoted themselves to their community, their state and their nation providing not only financial assistance but personal time when their community needs them.

This is a special day for the Chapter and for everyone who has benefited from their many, many programs. On behalf of the United States House of Representatives and the people of the 5th district of Alabama, I share my congratulations with the Alabama Grand Chapter for one hundred outstanding years of service and I wish them several hundred more.

HONORING THE 86TH BIRTHDAY OF THE UNITED STATES NAVAL RESERVE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BARR of Georgia. Mr. Speaker, today I commend the men and women who serve in the United States Naval Reserve. On March 3, 2001, the Naval Reserve will celebrate its 86th Birthday. Today almost 90,000 Naval Reservists stand alongside their active duty colleagues in defense of our nation in the preservation of our freedoms both here and abroad.

The Naval Reserve is an essential asset in assisting the United States Navy meet the challenges of an unpredictable and dangerous world. As the last remaining superpower, the United States has been, and will be, called on to protect our interest throughout every region of the World. The Naval Reserve stands ready to meet that challenge.

This year, our country will mark the 60th anniversary of the attack on Pearl Harbor and the entrance of the United States in World War II. In Hawaii, the USS *Arizona* and the USS *Missouri* serve as a symbol to both the beginning and the ending of one of America's finest hours. For these two ships serve as a vivid reminder of the sacrifices, including their very lives, that were given by active and duty reserve sailors.

Mr. Speaker, I ask my colleagues to recognize the contribution Naval Reservists make each and every day on behalf of this nation.

IN HONOR OF BROOKS COUNTY AND ITS 90TH ANNIVERSARY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. HINOJOSA. Mr. Speaker, today I honor the 90th Anniversary of Brooks County, Texas. Brooks County was created in 1911 and will commemorate its 90th anniversary at a celebration on Saturday, March 3, 2001.

Led by County Judge Homer Mora and County Commissioners Gloria Garza, Ramon Navarro, Raul M. Ramirez, and Salvador Gonzalez, Brooks County is entering an era of new beginnings. The county is currently working on several projects to stimulate economic development, improve its infrastructure, and preserve its heritage and culture.

Compromising more than 900 square miles, Brooks County is between the Nueces and Rio Grande Rivers in South Texas. Brooks County is a ranching area famous for its cattle breeding and meat production, including gaming grounds for deer, turkey, javelina, and a variety of birds. The area is also known for its agricultural industry, including products such as cotton, peanuts, vegetables, and melons. Brooks County's most valuable resource is its 9,000 residents, whose active participation in their community is evident through their commitment to historic preservation and volunteer spirit.

Some of the points of interest in historic Brooks County include the Heritage Museum of Falfurrias, a shrine to Don Pedrito Jaramillo, and the first highway in Texas, a 20-mile section completed in 1920.

BILL TO DESIGNATE FEDERAL BUILDING IN MEDINA, OHIO AS THE DONALD J. PEASE FEDERAL BUILDING

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. BROWN of Ohio. Mr. Speaker, Don Pease began his long and distinguished congressional career in 1976, a time when Gerald Ford was President of the United States and Ohio's 13th District was characterized by growing industrialization and rural communities. Upon his retirement in 1992, Don Pease could look back and see a fundamentally changed landscape he helped shape on both a local and national level.

A native of Oberlin, Ohio, Pease is a graduate of Ohio University and served on the Oberlin City Council, in the Ohio House and Senate, and as editor of the Oberlin News-Tribune. In 1976, he won election to the U.S. House of Representatives.

Pease spearheaded the fight for human rights protections with his standing on the International Relations Committee. Five years later, he secured a seat on the House Ways and Means Committee and further dedicated himself to tax policy.

Don's numerous legislative victories were marked by an ability to reach consensus. His efforts to work with both sides of the aisle include service on the conference committee for the hotly debated tax reform bill of 1986, and mediation between congressional leaders and the Bush administration on tax policy and China's most-favored nation status.

Since leaving Congress, Pease has returned to Ohio. He has served on the Board of Amtrak, and currently serves as Visiting Distinguished Professor in Oberlin College's Department of Politics.

Don Pease was, and still is, committed to Ohio's working families. His efforts to improve education, expand access to health care, and support workers have made a difference in our lives. By renaming the Medina Federal Building at 143 West Liberty Street in Medina, Ohio, as the "Donald J. Pease Federal Building," this bill honors his hard work in the district he loves so much.

Don Pease was held in high regard as both an ethical and able legislator. He devoted 16 years of service to the 13th District, the state of Ohio, and the nation. I am pleased to join eleven bipartisan colleagues in Ohio in recognizing his dedication to improving people's lives. Thank you.

A TRIBUTE TO RETIRING COL. TONY J. BUCKLES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. GILMAN. Mr. Speaker, today, I am pleased to recognize the outstanding service to our Nation by Colonel Tony J. Buckles, who will be retiring from the Army on April 1, 2001 after a distinguished career that has spanned over 30 years of dedicated service. Tony Buckles distinguished himself as a leader who epitomized the modern American professional soldier.

Tony Buckles' illustrious career as an Armor Officer embodied all of the Army's values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.

Colonel Buckles demonstrated his outstanding tactical and operational expertise in numerous command and staff positions overseas and in the continental United States. Continually serving in positions of ever-increasing responsibility, the highlights of his career include serving as an Armor Company Commander three times and the youngest Armor Battalion Commander in the Army. Tony served as the Chief of Plans and Operations at the Combat Maneuver Training Center in Hohenfels, Germany at the peak of the Cold War. He was responsible for the development and evaluation of warfighting skills for all armor and mechanized forces in the European Theater.

Tony's talent for solving complex management problems complemented his proven operational skill. During Operation DESERT STORM, Colonel Buckles spearheaded the $2.6 billion dollar total package fielding of the Light Armored Vehicle to the Saudi Arabian National Guard. His subsequent assignment was Chief, Combat Arms Division, US Total Army Personnel Command, where he was responsible for the career management of 28,000 combat arms officers from accession through retirement. He also served as the Garrison Commander of the Army's largest installation at Fort Hood, Texas. This facility covered an area of 340 square miles and supported all aspects of life and training for 195,000 soldiers and families.

As evidence of the quality of Colonel Buckles' leadership, management, and interpersonal skills, he was specially selected to serve as the Chief of the Army's Congressional Liaison Office in the United States House of Representatives. He was responsible for maintaining liaison with 435 Members of Congress, their personal staffs, and twenty permanent or select legislative committees. During that period, Tony personally escorted more than 200 Members of Congress on fact-finding missions to over 75 foreign countries. His dedication, candor and professionalism while serving in that capacity earned him the reputation as the best source on Capitol Hill to resolve issues pertaining to the Army.

Accordingly, I invite my colleagues to join in offering our heartfelt congratulations to Colonel Tony J. Buckles on a career of selfless service marked by his resolute dedication and unwavering integrity. He represents the very best that our great Nation has to offer. We wish Tony and his wife, Nancy, continued success and happiness in all of their future endeavors.

BLACK HISTORY MONTH 2001

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. McINTYRE. Mr. Speaker, each year during the month of February, we as a nation come together to honor the history of African Americans. We do so by celebrating this nation's greatest legacy: the legacy of liberation.

Dr. Martin Luther King, one of this nation's greatest liberators, once said, "Let's make America what it ought to be . . . Let's make America a better nation." Dr. King fought tirelessly to fulfill the legacy of liberation and make America a better nation—a nation of liberty and justice for all. Dr. King knew, as Frederick Douglass once said, "Liberty given is never so precious as liberty sought for and fought for." Thanks to the efforts of freedom fighters such as Dr. King and Frederick Douglass, we have come a long way toward fulfilling the legacy of liberation. However, we still have a long way to go before all citizens-no matter their skin color—will be able to share in this legacy and truly know what it is to be free.

Today, I want to share with you the three ingredients necessary to fulfill the legacy of liberation: listening, learning, and leading. We must listen to the voices of the past who fought for freedom for all African Americans. We must learn from the accomplishments and achievements of African Americans who helped build this nation. And we must lead the way to liberty by following in the footsteps of our greatest African-American leaders.

First, we must begin by listening to the voices of liberty. We must listen to these pioneers of freedom and equality who had the vision to see through the injustice of slavery and recognize the value of respect of all individuals no matter what the color of their skin. If we listen closely, we will hear the voices of those who articulated the hope and promise of our nation. These are the voices of those who spoke up, stood up, and fought for the true significance of "one Nation, under God, indivisible, with liberty and justice for all." And whose voices do we hear? We hear the voices of Frederick Douglass, Harriet Tubman, Abraham Lincoln, Carter Woodson, Rosa Parks, and Martin Luther King, Jr. Their voices are the voices of liberation. And while many have listened, some have not heard their message. But we cannot give up—we must keep listening until each and every voice of liberty is heard!

In addition to listening to the voices of liberty, we must also learn from their legacy. This legacy of liberation includes the great contributions that African Americans have made to society. These are achievements that build upon the foundation of liberty and strengthen our nation's freedom. John F. Kennedy, one of this nation's greatest Presidents, once said, "In a time of turbulence and change, it is more true than ever that knowledge is power." The turbulence of the Civil War and the Civil Rights Movement brought about some of the greatest changes that we have ever seen in the history of this nation. We, as a nation, were forced to address and acknowledge our total history. In doing so, we finally began to recognize the accomplishments of all our citizens. This knowledge of our past has served to strengthen the legacy of liberation and bring hope to the future.

Indeed there is so much we can learn from our African-American brothers and sisters if we will only take the time to do so. The list of accomplishments is long and distinguished. I would like to share just a few with you today. For example, a black slave by the name of Onesius experimented with smallpox vaccines in the 1720s. Elijah McCoy's perfection of the locomotive engine led people to say they wanted his product, not some cheap imitation. They wanted the real McCoy! George Washington Carver, an agricultural revolutionary, concentrated his research on industrial uses of cotton, peanuts, pecans, and sweet potatoes. Dr. Charles Dew is responsible for engineering blood transfusions. Langston Hughes, who was known as the "Poet Laureate of Black America," helped bring vision and scope to African-American literature through his poetry. Duke Ellington brought jazz to the forefront of the global music scene. It is without a doubt that America would not be the same without the contributions of these pioneers. They helped to make America what it is today and further the legacy of liberation. If Dr. King were here today, he would be pleased with the progress that has been made in recognizing African Americans for their contributions to society. But he would also tell us to roll up our sleeves because the cause is not yet finished. Much remains to be done! Much remains to be learned!

We must not only listen and learn from liberty's legacy, but we must also lead the way toward greater freedom for all. We can do so by following in the footsteps of some of this nation's greatest leaders—the leaders of liberation. When jailed in Birmingham, Alabama, Dr. Martin Luther King, Jr., composed a letter in the margins of a newspaper and continued writing on scraps of paper some of the most powerful words ever written. He eloquently described many injustices suffered by so many African Americans. Near the end of that letter, he noted that, "One day the South will recognize its real heroes." Those heroes are the leaders of liberation—leaders like Martin Luther King, Jr., Rosa Parks, and the Little Rock Nine. These leaders stood up and sat down for what they believed in: equality and freedom for all. Their actions changed our nation forever, and for that we are grateful.

I had the distinct privilege to recognize the efforts of Rosa Parks and the Little Rock Nine when we in Congress presented them with the Congressional Gold Medal for their efforts to break down racial barriers and fulfill the legacy of liberation. I am also pleased to have supported legislation to construct the Martin Luther King, Jr. Memorial in our nation's capital. This memorial, which is to be built along the Tidal Basin in Washington, DC., will honor Dr. King's dream of freedom and equality for all.

I also ask you to consider the impact African Americans have had in politics and civil rights right here in southeastern North Carolina. We should call attention to the African-American leaders who served our nation and our communities in ways unimaginable 100 years ago or even 50 years ago. African Americans now serve in unprecedented numbers in elected and appointed positions at all levels of government. These advances would not have been possible without those pioneers who opened doors of opportunity for all. I'm speaking of local leaders from southeastern North Carolina, such as Hiram Rhoades Revels, the first African-American member of Congress; Minnie Evans, an artist from this area whose work hangs in the White House; Meadowlark Lemon, the clown prince of basketball who led the Harlem Globetrotters to world prominence; and Michael Jordan, the greatest athlete in the history of basketball. By listening to and learning from these African-American leaders of the past and present, we can honor their legacies and strengthen our own liberty.

On the night before his assassination, Dr. King prophetically said, "Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And he's allowed me to go to the mountain. And I've seen the Promised Land. I may not get there with you, but I want you to know tonight that we as a people will get to the Promised Land." Together, we will fulfill the legacy of liberation through listening, learning, and leading, so that we might one day reach the Promised Land that Dr. King dreamed of for all Americans—a land of equality, freedom and justice for all. It begins now. It begins with us. We have listened! We have learned! We must lead!

CONGRATULATING THE PEACE CORPS ON ITS 40TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. SHAYS. Mr. Speaker, It is a great pleasure to congratulate the Peace Corps as it celebrates the 40th anniversary of its founding. This truly is a milestone.

Founded in 1961, the Peace Corps has sought to meet its legislative mandate of promoting world peace and friendship by sending American volunteers to serve at the grassroots level in villages and towns in all corners of the globe. Living and working with ordinary people, volunteers contributed in a variety of capacities—such as teachers, foresters, farmers, small business advisors—to improving the lives of those they serve. They also seek to share their understanding of other countries with Americans back home.

As a returned volunteer, I can attest to the positive impact Peace Corps volunteers have on the lives of people around the world and here in the United States. Volunteers are not high-priced consultants but hands-on workers in the trenches who live in the communities they serve. In many cases, they speak the native language and become a part of the local culture.

To date, more than 151,000 volunteers have served in 132 countries. Currently, 7,300 Peace Corps volunteers serve in 76 countries, helping improve the lives of children, their families and their communities.

Volunteers also come back to the United States with a commitment to service, as well as the skills and interest in world affairs needed to be leaders in the global community. Many successful Americans served in the Peace Corps; their Peace Corps skills and perspectives shaped their lives and their careers back home. A few of the many notable alumni include Senator CHRISTOPHER DODD of Connecticut, who served in the Dominican Republic from 1966 until 1968, Donna Shalala, former Secretary of Health and Human Services, who served in Iran from 1962 until 1964, and Richard Holbrooke, former U.S. Ambassador to the United Nations, who served as Country Director in Morocco from 1970 until 1972.

I believe I would not be a Member of Congress today were it not for my experience in the Peace Corps and know I am a better person for my service.

The Peace Corps has played an important role overseas and here at home. And my prayer is that it will do so for many years to come.

TO HONOR DELEGATE HARRY J. PARISH FOR 50 YEARS OF PUBLIC SERVICE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. WOLF. Mr. Speaker, I speak today after reading in a local paper that Delegate Harry J. Parrish, of Manassas, Virginia, has recently been recognized by the Virginia General Assembly for 50 years of public service. I want to bring to my colleagues' attention some highlights of this gentleman's exemplary career of service to the people of Manassas, the Commonwealth of Virginia and the United States of America.

Delegate Harry Parrish was born on February 19, 1922, on a farm in Fairfax County, Virginia. Shortly after his birth, his family moved to Manassas where his father bought a coal and ice company and renamed it the Manassas Ice and Fuel Company, Inc., which is still in existence today. As he was growing up, his father encouraged him to pursue flying, an interest that led him to fly for the U.S. Air Force. Mr. Parrish graduated from Osbourn High School in 1940 where he was a member of Prince William County's first high school football team. He then attended Virginia Polytechnic Institute to seek a degree in business administration. His courses were accelerated at the onset of the American involvement in World War 11, and in 1942, Mr. Parrish enlisted in the U.S. Army Air Corps, which later became the U.S. Air Force.

Mr. Parrish had a remarkable and distinguished military career. He was one of only 17 Americans hand selected to attend the Royal Air Force Flight School, No. 5 where he graduated as a pilot, navigator, bombardier, radio operator and armaments man. Through his extensive training, Mr. Parrish became one of the legendary pilots who served in the China-Burma-India Theater where he "flew the hump" and delivered vital war supplies to our troops. Of all his accomplishments, his experiences in World War 11 are the moments in his life of which he is the most proud.

While on active duty, Mr. Parrish was a flight commander, squadron commander, wing operations officer and base operations officer. Following the war, Mr. Parrish went into the Air Force Reserves and served active tours of duty in the Korean and Vietnam wars. Mr. Parrish retired from the Air Force in 1971 with the rank of full colonel and with multiple awards and decorations including the Air Medal with Two Oak Leaf Clusters and the Distinguished Flying Cross.

After the war, Mr. Parrish returned home to work for his father in his ice and fuel business. Mr. Parrish again followed in his father's footsteps when he began serving the Town of Manassas in 1951 as town councilman. He served as councilman until being elected mayor of Manassas in 1963. Mr. Parrish served as mayor for 18 years during which time the town became a city. His service as mayor had such a positive impact on Manassas that in 1973 he was named the "Town of Manassas Man of the Century." He left his position as mayor and ran successfully for a seat in the Virginia House of Delegates in 1981, a post which he holds to this day.

Mr. Parrish is currently the co-chairman of the House Finance Committee and a member of the House Committees on Conservation and Natural Resources, Commerce and Labor, Corporations, Insurance and Banking, Rules and Joint Rules.

Mr. Parrish also serves on numerous state and local legislative and civic boards including the joint Legislative Audit and Review Commission, the Virginia Coal and Energy Commission, and Virginia Veterans Cemetery Board. He is now the chairman of the board of the company his father began in 1922, the Manassas Ice and Fuel Company, Inc., and his son, Hal, is the president. He has served as president of the Virginia Municipal League and on the boards of United Virginia Bank and Crestar Bank. Mr. Parrish is one of the founders of the Prince William Hospital where he has served on the board of directors.

Mr. Parrish has been involved in far too many community clubs and groups to mention all of them at this time. Mr. Parrish is a member of Grace United Methodist Church in Manassas, the Kiwanis Club of Manassas, the American Red Cross, the Society for Preservation of Black Heritage, and Boy Scouts of America. He has also been a member of the Manassas Volunteer Fire Company since 1948.

In addition to the honors and credit to his name that I have already mentioned, he has also received the Distinguished Service Award from the Virginia Oil Men's Association and in 1998 was recognized by his peers by being named Virginia Oil Man of the Year. Also, in 1995 he served, along with his wife Mattie, as the grand marshal of the Manassas Christmas Parade.

He met Mattie during his years at Osbourn High School in Manassas where they have been sweethearts since eighth grade. Mattie has been an incredible source of support and devotion ever since. They have two children and three grandchildren.

The most amazing thing about Mr. Parrish is that despite his long and distinguished career, he remains without a doubt one of the most humble public servants that can be found anywhere. Throughout his 50 years of public service and during his time in the military, he has shown extraordinary and tireless dedication to his country, state, city, church and family.

Mr. Speaker, I know that my colleagues join me in commending Delegate Harry Parrish for achieving 50 years of remarkable public service.

PEACE CORPS ANNIVERSARY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. HALL of Ohio. Mr. Speaker, it is with great pleasure that I join our colleagues and the tens of thousands of Americans who have served with the Peace Corps in celebrating its 40th anniversary.

I had the honor of working as a Peace Corps volunteer in Thailand, in what was then a small town where I taught English. When I returned to my "village" a few years ago, I was astonished to see not only how much had changed—but also to see how many of the students and former colleagues I knew three decades ago still remembered the work done so long ago.

There are few initiatives as successful as this one, and it is with tremendous pride that I count myself as one of the people lucky enough to have had this experience. In the years since 1967, I have visited dozens of countries where Americans are performing Peace Corps service—and dozens more where their work is desperately needed.

I have met countless leaders in business, in charitable organizations, in government, in academia, in every walk of life whose service in the Peace Corps launched careers that have contributed in innumerable ways to the betterment of our country and the countries where they worked.

The Peace Corps does tremendous good overseas. It does wonders for the Americans who serve, and the millions more who benefit from the goodwill they instill in those who know them. And it does America proud. I salute it for its successful first 40 years, and hope it will continue a tradition unmatched by any other American initiative.

TRIBUTE TO VIRGIL SCHEIDT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. PENCE. Mr. Speaker, I rise today to honor Virgil Scheidt, an outstanding citizen and dedicated community leader in Bartholomew County, Indiana. He recently retired as the Republican Party County Chairman and intends to spend more time with his lovely wife, Bettie, and eleven energetic grandchildren.

In addition to his service as County Chairman, Mr. Scheidt is a former State Chairman, a 30-year District Chairman, and a former County Treasurer. He has served as a delegate to the Republican State Convention each session since 1958 and as a delegate to the National Convention on seven separate occasions. Indiana Governors Edgar Whitcomb, Otis Bowen and Bob Orr have all recognized Mr. Scheidt's devotion by awarding him the Sagamore of the Wabash.

Privately, he farms 300 acres of land in Bartholomew County. As a pioneer in real estate, he developed both the Highland Ridge Subdivision and Woodridge Retail Center near Columbus, Indiana. Such achievements earned him the title Realtor of the Year in 1987 by the Columbus Board of Realtors.

Mr. Scheidt's passion for public service has made him an inspiration to all the residents of Bartholomew County. He is not only deeply regarded, but also deeply loved.

Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to this respected man who has helped make selected communities of south central Indiana the pleasant places they are today.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. NEY. Mr. Speaker, on February 28, 2001 I had an urgent family medical issue. As a result I missed rollcall votes Nos. 17, 18, 19, 20, and 21. Please excuse my absence from this vote. If I were present, I would have voted "yea" on each vote.

40TH ANNIVERSARY OF PEACE CORPS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. PETRI. Mr. Speaker, as a former Peace Corps volunteer, I am pleased to rise to speak in celebration of the 40th anniversary of the Peace Corps.

When President John F. Kennedy signed the Executive Order establishing the Peace Corps on March 1, 1961, the response to this bold initiative was both swift and enthusiastic. Less than six months later, the first volunteers had accepted the challenge and left for their two year assignments overseas.

In 1966 and 1967, I myself served as a volunteer in Somalia. It was a meaningful experience for me, and it allowed me to see that Peace Corps volunteers are the best grassroots ambassadors the United States can have. The Peace Corps provides direct aid to ordinary people, and it is probably one of the most cost-effective forms of foreign aid that there is.

I am also pleased to say that the state of Wisconsin leads the Peace Corps' legacy of service. The University of Wisconsin-Madison is the nation's top producer of volunteers, with other 2,300 graduates having joined the Peace Corps and bringing their skills and talents to dozens of countries.

Now, as we observe the Peace Corps' 40th anniversary, it continues to capture the imagination of the American people. It has emerged as an international model of citizen service and of practical, grassroots assistance to people in developing countries.

Additionally, Peace Corps volunteers also make a difference at home by continuing their community service, and strengthening Americans' appreciation of other cultures. By visiting classrooms, working with community groups, and speaking with friends and family members, Peace Corps volunteers are helping others learn more about the world in which we live, and helping to build a legacy of service for the next generation.

Today's 7000 volunteers are somewhat different than the volunteers of the early years. The average age has risen from 22 to 28, the percentage of women has increased from 35 to 60, the number of volunteers with graduate degrees is growing.

But having said that, I believe today's volunteers still share a characteristic with their predecessors that is a cornerstone of Peace Corps service—a commitment to the spirit of volunteerism and service that President Kennedy first envisioned 40 years ago.

I salute the Peace Corps and the thousands of volunteers who have served, and I look forward to many more years for this organization which has truly made a difference around the world.

A TRIBUTE TO JOE FRANCIS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. FILNER. Mr. Speaker, today I recognize Joseph S. Francis, a man named by the San Diego Business Journal as "San Diego's Top Labor Leader". On March 2, 2001, Joe is retiring from the position of Executive Director of Labor's Community Service Agency, an agency he founded in 1985.

Labor's Community Service Agency is a non-profit organization, committed to serving workers, their families and the larger community. It develops partnerships with government, business, and labor—so these sectors can cooperate in making our city a better place to work and live. As Executive Director of labor's Community Service Agency, Joe has developed many programs that address the needs of workers in San Diego.

He is also currently the editor of the Messenger, Vice President of Job Training Associates, Board Member of the San Diego Carrier Museum, and a member of the San Diego County Board of Economic Advisors. His past positions include Executive Secretary of the San Diego-Imperial Counties Labor Council and Director of the Committee on Political Education (COPE). Joe was honored with a Distinguished Service Award by the San Diego-Imperial Counties Labor Council in 1996.

Raised in New Bedford, MA, Joe moved to San Diego in 1953. He first worked at Convair, followed by the San Diego Fire Department where he was involved in the local Firefighters Union. He was elected director of the Union Board in 1965—and later served as Secretary and then President of Local 145. In 1980, he was elected Executive-Director of the San Diego-Imperial Counties Labor Council with an overwhelming two-thirds of the vote.

Although organizing workers is his primary focus, Joe has also contributed to the community through his service on the Boards of the following organizations: United Way, the San Diego Technology Council, the Salvation Army, the Regional Employment Training Consortium, and as President of the San Diego Convention Center Corporation.

On the occasion of Joe's retirement from service as Executive Director of Labor's Community Service Agency, I want to sincerely thank him for his far-reaching vision, his relentless passion, and his tireless service to the working men and women in San Diego and throughout the nation.

Joe, you serve as a model of dedication and energy which we will follow as we strive to carry on the work that you have begun.

CASARELLA RETIRES AFTER 37 YEARS IN EDUCATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Joe Casarella, who has retired after 37 years in education, culminating in four years as superintendent of the Wyoming Area School District in Luzerne County, Pennsylvania.

Raised in Wyoming, Pennsylvania, Joe worked and lived in New York, then in Berwick, Pennsylvania, finally returning home to lead the Wyoming Area schools. He has a long and distinguished career that includes service as a teacher, elementary school principal, junior high school principal, curriculum director, director of special education and federal funds, and as an assistant superintendent.

Mr. Speaker, it is a tribute to just how well liked Joe is at Wyoming Area and the job he has done that when he submitted a letter of resignation last year, students and teachers alike urged him to stay. The one word heard again and again from those who know him is "gentleman."

His accomplishments include successful staff contract negotiations and increasing access to technology for students and teachers, but his most prized accomplishment is the district's community program. In this initiative, representatives from Luzerne County Human Resources and Catholic Social Services work with administrators, teachers and students to identify at-risk students and families and connect them with the social services they need to help them succeed. About 30 families have been helped.

Mr. Speaker, I am pleased to call Joe Casarella's long service to the attention of the House of Representatives, and I wish him all the best in his retirement.

IN RECOGNITION OF FELIPE REINOSO, HONOREE OF NOSOTROS MAGAZINE'S 33RD ANNIVERSARY GALA AWARD BANQUET

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. MENENDEZ. Mr. Speaker, today I recognize Felipe Reinoso, who will be honored at the 33rd Anniversary Gala Award Banquet of Nosotros Magazine on Saturday, February 21, 2001. The Banquet is an annual event that honors distinguished Hispanic leaders for their important contributions to society. This is an opportune time for today's Hispanic leaders to reflect on the economic, political, and cultural contributions that Hispanics have made to American society.

In 1984, Felipe Reinoso received his Bachelor's Degree in Spanish Education from Sacred Heart University and his Master's Degree in Bilingual Special Education from Fairfield University in 1987. Before co-founding the Bridge Academy High School in 1998, where he was Principal, he taught bilingual Social Studies at Warren Harding High School for 14 years.

For his excellence in bilingual education, Mr. Reinoso has received numerous awards and honors, including a citation from the Connecticut General Assembly for Excelling in Education; Teacher of the Year, Warren Harding H.S.; Connecticut Bilingual Teacher of the Year; an Award for Outstanding Achievement as Bilingual Teacher from Hispanic Society, Inc.; and the National Education Association Human Civil Rights Award. In addition, he has received the Points of Light Foundation President's Service Award from President Clinton.

On November 7, 2000, Felipe Reinoso became the first Peruvian-American in United States history to be elected as a legislator. Today, he proudly represents the 130th District of Bridgeport, Connecticut. Mr. Reinoso's victory resonates with historic significance, and gives a greater voice to the concerns of the Hispanic community.

In honoring Felipe Reinoso, Nosotros Magazine is promoting the most important values in American society today: hard work, dedication, and compassion. Mr. Reinoso embodies these American ideals; and, throughout his career, he has worked tirelessly to provide others with the opportunity to meet the standard of excellence he has set. As an educator, he has worked hard to empower Hispanic Americans, and I am confident that he will continue his valuable service to the Hispanic community as State Representative.

Because of community leaders like Mr. Reinoso, the Hispanic community is not only experiencing economic empowerment, but also political strength. Today, we prepare for a future that reflects our years of hard work, and our commitment to each other.

Today, I ask my colleagues to join me in recognizing Felipe Reinoso for his many contributions to the Hispanic community and to the State of Connecticut.

CELEBRATING THE ANNIVERSARY OF THE PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. FARR of California. Mr. Speaker, it has been many years since I joined the Peace Corps, and I rise today to celebrate the 40th anniversary of the Peace Corps.

It was started on March 1, 1961, when President Kennedy signed the legislation launching the Peace Corps—establishing a bold and hopeful experiment to all Volunteers to bring practical grassroots assistance to the people of developing nations to help them build a better life for themselves and their children.

Forty years later, the Peace Corps has succeeded beyond everyone's expectations.

Today there are more than 162,000 returned volunteers in the United States, six of whom serve in the House of Representatives and two in the United States Senate. They have served in 134 different nations, making significant and lasting contributions from Armenia and Bangladesh to Uzbekistan and Zimbabwe.

There are more than 7,000 volunteers that are now living and working overseas. They are addressing critical development needs on a person-to-person basis: working with teachers and parents to teach English, math and science; helping spread and gain access to clear water; to grow more food; to help prevent the spread of AIDS; to help entrepreneurs start new businesses; to train students to use computers; and to work with nongovernmental organizations to protect our environment. Above all, Volunteers leave behind skills that allow individuals and communities to take charge of their own futures.

In our increasing interconnected global community, Peace Corps volunteers also promote greater cross-cultural awareness, both in the countries in which they serve and when they return home. As they work shoulder to shoulder with their host communities, Volunteers embody and share some of America's most enduring values; freedom, opportunity, hope, progress. It is these bonds of friendship and understanding that they create and that can build the foundations for peace among nations.

And I can personally testify that the best service that is given to the Peace Corps is the continuation of service to our communities when we all come home. Today, because of the anniversary of the Peace Corps, thousands of returned volunteers are visiting schools and local communities throughout the United States, sharing the knowledge and insights gained from their experiences abroad and passing along the value of service to others.

As we have learned around the world, the best way to support a democracy is to help development at the local level. Meanwhile, America's, young and old, single and married, would like to serve their country, humanity and democracy. The Peace Corps is one of the most effective mechanisms for uniting these two ideals. This is an asset we should not let go to waste.

On this 40th anniversary of the Peace Corps, please join me in honoring all Volunteers, past, present, and future, and in celebrating four decades of service to the world. The Peace Corps has served its country well, and we should all be proud.

HONORING RABBI ISRAEL ZOBERMAN

HON. EDWARD SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

Mr. SCHROCK. Mr. Speaker, it is with great pleasure that I honor today Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach. He is also the President of the Hampton Roads Board of Rabbis, and Chairman of the Community Relations Council of the United Jewish Federation of Tidewater. I submit the following article that was written by Rabbi Zoberman into the CONGRESSONAL RECORD.

The evolving scenario in the State of Israel, ill-boding to its very security, erupting when Chairman Arafat chose to respond with violence to Prime Minister Barak's far-reaching concessions on the verge of concluding peace, has resurrected fundamental issues of a bitter conflict. Paradoxically, while the sole sovereign Jewish entity is stronger than ever, militarily and economically, it remains vulnerable. The profound division in Israeli society concerning the Peace Process or lack thereof, is a critical factor. In addition, its laudable democracy, the only such progressive manifestation in that part of the world, is a source of vibrant exchange and growth as well as a dangerously fragmented reality.

As a member of a recent JCPA (the Jewish Council for Public Affairs) national solidarity mission to Israel, I was exposed to the unique variety of the Israeli experience unlike no other. What other capital in the world besides Jerusalem is subject to hostile gunfire without a powerful response to attacks on traumatized civilians? Touring the Gilo suburb now famous for drawing gunfire from the neighboring Palestinian village of Beit Jala, we saw the installed protection walls and the encamped unit of Israel Defense Forces which returns fire. Appreciatively greeted in the local elementary school, we learned first-hand of the adverse impact upon young and old. The complex, ironic and surrealistic nature of the situation was highlighted by remarkable Orthodox Adina Shapira, a law student who co-created with a fellow Palestinian a United Nations award-winning project for volunteering Israeli teachers, including herself, to instruct Arab children in the West Bank. All that while her two brothers who are combat soldiers have quite a different perspective. The professional briefing by General Yaalon, IDF's Deputy Chief of Staff, made clear that restraint is exercised in face of planned assault irresponsibly using children as pawns.

In the midst of rising concerns, Israel remains a welcoming home and safe haven for endangered Jews and those yearning for the Jewish context and fulfillment that only Israel can offer. How touching it was in the town of Katzir near the Israeli Arab community of Um-El-Fachem where disturbances occurred, introducing myself to the amazement of a young boy from Kazakhstan, as sharing the same background.

A highlight was the night rally we were fortunate to attend in Ramat Gan for the three kidnapped Israeli soldiers, including Benny Avraham from Pardes Katz, Tidewater's twin city. Ephraim Sneh, Deputy Minister of Defense, addressed the emotionally charged gathering which included the soldiers' families. We urgently continue to call for their release distributing blue ribbons.

In the heated political debate, the message to our delegation by Ariel Sharon, leader of the opposition Likkud party, and now Prime Minister-Elect, included empathy for the condition of the Palestinians. I dared ask him if he would have visited the Temple Mount had he known that it would be exploited by the Palestinians. Responding with a wry smile, he retorted, "They always have excuses." What is certain is that we are entering an uncertain period of great risks in which both Sharon and Arafat will be severely tested, affecting their long enduring peoples, the entire region and beyond. There is a dire need to overcome a most dangerous impasse. If Sharon proves to be a faithful disciple of Menachem Begin, another hardliner turned peacemaker, and intransigent Arafat learns from the equally inspiring example of Egypt's President Anwar Sadat's transformation with admittedly facing now a more complex scenario, that would enshrine them too in a history yet to be written.

The heartfelt presentation of the American Ambassador to Israel, Martin Indyk, focused on the U.S.'s abiding friendship with Israel which facilitates the arduous attempt to bringing closer both sides. While asserting that the warring leaders have a stake in resolution for their own interests, he stated, "violence will not stop altogether in my estimate," with the grave danger of spreading.

Our group's visit to Neve Shalom's unique setting of Jews and Arabs, midway between Jerusalem and Tel Aviv, reminded us of the possibility and necessity for co-existence in a troubled Middle East. Witnessing the shared kindergarten in which the very young learn about each other's traditions was a moving experience, particularly since I was raised in Israel of the 50's and could not even imagine then this kind of joint endeavor which is still an exception. At this fateful juncture may both sides to the tragic historical conflict allow for an emerging new reality of shalom's essential blessings of life, replacing violence with vision and pain with promise.

HOUSE OF REPRESENTATIVES—*Monday, March 5, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. RADANOVICH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 2001.

I hereby appoint the Honorable GEORGE RADANOVICH to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in turbulent times, You have called forth people like Isaias and given them vision. They walked in the eye of the hurricane because they were surrounded by Your spirit of peace. Raise up, in our own day, men and women, young and old, from across this Nation, who see the essentials of required justice and who boldly outline the path to secure economic liberty for all Your people.

Lord God, in peaceful times, You call forth prophetic leaders who will shake off indifference and temerity that the best of a nation and its historic treasuries will not be lost. Then the song of gratitude in hearts of the aged and the dreams of children playing in the streets will be heard again.

For You, Lord of life, renew us in faith and moral values each day. Give us Your perspective on daily tasks and every decision now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the House in the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 2, 2001 at 2:25 p.m.: That the Senate passed without amendment H.J. Res. 19; that the Senate passed without amendment H. Con. Res. 27.

Appointments: U.S.-China Security Review Commission—C. Richard D'Amato of Maryland, Patrick A. Mulloy of Virginia, William A. Reinsch of Maryland; National Committee on Vital and Health Statistics—Dr. Richard K. Harding of South Carolina.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE REGARDING CORRECTION TO CONGRESSIONAL RECORD OF THURSDAY, MARCH 1, 2001, AT PAGE H598

The SPEAKER pro tempore. The Chair desires to announce that rollcall vote 23 of March 1, 2001, as recorded by the electronic voting system, was correct and submitted correctly to the Government Printing Office for printing in the CONGRESSIONAL RECORD. The appearance of rollcall vote 23 in the CONGRESSIONAL RECORD of March 1, 2001, was incomplete as the result of a Government Printing Office omission.

A complete listing of rollcall vote 23 and an indication of the 10 Members whose votes were omitted by the Government Printing Office from page 598 of the RECORD will be inserted at this point, without objection.

There was no objection.

Mr. DOYLE, aye;
Mr. DREIER, nay;
Mr. DUNCAN, nay;
Ms. DUNN, not voting;
Mr. EDWARDS, nay;
Mr. EHLERS, nay;
Mr. EHRLICH, nay;
Mrs. EMERSON, nay;
Mr. ENGEL, aye;
Mr. ENGLISH, nay.

[Roll No. 23]

AYES—160

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—258

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Baird
Cannon
Cramer
Deal
Dunn
Inslee
Kingston
McDermott
Norwood
Ros-Lehtinen
Rothman
Snyder
Toomey

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 1, 2001.

Hon. J. DENNIS HASTERT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106–398), I hereby appoint the following individuals to the China Security Commission:

George Becker of Pittsburgh, PA.
Kenneth Lewis of Portland, OR.
Michael Wessel of Falls Church, VA.

Sincerely,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 2, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 202(b)(3) of the Goals 2000: Educate America Act (20 U.S.C. 5822), I hereby appoint the following Member to the National Education Goals Panel:

Mr. GEORGE MILLER, CA.

Yours very truly,
RICHARD A. GEPHARDT.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 10 U.S.C. 9355(a), the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. YOUNG of Florida and
Mr. HEFLEY of Colorado.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 14 U.S.C. 194(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. SIMMONS of Connecticut.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 46 U.S.C. 1295(h), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mr. KING of New York.

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 10 U.S.C. 4355(a), the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. TAYLOR of North Carolina and
Mrs. KELLY of New York.

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 10 U.S.C. 6968(a), the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. SKEEN of New Mexico and
Mr. GILCHREST of Maryland.

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 6, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1059. A letter from the Acting Administrator, Transportation and Marketing, Department of Agriculture, transmitting the Department's final rule—National Organic Program [Docket No. TMD–00–02–FR] (RIN: 0581–AA40) received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1060. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Re-establishment of Tolerance for Emergency Exemptions [OPP-301102; FRL–6766–5] (RIN: 2070–AB78) received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1061. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-D–7507] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1062. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7755] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1063. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1064. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1065. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B-7411] February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1066. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), for the Fiscal Year 2000, pursuant to 21 U.S.C. 379g nt; to the Committee on Energy and Commerce.

1067. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Delay of Effective Date [HCFA-2006-F2] (RIN: 0938-AI28) received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1068. A letter from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Medicaid Managed Care: Delay of Effective Date [HCFA-2001-F2] (RIN: 0938-AI70) received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1069. A letter from the Deputy Executive Secretary to the Department, Office for Civil Rights, Department of Health and Human Services, transmitting the Department's final rule—Standards for Privacy of Individually Identifiable Health Information (RIN: 0991-AB08) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1070. A letter from the Deputy Executive Secretary to the Department, Office for Civil Rights, Department of Health and Human Services, transmitting the Department's final rule—Standards for Privacy of Individually Identifiable Health Information (RIN: 0991-AB08) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1071. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Exemption from the Make Inoperative Prohibition [Docket No. NHTSA-01-8667] (RIN: 2127-AG40) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1072. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to Knox County, Tennessee [TN-2001-01; FRL-6941-7] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1073. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL-6948-7] (RIN: 2060-AH47) received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1074. A letter from the Attorney Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Carriage of Digital Television Broadcast Signals [CS Docket No. 98-120]; Amendments to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues [CS Cocket No. 00-96]; Application of Network Non-Duplication, Syndicated Exclusivity and Sports Blackout Rules to Satellite Retransmission of Broadcast Signals [CS Docket No. 00-2] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1075. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: FuelSolutions Revision (RIN: 3150-AG72) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1076. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, "Country Reports on Human Rights Practices for 2000," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

1077. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party concluded between January 1, and December 31, 1999, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

1078. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-603, "Title 25, D.C. Code Enactment and Related Amendments Act of 2001" received March 2, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1079. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1080. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1081. A letter from the Acting Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the fiscal year 2000 inventory of commercial activities prepared in accordance with the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

1082. A letter from the Acting General Counsel, Bureau of the Census, Department of Commerce, transmitting the Department's final rule—Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Revocation of Delegation Authority [Docket No. 000609172-1040-03] (RIN: 0607-AA33) received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1083. A letter from the Chairman, Federal Election Commission, transmitting the Commission's priority legislative recommendations for 2001, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

1084. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—North Dakota Regulatory Program [SPATS No. ND-041-FOR] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1085. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Outer Continental Shelf Oil and Gas Leasing (RIN: 1010-AC-69) received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1086. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Protection Areas in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013-1013-01; I.D. 020201A] received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1087. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Protection Areas in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013-1013-01; I.D. 021301B] received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1088. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 2000, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

1089. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Aliens ineligible to transit without visas (TWOV) (RIN: 1400-AA48) received February 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1090. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Program Fraud (RIN: 3064-AB41) received February 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-200, and -300 Series Airplanes [Docket No. 2001-NM-03-AD; Amendment 39-12086; AD 2001-02-02] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28

Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2000-NM-293-AD; Amendment 39-11973; AD 2000-23-03] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1093. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 10 and Model Mystere-Falcon 50 Series Airplanes [Docket No. 98-NM-325-AD; Amendment 39-12075; AD 2001-01-05] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1094. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, S-76B, and S-76C Helicopters [Docket No. 2000-SW-61-AD; Amendment 39-12095; AD 2000-23-52] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1095. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 369A, H, HE, HM, HS, D, E, FF, and 500N Helicopters [Docket No. 2000-SW-63-AD; Amendment 39-12083; AD 2000-25-52] (RIN: 2120-AA64) received February 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1096. A letter from the Secretary, Department of Commerce, transmitting the 2000 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), pursuant to Public Law 100—418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

1097. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—HUBZone Program —received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1098. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in respect of losses attributable to a disaster [Rev. Rul. 2001-15] received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1099. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-12] received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 2001-24] received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision: Arnold W. Vinick v. United States—received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1102. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Change in accounting periods and in methods of accounting [Rev. Proc. 2001-25] received February 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1103. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships: Delay of Effective Date of Final Rule and Technical Amendment [HCFA-1809-F2] received February 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 727. A bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act (Rept. 107-5). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE:

H.R. 858. A bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers; to the Committee on Financial Services.

By Mr. LAFALCE:

H.R. 859. A bill to amend section 203 of the National Housing Act to reduce the down payment required by a first-time homebuyer purchasing a home with a mortgage insured under such section; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 267: Mr. RANGEL, Mr. CLEMENT, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATHAM, Mr. TURNER, Mr. POMEROY, and Mr. UDALL of New Mexico.

H.R. 296: Ms. BALDWIN, Ms. LEE, and Mr. CUMMINGS.

H.R. 320: Mr. DAVIS of Florida.

H.R. 346: Ms. CARSON of Indiana and Mr. BLAGOJEVICH.

H.R. 389: Ms. CARSON of Indiana.

H.R. 606: Mr. NADLER, Mr. SHERMAN, Ms. BROWN of Florida, Mr. DIAZ-BALART, Mr. GREENWOOD, Ms. SANCHEZ, and Mr. WAXMAN.

H.R. 612: Mr. TURNER, Mr. CLAY, Mr. PAUL, Ms. CARSON of Indiana, and Mr. BLAGOJEVICH.

H.R. 637: Mr. DOOLITTLE.

H.R. 639: Mr. ROTHMAN, Mr. HALL of Ohio, Mr. KUCINICH, Mr. MCDERMOTT, Mr. WEXLER, and Mr. SANDERS.

H.R. 693: Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. FARR of California, Mr. STUPAK, and Mr. EVANS.

H.R. 718: Mr. HALL of Texas, Mr. SKEEN, Mr. SKELTON, Mr. SWEENEY, Mr. MCHUGH, Mr. HONDA, Mr. DAVIS of Florida, Mr. BLUMENAUER, Mr. BENTSEN, Mr. RADANOVICH, Mr. HAYWORTH, Ms. HOOLEY of Oregon, and Mr. BALDACCI.

H.R. 737: Mr. STARK and Mr. GANSKE.

H.R. 745: Mr. DINGELL.

H.R. 794: Mr. TURNER.

H.R. 832: Mr. DEMINT, Mr. SCHAFFER, Mrs. CHRISTENSEN, Mr. NEY, and Mr. WELDON of Pennsylvania.

H. Con. Res. 29: Mr. ROHRABACHER, Mr. HOLT, Mr. WEXLER, Mr. CANTOR, Mrs. MCCARTHY of New York, Mrs. MORELLA, Mr. KING, Mrs. ROUKEMA, Mr. DEUTSCH, Mr. SESSIONS, Mr. SHAYS, Mr. LAHOOD, Mr. VISCLOSKY, Mr. BENTSEN, Mr. BERMAN, Mr. WOLF, Mr. ANDREWS, Mr. MCNULTY, Mr. GORDON, Mr. KIRK, Mr. LANTOS, Mr. EVANS, Mr. CARDIN, Mr. DIAZ-BALART, Mr. ACKERMAN, Mr. SHERMAN, Mr. NADLER, Mr. FROST, Mr. SMITH of New Jersey, and Mr. HALL of Ohio.

SENATE—*Monday, March 5, 2001*

The Senate met at 2 p.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, with gratitude, we remember that it was 136 years ago, on March 3, that Congress approved Treasury Secretary Solomon P. Chase's instruction to the United States Mint to inscribe coins with the new motto, "In God We Trust." We see this motto every day on the wall of this Senate Chamber. We pray that it will be the daily, hourly expression of our dependence on You. We place absolute and undoubting trust in You, Your love, Your providential care, and Your justice and mercy. We have a great need for You, Almighty God, and You are a great God for our needs. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 5, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CARPER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will immediately begin debate of S. 420, the Bankruptcy Reform Act. Today, the bill will be open for debate only. As previously announced, there will be no votes during today's session. Amendments are in order on Tuesday, and therefore votes are expected to occur. It is hoped that all action on the bankruptcy bill can be completed prior to adjourning for the week. The Senate may also consider any nominations that become available for action, and I thank all our colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BANKRUPTCY REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 420, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 420) to amend title 11, United States Code, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, today, I am pleased that we are proceeding to the consideration of bankruptcy reform legislation. Senator GRASSLEY introduced S. 220 earlier this month, which is precisely the same legislative language that was contained in the conference report passed by the Senate in December by a vote of 70 to 28. That language has been marked up and reported out of the Judiciary Committee. It is that language we are considering today in S. 420, the "Bankruptcy Reform Act of 2001."

As many of you know, we have been working on the issue of bankruptcy reform for a number of years now. By way of background, both Houses demonstrated overwhelming margins in favor of this legislation in December, but President Clinton pocket-vetoed the legislation and we simply ran out of time in the session to come back and override the veto. So earlier this month, rather than introducing something to serve as a starting point for negotiations, Senator GRASSLEY introduced exactly the language that passed both houses so overwhelmingly in December. This language was the result of a long process of bipartisan negotiations last year that resulted in agreement on over four hundred pages of legislative language, on all but two issues. Although we were prepared to go directly to the Senate floor and complete this unfinished business of the last session, because of complaints by some Democrats on the committee, we held yet another committee hearing on the subject. Even after the hearing, some Democrats on the committee raised additional objections, and that is why we marked up the legislation in committee, instead of moving directly to the Senate floor for its quick consideration. We tried our best to accommodate our colleagues on the other side. I think we did, and I believe they appreciate it.

Although some 27 democratic amendments were circulated for the committee markup, I am pleased that our Democratic colleagues ultimately limited their offering of some of the amendments because those of us on the Republican side of the aisle worked very hard to accommodate Democratic concerns with respect to substantive amendments. We accepted several amendments and developed compromise provisions on several others. It is my sincere hope that we can work constructively on the floor without an unnecessary flood of amendments and without undue delay.

Again, this legislation was agreed to during bipartisan negotiations last year, with the exception of two provisions, one of which—the issue of the dischargeability of debts relating to violence—we worked in committee to resolve. I am pleased that the bill now includes a reasonable compromise developed by Senator SCHUMER and me that addresses the concerns of both sides in a fair manner. Let me take this opportunity to thank Senator SCHUMER for his leadership and hard work on this issue.

I am also pleased to have worked with the Ranking Democratic Member of the Judiciary Committee, Senator LEAHY, to include for the first time privacy protections in bankruptcy. The amendment protects personally identifiable information given by a consumer to a business debtor by adding new privacy protections to the bankruptcy code and by creating a consumer privacy ombudsman to appear before the bankruptcy court.

Given that the language we are considering is the Senate-passed conference report with the only changes being ones sought in committee by our Democratic colleagues, I am hopeful that we can all stand by the compromises we reached in good faith last year. I am the first to acknowledge that there are things I would like to see changed in the bill, but I recognize that we all have cooperated and compromised in order to enact this legislation that provides new consumer protections, helps children in need of child support, and makes other necessary reforms to a system that is open to abuse.

As we move to consideration of this legislation, I am heartened, but not surprised, by the results of the nationwide voter poll conducted for the Credit Union National Association which indicates broad public support for reforming our bankruptcy system.

According to the poll, the vast majority of people believe that individuals who file for bankruptcy should be required to pay back some of their debts if they have the means to do so.

This is precisely what the bankruptcy reform legislation is designed to do. The late Erma Bombeck once asked her husband, "What do you think I'd do if I won a million dollars?" "You'd spend $2 million," he said. The reason her anecdote is funny is that it rings so true. Many people, even during the best of economic times, do not exercise financial responsibility.

The poll also shows that most people think it should be more difficult for people to file for bankruptcy. This finding indicates to me that Americans have had enough. They believe it should be made more difficult for people to file for bankruptcy. Fourteen percent strongly oppose that provision, 14 percent somewhat oppose, 24 percent somewhat favor it, and 40 percent strongly favor, or 64 to 28. So it is a very important thing when you think about it.

I have to say that, as I have mentioned the poll shows, most people think it should be more difficult for people to file for bankruptcy. This finding indicates to me that Americans have had enough; they are tired of paying for high rollers who game the current system and its loopholes to get out of paying their fair share.

Although this legislation does not make it more difficult for people to file for bankruptcy, it does eliminate some of the opportunities for abuse that exist under the current system. Our current system allows wealthy people to continue to abuse the system at the expense of everyone else. People with high incomes can run up massive debts and then use bankruptcy to get out of honoring them.

All of us end up paying for the unscrupulous who abuse the system. In fact, it has been estimated that every American family pays as much as $550 a year in a hidden tax as a result of the actions from these abuses. The bankruptcy reform legislation will help eliminate this hidden tax by implementing a means test to make wealthy people who can repay their debts actually honor them. I suppose we can call this a tax cut for the responsible people in America.

There are numerous examples of people who take advantage of loopholes at the expense of everyone else. I recently heard from the President of a credit union in Wisconsin who told me about a young couple who wanted a "clean financial slate" before they got married. What did they do? They ran up their credit card purchases. One of them prepaid on a car loan with the credit union to have the other cosigner released. Then, although they were both employed full time, they filed for bankruptcy to wipe out all their debt. The credit union—and its members—had to eat the $3,000 in credit card debt and another couple of hundred dollars on the car.

Bankruptcy relief was never meant to allow this kind of abuse. That is a minor story compared to the millions of examples that over the years could be cited. Hard-working Americans, including the members of credit unions nationwide, have been victimized by abusers of the current bankruptcy system long enough.

Bankruptcy abuse also hurts our Nation's small businesses. As Thomas Donahue, the president and CEO of the U.S. Chamber of Commerce, said recently:

Without congressional action, losses from bankruptcy abuses will continue to break the banks, and backs, of the Nation's small businesses and retailers, which work with slim profit margins and an even smaller margin for error.

Make no mistake, misrepresentations about this legislation have been running rampant by those who oppose any meaningful bankruptcy reform. Perhaps we can take some comfort in the words of former British Prime Minister Harold MacMillan who said:

> I have never found, in a long experience of politics, that criticism is ever inhibited by ignorance.

Despite the allegations of opponents of reform, the poor are not affected by the means test. The legislation provides a "safe harbor" for those who fall below the median income, so they are not subjected to the means test at all.

Another misrepresentation I have heard again and again is that this legislation won't let people file for bankruptcy relief when they need it. The fact is, this legislation does not deny anyone access to bankruptcy relief; it just requires those who have the means to repay debts based on their income to do so. It is that simple.

Opponents of this legislation have also waged the claim that it somehow hurts women and children. This falsehood is a particularly disturbing one for me to hear because I have had a long history of advocating for children and families in Congress. I have worked tirelessly, provision by provision, to make this legislation dramatically improve the position of children and ex-spouses who are entitled to domestic support.

It can be difficult to get the word out when misrepresentations abound about what bankruptcy reform legislation really does. In fact, the bankruptcy legislation will put a stop to letting deadbeat parents use bankruptcy to avoid paying child support. This bill would mean putting an end to paying lawyers ahead of the children who rely on child support. Current bankruptcy law simply is not adequate, and, frankly, I was outraged to learn of the many ways deadbeat parents are manipulating and abusing the current bankruptcy system in order to get out of paying for their domestic support obligations. This bill is a tremendous improvement for children and families over current law. That is why there is such overwhelming support for this legislation from the child support professionals across the country—the very people who go after deadbeats to get children the support they need.

I hope those who oppose any reform to our Nation's bankruptcy system will not engage in petty parliamentary tactics and try to encumber it with frivolous amendments. Nevertheless, I am optimistic that this much-needed bankruptcy reform legislation will be signed into law this year. We have a no-nonsense President in the White House who understands the importance of personal responsibility. So let's enact this meaningful bankruptcy reform. As I said last year, the American people have waited long enough for it, and it is time for us to do what really is in the best interest of the people at large. It is time to give this, in effect, tax cut to the millions of people out there who are paying, on the average, an extra $550 a year because of those abusing the system.

I yield the floor.

Mr. LEAHY. Mr. President, bankruptcy is a complex area of the law. It has competing public policy interests between debtors and creditors and among competing creditors.

The complex and competing interests involved in achieving fair and balanced reforms of our bankruptcy system demand we work in a bipartisan manner throughout the legislative process. Actually, that is the lesson we learned from failed attempts of past reform measures, and it is all the more relevant with an evenly divided Senate.

The Republican leadership in the Senate and of the Judiciary Committee I felt did not want the Judiciary Committee involved in shaping bankruptcy reform legislation this year, but over the last couple of weeks the committee was able to hold an informative hearing and a markup that began the process of improving the bill.

In fact, when we finally started talking about amendments to greatly improve the bill, we spent less than 4 or 5 hours. Eight amendments were adopted by the Judiciary Committee during a couple hours of work on Tuesday and a couple hours of work on Wednesday, and we improved it.

I am pleased to learn of the majority leader's remarks on Wednesday when he congratulated the committee for its positive action and for completing its work on an expedited basis last week. The point being: Just put us in a room, actually have us all there, and give us a little time. We usually work these things out. We can do the same thing on the floor. If the leadership wants us to complete this bill, we can do it expeditiously.

The bill the Senate begins considering today is the bill that originated in the Judiciary Committee, S. 420, with those important committee amendments already incorporated. The committee held an informative hearing and markup which has improved the bill in several key areas. I commend the Democratic members of the Judiciary Committee for their amendments and for their willingness to expedite committee action on this measure. I will give an example.

Senator FEINSTEIN pointed out a number of aspects of the bill need further refinement and our attention with respect to the harshness of the means test and the need for balance with regard to consumer credit disclosures and solicitations. In addition, she coauthored with Senator FEINGOLD an amendment that the committee debated and adopted by a 10–8 vote to provide balance and fairness to the bill's landlord-tenant provisions. I know the Senator from California will continue her good work so that the bill considered by the Senate is further improved.

During the markup, the committee adopted a number of improvements to the bill. We also showed what happens when we work in a bipartisan fashion.

I commend the chairman and Senator SCHUMER for reaching agreement on one of the most contentious issues in the bankruptcy debate in the last Congress: the discharge of penalties for violence against family planning clinics.

I believe the compromise Senator HATCH and Senator SCHUMER worked out, along with help from my staff, was possible in part because of the powerful testimony at our committee hearing on the need to end this abusive practice.

During our hearing on bankruptcy reform legislation, Maria Vullo, a top-rate attorney, testified about the need to amend the bankruptcy code to stop wasteful litigation and end abusive bankruptcy filings that are used only to avoid the legal consequences of violence, vandalism, and harassment to deny access to legal health services. I believe she impressed all members of the committee. I think she made all members of the committee realize we have to move on this issue.

As a result of the amendment adopted by the committee last week, perpetrators of clinic violence will no longer be able to seek shelter in the Nation's bankruptcy courts.

In addition, the committee adopted a Leahy-Hatch amendment to protect the personal privacy of consumers whose information is held by firms in bankruptcy. The amendment of the Senator from Utah and I permits bankruptcy courts to honor the privacy policy of business debtors and creates a consumer privacy ombudsman to protect personal privacy in bankruptcy proceedings.

I appreciate the chairman's effort in joining me on this amendment to add important consumer privacy protections to the bankruptcy code.

The irony is, the Leahy-Hatch amendment would not even be needed if everybody was doing what they should. The Leahy-Hatch amendment is needed because the customer list and databases of failed firms can now be put up for sale in bankruptcy without any privacy considerations, and even in violation of the failed firm's own public privacy policy against the sale of personal customer information to third parties.

Let me explain what happens. You have an online company and they have a privacy policy that guarantees privacy of your family's information: You can give us all the details about your children, you can give us all this information because we promise you we will never sell it to anybody else; we will never give it to anybody else.

They keep their word, but they go into bankruptcy. The bankruptcy court looks at the file and says the only thing you have left worth any money is this list of names of these children, their parents, whomever. It is valuable. The trustee in the bankruptcy says: I have sworn an oath; I have to uphold the law. I have to sell that list. Suddenly the list you thought was sacrosanct is sold. I will give an example.

Toysmart.com. is a failed online toy store. It filed for bankruptcy last year. Its databases and customer lists were put up for sale as part of the bankruptcy proceeding. It went on the auction block even though they promised that all the information would never be allowed out.

The Leahy-Hatch amendment that we adopted in committee adds privacy protections and a consumer privacy ombudsman to the bankruptcy code to prevent future cases such as Toysmart.com.

We adopted several amendments by Senator FEINGOLD to strengthen chapter 12 to help our family farmers with the difficulties they face.

I offered another amendment that added a number of temporary bankruptcy judgeships to the bill, actually in line with the recommendations of the Judicial Conference of the United States.

All in all, the eight amendments the committee adopted to the initial proposal began the process of improving the bill during this Congress. We worked expeditiously in the Judiciary Committee to accommodate the interests of the majority leader in having prompt action on this measure. We did so in spite of the fact that this committee has not taken the organizational actions necessary to adopt a budget and to create subcommittees.

I thank the Members on my side of the aisle who have been willing to make quorums and move forward even though we have yet to organize the committee.

Last Wednesday, the majority leader said on the Senate floor:

> I think the committee needs to be congratulated because the committee worked yesterday, it worked again today, and it completed its work. I do not know how many amendments actually were considered, but they dealt in some way with as many as 30 amendments and I guess voted on a whole lot of them.

I thank the majority leader for his kind words about the Judiciary Committee's consideration of this bill.

The majority leader also stated on the Senate floor last week that he hoped "for a full and free debate—amendments will be offered, considered, and voted on."

I agree we should have such a full and free debate. It is actually the best way to proceed. The irony is we have a lot of discussion about should the Judiciary Committee mark this bill up or not mark it up? Should we meet on this bill or not meet on this bill? We spent more time talking about meeting on the bill than we actually did when we sat down.

When we sat down and followed the normal process, we considered the amendments, we voted them up or down and sent the bill to the floor. The Senate works best when it can openly and freely work its will on major legislation.

Senators will return tomorrow. If we start voting on this early, bring up amendments, vote on this early tomorrow, go into the early evening, do the same on Wednesday, probably into Thursday morning, we can easily finish this bill so long as we don't interrupt it for other work.

We made a good start in the Judiciary Committee, but there are some issues that have to be held to the floor. We did not address the homestead exemption cap. Certainly that is a huge loophole where somebody could dump a whole lot of money in a few States into multimillion-dollar mansions and then declare bankruptcy and hide it from creditors.

We didn't talk about consumer credit card disclosures. Chairman HATCH asked that a number of these amendments be reserved for floor action. I agreed so as to help move this out of committee. But now we are ready to offer those amendments.

I believe we can craft a balanced bankruptcy reform law that corrects abuses by debtors and creditors in the current bankruptcy system. For example, we should provide for more disclosure of information so consumers may better manage their debts and avoid bankruptcy altogether. They must have a better idea what it means when they sign up for a credit card. They ought to have some idea when they are told, here is the minimum payment for the month. They also ought to have something saying, if you carry the minimum payment, here is what you will owe in the end, which may be many times what was paid for the item in the first place.

I know Senators LEVIN, DURBIN, SCHUMER, DODD, and others share a commitment to include credit industry reforms in a fair and balanced bankruptcy bill.

Billions of credit card solicitations made to American consumers in the past few years have contributed to the rise in consumer debt and bankruptcies, including a 7 or 8 year old receiving a credit card with a long line of credit, or a dog gets a credit card. Somebody puts their dog's name on an answer to a letter, and suddenly the dog is getting a credit card with an approval letter: Dear Mr. Rover Leahy: We are so impressed with your past credit card we are now giving you a $2,000 credit line.

When it comes to kids in school who can barely get enough money to go to the movies, credit card companies say: Dear Student: With your great credit card, here is $2,000, $3,000.

The idea is if you start using it, you get hooked on using that one credit card. On one side we have people trying to hook kids on drugs; on the other side, we have credit card companies trying to hook them on credit cards. In fact, it is estimated that last year credit card companies mailed 3.3 billion solicitations. In case you wonder why your mail is late, it is because of the credit card solicitations.

Many of the most controversial proposals for changing this bill are to benefit the credit card industry. A lot of what is driving the consideration of this bill is that the credit card industry is going to get some real big gifts. The biggest gift is to give to the credit card industry the taxpayer pays for bankruptcy courts and the authority of the Federal law to help them with the collection practices of these companies after they have given the credit card to your pet dog or your kids in school or your aging parent in a nursing home.

Business Week recently reported Dean Witter estimated this bill would boost the earnings of credit card companies by 5 percent a year. Want to know about a gift? This bill at present would give credit card companies alone a 5-percent increase. I would like to become the CEO of one of those credit card companies, hope the bill passes, and I could say: Look, our earnings went up.

One credit card company, MBNA, would make in profit—not in earnings, but in profit—$75 million a year, according to the Business Week article, if we pass this bill the way it is.

They will make a lot of money. If some of their lobbyists are outside singing jingle bells, it is not just the snow that shut down the Washington area this morning that encouraged them; it is this bill. In fact, it is only fair if the credit card industry is going to get the profits, they ought to be involved in bankruptcy reform. They ought to be asked to show how the changes they seek will benefit consumers. If they are going to make the extra profits, if they are going around saying it will benefit consumers, let me see the lower interest rates. Let me see the lower fees.

If this bill passes and gets signed into law, let us all ask the credit cards, where are the lower fees? Where are the lower interest rates? Who wants to bet we will see them?

There is no guarantee the billions in credit industry profits are going to be passed along to the consumers. I happen to agree with President Bush. He underlined the importance of examining credit industry practices when discussing the state of America's economy.

President Bush said he will "remind Members of both the Senate and the House that there is a lot of debt at the Federal level, but there is a lot of debt at the private level. We've got a lot of people struggling to pay off credit card consumer debt."

I am one Democrat who says President Bush is absolutely right. I agree with him. I think we ought to tell the credit card companies if you are going to get a big windfall from the Senate and the House, give something back to the consumers, and stop trying to hook kids on credit and credit cards that they can never pay off in their lifetime. Stop trying to hook them when they are in college, stop trying to hook parents who are strapped already with more credit cards without telling them what it will really cost them if they get behind.

Another improvement we should make is to address the problem of wealthy debtors who use overly broad homestead exemptions to shield assets from their creditors. Senator KOHL has been a leader on this issue and a champion for closing down the loophole for the rich.

In some States, wealthy debtors have million-dollar mansions that are protected from bankruptcy. There has been an abuse of the bankruptcy fresh start protection. In the last Congress, the Senate overwhelmingly, Republicans and Democrats, voted to close this loophole of the bankruptcy code. By a vote of 76–22, the Senate adopted a bipartisan amendment offered by Senators KOHL and SESSIONS to cap homestead exemption at $100,000. But the giveaway bill this year guts that provision. We have to put it back in. We want to make this law have a sense of being balanced.

At our hearing in the committee, Brady Williamson, the former chair of the National Bankruptcy Reform Commission, testified that ending homestead abuse was a key consensus recommendation of the Bankruptcy Reform Commission.

I think we should remember as we go through this week what purpose bankruptcy serves. It is a safety net for many Americans. That is why it has been here since the beginning of this country. Those who use bankruptcy are usually the most vulnerable of the American middle class. They are older Americans who have lost their jobs or are unable to pay their medical debts. They are women attempting to raise their families or secure alimony and child support after a divorce. They are individuals struggling to recover from unemployment.

As we move forward with reforms that are appropriate to eliminating abuses in the system, we need to remember the people that use the system, both the debtor and the creditor. We need to balance the interests of creditors with those of middle-class Americans who need the opportunity to resolve overwhelming financial burdens.

The last two Congresses proved there are many competing interests in the bankruptcy reform debate that make it difficult to enact a balanced and bipartisan bill. By working in a bipartisan fashion from the beginning of the amendment process to the end, we can craft reforms and ensure our bankruptcy laws better serve the intended goals and correct abuses of the bankruptcy system by debtors and creditors. That is why I say let the process work through. Bring up amendments. Some will be adopted; some will not.

Nobody is out here to delay it. We are just trying to make a better bill. Let's do something about the homestead exemption. Let's do something about appropriate disclosure to consumers.

Let us make this a better bill and then send something to the President that he can be proud to sign, knowing it is consistent with what he said about a lot of people struggling to pay off credit card debt. The President will know that we have done something consistent with what he said just in the last couple of days.

I will work with Senator HATCH and my good friend, Senator Grassley from Iowa, to make more improvements on the Senate floor. Let's reach a bipartisan consensus that can be enacted into law. Let's do it in the next couple of days. Let's work on this. Let's start voting early tomorrow on it and let's wrap it up. Let's not go off this until we finish. If we do that, we can complete our work.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. CARPER. Mr. President, for the last hour or so we have been privileged to hear comments from Senator HATCH and Senator LEAHY who discussed the debate of the bankruptcy reform legislation, which took place in the Judiciary Committee over the last several weeks. We now have the opportunity, today and tomorrow, to begin amending the bankruptcy reform legislation that was vetoed by President Clinton last year.

I wish to express my own appreciation to both Democrats and Republicans on the Judiciary Committee for letting the process work, and for moving the process forward.

I especially thank Senator SCHUMER and Senator HATCH for working out a compromise on those who would use bankruptcy as a way to avoid their responsibilities; or for those who have brought action against family planning clinics, or, frankly, any act of violence, intimidation or threat.

I am appreciative of Senator LEAHY and Senator HATCH for the work they have done in trying to make sure that consumer privacy protections are provided in this legislation.

The history of bankruptcy is known by many people. For much of the last century, individuals and businesses have been able to seek protection through bankruptcy in order to put their lives back together, or their businesses back together. Several chapters that exist for bankruptcy are designed to provide a place for consumers to find relief.

In the last decade we have witnessed some of the strongest economic expansion in our country's history—the longest economic expansion in our Nation's history—yet during the 1990s we have seen an alarming increase in the number of people filing for bankruptcy.

Not all of those people who filed for bankruptcy had any other recourse. In fact, the lion's share of the people who filed for bankruptcy last year—or the year before that and the year before that—were folks who were up against the wall. They needed a way out and for them bankruptcy was that way out.

There are people who lost their jobs; people whose family suffered illnesses; maybe catastrophic illnesses; or marriages that were dissolved; or relationships that came to an end. And because of those situations and others like them, those families need the protection of bankruptcy.

Not everyone who files for bankruptcy needs the protection afforded them in chapter 7. For some who file, chapter 7 is not the appropriate venue, because they have the ability to pay at least a portion of their debt. If an individual can repay some of their debt, they should instead file under chapter 13.

The challenge that the committees in the Senate and House faced last year was to try to figure out a fair way to determine who indeed had the ability to pay something of their debts and who did not.

Among the other reasons why we need reform—it has been alluded to before, and I will touch on it briefly—is that under current bankruptcy law those who have an obligation to pay child support, or those who have an obligation to make alimony payments, in many cases find those priorities low on their list. And, frankly, they are pretty low on the list of the bankruptcy laws of our land. We need to do something about that. This legislation would. It would raise the priority of child support payments and alimony payments as well.

Currently those who have those kinds of obligations to their children, or to a former spouse, also have to try to use something called the automatic stay as a way to avoid meeting those obligations while their bankruptcy case winds its way through court, and sometimes this can be a long period of time. This legislation would end the automatic stay for child support and alimony payments, making sure individuals are responsible for these personal obligations.

State and local governments are affected as well. As former Governor of Delaware, and former chairman of the National Governors' Association, one of the reasons why the National Governors' Association supported bankruptcy reform was to make sure individuals who had the ability to pay some of their State and local taxes were called upon to do that where it was reasonable. This legislation would do that.

In the end, when people who have the ability to pay, do not pay and walk away from those debts, the rest of us end up paying the costs of their bankruptcy. Businesses and creditors have to swallow the debt. Then, those of us who borrow money—whether it is for a house, or for a car, or for credit card purchases—in the end we pay more than we really ought to. This is not fair to the majority of us who pay our bills.

I have only been in the Senate for about 2 months. One of the comments I have heard most frequently is the old adage "don't let the perfect be the enemy of the good." My guess is we are going to hear that a lot on the Senate floor this week. I will be the first to say it.

This bill represents in many respects so much that is needed. The changes don't do everything I would like. I will mention a couple of concerns that I have.

I think it was Senator LEAHY who spoke a few moments ago about the credit card applications that come to our children.

In some cases rather young children, even to our pets. I think he referred to Rover, Rover Leahy. I do not know if his dog actually did get a credit card application. I would just say we get a lot of mail in our home. I am sure we all do. We probably get more credit card solicitations than we would like. But we simply throw them away if we are not interested.

If credit card issuers or, frankly, others who are extending credit are so foolish as to extend credit to a pet or to a child, who does not have the ability to repay that obligation, that is a poor underwriting decision by the extender of the credit. And they deserve, in the end, what they will get. It is issued probably to someone who either maybe will not use it, or if they do use it, it is perhaps not with the intent of ever paying that obligation.

For the real person who is actually extended the credit card under those circumstances, under this bill, if they do not have the ability to pay, if, indeed, their income is under a median family income, they have a safe harbor. If they have to declare bankruptcy, they will continue to have the ability to file under chapter 7 and will not have to pay that obligation.

Senator LEAHY also mentioned the issue of disclosure. We get our credit card statements whenever they come. There is a statement on the credit card that says: If you pay your minimum monthly amount that is due, you can do so and not incur any kind of penalty. The credit card does not say how long it is going to take you to actually pay off your credit card bill if you only pay the minimum.

I wish there was some way to address that in a way that does not put the extender, the creditor, in harm's way with respect to class action lawsuits. This is a difficult situation.

The bill that is before us this week does provide an example to those of us who are consumers and explains that if we only pay the minimum payment, it may take an extended period of time to pay our credit card bill. It actually uses an example, as I understand it. Creditors, in this case, issuers of a credit card, are to provide on the statement an example that if this is how much you owe, and you pay your minimum payment—and this is the interest rate—this is how long it will take you to actually pay down your obligation. They actually offer a 1-800 number that someone can call to say: "My debt is $800. That is what my statement says. My minimum payment is $20 a month. How long will it take me to pay it off?" We can get an answer by calling the 1-800 number.

I wish we had the ability to put a close estimate of what the debt would cost a consumer, and how long it would take to pay off, right on the credit card statement. I am told the reason why the bill out of committee does not do that is because of concerns about class action lawsuits. That is a legitimate concern but, for me, the solution is not a perfect one.

The other issue I wish we could address is the homestead exemption. I understand Senator KOHL may try to address this issue this week. People roll up big debts and then go to a State that has a large homestead exemption, and they put a lot of money, a lot of assets therein, for example, a very expensive home—a quarter of a million dollars, half a million dollars, or million-dollar home—and then walk away from their other obligations and use that estate, that homestead to protect their assets.

I understand Senator KOHL is going to offer an amendment that makes this practice somewhat more difficult to do. I welcome that provision.

But most of the people who file for bankruptcy are not folks who seek to try to stiff credit card or financial institutions or department stores or anyone else. They are people who are left with little other choice. As I said earlier, they have been dealt, in many cases, a difficult or maybe a crippling blow in their lives. More than 90 percent of the people who file for bankruptcy actually need the protection of the laws, and fewer than 10 percent actually have the ability to pay something back.

But of those people who do have the ability to pay something back, I believe—and I suspect almost all of us believe—that they should repay at least a portion of their debts. I don't care if it is only 5 percent of the people who file who have the ability to pay something back—or 4 percent or 3 percent—if they have the ability, they should make that effort. We should expect that of them and of ourselves.

A major challenge the committee has faced, and the Congress has faced, in trying to craft an appropriate balance—weighing the concerns and rights of consumers versus those who extend the credit—is in relation to the tough questions that we have dealt with, such as how do you actually determine the ability to repay? We all come from different family circumstances in terms of employment, marital status, and illness. How do we determine who has the ability to repay? The committee, to its credit, has provided for a safe harbor, essentially to say people whose median family income falls below that of 100 percent of the median family income with respect to their State, they would automatically have a safe harbor. They could file for bankruptcy in chapter 7, and they basically get a free pass.

What is 100 percent of median family income? I think for a family of four in Delaware, it is about $45,000 a year. I think in Maryland, it is about $50,000 a year; and in Alabama, it is perhaps $35,000 a year.

For those whose family income is between 100 percent of median family income and 150 percent of median family income, they would receive, not a complete pass, but a rather cursory review to see if they would not also qualify for that safe harbor.

So we are talking about, in Maryland, for example, those whose income is between $50,000 and $75,000 would be below the 150-percent threshold, and I think would, for the most part, after an expedited review, have the right to file under chapter 7.

I think it is appropriate to ask, for one who files for bankruptcy, what kind of expenses are factored in when determining whether or not a person has the ability to pay? We get beyond these thresholds of 100 percent of median family income, 150 percent of median family income. Is anything else taken into account? As it turns out, a number of payments are. And they are the kind of payments we would expect for people to be able to hold their households together and be able to work.

For example, a person who is asking to file under chapter 7, as opposed to chapter 13, if their income exceeds those thresholds of 100 percent or 150 percent of median family income, they could present documentation to the bankruptcy court indicating how much their housing costs, their rent or mortgage payments are. If they have car payments, those would be appropriate, as well as would education expenses, clothing, and food allowances. Judges are given discretion to address special needs as well, including medical costs.

Let me close by saying Senator LEAHY, in his comments, talked about how many credit card solicitations are mailed out every year. I think he indicated the number is over 3 billion. That is a lot of mail. I would just remind everyone, as those credit card solicitations come into our mail boxes, of course, we do not have to take advantage of all of them. When I drive down the road in Delaware, and I go by an ice cream store or a doughnut shop, as much as I might be tempted to pull in and sample their wares, I do not always do that. We have to show some personal discretion regardless of how tempting those treats might be.

But if financial institutions actually do make money, and if their bottom lines are enhanced to some extent by the adoption of this legislation, my guess is, in the end, they all do not keep that money. My guess is, in the end, if you think about the competition—and it is a dog-eat-dog world these days in the credit card business—if I do not like the interest payment that comes with my credit card, I can find dozens of other issuers with a lower rate. If I do not like the monthly fee that I am asked to pay, I can find dozens of other issuers with lower monthly fees.

I would simply suggest the competitive nature of the business, including the credit card business, is such that for those issuers of credit cards who do not pass along some of those savings to consumers, then their competitors will. If competitors lower their interest rates and reduce or eliminate their monthly fees, those of us who are consumers will move off to take advantage of their lower interest rates and lower fees.

Let me conclude with these comments. I am glad we are at this point in the debate. I look forward to the debate over the next several days. I am very pleased we are going to have this debate. And those who have amendments, if they want to offer them, will have the opportunity to do so. We will debate them, and vote on them, and then vote on final passage.

I hope the amendments make the bill even a little better than it is today. I think it is better today than it was going into the committee a week or so ago. I am pleased to participate in the debate.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, bankruptcy judges, scholars, practitioners, labor unions, consumer advocacy organizations, and civil rights groups have uniformly rejected the Bankruptcy Reform Act of 2001 because its harsh and excessive provisions will have a devastating effect on working families.

Despite their words of warning, two of the most profitable industries in America—the credit card industry and the banking industry—have insisted upon a harsh bill that will fatten their bottom line while unfairly penalizing vulnerable Americans.

While we do need to pass a bill to reduce the fraud and abuse within the bankruptcy system, this bill will not accomplish that goal. This bill will hurt women, children, and hard-working American families, those who truly need the bankruptcy system to prevent unintended financial hardship.

This is no time to pass such harsh legislation. For weeks, President Bush has warned the Nation about the perils of an economic downturn. Pointing toward layoffs and rising unemployment, decreasing consumer confidence, and minimal economic growth, President Bush is urging Congress to act to strengthen the economy. But punitive bankruptcy reform legislation does not fall into that category. Now more than ever, we need to ensure that Americans losing their jobs or struggling with medical debt have the second chance for economic security that the bankruptcy laws are intended to provide. It makes no sense to pull the rug out from under them, just as the economy is weakening.

We need to separate the myths from the facts—and focus on the real winners and losers under the proposed legislation. By any fair analysis, this bankruptcy bill is the credit industry's wish list, a blatant effort to increase its profits at the expense of working families.

We know the circumstances and market forces that often push middle class Americans into bankruptcy.

Rising unemployment and company layoffs are major parts of the problem. In recent months, the slowing economy has caused a noticeable jump in the national unemployment rate. It rose to 4.2 percent in January, the highest level in 16 months. The slowing economy has also triggered massive layoffs. Within the past weeks, Verizon announced its plan to cut approximately 10,000 jobs, and Daimler Chrysler announced it would drastically cut its workforce by eliminating 26,000 jobs over the next three years. Xerox plans to eliminate 800 jobs on top of the 5,200 cut last Fall. Telecommunications giant World Com reported plans to lay off up to 15 percent of its workforce, a loss of 11,500 jobs. Sara Lee plans to lay off 7,000 employees. AOL-Time Warner wants to cut 2,000 jobs. Lucent Technologies plans to eliminate 10,000 workers. The layoffs go on and on. Overall, companies have announced plans to lay off close to 70,000 workers—and the year has just begun.

Often, when workers lose their current good jobs, they are unable to recover. In a February 2000 survey conducted by the Bureau of Labor Statistics that approximately one-fourth of workers displaced from full-time wage and salary jobs received earnings substantially lower than what they had received before they lost their jobs. It is all too common for laid-off workers to be forced to accept part-time jobs, temporary jobs, or jobs with fewer or no benefits at all.

Divorce is another major cause of bankruptcy. Divorce rates have soared in recent decades, and the financial consequences are particularly devastating for women. Divorced women are four times more likely to file for bankruptcy than married women or single men. In 1999, 540,000 women who head their own households filed for bankruptcy to try to stabilize their lives; 200,000 of them were also creditors trying to collect child support or alimony. The rest were debtors struggling to make ends meet.

Another major factor in bankruptcy is the high cost of health care. Forty-three million Americans have no health insurance, and many more are underinsured. Each year, millions of families spend more than 20 percent of their income on medical care. Older Americans are hit particularly hard. A 1998 CRS Report states that even though Medicare provides generally good health coverage for older Americans, half of this age group spend 14 percent or more of their after-tax income on out-of-pocket health costs, including insurance premiums, co-payments and prescription drugs.

A report published in Norton's Bankruptcy Adviser says:

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse. For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

These are the desperate individuals and families from whom the credit card industry believes it can squeeze higher profits. The industry claims that these men and women are cheating and abusing the bankruptcy system, and are irresponsibly using their credit cards to live in a luxury they cannot afford.

These Americans are not cheats and frauds, but they do constitute the vast number of Americans in bankruptcy. Two out of every three bankruptcy filers have an employment problem. Two out of every five bankruptcy filers have a health care problem. Divorced or separated people are three times more likely than married couples to file for bankruptcy. Working men and women in economic free fall often have no choice except bankruptcy. Yet, the credit card industry is determined to deny them the safety net they need.

There is no doubt that large numbers of Americans will be harmed by this legislation. They do the right thing and play by the rules. They work hard and try to provide for their children. But sometimes, unexpected tragedy strikes, and nothing can prepare them for the financial difficulties they will encounter.

The Trapp family of Plantation, FL is one of these families. They are not wealthy cheats trying to escape from their financial responsibilities. They are a middle class family engulfed in debt, because of circumstances beyond their control.

Mr. and Mrs. Trapp worked as letter carriers for 12 years. Both worked before and after their three children were born. They had a good life, but an unexpected medical obstacle occurred. Their 4 year old daughter, Annelise, contracted a muscle disease that is similar to a very rare form of Muscular Dystrophy. Her muscles are very weak. She needs a respirator to breathe, and she also needs constant nursing care.

The Trapps had good health insurance through the United States Postal Service. But even with this comprehensive coverage, Annelise's medical expenses left the family with massive debts. Their insurance has paid millions of dollars, but the Trapps' portion of the bills was still $124,000. This debt combined with $26,000 owed on a specially manufactured van to accommodate Annelise made it impossible for the family to meet its financial obligations. They were forced to declare bankruptcy.

Proponents of the bill argue that the Trapp family would not be affected by the means test, because their current income is below the State median income. That is not true. Before Mrs. Trapp left her job, the family's annual income was $83,000 a year or $6,900 a month. Under the bill, the Trapp family's previous six months' income would be averaged, so that they would have an average monthly income of about $6,200—above the State median—even though their actual monthly gross income at the time of filing was $4,800.

Based upon the fictitious income assumed by the legislation, the Trapp family would be subject to the means test. And the means test formula—using the IRS standards—assumes that the Trapps have the ability to repay more than their actual income would allow.

This harsh legislation is an undeserved windfall for one of the most profitable and powerful industries in America. Credit card companies are engaged in massive and unseemly nationwide campaigns to hook unsuspecting citizens; like the elderly, college students, and the working poor, on credit card debt. In 1999 alone, Americans received 3 billion—3 billion—credit card solicitations. That's more than three times the 900 million mailings they received in 1992.

The average American household is carrying $7,500 worth of debt, 150 percent higher than a decade ago. A major cause of the problem is that the cost of credit has gone up, and credit card companies are bolstering their profits through heavy penalties and aggressive collection practices. Credit card companies are also targeting marketing campaigns at those who cannot afford to pile up such debts. Instead of helping these individuals recover from their debts, the industry is supporting legislation that will only drive them deeper into financial despair.

Supporters of the bill argue that it is not a pro-credit card industry bill. But, to deal effectively and comprehensively with the problem of bankruptcy, we have to deal with the problem of debt. We must see that the credit card industry does not abandon fair lending policies to fatten its bottom line, or ask Congress to become the collector for its unpaid credit card bills.

The industry and congressional supporters of the bill attempt to argue that the bankruptcy bill will help, not hurt, women and children. But that is false and misleading.

Proponents of the bill praise the alimony and child support provisions. They say that these provisions will make child support and alimony payments the number one priority in bankruptcy. But this rhetoric masks the complexity of the bankruptcy system. When taken individually, some of these provisions are positive steps towards helping women and children collect the support to which they are entitled. However, they do not address the main problem created by the bankruptcy bill.

Thirty-one organizations that support women and children have said, "Some improvements were made in the domestic support provisions . . . However, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law." It is obvious that if this bankruptcy legislation is enacted, women and children will be the ultimate losers in the process.

It is true that the pending legislation moves support payments to first priority in the bankruptcy code. But the first priority ranking only matters in the limited number of cases in which the debtor actually has assets to distribute to a creditor. As 116 professors of bankruptcy and commercial law have stated:

> Granting "first priority" to alimony and support claims is not the major solution the consumer credit industry claims, because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95 percent of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

Beyond the false rhetoric claiming that women and children receive "first priority" lies an ugly truth—in many instances, women and children will be last in line. Under current law, an ex-wife trying to collect support has special protection. But under the pending bill, more debt is created that cannot be discharged after bankruptcy—credit card debt. This step will certainly create intense competition for the former husband's limited income. Under current law, he can use his post-bankruptcy income to meet his basic responsibilities, including his student loans, his tax liability, and his support payments to his former wife and children. But if this bill becomes law, one of his so-called "basic" responsibilities will be a new one—to Visa and Mastercard. We all know what happens when women and children are forced to compete for these scare resources with these sophisticated lenders—they lose!

Although many of the new domestic support provisions are helpful, they don't solve the problem created by this bill—and some of those provisions undermine the ability of women to collect support payments. Under the bill, a prerequisite to Chapter 13 approval is the payment of support claims. The goal is worthwhile, but other provisions in this bill will drain debtors of available funds and prevent them from meeting the requirements of a Chapter 13 plan and from making child support payments. If there is not enough money to cover all obligations, including the new obligations created by this bill, more Chapter 13 plans will fail, making the provision worthless and making it less likely that women and children will get the support they deserve.

This legislation not only unfairly targets middle class and poor families—it also leaves flagrant abuses in place. Any credible bankruptcy reform bill must include a homestead provision without loopholes for the wealthy.

The pending bill does include a half-hearted loophole-filled homestead provision. However, it will do very little to eliminate fraud. With a little planning—or in some cases, no planning at all—wealthy debtors will be able to hide millions of dollars in assets from their creditors. For example, Allen Smith of Delaware—a State with no homestead exemption—and James Villa of Florida—a State with an unlimited homestead exemption—were treated very differently by the bankruptcy system. After trying desperately to make ends meet in the midst of financial distress, Allen Smith eventually lost his home. However, James Villa was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida which he was able to keep after bankruptcy.

Last year, the Senate passed the Sessions-Kohl homestead amendment which corrected this abuse of the bankruptcy system. But that provision is not in this bill. Surely, a bill designed to end fraud and abuse should include a loophole-free homestead provision.

For any bankruptcy reform to be effective, the homestead loophole must be closed permanently. It should not be left open just for the wealthy. Yet the bill's supporters refuse to fight for such a responsible provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other individuals and families who will have no safety net if this unjust bill passes.

Proponents of the bill also argue that it will help small businesses. This is another credit card industry myth.

This bankruptcy reform bill is not based on any serious business need. In fact, its overhaul of Chapter 11 will hurt, not help, small businesses. Chapter 11 was enacted to serve the interests of business debtors, creditors, and other constituencies affected by business failures—particularly employees. A principal goal of Chapter 11 is to encourage business reorganization in order to preserve jobs. Supporters of the bill ride roughshod over this important goal. They create more hurdles, additional costs, and a rigid, inflexible structure for small businesses in bankruptcy. As a result, fewer small business creditors will be paid, and more jobs will be lost.

It is a travesty that hard-working American families will be the victims of bankruptcy reform. AFL-CIO President John Sweeney said it well:

> This bill punishes working families who need protection from financial distress—distress all too often the result of the terrible financial burden of catastrophic illness or other personal tragedies. It threatens jobs in financially distressed companies, all while it carefully protects abuses of the bankruptcy system that benefit the rich—abuses like the homestead exemption.

I agree with John Sweeney and the scores of labor, consumer, religious, and civil rights groups who oppose this bill. It is clear that the bill before us is designed to increase the profits of the credit card industry at the expense of working families. If the bill becomes law, the effects will be devastating, and I urge my colleagues to reject it.

Mr. President, I want to take a few moments of the Senate's time to go through these charts and illustrate some of the points I mentioned in my earlier statement. This chart represents why Americans file for bankruptcy.

Medical problems, or substantial medical debt, are the reasons for 45 percent of bankruptcy filings. Job problems are 68.9 percent, effectively 70 percent. Those reasons taken together—job and medical problems—amount to 75 percent of all bankruptcies.

This obviously is accelerated. For what reasons? One reason is the increasing softness of the economy at the current time and the increasing number of unemployed, particularly with many mergers leading to dramatic changes in income over a relatively short period of time.

Another reason is the increasing number of Americans who do not have health insurance and, correspondingly, the increasing amount being paid for prescription drugs. If one looks behind these figures with reference to medical problems, one will find most of them are older workers in their fifties, prior to the time they are eligible for Medicare.

The total number of Americans who are uninsured is increasing. All of that is related to the increasing number of layoffs. The increasing number of uninsured and the increasing costs of prescription drugs are reflected in this figure.

Let's look at the remaining approximately 25 percent. Basically, the other 25 percent are women who are single, women involved in divorce. If we look over this chart, we see that in 1981—red representing joint bankruptcies, yellow the men, and blue the women—single women were third, behind joint filers and less than men. Joint bankruptcies continued. The women passed the men in 1991. In 1999, the women were No. 1. They came from being third, virtually about one-fifth of the total, to now being almost half the total.

Who are these individuals? Who are these women? These are women who have not been able to claim their alimony. A great percentage of these are women who are unable to get child support to which they are entitled. What happens to them? They end up in bankruptcy.

Then we find out how the new provisions in this bill treat them. They treat them much more harshly. I'm not the only one saying it, although I have repeated it. Virtually every single group that is an advocate for children, women, or workers agrees, let alone the bankruptcy professionals involved in this. That is what this bill is about.

I have a list of those groups that are strongly opposed to it. The various women's groups include: National Women's Law Center, National Partnership for Women and Families, Children's Defense Fund, American Association of University Women, Church Women United, Coalition of Labor Union Women, National Center for Youth Law, Center for Child Care Workforce, the YMCA, and Children NOW. The labor groups include: The AFL-CIO, Communications Workers of America, United Steelworkers of America, International Brotherhood of Teamsters, and the list goes on. Other key groups include: Leadership Conference on Civil Rights, Consumers Union, Consumer Federation of America, Religious Action Center, Alliance of Retired Americans, and National Senior Citizens Law Center.

This is just part of the list of groups whose prime responsibility is representing vulnerable children. That is the purpose of the Children's Defense Fund. The other organizations protect women in our society from the harshness of legislation and from the inequities of the workplace. All of them are universally against this legislation because they find it puts a harsh burden on children, women, workers, and on those who have experienced a significant increase in their medical bills. That is what is happening. This is a profile of those individuals who are going into bankruptcy.

Generally at the end of the day around here, we look at pieces of legislation and ask on the one hand, who benefits and on the other, who pays. It is not a bad way of looking over legislation. If we had more of that around here and we looked out for average working families, we would come to some rather different conclusions. We certainly would on this one because virtually the entire bankruptcy bar, those professors who are teaching in law schools in the North, South, East, and West, as well as judges, have come to the same conclusions.

Members of the Judiciary Committee have reviewed it as a result of the hearings. Advocates of the various groups have been out there time and time again. One might find fault with one particular group, but virtually all the groups that represent children and workers are opposed to this legislation because of its unfairness.

Those who will benefit are the credit card industry and the banks, make no mistake about it. That is enormously interesting to me, as someone who is the prime sponsor of the minimum wage. We can find time for consideration of the bankruptcy bill; yet we do not have time to look at an increase in the minimum wage for hard-working Americans. We cannot find time to schedule that, but we can find time to consider legislation that is going to benefit some of the wealthiest and most powerful companies and corporations in America. Make no mistake about it, that is what this legislation is about.

As this institution and its leadership is about choices, make no mistake what the choice is. The choice is to look after the interest of the credit card companies and the banks. That is first. It is early March, and that is where we are. I hope the American people are aware of this legislation and its implications.

DEPARTMENT OF LABOR ERGONOMICS RULE

Mr. KENNEDY. Mr. President, I want to speak on another issue affecting working families that also will be coming up in a very few hours. That is the proposal that will be made by, as I understand, our Republican leadership or representatives introducing legislation which, after a 10-hour agreement, will vitiate the existing rules to protect American workers from ergonomic injuries.

If we asked Americans 10 years ago what ergonomic injuries were, a great many Americans would not have been able to pronounce the word "ergonomic," and they really would not have had much of an understanding as to what the problem was.

Interestingly, there was a very courageous and brave woman who did understand that problem and that challenge and was willing to do something about it. That was then-President Bush's Labor Secretary, Elizabeth Dole. This is what the Secretary of Labor said about ergonomic injuries in 1990, 11 years ago:

> One of the Nation's most debilitating across-the-board worker safety and health illnesses. . . .
>
> We must do our utmost to protect workers from these hazards. . . .
>
> By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce. I have no higher priority than accomplishing just that.

That was 11 years ago. Over the period of the last 10 years, we have had study after study by the National Academy of Sciences, by the Institutes of Medicine, by a range of different independent groups. Finally at the end of last year, there was the promulgation of a rule to provide protection.

For whom are we providing protection? Basically, ergonomic injuries are repetitive motion injuries, including carpal tunnel syndrome, tendonitis, and back disorders. Ergonomic injuries occur across the board. Among those affected are secretaries who endure carpal tunnel syndrome from the use of computers, factory workers who pick up and place equipment on assembly lines, nurses who suffer back injuries from lifting patients, and high-tech workers who sit at keyboards all day long. All across our new economy, these injuries are taking place.

Let's look at the numbers of people affected. The source is the Bureau of Labor Statistics in the year 2000. There are 1.8 million ergonomic injuries reported yearly, and 600,000 people lose time from their work yearly. Ergonomic injuries impose annual costs of $50 billion; account for over one-third of all serious job-related injuries; and account for over two-thirds of all job-related illnesses.

Why do I bring this up? We were talking a few moments ago about bankruptcy, and that is the measure before the Senate. Tomorrow, on a privileged motion, without any other earlier statement, only what we have read in the newspapers and in the last several hours have confirmed, we will face a motion made by the other side under particular procedures. We will permit only 10 hours of debate, and if that motion carries, the rule that was in the works for 10 years will be wiped out within a 10-hour period. The way the language of the law is drafted, there will be little recourse to reissue the rule in its current form.

That is what will be before the Senate tomorrow. We will get off this bankruptcy bill with time enough to look after another major issue of special importance to the Chamber of Commerce and the National Association of Manufacturers. Of course, the Chamber of Commerce has a direct interest in bankruptcy, because of the credit card industry and the banking industry. The Chamber of Commerce is leading the battle on this bankruptcy bill.

The Chamber is looking for a twofer this year. They are looking for two big wins at the expense of working Americans: one, in the area of bankruptcy;

two, in undermining existing protections to ensure the health and safety of workers in the workforce.

That is why I take this time. We will find out tomorrow if there will be a motion to debate this issue. We will not be debating the issues of bankruptcy. We will be debating this. How many colleagues will know this when they come to their offices tomorrow? It will be interesting because there has been virtually no notice given to us.

If the Administration has concerns about the existing ergonomics rule, the rule could be adjusted, could be changed, or could be altered without use of this motion. The Administration has an available administrative process and procedure to make changes in the rule. We could have addressed concerns about the rule through hearings and delayed implementation of the rule. But opponents of the rule say: No, we think we have the votes to eliminate it altogether and put 1.8 million workers at risk. We think we can add up the votes and destroy the rule tomorrow afternoon after 10 hours of debate.

Under the law, if opponents of the ergonomics rule have the votes, they can even shorten the debate. Then at the end of the day we will find those 1.8 million workers without any kind of protection. That is what is happening.

I don't know where the speakers are on this issue. Hopefully, we will have a chance to debate this more tomorrow.

Women are disproportionately harmed by ergonomic hazards. Women comprise 47 percent of the total workforce and incur 33 percent of the total injuries in the workforce. But women constitute 64 percent of all those who lose time from work because of repetitive motion injuries, and 71 percent of those who lose worker time for carpal tunnel injuries. The ergonomics rule is thus of special benefit for women who are out there working, trying to provide for their families. They are the ones primarily injured. They are the ones who lose time. They are the ones who will suffer most if the ergonomics rule is eliminated.

If there are problems with the rule, we can amend it, we can change it; we can alter it.

We are prepared to do that. Let's get the best in terms of the private sector and the workers, the women's groups, and others, and try to fashion something. But oh, no. The other side is saying: let's just tear up the rule and throw it out. That is what the proposal will be.

We hear a good deal about this new spirit taking place in Washington, DC. This is not in evidence in the Senate, where they send two bolts right at working families, first through the the bankruptcy bill and second, by taking this extraordinary step to destroy the ergonomics rule. I think this is the first time we have used this provision, enacted 5 or 6 years ago, in order to put workers all across this country—in the new economy and in the older economy as well—at serious risk.

I will come back to who is in favor of this action. Virtually every medical group and health care group supports the ergonomics rule. But not the Chamber or the National Association of Manufacturers.

Let's look at what the Chamber claims as to why the ergonomics rule ought to be repealed. The Chamber claims the rule is not supported by sound science. This is the first myth.

We have seen in debate time and time again, more often now than before, individuals misstate the position of the opposition and then differ with it. It is an old debating technique. I have had Members who have described my amendments in a way I could not understand and then said they differed with them. That is a tried and tested technique that should be discounted, but too often it is not. And it is what is at work here.

Let's listen to what has been said about the rule. I have the NAM statement, which lists seven reasons we ought to be against the ergonomics rule. We have the Chamber of Commerce statement. I will state these for the record because it is important they be answered. Whether we will have a chance to do that tomorrow or not, we will do the best we can.

First, the Chamber says that the bill is not supported by sound science.

The recent National Academy of Sciences study proves conclusively that workplace practices cause ergonomic injuries and that ergonomic programs work to prevent and limit these injuries. That study confirms the results of thousands of prior studies.

This National Academy of Sciences study was primarily focused on lower back and upper extremity musculoskeletal injuries. It stated that:

> The panel concludes that there is a clear relationship between back disorders and physical load; that is, manual material handling, load moment, frequent bending and twisting, heavy physical work, and whole-body vibration. For disorders of the upper extremities, repetition, force, and vibration are particularly important work-related factors.

It goes on. You can read the conclusions. The Chamber's claim that the rule is not supported by sound science is categorically false and misleading.

The National Association of Manufacturers claims the rules set too low a threshold and that one job-related complaint will trigger the rule.

Right? Wrong. Wrong. They are wrong. This standard sets a threshold that is lower than the ones OSHA has set in other rules, including its lockout-tagout standard, asbestos standard, and blood-borne pathogen standard. In these rules, employers must take action if an employee is merely exposed to a risk. These are rules that OSHA has adopted and that are in effect, despite the opposition of the Chamber of Commerce and the National Association of Manufacturers.

Under the ergonomics rule, even if there are serious ergonomic hazards in a workplace, an employer is not required to look for or correct those hazards until after a worker is injured or has signs or symptoms of an injury. One complaint requires an employer to determine that an injury is work related and that exposure to risk is at significant levels. It does not trigger the entire program.

Once there is an injury, in other words, the employer makes the judgment whether it is work related—the employer makes that judgment. Then, after that, the employer has to find that the individual has been exposed to the risk at significant levels. It is only then that other requirements of the rule are triggered.

So the National Association of Manufacturers' claim that the rule sets too low a threshold is just not an accurate representation as to what the rule does.

Third, the National Association and the Chamber claim the rule covers injuries that are not caused by workplace practices. But under the rule, as I mentioned, the employer decides that an injury is work related. They are thus completely wrong in that statement as well.

They go on. The Chamber claims the rule imposes an impractical, overreaching, and one-size-fits-all approach. The reality is the rule allows employers to determine how best to deal with ergonomic problems in their workforces. The rule doesn't mandate specific solutions. If an employer decides an injury is work related, the employer must then determine, based on a simple checklist set forth in the rule, whether the employee has suffered sufficiently severe exposure to require action. If so, the employer can decide on the solution it wants to adopt.

The Chamber claims the rule will be extremely costly for business. After an exhaustive analysis of the issue, the Department of Labor estimated the rule will result in a net savings—savings—of $4.5 billion each year in reduced workers compensation costs and increased productivity.

Numerous business leaders have found the ergonomics programs they have implemented have saved a good deal of money. I am going to come back to that in just a moment.

Next, the Chamber claims the rule requires higher payments than workers' compensation and overrides State workers' compensation laws.

The payments to workers are necessary to encourage them to report their injuries before they worsen and before other workers are needlessly exposed. This is not a new concept. It has been used for 20 years. It was used in the lead, benzene, cadmium, formaldehyde, and ethylene chloride standards.

The idea is to try to get the workers to report their injuries at an early time, before they become permanently injured and before the costs and the loss of time escalate dramatically. So the Chamber clearly misrepresented what the current status of the law is and what the precedents have been.

Again, the NAM alleges OSHA has admitted the rule's grandfather clause will not grandfather any employers. OSHA has not ever made this statement. In fact, OSHA predicts many employers will be grandfathered in. The NAM's statement is basically flagrantly misleading and wrong.

The NAM claims the DOL ignored the will of Congress by issuing the rule. The fact is, in funding the National Academy of Sciences study of ergonomics in 1999, the Congress expressly promised it would not be used to delay issuance of the rule. This is what Bob Livingston and DAVE OBEY said when they were the Chair and the ranking member of the House Committee on Appropriations.

Mr. President, I ask unanimous consent to have the full letter presented in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 19, 1998.

Hon. ALEXIS HERMAN,
Secretary of Labor,
Washington, DC.

DEAR MADAM SECRETARY: Congress has chosen not to include language in the Fiscal Year 1999 Labor, Health and Human Services, and Edu̧cation, and Related Agencies Appropriations Act that would prohibit OSHA from using funds to issue or promulgate a proposed or final rule on ergonomics. As you are well aware, the Fiscal Year 1998 Labor, Health and Human Services and Education and Related Agencies Appropriations Act did contain such a prohibition though OSHA was free to continue the work required to develop such a rule.

Congress has also chosen to provide $890,000 for the Secretary of Health and Human Services to fund a review by the National Academy of Sciences (NAS) of the scientific literature regarding work-related musculoskeletal disorders. We understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear that by funding the NAS study, it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.

Sincerely,

BOB LIVINGSTON,
Chairman.
DAVE OBEY,
Ranking Member.

Mr. KENNEDY. The letter says: "We understand OSHA intends to issue a proposed rule on ergonomics late this summer. We are writing to make clear that by funding the NAS study, it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

So NAM claims that DOL ignored the bipartisan will of Congress are completely, blatantly, flagrantly wrong, as are so many of the other claims. Here, when Congress asked for the study, they understood there would not be a delay. They wanted the information.

Furthermore, the NAM states the NAS study did not address the issue of causation and repeatedly called for more study. The Academy, Mr. President, explicitly stated it had done sufficient work to support conclusive findings that workplace practices cause ergonomics injuries.

The CRA, the procedure which will be in use here, is a unique procedure which is violative of the traditions of this body which permit and encourage debate and discussion and then action at the termination of debate. We have the 10-hour limitation on debate, and then an up or down vote that will lead to elimination of the rule, instead of altering or changing it.

The NAM claims that use of CRA "will not bar the Department of Labor from adopting an ergonomics rule in the future." They ought to read the provisions of the CRA, which I believe will exclude the possibility for getting any kind of action in the future.

I want to take a moment to show what some businesses have said about this particular proposal over a period of time. Business leaders agree that ergonomics programs work. Peter Meyer of Sequin International Quality Center said:

> We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program and our productivity has increased dramatically and our absenteeism has decreased drastically.

This is from Business Week, which should not be considered to be a part of the working families establishment. In December of the year 2000, Business Week said that for most companies, "the likely outcome will be dramatically fewer employees with ergonomics problems and long-term cost savings to boot."

We have a number of those different statements by businesses that have gone ahead and created ergonomics programs on their own.

American scientists also call the ergonomic rule "necessary and based on sound science."

These are the various groups—Orthopedic Surgeons, Association of Occupational Health Nurses, Occupational Therapy Association, Society of Safety Engineers, Chiropractic Association, Public Health Association—that believe the rule which has been promulgated makes sense in protecting American workers. But with one single vote, we are going to have a situation where that rule is cast aside—no alterations, no changes, and no modifications. It is just take it or leave it because we have the votes, and there will be no attempt to try to work this out, no attempt in terms of the word "civility" to try to listen to the other side in making some alterations and changes. No. It is just: We have the votes to knock out this provision and undermine protection for Americans—primarily women—in the workforce, and we are going to do that tomorrow in a 10-hour period. I think the arrogance of that position with regard to protecting workers is absolutely unacceptable.

This particular proposal has been 10 years in the making, and in 10 hours we will effectively have it undone. I would have hoped for some opportunity to discuss this. Instead, tomorrow we will have only the 10 hours to go through these measures.

We hear a great deal also about the volume of the rule itself. It has been misstated that it is 600 pages. It is closer to eight or nine pages. Those are the rules.

I believe these rules represent the most important rulemaking to protect American workers that we have had in recent times. It is the most important rule that we will have for the next several years. It will make major differences in terms of the health and safety and the productivity of the American workforce. Without this kind of protection, we are putting at significant risk tens of thousands or hundreds of thousands of American workers. We are doing that in 1 day of votes in the Senate. That is wrong. That is absolutely wrong.

We will be denied the opportunity to try to make adjustments or changes if we want to do it. There is a procedure to be able to do it. But absolutely no. Our opponents say: We have the votes, and we are going to turn our backs on American workers, particularly on women, who are looking for some protection.

I am hopeful this measure can be defeated. But it is a bad day and a sad day for American workers when it is even brought up for debate.

I yield the floor.

Mr. ENZI. Madam President, I ask unanimous consent that my remarks follow immediately those remarks of the Senator from Massachusetts who spoke immediately before Senator GRASSLEY so that Senator SESSIONS' comments will flow on Senator GRASSLEY's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I thank the Senator from Alabama. First, I congratulate both the Senator from Iowa, Mr. GRASSLEY, and the Senator from Alabama, Mr. SESSIONS, for their ultimate effort on the bankruptcy bill. They have both done an excellent job, as well as the people on the other side of the aisle who have contributed to a bipartisan bill, a bill the Senator from Iowa mentioned we passed before.

I have been the subcommittee chairman for international trade and finance, and, as such, I got to oversee some of the International Monetary

Fund bailouts of some of the other countries that got into an economic crisis. When that happened, we forced them to do bankruptcy. We forced them to do what we have been talking about. They did it, and their economies came back.

It is a little embarrassing to revisit those countries and have them say: How come you folks have not taken your own advice?

I appreciate all the effort that my colleagues have put into this. It is extremely crucial for the United States and for the consumers and for the individuals of this country.

The reason I am here, though, is not to deal with bankruptcy. The speech preceding mine was not a speech on bankruptcy. It was a speech on ergonomics. The Senator I succeeded, Senator Simpson, used to say: Charges unanswered are charges believed.

I must discuss the ergonomic comments that have been made. This is a preview of tomorrow. Tomorrow, we will have a full-blown debate, I hope, on ergonomics. It is an extremely crucial issue for every single person in this country. It is very important we do it and we do it right. I put the emphasis on doing it "right."

The reason we are going to have a debate tomorrow is it has been done wrong. We will invoke the Congressional Review Act tomorrow, the first significant use of it since it was passed. I congratulate the two people who were primarily responsible for bringing the Congressional Review Act to the Senate, the Senator from Oklahoma, DON NICKLES, and the Senator from Nevada, HARRY REID—one a Democrat, one a Republican.

It was a bipartisan bill. Why was it a bipartisan bill? Congress has the responsibility for passing laws in this Congress. We have gotten in the habit of delegating our responsibility. It is much easier than hashing out details, to put in a little part in the bill that says we want an agency to write the rules.

The reason we passed a Congressional Review Act is we gave that responsibility away and we didn't like what the agencies did. I am sure each Member who has dealt with an agency and their rules have had occasion to say somebody ought to jerk them back to reality. That is exactly what those two Senators did—one a Republican, one a Democrat. They deserve congratulations from this body.

Now we need to have the courage to use what they and others did. Although I was not here when it was passed, I suspect some of the people criticizing the Congressional Review Act now were here when it was passed. I suspect some of them voted for it.

Now we want to use it on a rule they have some interest in, and they don't want to touch it using that act. I think it is very important we use the Congressional Review Act, we congratulate the people who passed it, and we need to put it to use on this ill-conceived rule.

The ergonomics rule has to be the worst rule ever passed by any government agency. It was passed quicker than any other rule by OSHA. We will hear comments that Elizabeth Dole noticed it and mentioned it 10 years ago. I have found references to businesses who knew about it, noticed it, and did something about it, considerably before Elizabeth Dole noticed it 10 years ago. I have been proud of some of the businesses that have made extensive efforts to handle ergonomics in the workplace in spite of not having a rule in place. But, regardless of how long ago the issue was first mentioned, OSHA's rule was only proposed less than a year before the final rule came out.

It is not the intent of business to hurt employees. It is better business to protect employees. One of the difficulties with ergonomics, an injury does not just happen at work. It happens all sorts of places. It is hard to tell where it happened, when it happened, and how it happened.

Putting that aside, we need to have an ergonomics rule. We need to be dealing with it in every possible way. But we have to have a rule that does something, not just costs something. Part of that cost is not going to just be dollars. The estimated $4 billion to perhaps $100 billion is a pretty wide range of numbers. The biggest cost is going to be in American jobs. This will get down to the workers, the people we are not allowing to talk about how to solve the problem, the workers closest to the job, the ones who are doing the lifting or typing or hammering or whatever repetitive motion is involved. No, we have our government set up so the bureaucrats try to find solutions and special committees of speakers can be set up to talk about it and mandate one solution for all. But the guy doing the work, who sees it each and every day, who says there is a better way to do this, cannot decide how his job can be done better. And in most circumstances it is not even legal to ask him about it. There is a law that says employers better not talk directly to employees about safety. But workers are suffering. We need to do something about it.

Fortunately, many businesses already are. According to OSHA, even before the rule, in the last 5 years, there was a 22-percent decrease in ergonomics injuries. The Bureau of Labor Statistics gives business far more credit for having done something than does OSHA. Perhaps OSHA has an ulterior motive?

At any rate, businesses, when they know what to do, generally do it. I have to say "generally." I always hear the arguments on the floor, not just dealing with OSHA but dealing with a lot of topics, one side talks about the bad businessmen and the other side talks about the fraudulent employees. Neither side is right. Yes, there are bad businessmen. Yes, there are fraudulent employees. But not very many, thank goodness.

I would say there are 5 percent of the businesses in this country with businessmen who are ethically challenged. There are about that many employees who are ethically challenged. Out of that 5 percent, many of them just don't care. That's about 3 percent, I think, who generally don't care. No matter what kind of law is passed, they don't care, so it doesn't matter what you do. That is both sides.

Of all those who are ethically challenged, I think only one tenth of one percent is truly bad, bad to the bone. That might even be high; might be a little low. But even though the rules and laws in this country affect every single person, they are written as if they are only for the one-tenth of 1 percent who were bad to the bone. That is pretty much what this rule is designed to do.

If you want people treated as though they are bad to the bone, both employers and employees, maybe you don't think this rule is so bad. But if you don't, I urge you to vote with me to reverse the ergonomics rule.

We heard criticisms of the rule by people who had written letters. Some of those were: The rule is bad; the rule has massive flaws in it. Some things were taken out of context. I hope we get into those tomorrow. We held hearings in the Labor Subcommittee; the Employment, Safety and Training Subcommittee of the Committee on Health, Education, Labor, and Pensions. We held hearings. This is a book of the hearings.

We held two specific hearings on the way it will affect health care in this country. We talked about how OSHA needs to resolve the conflict between the ergonomics rule and the medical rules so you don't have to violate one to achieve the other. We talked about the way the payments for Medicare are locked in at a rate that doesn't recognize the costs OSHA recognizes, the costs that facilities providing Medicare will have to pay. The rule doesn't mention that. We also talked about workers' comp in our hearings. We had people who weighed in from New York, Pennsylvania, and New Mexico. We talked about the way the rule infringes on workers comp.

In the OSH Act, there is a specific provision prohibiting infringing on workers comp. Workers comp is a system that has been developed in the States, by the States, over decades. There isn't a single thing in place in the OSHA administration to take care of the kinds of controversies, the kinds of processes that will have to be dealt with to handle workers comp. They get into workers comp.

Did they listen to what we had to say at the hearings? Not at all. They didn't listen to what was said by the professionals in the field, the State people in the field, the people on the panels, or the Senators asking the questions. You won't find any of it has wound up in the rule they put out. What kind of Government do we have that doesn't listen?

You heard some groups that are in favor of the ergonomics bill, ergonomics rule. I am not surprised they are in favor of ergonomics protection, so am I. What we should not be in favor of is this particular ergonomics rule. This rule will bind up what business is able to do.

As I said, tomorrow we will get into more of the differences, the flaws and things about which they did not listen. But there is a big problem with this one that deserves use of the congressional review act. Here is what it is. The process was flawed. How they passed it was atrocious.

I am ashamed that any agency of our Government did business the way they did business. What did they do? Just a few things I will mention today. Listen for full details tomorrow.

They paid people to testify on their behalf. They reviewed and corrected their testimony before it was given. They brought them in for practices. Then, worst of all, they paid them to rip apart the testimony of the individuals who came on their own to testify. Yes.

We cannot allow our Government to pay people to destroy the testimony of other citizens in this country who have the right to speak on any rule as well.

After that happened, and after I mentioned it on the floor, I got to meet with the Assistant Secretary of OSHA and asked him about it. I asked him what the process was going to be like. I was a little curious as to whether they were going to try to push through this rule.

I mentioned they talk about how Liddy Dole mentioned it 10 years ago. But this rule did not get published until a little over a year ago. The first time it was published that anybody could actually look at a document and say this is what it says was less than a year before the time it was finalized—less than a year. The average rulemaking time on things much less difficult than ergonomics is 4 years. It takes 4 years to get a rule in place.

I contend, on a lot of these things, we should get together. We could agree on most of it and get things in place in a shorter time than OSHA can react. But the two sides don't talk, and separately they keep working on that one-tenth of 1 percent of the people who are bad to the bone.

I had this meeting with the Assistant Secretary of OSHA. I mentioned some of the things with which we had some concerns based on the hearings. He admitted he was an advocate for the rule the way it was.

It seems to me the agency ought to be listening to the comments. I do not see how you can be an advocate and still heed what people have said about what you wrote. I was concerned about that. I brought it up with him. I said: Can you give me any indication that you will make any changes in light of the testimony we have presented? He could not comment on that.

But I can tell you, now that I have seen the final rule that is published, he not only didn't listen to me, he didn't listen to the comments that were there. I have to tell you, the final rule that was published was far more difficult than the one on which we had to comment.

We cannot have that kind of activity in this country. What if agencies wrote a rule and published it, one with which they knew everybody would agree, then they took testimony, they took comments, they tabulated it—which was not done in the instance I am talking about, or at least I don't see how it could have been done—and then they published a final rule that was totally different from the one on which they took testimony?

That is why we need a CRA, to jerk people back to reality who think they know the way to do it and do not take into consideration the comments of the people of this country.

We have a document that is flawed. We have a document that was done the wrong way. We need to redo it.

You may also hear that the CRA prohibits reissuing the rule if it is "substantially the same." That is absolutely correct. Probably another brilliant idea that was put in the bill by the bi-partisan co-sponsors. "Substantially the same" doesn't mean it cannot be done at all. It means that agency that jerked people around before cannot take the same thing, change a word, and put it back out as a rule again, which would put us in the continuous motion of overriding an agency's ill will. We would do it if we had to. But that is what the Congressional Review Act is designed to avoid. It should not be that difficult. With civility and bipartisanship, we ought to be able to arrive at a new approach, and not just on this rule.

Did you know, on the rules that OSHA has passed, we rarely revise a single one? Do you think technology has changed in 28 years? Do you think there is any need to change anything that was written 28 years ago? You had better believe there is, and we need to find a system to do it. I pledge to work toward a system that will allow safety for the workplace to get into place easier, quicker, and more effective than it is right now. I am sure business and labor will join in that effort to make sure we get more safety in the workplace.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Iowa.

BANKRUPTCY ACT OF 2001—Continued

Mr. GRASSLEY. Madam President, I am the author of this bankruptcy bill that is before the Senate. I know I am not the first to speak on it today. There have been proponents and opponents of it.

Also, let me make very clear that thus far today there have been both Republicans and Democrats speaking in favor of the bill that is before us.

I am very happy to be here to discuss this legislation. I thought last December, when we got it to the President, might have been the end of it and we would have a bankruptcy bill as the law of the land—the first major bankruptcy legislation to pass this body since 1978 or 1979.

Prior to Senator KENNEDY's remarks about the rules that we will be working on, Senator KENNEDY gave all of us an opportunity to see a list of organizations that oppose this bill. I think it is perfectly correct for Senator KENNEDY to express the views of anybody who opposes the bill and in support of his opposition to the bill. But there is a flip side of all of the membership of all the organizations that Senator KENNEDY said were opposed to this legislation. That flip side is that they all have members that, because some people in this country don't pay their bills, those who do pay their bills and buy products from companies that have creditors that have gone into bankruptcy, those very same members could, on average for a family of four, pay $400 more for goods and services that they would purchase because other people go into bankruptcy and don't pay their bills. There is no free lunch.

I hope we have as much concern about the well-being of the members of those organizations that do not go into bankruptcy and have to pay more because they are supporting legislation to maintain the status quo where it is easy to go into bankruptcy and let somebody pick up the cost of your going into bankruptcy.

That doesn't preclude that I believe firmly in the principle of a fresh start when people go into bankruptcy because of causes that are no fault of their own. Obviously, in those instances, there are costs to all of us who pick up the bill. But what this legislation is trying to change is the fact that there is an attitude out there of using the bankruptcy code for financial planning when you have some ability to repay. We are saying to those people who file for bankruptcy who have the ability to repay—and, albeit, they probably are a minority of all the people who file for bankruptcy—that it is immoral for them to use the bankruptcy code for financial planning. To put this $400 cost every year that other people pay for their goods and services who do not go into bankruptcy, we are saying to those people who can repay that they are not going to use the bankruptcy code for financial planning, and they are not going to get off scot free.

I hope those who look at the long list of organizations that oppose this legislation—by the way, I could put up a chart that would have a long list of organizations supporting this legislation; I am not going to do that. But for those who view those that are against it, remember that they have members that are also hurt because there is abuse of the bankruptcy code.

I am glad we are now proceeding to consideration of this bankruptcy bill, S. 420. This bill has been long in the making. As we all know, we have been working on it for two Congresses now. Prior to those two Congresses, I worked on legislation establishing a study commission made up of experts in bankruptcy to suggest to us changes in the bankruptcy code because we saw a skyrocketing of the number of people going into bankruptcy, having reached a peak of 1.4 million people; and that happening during a time of good economy as well.

Besides passing this legislation in the two Congresses, we have given this bill very adequate study by holding numerous hearings in the Judiciary Subcommittee on Administrative Oversight and the Courts which I chaired prior to this Congress. We have the published transcripts of these hearings. They are available to the public and any Senator who is interested in looking at how thoroughly the committee has been considering this legislation.

The need for bankruptcy reform has been debated on this floor at length. In fact, this bill should have been enacted last year but was pocket vetoed at the last minute by President Clinton.

The bill we consider today with a new number, S. 420, and a new title, the "Bankruptcy Reform Act of 2001," is practically identical to last year's bankruptcy reform conference report that passed out of the Senate by an overwhelming bipartisan vote of 70–28. The only exception is we have made a few changes in this new draft to accommodate members of the Democrat Party.

There was strong bipartisan support in the last Congress. That strong bipartisan support continues to this very day. So it is high time that we get the job done and get this bill to the President; this President will sign it.

I want to give some background on the development of this bankruptcy legislation. In the 106th Congress, Senator TORRICELLI and I worked very closely together on bankruptcy reform. Senator TORRICELLI, a Democrat, and I addressed many concerns and negotiated many compromises. We were able to pass out of the Senate the Grassley-Torricelli bill by a vote of 83–14. The Senate then approved the bankruptcy conference report by the vote I mentioned earlier, but I want to emphasize how bipartisan it was—70–28; 53 Republican Senators, 17 Democratic Senators voted for the conference report.

But then, as I indicated, President Clinton pocket vetoed this bill. Congress had adjourned, so it did not have an opportunity to override that veto last December. So here we are again trying to pass bankruptcy reform.

My Democratic colleagues—Senators TORRICELLI, BIDEN, JOHNSON, and CARPER—have joined Senators HATCH, SESSIONS, and me on this bill, S. 420, the Bankruptcy Reform Act of 2001. We hope to get additional cosponsors from both sides of the aisle. As you can see, there is strong bipartisan support for this bankruptcy bill, just as there has been a long history of bipartisan support for bankruptcy reform ever since I have been in the Senate.

I note for the record that I believe we have really bent over backwards to try to accommodate Senators' concerns with the bill's process in this Congress. I do not think it is any surprise to anyone that my position is that the bankruptcy bill is unfinished business from the last Congress. I think the large majority of us in the Senate believe that is the case, that it is unfinished business.

The bill, being pocket vetoed, had to start over again this year. And here we are. Of course, it was really too bad we could not get the job done last year, considering the pocket veto.

So at the beginning of this Congress, I reintroduced the bipartisan conference report with no changes—no changes—exactly the same bill. The reason I did this was not necessarily because the conference report was exactly the way I would have written the legislation, but because I felt compromise is necessary. And that conference report, with the bipartisan support that it had, was negotiated as best it could be. We had reached many carefully crafted compromises. And that bipartisan product ought to be our starting point this time.

So I introduced that as S. 220, the same bipartisan bankruptcy conference report language of last year that 70 Members of this body supported. I had that bill held at the desk so we could proceed expeditiously on this matter. I did not think, with all the work that had been done on it over the last 4 years—with only a Presidential veto, a pocket veto at that, standing in the way of it being the law of the land—that there was much point in going through the process of hearings and committee action before we worked on it here. This was one way we could expedite the process; save all the busy Senators some time, and move on with something that had such broad bipartisan support.

But always in a body of 100, where consensus is what it takes most of the time to get anything done, we had Senators with concerns about this process. So the Judiciary Committee, of which I am a member, accommodated those concerns by not only, once again, holding a hearing on bankruptcy reform and the bill, but also by holding a markup of the language in S. 220.

So the Judiciary Committee accepted several amendments that were not in the conference report of last time. And that marked-up version of the bankruptcy bill was reported out of committee and reintroduced with a new number. So we went from S. 220—the exact bill that President Clinton pocket vetoed—to now S. 420. That is what we have before us.

So I hope this clarification on history and on the procedural process of this bill will show that, one, the bill is a bipartisan effort; two, that we have been working on bankruptcy reform for a very long time and have gone over all the fine points of this bill in great detail; and, three, that we have bent over backwards to allow a fair process to move this bill forward at this time.

Let me now discuss the merits of bankruptcy reform and why this bill is necessary to solve the problems we have before us of a historically high number of bankruptcies—1.4 million bankruptcies in 1 year—maybe last year just a little bit less than that but now maybe coming back up. It is a problem with which we should deal.

There have been a large number of bankruptcies in good times. And remember, the last 20 years—covering the Reagan administration, the Bush administration, the Clinton administration, and now the Bush administration—have been the best economic years ever in the history of America. Yet during this period of time we had 1.4 million bankruptcies in 1 year, compared to 300,000 bankruptcies back in the early 1980s. Something is wrong, and this gives us an opportunity to correct what is wrong.

To emphasize, when the Senate last considered this bill just 3 or 4 months ago, we heard a lot about the declining numbers of bankruptcies from that top of 1.4 million that I talked about because the opponents of this compromise bill were pointing to this temporary downward spike in the number of bankruptcies to say that there was no need for any bankruptcy legislation.

I refer my colleagues to a Wall Street Journal article dated December 1, 2000, which predicted that consumer bankruptcies will rise by 15 percent this year. According to the article, one expert referred to the predicted upswing in bankruptcies as "the verge of another flood."

Opponents to the bill act as if there is nothing to worry about. But the fact is, we have a bankruptcy crisis on our hands. Things are more than likely going to get worse. We need to pass this bill, and we need to pass it right now.

The Bankruptcy Reform Act before us will help the American people and the economy. With the economy slowing down and a declining stock market, Americans are anxious about their economic future. If we hit a recession without fixing the bankruptcy system, we could face a situation where bankruptcies spiral out of control even beyond what they were in the good times of 1998, 1997, and 1996.

The time to act is now, before any recession is in full swing—not to send a signal to those people who legitimately, for the past 100 years, had a reason to have a fresh start. We do not want to stop those people in debt from going to bankruptcy court because of situations beyond their control. No, it is not to stop that. But before we get into this recession and too many people want to further use the bankruptcy code as part of their financial planning, we want to stop those who can repay some of their debt or all of their debt, that they know they are not going to get off scot-free.

I will address how this bill will change the way bankruptcy is being treated in the United States. Simply put, bankruptcy is a court proceeding where people get their debts wiped away. Every debt is wiped away through bankruptcy. When this happens, for every debt that is wiped away, someone loses money. That is not Washington nonsense. That is good old American common sense.

Of course, when someone who extends credit has their obligation wiped away in bankruptcy, they are forced to make a decision. Should this loss simply be swallowed as the cost of doing business and absorbed by the owner or do you raise prices for other customers to make up for your losses? Either way there is no free lunch; somebody pays.

Presently, when an individual files for bankruptcy under chapter 7, a court proceeding takes place and their debts are simply erased. Every time a debt is wiped away through bankruptcy, someone loses money. When someone loses money in this way, he or she has to decide to either assume the loss as a cost of business or raise prices for other customers to make up for that loss. When bankruptcy losses are infrequent, then maybe lenders just swallow the loss, but when they are frequent, lenders need to raise prices to other consumers to offset their losses.

If there are a million businesses out there that have to so deal, I would have to say there are a million answers as to how each one of those businesses might see a debtor getting their losses wiped away.

These higher prices obviously eventually translate into higher interest rates for future borrowers. We had an outstanding economist by the name of Larry Summers—also the last Secretary of the Treasury—testify before our Senate Finance Committee that bankruptcies tend to drive up interest rates. With the possibility of the economy slowing right now, we need to at this time fix a bankruptcy system that inflates interest rates and threatens to make the slowdown even worse. Bankruptcy reform will help our economy through lower interest rates.

The result of the bankruptcy crisis is that hard-working, law-abiding Americans have to pay higher prices for goods and services. S. 420 makes it harder for individuals who can repay their debts to file for bankruptcy under chapter 7 where those debts are wiped away. This would lessen the upward pressure on interest rates and higher prices. It is only fair to require people who can repay their debts to pull their own weight. Under current bankruptcy laws, one can get full debt cancellation in chapter 7 with no questions asked. The Bankruptcy Reform Act before us asks the fundamental question of whether repayment is possible by an individual. If it is, then he or she will be channeled into chapter 13 of the bankruptcy code which requires people to repay a portion of their debt as a precondition for limited debt cancellation.

The bill does this by providing a means test to steer filers who can repay a portion of their debts away from chapter 7 bankruptcy. The test employs a legal presumption that chapter 7 proceedings should be dismissed or converted into chapter 13 whenever the filer earns more than the State medium income and can repay at least $6,000 of his or her unsecured debt over 5 years.

In calculating a debtor's income, living expenses are deducted as permitted under IRS standards for the State and locality where that debtor lives. Legitimate expenses—such as food, shelter, clothing, medical, transportation, attorney's fees, and charitable contributions—are taken into account in this analysis as provided for under these IRS guidelines. Moreover, a debtor may rebut the presumption by demonstrating some sort of special circumstances.

Responding to the point that is always brought up against this bill—we have already heard it this afternoon—that somehow, regarding high medical expenses, you never get adequate consideration of that by the judge if you go into bankruptcy, I don't know what it takes to satisfy people on the other side whom I believe are using this medical expense issue just as an excuse because they don't want any bankruptcy reform. If writing off 100 percent of all medical expenses is not enough, would you be satisfied if we wrote a law that allowed you to write off 101 percent or 102 percent? When I say medical expenses under the IRS guidelines can be written off in making a determination of the ability to repay or go into chapter 13 and then repay part of your debt, I mean that they can be written off.

The means test takes into account a debtor's income and expenses and then, even beyond that, allows the debtor to show special circumstances which would justify adjustments to this IRS benchmark means test. In this way, then, the bankruptcy reform bill preserves the fresh start I have talked about for people who have been overwhelmed by medical debt or sudden unforeseen emergencies.

As stated by the General Accounting Office—not by Senator GRASSLEY but by the General Accounting Office—the bill allows for full 100 percent deductibility of medical expenses before examining repayment ability. This bill preserves fair access to bankruptcy for people who truly are in need.

So that I am crystal clear, people who do not have the ability to repay their debt can still use the bankruptcy system as they would have before. This bill specifically provides that people of limited income can still file under chapter 7. There is a specific safe harbor built in for these individuals so their debt can be wiped away as is done right now—the fresh start.

I repeat: There is a safe harbor for these poor people, but the free ride is over for those who have high incomes and who game the system and who don't want to repay their debt but can repay their debt; they are no longer going to get off scot free.

That brings me to the moral issue involved with bankruptcy reform. Somehow, I know that in 21st century America you aren't supposed to be judgmental about people. Let me say to you I think it is a sad commentary that I can get into trouble for being judgmental about people, but if I were to do the same thing, commit the same act, I would probably get away with it. That is a sad commentary.

There is this issue of personal responsibility. It has been one of the main themes of this bankruptcy reform bill. Since 1993, the numbers of Americans who have declared bankruptcy have increased over 100 percent. That is how you eventually get to that high number 2 years ago of one and four-tenths. While nobody knows all the reasons underlying bankruptcy crises, the data shows that bankruptcies increased dramatically during the same timeframe when unemployment was low and real wages were at an all-time high.

I believe the bankruptcy crisis is a moral crisis. People have to stop looking at bankruptcy as a convenient financial planning tool while other honest Americans have to foot the bill. It is clear to me that our last bankruptcy system must bear some of the blame for this crisis. A system where people aren't even asked to pay off their debts, obviously, contributes to the fraying of the moral fiber of our Nation and to the lack of personal responsibility. Why should people pay their bills when we have a system allowing them to walk away with no questions asked? Why should people honor their obligations when they can take the easy way out through bankruptcy?

I think the system needs to be reformed because it is fundamentally unfair. The Bankruptcy Reform Act before us will then promote personal responsibility among borrowers and create a deterrence for those hoping to cheat the system, to game the system, to use it for financial planning, to get off scot free.

The bill does more than just provide for a flexible means test. It gives judges discretion to consider the individual circumstances of each debtor to determine whether they truly belong in chapter 7 and then get the fresh start that we all agree they are entitled to if they are in this situation because of something beyond their control. But it also contains tough consumer protections that people on the other side of the aisle, correctly so, have brought to our attention that we ought to be doing something about.

We are going to have procedures in this bill to prevent companies from using threats to coerce debtors into paying debts which could be wiped away once they are in bankruptcy. That is not fair play, when we have activity such as that occurring.

The bill requires the Justice Department to concentrate law enforcement resources on enforcing consumer protection laws against abusive debt collection practices. It contains significant new disclosures for consumers, mandating that credit card companies provide key information about how much they owe and how long it will take to pay off their credit card debt by only making a minimum payment—just getting on a treadmill and never getting off.

Consumers will be able to get this information through a toll-free number, where they can get information about how long it will take to pay off their own credit card balances if they make only the minimum payments because we want to help people get off of that treadmill as well. We want to do it by educating consumers and improving the consumers' understanding of their financial situation.

Also, credit card companies that offer credit cards over the Internet will be required, for the first time, to fully comply with the Truth in Lending Act. So claims that this bill is unbalanced for the creditor and against the debtor are wrong. There are enhanced consumer protection and information and education provisions to give the debtor more information—hopefully, to avoid bankruptcy in the first place.

Our bill makes changes that will help particularly vulnerable segments of our society. We have heard people against this bill—and, again, I think just because they don't want any change in the bankruptcy laws whatsoever, and maybe some of them even think we ought to make it easier to go into bankruptcy—bring up this issue about child support. It is one of their great contributions to the evolution of this legislation, that child support now is the No. 1 priority.

Again, as I said, in the case of these groups of people who are against the bill in the case of medical expenses, if 100-percent deductibility and consideration of 100 percent of the medical expenses isn't enough, should it be 101 percent or 102 percent? Again, if child support is the No. 1 priority, what more can I do for you? There isn't a number smaller than 1 for a priority when it comes to using the assets that are in bankruptcy to see that children are No. 1 in consideration. They ought to be No. 1 in consideration. So they have the highest priority.

I wish to make clear that the bankruptcy bill makes a significant improvement for child support claimants as well. This bankruptcy bill does not hurt them, as opponents try to claim. In fact, the organizations that specialize in tracking down deadbeat dads all believe this bill will be a tremendous help in collecting child support. The people on the front lines say that the bankruptcy bill is good for collecting child support. For example, the bill provides that parents and State child support enforcement collection agencies are given notice when a debtor who owes child support for alimony files for bankruptcy in the first instance—I should say, not in the first instance of bankruptcy but when they file for bankruptcy, this information is going to be made known to them right away because bankruptcy trustees are required to notify child support creditors of their right to use child support enforcement agencies to collect outstanding amounts due.

In addition, the bill requires creditors to provide the last known address of debtors owing support obligations upon the request of the custodial parent. Concerns being expressed by opponents to this bill then, in regard to this child support issue just do not hold water.

The Bankruptcy Reform Act before us also makes great strides in cracking down on the very wealthy individuals who abuse the bankruptcy system. If you listen to our critics, you might get the impression that the homestead exemption is one giant loophole, that we don't deal with it in this bill at all, and that somehow we are protecting the rich. Here again, we had the nonpartisan General Accounting Office look at the question of how frequently the homestead exemption is abused by wealthy people in bankruptcy. The GAO found that less than 1 percent of the bankruptcy filings in the States where there are unlimited homestead exemptions involving homesteads of over **$100,000**—and the number of States that fall into that category can be counted on the one hand. But in those States 99 percent of the bankruptcy filings are not abusive, according to the General Accounting Office. So there is no big loophole there. In fact, the provision in the bill with respect to homestead is a significant improvement over current law because there is presently no Federal cap on homestead exemptions in the current law.

Our bill changes that by requiring a person be a resident of a State for 2 years before claiming the homestead exemption.

Furthermore, there is a 7-year lookback provision which will allow our bankruptcy judges to review the debtor's activities for the past 7 years to determine whether the debtor was trying to shield assets through this homestead exemption.

This, quite frankly, is one of these very tough issues with which we have to deal. On this, I did not have to deal with Democratic Senators who think it ought to be tougher, but I had to deal with those within my own Republican caucus.

There was a lot of work that had to be done on this. It is a delicate compromise between those who believe the homestead exemption should be capped through Federal law and others who are uncomfortable with the uniform Federal cap because 150 years ago, their State constitution writers wrote a different provision.

I hope my colleagues will not believe it when others say the provisions of this bill that tighten up this exemption, regardless of the State constitutions, is a gaping loophole because it is not. The homestead provision in the bankruptcy bill substantially cuts down on abuses.

I wish to talk about another thing this bankruptcy bill does that is so important in the rural areas of America, particularly as it deals with the family farmer. Some may not know that the farmers across the country currently have no protection at all against foreclosures and forced auctions, and that is because chapter 12 of the bankruptcy code, which I wrote about 15 years ago, sunsetted last June. We thought President Clinton signing this in December would take care of that problem. Chapter 12 has expired leaving farmers without this last-ditch safety net.

The answer is that chapter 12 ceased to exist because opponents of bankruptcy reform stalled movement on this legislation last year so that it would be timely for President Clinton to pocket veto it after we adjourned in December instead of while we were still here, when we obviously had the votes to override it.

Last year's bill would have permanently restored chapter 12 for family farmers, but President Clinton did not think that was an important enough matter. This matter is too important to family farmers for us to be fooling around and not making chapter 12 permanent. It is the only chapter of the bankruptcy code that is not permanent law, but our bankruptcy bill goes further than just making it permanent.

The bill enhances these protections and makes more farmers eligible for chapter 12. The bill lets farmers in bankruptcy avoid capital gains taxes. This is important because it will free up resources to be invested in a farming operation that is trying to turn around rather than going down the big black hole of the Federal Treasury.

Farmers need this chapter 12 safety net, and we in Congress should be standing up for our family farmers. We can do our duty and make sure the family farms are not gobbled up by giant corporate farms, which happens when bankruptcies occur. We can give farmers across America a fighting chance. I hope the Senate does not give in to people who are opposed to this bill and want to fight bankruptcy reform just because they do not want any bill whatsoever and let them hurt the family farmer by stalling this legislation. It is time we do this for the family farmer.

In addition, patients in hospitals and nursing homes get protection under this bill. They deserve it and need it. In the last Congress, the Senate adopted these protections unanimously as an amendment I offered. Let me provide an example of what could happen—and it has happened. This came out in a hearing I held on nursing home bankruptcies.

I learned of a situation in California a couple, 3 years ago where bankruptcy trustees just showed up at a nursing home on a Friday evening and evicted the residents. The bankruptcy trustees did not provide any notice whatsoever that this was going to happen. There was absolutely no chance for the nursing home residents to be relocated. The bankruptcy trustees literally put these elderly people out into the streets and changed the locks on the doors so they could not get back into the nursing home.

This bankruptcy bill will prevent this from ever happening again. For the first time, we will be giving these deserving folks these protections. We set up an ombudsman to look out for their interests.

Getting back to some basics, the truth is, bankruptcies hurt people. It is not fair to permit people who can repay to skip out on their debts. Yes, we do preserve and must preserve fair access to the bankruptcy courts for those who truly need a fresh start. The bankruptcy reform bill that we will pass does just that, but let those people who can over time pay their debts live up to their responsibilities. Let's restore a proper balance in the bankruptcy system. This bill does that. Enacting bankruptcy reform will help stimulate the economy by lessening pressure on prices because people who can pay their debts do not. Also, interest rates go up, as Secretary Summers has told us.

Passing meaningful bankruptcy reform also can help our economy and simultaneously contribute to rebuilding our Nation's moral foundation by emphasizing, once again, personal responsibility.

I urge my colleagues to support this bill which has a new number, S. 420, but not much changed from the bill that was at the desk, S. 220. This is a product of much negotiation and compromise. It is fair, it is balanced, and it is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to make some remarks on the bankruptcy bill that will be pending this week. I also express my admiration for the work of Senator ENZI in the health subcommittee on labor issues that he chairs and his intensive work and concern to make sure we handle repetitive motion injuries in the right kind of way.

In my personal view, it would be unwise for us to dump a regulatory burden on American business, one that has been estimated to cost as much as $90 billion, at a time when the economy is in a slowdown and we are not really sure about the science that would justify that and all experts tell us the regulations are incredibly difficult to write. In fact, they are not able to write them. I think we are right to heed Senator ENZI's advice.

Mr. President, one of the objections to the bankruptcy bill was expressed in a letter that has been circulated from 91 law professors who wrote to show their opposition to the bankruptcy bill. We are continually seeing our professors sign off on letters that appear to have some substance, but when you examine them, they are not sound. This is a very unsound letter.

Since it has been referred to by Senator KENNEDY in the past, and I think maybe earlier today—although I don't think he relied on it in depth here today—we ought to talk about those charges. In their letter, these professors claim to be representing the interests of children and women in divorce. They claim to be concerned about poor people who are bankrupt and they want to help them. So do I.

So let's listen to what they say their complaints are. I would like to talk about them. It is in many ways quite stunning how inaccurate their opinions are.

The letter from the professors says women and children will have to compete with powerful creditors to collect their claims after bankruptcy.

The fact is this bill subjects assets, such as homestead, household effects, and tools of the trade—these are assets that cannot be seized and sold in bankruptcy. These are assets that the person who filed bankruptcy can keep—their homestead and household effects and so forth. But for the purposes of children and women and past-due alimony, this law will give them greater power than ever before, and they can seize those. They can be seized for child support and alimony. That is clearly a superior position under this bill than before.

Wives and mothers will not have to compete with anyone before, during, or after bankruptcy for these key assets.

In addition, Philip Strauss of the San Francisco Department of Child Support Services—this is one of the agencies around the country that was formed to help women and children collect their child support and alimony from deadbeat parents, or those who refuse to pay—wrote to us and made a firm statement on this matter. He said competition between these creditors and child support claimants just doesn't happen.

As he said:

> No support collection professional that I know believes this concern to be serious. If support—

He means child support and alimony—

> and credit card creditors were playing on a level playing field, banks with superior resources might have an advantage. However, nonbankruptcy law—

This is the nonbankruptcy collection law that favors alimony and child support—

> has so tilted the field in favor of support creditors—

That is child support creditors—

> that competition with financial institutions for the collection of post-discharge debt presents no problems for support creditors.

Senator BIDEN said it was laughable at our hearing recently to suggest that this bill does anything but enhance the position of women and children who may be claimants in bankruptcy.

The letter from the professors says:

> Credit card claims increasingly will be excepted from discharge and remain legal obligations after bankruptcy.

The fact is this: Credit card debt that is incurred as a result of fraud is already nondischargeable under current law. This bill simply makes it slightly easier for creditors when a debtor has obtained the money from the creditor by fraud to win their case; only slightly more. They will still have to prove that the borrower—the debtor—defrauded them. And debtors who defraud creditors should not be able to discharge their debt in bankruptcy.

If somebody loans me money and I obtain that loan through fraud, why should I be able to go into bankruptcy court and never pay that person back the money I defrauded him out of?

That is the current law. That is historic law. This bill makes little or no change in it. It tightens it up slightly. If you have been defrauded, you will be able to collect your money.

The letter further says:

> . . . large retailers will have an easier time obtaining reaffirmations of debt that legally could be discharged.

The fact is that in order to obtain a reaffirmation under this bill, retailers will have to make sure that new and comprehensive disclosures are given. They will be required to disclose material terms of debt obligation before the creditor and debtor can reaffirm any discharged debt. Judicial review is required in certain cases. Thus, it will be much more difficult—not easier—for retailers to reaffirm or get a reaffirmation of a debt that is being discharged in bankruptcy.

I know this. I was asked to negotiate this very question on behalf of Senator GRASSLEY and Chairman HATCH. I met with the White House and Senator REED from the other side. We worked hard and came up with language that is not excessively burdensome on the court but really provides substantial new procedural protections from anyone who would think about reaffirming a debt.

The reason people reaffirm the debt is they may have a washing machine, and they have paid on it for a while. They would rather reaffirm and keep that machine than have it taken away. Sometimes they do it on automobiles and things of that nature. It is a perfectly voluntary thing.

Frankly, I thought the issue was greatly overblown. But we worked this out. We increased the control under the new bankruptcy bill that is before us today compared to what it was before. A vote to reject this bill is a vote to continue the less restrictive reaffirmation practices that prevail in the absence of this bill.

Again, it makes you wonder what these professors are writing about.

The letter says:

> Giving "first priority" to domestic support obligations does not address the problem . . . and that "95 percent of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and children a first priority . . . permits them to stand first in line to collect nothing.

The fact is, the bill's means test will come into play only if the person filing bankruptcy makes more than the median income for the state in which he files. Only then will he be required to pay back some of his debt, and under that scenario his situation will be different from current law.

This bill's means test will place above-median income deadbeat dads into chapter 13—a 5-year repayment plan that will require them for 5 years under court-ordered direction to pay their money into court, and the first fruits of that money go to child support and alimony. That is a powerful incentive and guarantee that women and children will receive the support obligations due them.

The bill also will stop how chapter 13 is used today by deadbeat dads to delay or defeat their payment of child support—sometimes for as long as 5 years. This bill will strengthen the ability of women and children to receive their child support.

The letter goes on with another charge. It says: Under current law, child support and alimony share a protected post-bankruptcy position with only two other current collectors of debt—taxes and student loans. The bill would allow credit card debt and other consumer credit to share that position thereby elbowing aside women trying to collect on their own behalf.

The fact is, the bill only slightly expands what consumer debt is nondischargeable. The credit card has to be used for more than $250 worth of luxuries, and the debt has to be fraudulent to be nondischargeable. Even if you had a fraudulent debt of less than $250, it would be dischargeable.

Moreover, only alimony and child support claimants will be able to levy on the deadbeat dads' exempt assets, as I mentioned before, such as homestead and household furniture. Thus, mothers will not have to compete with the IRS, the student loan companies, credit card companies, or anyone else to attach exempt assets after bankruptcy.

Further, as Philip Strauss, a child support professional, said—he has 24 years of experience in collecting assets for women and children—

> No support collection professional, that I know believes this concern to be serious.

I agree with Senator BIDEN. It is laughable. Really. State attorneys general will be helping women collect child support and alimony.

Further, this bill will provide more assets for distribution to women and children before, during, and after bankruptcy.

Before bankruptcy, debtors will have to attend a credit counseling session that will help put fathers on a budget, keep them out of bankruptcy, and keep them paying this alimony and child support in the first place.

I offered an amendment to this bill that says before a person runs down to some bankruptcy lawyer whose primary motivation will be to get his fee and file bankruptcy with the least possible cost and time on his part in the case, they should at least talk with a credit counseling agency. Many of them can show debtors how to establish a budget, how to prioritize their debt payment. They can call creditors and ask: Would you hold off for 2 months? Then we will start paying next month. Otherwise, my client would have to file bankruptcy. They are working marvelously well throughout the country to avoid bankruptcy, to teach families and deadbeat dads or others how to manage money more effectively, and actually preserve families because experts say fights over credit are the No. 1 cause of divorce in this country. That is a good provision in this bill that would not be enacted into law if this bill is not passed.

I go on to note that during bankruptcy, deadbeat dads will be required to pay all past due alimony and child support and to undergo court supervision for up to 5 years under chapter 13 as they pay their first priority alimony and child support claims.

After bankruptcy, it is more likely that a father who has undergone credit counseling, has been subject to 5 years of court-ordered supervision of his finances where alimony and child support were the No. 1 priority, and knows he cannot shield his exempt assets from alimony and child support claims, will be up to date on all his post-bankruptcy payments, including alimony and child support.

The letter further charges:

> [A] single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband.

The fact is, although a prior version of the bill did require 3 years' tax returns to be submitted to the bankruptcy court—and there was good reason for that because people do not always tell the truth about their income, and 3 years of returns gives you some indication of what their true worth and financial ability is—but while it was in the previous bill, the conference report version, the present bill today that came out of committee only requires that 1 year's return be submitted. This bill only requires the current year's return be submitted, and even that obligation can be satisfied by a transcript of your return obtained from the IRS. These transcripts are free and promptly provided by the IRS.

Further, the bill relieves the obligation of filing even the current tax return if the debtor—the destitute mother, in this case—can show that she cannot file the return due to circumstances beyond her control. I think that more than answers that charge.

The letter further says:

> A single mother who hoped to work through a Chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was possible.

The fact is, a single mother would only be placed in a chapter 13 repayment plan if, one, she was above the median income, and that is adjusted for family size—and for a family of four, the median income in my home state of Alabama is $47,000 a year—two, her income after deducting medical payments, private school tuition, and medical expenses exceeded the lesser of $10,000 or 25 percent of nonpriority unsecured debts—but at least $6,000; and special circumstances did not make completion of the payment plan impossible.

So there is an out for the judge. If he finds there are special circumstances that provide a hardship for a family, he can avoid this plan. Even then, if she did not want to pay for the worthless items of collateral, her plan needs only provide for their return to the creditor. Why should she have to keep a piece of furniture if she does not want to pay that debt on it, and it has been mortgaged?

The letter says:

> The homestead provision in [this bill] will allow wealthy debtors to hide assets from their creditors.

The fact is, the current law presents two problems: One, debtors stuffing their cash into homesteads immediately before declaring bankruptcy, sometimes moving to another State that has a more favorable homestead law, to defeat the creditors; and, two, another problem is, wealthy people exempting their long-held homestead from the bankruptcy estate.

The Senate bill that preceded the conference report last year would have solved both of these problems with a $100,000 hard cap on all homestead exemptions. I supported that. Senator KOHL and I were the prime advocates of that amendment. I debated it on the floor, and we won that vote on the floor. The companion House bill that was passed by the House of Representatives would have solved neither one of those two problems. We solved both of them in our bill in the Senate.

So what about the bill that has come out of committee and is the bill before us today? The bill today solves the more egregious problem by providing, one, that all new equity added to a home within 2 years prior to filing bankruptcy in excess of $100,000 will be subject to the creditors and cannot be protected; and, two, if you move into a new State 2 years before filing bankruptcy, your homestead exemption is set by the law of the State you left.

So you cannot carry on the kind of effort that has been done in Alabama where a person leaves my hometown of Mobile and drives 50 miles to Pensacola, Florida, where they have no homestead exemption, puts all their money in a million-dollar house, files bankruptcy, and they do not have to pay their creditors because all their money is in the home. You would have to plan that at least 2 years in advance under this law. So there is no doubt, as Senator GRASSLEY has stated so clearly, that this law will be substantially more effective in cracking down on homestead abuse than current law.

We had problems. We had a number of people from Florida, from Texas, from Kansas, and some other States out West, whose State constitutions provided unlimited homestead protection for farmers and others. They did not want to give that up. They fought us tooth and nail, and it compromised the ability of this bill to even be passed. But by reaching a compromise on this language in the bill, it solved one of the two problems, the most egregious problem really, and we made progress over current law. We ought to pass this bill. To kill this bill would leave even the weaker current law in effect.

The letter further says:

> Well-counseled debtors will have no problem timing their bankruptcies or tying up court in litigation to skirt the intent of [this bill's two-year look-back] provision.

The fact is, it will be very difficult for a debtor to plan 2 years ahead to place large amounts of cash into a homestead. Such planning, however, could establish a record of the debtor's intent to hinder or delay his creditors. If you can show they maneuvered over a 2-year period to establish a new homestead in a different State, or put extra money in there, then you have a remedy under this bill. If so, our legislation contains a 7-year look-back provision to bring any amount added to a homestead to defraud, hinder, or delay creditors back into the bankruptcy estate, used to pay off debtors of the estate.

So in conclusion, Mr. President, I reject the assertions in the October 30 letter by the anti-reform professors. This bankruptcy bill will place women and children in a better position than ever before. That is a major reason why an overwhelming bi-partisan majority of the House and the Senate supported this bill last year. And that is why we should pass it again this year, and the President should sign it.

I know there is a lot of talk about this bill being harsh and somehow unfair to poor people. But all debtors—all poor people filing bankruptcy—if the claimants are for child support or alimony, will be much advantaged.

The alimony and child support people will have much greater power under this bill to collect their money than under current law. Second, anybody making below median income for their State will not be affected by the means test and will not be converted to Chapter 7. And I do not know how many that is, but I would be willing to guess that at least 80 percent of the individual bankruptcy filings in this country are by people who make below median income. It is only a few at which we are looking. The same people who are concerned about those abusing the homestead law to defraud their creditors ought to also be concerned about doctors and other rich people who have run up a bunch of debts, bankrupt against them, and then the next year make $100,000 to $150,000 a year. By doing that, these people have effectively gotten out of their legitimate debts that could easily have been repaid by them. Make no mistake, that is the truth. You can go into bankruptcy court today, file under chapter 7 and if your income is $250,000 a year, wipe away the debt that you owe and, effectively, never pay your creditors. That is not right. It's an abuse. If you can pay part of your debts, you ought to.

We have come up with a bright line rule. If you make above median income for your State and you can pay the lesser of 25 percent or $10,000 of your debts over 5 years, you are required to pay at least a portion of those debts you can pay; in other words, you must file in Chapter 13. The judge will decide how much you pay and will set up a repayment schedule. In short, people should try to repay the debts that they owe. We don't need to create a bankruptcy system that is running out of control where lawyers are advertising night and day on the TV and in the free shopping guides in the grocery stores about how you can wipe out your debts and you don't have to pay what you owe.

When somebody fails to pay what they owe, whether it is to a hospital, whether it is to a doctor, whether it is to a bank, whether it is to a credit card company, what happens? It drives up the cost of those people's business. They have to raise the charges on the honest people who pay them.

There is no free lunch in this country. That is basic economics. There is no free lunch. If you don't pay your debt, then somebody else is going to pick up the burden.

We need to have a law that enhances our capacity to ensure people don't abuse bankruptcy; that if you are capable of repaying a portion of your debts, you do. That is fundamental and what most Americans do.

When I think about those families sitting around their kitchen tables right now worrying about their budgets, trying to decide whether or not they can afford to take vacation, and who ultimately decide that they can't because they have bills to pay—those are the people we ought to honor. Those are the people who demonstrate the kind of character and discipline that ought to be affirmed. We ought not to affirm people who make above the median income in America and who can easily pay back part of their debts, but who decide not to do so.

I don't believe you can assert one fact in this bill that is not fair and just. We have fought over this bill for 4 years. It has passed this body at least three times by overwhelming numbers.

Unfortunately, it is not yet the law. I plan to listen carefully to the complaints about this bill that will surely be made on this floor, but frankly I don't believe that anybody's complaints will hold water.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the submission of S. 455 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

A WEEK FOR WORKING PEOPLE

Mr. WELLSTONE. Mr. President, first of all, I haven't had a chance to review Senator COLLINS' legislation, but I will tell you that anything and everything that we can do that really nurtures and encourages small business we should do. The small businesspeople are a lot like family farmers. Everybody loves them in the abstract, but when it comes to access to capital and to the opportunities for them to grow, I think we can do much better.

I will tell you that in Minnesota—and I am sure it is the case in Maine—people are always more comfortable when the actual capital decisions are made by people who live in the community. They own the businesses there. I would put my emphasis on education and entrepreneurship at the community level. I thank my colleague for her work.

I am going to be quite brief because I have a feeling that over the next couple of weeks I won't be brief at all. This is going to be quite a week for working families, working people, in Minnesota and around the country. We start out tomorrow with a bang. We are going to have a resolution on the floor of the Senate that would summarily and permanently overturn OSHA standards that were designed to protect workers from serious and debilitating ergonomic injuries. We are talking about repetitive stress injuries and about 1.8 million workers who suffer from these disorders, 600,000 injuries so severe that people are forced to take off from work.

The terms of these injuries, such as carpal tunnel syndrome, tendonitis, and back injuries, sound familiar. I will give you one example, although there are many, and then I will make my larger point.

Kita Ortiz, a sewing machine operator in New York City, was 52 when her whole life came crashing down on her. She ended up with cramps in her hands so severe that she woke up with them frozen like claws. She had to soak her hands in hot water just to be able to move her fingers. This went on for 5 years. Terrified of losing her job, she suffered through agony beyond anything that any Senator can imagine. Finally, she had to give up her job. It took 2 years to get her first workers comp check. She lost her and her family's health insurance, and she tries to get by now on $120 a week on workers comp payments.

I will tell you something. This resolution is all about overturning our accountability as legislators, as Senators, to working people in this country, our accountability for their safety. I would bet that of the 1.6 million, 1.8 million workers who suffer from these injuries, well over 50 percent are women. I will just tell you that I believe part of the reason that Kita Ortiz is not so prominent in this effort is because to many people these workers and these injuries are just out of sight, out of mind. But this is the most serious health and safety problem in the workplace.

We had OSHA spend 10 years to promulgate this rule and now we have this rush to judgment, where we are going to have 10 hours of debate, no amendments permissible—10 hours of debate to overturn a rule that was 10 years in the making based upon the heartfelt testimony of men and women who have gone through this living hell of repetitive stress injury.

Why the rush to judgment? Some Senators can be very generous with the suffering of others. It is so interesting to me that we are going to pass a resolution that is going to not just say to OSHA there are problems, fix them, but basically its scorched earth approach on the floor of the Senate—10 hours, limited debate, no amendments, and basically OSHA's hands are tied for the future. We have to come back and go through a process all over again.

By the way, time is not neutral for a whole lot of people who suffer these injuries. I don't think most of them are our sons and daughters, to be blunt about it. This is a class thing. I don't know whether others want to say it on the floor, but it should be said. I will say it a lot over tomorrow. These aren't really our sons and daughters. These aren't our brothers and sisters, our husbands and wives. For most of us, I don't think these are people we know very well. These are working class people. It is interesting to me that we are so willing to have standards for schools, but we don't want to have standards for workplace safety.

It is going to be interesting to see how colleagues vote on this. I think this Federal testing that President Bush is talking about is probably the largest intrusion of the Federal Government on State and local school districts we have seen for a long time, which basically says, hey, for any of you who receive any title I money, you will do annual testing from third grade on—I think all the way to eighth grade. You do it. That is what we are telling them. We are not clear exactly whether or not or how this gets funded.

We are certainly not going to give the schools and teachers and the children the tools to be able to do well, but we are going to pound our chests and talk about how low-income children, and children in inner-city schools, and in schools that don't have good lab facilities and don't have the technology, and children who didn't come to kindergarten ready to learn, and kids who come to school hungry, and kids who live in a family that moves two, three times a year because of the lack of affordable housing, and we are set up for failure. We are willing to jam those tests down the throats of States and school districts, big Federal intrusion in education. So we are going to have the standards for schools, but we are not going to have the standards for workplace safety.

Tomorrow we are going to abolish standards for workplace safety. At least that is the effort. I hope it is not successful. This is quite a week for working families. We start out going after the ergonomics rule, which is so important to people who have gone through such a living hell with such pain from repetitive stress injury. It is a horrible injury. And you have some parts of the business community broadly defined—not all, thank goodness—coming in and saying we cannot afford it. It is terrible. How generous again some people are with other people's suffering. If it was you or if it was your loved one who was struggling, who was basically disabled for life, who was in unbelievable pain, you would want to see some kind of standard put into effect. That is what this debate is going to be about.

This is a class issue. That is what this is about, make no bones about it, and the question is, Where do working people fit into the deliberations of the Senate? We will see.

Then we go from there to the bankruptcy bill. I ask unanimous consent to print in the RECORD a letter from a variety of women's and children's organizations—American Association of University Women, Children's Defense Fund, Center for Law and Social Policy, National Center for Youth Law, National Organization of Women Legal Defense and Education Fund, National Women's Law Center, YWCA of the United States—that are in opposition to the bankruptcy bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 2, 2000.

Re Women and children's groups oppose S. 420, Bankruptcy Reform Act.

DEAR SENATOR: The undersigned organizations write to urge you to stand with America's women, children, and working families and oppose S. 420, the Bankruptcy Reform Act of 2001.

If it becomes law, this bill will inflict greater pain on the hundreds of thousands of economically vulnerable women and families who are affected by the bankruptcy system each year. Over 150,000 women owed child support or alimony by men who file for bankruptcy become bankruptcy creditors. An even larger number of women owed child support or alimony—over 200,000—will be forced into bankruptcy themselves. Indeed, women are the largest and fastest growing group in bankruptcy.

S. 420 puts both women and children owned support who are bankruptcy creditors and those who must file for bankruptcy at greater risk. By increasing the rights of many other creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and these commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer: they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women who are owed support by men who file for bankruptcy, the domestic support provisions fail to ensure that, in this intensified competition for the debtor's limited resources before and after bankruptcy, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

We urge you to support amendments to ameliorate the bill's harsh effects on women and their families, insist on bankruptcy reform that is truly fair and balanced, and vote against S. 420.

Very truly yours,

American Association of University Women.
Children NOW.
Children's Defense Fund.
Center for Law and Social Policy (CLASP).
Feminist Majority Foundation.
National Association of Commissions for Women (NACW).
National Center for Youth Law.
National Organization for Women.
National Partnership for Women & Families.
National Youth Law Center.
National Women's Conference.
National Women's Law Center.
NOW Legal Defense and Education Fund.
OWL.
The Women Activist Fund, Inc..
Wider Opportunities for Women.
Women Employed.
Women Work!
Women's Law Center of Maryland, Inc.
YWCA of the U.S.A.

Mr. WELLSTONE. Mr. President, my colleague, Senator SESSIONS, was saying: What this bill says is if these men owe child support to their former wives, they are going to have to pay; therefore, the whole bill is a good bill for women and children.

All these organizations are opposed to it, and they are opposed to it for good reason. First of all, what my colleague and friend from Alabama did not tell us was, yes, these men are going to have to pay child support to women. It also says he is going to have to pay the credit card companies and other people who are all making claim on what little he has left.

That is not the main reason these major women's and children's organizations, civil rights organizations, consumer organizations, and labor organizations are opposed to this bill. The main reason is that it is going to be very difficult now for women and for other families who find themselves in difficult economic circumstances, through no fault of their own—50 percent of the bankruptcy cases in this country are because of a major medical bill. It is going to make it impossible for them to file for chapter 7 and rebuild their lives. That is what is so harsh about this piece of legislation.

I will not go into the details today because there is going to be a lot of opportunity for debate. I will make two very quick points.

One is, the first effort in the 107th Congress—and I hope people get a good look at this—is a resolution to overturn a rule 10 years in the making, a rule that is important to protecting people at the workplace.

Then the first major piece of legislation we get in the 107th Congress is an unjust and unbalanced bankruptcy bill which is great for the big banks and the credit card companies and says nothing about their predatory lending practices. It requires no balance and no accountability on their part and says nothing about the way in which they continually push their credit cards on our children.

This legislation basically tears up the major safety net for middle-class—not just low-income—families to protect families from being put totally under and in economic bondage for the rest of their lives. That is what this bill does by setting up an onerous means test that will make it impossible for families to rebuild their lives.

I think my colleagues want to bring this up because they want to point to the differences between President George W. Bush and President Clinton because President Clinton vetoed this bill. I hope we can stop this bill, and, believe me, I will have many amendments and we will have much debate.

If, in fact, my colleagues want to point out the difference, I am glad to do so. I have been plenty critical of President Clinton in the last several weeks—there has been much to be critical of—but I want to point out to President Clinton: It is an honor to defend you on your veto of this bill.

President Clinton stood up for consumers. He stood up for low- and moderate-income families without a lot of clout in America; he stood up for working people; he stood up for civil rights; he stood up for communities of color. He basically stood up for them and ignored all of the lobbying, the political and economic clout of this financial services industry.

I will have a lot to say in this debate about their contributions and their role. He did the right thing. I am pleased to talk about the differences.

This bill comes to the floor negotiated by a relatively small number of Members. Until this year, this bankruptcy bill has never been on the floor of the Senate in an amendable fashion. I need to make that point tonight because we are going to go on this bill probably Wednesday afternoon.

The third point I want to make is, until the hearing was held by the Judiciary Committee on February 8, there had been no hearings on this legislation. In fact, the Senate has not conducted its own hearing on bankruptcy since 1998.

Here is my point: The first time in amendable form, harsh and unbalanced, unjust, and the financial services industry trying to jam this through.

I see no reason why we should not have extended debate on the Senate floor. Believe me, coming on the heels of this effort to undo 10 years of work on an ergonomics standard to protect people in the workplace, I, as a Senator from Minnesota, will be more than ready to have amendments and have debate.

One of the amendments on which I look forward to a vote will basically say: Before you say to people it is going to be impossible for you to file for chapter 7 and rebuild your lives, before you basically put people economically under for the rest of their lives with this very harsh and one-sided piece of legislation, at least in the case where people have had to file for bankruptcy because of a major medical bill, do not present them with this harsh means test. At least give people who went under because of a medical bill the opportunity to file chapter 7 the way they could before.

We will have a vote on that and a vote on many other amendments as well. That debate will start I suppose Wednesday afternoon.

What a week—it is not just this week; the debate will go on to next week. We have 2 weeks coming up that I think represent what the majority party is about, and I am sorry to say, because I like the Presiding Officer so much and it is not a personal argument, it is an institutional argument. I really believe this President and the majority party are going to do a great job representing the wealthy in America, a great job representing the financial services industry, a great job representing the insurance industry, a great job representing the oil companies, a great job representing the well-heeled, the well-financed, and the economically powerful.

The question most ordinary citizens in the country are asking is: Who will represent us? My hope is that the Democratic Party will do so.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO GIGI LOPATTO

Mr. HATCH. Mr. President, one of our dear staffers is present who has given a great deal of effort to the Judiciary Committee, and I want to pay her my respects for a few moments.

Today is Jeanne Lopatto's last day working in the Senate. She has worked on the Senate Judiciary Committee, and for me in particular, for the last 18 years and is currently press secretary for the full Judiciary Committee. It is with mixed emotions that I rise to thank her for all the good work she has performed in the past. I give her my best wishes for her future.

Gigi is a Capitol Hill success story. She began her career with me as an entry-level assistant, and she has moved up to spearhead the Judiciary Committee press operation, which is a big job and a very important one. As a result of her hard work and dedication, Gigi has earned the respect, admiration, and trust of all of us who have worked with her. Thus, it is with a certain degree of both sadness and pride that I am bidding her farewell.

Gigi will be joining our dear friend and former colleague, Spencer Abraham, at the Department of Energy as his spokesperson. In other words, she is going to be speaking for a Cabinet-level official. I think that is a great thing. Our loss—mine in particular—will be unquestionably Secretary Abraham's gain. I know she will have her hands full over there, but she is up to the challenge. If I might be so bold, I want to say that I share the pride of Gigi's great success with her wonderful family.

Gigi will be greatly missed here in the Senate, and certainly by me. I think she is going to be missed by the reporters and the press officials who have relied on her on a daily basis. Senate staff on both sides of the aisle are going to miss her, her friends and colleagues on the committee and on my personal staff, and, of course, most of all, I am going to miss her. So let me just say that I am very grateful to Gigi for the service she has given to the Senate and to our country at large and for working with us on the Judiciary Committee, as an essential part of the committee, as somebody who always acted with integrity, decency, honesty, love, and affection for all of us on the committee, regardless how cantankerous that committee is from time to time. She has had a steady hand on the tiller during a lot of really acrimonious debate at times, and she has really done this job as well as it could have been done. We love her, and we are going to miss her. We also wish her well as she proceeds on to even greater and better things, as she views it and as I view it.

So, Gigi, we are going to miss you. We all love you and appreciate you and want you to be successful in your next job, which I know you will be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I join the Senator from Utah. We will now know anytime the Democrats are told they are not doing their job it will be coming straight from the Senator from Utah.

Senator Abraham is very fortunate to have her there. Senator Abraham is a good friend to all of us here, and she has been a good friend to all of us here. He is fortunate. I will do my best to fill in and help the chairman on some of these issues, especially as I know we can finish this bill in 2, 2½ days, so long as the leadership does not interrupt us for anything else.

ENERGY FROM A BROWN DWARF STAR

Mr. DOMENICI. Mr. President, I rise today to congratulate scientists working with the Very Large Array, VLA, astronomical radio observatory near Socorro, New Mexico on detecting energy from a brown dwarf star. For over twenty years, the VLA has provided significant scientific knowledge to astronomers.

Working on a student project, scientists, graduate, and undergraduate students discovered the first sustained radio emission from a brown dwarf star, an object similar to a small star without enough mass to sustain nuclear fusion of hydrogen. Discovered only 5 years ago, brown dwarf stars were considered unable to emit persistent radio emissions. This finding helps astronomers study the link between large, gaseous planets and small stars.

I am proud to support the VLA and the contributions being made to our understanding of the cosmos. I also applaud the work and efforts of the scientists and students involved in making this noteworthy discovery.

I ask that the February 21, 2001, New York Times article entitled, "Surprise in the Heavens as Energy Is Detected in a Brown Dwarf" be printed in the Record.

The article follows:

[From The New York Times Wed., Feb. 21, 2001]

Surprise in the Heavens as Energy Is Detected in a Brown Dwarf

(By James Glanz)

A dim, fading object wandering alone through space, something between a large planet and a tiny star, turns out to be roiled by storms several times more powerful than the most energetic flares on the Sun, a team of radio astronomers has found.

The existence of such powerful, stormy radio emissions in this kind of celestial object, a brown dwarf, is highly unexpected and could shed light on the dividing line between stars and planets.

The research had been considered so unpromising that the discovery was made not as part of any large-scale astronomical search but an accidental find in a student project at the Very Large Array a set of raido-telescopes at the National Radio Astronomy Observatory near Socorro, NM.

The students happened to have the array trained on the brown dwarf when it flared. Two senior radio astronomers, Dr. Dale A. Frail of the National Radio Astronomy Observatory and Dr. Shrinivas Kulkarni of the California Institute of Technology, then became involved in follow-up observations, which were led by Edo Berger, a graduate student at Caltech.

The follow-up observations showed that the object's magnetic fields were extremely weak, another surprise, since flares are normally powered by the energy in magnetic fields.

A paper on the study has been accepted at the journal Nature and was posted Monday and a Web site at the Los Alamos National Laboratory where most astronomers place their new work.

The existence of brown dwarfs, which are cool, dim and difficult to observe, was confirmed only five years ago by a team led by Dr. Kulkarni. Thought to have masses less than 8 percent that of the Sun, their cores never become hot enough to ignite the fusion process that allows ordinary stars to shine for billions of years.

Instead, brown dwarfs gradually cool and fade after they form. Because brown dwarfs have an identity somewhere between that of large, gaseous planets like Jupiter and that of the smallest ordinary stars, astronomers said the new discovery should illuminate the structure of a crucial link between the two better-known classes of astronomical objects.

Dr. Adam Burrows, an astrophysicist at the University of Arizona, said energetic particles and waves in the magnetic fields around Jupiter split out radio emissions that could be detected on Earth. But Dr. Burrows said that at the distance of the brown dwarf, more than a dozen light-years into deep space, those emissions could never be picked up.

"That they do see emission from a sister object at such a distance is quite amazing," he said.

Ordinary stars with relatively low masses do show energetic flaring, Dr. Burrows said.

but their magnetic fields are also much stronger. Flares on the Sun often occur when magnetic fields "reconnect," or suddenly snap like rubber bands after they break and then splice together in new configurations. So a weak magnetic field would not be expected to create strong flaring.

Another astrophysicist, Dr. Jeffrey Linsky of the University of Colorado, said those apparent mysteries might carry a message about the difference between true stars and brown dwarfs. The cooler cores of brown dwarfs, like a pot of soup on a low flame, might create less turbulence inside the dwarfs, Dr. Linsky said. That relative quiescence might generate weaker magnetic fields—but possibly with conformations, or geometries, that make them more likely to reconnect.

If that is the case, Dr. Linsky said, then perhaps "the geometry is very different in such a way that it produces a few very large flares."

Dr. Lars Bildsten, an astrophysicist at the Institute for Theoretical Physics at the University of California at Santa Barbara, cautioned that because brown dwarfs were so different from the Sun, it was hard to know what to expect from them. The radio observations were at least consistent with sketchy observations in other bands of the spectrum, Dr. Bildsten said.

Other scientists said they were at a loss to explain the puzzling findings, whose authors include Mr. Berger, Dr. Kulkarni and Dr. Frail as well as about a dozen graduate and undergraduate students from places like Oberlin College in Ohio, Agnes Scott College in Decatur, Ga., and New Mexico State University in Las Cruces.

"This is a pretty amazing result," said Dr. Jill Knapp, a Princeton astronomer. "There seem to be some quite unexpected things going on with these very cool, low-mass objects."

THE AIRLINE CUSTOMER SERVICE IMPROVEMENT ACT OF 2001

Mr. FEINGOLD. Mr. President, I rise today to voice my support for the Airline Customer Service Improvement Act. I commend Senator MCCAIN for continuing to press this crucial consumer issue before the Senate in a bipartisan manner. I also applaud the efforts of Senator WYDEN. Both have been leading advocates for air travelers. I am confident that we can work together to pass a pro-consumer bill into law.

I am sure that each and every one of us in this body has experienced his or her fair share of frustration with air travel as have millions of Americans. Whether it's late flights, long lines, or lost luggage, we've all gotten the short end of the stick at one point or another.

When it comes to air travel, we are all consumers. And this bill assures the protection of consumer interests. The Airline Customer Service Improvement Act would, among other things, ensure that passengers have the information that they need to make informed choices in their air travel plans.

I think we were all encouraged in 1999 when the airlines came out with their own plan to improve customer service. While many of the airlines made improvements and responded to suggestions from the Department of Transportation's Inspector General, much more remains to be done.

It is time air travelers' interests once again receive our attention. According to the Department of Transportation, consumer complaints about air travel went up by 14 percent from 1999 to 2000. This, coupled with a 25 percent increase from 1998 to 1999, adds up to an increase of almost 40 percent in two years. These complaints run the gamut: unstable ticket pricing; oversold flights; lost luggage; and flight delays, changes, and cancellations. In addition, in 2000 one in four flights was delayed, canceled, or diverted, affecting about 163 million passengers. Obviously, the airlines are not solely responsible as weather and mechanical breakdowns are part of the business, and of course we need to ensure that we maintain and improve airport infrastructure. But this bill addresses some problems that the airlines can fix.

Perhaps of more importance, this bill does so without forcing airlines to compile information that they don't already keep. The bill simply allows air travelers the right to that basic information and the ability to make informed decisions.

I am fortunate enough to be a customer of the premier airline when it comes to customer satisfaction and to represent most of its employees. For years, Midwest Express Airlines has been showered with some of the highest airline customer satisfaction ratings in the country. For those of my colleagues who have not yet experienced a flight on Midwest Express, I, and I am sure I speak for the senior Senator from Wisconsin, encourage you to do so.

How does Midwest Express continue to maintain these superlative ratings? The answer is simple, it already incorporates some of the provisions spelled out in this bill. Midwest Express already tries to notify its travelers if it anticipates a flight delay, flight change, or flight cancellation. The airline already attempts to make information on oversold flights available to its customers. Midwest Express already makes efforts to allow its customers access to frequent flyer program information. People fly the airline because the airline cares about its customers.

These are some of the reasons the airline has been awarded the Consumer Reports Travel Letter Best Airline Award every year from 1992 to 2000; Zagat Airline Survey's #1 Domestic Airline award in 1994 and 1996; Travel & Leisure's World's Best Awards for Best Domestic Airline in 1997, 1998, and 2000; Conde Nast Traveler's Business Travel Awards for Best U.S. Airline in 1998 through 2000; and Conde Nast Traveler Reader's Choice Awards from 1995 through 2000; among many awards.

Other airlines should see this bill as a challenge to meet the lofty standards set by airlines like Midwest Express.

Air travel is on the rise, but so are air travel complaints. As we enter the summer travel season, we should do what we can to ensure that the flying public is treated fairly. This bill will give our constituents access to the information they need to make wise choices in air travel and help them to avoid frustration, inconvenience, and sometimes costly delays. Airlines truly concerned about their customers should already be making these efforts. I urge my colleagues to join in this effort.

Mr. DOMENICI. Mr. President, as we acknowledge the passing of an entire decade since the victory of coalition forces in Desert Storm, we must simultaneously admit that this military victory has not translated into achievement of desired objectives.

Recent events and intelligence assessments have once again focused attention on Iraq. Saddam Hussein has rebuilt any weapons production capabilities that were damaged or destroyed in the Desert Fox operations in late 1998. Despite military defeat, despite thwarted attempts by the U.N. Special Commission, and despite a decade of sanctions, Iraq under Saddam Hussein's leadership remains a threat.

Two weeks ago strikes at command and control centers outside of the no-fly zones reminded the American public that our pilots have been patrolling Iraqi skies for ten years. Although we haven't yet lost any pilots or planes in this ongoing operation, a decade of this routine and the wear and tear on the aircraft without any end in sight has caused many people to question the prudence of this policy and approach.

The reason for this attack underscored again the constant risk to British and U.S. pilots in this mission. This article entitled "Highly Dangerous" highlights that risk.

New Mexicans or New Mexico-based wings have been heavily involved in this mission. Cannon's 27th Fighter Wing and the 150th Fighter Wing, the "Tacos" of the New Mexico Air National Guard fly these patrols.

As Iraqi air defenses get upgraded and Iraqi pilots continue to violate the no-fly restrictions, we must do everything possible to protect the U.S. personnel involved in these missions.

I am grateful that Secretary Powell took it upon himself to tour the Middle East and began formulating new policies for the Bush Administration on Iraq. The baton passed from the Clinton Administration on Iraq offered no exit strategy.

I guess as long as no one got killed, the previous Administration was comfortable wearing out our pilots and our military aircraft under the pretense that their policy was working.

It wasn't and it's not. We need a comprehensive rethink. If our pilots are over there, it should be more than to patrol airspace while Saddam rebuilds his weapons production capacity and starves his people on the ground.

I look forward to an enlightened and effective policy on Iraq. And I think daily about the safety of the pilots who continue to perform their duty.

I ask unanimous consent that an article from the Albuquerque Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Feb. 25, 2001]

HIGHLY DANGEROUS—NEW MEXICO-BASED FIGHTER PILOTS PATROL IRAQ NO-FLY ZONES KNOWING THEY COULD BE SHOT DOWN AT ANY TIME

(By John J. Lumpkin)

CANNON AIR FORCE BASE—The pilots call it "going to the desert."

Life is often dull. The work is repetitive. Yet danger always is in the air.

Most of the pilots with Cannon's 27th Fighter Wing have gone at least once, and some repeatedly. They, and their F–16 fighters, are prime tools in the United States' decade-long, low-intensity war against the machinations of Iraqi President Saddam Hussein.

The three F–16 combat squadrons at Cannon are part of the rotation for Operations Northern and Southern Watch, which patrol the no-fly zones over northern and southern Iraq. The squadrons take their turns with other fighter units from a U.S. and British coalition to enforce the zones, over which Iraq has been prohibited from flying military aircraft since the Gulf War.

They are called up for 90 to 120 days. Pilots, restricted to an air base, say the uneventful stays are punctuated by several long, usually uneventful patrols over Iraq.

But the routine gets exciting from time to time when Iraq tests its limits.

"The intensity is still there," said Lt. Col. Bob "Wilbur" Wright, commander of the 523rd Fighter Squadron, the "Crusaders," who returned from a tour with Southern Watch late last summer. "You're always flying with the chance of getting shot down. At any moment we could lose an aircraft."

U.S. and British aircraft struck an Iraqi air defense system near Baghdad on Feb. 16 in a move the Pentagon described as self-protection. The strikes were made to reduce the chances of losing aircraft to surface-to-air missiles or gunfire.

Iraq began regularly challenging the no-fly zones in December 1998, after the four-day "Desert Fox" Allied bombing campaign.

Cannon's 522nd Fighter Squadron, the "Fireballs," took part in the bombing. Cannon's third combat squadron, the "Hounds" of the 524th, also have taken frequent turns in the desert.

PLANES AND MISSILES

Since Desert Fox, Iraq has fired missiles or anti-aircraft guns at coalition planes about 700 times. Not a single one has been shot down.

Iraqi aircraft also have violated the no-fly zones more than 150 times. When Iraqi aircraft cross out of the no-fly zone, coalition air-craft chase them back.

Wright and a wingman were part of one of those encounters during his summer deployment, when an Iraqi fighter crossed the border into the southern no-fly zone. Wright and his wingman locked their radars on the plane, which fled.

"I think they test the water periodically," said Wright, who has been to the region five times in the last decade—three times over the north, twice over the south.

His plane, an F–16C Fighting Falcon, is a nimble, single-seat fighter that can both dog-fight and bomb targets.

When Iraq fires at U.S. or British planes, the aircraft usually return fire or bomb other elements of Iraq's air defense system. Usually those targets are within the no-fly zones.

The strikes happen almost weekly and usually rate little news coverage. But Iraq has said the attacks have killed 300 people and injured more than 800, including civilians.

The Washington Post reported in October that the United States scaled back the aggressiveness of its patrols after intelligence analysts misidentified a sheep-watering tank as a surface-to-air missile launcher on satellite photos. U.S. aircraft bombed and strafed the site, and Iraq said 19 people, shepherds and villagers, were killed.

Wright said intelligence officials, air staff and pilots make great efforts to avoid hitting civilians.

"What we go after and what we hit are militarily significant targets," he said. "I have a conscience, too. I want to be sure of what we're hitting."

SUPPORT FOR REBELS

With United Nations' approval, the two no-fly zones were born after the 1991 Gulf War in an attempt to limit Saddam's use of his air power against uprisings in the northern and southern reaches of his country. Iraq isn't allowed to fly aircraft in those regions.

Southern Watch flies out of air bases in Kuwait and Saudi Arabia, and planes patrol a region south of the 33rd parallel.

It was intended to support an uprising of Shiite Muslim rebels in the south. Saddam crushed that rebellion in the early 1990s.

Northern Watch flies out of Incirlik, an airbase in Turkey. Planes patrol a comparatively small part of Iraq north of the 36th parallel. The operation began in 1997.

Several F–16 fighters and a few hundred airmen of the 150th Fighter Wing—the "Tacos" of the Air National Guard from Kirtland Air Force Base—now fly patrols with Northern Watch.

Northern Watch was intended to support uprisings by the Kurdish minority.

Recent reports indicate some Kurdish towns are thriving. But the Kurds still face attacks from Turkey, which fears internal Kurdish dissent and uses U.S.-made jets to bomb Kurdish territory in Iraq.

The no-fly zones have grown less popular over the years among other nations, even those that were part of the coalition that opposed Iraq's invasion of Kuwait. China says the no-fly zones violate the territorial integrity of Iraq. Russia now says they don't have U.N. backing. France, once a partner in the coalition, stopped flying aircraft over the zones in 1998, declaring them "pointless and deadly."

Wright, for one, is a believer.

"We keep the area somewhat stable," he said. "We've prevented Saddam Hussein from further injuring his own people."

BETTER DEFENSES

Despite their inability to hit anything, Iraqi gunners and missile operators are getting better.

"There's some indications they have learned from their experience," Wright said. "They've seen us for 10 years now."

Pentagon spokesmen said that the Feb. 16 strikes were in response to the increased "frequency and sophistication of their (air defense) operations."

U.S. officials also have confirmed that China is supplying Iraq with a fiber-optic communications system that would integrate the operations of the country's air defenses.

Capt. Steve "Roid" Astor has been to the desert twice with F-16 units. He said the greatest danger is that pilots lose their focus on the long, uneventful patrols.

"Let's not get complacent," he said. "It can be deadly."

To hear the pilots tell it, life on an air base in these faraway lands is fairly dull. Threats of terrorism keep them restricted to the bases, especially for the Southern Watch pilots in Kuwait and Saudi Arabia.

Cannon pilot Capt. Shannon "Pinball" Prasek flew nine combat missions with Southern Watch from February to April 1998. She protected airborne radars should they be attacked by Iraqi aircraft.

"It was pretty quiet. It was a religious holiday (for the Iraqis)," she said. She describes with some humor the polite bewilderment of Kuwaiti fighter pilots at seeing a woman combat pilot at their joint airbase.

One of Wright's "Crusaders," 1st Lt. Trena Emerson is waiting for her first rotation overseas. She is eager to fly her first missions in a combat area, although she said she hasn't heard much about the region from her more seasoned colleagues, and her impressions are limited: "Everyone comes back in shape and tan," she joked.

SADDAM'S BOUNTY

The Cannon pilots regard the conflict as one against Saddam, rather than the Iraqi people or even the country's armed forces.

When they fly over Iraq, the pilots have a price on their head. The Iraqi president has reportedly offered a reward to anyone who shoots down an aircraft.

Wright expects to return to the desert late this year. "I'll miss another Christmas. . . . It does have an effect on the family."

But he praises the "esprit de corps" in his squadron, brought on, in part, by the remoteness of Cannon Air Force Base. "This is almost like an overseas assignment."

Wright is a pilot of some renown in the Air Force. He was the first U.S. pilot since the Korean War to get three kills in a single mission when he shot down three Bosnian Serb Jastreb fighter-bombers violating a no-fly zone on Feb. 28, 1994, over Bosnia. This mission also marked NATO's first military strikes in its history, and Wright earned the Distinguished Flying Cross for his role.

Wright was also Capt. Scott O'Grady's wing-leader in June 1995 over Bosnia when O'Grady was shot down by a Bosnian Serb surface-to-air missile. O'Grady was rescued five days later.

ADDITIONAL STATEMENTS

COMMEMORATING MARIA MARGARITA "MARGARET" TAFOYA

• Mr. DOMENICI. Mr. President, I rise today to join the community of Santa Clara Pueblo, New Mexico in mourning the loss of Maria Margarita "Margaret" Tafoya. New Mexico is comprised of imaginative people of many cultures who express their cultural values artistically and creatively. The people of New Mexico will miss the guidance of the "matriarch of Santa Clara potters."

Respected and renowned throughout the pottery community, Margaret inspired others to take up pottery. She crafted many pots and other forms in the tradition of Santa Clara polished blackware and redware. Her art is the fine workmanship of highly skilled hands.

For her quality work, Margaret received numerous awards. The National Academy of Western Art at the Cowboy Hall of Fame and Western Heritage Center in Oklahoma City awarded her the Lifetime Contribution Award. She was the only American Indian to receive this award. In 1984, the National Endowment for the Arts awarded her the National Heritage Fellowship Award. In addition, her works have been displayed on the Mall in Washington, D.C. at the Folklife Festival sponsored by the Smithsonian Institute. However, Margaret did not work for recognition, she worked to improve the quality of life for her family and children.

Her loss leaves a void for her family and the art community. Mr. President, I share the grief of the community of Santa Clara Pueblo and my heartfelt condolences go out to her family.

I ask that an article in today's New York Times be printed in the RECORD.

The article follows.

MARGARET TAFOYA, PUEBLO POTTER WHOSE WORK FOUND A GLOBAL AUDIENCE, DIES AT 96

(By Douglas Martin)

Margaret Tafoya, whose nimble, ingenious hands turned the chocolate-colored clay of her New Mexico pueblo into black-on-black and red-on-red pottery of such profound and graceful beauty that it acquired a global reputation, died on Feb. 25 at her home in Santa Clara Pueblo near Santa Fe. She was 96.

Her name in Tewa, the language of seven Southwestern pueblos, six in New Mexico and one in Arizona, was Corn blossom. She was the matriarch of Santa Clara Pueblo potters, who are more numerous and produce more pottery than those of any other pueblo.

Her work, know for exceptionally large vessels, is exhibited in public and private collections around the world. She was named folk artist of the year by the National Endowment for the Arts in 1984.

The art form she practiced has long been dominated by women, and Corn Blossom was the last of a group of women who attained fame through their mastery of it. Gone are Blue Corn and Maria Martinez of the San Ildefonso Pueblo, Christina Naranjo of Santa Clara and Grace Chapella, a Hopi.

Today Indian arts command astronomic prices and space on museum shelves in faraway cities, but fewer and fewer Pueblo Indians can speak or ever understand Tewa. Mrs. Tafoya, though, was rooted in the old ways.

She spurned inventions like the potters' wheel. She kept chickens, milked her own cows, churned her own butter and rejected natural gas heat in favor of the traditional beehive fireplace.

After a brief fling with an Apache, she married a young man from the home pueblo, a distant relative with the same last name.

According to the Web site of the National Museum of American History (www.americanhistory.si.edu), Santa Clarans use the same word for clay and for people: nung.

Mrs. Tafoya always prayed to Mother Clay before working. "You can't go to Mother Clay without the cornmeal and ask her permission to touch her," the museum Web site quotes Mrs. Tafoya as saying. "Talk to Mother Clay."

Though she was one of the last to make pots with handles and criticized others for adding semiprecious gems to pottery, she also liked to experiment.

She used different colors of slips, or thinned clays applied to the outside of her vessels, and her later forms were thinner, lighter and more graceful. Her shiny finishes became ever more polished. She even adapted Greek and Roman forms to classic Santa Clara shapes.

Mrs. Tafoya clearly loved her art, but it was also how she supported her 10 children who survived their first year; 2 others did not. As she said, "I have dressed my children with clay."

Maria Margarita Tafoya was born in her pueblo on Aug. 13, 1904. Her mother, Sara Fina Gutierrez Tafoya, or Autumn Leaf, was "undoubtedly the outstanding Tewa potter of her time," Mary Ellen and Laurence Blair wrote in "Margaret Tafoya: A Tewa Potter's Heritage and Legacy" (Schiffer, 1986).

Her father, Geronimo, or White Flower, was mainly concerned with raising food for the family, but he was also the main marketer of his wife's pottery. He would load up his burros and make sales trips of up to 500 miles.

Five of the couple's eight children became excellent potters, driven and inspired by their perfectionist mother. Margaret's rigidly traditional approach was suggested by her insistence on using corn cobs, rather than sandpaper, for polishing. •

MESSAGE FROM THE HOUSE

At 3:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 333. An act to amend title 11, United States Code, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 333. An Act to amend title 11, United States Code, and for other purposes.

Pursuant to 5 U.S.C. 802(c), the Committee on Health, Education, Labor, and Pensions was discharged from the further consideration of the following joint resolution, which was placed on the calendar:

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under charter 8 of title 5, United States Code, relating to ergonomics.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–899. A communication from the from the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–900. A communication from the Acting Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Establishing the Fair Play Viticultural Area (2000R–170P)" (RIN1512–AA07) received on February 27, 2001; to the Committee on Finance.

EC–901. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tentative Differential Earnings Rate" (Notice 2001–24) received on February 21, 2001; to the Committee on Finance.

EC–902. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes" ((RIN2120–AA64) (2001–0148)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–903. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, Inc. Model 204B Helicopters" ((RIN2120–AA64) (2001–0147)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–904. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 707 Series Airplanes" ((RIN2120–AA64) (2001–0146)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–905. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes" ((RIN2120–AA64) (2001–0142)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–906. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" ((RIN2120–AA64) (2001–0143)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–907. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule Boeing Model 767 Series Airplanes Powered by Pratt and Whitney Engines" ((RIN2120–AA64) (2001–0144)) received on February 27, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Small Business, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Small Business.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. KERRY, Mr. KYL, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. REID, Mrs. LINCOLN, and Mr. HAGEL):

S. 452. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 453. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 454. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BREAUX, Mr. ALLARD, Mr. CHAFEE, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. HATCH, and Mr. HUTCHINSON):

S. 455. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and for other purposes; to the Committee on Finance.

By Ms. SNOWE:

S. 456. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 457. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Small Business; from the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for himself, Mr. DASCHLE, and Mr. DEWINE):

S. Res. 43. A resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week"; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. Con. Res. 20. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2002; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. BYRD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 115

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 115, a bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes.

S. 123

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 123, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 126

At the request of Mr. CLELAND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 126, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 148

At the request of Mr. CRAIG, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 167

At the request of Mr. FRIST, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 167, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oregon (Mr. SMITH), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 284

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 296

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 296, a bill to authorize the conveyance of a segment of the Loring Petroleum Pipeline, Maine, and related easements.

S. 301

At the request of Mr. THOMAS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 301, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with state agencies and county and local governments on environmental impact statements.

S. 311

At the request of Mr. DODD, the names of the Senator from Nevada (Mr. REID) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 319, a bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

S. 322

At the request of Mr. THOMAS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 322, a bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States.

S. 330

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 330, a bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and non-powder firearms.

S. 334

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 334, a bill to provide for a Rural Education Initiative.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 436

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 436, a bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S.J. RES. 6

At the request of Mr. NICKLES, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S.J. Res. 6, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Alabama (Mr. SESSIONS), the Senator from Colorado (Mr. ALLARD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as "National Safe Place Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. KERRY, Mr. KYL, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. REID, Mrs. LINCOLN, and Mr. HAGEL):

S. 452. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For these reasons, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

Who are providers? They are the physicians, the hospitals, the nursing homes, and others who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our nation's seniors need care, it is the provider who heals, not the health insurer, and certainly not the federal government.

But more and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians is limited and access to quality care is extremely restricted. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Health Care Financing Administration, HCFA, and its network of contractors, have built up a system designed to block care and micro-manage independent practices. Providers simply cannot afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am introducing the "Medicare Education and Regulatory Fairness Act of 2001." Co-sponsored by Senators KERRY, KYL, HELMS, REID, LINCOLN, HAGEL, and BOB SMITH, this legislation will restore fairness to the Medicare system. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within HCFA. Currently, a provider who allegedly has received an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, providers who choose to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right—to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a HCFA contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

I was particularly heartened to see that our new President agrees with the spirit of this bill. In his recent budget, the administration stated that the "current system is too complex, too centralized, and becoming more so each year. Burdensome regulations and other central directives force providers to take time away from patients to comply with excessive and complex paperwork." I completely agree.

Under my bill, providers will be allowed to retain their appeal rights should they choose to first submit additional evidence to mitigate the charge. Many providers receive an overpayment as the result of a simple administrative mistake. For cases not involving fraud, a provider will be able to return that overpayment within twelve months without fear of prosecution. This is a common sense approach, and will not lead to any additional costs to the Medicare system.

To bring additional fairness to the system, my bill will prohibit the retroactive application of regulations, and allow providers to challenge the constitutionality of HCFA regulations. Further, it will prohibit the crippling recovery of overpayments during an appeal, and bar the unfair method of withholding valid future payments to recover past overpayments. These common sense measures maintain the financial viability of medical practices during the resolution of payment controversies, and restore fundamental fairness to the dispute resolution procedures existing within HCFA.

Like many of our nation's problems, the key to improvement is found in education. For this reason, I have included language that stipulates that at least 10 percent of the Medicare Integrity Program funds, and two percent of carrier funds, must be devoted to provider education programs. Providers cannot be expected to comply with the endless number of Medicare regulations if they are not shown how to submit clean claims. We must ensure that providers are given the information needed to eliminate future billing errors, and improve the responsiveness of HCFA.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads me to introduce the "Medicare Education and Regulatory Fairness Act of 2001." This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Education and Regulatory Fairness Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—REGULATORY REFORM

Sec. 101. Prospective application of certain regulations.
Sec. 102. Requirements for judicial and regulatory challenges of regulations.
Sec. 103. Prohibition of recovering past overpayments by certain means.
Sec. 104. Prohibition of recovering past overpayments if appeal pending.
Sec. 105. Prohibition of random prepayment audits.
Sec. 106. Exception on prohibition of waiving medicare copayment.
Sec. 107. Effective date.

TITLE II—APPEALS PROCESS REFORMS

Sec. 201. Construction of hearing rights related to decisions to deny or not renew a physician enrollment agreement.
Sec. 202. Reform of post-payment audit process.
Sec. 203. Definitions relating to physicians, providers of services, and providers of ambulance services.
Sec. 204. Right to appeal on behalf of deceased beneficiaries.
Sec. 205. Effective date.

TITLE III—EDUCATION COMPONENTS

Sec. 301. Designated funding levels for physician and provider education.
Sec. 302. Information requests.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.

TITLE V—POLICY DEVELOPMENT REGARDING E&M GUIDELINES

Sec. 501. Policy development regarding E&M Documentation Guidelines.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress should focus more resources on and work with physicians and health care providers to combat fraud in the medicare program.

(2) The overwhelming majority of physicians and other providers in the United States are law-abiding citizens who provide important services and care to patients each day.

(3) Physicians and other providers of services that participate in the medicare program often have trouble wading through a confusing and sometimes even contradictory maze of medicare regulations. Keeping track of the morass of medicare regulations detracts from the time that physicians have to treat patients.

(4) Due to the overly complex nature of medicare regulations and the risk of being the subject of an aggressive government investigation, many physicians are leaving the medicare program, limiting the number of medicare patients they see, or refusing to accept new medicare patients at all. If this trend continues, health care for the millions of patients nationwide who depend on medicare will be seriously compromised. Congress has an obligation to prevent this from happening.

(5) Regulatory fairness for physicians and providers as well as increased access to education about medicare regulations are necessary to preserve the integrity of our health care system and provide for the health of our population.

SEC. 3. DEFINITIONS.

In this Act:

(1) BILLING.—The term "billing" includes any requirement related to the content and timing of an order for care or a plan of treatment by a physician, a provider of service, or a provider of ambulance services.

(2) CARRIER.—The term "carrier" means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term "extrapolation" has the meaning given such term in section 1861(ww)(1) of the Social Security Act (as added by section 203(a)).

(4) FISCAL INTERMEDIARY.—The term "fiscal intermediary" means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HCFA.—The term "HCFA" means the Health Care Financing Administration.

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PHYSICIAN.—The term "physician" has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

(8) PREPAYMENT REVIEW.—The term "prepayment review" has the meaning given such term in section 1861(ww)(2) of the Social Security Act (as added by section 203(a)).

(9) PROVIDER OF SERVICES.—The term "provider of services" has the meaning given such term in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)).

(10) PROVIDER OF AMBULANCE SERVICES.—The term "provider of ambulance services" means a provider of ambulance services described in section 1861(s)(7) of the Social Security Act (42 U.S.C. 1395x(s)(7)).

(11) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraphs:

"(3) Any regulation described under paragraph (2) shall not take effect earlier than the effective date of the final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.

"(4) The Secretary shall issue a final rule within 12 months of the date of publication of an interim final rule. Such final rule shall provide responses to comments submitted in response to the interim final rule. Such final rule shall not establish or change a legal standard not raised in the interim final rule unless a new 60-day comment period is provided.

"(5) Carriers, fiscal intermediaries, and States pursuant to an agreement under section 1864 shall not apply new policy guidances or policy changes retroactively to services provided before the date the new policy was issued.".

SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

"APPLICATION OF CERTAIN PROVISIONS OF TITLE II

"SEC. 1872. Subject to subparagraphs (A), (B), (D), and (E) of section 1848(i)(1), the provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

"(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

"(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331, 1346, 1361, or 2201 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

"(A) the constitutionality of any provision of this title;

"(B) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary to carry out this title";

"(C) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

"(D) a finding of good cause under subparagraph (B) of the third sentence of section 553(b)(3) of title 5, United States Code, if used in the promulgation of such substantive or interpretive rules of general applicability.".

(b) ADMINISTRATIVE AND JUDICIAL REVIEW OF SECRETARY DETERMINATIONS.—Section 1866(h) of the Act (42 U.S.C. 1395cc(h)) is amended—

(1) in paragraph (1), by striking "(1)" and all that follows and inserting the following: "(1) Except as provided in paragraph (3), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) (regardless of whether such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864 and regardless of whether the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g), except that, in so applying such sections and in applying section 205(l) thereto, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively, and such hearings are subject to the deadlines specified in paragraph (2)f.";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

"(2)(A)(i) Except as provided in clause (ii), an administrative law judge shall conduct and conclude a hearing on a determination described in subsection (b)(2) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(ii) The 90-day period under clause (i) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(B) The Department Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (A) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(C) In the case of a failure by an administrative law judge to render a decision by the end of the period described in subparagraph (A)(i), the party requesting the hearing may request a review by the Departmental Appeals Board of the Departmental of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(D) In the case of a request described in subparagraph (D), the Departmental Appeals Board shall review the case de novo. In the case of the failure of the Departmental Appeals Board to render a decision on such hearing by not later than the end of the 60-day period beginning on the date a request for such a Department Appeals Board hearing has been filed, the party requesting the hearing may seek judicial review of the Secretary's decision, notwithstanding any requirements for a hearing for purposes of the party's right to such review.

"(E) In the case of a request described in subparagraph (D), the court shall review the case de novo."; and

(4) by adding at the end the following new paragraph:

"(4) An institution or agency dissatisfied with a finding or determination by the Secretary, or by a State pursuant to an agreement under section 1864, that the institution of agency if out of compliance with any standard or condition of participation under this title (except a determination described in subsection (b)(2)) shall be entitled to a formal review or reconsideration of the finding or determination, in accordance with the regulations prescribed by the Secretary, prior to the imposition of any remedy, penalty, corrective action, or other sanction in connection with the finding or determination.".

SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) IN GENERAL.—Subject to section 104 and except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd) to pending and future audits, the Secretary shall give a physician, provider of services, or provider of ambulance services the option of entering into an arrangement to offset alleged overpayments against future payments or entering into a repayment plan with its carrier or fiscal intermediary to recoup such an overpayment. Under such an arrangement or plan, a physician, provider of services, or provider of ambulance services shall have up to 3 years to offset or repay the overpayment if the amount of such overpayment exceeds $5,000.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds clear and convincing evidence of fraud or similar fault on the part of the physician, provider of services, or provider of ambulance services or in the case of overpayments for which an offset arrangement is in place as of the date of the enactment of this Act.

SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment or to impose a penalty during the period in which a physician, provider of services, or provider of ambulance services is appealing a determination that such an overpayment has been made or the amount of the overpayment.

SEC. 105. PROHIBITION OF RANDOM PREPAYMENT AUDITS.

Carriers may not, prior to paying a claim under the medicare program, demand the production of records or documentation absent cause.

SEC. 106. EXCEPTION ON PROHIBITION OF WAIVING MEDICARE COPAYMENT.

(a) IN GENERAL.—Section 1128A(i)(6)(A) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)(A)) is amended by inserting ", except for written, mailed communication with existing patients," before "waiver is not".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to communications made on or after the date of the enactment of this Act.

SEC. 107. EFFECTIVE DATE.

Except as otherwise provided in section 106(b), the amendments made by this title shall take effect 60 days after the date of enactment of this Act.

TITLE II—APPEALS PROCESS REFORMS

SEC. 201. CONSTRUCTION OF HEARING RIGHTS RELATED TO DECISIONS TO DENY OR NOT RENEW A PHYSICIAN ENROLLMENT AGREEMENT.

Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u) A carrier decision to deny an initial physician enrollment application and a carrier decision not to renew a physician enrollment agreement shall be treated as an initial determination subject to the same course of appeals as other initial determinations under section 1869.".

SEC. 202. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) CARRIERS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u), as amended by section 201, is further amended by adding at the end the following new subsection:

"(v) In carrying out its contract under subsection (b)(3), with respect to physicians' services or ambulance services, the carrier shall provide for the recoupment of overpayments in the following manner:

"(1)(A) During the 1-year period (or 18-month period in the case of a physician who is in a practice with fewer than 10 full-time equivalent employees, including physicians) beginning on the date on which a physician or provider of ambulance services receives an overpayment, the physician or provider of ambulance services may return the overpayment without penalty or interest to the carrier making such overpayment if—

"(i) the carrier has not requested any relevant record or file; or

"(ii) the case has not been referred before the date of repayment to the Department of Justice or the Office of Inspector General.

"(B) If a physician or provider of ambulance services returns an overpayment under subparagraph (A), neither the carrier, contractor under section 1893, nor any law enforcement agency may begin an investigation or target such physician or provider of ambulance services based on any claim associated with the amount the physician or provider of ambulance services has repaid.

"(2) If a carrier has decided to conduct a post-payment audit of the physician or provider of ambulance services, the carrier shall send written notice to the physician or provider of ambulance services. If the physician or provider of ambulance services practices in a rural area (as defined in section 1886(d)(2)(D)), such notice must be sent by registered mail.

"(3) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(ww)(1)) for the first time that the physician or provider of ambulance services is alleged as a result of a post-payment audit to have received an overpayment.

"(4) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician or provider of ambulance services may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

"(5)(A) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(ww)(2)) may be imposed where the physician or provider of ambulance services submits an actual or projected repayment to the carrier or a contractor under section 1893. Subject to subparagraph (D), any prepayment review shall cease when the physician or provider of ambulance services has submitted claims, found by carrier to be covered services and coded properly for the same services that were the basis for instituting the prepayment review, in a 180-day period or after processing claims of at least 75 percent of the volume of the claims (whichever occurs first) received by the carrier in the full month preceding the start of the prepayment review. The 180-day period begins with the date of the carrier's written notification that the physician or provider of ambulance services is being placed on prepayment review.

"(B) Prepayment review may not be applied under this part as a result of the voluntary submission of a claim or record under section 1897(b)(2) or as a result of information provided pursuant to a request under section 302(b) of the Medicare Education and Regulatory Fairness Act of 2001.

"(C) Carrier prepayment and coverage policies and claims processing screens used to identify claims for medical review must be incorporated as part of the education programs on medicare policy and proper coding made available to physicians and providers of ambulance services.

"(D) The time and percentage claim limitations in paragraph (5)(A) shall not apply to cases that have been referred to the Department of Justice or the Office of the Inspector General.".

(b) FISCAL INTERMEDIARIES.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following new subsection:

"(m) In carrying out its agreement under this section, with respect to payment for items and services furnished under this part, the fiscal intermediary shall provide for the recoupment of overpayments in the following manner:

"(1)(A) During the 1-year period beginning on the date on which a provider of services receives an overpayment, the provider of services may return the overpayment without penalty or interest to the fiscal intermediary making such overpayment if—

"(i) the fiscal intermediary has not requested any relevant record or file; or

"(ii) the case has not been referred before the date of repayment to the Department of Justice or the Office of Inspector General.

"(B) If a provider of services returns an overpayment under subparagraph (A), neither the fiscal intermediary, contractor under section 1893, nor any law enforcement agency may begin an investigation or target such provider of services based on any claim associated with the amount the provider of services has repaid.

"(2) If a fiscal intermediary has decided to conduct a post-payment audit of the provider of services, the fiscal intermediary shall send written notice to the provider of services. If the provider of services practices in a rural area (as defined in section 1886(d)(2)(D)), such notice must be sent by registered mail.

"(3) The fiscal intermediary or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(ww)(1)) for the first time that the provider of services is alleged as a result of a post-payment audit to have received an overpayment.

"(4) As part of any written consent settlement communication, the fiscal intermediary or a contractor under section 1893 shall clearly state that the provider of services may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

"(5)(A) Each consent settlement communication from the fiscal intermediary or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(ww)(2)) may be imposed where the provider of services submits an actual or projected repayment to the fiscal intermediary or a contractor under section 1893. Subject to subparagraph (D), any prepayment review shall cease when the provider of services has submitted claims, found by the fiscal intermediary to be covered services and coded properly for the same services that were the basis for instituting the prepayment review, in a 180-day period or after processing claims of at least 75 percent of the volume of the claims (whichever occurs first) received by the fiscal intermediary in the full month preceding the start of the prepayment review. The 180-day period begins with the date of the fiscal intermediary's written notification that the provider of services is being placed on prepayment review.

"(B) Prepayment review may not be applied under this part as a result of the voluntary submission of a claim, cost report, or record under section 1897(b)(2) or as a result of information provided pursuant to a request under section 302(b) of the Medicare Education and Regulatory Fairness Act of 2001.

"(C) Fiscal intermediary prepayment and coverage policies and claims processing screens used to identify claims for medical review must be incorporated as part of the education programs on medicare policy and proper coding made available to providers of services.

"(D) The time and percentage claim limitations in paragraph (5)(A) shall not apply to cases that have been referred to the Department of Justice or the Office of the Inspector General.".

SEC. 203. DEFINITIONS RELATING TO PHYSICIANS, PROVIDERS OF SERVICES, AND PROVIDERS OF AMBULANCE SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 102(b) and 105(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by adding at the end the following new subsection:

"Definitions Relating to Physicians, Providers of Services, and Providers of Ambulance Services

"(ww) For purposes of provisions of this title relating to physicians, providers of services, and providers of ambulance services:

"(1) EXTRAPOLATION.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of claims than those in the audited sample to calculate a projected overpayment figure.

"(2) PREPAYMENT REVIEW.—The term 'prepayment review' means a carrier's and fiscal intermediary's practice of withholding claim reimbursements from physicians, providers of services, and providers of ambulance services pending review of a claim even if the claims have been properly submitted and reflect medical services provided.".

SEC. 204. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any physician, provider of services, and provider of ambulance services to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

TITLE III—EDUCATION COMPONENTS

SEC. 301. DESIGNATED FUNDING LEVELS FOR PHYSICIAN AND PROVIDER EDUCATION.

(a) EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND PROVIDERS OF AMBULANCE SERVICES.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND PROVIDERS OF AMBULANCE SERVICES

"SEC. 1897. (a) EDUCATION PROGRAM DEFINED.—In this section, the term 'education programs' means programs undertaken in conjunction with health care associations that focus on current billing, coding, cost reporting, and documentation laws, regulations, program memoranda, instructions to regional offices, and fiscal intermediary and carrier manual instructions that place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur frequently and remedies for these improper billing, coding, cost reporting, and documentation practices.

"(b) CONDUCT OF EDUCATION PROGRAMS.—

"(1) IN GENERAL.—Carriers, fiscal intermediaries, and contractors under section 1893 shall conduct education programs for any physician (or a designee), provider of services, or provider of ambulance services that submits a claim or cost report under paragraph (2)(A). Such carriers, intermediaries, and contractors under section 1893 shall conduct outreach to specifically contact physicians and their designees, providers of services, and providers of ambulance services with fewer than 10 full-time-equivalent employees (including physicians) to implement education programs tailored to their education needs and in proximity to their practices.

"(2) PROVIDER EDUCATION.—

"(A) SUBMISSION OF CLAIMS, COST REPORTS, AND RECORDS.—Any physician, provider of services, or provider of ambulance services may voluntarily submit any present or prior claim, cost report, or medical record to the carrier or fiscal intermediary to determine whether the billing, coding, and documentation associated with the claim or cost report is appropriate.

"(B) PROHIBITION OF EXTRAPOLATION.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(ww)(1)).

"(C) SAFE HARBOR.—No submission of a claim, cost report, or record under this section shall result in the carrier, fiscal intermediary, a contractor under section 1893, or any law enforcement agency beginning an investigation or targeting an investigation based on any claim, cost report, or record submitted under such subparagraph.

"(3) TREATMENT OF CLAIMS.—If the carrier or fiscal intermediary finds a claim or cost report under paragraph (2) to be improper, the physician, provider of services, or provider of ambulance services shall have the following options:

"(A) CORRECTION OF PROBLEMS.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim or cost report and either—

"(i) remit the actual overpayment; or

"(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

"(B) REPAYMENT.—To repay the actual overpayment amount if the service is excluded from medicare coverage under this title or if adequate documentation does not exist.

"(4) PROHIBITION OF PHYSICIAN AND PROVIDER OF SERVICES TRACKING.—Carriers, fiscal intermediaries, and contractors under section 1893 may not use the record of attendance or information gathered during an education program conducted under this section or the inquiry regarding claims or cost reports under paragraph (2)(A) to select, identify, or track such physician, provider of services, or provider of ambulance services for the purpose of conducting any type of audit or prepayment review.".

(b) FUNDING OF EDUCATION PROGRAMS.—

(1) MEDICARE INTEGRITY PROGRAM.—Section 1893(b)(4) of such Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: "No less than 10 percent of the program funds shall be devoted to the education programs for physicians, providers of services, and providers of ambulance services under section 1897.".

(2) CARRIERS.—Section 1842(b)(3)(H) of such Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

"(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for physicians under section 1897.".

(3) FISCAL INTERMEDIARIES.—Section 1816(b)(1) of such Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a comma; and

(C) by adding at the end the following new subparagraph:

"(C) that such agency or organization is using no less than 1 percent of its funding for education programs for providers of services and providers of ambulance services under section 1897.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 302. INFORMATION REQUESTS.

(a) CLEAR, CONCISE, AND ACCURATE ANSWERS.—Fiscal intermediaries and carriers shall do their utmost to provide physicians, providers of services, and providers of ambulance services with a clear, concise, and accurate answer regarding billing and cost reporting questions under the medicare program, and will give their true first and last names to such physicians, providers of services, and providers of ambulance services.

(b) WRITTEN REQUESTS.—

(1) IN GENERAL.—The Secretary shall establish a process under which a physician, provider of services, or provider of ambulance services may request, free of charge and in writing from a fiscal intermediary or carrier, assistance in addressing questions regarding coverage, billing, documentation, coding, and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct substantive or procedural answer.

(2) USE OF WRITTEN STATEMENT.—

(A) IN GENERAL.—Subject to subparagraph (C), a written statement under paragraph (1) may be used by the physician, provider of services, or provider of ambulance services who submitted the information request and submitted claims in conformance with the answer of the carrier or fiscal intermediary as proof against a future audit or overpayment allegation under the medicare program.

(B) EXTRAPOLATION PROHIBITION.—Subject to subparagraph (C), no claim submitted under this section shall be subject to extrapolation, if the claim adheres to the conditions set forth in the information response.

(C) LIMITATION ON APPLICATION.—Subparagraphs (A) and (B) shall not apply to cases of fraudulent billing.

(3) SAFE HARBOR.—If a physician, provider of services, or provider of ambulance services requests information under this subsection, neither the fiscal intermediary, the carrier, a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd), nor any law enforcement agency may begin an investigation or target such physician or provider based on the request.

(c) BROAD POLICY GUIDANCE BY THE SECRETARY.—The Secretary shall develop a mechanism to address written questions regarding medicare policy and regulations, which are submitted by health care associations. The Secretary shall issue such answers within 90 calendar days from the date of the receipt of the question and shall make the responses available to the public in an indexed, easily accessible format.

(d) NOTICE OF CHANGES IN POLICY.—Carriers and fiscal intermediaries shall provide written, mailed notice within 30 calendar days to physicians, providers of services, and providers of ambulance services of all policy or operational changes to the medicare program. Physicians, providers of services, and providers of ambulance services shall have not less than 30 days to comply with such policy changes.

(e) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) IN GENERAL.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking "SPECIFICATION OF GROWTH RATE.—The sustainable growth rate" and inserting "SPECIFICATION OF GROWTH RATE.—

"(A) IN GENERAL.—The sustainable growth rate"; and

(3) by adding at the end the following new subparagraphs:

"(B) INCLUSION OF SGR REGULATORY COSTS.—The estimate established under clause (iv) or any successor thereto shall include—

"(i) the impact on costs for physicians' services resulting from regulations implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

"(ii) the costs described in subparagraph (C).

"(C) INCLUSION OF OTHER REGULATORY COSTS.—The costs described in this subparagraph are per procedure costs incurred by physicians' practices in complying with regulations promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

"(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.

"(E) INCLUSION OF ESTIMATED COST ON RURAL PHYSICIANS.—In promulgating regulations, the Secretary shall specifically estimate the costs to rural physicians and physicians practices in rural areas and the estimated number of hours needed to comply with the regulation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made (or regulation promulgated) by the Secretary of Health and Human Services on or after 1 year after the date of enactment of this Act.

TITLE V—POLICY DEVELOPMENT REGARDING E&M GUIDELINES

SEC. 501. POLICY DEVELOPMENT REGARDING E&M DOCUMENTATION GUIDELINES.

(a) IN GENERAL.—HCFA may not implement any new evaluation and management documentation guidelines (in this section referred to as "E&M guidelines") under the medicare program, unless HCFA—

(1) has provided for an assessment of the proposed guidelines by organizations representing physicians;

(2) has established a plan that contains specific goals, including a schedule, for improving use of such guidelines;

(3) has completed a minimum of 4 pilot projects consistent with subsection (b) in at least 4 different HCFA regions administered by 4 different carriers (to be specified by the Secretary) to test such guidelines; and

(4) finds that the objectives described in subsection (c) will be met in the implementation of such guidelines.

(b) PILOT PROJECTS.—

(1) LENGTH AND CONSULTATION.—Each pilot project under this subsection shall—

(A) be of sufficient length to allow for preparatory physician and carrier education, analysis, and use and assessment of potential E&M guidelines; and

(B) be conducted, throughout the planning and operational stages of the project, in consultation with organizations representing physicians.

(2) PEER REVIEW PILOT PROJECTS.—Of the pilot projects conducted under this subsection—

(A) at least one shall focus on a peer review method by physicians (not employed by a carrier) which evaluates medical record information for claims submitted by physicians identified as statistical outliers relative to definitions published in the CPT book;

(B) at least one shall be conducted for services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act, 42 U.S.C. 1395ww(d)(2)(D)); and

(C) at least one shall be conducted in a setting where physicians bill under physicians services in teaching settings (described in section 415.150 of title 42, Code of Federal Regulations).

(3) BANNING OF TARGETING OF PILOT PROJECT PARTICIPANTS.—Data collected under this subsection shall not be used as the basis for overpayment demands or post-payment audits.

(4) STUDY OF IMPACT.—Each pilot project shall examine the effect of the E&M guidelines on—

(A) different types of physician practices, including those with few than 10 full-time employees (including physicians); and

(B) the costs of physician compliance, including education, implementation, auditing, and monitoring.

(c) OBJECTIVES FOR E&M GUIDELINES.—The objectives for E&M guidelines specified in this subsection are as follows (relative to the E&M guidelines and review policies in effect as of the date of the enactment of this Act):

(1) Enhancing clinically relevant documentation needed to code accurately and assess coding levels accurately.

(2) Decreasing the level of non-clinically pertinent and burdensome documentation time and content in the record.

(3) Increased accuracy by carrier reviewers.

(4) Education of both physicians and reviewers.

(5) Promote appropriate use of E&M codes by physicians and their staffs.

(6) The extent to which the tested E&M documentation guidelines substantially adhere to the CPT coding definitions and rules.

(d) REPORT ON HOW MET PILOT PROJECT OBJECTIVES.—HCFA shall submit a report to the Committees on Energy and Commerce and Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Practicing Physicians Advisory Council, six months after the conclusion of the pilot projects. Such report shall include the extent to which the pilot projects met the objectives specified in subsections (b)(4) and (c).

By Mrs. FEINSTEIN:

S. 453. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to offer today, legislation to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in California for more than 18 years. The Fulops are the parents of six United States citizen children. Today, they face deportation.

The Fulop's story is a compelling one; one I believe merits Congress' consideration for humanitarian relief. In May of last year, the Fulops suffered the loss of their eldest child, Robert "Bobby" Fulop, an accomplished 15-year-old teenager who died suddenly of a heart aneurism. Bobby was considered the shining star in his family. He was very bright and very helpful to his parents.

That same year the Fulop's six-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition. Not long ago, she underwent heart surgery. I am pleased to report that she is doing much better.

Compounding this unfortunate series of events is the fact that, today, the Fulops face deportation. They face deportation, in part, because in 1995 they went back to Hungary and stayed for more than 90 days. Under the pre-1996 immigration laws, their stay in Hungary would not have been a factor in their deportation and they would have qualified for adjustment to lawful permanent resident status.

Indeed, in 1996, Mr. and Mrs. Fulop applied to the Immigration and Naturalization Service, INS, for permanent resident status. The INS did not interview them until 1998. By the time the INS had processed their application, the new 1996 immigration laws had taken effect, which barred from relief long-term resident aliens who traveled outside the U.S. for more than 90 days.

One cannot help but conclude that had the INS acted on their application for relief from deportation in a more timely manner, the Fulops would have qualified for suspension of deportation under the pre-1996 laws, given that they are long-term residents of the U.S. with U.S. citizen children.

This is a tragic situation. The rules of the game were changed in the middle of the Fulop's application for permanent residence, and because the INS failed to process their application in a timely fashion they are now facing deportation. The Fulop's children, who are United States citizens, were not included in the deportation order. But because they are minors they would likely have to follow their parents to Hungary. Growing up in the American school system, the Fulop children are not able to read or write the Hungarian language, and I believe that forcing them to leave the only country they have known would pose an extreme hardship for them.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR DENES AND GYORGYI FULOP.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Denes and Gyorgyi Fulop shall be eligible for issuance of immigrant visas or for adjustment of status to that of aliens lawfully admitted for permanent residence upon filing an application for issuance of immigrant visas under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Denes Fulop or Gyorgyi Fulop enters the United States before the filing deadline specified in subsection (c), the alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Denes and Gyorgyi Fulop, the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

By Mr. BINGAMAN:

S. 454. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes Program and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, the bill I am introducing today, the PILT and Refuge Revenue Sharing Permanent Funding Act, deals with an issue that I believe must be addressed in this Congress. The bill is a measure to make permanent funding for two important programs managed by the Department of the Interior: the Payment in Lieu of Taxes Program, or PILT, in the Bureau of Land Management and the Refuge Revenue Sharing Program in the Fish and Wildlife Service. Those programs provide support to local governments in areas in which these two agencies hold land. Under the authorizations for these programs, the funds are to be provided as an offset to the local property tax base lost by virtue of the Federal ownership of these lands.

Federal ownership of lands in the American West, in states like New Mexico, does not come without its share of burdens for local governments. If there is a fire or other emergency, they must help respond. If there is increased traffic to and from the site, they must maintain the public roads that provide the necessary access to the public. In enacting the original authorizing legislation, Congress decided that, as a matter of policy, it was appropriate for the Federal government to bear a fair share in paying for these costs, in lieu of the taxes that would be levied on any private landowner in these localities.

But in setting up these programs, Congress decided to make them subject to annual appropriations, either partially, in the case of Refuge Revenue Sharing, or completely, in the case of PILT. In retrospect, this was a mistake. The annual appropriations process has never come even close to providing the funds agreed upon by the underlying authorizing law. Moreover, the amount made available has changed significantly from one year to the next, frustrating the ability of localities to plan effectively for the use of these funds. Many of the burdens they face as a result of Federal land ownership require expenditures and commitments that are long-term. If you want to have a reasonable system of county roads, you need to have a consistent multi-year plan. If you want adequate fire protection, you can't be hiring a dozen new firefighters in one year and firing them the next, as appropriation levels gyrate up and down.

The Federal government needs to be a better neighbor and a more reliable partner to local governments in the rural West. Since the system of meeting our obligations to these localities through the annual appropriations process has not worked, I am proposing that we start treating our payments in lieu of taxes in the same way that we account for incoming tax revenues to the Federal government—on the mandatory side of the Federal ledger. By making the funding for these crucial programs full and permanent, we will be keeping the commitments to rural communities throughout the West made in the original PILT and Refuge Revenue Sharing authorizing legislation. It's a matter of simple justice to rural communities. I hope that enacting legislation along the lines of what I am proposing today will receive high priority in the next Congress.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PILT and Refuge Revenue Sharing Permanent Funding Act".

SEC. 2. PERMANENT FUNDING FOR PILT AND REFUGE REVENUE SHARING.

(a) PAYMENTS IN LIEU OF TAXES.—Section 6906 of title 31, United States Code, is amended to read as follows:

"There is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior to carry out this chapter. Beginning in fiscal year 2002 and each year thereafter, amounts authorized under this chapter shall be made available to the Secretary of the Interior, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this chapter.".

(b) REFUGE REVENUE SHARING.—Section 401(d) of the Act of June 15, 1935, as amended (16 U.S.C. 715s(d)) (relating to refuge revenue sharing), is amended by adding at the end thereof:

"Beginning in fiscal year 2002 and each year thereafter, such amount shall be made available to the Secretary, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this section.".

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BREAUX, Mr. ALLARD, Mr. CHAFEE, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. HATCH, and Mr. HUTCHINSON):

S. 455. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, the concerns and needs of small businesses have always been a priority for me. When I talk to small business owners throughout the State of Maine, I hear over and over again that they have two major problems: One is the high cost of health insurance. I will be introducing legislation shortly to try to help small businesses cope with that issue. The second issue is the need for more capital to finance their enterprises.

Today, I rise to introduce the Encouraging Investment in Small Business Act, a bill intended to stimulate private investment in the entrepreneurs who drive our economy. I am pleased to be joined today by my good friends and staunch supporters of small business, Senators CLELAND, BREAUX, LANDRIEU, ALLARD, CHAFEE, LIEBERMAN, HUTCHINSON, and HATCH.

The bill we introduce today will encourage long-term investment in small and emerging businesses by providing incentives to individuals who risk investment in such firms. According to the Small Business Administration, small firms account for three-quarters of our Nation's employment growth and almost all of our net new jobs. At the same time, small businesses face unique financing challenges. Simply put, entrepreneurs need access to more capital to start and to expand their businesses. As the SBA noted last year, "Adequate financing for rapidly growing firms will be America's greatest economic policy challenge of the new century."

Just a few months ago, it would have been difficult for us to imagine that a capital gap could exist in an economy that had experienced such an unprecedented run of prosperity. Venture capital investments in emerging firms reached a record $103 billion last year, up 74 percent from the year before. Yet, there are signs that the rush of funds is subsiding. Venture capital investment activity decreased by 31 percent in the fourth quarter of last year, and much of the funds that have been raised remains uninvested.

More important, venture capital funds tend to gravitate towards certain types of businesses and geographic regions, and tend to be invested in increasingly larger amounts, leaving many small business entrepreneurs frozen out of the capital markets. Internet-related companies attracted 76 percent of the venture capital invested in the first three quarters of 2000. And more than two-thirds of all the venture capital invested in the United States in 1999 went to just five States. Moreover, the average amount of venture capital invested in small businesses increased from $6.6 million in 1998 to $13.3 million in 1999, prompting the SBA to conclude that the needs of many small businesses for equity financing remain unmet.

The data paint a troubling picture. It is, unfortunately, a familiar one. Take the example of Vladimir Koulchin, a Russian by birth but a Mainer in heart and spirit. Vladimir holds a doctorate in biochemistry and has 25 years of research experience in the field. Six years ago, Mr. Koulchin moved to Portland, ME, to work for a biotechnology firm where he became vice president for research and development. This past fall, with no funding other than his own, he founded Chemogen with the goal of developing products to diagnose, treat, and prevent tuberculosis and other dangerous infectious diseases in humans and animals. Mr. Koulchin told me how difficult it has been to find the seed and early stage capital he needs to get his promising business off the ground. He spoke of the relative lack of seed capital in small markets and the welcome assistance that strong Federal tax incentives could provide.

Vladimir's experiences are all-too-common. A recent report by the National Commission on Entrepreneurship presented findings of 18 focus groups with more than 250 entrepreneurs across the country. According to the report, the focus groups were "nearly unanimous in identifying difficulties in obtaining seed capital investments."

And although the capital gap is pervasive, it disproportionately harms women- and minority-owned businesses. The Milken Institute, an independent economic think tank, concluded in a research report issued last year that, "While minority businesses are growing faster than majority firms in number and revenue, they remain severely constrained by a lack of access to capital." Moreover, women receive only 12 percent of all credit provided to small businesses in the U.S. despite owning nearly 40 percent of the businesses.

If we want to remain the world's most entrepreneurial country, where small businesses generate the ideas and create the jobs that fuel our economy, we must continue to create an environment that nurtures and supports entrepreneurs.

The legislation we are introducing helps to create a supportive environment, not by establishing an expensive, new Federal program, or adding a complicated new section to our Tax Code, but rather by simplifying and improving a provision that is already there. The provision, known as section 1202, was added to the Internal Revenue Code in 1993 with strong bipartisan support.

Section 1202 allows investors to exclude from taxable income 50 percent of the gain from the sale of qualified small business stock when the stock is held for at least 5 years. Now, that concept is a sound one, but unfortunately, section 1202 prescribes a complicated set of requirements, and its attractiveness has been diminished due to the fact that when capital gains rates were lowered in 1997, the section 1202 rate remained the same. In addition, the increasing application of the alternative minimum tax has reduced its value. Indeed, early data on the use of section 1202 suggests that the alternative minimum tax has sharply limited its effectiveness.

Our bill restores section 1202 to its original role as a potent engine of small business capital formation. Our legislation simplifies section 1202, enhances its incentives, and eliminates the threat that gains on small business stock will be subject to the alternative minimum tax. In short, our bill makes a number of commonsense changes designed to encourage investment in small business.

The Encouraging Investment in Small Business Act is supported by the National Federation of Independent Business, the National Women's Business Council, the National Commission On Entrepreneurship, the Biotechnology Industry Organization, and the Biotechnology Association Of Maine.

Our legislation would implement changes recommended by a recent Securities and Exchange Commission forum on small business capital formation. In sum, our legislation would accommodate the capital-raising needs of small business, the foundation of our economy.

Mr. President, I ask unanimous consent that a section-by-section summary of the Encouraging Investment in Small Business Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENCOURAGING INVESTMENT IN SMALL BUSINESS ACT

Section-by-Section Summary

I. INTRODUCTION

The Encouraging Investment in Small Business Act is intended to stimulate private investment in the entrepreneurs who drive our economy. The Act will encourage long-term investment in small and emerging businesses by providing incentives to investors who risk investment in such firms. According to the Small Business Administration, small firms account for three-quarters of our nation's employment growth and almost all of our net new jobs. Small businesses employ 52 percent of all private workers, provide 51 percent of our private sector output, and are responsible for a disproportionate share of innovations. Moreover, small businesses are avenues of opportunity for women and minorities, young and elderly workers, and those formerly on public assistance. Yet entrepreneurs need access to more capital to start and expand their businesses.

In 1993, Section 1202 was added to the Internal Revenue Code in order to encourage investment in small businesses. In brief, Section 1202 permits non-corporate taxpayers to exclude from gross income 50% of the gain from the sale or exchange of qualified small business ("QSB") stock held for more than five years. The concept is a sound one. However, in practice, Section 1202 has proven to be cumbersome to use and less advantageous than originally intended. As an article in the December 1998 edition of the Tax Adviser noted, "Sec. 1202 places numerous and complex requirements on both the QSB and the shareholder," and that the provision "is no longer the deal it seemed to be."

The Encouraging Investment in Small Business Act would amend Section 1202 to eliminate unnecessary complexity and to make it a more robust engine of capital formation for small businesses. As it now stands, the engine needs work. Given (1) reductions in capital gains rates subsequent to Section 1202's enactment and (2) the fact that more taxpayers are now subject to the Alternative Minimum tax, Section 1202 is no longer a viable option in many circumstances it was originally intended to address. Moreover, Section 1202's impact will continue to be diluted by a scheduled decrease in long-term capital gains rates applicable to stock purchased after 2000 and the probability that still more taxpayers will be subject to the AMT. To understand the changes the Act would make, it is first necessary to understand how 1202 currently works.

As noted, Section 1202 imposes numerous restrictions on a business that seeks to qualify under its provisions. To be a QSB, a business must be a domestic C corporation with aggregate gross assets of no greater than $50 million at any time prior to or immediately after issuing stock. Certain types of businesses are excluded from QSB status, including banking, insurance, investing, consulting, law, accounting, financial services, and farming concerns as well as hotels and restaurants. Any trade or business that relies on the reputation or skill of one or more of its employees as its principal asset also cannot be a QSB.

QSB's must also satisfy an "active business" requirement. This means that, during substantially all of the time the taxpayer holds the stock, at least 80 percent of the QSB's gross assets must be used by the corporation in the active conduct of the qualified trade or business. Assets used in certain start-up activities or for research, or which are held as "reasonably required" working capital are deemed to be used in the active conduct of a qualified trade or business. Two years after a QSB has come into existence, no more than 50 percent of its assets can qualify as "active" by virtue of the Section 1202(e)(6) working capital rule.

As noted, under Section 1202, an individual can exclude from gross income 50% of any gain from the sale or exchange of qualified small business stock originally issued after August 10, 1993 and held for more than five years. Under Section 1045 of the Code, the taxpayer may roll the gain over tax-free provided that the taxpayer (1) has held the QSB stock for more than six months and (2) invests the gain in other QSB stock within 60 days of the sale. Generally, the holding period of the stock purchased will include the holding period of the stock sold.

The maximum amount of a taxpayer's gain eligible for the Section 1202 exclusion is limited to the greater of $10 million and 10 times the aggregate adjusted bases of the stock sold. Gains of Section 1202 stock are taxed at the rate of 28%.

II. SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

The "Encouraging Investment in Small Business Act."

Section 2. Increased Exclusion and Other Modifications Applicable to Qualified Small Business Stock.

(a) Increased Exclusion.

This provision increases the amount of QSB stock gain that an individual can exclude from gross income from 50 percent to 75 percent.

(b) Reduction in Holding Period.

This provision reduces from 5 years to 3 years the period of time in which an individual must hold QSB stock in order to qualify for the 75-percent exclusion. Section 1045's rollover provisions will still apply.

(c) Repeal of Minimum Tax Preference.

This provision strikes Section 57(a)(7), which makes 42 percent of the amount excluded pursuant to Section 1202 a preference item under the alternative minimum tax. This change is necessary because the AMT provisions in existing law effectively eviscerate the benefit of Section 1202 in certain situations.

Example. Jane buys Section 1202 stock for $2,000. After five years, she sells the stock for $12,000. Under current law, she excludes half of her gain and is taxed at 28% on the other half [.28 $5,000 = $1,400]. Hence, her tax on the gain is $1,400. However, if Jane is subject to the AMT, she must pay additional taxes of $588, or 28% of 42% of the excluded half of the gain. Jane's total tax bill of $1,988 amounts to an effective rate of 19.9%, or nearly the same as the current maximum tax rate on long-term capital gains of 20%. Under the Encouraging Investment in Small Business Act, Jane would be able to exclude 75% of her gain, would be subject to the 20% rate that applies to most capital gains, and would not have to recognize any of the gain as a preference item for AMT purposes. Hence, her tax bill would be 20% of $2,500, or $500. Absent the change, Jame would have little incentive to invest in a qualified small business over any other business, particularly if she is subject to the AMT. Under the Encouraging Investment in Small Business Act, Section 1202's original potent incentives to investors in small businesses are restored.

(d)(1) Working Capital Limitations.

This provision eases Section 1202(e)'s working capital restrictions on qualified small businesses. The provision increases from 2 years to 5 years the time in which assets that are held for investment by a business can be expected to be used to finance research or an increase in working capital needs. In other words, a corporation will be able to hold assets longer, before eventually using them for research or to satisfy increased working capital needs, and still meet the active business requirements of section 1202.

(d)(2) Exception from Redemption Rules Where Business Purpose.

Currently, the Section 1202 exclusion does not apply to stock issued by a corporation if the corporation purchases more than 5 percent of its own stock during the 2-year period beginning on the date one year before the issuance of its stock. Under the Encouraging Investment in Small Business Act, this provision would be waived if the issuing corporation could establish that the purchase was made for a business purpose, and not to avoid the provision described above.

(e) Excluded Qualified Trade or Business.

This provision tightens the language of Section 1202(e)(3), which excludes certain businesses from QSB status. It does so in two ways. First, it provides that a coproration can be a QSB even if its principal asset, for a temporary period, is the reputation or skill of one or more of its employees. Hence, in the case of a small start-up computer software company, for example, if its employees engage in consulting work, say, in order to generate some cash flow while the software is under development, the company will not be disqualified from QSB status.

Second, the provision makes it clear that biotechnology and aquaculture companies are not disqualified from QSB status.

(f) Increase in Cap on Eligible Gain for Joint Returns.

The Encouraging Investment in Small Business Act fixes a marriage tax penalty provision in Section 1202 by doubling (to $20,000,000) the maximum amount of eligible gain for taxpayers filing joint returns.

(g) Decrease in Capital Gains Rate

Section 1202 gains are currently taxed at a rate of 28 percent, which, prior to May 7, 1997, had been the maximum marginal rate for net capital gains. The Taxpayer Relief Act of 1997 reduced the maximum capital gain rate for individuals from 28 percent to 20 percent, but left section 1202 gain subject to the 28 percent rate. The Encouraging Investment in Small Business Act would make section 1202 gains subject to the generally-applicable 20 percent rate.

(h) Increase in Rollover Period for QSB Stock

Currently, a taxpayer can roll over, tax free, gain from the sale or exchange of QSB stock where the taxpayer uses the proceeds to purchase other QSB stock within 60 days of the sale of the original stock. The Encouraging Investment in Small Business Act would increase the roll over period to 180 days, thus increasing the liquidity of QSB stock. A 180-day roll over period is also employed in section 1031 of the Internal Revenue Code for like-kind exchanges.

By Ms. SNOWE:

S. 456. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Health Care Quality Assurance Act of 2001.

This legislation contains a number of proposals designed to ensure that access to high quality medical services for our veterans is not compromised as the Department of Veterans Affairs, the VA, strives to increase efficiency in its nationwide network of veterans hospitals.

The VA administers the largest health care network in the U.S., including 172 hospitals, 73 home care programs, over 800 community-based outpatient clinics, and numerous other specialized care facilities.

Moreover, there are approximately 25 million veterans in the U.S., including approximately 19.3 million wartime veterans, and the number of veterans seeking medical care in VA hospitals is increasing.

The FY2000 VA medical caseload was projected to total approximately 3.8 million, an increase of 185,000 over FY1999. This level is expected to increase to 3.9 million during FY2001. Furthermore, in FY2001, outpatient visits to VA facilities are expected to increase by 2.6 million to 40.4 million.

The average age of veterans is increasing as well, and this is expected to result in additional demands for health care services, including more frequent and long-term health needs.

The VA is attempting to meet this unprecedented demand for health care services without substantial increases in funding, largely through efforts to increase efficiency. Not surprisingly, these seemingly competing objectives are generating serious concerns about the possibility that quality of care and/or patient satisfaction are being sacrificed.

Many VA regional networks and medical center directors report that timely access to high quality health care is being jeopardized, and that is why I am introducing the Veterans Health Care Quality Assurance Act, legislation which seeks to ensure that no veterans' hospital is targeted unfairly for cuts, and that efforts to "streamline" and increase efficiency are not followed by the unintended consequence of undermining quality of care or patient satisfaction.

I believe that all veterans hospitals should be held to the same equitable VA-wide standards, and that quality and satisfaction must be guaranteed. Toward that end, the Veterans Health Care Quality Assurance Act calls for audits of every VA hospital every three years. This will ensure that each facility is subject to an outside, independent review of its operations on a regular basis, and each audit will include findings on how to improve services to our veterans.

The legislation will also establish an Office of Quality Assurance within the VA to ensure that steps taken to increase efficiency in VA medical programs do not undermine quality or patient satisfaction. This office will collect and disseminate information on efforts that have proven to successfully increase efficiency and resource utilization without undermining quality or patient satisfaction. The director of this new Office of Quality Assurance should be an advocate for veterans and would be placed in the appropriate position in the VA command structure to ensure that he or she is consulted by the VA Secretary and Under Secretary for Veterans Health on matters that impact quality or satisfaction.

The bill would require an initial report to Congress within six months of enactment, which would include a survey of each VA regional network and a report on each network's efforts to increase efficiency, as well as an assessment of the extent to which each network and VA hospital is or is not implementing the same uniform, VA-wide policies to increase efficiency.

Under the bill's reporting requirement, the VA would also be required to publish, annually, an overview of VA-wide efficiency goals and quality/satisfaction standards that each veterans facility should be held to. Further, the VA would be required to report to Congress on each hospital's standing in relation to efficiency, quality, and satisfaction criteria, and how each facility compares to the VA-wide average.

In an effort to encourage innovation in efforts to increase efficiency within the agency, the bill would encourage the dissemination and sharing of information throughout the VA in order to facilitate implementation of uniform, equitable efficiency standards.

Finally the bill includes provisions calling for sharing of information on efforts to maximize resources and increase efficiency without compromising quality of care and patient satisfaction; exchange and mentoring initiatives among and between networks in order to facilitate sharing of such information; incentives for networks to increase efficiency and meet uniform quality/patient satisfaction targets; and formal oversight by the VA to ensure that all networks are meeting uniform efficiency criteria and that efforts to increase efficiency are equitable between networks and medical facilities.

Keeping our promise to our veterans is also an on-going duty. The debt of gratitude we owe to our veterans can never be fully repaid. What we can and must do for our veterans is repay the financial debt we owe to them. Central to that solemn duty is ensuring that the benefits we promised our veterans when they enlisted are there for them when they need them.

I consider it a great honor to represent veterans. So many of them continue to make contributions in our communities upon their transition from military to civilian life, through youth activities and scholarships programs, homeless assistance initiatives, efforts to reach out to fellow veterans in need, and national leadership on issues of importance to veterans and all Americans. The least we can do is make good on our promises, such as the promise of access to high quality health care.

I have nothing but the utmost respect for those who have served their country, and this legislation is but a small tribute to the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is a component of my on-going effort to ensure that we, as elected officials, answer their call when they need us.

I urge my colleagues to join me in supporting this legislation.

By Ms. SNOWE:

S. 457. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans' Affairs.

Ms. SNOWE. Mr. President, I rise today to reintroduce legislation I first introduced in the 105th Congress to address a serious health concern for veterans specifically the health threat posed by the Hepatitis C virus.

The legislation I am introducing today would make Hepatitis C a service-connected condition so that veterans suffering from this virus can be treated by the VA. The bill will establish a presumption of service connection for veterans with Hepatitis C, meaning that the Department of Veterans Affairs will assume that this condition was incurred or aggravated in military service, provided that certain conditions are met.

Under this legislation, veterans who received a transfusion of blood during a period of service before December 31, 1992; veterans who were exposed to blood during a period of service; veterans who underwent hemodyalisis during a period of service; veterans diagnosed with unexplained liver disease during a period of service; veterans with an unexplained liver dysfunction value or test; or veterans working in a health care occupation during service, will be eligible for treatment for this condition at VA facilities.

I have reviewed medical research that suggests many veterans were exposed to Hepatitis C in service and are now suffering from liver and other diseases caused by exposure to the virus. I am troubled that many "Hepatitis C veterans" are not being treated by the VA because they can't prove the virus was service connected, despite the fact that hepatitis C was little known and could not be tested for until recently.

We are learning that those who served in Vietnam and other conflicts, tend to have higher than average rates of Hepatitis C. In fact, VA data shows that about 20 percent of its inpatient population is infected with the Hepatitis C virus, and some studies have found that 10 percent of otherwise healthy Vietnam, Veterans are Hepatitis C positive.

Hepatitis C was not isolated until 1989, and the test for the virus has only been available since 1990. Hepatitis C is a hidden infection with few symptoms. However, most of those infected with the virus will develop serious liver disease 10 to 30 years after contracting it. For many of those infected, Hepatitis C can lead to liver. failure, transplants, liver cancer, and death.

And yet, most people who have Hepatitis C don't even know it—and often do not get treatment until it's too late. Only five percent of the estimated four million Americans with hepatitis C know they have it; yet with new treatments, some estimates indicate that 50 percent may have the virus eradicated.

Vietnam Veterans in particular are just now starting to learn that they have liver disease likely caused by Hepatitis C. Early detection and treatment may help head off serious liver disease for many of them. However, many veterans with Hepatitis C will not be treated by the VA because they must meet a standard that is virtually impossible to meet in order to establish a service connection for their condition—this in spite of the fact that we now know that many Vietnam-era and other veterans got this disease serving their country.

Many of my colleagues may be interested to know how veterans were likely exposed to this virus. Many veterans received blood transfusions while in Vietnam. This is one of the most common ways Hepatitis C is transmitted. Medical transmission of the. virus through needles and other medical equipment is also possible in combat. Medical care providers in the services were likely at increased risk as well, and may have, in turn, posed a risk to the service members they treated.

Researchers have discovered that Hepatitis C was widespread in Southeast Asia during the Vietnam war, and that some blood sent from the U.S. was also infected with the virus. Researchers and veterans organizations, including the Vietnam Veterans of America, with whom I worked closely to prepare this legislation, believe that many veterans were infected after being injured in combat and getting a transfusion or from working as a medic around combat injuries.

I believe we will actually save money in the long run by testing and treating this infection early on. The alternative is much more costly treatment of end-stage liver disease and the associated complications, or other disorders.

Some will argue that further epidemiologic data is needed to resolve or prove the issue of service connection. I agree that we have our work cut out for us, and further study should be done. However, there is already a substantial body of research on the relationship between Hepatitis C and military service. While further research is being conducted, we should not ask those who have already sacrificed so much for this country to wait—perhaps for years—for the treatment they deserve.

Former Surgeon General C. Everett Koop, well respected both within and outside of the medical profession, has said, "In some studies of veterans entering the Department of Veterans Affairs health facilities, half of the veterans have tested positive for HCV. Some of these veterans may have left the military with HCV infection, while others may have developed it after their military service. In any event, we need to detect the treat HCV infection if we are to head off very high rates of liver disease and liver transplant in VA facilities over the next decade. I believe this effort should include HCV testing as part of the discharge physical in the military, and entrance screening for veterans entering the VA health system."

Veterans have already fought their share of battles—these men and women who sacrificed in war so that others could live in peace shouldn't have to fight again for the benefits and respect they have earned.

We still have a long way to go before we know how best to confront this deadly virus. A comprehensive policy to confront such a monumental challenge can not be established overnight. It will require the long-term commitment of Congress and the Administration to a serious effort to address their health concern.

I hope this legislation will be a constructive step in this effort, and I look forward to working with the Veterans Affairs Committee, the VA-HUD appropriators, Vietnam Veterans of America and other veterans groups to meet this emerging challenge.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BOND submitted the following resolution; from the Committee on Small Business; which was referred to the Committee on Rules and Administration, as follows:

S. RES. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 2001, through September 30, 2001, and October 1, 2001, through September 30, 2002 and October 1, 2002 through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $1,119,973, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $1,985,266, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $848,624, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practical date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001, and October 1, 2001, through September 30, 2002 and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 43—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK OF MARCH 18 THROUGH MARCH 24, 2001, AS "NATIONAL INHALANTS AND POISONS AWARENESS WEEK"

Mr. MURKOWSKI (for himself, Mr. DASCHLE, and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on the Judiciary, as follows:

S. RES. 43

Whereas the National Inhalant Prevention Coalition has declared the week of March 18 through March 24, 2001, "National Inhalants and Poisons Awareness Week";

Whereas inhalant abuse is nearing epidemic proportions, with almost 20 percent of young people admitting to experimenting with inhalants before graduating from high school;

Whereas only 4 percent of parents suspect that their children use inhalants;

Whereas inhalants are the third most popular substance used by youths through the eighth grade, behind only alcohol and tobacco;

Whereas 1,000 products can be inhaled to get high and those products are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants only once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, leading to the use of harder, more deadly drugs;

Whereas inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is common; and

Whereas increased education of young people and parents regarding the dangers of inhalants is an important step in the battle against drug abuse: Now, therefore, be it

Resolved:

SECTION. 1. NATIONAL RESPONSE TO INHALANT USE.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should designate the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week"; and

(2) parents should learn about the dangers of inhalant abuse and discuss those dangers with their children.

(b) PROCLAMATION.—The Senate requests that the President issue a proclamation—

(1) designating the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week"; and

(2) calling upon the people of the United States to observe "National Inhalants and Poisons Awareness Week" with appropriate ceremonies and activities.

Mr. MURKOWSKI. Mr. President, today Senators DASCHLE, DEWINE and I rise to introduce a resolution that will help fight a silent epidemic among America's youth. This epidemic can leave young people permanently brain damaged or, worse, dead. It is called inhalant abuse.

This resolution will designate the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week."

What exactly are inhalants? Inhalants are the intentional breathing of gas or vapors for the purpose of reaching a high. Over 1,400 common products can be abused, such as lighter fluid, pressurized whipped cream, hair spray, and gasoline, the abused product of choice in rural Alaska. These products are inexpensive, easily obtained and legal.

An inhalant abuse counselor told me, "If it smells like a chemical, it can be abused."

It's a "silent epidemic" because few adults really appreciate the severity of the problem: One in five students has tried inhalants by the time they reach the eighth grade; use of inhalants by children has nearly doubled in the last 10 years; and inhalants are the third most abused substances among teenagers, behind alcohol and tobacco.

Inhalants are deadly. Inhalant vapors react with fatty tissues in the brain, literally dissolving them. One time use of inhalants can cause instant and permanent brain, heart, kidney, liver or other organ damage. The user can also suffer from instant heart failure known as "Sudden Sniffing Death Syndrome," this means an abuser can die the first, tenth or hundredth time he or she uses an inhalant.

In fact, according to a recent study by the Alaska Native Health Consortium, inhaling has a higher risk of "instant death" than any other abused substance.

That's what happened to Theresa, an 18-year old who lived in rural Western Alaska. Theresa was inhaling gasoline; shortly thereafter, her heart stopped. She was found alone and outside in near zero temperatures. Theresa, who was the youngest of five children and just a month shy of graduation, was flown to Fairbanks Memorial Hospital where she was pronounced dead on arrival.

Two years ago in Pennsylvania, a teenage driver, with four teenage passengers, lost control of her car in broad daylight. The car hit a tree with such impact that all passengers were killed. High levels of a chemical, found in computer keyboard cleaners, were found in the young driver's body. A medical examiner's report cited "impairment due to inhalant abuse" as the cause of the crash.

Mr. Haviland, the principal of the high school where the five girls attended, said neither teachers nor school administrators ever suspected that students were involved with inhalants.

Inhalants are considered a "gateway" to other illicit drug abuse. Because these products are legal, affordable and their abuse is hard to detect, awareness must be promoted among young people, parents and educators. We hope that a national week of awareness will encourage programs throughout the country, alerting parents and children to the dangers of inhalants.

I ask my colleagues to support and cosponsor this resolution. This national tragedy can be prevented through education and awareness. Hopefully, this week of awareness will save a child's life, and end one of our nation's silent epidemics.

I ask unanimous consent that the text of the bill be printed in the RECORD.

SENATE CONCURRENT RESOLUTION 20—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2002

Mr. HOLLINGS submitted the following concurrent resolution; which was referred to the Committee on the Budget, as follows:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2002.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Reserve fund for tax cuts in the event of a recession.
Sec. 202. Reserve fund for tax cuts in the event of a surplus.
Sec. 203. Exercise of rulemaking powers.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are the appropriate levels for the fiscal year 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended level of Federal revenues pursuant to CBO estimates is $1,703,488,000,000.

(B) The amount by which the aggregate level of Federal revenues should be changed is $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate level of total new budget authority is $1,600,781,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate level of total budget outlays is $1,561,391,000,000

(4) DEFICITS.—For purposes of the enforcement of this resolution, according to CBO the amount of the deficit is plus $142,097,000,000.

(5) PUBLIC DEBT.—The appropriate level of the public is $5,564,449,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate level of the debt held by the public is $2,848,489,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amount of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund is $532,308,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974. the amount of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund is $360,171,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are $3,579,000,000 for new budget authority, and $3,525,000,000 for outlays.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal year 2002 for each major functional category are:

(1) National Defense (050):
(A) New budget authority, $321,022,000,000.
(B) Outlays, $313,400,000,000.
(2) International Affairs (150):
(A) New budget authority, $23,214,000,000.
(B) Outlays, $18,838,000,000.
(3) General Science, Space, and Technology (250):
(A) New budget authority, $21,583,000,000.
(B) Outlays, $20,725,000,000.
(4) Energy (270):
(A) New budget authority, $1,360,000,000.
(B) Outlays, $ – 19,000,000.
(5) Natural Resources and Environment (300):
(A) New budget authority, $30,031,000,000.
(B) Outlays, $28,305,000,000.
(6) Agriculture (350):
(A) New budget authority, $19,265,000,000.
(B) Outlays, $17,593,000,000.
(7) Commerce and Housing Credit (370):
(A) New budget authority, $10,174,000,000.
(B) Outlays, $6,587,000,000.
(8) Transportation (400):
(A) New budget authority, $64,444,000,000.
(B) Outlays, $56,167,000,000.
(9) Community and Regional Development (450):
(A) New budget authority, $11,892,000,000.
(B) Outlays, $11,730,000,000.
(10) Education, Training, Employment, and Social Services (500):
(A) New budget authority, $80,924,000,000.
(B) Outlays, $76,658,000,000.
(11) Health (550):
(A) New budget authority, $191,280,000,000.
(B) Outlays, $189,220,000,000.
(12) Medicare (570):
(A) New budget authority, $229,179,000,000.
(B) Outlays, $229,121,000,000.
(13) Income Security (600):
(A) New budget authority, $273,138,000,000.
(B) Outlays, $271,655,000,000.
(14) Social Security (650):
(A) New budget authority, $11,004,000,000.
(B) Outlays, $11,003,000,000.
(15) Veterans Benefits and Services (700):
(A) New budget authority, $51,248,000,000.
(B) Outlays, $50,657,000,000.
(16) Administration of Justice (750):
(A) New budget authority, $32,431,000,000.
(B) Outlays, $31,436,000,000.
(17) General Government (800):
(A) New budget authority, $16,496,000,000.
(B) Outlays, $16,193,000,000.
(18) Net Interest (900):
(A) New budget authority, $254,882,000,000.
(B) Outlays, $254,882,000,000.
(19) Allowances (920):
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
(A) New budget authority, $ – 42,303,000,000.
(B) Outlays, $ – 42,303,000,000.
(21) Multiple functions (990):
(A) New budget authority, $ – 483,000,000.
(B) Outlays, $ – 457,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. RESERVE FUND FOR TAX CUTS IN THE EVENT OF A RECESSION.

(a) REPORTING A RECESSION.—If the budget and economic outlook update report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 estimates that there will be 2 consecutive quarters of negative economic growth in the current quarter and the next 2 quarters, the chairman of the Committees on the Budget of the Senate or the House of Representatives, as applicable, may make the adjustments provided in subsection (b).

(b) ADJUSTMENTS.—The chairman of the Committee on the Budget of the Senate or House of Representatives, as applicable, may—

(1) reduce the on-budget revenue aggregate by $100,000,000,000; and

(2) direct the chairman of the Committee on Finance or the Committee on Ways and Means, as applicable, to report by a date certain a reconciliation bill reducing revenues by $100,000,000,000.

SEC. 202. RESERVE FUND FOR TAX CUTS IN THE EVENT OF A SURPLUS.

(a) REPORTING A SURPLUS.—If the budget and economic outlook update report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 estimates that the gross Federal debt for the budget year will be reduced, the chairman of the Committees on the Budget of the Senate or the House of Representatives, as applicable, may make the adjustments provided in subsection (b).

(b) ADJUSTMENTS.—The chairman of the Committee on the Budget of the Senate or House of Representatives, as applicable, may—

(1) reduce the on-budget revenue aggregate by an amount equal to the amount of the reduction determined as provided in subsection (a); and

(2) direct the chairman of the Committee on Finance or the Committee on Ways and Means, as applicable, to report by a date certain a reconciliation bill reducing revenues by the amount of that reduction.

SEC. 203. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House,

or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that an article I wrote entitled "Reaganomics II" be printed in the RECORD. This article provides an honest budgetary assessment and thereby makes the argument for why a one year budget is needed.

Reaganomics II, a tax cut of $1.6 trillion, is steamrolling through the Congress. Reaganomics I, the tax cut of $750 billion, gave us the biggest waste in history! The debt soared from less than $1 trillion to $4 trillion, now $5.7 trillion, with interest costs of $365 billion annually. In the last ten years we have wasted $3.4 trillion on interest costs and we continue to spend each day, every day, $1 billion for nothing. But President Bush and the Republican Congress charge on wailing about trillions of dollars in surplus, joined by the free press with USA Today's headline of February 22, "Government Remains Awash In Money". Awash in money? Surplus? Nowhere to be found. Ever since President Lyndon Johnson balanced the budget in 1969 we have ended each year with a deficit. Fiscal year 2000 ended in deficit, and the Secretary of the Treasury has just reported the debt has already increased this fiscal year another $52 billion. President Bush's budget, just submitted, shows the debt increasing in the next 10 years from $5.637 trillion to $7.159 trillion. No surplus.

The U.S. economy is hemorrhaging with a current account deficit of $439 billion and the government is awash in red ink. The Social Security account at this moment is in the red $1 trillion. The Medicare account is in the red $238 billion. We owe Military Retirement $156 billion. We owe Civil Service Retirement $544 billion. The Unemployment Compensation fund is $92 billion in the red. Yet the Chairman of the Federal Reserve, Alan Greenspan, appears before Congress stating, "We are running out of debt to retire." Ridiculous.

Greenspan justifies talk of "surplus" by dividing the national debt in two: debt borrowed from government accounts such as Social Security, Medicare, Military Retirement, etc.; and debt owed the public by borrowing in the open market. The term "public debt" infers that is all the government owes. The government owes both public and government debt. Ignoring the overall national debt, Greenspan testifies only about public debt. He fears the public debt will be paid off and the investment of "surpluses" will become a political football. Last year when Greenspan called for paying down the debt, the public debt was $3.4 trillion. Now it has only been paid down $13 billion and he calls for a tax cut. And the reduction of $13 billion is achieved by transferring $13 billion of public debt to the government debt. It is like paying off your Visa with your MasterCard. You still owe the money. The national debt continues to increase, not be "paid down". No surplus.

Dividing the national debt is a fraud. Worse, ten-year economic projections, or budgets, give President Bush running room for a $1.6 trillion tax cut and a $25 billion increase in spending—Reaganomics II! The President's plan is contingent upon spending cuts that he knows Congress will reject, and the Democratic alternative of a $900 billion tax cut is no more than Reaganomics Lite. Under each plan, deficits, on the decline for the past eight years, will increase. The national debt and interest costs will soar, the dollar weakened. To meet the demand for higher yields to offset the decline in the dollar, Greenspan will have to raise interest rates which will guarantee a hard landing.

There is no education in the second kick of a mule. The way to stop Reaganomics II is with a one-year budget. We survived 200 years with one year budgets. First, start with this year's budget for next year. Freeze it. Debate and vote on any proposed cuts and require that amendments for prescription drugs and health care be accompanied by an offset. Depending on the economy, delay all tax cut proposals until later this year or this time next year when we learn whether it's a soft landing or a hard landing. Then we can act responsibly.

DIRECTING DISCHARGE OF S.J. RES. 6

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 6, a resolution on providing for congressional disapproval of the rule submitted by the Department of Labor relating to ergonomics, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Don Nickles, Jon Kyl, Phil Gramm, Kay Bailey Hutchison, Larry E. Craig, Chuck Grassley, Craig Thomas, Bill Frist, Michael B. Enzi, Judd Gregg, Jeff Sessions, Orrin G. Hatch, Pete V. Domenici, Mitch McConnell, Pat Roberts, Fred Thompson, Christopher S. Bond, John E. Ensign, Conrad Burns, Ted Stevens, George Allen, Olympia J. Snowe, Mike Crapo, Pete Fitzgerald, R.F. Bennett, Jim Jeffords, Tim Hutchinson, Wayne Allard, Jesse Helms, Trent Lott, Rick Santorum, Jim Inhofe, John Warner, Frank H. Murkowski.

PRIVILEGE OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Luis Rivera, of the Finance Committee staff, be accorded floor privileges for the duration of the debate on the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 6, 2001

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, March 6. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the majority leader will be recognized at 10 a.m. to begin consideration of Senate Joint Resolution 6, the ergonomics disapproval resolution. Under the Congressional Review Act, there will be up to 10 hours of debate, with a vote on disapproval of the ergonomics rules to occur at the use or yielding back of that time. The Senate may also resume consideration of the bankruptcy bill. Therefore, Senators can expect votes during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, March 6, 2001, at 10 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JOSEPH PELLICCIO, UNICO'S "2001 MAN OF THE YEAR"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Joseph Michael Pelliccio, who will be honored as the "2001 Man of the Year" by the Bayonne Chapter of UNICO National for his outstanding contributions to civic and community affairs.

Mr. Pelliccio has served his community as a law enforcement professional for more than forty-five years; and throughout his career, he has tirelessly provided for the public safety of New Jersey's residents. For his many contributions to his community and to law enforcement, he has received over fifty commendations and awards.

In 1955, Mr. Pelliccio began his career as a police officer in Jersey City, New Jersey, serving for more than 28 years, and rising to the rank of Lieutenant. Throughout his career, he has held numerous high-ranking positions in law enforcement: He has served as the Under Sheriff of Hudson County; the Public Safety Director of the City of Bayonne; the Assistant Criminal Division Manager for the Essex County Court System; and the Chief of Staff to the Hudson County Sheriff. In 1992, he was selected to serve as the Director of the Jersey City Police Department, where he was responsible for a $50 million annual budget, and supervised 840 police officers and 80 civilian employees. Currently, Mr. Pelliccio is the Police Director for West New York.

Consistently demonstrating a passion for community service, Mr. Pelliccio is involved with many organizations and causes: He is a 16-year member and past president of UNICO National; past president of the Bayonne Columbus Day Parade Committee; current parade chairman; and was parade grand marshal in 1998. In addition, Mr. Pelliccio helped found the Jersey City Youth Hockey program, and helped form recreational ice-skating and bowling programs for brain damaged children in Jersey City, New Jersey.

During World War II, Mr. Pelliccio served in the Navy, and was recalled during the Korean War. He served on the USS *Iowa* and on the USS *New Jersey,* the most decorated ship in Naval history.

Today, I ask my colleagues to join me in recognizing Joseph Michael Pelliccio, UNICO's "2001 Man of the Year," for his countless contributions to our Nation and to his community.

TRIBUTE TO THE LATE CARL JOHNSON

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2001

Mr. EHRLICH. Mr. Speaker, I rise today to pay special tribute to Carl Johnson, a man who dedicated nearly his entire adult life in selfless, heroic service to the impoverished and sometimes war-torn African nation of Burundi. For more than 55 years, Carl and his wife Eleanor along with their seven children, have dedicated their time, talents, energy, and most of all, their hearts to the people of a continent far away from the comforts of their Maryland home. On February 3, 2001, in Burundi, Carl Johnson passed away at the age of 85.

Missionary life began for the Johnson family in 1945, after they were commended by the Loch Hill Chapel of Towson, Maryland. The journey to the mission field was made by flying boat and took one month, stopping at Bermuda, the Azores, and Lisbon before arriving in West Africa. Upon their arrival, the Johnsons were introduced to their first home which had a grass roof, a mud floor, no running water, and no electricity. The Johnson's second home, which proved to be much hotter, sported a fancy metal roof and a hard cement floor. Their children were raised learning the languages and customs of the country they eventually called "home." Their world consisted of warm weather, good friends, interesting food, and amazing pets—monkeys, goats, lizards, parrots, guinea pigs, dogs, and cats to name only a few.

The Johnsons did not come so far and sacrifice so much for their own pleasure. Rather, they came to serve. Their missionary life in Burundi was difficult. Most days were spent teaching, studying, working, and battling diseases like dysentery and tuberculosis. They brought joy, comfort, peace, and even humor, during trying times to all those fortunate enough to be near them.

After fifty years of preaching, their assignment abruptly shifted to a humanitarian mission, as wars of independence swept through the African continent. In spite of the dangers of war, and even the deaths of more than 200,000 fellow Burundians, the Johnsons remained as beacons of stability and hope. They served as inadvertent hosts to as many as 10,000 refugees fleeing ethnic terror that threatened to tear the nation apart. The couple was a force behind encouraging international humanitarian aid from other countries for both food and medical supplies. Several times a week, Mr. Johnson drove through army checkpoints to a World Food Program warehouse to bring much needed food to the refugees. They are perhaps best known for their medical service in what is now known as the Kigobe Health Center, which has treated nearly one million patients and has saved the lives of thousands.

Harry S. Johnson shares this about his father: "Carl's funeral service at the Kigobe mission site on Tuesday, February 6, 2001, was a triumphant testimony to our blessed Hope, with over 3,000 adults gathered in tribute to his life and ministry. Dignitaries came and mingled with the poorest of the poor as his casket was lowered into the grave, a befitting farewell to a man who was 'all things to all men'"

Mr. Speaker, I am proud to represent Mr. Carl Johnson's family in Maryland's Second Congressional District, and ask that my colleagues join me in thanking the Johnsons for their heroic service to God and to the people of Burundi.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LOCAL UNION 751

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2001

Mr. THOMPSON of California. Mr. Speaker, we rise today to recognize the United Brotherhood of Carpenters and Joiners of America, Local Union 751 as this organization celebrates its 100th anniversary.

One hundred years ago, on March 13, 1901, the Local was chartered by the United Brotherhood of Carpenters and Joiners of America.

In the early part of the 20th century, the Local helped to establish the four-dollar workday. Union members also helped to rebuild Santa Rosa following the famous 1906 San Francisco earthquake.

In later years, the Local signed the first labor agreements with building contractors in the region, established an apprenticeship program to ensure the continuation of craftsmanship from one generation to the next, and established a health benefits and pension program for its members.

Union members also built a union hall that houses all of the building trade unions in Sonoma County. Although the headquarters of Local 751 is in Sonoma County, its jurisdiction includes Napa, Sonoma, Lake, Mendocino, Humboldt and Del Norte Counties.

Local 751 also united with neighboring locals to form first the North Coast District Council and later the Northern California Regional Council.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The union is committed to ensuring that women and minorities among its 1,600 members have equal opportunities and an equal voice in the workplace.

Mr. Speaker, it is appropriate that we acknowledge and honor today this pioneering union local and its members who have made an immeasurable difference in the lives of working families on California's North Coast.

2001 NATIONAL SPORTSMANSHIP DAY

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today in recognition of the 2001 National Sportsmanship Day. This program is designed to encourage students' sportsmanship and foster their leadership and academic skills. It teaches them the importance of honesty and fair play in both athletics and society as a whole.

More than 12,000 schools from elementary through high school, along with colleges and universities in all 50 states and from over 101 countries, are taking part. The eleventh annual National Sportsmanship Day includes student-athlete outreach programs, coaching forums, and writing and art contests, all geared to further the principles of sportsmanship and ethics.

I am proud to represent the Institute for International Sport in Kingston, Rhode Island, the sponsor of this worldwide event. The group has been working since 1986 to spread the values learned through good sportsmanship around the world. They also hold the World Scholar-Athlete Games, which gives high school students from around the world the opportunity to come together every four years to showcase their athletic or artistic abilities. The third World Scholar-Athlete Games will take place this summer in Rhode Island.

Mr. Speaker, I hope you and our colleagues will join me in recognizing this program as an excellent way for us to teach our young citizens the value of teamwork and fair play through athletics.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 333) to amend title 11, United States Code, and for other purposes:

Mr. ROEMER. Mr. Chairman, I rise in support of H.R. 333, the Bankruptcy Prevention Abuse and Consumer Protection Act of 2001. I am proud to rise as a cosponsor of this important legislation and am pleased to join with a bipartisan majority in the House of Representatives that voted to require debtors to repay some or all of their debts when they are financially able to do so.

This bankruptcy reform measure promotes personal responsibility. I firmly believe that families declaring bankruptcy deserve a safety net to give them a fresh start following an unanticipated or devastating financial loss. However, bankruptcy should not be used as a loophole to allow reckless individuals to accumulate large debts and then simply walk away from them.

Ultimately, consumers pay the price for bankruptcy filings in the form of higher taxes and higher interest on mortgages, student loans and car payments. As the U.S. economy continues to struggle, American families are paying more for home heating and gas prices. It is simply not fair that each household is effectively being charged $400 per year as a result of bankruptcy filings. That is why changing the bankruptcy laws has been on the congressional agenda for several years and why I have consistently cosponsored and voted for this legislation.

At the same time, I am concerned that H.R. 333 does little, if anything, to encourage credit car companies from curbing abusive and aggressive marketing practices. An increasing number of young consumers and the elderly are being inundated with daily mass-mailing which offer misleading promises of "pre-approved" credit, low initial rates, low annual percentage rates and free benefits such as frequent flier mileage. Many households with minimal knowledge of finance often fail to read the fine print while taking on debt burdens that they cannot repay, or which push them closer to the brink, so that any setback to their financial situation sends them directly to bankruptcy court.

For these reasons, I supported the motion to recommit the bill, which would have prohibited credit card companies from issuing credit cards to anyone under 21 years of age unless a parent acts as a co-signer or the individual demonstrates an independent means of income. This is a common sense measure that would have strengthened the bill to protect younger consumers from destroying their credit ratings. I am hopeful this proposal is approved by the U.S. Senate when it moves to consider the bill.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 333) to amend title 11, United States Code, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise in reluctant support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. I share my colleagues' belief that personal bankruptcy filings impose a cost on all of us, and that debtors should not be allowed to use bankruptcy as a financial planning device. I also believe, however, that this legislation does not adequately address an important factor in bankruptcy reform—the sometimes predatory practices of creditors selling unsecured debt.

Mr. Chairman, there is little dispute that the increase in bankruptcy filings represents a disturbing trend that must be addressed. When debtors are able to "game the system" and walk away from the consequences, the cost is transferred to creditors, and ultimately, to all American taxpayers. Congress can and should restore integrity to the bankruptcy system while ensuring that the system is fair to debtors and creditors. H.R. 333 would make several appropriate adjustments toward that end.

While H.R. 333 does make important adjustments to the bankruptcy system, I believe that it fails to address several important issues. First and foremost, H.R. 333 provides inadequate relief for consumers from the misleading and often intentionally deceptive practices of some credit card companies. While there are many responsible creditors in this country, those that engage in predatory lending cause considerable harm, often to unsophisticated and moderate-income debtors. Such companies have become more aggressive in selling unsecured credit, using tactics like hidden fees and inadequate disclosure statements. Not surprisingly, according to the Office of the Comptroller of Currency, the amount of revolving credit outstanding (including credit card debt) increased seven-fold during 1980 and 1995. Between 1993 and 1997, during the sharpest increases in the bankruptcy filings, the amount of credit card debt doubled. It is simply illogical to me to address bankruptcy reform without also examining the marketing practices that lead to high rates of consumer debt.

I am also concerned that this legislation includes an extraneous provision that would prevent U.S. courts from enforcing certain civil judgments rendered in foreign courts. This provision, Section 1310, is inconsistent with U.S. trade policy, interferes with state insurance regulation, and unnecessarily intrudes into private business dealings.

Mr. Chairman, this provision was offered to protect a number of American investors from liability for monetary judgment imposed by British courts. The New York State Supreme Court for New York County and the U.S. District Court in Northern Illinois both found these judgments to be valid. The American investors are currently appealing these findings to, respectively, the Appellate Division of the New York State Supreme Court and the Seventh Circuit Court of Appeals. As the cases are currently pending before U.S. courts, I believe that Congressional interference is unwarranted. Eight U.S. circuit courts, including the Seventh Circuit, have previously held that the original dispute between these investors and Lloyd's should be heard in English courts.

In addition, this provision, if enacted, would have serious repercussions for international trade policy and could invite retaliation by our trading partners. When U.S. businesses enter into international contracts, they often negotiate for U.S. courts to have jurisdiction over disputes that may arise. We cannot reasonably expect other countries to respect the judgments of U.S. courts if we override the decisions of foreign courts by legislative fiat. In fact, the U.S. State Department has said that this provision would interfere with its efforts to negotiate a new international convention on the enforcement of civil judgments.

The National Association of Insurance Commissioners (NAIC) opposes this provision as an unwarranted intrusion on the traditional authority of states to regulate insurance. The NAIC is specifically concerned about the effect this provision could have on the large number of American insurance companies that depend on foreign insurers for insurance and reinsurance coverage.

Mr. Chairman, as I stated earlier, I do support reform of the bankruptcy system, and will cast my vote in favor of this legislation. I am disappointed, however, that this legislation does not do a better job of addressing the concerns I have raised. I am hopeful that those concerns may yet be satisfactorily addressed during the 107th Congress, and I look forward to working with my colleagues on both sides of the aisle to bring that about.

IN RECOGNITION OF DOÑA LOLITA DE LA VEGA AND THE 50TH ANNIVERSARY OF TEMAS MAGAZINE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Doña Lolita de la Vega, who will be honored by Save Latin America, Inc., and Goya Foods for her great contributions to Spanish language media in the United States.

Lolita Bravo was born in Merruecos, Spain. She attended Sacred Heart School, Ecole des St. Louis des Francais, and the Conservatory of Music of Madrid. Lolita Bravo later married Jose de la Vega, and the couple emigrated to the United States in 1939, where they settled in New York City.

Lolita and Jose are considered pioneers of Spanish Radio. In 1946, they purchased three half hours each week on WWRL to present a La Voz Hispana del Aire, a radio show that voiced the concerns and sentiments of Hispanic Americans. The success of the radio program enabled Lolita and Jose to found two Spanish weekly newspapers. In 1950, they founded Temas, which is currently the oldest Spanish language monthly magazine published in the United States. Temas is now celebrating its 50th anniversary.

When her husband, Jose, died in 1994, Doña Lolita de la Vega assumed all responsibility for directing and editing the magazine. That same year, Dr. Maria Perera, a Cuban educator, joined the magazine. Currently, the two women work hard to meet the challenges of ensuring that readers receive a Spanish language magazine of the highest quality.

Today, I ask my colleagues to join me in recognizing Doña Lolita de la Vega for her hard work and dedication in the field of Spanish-language media, and for her exceptional contributions to the Hispanic community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 6, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine voting technology reform.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine proposed legislation entitled Better Education For Students and Teachers Act.

SD–430

Indian Affairs

Organizational business meeting to consider its rules of procedure for the 107th Congress.

SR–485

10 a.m.

Finance

To hold hearings to examine tax relief for tax payers.

SD–215

2 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

MARCH 8

9:30 a.m.

Environment and Public Works

Business meeting to markup S. 350, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs.

SD–406

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

345, Cannon Building

10 a.m.

Joint Economic Committee

To hold hearings to examine the status of proposed reforms relating to International Monetary Fund financial structure and transparency, IMF interest subsidies, moral hazard, and effectiveness of IMF operations; World Bank financing and effectiveness and IMF programs in Argentina, Turkey, and certain other countries.

Room to be announced

Judiciary

Business meeting to consider pending calendar business.

SD–226

Armed Services

To hold closed hearings to examine current and future worldwide threats to the national security of the United States.

S–407, Capitol

10:30 a.m.

Foreign Relations

To hold hearings to examine foreign policy issues and the President's proposed budget request for fiscal year 2002 for the Department of State.

SD–419

2 p.m.

Governmental Affairs

Organizational business meeting to consider proposed legislation requesting funds for the committee's operating expenses, subcommittee assignments, and rules of procedure for the 107th Congress.

SD–342

MARCH 13

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold oversight hearings to examine the National Nuclear Security Administration, Department of Energy.

SD–124

Veterans' Affairs

To hold hearings to examine the Administration's proposed budget for veterans' programs for fiscal year 2002.

SR–418

10 a.m.

Judiciary

To hold hearings on promoting technology and educations issues relating to turbocharging the school buses on the information highway.

SD–226

MARCH 14

9:30 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on defense intelligence matters.

S–407, Capitol

10 a.m.

Judiciary

To hold hearings to examine drug treatment, education, and prevention programs.

SD–226

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.

345, Cannon Building

MARCH 15

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.

SH–216

MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.

345, Cannon Building

MARCH 27

10:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold oversight hearings on issues relating to Yucca Mountain.

SD–124

APRIL 3

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold oversight hearings to examine issues surrounding nuclear power.

SD–124

Judiciary

To hold hearings to examine online entertainment and related copyright law.

SD–226

APRIL 24

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.

SD–124

APRIL 25

10 a.m.

Judiciary

To hold hearings to examine the legal issues surrounding faith based solutions.

SD–226

APRIL 26

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.

SD–124

MAY 1

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.

SD–124

Judiciary

To hold hearings to examine high technology patents, relating to business methods and the internet.

SD–226

MAY 3

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.

SD–124

MAY 8

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to genetics and biotechnology.

SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 6, 2001.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

FEDERAL GOVERNMENT PROMOTING LIVABLE COMMUNITIES

Mr. BLUMENAUER. Madam Speaker, my priority in Congress is for the Federal Government to be a better partner in promoting livable communities, to make our families safe, healthy, and economically secure. A critical element in a livable community is making sure that we can deal with the natural disasters: floods, fire, earthquakes, and storms.

Every year natural disasters cost billions of dollars and kill and injure Americans all across this great Nation. Every year the Federal Government is there to help unfortunate victims and their States and local governments in the recovery and repair. In the last 8 years alone, the United States has suffered more than 850 people dying in floods, and the property damage has totaled almost $90 billion. The total expenditure for disaster relief, including FEMA and insured losses, has been more than $150 billion in the last 20 years.

There are two ways that we can help: we can be dealing after the fact, dealing with the unfortunate victims and the damage that has been brought; or we can work to deal before disaster occurs to minimize damage and perhaps even prevent it all together.

I note two important provisions in the administration's recent budget submission: one is the reform of the Federal flood insurance program. This is a high priority for me. It is long overdue. The gentleman from Nebraska (Mr. BEREUTER) and I have introduced legislation in the last Congress that two floods and you are out of the taxpayer pocket bill to stop the Federal Government subsidizing people who live in areas that God has repeatedly shown that he does not want them. There is one home in suburban Houston that has suffered over $800,000 of loss over the last 20 years, 16 occasions, a home that is only worth, they tell us, $115,000.

Our legislation would allow people to use this money to relocate out of harm's way or to flood-proof their property. But if they do not, then they will be required to foot the bill themselves, not the U.S. taxpayer. We have seen dramatic examples of what this sort of proactive activity can do. The Arnold, Missouri, flood damage in 1993 was over $2 million; but after work in flood-proofing the community, moving people out of harm's way, the 1995 flood, which was much larger, had only $40,000 in damage.

Madam Speaker, I am pleased with the recognition the administration has for our legislation, but I have serious reservations about another proposal which would eliminate Project Impact. This is a Federal program that is not a grant, but instead provides seed money to help the people themselves build disaster resistant communities, to develop the partnerships and upfront investment needed to make sure that people do not suffer these horrible losses.

Madam Speaker, I was impressed this last fall to be able to address a conference of over 2,000 participants, partners all across the country in these partnerships. There are now 250 Project Impact communities and over 2,500 business partners alone, including NASA and four NASCAR race drivers. It is important for us to nurture this type of partnership, not to turn our back on it.

Project Impact and flood insurance reform are two important ways that the Federal Government can be a better partner to promote livable communities and to make our families safer, healthier, and more economically secure.

REPEALING THE 2 PERCENT EXCISE TAX ON PRIVATE FOUNDATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week the gentleman from Illinois (Mr. CRANE) and I introduced bill H.R. 804, a bill to repeal the 2 percent excise tax on private foundations.

The United States is blessed with a deep spirit of philanthropy. Charitable organizations serve the interest of both the individual and the community. Private foundations in particular have made measurable differences in the lives of Americans, from access to public libraries, developing the polio vaccine, and even leading in the creation of the emergency number 911. Each and every American has experienced the benefits of the tireless efforts of these foundations.

Madam Speaker, currently there are 47,000 foundations in the United States. In 1998, foundations gave away an estimated $22 billion in grants. These foundations were also forced to give the Federal Government a grant of $500 million in 1999.

Under current law, not-for-profit private foundations generally must pay a 2 percent excise tax on their net investment income. This requirement was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits on these organizations. So some 31 years ago, we instituted a tax on these foundations to cover the audit expense. However, when you look at the number of audits that have been performed, particularly since 1990, the IRS audits on private foundations has decreased from 1,200 to just 191. Yet the excise collection during these 31 years has grown from roughly $200 million in 1990 to $500 million in the year 1999.

In addition, private foundations are bound by a 5 percent distribution rule. Foundations must make annual qualifying distributions for charitable purposes equal to roughly 5 percent of their fair market value of the foundation's net investment assets. The required 2 percent excise tax, which is payable to the IRS, actually counts as a credit to the 5 percent distribution rule.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

So in a nutshell, what we have here is a private foundation making a charitable grant to the Federal Government every year, and since 1969 the number of audits have gone down; yet the number of charitable foundations has gone up.

Madam Speaker, I do not believe that the Federal Government is in dire need of this excise tax, and in fact in the next 10 years the Federal Government will show a surplus of $5.7 trillion. In 2002 we are projected to have a $231 billion surplus. Therefore, I believe that Americans have been more than charitable in giving the government their hard-earned dollars. It is time that we begin the process of returning the money to the people.

President Bush is working to accomplish that goal with his reduction in tax rates, allowing for the increased use of charitable deductions and credits. My bill goes one step further. It gives those charitable organizations relief from the $500 billion tax that the Federal Government instituted 31 years ago so they can give more of their money back to the people who need it.

I would like to also emphasize, Madam Speaker, that the former President, Mr. Clinton, proposed a reduction in this same excise tax in his fiscal-year 2001 budget. The Treasury Department noted: "Lowering the excise tax rate for all foundations would make additional funds available for charitable purposes."

So, Madam Speaker, common sense dictates that the elimination of this tax would increase additional charitable giving. I would like to thank my colleague, the gentleman from Illinois (Mr. CRANE), for his support on this bill. I ask my colleagues to take a look at this piece of legislation. I would like their support. It is H.R. 804.

SEATTLE EARTHQUAKE AN EXAMPLE WHY CONGRESS NEEDS A BUDGET BEFORE IT DEBATES A TAX BREAK BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized during morning hour debates for 5 minutes.

Mr. INSLEE. Madam Speaker, the Seattle earthquake last week gave us a telling example why it is grossly irresponsible to bring a huge tax cut bill to this floor before we do a budget.

There is a lot wrong with this bill. Many people have heard many of these problems: the fact that it gives 43 percent of all the benefits to just 1 percent of Americans. That is a problem. The fact that it is based on really phony fiscal hallucinations based on these 10-year projections when we cannot even project 10 months from now. That is a problem. But perhaps the biggest kind of problem was made clear to us in Seattle last week on the very day that a 6.8 on-the-Richter-Scale quake hit Seattle. The administration tried to hit our earthquake preparedness programs by trying to kill Project Impact.

Project Impact is a Federal program that is designed to help improve local communities' earthquake preparedness programs, a program Seattle had used to good effect and which was effective in reducing losses. Why did that happen? Well, the Vice President said that Project Impact was ineffective.

Try telling that to the first graders at Stevens Elementary School in Seattle, who I visited last week, the day after the quake, who, until Project Impact came along, did their studying underneath a 1-ton tank of water that was prone to going right through the ceiling and down onto their classroom because it was not secured adequately for a standard earthquake. But then Project Impact dollars came along. The school district secured that water tank and no one got hurt. In fact, in the seven schools in the Seattle school district that had used Project Impact monies, none of the structures that had been dealt with caused any damage.

This is an effective program. These Federal investments saved lives. We ourselves saw that in Seattle last week. This is an effective program. So why did the administration try to kill it? Well, that is kind of interesting. The Vice President has said this program was ineffective. But when I asked Joe Allbaugh, our FEMA director, the Federal Emergency Management Agency director, who has done a great job by the way on this disaster, he told me he had not even been consulted. Nobody asked him about Project Impact. Somebody in the Bush administration got out a red pen and just drew it right through that project and tried to kill the program.

Why did that happen? Well, it is pretty clear. This was an indiscriminate cut that was simply made to try to accommodate and make room for these tax cuts, and it is a disgrace. It is a disgrace to know that the first casualty of the Bush tax cut is a program that in Seattle, in fact, prevented casualties. When we do tax cuts before we do a budget, bad decisions are made. And this is perhaps the most visible and first one in this sorry state of affairs.

We should reject this bill. We should go back and do our jobs, do the budget first, and a reasonable, responsible tax cut that meets our obligation to the American people.

ON SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to spend just a couple minutes talking about some of the issues that this Congress, both the House and the Senate, are really struggling with, and that is the debt that has been mounting up, the total Federal public debt, of this country. I would like to comment about the legitimacy of a tax reduction and would like to comment on the challenge that is facing this body and the President in terms of keeping Social Security solvent.

First of all, on the debt: if my colleagues will bear with me, let me break down the current Federal national debt of now $5.7 trillion. Of that $5.7 trillion, I break it down into three segments:

The treasury debt. When we issue Treasury paper, Treasury bills, Treasury bonds, the so-called debt held by the public, that now represents $3.4 trillion out of the $5.7 trillion.

The debt that has been borrowed from Social Security represents $1.2 trillion, $1.2 trillion out of the $5.7 trillion. That is what we have been borrowing pretty much ever since we dramatically have increased the Social Security taxes, the FICA taxes, over the last 20 years. There has been much more money coming in than has been needed, and that is especially true since the 1983 increase in Social Security taxes. So we have accumulated $1 trillion worth of IOUs that this government owes Social Security when it comes time for Social Security needing that money.

So we have $3.4 trillion that is Treasury debt, debt held by the public; we have $1.1 trillion that is owed the Social Security Trust Fund, and then the other 117 trust funds that the Federal Government has represents additional IOUs of another $1.2 trillion.

So we divide it in three different levels. Most of the surplus is coming from the Social Security surplus, the excess of Social Security taxes over what is needed to pay Social Security benefits. And I think we should remind ourselves, Madam Speaker, that Social Security is a pay-as-you-go program; that when Social Security taxes come in, by the end of the week, that money is sent out in benefits. So there is no reserve. There are no accounts with individuals' names on it. And that has left us with the problem of how we are going to pay back that money when the baby boomers start retiring in 2008. So we have a huge increase in the number of retirees, recipients, as we are looking at a relatively fewer number of workers that are paying in those taxes to pay the benefits for those retirees.

We have been talking in both the White House and in both Chambers of Congress about paying down the debt held by the public. Some people refer to it as the public debt. Technically, that is not correct. It is the debt held by the public. The dollars that we are using to pay down that debt held by the public are the extra dollars mostly coming in from the Social Security Trust Fund. So we write out an IOU, and we use those dollars to pay down the debt held by the public.

To assume this has anything to do with helping to keep Social Security solvent is incorrect. The only thing that might be worse than using this money to pay down the debt and writing out an IOU is possibly using it for increased spending and starting new entitlement programs. If we do this, and then we have a problem with Social Security in the next 8 to 15 years, it is even more difficult because we have expanded the size of the Federal Government.

Let me mention the tax cuts that will be coming up in this Chamber in the next couple or 3 days as we talk about a tax reduction. If things were perfect, we should not have a tax reduction, but that money should be used to make sure Social Security stays solvent. I think one way to do this is to put it in privately held and owned accounts where the flexibility, where the alternatives of an individual to invest that money are limited, such as in a 401(k). So they would be limited to safe investments. They would be limited to only a certain percentage that could go into equity, stocks, and the remainder would have to go into interest-bearing accounts.

If we were to accomplish that and use this money now, it would simplify and help us solve the long-term problems of Social Security. And I just mentioned, we are looking at surpluses coming in in the next several years of $5.6 trillion. We are looking at an unfunded liability for Social Security of $9 trillion.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Isaias begins his message with these words: "Hear, O heavens, and listen, O earth, for the Lord speaks."

All the heavens and all the earth cannot grasp or contain Your Word, O Lord. Once spoken and unleashed upon our world, Your word catapults imaginings to their heights and penetrates everything to its depths. May our hearing turn to listening and our listening make us so attentive that it leads to new understanding and new ways of acting.

Your Word provokes Isaias to cry out to the people: If only we were free enough to be raised up by its power or strong enough to be embraced by its full passion! Then we like Isaias would be able to hear, in our broadcasted news, the voice of violence coming from our own children. And we would lament as a nation searching for prophetic vision until we and our ways of acting change. We pray for this vision now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

APPOINTMENT AS MEMBERS TO ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS

The SPEAKER pro tempore. Without objection, and pursuant to section 320(b)(2) of Public Law 106–291, the Chair announces the Speaker's appointment of the following members on the part of the House to the Advisory Committee on Forest Counties Payments:

Mr. Robert E. Douglas of California and

Mr. Mark Evans of Texas.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 6, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 127 of P.L 97–377 (2 U.S.C. 88b–3), I hereby appoint the following Member to the House of Representatives Page Board:

Mr. Kildee, MI.

Yours Very Truly,
RICHARD A. GEPHARDT.

NOW IS THE TIME FOR TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, America and indeed this Congress has a lot to celebrate. After years of wasteful spending and rising deficits, our fiscal house is in order. Congress has a balanced fiscal budget. Since 1997 we have paid down approximately $363 billion of our public debt. We are on the course to paying off the complete $2 trillion public debt over the next 10 years.

The Republican Congress has walled off nearly $3 trillion for the protection of Social Security, Medicare and further debt relief.

The nonpartisan CBO estimates that we will have a $5.6 trillion surplus this year. Our fiscal house is not only in order, it is in the best possible shape it has been in generations. Now is the time to give Americans some much-needed tax relief. If the surplus money stays in Washington, it will only be spent on bigger and more wasteful government bureaucracy. We need to put America's families first. They want and deserve real tax relief now.

FAMILIES AND THE RESPONSIBILITY OF PARENTHOOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, a 15-year-old California student shot and killed two peers and wounded 13 others. Once again, guns are blamed.

Madam Speaker, I disagree. It is time to look at family and the responsibilities of parenthood. But in any regard, just think about it. America has drugs, rape, even murder in our schools, but God is not allowed to enter, not even a moment of silence. Beam me up.

A nation that denies God defies God and invites disaster like we are seeing week after week, month after month. I yield back the fact that school prayer may not solve all problems, but school prayer is a start in the right direction.

TRIBUTE TO JACKIE STILES

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, I rise today to talk about a totally different kind of situation at school than the gentleman from Ohio (Mr. TRAFICANT) mentioned. I rise to pay tribute to a young lady who has brought praise and honor on the sport of basketball and to Southwest Missouri State University by becoming the Nation's all-time leading scorer in women's NCAA Division I basketball.

Jackie Stiles has been among the leading scorers in women's college basketball for 4 years. She scored 20 or more points in college games 86 times; 30-plus points 35 times; 40-plus points 10 times, and in 2 games she broke the 50-point mark. She is one of only two players in NCAA women's basketball history to break the 50-point mark twice. She broke the 12-year-old NCAA Division I scoring mark of 3,103 points in a game last week with Creighton University.

Jackie Stiles grew up playing basketball in Claflin, Kansas, where she was highly recruited by colleges and universities nationwide. She has also been on the all-American academic team every year of her college career. She is a great role model for students and young athletes and young women.

Madam Speaker, I wish her and her team well as they go on to finish this season and to add new points to that overall record.

TRIBUTE TO JACKIE STILES

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Madam Speaker, I join the gentleman from Missouri (Mr. BLUNT) in recognizing the achievement of a remarkable athlete that comes from the First District of Kansas. Claflin, Kansas, population 700, native Jackie Stiles, who averages around 30 points per game, is one of college basketball's most outstanding scorers.

On March 1, she made history by breaking the NCAA Division I women's career scoring record of 3,133 points. She increased that record by adding another 35 points on March 3 during Southwest Missouri's final regular season game. Jackie's hard work and dedication to basketball is unparalleled. She remains the leading scorer in Kansas high school basketball history.

Her practice routine includes shooting 1,000 baskets each time. While in high school, Jackie's right wrist was broken during a game. Days later, the right-handed shooter was training herself to shoot with her left hand. These examples demonstrate her natural talents and desire to achieve perfection.

Jackie has received so many well deserved honors. Among them include twice being named Missouri Valley Conference Player of the Year, in addition to being a member of the United State's Gold Medal-Winning Jones Cup Team. This year she was nominated for an ESPY, and is a hopeful for another Missouri Valley Conference Player of the Year award, in addition to being named Naismith Player of the Year.

Jackie is quick to acknowledge the contributions of others in her success, particularly her parents, Pat and Pam Stiles, of Claflin, Kansas. She always places her team first and herself second. She maintains an undying devotion to her fans and it is common for her to stay hours after the game until each person who wants an autograph has seen her.

Seldom does an individual come along whose character and skill transcend beyond the court. In Kansas and Missouri, Jackie is a role model. Now the rest of the Nation can discover how special she is. Jackie Stiles is truly deserving of her most recent honors and accomplishments.

Madam Speaker, congratulations to her and her hometown of Claflin, Kansas.

PROVIDING FAMILIES WITH MUCH NEEDED RELIEF

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, American families deserve to share in the rewards of this economy they shaped and the surplus they created. At the same time, recognizing the slower economy of the last 6 months, we need to get some help, and tax relief would do that.

Critics of tax relief cannot have it both ways. They argued against tax relief when the deficits were more than $250 billion in the 1990s; and now they argue against tax relief again when the deficits have turned into surpluses.

So many families are still struggling today to pay their credit card and utility bills. Ending the marriage penalty tax and phasing out the death tax will create a fair Tax Code that would benefit all Americans.

Madam Speaker, allowing all Americans to keep more of their money is a good policy for the economy as a whole. Clearly there is room within the surplus to pay down the debt, fund priority programs, and enact President Bush's tax cut.

ISSUES CONCERNING VIEQUES, PUERTO RICO

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Madam Speaker, I want to recognize my constituents from Puerto Rico, many of them from Vieques, that have come to Washington to share with Members their concerns involving the U.S. Navy's bombing exercises on Vieques.

For the last 60 years, the people of the island of Vieques have suffered from the Navy's bombing exercises. They have seen their children get ill and die of cancer and have suffered from numerous diseases. Residents of Vieques have a mortality rate 40 percent higher than that of Puerto Rico and a 27 percent higher risk of dying from cancer.

This is a nonpartisan issue. In Puerto Rico, all political parties stand united. We welcome the support and commitment of Governor Pataki of New York and Governor DiFrancesco of New Jersey.

Despite what my colleagues may have heard, our military preparedness does not rest in the balance of training at Vieques. Jack Shanahan, retired Admiral of the U.S. Second Atlantic Fleet, has stated that there are alternative sites and that training on Vieques is outdated. Further, we are encouraged by the Secretary of Defense's decision to suspend exercises that were scheduled to take place on Vieques in March.

I stand here today to call on President Bush to order the permanent cessation of all bombing exercises on Vieques. Vieques is not a national security issue. It is a health and human rights issue. If compassion has any meaning, I cannot think of any more compelling case. I urge my colleagues to support our letter to the President.

Elie Weisel said: Indifference reduces the other to an abstraction. The people of Vieques are very real and their suffering very concrete. Indifference on this issue is unacceptable.

AGAINST THE PRESIDENT'S TAX CUT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, I rise to discuss what the American people need and want and that is fair tax cuts based upon a real surplus. I disagree with the President's proposal that he has laid before us that is based on a Ouija board prediction, a crystal ball and a magic wand. We do not know if these surpluses are going to materialize. As a matter of fact, from our State in Indiana, we used to have a surplus 2 years ago. It is gone. We do not know if this Federal surplus is going to be there in 2 years, let alone 10. Yet the President's proposal asks for $1.6 trillion in tax cuts. Let us make sure it is something the American people get and we do not pull the rug out from underneath them in 3 years.

Secondly, it should be fair, targeted at people making $80,000 and $70,000 a year, not $800,000 and $900,000 a year. I hope the President, as he has said to Democrats throughout the last 2 months about the spirit of bipartisanship and asking us to come down and meet with him at the White House, that he would now practice bipartisanship and, beyond the spirit of bipartisanship, work with us for a fair tax cut and one that is based on real surpluses.

☐ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

AUTHORIZING APPROPRIATIONS TO CARRY OUT PART B OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT RELATING TO STRATEGIC PETROLEUM RESERVE

Mr. BASS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 724) to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve.

The Clerk read as follows:

H.R. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STRATEGIC PETROLEUM RESERVE.

Section 166 of the Energy Policy and Conservation Act (42 U.S.C. 6246) is amended—

(1) by striking "for fiscal year 2000"; and

(2) by striking ", to remain available only through March 31, 2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

GENERAL LEAVE

Mr. BASS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 724.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 724 makes a technical correction to the Energy Policy and Conservation Act that is necessary for Congress to authorize future appropriations for the Strategic Petroleum Reserve. It contains a date correction that was incorrectly referenced when EPCA was reauthorized during the 106th Congress. In the last EPCA reauthorization, Congress instructed the Department of Energy to continue operating the Strategic Petroleum Reserve through September 30, 2003. However, we failed to make a conforming date change to a related section of the act. This was a technical error and H.R. 724 corrects this situation.

EPCA authorizes the Department of Energy to operate the Strategic Petroleum Reserve. The SPR contains approximately 541 million barrels of oil stored along the Gulf Coast. It costs about $165 million a year to operate the Reserve. As a practical matter, last year's Interior appropriations bill appropriated funds to operate the SPR through fiscal year 2001. Given that more than half of our demand for oil is met through imports, the importance of a Strategic Petroleum Reserve to protect against supply disruptions is now greater than ever. The majority of the Strategic Petroleum Reserve was reauthorized through fiscal year 2003 during the 106th Congress.

Section 166 of EPCA provides authorization for, quote, such sums as may be necessary, end of quote, to be appropriated for operation of the Strategic Petroleum Reserve. Due to a technical error in the most recent EPCA reauthorization, section 166 provides authorization for appropriations only through March 31, 2000, the end of last year. In contrast, section 191 of EPCA provides the authority for the Department of Energy to operate the Strategic Petroleum Reserve through September 30, 2003.

H.R. 724 will eliminate the March 31, 2000 limitation on appropriations for the Strategic Petroleum Reserve, allowing future appropriations for the reserve. With this change and pursuant to section 191 of EPCA, the Reserve would not have to be reauthorized again until September 30, 2003.

The correction in H.R. 724 also simplifies future reauthorizations of EPCA by placing the effective date in one section, that is section 191, as opposed to two sections. Maintaining a strong Strategic Petroleum Reserve is an important part of our Nation's energy security. I urge my colleagues to support H.R. 724 since it is a necessary technical correction to ensure the continued authorization of the Strategic Petroleum Reserve.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise today in support of H.R. 724, a bill that makes a needed technical correction to H.R. 2884, legislation which Congress enacted last year to reauthorize the Energy Policy and Conservation Act. It is particularly important that EPCA be extended at this point because it provides for the operation of the Strategic Petroleum Reserve, a frontline protection against an interruption in our Nation's energy supplies.

H.R. 724 ensures that the authorization for appropriations for the SPR is extended through September 2003. This measure conforms with the extension of the Department of Energy's authority to operate the SPR made by last year's legislation, and in so doing corrects a drafting oversight.

I am pleased to support the passage of H.R. 724 and urge its approval by the House.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BASS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and pass the bill, H.R. 724.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BASS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING CONSUMER PRODUCT SAFETY ACT TO PROVIDE THAT LOW-SPEED ELECTRIC BICYCLES ARE CONSUMER PRODUCTS SUBJECT TO SUCH ACT

Mr. STEARNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 727) to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

The Clerk read as follows:

H.R. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSUMER PRODUCT SAFETY ACT.

The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"LOW-SPEED ELECTRIC BICYCLES

"SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of title 16, Code of Federal Regulations.

"(b) For the purpose of this section, the term 'low-speed electric bicycle' means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

"(c) To further protect the safety of consumers who ride low-speed electric bicycles, the Commission may promulgate new or amended requirements applicable to such vehicles as necessary and appropriate.

"(d) This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a).".

SEC. 2. MOTOR VEHICLE SAFETY STANDARDS.

For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 727.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 727, a bill that transfers jurisdiction over low-speed electric bikes from the National Highway Traffic Safety Administration, or NHTSA, to the Consumer Product Safety Commission. This is a bipartisan bill, and I am pleased to support its passage.

Low-speed electric bicycles offer consumers the enjoyment of biking with the convenience of assisted power so they can use the power or not use the power, use the bike as a normal bike. They give their riders, most of the time seniors, the disabled, and law enforcement, some extra help in peddling long distance and climbing hills.

Currently, low-speed electric bikes are regulated by NHTSA, which subjects these bicycles to the same standards as motor vehicles. For instance, under NHTSA regulation, low-speed electric bikes would be forced to have items found on trucks and automobiles. Such requirements would upset the weight and balance, as well as increase the price, of these bicycles. In turn, this would have a detrimental effect on many of my constituents, and I believe others in this House.

A vast majority of the people who use these bicycles are seniors. They are designed to make it easier for the elderly to get to the grocery store, ride through the park and perhaps get some fresh air.

Let me give an example. For instance, today's Congressional Monitor reported that a 66-year-old retired engineer from California, who uses his electric bike to commute to and from his home in Santa Cruz, he states that before he bought the electric bike, "There was some terrain I just could not ride because of my wind and lack of conditioning," end quote.

H.R. 727 transfers regulatory jurisdiction over low-speed electric bikes, those bikes now with less than a one-horsepower engine and a maximum speed of 20 miles per hour, to the CPSC. This, I believe, is a common sense approach of treating bicycles like bicycles, treating these types of bicycles like the normal bicycles and ensuring that they are safe for all drivers.

Language identical to H.R. 727 passed the House last session. Unfortunately, there was not enough time to enact this bill.

I would like to thank the gentleman from Louisiana (Mr. TAUZIN) for expediting this bill through the Subcommittee on Energy and Power of the Committee on Commerce, and my friends on the other side of the aisle, for their support. H.R. 727 is a good bill. I urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise also in support of H.R. 727, a bill to provide that low-speed bicycles are appropriately regulated as consumer products under the Consumer Product Safety Act.

I am an original cosponsor of this legislation, initially introduced by my good friend the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Commerce, Trade, and Consumer Protection.

This bill has five other cosponsors, including three other Democratic Members, the gentleman from California (Mr. BERMAN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentleman from Minnesota (Mr. OBERSTAR). I want to thank them for their support of this important legislation.

Identical legislation passed the House floor by voice vote under suspension of the rules. However, the Senate took no action on the bill at that time.

Electric bicycles generate no pollution, are virtually silent, and can increase transportation and recreation options for millions of citizens.

These relatively new products are a welcome transportation alternative especially, as my colleague mentioned, for older or disabled riders and many commuters. Right now, electric bikes are caught in a regulatory trap between the National Highway Traffic Safety Administration and the Consumer Product Safety Commission. The CPSC has responsibility for human-powered bicycles, including pedal-assisted electric bicycles. However, power on demand, low-speed electric bicycles are currently defined as motor vehicles and come under the jurisdiction of the National Highway Traffic Safety Administration, or NHTSA.

The bill establishes a definition of electric bikes, a vehicle with two or three wheels, operable pedals and electric motor of about one horsepower.

With the motor alone, the bike's top speed is less than 20 miles per hour.

The bill also provides CPSC with authority to issue new requirements necessary to protect consumer safety. Both NHTSA and CPSC agree that all low-speed electric bicycles are more appropriately regulated as consumer products by the CPSC. If NHTSA were to establish a standard for electric bikes, the rules could force manufacturers to meet safety regulations intended for motorcycles and similar kinds of vehicles such as requiring brake lights, automotive-grade headlights or turn signals.

Requiring these unnecessary features on an electric bike would add hundreds of dollars to the retail price of an electric bike, and this would certainly discourage their use.

This bill fixes that problem by giving jurisdiction over electric bikes to the Consumer Product Safety Commission, where it belongs. Here they can be regulated like the consumer products that they are.

Madam Speaker, I know about electric bikes. Some are manufactured in my district, and bike-friendly Santa Barbara and San Luis Obispo Counties have many electric-bike users already.

I hope this bill will encourage most of our citizens to use these innovative and environmentally friendly vehicles. This is certainly common sense legislation and I urge my colleagues to support it.

Mr. BLUMENAUER. Madam Speaker, I rise today in support of H.R. 727, a bill that provides for Consumer Product Safety Commission regulation of electric bikes.

I have dedicated my service in Congress to the promotion of livable communities, communities that are safe, healthy, and economically secure.

Transportation choices are a critical part of a livable community.

As a chair of the Bi-Partisan Bicycle Caucus, we recognize that electric bikes are important to that goal in that they provide an energy efficient transportation alternative.

Any bicycle can be easily converted to an electric bike.

They can be an effective tool in the fight against traffic congestion, parking shortages, noise and air pollution, problems we see increasing in urban areas across the country.

At a time when our country is struggling with energy shortages, electric bikes are not only energy-efficient, they reduce the consumption of gasoline.

Currently, electric bikes are subjected to the same standards as motor vehicles and must comply with all of the same safety standards as motor vehicles.

This level of regulatory burden is unnecessary and has a dampening effect on the availability of these bicycles.

Regulation under the Consumer Products Safety Commission ensures that bicycles continue to meet rigorous safety standards while increasing their availability to consumers.

I am proud to be a co-sponsor of this bill and encourage my colleagues to vote in favor of this legislation.

Mr. MOORE. Madam Speaker, I rise today in support of H.R. 727. This legislation, which the House unanimously passed last October (H.R. 2592) but which the Senate neglected to consider, will transfer regulatory responsibility for low-speed electric bicycles from the National Highway Traffic Safety Administration (NHTSA) to the Consumer Product Safety Commission (CPSC), where they would be treated as consumer products. During the 106th Congress, a representative from the NHTSA testified to Congress that if the agency strictly applied its motor vehicle safety regulations to electric bicycles, such bikes would have to include a number of costly safety features—including headlights, brake lights, turn signals, rearview mirrors and license plates—even if the bikes are used in the same manner as human-powered bicycles.

Madam Speaker, I urge my colleagues to support this common-sense measure that will enhance the role of the CPSC. The Commission needs to be granted the authority, when appropriate, to protect consumers and ensure public safety. Along these lines, I have introduced the Children's Gasoline Burn Prevention Act (H.R. 688), which will enable the CPSC to require child-proof caps for gasoline containers.

Under current law, the CPSC lacks the authority to promulgate such regulations, due to the definition of "package" in the Poison Prevention Packaging Act. Under that statute, in order for the CPSC to require a child-proof cap, the package must contain a hazardous substance at the time of initial sale; therefore, the CPSC does not have authority to require safety caps for new, empty gas containers. This problem came to my attention due to an incident in Leavenworth, Kansas, in which a four year old boy lost his life and his three year old brother was permanently scarred after they opened and spilled a gas can and the gasoline vapors ignited a nearby hot water heater.

This legislation has been endorsed by the American Society of Testing and Materials' Task Group of Standards for Flammable Liquid Containers, which has been considering establishment of a voluntary standard in this area, working in concert with the CPSC.

Enactment of this simple, common-sense measure will save the lives of countless young children, and help to put their parents' minds at ease with regard to gasoline cans stored in garages, basements and back porches.

Madam Speaker, I urge my colleagues to support H.R. 727 and the Children's Gasoline Burn Prevention Act. The Consumer Product Safety Commission must be allowed to adequately protect consumers and ensure public safety.

Mr. BERMAN. Madam Speaker, I rise in strong support of H.R. 727, legislation that gives the Consumer Product Safety Commission authority to regulate low-speed electric bicycles. This common-sense bill had its genesis in a meeting I had several years ago with Dr. Malcolm Currie, president of a company in my district called Currie Technologies. Dr. Currie made a convincing case that National Highway Traffic Safety Administration regulations—which place electric bikes in the same category as mopeds—were restraining the growth of the electric bike industry. He argued that NHTSA should apply a unique set of safety requirements to electric bikes, given the modest speed at which they operate. NHTSA agreed in principle, but had little flexibility to make such a distinction in the context of their regulations. After a number of discussions with NHTSA, the Consumer Product Safety Commission, Representative LOIS CAPPS, Dr. Currie and other representatives of the electric bicycle industry, it became apparent that the best way to deal with this problem was to transfer regulatory jurisdiction from NHTSA to the CPSC, which already regulates regular human-powered bicycles. H.R. 727 would provide for that transfer of regulatory authority. I commend Mr. STEARNS for introducing this bill and I urge my colleagues to support it.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 727.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1430

2001 TRADE POLICY AGENDA AND 2000 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-48)

The SPEAKER pro tempore (Mrs. EMERSON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2001 Trade Policy Agenda and 2000 Annual Report on the Trade Agreements Program.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 6, 2001.*

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 6, 2001.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 724, by the yeas and nays;

H.R. 727, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AUTHORIZING APPROPRIATIONS TO CARRY OUT PART B OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT RELATING TO STRATEGIC PETROLEUM RESERVE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 724.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and pass the bill, H.R. 724, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 2, not voting 30, as follows:

[Roll No. 26]

YEAS—400

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Royce

NOT VOTING—30

Ackerman
Baldacci
Becerra
Brady (TX)
Diaz-Balart
Green (WI)
Hilleary
Hoeffel
Houghton
Hyde
Jones (NC)
Kennedy (RI)
Kingston
Lewis (CA)
Lipinski
Maloney (CT)
Moakley
Radanovich
Roukema
Sanders
Scott
Shays
Shows
Slaughter
Stupak
Sununu
Sweeney
Taylor (NC)
Walsh
Wamp

□ 1828

Mr. ROYCE changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AMENDING CONSUMER PRODUCT SAFETY ACT TO PROVIDE THAT LOW-SPEED ELECTRIC BICYCLES ARE CONSUMER PRODUCTS SUBJECT TO SUCH ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 727.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 727, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 30, as follows:

[Roll No. 27]

YEAS—401

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—30

Ackerman
Baldacci
Becerra
Bonior
Diaz-Balart
English
Hilleary
Hoeffel
Houghton
Hyde
Jones (NC)
Kennedy (RI)
Kingston
Lewis (CA)
Lipinski
Maloney (CT)
Moakley
Moore
Roukema
Sanders
Scott
Shays
Shows
Slaughter
Stupak
Sununu
Sweeney
Taylor (NC)
Walsh
Wamp

□ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes 26 and 27. Had I been present, I would have voted "yea" on both votes.

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LINDER. Mr. Speaker, I offer a resolution (H. Res. 76) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. SHIMKUS). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 76

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Portman, Mr. Hastings of Washington, Mr. Hutchinson and Mrs. Biggert.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 77) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 77

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Sabo of Minnesota, Mr. Pastor of Arizona, Ms. Lofgren of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–8) on the resolution (H. Res. 78) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 6, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO ERGONOMICS

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–9) on the resolution (H. Res. 79) providing for consideration of the Senate joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO SERVICE MEMBERS LOST IN PLANE CRASH OF SATURDAY, MARCH 3, 2001

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to three members of Detachment 1, First Battalion, 171st Aviation Unit, Florida Army National Guard: Chief Warrant Officer John Duce; Chief Warrant Officer Eric Larson; Staff Sergeant Robert Ward, Jr. and to 18 members of the Virginia Air National Guard's 203rd Red Horse Flight who were lost in a tragic airplane crash on Saturday, March 3. The 171st Aviation is based at the Florida Air National Guard base at Lakeland-Linder Regional Airport in my district, and Staff Sergeant Ward and his family are constituents of mine. I am sure I speak for all in this Chamber when I say that we join these 21 families in grieving for the loss of their loved ones.

As members of the National Guard, Chief Warrant Officer Duce, Chief Warrant Officer Larson and Staff Sergeant Ward were citizen-soldiers and part of a great American military tradition that began at Lexington and Concord and continues to be a central part of our Armed Forces. They were not deployed on a distant shore. They were not facing a foreign foe. But they were still defending our freedoms, our families and our homes. We must never forget what risks our defenders assume each and every day.

For their service to our country, we honor the sacrifice of Chief Warrant Officer John Duce, Chief Warrant Officer Eric Larson, Staff Sergeant Robert Ward, Jr., and the 18 members of the 203rd Red Horse Flight who were lost last Saturday, and we offer such comfort as we may to their families. May God bless them and may God bless the great Nation they served.

INTRODUCTION OF MEDICAID SAFETY NET HOSPITAL PRESERVATION ACT OF 2001

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, I am pleased to announce that the gentlewoman from Colorado (Ms. DEGETTE) and I have introduced the Medicaid Safety Net Hospital Preservation Act of 2001. The Medicaid disproportionate share program provides funding for hospital uncompensated care. Payments are made through the Medicaid program and the costs are financed with a combination of Federal and State dollars. The amount of money that any State can spend on indigent care through the Medicaid DSH program is limited by the caps imposed by the Federal Government.

The 1997 Balanced Budget Act affected hospitals to a far greater degree than was ever anticipated by Congress. Rural hospitals have been hardest hit and are struggling to remain financially solvent. In the closing days of the 106th Congress, we passed the Beneficiary Improvement and Protection Act which stopped further reductions in Medicaid DSH spending in fiscal year 2001 and fiscal year 2002. Even though we froze further cuts in those years, the law reinstates the full Balanced Budget Act reduction for most States in fiscal year 2003. Last year's legislation secured only a temporary reprieve.

Therefore, the act that we have introduced will eliminate any further reductions in the program for fiscal year 2003.

☐ 1845

TRIBUTE TO LEO FRIGO

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, briefly I wish to talk tonight about a friend of mine by the name of Leo Frigo who died tragically 1 month ago.

It is impossible to sum up his life and his contributions in a minute. The people of Northeastern Wisconsin know that he founded Paul's Pantry in 1983 after retiring as the President of Frigo Cheese. From its humble beginnings, this food kitchen now distributes over 300,000 pounds of unsalable food to the poor each and every month. The food comes from area stores and restaurants.

When Leo began his operation, he would approach restaurants and stores asking for their unsalable food. They denied him. They thought he was crazy. So he began raiding their Dumpsters until they were so embarrassed they had to listen to him.

Leo Frigo, when he retired from Frigo Cheese, could have enjoyed the easy life. He could have rested on his laurels and his good fortune. Instead he chose to be a true compassionate conservative and to serve his fellow man. I will miss him as a friend and all of us will miss him as a great and wonderful leader.

TRIBUTE TO THE 182 WHO STAYED AND FOUGHT ON MARCH 6, 1836

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, I rise tonight very briefly to pay tribute to the memory and spirit of 182 brave Americans and Tejanos who, on this date March 6, 1836 at sunrise this morning, the garrison of the Alamo fell in Texas and but for the sacrifice of those 182 brave citizens of Texas and Mexico who decided to stay and fight the army of a dictator, many of the liberties that we enjoy today might not be present. Much of the Western United States might not be a part of the United States today.

Mr. Speaker, I just want to say here how much we in Texas and I as a Member of Congress appreciate the sacrifice of those 182 brave Americans and Tejanos who chose to stay and fight at the Alamo, and I just want to say God bless each and every one of them and God bless this great Nation.

CONGRESS AND ADMINISTRATION FAIL TO SPEAK OUT REGARDING CHRISTIAN PERSECUTION IN SUDAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, in Sudan 2.2 million people have died, mainly Christians, who have been persecuted by the north. There is slavery in Sudan today in the year 2001.

Now the oil companies are going into the Sudan, some traded on the New York Stock Exchange. An article in World Magazine by Mindy Belz says the following:

"China's petroleum firm reportedly purchased a high tech radar system for the government last year. It was installed last summer, and since then government bombing raids against southern targets, mostly churches and humanitarian relief operations, have increased. The U.N. private humanitarian agencies, local churches and village leaders have confirmed the 152 air attacks."

Oil money listed on the New York Stock Exchange buying radar so they can kill Christians, and this Congress and this administration is not speaking out?

[From the World Magazine, Mar. 10, 2001]

BLOOD FOR OIL

(By Mindy Belz)

Divisions among Sudan's Islamic factions could weaken the regime, but, in the meantime, oil companies are strengthening President Omar el-Bashir's ability to wage war.

Overseas oil consortiums began pumping oil from south-central Sudan in 1999. Farther east, they rapidly explored another oil region and expect to begin yielding oil exports soon. The new trade brings in over $400 million in revenue for Khartoum, more than enough to finance the war it has waged against south Sudan for nearly 18 years. Experts say one of the reasons that war has been so protracted is that the government has not had enough resources to do battle competently—until now.

Overseas companies currently operate in three oil concessions, all falling in contested areas of southern Sudan. The Khartoum government has said it will lease two more this year. China's state-owned oil business, Chinese National Petroleum Company (CNPC), and the private Canadian firm, Calgary-based Talisman Energy, Inc., are the largest participants in Sudan's fledgling oil trade. They expect south Sudan's oilfields to double their daily output for export—currently at 85,000 barrels—by 2005. During that time Sudan likely will build another oil pipeline, probably east to Ethiopia and through territory currently held by rebels.

Smaller European oil companies, along with Malaysia's Petronas, also have oil operations in south and southwest Sudan. Last month Sudan signed a memorandum of understanding with Russia, opening its way to exporting oil via the Red Sea.

You don't have to tell Americans—at least those who remember gas-ration lines—that oil politics come only in high-test. With Sudan it is no different. The companies already on the ground have made big investments to break in, and they want to protect their holdings. So China's petroleum firm reportedly purchased a high-tech radar system for the government last year. It was installed last summer, and since then government bombing raids against southern targets (mostly churches and humanitarian relief operations) have increased—the UN, private humanitarian agencies, local churches, and village leaders have confirmed 152 air attacks last year. Talisman Energy opened to government forces an airstrip that it built near its oil concession. To compensate, Talisman posts a special page on its website for "Sudan Operating Principles," including information about its efforts to enact a "code of ethics" for operating in a war zone.

Meanwhile, the UN reports that this year nearly 40,000 people have been displaced from these oil regions. "The oil-rich area of Sudan has seen a great deal of population displacement and in fact is currently one of the most insecure areas in Sudan," said Nicholas Siwingwa, deputy country director of the UN's World Food Program. He said nearly a third of those forced out of the area are malnourished. Most have lost their homes and holdings permanently because they were burned to the ground by government forces.

The report was a concession to private humanitarian groups. U.S. Committee for Refugees director Roger Winter had earlier challenged the UN agency to "make clear that ethnic cleansing linked to oil development in southern Sudan is causing massive civilian displacement." But Mr. Siwingwa would only acknowledge that it was "possible" oil development was contributing to the further horrors of war.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE DEVIL IS OFTENTIMES IN THE DETAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, last week I sat in the Chambers, along with all of the rest of us, and listened to a great speech. As a matter of fact, as the President outlined his plans for the coming 4 years, talked about his budget for the next year, there was a great deal of applause. I applauded, along with everybody else; perhaps not as much as some and perhaps more than others. All the while I was applauding, I was being reminded of something that my mother used to tell us, and that is the devil is oftentimes in the details. I knew that we were not getting very many details and I did not know that we would find the devil.

Then after I left and went home and started to read the speech and then the next day when the budget was released, I started looking at the things that the President did not tell us. President Bush did not tell us that 42.6 percent of his tax cut proposal would benefit the top 1 percent of our population or that 59.4 percent would benefit the top 10 percent and only 12.6 percent would go to the lowest 60 percent of the taxpayers.

It seems to me that this leaves a lot of children and families behind. As a matter of fact, it leaves them out altogether. If the $25,000 a year waitress that President Bush talked about has two children and child-care expenses of $200 a month, she does not pay any Federal income tax; therefore, would get nothing from the Bush proposal. Yet she has to continue to pay her payroll taxes like everybody else.

The budget that the President has released raised some other issues and concerns for me. This budget raises a number of policy issues because it is based on a $2 trillion surplus projection for the next 10 years, which leaves no money to address future needs for prescription drug benefits, establishing Social Security and Medicare reforms, improving the education of our children and continuation of reducing the national debt.

The President's tax cut proposals would provide no benefit to nearly one out of every three families. Then as I started to look at the budget, and I looked at the small business budget which fuels the economy, over the last decade we have experienced a tremendous growth, unprecedented in our history, and yet the President announced a budget that cuts the Small Business Administration's budget from $900 million to $540 million. This represents a 43 percent cut.

The Bush plan also imposes $12 million in new fees on small businesses that use small business development centers, which provide management and technical assistance to current and prospective small business owners.

We talked a great deal about new markets and venture capital. The President's budget proposes no funding for these programs. The 7A General Business Loan Program, the President's budget cuts it by $4.3 billion.

After looking at all of these cuts that I did not hear about when the speech was given, or when we knew that a budget was coming, now I know that the budget is risky; it is unfair to working families.

So, Mr. Speaker, I am afraid that the more we look at the details, the more we are going to find the devil. I would just hope that the budget will end up not a devilish budget but a budget that really reflects the needs, hopes and aspirations of all the American people.

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, the Committee on Financial Services reports that it adopted the following rules for the 107th Congress on February 14, 2001, and submits such rules for publication in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

RULE 1. GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETINGS

Calling of meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3. MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chairman or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except asprovided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each Member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special procedures

(f)(1)(A) Commemorative medals and coins.—It shall not be in order for the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee in the case of a commemorative coin.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed byothers in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) Testimony of certain officials.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

RULE 4. PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

RULE 5. SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be 6 subcommittees of the Committee as follows:

(A) Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) secondary market organizations for home mortgages including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) the Office of Federal Housing Enterprise Oversight;

(vi) the Federal Home Loan Banks; and

(vii) insurance generally.

(B) Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth.—The jurisdiction of the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and

(vi) development of new or alternative forms of currency.

(C) Subcommittee on Financial Institutions and Consumer Credit.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of the Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal, aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) Subcommittee on Housing and Community Opportunity.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) Subcommittee on International Monetary Policy and Trade.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States;

(F) Subcommittee on Oversight and Investigations.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c)(1) Members shall be elected to each subcommittee, and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Commercial Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6. STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all Members of the Committee.

Subcommittee staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority Member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7. BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority Member, shall designate an amount to be under the direction of the ranking minority Member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority Members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8. COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

TRIBUTE TO JOHN RUIZ, FIRST HISPANIC HEAVYWEIGHT CHAMPION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, it is with great pride that I rise to salute John Ruiz, who with his victory this past weekend became the first Hispanic heavyweight boxing champion of the world.

The victory will be an inspiration to all Hispanic youth, indeed to all Americans, that if you work hard, that if you have tenacity and if you have persistence and the vision, there is nothing that you cannot achieve.

That is the American dream, the hope that some day greatness will rise up in all of us.

In the past several decades, several notable Hispanics have fought for the world heavyweight champion title and despite their valor have not achieved it.

John's win has a special personal significance. The fight this weekend meant a lot to me and many individuals across America. As a former baseball player both in high school and semi-pro and major league softball and a golfer, I recognize the special labor of our athletes and the inspiration that athletics can play in our lives and particularly to minority youth.

Athletics can be a motivational factor, something that gives us a sense of identity, something to work for. Athletics ultimately caused me to finish school, serve my country in the military, go to college, become a community college trustee member, an assembly member, a State Senator and a Member of Congress. It is not always easy, but I had role models. And I am pleased that John is a role model for today's youth. I would hope that Hispanic youth, indeed all of the youth of America, look at the achievement of John Ruiz and see that they can reach ultimately great heights. Whether it is in athletics, academics or in the world of business, science, public service or arts, America's youth need to know that we believe in them and that they should believe in themselves because God gave us all that talent.

In the short run, there is nothing so sweet as a victory and nothing so stinging as defeat, but what is ultimately important is good sportsmanship, good conduct, playing a worthy game and facing a worthy adversary and living to fight another day.

In that sense, both John Ruiz and Holyfield are to be saluted and honored, for they fought with their heart, they fought for their souls and they gave America a very exciting match, one that demonstrated athletic artistry and great courage under fire. They should raise their hands together in a clasp of goodwill, knowing that they have fought the good fight, the noble fight. Their bruises will heal but they will always share a brotherhood of having met in the ring where champions are made and courage is tested.

I am sure that John's community where he got his start in boxing is very proud of his achievement. John's hometown is Chelsea, one of the largest Hispanic populations in greater Boston. It is a mecca for most of all-time boxing greats.

I also would like to salute John's family, his wife Sahara and their children, John and Jocelyn, and this achievements. I say, congratulations. God bless you.

CHILDREN AND THEIR EDUCATIONAL OPPORTUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, tonight I want to spend some time talking about an issue that is very important to me and to the Members of this Congress, I trust. I have a number of my colleagues joining me this evening to talk about a group of young people who need champions and a group who, because of their age, not because of their ability, are not allowed to serve in this body so we have to be their spokesman and their advocate.

Tonight I want to talk about our children and their educational opportunities. I had the privilege of serving for 8 years as the State superintendent of schools for North Carolina and work with some wonderful people who deeply care about the education of our children. Just yesterday, I was in Eastern Wake County working with some tremendous people there, a lady by the name of Linda Johnson, who had previously been a teacher and school board member, who had pulled together three communities really to work together with children in a program they called Lights on for Education. They have taken on the monumental challenge in Eastern Wake County.

What they are about is by 2003 they have committed to have 95 percent of their children in grades three through eight reading at or above grade level by 2003.

□ 1900

That is a monumental task, because reading is the key skill of all of the trainings we need to have in education. But for these people to come together, and what was so significant about that, and I want to share it just briefly before I ask my colleagues to join me, is that we have to understand that in North Carolina education is a State responsibility, augmented by about 7 percent Federal money and maybe about 20 to 25 percent local money, that is, local money from the counties.

But in this situation, we had three mayors, Bob Matheny who is the mayor of Zebulon; Lucius Jones, who is the mayor of Wendell; and the Knightdale mayor, Joe Bryan, and we were joined by the superintendent of schools for the county, Bill McNeil. It is unusual for three mayors to come together to work on educational issues. Some people would say it is unusual to get three mayors to come together, as difficult as it is to get three Congressmen together; but they were willing not only to put their political prestige on the line to help children, they were willing to reach out into the community, get the business people together, and we had a substantial number of the business community working, Glaxco, Smith Kline hosted it on their campus; and we were able to light a tree that will burn uninterrupted, we trust, barring any natural interruptions of it, until 2003 when they have reached their goal. I think that is what we need in every community.

But one thing I think is significant that I want my colleagues to know about tonight, and that is so many times we say, we really need local initiative, we need the local folks to take charge and do it; and that is true. But if the people from eastern Wade County were here tonight, they would say to us, that job would have been very difficult, if not near impossible, had it not been for Federal money coming down that was appropriated by this Congress last year, several million dollars that are going to be used as the glue to pull all of this together over the next 3 years to make a difference. It does take money, folks. Certainly it takes effort, certainly it takes commitment, but it is our responsibility to provide the leadership, and some places cannot do it on their own.

I believe that we have a responsibility to be frugal. I was in business for 20 years before I was State superintendent, and I can tell my colleagues that it takes resources, I would like to remind my colleagues from time to time. We won the Cold War, and we did not win the Cold War on the cheap. We spent a lot of money. We spend a lot of money on education; it is going to take more. We have over 53 million children this year in the public schools in this country, and that number is continuing to grow.

My State is not unlike any other State. We have spent money building buildings, but we have great needs. I will talk about that more in a few minutes. Even though we passed substantial bond issues, we are the fourth fastest-growing State in America right now. Even though we are only the 10th largest, we will be the fourth fastest-growing for students entering high school over the next 10 years. So we can see the challenge we face. We need money for infrastructure. I am going to talk about that more.

Now, I would like to yield to a real strong leader on public education, a person who came to this Congress 2 years ago and at that point provided tremendous leadership in the area of science. He is a scientist himself, he understands education, he understands the commitment that all of us have to make to help, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), who knows firsthand about what it takes to have excellent schools for our children. And he has talked about reading, and over the past couple of years he has talked at great length and with great effectiveness about the need for good facilities.

I would like to talk for just a couple of minutes about another aspect of our public education, education in math and science. It is important for our economics, for our national security, really for our democracy, but also I would argue for personal well-being, because math and science bring order and harmony and balance to our lives. It is through math and science that children understand that our world is intelligible. It is not capricious. It gives them the skills for lifelong learning, really for creating progress itself.

Now, from evidence of all sorts that is available to us now, it is clear that we are not providing the quality education in math and science that we should to our children; and I think my friend, the gentleman from North Carolina (Mr. ETHERIDGE) knows that very well.

I am proud to have served for the past year on the National Commission on Mathematics and Science teaching chaired by former Senator, former astronaut John Glenn, including leaders from business, industry, education, and professional organizations. The Glenn Commission, as it has come to be known, released its report a few months ago; and it identifies teaching as the key for dealing with the problems that this country faces in math and science education. The teachers are the key. The commission calls for major changes throughout the teaching profession and within scientific professions and in the institutions that produce our teachers. Our country must devote attention to the quantity and the quality and the professional environment of our teachers in math and science.

I cannot emphasize too strongly that in the next 10 years, we will have to hire in the United States 2.2 million new teachers just to stay even, not for smaller class sizes, just to stay even; and most of those teachers, including all elementary schoolteachers, will be called on to teach math and science; and many will feel inadequate to teach it because of the preparation we make available to them, actually because of the way we approach science and math as subjects only for specialists, not for the general public, not for the general teacher. We must address that.

But here is an example of the important role of the Federal Government. There is a role. We cannot expect the school district of Stockton in my district or the school district of Freehold to deal with this national problem of recruiting 2.2 million teachers. This is a national problem, it deserves national attention, and it deserves national resources. And providing the training for these teachers once they are hired and the continuing atmosphere of a good professional development, that is going to require resources.

The President has talked about professional development of teachers in his early statements on education, but if we look at his sketch of the budget, we do not find it. So I think we have to step back and look at what we as a country are planning to do to help in math and science teaching and in reading and see that the resources are there. I would like to have that budget in front of us now before we do anything else to see whether we are dealing with need number one, education, and see whether the resources are there in the budget.

Mr. Speaker, I would ask my colleague if he agrees.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman would yield, that is a critical point. The point where the gentleman is talking about training, and teachers having worked with the schools and knowing, the problem we face is daunting; but we can do it if we are committed to it. First of all, not only do we need the training, we need mentors for those teachers because today, in the first 3 to 5 years, we lose over 25 to 30 percent of those teachers; they leave, because the job is so daunting and overwhelming. I stopped by a school this morning to have breakfast, a national breakfast program with our children. It was cold. I had on a topcoat. In North Carolina this morning it was very cold. The chill factor was probably about 20 degrees or less, and guess who was standing out in the cold with coats on to greet the children? The teachers. And this was at 7:30 in the morning, they had already been there for 30 minutes, because some of the children come early.

I think our colleagues need to understand that teaching is not just teaching reading, writing, and math. I went into the classroom and had breakfast with the children, kindergartners. As the teachers came in with those children, they taught them how to stay in line, they go through the breakfast line, how to carry their tray along, they go sit down at the table with them, have breakfast with them, they watch them. They are taught manners, taught how to do certain things. With kindergarten, you have to start pretty early and build.Teachers do that for 13 years, kindergarten through the 12th grade, not just those details, but a myriad of other things.

I think we need to honor our teachers more, make sure that we understand how tough their job is. We certainly do not pay them enough, so we ought to at least give them the honor they are due, and I agree with the gentleman.

Mr. HOLT. Mr. Speaker, if the gentleman would yield, I would say that we must treat teachers as the professionals they are. When I talk about a need for an environment in the schools of continual development, professional development, it means mentoring teachers; it means time in the day and in the week and in the school year for teachers to get the professional development that professionals in other fields are expected to get; and it means devoting resources to allow that to happen.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, I could not agree more. I thank the gentleman.

When we think of that, there are a lot of ways we can help, the Federal Government, the Congress. Too many times I hear people say, well, that is not Congress' responsibility. The fact is that Congress has a heavy responsibility, and we show up short time and time again.

Last year, our colleagues on the other side of the aisle talked about children with special needs. I could not agree with them more. We ought to fund the 40 percent we said we would fund and fund it now that we have the money.

Mr. Speaker, I now yield a few minutes to my colleague who is new to this Congress, but is not new to this issue, the gentleman from California (Mr. HONDA). He understands the need. If we fund that 40 percent, and he has already shared this with me many times, and I could not agree more, we could free up a lot of local money, and I yield to my colleague to talk about that.

Mr. HONDA. Mr. Speaker, I thank the gentleman. I really appreciate this discussion on education, because I believe that the President has made education one of the cornerstones of his administration for this next 4 years.

One of the things that I found as a principal is that one of our jobs is to identify youngsters who need special education and need to be assessed. But that is not an obligation of the principal nor the teacher, because we are just good guys. It is also a mandate by the Federal Government. Public Law 94–142 requires everybody in schools to be able to go out and seek youngsters who may need special education services, and the PL 94–142 also said that they would fund the cost of special ed at the level of 40 percent. Currently, in the past few years, it has not gone beyond 12, 13, 14 percent.

What that does for local school districts, and I was on a board of a local school district in San Jose, and we found that we had to struggle very, very hard to come up with the general fund moneys to supplement the funds that did not come from the Federal Government. What we find ourselves in is a bind that we have this requirement, this duty to seek out youngsters who need special education and also assess them and cover the costs and then cover the costs for the services that they would need. But we have to also use general fund monies to supplement the lack of the money that is not coming from the Federal Government. That puts the local districts into even more of a bind, because the general fund money that are allocated to special ed becomes siphoned off for services for other needs that the schools have to align the costs to.

I think that what we have found ourselves in is fulfilling a mandate without the funding. I believe that having mandates without the full funding that we were promised is a disservice not only to the school districts, but ultimately to the youngsters. This pits parents and schools against each other, because we all have this great expectation now to meet the needs of our youngsters, but not having the resources to follow through.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, having served in the State as State superintendent where you have districts with resources, other districts without resources, I would be interested in the gentleman's comments as it relates to the disparity even these youngsters find. Because even though we have an obligation to serve them, they are served in a disproportionate way, even though we are serving, for a child who lives in a school district where we have substantial resources available, they get quality because the IEP, or individual education plans, have to be written for each one of these students; and as we are writing those plans, we may have one-on-one attention. I happen to support that, because I happen to believe that these young people become committed, taxpaying, productive citizens in American society. So I think we have an obligation to do it.

However, my point is, have my colleagues seen that in their situations where some do not get the kind of attention they ought to get just because of resources?

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Mr. HONDA. Mr. Speaker, many districts who do not have the local resources to fulfill their obligation find themselves not being as great of an advocate for the youngsters. They may want to, but they do not have the resources to cover it.

There are other school districts who are well off, and they are still battling with parents and trying to minimize the identification of youngsters, because even in a well-to-do school district, it is still a drain on the general fund, but the mandate is still there. What it really does is pits parents against school districts, and that is not healthy for a public school system.

I believe that what the gentleman mentioned, having an IEP for every youngster, should be a right of every youngster before they even start school, because what an IEP does is present all the needs that a youngster has, and you can develop an educational strategy so that the parent, the teacher at the get-go knows what they have to do.

From that point, you can have great expectations. You can have accountability. You have benchmarks that we are all talking about, and we are talking about accountability. We have not had the real tools from which to judge the teaching and the youngsters. People say that developing an IEP is very expensive, but then I guess how expensive is ignorance.

Mr. ETHERIDGE. If the gentleman would yield, I think what the gentleman is talking about is absolutely right, and what the gentleman is really talking about is an investment.

Mr. HONDA. That is correct.

Mr. ETHERIDGE. It is an investment in our future, and an investment in the future of this country because the dollar investment today will return rich dividends in years to come.

One of the challenges we face not only of having the dollars to develop the plan and help teachers carrying them out and do them depending on the district, because if we funded the full 40 percent that we committed to, I cannot think of a better tax break for local systems, for local taxpayers than to make sure that every child in this country, not only special needs children but all children, have a good education. That will take more off their backs than anything else we can do from Washington this year or next year or the year after.

Mr. HONDA. If the gentleman would yield, we also found in the penal institutions and the juvenile justice systems, we found there is an inordinate amount of folks in the penal system who have special ed needs.

If we do it in the front end, we can save a lot of money in the criminal justice system, the juvenile justice system, and divert and invest our money properly and in a positive vein.

Let me just close, if I may, by saying that we still have an obligation, we created that obligation with 94-142. We created that expectation. We said to parents, when we passed that law, that your children have a right to an equitable education, even if they have special needs. We have to cover that.

If we fulfill that, our 40 percent, then that would allow the local districts to be able to function at a higher rate and more efficiently, but what concerns me this year is that the idea of creating a block grant funding for education to our States, to me that dissipates the direction of the funding that we need to specifically target to these youngsters and to the school district.

I am hoping that we will be able to persuade our colleagues and the administration that special education needs to be very clear in its funding and as its direction and its target.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from California for his comments.

Let me just add to that point when the gentleman talks about block grants, I served as a State legislator and chaired the Committee on Appropriations before I was superintendent. I happened to have been in the general assembly in the 1980s, when we had our last major tax cut and that blocked to us, and all that meant was we are going to send in money but we are going to cut it.

The truth is, in schools or other agencies, we have a responsibility to help fund. The last thing they need is to be block granted or have grants they have to deal with. You cannot hire teachers on block grants and grant funding.

The truth is when you hire a teacher or any person to work with children, you have to have enough to sustain that investment, the money has to be a continuous stream, otherwise you cannot hire people and sustain them.

The gentleman mentioned this whole issue of the penal system. It reminds me, and I just said this a number of times in my State, we have prisons that are nicer in this country than we have public schools in some places. That is wrong. It ought to end. It ought to end right now.

We have the ability in this Congress to do something about it, because we have the resources. I introduced legislation that the gentleman from California (Mr. BACA), my colleague, signed last year. We are going to introduce it again in the next week or so along with a number of our colleagues.

I have here a flier that was done last year. It says "America Has Come a Long Way Since the One-Room Schoolhouse." It is a nice-looking one room schoolhouse. The only problem is, in some cases, we have moved to this, less buildings that are not up to code, that are not what they ought to be, and a lot of times just trailers out behind the main building.

The gentleman mentioned the issue of children. I was in a meeting yesterday where someone was talking and we had a group of children in front of us, and the word these days is leave no child behind, and all of a sudden the Speaker said which one of these children do you want to leave? That is really the answer.

Talk is cheap. You have to work to get it done.

Mr. Speaker, I want to yield to the gentleman from California (Mr. BACA), my colleague, who has been a real hard worker on this issue. He has committed to making sure children have a space to learn and a good environment for his comments on this issue.

Mr. BACA. Mr. Speaker, I thank the gentleman. I want to thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), for putting education as the top priority.

Mr. Speaker, I think it is the number one area that we should probably invest in. When we talking about investment, when we talk about resources, we talk about our future, and our children are our future. But we have got to invest in education, and we are not investing enough dollars.

When we look at President Bush making his statement that no child should be left behind, well, if no child should be left behind, then that means we ought to invest in education. We look at the amount of children in publics schools, over 53 million in our public schools alone.

We look at California, over 6 million children in our public schools. If we do not invest in education, what is going to happen to our children? That means investment not only from preschools but investment in our K through 12. If we take the preventive measures, we save in the long run.

Just as it was recently discussed about the prisons, we are investing more money in building prisons and incarcerating individuals. Had we invested early in education, we would have saved the taxpayers money. We would have had productive citizens that would have gone out into our communities, worked, become taxpayers, but that meant that we invested. That means that no child was left behind. That means that in the classroom, where right now we have approximately 30 to 45 students per teacher, this is uncalled for. The ratio should be less.

As we begin to recruit, a need for more teachers, a demand for 2.3 million teachers nationwide. In California alone, we need over 25,000 teachers that we need to recruit. What does that mean? Teacher training, teacher recruitment, teacher development.

What does that mean? Our institutions have to work. With that, as we begin to recruit teachers, we need to have the infrastructures. We need to have schools that are built to accommodate. If, in fact, we want every child to learn, we must put them in an environment where they can learn.

The teacher must feel that environment, and it is very difficult when a teacher goes into the classroom and they have 30 to 35 students in a classroom, and you look at the construction buildings, you look at inadequate chalkboards, inadequate computers, inadequate faucets, leaky roofs, when you look at what is going on, we want to make sure that the atmospheres are good, that the teacher feels good, that the students feels good, and we create the kind of construction that is necessary for our children to look good, that they can look at any neighboring school and say we have schools that are built like any others. We have the technology that every other schools have.

We want parity with anyone else, because we feel that we can learn. We want to have the same dreams that every other child has, but the dream will only come to reality if, in fact, we provide the tools and the instruments.

My son is a teacher in junior high. He currently is going out and buying supplies at Colton Junior High School, Joe Baca, Jr., but yet he is also a baseball coach, and he is going out and buying all kinds of equipment, everything else, because we are not providing a lot of the resources.

They should not have to reach into their pockets. We should make sure that when we have a bond bill and it becomes very difficult in some of our communities to pass, that we do not have the kind of schools thatneed to be built. We want to make sure that every school has adequate funding, that we provide the funding not only for construction, the funding for teacher training, the funding for recruitment, the funding for accountability.

Accountability, when people talk about it, accountability is already at the local level. You have school board members that are elected. They have the responsibility at the local level to hold the accountability in how those dollars are spent. But we want to make sure that every child has access to education, that every child has an opportunity to be what they want to be.

The only way it is going to be done is if we invest more money in education, provide more money in construction, provide more money for teacher training, provide more money for teacher development, provide opportunity for our children, invest at the beginning, not in our prisons, but invest in education from the beginning. Then we are going to have a society where individuals are going to go out to be governors, Presidents, Congressmen, assemblymen, businesspersons; they will have an opportunity to fulfill those dreams.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from California. I think the gentleman reminds us if it were not for public education, most of us would not be here either.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KIND), my friend who serves on the Committee on Education and the Workforce. He has been an outspoken advocate for education and a real champion.

Mr. KIND. Mr. Speaker, I thank the gentleman from North Carolina, my friend, for yielding to me.

I saw the conversation taking place on the House floor and I wanted to join my friends and also commend my friend, the gentleman from North Carolina, the former State superintendent of the school system there, for his leadership and expertise that he has provided us in this Chamber on education issues.

I wanted to also thank the gentleman from California (Mr. BACA), my good friend, for his energy and tireless effort in promoting educational programs here in Congress during his term. But I, for one, was very, very happy during the last campaign that there was so much discussion and focus on education issues whether it was Vice President Gore or Governor Bush.

I think it elevated the sense of urgency that many of us feel in regards to our education investments as a Nation, but I just wanted to add during this conversation tonight a very important piece of the puzzle as we move forward on reauthorizing the elementary and secondary education bill in the Committee on Education and the Workforce this year, and that is virtually every school district throughout the Nation is facing a common challenge, and that is the rising costs of providing a quality education to students with special needs, special education costs.

We have a bill at the Federal level called Individuals With Disabilities Education Act, IDEA, and when it was passed back in the 1970s, there was a commitment on the Federal level that we would at least provide 40 percent of the expenses to local school districts of educating these children with special needs.

We have not done a very good job of living up to that obligation, that responsibility at the Federal level. I am sure every Representative in this House could go home and find stories that they can share with us in regards to the rising costs of special education. Let us face it, with the advancement of medical technology and health care today, we are putting our children on a collision course with school funding at the local level, because many of the kids now who normally would not have survived and lived to join the public education system are doing so, and with that brings added costs and expense.

If we can get one thing right during this education debate this year, it is fully funding IDEA, providing the 40 percent cost share back to local school districts, so they have more flexibility, more resources in order to educate these children, but also to do and implement the type of reforms that we are demanding of them, to improve student performance in the classroom.

This is more than just good policy, this is a civil rights issue. These children deserve to have access to a quality education, like any other child in this country. So we have a special obligation, I feel, in this session of Congress to try to get to that 40 percent level.

Even though we had a 27 percent increase last year in the last budget in regards to IDEA funding, it still only puts us at roughly 14 percent or 15 percent of the 40 percent level where we really should be. It would require an additional $11 billion or so to get the full funding this year, but it is a question of budgetary priorities, where we feel investments need to be made as a Nation. I could not think of any better place to start than with our children in the education system, helping local school districts, increasing their flexibility by providing them these resources that the Federal Government has promised throughout the years but has failed to deliver upon.

Hopefully we will be able to get that aspect of education done in a bipartisan fashion during this year in Congress. The litmus test, quite frankly, will be the administration's first budget request that they are going to send out and where they place special education funding on their list of priorities, from there, then, hopefully, we will be able to establish the broad-based political coalition that I know exists in the House based on previous debates and votes that we have had in order to get this piece of the puzzle done for education.

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Mr. ETHERIDGE. Mr. Speaker, the gentleman from Wisconsin is correct. We have the resources to do it this year. There is no reason that we cannot start down that road and make it happen. If we really want to have a better world, it has been said if you want a better world, you share it with a child and they will build it. We have that opportunity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SCOTT (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family obligations.

Mr. WAMP (at the request of Mr. ARMEY) for today on account of canceled airline flights.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. TOM DAVIS of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, March 7 and 8.

Mrs. BIGGERT, for 5 minutes, March 7.

Mr. KELLER, for 5 minutes, March 7.

Mr. OXLEY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 7.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on March 1, 2001 he presented to the President of the United States, for his approval, the following bill:

H.R. 559. To designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse."

ADJOURNMENT

Mr. ETHERIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1104. A letter from the Assistant Secretary of Defense, Force Management Policy, Department of Defense, transmitting a notification to close six Department of Defense commissary stores; to the Committee on Armed Services.

1105. A letter from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting an interim response regarding the annual commercial activities report, required by section 2461(g) of title 10, United States Code describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during the preceding fiscal year; to the Committee on Armed Services.

1106. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL-6768-2] (RIN: 2060-AH47) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1107. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues [CS Docket No. 00-96] Retransmission Consent Issues [CS Docket No. 99-363] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1108. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the state of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1109. A letter from the Acting Director, Office of Personnel Management, transmitting a report on the actions needed to correct the Consumer Price Index error in the Civil Service Retirement System and the Federal Employees Retirement System; to the Committee on Government Reform.

1110. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the California Red-legged Frog (RIN: 1018-AG32) received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1111. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 991008273-0070-02; I.D. 021601C] received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1112. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 010112013-1013-01; I.D. 021601A] received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1113. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 010112013-1013-01; I.D. 022201A] received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1114. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN) [Docket No. 001214350-0350-01, I.D. 112700B] (RIN: 0648-Z098) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1115. A letter from the Deputy General Counsel, FBI, Department of Justice, transmitting the Department's final rule—National Instant Criminal Background Check System Regulation; Delay of Effective Date [AG Order No. 2403-2001; FBI 105F] (RIN: 1110-AA02) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1116. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority in Part 170 [T.D. ATF-439] (RIN: 1512-AC23) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1117. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority in 27 CFR Part 30 [T.D. ATF-438] (RIN: 1512-AC16) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1118. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Fair Play Viticultural Area (2000R-170P) [T.D. ATF-440 Re: Notice No. 900] (RIN: 1512-AA07) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1119. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Realignment of the Boundary of the Walla Walla Valley Viticultural Area and the Eastern Boundary of the Columbia Valley Viticultural Area (99R-141P) [T.D. ATF-441; RE: Notice No. 898] (RIN: 1512-AA07) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1120. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on recent actions taken in response to requests from the Governments of Italy and Nicaragua; to the Committee on Ways and Means.

1121. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 2001-14] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1122. A letter from the Acting Commissioner, Social Security Administration, transmitting a report on the Consumer Price Index Error; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 724. A bill to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve (Rept. 107–6). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates; with an amendment (Rept. 107–7). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 78. Resolution providing for the consideration of motions to suspend the rules (Rept. 107–8). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 79. Resolution providing for consideration of the joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics (Rept. 107–9). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. House Concurrent Resolution 31. Resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day (Rept. 107–10). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 624. A bill to amend the Public Health Service Act to promote organ donation (Rept. 107–11). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 860. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 861. A bill to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. FILNER, Mr. REYES, Ms. BROWN of Florida, Mr. RODRIGUEZ, Mr. SHOWS, Mr. BONIOR, Mr. CONDIT, Mr. CRAMER, Mr. EDWARDS, Mr. FRANK, Mr. FROST, Mr. KLECZKA, Ms. MCKINNEY, Mr. MASCARA, Mrs. MEEK of Florida, Mr. PASCRELL, Ms. SCHAKOWSKY, Ms. BALDWIN, and Mr. BRADY of Pennsylvania):

H.R. 862. A bill to amend title 38, United States Code, to add Diabetes Mellitus (Type 2) to the list of diseases presumed to be service-connected for veterans exposed to certain herbicide agents; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BARR of Georgia, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. MEEHAN, and Mr. WEINER):

H.R. 863. A bill to provide grants to ensure increased accountability for juvenile offenders; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 864. A bill to restore the separation of powers between the Congress and the President; to the Committee on the Judiciary.

By Mr. BARRETT (for himself, Mr. GUTIERREZ, Mr. FRANK, Mrs. JONES of Ohio, Ms. BALDWIN, Ms. MCKINNEY, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. CAPUANO, Mr. BONIOR, Mr. BLAGOJEVICH, Mr. ACEVEDO-VILA, Mr. FILNER, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mrs. MEEK of Florida, Mr. ENGEL, Mr. MCDERMOTT, Mr. TOWNS, Mr. RUSH, and Ms. NORTON):

H.R. 865. A bill to enhance the availability of capital and credit for all citizens and communities, to ensure that community reinvestment keeps pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 866. A bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Reform.

By Mr. BILIRAKIS (for himself and Ms. HART):

H.R. 867. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself, Ms. BERKLEY, Mr. PAUL, Mr. SCHAFFER, Mr. DEMINT, Mr. VITTER, Mr. SESSIONS, Mr. MCHUGH, Mr. SAXTON, Mrs. MYRICK, Mr. GOODE, Mr. MILLER of Florida, Mr. PITTS, Mr. HILLEARY, Mr. CRAMER, Mr. ISTOOK, Mr. HILLIARD, Mr. SOUDER, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. SHAW, Mr. TIAHRT, Mr. STENHOLM, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mrs. KELLY, Mr. FLETCHER, Mr. MCGOVERN, Mr. GORDON, Mr. BAKER, Mr. SHOWS, Mr. GOODLATTE, Mr. CUNNINGHAM, Mr. SIMMONS, Mr. NEY, Mr. REYNOLDS, Mr. CAPUANO, Mr. RYUN of Kansas, Mr. TIBERI, Mr. FOLEY, and Mr. SHADEGG):

H.R. 868. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary does not target inadvertent billing errors; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 869. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself, Mr. ANDREWS, Mr. FRANK, Mr. BOUCHER, Mr. FILNER, Mr. KIND, Ms. NORTON, Mr. CRAMER, Mr. GORDON, Mr. SANDLIN, and Mr. DUNCAN):

H.R. 870. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendment of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 871. A bill to amend the Internal Revenue Code of 1986 to phaseout the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 872. A bill to amend the Internal Revenue Code of 1986 to provide individual and corporate income tax rate reductions; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 873. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 874. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions and to repeal the phaseouts of the deduction for personal exemptions and of itemized deductions; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. WALSH, Mrs. MORELLA, and Mr. GUTIERREZ):

H.R. 875. A bill to declare as citizens of the United States certain women who lost citizenship solely by reason of marriage to an alien prior to September 22, 1922; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. WELLER, Mr. MATSUI, Mrs. THURMAN, Mr. WATKINS, Mr. PORTMAN, Mr. RAMSTAD, and Mr. MCCRERY):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Ms. VELÁZQUEZ, Mr. MANZULLO, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LATHAM, Mr. ISAKSON, Mr. MOORE, Mr. TOWNS, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. SAXTON, Mr. GREENWOOD, Ms. HART, Mr. WYNN, Mr. PENCE, Mrs. JONES of Ohio, Mr. ARMEY, Mr. BOEHLERT, Mr. CLEMENT, Mr. HALL of Ohio, Mrs. CHRISTENSEN, Mr. RUSH, Mr. HASTINGS of Washington, Mr. EHLERS, Mr. HEFLEY, Mrs. NORTHUP, and Mr. GARY MILLER of California):

H.R. 877. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for damage awards for emotional distress; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. EVANS, Mr. DINGELL, Mr. MCDERMOTT, Mr. SANDERS, Mrs. KELLY, Mrs. MCCARTHY of New York, Mr. OLVER, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. COSTELLO, Mr. PAUL, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas):

H.R. 879. A bill to restore veterans tobacco-related illness benefits as in effect before the enactment of the Transportation Equity Act for the 21st Century; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 880. A bill to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 881. A bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness; to the Committee on Education and the Workforce.

By Mr. ISAKSON:

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to provide economic relief to farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 883. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 884. A bill to amend the Internal Revenue Code of 1986 to permit advanced refunding of private activity bonds with governmental bonds under certain limited circumstances; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 885. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain scholarships related to health professions; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 886. A bill to amend the Internal Revenue Code of 1986 to exclude umemployment compensation from gross income; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. OBERSTAR, Mrs. MALONEY of New York, Mr. BASS, Mr. BENTSEN, Mr. HILLIARD, Mr. FROST, Mr. BALDACCI, Mr. MCNULTY, Mr. DOYLE, Mr. COOKSEY, Mr. MOAKLEY, Ms. NORTON, Mr. UDALL of New Mexico, Mr. BRADY of Pennsylvania, Mr. WHITFIELD, Mr. ENGLISH, Ms. MCCARTHY of Missouri, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Ms. DELAURO, Mr. GILMAN, Ms. BERKLEY, Mr. KLECZKA, Mr. LANTOS, Mr. WALSH, Mr. MCINTYRE, Mr. PAYNE, Mr. BONIOR, Mr. EVANS, Mr. CUMMINGS, Mr. CAPUANO, Ms. MCCOLLUM, Mr. WEINER, Mr. BARRETT, Mrs. THURMAN, Mr. KUCINICH, Mrs. MORELLA, Mr. MCGOVERN, Ms. SLAUGHTER, Ms. CARSON of Indiana, Mr. BACA, and Mr. NADLER):

H.R. 887. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights Act of 1998; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. WELLER, Mr. FRANK, Mr. QUINN, Mr. SABO, Mrs. BIGGERT, and Ms. LEE):

H.R. 888. A bill to amend the McKinney-Vento Homeless Assistance Act to provide for renewals of grants for permanent housing under the supportive housing program and for shelter plus care assistance to be funded through section 8 rental assistance amounts made available under the Housing Certificate Fund of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. LANTOS:

H.R. 889. A bill to require that, as a condition of receiving salary, each United Statesdistrict judge must certify that certain cases before the judge have not been pending and undetermined for more than 90 days after being submitted for decision; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 890. A bill to amend title 38, United States Code, to exempt amounts owed for prescription drugs and medical supplies dispensed by Department of Veterans Affairs pharmacies from otherwise applicable interest charges and administrative cost charges imposed on indebtedness to the United States resulting from the provision of medical care or services by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. SMITH of New Jersey, Mrs. MORELLA, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mr. HOLT, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. GONZALEZ, Mrs. LOWEY, Mr. FRANK, and Mr. GEORGE MILLER of California):

H.R. 891. A bill to prohibit the possession of a firearm by an individual who has committed an act of juvenile delinquency that would be a violent felony if committed by an adult; to the Committee on the Judiciary.

By Mr. PITTS:

H.R. 892. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 893. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 894. A bill to provide compensation for injury and property damages suffered by persons as a result of the bombing attack by the United States on August 20, 1998 in Khartoum, Sudan, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYCE:

H.R. 895. A bill to abolish the Advanced Technology Program; to the Committee on Science.

By Mr. SAXTON:

H.R. 896. A bill to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked; to the Committee on Resources.

By Mr. SAXTON:

H.R. 897. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. DEAL of Georgia, and Mr. STARK):

H.R. 898. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 899. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and the Safe and Drug-Free Schools and Communities Act of 1994, to allow grants received under such Acts to be used to establish and maintain school safety hotlines; to the Committee on Education and the Workforce.

By Mr. WATKINS:

H.R. 900. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion of gain on sale of a principal residence shall apply to certain farmland sold with the principal residence; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 901. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 902. A bill to amend title XVIII of the Social Security Act to provide reimbursement under the Medicare Program for all physicians' services furnished by doctors of chiropractic within the scope of their license; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 903. A bill to establish a commission to review the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.J. Res. 27. A joint resolution to repeal the War Powers Resolution to fulfill the intent of the framers of the Constitution that Congress and not the President has the power to declare war, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Armed Services, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. SCHROCK (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Sisisky, Mr. Scott, Mr. Putnam, Mr. Bilirakis, Mr. Stearns, Mr. Crenshaw, and Mr. Jones of North Carolina):

H. Con. Res. 47. Concurrent resolution honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia; to the Committee on Armed Services.

By Mr. PAUL:

H. Con. Res. 48. Concurrent resolution expressing the sense of the Congress in reaffirming the United States of America as a republic; to the Committee on the Judiciary.

By Mr. PAUL:

H. Con. Res. 49. Concurrent resolution expressing the sense of Congress that the Treaty Power of the President does not extend beyond the enumerated powers of the Federal Government, but are limited by the Constitution, and any exercise of such Executive Power inconsistent with the Constitution shall be of no legal force or effect; to the Committee on International Relations.

By Mr. SESSIONS:

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress that there should be established a National Athletic Training Month; to the Committee on Government Reform.

By Mr. WU:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the Jewish War Veterans of the United States of America; to the Committee on Government Reform.

By Mr. LINDER:

H. Res. 76. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 77. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. NEY:

H. Res. 80. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. ROHRABACHER:

H. Res. 81. A resolution to provide for the consideration by the United States Court of Claims of a bill for compensation, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

4. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to Resolution No. 33 memorializing the Congress of the United States to enact President Bush's tax relief plan; to the Committee on Ways and Means.

5. Also, a memorial of the Senate of the State of Michigan, relative to Resolution No. 15 memorializing the United States Congress to enact President Bush's tax relief plan; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK:

H.R. 904. A bill for the relief of Paul Green; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 905. A bill to provide for the relief of Kathy Barrett; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Hastert, Mr. Armey, Mr. DeLay, Mr. Dreier, Mr. Watts of Oklahoma, Mr. Cox, Mr. Crane, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Herger, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. Collins, Mr. Portman, Mr. English, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. McInnis, Mr. Lewis of Kentucky, Mr. Foley, Mr. Brady of Texas, Mr. Ryan of Wisconsin, Mr. Tom Davis of Virginia, Ms. Pryce of Ohio, and Mrs. Cubin.

H.R. 12: Mr. DeMint, Mr. Udall of Colorado, Mr. Hoeffel, and Ms. Baldwin.

H.R. 17: Mrs. Clayton, Mr. Andrews, and Mr. Bonior.

H.R. 25: Mr. Baldacci, Mr. Walsh, and Mr. Quinn.

H.R. 27: Mr. Lewis of Kentucky.

H.R. 28: Ms. Waters, Mr. Bentsen, Mr. Turner, Mr. Condit, Mr. Baird, Mr. Kildee, and Ms. Eddie Bernice Johnson of Texas.

H.R. 41: Mr. Camp, Mr. Horn, Mr. Becerra, Mr. Gordon, Mr. Lewis of Kentucky, Mr. Crane, Mr. Jefferson, Mr. Green of Texas, Mr. Armey, and Ms. McCarthy of Missouri.

H.R. 61: Ms. Jackson-Lee of Texas.

H.R. 65: Mr. Green of Texas, Mr. Turner, Mr. Bryant, and Mr. Rangel.

H.R. 90: Mr. Schiff and Mr. Ross.

H.R. 107: Mr. Gibbons.

H.R. 134: Mr. Levin.

H.R. 168: Mr. Ferguson.

H.R. 179: Mr. Bilirakis, Mr. Bonilla, Ms. Carson of Indiana, Mr. Engel, Mr. Ferguson, Mr. Hoyer, Ms. Eddie Bernice Johnson of Texas, Mr. Platts, Mr. Ross, Mr. Sisisky, and Ms. Velázquez.

H.R. 184: Mr. Peterson of Minnesota, Mr. Skeen, Mr. Hoeffel, Mr. Frost, Ms. Lee, and Mr. Fattah.

H.R. 185: Ms. Waters and Mr. Thompson of California.

H.R. 187: Mr. Moran of Kansas, Mr. Kanjorski, and Mr. Pascrell.

H.R. 189: Mr. Paul.

H.R. 190: Mr. Shadegg and Mr. Otter.

H.R. 214: Mr. Graves, Mr. Burton of Indiana, Mr. Baldacci, Mr. Smith of New Jersey, and Mr. English.

H.R. 218: Mr. Skeen, Mr. Jones of North Carolina, Mr. Foley, and Mr. Lucas of Kentucky.

H.R. 220: Mr. Foley.

H.R. 224: Mr. Carson of Oklahoma and Mr. Pallone.

H.R. 225: Mr. Hastings of Florida.

H.R. 228: Mr. McIntyre, Ms. DeLauro, Mr. Stupak, Mr. Wolf, Mr. Hinchey, Mr. Wicker, Mr. Edwards, Mr. Bishop, Mr. Baldacci, and Mr. Frost.

H.R. 236: Mr. Bereuter, Mrs. Jo Ann Davis of Virginia, Mr. Costello, Mr. Roemer, Mr. Moran of Virginia, Mr. Oxley, Mr. Udall of New Mexico, Mr. Kerns, and Mr. LaTourette.

H.R. 244: Mr. Stupak, Ms. McKinney, Mr. Larsen of Washington, Mr. Frost, Mr. Turner, and Mr. Fattah.

H.R. 245: Mr. Ross, Mr. Evans, Mr. Kucinich, Ms. Rivers, and Mr. Abercrombie.

H.R. 250: Mr. Pastor, Mrs. Mink of Hawaii, Ms. Schakowsky, Mr. Manzullo, Mr. Watkins, Mr. Shays, Mr. Nethercutt, Mr. Pickering, Mr. Rodriguez, Mr. Collins, Mr. Conyers, Mr. Visclosky, Mr. Clay, Mr. McInnis, Mr. Ramstad, and Mr. Grucci.

H.R. 259: Mr. Jones of North Carolina.

H.R. 265: Ms. McKinney, Mr. Baca, Ms. Schakowsky, Mrs. Christensen, Mr. McGovern, Mr. Kucinich, and Mr. Bonior.

H.R. 267: Mr. Boehlert and Ms. DeLauro.

H.R. 286: Mr. Sanders and Ms. Carson of Indiana.

H.R. 287: Ms. Carson of Indiana.

H.R. 290: Ms. Jackson-Lee of Texas.

H.R. 301: Mr. Abercrombie.

H.R. 302: Mr. Abercrombie.

H.R. 303: Mr. Green of Texas, Mr. Turner, Mr. Latham, Mr. Platts, Mr. Jefferson, Mr. Bishop, Mr. Bryant, Mr. Hoeffel, Mr. Sherman, Mr. Nadler, Mr. Baird, Mr. Brown of South Carolina, and Mr. Rangel.

H.R. 320: Mr. Mollohan.

H.R. 326: Ms. Carson of Indiana, Mr. Wexler, and Ms. Velázquez.

H.R. 340: Mr. Moakley, Ms. Carson of Indiana, and Mr. Gonzalez.

H.R. 346: Mr. Payne.

H.R. 348: Mr. Becerra, Mr. Berman, Ms. Berkley, Mr. Bonior, Mr. Blagojevich, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mrs. Christensen, Mr. Davis of Illinois, Mr. Delahunt, Ms. DeLauro, Mr. Filner, Mr. Frost, Mr. Hinchey, Mr. Kucinich, Mr. Lampson, Mr. Lewis of Georgia, Ms. Lofgren, Mr. McGovern, Mr. McNulty, Mrs. Meek of Florida, Mr. Meehan, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mrs. Napolitano, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Ms. Ros-Lehtinen, Mr. Rush, Mr. Serrano, Ms. Solis, Mr. Shays, Mr. Stark, and Mr. Wynn.

H.R. 356: Mr. Weldon of Pennsylvania, Mr. Evans, Mr. Smith of New Jersey, Mr.

CUNNINGHAM, Mr. CAPUANO, Mr. GIBBONS, and Mr. ROSS.

H.R. 364: Mr. MICA, Mr. KELLER, and Mr. SCARBOROUGH.

H.R. 366: Mr. STARK.

H.R. 368: Mr. SMITH of New Jersey.

H.R. 386: Mr. TANCREDO.

H.R. 396: Mr. McHUGH, Mr. DEAL of Georgia, Mr. ADERHOLT, Mr. HILLIARD, Mr. RILEY, Mr. SCHAFFER, Mr. CRAMER, Mr. HAYES, Mr. CALLAHAN, Mr. HINOJOSA, Mr. WATKINS, Mr. BROWN of South Carolina, and Mrs. EMERSON.

H.R. 419: Mrs. THURMAN.

H.R. 429: Mr. CUMMINGS.

H.R. 457: Mr. NORWOOD, Mr. DeFAZIO, and Mr. BLAGOJEVICH.

H.R. 458: Mr. GOODLATTE.

H.R. 459: Mr. UDALL of New Mexico and Mr. LEWIS of California.

H.R. 466: Ms. CARSON of Indiana.

H.R. 476: Mr. SKELTON and Mr. SMITH of New Jersey.

H.R. 488: Mr. WYNN, Mr. HOEFFEL, Mr. NEAL of Massachusetts, and Ms. JACKSON-LEE of Texas.

H.R. 500: Ms. SOLIS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mrs. NAPOLITANO, Mr. BACA, and Ms. VELÁZQUEZ.

H.R. 503: Mr. PLATTS and Mr. COOKSEY.

H.R. 510: Mr. WAXMAN, Mr. McGOVERN, Mr. OBERSTAR, Mr. HOLDEN, Mr. COOKSEY, Mr. CANNON, Mr. UDALL of New Mexico, Mrs. McCARTHY of New York, Mr. KINGSTON, Mr. BARTON of Texas, Mr. RAHALL, Mr. RAMSTAD, Mr. MASCARA, Ms. McKINNEY, Mr. STENHOLM, Mr. WOLF, Mr. FROST, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. EDWARDS, Mrs. CHRISTENSEN, Mr. NEAL of Massachusetts, Mr. HOLT, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. GREEN of Wisconsin, Mrs. THURMAN, Mr. GUTKNECHT, Mr. BALDACCI, Mr. BLAGOJEVICH, Mr. BOEHLERT, Mr. HULSHOF, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. OSBORNE, Mr. ISAKSON, Mr. HORN, and Mr. BILIRAKIS.

H.R. 526: Mr. DeFAZIO, Mr. ALLEN, Mr. DOYLE, Mr. KILDEE, Mr. McGOVERN, Mr. LANTOS, Mr. MOAKLEY, Mr. CLAY, Mr. HINCHEY, Mr. FROST, Mr. BRADY of Texas, Ms. SLAUGHTER, and Mr. HOYER.

H.R. 536: Ms. JACKSON-LEE of Texas, Mr. JENKINS, Ms. CARSON of Indiana, and Mr. POMEROY.

H.R. 557: Mr. HAYES, Mrs. MYRICK, and Mr. BALLENGER.

H.R. 561: Mrs. MALONEY of New York.

H.R. 565: Ms. DeLAURO.

H.R. 573: Mr. BOUCHER, Mr. EVANS, Ms. CARSON of Indiana, Ms. BROWN of Florida, Mr. CLEMENT, Ms. LEE, Mr. BLAGOJEVICH, Mr. TOWNS, and Mr. PAYNE.

H.R. 577: Mr. BURTON of Indiana, Mr. PETRI, Mr. SESSIONS, and Mr. SMITH of New Jersey.

H.R. 585: Mr. HINCHEY, Mr. TRAFICANT, and Mr. BALDACCI.

H.R. 590: Mr. GUTIERREZ, Mr. GONZALEZ, and Mr. PAYNE.

H.R. 594: Mr. UNDERWOOD.

H.R. 595: Ms. SLAUGHTER, Mr. DOYLE, Mr. SANDERS, Mr. FRANK, and Mrs. MINK of Hawaii.

H.R. 600: Mr. PLATTS, Mr. BACA, Mr. JONES of North Carolina, Ms. DUNN, and Mr. FROST.

H.R. 606: Mr. LANTOS and Mr. LEVIN.

H.R. 608: Mr. FATTAH.

H.R. 609: Mr. TURNER, Mr. CLEMENT, Mr. MASCARA, and Mr. RANGEL.

H.R. 612: Mr. CRAMER, Mrs. MINK of Hawaii, Mr. FOLEY, Mr. STRICKLAND, Mr. RYUN of Kansas, Mr. SIMMONS, Mr. DEUTSCH, Ms. VELÁZQUEZ, Mr. KING, Mr. CANNON, and Mr. FALEOMAVAEGA.

H.R. 613: Mr. WOLF and Mr. SMITH of New Jersey.

H.R. 622: Mr. STRICKLAND, Mr. JONES of North Carolina, Mr. LARGENT, Mr. LATHAM, Mr. THUNE, Ms. CARSON of Indiana, Mr. FERGUSON, and Mr. CALVERT.

H.R. 624: Mr. CAMP, Mr. GREEN of Wisconsin, Ms. McCARTHY of Missouri, Mr. KLECZKA, Mr. LUCAS of Kentucky, Mr. SNYDER, Mr. SMITH of New Jersey, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. GORDON, Mr. HANSEN, Mrs. MORELLA, Mr. STARK, and Mr. NEY.

H.R. 630: Ms. McCARTHY of Missouri, Ms. CARSON of Indiana, and Mr. GRUCCI.

H.R. 638: Ms. RIVERS, Mr. HINCHEY, Ms. NORTON, and Mr. CLAY.

H.R. 650: Mr. ISSA.

H.R. 654: Mr. KUCINICH, Mr. PASTOR, and Mrs. NAPOLITANO.

H.R. 664: Mr. EVANS, Mr. SMITH of Washington, Mr. LUCAS of Kentucky, Mrs. WILSON, Mrs. JO ANN DAVIS of Virginia, Mr. TIERNEY, Mr. STRICKLAND, Mrs. CAPPS, Mr. HOEFFEL, Mr. ROTHMAN, Mr. JENKINS, and Mr. TURNER.

H.R. 675: Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. ANDREWS, and Mr. EVANS.

H.R. 678: Ms. LEE, Ms. HOOLEY of Oregon, Ms. CARSON of Indiana, Mr. PAYNE, and Mr. PALLONE.

H.R. 680: Ms. NORTON.

H.R. 681: Ms. NORTON.

H.R. 683: Ms. SLAUGHTER, Ms. ESHOO, Ms. HOOLEY of Oregon, Mr. BLAGOJEVICH, Mr. THOMPSON of California, Mr. GEPHARDT, Mrs. JONES of Ohio, Mr. SMITH of New Jersey, Mr. TIERNEY, and Mr. BONIOR.

H.R. 687: Ms. RIVERS, Mr. CLEMENT, Mr. DAVIS of Illinois, Ms. LEE, Mr. NADLER, and Ms. CARSON of Indiana.

H.R. 699: Mr. SMITH of New Jersey, Mr. WHITFIELD, Mr. BILIRAKIS, Ms. McKINNEY, Mr. JENKINS, Mr. TURNER, Mr. BOUCHER, Mr. SHOWS, and Mr. FROST.

H.R. 704: Ms. ESHOO, Mr. RADANOVICH, and Mr. SHIMKUS.

H.R. 712: Mr. GOODE, Mr. LaHOOD, Ms. McKINNEY, Mr. TURNER, Mrs. CAPPS, Mr. FROST, Ms. KILPATRICK, Mr. SHERMAN, Mr. MORAN of Virginia, and Mr. McGOVERN.

H.R. 714: Mr. DAN Burton, Ms. McCARTHY of Missouri, Mrs. MALONEY of New York, Ms. LEE, Mr. CROWLEY, and Mr. BONIOR.

H.R. 717: Mr. SHOWS, Mr. OBERSTAR, Mr. BONIOR, Mr. LaFALCE, Mr. KANJORSKI, Mr. ALLEN, Mr. HALL of Ohio, Mrs. CAPITO, Mr. WU, Mr. COSTELLO, Mr. HOEKSTRA, Mr. ANDREWS, Mr. ROYCE, Mr. HAYWORTH, Mr. PORTMAN, Mrs. NORTHUP, Mr. SMITH of New Jersey, Mr. STARK, and Mr. ETHERIDGE.

H.R. 726: Ms. SCHAKOWSKY, Mr. STARK.

H.R. 730: Ms. CARSON of Indiana and Mr. CAPUANO.

H.R. 737: Mr. MORAN of Kansas.

H.R. 740: Mr. CONYERS.

H.R. 741: Mr. CONYERS.

H.R. 744: Mr. HILLEARY, Mr. WAMP, Mr. ENGLISH, Mr. PAUL, Mr. SESSIONS, Mrs. JOHNSON of Connecticut, and Mr. MENENDEZ.

H.R. 746: Mr. BLUNT, Mr. HOEFFEL, Mr. TURNER, Mr. HOLDEN, and Mr. ROSS.

H.R. 756: Ms. McCARTHY of Missouri, Mr. FROST, and Mr. DAVIS of Illinois.

H.R. 757: Mr. ENGEL and Ms. VELÁZQUEZ.

H.R. 758: Ms. NORTON, Mr. DAVIS of Illinois, Mr. BONIOR, Mr. PAYNE, and Mr. BRADY of Pennsylvania.

H.R. 759: Mr. BOUCHER.

H.R. 762: Mr. SMITH of New Jersey, Mr. HALL of Ohio, Mr. FATTAH, and Ms. DeLAURO.

H.R. 769: Mr. McINTYRE and Mr. CHAMBLISS.

H.R. 770: Mr. SPRATT and Mr. CLAY.

H.R. 775: Mr. CUMMINGS, Mr. SPRATT, Mrs. CLAYTON, Mr. WAXMAN, Mr. CARDIN, and Mr. STARK.

H.R. 778: Mr. BLAGOJEVICH, Mr. INSLEE, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, and Mr. McHUGH.

H.R. 781: Mrs. MORELLA.

H.R. 792: Ms. SLAUGHTER, Ms. CARSON of Indiana, Mr. McHUGH, Mr. VITTER, and Mr. WEXLER.

H.R. 837: Mr. KUCINICH.

H.J. Res. 20: Mr. HALL of Texas, Mr. STEARNS, Mr. PITTS, and Mr. SMITH of New Jersey.

H.J. Res. 22: Ms. KAPTUR.

H. Con. Res. 25: Mr. TANCREDO, Ms. CARSON of Indiana, Mr. GUTIERREZ, and Mr. McDERMOTT.

H. Con. Res. 31: Mr. LUCAS of Kentucky and Mr. UNDERWOOD.

H. Con. Res. 38: Ms. CARSON of Indiana.

H. Con. Res. 42: Mr. FROST, Mr. WEXLER, Mr. BONIOR, and Mr. MENENDEZ.

H. Res. 13: Mr. CLEMENT, Mr. BLAGOJEVICH, and Mr. McINTYRE.

H. Res. 35: Ms. CARSON of Indiana.

H. Res. 52: Mr. MILLER of Florida and Mr. GOODLATTE.

SENATE—*Tuesday, March 6, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, who in the work of creation commanded light to shine out of darkness, shine in our minds. You have given us the gift of intellect to think things through in the light of Your guidance. Dispel the darkness of doubt and the petulance of prejudice so that we may know what righteousness and justice demand. We pray with Soren Kierkegaard: Give us weak eyes for things which are of no account and clear eyes for all Your truth.

Bless the Senators today as they seek Your truth in the issues before them. Place in their minds clear discernment of what is Your will for our beloved Nation. May they constantly pray with the Psalmist: Lead me, O Lord, in Your righteousness, make Your way straight before my face. Help them to look ahead to every detail of the day and picture You guiding their steps, shaping their attitudes, inspiring their thoughts, and enabling dynamic leadership. May the vision of You guiding them be equaled by the momentary power You provide. Give us wisdom to perceive You, diligence to seek You, patience to wait for You, hearts to receive You, and the opportunity to serve You.

We ask Your continued care and healing for our Vice President, DICK CHENEY. Now we commit this day and all of its opportunities and responsibilities to You. Through our Lord and our Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2001.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will consider Senate Joint Resolution 6, the ergonomics disapproval resolution. Under the provisions of the Congressional Review Act, there will be up to 10 hours of debate. A vote on the resolution is expected this evening or possibly during tomorrow morning's session. As a reminder, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party conference meetings. At the completion of the disapproval resolution, the Senate will resume consideration of the Bankruptcy Reform Act.

I thank my colleagues for their attention and cooperation in this matter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MOTION TO PROCEED—S.J. RES. 6

Mr. LOTT. Pursuant to the Congressional Review Act, I now move to proceed to the consideration of Calendar No. 18, S.J. Res. 6.

The ACTING PRESIDENT pro tempore. The motion to proceed is not debatable. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Mr. President, I understand the joint resolution is now pending and has up to 10 hours of debate to be equally divided in the usual form. I see there are Senators on the floor ready to go forward with this discussion.

I yield the control of the majority's time to the assistant majority leader, the distinguished Senator from Oklahoma, Mr. NICKLES.

DISAPPROVAL OF DEPARTMENT OF LABOR ERGONOMICS RULE

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution:

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 6) providing for congressional disapproval of the rules submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Vermont such time as he may desire.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise today to address S.J. Res. 6, which provides for congressional disapproval of the Occupational Safety and Health Administration's recently promulgated ergonomics standard. This action is being taken pursuant to the Congressional Review Act provisions incorporated into the APA in 1996. If successful, it will be the first time that the CRA has been used to invalidate an agency regulation. It will send a strong message to Federal agencies that Congress is serious that the intent of the CRA—that agencies issue more flexible and less burdensome rules, and be more responsive, and open, to input from the regulated public—is followed.

I will leave it to my colleagues to discuss the numerous problems with the Clinton Administration's regulation, such as its flawed rulemaking process, its extraordinary potential costs, its encroachment on state administered workers compensation programs, and its complexities and vagueness to the point of unworkability. I have to note, however, that the ergonomics rule certainly qualifies as a "midnight" regulation, which is exactly the sort of rulemaking that, in great part, led to enactment of the CRA. And I note further that the CRA is not radical legislation. In fact, it passed with broad bipartisan support, was signed by a Democratic President, and earlier versions of the legislation twice passed the House and four times the Senate.

Passage of the CRA was an exercise by Congress of its oversight and legislative responsibility. It was intended to compel bureaucrats to consider the economic effect of their regulations and to reclaim some of Congress' policymaking authority which had been ceded to the executive branch because of the increasing complexities of statutory programs, and the resultant reliance on agency rulemaking. But my purpose today is not to focus on the merits of the Congressional Review Act.

OSHA has admitted that repetitive stress injuries have declined 22 percent over the last five years. This statistic proves two things: One, that there is a musculoskeletal disorder problem in the workplace. And two, that employers are cognizant of the problem, and addressing it. Further, the dramatic reduction illustrates that there are ways to reduce, and perhaps eradicate, MSDs in the workplace, in part by use of the science of ergonomics. OSHA, unfortunately, has continued to ignore these lessons and refuses to revise its approach that the stick is more effective than the carrot. This is proven by the very standard that is before us today.

Again, however, the most important fact that can be taken from the employers' successes in combating repetitive stress injuries over the past few years is that apparently there are methods available to attack this severe problem. We must continue to encourage the development of these innovative approaches. At the same time, we must not lose sight of the fact that the administration and the Occupational Safety and Health Administration have a role, and a responsibility, in leading the attack on these crippling workplace injuries.

OSHA must not give up its place at the vanguard of the assault on workplace MSDs because of the shortcomings of the Clinton Administration's ergonomics standard. I urge Labor Secretary Chao, in the strongest possible way, to investigate and consider all options, including initiation of additional rulemaking, if warranted, as part of an all out effort to seek solutions for this type of debilitating injury. I have received a letter from Secretary Chao. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR CHAIRMAN JEFFORDS: It is my understanding that the Senate will soon consider a Joint Resolution of Disapproval pertaining to the Occupational Safety and Health Administration's (OSHA) ergonomics standard. As you are aware, the Congressional Review Act of 1996 gives Congress the authority to vitiate this standard and permanently prevent OSHA from promulgating a rule in substantially the same form.

Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking, that addresses the concerns levied against the current standards.

This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are an important problem. I recognize this critical challenge and want you to understand that the safety and health of our nation's workforce will always be a priority during my tenure as Secretary.

I look forward to working with each of you throughout the entire 107th Congress.

Sincerely,

ELAINE L. CHAO,
Secretary of Labor.

Mr. JEFFORDS. I am heartened by the letter from the Secretary of Labor. It indicates that the Administration recognizes there is a problem and is committed to finding the answer. To this end, I am dismayed by what appears to be a systematic campaign of misinformation, and I would like to dispel the myth being perpetuated by those who oppose enactment, that adoption of this Resolution of Disapproval will sound the death knell for any future ergonomics regulation. That is not accurate.

Contrary to the misinformation being circulated, passage of the resolution of disapproval will not prevent OSHA from undertaking rulemaking regarding repetitive stress injuries. As I have already stated, I believe that rulemaking is an option that should be given serious consideration by the Administration. Secretary Chao agrees. In fact, by jettisoning this burdensome and unworkable standard, we will be eliminating a roadblock to consideration of more responsible approaches directed at resolving the workplace MSD puzzle. One approach could well include promulgation of a more reasonable and workable ergo standard.

The Congressional Review Act provides, in relevant part, that a rule vitiated by enactment of a Joint Resolution of Disapproval ". . . may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule." While this language appears clear on its face, it is being misinterpreted to mean that OSHA cannot regulate in the "area" covered by the disapproved rule.

There is no basis nor justification for this interpretation of the CRA provision. Where I have seen it mentioned—for example, in a March, 1999 CRS report—there is no citation of authority to support that interpretation. Indeed, it appears to have been created out of whole cloth or thin air. The better—in fact, correct—interpretation, provided by the actual language of the Statute is that a disapproved rule cannot be issued "in substantially the same form."

The intent, and thrust, of this language is made clear in a joint statement, by Senators NICKLES, REID of Nevada, and STEVENS, submitted for the RECORD on April 18, 1996. The purpose of the Joint Statement was to provide a legislative history for guidance in interpreting the terms of the Congressional Review Act. The Joint Statement indicates that the "substantially the same form" language that I quoted above, was "necessary to prevent circumvention of a resolution [of] disapproval." Thus, the concern clearly was that an agency should not be able to reissue a disapproved rule merely by making minor changes, thereby claiming that the reissued regulation was a different entity.

This interpretation is confirmed by further discussion in the joint statement about the differing impact a disapproval would have depending upon whether the law that authorized the disapproved rule provided broad or narrow discretion to the issuing agency regarding the substance of such rule. Where such underlying law provides broad discretion, the agency would be able to exercise that discretion to issue a substantially different rule, but where the discretion is narrowly circumscribed, the disapproval might work to prevent issuance of another rule.

OSHA, of course, has enormously broad regulatory authority. Section 6 of the OSH Act is a grant of broad authority to issue workplace safety and health standards. To prove this point, one need look no farther than the scope of the ergonomics regulation before us. OSHA, in fact, considers its authority so broad that it ignored, in issuing its ergo standard, the clear statutory mandate in section 4 of the OSH Act not to regulate in the area of workmen's compensation law. And the definition of "occupational safety and health standard," in section 3(8) of the Act, is further indicative of the discretion granted to the agency. I am convinced that the CRA will not act as an impediment to OSHA should the agency decide to engage in ergonomics rulemaking.

Some might question why now utilize the Congressional Review Act disapproval procedures instead of reviewing or amending the ergo standard through other means, such as additional notice and comment rulemaking, or by permitting the legal challenges to be brought to conclusion. The answer is simple. The CRA is being used in precisely the manner Congress intended.

As noted in the April 18, 1996 Joint Report, certain timing provisions in the CRA were put in place ". . . to try to provide Congress with an opportunity to act on resolutions of disapproval before regulated parties must invest the significant resources necessary to comply with a major rule." And, I might add, scarce agency resources are also a concern. The standard before us certainly is a major rule, and the estimated compliance costs are huge.

For all of the reasons stated above, I believe that OSHA's ergonomics standard presents the ideal case in which to exercise the disapproval provisions of the Congressional Review Act. An over broad, vague, and unworkable standard may act as a disincentive to development of reasonable and rational approaches to a serious problem. In addition, huge compliance costs do not encourage compliance and, in fact, may be beyond the resources of many small businesses. This may be the case where no standard is preferable to the standard promulgated by OSHA. But I am convinced that this is not the bottom line. OSHA can issue another ergonomics standard. I urge the secretary of Labor to consider this option.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I tell my friend from Massachusetts I will be brief because he has a lengthy statement. Let me make a few brief comments. We have 10 hours of debate on the issue under the Congressional Review Act. I expect we will be going back and forth. That is 5 hours on each side. We can have ample debate and discussion. I think that is healthy and very good.

One of the reasons Senator REID and I worked so hard and we passed the Congressional Review Act was that Congress would review regulations that had a negative impact or an impact on the economy in excess of $100 million a year. That makes sense. The idea of, wait a minute, should you have regulatory agencies passing measures that have a profound impact on the economy without holding Congress accountable? Congress should have some say. And sometimes do the regulatory agencies go too far? Sometimes it is their own fault. Sometimes we tell them, to pass some regulation and make the world safer, sounder, cleaner, whatever, without considering the cost or impact. We have done that in Congress.

What we did when we passed the Congressional Review Act was say we should review those regulations if they have an economic impact in excess of $100 million and find out how does this make sense. Is it a good deal? Is it a good deal for the economy? Is it a good deal for taxpayers to invest this kind of money? Congress should have a say.

The bureaucrats who write the regulations are not elected; we are. That was the purpose of the Congressional Review Act. This is the first time we will utilize that act. I believe in this case the regulation promulgated by the Clinton administration in the Federal Register, dated November 14, 2000, which is over 6,000 pages long, went too far. All legislators who believe in division of power when reviewing this regulation will say the Clinton administration, in its last 4 days, went way too far and exceeded their constitutional authority. The President is President; he is not chief legislator.

In this legislation, in this regulation, they went into legislating. They went into devising a Federal system of workers compensation.

If Members want to pass a Federal workers compensation law, introduce a bill. It would go, I assume, to the Education and Labor Committee. It would be marked up. Have that process go forward if we are going to pass Federal workers compensation.

I have asked a couple of former Governors on the Democrat side if they knew there was Federal workers compensation in the ergonomic standard. Do they know this has a compensation system that is much greater than most State workers compensation laws? Most Senators answered no.

This has Federal workers compensation that supersedes State worker compensation laws. If you have any respect for the Constitution, if you have any respect for Members as legislators, you should say no bureaucrat, no official in the Department of Labor—who, incidentally, is probably not there anymore—can make that kind of imposition. That requires Federal legislative action. If someone wants to promulgate that kind of rule, let them introduce this as a statute. Let's debate it.

I don't think anyone will debate it. This is not defensible. How in the world can you come up with a Federal workers comp law that supersedes State law that is more generous? It might be proposed, but my guess is it would never pass, nor should it.

Yet in this case we have unelected bureaucrats who say: Let's make this the law of the land. Is he super Senator? Is he super legislator? Where did he get this kind of authority?

I appeal to my colleagues, Democrat or Republican, review the contents of this legislation. See how extensive and expensive it is. This is probably the most expensive, intrusive regulation ever promulgated, certainly by the Department of Labor—maybe by any department. It deals with the issue of repetitive motion injuries. It is wide open. It could be somebody typing at a desk, somebody standing at a checkout line, somebody stacking groceries, somebody moving things on trucks. It could apply to almost any job in America. It can be enormously expensive.

Federal bureaucrats are saying you can do this; you can't do that. You can only move 25 pounds 25 times a day. A grocery store may have to hire 10 times as many people to stock the grocery store. A moving company has to move a lot of things. Employees would say: I have to stop; it is 8:25, but I have already moved 25 things. Time out. Hire more people. Oops, can't do that; we need more people; we need to hire more people. Oops, we have to go out of business because we cannot comply with this rule.

There is no way in the world a lot of companies can comply with this rule. We would be putting them out of work or out of compliance, certainly liable for a lot of money and expense for a regulation that goes way too far.

My primary argument to my colleagues is nobody in OSHA was elected to legislate. We are elected to legislate. We, Members of Congress, are the legislative branch. Read the Constitution. Article I says Congress shall enact all laws. It does not say: unelected bureaucrats, you write a law, try and get it enacted, try and get it passed by legislation.

On January 16, in the last couple of days of the Clinton administration, this was a major gift to organized labor, saying, go ahead and legislate the last couple days.

No, we are the legislative body. If we want to legislate in this area, introduce a bill and we will consider it. Let's not have, as in the last couple of days of the Clinton administration, a regulation with costs ranging in excess of $100 billion a year. Let's not let that happen. Let's not supersede State worker compensation laws.

It will be interesting to see how former State Governors and State officials vote on this issue. Do they really want the Federal Government to supersede State workers compensation laws? I say the answer is no.

I urge all my colleagues, especially colleagues on the Democrat side—my colleagues on the Republican side are perhaps more familiar with this issue—I urge my colleagues on the Democrat side to review this. Do you really want to have a Federal workers compensation law passed by regulation superseding State worker compensation laws? I think not. I certainly hope not. If that is the case, we have delegated so much power to the regulatory agencies we should be ashamed of ourselves.

I urge my colleagues to review this statute. That is what the Congressional Review Act is all about. Let's review it. Let's talk about it today. Let's find out how intrusive it is, today. Let's find out if it really is the Federal Government taking the place of Congress in the legislative field. I believe they went way too far. We did introduce a bill 4 or 5 years ago, Senator REID and myself, and it passed both Houses of Congress overwhelmingly, signed by President Clinton. It is a good law. It was written for such items as this. This is an excellent time to review this regulation and stop it.

Does that mean we are for ergonomic injuries? No. Does that mean we shouldn't be taking action in Congress and/or in the Department of Labor to try and minimize ergonomic injuries? No. Let's figure out what can we do that is affordable, that is doable, that doesn't cost jobs, that does improve worker safety, that does reduce or minimize worker injury. Let's work on that together. Let's not accept a regulation crammed through in the last couple of days of the Clinton administration that has economic costs in excess, maybe, of $100 billion.

One might ask, where do you get that figure? OSHA says it might cost $4.5 billion. The Clinton administration's Small Business Administration said it could cost up to 15 times that amount. That is up to $60 billion a year. Business groups having to comply with this say it may well be in excess of $100 billion. There is no way to know how much this would cost. It would cost plenty. It would cost jobs.

Again, this is something that needs to be reviewed by Congress and needs to be stopped by Congress. I urge my colleagues to support this resolution.

For the information of my colleagues, the 10-hour clock is running. My guess is we can have a vote this evening, or we will have a vote tomorrow morning. People should be on alert we may well work into the evening today. Be on guard to expect rollcall votes to occur later this evening or tomorrow morning.

I yield the floor.

Mr. WELLSTONE. Are we going to alternate back and forth?

Mr. NICKLES. As manager, I will designate Senator HUTCHINSON and Senator ENZI to manage on our time. We are happy to alternate back and forth. We are happy to accommodate our colleagues in any way.

Mr. WELLSTONE. I ask unanimous consent I be allowed to follow Senator KENNEDY on our side.

Mr. NICKLES. I reserve that. Let's not do that just yet.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is a matter of enormous importance and consequence to America's workers. It will be the first time in the history of OSHA that Congress has taken action that will effectively terminate the ability of OSHA to protect American workers. It is in an area in which there is a growing problem and a growing concern because of the increased numbers of ergonomic injuries. In a period of some 10 hours we are going to undermine the efforts of the Department of Labor and OSHA over a period of 10 years. Some have made the comments, rather cavalierly, that this is a offhand rule that was developed in the final hours of the Clinton administration. Of course that is a complete distortion and a complete misrepresentation, as are a number of the other recent comments I have heard. I will respond to them in some detail at this time.

It is important to note there has been due process. There are those who have differed with the rules and regulations. You would listen to this part of the debate and think that those who are against the rules and regulations never had an opportunity to make their case during the process. Of course that is basically hogwash because they did have that opportunity.

We can also listen to those who say we have to eliminate these regulations. Of course there is a process and procedure by which the President can modify these rules and regulations, if he doesn't like them. That is not the path those who are seeking to overturn these regulations are taking. The President of the United States can just file, in the Federal Register, a resolution, effectively, of disapproval, and wait 60 days and those regulations are effectively suspended.

The Department of Labor could then go about the process through public hearings and alter the regulations. So for those who want to bring some modification and change, who think there ought to be some opportunity to do something different, that power and authority is there today. But that is being rejected by those who want to overturn any opportunity to provide any protection for the millions of Americans who have been adversely affected, impacted, and injured by ergonomics injuries over the past several years. That is what we are looking at.

With all the talk we have heard already this morning, and we will hear later on, we could still have the opportunity to modify and change and adjust and go back and trim the regulations. It is a simple process. But, no, that technique is being rejected. They are coming in here with a blunderbuss and saying, "We have the votes, we are playing hardball"; effectively, "we are going to give short shrift to the American workers"—primarily women because they are the ones most adversely impacted. We all have a responsibility to them.

I mention to my good friend, when he talks about 400 pages of regulations—there are 8 pages of regulations; not 400, 8 pages of regulations. It is right in here. If the Senator would want to look through them, I will be glad to spend some time. Eight pages of regulations—it might take someone 20 minutes to read through them. Eight pages of regulations—the rest is support.

It is not the Department of Labor talking about $4 billion of expenditures. It is the Department of Labor talking about $4 billion of savings. It is a big difference. We have to get our facts straight.

The same applies to the workers compensation provision. This does not undermine States' workers compensation. It has virtually nothing to do with workers compensation, other than what has been done traditionally with other kinds of OSHA rules and regulations such as for cadmium and lead.

There has not been an uproar from the States. I don't hear any. If the Senator will have some letters from Governors who talk about how their workers compensation has been destroyed, uprooted in ways, we would welcome them. We have not seen them. We have not heard from them.

I ask our Members to pay close attention. What is really at risk here is enormously important.

First of all, we don't have to be here dealing with this issue. We could be debating the bankruptcy issue. If we want to be doing that—we will have a chance and opportunity to do that—but, nonetheless, one of the first orders of business we are coming up to is not to look out after minimum wage workers or an increase in the minimum wage. No. We don't have that out here. We are not debating a Patients' Bill of Rights. It has been before the Congress for 5 years. We are not doing that on the floor of the Senate. No, we are not going to consider that. We are not debating prescription drugs in the Senate.

What are we doing? For the first time in the history of the Senate, we are talking about repealing protections for workers who are out there in the workforce of America with a blunderbuss kind of technique that says, "We have the votes, we are going to repeal it, and as a result of that repeal and the statutory provisions, you will not be able to have any kind of ergonomic protection for American workers."

We have the alternative of trying to change this in a responsible way but, oh, no, we are going to show a contemptible attitude, an arrogant, contemptible attitude towards the American workers by this blunderbuss technique that is being proposed by our colleagues on the other side of the aisle.

I listened when Senator REID's name was mentioned. He supported the concept of CRA, but he is strongly opposed to the actions being recommended by the Republican leadership.

We all have a responsibility to protect the safety and health of workers on the job. Today the most significant safety and health problems that workers face are debilitating and career-ending ergonomic injuries. Millions of workers and their families suffer needlessly. These injuries can be prevented by simple, inexpensive changes in the workplace. This rule is about prevention, preventing the injury. That is what this rule is about. We know the injuries are out there. We know what can be done in order to diminish the number of injuries and that is what this rule targets.

The Department of Labor's solution to this problem has been sound, sensible, and necessary. It is flexible and cost-effective for businesses, and it is overwhelmingly based upon scientific evidence. It has the support of virtually every health science professional group and their representatives. Every one of them has supported this proposal, every one of them—but not the Chamber of Commerce and the National Association of Manufacturers.

But if you are talking about protecting workers and you are talking about the medical implications and the health implications, every organization that is concerned with that supports these proposals.

If people have differences about the specifics of this solution, we can work them out in a bipartisan way. The President can stop this regulation and issue a new one if he doesn't like it. But in 10 hours of debate today, the Republicans intend to destroy this crucial protection that was begun over 10 years ago by the Secretary of Labor, Elizabeth Dole.

In the 30 years that the job safety laws have been in effect, Congress has never taken away a protection for workers. Listen to me. In the 30 years the job safety law has been in effect, Congress has never taken away protection for workers. This could be the first. "Don't alter it, don't change it, don't modify it—eliminate it. We have the votes. That is what we are going to do." This is a contemptible attitude towards the working families in this country.

One of the most essential roles of government is to protect its citizens. We protect public safety by providing a police force. We protect public health by regulating prescription drugs and food safety by rules and regulations by the FDA. Maybe there are those who want to eliminate all the rules and regulations.

The FDA isn't elected either, but they have rules and regulations to ensure safety and efficacy. We gave them that power. We gave them that responsibility. Are we suggesting now, since they are not elected to the Senate of the United States, how outrageous that they look out after protecting America from the scourge of different diseases that have ravaged our civilizations in the past—hoof and mouth disease, mad cow disease? Let's get those professionals out. They are not elected. Let's just free ourselves from regulations. It may cost the meat manufacturers and producers a few more bucks because they have to be inspected. Let's free ourselves from those matters. These are the same issues—health and safety. The same issues.

We are protecting workers on the job today. If they are going to eliminate those protections today, what regulations are they going to eliminate tomorrow? We came very close to it 3, 4 years ago, eliminating protective regulations in food safety—the elimination of the Delaney clause—and many others. We came within a vote or two of eliminating those. The same forces are out there.

Today it is the safety in the workforce. Tomorrow it is going to be food, health, and well-being, and the air that we breathe and the water that we drink. Make no mistake about it. The greed is unbelievable. That is what it is all about. What do you think this is about? It is about bucks. It is about money. It is money on the one side; what the Chamber of Commerce and the National Association of Manufacturers want versus trying to invest and protect American workers. It is greed. It is money. It says that we are not really interested in safety. If they were interested in it, they would want to be responsible. Why do they drop this in the middle of the night? We found out in the magazines and newspapers on Sunday that this technique was going to be used now. Why not mention it and try to work this out? Is this the beginning of the process or the end of the process?

Why not bring up the Patients' Bill of Rights? Why not, even though the President indicated a month ago that he wanted to work this out? We said fine; we will try to work it out. A month has passed. Are we bringing that up? No. Not the Republican leadership. No. Oh, no. They are just dropping this right out here. "We have the votes. We have the votes and are going to pursue it." So they do.

We protect the public safety by a police force, the public health by regulating prescription drugs and food safety. We require seatbelts in automobiles. When Americans are at risk, it is the duty of government to do whatever we can to protect them. That is our job. That is our responsibility as public servants. That is why we have laws and regulations to protect our citizens in the workplace.

I was in the Senate during the years when we heard the same voices we are hearing from that side of the aisle opposing the OSHA program. I will tell you this. OSHA has reduced the number of deaths in the workplace by half over the period of the last 27 or 28 years. It has saved an enormous number of lives, and it has protected health and well-being. But we heard at that time: Why are we going to do that? That is going to interfere with American business and their ability to produce American goods. Don't you think American industry is concerned about those workers? Of course they said they passed it.

Sure, there have been some actions OSHA has taken with which we don't all agree. But, nonetheless, if you look, particularly in the last several years, the record in terms of the number of lives that have been saved as compared to other times has been credible and defensible.

Over our history, and in the early years of the last century, we have fought long battles for the safety of factory workers. We struggled long and hard to improve the working conditions of our mine workers—one of the most dangerous jobs in America. We took steps to guard against child labor and other abusive practices.

Over the past 10 years, America has taken the next important step to protect workers against the kinds of injuries that occur in the modern workplace—so-called ergonomic injuries.

Yesterday, workers lost their limbs in factories. Today's workers suffer crippling pain in their wrists and in their hands because of computer keyboards. That is an ergonomic injury.

Yesterday, workers were burned in steel mills. Today's workers develop chronic back injuries from standing too long behind the lunch counter, carrying heavy trays of food, and sitting for long hours in their offices and chairs that harm their backs. Those are ergonomic injuries.

The resolution before us today is a complete about-face in the long march of protecting our workers. In a single vote, we will tell millions of Americans—mostly women—that their work doesn't matter. This resolution is antiworker, antiwoman, antifamily, and it deserves to be soundly defeated.

We all know what is going on. We could have sat down and worked this out in a bipartisan way. If President Bush disagrees with this current regulation, he could issue a new one. But, instead, our Republican friends took the course that hurt workers the most—banishing this important safety initiative to the dungeon.

If you do not like the last administration's approach to worker safety, Mr. President, then change it. Don't destroy it—because the health and safety of millions of American workers is at stake. Otherwise, this may well mean that all the talk about a new civility in Washington is just a hoax. Instead of helping hard-working families, this resolution is a big "thank you" to big business for all their support. It is politics at its worst.

It leaves the average American worker defenseless against today's workplace injuries. With Republicans in control of Congress and the White House, it is trample-down economics for American workers. Let American workers be on guard. Your rights and your dignity and your hard work are no longer respected. Today your safety is on the chopping block. Tomorrow it is going to be your medical leave or your ability to spend more time with your families, for our Republican friends can act today on this issue with such disregard for your labors, your hard-won workers' rights, your safety.

The Department of Labor's ergonomics rule is sound, sensible, and necessary. I strongly oppose this resolution of disapproval. If Congress passes this resolution, it will have destroyed in 10 hours what it took the Occupational Safety and Health Administration 10 painstaking years to create and will deprive workers of all of the protections from the No. 1 risk to health and safety in the workplace.

I have both good news and bad news today. The bad news is that ergonomic injuries are painful and often debilitating. They are common and they are caused by workplace practices.

The good news is that these injuries are readily preventable, and the ergonomics rule offers an effective way to address workplace hazards.

The worst news is that Congress today will prevent OSHA from implementing this or any other rule that will protect workers from these significant risks to their health and to their safety.

My colleagues should make no mistake about the result of the resolution of disapproval that is before us. It is an atom bomb for the ergonomics rule.

Supporters of this resolution insist they can use it to fix the ergonomics rule and send it back to the drawing board. They are wrong. The language of the resolution is clear and nonamendable and will eliminate the rule altogether.

Until Congress gives it permission, OSHA will be powerless to adopt an ergonomics rule that, like this one, truly solves the problem. If the resolution's supporters have their way, all of this will be done today without any opportunity for committee input or for reasoned consideration on the Senate floor.

Our debate is limited to a maximum of 10 hours. This resolution is not subject to motions to amend, to postpone, to move to other business, or to recommit to committee. All points of order are waived, and appeals from decisions of the Chair are nondebatable.

This expedited process will not be used to disapprove a rule that an agency clearly lacks authority to issue. It will not be used to disapprove a rule that lacks any basis in scientific evidence. It will not be used to disapprove a rule that was adopted without adequate opportunity for public notice and comment. Instead, this fast-track procedure will be used to eliminate a rule that goes to the heart of the Federal Government's mission to protect workers' safety and health. That is supported by thousands of scientific studies. And that is the product of 10 years of study, 9 weeks of public hearings, and 11 best practice conferences all over the country, bringing employers and workers together to try to describe what is and isn't working. That's 11 conferences all over the Nation, 9 weeks of public hearings, and close to 4 months of opportunity for written comment from the public. This is an unprecedented attack on our workers' fundamental right to safe workplaces.

As long ago as 1990, Secretary of Labor Elizabeth Dole called ergonomic injuries "one of the nation's most debilitating across-the-board worker safety and health illnesses." I wish we heard from the other side at least some recognition, some understanding, some awareness, some sensitivity to the workers who are being injured by ergonomic injuries every single day in America. But we do not. It is all technical language: "We don't want to interfere with workers' compensation. There are 400 pages in this book over here. The Department of Labor says X, Y, and Z."

We are talking about family members. We are talking about workers who are providing for their families, who are playing by the rules, trying to put in a good day's work in order to provide for their families. They ought to be given the assurances about preventing these kinds of injuries if we have the knowledge, the awareness, and understanding, and we can do it in an affordable way.

We will come back in a few moments and get into the costs on these issues. It is quite clear, if we are able to have an effective rule, this will actually save money and increase productivity and lower the cost of workers' compensation.

Now this is what Secretary Elizabeth Dole said in 1990:

> We must do our utmost to protect workers from these hazards.

She also said:

> By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce.

As all the study, data, and personal experience since have amply shown, she was right.

Each year, over 1.8 million workers report that they have suffered from ergonomic injuries. Another 1.8 million incur ergonomic injuries that they do not report. What this means is simple: Over the 10 years of study OSHA devoted to this rule, America's working men and women endured over 18 million unnecessary injuries.

The average cost of these injuries—severe injuries—is anywhere from $25,000 to $27,000. I do not know what the value is in terms of denying someone their opportunity to use their hands, use their arms. What is the cost if they cannot use their fingers, cannot use their wrists, not only in the workplace but in terms of being able to pick up a child or be able to walk with a child or play with a child when they are growing up—all of the personal kinds of important opportunities in life that give individuals a sense of the joy of life?

What does it cost here? That is what we are debating. The Chamber of Commerce says it is too much. But 10 years of studies, evaluations, and best practices said that this can be done, and done in a way that will save money for American business.

You have two entirely different viewpoints. Do we have a chance to examine them? No. They say: "We have the votes." We have how many hours left now? Nine more hours left? Nine more hours left until we can finish this rule off? That is the attitude of those who want to repeal this rule.

The statistics also show how serious this problem is. More than 600,000 workers lose a day or more from work each year because of these injuries. Indeed, the Academy of Sciences estimates this number is even higher, that over 1 million workers lose time at work because of their ergonomic injuries.

This is the Academy of Sciences. No, they are not elected to anything. But they are the Academy of Sciences, universally respected. And that is what they found, I say to Senators—1 million a year. And in 10 hours we are throwing out rules that can provide protection for these workers.

Ergonomic injuries account for over one-third of all serious job-related injuries and over two-thirds of all job-related illnesses. The injuries are costly. In a definitive study released only 6 weeks ago, the National Academy of Sciences estimated ergonomic injuries cost the Nation $50 billion annually in workers compensation costs—$50 billion now annually today if we do nothing. That isn't the Senator from Massachusetts saying that. That is the National Academy of Sciences saying that: $50 billion if we do nothing, in terms of workers compensation, absenteeism, and lost productivity.

In fact, ergonomic injuries account for $1 in every $3 that employers spend for workers' compensation costs. That is a cost of $15 to $18 billion every year in workers' compensation costs.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves. Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

These injuries affect all of us. Carpal tunnel syndrome afflicts nurses. It hurts truck drivers and cooks. It affects secretaries, cashiers, and hairdressers. It threatens any of us who use a computer or lift heavy objects or bend to pick things up. We are all at risk.

And even if each of us individually has not yet suffered a repetitive stress injury, we all know people who have. They are mothers, fathers, brothers, sisters, sons, daughters, and neighbors—and they deserve our help. But contrary to what the good Senator from Oklahoma says, there are broad industries which are left out. This rule is a rather reasonable rule and quite narrow. It does not affect agriculture. It does not affect the maritime industry, railroads, or construction. Those industries are left out. They are left out for other reasons. I can come back to them later.

So this idea of what is going to happen to workers' compensation and the number of pages of the rule, and what is the cost going to be, and about all the industry affected, we have to get down to the real facts.

Women are disproportionately harmed by ergonomic hazards. Women make up 47 percent of the overall workforce, but in 1998 they accounted for 64 percent of the repetitive motion injuries and 71 percent of the carpal tunnel cases.

I will show you this chart very quickly. I see others on the floor, Senator FEINSTEIN and others, who will speak to this in greater detail.

Women are 47 percent of the total workforce. Of the total number of injured workers, they are only 33 percent. But if you are looking at ergonomic hazards, lost work time from repetitive motion injuries, in 1998, women accounted for 64 percent of those who had repetitive motion injuries and 71 percent of those who lost time for carpal tunnel injuries. This is a rule about protecting women in the workforce, because of changes in terms of our new economy primarily, and for other reasons as well.

These women are not faceless numbers. We are talking about workers such as Beth Piknick from Massachusetts, who was an intensive care nurse for 21 years before a preventable back injury required her to undergo a spinal fusion operation and spend 2 years in rehabilitation. Although she wants to work, she can no longer do so. In her own words:

> The loss of my ability to take care of patients led to a clinical depression . . . My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable.

We are talking about workers such as Elly Leary, an auto assembly person at the now-closed General Motors assembly plant in Framingham, MA. Like many, many of her coworkers, she suffered a series of ergonomic injuries—including carpal tunnel syndrome and tendonitis. Like others, she tried switching hands to do the job. She tried varying the sequence of the routine. She even bid on other jobs. But nothing helped. Today, years after her injury, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We are talking about workers such as Charley Richardson, a shipfitter at General Dynamics in Quincy, MA, in the mid-1980s. He suffered a career-ending back injury when he was told to install a 75-pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days he could not endure the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children they could not sit on his lap for more than a few minutes because it was too painful. To this day, he cannot sit for long without pain.

We are talking about workers such as Wendy Scheinfeld of Brighton, MA, a model employee in the insurance industry. Colleagues say she often put in extra hours to "get the job done." As a result, Wendy has lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

The ergonomics rule was too late to help Beth, Elly, Charley, and Wendy. And there will be many, many more like them if Congress takes away the protections of the rule now.

This is because there is now conclusive, indisputable evidence that workplace practices cause ergonomic injuries. Dr. Jeremiah Barondess, the chair of the panel of experts that conducted the comprehensive study of the ergonomics issue for the National Academy of Sciences, has pointedly stated that there is a "clear causal relationship" between working conditions and ergonomic injuries.

And in case anyone has forgotten, this NAS study was the very study that opponents of the ergonomics rule said would inform their views on the issue. Time and time again, my colleagues across the aisle urged us to wait for more evidence that ergonomic injuries were a problem, that workplace practices were responsible for these injuries, that these injuries could be prevented. These were unjustified delaying tactics. But if anyone thought there was any doubt at all about these issues, they now have their answer. To suggest that these issues are debatable is, quite simply, preposterous.

Mr. President, I will come back later on. There are other points I wish to make. I note a number of my colleagues on the floor.

I underscore a very simple and basic thought: This rule has been in the making 10 years, weeks of hearings and examination and evaluation, studied by the Academy of Sciences and by every scientific group, supported by virtually all of the health community that has expertise in these areas. There was a simple technique by which this rule could have been altered or changed, a very simple technique. That is being rejected. If you are for some modification, any modification at all, you ought to reject this proposal. That way, it will still be possible to bring about some changes in the ergonomic rules.

But instead, what we are being asked to do is to accept lock, stock, and barrel that we are going to reject this rule that will effectively close out any opportunity to protect these workers for the first time in 30 years.

I cannot think of many health and safety rules and regulations which the Chamber of Commerce or the National Association of Manufacturers has supported to protect American workers. If there are some, I hope we have the chance to hear it from the other side. They have been basically opposed to these regulations. They think they have the votes now not only to modify it but to end this rule, which addresses the No. 1 health and safety issue for American workers today. That is basically wrong. It was recognized as being a major problem by the wife of our former Republican majority leader, Elizabeth Dole, over 10 years ago. There has been nothing that has happened since that time to indicate to the contrary.

On the contrary, there is constant scientific evidence to demonstrate that this is a problem, that this rule has been carefully considered and, finally, that this rule, when it is implemented, will actually save money because it will reduce workers' compensation, reduce absenteeism, and increase productivity. That is why the Department of Labor in its evaluation finds that instead of this problem costing $50 billion a year, we will actually save more than $4 billion a year.

I reserve my time.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Chair for the opportunity to comment, and I thank the Senator from Massachusetts for so well setting up the comments I have.

There was a reason for the Congressional Review Act being passed, a good reason for it. You could even assume there was a good reason on the basis that it was passed in a very bipartisan way. First, cosponsors of it were Mr. NICKLES, the Senator from Oklahoma, and Mr. REID, the Senator from Nevada—one from each side. How good of a job did they do of persuading you that this was a good law to put in place? I am not sure what precipitated it. I assume that some agency jerked the Congress around, and Congress believed it was time to jerk them back to reality. Not one of you voted against the CRA.

There is a need to have an act such as the CRA. That need exists when an agency fails to listen to a single comment on the work they are doing, when they are so sure of their work that they will not listen to hearings; that they will not listen to Congress; that they will not listen to experts; that they continue to do exactly the same thing they did before. Wait a minute. No, they did make some changes. They made it far worse. They took the comments they got, and they opposed everything and incorporated things in this that were worse than in the law that was passed.

We can't have agencies taking that kind of action. We know this is a divided Congress. My bet is that there will still be a very bipartisan action to pass this resolution we are voting on today to eliminate the rule as was proposed, as was printed, as is now in effect.

There has been a suggestion that we should trim it. I could go along with that. But where would you start? I am holding 600 pages of stuff that the average American businessman cannot understand. Yes, he can hire technical experts who will help him with it at great expense. But even the technical experts are divided.

This little document includes by reference eight more documents. This isn't the whole load that a small businessman has to carry around this country. Let me ask you if you have received those eight documents and read those eight documents. I can tell you conclusively, you have not. One of those documents isn't even available. The people, when you call them and ask for the document, say: Don't bother us anymore.

This is ridiculous. One document referred to in this rule you can't even get. Some of my colleagues say the rule is really a short rule. Is it 400 pages? Is it six pages? Is it eight pages? Is it 20 pages? You can argue for all of those numbers. You can argue for 800 pages. But if you really count what the small businessmen in America are going to have to read, you will find that it is 800 pages. To say that this document is eight pages is statistically impossible.

If you agree this document is eight pages long, you think that the income tax forms you fill out only require reading two pages of material. That is exactly the same thing. When you fill out your income tax form, there are two pertinent pages to fill out, but there is a little manual that comes with them. If you don't pay attention to that manual, you will mess up your taxes. You will be fined. Maybe you will be thrown in jail. So you can't just look at the two pages, even if they are the only ones you fill out.

So let's not argue about 8 pages, 20 pages, 400 pages, 600 pages, 800 pages. Ask the small businessman how much he wants to read, and then take a look at how much he is going to have to read.

Now, you and I can look through this, or we can have our staffs look through it, and decide what we think is pertinent. I tell you, the small businessman out there doesn't have that luxury. He can't say, "Somebody just show me the couple of paragraphs that affect my business." He can't do that because this affects his business—this and eight more manuals, only seven of which are available at a cost of $220.90.

That is a lot of work for a small businessman. Trim it? Why didn't OSHA trim it. California has a one-page ergonomics rule. Why not OSHA?

Why is this rule bad? This rule was written for the people who are bad to the bone. You and I both know that in any profession, in any business, and even with groups of employees, there are going to be about 5 percent of the people who are ethically challenged. Five percent look for ways not to do exactly what they ought to do. That is both the businessmen and the employees. Out of that 5 percent, you will find that there are about 3 percent—this is included in that 5 percent—the reason they are ethically challenged is that they don't care. No matter what you put in their manual, they don't care; they are going to do business as usual. Out of that 3 percent, there is about one-tenth of a percent of people who are bad to the bone. That is on both sides. That isn't just businessmen or employees. It might even be a smaller number than that.

This rule is written punishing 99.9 percent of the people in this country—businesses and employees—to take care of one-tenth of .1 percent of the people who are bad to the bone. That is not the way we are supposed to do these rules. That isn't the right way to do it.

We have a little conflict in some of our laws. One of the conflicts we have is that it is difficult to talk to the worker. You will hear examples throughout the day of terrible things being done to workers. I know of some of them. I have heard the speeches before on a lot of them. I have even looked into some of them. I have talked to some of these workers. Do you know we have a law that prohibits management from talking to the employee about how his job could be more ergonomically sound, unless he is in a union?

Now, there is a little catch there. Actually, the employer still doesn't get to talk to the worker who is doing the job because he is represented. It is the representative that they have to talk to. So they don't get to listen to a worker who is doing the job. I listen to them in Wyoming almost every weekend—they know how this job ought to be done. And they have some of the simplest solutions. But they are not able to talk to employers about it because of the National Labor Relations Act. But this rule doesn't incorporate the solutions for the kinds of problems that you are going to hear today in a way that the small businessman can handle them.

Last July we had this debate and we passed an amendment, in a bipartisan way, that was avoided by the administration, pressed by the agency, and circumvented by the agency so this could be put into place. I will have some more words about how that was achieved.

I wish to make it perfectly clear that this vote is not about whether we should have ergonomics protection. It isn't about that. Let me repeat that. This vote is not about whether we should have ergonomics protection. Of course we should. Of course we need it.

Have each of you worked in your offices to handle some of the ergonomics problems there? I have. It is a necessity right where we work. Does this rule work for us? No. And we have lots of staff. It is just the other people, just the small businessmen who have to memorize the manual themselves.

My colleagues and I strongly believe in protecting the workers, protecting the employees against musculoskeletal injuries—there is one of those $50 words from OSHA. We are not trying to kill ergonomics protection. In fact, you heard my colleague from Vermont earlier say that the Congressional Review Act clearly permits OSHA to issue another ergonomics rule, and you have heard the words of the Secretary of Labor who said she will continue to look at this issue and consider all the best options for protecting worker safety, including a new rulemaking.

I look forward to engaging in that process with Secretary Chao. As chairman of the subcommittee dealing with work safety, I feel a special responsibility to help employers protect American workers. I have no interest in killing the ergonomics protection, and I would not vote to do that. In fact, one of the highlights of last weekend was my meeting with the Service Employees International Union in Wyoming and receiving a certificate from them, on a national basis, for the work that I did on safety with needle sticks—something that was extremely important in this country, something that had been worked on for at least a decade.

Senator KENNEDY and I, and Senator JEFFORDS, and others, talked about some reasonable improvements that could be made. We got together on a bill. We put it together as a bill—not as a rulemaking by a bunch of unelected bureaucrats, not something as long as this rule. We agreed on it. Do you know what happened. It passed both bodies by unanimous consent. It went to the President and, of course, the President signed it.

After years of working on it, we sat down and worked it out. I am saying that we can work out ergonomics legislation so it will be beneficial to everyone, particularly the ones doing the work. That is how we are supposed to go about doing things, not through the process I am going to describe to you that OSHA went through and wound up with this huge rule.

But we are not voting on the value of ergonomics protection today; we are voting on one thing, and one thing only, and that is this Clinton ergonomics rule. This rule cannot be allowed to stand. If this were allowed to stand, it would not be of benefit to people who are working. It was issued as a last political hurrah for the former administration. It is the product of a rushed and flawed rulemaking, and it will not protect workers.

The power for OSHA to write this rule did not materialize out of thin air. We in Congress did give that authority to OSHA, and it is time for us to take some responsibility for what OSHA has done this time. The Congressional Review Act gives us special procedures to do just that, and I am proud to be a part of today's historic innovation of the act.

I thank my colleague, Senator NICKLES, for passing the bipartisan Congressional Review Act, along with Senator REID, and for his hard work on the ergonomics issue. I also thank my colleagues, Senator BOND, Senator HUTCHINSON, and Senator THOMPSON, for their hard work on this issue.

This ergonomics rule is such an overbroad, overblown bureaucratic mess that I cannot imagine any action more in need of being taken than congressional intervention.

I am sure by the time we have had our 10 hours of debate, this rule will be indefensible.

Many of my Democrat colleagues are criticizing the effort to overturn the ergonomics rule. I wonder if any have actually read this gorilla of a rule. Have they tried to understand it? Have they tried to implement it in their offices? Have they asked the small business people in their States whether they will be able to implement it? Of course they haven't. If they had, there is no possible way they would want this rule to remain in effect.

Let me explain specifically why Congress must act to revoke the ergonomics rule. This rule violates sound principles of State and Federal law and, more importantly, common sense. I will talk more about that later, as will my colleagues.

First, I will talk about how we got here and then we will better understand why this rule is so bad and needs to go. Simply put, OSHA rushed through the rulemaking process. Worse yet, they stacked the evidentiary evidence. They ignored criticisms—worse than that, they paid people to rip the criticisms apart. They changed the rules in the middle of the game.

Is it any wonder this flawed process produced a flawed rule? Use spoiled milk, you get a spoiled milkshake. Let's look at some examples. Since 1988, the average time OSHA has spent per rule has been 4 years. Yet the ergonomics regulation was finalized in under 1 year by OSHA despite the fact it generated more public comment than any other prior OSHA rule. Why the rush? The answer is clear: The history books were closing on the Clinton Presidency so OSHA rushed to publish its final rule on one of the last possible days before the new administration to ensure that the new administration would have no recourse. The rule was published on November 16, put into effect on January 16. Is it any coincidence that the inauguration was January 20? That is by constitutional law. Everybody knew when the inauguration would be, when the opportunity would come for a new administration to take a look at what has happened. This has been a rush. No, they rushed forward in spite of the fact that both the Senate and the House voted to impose a 1-year delay on the rulemaking in a bipartisan way, in a civil way. Responsible rulemaking or political posturing? What was the agency doing and thinking?

My Democrat colleagues love to say this rulemaking has been a 10-year process started by Republican Elizabeth Dole. Let's be perfectly clear. No matter how long an issue is out there, the public has no way of knowing how OSHA will handle it, what OSHA will require, what OSHA is going to do, until OSHA actually publishes a proposed rule. That is the beginning of the rule debate. We have all known there have been ergonomics problems—ergonomics problems at work, at home, ergonomics problems with our recreation. Something needs to be done in all of those areas to eliminate the pain and suffering people go through. We have all recognized that.

When did OSHA actually do something? They did it a little less than a year before the final rule. In the case of ergonomics, OSHA let us in on their plan a mere 358 days before they made it the law of the land, one-quarter of the time they typically take.

Let's break it down even further. After the public comment period closed on August 10, 2000, OSHA received over 7,000 comments with 800 volumes of exhibits comprised of over 19,000 separate documents, each ranging in size up to 700 pages. Say the average size of these documents is just 100 pages; that comes to 1.9 million pages of material. That is pretty close to 2 million pages. But there were only 94 days between the end of the public comment period and the date of the OSHA-published rue.

How can the American people possibly have confidence that OSHA truly read, understood, analyzed, correlated, and responded to the 2 million pages of material in 94 days? That is 20,000 pages a day, steady, consolidated. Even if they don't consider it—which we know they didn't—it takes a long time to get through 2 million pages of work. Maybe that is where they saved time because there isn't a single bit of evidence that a single concern made it to the final rule. In fact, the rule got worse. They didn't listen; they made it worse.

Maybe OSHA didn't think it needed to pay any attention to these comments because it could get all the information it wanted from its hired guns. Yes, hired guns. At a most conservative estimate, OSHA paid over 70 contractors a total of $1.75 million to help it with ergonomics rulemaking. In particular, OSHA paid some 20 contractors $10,000 each to testify on the proposed rule. They not only testified on it; they had their testimony edited by the Department. Does that show concern for the problems of America? They brought them in for special sessions so they would be prepared for the same kind of atmosphere they would be in when they were presenting their testimony. They practiced these people, which also made sure the testimony they were giving was the testimony OSHA wanted given.

Then—and this is the worst part of it all—they paid those witnesses to tear apart the testimony of the other folks who were testifying, at their own expense.

Not being paid $10,000 by their government, coming to Washington wanting to testify on a rule, or sending their comments to Washington expecting their comments to be read and considered: not much to ask of a citizen, is it?

What does our government do? They pay contractors to rip apart the testimony. These may be the same contractors who helped compile these 2 million pages of documents to see if there was anything worth putting into the rule. That is not how our government ought to work. OSHA assisted the contractors with preparation of their testimony; they made suggestions to them about what they should say; they held practice sessions to prepare them.

Regardless of whether these tactics actually violate any law, it clearly paints OSHA as a zealous advocate, not an impartial decisionmaker. That is what we expect of our government: impartial decisions—not rabid, zealous advocates.

OSHA should be weighing all of the evidence and making the best decision for workplace safety, not blindly defending its own position at all costs—literally all costs, your costs and my costs, paying people to present the testimony.

How can the American people have any confidence that the outcome of this rulemaking was fair and unbiased? Look at the evidence. They can't.

This perception is also strengthened by the fact that OSHA completely ignored the many criticisms of the proposed rule and actually made it worse. For example, I held two hearings on OSHA's proposed rule last year. Yesterday, I brought in a volume that included that, with lots of testimony, lots of information, lots of letters.

During the first hearing, we examined a provision that requires employers to compensate certain injured employees at 90 percent to 100 percent of their salary. OSHA calls this requirement a "work restriction protection," or WRP. But this provision sounds an awful lot like Federal workers compensation, doesn't it?

At the hearing, we heard testimony from a State workers compensation administrator and two experts in insurance and workers compensation. We also received written testimony from a large group of insurance companies. All of this testimony unequivocally showed that this provision will wreak havoc with the State workers compensation systems.

All 50 States have intricate workers compensation systems that strike a delicate balance between the employer and the employee. When I was in the State legislature in Wyoming, that took up a good deal of the time we spent in the Labor Committee, working on all of the history of workers comp. It is decades old, and there are thousands of administrators who have worked on this for years. OSHA doesn't have anybody who has worked on it for years. OSHA doesn't have anything in place to take care of the kinds of things that are going to happen when this rule starts generating workers comp payments.

All 50 States do have intricate workers compensation systems, and they strike a delicate balance. Each party gives up certain rights in exchange for certain benefits. An employer gives up his ability to argue that a workplace accident was not its fault in exchange for a promise that the employee will not pursue other remedies against it.

Each State has reached its own balance through years of experience, trial and error. Significantly, Congress has never taken this autonomy away from the States by mandating Federal workers compensation requirements before. The ergonomics rule destroys the State's balance and completely overrides the State's rights to make an independent determination about what constitutes a work-related injury and what level of compensation injured workers should receive.

OSHA doesn't have the mechanisms or the manpower to decide the numerous disputes that will inevitably arise because of the WRP provision. All of a sudden, OSHA will have to decide disputes over the existence of medical conditions, the causation, and the right to compensation. What is going to happen to workplace safety and health while OSHA is busy being a workers compensation administration? Do you think they are going to need some additional help on that? You bet they will.

In addition, under WRP, employers must pay immediately and employees can keep both the WRP payment and the workers compensation payment unless the employer sues the employee to recoup the double payment. Do you think the employee will have the money to pay back the double payment?

What we mentioned in committee, and I have mentioned this personally to the people who were working on this rule, that it was set up so an employee could be paid twice for being injured—I ask you, if you can make more money by not showing up for work than you can by showing up for work, would your boss expect you to be there? Even for the best intentioned person, this is a great temptation. And what we are hearing from the businessmen across this country. How do we administer this? How do we make sure we are not doing double payments to employees? How do we make sure that our workforce isn't being paid not to work? We want to do what is right, but we do need workers.

Employees will be making more money by staying home than coming to work, and without any medical diagnosis.

The rule is triggered with no medical diagnosis. Worse yet, under the WRP, the employer cannot get information from the doctor about how the accident happened? He can't get advice from the doctor who actually looked at the patient, to see how to solve the problem. That is illegal under the rule. If we really want to solve the problem for the person, why can't they talk to each other under this rule? Talking to people is the way to get the solution, and OSHA prohibit it because they think all those employers out there are bad to the bone. They wrote this rule for the one-tenth of 1 percent of the people in this country who will not be affected by the rule one bit.

It is no surprise that this WRP provision was vigorously opposed by the Western Governors' Association, the Tennessee Legislature, the New York Department of Labor, the Pennsylvania Department of Labor, and many others. All these complaints are on top of the fact that WRPs violate the OSH Act, a little problem OSHA chose to ignore.

Thirty years ago when Congress wrote the Occupational Safety and Health Act, it made an explicit statement about OSHA and workers compensation. I will quote the act.

> . . . supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

This is almost as if to say: What part of "no" don't you understand? "Nothing in this chapter shall be construed"—"in any other manner"—there are so many words in here that say you can't do workers comp.

You will hear the other side mention a couple of areas where there have been some WRP payments. You will find that those are instances where they can test for substances that can be isolated at the workplace, where there was virtually no other possibility of them getting the contamination somewhere else. They are in the cotton dust and the lead provision. These are very special cases where the exposure can only happen at those workplaces.

That is not like this one, where the accident can happen—it happens over a period of time; it happens as a result of an accumulated effect, and, according to the National Academy of Sciences study, it is even based on attitude at the moment. I would like to see people measure that one.

Twice the provision uses the broad phrase "shall not affect in any manner" to describe what OSHA should not do to workers compensation. As someone with the privilege of being one of the country's lawmakers, it is hard for me to imagine how Congress could have drafted a broader or more explicit prohibition of OSHA's interference with State workers compensation.

But did OSHA heed these numerous complaints and the potential illegality and the constant mention that has been made of it during the entire process, in comment letters, in hearings, and remove the rule? No, it did not. They are all right here. It is on page 6885-4—I love the numbering of the Federal documents—of the final rule.

In our second hearing, we examined the devastating effect the rule would have on patients and facilities dependent upon Medicaid and Medicare. Testimony at that hearing demonstrated that the rule forces these facilities to violate the law and could force them out of business. In 1987, Congress passed the Nursing Home Act, recognizing the importance of human dignity—the importance of patient dignity—the importance of permitting patients to choose how they are moved and how they receive certain types of care.

This act and corresponding regulations mandate this important freedom of choice for patients. The ergonomics rule, on the other hand, imposes many requirements on all health care facilities and providers concerning patient care and movement. Thus, these facilities and providers may be forced to choose between violating the ergonomics rule or violating both the Nursing Home Act and patient dignity. We asked them to come up with some kind of solution for that problem in the hearing.

Moreover, OSHA's rule forces impossible choices about resource allocation between patient care versus employee care. The only way for businesses to absorb the cost of this rule is to pass the cost along to consumers. However, some consumers are patients dependent on Medicaid and Medicare—very important people we cannot leave out. The Federal Government sets an absolute cap on what these individuals can pay for medical services. Thus, the facilities that provide care for these patients simply cannot charge a higher cost. They have to absorb the cost of the rule.

Simply put, these facilities and providers are unable to absorb the cost of the ergonomics rule. And there is no question these facilities will face a cost. OSHA's own estimate of the cost of compliance in the first year will total $526 million for nursing and personal care facilities and residential care. The industry is already having trouble. The industry estimates that the per-facility cost for a typical nursing home will be $60,000.

But my issue with this rule is not that it will cost these facilities so much. It is that it will cost elderly and poor patients access to quality care. The new expenses this rule will add simply cannot be passed on to the patients who depend on this program, and a cut in service will be the only option. We have already seen what is happening, particularly with rural medical practice costs of providing the treatments that are limited. They are going out of business in my State.

Did OSHA do anything to address this problem? Did it resolve the legal conflict? Did it explain how these facilities can comply without sacrificing quality of care and quantity of care? No. In fact, OSHA's own estimate of the cost of compliance with the final rule actually increased over the proposed rule. And they stuck in a couple more things. OSHA actually made this situation worse rather than listening to these vulnerable facilities.

This really disappoints me.

After the hearings were over, I met with the former Assistant Secretary for OSHA and talked to him about my concerns. Mr. Ballinger made efforts in North Carolina in ergonomics and saw a reasonable approach to it, and even recommended him to be the Assistant Secretary for OSHA. I was there at the nomination process and the confirmation hearing. I asked questions about this. I thought we had a person who was reasonable and who would listen. Perhaps he did. Perhaps the bureaucracy took control of him.

But I met with him after we had the hearings and before the rule went into effect. I pleaded with him to solve the problems created by the proposed rule. And he said he would make significant changes. But it was clear that he thought OSHA was an advocate for their original version rather than an impartial decisionmaker weighing all the evidence fairly.

Now that I have seen the final rule, it is clear that OSHA saw blind advocacy as more important than its duty to craft the best possible rule. I see no indication that he took my subcommittee's work or any of the public comments to heart.

Perhaps more disturbing than OSHA's disregard for public comment is its denial of public opportunity to accept only certain elements of the final rule—another drastic attack on the American people. OSHA made significant substantial changes to the final rule without giving the public an opportunity to comment on them.

What this could lead to if we don't reverse the rule today is the agency saying: Let's see. The easiest way to do this would be to leave things out of the proposal and then hold the hearings and take the testimony. And, when we are finished, we will do the final rule the way we want to.

That is what OSHA did. The starting point wasn't so popular and it drew significant adverse comment. But they didn't address it. They just went on to another publication—one that was more stringent than with what they started.

The worst of these changes is OSHA's addition of eight new job hazard analysis tools.

I can almost see your eyes starting to glaze over. If I started to read all of these additional pages to you, they would. But remember that the small businessman has to take these into consideration. The guy out there who doesn't have the specialized staff that OSHA has is going to have to know these because they have included them in the rule.

OSHA's rule says to employers: If you want to be assured of avoiding fines and penalties, you have to reduce the ergonomic hazards in your workplace below the level specified in one of eight tools contained in mandatory appendix D–1.

Doesn't that get you excited? The tool you use is dependent on the type of work your business performs. But you have to figure out which one for yourself.

Here are a couple of them.

We have the ACGIH hand-arm vibration—actually sharing a summary with the small businessmen. It may be some help to them but not much.

GM-UAW risk factor checklist: Sounds like the kind of study you would want to read to keep your mind active.

The push-pull hazard table, and the rapid upper limb assessment—do those sound a little difficult? Yes; they are. They were written by ergonomists for ergonomists. None of them were written for small businessmen. But the small businessman still has to understand them.

These tools are actually eight separate documents that were not written by OSHA, and they were not mandated in the proposed rule—only the final rule. No member of the scientific community and none of the regulated public had an opportunity to comment on whether mandating compliance with these tools is a good idea.

Adding insult to injure, as far as I can tell, OSHA does not provide these documents. Instead, OSHA tells employers: You are on your own. Go ask the publishers, the trade association, and the private companies that wrote these tools to give them to you. So we gave it a shot.

Let me tell you it wasn't easy. It took three of my staff several days, and there was still one document they were not able to obtain at all. Remember, these weren't free.

As for the rest of them, one of the documents is 164 pages long. That is in addition to the rule. It all depends on how thick the paper is. The Government didn't use good paper. That probably saved us a little bit of money. Not doing the rule would save us a lot more.

So let's see what the local bakery has to comply with. I am going to read from The American Conference of Governmental Industrial Hygenists Hand/Arm (Segmental) Vibration Threshold Limit Value (or TLV). This is straight from the range of pages cited by OSHA in the mandatory appendix:

> For each direction being measured, linear integration should be employed for vibrations that are of extremely short duration or vary substantially in time. If the total daily vibration exposure in a given direction is composed of several exposures at different rms accelerations, then the equivalent, frequency-weighted component acceleration in that direction should be determined in accordance with the following equation.

As for the rest of them: One of these documents is one hundred sixty-four pages long. For at least five others, there are separate monetary charges—that's right, businesses have to pay to be able to read these federally mandated documents. And several of these documents are articles in scientific journals written for ergonomists and engineers. But the corner convenience store, local newspaper and your favorite bakery must comply with them all the same.

That is something we deal with on the floor of the Senate every single day, isn't it? I mean, why wouldn't our small businessmen be able to take this simple—simple?—calculus formula and figure out if their employees were getting too much vibration on the job?

It would be a lot simpler if they asked the employees if they were having vibration problems. But the law makes that difficult.

You cannot talk to the guy with the problem and say: Are the vibrations bothering you? What can we do to eliminate some of the vibrations? No. Instead, we have this thing about RMS accelerations, with equivalent, frequency-weighted component acceleration, determined in conjunction with this very simple formula.

Now, I am sure everybody in Congress is going to be proud to go to their baker and say: We know you run some equipment that has vibrations. I want to help you understand this formula. Yes. It is not going to happen. When your baker sees this thing, I will tell you what he will think you ought to do with this rule. There really ought not to be anybody who votes for this rule, not the way it has been messed up through a process that ought to be helping people.

Do you see any evidence there was any attempt to help people? All we built in was cost. We did not build in care. We did not take care of the people of America. We did not save them from their ergonomics problems. We put so much garbage out there that the businessman is simply not going to be able to comply.

This isn't the kind of thing any of us ever anticipated we would be thrusting on the small businessmen of this country. In fact, it isn't even what we thought we would be thrusting on the workers of this country. Do you know what is going to happen in a bunch of businesses in this country. Instead of asking that employee what could be done, instead of asking him how to solve the problem, they are going to hire somebody who will automate the plant. People will lose their jobs. Yes, we may hire somebody to run the automation, but that is not going to take care of jobs in this country, the jobs of people who work hard every day and know what they are doing and know the simple ways that the process could be improved.

I tell you, not one of them is going to read this; not one of them needs to read this. You do not need to read this to solve the problems in the workplace. There are none of us who do not want to see the ergonomics problems reduced and eliminated. I tell you, business has been doing that. Yes, according to OSHA, over the last 5 years business has reduced the number of ergonomics accidents by 22 percent. The Bureau of Labor Statistics gives business a lot more credit than OSHA for these numbers.

What would improve ergonomics in this country? I tell you, if we had the same number of people working with businesses suggesting things that would help the people in that business, instead of spending their time writing this kind of stuff, we would have a lot more of the problems solved.

I am willing to work on coming up with an ergonomics rule that will work to reduce injuries. I am not interested in seeing an ergonomics rule that is for the benefit of the jobs of bureaucrats. That is not going to help us.

I ask you, how in the world is any small business or any businessman, for that matter, supposed to figure out all this stuff? They can't. Businesses simply will not be able to comply with the requirements. But OSHA has not heard their stories because it deprived the American people of the opportunity to comment on the requirements.

Rest assured, these problems are just the tip of the iceberg. You will be hearing about more flaws from my colleagues in the coming hours. But if even one of these issues that I have raised troubles you—and I think they should all trouble you deeply—then you must recognize the desperate need for congressional intervention. That is why a bipartisan act years ago set up this process, so that Congress could jerk an agency back to reality that has not been paying attention. There is a desperate need for congressional intervention.

I urge my colleagues to vote in favor of this resolution. Let's show the country that although Congress delegated rulemaking authority to OSHA, we have not abdicated our responsibility to the American people. I will watch out for the American people. I know my colleagues will, too.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say to my colleague from Wyoming—he chairs the committee with jurisdiction over workplace safety, and I am the ranking minority member—I appreciate him as a Senator. There is a different version of those hearings and a different version about what is the right thing for us to do. I would like to speak to that.

Each year, there are 1.8 million workers who suffer from ergonomics disorders. Mr. President, 600,000 men and women have injuries so severe they are forced to take off work. Obviously, there is a problem. If it is your son or your daughter or your brother or your sister or your husband or your wife, it is very personal to you.

I think this is a class issue. I said it yesterday on the floor of the Senate—and I have to say it again—I think precious few Senators really understand what these statistics mean in personal terms because, frankly, we are talking about a part of the population that is not well represented in the Congress, not well represented in the Senate. We are talking about working-class people. I do not think most Senators have loved ones who are doing this work, whether it is blue-collar work or white-collar work.

As I say, 1.8 million workers every year suffer from work-related ergonomics disorders—many of them women. I must say, I think some of the discussion on the floor trivializes these injuries, trivializes this pain, and trivializes the need for protection for people.

I do not know how many times I have heard from my colleagues that, of course, there should be ergonomics protection, that, of course, we should do something—but it is never this rule; it is never that rule; it is never the next rule. Frankly, there are interests that for 10 years have done everything they could to oppose any kind of rule providing people at the workplace with this protection. That is what this resolution is about. That is what this debate is about.

Keta Ortiz is a sewing machine operator in New York City. She was 52 when her whole life came crashing down. She ended up with cramps in her hands so severe that when she woke up, they were frozen like claws. She had to soak her hands in hot water just to be able to move her fingers. This went on for 5 years. Terrified of losing her job, she suffered agony beyond measure, beyond any measure most Senators know. Finally, she had to give up her job. It took 2 years for her to get her first workers comp check. She lost hers and her family's health insurance, and she now tries to get by on $120 a week in workers comp payments.

Shirley Mack from Spring Lake, NC, is a single parent with four children. Let's talk about people. You can put charts up, and you can make fun of rules, and you can trivialize what this is all about, but let's talk about people's lives.

Shirley Mack has worked since she was 5 and tried very hard to stay off public assistance. Her job was splitting chicken breasts in a poultry plant, working 8 or 9 hours a day, 5 days a week. I doubt whether very many Senators have done that. I have not. Maybe some have, not too many, though.

I am on safe ground, aren't I, colleagues, in saying that not too many Senators have ever done this kind of work? She says she was one of the faster workers but then her hands started hurting and going numb. To avoid losing her job, she continued working, but then her hand stopped working. Her finger locked. Her hand grew numb and cold, and her arm stopped working. After a few days in the plant of not being able to work, she was fired.

I quote from her:

> Now I go to bed in pain and I wake up with pain. It hurts to hold my new grandson. I can't fix a big meal like I used to or hang clothes or do yard work at all. I can't go to the grocery store by myself anymore because I can't push the cart. I can only really use my left hand so lots of things like doing my hair and driving take longer and really hurt. . . . I didn't want to go on assistance, but I am now disabled. This carpal tunnel syndrome is very real.

Some of us are being very generous with the suffering of others. That is what this rule was all about—lessening the suffering of a whole lot of people in the workforce of the United States of America. Now with this resolution, we are going to wipe out that rule, wipe out that protection.

It is interesting: We are in this intense debate—or will be soon—on the education bill regarding accountability for our schools, but when it comes to worker safety, all of a sudden accountability and standards go out the window.

My colleagues have been holding up the Federal Register. They have been talking about the rule. The rule is eight pages. The rule is eight pages. There is background; there is context; there are reasons for doing it. This is the rule, eight pages. This whole book is not the rule; it is a lot of good background information on the rule.

I will discuss what this rule is about, 8 pages, 10 years in the making, starting with Elizabeth Dole, and now in 10 hours we are going to overturn it. By the way, for all my colleagues who say they are committed to doing something, they will do something, time is not neutral for these workers. These injuries are debilitating. It is a life of hell. It is a life of pain. Now in 10 hours we are going to overturn this rule.

These standards, eight pages of a rule, represent a sound, reasonable, sensible approach. What does the rule basically say? After 10 years of diligent work, initiated by Elizabeth Dole when she was Secretary of Labor, right up to now, what do we have? We have state-of-the-art, flexible, commonsense rules for employers, helping them to deal with this vexing problem of ergonomic disorders.

The requirements are not complicated: One, the standard simply calls for employers to provide employees with basic information about ergonomic disorders so that if you are working and you are experiencing these symptoms, you know what is happening to you before it is too late. Then the employer need not do anything more, that is it, unless a worker or an employee reports a disorder or a symptom which is a sign of the disorder. The worker says: I can barely move my wrist; my fingers are swelling; I am in pain. Then there is a problem.

First the employer lets the workers know, gives them information so people can understand what might be happening to them. That is a terrible idea?

Then if the employee should come to the employer and say, I have a problem, it is up to the employer to determine whether or not what has been reported is an ergonomic incident. There are clear criteria laid out. If that threshold is reached, then the employer is obliged to work with his or her employees to identify and analyze the hazards and develop a program to deal with those hazards.

We would think, from hearing some of the Senators on the floor of the Senate, that OSHA has done a terrible thing by promulgating a rule, based on 10 years of work, to provide some protection for well over a million and a half workers every year who face these disabling injuries, 600,000 of whom are not even able to work part of the time because of these injuries.

Are these rigid, onerous, arbitrary rules? No, they are not. A lot of smart businesspeople are already utilizing these standards. Tom Albin, who is an ergonomist at 3M in St. Paul, MN, had this to say about what 3M does in my State:

> Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employee, but also makes good business sense.

Tom Albin is right; it is good business sense.

> 3M's evolving ergonomics process has been effective at reducing the impact of these disorders on our employees and our business. From 1993 to 1997 we have experienced a 50 percent reduction in ergonomics-related OSHA recordables and 70 percent reduction in ergonomics-related lost time OSHA recordables.

In other words, paying attention to ergonomics makes good business sense. It is cost effective. Estimates are that the $4.5 billion annually it will take to implement these standards will result in $9.1 billion annually of savings which are recouped from the lost productivity, lost tax payments, administrative costs, and workers comp. You do the prevention. We have this rule. You have this standard. You prevent injuries. You have more productivity. Workers are not absent from work; and you have fewer workers comp claims. We have also lived to our values: We have provided protection for hard-working people.

When my colleagues come to the floor and talk about this standard as if it is arbitrary and capricious, they leave out a little bit of the history of this. The fact is, many companies are saying, yes, we need to do this. Good businesspeople are saying, yes, we need to do this. It is preventative, and it saves money.

The results are not surprising. The National Academy of Sciences and the Institute of Medicine report, which was requested by industry groups and opponents of these standards—I haven't heard any discussion about this—finds scientific support that, one, exposure to ergonomic hazards in the workplace causes ergonomic disorders; and, two, these injuries can be prevented.

This is the report. If I were to list—and I don't have time because other colleagues will speak—the panel composition, it extends from internal medicine to nursing to physiology to biomechanics to human factors engineering, a most distinguished panel of men and women. The National Academy of Sciences found a strong and persistent pattern, both on the basis of epidemiological studies and biomechanical studies, that indeed there was a huge problem in the workplace. Repetitive stress injuries are for real. People are disabled.

They also found that in fact if we want, we can take action to reduce this pain and agony. We could change the design of tools and work stations, rotate jobs, lift tables, have vibration-dampening seating devices. There are a whole set of ergonomic principles which can be used to reduce exposure to risk factors and, as a result, mean less pain for many women and men in the workforce.

I have not heard my colleagues talk about this study. I know sometimes facts are stubborn things. I know sometimes we don't want to know what we don't want to know. The NAS report goes on to affirm the basic elements of the OSHA standard: management, leadership, employee participation, job hazard analysis and control, training, and medical management. So my second point is that the case for these standards is strong and unassailable.

My last point has to do with the rush to judgment that we are witnessing today: Ten years of work, countless studies, untold time and effort overturned after 10 hours of debate. This resolution of disapproval wasn't sent to committee, and this, despite the fact that we have a new study hundreds of pages long, commissioned by the opponents of this rule that supports the essential elements of what OSHA ordered. This is the problem my colleagues have. They are doing the bidding of some very greedy folks who say they don't want to have to spend any more money.

How generous we are with the suffering of others. So we had 10 years of study and the opponents wanted the National Academy of Sciences to give us their best judgment. Well, they ended up supporting basically the rules that OSHA ordered, which was what the opponents were opposed to. So now Senators don't have the study; they don't have the research; they don't have the evidence. But I will tell you what they do have. This is what they do have. They could come to the floor of the Senate. The administration could do the same thing. The administration could stay OSHA's rule. The administration could reopen the rule-making process, call for further studies; they could let the court processes unwind.

Instead, this effort is to kill the rule. This is scorched earth policy to prevent OSHA from ever issuing a rule in "substantially the same form, unless specifically authorized by a subsequent act of the Congress." That is what this is all about.

Let me be clear about this. My colleagues are not interested in making any kind of accommodation. That is not what this is about. They are not interested in saying, yes, there are some parts in this rule we don't like; let's see if we can fix them. What they want to do is avoid accountability for worker safety. That is what this is all about—that we will avoid accountability. That is what is so egregious. That is what is so egregious about what is happening.

I finish this way. This is one interesting and telling week for—sometimes you speak on the floor of the Senate and you somehow hope you get the attention of people, and you almost hope people listen and you can connect with the people in the country to somehow follow debate, or they hear one thing you say.

I certainly wish to say this: For working people, for people who are not the heavy hitters, not the big players, not the investors, don't have all of the economic clout, don't lobby here every day in Washington, who are doing the work, who are faced with these kinds of injuries and this kind of pain, these kinds of disabilities, men and women—but probably the majority are women—this is not a good week for them because this resolution overturns 10 years of hard, diligent work to finally write a rule that will give working men and women some protection in the workplace. And then if you can't work because you are disabled by this injury—remember, a lot of people have no other choice. A lot of people work at these jobs because they have no other choice. They don't work at these jobs for the fun of it. We have options. We can go to other work. They don't.

And then what we are going to do, starting tomorrow, assuming this resolution passes, is we are also going to say to the same people, now we have overturned the rule, now we have moved away from protection—although Senators are saying, of course, we are concerned. Your concern doesn't mean much because time is not neutral, and for a whole lot of folks the injuries are now.

I keep hearing we are for another rule, another time, another place; but every time big economic interests say, oh, no, we can't afford it.

My colleague from Wyoming, whom I respect, talked about nursing homes. I hope that the choice is not between nursing homes or hospitals saying, look, in order for us to be able to make it economically—I agree they have gotten the short end of the stick when it comes to reimbursement. We have our health care providers saying the only way they can survive economically is for the workforce to work jobs that are unsafe and continue to suffer and struggle with disabling injuries. That should not be the tradeoff.

Does anybody wonder why we have a 40-percent turnover in nursing homes every year? Part of it is the low wages and part of it is outrageous working conditions, taking care of our mothers and fathers who built the country on their backs. One would think we would do well for parents and grandparents and for the human service workers who take care of them. We don't do well for the men and women who take care of our parents and our grandparents in nursing homes or in home health care when we do not take action to protect them and make sure they are safe.

I can only say that the supreme irony of this week is that now that we take away the protection, if you are disabled and you can no longer work, then what we are going to do, starting tomorrow, is pass the bankruptcy bill that is going to make it impossible for most people in the country to any longer file chapter 7 and rebuild their lives. Incredibly harsh. Great for the credit card companies. It doesn't hold them accountable for their predatory policies, for pumping these credit cards on our children and grandchildren. But, boy, when it comes to families that find themselves in terrible economic circumstances because of a major medical bill, or because of the loss of a job, or because of a divorce, it is going to be practically impossible for people to rebuild their lives.

So I say that working families get the shaft on the floor of the Senate this week and next week as well. I say that is a shame. But I say that I believe in the intelligence of people, and my guess is that citizens in the country will figure this out and they will have a pretty good sense of who gets represented well here and who is left out.

I will finish with this sentence. I think, unfortunately, that even though I don't believe it is intended, because Senators on the other side of this debate are good people—we just disagree—I think the effect of this resolution overturning 10 years of work, overturning this rule, so important to protecting men and women in the workplace—the effect is to make many working Americans, men and women, expendable. We are making them expendable. We are saying to many working class people in the country that you are expendable Americans. I am in profound opposition to that statement.

I yield the floor.

Mr. ENZI. Mr. President, I yield such time as the Senator from Tennessee may use.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I rise in support of the proposition that in a democratic republic it is entirely appropriate for elected representatives to have some say-so when a bureaucracy produces a rule that so greatly affects people's lives.

As we get into our discussion, we can discuss some of these broad, powerful, greedy interests that have been referred to, and we can discuss exactly who is affected by this rule and whether or not all these people fit that definition that our previous speaker has just cast on everyone who comes to us with concern about this rule.

I rise in support of the resolution of disapproval of OSHA's ergonomics regulation. I do not make this decision lightly, but this regulation is so unworkable, and the process under which it was issued so unsound, I believe I have no choice but to support its disapproval.

This regulation is a perfect illustration of how political gamesmanship can subvert rational policymaking.

At the outset, I will address some of the claims made about this resolution of disapproval. Some assert that this resolution is an attack on worker safety. Some may even claim this resolution will bar OSHA from addressing the problem of musculoskeletal disorders. The truth is, none of us oppose worker safety. Many of us have worked on those assembly lines we hear so much about. Some have firsthand experience with such matters.

This resolution prevents an irresponsible and unworkable regulation from taking effect. OSHA will still retain the freedom to address the problem of musculoskeletal disorders, including through the use of its general enforcement authority or by reissuing a reasonable regulation. Just because something has been worked on for many years does not mean the final product produced at the last minute is a reasonable product. Perhaps a lot of good work went into this over the last 10 years, but what counts, as we have learned in so many other areas, is what happened as it went out the door.

There is not enough time to discuss all of the flaws and problems with this regulation. Many of my colleagues have discussed, and undoubtedly will discuss, some of these problems. They will show this regulation is the product of an unfair, biased process. The rule will unfairly burden businesses all across America, especially small businesses. Beyond the private sector burdens, this regulation will cost the U.S. Postal Service over $3.4 billion, plus $1.5 billion annually thereafter. My colleagues will also show this regulation is incomprehensible. This regulation is unworkable. All of this is cause for concern. I am particularly concerned about the burden this regulation imposes on businesses in Tennessee. But I will not rehash all of these arguments in the limited time I have today. Instead, I want to focus on how the Clinton ergonomics regulation would harm State and local governments and violate principle of federalism.

As chairman of the Governmental Affairs Committee, I have the responsibility to oversee Federal-State relations. Over the past several years, I have struggled with the Clinton administration over its federalism policy. This ergonomics regulation is consistent with their disrespect for the principle of federalism. By many measures, this would be the most burdensome regulation ever imposed by OSHA. It would amount to an enormous unfunded mandate. It would preempt traditional State and local authority. It could seriously impair State and local governments across our country, and certainly in Tennessee. It could hit hardest in many small and poor communities where local governments struggle to meet the needs of their citizens already.

Yet until the 11th hour, OSHA neglected to consider how its regulation would burden State and local governments and erode their traditional authority. OSHA failed to properly consult concerned local representatives or to fully explain the potential effect on State and local employers.

After spending years to study the impact of this mega-regulation, OSHA neglected to consider the economic impact of its proposed regulation on

State and local governments. This is not a small oversight, to say the least. When OSHA published its proposed ergonomics standard in November of 1999, OSHA claimed "few if any of the affected employers are State, local, or tribal governments." Then OSHA heard the howls of protest and conceded that the regulation certainly was going to impose very large and real burdens on these groups.

Such small inconvenience did not slow OSHA's rush to ram out this regulation in final form in the last days of the Clinton administration. OSHA simply cranked out a perfunctory economic analysis last May and provided State and local governments a grossly inadequate 30-day period to comment on OSHA's slipshod economic analysis. OSHA also moved its July 7 hearing to consider the economic impact on these parties from Washington, DC, to Atlanta, GA, during a time when there was a huge convention in Atlanta and rooms were scarce. Many interested parties, including representatives of local government, were not even able to attend due to the expense and inconvenience involved.

When it issued the final rule, OSHA admitted there would, indeed, be economic burdens for State and local governments—to the tune of about $558 million each year. Other estimates are much higher. The Heritage Foundation estimated that the cost of the ergonomics proposal on State and local government would be about $1.7 billion.

When OSHA proposed this regulation, it claimed that the Unfunded Mandates Reform Act did not apply. In the preamble to its final rule, OSHA does not deny that the ergonomics regulation would impose an enormous unfunded mandate. But it glibly claims that the final rule is the most cost-effective alternative. We have already seen many instances where the Clinton administration thumbed its nose at the Unfunded Mandates Act. A GAO report I requested a couple of years ago concluded that the Unfunded Mandates Act has had little effect on agency rulemaking. I think this episode cries out for reexamining the Unfunded Mandates Act.

I am concerned that many governmental entities—towns, water districts, volunteer fire departments, and so on—will not be able to sustain the cost of this unfunded mandate without increasing taxes or cutting vital services. Local governments simply do not have adequate resources to meet these far-reaching mandates from OSHA. This is true both in Tennessee and across America.

According to the National League of Cities, out of 36,000 cities and towns in America, 91 percent have populations of fewer than 10,000. The average annual budget of these small towns and cities is about $1.6 million. At the end of the day, there is simply no money for lawyers and ergonomics experts.

But the story does not end there. This standard preempts an area of traditional State authority. State workers' compensation systems are based on decades of experience and careful deliberation. We talk about 10 years working on this rule. What about the many more years it has taken to develop State workers' compensation laws that are totally abrogated by this rule?

In one fell swoop, OSHA would overturn the careful policy choices of the States. This regulation supersedes existing State workers' compensation programs despite the fact that the Occupational Safety and Health Act makes clear that OSHA may not supersede or in any way affect any workers' compensation law.

The rule's work restriction protection provisions, which require employers to pay 90 percent of earnings and 100 percent of benefits to employees unable to work, would effectively create a Federal system of workers' compensation. The rule would also allow employees to bypass the system of medical treatment provided by State law for workers' compensation injuries and seek diagnosis and treatment from any licensed health care provider.

Did Congress intend to delegate the authority to the bureaucracy to establish a Federal workers' compensation law in this area and to preempt State laws that were formulated over the last decades? I don't think so. By interjecting a special Federal compensation system for ergonomic injuries into State compensation programs, the work restriction protection provisions would provide preferential treatment for people with musculoskeletal disorders as opposed to every other job-related injury or illness.

Some local representatives have argued that the work restriction protection provisions could provide an employee who hurts his wrist playing tennis more money in benefits than current benefits provide a laborer who loses his arm.

To make matters worse, the work restriction protection provisions double the opportunity for fraud by failing to provide employers any recourse for recovering workers' compensation payments from employees who have already received their earnings and benefits through the work restriction protection provisions. The double payment would take more money away from people with real injuries who have legitimate claims.

My concerns are shared by many State and local governments that face this unfunded mandate and the erosion of their traditional authority. Both houses of the legislature of my home State of Tennessee are controlled by the Democratic Party.

The Tennessee Legislature passed a resolution calling on Congress "to take all necessary measures to prevent the ergonomics regulation from taking effect." They are concerned that the ergonomics rule will preempt Tennessee's workers' compensation system, impose drastic requirements on the state government, and cause hardship for many Tennessee businesses. I agree, and I wish the Clinton Administration had listened to the representatives of the people of Tennessee.

The concerns raised by Tennessee are shared by many other state and local governments. The National League of Cities, the largest and oldest organization representing the nation's cities and towns, has opposed the regulation from the beginning. The Western Governors' Association passed a resolution detailing how the regulation would supersede the entire complex of state workers' compensation provisions and conflict with state laws.

Mr. President, a couple of years ago, I fought the Clinton Administration's attempt to repeal President Reagan's Executive Order on Federalism and to replace it with a new Order that would have created new excuses for federal meddling in state and local affairs. Ironically, the Clinton Administration tried to issue this executive order, which called for more consultation with state and local government, without consulting with state and local governments at all. A firestorm of protest from state and local officials led the White House to adopt a new federalism order that mimicked the Reagan Order. The Clinton Administration promised to consult more with state and local officials. But a year later, on the most burdensome regulation ever proposed by OSHA, the Clinton Administration did not address the problems raised by state and local officials, did not seriously consider the enormous impact of this unfunded mandate, and did not trouble itself with the rule's disruption of complex areas traditionally regulated by the states.

I ask unanimous consent that the resolution of the Tennessee legislature, a letter from Tennessee Governor Don Sundquist, and the letters from Mayor Victor Ashe of Knoxville and Mayor Charles Farmer of Jackson, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that "Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment."; and

Whereas, the Occupational Safety and Health Administration ("OSHA"), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, the proposed rule creates in effect a special class of workers compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, the proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, the proposed rule would require employers to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, the proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, the proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, the proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars ($18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, the proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, this proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-fits-all solution; now, therefore,

Be it *Resolved* by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect.

Be it further Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

State of Tennessee,
Nashville, TN, March 5, 2001.

Hon. Fred Thompson,
Dirksen Senate Office Building,
Washington, DC.

Dear Senator Thompson: I'd like to offer you my support for Senate Joint Resolution 6, which disapproves the ergonomics rule submitted by the Department of Labor.

I oppose unfunded federal mandates and believe in each state's right to set workplace laws. The Ergo Rule is too complex, too unworkable and would be far too costly for state and local governments at a time when most state and local governments are working to cut costs in an effort to continue to provide quality, effective services without overburdening taxpayers.

In addition, the ergonomics legislation would negatively impact hundreds of Tennessee businesses. For these reasons, I join you and the Tennessee Association of Business, the Tennessee Apparel Corporation, the Tennessee Grocers Association, the Tennessee Automotive Association, the Tennessee Malt Beverage Association, the Tennessee Health Care Association and Chattanooga Bakery Inc. in support of Senate Joint Resolution 6.

If I can be of further assistance on this or other matters please don't hesitate to call.

Sincerely,

Don Sundquist.

The City of Knoxville,
Knoxville, TN, March 5, 2001.

Hon. Fred Thompson,
U.S. Senate,
Washington, DC.

Dear Fred: I am writing to advise you that I fully support S.J.R. 6.

This regulation regarding ergonomics is ill advised and will adversely impact local governments. It will, in fact, impose another unfunded mandate on local governments that would prove to be extremely costly for our taxpayers. It would eventually result in reduced services and/or a property tax increase.

This regulation is complex and unworkable. It is unclear how state and local governments will be affected. In addition, there can be no alternative position established for personnel such as firefighters and police officers.

I am hopeful your efforts to stop this regulation from taking effect will meet with success.

Sincerely yours,

Victor Ashe,
Mayor.

City of Jackson,
Jackson, TN, March 5, 2001.

Re S.J. Resolution 6.

Senator Fred Thompson,
Committee on Governmental Affairs,
Washington, DC.

Dear Senator Thompson: I urge you to support S.J. Resolution 6 which allows for disapproval of the rule submitted by the Department of Labor relating to ergonomics regulation for the following reasons:

Tennessee has already enacted a comprehensive and effective workers' compensation system that encourages employers to provide a safe working environment and to compensate employees for injuries that occur.

The proposed rule would displace the role of states in compensating workers for musculoskeletal injuries in the workplace.

It would require employers to compensate workers for medical treatment under both the existing workers' compensation rules and OSHA rules.

The rule would force manufacturers to unnecessarily alter workstations and redesign facilities, which could cause undue financial hardships on businesses without guaranteeing the prevention of a single injury.

In some work environments such as fire fighting and police activity it would be impossible to alter the components of their job and remain effective.

It is unclear how state and local government employees will be affected by the rule.

OSHA did not conduct a cost-benefit analysis revealing the fiscal impact of the rule.

The rule is an unfunded mandate thereby placing the burden of funding on states and cities.

In short the rule is costly and unworkable.

Thank you for your attention to this matter. Please advise as to how I can provide further assistance of information.

Yours truly,

Charles H. Farmer,
Mayor.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, under the previous order the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Enzi).

DISAPPROVAL OF DEPARTMENT OF LABOR ERGONOMICS RULE—Continued

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent that the order recognizing Senator Thompson be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to address the Senate on the matter before us that has been the subject of the debate all morning—the resolution which would vitiate OSHA regulations on ergonomics. Ergonomics is a dreadful name. I am trying to find a good definition for it. It is probably causing some people to wonder what this debate is all about.

I am told that ergonomics is the science of fitting the job to the worker and ergonomic injuries are repetitive stress injuries.

There have been some rather startling statistics regarding these stress-related injuries over the last number of years. The National Academy of Sciences and the Institute of Medicine report of January, 2001, reported that in 1999, nearly 1 million people took time from work to treat or recover from work-related ergonomic injuries. The cost of these injuries is enormous—about $50 billion annually. Many of the people with ergonomic injuries we are familiar with, such as meat-packing workers and poultry workers, assembly line workers, computer users, stock handlers and canners, sewing machine operators, and construction workers. While women make up 46 percent of the overall workforce, they account for over 64 percent of these repetitive motion injuries.

More statistics may be somewhat helpful here. According to the Bureau of Labor Statistics, 1.8 million ergonomic injuries are reported each and every year, and have been for well over the last decade as our economy produced more jobs of the kind I just described. Six hundred thousand people have lost work time as a result of these injuries. Ergonomic injuries cost businesses $50 billion a year. Finally, women, who make up 46 percent of the workforce, account for a majority of these injuries that are occurring in the workplace. These injuries are debilitating. They are painful and the economic hardship caused by them is significant.

I can tell you firsthand about a woman who spent 30 years working in the Senate, and worked with me for almost the last 20 years. She developed carpal tunnel syndrome, a very painful injury. She was a valued worker in my office and showed up for work every day. I do not recall her ever being absent during the 20 years she spent with me. When she developed carpal tunnel syndrome, she was unable to perform her regular duties. But we found other work in the office for her to do until she was able to recover. She continued working in my office until she retired.

I mention these statistics and numbers because I find it rather appalling that we are now in the business, if this resolution is adopted, of abolishing the rules that provide help for 1.8 million people a year who are injured by repetitive stress injuries. It is the kind of protection workers ought to be getting under OSHA. I don't know of another time in the 20th century when we rolled back the clock on protecting workers in this country from work-related injuries.

I know there were times when people fought the initial legislation that provided protection. But I don't know if there was ever a time since this Nation first decided it was in the national interest to provide protection for people, that we have rolled back the standards in 10 hours of debate—10 hours. That is it, 10 hours of debate, after 10 years of crafting these rules to provide these protections.

Let me tell you what is the greatest irony of all. Who started this debate? Who proposed that we do something about this? It was the Secretary of Labor, Elizabeth Dole, who first brought up the issue that we ought to do something about protecting people from these kinds of injuries.

In fact, it was in August of 1990, in response to evidence that repetitive stress injuries were the fastest growing occupation illnesses in the country, that Secretary of Labor Elizabeth Dole announced the beginning of rulemaking on the ergonomics standards. Two years later, in 1992, her successor, Lynn Martin, under yet another Republican Administration, issued an advanced notice of proposed rulemaking on these repetitive stress injuries. And not until substantial scientific study had been conducted did the Clinton administration release a draft of proposed standards in February of 1999.

However, before issuing the final rule, the Occupational Safety and Health Administration extended the comment period, at the request of some of my colleagues and others, and held 9 weeks of public hearings. They heard from 1,000 witnesses and reviewed 7,000 written comments. The final standards were issued in November of 2000 and they went into effect on January 16, 2001.

So after 10 years of work by good people who did not bring any ideological bent to this at all—at the suggestion of two Republican Secretaries of Labor—today, in 10 hours of debate, we are going to wipe all of this out.

I am not going to stand here and suggest to you that every dotted "i" and crossed "t" in these regulations is perfect or right. I do not claim that level of expertise to know whether or not that is the case. But if it is not perfect, then let's fix it. Do not wipe all of this out—not after 10 years of work. It would take an act of Congress, adopted by both Houses and signed by the President, in order for the Administration to put some regulations back into effect to protect people.

What are these regulations? I think it is also very revealing what these standards are. The standards require that all covered employers provide their employees with basic information about signs and symptoms of these repetitive stress injuries or ergonomics injuries, the importance of reporting these injuries, risk factors associated with ergonomic hazards, and a brief description of the ergonomics standard. The employer has no further responsibilities under the rule unless an employee reports an ergonomic injury or signs of symptoms of an ergonomic injury that lasts for 7 days after being reported.

Then, if the employer determines, and I never heard of a rule set up like this—if the employer determines that the ergonomic injury is work-related, and that the injured employee is exposed to serious hazards, the employer must craft an appropriate remedy. Not some neutral board, the employer makes the determination.

To call this excessive stretches the imagination and credulity. These are not onerous standards. And if we want to fix some of them, then let's try to do that. But to eliminate it altogether, —in 10 hours of debate or less—after all of this work, I find terribly disappointing, to put it mildly.

We are only a few weeks into this new administration. There are ways in which you address problems. This is not a proper way to do so. There are 100 of us in this Chamber who care about these issues and who can work on them. But to bring up a resolution like this and try to jam it through, and eliminate all this work, I think, is a great step backwards. I am terribly disappointed that the leadership of this body has decided to choose this route as a way of dealing with this issue.

There is more misinformation being heard about this particular issue than anything else I can think of.

As I said, these injuries are debilitating. They are painful. People are losing work and time. Are we just going to wipe out all of these standards, after 10 years of research, sound science and an unprecedented amount of time for public comment?

Employees have a right to expect a safe workplace. We fought long and hard in this country to provide these rights for people. And all along the way, there were those who objected—whether it was child labor laws or safety and health standards, work conditions, or hours. Unfortunately, at every critical moment in history there have been those who stood up and said: We can't afford to do this; that it is an onerous burden on the employers of this country to have to provide a safe workplace. People ought to be grateful they have a job and not complain about the conditions under which they work or the injuries they may incur at the workplace. At every moment in history, when people have stood in this Chamber and elsewhere and fought on behalf of working people, there have been people who have stood up and said: We can't afford to do it. It is too complicated. And we are not going to do it.

Those who are offering this resolution may succeed today, but the American people will not forget it. And the 1.8 million people this year—65 percent of them women—who are going to suffer, with no recourse, will not forget it, either.

There is a process by which you can fix this law, if you want to. A 10-hour debate on an unamendable resolution, after 10 years of work, is not the way to go. It is not the way to go.

I urge the authors of this resolution to withdraw it before the vote occurs this afternoon and allow this Chamber and the Members to work on this with the administration, and not reach some fait accompli that wipes out 10 years of work by intelligent, smart people who knew what they were talking about. I would hope the leadership would see fit to do so.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the passion of my colleague from Connecticut. I have the utmost respect and admiration for him. I know how strongly he feels about this. I know in his comments he was not in any way insinuating those of us who take a different position than he on this would not be concerned about workers, that we would not be concerned about health and safety in the workplace because I want to assure him that this Senator from Arkansas, who supports the resolution of disapproval, feels very strongly, as I know the Presiding Officer, who has worked long and hard on this issue, does, that the ergonomics issue needs to be dealt with but needs to be dealt with properly.

Frankly, you may have 7,000 comments, but if they are ignored, and the rule is changed, then that process is flawed. Frankly, to question the process we are now going through is to question the lawmaking authority and the right of the Congress.

What has brought us to this point? It is the fact that there are agencies out there that have sought to do what we are constitutionally authorized to do; that is, to make the laws and the policies for this country.

I want to take just a moment to commend the Presiding Officer, Senator ENZI, who made an eloquent and very accurate and detailed speech earlier today. But, more than that, I thank him for the hearings he has conducted and the information he has brought forward and elicited about how this process went forward, about witnesses who were paid, instructed, coached, practiced, to arrive at a preordained outcome. I thank Senator ENZI for the role he played as part of this process to which Senator DODD was referring. Unfortunately, after hearing after hearing that was conducted, the outcome and the evidence that was elicited was ignored by OSHA.

I commend Senator NICKLES for his foresight years ago in sponsoring the Congressional Review Act. With the CRA, we have a means by which we can address an agency that goes amok and passes a rule that is not in the interest of the American people.

I see Senator BOND, who has walked on the floor. He has worked long and hard and felt strongly about this issue and has played an important role in bringing us to this day and allowing Congress the opportunity to assert its rightful role once again. Senator THOMPSON, who spoke earlier, has played an important role as well.

For the first time ever, the Senate will today utilize the CRA to vitiate and overturn an agency rule—that is, a several-hundred-page OSHA rule—that imposes the largest and most costly regulatory mandate in American history on the workplace. It is appropriate that this would be the first use for the CRA.

My colleague from Connecticut said that under the rule the employer makes the determination. Therefore, that is a good thing. That is one of the problems. Under the OSHA rule, the employer is going to be asked to determine health conditions, to determine whether or not the health condition of his employee was caused by a workplace condition or something that happened outside the workplace. The employer is going to be asked to have the wisdom of Solomon in making those kinds of determinations. That does not make this rule better. It is a big flaw in the rule.

My colleague also said that it is not onerous. I will let the American people make the judgment of whether it is onerous or not. This is the rule. It has been said that it is only 8 pages out of what I am holding, but no one has suggested that the American businessperson will not have to read and be familiar with every item in this 608-page rule.

These are the supplementary materials that the businessman himself must buy. This is seven out of the eight. We could not get the eighth. The cost for these items will run $221—money the employer must pay just to find out with what he has to comply. I will let the American people and my colleagues determine whether that is an onerous burden. I believe it is.

For more than two centuries, the three branches of our Federal Government have respected the checks and balances. This is not just a concept taught casually during our high school civics course. It is the means by which our American system of government has endured. The executive rulemaking process should be treated with respect. Without it, the laws we pass cannot be administered nor enforced.

However, the rulemaking process must also have checks. There must be a means by which a rulemaking body that goes too far and exceeds their statutory authority can be reined in by the elected representatives of the people. This process is what we are involved in today.

How did we arrive at this point? How did we end up with a rule that is 608 pages long, incomprehensible to the average businessman, and where the businessman has to pay $221 to get the supplementary materials to find out with what he has to comply?

I suggest it starts with this mentality. This is a statement made in an interview by Martha Kent, former director of OSHA's safety standards program, a May of 2000 interview by the American Industrial Hygiene Association trade journal. This is what she said:

> I absolutely love it. I was born to regulate. I don't know why, but that's very true. So as long as I'm regulating, I'm happy . . . . I think that's really where the thrill comes in. And it is a thrill; it's a high.

It may be a high for the regulator. It may be a thrill for the rule writer, but it is no thrill for the small businessman with 20 employees or 30 employees or 200 employees who has to try to decipher what that thrill-loving rule writer meant.

That is how we have come to this point. In 1996, Congress and the President believed it was important enough to preserve this balance by enacting the Congressional Review Act. I am glad we have that tool today. We are having this debate to guarantee that rogue rulemakings do not become governing law.

There is not one Member of this distinguished body who does not advocate the safety and well-being of our workforce. Let me be clear. If this rule was about employee safety and health, we wouldn't be having this debate today. Unfortunately, this standard was not meant to improve working conditions but rather to place a $63 billion or a $100 billion—depending upon whose studies you look at; the Small Business Administration says it is up to $63 billion—annual mandate on employers and, in so doing, circumvent State jurisdiction and require small employers to fulfill and to fully understand vague scientific solutions to extremely complex medical conditions.

To all of those today who stand on the floor and champion workers' rights, this rule will result without doubt in sending jobs overseas where there are often no worker protections at all. There are going to be jobs cut. There are going to be companies closed. There are going to be jobs exported overseas. Americans will stand to lose those jobs, and overseas there are going to be workers with far fewer worker protections who will inherit those jobs. That is why this debate is occurring and why our vote on this resolution is so imperative.

Recall that on Friday, November 19, 1999, Congress adjourned for the year having completed its work for the first session of the 106th Congress. After we left town, OSHA announced the following Monday its new ergonomics proposal. OSHA knew then that the clock had started ticking to complete action within the next 13 months. OSHA, however, decided it was in our best interest to shotgun the proposal through its hoops in 1 year's time, refusing to wait for the completion of the $890,000 NAS study which since then has been completed.

The Senate Subcommittee on Employment, Safety and Training, after weeks of evaluating the impact that this proposal would have if actually enforced, held the first Senate hearing examining just one of many portions of OSHA's proposal, the work restriction protections. The WRP provisions would require employers to provide temporary work restrictions, up to and including complete removal from work, based either upon their own judgment or on the recommendation of a health care provider.

If the employer places work restrictions upon an employee which would allow them to continue to perform some work activities, the employer must provide 100 percent of the employee's earnings and 100 percent of work benefits for up to 90 days. If the employee is completely removed from work, the employer must provide 90 percent of the employee's earnings and 100 percent of benefits for up to 90 days. That is not a bad deal, much better than one would find under most State workers compensation programs.

This certainly raises the question as to what the motive was for having WRP in the rule. Why didn't OSHA simply allow States to continue administering this provision? How does OSHA help the employer determine if the employee's injury occurred from work-related activities versus a disorder acquired from home? The fact is, the rule does not explain it, and OSHA never intended to answer these questions.

Suppose there is an employee whose job involves operating a keyboard. Let's suppose that in the course of time there is a repetitive motion affliction. Let's suppose that in fact there is an ergonomic result physically for that worker. The complaint is made. It is discovered that the worker usually, and on an ongoing basis, is on the Internet 2 or 3 hours a night after leaving the workplace. How is that employer to determine what is in fact the cause of that disorder? Under the OSHA rule, it doesn't really matter. If the workplace contributed even in the slightest to the disorder, they then would be eligible for the remedies under the OSHA rule.

I could go on. The employee complains about a back strain. Is the back strain the result of sudden lifting of furniture at home, or is it the result of some activity in the workplace? Under the OSHA rule, it is the employer who is liable to make those kinds of determinations and to provide relief.

In terms of State jurisdiction, the hearing that the Presiding Officer, Senator ENZI, conducted revealed that the WRP provision is a direct violation of section 4(b)(4) of the 1970 OSHA act. Let me read this. Senator ENZI went through some of this previously. Let me read it because it is so very clear.

> Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases or death of employees arising out of, or in the course of, employment.

Nothing in this chapter shall be construed to supersede or affect workers compensation laws. I am like you, Senator ENZI. What part of that do we not understand? This is the very act that established OSHA. They now, in clear defiance of the statute authorizing their very existence, have promulgated a rule and finalized a rule that violates their charter. They were explicitly told at the time the agency was established: You will not tamper with State workers compensation laws. That is the State domain.

I hope all my colleagues, whatever your feeling about how we should address ergonomics, will examine this single issue: Is it the right of any Federal agency to establish a national workers compensation law? Is that the domain of a Federal regulatory agency?

I suggest that on both sides of the aisle the answer is no. If we are going to have a national workers compensation system, managed and administered by the Department of Labor, then it should go through this Chamber. It should be written and authorized by the Congress and signed into law by the President. It should not be done in a rogue rulemaking process.

I believe we not only have seen an infringement in OSHA upon the rightful constitutional lawmaking authority of Congress; we have also seen a trampling of State jurisdiction in the area of workers compensation laws. We specifically withheld from OSHA the authority to supersede or affect State workers compensation laws. Congress did this because State workers compensation systems are founded upon the principle that employers and employees have both entered into an agreement to give up certain rights in exchange for certain benefits in the area of work-related injuries and illnesses. Most often, employers give up most of their legal defenses against liability for the employees' injuries, and the employees give up their right to seek punitive and other types of damages in turn. The crucial factor that makes State workers compensation systems possible is that the remedies it provides to employees are the exclusive remedies available to them against their employers for work-related injuries and illnesses. That won't be the case come October 15, 2001, when employers must be in compliance with OSHA's rule, unless we act today.

If you can receive 90 percent of compensation under OSHA's ergonomics rule, it will absolutely undermine, pull the rug out from under, State workers compensation laws. It will destroy the trust and faith that has been developed at the State level. WRP provisions are in direct contradiction to section 4(b)(4) and will shake the foundation upon which State workers compensation systems rest because they will provide a conflicting remedy for employees with work-related injuries and illnesses.

Since WRP provisions will unquestionably differ from the current State compensation systems, there will also be confusion as to who is liable. As far as OSHA is concerned, that case is closed—the employer is guilty, no questions necessary.

This is precisely why Congress put section 4(b)(4) in the act 31 years ago. But to be sure that this is what Congress had in mind, I dug deeper and found the conference report filed December 16, 1970. As it pertains to section 4(b)(4), it reads:

> The bill does not affect any Federal or State workmen's compensation laws, or the rights, duties, or liabilities of employers and employees under them.

If the statutory language isn't clear enough, the conference report ought to make it even more abundantly clear what the intent of Congress was. All of this came out in the hearings so well conducted by Senator ENZI. There was no answer from OSHA. There was no explanation as to how they were not tampering with State workers compensation laws.

I say to my colleagues, the law was clear, the report language is clear; how can this be misconstrued by OSHA? They are violating the very law that established and authorized their agency.

Another factor that was overlooked, I believe, was the proposal's price tag. There have been a whole slew of numbers tossed around, so I will use what I believe to be the most reliable and conservative figure—one put forth by the Clinton administration itself. According to their Small Business Administration, OSHA has grossly underestimated the cost impact of its proposal.

The SBA ordered an "Analysis of OSHA's Data Underlying the Ergonomics Standard and Possible Alternatives Discussed by the SBREFA Panel."

Policy, Planning, and Evaluation, Inc.—PPE—prepared the analysis and it was issued on September 22, 1999. PPE reported:

> OSHA's estimates of the costs in its Preliminary Initial Regulatory Flexibility Analysis of the draft proposed ergonomics standard, as furnished to the SBREFA Panel, may be significantly understated, and that OSHA's estimates of benefits of the proposed standard may be significantly overstated.

That is from the Clinton administration's Small Business Administration. PPE further reported:

> OSHA's estimates of capital expenditures on equipment to prevent MSDs do not account for varying establishment sizes, and seem quite low even for the smallest establishment size category.

PPE attributed the overstatement of benefits that the rule will provide "to the fact that OSHA has not accounted for a potentially dramatic increase in the number of MSDs resulting in days away from work as workers take advantage of the WRP provisions."

OSHA estimated the proposal's cost to be $4.2 billion annually. That is almost laughable. PPE estimates that the costs of the proposed standard could be anywhere from 2.5 to 15 times higher than OSHA's estimate—or $10.5 billion to $63 billion a year higher.

Business groups have done their own analysis and they put the number much higher yet, at over $100 billion per year.

Finally, the PPE report shows that the cost-to-benefit ratio of this rule may be as much as 10 times higher for small businesses than for large businesses.

It is not the large corporations that are going to be most impacted by this rule. My great concern is not so much for the large corporations, which will be able to handle this in one way or another—though it will certainly negatively impact our economy—my great concerns are for the small businesses of this country.

AFL–CIO president John Sweeney said recently:

> We will let our voices be heard loud and clear to let the Bush administration, the Congress, and big business know that working families will not be outmaneuvered by this political power play.

I suggest it is not big business that I have heard most from; it is small businesses all across the State of Arkansas with anywhere from 20 employees to 200 employees. The rule is a concern for working families. I am concerned about the working families whose primary breadwinner will lose their job or see that job exported overseas.

"Will not be outmaneuvered by this political power play"—one can judge where the political power play is; I suggest it was at OSHA—from an open debate before the American people on the floor of the Senate. It is small business that will be most impacted.

According to the National Coalition of Ergonomics, an alliance of more than 50 trade organizations that are opposed to the OSHA rule, the new regulation will cost $6 billion annually in the trucking industry, $26 billion in the food industry, and $20,000 at every convenience store across the country. According to the OSHA standard, the employees who suffer ergonomic injuries, also known as MSDs, could get more compensation than workers injured in other ways.

Let me mention one small businessman, Jim Zawaclo, president and owner of GR Spring and Stamping, Inc., an auto supplier in Grand Rapids, MI, with about 200 employees. He estimates his company will spend as much as $10,000 between now and October in an effort to comply with the law.

Let me get a little closer to home for me, Mansfield, AR. Complete Pallet, Inc., a small company in Mansfield, which is a very small community, recently wrote:

> As a small business owner, I am alarmed at the implications that the OSHA Ergonomics rule will have on my business and Arkansas' economy in general.
>
> It is my understanding that this ruling will force "ergonomic" structuring of our small workforce and several "new" forms to provide OSHA. I am not sure if you realize the impact this will have on the small business person, so I have taken the liberty of breaking down the cost figures for you:
>
> Paperwork/Secretarial $1,440.00, Yard rearrangement "ergonomic" $150,000—For a total of $151,440.00 first year loss experience. That first year out-of-pocket expense would force me to close my doors. In turn closing my small plant down would put twenty (20) people in the unemployment line here in our great State of Arkansas.
>
> I would greatly appreciate your vote "YES" on rejecting OSHA's New Ergonomic rule.

That is one example, 20 employees, 20 lost jobs, another small employer that bites the dust because of the regulatory burden imposed.

So we are talking $63 billion a year. Who covers that cost? OSHA has a simple answer, as we heard in the hearings: Pass it on to the consumer.

Senator ENZI has pointed this out as clearly as anybody, but I will reiterate it. You cannot always pass on the cost to the consumer. The clearest example of that is Medicare and Medicare-reimbursed businesses. The reimbursement is, as we know, capped by Federal law. There is nobody to whom to pass the cost. Perhaps we should remember this when the Senate next considers yet another round of Medicare give-backs.

This ergonomics rule will only heighten the need for such relief and jeopardize the already critical lack of health care in rural States such as Arkansas or Wyoming. I listened to proponents of this ergonomics rule make the case, if we vitiate under the Congressional Review Act, thousands of additional employees will suffer.

Let's be clear, with or without the rule, OSHA can enforce current law. It states this in the ergonomics proposal on page 68267. Under section 5(a)(1) of the 1970 OSH Act, commonly referred to as the General Duty Clause; OSHA can enforce ergonomic violations, and according to the proposal, "OSHA has successfully issued over 550 ergonomics citations under the General Duty Clause." It even lists a number of employers by name where they successfully enforced ergonomics violations under the general duty clause.

So the vitiating of this rule does not somehow leave the American worker unprotected—far from it. I point out, without the rule, in recent years we have seen a steep decline in injuries—even without the new rule. These facts are available, though oftentimes I am afraid people would rather ignore them. Since 1992, ergonomic injuries have dropped from 3 million a year to 2 million a year, and those are OSHA's own numbers.

Lost workdays have also decreased. This chart shows they have decreased: 750,000 missed in 1992; about 500,000 will be lost this year. That is progress. It is progress without a burdensome, expensive rule from OSHA.

Business has done a lot on their own. It is in the interest of the employer to deal with ergonomics problems in the workplace. Even OSHA has figures that 95 percent of employers are doing the right thing. The bad actors constitute only about 5 percent of the employers. Would it not be far better to focus our attention upon the 5 percent of the bad actors as opposed to an across-the-board rule that would penalize all employers and our economy as a whole?

There was an article in the Detroit News about a cashier whose hands rhythmically shuffle back and forth scans about 22 items per minute at the supermarket where she has worked for 15 years. Many businesses—I will not mention this particular supermarket chain—many businesses recognized years ago that workers such as she were at risk for repetitive stress injuries, such as carpal tunnel syndrome, and began reconfiguring healthy work environments.

> Across America, stores added better scanners to prevent the need to twist and double scan items. In offices, businesses added wrist pads at computer keyboards and glare screens on monitors. In warehouses, companies moved from hauling equipment that needed to be pulled, and resulted in back sprains, to automatic devices to push around heavy skids of cargo.

I have many examples to give about major companies and what they have done. I could talk at length about Wal-Mart and what they have done as well as other Arkansas companies that have been proactive, without this very intrusive and burdensome rule from OSHA.

The rule is replete with vague and subjective requirements where employers must have an ergonomics plan in place to deal with such hazards. OSHA said it is being flexible by allowing employers to design a plan that caters to their own workplace, but that same "flexibility" also requires the employer to be an expert on ergonomic injuries, an understanding that many physicians admit isn't an exact science at all.

I share another true horror story from the State of Florida.

> I am the V.P., Human Resources, for a company which has a manufacturing plant as a subsidiary. Last year, one of our employees developed a CTS problem with her wrists, allegedly due to her job as a sawyer. We had her go through an extensive evaluation process, and then did surgeries on each wrist although we had conflicting medical data on the need, and also went through a prolonged rehab process. We did transfer her out of the saw department and gave her an administrative job creating files, and delivering and picking up the files within an office area. A physical therapist consultant reviewed this job to insure no further risk of injury before she was assigned to it. She is not allowed to carry a load over 5 pounds based on her physician's advice and she does

> follow that advice at work. About a week ago, she reported that her elbows were very painful due to her work situation. While she was discussing this with our worker's comp HR person, one of her co-workers came by. He said he had seen her on the weekend working at her mother's vegetable stand unloading large boxes of produce and complimented her on how hard she was working. We have since determined that she works at least 8 hours a weekend, most weekends, doing the hard labor at the stand. When asked about this, she said it was none of our business what she did on the weekend and that it had nothing to do with her elbows hurting. We are still trying to get this one off our worker's comp side and over to the medical plan where it belongs.

Whether that happens frequently or is a very rare occurrence, be assured it will happen more frequently under a national workers compensation plan operated under the Department of Labor.

Finally, I want to discuss the vote we will take in a few hours and what it actually means. It would vitiate the effective rule, the underlying premise of the CRA; it would prohibit OSHA from promulgating another rule substantially similar to the effective rule so they could not turn around and put us through this process again. It is what should occur under the aforementioned flaws of the effective rule.

OSHA has admitted that 95 percent of American employers are acting in good faith. Why have an ergonomics rule that has but one purpose, and that is to place an unsustainable burden upon American employers? Why not have a program that works cooperatively with 95 percent and uses the general duty clause to enforce the remaining 5 percent that are deemed bad actors? That is a rational alternative. Our Secretary of Labor has assured us she will address this in a comprehensive manner and in a fair manner.

This has been a proposal that, in my opinion, is not something that was 10 years in the making but is something that has been shotgunned in its present form at the 11th hour. This agency, I believe, has strayed from a commonsense approach. It is the duty upon this Chamber, upon this body, to pass this resolution to ensure that OSHA is placed back on the right track. My colleagues have several sound reasons for voting in favor of the resolution. The effective rule is a $63 billion annual mandate on employers, or more. It circumvents State jurisdiction. It requires small employers to fully understand extremely complex medical conditions, and it will undoubtedly send jobs overseas where there are often very few protections for workers.

I remind my colleagues once again of the statement that I began with, a quotation from Martha Kent, who said, to her, regulating is a way of life, regulating is a thrill, regulating gives her a high.

Our regulatory agencies play an important role, but they threaten liberties when they run amok, when they become a rogue rulemaking agency. There is more at stake than simply a rule in the vote that we have on CRA. It is, at least in my mind, the issue of the separation of powers, the right of the elected representatives of the people to make the laws for the land and when necessary to step in and say enough is enough to a regulatory agency that has gone too far.

OSHA, in this 600-plus-page rule, has gone too far. We must say enough is enough. Here we draw the line. We stop this rule. Start over. I hope that is what my colleagues will do as we vote on this resolution of disapproval.

Mr. President, I thank the Chair and reserve the remainder of my time.

Mr. KENNEDY. Will the Senator yield for a question? As I understand it, is Senator BOND asking to speak after the Senator from California?

Mr. BOND. Mr. President, I have been waiting for about an hour, about 45 minutes, and I would like to speak after the Senator from California.

Mr. KENNEDY. What I would like to ask is if the Senator from Illinois could speak after Senator BOND. We are just trying to give some notice to our Members. We are alternating back and forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have a very different view of this matter than that of the distinguished Senator from Arkansas. This is the first time the Congress of the United States will have removed a worker protection in the history of the United States. So it is really a precedent-setting debate. It is also a debate, I think, about which there is a great deal of misunderstanding.

In this new workforce of higher skills, of greater technology, this issue, ergonomics, encompasses the No. 1 workplace injury. Of course, many of the victims of repetitive stress disorder are women. As a matter of fact, about 70 percent of the victims are women.

As has been mentioned many times, the effort to do something about it began in a Republican administration with Secretary Elizabeth Dole, a very fine woman. I have watched her. I have great respect for her. She began the promulgation of these rules which have just gone into place.

What I have heard is why we should not proceed with this. I am of another opinion. I believe we should proceed with it. If there are changes that need to be made, we should make those changes, but essentially this whole area is a pretty simple one.

Data entry employees use computer keyboards every day. Providing these employees with a wrist pad at the base of the keyboard to reduce strain on the wrist is what we are talking about. That is ergonomics. Furniture movers lift heavy objects and boxes on a daily basis. Providing them with training on how to lift with the legs and providing them with back braces—that is ergonomics.

Today, I watched a young man push water jugs on a dolly, the water jugs for our offices in the Senate. I watched him take out two very large bottles of water. I thought of him lifting these 8 hours a day, 5 days a week, 52 weeks a year, without a brace, without knowing how to lift correctly. You can see the impact this repetitive motion would have on the muscles and skeleton of an individual.

Each year, 600,000 Americans suffer work-related repetitive stress injuries. Businesses spend $15 billion to $20 billion in workers compensation costs alone. It is estimated that $1 out of every $3 spent on workers compensation is related to these injuries. In my State, California, in 1998 more than 80,500 private sector workers suffered from repetitive stress injuries that were serious enough to cause them to lose time from work, and another 20,000 public sector workers struggled also with these injuries.

The program standard states that employers must provide employees basic information about these injuries, common signs and symptoms of these injuries, and how to report them in the workplace. I don't think anything is wrong with that.

The standard requires employers to review jobs to determine whether they routinely involve exposure to one or more of the five ergonomic risk factors: repetition, force, awkward posture, contact stress, and vibration. If a job meets one of these five so-called action triggers, the employer has two options. He or she can provide a quick fix by addressing the potentially harmful situation immediately. An example would be an owner of a furniture company providing his employee who moves furniture with a back brace, or a wrist pad for a data entry operator, or an adjustable chair for an employee who must sit at a computer for 8 hours a day.

If a quick fix isn't possible, the employer must develop and implement an ergonomic program for that job and others like it. For example, an employer could hire someone to come in and offer a training course to teach employees how to sit properly, how to use their arms and legs, how to lift from the legs, how to use a stepladder when lifting objects off a tall shelf, and so on.

The point I want to make is many businesses have already instituted ergonomics programs. I respectfully submit to the speaker who preceded me, that may well be one of the reasons why some of these injury statistics are, in fact, declining. Let me try to make that case.

As a result of labor negotiations with the United Auto Workers, Ford, General Motors, and DaimlerChrysler, an ergonomic program was put in place in 1994. The programs have been highly successful. The Bureau of Labor estimates that in just 1 year, 69,000 work-related injuries were prevented in these companies. Of these, 41,000, or over two-thirds, were repetitive stress injuries.

The number of these injuries reported to the big three automobile manufacturers dropped 12 percent over 1 year, and 33 percent over 5 years. That shows the statistics go down, the claims go down as these programs are in place.

Let me read from a letter from Xerox Corporation:

> Our workers' compensation claims attributable to ergonomic issues peaked in 1992. Since then, we have experienced a steady decline in the number of cases, as well as the costs associated with those cases. 1998 data indicates a 24 percent reduction in the number of cases and a 56 percent reduction in associated direct costs from the 1992 baseline. We attribute this improvement to the reduction of ergonomic hazards in our jobs and improved case management of injured workers. Our ergonomic injury-illness rate in manufacturing is currently 52 percent lower than OSHA's estimated annual incidence.

This is a big company. The rate is 52 percent lower. That should show that these programs are working.

Levi Straus, Coca-Cola, and Business Week are just a few of the companies that have cited cost savings and increased productivity as a direct result of ergonomics.

Silicon Graphics, a computer company in Mountain View, CA, hired an ergonomics consultant in 1994 after the company had 70 work-related repetitive stress injury cases in 1 year. The company redesigned work stations to include adjustable tables, chairs, keyboards, and mouses. The changes worked. Silicon Graphics reduced its work-related stress injuries by 41 percent from 1994 to 1995 and by 50 percent from 1995 to 1996. The program works.

Blue Cross: In 1990, 26 employees of Blue Cross of California were unable to do their jobs because of debilitating pain. As a result, they filed workers compensation claims that cost the company $1.6 million. To combat the problem, the company purchased adjustable chairs and work stations. Blue Cross also launched a training program to teach employees how to use the new equipment and how to identify work-related stress injuries early. Guess what. The investment paid off. The number of these injuries dropped dramatically. Blue Cross of California received a $1 million insurance dividend in both 1992 and 1993.

Let me give you a city in my State—San Jose, a large, growing city. San Jose experienced a large number of ergonomic-related back and neck injuries during the early 1990s. To address the problem, the city analyzed each of its jobs over a number of days to identify high-risk activity. A training session was created to show workers how to work differently and reduce the risk of injury. That is ergonomics. Once again, the efforts paid off. Back injuries fell by 57 percent and wrist injuries fell by 26 percent. Ergonomics works.

Pacific Bell was spending approximately $53 million annually for workers compensation benefits paid to 53,000 employees, 30,000 of whom operated video display terminals. The company developed an $18 million ergonomics program providing education, training, brochures, and interfocal eyeglasses for video terminal operators. The results were impressive. Workers compensation claims dropped 33 percent. Ergonomics works.

The benefits of the standard: The Department of Labor estimates these work rules will prevent 4.6 million repetitive stress injuries in the first 10 years of its implementation, and 102 million workers will be protected at 6.1 million worksites across the country. They estimate companies will save $9.2 billion a year in workers compensation claims similar to what has happened in Blue Cross, in Xerox, in Chrysler, in Ford, in the city of San Jose, and in Pacific Bell. For each repetitive stress injury prevented, the Department estimates a direct savings of $27,700.

If what I think will happen happens when this vote is taken, and the ergonomics standard is overturned, OSHA is barred from introducing any standard that is substantially similar to the rule unless specifically authorized by a subsequent act of Congress. This effectively kills a 10-year effort.

Ironically, under the Congressional Review Act, no one is allowed to filibuster this joint resolution of disapproval, but any future efforts to implement a new program would be open to filibuster.

If the standard is overturned, we are going to have to rely on individual companies to implement their own ergonomics standards. Though some companies have done this, 600,000 people still suffer work-related repetitive stress injuries a year.

The rate of these injuries is falling, but they are still the Nation's biggest and most costly job safety problem. These injuries still make up one-third of all lost work-time injuries suffered by American workers and cost our economy close to $50 billion a year.

In conclusion, Mr. President, I have tried to outline where large companies have implemented ergonomics standards, and all of the statistics coming from those standards have run in the right direction—reduced claims, lower worker compensation payments, insurance dividends, and so on and so forth.

I must say that I am profoundly disappointed by the fact that there are those in this body who would like to do away with worker protection for the No. 1 workplace injury—repetitive stress motions.

I hope very much that this resolution will be disapproved.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to explain why the Clinton administration's OSHA ergonomics regulation is the absolute perfect regulation for the first use of the congressional disapproval mechanism under the Congressional Review Act. This regulation is the poster child of bad regulation. It represents everything that can go wrong in regulatory rulemaking, and it gives us, under the CRA, an opportunity to exercise our responsibility as Congress to strike it down and tell the new administration to do a better job in this area.

Contrary to what has been said by opponents of this resolution of disapproval, this does not prevent the administration from going back and doing the job right. In fact, we expect that they will go back and do the job right.

Repetitive motion injuries are painful. They are debilitating. They are undesirable. They cost employees pain, suffering, lost sleep, and lost wages. They cost employers lost time, lost effort, and lost revenue.

I understand how serious they can be. I have a lot of friends who have suffered these injuries. I know they are a serious problem.

I have talked to employers with small businesses who have lost work from employees. They regard them as members of their family. They have had these repetitive motion injuries and are hurt personally by it, but they are hurt in their business.

The Senator from California described what I think are some very promising actions that have been taken.

I am delighted we are beginning to find ways to lessen the incidence of ergonomic injuries. Businesses have been working with employees—employers and employees working together—to lessen the impact because everybody knows they are bad. Everybody knows these injuries are harmful to the employee. But they also are harmful to the employer.

The Senator from California mentioned a couple things that can be done. She talked about a keypad for somebody who sits at a keyboard all day long. If that works, that is great. This is the kind of information we need to share with businesses, and particularly small businesses all across the country. They want to lessen the impact of ergonomic injuries.

She mentioned back belts. To say back belts are the answer, I am not sure that science is there because one of the women we contacted, who advises small business, was concerned. She had heard that maybe back belts are more harmful than helpful in lessening injuries for people who have to bend over and pick up things. She spent 5 hours on the phone with different people in OSHA who came up with different answers to her question: Can I tell my small businesses they must require a back belt? They could not give her an answer. They referred her to the general counsel. Unfortunately, under this regulation, if one of her business clients happens to guess wrong, that employer gets hit with the full sanctions of the law.

No, these 608 pages in the Federal Register are not helpful in telling small businesses how they can take meaningful steps to lessen the possibility that one of their workers or several of their workers will have ergonomic injuries. What they outline is a series of penalties if the workers have an injury on the job, or if the workers have an injury that is aggravated on the job, or even if the worker has an injury off the job and comes to work and it gets a little worse.

Five years ago, I introduced the Redtape Reduction Act—others remember it as the Small Business Regulatory Enforcement Fairness Act—to protect small businesses from overreaching regulations. I am proud to say it was unanimously supported in the Small Business Committee. It came to the floor, and it was overwhelmingly supported. Senator NICKLES added the Congressional Review Act as an amendment for just this type of moment, this type of activity—when an agency has gone so far off course, there is no other remedy left but to force it to abandon its original approach and start over.

This is precisely the kind of regulation for which we overwhelmingly, in this body, adopted the Congressional Review Act because this measure, under review today, is a draconian, punitive measure that is incomprehensible, unfathomable, and ineffective.

Action under the CRA, as I said earlier, as some have tried to suggest, does not try to prevent any other action by an agency in the same area; it merely means the agency cannot make the same mistake twice. By disapproving this version of an ergonomics regulation, under the CRA we will merely be saying that OSHA cannot rely on that same type of regulation again. Indeed, when we strike down the regulation, it will help OSHA by expediting the regulatory process. Instead of the agency having to go through a separate rulemaking to determine whether to make changes to the current regulation, they will be free to begin to develop an approach that will be reasonable for employers, responsive to employees' needs, and based on sound science and the best information available, as soon as Congress completes action on the joint resolution of disapproval in S.J. Res. 6.

The Clinton OSHA ergonomics regulation is truly egregious in both substance and procedure. It will be devastating both to small businesses and their employers because it is incomprehensible and outrageously burdensome. Too many of the requirements are subjective and open-ended. For instance, an employer must implement "appropriate" control measures, use "feasible" engineering controls, or reduce hazards to the "extent feasible." These requirements are like posting a speed limit on the highway that says, "Do not drive too fast," but you never know what "too fast" is until a State trooper pulls you over and tells you that you were driving too fast.

Employers and small businesses simply will not know when they have met the burden of this regulation until they are told by OSHA or sued by OSHA or have to settle a lawsuit brought by a trial lawyer who has seized on this new regulation as a source of specialization.

It is not surprising to me that immediately after this regulation was published, billboards began springing up. I show you one in the St. Louis area, advertising for attorneys who would be willing to bring actions on behalf of employees who think they have carpal tunnel syndrome: "Such-and-such law center, representing workers with carpal tunnel syndrome. Toll free from St. Louis. Call for help."

Guess who is behind this regulation. Guess who wants to see it go into force. Never mind the States have set up workers compensation laws that are designed to compensate people without going through lawsuits, to compensate them immediately for workers comp or workplace-related injuries. This is a brand new industry. Carpal tunnel syndrome is the next tobacco industry lawsuit. Never mind that these employees would be eligible for benefits under workers compensation.

This regulation is like setting up a new lottery; somebody is going to strike it rich. Now everybody wants a shot at the pot of gold otherwise known as the employer's liability insurance policy.

What do you think will happen to insurance premiums and workers compensation premiums for small employers? They are going to go up. They are going to go up substantially because they are going to have to pay all these claims. OSHA never took these consequences into account when it was estimating the cost of the regulation.

It is bad enough that this regulation is incomprehensible and vague, but it also requires an employer to go beyond the text of the regulation to understand fully and comply with the regulation.

I held up this Federal Register Code. If you really are interested in it, you can find it, going from page 68262 to page 68870. That is 608 pages of very fine print in the Federal Register. But the fascinating part about it is, there is appendix D. Appendix D says where you go to get the information. You can go to the "Job Strain Index: A Proposed Method to Analyze Jobs For Risk of Distal Upper Extremity Disorders." You can go to the "American Industrial Hygienists Association." You can get another copy of the "Applications Manual for the Revised NIOSH Lifting Equations" from the U.S. Department of Commerce Technology Administration. You can get a copy of "The Design of Manual Handling Tasks: Revised Tables of Maximum Acceptable Weights and Forces" from Taylor & Francis Inc. in Philadelphia. You can get a copy of the "Rapid Entire Body Assessment" from the Elsevier Science Regional Sales Office. You can get a copy of the "RULA: A Survey Method for the Investigation of Work-Related Upper Limb Disorders."

The mom or pop operating a small business is going to have enough trouble trying to get through 608 pages of the Federal Register. I doubt if any of us recently have sat down to read 608 pages in the Federal register. I used to have to do that for a living. That is why I changed my line of work. I got out of the practice of law because that did not seem to be a useful idea.

There are an awful lot of people in small business who provide a product, who deliver a service, who probably do not care about reading 608 pages of the Federal Register or applying to all those different people to get all the different manuals they have. That is what they would have to do under this regulation. They are highly technical pieces written by ergonomists for technical and academic journals. They are not the stuff that helps a small business to provide jobs, to provide services, and to provide a contribution to the economy and to the family of the owner.

The final regulation is also a travesty to the rulemaking process. The other side will say it has been in the works for over 10 years. That is true. But the truth is, it was not until OSHA saw the clock running out that it got down to business and cranked out proposals in November of 1999 and moved heaven and earth to get it done 1 year later.

To get it out in such a short time, OSHA cut corners at every opportunity. They padded the dockets with expert opinions bought and paid for with tax dollars, tax dollars designed to get the contractors to trash the opposing comments and to support what OSHA was trying to do. They added materials to the dockets that were not available for review before the comment period closed. They didn't provide adequate time for commenters to develop their responses. They ignored a wide variety of constructive comments and suggestions they received. The Clinton OSHA even published the final rule with significant provisions that have never been put out for public comment, violating what I have always understood is a fundamental, cardinal principle of the regulatory process.

OSHA went into this rulemaking knowing exactly what it wanted to have and, in the end, didn't let logic, facts, fairness, congressional objections, legitimate concerns from small business, or plain common sense get in the way.

The true disappointment about the ergonomics regulation and all of its surrounding problems is that it could have been avoided. Congress told the Clinton administration in a bipartisan voice the last several years not to proceed with the regulation. Instead, the Clinton administration refused to accept the guidance of this legislative body and extended the negotiations over the final appropriations bills until they could get the final rule out the door on November 14. Not only did they trample on the separation of powers doctrine in so doing, but there were programs waiting for annual funding which did not receive their money—which in many cases were increases—because the administration wanted to be able to push through this flawed process and flawed approach to ergonomics.

In May 1999, I introduced a bill that would have avoided this mess. It was called the Sensible Ergonomics Needs Scientific Evidence Act, or SENSE Act. The bill would have forced OSHA to do something not too unreasonable, not too strange: Simply to wait for the results of a study then under way by the National Academy of Sciences on this subject of ergonomics before proceeding with the regulation.

The study, requested by Congress and agreed to by President Clinton in the appropriations bill of the previous year, reviewed the available scientific literature to determine if sufficient evidence and data existed to support OSHA's promulgating of a regulation on this issue. The report was delivered to Congress on January 16 of this year, the same day the Clinton ergonomics regulation took effect.

Had OSHA waited for the NAS study, they would have had the benefit of some valuable analysis of the data on this most complex subject. The NAS panel concluded that there are a wide array of factors which play significant roles in whether an individual develops an MSD and that workplace issues are only one of these factors and quite possibly not even the most significant one at that. As the panel stated:

> None of the common MSDs is uniquely caused by work exposures.

Instead, the study discussed whether someone will develop an MSD based on the totality of factors that person may face, which is how the scientific literature handled the issue. The panel concluded that a wide range of personal factors played significant roles in determining whether someone was likely to develop an MSD. Included in these were factors such as age, gender, body mass index, personal habits such as smoking, possible genetically determined predispositions, as well as activities outside the workplace such as sports, household work, or exercise programs. These are factors over which an employer exercises no control and we certainly would not want them to exercise control.

The NAS study also concluded that psychosocial factors have a strong association with MSDs. Psychosocial factors include such conditions as depression, anxiety, psychological distress, personality factors, fear avoidance coping, high job demands, low decision latitude, low control over work, low work stimulus, low social support, low job satisfaction, high perceived stress, and nonwork-related worry, tension, and psychological distress. These psychosocial factors, even if work related, are beyond the reach of an OSHA regulation, meaning that OSHA's regulation will do little, if anything, to protect these employees from developing MSDs.

Furthermore, the NAS study was unequivocal in calling for more research into the issues surrounding the assessment, measurement, and understanding of ergonomics and workplace exposures. Among the specific areas in which the NAS recommends more research is the quantification of risk factors.

The Clinton OSHA did have a simple solution for the perplexing problem of how to determine whether a musculoskeletal disorder was caused by workplace exposures. They defined all MSDs as work related. Under this regulation, any MSD in the workplace contributed to by workplace exposures or even a preexisting injury aggravated in the workplace is to be considered work related. That is outrageously unfair. It goes beyond OSHA's mandate to protect workers from workplace hazards. It means that if an employee injures him or herself through recreational activities such as bowling, exercising, using the Internet at home, planting trees, or any other workplace activities, and any workplace activities aggravate these injuries and they meet OSHA's definition of frequency or duration, the employer will be required to implement the Clinton OSHA ergonomics program.

Small businesses that I talk to and listen to as chairman of the Committee on Small Business are absolutely stunned and shocked by this requirement. They are stunned that an agency of the Federal Government could issue such a sweeping and poorly designed rule. They are incredulous and ask questions such as why didn't someone say or do something. The truth is, many people have said the right things. They outlined the difficulties employers would have with the rule, the faulty assumptions, but OSHA was not listening.

The preamble to the final rule cites comment after comment that tried to explain to OSHA why the regulation was a mistake. OSHA seemed to regard these as mere speed bumps on the way to the finish line. This regulation may become the best example yet of the law of unintended consequences. If allowed to stand, OSHA will end up undermining many of the best intentions of thousands of employers, causing their employees to suffer in the process and wind up costing them jobs.

Small businesses can be shut down because of the cost of these regulations. Yes, this regulation may lower the incidence of workplace MSDs, but at least some of that lessening of MSD injuries will be because people will lose their jobs. Then they clearly won't have a workplace musculoskeletal disorder. That is one very effective way to eliminate workplace ergonomic injuries, but it is not what we ought to be seeking.

A woman who runs a small business in Kansas City told me she won't be able to continue to pay 85 percent of her employees' health insurance premiums that she currently pays. She has a Web site and graphics design studio with 30 employees. She has already been buying new ergonomically designed chairs at $800 apiece, along with new furniture to make it more comfortable for her employees. She provides a range of employee benefits, a 401(k), dental benefits, but she told me: The bureaucrats in Washington think we have all this money just lying around to spend for this type of thing. That's is not true. The only place I can get the kind of money to comply with this regulation is taking it out of the benefits I give to my employees.

She said: I asked my friends on the other side, how has the Clinton ergonomics regulation improved these employees' lives?

It isn't going to.

A man who runs a small business metal fabricating shop said this rule will cause him possibly to drop his company's work with the local sheltered workshop, providing jobs for those with mental and physical disabilities, because of the burdens of this OSHA regulation. Is that the result OSHA wants? Certainly not. This is an unintended consequence.

Many people may not realize, if they are not involved in small business, small businesses get by with very tight cashflow. Large businesses can capitalize expenses for compliance. They can have squads of people who are trained to help overcome these, but a small business does not have that luxury. Even a few hundred dollars a month for a consultant can make a significant difference.

Then there is the question of time. Time is money. Do they have time to read these regulations? Do they have time to go out and get the other books, comply with all the requirements? Adding this regulation and its complexities on top of other duties means less time doing what will make their business grow, expand, and thrive.

Furthermore, many small businesses have never encountered an OSHA regulation like this before, which means it is not just another layer on their safety programs, it is a whole world of OSHA regulations, like starting off to climb Mount Everest on your first climbing experience. Small businesses we hear from simply don't have the resources to expend on this complicated a regulation with as little payoff as this will provide.

The cost estimates of this regulation reveal the utter cluelessness of the promulgators of the regulation. OSHA says it would cost $4.5 billion per year over 10 years. But everybody else who has looked at it says they are off by orders of magnitude. The Small Business Administration Advocacy Council of the Clinton administration found the earliest draft was underestimated by a factor of up to 15 times, even before OSHA added more requirements.

We are possibly talking about regulations costing $60 billion to $100 billion a year. To inflate the benefits and thus make this regulation look less burdensome, the Clinton OSHA assumed, with no supporting evidence, that imposing this standard on businesses would cure an additional 50 percent more MSDs over the next 10 years. As I pointed out earlier, they may cure some of the MSDs by costing people their jobs. No job, no job-related MSDs.

Let me be clear, I raise this discussion about the cost of this regulation not because small businesses are unwilling to spend money on the safety of their employees—every small business my office has talked to, and committee reached out to, already has a safety plan and some level of an ergonomics program in place. They want to do what they can do to stop the injuries of employees, which are costing them money. I raise the issue to make the point that OSHA went forward with this regulation without any reliable idea about what this will cost or what benefits it will generate.

Not only was OSHA unable to say with any credibility what the costs and benefits of this regulation would be, but as has already been pointed out, this gargantuan regulation was also unnecessary: MSD rates have dropped by 22 percent over the last 5 years, according the Department of Labor Statistics. As the Senator from California pointed out, many leading businesses are making great strides in limiting ergonomic injuries because they realize it is good employer-employee relations to do so.

For that small percentage of businesses that may not be motivated to help their employees with ergonomic injuries, there is the OSHA general duty clause to protect employees from employers who abuse them.

The bottom line is that small businesses are in business to stay in business. That means keeping their employees healthy. Employees often are more than mere workers—friends, neighbors, or even relatives. Any regulation from OSHA should first do no harm to both the employers and their employees. The Clinton OSHA ergonomics regulation fails this threshold test. It is regulations such as these that create waves of cynicism and doubt about the Federal Government and that cause them to wonder whether those of us who have been elected to safeguard and to speak up for their interests are asleep at the wheel.

For the first time in this CRA, we can say "enough"—that OSHA has gone too far and has crossed the line of reasonableness. The Clinton ergonomics regulation doesn't protect employees; it punishes employers. The regulation is not responsive; it is irresponsible; and it must be struck down. I urge my colleagues to support the resolution of disapproval and send OSHA a message that we will not tolerate this joyride of regulatory overreach.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise to add my voice to those of my colleagues who are concerned about efforts to demolish this important worker health and safety standard.

I listened carefully to the remarks of my distinguished colleague from Missouri, and I understand there are many serious concerns being discussed about this regulation and its impact both on our workforce and our employers. But I ask that we remember where this started 10 years ago—in the previous Bush administration, under the leadership of Secretary of Labor Elizabeth Dole. We have held numerous hearings and studies to determine the impact of our 21st-century worksites on people's physical well-being.

OSHA is charged with the responsibility of setting standards for the workplace to help protect citizens from harm. In its 30 years of existence, OSHA has helped to save many lives and prevent countless injuries. Despite such a track record, we know that OSHA faces almost continual opposition from those who do not agree with its mission and who seek to undermine its work. This year, the opposition feels emboldened to strike at the heart of OSHA's latest efforts to protect American workers.

We are, of course, talking about the ergonomics standard, which is designed to help more than 600,000 workers who experience serious workplace injuries every year from repetitive motion and exertion. In enacting this standard, OSHA heard from thousands of witnesses and received the backing of the National Academy of Sciences and the Institute of Medicine.

The report to which my distinguished colleague from Missouri referred is this rather large report that was issued on January 18. I draw our attention to some of the conclusions and recommendations that were arrived at. Let me just quote from it:

> The weight of the evidence justifies the identification of certain work-related risk factors for the occurrence of musculoskeletal disorders in the lower back and extremities. The panel concludes that there is a clear relationship—

I stress that—

> between back disorders and physical load. That is, manual material handling, load momentum, frequent bending and twisting, heavy physical work, and whole body vibration. For disorders of the upper extremities, repetition, force and vibration are particularly important work-related factors.

Mr. President, destroying this standard would put many workers at risk, but today I want to focus on women workers in particular because, as my friend and colleague Senator FEINSTEIN said, women account for 64 percent of repetitive motion injuries, even though we make up only 46 percent of the workforce.

Earlier today, I was joined by a number of women who have suffered from these disorders. One was Kathy Saumier, who was a worker at a plastics plant in Syracuse, NY. Kathy worked on a production line where she had to lift 40-pound boxes every 1 to 2 minutes while twisting and holding the boxes at an awkward angle in order to put the boxes on the conveyor belt.

With relatively small changes to the design of her work station, or with automated assistance in lifting the boxes, she and many of her coworkers could have been saved from such painful and time-consuming injuries.

Kathy joined me and my colleagues from Maryland and California, Senator MIKULSKI and Senator BOXER, at a news conference to highlight our concerns about these issues as they particularly affect women. Also speaking was Dianne Moriarity, who, for 18 years, worked as a school secretary in New York. Because of her years of work in a badly designed work station, both of her wrists and hands are damaged. She showed me the picture of her work station. The computer was bolted in a certain way so it could not be moved. The space for the chair was such that it could not be angled, and there was no place for her to be able to move comfortably to fulfill her obligations at that worksite. She is in virtually constant discomfort and needs regular therapy.

We also heard from Jennifer Hunter from Virginia, who worked for 20 years in a chicken processing plant. She was required, as the chickens went down the line, to make 1,400 cuts each hour. She spoke specifically about what it took to prepare the filet of chicken breast, which so many of us enjoy and eat at home or order in a restaurant, and how difficult it was at the speed of that line to be able to get those cuts in, and how her wrists had to be constantly moving.

She, too, has suffered serious health effects from that kind of repetitive motion. As she told us today, we really need this standard so that workers are protected.

Heidi Eberhardt of Massachusetts worked at an Internet publishing company, writing, editing, and researching. She is only 32 years old. This was her dream job. She was able to put her college education to work. But because of the repetitive motion that was required over long hours sitting at her computer, she finds it impossible to perform some of the daily functions we all take for granted. She can't turn on a faucet; she can't squeeze a toothpaste tube; she can't twist an ice cube tray or even open mail without severe limitations and pain. As Heidi said, this is not just about the people who are already injured; this is about hundreds of thousands of workers who will become injured if there is no ergonomic standard for the workplace.

One of the reasons women are adversely affected by this workplace hazard is because women hold more than 80 percent of the jobs that involve repetitive motion injuries, jobs such as hotel cleaning, data entry, secretarial positions, sewing.

Those who are here today working to save this worker safety standard understand that our opponents believe it will impose a costly burden on business. But as our distinguished colleague, Senator FEINSTEIN from California, pointed out, those businesses that have already implemented standards have found they save money. They save money by keeping their workers on the job, in good health, and more productive.

Certainly in New York we have found that businesses which have implemented the standards have reaped rewards: businesses such as garment manufacturers, Sequins International in Queens, or Xerox in Rochester, a company that has had ergonomic standards in place since 1988. We have found that these standards and the businesses that implement them are taking not only better care of their workers but better care of their bottom line.

In addition to our concerns about the substance of the standard, we are also deeply concerned about the manner in which the opponents seek to destroy this important worker safety provision. Everyone is willing to work together to change or improve the standard. If there are legitimate concerns that have been raised, there are certainly ways we can go about working to ameliorate those concerns.

As my colleague, the senior Senator from Massachusetts, put it so well, this is an effort that is truly a legislative atom bomb. The Congressional Review Act has never been used before. It does more than rescind the worker safety standard. It does ensure that the Labor Department can never again put forth an ergonomic standard. It is, in effect, a gag rule on worker safety. By dropping this Congressional Review Act atom bomb, opponents will completely eliminate 10 years of bipartisan effort in two administrations, many hours of public review and witness testimony, and extensive research in less than 10 hours of debate—10 years versus 10 hours.

I can appreciate the desire by some to make changes to the standard. But I hope we can talk about ways that such changes would be considered, give the public a chance to be heard, and any changes would be based not upon anecdote, not upon story after story but on science and on the legitimate concerns of both workers and businesses.

We should simply not bow to pressure groups and wipe this worker safety standard off the face of our regulatory planet. We are here today to send a clear message that this is not the way to go about creating a safe workplace or working with businesses to make it safer for them to employ people across the vast sectors of the economy that use repetitive motion. We particularly are concerned about the impact this will have on women in the workplace.

We are also concerned this could mark the beginning of an erosion of protection for workers in America; if you will, a legislative repetitive motion that will undo safeguards that save lives.

In the 20th century, we made great advances in protecting workers. Often those advances came because of a tragedy, a terrible fire, a mine collapse, a factory assembly line run amok, when all of a sudden it became clear that we were putting people's lives and well-being at risk. This is a silent epidemic. There will not be a big newspaper headline about a crash of ergonomics. We will see just the slow but steady erosion of people's health and their productivity and their capacity to get up and go to work and to go home and do what they need to do for themselves and their families.

This is an issue that goes to the heart of the new economy. How do we provide for 21st century workers the protections we did finally work out after lots of effort? We should not go back. We should not turn our backs on America's working families. We should, instead, defeat this effort to kill this vitally important standard and then utilize the procedures available to us to go ahead and consider whatever the concerns on the other side might be.

I ask our distinguished opponents to think hard about using this legislative atom bomb and, instead, consider how we can, through existing procedures, petition the administration to stay the regulation while further work is done. We can also petition the agency to modify or repeal the standards, and we can have OSHA initiate rulemaking procedures to modify the rule in accordance with the Administrative Procedures Act. If the real point here is to protect small business and protect workers, there are ways of going about that which are already provided for. It is hard to understand why we would need to blow away 10 years of work, the findings of nonpartisan, objective scientists, and the stories that flood many of our offices from workers who are endangered, in order to deal with what could be legitimate questions.

I certainly hope we are able to disapprove this resolution so we can, together, work on behalf of the American worker.

Mr. ENZI. I yield such time as he desires to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I thank the Senator from Wyoming.

Mr. President, I rise today in support of S.J. Res. 6, the resolution to disapprove the Department of Labor's regulations on ergonomics standards. This isn't a new issue. Congress wrestled with ergonomics regulations for a decade. This isn't the solution we need. We can and must do better.

Right off the bat, let's remember we all want a safe workplace for the American workers. That is just common sense.

The debate today isn't about who is for or against workers or who is for or against a safe place to work. It is, instead, about the most effective way to achieve the goal of workers, employers, and our entire economy.

The Department of Labor regulation that we are voting on today has a number of problems. It is too regulatory, too burdensome on business, and it is not backed up by sound science. It needs an overhaul. We need to pass this resolution today to make sure that if and when the Federal Government passes a final ergonomics rule, it gets it right.

For years, Congress and the Department of Labor have been talking about writing an ergonomics rule. This is nothing new. All of my colleagues are familiar by now with this issue. But these regulations that are about to go into effect are the product of a hurried, sloppy rulemaking process. After years and years of debate and study, it was rushed through at the 11th hour by President Clinton, just before he left office.

I know everybody has seen this, but it is 608 pages—608 pages. It is not even the same rules and regulations that were originally proposed.

We need to know that President Clinton was busy as a beaver before he left the White House, working right up to the last minute trying to pass as many new big Government regulations and to pardon as many fugitives as possible. The ergonomics regulations are just another example of the frenzied last-minute push by the President to build a legacy. It is not about getting the best workplace safety rules; it is about President Clinton trying to pass as many new rules as possible before he had to leave town. That is not the right way to write regulations, and Congress has the oversight responsibility to do the right thing and take a hard, cold look at what he did.

What the President did just does not make sense. After years of discussing and debating, the worst thing he could have done was to finally pass a new rule just for the sake of doing it. The Small Business Administration estimates that the ergonomics rule is going to cost American businesses $60 billion to $100 billion a year. That is too much money not to make sure that every "i" is dotted and every "t" is crossed.

It is hard to pass a law and it is hard to pass a rule. Congress has set up that procedure on purpose to make sure things are done thoroughly and thoughtfully and sensibly, and new regulations that could have a tremendous impact on employers and employees are not slapped together at the last minute. But that is exactly what happened with the ergonomics rule, and the results could be disastrous for our economy. Besides the sloppy process, one of the biggest problems with this mad rush to pass a rule was that it ignored sound science. OSHA and Congress have been working on an ergonomic standard for the better part of a decade, and in 1998 we asked the experts at the nonpartisan National Academy of Sciences to study the medical and scientific evidence to help determine what, if any, regulations were needed.

They finished that study in January and determined that more detailed research was needed before we write a final rule. Among other things, the Academy said many factors such as age, gender, personal habits, or even job satisfaction could all play a part in workplace injuries, and that we have to be careful to take everything into account in writing an ergonomics rule.

One size does not fit all. That is probably another reason why President Clinton was in such a hurry to pass the ergonomics rule last November. The new study was going to come out soon and he was worried about what it was going to say. So instead of waiting for all the evidence, instead of waiting for the experts, he tried to jam the ergonomics regulations down the throat of American business before all the facts came to light. That is no way to run a Government or a railroad.

But the biggest concern I personally have with the new regulations is not about process, and it is not about science. It is about what the new rules would mean in terms of dollars and cents out in the real world. Before we do anything else, we have to be realistic and take a hard look at the bottom line and how this rule is going to hurt our economy; how it could close businesses and lead to layoffs of real people.

As I just said a few minutes ago, the SBA has already told us these new regulations could cost up to $100 billion every single year. According to the Employment Policy Foundation, businesses in Kentucky could expect to pay $1.3 billion annually. In my part of Kentucky, that is serious money. For a business that operates on the margin, where the owners and workers struggle every day to keep the doors open and the lights on, this sweeping new regulation could be the difference between life and death—staying open or closing.

Over the years, I have heard many of my constituents speak about this issue, and many are afraid these new regulations could lead to layoffs or increased prices for products or to jobs moving overseas. That is simply not acceptable.

I recently received a letter from Joe Natcher, who is President and CEO of Southern Foods in Bowling Green, KY. Southern Foods is a small business that sells food, cleaning supplies, and other products to area businesses. He told me about these regulations and how they could affect his company. Mr. Natcher wrote:

> As we begin our compliance efforts, it is clear that the rule will severely impact productivity and profitability, putting jobs at risk and increasing prices to our consumers without providing any additional health and safety benefits.
>
> Southern Foods does not just talk about safety and health habits. We practice it every day. Additionally, we provide training to all co-workers and have an active safety committee. . . . The ergonomics rule threatens our company's future and the jobs of the co-workers who depend on us.

Southern Foods is just one example from the thousands of Kentucky businesses that would be affected by these new regulations. As they are written now, the new regs would affect almost every single employer in America, even if they had just one employee. No matter what their situation, businesses will be forced to implement a complete ergonomics program if there is only one complaint. The cost and effort could be staggering.

It is simple. More burdensome rules and regulations mean more time spent on paperwork and less time on business. Less work on business means less gets done, the bottom line shrinks. We know who is going to pay—workers, in lower wages, fewer benefits, and layoffs.

I know many in the labor movement really want the new regulations, but I am afraid they are looking at the regulation rules in a vacuum. They might think this sweeping new rule is the answer to their prayers, but in the end it is just going to hurt those they claim they want to protect.

Finally, let me say if this resolution passes, it is not the end of the discussion about ergonomics and improving the safety of the American workplace. Instead, it leaves the door open for the Bush administration to continue studying this issue and to come up with more practical and creative ways to accommodate workers and employees. Any new regulations have to be something with which we all literally can live. The pending regulations we have now are not.

I urge support for the resolution before us today and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, about 10 years ago—during the first Bush Administration—Labor Secretary Elizabeth Dole heard the stories and saw the statistics about the serious ergonomic injuries that American workers suffer.

For 10 years, the Department of Labor—in consultation with business, labor, and Congress—has worked to enact a fair, enforceable rule to protect America's workers from the real harm caused by ergonomic injuries.

Now, with just a few hours of debate, some in this body are trying to undo a decade's worth of work.

In fact, their actions would preclude the Department of Labor from enacting a similar rule.

That sends a horrible message to America's working men and women. It says—we know you're breaking your back—literally—day-in and day-out to put food on your table, but this Congress won't do anything to protect you from a serious injury.

Today, many people wear down their tendons and their joints on the job. They go home after a long day of work and just want to pick their kids up and hold them. But they can't because of ergonomic injuries.

To them, this resolution that is before us says, "Too bad. This Congress won't help you."

Yes. This rule will have an economic impact on business in America. But we must also consider the economic impact of injured workers.

If a family's primary breadwinner can't work because of an on-the-job ergonomic injury—there is a serious economic impact to that family, that community, and our country.

The human body has its limits, and this rule recognizes those limits and helps us become a safer, more productive workforce.

Last week, I received a letter from a constituent, Frank Lehn, from Washougal, Washington. Washougal is a great town—the kind of town that any parent would want to raise their kids in.

The gentleman who wrote me was a mill worker for 27 years—"performing extremely physical, manual-type labor"—as he describes it. In his email to me, he says:

> The constant stress of my job on my body resulted in a degenerative spinal disease, creating painful bone spurs where the nerves exit my spine.
>
> When I was finally unable to do my job, I was given a disability retirement, and now live on an $800 monthly pension.
>
> The ergonomics standard now in place came too late to help me, but I am greatly concerned about the future of the young workers who are performing the same tasks I did day after day for many years.
>
> It is crucial that we do not allow this vital standard to be weakened in any way.
>
> During my years on the job, many of my co-workers suffered painful injuries to their joints and muscles through no fault of their own. They were all simply doing their jobs.
>
> The many whose sweat and toil form the backbone of this nation need strong laws to protect their safety and welfare. Please oppose any effort to weaken or take away this nation's ergonomics standard.

We should heed Frank's words, and the millions of other workers who have stories just like his. In fact, ergonomic injuries are the single-largest occupational health crisis faced by America's working men and women today.

This resolution, if enacted, turns our backs on the people who build America, assist us at the grocery store, sew our clothes—the people who keep our country running.

Let's be clear: Today's debate is just the latest step in a larger attempt to by some to deny progress on this issue.

Many Americans will ask: Who could be against such a common sense measure?

The answer: The current administration and many here in Congress.

They are trying to use the Congressional Review Act to undo a rule that was called for by a Republican, and finalized by a Democrat, based on 10 years of work.

Today, they are trying to undo this vital safety rule because they've been losing this debate on its merits for the last 10 years.

I hope that gives my colleagues pause as they consider how they will vote on this measure: a ten year, bipartisan effort versus a highly-charged, highly-partisan debate for 10 hours.

The action we are contemplating today would strip the ergonomic standard off the books forever, and require a further act of Congress to implement another one.

Let's look at one claim made by those who oppose this standard: The opponents claim we don't have enough facts.

Just two months ago, the National Academy of Sciences finished its second comprehensive study on ergonomics.

Their conclusion: Workplace practices do cause ergonomic injuries, and ergonomics programs can effectively address those practices that cause injury.

This was the second Academy study on ergonomics that upheld this conclusion.

In addition to the two studies by the Academy of Sciences, the National Institute for Occupational Safety and Health studied ergonomics.

It found there is "clear and compelling evidence" that musculoskeletal disorders—or MSD's—are caused by certain types of work. And it found that those injuries can be reduced and prevented through workplace interventions.

The American College of Occupational and Environmental Medicine—the world's largest occupational medical society—agreed with those findings and saw no reason to delay implementation. The studies and the science are conclusive.

Other opponents claims that this isn't a significant problem. The facts prove otherwise.

Each year, more than 600,000 private sector workers in America are forced to miss time from work because of painful MSDs.

These injuries hurt America's companies. Employers pay more than $20 billion annually in workers' compensation benefits due to MSDs, and employers pay up to $60 billion in lost productivity, disability benefits and other associated costs.

The impact of MSDs on women in the workplace is especially serious. Women make up 46 percent of the total workforce. They account for just a third of the total injured workers, but women account for 63 percent of all lost work time due to ergonomic injuries, and 69 percent of lost work time because of carpal tunnel syndrome.

Women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome.

Women suffer more than 90 percent of the MSDs among nurses, nurse aides, health care aides and sewing machine operators.

Women also account for 91 percent of the carpal tunnel cases that occur among cashiers.

Despite the overwhelming evidence of the impact of MSDs due to a lack of workplace standards, we are still debating the need for this rule.

The states are getting this right. Last year, my home state of Washington became the second state along with California to adopt an ergonomics rule.

The rule in Washington state is helping employers reduce workplace hazards that cripple and injure more than 50,000 workers a year at a cost of more than $411 million a year.

It is estimated that it costs employers about $80 million a year to comply with the standards. But when they comply, employers save about $340 million per year. Clearly, this is a cost-effective program.

Nationwide, the ergonomic rule is estimated to save businesses $4.5 billion annually. That's because workers' compensation claims will fall and production will increase.

I urge my colleagues to oppose this resolution. We should allow OSHA to get on with its job of protecting American workers from ergonomics injuries. If individuals have problems with the rule, I suggest they seek to modify it through the administrative process or craft legislation. Trying to use the Congressional Review Act, however, is a drastic action by desperate people.

We should not allow 10 hours of debate to permanently invalidate a rule that took 10 years to implement and is clearly supported by credible science.

Let's give America's workers the protections they need instead of misusing this process to eliminate the safety standards that workers and their families rely on.

I yield the balance of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Oklahoma, Senator NICKLES, for yielding to me. He was next in line.

I have sought recognition to comment on the pending issue on the Congressional Review Act as it relates to the pending ergonomics rule. The issue before us at the moment has been a long, contentious one that I have had considerable contact with in connection with my responsibilities as chairman of the Appropriations subcommittee, which has jurisdiction over the Department of Labor.

The issue of rulemaking on ergonomics has been around since a study was ordered more than a decade ago by then Secretary of Labor Elizabeth Dole. There have been a number of delays, as the issue has come before the subcommittee on appropriations for the Department of Labor where efforts have been made to withhold funding, and then to seek additional studies. There have been many studies, and there have been very substantial delays.

I am concerned about the need to provide further protection to America's workers on repetitive motions and the other kinds of physical activity encompassed by this ergonomics rule. But I am also concerned about the complexity of the rule which is at issue here.

In an effort to try to get additional factors which would bear on the question of cost and on the question of complexity, I convened a hearing which was held this morning—late notice on the hearing, but this matter has just been recently scheduled to be on the floor today.

We heard from three witnesses who provided a fair amount of insight into the issue. We heard from Joseph M. Woodward, Esq., Associate Solicitor for Occupational Safety and Health at the Department of Labor; from Lynn Rhinehart, Esq., Associate General Counsel of the AFL–CIO; and Baruch A. Fellner, Esq., a partner at Gibson, Dunn & Crutcher—where his practice centers on employment law, with an emphasis on occupational safety and health; and he spoke, in essence, for the Chamber of Commerce and the business interests.

In the course of this morning's hearing, I think it is fair to say there was generalized agreement on the need for regulation. But, there was total disagreement on the issue of what the cost of this regulation would be and whether the regulation needed to be as complex as it is.

Mr. Woodward testified that the OSHA calculation was that the regulation would cost $4.5 billion, and there would be benefits of some $9.1 billion. Mr. Fellner testified that the cost could range from somewhere around $100 billion to as much as $1 trillion. When I asked Mr. Fellner what the benefits would be, if any, on the figure advanced by Mr. Woodward of $9.1 billion in benefits, contrasted with $4.5 billion in cost, Mr. Fellner said there were no real benefits; and if any did exist, they would be subsumed by the enormous amount of cost.

In listening to these two witnesses testify, and in focusing on what the role of the Congress is, the Senate is—and my role as a Senator in trying to evaluate congressional review on agency rulemaking—I must say that I did not get a whole lot of guidance from these witnesses, as they testified as to what the cost factor would be.

When we got into the issue of the complexity of the rule, again, it is a very complicated matter. We focused on a couple of the rules in particular—one, which was set forth on page 68848 of the Federal Register, Volume 65, No. 220, Tuesday, November 14, 2000, specifying a repetition rule:

> Repeating the same motions every few seconds or repeating a cycle of motions involving the affected body part more than twice per minute for more than 2 consecutive hours in a work day.

There was considerable debate in the hearing this morning, but, again, not a whole lot of light shed as to what the real import was.

Mr. Fellner made a suggestion that there ought to be experts convened—between 6 and 12 on each side—who would debate and discuss just exactly what this repetitive motion meant, to have some better appraisal and better understanding as to what the impact was on the individual who is subjected to that kind of work.

Another rule which we considered at some length involved the force issue on the same page:

> Lifting more than 75 pounds at any one time; more than 55 pounds more than 10 times per day; or more than 25 pounds below the knees, above the shoulders, or at arms' length more than 25 times per day.

The analysis again leaves me somewhat in a quandary as to really the import of the rule or exactly what its impact is and how important that is for the well-being of the employee, so that it is not an easy matter to make a calculation as to the import of those rules in terms of workers' safety contrasted with what the cost of those rules would be.

I was concerned with the information heard this morning. We had an extensive informal meeting before going to the formal hearing, when the point was made that there had been no public comment on the specific rule which related to the action level, which means the repetitive motion for a period of time, and there had been no public comment on the hazard resolution.

All of this, candidly, left me with the conclusion that there was a need for promoting worker safety; but a concern as to whether the entire matter ought to be substantially simpler.

When we talk about the enormous volume, the regulations themselves cover 9 pages only, with 16 pages of factual backup, and then the balance of several hundred pages on analysis and hearings.

The representation was made that if an employer is to really understand the rules to find out what has to be done, that employer is going to have to read the full text in order to have some real understanding.

An additional concern I have turns on what will the effect be if this resolution of disapproval takes effect with respect to any later rulemaking. The statute in question, the congressional review of agency rulemaking has a provision:

> A rule that does not take effect or does not continue under paragraph 1 may not be reissued in substantially the same form. And a new rule that is substantially the same as such a rule may not be issued unless the new rule is specifically authorized by law enacted after the date of the joint resolution disapproving the original rule.

From this language, I am concerned that a new rule may be subject to being invalidated if it is determined to be "in substantially the same form." And I am concerned about the mischief that could come from virtually endless litigation, with what whatever any new rule may be, if it conflicts with that statutory provision on interpretation that it is substantially in the same form.

I have conferred on this matter with my colleague from Oklahoma, Senator NICKLES, who referred me to a joint statement which was made on the enactment of the Congressional Review Act back on April 18, 1996, a statement made by Senators NICKLES, REID, and STEVENS, which constitutes the managers' interpretation. On page 3686 of the CONGRESSIONAL RECORD for April 18, 1996, the following language is set forth:

> If the law that authorized the disapproved rule provides broad discretion to the issuing agency regarding the substance of such rule, the agency may exercise its broad discretion to issue a substantially different rule.

Then continuing somewhat later:

> It will be the agency's responsibility in the first instance when promulgating the rule to determine the range of discretion afforded under the original law and whether the law authorizes the agency to issue a substantially different rule. Then, the agency must give effect to the resolution of disapproval.

The substance of this appears to state that where the agency has broad discretion, the agency can issue a new rule without falling under the prohibition of being substantially the same; that it is the agency's determination as to what discretion they have.

I contacted the Secretary of Labor, Elaine L. Chao, about this matter yesterday and received a letter from her today saying in part:

> Let me assure you that in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking that addresses the concerns levied against the current standard.

The key word there, of course is "may." So that it is within the discretion of the Secretary of Labor and that, of course, would remain to be seen. The letter does signify, in addition to the conversation I had with Secretary Chao, her concern about the entire issue and her determination to take a very close look at it, which is some assurance but obviously not totally dispositive.

I ask unanimous consent that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, at a caucus discussion earlier today, I had a brief colloquy with my distinguished colleague from Oklahoma, Senator NICKLES, which I would like to repeat the essence of now. That went to the issue of whether this legislative prohibition against issuing substantially the same rule would be an effective bar or, as one of the authors and having coauthored the statement of legislative intent, a new regulation would pass muster without a likely bar from the limitation of substantiality or substantially the same.

Mr. NICKLES. To respond to my colleague, I remember when we put in that language in the Congressional Review Act, we did it specifically because we didn't want to have Congress go to the trouble of overturning a regulation and then have the regulatory agency just basically come back and rewrite the same reg. That is the reason we included that language.

I have no doubt, after reading Secretary of Labor Chao's statement, that she is very concerned about ergonomics. She leaves the option open to reissuing another rule.

There are different ways of combating ergonomics without coming up with a regulation of 835 pages. If she comes up with a different approach, it will be more cost effective. It will be more effective. I have great confidence that it will be substantially different than the proposal we have before us today.

Mr. SPECTER. So the essence of the Senator's position is that the prohibition against reissuing a rule "substantially in the same form" is not a real impediment to the Secretary of Labor and of the current administration picking up the issue and coming out with a new regulation.

Mr. NICKLES. The Senator is exactly right. I have great confidence that when she addresses this, whether she uses the rulemaking process or uses other tools in the Secretary's office to address work-related injuries, including ergonomics, it will be substantially different than this. I certainly hope and expect that it wouldn't have a new workers compensation, Federal workers compensation system that would be superior to almost every State's worker comp rules.

Mr. SPECTER. I thank my colleague from Oklahoma for his response.

I have taken a few moments of the Senate's floor time today, having reserved actually some 15 minutes, to express my concerns. I am continuing to listen to the debate. I have received, as one might expect with a constituency such as mine in the Commonwealth of Pennsylvania, a great many calls. I am continuing to weigh the issues.

I note the presence on the floor of the Senator from Massachusetts, who had an idea about the potential for a 2-year delay, which might be accomplished with an amendment to another bill, such as the bankruptcy bill. These issues are complicated. Trying to balance the interests of the working men and women of America with the interests of the employers of America, especially small businesses, trying to figure out how to have rules which are fair and just to all sides, is not an easy matter.

I have expressed the concerns I have today. I continue to weigh this matter as I listen to the floor debate.

EXHIBIT 1

SECRETARY OF LABOR
Washington, DC, March 6, 2001.

HON. ARLEN SPECTER,
Chairman, Subcommittee on Labor, Health and Human Services, Education
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER. It is my understanding that the Senate will soon consider a Joint Resolution of Disapproval pertaining to the Occupational Safety and Health Administration's (OSHA) ergonomics standard. As you are aware, the Congressional Review Act of 1996 gives Congress the authority to vitiate this standard and permanently prevent OSHA from promulgating a rule in substantially the same form.

Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking, that addresses the concerns levied against the current standard. This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are an important problem. I recognize this critical challenge and want you to understand that the safety and health of our nation's workforce will always be a priority during my tenure as Secretary.

I look forward to working with you throughout the entire 107th Congress.

Sincerely,

ELAINE L. CHAO,
Secretary of Labor.

Mr. WARNER. Mr. President, if I might reply to my distinguished colleague. Earlier today I listened to him and I think he approached this issue in a very realistic and pragmatic way, particularly with his State having so much heavy industrial work in it. I am strongly in favor of the resolution.

But I am concerned about the proposition of a 2-year delay. There are a lot of people—and I will address that—who are actually at this moment suffering a consequence of their repetitive physical action. Do we really think 2 years would give Congress the time necessary to address this problem? I think we can reach an accommodation with our new Secretary of Labor addressing this and quickly get to a more realistic set of regulations to promote worker safety from these injuries.

Mr. SPECTER. Mr. President, if I might respond, I do not think it was the intention to have any delay but only an intention to keep the current rule in effect until a new rule could be promulgated or this rule might be revised. I would be very interested to work with my colleague from Virginia on an expedited process. One of the suggestions I made with the witnesses I had this morning was to have the experts come in to a hearing on my subcommittee and let's have at it. Let's have it out. I would be interested to know what the Senator from Virginia thinks might be a timetable for getting a new rule.

Mr. WARNER. Mr. President, I thank my colleague for that offer. I accept it. I am proud to represent the largest shipyard in the world. It has enormous amounts of heavy construction going on daily.

Mr. SPECTER. The Philadelphia Navy Yard was about to top you until some disaster occurred there.

Mr. WARNER. Well, until I became the Secretary of the Navy, and we began to bring that down to size.

I say to my good friend, I believe the value of this colloquy and delivery of the statements by Senators today is focused on the imperative need to stop the current promulgation of these regulations. I commend our distinguished colleague from Wyoming and our distinguished colleague from Oklahoma for taking the lead on this. I will support the resolution. I shall vote unhesitatingly today, whenever the vote is arranged. We have to commit to the workers in America that we will go to work with our current Secretary of Labor to do our very best to come up with a realistic, commonsense set of regulations. You can count on this Senator for joining in that.

Mr. President, I rise today in strong support of S.J. Res. 6 to preclude OSHA from enforcing ergonomics regulations advanced during the Clinton Administration.

This Rule is likely the most far reaching and intrusive regulation ever promulgated by OSHA. Unless Congress acts, employers will be forced to sift through over 600 pages of new and complex ergonomics standards.

The rule is full of flaws and ambiguities. As currently written, fair and just enforcement of these regulations would be near impossible for OSHA.

By disapproving this most recent OSHA regulation, it does not mean that I discount initiatives to improve conditions for workers.

I know from personal experience and Americans know from their personal experience that there are people in some workplaces who may suffer simply because of the repetitive nature of their physical work.

Those people watching this debate know there is a problem. I concur that there must be some corrective action to help these workers. I join my colleagues in asking the Secretary of Labor to review this situation and work with Congress to develop a realistic and attainable ergonomics regulation. We have this obligation.

An ergonomics rule that is based on sound science. OSHA bases its new ergonomics standards on the assumption that all repetitive motion injuries are a result of work related factors. In fact, outside, non-work related activities often contribute to repetitive motion disorders. The necessary scientific research needed to develop effective standards is incomplete.

It is in the best interest of business owners to protect their employees and maintain a safe and healthy work environment.

Mr. President, while I believe the government has a valid role in protecting American workers, this rule is too large, assumes unrealistic thresholds, and will in the long run hurt American businesses and their workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. While the Senator is on the floor, I want to inquire whether he, or perhaps the Senator from Oklahoma, or Senator ENZI, who has done such an outstanding job working in the subcommittee, would have any suggested timetable to which we might look on a new rule.

Mr. WARNER. I think that would be very helpful if we could have a thought from the managers of this.

Mr. ENZI. Mr. President, I want to comment on that because I am the subcommittee chairman for employment, safety, and training. I have held some of the hearings and have said repeatedly—particularly this morning—that something needs to be done on ergonomics. I am willing to work on it.

I mentioned that one of the highlights of mine last week was an award I received from the Service Employees International Union. I think that is the largest division of the AFL–CIO. The reason I got that award is that I worked with Senator KENNEDY on a needle-stick bill. Employees of this country were injured by accidentally being stabbed by needles, and janitors when emptying trash were stabbed. The worst part isn't the fact that they got stabbed but all of the time it takes before they understand whether they are really infected or not.

We got together and did a reasonable bill that provided some incentives for people to do that—a different way of doing recordkeeping and it passed by unanimous consent through both bodies. In a very short period of time, we were able to do that.

In light of your question about some kind of a mechanism here for postponing this rule for 2 years, the option is, under the CRA, of eliminating it now or staying with it. It is an up- or-down vote on that proposition, not an amendable motion. It is impossible to say we will put that in place.

I recommend that you do not keep the present one in place because some people say it is not a perfect fit and we ought to trim it back. If you have a tree that is rotten to the core, you don't try to prune it; you chop it down and you plant a new one. If you have a house built on a bad foundation—and that is what the testimony shows—you don't try to build the top part of the house up again; you start at the basement. I think it can be done in a relatively short period of time because there has been all of this collection of information and there are people out there who are hurting.

I have said a lot of times if we actually talk to the people who have the problem, we can get a solution. We are always talking to the experts who talk to the people who have a problem. Somehow they seem to complicate those problems considerably. We haven't put in place—well, we have put in place incentives for the employers already. It was mentioned in the Senator's hearing that some of the people had a net gain by doing these things. Of course, I don't know of a businessman in this country who, if he couldn't get a net gain out of doing something good, would not do it. So already in this country people are bringing down the number of accidents. They are doing it because it is the right thing to do.

So we have a lot of support from the business community to come up with the right way to do it. As I pledged this morning, I will be happy to work with everybody on the Health, Education, Labor, and Pensions Committee, everybody who deals with appropriations—you carry a big stick in dealing with appropriations—to come up with a solution for this. We have to do it the right way.

Mr. WARNER. If the Senator will yield, Mr. President, that is the basis on which I am committed to him to do this. I am very encouraged by what you have advised. It is eminently fair. That type of attitude is one that can succeed in this Chamber and will help get through a piece of legislation which I think is needed now. We should not postpone its consideration, I think, for 2 years.

Mr. SPECTER. If the Senator will yield, I think it might be useful, if possible, to have a suggested timetable to carry to the Secretary of Labor to try to have a target date to get this done.

Mr. ENZI. While I think it is an excellent idea to have a target date, there are a lot of staff who are very competent on this who ought to be involved in putting something together so we have a work plan, and there is need for basic time for Senator KENNEDY and me and other people to spend some time talking. I don't think that putting a date on it in the pressure of a debate that is time limited is a good idea.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, our agreement is to go back and forth. I would like to be able to respond without my colleague and friend from Massachusetts losing his right to speak—to be able to respond to the questions from the Senator from Pennsylvania. Would I be permitted to speak for 4 minutes on this subject matter and then ask unanimous consent that my colleague may speak?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, while the Senator from Virginia is here and the junior Senator from Massachusetts, let me point out what a logical response would be to the Senator from Virginia. All we have to have is the President of the United States file in the Federal Register now an objection to this particular rule and in 60 days this rule is effectively suspended.

There would be the opportunity then, if the Secretary of Labor working with the chairman of the committee had particular objections, that they would be able to make those recommendations; it would be in order. That is not what is being asked here in the Senate. We are being asked to give the death knell to this whole proposal. Under the CRA, they cannot come back with a substantial equivalent rule.

It is fair to ask what the history has been with regard to ergonomics. The fact is, since 1994 and 1995, there has been wholesale opposition to any ergonomics rules, under Republican and Democratic administrations. If you can demonstrate to me a single example where, at the Federal level or the State level, there has been any kind of support for those particular proposals from the business community that is leading the charge against it, your comments would make some sense. But it doesn't happen to be that way, and you can't show it. I won't take the time now away from the Senator from Massachusetts, but later I will take the time to go over what the history has been in opposition to this particular rule. It is right there, going back since Elizabeth Dole said there was a problem—day in and day out, battle after battle.

My good friend from Wyoming said California has a 1-page ergonomics standard, and the industry opposed that one. The Senator from Wyoming can't give us a single example of an ergonomics standard that has been supported—not one. And to think we are going to lead the American people on the basis of that exchange, that all we have to do is knock this down and in a very short period of time we will have some opportunity to consider a good, effective program that is going to protect the millions of Americans who tonight are at risk is asking too much of logic and understanding, I believe, from the American people. It "ain't" going to happen.

Mr. WARNER. Mr. President, we have a new President, a new Secretary of Labor.

Mr. KENNEDY. Then why not give it a chance? Where is this bipartisanship? We are trying to work out education, bipartisanship on a Patients' Bill of Rights; but suddenly, 2 days later, we read in the newspaper that this is the death knell for this particular rule. Why not go back and say let's work that out? Why not withhold this particular resolution, give us, say, 60 days, 90 days, a chance to work it out, and then, if we can't, go ahead with the resolution?

You haven't even given the opportunity or the respect or the courtesy to those who support that proposal to try to even work this out. And it is putting at serious risk the well-being, the health, and safety of workers. Why not try it? OK, let's work out the minimum wage, work out a Patients' Bill of Rights. You can work out everything, but protecting American workers, that is the question we ask. Why not withhold this and give us 90 days to try to work that out? We will accept that challenge.

Mr. WARNER. Mr. President, the distinguished Senator from Wyoming—

Mr. KENNEDY. I ask unanimous consent that this not be on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We point out that the distinguished Senator from Wyoming, who spent so much of his career over the last year or so on this subject, clearly says it is like a house: We have to take it down to its very foundation and build it back up again. We have committed on the floor to do just this, if I understand my colleague from Wyoming. Am I correct in that?

Mr. ENZI. Mr. President, the Senator is correct. The reason we can't wait 60 or 90 days is that the CRA is time limited. Sixty working days from the time the thing was published is how long we have to reverse this rule. So we are put under the rule that was passed by everybody in this Chamber—not me, I wasn't here at the time, but everybody voted to do it that way, so that we would have the right to jerk agencies back that didn't listen.

They did not listen to anything said in the committee hearing that I held, that the Senator attended. Without cooperation, with that club of the President over his head, it was easy to see they didn't need to concede any points. That is not cooperation. That is not civility. We can get together and work on these things but not when one side thinks they hold all of the ammunition.

Mr. KENNEDY. Mr. President, if Senators wanted to have good-faith bargaining, we are glad to do it. We are glad to do it.

These recommendations represent the best in terms of the National Academy of Sciences and the other scientific organizations that have knowledge and understanding. This is special interest legislation. This is a political payoff. Make no mistake about it.

The business community has the same groups opposing this tonight on the floor of the Senate that have been opposing it since 1994—the National Coalition of Ergonomics, Industry Front—organized to oppose ergonomics standards with a war chest of $600,000.

In March 1995, business groups tried to stop OSHA from developing a proposed rule for ergonomics standards; in 1995 again, National Coalition on Ergonomics opposed OSHA.

Please give an example of what you are for, Senator. Give us an example of what you are for.

It is silent over there. You haven't got an example of it. That is a reflection of the bankruptcy in their argument. They haven't had any examples of what they are for. Give us an example of what State has voluntary programs you would accept. Give us an example of an American business. We have examples of programs in ergonomics. We have not heard one statement of support for any one of them since this morning at 10 o'clock, and you will not hear it when the time comes to vote because they are not for it.

I take 15 more seconds to commend and thank my colleague and friend from Wyoming for his generous references—I think they were generous references—for our work on the needlestick legislation. I pay tribute to him because he was the leader, in the Senate on that particular issue, and I welcome the chance to work with him.

Mr. KERRY. I thank my colleague from Massachusetts for the force of his arguments which underscore the bankruptcy of the position of those who are in opposition.

I listened to my colleague from Wyoming a moment ago, and he suggested we have to do this because of the CRA. If my colleagues are serious about improving the ergonomics rule, they have a number of different options available to them. They could have a review and revision of the regulation if they wanted to. They could call on the administration to grant a stay against the regulation while further work is done to assess their concerns. They could petition the agency to modify or repeal the ergonomics standard and the Department of Labor could initiate a rulemaking procedure to modify the rule.

None of those things are being engaged in here. We have all heard of crocodile tears. What we are hearing are crocodile promises about a willingness to come back and revisit this issue when it has been visited for 10 years. At every step along the way the record is absolutely replete with examples of how they have stood in opposition to any kind of rule. So when we hear them talk on the floor of the Senate today that they are prepared to come back with some kind of a rule, it is directly contrary to every part of the record of past years.

In March of 1995, the House passed a 1995 rescission bill prohibiting OSHA from developing or promulgating any proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for that measure.

In August of 1995, again, following intense industry lobbying, the House passed an appropriations bill prohibiting OSHA from issuing or developing any standard on ergonomics. They had ample opportunity in 1995, 1996, 1997, 1998, 1999, 2000, and even now to come up with some notion of what they are willing to accept.

As my colleague from Massachusetts pointed out—silence, absolutely no offer whatsoever. There is no need to move in the way they are moving now except, I suppose, that it is entirely in keeping with their approach to labor over the course of the last weeks.

President Bush has been in office for 7 weeks. Already he has had a pretty profound impact on the lives of workers in this country. On February 17, he signed four antiworker Executive orders that would, among other things, repeal project labor agreements which are employed at the discretion of States, repealing those so that contractors would not be required under any circumstances in many federally financed projects to be unionized—a blatant, fundamental assault on union labor.

He also dissolved the National Partnership Council which sought to get government agencies and unions to resolve their differences. Not a bad way to try to resolve the differences. That was a program we thought was working and offered a capacity to reduce the tensions. But, no, that is eliminated—revoked job protections for employees of contractors at Federal buildings when the project is awarded to another contractor. And now we are on the cusp of overturning yet another critical worker protection that would help alleviate suffering for hundreds of thousands of people.

I believe this is an assault on the fundamental rights of workers, and their fundamental right is obviously to have a safe workplace.

Twenty-one thousand people in Massachusetts were injured last year as a consequence of repetitious work motions or severe overstress as a consequence of the kind of work and movement they have in their work. It seems to me we are owed at least a good-faith offer of some outline in which our colleagues would feel this might be acceptable. What do we hear? We hear them say this law is too complicated.

Too complicated? The rule is about as simple as a rule could be. The employer has enormous leverage in this rule. The employer gets to decide whether or not a complaint by a worker is job related. The employer makes that decision. How complicated is it to empower a worker to come to the employer in a specific amount of time, draw to their attention the signs and symptoms of an ergonomic injury, the responsibility of reporting it, the employer has absolutely no further responsibility under the rule unless the employee reports that ergonomic injury and that injury lasts for 7 days after being reported.

If the employer then determined it was work related and they were exposed to a serious hazard, they craft an appropriate remedy.

That is precisely what our colleague from Wyoming just said he thought any employer in the United States would do. He just said if somebody sees a worker is hurt or if somebody saw they were going to reduce their own costs and expenses as a result of reducing their employees' exposure to danger, they would do it. That is literally what this very simple law asks them to do. Instead, we are going to go on with a situation where they could continue to delay and leave countless workers in the United States exposed to danger with a cost of injuries at about $17 billion annually and a total cost to the economy of over $50 billion when we measure it by the compensation costs, the workers' medical expenses, lost wages, and lost productivity.

We all understand what ergonomics are. We understand it is a fancy name for what happens to people who do certain kinds of jobs in our country that require multiple repetition of movement. We understand you can avoid these risks.

On January 18 of this year, the National Academy of Sciences and the Institute of Medicine released a report talking about these disorders. It talked about the scientific evidence that documents what these kinds of injuries do. They also pointed out the extraordinary cost to our economy.

One would think most of the businesses in the country would welcome an opportunity for a worker to simply walk up to them, explain that they believe a particular injury they have is related to the work they are doing, that it has lasted for longer than 7 days, make an evaluation about it, and then determine what they are going to do. That is all this law requires. It is not complicated.

They have also compiled a report entitled "Work Related Musculoskeletal Disorders" which summarized 6,000 scientific studies on ergonomics-related injuries, and it concluded that the current state of science shows that the people who are exposed to ergonomic hazards have a higher level of pain, injury, and disability; that there is a biological basis for these injuries, and that there exist today interventions that can protect against those injuries.

There have been 10 years of effort to try to come to the point of conclusion with respect to those kinds of injuries. Yet we are finding the resolution is not a bipartisan effort to try to pull people together and agree. It is not a bona fide effort to try to resolve the differences that may or may not exist. It is an effort to go ahead and literally kill the capacity of the agency to issue this or to revisit it.

I would like to share very quickly a couple of stories of real people in my State. At the Cape Cod Hospital, Beth Piknick was a registered nurse with a 21-year career as an intensive care unit nurse. That career was cut short because of a preventable back injury that came from the responsibilities she was carrying out. The injury required major surgery, a spinal fusion, and 2 years of major rehabilitation before and after injury. That injury was devastating to Ms. Piknick, both professionally and personally.

Prior to her injury, she had led an extraordinarily active life. She enjoyed competitive racquetball, water skiing, and whitewater rafting, but, most importantly, she wanted to do her work and loved her work as an ICU nurse. That had been her career since 1971. The loss of ability to take care of patients led to clinical depression which lasted 4½ years. She now administers TB tests to employees at the hospital, and her ability to take care of patients, the very reason she became a nurse, is gone.

Her injury could have been prevented. So can the crippling injuries suffered by hundreds of thousands of other workers every year.

Another example—this story actually comes from Business Week, December 4, 2000. I quote from Business Week:

> Sheree Lolos will never forget the night 5 years ago when her arms went numb. She had spent her 8-hour shift as usual, pouring a total of 12,000 pounds of plastic scrap onto a conveyor belt at a windshield factory in Springfield, MA. That night her arms tingled and burned. The next day she and her supervisors shrugged off the injury as temporary and she continued to work in coming months—until she could work no more.

This was not somebody looking for an excuse or a way out. She worked until she could work no more.

> Doctors later told her that lifting and pouring for up to 60 hours a week, week after week, had damaged the nerves in her arms. So, today, at 44, Ms. Lolos says she can't even wash her hair without pain. "I cry in the shower because I can't keep my hands over my head to wash out the soap."

That injury also was avoidable. That injury at least ought to properly be reportable to an employer, for the employer to make a judgment about whether or not there is a relationship, a judgment that could very easily be made by a caring employer by simply listening to the employee, contacting the doctors, and making a legitimate attempt to determine whether or not there is a cause and effect between the injury the doctor has determined and that person's work.

What you have here is a message being sent that these kinds of injuries and the lives of these workers and their ability to get redress are not as important as the interests that are being served on the Senate floor in trying to defeat this effort.

An awful lot of businesses and trade associations have already implemented these kinds of programs, and they have seen productivity rise as fewer hours on the job are lost. When businesses ensure that their workplaces are safe and they protect workers from these types of injuries, the productivity across the board rises. When workers are healthy, employers lose far fewer hours in their jobs. Programs implemented by individual employers reduce the total job-related injuries and illnesses by an average of 45 percent and lost work-time injuries and illnesses by an average of 75 percent.

These numbers mean something because they indicate results and they prove that making the workplace safe is crucial not only to increasing worker safety but also to increasing the capacity of a business to flourish.

I would like to give another example of that. A company in western Massachusetts that makes most of the paper we use to print the American dollar, Crane and Company, located in Dalton, MA, signed an agreement with OSHA to establish comprehensive ergonomics programs at each of their plants. According to the company's own report, within 3 years of starting this program, the company's musculoskeletal injury rate was almost cut in half.

Lund Silversmiths, a flatware manufacturer in Greenfield, MA, was troubled by very high workers compensation costs. One OSHA log revealed that back injuries were the No. 1 problem in three departments. By implementing basic ergonomic controls, lost workdays dropped from more than 300 in 1992 to 72 in 1997, and total workers compensation costs for the company dropped from $192,500 in 1992 to $27,000 in 1997.

So all this talk about workers compensation costs or the cost to business going up simply does not stand up against the measured examination of what has happened in those companies that have seen fit to try to raise their standards and respect the injuries that are done to workers through certain kinds of work.

The changes envisioned by the law we are voting on actually increase productivity. It saves businesses money and makes more money for our economy overall. This standard is a win-win for workers and for management. The fact is, it is almost common sense, if you examine the experience of most of those companies that have engaged in a reasonable approach to it.

I have heard some complaints on the floor by some people who try to suggest this supersedes workers compensation laws. The fact is, the provisions of this standard are not compensation, they are assurances that workers are not going to face financial disincentives to report muscular disorders. Work restriction protection, in stark contrast to workers compensation, is only a preventive health program, and the criteria for restrictions under the ergonomic standard have no relationship to the criteria for compensation, nor do they have any bearing on whether an injury or an illness is compensable.

OSHA has been including work restriction protection in its health standards for more than 20 years, and we know, as others have pointed out, the attorneys general of some 17 States—

Arkansas, California, Colorado, Connecticut, Georgia, Indiana, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Missouri, New Mexico, New York, Oklahoma, Washington, and Wisconsin—have all filed comments with OSHA stating that worker restriction protection provisions of the ergonomics standard would not affect or supersede the workers compensation laws in their States.

To the best of my knowledge, there is no attorney general on record saying that it will.

The ergonomics regulation is not a new phenomenon. And it is not somehow the latest fad that represents some effort to try to enlarge rights beyond what they ought to be in the workplace.

Ten years ago, as we have heard, under a Republican President, Secretary of Labor Elizabeth Dole committed the Department of Labor to begin working on this standard. That was in response to a growing body of evidence at that point in time which showed that these repetitive stress disorders, such as carpal tunnel syndrome, were the fastest category of growth in occupational illnesses. Ten years now, and all of the records show countless numbers of efforts to prevent a legitimate initiative to make progress on this issue with any kind of alternative, any acceptable language, anything that suggests legitimacy in an effort to work out a compromise.

So many of us are, indeed, extraordinarily skeptical when we hear in the Chamber today that somehow what has not taken place for 10 years, what has been shown to be exactly the opposite of what is promised, which is an outright effort to kill any kind of standard whatsoever, is suddenly now going to be replaced by some act of good faith.

I repeat, if there was a legitimate effort to try to avoid the sort of draconian measure of the Congressional Review Act, which is an all-or-nothing, or an up-or-down vote, with this limited amount of debate, we could have done something else. If we were serious about improving the ergonomics rule, we could have simply taken action to review and somehow revise the regulation in a reasonable way. We could see the administration say we are not going to ask for this draconian effort on the floor. Why don't we have a stay? Or, as my colleague from Massachusetts pointed out, we could have, I think, a 60-day period before the implementation by merely putting a protest in place.

There are any number of ways in which we could approach this question. We could petition the agency itself to modify or repeal the standard.

But, once again, there has been no showing whatsoever about why the simple standard of a worker going to an employer and suggesting that the particular illness or problem they have is work related should not initiate from this benevolent employer that the Senator from Wyoming is referring to, a legitimate effort to find out whether what they asked that employee to do in that plant is somehow causing them injury. If it is causing them injury, as they ought to be able to determine by a fair analysis from medical reports as well as an analysis of the work itself, they could make the determination to do what they think is appropriate.

There is no order to them of what to do. There is no mandate from Washington. There is no requirement of the long arm of government telling them with specificity what their options are. There is just a legitimate, commonsense, decent approach to the problems of a worker in a workplace that, as my colleague from Wyoming said, any decent employer ought to engage in.

What is happening here is an effort to deny decency to tens of thousands in Massachusetts, 600,000 on a national basis—maybe a million workers—who suffer annually. We could avoid that if we were to vote properly on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Louisiana 7 minutes, and then I ask unanimous consent to recognize the Senator from Ohio, Mr. VOINOVICH, for 7 minutes following Senator BREAUX's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I thank my colleague for yielding me some time.

I rise as one who is going to support the resolution of disapproval but at the same time also speak to the fact that I think there are problems in the workplace that justifiably call for us to be involved in crafting solutions which would reduce or even eliminate those problems.

I am impressed by the study of the National Academy of Sciences which, incidentally, came after some final regulations were already promulgated, which point out that it is a problem that affects as many as 1 million people a year losing time and costing as much as $50 billion annually in lost productivity.

Yes, there is a problem out there. Yes, there should be something we can do to address it. I suggest that while there is something we could do, this is not the right approach. It is the reason why I am going to support the resolution of disapproval.

My colleague mentioned that this rule is very simple and easy to understand. I would suggest that is not correct.

I was reading it. It is always dangerous when you actually read these regulations. I read the regulations, and I got to one part where it said, "Industries and jobs this standard does not cover." That will be interesting. Let me read that. It says, "Industries and jobs this standard does not cover. Agricultural employment and operation."

I said: My goodness, we are exempting agriculture from the regulations.

I went to another section, and it said, "Industries and jobs this standard covers." Lo and behold, it covers agricultural services, soil preparation, and crop services, including crop planting, cultivating, and protecting the crops. It also improves crop harvests. Those things sound an awful lot like agricultural practices to me. Yet in the other panel it says, agricultural employment and operations are not covered. But everything you have to do to plant crops and harvest them and protect them is, in fact, covered.

I went down and read some more. It says, "Maritime employment and operations are not covered."

Then I looked over to the other column. It said, "Boat building and repair is covered." That is sort of a maritime type of industry if there ever was one.

So I read it again. It said, "Maritime employment and operations are not covered." Commercial fishing in the other column is covered. That is sort of a maritime endeavor when you are commercially fishing in the ocean.

I get confused when it says shipbuilding and repair is not covered but, on the other hand, boat building and repair is covered. If it is a ship, you are not covered, but a boat is covered.

If you are an agricultural worker, you are not covered. But if you are engaged in crop harvesting, planting, and protecting a crop, then you are covered.

By any measure, I think this is not clear. It is not simple; it is very confusing.

More than that, I am concerned about an administrative procedure or process where we can do by administrative decision what legislators who are called upon to legislate cannot do to see how what we do affects people because I think it clearly affects a State's workers compensation laws. I am very concerned about that.

If you go to the back of the rules that we are looking at, it very clearly says something I think is understandable. It says, "Work restrictions protection: Employers must . . ."—not may, not can, not should but "employers must provide work restrictions protection to employees who receive temporary work restrictions."

This means maintaining 100 percent of earnings and full benefits for employees who receive limitations on their work activities in their current jobs or transferred to a temporary alternative duty job, and 90 percent of the earnings and full benefits to employees who are removed from work. That is good for 90 days or less, whichever comes first.

That tells me they may not replace your State workers compensation rules, which, in my State and most States, provide about two-thirds compensation for injuries in the workplace, which I strongly support, but it certainly is in addition to it. It is a supplement. It is more than the workers compensation laws provide. You have the workers compensation laws taking care of certain types of problems in the workplace. Then you have an entirely new program that States are going to have to implement. And who is going to pay for it? Is the State going to be required to put up their share for the new program? Do the States have the money to do that? How much is it going to cost Louisiana, which is struggling to find enough money to participate in the Federal Medicaid program, because we did not have enough State funds to meet or match this? They look at an unfunded mandate, an additional supplemental benefits package that we have not enacted in Congress but that has been allowed to go forward because of an administrative rule process which I think is the wrong way to do it.

I differ from some who say, we don't want to do anything. I think we should do something to address these rules. I will be addressing legislation tomorrow in a bipartisan fashion which will say that, notwithstanding any other provisions of law, the Department of Labor may issue a new rule relating to ergonomics, so long as there are affirmative requirements and the new rule does three things: First, that it is directly related to injuries that occur in the workplace. That is what we are trying to effect.

I do not want someone who is injured in a water-skiing accident on Sunday to go to work on Monday and complain that the back problem was generated in the workplace. If it was in the workplace, fine, but if it was from something outside the workplace, and not directly related to the injury, I question whether it should be part of the process.

The second requirement of the legislation will be that the agency responsible for enforcing this new rule must have some type of mechanism to certify when an employer is in compliance. Right now, one of the big concerns is that employers do not know whether they come under the rules or not. There should be some mechanism to ensure that when they are in compliance, they can get certified by the appropriate agency that they have met the standards and should not be subjected to any other action because they have been certified as being in compliance.

The final thing it does is it says simply that in issuing a new rule, the Department of Labor shall ensure that nothing in the rule expands the application of State worker compensation laws. This goes back to the question of putting in new provisions, new monetary provisions, for workers without having the Congress take an action in that regard.

This is a new supplemental workers comp program that this rule establishes. I do not think we ought to do that without an act of Congress. We can argue whether it should be done or not.

I think this legislation really answers the question of whether we do all of this or whether we don't do anything. I am suggesting we do something that makes sense. I think the way to get to this legislation is to pass the resolution of disapproval of what I think has been a rule that has been brought to this body but without the proper attention to detail that I think is so important.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senator from Ohio is recognized.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. VOINOVICH. Yes.

Mr. NICKLES. I thank my friend and colleague, Senator BREAUX, for his analysis, and also for his well-thought-out position. Also, I thank Senator DORGAN for his cooperation in scheduling the speeches.

I now yield to the Senator from Ohio as much time as he desires—7 minutes.

Mr. VOINOVICH. Mr. President, I thank the Senator from Illinois for his consideration.

I might say that my remarks were not done in conjunction with Senator BREAUX from Louisiana, but they are similar to the points he made today.

On November 14 of last year, OSHA published one of the broadest, most far-reaching regulations ever put forth by that agency. OSHA and other supporters of the ergonomics regulation have indicated that implementing this regulation is necessary to protect the health and well-being of the men and women of our Nation's workforce. This would be accomplished by establishing procedures designed to lessen the incidence of repetitive-motion injuries and other musculoskeletal disorders, or MSD's, in the workplace.

In my view, OSHA's efforts to safeguard the workplace against these kinds of injuries ultimately will prove more harmful than helpful to hard-working men and women throughout the Nation. In addition, this new rule could actually have the unintended consequence of hurting the people it is designed to help.

When one takes a closer look at how the regulation was developed last year, and at the provisions of the regulation itself, it is not surprising to see that the Senate is poised to vote to disapprove this regulation.

To be sure, OSHA has never finalized a rule of this magnitude in just 1 year's time. This final regulation is over 600 pages in length, and its impact covers more than 100 million employees and 6.1 million businesses in the United States. Even prior to its final publication, many employers had complained to me and to OSHA about the draft regulation's excessive length, confusing language, and potentially onerous mandates.

Despite having generated more public comments than any prior OSHA rule in history, the Clinton administration's OSHA appointees rushed through the rulemaking process. There has been some speculation that these appointees believed that quick action was the only choice they had to get the rule finalized.

These individuals at OSHA even managed to thwart the will of Congress, which approved an amendment last year delaying implementation of the regulation for 1 year. This "in-your-face" attitude was deliberately confrontational. It was as if the previous administration said: We don't care what Congress wants, we are going to do what we want anyhow, and that's the way it goes. In their undertakings, they ignored legitimate concerns voiced by Members of Congress and the business community and ram-rodded this controversial, burdensome and exceedingly costly regulation.

On the subject of cost—I think this is an important issue—we have no real "hands-on" figure. OSHA estimates the cost of complying with the regulation will be $4.5 billion annually. The U.S. Small Business Administration—not the NFIB or the U.S. Chamber of Commerce, but the Federal Small Business Administration—has estimated the true cost of the regulation could be about $60 billion per year. And other analyses puts the figure as high as $100 billion annually.

Why has this rule caused so much controversy? Well, under this new rule, an employer would be required to implement a full-fledged ergonomics program if an employee were to report a symptom—a symptom—of an musculoskeletal disorder, as long as the symptom is aggravated, but not necessarily caused by workplace tasks.

In other words, if an employee comes to work with a sore neck from playing sports over the weekend, and his or her work "aggravates" the symptom, then an employer would have to develop a whole ergonomics program.

This could require employers to change an employee's workstation, change his or her equipment, shorten shifts, hire additional employees, or alter work practices. So, the employer is responsible for all of these changes and their costs even if the symptom is caused by factors or activities that exist outside of the workplace.

But there is more. In responding to a symptom of a muskuloskeletal disorder, the employer must pay for visits to up to three separate health care professionals by the employee complaining of the symptom. However, the rule prohibits the diagnosis from including any information about the condition that may have been caused by factors or activities outside the workplace.

In fact, an employer can't even inquire about an employee's outside risk factors. That is absolutely incredible.

I am especially concerned about the regulation undermining a State workers' compensation systems, which is prohibited under the Occupational Safety and Health Act. For instance, if a condition is determined to be work-related, the employer must provide full benefits and 100 percent of an employees pay for up to three months while he or she is in a light-duty job, or 90 percent of pay and full benefits while not working. This is known as the regulation's Work Restriction Protection provision. This provision completely overrides the state's right to make its own determinations about what constitutes a "work-related" injury and what level of compensation injured workers should receive. What's more, it establishes a federally-mandated workers' compensation system for ergonomics only.

Ergonomics remains an uncertain science. While a recently completed National Academy of Science study reveals that musculoskeletal disorders are a problem in the workplace, much remains to be learned about the causation and potential remedies associated with repetitive-motion injuries. In fact, the National Academy of Sciences' study indicated that a number of non-work related "psychosocial" conditions, including stress, anxiety, and depression, could cause these conditions.

The tendency I see in Congress and in Washington is the belief that no one but Washington cares about the citizens of this Nation—not the local governments, not the State governments, and most definitely not the businesses. I think that is insulting.

It is ludicrous to think that State and local governments do not care, and any employer worth his or her salt is going to go out of their way to create the best working conditions for their employees. These individuals will do whatever possible to cut down the costs associated with work-related injuries and absenteeism.

As Senator KERRY from Massachusetts said, many businesses have gone forward with ergonomics programs. They know it is good for their employees, and they know it is good for the bottom line.

In fact, prior to the regulation's publication, many employers had voluntarily implemented workplace ergonomics programs. These programs are having an effect; OSHA itself has reported a 22 percent decrease in ergonomics injuries in the last five years. But what supporters of this regulation are saying is, even though more and more businesses are realizing that ergonomics is a good thing to do, we need to mandate a "heavy-handed" set of rules on the entire Nation and not think about the consequences of these actions. In my view, if they had, they would not have rushed through a regulation that will admittedly cost billion and billions of dollars to implement.

Instead, Congress and the administration need to take a more careful and balanced consideration of ergonomics in the workplace. We should be working with all parties—American businesses, labor, and State and local governments—to develop a workable ergonomics standard that considers all costs and benefits and protects the health and welfare of the American workforce. I believe such an approach would be the most effective solution to the situation that Congress is faced with today.

Passage of the resolution before the Senate will give us the opportunity to proceed with a clean slate instead of letting-stand a regulation that is burdensome, confusing and unsound.

I'm confident that, working with our new Labor Secretary, Elaine Chao, with the Bush administration, with my Congressional colleagues and other interested parties, we can come up with a better way to approach this issue.

Mr. President, I urge my colleagues to vote in favor of this resolution of disapproval.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the resolution before us related to ergonomics.

First, about the word "ergonomics." It sounds like a course that one intentionally skipped in high school, but it is much more serious. It relates to a worker's injury on the job, a worker's injury that, unfortunately, affects in America every year a million people who take time away from work to treat and recover from these work-related ergonomic injuries.

I come to this debate perhaps in a little different position than some of my colleagues because I come to it with some work experience in my life that has familiarized me with this problem as well as experience as an attorney representing people who have been injured on the job. When I was a college student, I worked in a slaughterhouse in East St. Louis, IL, Hunter Packing Company. It was a great job for a college student because it paid pretty well, but it was a tough job. It was dirty. The hours were long. I went to it every day realizing I was saving enough money to get through school.

In the 12 months that I worked in that slaughterhouse, I came to understand what it means to work on an assembly line. It was a hog production facility. The hogs that were brought forward for slaughter and processing were on a chain. The union I belonged to, the Meat Cutters and Butcher Workers, had negotiated a contract with the packing company. The contract said that 1 hour's work equals 240 hogs. During the course of a day of 8 hours, we were expected to process 1,920 hogs. Of course, if we could speed up the line, we might get off work in 6 hours. Every day we tested ourselves, or someone did, to see how fast we could process those hogs to go home.

The line would break down. We never quite knew what would happen. Day after day I would stand there on this line and watch these animal carcasses come flying by as I did a routine job on every single one of them. I was one of many employees in that facility.

I came to respect a hard day's work, the men and women who got up every day and did this. I also came to respect the danger of that job. Some of the dangers were obvious. On that line one day a man I was standing next to passed out and was taken away; he died of a heart attack. Other people cut themselves with knives. Others suffered back injuries, neck injuries, and injuries to their hands. I would see this every single day. I came to appreciate a little more than some that working for a living in America can be dangerous unless there are people to protect you. In this case the protection came from a labor union doing its best to make the workplace safe.

It also came from Congress and the State legislatures that were responsible for a safe workplace. I came to appreciate that responsibility when I was elected to Congress in 1982 and to realize that I have a burden and a challenge, as a Congressman and a Senator, to make certain that the laws we pass are consistent with maintaining the safety of the workplaces across America.

My second experience, as an attorney in Illinois, was on workers compensation claims. I have listened to some of the statements made on the floor of the Senate today. I have to shake my head. Some of the people who are arguing against this bill have literally never tried a workers compensation case. For instance, there have been arguments made that under this ergonomics rule, it is not necessary that one is injured in the workplace to recover.

Time out. One of the first premises, when you go to a workers compensation case for someone injured on the job, is whether or not you were an employee. That is the first question. The second question is whether or not your injury was work related. If you can't get past those two hurdles, your case is thrown out, period.

Many of the employers on the other side of these worker injury cases tried to argue that the person wasn't an employee or doing an employee function at the time of the injury or, if he had an injury, it happened someplace other than the workplace.

That is not going to be changed by this ergonomics rule. What this rule will do is establish a standard of care for employees across America. A million American employees each year lose time from work to treat or recover from the injuries we are discussing. These injuries account for fully one-third of all workplace injuries that are serious enough to keep workers off the job—more than any other type of injury.

Those who oppose this rule and will vote for this resolution of disapproval are ignoring this reality. They are saying that regardless of the injuries to American workers, we should do nothing about it, nothing. The net result of voting for this resolution of disapproval is to put an end to the debate over whether we will continue to protect workers at America's workplaces.

That is a sad commentary. It is a sad commentary on this Congress—which started off with all sorts of promise, an evenly divided Senate that would work in a bipartisan fashion—that here, in one of its very first actions, it has decided to remove a protection in the workplace for millions of American workers.

The cost of these injuries is enormous. Many companies come by my office and argue that they just can't afford to make the changes necessary to make their workplace safer. We estimate it would cost about $50 billion a year, these employers are currently paying out, for people who are injured in the workplace. There is no money being saved in an injured employee. Not only does it damage or even destroy the life of the worker, you lose the productivity, skill, and experience of that worker, and you pay for attorneys and for doctors and for compensation for that injured employee. It is penny wise and pound foolish for business to ignore the fact that safety in the workplace is profitable, profitable not only for the business but for all the people who work there.

Yet the business interests that have lined up today to defeat this have, frankly, turned their back on that reality. I am not surprised, when I look at what has happened over the last several weeks with the new administration, that this attack on the protection of workers in the workplace is coming to us today for consideration. We have already had a number of decisions made by the new Bush administration which have been clearly against the best interests of working men and women.

On January 31, the Bush administration suspended for at least 6 months the contractor responsibility rule. This was a rule finalized at the end of the Clinton administration and already in effect which required Government contracting officers to take into consideration a company's record of complying with the law—civil rights laws, tax laws, labor laws, employment laws, environmental laws, antitrust laws, and consumer protection laws—before awarding a Federal contract.

I introduced a bill in the 106th Congress that would have done essentially what this rule did. I believe if you break the law with regard to someone's civil rights, if you harm the environment, or if you defraud the Federal Government, you should not be able to compete for Federal contracts.

It is curious to me that one of the first acts of office by President Bush was to literally suspend this law for 6 months. With a stroke of the pen, President Bush has said it is OK to defraud the Federal Government, to pollute our Nation's streams, and then go on and bid for Government contracts, to be considered a good corporate citizen when it comes to awarding contracts that pay tax dollars.

Along with my colleagues, Senators KENNEDY and LIEBERMAN, I sent a letter to OMB Director Mitch Daniels asking him why the administration took this action. I have not received a response.

This points out the mindset of this administration; that when it comes to businesses that break the law, they are prepared to look the other way. Sadly, this is part of the argument being made today. If a business decides to have an unsafe workplace and employees are in fact injured, it is the belief of some that it is none of the Government's business; that we should somehow absent ourselves from the discussion. I believe otherwise.

Let me tell you about a couple other things that have been done by the Bush administration in the early days. One of them relates to project labor agreements. Project labor agreements are nothing new. They have been around since 1930. They are negotiations at the outset of a Federal, State, or local construction project between contractors, subcontractors, and the unions representing the crafts that are needed on the project. Under a project labor agreement, or PLA, they try to reach an agreement on the terms and conditions of employment for the duration of the project, establishing a framework for labor management cooperation.

These project labor agreements have been around for 70 years. They benefit the Federal Government and the taxpayers because they dramatically lower the cost of construction projects for these taxpayers.

So what did President Bush do about these project labor agreements? He repealed them. Gone. With the stroke of a pen, President Bush eliminated project labor agreements. He even received a letter from a Republican Governor, John Rowland of Connecticut, urging him not to repeal it. Let me quote John Rowland's position on project labor agreements:

> Public sector labor agreements have been in use for over seventy years and have proven to be extremely valuable tools used by public entities to manage large construction projects.

President Bush ignored the Governor of Connecticut. He ignored 70 years of precedent. He decided that instead of pushing for labor-management cooperation for the benefit of taxpayers, he would eliminate these project labor agreements.

Mr. President, I ask unanimous consent to have the letter from Governor Rowland printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEAR PRESIDENT BUSH: It is my understanding you are considering issuing an Executive Order that may impact project labor agreements on federally financed or assisted construction projects. Public sector project labor agreements have been in use for over seventy years and have proven to be extremely valuable tools used by public entities to manage large construction projects. The State of Connecticut has successfully implemented project labor agreements for many public projects that came in ahead of schedule and under budget.
>
> Project labor agreements provide many economic benefits to the government owner. PLAs eliminate any uncertainty with respect to the supply of and cost of labor for the life of the project. This can generate significant cost savings and is especially important at the present time when there are substantial shortages of skilled construction workers. PLAs set standardized conditions and predetermined wages for all crafts on the project. This allows contractors to bid the work with labor as a constant.
>
> With the greater certainty of estimated costs, cost overruns and change orders are reduced, keeping final expenses closer to the estimated cost of the project. Access to an immediate supply of skilled craft workers results in the likelihood that jobs will be completed on schedule. In addition, PLAs are negotiated to reflect the special needs of a particular project, including specific hiring requirements for local residents and minority and female employees.
>
> Past experience supports the use of PLAs. Huge federal projects such as the Grand Coulee Dam in Colorado, the Shasta Dam in California, the Oak Ridge Reservation in Tennessee, Cape Canaveral in Florida and the Hanford Nuclear Test Site in Washington State were all built under project labor agreements. More recently, the PLA used on the Boston Harbor Project is credited with helping reduce costs from $6.1B to $3.4B, with 20 million craft hours worked without time lost to strikes or lockouts.
>
> I hope you will see the benefit of implementing project labor agreements in our nation's large construction projects.
>
> Thank you for your consideration of this important issue.
>
> Sincerely,
>
> JOHN G. ROWLAND,
> *Governor.*

Mr. DURBIN. The President also, in the first few days he was in office, on

February 17, signed an Executive order requiring Government contractors to post notices stating that employees cannot be required to become union members in order to retain their jobs, and that those who don't join the union may object to paying the portion of agency fees that aren't related to collective bargaining. Contractors who fail to comply with this Executive order and fail to post these notices can be barred from bidding on Government contracts.

Interesting, isn't it? The President has said if you violate environmental laws, civil rights laws, or employment laws, we will still want you to do business with the Federal Government. But if you fail to post a notice in the workplace advising people they don't have to become union members to work on the job, you can be disqualified from Government contracts.

Another Executive order—the third one—rescinds a 1994 Clinton administration order requiring building service contractors in Federal buildings who have taken over work previously performed by another contractor to offer continued employment in the same jobs to qualified employees of the displaced contractor. Typically, we are talking about low-wage workers, janitors, or cleaning crews who will now lose jobs on Federal worksites when the Federal Government changes contractors.

The list, I am afraid, goes on. The message is clear for working men and women: This new administration takes a totally different view on protecting workers in the workplace than the Clinton administration of the last 8 years. Whether it is holding contractors of the Federal Government to the standard of obeying the law, whether it is making certain that we protect low-wage workers in the workplace, these sorts of things are not going to be held sacred nor protected by the Bush administration.

Here we come today to the floor with this whole question about safety in the workplace. This question of ergonomics is one that has been debated at length. It pains the Republicans, who by and large oppose this ergonomics rule, to realize that the first Secretary of Labor to point out this national problem that needed to be solved was none other than Elizabeth Dole, the wife of former Senator Robert Dole, and certainly a loyal Republican. She understood, as Secretary of Labor, that these injuries were important enough to merit study by the Federal Government in the promulgation of rules and standards to protect workers in the workplace.

But no sooner did she make this proposal than the business interests who were opposed to this protection of workers started a crusade against them. A crusade usually resulted in delaying the rule going into effect or demanding a study to justify the rule in the first place.

These ergonomic injuries, to date, have injured over 6 million workers in America. They range from such things as carpal tunnel syndrome, which many people have suffered from, to severe back injuries and disorders of the muscles and nerves. According to the Bureau of Labor Statistics, ergonomic injuries account for 34 percent of the injuries that caused employees to miss work in 1997. Truck drivers had the highest median days—10—away from work. Electricians, plumbers, pipefitters, and transportation attendants, each had 8 days.

Women are disproportionately affected by ergonomic injuries. In 1997, women made up 46 percent of the workforce and accounted for 33 percent of workplace injuries. Yet they accounted for 63 percent of repetitive motion injuries that resulted in lost time. Eighty-six percent of the increase in injuries due to repetitive motion are borne by women; 78 percent of the total increase in tendinitis cases were suffered by women.

I have one example, the nursing profession, a profession in which we are having a difficult time filling vacancies, which alone accounted for 12 percent of all of these types of injuries reported in 1997.

It is estimated that 25 to 50 percent of the workforce are Hispanic and African American workers. So minority workers will be particularly disadvantaged by the passage of this resolution ending this workplace safety. Who has endorsed this ergonomics standard? Former Labor Secretaries Elizabeth Dole, Robert Reich, and Alexis Herman; the American Nurses Association; the American Academy of Orthopedic Surgeons; the National Academy of Sciences; the American Public Health Association; the National Advisory Committee on Occupational Safety and Health; and many others.

Tom Donahue is currently the President and CEO of the U.S. Chamber of Commerce. It is no surprise that he opposes this ergonomics rule. He said in his quote that the rule is "one of a flurry of onerous midnight regulations hastily enacted by the outgoing Clinton administration."

I disagree with Mr. Donahue. To say this rule just arrived on the scene at the last moment is to ignore 10 years of history.

I guess, beyond that, back in 1979, President Jimmy Carter appointed a person at OSHA to look into these types of injuries. It has been said by Mr. Donahue and the Chamber of Commerce that the ergonomics standard is not supported by sound science. But after thousands of studies, literally 2,000 studies, including two by the highly respected National Academy of Sciences, the numbers are in; the data is there. The real life stories weren't just flukes. We can't ignore the fact that there is strong scientific evidence that certain activities in the workplace lead to injuries that cause pain, suffering, and loss of work.

Let me also point out the Chamber of Commerce says the standard in this rule is impractical; that it applies "to any job that requires occasional bending, reaching, pulling, pushing, and gripping." That is not the case. This ergonomics standard does not apply to agriculture, construction, and maritime industries, as well as most small businesses across the country. Also, the Chamber of Commerce has grossly exaggerated the cost of compliance with this ergonomics standard, saying it could cost as much as $886 billion over 10 years.

This is not the first time the Chamber has inflated the cost of a Federal standard to protect workers in an effort to defeat it.

It appears today they may have the votes to get the job done based on dubious statistics. The real average cost for an employer to change the workplace to make it ergonomically correct and safe is $150. A single injury claim by a disabled or injured employee can be approximately $22,000. Penny wise or pound foolish? Will we protect workers by sending them home safe and healthy at the end of the day by making a slight change in the workplace or will we invite injury and say we will pay the lawyers and the doctors and let the workers' lives be forgotten.

This Congressional Review Act, which brings us here today, was one of the vestiges of the so-called Contract "on" America that was promulgated by former Speaker of the House Newt Gingrich in his glory days. It appears that the Gingrich ghost is still rattling around the U.S. Capitol because if the components of this ergonomics rule have been waived, we will with one fell swoop put an end to this rule for perpetuity, or at least during the duration of the Bush administration.

This resolution cannot be amended or filibustered. A Senator can't put a hold on the resolution. No more than 10 hours of debate are allowed and it passes with a simple majority. You wonder where the Republicans in the Senate and President Bush will turn next.

In the past, they have said they want to eliminate overtime. They think the 40-hour workweek is not sacred. People should work more than that and not be paid overtime. They have come up with the Team Act which basically allows those who are antagonistic to organized labor to organize around them. They have called for something called paycheck protection to take away the power of individual members of labor unions even to contribute to political campaigns to support the candidates of their choice.

I am afraid this resolution and this debate really tells us that working people in America are in for a tough time over the next 4 years. It certainly reminds us that elections have consequences, and that if a President who is elected has no sympathy for the working families; that the election of the President can change the course and direction of our policies in protecting workers in the workplace.

It is a sad commentary that we have forgotten how important it is that we who enjoy the benefits of a great economy must always realize that there are hard-working men and women who get up every single day and go to work, do a good job, and only expect the basics—fair compensation for hard work, no exploitation in the workplace, and a safe place to work.

The Republicans on the floor—a few Democrats will join them—have forgotten the third one, the requirement for safety in the workplace. For them, these are faceless people who are just statistics. They are "business costs" to be borne. I think it is much more. It is a question of whether, in fact, we value labor.

In my own home State of Illinois and some of the cases I am aware of we have had workers—mothers, for example, with small children—who worked for a company for many years, lifting things from one place to the other, different sizes and weights of boxes, including Madeleine Sherod of Rockford, IL. At Valspar Corporation, which makes paint, she was lifting cartons of paint back and forth with a weight of 20 to 90 pounds each. She performed this job for at least 13 years. Her first injury occurred about 15 years ago, and she was diagnosed with carpal tunnel syndrome. She had surgery to relieve the pain.

As a mother of five, her ability to perform the normal tasks as a parent were hindered. She was unable to comb her daughter's hair, wash dishes, sweep floors, and other day-to-day tasks working moms must perform.

A few years after working there, she had another injury and was diagnosed with tendonitis and had tendon release surgery. And even today, she wears a wrist brace to strengthen her wrist. Being extra cautious is part of her everyday life.

She recently found a lump on her left wrist and is preparing for a third surgery.

The reason I raise this is that the workers at Valspar, and at companies across America, deserve protection in the workplace.

Another business very near Rockford, IL, in the town of Belvedere, is an assembly plant for the Neon automobile owned by DaimlerChrysler. I visited that plant several years ago. I was impressed with all the robots, shiny cars, and the good work ethic in the plant. I came back a few years later and was impressed even more to find they had changed the workplace to make it easier so workers would not have to bend down to pick up a fender for construction of a car, and they would not have to jump into an automobile on the assembly line and try to wrestle an instrument panel in place. Things had changed in the workplace. A few simple machines resulted in a much easier workday for the men and women who work there.

I salute DaimlerChrysler and other such companies that have made changes in the workplace that are in their best interests, too. Healthy, productive employees are the best thing a company can have. To ignore that reality, as was the case with Valspar, is to invite injury and pain for the workers, less productivity, more cost for medical bills and for worker compensation claims.

Perhaps the Republicans who are opposing this work safety rule don't realize it, but they are increasing the costs of business. They are making workers' injuries a compensable charge against any visit that will cost them in terms of how much they have to spend to be successful.

I salute not only DaimlerChrysler but also Caterpillar Tractor, the largest manufacturer in my State, which from 1986 to 1989 started noticing a high incidence of back injuries. They went into their plants at a worker training program, made changes in the height of worktables and fixtures and eliminated excessive employee bending and twisting. New tool designs were put in place, new materials to reduce lifting and repetitive motions. As a result of that decision and that effort by Caterpillar Tractor in 1990, the incidence of back injuries decreased by 27 percent.

DaimlerChrysler, as I mentioned earlier, over a 3-year period during which one million instrument panels were installed, had no workers compensation claims reported. Installation of the panel can now be performed by two employees instead of five or six.

A pharmaceutical operation changed their work processes and found out by 1994 that lost time accidents had decreased from 66 to 4, and recordable injuries decreased from 156 to 60. Workers compensation losses decreased tenfold. A safe workplace is a good investment. It is not only the moral thing to do; it is an economically smart thing to do.

The President, with his Executive orders, and the efforts by my Republican colleague here to eliminate this ergonomics rule, basically try to turn their backs on this reality.

I will vote against this resolution. I feel I have an obligation to the men and women working in my State to make sure their workplace is safe, that they come home from that workplace after a hard day's work well compensated and well regarded. I don't believe employees in this country are disposable items. These are real live men and women trying to raise families and make this a great nation. For us to ignore that on the floor of the Senate and to repeal this ergonomics rule is to turn our backs on worker safety. It may be the first time in the history of this country since the days of Franklin Roosevelt we have decided to take a step backward in protecting the men and women who go to work every day.

If you value work, you should value workers. If you believe a safe workplace is a good standard in a country as good as America, you should vote against this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BURNS. Mr. President, I have been listening to this debate most of the afternoon. I have heard three or four of the speeches on the floor this afternoon and listened to those who oppose what we are doing with this rule, as if they are the only ones who worked in their lives.

When I was a young lad on the farm, I would have loved to have had this rule that says you can only lift 25 pounds 25 times a day. I would get my hay work done pretty quickly. Those bails weighed 75 pounds, and if I only had to move 25 of them a day and the day was ended, you were done, I would have gone for this in a big way.

I pay special recognition to my friend from Wyoming, Mr. ENZI. His work on the Small Business Committee and his work in this issue has been stellar. Ergonomics and this rule caught the scrutiny of a lot of folks who serve in this Congress. It would have gone on had it not been for one thing: the disingenuous approach by the previous administration to put this rule into place.

These rules and regulations are being enforced and were put in place by Presidential fiat, not by legislation passed by a national Congress. In the principle of self-government, this is exactly the wrong way we represent the people of this Nation. This particular rule is being objected to by so many in Congress not over whether it is basically bad or basically good. It is because of the way it was done.

The Labor Department put out a rule for comment. We remember that rule. But when the rule was finally put in and after the comments were received, after all that was done, what went into the Federal Register was a bill or rules and regulations of a different order.

It was written by unelected Federal employees who were accountable to no one. Everybody says it is 10 years of work, and 9 weeks of taking comment, and then on to the Federal Register. The problem is there are 600 pages issued on a rule that probably will in some way or other be amended to take care of ergonomics in the workplace.

My State of Montana just came out of an era of 15 years of a workers compensation fund that was under attack.

It was costing the citizens of Montana an unreasonable amount of money because of lump sum settlements. Eight years ago, a new Governor took over and did some things to make it right, to make it affordable.

I was a county commissioner. We had a nursing home that was under the authority of the commissioners of Yellowstone County, MT. There is no doubt about it, keeping employees, and especially nurses and those skilled people it takes to take care of our elderly, was tough to manage. It was a hard job but also very expensive as far as the operators of that facility are concerned, for the simple reason workers compensation rates were just going through the roof. We finally got that under control, and now it is operating where employees and employers are satisfied with the workers comp fund in the State of Montana.

Basically, this rule and this regulation on ergonomics nationalizes workers compensation. It overrides States rights and the funds that are found in those States. In fact, an employee, even one hurt off the job if the job contributes to the pain of that injury, could be almost a double dipper. The rule is very vague. And of course it takes an attorney to figure it all out. So we could have a field day here.

No employer wants to permit an employee to work in an unsafe place or under unsafe conditions. It doesn't make a lot of sense for an employer to train an employee, make him a valuable part of that company or corporation or that team, and then allow him or her to work in a workplace where ergonomics would limit the employment life of that employee. It does not make sense at all. That is not good management, and I think American corporations understand that.

So I rise today in support of the enforcement of this particular law, especially one that was put in place in 1995 and supported by all. Those who support the law will tell everybody, but they will not support the enforcement. That doesn't make a lot of sense to me either.

I think on this particular issue it is time for those who supported the administration, which did the majority of its work by rule and fiat, to do their work and write a rule on ergonomics that makes sense, so I support S.J. Res. 6.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Iowa is going to be here shortly to be recognized. We had two Senators from that side go on. I would like to take maybe 4 minutes, and then by that time the Senator from Iowa will be here to make his comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there have been a great many statements that, when this rule was promulgated, it didn't take into consideration any of the points that were being raised by business. That, of course, is completely hogwash. We know there is an ergonomics crisis in the country. Most of the time, the ergonomics rules would go into effect in order to try to protect workers; right? Not these rules and regulations though. Even though the employer need not act under the rule until there is, first of all, an injury. An injury has to trigger it. That is a major difference, and that was a tip in terms of business.

What was the second tip in terms of business? The second tip in terms of business is, who makes a judgment whether the injury is work related? Is it the employee? No, it is the employer. The employer makes the judgment whether the injury is work related.

Who makes a judgment, once we find out there is an injury, and it is a result of ergonomics, and it is work related, about whether that particular individual is going to continue to be employed or whether their work will be shifted in a way so they do not suffer continued, ongoing additional injury? Is it the employee? No, it is the medical officials of the employer.

My goodness, you could not ask for an ethic or rule that bent over further to take into consideration the interests of the employer. We don't hear any discussion on the floor of the Senate of the particulars of the rule. All we hear is, "We are not going to cede the power of elected officials to bureaucrats." We do it every day. We do it every day in the Food and Drug Administration that has requirements to make sure pharmaceutical drugs are going to be safe and efficacious. If they are not safe and efficacious, they are not approved, they don't get the approval of the regulators.

When was the last time we elected a chair of the FDA? We do not do it. They are appointed by the President. We confirm them, but they are not elected officials.

Who looks out after health and safety in other inspections that take place? It is not elected officials. It is those who are appointed. We have heard that same speech eight times today. We heard eight times how these officials at OSHA are not elected. I hope we can come, as we are going into the final hours, to have a different view.

I see my friend from Iowa on the floor. I yield the floor.

Mr. HARKIN. Mr. President, I add to what the Senator from Massachusetts just said, how about the U.S. Department of Agriculture, the Food Safety and Inspection Service that inspects all our meat plants and processing plants? These are not elected either, but we trust them to maintain a safe and wholesome food supply in America.

I have been working on this ergonomics rule in the appropriations process since Elizabeth Dole first addressed the issue 10 years ago. One of the reasons I worked on it is that I have seen it firsthand. I have seen people I know, close friends of mine, who have suffered these kinds of injuries because of the kind of work they do. I remember what the former Republican Labor Secretary said when she first ordered the ergonomics studies. She said repetitive strain injuries are "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990s."

She was right. We have study after study that shows 1.8 million of America's workers suffer from repetitive strain disorders each year; 600,000 of them suffer from injuries so serious they lose time from work. These injuries drain $45 billion to $50 billion a year in human and economic costs.

Some employers have ergonomics programs in place because they are good employers and they are smart. They know what the bottom line is. They know ergonomics is a good business practice. But 60 percent of all general industry employees work in places that have not yet addressed ergonomics risk factors.

Who are those workers? They are cashiers, nurses, nursing home attendants, cleaning staff, assembly workers in manufacturing and processing plants, computer users using keyboards on a daily basis, clerical staff, truck drivers, meat cutters—these are the people who are affected. Nearly a third of all serious job-related injuries are musculoskeletal disorders, and women workers are the hardest hit. Women make up 46 percent of the workforce, but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of those reported carpal tunnel syndrome cases. So voting to repeal the ergonomics rules means turning our backs on America's working women who are trying to provide for their families. Wiping this rule out with no amendments and with limited debate is a blow to the working women of America.

This bill before us, this measure we have before us that we are about to vote on today—make no mistake about it—is an anti-women bill, because it hits the women of America the hardest, and because they are the ones who are doing the kind of jobs that are most affected by repetitive motion injuries.

That is what the Congressional Review Act would do. It would affect the women of this country. The Congressional Review Act resolution is an extreme measure that has never been used before. It passed in 1996. We all know what the congressional intent was, which was to repeal rules that were either hastily issued without scientific basis, or that clearly overreached an agency's mandate. That was the intent of it.

The ergonomics rule doesn't fit into either category. It is based on hundreds of scientifically backed studies, including two major studies by the National Academy of Sciences. In fact, our Republican friends—the opponents of this rule—kept calling for more studies of ergonomics and these repetitive stress disorders. What did we do? We authorized another National Academy of Sciences study in 1997. Then the Republicans wanted to delay the rule until the study came out. The study came out in January. Once again, the National Academy of Sciences found that there was scientific evidence that workplace exposures cause MSDs, and that the kinds of measures required by the OSHA's mandate are the most effective means to prevent these injuries. This rule falls under OSHA's mandate to protect America's workers from workplace injuries.

We always want to have studies done. Usually I hear my Republican friends say we can't do this or that until we have a good scientific basis. That is fine. I think we should have a good scientific basis for what we do. Here we have the scientific study. We have hundreds of scientific studies that have found the same thing. Now—with this measure—they're saying the studies don't matter.

I don't understand why we're even using this extreme measure that we have before us when opponents of ergonomics have two other avenues they can use to modify or even repeal the rule. They could request this administration—the Bush administration—to review the rule to modify or even repeal it. Of course, they also have the court system. They have already filed 31 petitions contesting the rule in the U.S. Circuit Court in Washington, DC.

Mr. REID. Mr. President, could I ask the Senator from Iowa to withhold for the purpose of a unanimous consent request.

Mr. HARKIN. Yes. I would be glad to withhold.

Mr. REID. I have been told by the Senator's staff that he may have 4 or 5 minutes more. Is that right?

Mr. HARKIN. Not more than that.

Mr. ENZI. Mr. President, I thank the Senator from Iowa.

Mr. President, I ask unanimous consent that the vote occur today on adoption of S.J. Res. 6 at 8:15 p.m., and that paragraph 4 of rule XII be waived, and the time between now and then be divided as follows: Senator KENNEDY or his designee in control of 80 minutes; Senator NICKLES or his designee in control of 40 minutes.

Mr. REID. I ask it be 80 minutes plus the Senator from Iowa being able to complete his statement because we interrupted him. It would be a couple more minutes. But it would be close.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I wonder why we are jumping the gun with this resolution when there are already other avenues open to repeal a rule which took a decade in the making. Why are we using a measure that would in a sense prevent any similar rule from even being issued unless Congress mandated it? It is an extreme measure. We should oppose it. It violates the original intent of the CRA. It violates the spirit of how we do business in the Senate with amendments and timely debate.

The eight-page ergonomics rule is complaint based and flexible according to each workplace and job. It will save employers billions of dollars every year by preventing the debilitating injuries to their workers.

As has been said, this is a preventive measure. What is wrong with prevention? We ought to be more involved in both preventing illnesses and in preventing injuries. But no.

I understand the votes are on that side of the aisle, plus a few on this side, I understand, to overturn this. So what we will do is continue to spend billions and billions of dollars every year patching, fixing, and mending; spending billions of dollars in workers' compensation, spending billions of dollars in Medicaid and perhaps Medicare later on to take care of people who have suffered musculoskeletal disorders, carpal tunnel syndrome, and repetitive motion disorders.

We are penny wise and pound foolish around this place.

Again, if businesses think this is onerous—and I have looked at the rule and it is not—we are going to have a big tax bill coming through here.

Why don't we provide businesses tax relief if they have to comply with this, if they can show it costs money? I would be in favor of giving them whatever tax writeoff they need to comply with the ergonomics rule because again it would be money better spent than trying to patch, fix, and mend lives later on, not to mention the human suffering that comes along with this.

This is an unwise move we are making in the Senate. I have been listening to the debate off and on during the day. Of course, I followed some of the reports in the media about this. I got to thinking to myself that if OSHA issued a rule today that mandated that workers in the construction industry had to wear hard hats, it would never get through the floor of the Senate. If they issued the rule to say that construction workers will wear hard hats, we would have opponents ready to repeal it.

No one would think of going on a construction site without wearing a hard hat, least of all the workers, because both the industry and the laborers know how much it has done to save lives, save injuries. And, yes, save money.

This is the same with ergonomics.

Talk about shortsightedness. This is something that will save lives and save human suffering. It will prevent injuries, cost us less money, be good for business, good for America, and especially good for our working women.

I guess the railroad train is on the track. They are riding the horse. As I understand it, they have the votes to repeal it. But I say it is a dark day for the working people of America, and especially a dark day for the working women in America who are going to continue to suffer in the workplace the kind of injuries that will cause them a lifetime of suffering and a lifetime of not being able to fully use their abilities in the workplace.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my chairman.

Mr. KENNEDY. Could the Senator review for the membership again why this has to be all or nothing? As I understand the current situation, all the President would have to do, if he wanted to change the rule, is file in the Federal Register and wait 60 days. There would be notice that there were going to be changes in the rule and the process would move forward with public comment and the administrative practices and procedures would move ahead. There could be adjustment and changes, and OSHA could take account of the 9 years of rulemaking, the study by the National Academy of Sciences, the months of hearings, and the scientific reports that have been accumulated. Why not follow that route in a sense of bipartisanship?

Is the Senator not troubled, as I am, with this take-it-or- leave-it attitude? We thought we were going to have a bipartisan effort in order to work through some of our differences. The Senator is a member of our education committee. We are working in a bipartisan way.

He was there early this morning at 9 o'clock, talking with the representatives from the White House on these issues.

Mr. HARKIN. Right.

Mr. KENNEDY. We were trying to work out, on the Patients' Bill of Rights, a bipartisan effort. Now, when it comes to protecting workers, we have to take it or leave it—no effort to accommodate, no effort to compromise, no effort in the area that has been identified as the most dangerous for workers in this country from a health and safety point of view. And they say: "Just take it or leave it." Ten hours of debate, and we go out of the Senate with an effective "trophy" for the Chamber of Commerce on this.

Can the Senator express his own view about this dilemma we are in?

Mr. HARKIN. I think what the Senator has said is absolutely correct. That approach makes too much sense. For example, it does seem to me that if we are rational, reasonable, human beings, and that we do want to work in a bipartisan fashion, which is the only way we are really going to be able to accomplish anything this year—except something such as this, which is rammed through on account of a fast-track procedure—if we truly want to work in a bipartisan fashion, then we ought to be talking about, if there are problems some people have in the ergonomics rule, well, then, the logical, reasonable, responsible way would be, as Senator KENNEDY has said, to let the administration propose some modifications that would be published in the Register.

There would be a 60- or 90-day—I forget which it is—hearing period in which outside interests could come in and testify as to whether they thought that part of the rule was bad or good or should be modified. At the end of that hearing process, the administration could then propose changing that, modifying that, to meet the objections some people may have.

That seems to me to be the responsible way to proceed, not this kind of fast-track Congressional Review Act that we have on the floor of the Senate today whereby we have 10 hours of debate with no chance of amendment.

Maybe there are some reasonable modifications that might be made to the ergonomics rule. Maybe there are. I do not know every little item in the rule. I do not pretend to know every little item in the rule. Maybe there are some. But if there are, this is not the way to proceed—to just say: its all or nothing. Let's just throw it out the window—after more than 10 years of work.

When these kinds of things happen on the Senate floor, and in the Congress, I can begin to understand more and more why the American people are losing faith in us, why they do not think we really pay attention to them and their needs, why they believe we may be out of touch with the common people of America. Because I think the average American would understand that there is a reasonable, responsible way of approaching this. And what we are doing here today is unreasonable, irresponsible, illogical, and harmful—harmful to perhaps some of the least powerful people in this country.

Is this rule going to affect Members of the Senate or the House? No. It will not affect our staffs. It is not going to affect people of higher income. Let's face it, most of the people who suffer from these injuries are some of the lowest paid people in America. They are the people who are working in our meatpacking industries, our poultry plants, who are making low wages, working at tough jobs. They are our cashiers and our clerks and our keyboard operators, our cleaning women—the people who clean the buildings at night, our janitors. They are our nursing home people. These are some of the lowest paid and some of the hardest working people in America. This is who it affects.

That is why we should not support this resolution to repeal the rule. That is why we should proceed in a responsible, reasoned manner. Let the President suggest some modifications, have the hearing process, and move ahead that way. What we are doing here today is unreasonable and should not be done.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. KENNEDY. I thought I was next. Parliamentary inquiry.

Will the Senator yield for a parliamentary inquiry?

Mr. ENZI. Yes, if it counts against your time.

Mr. KENNEDY. We have tried to accommodate a timeframe here for this for other Members. The other side has used 40 minutes longer than we have. My understanding is that the 80 and 40 minutes were going to be at the end of Senator HARKIN's statement. That is what I agreed to. Now I am told by the Parliamentarian that the latter part of his statement is all being taken out of my time because it is in response to a question.

I had a limited amount of time left. I have been here all day, and I am quite prepared to accommodate those who want to set the time, but I object strenuously to that interpretation.

I would like to just renew the request that has been made by the Senator from Wyoming that we have the 80- and 40-minute allocation that was meant earlier.

The PRESIDING OFFICER. Is there an objection?

Mr. ENZI. We talked about doing that as of 6:15, which would have made the vote at 8:15, which is what the hotline has gone out for. How about on that 10 minutes used, if each of us put up half of it and we still have the vote at 8:15?

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I was not part of that discussion. I have not used a lot of time. I have some strong feelings on this subject, but clearly I have not been here on the floor because there has been a great debating team on both sides.

Mr. President, I first ask unanimous consent that an editorial of November 21, 2000—that was a Tuesday—in the largest paper in New Mexico, the Albuquerque Journal, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Nov. 21, 2000]

OSHA DETERMINED TO RUSH RULES INTO EFFECT

Employers are sweeping the corners for workers in a tight labor market and striving to increase productivity levels that already are the envy of the world.

Does this sound like the sort of business climate in which employers would ignore ergonomic problems that sap productivity or create hard-to-fill vacancies?

The U.S. Department of Labor, which still subscribes to an antique notion of proletariat oppressed by capitalists, seems eminently capable of disregarding the present reality even as it acknowledges it.

Charles N. Jeffress, head of Labor's Occupational Safety and Health Administration, says companies in the United States and abroad have developed policies on ergonomics that have reduced injuries caused by repetitive tasks.

Of course they have and done so without being hammered by OSHA because it makes good business sense. Such injuries cost employers in terms of lost productivity, lost experience and training when workers leave a job, and higher worker's compensation expenses.

But companies figuring out what works best in their particular operation is not good enough for OSHA, which is preparing to throw a one-size-fits-all regulatory blanket over workplaces from sea to shining sea. And not to be outdone by private-sector productivity doing it just as fast as is bureaucratically possible over the objections of elected members of the legislative branch.

Last winter, congressional leaders like Sen. Pete Domenici, R–N.M., had to fight to get businesses time to review the proposals and submit public comment that supposedly is taken into consideration by OSHA in the final drafting of rules.

The controversial prescription for U.S. industry was pivotal in the pre-election posturing over the spending bill covering labor, education and health. Although that package awaits post-election action by Congress, OSHA plans to hustle the new rules into effect Jan. 16. That's before the National Academy of Sciences completes a workplace ergonomics study less likely to be biased by ideology or constituency loyalties. It is also just days before a new administration that might have a different perspective takes the reins of office. Must be a coincidence.

Mr. DOMENICI. Mr. President, I think the Senator from the State of Iowa has it all wrong when he cites this as one of the reasons the American people are discouraged with what we do here—that if they watch this process, they will be discouraged. Quite to the contrary, if the American people knew what was going on in this set of regulations 600 pages long, issued just before the President walked out of the White

House, dramatically affecting thousands upon thousands of small businessmen, who do not have the wherewithal to even look at these 600 pages' worth of regulations, they would ask: What was going on in the White House that just left?

They had hearings, they had proposed regulations, and all of a sudden they drew up a new set as they walked out the door that has a dramatic impact on every single small business in my State, hundreds and hundreds of them, perhaps a few hundred million dollars' worth of impact on them. And they had no hearings in Congress, no statutory proposal to change the law that is changed by these regulations. And all of a sudden, they wake up and they are supposed to be subject to these regulations through OSHA, a department of our Federal Government that at least in the last 8 years has been seen by most small businesspeople in the United States as against their interests without doing any good for the public. That is how they see OSHA most of the time.

So having said that, I want to say that what we are doing now, under this very interesting statute—that got passed up here because I do not think those on the other side of the aisle thought we would ever be to a point where we would use it and have a President in the White House who would sign the resolution we adopted—I think they thought it is just a giveaway, just a throwaway; that is, this legislation providing for review in Congress, and the submission to the President, of a rule that would set aside the regulations.

I think it is a reality check. I think it is saying to OSHA, and the former President, and the Department of Labor: Take some more time. We want the job done right. We do not want it one-sided. We want it fair.

Frankly, in the typical bureaucratic fashion that so much besets OSHA, they issued this rule on November 14—600 pages long, weighing more than 2 pounds. That is not a very typical document that small businesspeople have the opportunity, the time, or the resources to evaluate. But you can count on it, they will be in some major class action lawsuits, or who knows what else the trial lawyers will find as a nest egg within the 600 pages of this regulation.

Having said that, I will read a few paragraphs from an editorial in the Albuquerque Journal. It is considered a fair newspaper and this is what they said in their editorial:

> Employers are sweeping the corners for workers in a tight labor market and striving to increase productivity levels that already are the envy of the world. Does this sound like the sort of business climate in which employers would ignore ergonomic problems that sap productivity or create hard-to-fill vacancies?

A very good question in this editorial.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I yield the Senator 2 more minutes.

Mr. DOMENICI. Continuing from the editorial:

> The U.S. Department of Labor, which still subscribes to an antique notion of a proletariat oppressed by capitalists, seems eminently capable of disregarding the present reality even as it acknowledges it. . . .
>
> [OSHA] says companies in the United States and abroad have developed policies on ergonomics . . .
>
> But companies figuring out what works best in their particular operation is not good enough for OSHA, which is preparing to throw a one-size-fits-all regulatory blanket over workplaces from sea to shining sea.

That is the relevant part of their editorial. It had some more in it that is in the RECORD. I suggest, in addition to what I have just described about the regulation, it is very expensive. We seem to pass these kinds of rules and regulations thinking there is no end to what the American economy can pay, whether it is $4 billion or $200 billion or $500 billion or $100 billion. The American economy will just hum along and continue paying. Frankly, I think we will see tonight that those who represent the people, in particular, small businesses, are going to say that is not true. Enough is enough. I hope we use this new law tonight and then I hope the Department of Labor and those interested in ergonomics regulations will proceed with due caution to adopt a more fair and better set of regulations that will protect everybody, not just those who want to make onerous regulations.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank our leader on this and so many other issues, the Senator from Massachusetts, for yielding the time to me.

I rise today to join my colleagues, Senators KENNEDY, DURBIN, WELLSTONE, and HARKIN, and so many others, to state my opposition to S.J. Res. 6, which uses a novelty, the Congressional Review Act, to halt the Department of Labor's final rule on ergonomics.

S.J. Res. 6 states:

> Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics and such rule shall have no force or effect.

Not compromise, not just one size should not fit all, but no effect, no rule. Many of my colleagues have come to the Chamber and spoken about how this CRA resolution is not aimed to kill the ergonomics rule; rather, it pulls the rule to allow for additional time to further study the issue. Maybe my friends who have made that point haven't carefully read the congressional review of agency rulemaking, title 5, chapter 8 of the United States Code, or perhaps they hope we haven't. Let me take this opportunity to read it aloud for everybody now. Section 801(b) states:

> (1) A rule shall not take effect or continue if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule. (2) A rule that does not take effect under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

This is not a review. This is a killing. If the opponents of the resolution wanted a review, they could, as the Senator from Massachusetts said a few minutes ago, in questioning the Senator from Iowa, call on the Secretary of the Department of Labor and request a review under the Administrative Procedures Act. That would mean that ergonomics would still breathe life. That would mean that we might modify certain provisions of which we might not approve. It would not end it.

The truth is, some of my colleagues are hoping that 10 hours of debate and one 15-minute rollcall will abolish over 20 years of research and nearly $1.5 million of taxpayer money to fund congressionally mandated studies on ergonomics.

I have heard the arguments my colleagues have made this afternoon. First, that we need more study of ergonomics. Ergonomics is not a new issue. Between the Government and the private sector, there have been over 20 years of research aimed to better understand worker injury and workplace safety. It is 2001, and I am hearing my colleagues on the other side of the aisle say these regulations are premature. But in 1990, then-Secretary of Labor Elizabeth Dole directed the Department of Labor to examine the repetitive stress injury category of occupational illnesses, which statistics showed were the fastest growing type of worker injury.

That was back in 1990. They were then the fastest growing type of injury because of changes in the workplace.

In the 1980s, 20 years ago, there were articles and studies in medical journals that addressed ergonomics. The New York Times ran an article on September 4, 1985, which discussed the widespread growth of carpal tunnel syndrome and repetitive stress injury. New? These are not new. In fact, businesses from my State came in my office last week and explained to me they began studying repetitive stress injury as early as 1979, 21 years ago.

In truth, to many who work, who suffer these injuries, the final ergonomics rule has come too late. This standard could have been implemented many years ago and helped hundreds of thousands of workers if it were not for the numerous attempts by Congress to halt Department of Labor action on this issue.

Opponents also argue it will cost employers $100 billion a year. Not true. OSHA estimates the cost at $4.5 billion and predicts savings to employers of $9 billion a year in productivity loss and workers compensation.

The Bureau of Labor Statistics in my State of New York reported that more than 48,000 workers had serious injuries from ergonomic hazards in the workplace, and that was only the number of private sector employees. There were an additional 18,444 public sector workers who had injuries serious enough for them to lose time from work. Here we are, in this—thank God—productive 21st century, we are trying to find ways to make workers more productive. We have millions of person days lost in terms of working because of ergonomic injuries, and we shy away from dealing with the problem.

Speaking of workers compensation, opponents of ergonomics claim this new standard will supersede workers compensation law. Not according to the attorney general of my State. Eliot Spitzer has joined with 16 other attorneys general to file comments with OSHA saying the new ergonomic standards will not affect or supersede the worker compensation laws in their States. If we allow this resolution to pass, all we will really have accomplished is saddling American workers, American businesses, American citizens with a huge burden: the cost of lost wages and productivity for hundreds of thousands of individuals who report work-related MSDs each year.

Change is never easy. It is always simple to get up there and say: Let it continue as it is. Yes, there are some businesses that are doing this work now. Most are not, to the detriment not only of themselves but to the detriment of America. Change is difficult, but if we didn't change, we would not be the leading economy and the leading country of the world.

Modify? Why not. Eliminate, put a dagger through the heart of ergonomics after 20 years of study? We shouldn't do that.

I hope my colleagues will oppose this ergonomics standard, will reconsider their position, and not undo 20 years of effort to help safeguard the health and safety of American workers, which is undoubtedly our most precious resource.

I yield the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, on November 14, 2000, the Occupational Safety and Health Administration (OSHA) issued its final ergonomics program standard. This program will spare 460,000 workers from painful injuries and save approximately $9.1 billion each year. This new standard took effect on January 16, 2001, and will be phased-in over four years.

While OSHA has issued its final ergonomics program standard and this new standard has taken effect, some of my colleagues are still trying to eliminate this rule. They may claim that it is unwise to issue such a standard because it is based on unsound science and has been rushed through the regulatory process. Nothing could be further from the truth.

Mr. President, I am here today to remind my colleagues that OSHA worked on developing ergonomic standards for over 10 years. It is not something new. It has been around since world War II, where the designers of our small plane cockpits took into consideration the placement of cockpit controls for our pilots.

We, in Congress, must not forget our commitment to America's workers. We must reduce the numbers of injuries suffered by our workers. We cannot continue to look the other way when each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome, and tendinitis, as a result of ergonomic hazards. In 1999, in the State of Hawaii, more than 4,400 private sector workers suffered serious injuries from ergonomic hazards at work. Another 700 workers in the public sector suffered such injuries. These injuries are a major problem not only in Hawaii, but across the nation. It affects truck drivers and assembly line workers, along with nurses and computer users. Every sector of the economy is affected by this problem. The impact can be devastating for workers who suffer from these injuries.

This Resolution of Disapproval is not the right approach. It would bar OSHA from issuing safeguards to protect workers from the nation's biggest job safety problem. I remind my colleagues that there are normal regulatory procedures that can be utilized if the Administration has concerns over the existing program standards. The Resolution of Disapproval is not necessary.

American families cannot afford the repeal of this long awaited regulation. More importantly, American workers cannot afford losing this important worker protection. Injuries that result from ergonomic hazards are serious, disabling, and costly. Carpal tunnel syndrome results in workers losing more time from their jobs than any other type of injury. It is estimated that these injuries account for an estimated $20 billion annually in workers compensation payments.

Many of these injuries and illnesses can be prevented by allowing this standard to be fully implemented. In fact, some employers across the country have already taken action and put in place workplace ergonomics programs to prevent injuries. However, two-thirds of employers still do not have adequate ergonomic programs in place.

We have an opportunity to prevent 460,000 injuries a year and save $9 billion in workers' compensation and related costs by voting against this resolution. This resolution is unnecessary and unwarranted. Congress should remember and honor the commitment made to the nation's workforce when it established OSHA in 1970 and vote against the Resolution of Disapproval.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I wanted more time, but I think almost everything has been said, except only in Washington can we have the opinion that no good decision is made unless it is made in Washington, DC. We had a news conference some time ago—in October—about what the regulations cost the American people. The average family of four right now pays $6,800 a year just for these regulations.

In the Clinton administration, the average number of pages of regulations per day in the Federal Register was 319. The previous record was 280 pages.

I remember when OSHA first started. I was in the State senate at that time. I remember when I was in Michigan and I held a book up and said—I was going to talk to the National Association of Manufacturers. I said: I bet I can close down anybody in here just with these regulations.

One guy called me on it and we went out and closed him down. Overregulation is an extremely burdensome thing.

I think as far as the extreme broad reach of this program, single incident trigger—all these points have been made. I want to just bring it closer to home and share with you a couple of things and ask that they be put in the RECORD. We have had over 1,000 letters from the various businesses and others who believe their businesses have been threatened.

I ask unanimous consent these excerpts of letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> The OSHA ergonomics rule threatens our company's future and the jobs of the employees who depend upon us. It will result in increased food prices for Oklahoma consumers.—Ron Cross, Stephenson Wholesale Company, Inc. Durant, OK.
>
> Please support the CRA to repeal the OSHA Ergonomics Regulations. The rule may have had good intentions, but the way it was executed was terrible. I own a small business and do not need much more government weight on my back to induce me to

> just pull the plug and shut it down.—Jeff Painter, Claremore, OK.
>
> It would greatly increase costs in my practice.—Dr. Bob Barheld, McAlester, OK.
>
> And if I am forced to pay 100% of employees' pay and benefits while they're on ergonomics leave for three months aka the 'work restriction protection' requirement, I'll be out of business. Doris Lambert, Quick Lube, Lawton, OK.
>
> We are greatly concerned by OSHA's final ergonomics regulation. If fully implemented in its current form, this regulation will likely impose huge administrative burdens, require the purchase of expensive new equipment, and dictate the reconfiguration of many of our facilities. It may actually cost jobs—while not ensuring that a single workplace injury will be prevented.—V.E. Hartnett, Con-Way Southern Express, Oklahoma City, OK.

Mr. INHOFE. Mr. President, I urge my colleagues to vote in favor of this Congressional Review Act. This was put together back in 1996 at a time when we decided that maybe it was time for Congress to get a handle on the bureaucracy and time that we had a successful trial of this CRA, and I ask you to support it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. We have heard a good deal of rhetoric on the part of those who have opposed this regulation.

We have heard that the rule is 600 pages long. This is eight pages. It can be found in the November 14, 2000 Federal Register starting at page 68846.

Mr. President, in reviewing this, I daresay it might take someone 15 or 20 minutes to read through it. We have heard a great deal about how can any business in this country be able to understand what is expected of them. I daresay anybody who has been watching this debate and has the opportunity of looking through the CONGRESSIONAL RECORD tomorrow will be able to get through these in very quick order.

I just looked, for example, at the basic screening tool which is the standard which would be used by employers. It is very clear. It sets forth the risk factors the standard covers. It talks about repetition and about the amount of repetition that might be evidenced in an ergonomic injury. Then it goes down to the issue of force. Most people, small businessmen or large businesses, are going to be able to understand these standards, which cover lifting more than 75 pounds at any one time, more than 55 pounds more than 10 times a day, or more than 25 pounds below the knees and above the shoulders or at arm's length more than 25 times a day.

I think most people with a high school education could understand whether their workers were at risk. The rule also addresses awkward postures. They have three different illustrations, such as repeatedly raising or working with hands above the head or elbow, above the shoulders, more than 2 hours total per day; kneeling or squatting more than 2 hours total per day—kneeling and squatting are not very difficult to understand; working with the back, neck, or wrist, twisting more than 2 hours total per day. Those are the three criteria for awkward positions.

Most people can understand that. It is very readable and understandable. Then the rule goes back to contact stress, using the hand or knee as a hammer more than 10 times per hour, more than 2 hours total per day. It just goes on, and it is very understandable, Mr. President, and that is really what this whole proposal is all about.

All we have to do is ask the more than 1 million workers in our society, the great majority of whom are women, who have trouble using their fingers, wrists, arms, shoulders, backs, and lower backs. They understand what is happening to them in the workplace. This is no great challenge. How can we ever expect anybody to understand what is happening? Very simple. As we have seen from every report, it is happening and putting more than 100 million Americans at risk every day in more than 6 million workplaces. It is happening to at least 1 million Americans, according to the Academy of Sciences, who are losing work every day. They understand it.

This idea that we have to go through 700 pages is just baloney. Here are the regulations. They are understandable, they are comprehensible, they are clear, and they are reasonable. They are completely opposed by the Chamber of Commerce that has spent millions of dollars trying to defeat the rule because they would put at risk American workers in the workplace, and that is wrong.

I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Massachusetts for the time and especially for his tremendous leadership and eloquence on this issue.

Mr. President, I rise today to express my support for the Occupational Health and Safety Administration's final ergonomics standard, and to express my opposition to the attempt to overturn this standard by using the Congressional Review Act.

After more than 10 years of research, public hearings, and public comments, OSHA's final ergonomics standard was published in the Federal Register on November 14, 2000. The standard took effect on January 16, 2001, extending basic protections to workers across our Nation.

Each year, more than 1.8 million American workers suffer from workplace injuries caused by repetitive motions including heavy lifting, sewing, and typing. These injuries have an impact on every sector of our economy, and are particularly prevalent among women because many of the jobs held predominately by women require repetitive motions or repetitive heavy lifting. These preventable injuries cost more than $60 billion annually, $20 billion of which is from workers' compensation costs.

In addition to costing American businesses millions of dollars, repetitive stress injuries are costing American workers their health and, in some cases, their mobility. This means that some workers will lose the ability to do certain activities—activities ranging from simple tasks like fastening buttons to more meaningful things including picking up a child or participating in sports.

In past Senate debates on this issue, one of the chief arguments against an ergonomics standard has been that more scientific research was needed to prove the connection between repetitive motions and the physical injuries being suffered by hundreds of thousands of workers each year. Even though there was already a significant body of research outlining the need for national ergonomics standards from sources including the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the General Accounting Office, opponents of a Federal standard argued that the standard needed to be delayed until another NAS study was issued.

That NAS study is out, and its conclusions are clear: There is a connection between repetitive motion and physical injury, and these injuries are preventable. According to the study:

> The weight of the evidence justifies the introduction of appropriate and selected interventions to reduce the risk of musculoskeletal disorders of the low back and upper extremities. They include, but are not confined to, the application of ergonomic principles to reduce physical as well as phychosocial stressors. To be effective, intervention programs should include employee involvement, employer commitment, and the development of integrated programs that address equipment design, work procedures, and organizational characteristics.

Further proof can be found in existing ergonomics programs. Companies across the country have reduced the instances of preventable workplace injuries by designing and implementing their own ergonomics programs. In my home State of Wisconsin, the popular maker of children's clothing, OshKosh B'Gosh, redesigned its workstations. This commonsense action cut workers' compensation costs by one-third, saving the company approximately $2.7 million.

Another Wisconsin company, Harley-Davidson, cut workplace ergonomics injuries by more than half after implementing an ergonomics program.

An employee of a health care facility in my hometown of Janesville, WI, said the following about the joint efforts between her management and fellow employees to design a program to combat the back injuries that are all too common among health care workers:

> I am here today to tell OSHA that working in a nursing home is demanding and hazardous work. Those hazards include back injuries as well as problems in the hands, arms, shoulders, and other parts of the body . . .. I am also here to testify that the injuries and pain do not have to be part of the job . . .. Together [management and labor] have identified jobs where there are risks of back injuries. After getting input from employees, the employer has selected equipment that has improved the comfort [and] the safety of patients as well as the employees.
>
> . . . What we are doing at the [nursing home] is proof that it is possible to prevent injuries with a commitment from management and the involvement of employees. Our injury prevention program is a win-win for everybody: Management, labor, the patients, and their families. I urge OSHA to issue an ergonomics rule so that nursing home workers across the country will have the same protection that we have at the health care center.

There are many other success stories in Wisconsin and around the United States.

I commend the efforts of those companies which have proven that responsible ergonomics programs can—and do—prevent injuries resulting from repetitive motions. Unfortunately, though, not all American workers are protected by ergonomics programs like those I have described.

For example, one of my constituents who testified at an ergonomics event in my state has endured three surgeries over a ten-year period to repair damage to his spine caused by repetitive motions at his job. In his testimony, this man said,

> Pain is my constant companion and I still need pain medication to get through the day. It is an effort just to put my socks on in the morning. I will never be healthy and pain free.

Another one of my constituents described the impact that an injury he sustained at work—while lifting a 60–80 pound basket of auto parts—has had on his once-active lifestyle:

> This pain has limited me in many ways . . .. I used to teach soccer to kids. Now I can't walk more than half an hour without pain in my legs and spine. I have to prepare myself for fifteen minutes in the morning just to get out of bed.

Injuries such as those suffered by my constituents—and indeed by workers in each one of our States—will be prevented through OSHA's ergonomics standard.

What we are talking about is an impact on real people. They are our constituents, our family, our friends, our neighbors. We should not overturn a standard that will help to stop preventable injuries from forever changing the lives of countless Americans who are working to provide their families and themselves with a decent standard of living.

I recognize that some industries and small businesses are concerned about the impact, financial and otherwise, that this standard will have on them. I have written to OSHA on behalf of a number of my constituents to communicate their concerns, and I will continue to communicate their concerns regarding the implementation of this standard.

Overturning this standard under the Congressional Review Act is not the answer. This resolution does not simply send this standard "back to the drawing board" as some have suggested. If we adopt this resolution of disapproval, we will be stripping away all the protections that went into effect on January 16, 2001. It will be as if the 10 years of research, public hearings, and public comments that went into the drafting of this standard had never happened, and OSHA will not be permitted to work to promulgate another ergonomics standard until specifically and affirmatively told to do so by the Congress.

Let's be clear what a vote on this issue is. A vote for this resolution is a vote to block any Federal ergonomics standard for the foreseeable future. It is a vote to erase protections that will help to prevent hundreds of thousands of workplace injuries this year alone. It is a vote to require businesses to continue to spend millions of dollars in workers compensation and other costs resulting from senseless injuries that could have been prevented.

The Congressional Review Act, which allows no amendment, and which allows only limited debate, is no way to legislate. We should not be doing business this way in the Senate, but we do, and we all know part of the reason why—the wealthy interests who seek to influence the decisions we make on this floor. Thanks to the soft money loophole, wealthy interests with legislative agendas can donate unlimited amounts of soft money to both of our political parties. The results are an undeniable appearance of corruption that taints the work of this Senate, and the ergonomics debate is a perfect example. There are certainly plenty of wealthy interests weighing in on the ergonomics issue. So I think it is time I called my first bankroll of 2001 by sharing with my colleagues and the public some of the unregulated soft money donations being made by interests lobbying for and against overturning the ergonomics rule.

Take the American Trucking Association, which has also been a generous soft money donor to the political parties. Along with its affiliates and executives, the American Trucking Association gave more than $404,000 in soft money in the 2000 cycle.

They have weighed in against the ergonomics rule, and they do so with the weight of their soft money contributions behind them. The same is true for a host of other associations fighting to see the rule overturned: in the last cycle, the National Soft Drink Association and its executives gave more than $141,000 in soft money, the National Retail Federation doled out more than $101,000 in soft money, and the National Restaurant Association ponied up more than $55,000 in soft money to the parties.

To be fair, I will also mention the other side of the soft money coin, the unions that have lobbied to keep the rule in place. They include the AFL-CIO and its affiliates, which gave more than $827,000 in soft money in the last election cycle, and the Teamsters Union and its affiliates, which gave $161,000 during the same period.

Repetitive motion injuries can and should be prevented. I strongly believe that we should have a national standard that affords all workers the same protections from these debilitating injuries. We should not overturn this standard. The health and mobility of countless American workers is at stake.

I urge my colleagues to support the hundreds of thousands of workers who suffer from repetitive motion injuries each year by opposing this resolution of disapproval.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to oppose this resolution which seeks to overturn OSHA's new standard that protects workers from workplace injuries. It is bad for American workers and bad for our economy.

This resolution would prevent OSHA from implementing an ergonomics standard that would establish basic safety standards for American workers. This standard would protect workers from on-the-job injuries caused by working conditions that involve heavy lifting, repetitive motions or working in an awkward or uncomfortable position.

American workers deserve a safe workplace, yet each year more than 600,000 people suffer ergonomics injuries. Who suffers most from ergonomic injuries? Women. Women represent only 46 percent of the workforce, but they suffer 64 percent of the repetitive motion injuries.

Who are these women? They're the caregivers—like the home health care worker who bathes a housebound senior or the licensed practical nurse who cares for us when we are hospitalized. They are the factory workers who build our cars and process our food. They are the cashiers and sales clerks who are the backbone of our retail economy. And they are the data entry clerks who keep our high-tech economy moving forward.

There are terrible human costs to these injuries. Women account for nearly 75 percent of lost work time due to carpal tunnel syndrome and 62 percent of lost time due to tendinitis.

These are painful, debilitating injuries that prevent you from doing even simple activities like combing your hair or zipping your child's jacket.

We can't measure the pain and suffering of workers who are injured at work, but we can measure the economic costs. These injuries cost our economy over $80 billion annually in lost productivity, health care costs and workers compensation. In fact, nearly $1 out of every $3 in worker's compensation payments result from ergonomics injuries.

OSHA's ergonomics standard wasn't slapped together at the last minute or in the dark of night. The effort was initially launched by Labor Secretary Elizabeth Dole in 1990 and the standards have been in development over the past 10 years. During the development phase there were 10 weeks of public hearings and extensive scientific study, including the National Academy of Science's study which concluded that workplace interventions can reduce the incidence of workplace injuries.

The result of this long and careful study is the OSHA ergonomics standard issued last November. These standards would require all employers to provide their workers with basic information on ergonomic injuries—including their symptoms and the importance of early reporting. These standards would take action whenever a worker reports these activities and employers would be required to correct the situation. Correction could mean better equipment or better training.

What will OSHA's new rule mean? It would prevent 300,000 injuries per year and it would save $9 billion in workers compensation and related costs. It's outrageous that the first major legislation considered by the Senate this year would turn the clock back on worker safety. This would be the first time in OSHA's 30 year history that a worker health and safety rule has ever been repealed.

As a great nation, it is our duty to protect our most valuable resource—our working men and women. I urge my colleagues to join me in opposing this resolution.

Mr. CORZINE. Mr. President, I rise today in strong opposition to the resolution that would overturn worker safety regulations designed to prevent ergonomic injuries. OSHA's new ergonomic standard addresses the nation's most serious job safety and health problem—work related musculoskeletal disorders. According to the Bureau of Labor Statistics, in 1999 more than 600,000 workers suffered serious workplace injuries caused by repetitive motion and overextension. These injuries can be painful and disabling, and can devastate people's lives. Workers in a wide variety of jobs and locations are affected, from textile workers in New Jersey to white collar workers throughout our nation. These are real people and their lives are being affected in very real ways. At the same time, their injuries impose huge costs on our economy as a whole, roughly $50 billion a year.

Mr. President, OSHA has been working to address ergonomic problems for 10 years, under both Republican and Democratic administrations. In fact, the agency first began its involvement under Labor Secretary Elizabeth Dole. At the time, Secretary Dole called repetitive strain injuries, and I quote, "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

Unfortunately, after going through a very lengthy rulemaking process, critics of OSHA's efforts have continually put roadblocks in the agency's path. These critics have questioned the seriousness of the ergonomics problem and called repeatedly for additional scientific studies. It's been a strategy of denial and delay.

Now, however, there's no longer an excuse for inaction. This January, the National Academy of Sciences and Institute of Medicine released a report documenting the severity of the problem. The report confirmed that workplace exposures do, indeed, cause musculoskeletal disorders and that OSHA's approaches to the problem are effective. This should not have been a surprise to anybody, but now its undeniable.

Mr. President, I realize that many businesses are concerned that OSHA's regulations will impose costs. And it's true that, according to the Department of Labor, employers will pay roughly $4.5 billion annually. Yet, Mr. President, employers also will reap significant savings when employees avoid repetitive motion and other injuries—savings that are estimated to exceed $9 billion annually, more than twice the up-front costs.

Mr. President, let me be clear: I am not ready to endorse every dot and comma in OSHA's regulations. But even if some of the burdens of OSHA's regulations are excessive, the answer is not to completely eliminate the regulations. It's to fix them, either administratively or, if necessary, through appropriately crafted legislation. By contrast, this resolution adopts a sledge hammer approach. It will kill the entire OSHA regulations and effectively block the agency from pursuing any other regulation that is substantially similar. That just goes too far. I am new to the Senate and have spent most of my adult life in the private sector. So I want to emphasize that I know most businesses, or at least most successful businesses, do care about their employees. They want to do the right thing. And they realize that businesses do better when employees are healthy.

Unfortunately, some businesses are less responsible. And it's our job to protect their workers. Because if we don't do it, nobody will. And the result will be more injuries, and more needless suffering. I urge my colleagues to oppose this resolution. And I want to thank Senator KENNEDY and many of my other colleagues for their leadership on this important issue.

Mr. SHELBY. Mr. President, I rise today to address the Occupational Safety and Health Administration's, OSHA, recent rule on "Ergonomics." I have said in the past and I will say again, this rule falls short of sound science and good policy. In fact, this ergonomics rule is a poison pill for American industry and its workers in the midst of a slowing economy.

In theory, an ergonomics regulation would attempt to reduce musculoskeletal disorders, such as Carpal Tunnel Syndrome, muscle aches and back pain, which, in some instances, have been attributed to on-the-job activities. However, the medical community is divided sharply on whether scientific evidence has established a true cause-and-effect relationship between such problems and workplace duties. We need to understand the sound scientific basis to support such a costly and burdensome rule. It is in the interest of employers and employees to reduce, to the greatest extent possible, the painful, time-consuming and profit-consuming impact of ergonomics injuries.

Unfortunately, the regulation assumes that employers aren't already doing everything possible to take care of the health and well-being of employees. In fact, recent data seems to indicate that the number of work-related injuries is declining. In the last seven years, the incidence of injuries attributed to ergonomics has gone down by a third, 26 percent in carpal tunnel syndrome and 33 percent in tendonitis.

OSHA finalized this rule during the 11th hour of the Clinton administration. As a result of OSHA's last minute actions, small business owners across the country have faced unnecessary confusion, fear and misunderstanding regarding their explicit responsibilities, the compliance standards and the liability that they may face as a result of the new rule.

It is still unclear how these new regulations will be viewed in light of State workers compensation laws. Most believe that it overrules these state laws and as a consequence, workers claiming ergonomics injuries will be allowed to collect more than what would traditionally be allowed under the workers compensation laws in their States. In addition, the regulations are extremely unclear as to what must cause the onset of the injury. For example, if you are a member of a softball league on your own time and you develop a repetitive motion injury from swinging the bat that is further agitated by your work as a computer programmer, you could conceivably claim that you have suffered an ergonomics injury.

This ergonomics rule is conservatively estimated to cost Americans $4.2 billion a year. Hundreds of small businesses will surely fold under the weight of this burdensome regulation. Too often the people who suffer the most from unfettered government regulatory actions are not only the small business owners, but their employees, the very people that OSHA purports to protect by this rule.

We do have a recourse. Under the Congressional Review Act, Congress has the final say. I would like to encourage my colleagues to weigh the options and hopefully come to the same conclusion that I have: These regulations are a poison pill for American industry and American workers.

Mrs. CARNAHAN. Mr. President, repetitive stress injuries are a serious problem in the workplace of the 21st century. Workers affected by repetitive motion injuries range from poultry employees to nurses to the growing number of employees who spend their day in front of the computer.

Repetitive stress injuries are not only extremely painful to workers, they also strain our economy due to lost productivity. According to the National Academy of Sciences, approximately one million workers a year suffer severe repetitive stress injuries that cause them to miss time at work. Given the widespread occurrence of these debilitating injuries and their impact on the economy, it is appropriate for the government to take steps to protect workers.

In January, the previous Administration enacted a regulation to help prevent repetitive these injuries in the workplace. The issue before the Senate is whether Congress should enact a "disapproval resolution" to invalidate this new regulation.

Over the course of the past few weeks, numerous Missouri workers have expressed their desire for protection from repetitive motion injuries in their workplaces. Likewise, many business leaders are concerned that the current regulation is overly broad, and that the cost of implementation will be prohibitively expensive.

This is obviously a complex and difficult issue. It deserves a thoughtful approach by which all interested parties can express their views and the full range of expert opinion can be evaluated.

This issue comes to the Senate under a procedure that does not allow for the type of careful and detailed decision making required for such an important topic. Under the Congressional Review Act, a vote in favor of a "disapproval resolution" will cancel the ergonomic regulation. Such a resolution would also prohibit the Department of Labor from developing new ergonomic regulations in "substantially the same form" as the current regulation.

Since this is the first time the Congressional Review Act has been used, I asked Labor Secretary Chao for assurances that the Department of Labor would take steps to provide legal protections to workers from repetitive stress injuries if Congress canceled the ergonomics regulation. Secretary Chao could not provide such assurances.

Secretary Chao did not assure me that the administration would issue legal protections, commit to a timetable for addressing this issue, or provide a description of the changes in policy that would be sought.

Furthermore, it is clear that if Congress does not cancel the regulation, the Department still has many options at its disposal. It could suspend the current rule, conduct an administrative review, and make appropriate changes.

Since this is such an important issue, the prudent course is for both workers and employers to engage in an open and full dialogue in an effort to reach consensus. I do not believe that overturning the current regulation would contribute to this process. In fact, it could prematurely end the government's efforts to protect workers from serious injuries. Consequently, I will vote against the resolution.

Mr. BAUCUS. Mr. President, today I rise to express my frustration with the OSHA ergonomics standard.

Let me be clear that I am not frustrated with this rule because it attempts to improve workplace safety. Musculoskeletal disorders, MSDs, are clearly a serious problem. They account for nearly a third of all serious job-related injuries. As this issue has come before the Senate, I have been a consistent supporter of finding a workable solution to the ergonomics issue. I have voted to let the Administration move forward with the rule-making process while new scientific evidence is brought to light.

I believe, however, that this OSHA Ergonomics Standard is not the solution we've been looking for. This rule is constructed in a way that places a potentially heavy financial burden on many small businesses in Montana at a time when those businesses are struggling to keep their doors open. Instead of issuing a rule that places the burden primarily on businesses, let us work to establish a rule that works with the business community, that helps provide both a better work environment for workers and assists businesses in making necessary adjustments.

Let us also level the playing field. The OSHA Ergonomics Standard does not apply to employers covered by OSHA's construction, maritime or agricultural standards, or employers who operate a railroad. These exemptions could create unfair advantages in certain industries. That is not right.

Additionally, the OSHA Ergonomics Standard supercedes state worker's compensation plans, against OSHA's own provision that it not "supercede or in any manner affect any workmen's compensation law." Clearly, any standard should be coordinated with state worker's compensation provisions.

Finally, let us address MSDs proactively. The OSHA Ergonomic Standard is a reactive rule. Workers must explicitly wait for symptoms to occur before they can voice a complaint. Let's instead take what we already know about MSDs in the workplace and work to prevent MSDs altogether.

My vote is not a vote against health and safety in the workplace. I will remain a strong proponent of efforts that protect workers from workplace risks. My vote is a vote for finding a better way to balance the needs of business and labor, and a vote to keep undue financial pressures off of Montana's already struggling economy, especially our small business community.

Mrs. LINCOLN. Mr. President, I want to state at the outset that I support Federal workplace safety regulations to ensure that all employees are protected against hazards that exist in their place of employment.

I also believe that OSHA should be permitted to impose an ergonomics standard on employers to reduce the number of muscular skeletal disorders, MSDs, that can be linked to repetitive motions that workers perform as part of their job. However, to be effective such a standard must be reasonable in scope and proportional to the number of reported muscular skeletal disorders that occur in a particular workplace.

I do not support the ergonomics rule we are debating today because it falls short of that standard. After talking to literally hundreds of constituents and touring dozens of factories and plants in my state, I am convinced that the current ergonomics rule is unreasonable in terms of the requirements it imposes on businesses and unworkable with regard to the vagueness of the standards with which employers are expected to comply.

The complaints I hear the most are that the cost of compliance is virtually unlimited and that even employers who make good faith efforts to meet the standard can never be certain they've done enough because the rule is unclear about when compliance is met. It will take months, maybe years, for the courts to unravel the true meaning of this rule. And it is my belief that rule making should not be left up to the courts. Frankly, I think those who oppose this rule have a valid argument and therefore I intend to support the Resolution of Disapproval.

I do not think, however, that the debate on a Federal ergonomics standard should end with this vote. The vast majority of business owners I've spoken to about this issue are taking genuine, affirmative steps to facilitate a safe and productive working environment for their employees. After all, it's in their best interest not to have workers who are injured and unable to perform capably.

I intend to hold them to their word by introducing legislation that will require OSHA to draft a new ergonomics standard within 3 years. If the current standard is not workable, and I do not think it is, then I believe OSHA has an obligation to work with employers and employees to write a revised rule that will reduce the number of MSDs in the workplace without penalizing businesses that want to do the right thing.

In closing, I want to express my disappointment with the take it or leave it approach pursued by the Senate Leadership in this matter. In recent weeks we've heard a lot about working together in a bipartisan fashion from the President and Senate leaders, but we certainly have not followed that course of action today. I wish my colleagues on the other side had demonstrated a willingness to find a middle ground in this debate but the only option we have been given is an all or nothing vote with no alternatives. That is not my definition of bipartisanship and I do not think it is a productive way to build trust across the aisle. I hope my colleagues will work harder in the future to make their pledges of bipartisanship a reality.

Mr. NELSON of Florida. Mr. President, I approach the debate on this resolution with a considerable degree of disappointment. To put it bluntly, it should not have come to this.

It is absolutely clear that there is a need for workers to gain protection for ergonomic injuries. All one has to do is spend time in any workplace environment to see the stresses that can lead to serious back, shoulder, arm, and wrist injuries. These injuries are just as real, and in many cases just as debilitating, as more obvious injuries that are more likely to be covered under state worker's compensation laws.

In 1990, then-Secretary of Labor Elizabeth Dole recognized the need to provide protection from these injuries and directed the Occupational Safety and Health Administration, OSHA, to issue a rule. After ten years of research, debate, and comments from the business community, labor, and Congress, that rule was issued last November.

The rule has many virtues. One of its most prominent advantages is that it focuses on prevention. For the first time, it requires employers to take measures to educate and train their employees on how to avoid ergonomic injuries. It is backed up by sound science that demonstrates how ergonomic injuries occur, and helps provide the means to prevent them. These provisions alone will help keep millions of injuries from occurring, sparing workers pain and suffering, and their employers lost productivity. In addition, workers who suffer these injuries finally would receive compensation while they receive treatment and, according to 17 state Attorneys General, this does not interfere with their existing worker's compensation laws.

I also would concede, for all the virtues of this rule, that it has some serious problems. It places a particularly onerous burden on small businesses, which may not have the resources to fulfill all of the rule's requirements. A better crafted rule would provide some relief for small businesses. The rule also is highly ambiguous with respect to its application to agricultural workers. While it says that agricultural workers are exempt from the rule; it is not at all clear who that includes. Are workers in nurseries, on-farm packaging and processing plants, or other jobs done in a farm setting covered by this rule? I am told by those in the agriculture community that there is great confusion on this question. A better crafted rule would provide clarity on this point. There is also confusion about how a particular injury may be classified as ergonomic, if there is a dispute between a worker and an employer. I agree with those in the business community who have expressed these and other concerns.

So the rule has virtues, and it has problems. My sense is that we need a rule, but that the rule needs improvement. Unfortunately, the choice we face on this vote is not whether we should improve the rule, but whether there should be such a rule at all. Under the Congressional Review Act, we are given only one choice yea or nay on the rule. And if we vote to disapprove the rule, we have effectively killed any chance of ever providing workers with the protection they need. That is because once we kill it, OSHA is prohibited from ever coming forward with a rule that is deemed to be "substantially similar." This is a highly flawed process for evaluating a somewhat flawed rule. It leaves us no option to make recommendations on how this rule can be made better.

Given our options, the best approach, in my view, is to vote to sustain the rule, and then work with the Administration to issue new guidelines to revise, clarify, and tighten up imperfections. I understand that Secretary of Labor Elaine Chao already has indicated a willingness to work with Congress to address ergonomic injuries. The best way for us to do that is by improving the existing rule, not blowing it up.

Given the choice that we are presented with by this resolution, I cannot in good conscience cast a vote that will effectively eliminate the possibility of ever protecting workers from ergonomic injuries. I will vote against this resolution and, if it is defeated, I will commit to work with my colleagues and the administration to correct the flaws.

Mr. LIEBERMAN. Mr. President, I rise in opposition to this joint resolution introduced under the Congressional Review Act to overturn the Occupational Safety and Health Administration's ergonomics rule. It is truly unfair and unjustified, after 10 years of study and delay, to eliminate this regulation which will bring needed protections to America's working men and women, tens of millions of them.

It was more than a decade ago that increased numbers of injuries and worker compensation claims led Labor Secretary Elizabeth Dole to ask for a rulemaking on an ergonomics standard. At the time, Secretary Dole, a member of the previous Bush administration, insisted on, and I quote, "the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis."

We are not talking here about an imagined problem or phantom injuries. We are talking about the nation's most vexing workplace health and safety crisis. We are talking about the very real back, wrist and other musculo-skeletal pain and injuries that force a million people to lose time from work each year and that send 600,000 of them in search of medical treatment. We are talking about workplace injuries that sap an astonishing $50 billion from the economy each year in lost wages and productivity. In Connecticut alone, 13,500 private sector employees and 2,200 public sector workers suffered from musculo-skeletal disorders in 1998, the last year for which statistics are available.

Just two months ago, the National Academy of Sciences and the Institute of Medicine published the comprehensive and definitive study Congress had asked for two years ago. It concludes unequivocally, and I'm quoting here: ". . . there is a relationship between exposure to many workplace factors and an increased risk of musculo-skeletal injuries . . ." and "the evidence justifies the introduction of appropriate and selected interventions to reduce the risk of musculo-skeletal disorders."

It just doesn't get any clearer than that. And yet, supporters of this resolution are still resisting implementation of an ergonomics standard, as they've consistently done since Secretary Dole's call for a regulation that would protect workers 10 years ago. Despite convincing scientific evidence, from the Department of Labor, the Bureau of Labor Statistics, and the National Academy of Sciences, a vigorous campaign that for years denied millions of workers common-sense relief from their suffering still persists, five months after the standard has been issued. The buzzer has sounded. The game is over. We should all now be getting together to make this common-sense regulation work.

This ergonomics rule is a reasonable one. It does not prescribe controls. In fact, an employer need not make any workplace changes until a worker suffers an injury and the employer concludes it is work related. The kind of changes we are talking about include low-cost solutions such as raising or lowering a work station or chair to eliminate awkward postures, putting wider grips on hand tools, or modifying work schedules to include rest breaks or job rotation.

We know these kinds of adjustments work because many employers have successfully experimented with them voluntarily. In 1992, for example, a grocery store chain headquartered in Connecticut projected $2 million in worker compensation costs at its east coast stores. The safety manager estimated that work-related musculo-skeletal disorders cost from $9,000 to $18,000 per claim and accounted for 54 percent of illnesses at the company. After the company implemented an ergonomics program to purchase adjustable work tables, semi-automatic wrapping machines, vertical scanners and special training for warehouse workers, claims decreased by 50 percent. Workers are protected and money is saved. Incidentally, such voluntary employer-initiated ergonomics standards are "grandfathered in" by the OSHA rule.

The problem is, many employers have done nothing, despite a 10-year-long public process, including weeks of hearings and testimony from thousands of witnesses, and final issuance of the rule last November. I know that some of my colleagues think the common-sense protections contained within this rule are too costly for business, or too burdensome, administratively. But my own close examination convinces me that the cost-benefit analysis tips clearly to the benefit side. Although OSHA estimates implementation of the regulation will cost employers $4.5 billion a year, that is outweighed by the estimated $9.1 billion in estimated savings in compensation, medical expenses, and added productivity. OSHA estimates the average cost of fixing each problem job will be just $250—a small price to pay to relieve the constant physical pain so many workers suffer and to keep those workers productive. Keep in mind, these official calculations don't even take into consideration the intangible benefits that will accrue to healthy employees and their families.

I'd like to add a final word about the process which brings the rule back before us today. The Congressional Review Act, approved in 1996 as an alternative to more onerous regulatory reform legislation, gives Congress the power to pass resolutions disapproving of recently adopted federal regulation. Here in the Senate, it establishes fast track procedures limiting committee consideration and floor debate.

But the CRA has never actually been used to strike down a rule and I don't think we should set that precedent today. Not only are we being forced to make a hurried decision, without benefit of committee hearings and reasoned judgment. This resolution of disapproval contains a sweeping termination of the entire rule, with no exceptions or direction on how to fix it. In other words, OSHA's hands would be tied in the future, forbidding the issuance of any rule "substantially the same."

There is a more appropriate forum for the technical, scientific, economic or legal arguments opponents wish to make against the rule and that's the U.S. Court of Appeals for the District of Columbia Circuit, where 31 petitions brought by opponents of the rule are pending. Furthermore, opponents may petition the Bush Administration to stay, modify or even repeal the rule, which OSHA can do through a new rulemaking, if it concludes such an action is warranted.

So, I'd say to my colleagues, even if you have concerns about the terms of the ergonomics rule, you should oppose a disapproval resolution under the Congressional Review Act. There are other, better ways to protest this regulation, if protest you must. This resolution opens a procedural door under the CRA that a lot of us should want to keep closed.

OSHA has listened hard to both sides of the debate and adjusted, accommodated and readjusted for 10 long years. Last year, the federal government finally fulfilled its responsibility to protect millions of American workers by approving OSHA's ergonomics rule. We must not undermine the progress we have made and jeopardize the safety and well-being of the millions of Americans who rely on us to do the right thing. I ask that each of my colleagues carefully consider the facts on workplace injuries and their debilitating toll on both workers and employers. Then consider the hurt and pain we can so easily prevent by upholding this ergonomics rule and defeating this unfortunate resolution.

Mr. NELSON of Nebraska. Mr. President, I rise today to express my opposition on procedural grounds to the resolution of disapproval of OSHA's ergonomics standard. This worker protection measure, initiated by then-Secretary of Labor Elizabeth Dole in 1990, is aimed at helping diminish the roughly 600,000 repetitive motion and overexertion injuries incurred each year in the workplace. Using a resolution of disapproval to erase the standard is unnecessary and severe. Revisions to the existing standard are needed, but they will not be realized by the passage of this measure.

While many businesses have taken steps to remedy repetitive motion and overexertion injuries, the problem persists and needs to be addressed. The measure currently under consideration, the resolution of disapproval, does not offer much in the way of sensible solutions. In fact, it is a resolution that resolves nothing, it may actually exacerbate the problem by prohibiting OSHA's ability to issue similar measures in the future to address problems caused by repetitive motion. In my view, it is a misuse of the process to force a vote that will short-circuit these regulations. At the very least, it is an unusual delegation of responsibility to the legislative branch by the executive branch when administrative responsibilities are available.

While I plan to vote against the resolution of disapproval, I do have a concern about OSHA's current ergonomics rule, and I have asked Secretary Chao to initiate as soon as possible the administrative options available to her to revise the current rule. Businesses have raised concerns about a number of aspects of the rule, such as its scope; its impact on ergonomics programs businesses already have in place; its effect on state workers' compensation laws; and the cost of compliance. I am particularly concerned about the impact of compliance on small businesses in Nebraska and elsewhere.

However, it is my experience that administrative options provide greater opportunity to reach reasonable consensus on issues addressed through federal regulation. This is why, rather than supporting the extreme measure before us today, I have asked for the Administration to exercise its administrative authority.

By supporting the resolution of disapproval, Congress ignores administrative measures which could produce a more reasonable response. These concerns can be addressed most effectively by an administrative rather than a legislative approach. Both businesses and their workers would benefit from a sensible administrative solution.

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Wyoming has 26 minutes, and the distinguished Senator from Massachusetts has 48 minutes.

Mr. KENNEDY. Mr. President, we have had some comments about the importance of the kinds of protections being debated in the Senate this evening: that is, the ergonomics protections. These are the regulations to protect against ergonomic injuries.

We have had a good deal of criticism of OSHA in the past, criticism of regulations that have been issued to try to protect American workers. I know there are many, who have spoken in support of this resolution, in opposition to the ergonomics rule, who have been strongly critical of OSHA over a long period of time.

Let me mention a few facts. According to the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by 75 percent since 1970. That is 220,000 lives saved since the passage of the Occupational Safety and Health Act. Injury rates have also fallen. According to the Bureau of Labor Statistics, there were 11 injuries and illnesses per 100 full-time workers in 1973; by 1998, it was 6.7 per 100 workers.

Declines in workplace fatalities and injuries have been greater in those industries where OSHA targeted standards and enforcement activities. In manufacturing, the fatality rate has declined by 66 percent and the injury rate by 37 percent since the passage of the Occupational Safety and Health Act. Similarly, in construction, the fatality rate has declined by 78 percent, the injury rate by 55 percent.

Now some examples of rulemaking and what the results have been. We know now there is a problem. Secretary Dole, more than 10 years ago, pointed it out. We have the Academy of Sciences that accumulated the facts to demonstrate it, and we have millions of Americans who have the ergonomic injuries that reflect it.

Look at what has happened other times OSHA has taken action. After OSHA issued a standard on grain handling, the number of fatalities in this dangerous industry dropped from a high of 65 in 1977, before the standard was in place, to 15 in 1997, a 77-percent decline.

OSHA's lead standard has prevented thousands of cases of lead poisoning in lead smelting and battery manufacturing. Since the lead standard was issued, the number of workers with high blood-lead levels has dropped by 66 percent.

Thousands of construction workers were buried alive in trench cave-ins before OSHA strengthened the trenching protections. Fatalities have declined by 35 percent, and hundreds of trench cave-ins have been prevented.

Before OSHA issued the cotton dust standard, several hundred thousand textile industry workers developed brown lung, a crippling and sometimes fatal respiratory disease. In 1978, there was an estimate of 40,000 cases amounting to 20 percent of the industry's workforce. By 1985, the rate dropped to 1 percent.

This is the record. This is what happens when you issue sound regulations to protect American workers in the workforce and in the workplace. Thousands of lives have been saved. Millions of Americans have been helped. This is the record. That would be the case with regard to ergonomics if the regulations went into effect. But we are told no, no, no.

What price are you going to put on 220,000 American lives? What price are you going to place?

According to the Academy of Sciences, we are spending $50 billion a year on ergonomic injuries. They are not Democrats. They are not Republicans. They are looking at the facts. Mr. President, $50 billion a year is what we are spending at the present time.

Here we have Business Week—not a Democratic magazine, maybe a Republican magazine—that says it is common sense to put in the ergonomics regulations and the financial savings will be considerable. Business Week talking about the same regulations we have had promulgated as a result of study after study by the National Academy of Sciences and others.

Yet we are being told tonight we cannot have them, they are too complicated—too complicated. We just reviewed them. They are simple, understandable, and they will save American lives.

I see the Senator from New Jersey on the floor, and I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator from Massachusetts for yielding and commend him for his leadership on this issue.

So many millions of Americans have only us between their work, the labor that they may love or do, a necessity to feed their families, and the inevitability of injury if we do not act.

The Senator from Massachusetts has noted, indeed, the irony that 10 years ago it was Secretary of Labor Dole who, responding to reports of increased repetitive stress injuries in the workplace, responded by initiating the development of these standards. Secretary Dole called the issue "one of the Nation's most debilitating across-the-board worker safety and health issues." Good for her. She was right then, as we are right now.

Opposition by industry and their allies in the Congress has at various times stopped, delayed, forced needless studies—anything—to stop the development of a standard designed only to protect the health and the safety of working Americans.

During these delays, the Bureau of Labor Statistics issued reports showing that the number of work-related ergonomic injuries was increasing. Senator KENNEDY just cited these numbers. In 1997, they reported that ergonomics-related injuries accounted for one-third of all lost workday injuries and illness—one-third, amounting to thousands and thousands of people unable to perform their labors, sustaining serious injury.

Finally, last year while the National Academy of Sciences worked on its own second congressionally ordered study, Congress allowed OSHA to develop and issue an ergonomic standard. After 9 weeks of public hearings, 1,000 witnesses, 7,000 written comments, 10 years of study and debate, OSHA issued the standard this past January. How many studies, how many more years, how many more consistent conclusions? The Congress had a right to ask for the studies. Maybe it was proper to be deferential, to let time pass until we understood the issue better. But can there be anyone in the Senate, after 10 years of debate and all these studies, through Democratic and Republican administrations, who genuinely doubts any longer the health impact on the American worker?

It leads one to believe it is not a doubt about the health of our workers. In my judgment, it is a question of fidelity with their cause. The nonpartisan National Academy of Sciences twice reported a clear relationship between work-related activities and the occurrence of injuries such as back strains. According to the National Academy, workplace ergonomic injuries have led to carpal tunnel syndrome, back injuries, permanent nerve damage in the hands, neck pain, and tendonitis. Many of the workers who suffer from these injuries are crippled by debilitating wrist, shoulder, and back pain. Some have had to change jobs or even stop working.

This, obviously, is not good for workers. But can anyone actually argue this is good for business? Workers needlessly crippled, missing thousands and thousands of hours of work, needing replacement, costly medical treatment? If you didn't care about the workers, why would you still be here arguing this? This isn't good for the workers. This isn't good for business. This just isn't good for the country.

There should be no constituency for those opposing these standards. The NAS studies provide us with the science to show just how important this issue is. The point is, if you didn't have the studies, if you hadn't studied it again, the injuries and the way they affect lives and these businesses—we are replete with examples.

After 14 years as an information technology analyst for the New Jersey courts, Susan Wright started to develop numbness and tingling in her fingers. Here is my study: When she turned a doorknob, Susan would feel something akin to an electric shock in her hands. By 1998, she had undergone two operations. Susan's operations were a success and her office has recently had ergonomics training to prevent future injuries such as Susan's.

But not every story ends with a success. Another constituent of mine, Pattie Byrd of Trenton, has a permanent disability in her right hand from constant work-related computer use.

Susan's and Pattie's injuries could have been prevented. The loss of their labors in their place of employment was not necessary. The cost of training replacements was not necessary. The lost efficiency was not required. Their pain and their medical expenses were not necessary. It all could have been avoided, and that is what these standards are for.

They are not limited to computers or office workers. It is a problem for every sector of the economy. They affect industries ranging from meat packing to nursing to truck driving to construction.

In the Nation, 1.8 million people report work-related injuries such as carpal tunnel syndrome, tendinitis, and back injuries each year; 1.8 million. Last year more than 600,000 of those injuries were serious enough to cause them to miss work, which is why we stand here, not just for the workers—as if that were not good enough—but this is a massive problem in the economy, for the functioning of our businesses, our offices in every sector of the economy.

The new OSHA standard is expected to prevent hundreds of thousands of these injuries. After 10 years and 6 million unnecessary ergonomic-related injuries, it is now time. Critics still argue that the OSHA standard is based on bad science. Others fear the standard will cost too much for business. The facts simply do not bear out these concerns. The National Academy of Sciences report requested by this Congress reaffirmed the scientific evidence underlying the standard is strong.

If you weren't going to accept the results of the study, why did you ask for it? If you don't believe in the National Academy of Sciences, why do we fund them? If you were not going to accept all these years of analysis, all these independent and objective reviews, why did we wait?

One gets the impression that it is not the evidence, it is not the credibility of the studies, that nothing is going to meet the threshold where this Congress will act to protect American workers. Maybe that is the worst commentary of all.

It is estimated this standard will cost $4.5 billion annually. Maybe. But it can also save $50 billion a year in compensation payments, lost wages, and lower productivity. The costs associated with the OSHA standard will be minimal compared to the savings.

It is right for these workers. It was a good commentary on this Congress and the previous administration that we acted. It will similarly be a bad commentary on our sensitivity to our people, the workers of our country, and a bad commentary on this Congress if now we act to undo that which we did, which was right, after so many years of waiting, after such overpowering evidence.

The workers of this country deserve an advocate. It is said that every powerful special interest in America has some advocate in this Congress. On this night we determine who are the advocates—who will stand for the average American worker who faces these injuries, this loss of wages, this pain and suffering? Let me make my position clear. There have been enough studies, enough time has passed, enough people have suffered. Let the standards stand.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment and congratulate my colleague, Senator ENZI from Wyoming, for his leadership on this issue. He has been shepherding the floor, along with Senator HUTCHINSON from Arkansas, and they have done a great job. I think there has been illuminating debate. I also wish to congratulate my friend and colleague, Senator KENNEDY, on this issue. We do disagree on a couple of issues, but he is still my friend. I respect him.

I feel very strongly that we as Senators should protect the legislative functions of Congress and the constitutional division of powers between the legislative branch and the executive branch. Congress, according to the Constitution, is supposed to write the laws. In fact, article I of the Constitution says that Congress shall write all laws. The tenth amendment of the Constitution says all other laws are for the States and for the people. Nowhere in the Constitution does it say the executive branch, the branch that was charged with enforcing laws, is to legislate.

I tell my colleagues and I urge my colleagues who are maybe predisposed to vote no on this resolution of disapproval to consider this very carefully. In a free democracy, a democracy where we have elected representatives to represent our constituents, we do not have and we cannot allow unelected bureaucrats to pass laws.

The law of the land, the bill that created OSHA, the Occupational Safety and Health Act of 1970, is still the current law of the land and it states—this is the conference report:

> The bill does not affect any Federal or state workmen's compensation laws, or the rights, duties or liabilities of employers and employees under them.

That is still the law of the land. Very clearly in the statute it says we are not passing workers comp. It says we are not creating a Federal workers compensation system. It says we are not superseding or changing the State workers comp laws.

I refer my colleagues to this regulation. It states:

> You must provide that the employee with work restriction protection which maintains the employee's employment rights and benefits in 100 percent of his or her earnings—

That is compensation. It goes on—

> You must provide [talking about employers] that the employee with work restriction protection which maintains the employee's employment rights and benefits in at least 90 percent of his or her earnings.

That is compensation. That is workers compensation for not working. That has only been done at the State level. Now we have a Federal workers comp law. That is not consistent with the existing act. In other words, the Clinton administration's department of OSHA is breaking the law. They are exceeding the law. They do not have the constitutional authority to enact a Federal workers compensation system.

I heard one of my colleagues say that is not a Federal workers compensation system. The heck it is not. You are paying people not to work. You are paying people for injuries. That is workers compensation. That is covered by State laws. That is covered, for every single State in the Nation has worker compensation laws.

This one, it just so happens, has compensation that has higher levels than any State in the Nation.

Those are the facts. How in the world can we as a legislative body delegate that to some unelected bureaucrat in the Department of Labor? We did not. We have never done it. As a matter of fact, we prohibited it. But the Clinton administration tried to do it anyway. They tried to jam it through on January 16.

I heard some people say you are using this Congressional Review Act as, I believe Senator CLINTON said, a legislative time bomb to undo this legislation that people have been working on for 10 years. The CRA was written and was supported, I might mention, by every person in this body because it passed by unanimous consent, so that Congress would have a chance to review these laws.

If there is an economic impact of $100 billion, Congress had better have an input so it can prevent it, stop it, or overturn it. Because we are elected officials, we should be held accountable.

Who is the legislator in OSHA who wrote this regulation? Who is going to hold them accountable? They are gone. As a matter of fact, the Clinton administration showed contempt of Congress and contempt of the new administration by trying to jam through this enormously complex, burdensome, and expensive regulation with 4 days left in their administration.

My colleague from Massachusetts said this regulation is only eight pages. I count the pages a little differently. This little part of the regulation is 608 pages, which is interesting. The regulation that was promulgated by the Clinton administration in 1999 was 310 pages. Look at what happened in that year. Yes, they had a few hearings; 1 year later, 608 pages. It about doubled.

Guess what. It is a lot more complex than this. My colleague said it is only eight pages. Let's look a little closer at some of the details and some of these pages. I guess this goes beyond eight pages. It talks about job hazard analysis tools. We have tools for the job strain index and one for revising the NIOSH lifting equation. That is referred to. That wasn't part of the eight pages. If you look at it in the regulation, you need to pull that up. We pulled it up. We found the NIOSH regulation.

There are 164 pages. They came up with standards for lifting. As a matter of fact, they have lifting equations. If you lift anything, I guess you go to this NIOSH standard—164 pages. You get lots of information on how much you can lift.

This is all part of the standard—these little equations here.

I believe some people said you can read these regulations in a matter of 20 minutes.

I will insert this one page in the RECORD, and I defy anybody to tell me what it means:

> The multitask lifting analysis consists of the following three steps: Compute the frequency independent RWL, FIRWL, and the frequency independent lifting index. That is FILI values for each task using the default PM of 1.0.
>
> Compute the single task RWL. That is the STRWL, and the single task lifting index, STLI, for each task. Note in this example that interpolation was used to compute the FM value for each task because the lifting frequency rate was not a whole number. Remember the task in order of decreasing physical stress as determined from the STLI value starting the task with the largest STLI.

I could go on and on and on. This is almost funny. But it is not funny because we don't change it, and if we don't stop this regulation, and stop it tonight, everybody in America is going to be trying to figure out what STLI means, and what all of these other little acronyms stand for, and so on. And they are going to say: You mean to tell me we can't move 20 pounds of force? We can't lift items more than 75 pounds? You mean to tell me that every single grocery store in America is going to be in gross violation of these standards? You mean that every single person involved in bottling or every single person involved in moving is going to be in gross violation of these standards and we will never, ever be able to comply with these ridiculous standards that were jammed through in the last 4 days of the Clinton administration? We are going to make them violators of the law and fine them or we are just going to say hire lots more people. Is that the purpose of it?

Let's look at the next standard. Here is one dealing with vibration. I think this was referred to earlier. This deals with vibration. I ran a manufacturing plant. I will tell you that any manufacturing plant in America has a lot of vibration, sanding, grinding, and people doing a lot of different types of motion that require vibration.

Again, this was not included in Senator KENNEDY's pages. I think there are only 22 pages, but it is pretty complex. I look at the formula for complying with this. I used to do very well in math, I might mention, in college. But, for the life of me, it is going to take somebody a lot smarter than I. Maybe colleagues who support this regulation can figure out what this equation means where T is equal to whatever that equation says. We are going to tell Americans who have companies that have vibration, grinding, and motion that they have to comply with this ridiculous formula—that thousands of businesses are going to have to comply with this? That is in this regulation that somebody said was eight pages. It is in this 800-and-some pages that are in the regulations.

Some people said: Where do you get 800 pages? The regulations promulgated 608 pages. But they refer to several studies including studies like this that add up to another 227 pages, at least. It is actually more than that, because one of the studies we can't even get a copy of. I have excellent staff, but no one can get a copy of it. We don't know how many pages are in one of those referred to in the job hazardous analysis tool to which they referred.

They give Web sites so people can download so they can get this kind of equation and basically say comply, because the big hand of the Federal Government is going to come in and hit you hard if you do not. As a matter of fact, they will tell you that you have to change your business, maybe relocate your business, or redesign your business. Somebody from OSHA is doing all of this. Somebody who is unelected can put that kind of mandate on every business in America, presumably because they know better. They know better than the State in workers comp? Again, it is in violation of the law because some bureaucrat was able to come up with that? I just totally disagree.

I heard a couple of Members comment saying: Wait a minute, the people fighting for this are fighting for special interests—the Chamber of Commerce, the National Association of Manufacturers, or NFIB. Hogwash. The only thing that was special interest was the Clinton administration trying to jam this regulation through in the last 4 days of the Clinton administration. This is the special interest. This regulation is the special interest that the Clinton administration was trying to jam through.

Congress, thank goodness, passed a law that said we can review in an expedited form regulations that cost a whole lot of money. That is the reason we are using the CRA. Some people said: If you use that, you can't even talk about this regulation and ergonomics is dead forever. That is not what the Secretary of Labor said. The Secretary of Labor said:

> I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking that addresses the concerns levied against the current standard. This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are important problems. I recognize this critical challenge and want you to understand that safety and health in our Nation's workforce will always be a priority in my tenure as Secretary.

In other words, she is going to work to reduce work injuries. I will work with her, and I think every Member of the body should.

What we shouldn't do is promulgate a regulation and say: Here it is. You are stuck with it. It may cost over $100 billion a year. We don't care how much it costs.

That is ridiculous. Let's work with the new Secretary of Labor. Maybe we don't need to repromulgate a new regulation. Maybe we can do a lot of things that will reduce workplace injuries without saying to States that we don't care what your worker comp laws are, we are going to come up with a Federal workers comp.

If this is so good, if we are successful in repealing this, which I hope we will tonight and I hope soon in the House, if my colleagues want this to become the law of the land, I encourage them to introduce it as legislation. I am only assistant majority leader, but I will encourage my colleagues to have hearings on this. If they really think we need a Federal worker compensation law, let's have a hearing on it. Let's discuss it. Is that what the Federal Government should do? At least I will be comfortable that it is going through the legislative process.

My biggest objection to this is that the Clinton administration could not get something through by legislation, so they did it by regulation. I find that in contempt of Congress; I find it in contempt of the Constitution, in violation of the Constitution, in violation of the OSHA law that was written in 1970, as I plainly showed just a moment ago.

Some people are born to regulate. The author of this legislation states exactly that. Martha Kent, who was the former Director of the OSHA Safety Standards Program, in May of 2000, in an interview that she gave with the American Industrial Hygiene Association, said this:

> I absolutely love it. I was born to regulate. I don't know why, but that's very true. So long as I'm regulating, I'm happy. . . . I think that is really where the thrill comes from. And it is a thrill; it's a high.

She may love to regulate. She also got into the legislative business. We are in the legislative business. We should protect our legislative rights. Her legislation may be well intended, but it is not very good. It is enormously expensive. It needs to be stopped. And then let's work together to see if we can do some things in a bipartisan fashion through the legislative process, through the normal process—not jamming a reg through in the last couple days of a lame duck administration—and come up with some things that will help American workers.

This bill does not help American workers. This bill would result in a lot of businesses going bankrupt, a lot of people losing their businesses, unemploying people. That is not healthy. That is not good for the American workforce and certainly not good for technology.

So I urge my colleagues to vote in favor of the resolution.

I again notify my colleagues there will be a vote at 8:15 tonight.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 12 minutes to the Senator.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is yielded 12 minutes and is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I had a chance to debate this resolution earlier today. But after hearing my colleagues throughout the day, I want to respond one more time. While I am on the floor, I want to thank Senator KENNEDY for his great leadership on this resolution, and, for that matter, for always being there for working people in the country.

In my hand are reports from a lot of different businesses in Minnesota—I mentioned three of them earlier—that have an ergonomics standard, a very successful standard. Interestingly enough, that is exactly what this OSHA rule is patterned after—best practices by the private sector. I also hold in my hand this report by the National Academy of Sciences which is titled "Musculoskeletal Disorders." Again, this is precisely what many of the critics of this rule wanted. They wanted the Academy to do a study. The Academy did a study and they found out some enormous problems in the workplace.

The Academy also found out there were, indeed, practices that could be put in effect that could make a huge difference in terms of lessening the injuries, lessening the disability, lessening the pain. Interestingly enough, again, this OSHA rule is really a reflection of this Academy study.

I think I have decided, after listening to this debate, that for some of my colleagues—who are friends; but this is a policy disagreement—it never will be time for this kind of protection for our workforce, for the many men and women in our workforce. There are more women than men in the workplace.

I cannot believe that so many of my colleagues have been so exercised throughout the day that OSHA, an agency that has the mission of looking out for the health and safety of workers in the workplace, would promulgate a rule dealing with really one of the most serious problems in the workplace today—repetitive stress injury.

I cannot believe the shock that I hear from Senators who are in favor of this resolution, that OSHA, of all of the agencies, should promulgate a rule which deals with repetitive stress injury and would provide protection to men and women at the workplace.

This is the mission of OSHA. This is a rule that has been 10 years in the making—going all the way back to Elizabeth Dole and up to now.

I really think this debate is about another issue, which I want to raise in the few minutes I have remaining. I am trying to understand the intensity of the opposition, since many of the arguments I have heard made, I do not think fit with a lot of the facts, fit with 10 years of work. I am trying to figure out why the rush to judgment. Why are my colleagues so determined to overturn this rule which provides protection for people? And here is what I have decided.

I think in many ways this opposition is opposition to the mission of OSHA. This legislation was not without controversy. And really, when we started talking about occupational health and safety, it was a bit like environmental protection. In fact, these are environmental issues. This is the environment at the workplace.

What we said, when we created OSHA some 30 years ago, was that the private sector is what makes the economy go. And the private sector can make a profit; and that can be good, up to the point where you are putting people at the workplace—or for that matter, the water, or the air, or the land—in jeopardy.

Then what we said was, commercial logic stops, and public interest logic starts. That is what is upsetting many of my colleagues. What we have here is a rule that is all about public interest. What we have is a rule that says it is important for the private sector to be as successful as possible; but there comes a point when hard-working people are injured at the workplace—quite often disabled, quite often in pain, quite often in pain for the rest of their lives, and never able to work again—when we get to that point, the commercial logic stops and the public interest logic starts.

Of course, unfortunately, because I worry about the result tonight, for many working people, many ordinary citizens do not own the capital; they do not own the big companies. They just work hard. They work at these jobs. Do you know what else. People know they are going to be in trouble. They know what the repetitive stress is doing to them. They know what the effect is on their lower back from the lifting. They know it. They know they are going to be in trouble. They know they could be disabled.

But this is a class issue. These men and women do not have the options that Senators have, and, frankly, most of our families have, and most of our friends have, which is to easily go to other work. They do not have that option.

So these ordinary citizens—which I do not mean in a pejorative sense but in a positive way—look to us. They look to Government. They look to Government to be on their side.

I think it is a tragedy that this resolution could very well pass tonight. I think it is unconscionable that this resolution could very well pass tonight. I believe, once again, the message of passing this resolution tonight is to say to many citizens in our country, who are not the big players and the heavy hitters—and they are not powerful, and they are not high income, and they do not have a lot of lobbyists—I think the message to them is: You are expendable.

We have heard about the cost—$100 billion. I am trying to figure out from where in the world that comes. That is a theoretical estimate, as far as I can tell, looking at the figures and trying to figure out how anyone arrived at that. I do know that OSHA says it is $4.5 billion, but that is offset by savings.

I have heard other Senators talk about savings—savings in that now people can work; savings in that people do not have to go for workers comp; savings in that people will be more productive.

Do you know what I think is the greatest savings of all? The greatest savings of all, which apparently does not get figured into any of the dollars, is when you can have women and men who can work to support their families, work without being injured, without being in pain, without being disabled, being able to live their lives, being able to support their families.

That is what this rule is about. Don't trivialize this question. That is what this rule is about. I hope my colleagues will vote against this resolution.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

To hopefully dispose of some of the differences that have been expressed this evening about the size of the rule, I stand by the actual OSHA standard, which is 8 pages long. It is written in plain English. It is accompanied by 16 pages of fact sheets and appendices. The remaining 583 pages that are being mentioned here as part of the 600 pages comprise the preamble and background materials required by the regulatory process.

It is interesting how the regulatory process requires that. That is as a result of what they call the SBREFA and other laws that Congress has passed, as well as of Executive Orders of President Reagan and former President

Bush. This material is required. If my colleagues would like to do something about it, let us get the Administration to change that. Otherwise, this material will be required to be submitted.

I am a believer in OSHA. I mentioned earlier the progress that has been made. Let me mention very quickly what some of the results have been as a result of the work of OSHA between 1973 and 1998.

In the area of manufacturing, you had 15 deaths per 100 full-time workers in 1973. In 1998, that was down to 9.7. In the construction industry, the number was 19.8 in 1973. In 1998, it was 8.8, virtually half. In total, the case rate in mining, 12.5 percent in 1973; 4.9 percent in 1998. These are real results. These are lives saved.

You have a similar record in terms of illnesses and occupational hazards. That is the result.

I am not saying that every time OSHA promulgates a regulation it is necessarily right, but what you have heard today on the floor of the Senate is a wholesale assault on the Occupational Health and Safety Administration.

It does make a difference whether we have Administrators of OSHA who are committed to OSHA or whether they are not. Under the Reagan Administration, injury rates increased from 7.6 per hundred in 1983 to 8.9 per hundred in 1992. We had Administrators who were not committed to OSHA. During the Clinton Administration, we had a reduction in injury rates from 8.6 per hundred in 1993 to 6.3 per hundred in 1999. This is the lowest rate in OSHA's 30-year history. These are lives that are saved. These are illnesses that are prevented. These are protections for America's workers. That is what this issue is about.

We hear, well, we didn't elect those people over at OSHA. We haven't elected the people at the FDA who promulgate the rules and regulations to make sure our pharmaceuticals will be safe and efficacious. We require them to be so. We rely on those rules and regulations. There are regulations to ensure the safety of medical devices and cosmetics.

We look to the Consumer Product Safety Commission to issue rules and regulations to require safety in toys. We look to the FAA to protect our airline passengers. We look to the Clean Air Act and the Clean Water Act to make sure the air we breathe and the water we drink will be pure. The officials at EPA who issue regulations to do this are not elected. They promulgate regulations. As a result of regulations, we have the safest food in the world. We have the best pharmaceuticals in the world. We have the best medical devices. We have the purest air and we have the cleanest water. Period. We have the safest workplaces. Period. That is as a result of regulation. Period.

That brings us to what we are faced with tonight. We have a rule that is targeted on the No. 1 health and safety issue affecting workers in the workplace. As has been pointed out all day, this does not come as a surprise. And it was not in the last 4 days of the Clinton administration. It was the result of more than 10 years of study.

The fact is, those who are effectively eliminating this rule have to understand what all of us understand: Over the last 10 years, every single attempt to try to promulgate rules and regulations has been opposed and fought every step along the way. This has been illustrated by many of our colleagues. There have been add-ons, riders to various appropriations. There have been attempts to block new regulations right from the very beginning.

We are not coming to this as an institution with clean hands because we know the forces that have been out there for the last 10 years opposing any ergonomics regulations. They are opposed to rules and regulations promulgated by OSHA, but they are also opposed to rules and regulations that are voluntary, developed by various business groups. The business community and the Chamber have been out there opposing even those voluntary efforts. They have been opposing every State regulation.

It would be one thing to say we don't really need it because the States are already doing it. They are not doing it because of the power of the special interest groups that have been resisting it. We haven't heard, after all day long, one single example of one ergonomics regulation that is supported by those who want to eliminate this rule. Not one. I have listened. I have waited. I have sat here all day long. There is none, not a single one, because they are not for any of it.

And there is another misleading argument that has been made by my colleagues with regard to states. They claim that the ergonomics rule undermines state workers' compensation laws. This is false. The WRP payments required by the rule are not workers' compensation. Seventeen state attorneys general have written telling us that.

WRP is preventative. Workers will not report ergonomic injuries if they will lose money to support their families. Only if those injuries are caught early can people be saved from permanent disabilities.

WRP and workers' compensation are entirely separate. The employer's doctor decides whether a worker gets WRP. All standards for eligibility for workers' compensation remain unchanged.

The standards which protect workers from lead, benzene, cadmium, formaldehyde, methylene chloride and MDA include WRP, and the federal courts have said it's perfectly fine.

But we would kill this rule because its opponents have the votes. This idea that, well, tomorrow we will pass a nice resolution to get the Department of Labor to work out something, they ought to be able to do it quickly and everything will be hunky-dory, is baloney. There isn't the slightest chance in the world of it.

This is the first time in 30 years that an OSHA rule is being overturned, as it is here tonight. We ask ourselves why, why are we doing this when we know that there is a real problem? It isn't just us who know it is a problem, it is the millions of Americans who are affected and hurt every year that say it is a problem. Every group that has studied it has said it is a problem. Every women's group in the country knows it is a problem. They are the ones who are bearing the burden. Seventy percent of all the injuries happen to women in our society.

It is a big problem. According to the Academy of Sciences, $50 billion worth of a problem. We know the problem is out there. We know there have been months, years of study, hearings, study after study after study out there to try to come forward with these regulations.

Now, in a matter of a few hours today, we are virtually dismissing them. The proposal that is supported by the Republicans will deny OSHA the opportunity to promulgate meaningful regulations in this area. The statute will not permit them to issue substantially similar regulations. We will not be providing those protections. It is a major weakening in terms of the protections for American workers.

This it is for the 100 million American workers who today, tonight, and tomorrow go to workplaces, the more than 6 million workplaces across the country. If we are not going to protect them now, there is no one who is going to protect them.

We have a recommendation that has been studied and reviewed. We know what is at risk. If we do not do this, we know the people who are going to be constantly hurt, working families being hurt day in and day out in the future.

This is our last chance. Unless we protect them, the result is going to be devastating.

This resolution is antiworker, antiwoman, and, basically, I believe, a political payoff for groups that have been involved in fighting this and making the contributions to undermine the safety and security for American workers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. This is wrong, Mr. President. I hope it will not pass.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DASCHLE. Mr. President, I yield myself 10 minutes of the time allocated to me.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me begin by complimenting the Senator from Massachusetts for the extraordinary work, his leadership, the commitment he has made, and the passion and eloquence he has again demonstrated on this issue. No one cares more deeply about working people and has committed more of his public life to working people than has he. This fight, again, is an illustration of the deep, passionate commitment he holds for working Americans. I congratulate him and thank him.

As others have noted, it was in 1990, over 10 years ago, then-Labor Secretary Elizabeth Dole announced that the Federal Government would take what she called "the most effective steps necessary" to reduce ergonomic hazards that injure and cripple millions of workers every year.

It took 10½ years of research and three exhaustive studies, but we finally have a modest, reasonable ergonomics rule. And now, only after 10 hours of debate, with no public hearings, we are on the verge of wiping out that 10 years' worth of work.

Before we vote on this misguided measure, let me be very clear. Men and women across this country will be injured and crippled because of the pressure for this quick political victory. Millions more will have to live with the same pain that Shirley Smith lives with tonight.

Mrs. Smith is the mother of four. She used to work in a poultry processing factory in North Carolina. She cut chicken breasts on a fast-moving line, using a dull knife, until she could not hold the knife anymore. At 41 years old, she was disabled by her work. She can't work anymore. She can't do a lot of things anymore. Listen to her words:

> I go to bed in pain. I wake up in pain. I can't do things like I used to—like playing football with my kids. I can't fix a big meal like I used to, or hang up clothes, or do yard work at all. I can't even go to the grocery store because I can't push the cart alone.

Shirley Smith is, unfortunately, just one in a million. One in a million.

The most recent report by the National Academy of Sciences found that, in 1999 alone, 1 million people took time away from work to treat and recover from work-related ergonomic injuries—a million people. That is 300,000 people more than live in the entire State of South Dakota.

More workers lose time from work because of ergonomic injuries than any other type of workplace injury. That is a fact, not an assertion. One out of every three workplace injuries serious enough to keep workers off the job is caused by ergonomics.

The cost of these injuries is staggering. When you add up compensation costs, workers' medical expenses, lost wages, and lost productivity, it comes down, conservatively estimated, to $50 billion a year. Carpal tunnel syndrome is one of the most common types of repetitive motion injuries, causing workers to lose more time from their jobs than any other type of injury, even amputation. The loss to businesses is immense. The cost to workers is even worse.

Repetitive stress injuries are serious injuries. They can cause permanent crippling and unending pain. Women are especially at risk. While women make up 40 percent of the overall workforce, they account for more than 64 percent of repetitive motion injuries. Two out of every three women hurt on the job are hurt because of ergonomic job hazards.

Opponents of this ergonomics rule condemn it as an eleventh hour rulemaking by an outgoing administration. Let me tell you, that is not true. This all started, as I said a moment ago, by a Republican, the Secretary of Labor, Elizabeth Dole, when she announced, at the beginning of the rulemaking process in August of 1990, that something had to be done.

In 1992, her successor, also a Republican, then-Secretary Lynn Martin, issued an advance notice of proposed rulemaking on ergonomics. For the next 7 years, the Federal Government examined virtually every study done on ergonomics and workplace injuries. And before issuing a final rule, OSHA extended the comment period just to be sure they had given everybody a chance to comment. They held 9 weeks of public hearings, heard more than a thousand witnesses, and reviewed over 7,000 written comments. The rulemaking process was public and, obviously, it was exhaustive.

Only after doing all of that did OSHA issue its final rule last November. This ergonomics rule reflects an extraordinary amount of public comment and advice and the latest scientific understanding of workplace injuries. Both the National Academy of Sciehces and the National Institute For Occupational Safety and Health—the leading experts—agree: ergonomic hazards in the workplace cause injuries. Moreover, these experts agree that minor modifications to the workplace can prevent ergonomic injuries. So if ergonomics is as big a problem as we have been now told and if the minor modifications called for in this OSHA rule can help, then why not allow it to work?

The rule the Department of Labor crafted is sensible, flexible and modest. To begin with, it exempts many industries such as agriculture and construction. In industries that are covered, the rules contain only one universal requirement—one. It requires employers to inform workers about signs and symptoms of ergonomic injuries and give them a way to report such injuries. That is it.

Only if an employee is injured, and the employer determines the injury is work related, is the employer required to take measures to address the job hazards. And when it is all said and done, it is the employer who determines what constitutes an appropriate remedy. This, to me, is the most remarkable aspect of it all—who is the arbiter of the decision about work-relatedness and what must be done to remedy the situation? The employer. The employer is the one who decides whether an employee has a work-related injury. The employer makes the decision whether and how to address the problem.

Does that sound onerous to you? Does it really sound like a one-size-fits-all approach? I find it hard to believe that anybody could answer yes to those questions. But even if you do believe those things, this resolution of disapproval is exactly the wrong approach. Instead of a deliberative and thoughtful review, the Congressional Review Act is an all-or-nothing approach. After 10 years of work, it all comes down to 10 hours of debate and not one hearing. With so much at stake, it strikes me that this is exactly the wrong way to proceed.

There has to be a better way. There is a better way. Instead of throwing out this rule, OSHA could go back to the drawing board today, under this administration's guidance, and change the ergonomics rule in any way, shape, or form they wish. They could do it today. They could start that process today.

Under current law, all they have to do is publish a notice of intent to reopen the rule in the Federal Register and provide an opportunity for public comment, period. Instead of encouraging that sort of inclusive process, this resolution constrains OSHA's ability to regulate in this area in the future. We know that.

Backers of this resolution insist that it merely requires OSHA to rework its rule. I hope they are correct. I hope they are correct.

I hope that Secretary Chao will take seriously her responsibility under the Occupational Safety and Health Act to "assure, so far as possible, every working man and women in the Nation safe and healthful working conditions." I hope she will read the rich record that was developed to support this rule.

I hope she will direct the Labor Department to work aggressively to craft a new rule. I trust she will not be misled by those who oppose ergonomic standards.

I take for granted simple tasks such as cooking dinner with my wife, dressing myself, opening doors, and turning the page of a book. Shirley Smith can't take these things for granted. For her, and millions of other Americans who have been disabled on the job, these simple tasks require heroic strength. By repealing this rule, we are letting her down.

I yield the floor.

The PRESIDING OFFICER. The time requested by the distinguished Democratic leader has expired.

Mr. KENNEDY. I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized for 2 minutes.

Mr. BIDEN. Mr. President, I am not going to go over the familiar arguments that are real, that this is about the wrong way to go about this. This debate reminds me of a famous expression attributed to Oliver Wendell Holmes: Prejudice is like the pupil of the eye: The more lights you shine on it, the more tightly it closes.

This is like a religious argument. This is like a holy war. This is like the debate we are going to hear on the bankruptcy bill: a lot of hyperbole and talk about how bad this is.

The fact of the matter is these arguments sound very familiar. In fact, in the many years I have had the honor of serving in the Senate, I have heard them often. Every time we debate the wisdom of raising the minimum wage so low-income workers can make a viable living, we hear it is going to put people out of business. The fact is it never happens. It does not stop my earnest colleagues from making the exact same arguments again and again every time we raise the issue.

It is not just in the context of debating the minimum wage that I recall arguments about businesses facing the prospect of having to shut down to comply with Federal rules and regulations. In fact, virtually every time OSHA issues a ruling, claims are made about the enormous costs businesses will incur.

In 1974—and I am dating myself—when OSHA issued the ruling to reduce worker exposure to vinyl chloride, the cancer-causing gas, we were warned that the entire plastics industry would fold.

I add my voice to those who are appalled that the Senate is even dealing with the issue of reversing OSHA's rule.

It was during the Administration of President George Herbert Walker Bush that the Labor Secretary, Liddy Dole, began the 10-year long process that resulted in OSHA putting forth this regulation to protect American workers.

During that 10-year period, every interested party—from business to labor, scientists and academics, politicians, lobbyists and ordinary citizens—had more than ample time to raise whatever concerns they had. The Occupational Safety and Health Administration weighed the arguments and came out with a regulation designed to protect millions of American workers whose jobs often lead to various injuries and ailments.

I understand that some of my colleagues may disagree with this regulation. And they have every right to do so. They may even go so far as to support those who already have gone to court to file legal challenges, or they may decide to work on legislation that might in some way amend or negate OSHA's rule. That would be an appropriate way to proceed.

But this rushed debate is beneath the Senate. We puff out our chests when people refer to us as "the worlds greatest deliberative body."

Where's the deliberation?

Where are the hearings?

Where are the witnesses?

How can we act with such impunity after 10 years of work that took into account every expert out there, including the input of the National Academy of Sciences?

I am not indifferent to the arguments made by my friends in the business community. I know they feel that there are costs involved in implementing this rule, and these costs are real.

I ask my friends to look at some facts. Injuries to workers are not bad just for those individuals. There are real losses to employers in terms of higher insurance costs and lost productivity.

Most business men and women understand this and are responsive because it makes good business sense. I have heard from those expressing their concerns with the OSHA regulation, but these Delaware business people who are out in front of the curve, who have already taken precautionary measures to protect their workers, who will not be greatly affected because they value their employees and want to protect them from potential job-related harm.

Let me conclude by responding directly to my colleagues who argue that adhering to these guidelines is so onerous and expensive that it will put many companies out of business.

These arguments sound familiar. In fact, in the many years I've had the honor to serve in the Senate. I have heard them often. Every time we debate the wisdom of raising the minimum wage so that low-income workers can make a livable wage and climb above the poverty line, we hear the argument that unemployment rates will surely rise.

The fact it never happens does not stop my earnest colleagues from making the exact same argument again the next time we have that debate.

It is not just in the context of debating minimum wage that I recall the argument about businesses facing the prospect of having to shut down to comply with a Federal law or regulation.

In fact, virtually every time OSHA issues a ruling, claims are made about the enormous costs businesses will incur. In 1974, when OSHA issued a ruling to reduce worker exposure to vinyl chloride, a cancer-causing gas, we were warned the entire plastics industry would fold.

The industry said it would cost from $65 to $90 billion to meet the new standard. OSHA estimated it would cost one billion dollars. Who was right? Neither.

OSHA overestimated by a factor of four. The plastics industry got busy and eliminated the vinyl chloride hazard at a cost of just under $280 million. They were off in their estimates by many billions of dollars.

The same thing happened when OSHA proposed limiting worker exposure to cotton dust, and again with formaldehyde, and again with lead, and on and on. We hear about astronomical dollar figures and the threat that businesses and entire industries will come to an end.

Then, later, we learn that businesses, using their creative skills, come up with innovative measures to deal with the challenge, and solve their problems in a cost-effective way.

I say to my colleagues, let's not get caught up in hyperbole. If there are legitimate questions, there are remedies under our democracy. After 10 years of consideration, we cannot roll back these worker protections in just a few hours of debate and then continue to refer to this institution as a "deliberative body."

We might as well just get rid of OSHA entirely if we roll back this regulation. I know some of my colleagues think that is not such a bad idea, but I cannot believe a majority of my colleagues think American workers, and the institutions of government we revere, do not deserve better than what is proposed today.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator's time has expired. Who yields time?

Mr. KENNEDY. Mr. President, as I understand it, we have 2½ minutes remaining, and the remaining time will be used by the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. The Senator from South Dakota has stated it so well in the final moments of this debate. We are being urged in the Senate, at the start of this administration, to reach out our hand and try to find common ground on public policy issues. We are attempting to do that in areas of education, health care, and in many other areas. That is what we want to do with this regulation.

We would like to have the process followed where the President makes a petition in the Federal Register and then there will be an opportunity to review this rule and do it in a sensible, responsible, bipartisan way, but not to throw out 10 years of work. That is what we are asking. That is what we are requesting. That is what we think is reasonable and responsible to protect the lives and well-being of our fellow Americans.

On the other side, if they refuse to do so, they are effectively saying that the interest of the workers, primarily women, can be sacrificed on the chopping block of political expediency. That is unacceptable.

If the safety of workers is going to be compromised tonight, what will it be tomorrow? Will it be the safety of our food supply, the safety of our air, the safety of our water, the safety of our prescription drugs, the safety of medical devices, the safety of our airports? What will it be tomorrow?

This is the wrong way to proceed. We are saying let's reach out and try to work this out. Let's not cast the interest of the workers on the chopping block. I urge my colleagues to vote against this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself the remainder of our time. I ask unanimous consent, since I have listened so many times to the example of the chickens and the processing of the chickens, that the response by the Senator from Arkansas be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 6, 2001]

STRESSED POLITICS

In the final days of the Clinton Administration—and with apparently as much attention to detail as the pardon process—more than 600 pages of ergonomics regulations were hastily finalized. These regulations would force every employer to adopt a complete ergonomics program if just one "symptom" of stress is found in an employee, even if that employee developed the injury in athletics or weekend gardening.

This week, however, after 65 years of increasingly abdicating its lawmaking responsibilities to federal bureaucrats, Congress may finally assert its authority and rescind Mr. Clinton's unworkable ergonomic regulations. Forcing a rewrite of repetitive stress injury rules would not only save billions, but also shock bureaucrats into the realization that if their rule making is too sloppy or unscientific there are ways of stopping them.

The debate that begins today in the Senate was made possible by the 1996 Congressional Review Act. It allows a simple majority of both houses of Congress to reject federal regulations that have an impact of at least $100 million a year. In part because the regulations must be rescinded within 60 days of final promulgation, Congress hasn't really used the weapon. That goes some way toward showing how outrageous these last gasp Clinton ergonomics regulations must be.

Indeed, a glimpse at the details of the regulations reveals just how unreasonable they are. For instance, employers must pay for up to three doctor visits for employees complaining of repetitive stress injury and the doctor can report no information about whether the condition was caused outside the workplace. Businesswoman Tama Starr recounts other glaring problems with the regs in her nearby essay.

President Clinton's own Small business Administration estimates that the regulations will cost firms between $60 billion and $100 billion a year. But the Occupational Safety and Health Administration is nonetheless able to claim the cost would be only $4.5 billion a year by factoring in dubious projections of health care cost savings.

Believe it or not, the AFL–CIO calls repetitive stress injuries "the number one job safety injury issue in America" and is calling in its chits with Democrats by demanding they vote to uphold the regulations. As of now, Republicans have enough Democratic votes to prevail, but pressure to keep the regs is mounting. Among their most devout backers are trial lawyers, who look at ergonomic litigation as the potential Next Frontier of jackpot justice.

Today's ergonomics debate in the Senate could send a signal to both employers and employees alike that regulatory reform is possible. It also will show which of the moderate Democratic Senators who talk a good game about reducing burdens on business will vote the same way. Employers should pay close attention to how Senators Liberman, Edwards and Kerry—all of whom are potential presidential candidates—end up voting.

We have no doubt that ergonomic injuries are a growing problems in some occupations. Icing OSHA's unworkable 600 pages of regulations will still permit the Bush Administration to issue "guidelines" to prevent injuries while it rewrites the rules. Should the Congressional Review Act be triggered, for once it will be the federal bureaucracy that will have to adapt its desires to the marketplace rather than the otherway around. That alone makes today's debate and vote worth weighing in on.

Mr. ENZI. Mr. President, I ask unanimous consent that an editorial from the Chicago Tribune be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 6, 2001]

ROLL BACK THE OSHA WORK RULES

Last November, the Clinton administration did an end-run around Congress and rushed into place a set of massively costly rules to govern repetitive-stress injuries in the workplace. Member of Congress have an opportunity this week to rescind those rules and take an orderly, science-based approach to ergonomic injuries.

They should do just that.

Repetitive-stress injuries such as carpal tunnel syndrome are, no doubt, a serious problem. But the Clinton team's answer was to blame the workplace for causing them and ask questions later.

The rules effectively make employers wholly liable for injuries that employees may have suffered outside of work, but which may be aggravated by work. They override existing state workers' compensation laws, mandating higher payments for ergonomic-related complaints. In short, they amount to a simplistic—and expensive—meat-ax solution for a complex scientific puzzle that researchers still don't fully understand.

They come at a huge cost. Although the Occupational Safety and Health Administration puts the price tag on its rules at $4.5 billion, the Economic Policy Foundation gauges the cost to business at a staggering $125.6 billion.

In their lame-duck haste, the Clinton team decided not to wait for a detailed report on ergonomic injuries that had been commissioned by Congress and was being prepared by the National Academy of Sciences.

The new workplace rules took effect Jan. 16. The report—which was intended to inform any debate about such rules—was released Jan. 17.

The study provides some ammunition to both sides in this debate. It found that most common musculoskeletal disorders—accounting for 70 million visits to doctors' offices a year—are caused by work conditions as well as "non-work factors." According to the study, "the connection between the workplace and these disorders is complex, partly because of the individual characteristics of workers—such as age, gender and lifestyle."

That study should now be the focus of debate—and still can be.

The Congressional Review Act, passed in 1996, allows Congress to get rid of regulations within 60 days of the time they're issued by federal agencies. If a "resolution of disapproval" is approved by a majority in the House and Senate and signed by the president, the rules are history. The act also prohibits the regulations from being reissued in "substantially the same form."

A Senate vote could come as early as Tuesday.

It is in the best interests of employers and employees to make workplaces as safe as possible. That keeps workers healthy and saves money. But this was bad rule-making. Time for Congress to undo it.

Mr. ENZI. Mr. President, throughout the day we have heard mention of newspapers that have said using this Congressional Review Act is the right way to go, what OSHA has proposed is the wrong way to go. We had this debate in July. We said OSHA was not listening, they were proposing an ergonomics rule that would not work, and in a bipartisan way, this body adopted an amendment to an appropriations bill that said they could not do it for a year. That was to give us some time to work on it.

That passed on the other side, and then, through the conference process, it got messed up to the point where it was moot. That was passed by both bodies.

That should have been a warning to OSHA that we were concerned about the way they were doing the rule, that they were not listening to anybody. OSHA forced a flawed process, and they wound up with a flawed rule. That is rogue rulemaking, and we cannot allow it to happen.

I am so thankful that Senator NICKLES and Senator REID worked on a bill 5 years ago that makes this action possible. That was a bipartisan act to make sure that if agencies did something we did not like, especially in light of the fact that we are charged with seeing that those agencies let us pass the laws, this was our opportunity to say: You did it wrong; we are going to jerk the chain and make sure we do it right. That puts a huge responsibility on us. I do not think there is anybody in this body who does not think there is an ergonomics problem, but what we want is a solution that will help the worker, not just cost money.

This is a little book of some of the hearings my subcommittee held. We have addressed these issues. It is in part where we know for sure that OSHA did not listen. We held hearings on the things they were talking about and did not find any testimony in favor of some of the things they were proposing.

As one listened to the debate today, one would think every employer was trying to hurt their employees. If they do, they cannot stay in business; they need employees. During the course of the testimony given by the assistant director of OSHA, I was fascinated to see, since I had been in the shoe business before, that two New Balance shoe manufacturing facilities cut their workers compensation costs from $1.2 million to $89,000 per year and reduced their lost and restricted workdays from 11,000 to 549 during a 3-year period.

I had to ask the assistant director just what kind of a fine process they had to have in place to get these people to do this magnificent work. It is one of many examples. There are many examples in here of employers who have done the right thing and made huge differences to their workers, as there are examples of individuals who have been hurt by work ergonomics.

I had to ask: How much did you have to fine these New Balance shoe folks to get them to do that outstanding work?

You will not be surprised to find out that his shocked answer was: We did not have to fine them. Of course, you do not have to fine them. You have to help them find solutions. That is what this rule misses.

It does not help anybody to know exactly what to do, particularly if it is a small businessman. They have to carry around 2 pounds' worth of regulations and learn them well enough—it is not just 2 pounds; there are all those other additions to it I mentioned—they have to learn them well enough to do the job or they get fined substantially because this rule is about fines. This rule is not about helping people and the small businessmen.

The Senator from Iowa mentioned earlier he did not really know the rule that well, but then he does not have to because we cannot be fined under this. We do not have to meet these same obligations. Every small businessman in this country is going to have to know that stuff or pay the price.

We heard how 10 years of effort went into this. Every time people mention that I think about my dad interviewing people for the shoe business. One of the things he always asked was how much experience they had. A lot of times they had a lot of experience—10, 20, 30 years of experience in the shoe business. One of the things he always told me was that sometimes after he hired them he found out what they had was 1 year of experience, 30 times.

That is what they got on OSHA. Until they actually get to the point where they publish something that people can look at and evaluate, you don't have but 1 year's experience 10 times.

If it is flawed, it is still flawed. If it is a rotten tree, rotten to the core, you can't just prune it. If it has a bad foundation, you don't want to build on it. So we can't take what has been done and work on it.

Now, another comment made today is the employers have all of this power, the employer can say what is happening. Let me state what the employer can't do under this rule. If somebody gets injured, he cannot talk to the doctor and find out how he got injured and how he could be saved from it because he is not allowed to investigate that. That has always been a capability under workers compensation. The employer has always been able to find out what hurt his employee and how he could change it.

Another thing that is mentioned is this is only 8 pages of rules. I have to remind Members, whether it is 8, 400, 600 or 800—and it really is 800—it is not like filling out your tax forms. If you do a simple form, you probably only have to do 2 pages, but if you only pay attention to those 2 pages, you don't pay attention to all the pages and regulations that come with it, you are not going to get it done right. I challenge anybody to be able to fill that thing out without looking at a single reference. Again, thousands of pages.

That is what we are doing here, forcing on the American small businessman thousands and thousands of pages of work. We showed some of the formulas they have to have. I think everybody ought to have to be able to translate that formula before they vote against the Review Act tonight.

It has also been mentioned that we spent millions of dollars for the National Academy of Sciences to do studies. I have to say, some of the quotes from the National Academy of Sciences remind me of some of the things that people do with the Bible—a little bit of selective reading.

I have to say something about OSHA. We said wait. Did they wait? No, they didn't wait. Now we hear all the quotes about how the National Academy of Sciences said it is OK to do this rule. Well, read that and I don't think you will agree that the National Academy of Sciences thinks that is the proper way to go.

But remember, OSHA didn't even wait to find that out. They were so adamant, so focused on doing exactly what they wanted to do; they didn't listen to us; they didn't listen to any of our staff; they didn't listen to any of the committees. They went ahead and did what they wanted to do.

I talked about a flawed process. They paid people to testify; they brought them in and practiced them; they rewrote their testimony; they paid them to tear apart testimony. What galls me the most, they paid them to tear apart the testimony of the people testifying on the other side.

We cannot let that happen in the United States. People have to have their own right to testify without being taken on by government money.

As I mentioned, this bill was pushed by OSHA through a forced process and they wound up with a forced rule. We cannot let that rule stand. I ask Members to vote for the resolution and to vote against the OSHA rule.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—56

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The joint resolution (S.J. Res. 6) was passed, as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each. I think the distinguished Senator from Illinois is going to proceed, and then I shall return to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL SHOOTINGS AND GUN SAFETY

Mr. DURBIN. Mr. President, I rise tonight to express my deep sadness for the families and victims of yesterday's high school shooting tragedy in California.

Yesterday, Charles "Andy" Williams, a 15-year-old high school student, snapped. By all accounts, this was a child who was a frequent victim of bullies and was picked on by others at school. A troubled child is a sad reality in America today, but a troubled child with a gun is a tragedy waiting to happen.

Gun safety is not the only issue this tragedy highlights. We need to encourage adults and students to listen more carefully and take swifter action when young people make threats of gun violence. We need more counselors in our Nation's schools who can help young people deal with the pressures of growing up. But we also must prevent troubled children from obtaining firearms.

Once again, I come to the floor to renew my plea—the American people's plea—for Congress to do the right thing, to pass commonsense gun safety legislation. We can continue to throw our hands in the air, shrug our shoulders, and hope this problem will go away by itself—sadly, we know better—or we can begin to face the reality of our situation: We live in a country populated by 281 million people and an estimated 200 million firearms.

Our Consumer Product Safety Commission can regulate the design of a toy gun, to make sure it will not pinch the finger of a child, but the National Rifle Association has made sure that this same agency has no authority to regulate the safety of a real gun that could blow off a child's finger or worse.

Anyone—let me repeat, anyone—can walk into a gun show today and walk out with an unlimited supply of firearms—no documentation, no background check, no questions asked. And yet we express surprise when, year after year, our children are left defenseless as they attempt to dodge bullets at their schools. We use words such as "tragedy" and "shock" to describe the aftermath of school shootings, when we know they are foreseeable—we know they are foreseeable.

Some in this Senate have argued that the reasonable gun safety legislation we have proposed on this side of the aisle will not reduce gun violence. They said the same thing about the Brady bill, too. They were wrong then; they are wrong now.

It is not enough to wait for deaths caused by gun violence and then "enforce the law" against those who violate it. We must work to aggressively prevent gun violence before it happens, not merely enforce the law after the school shootings.

We must cut off the avenues for children to obtain firearms.

The American people are very clear on this issue, but Congress drags its feet, offering empty excuses for why we cannot pass any gun safety legislation. And what are the excuses? A background check at a gun show cannot be passed by Congress, according to the NRA, because it violates the second amendment. Requiring a child safety lock to be sold with a handgun somehow, according to the NRA, imposes an unreasonable burden on gun stores and manufacturers. A 3-day waiting period for a handgun—well, the NRA says that clearly violates our second amendment constitutional right.

This is a phony facade and a phony argument, one that continues to endanger our children in the one place in their lives they should expect to be safe at every moment—at school. In all likelihood, after the headlines on this most recent shooting will die down, this Congress will return to blissful ignorance with respect to the gun problem in America. But how many more tragedies, such as the one we have seen in California yesterday, have to happen before Congress finally takes action? How many?

Statistics from the Centers for Disease Control reveal that gun violence takes the lives of over 30,000 Americans every year, including 4,000 children. No other nation on Earth has this many gun deaths. When will this problem be big enough for Congress to care? Maybe at 35,000 deaths, 40,000, 100,000? What will it take?

I watched yesterday while this California shooting tragedy unfolded, and I couldn't help but recall Columbine. Only 2 years ago, I walked into that Cloakroom and watched the live television coverage of students and teachers running and hiding in an effort to escape open gunfire at a school in a "safe neighborhood." I remember the terror and shock on their faces. I remember the child hanging out of the window with one of his arms extended and bloody. I remember the funerals of the 12 young students and the teacher who died as a result. Almost 2 years have passed since the Columbine tragedy. Now we have another high school tragedy in another safe neighborhood, but still Congress refuses to enact sensible gun safety legislation.

Last May mothers across America celebrated Mother's Day, not by staying home with their families and cooking their favorite dish or by getting breakfast in bed. They went out and marched. They marched against gun violence. I joined them on the shore of Lake Michigan as hundreds, maybe thousands gathered to make it clear to Congressmen and Senators alike that they had had enough as mothers. They called on Congress to pass commonsense gun safety legislation. Several of my colleagues and I participated in the march. These moms are mad. They will have their day.

This is a new Congress with a 50/50 split. We found time in this new Congress to consider voiding worker safety legislation. We will find time in this Congress to deal with bankruptcy, clamping down on those who file for bankruptcy but not on the credit industry. And now, sadly, we will find time for a lot of other issues other than gun safety. We haven't heard any clamor from the other side about the need to address gun violence. Mothers are burying their children before they have a chance to raise them while this Congress stands idly by.

Commonsense gun safety legislation, that is all the American people are asking for. As yesterday's shooting tragedy in California tells us, this Congress must act and act now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that when the final order is entered this evening, the Democratic time for morning business be controlled as follows: 10 minutes each for Senators Feinstein, Feingold, and Lincoln, and 15 minutes for Senator Clinton and Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDEA FULL FUNDING

Mr. JEFFORDS. Mr. President, today may be just another day in Washington, but it is a special day in Vermont. Today is town meeting day, when towns throughout Vermont go over their budgets line by line. This includes a review of school budgets in many towns. In Vermont, where special education referrals grow at a rate of about 3.5 percent per year. With the cost of special education rising at a rate that Vermont's 287 school districts cannot sustain, the number one education issue that will be discussed at these town meetings will be Federal funding of special education. Vermonters, like so many Americans across the country, understand that these costs must be paid. All of our children, those with disabilities and those without, need and deserve the services and supports that will ensure that they meet their educational goals.

In 1975, responding to numerous Federal Court decisions involving lawsuits against a majority of the States, and growing concerns about the unconstitutional treatment of children with disabilities, Congress passed Public Law 94–142, now known as the Individuals with Disabilities Education Act. IDEA rightly guaranteed all children with disabilities a constitutionally required "free and appropriate public education." As a freshman Congressman, I was proud to sponsor that legislation and to be a member of the Conference Committee that negotiated the differences in the House and Senate bills.

In passing Public Law 94–142, Congress recognized that education is not free. We recognized that children with disabilities often require specialized services to benefit from education. Congress assumed that the average cost of educating children with disabilities was twice that of educating other children. At that time, 25 years ago, Congress authorized the Federal Government to pay up to 40 percent of the additional costs associated with educating children with disabilities. That amount—often referred to as the IDEA "full-funding" amount—is calculated by taking 40 percent of the national average per pupil expenditure, or APPE, times the number of children with disabilities being served under IDEA Part B in each state.

While some may question whether Congress made a commitment or set a goal, I am here to tell you, as someone who was there at the time, we definitely made a pledge to fully fund the Federal share of special education. Thanks to teachers and administrators, advocacy organizations, parents of children with disabilities, and the children themselves, I believe that together we have made tremendous strides in assuring that we keep that promise.

Since I became Chairman of the Health, Education, Labor, and Pensions Committee in 1997, there have been significant increases in special education funding. In fact, special education funding has increased by 174 percent since 1996. For Vermont, the Federal share has increased from $4.5 million to $13.2 million. Even with this substantial increase, the Federal Government still contributes less than 15 percent of the APPE.

Failure to live up to the commitment of Congress means that the majority of the funding for special education for 8,000 Vermont students, and 6.1 million students across the country, currently comes from the States and from local school budgets.

Last year, I led three congressional efforts to increase special education funding. In April 2000, I sponsored an amendment to the budget resolution. This amendment would have mandated that the Federal Government increase spending for special education by $2 billion each year, for 5 years. The amendment, which would have raised Federal special education funding from $5 billion per year to close to $16 billion per year, failed by three votes. In its place, the Senate approved, by a vote of 53 to 47, a substitute amendment that made my amendment a non-binding sense of the senate resolution to fully fund special education. This was definitely not the outcome I was seeking. However, it was the second time the Senate has gone on record in support of fully funding the Federal Government's share of special education costs. After two decades in which full funding of IDEA was regarded as more of a pipe dream than a commitment to be honored, Congress finally seems to be taking its obligation seriously.

Today, I am pleased to join my colleagues in introducing legislation that will provide for mandatory increases in special education funding at $2.5 billion a year for each of the next 6 years. This bipartisan effort sets the course to achieve full funding for Part B of IDEA by fiscal year 2007. The enactment of this bill will give relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities. It will free up State and local funds to be spent on such things as better pay for teachers, more professional development, richer and more diverse curricula, reducing class size, making needed renovations to buildings, and addressing other needs of individual schools. To me, passage of this bill will provide the ultimate in local educational flexibility.

Last week, Representative BURTON, Chairman of the House Committee on Government Reform, held a hearing on IDEA. Every witness that testified identified insufficient special education funding as the number one barrier that prevents schools from fully meeting the needs of children with disabilities. Every congressional Representative who attended the hearing spoke to the issue. Representative HOOLEY and Representative BASS have both introduced bills in the House to fully fund Part B of IDEA.

In 1975, we made a commitment to fully fund the Federal Government's share of special education costs. If, 25 years later, in this era of economic prosperity and unprecedented budgetary surpluses, we cannot meet this commitment, when will we keep this pledge?

School districts are demanding financial relief. Children's needs must be met. Parents expect accountability. There is no better way to touch a school, help a child, or support a family than to commit more Federal dollars for special education. Personally, I do not believe anyone can rationally argue this is not the time to fulfill our promise.

In America, education is viewed as a right. Across the country, our Governors, school boards, education professionals, and families of children with disabilities identify fully funding for special education as their number-one priority. The American people have a right to ask us, "if not now, when?" Six million American students with disabilities have a right to a free and appropriate public education. They deserve to participate in the American dream.

This issue will not go away and neither will I. I intend to do all I can to make sure we keep our promise to fully fund the Federal share of special education. As we proceed with new initiatives and requirements for schools, let us also dedicate increased Federal funds to meeting our existing obligations to children with disabilities, families, and the State and local education agencies that serve them. I believe this is the most important education issue before our Nation, and I will continue to fight for it.

Mr. HARKIN. Mr. President, I strongly support the "Helping Children Success by Fully Funding the Individuals with Disabilities Education Act, IDEA, Act." This is a bi-partisan effort to help our states provide a free and appropriate public education to children with disabilities. As I've said time and again, disability is not a partisan issue. We all share an interest in ensuring that children with disabilities and their families get a fair shake in life.

Currently, the State Grant program within IDEA receives $6.34 billion. Estimates by the Congressional Research Service suggest that the program needs to be funded at $17.1 billion for fiscal year 2002 to meet the targets established in 1975. Our amendment would obligate funding for IDEA annually in roughly $2.5 billion increments over the next six years and would put us on track to meet our goal of 40 percent funding.

In the early seventies, two landmark federal district court cases, PARC v. Commonwealth of Pennsylvania and Mills v. Board of Education of the District Court of Columbia, established that children with disabilities have a constitutional right to a free appropriate public education. In 1975, in response to these cases, Congress enacted the Education of Handicapped Children Act, EHA, the precursor to IDEA, to help states meet their constitutional obligations.

Congress enacted PL 94-142 for two reasons. First, to establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities. And, second, to help States meet their Constitutional obligations through federal funding. The Supreme Court reiterated this in Smith v. Robinson: "EHA is a comprehensive scheme set up by Congress to aid the states in complying with their constitutional obligations to provide public education for handicapped children."

It is Congress' responsibility to help States provide children with disabilities and education. That is why I strongly agree with the policy of this bill and the infusion of more money into IDEA. As Senator JEFFORDS has said before, this is a win-win for everyone. Students with disabilities will be more likely to get the public education they have a right to because school districts will have the capacity to provide such an education, without cutting into their general education budgets.

The Supreme Court's decision regarding Garret Frey of Cedar Rapids, Iowa underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, like Garret, is great.

Just last week, I heard from the Cedar Rapids/Iowa City Chamber of Commerce that more IDEA dollars will help them continue to deliver high quality educational services to children in their school districts. This bill would provide over $300 million additional dollars to Iowa over the next six years. I've heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard of hearing children and they need better mental health services and better behavioral assessments. And the additional funds will help local and area education agencies build capacity in these areas.

In 1975, IDEA authorized the maximum award per state as being the number of children served times 40 percent of the national average per pupil expenditure, known as the APPE. The formula does not guarantee 40 percent of national APPE per disabled child served; rather, it caps IDEA allotments at 40 percent of national APPE. In other words, the 40 percent figure was a goal, not a commitment.

As the then ranking minority member on the House Ed and Labor Committee, Rep. Albert Quie, explained: "I do not know in the subsequent years whether we will appropriate at those [authorized] levels or not. I think what we are doing here is laying out the goal. Ignoring other Federal priorities, we thought it acceptable if funding reaches that level."

One of the important points in the Congressman's statement is that we cannot fund IDEA grant programs at the cost of other important federal programs. That is why historically the highest appropriation for special education funding was in FY79, when allocations represented 12.5 percent APPE.

Over the last six years, however, as Ranking Member on the Labor-H Appropriations Subcommittee, I have worked with my colleagues across the aisle to almost triple the IDEA appropriation so that we're now up to almost 15 percent of the funding formula.

This bill would help us push that number to 40 percent without cutting into general education programs.

We must redouble our efforts to help school districts meet their constitutional obligations. And this increased funding will allow us to increase dollars to every program under IDEA through appropriations. Every program under IDEA must get adequate funds.

As I said, we can all agree that states should receive more money under IDEA. I thank Senator HAGEL, Senator JEFFORDS, Senator KENNEDY and Senator DODD for their leadership on this issue. I encourage my colleagues to join us in support of this bill.

RECONCILIATION AND DEFICIT REDUCTION

Mr. HOLLINGS. Mr. President, yesterday I introduced Senate Concurrent Resolution 20, a budget resolution for fiscal year 2002 that stays the course with an emphasis on paying down the national debt. The resolution creates two reserve funds for tax reduction, one if the CBO reports the economy is in a recession and the other if CBO determines we have a true surplus. The resolution does not contain any instructions to committees with regard to reconciliation.

There has been a great deal of speculation, fueled by statements made by the Senate Republican Leadership, that the reconciliation process established in the Congressional Budget Act of 1974, would be used to enact the massive $1.6 trillion tax cut proposed by the President. This is an abuse of the budget process and contrary to the original purpose of the Act which was to establish fiscal discipline within the Congress when it made decisions regarding spending and tax matters. I am the only original member of the Senate Budget Committee and have served on the Committee since its inception in 1974. In fact, I chaired the Senate Budget Committee in 1980 and managed the first reconciliation bill with Senator DOMENICI, then the ranking minority member.

It disturbs me to see how the reconciliation process, designed to reduce the debt, is now being used to rush a huge tax cut through the Congress with limited debate and little if any opportunity to amend. An examination of the legislative history surrounding passage of the 1974 Act makes it clear that the new reconciliation process was intended to expedite consideration of legislation that only reduced spending or increased revenues in order to eliminate annual budget deficits. This view was supported by over two decades of practice in which Congress used the Act to improve the fiscal health of the federal budget. If Congress insists on enacting a massive tax cut, it should consider that bill in the normal course, not through the reconciliation process which makes a mockery of the Congressional Budget Act and its intended purpose. I ask unanimous consent to have printed in the RECORD a legislative history of the Congressional Budget Act of 1974 and a history of the use of the Senate reconciliation process.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARGUMENTS AGAINST THE USE OF RECONCILIATION TO CONSIDER TAX CUT LEGISLATION

SUMMARY

I. The legislative history of the Congressional Budget Act of 1974 makes clear that the newly created reconciliation process was only intended to expedite consideration of legislation that reduced spending or increased taxes in order to eliminate annual budget deficits.

II. The authors of Congressional Budget Act of 1974 attempted to create a comprehensive new framework to improve fiscal discipline with minimum disruption to established Senate procedure and practice.

III. The provisions of the Congressional Budget Act of 1974 that provide expedited procedures to consider the budget resolution and reconciliation bills have always been construed strictly because they severely restrict the prerogatives of individual Senators.

IV. The Congressional Budget Act of 1974 has been amended numerous times to provide Congress the tools to improve fiscal discipline and over two decades of practice make clear that the reconciliation process has been used to reduce deficits.

V. The use of the reconciliation process to enact a massive tax reduction bill, absent any effort to reduce the deficit, is inconsistent with the legislative history of the Congressional Budget Act of 1974, contrary to over two decades of practice and undermines the most important traditions of the Senate.

LEGISLATIVE HISTORY OF THE CONGRESSIONAL BUDGET ACT OF 1974

The contentious battles with the Nixon White House over the control of spending in 1973 and the chronic budget deficits that occurred in 25 of the previous 32 years convinced the Congress that it needed to establish it's own budget process. The Congress enacted the Congressional Budget Act of 1974, which was considered landmark legislation and the first attempt at major reform of the budget process since 1921. Through this effort the Congress sought to increase fiscal discipline by creating an overall budget process that would enable it to control federal spending and insure federal revenues were sufficient to pay for the operation of the government. The budget reconciliation process was an optional procedure, established under the 1974 Act. From it's inception, the reconciliation process was to facilitate consideration of legislation late in the fiscal year to eliminate projected deficits by changing current law to lower federal spending or to increase federal revenues in conformance with the spending ceiling and revenue floor established in the annual budget resolution.

Any analysis of the reconciliation process must be done in the context of the crisis the Congress faced in 1973 and the legislative history surrounding passage of the bill. The national debt had grown from approximately $1 billion at the turn of the century to almost $500 billion by 1973. The Congress was confronted by a President using his impoundment authority as a budget cutting device and to assert his own priorities on spending. In a message to Congress on July 26, 1973, President Nixon requested the enactment of a $250 billion ceiling on fiscal 1973 expenditures. The request was renewed later in the year in conjunction with legislation to raise the temporary debt limit. Congress rejected the proposed spending ceiling because it would have surrendered to the President its constitutional responsibility to determine national spending. However, Congress recognized the need for permanent spending control procedures and in Section 301(b) of Public Law 92-599 it established a joint committee to review—

> * * * the procedures which should be adopted by the Congress for the purpose of improving congressional control of the budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of anticipated revenues for that year.

From the beginning there was concern that any new budget process not impede the traditional role of the committees that had jurisdiction over these matters nor dramatically change the way each house of Congress conducted it's business. Consequently, 28 of the 32 members of the Joint Study committee came from the committees on Finance, Ways and Means and from the Appropriations Committee of both houses. The Joint Committees issued a final report on April 18, 1973 which was the starting point for the Senate Committee on Governmental Operations and the House Rules Committee in their work on the 1974 Act.

The sixteen members of the House that participated in the Joint Study Committee introduced H.R. 7130, the Budget Control Act of 1973, on April 18, 1973. The bill contained a simple reconciliation process and authorized a year end tax surcharge bill to increase taxes if the actual deficit was greater than projected or the actual surplus for that fiscal year was less than projected. The legislation provided for a narrowly targeted tax bill that would increase revenues sufficient to bring them in line with spending. H.R. 7130 was reported by the House Rules Committee on November 20, 1973 with a substitute amendment which modified the section on tax reconciliation and added a new section to create a reconciliation bill to rescind appropriations. The trigger for reconciliation was simplified in the reported version of the bill which required rescission of appropriated funds if actual spending was greater than the spending aggregate in the resolution and, or a tax surcharge bill if actual revenues were less than the revenue aggregates in the resolution. It was a minimalist approach to bring spending into compliance for that year with the budget resolution by rescinding funds appropriated earlier that year or by enacting a simple tax surcharge bill for receipts shortfalls.

The House Rules Committee Report described the reconciliation process as follows:

> The September 15 concurrent resolution (and any permissible revision) would be considered under the same rules and procedures applicable to the initial budget resolution. This final budget resolution would reaffirm or revise the figures set forth in the first budget resolution and in so doing would take account of the actions previously taken by Congress in enacting appropriations and other spending measures. The final budget resolution may call upon the Appropriations Committees to report legislation rescinding or amending appropriations or the House Ways and Means and Senate Finance Committees to report legislation adjusting tax rates or the public debt limit. Congress may not adjourn until it has adopted the final budget resolution and any required implementing legislation.
>
> Such implementing legislation would be contained in a budget reconciliation bill to be reported by the House Appropriations Committee. If the total new budget authority contained in the appropriation bills or the budget outlays resulting from them are in excess of the totals set forth in the final budget resolution, the Appropriations Committee would include rescissions or amendments to the appropriations bills in its budget reconciliation bill. This reconciliation bill would contain a provision raising revenues to be reported by the House Ways and Means Committee if estimated Federal revenues are less than the appropriate level of revenues set in the final budget resolution. (House Report 93-658, p. 40)

The Section by Section analysis of the bill in the House Rules Committee Report was more explicit:

> *Sec. 133. Budget reconciliation bill to be reported in certain cases*
>
> This section requires the House Appropriations Committee to report a budget reconciliation bill (containing any necessary rescissions or amendments to the annual appropriations bill for the fiscal year involved) if the total budget authority or budget outlays provided by such bills exceeds the applicable level established by the final budget resolution.
>
> *Sec. 134. Budget reconciliation bill to include tax measure in certain cases.*
>
> The section requires the House Ways and Means Committee to report (as a separate title in the budget reconciliation bill) a tax measure to raise the additional revenue needed if the estimated revenues for the fiscal year involved are less than those set forth in the final budget resolution. (House Report 93-658, p. 8).

The House Rules Committee rejected many of the most restrictive provisions in the bill as introduced and enunciated five principles that guided its consideration of the bill in Committee. The following excerpt from the House Committee Report demonstrates how important it was to the committee to craft a bill that improved fiscal discipline without riding roughshod over the prerogatives of members and dramatically altering the way in which the House and Senate functioned:

> Your committee decided to remove these restrictive procedures and yet devise an alternative that accomplishes the important need for budget control. Our work has been guided by a number of principles.
>
> First has been the commitment to find a workable process. Not everything that carries the label of a legislative budget can be made to work. If the 1947-49 debacle is not to be repeated, the new process must be in accord with the realities of congressional budgeting. The complicated floor procedures contained in the Joint Study Committee bill have been eliminated because they would inhibit the proper functioning of Congress.
>
> Second, budget reform must not become an instrument for preventing Congress from expressing its will on spending policy. The original bill would have ruled out many floor amendments, it would have also stunted the free consolidation of appropriation measures, it would have bound Congress to unusual and oppressive rules, and it would have given one-third of the Members the power to thwart a majority's effort to revise or waive such rules. Points of order could have been raised at many stages of the process and legitimate legislation initiatives would have been blocked. The constant objective of budget reform should be to make Congress informed about and responsible for its budget actions, not to take away its powers to act.
>
> Third, budget reform must not be used to concentrate the spending power in a few hands. All members must have ample opportunity to express their views and to vote on budget matters. On few matters is open and unfettered debate as vital as the budget which determines the fate of national programs and interest. While it may be necessary to establish new budget committees to coordinate the revenue and spending sides of the budget, these committees must not be given extraordinary power in the making of budget policies.
>
> Fourth, the congressional budget must operate in tandem with and not override the well-established appropriations process. Through its power of appropriation, Congress is able to maintain control over spending. The power has been exercised responsibly and effectively over the years and it should not be diluted by the imposition of a new layer of procedures. The purpose of the budget reform should be to link the spending decisions in a manner that gives Congress the opportunity to express overall fiscal policy and to assess the relative worth of major functions.
>
> Fifth, the budget controls procedures should deviate only the necessary minimum from the procedures used for the preparation and consideration of other legislation. Undue complexity could only mean the discrediting of any new reform drive. While we must not err with the simplistic approach taken in

1947–49, neither must we load the congressional budget process with needless and questionable details. (House Report 93–658, p. 29)

Senator Sam Ervin, Chairman of the Senate Government Operations Committee introduced S. 1541, to provide for the reform of congressional procedures with respect to the enactment of fiscal measures on April 11, 1973. In explaining the need for the legislation Senator Ervin stated:

"The congressional procedures with respect to spending the taxpayer's dollar are, to say the least, in dire need of a major overhaul, and have been for quite some time. Since 1960, Federal spending has tripled, the inflation rate has tripled, the dollar outflow abroad has quadrupled, and the dollar has been devalued twice—the first such devaluation since 1933, in the heart of the Great Depression. It has been 52 years since Congress has done anything about shaping its basic tolls for controlling Federal expenditures. The Budget and Accounting Act of 1921 was the last major reform of the congressional budgetary procedure, yet we are now spending nearly 100 times what we were spending yearly in the 1920's." (Congressional Record, April 11, 1973, p. 7074)

While S. 1541, as introduced, contained no reconciliation procedures, the bill reported by the Senate Government Operations Committee on November 28, 1973 included a somewhat convoluted enforcement process that relied on the rescission of appropriated funds and if that could not be accomplished, across the board cuts in spending. The bill as reported, summarized the reconciliation process as follows:

Reconciliation process: determination of the total of the appropriations enacted; in the event budget resolution ceilings are exceeded, reductions in certain of the appropriations should Congress desire in order to conform to the budget resolution; consideration and adoption of a second budget resolution should Congress desire to spend at levels in excess of the original ceilings established earlier; adjustments in certain appropriations to conform to the latest budget resolution; in the event of impasse on any of the foregoing steps, a pro rata reduction of all appropriations to conform the ceilings enacted in the latest budget resolution. (Senate Report 93–579 p. 17)

The Senate bill was subsequently referred to the Senate Rules Committee on November 30, 1973. Senator Robert C. Byrd, the Assistant Minority Leader and a member of the Rules Committee assembled a working group that made extensive revisions to the bill reported by the Senate Government Operations Committee. The group consisted of representatives of the Chairmen of the ten standing committees of the Senate, four joint committees, the House Appropriations Committee, the Congressional Research Service, and the Office of Senate Legislative Counsel. The Senate Rules Committee sought a more practical approach that minimized the impact on existing Senate procedure and practice. The Senate Rules Committee Report stated:

"The amendment in the nature of a substitute formulated by the Committee on Rules and Administration retains the basic purposes and framework of the bill. However, it makes a number of changes designed to tailor the new budgetary roles and relationships more closely to the existing methods and procedures of the Congress. The intent remains to equip Congress with the capability for determining Federal budget and priorities. However, the Committee sought to devise a balanced and workable process that recognizes the impact of budget reform on committee jurisdictions, legislative workloads, and floor procedures." (Senate Report 93–688 p. 4)

This is consistent with the view of the Senate Government Operations Committee which had reported the bill earlier that Congress. The Government Operations Committee Report stated:

"The changes proposed by the Committee, are, for the most part, designed to add a new and comprehensive budgetary framework to the existing decision making processes, with minimum disruption to established methods and procedures." (Senate Report 93–579 p. 15)

The Rules Committee explicitly rejected a reconciliation process that relied solely on rescission of appropriated fund to eliminate deficit spending. Section 310 of the reported bill authorized the Budget Committee (1) to specify the total amount by which new budget authority for such fiscal year contained in laws under the jurisdiction of the various committees was to be changed and to direct each committee to recommend such changes in law, (2) if that is unfeasible, direct that all budget authority be changed on a pro rata basis (3) specify the total amount by which revenues are to be changed and to direct the Finance Committee to recommend such changes and (4) specify the amount which the statutory limit on public debt was to be changed. The bill reported by the Senate Rules Committee broadened the application of reconciliation to all committees, not just appropriations. It required that all committees with jurisdiction over direct spending be required to participate in budget reductions and allowed for the inclusion of tax measures to eliminate budget deficits. The Rules Committee report specifically identified revenue shortfalls as a major contributor to budget deficits. Approximately one and one-half pages were devoted to a discussion of revenue shortfalls in the two page description of the reconciliation process. The following is an excerpt from the report describing reconciliation and emphasizes the importance the committee attached to examining the tax base and increasing revenues when necessary:

Perhaps the most significant weakness in the bill referred to the Committee was the failure to give sufficient attention to the revenue aspect of Congressional budgeting. This is not surprising in light of the fact that criticisms of Congressional spending provided the principal impetus to the development of this legislation. But it is a serious omission when the source of the large Federal deficit (in the years preceding the creation of the Joint Study Committee on Budget Control) is more clearly identified.

On closer inspection, this large and unexpected addition to the debt—which some observers believe contributed to the inflationary pressures—resulted largely from the revenue side of the balance sheet, and not from higher spending. The difference between budget estimates and actual receipts for those three years is $27.7 billion, or 65% of the difference between estimated and actual deficits.

These three years are typical only in that there were three consecutive shortfalls in revenue. Moreover, for each year, the administration submitted a later estimate, which was even further from the actual results that the original budget estimate. The typical overestimate or underestimate for a given year is not far different from those for 1970–1972. And, for fiscal policy purposes, an error in either direction may be equally significant.

Difference between revenue estimates and actual receipts can, of course, be explained by several factors. One is the failure of the economy to perform at predicted levels. But there are cases where the estimates were wide of the mark, even when the economic forecasts were relatively accurate. There is also the action of Congress in not following the President's recommendations to increase taxes, or in reducing taxes when he has not proposed it. In any case, it is clear that a sound congressional budget policy cannot be based on the assumption that control of spending levels is sufficient to achieve desirable economic results. (Senate Report 93–688 p. 868–9)

During floor consideration of S. 1541, the Senate adopted the amendment proposed by the Senate Rules Committee, in lieu of that of the Senate Government Operations Committee. The House and Senate passed their respective bills without amendment to the reconciliation proceedings reported by the House and Senate Rules Committees. The Senate incorporated its amendment into H.R. 7130, and went to conference on the House bill. The conference committee reported the bill and retained much of the Senate language regarding the scope of reconciliation with the exception of the provision authorizing pro rata reductions in spending bills. While the reconciliation process has evolved since 1974, Section 310(a) of the Act regarding the scope of reconciliation has not changed significantly. The conference report was adopted overwhelmingly by both houses and signed into law to become Public Law 93–44.

The conference committee on H.R. 7130 adopted the Senate's language regarding the scope of reconciliation and included in the statement of managers a scant summary of the new process. It was not necessary to elaborate since both the House and Senate Rules Committees were explicit in their reports that reconciliation was to be used at the end of the fiscal year to reduce spending or increase taxes in order to eliminate budget deficits. It is inconceivable, given the legislative history of the 1974 Act and the budget crisis confronting the Congress, that the conferences would create an expedited process to either reduce taxes or increase spending. Under the Act, Congress was required to adopt two budget resolutions. Congress would pass its first budget resolution at the beginning of the session that would provide non-binding targets and create the budgetary framework for the appropriations and other spending bills. Subsequently, Congress would pass the necessary spending bills. Congress was then required to pass a second budget resolution no later than September 15 which could be enforced by reconciliation allowing the Congress to consider a bill or resolution to bring spending and revenue into compliance with the second resolution.

In addition to a reconciliation bill, the conference committee created an alternative reconciliation process that authorized the delay in the enrollment of previously passed appropriation and entitlement bills until the amounts were reconciled with the budget resolution. The reconciliation resolution would direct the Secretary of the Senate or the Clerk of the House to correct the enrollment of previously passed bills prior to submitting them to the President for signature. This optional reconciliation process, added in conference strongly suggests that the conference were not trying to expand the scope of reconciliation, but instead were looking for a quick way to make minor, last minute, changes to previously passed legislation in order to avoid budget deficits during the last two weeks of the fiscal year.

THE ABUSE OF THE RECONCILIATION PROCESS

The Congressional Budget Act of 1974 was intended to provide a process that complemented existing House and Senate rules not supplant them. There is ample support in the House and Senate Committee reports for the proposition that the authors of the Act wanted to minimize conflict with existing proceedings. There has been a constant tension between expediting the consideration of the budget and maintaining the important rights members enjoy under the Senate rules and precedents. The hallmark of Senate procedure is the ability of members to engage freely in debate, to offer amendments and the thread that ties all Senate procedure is the importance placed on preserving the rights of any minority in the Senate. This, and this alone, is what distinguishes Senate procedure from that of the House of Representatives and forces Democrats and Republicans to come to a consensus when considering major policy matters. Since the reconciliation bill would be considered late in the session and would be narrow in scope providing expedited procedures which severely limit debate and the ability to amend seemed like a reasonable trade off in 1974.

The Congressional Budget Act has been amended numerous times since 1974 in a continuing effort to impose greater fiscal discipline on budgetary matters. Congress has abandoned the practice of adopting a second budget resolution and now passes one binding resolution that can include reconciliation instructions if necessary. Additional enforcement mechanisms have been added that can be employed during the fiscal year when considering tax and spending bills that should have made it less likely that Congress would need to act at the end of the year to reconcile the fiscal goals contained in the budget resolution with the legislation it passes during the year.

Just the opposite has occurred and Congressional leaders soon realized that reconciliation could not be used to make major changes in revenue and direct spending laws because of the compressed time for debate and the severe restrictions imposed on individual Senators. Despite the continued reforms and the improving fiscal health of the federal budget, there is still a strong interest in enacting, through expedited procedures, major legislation that has nothing to do with the deficit reduction. Because of procedural protections, reconciliation bills have proven to be almost irresistible vehicles for Senators to move all types of legislation.

This abuse of the reconciliation process has been rectified in the past by Congress collectively insisting that the Senate's traditions be maintained. In 1981, the Senate Budget Committee reported a reconciliation bill, S. 1371, the Omnibus Reconciliation Act of 1981, which contained hundreds of pages of authorization provisions that had no impact on the deficit. The bill was viewed by the Senate authorizing committees as a convenient vehicle to pass numerous authorizations, many of which could not be passed as free standing bills. Both Republicans and Democrats viewed this as an abuse of the reconciliation process. Then Majority Leader Howard Baker called up and adopted an amendment which was co-sponsored by Minority Leader Robert C. Byrd, and the Chairman and Ranking Minority Member of the Budget Committee, Senators Domenici and Hollings which struck significant parts of the bill. The following is a colloquy during debate on the amendment:

Mr. BAKER. Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as a institution . . . I believe that including such extraneous provisions in a reconciliation bill would be harmful to the character of the U.S. Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights. It would evade the letter and spirit of rule XXII.

It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practice. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith with the Senate's historical uniqueness as a form for the exercise of minority and individual rights.”

Mr. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the U.S. Senate.

The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.

The reconciliation bill, if it includes such extraneous matters, would diminish the value of rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one, with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally unfettered process of debate and amendment, because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope. (Congressional Record, June 22, 1981, P. S6664-66)

The traditions and precedents of the Senate were adhered to during consideration of President Reagan's tax and spending cut proposals in 1981. Appropriately, Congress used the reconciliation procedures to implement the spending cuts contained in the Omnibus Budget Reconciliation Act of 1981. However, the President's tax cuts were brought before the Senate as a free-standing bill. More than one hundred amendments were debated and disposed of in twelve days of debate.

On October 24, 1985, the Senate debated and adopted the Byrd Rule by a vote of 96-0, as an amendment to the Consolidated Omnibus Budget Reconciliation Act of 1985. The rule was expanded in an effort to further limit the scope of the reconciliation process to deficit reduction and became Section 313 of the Congressional Budget Act. The following are excerpts from the debate on the amendment:

Mr. BYRD. Mr. President, the Senate is a deliberative body, and the reconciliation process is not a deliberative process. It (is) not a deliberative process. Such an extraordinary process, if abused, could destroy the Senates deliberative nature. Senate committees are creatures of the Senate, and, as such, should not be in the position of dictating to the Senate as is being done here. By including material not in their jurisdiction or matter which they choose not to report as separate legislation to avail themselves of the non deliberative reconciliation process, Senate committees violate the compact which created both them and the reconciliation process.

* * * * *

Mr. DOMENICI. Mr. President, as I was saying, I commend the distinguished minority leader. Frankly, as the Chairman of the Budget Committee, I am aware of how beneficial reconciliation can be to deficit reduction. But I am also totally aware of what can happen when we choose to use this kind of process to basically get around the Rules of the Senate as to limiting debate. Clearly, unlimited debate is the prerogative of the Senate that is greatly modified under this process.

I have grown to understand that this institution, while it has a lot of shortcomings, has some qualities that are rather exceptional. One of those is the fact it is an extremely free institution, that we are free to offer amendments, that we are free to take as much time as this U.S. Senate will let us to debate and have those issues thoroughly understood both here and across this country. (Congressional Record, October 24, 1985, p. S14032-37)

On October 13, 1989, the Senate exercised a stringent application of the Byrd Rule. Majority Leader Mitchell, on behalf of himself, and Minority Leader Robert Dole, offered a leadership amendment to strike extraneous provisions from the reconciliation bill, S. 1750. The amendment went further than the text of the Byrd Rule in order to limit the scope of the bill to deficit reduction matters. The debate follows:

Mr. MITCHELL. Mr. President, the purpose and effect of this amendment may be summed up in a single sentence. The purpose of the reconciliation process is to reduce the deficit.

The amendment is lengthy, consisting of many pages, words and numbers, but it has that fundamental objective. As I said when I addressed the Senate a week ago Thursday, the reconciliation process has in recent years gone awry. The special procedures included in the Budget Act as a way of facilitating deficit reduction items became a magnet to other legislation which is unrelated to the objective of reducing the deficit.

Mr. DOMENICI. There are a few things about the U.S. Senate that people understand to be very, very significant. One is that you have the right, a rather broad right, the most significant right, among all parliamentary bodies in the world to amend freely on the floor. The other is the right to debate and to filibuster.

When the Budget Act was drafted, the reconciliation procedure was crafted very carefully. It was intended to be used rather carefully because, in essence, Mr. President, it vitiated those two significant characteristics of this place that many have grown to respect and admire. Some think it is a marvelous institution of democracy, and if you lose those two qualities, you just about turn this U.S. Senate into the U.S. House of Representatives or other parliamentary body. (Congressional Record, October 13, 1989, p. S13349-56)

In recent years, the use of reconciliation has changed. The procedural protections of the reconciliation process are not being used to enact stand alone legislation that simply reduces taxes. In 1996, the FY 1997 budget resolution contained reconciliation instructions to create three separate reconciliation bills that if enacted would have resulted in a net reduction in the deficit. The House and

Senate committees were authorized to report three separate bills, one to reduce Medicaid costs through welfare reform, the second to reduce Medicare costs and the third to reduce taxes. Democratic Leader Daschle argued that this was an abuse of process because it directed the Finance Committee to reconcile several subject matter specific spending bills and for the first time contained instructions to reconcile a stand alone tax reduction bill. The conferees knew that consideration of a tax reduction bill in reconciliation was a great departure from past practices and the statement of managers accompanying the conference report justified it by arguing that the reconciliation tax cut bill was one of three reconciliation bills when taken together would still provide overall deficit reduction. The report states: "while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit, but result in a balanced budget by 2002."

However, during floor debate on the FY 1997 budget resolution, Senate Budget Committee Chairman Domenici went far beyond the justification for tax cuts contained in the conference report and argued that a 1975 incident involving Senator Russell Long, supported what seemed to be a novel idea in 1996, that reconciliation was not intended solely for deficit reduction and could be used to enact tax cuts. A year after the 1974 Act was passed, Senate Finance Committee Chairman Russell Long came to the floor and announced that a small $6 billion bill to reduce taxes was a reconciliation bill, even though there was never any reference to reconciliation as the Finance Committee moved the bill through the Senate. In fact, the budget resolution was passed six months after the tax bill in question had passed the House and been referred to the Senate Finance Committee. Note the exchange that took place between Senator Muskie, the Chairman of the Senate Budget Committee and Senator Vance Hartke regarding the use of this new process:

Mr. HARTKE. In other words, the chairman of the Committee on the Budget has made an assumption that this is a reconciliation bill.

Mr. MUSKIE. No, may I say, the chairman of the Committee on Finance has told me it is a reconciliation bill.

Mr. HARTKE. The chairman of the Finance Committee can make a statement, but that does not make it the situation. The Committee on Finance has not acted upon this being a reconciliation bill. There is no record of its being a reconciliation bill; there is no mention of it in the report as being a reconciliation bill. Therefore, I think a point of order would not be well in regard to any amendment, because it is not a reconciliation bill. This is a tax reduction bill. I can see where the Senator may assume, but it is an assumption which is not based on a fact.

* * * * *

Mr. HARTKE. I am not chasing my tail. I will point out, very simply, that in my judgment, this is a case where two Senators have gotten together and agreed that this is a reconciliation bill and there is nothing in the record to show that it is a reconciliation bill. (Congressional Record, December 15, 1975, p. ?)

This 1975 incident was ignored and not relied upon until 1996, during consideration of the FY 1997 budget resolution when it was used by the Republican Leadership to prop up the argument for a stand alone tax reduction bill in reconciliation. Prior to that, it was viewed as an aberration that occurred at a time when Congress was trying to figure out how to implement the new Budget Act. The 1975 incident was never viewed as a valid precedent on reconciliation, since it basically contradicted two decades of practice where the sole focus of reconciliation has been deficit reduction. The Chairman and Ranking Member of the Senate Budget Committee, Senators Hollings and Domenici did not give any credence to the 1975 incident when they announced in 1980 that the budget resolution under consideration that year, would be the first time Congress attempted to use the reconciliation process provided in the Budget Act. Senator Hollings, then the Chairman of the Senate Budget Committee made the following statement.

"Today, we will take another step in the practical application of the Budget Act's design. The reconciliation procedure has never before been employed. The action we take today will set an important precedent for making the budget stick." (Congressional Record, June 30, 1980)

Senator Domenici concurred with his Chairman and made the following statement:

"Mr. President, I rise today to support the reconciliation bill that is now before the Senate. This is an historic moment, both for the institution and for the budget process that this institution devised for itself in 1974. The first attempt to use the reconciliation provisions in the Budget Act was made last fall on the second budget resolution for fiscal year 1980." (Congressional Record, June 30, 1980)

In addition, Congress passed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act in 1985 which further clarified the scope of reconciliation and made moot, any arguments that the 1975 incident opened the door to a broader application of reconciliation. Section 310(d) was added to the Congressional Budget Act to severely restrict amendments to reconciliation bills that did not have the affect of reducing the deficit. The language of Section 310(d)(2) is as follows:

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (in such fiscal years) in the reconciliation instructions . . . or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution. . . .

While the provision limits floor amendments, the clear inference when read in the context of the overall section is that reconciliation dealt only with decreasing spending or increasing taxes and any amendment offered during reconciliation had to have an offset so as not to thwart deficit reduction.

In 1966, during consideration of the FY 1997 budget resolution, Democratic Leader Daschle made several inquiries of the Chair and the responses by the Presiding Officer could be used to argue for a broader application in the use of reconciliation. However, the point of order raised against the budget resolution by Senator Daschle, the ruling of the Chair and the subsequent appeal, all of which carry much more weight in Senate procedure, were quite narrow and allowed this precedent to be distinguished in order to preserve the integrity of the reconciliation process. The point of order raised by the Democratic Leader, given the particular reconciliation instructions at issue can be summarized as follows: It is inappropriate to consider a stand alone reconciliation bill to cut taxes, even if the net impact of the three reconciliation bills taken together reduced the deficit. The point of order raised by the Democratic Leader was not sustained and the appeal of the ruling by the full Senate was not successful. Note the point of order and the ruling of the Chair.

Mr. DASCHLE. I argue that, because it creates a budget reconciliation bill devoted solely to worsening the deficit, it should no longer deserve the limitations on debate of a budget resolution. Therefore, I raise a point of order that, for these reasons, the pending resolution is not a budget resolution.

The PRESIDING OFFICER. All right. The Chair will rule that the resolution is appropriate and the point of order is not sustained. (Congressional Record, May 21, 1996, p. S5415–7)

The Senate's decision in 1996 to use reconciliation to consider a stand alone tax cut bill, even in the context of overall deficit reduction, was a major departure from the past practice and over two decades of experience in applying the Act. The 1996 precedent can and must be distinguished from recent efforts to use reconciliation to enact tax cuts where there is absolutely no attempt at deficit reduction. The procedural issues raised by using the reconciliation process to enact tax reductions, absent an overall effort to reduce the deficit, have not yet been joined by the Senate and remain an open question.

While the reconciliation instructions of the FY 1997 budget resolution taken as a whole arguably met the intended deficit reduction goals, recent reconciliation instructions have completely perverted the intent of the 1974 Act. In 1999, the reconciliation process was used by the Republican leadership to allow for a $792 billion tax cut to be brought to the Senate floor. Unlike the FY 1997 budget resolution, no argument was made that the tax cut would actually lead to increased revenues or spending reductions. It was the first time that reconciliation instructions were issued and a revenue bill reported pursuant to those instructions, mandated a worsening of fiscal discipline for the federal government. Again, in 2000, reconciliation was used to limit consideration of a major tax cut proposal that had nothing to do with deficit reduction.

There has been a great deal of speculation, fueled by the Senate Republican Leadership, that President Bush's tax plan will be brought to the Senate floor with reconciliation protections. It is expected the legislation will provide for at least $1.6 trillion and perhaps as much as $2.6 trillion in tax cuts over 10 years. The legislation is not expected to contain any reductions in spending and the result of the proposed tax bill will be a worsening the fiscal position of the federal government. If Congress provides sufficient room in the FY2002 budget resolution to enact tax reductions there is absolutely no reason to consider the bill in reconciliation, except to completely preclude the minority from participating in fashioning the bill.

The Senate is at a point, as it was in the 1980's, when the use of reconciliation to enact legislation unrelated to deficit reduction, threatens to undermine the most important traditions and precedents of the Senate and make a mockery of the congressional budget process. In a recent article entitled, "Budget Battles, Government by Reconciliation," in the National Journal on January 9, 2001, the author, Mr. Stan Collender, an expert on the federal budget process, who served as senior staff member of the House Budget Committee in the 1970's states:

> ". . . At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process. Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues."

THE FUTURE OF PROJECT IMPACT

Mr. EDWARDS. Mr. President, I rise today to express my disappointment in President Bush's decision to discontinue funding for the Federal Emergency Management Agency's Project Impact.

Project Impact is a nationwide public-private partnership designed to help communities become more disaster resistant. Each year, Congress appropriates literally billions of dollars in disaster relief money. Project Impact is our only program that provides financial incentives and support to State and local governments that want to mitigate the damage of future disasters.

Project Impact involves all sectors of the community in developing a mitigation plan that meets that community's unique needs. One of the program's pilot projects is in Wilmington, NC. In that coastal community, the city government has teamed with the State and county government and private groups like Lowe's Hardware Store to retrofit schools and shelters to make them less vulnerable to the frequent hurricanes that plague my State. The University of North Carolina at Wilmington also provides support for the city's efforts. That is the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development.

Project Impact is a relatively new program, but it has already shown important results. In his recent budget submission to Congress, the President described Project Impact as "ineffective." I strongly disagree, and there are community leaders around the Nation that would take exemption to this description. For example, one of the first Project Impact communities was Seattle, WA. Experts agree that without the area's mitigation efforts spurred by Project Impact, the damage from last week's earthquake could have been much worse.

We cannot stop a hurricane, an earthquake, or a tornado. But we can save precious lives and limited Federal resources by encouraging States and local governments to take preventative measures to mitigate the damage. By discontinuing funding for Project Impact, this administration will severely undercut ongoing mitigation programs in all 50 States. Most importantly, by discontinuing this program rather than working to refine it, the administration sends a dangerous signal to States and local governments that the Federal Government no longer supports their efforts.

I call on President Bush to reassess the benefits of this program and include it in his final budget he sends to Congress. For the nearly 300 Project Impact communities that are working to make their communities safer, fully funding Project Impact is the least we can do.

ADDITIONAL STATEMENTS

ONE OF DELAWARE AND THE NATION'S FINEST

• Mr. BIDEN. Mr. President, Delaware, officially called "the First State" is sometimes called, "the Diamond State" and "the Small Wonder" because of the amazing quality Delawareans bring and have brought to this Nation. One of the gems in the Diamond State is a company hidden near the center in the small town of Frederica, DE. That company is "ILC Dover." ILC is best known as the sole designer, developer, and manufacturer of the Apollo and Shuttle Space Suits.

The man who has outfitted America's astronauts for 40 years and helped make manned space flight possible—serving the past 17 years as president and general manager of ILC—is retiring. Homer Reihm, better known to his friends and co-workers as "Sonny," is a local legend. It was Sonny Reihm who was ILC's program manager for the Apollo program on July 20, 1969, when Neil Armstrong wore ILC's space suit on the Moon.

ILC has continued to be true to its space heritage by making the suits worn by astronauts in the Shuttle and Space Station missions. As America has gone further into space, so has ILC, most recently by producing the Pathfinder Airbags that landed on Mars on July 4, 1997. In 1998, in recognition of ILC's history of excellence in the service of America's space missions, Sonny Reihm accepted NASA's top quality award—known as the George Low award—honoring ILC's 100 percent mission success in planetary and space environments.

While Mr. Reihm's career has paralleled the NASA space program, under his leadership ILC has gone much farther to produce important advances for the military including the M-40 series protective masks used by our soldiers since the end of Desert Storm, the Demilitarized Protective Ensemble, Aircrew protective mask systems, collective protection Chem-Bio shelters, and lighter-than-air Aerostats used for monitoring and detection. ILC has leveraged these initiatives into commercial applications of protective suits, flexible containment devices for the Pharmaceutical industry, and advertising airships like the blimps seen so often at ball games.

Sonny Reihm is a Delawarean through and through. He was born and raised on a farm in the Middletown/Odessa/Townsend area of Delaware. He graduated from the University of Delaware in 1960. Upon graduation, he joined ILC as a project engineer when ILC was bidding on the Apollo program. After leading the effort to successfully field the Apollo Space Suit, Mr. Reihm became the general manager of ILC in 1975. His mandate was to diversify the company to survive the post-Apollo mission, while still holding true to ILC's tradition of serving America with its unique technical knowledge. Almost ten years later, in 1984, after meeting the diversification challenge, Sonny became President and general manager of ILC. From 1975 to today, he helped build ILC from a 25-employee corporation, to a major business player in our State and Nation. With 450 employees today, ILC continues to provide needed innovations for NASA, for the military, and for other American businesses.

As outstanding as it has been, Sonny Reihm's business success is only one portion of his larger commitment to public service. He has served local and national communities throughout his life through his involvement in the University of Delaware Board of Trustees, the Delaware Manufacturing Association, the National Defense Industrial Association, the Soldier Biological Chemical Command Acquisition Reform Initiatives, the USO in Delaware, and the United Way.

On a more personal note, I am proud to call Sonny and his wife Nancy dear friends. After his long, prodigious—indeed astronomic—career, Sonny has earned many years of enjoyment in his retirement with his wife, two daughters and grandchildren. He exemplifies the commitment to excellence and the national good that make Delaware the Small Wonder and keep this Nation strong. It is my honor today to salute him and his many years of business and community service.•

THE ELEVENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today is the 11th annual National Sportsmanship Day, a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. Participation this year will include more than 12,000 schools in all 50 States and more than 101 countries.

This year, organizers of the National Sportsmanship Day aim to promote appreciation for the critical role of ethics and fair play in athletics, and indeed, in society in general, through student-athlete outreach programs. I believe this mission is of critical importance, and I commend the athletes, coaches, journalists, students, and educators who are engaged in today's activities.

As part of the day's celebration, the Institute selects Sports Ethics Fellows who have demonstrated "highly ethical behavior in athletics and society." This year, the Institute will honor such renowned athletes as Mia Hamm, member of the U.S. national soccer team and Washington Freedom of the Women's United Soccer Association; Sergei Fedorov, three-time All-Star with the Detroit Red Wings; and Lenny Krayzelburg, three-time gold medal U.S. Olympic swimmer. Grant Hill, a past Sports Ethics Fellow and five-time All-Star with the Orlando Magic, will talk about the importance of fair play both on and off the court to approximately 700 students at Rolling Hills elementary School in Orlando, FL.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

If all those activities were not enough, the Institute has begun another avenue to promote understanding and good character for youngsters. A program called "The No Swear Zone" was instituted in 1998 to encourage teams and coaches to sign a pledge to stop the use of profanity in sports and everyday life.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who are participating in the events of this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last eleven years have made this program so successful.•

NATIONAL SPORTSMANSHIP DAY—MARCH 6, 2001

• Mr. REED. Mr. President, today is the 11th Annual National Sportsmanship Day, which is a unique program that champions sportsmanship and enhances student leadership and academic skills. The object of the 2001 National Sportsmanship Day is to promote appreciation for the critical role of ethics and honesty in athletics and society through student-athlete outreach programs, writing and art contests, coaches' forums and other activities aimed at furthering the principles of sportsmanship.

National Sportsmanship Day was founded at the University of Rhode Island in 1991. Today, more than 12,000 elementary, middle, and high schools, as well as colleges and universities in all 50 States and over 100 countries will participate in the events planned to help instill in young people the importance of playing fair and the value of hard work and discipline. The Institute of Sport is also proud that National Sportsmanship Day will be webcast over the Internet. Through online interaction with featured guests, exclusive interviews, and sportsmanship polls, this event will harness the power and expanse of the World Wide Web to reach students and supporters here and around the world.

The organizers of National Sportsmanship Day have gathered some of the best of our nation's sportsmen and women to serve as 2001 Sports Ethics Fellows. By sharing their remarkable accomplishments athletes Grant Hill of the Orlando Magic, soccer great Mia Hamm, Sergei Fedorov of the Detroit Red Wings, and 2000 Olympic Gold Medalist Lenny Krayzelburg, among others, will help encourage young athletes to strive and succeed by the rules of fair play. And in so doing, these gifted athletic heroes will inspire today's athletes to impart on future athletes the lessons of good sportsmanship.

Also part of this event and in its third year is a program called "The No Swear Zone," which is a pledge that can be signed by athletes and coaches to stop the use of profanity in sports and everyday life. Further, in conjunction with National Sportsmanship Day, the Institute for International Sport will launch the Center for Sports Parenting. This online center will provide an interactive service where parents, coaches, educators, and team officials involved in youth sports can seek guidance on youth sports. Indeed, it is equally important for adults involved in youth athletics to teach and lead in the spirit of sportsmanship.

Sportsmanship needs to be taught to each successive generation, and I commend the Institute of Sport and all this year's participants for making sure that this valuable life lesson continues to lead the way on and off the field.•

IN HONOR OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS 2001 STATE HONOREES FOR PENNSYLVANIA

• Mr. SANTORUM. Mr. President, I stand before you today to recognize two outstanding students from the great Commonwealth of Pennsylvania. Ms. Lindsay Stewart of Windber and Mr. Alexander Gates of Palmyra have just been named State Honorees in The 2001 Prudential Spirit of Community Awards program. This program honors one high school student and one middle-level student in each state for outstanding acts of volunteerism. They were selected from nearly 23,000 who were considered for this year's program.

Ms. Stewart was nominated by Forest Hills High School where she is a senior, for her creation of the "Humanitarian Club." This club is dedicated to providing information about chemical brain disorders, and promoting tolerance of understanding of individuals who suffer from them. Inspired by an aunt afflicted with schizophrenia, Lindsay wanted to educate others about mental illnesses. During the past three years of her program, more than 300 people have experienced and learned from Lindsay's Humanitarian Club programs.

Mr. Gates is an eighth grader at Palmyra Area Middle School, where he led an effort to erect a monument commemorating Palmyra-area veterans who were killed in wartime military service. Alexander's design included a six-foot obelisk inspired by his grandfather, who is a World War II veteran. He raised $8,250 to build the monument by selling granite bricks that would be inscribed with contributors' names and placed around the base of the memorial. Alexander included an inscription on the obelisk that reads, "This monument honors the spirit of self-sacrifice which is necessary for the survival of a community. It honors those members of the community who paid the ultimate price so we can live in a free and just country."

I enthusiastically applaud Ms. Stewart and Mr. Gates for their initiative in seeking to make our communities better places to live, and for the positive impact they have had on the lives of others. It is at times like these, when I am given the opportunity to see the young people of our great nation make such a substantial difference, that I am so proud to be an American. Lindsay and Alexander have displayed great maturity, leadership, and most importantly, patriotism. With young people like them growing as leaders in our communities, we can be assured that the future of the United States is very bright. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104-114, 110 Stat. 785, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2001.*

REPORT ON THE 2001 TRADE POLICY AGENDA AND THE 2000 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C 2213), I transmit herewith the 2001 Trade Policy Agenda and 2000 Annual Report on the Trade Agreements Program.

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EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-908. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plan; Allocation of Assets in Single-Employer Plan; Interest Assumptions for Valuing and Paying Benefits" received on March 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-909. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, "Electronic Funds Transfers" (Docket No. R-1077) received on March 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-910. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application Processing" (RIN1550-AB14) received on March 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-911. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "T.D. 8944: Grouping Rule for Foreign Sales Corporation Transfer Pricing" (RIN1545-AX41) received on March 2, 2001; to the Committee on Finance.

EC-912. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Colorado" (FRL6951-1) received on March 2, 2001; to the Committee on Environment and Public Works.

EC-913. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the California Red-Legged Frog" (RIN1018-AG32) received on March 2, 2001; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-2. A petition from a citizen from the Commonwealth of Virginia concerning the Redress of Grievance; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. BAYH, and Mr. SMITH of Oregon):

S. 458. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. BREAUX):

S. 459. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Finance.

By Mr. WELLSTONE:

S. 460. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST:

S. 461. A bill to support educational partnerships, focusing on mathematics, science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 462. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. FEINGOLD):

S. 463. A bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 464. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

By Mr. ALLARD:

S. 465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED):

S. 466. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 467. A bill to provide grants for States to adopt the Federal write-in absentee ballot and to amend the Uniformed and Overseas Citizens Absentee Voting Act to require uniform treatment by States of Federal write-in absentee ballots; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. 468. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building"; to the Committee on Environment and Public Works.

By Mr. EDWARDS:

S. 469. A bill to provide assistance to States for the purpose of improving schools through the use of Assistance Teams; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 470. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mrs. CLINTON, and Mr. DODD):

S. 471. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 44. A resolution designating each of March 2001, and March 2002, as "Arts Education Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 154

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 255

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 295

At the request of Mr. KERRY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 306

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 319, a bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity .

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Tennessee (Mr. FRIST), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Colorado (Mr. ALLARD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 414

At the request of Mr. CLELAND, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 420

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 420, an original bill to amend title II, United States Code, and for other purposes.

S. 457

At the request of Ms. SNOWE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nevada (Mr. REID), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 457, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S.J. RES. 6

At the request of Mr. ROBERTS, his name was added as a cosponsor of S.J. Res. 6, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

At the request of Mr. BUNNING, his name was added as a cosponsor of S.J. Res. 6, supra.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 43

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as "National Inhalants and Poisons Awareness Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 460. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, today I am reintroducing a bill I introduced last year that addresses high stakes testing: the practice of using a test as the sole determinant of whether a student will be graduated, promoted or placed in different ability groupings. I am increasingly concerned that high stakes tests are being grossly abused in the name of greater accountability, and almost always to the serious detriment of our children.

Testing is necessary and beneficial. We should require it. But, allowing the continued misuse of high-stakes tests is, in itself, a gross failure of imagination, a failure both of educators and of policymakers, who persistently refuse to provide the educational resources necessary to guarantee an equally rich educational experience for all our children. That all citizens will be given an equal start through a sound education is one of the most basic, promised rights of our democracy. Our chronic refusal as a nation to guarantee that right for all children, including poor children, is a national disgrace.

This legislation would stem the growing trend of misusing high stakes tests. The legislation would require that states and districts use multiple indicators of student achievement in addition to standardized tests if they are going to use tests as part of a high stakes decision. The legislation would also require that if tests are used, they must be valid and reliable for the purposes for which they are used; must measure what the student was taught; and must provide appropriate accommodations for students with limited English proficiency and disabilities.

It is important to note that the American Psychological Association, the group entrusted with developing the standards for educational testing, has endorsed this legislation. Like many Americans who care deeply that our students are assessed appropriately, they feel that it is crucial for us to stem a tide that it becoming increasingly problematic.

I would like to explain exactly why this bill would be so important and why I seek your support for it. I am struck by National Education Association President Bob Chase's comparison of this trend toward high stakes testing to the movie, "Field of Dreams." In my view, it is as though people are saying, "If we test them, they will perform." In too many places, testing, which is a critical part of systemic educational accountability, has ceased its purpose of measuring educational and school improvement and has become synonymous with it.

Making students accountable for test scores works well on a bumper sticker, and it allows many politicians to look good by saying that they will not tolerate failure. But it represents a hollow promise. Far from improving education, high stakes testing marks a major retreat from fairness, from accuracy, from quality and from equity.

When used correctly, standardized tests are critical for diagnosing inequality and for identifying where we need improvement. They enable us to measure achievement across groups of students so that we can help ensure that states and districts are held accountable for improving the achievement of all students regardless of race, income, gender, limited English proficiency or disability. Tests are a critical tool, but they are not a panacea.

The abuse of tests for high stakes purposes has subverted the benefits tests can bring. Using a single standardized test as the sole determinant for promotion, tracking, ability grouping and graduation is not fair and has not fostered greater equality or opportunity for students. First, standardized tests can not sufficiently validly or reliably assess what students know to make high stakes decisions about them.

The 1999 National Research Council report, "High Stakes," concludes that "no single test score can be considered a definitive measure of a student's knowledge," and that "an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score."

The "Standards for Educational and Psychological Testing," 1999 Edition, which has served as the standard for test developers and users for decades, asserts that: "In educational settings, a decision or a characterization that will have a major impact on a student should not be made on the basis of a single test score."

Even test publishers, including Harcourt Brace, CTB McGraw Hill, Riverside and ETS, consistently warn against this practice. For example, Riverside Publishing asserts in the "Interpretive Guide for School Administrators" for the Iowa Test of Basic Skills, "Many of the common misuses, of standardized tests, stem from depending on a single test score to make a decision about a student or class of students."

CTB McGraw Hill writes that "A variety of tests, or multiple measures, is necessary to tell educators what students know and can do . . . the multiple measures approach to assessment is the keystone to valid, reliable, fair information about student achievement."

There are many reasons tests cannot be relied upon as the sole determinant in making high stakes decisions about students. The National Research Council describes how these tests can be unreliable. The Council concludes that "a student's test score can be expected to vary across different versions of a test, . . . as a function of the particular sample questions asked and/or transitory factors, such as the student's health on the day of the test. Thus, no single test score can be considered a definitive measure of a student's knowledge."

The research of David Rogosa at Stanford University shows how test scores are not valid, in isolation, to make judgements about individual achievement. His study of California's Stanford 9 National Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score are only 30 percent in reading and 42 percent on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test "the chances, . . . that two students with identical "real achievement" will score more than 10 percentile points apart on the same test" is 57 percent for 9th graders and 42 percent on the fourth grade reading test. This margin of error shows why it would not be fair to use a cut-score in making a high stakes decision about a child.

Robert Rayborn, who directs Harcourt's Stanford 9 program in California reenforced these findings when asked about the Stanford 9. He said, "They should never make high-stakes individual decisions with a single measure of any kind," including the Stanford 9.

Politicians and policy makers who continue to push for high stakes tests and educators who continue to use them in the face of this knowledge have closed their eyes to clearly set professional and scientific standards. They demand responsibility and high standards of students and schools while they let themselves get away with defying the most basic standards of the education profession.

It would be irresponsible if a parent or a teacher used a manufactured product on children in a way that the manufacturer says is unsafe. Why do we then honor and declare "accountable" policy makers and politicians who use tests on children in a way that the test manufacturers have said is effectively unsafe?

Many of my colleagues will remember how 8,600 students in New York City were mistakenly held in summer school because their tests were graded incorrectly or how 54 students in Minnesota were denied their diplomas because of a test scoring error.

When we talk about responsibility, what could be more irresponsible than using an invalid or unreliable measure as the sole determinant of something so important as high school graduation or in-school promotion?

It has been clearly established through research that high stakes tests for individual students, when used in isolation, are fatally flawed. I would, however, also like to address a general issue that this bill does not address directly, but that I think is really what all of this is about in the end. The trend towards high stakes testing represents a harsh agenda that holds children responsible for our own failure to invest in their future and in their achievement. I firmly believe that it is grossly unfair, for example, to hold back a student based on a standardized test if that student has not had the tools required to learn the material covered on the test. When we impose high stakes tests on an educational system where there are, as Jonathan Kozol says, "savage inequalities," and then we do nothing to address the underlying causes of those inequalities, we set up children to fail.

People talk about using tests to motivate students to do well and using tests to ensure that we close the achievement gap. This kind of talk is unfair because it tells only part of the story. We cannot close the achievement gap until we close the gap in investment between poor and rich schools no matter how "motivated" some students are. We know what these key investments are: quality teaching, parental involvement, and early childhood education, to name just a few.

But instead of doing what we know will work, and instead of taking responsibility as policy makers to invest in improving students' lives, we place the responsibility squarely on children. It is simply negligent to force children to pass a test and expect that the poorest children, who face every disadvantage, will be able to do as well as those who have every advantage.

When we do this, we hold children responsible for our own inaction and unwillingness to live up to our own promises and our own obligations. We confuse their failure with our own. This is a harsh agenda indeed, for America's children.

All of us in politics like to get our picture taken with children. We never miss a "photo op." We all like to say that "children are our future." We are all for children until it comes time to make the investment. Too often, despite the talk, when it comes to making the investment in the lives of our children, we come up a dollar short.

Noted civil rights activist Fannie Lou Hamer used to say, "I'm sick and tired of being sick and tired." Well I'm sick and tired of symbolic politics. When we say we are for children, we ought to be committed to invest in the health, skills and intellect of our children. We are not going to achieve our goals on a tin cup budget. Unless we make a real commitment and fully fund key programs like Head Start, Title I and IDEA, and unless we put our money where our mouth is, children will continue to fail.

We must never stop demanding that children do their best. We must never stop holding schools accountable. Measures of student performance can include standardized tests, but only when coupled with other measures of achievement, more substantive education reforms and a much fuller, sustained investment in schools.

By Mr. FRIST:

S. 461. A bill to support educational partnerships, focusing on mathematics, science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the Math and Science Education Partnership Act. This bill will encourage States, institutions of higher education, elementary schools and secondary schools to work together to improve the math and science teaching as a profession.

The purpose of this act is many fold. Through partnering schools with higher education institutions, the bill proposes to encourage institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers. Such partnerships will bring together math and science teachers in elementary schools and secondary schools with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries and other resources that colleges and universities are more able to provide.

The bill authorizes the Secretary of the Department of Education to award competitive grants to eligible partnerships for a period of 5 years. The partnerships will include a state, a math or science department of an institution of higher education, and a local school district. A priority will be given to those districts with a high poverty rate and a high number of teachers teaching out of their subject area.

A partnership may use the grant funds to develop more rigorous mathematics and science curricula based on standards, to recruit math and science majors to teaching through bonuses, stipends for alternative certification and scholarships, and to establish math and science summer workshops for teachers. Each eligible partnership receiving a grant under this Act must develop an evaluation and accountability plan that includes the following objectives and measures: improved student performance on state math and science assessments or on the Third International Math and Science Study assessment; increased participation by students in advanced courses in math and science; increased percentages of secondary school classes in math and science taught by teachers with majors in math and science; increased numbers of math and science teachers who participate in content-based professional development activities; and passing rates of students in advanced courses in math and science.

Each partnership will be required to report the progress made toward these objectives to the Secretary annually. The Secretary will then determine whether or not the partnership is making substantial progress in meeting its goals. I urge my fellow colleagues to cosponsor the Math and Science Education Partnership Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mathematics and Science Education Partnership and Teacher Recruitment Act of 2001".

SEC. 2. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

(1) upgrade the status and stature of math and science teaching as a profession by encouraging institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

(2) focus on education of math and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

(3) bring together elementary school and secondary school math and science teachers with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries, and other resources that colleges and universities are more able to provide; and

(4) develop more rigorous mathematics and science curricula that are aligned and intended to prepare students for postsecondary study in mathematics and science.

SEC. 3. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply for purposes of this Act in the same manner as they apply for purposes of the Elementary and Secondary Education Act of 1965.

(b) OTHER DEFINITIONS.—In this Act:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that—

(A) shall include—

(i) a State educational agency;

(ii) a mathematics or science department of an institution of higher education; and

(iii) a local educational agency; and

(B) may include—

(i) another institution of higher education or the teacher training department of such institution;

(ii) another local educational agency, or an elementary school or secondary school;

(iii) a business; or

(iv) a nonprofit organization of demonstrated effectiveness, including a museum.

(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term "high need local educational agency" has the meaning given the term in section 201(b) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)).

(3) SUMMER WORKSHOP OR INSTITUTE.—The term "summer workshop or institute" means a workshop or institute conducted outside of the academic year that—

(A) is conducted during a period of a minimum of 2 weeks;

(B) provides for direct interaction between students and faculty; and

(C) provides for followup training in the classroom during the academic year for a period of a minimum of 3 days, which shall not be required to be consecutive, except that—

(i) if the program at the summer workshop or institute is for a period of only 2 weeks, the followup training shall be for a period of more than 3 days; and

(ii) for teachers in rural school districts, followup training through the Internet may be used.

SEC. 4. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in section 6.

(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the costs of the activities assisted under this Act shall be—

(A) 75 percent of the costs for the first year an eligible partnership receives a grant payment under this Act;

(B) 65 percent of the costs for the second such year; and

(C) 50 percent of the costs for each of the third, fourth, and fifth such years.

(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of activities assisted under this Act may be provided in cash or in kind, fairly evaluated.

SEC. 5. APPLICATION.

(a) IN GENERAL.—Each eligible partnership desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Each such application shall include—

(1) an assessment of the teacher quality and professional development needs of all the entities participating in the eligible partnership with respect to the teaching and learning of mathematics and science, including a statement as to whether the eligible partnership includes a high need local educational agency;

(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State and local standards and with other educational reform activities that promote student achievement in mathematics and science;

(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of mathematics and science instruction; and

(4) a description of—

(A) how the eligible partnership will carry out the authorized activities described in section 6; and

(B) the eligible partnership's evaluation and accountability plan described in section 7.

(c) PRIORITY.—The Secretary shall give priority to any application submitted by an eligible partnership that includes a high need local educational agency.

SEC. 6. AUTHORIZED ACTIVITIES.

An eligible partnership shall use the grant funds provided under this Act for 1 or more of the following activities related to elementary schools or secondary schools:

(1) Developing or redesigning more rigorous mathematics and science curricula that are aligned and intended to foster college placement and preparation for postsecondary study in mathematics and science.

(2) Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of mathematics and science teachers.

(3) Recruiting mathematics and science majors to the teaching profession through the use of—

(A) signing bonuses and performance bonuses for mathematics and science teachers;

(B) stipends for mathematics teachers and science teachers for certification through alternative routes;

(C) scholarships for teachers to pursue advanced course work in mathematics and science;

(D) scholarships for students with academic majors in mathematics and science; and

(E) carrying out any other program that the State believes to be effective in recruiting individuals with strong mathematics or science backgrounds into the teaching profession.

(4) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable research-based teaching methods into the curriculum.

(5) Establishing mathematics and science summer workshops or institutes and followup training for teachers, using curricula that are experiment-oriented, content-based, and grounded in current research.

(6) Establishing web-based instructional materials for mathematics and science teachers using curricula that are, experiment-oriented, content-based, and grounded in current research.

(7) Designing programs to prepare a teacher to provide professional development instruction to other teachers within the participating teacher's school.

(8) Designing programs to bring teachers into contact with working scientists, mathematicians, and engineers to increase teachers' content knowledge and enhance teachers' instructional techniques.

(9) Designing programs focusing on changing behaviors and practices of teachers to assist novice teachers in developing confidence in their skills to increase the likelihood that such novice teachers will continue in the teaching profession, and to generally improve the quality of teaching.

SEC. 7. EVALUATION AND ACCOUNTABILITY PLAN.

Each eligible partnership receiving a grant under this Act shall develop an evaluation and accountability plan for activities assisted under this Act that includes strong performance objectives. The plan shall include objectives and measures for—

(1) improved student performance on State mathematics and science assessments or on the Third International Math and Science Study assessment;

(2) increased participation by students in advanced courses in mathematics and science;

(3) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively;

(4) increased numbers of mathematics and science teachers who participate in content-based professional development activities; and

(5) increased passing rates of students in advanced courses in mathematics and science.

SEC. 8. REPORT; REVOCATION OF GRANT.

(a) REPORT.—Each eligible partnership receiving a grant under this Act shall report annually to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in section 7.

(b) REVOCATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in section 7 by the end of the third year of a grant under this Act, then the grant payments shall not be made for the fourth and fifth year of the grant.

SEC. 9. CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.

In carrying out the activities authorized by this Act, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops or institutes provided by the mathematics and science partnerships to improve mathematics and science teaching in the elementary schools and secondary schools.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

By Mr. KYL:

S. 462. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today to introduce legislation that will provide new educational options to the students who need those options the most.

While many Americans are satisfied with the public schools available to their children, we know that there are also many who are not, and with good reason.

In large urban school districts, a majority of students drop out before high school graduation. Nearly 70 percent are unable to read at the so-called "basic" level. And all too frequently, violence and entrenched mediocrity create a climate where learning is actually discouraged.

No wonder caring parents in such circumstances want alternatives.

We have seen compelling evidence of the pent-up demand for different options when private organizations have invited low-income parents to apply for partial scholarships that could be used at a non-public school.

Usually, these private scholarship programs are structured in such a way that, to be eligible for an award, a low-income family must agree to contribute a significant portion of the total tuition bill.

The results are striking: In 1997, two distinguished business leaders, Ted Forstmann and John Walton invited applications for one thousand partial tuition scholarships from families here in the District of Columbia. Nearly eight thousand applications were received.

In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships. 1.25 million applications were received.

No less impressive than the numbers are the testimonials offered by parents who have been pleading for better options.

One mother said the following about her experience: "We would not be able to afford this without your help. Our daughter is really excited to be learning spelling and grammar, which was not being taught in public school. She's an aspiring writer and thinks this is great. My son has autism, and his new school had more services in place for him on the first day of school, without me even asking, than we've been able to pull out of the public school in six years! They both love their new schools and are doing well."

Here's another mother's testimony: I am so excited that my son has been chosen to receive a scholarship . . . One evening I sat on my bed and cried because I really wanted him to attend a private school but I know that I cannot afford all of the tuition. Therefore your scholarship fund was my only hope."

Yet another mother wrote, "I cannot begin to tell you how grateful I am for this opportunity to send my children to a private school. As a low-income mother of four wonderful children with great potential, I would not be able to provide this chance for them without your help.

This particular mother goes on to say, "I have chosen," I cannot put enough stress on that word, "chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future."

Mr. President, in 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options. They instituted a state tax credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations, like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students, nearly all of them from disadvantaged backgrounds, have received scholarship assistance that has made it possible for them to enroll in a school of their choice. The number of school tuition organizations operating in the state has shot up from 2 to 33.

The legislation I am introducing today would extend this Arizona idea nation-wide, and I am pleased that my Arizona colleague, Congressman JOHN SHADEGG, will introduce this legislation this week in the House of Representatives.

By way of tribute to President Bush's more comprehensive education proposal, I have given this bill the title, "The Leave No Child Behind Tax Credit Act of 2001."

The Leave No Child Behind Tax Credit Act would allow a family or business to claim a $250 tax credit for donations to qualified school tuition organizations. To qualify for that designation, an organization would have to devote at least 90 percent of its annual income to offering grants and scholarships for parents to use to send their children to the school of their choice.

Scholarships awarded by such organizations could be used to offset tuition costs at a private school, or to pay the tuition costs families in most states must pay to enroll a child in a public school across district boundaries.

This measure would move us toward an education policy that recognizes the vital importance of parental choice.

It also recognizes and encourages the efforts that have been undertaken by public-spirited private citizens to find non-governmental solutions to the serious challenge of improving education in our country. These activists embody the vision set forth by President Bush in his inaugural address, the vision of responsible citizens building communities of service and a nation of character.

Moreover, when parents are able to decide for themselves how to go about securing one of life's most vital goods, namely, education for their children, rather than having such decisions made for them by a bureaucracy, they become, in President Bush's memorable terms, citizens, not subjects.

I believe that this legislation will help them to do that, and I am very pleased to introduce it today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leave No Child Behind Tax Credit Act of 2001".

SEC. 2. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $250 ($500, in the case of a joint return).

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

"(2) SCHOOL TUITION ORGANIZATION.—

"(A) IN GENERAL.—The term 'school tuition organization' means any organization described in section 170(c)(2) if the annual disbursements of the organization for elementary and secondary school scholarships are normally not less than 90 percent of the sum of such organization's annual gross income and contributions and gifts.

"(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term 'elementary and secondary school scholarship' means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 30B. Credit for contributions to charitable organizations which provide scholarships for students attending elementary and secondary schools.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mrs. FEINSTEIN (for herself and Mr. FEINGOLD):

S. 463. A bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, since the beginning of the AIDS epidemic, more than 17 million people in sub-Saharan Africa, one half the population of California, have died from AIDS.

To begin to address this catastrophe, Senator FEINGOLD and I introduced an Amendment to the Africa Growth and Opportunity Act that would have helped ensure access to generic AIDS drugs for nations in sub-Saharan Africa ravaged by the HIV/AIDS pandemic.

Despite the fact that this amendment was approved by the Senate, it was stricken from the final Africa Trade Conference Report.

Subsequently, the Clinton Administration issued an Executive Order that ensured that the countries of sub-Saharan Africa could provide their people with affordable HIV/AIDS drugs.

And, two weeks ago, I am pleased to note, the Bush Administration indicated that it would not seek to overturn this Executive Order.

Now, Senator FEINGOLD and I have developed the "Global Access to AIDS Treatment Act of 2001" which, among other provisions: Codifies the Executive Order into law; Directs that the law must apply to the 48 nations of sub-Saharan Africa; and expands the scope of the law to cover all developing nations facing a catastrophic AIDS crisis.

Unless the United States takes a leadership role in recognizing, as does the WTO TRIPS agreement, that there is a moral obligation to put people over profits, the human devastation and social instability that has already begun in countries facing an AIDS crisis will grow to unfathomable levels.

Until recently, many people have been unaware of the depth of the global loss being caused by this epidemic.

The HIV virus has infected over 36 million people worldwide, with over 95 percent of those infected living outside of the United States.

Over 21.8 million people have died from HIV/AIDS world-wide since the beginning of the epidemic, 3 million in 2000 alone.

In sub-Saharan Africa, where 70 percent of all deaths from HIV/AIDS have occurred, 17 million people, as I said before, have died from HIV/AIDS since the epidemic began, and 2.4 million in the year 2000.

To address this pandemic, Senator FEINGOLD and I have developed legislation to address the crisis. This legislation does the following:

First, this legislation directs the U.S. Government to refrain from seeking the revision of any law, imposed by a government of a developing nation facing an AIDS crisis, that promotes access to HIV/AIDS pharmaceuticals and medical technologies.

This will ensure that HIV/AIDS drugs are more affordable and more available to those most in need.

Second, this legislation authorizes $25 million a year for programs to develop and strengthen health care infrastructure in developing countries.

Third, the legislation calls upon the World Health Organization and UNAIDS to take the lead in organizing efficient procurement of compulsory licenses of pharmaceutical patents, active ingredients of drugs, and finished medications for countries that require this assistance.

Fourth, this legislation calls on the National Institutes of Health, NIH, and the Centers for Disease Control and Prevention, CDC, to work with developing countries and international service providers to develop best practices for delivering pharmaceuticals to those who need them.

Fifth, this legislation requires the Food and Drug Administration, FDA, and NIH to develop and maintain a database for information on drugs, patent status, and treatment protocols to assist health-care providers from around the globe in providing the best care possible to all patients.

And finally, this legislation provides $1 million a year to encourage American physicians, nurses, physician assistants, nurse practitioners, public health workers, pharmacists, and other health professionals to provide HIV/AIDS care and treatment in developing countries.

This legislation will allow countries facing an HIV/AIDS crisis to better determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

It is clearly in the national interest of the United States to prevent the further spread of HIV/AIDS, and I believe that this legislation is necessary to continue to assist the countries of the developing world to bring this deadly disease under control.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Access to AIDS Treatment Act of 2001".

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the HIV/AIDS pandemic began, it has claimed 21,800,000 lives.

(2) Over 17,000,000 men, women, and children, have died due to AIDS in sub-Saharan Africa alone.

(3) Over 36,000,000 people are infected with the HIV virus today. Over 25,000,000 live in sub-Saharan Africa.

(4) By 2010, approximately 40,000,000 children worldwide will have lost one or both of their parents to HIV/AIDS.

(5) Access to effective treatment for HIV/AIDS is determined by issues of price, health system infrastructure, and sustainable financing.

(6) In January 2000, the National Intelligence Council released an intelligence estimate that framed the HIV/AIDS pandemic as a security threat, noting the relationship between the disease and political and economic instability.

(7) The overriding priority for responding to the HIV/AIDS crisis should be to emphasize and encourage prevention.

(8) An effective response to the HIV/AIDS pandemic must also involve assistance to stimulate the development of health service delivery infrastructure in affected States.

(9) An effective United States response to the HIV/AIDS crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease.

(10) The innovative capacity of the United States in the commercial and public pharmaceutical research sectors is unmatched in the world, and the participation of both these sectors will be a critical element in any successful strategy to respond to the global HIV/AIDS crisis.

(b) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that the United States will not seek, through negotiation or otherwise, the revocation or revision of intellectual property or competition laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS or the most common opportunistic infections that accompany HIV/AIDS in any foreign country undergoing an HIV/AIDS-related public health crisis if the laws or policies of that foreign country—

(1) promote access to the pharmaceuticals or medical technologies for affected populations; and

(2) provide intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in paragraph (15) of section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate—

(1) to encourage the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to carry out HIV/AIDS activities in foreign countries that are undergoing an HIV/AIDS-related public health crisis, including activities that are consistent with the policy described in section 2(b); and

(2) that the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) should lead the international organization of the manufacture and distribution of pharmaceuticals or medical technologies for HIV/AIDS, including the global registration of products and the organization of the efficient procurement of compulsory licenses, active ingredients, and finished products for foreign countries that require such assistance.

SEC. 4. PARALLEL IMPORTING AND COMPULSORY LICENSING.

Section 182(d)(4) of the Trade Act of 1974 (19 U.S.C. 2242(d)(4)) is amended—

(1) by striking "A foreign" and inserting "(A) Except as provided in subparagraph (A), a foreign"; and

(2) by adding at the end the following:

"(B)(i) With respect to a foreign country that is undergoing an HIV/AIDS-related public health crisis and that is propounding or implementing laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS, or the most common opportunistic infections that accompany HIV/AIDS, subparagraph (A) shall not apply to such country with respect to such pharmaceuticals and technologies.

"(ii) With respect to a foreign country described in clause (i), if the laws or policies of that country promote access to the pharmaceuticals or medical technologies described in such clause for affected populations within the country or within other countries undergoing an HIV/AIDS-related public health crisis, compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act shall be construed to provide adequate and effective protection of intellectual property rights for the purposes of this Act, and the President shall instruct the United States Trade Representative not to seek, through negotiation or otherwise, the revocation or revision of such laws or policies."; and

"(C) For purposes of this paragraph, the term 'foreign country that is undergoing an HIV/AIDS-related public health crisis' means any of the 48 foreign countries of sub-Saharan Africa, and any additional country determined to be undergoing such a crisis by the President.".

SEC. 5. DEVELOPMENT OF TREATMENT PROTOCOLS.

(a) In General.—The Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention shall, in collaboration with the entities described in subsection (b), conduct a needs-assessment and develop and implement simplified and adapted protocols for the delivery of HIV/AIDS treatments in the resource poor settings of the developing world.

(b) Collaborative Entities.—The entities described in this subsection are—

(1) the Administrator of the United States Agency for International Development;

(2) developing foreign countries that face HIV/AIDS health care crises; and

(3) appropriate international organizations.

SEC. 6. HEALTH CARE INFRASTRUCTURE DEVELOPMENT.

(a) In General.—The Secretary of Health and Human Services, acting through the Administrator of the United States Agency for International Development, shall—

(1) develop and implement programs to strengthen and broaden health care systems infrastructure, and the capacity of health care systems in developing foreign countries to deliver HIV/AIDS pharmaceuticals;

(2) provide assistance to foreign countries that the Administrator determines are ready to implement anti-retro viral treatment programs with respect to HIV/AIDS; and

(3) provide assistance to improve access to medical education, including nursing education, in foreign countries that are severely affected by the HIV/AIDS virus.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for each fiscal year.

SEC. 7. INTERNATIONAL DATABASE OF HIV/AIDS PHARMACEUTICALS.

The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, shall develop and maintain a database of HIV/AIDS pharmaceuticals. Such database shall include information about patent status, recommended protocols, price, and quality.

SEC. 8. LOAN FORGIVENESS PROGRAM FOR INTERNATIONAL HIV/PHARMACEUTICAL WORK.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

"PART G—INTERNATIONAL ASSISTANCE

"SEC. 2695. FOREIGN HIV/AIDS ASSISTANCE LOAN REPAYMENT PROGRAM.

"(a) Establishment.—The Secretary shall establish a program to be known as the Foreign HIV/AIDS Assistance Loan Repayment Program to encourage physicians, nurses, physician assistants, pharmacists, nurse practitioners, others trained in the field of public health, and other health professionals determined appropriate by the Secretary to provide HIV/AIDS treatment and care in developing foreign countries.

"(b) Eligibility.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1) have a degree in medicine, osteopathic medicine, or other health profession, or be registered or certified as a nurse or physician assistant; and

"(2) submit to the Secretary an application for a contract described in subsection (f) (relating to the payment by the Secretary of the educational loans of the individual in consideration of the individual serving for a period of obligated service).

"(c) Application, Contract, and Information Requirements.—

"(1) Summary and information.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information respecting meeting a service obligation through private practice under an agreement under subsection (f) and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program.

"(2) Understandability.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) Availability.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(4) Recruitment and retention.—

"(A) In general.—The Secretary shall distribute to health professions schools materials providing information on the Loan Repayment Program and shall encourage the schools to disseminate the materials to the students of the schools.

"(B) Retention.—In the case of any health professional whose period of obligated service under the Loan Repayment Program is nearing completion, the Secretary shall encourage the individual to remain in a developing foreign country and to continue providing HIV/AIDS-related services.

"(d) Considerations with Respect to Contracts.—

"(1) In general.—In providing contracts under the Loan Repayment Program—

"(A) the Secretary shall consider the extent of the demonstrated interest of the applicants for the contracts in providing HIV/AIDS-related services; and

"(B) may consider such other factors regarding the applicants as the Secretary determines to be relevant to selecting qualified individuals to participate in such Program, such as relevant HIV/AIDS-related or international health work or volunteer experiences.

"(2) Priority.—In providing contracts under the Loan Repayment Program, the Secretary shall give priority—

"(A) to any application for such a contract submitted by an individual whose training is in a health profession or specialty determined by the Secretary to be needed; and

"(B) to any application for such a contract submitted by an individual who has (and whose spouse, if any, has) characteristics that increase the probability that the individual will continue to serve in a developing foreign country after the period of obligated service pursuant to subsection (f) is completed.

"(e) Approval Required for Participation.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

"(f) Contents of Contracts.—The written contract between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual loans in accordance with subsection (g) or to defer payment on such loans; and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual or a deferment in payments; and

"(ii) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a provider of HIV/AIDS-related health services in a developing foreign country;

"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual;

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments or deferments under this section;

"(4) a statement of the damages to which the United States is entitled for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(g) Payments or Deferments.—

"(1) In general.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the graduate education of the individual, or the deferment of repayments on such loans, which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay or defer up to $5,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay or defer for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in a developing foreign country with the greatest such shortages; and

"(iii) provides an incentive with respect to the health professional involved remaining in a developing foreign country, and continuing to provide HIV/AIDS-related services, after the completion of the period of obligated service under the Loan Repayment Program.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments or deferments under this subsection on behalf of an individual—

"(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments or deferments.

"(h) REPORTS.—Not later than March 1 of each year, the Secretary shall submit to the Congress a report providing, with respect to the preceding fiscal year—

"(1) the total amount of loan payments or deferments made under the Loan Repayment Program;

"(2) the number of applications filed under this section;

"(3) the number, and type of health profession training, of individuals receiving loan repayments or deferments under such Program;

"(4) the educational institucion at which such individuals received their training;

"(5) the total amount of the indebtedness of such individuals for educational loans as of the date on which the individuals become participants in such Program;

"(6) the number of years of obligated service specified for such individuals in the initial contracts under subsection (f), and, in the case of individuals whose period of such service has been completed, the total number of years for which the individuals provided HIV/AIDS-related services in a developing foreign country (including any extensions made for purposes of paragraph (2) of such subsection);

"(7)(A) the number, and type of health professions training, of such individuals who have breached the contract under subsection (f); and

"(B) with respect to such individuals—

"(i) the educational institutions with respect to which payments or deferments have been made or were to be made under the contract;

"(ii) the amounts for which the individuals are liable to the United States;

"(iii) the extent of payment by the individuals of such amounts; and

"(iv) if known, the basis for the decision of the individuals to breach the contract under subsection (f); and

"(8) the effectiveness of the Secretary in recruiting health professionals to participate in the Loan Repayment Program, and in encouraging and assisting such professionals with respect to providing HIV/AIDS-related services in developing foreign countries after the completion of the period of obligated service under such Program.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for each fiscal year.".

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 464. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

Mr. BAYH. Mr. President, we have spent the last week discussing the importance of tax cuts for all Americans. While we discuss fiscally responsible means to provide financial benefits to all Americans we need to remember there are millions of Americans that are taking on extra financial burdens by taking care of a loved one at home. These caregivers deserve financial assistance.

America is aging, we are all living longer and generally healthier and more productive lives. In the next 30 years, the number of Americans over the age of 65 will double. For most Americans this is good news. However, for some families aging comes with unique financial obstacles. More and more middle income families are forced to choose between providing educational expenses for their children, saving for their own retirement, and providing medical care for their parents and grandparents. When a loved one becomes ill and needs to be cared for, nothing is more challenging then deciding how the care they need should be provided. Today, I rise again to make that decision easier and to strengthen one option for long-term care caring for a loved one at home.

The bill I am reintroducing today, the Care Assistance and Resource Enhancement Tax Credit, will provide caregivers with a $3,000 tax credit for the services they provide. I am reintroducing this bill in order to encourage families to take care of their loved ones, by making it more affordable for seniors to stay at home and receive the care they need, while saving the government billions of dollars currently spent on institutional care. Through this tax credit, we accomplish all that while emphasizing family values.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. They do this work without any compensation. They do not send the government a bill for their services or get reimbursed for their expenses by a private company. They do it because they care. As a result of their compassion, the government saves billions of dollars. For example, the average cost of a nursing home is $46,000 a year. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

I held a field hearing in my state, Indiana, in August of 1999 to discuss ways to make long-term care more affordable. At this hearing, I heard from three caregivers who are providing care for a family member. Mrs. Linda McKinstry takes care of her husband who had been diagnosed with Alzheimers two years ago. Mr. and Mrs. Cahee are caregivers for Mr. Cahee's mother who also has Alzheimers. They all echoed the need for financial relief and support services. They spoke of the financial and emotional stress associated with taking care of a loved one. After hearing their stories, it became clear that their efforts are truly heroic and we should be doing all that we can at the federal level to provide what they need to keep their families together.

At a time when people are becoming skeptical of the government, Congress needs to help people meet the challenges they face in their daily lives. This tax credit does that. It will serve 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children a year. I am encouraged by the inclusion of this tax credit in Senator Daschle's targeted tax package. I urge my colleagues to take notice of the work done by caregivers and join me in supporting this legislation and giving caregivers the gratitude they deserve.

By Mr. ALLARD:

S. 465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

Mr. ALLARD. Mr. President. I am honored today to introduce the Residential Solar Energy Tax Credit Act of 2001 which provides a 15 percent residential tax credit for consumers who purchase solar electric, photovoltaics, and solar thermal products. This bill is similar to one I introduced in the last Congress. I believe we have a wonderful opportunity to address this important energy issue and pass this bill.

The legislation is an important step in preserving U.S. global leadership in the solar industry where we now export over 70 percent of our products. In recent years, over ten U.S. solar manufacturing facilities have been built or expanded making the U.S. the world's largest manufacturer of solar products. The expansion of the U.S. domestic market is essential to sustain U.S. global market dominance.

Other countries, notably Japan and Germany, have instituted very large-scale market incentives for the use of solar energy on buildings, spending far more by their governments to build their respective domestic solar industries. Passage of this bill will insure the U.S. stays the global solar market leader into the next millennium.

Recent tax legislation passed by this body, has included necessary support of the independent domestic oil producers, overseas oil refiners, nuclear industry decommissioning, and wind energy, all worthy. This small proposal not only adds to these but provides an incentive to the individual homeowner to generate their own energy. In fact, 28 states have passed laws in the last two years to provide a technical standard for interconnecting solar systems to the electric grid, provide consumer friendly contracts, and provide rates for the excess power generated. These efforts at regulatory reform at the state level combined with a limited incentive as proposed in this bill, will drive the use of solar energy.

Contrary to popular belief, solar energy is manufactured and used evenly throughout the United States. Solar manufacturers are in Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia, Washington and Wisconsin. In addition, solar assembly and distribution companies are in: Alaska, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, as well as Puerto Rico, U.S. Virgin Islands, and Guam. In addition to these states, solar component and research companies are in Alabama, Arkansas, Kentucky, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and West Virginia.

More than 90 U.S. electric utilities including municipals, cooperatives and independents—which represent more than half of U.S. power generation—are active in solar energy. Aside from new, automated solar manufacturing facilities, a wide range of new uses of solar has occurred in the last two years, such as: an array of facilities installed in June at the Pentagon power block to provide mid-day peak power; installation of solar on the first U.S. skyscraper in Times Square in New York City; and development of a solar mini-manufacturing facility at a brown field in Chicago which will provide solar products for roadway lighting and for area schools.

This small sampling of American ingenuity is just the beginning of the U.S. solar industry's maturity. Adoption of solar power by individual American consumers will create economies-of-scale of production that will, over time, dramatically lower costs and increase availability of solar power.

The bill I have introduced costs much less than previous proposals and provides consumer safeguards. This bill represents a pragmatic approach in utilizing the marketplace as a driver of technology. The benefits to our country are profound. The U.S. solar industry believes the incentives will create 20,000 new high technology manufacturing jobs, offset pollution of more than 2 million vehicles, cut U.S. solar energy unit imports which are already over 50 percent, and leverage U.S. industry even further into the global export markets.

The Residential Solar Energy Tax Credit Act of 2001 is sound energy policy, sound environmental policy, promotes our national security, and enhances our economic strength at home and abroad. I ask my colleagues to include this initiative in any upcoming tax and/or energy deliberations. American consumers will thank us, and our children will thank us for the future benefits we have preserved for them.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Residential Solar Energy Tax Credit Act".

SEC. 2. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

"(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a)(2) shall not exceed $2,000 for each system of solar energy property.

"(2) TYPE OF PROPERTY.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

"(3) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

"(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

"(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

"(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association" means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) JOINT OWNERSHIP OF ITEMS OF SOLAR ENERGY PROPERTY.—

"(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

"(6) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following new paragraph:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Residential solar energy property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

By Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED):

S. 466. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I join with nine of my colleagues today in introducing the "Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act." I am pleased that Senators JIM JEFFORDS, TED KENNEDY, PAT ROBERTS, CHRIS DODD, SUSAN COLLINS, TOM HARKIN, OLYMPIA SNOWE, PATTY MURRAY, and JACK REED have agreed to serve as original co-sponsors of this important legislation.

This bill will have the Federal government fully meet its funding responsibilities under the Individuals with Disabilities Education Act, IDEA, for the first time since it was enacted in 1975. When Congress passed the IDEA a quarter of a century ago, it agreed that the Federal government would pay 40 percent of the cost of ensuring that all children, including those with disabilities, receive a free, appropriate public education in the least restrictive environment. That is the laudable goal of the legislation, one we all share. Sadly, however, we have never in all these years met our funding commitment. Despite substantial progress over the last five years, Congress has never appropriated more than 15 percent of the cost of IDEA. The bill we introduce today will finally make good on Congress's commitment to fund 40 percent of the cost of educating children with disabilities. In so doing, it will strengthen the ability of States and local school districts in implementing IDEA and serve the children with disabilities who are covered by its provisions.

Our IDEA full funding legislation is very simple. It would obligate Federal funds to increase funding under Part B of the IDEA program by annual increments of $2.5 billion until the full 40 percent share of funding is reached in fiscal year 2007. Last year, fiscal year 2001, Congress appropriated $6.3 billion for Part B. With these annual increments, the legislation would obligate an additional $37.5 billion over five years, or $52.4 billion over six years.

Let me note that this legislation does not establish a new Federal mandate or entitlement. State and Federal courts and IDEA have already firmly established the right of a child with a disability to a free, appropriate education. The Federal government's failure for 25 years to contribute its share of these costs has simply shifted this Federal share onto State and local education agencies. Our bill will redress this failure: Federal funds will finally be provided to meet the Federal share.

IDEA has been a great success. Prior to its enactment, only 50 percent of students with disabilities were receiving an appropriate education, 30 percent were receiving inappropriate education services, and 20 percent were receiving no education services at all. Today the majority of children with disabilities are receiving an education in their neighborhood schools in regular classrooms with their non-disabled peers. High school graduation rates have increased dramatically among students with disabilities, a 14 percent increase from 1984 to 1997. More students with disabilities are attending colleges and universities. And students who have been served by IDEA are employed at twice the rate of older adults who were not served by IDEA. IDEA has played a very important role in raising our nation's awareness about the abilities and capabilities of children with disabilities.

Last November we celebrated IDEA's 25th anniversary. It is time to make good on our promise to fully fund this very worthwhile program, which is making such an important difference in the lives of so very many of our nation's children.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators CHUCK HAGEL and JIM JEFFORDS in introducing the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, IDEA—the hallmark of which is to put real dollars behind the goal of fully funding the IDEA.

Congress owes the children and families across the country the most effective possible implementation of this legislation, and the federal funding support necessary to make it happen. For 25 years, IDEA has sent a clear message to young people with disabilities—that they can learn, and that their learning will enable them to become independent and productive citizens, and live fulfilling lives.

Prior to 1975, 4 million disabled children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million disabled children were excluded from public schools. Now IDEA serves almost 6 million disabled children from birth through age 21, and every State in the Nation offers public education and early intervention services to disabled children. The record of success is astonishing.

The drop out rate for these students has decreased, while the graduation rate has increased. The number of young adults with disabilities enrolling in college has more than tripled, and now more than ever disabled students are communicating and exploring the world through new technologies.

These accomplishments do not come without financial costs, and it is time for Congress to meet its financial commitment to help schools provide the services and supports that give children with special needs the educational opportunities to pursue their dreams.

Today we are introducing legislation to address that need and assist our schools to meet their responsibility to provide an equal and appropriate educational opportunity for children with disabilities. In my State of Massachusetts alone, this increase will provide $409 million over the next 6 years to help meet that goal.

Just as we are committed to increase funding for IDEA, we must be equally committed to the making sure that this law is implemented and vigorously enforced.

Far too many students with disabilities are still not getting the educational services they are entitled to receive under the IDEA. We must never go back to the days when large numbers of disabled children were left out and left behind.

I look forward to working with the Administration and all Members of Congress to enact this legislation. Fully funding IDEA moves us closer to ensuring the success of every child by supporting the great goal of public education—to give all children the opportunity to pursue their dreams.

Mr. DODD. Mr. President, I hope that this effort will be the culmination of our long-term efforts to fully fund the Federal share of the Individuals with Disabilities Act.

Last Congress, Senator JEFFORDS and I twice offered budget amendments to fully fund IDEA, and I have offered many measures over the years to increase funding for IDEA. Of course, I also have worked closely with Senators KENNEDY and HARKIN on this issue, and I am thrilled to be joining today with the many other cosponsors of this bill, Senators MURRAY, REED, HAGEL, ROBERTS, COLLINS, and SNOWE.

The Helping Children Succeed by Fully Funding IDEA Act offers Congress the opportunity to fulfill our goal of funding 40 percent of the cost of educating children with disabilities and to strengthen our support for children, parents, and local schools. This act is quite simple, it directs the appropriation of funds for IDEA so that we will fully fund IDEA by 2007.

When Congress passed IDEA in 1975, we set a goal of helping States meet their constitutional obligation to provide children with disabilities a free, appropriate education by paying for 40 percent of those costs. We have made great strides toward that goal in the last few years, having doubled Federal funding over the past 5 years. Nevertheless, we still only provide 15 percent of IDEA costs.

In my own State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, we are facing a funding shortfall. In our towns, the situation is even more difficult. Too often, our local school districts are struggling to meet the needs of their students with disabilities.

The costs being borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help.

Of course, no one in Connecticut, or in any State or community in our country would question the value of ensuring every child the equal access to education that he or she is guaranteed by our Constitution. The only question is how best to do that, and a large part of the answer is in this legislation. This legislation demonstrates that our commitment to universal access is matched by our commitment to doing everything we can to helping States and schools provide that access.

And this amendment will help not only our children and schools, it will help entire communities, by easing their tax burden. By our failure to meet our goal of fully funding IDEA, we force local taxpayers—homeowners and small businesspeople—to pay the higher taxes that these services require. That is especially a problem in Connecticut, where so much of education is paid for through local property taxes.

If we are going to talk about the importance of tax relief for average Americans, there are few more important steps we can take than passing this legislation. It will go far to alleviate the tax burden that these people and businesses bear today.

Last year, the National Governors' Association wrote me that "Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of IDEA."

Over the next 10 years, we're looking at a $2.7 trillion non-Social Security, non-Medicare surplus. I think that fully funding IDEA is one of the most productive ways that we can use a small part of that surplus.

I ask that my colleagues seize this opportunity and support this amendment and choose to help our schools better serve children with disabilities, because I am tired of the false dichotomy that many people perceive between parents of children without disabilities and parents of children with disabilities.

By fully funding the Federal share of IDEA, and easing the financial burden on states and schools, we can stop talking about "children with disabilities" and "children without disabilities," and start talking instead about all children, period.

By Mr. ROBERTS:

S. 467. A bill to provide grants for States to adopt the Federal write-in absentee ballot and to amend the Uniformed and Overseas Citizens Absentee Voting Act to require uniform treatment by States of Federal write-in absentee ballots; to the Committee on Rules and Administation.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT PROGRAM.

(a) GRANT AUTHORIZED.—The Secretary of Defense, through the Federal Voting Assistance Program, is authorized to award grants to States to enable States to adopt and use—

(1) the Federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2); and

(2) the absentee ballot mailing envelopes prescribed under section 101 of such Act (42 U.S.C. 1973ff);

in lieu of any State absentee ballot or envelope with respect to ballots of overseas voters for a primary or general election for Federal office.

(b) APPLICATION.—

(1) IN GENERAL.—The Secretary of State, or any other State official responsible for implementing and monitoring elections, of each State desiring a grant under this section shall submit an application to the Secretary of Defense at such time, in such manner, and accompanied by such information as the Secretary of Defense by regulation may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

'(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Defense determines to be essential to ensure compliance with the requirements of this section and section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2).

(c) AMOUNT OF GRANT.—The Secretary of Defense shall determine the amount of any grant to be provided under this section in such a manner to ensure that all costs for the purposes for which the grant is awarded will be reimbursed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 2. TREATMENT OF FEDERAL WRITE-IN ABSENTEE BALLOT.

Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended by adding at the end the following:

"(g) Requirements for States Receiving Certain Grants.—If a State receives a grant amount with respect to use of Federal write-in absentee ballots under the program administered by the Federal Voting Assistance Program within the Department of Defense, the State shall, in addition to the other requirements of this section—

"(1) treat any otherwise valid Federal write-in absentee ballot, that meets the uniform requirements promulgated by the Presidential designee under this title for such ballot, as meeting applicable State law regarding acceptance of absentee ballots; and

"(2) accept and count any otherwise valid Federal write-in absentee ballot received by the appropriate State election official on a date that is not later than 10 days after the date of the election to which the ballot refers.

"(h) Regulations.—The Presidential designee shall promulgate a regulation—

"(1) stating uniform requirements for treatment and acceptance of Federal write-in absentee ballots; and

"(2) to provide that the design of any absentee ballot or envelope under this title—

"(A) has a marking to distinguish the ballot and envelope as belonging to an overseas voter; and

"(B) allows the voter to attest on the ballot that the ballot is cast prior to the date of the election to which the ballot refers.".

By Mrs. FEINSTEIN:

S. 468. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building"; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to honor the hard work and dedication of the late James C. Corman, an esteemed Member of the House of Representatives from California for 20 years.

Jim Corman was born in Kansas, and moved to California with his mother shortly after his father's death. He served in the Marines during World War II. After the war, Jim worked his way through the University of California at Los Angeles and the University of Southern California Law School. He first held public office in 1957, when he was elected to the Los Angeles City Council.

Jim was first elected to the House in 1960. In 1963, he began serving on the Judiciary Committee, which he felt handled the issues that were among the most important and relevant to Americans. As a member of the Judiciary Committee, he was an influential voice in drafting and passing the historic Civil Rights Act of 1964. Jim always considered this as the greatest accomplishment of his life.

In 1968, Jim became a member of the Ways and Means Committee, where he devoted his energy to Social Security, tax, and welfare reform. He became a crusader for the welfare of senior citizens and the disadvantaged members of our society.

Recognizing that his constituents would have better access to federal services if there were a federal building in the San Fernando Valley, Jim was responsible for securing funds for its construction. It is only fitting that this building be named after the man who considered constituent service to be one of his top priorities.

Mr. President, James C. Corman was a well-respected Member of the House. I am pleased to honor his memory by introducing a bill to designate the federal building in Van Nuys as the James C. Corman Federal Building.

By Mr. EDWARDS:

S. 469. A bill to provide assistance to States for the purpose of improving schools through the use of Assistance Teams; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, today I am introducing the School Support and Improvement Act of 2001, a bill designed to help ensure that every child in America has access to a quality public school, with good teachers, adequate facilities and a safe environment to learn.

Mr. President, every child deserves and every parent has the right to expect a top-notch, quality education. For example:

Every child should enter 1st grade healthy and prepared to succeed;

Every child should attend a school that is well-built, well-lit, well-equipped and well-connected to our modern world; and

Every child should be instructed by a well-trained, well-paid and qualified teacher.

But some public schools in America do not meet that standard today. Some of our public schools are failing our children and shortchanging their future. We need to refocus our energy on turning these schools around and getting them back on track. This must be the nation's number one priority.

A quality public school is not a partisan goal; it's not a conservative or liberal goal; it's not a big city or rural goal; it's not a goal which separates rich from poor.

It's a simple, common-sense goal we can all agree upon. And if we can agree, then we should be able to do something about it.

The School Support and Improvement Act is one step in achieving this common sense goal. The legislation is based on a very important lesson we have learned in my home state of North Carolina.

As many of you know, North Carolina has been at the forefront of the effort to reform public education for many years. In fact, President Bush's new Education Secretary, Rod Paige, called North Carolina's education system "a model for the Nation." The School Support and Improvement Act is designed to translate one of the lessons we learned in North Carolina to the nationwide education reform effort.

At the heart of the North Carolina school reform program is a very simple idea: immediately after we identify a school that is in trouble, we assign a special team of experienced, specially trained educators, principals and administrators to go to the school and help them devise a plan to turn that school around.

The team begins with an intensive evaluation of teachers, administration and curriculum. Teachers and local school district officials work with the Assistance Team to develop a plan tailored to the school's needs and designed to improve student performance.

Assistance Teams have been remarkably successful in North Carolina. Since the program started in 1997, Assistance Teams have been assigned to 33 schools across North Carolina. Of those 33 schools, 29 have improved significantly and are no longer considered low-performing. The overall percentage of low-performing schools has also decreased, from 7.5 percent in the 1996–97 school year to 2.1 percent in the 1999–2000 school year.

In short, Assistance Teams are a proven method to get low-performing schools back on the path of providing quality education.

Our bill would accomplish two things: First, it would make the North Carolina model of sending Assistance Teams into low performing schools a priority throughout the country. Second, it would require that the utilization of Assistance Teams be a priority in every States' efforts to turn around low performing schools. In order to carry out this task, the bill provides additional resources to the States.

Mr. President, with the right tools, and adequate resources, we can begin to put low-performing schools back on the right track. Our legislation utilizes a proven model and provides the necessary resources while still ensuring flexibility for the state and local educational agencies.

I hope that this legislation will allow other states to benefit from the sucessful model we have implemented in North Carolina.

When the Health, Education, Labor and Pensions Committee considers the Elementary and Secondary Education Act in the coming days, I intend to offer this proposal as part of that effort. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Support and Improvement Act of 2001."

SEC. 2. FINDINGS.

The Congress finds—

(1) The percent of low-performing schools in this country is cause for national concern.

(2) Low-performing schools may not be in a position, or their own, to make the kinds of changes necessary to turn themselves around and improve student achievement.

(3) The federal government, States, and school districts must collaborate with schools to help them improve to meet the needs of their students.

(4) Schools must be held accountable for their performance and improvement, but must also be given the tools and resources they need to succeed.

SEC. 3. FUNDING FOR SCHOOL IMPROVEMENT.

Each State educational agency shall reserve 5 percent of the amount the State educational agency receives under subpart 2 of part A for fiscal years 2002 through 2008, to carry out the State agency's responsibilities under sections 1116 and 1117 (20 USC 6318), including carrying out the State educational agency's statewide assistance and support for local educational agencies, provided that an adequate percentage of that reservation is passed to local educational agencies.

SEC. 4. PRIORITY FOR SCHOOL ASSISTANCE TEAMS.

Sec. 1117 (20 USC 6318) is amended—

(1) in section (a) by adding at the end the following—

(3) PRIORITY.—In assigning and placing school assistance teams and providing additional support and technical assistance as described in subsection 1117 (c)(1)(B), a State educational agency shall give priority in assigning the State assistance teams under this paragraph to school in which the educational performance of the students is farthest from meeting the State standards as determined by the State—

(A) first, to schools subject to corrective action under section 1116(c)(5);

(B) second, to schools identified for school improvement under section 1116(c); and

(C) third, to schools that have failed to make adequate yearly progress under section 1111 for 1 year and where placement of a State assistance team is appropriate and requested by the local education agency or the school.

(2) section 1117(c) is amended to read as follows—

(c) SCHOOL ASSISTANCE TEAMS.—In order to achieve the purpose described in subsection (a), each State—

(A) shall give priority in its use of program improvement funds for the establishment of schools assistance teams for assignment to and placement in schools in the State in accordance with 1117(a)(3) and for providing such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

(i) COMPOSITION.—Each school assistance teams shall be composed of persons knowledgeable about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students including—

(a) teachers;

(b) pupil services personnel;

(c) parents;

(d) distinguished teachers or principals;

(e) representatives of institutions of higher education;

(f) regional educational laboratories or research centers;

(g) outside consultant groups; or

(h) other individuals as the state educational agency, in consultation with the local educational agency, may deem appropriate.

(ii) FUNCTIONS.—Each school assistance team assigned to a school under this Act shall—

(a) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;

(b) collaborate with school staff and the local educational agency serving the school in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to provide student performance and help the school meet its goals for improvement, including adequate yearly progress under section 111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B));

(c) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations (including the need for additional resources, professional development or compensation) to the school, the local educational agency, and where appropriate, the State educational agency; and

(d) make additional recommendations as the school implements the plan described in paragraph (b) to the local educational agency and the State educational agency concerning additional assistance and resources that are needed by the school or the assistance teams.

(iii) CONTINUATION OF ASSISTANCE.—After 1 school year, the school assistance team may recommend that the school support team continue to provide assistance or that the local educational agency or the state educational agency, as appropriate, take alternative actions with regard to the school.

(B) may provide additional technical assistance and support through such approaches as—

(i) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

(ii) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

(iii) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plan; and

(iv) other approaches as the state educational agency may deem appropriate.

By Mr. BOND:

S. 470. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, I rise today to introduce the Support to Absentee Uniformed and Overseas Citizens Voters Act of 2001. This bill ensures that Americans serving overseas, be they the men and women of the military who stand guard on foreign shares, or equally deserving citizens who serve our country in other venues, will have their vote counted. American citizens should not loose their right to vote under arbitrary or unfair standards. It is therefore incumbent upon lawmakers to ensure their rights are protected.

Although overseas mail is technically supposed to carry a postmark, the reality of the situation is that circumstances in foreign countries, or at sea aboard u.S. Navy ships, can result in mail being sent without a postmark. Currently several states require a postmark for an absentee ballot to be counted and without such a postmark citizens are denied their vote through absolutely no fault of their own. We saw the damaging affects of this standard in our most recent Presidential election.

My bill provides that states may not refuse to count a ballot submitted in an election for a Federal office by an absentee uniformed services member or overseas citizen voter on the grounds that the ballot was improperly or fraudulently cast "unless the State finds clear and convincing evidence" of fraud in the preparation or casting of the ballot by the voter. Specifically, the bill states under a "Clear and Convincing Evidence" standard, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud, absent any other information or evidence. Consequently the mere absence of a postmark will not disqualify an overseas citizen from casting his or her vote.

Mr. President, our most recent election illustrates the clear need for change in our voting procedures. Reform is needed. By making certain that American's stationed overseas will have their votes counted, this bill is one crucial step in that direction. There is need for more reform however and I am working on a comprehensive election reform bill targeting abusive practices at home. I look forward to introducing that legislation next week and working with my colleagues towards adoption of all these measures.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mrs. CLINTON, and Mr. DODD):

S. 471. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will provide grants to local schools so they can make the repairs to ensure the safety of their students. I am pleased to be joined by Senators BINGAMAN, KENNEDY, WELLSTONE, DODD, and CLINTON on this legislation.

In 1998, the American Society of Civil Engineers issued a Report Card for America's Infrastructure which reported serious problems with the physical infrastructure in our nation. However, the most alarming finding is the failing grade to schools in the United States—the only area to receive a failing grade.

It is a national disgrace that the nicest places our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

Modernizing and repairing our nation's schools is something I've been advocating for over a decade now. I secured $100 million in the fiscal year 1995 appropriations bill as a down payment on a school modernization program and was disappointed when those funds were rescinded.

But we made real progress last year with the passage of a $1.2 billion initiative to make emergency repairs. That was a bipartisan agreement hammered out by Senator SPECTER and me in negotiations on the fiscal year 2001 appropriations bill with Congressman Goodling and the White House.

This was a 1 year authorization and the School Repair and Renovation Act will reauthorize this bipartisan plan for 5 years. This program provides grants to Local Education Agencies to help them make urgently needed repairs and to pay for special education and construction related technology expenses.

Funds will be distributed to the States. States will then distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed competitively to local school districts to use for technology activities related to school renovation or for activities authorized under Part B of the Individuals with Disabilities Education Act.

The School Repair and Renovation Act is a key component in a two-prong strategy to modernize our nation's schools.

In the near future I will join forces with Representatives JOHNSON and RANGEL and introduce the America's Better Classrooms Act in the Senate to provide tax credits for school construction projects. This bipartisan legislation would leverage $1.7 billion in tax credits over 5 years to pay the interest on $25 billion in school modernization bonds.

I know this approach will work because it mirrors a successful school construction demonstration program I started in Iowa in 1997. The Iowa demonstration is a two-prong response to our school modernization needs. First, we provide grants to local school districts to make urgent repairs to remedy fire code violations. Second, grants are made to local school districts to subsidize a portion of the cost for a new construction project.

The program has been a big success. During the first 2 years of the demonstration, federal funds of $14.7 million supported projects totaling $142 million—each federal dollar leveraged $10.33.

There is a legitimate federal role in helping fix our nation's crumbling schools, and we can do so without undermining local control of education. This federal role is recognized by President Bush who is recommending an expanded use of private activity bonds for school construction projects.

Over the past few years we have had several partisan skirmishes related to school construction. This is a new year, a new Congress, and a new administration. I look forward to working with my colleagues to enact the School Repair and Renovation Act of 2001. I ask unanimous consent that a copy of the report card to which I referred be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

1998 REPORT CARD FOR AMERICA's INFRASTRUCTURE

Subject	Grade	Comments
Roads	D–	More than half (59 percent) of our roadways are in poor, mediocre or fair condition. More than 70 percent of peak-hour traffic occurs in congested conditions. It will cost $263 billion to eliminate the backlog of needs and maintain repair levels. Another $94 billion is needed for modest improvement—a $357 billion total.
Bridges	C–	Nearly one of every three bridges (31.4 percent) is rated structurally deficient or functionally obsolete. It will require $80 billion to eliminate the current backlog of bridge deficiencies and maintain repair levels.
Mass Transit	C	Twenty percent of buses, 23 percent of rail vehicles, and 38 percent of rural and specialized vehicles are in deficient condition. Twenty-one percent of rail track requires improvement. Forty-eight percent of rail maintenance buildings, 65 percent of all rail yards and 46 percent of signals and communication equipment are in fair or poor condition. The investment needed to maintain conditions is $39 billion. It would take up to $72 billion to improve conditions.
Aviation	C–	There are 22 airports that are seriously congested. Passenger enplanements are expected to climb 3.9 percent annually to 827.1 million in 2008. At current capacity, this growth will lead to gridlock by 2004 or 2005. Estimates for capital investment needs range from $40–60 billion in the next five years to meet design requirements and expand capacity to meet demand.
Schools	F	One-third of all schools need extensive repair or replacement. Nearly 60 percent of schools have at least one major building problem, and more than half have inadequate environmental conditions. Forty-six percent lack basic wiring to support computer systems. It will cost about $112 billion to repair, renovate and modernize our schools Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade.
Drinking Water	D	More than 16,000 community water systems (29 percent) did not comply with the Safe Drinking Water Act standards in 1993. The total infrastructure need remains large—$138.4 billion. More than $76.8 billion of that is needed right now to protect public health.
Wastewater	D+	Today, 60 percent of our rivers and lakes are fishable and swimmable. There remain an estimated 300,000 to 400,000 contaminated groundwater sites. America needs to invest roughly $140 billion over the next 20 years in its wastewater treatment systems. An additional 2,000 plants may be necessary by the year 2016.
Dams	D	There are 2,100 regulated dams that are considered unsafe. Every state has at least one high-hazard dam, which upon failure would cause significant loss of life and property. There were more than 200 documented dam failures across the nation in the past few years. It would cost about $1 billion to rehabilitate documented unsafe dams.
Solid Waste	C–	Totals non-hazardous municipal solid waste will increase from 208 to 218 million tons annually by the year 2000, even though the per capita waste generation rate will decrease from 1,606 to 1,570 pounds per person per year. Total expenditures for managing non-hazardous municipal solid waste in 1991 were $18 billion and are expected to reach $75 billion by the year 2000.
Hazardous Waste	D–	More than 530 million tons of municipal and industrial hazardous waste is generated in the U.S. each year. Since 1980, only 423 (32 percent) of the 1,200 Superfund sites on the National Priorities List have been cleaned up. The NPL is expected to grow to 2,000 in the next several years. The price tag for Superfund and related clean up programs is an estimated $750 billion and could rise to $1 trillion over the next 30 years.

America's Infrastructure G.P.A. = D. Total Investment Needs = $1.3 Trillion

A = Exception
B = Good
C = Mediocre
D = Poor
F = Indequate

Each category was evaluated on the basis of condition and performance, capacity vs. need, and funding vs. need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 44—DESIGNATING EACH OF MARCH 2001, AND MARCH 2002, AS "ARTS EDUCATION MONTH"

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 44

Whereas the Congressional Recognition for Excellence in Arts Education Act (Public Law 106–533) was approved by the 106th Congress by unanimous consent;

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates each of March 2001, and March 2002, as "Arts Education Month"; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

Mr. COCHRAN. Mr. President, today I am submitting a Senate resolution to designate March 2001, and March 2002, as "Arts Education Month."

Last year, the Senate approved a similar resolution, marking for the first time, Congressional recognition of the annual celebration of music, art, dance and theatre programs in American schools.

There is growing awareness that arts education can help ensure America's arts traditions and lead to higher I.Q.'s, better SAT scores, better math and language skills, less juvenile delinquency, and improve chances of higher education and as well as increased job opportunities.

According to a study by the UCLA Graduate School of Education and Information Studies, students involved in the arts outscored students who were not exposed to arts on standardized tests. Among 10th graders, for example, 47.5 percent of low-arts-involved students scored in the top half of standardized tests while 65.7 percent of high-arts-involved students scored above the test median.

The study also found that students who consistently act in plays and musicals, join drama clubs or taking acting lessons showed gains in reading proficiency, self-concept and motivation. By the 12th grade, those consistently involved with instrumental music scored significantly higher on math tests. The findings held true for students regardless of parents' income, occupation or level of education, researchers said.

I hope that by designating March as Arts Education Month, more schools and communities will engage in activities that showcase, celebrate, reward and provide new arts experiences for students of all ages.

I invite all of my colleagues to join me in sponsoring Arts Education Month.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 7, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to adopt the rules of the committee for the 107th Congress.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, March 21, 2001 at 2:00 p.m. in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Klamath Project in Oregon, including implementation of PL 106–498 and how the project might operate in what is projected to be a short water year.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, SRC–2 Senate Russell Courtyard, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 6, 2001. The purpose of this hearing will be to review nutrition and school lunch programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, 2001 at 2:30 p.m., in closed session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 7, 2001, at 9:30 a.m. on voting technology reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2001, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 6, 2001, at 10 a.m. on the effectiveness of gun locks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Tuesday, March 6, 2001, 9:30 a.m., for a hearing entitled "The Role of U.S. Correspondent Banking In International Money Laundering."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson and Liz Dougherty of my staff be granted the privilege of the floor for the duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended by Public Law 100-418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations: The Senator from Iowa (Mr. GRASSLEY) the Senator from Utah (Mr. HATCH) the Senator from Alaska (Mr. MURKOWSKI) the Senator from Montana (Mr. BAUCUS) and the Senator from West Virginia (Mr. ROCKEFELLER).

ORDERS FOR WEDNESDAY, MARCH 7, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, March 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m. with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 9:30 a.m. to 10:30 a.m.; Senator DOMENICI, 10:30 a.m. to 10:45 a.m.; Senator ROBERTS, 10:45 a.m. to 11 a.m.; Senator THOMAS, 11 a.m. to 11:30.

I further ask unanimous consent that if either leader uses time during the allotted time, that time be adjusted accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that at 11:30 a.m. the Senate resume consideration of S. 420, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of the bankruptcy reform bill. Amendments are expected to be offered and therefore votes can be expected throughout the day. Members are encouraged to work with the bill managers if they intend to offer amendments.

ORDER FOR ADJOURNMENT

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment, following my remarks and those of Senator ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET AND CYBERSPACE

Mr. WARNER. Mr. President, if I may take a moment or two, we have just concluded on the House floor a bipartisan meeting between Members of the House and Senator ALLEN and myself where we had some 400-plus individuals from all across the United States discussing a wide range of issues regarding the Internet and cyberspace. It was a fascinating discussion. That group is soon to come over to this Chamber, following the Senate standing in recess, where Senator ALLEN and I will continue that discussion, but we will also speak about the history of this Chamber.

In the course of my remarks—and then I will call on my distinguished colleague to follow with his remarks—I addressed the extraordinary problem that the entire Nation is facing with regard to those devising capabilities to hack into our computer systems and, as chairman of the Armed Services Committee, what our committee is now doing with the subcommittee on emerging threats, which under the leadership of Senator ROBERTS has taken many strides towards trying to take positive actions to stop the invasion of our computer systems.

In the year 1999, there were over 20,000 invasions of various computer systems in the Department of Defense, and in the following year up to 24,000 intrusions into our system. That says to us, as we proceed to make our military more high tech, we are highly vulnerable because of that situation, and I urge this group to work more closely with the Department of Defense and other departments and agencies within the Federal Government to do everything we can to try to make more secure our computers and other aspects of cyberspace.

It is to the advantage of the private sector because security against hacking into their system—a bank going into accounts, an investment house going into accounts, medical things, people working on patents, and so forth—is desperately needed. I am pleased to be a part of the team here in the Senate that is looking at this.

I now ask if my distinguished colleague, the junior Senator from Virginia, who is chairman on our side, so to speak, of the high-tech task force, would care to say a few remarks. I might add we are trying to prolong this session a few minutes so the pages don't have homework. For those who follow these proceedings, we are just about there.

I yield to the Senator.

Mr. ALLEN. Mr. President, I thank the senior Senator, Mr. WARNER, for allowing me to make a few remarks about technology. It is a great honor to be chairman of the Senate Republican high-tech task force, where we are looking at a variety of issues to allow the technology community to continue to improve our lives.

Senator WARNER has been a tremendous leader in this regard, especially as far as security is concerned. We all on the task force very much look forward to his further contributions.

The people in this country are benefiting a great deal from the technology in communications, and in commerce there is tremendous potential, as well as in education, in biotechnology, in transportation, and elsewhere. Just for people to understand our philosophy, we trust free people and free enterprise. People should not be limited or hampered in their creativity, and it should be the marketplace, free people making free choices as to whether or not someone's technological invention or innovations are worthy of their purchases.

So we think those are the principles that should be guiding us in determining the success determined by the people in the marketplace.

Mr. President, in recognizing how much technological opportunity we have, we need to make sure that our rural communities have access to high-speed Internet capabilities. But these technologies not only have not reached all the areas of our country, which is important, but they certainly haven't reached all corners of the world.

Consider this: If the entire world population was reduced to 100 people, with the current ratios staying the same, here are a few examples of how the world would look: Out of the 100; 57 would be Asians; 21 European; 14 would be from the Western Hemisphere, North and South America; 8 would be Africans; approximately 80 out of the hundred would live in substandard housing; about 60 to 70 would be unable to read; 50 would suffer from malnutrition; 50 would not have made their first telephone call; about 1 would have a college education; and maybe 1½ out of 100 of the world's population would have a computer.

As you can see, we have a long way to go. So we need to understand that this country is the technology leader. It is what is allowing us to compete in the international marketplace, to improve our methods of manufacturing and production in an efficient, top-quality approach, as well as reducing emissions and toxins.

I think as long as we continue to foster the proper tax, regulatory, and educational policies in this country, and as long as the invigorating breeze of freedom continues to blow into new markets and places in the world, technology will improve construction, communications, education, life sciences, medical sciences, and transportation.

I very much look forward to the leadership of the President and Senator WARNER in the Senate to allow the technological revolution to continue to improve our lives and those of our fellow human beings here on earth.

Mr. WARNER. I thank my distinguished colleague. How much I look forward to working with him here in the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 9:06 p.m, adjourned until Wednesday, March 7, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 2001:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARTHA T. RAINVILLE, 6388

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS A. HIGDON, 1853
BRIG. GEN. JOHN A. LOVE, 4350
BRIG. GEN. CLARK W. MARTIN, 9609
BRIG. GEN. MICHAEL H. TICE, 0214

To be brigadier general

COL. BOBBY L. BRITTAIN, 2797
COL. CHARLES E. CHINNOCK JR., 9442
COL. JOHN W. CLARK, 9977
COL. ROGER E. COMBS, 7932
COL. JOHN R. CROFT, 3140
COL. JOHN D. DORNAN, 1461
COL. HOWARD M. EDWARDS, 5648
COL. MARY A. EPPS, 7781
COL. HARRY W. FEUCHT JR., 7876
COL. WAYNE A. GREEN, 0588
COL. GERALD E. HARMON, 6527
COL. CLARENCE J. HINDMAN, 2029
COL. HERBERT H. HURST JR., 9448
COL. JEFFREY P. LYON, 8685
COL. JAMES R. MARSHALL, 1126
COL. EDWARD A. MCILHENNY, 2884
COL. EDITH P. MITCHELL, 5575
COL. MARK R. NESS, 6391
COL. RICHARD D. RADTKE, 2746
COL. ALBERT P. RICHARDS JR., 7550
COL. CHARLES E. SAVAGE, 4418
COL. STEVEN C. SPEER, 0563
COL. RICHARD L. TESTA, 1268
COL. FRANK D. TUTOR, 8226
COL. JOSEPH B. VEILLON, 0348
COL. VAN P. WILLIAMS JR., 9389

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL C. DUTTGE III, 9920

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. FOX JR., 1622

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO JR., 4186

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PERRY V. DALBY, 2649
BRIG. GEN. CARLOS D. PAIR, 7262

To be brigadier general

COL. JEFFREY L. ARNOLD, 2649
COL. STEVEN P. BEST, 7173
COL. HARRY J. PHILIPS JR., 8457
COL. CORAL W. PIETSCH, 5785
COL. LEWIS S. ROACH, 0324
COL. ROBERT J. WILLIAMSON, 7138
COL. DAVID T. ZABECKI, 9488

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 6022

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES C. DAWSON JR., 7743

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. PRICE, 1342

EXTENSIONS OF REMARKS

IN HONOR OF PETER T. MILLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Peter T. Miller, the chief photographer for WKYC Channel 3 in Cleveland, Ohio and winner of eight Emmy awards.

A graduate of Kent State University in the 1950's, Mr. Miller began his 42-year career as a television cameraman in Cleveland with WJW Channel 8 in 1959. During his time there, he received Emmy awards from the Cleveland regional chapter of the National Academy of Television Arts and Sciences for documentaries about the Cleveland Orchestra Chorus and the Hattie Larlham Foundation and for an entertainment feature about the Singing Angels. In 1985, Mr. Miller began his work at Channel 3, where in 1986 he received honors for Individual Achievement in News Videography for a Halloween series. In 1998 he was part of the WKYC team that took first place honors for its report, "On Schindler's List", from the Association for Women in Communications.

Fellow photographers marveled at Mr. Miller's work ethic, sense of teamwork, understanding of a story and artful eye. Traveling tirelessly in order to document the day's happenings, he was often seen locally attending football games, visiting nursing homes, observing school board meetings, or covering urban riots. He even took his camera abroad, showing Greater Clevelanders sites from around the world from music concerts to the Persian Gulf War.

My fellow colleagues, please join me today in honoring the memory of Peter T. Miller, a gifted television photographer whose dedication and passion for his life's work provided Clevelanders with valuable images of important events from around the world.

TRIBUTE TO MRS. MARY JANE GARDNER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. NAPOLITANO. Mr. Speaker, I am proud to rise today and honor Ms. Mary Jane Gardner of my 34th Congressional District in Pico Rivera, California. Later this month, Ms. Gardner will be awarded the "Club Woman of the Year" award by the Pio Pico Woman's Club for her invaluable public service to her community.

Mary Jane was born on December 30, 1921 in Walla Walla, Washington. After finishing high school and a year of business college, she went to work at a local bank in Walla Walla. During World War II, Mary Jane met a young aviator named Garth Gardner who was in Walla Walla for training at the local air base. The two married upon his return from the South Pacific in 1945.

After the marriage ceremony, Garth was discharged from the service and the two settled in Pico Rivera in 1950. They raised three sons, John, Gregory and Jeffrey, and became active in local community affairs. Mary Jane was PTA President and helped Garth establish his political career. She served as first lady of Pico Rivera eight times while her husband served as mayor. She helped organize various political functions and gave much of her time to different causes and organizations in and around Pico Rivera.

Mary Jane has shown true commitment to public service while also raising a family. All of Pico Rivera's citizens are grateful for her service and dedication to her community and wish her many more future successes.

IN HONOR OF THE NATIONAL GUARD MEMBERS WHO LOST THEIR LIVES ON MARCH 2, 2001

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. STEARNS. Mr. Speaker, this past Saturday, 21 National Guardsmen lost their lives when their C–23 transport plane crashed. The guard members were returning from a training mission in Florida—one of the pilots lived in my district.

Our thoughts and prayers are with the families and friends of these soldiers, and this tragedy serves as a reminder of the sacrifices made by those who serve and protect our country.

Mr. Speaker, last week, both the House and Senate passed resolutions honoring the life of NASCAR great, Dale Earnhardt, who was killed in the Daytona 500. I, of course share in the admiration of his life and the remorse in his death.

I do want to make the point, however, that the guardsmen who lost their lives on Saturday were no less dedicated to their jobs, their families, or their communities. The men and women in our armed services place their lives on the line daily, where even routine training missions can carry the same risk as actual combat.

So I ask my colleagues to remember those who serve our Nation. They may not have the notoriety, but their service is immeasurable.

IN MEMORY OF MATTHEW "MACK" ROBINSON

HON. ADAM SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. SCHIFF. Mr. Speaker, the Pasadena branch of the National Association for the Advancement of Colored People is celebrating its 18th Annual Ruby McKnight Williams Awards Banquet on March 8, 2001 and I would like to join in honoring the memory of a famed Pasadena native son, Matthew "Mack" Robinson.

Mack Robinson was a world-class athlete. Competing in the 1936 Summer Olympics in Berlin, Germany, he won a silver medal in the 200-meter run, crossing the finish line just a step behind that great Olympian, Jesse Owens. Mack's roots in Pasadena ran deep. He was a track star at Pasadena City College in 1938, the same year his younger brother, future Dodgers' great Jackie Robinson, lettered there in four sports. Mack set national junior college records in the 100- and 200-meter runs and in the long jump. When the Olympic games were held in Los Angeles in 1984, Mack helped carry the Olympic flag into Los Angeles Memorial Coliseum. He cared deeply for his community and, later in life, was renowned for leading the fight against street crime in Pasadena.

One of Mack's great causes was ensuring a monument was built in his hometown to honor his brother, the man who in 1947 broke major league baseball's color barrier. The Pasadena Robinson Memorial, honoring both brothers, was dedicated in 1997. Pasadena City College last year renamed its stadium to honor the pioneering brothers and Congress last year approved naming the post office at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building."

Sadly, Mack died at the age of 88 in Pasadena on March 12, 2000.

Mr. Speaker, I join the Pasadena NAACP in saluting Mack Robinson for the shining example he presented in sports and in life. Mack Robinson was truly a champion in all he did.

IN HONOR OF DOROTHY OLIVIA GREENWOOD TOLLIVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Dorothy Olivia Greenwood Tolliver. Dorothy was a great servant of the people of Cleveland and leader of the African-American community. Her recent death, at the age of 80, is a sorrowful event for the entire Cleveland, Ohio community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

After graduating from Kent State and pursuing further studies at The Julliard School of Music in New York, she returned to Cleveland and began working for the U.S. Government making maps to use during World War II. After the war, Dorothy taught briefly in Medina, and in 1948 she returned to Cleveland to become a part of the Cleveland School System where she remained until her retirement in 1986.

As a young child, Dorothy was blessed with the gift of musical ability. With her long-lasting passion of music and the arts, she performed in several productions. Her love for music was planted in her many students as a music teacher. While in the Cleveland Public School System, Dorothy directed numerous performances.

Dorothy Olivia Greenwood Tolliver was a life long member of the NAACP, and the National Council of Negro Women. Her civic activities included the Phyllis Wheatley Association, juvenile justice, Project Friendship, Volunteer Guardianship Program, Upward Bound, City Club, and the League of Women Voters. One of her noted prestigious movements was opening the Neighborhood Book Shoppe, the first book store in Ohio that featured books about African-American history by African-American authors, the only store of its kind between New York City and Chicago.

After her career as a teacher ended, Dorothy spent her remaining years supporting her husband's efforts while serving on the Cleveland School Board and continuing his civil rights law practice.

I ask the House of Representatives to join me today in honoring the memory of this great community leader and role model.

TRIBUTE TO MR. BERT CORONA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to one of the Latino community's most devout civil rights and labor leaders. Mr. Bert Corona passed away January 15, 2001 in Los Angeles following a series of recent health problems. His death was a watershed in Latino and labor history.

Bonn on May 29, 1918 in El Paso, Texas, Mr. Corona spent his childhood moving back and forth between El Paso and the Mexican city of Chihuahua. As a student at the University of Southern California, he became involved in the labor ferment of the 1930's. He was elected President of Local 26 of the International Longshoreman and Warehouse Union where he was a close political ally of Harry Bridges, one of labor's most progressive leaders.

During World War II, Bert served in the United States Army Air Corps as a paratrooper and a surgical assistant. Following the war, Mr. Corona returned to his activist role founding organizations that promoted the empowerment of Latinos and working with great determination to end discrimination among minorities. In the 1960's he founded CASA and Hermandad Mexican, housing and immigrants rights organizations. Bert also helped found the Mexican American Political Association, one of California's oldest Latino political organizations.

In 1993, Corona published "Memories of Chicano History," his autobiography written with Mario T. Garcia. The book has become a staple in Chicano and ethnic studies courses at universities throughout the country. Throughout his life, Bert himself taught at several universities including Stanford and the California State campuses of San Diego, Northridge, Fullerton and Los Angeles.

It was Bert Corona's vision that helped build the foundation to pave the way for Latino advancement in our society. Many Latino leaders of today, including myself, are the beneficiaries of his pioneering efforts. His life offers an invaluable lesson about Latino leadership in the past and provides an inspiring guide for future empowerment and contributions to the American social fabric.

I extend my heartfelt sympathies to his wife Angelina, daughter Margo De Ley, sons David, Frank and Ernesto Corona and grandchildren Baltazar De Ley, Lisa and Clarity Corona.

H.R. 860, THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 2001

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.

This legislation addresses two important issues in the world of complex, multidistrict litigation. Section 2 of the bill would reverse the effects of the 1998 Supreme Court decision in the so-called Lexecon case. It would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. In fact, section 2 only codifies what had constituted ongoing judicial practice for nearly 30 years prior to the Lexecon decision.

Section 3 addresses a particular specie of complex litigation—so-called 'disaster' cases, such as those involving airline accidents. The language set forth in my bill is a revised version of a concept which, beginning in the 101st Congress, has been supported by the Department of Justice, the Administrative Office of the U.S. Courts, two previous Democratic Congress, and one previous Republican Congress. Section 3 will help to reduce litigation costs as well as the likelihood of forum shopping in single-accident mass tort cases. All plaintiffs in these cases will ordinarily be situated identically, making the case for consolidation of their actions especially compelling. These types of disasters—with their hundreds of thousands of plaintiffs and numerous defendants—have the potential to impair the orderly administration of justice in federal courts for an extended period of time.

Mr. Speaker, during the eleventh-hour negotiations with the Senate last term, I offered to make three changes in an effort to generate greater support for the bill. As a show of good faith, I incorporate those changes in the bill I am introducing today. They consist of the following:

First, a plaintiff must allege at least $150,000 in damages (up from $75,000) to file in U.S. district court.

Second, an exception to the minimum diversity rule is created: A U.S. district court may not hear any case in which a "substantial majority" of plaintiffs and the "primary" defendants are citizens of the same state; and in which the claims asserted are governed "primarily" by the laws of that same state. In other words, only state courts may hear such cases.

Third, the choice-of-law section will be stricken. It confers too much discretionary authority on a federal judge to select the relevant law that will apply in a given case.

In sum, Mr. Speaker, this legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to join me in a bipartisan effort to support the Multidistrict, Multiparty, Multiforum Jurisdiction Act of 2001.

THE "CHILD SUPPORT FAIRNESS AND FEDERAL TAX REFUND INTERCEPTION ACT OF 2001"

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Child Support Fairness and Federal Tax Refund Interception Act of 2001." This legislation expands the eligibility of one of our most effective means of enforcing child support orders—intercepting the Federal tax refunds of parents delinquent in paying their court-ordered financial support for their children. Under current law, the Federal tax refund offset program operated by the Internal Revenue Service (IRS) is limited to cases where the child is either a minor or a disabled adult.

It goes without saying that a parent who brings a child into this world is responsible for providing for that child's physical needs regardless of any conflict with the child's custodial parent. In July 1999, I received a letter from Lisa McCave of Wilmington, Delaware. She wanted to know where the justice was in the IRS allowing her husband to collect a $2,426 tax refund when he still owed her nearly $7,000 in back child support just because her son is no longer a minor and is not disabled.

Since her son was three, Ms. McCave has had to work two jobs to make up for child support installments that were never paid. She has spent the better part of her time away from work tracking down her former husband, who has often quit his job as soon as his wages were garnished to repay this debt. Now, she is trying to pay off $55,000 in parent loans she incurred to send her son to college. Mr. Speaker, we all know the answer to Lisa McCave's question. Under the current law, there is no justice in limiting the eligibility for this tax intercept program to minors and disabled adults.

The good news is that we can correct this injustice. Improving our child support enforcement programs is neither a Republican nor a Democrat issue—it is an issue that should concern all of us. According to recent government statistics, there are approximately 12 million active cases where a child support order requires a noncustodial parent to contribute towards the support of his/her child. Of the $22 billion owed pursuant to these orders in 1999, only half have been paid. I am confident we can all agree to fix this injustice in our Federal tax refund offset program and help some of our most needy constituents receive the financial relief they are owed.

I would like to clarify for everyone's benefit that this legislation does not create a cause of action for a custodial parent to seek additional child support. The existing program merely helps custodial parents recover debt they are owed for a level of child support that are set by a court after both sides had the opportunity to present their arguments about the proper size of the child support.

In the 106th Congress, this legislation passed the House by a vote of 405 to 18 as a provision in H.R. 4678, the "Child Support Distribution Act of 2000." The Senate version of this bill also enjoyed strong bipartisan support, but the 106th Congress expired before the Senate could complete its consideration.

The Federal tax refund offset program is responsible for retrieving nearly one-tenth of all back child support collected. The time has come to make it a greater success. I urge my colleagues to cosponsor this legislation and look forward to working with the House Ways and Means Committee to work to bring this bill to the House Floor.

IN MEMORY OF SENATOR ALAN CRANSTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in memory of a truly remarkable man, one who genuinely exemplified what it means to be a public servant, Senator Alan Cranston.

Cranston served four terms in the United States Senate, and as the Democratic Whip during seven consecutive Congressional sessions. But more than that he served the American people. He fought to protect the environment, to promote peace and human rights and to control nuclear arms, fighting tirelessly to prevent future usage of such weapons. Cranston did not compromise his personal views nor the best interests of his constituents during his service.

A masterful legislator, Senator Cranston often served as an integral figure in the passage of legislation. This deft political touch allowed him to build coalitions, using the power of an idea to transcend ideological barriers.

An advocate of peace, Senator Cranston was an influential figure in the termination of the Vietnam war and in leading U.S. arms control and peace movements. Despite his opposition for war, he lead support for the soldiers who fought in the conflict, voting solidly for veterans' benefits legislation from 1969 and 1992.

As former aide Daniel Perry wrote in Roll Call January 4, 2001, Cranston embodied the maxim, "a leader can accomplish great things if he doesn't mind who gets the credit."

My fellow colleagues, Senator Alan Cranston is a man who deserves the respect and admiration of every citizen. Let us recognize him for his years of dedication to public service.

IN MEMORY OF U.S. SOLDIERS KILLED IN SAUDI ARABIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2000

Mr. MURTHA. Mr. Speaker, on Sunday, February 25, 2001, a decade after the Iraqi Scud missile attack on the U.S. barracks in Dhahran, Saudi Arabia, a young woman who lost her husband and the father of her two children spoke eloquently about the impact of that awful event. While the magnitude of such a tragedy can never be fully overcome, her story is also one of renewal and healing and joy. It is a poignant and fitting tribute to the men and women who perished that day. I want to share her remarks with my Colleagues:

> If ten years ago I could have looked ahead to today, and could have seen myself standing here telling all of you that I'm happy, healed, and whole again, it would have made my time of grief so much easier. Because then I would have known that my heart would someday heal and life would be worth living again. That's not how I felt then. My life was shattered into a million pieces and I couldn't see how they could ever be put back together again.
>
> John and I worked at the Baptist Homes, a nursing facility in Castle Shannon. My mother introduced us and we became instant friends. John was so easy to like. He was friendly and outgoing . . . always with a twinkle in his eye. A couple months into our friendship, John asked me to be his date at a party he was throwing. Of course I said that I would go. He asked me to dance to a slow song that came on the stereo, and that dance was the beginning of a great love in my life.
>
> John and I married the following summer. We had two beautiful children, Matthew and Melissa. John loved fatherhood and it suited him . . . really he was a kid in an adult body so it sort of came natural to him. We bought a house and spent Melissa's first Christmas in it . . . that's when Saddam Hussein intruded on our lives. Before I knew what was happening, John was on his way to the Persian Gulf and I knew my life would never be the same.
>
> The day of February 25th started out with a letter from John. He said all the things that he said in every letter I ever got from him, how much he loved us, how much he missed us. Then he told me about the SCUD alerts. He talked about the gas masks and the chaos and I worried. That evening I was out with my sister and I returned home to find family members waiting for me. My brother was standing in my living room and the television was on. On it I saw soldiers running and heard yelling and chaos and sirens blasting . . . but that didn't grab my attention as much as the look on my brother's face. He asked me where John was in Saudi. I told him I didn't know. He said that there was a SCUD attack in Dhahran and the missile hit a warehouse and they believed the 14th was being housed there. As I was taking in what he was telling me, the room started to spin and a feeling of dread came flooding over me. I asked, 'Were there casualties?' he said there were some. But the highest number were injuries. I knew that John was in that warehouse. My family tried to reassure me that chances were that he was injured, but in my spirit, I knew that he was gone. I had already felt the separation. I waited all night for the officer to come. And at 6 am my doorbell rang. I opened the door and there was Lt. Col. Richard White. He had so much pain in his eyes. I saw how difficult it was for him to tell me that my husband, Spc. John Boliver, had been killed in action due to injuries sustained in an Iraqi SCUD missile attack.
>
> A few weeks after John's funeral my friend invited me for dinner. She wanted to spend a little time with me and to get me out. Her husband, who is also my friend, had done a large portion of John's funeral service, and he asked me so sincerely how I was doing. I told him that I was okay, but that the nights were so difficult for me to get through. When I would sleep, the nightmares were terrible, so I was trying not to sleep at all. He told me something then that helped to change my life. He said, "Paula, when you go through the worst times of grief, you need to find an anchor. Something stable for you to hold onto so that grief won't sweep you away. Something that can never change or be taken away from you."
>
> I went home that night and looked for my anchor. The only thing I had that could never be taken away from me was that God loved me. He loved me so much and He wanted to comfort me and to heal my heart. He wanted to put the shattered pieces of my life back together. Jer. 29:11 was one of many promises: I know the plans I have for you, says the Lord. Plans to prosper you and not to harm you, plans to give you hope and a future. That was what I needed, and that was what I began to build my life on.
>
> It was the second spring after John's death. I went outside on my deck and the sun was shining and the trees were budding, and the smells of spring were so heavy in the air. All of a sudden I realized that I was enjoying the sun on my face and the smells of spring. It was as if everything I saw was in color, and I had been seeing life in black and white. The feeling of contentment only lasted a brief time but I realized that day I was getting better. That someday I could enjoy life again.
>
> Then four years after I lost John, I found Phil, or maybe he found me. However it was, we just seemed to fit together. The kids fell in love with Phil right along with me, and he fell in love with us too, and he married us. He made our family complete again and I thank God every day for him. Then four years into our marriage, God gave us Alison, our nineteen month old daughter. Alison had a difficult beginning. She was born with Down syndrome, but more importantly, with two little holes in her heart that were life-threatening. She was life-flighted to Children's Hospital and I was afraid that I would never see her alive again. I wrestled with God for three nights over her diagnosis. I questioned His reasons for making her with

such a disability. But more than anything, I wanted her to live. I told God that if He spared her life, I would be the best mother to her that I could be. I understand how precious life was and that God makes no mistakes. Boy did He answer my prayer. She was a miracle baby. She got better and stronger and both of those little holes closed over and her heart is healthy. And she's the love of my life. She brings me so much joy every day. When she smiles, her whole face smiles. All the love that I lost in that scud missile attack, God gave back to me and multiplied it. How grateful I am to Him. I am so thankful for God's faithfulness and love to me.

This is just my story. We all have a story, wounds and scars of our hearts that tell the stories of our lives. They make us who we are. But if those scars and wounds make us more compassionate toward others who are suffering, if they make us more grateful for every day we live and for the ones we love, and stronger for the difficulties that lie ahead on this journey called "life," then our soldiers' sacrifice is all the more meaningful—to us and to all of those whose lives we touch, because we have become better human beings.

I want to thank my family, who loved John so much and grieved with me, to my children who are my angels—they gave me reason to get up every morning and gave me so much love.

I want to thank my friends and my Church family who prayed for me faithfully and encouraged me daily, and most of all to my mom, who was the best friend I ever had and I'll always miss her.

I also want to thank the families of the 14th Quartermaster. We have cried together and laughed together. We have shared our deepest pain and our greatest joys. Your strength gave me strength. Your courage gave me courage. The circumstances of our meeting were so tragic and yet I am so grateful to have known you.

And to Janet Glasser, our family support coordinator. Janet, you were the glue. Without you, we would never have had the support system that we had. You were so far above what your job required of you. You have been like a big sister to me. I can't even begin to thank you for everything you've done. I am so grateful to have you in my life.

To my husband Phil, for always loving me and letting me be who I am. For taking Matt and Melissa into your life and making them your own. For our little Alison, our little angel that we are so privileged to be parents to. For being my best friend.

And my utmost gratitude to John Boliver . . . for the love he brought into my life, for the two children he made with me, for all the laughing we did, and all the silly arguments. . . . I loved it all and I wouldn't change a thing. He brought me so much joy and taught me so much about courage. I will always hold him in my heart until we meet again in glory.

Thank you—Paula Wukovich.

PERSONAL EXPLANATION

HON. PAT TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TOOMEY. Mr. Speaker, due to unforeseen circumstances, I missed rollcall votes Nos. 23, 24, and 25. Had I been present, I would have voted "nay" on rollcall vote No. 23, "nay" on rollcall vote No. 24, and "nay" on rollcall vote No. 25.

IN HONOR OF GEROME RITA STEFANSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the life of Gerome Rita Stefanski. A loving mother of five children and a courageous businesswoman, Mrs. Stefanski's life serves as a beautiful example of the American dream come true.

Daughter of Helen and Alexander Rutkowski, Gerome Rita Stefanski was raised in a loving and caring environment. From her parents, Mrs. Stefanski learned strong family values which helped her in raising her own children. Married in 1937, Mrs. Stefanski was mother to five children: Ben, Hermine Cech, Abigail, Floyd and Marc. Throughout her life, Gerome Rita Stefanski always made her family her first priority. Foregoing a career as a social worker, Mrs. Stefanski chose to stay at home and raise her children to assure that they would grow up in the same loving environment which she had known as a child.

Mrs. Stefanski attended college at Notre Dame College of Ohio and earned a master's degree from Catholic University of Washington, D.C. At her college graduation, Mrs. Stefanski was awarded the Bishop Schrembs Cross for recognition of her superior essay on the subject of religion as a working principle of life. She was also recently awarded an honorary doctorate from Notre Dame College of Ohio.

Shortly after her marriage, Gerome Rita Stefanski was an important partner in the founding of the Third Federal Savings Association. Working closely with her husband Ben, she prepared all of the original organizational documents. Mrs. Stefanski served as the sole advertising manager and wrote all of its publications for almost fifty years. A pioneer of the increased role of women in the workplace, Mrs. Stefanski became the Third Federal Savings Association's first female director in 1981.

Mrs. Gerome Rita Stefanski was a brilliant businesswomen and a loving mother, My fellow Congressmen, please join me in celebrating the life of Gerome Rita Stefanski.

BILL FRENZEL, ORDER OF THE RISING SUN

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. GREENWOOD. Mr. Speaker, it is with great pleasure that I take a moment to recognize one of our former colleagues, Bill Frenzel of Minnesota. Bill recently received the Order of the Rising Sun from the Emperor of Japan. This decision is one of the highest honors that can be bestowed on someone of non-Japanese descent. Such a distinguished honor highlights his dedication and many years of service to the development of Japanese-American relations. Many of these efforts began right here while he was serving on the House Ways and Means Committee. Bill was known as the most active Republican on trade matters and was an instrumental player in the advancement of the trade relationship between America and Japan.

During the last six years, Bill has served as the Chairman of the Japan-America Society of Washington, DC, a non-partisan educational and cultural organization. Founded in 1957, it serves as the primary forum in the Mid-Atlantic region for promoting understanding between the two countries. While there, Bill has worked hard to foster the development of an open, U.S.-Japanese dialogue. His efforts helped create an honest discussion regarding cultural differences, unfair trade practices, protectionist measures and the need for increased Japanese participation in multinational corporations.

Bill's work has been essential in creating stronger ground for trade relations between our great nations. His commitment to secure a productive working relationship has resulted in a sound base that will further continuing economic and political endeavors. It is an honor to recognize his work today on the floor, and I thank him for his dedication to such an important area of our foreign policy.

AL RESCINIO, MAN OF THE YEAR, AMERIGO VESPUCCI SOCIETY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. PALLONE. Mr. Speaker, on Saturday, March 3, the Amerigo Vespucci Society of Long Branch, N.J., my hometown, honored Al Rescinio as Man of the Year. I am proud to say that Al is a constituent and friend who has made innumerable contributions to our community, our county, and our state.

Al was born and educated in Long Branch and later graduated from Upsala College with a degree in business. He worked for the international organization of certified public accountants, Haskins & Sells, while he and his wife Marge raised their four children. These children, who no doubt are Al's greatest source of pride and satisfaction, are now all successful professionals—individuals who are in turn making their own contributions to society.

In 1968, Al started his own firm, Umberto Rescinio, C.P.A. Since then, he has participated in many national organizations and charities, giving back to those in need some of what he earned and achieved throughout his career.

Locally, he has been affiliated with the Monmouth County Drug and Alcohol Abuse Commission and the NJ State Planning Council of Central Jersey. He has received many awards and citations for his contributions.

On March 3, members of the Amerigo Vespucci Society honored him and thanked him for helping to raise the $62,000 that was donated this year to local charities by the Society. On that night, it was apparent how one man and one civic-minded organization can make a big difference in the lives of the citizens of their community.

IN HONOR OF REVEREND FATHER RAPHAEL (ALBERT) ZBIN, O.S.B.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Father Raphael (Albert) Zbin, O.S.B., a man whose strong personality challenged others to work hard to build a spiritually, socially and physically sound community.

A native of Lakewood, Ohio, Father Raphael served much of his eighty years as both a religious and educational leader. While attending St. Benedict's College in Atchison, Kansas, he entered the Benedictine Order and professed his vows as a monk in 1942. The following year he returned to Kansas and received his bachelor's degree in science.

Father Raphael then returned to Cleveland to begin studies for the priesthood at the former St. Joseph's Seminary of the Blessed Sacrament Fathers while also teaching part-time at Benedictine High School. During his thirty years of teaching, Father Raphael became a prominent figure in the Cleveland Diocesan School system. His reputation as a strict disciplinarian motivated his students to study diligently and win numerous contests. Twenty-eight of the fifty-three highest honors projects recognized in the 1957 Diocesan Science Fair came from Benedictine due to Father Raphael's exceptional ability to challenge his students to produce quality work.

After receiving his master of science degree in biology from Catholic University of America in Washington, DC, Father Raphael was elected chairman for the American Benedictine Academy's Science Division. In 1966, he was named Outstanding Science Teacher of Northeastern Ohio by the Ohio Academy of Science.

In 1976, Father Raphael became the pastor of St. Andrew Svorad Parish in downtown Cleveland. For the past quarter century, his tireless energetic spirit brought about a number of renovations to the parish's physical plant and increased parish unity through his organization of many socials and dinners.

My fellow colleagues, join me in honoring the memory of Reverend Father Raphael (Albert) Zbin, a monk of Saint Andrew Abbey, who always saw work to be done. Let us aspire in our own efforts to be such examples of hard work and dedication to improvement.

WOMEN'S HEALTH AND CANCER RIGHTS CONFORMING AMENDMENTS OF 2001

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Women's Health and Cancer Rights Conforming Amendments of 2001. This bill is a technical correction to legislation adopted by the 105th Congress that ensures reconstructive surgery coverage for all stages of reconstruction, including symmetrical reconstruction, for breast cancer patients.

During the 105th Congress, I introduced the Women's Health and Cancer Rights Act of 1998. A specific provision of this bill that requires coverage for reconstructive procedures after breast cancer surgery was passed into law in Title IX of the 1998 Omnibus Budget Bill. While passage of that legislation was a wonderful step forward, a loophole has been identified which seriously weakens the intent of this legislation. The bill I am introducing again today, would correct this flaw by conforming the Internal Revenue Code of 1986 to the requirements consistent with the Women's Health and Cancer Rights Act. This change would provide a civil monetary penalty against those health plans who fail to provide coverage for breast reconstruction following mastectomy or other breast cancer surgery.

There is indeed precedence for such a technical correction. Similar corrections were made to the Internal Revenue Code as part of the Taxpayer's Relief Act of 1997 to ensure compliance to the Mental Health Parity Act of 1996 and the Newborns' and Mothers' Health Protection Act of 1996. The correction I am seeking today is like these and would ensure compliance to the Women's Health and Cancer Rights Act of 1998.

Studies have documented that the fear of losing a breast is a leading reason why women do not participate in early breast cancer detection programs. Now that coverage is guaranteed for reconstructive surgery following breast cancer surgery, it is time to put the teeth in that language and hold health plans accountable for providing that coverage. As we begin to set the agenda for the 107th Congress, let us make this important correction to ensure the best possible support for breast cancer victims.

COMMENDING THE UKRAINIAN LEADERSHIP ON ITS EXPRESSION OF UNITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to commend Ukraine's leadership—President Leonid Kuchma, Chairman of the Rada Ivan Pliyshch, and Prime Minister Viktor Yushchenko—for their unified address to the Ukrainian nation on February 13th.

Mr. Speaker, recently the country of Ukraine has been faced with a degree of turmoil as a result of the kidnapping and murder of a journalist, Georgy Gongadze. As Ukraine's leadership acknowledged in their statement, the investigation into this incident was initially marred by delays and inconsistencies. However, the President, Prime Minister, and Chairman of the Rada have pledged that all measures will now be taken to get to the bottom of this case as soon as possible.

Mr. Speaker, this united affirmation by the three highest officials in Ukraine will help quell some of the recent unrest, propel the investigation of Gongadze's death, and speed Ukraine's return to normalcy.

TRIBUTE TO FAY COHEN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. FRANK. Mr. Speaker, a very special person, Fay Cohen, is being honored by her friends and colleagues on the occasion of her retirement as aide to Massachusetts State Senator Cynthia Creem.

Fay Cohen is special in many ways. She is a woman who has successfully balanced her professional life with years of volunteering for the causes she believed in. She is, indeed, a person with a special commitment to the democratic ideals we all espouse.

Fay Cohen served her community as an elected official on the Newton, Massachusetts Board of Aldermen. She was a tireless campaigner for the Massachusetts Democratic Party, and for political candidates who went on to serve both the Commonwealth of Massachusetts and the United States Congress. Senator EDWARD KENNEDY, Senator JOHN KERRY, former Congressman Robert Drinan, Governor Michael Dukakis, State Senator Lois Pines and I have all been the recipients of Fay Cohen's wisdom, dedication and hard work.

Fay Cohen may be retiring from her professional career, but I know that I and others who have relied on Fay's political astuteness will never let her retire from being one of our cherished activists.

IN HONOR OF THE CLEVELAND SOUTHEAST LIONS CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cleveland Southeast Lions Club for 50 years of public service.

For the last fifty years, the Cleveland Southeast Lions Club has been committed to serving the greater Cleveland area. This service organization works earnestly to provide numerous philanthropic donations to charities all over the world.

In attempt to extend a helping hand, the Cleveland Southeast Lions Club annually hosts an East West All Star Football game in order to raise money for worthy programs such as the Saint Vincent Charity Hospital Lions Eye Clinic, Ohio Lions Eye Research Foundation, Blind Welfare, and other deserving organizations. The Cleveland Southeast Lions Club strives to reach out to the less fortunate by donating thousands of pounds of clothing and food to Saint Augustine's distribution to the needy. The members of the Cleveland Southeast Lions Club work daily to assist senior citizens by driving them to doctors appointments, the grocery store, or to the pharmacy. Not only are they involved in local services, the Cleveland Southeast Lions Club collects used eye glasses to be redistributed in the third world countries.

The Cleveland Southeast Lions Club cultivates to the spirit of service upon which they were found, taking a specific interest in children. This organization encourages a greater happiness for children with disabilities. By raising money with various fundraisers that promote community involvement, the Cleveland Southeast Lions Club helps send children to Camp Echoing Hills, a camp for individuals with disabilities.

It is evident that the Cleveland Southeast Lions Club has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution to the Cleveland community. For this work, the Northeast Ohio community is thankful.

My fellow colleagues, please join me in honoring the Cleveland Southeast Lions Club for their 50 years of public service.

CONGRATULATIONS TO THE GREENBACK HIGH SCHOOL CHEERLEADERS

HON. JOHN J. DUNCAN JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. DUNCAN. Mr. Speaker, earlier this year the National Cheerleading Championship was held here in the Nation's Capital. I am pleased that the National Championship Award in the small school varsity division went to the Greenback High School Cheerleaders, from Greenback, Tennessee.

Team members, Traci Russell, Amanda McKeehan, Rebekah Raines, Kristi Evans, Sylvia Martin, Staci Kizer, Lynette Krohnfeldt, Melissa Spring, Chelsey Edmondson and Kallee Brooks are to be congratulated on winning the award for their outstanding performance.

Mr. Speaker, I know that I join all Americans in wishing these young ladies best wishes on a job well done.

I have included a copy of a story written in the Maryville Daily Times describing their winning the National Title that I would like to call to the attention of my colleagues and other readers of the RECORD.

CHEERLEADERS ON CLOUD NINE AFTER WINNING NATIONAL TITLE

(By Stefan Cooper)

They sat cross legged on the floor, cool, calm and collected as they waited for the word.

Finally, the public address announcer in the ballroom of the Washington Hilton stepped to the microphone.

"And the national champion in the small school varsity division is . . . Greenback High School, Greenback, Tennessee."

"They just went straight up in the air," Pam Tipton, one of two sponsors for the Greenback High School cheerleaders, said.

Since claiming the All-American Cheer and Dance national championship Saturday in the nation's capitol, Traci Russell, Amanda McKeehan, Rebekah Raines, Kristi Evans, Sylvia Martin, Staci Kizer, Lynette Krohnfeldt, Melissa Spring, Chelsey Edmondson and Kallee Brooks have yet to come down.

A large turnout—complete with WKXT Channel 8 in tow—met the team's plane at McGhee Tyson Airport late Saturday.

WATE Channel 6 showed up at the school Monday morning. Two area newspapers scheduled back-to-back interviews with the new champs Tuesday after school.

"The girls haven't had time to shave their legs, and I haven't had time to get my laundry done," Tipton said. "The reaction from the community, the TV stations coming, it's been mind-blowing."

Not to worry.

The team has come up with a catch phrase to deal with their newfound celebrity, Raines said: "Act casual."

The national title comes on the heels of a win in dance at a Universal Cheerleaders Association camp at the University of Tennessee last summer.

Prior to both, Tipton said, the team looked out of sync.

"The week before we went to camp, I said, 'This not going to come together,'" she said. "Put them in front of a crowd and it was, 'Whoa!'"

"'Where did these girls come from?'"

Regardless of the endeavor, it takes a lot of work to make a champion.

"A lot of people don't think cheerleaders are athletes," said Penny McKee, who cosponsores the team along with Tipton. "Well, they are athletes. They trained for this."

The team practiced its students for competition 2½ hours a day when not cheering at Greenback sporting events.

Maryville College junior Nicole Johnson, an employee at Maryville's Gymnastics Counts, choreographed the squad's dance routine.

Johnson's friend Adriel McCord supplied the dance mix.

"The shake-your-booty part was their favorite," Johnson said. They stuck every stunt (in Washington). Their tumbling was good.

"They surpassed every expectation."

FEARLESS ONCE ON STAGE

It wasn't as easy as it seemed, Martin said. Prior to taking the stage each day of the two-day competition, everyone was a nervous wreck.

"Once the music starts," she said, "you just think about the routine." There, McKee said, the squad was flawless.

"They hit everything," she said. "It was perfect. That's the best I've ever seen them."

Much of the reason for the impact the championship has generated is due to the size of Greenback.

The school has an enrollment of 600 students, kindergarten through 12th grade. Only 220 of those students are freshmen or above.

At the championships, where the largest squad had 28 members, the size of the Greenback contingent was quick to catch the eye.

"Everywhere the other squads went, they took three or four elevators," McKee said. "We could all cram into one."

CHEMISTRY SPELLS SUCCESS

Key to the squad's success is its chemistry, Tipton said.

"Most of them have cheered from grade school up," she said. "They're really good friends, and they just click."

And when Russell, McKeehan, Raines & Co. took the stage in front of a panel of six judges for the finals Saturday, it carried them through.

"They weren't nervous," Tipton said. "I was scared to death."

"We thought they had a chance to do it, but to actually have it happen is amazing.

"It's like something you see on TV, but you never think you'll be a part of it."

Topping it all off, once the trophy was claimed, Brooks, Raines and Edmondson were named to the championships' All-Star team and will represent AACD at the 2002 NFL Pro Bowl in Honolulu.

TOUR OF THE U.S. CAPITOL

It wasn't all work and no play during their five-day stay in Washington, Russell said.

U.S. Rep. John J. Duncan Jr. gave the team a tour of the Capitol building. U.S. Sen. Bill Frist arranged a visit to the White House.

"We did basket tosses over the gate," Martin joked.

The most memorable part of their visit, though?

"The subway," Russell said. "Definitely."

Kidding aside, they have a lot of people to thank, all 10 members said.

Without Johnson's choreography, it never would have happened, they said.

"We love you, Rudy," Russell said.

McKee, Tipton, classmates, and the town of Greenback, all said, have been tremendous.

"We're honored," Raines said. "We just wanted to make Greenback proud."

PROCLAMATION FOR RAY AND CATHY JANSEN–

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. ISRAEL. Mr. Speaker, I submit the following proclamation for the RECORD.

Whereas, on March 31, 2001, Family Service League is celebrating 75 years of providing comprehensive human services to the Long Island Community with a Gala Celebration entitled: "Restoring Hope . . . Rebuilding Lives," and

Whereas, on that evening, Family Service League will be honoring Catherine and Raymond Jansen for their many years in service to the Long Island Community, and

Whereas, Catherine and Raymond Jansen, both as individuals and as a team, have epitomized and set the standard for dedicated service to the Long Island community with their strong commitment to philanthropy and dedication to family, and

Whereas, Catherine Jansen, in addition to serving as a member of Family Service League's Board of Directors, is also Chairman of the Board of Trustees of the Hecksher Museum and serves on the Boards of Caumsett Park Foundation, Project R.E.A.L., United Way's Success by Six and the Three Harbors Garden Club, and

Whereas, Raymond Jansen, in addition to his recent appointment as Senior Vice President of the Tribune Publishing Company, and as president, publisher and CEO of Newsday, is known for his community service on many boards and philanthropies and for his leadership in bringing recognition to Long Island's everyday volunteers through Newsday's Winners Column, Every Day Heroes, and the Long Islander of the Century and FutureCorps. Therefore, be it

Resolved, That Catherine and Raymond Jansen, are here recognized in the United States Capitol for their many years of unselfish service to the Long Island community and will be presented with this Proclamation in the CONGRESSIONAL RECORD.

INTRODUCTION OF LEGISLATION TO ESTABLISH A COMMISSION FOR COMPREHENSIVE REVIEW OF THE FAA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. WOLF. Mr. Speaker, today I am reintroducing a bill calling for a tough, comprehensive review of the Federal Aviation Administration. The legislation would establish a commission to focus on the critical need to improve aviation safety and to reduce airline delays. It would examine both air traffic services and safety oversight by the FAA, and make recommendations on both the organizational structure and processes of the agency.

This is the perfect time, with a new administration entering the White House, for an unbiased, impartial and independent commission to begin working toward a solution to make our skies safer and our airports more efficient. We owe it to the American traveling public to make our skies as safe as possible and to put an end to the horrendous delays we so often hear about and experience.

We should all be concerned about aviation safety. As air travel has increased, we have seen increases in runway incursions, operational errors among air traffic controllers, and near midair collisions. In 1999, one in five flights arrived late, with each delay averaging about 50 minutes. According to Ken Mead, inspector general for the Department of Transportation, when cancellations are added in, it's nearly one in four. A total of 1.5 million flights were delayed or canceled last year.

Since 1978, the number of daily departures has doubled and the number of passengers has risen 250 percent. In 1999, U.S. airlines carried 694 million passengers on 13 million flights. As air travel continues to increase, we need to ask whether FAA is up to the job of adequate safety oversight, and whether Congress can do more to guide the agency.

Mr. Speaker, the Boeing Company recently called for the need for a new air traffic control system and even offered to fund improvements to the system themselves.

A recent letter from D.J. Carty, chairman, president and CEO of American Airlines, says that American continues to be concerned about the airline industry's ability to serve the public transportation needs due to air traffic control and airport capacity constraints.

The U.S. Chamber of Commerce, representing over three million businesses, recently stated that the air transport crisis is damaging our economy with delays and congestion costing industry and its shippers over $5 billion annually. Tom Donohue, Chamber president stated that skyrocketing demand and stagnant capacity are crippling the nation's aviation network and that we need a national strategy to streamline runway and airport construction and modernize our outdated air traffic control system.

Mr. Speaker, I also point out that operational errors among air traffic controllers are up significantly, as controllers try to cope with increasing traffic bearing down on crowded hub airports. At the same time these errors are up, the FAA has announced a plan to significantly reduce the number of operational supervisors available to assist and monitor that traffic. These errors have risen by 25 percent in the past two years alone.

In addition, runway incursions continue to go up, raising cries of alarm from the National Transportation Safety Board, the Office of Inspector General, and the Congress. The inspector general told the transportation appropriations subcommittee seven months ago "this safety issue is one that demands constant high-level attention," so we called for higher budgets, monthly reports and a national summit on the issue. Yet the most recent report shows that runway incursions have not gone down. They continue to go through the roof.

In addition, FAA has been unable to address the growing problem of airline delays. In the summer of 1999, delays were so high that the FAA announced a special review of its traffic management programs. This review concluded that the agency could do a lot more to provide efficient movement of aircraft around the country. Immediate improvements were promised. However, the delays of the past summer were just as high as the year before, if not worse.

The American traveling public is getting tired of these horrible delays. Business meetings are canceled, family gatherings are disrupted, and commercial deals are passed up when airline commerce does not flow smoothly. I hear my colleagues complain practically every day about the incredible and unacceptable airline delays. For those of us who fly often, our quality of life is greatly diminished because of this problem.

The commission I propose would take a comprehensive approach, and it would focus on ways to improve aviation safety for the benefit of all Americans. Specifically, the bill would establish a Commission for Comprehensive Review of the FAA. It would look at both air traffic services and safety oversight by the agency, and make recommendations on both the organizational structure and processes of the agency. However, the recommendations must address FAA's organization within the existing structure of government, rather than through privatization.

The commission would have 24 members appointed by the President, and would include representatives from airlines, airports, employee unions, and pilots as well as the DOD and other relevant federal entities. The legislation requires that the commission request must be submitted to the Congress within one year of enactment.

Mr. Speaker, there is a great opportunity for the new administration to start off with a fresh approach in aviation. It is the perfect time for an unbiased, impartial and independent commission to present new findings—focusing on aviation safety—to help guide the FAA in the right direction for the future.

The recommendations from this commission could be extremely helpful to the new President and the new Congress as we consider how to make our aviation system more safe and efficient for the U.S. citizens and those who visit our country.

Ideally, as soon as the commission reports its findings, legislation could be considered by Congress to implement the recommendations so that we can quickly move forward to make the changes needed to correct the long-standing problems at the FAA.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission for Comprehensive Review of the Federal Aviation Administration Act".

SEC. 2. COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for Comprehensive Review of the Federal Aviation Administration (referred to in this section as the "Commission").

(b) FUNCTIONS.—The functions of the Commission shall be—

(1) to review existing and alternative options for organizational structure of air traffic services, including a government corporation and incentive based fees for services;

(2) to provide recommendations for any necessary changes in structure of the Federal Aviation Administration so that it will be able to support the future growth in the national aviation and airport system; except that the Commission may only recommend changes to the structure and organization of the Federal Aviation Administration that are within the existing structure of the Federal Government;

(3) to review air traffic management system performance and to identify appropriate levels of cost accountability for air traffic management services;

(4) to review aviation safety and make recommendations for the long-term improvement of safety; and

(5) to make additional recommendations that would advance more efficient and effective Federal Aviation Administration for the benefit of the general traveling public and the aviation transportation industry.

(c) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 24 members appointed by the President as follows:

(A) 8 individuals with no personal or business financial interest in the airline or aerospace industry to represent the traveling public. Of these, 1 shall be a nationally recognized expert in finance, 1 in corporate management and 1 in human resources management.

(B) 6 individuals from the airline industry. Of these, 1 shall be from a major national air carrier, 1 from an unaffiliated regional air carrier, 1 from a cargo air carrier, 1 from the Aircraft Owners and Pilots Association, and 1 from the National Association of State Aviation Officials.

(C) 3 individuals representing labor and professional associations. Of these, 1 shall be from National Air Traffic Controllers Association, 1 from the Air Line Pilots Association, and 1 from the Professional Airways Systems Specialists.

(D) 2 individuals representing airports and airport authorities. Of these, 1 shall represent a large hub airport.

(E) 1 individual representing the aerospace and aircraft manufacturers industries.

(F) 1 individual from the Department of Defense.

(G) 1 individual from the National Aeronautics and Space Administration.

(H) 2 individuals from the Department of Transportation. Of these, 1 shall be from the Federal Aviation Administration and 1 from the Office of the Secretary of Transportation.

(2) TERMS.—Each member shall be appointed for a term of 18 months.

(d) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(e) HEARINGS AND CONSULTATION.—

(1) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct at least 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(2) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of Defense, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

(3) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) ACCESS TO DOCUMENTS AND STAFF.—The Federal Aviation Administration may give the Commission appropriate access to relevant documents and personnel and shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Federal Aviation Administration shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(g) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from such member's usual place of residence, in accordance with section 5703 of title 5, United States Code.

(h) DETAIL OF PERSONNEL FROM THE FEDERAL AVIATION ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall make available to the Commission such staff, administrative services, and other personnel assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this section.

SEC. 3. REPORT OF THE COMMISSION.

(a) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the Commission and in no event more than 1 year after the date of the enactment of this Act, the Secretary of Transportation, after consulting the Secretary of Defense, shall transmit a report to the Committees on Commerce, Science, and Transportation, Appropriations, and Finance of the Senate and the Committees on Transportation and Infrastructure, Appropriations, and Ways and Means of the House of Representatives.

(b) CONTENTS.—The Secretary shall include in the report to Congress under subsection (a) a final report of findings and recommendations of the Commission under section 2(b), including any necessary changes to current law to carry out these recommendations in the form of proposed legislation.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

INTRODUCTION OF A BILL TO ELIMINATE THE PERSONAL EXEMPTION PHASE-OUT AND THE ITEMIZED DEDUCTION PHASE-DOWN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

This bill takes as its starting point the income tax rate reductions proposed by President Bush, phased-in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to repeal the phase-down of itemized deductions and the phase-out of personal exemptions contained in the current code. These provisions are sometimes known by the names of Pease and PEP, the former named for its originator. Congressman Don Pease, a distinguished Member of the Ways and Means Committee during the 1986 Tax Reform Act, and the latter an acronym for personal exemption phases-out.

The income tax contains a number of unfortunate provisions that phase-out various credits, exemptions, and deductions. For example, the amount an individual can take as itemized deductions falls for married taxpayers with adjusted gross income (AGI) over a $132,950 threshold. These taxpayers see a reduction in their total itemized deductions at the rate of 3 percent for every $1,000 earned over the threshold. The proportion of a taxpayer's itemized deductions that can be lost due to this provision is capped at 80 percent of their otherwise allowable deductions. Similarly, for 2001 a taxpayer's allowable personal exemptions are reduced by 2 percent for every $2,500 over and above $199,450 in AGI. This provision raises the marginal tax rate by .8 percent for affected taxpayers.

The itemized deduction phase-down and the personal exemption phase-out exist for only one reason—to increase taxes on the affected taxpayers. Even more troubling, they do so by significantly increasing tax complexity. Even worse, they raise taxes by raising marginal rates and they do so, not through an explicitly higher statutory tax rate, but through a hidden device.

The reduction of marginal tax rates is a hallmark of the Bush tax proposal. High marginal tax rates discourage people form investing, saving, creating new businesses, and so forth. Reducing these rates is therefore one of the effective things we can do to ensure a stronger economy in the future. The bill I am introducing today eliminates two hidden marginal tax rate increases and is, therefore, completely consistent with the strategy of the Bush tax rate reductions.

The bill I am introducing today is also fully consistent with sound tax policy because it makes the tax code more transparent. Taxpayers ought to be able to determine with little effort the tax consequences of their economic decisions. Hidden marginal rate increases are therefore inconsistent with sound tax policy and ought to be eliminated.

Further, everyone involved in tax policy agrees that the tax code is too complex, too costly to comply with, and too costly to administer. This bill certainly does not sweep away all the cobwebs of complexity, but it will make the code simpler for those affected by these two provisions.

IN RECOGNITION OF THE ACHIEVEMENTS OF DR. RAYMUND PAREDES, ASSOCIATE VICE CHANCELLOR AT UCLA

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the achievements of Dr. Raymund Paredes, the Associate Vice Chancellor at UCLA. Dr. Paredes opened the doors of opportunity for many students from Los Angeles County through his leadership, direction and execution of academic development programs. He has served not only as a professional role models for Latinos across the United States, but most importantly as a positive role model to the residents of the 31st Congressional District. He exemplifies how one person's commitment to public education can make tremendous changes towards improving our educational system. Raymund Paredes obtained his B.A., in English from the University of Texas at Austin, in 1964. He went on to earn his in M.A. American Studies at the University of Southern California, 1969, and returned to the University of Texas at Austin for his Ph.D. in American Civilization, in 1973.

Dr. Paredes joined the faculty of UCLA's English Department in 1973. His research has focused on Mexican American literature and culture and the impact of demographic change on American culture, art, and education. A driving force in the emergence of Chicano studies as a discipline, he introduced Chicano literature courses to the UCLA curriculum and chaired the César Chávez Center for Chicana/o Studies from 1997 until 1999. He also served as an Associate Dean in the Graduate Division, overseeing the graduate fellowships unit as well as affirmative action programs from 1986 to 1989.

As Associate Vice Chancellor, Academic Development since 1989, Raymund has been engaged in a broad range of activities encompassing K–12 and community college outreach, faculty recruitment and retention, curricular development, promotion of cultural and academic events, and, most recently, establishment of Community Education Resource Centers in five Los Angeles neighborhoods. He also worked on outreach in his capacity as Special Assistant to UC President Richard Atkinson from 1998 to 2000.

Dr. Paredes has long believed that by setting high expectations for students, they will eventually overcome their challenges. Dr. Paredes has been a strong advocate for the establishment of educational partnerships that lead to successful pipelines between high schools and four-year colleges, as well as between community colleges and Universities. He has played a most important role in outreaching to the most disenfranchised communities in the state of California. He has helped further the goals of the first successful summer academy for migrant students from California.

Dr. Paredes has served as an appointed member to the Task Force on Latino Eligibility by the University of California from 1992–1997. He has also served as an appointed member of the Advisory Committee on Latino Education by the California State Department of Education, has served as an appointed member of the California Commission for the Establishment of Academic Content and Performance Standards, has served as the cochair of the Committee on K–12 educational research for the Inter-University Program for Latino Research and currently he is a Consultant on education to the Univision television network.

Dr. Paredes' true contributions to UCLA, the University of California, and the community at large far exceed the span of his myriad responsibilities. A champion of educational access, equity, and diversity, he has been a highly effective ambassador and leader on behalf of those causes. He has spearheaded landmark programs and forged relationships between the University and important local institutions—vital bonds that will endure because of his commitment and persistence.

Sadly, Dr. Paredes is leaving his position at UCLA, as he will be assuming the position of Director of Creativity, Culture and Arts Programs at the Rockefeller Foundation in New York.

On behalf of the 31st Congressional District, I thank Dr. Paredes for your leadership, your service and most importantly for your commitment to improving the quality of life for students in the state of California.

IF MEDICARE CAN BUY A PROSTATE BIOPSY FOR $178, WHY SPEND $506?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. STARK. Mr. Speaker, Medicare pays different amounts for various medical procedures, depending on where the service is performed. In general (but not always), we pay more for a procedure in a hospital outpatient department, less for the same procedure in an ambulatory surgical center, and often even less when that procedure is performed in a doctor's personal office.

Some people—the very frail or those who are quite sick—often need to be cared for in a setting where intensive support services can be quickly provided. But for most, these various procedures can be performed safely in a variety of settings.

For those who do not need back-up support, it would seem that Medicare ought to pay no more than the lowest cost site of service. I've introduced legislation to ensure that type of savings—savings that would run into the hundreds of millions per year.

The following letter from a group of doctors describes why we should enact this change—ASAP.

FEBRUARY 14, 2001.

REPRESENTATIVE PETE STARK,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE STARK: We are a group of six urologists. We are writing this letter to voice our concerns about, and ask for your help in clarifying/rectifying HCFA reimbursement policy as it relates to site of service payments.

To briefly summarize, three routine and frequently performed urology procedures are reimbursed at very different rates when performed in a physician's office versus an ambulatory surgical center. The procedures, corresponding CPT codes and associated payments are:

CPT code and description	Office pmt.	ASC pmt.
52000 Cystourethroscopy	$179	$418
52281 Cystourethroscopy w/urethral calibration/dilation	232	569
55700 Prostate biopsy	178	506

As you can see, if the bill for these procedures is sent to Part A Medicare instead of Part B Medicare the reimbursement is tremendously higher. This is true even though they are exactly the same service provided with identical equipment.

The Medicare Payment Advisory Commission (MedPAC) has stated "All else being equal, Medicare should pay for ambulatory care based on the service, not the setting in which it is provided." (AUA Health Policy Brief, Page 5, December 1998). The major cost drivers of providing these services are basically identical regardless of site of service (cost of cystoscopes, ultrasound imaging equipment, power tables, sterilization equipment, light sources, irrigation fluid, ancillary personnel, and cost per square foot of space). We believe this present policy adversely and unfairly affects all providers who aren't owners of an ASC as well as Medicare beneficiaries.

Medicare beneficiaries are concerned about access and quality of care. Presently we provide these services at four locations. Without a level reimbursement policy concerning site of service, we will have to consider closing some offices and congregating all or most of these procedures at one centrally located ASC.

INTRODUCTION OF NO GUNS FOR VIOLENT PERPETRATORS ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. MOORE. Mr. Speaker, today I join with twelve of my colleagues in introducing legislation that will help protect our communities by keeping guns out of the hands of our most violent criminals.

As an elected District Attorney for twelve years, I know that tough enforcement of our current laws is vital to keeping our communities safe. One of these federal laws in existence makes it illegal for convicted felons to posses a firearm. But would it surprise you to know that there is no similar prohibition on possession of a firearm by a person who has a juvenile adjudication of a violent crime? That is a fact. And it is a narrow loophole in the law that should be closed.

A constituent who owns a gun store in my district, Bob Lockett, brought this loophole to my attention. An individual with a conviction for a shooting death as a juvenile in California tried to purchase gun parts at his store. The State of Kansas has a law making it illegal for persons with a juvenile adjudication of a violent crime to possess a firearm. Therefore, when a search discovered the prior conviction, Mr. Lockett was able to prevent the purchase and notify the authorities. I commend Mr. Lockett for his actions and for bringing this matter to my attention.

Mr. Speaker, although I am grateful that Kansas has such a law, I believe that this should be a federal law to prevent violent perpetrators from possessing firearms nationwide. These individuals with a violent past should be prohibited from possessing firearms.

During my years as a District Attorney, I found that, to the victim of a violent crime, it makes little difference whether the perpetrator was an adult or a juvenile. I believe we all can agree that violent persons should not be able to legally possess a firearm.

Mr. Speaker, persons who have a juvenile adjudication for a violent felony should never possess a firearm. I urge my colleagues to support this important legislation.

THE ALTERNATIVE MINIMUM TAX REPEAL ACT OF 2001

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. COLLINS. Mr. Speaker, I rise today to introduce The Alternative Minimum Tax Repeal Act of 2001 which will repeal the individual Alternative Minimum Tax (AMT). The domestic tax system has dramatically changed since the creation of the AMT regime. Consequently, this tax regime has long outlived its purpose. Today, the AMT is punitive in nature, overly cumbersome and affects taxpayers who were never intended to fall into this tax trap. To immediately reduce the number of wage earners who are affected, my legislation will extend the current-law provision which allows personal tax credits to be applied against the AMT calculation. The proposal will also immediately increase the AMT income exemption level, originally added to the AMT structure in 1993, so that it is adjusted to reflect inflation since that time. Subsequently, it will increase the exemption amount annually by 10 percent. In addition, the bill will repeal the income limitation that currently applies to that exemption.

Finally, at the end of a ten year period, the individual AMT will fully be repealed.

Included in the tax plan outline presented by President George W. Bush, was a statement in support of additional tax code changes that would provide relief from the Alternative Minimum Tax. Please join me by cosponsoring this important legislation. Eliminating the AMT will reduce the complexity of the tax code and remove another heavy burden shouldered by wage earners.

INTRODUCTION OF A BILL TO REDUCE THE CORPORATE TAX RATE TO 33 PERCENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

The bill I am introducing takes as its starting point the income tax rate reductions proposed by President Bush, phased-in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to reduce the top corporate income tax rate to 33 percent to be consistent with the top individual income tax rate in the Bush proposal of 33 percent.

The driving force of the Bush tax program is the importance of reducing tax rates. This is manifested in the reduction in the statutory tax rates, but also in such provisions as the doubling of the per child credit, the effect of which is to soften the high effective tax rates many lower-income taxpayers face due to the phase-out of the Earned Income Tax Credit (EITC). When we reduce these "marginal" tax rates, we reduce the most important disincentives our tax system imposes on work effort, saving, and investment. Think of it! Just as an individual or a family starts to climb the economic ladder they face a marginal tax rate of almost 50 percent thanks to the combination of the federal individual income tax, the phase-out of the EITC, the payroll tax, and any state income taxes imposed.

When it comes to tax policy, reducing marginal tax rates is the best insurance policy we can buy for ensuring a strong economy in the future. By reducing tax rates as he has proposed, the President would reduce disincentives for individuals, partnerships, sole proprietorships, and even for a special brand of economic organization called an S Corporation. However, his program does not provide similar relief to the more common corporate form, known as the C corporation. The bill I am introducing today extends the principle of reducing tax rates to the top corporate income tax rate faced by C corporations, which currently stands at 35 percent. My bill would reduce this tax rate to 33 percent, and in so doing would provide tax relief to almost all corporate taxpayers.

Reducing the corporate income tax rate to 33 percent would reduce the disincentive facing corporations to invest in new plants and equipment. Thus, the level of investment would increase, helping America out of its current economic slowdown and putting us on a path of stronger growth in the future. The extraordinary growth we experienced prior to the current slowdown was driven largely by productivity growth that is largely attributable to increased capital formation. Reducing the corporate income tax rate would encourage a resumption of this capital formation and, in the process, would increase the competitiveness of America's corporations and America's workers.

As the corporate community searches for tax relief that is broad in application, defensible in principle, and conducive to prosperity at home and greater competitiveness abroad, they can hardly do better than to reduce the corporate income tax rate as I have proposed in this bill. That is not to say that other changes would not also be beneficial. For example, repeal of the corporate Alternative Minimum Tax, reform of our international tax laws, and a thorough modernization of our system of capital cost recovery system would each be highly beneficial and worthy of consideration. However, in the context and an era of individual tax rate reduction, I believe a simple reduction in the corporate income tax rate has the greatest chance for success at this time. And so I urge my colleagues to support this legislation, modest though it is, to permit America's corporations and America's shareholders to share in tax relief while ensuring our companies remain strong and competitive.

RECOGNIZING LOUISE DAVIS

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the notable accomplishments and the extraordinary life of a woman from the 31st Congressional District of California.

Louise Davis is retiring from serving over 20 years of public office in the San Gabriel Valley. Louise served as the mayor of Monterey Park for three terms, from 1980 to 1981 and again in 1983. Prior to her mayoral terms, she was elected as "The Grass Roots Candidate," for Monterey Park City Council in 1976 where she served for eight years. She was a unique council member who spent her time directly addressing her constituents' problems and working to make Monterey Park a better place for all its residents. After a brief break from public life to enjoy her children and grandchildren, Louise accepted the encouragement from residents and ran for Monterey Park City treasurer in 1988. She served in this capacity for 12 years and was known for her sharp wisdom and good judgment.

Louise was born and raised in Joliet, Illinois, graduated from St. Angelea's Academy where she was class president and received a scholarship to pursue her college education in Milwaukee, Wisconsin. At the conclusion of World War II, she met Bill Davis and when he returned from the Navy, they were soon married. Louise and Bill Davis moved to Monterey Park in 1955 and raised seven children—all attended public schools. Louise became heavily involved with the PTA and the Mothers March of Dimes. She was appointed to the Community Relations Commission, where she worked to foster better ethnic relations in Monterey Park, a city known for its multicultural and diverse population. She served as the hostess of the City's Welcome Wagon in the 1960s, represented her community in the March of Dimes, served on the Monterey Park Boys and Girls Club Board, the President's Community Advisory Board of East Los Angeles College and the American Red Cross Board, San Gabriel Valley. She has also worked diligently to preserve the history of the City she served so well as President of the Monterey Park Historical Society.

Louise has served as a charter member and president of Hillhaven Health Care Center's Community Advisory Board and a charter member and chairperson of the Friends of the Seniors, Langley Senior Center.

Among her many honors, Louise was named, Woman of the Year by Soroptomist International, Monterey Park. She has been the recipient of the Most Valuable Citizens Award from the Monterey Park Boys and Girls Club, an Award of Merit from the Monterey Park Chamber of Commerce, and the Community Service Award from the Monterey Park Lions Club.

Louise Davis enjoys respect and notoriety from numerous residents of Monterey Park because of her vast contributions to the community. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable public service.

Mr. Speaker, I ask this 107th Congress to join me in recognizing the tireless, grass roots work of Louise Davis upon her retirement on March 8, 2001 for her service to the constituents of California's 31st District and wish her good health and prosperity in her retirement.

TRIBUTE TO WILLIAM J. PITKO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of William J. Pitko.

William J. Pitko was born on July 4, 1939 to Joseph Sr. and Mary Krulik Pitko. One of four brothers and a sister, he leaves David, George, Joseph Jr., and Gladys Stahara. He also leaves two daughters, Laurie Pitko and Cindy Rawden, two granddaughters, and his companion.

For 16 years, William J. Pitko was treatment plant operator for the Mahoning County Sanitary Engineering Department. I knew he was a tremendous athlete from when we played football, baseball, and basketball together at St. Matthias parochial school. He dedicated much time and effort to his church, and proudly served his country in the U.S. Army.

William J. Pitko will be sorely missed in the Poland community. He touched the lives of many people, and was adored by all who had the privilege to know him. I extend my deepest sympathy to his friends and family.

RESTORATION OF WOMEN'S CITIZENSHIP ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. ESHOO. Mr. Speaker, I rise on the third day of National Women's History Month to reintroduce the Restoration of Women's Citizenship Act, legislation that corrects an antiquated law that mars our Nation's history.

In 1922, Rose Bouslacchi, an American citizen, married Conrad Sabatini, a tailor by profession and an immigrant from Northern Italy. When the couple married, a Federal law existed which stripped women of their U.S. citizenship if they married resident alien men, but the law did not apply to men. Ironically, a year later the U.S. granted Conrad Sabatini the privilege of citizenship while his wife, Rose Bouslacchi, lost hers.

During the course of her life, Rose Bouslacchi reared a family of five daughters, each a college graduate and each a contributor to the well-being of our Nation. Four became teachers and one became a nurse. Rose Bouslacchi was an active member of her church and worked with her husband in the running of their business. Her life embodied the values of family and faith, representing the best of America. But, Rose Bouslacchi could never be called an American again.

Rose Bouslacchi was not alone. There were many women affected by this law. After decades of women voicing the gender inequities of our laws, Congress modified the law. In 1952, Congress enacted a procedure for women wronged by the 1907 law to regain their citizenship. A legislative oversight, however, failed to provide a procedure to enable deceased women to have their citizenship restored posthumously. Thus, many families like Rose Bouslacchi's have been left without any recompense. The Restoration of Women's Citizenship Act would grant U.S. citizenship posthumously to the women who were wronged in 1907 and were unable to benefit from the 1952 law.

I urge all my colleagues to celebrate National Women's History Month and honor those deceased women and their families by cosponsoring the Restoration of Women's Citizenship Act.

TRIBUTE TO THE LATE SEELY JOHNSTON

HON. TIM JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, on February 7, 2001, the 15th District of Illinois lost a dear friend in Seely Johnston. Seely was born May 25, 1903 and lived in the Champaign-Urbana area for all of his 97 years. During that time he made his mark as a Champaign City Council member, sporting goods store owner, and friend of all. Seely said he was always guided by the advice of his father who told him once that making a living is important, but not as important as making friends. Whether it was with the likes of Harry Houdini or one of the many University of Illinois students he had over for breakfast every Sunday morning, Seely took this advice to heart. There are few people, in each community and generation, who not only enrich lives during their lifetime, but also leave a legacy. Seely Johnston was one of these people. Without Seely, the Champaign-Urbana area would have been a lesser place.

INTRODUCTION OF A BILL TO REDUCE THE ALTERNATIVE MINIMUM TAX RATE TO 25 PERCENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

The first bill I am introducing takes as its starting point the income tax rate reductions proposed by President Bush, phased in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to reduce the tax rates of the individual Alternative Minimum Tax (AMT) from 26 and 28 percent to 25 percent, consistent with the reduction of an individual income tax rate under the Bush proposal from 28 to 25 percent.

The individual (AMT) is a complex and unfortunate aspect of our tax code. Most taxpayers are blissfully unaware that they are, in fact, subject to two federal income taxes—the regular income tax and the AMT—and that their annual tax liability is the greater of the two produced by these two systems. The modern AMT was intended to ensure that certain upper-income taxpayers paid a significant amount of tax. It was to achieve this objective by denying to these taxpayers certain deductions and exemptions available under the regular income tax. For example, in addition to denying taxpayers any of a set of "preferences", such esoteric items as excess intangible drilling costs and a deduction for pollution control facilities, the AMT denies taxpayers the personal exemptions allowed under the regular income tax, and denies them a deduction for State and local taxes paid.

For a variety of reasons, the number of taxpayers, especially middle-income families, subject to the individual AMT has been soaring in recent years, and this trend is expected to continue. Ideally, the AMT should be repealed outright. The abuses the AMT was established to address have long since been eliminated from the income tax. Until full repeal becomes timely, however, we must at least ensure that matters do not worsen.

In the context of the Bush income tax rate reductions, the AMT poses additional problems because these rate reductions do not extend to the AMT rate. This means that many taxpayers currently subject to the AMT suffer the additional wrong of being excluded from any tax relief under the Bush program. This is patently unfair as many Members on both sides of the aisle have pointed out.

It also means that many more taxpayers will see far less tax relief than is intended. This would occur for those taxpayers whose current regular income tax liability barely exceeds their AMT liability. Once the Bush rate reductions are put into effect, these taxpayers' regular income tax liability will drop below their AMT liability. They will still receive some tax relief, to be sure, but far less than they expected and far less than was anticipated when the Bush proposal was developed.

The new income tax rate structure suggested by President Bush starts at 10 percent, and then rises to 15 percent, 25 percent, and finally 33 percent. The current individual AMT has two rates of 26 and 28 percent. My bill reduces the AMT rates to a single rate at 25 percent to be more consistent with the President's proposed rates. Thus, my proposal would reduce marginal tax rates for AMT filers so they, too, have a better incentive to work, save, and invest. Just as important, however, under my bill current AMT filers and near AMT filers would join with all other taxpayers in enjoying significant tax relief.

This legislation is sound tax policy. By any measure it increases fairness in the tax code. And it deserves the support of this Congress.

IN HONOR OF THOMAS G. FERN

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of Thomas G. Fern, immediate past State Director of the United States Department of Agriculture in Kentucky.

For more than 35 years, Mr. Fern has served the people of Kentucky thru his work at USDA/Rural Development, formerly the Farmers Home Administration. Mr. Fern served as Assistant County Director, County Director, and District Director before being appointed State Director by President Clinton in 1993. His broad experience in agriculture, housing, and community development made him a strong advocate for the people of rural Kentucky. His wealth of experience and knowledge qualified him to serve on various committees and commissions such as the Kentucky Renaissance Committee, The Kentucky Rural Water Resource Commission, and the Kentucky Appalachian Commission.

Mr. Fern administered with great professionalism the programs offered by USDA

Rural Development, including Rural Utilities Service, Rural Housing Service, and Rural Business Service, as well as the Empowerment Zone, Enterprise Community, and Champion Communities programs. Mr. Fern worked hard to help rural Kentucky reap the benefits of these programs. As a result, many community improvements were funded during Mr. Fern's time as State Director of USDA/Rural Development, and I and my fellow Kentuckians owe him a big thank-you. Projects funded under his leadership will improve the quality of life in the great Commonwealth of Kentucky for decades to come.

I rise today to commend Thomas G. Fern for his 35 years of service to the people of rural Kentucky. I ask my colleagues to join me in thanking him and wishing him well.

LEGISLATION TO SIMPLIFY THE EXCISE TAX ON HEAVY TRUCK TIRES

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. WATKINS. Mr. Speaker, I rise today to introduce legislation that would simplify the excise tax on heavy truck tires.

The IRS and the tire manufacturers are today laboring under an unnecessary administrative burden. The tire industry pays an excise tax on heavy truck tires that goes directly to the Highway Trust Fund. But the means by which the IRS collects the tax are inefficient and costly. Under the current collection system, the IRS requires manufacturers to weigh each line of taxable tires for each tire size, to track the sales and taxes paid for each tire, and to maintain burdensome compliance systems to verify sales and tax payments by weight. Manufacturers must determine if a tire is for a taxable highway use or for a non-taxable off-road use, and then track whether the purchasers are tax exempt. This system of tax collection is both onerous and wasteful; I propose we change it.

The legislation I am introducing today would reduce these administrative burdens without reducing any revenue to the Highway Trust Fund. It does this by revising the current system based on the weight of the tire to one based on the weight-carrying capacity of the tire. This new system would simplify the payment and collection of taxes for both the tire industry and for the IRS—resulting in reduced expenses for both.

We also may simplify this tax by adopting a bright line that identifies which tires are subject to the excise tax. Under the Federal Motor Vehicle Safety Act, as administered by the Department of Transportation, all tires sold in the U.S. for highway service are required to be marked with the maximum weight carrying capacity of the tire. The IRS would take the data already collected by the DOT and base its tax on the amount per pound of weight carrying capacity. And the tax rate would be set at an amount that provides revenue neutrality to the U.S. Treasury.

This much-needed bright line test would be simple to apply and easy to enforce: Tires that meet the DOT test by being marked with the appropriate notation are subject to tax. Tires that are not marked cannot be used on the highway.

I encourage my colleagues to join us in supporting this legislation.

EXEMPTING PRESCRIPTION DRUGS AND MEDICAL SUPPLIES DISPENSED BY THE DEPARTMENT OF VETERANS AFFAIRS FROM INTEREST CHARGES AND ADMINISTRATIVE COSTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that exempts prescription drugs and medical supplies that are dispensed by the Department of Veterans Affairs from DVA's interest charge and administrative cost charge.

Under current law, the Department of Veterans Affairs charges interest and administrative costs for any indebtness resulting from the provision of services and benefits to Veterans.

The interest rate, set by the Department of the Treasury, is 6 percent. The Department of Veterans Affairs has set the administrative rate at 50 cents per month. Veterans should not have to pay this interest charge or administrative collection cost. They should be responsible for the co-payment amount only.

INTRODUCTION OF THE COMMUNITY REINVESTMENT MODERNIZATION ACT OF 2001

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to reintroduce today, in partnership with my colleague, Rep. LUIS GUTIERREZ, the Community Reinvestment Modernization Act of 2001, a very strong piece of legislation to modernize our fair lending laws to keep pace with the times. We first introduced this legislation during the last session of Congress in July of 2000.

There are a lot of people who have worked very hard to bring us to this point today and I'd like to say a special word of thanks to the National Community Reinvestment Coalition. In particular, John Taylor and Josh Silver have been instrumental from day one in drafting this legislation.

This bill is absolutely critical to helping creditworthy Americans gain access to credit and banking services. Since 1977, CRA has encouraged banks and thrifts to commit more than $1 trillion in private reinvestment dollars for mortgages, small business loans and community development loans for traditionally underserved communities. In the Milwaukee area alone, CRA has channeled over $200 million in lending to low- and moderate-income citizens and neighborhoods.

The timing for CRA is crucial. CRA will become less effective if it is not updated to keep pace with the rapid changes that are occurring in the financial services marketplace as a result of the Gramm-Leach-Bliley Financial modernization Act of 1999. The Community Reinvestment Modernization Act of 2001 will ensure that the hundreds of thousands of Americans, most often minorities and the working poor, will continue to have access to capital and credit.

The bill is endorsed by the National Community Reinvestment Coalition, the U.S. Conference of Mayors, the National League of Cities, and the Association of Community Organizations for Reform NOW (ACORN).

In my hometown of Milwaukee, it is supported by the Mayor of Milwaukee, the Fair Lending Coalition, Interfaith Conference of Greater Milwaukee, Hope Offered through Shared Ecumenical Action (HOSEA), the Local Initiatives Support Corporation (LISC), the Neighborhood Housing Services of Greater Milwaukee, Milwaukee Innercity Congregations Allied for Hope (MICAH), the Metropolitan Milwaukee Fair Housing Council, the National Association for the Advancement of Colored People (NAACP), Select Milwaukee and the Legacy Bank.

So many people and institutions support this bill because CRA is not only the right thing to do, it is the profitable thing to do. According to a Federal Reserve Board report issued in July of 2000, 91% of home lending and 82% of small business lending under CRA is profitable. This is comparable to any other type of lending.

The bill we are reintroducing today will update CRA to match the increased market powers the Financial Modernization Act creates. It will make banks accountable again by updating CRA to cover all loans and lenders. This not only includes mortgage companies, but also insurance companies, investment firms and other affiliates of banks that will increasingly be offering loans and basic banking products in the new financial world.

In addition to extending CRA to all loans and lenders, the CRA Modernization Act of 2000 would: (1) Make insurance more available, affordable and accessible to minorities and low-income citizens; (2) improve data collection for small business and farm loans; (3) require a notice and public comment period for mergers between banks, insurance and investment companies; (4) require that HMDA data also include information on loan pricing and terms, including interest rates, discount points, origination fees, financing of lump sum insurance payment premiums, balloon payments, and prepayment penalties; (5) prohibit insurance companies that violate fair housing court consent decrees from affiliating with banks; and (6) penalize a financial institution and its affiliates through reduced CRA ratings if the institutions have engaged in predatory lending.

CRA is paramount to continuing the progress this country has made towards eradicating discrimination in the financial services marketplace. And it is imperative that we modernize this important law now. The bottom line is that CRA is good for business. It not only levels the playing field to make sure that all creditworthy Americans have access to capital and credit, it makes good business sense.

We hope you and all of our colleagues in the House will consider supporting the Community Reinvestment Modernization Act of 2001.

IN SPECIAL RECOGNITION OF THE 100TH ANNIVERSARY OF THE ZION EVANGELICAL LUTHERAN CHURCH, HURON, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. GILLMOR. Mr. Speaker, for the past 100 years, the Zion Evangelical Lutheran Church in Huron, Ohio has served as a beacon of hope, strength and prosperity for Ohio's Fifth Congressional District. Today the church celebrates its centennial and I want to recognize its contribution to Huron and all of Ohio.

What began as an idea of forming a congregation in 1901 in Huron, has become a century-long dedication to faith and family. The church has served as a place for friends, neighbors, colleagues and coworkers to come together to form a close-knit family. They all share a common-bond centered around their dedication to their church. The importance of family values and family worship is of profound importance to the people of Huron, and they are proud of their church, their religious beliefs and their heritage.

First established as a parish early 1901, Pastor August H. Dornbrier held the first service in a little white German Reformed church that was rented then later purchased. Since then, the church and its congregation have had a vibrant history. The congregation has grown dramatically to more than 270 members from its early days when 42 people attended the first service. The congregation has had three homes where many of the rich German traditions have been upheld.

Located on the shores of Lake Erie, the church represents all that in good in our communities—grace, elegance and commitment. We, in Ohio's Fifth Congressional District, are blessed to have such centerpieces in our communities. The strength of these communities relies upon the strength of our faith. The Ohio state motto, "With God all things are possible," truly embodies this concept.

One-hundred years after its founding, the Zion Evangelical Lutheran Church in Huron, proudly celebrates its history—a story that is a testament to the congregation's enduring faith and extraordinary commitment to God and community. Huron is a much stronger community because of the work of the church and its members. I congratulate the congregation's perseverance and I am confident the church will be just as strong during its next 100 years of service.

TRIBUTE TO JOHN RUIZ, THE FIRST HISPANIC HEAVYWEIGHT CHAMPION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. BACA. Mr. Speaker, it is with great pride that I rise to salute John Ruiz, who with his victory this past weekend, becomes the first Hispanic heavyweight boxing champion.

The victory will be an inspiration to all Hispanic youth, and indeed to all Americans, that if you work hard, if you have tenacity, and persistence, and vision, there is nothing you cannot achieve. That is the American dream. The hope that some day, greatness will rise up in all of us. In the past several decades, several notable Hispanics have fought for the world heavyweight title, and despite their valor, have not achieved it; when one reviews the list, one sees how great this achievement is:

1923—Luis "The Wild Bull of the Pampas" Firpo vs. Jack Dempsey
1968—Manuel Ramos vs. Joe Frazier
1968—Oscar Bonevena vs. Joe Frazier
1973—Joe "King" Roman vs. George Foreman
1977—Alfredo Evangelista vs. Muhammad Ali
1978—Alfredo Evangelista vs. Larry Holmes
1979—Ossie Ocasio vs. Larry Holmes
1983—Lucien Rodriquez vs. Larry Holmes

John's win has special personal significance for me. As a former ball-player, both in school and semi-professionally, I recognize the special labors of our athletes, and the inspiration that athletics can play in our lives, particularly to minority youngsters. Athletics can be a motivating factor, something that gives us a sense of identity, something to work for. Athletics ultimately caused me to finish school, serve my country in the military, go to college, and become a community college trustee, Assembly Member, State Senator, and Member of Congress. It was not always easy, but I had role models, and I am pleased that John is a role model for today's youth.

I would hope that Hispanic youth, indeed, all the youth of America, look at the achievement of John Ruiz and see they can reach equally great heights, whether it is in athletics, academics, or the world of business, science, public service, or the arts. America's youth need to know that we believe in them, and they should believe in themselves. Because God gives us all talents.

In the short run, there is nothing so sweet as a victory, and nothing so stinging as a defeat. But what is ultimately important is good sportsmanship, good conduct, playing a worthy game, facing a worthy adversary. Living to fight another day. In that sense, both John Ruiz and Evander Holyfield are to be saluted and honored, for they fought with their hearts, they fought with their souls, they gave American an exhilarating match, one that demonstrated athletic artistry and great courage under fire. And they should raise their hands, together, in a clasp of goodwill, knowing they have fought the good fight, the noble fight. Their bruises will heal, but they will always share a brotherhood of having met in the ring, where champions are made, and courage tested.

I am sure that John's community, where he got his start boxing, is very proud of his achievement. John's hometown, Chelsea, has one of the largest Hispanic populations in Greater Boston. It has been a Mecca for some of the all-time boxing greats. I would also like to salute John's family, his wife Sahara and their children John and Jocelyn on this achievement. And so I say, congratulations, God Bless.

PRINTING OF A REVISED EDITION OF "BLACK AMERICANS IN CONGRESS, 1870–1989"

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CROWLEY. Mr. Speaker, today I rise in support of Authorizing the printing of a revised and updated version of the House document "Black Americans in Congress."

I think it only seems fitting to pay tribute to the African American men and women who served in these hallowed halls. African Americans have a long history of serving in this great institution. For many years, they were not welcomed by all of their colleagues. Still these men and women persevered and paved the way for all of us serving in Congress today.

I am proud to stand here with nearly 50 of my colleagues in support of this bipartisan piece of legislation.

As a young man, I can remember admiring the work of Shirley Chisholm, the first African American woman elected to serve in the United States Congress from my home state of New York. Former Congresswoman Chisholm was first elected into office in 1968, as a representative for the 12th Congressional District of New York and served for 15 years until she retired in 1983.

She was a great advocate for education, day care and providing other resources to improve the quality of life in inner cities. She also fought to decrease defense spending and to end the military draft. I believe that Ms. Chisholm's legacy is one that should always be remembered, honored and cherished along with many others. That is why this publication is so very important.

Since its last publication, an additional 40 distinguished African Americans have served in either the House or Senate. Moreover, many of the biographies of several senior members of the House have grown outdated and I believe that the time has come to revise and reprint this important historical work.

This legislation would allow the Library of Congress to revise the current volume under the direction of the Committee on House Administration. In addition, the bill would allow for the copying, binding and distribution of the book to Members in both the House and Senate.

Mr. Speaker, this next edition of "Black Americans in Congress" will undoubtedly be a great resource and a treasured addition to every member of the House and the Senate, as well as the Library of Congress and libraries throughout this country.

I urge my colleagues to join in support of this concurrent resolution.

PERMANENT HOUSING HOMELESS PREVENTION GRANT RENEWAL ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. LAFALCE. Mr. Speaker, today, along with Representatives WELLER, FRANK, QUINN, SABO, BIGGERT, and LEE, I will be introducing the "Permanent Housing Homeless Prevention Grant Renewal Act."

This bi-partisan legislation authorizes renewal of expiring Shelter Plus Care and SHP permanent housing rental assistance grants through the HUD Section 8 Housing Certificate Fund. Currently, some 75,000 vulnerable families, including veterans, disabled, mentally ill, and other families at risk of homelessness, receive monthly rental assistance under these two important McKinney-Vento Act homeless programs.

The legislation is supported by a broad group of national and regional organizations which fight homelessness, including Catholic Charities, the National Alliance to End Homelessness, the Corporation for Supportive Housing, and the National Alliance for the Mentally Ill. These groups have jointly written "to offer our support and assistance in moving this important legislation forward," and noted that "This bill will have the effect of providing new housing to more homeless people with disabilities, as well as preventing catastrophic losses of housing for some of the most vulnerable Americans."

Renewing Shelter Plus Care and SHP permanent housing through Section 8 is a solution to the annual uncertainty over renewals. Currently, when the initial term of a Shelter Plus Care or SHP permanent grant expires, a grantee must re-apply each year for continued assistance. If a grant is not renewed, the families which are receiving rental assistance under the grant face the risk of eviction and homelessness.

This is not an idle risk. Just fourteen months ago, HUD failed to renew rental assistance grants for thousands of families nationwide. It took an emergency supplemental appropriations bill in July of last year to reinstate funding for these grants. In the interim, many communities were forced to scramble for funds to cover the gap; many families confronted the very real risk that they would lose their monthly rental assistance.

Last year, the House devised a permanent solution to this problem, as part of the House VA-HUD appropriations bill. That bill funded all renewals of expiring Shelter Plus Care grants through the HUD Section 8 Housing Certificate Fund. This approach would provide a reliable source of renewal funding. Unfortunately, the Senate did not go along with this approach, and the final conference report, while providing a separate account for renewals, does not provide a reliable, long-term funding source. The best approach was and still is renewal of all expiring Shelter Plus Care and SHP permanent housing grants through the HUD Section 8 Certificate Fund. That approach is embodied in the "Permanent Housing Homeless Prevention Grant Renewal Act," which we are introducing today.

Moreover, this approach is justified on broad policy grounds. Congress routinely renews portable and project-based Section 8 rental assistance; only the most vulnerable families most at risk of homelessness face the annual risk of non-renewal.

Funding these renewals through Section 8 also means that critically needed new permanent and supportive housing proposals will not have to compete with renewals for scarce resources. And, providing a reliable source of renewals after the initial grant term will make it easier for project sponsors to build permanent housing.

I urge members to co-sponsor this important legislation, and urge Congress to renew all Shelter Plus Care and SHP permanent housing grants expiring in fiscal year 2002 through the Section 8 Certificate fund.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Prevention Permanent Housing Renewal Act of 2001".

SEC. 2. RENEWAL OF PERMANENT HOUSING GRANTS AND SHELTER PLUS CARE GRANTS UNDER HOUSING CERTIFICATE FUND.

(a) SUPPORTIVE HOUSING PROGRAM PERMANENT HOUSING GRANT RENEWALS.—Section 429 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11389) is amended by adding at the end the following new subsection:

"(d) PERMANENT HOUSING GRANT RENEWALS.—For fiscal year 2002 and each fiscal year thereafter, there are authorized to be appropriated, from any amounts appropriated under the Housing Certificate Fund account of the Department of Housing and Urban Development for assistance under section 8 of the United States Housing Act of 1937, such sums as may be necessary for renewing expiring grants under this subtitle for permanent housing for homeless persons with disabilities.".

(b) SHELTER PLUS CARE GRANT RENEWALS.—Section 463 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403h) is amended by adding at the end the following new subsection:

"(c) GRANT RENEWALS.—For fiscal year 2002 and each fiscal year thereafter, there are authorized to be appropriated, from any amounts appropriated under the Housing Certificate Fund account of the Department of Housing and Urban Development for assistance under section 8 of the United States Housing Act of 1937, such sums as may be necessary for renewing expiring grants under this subtitle.".

DEDICATION TO MR. BERNARD HOLLANDER

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to place in the record a letter to the Washington Post published on February 14, 2001, which cites the dedicated service of Mr. Bernard Hollander for 51 years in the Antitrust Division of the U.S. Department of Justice. I want to note that the long and distinguished career of Mr. Hollander includes two important contributions to American Samoa.

In the 1960's, Mr. Hollander prosecuted an antitrust case which opened up the petroleum storage facilities in American Samoa to multiple suppliers, thus bringing the benefits of competition in fuel supply to our economy. The court decree requiring open access to our petroleum market remains in place, and Mr. Hollander continues to represent the United States in the case.

Mr. Hollander was also instrumental in opening the American Samoa market to competition in long-haul air service. Acting as special counsel to the Governor of American Samoa, Mr. Hollander participated in proceedings before the Civil Aeronautics Board which authorized competition in U.S. air service to our territory. Prior to that case, only one airline was authorized to provide service connecting American Samoa with Hawaii and the U.S. mainland.

I am pleased to note for the record the service of Mr. Bernard Hollander to American Samoa. We wish him many years of good health and good work.

LEGENDS OF JUSTICE

As a Jan. 30 news story reported, the Justice Department's eminent tax lawyer, Ernest Brown, has retired at age 94 after 30 years of service.

But Bernard Hollander, another Justice Department legend at age 85 and a former student of Ernest Brown's at Harvard Law School, continues to work in the department's antitrust division as he has for 51 years.

The public is fortunate to have the benefit of lawyers as talented and dedicated as Ernest Brown and Bernard Hollander.

ROBERT B. NICHOLSON,
Chevy Chase.

A TRIBUTE TO CAPTAIN DANIEL H. RUFFLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor police Captain Daniel H. Ruffle, who will be honored for his distinguished service as the Commanding Officer of the 63rd police precinct on Thursday, March 8th, 2001. Let it be known that he shares this honor with his wife of 27 years, LaVerne, and his daughter Adrienne.

Dan received his appointment to the New York City Police Department as a police trainee in June 1967. It was at that time he embarked on a thus far 34 year career. While working as a police officer assigned to the 79th and 60th precincts, Officer Ruffle displayed an intensity and drive in performing his duties that resulted in his being appointed as a citywide narcotics investigator in March 1977.

Dan Ruffle's exemplary work was recognized and rewarded with a promotion to Detective in October 1979. As a detective, Ruffle was assigned to the Manhattan Special Victims Squad. Dan's special sense of caring and inner strength became invaluable qualities as he handled some of the most difficult and heinous crime investigations a police officer must face.

In September 1983, Daniel Ruffle was promoted to Sergeant and served the communities of both the 68th and 60th precincts. As a supervisor, Ruffle's easygoing demeanor enabled him to encourage and develop relationships between the police officers and the community.

Police participation and community involvement continued to be areas that Dan Ruffle stressed during his tenure as a Lieutenant assigned to the 70th, 61st, and 62nd precincts. Dan also served as Lieutenant for the N.S.U. 10. While at the Neighborhood Stabilization Unit, Ruffle was responsible for training hundreds of new police officers. It was his personal insight into policing as well as his dedication to community service that Dan used to influence and develop the careers of the rookie officers in his charge. Many of whom have gone on to have outstanding careers as police officers.

December 1995 was when Daniel H. Ruffle was promoted to the rank of captain. He first served as the Executive Officer of the 67th precinct. It was not long before Dan was appointed as the Commanding Officer of the Brooklyn South Task Force. The Task Force under his direction was used on various occasions as a utility unit to provide back up, support, and expertise to local precincts.

The 63rd precinct became Dan's command in May 1997. It was here that Captain Ruffle's experience and continued pursuit of excellence were realized with consistent reductions in crime. Year after year the 63rd precinct has been lauded for all of the contributions that have been made in maintaining and improving the quality of life in the neighborhoods it serves. This is a result of the outstanding leadership of Captain Daniel H. Ruffle.

Mr. Speaker, Captain Daniel H. Ruffle is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join me in recognizing this truly remarkable man.

SENATE—*Wednesday, March 7, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we need You. It is not for some specific blessing we ask but for the greatest of all blessings, the one from which all others flow. We dare to ask You for a renewal of the wonderful friendship that makes the conversation we call prayer a natural give-and-take, a divine dialog. In this sacred moment, we open ourselves to receive this gift of divine companionship with You. Why is it that we are so amazed that You know us better than we know ourselves? Show us what we need to ask of You so that You can demonstrate Your generosity once again.

Open our minds so that we may see ourselves, our relationships, our work, the Senate, and our Nation from Your perspective. Reveal to us Your priorities, Your plan. We spread out before You our problems and perplexities. Help us to listen attentively to the answers that You will give. We ask You to be our unseen but undeniable Friend. Place Your hand on our shoulders at our desks, in meetings, and especially here in this historic Chamber. May our communion with You go deeper as the day unfolds. This is the day You have made; we will rejoice and be glad in it.—Psalm 118:24. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

SCHEDULE

Mr. NICKLES. Mr. President, today the Senate will be in a period for morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. Amendments to the bill will be offered during today's session. Those Members with amendments should work with the bill managers in an effort to finish the bill in a timely manner. Senators will be notified as votes are scheduled. I thank my colleagues for their cooperation.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I want to direct a question to the assistant majority leader. There is an important mission this week to Colombia. There are a number of Senators and a number of Members from the House traveling to Colombia. I ask that the majority leader give us some indication as to how he can work with us regarding tomorrow afternoon. They want to leave sometime tomorrow afternoon, if possible. We may have the ability, because of all the many amendments being talked about to be offered, to debate a number of these tomorrow, maybe even Friday. If that is not possible, the Senators want to know so they can rearrange their travel plans.

Mr. NICKLES. I appreciate the comments of my colleague and friend. We want to be cooperative with Members on both sides. We also want to finish the bankruptcy bill. I will work with the Senator from Nevada to see if we can coordinate schedules and amendments and bring the bill to a close in the not too distant future and also facilitate the trip to Colombia which is an important trip as well.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Before the Chair recognizes the Senator from New York, the Chair will state what the order of events will be this morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the Senator from New York, Mrs. CLINTON, is recognized to speak for up to 15 minutes.

Mrs. CLINTON. I thank the Chair.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 476 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. I ask unanimous consent to proceed in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Delaware, Mr. BIDEN, is recognized to speak up to 15 minutes.

NORTH KOREA

Mr. BIDEN. Mr. President, I rise today to talk about the situation in North Korea. Today President Kim Dae-jung of South Korea is meeting with President Bush as part of his official state visit. His visit occurs against a hopeful backdrop of the third round of family reunions on the divided Korean peninsula. Fathers are greeting their grownup sons; sisters are hugging their sisters they haven't seen for a generation. Grandmothers are meeting their grandchildren who they have never met.

Tomorrow the distinguished chairman of the Senate Foreign Affairs Committee and I will host the President of South Korea for coffee here on Capitol Hill. Kim's visit will give us a chance to renew the close bonds forged in blood in the common struggle against the forces of oppression which unite our people in the United States and South Korea.

I rise today to talk a little bit about the Korean peninsula and the important role the United States can play in concert with our South Korean allies and other friends to help build lasting peace on that peninsula.

Yesterday the New York Times published an article by veteran defense correspondent Michael Gordon which suggests that a missile deal with North Korea may have been within reach last year. As fascinating as this rendition of events was and as fascinating as the policies were, we now have a new President. The failure or the judgment to not proceed with negotiations into the month of January of this year on the part of the new President is in fact at this moment irrelevant. We have a new President and a new administration. The question squarely now is not whether President Clinton should have gone to North Korea; the question is whether this administration, the Bush administration, is going to build on the progress made over the past 5 years since we narrowly averted a nuclear showdown on the Korean peninsula.

I was pleased to see Secretary of State Powell quoted in a Washington Post article today, suggesting this administration was going to pursue the possibilities of a better relationship with North Korea and was going to leave nothing on the table. I was slightly dismayed to read of an informed source in the administration who chose not to be identified, demonstrating a great deal more of what seemed to me in the article to be not only skepticism, which I share about the intentions of North Korea, but unwillingness to pursue vigorously the possibilities of further negotiations. Hopefully, I am misreading that unidentified highly placed administration official.

In my view, there is only one correct answer and that is the one Secretary Powell has indicated today. For it would be irresponsible not to explore to discover whether North Korea is prepared to abandon its pursuit of long-range missiles in response to a serious proposal from the United States, our friends, and our allies.

North Korea confronts the United States with a number of security challenges. North Korea maintains a huge army of more than 1 million men and women in uniform, about 5 percent of its entire population. Many of that army are poised on the South Korean border. The threat that North Korea opposes extends well beyond the Korean peninsula. Its Nodong missile can not only strike all of South Korea but can also threaten our ally, Japan. North Korea sells those same missiles to anyone who has the cash to buy them. North Korean missile exports to Iran and Pakistan have guaranteed, unfortunately, that any future war in the Middle East or South Asia will be even more dangerous and more destructive than past conflicts in that region.

North Korean missiles and the very real concern that North Korea might even build longer range missiles capable of striking the United States are a driving force behind our plans to build a national missile defense system.

If we can remove that threat, that is, the threat from North Korea long-range missile possibility, the impact will be huge, not only on the security of Northeast Asia but also on our own defense strategy as we debate how best to deal with our vulnerability to weapons of mass destruction.

For most of the past 50 years, U.S. soldiers of the 2d Infantry Division have looked north from their positions along the DMV at North Korean adversaries that appeared unchanging—a hermit kingdom, locked in a Stalinist time warp. Indeed, 2 or 3 years ago if I had spoken to the American people about landmines, the 38th parallel, and the armies of North and South Korea, it would have been to discuss the latest northern incursion along what remains the most heavily armed border in the world. The troops of the 2d Infantry Division are still standing shoulder to shoulder with our South Korean allies. The landmines are still there. And much of the tension along the DMZ remains unabated, at least for now.

But maybe, just maybe, things are beginning to change.

The United States should end our "prevent defense" and go on the offensive to advance our vital interests—particularly the dismantlement of North Korea's long-range missile program. Now is not the time for lengthy policy reviews or foot-dragging on existing commitments. Now is the time to forge ahead and test North Korea's commitment to peace.

A few weeks ago what had been unthinkable—the opening of direct rail transport across the DMZ—became a near term achievable objective. The militaries of North and South Korea will soon begin to reconstruct the rail links connecting Seoul not only to Pyongyang, but also to China, Russia, and Western Europe.

I remember vividly the moment when the people of East and West Berlin decided to tear down the Berlin Wall.

The Berlin Wall had become a true anachronism: a graffiti-strewn relic of a morally, politically, and economically bankrupt Soviet regime. Once the East German people had torn down the ideological walls in their own minds, tearing down the concrete was a piece of cake.

The people of North and South Korea are not there yet. But the walls are under siege. The establishment of direct rail links will represent a major breach in the walls of fear, insecurity, and isolation which have built up over the past 50 years.

Last October, I spoke to this body about testing North Korea's willingness to abandon its pursuit of weapons of mass destruction. At that time, I pointed to some of the hopeful signs that North Korea was interested in improving its relations with its neighbors—a missile launch moratorium now more than 2 years old, summit meetings with South Korea, Russia, and China, and the first tentative steps toward economic reform.

I attributed these North Korean actions to the "Sunshine Policy" crafted by South Korean President Kim Dae-jung, and to the hard-headed engagement strategy implemented by former Secretary of Defense William Perry on behalf of the Clinton administration.

Since last fall, evidence has mounted steadily that North Korea's leader Kim Jong-il has indeed decided that nothing short of a major overhaul of his economic system and diplomatic relations is likely to pull his country back from the brink of starvation and economic collapse.

In addition to the progress on rail links, here are some of the other recent developments:

North Korea has expanded cooperation to search for the remains of Americans missing in action from the Korean war. Uniformed U.S. military personnel are working along side their North Korean counterparts, searching the rice paddies, often in remote areas, in an effort to solve 50-year-old mysteries.

The North has continued modest steps to allow family reunions across the DMZ, exposing people from the North to the quality of life enjoyed by their brothers and sisters in the South. More than 300 families have enjoyed reunion visits, and more are scheduled.

The North has toned down its customary harsh rhetoric about the U.S. and South Korea, substituting a steady diet of editorials outlining the North's plans to make economic revitalization its top priority.

North Korea for the first time last November opened its food distribution system to South Korean inspection and also provided a detailed accounting of food aid distribution.

North and South Korea have held defense talks at both the ministerial level and subsequently at the working level, and have agreed, at the urging of South Korea, to improve military to military communications. This is the first step toward confidence building measures that can reduce the likelihood that a relatively minor incident along the DMZ might escalate into war.

North and South have established an economic cooperation panel and launched a joint study of North Korea's energy needs.

North and South Korean flood control experts met last month in Pyongyang for talks on cooperation in efforts along the Imjin River, which crosses the border between the two countries.

The North Koreans have dispatched a team of financial experts to Washington to examine what it would take for North Korea to earn support from international financial institutions once it has taken the steps necessary to satisfy U.S. anti-terrorism laws.

And, as I mentioned above, the North has not test-fired a missile for more than 2½ years, and has pledged not to do so while negotiations with the United States on the North's missile program continue.

Five years ago when people spoke of "North Korean offensives," they were referring to the threat of a North Korean assault across the DMZ.

Today, Kim Jong-il is mounting an offensive, but it is a diplomatic and economic offensive, not a military one. Over the past 12 months, North Korea has established diplomatic relations with almost all of the nations of Western Europe. Planning is underway for an unprecedented trip by Kim Jong-il to Seoul to meet with President Kim Dae-jung later this year.

Finally, Kim Jong-il has publicly embraced China's model of economic reform. His celebrated January visit to Shanghai and his open praise of Chinese economic reforms indicates that Kim is driving North Korea toward a future in which it would be more closely integrated economically and politically to the rest of East Asia and the world.

What are we to make of all of this? How should we respond?

I want to be clear about why I find these developments so promising. I am not a fan of Kim Jong-il. No one should think that his motives are noble or humanitarian.

Over the years, Kim Jong-il has shown himself willing to go to any length—including state-sponsored terrorism—to preserve his regime.

I have no reason to believe he has abandoned his love of dictatorship in favor of constitutional democracy. Far from it.

Kim Jong-il is betting that he can emerge from a process of change at the head of a North Korean society that is more prosperous, stable, and militarily capable than it is today, but still a dictatorship.

But frankly, the reasons why Kim Jong-il is pursuing economic reform and diplomatic opening are not as important as the steps he will have to take along the way.

If North Korea's opening is to succeed, the North will have to address many of the fundamentals which make it so threatening—especially the gross distortion of its domestic spending priorities in favor of the military. The North cannot revitalize its economy while spending 25 percent of its gross domestic product on weaponry.

The North cannot obtain meaningful, sustained foreign investment without addressing the lack of transparency in its economy as well as the absence of laws and institutions to protect investors and facilitate international trade.

North Korea's pursuit of economic reform and diplomatic opening presents the United States with a golden opportunity, if we are wise enough to seize it.

We should welcome the emergence of North Korea from its shell not because North Korea's motives are benign, but because we have a chance, in concert with our allies, to shape its transformation into a less threatening country.

If we play our cards right, North Korea's opening can lead to a less authoritarian regime that is more respectful of international norms—all without any shots being fired in anger.

I point out, a number of old Communist dictators had thought they could move in an easy transition from the Communist regime that has clearly failed to a market economy, or integration with the rest of the world, and still maintain their power.

None, none—none has succeeded thus far. I believe it is an oxymoron to suggest that North Korea can emerge and become an engaged partner in world trade without having to fundamentally change itself and in the process, I believe, end up a country very different from what we have now.

I am delighted that Secretary Powell has expressed his support for this hard-headed brand of engagement with North Korea. As he testified before the Senate Foreign Relations Committee last month:

> We are open to a continued process of engagement with the North so long as it addresses political, economic, and security concerns, is reciprocal, and does not come at the expense of our alliance relationships.

This is precisely the kind of engagement I have in mind. I think we should get on with it.

North Korea knows that under our nonproliferation laws it cannot gain unfettered access to trade, investment, and technology without first halting its development and export of long-range ballistic missile technology and submitting its nuclear program to full-scope safeguards under the auspices of the International Atomic Energy Agency.

North Korea knows it won't get World Bank loans as long as it remains on our list of nations that condone international terrorism or provide sanctuary for terrorists. In order to get off that list, North Korea must end all support for terrorist organizations and must cooperate fully with the Japanese government to resolve the question of Japanese citizens abducted from Japan—some more than 20 years ago.

In other words, Mr. President, if North Korea is to turn around its moribund economy and fully normalize relations with its neighbors, it will have to take steps which are demonstrably in our national interest and in the national interests of our allies.

We should do everything in our power to ensure that North Korea does not diverge from the path it is now on.

Specifically, we should continue to provide generous humanitarian relief to starving North Korean children. Nothing about the situation on the peninsula will be improved by the suffering of North Korean children racked by hunger and disease.

We should continue to abide by the terms of the Agreed Framework, so long as North Korea does the same. We should not unilaterally start moving the goal posts. The Agreed Framework has effectively capped the North's ability to produce fissile material with which to construct nuclear weapons. Under the terms of Agreed Framework, North Korea placed its nuclear program under International Atomic Energy Agency safeguards and halted work on two unfinished heavy water nuclear reactors in exchange for the promise of proliferation-resistant light water nuclear reactors and heavy fuel oil deliveries for electric power generation. Without the Agreed Framework, North Korea might already have sufficient fissile material with which to construct dozens of nuclear bombs.

MISSILE AGREEMENT POSSIBLE—PATIENCE REQUIRED

Finally, Mr. President, we should engage North Korea in a serious diplomatic effort aimed at an iron-clad agreement to end forever the North's pursuit of long range missiles.

In discussions with U.S., Russian, and Chinese officials, North Korea has signaled its willingness to give up the export, and possibly the development, of long-range missiles, in response to the right package of incentives. Such an agreement would remove a direct North Korean threat to the region and improve prospects for North-South reconciliation. It would also remove a major source of missiles and missile technology for countries such as Iran.

Getting an agreement will not be easy, but it helps a lot that we are not the only country which would benefit from the dismantlement of North Korea's missile program. Our allies South Korea and Japan, our European allies who already provide financial support for the Agreed Framework, the Chinese, the Russians, all share a desire to see North Korea devote its meager resources to food, not rockets. The only countries which want to see North Korea building missiles are its disreputable customers.

A tough, verifiable agreement to eliminate the North's long-range missile threat might be possible in exchange for reasonable U.S. assistance that would help North Korea feed itself and help convert missile plants to peaceful manufacturing.

Some people are impatient for change in North Korea. They want to adopt a more confrontational approach, including rushing ahead to deploy an unproven, hugely expensive, and potentially destabilizing national missile defense system.

I understand their frustration and share their desire for action against the threat of North Korean ballistic missiles.

But foreclosing diplomatic options by rushing to deploy NMD is not the right antidote. Sure, a limited ground-based national missile defense might someday be capable of shooting down a handful of North Korean missiles aimed at Los Angeles, but it will do nothing to defend our Asian allies from a North Korean missile attack.

Nor will it defend us from a nuclear bomb smuggled into the country aboard a fishing trawler or a biological toxin released into our water supply. NMD will not defend U.S. forces on Okinawa or elsewhere in the Pacific theater. It will do nothing to prevent North Korea from wielding weapons of mass destruction against Seoul, much of which is actually within artillery range of North Korea.

Moreover, a rush to deploy an unproven national missile defense, particularly absent a meaningful strategic dialog with China, could jeopardize the cooperative role China has played in recent years on the Korean Peninsula. Given our common interest in preventing North Korea from becoming a nuclear weapons power, the United States and China should work in concert, not at cross purposes.

OPENING NORTH KOREAN EYES

North Korea's opening has given the North Korean people a fresh look at the outside world—like a gopher coming out of its hole—with consequences which could be profound over the long haul. Hundreds of foreigners are in North Korea today, compared with a handful just a few years ago.

Foreigners increasingly are free to travel widely in the country and talk to average North Koreans without government interference. North Korea has even begun to issue tourist visas. The presence of foreigners in North Korea is gradually changing North Korean attitudes about South Korea and the West.

One American with a long history of working in North Korea illustrated the change underway by describing an impromptu encounter he had recently.

While he was out on an unescorted morning walk, a North Korean woman approached him and said, "You're not a Russian, are you? You're a Miguk Nom aren't you?"

Her expression translates roughly into "You're an American imperialist bastard, eh?"

The American replied good-naturedly, "Yes, I am an American imperialist bastard."

To which the woman replied quite sincerely, "Thanks very much for the food aid!"

Another American, a State Department official accompanying a World Food Program inspection team, noted that hundreds of people along the road waved and smiled, and in the case of soldiers, saluted, as the convoy passed.

He also reports that many of 80 million woven nylon bags used to distribute grain and emblazoned with the letters "U.S.A." are being recycled by North Koreans for use as everything from back-packs to rain coats. These North Koreans become walking billboards of American aid and generosity of spirit.

North Korea is just one critical challenge in a region of enormous importance to us. We cannot separate our policy there from our overall approach in East Asia.

We cannot hope that decisions we make about national missile defense, Taiwan policy, or support for democracy and rule of law in China will be of no consequence to developments on the Korean Peninsula. To the contrary, we need to think holistically and comprehensively about East Asia policy.

Our interests are vast. Roughly one-third of the world's population resides in East Asia. In my lifetime, East Asia has gone from less than 3 percent of the world GDP in 1950 to roughly 25 percent today.

Four of our 10 largest trading partners—Japan, China, Taiwan, and South Korea, are in East Asia.

Each of those trading partners is also one of the world's top ten economies as measured by gross domestic product. China, Japan, and South Korea together hold more than $700 billion in hard currency reserves—half of the world's total.

East Asia is a region of economic dynamism. Last year Singapore, Hong Kong, and South Korea grew by more than 10 percent, shaking off the East Asian financial crisis and resuming their characteristic vitality. U.S. exports to the region have grown dramatically in recent years. U.S. exports to Southeast Asia, for instance, surpass our exports to Germany and are double our exports to France. U.S. direct investment in East Asia now tops $150 billion, and has tripled over the past decade.

And of course these are just a few of the raw economic realities which underscore East Asia's importance. The United States has important humanitarian, environmental, energy, and security interests throughout the region.

We have an obligation, it seems to me, not to drop the ball. We have a vital interest in maintaining peace and stability in East Asia. We have good friends and allies—like President Kim Dae Jung of South Korea—who stand ready to work with us toward that goal. It is vital that we not drop the ball; miss an opportunity to end North Korea's deadly and destabilizing pursuit of long range missiles. I don't know that an agreement can be reached. In the end North Korea may prove too intransigent, too truculent, for us to reach an accord.

But I hope the Bush administration will listen closely to President Kim today, and work with him to test North Korea's commitment to peace. We should stay the course on an engagement policy that has brought the peninsula to the brink, not of war, but of the dawning of a brave new day for all the Korean people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

THE ISRAELI ELECTION AND ITS AFTERMATH

Mrs. FEINSTEIN. Mr. President, today a new government has been formed in Israel under the leadership of Prime Minister Ariel Sharon, with Shimon Peres as Foreign Minister and the broad-based participation of many across Israel's political spectrum.

I would like to take a few minutes today to share my assessment of the present situation, where things stand, and what this may mean for U.S. policy in the region. I rise today as one who has supported the peace process, believed that a peace agreement was possible, and who has worked in the Senate, along with many of my colleagues, to see that the United States played an active role in helping Israel and the Palestinians seek peace.

Prime Minister Ehud Barak was elected two years ago to make peace and to bring about an "end of the conflict" with both Syria and the Palestinians. He was elected with a mandate to complete the Oslo process, a goal at the time supported by the majority of the people of Israel.

Over the past two years Prime Minister Barak tried, heroically and energetically, to achieve a comprehensive peace with both parties.

Indeed, it has been said I believe, that Prime Minister Barak went further than any other Israeli Prime Minister in an attempt to reach a comprehensive agreement with the Palestinians which includes:

The creation of a Palestinian state;

Palestinian control of all of Gaza;

Palestinian control of approximately 94 to 95 percent of the West Bank, and territorial compensation for most of the other five percent;

A division of Jerusalem, with Palestinian control over the Arab neighborhoods in East Jerusalem and the possibility of a Palestinian capital in Jerusalem; and

Shared sovereignty arrangements for the Temple Mount.

The issue of Palestinian refugees, was addressed with tens of thousands of Palestinians to be allowed into Israel as part of a family reunification program, and compensation in the tens of billions of dollars provided to other Palestinian refugees as well.

Not only was the Palestinian response to these unprecedented offers "no," but, even as Prime Minister Barak attempted to engage Chairman Yasser Arafat at the negotiation table, the Palestinians took to a campaign of violence in the streets, and threatened to unilaterally declare an independent Palestinian state:

When the violence began, the Fatah's militia, the Tanzim, fired upon Israelis with submachine guns. The Fatah and the Tanzim have been active in the violence—even encouraging its escalation—to this day;

Chairman Arafat freed a number of Hamas terrorists who instantly turned around and vowed violence against Israel;

The Palestinian media, under the control of the Palestinian Authority, has been used to disseminate inciting material, providing encouragement to damage holy Jewish sites, to kill Israelis, and carry out acts of terror; and,

Palestinian schools were closed down by the Palestinian Authority allowing Palestinian children to participate in the riots and violence.

And in reaction, all too often, Israel, too, has resorted to violence in an effort to protect its security and safeguard the lives of its people.

This new Intifadah has been characterized by a level of hate and violence that, frankly, I did not believe possible in view of the extensive concessions Israel had offered.

And it is clear, I believe, that much of this campaign of violence, this new Intifadah which continues to this day, has been coordinated and planned.

Because I was at the World Economic Forum meeting in Davos two months ago which was also attended by Shimon Peres and Yasser Arafat, I read with great interest Tom Friedman's op-ed in The New York Times 3 weeks ago.

As Mr. Friedman's column reports, when Mr. Peres extended the olive branch to Mr. Arafat at Davos, "Mr. Arafat torched it."

I urge all of my colleagues to read Thomas Friedman's op-ed article: "Sharon, Arafat and Mao," which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 8, 2001]

SHARON, ARAFAT AND MAO

(By Thomas L. Friedman)

So I'm at the Davos World Economic Forum two weeks ago, and Shimon Peres walks by. One of the reporters with him asks me if I'm going to hear Mr. Peres and Yasir Arafat address the 1,000 global investors and ministers attending Davos. No, I tell him, I have a strict rule, I'm only interested in what Mr. Arafat says to his own people in Arabic. Too bad, says the reporter, because the fix is in. Mr. Peres is going to extend an olive branch to Mr. Arafat, Mr. Arafat is going to do the same back and the whole love fest will get beamed back to Israel to boost the peace process and Ehud Barak's reelection. Good, I'll catch it on TV, I said.

Well, Mr Peres did extend the olive branch, as planned, but Mr. Arafat torched it. Reading in Arabic from a prepared text, Mr. Arafat denounced Israel for its "fascist military aggression" and "colonialist armed expansionism," and its policies of "murder, persecution, assassination, destruction and devastation."

Mr. Arafat's performance at Davos was a seminal event, and is critical for understanding Ariel Sharon's landslide election. What was Mr. Arafat saying by this speech, with Mr. Peres sitting by his side? First, he was saying that there is no difference between Mr. Barak and Mr. Sharon. Because giving such a speech on the eve of the Israeli election, in the wake of an 11th-hour Barak bid to conclude a final deal with the Palestinians in Taba, made Mr. Barak's far-reaching offer to Mr. Arafat look silly. Moreover, Mr. Arafat was saying that there is no difference between Mr. Peres and Mr. Sharon, because giving such a speech just after the warm words of Mr. Peres made Mr. Peres look like a dupe, as all the Israeli papers reported. Finally, at a time when Palestinians are starving for work, Mr. Arafat's subliminal message to the global investors was: Stay away.

That's why the press is asking exactly the wrong question about the Sharon election. They're asking, who is Ariel Sharon? The real question is, who is Yasir Arafat? The press keeps asking: Will Mr. Sharon become another Charles de Gaulle, the hard-line general who pulled the French Army out of Algeria? Or will he be Richard Nixon, the anti-Communist who made peace with Communist China? Such questions totally miss the point.

Why? Because Israel just had its de Gaulle. His name was Ehud Barak. Mr. Barak was Israel's most decorated soldier. He abstained in the cabinet vote over the Oslo II peace accords. But once in office he changed 180 degrees. He offered Mr. Arafat 94 percent of the West Bank for a Palestinian state, plus territorial compensation for most of the other 6 percent, plus half of Jerusalem, plus restitution and resettlement in Palestine for Palestinian refugees. And Mr. Arafat not only said no to all this, but described Israel as "fascist" as Mr. Barak struggled for re-election. It would be as though de Gaulle had offered to withdraw from Algeria and the Algerians said: "Thank you. You're a fascist. Of course we'll take all of Algeria, but we won't stop this conflict until we get Bordeaux, Marseilles and Nice as well."

If the Palestinians don't care who Ariel Sharon is, why should we? If Mr. Arafat wanted an Israeli leader who would not force him to make big decisions, which he is incapable of making, why should we ask whether Mr. Sharon is going to be de Gaulle and make him a big offer? What good is it for Israel to have a Nixon if the Palestinians have no Mao?

The Olso peace process was about a test. It was about testing whether Israel had a Palestinian partner for a secure and final peace. It was a test that Israel could afford, it was a test that the vast majority of Israelis wanted and it was a test Mr. Barak courageously took to the limits of the Israeli political consensus—and beyond. Mr. Arafat squandered that opportunity. Eventually, Palestinians will ask for a makeup exam. And eventually Israelis may want to give it to them, if they again see a chance to get this conflict over with. But who knows what violence and pain will be inflicted in the meantime?

All we know is that for now, the Oslo test is over. That is what a vast majority of Israelis said in this election. So stop asking whether Mr. Sharon will become de Gaulle. That is not why Israelis elected him. They elected him to be Patton. They elected Mr. Sharon because they know exactly who he is, and because seven years of Oslo have taught them exactly who Yasir Arafat is.

Mrs. FEINSTEIN. Mr. President, Mr. Friedman makes a simple but profound point. He writes that many "are asking exactly the wrong question about the Sharon election. They're asking, who is Ariel Sharon? The real question is, who is Yasser Arafat?"

He continues, "the press keeps asking: Will Mr. Sharon become another Charles de Gaulle . . . or will he be Richard Nixon, the anti-Communist who made peace with Communist China?"

So we naturally ask the question, will Ariel Sharon reach out to the Palestinians? As Tom Friedman points out, this is exactly the wrong way to look at Ariel Sharon or the recent election.

> Why? Because Israel just had its de Gaulle. His name was Ehud Barak. Mr. Barak was Israel's most decorated soldier. He abstained in the cabinet vote over the Oslo II peace accords. But once in office he changed 180 degrees. He offered Mr. Arafat 94 percent of the West Bank for a Palestinian state . . . plus half of Jerusalem . . . and Mr. Arafat not only said no to all this, but described Israel as "fascist" as Mr. Barak struggled for reelection.

Mr. Friedman continues to state what has become clear: "What good is it for Israel to have a Nixon if the Palestinians have no Mao?"

As someone who has been a supporter of the Oslo process from the start, I say this with a great deal of regret. And I wish this were not the case. But we have seen Israel make the offer, an historic offer, only to have it rebuffed. The consequences of this could, in fact, be devastating.

In his victory speech, Prime Minister Sharon called on the Palestinians "to cast off the path of violence and to return to the path of dialogue" while acknowledging that "peace requires painful compromises on both sides."

Mr. Sharon has said that he favors a long-term interim agreement with the Palestinians since a comprehensive agreement is not now possible because the Palestinians have shown they are not ready to conclude such an agreement.

He has stated that he accepts a demilitarized Palestinian state, is committed to improving the daily lives of the Palestinians, and has reportedly indicated that he does not plan to build new West Bank settlements.

Whatever happens, there can be little doubt that it will have a profound impact on United States strategic interests in the Middle East. And because of that, the United States must remain an interested party in the region.

I believe that it is critical that both parties need to make every effort to end the current cycle of provocation and reaction, with a special responsibility that is incumbent upon the Palestinian Authority to seek an end to the riots, the terror, the bombings, and the shootings. There must be a "time out" on violence before the situation degenerates further into war.

We can all remember the images, from last fall, of the Palestinian child hiding behind his father, caught in the cross-fire, shot to death, and then the images, a few days later, the pictures of the Israeli soldier who was beaten while in custody and thrown out of a second floor window of the police station, to be beaten to death by the mob below.

It is easy to understand how passions can run high, and frustration and fear can drive violence.

But it is also easy to see how these feelings—even these feelings, that are based in legitimate aspiration—can get out of control and lead to ever deeper, and never-ending, cycles of violence.

The Palestinian leadership must make every effort to end this cycle, to quell the attitude of hate that has been fostered among the Palestinian people, and to act to curb the violence, and to convince Israel that they are indeed serious and sincere about pursuing peace.

But until there is evidence that the violence is ending, the United States cannot be productively engaged between the two parties.

If both Israel and the Palestinians can make progress in curbing or ending the violence, the United States can play an important role in helping to shape intermediate confidence-building measures between Israel and the Palestinians. The current environment makes a comprehensive agreement impossible, but proximity gives the Israelis and the Palestinians no choice but to learn to live together. The alternative is clearly war.

And the United States must continue to work together with Israel to strengthen the bilateral relationship, to ensure that Israel has the tools it needs to defend itself, and to enhance security in the region.

There are those who now believe that the Palestinians don't want peace; that, in fact, they want to continue the violence, and force Israel into the sea; to take back Jaffa; to take back Haifa.

There is a segment of the population that believes this is true. But I say, how realistic is this? Can there be any doubt that Israel has the ability to defend itself, and will? Or that should there be an effort to attack Israel, to end this democracy, that the United States would be fully involved? There is no doubt of that.

So the ball is now in the Palestinian court, to show that Palestinians are interested in ending violence and bloodshed. Israel, under Barak, has shown how far it will go to search for peace, much further than I ever thought possible. The concessions offered at Camp David, and after, are testament, I believe, to Israel's desire and commitment for peace. But to seek to force peace in light of hostility and hatred on the streets is neither realistic nor sustainable.

The Sharon election, I believe, can be seen as a referendum on Arafat's actions and policies, and the Palestinian violence, and it must be taken seriously by the Palestinians if the peace process is to ever get back on track.

Just last summer, the 7-year-old peace process seemed on the verge of success, but the chairman walked away from the deal at the last moment.

I hope that someday soon Chairman Arafat will realize the profound disservice that he has done his people, and the people of the world, that he will realize that the framework for peace was on the table, that he will realize that continued violence is not the way to achieve the legitimate aspirations of the Palestinian people, and that continued violence will not gain him or his people additional concessions at the negotiating table.

And I believe that if and when he does realize this, when he takes action to bring the current violence to an end, he will find that Israel remains a partner in the search for peace in the Middle East, with the United States as a facilitator.

Until then, however, the United States must be clear that we continue to stand with Israel, an historic ally and partner in the search for security and peace in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Arkansas.

AGRICULTURE DISASTER ASSISTANCE

Mrs. LINCOLN. Mr. President, I rise today to bring attention to an issue Washington, and the American public, too often take for granted—something that is near and dear to my heart, and a part of my heritage. I am talking about American agriculture. This country needs a wake-up call. Americans believe that their bacon, lettuce, and tomatoes are raised somewhere in the back of the local grocery store. As the daughter of a seventh generation Arkansas farm family, I know where our food supply is produced. It is grown in rural communities by families working from dusk until dawn to make ends meet. Unfortunately, too many in Washington continue to pay lip-service to our Nation's agricultural industry without actually providing them the tools and assistance they need to sustain their way of life.

I recognize the hurt that is evident in our agricultural communities. I know that commodity prices are at record lows and input costs, including fertilizer, energy, and fuel, are at record highs. No corporation in the world could make it today receiving the same prices it received during the Great Depression, yet, we are asking our farmers to do just that.

I am here to enlighten this body on the needs of our agricultural community. And it is my intention to come to the Senate floor often this year to highlight various issues affecting our Nation's farmers and ranchers.

In the interest of fairness, I will give credit where credit is due. In recent years, Congress has recognized that farmers are suffering, and we have delivered emergency assistance to our struggling agricultural community. Arkansas' farmers could not have survived without this help. Nearly 40 percent of net farm income came from direct Government payments during the 2000 crop year. The trouble with this type of ad hoc approach is that farmers and creditors across this country never really know how or when the Government is going to step in and help them.

Many of my farmers are scared to death that the assistance that has been available in the past will be absent this year because the tax cut and other spending programs have a higher priority.

I will highlight my frustration with our Nation's farm policy in the near future, but today I want to bring the Senate's attention to a matter that should have been handled long ago, yet still remains unaddressed. Our farmers need the disaster assistance that Congress provided last Fall. President Clinton signed the FY 2001 Agriculture Appropriations Act on October 28, 2000. Included in this legislation was an estimated $1.6 billion in disaster payments for 2000 crop losses due to weather-related damages. These payments are yet to arrive in the farmer's mailbox. My phone lines are lit up with calls from farmers and bankers asking me when these payments are going to arrive. In the South, our growing season begins earlier than many parts of the country, and our farmers could head to the field right now to begin work on the 2001 crop, if they just had their operating loan. The trouble is, many of them are unable to cash flow a loan for 2001 because they still await USDA assistance to pay off the banker for last year's disaster.

I reference the South's growing season because many of our farm State Senators are from the Midwest, and they may not be hearing the same desperation that I am hearing. Their farmers are in no better shape, but they are not yet trying to put the 2001 crop in the ground. Arkansas farmers have been wringing their hands all winter trying to determine if it is worth it to try one more year. They are literally on the brink of bankruptcy and are weighing whether it is worth exposing themselves to more potential financial loss. These are not bad businessmen. They have survived the agricultural turmoil of the 1980s because they practice efficient production techniques and are sound managers. They have simply been dealt an unbelievably difficult hand and are trying to figure out how they can stay in the game. Some have already lost the battle. I have heard of more respected Arkansas farmers closing their shop doors and selling the family farm than ever before. Farm auction notifications fill the backs of agricultural publications.

Established, long time farmers are crying for help. A typical example, a farmer from Almyra, Arkansas recently wrote to me asking for help. He has been farming rice and soybeans in southeast Arkansas for almost 30 years. Like many others, he wanted Congress to know that government assistance is vitally needed. He and other farmers would prefer to get their income from the marketplace, but most of all, he just wants to stay in business.

The repercussions of losing people like this good farmer will have a drastic effect on our rural communities. To ignore agriculture's plight is to ignore rural America. Without farmers, the lifeblood of small towns like Almyra, Arkansas will be lost, and I fear never regained.

Around 800 to 1,100 farmers apply for Chapter 12 bankruptcy each year. The average age of the American farmer is getting older every year because young men and women simply do not see a future in agriculture production. I am reminded of a joke that my father used to tell me about the farmer who won the lottery. When a reporter asked him what he was going to do with all that money, he replied "Farm 'til it's gone!" Unfortunately, that joke is not too far from the truth these days.

We have a responsibility to provide a better agricultural policy for our nation's producers. As I stated earlier, I will address my specific frustrations with the current farm bill at a later date. Today, I am pleading that the disaster assistance we passed last Fall be delivered to the farmers as soon as possible.

I have written and urged President Bush to expedite this situation. I stressed the importance of quick action on this issue to Secretary Veneman in both private meetings and during her confirmation hearing. I contacted the Office of Management and Budget (OMB) urging them to act promptly on the rules that must be finalized to begin the payment process. For all the farmers listening out there, don't hold your local FSA offices accountable. Their hands are tied just like yours. They await the rules and procedures for disaster assistance distribution just like you do. The responsibility lies right here in Washington, DC. Specifically, OMB, is responsible for finalizing the rules. I'm sure they are working hard to get the ball rolling, but we need action today. Not tomorrow, not next week, but today!

I call upon the Administration to deliver the disaster assistance to the farmers. Congress did its part last fall. It is now imperative that the Administration take care of things on their end. Unfortunately, this situation is nothing new. The last Administration was less than quick about implementing disaster programs as well. But that is no excuse, farmers need the help now. Dotting the "i's" and crossing the "t's" in the required paper work should not take months to accomplish.

For countless farmers across the nation, I call on the President to please expedite this matter.

I look forward to many further discussions on the Senate floor about the plight of the American farmer.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business, notwithstanding the previous agreement. I thank the chairman of the Budget Committee for his courtesy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, with this agreement, what is the time arrangement after he finishes?

The PRESIDING OFFICER. The Senator from New Mexico was to be recognized at 10:30. He was to be recognized for 10 minutes. Under a unanimous consent request, Senator FEINSTEIN took an additional 5 minutes. If the Senator from New Mexico objects to it, then he will be recognized at 10:30. If he doesn't, the Senator from Wisconsin will be recognized for 10 minutes.

Mr. DOMENICI. I had only 10 minutes in any event, did I not?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. DOMENICI. I ask unanimous consent that I be permitted to object at this point, and I ask unanimous consent that I be permitted to speak for 15 minutes when my time comes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the distinguished chairman of the Budget Committee.

WEST AFRICA'S CRISIS

Mr. FEINGOLD. Mr. President, I rise today to draw my colleagues attention to the continuing crisis in West Africa, where a deeply disturbing trend has emerged in strong-man politics. In the model emerging in that region, violent regimes hold entire civilian populations hostage in order to win concessions, and even the guise of legitimacy, from the international community.

At the heart of this trend, is Liberian President Charles Taylor. While the Liberian Embassy here and the man himself are currently trying to persuade the world of their good intentions, no one who has followed Africa in recent years should be deceived. Taylor has absolutely no credibility. All reliable reports continue to indicate that he is manipulating the situation in West Africa for personal gain, at the expense of his own Liberian people, the people of Sierra Leone, and now the people of Guinea.

Some of the responsibility for the terrible abuses committed in the region must fall upon his shoulders. I believe that Liberian President Charles Taylor is a war criminal.

Having secured the presidency essentially by convincing the exhausted Liberian people that there would be no peace unless he was elected, he proceeded to provide support for the Revolutionary United Front, Sierra Leone's rebel force perhaps best known for hacking off the limbs of civilian men, women, and children to demonstrate their might, although their large-scale recruitment of child soldiers—a page borrowed from Taylor's book—is also notorious. By funneling diamonds that the rebels mined in Sierra Leone out through Liberia, and providing weapons in exchange, Taylor has profited from terrible bloodshed. And after the capture of RUF leader Foday Sankoh last year, many RUF statements suggested that Taylor was directly in control of the force. The U.N. has found "overwhelming evidence that Liberia has been actively supporting the RUF at all levels."

An international sanctions regime has been proposed, but regrettably postponed, at the United Nations. Sanctions are the correct course. And while many fear the impact on the long-suffering Liberian people, the unfortunate truth is that they are living in a state of total economic collapse even without the sanctions, largely because their head of state has no interest in the well being of his citizens.

Mr. President, I raise these issues today because I was in Sierra Leone just a few days ago. Previously, I had traveled in Nigeria, the regional giant in transition. Although I am more convinced than ever before, in the wake of my trip, that Nigeria's leadership must take bold steps to confront that country's difficult resource distribution issues and to hold those guilty of grand corruption accountable for their actions, I came away from my visit to Nigeria more optimistic than I had been when I arrived. From Port Harcourt to Kano, in Lagos and in Abuja, I met with dedicated, talented individuals in civil society and in government, who are absolutely committed to making the most of their historic opportunity to chart the course of a democratic Nigeria.

I also visited Senegal, which is truly an inspirational place. In a neighborhood plagued by horrific violence, where even the most basic human security is in jeopardy, Senegal is moving in the opposite direction. Last year they experienced a historic and peaceful democratic transition. Senegal continues to be a global leader in AIDS prevention.

Both of these countries—one still consolidating its transition, another forging ahead in its quest for development and concern for the condition of its citizens—affected by the crisis in Sierra Leone, Liberia, and Guinea. The entire region is. Refugees flee from one country to the next, desperately seeking safety. States fear they will be the next target of the syndicate of thugs led by Charles Taylor and personified by the RUF, and for Guinea, this fear has become a reality. Many, most notably Nigeria but also including Senegal, are undertaking serious military initiatives to bolster the peacekeeping forces in Sierra Leone.

Some will ask, why does it matter? Why must we care about the difficult and messy situation of a far-away place. We must care because the destabilization of an entire region will make it all but impossible to pursue a number of U.S. interests, from trade and investment to fighting international crime and drug trade. We must care because, if we do not resist, the model presented by the likes of Charles Taylor will surely be emulated elsewhere in the world. We must care because atrocities like those committed in Sierra Leone are an affront to humanity as a whole. We are something less than what we aspire to be as Americans if we simply turn our heads away as children lose their limbs, families lose their homes, and so many West Africans lose their lives.

What is happening in West Africa is no less shocking and no less despicable than it would be if these atrocities were committed in Europe. The innocent men, women, and children who have borne the brunt of this crisis did nothing wrong, and we must avoid what might be called ignorant fatalism, wherein we throw up our hands and write off the people of Sierra Leone and Liberia and Guinea with some groundless assertion that this is just the way things are in Africa. Africa is not the problem. A series of deliberate acts carried out by forces with a plan that is, at its core, criminal—that is the problem. And these are forces that we can name, and we should. And Mr. President, the leadership of these forces should be held accountable for their actions.

That leads me to the next question—what can we do?

We can help the British, who are working to train the Sierra Leonean Army and whose very presence has done a great deal to stabilize Sierra Leone. Their commitment is admirable; their costs are great. When they need assistance, we should make every effort to provide it.

We can reinforce the democracies in the region, like the countries of Senegal, Ghana, and Mali, to help them pursue their positive, alternative vision for West Africa's future.

We can continue our efforts to bolster the peacekeeping forces in Sierra Leone through Operation Focus Relief, the U.S. program to train and equip seven West African battalions for service in Sierra Leone. And we can urge the UN force in Sierra Leone to develop their capacity to move into the rebel controlled areas, and then to use that capacity assertively.

We can work to avoid the pitfalls of the past. We must not forget that the welfare of the people of Sierra Leone is the responsibility of that beleaguered government. I met with President Kabbah, and with the Attorney General and Foreign Minister. I know that they want to do the right thing. But the point is not about which individuals are holding office. The point is that we must work to enhance the capacity and the integrity of Sierra Leone's government, and it must work on that project feverishly as well. The people of Sierra Leone need basic services, they need to have their security assured, they need opportunities. Ending the war is not enough.

In the same vein, we must not tolerate human rights abuses no matter who is responsible. When militia forces that support the government of Sierra Leone abuse civilians, they should be held accountable for their actions. And we must work to ensure that our involvement in the region is responsible, and collaborate with regional actors to ensure that we monitor the human rights performance of the troops we train and equip. West Africa must break the cycle of violence and impunity, and all forces have a role to play in that effort.

And that leads me to a crucial point, one that is particularly important for this new Administration and for this Congress. We must support the accountability mechanisms being established in the region. There has been consistent, bipartisan support for accountability in the region. The Administration should find the money needed to support the Special Court for Sierra Leone, and it should find it now. And this Congress should commit to contributing to that court in this year and the next.

The Special Court will try only those most responsible for terrible abuses—the very worst actors. Others who have been swept up in the violence will be referred to the Truth and Reconciliation Commission, another entity which deserves international support. The Court and the Commission are two elements of the same strategy to ensure accountability without leaving the rank-and-file no incentive to disarm and demobilize. They are vital to Sierra Leone's future, and they will serve as a crucial signal of a changing tide, and an end to impunity, throughout the region.

Finally, we must join together to isolate Charles Taylor and his cronies and to tell it like it is. There was a time when some believed that he could be part of the solution in West Africa. At this point, we should all know better. And we must speak the truth about the role played by the government of Burkina Faso, the government of Gambia, and the others involved in the arms trade in the region.

Mr. President, these issues do matter. I have looked into the faces of amputees, refugees, widows and widowers and orphans. I have seen the tragic consequences of the near total disruption of a society—the malnourishment, the disillusionment, the desperation. Some people are getting rich as a result of this misery. I have heard the people of neighboring countries speak of their fears for the region's future. I implore this body and this Administration to take the steps I have described. It is in our interest and it is right. And if we fail to do so, I fear that the terrible crisis will only get worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 472 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the distinguished Senator from Kansas, Mr. ROBERTS, has the floor.

Mr. ROBERTS. I thank the distinguished Presiding Officer.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 478 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. THOMAS. Mr. President, I am going to be joined shortly by my friend from Texas. In the meantime, I want to comment for a moment on the statement of the Senator from New Mexico on energy. We need to take a long look at where we are with respect to energy. The Vice President with his working group is putting together a national policy on energy, as are many groups. We have an oil and gas forum, which I cochair. We will be taking a look at where we want to be on energy and energy production in this country over a period of time.

We have not had an energy policy in the United States, I am sorry to say, for the last 8 years. As a result, we did not look at what the demand was going to be, where the supply was going to be, and, indeed, have found ourselves depending almost 60 percent on imported oil, depending on foreign countries and OPEC to manage that. So we need to take a long look.

I was pleased with what the Senator from New Mexico had to say about diversity. We need not only to take a look at our need to increase domestic production in oil and gas, but we also need to look at diversity, to where we can continue to use coal. You may have noticed on his chart that coal now produces over 50 percent of our electric energy. We need to do some research with respect to air quality so coal becomes even more useful. We need also to look at coal and its enrichment, getting the Btu's out of low-sulfur coal so transportation costs will not be so high.

Nuclear, I am sure, has a role in our future as a very clean and very economical source of electric energy. However, before we do that, we are going to have to solve the question of the storage of nuclear waste, or begin to use it differently, as they do in some other countries, recycling the waste that is there.

We have great opportunities to do these things. We also need, along with this, of course, to take a look at conservation to make sure we are using all the conservation methods available to us. Certainly we are not now. We have to be careful about doing the kinds of things that were done in California, to seek to deregulate part of an industry—in this case electric energy—however keeping caps on the retail part. Obviously, you are going to have increased usage and reduced production, which is the case they have now.

It is really a test for us at this time. One of the issues is going to be the accessibility to public lands. Most of the States where gas and oil is produced in any volume are public land States, where 50 percent to 87 percent of the State belongs to the Federal Government. Much of those lands have been unavailable for exploration and production.

We need to get away from the idea that the multiple use of lands means you are going to ruin the environment or, on the other hand, that we need to do whatever we need to do and we do not care about the environment. Those are not the two choices. The choice we have is to have multiple use of our lands, to preserve the environment and to have access to those lands as well. We can do that, and we have proven that it can, indeed, be done.

That is one of the real challenges before us during this Congress, although, of course, Congress only has a portion of involvement—it is really the private sector that will do most of it.

One of the most encouraging things is Vice President CHENEY and his working group have brought in the other agencies, Too often we think about the Department of Energy being the sole source of involvement with respect to energy, and that is not the case. The Department of the Interior is certainly just as important, in many cases more important regarding where we go, as well as the EPA—all these are a real part of it.

One of the difficulties, of course, in addition to the supply, is the transportation. Whether we have an opportunity to have pipelines to move natural gas from Wyoming to California—a tough job, of course—whether we have a pipeline that economically can move gas from Alaska down to the continental United States, those are some of the things with which we are faced. In the case of California, people were not excited about having electric transmission lines and therefore it was very difficult and time consuming to get the rights-of-way to do these things.

We have to take a look at all of those issues to bring back domestic production and be able to support our economy with electric and other kinds of energy.

It is going to be one of the challenges. The Senator from Alaska, chairman of the Energy and Natural Resources Committee, has introduced a rather broad bill that deals with many parts of the energy problem. I am pleased to be a sponsor of that bill. Obviously, it will create a great deal of debate and discussion because it has all those items in it, but we need to move. We need to have a policy that will encourage production. But I say again, not only should we be looking at production but we should be looking at opportunities to, indeed, conserve and find efficient ways to use it.

THE BUDGET AND TAX RELIEF

Mr. THOMAS. We are going to debate lots of issues. We went on an issue yesterday which was passed. We are going to go to bankruptcy today. We will talk about a lot of issues. But the real issue we need to work towards and keep in mind, it seems to me, is the budget and the tax relief issue we have and that the President has promised and that we, I hope, will be able to support. We will be looking at spending, budgets, taxes, and the size of tax relief. It is going to be one of the most important things we do.

One important aspect of it is the American people are suffering under a record level of taxation, which is 20.6 percent of the gross national product. They deserve some relief. The individual tax burden has doubled from where it was. We really need to take a long look and encourage the private sector that has people who are paying excessive amounts of taxes to have those taxes returned and at the same time pay down the debt and be able to have a budget that pays for the increases we are looking for in education and national security with the military, as well as have some reserves. The President's plan does all of those things. It puts a limit on spending, which we very badly need.

It takes care of paying down the debt. That can be paid down between now and 2011. It has a reserve for the kinds of things that come up unexpectedly and at the same time returns $1.6 trillion in overpaid taxes to those people who in fact have paid the dollars.

We have a lot of important things to look forward to in this Congress. I am glad we are now beginning to get to where we are able to deal with these issues. I think yesterday was an example of that. I am certain we will move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

TAX RELIEF

Mrs. HUTCHISON. Mr. President, I thank my colleague from Wyoming for talking about taxes because I don't think we can talk about tax relief enough. There is no question but that we have the chance of a lifetime to bring tax relief to every working American and also give increased benefits to earned-income tax credit recipients. It is in everyone's best interest that we do this.

I thank my colleague from Wyoming for starting this debate and starting the process of educating everyone about the importance of this tax relief.

Let me say that when we talk about the tax relief package, we really are talking about good stewardship of our tax dollars. We have a projected $5.6 trillion surplus. We have a bright red line between the Social Security surplus and income tax withholding surplus. We are taking half of the $5.6 trillion—roughly $3 trillion—that is in Social Security surplus, and we are going to leave it intact in a lockbox so that Social Security will be totally within itself, solid and firm.

The other half of the $5.6 trillion—the $2.6 trillion or so—is the income tax withholding surplus. That is very different from people who are paying into Social Security and expect that money to go to Social Security. But people who are sending $2.6 trillion in income taxes above and beyond what government reasonably needs to operate should have some relief. That is money coming right out of the pocket of every American and going to Washington which we know it does not need for legitimate government expenditures.

It is our responsibility to be careful how we spend taxpayer dollars. With that $2.6 trillion surplus in income tax withholding, we have a proposal that takes $1.6 trillion and gives it back to the people so they don't even have to send it to Washington. We have $1 trillion remaining. That $1 trillion is going to be for the added expenditures that we know we need in priority areas to do the right thing.

So what are the priority areas?

We are going to spend more for public education because we know public education is the foundation of our freedom and our democracy. If we allow public education to fail, or not produce, then we are taking away the strength that has been the foundation of our Nation.

We are going to spend more on public education.

No. 2. We are going to spend more on national defense.

Our national security forces have been deteriorating. We do not have a solid plan to upgrade the quality of life for those serving in our military. These are people who are pledging their lives to protect our freedom. We owe them a quality of life that allows them to do their job. We are going to increase their housing quality and health care quality. We are going to increase salaries. We are going to increase education for military children, spouses, and military personnel. All of these will add to the quality of life.

We are going to invest in the technological advances that will keep us ahead of any adversary we might have and also make sure that our allies are strong.

We are going to increase spending in national defense.

No. 3. We must address the prescription drug issue in this country.

Ten years ago, you would have to go in the hospital and have surgery for an ailment that today can be treated with prescription drugs. Hospital stays are much shorter. Sometimes it is just an office visit because prescription drugs are so much more effective. They are also more expensive. We need to treat prescription drugs as one of the mainstays of quality health care, just as hospital stays and surgery used to be the avenue for treatment of a major problem.

We have to deal with this big expense and this big part of health care that has changed our quality of life in America, but which many people cannot afford or they have to make such tough choices that it just isn't right. People on fixed incomes cannot afford a $400-a-month prescription drug bill. Some people are making other kinds of choices. We are going to have to have more benefits and more options for prescription drug help for people who need it.

These are the areas where we want the ability to have added income, to make sure we can do the job we are expected to do. I certainly think $1 trillion should be plenty if we are running the Government efficiently and making sure taxpayer dollars are not being wasted or misused.

I think the tax relief plan is much more than tax relief. It is good stewardship of your taxpayer dollars and my taxpayer dollars. It is a balanced approach that pays down the debt, protects Social Security, and adds spending in the priority areas where we must add spending. And it lets people keep more of the money they earn in their own pocketbooks because we believe they can make better decisions for their families than someone in Washington, DC, can do.

What is in the marriage penalty relief? What is in the tax bracket lowering? What is in the inheritance tax relief?

The biggest part of the tax cut is an across-the-board lowering of each tax bracket, so if you pay in the 15-percent bracket today, you will either pay no taxes at all or you will go to a 10-percent level. The most benefit of this tax relief is at that level. And then you go to a 15-percent bracket, a 25-percent bracket, and a 33-percent bracket. So everyone gets a lowering of their bracket.

We believe no one should pay more than 33 percent of their income in Federal taxes. That is a fair tax. It could be lower, but at least that is a fair cap on taxes for any individual. That is the biggest part of the tax cut plan.

It will also increase the earned-income tax credit for people who are not paying taxes at all but get a refund because we want them to have the incentive to work rather than be on welfare. This is a good incentive, and it works.

In essence, the earned-income tax credit is a rebate of the payroll tax. For people who do not pay income taxes but they do pay payroll taxes, they are going to get a bigger rebate. So that is the big part.

The next part of this tax relief plan is relief from the marriage penalty tax. Why on Earth should two single people, earning the incomes they earn, who get married, be thrown into a higher bracket and pay more in taxes just because they got married—not because they got a pay raise but because they got married? That is wrong. It is a wrong incentive in this country, and it was never meant to be that way. This was a quirk in the Tax Code, and we must fix it.

You should not have to pay a marriage penalty. Today—and this is in my legislation I have introduced—if you take the standard deduction, you do not get the standard deduction if you get married. You do not get it doubled. In fact, the standard deduction is $4,550 for a single person. For a married couple, it is $7,600. Under my bill, the standard deduction for married couples will increase by $1,500 to $9,100, which is double the single standard deduction. So if you do not itemize and you take the standard deduction, we want you to have double the single rate when you get married.

Secondly, we want to widen every bracket so you will not have to pay more in income taxes because you go into a higher bracket just because you combined incomes. We want to widen the brackets so your combined income will be taxed at the same rate as if you were single making two incomes that added up to that. So we are going to try to widen the brackets.

And third, on the earned-income tax credit, we will increase the adjustment on the income levels and make the earned-income tax credit also come in at the same level as if they were two single people rather than penalizing people who get the earned-income tax credit when they get married.

It is very important that we relieve the pressure on 21 million American couples who pay the marriage penalty tax. This is not right, and we are going to change it. That is another major part of the tax relief bill that will be before us in the coming weeks.

The third area is doing away with the death tax. There is no reason for someone to have to sell a family farm, a ranch, or a small business in order to pay taxes to the Federal Government. We must take the lid off the death tax.

The people of America understand the death tax as being unfair. Even if they are not going to have to pay the death tax or their heirs will not have to pay the death tax, they still have a fundamental sense of fairness that it is wrong to tax money that has already been taxed when it was earned and when it was invested. There is a sense of fairness in the American people.

There is also a sense of hope. Every parent hopes that his or her child is going to do better than they have done. So they want their children to have that opportunity to be able to keep the family business and to do better. And they most certainly do not want a family business to be sold off to pay taxes because they know that not only affects their own families but the jobs of the people who work for a family-owned business.

Fifty percent of the family-owned businesses in this country do not make it to the second generation, largely because of the inheritance tax. Eighty percent do not make it into the third generation.

Do we want to be a country that does not have family-owned businesses? Do we want everything to be a big international conglomerate? I do not think so. I think we want the family farm to succeed in this country because we know that family farmers are contributing citizens to the community; they are contributing to the agricultural greatness of this country; and they are a stability for our country to make sure that we control our own resources.

I do not want a big international conglomerate to take the place of the family farm in this country. And that is what death taxes produce. It is in our interest that we have small family-owned hardware stores. It is in our interest that we have small family-owned service companies that contribute to a community.

I hope we will eliminate the death tax, or at least modify it greatly so that any reasonable description of a family-owned business would be covered, so that there will not have to be a sale of assets that would break up that business, that farm, or that ranch.

The fourth major area of our tax relief plan is to double the child tax credit. Whether you have child care or not, we believe you should have more than the $500-per-child tax credit because we know how much it costs to raise a family. So we would double that to $1,000 per child.

A $1,000-per-child tax credit isn't nearly enough to offset the costs of raising children. We know that. But we do not have children to get tax credits; we have children because we love them and we want them to be strong, to continue the great heritage that we have in this country. But we should give tax relief that is focused on helping families raise their children in as conducive an environment as we can possibly give them.

That is our tax relief plan. It is our stewardship of tax dollars to give more money back to the people who earn it, and to pay down the debt at the most rapid rate that we possibly can. Over 10 years we will have paid down the debt to the absolute minimum. And to help people with prescription drug benefits, to rebuild our national defenses, and to make bigger investments in public education, we are saving $1 trillion back from the surplus. And last, and most important, we are keeping Social Security totally intact. That is good stewardship of our tax dollars.

I am proud to support a tax relief plan that saves Social Security, and keeps it secure, that adds spending where we need it, and makes absolutely sure that we give back to the people who earn it more of the tax dollars they deserve to keep in their pocketbooks, rather than sending it to Washington for decisions to be made that they will probably never realize.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 420, which the clerk will report.

The bill clerk read as follows:

A bill (S. 420) to amend title 11, United States Code, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am pleased to be here today to support S. 420, the Bankruptcy Reform Act of 2001. I know this bill has cleared the Senate on at least three different occasions, as I recall, and with large majorities. I know a number of people have amendments they would like to offer.

As a courtesy to the Members who had concerns about the legislation, Majority Leader LOTT allowed the bill to go to the Judiciary Committee. We had amendments and debate there for a good bit of time. It is now on the floor. It is appropriate for amendments that are to be offered to be offered now.

I urge my fellow Senators who have amendments they would like to offer to this legislation to bring them to the floor. This is the time that has been set aside and announced for that purpose. It certainly would not be courteous to the work of this body if people have amendments and don't take advantage of the chance to bring them forward.

I see the chairman of the Judiciary Committee, Senator HATCH, has arrived. Perhaps he will have some opening remarks at this time. If he does, I would be pleased to yield to Senator HATCH. Senator GRASSLEY had asked that I start this off. I believe we have a good piece of legislation that has been examined. Every jot and tittle of it has been looked at. Compromises and improvements have been undertaken time and again. I believe the act will withstand scrutiny. It will eliminate a number of the abuses that have been occurring under the new modern-style bankruptcy.

The time has come, and I am confident that as this debate goes forward, this bill will pass and become law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to be here and finally get this bankruptcy bill underway. We have done it year after year after year. It certainly is time to pass this bill. I hope there won't be any frivolous amendments or amendments trying to kill the bill or amendments trying to make points rather than solve the problems we have regarding bankruptcy.

As I have indicated before, the bankruptcy reform legislation we are considering today, is the same legislative language that was contained in the conference report passed by the Senate in December by a vote of 70–28. In addition, the language was marked up in the Judiciary Committee, and has added several provisions sought by Democratic members of the committee.

I am asking that Members recognize and respect the compromises and agreements that have already been made with respect to this bill. While I do not believe that further amendments are necessary, I recognize that it is the right of any Member to offer amendments. It is my sincere hope that Members will exercise reasonableness in the offering of any amendments.

This being said, If Members do have amendments, I ask them to come down and offer them now, so that we can avoid any further undue delays and move forward.

While we are waiting for them, let me talk about the bankruptcy reform proconsumer provisions. This bill requires extensive new disclosures by creditors in the area of reaffirmations and more judicial oversight of reaffirmations to protect people from being pressured into agreements against their interests.

It includes a debtor's bill of rights with new consumer protections to prevent the bankruptcy mills from preying upon those who are uninformed of their legal rights and needlessly pushing them into bankruptcy.

It includes new consumer protections under the Truth in Lending Act, such as new required disclosures regarding minimum monthly payments and introductory rates for credit cards. It protects consumers from unscrupulous creditors with new penalties on creditors who refuse to negotiate reasonable payment schedules outside of bankruptcy.

It provides penalties on creditors who fail to properly credit plan payments in bankruptcy. It includes credit counseling programs to help people avoid—we go that far—the cycle of indebtedness. It provides for protection of educational savings accounts, and it gives equal protection for retirement savings in bankruptcy.

S. 420 contains improvements over current law for women and children. We have heard people complain that the bankruptcy laws do not take care of women and children. We have tried to do that in this bill, and we have accomplished it.

It gives child support first priority status, something that has not existed up until now. Domestic support obligations are moved from seventh in line to first priority status in bankruptcy, meaning they will be paid ahead of lawyers and other special interests. It includes a key provision that makes staying current on child support a condition of getting a discharge in bankruptcy. It makes debt discharge in bankruptcy conditional upon full payment of past due child support and alimony.

It makes domestic support obligations automatically nondischargeable without the costs of litigation. It prevents bankruptcy from holding up child custody, visitation, and domestic violence cases. It helps eliminate administrative roadblocks in the current system so kids can get the support they need. These are all valuable additions and changes in the bankruptcy laws that this particular bill makes. It is in the best interests of women and children to pass this bill.

That is not all. Let me cite a few more improvements over current law for women and children. The bill makes the payment of child support arrears a condition of plan confirmation. It provides better notice and more information for easier child support collection. It provides help in tracking down deadbeats. It allows for claims against a deadbeat parent's property. It allows for payment of child support with interest by those with means. It facilitates wage withholding to collect child support from deadbeat parents.

All of that is critical. All of that amounts to needed changes in the bankruptcy laws that we have worked very hard to bring about.

As I have said before, the compromise bill we passed 70–28 was an effective compromise among Democrats and Republicans, among conservatives and liberals and independents. It was a bill that basically brought almost everybody into the picture. Even after having done that, having introduced that bill this year in the committee, we made some additional compromises to satisfy our colleagues on the other side. Those compromises were difficult to make, but we have made them. We have made every effort to try and bring as many people on to this bill as we possibly can and to try and resolve the various conflicts and difficulties that have existed in the past.

It is a very good bill. It is time we pass it. I hope people will come and bring their amendments to the floor so we can begin the amendment process and get this bill passed.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 13

(Purpose: To provide priority in bankruptcy to small business creditors)

Mr. LEAHY. Mr. President, the Senate last night voted for a resolution of disapproval of the new ergonomics regulations. Supporters of the resolution said the ergonomics rules would hurt small businesses and would cost millions in revenues each year. In fact, some claimed it would actually force them out of business.

I disagreed with that analysis of the ergonomics rule, but I do agree with the underlying principle that the Senate should be passing legislation to foster small businesses across the country. I am going to offer an amendment to protect small business creditors from losing out in the bankruptcy reform process. I assume all those who are speaking strongly in favor of small businesses would be supportive of this.

The bankruptcy bill today puts the multibillion-dollar credit card companies ahead of the hard-working small business people from Utah, Alabama, Nevada, Kentucky, or Vermont in collecting outstanding debt from those who file for bankruptcy. My amendment corrects that injustice by giving small business creditors a priority over larger businesses when it comes to distribution of the bankruptcy estate. The amendment provides a small business creditor has priority over the larger for-profit business creditor.

My amendment does not affect the bill's provision giving top priority in bankruptcy distribution to child support and alimony payments, but we should be helping small businesses navigate through the often complex and confusing bankruptcy process. Small businesses cannot afford the high-priced bankruptcy lawyers corporate giants can afford. Small business creditors need some kind of priority just to keep even with the big companies. Small businesses are the backbone of this Nation's economy.

Take a look at this chart. The total number of businesses nationwide is 5,541,918. Of those 5.5 million businesses, almost 5 million are small businesses, or 90 percent of all businesses in this country are small businesses.

Small business, for the purpose of this report, incidentally, is defined as a company with 25 or fewer full-time employees. That is the same definition of small business used in my amendment, which is very similar to the Leahy Press and Printing business in Montpelier, VT.

In full disclosure, my family sold that business when my parents retired. It is gone. This was a small printing business. We actually lived in the front of the store. Our house was in the front. The printing business was in the back, but it was typical of small businesses that are the backbone of my own State of Vermont.

In Vermont, we have 19,000 businesses. Almost 17,000 of them are small businesses, again following the national model.

In virtually every State, 90 percent of the businesses are small. The bill, as it is written, will help the huge multibillion-dollar credit card companies, and they have far more of a priority than these small mom-and-pop stores.

We can do right. It is not fair for us to ask these small businesses, again, to hand over everything they have to the lawyers and accountants of these huge megabusinesses when it comes to collecting outstanding debt. Large credit card corporations have thousands of employees. They rake in billions of dollars of profit every year. Small businesses struggle every day just to pay their bills and their employees' salaries.

Let us put these small businesses on an equal footing with big businesses by adopting the Leahy small business amendment.

In that regard, I appreciate what our distinguished majority leader, Senator LOTT, said on the floor last Wednesday. He spoke about the hardships his parents suffered when they tried to run a small business. His parents ran a furniture business, and most of the business was done on credit. One of the reasons they were forced to leave that business was that some people just would not pay their bills, according to the majority leader.

I mentioned earlier Leahy Press in Montpelier. My parents did an awful lot of business on credit. I know they faced some of the same problems the majority leader's parents did. I have always remembered that. It is not easy for a small business owner to make an honest living, whether during our parents' time or today, and it is not fair now to allow large corporate giants to grab their share first in this bankruptcy bill ahead of hard-working small businesspeople.

Many of the most controversial proposals in this bankruptcy bill are to benefit the credit card industry and then to use taxpayer money to help them support their debt collection of billions of dollars, but they also want tax dollars to help them in the collection of their debts.

Business Week recently reported that Dean Witter estimated this bill would boost the earnings of credit card companies by 5 percent a year. In other words, we as taxpayers would increase the credit card companies' business by 5 percent. One credit card company alone, MBNA, will make a net profit of $75 million a year more if we, on behalf of the taxpayers in this country, pass this bill as it is written.

Across the industry, credit card company after credit card company will reap millions of dollars in profits because of the changes this bill makes to the bankruptcy code.

I understand credit card companies are worried about collecting debts because their credit extended is typically unsecured, especially when they send credit cards, in some instances, to somebody's dog—I know of that happening—or send a credit card to someone's 4-year-old child with an unsecured credit line.

If one were cynical, one might say that some of this problem is of their own doing, but we should understand most small businesses face this peril. It is not fair to carve out a special exemption for the multibillion-dollar credit card companies but leave the small businesses of Provo, UT, or Middlesex, VT, to fend for themselves. That is why

I am offering this amendment to put small business owners at least on an equal footing with large credit card companies.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 13.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IV, add the following:

SEC. 446. PRIORITY FOR SMALL BUSINESS CREDITORS.

(a) CHAPTER 7.—Section 726(b) of title II, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking "paragraph, except that in a" and inserting the following: "paragraph, except that—

"(A) in a"; and

(3) by striking the period at the end and inserting the following: "; and

"(B) with respect to each such paragraph, a claim of a small business has priority over a claim of a creditor that is a for-profit business but is not a small business.

"(2) In this subsection—

"(A) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(i) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(ii) is engaged in commercial or business activity; and

"(B) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(i) a parent corporation; and

"(ii) any other subsidiary corporation of the parent corporation.".

(b) CHAPTER 12.—Section 1222 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

"(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full."; and

(2) by adding at the end the following:

"(e) For purposes of subsection (a)(5)—

"(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(B) is engaged in commercial or business activity; and

"(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(A) a parent corporation; and

"(B) any other subsidiary corporation of the parent corporation.".

(c) CHAPTER 13.—Section 1322(a) is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

"(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full."; and

(2) by adding at the end the following:

"(f) For purposes of subsection (a)(5)—

"(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(B) is engaged in commercial or business activity; and

"(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(A) a parent corporation; and

"(B) any other subsidiary corporation of the parent corporation.".

On page 67, line 4, strike "inserting '; and' " and insert "inserting a semicolon".

On page 67, line 13, strike the period and insert "; and".

On page 69, line 13, strike "inserting '; and' " and insert "inserting a semicolon".

On page 69, line 22, strike the period and insert "; and".

Amend the table of contents accordingly.

Mr. LEAHY. Mr. President, we owe the millions of small business owners across America, who are the backbone of our economy, adequate protection from unforeseen bankruptcy losses. I urge my colleagues to support the Leahy small business amendment to provide small business creditors with a simple priority in bankruptcy proceedings. They deserve it.

Remember what this does: It gives small business creditors priority over larger for-profit business creditors in the order of distribution under chapters 11, 12, and 13 of the bankruptcy code. It defines small business as any business with 25 or fewer full-time employees. That same definition of small business is already used in the bill for small business creditors. It does not affect the bill's provisions giving top priority in bankruptcy distributions to child support and alimony payments.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, we have an amendment on which we are prepared to vote. I mention this only because I have heard constantly on the other side how anxious they are to move this bill forward. I brought this amendment up, proposed it, and am ready to go to vote all within 7 or 8 minutes. I don't want anyone to think we are trying to hold anything up. Frankly, I think this whole bill would have been finished this afternoon if we had not been interrupted for the ergonomics.

Mr. HATCH. Mr. President, we are looking at the amendment. It is the first time I have seen it. We will look at it and see if this is an amendment we can support. We would like to continue to call up amendments and stack them.

There is Habitat for Humanity and a funeral today, but we will stack the votes and this will be the first vote.

Mr. LEAHY. Mr. President, I was not aware of the funeral.

Perhaps this is a plea the Senator from Utah would join; that if other Senators from both sides have amendments that are available, we urge them to get down here. The Senator from Utah and I will work to the extent that people are here, probably go back and forth with amendments and start voting soon.

On our side of the aisle, I urge all Democrats who have amendments to get to the floor, show them to the Republican side and this side, and start moving on amendments.

Mr. HATCH. I agree with the Senator. We will stack the amendments until we can have a reasonable chance of getting Members here to vote. We would like to move ahead on amendments and vote on them later today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we now have an amendment that is pending on which the yeas and nays have been ordered. I know there is some urgency in moving this bill along. The Senator from Utah and the Senator from Vermont have worked on this bill for years.

I know there are a couple of Senators who have gone to a funeral; the Governor of their State died. I think we have to start moving legislation. If going to a funeral is not an excuse for missing a vote, there isn't much we can do to make an excuse for missing it. I don't think we have to have everybody here to have a vote. If we are going to move this legislation along, my experience dictates the way to get it moving is you have to have something voted on. It seems to stimulate interest in legislation.

I hope the leadership will allow us to move forward and vote on this amendment. We can place in the RECORD that the Senators are not here, that they are attending a funeral. If that were ever used against them in an adversarial way in a campaign, that it was wrong to miss votes to go to a funeral, I would be happy to say that was wrong—and it would not be done anyway.

I hope we can move this legislation along by voting on this amendment. We have Senators who, I understand, are coming over to offer other amendments, but I repeat, my experience indicates the way to move legislation is to start voting on amendments. Probably by the time this is over we will have 15 or 20 amendments offered and we will have to vote on them. The longer we wait, the more time we will take.

As I indicated when we opened business in the Senate this morning, we have a very important meeting where Senators and House Members are traveling together to Colombia where we appropriated lots of money. These are members of the Intelligence Committee. They have reasons for going that are within the confines of the Intelligence Committee—I don't know why they are going. But there are other things that will hold up this legislation.

I say to my friend from Utah, I hope we can get permission to go ahead and start voting on this legislation. The fact that there are two Senators who have a valid excuse—they are attending a funeral for one of their colleagues who died, the Governor of the State—this amendment, while an important piece of legislation, is not going to be determined by these two Senators who are not here today. I hope we do not have a requirement in the Senate that every Senator has to be here to be able to vote on amendments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If the Senator will yield, I do not disagree with my good friend and colleague from Nevada. I think we need to find out who is here. We know a lot of Senators are working in the Habitat for Humanity Senate home they are building, and I surely have to get some time for that. We also will try to be fair to our colleagues who had to be necessarily absent to go to a funeral.

On the other hand, we do have one amendment up. We are prepared to vote on that. I think we probably will before the afternoon is up. We should stack the other amendments. I am requesting that those who have amendments get here and let's argue the amendments and then stack them and we will vote at the earliest convenience, and hopefully we will be able to move this bill forward.

Mr. President, let's get over here and offer our amendments, debate them, and do the orderly legislative process. Then we will vote at our earliest possible convenience. We are working on just when those votes will start because of the inconveniences to a wide variety of Senators right now. We will try to start those votes as soon as we can, but we can stack them and debate them right now and not waste this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I do request Senators get over here. As far as I know, there may be one or two amendments on this side. Most of the amendments are on the Democrat side. We can move this quickly if they will get here and offer their amendments.

I am requesting Republicans, if there are any Republican amendments—I am only aware of one on the Republican side. I am aware of probably 27 on the Democratic side. So I am requesting Republicans and Democrats, if they have amendments, to get over here and let's get it done. But I only know of one on this side.

Mr. REID. Will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. REID. The Senator is right; there are a number of amendments to be offered on this side. Senator WELLSTONE has five amendments, maybe more. He is trying to get here. He is in an Education markup. He told us this last night.

Mr. HATCH. I understand he is at a markup—here he is.

Mr. REID. I say the same thing the Senator from Utah says. We need to move this along. I see my friend from Minnesota has arrived. I will suggest the absence of a quorum——

Mr. HATCH. If the Senator will withhold, I appreciate the Senator's comments. I note the presence of the distinguished Senator from Minnesota. As he prepares to offer his amendments, I suggest the absence of a quorum to give him a little bit of time to do so.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I apologize to the chairman of the Judiciary Committee, my friend from Utah, Senator HATCH, for delaying my arrival. We have a markup in the Committee on Health, Education, Labor, and Pensions on the pension education bill. I have a number of amendments. That is the reason I did not come earlier. I am going to lay down an amendment in a moment.

Mr. HATCH. Mr. President, if the Senator will yield, we should lay the Leahy amendment aside so the Senator may call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I also know Senator DODD wants to speak on this amendment, and other colleagues may want to speak as well.

This amendment says if you file for bankruptcy because of medical bills, none of the provisions of this bill will affect you. This is a very simple and straightforward amendment.

AMENDMENT NO. 14

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 14.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 14) is as follows:

(Purpose: To create an exemption for certain debtors)

On page 441, after line 2, add the following:

(c) EXEMPTIONS.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not apply to any debtor that can demonstrate to the satisfaction of the court that the reason for the filing was a result of debts incurred through medical expenses, as defined in section 213(d) of the Internal Revenue Code of 1986, unless the debtor elects to make a provision of this Act or an amendment made by this Act applicable to that debtor.

(2) APPLICABILITY.—Title 11, United States Code, as in effect on the day before the effective date of this Act and the amendments made by this Act, shall apply to persons referred to in paragraph (1) on and after the date of enactment of this Act, unless the debtor elects otherwise in accordance with paragraph (1).

Mr. WELLSTONE. Mr. President, I have been working with my colleague, Senator DODD. I will not include him as an original cosponsor because I want to hear from him. But I believe he will be down here debating this amendment.

One of the reasons I started out with this amendment—I will need to give this amendment some context—is that the proponents of this bill made the argument that we need to have "bankruptcy reform" because you have all of these people gaming the system. I will cite a number of different independent studies, including the American Bankruptcy Institute, that say it is maybe 3 percent of the people.

This amendment says, wait a minute; we know that about 50 percent of the people who file for bankruptcy do so because of medical bills that put them under. They are not gaming the system, so some of the really onerous provisions of this legislation should not apply to these families.

It will take me some time to give this amendment some context. I think, if this amendment should pass, it would make this piece of legislation a much better piece of legislation and far less harsh and far less imbalanced.

Let my right away give this some context. I have, perhaps among Senators, been strong and vociferous in my opposition. I want to have an opportunity to lay out the reasons why. I will talk about this bill, and then we will go to the amendment.

First of all, I think this piece of legislation is—I know it sounds strong. I hate to say it because I like my colleague from Utah so much. It has nothing to do with a dislike or a like. It has to do with policy issue. I think it will have a very harsh effect on a whole lot of people and a whole lot of families who are not able to file chapter 7, for whom the bankruptcy law has been a major safety net—not just low-income families but middle-income families as well.

I find it bitterly ironic that this legislation is coming on the heels of the vote for a resolution that overturned 10 years of work for an ergonomics rule to provide protection for working men and women, mainly women in the workplace, for what has become the most widespread disabling injury—repetitive stress injury.

Yesterday we did that. The Senate did it with no amendment, with limited debate; it overturned that rule.

Today we say if you are working—believe me, trust me. I will say it on the floor of the Senate, and if my colleagues prove me wrong I will be delighted to be proven wrong—there will not be a substantial rule or any substantial piece of legislation providing people with protection at the workplace for repetitive stress injury for a long time.

Basically what we are doing is saying OK, there won't be the protection. Now you are injured. Now you are disabled. Now you are not able to work. Now you have earned little income. Now you come to file chapter 7 because you find yourself in very difficult circumstances, and you are not going to be able to do so.

But your home could be foreclosed. Your car could be repossessed. And a lot of people are going to get ground into pieces, in my opinion.

It says a lot about the priorities of the majority party—that the first major piece of legislation we bring to the floor is an unjust, imbalanced bankruptcy bill which is great for the big banks and it is great for the credit card companies. I am sure Senator FEINGOLD will have more to say about this.

There was a piece in Business Week, which is not exactly a bastion of liberalism about, I guess, one of the largest credit card issuers, MBNA Corporation. By the way, I cannot make the assumption that because Senator HATCH or anyone else disagrees with me they are doing it because of campaign contributions. I refuse to make the one-to-one correlation. You can't do it. But you can say at the institutional level some people have certainly a lot more clout than other people, and it just so happens that the people who find themselves in terrible economic circumstances through no fault of their own—major medical bills, they have lost their jobs, or there has been a divorce—it is my view as a former political scientist and now a Senator for the State of Minnesota that those people do not have the same kind of clout that MBNA Corporation has, which, by the way, contributed $237,000 to President Bush, according to the Center for Responsible Politics; and on the soft money side, MBNA chipped in nearly $600,000, about two-thirds going to the GOP, and the other part going to the Democratic Party. There are a whole lot of heavy hitters and well-connected folks who are for this.

We have an unjust and imbalanced bankruptcy bill that is great for big banks, and great for credit card companies, with hardly a word about any accountability calling for these companies to stop their predatory lending practices.

I am going to have an amendment on payday loans. I hope we can adopt it. There is not a word about the ways in which they pump the credit on our kids in such an irresponsible way, but it is very harsh. When it comes to many working families—low- and moderate-income families—it says a lot about our priorities. It says that a special interest boondoggle, a bailout for big banks and credit card companies, is ahead of education, is ahead of raising the minimum wage, is ahead of providing affordable drug coverage, prescription drug coverage for seniors, and is ahead of expanding health care coverage for people.

Remember, 50 percent of the people who file for bankruptcy do it because of major medical bills. But this bankruptcy bill—perfect for big banks and credit card companies—comes ahead of all those priorities.

I believe what the majority party is trying to do is to sort of say: Look, here are the differences between President Clinton, who vetoed this bill, and President Bush, who said he will sign it.

I hope the bill does not get to President Bush's desk in its present form. I think the odds of my succeeding with some of my amendments, and other Democrats and other Republicans perhaps succeeding with their amendments, are not good. But we will try.

I say to my colleagues I welcome the contrast. I say what a difference an election makes. The civil rights community, the labor community, children, women, consumers, all have said this bill is too harsh and this bill is too one-sided. President Clinton stood up for them. He stood up for ordinary people. I give him all the credit in the world, as a Senator who has not always agreed with former President Clinton. Indeed, the differences do make a difference.

I have no doubt that President Bush will sign this bill. In many ways, the financial services industry, the credit card companies, are part of his constituency.

My question is, What about unemployed taconite workers in northeast Minnesota? My question is, What about struggling family farmers in greater Minnesota? My question is, What about a lot of low- and moderate- and middle-income people in Minnesota who, through no fault of their own—especially as the economy begins to take a turn downward—may find themselves in these difficult circumstances?

I am interested in representing them. That is why I am out here today. That is why I am fighting this legislation. That is why I have been fighting this legislation for 2½ years or more.

Let me talk a little bit about the history of this legislation. First of all, this bill was negotiated by only a small group of Members, out of the public eye. Second of all, up until this year, it had never been here in an amendable fashion. Third of all, until a hearing was held by the Judiciary Committee on February 8, there had been no hearings on this legislation. In fact, the Senate had not conducted its own hearing on bankruptcy since 1998. Finally, we had a hearing.

So I see a compelling reason for some lengthy and important statements and debate on this bill. The bill deserves scrutiny. It should be held up to the light of day so that citizens can see what an ill-made, misshapen attempt at reform this legislation is.

Colleagues in this body need to understand what bad legislation really is, how terrible an impact a piece of legislation such as this can have on America's most powerless families, and what a complete giveaway this piece of legislation is to banks, to credit card companies, and to other lenders.

Bankruptcy "reform" is not being taken up out of any kind of urgency. Indeed, while the supporters of this bill have cited the high number of bankruptcy filings in recent years as a reason to move forward with this so-called reform, there has been a dramatic drop in the last 2 years in the number of bankruptcies. Over the past 2 years, any pretense that this legislation is urgently needed has evaporated. The number of bankruptcies has fallen steadily over the past year. Charge-offs on credit card debt are significantly down, and delinquencies have fallen to the lowest level since 1995.

Proponents and opponents agree that nearly all debtors resort to bankruptcy not to game the system but, rather, as a desperate measure of economic survival, and that only a tiny minority of chapter 7 filers—as few as 3 percent—could afford any debt repayment. But through this legislation, we are going to make it well nigh impossible for families in our country to rebuild their economic lives.

But the true outrage is that now the bankruptcies are projected to increase because of a slowing economy and high consumer debts that are overwhelming families. Proponents of this bill are using this as an excuse to curb access to bankruptcy relief. Because there will be more economic misery, because there will be more financial stress, because more American families will succumb to their debts, the proponents of this measure argue we should make it harder for them to get a fresh start. Let me make that clear. That is what this is about.

Now the economy is going to turn down. We know there is high consumer debt. We know there is going to be more people struggling. We know there is going to be more financial distress. We know there is going to be more economic misery. And the proponents of this bill are now arguing that we need this measure to make it harder for these families in Minnesota and this country to get a fresh start. I reject that proposition. We are trying to address yesterday's headlines.

But I have already stated that this really shouldn't be any wonder. The credit card industry wants this bill. They want to be able to protect the risky investments they have made, and so the Senate does their bidding. They want to be able to pump credit out there. They want to be able to engage in irresponsible lending practices. They are not held accountable at all. They want to make sure that people, in one way or another, are squeezed and squeezed and squeezed, so they can get as much money back as possible. This is a carte blanche blank check for the credit card industry.

I have been proud to fight this bill. I am proud of the fact that it has taken many years for this bill to get through, and still it is not through yet. I hope we will be able to stop it or make it significantly better.

Let me outline some of my reasons for opposing this bill, and then I will move to our first amendment.

First of all, this legislation rests on faulty premises. The bill addresses a crisis that does not exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but filings have actually fallen in the last 2 years.

In addition, the bill is based upon the myth that people feel no stigma; that they find it easy to declare bankruptcy, and there is widespread fraud and abuse. By the way, if you think there is widespread abuse, then you should be all for the amendment I am going to offer which says when people are going under because of medical bills, they should be exempt from the provisions of this legislation.

Two, abusive filers are a tiny minority. Bill proponents cite the need to curb "abusive filings" as a reason to harshly restrict bankruptcy protection. But the American Bankruptcy Institute found that only 3 percent—if my colleagues have other data, they can present it—only 3 percent of chapter 7 filers could have paid back more of their debts. Even bill supporters acknowledge that, at most, 10 to 13 percent of filers are abusive. Surely you would want to support this amendment that says when people have to declare bankruptcy because of major medical bills, they should be exempt because they could not be in any Senator's category of people who have been dishonest or have abused the system.

Three, the legislation falls heaviest on the most vulnerable. This troubles me. The harsh restrictions in this bill will make bankruptcy less protective, more complicated and expensive to file. This will make it much more difficult for low- and moderate-income people to be able to effectively file. Unfortunately, the means test and safe harbor will not be a shield from a majority of those provisions that have been written in such a way that they will capture many debtors who truly have no ability to pay off any significant debt. As a result of this legislation, they are going to be put under.

Four, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families, especially single parent families, are those who most need the fresh start that is provided by bankruptcy protection. This bill will make it much more difficult for people to get out from under the burden of crushing debt. That should matter to us. I know these folks don't have a lot of clout. I know they don't lobby every day. I know they are among the most vulnerable citizens. I know they don't have a lot of income, but they should matter.

Five—and this should bother all of my colleagues—the banking and credit card industry gets a free ride. Why is there not more balance in this bill? The bill, as drafted, gives a free ride to banks and credit card companies that deserve much of the blame for the high number of bankruptcy filings because of their loose credit card standards.

Any of us who have children know the kind of stuff that gets sent to them in the mail. Lenders should not be rewarded for reckless lending. That is what we are doing in this bill. We are just giving them a blank check.

Six, this legislation may cause increased bankruptcies and defaults. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks will be more willing to lend money to marginal candidates. Indeed, it is no coincidence that the recent surge of bankruptcy filings began immediately after the last major "procreditor reforms" were passed by Congress in 1984.

I say to the Senator from California: I have sent an amendment to the desk which says we ought to go after people who are gaming the system, but if a family is filing for bankruptcy, chapter 7, because of a major medical bill, they should be exempt from the provisions of this legislation. I am now putting this in a broader context.

I welcome discussion by any other Senators on the floor, and I do not intend to monopolize. It will take me some time to go through the amendment.

Mrs. BOXER. Mr. President, will my friend yield?

Mr. WELLSTONE. I am pleased to yield.

Mrs. BOXER. Let me first assure my friend that I was not intending to take any time. I want to thank him for his work on this issue. We know in this country one of our biggest problems is lack of health care and the fact that the burden of disease sometimes falls on the family to an amazing extent. If they are hit by hard times, it could well be because of these medical bills. People are driven into bankruptcy because of that. Then to have the double horror of having that not be exempted from the eventual resolution would be a real disaster for people.

I thank the Senator not only for this amendment but for the many amendments that I will be supporting that he will be introducing to make this a bill that has at least a semblance of fairness.

Right now, it hurts people. I am really waiting with anticipation for a moment when we do something that helps people. So far I haven't seen one thing we have done to help people.

Yesterday, we repealed a measure that would have protected people in the workplace from repetitive motion illness.

Does the Senator know when we are finally going to get something done, such as an education bill, that helps people? I haven't seen anything to date that actually does.

Mr. WELLSTONE. Mr. President, I had said earlier that I find it bitterly ironic that on the heels of yesterday's action by the Senate, where in 10 hours we overturned 10 years of work to provide some protection to the workforce—men and women, mainly women—for the most serious disabling injury right now, repetitive stress injury, we now turn to the first major piece of legislation in this 107th Congress, a bankruptcy bill which is so imbalanced and so harsh in its effect, especially on middle income, low- and moderate-income people, many of whom, again, are women and children. It speaks volumes about our disordered priorities, which we will speak to.

I ask unanimous consent to go into a quorum call for 30 seconds, and then I will regain the floor and go forward with the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have much more to say about the bill, but I will get to the first amendment I want to introduce today, which I think goes to the heart of what is a fundamental problem with this legislation. This legislation purports to go after abuse in the bankruptcy system, but it casts a wide net that captures all debtors who file for bankruptcy, regardless of their circumstances. This is a simple amendment. This is what it says. If you file for bankruptcy because of medical bills, none of the provisions of this bill will affect you.

I know Senator DODD has been working on a very similar amendment, and he and Senator CHAFEE have been working on an amendment. I think as the debate goes forward, we will probably join forces.

The reason I introduce this amendment—and other Senators also are interested in the same kind of amendment—is, in the vast majority of cases, the people who file for bankruptcy do it because of desperate financial circumstances and do it because they are overburdened by debt. Specifically, we know that nearly half of all debtors report that high medical costs force them into bankruptcy. This is an especially serious problem for the elderly. Just think about prescription drug costs and the increased medical bills one has as they become older.

A medical crisis is a double whammy for a family. First, there are the high costs associated with the treatment of a serious health problem, costs that may not be covered by insurance. Certainly, for some 40 million people in the country who have no health insurance whatsoever, it can put them under. And please remember, anyone who has spent one second in any coffee shop back in their States knows that the health care crisis is not just people with no health insurance at all. It is also people who are underinsured. They have some coverage, but it is by no means comprehensive.

The other thing that happens is, if it is a serious accident or illness, then for a time, if you are the primary earner in the household, the income is not coming in. And even if it isn't the person who draws the income, a parent, if I am working and my child is very ill, you know what—many of us know this now—or if your parent is very ill, then you may need to be caring for that elderly parent. This means a loss of income. It means more debt and more of an inability to pay back the debt.

I am kind of surprised, frankly, that the proponents of this legislation did not at least have some sort of clear exemption and, if you will, some compassion for people who end up filing for bankruptcy because of a major medical illness that has put them under.

Are the people in our country—the families in Minnesota —who were overwhelmed with medical debt or sidelined with an illness and therefore they can't work, are they deadbeats? This bill assumes they are. For example, it would force them into credit counseling before they could file for bankruptcy, as if a serious illness or disability is something that can be counseled away. Colleagues, that is not what it is about.

Both of my parents had Parkinson's disease. My father had severe Parkinson's disease. I believe, ultimately, it is the reason my dad passed away. We helped take care of him, and I saw him struggle. I can assure you that the cost of the drugs to treat those diseases is not something that can be counseled away. It has nothing to do with these citizens and these families being bad managers of their budget. It is, "There but for the grace of God go I." People, through no fault of their own, are stricken with illnesses and disabling injuries and, therefore, major medical bills can put them under. When these families need to file for bankruptcy, they should be exempt from the harsh and restrictive provisions of this bill.

A study published in May of 2000 by professors Melissa Jacoby, Teresa Sullivan, and Elizabeth Warren determined that:

> Hundreds of thousands of middle class families declare bankruptcy each year in the financial aftermath of an encounter with the American health care system.

The study goes on to note:

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse. They also demonstrate that the American social safety net is composed of interwoven pieces, including government subsidies for medical care, private insurance and personal bankruptcy. For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

Let me translate that into ordinary language. There are many people in our country, families in our States, who are either not old enough for Medicare—and even if they are, it doesn't cover prescription drug costs, catastrophic expenses—or they are not poor enough for Medicaid and they are not fortunate enough to be working for an employer where they have any coverage, or for an employer that gives them comprehensive coverage that is affordable. Therefore, when the private insurance is inadequate and people are faced with a major medical catastrophe, bankruptcy serves by default as a safety net, a way in which these families can deal with these medical consequences. This piece of legislation takes that support away.

Again, this is the point I have been trying to make over and over again in this debate: Bankruptcy is a critical safety net for middle-class Americans. Yet we have a bill which rolls the safety net back.

A study conducted by Ian Domowitz and Robert Sartain found that the presence of medical debt had "the greatest single impact of any household condition in raising the conditional probability of bankruptcy . . . households with high medical debt exhibit a filing probability greater than 28 times that of the baseline."

Come on. A lot of people who file for chapter 7 bankruptcy do it because of major medical bills. This amendment says exempt them.

The figures I have cited so far speak to all bankruptcies. But the statistics become even more troubling if you look specifically at seniors or single women with children who file for bankruptcy. Single women with children are 50 percent more likely to file because of medical bills than single men. You know what. There is a reason for that. Unfortunately, in many families—maybe 50 percent now—there is a divorce, and quite often in the large percentage of the cases the single parent who has the most responsibility for taking care of the children is the woman. That is one of the reasons why so many of the women's organizations and children's organizations are adamantly opposed to this legislation.

There was another way we could have gone after this problem because for these folks the problem isn't the bankruptcy system; it is the health care system. I will concede that to my good friend from Alabama. It is a shame that this has to be the way in which people can get some support for major medical bills.

The United States of America is the only advanced economy in the world that does not have some form of universal health care coverage.

The United States paid a third more per capita for health care than any other nation, and we spend a greater percentage of our gross domestic product—14 percent—and we get far less for our money, according to the World Health Organization report.

There are about 44 million people in our country who have no health insurance whatsoever, and there are about the same number of people who are underinsured.

We could have gone after this problem in another way. I could be on the floor right now—I would love it—advocating for senior citizens and, for that matter, other working families, saying we ought to have affordable prescription drug coverage. But that is not our priority. We have to consider this bankruptcy bill. I could be out on the floor arguing for health security for all citizens, that we could, as a national community—in fact, maybe this will be one of the amendments. Maybe I can have a vote on the following amendment, a sense of the Senate that the people we represent should have as good a health care coverage as we have. We could be out here talking about health security for every citizen. We could be talking about the ways in which we can agree nationally on a package of benefits as good as what we have and that there should be patient protection.

The Presiding Officer was one of the first people in the Senate to talk about patient protection. We could be talking about how we can make it affordable for families. We could be talking about how to get to universal coverage. We could talk about how we could decentralize health care so the different States can make a lot of decisions about cost containment and delivery of care. That would be a way of dealing with this problem. We could be talking about expanding the children's health care plan to include their parents. We could be talking about more support for community health care clinics.

But that is not what we are doing. You might ask, PAUL, why is this amendment even necessary given what the author of the bill, my friend, Senator GRASSLEY from Iowa, said just recently:

> So that I am crystal clear, people who do not have the ability to repay their debt can still use the bankruptcy system as they would have before.

On the one hand, PAUL, if you are telling me this bill is incredibly harsh and will punish working families who need a fresh start, but the proponents of the bill say this bill will not affect people who are gaming the system, how do you explain that?

If you listen carefully to their statements, you will hear that they only claim such debtors will not be affected by the bill's means test. Not only is that claim, I think, subject to much debate—the means test and the safe harbor have been written in a way that will capture working families who are filing for chapter 7 relief in good faith—but it ignores the vast majority of this legislation which will impose needless hurdles and punitive costs on all families who file for bankruptcy, regardless of their income. Nor does the safe harbor apply to any of these provisions.

Do not take my word for it. Here is how an article in the conservative Wall Street Journal on February 22 characterized this bill:

> In most cases, the bill, which is almost identical to the one that President Clinton vetoed, will make filing for bankruptcy more costly and more of a hassle. That's the point: It will increase lenders leverage to pressure consumers to pay bills instead of going to court to void them.

That is exactly right. The article concludes on this point:

> The bill is so full of hassle-creating provisions, some reasonable, some prone to abuse by aggressive creditors trying to get paid at the expense of others. In a thicket of compromises, Congress risks losing sight of the goal: making sure that most debtors pay their bills while offering a fresh start to those who honestly can't.

That is what this amendment does: to make sure we offer a fresh start for those people put under by medical bills who honestly cannot pay back.

Again, this is the Wall Street Journal, hardly a bastion of populist sentiment, but that is the net effect of the bill: to make it harder for families who have hit financial ruin, who have hit financial bottom to get a fresh start. That is what is wrong with this legislation.

The proponents of this bill have said that all these provisions are necessary to curb abuse. OK, let's take them at their word. If that is true, then I assume the proponents of this bill will support this amendment.

If the proponents mean what they say, that the whole point of this legislation is to curb abuse, then my colleagues will want to support this amendment because this amendment just exempts those families who are filing for bankruptcy because of major medical bills. They are not slackers. They are not cheaters. They have not gamed the system.

If the sponsors are serious about just taking on deadbeats, not ordinary Americans who file bankruptcy because they simply have no other choice to rebuild their lives, then they should be rushing to the floor to cosponsor this amendment.

I repeat that. If the sponsors are serious about going after the deadbeats but making sure ordinary people, hardworking people who file bankruptcy because they have no other choice, are going to be able to rebuild their lives, then they should be rushing to the floor to cosponsor this amendment.

I hope I will get support from my colleague from Utah. Surely no one will argue that families that are drowning in debt as a result of medical bills are gaming the system. These are the people who need the safety net the most. These are the people who need to make a fresh start.

Here are a number of examples of what I am talking about:

The prebankruptcy credit counseling requirements at the debtor's expense is a requirement that people have to go to prebankruptcy counseling. The debtor pays for it, as if, again, people who have been put under because of cancer, diabetes, or some kind of horrible injury, can counsel away these conditions. They are not in financial difficulty because they need credit counseling.

New limits on repeat filings, again, regardless of personal circumstances; revocation of automatic stay relief for failure to surrender collateral; changes to existing cram-down provisions in chapter 13, making it more difficult for debtors to keep their car; the new presumption of abuse of credit card if the debt is incurred within 3 months of the bankruptcy.

We have all of these new burdens, all of these hurdles. Why do we want to make it so horrible difficult for people who find themselves in horrible financial circumstances because of a major medical illness, a major medical bill, to file chapter 7 and rebuild their lives? They are not slackers. They are not gaming the system.

This amendment says let us have a good bill, and one of the ways to do it is to at least have an exemption for these families.

Again, some of these onerous hurdles, requirements, that I mentioned might be useful to get the deadbeats or go after the irresponsible people—I am all for that. The problem is that all of these changes also affect working families who file for bankruptcy through no fault of their own. Should a person who files because of medical bills be treated with the same presumption of abuse as wealthy slackers? That is what this bill does.

I repeat that. Should a person who files because of major medical bills be treated with the same presumption of abuse as wealthy slackers who are gaming the system? That is what this bill does.

I cite two specific examples of how this bill will hurt debtors who file for medical reasons, and I hope my colleagues on the other side of the issue will come to the floor—I know the distinguished Senator from Utah is here—to refute this, if they can. Both of these families were talked about in an excellent Time magazine story last year which was called "Soaked by Congress." My colleagues may remember this.

Allen Smith is a resident of Delaware, which has no homestead exemption. In other words, he cannot shield his home from his creditors. Ironically, under this bill, wealthy scofflaws can shield multimillion-dollar mansions from their creditors with little planning, but not Mr. Smith. It is 2 years in advance. If you know you are facing trouble and you are a multimillionaire, you can hire your lawyers and then buy your real estate in Florida or wherever.

There is no such break for Mr. Smith. As a result, when the tragic medical problems described in the Time article befell his family, he could not file a chapter 7 case without losing his home. There was no homestead exemption. Instead, he filed a chapter 13 case which requires substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized, he was unable to make all these payments and his chapter 13 plan failed.

Had Delaware had a reasonable homestead exemption and had Mr.

Smith been able to simply file a chapter 7 case to eliminate his other debts, he might have been able to save his home. He lost his home.

Mr. Smith's financial deterioration was caused by unavoidable medical problems. Before he thought about bankruptcy, he went to consumer credit counseling to try to deal with his debts. However, it appears he went to consumer credit counseling just over 180 days before the case was filed, and he did not receive a "briefing." The new bill would have required him to go again. This would have been very difficult considering his medical problems. In fact, his attorney demonstrated a dedication to his client that sharply contrasts with the creditor propaganda picture of bankruptcy lawyers just out to make a buck. He made several home visits to Mr. Smith and his wife, who was a double amputee. The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney, through new paperwork requirements and a requirement that he attend a credit education course. Such a course would have done nothing to prevent the enormous medical problems suffered by Mr. Smith and his wife.

He did not get into financial trouble through failure to manage his money. He is 73 years old and had never before had any debt problems. The bill makes no exceptions for people who cannot attend the course due to exigent circumstances. Mr. Smith might never have been able to get any relief in bankruptcy under the new bill.

Under the new bill, this bill, Mr. Smith would also have had to give up his television and VCR to Sears which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he reaffirms the debt or redeemed the items. Sears may demand reaffirmation of his entire $3,000 debt under the bill, and to redeem, Mr. Smith would have to pay the retail value. After his wife died and her income was gone, Mr. Smith did not have the money to pay the amounts to Sears. Since he is largely home bound, loss of these items would have been devastating.

Sadly, this is a real person, about real people. Mr. Smith's medical problems continue. Under current law, if he again amasses medical and other debts he cannot pay, he could seek refuge in chapter 13 where he would be required to pay all he could afford. Under the new bill, Mr. Smith cannot file a chapter 13 case for 5 years, when he is 78 years old.

The time for filing a new chapter 7 has also been increased from 6 to 8 years. What will happen to people such as him?

Charles and Linda Trapp were forced into bankruptcy by medical problems. Their daughter's medical treatment left them with medical debts well over $100,000, as well as a number of credit card debts. Because of her daughter's degenerative condition, Linda Trapp had to leave her job as a mail carrier about 2 months before the bankruptcy case was filed to manage her care. Before she left her job, the family's annual income was about $83,000 a year or $6,900 per month.

Under the bill, close to that amount, $6,200, the average monthly income from the previous 6 months is deemed their current monthly income, even though their gross monthly income at the time of filing was only $4,800. Based on the fictitious deemed income, the Trapps would have been presumed to be abusing the bankruptcy code since allowed expenses under the IRS guidelines amounted to $5,339. The difference of $850 per month would have been deemed available to pay unsecured debts and was over the $6,200 a month, triggering a presumption of abuse. The Trapps would have had to submit the detailed documentation to rebut this presumption, trying to show their income should be adjusted downward because of special circumstances and that there was no reasonable alternative to Linda Trapp leaving her job.

Because their current monthly income, although fictitious, was over the median income, the family would have been subject to motions for abuse, filed by creditors who might argue Linda Trapp should not have left her job and that the Trapps should have tried to pay debts in chapter 13. That is the same problem for taconite workers.

I will be proposing an amendment I hope will get 100 votes that will say LTV, the large company that laid off 1,400 workers, if they file for bankruptcy, chapter 7, should not be able to walk away from their health care obligation to retirees. The working men and women are out of work. You will do their average income over a 6-month period and then determine whether or not they are eligible for chapter 7. How are they able to rebuild their lives? They will not be able to do it. Their average income over the last 6 months might look pretty good. That doesn't do you much good if you were laid off 2 months ago. Where in the world does this test come from?

The Trapps wouldn't have been protected by a safe harbor. The Trapps would have paid their attorney to defend the motion, and if they could not have afforded the $1,000 or more it would have cost, the case would have been dismissed and they would not have received relief. If they prevailed, it is unlikely they would recover attorney fees from a creditor who brought the motion, since recovery of fees is permitted only if the creditor's motion was frivolous and could not arguably be supported by any reasonable interpretation of law.

That is a much weaker standard than the original Senate bill. In fact, we have had better bills. This bill has gotten worse and worse. We once had a bill that passed 99–1. I was the only Senator opposing it.

Because the means test is so vague and ambiguous, any creditor could argue it would simply make a good faith attempt to apply the means test which created a presumption of abuse.

Mrs. Trapp's medical problems continue and are only getting worse. Under current law, if the Trapps amass medical and other debts, they could seek refuge in chapter 13 where they would be required to pay all they could afford. Under the new bill, the Trapps could not file a chapter 13 case for 5 years. Even then the payments would be determined by the IRS expense account and they would have to stay in the plan for 5 years rather than 3 years required under current law. The timing for filing chapter 7 would be increased by the bill from 6 to 8 years.

What does this bill do to keep people who undergo these wrenching experiences out of bankruptcy? Nothing. Zero. Tough luck. Instead, this legislation just makes the fresh start of the bankruptcy harder to achieve. This doesn't change anyone's circumstances. This doesn't change the fact that these folks don't earn enough any longer to sustain their debt. There is not one thing in this bankruptcy "reform" bill that would promote health security in working families.

I conclude this way: I came to this issue almost by accident. I am not on the Judiciary Committee. I am not a lawyer. My colleague from Utah, Senator HATCH, is a very able lawyer. It is complicated. With all of the fine print and all of the detail, the more you go through it, the more you are able to realize this piece of legislation lacks some balance. This amendment gives this legislation badly needed balance. What this amendment says is, go ahead, let's not let anyone game the system. Whether it is the 3 percent the American Bankruptcy Institute or the 10 to 13 percent that others talk about, don't let people game it. Don't let people be slackers. Don't let people get away with murder. When people go under—50 percent of the bankruptcy cases are because of a major medical illness—give them an exemption from the onerous requirements, give them the opportunity to rebuild their lives. They didn't ask for the illness. They didn't ask for the major medical bill. They didn't ask for the disabling injury. They didn't ask to be put under.

The bitter irony is that just yesterday we passed a motion that emasculated 10 years of work to get a rule to provide protection for people, many of them women, against repetitive stress injury, disabling injuries, in the workplace.

Now we turn around today and say, and you know what, not only don't you have the protection—and I said earlier, I made the prediction we will not see an ergonomics standard passed by this Congress for years now. If I am wrong, I will be pleased to be wrong. Now what we say is there is not the protection and now, if you have a disabling injury and now you do not have the income coming in and now you are in a desperate financial situation, we are going to make it impossible for you to file chapter 7 and rebuild your life.

It is not a good week for working people, not a good week for ordinary citizens. What we could have done—and I conceded this point earlier in the debate. I really apologize that chapter 7 in bankruptcy is one of the ways people can deal with major medical bills because, frankly, it is a pretty poor excuse for what we should be doing. We should not have 44 million people without any coverage. We should not have at least that number of people who are underinsured. We should be able to have comprehensive health care reform.

I think one of the amendments I should offer is to make sure all the people we represent have as good health coverage as we have. We should be doing that, but we are not. Instead, we are going to make it impossible for some good, honest people to rebuild their lives when they find themselves in desperate financial circumstances through no fault of their own.

I hope there will be support for this amendment that just says if you file for bankruptcy because of major medical bills, none of the provisions in this bill will affect you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, listening to my colleague, I wonder if he has read this bill because most of what he said is untrue. I have respect for him as a former professor of political science, but on the other hand, this bill has been around for a long time; we have worked on it with virtually everybody in the Congress, everybody in the Senate.

We provide for people right and left and provide the means of taking care of women and children. We have made it so that people who owe their debts and who can pay really ought to; the game is over.

Sometimes I get the impression some of our colleagues on the other side think the Federal Government is the last answer to everything and it is the only answer to everything. It is the last answer sometimes, but it is not the only answer. I have to tell you, this amendment of the distinguished Senator is unnecessary.

Let me just say one thing about ergonomics. I distinctly stayed away from the debate yesterday because we had plenty of good people on both sides arguing that debate. The distinguished Senator from Minnesota, his side lost. The reason they lost is that anybody who has any brains at all knows we do not need to create a Federal welfare system or Federal workers compensation system. Everybody who has any brains knows the minute you start doing that, there is going to be a plethora of people who will take advantage of it. It is just human nature.

We do need to come up with a really workable, nonbudget-busting, ergonomic-stress-related bill that I think will work. Certainly that regulation was way out of line and should not have been supported. I was amazed there were as many Democrats who supported it as did. It was a bipartisan rejection of those regulations.

If the Senate of the United States had any guts or any consideration for its own power at all, that is what had to be done. We just can't let bureaucrats go do whatever they want to regardless of what the law says, and that is why we came up with that particular act, to provide a means whereby we can get rid of regulations such as that, that really are improperly written, way excessive in their tone and their delivery and in their practicality. It is, frankly, very detrimental to the country in the long run. They would cause a lot of difficulty.

The thing I can remember that best reminds me of that kind of legislation was the catastrophic bill a few years ago—just take care of everybody's catastrophic illness. It was wonderful to hear that and find out the Federal Government was going to take care of everybody, until the people found out they had to pay for it. Then they were jumping on top of Danny Rostenkowski's car, the chairman of the Ways and Means Committee, because they weren't about to pay the kind of rates that would have been required of them to have the kind of catastrophic coverage we Members of Congress were going to give them because we know it all.

Let me say, this amendment is unnecessary, the amendment of the distinguished Senator from Minnesota. There is a means test in S. 420 that takes care of it and already accounts for 100 percent of a person's medical expenses. Thus, if their medical expenses prevent them from being able to repay their debts, they don't have to under the means test. It takes care of the truly poor. We have taken great pains to take care of the truly poor.

But there are some people in our society who are using the bankruptcy rules, the bankruptcy laws, the current laws, to get around debts for which they are very capable of paying. Or they run up huge bills and then expect society to pay for them. It is costing the average family $550 a year because of the inadequacies of our current bankruptcy laws which this bill cures.

The means test takes care of the poor. But if the Senator gets his way and this amendment is agreed to, let me tell you who will benefit from it. Donald Trump is going to benefit from it. Bill Gates will benefit from it. Anybody who is wealthy who goes into bankruptcy and has medical bills, they are going to be able to avoid those; they will not have to pay them.

The way I read this, if a wealthy person files for bankruptcy and the reason they filed was to extinguish their debts from medical expenses, then the means test will not apply to them even if they are fully capable of paying their medical expenses, paying their debts. What this provision of the distinguished Senator from Minnesota does is it puts hospital creditors at the head of the line. That is not what we want to do.

The amendment says the entire act and amendments do not apply if you file for bankruptcy because of medical expenses. This means the new protections in the bill for women and children don't apply—or don't apply to them. Credit counseling provisions don't apply that we have put in here. Homestead provisions don't apply.

I know the distinguished Senator is trying to do right here, and I know he is well intentioned. I respect that. But we thought of these problems, and I think we have solved them, cured them in this bill. This bill does an awful lot to cure the problems of our country in bankruptcy. It does an awful lot to stop the fraud that is going on in bankruptcy. It does an awful lot to reduce the annual cost of every family in America—now estimated at $550 a year. It does a lot to alleviate those problems and reduce those costs of every American citizen. It does an awful lot to help people be more responsible for their debts. It sends a message to everybody that you must be responsible, even if you are having trouble paying your debts. We provide all kinds of mechanisms so that they can pay their debts—maybe not in full but at least can get discharged in bankruptcy after having made a good-faith effort to live up to the terms of the law we would pass.

I sometimes get the impression that our colleagues on the other side believe that Government is the last answer to everything. I know not all of them do, but it just seems as though more and more that seems to be the argument, that only the Government can take care of health care, only the Government can take care of savings and investment, only the Government can take care of education—only the Federal Government, that is. We all know the Federal Government's share is only about 6 percent or 7 percent of the total cost of education in this society. Yet they can come up with this idea that only the Federal Government has the last answers and can solve all these problems.

The Federal Government isn't any brighter than the State governments. I have to say the State and local governments are closer to the people and, as a general rule, do a better job than we do. But we can do a good job. This bill is a very good bill. Is it perfect? I have to say I have never—well, maybe not never but hardly ever—seen a bill around here that is perfect because we have to satisfy 535 people, and more; we have to satisfy the administration. We have to satisfy a lot of people out there. This bill takes care of a lot of problems in the current bankruptcy system that need taking care of. We can argue these matters until we are blue in the face, but it is time to vote on it.

Frankly, I respect anybody for their sincerely held opinions. I know the opinions of the distinguished Senator from Minnesota are sincerely held. He is a very bright man, and he raises some interesting issues from time to time. But on this one, he is just dead wrong.

Very frankly, the only people who are going to benefit from this amendment are the rich who can afford to pay for their medical expenses because we take care of those who are poor under the means test. This particular bill resolves that problem.

I wonder if we can go on to another amendment. I suggest we stack this amendment behind the Leahy amendment and go to the next amendment. I hope our colleagues are prepared.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I also want to explain to my colleague from Utah what I said earlier this morning is that we have a markup. My understanding from Senator LEAHY is that other Senators will come down with amendments. I have a markup also going on at the same time with amendments in committee. I will have to go back and forth.

First of all, when my colleague from Utah says there has been an adjustment in the means test for medical bills, I hope Senators' staffs will take a look. When my colleague says, Wait a minute, we have taken care of problems with major medical bills, we don't do an adjustment to the means test. This is the part of the bankruptcy bill that deals with that. Here is the whole bill.

There are lots of other very harsh provisions in this bill that go way beyond this. I am talking about the whole bill. There are prebankruptcy credit counseling requirements at the debtor's expense. Why in the world do you want people who have been put under because of a major medical bill to have to go to credit counseling? What kind of presumption do you make? Then they have to pay for their counseling. What is that doing in here? You think people can credit counsel their way out of having to deal with cancer and the bill they incur?

Again, my colleague from Utah talks about one little part of the bill.

The revocation of the automatic stay relief from failure to surrender collateral is another provision. Now at least when you file for bankruptcy, there is some time that goes by. This means that Sears can come and repossess. There is no time.

There are changes to existing cramdown provisions in chapter 13, making it more difficult for debtors. You end up paying for the full loan, not the value of the car.

How about this one? You can't file a new chapter 7 case for 8 years or a new chapter 13 case for 5 years—again, making it more difficult.

What happens if a family is put under with a major medical bill and then there is another illness? You say this period of time has to go by? You have to go 7 or 8 years from 6 years in chapter 7, and from 6 years under chapter 13 to 5 years. There is no limit under current law.

There are lots of provisions in this piece of legislation that are very harsh. I do not understand.

I think this is a very challenging vote for Senators. I say to the Senator from Iowa and other Senators who are on the floor right now that this amendment concedes the point that we certainly ought to have some legislation that deals with people who game the system—again, I think it is about 3 percent—people who really game the system, people who really do not need to file chapter 7. But surely with this bill there are many harsh provisions, and we would want to at least have an exemption for people who go under because of major medical bills.

Let's just concede the point that people in Minnesota, Iowa, Nebraska, and around the country who are having to file for chapter 7 because of a major medical bill that put them under ought to be exempt from all of these loopholes.

Talk about bureaucracy, and ways of discouraging people from filing, and making it difficult for people to get relief. Why wouldn't you at least have an exemption?

I have opposed this bill with all my might for several years. I find it interesting that there are articles in Business Week and the Wall Street Journal. There was a piece last night on ABC News; Time magazine, a long piece—all of which say—I don't think this is necessarily the tradition of blaming liberal media—that this bill is imbalanced and it is a dream come true for the credit card industry and for the financial services industry. There is no question about it. But it is too harsh for many ordinary citizens in the country.

I say to my colleagues again: We represent people, too many of whom don't have anywhere near the health care coverage we have. We represent people who, through no fault of their own, wind up with a major illness or injury that puts them under financially.

Maybe I feel strongly about it. I think it took my mother and father, as I remember, 20 years to pay off a medical bill in our family. I think it took them 20 years, as I remember. That still remains one of the great fears and sources of insecurity of the people we represent—that there is going to be a major medical bill that puts them under.

We do not come out here on the floor of the Senate and make prescription drugs more affordable. We don't come out here on the floor of the Senate and introduce and debate legislation that would provide more health security for the people we represent and that would make health care coverage more comprehensive and more affordable. We don't come out here in the Senate and dedicate ourselves to the proposition that the people we should represent should have as good a coverage as we have.

I think that would be a good amendment to vote on, on this bill. Then we take what is a safety net, given the fact that we haven't done any of that in public policy and given the fact, therefore, that over 50 percent of the people who file for bankruptcy do it because of major medical bills, and we tear the safety net apart.

I will tell you, I have some good friends on the other side of the aisle on this issue. One of them is about to speak. I have said publicly that whatever the Senator from Iowa says and whatever he advocates is what he honestly believes. Political truth can be elusive. One person's solution can be another person's horror. People in good faith can disagree.

So what I am about to say now is not directed personally. But again I finish this way at least for the moment. I will tell you, I don't like the feel of this at all. I don't like the feel of this bill at all. I think when you look at the lobbying coalition and the campaign contribution, because there is not one Senator—I need to say some of us aren't good at this if we aren't careful. We can't make a one-to-one correlation because a Senator received one contribution. That is not fair to do. But what you can say is that the families I talked about, the unemployed Taconite workers on the Range—I say to the Presiding Officer, the Senator from Nebraska, that farmers who are facing the price crisis and barely hanging on—and a whole lot of middle-class families who were doing well, they were doing well. My folks were doing well. I do not know if they were middle class—what definition you would use; they did not have a lot of money—but they were doing fine. But then there was a major medical illness.

I am saying, you should exempt those families who file for bankruptcy from the provisions of this legislation. That way you get the cheaters and you get the slackers, but you do not make it impossible for a lot of people who are in a whole lot of physical pain and a whole lot of economic pain to rebuild their lives.

I cannot understand, for the life of me, why I am not getting colleagues on both sides of the aisle sponsoring this amendment.

I yield the floor.

I am sorry, I saw the Senator from Iowa. I thought he would want to speak.

Mr. GRASSLEY. Is the Senator from Minnesota done?

Mr. WELLSTONE. I am not finished with my final remarks on this amendment, but I always defer to the Senator from Iowa.

Mr. GRASSLEY. If the Senator yields the floor, then I will ask for the floor.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Iowa?

Mr. GRASSLEY. First of all, I think the Senator from Minnesota thinks that he has not made any impact on this legislation over the last 4 years. This bill is a statement of considerable impact that the Senator from Minnesota has made on it because of his hard work. His work goes beyond just improving the bill. He obviously does not want the improved bill to pass.

But the Senator from Minnesota is a legislator. He obviously believes in the legislative process. He knows how to use the legislative process to accomplish good from his point of view. And we have a bill that has changed considerably since the recommendations in the Commission on Bankruptcy report.

Senator DURBIN and I introduced that bill two Congresses ago. It went through the process of subcommittee, full committee, to the floor of the Senate, through the House of Representatives, through conference, through the House a second time but not having enough time to get it through the floor of the Senate that second time to get it to the President.

Then, in the last Congress, it went through the same process: subcommittee, full committee, the floor of the Senate, the House of Representatives subcommittee, full committee, the floor of the House of Representatives, to conference and out of conference, passing the House of Representatives by a veto-proof margin, and through the Senate, passing the Senate by a veto-proof margin, and going to President Clinton for his signature.

Obviously, with veto-proof margins in both Houses, the President knew if he vetoed it, we would be able to override it. The President waited until we adjourned last December, and at that point did what, under the Constitution, is called a pocket veto. We obviously were not in session and did not have an opportunity to override.

But I said: The Senator from Minnesota has had an opportunity to make considerable changes in this legislation. Maybe I do not like all those changes, but I would have to look at this piece of legislation that has my name on it as the principal sponsor, with Senator TORRICELLI of New Jersey, and say this bill has improved a lot in ways that we probably should have recognized when it was first introduced.

But you reach a point, in any legislative process, where you eventually come to the conclusion that perfection in the way we do business in the Government is never a possibility. And you get the best possible vehicle you can to get the job done—the best possible job.

I think the Senator from Minnesota would like to have me yield. I will yield for the purpose of a question.

Mr. WELLSTONE. I just want to thank my colleague. Sometimes a distinguished Senator can go on and on and on, and it is not sincere. I thank the Senator from Iowa for his graciousness. I have never doubted his commitment to this legislation. I have never doubted his conviction on it. And I want to apologize. I have a markup on an education bill, so I am going to leave now. The amendment will be laid aside. I will be back in a while. I did not want to appear to be impolite. I just have to go to the markup.

Mr. GRASSLEY. The Senator from Minnesota does not have to apologize. There are always demands upon our time. There are four or five places we could be at one time. I did not get a chance to hear all of the Senator's speech because I was chairing the Senate Finance Committee on the issue of giving tax relief to working American men and women, a bill that will probably pass here in the month of May.

Anyway, I plead with the Senator from Minnesota that he has had a tremendous impact upon this legislation, and it is a better bill in the sense that a lot of things that were brought to our attention are now changes in this bill. But you cannot have perfection.

I think the Senator from Minnesota would say he really does not want this bill to pass. So I think it is fair to say he, and other Members who do not want it to pass, will be offering amendments, maybe because they believe in them, but partly it is a process of slowing the legislation down so, again, it may never pass.

But I think, unlike 4 and 2 years ago—or maybe more accurately, 3 and 1 year ago—we are starting out with this bill on the floor of the Senate in the first year of a 2-year Congress, where one or two Members of this body are not going to frustrate the will of almost all 535 Members of Congress. And they do not have a President now that is going to veto the bill. So this legislation is going to become law. President Bush will sign this legislation.

So now, if I could—we do have an amendment before us from the Senator from Minnesota—I want to address that amendment very directly. It brings me to the means test.

By the way, I have a chart here speaking about how flexible this means test is, what it takes into consideration, so that it is not just a quantifiable formula with no humanity to it. There is plenty of humanity involved in this means test, whereby the means test determines whether somebody has the ability to repay some of their debt. And if they do, they then go into chapter 13, and they never get off scot-free.

So I see the amendment from the Senator from Minnesota as gutting the means test, ignoring the means test. That would be very bad. And we have had 70 Senators vote for this bill. By the way, 70 Senators represents a bipartisan vote.

If you believe this bill should be passed, and we should have strong improvements in bankruptcy law, then you will want to keep the means test; you will not want to gut the means test, as Senator WELLSTONE's amendment does.

It sounds very humanitarian to talk about taking medical expenses into consideration as to whether or not you ought to be granted access to having your debts discharged. I have stated before on this floor, that in calculating a debtor's income, under this means test, 100 percent of medical expenses are deducted.

I have also said to my colleagues, including the Senator from Minnesota, that if we offer you a bill where, in determining whether or not you should be in bankruptcy court—and 100 percent of your medical expenses can be taken into consideration in that determination—how much better than 100 percent can we do? If I gave you 101 percent or 102 percent would that be better? But with 100 percent deduction for some expense, I do not know how you can do much better than that.

That is what this means testing formula does. And Senator GRASSLEY does not say that, the General Accounting Office confirmed that. I have a page from the General Accounting Office report in relation to that part of this legislation. This is the title page, if people are interested in the entire book. But it lists what is deductible under the IRS standards, in determining the ability to repay if you go into bankruptcy.

Here, under "other necessary expenses," the description of the IRS guidelines, as stated by the General Accounting Office, includes such expenses as charitable contributions, child care, dependent care, health care, payroll deductions, including taxes, union dues, life insurance. There it is, under "other necessary expenses," health care, 100-percent deductible in making that determination. If you can pay off some portion of your debt under the means test, then you should have to do so. The means test takes into account these reasonable expenses and others than what I listed, including 100 percent of medical expenses.

If one is concerned about whether or not 100 percent of medical expenses is clear enough as to what you can deduct, because the Senator from Minnesota used the term "catastrophic" medical expenses, the test also allows, under our legislation, for special circumstances to be taken into account when determining if a debtor can repay his or her debt.

That means that after you have taken the IRS guidelines, as I have stated, the General Accounting Office saying 100 percent of medical expenses—and that is not enough to satisfy the Senator from Minnesota so he talks about catastrophic medical expenses; whether they are catastrophic or minor, 100 percent of medical expenses is 100 percent of medical expenses—but just in case, then under the special circumstances provisions of our legislation, that debtor can go before the judge and plead a case beyond what the IRS regulations allow.

This bill preserves a fresh start for people who have been overwhelmed by medical debt or unforeseen emergencies. The bill thus allows full 100-percent deductibility of medical expenses before examining the ability to repay.

The amendment of the Senator from Minnesota says that if one files for bankruptcy because of medical expenses, then he or she does not have to go through this very flexible means test we are presenting in our legislation. His amendment doesn't take into account whether or not a person can repay or not. Making it possible to go into bankruptcy without some determination of the ability to repay or not is just not right. It means you have a gigantic loophole for somebody to game the system and to do what we are trying to prevent with this legislation—not hurting the principle of a fresh start, but if you have the ability to repay, you are not going to use the bankruptcy code for financial planning. You are not going to get off scot free.

What the Wellstone amendment does is create a loophole for those who can repay their debts. Our bill does it right. We allow all medical expenses, if they are catastrophic or not, to be taken into account. So the amendment offered by the Senator from Minnesota creates this huge loophole in the bill. That is why I have to urge my colleagues to oppose this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to proceed on the bankruptcy bill in reference to the amendment offered by the Senator from Minnesota, Mr. WELLSTONE.

I know Senator WELLSTONE opposes this bill for any number of reasons, but I think we ought to analyze carefully what he is saying to consider actually what the impact of the amendment he offered would be. I think when we do that, we find it would be a curious thing for him to offer and certainly would not be good public policy.

Basically, the Senator's amendment would say that if a person files bankruptcy because of health care expenses—I believe the words are "as a result of medical losses or expenses"—he would then be exempted from the new bankruptcy law. I think that is an odd thing to say, and I think it focused more of his concern about people filing bankruptcy as a result of medical expenses than the remedy that he would effect by the amendment.

We know that a number of people do get in financial trouble as a result of medical expenses. But, first, I say without fear of contradiction, those medical expenses will not impact a person in a way that would require him to pay any of those back, unless he or she—the person filing bankruptcy—made below the median income. Probably 80 percent, I would guesstimate, of the people who file personal bankruptcy make below the median income. So they would not be impacted by the means test requirement that they pay back some of the medical expenses that they have incurred.

Also, I think we ought to ask ourselves what expenses is he or she not being required to pay back. Hospital expenses? Now, let's say a person makes $150,000 a year—and people such as that are filing bankruptcy today. They are quite capable of paying back a substantial portion of their debts—maybe all of them. But they can file chapter 7 and wipe out all of their debts, with very little fear of any alternative consequences occurring to them. It is done every day.

As I read this amendment, it basically says that hospitals are the big losers. You don't have to pay them back. If you owe hospitals a big debt, and you are making above the median income, and you could easily pay 25 percent of that back to the hospital, and a judge would require you to do so, Senator WELLSTONE says, no, you can't be made to pay your hospital back. But if you owe some disreputable person—say, your liquor distributor, or somebody who has done those kinds of things—under his amendment they would all be required to be paid back. Just not the hospitals.

I have visited 20 hospitals this year in Alabama. I have talked to administrators, nurses, and doctors. They are having a tough time with their budgets. I am concerned about them. They do not believe in having people try to pay debts. They write off debts every day that people can't pay. It is one of the things they share with me—that bankrupts and others are just not able to pay their debts and they write them off.

The Federal Government has some form to help to compensate for that. Probably not enough. At any rate, the question simply is, Why should a person, if he is capable of paying back some debts, not pay his community hospital? It was a hospital that served him, presumably, or his family, and took care of their health needs; it exists to serve other people in the community—a good, noble, valuable institution. Why should that be the institution that doesn't get paid, when you can pay certain debts?

I think the amendment is rather odd, and it makes it less likely that there would be good health care in the community. There is a concern about, well, if you got continuing medical expenses, and this is going to leave you in debt, well, the way we wrote the bill—and we thought about this very subject—what about a person who had substantial medical expenses on a recurring basis?

How should that factor into your median income or special circumstances? We created two situations that deal with that.

If a family of four has a median income of around $50,000, and if they had $2,000 of recurring medical expenses for some reason and had to pay it every month, under IRS standards, which we adopted in this bill, that $2,000 adds on to the median income. The median income would not be $50,000, it would be $2,000 a month—$24,000 more, $74,000. If the income then was $70,000, the family could wipe out all debts, hospital and otherwise, without any problem because the median income calculated under IRS standards would not prevent them from going straight into chapter 7 and wiping out the debt, rather than being put in chapter 13 where the judge will say you pay back some of the debt as you are able over a period of years.

We also have a provision referred to as "special circumstances." A bankruptcy judge can find special medical hardship or circumstances and exempt it from the bankruptcy.

I do not think this is particularly good. The Senator says just because your bankruptcy filing was a result of medical expenses, you should be exempted from all the law. What does that do? That eliminates the great benefits we placed in this bill for women and children who, under current law, rank down in the list of priority payments of limited debts from the bankruptcy estate. Under this new bill, they go to No. 1.

If the bankruptcy was the result of medical expenses and the bankrupt individual could pay his alimony and child support, it would not be the first priority on the estate like it is under present law. The women and children would lose that benefit.

We have had some discussion about the homestead provisions. There is a much stricter standard under this current law under homestead to stop the abuse of people putting their money into large homesteads in States that have unlimited homestead exemptions. Tightening of that provision would not apply here, leaving other people to lose more significantly.

This amendment is more out of the Senator's frustration over medical care in America. I know he wants the Government to take care of everything that it can in that regard and more. I am willing to debate that under a different circumstance. It does not apply here.

This bill makes provisions for people who have high medical expenses. Indeed, historically the bankruptcy law does not question why someone is in debt. One can be in debt because one made a risky investment. One can be in debt because one messed up on some contract and then was sued. They were wrong, badly wrong, perhaps. One can be in debt because of health care. One can be in debt because of gambling or alcohol. Maybe just a lack of personal discipline drives people into bankruptcy.

We have never, and should not in my view, turn the bankruptcy court into some sort of social institution that starts to evaluate everybody's personal conscience to see whether or not they were justified or unjustified into going into debt.

Remember, what we are crafting today is simply a procedure in a Federal court, a bankruptcy court, by which people who are unable to pay their debts can wipe those debts out all or in part. Basically, the law says that if you are below median income, then you do not have to pay any of them back. If you make above median income and you are able to pay some of those debts back, you should do so.

That is a reasonable approach. The Senator's amendment, whereas it might be well-intentioned, is curious and I do not believe is helpful to this bill. I oppose it.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today in opposition to the current bankruptcy reform bill, S. 420, as written and reported out of the Judiciary Committee last week. Let me say from the outset that I support many aspects of bankruptcy reform. I support the right of financial service companies to have reasonable protection from spurious claims of bankruptcy, from outlandish loopholes that leave some assets untouchable. I support the right of consumers to have better protection from aggressive credit card solicitations and other offers of easy credit that can easily trap people into massive debt. I support reforms that strike the proper balance—and that is the key word, balance—between the needs of business in America and the needs of consumers. That is why I oppose this bankruptcy bill in its current form. I sincerely hope the Members of the Senate will be open to some of the amendments offered in a good faith effort to make this a better bill.

A little over 4 years ago, I served on the Judiciary subcommittee and was ranking Democrat when my chairman, Senator CHUCK GRASSLEY of Iowa, joined with me in preparing a bipartisan bill which passed on the floor of the Senate with an overwhelming vote. If my memory serves me, over 97 Members voted in support of that bankruptcy reform. I was proud to join in that vote because I believed that the bill was balanced, was honest, would reform the system, and do it in a sensible fashion.

Sadly, the conference committee that was called between the House and the Senate after passage of that bill literally did not allow participation by every Senator. Figuratively, there was a sign outside the door that said, "Democrats not allowed." Then the bill came back from the conference committee with no input from the Democratic side of the aisle, was brought to the floor, President Clinton threatened a veto, and the bill basically languished in the Senate.

Two years later, another effort was made. This time, I was not part of the committee process. Senator TORRICELLI of New Jersey played that role. He and Senator GRASSLEY also worked on a bill with amendments added that I believed could be supported again. It received a substantial vote on the floor of the Senate, went into the meat grinder of the conference committee, and came out loaded with provisions which, frankly, were unfair to consumers across America. President Clinton threatened a veto of that bill, and it basically sat on the calendar until it was far too late for any action to be taken.

That is an indication of the history of an effort to modify and reform the bankruptcy system but to do it in a bad way. I believe my colleague, Senator GRASSLEY, who is on the floor at this moment, and other Senators have come to this process in good faith. I think we have a chance with this bill, and some good amendments to it, to bring forth a piece of legislation that may not please everyone in the credit industry—it certainly won't please everyone who is fighting for the rights of consumers across America—but tries to strike a balance, a fair balance so both sides give something and ultimately justice is served.

This constant theme has guided me through the years in the bankruptcy debate—balanced reform. I do not believe you could have meaningful bankruptcy reform without addressing both sides of the problem: Irresponsible debtors and irresponsible creditors.

I agree that many people who go into bankruptcy court file to abuse the system, to game the system, to avoid their responsibility to pay their just debts. I believe that is the case, and this is certainly an area in need of responsible reform.

Particularly urgent is the need to address abuses by those who have considerable assets and are using bankruptcy with impunity as a financial shield. I am thinking here of those infamous cases where wealthy homeowners sink their assets into properties that are protected from discharge during bankruptcy, or criminals who declare bankruptcy to escape financial penalties they brought on themselves by their crimes.

But there are abuses and imbalances on the other side of the ledger as well. Financial abuses are certainly not limited just to those who owe money. Those who make it their business to extend credit can step over the line as well: Financial service companies extending credit well beyond a debtor's ability to pay and then expecting Congress to bail them out from their unsound lending practices; special interests who seek protection for their specific piece of the assets pie without considering issues of basic fairness or the need to leave some debtors with enough assets for critical family obligations such as paying child support. I think we are all aware of this situation. I don't believe we should ration credit in America.

I believe that we have a moral and legal obligation to inform consumers of their responsibilities and let them make sensible, well-informed decisions about their credit limits.

Those of us who go home regularly and open mail to find another credit card solicitation understand that this industry literally showers America with billions of solicitations for new credit card debt virtually every year. Many people who are being offered credit cards, frankly, shouldn't take another credit card. They are in over their heads. Many of these companies that are trying to lure them into their credit operation don't think twice about it. They, frankly, don't care how many credit cards you have. They would like to see you take another two credit cards and pile them on their own credit card, even if you had a turn of bad events—lost your job, went through a divorce, or maybe incurred some medical bills you never expected.

Financial predators preying on the most vulnerable members of society using deceit to lure them into usurious transactions should not be rewarded in this law.

Central to the debate on this issue must be the question, What are we really trying to solve? If the problem is the increase in filing of personal bankruptcies, then we ought to take a look at the numbers. Perhaps this problem is starting to resolve itself.

When we began the bankruptcy debate several years ago, bankruptcy filings were not only up but they had reached record-setting levels.

When the credit industry first came to me with their issue, they said: We just can't understand why we are having 25 or 30-percent increases of bankruptcy filings every year. In a situation where the prosperity of this country is well documented, why are so many people going to bankruptcy court? Many of them should not. There were 1.44 million bankruptcy filings in calendar year 1998, of which 1.39 million, or 96.3 percent, were consumer bankruptcies.

Let me see if I can find the chart to show that.

This shows the national bankruptcy data by chapters of those filing. You can see by this number that the filings in 1997 under chapter 7 were 989,372, reaching a higher level of over 1 million in 1998, coming down in 1999, and down further still in the year 2000. The same trend can be found in the same filings for chapter 11 and chapter 13 as well.

What we see then is that over time, this problem, without the passage of Federal legislation, has started to resolve itself. I can't predict what the year 2018 will show. If this slowdown in the economy results in more filings, it is fairly predictable. If we were worried about people who were taking advantage of the bankruptcy system in good times who really didn't need to—we can see that there has been a decline in the number of filings even before we consider the current legislation—no one can say what the future is going to bring in terms of filings. We all recognize that the economic climate is uncertain.

Nevertheless, the data on hand suggests that the so-called explosion of personal bankruptcies has come to an end even without this legislation.

As I said a moment ago, there are areas of bankruptcy law that are still in need of reform. Three years ago, I worked to develop a bipartisan, balanced bankruptcy bill that addressed irresponsible debtors and irresponsible creditors. Ninety-eight Senators voted for it. They agreed that that legislation eliminated abuses on both sides of the ledger while making available information that permitted consumers to make an informed financial decision. That bill was decimated in conference, as I mentioned.

Our bill in the 105th Congress included debtor-specific information that would enable credit card holders to examine their current credit card debt in tangible, real, and understandable terms driving home the seriousness of their financial situation.

My idea was very basic and simple. Every credit card statement ought to say that if you make the minimum monthly payment required by this company, it will take you *x* number of months to pay off the balance. When you pay it off, this is how much you will have paid in interest and how much you will have paid in principal.

When I made this suggestion, the credit card industry said that it was impossible for them to calculate their information; and if they had to do this on every monthly statement, it was well beyond their means.

I find this incredible, in the day and age of technology and computers, when calculations are being made instantaneously, that they could not put on each monthly statement how many months it would take to pay off the balance if only the minimum monthly payment was made. I don't believe it; never have. I think they are ducking their responsibility. They don't want consumers to know if they make that minimum monthly payment, they are never going to pay off the balance. It might take 8 years. They end up paying a lot more interest than principal.

Why is this important for consumers? Frankly, so they will be informed. They may think twice about making the minimum monthly payment if they cannot afford it. They may think twice about adding more credit to their card. They will be informed consumers making judicious decisions instead of people making decisions without the information available.

I don't think the credit card industry is showing good faith. This is an amendment which they should accept. It would be a good-faith indication to me that they are prepared to go that extra step not to issue credit but to inform creditors. They have been refusing to do it.

This bill also fails to close the homestead loophole. The homestead loophole is a State-by-State creation. In each State, the decision is made as to what they can really accept from bankruptcy; in other words, what can be protected for you personally if you file for bankruptcy.

One of the areas is the so-called homestead exemption for your home; your residence. Each State has a different standard. Some States are very strict and some are wide open.

Under this bill, someone renting or someone with less wealth will get to keep nothing. But a home owner who has equity in a home that has existed prior to the 2-year cutoff can keep all of his equity. Failing to put a real hard cap on this provision only benefits the rich.

My colleague, Senator KOHL of Wisconsin, has said on many occasions that we ought to get rid of this exemption because fat cats go out and buy magnificent homes, ranches, and farms and call it their home and plow everything they have into them and say to the creditor that they have nothing to put on the table. It is a mistake. Simply to say if they owned it 2 years they are off the hook, I don't believe that is enough.

There is another provision in this bill relative to a system known as cram-down. The cram-down provision we have in the current bill as written is not final. Not only does it go too far, but it actually goes beyond the well-targeted provision originally proposed by the credit card industry. This is a very complex area of bankruptcy.

I note the two people in the rear of the Chamber. One is Natacha Blaine, an attorney on my staff, and Victoria Bassetti on my staff, who have spent several years trying to make sure I understood this provision. It is complicated. But it is very important.

There is an area where we shouldn't let complexity mask the unbalanced nature of the cram-down provision currently in the bill.

Take a look at current law. Under the bankruptcy code, a secured creditor is given favored treatment for the value of the collateral that secures the claim. Further, many nonpurchase money security interests—where credit was not extended to purchase a specific item—can be eliminated.

Or claims of abuse. When we first began the bankruptcy debate, the credit card industry came to us with claims that debtors were intentionally taking on secured debt for items such as automobiles, which experience a rapid decrease in value once they are driven off the lot, and immediately declaring bankruptcy.

In order to address this issue, the industry initially proposed that secured creditors would be protected for the amount of the loan if the bankruptcy was declared within 6 months of such purchase. Thus, as an automobile loses value when being driven off the lot, to the extent such abuse was taking place, the 6-month period would fully protect the creditor.

Congress listened to the credit card industry concerns with respect to cram-down, and adopted the original proposal incorporated in earlier versions of the bill. Although I opposed the amendment in the provision in the committee markup, the language was unfortunately unchanged.

What does the current bankruptcy bill do? The cram-down provision as written in the current bill would prohibit the use of cram-down chapter 13 for any debt incurred within 5 years before bankruptcy for purchase of a motor vehicle, and for any debt incurred within 12 months of bankruptcy for which there is any other collateral. This provision is unjustly tipped in favor of the credit industry, providing little or no protection for debtors.

Let me try to put all of this legal language into simple terms.

You buy a car. You don't have much money, but you need a car to go to work. As soon as you drive the car off the lot—whether it is new or used—it starts depreciating in value. You reach a time later on where your debts have mounted to the point where you can't make your car payment or a lot of other payments. You are not going to file in chapter 7 to try to be absolved of all your debts; you go to chapter 13. You say: I am going to try to pay back what I can pay back. One of the things I want to keep in this bankruptcy is my car because I can't go to work without my car, and I can make money to pay back other creditors under chapter 13.

The court takes a look at the car and says: You might have paid $10,000 for it, but that was several years ago. Now that car is only worth $8,000. So if the company you bought it from took repossession of the car, the most they could get out of it is $8,000. So we will give that company a secured interest, preference in bankruptcy, for the $8,000 value, and the fact that you still owe $2,000 on it will be in the unsecured claims—a little harder to collect on. You end up with your car. You end up paying the credit card company back the value of the car as you have it, and you go to work. I think it makes sense.

You are a person in chapter 13 who said: I am going to try to pay back my debts. But now the credit industry has come in and said: Not good enough. If you bought that car within 5 years of filing for bankruptcy, then you have to pay the entire balance on your secured claim. We are not going to look at the real value of the car; we are going to look at the paper value of your debt.

So a person who wants to keep their car and go to work ends up being a loser.

A 5-year period is totally unreasonable. That is why I think this provision does not really recognize creditors who are stuck and trying to get themselves out of a bad situation.

Keep in mind, the average person filing for bankruptcy has an annual income of around $22,000, $23,000 a year. These are not wealthy people throwing money around, by and large. They are people who have gotten into circumstances they cannot control because of medical bills or a divorce and a lost job. If they go to chapter 13, they are doing their level best to pay off the debts. This bill, as presented to us today, penalizes those people. I think that is wrong. I am going to offer a provision to change that.

Let me tell you of another area——

Mr. LEAHY. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. LEAHY. I heard the Senator earlier speaking about the problem the credit card companies say they have in declaring that if you pay the minimum amount what ultimately you are going to owe. I recall the Senator from Illinois made the same point in the Judiciary Committee markup. It struck me that the Senator from Illinois was correct in saying this will be a good thing to put on the credit card.

So I asked a couple people who do programming in computers. I said: The Senator from Illinois has been told they can't extrapolate this; they can't put it on the bill. They said: Bull feathers. That's not the case at all. They said: This is the easiest thing to do. They have teenage interns in their company who would be glad, if you just gave them a couple access codes in the credit card companies, to show them how to program that.

If you can program what the minimum payment is—and the minimum payment might come out to something like $118.39, because it is a certain percentage of the overall, which might be $1,229.81—you are dealing in such strange numbers; every credit card bill is different, every minimum payment is different, but they said with the same program that set that up, you can basically put in a couple more lines of code and it can be figured out.

I mention this because I think that is the same experience the Senator from Illinois has had. I mention it because he is so absolutely right on this. This is not going to add any burden to the credit card companies. It is not going to be an additional cost to them because they already have the computers making the basic computations that are necessary.

Frankly, my question is this: Is it not the studied position of my friend from Illinois that if the credit card companies want to let you know how much you are on the hook with them for, they can easily do it?

Mr. DURBIN. That is exactly right. The Senator from Vermont understands, as I do, that occasionally people find themselves in a difficult position where they can only make the minimum monthly payment in a given month. They have bad circumstances and they are having a tough time of it. I understand that. I think that is something that may happen to any family. But you ought to do it with your eyes wide open, so you realize if you do this repeatedly, making the minimum monthly payment month after month, you will never get out of the hole; the hole may be there for 7 or 8 years.

Now, why is the credit card industry so reluctant to tell consumers the truth? There was a law passed several decades ago called Truth in Lending. This credit card provision that I am supporting is "truth in credit cards," so they will at least give consumers the information so they can decide what is best for them and their families. They may decide they had better pay off all the balance. Maybe they do not need an extra credit card. They can make a responsible decision.

This whole debate about bankruptcy got started when the credit industry came to my office and said they thought bankruptcy had lost the moral stigma it once had: Too many people are flooding the bankruptcy courts, and they are not very embarrassed by it.

I can tell you, the attorneys and the trustees and the judges to whom I have spoken dispute that. They find people showing up in these courts very sad about the circumstances that surround them. They have done their level best with small businesses and their families, and they are in over their heads and have nowhere to turn. They have a family tragedy they didn't anticipate—usually a medical bill they can't pay—and they wish they never had to be in bankruptcy court.

I also turned to the credit card industry and said: If we are talking about a moral stigma, what is your moral responsibility when it comes to flooding America with credit card applications? When it comes to young people in America, who do not have any source of income, receiving solicitation after solicitation for credit cards, don't you have some responsibility to make sure you are not extending credit beyond a person's ability to pay? They will not accept that responsibility.

Why is it that they focus on college students, for example? They believe in brand loyalty. They think if you are in college and you decide to take a Visa card, or a MasterCard, or a Discover card, or an American Express card, that is going to be your favorite brand of credit. They want to get you early. And some sad things have resulted.

Senator FEINSTEIN of California and I are going to offer an amendment a little later. The amendment is going to set a cap on the total amount of credit available to young people through their credit cards. It is a sensible measure that protects college students and other young adults who are at an age when many are getting their first taste of personal and financial independence. It protects the companies issuing the credit cards from having their customers assume far more debt than they are able to handle.

I do not need to tell you there is an epidemic of credit card default among young people today, especially on college campuses. I can go to a University of Illinois football game in Champaign. I go into the stadium, go up the ramp, and at the top of the ramp someone is waving a T-shirt at me that says "University of Illinois." And I can say: What is this all about? They say: If you will sign up for a University of Illinois credit card, we will give you a free T-shirt. They are doing everything they can to lure students to these credit cards.

Then you go to places such as the University of Indiana, and the dean of students says more students drop out due to credit card debt than to academic failure.

What are the statistics on young people filing bankruptcy in America? In the early 1990s, only 1 percent of all personal bankruptcies were filed by people under the age of 25. By 1996—just a few years later—that figure increased to 8.7 percent—more than an eightfold increase in the proportion of young, college-age people filing for bankruptcy.

Remember, my friends, student loans are not dischargeable in bankruptcy. So if you go into a bankruptcy court because you are in over your head with a credit card, you still have your student loan hanging after you have left the court. That, to me, says we have a scandalous situation on our hands that the credit card industry is exploiting. The amendment Senator FEINSTEIN will offer a little later addresses it.

Let me give you one illustration. Sean Moyer got his first credit card at age 18, when he was a student at the University of Texas. Sean committed suicide at age 22, after he ran up more than $14,000 in debt on his credit cards. His mother told CBS News the following:

> It just did not occur to me that you . . . would give a credit card to an 18-year-old, who was . . . making minimum wage [at a job]. I never thought that he would end up with, I think it was two Visas, a Discover, a MasterCard. When [Sean] died, he had 12 credit cards.

Sean was a smart kid, a National Merit Scholar winner. He was on his way to law school. But in many ways he was a young boy who succumbed to the temptation of easy credit.

As his mother went on to say:

> Anybody that has 18-year-olds knows they are not adults [many times]. I don't care what the law says. They are 18 one minute. They are 13 the [next]. Here they are in college, their first time away from home. They're learning to [try to] manage their money.

We ought to keep people such as Sean Moyer and these young men and women in our mind as we talk about bankruptcy reform. That is why Senator FEINSTEIN's amendment makes so much sense. It sets a reasonable credit cap for all credit cards. We are not saying a young person can't have a credit card. We are talking about unlimited credit, that we get a young person with literally no job with debt of $14,000 or more. This is a reasonable extension of credit for these young credit card holders. It is indexed to the consumer price index to adjust to inflation.

As a further protection, we have in the amendment the statement that if you happen to have the cosignature of your parent or guardian, you might have more credit offered to you.

These simple measures would protect our young people from getting in over their heads with multiple credit cards. It is no surprise that the credit industry hates this like the Devil hates holy water. The idea that they can't go out and lure and hook in all of these young people at a vulnerable point in their lives is something of which they are frightened. They are going to oppose the Feinstein amendment.

Let me talk for a moment about moral stigma, the moral stigma of people with an average income of $22,000 a year going to bankruptcy court, heartbroken over medical bills or divorce or loss of job. How about the moral stigma of these credit card companies, wallpapering college campuses with credit cards the kids just can't keep up with. I know Senator FEINSTEIN plans to reoffer her amendment on the floor. Senator JEFFORDS and I are cosponsors of this sensible, bipartisan amendment. I urge my colleagues to support it.

Balance is certainly the order of the day in this debate. We are a new Congress with a balanced 50/50 Senate. We have a new President, faced with the challenge of uniting an evenly divided electorate. We have a new and real opportunity to work together to pass genuine bankruptcy reform, reform that is balanced, meaningful, and fair.

In a few moments I will send to the desk an amendment to the bankruptcy bill aimed at another area of abuse which should be resolved. It is directed particularly to what is known as predatory lending practices. Much of our discussion concerning reform of the Nation's bankruptcy laws is focused on the perceived abuses of the bankruptcy system by consumers and debtors. Much less discussion has occurred with regard to abuses by creditors who help usher the Nation's consumers into bankruptcy.

I believe there are abuses on both sides and that bankruptcy reform is incomplete if it does not address both sides. Studies have identified a host of predatory financial practices directed at the Nation's financially vulnerable. These studies suggest that many low-income Americans participate in a virtual fringe economy. They may lack access to mainstream banks and financial institutions. They may lack the collateral or the credit rating needed to secure loans for a home, to buy a car, pay for home repairs, or other essential needs. This vulnerable segment of our economy is at the mercy of a variety of credit practices by a variety of offerors that can lead to financial ruin.

High-pressure consumer finance companies have bilked unsophisticated consumers out of substantial sums by aggressively marketing expensive loan insurance products, charging usurious interest rates, urging repeated refinancing, and loading their products with hidden fees and costs. High cost mortgage lenders have defrauded millions of older Americans with modest income but substantial home equity of their lifelong home ownership investments. Senator GRASSLEY of Iowa, who has been the chairman of the Senate Special Committee on Aging, has held hearings, heartbreaking stories of elderly people, usually women living alone, who are preyed upon by these companies that come in and lure them into signing documents they barely understand for repair of their homes with terms and conditions that are unfair by any standard.

Some auto lenders in the used car industry have gouged consumers with interest rates as high as 50 percent, with assessments for credit insurance, repair warranties, and hidden fees, adding thousands of dollars to the cost of an otherwise inexpensive used car. Pawnshops in some States have charged annual rates of 240 percent or more to customers who have nowhere else to turn for small short-term loans. Abusive credit practices of every stripe harm millions of older and low-income Americans every single year.

During the committee debate on S. 1301, I offered an amendment designed to address and curtail just one bad practice among many predatory high-cost mortgage loans targeted at the low-income elderly and the financially unsophisticated. This amendment was adopted unanimously on a previous bill and was stripped out in conference. The credit industry did not want us to even go after the bottom feeders in their business, the people who prey on the elderly and uninformed.

I will reoffer this language today as an amendment to this bankruptcy bill. This is the exact same language that was in the 1998 bankruptcy bill that passed the Senate 97–1. It is also the same language that many of my colleagues, including Senator GRASSLEY and Senator SPECTER, voted for in the 106th Congress. It is my hope that they will join me in supporting this amendment again.

In recent years there has been an explosion on the market for this type of home mortgage, generally for second mortgages that are not used to fund the purchase or construction of a home. The market is known as the subprime mortgage industry. The subprime mortgage industry offers home mortgage loans to high-risk borrowers, loans carrying far greater interest rates and fees than conventional loans and carrying extremely high profit margins for the lenders.

According to the Mortgage Market Statistical Annual for the year 2000, subprime loan originations increased from $35 billion in 1994 to $160 billion in 1999.

As a percentage of all mortgage originations, the subprime market share increased from less than 5 percent in 1994 to almost 13 percent in 1999. This is not an isolated incident. This is a trend, a trend where people are preying on vulnerable consumers across America, usually widows, usually elderly women, ultimately trying to take away their homes in bankruptcy court.

We are considering a bankruptcy reform bill where we are supposed to be eliminating abuses? For goodness' sake, should we not eliminate the use of the predatory lending which we see is growing by leaps and bounds in this country?

By 1999, outstanding subprime mortgages amounted to $370 billion. Home Mortgage Disclosure Act data shows a substantial growth in subprime lending. The number of home purchase and refinance loans reported under HMDA by lenders specializing in subprime lending increased almost tenfold between 1993 and 1998, from 104,000 to 997,000. I will relate a few stories in a moment that will illustrate the kinds of loans, the kinds of, what I consider, extremely corrupt practices by the credit industry that are rewarded in bankruptcy court.

You will see when this amendment comes up for a vote if the credit industry itself, which prides itself on being a major financial institution in America, is willing to step forward and point out the wrongdoers within its own ranks. Sadly we have seen over the last several years they were not.

The growth of the subprime lending industry is of concern to us for two reasons: First, because of their reprehensible practices called predatory lending practices, which some of these companies use to conduct their business; second, because of the vulnerable people involved, senior citizens, low-income people, the financially unwary to whom they often target their loans.

According to 1998 Home Mortgage Disclosure Act data, low-income borrowers accounted for 41 percent of subprime refinance mortgages. African-American borrowers accounted for 19 percent of all subprime refinance loans. In 1998, when Senator GRASSLEY held the hearing I referred to earlier with the Special Committee on Aging, several people came forward to tell their stories.

William Brennan, director of the Home Defense Program of the Atlanta, GA, Legal Aid Society, put a human face on this issue and this amendment. He told us of the story of Genie McNab, a 70-year-old woman living in Decatur, GA.

Mrs. McNab is retired. She lives alone on Social Security and retirement. In November of 1996, a mortgage broker contacted her and, through this mortgage broker, she obtained a 15-year mortgage loan for $54,000 from a large national finance company. Her annual percentage rate was 12.85 percent. Listen to the terms of the mortgage. She will pay $596.49 a month until the year 2011, when she will be expected, and required, to make a final payment of $47,599.14—a balloon payment for an elderly lady living on Social Security. By the time she is finished with this mortgage that this fellow convinced her to sign for, her $54,200 loan will have cost her $154,967, and she faces a balloon payment of almost $48,000 at the end.

When Ms. McNab turns 83 years old, she will be saddled with this balloon payment that she will never be able to make. She will face foreclosure of probably the only real asset in her life—something she has worked for her entire life—and she will be forced to consider bankruptcy. She will face the loss of her home and her financial security, not to mention her dignity and sense of well-being. Ironically, she had to pay this mortgage broker a $700 fee to find her this "wonderful" loan—a mortgage broker who also collected a $1,100 fee from the mortgage lender.

Unfortunately, Ms. McNab is a typical target of the high-cost mortgage lender—an elderly person, living alone, on a fixed income. She is just the kind of person who may suddenly have encountered the death of a spouse and the loss of income, a large medical bill, an expensive home repair, or mounting credit card debt. All of these things could push her over the edge, just making regular monthly payments, not to mention a $48,000 balloon payment, at the age of 83.

These are all real-life circumstances which make her an irresistible target for some of the most unscrupulous members of the mortgage industry in America.

According to a former career employee of this industry who testified anonymously at a hearing before Senator GRASSLEY's committee, "My perfect customer would be an uneducated woman who is living on a fixed income—hopefully from her deceased husband's pension and social security—who has her house paid off, is living off credit cards but having a difficult time keeping up with her payments, and who must make a car payment in addition to her credit card payments."

This industry professional candidly acknowledged that unscrupulous lenders specifically market their loans to elderly widowed women, people who haven't gone to school, who are on fixed incomes, have a limited command of the English language, and people who have significant equity in their homes.

They targeted another such person right here in Washington, DC, by the name of Helen Ferguson. She also testified before Senator GRASSLEY's committee. She was 76 years old at the time. This is what she told us: As a result of predatory lending practices, she was about to lose her home. In 1991, she had a total monthly income of $504 from Social Security. With the help of her family, she made a $229 monthly mortgage payment on her home. However, on a fixed income she didn't have enough money for repairs. She started listening to radio and TV ads about low-interest home improvement loans. She called one of the numbers. She thought she had signed up for a $25,000 loan. In reality, the lender collected over $5,000 in fees and settlement charges for a $15,000 loan.

Again, describing the predatory cases, Ms. Ferguson decided she needed to take out a loan. She thought she was borrowing $25,000. After the fees, she was borrowing $15,000. She was living on $500 a month in Social Security. The interest rate the lender charged her was 17 percent. Her mortgage payments went up to $400 a month—almost twice her original payment. Over the next few years, this lender repeatedly tried to lure Ms. Ferguson into more debt. He called her at home, called her sister at home and at work, and he sent her letters, and, God bless him, he even sent a Christmas card. In March of 1993, she gave in to this lender, borrowing money to make home repairs.

By March of 1994, she could not keep up with her mortgage payments. She signed for a loan with another lender, unaware that it had a variable interest rate and terms that caused her payments to rise to $600 a month and eventually to $723 a month. Remember, $500 a month was her Social Security income. She is now up to $723 a month in mortgage payments. For this loan, she paid $5,000 in broker fees and more than 14 percent in total fees and settlement charges. The first lender also continued to solicit her. She eventually signed up for even more loans. Each time, the lender persuaded her that refinancing was the best way out of her predicament.

Ms. Ferguson was the target of a predatory loan practice known as loan flipping.

Why is this an important discussion in the middle of a bankruptcy bill? Because, frankly, these bottom feeders make terrible loans to vulnerable people who ultimately end up in bankruptcy court, taking away the homes of people such as Ms. Ferguson.

I have tried to convince my colleagues on the committee that if we are going to reform the bankruptcy code, for goodness' sake, why would we reward people who are making these terrible arrangements with elderly, low-income people, with limited education, and taking away the only thing they have on Earth—their homes?

When I say this to the financial industry and the credit card industry, they say, "You just don't understand the free market." The free market? This isn't a free market. This is some of the worst corruption, worst credit practices in America. We are about to protect them with this bill.

Let me tell you what Senator GRASSLEY said about it when he held this hearing back in 1998. My colleague from Iowa has a lot of Midwestern wisdom to share here:

> What exactly are we talking about when we say that equity predators target folks who are equity rich and cash poor? These folks are our mothers, our fathers, our aunts and uncles, and all people who live on fixed incomes. These are people who often times exist from check to check and dollar to dollar, and who have put their blood, sweat, and tears into buying a piece of the American dream and that is their own home.

He goes on to say:

> Before we begin this hearing, I want to quote a victim—a quote that sums up what we are talking about here today. She said the following: "They did what a man with a gun in a dark alley could not do: they stole my house."

That is Senator GRASSLEY talking about predatory lenders, who are protected by this bankruptcy bill. That is why I am offering this amendment. They don't deserve this protection. Ms. Ferguson was eventually obligated to make more than $800 monthly payments, although her income was $500—and the lenders knew it from the start. In 5 years, the debt on her home—this elderly lady living on Social Security—increased from $20,000 to over $85,000.

She felt helpless and overwhelmed. It was only after contacting AARP that she realized these lenders were violating the Federal law.

Lump-sum balloon payments on short-term loans, loan flipping, the extension of credit with a complete disregard for the borrower's ability to repay—these aren't the only abusive mortgage practices. Lenders on these secondary mortgages sometimes include harsh repayment penalties in the loan terms, or rollover fees and charges into the loan, or negatively amortize the loan payment so the principal actually increases over time—all of which is prohibited by law, although ordinary homeowners are unlikely to even know that. Some of these homeowners will make it to a lawyer and get help before it is too late. Many of them will be forced into bankruptcy court. They will walk into that court, and this slimy individual and his company, which has given them this terrible loan that violates the law, will stand up proudly, through his lawyer, and take it all away.

This bill will not even address that issue unless the Durbin amendment is adopted.

On March 5, US News & World Report featured a telling article in their business & technology section entitled: "Sometimes a deal is too good to be true: Big-bank lending and inner-city evictions." In the article Jeff Glasser describes two cases that originate from my home state of Illinois that I want to share with you.

The first involves Goldie Johnson. The lender was EquiCredit, a subsidiary of Bank of America:

Goldie Johnson is a 71-year-old homeowner who lives on the Westside of Chicago with her daughter and 4 grandchildren. Her income is $1,270 a month from Social Security and pension. Between June 1996 and March 1999, Ms. Johnson entered into at least three refinancing agreements with various subprime lenders and brokers.

In March, Ms. Johnson was contacted through a phone solicitation by a mortgage broker, who promised Ms. Johnson that she could get a new loan that would refinance her two existing mortgages, provide her with $5,000 in extra cash and lower her monthly mortgage payments. Ms. Johnson was in desperate need of cash to repair her kitchen. She agreed to meet with the broker.

She met with the broker twice. On the second visit she was presented with a myriad of papers to sign.

Ms. Johnson, who suffers from glaucoma was not able to read the documents carefully. In fact, after looking over only a few of the papers she stopped because her eyes became too tired to continue.

Nonetheless, based on the broker's promises and representations that the loan would provide her with cash to repair her kitchen and lower her mortgage payments, Ms. Johnson signed the loan documents. She was not provided with copies of any of the documents.

The mortgage documents created a loan transaction between Ms. Johnson and Mercantile for the principal amount of $90,000 with an annual percentage rate of 14.8 percent.

The transaction created a 15-year loan with monthly mortgage payments of $994.57, excluding taxes and insurance, with a balloon payment on the 180th month of $79,722.61.

The monthly mortgage payment was 80 percent of this retired lady's income.

The final balloon payment—the amount of principal owed after Ms, Johnson pays the lender approximately $1,000 a month over 15 years—was greater than the secured debt on her home before she entered into this agreement.

Ms. Johnson received no proceeds from the transactions. The broker and lender received at least $9,760 in points and fee from the loan. Equicredit is now attempting to foreclose on Ms. Johnson's home.

Then the case of James and Clarice Mason, the lender was Fieldstone, then Household.

James Mason, age 62, with his wife Clarice who died on June 8, 1999, owned and lived in his home on the west side of Chicago since 1971.

In 1991, the Masons successfully paid off the original mortgage on their home.

In 1993, Mrs. Mason became disabled due to diabetes and arthritis.

In 1995, Mr. Mason became disabled due to a stroke. The stroke has left Mr. Mason with brain damage that has impaired his memory and thinking.

In November 1998, Mr. and Mrs. Mason's home was free and clear of all liens.

On or about the end of November 1998, they were repeatedly solicited for home repair work. Mrs. Mason eventually agreed to meet with a home repair company and later a mortgage broker. They promised the necessary repairs would cost $15,000 and that the broker would help them find financing.

On December 6, 1998, about a week after completing the loan application, Mrs. Mason was hospitalized for complications arising from her diabetes.

On December 7, 1998, Mrs. Mason was visited at the hospital by a broker who explained that he had come to visit Mrs. Mason and to help her complete her loan transaction. What a wonderful person. He then presented Mrs. Mason with numerous documents and told Mrs. Mason to sign them. The agent of the company provided Mrs. Mason with no opportunity to review the documents, but assured her that this was the loan she had "discussed" with New Look that would allow her home to be repaired.

Mrs. Mason, although unclear about what she was signing, signed all the documents provided by the agent because she trusted him. She believed he was trying to help.

At the time she signed the loan documents, Mrs. Mason was in a disoriented state due to her severe illness. At the time she signed the loan documents, Mrs. Mason's vision was impaired because of a cataract on one of her eyes. At no time was Mr. Mason, co-owner of the home, asked to sign any of the loan documents. Nonetheless, Mr. Mason's forged signature appears on the mortgage agreement. The documents that were "signed" created a 30-year loan agreement, with a principal of $70,000.

Under the terms of the loan, Mr. and Mrs. Mason's monthly mortgage payment was to start at $601.41 and adjust upward to $697.

Remember, this is an elderly couple retired with their home all paid for, and to get $15,000 worth of repairs on their home, they signed on to a mortgage that cost them about $700 a month.

Under the terms of the loan, Mr. and Mrs. Mason were charged at least $7,343 in prepaid finance charges.

The home contractor received $35,000.

The Masons received no money.

Work was barely started and never completed.

A suit was filed against the home repair company, broker, and two lenders.

After the suit, the home was severely damaged by a suspicious fire.

Mr. President, I ask unanimous consent that this US News & World Report article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, March 5, 2001]

SOMETIMES A DEAL IS TOO GOOD TO BE TRUE

(By Jeff Glasser)

CHICAGO.—One day in March 1999, mortgage broker Mark Diamond arrived on Goldie Johnson's west-side doorstep, his portable photocopier in tow. Here's the 72-year-old retiree's version—from court papers and interviews—of how Diamond's promise to save her thousands of dollars may end up costing Johnson her home: He told her that if she refinanced her mortgage, he could cut her debts and get her up to $8,000 in cash. With the money, she could fix her rotting kitchen floors and replace the rickety basement beams. But to get the cash, she had to act fast. (She believed him. He said he was "in the business of helping senior citizens.") He handed her a thick stack of loan papers. Johnson, who suffers from glaucoma, says she could barely read them. "Don't worry about it," he said. So she signed, 13 times.

Johnson says she never saw any cash. The loan she signed saddled her with monthly payments of $994.57—about $200 more than she had been paying—and consumed about 80 percent of her fixed income. A balloon payment of $80,000 would be due the year Johnson turns 86. Meanwhile, Diamond's company fee for selling the loan came to $9,010. "I've heard of sticking people up with guns, not with pens," says Johnson, who cannot pay the mortgage and is fighting to save her home from foreclosure in court. Diamond disputed her account and denied wrongdoing through his lawyer.

What's unusual about the case of Goldie Johnson is that she wasn't simply the alleged victim of a fast-talking predator. Her loan was sold to a company called EquiCredit, a subsidiary of the Bank of America, a prestigious institution not often linked to inner-city evictions. But Bank of America is one of a number of the nation's top commercial banks, including Citigroup and J. P. Morgan Chase, that have recently inked deals with subprime lenders—companies that offer loans to people with less than perfect credit. Subprime loans promise profit margins far greater than do low-interest conventional mortgages.

This foray by the big banks coincides with a surge in the number of subprime loan defaults. Certainly not all subprime loans are predatory. But foreclosures in the Chicago area by subprimes have risen from 131 in 1993 to 4,958 in 1999, according to the National Training and Information Center, a watchdog group. Consumers in other areas are also complaining about lending abuses, causing more than 30 states and dozens of cities to consider curbs on predatory lending.

The upswing in defaults poses a double challenge for the big banks: They must fend off hundreds of lawsuits brought against their subsidiaries. As they do so, they will be asked to bring better practices to an industry derided as "legalized loan sharking" by detractors.

The tactics are all too familiar. Critics call one the "bait" scam: In Philadelphia, where the 3,226 foreclosures last year were almost double the number in 1997, a poor veteran named Leroy Howard says in bankruptcy papers that he was lured into refinancing his mortgage with an offer of $4,000 in cash and debt relief. When he accepted, his mortgage doubled in size to $40,000, including $9,040 in new fees and charges. Howard's attorney charges the lender made the loan even though it was aware Howard could not repay it; a notation in his file says he would use the cash for food. Citigroup, which acquired the loan's servicing rights, settled the case.

There's the hard sell: In Chicago, it is alleged in court that a home improvement contractor, along with a mortgage broker, went to a local hospital and persuaded a woman admitted there to refinance on unfavorable terms. "You couldn't tell him no that day," says Valerie Mason, daughter of the woman, who has died.

The banks don't condone these tactics. "Small, unscrupulous lenders don't have to follow the rules," says Howard Glaser, chief lobbyist for the Mortgage Bankers Association. The responsible lenders "get tainted by what the bad actors do." The major lenders—including Citigroup and Bank of America—argue that subprime lending doesn't bilk the innocent or gut neighborhoods. Far from it, they say: The vast majority of the loans help people with bad credit to repair their homes and settle their debts. A decade ago, homeowners with imperfect credit would have paid 5 to 10 percentage points more for loans, they say, if they could get a loan at all. The banks also claim that the number of predatory lending cases is minuscule, though consumer advocates disagree. (There are no national data to resolve that dispute.)

Flipping and packing. The taint of predatory lending hasn't deterred major banks from entering the growing subprime market. There were 856,000 subprime loans issued in 1999, six times as many as in 1994. Those loans often produce margins eight times those of conventional mortgages, although there's a greater risk of default and higher servicing costs. Banks can make more money by packaging subprime loans as mortgage-backed securities and selling them to mutual funds.

But can the major banks help curb bad practices? Citigroup will be the largest test case. In November, the company completed a $27 billion acquisition of Associates First Capital, which was spending $19 million to fight more than 700 lending lawsuits. The suits spotlight more questionable tactics. For example, Associates established quotas for refinancing loans over and over, or "flipping" them, with no benefit to the consumer, former company employees testified. (Its motto, according to the court papers: "A loan a day or no pay.")

Another common practice, employees said, was the "packing" of costly insurance products into the price of a loan. Consider the testimony of Rick McFadden, a branch manager in Tacoma, Wash. When he failed to tack on the insurance, the boss would crumple a piece of paper into the phone. "You hear that?" the boss would say. "That's your loan. It doesn't have any insurance on it. . . ." And into the trash it would go. A Citigroup spokesman declined to comment on the testimony but said the issues "have been addressed in the pledges we've made." Citi settled a Georgia class-action "packing" lawsuit in January for $9 million and, U.S. News has learned, a similar suit in Pennsylvania. In reforms announced last fall (including caps on fees and improved training), the company condemned the practices of "packing" and "flipping."

Still, victims seeking restitution are having a hard time figuring out who is to blame. In Goldie Johnson's case, her loan was solicited by Diamond but ended up in EquiCredit's portfolio. The Bank of America subsidiary then tried to foreclose on Johnson. The company claimed in court, however, that it was not responsible for tactics used to sell the original mortgage. (Since the lawsuit was filed, the loan has been sold again.) The insulation of the banks rankles legal-aid lawyers. "At some point, the ostrich defense doesn't work," says Johnson's attorney, Ira Rheingold.

While lawyers and lenders duke it out, once stable neighborhoods in places like Maywood, Ill., a working-class Chicago suburb, are filled with boarded-up houses resulting from foreclosures. Resident Delores Rolle, 51, says gang members from the Latin Kings took over an abandoned house, put up drapes, and used it for drug dealing. "This has been a nightmare," says Rolle. "It's Beirut around here."

Mr. DURBIN. As demonstrated in these cases, the people soliciting these loans have won their trust and confidence, and the homeowners are reluctant to believe that they have been so ruthlessly taken in.

Just this morning the Washington Post reported that the Federal Trade Commission. sued the Associates, a lending unit of Citigroup, for its predatory lending practices.

This is not just an occasional storefront operation. The growth of these predatory loans tells us we are dealing with a national phenomenon. This is what they said at the FTC about this group from Citigroup called Associates:

"They hid essential information from consumers, misrepresented loan terms, flipped loans [repeatedly offering to consolidate debt into home loans] and packed optional fees to raise the costs of the loans," said Jodie Bernstein, director of the FTC's Bureau of Consumer Protection. The practices, she said, "primarily victimized . . . the most vulnerable—hardworking homeowners who had to borrow to meet emergency needs and often had no other access to capital."

Mr. President, I ask unanimous consent that this article from today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, March 7, 2001]

FTC SUES LENDING UNIT OF CITIGROUP

ASSOCIATES ACCUSED OF "ABUSIVE" ACTS

(By Sandra Fleishman)

The Federal Trade Commission yesterday sued a recently acquired arm of financial giant Citigroup Inc., accusing it of deceiving often cash-strapped home-equity borrowers through "systematic and widespread abusive lending practices."

The case is the largest ever brought for abusive or predatory lending by the FTC, the government's chief consumer-protection agency. If the case is proven, the FTC estimates that it could result in hundreds of millions of dollars in refunds to tens or hundreds of thousands of borrowers.

The suit filed in U.S. District Court in Atlanta names New York-based Citigroup, CitiFinancial Credit Co. and the acquired companies, Associates First Capital Corp. and Associates Corp. of North America, collectively known as Associates.

Associates, which specialized in loans to higher-risk borrowers, was one of the nation's largest home-equity lenders when Citigroup bought it in November for $31 billion. It was then wrapped into the bank's CitiFinancial unit.

Yesterday's action was sought by consumer activists, who for years labeled Associates as the worst predatory lender in the country.

The FTC has been investigating Associates since at least 1998, when the company was a subsidiary of Ford Motor Co. Ford eventually spun it off.

In a statement issued yesterday, Citigroup said, "We regret that we have been unable to resolve the FTC claims regarding past practices of the Associates without litigation."

The statement also said: "From the time we announced our intent to acquire Associates, we indicated our full commitment to resolve concerns that had been raised about their business. To date, we have reached out to nearly a half-million customers including every Associates home loan customer, and we will continue these outreach efforts."

According to the FTC suit, Associates' aggressive marketing "induced consumers to refinance existing debts into home loans with high interest rates, costs and fees and to purchase high-cost credit insurance."

"They hid essential information from consumers, misrepresented loan terms, flipped loans [repeatedly offering to consolidate debt into home loans] and packed optional fees to raise the costs of the loans," said Jodie Bernstein, director of the FTC's Bureau of Consumer Protection. The practices, she said, "primarily victimized . . . the most vulnerable—hardworking homeowners who had to borrow to meet emergency needs and often had no other access to capital."

The suit seeks financial redress but doesn't specify an amount. "If all of the charges are proven [the amount] could be much more than $500 million," Bernstein said. That number is drawn from the Associates financial reports, which show earnings of more than $500 million from 1995 to 1999 in single-premium credit life insurance premiums alone.

Single-premium credit life insurance, which enrages consumer groups, is paid upfront through a home loan, rather than monthly.

Because such insurance was factored into the loans, it added "hundreds or thousands of dollars to consumers' loan costs," and in many instances ran out years before the home loan did, the FTC said. Credit life insurance is a way to cover the borrower's loan payments in the case of death, illness or loss or employment. But the FTC said Associates employees did not always mention or explain products and discouraged consumers from refusing them.

Federal and state regulators cleared the way for the Citigroup-Associates merger last year despite consumer groups' pleas that Citigroup first be required to agree to specific steps to protect consumers.

Yesterday, consumer groups welcomed the FTC suit but sought further action.

"The FTC case backs up what we've been saying, that Associates has been ripping off homeowners across the country," said Maude Hurd, president of the Association of Community Organizations for Reform Now.

Citigroup's stock closed yesterday at $48.63, up 38 cents, on the New York Stock Exchange. John Wimsatt, who tracks Citigroup for Friedman, Billings, Ramsey Group Inc., said strong investor confidence in the company reflects "consensus estimates that it will earn about $15.8 billion" in 2001 and the belief that the company, aware of the FTC investigation, either put money into reserves to cover the litigation "or factored it into the purchase price."

Most of the other 14 predatory lending cases the FTC has brought since 1998 have been settled. One case still in litigation involves Washington-based Capital City Mortgage Corp.

Mr. DURBIN. The problem of predatory financial practices in the high-cost mortgage industry is relevant to bankruptcy because it is driving vulnerable people into bankruptcy. These people are not entering bankruptcy in order to abuse the system. They are filing bankruptcy because the reprehensible tactics of unscrupulous lenders have driven them into insolvency and threatens their homes, cars, and other necessities; frankly, everything they own on Earth.

My amendment prohibits a high-cost mortgage lender that extended credit in violation of the provisions of the Truth-In-Lending Act from collecting its claim in bankruptcy.

I repeat this because the credit industry which opposes this amendment, opposes the following: A suggestion by me that if you have made a high-cost mortgage loan and in doing so violated the provisions of the Truth in Lending Act, you cannot go into bankruptcy court and be protected by the laws of the United States. If you violated the law to create this mortgage, then the bankruptcy court law will not protect you. It is that simple. You wonder why these major credit companies and financial institutions oppose this amendment. They say: If you get your nose under the tent, DURBIN, we don't know where you are going next.

I suggest to them that they ought to look outside their tent for a moment at some of the scummy practices of people who say they are also their brothers and sisters in the mortgage credit industry. They should not make excuses for them and expect the American people to trust the mortgage credit industry when they tell us they have the best interest of consumers in America in their hearts.

The result of my amendment will be that when individuals like Genie McNab, Helen Ferguson, Goldie Johnson, or the Masons, goes to the bankruptcy court—seeking last-resort help for the financial distress an unscrupulous lender has caused her—the claim of the predatory home lender will not be allowed.

If the lender has failed to comply with the requirements of the Truth in Lending Act—a law created by Congress and signed by the President—for high-cost second mortgages, the lender will have absolutely no claim against the bankruptcy estate.

My amendment is not aimed at all subprime lenders or all second mortgages. Indeed, it is only aimed at the worst, most predatory scum-sucking bottom feeders in this industry. My provision is aimed only at practices that are already illegal under the law. It does not deal with technical or immaterial violations of the Truth in Lending Act. Disallowing the claims of predatory lenders in bankruptcy cases will not end these predatory practices always. But for goodness sake', why should we come to this floor and pass a law to protect these people? It is one step we can take to curb credit abuse in a situation where the lender bears primary responsibility for the deterioration of a consumer's financial situation.

AMENDMENT NO. 17

Mr. President I send my amendment to the desk.

The PRESIDING OFFICER. Is the Senator seeking consent to set aside the pending amendment?

Mr. DURBIN. Yes, I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 17.

Mr. DURBIN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make an amendment with respect to predatory lending practices, and for other purposes)

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is based on a secured debt, if the creditor has failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).".

Mr. DURBIN. Mr. President, I represent to Members of the Senate that my description of this amendment is very simple. Senator GRASSLEY is on the floor, and I can say his hearings before the Select Committee on Aging regarding predatory lending have inspired us to offer this amendment. Some of the statements he made during the course of those hearings about the abuses of predatory lending and the victims across America have led us to offer an amendment on the floor of the Senate to the bankruptcy bill to say these people who are taking advantage of otherwise good citizens should not be allowed the protection of the bankruptcy court. If they violate the law in creating this debt, they shouldn't be able to hide behind the bankruptcy law when they go to court.

I hope even my friends in this Chamber who feel very strongly about the credit and financial industry, during the course of the consideration of this debate on this amendment, will at least find some sympathy and understanding for people such as those I have described—good, hard-working Americans living in retirement who have been victimized by people engaged in illegal practices. I hope we can adopt this amendment as part of the reform of our bankruptcy system to keep in mind some of the victims of the credit system from some of the worst perpetrators.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate resume consideration of the pending Leahy amendment No. 13 at 5:30 pm and there be up to 20 minutes equally divided in the usual form.

I further ask consent that at the conclusion of this debate, the amendment once again be laid aside and the Senate resume consideration of the Wellstone amendment No. 14 and there be up to 60 minutes equally divided in the usual form.

I further ask consent that at the conclusion of the debate on the Wellstone amendment, the Senate proceed to vote in a stacked sequence on or in relation to the Wellstone amendment, to be followed by a vote on or in relation to the Leahy amendment, and that no amendments be in order to either amendment.

Further, I ask that there be 2 minutes equally divided for closing remarks prior to the second vote in the series.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. As a result of this agreement, at least two back-to-back votes will occur at 6:50 this evening. So I put all colleagues on notice that we will have at least two back-to-back votes.

AMENDMENT NO. 17

Mr. President, as I understand it, the amendment of the distinguished Senator from Illinois, the predatory lending amendment, takes away the lender's right to satisfy a claim to get paid on the debtor's bankruptcy if there was any "material" Home Ownership Equity Protection Act violation. The Home Ownership Equity Protection Act is not a predatory lending law. Any attempt to characterize it as such is misleading and inflammatory.

Many legitimate lenders—banks, community banks, and finance companies—make home equity loans which fall under this act, codified section 129 in the Truth in Lending Act. Section 129 recognizes a legitimate sector of the home lending market, certainly one that is not "predatory" and already provides ample protection for consumers, both in the form of disclosures and substantive prohibitions and remedies for violations of this act.

First, this is a banking amendment. This is outside the jurisdiction of this committee. Second, and more importantly, this amendment is problematic in its effect in a number of ways. For instance, it will adversely affect the availability of credit to certain consumers, many of whom may be low income and minorities whom this amendment purports to protect. Moreover, the secondary markup for such mortgages will also be affected, thereby placing upward pressure on the pricing of such loans.

A number of the horror stories given are already covered by current law, and we should be enforcing those laws.

It appears this amendment, though seemingly well meaning, might create more problems than it might remotely solve. Already there are numerous protections and built-in super-remedies afforded the borrowers under the Homeownership and Equity Protection Act. For example, a consumer can rescind any loan that violates the provision. This alone takes care of any conceivable problem in bankruptcy. Furthermore, all material violations result in civil liability under the Home Ownership Equity Protection Act and enhance civil remedies such as "an amount equal to the sum of all finance charges and fees paid by the consumer, unless the creditor demonstrates that the failure to comply is not material," in addition to actual damages, statutory damages, attorney's fees, and costs.

Furthermore, to justify the harsh punishment it creates, in addition to those penalties already available in the Home Ownership Equity Protection Act, this amendment does not even require any finding that such a violation was the cause of the debtor going into bankruptcy.

That is not good law. That is not the way we should be making law. Nor does it require that a violation of the Home Ownership Equity Protection Act had to have been found for this draconian remedy to take place.

The result, I am afraid, will be litigation within a bankruptcy proceeding and a bankruptcy judge passing judgment on Federal lending laws. Furthermore, I don't know why every debtor will not allege a violation of the Home Ownership Equity Protection Act in the hopes of winning this lottery of getting your home mortgage wiped out for even minor violations which did not contribute in any way to the bankruptcy of the debtor.

This is just plain bad policy. We can't permit this type of an amendment on this bill. It is one thing to use rhetoric about predatory lenders, but I believe the current law takes care of that, and, frankly, I don't think we should try to disturb it with an amendment that doesn't do the job and, in fact, can do an awful lot of harm.

We have to oppose the sincere amendment of the distinguished Senator. I hope our colleagues will vote it down. It would cause tremendous problems.

Last, but not least, I know my colleague is not trying to do this—or at least I believe he is not trying to do this—but this would lead to all kinds of unnecessary litigation, unnecessary failures, to be able to resolve problems as they arise and, frankly, fly in the face of good bankruptcy legislation.

I think the bill and current law in the bill, combined, do take care of some of the problems about which the distinguished Senator is concerned. But his amendment would cause an awful lot of problems. In the end I think all it would do is lend a lot of solace to a lot of lawyers who want to make a lot of money off what clearly are not reasons for the bankruptcy.

We have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I briefly respond to say to my friend from Utah, keep in mind the people you are protecting by opposing this amendment. Keep in mind the institutions which you are trying to protect by opposing this amendment.

These are people who are preying on our parents and grandparents, living in their retirement, subjected to loan terms and conditions that are outrageous by any moral standard.

What we are saying is, after they have perpetrated these frauds to the public, after they have literally threatened to take away a home from a retired person with a loan that is unconscionable and violates the law, we want them to have free rein in bankruptcy court to pursue their claim.

I don't think that is right. Why in the world is this Senate spending its good time and the money of taxpayers on hearings involving predatory lending, coming up with all of these wonderful speeches about how terrible these people are, and when we have a chance in the bankruptcy law to finally do something to stop these awful predatory lending practices, we refuse? We refuse.

All of the moral indignation we were able to muster in these committee hearings about the outrageous examples of what is happening to senior citizens and low-income people, we forget as soon as we come to the floor and start talking about a bankruptcy law.

I don't care about committee jurisdiction. That may be an issue to some; it is not to me. I am more concerned about the people who expect bankruptcy code reform to be sensitive to borrowers as well as lenders. I hope my colleagues in the Senate will support my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HATCH. Will the Senator from Florida yield for one last comment?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, when we had this amendment in the committee, it had to be a substantive violation. The current amendment, as we view it, would provide for triggering with even a technical violation. That would be catastrophic in bankruptcy law. We just cannot support this amendment.

I know the distinguished Senator is trying to do something worthwhile, and I do not believe there should be predatory lending any more than he does, but I do think we take care of it in this bill. But under this current amendment, it is even worse than the amendment he was prepared to offer in committee because even a technical violation would trigger what he wants to do. So I just need to make that point for the record, and I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask, immediately upon the completion of my remarks, my colleague, Senator CORZINE, be recognized.

Mr. HATCH. Reserving the right to object, I ask Senators how much time they intend to take?

Mr. GRAHAM. We will take approximately 15 minutes apiece.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM and Mr. CORZINE pertaining to the introduction of S. 481 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 17, AS MODIFIED

Mr. LEAHY. Mr. President, I send to the desk a modification of the amendment by the Senator from Illinois, Senator DURBIN. I am advised that this modification has been cleared with Senator HATCH and his side.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, reads as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is based on a secured debt, if the creditor has materially failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).".

Mr. LEAHY. Mr. President, I know we are waiting for other Members to come to the floor. It is interesting. I have listened to the outpouring of grief following the tragic events in Southern California, the shooting in the high school. As a parent, I obviously look at that and can only begin to imagine the terror that was in the hearts of the parents of all the children there—not knowing from the initial reports whether their child was alive or injured. And then, of course, it had to be the worst grief any parent could feel to find out their children had been killed.

I could not help but think of my own son, who teaches high school in that area. But one has to think of anybody, whether they know them, are related to them or not, in such a case because the whole country is involved. It is almost a John Donne reference in this case, and I think of this body having intense debate a couple of years ago after the tragedy at Columbine. It was actually one of our better debates. We discussed—both Republicans and Democrats—the fact that there are a number of different causes—no one magic thing, no one cause that sends a young person out to do such a terrible, almost inexplicable deed; and in each of these instances when they have happened, and in those instances where the police have caught somebody prior to it happening, there is not a common denominator.

If there was some matrix that you could apply to each one of these, it would be, I suppose, easy enough to stop them. But there isn't. It is not just a question of stricter laws, not just a question of more teachers, not just a question of more security; it is not just a question of gun laws. But there are parts of each of those. What was so good about the debate on the juvenile justice bill, which became the Hatch-Leahy juvenile justice bill, is, that we referred to each aspect and we debated and voted on everything from counseling for juveniles to stricter laws on juveniles, closing the gun show loophole, providing tools for teachers and communities. We passed the bill by overwhelming margin. It got 73 votes. I think we can all feel that we had done something for the country.

But the bill never came back. It was never voted on again. It went into a conference committee and never came out. There was never a vote there. Yet I wonder, if you are a parent, and you see a child killed, and you think that at least some things could be done to stop this from happening somewhere else, if you would not think that would be a top priority. We obviously thought it was at a time when this Senate was probably embroiled in the most partisan divisions that I have seen in 25 years. You would think that it would because we had 73 votes. This was a case where Democrats, Republicans, liberals, and conservatives, came together and we passed this bill.

But then a decision was made somewhere, and it never came back. It was never voted on again and was never signed into law because the Congress decided never to act on it again. It was a hollow promise to the parents and the teachers and the children of America. We lost any sense of urgency on this bill that got 73 votes.

But we passed the bankruptcy law—a flawed bankruptcy law, in my view—last year. That got 70 votes, less votes than juvenile justice and, by God, we have to bring it right back up here again—not because the owners of the credit card companies are being shot at or their children are being shot at, not because they are all going out of business. In fact, they have record profits and will have greater ones under this bill because the commercial interests have been heard rather than the interests of parents, children, and teachers.

I mention this in passing. I know there are others on the floor seeking recognition, and I will yield in a moment.

If the Senate is to be the conscience of this Nation, don't we have to sometimes ask ourselves what are our priorities? How can any parent, how can any Senator, how can any American, with the carnage in our schools or on our streets, look at some of the terrible things happening with our youth and ask, Why are we in such a hurry to pass a piece of commercial special interest legislation and we cannot bring ourselves to take the final step across the finish line on the juvenile justice bill?

I cannot accept that, and, frankly, it is not that sense of priority that brought me from my State of Vermont to serve in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, today we are debating an extremely complicated and extremely important piece of legislation, the bankruptcy reform bill. With the exception of a small number of amendments adopted by the Judiciary Committee last week, S. 420, the bill before us, is the same bill that President Clinton vetoed last year. The passing of a few months, and the change of Presidents has not made this bill any better, or more fair, or more balanced, or more worthy of this Congress than was the one we passed last year. It is still a bad bill and I urge my colleagues to oppose it.

Supporters of the bill have put enormous pressure on the Congress to act quickly and pass the bill again because President Bush has indicated he will sign it. The majority wanted to bring the bill directly to the floor without going through committee, notwithstanding the fact that we have a very different Senate after the last election. We had to fight for every moment of committee consideration. We did succeed in convincing the majority that the Judiciary Committee should consider the bill in committee. We had a quick hearing, and a markup, and I think the bill was improved in the process. Then, the same day that we voted the bill out of committee, the majority leader sought consent to bring the bill up on the floor. I am sorry this rush to judgment is happening. I believe this bill is bad policy, and I believe we will come to regret passing it.

I respectfully suggest that having a new President who is inclined to sign the bill ought to put more pressure on the Senate to do its job in a thoughtful and balanced way, not less. In the past two Congresses, it has been my impression that the Republican majority has made decisions on the substance of this bill in order to stake out a negotiating position vis-a-vis the White House. Twice it has ignored the work done by the Senate on the floor and come up with a conference vehicle that was designed to provoke a veto. In 1998, for example, we passed a bill through the Senate by a vote of 97–1. That is the way bankruptcy reform should be done and has been done in the past. But the majority ignored that bill and brought what was essentially the House bill back from conference, and it failed to become law. Again last year, on issue after issue, including two crucial points—Senator KOHL's homestead amendment and Senator SCHUMER's clinic violence amendment, where the Senate had spoken by clear bipartisan majorities—the bill that came back from the shadow conference was tilted more to the House bill, and the bill was vetoed.

This time there is no administration to push back in negotiations. This time, the bill will not be a product of compromise with the administration. This time the majority will bear responsibility for what it produces and passes. This time for sure we should listen to the experts who have been telling us to slow down and be careful.

Amending the bankruptcy code used to be a nonpartisan exercise, where the Congress listened to experts—practitioners and law professors and judges and trustees, and made careful considered judgments about how the law should work. Now it seems as if we ignore the experts and instead do what the credit industry wants us to do. We use parliamentary tactics to avoid reasoned consideration. Those tactics harm the bill, and discredit the Senate.

Let me now turn to the substance of this legislation. I believe S. 420 will do terrible damage to the bankruptcy system in this country, and even more importantly, to many hard-working American families who will bear the brunt of the unfair so-called "reforms" that are included in this bill. This is a harsh and unfair measure pushed by the most powerful and wealthy lobbying forces in this country, and it will harm the most vulnerable of our citizens.

First, let me talk about what is not in this bill, which is directly related to the fact that powerful special interests have shaped it. As I have said a number of times, this bill is not a balanced piece of legislation. The interests that are the strongest supporters of this bill, the credit card companies and the big banks, succeeded in limiting the provisions that will have any effect on the way they do business. These interests gave us and our political parties millions of dollars of campaign contributions and they like the results they achieved in this bill.

If we are going to pass a credit card industry bailout bill, the least we can do is to help save the industry from itself by taking some steps to make sure that consumers are made more aware of the consequences of taking on ever increasing amounts of debt. We have the chance in this bill to require credit card companies to be more open with consumers about the consequences of running a balance on a card, but so far we have not done it. We need more prevalent and more detailed disclosures on credit card statements and solicitations. There are limited disclosure requirements in this bill, but they don't go nearly far enough in my opinion. I am afraid the main reason they do not is the power of the credit card companies.

I will speak about this topic again because I am sure there will be amendments offered to improve the disclosure provisions in the bill. And at that time, I will also call the bankroll on this bill, because the political contributions made by the industry supporters of this bill are truly extraordinary.

There is another thing missing in this bill. Remember, this bill is supposedly designed to end abuses of the bankruptcy system by people who really can afford to pay off more of their debts. But the biggest abuses, and all the experts agree on this, come when wealthy people in certain states file for bankruptcy by taking advantage of very large or even unlimited homestead exemptions that are available in their States. Some people with large debts even move to a State like Florida or Texas where there is an unlimited homestead exemption, specifically for the purpose of filing for bankruptcy.

The National Bankruptcy Review Commission and virtually all leading academics believe that homestead exemptions are being abused and a national standard is needed. And by a vote of 76–22, the Senate adopted in the last Congress an amendment from my colleague the senior Senator from Wisconsin to close the loophole. That amendment would have put a **$100,000** cap on the amount of money that a debtor can shield from creditors through the homestead exemption.

That amendment was stripped out of the bill during last year's secret conference and replaced by a weak substitute. The bill limits the homestead exemption to **$100,000**, but only for property purchased within two years of filing for bankruptcy. That means that wealthy debtors can plan for bankruptcy by moving to an unlimited homestead exemption state, buying a palatial estate, and then just put off their creditors for two years before filing bankruptcy. If they do that, they can continue to shield millions of dollars in assets and throw off their debts with a bankruptcy discharge. The bill will have no effect on this abuse of the bankruptcy system. This bill does not close the homestead exemption loophole that people like Burt Reynolds and Bowie Kuhn have famously used in the past.

Once again, supporters of this bill chose to ignore reforms that would give this bill some balance. Somehow the interests of wealthy debtors who use the homestead exemption to abuse the bankruptcy system are more important than the interests of hard-working Americans who through no fault of their own—whether from a medical catastrophe, or the loss of a job, or a divorce, are forced to seek the financial fresh start that bankruptcy has made possible since the beginning of our Republic. I will, of course, support Senator KOHL when he offers his original and stronger amendment on the homestead exemption. Any bankruptcy bill that does not deal with homestead exemption abuse is simply not worthy of being called bankruptcy reform.

It is interesting and very revealing to contrast the treatment by this bill of wealthy homeowners who abuse the bankruptcy system with how the bill that was introduced treats poor tenants who need the protection of the bankruptcy system to keep from being thrown out on the street while they try to get their affairs in order. As I mentioned, the provision dealing with the homestead exemption is virtually meaningless. At the same time, the bill President Clinton vetoed includes a draconian provision that denies the bankruptcy stay to tenants trying to hold off eviction proceedings, even if they are able to pay their rent while the bankruptcy is pending. I think this provision is purely punitive. It will have no impact at all on getting debtors to pay past due rent. It will result in the eviction of people who are not abusing the bankruptcy system, but who are trying to use it for exactly the purpose for which it was intended—to get a fresh start and become once again productive members of our society.

When the bankruptcy bill was before the Senate in the last Congress, I tried very hard to pass an amendment that would have made the bill less harsh on tenants while at the same time denying the protection of the automatic stay to repeat filers who are abusing the system. I modified the amendment to take account of some reasonable hypothetical situations that the Senator from Alabama came up with. But the realtors strongly opposed my amendment. And the Senate rejected it by a nearly party line vote. That was unfortunate. It confirmed my view that this bill is not balanced. It is not rational. It's about punishing people, not just stopping the abuses that we all agree should be stopped.

So I offered my amendment again in Committee this year, and with the help of Senator FEINSTEIN, we actually succeeded in committee in eliminating the unfair and harsh provision of the bill section of the bill and replacing it with a provision that is fair to both landlords and tenants. Mr. President, I sincerely hope that my colleagues will oppose any attempt to eliminate the Feingold-Feinstein amendment that the Judiciary Committee adopted.

Now let me turn to what proponents view as the central feature of this bill, the means test. After much work, I believe this feature of the bill is still flawed and unfair. The means test is the mechanism that the bill's proponents believe will force people who can really manage to pay some portion of their debts into Chapter 13 repayment plans instead of Chapter 7 discharges. The means test requires every debtor to file detailed information on their expenses and income which is then analyzed according to a formula. Those who pass the means test can file a Chapter 7 case; those who fail would have to file under Chapter 13.

The bill includes an important "safe harbor" for debtors who are below the median income. The means test does not apply to them. That is a good thing, since studies show that only 2 or 3 percent of debtors would be required to move from Chapter 7 to Chapter 13 under the means test. But even with that "safe harbor," the bill has significant problems. First, the bill specifies that for purposes of determining the safe harbor, the median income for each individual state should be used, rather than the higher of the state or national median income. This will unfairly disadvantage people who live in high cost areas of low median income states. Furthermore, in the Senate bill in the last Congress, we included a safe harbor from creditor motions that applied to people with income less than either the national or the median income. The people who drafted the final bill that President Clinton vetoed and that has been reintroduced ignored that standard. I doubt they really believe it will mean that more abusers of the system will be caught by the means test. But they did it anyway, giving further evidence of the arbitrary nature of this bill.

In addition, the means test still employs standards of reasonable living expenses developed by the Internal Revenue code for a wholly different purpose. These standards are too inflexible to be fair in determining what families can live on as they go through a bankruptcy. They are arbitrary. And they are also ambiguous with respect to things like car payments because they were not designed to be used in this context. We have pointed this out repeatedly over the past few years, but the sponsors of the legislation have insisted on using these inflexible IRS standards.

The safe harbor from the means test also inexplicably counts a separated spouse's income as income available to a mother with children who has filed for bankruptcy, even if the spouse is not paying any child support. This can't be fair. Mothers filing for bankruptcy because their spouses have left them are treated for purposes of the safe harbor as if the spouse's income is still available to them. That is what this bill does. It makes no sense. It's arbitrary and punitive. And while I have heard that there may be some interest in fixing this problem, I understand that the credit industry objected when they tried to do that in the House. So we will see just how strong the industry is here in the Senate when an effort is made to correct this terrible injustice in the bill.

Perhaps the thing that is most curious about the means test is that while we now have a safe harbor for lower income people, they still have to fill out all the same paperwork, doing all of means test calculations using the IRS expense standards. Why is that? If the intent is to exempt lower income debtors from the means test, why have them go through the means test anyway? The burden of the means test for these people is not the result—a tiny percentage would ever be sent to Chapter 13 because of it. No, it's the burdensome paperwork that is the problem. In our hearing, Bankruptcy Judge Randall Newsome made this point very powerfully. He said:

> If S. 220 must contain the means test as presently drafted, then debtors whose incomes are below the applicable median should be entirely insulated not only from its application, but from its paperwork requirements as well.

Here is an example of the problem of making people go through the means test even though they are exempt from it. This bill would deny the protection of bankruptcy to a single mother with income well below the state median income if she doesn't present copies of income tax returns for the last three years, even if those returns are in the possession of her ex-husband. I can see no justification for this result whatsoever.

So for those supporters of the bill who trumpet the safe harbor, I ask you: Why doesn't the bill apply the same safe harbor to creditor motions as the Senate bill did, and why doesn't it exempt people who fall within the safe harbor from the paperwork requirements? I have yet to hear reasonable answers to those questions, which leads me to believe that there are no reasonable answers. This bill is arbitrary, and it is punitive.

This bill also includes a number of "presumptions of nondischargeability" provisions, which basically say, "these debts can't be discharged in bankruptcy because we think they look like people are running up bills in contemplation of bankruptcy." In other words, they are abusing the system. They are accumulating debt with no intention of paying it off.

The problem is that these presumptions are unfair. So instead of being a deterrent to abuse of the system, they are simply a gift to the credit industry, and a harsh punishment to hard working people trying to do the best they can to meet their obligations to their families. One such provision creates a presumption of nondischargeability if a debtor takes **$750** of cash advances within 70 days of bankruptcy. And $750 in a little more than two months is not much. I think all of us can imagine a single mother with children who loses her job or has unexpected medical bills for her kids and has to use cash advances to buy food for her family or pay her rent. But if that woman files for bankruptcy, the debt to the credit card company is presumed to be fraudulent. That means that the debt from those cash advances will not be discharged by bankruptcy. It will still hang over her head as she tries to get back on her feet and support her family after the bankruptcy proceeding is over. That is not balanced reform. Once again, this bill gives special treatment to credit card companies at the expense of the most vulnerable members of our society. It is arbitrary and punitive.

This example shows how empty the proponent's arguments are when they claim that the bill gives first priority to alimony and child support. Over 100 law professors wrote the Senate last year to contest that claim. Let me quote from their letter:

> Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95 percent of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and

children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

The law professors continued:

> Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. . . . . As a matter of public policy, this country should not elevate credit card debt to the preferred position of taxes and child support.

What the law professors point out so convincingly is that the key issue is not how the limited assets of a debtor are distributed in bankruptcy but what debts survive bankruptcy and will compete for the debtors income when the bankruptcy is over. In a variety of ways, this bill will encourage reaffirmation agreements, and increase nondischargeability claims, which will lead to more debtors having more debt that continues after bankruptcy.

That is what hurts women and children, not the priority of child support claims in the bankruptcy itself. The priority of claims in the bankruptcy itself is almost meaningless since in the vast majority of bankruptcy cases there are no assets to distribute. People are broke and they don't have anything to sell to satisfy their creditors. That is why they file for bankruptcy. You can't squeeze blood from a stone.

One of the interesting things about this bill is the almost Orwellian names of some its provisions. There are a number of them. For example, there is a title of this bill with the name: "Enhanced Consumer Protection." But many of the provisions in this title actually offer little if any protection at all. The weak credit card disclosure provisions are one example. Yes, those may be "enhanced" consumer protections, enhanced from nothing, but they aren't considered sufficient by any organization whose primary concern is consumer protection.

There is another section within the so-called "Enhanced Consumer Protection title called "Protection of Retirement Savings in Bankruptcy." Sounds pretty good. But what the provision does is put a cap on the amount of retirement savings that are put out of reach of creditors in a bankruptcy proceeding. You see, before this bill, there was no limit at all on the amount of retirement savings that can be protected. So this bill is not an enhanced consumer protection at all. It is a step backward for consumers and hard-working Americans who have tried to put aside some money for their golden years.

Incidentally, this provision was nowhere to be found in either the bankruptcy bill that passed the Senate last year or the bill that passed the House in 1999. This is one of those provisions that appeared out of nowhere. In fact, before a firestorm of criticism forced him to reconsider, the Senator who proposed this provision wanted to let consumers waive the existing protection of retirement savings in boilerplate consumer credit agreements. So the $1 million cap is an improvement over what the sponsors of this bill tried to do, but it is hardly a "protection." I understand that Senator KENNEDY may offer an amendment to eliminate this cap, and I will support it.

Here is another Orwellian title. Section 306 is called "Giving Secured Creditors Fair Treatment Under Chapter 13." It ought to be called "Giving Certain Secured Creditors Preferred Treatment Under Chapter 13," because it favors those who make car loans over other secured creditors and over unsecured creditors.

Here is how it works: There is a concept in bankruptcy law currently called "cramdown" or "stripdown." It recognizes the fact that the collateral for some kinds of loans can lose value over time, so that it may be worth significantly less than the debt owed. Remember that in a bankruptcy proceeding, secured creditors get paid first. But the cramdown concept says to those creditors, you only get paid first up to the amount of the value of the collateral for the loan. After that, if you are still owed money, you get in line with other unsecured creditors.

To give a more tangible example, if someone owes $10,000 on a car loan, but the car which is collateral for that loan is worth only $5,000, then only $5,000 of that loan is considered secured in a bankruptcy. That makes perfect sense, since the maker of that loan has the right to repossess the car, but if it does that it can only get $5,000 when it sells the car.

What the bill does is to eliminate the cramdown for any car that is purchased within 5 years of bankruptcy. That means that even though the vehicle that secures the loan has lost much of its value, the entire amount of the debt must be repaid in a Chapter 13 plan. This gives special treatment to the lender, but more importantly, it will make it much more difficult for a Chapter 13 plan to work. And that will hurt people who want to pay off their debts in an organized fashion under Chapter 13.

In answer to my written question, Bankruptcy Judge Randall Newsome supplied a detailed example that shows how the elimination of the cramdown option will hurt both debtors and creditors. In his example, a debtor with a seven year old car who files under Chapter 13 under current law will be able to pay off his car loan up to the value of the car with interest and make a meaningful payment of his unsecured debts over the 3 year duration of his Chapter 13 plan. But with the elimination of the cramdown in the bill, he would, he would have no choice but to file in Chapter 7 and allow the car lender to repossess his vehicle. And his unsecured creditors would get nothing. I ask that Judge Newsome's letter to me providing the details of this example be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES BANKRUPTCY COURT,
NORTHERN DISTRICT OF CALIFORNIA,
Oakland, CA, February 22, 2001.

Senator RUSS FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: This letter will serve as my response to the written questions you submitted to me on February 20, 2001. Your first question asks whether S. 220 "will essentially destroy Chapter 13 as an option for debtors who wish to keep their cars. . . ." As I stated in both my written and oral testimony, I believe that the "anti-cramdown" provision in §306(b) of the bill will destroy the incentive for many debtors to file a chapter 13 case. When §306(b) is combined with §314(b), which eliminates the enhanced discharge presently afforded by chapter 13, only those debtors seeking to save a home from foreclosure will find chapter 13 a reasonable option.

A hypothetical will illustrate why §306(b) will hurt both debtors and creditors. Suppose in 1998 Mr. Jones, who is single and lives in an apartment, purchased a 1994 Dodge for $15,000 on credit. At the time he bought the car, its fair market value was only $12,000, but because of his poor credit rating, he was forced to pay substantially over market. Because he can't afford the payments on the Dodge along with his other monthly payments, he files a chapter 13 case in 2001. At the time he files, he still owes $10,000 on the car, and he has other unsecured debts totaling $4,000. Without counting payments on his debts, his monthly income exceeds his monthly expenses by $240 per month. The real fair market value of the car at the time of filing is $5,000. Under present law Mr. Jones could write down the value of Dodge to $5,000 in his chapter 13 plan. Assuming he proposes a plan to pay $240 a month over 36 months, he would be able to pay $5,000 plus interest to the secured creditor, and repay a meaningful portion of his unsecured debt over the life of the plan. But under §306(b) of S. 220, Mr. Jones would be forced to pay all $10,000 of the remaining contract price on the car, because he bought it within five years of filing his chapter 13 case. This is true even though the car is now 7 years old, and the creditor would get substantially less than its present value of $5,000 if the car were repossessed and sold. Depending on the interest rate on the Dodge debt and the chapter 13 trustee's commission, Mr. Jones might not even be able to propose a plan that would pay off the car, pay nothing to his unsecured creditors, and be completed within the 60-month time limit for chapter 13 plans. He would be much better off allowing the secured creditor to repossess the Dodge, file a chapter 7 case, and attempt to buy a newer car, even though the interest rate undoubtedly would be exorbitant. Thus, neither the secured nor the unsecured creditors are paid what they're owed, and the debtor is back in a debt trap. No one benefits.

Your second question concerns the problem of repeat filers. I view this as one of the most serious abuses of the bankruptcy system. It has been most severe in the Central District of California. Nonetheless, I would urge caution in attempting to correct it. No one would seriously argue against amending the bankruptcy code to target those who file repeatedly just to stop a foreclosure or an eviction. But many repeat filers are forced to file a second petition because their first case was dismissed for reasons beyond their control, such as the incompetence of a bankruptcy petition preparer. I have read your proposed amendment to S. 220, and believe it strikes the appropriate balance. It protects the rights of innocent tenants, while preserving the right of a landlord to rid themselves of a bad tenant without the legal expense of seeking relief from the automatic stay in bankruptcy court.

Please don't hesitate to contact me if I can be of further assistance.

Very truly yours,
RANDALL J. NEWSOME.

Mr. FEINGOLD. Most people file Chapter 13 cases because they want to keep their cars. The cramdown allows them to reduce their car payments to a reasonable amount, leaving enough money to pay off other secured creditors and make a repayment plan work. According the Chapter 13 trustees, who know what they are talking about since they deal with these cases day in and day out, this single provision of the bill will increase the number of unsuccessful Chapter 13 plans by 20 percent. And Judge Newsome states that if this bill becomes law, Chapter 13 will essentially be eliminated as an option for people who wish to hold on to their cars. He writes: "When § 306(b) is combined with §314(b), which eliminates the enhanced discharge presently afforded by chapter 13, only those debtors seeking to save a home from foreclosure will find chapter 13 a reasonable option."

Making it more difficult for debtors to get Chapter 13 plans confirmed will lead to more repossessions of cars, and ultimately to more Chapter 7 filings. And even where a Chapter 13 plan can be confirmed and is successful, the anti-cramdown provision will reduce the amount that a debtor can pay to unsecured creditors or for child support or alimony. In essence, under this bill, car payments, on a car worth far less than the debt owed, are given priority over child support. Another example of how this bill is arbitrary and punitive and how the claims of the bill proponents that the bill will help women and children are empty indeed.

The anti-cramdown provision undermines the efficacy of Chapter 13. All the experts tell us that. And I have to point out the irony here. The avowed purpose of proponents of this bill is to move people from Chapter 7 discharges to Chapter 13 repayment plans, yet the bill undermines Chapter 13. I will support an amendment to eliminate this particular provision that is really a gift to the auto industry at the expense of other secured creditors.

There is another provision in this bill that undercuts Chapter 13. The small group of Senators who shaped this bill in a shadow conference accepted a provision from the House bill that says that for those debtors with income above their state's median income, Chapter 13 plans must extend over 5 years, rather than three. That's a 66 percent increase in payments required to complete the plan. In view of the fact that the majority of three year plans fail, the requirement that the debtor go two more years without an income interruption or unexpected expenses will inevitably lead to an even higher rate of Chapter 13 plan failures and discourage even more debtors from filing voluntarily under Chapter 13. I will support the amendment that Senator LEAHY may offer to correct this problem.

I will also support another amendment that may be offered by Senator LEAHY to deal with the damage this bill does to Chapter 13. The bill makes people who voluntarily file under Chapter 13 go through what amounts to a means test using the same wooden and arbitrary IRS standards to determine how much disposable income they have available to pay off their secured creditors. Anyone who has more than the median income will have to limit their monthly expenses to those permitted under the IRS standards. That is going to discourage Chapter 13 filings. If we want to encourage debtors to use Chapter 13 rather than Chapter 7, we have to get rid of that provision.

As I have said before, this bill is at war with itself. Bankruptcy experts from around the country say it will not work. This bill will destroy Chapter 13 as an option for many debtors. If we pass it, I'm convinced that we will be back here trying to fix it once it starts to take its toll on the American people. In the meantime, how many lives will we make harder, how much more heartache are we going to inflict on hard-working Americans?

Mr. President, I will offer an amendment to address another provision of the bill that is bound to inflict heartache on families and children. Section 313 of the bill includes a definition of "household goods." The effect of this definition is to limit the ability of debtors to avoid non-purchase money liens on personal property. I consider the practice engaged in by many finance companies of taking a security interest in personal property that was not purchased with the loan to be highly questionable. The FTC in the early '80s prohibited taking these nonpurchase money security interests in certain household property. But because the list of what constitutes household goods in the FTC regulation is outdated and limited, many finance companies put a lien on every other type of personal property that they can identify. Those liens give them leverage to try to collect on their loans, even if the property is of minimal value. And they have a leg up on getting reaffirmation in bankruptcy if the liens can be enforced.

The Bankruptcy Code of 1978 allows debtors to avoid these liens as long as the property is exempt from foreclosure under the applicable state or federal personal property exemption. But the section 313 definition of household goods would limit the liens that can be avoided to a narrow list of certain goods. The list is based on the FTC regulation from the early 1980s. So essentially, if this provision becomes law, the liens that can be avoided in bankruptcy are mostly the ones that the FTC has already said should be. But anything else that's not on the list can be foreclosed on things like garden equipment, and family heirlooms or paintings of a debtor's parents.

Now remember, the liens we are talking about here are non-purchase money liens, they aren't loans taken out to buy a particular item. There is no evidence that the power to avoid these non-purchase money liens is being abused. It can't be abused, because personal property exemptions are quite limited. No one can shield thousands of dollars of fancy stereo equipment in a bankruptcy. So the definition of household goods in the bill is just a gift to the finance companies who prey on people living at the edge. This bill facilitates these kinds of borderline unethical lending practices. I will have an amendment to substitute for the limited and counterproductive definition in the bill, a broad definition of household goods that many courts are already employing.

I have spoken for quite awhile here about the problems with this bill. In fact, I have probably only scratched the surface. This is an immensely complicated bill about a very technical area of the law. There are provisions in this bill that I would venture to guess that no one in the Senate really understands. We are hearing every day about new problems with this bill, particularly in the business bankruptcy provisions that few people have paid much attention to.

Before I close, I have to mention one provision that was slipped into this bill in the shadow "conference" and remains in it today section 1310 barring enforcement of certain foreign judgments. This provision is an example of lawmaking at its worst. It has nothing to do with bankruptcy law whatsoever. It is a provision designed to assist about 200 to 300 investors in Lloyds of London who lost money in the 1980s. These individuals tried to avoid their responsibilities in the British courts and failed, and they have repeatedly failed to have the judgments against them thrown out by American courts. In fact, eight circuit courts have ruled that these investors' disputes with Lloyds should be settled in British courts. So they have been seeking special treatment from the Congress, and if President Clinton didn't veto the bill last year they would have got it.

This provision is opposed by the State Department that rightfully worries about the impact of a law on international economic transactions that gives the back of the hand to respected foreign courts. It also will make it harder to enforce U.S. court orders in foreign courts. The Organization for International Investment, the National Association of Insurance Commissioners, and the Council of Insurance Agents and Brokers oppose the provision because of their concern over its impact on the international insurance market.

Worst of all, this provision smacks of the kind of special interest giveaway that pervades this bill. But this one is worse because we have had no hearings on this provision, it did not come out of this committee, it did not come out of the Senate or the House, it was just slipped into the bill at the last minute. There is a lot of legislation that I would like to slip into this bill since it does appear that it is on the way to the President's desk. I would like to do something about mandatory arbitration of employment disputes. I would like to require that DNA testing be made available to all inmates on death row. I would like to end racial profiling or pass campaign finance reform. But the interests that support me on these issues don't have an in with the people who are writing this bill. They can't get their pet legislation inserted in this bill in a conference committee. But these investors in Lloyd's did, so they stand to get their way. That's not right. So I may offer an amendment to strike section 1310 and I certainly look forward to seeing it removed from the bill.

It is important to note that if we do our job here and pass some amendments to improve the bill, the fight is not over. Because there is a long record of the conference committees simply ignoring the Senate's work and sending back to us a much worse bill. So I have to say to my colleagues, if you support the bill after the Senate completes its work you must fight to demand that the conference respect the changes that the Senate made. The House has done virtually nothing on this bill. It basically rubber-stamped the conference report from last year. And our rights as Senators to offer and pass amendments are worthless if the conference committee simply returns the bill to the form in which it was introduced.

To conclude, this is the kind of bill where we need to rely on the experts to guide us. And we just haven't done that here. Once again, we have a letter from over 100 law professors, from all across the country. They aren't debtors lawyers, they aren't all Democrats, they don't have an ideological agenda, they just understand the law and care about how it operates. And they plead with us, let me quote from their letter again: "Please don't pass a bill that will hurt vulnerable Americans, including women and children."

This is extraordinary. The experts beg us to listen to them. They don't have a financial interest here. They don't represent debtors. None of them is in danger of declaring bankruptcy. They just hate to see this Congress make such a big mistake in writing the laws. They don't want us to ruin the bankruptcy system, which dates back to the earliest days of our country, by passing a bill that is so unbalanced, so arbitrary and so punitive.

I assure my colleagues that I am not opposed to reform of the bankruptcy laws. I know there are abuses that need to be stopped. I voted for a bill in 1998 that passed this Senate with only a handful of votes in opposition. There are things we can do to improve the bankruptcy system. There are loopholes we can close and abuses we can address. We can do it in a bipartisan way. We can write a balanced bill that the Senate and the country can be proud of. We can rely on the advice of experts as we always have in the past. We didn't do that here. We relied on the credit card industry, which has showered Senators and the political parties with campaign contributions, and it shows.

Before we barrel forward on a fast track to pass this bill just because it is where the process ended last year, we have one more chance to listen to the experts. One last chance to step back from the brink of passing a very bad law, a law that I believe we will come to regret. It is a matter of simple fairness and simple justice.

S. 420 is an unfair bill, Mr. President. The Senate can do better. The Senate must do better, for the sake of hardworking people who need our help.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I listened with great interest to my friend from Wisconsin when he talked about showering money by special interests. Yesterday, he and I voted on a bill on ergonomics where the outfit that most wanted that bill not stripped away was the labor community which, if we take his definition broadly, showered money on everyone here. I don't even accept PAC money. Yet I did not hear anybody stand up yesterday and say the reason we voted for ergonomics was that labor showered money upon this body. I find it somewhat unusual that there is such selective judgment about how money is showered on this body.

I wish the Senator was still here. I am also interested in what he constantly refers to as the arbitrary nature of this bill. It seems to me the definition of arbitrary is whatever the Senator from Wisconsin doesn't like, because such an arbitrary bill as this passed with 70 votes last year, and it has been improved even further than last year. It passed with 306 votes just a couple of days ago over in the House of Representatives. It must mean that two-thirds of the Senate last year—and I realize it has changed by several votes on this side now—and 306 of 435 Members over there are obviously very arbitrary. This bill is supposedly so partisan that it has had broad bipartisan support in both the House and the Senate.

I also point out that, having been involved with President Clinton relative to his veto of the bill last year, the single most important thing the President wanted done through the help of Senator SCHUMER—and, through the leadership of Senator SCHUMER, it was done in this bill—was that he was very concerned about a provision that possibly would allow someone who had violated the so-called FACE—that is, bomb an abortion clinic or do physical damage to the building or to persons working in there—to then come along and declare bankruptcy on the grounds that they should not have to pay the civil judgments against them. That meant a great deal to President Clinton, to me, and to a lot of other people.

That was the primary reason President Clinton vetoed this bill last year. That provision is no longer exempted from this bill. It is part of the bill. One of the nondischargeable debts under bankruptcy in this legislation is for someone who has a judgment against them for violating the rule. That is called the FACE law, relating to intimidating or doing damage to abortion clinics or persons who work in them.

I also find interesting one thing the Senator said. I think he is correct. He pointed out that mothers filing bankruptcy even though their husbands are gone must still count their husbands' income.

That is not what was intended in the bill. I will give you an example. On the section from which the Senator from Wisconsin read, there was a drafting error here in all the provisions save one that I am aware of. It says:

> . . . if the current monthly income of the debtor, or in a joint case the debtor and the debtor's spouse. . . ."

That means that if the debtor is all by herself and has not filed for bankruptcy jointly, then you do not count the husband's income. That was not intended. But there is a section where it is written differently and could be read differently. That is in section (7), on page 17 of the bill.

Section 7, in subsection (2) says:

> . . . if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal less than. . . .

It should read: if the current monthly income of the debtor, or in the case of a joint filing by the debtor and their spouse. . . .

It is my intention, as one of the people who supports this bill, to see that it is changed in the managers' amendment, so it reads as it was intended.

But after that, what I heard added up to an awful lot of—how can I say this—well, I will not characterize it. I do not think it was particularly accurate. So since this is the first time I have spoken to this bill on the floor, let me go into a little more detail. But I am going to go into a great deal of detail on each of these amendments that are about to be offered.

First, the idea of a fresh start is absolutely fundamental to the American way of life. Bankruptcy must remain available for those who really need it. And it does. Let's put in perspective what we are talking about. If you listened to the critics of the bill on the floor, it would sound as if we are eliminating bankruptcy. The only issue at stake here is whether or not someone files bankruptcy in chapter 7 or chapter 13. Right now, I might point out to you, bankruptcy judges are supposed to lay out in chapter 7—chapter 7 is one of those places where you eliminate all your debt. Chapter 13 is where you say: I want to eliminate most of my debt, but I can pay back some of it. I can pay back some small percentage of it. And they set out a schedule to pay back some small percentage of it.

What we are talking about is a situation where someone who files in chapter 7, who is able to pay some of their debt, and should be filing in chapter 13 right now—a bankruptcy judge or a master must, in fact, look at that circumstance and say: This is an abusive filing. He really should be filing in chapter 13. But guess what. There is no uniform standard nationwide. It is left up to every bankruptcy judge to determine what is abusive and what is not abusive.

So what are do we doing here? The essence of what we are doing is laying out the standard at which a bankruptcy judge must look to determine whether or not the filer is abusing the system going into chapter 7 as opposed to chapter 13.

Why are we doing that? We are doing that because a lot of the very people I represent, and that my friend from Wisconsin and others talk about all the time—working-class folks—are getting hurt by the way bankruptcy is abused now. Because what simply happens is, all those debts that they incur—and they never filed bankruptcy before—cost them more money. It costs them more money at Boscov's when they go buy a $100 item because people have declared bankruptcy who could be paying back something. It costs them more money.

The average person in America, the person who really is in a crunch, is hurt the most because interest rates go up, the cost of financing, buying the new bed or refrigerator goes up.

You don't have to just listen to me about this. Unnecessary and abusive bankruptcy costs everyone. The Clinton administration's own Justice Department concluded that our current system costs the economy $3 billion a year. And they made the pursuit and prosecution of bankruptcy abuse a high priority.

This is not an imaginary problem. It is not going away. This week we are taking up a bill that is identical to the conference report that enjoyed strong bipartisan support in the House and the Senate—70 in the Senate and 308 in the House. During the debate, we have already heard from some of my colleagues who claim that they support the general idea of eliminating abuse in bankruptcy, but they oppose the particulars.

Now, again, this costs every single solitary consumer. If you are making $300,000 a year, you don't have to buy your sofa bed on time. If you are making $300,000 a year, you don't have to buy your refrigerator on time. Where I come from—my family—you buy them on time. And it costs them money. It costs them money—a lot more money—because these folks do not write off this debt and say: I didn't get paid. I didn't get paid back for all that was owed me here, so forget it. I will just take it out of my bottom profit line. They say: No. I have to make it up.

So what do they do? They charge my mother and father more money to buy the refrigerator because they can't buy it other than buying it on time.

So I am having it about up to here with how this is hurting so many poor people. I will get to that in just a minute.

During this debate, we have had raised many charges against the legislation. I think it is fair to say that the concerns I have heard so far—and over the last 4 years that we have been dealing with this legislation—I find it fascinating my friend from Wisconsin and others have said that we were going to bring this bill right to the floor. The reason it did not get brought to the floor is yours truly, me. I made it clear they would get none of my support, no one would get my support on this bill if, in fact, it did not go back through the committee system, if it did not go back to the Judiciary Committee, if it did not go through the normal procedure.

As I said, this is the same bill, by and large, with a couple improvements, that passed with 70 votes last year. The biggest charge you hear is this is antiwoman and antichildren who depend on child support, and that it is unfair to low-income families which need the full protection of chapter 7 or straight bankruptcy. I want to briefly address both of these concerns. And I will go into more detail when my colleagues want to come and debate this issue.

First, I want to point out a significant achievement reached in the Judiciary Committee on the question of those who have tried to hide in bankruptcy from the penalties imposed on them for violating the Fair Access to Clinic Entrances Act. Senator SCHUMER, as I mentioned earlier, first brought this issue to our attention. We finally reached an agreement in the committee with this major step forward. The compromise that we put forward is part of the bill that no one—no one—who violates the FACE Act, the Fair Access to Clinic Entrances Act, can, in fact, avoid their responsibility in bankruptcy.

Now as to those specific charges of unfairness. First, there is the claim that the bill will leave women and children who depend on child support worse off than they are today. This is perhaps the easiest charge to refute because the legislation before us today has the endorsement of the National Child Support Enforcement Association. The National Child Support Enforcement Association—they are all the folks in all of our States who sit there behind counters, working for the State, who are trying to collect support payments and child support from deadbeat husbands. These are people on the side of the women and children who need their support payments made to them. They support this bill.

The National District Attorneys Association—and specifically because of the important new protection for women and children who depend on family support payments—and other professionals whose job it is to enforce family support payments every day, from the California Family Support Council to the Corporation Counsel for the City of New York, have endorsed these new protections as well. That is because there are new specific protections for family support payments in this bill.

Let's go through how it currently works. One thing the Senator said is correct: Bankruptcy is a complicated issue. Hopefully, the vast majority of Americans will never have to become acquainted with it.

Under current law, we tell creditors they can't collect debts owed them starting right away, as soon as someone files bankruptcy. Put another way, I go in and file bankruptcy. I owe child support and support payments. I file for bankruptcy. In the vast majority of States, immediately all creditors have to back off, including mom and the kids. That means a woman owed alimony or child support can't collect either.

I am one of the authors of the deadbeat dad legislation to put more pressure on States to go after deadbeat dads. All of a sudden, once somebody files bankruptcy, in most States in

America now, mom is out, the kids are out. Bankruptcy stays the proceeding.

All those hard-working folks in the family court in Delaware trying to see to it that Johnny and Mary and Alice get something to eat and mom gets a support payment, they can do nothing. They have to stand back, instead of bringing that deadbeat dad in and arresting him and garnishing his wages. That is why the national child support agencies support this bill. That is why they want it. It improves the plight of women and children who, by the way, can't wait 1 week, 2 weeks, 3 weeks, 10 weeks, 5 months while the bankruptcy is proceeding, as they have to now.

This bill gives child support and alimony the first and highest priority among any claim able to be made in bankruptcy. Do you know where they are under present law, the law my friend seems to love so much? They rank No. 7, S-E-V-E-N. This bill says you have to be fully paid up on child support and alimony before you can be released from bankruptcy. You have to be fully paid up or you don't get out of anything via bankruptcy. A woman collecting child support or alimony must, under section 219 of this bill, be notified of the full array of family support enforcement rights and available options to her under Federal law, including the kind of wage attachments that will trump every other claim in and out of bankruptcy.

So there is an affirmative requirement under this bill. If a woman did not know she had additional rights, she is required, under this law, if we pass it—and I am confident we will—to be notified by the bankruptcy court: By the way, you have these additional rights, and we will help you attach this deadbeat's wages.

All other parties to bankruptcy, from her spouse's creditors to the court that monitors the bankruptcy plan, are notified that the full force of the Federal support enforcement law is part of the bankruptcy proceeding, which it is not now. Under this bill, the fact that other creditors with perhaps deeper pockets might be looking for repayment from her spouse is an asset, not a liability. Those other creditors must provide her and the support enforcement officials this bill recruits, by the way, to assist her with the last known address of her spouse who owes her the support and payments.

I used to be a family court lawyer. Do you know how it works now? The court can't find where Charlie Smith is. The woman is going into court day after day. Charlie Smith has a job. Everybody knows Charlie Smith has a job, but they can't find him. So Charlie Smith files bankruptcy in another State, another place, another time. What happens now? Nothing. What happens under this bill? The creditors who go in saying, I want to repossess Charlie's car, I am going to take Charlie's house, I am going after Charlie's bank account because he owes me money, have to notify the spouse.

Give me a break. No protections? It doesn't exist in present law.

These are concrete, positive steps from start to finish, and even beyond bankruptcy, to assure that payments are made to those who need them. These are real, tangible improvements over the current bankruptcy and child support laws. My friends who talk so much about child support ought to go practice it as I did. They ought to go back home and check, go sit in that family court and find out how it works right now.

Against them we will hear the vague assertion that those payments will compete with "more powerful creditors." The fact is, in actual practice now, and more certainly under this bill, those payments will be accomplished by wage attachments and could not be reached by any other creditor during or after bankruptcy, no matter how powerful or how devious the creditor is.

I heard a little flip on this. I may hear from my friend from Wisconsin and others: Even though that is true, even though in this bankruptcy proceeding you can go out and attach the wages of this deadbeat father, what is going to happen is the devious creditor will still win. Do you know why? Because the deadbeat father will quit his job to spite payment. Then the creditor that repossesses the automobile or goes after whatever debt he has will be ahead of the mother because bankruptcy is over. Come on. If a father is going to do that, he "ain't" paying anybody anything. Those payments come out of the deadbeat dad's paycheck before he even sees it. He cannot be forced to choose between child support and other debts. He doesn't have the choice. Those payments are made automatically, straight from the employer to the woman and children who need them. Those who claim otherwise are simply ignorant of the way Federal family support law currently operates. Some of them simply misrepresent the way this legislation protects family support payments in bankruptcy.

Next, we have the assertion that this legislation unfairly locks the door of chapter 7—liquidation or so-called straight bankruptcy—for those low-income families that need it the most. Let's get a few things straight about how the current code operates.

Today, bankruptcy judges are required as a matter of Federal law to dismiss petitions for chapter 7—that is straight bankruptcy—for substantial abuse, particularly if the debtor really has the ability to pay his bills. This reform legislation will provide those judges with specific criteria for determining if the debtor can, in fact, pay some of the bills he or she is asking to be forgiven. If the debtor can pay some of those bills, at least $10,000 or 25 percent of those debts—that is the threshold—then asking for chapter 7 is presumed to be an abuse of the system and you get bumped into chapter 13.

I will bet that most Americans would be very surprised that there is no systematic way for asking the basic question about the ability to pay, no actual means test that exists now under the current code, and it is up to every different bankruptcy judge to decide how he or she wants to make that judgment. That is how our sentencing laws used to be until I wrote and we passed the Sentencing Reform Act. Every judge could have a different sentence.

What did we find out there? We found out that black folks who committed the same crime that white folks committed went to jail longer because there was no standard.

We have national sentencing guidelines and other standards that guide the decisions of judges. This bill simply tells judges how they should go about making the decision that current law requires them to make.

But won't that means test disadvantage those of limited means who truly need and deserve to fully get a chapter 7 liquidation?

Look at the facts. First, this bill will affect, at most, 10 percent of the people who currently file under chapter 7, and only those who have a demonstrable ability to pay.

One of the main reasons for that small number—10 percent—is the means test in this bill would not even apply to anyone who earns less than the median income in his or her State, and for those with less than 150 percent of the median income, there is only a cursory calculation on the ability to pay.

Let's go through what that means. Mr. President, in my State of Delaware, a family with a $46,000 income would not even be subject to the means test—you got that?—not even subject to the means test. They are out. They can immediately go to chapter 7, no questions asked, nothing—even if they had the ability to pay.

That is exactly as it is today. In California, a family with a $43,000 income will have the exact same access. In Massachusetts, a family with $44,000 in income will have no change in access to chapter 7; Illinois, $46,000; in Wisconsin, $45,000, no change. That is because this legislation, I might add, at my insistence and that of Senator TORRICELLI, contains a safe harbor for those people. Only if you have more than 1½ times the median income in your State will you be subject to a serious examination about your ability to pay. And even then, if you face what the bill calls "special circumstances," that reduces your income or increases your regular expenses. You will still enjoy the full protection of chapter 7. Specifically—I don't know how many times I have heard this on the floor—if you have ongoing medical expenses, that means you don't have any money left over to pay creditors, you can go straight to chapter 7.

One of the most basic misunderstandings about this bill is that folks with medical bills will have their circumstances ignored, as my friends are saying on the floor here. That is just flat wrong. The standard this bill uses for calculating someone's ability to pay under the means test specifically includes not just medical bills but health insurance, and it even includes union dues.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, there will now be 20 minutes of debate on the Leahy amendment No. 13.

Who yields time?

Mr. BIDEN. Mr. President, nobody is here to yield time. I will be happy to begin the debate on the Leahy amendment. Obviously, I can't yield time from Senator GRASSLEY or Senator LEAHY's time on this point.

Mr. President, parliamentary inquiry: Since nobody is here to debate the Leahy amendment, is it appropriate to be able to proceed on the bill for another few minutes?

The PRESIDING OFFICER. The Senator may ask unanimous consent to do that.

Mr. BIDEN. Mr. President, I have just been told by the majority and minority staff that I can yield myself some time off of Senator HATCH's time on this amendment. I will cease and desist the moment either Senator LEAHY or Senator HATCH comes forward to debate the amendment.

Back to medical expenses.

One of the most basic misunderstandings is that people with medical bills will have that circumstance ignored. Not only are those expenses explicitly allowed but any other expenses that make sense are allowed. That is under the IRS standards. On top of that, the bill allows additional expenses, including medical expenses for everybody from your nondependent children to your grandparents and your grandchildren.

There are no reasonable medical expenses, from contact lenses to cancer therapy, from yours to your wife's to your grandchild's, that would not be counted as a necessary expense in calculating someone's ability to pay.

So much for this idea that these poor people who have these exceedingly high medical expenses—and they really do—will not be able to declare bankruptcy and do straight bankruptcy in chapter 7.

Again, if you are under the median income in your State, you are not even subject to the calculations anyway. So much for the charges that this legislation is unfair to women and children and to those of limited means. It improves protections for those who depend on alimony and child support, and those below the median income are explicitly excluded from the means test. The means test for those who are above the median income permits all forms of medical and other expenses to be considered in calculating the ability to pay.

Next, often cited is the "failure" of this legislation to deal with what is supposedly a major abuse of the current system, the unlimited homestead exemption now permitted in a handful of States.

Let me make this clear. I agree with my friend from Wisconsin that we should have an absolute cap on the homesteading expense. We should not have it like Texas, Florida, and other States that allow the abuse of someone going out and buying a $6 million or $8 million home and then declaring bankruptcy and the home being out of reach of the creditors. That is unfair. I think it should be capped in the $100,000 to $150,000 range nationwide. We tried that. It didn't work. What we did do is this.

Everyone should be outraged at those who thumb their nose and move to Florida or Texas and buy multimillion-dollar homes. As outrageous as these cases might be, this is quite rare. I am afraid those who made the treatment of the homestead exemption the grounds for their rejection of this bill have based their votes on a pretty weak foundation. Here is a GAO report from 1999 in which they found, first, that only 52 percent of bankruptcy cases from a sample in Texas involved a homestead in any way.

Second, only 1.2 percent of those cases involved homesteads—that is homes—of more than $100,000—not a lot of multimillion-dollar homesteaders there, Mr. President. A similar sample from Florida, the other supposedly big offender on this issue, found that .8 percent—less than 1 percent—of the cases with any kind of homestead involved a homestead of more than $100,000—not a lot of multimillion-dollar bankruptcy bungalows there.

Again, Mr. President, as far as I am concerned, a single abuse of the homestead exemption by a filer is one too many. But let's not pretend this bill has turned a blind eye to a major problem. There is not a major problem, but the bill, in fact, does make a major advance over current law.

If I had my choice, it would be a $100,000 cap. If you buy a house within 2 years of filing for bankruptcy, the cap is $100,000, which we have in this bill before us. No change in current law? Well, I will take this bill over current law. Let me explain in more detail what I mean.

Right now, if in fact you go out and buy yourself an $8 million home 2 years before you file bankruptcy, that home is liable to be possessed. Now, if they buy it 2 days before it is exempt—I am talking about .8 percent of all the filers who claimed the homestead exemption in Florida. For example, I know I am going to file for bankruptcy in 2 years, so now I am going to go out and buy an $8 million home. Let me be clear. I think there should be a flat prohibition of hiding assets in homes above 100,000 bucks. Very few have ever done it. It should be changed, but very few have done it, and we have made a significant change among those who may have done it or who are intending to do it.

Finally, I want to say something about a number of other amendments I expect we are going to see in the course of this debate.

The truth in lending legislation is not a bankruptcy law. There is no evidence presented by anyone here that anyone has gone bankrupt or declared bankruptcy because they have been falsely or not honestly lent money. There is no evidence of that. These amendments are not about bankruptcy law; they are about banking law.

I support more disclosure, and they are clearly within the jurisdiction of the Banking Committee, as I am sure Senator GRAMM will tell us, but I know a number of my colleagues have felt it is essential to require, as they say, some balance in bankruptcy reform legislation by demanding more on the part of lenders as we demand more of debtors.

Fair enough. I support the idea. Last session, I offered, along with Senator TORRICELLI and Senator GRASSLEY, an important amendment that required additional disclosure by lenders. That amendment was added on the floor last Congress.

These new disclosures include a strong notice, a warning that making minimum payments will stretch out the time it will take to pay off the loan and that a 1–800 number must be put on there for you to call to find out how long it would take you to pay.

Those disclosures include more information on so-called teaser rates on the envelope that come in the mail every week.

This bill before us contains some improvements, but that is not related to bankruptcy. That is related to banking and truth in lending, which I support more of.

Additionally, there is the assumption that lenders, not borrowers, are responsible for bankruptcy. The key assumption here is that a rational businessman, a lender, especially credit card lenders, seek out those who have no hope of repayment and foist unbearable debt upon them just so they can fight with them in bankruptcy.

I do not follow the argument, but we can see if there is anything to it. Fortunately, the Congressional Research Service, a nonpartisan organization in the U.S. Congress, for the last few years has looked into the issue at my request.

I direct my colleagues' attention to the CRS report on March 19, 1988, entitled "Bankruptcy and Credit Card Debt: Is There a Causal Relationship?" It is not every day we have such a direct response available to a question that is constantly put forward on this floor. This is not industry propaganda. This is not interest group rhetoric. This has nothing to do with campaign contributions, as alleged by my friend from Wisconsin. This is the Congressional Research Service on which we have all come to rely for expert nonpartisan analysis.

The answer to the question is no, credit card debt cannot be shown to be the cause of bankruptcy.

Here is the conclusion of the report:

> The available aggregate data do not show that credit card debt has caused a major shift in U.S. household financial conditions.

Addressing that underlying assumption I spoke of, the report says:

> Is credit card borrowing a trap for the unwary, bringing disorder into the financial houses of an unspecifiable number of atypical families and individuals? Perhaps, but so are medical expenses, divorce, job loss, casino gambling, narcotics, investment scams, and so on. Anecdotal evidence abounds, statistical evidence is scarce.

That was 1998. What has happened since? Last month, I asked the CRS to update its analysis.

Here is the unchanged conclusion—as of February 20—based on the latest data:

> While credit card debt has been the fastest-growing component of household debt, the size of the debt outstanding does not appear to be so great (especially when rising incomes are considered) that it can be held primarily responsible for the steep rise in consumer bankruptcy filings since 1980. At the same time, the claim that credit card companies are creating financial distress by mass-marketing an expensive form of credit to low-income or financially unsophisticated households finds little support . . . .

I know that for some of my colleagues, blaming lenders for bankruptcies is a matter of faith. Unfortunately, it is not a matter of fact.

That is why I will vote against amendments that are properly the jurisdiction of the Banking Committee.

It is not because I think all lenders act responsibly, or that nobody ever got suckered by a credit card company. It is because the best evidence I have to work with tells me that these amendments are not germane to bankruptcy reform.

In closing, I look at the years of debate, hearings, and floor time we have expended on this issue, and I look at the strong, bipartisan majorities that have consistently supported bankruptcy reform throughout this process, and finally, I look at the 70 votes that this very bill—without the Schumer-Hatch language on clinic violence—received in the Senate last year.

Like every bill that has undergone this much debate and consideration, it is the product of compromise. It is not a root-and-branch overhaul of the current bankruptcy code; it makes incremental but important changes in the operation of the current system.

It will affect perhaps 10 percent of those who currently file under chapter 7, and only those who have the demonstrated ability to pay. It adds important new protections for the women and children who depend on child support. It restores, at the margins, some personal responsibility to a system that in recent years has been the subject of abuse.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are considering the Leahy amendment. The Senator from Vermont has 10 minutes.

Mr. LEAHY. I thank the Chair. Mr. President, I hope when the time comes to vote this evening on the Leahy small business amendment that all Senators will vote for it. I have not heard the author of this bill, the chairman of the Judiciary Committee, the majority leader, or anybody else speak in opposition to it. Obviously, they can vote any way they want, but I have yet to hear anybody talk in opposition to it. The time used on the other side was not used in opposition to it.

I hope this is an indication that we will look first and foremost at small businesses, those businesses with under 25 people, to give them parity with the multibillion-dollar corporations.

When we voted last night, many said we were helping small businesses by throwing out the ergonomics rule. While I disagree on that particular rule, I do agree that small businesses should be helped. I grew up in the front of a small business store in Montpelier, VT. We lived in the front of the store. My parents had a small business in the back.

Ninety percent of the businesses in Vermont are small but then many of the businesses nationwide are small businesses. If you define them as 25 employees or less, with 5,541,000 businesses in America, nearly 5 million of them are small businesses.

What I want to do is make sure we protect small business creditors from losing out in the bankruptcy reform process. They ought to be protected.

The way the bill is written now—and I hope this was not intentional—but the way it is written puts large multibillion-dollar credit card companies ahead of hard-working small business people—farmers, ranchers, Main Street mom-and-pop stores. It puts these huge companies ahead of them in collecting outstanding debt from those who file for bankruptcy.

I do not think any one of us intended that. I do not think any one of us actually want to go back home and tell all the farmers, ranchers, and small business people in our States that we put the credit card companies ahead of them.

My amendment gives small business creditors a priority over larger businesses when it comes to distributions of the bankruptcy estate. It provides a small business creditor priority over larger for-profit business creditors.

It does not affect the bill's provisions which give top priority in bankruptcy distributions to child support and alimony payments. We already set certain priorities. We do it for alimony payments. We do it for child support. We ought to do it for our Main Street businesses and our farmers and ranchers. We ought to give them the same kind of leg up over a deep-pocket, multibillion-dollar corporation.

If a large credit card company has John Jones or Mary Smith go into bankruptcy, and they owe them, say, $3,000, and they owe the local feed store $3,000, obviously this $3,000 shows up differently on the bottom line of MasterCard than it does on the bottom line of the Jones Feed and Grain Store. It is a much bigger bite for that small store, and they ought to be given priority.

That is all I am asking for in this. I cannot imagine any small business organization that would not be supportive of this. We should actually be helping small businesses navigate the often complex and confusing bankruptcy process because they are not going to be able to afford a galaxy of lawyers and accountants. The huge companies have these people on retainer because they handle bankruptcy matters all over the place. For the small store, this may be their bottom line for the year. It may be the one bankruptcy they are trying to collect for the year, and they could be out of business as a result. They need priority just to keep pace with big business.

Small business is the backbone of our economy. In fact, I use the same definition of a small business creditor that is already in section 102 of the bill.

All I am saying is same rules, but if you are going to give priority, give the priority not to the multibillion-dollar corporation for whom this $3,000, $4,000, or $5,000 claim is nothing. Give the priority to that small store, that small company on Main Street that may have to really do something. I don't want them to have to get in line behind the huge credit card companies. For them, it may mean the difference between going out of business or not, not the difference between whether it means one one-hundred-thousandth of 1 percent.

Mr. BIDEN. Will the Senator yield?

Would this include an automobile dealer with 20 people that grosses $70 million a year?

Mr. LEAHY. Do we have that many?

Mr. BIDEN. We sure do. Check home. Any automobile dealer that has 20 or more people.

Mr. LEAHY. If we talk about grosses, that would be one that is matching a 20-person unit of a credit card company that would gross several billion dollars.

Mr. BIDEN. I am just asking a question. I hope it does include them. I want to know what you are including. That is all. Would that be included?

Mr. LEAHY. I have used the small business definition that the Senator from Delaware has used in the bill he cosponsored.

Mr. BIDEN. That does mean it would include somebody grossing $100 million, $50 million.

Mr. LEAHY. If you had a car dealer that grossed that amount of money, considering the fact they often make only $100 or $200 on a car, although the cars sell at $30,000 or $40,000. By the same token, the collection unit might be 20 people and they get several billions of dollars.

The bottom line: The percentage of what is going to be the net profits is considerably different.

What this is going to affect—which is why I use the Senator from Delaware and his definition of a small business in the bill—these are the same people, in most likelihood, the mom-and-pop store for whom $3,000 or $4,000 may mean making the mortgage payment.

Mr. BIDEN. Would the Senator set an income level to protect them?

Mr. LEAHY. Are we going to change the definition of small business in the bill that the Senator from Delaware cosponsored?

Mr. BIDEN. To accommodate the Senator, I would be happy to do whatever he would like.

Mr. LEAHY. This is the bill that is presently before the Senate.

Mr. BIDEN. Without an exemption.

Mr. LEAHY. Cosponsored by the Senator from Delaware. I am using his definition.

Mr. BIDEN. But you are using it out of context.

Mr. LEAHY. I think not.

Let me talk about what this does: 5 percent to the small feed and grain store could be the difference for them for the year and whether they make it or don't make it.

Dean Witter said this bill gives just one credit card company alone, MBNA, an increase in net profits of 5 percent. That is $75 million. With most of these small businesses we are talking about, 5 percent is not 5 percent of MBNA.

What we want to do—we carve out a special exemption for credit card companies but leave small business owners fending for themselves—is put the small business owners on at least an equal footing.

The credit card companies say they need an exemption because their debts are typically unsecured. Most of these small businesses are exactly the same.

I yield the floor.

AMENDMENT NO. 14

The PRESIDING OFFICER. Under the previous order, all time having expired, the Leahy amendment is laid aside and there is now 60 minutes of debate evenly divided on the Wellstone amendment No. 14.

Mr. WELLSTONE. Mr. President, I had a chance this afternoon to speak about this amendment at great length and may not need all of my time. I respond to some of the arguments made while I was off the floor. They were not made because I was off the floor; I had to go to markup on an education bill, and another Senator spoke.

Let me take some of the arguments and respond as colleagues sort this out and decide how to vote.

First of all, this amendment provides that no provision of the bankruptcy bill will affect a debtor who files for bankruptcy if the court determines that the debtor filed as a result of overwhelming medical bills, unless the debtor elects to have a particular provision apply.

We are really saying if the goal of this bill is to go after those that have gamed the system—again, I cite the American Bankruptcy Institute's report that, at best, that is 3 percent of the people; there are others who say 10 or 13 percent. Surely in those cases where the court determines that the debtor who files for bankruptcy has filed for bankruptcy because of a major medical bill, we would want to exempt them from the provisions of this legislation. This is somebody who is now going under because of cancer or because of a disabling injury. There, but for the grace of God, go I. These are not people gaming the system.

I also pointed out earlier today—and I think it is important to give this amendment some context—it is unfortunate we are not spending more of our time trying to figure out how to legislate so we can cover the 43 or 44 million people with no insurance, or people who are underinsured, people who go under because of catastrophic expenses.

Sad but true, being able to file for chapter 7 is one of the ways people can rebuild their lives. It is one of the ways people can get back on their feet when they have been knocked down by a major medical bill.

Why is it necessary? The bankruptcy bill purports to target abuses of the bankruptcy code by wealthy scofflaws and deadbeats who, as I said, according to the American Bankruptcy Institute, make up about 3 percent. Yet hundreds of thousands of Americans file bankruptcy every year. They don't file bankruptcy to game the system. They file bankruptcy because of medical bills. That can happen to any of us.

Unfortunately—and I went through these this afternoon—there are at least 15 provisions in S. 420 that make it harder to get a fresh start, regardless of whether the debtor is a scofflaw or a person who must file because they have been made insolvent by medical debt. In the case of those families made insolvent by medical debt, they ought to be exempt from some of the onerous provisions in this bill.

Some of the provisions in the bill include but go beyond the means test. I said this to my colleague from Iowa this afternoon. An analysis in the Wall Street Journal last week said: The bill is full of hassle-creating provisions. Some reasonable, some prone to abuse by aggressive creditors trying to get paid at the expense of others. In a thicket of compromises, Congress risks losing sight of the goal, making sure that most debtors pay their bills, while offering a fresh start to those who honestly can't.

My amendment makes sure we do not deny a fresh start to people who really won't be able to do that with the bill the way it is written. This amendment preserves the fresh start for those debtors who honestly can't because they are drowning in medical debt. That is what this amendment is about.

Let me go through some of the arguments that were made. Is the Wellstone amendment made redundant by the means test in the bill? Absolutely not. Neither the means test nor the safe harbor in the bill applies to the vast majority of new burdens placed on debtors.

I held up the whole bill. The bill is more than just the means test. The bill is this size and the means test is this size.

Under S. 420, debtors will face those hurdles to filing, regardless of the circumstances. Let me give some examples of some of these hurdles. One is the prebankruptcy counseling requirements at the debtor's expense, as if medical debts can be counseled away. Why would you want to say to a family that is being put under by a medical bill, that is going through a living hell, that they have to go through credit counseling and they have to pay for it?

No. 1, they wouldn't be filing for bankruptcy if they weren't at the end of their wits; they wouldn't be filing for bankruptcy if they had a lot of extra change, a lot of extra money. This presumption that they are trying to abuse the system or have been bad managers and need to go through prebankruptcy counseling requirements makes no sense at all. It makes no sense at all when families are being put under because of medical bills.

There are no limits on repeat filers, regardless of personal circumstances. There are changes to existing cramdown provisions in chapter 13 making it more difficult for debtors to keep their car and new tax return filing obligations and new administrative burdens that are expected to raise the cost of filing, even in a simple case, by hundreds of dollars.

The point is, if you are going to try to deal with those people who you think are deadbeats or are gaming the system, for God's sake don't do it for families who are going under because of medical bills and for whom chapter 7 gives them a chance to rebuild their lives.

No. 2, does the Wellstone amendment carve out a serious loophole in the means test? No. The debtor can only get an exemption from this bill if the court finds that the debtor was forced to file because of medical debt. A debtor who has carried some medical debt but filed because he ran up a bunch of credit card bills is not going to meet the standard and he is not going to be protected by this amendment.

I need to make that point again. The debtor can only get the exemption from this bill if the court finds that this family was forced to file for bankruptcy because of medical debt.

Where is the burden of proof? On which side do we want to err? Don't we want to err on the side of making sure, when people have been put under because of medical circumstances, they are able to get a carve-out and go forward and file for chapter 7?

No debtor can get an exemption from this bill unless the court finds that the debtor was forced to file because of medical debt. It is not enough to say, "I had a medical bill," and then you see somebody who has run up all kinds of credit card bills.

Mr. BIDEN. Will the Senator yield? Is he talking about his amendment or the bill?

Mr. WELLSTONE. I am talking about my amendment.

Mr. BIDEN. I thank the Senator.

Mr. WELLSTONE. No. 3, does the Wellstone amendment leave hospitals or medical centers at a disadvantage? No. The amendment doesn't make medical debt a lower priority than other debt. The point is, this doesn't change current law. With this bill, you have auto lenders, you have credit card companies, you have all sorts of people who have a claim. But this particular piece of legislation does not affect the dischargeability or nondischargeability of medical debt at all. This is the same protections that people have right now. We are not changing any current law in terms of whether hospitals are able or not able to get reimbursement.

Can I give a real-world example of how the nonmeans test portion of the bill affects medical debt filing? My colleague from Delaware may want to respond to this Time magazine example about Allen Smith, a resident of Delaware, a State which has no homestead exemption. In other words, he can't shield his home from his creditors.

Ironically, under this bill, wealthy scofflaws can shield multimillion-dollar mansions from their creditors with a little planning. All you have to do is, a couple of years in advance, know you are going to be in trouble. A lot of people with high incomes know that. You hire a lawyer and you are fine.

But Mr. Smith doesn't get that break. As a result, when the tragic medical problems described in the Time magazine article befell his family, he could not file a chapter 7 case without losing his home. Instead, he filed a chapter 13 case, which required substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized, he was unable to make all those payments and his chapter 13 plan failed.

Had Delaware had a reasonable homestead exemption and Mr. Smith been able to simply file a chapter 7 case to eliminate his debts, he might have been able to save his home Mr. Smith's financial deterioration was caused not by his being a spendthrift, not because he was a bad manager of his budget, not because he did anything wrong. His financial deterioration was caused by unavoidable medical problems.

Before he thought about bankruptcy, he went to consumer credit card counseling to try to deal with his debt. However, it appears that he went to consumer credit card counseling just over 180 days before the case was filed and he did not receive a briefing, so the new bill would require him to go again. This would have been very difficult, considering his medical problems. In fact, his attorney made several visits to Mr. Smith and his wife, who was a double amputee.

The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney through new paperwork requirements and a requirement that he attend a credit education course. Such a course would not have done anything to help prevent the medical problems suffered by Mr. Smith and his wife. He did not get into financial trouble through his failure to manage his money. He is 73 years old and he never had any debt problems.

The bill makes no exemptions for people who cannot attend the course that they are supposed to take, this counseling, due to circumstances beyond their control. So Mr. Smith might never have been able to get any relief in bankruptcy under this new bill.

Do we really want to do this to people? Under the new bill, Mr. Smith also would have had to give up his television and VCR to Sears, which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he affirms the debt or retrieved the item. Sears may demand reaffirmation of the entirely $3,000 debt under the bill, and to redeem, Mr. Smith would have to pay the retail value.

After his wife died and the income was gone, Mr. Smith did not have the money to pay these amounts to Sears. Since he is largely homebound, loss of the items would have been devastating.

The point is, Mr. Smith's medical problems continued. Under the current law, if he again amasses medical and other debts he can't pay, he could seek refuge in chapter 13 where he would be required to pay all that he could afford. Under the new bill, Mr. Smith cannot file a chapter 13 case for 5 years. The time for filing chapter 7 has also been increased.

There have been a bunch of reports about this bill. I know the proponents think they have been unfair. We all have our own definition of right and wrong here. ABC had a tough piece last night. Time magazine had a tough piece. The Wall Street Journal was tough. Business Week had a tough piece.

Personally, as I said about 50 times today, every time I talk about money and the credit card industry, I have to be careful because you cannot make the assumption that because you have an industry, a powerful industry that has poured the money into doing the lobbying, it is a one-to-one correlation to people's positions. You can't do that. I refuse to do it. People can do that to anybody here on any issue.

But that is not the point. Institutionally, I have to say this is, unfortunately, a classic example of an industry with a tremendous amount of financial wherewithal, with an all-out lobbying effort, which I think is probably well satisfied with this piece of legislation because, frankly, there is very little in this legislation that calls for any accountability on the part of this industry.

You will have an amendment tomorrow that deals with some of the predator practices and the ways in which they push credit cards on children.

But there is a whole lot in this legislation going way beyond a means test—too many provisions, too many hurdles which are too harsh—which make it really too difficult for a whole lot of ordinary people who haven't abused anybody or any system to be able to file for chapter 7.

That is what I think this debate is about. Of course, the people most hurt are the people with the least amount of clout.

I think if this amendment passes, it makes this a much better bill because I don't disagree with the premise. I think the legislation is way too broad. Unfortunately, I think the legislation has some very far-reaching and far-ranging serious implications in terms of how it affects people's lives.

If we want to go after people gaming the system, let's do it. Why not just say when you have a family filing for bankruptcy because of medical bills that we exempt them from all of these different tests and provisions and hurdles that will make it impossible for them to rebuild their lives? That is what this amendment is about.

I yield the floor.

Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Delaware.

Mr. BIDEN. Mr. President, I appreciate what the Senator is trying to do. It is confusing me a little bit, though—not his intention but the way he phrases it.

He talks about the fact that if someone has a serious medical bill that causes them to move into bankruptcy, which I might add is a real problem, and it is the reason why most people move into bankruptcy, it is not credit cards—you can't have it both ways and stand up on the floor and say the reason people go into bankruptcy is credit card debt. There is no evidence of that. The GAO report doesn't say that. The Congressional Research Service doesn't say that—and then point out, which is accurate, that medical bills cause people to go into bankruptcy in considerable numbers. I do not know the exact number. I don't know whether it is 20 percent, 50 percent, or 70 percent. But it is a lot. I understand what he is saying.

By the way, there is one generic point to which I am sympathetic—that people in fact have real serious medical problems and are forced to liquidate everything they have to pay the medical bills. It is an absolute tragedy. I agree with my friend. That is why I support the national health insurance plan and the need to cover all of those folks.

I also appreciate the fact that he is not engaging in and he never has the idea that because a particular group or group of people support a position, and they have power, that anybody who votes with them is because of the power.

My friend and I voted against the position of the Chamber of Commerce yesterday notwithstanding the fact that labor poured tens of thousands of dollars into the campaigns of Members on this side. And I suspect that labor PACs gave my friend from Wisconsin hundreds of thousands of dollars. They did not give a cent to the Senator from Delaware because I don't take PAC money, and I haven't taken PAC money.

I appreciate the honesty that he is exhibiting, but it confuses me on a couple of points. One, I am from Scranton, PA. That is an area of the country that has been on hard times for a long time. My grandfather Finnigan used to have an expression. He would say: When the fellow in Throop—that was a community south of Scranton—loses his job, it means there is an economic slowdown. When your brother-in-law loses a job, it means there is a recession. When you lose your job, it means there is a depression.

I wonder why we don't include people who lose their jobs and have to declare bankruptcy and can't find employment.

I have a little bit of a problem in terms of singling out one type of that debt that is exempt, but not because it has anything to do with any other industry. I don't know any other industry that cares a whole lot about that. My point is, that is a conceptual problem I am having difficulty getting over.

But the second point I wish to make is that his amendment wouldn't affect what this bill is about. It would affect bankruptcy law tremendously, present bankruptcy law, future bankruptcy law, future bankruptcy changes, and present. It would have a profound impact.

But the reason for this bill is to set a standard on the basis of someone moving from chapter 7 to chapter 13. I remind anybody who is listening to this at home that chapter 7 means if you file in that chapter, all your debts are discharged, and you start brand new. You don't owe anybody anything. You don't try to pay anything off. It is done. Chapter 13 means that the vast majority of your debts are discharged, but you work out a payment plan because you can think you can pay some of it. Most people who chose chapter 13 in the old days chose it to avoid the embarrassment of chapter 7 so they could pay something off in good faith. They had something to pay, but they couldn't pay everybody. They wanted the court to help them figure out how to divvy out what they could pay.

That is what it is about. There is no standard now that a judge uses. There is a generic standard saying substantial abuse. Right now, a bankruptcy court judge or master has to move someone from 7 to 13 if that judge says, look, you are able to pay something so you should be in 13.

My dad always said: Keep your eye on the ball. The ball here is what this is about. This bill is about whether or not there is a standard we are now going to set beyond the broad standard of substantial abuse that says when you must move from chapter 7 into chapter 13 to pay some of your bills.

By the way, you only get moved into that if you have at least $10,000 to distribute after all of your necessities are taken care of, or you are able to pay 25 percent of your debt over 5 years. If you can't meet that standard, you are not in 13 either. You don't get into chapter 13.

Again, keep your eye on the ball. This bill is about whether or not you can pay some of your bills.

Along comes my friend who says—which may be good public policy. I am not disagreeing with the possibility that anybody who declares bankruptcy because of medical bills can discharge those debts outright, period. They are just in chapter 7. They can, in fact, go there.

I point out to my friend about the case in Delaware. The individual filed in chapter 7. He chose to file in chapter 7. He discharged all of his debts. Unfortunately, my State has what I thought the Senator from Minnesota had been saying. You shouldn't have a homestead exemption. My State doesn't. Had he filed 13, he could have kept his home theoretically. He was not required. He filed in chapter 7.

Mr. WELLSTONE. Thirteen.

Mr. BIDEN. Then he would have been able to keep his home in chapter 13. If I am wrong about that, I will correct the record. But in Delaware, under chapter 7, we don't have this way to hide assets in a house. I think you should be able to keep up to $100,000 of the value of your house. But in 13, you get to keep your house as long as you keep your mortgage payments, and you are allowed to have that portion taken out to keep your house just as you can have that portion taken out to pay your medical bills, or pay ongoing expenses that you have—gas for your car to go back and forth to work, et cetera.

That is the case that would not be affected by this legislation. It would not be made better or not be made worse by this will. What would happen is arguably he wouldn't have to go to 13 if he didn't want to because under this bill, the means test in S. 420 establishes a standard. It establishes a standard. And it goes on to point out that in terms of this whole argument about medical bills, which I went into a little while earlier, unless your means test—in my State, by the way, the means test for a family would be $46,000, and you would have to make more than that to even be considered in the means test, but once you are in the means test, then what happens is special circumstances can be counted, whether or not you can still stay in chapter 7 or get bumped to chapter 13. And the special circumstances relate to medical expenses. The medical expenses are your special circumstances.

If you are in a situation where not only do you have medical expenses that you have to meet but you have the medical expenses and other necessary expenses that are not limited to your own medical expenses—for example, the medical expenses you are paying for your mom, the medical expenses you are paying for your adopted child, the medical expenses you are paying for your sister, the medical expenses you are paying for a family member—those get included so you do not get knocked out of chapter 7 under this law. You can count those medical expenses.

So a judge says: OK, look, under the means test, you have this amount of money. You do not make more than $46,000 in Delaware, so you can stay in chapter 7. We are not even going to consider looking at whether or not you have a right to file in chapter 7. And then, by the way, if you are 150 percent above that income, which gets you up to, what, $60,000, or something like that, whatever the exact number is, then you can say: Hey, wait a minute. I have all these medical expenses so I get to stay in chapter 7 anyway.

My confusion is how this amendment relates to this bill. It relates to bankruptcy generally; I acknowledge that. It is a new standard that we are considering, but it does not go to the assertions made by others that people, because of their medical bills, are getting killed with this legislation.

The very example my friend gave already was an example that occurred in Delaware that had nothing to do with this legislation. His medical bills were so high, the poor devil, and his income was so limited, he lost everything. That is tragic. That is why we need national health insurance. But the passage of this bill would not alleviate that problem. So it is kind of a non sequitur. They are not related.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I am trying to respond to some of what my good friend from Delaware has said. It is true that in the example I gave of Allen Smith, he is not affected by the means test. That is my point. There are 200 pages to this bill. I say to my colleague, I went over some of these provisions this afternoon that affect everyone, regardless of income, regardless of whether or not they file for chapter 13 or chapter 7.

Mr. BIDEN. Will the Senator yield?

Mr. WELLSTONE. I will make a couple points, and then I will yield to get the Senator's response.

My point is, why would you want to have these kinds of rules and these kinds of provisions when you have a family being put under because of medical bills?

I am trying to get all my notes together, one by one.

My colleague said, conceptually why not somebody who has lost their job? That could very well be an amendment that I will have on this bill. It is pretty horrible when people lose their jobs. By the way, the next thing they worry about, when they lose their job, is losing their health care coverage. You sort of assume, if somebody loses their job, they can find another job. But what if somebody has been put under because of a medical bill and they themselves are struggling with a disease or a disabling injury? It seems to me this would be the first, if you will, order of exemption.

My colleague says there are sweeping changes to this amendment. That is true. This bill is also cause for sweeping changes. It depends on whether you think the changes are good, whether you think they are the right thing to do or not. That is where we disagree.

Now, it is true—and this is a key point to make—that what I am doing is saying there ought to be some discretion in the system. My colleague talked about the standards. I do not mind having rigorous or even rigid standards, as long as you do not capture the wrong people. But you are capturing the wrong people. The people who pay the price, as I have tried to argue, are people who, again, as determined by the court are filing for bankruptcy because of medical expenses. I think that is about 50 percent of the cases, at least on the basis of what I have seen.

Although, interestingly enough—and I do not want to have a side debate with my colleague on this—although, interestingly enough, in consumer surveys actually people cite credit card companies as the reason they file for bankruptcy before they do for medical expenses.

Mr. BIDEN. Kind of funny. It is wrong, though; isn't it?

Mr. WELLSTONE. To my mind——

Mr. BIDEN. You can't have it both ways.

Mr. WELLSTONE. You can't have it both ways, but it can be interactive. Frankly, there are a number of variables that come into play. I think my colleague from Delaware is right when he talked about job loss. But, I say to the Senator from Delaware—I do not know if he heard my first response, which was that I absolutely understand conceptually what he was saying when he said: Why not job loss? And I said that could very well be another amendment—as awful as that is, the place to start is the medical expenses.

In relation to job loss, we have this going on right now with 1,300 taconite workers. You go up there and talk to people. The next thing they are frightened of is that in 6 months they will lose their health insurance. If they worked there a little longer, they lose it after a year. And do you know what else. And I am going to try—and this one I am hoping to get support on from a lot of Senators—the other thing I am worried about, I say to Senator BIDEN from Delaware, is that the retirees are terrified—and "terrified" is the right word; and too many of them, I would argue, are dealing with cancer—that LTV, the company, is going to file for bankruptcy and they are going to walk away from their health care obligations. That is a huge concern.

Mr. BIDEN. Right. I agree.

Mr. WELLSTONE. But my argument would be that with the medical, it is not just the bills. I am imagining people who have been stricken with illnesses or disabling injuries. So I thought: Look, if there is any group of people—there, but for the grace of God, go I—it applies to them.

Again, I am not arguing that there isn't discretion. Deliberately, we have discretion put in here. I think the rules are too rigid in this bill. I am not arguing that the means test is the issue. In fact, I said this afternoon—and I say tonight—there are a whole bunch of other provisions—I outlined 12, or 13, or 14 provisions—that I think make it difficult for people to rebuild their lives.

That is the point I am making. I do not see why we can't have an exemption. I think it would make the bill a much better bill, and it would accomplish the goal you are trying to accomplish, which is to not let folks game it. But for the families I am talking about, they are not gaming it.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I yield some of my time. I yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. That is very generous of the Senator.

I would like to make three points, and I will try to make them quickly.

One, the point of the Senator's amendment is—and I agree with the thrust of it because there should be no discretion—no discretion—if, in fact, you are bankrupt because of medical bills, then you automatically are out, period. It is done. You do not owe anybody anything; finished, over, done, period. I understand that. And I sympathize with that.

I do not want anybody to mix apples and oranges unintentionally or in listening to this debate. What would be implied from this debate or assumed from this debate is somehow, by the passage of this bill, people with medical bills will be put at a greater disadvantage than they are under the present system. That is not true.

In the broader question of whether or not bankruptcy law—period—should be for people who have no ability to pay their bills because they have medical bills, or have no ability to pay their bills because of the loss of their job, or have no ability to pay their bills because they are deemed to be incompetent, even though they have an estate that exists out there—they are all different things that have nothing to do with the question of whether or not this legislation should pass or should fail. Based on the argument my friend from Wisconsin is making, we should eliminate the bankruptcy law that exists now. We should have no bankruptcy law because this does not exist in the present bankruptcy law.

It doesn't exist in present bankruptcy law. Let's not get confused. If the Senator wishes to make the argument that this is an important exemption that should be written into bankruptcy law as it exists or as it is amended, I understand that; I empathize with it. But if it is to make the case that people with severe medical bills are more disadvantaged under the changes we are proposing than the law that exists now, I don't buy that argument.

I will conclude by saying the only reason I spoke to the question of and agreed with the Senator that I think at least 50 percent of all bankruptcies are filed because of medical bills—at least 50 percent—if that is true, then my friend from Illinois and my other friend from Wisconsin and my friend from

Massachusetts are dead wrong when they say the majority of bankruptcies are filed because of credit cards. That means that that can't be true.

Let's just look. I "ain't" slow; I did pretty well in math. It is really simple. With fifty percent of 100 percent based upon the fact that you have too many medical bills and you are required to go bankrupt, that means that all other bankruptcies, for whatever reason, amount to 50 percent, which means that credit card bankruptcies must be less than 49 percent—at least less than 49 percent.

According to the study we have gotten, there is no evidence that they have contributed at all to the increase in bankruptcy.

I might add, I am anxious to debate the predatory practice of sending the kids the credit card and all that stuff. With the limits they put on the credit card, those limits that you get when you get that credit card at the front end, these people that can't pay that back are so few that they are not even in the game of declaring bankruptcy. They are not even in the game. The college student who gets a credit card and blows it up and spends $1,000 on the credit card, they don't declare bankruptcy because of a $1,000 debt they don't pay. That is malarkey.

They declare bankruptcy because they run up tens of thousands of dollars in loans to go to college. That is why you should support the Schumer-Biden amendment to make sure that people can deduct the cost of college from their taxes. That is why we should provide for health care for all Americans so we don't have them declaring bankruptcy because of this.

Bankruptcies increase in direct proportion to people losing their health insurance—in direct proportion. Senator KENNEDY stands on the floor—and no one knows more about it than he—and points out that fewer and fewer people have health care coverage since we started this debate on health care because my friends on the other side of the aisle are reluctant to provide for health care for people.

I just want a little truth in advertising here; that is all. It is OK, beat up on the credit card companies, don't like them. Beat up on the big companies, don't like them. This is an ironic position for me to be in after 28 years in the Senate. No one has ever accused me of being a friend of the banking industry. I have been around for a long time. Let's get it straight; you can't have it all ways here.

My friend comes to talk about the predatory practices. There are predatory practices, I acknowledge that. But are they the reason bankruptcies are increasing? Maybe. I see no evidence of it. No one has shown any evidence of that. The only report that was done indicates the opposite. If 50 percent related to health care, then obviously it isn't because of any particular industry.

I thank my colleague for his generosity.

I ask my friend from Iowa—he was not on the floor—I am defending his position. The Senator from Minnesota yielded me 5 minutes of his time. If he needs time, I hope the Senator will lend him the 5 minutes he would have lent me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 13

Mr. GRASSLEY. Mr. President, I believe we can accommodate the Senator from Delaware and the Senator from Minnesota. We have 20 minutes remaining. I will yield myself 5 minutes. Then it is my understanding that Senator HATCH needs some time to respond to the Senator from Minnesota. I will take my time to address an amendment that we are going to be voting on when we vote on two amendments in just a few minutes. That amendment is the amendment by the Senator from Vermont, Mr. LEAHY.

The amendment would allow small businesses to be given special treatment as compared to other businesses. When the words "small business" are used around the U.S. Congress, everybody looks up because we know that small business is the engine of advancement in America, creating the new jobs.

I have to say that albeit his amendment may be well intended because we want small businesses to succeed—and I would be the first one to say that—Senator LEAHY's amendment would be detrimental to this bill and also to many small businesses as well as those he says he is trying to help.

I will explain to the Senate now why I believe his amendment is intended to help small businesses of some very small size and help other businesses that are just a little larger but still very much a small business.

He would do this by creating three categories of unsecured creditors in chapter 7, chapter 12, and chapter 13 proceedings under our bankruptcy code. Priority creditors would be paid first, then small business creditors, and then general business creditors that are not small business creditors are the last in line. I will repeat that. It would give priority creditors the option of being paid first, then small business creditors, and then general business creditors that are not small business creditors are the last in line.

This idea is different from the way bankruptcy has been treated historically where we have only given special treatment to creditors with extraordinary circumstances. What I mean to say is that we have created a priority status for those who have compelling reasons to go first, such as child support, which has dominated this debate on bankruptcy reform for 3 years now. After child support, people who might be killed by drunk drivers is an example, or the importance of high priority for back pay and wages. If you don't have a compelling reason such as these categories I have just listed, then creditors otherwise are given equal treatment.

I have to conclude that this is an antibusiness amendment. It would, for instance, require a law firm or a payday loan shark of five members to be paid before an auto repair shop with 30 employees. Also, the amendment could have an unintended result, such as larger businesses being deterred from offering credit to people who may really need it. Further, this issue has not been examined at all. We don't know for sure what the implications are.

I hope my colleagues will oppose this amendment. Do not be sucked into voting for it because it has a title of small business, because it has small business of a certain category but it hurts small businesses generally.

I yield the floor and yield whatever time Senator HATCH might consume.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 14

Mr. HATCH. Mr. President, I thank my colleague. I appreciate all the work he has done on this bill through the years and here today as well. He and I have walked arm in arm on this bill for a long time.

We have tried to accommodate our friends on the other side in innumerable ways. We have accommodated them. It seems as if we can never quite satisfy some on the other side. I am not finding fault with them; they are very sincere on these amendments, but there is no way we could go with some of the amendments that have been offered.

I am going to talk about the amendment of the distinguished Senator from Minnesota, excepting those with high medical expenses from all provisions of this reform legislation.

The effect of that amendment: If a debtor can demonstrate "the reason for filing was a result of debts incurred through medical expenses," the debtor is exempt from every provision of S. 420, except those they might elect to have covered.

I can imagine that is not going to be much of an election. The amendment would create a major loophole, if we were to accept or vote up the Wellstone amendment. S. 420 already allows all medical expenses to be deducted in determining the ability to pay.

If for some reason a debtor could not deduct them under the IRS guidelines, the debtor can demonstrate that there are "special" circumstances. So the only people this amendment would help are well-off people who have the ability to pay but also suffered medical problems.

The amendment unwisely creates two classes of debtors. One class must use the bankruptcy bill as S. 420 would amend it, and another class can use bankruptcy law as it exists today or pick and choose what provisions of this new law apply to it.

To allow some group of citizens, no matter how unfortunate, to pick and choose what parts of the law will apply to them is absolutely unprecedented. But that is what the amendment of the Senator from Minnesota would do. It would allow debtors to evade the child support, alimony, and marital property settlement provisions of this bill that help women and children. The debtor who owed child support could evade his basic responsibilities to pay child support by fitting under the loophole created by this Wellstone amendment.

I have worked long and hard to solve these problems. I have to tell you, I think we have them solved, to a large degree, in this bill. I think people on both sides of the aisle are appreciative we have worked so hard for women and children.

The Wellstone amendment would allow debtors to evade the homestead exemption caps imposed by this bill. His amendment is unworkable. Creditors would not know if they had to make the truth in lending disclosures this bill imposes on them until after the debtor filed for bankruptcy. Yet the disclosures must be given in credit card solicitations and on monthly statements.

The amendment would have the strange effect of apparently exempting creditors from complying with consumer protections in this bill, such as the reaffirmation reforms that we have here, such as the restrictions on creditors who fail to credit plan payments properly, such as the privacy protections, and so forth.

So I hope my colleagues will recognize this amendment for what it is. It is an amendment that will not work. It is not fair. It would benefit only those who could afford to pay their medical bills, and it would not do anything for others. It would allow a loophole so people could pick and choose in legislation that we ought to all be subjected to or have to comply with, or that we ought to all benefit from, depending upon the use of the particular bill because all of those factors are part of it.

I hope our colleagues will vote against this amendment. It is an unwise amendment. It would devastate this bill in many respects, and it would not accomplish what the distinguished Senator would want to accomplish because I know his goal is to help those who are unfortunate. That is our goal, too. That is why we have special circumstances in this bill, to help those who are unfortunate, who should not have to comply with some of the aspects of the bill. His amendment basically helps those who should not be helped, who ought to be able to pay for their own expenses, and who can pay for them.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I wonder whether my colleague—I think I have 2 minutes—will grant me 2 minutes. I won't need more than 4 minutes.

Mr. GRASSLEY. Yes.

Mr. WELLSTONE. Mr. President, I tried to respond to what colleagues have said. I want to respond to one point my friend from Utah made. The question is whether the amendment carves out a serious loophole in the means test. The answer is no.

The debtor can only get an exemption from this bill if the court finds that the debtor was forced to file because of medical debt. Again, I say to my colleague, I don't have any problem with rigorous standards, or even rigid standards, as long as you don't capture the wrong people. This legislation captures the wrong people. There ought to be some discretion in the system that says, yes, go after those people who are gaming the system—although I think we have very different views about what percentage they are. But for God's sake, when it is a family being put under, through no fault of their own, because of a major medical illness or injury and, therefore, medical bills, and the court finds that indeed the debtor was forced to file because of a major medical bill, that is where I would argue we ought to have an exemption for these families from any number of the different provisions in this bill that are meant to deal with people involved in gaming the system, which will make it so difficult.

I have listed a lot of these provisions all day. Why would we not, if the purported purpose of this legislation, I say to two good Senators, is to go after people who are gaming the system, to go after some of the abuses, why would we not want to have this very simple exception for people who are filing for bankruptcy because of major medical expenses? That is all this does, as determined by the court.

I yield the remainder of my time.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I listened to our distinguished colleague from Minnesota. I have to say this bill takes care of people who cannot afford to pay their medical expenses. His amendment would allow those who can afford to pay for them a loophole to get out of paying for them.

The poor really are taken care of in this bill because of the means test we have provided. But the wealthy, even though they have a tremendous capacity to earn money in the future, would be able to get out of all of the provisions of this bill under his amendment if they have medical expenses they can't afford to pay for at that particular time, but they clearly have the ability to pay for it in the future.

This bill is to try to stop that kind of abuse. That is why I cannot support the amendment of the Senator. I know he is trying to do what is right. As a practicality, under bankruptcy law, it would be one of the worst things you could put in this bill. So this is a harmful and unnecessary amendment that would undermine the important reforms in the bankruptcy bill.

Under this amendment, all the debtor who is fully able to repay his debts would have to do to get out of repaying them is to show he filed for bankruptcy because of medical expenses—somebody fully capable of paying his or her bills. S. 420 already allows for unlimited medical expenses to be deducted in determining the ability to pay, and its means test only applies to those who have income above the national median income and have the ability to pay at least 25 percent of their debts over 5 years.

So the amendment of the distinguished Senator is ill-advised. It would be a travesty as part of this particular bill, where we are trying to solve problems and trying to get those who can pay to live up to the responsibilities and not use the bankruptcy laws as a methodology of getting out from under debts they are capable of paying.

I hope our colleagues will vote against this amendment.

Mr. GRASSLEY. How much time remains, Mr. President?

The PRESIDING OFFICER. Five minutes. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Minnesota has been building a Potemkin village against this bill over a period of 3 years. We have dealt with many of the houses and buildings that have been put up. First, it was child support. That has quieted down. Then it was the unemployed. That has quieted down. Then it was those who were in a divorce with special problems. That has quieted down.

We have destroyed almost every one of these homes in your village except this one of medical expenses, and it keeps coming up. It started last spring when the Time magazine story came out about how this bill was so unfair to certain families in America.

I assure the Senator that every one of those families mentioned in that story would have been able to take bankruptcy even if our bill were law. Most of those are people who had medical expenses.

This paper house of medical expenses comes up again. I have said so many times in this debate, not just this year but last year, that we allow under this bill 100 percent of the medical expenses to be deducted in determining whether somebody can file under chapter 7 and have the ability to pay. If 100 percent of expenses are not enough, will 101 percent or 102 percent or 110 percent satisfy the Senator? I would almost be willing to give it to the Senator.

I know the Senator says he has to have his amendment or we go through a certain procedure. What does the Senator from Minnesota think the whole process of bankruptcy is about? If we did not have that process, everybody would be gaming the system. We have people gaming the system now.

I just read a story put out by the credit union people about somebody from the Senator's State who had made it very clear why he was going into bankruptcy, and he spent the next 3 months traveling through the South after he retired.

What we are trying to do is bit by bit destroy these faults, these structures built against this bill, and I think we have destroyed them all. I hope this vote on the amendment of the Senator from Minnesota will put this issue of medical expenses to rest once and for all.

The very same people the Senator wants to make sure get a fresh start, I want to make sure get a fresh start, and they are going to be able to do it under our bill. They do not need the amendment of the Senator from Minnesota to do it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, do we have the yeas and nays on both amendments?

The PRESIDING OFFICER. The yeas and nays have only been ordered on the Leahy amendment.

Mr. HATCH. I ask for the yeas and nays on the Wellstone amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 14. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—34

Akaka
Baucus
Bayh
Boxer
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—65

Allard
Allen
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Reid
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

ANSWERED "PRESENT"—1

Fitzgerald

The amendment (No. 14) was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on the Leahy amendment.

Who yields time?

Mr. LEAHY. Mr. President, last week the distinguished majority leader said we needed to pass this bill to help small business creditors in bankruptcy. I agree with him. Tonight we can take a bipartisan step to do just that.

This amendment provides small business creditors with the priority distribution from the bankruptcy estate. They make up 90 percent of the businesses in our country. These are the mom-and-pop stores across the country—the feedstores, the small ranchers, and the small farmers. They are the backbone of our economy.

We are already giving different preferences in this bill. All I am saying is that if you have to have the first preference to a multibillion-dollar credit card company, or the stores on your main street of your hometown, when you list those preferences, give the stores the first preferences. It doesn't let any debtors off their debt, but it helps the small businesses of America.

Mr. HATCH. Mr. President, this amendment would discriminate against any business with more than 25 employees with regard to their ability to collect debts in bankruptcy. Instead of allowing the bankruptcy process to proceed fairly, this amendment would prevent businesses with more than 25 employees from being paid a single penny until smaller businesses were paid in full. It is an improper way to proceed in bankruptcy. We should not discriminate against anybody and let the process takes its course.

I hope our colleagues will vote against this amendment.

I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—58

Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—41

Akaka
Baucus
Boxer
Breaux
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that there be printed in the RECORD the rules of the Committee on Energy and Natural Resources.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing, other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of all the Members of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee of the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include a legislative measure, nomination, or other matter on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have this position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the term "investigation" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at that hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask unanimous consent that the rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, and writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and my be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. Notice.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6. Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair.

8.7. Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10. Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons who appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules. Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2nd Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, and illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status: and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee..

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

94TH, CONGRESS, 2D SESSION

S. RES. 400

[Report No. 94–675]

[Report No. 94–770]

IN THE SENATE OF THE UNITED STATES

MARCH 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations.

MAY 19, 1976—CONSIDERED, AMENDED, AND AGREED TO

Resolution to establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report, from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed to in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) the select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) it is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B

94TH CONGRESS, 1ST SESSION

S. RES. 9

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1975

Mr. Chiles (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration

Resolution amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is ruired to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.".

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On March 7, 2001, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with standing rule XXVI, today I ask unanimous consent to print in the RECORD the rules of the Senate Committee on Indian Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). the Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

ADDITIONAL STATEMENTS

TRIBUTE TO ISRAEL BROOKS

• **Mr. HOLLINGS.** Mr. President, for the past 33 years, Israel Brooks has done all citizens of South Carolina a great favor by working in law enforcement. That is why it is with a degree of sadness that I note his departure from the post of U.S. Marshal for South Carolina after seven years of service. Israel Brooks' career is a testament to the caliber of leadership that his colleagues have learned to expect from him. A native of Newberry, SC, he served for four years in the U.S. Marine Corps where he rose to the rank of sergeant and platoon leader. Then, in 1967, he became South Carolina's first African-American highway patrolman. After a five-year stint as an instructor at the South Carolina Criminal Justice Academy, he continued to climb the ranks of the highway patrol, serving as Major for four years until taking the marshal's post in 1994.

Recently, Marshal Brooks was honored here in Washington for his lifelong commitment to fostering equal opportunities in the workplace as a recipient of the Equal Employment Opportunity Award. He is most deserving of this and the many other accolades that he has received throughout his distinguished career. I am confident that Israel Brooks is one of the finest law enforcement officers in the modern history of South Carolina and my staff and I will miss working with him.•

MESSAGE FROM THE HOUSE

At 2:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 724. An act to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), the Minority Leader appoints the following individuals to the China Security Commission: George Becker of Pittsburgh, Pennsylvania; Kenneth Lewis of Portland, Oregon; and Michael Wessel of Falls Church, Virginia.

The message further announced that pursuant to section 202(b)(3) of the Goals 2000: Educate America Act (20 U.S.C. 5822), the Minority Leader appoints the following Member of the House of Representatives to the National Education Goals Panel: Mr. GEORGE MILLER of California.

The message also announced that pursuant to 10 U.S.C. 9355(a), the Speaker appoint the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. YOUNG of Florida and Mr. HEFLEY.

The message further announced that pursuant to 14 U.S.C. 194(a), the Speaker appoint the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. SIMMONS.

The message also announced that pursuant to 10 U.S.C. 6968(a), the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. SKEEN and Mr. GILCHREST.

The message further announced that pursuant to 10 U.S.C. 4335(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. TAYLOR of the North Carolina and Mrs. KELLY.

The message also announced that pursuant to 46 U.S.C. 1295(h), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. KING.

The message further announced that pursuant to 320(b)(2) of Public Law 106–291, the Speaker appoints the following Members on the part of the House of Representatives to the Advisory Committee on Forest Counties Payment: Mr. ROBERT E. DOUGLAS of California and Mr. MARK EVANS of Texas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 724. An act to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–914. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Shareholders" (RIN3052–AB94) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–915. A communication from the Acting Administrator of the Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Watermelon Research and Promotion Plan" (Docket No. FV–703–FR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–916. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Change in Size Designation" (Docket No. FV00–966–1FIR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–917. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations" (Docket No. FV00–956–1FIR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–918. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" (Docket No. FV01–932–1IFR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–919. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 2000—2001 Marketing Year" (Docket No. FV01–982–1IFR) received on March 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–920. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report relating to programmatic, managerial, and financial activities for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–921. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–603, "Title 25, D.C. Code Enactment and Related Amendments Act of 2001"; to the Committee on Governmental Affairs.

EC–922. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–923. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, a report concerning the termination of the identity of Serbia as a violator of religious freedom; to the Committee on Foreign Relations.

EC–924. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–925. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the international narcotics control strategy for Fiscal Year 2001; to the Committee on Foreign Relations.

EC–926. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report related to the adherence to and compliance with arms control agreements for the year 1999; to the Committee on Foreign Relations.

EC–927. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, the annual report concerning medicare payment policy for the year 2001; to the Committee on Finance.

EC–928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January–March 2001 Bond Factor Amounts" (Rev. Rul. 2001–10) received on March 5, 2001; to the Committee on Finance.

EC–929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: IRC 807 Basis Adjustment—Change in Basis v. Correction of Error" (UIL807.05–01) received on March 6, 2001; to the Committee on Finance.

EC–930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Qualified Retirement Plan Hybrid Arrangement" (UIL125.05–00) received on March 6, 2001; to the Committee on Finance.

EC–931. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report concerning the Drinking Water Infrastructure Needs Survey; to the Committee on Environment and Public Works.

EC–932. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of rule entitled "List of Approved Spent Fuel Storage Casks: VSC–24 Revision, Amendment 3" (RIN3150–AG70) received on March 6, 2001; to the Committee on Environment and Public Works.

EC–933. A communication from the Associate Division Chief, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Order" (Docket No. 94–129) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–934. A communication from the Associate Division Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Third Report and Order and Second Order on Reconsideration" (Docket No. 94–129) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–935. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 7.3202(b), Table of Allotments, FM Broadcast Stations (Aspen, Colorado)" (Docket No. 00–215) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–936. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Herver, Snowflake, Overgaard, Taylor, Arizona)" (Docket No. 00–189, 00–190, 00–91, 00–192) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–937. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations. (Burke, South Dakota; Marietta, Mississippi; Lake City, Colorado, Glenville, West Virginia; Pigeon Forge, Tennessee; and Licolnton, Georgia)" (Docket No. 00–16, 00–146, 00–147; 00–212, 00–213, 00–214) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–938. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Window Rock, Arizona)" (Docket No. 00–237) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–939. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wells and Woodville, Texas)" (Docket No. 00–171) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–940. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Rapid City, South Dakota)" (Docket No. 00–177) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–941. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Sioux Falls, South Dakota)" (Docket No. 00–200) received on March 6, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Indian Affairs, without amendment:

S. Res. 46: An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

From the Select Committee on Intelligence, without amendment:

S. Res. 47: An original resolution authorizing expenditures by the Select Committee on Intelligence.

From the Committee on Energy and Natural Resources, without amendment:

S. Res. 49: An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mrs. Lincoln, Mr. Murkowski, Ms. Landrieu, Mr. Craig, Mr. Kyl, Mr. Crapo, Mr. Graham, Mr. Thompson, Mr. Voinovich, Mr. Hagel, and Mr. Inhofe):

S. 472. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

By Mr. CRAPO:

S. 473. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 474. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 475. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. Kennedy, Mrs. Murray, Mr. Leahy, Ms. Mikulski, Mr. Reed, Mr. Schumer, and Mr. Corzine):

S. 476. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Teacher Corps and principal recruitment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 477. A bill to amend the Internal Revenue Code of 1986 to exclude national service educational awards from the recipient's gross income; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. Kennedy, and Mr. Bingaman):

S. 478. A bill to establish and expand programs relating to engineering, science, technology and mathematics education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 479. A bill to establish a grant program administered by the Federal Election Commission for the purpose of assisting States to upgrade voting systems to use more advanced and accurate voting devices and to enhance participation by military personnel in national elections; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. Hutchinson, Mr. Hatch, Mr. Voinovich, Mr. Brownback, Mr. Ensign, Mr. Enzi, Mr. Hagel, Mr. Helms, Mr. Inhofe, Mr. Nickles, and Mr. Santorum):

S. 480. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. Corzine):

S. 481. A bill to amend the Internal Revenue Code of 1986 to provide for a 10-percent income tax rate bracket, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 482. A bill to amend the Appalachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 483. A bill to amend title 49, United States Code, to improve the disclosure of information to airline passengers and the enforceability of airline passengers and the enforceability of airline passengers' rights under airline customer service agreements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. Rockefeller, Mr. DeWine, Mr. Dodd, Ms. Collins, Mrs. Lincoln, and Mr. Breaux):

S. 484. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. McCain):

S. 485. A bill to amend Federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. Smith of Oregon, Ms. Collins, Mr. Levin, Mr. Feingold, Mr. Jeffords, Mr. Kennedy, Mr. Chafee, Mr. Akaka, Ms. Mikulski, Mr. Dodd, Mr. Lieberman, Mr. Torricelli, Mr. Wellstone, Mrs. Boxer, and Mr. Corzine):

S. 486. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. Leahy):

S. 487. A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. BAYH, Mr. CHAFEE, Ms. LANDRIEU, Ms. COLLINS, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mr. SPECTER, Mr. CARPER, and Ms. STABENOW):

S. Con. Res. 21. A concurrent resolution to express the sense of Congress regarding the use of a legislative "trigger" or "safety" mechanism to link long-term Federal budget surplus reductions with actual budgetary outcomes; to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. WARNER (for himself, Mr. ALLEN, Mr. GRAHAM, and Mr. NELSON of Florida):

S. Con. Res. 22. A concurrent resolution honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia; to the Committee on Armed Services.

By Mr. BOND (for himself and Mr. LEAHY):

S. Res. 45. A resolution honoring the men and women who serve this country in the National Guard and expressing condolences of the United States Senate to family and friends of the 21 National Guardsmen who perished in the crash on March 3, 2001; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. Res. 46. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. SHELBY:

S. Res. 47. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. DAYTON (for himself and Mr. WELLSTONE):

S. Res. 48. A resolution honoring the life of former Governor of Minnesota Harold E. Stassen, and expressing deepest condolences of the Senate to his family on his death, considered and agreed to.

By Mr. MURKOWSKI:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 41

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 70

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 198

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 234

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 297

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 297, a bill to put teachers first by providing grants for master teacher programs.

S. 300

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 300, a bill to amend the Higher Education Act of 1965 to provide for an increase in the amount of student loans that are eligible for forgiveness in exchange for the service of the individual as a teacher.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 323

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 323, a bill to amend the Elementary and Secondary Education Act of 1965 to establish scholarships for inviting new scholars to participate in renewing education, and mentor teacher programs.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 381

At the request of Mr. ALLARD, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 388

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 393

At the request of Mr. FRIST, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 435

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 435, a bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes.

S. 465

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as "National Safe Place Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. MURKOWSKI, Ms. LANDRIEU, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GRAHAM, Mr. THOMPSON, Mr. VOINOVICH, Mr. HAGEL, and Mr. INHOFE):

S. 472. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I joined with Senator MURKOWSKI last week when he introduced the National Energy Strategy Act. His Bill addresses the broad range of issues that must underpin a credible approach to our nation's energy needs. It had key provisions for each major source of energy, including nuclear energy.

I rise today to introduce the Nuclear Energy Electricity Assurance Act of 2001, which expands and builds on the National Energy Strategy in the specific area of nuclear energy. It provides a comprehensive framework for insuring that nuclear energy remains a strong option to meet our future needs. It accomplishes for nuclear energy what Senator BYRD's National Electricity and Environmental Technology Act does for clean coal technologies, which I also support.

There is no single "silver bullet" that will address our nation's thirst for clean, reliable, reasonably priced, energy sources. That's why the National Energy Strategy Act carefully reinforced the importance of many energy options. Energy is far too important to our economic and military strength to rely on any small subset of the available options.

Both nuclear energy and coal are now major producers of our electricity. In fact, between them they provide over 70 percent. In both cases, their continued use presents significant risks They illustrate a fundamental point, that absolutely every source of energy presents both benefits and risks. It's our responsibility to ensure that citizens are presented with accurate information on benefits and risks, information that is free from any political biases. And where risk areas are noted, it's our responsibility to devise programs that mitigate or avoid the risks. Senator BYRD's bill does this for coal technology, my bill does this for nuclear energy.

Nuclear energy now provides about 22 percent of our electricity from 103 nuclear reactors. The operating costs of nuclear energy are among the lowest of any source. The Utility Data Institute recently reported production costs for nuclear at 1.83 cents per kw-hr, with coal at 2.08 cents per kw-hr.

Through careful optimization of operating efficiencies, the output of nuclear plants has risen dramatically since the 1980's; nuclear plants operated with an amazing 87 percent capacity factor in 2000. Since 1990, with no new nuclear plants, the output of our plants has still increased by over 20 percent. That's equivalent to gaining the output of about 20 new nuclear plants without building any.

Safety has been a vital focus, as evidenced by a constant decrease in the number of emergency shutdowns, or "scrams," in our domestic plants. In 1985, there were 2.4 scrams per reactor, last year there were just 0.03. While some use the Three Mile Island accident to highlight their concerns the fact remains that our safety systems worked at Three Mile Island and no members of the public were harmed.

Another example of the exemplary safety of nuclear reactors, when properly designed and managed, lies with our nuclear navy. They now operate about 90 nuclear powered ships, and over the years, they've operated about 250 reactors in all. In that time, they've accumulated 5,400 reactor-years of operation, over twice the number of reactor-years in our civilian sector. In all that time, they have never had a significant incident with their reactors. They are welcomed into over 150 major foreign ports in over 50 countries.

Interest in our nuclear plants is increasing along with dramatically increased confidence in their ability to contribute to our energy needs. Interest in re-licensing plants, to extend their lifetime beyond the originally planned 40 years, has greatly expanded. The NRC has now approved re-licensing for 5 reactors, and over 30 other reactors have begun the renewal process. Industry experts now expect virtually all operating plants to apply for license extension.

Nuclear energy is essentially emission free. We avoided the emission of 167 million tons of carbon last year or more than 2 billion tons since the 1970's. In 1999, nuclear power plants provided about half of the total carbon reductions achieved by U.S. industry under the federal voluntary reporting program. The inescapable fact is that nuclear energy is making an immense contribution to the environmental health of our nation.

But unfortunately, when it comes to nuclear energy, we're living on our past global leadership. Most of the technologies that drive the world's nuclear energy systems originated here. Much of our early leadership derived from our requirements for a nuclear navy; that work enabled many of the civilian aspects of nuclear power.

Our reactor designs are found around the world. The reprocessing technology used in some countries originated here. The fuel designs in use around the world largely were developed here. This nation provided the global leadership to start the age of nuclear energy.

Now, our leadership is seriously at risk. No nuclear plant has been ordered in the United States in over 20 years. To some extent, this was driven by decreases in energy demand following the early oil price shocks and from public fears about Three Mile Island and Chernobyl. But we also have allowed complex environmental reviews and regulatory stalemates to extend approval and construction times and to seriously undercut prospects for any additional plants.

As a nation, we cannot afford to lose the nuclear energy option until we are ready to specify with confidence how we are going to replace 22 percent of our electricity with some other source offering comparable safety, reliability, low cost, and environmental attributes. We risk our nation's future prosperity if we lose the nuclear option through inaction. Instead, we need concrete action to secure the nuclear option for future generations. We must not subject the nation to the risk of inadequate energy supplies.

My bill is squarely aimed at avoiding this risk. I appreciate that my co-sponsors: Senators LINCOLN, MURKOWSKI, LANDRIEU, CRAIG, GRAHAM, KYL, CRAPO, THOMPSON, VOINOVICH and HAGEL share these concerns and support this bill to address them.

There are five broad aspects of this bill. First, it initiates programs to ensure that the operations of our current nuclear plants remain adequately supported. It authorizes expanded research and educational programs to ensure that we have a qualified workforce supporting nuclear issues. It sets up incentives for companies to increase the efficiency of existing plants. And it assures that the industries supporting our domestic nuclear fuel supplies remain viable.

Second, it encourages construction of new plants, especially Generation IV plants. Technology to build these plants is close at hand. This bill not only supports research and development on these plants, it also supports development of the regulatory framework within the NRC that must be in place before they can be licensed.

Generation IV plants would

> be cost competitive with natural gas, have significantly improved safety features with the goal of passive safety systems that would be immune to human errors, have reduced generation of spent fuel and nuclear waste, and have improved resistance to any possible proliferation.

In the U.S., Exelon Corporation has invested in design of a plant in South Africa that has many of these attributes.

Third, this bill has provisions to secure a level playing field for evaluation of nuclear energy relative to other energy sources. It seeks to avoid any scientifically inaccurate stigmas that have been placed on nuclear energy.

Fourth, this bill seeks to create improved solutions for managing nuclear waste. Our current national policy simply requires that we find a permanent repository for spent fuel. But spent fuel has immense residual energy. Our present plan simply assumes that future generations will be so energy-rich that they would have no interest in this major energy source.

I'm not at all sure that view serves our nation and those future generations very well. I've favored study of alternative strategies for spent fuel. As a minimum we should be doing research now to enable future generations to decide if spent fuel should still be treated as waste, or if it should be treated as a precious energy resource.

Advanced technologies for recycling spent fuel and regaining some of its energy value would also allow us to consider approaches to render the final waste form far less toxic then spent fuel. These approaches require transmutation of the long-lived radioactive species into either short-lived or stable species. This bill includes funding for a research project, based on modern accelerators, to study the economics and engineering aspects of transmutation. There is substantial interest in other countries in joining us in collaborative study of this option.

This accelerator project, almost as an added bonus, can also provide a backup source of the tritium required to maintain our nuclear stockpile. The bill provides for this application. The accelerator program, called Advanced Accelerator Applications or AAA, would also produce radioisotopes for medical purposes and would provide a great test bed for study of many nuclear engineering questions.

Before leaving the part of the bill dealing with spent fuel, let me emphasize how very compact these wastes are already and how much more compact they could be. For example, all the spent fuel rods from the last 40 years of our nation's nuclear energy production would only fill one football field to a depth of around 4 yards.

If we had encouraged reprocessing of spent fuel in this country, we would have dramatically less high level waste. In France, they reprocess spent fuel, both to reuse some of the residual energy and to extract some of the more inert components. Through their efforts, a container, smaller than two rolls of film, represents the final high level waste for a French family of four for twenty years.

And finally, the fifth and last part of this bill provides streamlining for a number of Nuclear Regulatory Commission procedures and outdated statutory restrictions.

For example, in a global energy market it makes sense to allow foreign ownership of power and research reactors located in the United States. At the same time, this amendment to the 1954 Atomic Energy Act retains U.S. security precautions in the original law.

Another amendment eliminates time-consuming and unnecessary antitrust review requirements. This section of the bill would also simplify the hearing requirements in a proceeding involving an amendment to an existing operating license or the transfer of an existing license. Further, another provision gives the NRC the authority to establish requirements to ensure that non-licensees fully comply with their obligations to fund nuclear plant decommissioning.

These and other changes to the 1954 Act will assist the NRC in its pursuit of more effective and responsive regulation of our domestic nuclear plants. These changes to the Atomic Energy Act have the support of the leadership of the NRC Chairman.

Mr. President, this bill enables nuclear energy to continue to be treated as a viable option for our nation's electricity needs. It would help ensure that future generations continue to enjoy clean, safe, reliable electricity and the many benefits that this energy source will provide.

Mr. President, I am privileged to take a little bit of the Senate's time to talk about something I think is very important. I have been working on this for a long time, but it just wasn't opportune to bring it up and give serious consideration to this issue. With the energy crisis in the United States, people are going to be able to understand that we truly have a shortage in the capacity to produce electricity, which takes care of our homes, feeds our industry, and provides a substantial portion of America's economic prosperity and growth.

So today I am going to talk about a bill I am introducing, with bipartisan support, which essentially tries to bring back to a level playing field for consideration nuclear energy and new nuclear powerplants.

This bill I am introducing is on my behalf and also for Senators LINCOLN, GRAHAM, THOMPSON, VOINOVICH, HAGEL, MURKOWSKI, LANDRIEU, CRAIG, KYL, and CRAPO. I believe I will have another 10 to 12 cosponsors soon, all of whom see the importance of the United States of America making sure we are taking care of all energy, looking out for and moving in the direction of every energy source we have that is safe and at the right level of risk, and that we proceed to develop those for America's future.

One of those that can't be left out, in my opinion, is the entire field of nuclear energy and what is needed to bring America back to a leading role in the world in terms of nuclear power and future generations of nuclear powerplants.

As a precursor to a few remarks, I want to indicate to the Senate, and those interested, that every American ought to be concerned about the fact that America doesn't have enough energy being produced to keep ourselves going at our current rate, much less at the natural growth rate that everybody expects.

My first little exhibit here is a very interesting evaluation and analysis of America's current sources of electricity at the end of 1999. (We don't have a more current one, but it hasn't changed much.) Everybody should know that in the United States coal-burning powerplants produce 51.4 percent of our electricity. Somehow or another, even though coal provides 51 percent, we aren't building very many coal powerplants because we have not moved fast enough with new technology, and there are many who don't want to build any more coal-burning plants, even if we can get their pollution down to a safe and nonrisky rate.

Then if we look at the next big source of electricity, it is nuclear energy, 19.8 percent. Might I say that while this power crisis has come about, the nuclear powerplants in the United States have been producing at a higher rate. They have produced far more electricity without adding any new plants because the regulatory schemes have become reasonable instead of unreasonable and generating capacity has risen. Capacity used to be 70 percent; it is now up to 90. Incidentally, if we had time, we would show you that even during that period of time, the safety record has become better rather than worse. We have a very interesting chart that would show that.

Let's move on. Natural gas, which we are now rapidly building, everywhere I turn and look, people are building a new powerplant with natural gas. A little bit of electricity comes from oil, 3.1 percent. And then hydroelectricity is 8.3 percent. Others sources are in yellow on the chart—and I am telling it like it is. That yellow represents 2.3 percent, solar, wind, biomass, geothermal, and others. Of that yellow, I believe solar and wind are about a half a percent of the 2.3 percent. So there are those who say we can solve our energy problem with those items that are in yellow here. I say, good luck. Let's proceed as rapidly as we can. But I have a hunch that to increase those latter sources to a larger ratio within our energy sources, we will have a long way to go.

We would have to produce these wind fields with windmills on them beyond anything Americans expect. They expect this should not be the case if we have another way.

Understand that hydroelectricity is a small amount, but it is pretty important. Even in the last administration, they were talking about knocking down some dams so we would have less of this. Actually, that is pretty risky for America's future.

For those who are wondering where we are in terms of cost, I want to show them something. This is the electricity production costs. My good friend occupying the Chair is from Oklahoma. He produces gas and oil in his State. The best we could do is get information for the end of 1999. The distinguished Senator and those in attendance know that the natural gas price has gone up substantially since 1999. I could not bring more recent cost data because we do not have anything more current.

Since the only thing we want to use is natural gas, we have put an enormous demand on natural gas while those who supply it are struggling to keep pace. So the price of natural gas has gone up in a rather extraordinary manner. I think everybody in this Senate would agree with that. That is because the market is taking hold of a very small portion that is free to be traded and those who own it are saying: What will you pay for it?

That is going up, but even in 1999, here is what it cost Americans. The green line is nuclear power. We see that it is the lowest. In 1999, it is beginning to get even lower than coal-burning powerplants. This next line is oil. One can see it is below natural gas. These are the numbers: Nuclear, 1.83; coal, 2.07; oil, 3.18; and gas, 3.52 cents per kilowatt-hour.

Of course, just because energy is more expensive, it does not mean we should not use it, but I believe the American people over the next 10 to 25 years ought to have a mix so there is a market balance and there is some competition for these various sources of energy. I believe that is why so many Senators have joined in this bill.

I want to quickly tell you what it does. It supports nuclear energy, and it does that in many ways. The Nuclear Energy Research Initiative, called NERI, which is being funded—we are going to authorize it to make sure it continues.

Nuclear energy plant optimization is a few million dollars. This helps certification of these plants for an extended licensure period.

Incidentally, that is happening. We are relicensing them. Those who are doing that are sure they are safe. I wish I had time. I would show you relicensing versus closing them down, which some people would like. This will add an enormous amount of energy over the next 20 to 30 years. I have a chart showing that, but I will not use your time on that.

We also have nuclear energy education support. America used to be not only the leading producer of nuclear power, but we were the leader in all of the science and technology. We moved from the atom bomb to peaceful uses. The great scientists converted it and made nuclear powerplants. These plants are getting more and more modern in the world, yet America is letting our technology and our science sit still. We want to move that ahead in our universities where more people who want to choose engineering and science are given an opportunity to get into the nuclear field because it is important to America's future.

We encourage new plant construction. That will not come overnight, but it is interesting that while the United States debates an issue of what we do with the waste that comes out of the nuclear powerplants—and I am sure the occupant of the chair and most Senators if they study it carefully will clearly come down on the side that this is not a difficult problem—people who do not want nuclear power at all make it a problem. But technically, scientifically, and safetywise, it is not a problem. It is now a problem because the State of Nevada does not want it, so they are using every political means. That is their prerogative. But somehow, somewhere, America will be moving in the direction of getting that problem solved. We are working on a long-term solution.

Incidentally, in this bill we suggest and create waste solutions. We create an Office for Spent Nuclear Fuel in the Department. If you have a Department of Energy for the greatest nation on Earth, you surely ought to have within it, on its domestic side of achievements and activities, an office for research on spent nuclear fuel. Which great country would not have that except us? But we went through 15 years when we threw almost everything nuclear out of the Department of Energy, as if it were not an energy source, as if it would go away.

The spirit and energy of coming back and doing something significant is prompted because the world in the future wants to be free and wants to have production of wealth. People want to be part of a world in which the poor countries should get richer over the next 10, 20, 30 years, not poorer, and America wants to be part of that. We all have to worry about energy supplies.

In South Africa, they are moving ahead with the next generation of a nuclear powerplant that is going to be completely different from the powerplants we have today. We are sending a few people there to help with licensure and regulation, but America should be leading the way. We should be there with the scientists, engineers, and American companies moving to the next generation.

There is a next generation. It is not cooled necessarily by water. There are other ways to cool it. Incidentally, it will have passive safety features so it cannot melt down. That is the one issue everybody puts up when they say do not touch nuclear power because they want to scare us to death—it might have a meltdown. But this new powerplant cannot do that, as a matter of fundamental design parameters.

In this bill, we are going to create waste solutions. We are looking at an advanced accelerator, called AAA. We are also looking at advanced fuel recycling. Ultimately we may have a whole new way to change the quality of high-level waste through a process called transmutation. The end product will mostly no longer be high-level waste; they will be able to dispose of the products from transmutation in a very easy way.

I was talking about waste. I was going to show the Senate a container we received as a demonstration. This holds the waste from a family of four in France for 20 years—a family of four, year round for 20 years. That is the total waste they generate because they have 80 percent nuclear power. But here we are making nuclear waste the most enormous problem in the world, and letting it stop our pursuit of the cleanest, most environmentally friendly source of energy around. If we are looking at balancing environmental needs with energy, nothing beats nuclear.

We also encourage new plant construction in this bill. That means evaluation of options to complete some unfinished powerplants and Generation IV Reactors. These are the next generation. We are funding them to try to catch up.

We are also going to assure a level playing field for nuclear power. By that I mean it has not been entitled to some of the luxuries of credits in terms of clean air and the like that other forms of energy have. That is going to change.

Last, we are going to improve the NRC regulations.

I close by saying the United States has 103 nuclear powerplants producing 20 percent of our energy.

Let me state how safe nuclear power is. First, we have about 90 ships at sea that have as part of their structure one or two nuclear powerplants. I want to make sure those who are interested know about these ships sailing the seas with nuclear powerplants. I am talking about nuclear powerplants that are just like the nuclear powerplants that exist in America on this chart. They might be smaller, but they are the same and produce the same kind of power.

In 1954, we put the first one in the ocean. Today, we have them sailing everywhere with that reactor and nuclear fuel on board. Yet they are permitted to dock all around the world except New Zealand. Does anybody believe they could dock all over the world if they were unsafe? There would be an outcry to put them 80 miles out, but they are right in the docks. They are welcome because they are absolutely safe. There has never been a nuclear accident since 1954 in the entire nuclear Navy history.

In the end, one of the issues will be what risks we take. Overall, we take fewer risks by using nuclear power than by almost any other source because we produce dramatic environmental consequences on the plus side with nuclear power.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Energy Electricity Supply Assurance Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

Sec. 101. Short title.
Sec. 102. Indemnification authority.
Sec. 103. Maximum assessment.
Sec. 104. Department of Energy liability limit.
Sec. 105. Incidents outside the United States.
Sec. 106. Reports.
Sec. 107. Inflation adjustment.
Sec. 108. Civil penalties.
Sec. 109. Applicability.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

Sec. 111. Assistant Secretaries.

Subtitle C—Funding of Certain Department of Energy Programs

Sec. 121. Establishment of programs.
Sec. 122. Nuclear energy research initiative.
Sec. 123. Nuclear energy plant optimization program.
Sec. 124. Uprating of nuclear plant operations.
Sec. 125. University programs.
Sec. 126. Prohibition of commercial sales of uranium and conversion held by the Department of Energy until 2006.
Sec. 127. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 128. Maintenance of a viable domestic uranium conversion industry.
Sec. 129. Portsmouth gaseous diffusion plant.
Sec. 130. Nuclear generation report.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

Sec. 201. Establishment of programs.
Sec. 202. Nuclear plant completion initiative.
Sec. 203. Early site permit demonstration program.
Sec. 204. Nuclear energy technology study for Generation IV Reactors.
Sec. 205. Research supporting regulatory processes for new reactor technologies and designs.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

Sec. 301. Environmentally preferable purchasing.
Sec. 302. Emission-free control measures under a State implementation plan.
Sec. 303. Prohibition of discrimination against emission-free electricity projects in international development programs.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

Sec. 401. Findings.
Sec. 402. Office of spent nuclear fuel research.
Sec. 403. Advanced fuel recycling technology development program.

TITLE V—NATIONAL ACCELERATOR SITE

Sec. 501. Findings.
Sec. 502. Definitions.
Sec. 503. Advanced Accelerator Applications Program.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

Sec. 601. Definitions.
Sec. 602. Office location.
Sec. 603. License period.
Sec. 604. Elimination of foreign ownership restrictions.
Sec. 605. Elimination of duplicative antitrust review.
Sec. 606. Gift acceptance authority.
Sec. 607. Authority over former licensees for decommissioning funding.
Sec. 608. Carrying of firearms by licensee employees.
Sec. 609. Cost recovery from Government agencies.
Sec. 610. Hearing procedures.
Sec. 611. Unauthorized introduction of dangerous weapons.
Sec. 612. Sabotage of nuclear facilities or fuel.
Sec. 613. Nuclear decommissioning obligations of nonlicensees.
Sec. 614. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) the standard of living for citizens of the United States is linked to the availability of reliable, low-cost, energy supplies;

(2) personal use patterns, manufacturing processes, and advanced cyber information all fuel increases in the demand for electricity;

(3) demand-side management, while important, is not likely to halt the increase in energy demand;

(4)(A) nuclear power is the largest producer of essentially emission-free electricity;

(B) nuclear energy is one of the few energy sources that controls all pollutants;

(C) nuclear plants are demonstrating excellent reliability as the plants produce power at low cost with a superb safety record; and

(D) the generation costs of nuclear power are not subject to price fluctuations of fossil fuels because nuclear fuels can be mined domestically or purchased from reliable trading partners;

(5) requirements for new highly reliable baseload generation capacity coupled with increasing environmental concerns and limited long-term availability of fossil fuels require that the United States preserve the nuclear energy option into the future;

(6) to ensure the reliability of electricity supply and delivery, the United States needs programs to encourage the extended or more efficient operation of currently existing nuclear plants and the construction of new nuclear plants;

(7) a qualified workforce is a prerequisite to continued safe operation of—

(A) nuclear plants;

(B) the nuclear navy;

(C) programs dealing with high-level or low-level waste from civilian or defense facilities; and

(D) research and medical uses of nuclear technologies;

(8) uncertainty surrounding the costs associated with regulatory approval for siting, constructing, and operating nuclear plants confuses the economics for new plant investments;

(9) to ensure the long-term reliability of supplies of nuclear fuel, the United States must ensure that the domestic uranium mining, conversion, and enrichment service industries remain viable;

(10)(A) technology developed in the United States and worldwide, broadly labeled as the Generation IV Reactor, is demonstrating that new designs of nuclear reactors are feasible;

(B) plants using the new designs would have improved safety, minimized proliferation risks, reduced spent fuel, and much lower costs; and

(C)(i) the nuclear facility infrastructure needed to conduct nuclear energy research and development in the United States has been allowed to erode over the past decade; and

(ii) that infrastructure must be restored to support development of Generation IV nuclear energy systems;

(11)(A) to ensure the long-term viability of nuclear power, the public must be confident that final waste forms resulting from spent fuel are controlled so as to have negligible impact on the environment; and

(B) continued research on repositories, and on approaches to mitigate the toxicity of materials entering any future repository, would serve that public interest; and

(12)(A) the Nuclear Regulatory Commission must continue its stewardship of the safety of our nuclear industry;

(B) at the same time, the Commission must streamline processes wherever possible to provide timely responses to a wide range of safety, upgrade, and licensing issues;

(C) the Commission should conduct research on new reactor technologies to support future regulatory decisions; and

(D) a revision of certain Commission procedures would assist in more timely processing of license applications and other requests for regulatory action.

SEC. 3. DEFINITIONS.

In this Act:

(1) Commission.—The term "Commission" means the Nuclear Regulatory Commission.

(2) Early site permit.—The term "Early Site Permit" means a permit for a site to be a future location for a nuclear plant under subpart A of part 52 of title 10, Code of Federal Regulations.

(3) Nuclear plant.—The term "nuclear plant" means a nuclear energy facility that generates electricity.

(4) Secretary.—The term "Secretary" means the Secretary of Energy.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2001".

SEC. 102. INDEMNIFICATION AUTHORITY.

(a) Indemnification of Nuclear Regulatory Commission Licensees.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "Licenses" and inserting "Licensees"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

(b) Indemnification of Department of Energy Contractors.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

(c) Indemnification of Nonprofit Educational Institutions.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

SEC. 103. MAXIMUM ASSESSMENT.

Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the second proviso of the third sentence by striking "$10,000,000" and inserting "$20,000,000".

SEC. 104. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) Aggregate Liability Limit.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) Liability limit.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) Contract Amendments.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

"(3) Contract amendments.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on that date.".

SEC. 105. INCIDENTS OUTSIDE THE UNITED STATES.

(a) Amount of Indemnification.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) Liability Limit.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 106. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 107. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by designating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) Adjustment.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date of enactment, in the case of the first adjustment under this subsection; or

"(B) the previous adjustment under this subsection.".

SEC. 108. CIVIL PENALTIES.

(a) Repeal of Automatic Remission.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) Limitation for Nonprofit Institutions.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

"d. Notwithstanding subsection a., no contractor, subcontractor, or supplier of the Department of Energy that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code shall be subject to a civil penalty under this section in any fiscal year in excess of the amount of any performance fee paid by the Secretary during that fiscal year to the contractor, subcontractor, or supplier under the contract under which a violation occurs.".

SEC. 109. APPLICABILITY.

(a) Indemnification Provisions.—The amendments made by sections 103, 104, and 105 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

(b) Civil Penalty Provisions.—The amendments made by section 108(b) do not apply to a violation that occurs under a contract entered into before the date of enactment of this Act.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

SEC. 111. ASSISTANT SECRETARIES.

(a) In General.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the matter preceding paragraph (1) by striking "eight" and inserting "ten".

(b) Functions.—On appointment of the 2 additional Assistant Secretaries of Energy under the amendment made by subsection (a), the Secretary shall assign—

(1) to one of the Assistant Secretaries, the functions performed by the Director of the Office of Science as of the date of enactment of this Act; and

(2) to the other, the functions performed by the Director of the Office of Nuclear Energy, Science, and Technology as of that date.

Subtitle C—Funding of Certain Department of Energy Programs

SEC. 121. ESTABLISHMENT OF PROGRAMS.

The Secretary shall establish or continue programs administered by the Office of Nuclear Energy, Science, and Technology to—

(1) support the Nuclear Energy Research Initiative, the Nuclear Energy Plant Optimization Program, and the Nuclear Energy Technology Program;

(2) encourage investments to increase the electricity capacity at commercial nuclear plants in existence on the date of enactment of this Act;

(3) ensure continued viability of a domestic capability for uranium mining, conversion, and enrichment industries; and

(4) support university nuclear engineering education research and infrastructure programs, including closely related specialties such as health physics, actinide chemistry, and material sciences.

SEC. 122. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary, for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for grants to be competitively awarded and subject to peer review for research relating to nuclear energy—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) Reports.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Research Initiative.

SEC. 123. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Committee—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) Reports.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of

Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 124. UPRATING OF NUCLEAR PLANT OPERATIONS.

(a) In General.—The Secretary, to the extent funds are available, shall reimburse costs incurred by a licensee of a nuclear plant as provided in this section.

(b) Payment of Commission User Fees.—In carrying out subsection (a), the Secretary shall reimburse all user fees incurred by a licensee of a nuclear plant for obtaining the approval of the Commission to achieve a permanent increase in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity before December 31, 2004.

(c) Preference.—Preference shall be given by the Secretary to projects in which a single uprating operation can benefit multiple domestic nuclear power reactors.

(d) Incentive Payments.—

(1) In general.—In addition to payments made under subsection (a), the Secretary shall offer an incentive payment equal to 10 percent of the capital improvement cost resulting in a permanent increase of at least 5 percent in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity rating before December 31, 2004.

(2) Limitation.—No incentive payment under paragraph (1) associated with any single nuclear unit shall exceed $1,000,000.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003.

SEC. 125. UNIVERSITY PROGRAMS.

(a) In General.—The Secretary may, as provided in this section, provide grants and other forms of payment to further the national goal of producing well-educated graduates in nuclear engineering and closely related specialties that support nuclear energy programs such as health physics, actinide chemistry, and material sciences.

(b) Support for University Research Reactors.—The Secretary may provide grants and other forms of payments for plant upgrading to universities in the United States that operate and maintain nuclear research reactors.

(c) Support for University Research and Development.—The Secretary may provide grants and other forms of payment for research and development work by faculty, staff, and students associated with nuclear engineering programs and closely related specialties at universities in the United States.

(d) Support for Nuclear Engineering Students and Faculty.—The Secretary may provide fellowships, scholarships, and other support to students and to departments of nuclear engineering and closely related specialties at universities in the United States.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $34,200,000 for fiscal year 2002, of which—

(A) $13,000,000 shall be available to carry out subsection (b);

(B) $10,200,000 shall be available to carry out subsection (c) of which not less than $2,000,000 shall be available to support health physics programs; and

(C) $11,000,000 shall be available to carry out subsection (d) of which not less than $2,000,000 shall be available to support health physics programs; and

(2) such sums as are necessary for subsequent fiscal years.

SEC. 126. PROHIBITION OF COMMERCIAL SALES OF URANIUM AND CONVERSION HELD BY THE DEPARTMENT OF ENERGY UNTIL 2006.

Section 3112(b) of the USEC Privatization Act (42 U.S.C. 2297h–10(b)) is amended by striking paragraph (2) and inserting the following:

"(2) Sale of uranium hexafluoride.—

"(A) In general.—The Secretary shall—

"(i) sell and receive payment for the uranium hexafluoride transferred to the Secretary under paragraph (1); and

"(ii) refrain from sales of its surplus natural uranium and conversion services through 2006 (except sales or transfers to the Tennessee Valley Authority in relation to the Department's HEU or Tritium programs, minor quantities associated with site clean-up projects, or the Department of Energy research reactor sales program).

"(B) Requirements.—Under subparagraph (A)(i), uranium hexafluoride shall be sold—

"(i) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or

"(ii) in 2006 for consumption by end users in the United States not before January 1, 2007, and in subsequent years, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.".

SEC. 127. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department and the domestic uranium mining industry to identify, test, and develop improved in-situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in-situ leaching operations; and

(2) funding for competitively selected demonstration projects with the domestic uranium mining industry relating to—

(A) enhanced production with minimal environmental impact;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

SEC. 128. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

(a) In General.—For Department of Energy expenses necessary in providing to Converdyn Incorporated a payment for losses associated with providing conversion services for the production of low-enriched uranium (excluding imports related to actions taken under the United States/Russia HEU Agreement), there is authorized to be appropriated $8,000,000 for each of fiscal years 2002, 2003, and 2004.

(b) Rate.—The payment shall be at a rate, determined by the Secretary, that—

(1)(A) is based on the difference between Converdyn's costs and its sale price for providing conversion services for the production of low-enriched uranium fuel; but

(B) does not exceed the amount appropriated under subsection (a); and

(2) shall be based contingent on submission to the Secretary of a financial statement satisfactory to the Secretary that is certified by an independent auditor for each year.

(c) Timing.—A payment under subsection (a) shall be provided as soon as practicable after receipt and verification of the financial statement submitted under subsection (b).

SEC. 129. PORTSMOUTH GASEOUS DIFFUSION PLANT.

(a) In General.—The Secretary may proceed with actions required to place the Portsmouth gaseous diffusion plant into cold standby condition for a period of 5 years.

(b) Plant Condition.—In the cold standby condition, the plant shall be in a condition that—

(1) would allow its restart, for production of 3,000,000 separative work units per year, to meet domestic demand for enrichment services; and

(2) will facilitate the future decontamination and decommissioning of the plant.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $36,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003, 2004, and 2005.

SEC. 130. NUCLEAR GENERATION REPORT.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the state of nuclear power generation in the United States.

(b) Contents.—The report shall—

(1) provide current and historical detail regarding—

(A) the number of commercial nuclear plants and the amount of electricity generated; and

(B) the safety record of commercial nuclear plants;

(2) review the status of the relicensing process for commercial nuclear plants, including—

(A) current and anticipated applications; and

(B) for each current and anticipated application—

(i) the anticipated length of time for a license renewal application to be processed; and

(ii) the current and anticipated costs of each license renewal;

(3) assess the capability of the Commission to evaluate licenses for new advanced reactor designs and discuss the confirmatory and anticipatory research activities needed to support that capability;

(4) detail the efforts of the Commission to prepare for potential new commercial nuclear plants, including evaluation of any new plant design and the licensing process for nuclear plants;

(5) state the anticipated length of time for a new plant license to be processed and the anticipated cost of such a process; and

(6) include recommendations for improvements in each of the processes reviewed.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

SEC. 201. ESTABLISHMENT OF PROGRAMS.

(a) Secretary.—The Secretary shall establish a program within the Office of Nuclear Energy, Science, and Technology to—

(1) demonstrate the Nuclear Regulatory Commission Early Site Permit process;

(2) evaluate opportunities for completion of partially constructed nuclear plants; and

(3) develop a report assessing opportunities for Generation IV reactors.

(b) Commission.—The Commission shall develop a research program to support regulatory actions relating to new nuclear plant technologies.

SEC. 202. NUCLEAR PLANT COMPLETION INITIATIVE.

(a) In General.—The Secretary shall solicit information on United States nuclear plants requiring additional capital investment before becoming operational or being returned to operation to determine which, if any, should be included in a study of the feasibility of completing and operating some or all of the nuclear plants by December 31, 2004, considering technical and economic factors.

(b) Identification of Unfinished Nuclear Plants.—The Secretary shall convene a panel of experts to—

(1) review information obtained under subsection (a); and

(2) identify which unfinished nuclear plants should be included in a feasibility study.

(c) Technical and Economic Completion Assessment.—On completion of the identification of candidate nuclear plants under subsection (b), the Secretary shall commence a detailed technical and economic completion assessment that includes, on a unit-specific basis, all technical and economic information necessary to permit a decision on the feasibility of completing work on any or all of the nuclear plants identified under subsection (b).

(d) Solicitation of Proposals.—After making the results of the feasibility study under subsection (c) available to the public, the Secretary shall solicit proposals for completing construction on any or all of the nuclear plants assessed under subsection (c).

(e) Selection of Proposals.—

(1) In general.—The Secretary shall reconvene the panel of experts designated under subsection (b) to review and select the nuclear plants to be pursued, taking into consideration any or all of the following factors:

(A) Location of the nuclear plant and the regional need for expanded power capability.

(B) Time to completion.

(C) Economic and technical viability for completion of the nuclear plant.

(D) Financial capability of the offeror.

(E) Extent of support from regional and State officials.

(F) Experience and past performance of the members of the offeror in siting, constructing, or operating nuclear generating facilities.

(G) Lowest cost to the Government.

(2) Regional and state support.—No proposal shall be accepted without endorsement by the State Governor and by the elected governing bodies of—

(A) each political subdivision in which the nuclear plant is located; and

(B) each other political subdivision that the Secretary determines has a substantial interest in the completion of the nuclear plant.

(f) Report to Congress.—

(1) In general.—Not later than June 1, 2002, the Secretary shall submit to Congress a report describing the reactors identified for completion under subsection (e).

(2) Contents.—The report shall—

(A) detail the findings under each of the criteria specified in subsection (e); and

(B) include recommendations for action by Congress to authorize actions that may be initiated in fiscal year 2003 to expedite completion of the reactors.

(3) Considerations.—In making recommendations under paragraph (2)(B), the Secretary shall consider—

(A) the advisability of authorizing payment by the Government of Commission user fees (including consideration of the estimated cost to the Government of paying such fees); and

(B) other appropriate considerations.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2002.

SEC. 203. EARLY SITE PERMIT DEMONSTRATION PROGRAM.

(a) In General.—The Secretary shall initiate a program of Government/private partnership demonstration projects to encourage private sector applications to the Commission for approval of sites that are potentially suitable to be used for the construction of future nuclear power generating facilities.

(b) Projects.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a solicitation of offers for proposals from private sector entities to enter into partnerships with the Secretary to—

(1) demonstrate the Early Site Permit process; and

(2) create a bank of approved sites by December 31, 2003.

(c) Criteria for Proposals.—A proposal submitted under subsection (b) shall—

(1) identify a site owned by the offeror that is suitable for the construction and operation of a new nuclear plant; and

(2) state the agreement of the offeror to pay not less than ½ of the costs of—

(A) preparation of an application to the Commission for an Early Site Permit for the site identified under paragraph (1); and

(B) review of the application by the Commission.

(d) Selection of Proposals.—The Secretary shall establish a competitive process to review and select the projects to be pursued, taking into consideration the following:

(1) Time to prepare the application.

(2) Site qualities or characteristics that could affect the duration of application review.

(3) The financial capability of the offeror.

(4) The experience of the offeror in siting, constructing, or operating nuclear plants.

(5) The support of regional and State officials.

(6) The need for new electricity supply in the vicinity of the site, or proximity to suitable transmission lines.

(7) Lowest cost to the Government.

(e) Cooperative Agreements.—The Secretary may enter into cooperative agreements with up to 3 offerors selected through the competitive process to pay not more than ½ of the costs incurred by the parties to the agreements for—

(1) preparation of an application to the Commission for an Early Site Permit for the site; and

(2) review of the application by the Commission.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003, to remain available until expended.

SEC. 204. NUCLEAR ENERGY TECHNOLOGY STUDY FOR GENERATION IV REACTORS.

(a) In General.—The Secretary shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment.

(b) Upgrades and Additions.—The Secretary may make upgrades or additions to the nuclear energy research facility infrastructure as needed to carry out the study under subsection (a).

(c) Reactor Characteristics.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems established by the Nuclear Energy Research Advisory Committee, including—

(1) economics competitive with natural gas-fueled generators;

(2) enhanced safety features or passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(c) Consultation.—In conducting the study, the Secretary shall consult with—

(1) the Commission, with respect to evaluation of regulatory issues; and

(2) the International Atomic Energy Agency, with respect to international safeguards.

(d) Report.—

(1) In general.—Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the roadmap and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) Contents.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system for demonstration through a public/private partnership; and

(G) a recommendation for appropriate involvement of the Commission.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

SEC. 205. RESEARCH SUPPORTING REGULATORY PROCESSES FOR NEW REACTOR TECHNOLOGIES AND DESIGNS.

(a) In General.—The Commission shall develop a comprehensive research program to support resolution of potential licensing issues associated with new reactor concepts and new technologies that may be incorporated into new or current designs of nuclear plants.

(b) Identification of Candidate Designs.—The Commission shall work with the Office of Nuclear Energy, Science, and Technology and the nuclear industry to identify candidate designs to be addressed by the program.

(c) Activities To Be Included.—The research shall include—

(1) modeling, analyses, tests, and experiments as required to provide input into total

system behavior and response to hypothesized accidents; and

(2) consideration of new reactor technologies that may affect—

(A) risk-informed licensing of new plants;

(B) behavior of advanced fuels;

(C) evolving environmental considerations relative to spent fuel management and health effect standards;

(D) new technologies (such as advanced sensors, digital instrumentation, and control) and human factors that affect the application of new technology to current plants; and

(E) other emerging technical issues.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2002; and

(2) such sums as are necessary for subsequent fiscal years.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

SEC. 301. ENVIRONMENTALLY PREFERABLE PURCHASING.

(a) Acquisition.—For the purposes of Executive Order No. 13101 (3 C.F.R. 210 (1998)) and policies established by the Office of Federal Procurement Policy or other executive branch offices for the acquisition or use of environmentally preferable products (as defined in section 201 of the Executive order), electricity generated by a nuclear plant shall be considered to be an environmentally preferable product.

(b) Procurement.—No Federal procurement policy or program may—

(1) discriminate against or exclude nuclear generated electricity in making purchasing decisions; or

(2) subscribe to product certification programs or recommend product purchases that exclude nuclear electricity.

SEC. 302. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

(a) Definitions.—In this section:

(1) Criteria air pollutant.—The term "criteria air pollutant" means a pollutant listed under section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)).

(2) Emission-free electricity source.—The term "emission-free electricity source" means—

(A) a facility that generates electricity without emitting criteria pollutants, hazardous pollutants, or greenhouse gases as a result of onsite operations of the facility; and

(B) a facility that generates electricity using nuclear fuel that meets all applicable standards for radiological emissions under section 112 of the Clean Air Act (42 U.S.C. 7412).

(3) Greenhouse gas.—The term "greenhouse gas" means a natural or anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

(4) Hazardous pollutant.—The term "hazardous pollutant" has the meaning given the term in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(5) Improvement in availability.—The term "improvement in availability" means an increase in the amount of electricity produced by an emission-free electricity source that provides a commensurate reduction in output from emitting sources.

(6) Increased emission-free capacity project.—The term "increased emission-free capacity project" means a project to construct an emission-free electricity source or increase the rated capacity of an existing emission-free electricity source.

(b) Treatment of Certain State Actions as Control Measures.—An action taken by a State to support the continued operation of an emission-free electricity source or to support an improvement in availability or an increased emission-free capacity project shall be considered to be a control measure for the purposes of section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).

(c) Economic Incentive Programs.—

(1) Criteria air pollutants and hazardous pollutants.—Emissions of criteria air pollutants or hazardous pollutants prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures, including programs authorizing emission trades, revolving loan funds, tax benefits, and special financing programs.

(2) Greenhouse gases.—Emissions of greenhouse gases prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures on the national, regional State, or local level.

SEC. 304. PROHIBITION OF DISCRIMINATION AGAINST EMISSION-FREE ELECTRICITY PROJECTS IN INTERNATIONAL DEVELOPMENT PROGRAMS.

(a) Prohibition.—No Federal funds shall be used to support a domestic or international organization engaged in the financing, development, insuring, or underwriting of electricity production facilities if the activities fail to include emission-free electricity production facility projects that use nuclear fuel.

(b) Request for Policies.—The Secretary of Energy shall request copies of all written policies regarding the eligibility of emission-free nuclear electricity production facilities for funding or support from international or domestic organizations engaged in the financing, development, insuring, or underwriting of electricity production facilities, including—

(1) the Agency for International Development;

(2) the World Bank;

(3) the Overseas Private Investment Corporation;

(4) the International Monetary Fund; and

(5) the Export-Import Bank.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 401. FINDINGS.

Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered to be an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

SEC. 402. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) Definitions.—In this section:

(1) Associate director.—The term "Associate Director" means the Associate Director of the Office.

(2) Office.—The term "Office" means the Office of Spent Nuclear Fuel Research established by subsection (b).

(b) Establishment.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) Head of Office.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(d) Duties of the Associate Director.—

(1) In general.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) Participation.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) Activities.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) Grant and Contract Authority.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(3).

(f) Report.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SEC. 403. ADVANCED FUEL RECYCLING TECHNOLOGY DEVELOPMENT PROGRAM.

(a) In General.—The Secretary, acting through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of electrometallurgical technology as a proliferation-resistant alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Nuclear Energy Research Advisory Committee.

(b) Reports.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of

Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the advanced fuel recycling technology development program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

TITLE V—NATIONAL ACCELERATOR SITE

SEC. 501. FINDINGS.

Congress finds that—

(1)(A) high-current proton accelerators are capable of producing significant quantities of neutrons through the spallation process without using a critical assembly; and

(B) the availability of high-neutron fluences enables a wide range of missions of major national importance to be conducted;

(2)(A) public acceptance of repositories, whether for spent fuel or for final waste products from spent fuel, can be enhanced if the radio-toxicity of the materials in the repository can be reduced;

(B) transmutation of long-lived radioactive species by an intense neutron source provides an approach to such a reduction in toxicity; and

(C) research and development in this area (which, when the source of neutrons is derived from an accelerator, is called "accelerator transmutation of waste") should be an important part of a national spent fuel strategy;

(3)(A) nuclear weapons require a reliable source of tritium;

(B) the Department of Energy has identified production of tritium in a commercial light water reactor as the first option to be pursued;

(C) the importance of tritium supply is of sufficient magnitude that a backup technology should be demonstrated and available for rapid scale-up to full requirements;

(D) evaluation of tritium production by a high-current accelerator has been underway; and

(E) accelerator production of tritium should be demonstrated, so that the capability can be scaled up to levels required for the weapons stockpile if difficulties arise with the reactor approach;

(4)(A) radioisotopes are required in many medical procedures;

(B) research on new medical procedures is adversely affected by the limited availability of production facilities for certain radioisotopes; and

(C) high-current accelerators are an important source of radioisotopes, and are best suited for production of proton-rich isotopes; and

(5)(A) a spallation source provides a continuum of neutron energies; and

(B) the energy spectrum of neutrons can be altered and tailored to allow a wide range of experiments in support of nuclear engineering studies of alternative reactor configurations, including studies of materials that may be used in future fission or fusion systems.

SEC. 502. DEFINITIONS.

In this title:

(1) OFFICE.—The term "Office" means the Office of Nuclear Energy, Science, and Technology of the Department of Energy.

(2) PROGRAM.—The term "program" means the Advanced Accelerator Applications Program established under section 503.

(3) PROPOSAL.—The term "proposal" means the proposal for a location supporting the missions identified for the program developed under section 503.

SEC. 503. ADVANCED ACCELERATOR APPLICATIONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to be known as the "Advanced Accelerator Applications Program".

(b) MISSION.—The mission of the program shall include conducting scientific or engineering research, development, and demonstrations on—

(1) accelerator production of tritium as a backup technology;

(2) transmutation of spent nuclear fuel and waste;

(3) production of radioisotopes;

(4) advanced nuclear engineering concepts, including material science issues; and

(5) other applications that may be identified.

(c) ADMINISTRATION.—The program shall be administered by the Office—

(1) in consultation with the National Nuclear Security Administration, for all activities related to tritium production; and

(2) in consultation with the Office of Civilian Radioactive Waste Management, for all activities relating to the impact of waste transmutation on repository requirements.

(d) PARTICIPATION.—The Office shall encourage participation of international collaborators, industrial partners, national laboratories, and, through support for new graduate engineering and science students and professors, universities.

(e) PROPOSAL OF LOCATION.—

(1) IN GENERAL.—The Office shall develop a detailed proposal for a location supporting the missions identified for the program.

(2) CONTENTS.—The proposal shall—

(A) recommend capabilities for the accelerator and for each major research or production effort;

(B) include development of a comprehensive site plan supporting those capabilities;

(C) specify a detailed time line for construction and operation of all activities;

(D) identify opportunities for involvement of the private sector in production and use of radioisotopes;

(E) contain a recommendation for funding required to accomplish the proposal in future fiscal years; and

(F) identify required site characteristics.

(3) PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT.—As part of the process of identification of required site characteristics, the Secretary shall undertake a preliminary environmental impact assessment of a range of sites.

(4) SUBMISSION TO CONGRESS.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and Committee on Appropriations of the House of Representatives a report describing the proposal.

(f) COMPETITION.—

(1) IN GENERAL.—The Secretary shall use the proposal to conduct a nationwide competition among potential sites.

(2) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and the Committee on Appropriations of the House of Representatives a report that contains an evaluation of competing proposals and a recommendation of a final site and for funding requirements to proceed with construction in future fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROPOSAL.—There is authorized to be appropriated for development of the proposal $20,000,000 for each of fiscal years 2002 and 2003.

(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—There are authorized to be appropriated for research, development, and demonstration activities of the program—

(A) $120,000,000 for fiscal year 2002; and

(B) such sums as are necessary for subsequent fiscal years.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

SEC. 601. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission";

(2) by redesignating subsection jj. as subsection ll.; and

(3) by adding at the end the following:

"jj. FEDERAL NUCLEAR OBLIGATION.—The term 'Federal nuclear obligation' means—

"(1) a nuclear decommissioning obligation;

"(2) a fee required to be paid to the Federal Government by a licensee for the storage, transportation, or disposal of spent nuclear fuel and high-level radioactive waste, including a fee required under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); and

"(3) an assessment by the Federal Government to fund the cost of decontamination and decommissioning of uranium enrichment facilities, including an assessment required under chapter 28 of the Energy Policy Act of 1992 (42 U.S.C. 2297g).

"kk. NUCLEAR DECOMMISSIONING OBLIGATION.—The term 'nuclear decommissioning obligation' means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

"(1) entombing, dismantling and decommissioning a facility; and

"(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.".

SEC. 602. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking "; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia".

SEC. 603. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.—

"(1) IN GENERAL.—Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.".

SEC. 604. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

SEC. 605. ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

"c. CONDITIONS.—

"(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section in effect on the date of enactment of the Nuclear Assets Restructuring Reform Act of 2001 shall remain in effect until the condition is modified or removed by the Commission.

"(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

"(A) is necessary to ensure compliance with section 105a.; or

"(B) should be modified or removed.".

SEC. 606. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking "this Act;" and inserting "this Act; or"; and

(3) by adding at the end the following:

"(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Commission.".

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

"(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

"(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of a gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.".

(2) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 14 the following:

"Sec. 170C. Criteria for acceptance of gifts.".

SEC. 607. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the semicolon at the end the following: ", and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility".

SEC. 608. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 606(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

"k. authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;" and

(2) by adding at the end the following:

"SEC. 170D. CARRYING OF FIREARMS.

"(a) AUTHORITY TO MAKE ARREST.—

"(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

"(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

"(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

"(B) in the enforcement of—

"(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or Commission or a licensee or certificate holder of the Commission;

"(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

"(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

"(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

"(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

"(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.".

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end of the items relating to chapter 14 the following:

"Sec. 170D. Carrying of firearms.".

SEC. 609. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ", or which operates any facility regulated or certified under section 1701 or 1702,";

(2) by striking "483a of title 31 of the United States Code" and inserting "9701 of title 31, United States Code,"; and

(3) by inserting before the period at the end the following: ", and, commencing October 1, 2002, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law".

SEC. 610. HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

"(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

"(i) to develop a sufficient record; or

"(ii) to achieve fairness.".

SEC. 611. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting "or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act" before the period at the end.

SEC. 612. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking "storage facility" and inserting "storage, treatment, or disposal facility";

(2) in paragraph (3)—

(A) by striking "such a utilization facility" and inserting "a utilization facility licensed under this Act"; and

(B) by striking "or" at the end;

(3) in paragraph (4)—

(A) by striking "facility licensed" and inserting "or nuclear fuel fabrication facility licensed or certified"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;".

SEC. 613. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

(a) IN GENERAL.—The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

"SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

"(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred.

"(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.".

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

"Sec. 242. Nuclear decommissioning obligations of nonlicensees.".

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on the date of enactment of this Act.

(b) RECOMMISSIONING AND LICENSE REMOVAL.—The amendment made by section 613 takes effect on the date that is 180 days after the date of enactment of this Act.

Mrs. LINCOLN. Mr. President, today I join Senator DOMENICI in introducing the Nuclear Energy Electricity Assurance Act of 2001. Simply put, this bill is designed to ensure that nuclear energy remains a viable energy source well into the future of this country.

The Nuclear Energy Electricity Assurance Act of 2001 has many important provisions and I will talk specifically about a couple of them today.

We should pursue innovative technologies to reduce the amount of nuclear waste that we will eventually have to store permanently in a geologic repository. Technologies such as nuclear waste reprocessing would allow us to recycle about 75 percent of the nuclear waste we have today. And there are technologies such as transmutation that would increase the percentage of recycled waste even further. This bill establishes a new national strategy for nuclear waste by creating the Office of Spent Nuclear Fuel Research and beginning the Advanced Fuel Recycling Technology Development Program within the Department of Energy to study and focus on achievable nuclear fuel reprocessing initiatives. A strong nuclear fuel reprocessing program is necessary to ensure we can make nuclear fuel a truly renewable fuel source. It simply makes sense.

In my home State of Arkansas, we have one nuclear powerplant located just outside the small town of Dardanelle. This facility has provided safe, clean, emission-free power to all Arkansans for many years, and I aim to see that it remains for many more. This bill will help ensure that this happens by providing incentive funding for utilities to invest in increased efficiency and capacity of each nuclear powerplant.

This bill takes safe, legitimate steps toward bringing more nuclear power online, providing incentives to increase nuclear power efficiency, and strengthening the pursuit of needed reprocessing technologies. I look forward to the debate on this bill and providing this Nation with a safe, economical, and environmentally safe energy supply.

Mr. MURKOWSKI. Mr. President, I rise today to congratulate Senator DOMENICI on the introduction of his very fine bill regarding nuclear energy in this country. He has been a strong advocate of strengthening and reassessing the US approach to nuclear technologies and this bill goes a long way toward attaining these goals. Senator DOMENICI has been an active participant in all aspects of nuclear production, nonproliferation and our nation's security and has been very helpful to me in my role as Chairman of the Energy and Natural Resources Committee. He has always been supportive of efforts to deal with our nation's nuclear waste and recently co-sponsored my "National Energy Security Act of 2001," a bipartisan approach to ensuring our nation's energy security.

Senator DOMENICI's bill is significant because it addresses both short-term and long-term issues. Our bills share many provisions, including: renewal of the Price-Anderson Act, authorizations for Nuclear Energy Research Initiative, NERI, Nuclear Energy Plant Optimization, NEPO, and Nuclear Energy Technology Programs, NETP, encouraging nuclear energy efficiencies, and creation of an office of spent nuclear fuel research.

Short-term goals of increasing efficiencies are especially important in a time when this country is running short of generation capacity. What is happening in California could happen elsewhere and we need to ensure we get the most of existing generation. In 1999, U.S. nuclear reactors achieved close to 90 percent efficiency. Total efficiency increases during the 1990's at existing plants was the equivalent of adding approximately twenty-three 1,000 megawatt power plants. And keep in mind, that is all clean, non-emitting generation. Despite what environmentalists want you to think, nuclear is clean. It is the largest source of U.S. emission free generation, producing approximately 70 percent of our nation's clean-burning generation in 1999.

In addition, Senator DOMENICI's bill encourages and funds long-term progress in nuclear issues. If we are to have a viable nuclear industry in the future, we must have properly educated and trained professionals. To achieve that goal, Senator DOMENICI's bill encourages education in the hard sciences by funding recommendations made by the Nuclear Energy Research Advisory Committee to support nuclear engineering. Senator DOMENICI's bill also encourages developing waste solutions, a problem that has bedeviled the industry since the first fuel rods were removed from a commercial plant. The federal government said it would take responsibility for this waste but has yet to do so. Senator DOMENICI's "Office of Spent Nuclear Fuel Research" would develop a national strategy for spent fuel, including the study of reprocessing and transmutation. The bill also includes authorization for advanced accelerator applications and advanced fuel recycling technology development.

Unless this nation is able to address the nuclear waste issue, we are in danger of losing the nuclear option. And in this time of increasing demand for clean, stable, reliable sources of energy, we just can't afford to lose nuclear energy. Nuclear energy is on the upswing. Four or five years ago, who would have thought we would hear talk of buying and selling plants and even building new plants. But it is happening! In this deregulated environment, nuclear plants are becoming hot commodities, if you will pardon the pun.

And U.S. industry is actually putting its money where its mouth is. By the end of 2001, Chicago-based Exelon Corporation will have invested $15 million in a South African venture to build a pebble bed modular reactor. Designed to be simpler, safer, and cheaper than current light-water reactors, these pebble bed reactors have captured the attention of several companies and the NRC and Senator DOMENICI's bill will help to smooth the path for new reactor technologies.

If we ever hope to achieve energy security and energy independence in this country, we cannot abandon the nuclear option. It is an important and integral part of our energy mix. Our economy depends on nuclear energy. Our national security depends on nuclear energy. Our environment depends on nuclear energy. Our future depends on nuclear energy.

If we do not create reasonable energy diversity with an increased reliance on nuclear generation, we endanger ourselves, our future, and our children's future.

Ms. LANDRIEU. Mr. President, today I rise as an original co-sponsor of the Nuclear Energy Electricity Supply Assurance Act of 2001. I commend the senior Senator from New Mexico for his passion and persistence on this issue.

The U.S. is currently experiencing unusually high and volatile energy prices. Residents of my state of Louisiana as well as citizens across the country are facing abnormally high gas prices this winter and cannot pay their bills. While there are some steps we can take in the short run to help, the situation is complex in nature and any attempt at an overall solution will require a number of different remedies over the long run focusing on both the supply and demand side of the equation.

The need to increase our domestic supply of energy is apparent. One of the great strengths of the electric supply system in this country is the contribution that comes from a variety of fuels such as coal, nuclear, natural gas, hydropower, oil and renewable energy. The diversity of available fuels we have at our disposal should enable us to balance cost,. availability and environmental impacts to the best advantage. Unfortunately, we have not made adequate use of this supply.

While most of the attention this winter has focused on the role of natural gas, coal and nuclear energy actually both make a larger contribution to the electricity supply system of the United States, representing approximately 55 and 20 percent respectively of our nation's electricity supply. Each of the above mentioned sources of electricity has unique advantages and disadvantages. While it would not be wise to rely too heavily on any single fuel for its electricity, we must not allow our misconceptions to dissuade us from ignoring others altogether.

One source of energy which I believe we are not making proper use of is nuclear power. There are currently 103 nuclear power plants in this country but no new plants have been ordered since 1978. Two of these plants are located in my state of Louisiana where nuclear power generates 15 percent of the electricity. We have witnessed firsthand the numerous benefits of nuclear energy.

First, nuclear energy is efficient and cost effective due to low operating costs and high plant performance. Also, nuclear energy is reliable in that it is not subject to unreliable weather or climate conditions, unpredictable cost fluctuations or dependence on foreign suppliers. Thirdly, contrary to popular perception, nuclear energy has perhaps the lowest impact on the environment including air, land, water and wildlife of any energy source because it emits no harmful gases into the environment, isolates its waste from the environment and requires less area to produce the same amount of electricity as other sources. Finally, although many people associate the issue of nuclear power with the accident at Three Mile Island in 1979, its safety record has been excellent, particularly in comparison with other major commercial energy technologies.

The bill being introduced today will help provide nuclear power with its proper place in the energy policy debate taking place in our country. Three of the more important provisions contained in this legislation are: the encouragement of new plant construction through loan guarantees to complete unfinished plants; the assurance of a level playing field for nuclear power by making it eligible for federal "environmentally preferable" purchasing programs and research supporting regulations for new reactor designs with proper focus on safety and efficiency.

Over the next several months the members of the United States Senate will engage in a critical debate over the future of our nation's energy policy. I look forward to participating in this discussion and advocating for the important role of nuclear power. While development of nuclear power alone will not take care of our energy needs, it should be part of the answer.

Mr. CRAIG. Mr. President, I am very pleased to stand with my friend and colleague, Senator PETE DOMENICI, as an original cosponsor of the Nuclear Energy Electricity Supply Assurance Act of 2001. Following on the heels of the introduction of the comprehensive energy bill last week, this bill takes a closer look at nuclear energy specifically and lays out a concrete plan to secure the continued viability of nuclear energy, our largest source of emissions, free electricity.

Let me also note that I am very pleased that this is a bipartisan effort. I appreciate my colleagues from across the aisle who are joining with us in acknowledging that it is vital to take steps now in support nuclear energy and thereby, help to increase our energy independence.

The Nuclear Energy Electricity Supply Assurance Act of 2001 is a package of measures which help our current energy situation by supporting nuclear energy research and development, by encouraging new plant construction, by assuring a level playing field for nuclear power by acknowledging nuclear's clean air benefits, and by improving the regulatory process. Although the bill does not explicitly address the nuclear waste repository at Yucca Mountain, the bill does create an Office of Spent Nuclear Fuel Research at the Department of Energy and provides for research into advanced nuclear fuel recycling technologies such as those being studied at Argonne National Laboratory in Idaho.

If my colleagues are wondering why it is important that we address the energy issue, they need look no further than the headlines. However, I would like to bring my colleagues' attention to a study that was recently released on the subject of energy. The Center for Strategic and International Studies here in Washington, DC, recently released its study entitled, "The Geopolitics of Energy into the 21st Century." Their findings are sobering and I want to take a moment to highlight some of their conclusions. I do this to provide the global context for our energy picture and to explain why it is so critical that this nuclear energy bill and the comprehensive energy package introduced last week receive our full attention.

This study on the geopolitics of energy found that during the next 20 years, energy demand is projected to expand more than 50 percent and that electricity will continue to be the most rapidly growing sector of energy demand. Energy supply, not simply reductions in demand, will need to be expanded substantially to meet this demand growth and that the choice of primary fuel used to supply power plants will have important effects on the environment. Interestingly, this growth in demand will not be fueled primarily by the United States, as some might think. Developing economies in Asia and in Central and South America will show the greatest increase in consumption.

The study points out that although the world drew some portion of its energy supplies from unstable countries and regions throughout much of the twentieth century, by the year 2020, fully 50 percent of estimated total global oil demand will be met from countries that pose a high risk of internal instability. Furthermore, the study concludes that a crisis in one or more of the world's key energy-producing countries is highly likely at some point between now and the year 2020.

Given these predictions, I am alarmed by our current dependence on imported energy. I think it represents a very serious vulnerability in our energy picture. This situation makes it critical that the Senate act on energy legislation, to put in place the long term steps that will help us climb out of the energy deficit we find ourselves in. Problems, such as the current energy crisis, that have been years in the making will not be remedied overnight, but we need to start taking steps now to improve what we can.

Taking constructive steps to strengthen our energy picture is what the Nuclear Energy Electricity Supply Assurance Act of 2001 is about. One of the first steps to be taken, is to recognize the tremendous contribution that nuclear energy already is making to our domestic energy picture. I think my colleagues might be surprised to hear that the U.S. nuclear industry is considered the strongest in the world. Measured in terms of output, the U.S. nuclear program is as large as the programs of France and Japan combined. Nuclear energy recently replaced coal as having the lowest electricity production cost, approximately 1.83 cents.

The process for extending nuclear power plant licenses has been successfully demonstrated by the Nuclear Regulatory Commission. Two plants have been successfully relicensed and three more are in the process now. Additionally, the nuclear industry continues to improve the efficiency of its currently operating nuclear plants. During the past 10 years, these gains in efficiency have added 23,000 megawatts to the power grid. This is the equivalent of adding 23 additional 1,000 megawatt power plants. This additional power has satisfied approximately 30 percent of the growth in U.S. electricity demand during the 1990s.

What I have not mentioned in all this, is the important contribution nuclear energy makes in meeting clean air goals. If this nuclear generation were not in place, some other carbon-emitting source of generation would probably be taking its place. In fact, if you look at the portfolio of emission-free power generation in the U.S., nuclear energy comprises about 69 percent of our emission-free power, with hydroelectric power making up about 29 percent and the remaining less than 2 percent is made up by geothermal, wind and solar.

The Nuclear Energy Electricity Supply Assurance Act of 2001 will authorize the exploration of advanced nuclear reactor designs which meet the goals of being economic, having enhanced safety features, while also reducing the production of spent fuel. The development of "Generation Four" nuclear reactors is something I am really excited about because much of the work done so far on Generation Four reactor design has been done at the Idaho National Engineering and Environmental Laboratory and at Argonne West National Laboratory in my home state of Idaho. One of the reasons I am so optimistic about the ability of this country to tackle these tough energy challenges is the good work that I have seen coming out of our laboratories. When we unleash our best minds on these issues, really wonderful ideas come forth. That kind of creativity and initiative is what this bill is attempting to harness.

I am excited to be a part of this bill and I thank Senator DOMENICI for partnering with me early on in the development of this bill and soliciting my input. I think we have a good product. As we move forward, I am sure we will receive additional innovative ideas. That is the challenge to all of us as we address our energy crisis—bringing the best ideas to bear. This bill is a good start to that process.

By Mr. CRAPO:

S. 473. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Training Teachers for Technology Act of 2001, a bill to allow states to provide assistance to local educational agencies to develop innovative professional development programs that train teachers to use technology in the classroom.

As your know, education technology can significantly improve student achievement. Congress has recognized this fact by continually voting to dramatically increase funding for education technology. In fact, in just the programs under the Elementary and Secondary Education Act, ESEA. Federal support has grown from $52.6 million in Fiscal Year 1995, to over $700 million just five years later. As we debate the upcoming reauthorization of ESEA, I will be working to support legislation that builds on the strong educational technology infrastructure already in place in school districts in nearly every state.

But we need to do more than simply place computers in classrooms. We need to provide our educators with the skills they need to incorporate evolving educational technology in the classroom. My bill does exactly that. It will encourage states to develop and implement professional development programs that train teachers in the use of technology in the classroom. Effective teaching strategies must incorporate educational technology if we are to ensure that all children have the skills they need to compete in a high-tech workplace. An investment in professional development for our teachers is an investment in our children and our future.

Specifically, the legislation I am introducing today would allow local education agencies to apply once for all teacher training technology programs within the National Challenge Grants for Technology in Education, the Technology Literacy Challenge Fund, and Star Schools. The U.S. General Accounting Office reported that there are more than thirty federal programs, administered by five different federal agencies, which provide funding for education technology to K–12 schools. My measure would reduce the financial and paperwork burden to primarily small, poor, rural districts that don't have the resources to hire full time staff to handle grant writing for all of these different programs. Instead, schools would be able to apply once for federal technology assistance, and then combine their funds to develop a comprehensive program that integrates technology directly into the curriculum and provides professional development for teachers. My bill adopts the principles of simplicity and flexibility. This is what schools are asking for, so this is what we should give them.

My legislation helps those smaller schools that might ordinarily be unfairly disadvantaged through traditional grant programs. Idaho's public schools are excelling rapidly in their understanding of how technology can enhance the teaching and learning environments in Idaho's classrooms. I would like to extend this same empowerment to public schools throughout the nation. Investing in technology training for teachers will make a significant difference in the lives of our children.

An opportunity has arisen where we, Members of the United States Senate, are able to help many students who face unique challenges and uncertain futures. I hope you agree that a strong technology component for all students is necessary and essential in facilitating student achievement, and that through proper professional development our children will be provided an unparalleled opportunity for a better education.

I urge my colleagues to support this legislation and work for its inclusion in the reauthorization of the ESEA.

By Mr. CRAPO:

S. 474. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Professional Development Enhancement Act to strengthen and improve professional development opportunities for teachers.

Improving the quality of teaching in America's classrooms has been a priority of mine since the day my oldest child walked through the door of her public school. While I know that my five children were, and still are, fortunate to have outstanding teachers, I am keenly aware that others are not so fortunate. Nothing can replace qualified teachers with high standards and a desire to teach. Coupled with ongoing professional development opportunities, our teachers are equipped to positively influence and inspire every child in their classroom. Teachers are the backbone of education. They are our most important assets, therefore, we must continue to give them the support and appreciation they deserve.

As Congress takes up the reauthorization of the Elementary and Secondary Education Act, ESEA, the focus will shift to the recruitment and retention of good teachers. That is why my legislation is so essential. While using no new funds, the bill would strengthen existing language by making recommendations on current mentoring programs. My proposal outlines the principal components of mentoring programs that would improve the experience of new teachers, as well as provide incentives for alternative teacher certification and licensure programs.

Mentoring is a concept that has been around for years, but only recently have educators and administrators begun to talk about its real benefits. We all know that good teachers are not created over night. It is only after years of dedication and discipline that teachers themselves admit that they truly feel comfortable in their classrooms. Unfortunately, though, we see the highest level of turn-over among beginning teachers, one-third of teachers leave the profession within 5 years. Our goal must be to work with new teachers to assure they are confident in their roles and to secure their participation in the teaching profession for years to come.

My legislation will ensure program quality and accountability by requiring that teachers mentor their peers who teach the same subject, and activities are consistent with state standards. Under the supervision and guidance of a senior colleague, teachers are more likely to develop skills and achieve a higher level of proficiency. The confidence and experience gained during this time will improve the quality of instruction, which in turn will improve overall student achievement.

Attracting and retaining quality teachers is a difficult task, especially in rural impoverished areas. As a result, teacher shortage and high turnover are commonplace in rural communities in almost every state in the nation. In addition to retention, recruitment must also be at the core of our efforts. My bill will provide incentives, and grant states the flexibility to establish, expand, or improve alternative teacher certification and licensure programs.

I do not expect this legislation to solve all the problems confronting our schools today. But, I do see it as a practical way to help make our schools stronger by providing teachers with the tools to grow as professionals.

I urge my colleagues to support the Professional Development Enhancement Act and work for its inclusion in the reauthorization of the ESEA.

By Mr. CRAPO.

S. 475. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, I rise today to introduce the Rural Education Initiative Act, which makes Federal grant programs more flexible in order to help school districts in rural communities. Serving to compliment President George W. Bush's education proposal, school districts participating in this initiative are expected to meet high accountability standards.

Targeting only those school districts in rural communities with fewer than 600 students, this proposal reaches out to small, rural districts that are often disadvantaged through our current formula-driven grant system. There is tremendous need in rural states like Idaho because many of the traditional formula grants do not reach our small rural schools. And what money does reach these schools is in amounts insufficient for affecting true curriculum initiatives. In other works, schools may not receive enough funding from any individual grant to carry out meaningful activities.

My proposal addresses this problem by allowing districts to combine funds from four independent programs to accomplish locally chosen educational goals. Under this plan, districts would be able to use their aggregate funds to support local or statewide education reform efforts intended to improve the achievement of elementary and secondary school students. I am asking for an authorization of $125 million for small rural and poor rural schools, a small price that could produce large results.

Any school district participating in this initiative would have to meet high accountability standards. It would have to show significant statistical improvement in reading and math scores, based on state assessment standards. Schools that fail to show demonstrable progress will not be eligible for continued funding. In other words, this plan rewards success, while injecting accountability and flexibility.

In reauthorizing the Elementary and Secondary Education Act, ESEA, Congress has an extraordinary opportunity to change the course of education. We must embrace this opportunity by supporting creative and innovative reform proposals, like the one that I have introduced here today. I am committed to working in the best interest of our children to develop an education system that is the best in the world. The Rural Education Initiative moves us in the right direction and I hope my colleagues will join me in supporting this measure. I urge the Senate Health, Education, Labor and Pensions Committee to incorporate this provision into the upcoming ESEA bill.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mrs. MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, and Mr. CORZINE):

S. 476. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Teacher Corps and principal recruitment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I come to the Floor today to raise an issue that appears to be a foreshadowing national crisis. Every year we are losing more teachers than we can hire and many of our children are left in classrooms without full-time permanent teachers to lead them in the way that they need and deserve to learn.

The teacher shortage in the United States is projected to reach a staggering 2.2 million teachers in the next ten years. And, these shortages have already begun for communities across my state as well as throughout the country. In New York, a third of upstate teachers and half of New York City teachers could retire within the next five years that's approximately 100,000 teachers across the State. In order to deal with these shortages, far too many of our schools are forced to hire emergency certified teachers or long-term substitutes to get through the year. I remember one story about a little girl in Far Rockaway, Queens who in March of last year had already had nine teachers so many she couldn't remember all of their names. Her mother was worried sick that her child was not getting the instruction she needed, but her mother felt powerless to do anything about the situation. And, at one school in Albany, the principal has to regularly fill-in for absent teachers because there are no substitutes available.

The teacher shortage in New York State is only expected to get more dire in the next few years as more teachers retire. Now, in New York City, we know that many teachers decide to leave the City for better working conditions and higher salaries in the surrounding areas.

Last week, we learned from the United Federation of Teachers in New York City that 7,000 teachers are expected to retire this year alone from the city's public schools. In Buffalo, 231 teachers retired last year, compared with an average of 92 in each of the preceding eight years. In addition, Buffalo lost 50 young teachers who moved on to other jobs or other school districts.

Not only are we losing teachers, but principals are becoming more scarce as well. Many of our schools in New York City opened their doors this year without principals. In fact, New York City is expected to lose 50 percent of their principals in the next five years. That is just an unacceptable rate of attrition. We simply cannot afford to lose people who provide instructional leadership and direction to help teachers do their best every day.

Mr. President, that's why I have chosen to focus on this issue so early in my term. And that is why I am proud to introduce the National Teacher and Principal Recruitment Act. My legislation will create a National Teacher Corps that can bring up to 75,000 talented teachers a year into the schools that need them the most. The National Teacher Corps can make the teaching profession more attractive to talented people in our society in several ways. One is by providing bonuses for mid-career professionals interested in becoming teachers. In this fast-paced world, more and more people are changing career paths several times during their working lives. A financial bonus plan can help attract people from other professions.

The National Teacher Corps will also make more scholarships available for college and graduate students, and create new career ladders for teacher aides—to become fully certified teachers. And it will ensure that new teachers get the support and professional development they need both to become—and remain—effective teachers.

This bill will also create a national teacher recruitment campaign to provide good information to prospective teachers about resources and routes to teaching through a National Teacher Recruitment Clearinghouse.

And, finally, the bill will create a National Principal Corps to help bring more highly qualified individuals into our neediest schools. Like the Teacher Corps, the Principal Corps will be focused on attracting good candidates and providing them with the mentorship and professional development they need to succeed.

I am introducing this bill to make sure that all teachers who step into classrooms and all principals who step into leadership in their schools have the expertise, the knowledge, and the support they need to meet the highest possible standards for all of our children, who deserve nothing less.

Now, if a community were running short of water, a state of emergency would be declared and the National Guard would ship in supplies overnight. If a community runs short of blood supplies, the Red Cross stages emergency blood drives to ensure that patients have what they need. Our communities are running short of good teachers and principals, and they are as important to our children's future as any other role that I can imagine. That's what makes it so important for us to act now.

Providing good teachers and principals to schools is a local issue, but it should be a national concern. And to have a partnership with our governors and our mayors, our school superintendents and others is a way that will really help us begin to address this crisis. I hope that all of us on both sides of the aisle and in the public and private sector will join together to make sure we have the supply of teachers that we need. It certainly is the most important public activity any of us can engage in, and it's important to our nation's values as well as our individual aspirations for our children. And I hope that we will find support for doing something to work with our states and localities to meet this crisis.

By Mr. ROBERTS (for himself, Mr. KENNEDY, and Mr. BINGAMAN):

S. 478. A bill to establish and expand programs relating to engineering, science, technology and mathematics education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROBERTS. Mr. President, today, even as I speak, the members of the Health, Education, Labor, and Pensions Committee are in the process of marking up the BEST bill. The BEST bill is an acronym describing an effort to try to put together the reauthorization of the Elementary and Secondary Education Act.

I think without question, in poll after poll taken in America, trying to determine what the American citizenry is concerned about, every one of the polls show the No. 1 issue of concern on the minds of American citizens today is education.

Today I am very proud to announce I am joined by my colleagues, Senator BINGAMAN and Senator KENNEDY, and there will be other cosponsors as well, but they are the original cosponsors in introducing legislation I think without question addresses a very critical need within the American educational system, and also in regard to our national security, as well; that is, the need to improve math and science education.

As a member of the Health, Education, Labor, and Pensions Committee, I want to work with Members on both sides of the aisle. That is what we are attempting to do in the markup this morning: to address the immediate need to improve and enhance the K-through-12 math and science educational level in the United States.

Simply put, the American educational system is not producing enough students with specialized skills in engineering, science, technology, and math to fill many of the jobs currently available that we need and that are vital to the United States. Other countries are simply outpacing us in the number of students in education in EMST, engineering, math, science, and technology study. As a result of this shortage of skilled workers, Congress had to increase the number of H–1B visas by almost 300,000 from fiscal year 2000 to fiscal year 2002.

Now, the United States will need to produce four times as many scientists and engineers than we currently produce in order to meet our future demand. The technology community alone will add 20 million jobs in the next decade that require technical expertise. The U.S. has been a leader in technology for decades and the new economy has created and will continue to create an ample number of jobs that require this kind of skilled workforce.

While increasing the number of visas will assist our American economies with their current labor shortage in specialty and technical areas, we need to focus on long-term solutions through the education of our children.

Improving our students' knowledge of math and science and technology is not only a concern of American companies to remain competitive but should also be a concern of our U.S. national security. The distinguished acting Presiding Officer, the Senator from Oklahoma, has the privilege, along with me, to serve on the Senate Armed Services Committee. He is the chairman of the Readiness Subcommittee. I am in charge of a subcommittee called Emerging Threats and Capabilities.

Guess what is now a real threat, not an emerging threat. According to the latest reports on national security, the lack of engineering, science, technology, and math education, beginning at the K-through-12 level, imposes a great security threat. We don't have the people to do the job to protect our country in regard to cyber threats and the many other threats that certainly threaten our national security.

The report issued by the U.S. Commission on National Security for the 21st century reports:

> The base of American national security is the strength of the American economy.

And our education system.

> Therefore, the health of the U.S. economy depends not only on citizens that can produce and direct innovation, but also on a populace that can effectively assimilate the new tools and the technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which simultaneously develops and defends against the same technologies.

This is not only true in regard to that commission report, what we call the Hart-Rudman report, but it is true in regard to the reports by the Bremer commission, by the Gilmore commission, and the CSIS study. Commission report after commission report says we are lacking in regard to this kind of expertise and this kind of skill.

The EMST bill builds on several goals outlined in the National Commission on Mathematics and Science and Teaching of the 21st century. That is the rather famous and well-read report now called the Glenn report. These goals include:

First, establishing an ongoing system to improve science and math education in K–12. The legislation we have introduced would accomplish this through afterschool and day-care opportunities for more hands-on learning and programming that is focused on math and science. It also strives to make all middle school graduates technology literate through a technology training program.

Second, it does increase the number of math and science teachers and improve their preparation. EMST accomplishes this by several means, including intensive summer development institutes, grants for teacher technology training software and instructional materials, master teacher programs that aid other teachers and bring expertise in math, science, or technology. And finally, expansion of the Eisenhower National Clearinghouse to allow access via the Internet to real programs that effectively teach science and math.

Third, the bill makes teaching science and math more attractive for teachers. The EMST bill provides mentoring for teachers to encourage them to stay in their profession, in addition to educating our high school students about the course of study to enter the science, math, and the teaching field.

Mr. President, I encourage all my colleagues to support increasing our K-through-12 teachers' ability to teach math, science, and technology to our students and encourage these students to enter into EMST fields by supporting this legislation.

I don't think it is an exaggeration to say our future depends on it.

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. HATCH, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ENSIGN, Mr. ENZI, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. NICKLES, and Mr. SANTORUM):

S. 480. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I rise today to speak, once again, on behalf of unborn children who are the silent victims of violent crimes. Today, along with my distinguished colleagues, Senators HUTCHINSON, HATCH, VOINOVICH, BROWNBACK, ENSIGN, ENZI, HAGEL, HELMS, INHOFE, NICKLES, and SANTORUM, I am introducing a bill called the "Unborn Victims of Violence Act of 2001," which would create a separate offense for criminals who injure or kill an unborn child.

Our bill, which is similar to legislation we sponsored in the 106th Congress, would establish new criminal penalties for anyone injuring or killing a fetus while committing certain federal offenses. Therefore, this bill would make any murder or injury of an unborn child during the commission of certain existing federal crimes a separate crime under federal law and the Uniform Code of Military Justice. Twenty-four states already have criminalized the killing or injuring of unborn victims during a crime. The Unborn Victims of Violence Act simply acknowledges that violent acts against unborn babies are also criminal when the assailant is committing a federal crime.

We live in a violent world. And sadly, sometimes, perhaps more often than we realize, even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but neither the Uniform Code of Military Justice nor the federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Airman Robbins of Jasmine's death. Fortunately, upon appeal, the court upheld the lower court's ruling.

If it hadn't been for the Ohio law that was already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. That's why we need a Federal remedy to avoid having to bootstrap state laws to provide recourse when a violent act occurs during the commission of a federal crime. A federal remedy will ensure that crimes within federal jurisdiction against unborn victims are punished.

Let me give you another example. In August 1999, Shiwona Pace of Little Rock, Arkansas, was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So, he hired three thugs to beat his girlfriend so badly that she lost the unborn baby. According to Shiwona, who testified at a Senate Judiciary hearing we held in Washington on February 23, 2000: "I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, 'Your baby is dying tonight.' I was choked, hit in the face with a gun, slapped, punched and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot."

In this particular case, just a few short weeks before this vicious attack, Arkansas passed its "Fetal Protection Act." Under the state law, Erik Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first degree battery for harm against Shiwona.

In yet another example, this one in Columbus, 16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend Barbara "Bobbie" Watkins, age 15, and her 22-week-old unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, Ohio, in which a victim was a fetus.

Look at one more example. In the Oklahoma City and World Trade Center bombings, Federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers, but not to their unborn babies. Again, federal law currently fails to criminalize these violent acts. There are no federal provisions for the unborn victims of federal crimes.

Our bill would make acts like this, acts of violence within federal jurisdiction, Federal crimes. This is a very simple step, but one that will have a dramatic effect.

The fact is that it's just plain wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We must close this loophole.

As a civilized society, we must take a stand against violent crimes against children, especially those waiting to be born. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this Act.

It is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Everyone agrees that violent assailants of unborn babies are criminals. When acts of violence against unborn victims fall within federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. I think Shiwona Pace said it best when she testified at our hearing, "The loss of any potential life should never be in vain."

I strongly urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Victims of Violence Act of 2001".

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.

"1841. Causing death of or bodily injury to unborn child.

"§ 1841. Causing death of or bodily injury to unborn child.

"(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of this title) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113 of this title, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are the following:

"(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

"(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

"(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

"(c) Subsection (a) does not permit prosecution—

"(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section—

"(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

"(2) the term 'unborn child' means a child in utero.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

"90A. Causing death of or bodily injury to unborn child 1841".

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

"§919a. Art. 119a. Causing death of or bodily injury to unborn child.

"(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

"(c) Subsection (a) does not permit prosecution—

"(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

"(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section—

"(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

"(2) the term 'unborn child' means a child in utero.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following:

"919a. 119a. Causing death of or bodily injury to unborn child.".

By Mr. GRAHAM (for himself and Mr. CORZINE):

S. 481. A bill to amend the Internal Revenue Code of 1986 to provide for a 10-percent income tax rate bracket, and for other purposes; to the Committee on Finance.

Mr. GRAHAM. Mr. President, with my colleague, I rise today to introduce the Economic Insurance Tax Cut of 2001.

In his 1862 message to Congress, President Abraham Lincoln surveyed our fractured national horizon and concluded that:

> The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew and act anew.

The same could be said about our current circumstances. The United States has not experienced a recession since the one that occurred in 1990–1991. At that time, the old economic assumptions were shattered and new ones born. Over the past 5 years, it seemed as if nothing could stop the American economy from roaring on.

It was during this comparatively serene time that then-candidate George W. Bush, in the debates leading up to the Iowa caucus in the winter of 1999–2000, announced his plan to cut taxes by $1.6 trillion over the next 10 years.

The landscape has shifted dramatically since the winter of 1999 to the spring of 2001. That shift in the landscape did not just occur in Seattle. Today's headlines are filled with ominous news. Economic activity in the manufacturing sector declined in February for the seventh consecutive month. DaimlerChrysler has laid off 26,000 workers. Whirlpool has slashed the estimates of its earnings and plans 6,000 job cuts. Gateway is dismissing 3,000 workers, 12.5 percent of its workforce. Over the past 2 months, layoffs totaling more than 275,000 jobs have been announced.

This bad news has had, as would be expected, a negative effect on consumers' confidence. Consumers' confidence has plunged 35 points from an all-time high of 142.5 in September of 1999.

When their confidence is shaken, consumers stop spending. When consumers stop spending, the economy gets worse. When the economy gets worse, consumer confidence falls further. The cycle feeds on itself.

In an attempt to staunch the bleeding, the Federal Reserve has twice lowered interest rates in January. Monetary policy, the adjustment of short-term interest rates, is a trusted and often effective tool in stimulating the economy. I am confident that the Federal Reserve will continue to exercise wise judgment.

But there is a growing consensus that more must be done, that fiscal policy can also play an important role in boosting the economy, if not immediately then certainly in the second half of this year. In his testimony before the Senate Budget Committee in January, Chairman Alan Greenspan of the Federal Reserve Board stated:

> Should the current economic weakness spread beyond what now appears likely, having a tax cut in place may in fact do noticeable good.

On February 13, Treasury Secretary O'Neill told the House Ways and Means Committee that he, too, supports the use of fiscal policy as a tool to boost the economy. Mr. O'Neill said:

> To the extent that getting it [the surplus] back to them [the American people] sooner can help stave off a worsening of the economic slowdown, we should move forward immediately.

Finally, during the President's speech to the Nation a week ago, he stated:

> Tax relief is right and tax relief is urgent. The long economic expansion that began almost 10 years ago is faltering. Lower interest rates will eventually help, but we cannot assure that they will do the job all by themselves.

Senator CORZINE and I agree. We think there are several perspectives from which this issue must be viewed. The first is the contextual perspective: How large a tax cut can the American economy and the Federal fiscal system sustain? We share the belief that we are facing a serious demographic challenge in the next 10 to 15 years, as large numbers of persons born immediately after World War II will retire and place unique strains on our Nation's Social Security and Medicare system. That is but one example of the kinds of steps that we need to be cognizant to take and prepare for which will utilize a portion of our current surplus.

After we have determined how large a tax cut is prudent in the context of these other responsibilities, the next step is crafting a plan that can, in fact, be helpful in averting a prolonged economic slowdown. According to economists, a tax cut aimed at stimulating the economy should have four characteristics.

First, the tax relief should be simple enough to be enacted quickly. One of the principal criticisms of the attempts to use fiscal policy to stimulate the economy on a short-term basis is that, historically, Congress and the President have been sufficiently slow in reaching agreement for enactment of such tax cuts that by the time the tax relief is available, the problem has passed. The longer Congress deliberates, the less likely tax relief will get to the American public in time to do some good. Therefore, a simple, straightforward approach is absolutely essential to getting a bill passed quickly.

The more components this tax relief includes, the more debate, discussion, deliberation, and the likelihood of procrastination.

The second characteristic is the tax relief must be significant enough to have a measurable effect on the economy. The economists we have consulted suggest that tax relief in the amount of $60 billion to $65 billion would boost the gross domestic product by one-half to three-quarters of a percentage point. At a time when the economy is at virtually zero growth, that would be a welcome improvement.

Third, the tax relief must be conspicuous. The more transparent the tax cut, the more positive effect it will have on consumer confidence.

Finally, the tax relief must be directed at those who will spend it. Two-thirds of the Nation's economic output is based on consumer spending. Recessions are largely a result of a letup in that consumer demand. Common sense suggests that broad-based tax cuts, the bulk of which are directed at low- and middle-income American families, are much more likely to be the tax cuts that will stimulate consumption. Any tax cut that claims to provide an economic stimulus must be measured against these four standards.

When scrutinized this way, both the President's proposal and the plan which was reported last week by the House Ways and Means Committee, and may, in fact, be voted on by the full House as early as tomorrow, display significant weaknesses.

One, context: At $1.6 trillion, the Bush plan would consume nearly 75 percent of the non-Social Security, non-Medicare surplus, when interest costs are included. That leaves precious few resources for other important initiatives like desperately needed prescription drugs for our seniors, modernization of our armed forces, improving our schools.

No funds would be left to add to the debt reduction that can come through the application of the surpluses coming into Social Security and Medicaid. The Ways and Means proposal is a more expensive down-payment of the Bush plan in that its implementation is pushed forward by a year.

Two, simplicity: The President's tax cut plan contains several complicated proposals that will require Congress to carefully consider their ramifications. This deliberation is likely to delay enactment of the President's plan until it is too late to stimulate the economy.

Three, sufficiency: The President's budget tallies the total tax relief for 2001 at $183 million. For 2002, the total is $30 billion. Tax relief at that low level will do little to boost the economy. The President's tax relief is so small because it is phased in over a five-year period. Phasing in tax relief is exactly the opposite policy to adopt if your goal is economic stimulus. Even the Ways and Means package, despite applying retroactively to 2001, falls far short of injecting tax cuts into the economy during the second half of this year. That plan provides only $10 billion of "stimulus" during this period.

Four, propensity to spend: Economic stimulus occurs when consumers are encouraged to spend. Only one of the proposals in the President's plan meets this standard. Eighty percent of all taxpayers are affected by changes to the 15 percent tax bracket. Therefore, the President's idea for creating a new 10 percent bracket—which has the effect of lowering the 15 percent tax rate—will apply quite broadly across those paying income taxes. In contrast, three-quarters of all taxpayers are unaffected by changes to the remaining four tax brackets. Yet, nearly 60 percent of the total cost of both the President's and the Ways and Means' tax cut packages are devoted to these upper rate cuts.

Earlier this year, noted economist Robert Samuelson wrote in the Washington Post that the time had come for tax cuts whose purpose was to stimulate the economy. He too, criticized the President's tax plan as being poorly designed for this purpose. Specifically, he argued that the President should make his tax cuts retroactive to the beginning of this year and focus more toward the bottom income brackets.

Samuelson also argued that other proposals, whatever their merit—marriage penalty relief, estate tax repeal, new incentives for charitable giving—should wait their place in line; that the first place in this line of America in the year 2001 should be economic stimulation to keep this economy from falling into a deep ditch.

Mr. President, I ask unanimous consent that the columns by Robert Samuelson be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, Senator CORZINE and I have an alternative that makes the improvements to the President's tax cut plan suggested by Mr. Samuelson, and makes it consistent with the characterization which I have outlined. Senator CORZINE and I have an alternative that builds upon a proposal included in the President's tax cut plan.

President Bush has proposed the creation of a new 10-percent rate bracket. His proposal is that for incomes up to $6,000 for an individual and $12,000 for a couple, that the first $6,000 or $12,000 would be taxed at 10 percent rather than the current 15 percent. The problem with his proposal is that he proposes to implement this change over 5 years. It is not until the year 2006 that this plan is fully in place.

Senator CORZINE and I propose to fully implement this 10-percent bracket retroactive to January of this year. In addition, we suggest the bracket needs to be expanded so the incomes on which it would apply would be $9,500 for an individual, and $19,000 for a married couple.

There are several reasons why we believe their proposal makes sense.

First, it provides tax relief to a broad range of taxpayers. Every American income tax payer would participate in this plan. All couples with income tax liabilities would save $950 annually, or have their tax liability eliminated entirely.

Second, our proposal provides significant tax relief to middle-income families who are more likely to spend their additional money, and, therefore, create demand within our economy.

Our plan would be more effective in stimulating our economy, particularly at this time of concern about our economic future.

This proposal will lower taxes by $60 billion in both 2001 and 2002.

I point out this contrast with the President's plan with the lower taxes in 2001 by less than $200 million, and the plan of the House Ways and Means Committee which will lower taxes in 2001 by approximately $10 billion.

We believe this infusion of energy into the economy—$60 billion in this and the next year—is the first portion of tax relief which will be strong enough to be able to have a meaningful effect on the economy.

We would propose that a large portion of the first year's tax relief be reflected in workers' paychecks during the second half of the year, precisely the time that would be needed to forestall a prolonged economic downturn.

The 10-year cost of this proposal is $693 billion. This is less than half of the President's total plan, and it could be reduced further if the Congress were to decide it wished to sunset any portion of this tax cut before the end of the 10-year period.

Fourth, this proposal is simple. There is no reason this proposal could not be enacted by July 4. The Treasury would be directed to adjust its withholding tables as quickly as possible. Families could expect to see an increase in their paychecks by a reduction in the amount withheld for income tax in time for their August vacations. Instead of staying home that week, they could take their children to the beach or take themselves out to dinner. They could use the money to fix the car and head for the mountains, or fix up the backyard and celebrate with a barbecue.

In doing so, they could begin to reverse the cycle—to put money back into the economy, to feed expansion, to stimulate growth, to create jobs, to increase Americans' confidence in their economic future.

This tax cut would truly be the gift that keeps on giving.

There is one additional benefit to proceeding in the manner that Senator CORZINE and I are suggesting. Enacting this stimulative tax cut first and waiting until later to address other tax matters will give Congress time to evaluate the seriousness of the economic downturn and to evaluate how effective this economic insurance policy has been in putting a foundation under that downturn.

In particular, this time will give us a better idea of whether the slowing economy will adversely affect the surplus projections on which additional tax cuts are predicated.

Again, I return to President Lincoln's suggestion during one of the most trying times of his service as President of the United States.

This is not the time for timidity and handwringing. This is the time for swift, bold action. The occasion is piled high with difficulty, and we must rise with the occasion.

Exhibit 1

[From the Washington Post, Jan. 9, 2001]

Time for a Tax Cut

(By Robert J. Samuelson)

For some time, I have loudly and monotonously objected to large federal tax cuts. The arguments against them seemed overwhelming: The booming economy didn't need further stimulating; the best use of rising budget surpluses was to pay down the federal debt. But I regularly attached a large asterisk to this opposition. A looming economic slowdown or recession might justify a big tax cut. Well, the asterisk is hereby activated.

By now, it's clear that most commentators missed the economy's emerging weakness. Indeed, a recession may already have started. Industrial production has declined slightly since September. Christmas retail sales were miserable; at Wal-Mart, same-store sales were up a meager 0.3 percent from a year earlier. The story is the same for autos; sales declined 8 percent in December. Montgomery Ward is going out of business. Last week's surprise interest-rate cut by the Federal Reserve confirms the large miscalculation.

A tax cut is now common sense. It would make it easier for consumers to handle their heavy debts and, to some extent, bolster their purchasing power. The fact that President-elect George W. Bush supports a major tax cut is fortuitous. But his proposal is poorly designed to combat recession. Although the estimated costs—$1.3 trillion from 2001 to 2010—are large, they are "backloaded." That is, the biggest tax cuts occur in the later years. In 2002, the tax cut would amount to $21 billion, a trivial 0.2 percent of gross domestic product (national income). This would barely affect the economy.

What Bush needs to do is accelerate the immediate benefits (to resist a slump) while limiting the long-term costs (to protect against new deficits). This would improve a tax plan's economic impact and political appeal. The required surgery is easier than it sounds:

Bush's across-the-board tax-rate cuts should be compressed into two years—making them retroactive to Jan. 1, 2001—instead of being phased in from 2002 to 2006. The idea is to increase people's disposable incomes, quickly. (Under the campaign proposal, today's rates of 39.6, 36, 31 and 28 percent would be reduced to 33 and 25 percent. The present 15 percent rate would remain, but a new 10 percent rate would be created on the first $6,000 of taxable income for singles and $12,000 for couples.) Similarly, the proposed increase in the child tax-credit, from $500 to $1,000, should occur over two years, not four.

The distribution of the tax cut should be tilted more toward the bottom and less toward the top. One criticism of the original plan is that it's skewed toward the richest taxpayers, who pay most of the taxes. (In 1998 the 1.6 percent of tax returns with incomes above $200,000 paid 40 percent of the income tax.) The criticism could—and should—be blunted by reducing the top rate to only 35 percent, while expanding tax cuts for the lower brackets. This would concentrate tax relief among middle-class families, whose debt burdens are highest.

Bush should defer most other proposals: the gradual phase-out of the estate tax, new tax breaks for charitable contributions and tax relief from the so-called marriage penalty. Together, these items would cost an estimated $400 billion from 2001 to 2010. They are the most politically charged parts of the package and the least related to stimulating the economy. Proposing them now would muddle what ought to be Bush's central message: a middle-class tax cut to help the economy.

The case for this tax cut rests on a critical assumption. It is that the slowdown (or recession) could be long, deep or both. If it's just a blip—as some economists think—the economic argument for a tax cut disappears. The economy will revive quickly, aided by the Fed's lower interest rates. Then the debate over a tax cut should return to political preferences. Do we want more spending, lower taxes or debt reduction? My preference would remain debt reduction. But I doubt that the economic outlook is so charmed.

Just as the boom—the longest in U.S. history—was unprecedented, so may be its aftermath. The boom's great propellant was a buying binge by consumers and businesses. Both spent beyond their means. They went deep into debt. Put another way, the private sector as a whole has been running an ever-widening "deficit," says Wynne Godley of the Jerome Levy Economics Institute of Bard College. By his calculation, the deficit began in 1997 and reached a record 8 percent of disposable income in late 2000. Household debt hit 100 percent of personal disposable income, up from 82 percent in 1990.

What may loom is a protracted readjustment. "An increase in private debt relative to income can go on for a long time, but it cannot go on forever," writes Godley. People and companies reduce their debt burdens by borrowing less and using some of their income to repay existing loans. The private-sector "deficit" would shrink. But this process of retrenchment would hurt consumer spending and business investment, which constitute about 85 percent of the economy.

It's self-defeating for government to exert a further drag through growing budget surpluses. Of course, government could spend more. But politically, that isn't likely—and spending increases take time to filter into the economy. A tax cut could be enacted quickly and enables people to keep more of what they've earned. Roughly speaking, the Bush tax cuts could raise disposable incomes of middle-income households (those between $35,000 and $75,000) by $1,000 to $2,500. This would make it easier for consumers to manage their debts and maintain spending. It's also an illusion to think that lower interest rates (through Fed cuts and government-debt repayment) can instantly and single-handedly stimulate recovery.

"The danger of a severe and prolonged recession is being seriously underestimated," writes Godley. If you believe that—and I do—then a tax cut that made no sense six months ago makes eminent sense now.

[From the Washington Post, Feb. 14, 2001]

Who Deserves a Tax Cut?

(By Robert J. Samuelson)

The economic case for a tax cut seems compelling. The U.S. economy is unwinding from an unstable boom. "Animal spirits"—the immortal phrase of economist John Maynard Keynes—took hold. Consumers overborrowed or, dazzled by rising stock prices, overspent. Businesses overinvested thanks to strong profits and cheap capital. Both consumers and businesses will now curb spending: consumers made cautious by high debts, stagnant (or falling) stocks and fewer new jobs; businesses deterred by surplus capacity and scarcer capital. A tax cut would cushion the spending slowdown.

Of course, we don't yet know the slump's seriousness. In the final quarter of 2000, business investment dropped at an annual rate of 1.5 percent; in the first quarter of 2000, it rose at a rate of 21 percent. Consumer spending rose at a 2.9 percent rate in the last quarter, but within that, spending on "durables" (cars, appliances, computers) dropped 3.4 percent, again at annual rates. These were both large declines from earlier in the year. In the first quarter, the gains had been 7.6 percent and 23.6 percent.

Consumer spending (68 percent of gross domestic product) and business investment (14 percent) constitute four-fifths of the economy. If they are in retreat, the economy is—almost by definition—in trouble. (Housing, exports and government represent the rest.) The case against a tax cut is that the spending slowdown will be mild; it will be checked by the Federal Reserve's cut in interest rates. Perhaps. But I'm skeptical. If businesses have idle capacity and consumers have excess debts, lower interest rates may not stimulate much new borrowing.

Nor will large budget surpluses automatically preserve prosperity. This argument is (to put it charitably) absurd. The surpluses are the consequence—not the cause—of the economic boom and stock market frenzy, which created a tidal wave of new tax revenues. The big surpluses were a pleasant dividend. But now they may depress the economy by removing purchasing power.

This is easy to grasp. Suppose the budget surplus were a huge sum: say, $1 trillion or about 10 percent of GDP. Would anyone deny the drag on economic growth? Personal and corporate income would be reduced by the amount of the surplus. This drag could be offset only if the resulting drop in interest rates and repayment of federal debt created an equal stimulus. Though conceivable, this is hardly certain and—in my view—unlikely. Today's surplus is only $200 billion to $300 billion, or about 2 to 3 percent of GDP. But the same reasoning applies. The surplus doesn't mechanically create demand or spending and, quite probably, does the opposite.

A year ago, a tax cut would have been folly. Private spending was booming. But a tax cut now is not an effort to "fine tune" the economy. It's the logical response to the end of the private boom—an attempt to prevent a "bust" by restoring some of people's incomes. Whose incomes? Who deserves tax cuts? These (to me) are the harder questions.

President Bush's across-the-board rate cuts would give the largest dollar tax cuts to the wealthiest Americans, because they pay most taxes. In 2000, the richest 10 percent of Americans—whose incomes begin at about $100,000—paid 66 percent of the federal income tax and 50 percent of all federal personal taxes (including payroll and excise taxes), estimates the Congressional Joint Committee on Taxation.

Within this group, the wealthiest one percent—with incomes above $300,000—paid 34 percent of income taxes and 19 percent of all taxes. Over time, these shares have increased. In 1977 the richest 10 percent paid 50 percent of income taxes and 43 percent of all federal taxes. There are two reasons for this trend: (a) the rich's incomes grew faster than everyone else's; and (b) tax relief went more toward the lower half of the income spectrum.

If you like income redistribution for its own sake, this is wonderful. But the growing gap between those who pay for government and those who receive its benefits creates a dangerous temptation. It is to tax the few and distribute to the many. Though politically expedient, expanded government programs may have little to do with the broader national interest. They may simply make more people and institutions dependent on Washington and the political process. Taxes must be fairly broad-based if the public is to weigh the pleasure of new government programs against the pain of higher taxes.

As originally proposed, Bush's plan was avowedly political. It aimed to restrain government spending by depriving government of some money to spend. But Bush is now selling his program as an antidote to economic slump. Ironically, this strengthens the case for skewing the tax cut toward middle- and lower-income households. Almost certainly, their debt burdens are higher than upscale America's, they may also spend more of any tax cut than the rich, providing greater support to the economy.

Finally, it's true that an excessive tax cut would invite future deficits. How to balance these competing pressures is what we will debate. My preference is to accelerate the introduction of Bush's across-the-board rate cuts, with one exception; I would cut the top rate of 39.6 percent to 35 percent, instead of Bush's 33 percent, and use the savings to broaden tax cuts at lower income levels.

I would also accelerate the increase in the child tax credit—from $500 to $1,000—but defer Bush's other proposals (ending the estate tax, bigger charitable deductions). This would raise the overall tax cut's immediate economic impact and reduce the long-term budget costs.

As we debate, we should not idealize budget surpluses. They are simply paper projections, based on various assumptions, including strong economic growth. If the growth doesn't materialize, neither will the surpluses. A slavish effort to preserve the surpluses could perversely destroy them.

[From the Washington Post, Mar. 7, 2001]

Tax Cuts: The True Issue

(By Robert J. Samuelson)

The tax and budget debate is essentially a quarrel about political philosophy. President Bush wants to limit the size of government by depriving it of more money to spend. His Democratic critics want government to keep as much in taxes as possible, because they want to spend it. In fiscal 2000 federal taxes represented a post-World War II record of 20.6 percent of gross domestic product (national income). Over a decade, Bush wants to nudge that below 19 percent of GDP, while Democrats prefer to keep it above 20 percent. That's the central issue between them—and they're trying to obscure it.

We have diehard liberals preaching the virtues of reducing the federal debt, not because they believe in smaller government but because this makes them seem frugal, cautious and even conservative. Meanwhile, President Bush flaunts his proposed spending increases for education and Medicare, not because he believes in bigger government but because they make him seem humane, sensitive and even liberal. Both sides are fleeing their traditional stereotypes: liberals as extravagant spenders, conservatives as cruel cheapskates.

The result is calculated confusion. The antagonists informally deemphasize their central dispute—the size of government—and shift the debate to side issues (they hope) will disarm their opponents. For example:

Does a faltering economy need a tax cut?

This is Bush's ace. Consumer confidence has dropped for five straight months; in January existing-home sales fell 6.6 percent. The more the economy weakens, the harder it is for Democrats to resist tax cuts. There's a certain common-sense appeal to bolstering people's purchasing power by reducing their taxes. A year ago President Clinton proposed only $350 billion in tax cuts over a decade. Now many Democrats talk in the $700 billion to $1 trillion range—much closer to Bush's $1.6 trillion.

Do Bush's budget numbers add up?

No, say critics. His budget skimps on paying down the federal debt—all the Treasury bonds and bills issued to cover past budget deficits. Worse, the tax cut might create future deficits when combined with programs not in the present budget: an anti-missile defense and private accounts for Social Security, for instance. All this is possible, especially if the surplus forecasts turn out (as they might) to be too optimistic. Still, the critics' case is wildly overstated.

Between 2002 and 2011, Bush projects budget surpluses of $5.6 trillion. This is defensible; the Congressional Budget Office made a similar estimate. The tax cut would reduce the surplus by $1.6 trillion and require an extra $400 billion in interest payments. This leaves a surplus of $3.6 trillion. Of that, Bush would use $2 trillion for debt reduction. (From 2001 to 2011, the debt would drop from $3.2 trillion to $1.2 trillion. Interest payments would decline to below 3 percent of federal spending, down from 15 percent in 1997.)

Now we're at $1.6 trillion. Bush proposes almost $200 billion in new spending—mainly for changes in Medicare, including a drug benefit. Bush labels the remaining $1.4 trillion in surplus a "reserve" against faulty estimates, further debt reduction or more spending. All the possible claims on the reserve (the missile defense, private accounts for Social Security) could exhaust it. But if you're trying to make Congress set spending priorities—as Bush is—his approach isn't unreasonable.

If there's a tax cut, who should get it?

Politically, this is Bush's Achilles' heel. He says that taxes belong to the people who earned them—not the government. Okay. The political problem is that most federal taxes are paid by a small constituency of the well-to-do and wealthy. In 2001 the richest 10 percent of Americans—those with incomes above $107,000—will pay 68 percent of the income tax and 52 percent of all federal taxes, estimates the Congressional Joint Committee on Taxation. With its across-the-board rate reductions, Bush's plan give them the largest dollar cuts. Citizens for Tax Justice, a liberal advocacy group, estimates that the richest one percent get 31 percent of the income-tax cuts (slightly below their share of income taxes, 36 percent). Democrats are aghast; they want smaller tax cuts to concentrate benefits on households under $100,000.

To handicap the tax debate, watch these issues. If the economy weakens further, pressure for tax relief will intensify. But so will pressure to redirect the benefits down the income ladder. My view—stated in earlier columns—is that the economy needs a tax cut. I would accelerate Bush's across-the-board rate cuts and the doubling of the child credit (from $500 to $1,000). But I would cut today's top rate of 39.6 percent only to 35 percent, not 33 percent, as Bush proposes. All this would maximize the tax cut's immediate effect on the economy.

Like Bush's critics, I think the long-term budget projections are too uncertain to enact his full tax package now; so I would defer action on his other proposals (abolishing the estate tax, marriage-penalty relief, new charitable deductions). But unlike his critics, I think Bush is correct on the central issue of government's size. The real choice now is not between cutting taxes and paying down the debt. If immense surpluses emerge, Congress—Democrats and Republicans—will spend them. Even last year's modest surplus spurred Congress to a spending spree.

It's the wrong time for huge spending increases. The retirement of the baby boom generation, beginning in a decade, will expand government commitments. Retirement benefits will inevitably increase, exerting pressure for higher taxes. If we raise spending now, we will begin this process from a higher base of spending and taxes—that will ultimately have to be paid by today's children and young adults. This would be a dubious legacy.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Economic Insurance Tax Cut of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. 10-PERCENT INCOME TAX RATE BRACKET FOR INDIVIDUALS.

(a) RATES FOR 2001.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (d) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $19,000	10% of taxable income.
Over $19,000 but not over $45,200.	$1,900, plus 15% of the excess over $19,000.
Over $45,200 but not over $109,250.	$5,830, plus 28% of the excess over $45,200.
Over $109,250 but not over $166,500.	$23,764, plus 31% of the excess over $109,250.
Over $166,500 but not over $297,350.	$41,511.50, plus 36% of the excess over $166,500.
Over $297,350................ ...	$88,617.50, plus 39.6% of the excess over $297,350.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $14,250	10% of taxable income.
Over $14,250 but not over $36,250.	$1,425, plus 15% of the excess over $14,250.
Over $36,250 but not over $93,650.	$4,725, plus 28% of the excess over $36,250.
Over $93,650 but not over $151,650.	$20,797, plus 31% of the excess over $93,650.
Over $151,650 but not over $297,350.	$38,777, plus 36% of the excess over $151,650.
Over $297,350................ ...	$91,229, plus 39.6% of the excess over $297,350.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $9,500	10% of taxable income.
Over $9,500 but not over $27,050.	$950, plus 15% of the excess over $9,500.
Over $27,050 but not over $65,550.	$3,582.50, plus 28% of the excess over $27,050.
Over $65,550 but not over $136,750.	$14,362.50, plus 31% of the excess over $65,550.
Over $136,750 but not over $297,350.	$36,434.50, plus 36% of the excess over $136,750.
Over $297,350................ ...	$94,250.50, plus 39.6% of the excess over $297,350.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $9,500	10% of taxable income.
Over $9,500 but not over $22,600.	$950, plus 15% of the excess over $9,500.
Over $22,600 but not over $54,625.	$2,915, plus 28% of the excess over $22,600.
Over $54,625 but not over $83,250.	$11,882, plus 31% of the excess over $54,625.
Over $83,250 but not over $148,675.	$20,755.75, plus 36% of the excess over $83,250.
Over $148,675................ ...	$44,308.75, plus 39.6% of the excess over $148,675.".

(b) INFLATION ADJUSTMENT TO APPLY IN DETERMINING RATES FOR 2002.—Subsection (f) of section 1 is amended—

(1) by striking "1993" in paragraph (1) and inserting "2001",

(2) by striking "1992" in paragraph (3)(B) and inserting "2000", and

(3) by striking paragraph (7).

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking "1992" and inserting "2000" each place it appears:

(A) Section 25A(h).
(B) Section 32(j)(1)(B).
(C) Section 41(e)(5)(C).
(D) Section 42(h)(3)(H)(i)(II).
(E) Section 59(j)(2)(B).
(F) Section 63(c)(4)(B).
(G) Section 68(b)(2)(B).
(H) Section 132(f)(6)(A)(ii).
(I) Section 135(b)(2)(B)(ii).
(J) Section 146(d)(2)(B).
(K) Section 151(d)(4).
(L) Section 220(g)(2).
(M) Section 221(g)(1)(B).
(N) Section 512(d)(2)(B).
(O) Section 513(h)(2)(C)(ii).
(P) Section 685(c)(3)(B).
(Q) Section 877(a)(2).
(R) Section 911(b)(2)(D)(ii)(II).
(S) Section 2032A(a)(3)(B).
(T) Section 2503(b)(2)(B).
(U) Section 2631(c)(2).
(V) Section 4001(e)(1)(B).
(W) Section 4261(e)(4)(A)(ii).
(X) Section 6039F(d).
(Y) Section 6323(i)(4)(B).
(Z) Section 6334(g)(1)(B).
(AA) Section 6601(j)(3)(B).
(BB) Section 7430(c)(1).

(2) Subclause (II) of section 42(h)(6)(G)(i) is amended by striking "1987" and inserting "2000".

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1(g)(7)(B)(ii)(II) is amended by striking "15 percent" and inserting "10 percent".

(2) Section 1(h) is amended by striking paragraph (13).

(3) Section 3402(p)(1)(B) is amended by striking "7, 15, 28, or 31 percent" and inserting "5, 10, 15, 28, or 31 percent".

(4) Section 3402(p)(2) is amended by striking "15 percent" and inserting "10 percent".

(e) DETERMINATION OF WITHHOLDING TABLES.—Section 3402(a) (relating to requirement of withholding) is amended by adding at the following new paragraph:

"(3) CHANGES MADE BY SECTION 2 OF THE ECONOMIC INSURANCE TAX CUT OF 2001.—Notwithstanding the provisions of this subsection, the Secretary shall modify the tables and procedures under paragraph (1) through the reduction of the amount of withholding required with respect to taxable years beginning in calendar year 2001 to reflect the effective date of the amendments made by section 2 of the Economic Insurance Tax Cut of 2001, and such modification shall take effect on the first day of the first month beginning after the date of the enactment of such Act.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) AMENDMENTS TO WITHHOLDING PROVISIONS.—The amendments made by paragraphs (3) and (4) of subsection (d) shall apply to amounts paid after December 31, 2000.

Mr. CORZINE. Mr. President, I am pleased to join with my distinguished colleague from Florida, Senator GRAHAM, in introducing the legislation to establish a new 10-percent tax bracket.

This bill would provide a simple, fair, and fiscally responsible tax cut that can be enacted quickly, and that can provide an important insurance policy against the risk of an economic slowdown, a slowdown that to most observers appears to be more real and potentially deeper than perceived even as early as in January of this year.

To me, there is little question that our economy needs stimulus, fiscally as well as monetarily, to return to a moderate growth path. The question for policymakers is how to make that happen.

Some, including Fed Chairman Alan Greenspan, have questioned whether Congress is capable of enacting a tax cut quickly enough to prevent a recession or even help lift us out of one on a timely basis. I think we can. In any case, as many other economists, Chairman Greenspan has argued that tax cuts would be helpful once an economic downturn is upon us, if a tax cut were implemented expeditiously.

To make any tax cut effective as an economic insurance policy, Congress and the President need to reach agreement quickly. To facilitate such an agreement, we are proposing that Congress defer consideration of the long list of worthy, and maybe some less worthy, tax cut proposals currently under debate, and, for now, adopt a very straightforward, simple approach.

President Bush has already proposed the creation of a new 10-percent rate bracket for income of up to $12,000 for couples who are currently taxed at 15 percent. The corresponding level for single taxpayers, under the President's proposal, would be $6,000. However, as originally proposed, the Bush rate cut would not be fully effective until 2006.

Senator GRAHAM and I are proposing to immediately—and retroactively for this year—create a 10-percent rate bracket and increase the threshold of that bracket to $19,000 for married taxpayers and $9,500 for individuals.

There are several reasons why this 10-percent compromise makes sense to us. First, it provides equitable relief to taxpayers at all different income levels. All couples with income tax liabilities would save $950 annually or have their tax liability eliminated entirely.

Second, middle-class families are more likely to spend a tax cut than the wealthier families favored under some aspects of the President's plan. Our proposal would be more effective in boosting the economy now.

Third, our proposal would put roughly $60 billion of the annual non-Social Security surplus into a retroactive tax cut. This is the amount that economists tell us is needed to achieve a noticeable economic impact this year. At this level, we would expect that tax cut to boost GDP by one-half to three-quarters of a percentage point.

Fourth, because of its simplicity, the proposal could be debated, enacted, and implemented very quickly. I think the latter is very important. In fact, if the President and the bipartisan congressional leadership were to come to an agreement, announce an agreement on this package, business and consumer confidence in private spending could be bolstered almost immediately. Later, once the proposal is signed into law, withholding tables could be adjusted in a matter of weeks. That is where the simplicity comes in. By contrast, many of the President's and Congress's proposals are not only controversial and would draw lengthy debate, but would take much longer to be able to be implemented into law.

Finally, while providing a real economic stimulus up front, the cost of our proposal is something that is doable within the current context of our budget. The cost of our proposal is roughly $700 billion. This would not preclude further debt reduction, tax cuts, or spending priorities, such as improvements in education, as the President has suggested, and prescription drug coverage, or increases in defense spending.

By contrast, the President's original proposal provides very limited stimulus up front—only $21 billion in 2001—yet threatens to starve the Government of needed resources in later years, especially when our obligations to Social Security and Medicare begin to grow substantially.

Our 10-percent compromise asks both parties to temporarily give up their favorite tax cut proposals in the interests of a quick compromise which would benefit the country, which would apply the principle that a rising tide lifts all boats. We do not accept the common wisdom that Washington is incapable of acting quickly. There is a need. When it really matters, we know we can keep things simple, and we can get things done, and make them happen.

I congratulate Senator GRAHAM. And I very much appreciate the opportunity to introduce this legislation. We look forward to working with the Congress to try to get a quick and stimulative and simple proposal through the Congress.

By Mr. WYDEN:

S. 483 A bill to amend title 49, United States Code, to improve the disclosure of information to airline passengers and the enforceability of airline passengers and the enforceability of airline passengers' rights under airline customer service agreements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing legislation to provide enforceable consumer protections for airline passengers. The bill I introduce today is the result of a process that started over two years ago, when I first introduced bipartisan passenger rights legislation. Instead of enacting that legislation, Congress decided to give the airlines a year-and-a-half to improve customer service through voluntary plans. At the end of that time, the Department of Transportation Inspector General was to report to Congress on the airlines' progress.

The Inspector General released his report last month. It is a carefully researched and balanced document, and it finds that, while the airlines have made progress in some areas, there are also significant continued shortcomings. In particular, in many cases passengers are still not receiving reliable and timely communications about flight delays, cancellations, and diversions. The report recommends a number of specific, reasonable steps that could be taken to improve the experience of the flying public.

I want to commend the chairman of the Commerce Committee, Senator MCCAIN, and Senators HOLLINGS and HUTCHISON, for the bill they have introduced, which reflects the essence of the Inspector General's report. My bill is intended to complement and further the discussion that legislation has begun.

My legislation closely tracks the findings and recommendations of the Inspector General's report. First, it features "right-to-know" provisions that require airlines to tell customers when a flight they are about to book a ticket on is chronically delayed or canceled, and to provide better information about overbooking, frequent flyer programs, and lost baggage. The bill also contains provisions to enhance and improve the enforcement of the airlines' customer service commitments, such as requirement that each airline incorporate its commitments into its binding contract of carriage. Finally, the bill calls on the Secretary of Transportation to review existing regulations to make sure airlines adhere to their commitments, and to encourage the establishment of a baseline standard of service for all airlines.

The provisions of this bill are not radical, nor are they regulatory; they are basic reasonable steps based directly on the specific findings and recommendations of the Inspector General. Most importantly, they would create meaningful, enforceable protections for consumers in the areas where the Inspector General has identified ongoing problems.

I am hopeful that my colleagues here in the Senate will join me in supporting this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment of Airline Passengers Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) United States airline traffic is increasing. The number of domestic passengers carried by United States air carriers has nearly tripled since 1978, to over 660 million annually. The number is expected to grow to more than 1 billion by 2010. The number of domestic flights has been steadily increasing as well.

(2) The Inspector General of the Department of Transporation has found that with this growth in traffic have come increases in delays, cancellations, and customer dissatisfaction with air carrier service.

(A) The Federal Aviation Administration has reported that, between 1995 and 2000, delays increased 90 percent and cancellations increased 104 percent. In 2000, over 1 in 4 flights were delayed, canceled, or diverted, affecting approximately 163 million passengers.

(B) At the 30 largest United States airports, the number of flights with taxi-out times of 1 hour or more increased 165 percent between 1995 and 2000. The number of flights with taxi-out times of 4 hours or more increased 341 percent during the same period.

(C) Certain flights, particularly those scheduled during peak periods at the nation's busiest airports, are subject to chronic delays. In December, 2000, 626 regularly-scheduled flights arrived late 70 percent of the time or more, as reported by the Department of Transportation.

(D) Consumer complaints filed with the Department of Transportation about airline travel have nearly quadrupled since 1995. The Department of Transportation Inspector General has estimated that air carriers receive between 100 and 400 complaints for every complaint filed with the Department of Transportation.

(3) At the same time as the number of complaints about airline travel has increased, the resources devoted to Department of Transportation handling of such complaints have declined sharply. The Department of Transportation Inspector General has reported that the staffing of the Department of

Transportation office responsible for handling airline customer service complaints declined from 40 in 1985 to just 17 in 2000.

(4) In June, 1999, the Air Transport Association and its member airlines agreed to an Airline Customer Service Commitment designed to address mounting consumer dissatisfaction and improve customer service in the industry.

(5) The Department of Transportation Inspector General has reviewed the airlines' implementation of the Airline Customer Service Commitment. The Inspector General found that:

(A) The Airline Customer Service Commitment has prompted air carriers to address consumer concerns in many areas, resulting in positive changes in how air travelers are treated.

(B) Despite this progress, there continue to be significant shortfalls in reliable and timely communication with passengers about flight delays and cancellations. Reports to passengers about flight status are frequently untimely, incomplete, or unreliable.

(C) Air carriers need to do more, in the areas under their control, to reduce overscheduling, the number of chronically-late or canceled flights, and the amount of checked baggage that does not show up with the passenger upon arrival.

(D) A number of further steps could be taken to improve the effectiveness and enforceability of the Airline Customer Service Commitment and to improve the consumer protections available to commercial air passengers.

SEC. 3. FAIR TREATMENT OF AIRLINE PASSENGERS.

(a) In General.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§ 41722. Airline passengers' right to know

“(a) Disclosure of On-time Performance.—Whenever any person contacts an air carrier to make a reservation or to purchase a ticket on a consistently-delayed or canceled flight, the air carrier shall disclose (without being requested), at the time the reservation or purchase is requested, the on-time performance and cancellation rate for that flight for the most recent month for which data is available. For purposes of this paragraph, the term ‘consistently-delayed or canceled flight’ means a regularly-scheduled flight—

“(1) that has failed to arrive on-time (as defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data are available; or

“(2) at least 20 percent of the departures of which have been canceled during the most recent 3-month period for which data are available.

“(b) On-time Performance Posted on Website.—An air carrier that has a website on the Internet shall include in the information posted about each flight operated by that air carrier the flight's on-time performance (as defined in section 234.2 of title 14, Code of Federal Regulations) for the most recent month for which data is available.

“(c) Passenger Information Concerning Delays, Cancellations, and Diversions.—

“(1) In general.—Whenever a flight is delayed, canceled, or diverted, the air carrier operating that flight shall provide to customers at the airport and on board the aircraft, in a timely, reasonable, and truthful manner, the best available information regarding such delay, cancellation, or diversion, including—

“(A) the cause of the delay, cancellation, or diversion; and

“(B) in the case of a delayed flight, the carrier's best estimate of the departure time.

“(2) Public information.—An air carrier that provides a telephone number or website for the public to obtain flight status information shall ensure that the information provided via such telephone number or website will reflect the best and most current information available concerning delays, cancellations, and diversions.

“(d) Pre-departure Notification System.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier that is a reporting carrier (as defined in section 234.2 of title 14, Code of Federal Regulations) shall establish a reasonable system (taking into account the size, financial condition, and cost structure of the air carrier) for notifying passengers before their arrival at the airport when the air carrier knows sufficiently in advance of the check-in time for their flight that the flight will be canceled or delayed by an hour or more.

“(e) Coordination of Monitors; Current Information.—At any airport at which the status of flights to or from that airport is displayed to the public on flight status monitors operated by the airport, each air carrier the flights of which are displayed on the monitors shall work closely with the airport to ensure that flight information shown on the monitors reflects the best and most current information available.

“(f) Frequent Flyer Program Information.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier that maintains a frequent flyer program shall increase the comprehensiveness and accessibility to the public of its reporting of frequent flyer award redemption information. The information reported shall include—

“(1) the percentage of successful redemptions of requested frequent flyer awards for free tickets or class-of-service upgrades for the air carrier;

“(2) the percentage of successful redemptions of requested frequent flyer awards for free tickets or class-of-service upgrades for each flight in the air carrier's top 100 origination and destination markets; and

“(3) the percentage of seats available for frequent flyer awards on each flight in its top 100 origination and destination markets.

“(g) Overbooking.—

“(1) Oversold flight disclosure.—An air carrier shall inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is oversold.

“(2) Bumping compensation information.—An air carrier shall inform passengers on a flight what the air carrier will pay passengers involuntarily denied boarding before making offers to passengers to induce them voluntarily to relinquish seats.

“(3) Disclosure of bumping policy.—An air carrier shall disclose, both on its Internet website, if any, and on its ticket jackets, its criteria for determining which passengers will be involuntarily denied boarding on an oversold flight and its procedures for offering compensation to passengers voluntarily or involuntarily denied boarding on an oversold flight.

“(h) Mishandled Baggage Reporting.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, each air carrier shall revise its reporting for mishandled baggage to show—

“(1) the percentage of checked baggage that is mishandled during a reporting period;

“(2) the number of mishandled bags during a reporting period; and

“(3) the average length of time between the receipt of a passenger's claim for missing baggage and the delivery of the bag to the passenger.

“(i) Small Air Carrier Exception.—This section does not apply to an air carrier that operates no civil aircraft designed to have a maximum passenger seating capacity of more than 30 passengers.

“§ 41723. Enforcement and enhancement of airline passenger service commitments

“(a) Adoption of Customer Service Plan.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102 that has not already done so shall—

“(1) develop and adopt a customer service plan designed to implement the provisions of the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999;

“(2) incorporate its customer service plan in its contract of carriage;

“(3) incorporate the provisions of that Commitment if, and to the extent that those provisions are more specific than, or relate to issues not covered by, its customer service plan;

“(4) submit a copy of its customer service plan to the Secretary of Transportation;

“(5) post a copy of its contract of carriage on its Internet website, if any; and

“(6) notify all ticketed customers, either at the time a ticket is purchased or on a printed itinerary provided to the customer, that the contract of carriage is available upon request or on the air carrier's website.

“(b) Modifications.—Any modification in any air carrier's customer service plan shall be promptly incorporated in its contract of carriage, submitted to the Secretary, and posted on its website.

“(c) Quality Assurance and Performance Measurement System.—

“(1) Air carriers.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102, after consultation with the Inspector General of the Department of Transportation, shall—

“(A) establish a quality assurance and performance measurement system for customer service; and

“(B) establish an internal audit process to measure compliance with its customer service plan.

“(2) DOT approval required.—Each air carrier shall submit the measurement system established under paragraph (1)(A) and the audit process established under paragraph (1)(B) to the Secretary of Transportation for review and approval.

“(d) Customer Service Plan Enhancements.—Within 6 months after the date of enactment of the Fair Treatment of Airline Passengers Act, an air carrier certificated under section 41102 shall—

“(1) amend its customer service plan to specify that it will offer to a customer purchasing a ticket at any of the air carrier's ticket offices or airport ticket service counters the lowest fare available for which that customer is eligible; and

“(2) establish performance goals designed to minimize incidents of mishandled baggage.

“(e) Small Air Carrier Exception.—This section does not apply to an air carrier that operates no civil aircraft designed to have a maximum passenger seating capacity of more than 30 passengers.”.

(b) CIVIL PENALTY.—Section 46301(a)(7) is amended by striking "40127 or 41712" and inserting "40127, 41712, 41722, or 41723".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41721 the following:

"41722. Airline passengers' right to know
"41723. Enforcement and enhancement of airline passenger service commitments".

SEC. 4. REQUIRED ACTION BY SECRETARY OF TRANSPORTATION.

(a) UNIFORM MINIMUM CHECK-IN TIME; BAGGAGE STATISTICS; BUMPING COMPENSATION.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) establish a uniform check-in deadline and require air carriers to disclose, both in their contracts of carriage and on ticket jackets, their policies on how those deadlines apply to passengers making connections;

(2) revise the Department of Transportation's method for calculating and reporting the rate of mishandled baggage for air carriers to reflect the reporting requirements of section 41722(h) of title 49, United States Code; and

(3) revise the Department of Transportation's Regulation (14 C.F.R. 250.5) governing the amount of denied boarding compensation for passengers denied boarding involuntarily to increase the maximum amount thereof.

(b) REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a thorough review of the Department of Transportation's regulations that relate to air carriers' treatment of customers, and make such modifications as may be necessary or appropriate to ensure the enforceability of those regulations and the provisions of this Act and of title 49, United States Code, that relate to such treatment, or otherwise to promote the purposes of this Act.

(2) SPECIFIC AREAS OF REVIEW.—As part of such review and modification, the Secretary shall, to the extent necessary or appropriate—

(A) modify existing regulations to reflect this Act and sections 41722 and 41723 of title 49, United States Code;

(B) modify existing regulations to the extent necessary to ensure that they are sufficiently clear and specific to be enforceable;

(C) establish minimum standards, compliance with which can be measured quantitatively, of air carrier performance with respect to customer service issues addressed by the Department of Transportation regulations or the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999;

(D) address the manner in which the Department of Transportation regulations should treat customer service commitments that relate to actions occurring prior to the purchase of a ticket, such as the commitment to offer the lowest available fare, and whether such the inclusion of such commitments in the contract of carriage creates an enforceable obligation prior to the purchase of a ticket;

(E) restrict the ability of air carriers to include provisions in the contract of carriage restricting a passenger's choice of forum in the event of a legal dispute; and

(F) require each air carrier to report information to Department of Transportation on complaints submitted to the air carrier, and modify the reporting of complaints in the Department of Transportation's monthly customer service reports, so those reports will reflect complaints submitted to air carriers as well as complaints submitted to the Department.

(3) EXPEDITED PROCEDURE.—Within 1 year after the date of enactment of this Act, the Secretary shall complete all actions necessary to establish regulations to implement the requirements of this subsection.

SEC. 5. IMPROVED ENFORCEMENT OF AIR PASSENGER RIGHTS.

(a) USE OF AUTHORIZED FUNDS.—In utilizing the funds authorized by section 223 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century for the purpose of enforcing the rights of air travelers, the Secretary of Transportation shall give priority to the areas identified by the Inspector General of the Department of Transportation as needing improvement in Report No. AV-2001-020, submitted to the Congress on February 12, 2001.

(b) SECRETARY REQUIRED TO CONSULT THE SECRETARY'S INSPECTOR GENERAL.—The Secretary of Transportation, in carrying out this Act and the provisions of section 41722 and 41723 of title 49, United States Code, shall consult with the Inspector General of the Department of Transportation.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. DODD, Ms. COLLINS, Mrs. LINCOLN, and Mr. BREAUX):

S. 484. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

Ms. SNOWE. Mr. President I rise today to introduce the Child Protection/Alcohol and Drug Partnership Act, and I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, DODD, COLLINS, and LINCOLN. Mr. President this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families, families who are struggling with alcohol and drug abuse, and the children who are being raised in these homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we, public policy makers, government officials, welfare agencies, honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds, and some say as high as 80 percent to 90 percent, of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies so they can work together to provide services for this population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

This bill is about preventing problems. My colleagues and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, ASFA, authored by the late Senator John Chafee. ASFA promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services, substance abuse. And it will ensure that States have the funding necessary to provide services as required under the Adoption and Safe Families Act.

On March 23, 2000, Kristine Ragaglia, Commissioner of the Connecticut Department of Children and Families, testified before the House Subcommittee on Human Resources on this issue. She said simply that "If substance abuse issues are left unaddressed, many of the system's efforts to protect children and to promote positive change in families will be wasted." This legislation aims to address this very gap in our nation's child protection system.

I am pleased that this legislation has been endorsed by the American Academy of Child & Adolescent Psychiatry; the American Academy of Pediatrics; the American Prosecutors Research Institute; the American Psychological Association; the American Public Human Services Association; the Child Welfare League of America; the Children's Defense Fund; Fight Crime: Invest in Kids; the Maine Association of Prevention Programs; the Maine Association of Substance Abuse Programs; the Maine Children's Trust; Mainely Parents; the Massachusetts Society for the Prevention of Cruelty to Children; the National Conference of State Legislators; the New York State Office of Alcoholism and Substance Abuse Services; and Prevent Child Abuse America.

I encourage my colleagues to take a look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. I ask unanimous consent that a fact sheet and section-by-section description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fact Sheet—Child Protection/Alcohol and Drug Partnership Act of 2001

The Child Protection/Alcohol and Drug Partnership Act of 2001 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires states to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption and Safe Families Act to provide services prior to adoption.

Grants to promote child protection/alcohol and drug partnerships

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems. HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

Forging new partnerships

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies to build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

New, targeted investments

A total of $1.9 billion will be available to eligible states with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small state minimum to ensure that every state gets a fair share. Indian tribes will have a 3–5 percent set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15 percent match and gradually increasing to 25 percent. The Secretary has discretion to waive the State match in cases of hardship.

Accountability and performance measurement

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state that fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

Section-by-Section—Child Protection/Alcohol and Drug Partnership Act of 2001

A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and Local public child welfare and alcohol and drug abuse prevention and treatment agencies.

Grants to promote child protection/alcohol and drug partnership for children

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

State plan requirements

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10 percent of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes. Approval from the Secretary shall be presumed unless, the State has been notified of disapproval within 60 days after receipt.

Special application to Indian tribes—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

Appropriation of funds

Appropriations—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2002, $200,000,000;

(2) for fiscal year 2003, $275,000,000;

(3) for fiscal year 2004, $375,000,000;

(4) for fiscal year 2005, $475,000,000; and

(5) for fiscal year 2006, $575,000,000.

Territories—The Secretary of HHS shall reserve 2 percent of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and training—The Secretary shall reserve 1 percent of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of Indian tribes and advocates.

Payments to states

Amount of grant to States and territories—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05 percent to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations—Indian tribes shall be eligible for a set aside of 3 to 5 percent. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2002 and 2003, 15 percent match;

(B) for fiscal years 2004 and 2005, 20 percent match; and

(C) for fiscal year 2006, 25 percent match.

Source of match—The non-Federal contributions required of States may be in cash or in-kind including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act Funds, and Community Block Grant funds.

Waiver—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indian tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of funds and deadline for request of payment—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and reallocation of funds—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallotted to one or more other eligible States on the basis of the needs of that individual state. In the case of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

Performance measurement

Establishment of indicators—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative examples—Indicators of activities to be measured include:

(A) Improve screening and assessment of families.

(B) Increase availability of comprehensive individualized treatment.

(C) Increase the number/proportion of families who enter treatment promptly.

(D) Increase engagement and retention.

(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems.

(F) Increase number/proportion of staff trained.

(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations—Beginning October 1, 2003, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Service Administration, shall report annually, to the Committee on Ways and Means of the House of the Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations—Not later than six months after the end of each five year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

Mr. ROCKEFELLER. Mr. President, I am here today to talk about our Nation's most vulnerable children, innocent children who have been abused or neglected by parents, many of whom have alcohol and drug abuse problems. Over 500,000 children receive foster care services nationwide, including 3,000 children in West Virginia. These numbers belie our policy that every child deserves a safe, healthy, permanent home, as specified in the fundamental guidelines set forth in the 1997 Adoption and Safe Families Act, ASFA.

National statistics tell us that a majority of families in the child welfare system may struggle with alcohol and/or drug abuse. One recent survey noted that 67 percent of parents involved in child abuse or neglect cases required alcohol or drug treatment, but only one-third of those parents received appropriate treatment or services to address their addiction. In my own state of West Virginia, over half of the children placed in the foster care system have families with substance abusing behaviors. We are also aware of countless numbers of other children who, while not receiving foster care services, are at risk of neglect due to their parents' addictions.

Another stunning, sad statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in the foster care system and are more likely to suffer severe, chronic neglect from their parents. Once these children are placed in the foster care system, they tend to stay in care longer than other children.

It will be impossible to achieve the critical goal of safe, healthy, and permanent homes for children in the child protection system if we do not address the problems of parental alcohol and drug abuse.

Examining the effects of substance abuse involves complex and far-reaching issues. As part of the 1997 Adoption and Safe Families Act, the Department of Health and Human Services, HHS, was directed to study substance abuse as it relates to and within the framework of the child protection system. Their important report, "Blending Perspectives and Building Common Ground," outlines many challenges. It concludes that we lack the necessary array of appropriate substance abuse treatment programs and services, and emphasizes the well-known lack of services designed for women, especially for women and their children. In addition, the report notes that the separate substance abuse and child protection systems have no purposeful, planned partnership to address the unique needs of abused and neglected children.

The report details the lack of a cooperative, inter-agency relationship between the two systems whose staffs work diligently to provide services under their own jurisdiction, but have minimal communication, different goals, and divergent service philosophies with regard to each other. For example, each system has different definitions of the "client served." While ASFA views the child as "the client" and expects child protection agencies and courts to consider termination, within a 22-month time frame, of parental rights for children receiving foster care service for 15 months, substance abuse treatment providers often view the adult as the client, with different time frames and expectations for recovery.

In order to meet the goals of ASFA, we must develop new ways to encourage these two independent systems to work together on behalf of parents with substance abuse problems and their children. The issues of addiction and children receiving protection services cannot be addressed in isolation. It is essential to consider the total picture: The needs of the child, the needs of the parents, and cost-effective services that meet adoption laws' goal to provide every child with a safe, healthy, and permanent home.

The HHS report identifies significant priorities. First, it calls for building collaborative working relationships between the child protection and substance abuse agencies.

While substance abuse treatment is a challenge in and of itself, the report explains that effective treatment is further complicated for parents with children. The majority of substance abuse treatment programs are not set up to serve both women and their children. While our country in general lacks the comprehensive services needed for such families, there are some models and promising practices on how to serve both parents and children.

One model can be found in my State, the MOTHERS program in Beckley, WV, which serves women and their children. The majority of these women have either lost custody of their children or were under child protection service investigation or mandate, are typically unemployed and untrained for gainful employment, have few aspirations, and wrestle with depression. This innovation program simultaneously addresses the needs of both mothers and their children, through individual and joint therapy, in such areas as recovery, mental health counseling, employment, academic education, healthy living skills, parenting, and family permanency. These services are provided using a residential model where mothers and their children live in a therapeutic environment and receive temporary housing, meal service, recreation activities, and transportation to and from community Alcoholics Anonymous and Narcotics Anonymous meetings. The bill we are introducing today would give other localities the opportunity to develop similar programs or alternative models.

In addition, the HHS report recognizes the importance of research to better understand the relationship between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senators SNOWE, DEWINE, and DODD, to introduce legislation to address the challenges of abused and neglected children whose parents have alcohol and/or drug problems. We have worked with state officials, child advocates, criminal justice officials, and members of the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2001. This bill builds on ASFA's fundamental goal of making a child's safety, health, and permanency paramount.

To accomplish this bold purpose, we must invest in a partnership designed to respond to the needs and priorities outlined in the HHS report. I believe that a new program and a new approach are essential. Existing substance abuse treatment programs such as those designed to serve single males cannot respond to the needs of a mother and her child.

To be effective, we must connect child protection and substance abuse treatment staffs and support them to work in partnership to test and identify best practices. Forging new partnerships take time—and it takes money. That is why this bill invests $1.9 billion over 5 years to combat the problems of substance abuse faced by families whose children are sheltered by the child protection system. I understand this is a large sum, but alcohol and drug abuse is an enormous problem in our country and represents an overwhelming financial and human loss. Before reacting to the bill expenditure alone, consider the costs we would incur if we remain silent on this issue. If we do not invest in substance abuse prevention and treatment for such families, we cannot effectively combat the abuse and neglect of children.

Our bill is designed to tackle this tough issue and encourage child protection and substance abuse agencies to work in partnership and promote innovative approaches within both of their systems to support women and their children. This bill can provide funding for outreach services to families, screening and assessment to enhance prevention, outpatient or residential treatment services, retention supports to aid mothers to remain in treatment, and aftercare services to keep families and children safe. This bill also addresses the importance of dual training for the staffs of the child protection and substance abuse treatment systems, to share effective strategies in order to meet the goal of safe and permanent homes for children.

If we choose to invest in child protection and substance abuse partnerships for families, we can achieve two things. For many families, I hope that parents will achieve sobriety through treatment and that their children will return to a safe and stable home. For those who are unsuccessful, we will know that we have put forth a reasonable, good faith effort and learned an important lesson—that some children need alternate homes, and that we will still need to pursue adoption for some children. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we need to follow it.

Our bill will promote a responsible approach with a focus on accountability. It requires annual progress reports that detail defined outcomes, challenges, and proposed solutions. These reports will evaluate parental treatment outcomes, the child's safety, and the stability of the family.

Throughout the years, I have worked to address the needs of abused and neglected children in a bipartisan matter. I am proud to continue this bipartisan approach as we come to grips with such a controversial and emotionally charged issue as protecting children who are abused and neglected by their substance-abusing parents.

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 485. A bill to amend Federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

Mr. HOLLINGS. Mr. President, I rise to bring to your attention an issue of great national concern. We all remember the great debate that this Chamber had last year during reauthorization of the federal highway bill, TEA–21. We all negotiated to get more funds for our states because we know that more investment in our highways means better, safer, and more efficient transportation for those who rely on roads for making deliveries, going to work or school, or just doing the grocery shopping. Transportation is the linchpin for economic development, and those states that have good, efficient transportation systems attract business development, ultimately raising standards of living. However, I think that we may have gone too far in authorizing states additional means to raise revenue for highway improvements. These means to raise revenue are not productive and hurt our system of transportation.

Specifically, I am concerned that states have too much flexibility to establish tolls on our Interstate highway system. For many states, the large increases in TEA–21 funding have satisfied the need to invest in infrastructure. Other states have found that they need to raise more money, and so they have raised their state fuel taxes or taken other actions to raise the needed revenue. These increases may be difficult to implement politically, because frankly most people don't support any tax increase. However, I believe that highway tolls are a non-productive and overly intrusive means of raising revenue causing more harm to commerce than can be justified.

Congress, mistakenly in my opinion, increased the authority of states to put tolls on their Interstate highway in TEA–21. I am introducing the Interstate Tolls Relief Act of 2001 to restrict Interstate toll authority. The debate over highway tolls goes back to the genesis of our Republic, and contributed to our movement away from the Articles of Confederation to a more uniform system of governance under the U.S. Constitution. Toll roads were the bane of commerce, in the early years of the Republic, as each state would attempt to toll the interstate traveling public to finance state public improvements. Ultimately, frustration with delay and uneven costs helped contribute to the adoption of Commerce Clause powers to help facilitate interstate and foreign trade. Those same concerns hold true today, and I think that we in Congress must take a national perspective and promote interstate commerce.

I think that if one were to ask the citizens of the United States about tolls, they would ultimately conclude that Interstate tolls would reduce by efficiency of our Interstate highways, increase shipping costs, and make interstate travel more expensive and less convenient. Not to mention the safety problems associated with erecting toll booths and operating them to collect revenues.

Now, I recognize that tolls under certain circumstances may be a good idea, and my bill does not prevent states from tolling non-Interstate highways. My bill also does not affect tolls on highways where they are already in use, and states will continue to be able to rely on existing tolls for revenues. Furthermore, my bill recognizes that when funds must be found for a major Interstate bridge or tunnel project, states may have no other option but to use tolls to finance the project. They may continue to do so under my bill. I believe this consistent with the original intent of authority granted for Interstate tolls. What my bill does is to prevent the proliferation of Interstate tolls, and restrict tolling authority for major bridges and tunnels.

This bill is essential if we are to continue to have an Interstate Highway System that is safe and facilitates the efficient movement of Interstate commerce and personal travel. I urge the support of my colleagues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Tolls Relief Act of 2001".

SEC. 2. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM REPEALED.

Section 1216(b) of the Transportation Equity Act for the 21st Century (112 Stat. 212-214; 23 U.S.C. 19 nt) is repealed.

SEC. 3. TOLLS ON BRIDGES AND TUNNELS.

Section 129(a)(1)(C) of title 23, United States Code, is amended by striking "toll-free bridge or tunnel" and inserting "toll-free major bridge or toll-free tunnel".

SEC. 4. LIMITATION ON USE OF TOLL REVENUES.

Section 129(a)(3) of title 23, United States Code, is amended by—

(1) striking "first" in the first sentence and inserting "only"; and

(2) striking "If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.".

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. KENNEDY, Mr. CHAFEE, Mr. AKAKA, Ms. MIKULSKI, Mr. DODD, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WELLSTONE, Mrs. BOXER, and Mr. CORZINE):

S. 486. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, a little over one year ago, I came to this floor to draw attention to the growing crisis in the administration of capital punishment. I noted the startling number of cases, 85, in which death row inmates had been exonerated after long stays in prison. In some of those cases, the inmate had come within days of being executed.

A lot has happened in a year. For one thing, a lot more death row inmates have been exonerated. The number jumped in a single year from 85 all the way to 95. There are now 95 people in 22 States who have been cleared of the crime that sent them to death row, according to the Death Penalty Information Center. The appalling number of exonerations, and the fact that they span so many States, a substantial majority of the States that have the death penalty, makes it clearer than ever that the crisis I spoke of last year is real, and that it is national in its scope. This is not an "Illinois problem" or a "Texas problem." Nor, with Earl Washington's release last month from prison, is it a "Virginia problem." There are death penalty problems across the nation, and as a nation we need to pay attention to what is happening.

It seems like every time you pick up a paper these days, there is another story about another person who was sentenced to death for a crime that he did not commit. The most horrifying miscarriages of justice are becoming commonplace: "Yet Another Innocent Person Cleared By DNA, Walks Off Death Row," story on page 10. We should never forget that behind each of these headlines is a person whose life was completely shattered and nearly extinguished by a wrongful conviction.

And those were the "lucky" ones. We simply do not know how many innocent people remain on death row, and how many may already have been executed.

People of good conscience can and will disagree on the morality of the death penalty. I have always opposed it. I did when I was a prosecutor, and I do today. But no matter what you believe about the death penalty, no one wants to see innocent people sentenced to death. It is completely unacceptable.

A year ago, along with several of my colleagues, I introduced the Innocence Protection Act of 2000. I hoped this bill would stimulate a national debate and begin work on national reforms on what is, as I said, a national problem. A year later, the national debate is well under way, but the need for real, concrete reforms is more urgent than ever.

Today, my friend GORDON SMITH and I are introducing the Innocence Protection Act of 2001. We are joined by Senators from both sides of the aisle, by some who support capital punishment and by others who oppose it. On the Republican side, I want to thank Senators SUSAN COLLINS and LINCOLN CHAFEE, and my fellow Vermonter JIM JEFFORDS. On the Democratic side, my thanks to Senators LEVIN, FEINGOLD, KENNEDY, AKAKA, MIKULSKI, DODD, LIEBERMAN, TORRICELLI, WELLSTONE, BOXER and CORZINE. I also want to thank our House sponsors WILLIAM DELAHUNT, and RAY LAHOOD, along with their 117 additional cosponsors, both Democratic and Republican.

Over the last year we have turned the corner in showing that the death process is broken. Now we will push forward to our goal of acting on reforms that address these problems.

Here on Capitol Hill it is our job to represent the public. The scores of legislators who have sponsored this legislation clearly do represent the American public, both in their diversity and in their readiness to work together in a bipartisan manner for common-sense solutions.

Too often in this chamber, we find ourselves dividing along party or ideological lines. The Innocence Protection Act is not about that, and it is not about whether, in the abstract, you favor or disfavor the death penalty. It is about what kind of society we want America to be in the 21st Century.

The goal of our bill is simple, but profoundly important: to reduce the risk of mistaken executions. The Innocence Protection Act proposes basic, common-sense reforms to our criminal justice system that are designed to protect the innocent and to ensure that if the death penalty is imposed, it is the result of informed and reasoned deliberation, not politics, luck, bias, or guesswork. We have listened to a lot of good advice and made some refinements to the bill since the last Congress, but it is still structured around two principal reforms: improving the availability of DNA testing, and ensuring reasonable minimum standards and funding for court-appointed counsel.

The need to make DNA testing more available is obvious. DNA is the fingerpint of the 21st Century. Prosecutors across the country use it, and rightly so, to prove guilt. By the same token, it should be used to do what it is equally scientifically reliable to do, prove innocence. Our bill would provide broader access to DNA testing by convicted offenders. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person or identifying the real culprit.

I am gratified that our bill has served as a catalyst for reforms in the States with respect to post-conviction DNA testing. In just one year, several States have passed some form of DNA legislation. Others have DNA bills under consideration. Much of this legislation is modeled on the DNA provisions proposed in the Innocence Protection Act, and we can be proud about this.

But there are still many States that have not moved on this issue, even though it has been more than six years since New York passed the Nation's first post-conviction DNA statute. And some of the States that have acted have done so in ways that will leave the vast majority of prisoners without access to DNA testing. Moreover, none of these new laws addresses the larger and more urgent problem of ensuring that people facing the death penalty have adequate legal representation. The Innocence Protection Act does address this problem.

In our adversarial system of justice, effective assistance of counsel is essential to the fair administration of justice. Unfortunately, the manner in which defense lawyers are selected and compensated in death penalty cases too often results in fundamental unfairness and unreliable verdicts. More than two-thirds of all death sentences are overturned on appeal or after post-conviction review because of errors in the trial; such errors are minimized when the defendant has a competent counsel.

It is a sobering fact that in some areas of the Nation it is often better to be rich and guilty than poor and innocent. All too often, lawyers defending people whose lives are at stake are inexperienced, inept, or just plain incompetent. All too often, they fail to take the time to review the evidence and understand the basic facts of the case before the trial is under way.

The reasons for this inadequacy of representation are well know: lack of standards for choosing defense counsel, and lack of funding for this type of legal service. The Innocence Protection Act addresses these problems head on. It calls for the creation of a temporary Commission on Capital Representation, which would consist of distinguished American legal experts who have experienced the criminal justice system first hand, prosecutors, defense lawyers, and judges. The Commission would be tasked with formulating standards that specify the elements of an effective system for providing adequate representation in capital cases. The bill also authorizes more than $50,000,000 in grants to help put the new standards into effect.

We have consulted a great many legal experts in the course of formulating these provisions. They have all provided valuable insights, but as a former prosecutor myself, I have been particularly pleased with the encouragement and assistance we have received from prosecutors across the nation.

Good prosecutors have two things in common. First, good prosecutors want to convict the person, not to get a conviction that may be a mistake, and that may leave the real culprit in the clear. Second, good prosecutors want defendants to be represented by good defense lawyers. Lawyers who investigate their client's cases thoroughly before trial, and represent their clients vigorously in court, are essential in getting at the truth in our adversarial system.

Given some leadership from the people's representatives in Congress, some fair and objective standards, and some funding, America's prosecutors will be ready, willing and able to help fix the system. We owe them, and the American people, that leadership.

On August 3, 1995, more than five years ago, the Conference of Chief Justices urged the judicial leadership in each State in which the death penalty is authorized by law to "establish standards and a process that will assure the timely appointment of competent counsel, with adequate resources, to represent defendants in capital cases at each stage of such proceedings." The States' top jurists, the people who run our justice system, called for reform. But not much came of their initiative. Although a few States have established effective standards and sound administrative systems for the appointment and compensation of counsel in capital cases, most have not. The do-nothing politics of gridlock got in the way of sensible, consensus-based reform.

We have made a commitment to the American people to do better than that. At the end of the last Congress, members on both sides of the aisle joined together to pass the Paul Coverdell National Forensic Sciences Improvement Act and the DNA Analysis Backlog Elimination Act. I strongly supported both bills, which will give States the help they desperately need to reduce the backlogs of untested DNA evidence in their crime labs, and to improve the quality and capacity of these facilities. Both bills passed unanimously in both houses. And in both bills, all of us here in Congress committed ourselves to working with the States to ensure access to post-conviction DNA testing in appropriate cases, and to improve the quality of legal representation in capital cases through the establishment of counsel standards. Congress has already gone on record in recognizing what has to be done. Now it is time to actually do it.

If we had a series of close calls in airline traffic, we would be rushing to fix the problem. These close calls on death row should concentrate our minds, and focus our will, to act.

This new Congress is, as our new President has said, a time for leadership. It is a time for fulfilling the commitments we have made to the American people. And it is a time for action. The Innocence Protection Act is a bipartisan effort to move beyond the politics of gridlock. By passing it, we can work cooperatively with the States to ensure that defendants who are put on trial for their lives have competent legal representation at every stage of their cases. By passing it, we can send a message about the values of fundamental justice that unite all Americans. And by passing it, we can substantially reduce the risk of executing innocent people. We have had a constructive debate, and we have made a noble commitment. It is now time to act.

I ask unanimous consent that the text of the bill and a summary of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Innocence Protection Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING
Sec. 101. Findings and purposes.
Sec. 102. Post-conviction DNA testing in Federal criminal justice system.
Sec. 103. Post-conviction DNA testing in State criminal justice systems.
Sec. 104. Prohibition pursuant to section 5 of the 14th amendment.
Sec. 105. Grants to prosecutors for DNA testing programs.
TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES
Sec. 201. National Commission on Capital Representation.
Sec. 202. Capital defense incentive grants.
Sec. 203. Amendments to prison grant programs.
Sec. 204. Effect on procedural default rules.
Sec. 205. Capital defense resource grants.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Increased compensation in Federal cases.
Sec. 302. Compensation in State death penalty cases.
Sec. 303. Certification requirement in Federal death penalty prosecutions.
Sec. 304. Alternative of life imprisonment without possibility of release.
Sec. 305. Right to an informed jury.
Sec. 306. Annual reports.
Sec. 307. Sense of Congress regarding the execution of juvenile offenders and the mentally retarded.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the past decade, deoxyribonucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene.

(2) Because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact.

(3) While DNA testing is increasingly commonplace in pretrial investigations today, it was not widely available in cases tried prior to 1994. Moreover, new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce. Consequently, in some cases convicted inmates have been exonerated by new DNA tests after earlier tests had failed to produce definitive results.

(4) Since DNA testing is often feasible on relevant biological material that is decades old, it can, in some circumstances, prove that a conviction that predated the development of DNA testing was based upon incorrect factual findings. Uniquely, DNA evidence showing innocence, produced decades after a conviction, provides a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial. DNA testing, therefore, can and has resulted in the post-conviction exoneration of innocent men and women.

(5) In more than 80 cases in the United States, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 10 individuals sentenced to death, some of whom came within days of being executed.

(6) In more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the identification of the actual perpetrator.

(7) Experience has shown that it is not unduly burdensome to make DNA testing available to inmates. The cost of that testing is relatively modest and has decreased in recent years. Moreover, the number of cases in which post-conviction DNA testing is appropriate is small, and will decrease as pretrial testing becomes more common.

(8) Under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence. Under Federal law, motions for a new trial based on newly discovered evidence must be made within 3 years after conviction. In most States, those motions must be made not later than 2 years after conviction, and sometimes much sooner. The result is that laws intended to prevent the use of evidence that has become less reliable over time have been used to preclude the use of DNA evidence that remains highly reliable even decades after trial.

(9) The National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude that testing, and notwithstanding the inability of an inmate to pay for the testing.

(10) Since New York passed the Nation's first post-conviction DNA statute in 1994, only a few States have adopted post-conviction DNA testing procedures, and some of these procedures are unduly restrictive. Moreover, only a handful of States have passed legislation requiring that biological evidence be adequately preserved.

(11) In 1994, Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, a national database to facilitate law enforcement exchange of DNA identification information, and authorized funding to improve the quality and availability of DNA testing for law enforcement identification purposes. In 2000, Congress passed the DNA Analysis Backlog Elimination Act and the Paul Coverdell Forensic Sciences Improvement Act, which together authorized an additional $908,000,000 over 6 years in DNA-related grants.

(12) Congress should continue to provide financial assistance to the States to increase the capacity of State and local laboratories to carry out DNA testing for law enforcement identification purposes. At the same time, Congress should insist that States which accept financial assistance make DNA testing available to both sides of the adversarial system in order to enhance the reliability and integrity of that system.

(13) In Herrera v. Collins, 506 U.S. 390 (1993), a majority of the members of the Court suggested that a persuasive showing of innocence made after trial would render the execution of an inmate unconstitutional.

(14) It shocks the conscience and offends social standards of fairness and decency to execute innocent persons or to deny inmates the opportunity to present persuasive evidence of their innocence.

(15) If biological material is not subjected to DNA testing in appropriate cases, there is a significant risk that persuasive evidence of innocence will not be detected and, accordingly, that innocent persons will be unconstitutionally executed.

(16) Given the irremediable constitutional harm that would result from the execution of an innocent person and the failure of many States to ensure that innocent persons are not sentenced to death, a Federal statute assuring the availability of DNA testing and a chance to present the results of testing in court is a congruent and proportional prophylactic measure to prevent constitutional injuries from occurring.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially implement the Recommendations of the National Commission on the Future of DNA Evidence in the Federal criminal justice system, by authorizing DNA testing in appropriate cases;

(2) prevent the imposition of unconstitutional punishments through the exercise of power granted by clause 1 of section 8 and clause 2 of section 9 of article I of the Constitution of the United States and section 5 of the 14th amendment to the Constitution of the United States; and

(3) ensure that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing, by requiring the preservation of DNA evidence for a limited period.

SEC. 102. POST-CONVICTION DNA TESTING IN FEDERAL CRIMINAL JUSTICE SYSTEM.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by inserting after chapter 155 the following:

"CHAPTER 156—DNA TESTING

"Sec.
"2291. DNA testing.
"2292. Preservation of evidence.

"§ 2291. DNA testing

"(a) APPLICATION.—Notwithstanding any other provision of law, a person convicted of a Federal crime may apply to the appropriate Federal court for DNA testing to support a claim that the person did not commit—

"(1) the Federal crime of which the person was convicted; or

"(2) any other offense that a sentencing authority may have relied upon when it sentenced the person with respect to the Federal crime either to death or to an enhanced term of imprisonment as a career offender or armed career criminal.

"(b) NOTICE TO GOVERNMENT.—The court shall notify the Government of an application made under subsection (a) and shall afford the Government an opportunity to respond.

"(c) PRESERVATION ORDER.—The court shall order that all evidence secured in relation to the case that could be subjected to DNA testing must be preserved during the pendency of the proceeding. The court may impose appropriate sanctions, including criminal contempt, for the intentional destruction of evidence after such an order.

"(d) ORDER.—

"(1) IN GENERAL.—The court shall order DNA testing pursuant to an application made under subsection (a) upon a determination that—

"(A) the evidence is still in existence, and in such a condition that DNA testing may be conducted;

"(B) the evidence was never previously subjected to DNA testing, or was not subject to the type of DNA testing that is now requested and that may resolve an issue not resolved by previous testing;

"(C) the proposed DNA testing uses a scientifically valid technique; and

"(D) the proposed DNA testing has the scientific potential to produce new, noncumulative evidence material to the claim of the applicant that the applicant did not commit—

"(i) the Federal crime of which the applicant was convicted; or

"(ii) any other offense that a sentencing authority may have relied upon when it sentenced the applicant with respect to the Federal crime either to death or to an enhanced term of imprisonment as a career offender or armed career criminal.

"(2) LIMITATION.—The court shall not order DNA testing under paragraph (1) if the Government proves by a preponderance of the evidence that the application for testing was made to unreasonably delay the execution of sentence or administration of justice, rather than to support a claim described in paragraph (1)(D).

"(3) TESTING PROCEDURES.—If the court orders DNA testing under paragraph (1), the court shall impose reasonable conditions on such testing designed to protect the integrity of the evidence and the testing process and the reliability of the test results.

"(e) COST.—The cost of DNA testing ordered under subsection (c) shall be borne by the Government or the applicant, as the court may order in the interests of justice, except that an applicant shall not be denied testing because of an inability to pay the cost of testing.

"(f) COUNSEL.—The court may at any time appoint counsel for an indigent applicant under this section pursuant to section 3006A(a)(2)(B) of title 18.

"(g) POST-TESTING PROCEDURES.—

"(1) INCONCLUSIVE RESULTS.—If the results of DNA testing conducted under this section are inconclusive, the court may order such further testing as may be appropriate or dismiss the application.

"(2) RESULTS UNFAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section inculpate the applicant, the court shall—

"(A) dismiss the application;

"(B) assess the applicant for the cost of the testing; and

"(C) make such further orders as may be appropriate.

"(3) RESULTS FAVORABLE TO APPLICANT.—If the results of DNA testing conducted under this section are favorable to the applicant, the court shall order a hearing and thereafter make such further orders as may be appropriate under applicable rules and statutes regarding post-conviction proceedings, notwithstanding any provision of law that would bar such hearing or orders as untimely.

"(h) RULES OF CONSTRUCTION.—

"(1) OTHER POST-CONVICTION RELIEF UNAFFECTED.—Nothing in this section shall be construed to limit the circumstances under which a person may obtain DNA testing or other post-conviction relief under any other provision of law.

"(2) FINALITY RULE UNAFFECTED.—An application under this section shall not be considered a motion under section 2255 for purposes of determining whether it or any other motion is a second or successive motion under section 2255.

"(i) DEFINITIONS.—In this section:

"(1) APPROPRIATE FEDERAL COURT.—The term 'appropriate Federal court' means—

"(A) the United States District Court which imposed the sentence from which the applicant seeks relief; or

"(B) in relation to a crime under the Uniform Code of Military Justice, the United States District Court having jurisdiction over the place where the court martial was convened that imposed the sentence from which the applicant seeks relief, or the United States District Court for the District of Columbia, if no United States District Court has jurisdiction over the place where the court martial was convened.

"(2) FEDERAL CRIME.—The term 'Federal crime' includes a crime under the Uniform Code of Military Justice.

"§2292. Preservation of evidence

"(a) In General.—Notwithstanding any other provision of law and subject to subsection (b), the Government shall preserve all evidence that was secured in relation to the investigation or prosecution of a Federal crime (as that term is defined in section 2291(1)), and that could be subjected to DNA testing, for not less than the period of time that any person remains subject to incarceration in connection with the investigation or prosecution.

"(b) Exceptions.—The Government may dispose of evidence before the expiration of the period of time described in subsection (a) if—

"(1) other than subsection (a), no statute, regulation, court order, or other provision of law requires that the evidence be preserved; and

"(2)(A)(i) the Government notifies any person who remains incarcerated in connection with the investigation or prosecution and any counsel of record for such person (or, if there is no counsel of record, the public defender for the judicial district in which the conviction for such person was imposed), of the intention of the Government to dispose of the evidence and the provisions of this chapter; and

"(ii) the Government affords such person not less than 180 days after such notification to make an application under section 2291(a) for DNA testing of the evidence; or

"(B)(i) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

"(ii) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing.

"(c) Remedies for Noncompliance.—

"(1) General limitation.—Nothing in this section shall be construed to give rise to a claim for damages against the United States, or any employee of the United States, any court official or officer of the court, or any entity contracting with the United States.

"(2) Civil penalty.—

"(A) In general.—Notwithstanding paragraph (1), an individual who knowingly violates a provision of this section or a regulation prescribed under this section shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for the first violation and $5,000 for each subsequent violation, except that the total amount imposed on the individual for all such violations during a calendar year may not exceed $25,000.

"(B) Procedures.—The provisions of section 405 of the Controlled Substances Act (21 U.S.C. 844a) (other than subsections (a) through (d) and subsection (j)) shall apply to the imposition of a civil penalty under subparagraph (A) in the same manner as such provisions apply to the imposition of a penalty under section 405.

"(C) Prior conviction.—A civil penalty may not be assessed under subparagraph (A) with respect to an act if that act previously resulted in a conviction under chapter 73 of title 18.

"(3) Regulations.—

"(A) In general.—The Attorney General shall promulgate regulations to implement and enforce this section.

"(B) Contents.—The regulations shall include the following:

"(i) Disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who knowingly or repeatedly violate a provision of this section.

"(ii) An administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of this section.".

(b) Criminal Penalty.—Chapter 73 of title 18, United States Code, is amended by inserting at the end the following:

"§1519. Destruction or altering of DNA Evidence.

Whoever willfully or maliciously destroys, alters, conceals, or tampers with evidence that is required to be preserved under section 2292 of title 28, United States Code, with intent to—

(1) impair the integrity of that evidence;

(2) prevent that evidence from being subjected to DNA testing; or

(3) prevent the production or use of that evidence in an official proceeding,

shall be fined under this title or imprisoned not more than 5 years, or both.".

(c) Technical and Conforming Amendments.—

(1) The analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 155 the following:

"156. DNA testing .... 2291".

(2) The table of contents for Chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1518 the following:

"1519. Destruction or altering of DNA Evidence.".

SEC. 103. POST-CONVICTION DNA TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) Certification Regarding Post-Conviction Testing and Preservation of DNA Evidence.—If any part of funds received from a grant made under a program listed in subsection (b) is to be used to develop or improve a DNA analysis capability in a forensic laboratory, or to collect, analyze, or index DNA samples for law enforcement identification purposes, the State applying for that grant must certify that it will—

(1) make post-conviction DNA testing available to any person convicted of a State crime in a manner consistent with section 2291 of title 28, United States Code, and, if the results of such testing are favorable to such person, allow such person to apply for post-conviction relief, notwithstanding any provision of law that would bar such application as untimely; and

(2) preserve all evidence that was secured in relation to the investigation or prosecution of a State crime, and that could be subjected to DNA testing, for not less than the period of time that such evidence would be required to be preserved under section 2292 of title 28, United States Code, if the evidence were related to a Federal crime.

(b) Programs Affected.—The certification requirement established by subsection (a) shall apply with respect to grants made under the following programs:

(1) DNA analysis backlog elimination grants.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546).

(2) Paul Coverdell national forensic sciences improvement grants.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by Public Law 106–561).

(3) DNA identification grants.—Part X of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk et seq.).

(4) Drug control and system improvement grants.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.).

(5) Public safety and community policing grants.—Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(c) Effective Date.—This section shall apply with respect to any grant made on or after the date that is 1 year after the date of enactment of this Act.

SEC. 104. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.

(a) Application for DNA Testing.—No State shall deny an application for DNA testing made by a prisoner in State custody who is under sentence of death, if the proposed DNA testing has the scientific potential to produce new, noncumulative evidence material to the claim of the prisoner that the prisoner did not commit—

(1) the offense for which the prisoner was sentenced to death; or

(2) any other offense that a sentencing authority may have relied upon when it sentenced the prisoner to death.

(b) Opportunity To Present Results of DNA Testing.—No State shall rely upon a time limit or procedural default rule to deny a prisoner in State custody who is under sentence of death an opportunity to present in an appropriate State court new, noncumulative DNA results that establish a reasonable probability that the prisoner did not commit an offense described in subsection (a).

(c) Remedy.—A prisoner in State custody who is under sentence of death may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming an executive or judicial officer of the State as defendant.

(d) Finality Rule Unaffected.—An application under this section shall not be considered an application for a writ of habeas corpus under section 2254 of title 28, United States Code, for purposes of determining whether it or any other application is a second or successive application under section 2254.

SEC. 105. GRANTS TO PROSECUTORS FOR DNA TESTING PROGRAMS.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended by—

(1) striking "and" at the end of paragraph (25);

(2) striking the period at the end of paragraph (26) and inserting "; and"; and

(3) adding at the end the following:

"(27) prosecutor-initiated programs to conduct a systematic review of convictions to identify cases in which DNA testing is appropriate and to offer DNA testing to inmates in such cases.".

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

SEC. 201. NATIONAL COMMISSION ON CAPITAL REPRESENTATION.

(a) Establishment.—There is established the National Commission on Capital Representation (referred to in this section as the "Commission").

(b) Duties.—The Commission shall—

(1) survey existing and proposed systems for appointing counsel in capital cases, and the amounts actually paid by governmental entities for capital defense services; and

(2) formulate standards specifying the elements of an effective system for providing adequate representation, including counsel and investigative, expert, and other services necessary for adequate representation, to—

(A) indigents charged with offenses for which capital punishment is sought;

(B) indigents who have been sentenced to death and who seek appellate or collateral review in State court; and

(C) indigents who have been sentenced to death and who seek certiorari review in the Supreme Court of the United States.

(c) Elements.—The elements of an effective system described in subsection (b)(2) shall include—

(1) a centralized and independent appointing authority, which shall—

(A) recruit attorneys who are qualified to be appointed in the proceedings specified in subsection (b)(2);

(B) draft and annually publish a roster of qualified attorneys;

(C) draft and annually publish qualifications and performance standards that attorneys must satisfy to be listed on the roster and procedures by which qualified attorneys are identified;

(D) periodically review the roster, monitor the performance of all attorneys appointed, provide a mechanism by which members of the relevant State Bar may comment on the performance of their peers, and delete the name of any attorney who fails to satisfactorily complete regular training programs on the representation of clients in capital cases, fails to meet performance standards in a case to which the attorney is appointed, or otherwise fails to demonstrate continuing competence to represent clients in capital cases;

(E) conduct or sponsor specialized training programs for attorneys representing clients in capital cases;

(F) appoint lead counsel and co-counsel from the roster to represent a client in a capital case promptly upon receiving notice of the need for an appointment from the relevant State court; and

(G) report the appointment, or the failure of the client to accept such appointment, to the court requesting the appointment;

(2) adequate compensation of private attorneys for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

(3) reimbursement of private attorneys and public defender organizations for attorney expenses reasonably incurred in the representation of a client in a capital case; and

(4) reimbursement of private attorneys and public defender organizations for the reasonable costs of law clerks, paralegals, investigators, experts, scientific tests, and other support services necessary in the representation of a client in a capital case.

(d) Membership.—

(1) Number and appointment.—The Commission shall be composed of 9 members, as follows:

(A) Four members appointed by the President on the basis of their expertise and eminence within the field of criminal justice, 2 of whom have 10 years or more experience in representing defendants in State capital proceedings, including trial, direct appeal, or post-conviction proceedings, and 2 of whom have 10 years or more experience in prosecuting defendants in such proceedings.

(B) Two members appointed by the Conference of Chief Justices, from among the members of the judiciaries of the several States.

(C) Two members appointed by the Chief Justice of the United States, from among the members of the Federal Judiciary.

(D) The Chairman of the Committee on Defender Services of the Judicial Conference of the United States, or a designee of the Chairman.

(2) Ex officio member.—The Executive Director of the State Justice Institute, or a designee of the Executive Director, shall serve as an ex officio nonvoting member of the Commission.

(3) Political affiliation.—Not more than 2 members appointed under paragraph (1)(A) may be of the same political party.

(4) Geographic distribution.—The appointment of individuals under paragraph (1) shall, to the maximum extent practicable, be made so as to ensure that different geographic areas of the United States are represented in the membership of the Commission.

(5) Terms.—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (1) shall be appointed for the life of the Commission.

(6) Deadline for appointments.—All appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(7) Vacancies.—A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(8) No compensation.—Members of the Commission shall serve without compensation for their service.

(9) Travel expenses.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(10) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(11) Initial meeting.—The initial meeting of the Commission shall occur not later than 30 days after the date on which all initial members of the Commission have been appointed.

(12) Chairperson.—At the initial meeting of the Commission, a majority of the members of the Commission present and voting shall elect a Chairperson from among the members of the Commission appointed under paragraph (1).

(e) Staff.—

(1) In general.—The Commission may appoint and fix the pay of such personnel as the Commission considers appropriate.

(2) Experts and consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) Powers.—

(1) Information-gathering activities.—The Commission may, for the purpose of carrying out this section, hold hearings, receive public comment and testimony, initiate surveys, and undertake such other activities to gather information as the Commission may find advisable.

(2) Obtaining official information.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this section. Upon request of the chairperson of the Commission, the head of that department or agency shall provide such information, except to the extent prohibited by law.

(3) Administrative support services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(4) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) Report.—

(1) In general.—The Commission shall submit a report to the President and the Congress before the end of the 1-year period beginning after the first meeting of all members of the Commission.

(2) Contents.—The report submitted under paragraph (1) shall contain—

(A) a comparative analysis of existing and proposed systems for appointing counsel in capital cases, and the amounts actually paid by governmental entities for capital defense services; and

(B) such standards as are formulated by the Commission pursuant to subsection (b)(2), together with such commentary and recommendations as the Commission considers appropriate.

(h) Termination.—The Commission shall terminate 90 days after submitting the report under subsection (g).

(i) Expenses of Commission.—There are authorized to be appropriated to pay any expenses of the Commission such sums as may be necessary not to exceed $1,000,000. Any sums appropriated for such purposes are authorized to remain available until expended, or until the termination of the Commission pursuant to subsection (h), whichever occurs first.

SEC. 202. CAPITAL DEFENSE INCENTIVE GRANTS.

The State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) is amended by inserting after section 207 the following:

"SEC. 207A. CAPITAL DEFENSE INCENTIVE GRANTS.

"(a) Program Authorized.—The State Justice Institute (referred to in this section as the 'Institute') may make grants to State agencies and organizations responsible for the administration of standards of legal competence for counsel in capital cases, for the purposes of—

"(1) implementing new mechanisms or supporting existing mechanisms for providing representation in capital cases that comply with the standards promulgated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001; and

"(2) otherwise improving the quality of legal representation in capital cases.

"(b) Use of Funds.—Funds made available under this section may be used for any purpose that the Institute determines is likely to achieve the purposes described in subsection (a), including—

"(1) training and development of training capacity to ensure that attorneys assigned to capital cases meet such standards;

"(2) augmentation of attorney, paralegal, investigator, expert witness, and other staff and services necessary for capital defense; and

"(3) development of new mechanisms for addressing complaints about attorney competence and performance in capital cases.

"(c) Applications.—

"(1) In general.—No grant may be made under this section unless an application has been submitted to, and approved by, the Institute.

"(2) Application.—An application for a grant under this section shall be submitted in such form, and contain such information, as the Institute may prescribe by regulation or guideline.

"(3) Contents.—In accordance with the regulations or guidelines established by the

Institute, each application for a grant under this section shall—

"(A) include a long-term strategy and detailed implementation program that reflects consultation with the organized bar of the State, the highest court of the State, and the Attorney General of the State, and reflects consideration of a statewide strategy; and

"(B) specify plans for obtaining necessary support and continuing the proposed program following the termination of Federal support.

"(d) Rules and Regulations.—The Institute may issue rules, regulations, guidelines, and instructions, as necessary, to carry out the purposes of this section.

"(e) Technical Assistance and Training.—To assist and measure the effectiveness and performance of programs funded under this section, the Institute may provide technical assistance and training, as required.

"(f) Grant Period.—A grant under this section shall be made for a period not longer than 3 years, but may be renewed on such terms as the Institute may require.

"(g) Limitations on Use of Funds.—

"(1) Nonsupplanting requirement.—Funds made available under this section shall not be used to supplant State or local funds, but shall be used to supplement the amount of funds that would, in the absence of Federal funds received under this section, be made available from States or local sources.

"(2) Federal share.—The Federal share of a grant made under this part may not exceed—

"(A) for the first fiscal year for which a program receives assistance, 75 percent of the total costs of such program; and

"(B) for subsequent fiscal years for which a program receives assistance, 50 percent of the total costs of such program.

"(3) Administrative costs.—A State agency or organization may not use more than 5 percent of the funds it receives from this section for administrative expenses, including expenses incurred in preparing reports under subsection (h).

"(h) Report.—Each State agency or organization that receives a grant under this section shall submit to the Institute, at such times and in such format as the Institute may require, a report that contains—

"(1) a summary of the activities carried out under the grant and an assessment of the effectiveness of such activities in achieving ongoing compliance with the standards formulated pursuant to section 201(b) of the Innocence Protection Act of 2001 and improving the quality of representation in capital cases; and

"(2) such other information as the Institute may require.

"(i) Report to Congress.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Institute shall submit to Congress a report that includes—

"(1) the aggregate amount of grants made under this part to each State agency or organization for such fiscal year;

"(2) a summary of the information provided in compliance with subsection (h); and

"(3) an independent evaluation of the effectiveness of the programs that received funding under this section in achieving ongoing compliance with the standards formulated pursuant to section 201(b) of the Innocence Protection Act of 2001 and improving the quality of representation in capital cases.

"(j) Definitions.—In this section—

"(1) the term 'capital case'—

"(A) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

"(B) includes all proceedings filed in connection with the case, up to and including direct appellate review and post-conviction review in State court; and

"(2) the term 'representation' includes counsel and investigative, expert, and other services necessary for adequate representation.

"(k) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section, in addition to other amounts authorized by this Act, to remain available until expended, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"(2) Technical assistance and training.—Not more than 3 percent of the amount made available under paragraph (1) for a fiscal year shall be available for technical assistance and training activities by the Institute under subsection (e).

"(3) Evaluations.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses, including expenses incurred in preparing reports under subsection (i).".

SEC. 203. AMENDMENTS TO PRISON GRANT PROGRAMS.

(a) In General.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

"SEC. 20110. STANDARDS FOR CAPITAL REPRESENTATION.

"(a) Withholding of Funds for Noncompliance With Standards for Capital Representation.—

"(1) In general.—The Attorney General shall withhold a portion of any grant funds awarded to a State or unit of local government under this subtitle on the first day of each fiscal year after the second fiscal year beginning after September 30, 2001. If such State, or the State to which such unit of local government appertains—

"(A) prescribes, authorizes, or permits the penalty of death for any offense, and sought, imposed, or administered such penalty at any time during the preceding 5 fiscal years; and

"(B) has not established or does not maintain an effective system for providing adequate representation for indigent persons in capital cases, in compliance with the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

"(2) Withholding formula.—The amount to be withheld under paragraph (1) shall be, in the first fiscal year that a State is not in compliance, 10 percent of any grant funds awarded under this subtitle to such State and any unit of local government appertaining thereto, and shall increase by 10 percent for each year of noncompliance thereafter, up to a maximum of 60 percent.

"(3) Disposition of withheld funds.—Funds withheld under this subsection from apportionment to any State or unit of local government shall be allotted by the Attorney General and paid to the States and units of local government receiving a grant under this subtitle, other than any State referred to in paragraph (1), and any unit of local government appertaining thereto, in a manner equivalent to the manner in which the allotment under this subtitle was determined.

"(b) Waiver of Withholding Requirement.—

"(1) In general.—The Attorney General may waive in whole or in part the application of the requirement of subsection (a) for any 1-year period with respect to any State, where immediately preceding such 1-year period the Attorney General finds that such State has made and continues to make a good faith effort to comply with the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

"(2) Limitation on waiver authority.—The Attorney General may not grant a waiver under paragraph (1) with respect to any State for 2 consecutive 1-year periods.

"(3) Limitation on use of funds.—If the Attorney General grants a waiver under paragraph (1), the State shall be required to use the total amount of grant funds awarded to such State or any unit of local government appertaining thereto under this subtitle that would have been withheld under subsection (a) but for the waiver to improve the capability of such State to provide adequate representation in capital cases.

"(c) Report to Congress.—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to Congress a report that includes, with respect to each State that prescribes, authorizes, or permits the penalty of death for any offense—

"(1) a detailed description of such State's system for providing representation to indigent persons in capital cases;

"(2) the amount of any grant funds withheld under subsection (a) for such fiscal year from such State or any unit of local government appertaining thereto, and an explanation of why such funds were withheld; and

"(3) the amount of any grant funds released to such State for such fiscal year pursuant to a waiver by the Attorney General under subsection (b), and an explanation of why waiver was granted.".

(b) Technical and Conforming Amendment.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting after the item relating to section 20109 the following:

"Sec. 20110. Standards for capital representation.".

SEC. 204. EFFECT ON PROCEDURAL DEFAULT RULES.

(a) In General.—Section 2254(e) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking "In a proceeding" and inserting "Except as provided in paragraph (3), in a proceeding"; and

(2) by adding at the end the following:

"(3) In a proceeding instituted by an applicant under sentence of death, the court shall neither presume a finding of fact made by a State court to be correct nor decline to consider a claim on the ground that the applicant failed to raise such claim in State court at the time and in the manner prescribed by State law, if—

"(A) the applicant was financially unable to obtain adequate representation at the stage of the State proceedings at which the State court made the finding of fact or the applicant failed to raise the claim, and the applicant did not waive representation by counsel; and

"(B) the State did not provide representation to the applicant under a State system for providing representation that satisfied the standards formulated by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.".

(b) No Retroactive Effect.—The amendments made by this section shall not apply to any case in which the relevant State court proceeding occurred before the end of the first fiscal year following the formulation of standards by the National Commission on Capital Representation pursuant to section 201(b) of the Innocence Protection Act of 2001.

SEC. 205. CAPITAL DEFENSE RESOURCE GRANTS.

Section 3006A of title 18, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following:

"(i) Capital Defense Resource Grants.—

"(1) Definitions.—In this subsection—

"(A) the term 'capital case'—

"(i) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

"(ii) includes all proceedings filed in connection with the case, including trial, appellate, and Federal and State post-conviction proceedings;

"(B) the term 'defense services' includes—

"(i) recruitment of counsel;

"(ii) training of counsel; and

"(iii) legal and administrative support and assistance to counsel; and

"(C) the term 'Director' means the Director of the Administrative Office of the United States Courts.

"(2) Grant award and contract authority.—Notwithstanding subsection (g), the Director shall award grants to, or enter into contracts with, public agencies or private nonprofit organizations for the purpose of providing defense services in capital cases.

"(3) Purposes.—Grants and contracts awarded under this subsection shall be used in connection with capital cases in the jurisdiction of the grant recipient for 1 or more of the following purposes:

"(A) Enhancing the availability, competence, and prompt assignment of counsel.

"(B) Encouraging continuity of representation between Federal and State proceedings.

"(C) Increasing the efficiency with which such cases are resolved.

"(4) Guidelines.—The Director, in consultation with the Judicial Conference of the United States, shall develop guidelines to ensure that defense services provided by recipients of grants and contracts awarded under this subsection are consistent with applicable legal and ethical proscriptions governing the duties of counsel in capital cases.

"(5) Consultation.—In awarding grants and contracts under this subsection, the Director shall consult with representatives of the highest State court, the organized bar, and the defense bar of the jurisdiction to be served by the recipient of the grant or contract, and shall ensure coordination with grants administered by the State Justice Institute pursuant to section 207A of the State Justice Institute Act of 1984.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INCREASED COMPENSATION IN FEDERAL CASES.

Section 2513(e) of title 28, United States Code, is amended by striking "$5,000" and inserting "$50,000 for each 12-month period of incarceration, except that a plaintiff who was unjustly sentenced to death may be awarded not more than $100,000 for each 12-month period of incarceration.".

SEC. 302. COMPENSATION IN STATE DEATH PENALTY CASES.

Section 20105(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)(1)) is amended by—

(1) striking "and" at the end of subparagraph (A);

(2) striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) adding at the end the following:

"(C) provide assurances to the Attorney General that the State, if it prescribes, authorizes, or permits the penalty of death for any offense, has established or will establish not later than 18 months after the enactment of the Innocence Protection Act of 2001, effective procedures for—

"(i) reasonably compensating persons found to have been unjustly convicted of an offense against the State and sentenced to death; and

"(ii) investigating the causes of such unjust convictions, publishing the results of such investigations, and taking steps to prevent such errors in future cases.".

SEC. 303. CERTIFICATION REQUIREMENT IN FEDERAL DEATH PENALTY PROSECUTIONS.

(a) In General.—Chapter 228 of title 28, United States Code, is amended by adding at the end the following:

"§ 3599. Certification requirement

"(a) Certification by Attorney General.—The Government shall not seek a sentence of death in any case brought before a court of the United States except upon the certification in writing of the Attorney General, which function of certification may not be delegated, that the Federal interest in the prosecution is more substantial than the interests of the State or local authorities.

"(b) Requirements.—A certification under subsection (a) shall state the basis on which the certification was made and the reasons for the certification.

"(c) State Interest.—In States where the imposition of a sentence of death is not authorized by law, the fact that the maximum Federal sentence is death does not constitute a more substantial interest in Federal prosecution.

"(d) Definition of State.—For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(e) Rule of Construction.—This section does not create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.".

(b) Technical and Conforming Amendment.—The analysis for chapter 228 of title 28, United States Code, is amended by adding at the end the following:

"3599. Certification requirement.".

SEC. 304. ALTERNATIVE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

(a) Purpose.—The purpose of this section is to clarify that juries in death penalty prosecutions brought under the drug kingpin statute—like juries in all other Federal death penalty prosecutions—have the option of recommending life imprisonment without possibility of release.

(b) Clarification.—Section 408(l) of the Controlled Substances Act (21 U.S.C. 848(l)), is amended by striking the first 2 sentences and inserting the following: "Upon a recommendation under subsection (k) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law.".

SEC. 305. RIGHT TO AN INFORMED JURY.

Section 20105(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705(b)(1)), as amended by section 302 of this Act, is amended by—

(1) striking "and" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding at the end the following:

"(D) provide assurances to the Attorney General that in any capital sentencing proceeding occurring after the date of enactment of the Innocence Protection Act of 2001 in which the jury has a role in determining the sentence imposed on the defendant, the court, at the request of the defendant, shall inform the jury of all statutorily authorized sentencing options in the particular case, including applicable parole eligibility rules and terms.".

SEC. 306. ANNUAL REPORTS.

(a) Report.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Attorney General shall prepare and transmit to Congress a report concerning the administration of capital punishment laws by the Federal Government and the States.

(b) Report Elements.—The report required under subsection (a) shall include substantially the same categories of information as are included in the Bureau of Justice Statistics Bulletin entitled "Capital Punishment 1999" (December 2000, NCJ 184795), and shall also include the following additional categories of information, if such information can practicably be obtained:

(1) The percentage of death-eligible cases in which a death sentence is sought, and the percentage in which it is imposed.

(2) The race of the defendants in death-eligible cases, including death-eligible cases in which a death sentence is not sought, and the race of the victims.

(3) The percentage of capital cases in which counsel is retained by the defendant, and the percentage in which counsel is appointed by the court.

(4) The percentage of capital cases in which life without parole is available as an alternative to a death sentence, and the sentences imposed in such cases.

(5) The percentage of capital cases in which life without parole is not available as an alternative to a death sentence, and the sentences imposed in such cases.

(6) The frequency with which various statutory aggravating factors are invoked by the prosecution.

(7) The percentage of cases in which a death sentence or a conviction underlying a death sentence is vacated, reversed, or set aside, and a short statement of the reasons therefor.

(c) Request for Assistance.—In compiling the information referred to in subsection (b), the Attorney General shall, when necessary, request assistance from State and local prosecutors, defense attorneys, and courts, as appropriate. Requested assistance, whether provided or denied by a State or local official or entity, shall be noted in the reports referred to in subsection (a).

(d) Public Disclosure.—The Attorney General or the Director of the Bureau of Justice Assistance, as appropriate, shall ensure that the reports referred to in subsection (a) are—

(1) distributed to national print and broadcast media; and

(2) posted on an Internet website maintained by the Department of Justice.

SEC. 307. SENSE OF CONGRESS REGARDING THE EXECUTION OF JUVENILE OFFENDERS AND THE MENTALLY RETARDED.

It is the sense of Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to a person who is mentally retarded or who had not attained the age of 18 years at the time of the offense.

INNOCENCE PROTECTION ACT OF 2001—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Innocence Protection Act of 2001 is a carefully crafted package of criminal justice reforms aimed at reducing the risk that innocent persons may be executed. Most urgently the bill would afford greater access to DNA testing by convicted offenders; and help States improve the quality of legal representation in capital cases.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

Sec. 101. Findings and purposes. Legislative findings and purposes in support of this title.

Sec. 102. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system. Courts shall order DNA testing if it has the scientific potential to produce new exculpatory evidence material to the inmate's claim of innocence. When the test results are exculpatory, courts shall order a hearing and make such further orders as may be appropriate under existing law. Prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, absent prior notification to such defendant of the government's intent to destroy the evidence.

Sec. 103. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on an assurance that the State will adopt adequate procedures for preserving biological material and making DNA testing available to inmates.

Sec. 104. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying applications for DNA testing by death row inmates, if the proposed testing has the scientific potential to produce new exculpatory evidence material to the inmate's claim of innocence. Also prohibits States from denying inmates a meaningful opportunity to prove their innocence using the results of DNA testing. Inmates may sue for declaratory or injunctive relief to enforce these prohibitions.

Sec. 105. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. National Commission on Capital Representation. Establishes a National Commission on Capital Representation to develop standards for providing adequate legal representation for indigents facing a death sentence. The Commission would be composed of nine members and would include experienced prosecutors, defense attorneys, and judges, and would complete its work within on year. Total authorization $1,000,000.

Sec. 202. Capital defense incentive grants. Establishes a grant program, to be administered by the State Justice Institute, to help States implement the Commission's standards and otherwise improve the quality of representation in capital cases. Authorization is $50,000,000 for the first year, and such sums as may be necessary for the two years that follow.

Sec. 203. Amendments to prison grant programs. Directs the Attorney General to withhold a portion of the funds awarded under the prison grant programs from death penalty States that have not established or do not maintain a system for providing legal representation in capital cases that satisfies the Commission's standards. The Attorney General may waive the withholding requirement for one year under certain circumstances.

Sec. 204. Effect on procedural default rules. Provides that certain procedural barriers to Federal habeas corpus review shall not apply if the State did not provide legal representation to the habeas petitioner under a State system for providing representation that satisfied the Commission's standards. This section does not apply in any case in which the relevant State court proceeding occurred more than 1 year before the formulation of such standards.

Sec. 205. Capital defense resource grants. Amends the Criminal Justice Act, 18 U.S.C. §3006A, to make more Federal funding available for purposes of enhancing the availability, competence, and prompt assignment of counsel in capital cases, encouraging the continuity of representation in such cases, and increasing the efficiency with which capital cases are resolved.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Increased compensation in federal cases. Raises the total amount of damages that may be awarded against the United States in cases of unjust imprisonment from $5,000 to $50,000 a year in a non-death penalty case, or $100,000 a year in a death penalty case.

Sec. 302. Compensation in state death cases. Encourages states to maintain effective procedures for reasonably compensating persons who were unjustly convicted and sentenced to death, and investigating the causes of such unjust convictions in order to prevent such errors from recurring.

Sec. 303. Certification requirement in federal death penalty prosecutions. Increases accountability by requiring the Attorney General, when seeking the death penalty in any case, to certify that the federal interest in the prosecution is more substantial than the interests of the state or local authorities. Modeled on the certification requirements in the federal civil rights and juvenile delinquency laws, this section codifies existing practice as reflected in section 9–10.070 of the U.S. Attorney's Manual. This section does not create any rights enforceable at law by any party in any matter civil or criminal.

Sec. 304. Alternative of life imprisonment without possibility of release. Clarifies that juries in death penalty prosecutions brought under the drug kingpin statute, 21 U.S.C. §848(l), have the option of recommending life imprisonment without possibility of release. This amendment incorporates into the drug kingpin statute a procedural protection that federal law already expressly provides to the vast majority of capital defendants.

Sec. 305. Right to an informed jury. Encourages states to allow defendants in capital cases to have the jury instructed on all statutorily-authorized sentencing options, including applicable parole eligibility rules and terms.

Sec. 306. Annual reports. Directs the Justice Department to prepare an annual report regarding the administration of the nation's capital punishment laws. The report must be submitted to Congress, distributed to the press and posted on the Internet.

Sec. 307. Sense of the Congress regarding the execution of juvenile offenders and the mentally retarded. Expresses the sense of the Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to juvenile offenders and the mentally retarded.

Mr. SMITH of Oregon. Mr. President, I am proud to be a co-sponsor of this new and improved Innocence Protection Act. The Innocence Protection Act we introduced last year was widely heralded as providing much-needed improvements to our nation's already strong judicial system. This year, the bill itself has been strengthened, so it can better benefit the truly innocent without imposing undue hardship on our hard-working law enforcement personnel. While our court and law enforcement officials work extremely hard to ensure justice for all, occasionally mistakes are made.

To prevent these rare instances, The Innocence Protection Act encourages appropriate use of DNA testing, and provision of competent counsel. The bill also provides for adequate compensation in the rare case that a person is wrongfully imprisoned, and encourages states to examine these situations to prevent their recurrence. The Innocence Protection Act proposes to apply technological advances of the 21st century evenly across the country to ensure that justice is served swiftly and fairly, regardless of where you live.

Both supporters and opponents of the death penalty can support this bill, which will only improve the integrity of our Criminal Justice System. By helping ensure that the true perpetrators of heinous crimes are behind bars, the innocent can live in a safer world. I am a supporter of the death penalty. I believe that there are some times when humankind can act in a manner so odious, so heinous, and so depraved that the right to life is forfeited. Notwithstanding this belief, indeed, because of this belief, I am reintroducing the Innocence Protection Act of 2001 with Senator LEAHY and others today.

Clearly, there is a growing interest in this issue in Congress. I feel strongly that this is a bill whose time has come, and I look forward to working with my colleagues in the House and Senate to ensure its passage this session.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 487. A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am pleased to introduce with my distinguished colleague, Senator LEAHY, legislation entitled the "Technology Education and Copyright Harmonization Act" or fittingly abbreviated as the "TEACH Act," which updates the educational use provisions of the copyright law to account for advancements in digital transmission technologies that support distance learning.

While distance learning is far from a new concept, there is no "official" definition as to what falls under the umbrella of distance learning. There is, however, general agreement that distance education covers the various forms of study at all levels in which students are separated from instructors by time or space. By creating new avenues of communication, technology has paved the way for so-called "distance learning," starting with correspondence courses, and later with instructional broadcasting. Most recently, however, the introduction of online education has revolutionized the world of "distance learning." While the benefits of all forms of distance learning are self-evident, online learning opens unprecedented educational opportunities. With the click of a mouse, students in remote areas are able to access a broad spectrum of courses from the finest institutions and "chat" with other students across the country.

Distance education, and the use of high technology tools such as the Internet in education, hold great promise for students in states like Utah. Students in remote areas of my state are now able to link up to resources previously only available to those in cities or at prestigious educational institutions. For many Utahns, this means having access to courses or being able to see virtual demonstrations of principles that until now they have only read about.

True to its heritage, Utah is a pioneer among states in blazing the trail to the next century, making tomorrow's virtual classrooms a reality today. Fittingly, since it is home to one of the original six universities that pioneered the Internet, the State of Utah and the Utah System of Higher Education, as well as a number of individual universities in the state have consistently been recognized as technology and web-education innovators. Such national recognition reflects, in part, Utah's high-tech industrial base, its learning-oriented population, and the fact that Utah was the first state with a centrally coordinated statewide system for distance learning. In the course of preparing the report that resulted in this legislation, I was pleased to host the Register of Copyrights at a distance education exposition and copyright round table that took place at the nerve center of that system, the Utah Education Network, where we saw many of the exciting technologies being developed and implemented in Utah, by Utahns, to make distance education a reality.

At the event in Salt Lake City, Ms. Peters and I dropped in on a live online art history class hosted in Orem, that included high school and college students scattered from Alpine in the north to Lake Powell in the south, nearly the length of the state. And the promise of distance education extends far beyond the traditional student, making expanded opportunities available for working parents, senior citizens, and anyone else with a desire to learn.

This legislation will make it easier for the teacher who connects with her students online to enhance the learning process by illustrating music appreciation principles with appropriately limited sound recordings or illustrate visual design or story-telling principles with appropriate movie clips. Or she might create wholly new experiences such as making a hypertext poem that links significant words or formal elements to commentary, similar uses in other contexts, or other sources for deeper understanding, all accessible at the click of a mouse. These wholly new interactive educational experiences, or more traditional ones now made available around the students' schedule, will be made more easily and more inexpensively by this legislation. Beyond the legislative safe harbor provided by this legislation, opportunities for students and lifetime learners of all kinds, in all kinds of locations, is limited only by the human imagination and the cooperative creativity of the creators and users of copyrighted works. I hope that creative licensing arrangements will be spurred to make even more exciting opportunities available to students and lifelong learners, and that incentives to create those experiences will continue to encourage innovation in education, art and entertainment online. The possibilities for everyone in the wired world are thrilling to contemplate.

While the development of digital technology has fostered the tremendous growth of distance learning in the United States, online education will work only if teachers and students have affordable and convenient access to the highest quality educational materials. In fact, in its recent report, the Web-Based Commission, established by Congress to develop policies to ensure that new technologies will enhance learning, concluded that United States copyright practice presents significant impediments to online education. Additionally, the Web-Based Commission concluded that there are some needed reforms in higher education regulations and statutes. Specifically, the Commission identifies reforms needed in the so-called 12 hour rule, the 50 percent rule and the ban on incentive based compensation. These education recommendations are not included in the legislation I am introducing today. However, I want to put my colleagues on notice that I will pushing for these reforms and leave open the possibility of amending this particular bill or seek other vehicles to include such education reform provisions which will improve delivery of distance education to a wider variety of students. We will be discussing education reforms in the Senate in the coming weeks, and I think it is important that any education reform include the kinds of reforms that will promote the use of high technologies in education, such as the Internet. And I intend to work to have these reforms included in any larger education package considered this year.

As part of its mandate under the Digital Millennium Copyright Act, DMCA, which laid the basic copyright rules in a digital environment, the Copyright Office was tasked to study the impact of copyright law on online education and submit recommendations on how to promote distance learning through digital technologies while maintaining an appropriate balance between the rights of copyright owners and the needs of users of copyrighted works. Without adequate incentives and protections, those who create these materials will be disinclined to make their works available for use in online education. The interests of educators, students, and copyright owners need not be divergent; indeed, I believe they coincide in making the most of this medium. As expected, the Copyright Office has presented us with a detailed and comprehensive study of the copyright issues involved in digital distance education that takes into account a wide range of views expressed by various groups, including copyright owners, educational institutions, technologists, and libraries. As part of its report, the Copyright Office concluded that the current law should be updated to accommodate digital educational technologies.

After careful review and consideration of the findings and recommendations presented in the report prepared by the Copyright Office, not to mention my enormous respect for and confidence in the Register of Copyrights, I fully support the Office's recommendation to update the current copyright law in a manner that promotes the use of high technology in education, such as distance learning over the Internet, while maintaining appropriate incentives for authors. While the bill we are introducing today is based on the hard work and expert advice of the Copyright Office, and is therefore, I believe a very good bill, I welcome constructive suggestions from improvements from any interested party as this bill moves through the legislative process.

Currently, United States copyright law contains a number of exemptions to copyright owners' rights relating to face-to-face classroom teaching and instructional broadcasts. While these exemptions embody the policy that certain uses of copyrighted works for instructional purposes should be exempt from copyright control, the current exemptions were not drafted with online, interactive digital technologies in mind. As a result, the Copyright Office concluded that the current exemptions related to instructional purposes are probably inapplicable to most advanced digital delivery systems and without a corresponding change, the policy behind the existing law will not be advanced.

Drawing from the recommendations made by the Copyright Office, the primary goal of this legislation is simple and straight forward: to promote digital distance learning by permitting certain limited instructional activities to take place without running afoul of the rights of copyright owners. The bill does not limit the bounds of “fair use” in the educational context, but provides something of a “safe harbor” for online distance education. And nothing limits the possibilities for creative licensing of copyrighted works for even more innovative online educational experiences. While Section 110(1) of the Copyright Act exempts the performance or display of any work in the course of face-to-face teachings, Section 110(2) of the Copyright Act limits these exemptions in cases of instructional broadcasting. Under Section 110(2), while displays of all works are permitted, only performances of nondramatic literary or mystical works are permitted. Thus, an instructor is currently not able to show a movie or perform a play via educational broadcasting.

This legislation would amend Section 110(2) of the Copyright Act to create a new set of rules in the digital education world that, in essence, represent a hybrid of the current rules applicable to face-to-face instruction and instructional broadcasting. In doing this, the legislation amends Section 110(2) by expanding the permitted uses currently available for instructional broadcasting in a modest fashion by including the performance of any work not produced primarily for instructional use in reasonable and limited portions.

In addition, in order to modernize the statute to account for digital technologies, the legislation amends Section 110(2) by eliminating the requirement of a physical classroom and clarifies that the instructional activities exempted in Section 110(2) of the Copyright Act apply to digital transmissions as well as analog. The legislation also permits a limited right to reproduce and distribute transient copies created as part of the automated process of digital transmissions. Mindful of the new risks involved with digital transmissions, the legislation also creates new safeguards for copyright owners. These include requirements that those invoking the exemptions institute a policy to promote compliance with copyright law and apply technological measures to prevent unauthorized access and uses.

Moreover, in order to allow the exempted activities to take place in online education asynchronously, a new amendment to the ephemeral recording exemption is proposed that would permit an instructor to upload a copyrighted work onto a server to be later transmitted to students. Again, extra safeguards are in place to ensure that no additional copies beyond those necessary to the transmission can be made and that the retention of the copy is limited in time.

I believe that this legislation is necessary to foster and promote the use of high technology tools, such as the Internet, in education and distance learning, while at the same time maintains a careful balance between copyright owners and users. Through the increasing influence of educational technologies, virtual classrooms are popping up all over the country and what we do not want to do is stand in the way of the development and advancement of innovative technologies that offer new and exciting educational opportunities. I think we all agree that digital distance should be fostered and utilized to the greatest extent possible to deliver instruction to students in ways that could have been possible a few years ago. We live at a point in time when we truly have an opportunity to help shape the future by influencing how technology is used in education so I hope my colleagues will join us in supporting this modest update of the copyright law that offers to make more readily available distance education in a digital environment to all of our students.

I ask unanimous consent that the text of the bill and explanatory section-by-section analysis, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Technology, Education And Copyright Harmonization Act of 2001”.

SEC. 2. EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES.

Section 110(2) of title 17, United States Code, is amended—

(1) by striking the matter preceding subparagraph (A) and inserting the following:

“(2) except with respect to a work produced primarily for instructional use or a performance or display that is given by means of a copy that is not lawfully made and acquired under this title, and the transmitting governmental body or nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work, by or in the course of a transmission, reproduction of such work in transient copies or phonorecords created as a part of the automatic technical process of a digital transmission, and distribution of such copies or phonorecords in the course of such transmission, to the extent technologically necessary to transmit the performance or display, if—”;

(2) in subparagraph (A) by striking all beginning with “the performance” through “regular” and inserting the following: “the performance or display is made by or at the direction of an instructor as an integral part of a class session offered as a regular”;

(3) by striking subparagraph (C) and inserting the following:

“(C) the transmission is made solely for, and, to the extent technologically feasible, the reception of such transmission is limited to—

“(i) students officially enrolled in the course for which the transmission is made; or

“(ii) officers or employees of governmental bodies as part of their official duties or employment; and”; and

(4) by adding at the end the following:

“(D) any transient copies are retained for no longer than reasonably necessary to complete the transmission; and

“(E) the transmitting body or institution—

“(i) institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection; and

“(ii) in the case of digital transmissions, applies technological measures that reasonably prevent unauthorized access to and dissemination of the work, and does not intentionally interfere with technological measures used by the copyright owner to protect the work.”.

SEC. 3. EPHEMERAL RECORDINGS.

(a) IN GENERAL.—Section 112 of title 17, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) Notwithstanding the provisions of section 106, and without limiting the application of subsection (b), it is not an infringement of copyright for a governmental body or other nonprofit educational institution entitled to transmit a performance or display of a work that is in digital form under section 110(2) to make copies or phonorecords embodying the performance or display to be used for making transmissions authorized under section 110(2), if—

“(1) such copies or phonorecords are retained and used solely by the body or institution that made them, and no further copies or phonorecords are reproduced from them, except as authorized under section 110(2);

“(2) such copies or phonorecords are used solely for transmissions authorized under section 110(2); and

“(3) the body or institution does not intentionally interfere with technological measures used by the copyright owner to protect the work.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 802(c) of title 17, United States Code, is amended in the third sentence by striking "section 112(f)" and inserting "section 112(g)".

SEC. 4. IMPLEMENTATION BY COPYRIGHT OFFICE.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Copyright Office shall conduct a study and submit a report to Congress on the status of—

(1) licensing by private and public educational institutions of copyrighted works for digital distance education programs, including—

(A) live interactive distance learning classes;

(B) faculty instruction recorded without students present for later transmission; and

(C) asynchronous delivery of distance learning over computer networks; and

(2) the use of copyrighted works in such programs.

(b) CONFERENCE.—Not later than 2 years after the date of enactment of this Act, the Copyright Office shall—

(1) convene a conference of interested parties, including representatives of copyright owners, nonprofit educational institutions and nonprofit libraries and archives to develop guidelines for the use of copyrighted works for digital distance education under the fair use doctrine and section 110 (1) and (2) of title 17, United States Code;

(2) to the extent the Copyright Office determines appropriate, submit to the Committees on the Judiciary of the Senate and the House of Representatives such guidelines, along with information on the organizations, Government agencies, and institutions participating in the guideline development and endorsing the guidelines; and

(3) post such guidelines on an Internet website for educators, copyright owners, libraries, and other interested persons.

SECTION-BY-SECTION ANALYSIS OF THE TECHNOLOGY, EDUCATION, AND COPYRIGHT HARMONIZATION ACT

SECTION 1. SHORT TITLE

This bill may be cited as the "Technology, Education And Copyright Harmonization Act of 2001" or the TEACH Act.

SECTION 2. EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES

The bill updates section 110(2) to allow the similar activities to take place using digital delivery mechanisms that were permitted under the basic policy balance struck in 1976, while minimizing the additional risks to copyright owners that are inherent in exploiting works in a digital format. Current law allows performances and displays of all categories of copyrighted works in classroom settings, under section 110(1) of the Copyright Act, and allows performances of nondramatic literary and musical works and displays of works during certain education-related transmissions (usually television-type transmission) under Section 110(2). Section 110(2) is amended to allow performances of categories of copyrighted works—such as portions of audiovisual works, sound recordings and dramatic literary and musical works—in addition to the non-dramatic literary and musical works that may be performed under current law. Because of the potential adverse effect on the secondary markets of such works, only reasonable and limited portions of these additional works may be performed under the exemption. Excluded from the exemption are those works that are produced primarily from instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the exemption could significantly cut into primary markets, impairing incentives to create. As an additional safeguard, this provision requires the exempted performance or display to be made from a lawful copy. Since digital transmissions implicate the reproduction and distribution rights in addition to the public performance right, section 110(2) is further amended to add coverage of the rights of reproduction/and or distribution, but only to the extent technologically required in order to transmit a performance or display authorized by the exemption.

Section 110(2)(C) eliminates the requirement of a physical classroom by permitting transmissions to be made to students officially enrolled in the course and to government employees, regardless of their physical location. In lieu of this limitation two safeguards have been added. First, section 110(2)(A) emphasizes the concept of mediated instruction by ensuring that the exempted performance or display is analogous to the type of performance or display that would take place in a live classroom setting. Second, section 110(2)(C) adds the requirement that, to the extent technologically feasible, the transmission must be made solely for reception by the defined class of eligible recipients.

Sections 110(2)(D), (E)(i) and (E)(ii) add new safeguards to counteract the new risks posed by the transmission of works to students in digital form. Paragraph (D) requires that transient copies permitted under the exemption be retained no longer than reasonably necessary to complete the transmission. Paragraph (E)(i) requires that beneficiaries of the exemption institute policies regarding copyright; provide information materials to faculty, students, and relevant staff members that accurately describe and promote compliance with copyright law; and provide notice to students that materials may be subject to copyright protection. Paragraph 110(2)(E)(ii) requires that the transmitting organization apply measures to protect against both unauthorized access and unauthorized dissemination after access has been obtained. This provision also specifies that the transmitting body or institution may not intentionally interfere with protections applied by the copyright owners themselves.

SECTION 3. EPHEMERAL RECORDINGS

Section 112 is amended by adding a new subsection which permits an educator to upload a copyrighted work onto a server to facilitate transmissions permitted under section 110(2) to students enrolled in his or her course. Limitations have been imposed upon the exemption similar to those set out in other subsections of section 112. Paragraph 112(f)(1) specifies that any such copy be retained and used solely by the entity that made it and that no further copies be reproduced from it except the transient copies permitted under section 110(2). Paragraph 112(f)(2) requires that the copy be used solely for transmissions authorized under section 110(2). Paragraph 112(f)(3) prohibits a body or institution from intentionally interfering with technological protection measures used by the copyright owner to protect the work.

SECTION 4. IMPLEMENTATION BY COPYRIGHT OFFICE

Subsection (a) requires the Copyright Office, not later than 2 years after the date of the enactment, to conduct a study and submit a report to Congress on the status of licensing for private and public school digital distance education programs and the use of copyrighted works in such programs. Subsection (b) requires the Copyright Office, not later than 2 years after the date of enactment, to convene a conference of other interested parties on the subject of the use of copyrighted works in education and, to the extent the Office deems appropriate, develop guidelines for the clarification of the appropriate use of copyrighted works in educational settings, including distance education, for submission to Congress and for posting on the Copyright Office website as a reference resource.

Mr. LEAHY. Mr. President, an important responsibility of the Senate Judiciary Committee is fulfilling the mandate set forth in Article 1, section 8 of the Constitution, "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Chairman HATCH and I, and other colleagues on the Judiciary Committee, have worked together successfully over the years to update and make necessary adjustments to our copyright, patent and trademark laws to carry out this responsibility. We have strived to do so in a manner that advances the rights of intellectual property owners while protecting the important interests of users of the creative works that make our culture a vibrant force in this global economy.

Several years ago, as part of the Digital Millennium Copyright Act, DMCA, we asked the Copyright Office to perform a study of the complex copyright issues involved in distance education and to make recommendations to us for any legislative changes. In conducting that study, Maybeth Peters, the Registrar of Copyrights met informally with interested Vermonters at Champlain College in Burlington, Vermont, to hear their concerns on this issue. Champlain College has been offering on-line distance learning programs since 1993, with a number of online programs, including for degrees in accounting, business, and hotel-restaurant management.

The Copyright Office released its report in May, 1999, at a hearing held in this Committee, and made valuable suggestions on how modest changes in our copyright law could go a long way to foster the appropriate use of copyrighted works in valid distance learning activities. I am pleased to join Senator HATCH in introducing the Technology, Education and Copyright Harmonization, or TEACH, Act, that incorporates the legislative recommendations of that report. This legislation will help clarify the law and allow educators to use the same rich material in distance learning over the Internet that they are able to use in face-to-face classroom instruction.

The growth of distance learning is exploding, largely because it is responsive to the needs of older, non-traditional students. The Copyright Office, CO, report noted two years ago that, by 2002, the number of students taking distance education courses will represent 15 percent of all higher education students. Moreover, the typical average distance learning student is 34 years old, employed full-time and has previous college credit. More than half are women. In increasing numbers, students in other countries are benefitting from educational opportunities here through U.S. distance education programs.

In high schools, distance education makes advanced college placement and college equivalency courses available, a great opportunity for residents in our more-rural states. In colleges, distance education makes lifelong learning a practical reality.

Not only does distance education make it more convenient for many students to pursue an education, for students who have full-time work commitments, who live in rural areas or in foreign countries, who have difficulty obtaining child or elder care, or who have physical disabilities, distance education may be the only means for them to pursue an education. These are the people with busy schedules who need the flexibility that on-line programs offer: virtual classrooms accessible when the student is ready, and free, to log-on.

In Vermont and many other rural states, distance learning is a critical component of any quality educational and economic development system. In fact, the most recent Vermont Telecommunications Plan, which was published in 1999 and is updated at regular intervals, identifies distance learning as being critical to Vermont's development. It also recommends that Vermont consider "using its purchasing power to accelerate the introduction of new [distance learning] services in Vermont." Technology has empowered individuals in the most remote communities to have access to the knowledge and skills necessary to improve their education and ensure they are competitive for jobs in the 21st century.

Several years ago, I was proud to work with the state in establishing the Vermont Interactive Television network. This constant two-way videoconferencing system can reach communities, schools and businesses in every corner of the State. Since we first successfully secured funds to build the backbone of the system, Vermont has constructed fourteen sites. The VIT system is currently running at full capacity and has demonstrated that in Vermont, technology highways are just as important as our transportation highways.

No one single technology should be the platform for distance learning. In Vermont, creative uses of available resources have put in place a distance learning system that employees T–1 lines in some areas and traditional internet modem hook-ups in others. Several years ago, the Grand Isle Supervisory Union received a grant from the U.S. Department of Agriculture to link all the schools within the district with fiber optic cable. There are not a lot of students in this Supervisory Union but these is a lot of land separating one school from another. The bandwidth created by the fiber optic cables has not only improved the educational opportunities in the four Grand Isle towns, but it has also provided a vital economic boost to the area's business.

While there are wonderful examples of the use of distance learning inside Vermont, the opportunities provided by these technologies are not limited to the borders of one state, or even one country. Champlain College, a small school in Burlington, Vermont has shown this is true when it adopted a strategic plan to provide distance learning for students throughout the world. Under the leadership of President Roger Perry, Champlain College now has more students enrolled than any other college in Vermont. The campus in Vermont has not been overwhelmed with the increase. Instead, Champlain now teaches a large number of students overseas through its on-line curriculum. Similarly, Marlboro College in Marlboro, Vermont, offers innovative graduate programs designed for working professionals with classes that meet not only in person but also online.

The Internet, with its interactive, multi-media capabilities, has been a significant development for distance learning. By contrast to the traditional, passive approach of distance learning where a student located remotely from a classroom was able to watch a lecture being broadcast at a fixed time over the air, distance learners today can participate in real-time class discussions, or in simultaneous multimedia projects. The Copyright Office report confirms what I have assumed for some time—that "the computer is the most versatile of distance education instruments," not just in terms of flexible schedules, but also in terms of the material available.

Over twenty years ago, the Congress recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. At the same time, Congress also recognized the potential for unauthorized transmissions of works to harm the markets for educational uses of copyrighted materials. The present Copyright Act strikes a careful balance and includes two narrowly crafted exemptions for distance learning, in addition to the general fair use exemption.

Under current law, the performance or display of any work in the course of face-to-face instruction in a classroom is exempt from the exclusive rights of a copyright owner. In addition, the copyright law allows transmission of certain performances or displays of copyrighted works to be sent to a classroom or a similar place which is normally devoted to instruction, to persons whose disabilities or other special circumstances prevent classroom attendance, or to government employees. While this exemption is technology neutral and does not limit authorized "transmissions" to distance learning broadcasts, the exemption does not authorize the reproduction or distribution of copyrighted works—a limitation that has enormous implications for transmissions over computer networks. Digital transmissions over computer networks involve multiple acts of reproduction as a data packet is moved from one computer to another.

The need to update our copyright law to address new developments in online distance learning was highlighted in the December, 2000 report of the Web-Based Education Commission, headed by former Senator Bob Kerrey. This Commission noted that:

> Current copyright law governing distance education ... was based on broadcast models of telecourses for distance education. That law was not established with the virtual classroom in mind, nor does it resolve emerging issues of multimedia online, or provide a framework for permitting digital transmissions.

This report further observed that "This current state of affairs is confusing and frustrating for educators. ... Concern about inadvertent copyright infringement appears, in many school districts, to limit the effective use of the Internet as an educational tool." In conclusion, the report concluded that our copyright laws were "inappropriately restrictive."

The TEACH Act makes three significant expansions in the distance learning exemption in our copyright law, while minimizing the additional risks to copyright owners that are inherent in exploiting works in a digital format. First, the bill eliminates the current eligibility requirements for the distance learning exemption that the instruction occur in a physical classroom or that special circumstances prevent the attendance of students in the classroom.

Second, the bill clarifies that the distance learning exemption covers the temporary copies necessarily made in networked servers in the course of transmitting material over the Internet.

Third, the current distance learning exemption only permits the transmission of the performance of "non-dramatic literary or musical works," but does not allow the transmission of movies or videotapes, or the performance of plays. The Kerrey Commission report cited this limitation as an obstacle to distance learning in current copyright law and noted the following examples: A music instructor may play songs and other pieces of music in a classroom, but must seek permission from copyright holders in order to incorporate these works into an online version of the same class. A children's literature instructor may routinely display illustrations from childrens' books in the classroom, but must get licenses for each one for on online version of the course.

To alleviate this disparity, the TEACH Act would amend current law to allow educators to show limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of nondramatic literary and musical works which are currently exempted.

This legislation is a balanced proposal that expands the educational use exemption in the copyright law for distance learning, but also contains a number of safeguards for copyright owners. In particular, the bill excludes from the exemption those works that are produced primarily for instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the exemption could significantly cut into primary markets, impairing incentives to create. Indeed, the Web-Based Education Commission urged the development of "high quality online educational content that meets the highest standards of educational excellence." Copyright protection can help provide the incentive for the development of such content.

In addition, the bill requires the use by distance educators of technological safeguards to ensure that the dissemination of material covered under the exemption is limited only to the students who are intended to receive it.

Finally, the TEACH Act directs the Copyright Office to conduct a study on the status of licensing for private and public school digital distance education programs and the use of copyrighted works in such programs, and to convene a conference to develop guidelines for the use of copyrighted works for digital distance education under the fair use doctrine and the educational use exemptions in the copyright law. Both the Copyright Office report and the Kerrey Commission noted dissatisfaction with the licensing process for digital copyrighted works. According to the Copyright Office, many educational institutions "describe having experienced recurrent problems [that] . . . can be broken down into three categories: difficulty locating the copyright owner; inability to obtain a timely response; and unreasonable prices for other terms." Similarly, the Kerrey Commission report echoed the same concern. A study focusing on these licensing issues will hopefully prove fruitful and constructive for both publishers and educational institutions.

The Kerrey Commission report observed that "[c]oncern about inadvertent copyright infringement appears, in many school districts, to limit the effective use of the Internet as an educational tool." For this reason, the Kerrey Commission report endorsed "the U.S. Copyright Office proposal to convene education representatives and publisher stakeholders in order to build greater consensus and understanding of the 'fair use' doctrine and its application in web-based education. The goal should be agreement on guidelines for the appropriate digital use of information and consensus on the licensing of content not covered by the fair use doctrine." The TEACH Act will provide the impetus for this process to begin.

I appreciate that, generally speaking, copyright owners believe that current copyright laws are adequate to enable and foster legitimate distance learning activities. As the Copyright Office report noted, copyright owners are concerned that "broadening the exemption would result in the loss of opportunities to license works for use in digital distance education" and would increase the "risk of unauthorized downstream uses of their works posed by digital technology." Based upon its review of distance learning, however, the Copyright Office concluded that updating section 110(2) in the manner proposed in the TEACH Act is "advisable." I agree. At the same time we have made efforts to address the valid concerns of both the copyright owners and the educational and library community, and look forward to working with all interested stakeholders as this legislation is considered by the Judiciary Committee and the Congress.

Distance education is an important issue to both the chairman and to me, and to the people of our States. I commend him for scheduling a hearing on this important legislation for next week.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 45—HORNORING THE MEN AND WOMEN WHO SERVE THIS COUNTRY IN THE NATIONAL GUARD AND EXPRESSING CONDOLENCES OF THE UNITED STATES SENATE TO FAMILY AND FRIENDS OF THE 21 NATIONAL GUARDSMEN WHO PERISHED IN THE CRASH ON MARCH 3, 2001

Mr. BOND (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Armed Services;

S. RES. 45

Whereas on March 3, 2001, a tragic crash of a C-23 from the 171st Aviation Battalion of the Florida Army National Guard, carrying guardsmen from the 203rd Red Horse Unit of the Virginia Air National Guard took the lives of 21 guardsmen;

Whereas this unfortunate crash occurred during a routine training mission;

Whereas the National Guard is present in every state and four protectorates and is comprised of citizen-soldiers and airmen who continually support our active forces;

Whereas members of the Tragedy Assistance Program for Survivors were on site the day of the accident and generously rendered assistance to family members and friends; and

Whereas this is a somber reminder of the fact that the men and women in the United States Armed Forces put their lives on the line every day to protect this great Nation and that each citizen should forever be grateful for the sacrifices made by these men and women: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the 21 National Guardsmen who made the ultimate sacrifice to their Nation on March 3, 2001;

(2) expresses deep and heartfelt condolences to the families and friends of the crash victims for this tragic loss;

(3) expresses appreciation for the members of the Tragedy Assistance Program for Survivors for their continued support to surviving family members; and

(4) honors the men and women who serve this country through the National Guard and is grateful for everything that each guardsman gives to protect the United States of America.

Mr. LEAHY. Mr. President, sadly, I rise today to talk about the recent crash of a National Guard aircraft in flying over Georgia. Last Friday, 21 members of the National Guard lost their lives in a horrible plane crash. How does one understand the death of 21 soldiers and airmen who dedicated their time and energy to contribute to our nation's defense?

While there perhaps is no easy answer to this question, the patriotism and dedication of these men is without doubt. Nineteen served with the Virginia Air National Guard in the 203d Red Horse Unit. Three were of the 171st Aviation Battalion of the Florida Army National Guard. All come from a proud citizen-soldier tradition that dates back to the War of Independence.

This was a routine mission for the fated C-23 Sherpa. With the Florida Guardsmen at the controls, the plane took off on Friday morning, headed for Virginia. Its passengers had just completed their two-weeks of annual training in Georgia, where they had honed their already refined construction abilities. They were heading back to their families and the civilian jobs. Alas, those reunions were never to occur.

It is a great loss whenever a member of the armed services gives his or her life in the lien of duty. But perhaps because these men came straight out of local communities, because they were juggling the demands of work and family along with their national service, we feel the losses like these especially deeply. Their departure reminds us that our friends, colleagues, and neighbors in the National Guard make sacrifices every time they report for duty. They leave the comfort of their homes for the rigors of service. It is a sacrifice that is worthy of honor and recognition, but often goes unnoticed until they make the ultimate sacrifice.

With that in mind, I join with my colleague Senator KIT BOND in introducing a resolution that honors their service and expresses our heartfelt condolences to the families of the victims.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $970,754.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $1,718,989.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $734,239.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2001.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved,

That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002 through February 28, 2003 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2001 through September 30, 2001 under this resolution shall not exceed $1,859,933 of which amount not to exceed $37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period October 1, 2001 through September 30, 2002, expenses of the committee under this resolution shall not exceed $3,298,074, of which amount not to exceed $65,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period October 1, 2002 through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,410,164, of which amount not to exceed $27,083 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 2001 through September 30, 2001; October 1, 2001 through September 30, 2002; and October 1, 2002 through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 48—HONORING THE LIFE OF FORMER GOVERNOR OF MINNESOTA HAROLD E. STASSEN, AND EXPRESSING DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DAYTON (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas the Senate has learned with sadness of the death of Harold E. Stassen;

Whereas Harold E. Stassen, born in St. Paul, Minnesota, greatly distinguished himself and his State by his long commitment to public service;

Whereas in 1938, Harold E. Stassen, at age 31, became the youngest person elected Governor in the history of the United States;

Whereas Harold E. Stassen, elected to 3 consecutive terms as Governor of Minnesota, was a visionary leader of the Republican Party and was nationally recognized for civil service and anti-corruption reforms while Governor;

Whereas during Harold E. Stassen's third term as Governor, he voluntarily resigned from that office to join the United States Navy in World War II, helping to free American prisoners of war from Japan and received promotion to the rank of captain;

Whereas Harold E. Stassen was an original signer of the United Nations charter of 1948, and in that same year undertook the first of 9 campaigns for President of the United States;

Whereas Harold E. Stassen served 5 years in the Eisenhower administration, first overseeing foreign aid programs, then serving as a Special Presidential Assistant on disarmament policy;

Whereas although Harold E. Stassen spent much of his life as a public servant, he was also highly respected as an international lawyer in private practice;

Whereas Harold E. Stassen, a major constructive force in shaping the course of the 20th Century, was a great intellectual force, a noble statesman, and a high moral example;

Whereas Harold E. Stassen was committed not only to his country and his ideals, but also to his late wife of 70 years, Esther, his daughter and son, his 7 grandchildren, and 4 great-grandchildren; and

Whereas in the days following the passing of Harold E. Stassen, many past and present Minnesota public servants and national leaders have praised the life he led: Now, therefore, be it

Resolved, That the Senate—

(1) honors the long life and devoted work of a great leader and public servant; and

(2) expresses its deepest condolences and best wishes to the family of Harold E. Stassen in this difficult time of loss.

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved,

That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002; and October 1, 2001, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed $2,504,922.

(b) For the period October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed $4,443,495.

(c) For the period October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed $1,900,457.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE CONCURRENT RESOLUTION 21—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE USE OF A LEGISLATIVE "TRIGGER" OR "SAFETY" MECHANISM TO LINK LONG-TERM FEDERAL BUDGET SURPLUS REDUCTIONS WITH ACTUAL BUDGETARY OUTCOMES

Ms. SNOWE (for herself, Mr. BAYH, Mr. CHAFEE, Ms. LANDRIEU, Ms. COLLINS, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mr. SPECTER, Mr. CARPER, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged:

S. CON. RES. 21

Whereas the Congressional Budget Office (CBO) has projected that the Federal unified budget surplus over the 10-year period from fiscal year 2002 to fiscal year 2011 will total $5,610,000,000,000;

Whereas the projected Federal on-budget surplus over the same period of time is projected to be $3,122,000,000,000, which includes a surplus for the medicare program in the Federal Hospital Insurance (HI) Trust Fund of $392,000,000,000;

Whereas the projected surplus provides Congress with an opportunity to address a variety of pressing national needs, including Federal debt reduction, tax relief, and increased investment in the shared priorities of the American people, such as national defense, science, health, education, retirement security, and other areas;

Whereas although CBO projections properly serve as the basis for budgetary policies in Congress, actual economic and fiscal outcomes may differ substantially from projections;

Whereas for example, as CBO indicates in its January 2001 budget update, if the future record is like the past, there is about a 50 percent chance that errors in the assumptions about economic and technical factors will cause CBO's projection of the annual surplus 5 years ahead to miss the actual outcome by more than 1.8 percent of the Gross Domestic Product, with a resulting difference in the surplus estimate of $245,000,000,000 in the fifth year alone;

Whereas where appropriate, long-term changes to tax and spending policy that are predicated on the existence of significant budget surpluses should be linked to actual fiscal performance, such as meeting specified debt reduction or on-budget surplus targets, to ensure the Federal Government does not incur on-budget deficits or increase the publicly-held debt;

Whereas during his testimony before the Senate Budget Committee on January 25, 2001, Federal Reserve Chairman Alan Greenspan stated, "In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and Federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent", and he reiterated this testimony before the Senate Banking Committee on February 13, 2001; and

Whereas in light of Chairman Greenspan's testimony and the uncertainty of surplus projections, while Members of Congress agree that the resources are available to address many pressing national needs in the 107th Congress, Congress should exercise great caution and not pass tax cuts or spending increases that are so large that they will necessitate future tax increases or significant spending cuts if anticipated budget surpluses fail to materialize: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) with respect to any long-term, Federal surplus-reducing actions adopted by the 107th Congress pursuant to the Congressional Budget Office's projected surpluses, such actions shall include a legislative "trigger" or "safety" mechanism that links the phase-in of such actions to actual budgetary outcomes over the next 10 fiscal years;

(2) this legislative "trigger" or "safety" mechanism shall outline specific legislative or automatic action that shall be taken should specified levels of Federal debt reduction or on-budget surpluses not be realized, in order to maintain fiscal discipline and continue the reduction of our national debt;

(3) the legislative "trigger" or "safety" mechanism shall be applied prospectively and not repeal or cancel any previously implemented portion of a surplus-reducing action;

(4) enactment of a legislative "trigger" or "safety" mechanism shall not prevent Congress from passing other legislation affecting the level of Federal revenues or spending should future economic performance dictate such action; and

(5) this legislative "trigger" or "safety" mechanism will ensure fiscal discipline because it restrains both Government spending and tax cuts, by requiring that the budget is balanced and that specified debt reduction targets are met.

SENATE CONCURRENT RESOLUTION 22—HONORING THE 21 MEMBERS OF THE NATIONAL GUARD WHO WERE KILLED IN THE CRASH OF A NATIONAL GUARD AIRCRAFT ON MARCH 3, 2001, IN SOUTH-CENTRAL GEORGIA

Mr. WARNER (for himself, Mr. ALLEN, Mr. GRAHAM, and Mr. NELSON of Florida) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 22

Whereas a C–23 Sherpa National Guard aircraft crashed in south-central Georgia on March 3, 2001, killing all 21 National Guard members on board;

Whereas of the 21 National Guard members on board, 18 were members of the Virginia Air National Guard from the Hampton Roads area of Virginia returning home following two weeks of training duty in Florida and the other 3 were members of the Florida Army National Guard who comprised the flight crew of the aircraft;

Whereas the Virginia National Guard members killed, all of whom were members of the 203rd Red Horse Engineering Flight of Virginia Beach, Virginia, were Master Sergeant James Beninati, 46, of Virginia Beach, Virginia; Staff Sergeant Paul J. Blancato, 38, of Norfolk, Virginia; Technical Sergeant Ernest Blawas, 47, of Virginia Beach, Virginia; Staff Sergeant Andrew H. Bridges, 33, of Chesapeake, Virginia; Master Sergeant Eric Bulman, 59, of Virginia Beach, Virginia; Staff Sergeant Paul Cramer, 43, of Norfolk, Virginia; Technical Sergeant Michael East, 40, of Parksley, Virginia; Staff Sergeant Ronald Elkin, 43, of Norfolk, Virginia; Staff Sergeant James Ferguson, 41, of Newport News, Virginia; Staff Sergeant Randy Johnson, 40, of Emporia, Virginia; Senior Airman Mathrew Kidd, 23, of Hampton, Virginia; Master Sergeant Michael Lane, 34, of Moyock, North Carolina; Technical Sergeant Edwin Richardson, 48, of Virginia Beach, Virginia; Technical Sergeant Dean Shelby, 39, of Virginia Beach, Virginia; Staff Sergeant John Sincavage, 27, of Chesapeake, Virginia; Staff Sergeant Gregory Skurupey, 34, of Gloucester, Virginia; Staff Sergeant Richard Summerell, 51, of Franklin, Virginia; and Major Frederick Watkins, III, 35, of Virginia Beach, Virginia;

Whereas the Florida National Guard members killed, all of whom were members of Detachment 1, 1st Battalion, 171st Aviation, of Lakeland, Florida, were Chief Warrant Officer John Duce, 49, of Orange Park, Florida; Chief Warrant Officer Eric Larson, 34, of Land-O-Lakes, Florida; and Staff Sergeant Robert Ward, 35, of Lakeland, Florida;

Whereas these members of the National Guard were performing their duty in furtherance of the national security interests of the United States;

Whereas the members of the Armed Forces, including the National Guard, are routinely called upon to perform duties that place their lives at risk; and

Whereas the members of the National Guard who lost their lives as a result of the aircraft crash on March 3, 2001, died in the honorable service to the Nation and exemplified all that is best in the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) honors the 18 members of the Virginia Air National Guard and 3 members of the Florida Army National Guard who were killed on March 3, 2001, in the crash of a C–23 Sherpa National Guard aircraft in south-central Georgia; and

(2) sends heartfelt condolences to their families, friends, and loved ones.

AMENDMENTS SUBMITTED AND PROPOSED

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 420, supra.

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, supra; which was ordered to lie on the table.

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, supra; which was ordered to lie on the table.

SA 17. Mr. DURBIN proposed an amendment to the bill S. 420, supra.

SA 18. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 420, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 13. Mr. LEAHY proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 446. PRIORITY FOR SMALL BUSINESS CREDITORS.

(a) CHAPTER 7.—Section 726(b) of title II, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking "paragraph, except that in a" and inserting the following: "paragraph, except that—

"(A) in a"; and

(3) by striking the period at the end and inserting the following: "; and

"(B) with respect to each such paragraph, a claim of a small business has priority over a claim of a creditor that is a for-profit business but is not a small business.

"(2) In this subsection—

"(A) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(i) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(ii) is engaged in commercial or business activity; and

"(B) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(i) a parent corporation; and

"(ii) any other subsidiary corporation of the parent corporation.".

(b) CHAPTER 12.—Section 1222 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

"(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full."; and

(2) by adding at the end the following:

"(e) For purposes of subsection (a)(5)—

"(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(B) is engaged in commercial or business activity; and

"(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(A) a parent corporation; and

"(B) any other subsidiary corporation of the parent corporation.".

(c) CHAPTER 13.—Section 1322(a) is amended—

(1) in subsection (a), as amended by section 213 of this Act, by adding at the end the following:

"(5) provide that no distribution shall be made on a nonpriority unsecured claim of a for-profit business that is not a small business until the claims of creditors that are small businesses have been paid in full."; and

(2) by adding at the end the following:

"(f) For purposes of subsection (a)(5)—

"(1) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(A) has fewer than 25 full-time employees, as determined on the date on which the motion is filed; and

"(B) is engaged in commercial or business activity; and

"(2) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(A) a parent corporation; and

"(B) any other subsidiary corporation of the parent corporation.".

On page 67, line 4, strike "inserting '; and' " and insert "inserting a semicolon".

On page 67, line 13, strike the period and insert "; and".

On page 69, line 13, strike "inserting '; and' " and insert "inserting a semicolon".

On page 69, line 22, strike the period and insert "; and".

Amend the table of contents accordingly.

SA 14. Mr. WELLSTONE proposed an amendment to the bill S. 240, to amend title II, United States Code, and for other purposes; as follows:

On page 441, after line 2, add the following:

(c) EXEMPTIONS.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not apply to any debtor that can demonstrate to the satisfaction of the court that the reason for the filing was a result of debts incurred through medical expenses, as defined in section 213(d) of the Internal Revenue Code of 1986, unless the debtor elects to make a provision of this Act or an amendment made by this Act applicable to that debtor.

(2) APPLICABILITY.—Title 11, United States Code, as in effect on the day before the effective date of this Act and the amendments made by this Act, shall apply to persons referred to in paragraph (1) on and after the date of enactment of this Act, unless the debtor elects otherwise in accordance with paragraph (1).

SA 15. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INVOLUNTARY CASES.

Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting "as to liability or amount" after "bona fide dispute"; and

(B) striking "if such claims" and inserting "if such undisputed claims"; and

(2) in subsection (h)(1), by inserting before the semicolon the following: "as to liability or amount".

SA 16. Ms. COLLINS (for herself, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

"(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

(e) APPLICABILITY.—

Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

Amend the table of contents accordingly.

SA 17. Mr. DURBIN proposed an amendment to the bill S. 420, to amend title II, United States Code, and for other purposes; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) the claim is based on a secured debt, if the creditor has failed to comply with any applicable requirement under subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).".

SA 18. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 420, to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. GAO STUDY ON REAFFIRMATION PROCESS.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study of the reaffirmation process under title 11, United States Code, to determine the overall treatment of consumers within the context of that process, including consideration of—

(1) the policies and activities of creditors with respect to reaffirmation; and

(2) whether there is abuse or coercion of consumers inherent in the process.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a), together with any recommendations for legislation to address any abusive or coercive tactics found within the reaffirmation process.

Amend the table of contents accordingly.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 4 p.m., Thursday, March 8, 2001, in room SR-301 Russell Senate Office Building, to consider the omnibus funding resolution for committees of the Senate for the 107th Congress.

For further information concerning this meeting, please contact Mary Suit Jones at the committee on 4-6352.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to review the National Park Service's implementation of management policies and procedures to comply with the provisions of title IV of the National Parks Omnibus Management Act of 1998.

The hearing will take place on Thursday, March 22, 2001, at 2:30 p.m. in room SD-192 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC-2, Russell Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 7, 2001, at 9:30 A.M., on voting technology reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 7 following the first rollcall vote to conduct a business meeting to consider the Committee's funding resolution and changes to the Committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 7, 2001, to hear testimony regarding Marginal Rate Reduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 7, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 7, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a Business Meeting to adopt the rules of the Committee for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, March 7, 2001, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a forum entitled "PNTR/WTO: A Good Deal for U.S. Small Businesses in China?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 7, 2001 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Tara Magner and Maryam Mazloom be granted floor privileges for the remainder of the debate on the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN HONOR OF FORMER GOVERNOR HAROLD E. STASSEN

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48 submitted earlier today by Senators DAYTON and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 48) honoring the life of former Governor of Minnesota, Harold E. Stassen, and expressing deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

(The text of S. Res. 48 is located in today's RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR THURSDAY, MARCH 8, 2001

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 8. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume the pending bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and immediately resume the pending bankruptcy bill. Amendments and votes are expected to occur throughout the day and into the evening in an effort to make substantial progress on this vital piece of legislation. Members are encouraged to work with the bill managers if they intend to offer amendments.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. BROWNBACK. I am happy to yield to the Senator from Nevada.

Mr. REID. We have a group of Senators, with House Members, members of the Intelligence Committee, who are traveling to South America. Does the Senator think we can learn early in the morning if there are going to be votes past 5 o'clock so they can have some idea as to what to plan and what they can do?

Mr. BROWNBACK. I understand the leadership is trying to work out a finite list of amendments that could be worked on to the point that maybe we could get that group done and limit it so we could have a voting time set, and then those Members could plan what they are trying to do. I understand it is being worked on right now.

Mr. REID. Senator LEAHY has indicated he is willing to cooperate in any way he can.

Mr. BROWNBACK. Good. I thank my colleague from Nevada for the comments. Hopefully we can get a limited number of amendments and move this bill through. This could be a substantial piece of legislation for this body to pass.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, March 8, 2001, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONILLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 7, 2001.

I hereby appoint the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Isaias warns us, O Lord, unless we acknowledge You as Lord with living faith and lasting reverence we go adrift.

You have raised us and reared us; yet we have disowned You. Our house pets know their owners; our appetites know where to be fed; yet we do not know where to turn unless we truly belong to You.

As Your people, when we hear You call us: "a sinful nation, a people laden with wickedness, an evil race, corrupt children," shall we run away from You? Or toward You?

Is it You we fear and cannot face or is it the truth about ourselves and our children? Strengthen us that we may be drawn into the truth by You now and forever. Amen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to turn off cell phones when they enter the House Chamber.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will once again remind Members that cell phones are to be turned off in the House Chamber. Since the Chair's similar announcement a few moments ago, yet another cell phone has rung on the House floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. GRANGER) come forward and lead the House in the Pledge of Allegiance.

Ms. GRANGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

S.J. Res. 6. Joint Resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

The message also announced that in accordance with Public Law 93–618, as amended by Public Law 100–418, the Chair, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Utah (Mr. HATCH);

the Senator from Alaska (Mr. MURKOWSKI);

the Senator from Montana (Mr. BAUCUS); and

the Senator from West Virginia (Mr. ROCKEFELLER).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches on each side.

SUPPORT RESEARCH FUNDING FOR NATIONAL EYE INSTITUTE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, some people come into our lives and quickly go. Some stay and leave footprints on our hearts, and we are never the same.

My constituents, Betti and Carlos Lidsky, are such people. Three of their four children, Isaac, Daria and Ilana, have an irreversible, incurable, degenerative eye disease known as retinitis pigmentosa which will eventually cause blindness. The Lidsky children are among the 6 million Americans who suffer from sight-debilitating diseases, and that number is poised to skyrocket as an additional 9 million Americans have presymptomatic signs of retinal degeneration.

I learned of these statistics through Betti and Carlos, who work tirelessly every day to raise awareness on these issues. They raise funds for research, and they work closely with researchers. They have testified before congressional committees, and this week they will be here in Congress lobbying us to make sure that each and every one of us works toward making blinding diseases extinct.

Betti, Carlos and their children, Isaac, Daria and Ilana, are the reason why we need to support research funding for the National Eye Institute. Promising clinical experiments are underway, and with our continued support, we can be sure that a cure is just around the bend.

PERMISSION FOR LEAVE OF ABSENCE

Mr. SKELTON. Mr. Speaker, I have at the desk a personal request.

The SPEAKER pro tempore. The Clerk will report the leave of absence request.

The Clerk read as follows: Leave of absence requested for Mr. SKELTON of Missouri for tomorrow.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The SPEAKER pro tempore. Without objection, the gentleman's written request will be granted.

There was no objection.

GENE DARNELL

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, tomorrow I will attend and participate in a funeral for a long-time friend from my home area, former sheriff Gene Darnell, one of Missouri's truly outstanding law enforcement officers.

It is with sadness that I report his loss, which is a great loss to our State.

VOTE AGAINST THE TAX-CUT PROPOSAL

Mr. SKELTON. Mr. Speaker, I also wish to add that were I here tomorrow, I would be speaking and voting against the tax cut proposal. It is important that we in this House protect our farmers, strengthen our armed forces, preserve Social Security and Medicare, and invest in our schools and eliminate the Federal debt.

Mr. Speaker, I am concerned we are getting the cart before the horse. We need a budget before we can make this important decision.

TAX CUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, unlike the Soviet Union or the old kings of Europe, this country has always believed in limited government; but some here in Washington, D.C. seem to have changed their minds about that. Over the next 10 years we are going to collect more than $5.5 trillion more than we need. That is almost an unbelievable amount of money. It is more than we need to pay off our public debt, shore up Social Security, fix Medicare, implement the President's education plan, and cover just about every other reasonable expense we have. Even then we will have more than $2.5 trillion left over.

It is almost unbelievable that some in this body think we should keep that money in the Treasury until we can find something else to spend it on. This money is not the government's money. We are not supposed to take more than we need. We are supposed to be legislators, not thieves. We need to give this money back to the taxpayers who paid it. We need to pass the President's tax cut plan, and we should do it quickly.

DEFICIT-BUSTING TAX CUT IS WRONG

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, during previous Congresses, I made many tough votes to balance our Federal budget with balanced priorities: I voted for the 1993 Clinton budget; I voted for Penny-Kasich, the first bipartisan effort to cut spending significantly; I voted for a constitutional amendment to balance our budget; and I voted for the 1997 balanced budget.

For my efforts, I received the Concord Coalition Deficit Hawk Award and four very close election victories. I have paid my dues on this issue, and I believe my votes have benefited all our constituents.

I rise today because tomorrow's vote on the first installment of a deficit-busting tax cut is wrong. It would benefit my family and me, but it is wrong. We need a budget first to make certain we pass tax cuts we can afford. We need a budget first to make certain we will pay off our debts in this decade, the best tax cut for all Americans.

CUT TAXES NOW

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, taxes today are at an all-time high as a percentage of our economy. The fact is the Federal Government is currently sucking up more of the American economy than it took to win World War II. That is simply wrong.

But that is not all. At the same time the Federal budget is running record-level surpluses, we are also experiencing the largest tax overpayment in history. That is not only wrong, it must be changed as soon as possible.

Tomorrow is the opportunity. Tomorrow, we consider H.R. 3, the Economic Growth and Tax Relief Act of 2001. This bill will increase fairness in the Tax Code, allow every American income taxpayer to keep more of their own money and provide support to our economy at the same time.

This is a historic opportunity. It is a proper reaction. It is the right thing to do, and I hope Members on both sides of the aisle will join me in voting for this responsible and much-needed tax relief.

CONGRESS SHOULD DO SOMETHING ABOUT NARCOTICS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, every major city in America is experiencing booming heroin sales. Kids with eyes watering and noses running are running the streets and are dangerous. Now, if that is not enough to scare the welcome wagon, our borders are wide open. Wide open big time.

While Congress is building halfway houses, narcoterrorists are coming across the border and treating it like a speed bump. Beam me up.

I yield back the fact that we are wasting billions and billions of dollars on a failed narcotics policy that could provide for a prescription drug program for every senior in America. Wise up Congress and let us really do something about narcotics.

TAX RELIEF FOR EVERYONE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the surplus means it is time for immediate across-the-board tax relief for all taxpayers to boost our economy, create jobs, and give Americans more confidence by returning some of their surplus taxes to help them get through these uncertain times. We need to cut taxes for every American, especially low-income families.

President Bush's tax plan will get the tax surplus out of Washington and back into the pockets of working men and women. The Republican Congress has united behind it. It is time that Americans get tax relief, sooner rather than later.

Mr. Speaker, the Federal Government is going to take in about $28 trillion in taxes over the next 10 years. We are proposing to give back $1.6 trillion. That is about 6 pennies out of every dollar. That is not a whole lot. We are saying that taxpayers should take this money and buy their kids school clothes, buy appliances for their homes, use it to pay utility bills, to help their house payment or their car loan.

Mr. Speaker, this money belongs to the American taxpayers. We need to give it back to them.

BUDGET SHOULD BE AGREED UPON BEFORE TAX BILL IS DEBATED

(Mr. CARSON of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I rise on this, my maiden speech in the House of Representatives, to protest the policy conceived in haste, offered without consultation, and prosecuted almost without discussion.

The question before us is not whether a $2 trillion tax cut is a good idea or a bad one, nor is it whether a tax cut is consistent with our acknowledged duties to protect Social Security and Medicare and to invest more resources in an increasingly burdened military.

The question, instead, is whether or not a budget, a budget, the master plan guiding spending and investments decisions of the Federal Government, should be agreed upon before we proceed to debate the merits of a tax cut.

I support a tax cut, as do most of my colleagues. But a budget that sketches our spending needs against the backdrop of anticipated revenue will allow us to determine, and more importantly allow the people to determine, the magnitude of the appropriate tax cut. The sense of this approach is obvious, save to those people more interested in short-term political gain than the long-term solvency of our Federal Government.

NEW ADMINISTRATION MUST SUPPORT NEEDS OF MILITARY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on Sunday, in Newport News, Virginia, I attended the christening of what will soon be the U.S.S. *Ronald Reagan*, a new magnificent aircraft carrier. Mrs. Reagan, the President, Mrs. Bush, and other leaders were in attendance to witness the christening of this vessel and to honor our former great President.

It is only appropriate that this awesome vessel be named after the leader who led us to victory in the Cold War. This Nimitz-class aircraft carrier represents the "peace through strength" philosophy which played such an integral role in President Reagan's successful foreign policy.

It is crucial that we recognize President Reagan's extraordinary foreign policy achievements. This awesome new addition to our fleet will be a testimony to Reagan's enduring legacy of military dominance. America is a better and safer place for having had President Reagan in the White House. However, we cannot sit back and admire his achievements without noting that our world remains a dangerous place.

We must direct more attention to our armed forces by reforming and revitalizing our military. When President Reagan left office in 1988, the Navy had 15 aircraft carrier battle groups, and 594 ships in service. It now has 12 carrier battle groups and a fleet numbering about half as many ships. The new administration must support the needs of the military to ensure that our armed forces are well equipped and trained to carry out our Nation's priorities while providing support to our allies abroad.

□ 1015

THE PRESIDENT'S TAX CUT

(Mr. MATHESON asked and was given permission to address the House for 1 minute.)

Mr. MATHESON. Mr. Speaker, I came to Washington to set aside partisan differences and bring commonsense logic to our debates. With breathtaking speed, we are rushing the President's tax cut proposals toward a vote. We have little time for questions, analysis or discussion.

There is no question that tax relief is one of the primary concerns for families and businesses across my State. During my campaign I supported tax relief proposals such as elimination of the marriage penalty and estate tax relief. But let us not kid ourselves. The breakneck pace adopted by many in Congress right now leaves no time to consider our priorities. We are sacrificing the wisdom of the longer view for the instant gratification of an easy tax cut.

Unfortunately, rather than having a thoughtful debate and review of an overall budget framework, Congress is set on a path to consider individual pieces of the tax relief package without first understanding their combined impact.

I come from Utah. In Utah we live within our means. We pay our bills, we balance our family budgets and we save for our future. Why should our government not behave the same way?

TAX CUTS ARE THE RIGHT THING TO DO

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, the hardworking American people deserve a break. The economy is slowing down. Consumer confidence is low. A tax cut now would put money back in the pockets of those who know best how to spend it; that is, the American taxpayer.

A tax refund would provide the average family of four in Texas with over $1,800 in relief. That may not seem like a lot of money here when we talk about billions and trillions, but that can make a real difference to a family in Fort Worth, Texas. That $1,800 could pay credit card debt down or pay down a college loan or help with a down payment on a new home.

Just because the government has extra money in its possession does not mean it should spend it needlessly. If a contractor is building a house and comes in under budget, he does not get to spend that estimated surplus on marble counter tops or solid gold fixtures. The unspent money would go back to the homeowners.

These surplus tax dollars should go back to their rightful owners. The American taxpayers deserve a refund of their money. It is the right thing to do, and it is the right time to do it.

THE PRESIDENT'S TAX CUT

(Mr. SANDLIN asked and was given permission to address the House for 1 minute.)

Mr. SANDLIN. Mr. Speaker, country singer Alan Jackson croons, "Who says you can't have it all?" We need tax cuts in America. We deserve tax cuts in America. We support tax cuts in America. But the American public is not fooled by the charade that is before us today. It is time to do what the American people do every day. It is time to do what American families do, American farms, American businesses. We simply must know what our budget is before we pass massive tax cuts in this country. There is no other responsible way.

Because make no mistake about it, Mr. Speaker, if we pass massive tax cuts without a budget, there is absolutely no way to address prescription drugs, to address education, to address military readiness in this country. The only way to do that is to spend the Social Security Trust Fund. That is just not right.

In closing, let us reflect on the musings of President Herbert Hoover, he of fiscal fame, who said, "Blessed are the young, for they shall inherit the national debt."

Mr. Speaker, we do not need another Herbert Hoover. We do not need anything like that. We need responsibility. We need discipline. We need a budget, Mr. Speaker.

TAX RELIEF AND A RESPONSIBLE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, even at a time when consumer confidence is falling and energy costs are skyrocketing and the economy is slowing, Washington is racking up huge tax surpluses. This is just more evidence that Washington is overcharging taxpayers and that we desperately need to refund the surplus to the people who created it.

Even as some economists are forecasting gloom and doom, the surplus numbers since Republicans took the majority control in Congress continue to roll in. That is why the time is now to pay off the public debt and to offer tax relief to hardworking Americans. If we are to pay off the debt and provide needed tax relief for economic growth and job security and balance the budget, we must keep government spending down and get rid of the waste and the fraud and the abuse.

Last year's budget, let us face it, was out of control. But this is a new White

House, one that is fiscally responsible. This White House realizes we are talking about the people's money.

Mr. Speaker, tax relief will result in job security and economic growth and give some of the money back to the people who earned it in the first place. Let us cut their taxes. Let us do it now.

THE PRESIDENT'S TAX CUT

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, the President's recently submitted general budget outline leaves a lot of questions remaining about his tax cut plan. Frankly, it appears that trying to fit his tax cut into a realistic budget is like trying to fit a size 11 foot into a size 6 shoe.

The American people understand there is no surplus today and that forecasting the surplus for the next 10 years is a lot like making a 10-year weather forecast. We do not want oversized tax cuts to take us back to the choice of deficit spending or higher taxes for our children. Now the leadership in the House wants us to take a vote on a major tax cut before the House has even adopted, or even debated, a budget.

Tax cuts are an important priority, but equally important is paying down our $5.6 trillion national debt, saving Social Security and Medicare for the future baby boomer retirement, and strengthening education and national defense.

Blue Dog Democrats have come to the floor this morning to say we are for the largest tax cut we can afford, and to know what we can afford we need a budget first.

A RESPONSIBLE BUDGET FOR AMERICA'S PRIORITIES

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, it is important that all of us work with the President when he presents his budget in April. All of us should be committed to three things: A budget that fits America's priorities; second, a budget that reduces the largest debt in history; and, three, provide fair and responsible tax relief to all American taxpayers.

Consider this. Washington will take in $28 trillion in the next 10 years and President Bush's tax cut relief is $1.6 trillion. This is about 5.7 percent of the total revenues brought into this government in the next 10 years. Surely we can return about 6 percent of this money to the taxpayers.

This is not a massive tax cut, as the Democrats say. In April, as we do every year, we bring in the budget. We will vote on it. That is just how we do it around here. The economy will be strengthened and jobs will be secure with a tax relief program for the American taxpayers. We cannot wait. The economy needs this incentive now.

THE PRESIDENT'S TAX CUT

(Mr. JOHN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN. Mr. Speaker, I think it is imperative that this Congress provide a tax cut to the American people. We can afford it. It has positive economic impacts, and we should do it. But I think equally important is paying down our national debt. And then we factor in priority spending on education, which is important to us, prescription drugs for Medicare benefits, missile defense, agriculture, the list goes on and on. How do we know how much money to allot in different places? How do we know that $1.6 trillion is not too much of a tax cut? How do we know if $1.6 trillion is not too little of a tax cut? How do we not know if $1.6 trillion is just right?

Please present a budget to us so we can prioritize the surpluses that may occur over the next 10 years. I urge the other side to show us the budget. It is important for the American people to provide not only a tax cut but to prioritize the spending of this country for the next 10 years.

PROTECTING SOCIAL SECURITY AND MEDICARE FROM BIG GOVERNMENT SPENDERS

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, senior citizens and all Americans deserve to know that Medicare and Social Security will be there when they need it. Yet for years, politicians in Washington have shortchanged Medicare and Social Security by spending these limited resources on wasteful, big government programs.

The Social Security and Medicare Lockbox Act of 2001, which is H.R. 2, would lock away all surpluses from the Social Security and Medicare Trust Fund. This bill locks up the $2.9 trillion surplus from the Social Security and Medicare Trust Fund. This was overwhelmingly passed by the House of Representatives in the last Congress. Yet it was stymied by the Democrats in the Senate.

Mr. Speaker, we have a unique opportunity this year to provide meaningful tax relief for hardworking Americans while guaranteeing the Social Security and Medicare Trust Funds remain untouched. We have promised our seniors that Social Security and Medicare will be there for them. This lockbox legislation will help to deliver on that promise.

THE PRESIDENT'S TAX CUT

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, my father had 15 children. He knew what money was in his paycheck to be budgeted for all of us to have shoes and shelter, to make sure that we had enough food to eat. He had to do it wisely and budget it. Otherwise we would have gone bankrupt. We would not have had enough money for shoes, food or shelter.

What the Republicans are trying to do is to make a commitment for 10 years without a budget. If a family tries to do that or a business, it would be bankrupt in a few years. That is just what this tax bill that the Republicans rushed through will do. We owe it to the American people to give them a tax cut. No one disagrees. However, we owe it to them to do it right. We have to do it responsibly. We have to do it wisely. We have to have a budget first.

This tax plan is based on phony-baloney numbers. There is no substance without a budget. There is no beef, Mr. Speaker.

THE PRESIDENT'S TAX CUT

(Mr. MOORE asked and was given permission to address the House for 1 minute.)

Mr. MOORE. Mr. Speaker, I got a call at 3:30 yesterday afternoon from a senior administration official.

He said to me, "Congressman, can you be with us on this tax cut?"

I said, "I'd like to be direct with you."

He said, "Please do."

I said, "Number one, I have a grave concern that we don't have a budget. And, number two, when it comes to this $1.6 trillion tax cut, it relies on projections of $5.6 trillion over the next 10 years. Projections."

Sunday night I was lying in bed watching the news and the weather and the weatherman projected a 12-inch snow in Washington, D.C. I wondered if I would make it back here for this tax cut vote.

That was a projection that did not come true. My concern is that these projections, these economic projections, may also not materialize just like the snow did not. If that happens, we are going to be in deficit mode again. We owe it to our children, we have placed a $5.7 trillion mortgage on their future, to start to pay down our debt and live within our means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). Earlier the Chair had announced that one-minute speeches would be limited to 10 Members per side prior to business. However, there has been a misunderstanding, apparently, and in light of that, the Chair will recognize two additional speakers on each side.

THE PRESIDENT'S TAX CUT

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of California. Mr. Speaker, Americans deserve a tax cut, but they also deserve a Congress that carefully considers and balances all of our budget priorities, including Social Security, Medicare and debt reduction. Tomorrow we will vote on the first part of the President's tax cut proposal. This vote will be premature. The administration is not submitting the details of the budget until spring. Congress has yet to debate and adopt a budget resolution. Without a budget framework, we are forging into the great unknown. It is bad public policy and it is political hocus-pocus to pass any bill costing this much without first having a budget. Some are urging quick action in order to give the economy a boost. However, the economic prosperity of recent years has been due in part to fiscally conservative policies that, coupled with the hard work of the American people, turned deficits into surpluses and reduced our debt.

I agree that taxpayers should benefit from the budget surplus, and I will support a tax cut but one that is fair and one that we can afford. We need to be fiscally responsible and we need a bipartisan budget before we can consider any specific spending measures or cuts. The American people deserve no less.

□ 1030

EVEN CBO SAYS IT WOULD NOT BET ON ITS OWN BUDGET NUMBERS

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, introducing a trillion dollar tax bill without a budget framework is like going to the racetrack and putting all your money on the long shot. The leaders of this House only win their wager if the Congressional Budget Office's surplus projections are accurate for the next 10 years, but even CBO says it would not bet on its own budget numbers. CBO says its surplus estimate for the next year has a 50 percent chance of being wrong by more than $97 billion. For years 6 through 10, CBO says the odds are even longer. This is a big problem, because two-thirds of the $5.6 trillion surplus are supposed to materialize in years 6 through 10.

Mr. Speaker, almost 20 years ago Congress made another gamble on the projected budget surpluses and it lost. That is exactly the way then-Senate Majority Leader Howard Baker described the 1981 tax cut. He called it a riverboat gamble.

We lost enough money on that bet. Let us pass a budget resolution before we take up tax and spending bills.

EASING REGULATORY BURDENS AND LOWERING TAXES CREATES MORE FREEDOM FOR THE AMERICAN PEOPLE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, these are interesting times. We are going to have a good battle and discussion on things that conservatives have fought for for many years: Easing the regulatory burdens, lowering taxes. Although some of my friends on the other side seem to be frustrated with this, it should come as no surprise; easing regulatory burdens, lowering taxes creates more freedom for the American people.

I will stand on the side of freedom and individual responsibility and individual initiative every day of the week. It is a sound foundation. It is solid ground.

Let me address the issue of 10-year projections. I used to be a schoolteacher. Everybody does long-term projections. Corporate entities do long-term projections. To base a debate on the ability of not taking into account long-term projections does not understand the real world in corporate America or local taxing districts.

I look forward to having these votes. I look forward to providing more freedom to the American people.

REQUEST FOR ADDITIONAL ONE MINUTES

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that in light of the misunderstanding that occurred regarding the number of one minutes, that any additional Members on either side that wish to deliver one minutes might be able to do so.

The SPEAKER pro tempore (Mr. BONILLA). The Chair appreciates the sentiment of the gentleman from Texas (Mr. STENHOLM), but the Chair has already tried to exercise a little flexibility in light of the misunderstanding this morning. The Chair does not recognize for that unanimous consent request at this time.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas (Mr. STENHOLM) will state his parliamentary inquiry.

Mr. STENHOLM. If we all understand, both sides of the aisle, the procedures of the day in which it was announced there would be unlimited one minutes, under what procedure is this able to be changed?

The SPEAKER pro tempore. The Chair announced earlier that there would initially be ten Members per side recognized. Precedents under clause 2 of rule XVII commit that matter of recognition entirely to the discretion of the Chair. Again, the Chair tried to exercise some flexibility in light of the miscommunication.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 72, answered "present" 1, not voting 22, as follows:

[Roll No. 28]

YEAS—337

Abercrombie
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett

Fattah
Ferguson
Flake
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sawyer
Saxton
Scarborough
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—72

Aderholt
Allen
Baca
Baird
Berry
Bonior
Borski
Brady (PA)
Brown (OH)
Clay
Condit
Costello
Crane
DeFazio
DeLauro
Dicks
English
Farr
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hill
Hilliard
Holt
Hulshof
Jones (OH)
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Meehan
Menendez
Miller, George
Moore
Oberstar
Olver
Pallone
Peterson (MN)
Ramstad
Riley
Sabo
Sandlin
Schaffer
Schakowsky
Scott
Stark
Stenholm
Strickland
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—22

Ackerman
Becerra
Bilirakis
Bishop
Boucher
Burr
Capuano
Diaz-Balart
Hinchey
Hunter
Lewis (CA)
Maloney (CT)
McCrery
Moakley
Rangel
Roukema
Sanders
Shows
Slaughter
Stupak
Walsh
Waxman

□ 1057

Ms. VELÁZQUEZ and Mr. LANGEVIN changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 28 I was inadvertently detained. Had I been present, I would have voted "yea."

Stated against:

Mr. CAPUANO. Mr. Speaker, today I was engaged in questions with the Department of Health and Human Services Secretary Tommy Thompson during a hearing of the Budget Committee and was therefore unable to cast a vote on rollcall 28. Had I been present, I would have voted in the following manner: "Nay" on rollcall 28.

PROVIDING FOR CONSIDERATION OF S.J. RES. 6, DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That upon receipt of a message from the Senate transmitting the joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, it shall be in order without intervention of any point of order to consider the joint resolution in the House. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 79 is a closed rule providing for consideration of S.J. Res. 6. This bill provides for congressional disapproval of the rule submitted by the Department of Labor relating to ergonomics.

Mr. Speaker, H. Res. 79 provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule also waives all points of order against consideration of S.J. Res. 6 in the House. Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, the ergonomics rule finalized by OSHA on November 14, 2000 is fatally flawed. This unworkable rule would require employers to implement a full blown, company-wide ergonomics program based on the report of just one injury by one employee.

□ 1100

The ergonomic symptom need not even be caused by work activity, as long as work activities aggravate it. Under this rule, employers could end up responsible for workers' injuries sustained on the softball field.

This regulation also undermines State workers' compensation laws by creating a Federal workers' compensation system for musculoskeletal disorders. The parallel workers' compensation system mandated by OSHA for ergonomics injuries tramples on the State's ability to define what constitutes a work-related injury.

It is important to understand that disapproving this regulation would not permit the Department of Labor from revisiting ergonomics. Secretary Chao has stated that she intends to pursue a comprehensive approach to ergonomics, including new rulemaking that addresses the fatal flaws in the current standard.

The Congressional Review Act was made for regulations like the Department of Labor's ergonomics rule. This overly burdensome and impractical ergonomics standard was imposed by the Clinton administration as part of the same pattern of regulatory overreach that held employers responsible for unsafe conditions in telecommuters' home offices. By disapproving the ergonomics standard, Congress can support the voluntary efforts of employers who have made real reductions in ergonomics injuries and allow OSHA to focus on developing reasonable and workable ergonomics protections for the workplace.

Mr. Speaker, some of my colleagues on the other side of the aisle will no doubt insist that the rule does not allow for sufficient time for debate. In fact, the question before us is straightforward. Does OSHA's ergonomics rule overly constrain employers without providing real benefits to employees? If Members confine their remarks to the matter at hand, which is the acceptance of the rule, there will be sufficient time to this question.

This rule was approved by the Committee on Rules yesterday, and I urge my colleagues to support it, so that we may proceed with general debate and consideration of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time. I rise to oppose this closed rule. The rule will allow for the consideration of S.J. Res. 6. This is a resolution that would overturn the new Federal regulation to reduce workplace injuries.

Under this rule, no amendments may be offered. Debate time is limited to only 1 hour.

Last November, the Occupational Safety and Health Administration issued an ergonomics standard that would require employers to take steps to reduce work-related muscle, back and related bone disorders. These disorders are often the result of heavy lifting, repetitive motion and awkward working positions.

The standard was issued after 10 years of discussion and study. It is intended to reduce the enormous number of job-related ergonomics injuries. An estimated 1.8 million Americans suffer from these kinds of disorders, and about one-third of these works require time off as a result of their injuries. The standard is aimed at improving the health of workers, as well as improving productivity.

It is a good regulation. It is based on sound scientific studies. It will prevent hundreds of thousands of work-related injuries. If we approve this resolution, we will kill the regulation.

The regulation does not go into effect until next October, and by killing it now we are not even giving the regulation a chance to work.

Mr. Speaker, I am particularly concerned that we are acting through the special authority created by the Congressional Review Act to overturn Executive Branch regulations. I believe that never before has Congress used this authority.

The resolution we are considering was brought up suddenly. In fact, Members of the Committee on Rules had only about an hour's notice last night before it came to the committee.

The rule we are now considering permits only 1 hour of debate for the disapproval resolution. That is woefully inadequate, considering the importance of this issue to the American worker.

Because Congress has never used the Congressional Review Act, we are now establishing the procedural precedent that could be followed in the future. It is not a good precedent.

American workers deserve better treatment than this shabby attempt to deny them important protection from job-related injuries, and the American people deserve more deliberation from their representatives when making sweeping changes in the law. I urge my colleagues to defeat the rule and the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I rise to speak in favor of this rule and in favor of the invocation of the Congressional Review Act.

First of all, let us remember what the Congressional Review Act is for. It is for remedying extraordinary rules that would cause extreme damage in our country. It was signed by the former President. It was agreed to by both Chambers of Congress, and it was seen to be a good way to address a problem that might come up and be needed in the future. And if ever it is needed, today it is needed.

We have a new rule that has been promulgated that would cause extreme damage to our workplace. Let us admit it, we are a land of prosperity right now primarily because of our workers. Let us give our workers their just due.

They go to work every day. They are hard working. They are productive. They work smart, and they are dependable. It is those qualities that have remade our economy from the years where we wondered whether we could be internationally competitive, and it is those workers that have worked so hard, worked so smart, been so dependable that are at the core of the prosperity that Americans all over this country enjoy.

The worst thing we can do as a government is to create regulations that would be so high in costs that they would push our best jobs outside of this country. It is a reoccurring challenge that we face every day to keep good jobs here in this country. We ought to dedicate ourselves to it.

As I have seen workers and companies do in my district that have reversed decisions, in fact, to keep work on shore in this country, in my community instead of transferring it offshore, we have to work harder at that, and we have to be very careful that as we all work towards what we believe in that we do not create a rule that has the law of unintended consequences, of pushing our best jobs out of this country. That would be a terrible thank you to the workers of this country that have meant so much to our prosperity and will mean so much to our children's prosperity.

Let us all say it and say it again, we are all for the same thing, we are for safe workplaces. We are for healthy workers, and we are here to make sure that investments in our economy are important so that we can balance both safe workplaces and healthy workers and keeping our jobs on shore.

Mr. Speaker, I am from the position that I believe we can have both, prosperity, healthy workers and keep jobs in this country. Some people do not believe that is possible, but the workers in this country are the very best. They deserve an environment where they can keep the good jobs that they have earned and prospered in.

Mr. Speaker, this regulation was passed in the final days of the last administration. It was passed in a hurry. It did not review the law of unintended consequences, and it did not consider what the costs would be to the economy.

Mr. Speaker, I have six children. They are ages 19 to 29, and they believe that this country and the jobs that they are going to have in the future will mirror the good jobs that my generation has had and depended on so that they can raise families and buy their first home and enjoy the benefits that our good jobs and our best workers have made possible for us.

Please, let us not let our government tinker around in a regulation that would cost so much money, that would drive the cost of every good up, that would reduce our ability to be internationally competitive, that would make older workers and I want to say middle-aged workers, because that is where I consider myself, impossible to employ for the fear that workplaces would be wary of the costs they would incur to accommodate those workers.

We have to protect the workplace for our workers, they are the best for our country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in strong opposition to this rule and to the resolution for overturning the new OSHA standards for worker safety. Repealing this standard would not only eliminate this important worker protection, but it would effectively prohibit OSHA from ever issuing a similar standard to protect workers from musculoskeletal disorders. How appalling.

OSHA's standards for worker safety is critically important to working men and women. The lives of workers who suffer from disorders like carpal tunnel syndrome, tendinitis or back injuries are changed forever. Many workers lose their jobs, are permanently unemployed or forced to take severe pay cuts in order to continue working. This injustice must end.

As a public health nurse, I know how debilitating these injuries and illnesses can be. For example, nursing home employees experienced more on-the-job back injuries as a percentage of their overall injuries than any other occupation. Most of them are women.

Mr. Speaker, I support the OSHA standard because it is based on sound science and good employer practices. It is the most effective means to prevent workplace injuries. And under this standard, I believe that businesses will save money in the long run through reduced workers claims for compensation and other health insurance claims.

Mr. Speaker, I am so disappointed that Congress is attempting to repeal this important safeguard and to deny significant medical and scientific findings. These objective studies all agree that workers need safety protection for repetitive motion injuries. Injuries like these are only going to increase in our economy as so many sit at computers or stand at assembly lines.

It is time to stop the pain, to start the healing and to protect workers from workplace injuries. Let us vote down this rule and this resolution.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and in opposition to this proposal to undo a set of regulations that I believe will be beneficial not only to American workers but to small businesses.

Some 25 years ago, before I came to this body, I did a lot of workers' compensation work in the practice of law on behalf of employees, and we were light-years behind at that time, because I remember in North Carolina litigating the first case that established carpal tunnel syndrome as an occupational disease under the North Carolina Workers' Compensation law.

What was required on one side, on my side, the employee's side, was a group of experts that connected these injuries to conditions in the workplace, and on the employer side, a group of experts that denied that there was any connection between the workplace setting and these kinds of diseases. So what we would have is hours and hours and thousands of dollars of expert opinion time on both sides of this issue.

We got through that, and we set up a standard in North Carolina, and we have gotten through that. And after 5 years of study now, we have set up a standard at the national level, and what I am going to submit to my colleagues is that while this undoing of regulations might be beneficial to big businesses who have experts on their payroll accessible to them at all points, small businesses are going to have to go back to a situation where they have to go out and hire experts to come in and defend these cases, and employees are going to be put to the burden, financial and otherwise, of hiring experts.

It is going to be a swearing contest again in the absence of these regulations. While I think what my colleagues on the Republican side are trying to do will, in fact, benefit and advantage big business, that is what they are all about, I do not think this is going to be beneficial at all to small businesses.

Mr. Speaker, I think it is going to have a tremendously negative impact on employees because there will be no standards, and we will be turning the clock back and going back to a time when even in the face of compelling and overwhelming scientific evidence each individual case will have to be litigated separately with an absence of standards.

□ 1115

Mr. LINDER. Mr. Speaker, I yield myself such time as I might consume to respond to that. With respect to litigation, these rules would begin it all over again. Any little accident on a football field could be said to hurt more when one is working and, therefore, is workplace related; and, therefore, there is a requirement that the entire business has to change its position, its offices to facilitate one injury.

With respect to whether big business is being helped by this or not, most big businesses have made a mantra out of the phrase "safety is job one." Most big businesses have very few problems with safety. They would be fine with this.

But most of the new jobs are created by small business. Perhaps 95 percent of the jobs created in the last 8 years were created by entrepreneurs who started with one employee and hopefully ended up with 50. They are the ones who are going to be the most burdened by these rules.

Let me lastly say that we are not least in the interest of harming workers. We are neither in the interest of harming workers or reducing the ability of OSHA through the Labor Department to come up with some real protections regarding ergonomics; we are opposed to this overreaching intrusive rule that could shut down businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, what is taking place here today is not terribly complicated. It is pretty straightforward. It is an unapologetic assault on some of the hardest working men and women in this country. It is an assault on the right to be pain free in their job. It is an assault on their right not to be injured on their job. It is an assault on their right to provide the wherewithal for their families.

Because the workers who suffer these workplace injuries lose wages, they lose hours, and they lose jobs, which means they cannot provide what they want for their families.

But the Republicans in the Congress have decided that they are going to assault these workplace rules in spite of all the science, in spite of all the evidence, in spite of all the medical testimony about the terrible toll that these workplace injuries take upon America's working men and women, and disproportionately on women. Women are 40 percent of the work force. There is over 63 percent of the injuries.

They have decided also that, not only are they going to assault America's workers, they are going to insult America's workers. They are going to insult them in the manner in which they bring this to the floor of the Congress. They are not going to use a procedure that allows for 10 hours of debate so those who are pro this regulation and against this regulation can debate it. But they have decided we will only be given 1 hour of debate. That will be a half an hour on each side for 435 Members of Congress.

So they are going to take 10 years of work, 10 years of scientific study, 10 years of medical evidence, 10 years of worker testimony and business testimony, and they are going to overturn it in 1 hour of debate.

Now, I guess one could argue that maybe the Republicans do not know who these workers are. They do not see them with the wrist braces, with the finger braces, with the elbow brace, with the shoulder braces, with their arms in a sling, with the back braces. They do not see them at Home Depot. They do not see them at Wal-Mart. They do not see them at United Airline as they are making out their tickets or as their flight attendants on their airplane are serving them meals or the people who handle their baggage.

They do not see them when the UPS driver comes by or the FedEx worker comes by and drops off their packages and is wearing a brace on their arm. They do not see them in the lumber mills. They do not see them as the health-care attendants and the nurses in our hospitals. They do not see them in the Safeway stores, the checkers at the stand who are wearing braces on their arms because of repetitive motion injuries to them.

They do not see these workers when it is painful for them to get into the car to drive to work because their arms and their wrists and their hands are so badly damaged from being a key punch operator. They do not see them when they get into their cars painfully to drive home. They do not see them when they get into their house and they cannot pick up their children because their arms are so badly damaged from repetitive motion or their back is badly damaged from repetitive motion or from loads on their back.

Somehow the Republicans do not see these individuals. But America sees them. We see them when we fly. We see them when we go to the supermarket. We see them when we go to the hardware store. We see them in the hospitals as they take care of members of our family. We see them as they turn over a patient in bed. And they are wearing braces on their arms because of these kinds of workplace injuries, the very same injuries that Republicans are insisting now that American workers do not have the right of protection from.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, in this new atmosphere of bipartisanship, I am going to avoid being insulted by the claim of the gentleman from California (Mr. GEORGE MILLER), the previous speaker, that somehow we do not see these things.

But I do for the record want to make a note that my daughter, who works for UPS from 4 a.m. to 8 a.m. in the morning actually had two of these braces on her hand. She does suffer from carpal tunnel syndrome. As a credit to the company, they do every single thing they can in terms of job rotation, in terms of remediation in remedying this problem.

How dare we, how dare we act as though we do not care about these workers or that they are not our own daughters and our own sons.

Let me just say that, first of all, I would like to respond to the fact that this will save money. If this rule would really save money, then the Federal Government ought to apply this rule to its own workers. One may notice that the Labor cabinet does not inflict this rule on Federal employees, which means that, if there is money to be saved, our taxpayers will not save this money that could be saved.

Why would we ever apply something to the private workplace and not apply it to Federal workers and hold Federal employers responsible at exactly the same level that we hold the private workplace?

Let me also congratulate the workplaces that are already spending enormous sums of money to address this issue. All of us know in workplaces that, where we are, maybe in our own offices, I might add, where we have spent money to address these problems, we are to recognize that, as a country, we are addressing this problem.

But the big problem here is that, as we address this problem, because let us face it, in our economy, we need every worker we can get. It is important to us that we keep them healthy and able to work so that we are able to keep our economy growing.

But there is someplace where there is not every worker working. There are places overseas where they are desperate to have our jobs and they are eager for our data processing jobs and they would be glad to have them at the less cost. It is very easy to transfer those jobs overseas; and with one click of the mouse, one can send all that processed information back into this country and not have the unreasonable cost that this rule invokes.

This problem is not that we went on 10 years, it is that we had a Labor cabinet that was totally tone deaf. They did not learn anything from all of the testimony they took. They were determined to take an idea that was hatched back in the early 1990s, and let us give Elizabeth Dole credit for the first person that raised this issue and had a good idea about ergonomic problems, and hijacked it and took it in a very wrong direction.

There is no balance to this rule. That is why we are here today because 10 years have been wasted by somebody that never listened to what the balance was in this issue.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in opposition to bringing this resolution forward, Senate Joint Resolution 6 to the floor. This legislation would repeal the worker-safety standards recently established by OSHA. Remember, it took 10 long years to get here. We studied this thing to death.

The worker-safety standards are critically important to preventing work-related injuries, and it is shameful that the Republican majority is trying to overturn them.

Maybe those of us in Congress do not have to worry about repetitive injuries or forceful exertion or awkward postures because of the type of work we do. But look at the stenographers right in front of us that sit here day in and day out, does one not think that they might have had some problems with carpal tunnel syndrome?

Take a look around your own offices. I know in my district office it is very important that we have safety protections put in place.

Mr. Speaker, I know also in my district we have many constituents who work in a hard and unsafe manner, many of them work in sweat shops, many of them work for big garment industries, they work 10 and 12 hours sewing materials, barely being able to lift up their heads. Many of them are women, many of them are new immigrants that come to this country with the hope of prosperity in bringing up their families. They sacrifice themselves for that. The least that we can do is provide them with better protections in the workplace.

I know that myself and many of my colleagues in California have worked hard to study this issue as well. As a member of the State Senate and former chair of the labor committee there, we worked hard to try to bring labor and businesses together on this.

Mr. Speaker, it is shameful to see that the Chamber of Commerce is opposing this very important legislation.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Georgia for the time, and as our ranking minority member said a few minutes ago, this is not a very complicated issue. This is not an issue about basically ergonomics and workforce problems with repetitive motion, this is an issue about a rule that is absolutely awful. It is about a rule that will stop repetitive motion injuries by making sure people cannot work. It is a rule that must be rewritten in a fair and balanced way.

On November 14, 2000, OSHA finalized a fatally flawed rule that regulates every motion in the workplace. But OSHA did not stop there. As they did years ago with the blood-borne pathogen standard, OSHA also created a Federal workers' compensation system that will undermine State workers' compensation laws.

This ergonomics regulation simply cannot be salvaged as written. This must be sent back to the drawing board, and that is what this debate is about, that is what this vote is about. This is a bad rule. Let us begin again and get it right.

Although OSHA tells us that this is an ergonomics regulation, this regulation is not limited to those repetitive stress injuries generally associated with ergonomics; no, this ergonomics regulation covers all disorders of the muscles, the nerves, the tendons, the ligaments, the joints, cartilage, blood vessels, and spinal disks.

To make matters worse, OSHA has made it nearly impossible in this rule for an employer to claim that an injury is not work related. Any MSD injury, no matter how caused, will be considered work related if work makes it hurt. Think about that.

Instead of creating an ergonomics regulation that helps employers and employees prevent repetitive stress syndrome, OSHA has created a rule that makes employers responsible for softball injuries. Despite this wide-open definition, OSHA felt that some employees would still find some way to claim that softball injuries were not work related. So OSHA made it illegal for employers to ask the employee's doctor about nonwork causes of injury. Think about that.

Despite the extreme difficulty of determining the cause of any MSD injury, OSHA requires employers to begin redesigning their workplaces based upon the report of one injury by one employee. The single-injury trigger raises the likelihood that employers will be required to embark on expensive redesigns of their workplaces because of injuries that were not caused at work. Think of the connotation of that and what it does to jobs.

OSHA was not content, however, to merely require expensive redesigns of workplaces across the country, OSHA also set up a Federal workers' compensation system that will undermine existing State workers' compensation laws. OSHA has mandated a parallel workers' compensation system for ergonomic injuries that will pay higher rates of compensation than for other injuries covered by State workers' compensation. Think about that.

□ 1130

The tragedy of this regulation is that workers do suffer injuries caused by repetitive stress. Fortunately, these injuries have declined by 22 percent over the past 5 years, thanks to the voluntary efforts of employers. Instead of building on these efforts, OSHA has issued a rule that assumes that every employer is a bad actor that will not help its own employees, even when it saves the employer money. Think about that.

By finalizing a regulation that is universally opposed by the regulated community, OSHA has shown its contempt for employers, many of whom have made a great effort to establish comprehensive, voluntary ergonomic programs in the workplace. By disapproving the ergonomics regulation, Congress can support the voluntary efforts of employers that have brought real reduction in ergonomic injuries, and OSHA can focus on promoting reasonable and workable ergonomic protections for the workplace.

This is about eliminating a bad rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise in the strongest opposition to this abandonment of American workers. Elections have consequences, and today the Republican leadership starts down a road on what I believe will be a long list of repealing worker rights. It is shameful.

Today, the Republican leadership will sacrifice the health and safety of hard-working Americans for pure political gain. This is nothing more than Republicans paying back their big contributors who helped them get all elected. It is certainly not compassionate, and the process being used today to overturn workplace safety is not bipartisan.

Common sense tells us that workers are our most valuable asset. Without them there are no corporate profits, without them there are not going to be increasing stock prices, without them as the hard-working engine there is no one fueling our economy. But Republicans argue that it would cost companies too much to protect them, despite the fact that these workplace injuries are already costing businesses $50 billion a year and that there are 600,000 men and women suffering from such injuries each year.

These are men and women who cannot prepare dinner for their families or help dress their kids for school because their hands have been crippled by repetitive-stress injuries; or who cannot have the joy of picking up their child because of back injuries, injuries that are no fault of the workers themselves.

To argue these protections were rushed through at the last minute is to deny that more than 10 years ago this effort was started by a Republican Labor Secretary. My colleagues should understand that if they vote for this resolution they will repeal and strip away a right American workers have now and that there will be no recourse.

American workers have been driving our Nation's economy. Today, Republicans throw them in the back seat and take them for a ride. Vote against the rule and the resolution. Protect America's workers. Help our families and stand by what is right in making sure that that which drives this economy, which is the labor of men and women, is preserved.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to point out this does not repeal anything. This is us standing up as the Congress of the United States and saying this Federal agency wrote a bad rule. We have let them get away with this over and over again.

This does not mean that Secretary Chao, the new Secretary, will not write ergonomic regulations; but it does mean, however, we will repeal, we will disagree, we will say the way they wrote these rules will not do.

Mr. MENENDEZ. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Speaker, I think the gentleman clearly recognizes that if we have a set of rules that protect workers today and we repeal them we are taking away a right they presently have.

Mr. NORWOOD. Mr. Speaker, reclaiming my time, the gentleman does recognize that this set of rules may well not protect workers because they may not have a job in which to be protected.

OSHA people are not going to Mexico and they are not going to Canada to check on them. We need to write a set of rules that will encourage employers in the workplace to be healthy and safe, including ergonomic rules. But this rule is a bad rule, and that is all we are talking about.

The Labor Department issued a bad rule. Let us get rid of it and write a good rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, Republicans have a bad reputation for supporting the rich and the powerful and disregarding the needs and concerns of low-wage workers, poor people, and working people in general; and they have wasted no time in attempting to repeal worker safety standards.

I am surprised that they would move so quickly and so blatantly to do this. This attempt by Republicans to disapprove the results of the congressionally mandated OSHA study is a blatant example again of the extent the Republicans will go to protect those corporate interests.

During all of this delay and these delaying tactics, over 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. These kinds of injuries affect every sector of the economy: nurses, who are lifting people, rolling over the sick, taking care of their bed sores; cashiers who stand there all day punching and counting and adding; computer operators.

Everybody knows about this. Members should talk to the computer operators in their own offices, talk to their office workers. Many of them are requiring special equipment to work with to protect them. Truck drivers, construction workers and meat cutters, all of these people are affected; and we should want to do something to help the workers that basically make the least amount of money, that are the most vulnerable, the ones who have the least dollars to take care of their families with to get the kind of medical help that they need to address these kinds of issues. I think it is obvious.

I certainly hope that the Members of this House will not support this disapproval resolution by the opposite side of the aisle. I hope that we can draw attention to what they are trying to do. American workers deserve better than this.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to start out just asking a couple of questions here.

Should a grocery store employee be prohibited from bagging a turkey that weighs more than 15 pounds? Now, I have a family of four, so if I can find a 15 pound turkey, I am going to buy it. Now, my wife can pick up a 15 pound turkey because she has been picking up four children. Most kids quickly get to be in excess of 15 pounds. But let us just think this through. Libby Kingston goes to the Piggly-Wiggly to buy the 15 pound turkey and she lifts it up; yet the 18-year-old football player from Savannah High School, Johnny Simmons, cannot lift it from the cashier to the bag.

Maybe we need to install forklifts at all the Piggly-Wigglys so that we can get those 15 pound turkeys into the bags so that the mamas can pick them right up and carry them and put them into the SUVs.

Another question. Should hospitals and nursing home employees be restricted in their ability to help lift patients from their bed? I have an employee right now whose father, very sadly, has suffered a stroke, and he needs assistance when he goes to the bathroom. Now, under these rules it is no problem, all an employee has to do is say, Well, you are on your own. We know you had your stroke, but, good luck, sorry, I am on break right now. That is what these rules do.

Should a worker be prohibited from spending more than 4 hours a day at a keyboard? I am glad the previous speaker said her employees seem to be suffering from this every day at the word processors. I do not know, but maybe she should move them to another job. My folks over at the first district of Georgia, they can spend 4 hours a day at a keyboard. And if they cannot, they can tell me and we can work it out.

Here is one of the questions. Maybe not all employees should be picking up 15 pound turkeys, maybe not all employees in hospitals should be helping patients go to the bathroom, and maybe not all employees should be sitting at a keyboard for 4 hours; but that, my colleagues, should be the decisions made locally at the place of employment, not by some bureaucrat in Washington who knows everything.

What is it with the Democrat Party that they think the wizards of Oz are in Washington, D.C. and that they should dictate to all the businesses all over the country who should do what, when they should do it, and how they should do it?

I will give another example. A couple of years ago this same outfit came into my district and told a woman who runs a courier service with two cars, she takes packages from the north side of town to the south side of town, it is real complicated business, from a government standpoint, they came in and told her that she would need to have a smoking and a nonsmoking car for her smoking and nonsmoking employees to deliver packages to smoking and nonsmoking businesses. She said, "Guys, I only have two cars. I can figure this out in Savannah, Georgia. Why don't you all go back to Washington and solve real problems. Get a real life."

All this is about is common sense. We are not pulling out the rug on workers' safety. This is saying there is still going to be Federal worker-protection laws. There will still be State worker-protection laws. There will be all kinds of insurance and business premises rules and regulations.

I know it is hard for some people to understand, but there are business owners and entrepreneurs who do not want their employees hurt. Hey, what a revolutionary thought for the liberal party.

The fact is the National Academy of Sciences was coming out with rules and regulations on ergonomics; but the Clinton folks, on their way out of town, along with pardoning a lot of people at 2 in the morning, decided, hey, lets jam this through on the small businesses and the entrepreneurs of America on the way out of town, and let the next administration try to make sense of it.

That is all this legislation does. It lets the current administration try to make some sense, some common sense, out of another bureaucratic nightmare out of Washington, D.C.

Mr. HALL of Ohio. Mr. Speaker, can the Chair tell me how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. HALL) has 13½ minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 8 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, and to the previous speaker I would say, I am not the Wizard of Oz, I am Dorothy, and I am pulling the cloak off the wizard to let you know that the rule here, the disapproval resolution, does not only rescind the rule, it prohibits issuance of a similar rule. A bad rule.

I am worried about my mother, 80 years old, who folded boxes for a company. Her hand looks like this. I have said this on the floor before. It is like this because she cannot move it as a result of the repetitive motion of folding a box. Let us make the argument that instead of just saving money for companies, we might save the health care costs for all these workers who are stuck like this, or stuck like this, from doing repetitive motion.

Wake up, Republican Party. Understand that we are not saying Republican-Democrats. We are for workers. Democrat-Republican, black-white, male-female, old-young. Lifting a turkey? Lifting a turkey all day every day may present a problem. Women can lift babies, all women have lifted babies forever; but maybe that is the problem they have currently as a result of doing the repetitive motion.

We are Dorothy, not the Wizard.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to the rule and the resolution.

I came to Congress to represent the working men and women of Minnesota's fourth district, and they deserve the right to be protected in the workplace.

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This resolution denies American workers the protection that they need from needless injuries. Repetitive motion injuries are painful and they are crippling. These injuries disproportionately impact women and workers in low wage jobs. The good news is that these injuries are preventable. My largest employer in the Fourth District, 3M, has reported that following the implementation of an ergonomics program, they reduced lost time injuries by 58 percent.

The fact that the voices of millions of American workers have been restricted to 1 hour of debate is also an insult. This procedure not only repeals the ergonomic rule but will effectively prohibit OSHA from issuing workplace safety standards on this issue. That is the legacy of this resolution. As a result, millions of Americans will be needlessly injured.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, the previous speaker from the Democratic side made the point very nicely that if you will not have onerous rules, the workforce today, the employers today recognize the value of having workforce protections, and they have indeed. There is no question about it. Left alone, they have reduced repetitive motion stress in the workplace. But you are not going to get it reduced any further with the kind of onerous rule we are putting on them now.

Remember what this is. This is about repealing a bad rule. It is not about making ergonomics go away. Lastly, I would simply add, it dawned on me as I was listening about the 15-pound turkey. I am more interested in the 15-pound child. What about the mothers all across America that have a 15-pound baby who is 8 months, 10 months old? What are we going to do next? In leaving the Labor Department to its own devices, we might. Should the Federal Government furnish a helper for every mother in America that has a 15-pound child that she lifts up and down all day?

There are things in life we have to do in terms of our workforce. Can we make those better? Yes, of course we can make them better. It is pretty clear to me that the small businesses and large businesses of America are working on that, but we are not going to help them at all if we pass this rule. Let us get rid of a bad rule. For once let us say a Federal agency has written a bad rule and a bad regulation that will not solve the problem and let us try to relook at that and see if in fact we can help the workforce.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise against the rule. It is a shameful act that is being committed against the American worker this week. The Republicans have decided to strip away worker safety rules, protections we have fought hard for for working families across America. These protections have been under development for over a decade. In fact, they were initiated by former President Bush. They save money in the long term by reducing workplace injuries and keeping workers' compensation costs down. Many businesses have already adopted programs to reduce injuries. But opponents have repeatedly tried to block these protections. As a result, over 6 million workers have suffered injuries that could have been prevented. This affects everybody, nurses, construction workers, white collar workers. This is an attack on the American worker. We should oppose this cowardly effort.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in opposition to the rule and to the effort to repeal the ergonomics standard. As the ranking Democrat on the Subcommittee on Workforce Protections, I have followed this deliberation for the last 5 years. I have in my hand a chronology which shows it has gone on for 10 years. We have been considering what we should do about ergonomics. Reasonable people, reasonable legislators, scientists, we have all been involved in this since August of 1990. At that time the Republican Secretary of Labor, Elizabeth Dole, committed herself to taking the most effective steps necessary to address the problem of ergonomic hazards on an industrywide basis and to begin rulemaking on an ergonomics standard. Secretary Dole said this is "one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s."

The present Republican majority committed themselves to complying with the results of a study. We get one study and then they want another. I think we appropriated about a million dollars for the last study requested by the Republican majority. Now we are engaged in a process which says we are not interested in reason, logic, science, we are going to use brute political force. As Newt Gingrich says, politics is war without blood. We have the numbers, we have an army of business lobbyists behind us, and we are just going to overwhelm the Congress and make a decision which is inhumane and an unwise decision.

A 10-year process ended in January of this year when the ergonomics standard was issued. In the same month, the results of a study was released and the scientists said again, in its second report in 3 years on musculoskeletal disorders, the report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors, including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

I have copies of this chronology for all people who have forgotten, especially those members of the Committee on Education and the Workforce. What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon's prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power.

This is war. It is war on the working families of America. You are declaring war. The working families of America need to understand this. The only way this war is going to be won is to let it be understood that the overwhelming power that appears to be in place for the Republicans in Washington at this point will not be utilized to wipe out all the gains we have made over the years for working families.

Mr. Speaker, I include the following material for the RECORD:

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to "taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis" and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

July 1991—The AFL–CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R–TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R–IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Compromise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216–205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R–TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that "a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels."

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL-CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives $490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates $890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases and musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R-MO) introduces H.R. 987, a bill which would prohibit OHSA from issuing a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits its report on OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds its first meeting on May 10–11 in Washington, DC.

—Senator Kit Bond (R-MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23–18 vote.

August 1999—House votes 217–209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomic hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. the due date for post hearing comments is set for June 26; and the due date for post hearing briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to "refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998."

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203–220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57–41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, "I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomic injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard."

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2001—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. LINDER. Mr. Speaker, I was prepared to respond to that, but I was afraid I would laugh so hard I would hurt myself.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, since supposedly Republicans are not interested in reason or science, one might conclude that we have not read the study done by the National Academy of Sciences and maybe others have not, either. Let me just give my colleagues one little quote out of that study: "None of the common musculoskeletal disorders is uniquely caused by work exposure." The study notes that nonwork factors can cause MSD, also, which is why we believe this particular rule and regulation, this particular standard, should be opposed.

I would like to point out that though President Bush and Secretary Dole did bring to the forefront the discussion of workplace injuries and repetitive motion syndrome, none of them approve of how we got there with this rule. This is a bad set of rules and regulations that will only worsen the problem, not make it better. Today let us disapprove of the work that the Labor Department did over the last 8 years, because it will not do what we all want to do, which is to make sure that our workplace is healthy and is safe.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, would the gentleman like a new study?

Mr. NORWOOD. I just quoted right out of the new study.

Mr. OWENS. Would he like another study? Or does he want to repeal it forever and ever? This is off the table forever?

Mr. NORWOOD. Mr. Speaker, reclaiming my time, I am glad the gentleman asked that because what we are basically saying is the Labor Department last year issued a bad rule. We want the opportunity for the Secretary of Labor and the Bush administration to look at this and issue a good rule that in the end does help patients and does help workers in the workplace.

Mr. OWENS. Mr. Speaker, does that mean that the gentleman does not agree with what the Senate passed?

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio of the Committee on Rules for yielding me this time. I hope my words will carry forth through the general debate, and I hope that they will be listened to and that my colleagues will come to their senses and realize that we are not paid by the tax dollars of the American people to kneel on bended knee to financial interests who pay us to write their legislation.

Members can sense from my words that I am particularly outraged that worker safety rules will fall today in the United States Congress. I am not only outraged but I am saddened. It brings me to near tears that we are so engaged with responding to special business interests that we cannot accept the fact that 600,000 workers have suffered injury from repetitive motion and heavy lifting. I say this in pain because I watched my father, just a laborer, work for a great part of his life, like most Americans, using a heavy pressing iron, up and down and up and down, to be able to afford a good life at that time in our economy for his family. As a young person, I worked in the United States Postal Service. I am very proud of that. I did the kind of work that men and women are doing every day in this country, up and down and up and down and moving one's arm. It is a kind of injury that you cannot see. The person looks perfectly fine, but the pain is severe.

Today this rule disallows us to even add amendments to suggest that it is appropriate that we move forward with the OSHA rules which protects these workers all over America, waitresses and bus drivers and factory workers and small business workers who time after time are injured and we cannot solve their problem.

I wonder what my good friend is asking for when he says he needs a study. The January 2001 National Academy of Sciences study once again concluded that there is abundant scientific evidence demonstrating that repetitive workplace motion can cause injuries and that such injuries can be prevented through work safety intervention. Did we not just hear Seattle, Washington, say thank you for the instructions that you gave us on how to secure our buildings against earthquakes? You saved lives.

But yet on the floor of this House we are so committed to the rich interests of people who are saying it is going to cost us too much that the lives of working Americans, it pains me, it hurts my heart, are of disinterest. But yet we can come on the floor tomorrow and talk about returning tax dollars to the great Americans of this Nation. But it is hardworking Americans today that we just step on. I believe it is an outrage. As a member of the House Committee on Science, I have never heard anybody question the National Academy of Sciences. Give us a study. We will take a study. These rules have been coming for 25 years. Today we crush them in the name of my father and all Americans. This is a disgrace.

Vote against the rule and vote against this legislation. It is a disgrace.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR), our leader, the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my dear colleague the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, let me take a moment to tell my colleagues about a woman by the name of Shirley Mack. Shirley is the mother of four and she is someone who is proud of the fact that she has always worked to support her children. That is why she took a job at a poultry plant. Shirley's job was to pull chicken bones out with her hands and then feed them into a skinner machine. She did this repetitively, hour after hour, day after day, month after month, year after year. Before long, Shirley began suffering some very intense pain in her arm and in her wrist. The company gave her some pills and sent her back to the line. The pills did not help her.

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Finally, Shirley saw a trained physician and found out her problem had a name. It was called carpal tunnel syndrome. Her boss reassigned Shirley to do cleanup work; and then 3 days later, they fired her. This is not an uncommon story to hear of a worker in a poultry plant.

The company took away Shirley's job, but they never took away her pain; pain that was so bad she cannot fix supper or she cannot push a grocery cart in a grocery store; pain so bad she cannot even hug her children without feeling that terrible hurt all over again.

The National Academy of Sciences tells us workplace injuries like Shirley's are now so widespread that they cost our economy more than $20 billion a year, $20 billion a year.

We have 1.8 million workers affected by an injury every year in this country. Over this 10-year period of study, we could have prevented 4.6 million workers from having to go through what Shirley went through.

Now, Mr. Speaker, smart businesses are working to reduce the risk of workplace injuries but not every employer is smart and not every employer cares about his or her employees. That is why the Republican Secretary of Labor, Elizabeth Dole, launched an effort that led to these very rules that we are considering and are in place and are law today; and that was 10 years ago.

More than six million workers have suffered serious injury since; and many of them, as I said, could have been prevented.

Now, I want my colleagues to think about that when they vote today. I want them to think about the price that Shirley Mack and her brothers and sisters who work in that chicken plant and pull out those bones and feed them into the skinner time after time, repetitively doing that, try to do this for more than 5 or 10 minutes in a day. I want them to think about other working mothers who cannot even use their hands and their arms to lift their crying babies out of their crib. When they are thought about, I want my colleagues to ask themselves, who is going to comfort those mothers and those children? Because I can say, it will not be the Business Roundtable and it will not be the Chamber of Commerce and it will not be the National Association of Manufacturers and it will not be the Republican leadership and it will not be this President.

Mr. Speaker, this is the most important worker-safety rule that we have had on the floor of this House in decades. It means a lot to a lot of people. It means a lot to the people who work with their hands, who work with their back, who make this country work every single day. For us to go back on these rules, to cast them aside, to ignore them as if they were a piece of chicken is to do injustice to the people that make this country work. I beg my colleagues today to vote to retain these rules, to vote against this present rule and to give a sense of justice and dignity back to the working people who make America work.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to clear up a couple of things that have been said. These rules that have been put in force are not Mr. Bush's rules. Although they had the good sense to begin worrying about ergonomics 10 years ago, they would never have come up with these rules.

If these rules were so simple and straightforward, why were they not brought forth during the legislative session? Why were they dropped on the table after the election when no Congress was in session?

I am amazed they had time to do it when they were walking out the door with the furniture and the silverware, but they dropped it on the table to become effective 2 days before a new President was sworn in.

They are not in effect now. They do not go into effect until October. So we are not taking away something that they already have. We have heard all kinds of things about numbers.

One person said it is going to cost $20 billion a year and another $50 billion a year. Documents show about $6 billion a year. But nobody has mentioned the $125-billion-a-year cost on businesses. Nobody has concerned themselves with reshaping the workforce.

I do not doubt that repetitive motion causes injuries. I do not dispute the 600,000 people number. But should we create an additional workers' compensation program on top of the States' programs for just these kinds of injuries? Are they worse injuries than someone who loses an arm or a leg on their job?

Right now, a typical workers' compensation package for businesses lasts only 3 years and is rotated out because it is very expensive. Are we prepared here with these regulations to double that cost on our employees and employers over the next few years? Should we allow rules that presume injuries are work related? If the employer wants to find out if it is truly work related, should we not question a rule that says it is against the law for the employer to talk to the doctor about the work-related connection to even determine? Should we demand a workplace design based on the claim of one person, with one injury that may or may not have been workplace related?

We are saying that common sense ought to prevail. If we carried this ruling to its ultimate conclusion, the Coca-Cola truck driver would be bringing the Coke bottles into the store one bottle at a time. Who is going to pay for that? The consumer, of course, will ultimately pay for all of this.

We are saying get these egregious, overreaching rules off the table and let an administration with just as much care about worker safety as anyone else on this floor today impose some rules that would be helpful and not hurtful, and let us at least admit one thing. Workplace safety today, based on the initiatives of the employers, without some bureaucrat telling them how to live their lives, is safer than it has ever been at any time in the history of this great country. They have done it because it is in their best interest. It is in their financial interest to improve the workplace safety because it costs them money to have days out of work.

It is my guess that there is not a single agency of the Federal Government that has workplace safety as safe, with as few days lost, as virtually any major corporation in the United States; and yet these are not going to be promulgated for this Federal Government. They are not going to be watched over.

Let us take the time to take this rule off the table, give a new Secretary of Labor an opportunity to do the right thing with common sense.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 12, as follows:

[Roll No. 29]

YEAS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Becerra
Bishop
Dicks
Dingell
Edwards

Lewis (CA) Sanders Stupak
Roukema Shows Walsh

□ 1232

Ms. BERKELEY and Mr. HONDA changed their vote from "yea" to "nay."

Mr. BOYD, Mr. LUCAS of Kentucky and Mr. SANDLIN changed their vote from "present" to "nay."

Mr. CARSON of Oklahoma and Mr. TURNER changed their vote from "present" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 78 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That it shall be in order at any time on the legislative day of Wednesday, March 7, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The concurrent resolution (H. Con. Res. 31) expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day;

(2) The bill (H.R. 624) to amend the Public Health Service Act to promote organ donation; and

(3) The concurrent resolution (H. Con. Res. 47) honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and passed this resolution, providing that it shall be in order at any time on the legislative day of Wednesday, March 7, for the Speaker to entertain motions to suspend the rules relating to the following measures: The concurrent resolution, H. Con. Res. 31, expressing the sense of Congress regarding the importance of organ, tissue, bone marrow and blood donations and supporting National Donor Day; the bill, H.R. 624, to amend the Public Health Service Act to promote organ donation; and the concurrent resolution, H. Con. Res. 47, honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001 in south-central Georgia.

Mr. Speaker, this resolution allows us to consider three important bills today under the expedited suspension procedure.

I must stress we have had several days to examine these bills, and they have been on the floor schedule for some time and they are noncontroversial. They are also important pieces of legislation.

We recently celebrated National Donor Day to encourage people to become organ donors. Today we will pass legislation to promote National Donor Day and help States organize their organ donor programs.

We will also honor, unfortunately, 21 members of the National Guard who died last week in the line of duty.

Mr. Speaker, I strongly support this rule and urge my colleagues to do the same. By passing this rule, we will improve organ donation programs and hopefully save some more lives.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Democrats have no objection to this rule, which will allow the consideration of three bills under suspension today. Those bills include a concurrent resolution honoring the 21 members of the Virginia National Guard who were killed in a plane crash on March 3. I know firsthand how important the National Guard is to our national defense, and the tragic and untimely death of these fine Americans is tribute to the dedication and selfless service so many Americans make each year through their service in the National Guard.

The rule also permits the consideration of measures designed to promote organ donation, something Democrats on the Committee on Rules know about through the brave testimony of our ranking member, the gentleman from Massachusetts (Mr. MOAKLEY).

However, Mr. Speaker, I must take a moment to express our grave concerns about what may happen in the Committee on Rules some time later today. I am referring to the rule the Committee on Rules may report on the tax bill and how whether the majority will deny Democrats of all stripes the opportunity to offer alternatives to the Republican tax bill.

Mr. Speaker, we must object in the strongest possible terms to any plans the majority may have to cut off the ability of Members to offer one or more substitutes to this bill.

Mr. Speaker, not only are we going to consider a tax bill of huge proportion and consequences without the ability to offer alternatives, we are going to consider it without the benefit of having debated a budget which would place this tax cut in context with the other matters this government funds.

We are going to consider a tax cut without fully understanding what its implications are on the rest of the Federal budget. So not only have we not received a budget from the new President, we have no congressional guidelines in place to help the Members of this body determine which priorities are more important.

Is it cutting taxes a lot, some or not at all? Is it paying down the national debt, which, I remind my colleagues, is a debt that is collectively owed by all the people of our great Nation?

Is it funding education, improving our schools, reducing class size or funding new teachers? Is it providing a real Medicare prescription drug benefit for our seniors, shoring up Social Security and Medicare or improving our national defense forces? No one knows the answer to those questions, Mr. Speaker.

Democrats in this House are very concerned that the Republican majority seems to not be concerned in the least that we are blindly proceeding down a path we have been on once before.

Mr. Speaker, I would just remind my colleagues, most of whom were not Members when we last considered a tax cut of these proportions, of the old adage, the definition of insanity is repeating the same actions and expecting different results. There are many of us here who fear we will see the same results as we saw after the passage of the 1981 tax bill.

Mr. Speaker, I support this rule, but Democrats on the Committee on Rules and in the Caucus at large want to go on notice right now that we believe it is imperative, if we are not to proceed in regular order in this body, that our Members be given a chance to be heard. All this talk of bipartisanship is meaningless, Mr. Speaker, if there are no actions behind the words.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleagues that this rule is not about a tax cut.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF ORGAN, TISSUE, BONE MARROW AND BLOOD DONATION AND SUPPORTING NATIONAL DONOR DAY

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 31) expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day.

The Clerk read as follows:

H. CON. RES. 31

Whereas more than 70,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 20 minutes;

Whereas despite the progress in the last 15 years, more than 15 people per day die because of a shortage of donor organs;

Whereas almost everyone is a potential organ, tissue, and blood donor;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fourth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first three National Donor Days raised a total of nearly 25,000 units of blood, added over 4,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest one-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, health organizations, and the Department of Health and Human Services have designated February 10, 2001, as National Donor Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Con. Res. 31.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 31, a resolution regarding the importance of organ, tissue, bone marrow and blood donation and supporting National Donor Day. I want to commend my colleague, the gentlewoman from Florida (Mrs. THURMAN), for her work on this legislation.

Mr. Speaker, H. Con. Res. 31 recognizes the critical need for increased organ donation and acknowledges the success of past National Donor Days. The resolution expresses congressional support for the goals and ideas of National Donor Day, and it encourages all Americans to learn about the importance of organ, tissue, bone marrow and blood donation.

I am pleased that the Health and Human Services Secretary, Tommy Thompson, has recognized the serious nature of this growing problem and stated that improving organ donation is a priority for his first 100 days in office. Secretary Thompson has indicated that he will focus on ways to significantly increase organ donation in our country.

Mr. Speaker, we know that measures such as the resolution before us will help the Secretary in his efforts. In addition, we can all participate in efforts to promote organ donation in our own communities. By working together to increase organ donation, we can help save thousands of lives. I urge all Members to join me in supporting passage of H. Con. Res. 31.

Mr. Speaker, I would like to acknowledge the help of the gentleman from Ohio (Mr. BROWN), my ranking member, in this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be a cosponsor of this resolution and the Organ Donation Improvement Act, which we will also take up today.

I commend first and, most importantly, the gentlewoman from Florida (Mrs. THURMAN) for her good work on this, as well as the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Wisconsin (Mr. BARRETT) highlighting the substantial unmet need for donated organs.

This resolution highlights the need not only for organ donation, but for tissue, blood and bone marrow donations as well.

There are 1,298 patients currently waiting for organs at northeast Ohio hospitals in my part of Ohio; 800 patients waiting for a kidney, 140 patients for a heart, 60 patients waiting for a lung.

A single donor can provide organs and tissue to more than 50 people in need.

March is Red Cross Month and the spotlight on this organization could not, Mr. Speaker, be more timely.

Despite 6.3 million units of blood collected from 4 million generous donors in the year 2000, blood supplies are at a record low across our country. Awareness is the first critical step in addressing the country's life-saving donation needs. The resolution of the gentlewoman from Florida (Mrs. THURMAN) makes Congress a leader in this awareness campaign.

Mr. Speaker, I am pleased to be a cosponsor.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding the time to me.

Mr. Speaker, I want to add my strong support to H. Con. Res. 31, a sense of the Congress resolution supporting National Donor Day.

I want to congratulate the gentlewoman from Florida (Mrs. THURMAN), my colleague who introduced this, and I want to congratulate the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), who brought it forward to the House.

Every family hopes that if one of its members becomes seriously ill, medical science will be able to provide a miracle and restore their loved ones to a healthy and rewarding life. Medical science has been able to do exactly that over the past decade for hundreds of thousands of families with loved ones suffering from diseases and injuries that affect the heart, the kidney, pancreas, lungs, liver or tissue.

Transplantation of organs and tissues has become one of the most remarkable success stories in medicine, now giving tens of thousands of desperately ill Americans each year a new chance at life.

But sadly, this medical miracle is not yet available to all in need. Waiting lists are growing more rapidly than the number of organs and tissues that are being donated. There are more than 70,000 individuals awaiting organ transplants at any given moment, and despite the fact that almost every one who is a potential donor, more than 10 people each day die because of a shortage of donor organs.

Currently, 2,566 men, women and children from the greater metropolitan area are on waiting lists hoping for an organ to become available. That is an increase of 108 over the previous year. Many of these residents have been waiting for years, and the wait is growing longer.

Every 2 hours one of the more than 60,000 Americans now on waiting lists dies for lack of an available organ. And even when individuals have indicated a desire to be a donor, statistics show that those wishes go unfulfilled more than half the time.

□ 1245

Two important points I think could well be made, and that is the final decision on whether or not to donate organs and tissue is always made by surviving family members. Checking the organ donation box on a driver's license does not guarantee organ and tissue donation. Individuals should discuss the importance of donation with their families now in a non-crisis atmosphere so if the question arises, all members of the family will remember having made the decision to give the gift of life.

Mr. Speaker, this resolution encourages all Americans to learn about the importance of organ, tissue, bone marrow and blood donation and to discuss such donations with their families and friends. I heartily support it.

Mr. Speaker, I want to just jump ahead and stress my strong support for a bill that is coming up, H.R. 624, the Organ Donation Improvement Act, which would direct the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation; in particular, the need for additional organs for transplantation. The measure specifically recognizes the very generous contribution made by each living individual who has donated an organ to save a life. It also acknowledges the advances in medical technology that have enabled transplantation of organs donated by living individuals to become a viable treatment option for an increasing number of patients.

I know in this Congress we have had several Members who have benefited from organ transplants. Mr. Speaker, with the passage of this legislation that will follow, this may well be the first day of someone's life, and let Congress vote for the future.

I must thank my colleagues who have worked so very hard on this and all of the other medical issues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), and all of my colleagues who have contributed their commitment, their time and energy towards this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 7 minutes to the gentlewoman from Florida (Mrs. THURMAN), the sponsor of this resolution.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN), whose subcommittee has been a leader in this area; and I certainly thank the chairman, the gentleman from Florida (Mr. BILIRAKIS), a colleague of mine from Florida, who joins me in districts. We recognize the concern and the interest in this issue not only in our districts, but in and around the country.

Mr. Speaker, I also appreciate the statement of the gentlewoman from Maryland (Mrs. MORELLA). It is good to see my colleagues from Ohio, Maryland, Florida, along with the gentleman from Wisconsin (Mr. BARRETT). This is a national issue.

I would like to take just a moment first of all, though, to recognize a colleague of ours, the gentleman from Massachusetts (Mr. MOAKLEY). His story is touching. He has dedicated his life to serving the people of Boston. He was not deterred from service 6 years ago when he needed, among other things, a liver transplant. He was not deterred when his family was undergoing a crisis. Now he is forced to face another crisis, and again he will continue his public service. When the gentleman from Massachusetts was told by his doctor to take off time to do something he enjoys, his response was inspiring to all of us. He said, "Doctor, I am doing what I enjoy doing. There is nothing else I would rather do."

And it was the gift of an organ and utter determination that have allowed the gentleman from Massachusetts to lead the life that he is leading.

Mr. Speaker, organ donation falls into the category of things that one never thinks will affect you, your friends, your neighbors or your family. It happens to other people. In this Congress alone there are several Members who have undergone successful organ transplants, and we are thankful that these fine people are with us today. The gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from South Carolina (Mr. SPENCE) are two of the lucky ones.

My husband, John, was also one of the lucky ones. His successful transplant not only gave John a new lease on life, but it has also given my children back a father and me a loving husband.

Mr. Speaker, we are not alone. Four-year-old Hannah Jones from Gainesville, Florida, received the gift of life through donated umbilical cord blood. Without this gift, Hannah would not have survived her bout with leukemia. Every year thousands of Americans wait on the organ donation list, and they are dependent on those kind enough to give and those who are aware that there is a need.

Transplantation is extremely successful, and people can live productive lives with a transplanted organ. However, because of this technology, even more people have been added to the national waiting list. Sadly, the number of donors has not grown as fast as the number of people waiting for organs. Even with the growing number of transplants performed on average, there is an increase in the number of patients on the national waiting list every day.

Today there are more than 70,000 people waiting for organ transplants and at least 15 people die each day while waiting for an organ. In simple terms, the biggest problem facing transplant patients is the shortage of organs. One way that we can help address this health care crisis is to talk to our friends and families about the importance of organ and tissue donation; and do not forget to let those friends and family know at the hospital what it means and why you have chosen to give an organ because it can be a problem if you do not.

Mr. Speaker, I stand before you today to ask my colleagues and others for their help. We need to work together to increase awareness about the importance of organ and tissue donation. I ask my colleagues to join in passing H. Con. Res. 31, a resolution that recognizes and supports National Donor Day.

National Donor Day is organized by Saturn and the United Auto Workers along with a number of organ foundations, health organizations, and the Department of Health and Human Services.

They have established February 10, 2001 as the day. This day is dedicated to educating people about the five points of life: whole and blood platelets, organs and tissue, bone marrow, and cord blood.

Last month, this coalition joined forces for the fourth time to bring us together for a National Donor Day. This is America's largest one-day donation event held just before Valentine's Day. The first three donor days raised a total of 25,000 units of blood, added over 4,000 potential donors to the National Marrow Donor Registry and distributed tens of thousands of organ and tissue pledge cards.

You and I, your friends and families can participate in this historic event by giving blood or pledging to give blood, volunteering with the National Marrow Donor Program, filling out donor and tissue donation pledge cards and agreeing to discuss the decision with family members.

I would also like to take a moment to thank those people and groups of the Fifth District of Florida, including the Saturn car dealership in Gainesville owned by Mr. Roland Daniels; along with LifeSouth Community Blood Centers, also in Gainesville; and other groups and individuals for pulling together to host a donation event on National Donor Day.

I urge everyone to talk to their friends and families about the importance of organ donation and to let others know about this year's National Organ Donor Day.

While this day has already come and gone, every day holds the promise of life for the thousands of people who await organ transplants like the one 4-year-old Hannah Jones received.

Please support this resolution.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD) who has a very interesting and wonderful story to tell.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank both the chairman and the ranking member for their support on this resolution.

Today I rise in strong support of H. Con. Res. 31, which expresses the sense of Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supports a National Donor Day.

Currently about 73,000 patients nationwide await organ transplants, and some 12 die each day while waiting. Every 14 minutes, another name is added to the national transplant waiting list. An average of 16 people die each day from the lack of available organs for transplant.

In 1999, there were 5,843 organ donors resulting in 21,990 organ transplants. Less than one-third, about 20,000, receive transplants each year. While the number of donors rose in 1998 to nearly 5,800, with about three organs recovered from each donor, it still falls short, Mr. Speaker, short of the substantial and growing need.

Today, I have two nephews who are undergoing surgery for the transplanting of kidneys, Lamont and Galan. We wish them the very best as they undergo this very important undertaking.

I say to my colleagues today that there is an important need for organ donations, one that will help the survival of families. Lives are saved because of the generosity of those who donate their organs. I strongly support this resolution and urge my friends to do so as well.

Mrs. CHRISTENSEN. Mr. Speaker, I support H. Con. Res. 31, which expresses the sense of the House of the importance of organ, tissue, bone marrow, and blood donation. In an age of unprecedented scientific advances in medical and behavioral sciences, it is important that we utilize every means at our disposal to save human lives.

Each year organ donations save lives—thousands of lives; and scientific surveys indicate that Americans overwhelmingly support organ donation. Despite this fact, the same surveys indicate that Americans are reluctant to donate their organs. This is particularly true among people of color, and even more so for all groups with regard to the donation of bone marrow.

Interestingly, the major reason for which respondents indicate reluctance to donate their organs is that they have not given the issue much thought. Herein lies our opportunity to do some good. We must support efforts to educate our constituencies about the necessity of organ, tissue, and bone marrow donation, and the good that these gifts can do. Because gifts are indeed what they are.

Just as we use the most modern tools medical science has provided to successfully transplant donated organs and tissue, we must use the tools behavioral science has provided us to change the attitudes of Americans about the necessity of this medical procedure—a procedure which saves the lives of more than 50,000 Americans each year. The lives of many Americans hang in the balance.

H. Con. Res. 31 is a good start in this regard, and I urge my colleagues to support its passage.

Mr. UNDERWOOD. Mr. Speaker, in Asian-Pacific American communities throughout the nation, parents are known to overrule decisions of their children, even if their children are grown adults with families of their own. That cultural norm compounded with cultural and religious stigma surrounding tissue or organ donations and the complexities of Eastern versus Western values and medicine makes it difficult for families to accept the decisions of individual family members who wish to be donors. Even with a living will provided by a donor, the final decision of whether to make a donation is made by the surviving family. Thus, the need for such public awareness and outreach activities is a vital component of raising the potential matching success for those thousands of patients waiting for transplants and encouraging the recruitment of new donors.

At any given day of the year, there are between 1,000 and 2,000 patients awaiting organ or tissue transplants throughout the nation. Of the 30,000 individuals that are diagnosed with leukemia each year, 6 percent of these are of Asian-Pacific American ancestry. The slim probabilities of finding a perfect match for many of these patients are often bleak.

Just 10 years ago, the possibility of finding a match in the National Marrow Donor Program (NMDP) was virtually nonexistent with only 123 Asian Pacific American donors listed on the National Registry. As of December 3, 2001, there were 257,000 donors of Asian-Pacific American ancestry out of 4.2 million currently registered in the NMDP. Although the radically increased numbers represent a degree of success, only 25 percent of those needing a bone marrow transplant are unable to find a perfect donor. With the estimated attrition of 10 percent of potential donors from the NMDP each year, the need to keep focused on recruitment and retention of donors in the program is critical to its continued success.

The continued support of Congress to improve upon the program it created in the National Organ Transplant Act of 1984 is critical to the continued success of national programs such as the Organ Procurement and Transplantation Network and the National Marrow Donor Program.

Therefore, I urge my fellow colleagues to join in the support of this critical legislation which serves the needs of every American citizen of this nation, from the 50 states to the 5 territories. Furthermore, I would like to extend my appreciation to Mr. BILIRAKIS for introducing this legislation which addresses the particular needs and improves this important program.

Mr. MOAKLEY. Mr. Speaker, I am proud to rise today in support of H. Con. Res. 31, a resolution honoring National Donor Day, and I'd like to thank Congresswoman THURMAN for bringing this issue to the Congress' attention.

Mr. Speaker, as many of my colleagues know, I received a liver transplant nearly 6 years ago. Without that transplant, I would not have lived more than a few months. These last 6 years have been some of the best years of my life—and for that and so much more, I am deeply grateful. I am deeply grateful to the family—who I will never know—who courageously decided to donate their loved ones' organs so that someone like me would have a second chance.

I am deeply grateful to the doctors and nurses who performed my operation, so professionally and so successfully.

And I am deeply grateful to the scientists and researchers who have worked so hard to develop the techniques and procedures that are giving so many people a better, longer, and healthier life.

I stand here today as one of the lucky people that was given the opportunity to receive an organ transplant. Unfortunately, so many others across this country will not have that opportunity.

Mr. Speaker, while 20,000 people will receive a transplant this year, another 40,000 that desperately need an organ will not. That gives me, and I hope all of my colleagues, a great desire to work to raise awareness about organ donation, and improve the procedures for obtaining a transplant.

Mr. Speaker, if there ever was a time or issue where government should and can act—this is that issue.

We can literally save lives by improving the structure of organ donation across the country. We can make it easier for families to make the choice of donating an organ, we can make transplant surgery more accessible to all Americans and we can teach everyone that their courageous choice will give another human being the greatest gift of all—the gift of life.

Mr. Speaker, I would like to mention that this House will also be taking up a bill today offered by Mr. BILIRAKIS and Mr. BARRETT, H.R. 624, and I want to lend my strong support for that legislation as well. Mr. BILIRAKIS' and Mr. BARRETT'S bill will direct the Secretary of Health and Human Services to carry out a program to educate the public on organ donation and it will provide funding for travel expenses of individuals making a living donation of an organ.

The bill will also provide assistance to states to improve donor registries, and make those important registries available to hospitals and donor organizations. These are excellent measures that will strengthen organ donation and I urge the House to pass H.R. 624 when we consider that legislation later today.

Mr. Speaker, as I said, I am among the lucky individuals to have been given the gift of life through an organ transplant.

I hope we can join together in this nation to give many, many more Americans that same gift.

Mr. STARK. Mr. Speaker, I rise to join my colleague from the Ways and Means Committee, Representative KAREN THURMAN, in support of this resolution that extends the message that Congress supports the goals of National Donor Day and urges the President to issue a proclamation calling on the nation to conduct appropriation activities and programs to support increased organ donation.

February 10, 2001 was the fourth National Donor Day organized by Saturn and the United Auto Workers. To date, the successful efforts of the groups involved have resulted in over 4,000 potential donors being added to the National Marrow Donor Program Registry, over 25,000 units of blood being collected, and tens of thousands of organ and tissue pledge cards being distributed.

Last year's events included an emphasis on the disproportionally high need for minority donors. Recipients often need an organ from a donor of the same ethnicity, and organ donation among minorities has historically been lower than the rest of the population, making minorities less likely to find a matching donor. We need to continue such efforts to reach out to minorities and encourage them to become donors.

There are still over 70,000 people on the transplant waiting list. We need to reemphasize our commitment to the National Donor Day and the importance of organ, tissue, and blood donation. We also need to put more resources into programs with similar goals to take steps toward making each day a national donor day.

I urge President Bush to join us in these efforts to encourage people to give the gift of life, and I urge my colleagues to support this resolution.

Mr. UNDERWOOD. Mr. Speaker, I speak today in full support of House Concurrent Resolution 31, which expresses the importance of organ, tissue, bone marrow, and blood donations and celebrates National Donor Day. I would also like to take this opportunity to thank my colleague, Congresswoman KAREN THURMAN of Florida, for her continued leadership and sponsorship of this resolution.

The need for blood, bone marrow, organ and tissue donation grows each year. So, do the concerns regarding access to these supplies, which are of a particular concern to rural areas such as Guam. Guam's distance from the states and geographical isolation forces hospitals to become almost solely dependent on the local population to supply its demand for donations.

With the anticipated closing of the Naval Hospital Blood Bank, the Blood Bank in the Guam Memorial Hospital, the only civilian hospital on the island, will become the sole provider of blood products on the island. Therefore, it is critical to ensure that supplies of local blood products, including packed red blood cells, plasma and platelets, are regularly replenished and that the supply is enough to meet the needs in the event of a disaster or emergency situation.

Local blood donations ensure the ready availability of certain blood products, which are difficult to obtain from off-island vendors or providers. Local donations ensure the availability of all blood products for patient care in the event of increased emergency usage. This allows Guam Memorial Hospital to increase the provision of certain procedures and services for patients locally, rather than having to medically evacuate patients to Hawaii or the continental United States for these types of procedures.

In observance of Blood Donor Month in Guam, I donated two pints of blood at the Guam Memorial Hospital Blood Bank. The staff at the Blood Bank were kind enough to make me feel comfortable during the 45 minutes it took for the blood to be drawn. At this time, I would like to extend my thanks to Glendalyn Pangelinan, the Blood Bank supervisor; Victoria Pangelinan, the Blood Donation recruiter; and the Blood Bank technicians, Wilma Nisperos, Priscilla Quinata, Charlotte Mier, and Lois Santa Cruz, who assisted me during the whole experience.

Because of Guam's unique geographic situation, it is a continual challenge to ensure that an adequate amount of safe blood products are constantly available. An active blood donation program is critical in keeping the community continually educated and aware of this vital need.

Although organ, tissue, and bone marrow transplantation is not a common procedure in Guam as it is in larger metropolitan areas of the country, the need is still great as heart disease and diabetes are among the leading causes of death on the island. In fact, heart disease ranks as the number one killer, while diabetes ranks very close to the top and affects Chamorros at 5 times the national average.

The impact of higher costs and greater distances between Guam and the nearest major metropolitan hospital in Honolulu, approximately 3,500 miles or 7 hours by plane, is a vital concern when it comes to health care for U.S. citizens on Guam. Some of Guam's patients are medically evacuated to larger metropolitan health care centers in Honolulu and Los Angeles for these procedures. Other times, the organ and tissue donations are transported to Guam for transplantation. So, the access to organ and tissue donation is a critical component of whether a patient lives or dies.

Although donations of organs, tissue and bone marrow are not as frequent as donations of blood products, the needs are the same, only the distance and costs to accessing these products are much greater. The continued support of Congress in these efforts to improve access and public awareness of the importance of organ, tissue, bone marrow and blood donations is critical to meeting the needs of those 70,000 individuals who are waiting for organ transplants at any given moment, for car crash victims in need of a ready supply of blood, and for patients afflicted with leukemia in need of a bone marrow transplant just to survive.

Therefore, today I rise in strong support of this resolution and encourage all Americans, whether they live in the 50 states or the 5 territories to make a donation of blood to their local blood bank, sign up as an organ donor at their nearest Division of Motor Vehicles, and register at the nearest Bone Marrow Registry Center in the area. Your donation is vital and may help save a life some day.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ORGAN DONATION IMPROVEMENT ACT OF 2001

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 624) to amend the Public Health Service Act to promote organ donation, as amended.

The Clerk read as follows:

H.R. 624

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Donation Improvement Act of 2001".

SEC. 2. SENSE OF CONGRESS.

(a) PUBLIC AWARENESS OF NEED FOR ORGAN DONATION.—It is the sense of the Congress that the Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

(b) FAMILY DISCUSSIONS OF ORGAN DONATIONS.—The Congress recognizes the importance of families pledging to each other to share their lives as organ and tissue donors and acknowledges the importance of discussing organ and tissue donation as a family.

(c) LIVING DONATIONS OF ORGANS.—The Congress—

(1) recognizes the generous contribution made by each living individual who has donated an organ to save a life; and

(2) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients.

SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

"PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION

"SEC. 377. (a) IN GENERAL.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

“(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (in this section referred as ‘donating individuals’); and

“(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

“(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

“(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2002 and subsequent fiscal years to offset the effects of inflation occurring after the beginning of fiscal year 2001).

“(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

“(A) The Secretary may consider the term ‘donating individuals’ as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reasons as the Secretary determines to be appropriate, no donation of the organ occurs.

“(B) The Secretary may consider the term ‘qualifying expenses’ as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

“(c) LIMITATION ON AMOUNT OF PAYMENT.—

“(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of subsection (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the costs of living.

“(2) COVERED VICINITY.—For purposes of this section, the term ‘covered vicinity’, with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

“(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

“(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(2) by an entity that provides health services on a prepaid basis.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘covered vicinity’ has the meaning given such term in subsection (c)(2).

“(2) The term ‘donating individuals’ has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

“(3) The term ‘qualifying expenses’ means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2002 through 2006.”.

SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377 the following section:

“PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

“SEC. 377A. (a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

“(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out studies and demonstration projects with respect to providing for an adequate rate of organ donation.

“(c) GRANTS TO STATES.—The Secretary may make grants to States for the purpose of assisting States in carrying out organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. To be eligible, each State shall—

“(1) submit an application to the Department in the form prescribed;

“(2) establish yearly benchmarks for improvement in organ donation rates in the State;

“(3) develop, enhance or expand a State donor registry, which shall be available to hospitals, organ procurement organizations, and other States upon a search request; and

“(4) report to the Secretary on an annual basis a description and assessment of the State's use of these grant funds, accompanied by an assessment of initiatives for potential replication in other States.

Funds may be used by the State or in partnership with other public agencies or private sector institutions for education and awareness efforts, information dissemination, activities pertaining to the State organ donor registry, and other innovative donation specific initiatives, including living donation.

“(d) ANNUAL REPORT TO CONGRESS.—The Secretary shall annually submit to the Congress a report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006. Such authorization of appropriations is in addition to any other authorizations of appropriations that is available for such purpose.

“(2) STUDIES AND DEMONSTRATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (b).”.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 624 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I am pleased, Mr. Speaker, that the House is today considering H.R. 624, the Organ Donation Improvement Act of 2001. I want to thank my committee colleagues, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Ohio (Mr. BROWN), the subcommittee ranking member, for their help in drafting this bill.

The full Committee on Energy and Commerce approved H.R. 624 on February 28 by unanimous vote, which reflects the bipartisanship nature of this initiative.

I also want to thank Secretary Tommy Thompson for making organ donation a top priority for his first 100 days in office. He has recognized the serious nature of this growing problem and intends to act quickly to increase organ donation efforts across the country. In fact, I received a letter from Secretary Thompson indicating his support for H.R. 624 and his intent to work with Congress to increase organ donation in the future.

Mr. Speaker, during the latter part of the last Congress, we had the legislation going through the body which would have done what we are doing in this legislation but also had established allocation procedures. It was very controversial; and as a result of that, the legislation was not able to move.

What we have done in this legislation in a bipartisan basis was to pull out all of the noncontroversial very, very significant areas of that legislation and put them into this and left out completely the allocation procedures, which were controversial. I think that is very important that all of the Members realize that this is a different piece of legislation with no controversial areas at all.

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Continuing, Mr. Speaker, nationwide we do not have enough organs for patients who need a transplant. During the 1990s, the number of patients waiting for organ transplants rose more than five times as fast as the number of transplant operations. In 1999, more than 20,000 transplants were performed, but the transplant waiting list exceeded 70,000 patients. As a result, more than 50,000 patients did not receive the transplants they needed.

With modern technology and the success of organ transplants, many of these deaths are preventable. Unfortunately, despite the generosity and self-sacrifice of thousands of donors who have given an organ to a patient in need, the supply of organs continues to fall short of the need. In my own State of Florida, the transplant waiting lists continue to grow and patients continue to wait.

What is most unfortunate, however, is the number of people who have died while on one of these transplant waiting lists. In 1999, in the State of Florida alone, 65 patients died while waiting for a liver transplant, 35 patients died while waiting for a heart transplant, 17 patients died while waiting for a lung transplant, and 91 patients died while waiting for a kidney transplant. So we must act to these preventable deaths by increasing the supply of organs and discussing the gift of life, as the gentlewoman from Florida (Mrs. THURMAN) said, with friends and family.

H.R. 624 recognizes the contributions made by living individuals who have donated organs to save lives. It also acknowledges the advances in medical technology that have made transplantation a viable treatment option for an increasing number of patients. Significantly, H.R. 624 directs the Secretary of Health and Human Services to carry out programs to educate the public with respect to organ donation. This bill also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

I am confident that these measures will provide the necessary incentives for Americans considering organ donation and increase the supply of organs. I urge all my colleagues to join me today in supporting passage of H.R. 624, the Organ Donation Improvement Act.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill complements the resolution we just considered, and I would again like to thank the gentleman from Wisconsin (Mr. BARRETT), the gentleman from Florida (Mr. BILIRAKIS), and the gentlewoman from Florida (Mrs. THURMAN) for their work on this legislation.

In 1999, nearly 75,000 people were on waiting lists for organ transplants; yet less than 22,000 of these 75,000 received transplants. Nearly 12 people die every day while waiting for a transplant. The question is how do we identify and how do we remove barriers to donation, narrowing the significant gap between transplant candidates and available organs?

Public awareness is part of the problem. Providing assistance to living organ donors is another step. H.R. 624 would set both of these strategies in motion. The authors have been clear. This bill is not an exhaustive response to the donor organ shortfall. This bill, however, to its credit, is a starting point in implementing good ideas and in signaling congressional interest in an issue significant to all of us.

Organ donation is such an amazing act of giving, one that delivers hope and health and life to thousands of patients a year. The fact that H.R. 624 represents the first step in a broader effort does not minimize its importance. I fully support its passage.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), who has been a leader on this and other organ donation issues.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Before I start in on a little bit of what we are talking about today, one of the things we probably ought to do first and foremost is thank all of the men and women out there today that have made that choice and have made a difference in people's lives, because without their generous donation we would not have this opportunity to even be talking about this and the technology and what has happened over several years.

So I would like to just take a moment to thank and to express to those family members, whether because of a loss or because of a connection with another family member, how much we appreciate what they have given already in this debate.

Today, what we are talking about is a resolution, and I commend our chairman for this and also the gentleman from Ohio (Mr. BROWN). As the chairman said, this was part of a piece of legislation last year that kind of got tied up in some allocation issues, but the issue in this one is so important because this actually helps us with expensing. So that if we have a living donor, we can provide an opportunity for them to give the gift that they would like to give. So it is a very simple, direct kind of program that if one is willing to help and is willing to donate, that we are going to help in that regard as well.

The only other thing I would say is, I would like the chairman just to consider a second part of this piece of legislation that we introduced last year, which is the idea of when somebody is working, to be able to give them some time off where it does not hurt them in the workplace. Because without that time, it is very difficult for them. Even though they may be getting some of their expenses covered, they do have to take time off of work to be able to go and do this. So I just hope at sometime we can look at that issue.

But certainly my praises are to this committee and to this Congress for giving us this gift of life.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. BARRETT), who has been very involved in this issue during his time in Congress.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), and the others that have been so active on this issue. I think this is an issue that I think ultimately does have bipartisan support and we can all work together on.

In 1999, David Raine of Racine, Wisconsin, was put on a waiting list for a kidney. The clock was ticking, and his health was declining. It used to be that one family's saving grace was another family's tragedy, as organs were generally donated from the recently deceased. Though organ donation from the deceased is still the chief source of organ donations, there is an increasing number of organs donated from a healthy individual who is compatible to a patient in need. Though typically this type of transplant is done with kidneys, advances are being made in the transplantation of other organs, such as lungs and livers.

For David Raine, living donation saved him. As he describes it, an angel came into his life. Leslie Kallenbach, a fellow parishioner at David's church, offered her own kidney to him. Tests determined she was a perfect match; and in January of 2001, David and Leslie underwent surgeries at Saint Luke's Medical Center in Milwaukee. One of Leslie's kidneys was successfully transplanted to David by Dr. William Stevenson, and David Raine said he felt energy return to his body almost immediately. Both recovered without complication.

This is a happy ending that I wish was found in every transplant patient's story. Sadly, it is not. Fourteen people die each day because the organ they need is not available to them. The gap between organ transplants and the number of patients waiting for organs more than doubled in the 1990s, according to a recent report by UNOS. On February 24, the UNOS national waiting list had 74,800 patients awaiting organs. Over half of those are waiting for kidneys.

In Wisconsin alone there are currently more than 1,500 people on organ waiting lists. Most of them are waiting kidneys. I mention kidneys in particular because through the advancement of medicine, living donations of kidneys are the most commonplace of all living donations.

The Organ Donation Improvement Act promotes living donation. According to UNOS, the number of living organ donors more than doubled from 1990 to 1999. The selfless humanity exhibited by living donors is recognized by this bill, as is the progress made in medical technology that has enabled living donor transplants, like the one from Leslie Kallenbach to David Raine.

This measure also provides financial assistance to States to develop and grow donor registries and to connect these registries to organ procurement organizations and hospitals. The bill also helps donors defray the costs associated with their testing and donations.

I am proud to say that Wisconsin is a leader in organ donation and transplant surgery among the States. Wisconsin's medical centers accept significantly greater numbers of organs for transplant than the national average. I will continue to fight to advance this cause and do whatever is necessary to share Wisconsin's success with the rest of the Nation.

Though I am pleased to see such swift action on this bill by the Committee on Commerce and now by my colleagues in the House, this cannot be the last word on organs. Our job is far from done. I appreciate the heartfelt support for these efforts by Health and Human Services Secretary Thompson, and I hope to work with him to develop a network of State donor registries so that the stories of those people who are waiting for the gift of life might have the same happy ending as David Raine.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the Organ Donation Improvement Act introduced by the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Wisconsin (Mr. BARRETT). This legislation directs the Secretary of Health and Human Services to conduct a public awareness campaign about the need for additional organs for transplantation.

I am privileged to represent the hard-working men and women of the United Network for Organ Sharing, UNOS, in Richmond, Virginia. Their recent corporate campaign to increase organ donation complemented the goal of this legislation, and that is why I want to publicly salute the employees of UNOS and the families and friends of those who have donated the "gift of life," donated organs.

According to UNOS, for every patient who receives the organ he or she needs, two more people in need of organs are added to the national waiting list. Unfortunately, less than half of those who register on the waiting list will ever receive a transplant. On average, 15 people die every day because the organ they need does not come in time.

In 1999, more than 6,000 people died while awaiting organs. The same year, the waiting list reached a high of more than 67,000 people. UNOS works to address this life-and-death challenge by increasing organ donation and making the most of every organ that is donated. This is accomplished through organ matching and distribution, data research, policymaking, education and public awareness.

Recently, several major employees in the metro Richmond area launched employee campaigns to raise awareness about organ donation and increase the number of organ donors in Virginia. The people of Virginia owe these companies and their employees a debt of gratitude for their efforts to promote a gift of life. I want to thank them for their hard work, and I urge passage of this legislation.

Mr. Speaker, I include for the RECORD the UNOS press release of March 3, 2001.

[From the United Network for Organ Sharing, Mar. 3, 2001]

RICHMOND EMPLOYERS JOIN UNOS TO INCREASE ORGAN DONATION

RICHMOND.—Several major employers in the metro Richmond area have joined the United Network for Organ Sharing's (UNOS) Workforce 2001, a unique effort to increase organ donation.

BB & T; Back in Action Health Resource Center, Bank of America, CapTech Ventures, Chesterfield County, City of Richmond, The C.F. Sauer Company, Continental Societies, Inc., Dominion Virginia Power, Durrill and Associates, First Union, James River Technical, McCandlish and Kaine, M.H. West and Co., Medical Insurers of Virginia; Owens and Minor, Pleasants Hardware, PriceWaterhouseCoopers, SMBW Architects, Style Weekly, SunTrust Bank, Tom Brown Hardware, Trigon Blue Cross Blue Shield, Ukrop's Supermarkets and First Market Bank, Verizon, Virginia Commonwealth University/Medical College of Virginia, The Virginia Home; Wella Manufacturing of Virginia; Westminster Canterbury; and Williams, Mullen, Clark and Dobbins have committed to educating their employees about the vital need for organ donation.

"Corporate involvement on the local and national level is key to spreading the life-saving message of organ donation," said Walter K. Graham, UNOS executive director. "We need everyone's help to make sure the public has the right information to make an informed decision about organ donation."

Nearly 700 people are currently awaiting an organ transplant in Richmond, with approximately 2,000 waiting statewide. There were 37 organ donors in Richmond during 2000, leading to more than 200 transplants.

Nationwide, 75,000 children, men, and women are registered on the nation's organ transplant waiting list. To date, UNOS reports that slightly more than 22,000 transplants were performed in 2000 using organs from 5,900 cadaveric donors and 4,800 living donors.

For the year 2001, we project only moderate increases in donation and transplantation, so of these 75,000 less than one third will receive life-saving transplants this year. The other two-thirds will continue to wait, and perhaps die because the organ they need will not come in time to save them. UNOS, and the employers of Virginia, are working together to change this.

"A lot of people die in the U.S. and in Virginia because they don't get the organs they need so desperately. If we encourage everyone, starting with our own employees, to become donors we can help the situation tremendously," said Lynn Williamson, M.D., vice president and chief medical officer for Trigon Blue Cross Blue Shield.

One of the main ways the organizations will communicate with their employees about organ donation is a new electronic public service announcement (PSA) that can be sent via e-mail or posted on organization's Intranet site. The electronic PSA highlights the importance of organ donation and gives the viewer concrete steps they can take to be an organ donor. Other ways employers are spreading the message include using posters, brochures and paycheck stuffers.

Companies interested in joining the organ donation campaign should contact UNOS at (804) 330–8563.

UNOS, a nonprofit charitable organization headquartered in Richmond, VA, maintains the nation's organ transplant waiting list under contract with the Health Resources and Services Administration of the U.S. Department of Health and Human Services. UNOS also promotes organ donor awareness in the general public and the medical community.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) and the gentleman from Florida (Mr. BILIRAKIS) for their work on this legislation. It is an important piece of legislation.

I think anyone listening to this debate today, though there is not much of a debate other than we need to do more in the way of giving organs to people who need them, everyone should recognize the need to sign up. First things first: everyone should sign up as an organ donor right now or make a note to themselves to go up and sign up.

This is an easy thing to let pass: Oh yeah, I'm going to do it. I'm going to do it. If it were not for one of our own colleagues, the gentleman from Massachusetts (Mr. MOAKLEY), I would not have signed up. I recall when the gentleman from Massachusetts got this organs donation caucus together. We have several colleagues on both sides of the aisle who are beneficiaries of organ donations. There is nothing like hearing a story from someone who has benefited from an organ donation to make someone a believer and feel that they ought to sign up themselves.

So I encourage everyone to do it. Most people can go down to the registry of motor vehicles in most States, as in my State of Rhode Island. A form is signed which makes an individual an organ donor, puts them on the list, and makes sure the individual's license reflects it. So in a time when we are no longer on this earth but our organs are, we can help someone else to live. I think that is the kind of thing we would all want to have made possible.

So I hope we all support this organ donation legislation. In my State, there were 71 organs donated last year, although there are 36,000 still on the waiting list in my State of Rhode Island. We have a tragic shortage of organs and we need to pass this legislation, H.R. 624, so that we can help expand awareness of this important process of donating an organ.

I encourage everyone to find someone that has benefited from this or log on and learn more about it, because I believe if people learn more about it they will become organ donors. It is an absolute tragedy that more Americans of good conscience and good will just are not because they have not gotten around to doing it. So anyone listening to this, please make sure to sign up to be an organ donor.

□ 1315

Mr. BILIRAKIS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, just one parliamentary note. The committee filed its report on H.R. 624 last night. That report contained, as required under the House rules, a cost estimate for the bill from the Congressional Budget Office. However, H.R. 624, as introduced, contained a drafting error. An amendment to the basic legislation today took care of that. As a result, CBO provided its cost estimates on the amendment, on the bill, as amended, to H.R. 624 that we are considering today. I hope that this clears up any confusion.

In closing, Madam Speaker, I would like to acknowledge people who have really worked on this not only for this particular piece of legislation but even in the prior years, the staffs from the committee, Marc Wheat, Brent DelMonte; John Ford, who is here; Katie Porter from the minority; Erin Ockunzzi, a member of my personal staff; my chief of staff Todd Tuten. We are all very grateful to those good people for the hard work that they have placed on this legislation.

Mr. DINGELL. Madam Speaker. According to the most recent annual report of the United Network for Organ Sharing (UNOS), the shortage of organs for transplant is getting worse. Approximately 21,715 transplants were performed in 1999. The number of persons on the national transplant waiting list as of February 2001 was approximately 74,000. The number of deaths among persons who were on the transplant waiting list tripled in the decade of the 1990s. Although cadaveric and live donation rates have increased, the need for these organs has grown even faster.

I applaud the effort of my colleagues to raise awareness of the need for more organ donations. I want to also pledge to work with Secretary Thompson on this important issue. He has indicated that he will make organ donation a priority of this administration. One interesting statistic he often cities is that two-thirds of Americans have not expressed their wishes about donation.

Clearly, there is much that can be done to increase organ donations. The two measures before us today, H. Con. Res. 31 and H.R. 624, are steps in the right direction. I want to make particular note of the efforts of my friend and colleague, Representative KAREN THURMAN. She has made all of us aware of the need to act quickly and decisively to address a host of donation issues. Her resolution on organ, tissue, bone marrow, and blood donation deserves our enthusiastic support.

H.R. 624 addresses both cadaveric and living donations. There are obvious limitations with respect to live donations, so we must attack the shortage on both fronts, cadaveric and live donations. Ninety-five percent of live donations are kidneys, with the remaining five percent involving the split liver technique. Cadaveric donations thus make up part of the supply of transplantable kidneys and livers, and the entire supply of hearts, pancreas, lungs, and intestines.

H.R. 624 is an incremental step. It is not a comprehensive program. I hope this is merely a reflection of the process by which this bill comes before us today and does not reflect a limitation on our collective will to make lasting and meaningful progress toward increasing the supply of organs. There are many good ideas we should examine and I hope that in due course, we will.

Finally, I remain wary of the bill's residency and "covered vicinity" provisions. I will be monitoring the implementation of H.R. 624 to be sure it does not stray from its intended purpose.

With that Madam Speaker, I urge my colleagues to support these two measures.

Mr. UNDERWOOD. Madam Speaker, I support today H.R. 624, the Organ Donation Improvement Act of 2001, introduced by my colleague, Congressman BILIRAKIS of Florida.

This bill will support payment of travel and subsistence expenses incurred by individuals making living donations of their organs, raise public awareness of the importance of organ and tissue donation in our country, and help families understand and respect the wishes of family members who desire to be individual organ donors.

Although organ and tissue transplantation is not a common procedure in my district of Guam as it is in larger metropolitan areas of the country, the need is still great as heart disease and diabetes are among the leading causes of death on the island. In fact, heart disease ranks as the number one killer, while diabetes ranks very close to the top and affects Chamorros at 5 times the national average.

The impact of higher costs and greater distances between Guam and the nearest major metropolitan hospital in Honolulu, approximately 3,500 miles or 7 hours by plane, is a vital concern when it comes to health care for U.S. citizens on Guam. Some of Guam's patients are medically evacuated to larger metropolitan health care centers in Honolulu and Los Angeles for these procedures. Other times, the organ and tissue donations are transported to Guam for transplantation. So, the access to organ and tissue donation is a critical component of whether a patient lives or dies.

Since the majority of those who are medically evacuated to hospitals in Honolulu and in the continental United States are Medicare and Medicaid patients, the cost of travel and subsistence payments for individual living donors is a welcome relief to those who are able to find a perfect organ donor match.

The program to raise public understanding and assist states and territories in carrying out organ donor awareness, public education, and outreach activities is also a welcome component of the Organ Donation Improvement Act. For minority communities, such as the Asian Pacific American community, this is a particularly welcome initiative.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise in strong support today for H.R. 624, the Organ Donation Improvement Act. I have seen first-hand how important organ donation can be. My own sister-in-law has been the recipient of a transplanted kidney. Unfortunately, not every person who needs an organ transplant is as lucky as she was. In 1999 alone, over 6,000 people died while on the waiting list for a donor organ.

Despite continuing advances in medicine and technology, the tragic truth is that the demand for organs drastically outstrips the supply of organ donors. According to a recent report, the number of Americans waiting for organ transplants more than tripled from 21,914 to 72,110 between 1990 and the end of 1999. However, annual donor transplants over the same period increased at a far slower rate, going from 15,009 in 1990 to 21,715 in 1999.

H.R. 624 is an important step in addressing this crisis. This bill directs the Secretary of Health and Human Services to carry out a program to educate the public with respect to organ donation. It also authorizes grants to cover the costs of travel and subsistence expenses for individuals who make living donations of their organs.

I believe that it is of the utmost importance that we encourage more individuals to share the life-saving benefits of organ donation. Therefore, I urge my colleagues to give this bill their full support.

Mr. RUSH. Madam Speaker, I rise in support of the Organ Donation Improvement Act of 2001, H.R. 624, which was reported by the Energy and Commerce Committee last week. As reported, H.R. 624 authorizes up to $5 million each year—for each of the next five years—to provide travel and subsistance funds for organ donors meeting certain criteria.

I support the bill because I have been assured by the distinguished chairman of the Health Subcommittee, my friend MIKE BILIRAKIS that the bill is intended to help increase the supply of life-saving organs that are available nationwide, and that it is not an attempt to circumvent, abrogate, amend or revise the organ donation and allocation system which was implemented by the Department of Health and Human Services last year.

Under the provisions of the National Organ Transplant Act (NOTA), the U.S. Department of Health and Human Services has the responsibility for establishing and administering a national organ allocation program. In April of 1998, the Department published a regulation which directs the Organ Procurement and Transplantation Network (OPTN) to address a number of inefficiencies and inequities in the existing organ allocation program. UNOS, the United Network for Organ Sharing, and a number of transplant centers, strongly objected to the regulation. The groups in opposition sought and secured a rider to the Omnibus Appropriations enacted in 1998 which blocked implementation of the Secretary's proposed regulation.

In October, 1998, the Congress suspended implementation of the Final Rule for one year to allow further study of its potential impact. During that time, Congress asked the Institute of Medicine (IOM) to review current Organ Procurement Transplantation Network (OPTN) policies and the potential impact of the Final Rule. The IOM study was completed in July, 1999 and provided overwhelming evidence in favor of the new regulations. Nevertheless, a second moratorium was added onto the Work Incentives Improvement Act, that provided for an additional 90-day delay on implementation of the Final Rule.

In the midst of this debate, in October, 1999, the House Commerce Committee debated and reported legislation, H.R. 2418, that would have divested the Department of Health and Human Services of any authority to require anything of the OPTN. Functions of a scientific, clinical or medical nature would be in the sole discretion of the OPTN. All administrative and procedural functions would require mutual agreement of the Secretary and the Network.

Opponents of H.R. 2418, including the Governor of the great state of Illinois, believed that the legislation would create an unregulated monopoly of organ allocations, and allow UNOS to run the organ allocation program unfettered. The legislation would also have favored small states with small centers at the expense of patients waiting for transplants at larger centers. The state of Illinois represents 9 percent of the population and receives only 4 percent of the transplants.

While debate on H.R. 2418 raged in the House, during 1999 and 2000, the U.S. Department of Health and Human Services (HHS) made several attempts to implement a new organ donation and allocation regulation. The HHS regulation incorporates many of the sound recommendations of the National Academy of Sciences' Institute of Medicines recommendations for improving the organ donation and allocation system. This regulation—the subject of opposition by those groups which would have maintained the status quo—had twice been delayed by Congressional action, but finally went into effect in March, 2000.

Madam Speaker, in January of this year, former Health and Human Services Department Secretary, Donna E. Shalala, announced the appointment of 20 members to the Secretary's new Advisory Committee on Organ Transplantation. The committee, which was created in the Organ Procurement and Transplantation Network rule of 1999 and recommended by the Institute of Medicine Report to Congress in 1998, will advise the Secretary on all aspects of organ procurement, allocation and transplantation. The new Department of Health and Human Services Secretary, the Honorable Tommy Thompson, has said that improvements to the organ donation and allocation system are one of his major priorities.

Madam Speaker, it is my hope that, in the future, as this House and the Energy and Commerce Committee continues its oversight on the administration of the organ donation and allocation system, that we not rush to judgment—as we did with this legislation—with no hearings, no consultation, and no oversight by the committees of jurisdiction and the Members of this House that are so vitally interested in this issue.

Mr. STARK. Madam Speaker, I rise in support of H.R. 624, the Organ Donation Improvement Act.

H.R. 624 is an important piece of legislation that provides financial assistance to living donors to cover the travel expenses associated with donating an organ, and provides new funds for programs to educate the public with respect to organ donation.

In a National Kidney Foundation Survey, one out of four family members said that financial considerations prevented them from volunteering to become a living donor. When you consider airfare, hotel, ground transportation, and food for a few days, the costs add up. This bill would provide grants to states, transplant centers, organ procurement organizations, and other public entities to enable them to pay for the non-medical travel and subsistence expenses incurred by a donor in conjunction with organ donation. It is targeted to recipients with incomes below $35,000 a year who might not otherwise be able to aide a donor in paying for travel costs.

More people would be able to become living donors if we remove this cost barrier. In a country as wealthy as ours, we cannot allow those who are in need of an organ to miss a life-saving opportunity because of a lack of travel funds for a family member or other matching donor. Moreover, we must facilitate more people becoming living organ donors by removing whatever obstacles we can.

This bill would also authorize the Secretary of Health and Human Services to make grants to states or contract with organizations to educate the public on organ donation. States that receive grants would be required to submit annual reports to the Secretary assessing the effectiveness of the programs, so that successful programs can be replicated in other states. We need to get as many people as possible to fill out organ and tissue pledge cards, and enter their information in the National Marrow Donor Program Registry through education campaigns. The Federal government needs to work with States, and non-profit organizations to reach every person in this country. Any of us could one day need a transplant.

This bill takes a step in the right direction, but it should be considered a piece in a broader effort to increase organ donation in this country. Every 14 minutes a new name is added to the transplant waiting list. We need to insure that every 14 minutes a new donor signs a pledge card. We have far to go before we've reached that goal, but this bill moves us closer.

Secretary Thompson has already indicated that he plans to launch a national awareness campaign and to do more to recognize donors and their families. This would be a great opportunity for Congress to collaborate with him to draw attention to this life-saving issue. I urge my colleagues to vote in support of this important legislation to increase organ donations.

Mr. VITTER. Madam Speaker, I rise today to express my support for organ donation and the sentiment in H.R. 624 to emphasize the importance discussing organ and tissue donation as a family. I'm proud to say that in my home state of Louisiana, the LSU Health Sciences Center, working with Legacy Donor Foundation and the Louisiana Organ Procurement Agency, developed a model campaign now used by businesses that is very successful in getting employees to sign up to become organ donors at death. Despite these advances, in Louisiana and across our nation, a lot more public education is needed to raise awareness of the critical shortage of organs. In addition, Louisiana has also benefited from the services provided by the Oschner Multi-Organ Transplant Center, where over 50 liver transplants are performed each year. The help these organizations provide to patients in Louisiana are immeasurable.

For example, in Louisiana today there are about 1,600 individuals—mothers, fathers, husbands, wives, sons, daughters—awaiting a life-saving transplant. Nationally, more than 73,000 men, women and children awake in hope each day that it will be the day when they receive their new organ, before it's too late for them. But needs far exceed organ donations each year. One organ donor can save the lives of as many as eight others. Organs from 100 individuals in Louisiana were donated last year, providing 365 organs for transplant. Those 100 selfless humans in Louisiana gave the gift of life to strangers as their legacy. Organ donation is the last act of selfless generosity that one human being can perform for another.

Mr. CUMMINGS. Madam Speaker, I rise today in support of H. Con. Res. 31 and H.R. 624, both expressing Congress' acknowledgment of the need for organ donors and organ donor support for all citizens.

In 1996, I introduced H.R. 457 (Public Law No. 106–56), the Organ Donor Leave Act, because I am a firm believer in the life-saving power of organ donation. This legislation allows federal employees up to 30 days paid leave after having made an organ donation and 7 days for those employees making a bone marrow donation. Through we have made progress in the fight for increasing the support for organ donors, it is out of that same unshaken belief that I recognize the need for legislation like H. Con. Res. 31 and H.R. 624. I know the truth and the truth is that there is still much than can be improved.

Over 60,000 Americans are awaiting for an organ donation, while 12 people die each day waiting for a transplant.

Every sixteen minutes, a new name in need of an organ, tissue, or bone marrow transplant is added to a waiting list.

Each year, despite the efforts of countless Americans who are organ donors, over 4,000 Americans die in need of a transplant.

These grim statistics are the real reason why I stand behind H.R. 624, the Organ Donation Improvement Act of 2001, which will not only foster increased public awareness through studies and demonstrations, but also supports organ donors through financial assistance incurred toward living organ donation. Furthermore, as H. Con. Res. 31 states, I fully support National Donor Day which promotes awareness and while educating ALL about organ, tissue, bone marrow, and blood donation.

In both of these bills, we move another step forward in helping to eliminate a solvable problem, paving the way toward answering the hopes and needs of those who now wait too long for a second chance at life.

Mr. KIND. Madam Speaker, today, I rise in support of H.R. 624, the Organ Donation Improvement Act. As we all know, there is a shortage of organ donors across the United States. In fact, the waiting list for organ transplants has grown by over 300 percent in the last decade.

I am, however, proud that my state of Wisconsin has an excellent record in organ procurement. Wisconsin's two organ donation agencies, the Wisconsin Donor Network in Milwaukee and the University of Wisconsin Organ Procurement organization, are nationally recognized for their donation rates. Each year in Wisconsin, nearly 150 people give more than 600 citizens the opportunity for a new beginning.

In order to decrease the number of individuals on the wait list for organ transplants, we need to increase people's willingness to become donors. Wisconsin has a model intensive education program that works closely with schools, community groups, church groups and the hospitals to allay individuals' questions and concerns related to organ donation. I am proud to be a cosponsor of the Organ Donation Improvement Act that would provide grants to states to build programs similar to our successful program in Wisconsin.

This bill recognizes the critical role that states can play in improving organ donation. I urge my colleagues to support this important legislation.

Mr. BENTSEN. Madam Speaker, I rise in strong support of the Organ Donation Improvement Act (H.R. 624), legislation that will help the 60,000 people in the United States who are currently waiting for organ transplant surgery. This year, approximately 20,000 people will receive these lifesaving operations, but 40,000 people will not. This legislation is an important first step in helping these patients and their families to get the organs that they desperately need.

As the representative for the Texas Medical Center where many of these transplantations occur, I am concerned about the need to find more organs for these patients. Many of these lifesaving procedures are conducted at the transplant departments at these teaching hospitals in my district. During the past decade, the waiting list for organs has grown by more than 300 percent. Clearly, we are not finding sufficient donors to meet the demand for these patients.

As an original cosponsor of this legislation, I strongly support this effort to increase organ donations. First, this measure authorizes $5 million for each of the next five years to help pay for the cost of travel and subsistence expenses for people who donate their organs. With advanced technology and techniques, today there are more opportunities for people to donate organs. However, many patients cannot afford to travel and pay for the costs associated with organ donation surgeries. This bill would encourage more patients to donate an organ if they know that both their travel and subsidence expenses will be covered. These grants would be given to only those low-income patients who cannot afford to travel to another state in order to donate an organ. In addition, these grants can help donors to receive supplemental income during the time period when they are donating an organ.

This bill would also require the Secretary of Health and Human Services (HHS) to conduct a public awareness program on organ donation. With more awareness, it is my hope that more families will discuss organ donation and will give the "gift of life" to another patient. This measure also includes a provision to authorize grants for studies and pilot projects to increase organ donations to private organizations.

I am also pleased that the American Hospital Association and the Patient Access to Transplantation Coalition have expressed their strong support for this bill. I urge my colleagues to vote for this legislation.

Mr. BILIRAKIS. Madam Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 624, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING 21 MEMBERS OF NATIONAL GUARD KILLED IN CRASH ON MARCH 3, 2001

Mr. SCHROCK. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 47) honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

The Clerk read as follows:

H. CON. RES. 47

Whereas a C-23 Sherpa National Guard aircraft crashed in south-central Georgia on March 3, 2001, killing all 21 National Guard members on board;

Whereas of the 21 National Guard members on board, 18 were members of the Virginia Air National Guard from the Hampton Roads area of Virginia returning home following two weeks of training duty in Florida and the other 3 were members of the Florida Army National Guard who comprised the flight crew of the aircraft;

Whereas the Virginia National Guard members killed, all of whom were members of the 203rd Red Horse Engineering Flight of Virginia Beach, Virginia, were Master Sergeant James Beninati, 46, of Virginia Beach, Virginia; Staff Sergeant Paul J. Blancato, 38, of Norfolk, Virginia; Technical Sergeant Ernest Blawas, 47, of Virginia Beach, Virginia; Staff Sergeant Andrew H. Bridges, 33, of Chesapeake, Virginia; Master Sergeant Eric Bulman, 59, of Virginia Beach, Virginia; Staff Sergeant Paul Cramer, 43, of Norfolk, Virginia; Technical Sergeant Michael East, 40, of Parksley, Virginia; Staff Sergeant Ronald Elkin, 43, of Norfolk, Virginia; Staff Sergeant James Ferguson, 41, of Newport News, Virginia; Staff Sergeant Randy Johnson, 40, of Emporia, Virginia; Senior Airman Mathrew Kidd, 23, of Hampton, Virginia; Master Sergeant Michael Lane, 34, of Moyock, North Carolina; Technical Sergeant Edwin Richardson, 48, of Virginia Beach, Virginia; Technical Sergeant Dean Shelby, 39, of Virginia Beach, Virginia; Staff Sergeant John Sincavage, 27, of Chesapeake, Virginia; Staff Sergeant Gregory Skurupey, 34, of Gloucester, Virginia; Staff Sergeant Richard Summerell, 51, of Franklin, Virginia; and Major Frederick Watkins, III, 35, of Virginia Beach, Virginia;

Whereas the Florida National Guard members killed, all of whom were members of Detachment 1, 1st Battalion, 171st Aviation, of Lakeland, Florida, were Chief Warrant Officer John Duce, 49, of Orange Park, Florida; Chief Warrant Officer Eric Larson, 34, of Land-O-Lakes, Florida; and Staff Sergeant Robert Ward, 35, of Lakeland, Florida;

Whereas these members of the National Guard were performing their duty in furtherance of the national security interests of the United States;

Whereas the members of the Armed Forces, including the National Guard, are routinely called upon to perform duties that place their lives at risk; and

Whereas the members of the National Guard who lost their lives as a result of the aircraft crash on March 3, 2001, died in the honorable service to the Nation and exemplified all that is best in the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 18 members of the Virginia Air National Guard and 3 members of the Florida Army National Guard who were killed on March 3, 2001, in the crash of a C-23 Sherpa National Guard aircraft in south-central Georgia; and

(2) sends heartfelt condolences to their families, friends, and loved ones.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCHROCK) and the gentleman from Virginia (Mr. SISISKY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCHROCK).

GENERAL LEAVE

Mr. SCHROCK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCHROCK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to offer House Concurrent Resolution 47 to honor the 21 members of the National Guard who tragically lost their lives last Saturday.

Eighteen members of the 203rd Red Horse Engineering Flight from the Virginia Air National Guard based at Camp Pendleton in the district I represent and three members of the 171st Aviation Battalion of the Florida Army National Guard were killed when their Army C-23 Sherpa aircraft crashed in a field in south-central Georgia.

Red Horse squadrons are civil engineer units that can be deployed rapidly to erect tent cities and other facilities for troops in the field. The airmen from Camp Pendleton were returning home after spending 2 weeks in Florida at a Florida base doing electrical work and other types of construction. The Virginia National Guard lost 18 great men from the 203rd Red Horse Engineering Flight Squadron. Their names are:

Major Frederick Watkins of Virginia Beach,

Master Sergeant James Beninati of Virginia Beach,

Staff Sergeant Paul J. Blancato of Norfolk,

Technical Sergeant Ernest Blawas of Virginia Beach,

Staff Sergeant Andrew H. Bridges of Chesapeake,

Master Sergeant Eric G. Bulman of Virginia Beach,

Staff Sergeant Paul E. Cramer of Norfolk,

Technical Sergeant Michael E. East of Parksley,

Staff Sergeant Ronald L. Elkin of Norfolk,

Staff Sergeant James P. Ferguson of Newport News,

Staff Sergeant Randy V. Johnson of Emporia,

Senior Airman Mathrew E. Kidd of Hampton,

Master Sergeant Michael E. Lane of Moyock, North Carolina,

Technical Sergeant Edwin B. Richardson of Virginia Beach,

Technical Sergeant Dean J. Shelby of Virginia Beach,

Staff Sergeant John L. Sincavage of Chesapeake,

Staff Sergeant Gregory T. Skurupey of Gloucester, and

Staff Sergeant Richard L. Summerell of Franklin.

Military service involves great danger in both times of peace and war. Men and women in uniform and their families make sacrifices each and every day. This tragic loss reminds us of the dedication that men and women give to their country when they serve in the Armed Forces. These exceptional airmen were killed in the execution of their duties, and their sacrifice was in the service of their country. Their loss is greatly felt by their families, their communities and their country.

I stand here with my colleagues to proudly honor the lives of these 21 heroes, and the Congress sends their families, friends, and loved ones our heartfelt condolences.

Madam Speaker, I reserve the balance of my time.

Mr. SISISKY. Madam Speaker, I yield myself such time as I may consume.

I join my Virginia colleague in honoring the members of the Virginia and Florida National Guard who perished in this terrible tragedy. All House Members pay tribute to each of the men lost in the crash last Saturday. I know they join me in sending a heartfelt message of condolence to the families and loved ones.

I am particularly grieved because four of those who died were from my congressional district. But it is not just that. The tragedy that occurred 4 days ago is really a national tragedy. The guardsmen aboard that plane were among the finest citizens of this Nation. So all of us lost something very, very precious that day.

The sacrifice of those who lost their lives exemplifies all that is best in the American people. Those who serve our country in the National Guard and Reserve are dedicated, industrious and selfless. They are patriots, committed to the goal of making America great. So we mourn their loss and extend our sympathies to those they have left behind.

But I want their loved ones to know they should be extremely proud of the lives that they lived. Not only were these men serving their country, they were serving their communities and families. They were dedicated, devoted church and family men from Emporia and Franklin. They included a fireman and an insurance man from Chesapeake, always ready to lend a helping hand. You would see them in church on Sunday or pitching in to clean up their town after the terrible floods last year. They spent time building homes for Habitat for Humanity. They loved their children and their families. Sacrifices they made for Virginia and Florida and our Nation made our country better and stronger. The United States would not be what it is today were it not for the efforts of the many unsung heroes who lost their lives in this tragedy.

General Omar Bradley spoke of freedom as the greatest of all ideals. He said the following:

> No other word held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more than the giver, demanded more than its discharge, or come closer to being God's will on earth.

The men, families and loved ones we honor know all too well the full meaning of the word freedom. But there is also a Bible story about soldiers who died which tells us how to remember them:

> They were beloved and pleasant in life, and in death they were together; they were swifter than eagles, they were strong as lions.

So it is also our responsibility to love and support their families, protect and defend their country and honor their memory forever. I know that those who survive face the toughest challenge. I want them to know that all Americans share their loss and are deeply grateful for their sacrifice. America is blessed to have citizens of such caliber. God bless them, their families and loved ones.

I know I speak for all Members in extending to their families and friends our deepest and heartfelt sympathy.

Madam Speaker, I reserve the balance of my time.

Mr. SCHROCK. Madam Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I would like to associate myself with the remarks of the two previous gentlemen from Virginia.

Madam Speaker, it is with great sorrow that I come to the floor of the House today. Just 4 days ago, 21 men perished in a tragic accident in south-central Georgia. These men represented the finest America and our military has to offer. Twenty-one men died, 18 from the Commonwealth of Virginia, and 3 from the State of Florida. Twenty-one men.

Madam Speaker, all these men served in the Air National Guard. They regularly would give up a weekend a month and 2 weeks during the year, if not more, to serve their country. These men were returning from those 2 weeks of duty, and when many of their families gathered to greet them, they received the tragic news that their loved ones' plane had crashed. While I have spoken with some family members, it is simply impossible for me to really know how they feel. But I do know this. Twenty-one lives were lost tragically. With each of these 21 airmen, there is a story. A story of fathers, a story of volunteers, of firemen and civil servants.

Madam Speaker, each and every one of these men were civil servants in the truest sense. They would give up time that could have been spent with their loved ones to serve us, the public. We often do not think about that. We should.

Madam Speaker, I thought about coming down to the floor to address the critical needs of the military in light of this accident, but there will be time for that in the near future. Today is a time for mourning. Today the Commonwealth of Virginia lost 18 men, perhaps the most tragic loss of life for the Commonwealth since the Bedford unit of the Virginia National Guard was lost on D-Day.

While time heals all wounds, it will take time. I can say with assurance that in this circumstance, it will take a long time. My heart goes out to the families of these men. I am praying for all of them. However, Madam Speaker, I would like to extend my condolences directly to the families of Staff Sergeant Gregory Skurupey, Staff Sergeant James Ferguson, Technical Sergeant Michael East, Senior Airman Mathrew Kidd and Major Rick Watkins.

I pray that our Lord will grant these families comfort and solace in their time of loss. And I pray that these men who so tragically died rest in peace and may His perpetual light shine on them.

Mr. SISISKY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, I thank the gentleman from Virginia for yielding me this time.

I rise to lend my name in support as a cosponsor of the resolution my esteemed colleagues from Hampton Roads, Virginia, have offered honoring the 21 heroes who lost their lives in a plane crash last weekend. Eighteen of the men were members of an Air National Guard unit stationed at Camp Pendleton near Virginia Beach, Virginia.

The men assigned to the Red Horse 203rd Civil Engineering Squadron provided support to the squadron's combat operations. They stood ready to step in at a moment's notice to assist in accomplishing any military mission. Whether it was building or repairing a strategic airfield, drilling wells for water, or building roads to move material and troops, they would complete these pertinent tasks under some of the most adverse and hostile circumstances. Just as important to note, the 203rd also answered the call when civilian local and State authorities required assistance when dealing with an unforeseen disaster or recovery operations. Time and time again they performed admirably whenever called to duty.

These men were more than just soldiers, more than just volunteers that served their country. They were husbands, boyfriends, fathers, brothers, sons, friends and neighbors. They had lives outside the Guard that we need to celebrate as well. They loved and were loved. They worked to better themselves and the people around them. They were part of our community, a community that will miss them. What they contributed is very typical of what so many National Guardsmen have to do each and every day. They served their Nation with pride and honor.

Today we take a moment to honor them and their families for the sacrifice they have made for us and our country. It is a sacrifice and a loss we do not take lightly. These men were the epitome of both our country and the Air National Guard. The service that all the men and women of the Guard give every day is a part of what makes our country great.

Madam Speaker, our condolences go to their families. I therefore ask my colleagues to join in passing House Concurrent Resolution 47 to honor these fallen men.

□ 1330

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) for bringing this resolution forward.

Madam Speaker, I, too, want to extend my sincere condolences to the families of these brave soldiers who unfortunately died in this crash that occurred in my congressional district on Saturday morning. I really want to tell those folks how much we appreciate the sacrifice that they have made, because in the military it is a family affair. By families, we mean not only other men and women who serve in every branch of the military, but the close family ties that each of these men and women have with their own internal families. They are the ones that suffer from this and we sure do extend our condolences to them.

I particularly want to recommend and commend to the folks that were on the scene in Dooley County, Georgia, on Saturday morning, who responded very quickly when the call came in that this crash had occurred. Sheriff Van Peavy, who is a dear friend, he and his folks just responded in a very quick and efficient manner to secure the premises. Commissioner Wayne West and all of his employees, Mayor Willie Davis of Vienna, Georgia, and the folks from Unadilla, Georgia responded in a very efficient manner and did a great job of securing the premises until the security personnel from Robbins Air Force Base could get there.

Colonel Seward and his folks, Colonel Seward is commander of the 78th Air Base Wing at Robbins Air Force Base, and he was the commanding officer on the scene. And he and his personnel did a great job. Colonel Michael Norri was also the on-scene commander of the security forces there. They told me that at one point in time they had over 300 meals that went out to serve the volunteers and the personnel, military and civilian personnel, who were assisting with the cleanup and attending to the damage that was on the field.

To the many EMTs, the volunteer firemen who responded to this emergency crash, we just extend our sincere congratulations and thank them for the job that they did.

Once again, we really extend our condolences to the family members of these brave men.

Mr. SISISKY. Madam Speaker, I reserve the balance of my time.

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) and commend him for this resolution. I know that it is not a happy duty for him.

Madam Speaker, I, too, rise in strong support of H. Con. Res. 47, a resolution honoring the 21 members of the National Guard who were killed in the crash of the National Guard aircraft on March 3, 2001. Like all Americans, of course, I am saddened by the news of this very tragic plane crash.

The Army C–23 Sherpa and its flight crew of three soldiers belonged to Detachment 1, 1st Battalion, 171st Aviation in Lakeland, Florida. The 18 Air Guard members belonged to the 203rd Red Horse Flight Engineering Unit and were returning to Virginia from Florida after spending 2 weeks of annual training at Hurlburt Field near Fort Walton Beach.

One of the aircraft's pilots, Eric Larson, was from my congressional district. On Monday, this past Monday, I spoke with Eric's wife Jennifer to express my deepest sympathies to her and Eric's family, but I also want to send my heartfelt condolences to all of the families killed in this tragic plane crash.

Wearing a uniform of one's nation, as already has been said today, is never easy, and this loss reminds us all of the tremendous sacrifices made by our men and women in our Armed Forces.

The loss also reminds us that freedom does not come without a price. Too often we take for granted the many liberties we enjoy in America. We must never forget that they have all been earned through the ultimate sacrifice paid by so many members of our Armed Forces.

Again, Madam Speaker, I want to send my deepest sympathy to the families of those killed; and I urge my colleagues to support H. Con. Res. 47.

Mr. SISISKY. Madam Speaker, I reserve the balance of my time.

Mr. SCHROCK. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I thank the gentleman from Virginia (Mr. SCHROCK) for yielding me this time.

Madam Speaker, the price of freedom is eternal vigilance. The cost is the spilled blood of our sons and daughters. I rise today in support of this resolution paying tribute to the 21 members of the National Guard who were killed on March 3.

One of those soldiers, Master Sergeant Michael Lane, was a native of Staunton, Illinois, in my congressional district. Master Sergeant Lane was remembered by his aunt, Betty Roberson, when she spoke to the Alton Telegraph earlier this week. Betty said, it is terrible. We are all supposed to be outlived by our kids.

She noted that he was a super kid, the kind of kid that any parent would be proud of. A graduate of Staunton

High School. Master Sergeant Lane was a straight A student, involved in sports and particularly enjoyed country music and golf. Yet it was the love of his parents and his country that drove Michael to devote himself to the military and the defense of our freedoms.

Michael and his wife Roxanne lived in North Carolina where he became a full-time member of the Virginia National Guard.

While each of the National Guard members need to be recognized and deserve recognition by this body and a grateful nation, I must speak out on behalf of Michael's family and his many friends to say thank you.

Madam Speaker, we recognize Michael's commitment to his principles, his love of country and his family. We also know that he left this life while training and preparing to defend our Nation. Yet his Aunt Betty said, knowing that does not make your loss or the loss of your comrades any easier.

The price of freedom is eternal vigilance. The cost is the blood of our sons and daughters. God bless the victims, their families and the United States of America.

Mr. SISISKY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I spent the last week traveling to visit servicemen pretty much around the world, including the Sinai Desert, where we have 860 American service people. I am just absolutely amazed, and we are the luckiest people on earth, to have the quality of people that serve us, and the mixture we have around the world in our reservists and National Guard people. And I would just hope that the American public, who do not have the opportunity to see these young men and women, to see these young men and women act in the responsible way that they do not to make a lot of money but to serve their country is indeed a wonderful thing. These guardsmen were the same way to sacrifice their lives.

Mr. CRENSHAW. Madam Speaker, I rise today to support House Concurrent Resolution 47 and express my condolences to the 21 families that lost loved ones in the Florida Army National Guard aircraft crash of March 3, 2001.

Every day, the men and women of the Armed Forces put their lives on the line to protect the freedoms we enjoy in the United States. A vital part of our Nation's protection comes from the personnel of our National Guard personnel. The mission of our National Guard force has increased over recent years in order to take on continued deployments and training missions throughout the world and here at home.

The 21 individuals lost in this tragic crash were training in Florida to be prepared for whatever mission this nation asked them to undertake. They will be remembered as tireless workers and positive examples to their families and communities. Many communities and organizations have been touched by this loss, but our Nation has felt the largest loss.

This resolution allows Congress to honor the commitment and sacrifice given to this nation by the 21 military personnel lost on March 3d. This accident will be felt for years to come as both the 203d Red Horse of the Virginia Air National Guard and the 1–171st Aviation Battalion of the Florida Army National Guard attempt to replace their fallen colleagues.

Madam Speaker, it is with a heavy heart that we honor these guardsmen today.

Mr. TOM DAVIS of Virginia. Madam Speaker, I support H. Con. Res. 47, a resolution which honors the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001 in south-central Georgia.

The Florida Air National Guard plane that was bringing 18 members of the Virginia Air National Guard home to Virginia Beach after 2 weeks of training in Florida crashed unexpectedly several days ago. The C–23 Sherpa twin-engine turboprop plane which included a crew of three from the Florida Army National Guard, lost control during a torrential rainstorm.

The passengers were members of the 203d Red Horse Flight, a rapid-response engineering unit of the Virginia Air National Guard based at Camp Pendleton State Military Reservation. Their mission is to deploy into remote areas and quickly construct housing, airstrips, and other critical infrastructure to support military units.

The men who perished while serving in the 203d Red Horse Flight were fathers, husbands, and brothers. All of the victims were traditional members of the Guard, holding down a civilian job while serving part-time. Six Guardsmen were from Virginia Beach, three from Norfolk, and two from Chesapeake. Their commanders spoke highly of the Guardsmen, reminiscing about how close they were, many having worked construction together in their civilian jobs. Some served together in the 203d for more than 10 years. These were dedicated and patriotic men who believed in serving their country.

Today, I join my colleagues in extending my condolences to the families of the fallen guardsmen. Their patriotism should never be forgotten. Their sacrifices serve to remind us that freedom should never be taken for granted. In training missions each and every day, men and women in the Armed Forces risk making the ultimate sacrifice to protect and defend America. We owe these guardsmen and their surviving family members a debt of gratitude.

Mr. JONES of North Carolina. Madam Speaker, I rise today in strong support of this resolution offered by the gentleman from Virginia, Mr. SCHROCK, and the gentleman from Indiana, Mr. HOSTETTLER. The accident that occurred this past weekend in Georgia was indeed a tragic one. Twenty-one citizen soldiers lost their lives on the way back from their annual 2-week training exercise.

One of the National Guardsmen, Master Sergeant Michael Lane, was from Moyock, North Carolina, which I have the privilege to represent. As this resolution indicates, the thoughts and prayers of this Congress and this nation are with the family and friends of the victims. However, it is important to ensure that the tragic deaths of these 21 soldiers, as well as the deaths of the 2 Marine aviators killed in a Harrier crash on February 3, the 6 Army personnel killed in the Blackhawk accident on February 12, and the 2 Navy personnel killed in a T–45 Goshawk crash on February 21, did not happen in vain.

These accidents should serve as stark reminders that the freedoms America enjoys are not without cost. Every day, the men and women of our Armed Forces risk their lives in the defense of our national interests. It is a dangerous job whether they are stationed on the DMZ in Korea or as these accidents demonstrate, training here at home. We owe it to these brave souls to support them, honor them, and thank them for everything that they and their predecessors have given us.

I urge my colleagues to pass this resolution. Most of all, I urge them to remember the sacrifices made daily by both our men and women in uniform and by their families.

Mr. REYES. Madam Speaker, it is with sadness that we remember the 21 National Guard members recently killed in the Saturday, March 3, plane crash. Eighteen members of the Virginia Air National Guard's 203d Red Horse Unit and 3 members of the Florida Air National Guard perished when the C–23 Sherpa plane in which they were traveling crashed in Unadilla, Georgia while en route from Hurlbert Field, Fort Walton Beach, Florida to Oceana Naval Air Station, Virginia Beach, Virginia. Bad weather may have contributed to the crash, which left the plane in a plowed field, slippery with thick mud. The 203d is a rapid response construction unit capable of constructing runways and other critical facilities and has spent time in Kuwait and other remote locations in the Middle East in recent years.

Having just completed 2 weeks of annual training, working in ditches and laying water, sewer and electrical lines in Florida, these Guard members were returning home to their families and civilian jobs. We cannot forget the tremendous contribution that the National Guard makes to this country. These citizen soldiers contribute to society in many ways. Both in civilian professions such as firefighter, small business owner or attorney and in the National Guard, contributing weekends and forfeiting vacations to participate in annual training, National Guard members are prepared and willing to serve this country when and where needed. Let us not forget these admirable young men who served their country honorably. They will be remembered for their sacrifice.

Ms. BROWN of Florida. Madam Speaker, our thoughts and prayers are with the families and loved ones of the 21 brave men who died while serving their nation. Serving in the military is a tough and demanding job not only for those who choose to serve, but the families who are forced to live without them, who wave goodbye knowing they may never see them again. I met recently with General Harrison with the Florida National Guard, and we talked about the great work the guard was doing, all the while being called for more and more missions. We are particularly thankful for the Guard in my home State of Florida because of the great support they offer. Whether it's fighting our wildfires or preparing for our hurricanes, the Guard is always there for us in our time of need.

I speak for my colleagues and all my constituents in thanking every man and woman who puts their life on the line for this country. Not just when tragedy strikes, but for everyday that you protect us from harm.

Mr. STEARNS. Madam Speaker, I want to thank the gentleman for introducing this resolution. Our thoughts and prayers are with the families and friends of these soldiers, and this tragedy serves as a reminder of the sacrifices made by those who serve and protect our country. As many of us know, the plane's crew were members of the 171st Aviation Battalion of the Army Air National Guard based in Lakeland, Florida. I came to find out that the Command pilot, Chief Warrant Officer John Duce was from my district. I especially want to convey my heartfelt sympathies to his wife, son, and daughter.

It should be no surprise to those who knew John Duce that he was an extremely dedicated pilot and family man. He was a decorated veteran, having served in Vietnam and Desert Storm. It has been said that he was a man you would want to go into combat with.

Chief Warrant Officer John Duce, his copilot Chief Warrant Officer Eric Larson, and Staff Sergeant Robert Ward, and the 18 Virginia Guardsmen were all equally dedicated to their jobs, their families, and their communities. The men and women in our armed services place their lives on the line daily, where even routine training missions can carry the same risk as actual combat.

So I ask my colleagues to remember those who serve our Nation. They may not have the notoriety, but their service is immeasurable. I thank Mr. SCHROCK again for introducing this resolution and urge its adoption.

Mr. COLLINS. Madam Speaker, on March 3, a C–23 Sherpa aircraft was returning 18 members of the Virginia National Guard to their home following two weeks of training duty in Florida, and tragically, the plane never arrived. The aircraft crashed in Unadilla, Georgia, killing all 21 National Guardsmen on board and forever leaving a void in the lives of the families and friends of those brave individuals.

I wish to offer my most heart-felt condolences to those affected by this terrible accident. While it may be inadequate consolation, it is important to remember that all of these individuals serve as a shining example of the honor and self-sacrifice which has inspired the men and women of our armed forces throughout the history of our great country. All of these individuals knew the inherent risks of military service, yet none of them backed away from their commitment. Again, to the families and friends of those killed in this tragic crash, your Nation owes you the highest debt of gratitude for this ultimate sacrifice made by your loved ones in service of the United States of America.

Mr. SISISKY. Madam Speaker, I yield back the balance of my time.

Mr. SCHROCK. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 47.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SCHROCK. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 31, by the yeas and nays;

H.R. 624, as amended, by the yeas and nays; and

House Concurrent Resolution 47, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF ORGAN, TISSUE, BONE MARROW AND BLOOD DONATION AND SUPPORTING NATIONAL DONOR DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 31.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 31, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 30]

YEAS—418

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Becerra
Bishop
Cannon
Doolittle
Johnson, Sam
LaTourette
Lewis (CA)
Oxley
Pryce (OH)
Roukema
Shows
Stupak
Tiberi

☐ 1404

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ORGAN DONATION IMPROVEMENT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 624, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 624, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 28, as follows:

[Roll No. 31]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Ackerman
Barr
Becerra
Bishop
Cubin
Doolittle
Flake
Gilchrest
Herger
Honda
Istook
Johnson, Sam
Largent
LaTourette
Lewis (CA)
Oxley
Paul
Pryce (OH)
Riley
Roukema
Schaffer
Shadegg
Shows
Smith (MI)
Stupak
Tauzin
Tiberi
Young (AK)

☐ 1414

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. Smith of Michigan. Madam Speaker, on rollcall No. 31 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. RILEY. Madam Speaker, I was unavoidably detained for rollcall No. 31, the Organ Donation Improvement Act. Had I been present I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the next vote will be a 5-minute vote.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Madam Speaker, I ask to speak out of order for the purpose of making an announcement about the schedule.

Madam Speaker, I would like to advise the Members that we will have this vote in just a few minutes, and after that vote the House will go into recess until approximately 5:30 this evening.

When we reconvene between 5:30 and 6:00, we will begin the debate on the ergonomics legislation. The rule calls for 1 hour's debate, so the body could expect then to have a vote on the floor between 6:30 and 7:00 this evening.

Those Members who would desire to be involved in that debate on that legislation would be advised to be prepared to be here by 5:30 this evening to begin that debate.

Mr. BONIOR. Madam Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Madam Speaker, I thank my colleague for informing us of the schedule for the rest of the day.

Madam Speaker, let me suggest to the gentleman from Texas (Mr. ARMEY) that since the other body debated this most important worker safety provision, probably one of the more important ones we have had in a decade, for 10 hours, why we cannot in the interim between now and 5:30 extend the time so that Members who wish to speak on this on both sides of the aisle would have proper time to develop their arguments.

It seems to me that an hour is far too insufficient to deal with the issue of this magnitude.

Madam Speaker, I would request the gentleman from Texas (Mr. ARMEY), the majority leader, to give us some extra time so we can debate this fully.

□ 1415

Mr. ARMEY. Madam Speaker, I thank the gentleman for his inquiry. Let me say, Madam Speaker, one of the fascinating aspects of the other body is that a 10-hour period of debate is known in the other body as expedited procedure. They adhere to that minimum amount of time under which they can consider legislation.

We have a rule, a rule that has been passed by the House, that calls for an hour's debate. The House, having expressed its will on that rule, clearly has committed itself to that course of action, voted on by the House; and that time will begin between 5:30 and 6.

Mr. BONIOR. Will the gentleman continue to yield?

Mr. ARMEY. I am happy to continue to yield to the gentleman from Michigan.

Mr. BONIOR. I would say to my friend from Texas, number one, we were not notified when we did the colloquy, the gentleman and I here last week, that this bill was coming up on the floor this week. It is a significant bill. It means a lot to many people in this country. You know the numbers as well as I do. It affects 110 million workers. We were not told that it would be before us this week, number one.

Secondly, we think an hour, 60 minutes, on such a significant bill, divided 30 minutes on your side and 30 minutes on ours, is far too inadequate to deal with something of this major proportion, especially given that this review act is new.

Mr. ARMEY. Madam Speaker, I really do not believe that it is valuable to continue this discussion much longer, but let me say that the gentleman is correct in observing that there was no discussion about this bill during the colloquy of last week because we did not know then that the Senate would send this bill to us.

The Senate has sent this bill to us. It is considered to be an important bill, as witness the fact that this body, just a few hours ago, voted a rule with clear anticipation of bringing this legislation up tonight. So the body has expressed its will on the rule, and the purpose of my announcement is to inform this body that we will indeed take up this work, the rule for which you passed; and it will be taken up under the conditions of that rule between 5:30 and 6.

Mr. BONIOR. Madam Speaker, if the gentleman will continue to yield, we are trying to do this in a civil way. I understand the gentleman's point. I wish Members on their side of the aisle would listen and try to understand our position because we are trying to make a point. I have heard the gentleman's explanation. Some I agree with; some I do not agree with. There is no necessity to bring this bill up just because the Senate, the other body, acted on it recently, especially in lieu of the fact that as I said earlier, we were not given notice that this bill was coming up.

We are prepared to deal with it today, but we are not prepared to deal with it at 5:30 with an hour debate when we go into recess when we have got plenty of time to give Members on the floor of the House to express themselves. We will not have a proper debate on one of the most important pieces of legislation we will have before us this year. Why we cannot get an extra hour for debate is beyond me between now and this hiatus of 5:30. If it is in order, I would like to move and ask unanimous consent that we add another hour of debate to the rule that was passed just recently.

Mr. ARMEY. Madam Speaker, I believe I control the time. The gentleman is going to ask me to yield him time for the purpose of a unanimous consent request.

Mr. BONIOR. Madam Speaker, that is correct.

Mr. ARMEY. I yield to the gentleman from Michigan.

REQUEST FOR EXTENSION OF DEBATE TIME ON S.J. RES. 6, DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. BONIOR. Madam Speaker, I ask unanimous consent that the time that was designated under the rule this morning be extended from 60 minutes to an hour and 20 minutes evenly divided on each side. One hundred and twenty minutes.

Mr. ARMEY. Two hours.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Michigan?

Mr. MCINNIS. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POINT OF ORDER

Mr. DICKS. Madam Speaker, point of order. Did the person stand that objected?

The SPEAKER pro tempore. Yes, several Members stood and objected. The RECORD will indicate Mr. MCINNIS stood and objected.

HONORING 21 MEMBERS OF NATIONAL GUARD KILLED IN CRASH ON MARCH 3, 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 47.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCHROCK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 47, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 32]

YEAS—413

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne

Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Becerra
Bishop
Callahan
Cooksey
Cubin
Doolittle
Herger
Johnson, Sam
LaTourette
Lewis (CA)
Oxley
Pryce (OH)
Rush
Sanchez
Shadegg
Shows
Stupak
Tiberi

□ 1432

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 5 o'clock and 47 minutes p.m.

□ 1747

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives I designate the following Member to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. Clyburn of South Carolina.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

APPOINTMENT OF MEMBER TO INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. HANSEN). Without objection, and pursuant to clause 5(a)(4)(A) of rule X, the Chair announces that the Speaker named the following Member of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 107th Congress:

Mr. HULSHOF of Missouri.

There was no objection.

The SPEAKER pro tempore. Additional Members will be designated at a later time.

DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 79, I call up the Senate joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring this matter of great importance to our economy to the floor of the House for debate. For the first time the House will act under the auspices of the Congressional Review Act of 1996. We do so because of the over-reaching ergonomics regulation finalized by the Occupational Safety and Health Administration last November.

The ergonomics regulation has long been the subject of much debate in this

House. Yet despite the efforts of so many in Congress to get OSHA's attention about specific concerns with ergonomics regulations, the regulators have not listened.

Well, contrary to the belief of many, Congress is neither a bit player nor an innocent bystander in the regulatory process. In considering this joint resolution, Congress will demonstrate that we do indeed read the fine print in the Code of Federal Regulations.

Since the ergonomics regulation went into effect 4 days before the start of the new administration, I have heard from numerous companies and associations employing hundreds of thousands of workers. Each one has asked that the House pass a joint resolution of disapproval on this ergonomics regulation. And why is that?

Not because they are anti-worker or opposed to safety and health protections in the workplace. Many of these employers already have their own well-established ergonomics programs in place. Now they find themselves confronted with an unworkable, excessive regulation that will create more problems than it solves.

We will hear much today about the congressionally mandated National Academy of Sciences study on musculoskeletal disorders in the workplace. Let me make two important observations about that study. First, despite Congress' desires that OSHA wait until completion of the National Academy study before going forward with an ergonomics regulation, OSHA completed its ergonomics regulation without the benefit of the National Academy study.

Secondly, while the study confirms that MSDs are a problem and there are ways to help alleviate them in the workplace, many of which are already being done by employers, the National Academy of Sciences study does not offer an opinion or endorsement of this ergonomics rule.

Again, no one is opposed to providing appropriate ergonomics protections in the workplace. The Secretary of Labor has indicated her intent to pursue a comprehensive approach to ergonomics protections. I look forward to working with her and my colleagues on such an effort. But this ergonomics rule that we are debating today cannot stand, and I strongly urge my colleagues to support the resolution of disapproval.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the matter before the House tonight is nothing more than a frontal assault on the rights of millions of workers, millions of workers who get up and go to work every day and work hard on behalf of their employer and on behalf of their family so they can provide for their family, so they can provide a standard of living that they desire for their children.

In the process of working every day, many of these workers suffer injuries to their hands, wrists, to their back and neck because they have repetitive motion in their jobs. Whether they are keypunch operators, whether they work in a warehouse, whether they work as a baggage handler or waitress or waiter in a restaurant, whether they work in a lumber mill or hospital, these workers suffer these injuries, some 600,000 of them every year.

As a result of these injuries, these workers lose wages, they lose hours of work, they lose the ability to provide for their family. Some of them lose the ability to even ever go back to work, they are so badly damaged. But one of the things we know is that most of these injuries are preventable.

The workplace can be adjusted. We see it all of the time, in the supermarket, in the offices, in the hospitals. We have made adjustments to try to protect these workers. But what this legislation does today, it says you cannot have this standard as a matter of national right. So if you do not have protection in that workplace, if you do not have protection in that State that is adequate, you do not get it now, because if we vote to repeal the standard that is now on the books to protect workers, we do not get to come back.

I appreciate what the Secretary of Labor has said. But the law as written says you do not get to come back and write an equivalent standard, a standard that is similar to this, because then someone will take you to court and you will be violating the law. This is about the repeal of the protections of 6 million workers who go to work every day.

I do not know if my colleagues recognize them when the Fed Ex driver comes to their door. I do not know if they recognize these workers as the flight attendants who are wearing braces on their wrists. I do not know if they recognize them at Wal-Mart and Home Depot as they are wearing belts around their back, as they are wearing braces on their wrist because of those activities, but those are the people that make America go. The least they ought to have is protection against those damaging kinds of injuries. The least they ought to have is compensation to take care of them. And they ought to understand that we ought to be trying to improve these workplaces. When we do it, we save employers millions of dollars. When we do it, we keep workers from getting injured.

But this now says that we are not going to have that as a matter of standard. This now says that we are going to take 10 years of medical evidence, 10 years of scientific evidence, 10 years of testimony by workers, men and women all across this country, about the damage that they have suffered and the manner in which it can be prevented. And in 1 hour of debate tonight, we are going to throw that argument out. We are going to throw these standards out. We are going to take this protection away from America's working men and women. It is not fair to them. It is not fair to their families. It is not fair to the standard of living that they are trying to maintain.

I would urge that we vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), the chairman of the OSHA subcommittee.

Mr. NORWOOD. Mr. Speaker, I would like to take this quickly and make it very clear what this is about today. This is legislation that simply says a standard written by the Labor Department is very bad. It does not mean we cannot come back and have decent standards. But when we have one that is bad and wrong and it will hurt the workers and patients, then we should do away with it and begin again.

I do not think this is an argument about science. The National Academy of Science has said, yes, there is such a thing as musculoskeletal pain. We all agree there is such a thing as repetitive motion injury and it can occur in the workplace. But it gets very cloudy at that point. It is not clear what they mean by that. For the record I will tell Members exactly what the National Academy says. They said this is a very complex nature of musculoskeletal disorder phenomenon and it makes it very difficult to regulate in the workplace with any precision. They go on to say that the common musculoskeletal disorder is uniquely caused by work exposures.

I urge us all to do away with this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this joint resolution. Here we go again. This is yet another attempt to block the protection of the American worker from repetitive stress injuries. My colleagues, enough is enough. The science exists. The evidence has been gathered. The public comment has been heard. And frankly our experiences in our own offices confirms it. We will fight to keep these rules. We will fight for the American worker. We will fight for what is right.

Each year, more than 650,000 Americans suffer disorders caused by repetitive motion, heavy lifting or awkward postures that occur in the workplace. These disorders account for more than a third of all workplace injuries. Implementation of these rules would save workers and employers more than $9 billion each year and increase productivity and lower health care costs. We must try our best to prevent these injuries. These are serious health problems and OSHA should be able to work with employers and employees to prevent and relieve them. It is time to stop these injuries. It is time to live up to our obligation to protect American workers. Vote no on this resolution.

□ 1800

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, throughout my tenure on the Committee on Education and the Workforce, I have opposed the costly and overreaching ergonomics standard that was finalized by the Clinton administration. I believe this ill-conceived regulation will have a detrimental effect on American business and its workers.

This ergonomics regulation is very broad and presumes that every muscle strain and pain is caused by work instead of gardening on the weekend or playing football with friends. How can business correct or why should it be responsible for pains that do not occur at the workplace? How could business possibly be expected to control these costs?

Last fall, the gentleman from New York (Mr. OWENS) and I passed the OSHA Needlestick legislation, and it was bipartisan and bicameral. The difference between that legislation that we passed and this one is the fact that we targeted a specific problem and we solved it with a flexible solution that is endorsed by both employers and employees.

This ergonomics standard, on the other hand, targets every motion of every work activity and gives no specific solutions. Not giving employers specific targets and solutions is unfair for both workers and employers. American workers deserve better.

Even OSHA is projecting that this standard will prevent only 50 percent of the problems it seeks to fix. However, that same regulation is estimated to cost the American business at least $100 billion. Why would one risk bankrupting business with a broad Federal regulation when many industries, such as poultry, have voluntarily implemented programs which have reduced repetitive trauma disorders to almost 50 percent or 46 percent, in 5 years?

I urge my colleagues to vote for this resolution. Let us protect American business and, most importantly, American jobs.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am glad my good friend mentioned business because from a business perspective this motion is narrow minded. A productive workforce is a healthy and skilled workforce.

When workplace injuries cause workers to take time away, businesses have to train new workers and pay higher worker's compensation premiums. All of these costs will get higher and higher if this motion passes. That escalation will cut into productivity and render American business less competitive in the future.

Beyond that, this motion will stop OSHA from protecting Americans against repetitive stress disorder, carpal tunnel syndrome and the physical injuries that workers sustain every day. Many of these millions are women. They are our mothers, our aunts, our sisters and our daughters.

Each year 400,000 women workers suffer injuries from dangerously designed jobs. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome are women.

This motion represents a betrayal of promises made to the women of America. In 1998, the House Committee on Appropriations majority report stated the committee will refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.

The chairman signed and sent a letter reiterating that promise. What we have here are broken promises, broken bodies, broken faith in government. This ought to be defeated.

Mr BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, I am also glad to see the Congress using for the first time the Congressional Review Act. It has been very comfortable for a long time to not use this act. This act was not on the books until 1996, and to say that we cannot do anything about regulation no matter what the cost, no matter what the cost to competitiveness, no matter how ill-conceived it is, no matter how unbased it is on true science, we could not do anything, has been a great excuse for the Congress to use for decades now.

Many Members on the floor today voted in 1996 to give the Congress the authority to use the Congressional Review Act. My good friend, the gentleman from Ohio (Mr. KUCINICH), just said that this could not be addressed again.

When we look at the legislative history of the Congressional Review Act, it is clear that this issue can be addressed again. In fact, the Secretary of Labor said today and earlier this week as well that she intended to start immediately looking at a more common sense way to really address these problems.

The legislative history states that the same regulation cannot be sent back essentially with one or two words changed. It talks about not being able to send back similar regulation. When we look carefully, it is clear that we can send back regulations in the same area; in this case, regulations that still allow American businesses to compete, that ensure that we maintain jobs rather than lose jobs; that ensure that this set of regulations can be brought back in a much different and better way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this joint resolution on behalf of the women of the Nation.

Mr. Speaker, I rise in opposition to the Joint Resolution which repeals a job safety measure under the Congressional Review Act which regulates the Ergonomics Standard. Every year, more than 600,000 U.S. workers suffer painful repetitive strain and back injuries on the job. These "ergonomic" injuries are caused by heavy lifting, repetitive work and poorly designed jobs. Ergonomic injuries are the biggest job safety problem U.S. workers face.

As the Co-Chair of the Congressional Caucus on Women's Issues, I am particularly concerned about the disproportionate effect repealing ergonomics standards will have on women.

Women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 in fact accounted for 64 percent of repetitive motion injuries (42,347 out of 65,866 reported cases) and 71 percent of reported carpal tunnel syndrome cases (18,719 out of 26,266 reported cases). There is strong consensus within the scientific community, based on an extensive body of evidence that the consequences of ergonomics-related illnesses are serious and must be addressed.

Janie Jones told a group the carpal tunnel syndrome she developed in both her hands came after working in a poultry plant where she and other workers on the deboning line were expected to process 28 chickens a minute—some 1,680 an hour—with just a 15-minute break in the morning and one in the afternoon plus a 30-minute lunch break. This should be unconscionable here in America.

Ms. Jones reported that even after having surgery to try to relieve the pain, it was still difficult for her to do housework and cooking. She said if OSHA's ergonomics standard had been in effect while she was on the deboning line, her hands wouldn't be riddled with crippling pain today.

Mr. Speaker, it is imperative to protect the ergonomics standard so that workers across this nation, many of whom are women, will have the opportunity to continue working in safe and productive environments.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this resolution is a disgrace. I do not agree with every aspect of the rule that OSHA adopted; but if one disagrees with it, the proper way to change it is to have the Department of Labor propose changes, have an open hearing and comment process and then come up with changes to the rule.

Instead, what this action does is it represents a blanket wipe-out of virtually every protection that workers have in this country from repetitive motion injuries. It was done without notice, without hearings, without consultation and without any spirit of compromise whatsoever.

If there is any remaining illusion in this House that the House leadership is interested in bipartisanship, this is exhibit number one in the fact that that is pure fiction.

It is very easy for Members of Congress to vote to do away with these protections for workers because the only repetitive motion injury that Members of Congress are likely to get is to their knees from consistent genuflecting to every special interest in this country. But the real workers of this country, the people who work with the sweat of their brows, the people who lift weight that is too heavy, the people who go through motions that are too injurious over time, the people I meet every day in plants as I go through my district, those are the people who expect us to do our duty and stand up for them because they are too busy to stand up for themselves.

Do what is right. Vote no on this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE), a surgeon in the House.

Mr. GANSKE. Mr. Speaker, I am the only Member of Congress who has operated on patients with repetitive stress injury. I am a member of the American Society for Surgery of the Hand and the American Association of Hand Surgeons. I have taken care of hundreds of patients with these problems.

There are thousands of hand surgeons around the country who share my views on this. I share, we share, OSHA's concerns about the health and safety of workers and are dedicated to help prevent workplace injuries. However, we believe that OSHA's new ergonomics rules are not founded on "a substantial body of evidence."

We agree with the National Research Council that we need a much better understanding of the mechanisms that underlie the relationships between the causal factors and outcomes.

This rule, in our opinion, could actually harm workers. For instance, OSHA describes "observable" physical science that constitute a recordable musculoskeletal disease. These signs include increased grip strength or range of motion. Any hand surgeon in the country knows that those are highly subjective findings. Truly objective findings like atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings are not what precipitate the recordings. The MSD symptoms in the rule do not require those objective verifications in order to be "recordable."

So, in my opinion, this places too much responsibility on the employer to make a correct diagnosis.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, let us be clear about what is going on here. In the space of about 10 minutes, people that supported the Republican Party in the last campaign have gotten them to step forward and do away with rules and regulations that took some 10 years to devise and promulgate. We have had hearing after hearing, study after study, thousands of studies, all of which come to the conclusion that MSD injuries do happen in the workplace and are related to the kinds of repetitive practice that go on there and can be resolved with very reasonable solutions, reasonable efforts between the employer and the employee to resolve these situations.

The rule is a very short rule, 9 pages. It is very clear. It is flexible, and if it were not flexible we would hear complaints about how it was too rigid and prescriptive, but it is flexible. The employees and employers can work out solutions to it in the best way possible, and it can happen and should happen for the number of injuries that go on year in and year out.

For a few businesses that have this continued practice and refuse to deal with it, they have cast aside millions of workers and their problems. Let me say every time there is a regulation, we hear from industry how it is going to be the ruination of the industry.

Back in 1995, the Office of Technology Assessment released a study of six OSHA rules. Every single one of them the industry said would be the ruin of business; but in the end, it turned out that they had overestimated the cost from between 50 to 300 times. In fact, in five out of six of those instances, the OSHA estimates were the correct estimates; or, in fact, they were overestimates. So that they were not as ruinous. In fact, they did resolve things to get people a better, healthier way of conducting their business.

This is not a practice that should be condoned. We have a process. This process is being cast aside for purely political reasons in many instances. The fact of the matter is, the process worked. It was started by a Republican Secretary of Labor. The understanding has always been there that these injuries are harmful and can be resolved. It continues on now. As I said, in 10 minutes, they are being cast aside and casting aside millions of people who rely on this government and this process to find ways to make it safer for them to be at work. In the end, it is better for business.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I support this measure wholeheartedly. If we do not, what we have before us with the proposed regulations, those are the Titanic. It is headed straight for the iceberg. But before businesses have to abandon ship, before workers have to hit the lifeboats, we are stopping the engines. We are saying we are going to bring this thing to a safe halt and steer a safer course.

The Secretary of Labor, the former Secretary of Labor, I had the chance to visit with last year about these provisions that they are proposing. They were going to hire 300 brand-new people, train them for 30 days, hundreds and thousands of pages of these redtape strangling, minute jargon regulations, and put them in charge of micromanaging businesses all across the country; millions of workers under the command of these brand-new government bureaucrats. That is a formula for disaster. That is a disaster that is not going to happen this time. We are going to stop this ship before it hits the iceberg and we are going to bring it home safely and it is going to be safer for the workers on board American businesses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, this legislation that we are being asked to vote on today is a piece of legislation which will actually be injurious to thousands of women all across this country. The women are the ones who hold down the lowest paying jobs in this country. They are the most that are on minimum wage, and they are the ones who are affected by the type of injuries that we are attempting to find some sort of protective safety regulations.

All of us know when we deal with our own health, we believe that preventive measures are the things that are going to save our lives. There is no one here that would vote against preventive health measures, and yet today the majority of this body is asking the legislature here to vote against preventive worker safety legislation that will have the effect of saving tens of thousands of people from having to be laid off their jobs; lost productivity for that particular business. It just does not make sense.

All this legislation is that the OSHA people are trying to advocate for is worker safety. Who can be against worker safety?

There are thousands of people out there who have to go home, injured from their jobs, who cannot find a better way to save themselves because their employers do not put into effect those measures that can save them from this type of injury. So it just is mind-boggling to me that the majority of this body is asking the Congress to eradicate the safety measures that have been put into effect after 10 years of careful consideration.

This is not just an idle postponement or a moratorium. This is the finale. If we vote on this measure today, there will be no possibility for the Department or for OSHA or for anybody to come forward with regulations that will provide worker safety. In the name of preventive measures for the women of this country, I ask for a no vote.

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Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 1 minute to the gentleman from Texas (Mr. CULBERSON), a fine member of this subcommittee.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I rise today in very strong support of the repeal of this rule and to point out to my fellow Members and Americans listening here tonight that the Employment Policy Foundation estimates that compliance costs alone with this rule will be about $91 billion. The rule itself and its explanatory information consume about 600 pages of fine print. Every small business owner out there who is listening ought to know what it looks like, because this is it. It will affect 102 million employees by OSHA's own estimates, and about 6.1 million businesses. It applies to any job that requires occasional bending, reaching, pulling, pushing, gripping; 18 million jobs, again, by OSHA's own estimates.

This flawed ergonomic standard will interfere with State worker compensation laws. The one we have in Texas works very well. Under this ergonomic standard, however, which would interfere and preempt that State law, if a worker is put on light-duty work, they will receive 100 percent of their pay. If they are unable to work, they will receive 90 percent of their pay and 100 percent of the benefits. I urge the Members to adopt the repeal of this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), who has been fighting this long and hard for a number of years as a member of the Committee on Appropriations.

Ms. PELOSI. I thank the gentleman for yielding me this time.

Mr. Speaker, the 20th century began with Ida Tarbell and Upton Sinclair pointing out the dangers in the workplace to American workers. Here we are at the beginning of a new century much more enlightened, yet still debating whether or not we should protect workers.

Let us not ignore this historical context. As we look with great embarrassment at the exploitation of workers at the beginning of this century, we must have a different start to this one. The new information technology has presented some challenges with many more people at keyboards, but science has given us answers.

Today, the Republican majority is taking extreme measures to undermine the voluminous scientific evidence supporting a workplace safety standard. In prior Republican administrations, Labor Secretaries supported an ergonomic standard. Secretary Dole stated, "By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce. I have no higher priority than accomplishing just that." And Secretary Lynn Martin also reiterated her commitment in 1992 to an OSHA rule. Secretary Chao yesterday indicated her intention to pursue a "comprehensive approach to ergonomics," her words. She said she would be open to working on a new rule that would "provide employers with achievable measures that protect their employees before injuries occur."

Mr. Speaker, a vote on this repeal today would foreclose that option to the Secretary. She would not be able to do that. Only a vote in this body to sustain that would allow us to have those negotiations with the Secretary.

The scientific evidence supporting a standard is extensive. The National Academy of Science, responding to conservatives and business groups, issued a report saying that the weight of evidence justifies the introduction of appropriate and selective interventions to reduce the risk of musculoskeletal disorders of low back and upper extremities. No wonder the Republicans did not want Members to have a briefing on that report.

This disproportionately affects women. I urge my colleagues to vote "no."

Mr. NORWOOD. Mr. Speaker, just to set the record straight, the National Academy of Sciences does not support this standard in any way at all.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), the vice chairman of this subcommittee.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of S.J. Res. 6. I have absolutely no quarrel with the idea of OSHA or Congress writing or implementing an ergonomics law or regulation. What I do have a problem with is this particular ergonomics regulation. It is exceedingly costly, overly broad, and it wrongly presumes that every muscle strain or ache a worker suffers is caused by the workplace. For instance, it does not take into account personal attributes that may cause body pains such as obesity or age, nor does it anticipate the possibility that employees may actually hurt themselves outside of the workplace while skiing, playing basketball, or gardening.

Here is what the Chicago Tribune had to say about the new rule: "In short, they amount to a simplistic and expensive meat-ax solution for a complex scientific puzzle that researchers do not fully understand."

Workers do have legitimate claims to workplace-induced repetitious motion injuries, but not with this regulation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, we should oppose this resolution. When a woman stands at a supermarket checkout counter and when many women who stand with her get hurt, when there is a pattern of people getting hurt because the cash register is at waist level instead of higher up, and the evidence shows that one could spend a few hundred dollars per cash register and lift them up to chest level and people will not get hurt; and the evidence shows that by spending a few hundred dollars per cash register, we could avoid tens of thousands of dollars of health care and workers' comp claims, we think the law ought to say that the employer should have to do it. That is what this is about.

This is a compilation of 10 years of research; it is an understanding that one-third of the workers' comp expenditures by insurers in this country pay for ergonomics injuries, and it is a cry for simple justice and common sense.

Do not be fooled by those who say they want a better ergonomics rule, because if this resolution passes, there will be no ergonomics rule. This sends ergonomics to the death penalty, and it is wrong.

Mr. Speaker, there are 6 million injured Americans who cannot speak for themselves tonight, but we, I say to my colleagues, can. The way we should speak for them is to rise up and vote "no." Defeat this resolution in the sense of fairness and justice.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a new and valued member of our subcommittee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the joint resolution to disapprove the ergonomics rule. I would like to tell my colleagues why.

This will cost businesses, large and small, approximately $90 billion a year, a $90-billion-a-year unfunded mandate on private businesses. Someone mentioned grocery stores a few minutes ago. It is also true that if a bagger in a grocery store lifts a turkey up and we are in the Thanksgiving season, that is 16 pounds, he is now violating Federal law in the minds of some OSHA bureaucrats because they think you should not be able to lift anything over 15 pounds. We need a little common sense here.

Now, should there be incentives for workplace safety? Absolutely, there should. We have that right now under workers' compensation insurance premiums. One small employer in my district who runs a gas station found his workers' compensation insurance went up $3,000 this year. Why? Because there was a serious workplace accident the year before. That is a pretty strong incentive to maintain a strong and safe workplace.

Mr. Speaker, we do not need to nationalize our workers' compensation laws. I ask my colleagues to vote "yes" and disapprove these ergonomics regulations.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, the workplace safety standards before us, as we have heard, have been in the making for 10 years and, once implemented, would help prevent no fewer than one-third of all serious job-related injuries. That can help save our economy more than $50 billion a year.

Now, the people back home in Michigan would say, well, that is a pretty good bargain. And do my colleagues know what? They are absolutely right. Over the course of 1 year alone, more than 21,000 workers in Michigan suffered from repetitive motion injuries severe enough to keep them away from work, and the cost to Michigan's economy in lost wages and productivity, about $2 billion a year. That is why there is only one issue in this debate. It is not whether we need these safety standards. It is who on earth would ever want to keep us from having them?

Well, we know what that answer is. It is the same people, the same special interests who have opposed every other single worker safety measure to come before the United States Congress.

Well, today we have an obligation to talk back to that special interest. Our message today is that too many lives have been lost, too many bodies have been broken, too many workers have been injured, too many lives have been ruined, and too many tears have been shed.

Mr. Speaker, today our message is that American workers have a right to a healthy and a safe workplace and, by God, vote "no" on this resolution. Those who do not should and will be held accountable.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA), my friend.

Mr. BONILLA. Mr. Speaker, I rise in strong support of this resolution. Workplace injuries over the last decade in this country are down. Workplace injuries are down in large part because ergonomics rules are already in place at most of America's workplaces; and employers, believe it or not, do care about keeping workers safe and productive on the job.

This is the copy of the new rule we are talking about showing up on the doorsteps of bakeries and of auto parts stores and small restaurants and grocery stores and dance studios and farms and ranches. Every small business employer in America would get this big fat 600-page regulation to try to have them not only implement a policy, but to change a policy that is already working, that is causing workplace injuries to go down.

Union membership has not asked for this. Small business in America has not asked for this. At town meetings that we have across the country, there is no request for this to show up on the doorstep of America's small businesses. This is simply a power grab by certain special-interest leaders in this country; and we will not name them, but we know who they are. They want this so they can have a bigger grip on America's small business employers. That is what it is all about.

This, in itself, delivered to the small businesses in this country is enough to cause a workplace injury to the post office delivery people who will be sending this to small businesses across the country. And, by the way, the post office does not want it either. Nobody wants it. Why are we doing this? Thank goodness we have this opportunity to stop this and to watch workplace injuries continue to go down, because of ergonomics policies that are already in place in America's workplaces.

Mr. Speaker, today we have a chance to show the American people whose side we are on. A vote for this resolution is a vote for small business, jobs and sound science. A vote against it is for one-size-fits all regulations and government-knows-best bureaucrats.

There are many of us who came to this body to fight for the driving engine of America's economy, small business. Small business produces 90 percent of all new jobs in America. These are the people who work hard, people who are fighting for raises and better benefits, people who are creating higher-paying jobs in their community and expanding opportunity for people across the country.

The Clinton OSHA ergonomics regulation has a mammoth price tag. And America's workers are going to foot the bill. OSHA itself is willing to concede a $4.5 billion cost to the economy. the food distributing industry predicts its initial cost would be upwards of 420 billion. Furthermore, their recurring cost could be 46 billion annually. And that is just for that industry alone. What does this really mean? It means fewer jobs and fewer opportunities for American workers.

We all support safe workplaces. That is not what this debate is about. Let us review the statistics put out by the Clinton Labor Department. Workplace injuries are down consistently over the last decade. In fact, the injuries we are talking about today, repetitive stress injuries, are down 24 percent over the past three years. Grocery stores, bakeries, bottling companies, florists, computer manufacturers—all of those job creating businesses that are creating out tremendous economic growth have voluntarily dealt with this issue and it is working.

Some have argued today that this resolution kills ergonomics forever. That is simply not true. Yesterday, Secretary of Labor Elaine Chao stated that she intends to address the issue of ergonomics, if given the chance. Let's give her that chance to get the job done right.

This rule is unprecedented in its breadth and unprecedented in its complexity. OSHA doesn't even understand it. The rule is already in effect and OSHA has yet to provide compliance guidelines to businesses. Unfortunately, they probably have not because they cannot. That

I call on my colleagues to look at whose side they are on. There is no gray. I urge them to stand up for the people out there in the heartland who are working hard and want to keep doing so. I urge a "yes" vote on the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman would have yielded, I would have pointed out he is not holding up the regulations at all, he is holding up the comments. The regulations is 9-pages long. It is not 600 pages, and the gentleman completely misrepresented what, in fact, he was telling the American public.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, before I came to Congress, I was a human resources professional in the electronics manufacturing industry, and I know from experience how important workplace safety is. Over 20 years ago, my company began seeing repetitive stress injuries because employees were using the same motions repeatedly to put parts in printed circuit boards. I have to say that the majority of those workers were women.

So in response to what was going on out on our manufacturing floor, and those of my colleagues who do not think of OSHA as a friend might think this is weird, but as the human resources manager of this company, I called OSHA for help. We worked. They came and worked with us as partners and came up with a solution that reduced the injuries for our workers and saved a lot of money for our company.

We knew that if we wanted to be successful, we wanted to protect our workers from the injuries that they were experiencing. If my colleagues want to know did this company become successful? Yes, indeed. This company became a Fortune 300 company.

Mr. Speaker, workplace safety standards protect workers; they save business money. It is a win-win all the way around. It must not be repealed. Vote against this resolution, and vote for the protection of worker safety.

□ 1830

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out that the regulation is 9 pages, and it is of great interest to me that OSHA took 591 pages to explain to us why this was a good rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), my friend.

Mr. MANZULLO. Mr. Speaker, these OSHA regulations are very interesting. First of all, they do not apply to any Federal employees, and I would like to point out that one of the charts using the explanations here is that it is dangerous if you move your wrist more than 30 degrees 2 hours a day.

This is an official chart here that points to people that move their wrists. Mr. Speaker, there are 281,000 restaurants in the United States. And I was raised in a restaurant business, and my brother, Frank, he still continues the family business. And this is how you wash dishes. You go like this. Sometimes it is 2 hours a day, sometimes 4 hours a day. It depends upon the extent of the business. If business is good, you have more dishes to wash.

Here is the problem: If somebody washing dishes has a problem with their hand and they go to the small employer, such as my brother, Frankie, who has 13 tables in his restaurant, this is what Frankie has to do, he has to adopt a program that contains the following elements, hazardous information and reporting, management leadership and employee participation, job hazard analysis and control, training, MSD management and program evaluation.

The standard provides the employer with several options for evaluating and controlling risk factors for jobs covered by the ergonomics program.

This is washing dishes. How else can you wash dishes where you cannot move your hands? That is the absurdity of these ergonomic 9 pages of regulations and hundreds of pages of attempted clarifications of them.

To all the restaurant owners, to all the small mom-and-pops that are trying to eke out a living and to my brother, Frankie, with 13 tables and 13 stools at his bar and a handful of employees, he is going to have to put a sign that says dish washing is hazardous to your health. How else can you wash dishes?

Mr. GEORGE MILLER of California. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes remaining and the gentleman from Georgia (Mr. NORWOOD) has 13 minutes and 15 seconds remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this is a sorry day in the House of Representatives, and what I am afraid is going to be a sorry week. Ten years of studies and work and comment are being swept aside with 1 hour of debate in our House of Representatives.

This is not right, and it is not the right way to do this. It is not right for American workers who will be seriously affected and degraded by this decision that we are making tonight.

Mr. Speaker, I cannot understand why we could not spend the last 3 hours that we have been in this building at least on this floor talking about what went on over the last 10 years. We could not find it within ourselves in this House of Representatives to spend the last 3 hours when we were in recess to be on this floor at least discussing this matter.

We know there is a disagreement about this, that is legitimate, but to not allow the Members of this House to be out here, when the law that calls for this procedure says that we are going to have 10 hours of debate, when we did not have another thing to do on this floor, to not allow this debate to go on is reprehensible. It sure is not bipartisan.

This is an issue that affects real people, people that work on computers, poultry workers, factory workers, and what we are saying is that the science says that these regulations are the right thing to do. We believe with all our hearts that OSHA and these kinds of regulations have not only helped the safety of our workers, but has saved companies money by preventing these injuries, and employers who have used OSHA regulations like these to their benefit have had a better bottom line than companies that simply blindly fight these things.

This is a mistake. It is a mistake for people. It is a mistake for workers. I simply ask our friends on the other side who are running this procedure, please, the next time before my colleagues do something like this, they stop and think about what they are doing to the process of this House and, most importantly, what my colleagues are doing to the hard-working American people who are out there everyday giving it everything they have to make a living for their families and would like to be in a safe working environment.

Vote against this bill. It is an abomination.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I am angry, too. I am angry that we had a good idea in 1990 and 1992. Libby Dole and other Republicans encouraged an ergonomics standard, but what we have had over the last 8 years is an absolute tone deaf Labor cabinet that was going to pass a regulation without regard to how we best remedy the challenges that ergonomic injuries cause us.

Mr. Speaker, give us good direction so that we can have both good jobs and also best effect in any injuries that occur in the workplace. It is hilarious to think that businesses are going to save money when we have runaway costs and you spend and you spend and you spend without any understanding of what you might be able to achieve and what would be cost effective.

What happens when we do that? What happens right now in this country, where we fight everyday to keep our good jobs right here in this country, to keep them from moving overseas, the fact of the matter is, is that OSHA increases the costs of regulations. As OSHA increases costs without always knowing what the objective and the benefit will be, we make ourselves less able to be internationally competitive as we produce goods in this country.

Mr. Speaker, what we have to do is be proud of the fact that the American workplace, which is the thing that brings us our prosperity, the thing that has built us a middle class that is able to buy homes and cars and go to work and provide for their children, that they depend on these jobs, and what they ask of us is for balance, to have regulations and government programs that make it possible to keep good jobs here and also make sure that we have healthy workers.

The law of unintended consequences is going to go into effect if this rule went into effect. It would drive our best jobs overseas.

Mr. Speaker, please, I ask my colleagues, let us have a real rule that really accomplishes what we want.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I rise today in opposition and say this should not be done in this way. As a restaurant owner and an owner of a small business in Maine, this is the wrong thing to do at the wrong time, and it is not thoughtful.

Mr. Speaker, I rise today to voice my opposition to the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. Speaker, I am a small business owner. I understand the concerns of small business owners in my home state of Maine and throughout the country regarding the costs of implementing these new rules. Nevertheless, we must be proactive. Ergonomics is a serious matter and the new ergonomics standard will save businesses billions of dollars every year by preventing lost work days and workers' compensation claims. In 1998, more than 12,500 disabling injuries were reported to the Workers Compensation Board in Maine alone.

True, the start up costs involved with applying the new standard are significant. But the money we will save far outweighs the money we will spend. In a requested report to Congress, the National Academy of Sciences found that repetitive stress injuries in the workplace cost $50 billion a year in lost wages, productivity and compensation costs. It also concluded that injuries could be reduced by using new equipment and by varying workplace tasks. OSHA's new rule requires compliance with both of these recommendations. OSHA analysis shows that the new ergonomics standard will prevent 4.6 million injuries over the next 10 years. It will also save employers and workers $9 billion every year. Surely, we can agree that these numbers are worth fighting for.

Mr. Speaker, I must also voice my disappointment in the decision to employ the Congressional Review Act to address this legislation. It was my sincere hope that the CRA would be employed only to address rules that a vast majority of members agreed simply got it wrong. This is certainly not the case here. Many of us agree that the new rules could be refined. But that is no reason to throw the baby out with the bath water, utilizing a process that will effectively preclude further action in this area. This is too important an issue to be taken off the table in a cavalier and partisan manner. I urge my colleagues to vote against the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I strongly oppose the matter that is before us today.

Mr. Speaker, I rise today to express my outrage over the Republican proposal to rollback important safety protections for American workers. For the first time in the history of the House, we are repealing critical protections for over 100 million American workers.

The Congress has a responsibility to protect the safety and health of hundreds of thousands of workers—not the profits of big contributors.

Today, I released a report with Representative GEORGE MILLER on ergonomic injuries in California. This report makes clear that the repeal of the ergonomic rule will have a very real impact on California workers and the state's economy.

More than one in four workplace injuries in California are repetitive stress injuries like carpel tunnel syndrome. In 1998, more than 52,000 California workers suffered ergonomic injuries so severe they were forced to miss at least one day of work. Many of these injuries cause workers to miss significant time away from work. More than 30,000 of the injuries cause workers to miss more than one week of work.

The economic cost to the state is enormous—$4.5 billion a year.

The real numbers may be much higher. Many workers fail to report their injuries out of fear they'll be fired or branded troublemakers, and other workers only realize the extent of their injuries when they can no longer work.

Today's LA Times tells the story of Gloria Palomino, who worked in a chicken processing plant for over twenty years. For most of her career, she shot an airgun into chickens on a slaughter line—squeezing the triggers 30 to 40 times a minute. As a result, her fingers are constantly swollen and sore and her injuries are so severe she can no longer work. She says, "How I battle in the morning to open my hands. Tell me, who will hire me with hands like this?"

The ergonomics rule came too late to help Gloria Palomino, but there will be many, many more like her if we repeal the rule today. I urge my colleagues to oppose this effort—which protects the profits of contributors at the expense of the health of America's workers.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. OWENS), a member of the Subcommittee on Workforce Protections.

Mr. OWENS. Mr. Speaker, as the ranking Democrat on the Subcommittee on Workforce Protections, the last 6 years I have lived with the hearings, the dialogue, the debates on this issue, and I do not want to repeat all of those technical considerations.

I do want to submit for the RECORD a chronology of OSHA ergonomics standards preparations over the last 10 years. I have many extra copies if the majority wants them.

We also have a list of the questions that we asked the National Academy of Sciences and the Institute of Medicine to resolve. We have the questions that we posed to them, and we also have their answers.

Earlier today the gentleman from Georgia (Mr. NORWOOD) said that there was some disagreement with the notion that ergonomics was a legitimate cause of problems in the workplace, and he quoted 1 of the 19. There were 19 experts on the panel, and one dissented. When you have a panel and one dissent among the people who are on the Academy of Sciences and the Institute of Medicine, then you have an authoritative statement.

We ought to address the political problem here. Here is the real problem. Reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued ergonomics standards by using the Congressional Review Act. That act was passed under the Newt Gingrich doctrine of politics as war without blood.

This Republican offensive is more than one invasion of one theater of the war. This is just the beginning. By ruthlessly destroying the ergonomics standards at the beginning of this 107th session of Congress, the Republican majority is attempting to send a message of intimidation to all the working families of America.

We will not be intimidated. We will strive to work for the families of America.

Mr. Speaker, reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued OSHA Ergonomic Standard by using the Congressional Review Act passed under the Newt Gingrich doctrine that "politics is war without blood." This Republican offensive is more than one invasion of one theater of the war. The operation against ergonomics is also conceived as a master stroke of symbolic and psychological warfare.

By ruthlessly destroying the Ergonomic Standard at the beginning of the 107th Session of Congress, the Republican majority is attempting to send a message of intimidation, and to show that it will utilize its dominance of the political process in Washington to annihilate its perceived most formidable enemy—the organized workers in labor unions.

Millions of victims and casualties who are not union members will suffer greatly as a result of this barbaric attack. The majority of the working families in America have at least one member who could directly benefit from the preventive measures required by the new Ergonomic Standard. They are the civilian casualties of this massive Republican offensive.

After an exhaustive two-year study at a cost of $1 million conducted by 19 experts in the field of causation, diagnosis, and prevention of musculoskeletal disorders under the direction of the Academy of Sciences, they found that "there is a direct relationship between the workplace and ergonomic injuries can be significantly reduced thorough workplace interventions."

Mr. Speaker, earlier today, during the debate on the rule Mr. NORWOOD quoted from the National Academy of Sciences and the Institute of Medicine's report. I would like to make very clear the fact that Mr. NORWOOD was quoting from the only dissenting view on the panel of 19 experts.

Here are the key findings of the study by the Academy of Sciences:

The Problem. "Musculoskeletal disorders of the low back and upper extremities are an important national health problem, resulting in approximately 1 million people losing time from work each year. These disorders impose a substantial economic burden in compensation costs, lost wages, and productivity. Conservative cost estimates vary, but a reasonable figure is about $50 billion annually."

The Cause. "The weight of the evidence justifies the identification of certain work-related risk factors for the occurrence of musculoskeletal disorders of the low back and upper extremities * * * the panel concludes that there is a clear relationship between back disorders and physical load; that is, manual material handling, load moment, frequent bending and twisting, heavy physical work, and whole-body vibration. For disorders of the upper extremities, repetition, force and vibration are particularly important work-related factors."

The Answer. "The consequences of musculoskeletal disorders to individuals and society of the evidence that these disorders are to some degree preventable justify a broad, coherent effort to encourage the institution or extension of ergonomic and other preventive strategies."

The Republican Leadership—once desperate to have confirmation of a sound scientific support for the ergonomic rule—is ignoring the very report it commissioned for a million dollars and instead plans to gut a rule ten years in the making. This action shows their contempt for millions of workers who want to work hard and stay healthy. And this action shows contempt for the findings of the nation's leading ergonomic scientists who have thoroughly documented the tragedy of ergonomic injury and illness. I am submitting for the RECORD the seven questions Congress asked the National Academy of Sciences and the answers arrived at by the experts on the panel.

The strategy of the Republican war machine first seeks to crush the will of the opposition with its speed and overwhelming support from contributors. After the defeat of ergonomics, overtime under the Fair Labor Standards Act and the Davis-Bacon Prevailing Wage Law are the next targets with many other islands of labor law to be attacked and subdued on a great march toward the ultimate objective—"paycheck protection." The concepts of minimum wages and cash payment for overtime may be eliminated forever; or at least for the duration of this administration there will be a "final solution" for these longstanding objects of Republican contempt.

The term "barbaric" is most appropriate for the description of this partisan onslaught. All logic, reason and science has been bulldozed off to the ditches. Primitive, brute political force has now overwhelmed ten years of scientific research, public testimony, empirical evidence and long debates, dialogues and policy deliberations. The attached chronology which ranges from August, 1990 to January, 2001 presents a record of the most patient Democratic process possible; however, suddenly the troops are massed on the border and this time-honored process has been declared "non-negotiable."

Barbarians often win battles; however, the working families of America are not without their own means of counterattack. We must begin today with a new campaign in a more direct language: an Ergonomic Standard means salvation from paralyzing injuries. It means preventing total disability of the muscles and joints needed to earn a living. Working families are the troops who must be made to understand clearly what is at stake today and in the weeks and months ahead as the Republicans march on to eradicate labor laws. Working families must also understand that in a war as vicious as this one that has been declared by the Republicans, there is no substitute for victory. Working families must mobilize to achieve unconditional surrender by taking control of the Congress in 2002; and by regaining the White House in 2004.

Yesterday was Pearl Harbor for working families. We have nothing to fear but sluggishness, wimpishness and betrayal by the Benedict Arnolds among us. We have the votes and we believe fervently in the Democratic process. Reason and justice are on our side and we shall all experience our political VE Day. We shall overcome.

MUSCULOSKELETAL DISORDERS AND THE WORKPLACE—A STUDY BY THE NATIONAL ACADEMY OF SCIENCES AND THE INSTITUTE OF MEDICINE, JANUARY 2001

APPENDIX A

ANSWERS TO QUESTIONS POSED BY CONGRESS

The questions below provided the impetus for the study. The charge to the panel, prepared by the NRC and the IOM was to conduct a comprehensive review of the science base and to address the issues outlined in the questions. The panel's responses to the questions follow.

1. What are the conditions affecting humans that are considered to be work-related musculoskeletal disorders?

The disorders of particular interest to the panel, in light of its charge, focus on the low back and upper extremities. With regard to the upper extremities, these include rotator cuff injuries (lateral and medial) epicondylitis, carpal tunnel syndrome, tendinitis, tenosynovitis of the hand and wrist (including DeQuervains' stenosing tenosynovitis, trigger finger, and others) and a variety of nonspecific wrist complaints, syndromes, and regional discomforts lacking clinical specificity. With regard to the low back, there are many disabling syndromes that occur in the absence of defined radiographic abnormalities or commonly occur in the presence of unrelated radiographic abnormalities. Thus, the most common syndrome is nonspecific backache. Other disorders of interest include back pain and sciatica due to displacement and degeneration of lumber intervertebral discs with radiculopathy, spondylolysis, and spondylolisthesis, and spinal stenosis (ICD 9 categories 353–357, 722–724, and 726–729).

2. What is the status of medical science with respect to the diagnosis and classification of such conditions?

Diagnostic criteria for some of the musculoskeletal disorders considered to be work-related and considered in this report are clear-cut, especially those that can be supported by objective ancillary diagnostic tests, such as carpal tunnel syndrome. Others, such as work-related low back pain, are in some instances supported by objective change, which must be considered in concert with the history and physical findings. In the case of radicular syndromes associated with lumbar intervertebral disc herniation, for example, clinical and X-ray findings tend to support each other. In other instances, in the absence of objective support for a specific clinical entity, diagnostic certainty varies but may nevertheless be substantial. The clinical picture of low back strain, for example, while varying to some degree, is reasonably characteristic.

Epidemiologic definitions for musculoskeletal disorders, as for infectious and other reportable diseases, are based on simple, unambiguous criteria. While these are suitable for data collection and analysis of disease occurrence and patterns, they are not appropriate for clinical decisions, which must also take into account personal, patient-specific information, which is not routinely available in epidemiologic databases.

3. What is the state of scientific knowledge, characterized by the degree of certainty or lack thereof, with regard to occupational and nonoccupational activities causing such conditions?

The panel has considered the contributions of occupational and nonoccupational activities to the development of musculoskeletal disorders via independent literature reviews based in observational epidemiology, biomechanics, and basic science. As noted in the chapter on epidemiology, when studies meeting stringent quality criteria are used, there are significant data to show that both low back and upper extremity musculoskeletal disorders can be attributed to workplace exposures. Across the epidemiologic studies, the review has shown both consistency and strength of association. Concerns about whether the associations might be spurious have been considered and reviewed. Biological plausibility for the work-relatedness of these disorders has been demonstrated in biomechanical and basic science studies, and further evidence to build causal inferences has been demonstrated in intervention studies that show reduction in occurrence of musculoskeletal disorders following implementation of interventions. The findings suggest strongly that there is an occupational component to musculoskeletal disorders. Each set of studies has inherent strengths and limitations that affect confidence in the conclusions; as discussed in Chapter 3 (methodology), when the pattern of evidence is considered across the various types of studies, complementary strengths are demonstrated. These findings were considered collectively through integration of the information across the relevant bodies of scientific evidence. Based on this approach, the panel concludes, with a high degree of confidence, that there is a strong relationship between certain work tasks and the risk of musculoskeletal disorders.

4. What is the relative contribution of any casual factors identified in the literature to the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Individual Risk Factors

Because 80 percent of the American adult population works, it is difficult to define a "general population" that is different from the working population as a whole. The known risk factors for musculoskeletal disorders include the following:

Age—Advancing age is associated with more spinal complaints, hand pain, and other upper extremity pain, e.g., shoulder pain. Beyond the age of 60, these complaints increase more rapidly in women than men. The explanation for spinal pain is probably the greater frequency of osteoporosis in women than in men. The explanation for hand pain is probably the greater prevalence of osteoarthritis affecting women. However, other specific musculoskeletal syndromes do not show this trend. For example, the mean age for symptomatic presentation of lumber disc herniation is 42 years; thereafter, there is a fairly rapid decline in symptoms of that disorder.

Gender—As noted above, there are gender differences in some musculoskeletal disorders, most particularly spinal pain due to osteoporosis, which is more commonly found in women than in men, and hand pain due to osteoarthritis, for which there * * * determinant with increased incidence in daughters of affected mothers.

Healthy lifestyles—There is a general belief that the physically fit are at lower risk for musculoskeletal disorders; there are few studies, however, that have shown a scientific basis for that assertion. There is evidence that reduced aerobic capacity is associated with some musculoskeletal disorders, specifically low back pain and, possibly, lumbar disc herniations are more common in cigarette smokers. Obesity, defined as the top fifth quintile of weight, is also associated with a greater risk of back pain. There currently is little evidence that reduction of smoking or weight reduction reduces the risk.

Other exposures—Whole-body vibration from motor vehicles has been associated with an increase in risk for low back pain and lumbar disc herniation. There is also evidence that suboptimal body posture in the seated position can increase back pain. Some evidence suggests that altering vibrational exposure through seating and improved seating designs to optimize body posture (i.e., reduce intradiscal pressure) can be beneficial.

Other diseases—There is a variety of specific diseases found in the population that predispose to certain musculoskeletal disorders. Among the more common are diabetes and hypothydroidism, both associated with carpal tunnel syndrome.

B. Work-Related Risk Factors

Chapter 4 of this report explores the enormous body of peer-reviewed data on epidemiologic studies relevant to this question. Detailed reviews were conducted of those studies judged to be of the highest quality based on the panel's screening criteria (presented in the introduction and in Chapter 4). The vast majority of these studies have been performed on populations of workers in particular industries in which workers exposed to various biomechanical factors were compared with those not exposed for evidence of symptoms, signs, laboratory abnormalities, or clinical diagnoses of musculoskeletal disorders. A small number of studies have been performed in sample groups in the general population, comparing individuals who report various exposures with those who do not.

The principal findings with regard to the roles of work and physical risk factors are:

Lifting, bending and twisting and whole-body vibration have been consistently associated with excess risk for low back disorders, with relative risks of 1.2 to 9.0 compared with workers in the same industries without these factors.

Awkward static postures and frequent repetitive movements have been less consistently associated with excess risk. For disorders of the upper extremity, vibration, force, and repetition have been most strongly and consistently associated with relative risks ranging from 2.3 to 84.5.

The principal findings with regard to the roles of work and psychosocial risk factors are:

High job demand, low job satisfaction, monotony, low social support, and high perceived stress are important predictors of low back musculoskeletal disorders.

High job demand and low decision latitude are the most consistent of these factors associated with increased risk for musculoskeletal disorders of the upper extremities.

In addition, in well-studied workforces, there is evidence that individual psychological factors may also predispose to risk, including anxiety and depression, psychological distress, and certain coping styles. Relative risks for these factors have been generally less than 2.0.

5. What is the incidence of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

There are no comprehensive national data sources capturing medically defined musculoskeletal disorders, and data available regarding them are based on individual self-reports in surveys. Explicitly, these reports include work as well as nonwork-related musculoskeletal disorders without distinction; therefore, rates derived from these general population sources cannot be considered in any sense equivalent to rates for background, reference, or unexposed groups, nor conversely, as rates for musculoskeletal disorders associated with any specific work or activity. There are *no* comprehensive data available on occupationally unexposed groups and, given the proportion of adults now in the active U.S. workforce, any such nonemployed group would be unrepresentative of the general adult population. According to the 1997 report from the National Arthritis Date Workgroup (Lawrence, 1998), a working group of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, 37.9 million Americans, or 15 percent of the entire U.S. population, suffered from one or more chronic musculoskeletal disorders in 1990 (these data cover all musculoskeletal disorders). Moreover, given the increase in disease rates and the projected demographic shifts, they estimate a rate of 18.4 percent or 59.4 million by the year 2020. In summary, data from the general population of workers and nonworkers together suggest that the musculoskeletal disorders problem is a major source of short- and long-term disability, with economic losses in the range of 1 percent of gross domestic product. A substantial portion of these are disorders of the low back and upper extremities.

The Bureau of Labor Statistics (BLS) data, while suffering a number of limitations, are sufficient to confirm that the magnitude of work-related musculoskeletal disorders is very large and that rates differ substantially among industries and occupations, consistent with the assumption that work-related risks are important predictors of musculoskeletal disorders. BLS recently estimated 846,000 lost-workday cases of musculoskeletal disorders in private industry. Manufacturing was responsible for 22 percent of sprains/strains, carpal tunnel syndrome, or tendinitis, while the service industry accounted for 26 percent. Examining carpal tunnel syndrome alone, manufacturing, transportation, and finance all exceeded the national average, while for the most common but less specific sprains and strains, the transportation sector was highest, with construction, mining, agriculture, and wholesale trade all higher than average. These data suggest that musculoskeletal disorders are a problem in several industrial sectors, that is, the problems are not limited to the traditional heavy labor environments represented by agriculture, mining, and manufacturing.

The National Center for Health Statistics (NCHS) survey data provide added information on self-reported health conditions of the back and the hand. This survey presents estimates for back pain among those whose pain occurred at work (approximately 11.7 million) and for those who specifically reported that their pain was work-related back pain (5.6 million).

The highest-risk occupations among men were construction laborers, carpenters, and industrial truck and tractor equipment operators, and among women the highest-risk occupations were nursing aides/orderlies/attendants, licensed practical nurses, maids, and janitor/cleaners. Other high-risk occupations were hairdressers and automobile mechanics, often employed in small businesses or self-employed.

Among men, the highest-risk industries were lumber and building material retailing, crude petroleum and natural gas extraction, and sawmills/planing mills/millwork. Among women, the highest-risk industries were nursing and personal care facilities, beauty shops, and motor vehicle equipment manufacturing.

Questions from the NCHS survey on upper-extremity discomfort elicited information about carpal tunnel syndrome, tendinitis and related syndromes, and arthritis. Carpal tunnel syndrome was reported by 1.87 million people; over one-third of these were diagnosed as carpal tunnel syndrome by a health care provided and half were believed to be work-related. Tendinitis was reported by 588,000 people, and 28 percent of these were determined to be work-related by a health care provider. Over 2 million active or recent workers were estimated to have hand/wrist arthritis. The survey did not report these conditions by either occupation or industry.

6. Does the literature reveal any specific guidance to prevent the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Development and Prevention in Working Populations

Because the majority of the U.S. population works, the data for the population as a whole apply to the 80 percent who are working. There is substantial evidence that psychological factors, in addition to the physical factors cited above (see response to Question 4), are significant contributors to musculoskeletal disorders. relevant factors are repetitive, boring jobs, a high degree of perceived psychosocial stress, and suboptimal relationships between worker and supervisor.

The weight and pattern of both the scientific evidence and the very practical quality improvement data support the conclusion that primary and secondary prevention interventions to reduce the incidence, severity, and consequences of musculoskeletal injuries in the workplace are effective when properly implemented. The evidence suggests that the most effective strategies involve a combined approach that takes into account the complex interplay between physical stressors and the policies and procedures of industries.

The complexity of musculoskeletal disorders in the workplace requires a variety of strategies that may involve the worker, the workforce, and management. These strategies fall within the categories of engineering controls, administrative controls, and worker-focused modifiers. The literature shows that no single strategy is or will be effective for all types of industry; interventions are best tailored to the individual situation. However, there are some program elements that consistently recur in successful programs:

1. Interventions must mediate physical stressors, largely through the application of ergonomic principles.

2. Employee involvement is essential to successful implementation.

3. Employer commitment, demonstrated by an integrated program and supported by best practices review, is important for success.

Although generic guidelines have been developed and successfully applied in intervention programs, no single specific design, restriction, or practice for universal application is supported by the existing scientific literature. Because of limitations in the scientific literature, a comprehensive and systematic research program is needed to further clarify and distinguish the features that make interventions effective for specific musculoskeletal disorders.

B. Development and Prevention in Specific Occupations

Occupations that involve repetitive lifting, e.g., warehouse work, construction, and pipe fitting, particularly when that activity involves twisting postures, are associated with an increased risk for the complaint of low back pain and, in a few studies, an increased risk for lumbar disc herniation.

The prevalence of osteoarthritic changes in the lumbar spine (disc space narrowing and spinal osteophytes) is significantly greater in those whose occupations require heavy and repetitive lifting compared with age-matched controls whose occupations are more sedentary. Despite these radiographical differences, most of the studies show little or no difference in the prevalence of low back pain or sciatica between those with radiological changes of osteoarthritis and those with no radiological changes. Based on the current evidence, modification of the lifting can reduce symptoms and complaints. Specific successful strategies, which include ergonomic interventions (such as the use of lift tables and other devices and matching the worker's capacity to the lifting tasks), administrative controls (such as job rotation), and team lifting, appear successful. Despite enthusiasm for their use, there is marginal or conflicting evidence about lifting belts and educational programs in reducing low back pain in the population with heavy lifting requirements. Some examples of positive interventions include:

Truck drivers—Vibration exposure is thought to be the dominant cause for the increased risk for low back pain and lumbar disc herniation. There are some data to support the efficacy of vibrational dampening seating devices.

Hand-held tool operators—Occupations that involve the use of hand-held tools, particularly those with vibration, are associated with the general complaints of hand pain, a greater risk of carpal tunnel syndrome, and some tenosynovitis. Redesign of tools is associated with reduced risks.

Food processing—Food processing, e.g., meat cutting, is associated with a greater risk of shoulder and elbow complaints. Job redesign appears to reduce this risk, but this information is largely based on best practices and case reports.

7. What scientific questions remain unanswered, and may require further research, to determine which occupational activities in which specific industries cause or contribute to work-related musculoskeletal disorders?

The panel's recommended research agenda is provided in Chapter 12 of the report.

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to "taking the most effective steps necessary to address the problem of ergonomic hazards on an industry wide-basis" and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

July 1991—The AFL–CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R–TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R–IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Comprise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216–205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R–TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that "a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels."

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL–CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives $490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates $890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases and musculoskeletal. disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R–MO) introduces H.R. 987, a bill which would prohibit OSHA from using a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits it report to OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds it first meeting on May 10–11 in Washington, DC.

—Senator Kit Bond (R–MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23–18 vote.

August 1999—House votes 217–209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomics hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. The due date for post hearing comments is set for June 26; and the due date for post hearings briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to "refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998."

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203–220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57–41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, "I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomics injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard."

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2000—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculosketetal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), my friend.

Mr. CUNNINGHAM. Mr. Speaker, in California we have an energy crisis. We have several small businesses going out just because of the costs of energy. We have restaurants that are on a very narrow margin. Those people employ workers.

My colleagues that are opposed to this are generally from a liberal philosophy of government control. If we fall out of line like the blacklisting that the union, the Clinton-Gore administration, put out last year, then we can control you. We can control your private profit. We can control education. We can control your business. If you do not comply, yes, we will send in the IRS or OSHA or EPA, and what we are saying is that, yes, that my colleagues would make people think that we do not want workplace safety, we are for the evil business. That is just not true.

We support the working families, and we want to give them tax relief, but my opponents, I would guarantee that over 90 percent of them that are opposed to this do not want tax relief, and they did not want the balanced budget and they did not want welfare reform, because they want government control.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, this issue is not new to any of us who have served in this body.

The Secretary of Labor for President George Herbert Walker Bush, a lady I have a great deal of respect for, said we must do our utmost to protect workers from these hazards of repetitive stress injuries.

We all know this is a problem. We are in our town meetings and our constituents come up to us with the braces on their arms. We have our case workers in our offices dealing with these issues day in and day out. Our workers are suffering.

And more importantly, our businesses know that they have some answers, they are out there working on this. Mr. Speaker, 3M, a big American company, has had a 58 percent decrease in lost time cases, 58 percent decrease. SunMicrosystems, a high tech company with repetitive injury claims, their claims went from $45,000 to $3,500.

My colleagues might say businesses are doing it, but do not tell us to do more of it. President Bush is going to tell us to do a lot more testing, because it works in Texas. We are going to hear that. Do not give us that argument on our businesses.

Finally, I have to say that we have been in this great Chamber since December 16, 1857, and had great debates, but today is one of the darkest days literally when the majority said they would rather have a dark Chamber than a Chamber filled with discussion and debate and differences. I hope we do much better in the future.

Mr. NORWOOD. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. NORWOOD) has 10 minutes and 15 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has 5½ minutes remaining.

☐ 1845

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to keep the record straight, there is no doubt President Bush and Secretary Dole should be applauded for bringing up ergonomics in 1990, but there is absolutely no reason to suspect they would be for this rule.

Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time. I have been in meetings during most of the debate. But I did want to come to the floor and bring out one important point, and that is the impact of cost to small businesses in the event that this ergonomic thing is continued as proposed by the Clinton administration.

Any small business person would tell us today that their number one problem is even securing workman's compensation. It is very seldom that any major insurance company will insure any business for a period longer than 3 years. They come in, and they give one a rate that seems reasonable. Two years later, they raise that. Three years, they raise it out of the possibility of affordability by small business.

So I encourage my colleagues to think what is going to happen. Workman's compensation is going to at least double in cost to small business people, if, indeed, they can get it at all. There is a possibility, because of the extreme changes in coverage as proposed under this regulation, that it could even triple.

So when my colleagues are back in their district, think about addressing these small business people who are having to pay these exorbitant costs now, and think about the impact that it is going to cause if, indeed, we do not repeal this through this effort today.

So I plead with my colleagues to recognize what they are doing to small business people. We all are concerned about all workers. We all want them to have coverage. But if my colleagues put workman's compensation out of affordability range, they are doing a great disservice.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise to oppose this legislation. It is bad for workers. It is bad for America.

Mr. Speaker, I rise in strong opposition to the Disapproval Resolution for OSHA Ergonomics Rule, which threatens the health and safety of our nation's workforce.

Each year, more than 650,000 American workers suffer from work related musculoskeletal disorders caused by repetitive motion and overexertion.

These are hardly minor aches and pains. These are serious, disabling conditions that have extensive impacts on workers' lives, and are estimated to cost the American public something in the realm of $40–$50 billion a year.

The lives of workers who suffer from carpal tunnel syndrome, tendinitis, back injuries or other similar injuries, as a result of unsafe workplace conditions, are changed forever.

Frequently, they lose their jobs, become permanently unemployed, or are forced to take severe pay cuts to continue working. These injuries destroy lives and they destroy families—and it's simply unacceptable.

I want to emphasize to my colleagues that, as a scientist and a clinician, I am dogged in demanding strong, peer-reviewed science in making important public health decisions.

OSHA's ergonomics standard, issued on November 14, 2000, is critically important to working men and women. The standard is based on voluminous evidence, sound science and good employer practices and should not be repealed. This rule may not be perfect, but I can tell you that this rule is far better than the alternative.

This is a common sense measure to help prevent the suffering of American workers, while at the same time saving the American taxpayers billions of dollars.

I urge my colleagues to resist efforts to repeal this vital worker safety rule—and to oppose this resolution that prevents OSHA from implementing an ergonomic standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, every year, millions of hard-working Americans are injured on the job, men and women who do not have anyone looking out for them. They work two jobs, three jobs. Many do not have health insurance. Many make the minimum wage. They are meat packers, poultry workers, cashiers, assembly line workers, sewing machine operators. My mother was a sewing machine operator.

They do the jobs that Members of Congress do not want to do. They are the face that the Republican leadership today does not want us to see. They are the ones who will pay with their livelihood when we roll back these workplace safety rules.

In Connecticut, over 11,000 workers suffered workplace injuries in 1998. They were forced to miss one day of work. The cost to Connecticut's economy was $1 billion a year.

The President, the Republican leadership have decided that these workers do not deserve basic protections. The Wall Street Journal told us why yesterday. They said that the big industries that bankrolled the Bush campaign have now lined up looking for, and I quote, a return on their investment. That is what this is all about today. That is why we are rolling back worker-safety laws.

Stand with the people of America and not with the special interests. Vote against this bill today.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it is not often that one gets to go to the House floor and actually vote on substantive legislation that will roll back regulation. It is equally a rare opportunity to stand and commend the Senate for doing the right thing before we get here. Today we get to do both. I appreciate this opportunity.

I stand in strong support of this legislation. There is never a good time to saddle business with the costs that this will saddle them with. Today and this time is a particularly bad time given the soft economy.

Mr. GEORGE MILLER of California. Mr. Speaker, if I might inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 8 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, how many more people must be hurt before this Congress does what is right? Obviously, there are over 600,000 workers a year who get hurt because of ergonomic problems.

If we pass this resolution today, we are effectively saying we know one might get hurt and have injuries that last a long time, but we do not care. I am not willing to make that statement today.

This standard will help countless nurses, clerks, laborers, and, yes, factory workers. Factory workers like Ignacio Sanchez, my father, who worked for 40 years in the factory because he had to support seven children. These are the type of people my colleagues hurt today by passing this resolution.

The problem with the resolution is that it would not only revoke the current ergonomic standards, but it would prevent the Department of Labor from issuing future general standards. How can Congress prepare to debate a tax bill for the rich and yet hurt the working people of America? I ask my colleagues to vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. Norwood), chairman of the Subcommittee on Workforce Protections.

Mr. NORWOOD. Mr. Speaker, I would like to make it very clear to my friends on the other side of the aisle, as chairman of the Subcommittee on Workforce Protections, I care about the health and safety of workers just as much as they do. But this is a very bad rule coming from OSHA that could, indeed, hurt those same workers they want to protect.

Let us just take one simple hypothetical. Let us say an employee hurts themselves playing softball. They know that, under this regulation, if they claim this musculoskeletal disorder and can blame it on the work force, then they can take 90 days off with 90 percent of their pay. The injured patient then gets to the doctor and gets the doctor to say this softball accident really is work related. The employers call the doctor and say, wait a minute, this MSD was caused by playing softball. I know that. Two or three of our employees saw it. The doctor says, sorry, I cannot talk to you about this. It is against the law.

The OSHA SWAT team then comes in and says you have one MSD patient, you have one, therefore, you must make changes in your workplace, costing thousands of dollars for small businesses and perhaps millions for big businesses. Plus, you pay them 90 percent of the salary for 90 days.

This can force small businesses to go out of business when their workman's compensation premiums double with all the other additional expenses one adds on top of it.

Mr. Speaker, I want to hear OSHA explain to me how they are going to enforce these new ergonomic rules in the textile plants of Mexico and China. It seems we have trade agreements that allow these countries access to our textile market, so it would only be fair that those Mexican and Chinese mills should have to comply with these rules the same as American textile mills.

We do not at present require Mexican and Chinese friends to comply with the minimum wage. So it concerns me that OSHA is planning to let them off the hook on ergonomics as well.

I also want to see the OSHA plan for enforcement of these new ergonomic standards for the Canadian lumber industry. Under these new rules, it looks like it might be illegal for a logger to pick up a chain saw. I really want to know if our Canadian friends will have to operate under the same restrictions that we are.

See, my district has lost hundreds of jobs in the past few months to subsidized Canadian timber prices, while we have all but kicked our loggers out of the National Forests.

Now, I also have an even trickier question. When Mexican and Canadian truckers come driving their loads of textiles and logs down our interstate highways as called for by NAFTA, is OSHA going to enforce the same ergonomic standards on them as they do our Teamsters?

Mr. Speaker, every Member of this House and every union worker in America needs to recognize a terrifying reality about the implementation of these standards. These new rules include a total labor of compliance for every corporation who will move U.S. jobs across our northern and southern borders out of this country. Mr. Speaker, it appears our workers may face more of a danger from new OSHA regulations than they ever would from repetitive motions.

I urge rejection, I urge us all to disagree with this standard wholeheartedly. It is as bad as the one this House let the Labor Department pass 9 or 10 years ago on the blood-borne pathogen standard. I know how bad that one was because, in my other life, I had to live under that nonsense.

Please do not allow them to get away with this again. Let us come back and write real standards.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a member of the Committee on Appropriations, Subcommittee on Labor, Health and Human Services and Education.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, on whatever side of the issue, we all ought to be against this legislation on the floor today. To the new Members who come here, did they come here expecting to have no hearings, no consideration, no full debate on issues of consequence to hundreds of thousands and, yes, millions of Americans? Is that how we are going to run the House of Representatives? Is that the responsibility we owe in a democracy?

The gentleman from Georgia (Mr. NORWOOD) has been rolled on the Patients' Bill of Rights by his own leadership? Why do we come to the floor rolling us once again, and when I say "us," not the Democrats and Republicans in the House of Representatives, but the thousands of people who might just want to come here and tell us how they believe, what they think, what their perceptions are.

The gentleman from Georgia (Chairman NORWOOD) said this, "No reason to believe they," speaking of Libby Dole and George Bush, "would be for this legislation." Of course there is no reason to believe, because we have not asked them. We have not asked any American to come in and tell us what should we do. That is not the way to legislate.

Reject this legislation.

Mr. Speaker, the final Workplace Safety Standard issued by the Occupational Safety and Health Administration on November 14, 2000, was the result of a 10-year public process initiated in 1990 by Secretary of Labor, Elizabeth Dole.

Use of the Congressional Review Act to repeal the Workplace Safety Standard is an extreme measure. Not only would it represent the first vote ever in Congress to take away a public health and safety protection, but it would also prevent OSHA from ever issuing other important worker health and safety measures.

Each year, U.S. workers experience 1.8 million work-related repetitive stress disorders. And every year 600,000 workers in America lose time from work because of repetitive motion, back and other disabling injuries.

According to the Bureau of Labor Statistics, 34 percent of all lost workday injuries are related to repetitive stress injuries. These injuries are often extremely painful and disabling; sometimes they are permanent.

Last year the Department of Labor estimated that the workplace safety rule would prevent about 300,000 injuries per year, and save $9 billion in workers compensation and related costs.

Due to riders and similar block-at-all costs tactics since 1995, the delay in implementing this rule cost $45 billion in workers' compensation and related costs, and allowed 1.5 million painful and disabling injuries that could have been prevented.

The problems are real, but so are the solutions. The time for delay is past.

The time to act is now. American's workers can't afford to wait.

I urge my colleagues to vote "no" on the joint resolution of disapproval.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, these workplace safety standards were not developed over night. They were discussed under a Republican administration. It took thousands and thousands of comments, 7,000 written comments. One thousand individuals came to hearings across the Nation. They were not developed overnight.

As a result, these regulations were promulgated, put forth, only nine pages to protect American workers. They have not even been put into effect yet. The Republican majority today, and President George W. Bush, want to throw out these workplace safety regulations before they have even been put into effect after 10 years of discussion and work. Vote no on this rule.

Mr. BOEHNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I would simply like to tell the gentleman from Maryland (Mr. HOYER) I do not look like I have been rolled, and I do not feel like I have been rolled; and we will get a patients protection bill out. But it will not do any good if my colleagues allow this standard to go through that OSHA is trying to put down on us.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, to my friend from Florida, some companies do help the employees and workers and some do not. That is why we have Federal legislation.

The young lady sitting to my left, this hard-working young lady, is relieved every 15 minutes, is replaced. She goes downstairs and transcribes.

So while someone just said that OSHA does not cover Federal employees, executive orders cover Federal employees. Know the law. Know the law right under our noses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a direct attack on the separation of powers. It certainly is amazing to me that my colleagues have not taken the time to go and see what it is to be in the poultry factory, plucking legs and wings day after day and time after time, or being a high-tech worker. What an irony, it has taken 10 years to do this; and overnight, in 5 minutes, we are throwing it out.

□ 1900

But the main point my colleagues have missed is it is the employer that decides whether or not the worker is injured, not anybody else. My colleagues are in fact asking America to suffer injury, if this is the legislative process of this House. If there is any mercy, mercy on the American people. Mercy on the American people. This is a disgrace. Vote against it.

Mr. Speaker, I rise in strong opposition of S.J. Res. 6, Disapproving Resolution for the OSHA Ergonomics Rule. The resolution being considered by the House today will adversely affect the American worker's right to be properly compensated when injured on the job. I vehemently oppose this action to repeal the Occupational Safety and Health Administration (OSHA) regulations regarding the ergonomics rule.

Under current law, Congress may repeal an agency's regulation by enacting a resolution of disapproval within 60 days of the rule being promulgated. S.J. Res. 6 disapproves the rule issued by OSHA of the Labor Department regarding repetitive-stress injuries and provides that the rule, announced in November, shall have no force, effectively repealing it.

The regulation addressed by this disapproval resolution was issued in the final days of the Clinton Administration by (OSHA) to prevent repetitive-stress injuries. Since the appropriations act for FY 2001 was not enacted by last November, the Clinton administration was given an opportunity to promulgate a final ergonomics rule.

The rule, promulgated last November by OSHA, generally covers all workers, except those in construction, maritime, railroad or agriculture, who are covered by other protections. The rule requires employers to distribute to their employees information about musculoskeletal disorders (MDSs) and their symptoms. The OSHA rule that the resolution disapproves took effect January 16, 2001, but most of the requirements of the rule are not scheduled to be enforced until October 15, 2001. Employers must also respond to employees' reports of MSDs, or symptoms of MSDs, by this date.

The rule requires—and for good reason—to take action to address MSDs and ergonomic hazards when an employee reports a work-related MSD and has significant exposure to ergonomics risk factors. Under the rule, it is the employer who determines if the MSD is work-related; if it requires days away from work, restricted work, or medical treatment beyond first aid; and if it involves signs or symptoms that last seven consecutive days after the employee reports them to the employer.

The employer must do a quick check to assess whether the employee is exposed to ergonomics risk factors, including repetition, force, awkward postures, contact stress and hand-arm vibration. The rule would allow workers to finally receive the compensation they deserve.

S.J. Res. 6 would effectively dismantle an effective solution to the most important safety and health problems that workers face today. The procedure being used to overturn the rule prevents any kind of reasoned debate about the merits of the ergonomics rule.

Let's look at the facts. Workplace practices cause millions of ergonomics injuries each year. OSHA's rule will prevent more than 4.6 million of these injuries in the first ten years and will benefit more than 100 million workers throughout the nation.

OSHA estimates that the ergonomics standard will cost American businesses $4.5 billion annually. But it will also save businesses $9.1 billion in worker's compensation costs and lost productivity each year. This is an economic argument often forgotten.

The current ergonomics standard is the long-awaited result of a 10-year process begun by former Labor Secretary Elizabeth Dole. This resolution is being considered under a procedure that prevents reasoned consideration of the merits of this ergonomics rule and prohibits amendments to that rule. The resolution was rushed through the Senate and was abruptly added to the House schedule by the GOP leadership—without adequate notice usually given to such important measures.

The recent National Academy of Sciences study proves conclusively that workplace practices cause ergonomics injuries and that ergonomics programs work to prevent and limit these types of injuries. This study simply confirms the results of numerous previous studies.

Mr. Speaker, if there are problems with the ergonomics rule, we should make changes to address those problems. But such changes could be made administratively—without throwing out the entire rule and, with it, any debilitating ergonomic injuries. Let us pause for a moment and remind ourselves of our obligation to provide full compensation of workers' injuries. I urge my colleagues to oppose the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I said earlier this evening this was an assault on the American worker, and it is; but it is also an insult to the American worker that earlier today, rather than extend the debate so we could discuss the facts, so we could debate it back and forth, the House chose to rather stand in recess than have a debate in the people's House.

When we asked for a hearing in committee, there was no hearing forthcoming in the committee. When the Committee on Appropriations asked for a hearing, there was no hearing. Yet for years the Republicans have stalled this regulation by saying they wanted more evidence, they wanted additional studies. They stalled it right up until the last days of the Clinton administration. And then when President Clinton issued this regulation in the last days of his administration, they said, How could he do this at the last minute? Because they had been stalling him for 6 and 7 years to promulgate this regulation. This is like the people who kill their parents and then ask mercy from the court because they are orphans.

It is no wonder this regulation has been stalled. And now when it is finally in place to protect the American workers, they insult the American workers by overturning it in 1 hour.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this really is a historic day in the people's House. This is the first time that the Congressional Review Act of 1996 is actually working its way through Congress and for the first time in the 10-plus years that I have been a Member of Congress that the Congress has stood up to the bureaucracy.

Yes, the gentleman from California is right, there are nine pages of regulations; but it took OSHA 600 pages to try to explain this to American businesses. And it would take any business owner in America a lawyer, a lawyer, to read through this to figure out exactly under what conditions the employer had to live by this regulation.

Now, we have heard a lot of debate today about the fact there is only 1 hour that we are going to have this discussion today. Now, all of the Members who have been here, more than those who were just here the last month and a half, know that we have debated this issue for 10 years; and for the last 6 or 7 years we have voted, the Congress, every year, to stop this and told OSHA to go back and take a look at it because it is too broad, it is too complicated, and it is too excessive on American workers and the people that they work for.

And what happened? The bureaucracy never listened. OSHA continued down their path of trying to shove this down the throats of the American people. This Congress today is standing up, finally, to the bureaucracy and saying, enough is enough; it is time to do something reasonable or not do it at all.

Now, why do I get a little excited about this? Well, let us go back. Let us go back to October when Congress voted again to make sure that this study did not go into effect. Four days after the election, the Clinton administration and OSHA decided they were going to proceed with this regardless of what the Congress thought. Why 4 days after the election? So it could take effect 4 days before the new administration came to office.

I do not think that is what the American people want. And I am proud of the fact that my colleagues today will stand up and tell the bureaucracy, enough is enough; that they are going to do things in a reasonable, responsible way or they will not do them at all.

Who are the people who are most concerned about their workers in this country? It is American small businessmen and small businesswomen who know that their workforce is the heart and soul of their business. The chances for them to succeed are based on their workers and the relationship they have with their workers. They are the ones that are interested in them.

We heard about the FedEx drivers with the bands around their waist, or the UPS drivers. Why do they wear that? Not because of OSHA. Because their employer wants to make sure that they keep them healthy and on the job. How about the Home Depot worker? Same kind of waist band, and Amazon.com, we see them running around. How about the people at the Kroeger store who stock the shelves? Those companies are there looking out for their workers, as all employers are. And for Kroeger, as an example, when it comes to the checkout person and the height of that table they operate from and that cash register, that is all designed to protect those workers.

So I would ask all my colleagues today to stand up on this historic day and do what is right. Do what is right for American workers and do what is right for American business, and let us once and for all tell the bureaucracy here in Washington, enough is enough.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this first attack from the Bush administration on the working people after the coup d'etat that took place in Florida.

Mr. Speaker, I rise in strong opposition to this resolution. Corporate America, President Bush and this Republican controlled Congress are abandoning the scientifically based worker safety protections that the Labor Department had finally put in place.

I would also like to point out that without the coup that took place this past November in Florida, we would not be having this debate. This is another perfect example of how much it really does matter which party is in power and which party cares about our nation's workers.

After years of struggle, the newly enacted worker protections are already under attack, and are about to be stamped out completely. Big business and their allies in Congress, through an undemocratic political maneuver, want to throw out 10 years of struggle and research to kill the standards that require employers to protect workers.

Remember, working men and women are the backbone of this country, and I cannot believe that this Congress is simply ignoring their safety.

OSHA was finally moving forward to develop a standard to prevent unnecessary injuries, and this bill would only cause those workers more pain.

I urge my colleagues to stand up for the workers of America and vote against this resolution.

Mr. CONYERS. Mr. Speaker, I rise today in support of federal employees, who after ten years of studies, scientific evidence and millions of injuries, have taken the evidence and acted to protect the public interest. I rise in support of the findings of the studies initiated by my Republican Colleagues, which found not once, not twice, but in three separate studies, that Musculoskeletal Disorders, which injure nearly 2 million people annually, are caused by ergonomics hazards in the workplace. I rise in support of the employees in my state and district who have suffered workplace injuries, and who have continued to suffer without the protection of an ergonomics standard which has been found to prevent those injuries. I rise to applaud the Clinton Administration's efforts to protect worker safety and the enactment OSHA's most significant rule to date. Unfortunately, this legislation is just another attempt by the Republican Party to eliminate the gains that the Clinton Administration gave to American workers.

If I were to tell you that 1,600 children were being injured at their schools every day, if 1,600 people were injured every day in car accidents, if 1,600 people a day were injured in any other fashion, we would have a national crisis on our hands. But when OSHA, the Department of Labor, the Centers for Disease Control, and three separate studies, find that 1,600 workers are injured so severely on the job every day, that they need time off of work, we not only turn our back on workers, but we attempt, for the first time ever, to rescind a rule issued by federal agencies. These 1600 injuries are preventable, my friends! These injuries are estimated to cost 20 billion dollars annually in workers compensation, while the actual cost to the economy is nearly 50 billion dollars. These injuries result in lost wages for working families and lost productivity for struggling small businesses. And it's preventable!

I also rise today in strong opposition to the method by which this legislation has come to the House Floor. The Congressional Review Act has never before been used to review a rule that our agencies have issued. It's never before been used. Ever. The Congressional Review Act is an extremist tool, a part of the Contract with America, and it's being used to tie the hand of our federal agencies, and of future Congresses, and to end any chance of ever protecting workers from preventable injuries. The method by which this bill has come to the House floor today, has left both sides unable to amend the legislation, bypassing long established House procedures, including review by the appropriate committee's. It's been rushed through by people long opposed to OSHA's ergonomics rule, and will result in permanent debilitating injuries to employees, and in billions of dollars of damage to our economy.

I encourage all of my colleagues to take a close look at the studies which opponents to this rule commissioned. They prove conclusively that ergonomic practices can prevent injuries and help improve the quality of life of all working Americans. I strongly discourage establishing this dangerous precedent, and ask that they vote against the Disapproval Resolution for the Ergonomics Rule.

Mr. CHAMBLISS. Mr. Speaker, I rise in strong support of the Senate Joint Resolution 6 to overturn the Occupational Safety and Health Administration's flawed ergonomics regulation. OSHA's Ergonomic rules are unnecessary, too costly to businesses, and may not accomplish the stated goal of improving worker safety.

The proposed regulation is expected to cost $4.5 billion to the economy according to OSHA, I believe the cost will far exceed that. Small, medium, and large businesses would incur billions of dollars in new costs. If allowed to go into effect the OSHA regulation will be the biggest, most onerous new government mandate industries have faced in years, and there is absolutely no concrete evidence that it would result in a greater reduction in injuries.

The problems with the OSHA ergonomics regulations are numerous. Musculoskeletal disorders are poorly defined with no differentiation between job injuries and those, which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. Employees will also be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any musculoskeletal disorder occurs.

Industries have done extensive research of employees and their worker safety records. The results of their research have shown that voluntary initiatives such as early intervention, job rotation, worker training, new equipment, and increased mechanization contribute to improving worker safety records.

Passing this resolution to rescind OSHA's ergonomics regulation will be a victory for workers and businesses in Georgia. We must ensure that workers have safe conditions in which to work while at the same time allowing businesses to prosper. The Clinton Administration's last minute, costly ergonomics mandate would have resulted in layoffs and higher prices for goods and services. I urge all of my colleagues to join me in supporting this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproval Resolution for the OSHA Ergonomics Rule. This proposal will repeal ergonomic standards that protect millions of working men and women.

These ergonomics guidelines were issued in the final days of the Clinton administration by the Occupational Safety and Health Administration (OSHA) to prevent repetitive-stress injuries.

These guidelines are designed to prevent musculoskeletal disorders, such as back injuries and carpal tunnel syndrome, which constitute the biggest safety and health problem in the workplace. Such injuries account for nearly one-third of all serious job-related injuries.

In 1999, according to the Bureau of Labor Statistics, more than 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. Ergonomics injuries affect every sector of the economy, including nurses, cashiers, computer users, truck drivers, construction workers, and meat cutters.

Women are particularly harmed by such injuries. Employees in data entry positions, assembly line slots, nursing home staffs and many other jobs face a heightened risk of workplace injury if implementation of the new ergonomics standard is halted.

A January 2001 National Academy of Sciences (NAS) study concluded that there is abundant scientific evidence demonstrating that repetitive workplace motions can cause injuries, and that such injuries can be prevented through ergonomic interventions.

OSHA developed a set of regulations to prevent extensive worker injuries. It is estimated that implementation of these regulations will prevent more than 4.6 million injuries over the next decade and save employers $9.1 billion a year. If S.J. Res. 6 passes the House, OSHA will be barred from issuing comparable protections to protect workers.

Our workers need to be protected. The OSHA guidelines will prevent hundreds of thousands of serious injuries each year and spare workers the pain, suffering and disability caused by these injuries. If S.J. Res. 6 passes, our workers will have no safety mechanisms to protect them from being injured at the workplace.

We cannot gamble with our worker's health and safety. They should not have to suffer unnecessary injuries. We must move forward and implement OSHA's important protections that will prevent more workers from being hurt.

It is unfortunate that the Bush Administration is declaring war on working families by supporting this proposal. This Administration is pushing this bill in order to pay off the big businesses that supported their election.

But what about the working class who will suffer tremendous losses due to the passage of this bill?

This is the same week that the Republicans want to pass a tax cut to benefit the wealthy while at the same time abolish workplace safety standards for the working class! Where are the priorities our President and Republican leadership?

I strongly urge my colleagues to support our hard-working individuals by voting "no" on passage of this proposal.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproving Resolution for the ergonomics rule that the Occupational Safety and Health Administration issued to prevent workplace-related repetitive-stress injuries.

Today we stand poised, for the first time, to disapprove an agency rule under the Congressional Review Act (CRA). The target of this unprecedented effort is a rule that tries to address musculoskeletal disorders (MSDs). The rule requires employers to take actions to address MSDs and ergonomic hazards if and when the employer determines that an employee, who has significant exposure to ergonomics risk factors, has reported a work-related MSD injury. This process was commenced by former Labor Secretary Elizabeth Dole in 1990, during the first President Bush's administration, who noted at the time that there was sufficient scientific evidence to require OSHA to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's" Here we are, over a decade later, still arguing about whether the OSHA has the authority to promulgate a workplace ergonomics rule.

It is important to stress two things. First, under the ergonomics rule, it is the employer, not the employee, who determines if the reported MSD is work-related. Employers may obtain the assistance of a health care professional in determining whether the MSD is work-related or employers may make the determinations themselves. Second, the ergonomics rule does not apply a "one-size-fits-all" approach that forces employers to establish comprehensive ergonomics program. Employers are given the flexibility to tailor their response to the circumstances of their workplace. Employers may use a combination of engineering, administrative and work-practice controls to reduce hazards. I suspect if the Agency put out specific requirements, they would be chided for being too inflexible and placing impractical burdens on employers.

Opponents of the ergonomics rule argue that the costs of complying with the OSHA ergonomics standard will be $100 billion. While I understand these concerns, and believe that the compliance burden of the ergonomics standard should be limited, especially on small businesses struggling to make a profit, I am also concerned that some workers may suffer undue stress and injuries from repetitive motions which could result in even greater costs. Studies have found that these disorders constitute the largest job-related injury and illness problem in the United States today. Employers pay more than $15–$20 billion in workers' compensation costs for these disorders every year, and taking into account other expenses associated with repetitive stress injuries (RSIs), this total may increase to $45–$54 billion a year. While thousands of companies have taken steps to address and prevent musculoskeletal disorders (MSDs) or RSIs, half of all American workplaces address ergonomics. The annual costs of this standard to employers are estimated to be $4.5 billion, while the annual benefits it will generate are estimated to be $9.1 billion.

Mr. Speaker, I rise in strong opposition to this shortsighted congressional action has ramifications far beyond treating the rule as if it had never taken effect. Disapproval prohibits OSHA from reissuing the same rule or a new rule that is "substantially the same" unless the new rule is specifically authorized by Congress. Given the political minefield OSHA had to cross the first time, history tells us that they won't soon be traveling that road again, leaving far too many American workers in workplaces that do not address a substantial workplace hazard.

Mr. LEVIN. Mr. Speaker, I strongly oppose the resolution pending before the House, which would disapprove the Department of Labor workplace safety rules related to ergonomics. In the strongest possible terms, I urge my colleagues to reject this measure.

There have been ten years of science and study on this issue. Each year, it is estimated that 1.8 million Americans suffer from workplace injuries, many of which result from overexertion or repetitive motion. Musculoskeletal injuries on the job cause 300,000 injuries each year. Workers in the meatpacking and poultry industries, auto assembly, nursing homes, transportation, warehousing, construction and data entry are among those most affected. Due to the demographics of these jobs, women are particularly at risk. Many of these injuries are serious enough to require time off from work, and cost businesses billions in workers compensation.

It speaks volumes that after years of delaying these workplace safety standards with the argument that more time and study were needed, the Republican Majority has rushed this resolution of disapproval to the Floor with little notice, no committee hearings, no possibility of amendment, and only one hour provided for general debate. It's also ironic that, should the House adopt the resolution before us today, a workplace safety rulemaking that began 9 years ago during the first Bush Administration will be derailed by the signature of George W. Bush.

If there are problems with the new ergonomics rules, they can be addressed through the regular process, through hearings, and perfecting changes. Instead, today we have a sledgehammer.

Republicans should not be putting the special interests ahead of the public interest. We've studied this and studied this for the last ten years. The results are in. It's time to protect Americans from these preventable injuries. In the interest of protecting millions of workers from debilitating injuries, Congress should reject the resolution of disapproval.

Mr. SCHAKOWSKY. Mr. Speaker, ergonomics may be a fancy-sounding name but the impacts on workers from ergonomic hazards, including repetitive stress injuries (RSIs), carpal tunnel syndrome and tendonitis are down-to-earth and serious. Working men and women who suffer from ergonomic injuries have difficulty accomplishing the simple tasks that we take for granted. They often cannot open a can of soup, cannot comb their hair, and cannot hug their children. All of us know someone who has suffered a repetitive stress injury. Many keep working, in pain, because they cannot afford to stop. Their injuries are serious, they are obvious, they are often life-long and—most importantly—they are preventable.

Every year, 600,000 workers suffer serious injuries because of ergonomic injuries (according to a 1999 BLS study). Many of those injured workers are women. In fact, while women are 46 percent of the workforce, they account for 64% of repetitive motion injuries, 69% of lost-work-time cases due to carpal tunnel syndrome, and 61% of lost-work-time cases from tendinitis. Ergonomic hazards are the cause of one-third of all serious job-related injuries, but half of injuries affecting working women. They cost our nation $45 to $50 billion each year in medical costs, lost wages and lost productivity.

I, along with my Democratic colleagues in the Illinois delegation, today released a report prepared by the minority staff of the Government Reform Committee. It found that, in 1998, 26,734 Illinois workers suffered injuries so severe that they missed at least one day of work. Of those injuries, 5,554 workers—more than 1 in 5—missed more than a month of work. The cost of Illinois' economy is over $2 billion a year.

Last November, after 10 years of study, 9 weeks of hearings, 11 best practices conferences, 9 months of opportunity for written comment, and years of legislative delays, ergonomic standards were finally issued to prevent injuries. The program standard issued last fall outlined the benefits from this rule: 4.6 million fewer injuries, protections for 102 million workers at 6.1 million worksites, $9.1 billion in average annual savings, and $27,700 savings in direct costs for each injury prevented. The cost: $4.5 billion a year. Half of the projected savings result from preventing 4.6 million injuries.

In January 2001, the National Academy of Sciences issued a Congressionally-mandated study, giving the latest in a long line of confirmations that ergonomic injuries are a serious workplace problem and they can be prevented through standards to reduce ergonomic hazards.

There is practical evidence as well. At companies like 3M and the big three auto makers, ergonomic standards have not only helped reduce worker injuries, they have saved money and made the companies more productive.

Ten years ago, Labor Secretary Elizabeth Dole called repetive stress injuries "one of the nation's most debilitating across the board worker safety and health illnesses of the 1990's." We have delayed action for 10 years. Over that time, 6 million working men and women suffered needlessly. It is wrong that we let the 1990's go by without taking action. It would be unconscionable to allow RSIs to continue to plaque working families in the new millennium.

The Joint Resolution of Disapproval overturns last November's standards and prevents the Department of Labor from issuing any similar standard unless specifically authorized by Congress. The Bush Administration and its Republican supporters in Congress say that the rule costs too much. It is too costly to protect 102 million workers? This same Administration has proposed giving $774 billion to the richest one-percent of all Americans over the next 10 years.

I believe the November standards make sense in terms of workplace health and safety and economic productivity. But even if you believe that the employers need help to make ergonomic changes, why not take some of that $774 billion and use it to improve workplace safety? I simply do not believe that protecting workers is beyond our means.

ERGONOMIC INJURIES IN ILLINOIS

(Prepared for Representatives Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky)

Minority Staff, Special Investigations Division, Committee on Government Reform, U.S. House of Representatives, March 7, 2001

EXECUTIVE SUMMARY

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work.

Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at $50 billion annually.

The U.S. Department of Labor has worked for a decade to develop regulations to prevent ergonomic injuries. These regulations were finalized in November 2000. However, Congress is now considering repealing these regulations using the Congressional Review Act, a special legislative maneuver that has never been used before.

In order to estimate the impact of a repeal of the ergonomics rule on Illinois workers and on the state's economy, Reps. Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky requested that the Special Investigations Division of the minority staff of the Committee on Government Reform conduct a study of ergonomic injuries in the state. This report, which is based on data obtained from the Bureau of Labor Statistics (BLS) and cost estimates prepared by the National Academy of Sciences, presents the results of the investigation.

The report finds that:

Thousands of Illinois workers suffer from ergonomic injuries. In 1998, 26,734 Illinois workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% percent of the injuries were so severe that they caused workers to miss more than one week of work.

Ergonomic injuries cost Illinois's economy over two billion dollars each year. The analysis estimates that the total statewide cost of ergonomic injuries, including lost wages and lost economic productivity, was approximately $2.3 billion in 1998.

I. INTRODUCTION

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work. Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. These injuries are painful and debilitating. Ergonomic injuries can permanently disable workers, not only reducing their ability to perform their job, but preventing them from handling even simple tasks like combing their hair, typing, or picking up a baby.

These injuries are also expensive. Employees lose wages because of these injuries, while employers are forced to pay billions in compensation and face high costs because of the loss of productivity from the injuries. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at $50 billion annually.

Both Republican and Democratic administrations have been concerned about ergonomic injuries for over a decade. In 1990, Elizabeth Dole, Secretary of Labor for President George H.W. Bush, found that ergonomic injuries were "one of the nation's most debilitating across-the-board worker safety and health issues" and announced that the Bush Administration was "committed to taking the most effective steps necessary to address the problem of ergonomic hazards. In June of 1992, President Bush's Labor Department began work to establish regulations to solve the problem of ergonomic injuries.

Under President Clinton, the Department of Labor continued to investigate the causes and potential solutions to ergonomic injuries. Last year the Department held nine weeks of hearings with more than one thousand witnesses. It sponsored 11 best practices conferences and allowed for nearly nine months of written comment from the public. It examined extensive scientific research, including a 1998 National Academy of Sciences study that found that ergonomic injuries can be caused by work and that workplace interventions can reduce the number and severity of these injuries. Finally, on the basis of this evidence, the Department concluded that ergonomic standards would reduce the number and severity of ergonomic injuries.

On November 14, 2000, the Department issued the final standards to reduce the occurrence of ergonomic injuries. Beginning in October of this year, covered employers must provide their employees with information about ergonomic injuries, how to recognize and report them, and a brief description of the new ergonomic standard. The employee is not required to take any additional steps unless an employee reports an ergonomic injury or persistent signs of one. If an employee reports an ergonomic injury or persistent symptoms, and the employee is exposed to ergonomic hazards, the employer must then take action to address the problem. This action could range from a "quick fix," if the injury is isolated, to implementation of a full ergonomics program.

The standards cover over six million employers and over 100 million workers. OSHA estimates that compliance will cost $4.5 billion annually, but that the standards will save approximately $9.1 billion annually and prevent roughly 4.6 million injuries over the next ten years.

Congress is now considering overturning these regulations using a special legislative maneuver, the Congressional Review Act (CRA), which has never been used before. The CRA, enacted in 1996 as part of the Republican Contract with America, allows Congress to repeal rules promulgated by executive agencies. The CRA also allows Congress to bypass many procedural requirements and repeal rules with very little debate.

On March 1, 2001, Senator Don Nickles (R-OK) invoked the CRA and introduced S.J. Res. 6, which disapproves the recently enacted ergonomics rule. If both the House and the Senate pass the legislation to overturn the regulation, and the President does not veto it, the ergonomics rule will be repealed. The Labor Department would then be permanently prevented from issuing any ergonomics rule that is "substantially the same" as the disapproved rule.

II. OBJECTIVE OF THE REPORT

This report was requested by Reps. Blagojevich, Costello, Davis, Evans, Gutierrez, Jackson, Lipinski, Phelps, Rush, and Schakowsky to estimate the incidence of ergonomic injuries in Illinois. While there have been analyses of the numbers of workers affected and the cost of ergonomic injuries at the national level, there have been few estimates of the extent of the problem at the state level. This report is the first congressional study to estimate the number of ergonomic injuries in Illinois, as well as the first to estimate-the costs of these injuries.

III. METHODOLOGY

This analysis presents an estimate of the number of ergonomic injuries in Illinois, and an estimate of their cost. The data on the number ergonomic injuries was obtained upon request from the Bureau of Labor Statistics (BLS). BLS conducts extensive surveys of 220,000 private employees in 41 states, and produces state and national estimates of the total number of workplace injuries and illnesses based on these survey results. The data obtained from BLS includes information on all musculoskeletal disorders—such as sprains and strains, back injuries, and carpal tunnel syndrome—that caused employees to miss at least one day of work. In addition to obtaining information on the total number of musculoskeletal injuries, the minority staff also requested and obtained more detailed data on the types and severity of injuries, the industries in which they occur, and the workers who are affected.

The report also estimates the cost of ergonomic injuries in Illinois. In order to estimate these costs in Illinois, the report relies upon the recent estimate by the National Academy of Sciences of the nationwide economic costs of ergonomic injuries. The economic costs estimated by the National Academy of Sciences include medical costs, lost wages, and lost productivity. In order to determine a statewide share of these costs, the report calculates the proportion of all U.S. ergonomic injuries that occur in Illinois. The report then uses this proportion to estimate the total economic costs in Illinois.

The cost figures in this analysis are estimates and are based upon several assumptions about the cost of treating ergonomic injuries and the lost wages and productivity due to these injuries. However, because the BLS data significantly underestimate the total number of injuries, it is likely that these estimates are significantly below the true cost of ergonomic injuries. According to the National Academy of Sciences, "there is substantial reason to think that a significant proportion of musculoskeletal disorders that might be attributable to work are never reported as such." For example, a study in Connecticut found that only 10% of workers who suffered from work-related ergonomic injuries had filed workers' compensation claims, suggesting a high level of underreporting.

IV. FINDINGS

A. The Number and Severity of Ergonomic Injuries in Illinois

The Bureau of Labor Statistics indicate that ergonomic injuries are a severe problem in the state of Illinois. The data show that in 1998, 26,734 workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois in 1998.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% of the injuries were so severe that they caused workers to miss more than one week of work. These extended absences cause financial hardship for employees and increase costs for their employers.

Workers in some industries are at higher risk of ergonomic injuries than workers in others. Overall, workers in the manufacturing suffered the most injuries (7,303), followed by workers in the services sector (6,132 injuries), and workers in transportation and public utilities (4,731 injuries). Among industry divisions employing a significant number of Illinois citizens, the transportation and public utilities industry had the highest incidence rate of ergonomic injuries, 148 per 10,000 workers.

B. The Cost of Ergonomic Injuries in Illinois

Ergonomic injuries cost Illinois's economy millions of dollars each year. In 1998, workers' compensation insurance paid injured workers in Illinois $1.7 billion. The BLS data show that ergonomic injuries accounted for 33% of all workplace injuries in Illinois that year. If workers with ergonomic injuries received a proportionate share of the payments from workers' compensation, the cost of workers' compensation payments for Illinois workers that suffered ergonomic injuries in 1998 would be approximately $560 million.

Workers' compensation payments are only a part of the total economic cost of ergonomic injuries, however. Employers and employees must not only pay for medical treatment, but lose millions of dollars in lost wages and lost economic productivity. Overall, the National Academy of Sciences estimates that the total cost of ergonomic injuries to the U.S. economy is approximately $50 billion annually. In 1998, Illinois's private industry workers suffered 26,734 ergonomic injuries, which is 4.5% of all ergonomic injuries that occurred in the United States. If the state of Illinois bears a proportionate share of the nationwide economic costs of ergonomic injuries, this would mean that total costs due to ergonomic injuries in Illinois in 1998 were approximately $2.3 billion.

V. CONCLUSION

This analysis finds that ergonomic injuries present a severe health problem for Illinois's workers and a significant economic cost statewide. Over 26,000 Illinois workers suffered ergonomic injuries that forced them to miss work in 1998. These injuries were often serious, with almost 60% of the injuries causing workers to miss more than a week of work. The total cost of ergonomic injuries to employers and employees in Illinois in 1998 was approximately $2.3 billion.

Mr. CLAY. Mr. Speaker, I rise to urge my colleagues to support the OSHA Ergonomics Standard by voting no on the CRA resolution.

The importance of maintaining the Ergonomics standard as it relates to the health and well being of American workers cannot be argued. Each year, ergonomic workplace hazards cause over 1.8 million Americans to suffer crippling Musculoskeletal disorders, or MSDs. And of those injuries, 600,000 result in lost time from work.

Clearly, MSDs are the greatest single safety and workplace hazard confronting American workers today. But these types of injuries can be prevented simply by requiring employers to adhere to specific ergonomics workplace standards—and the OSHA rules do just that.

The long overdue OSHA ergonomics standard is supported by extensive scientific research and an exhaustive rulemaking record. We have the testimony of scores of scientific experts and hundreds of workers presented during numerous hearings on the matter—and they confirm that MSD injuries ARE serious, and they ARE caused by inadequate workplace environments, AND, they ARE preventable.

Since 1990, when then-Secretary of Labor Elizabeth Dole first promised to take action to protect workers from repetitive strain injuries, more than 6 million workers have suffered serious MSD injuries.

American workers have waited over ten years for this critical workplace protection and we must not make them wait any longer.

Every member of Congress has experienced first-hand the enormous pressure coming from the White House, the Republican leadership and business groups for us to use the Congressional Review Act to do away with these critical worker protection standards.

But while the Bush Administration says these rules place an unfair financial burden on corporations, it says nothing about the long-term health problems MSD's impose on American workers.

These new safety and health protections will prevent hundreds of thousands of serious MSD injuries each year and spare American workers the pain, suffering and disability caused by these debilitating injuries.

I urge every member of Congress to join with the scientific experts and safety and health professionals in support OSHA's Ergonomics standard, so all working people throughout this country can finally have the workplace protections they so urgently need and so justifiably deserve. For the sake and health of American workers, vote no on the CRA resolution.

Mr. SWEENEY. Mr. Speaker, As the former Labor Commissioner for the State of New York, I have a long standing and well known concern for workers rights and worker protection. I strongly believe that our workers are companies' best asset. Our workers are some of the best educated and most productive in the world and they deserve protection from unhealthy worker environments. For this reason I was pleased to see the U.S. Department of Labor work to address workplace injuries.

Unfortunately, the rule put forward by the Department of Labor is unnecessarily broad and overreaching. Rather than being limited to jobs that involve numerous repetitive motions or excessive lifting, OSHA has created a rule so enormous in its scope that it regulates every motion in the workplace. Additionally, specific parts of the proposal have been identified by small business as costly and troublesome; a charge I take very seriously. Furthermore, there are charges that many non-work related factors may increase the likelihood of injury, yet OSHA's standard holds employers accountable. Lastly, some critics say there is a lack of consensus in scientific communities as to the causes and proven remedies for repetitive stress injuries.

Two specific concerns prompt me to cast a vote of no confidence on the ergonomics rule. Besides the legitimate concerns I have already discussed, I am skeptical of regulations that are put into effect during the final days of an Administration that had eight years to promulgate them. Despite the obvious political aspects of these regulations, the idea that a rule can use a "one size fits all" approach to address the immensely complex ergonomics issue is foolhardy at best. Washington has tried this approach before and failed, time and time again. Secondly, the negative impact the 700 pages of regulations will have on small businesses is predictable. It will cost them time and money to decipher them, cost them more to implement, and cause many to simply close up shop. Small businesses are the engine that drives the economy, and the more difficult we make it for them to succeed through unnecessarily burdensome regulations, the more difficult it is for the economy to grow.

My vote of no confidence on the ergonomics regulations does not mean I oppose an ergonomics standard; I just oppose this one. I plan to work with Labor Secretary Chao to ensure our workers are protected from unhealthy work environments. Secretary Chao has made clear in a letter to Members of Congress, "Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking, that addresses the concerns levied against the current standard * * * Repetitive stress injuries in the workplace are an important problem." I pledge to work with her to see a quality, common sense, workable ergonomics standard put in place to protect the valued workers of our nation.

Mrs. MINK of Hawaii. Mr. Speaker, the ergonomics rule adopted by the Occupational Safety and Health Administration (OSHA) ten years after first being proposed by then-Secretary of Labor Elizabeth Dole will protect 102 million American workers from injuries in the workplace.

The ergonomics rule is designed to protect workers from musculoskeletal disorders caused by highly repetitive, heavy and forceful work. The injuries that result account for nearly a third of all serious job-related injuries.

According to the Bureau of Labor Statistics, in 1999 more than 600,000 workers suffered serious workplace injuries caused by repetitive motion and overexertion. These injuries cost employers and employees $45 to 54 billion annually in compensation costs, lost wages and lost productivity.

The National Academy of Sciences, in a January, 2001 report mandated by Congress, found that in 1999 musculoskeletal disorders accounted for 130 million encounters with physicians, hospitals, emergency rooms and outpatient facilities.

The study concluded that there is a relationship between back disorders and manual material handling, heavy physical work, frequent bending and twisting and whole body vibration. Repetition, force and vibration are related to hand and arm injuries.

The NAS concluded that "the weight of the evidence justifies the introduction of appropriate and selected interventions to reduce the rise of musculoskeletal disorders of the lower back and upper extremities. These include, but are not limited to, the application of ergonomic principles to reduce physical as well psychosocial stressors." Clearly, the $1 million NAS study mandated by Congress supports the ergonomics rule.

Consider the experience of the automobile industry. In 1994 Chrysler, Ford and General Motors and the United Auto Workers negotiated ergonomics programs in auto plants. The results: for workers, fewer and less severe injuries; for employers, gains in productivity, 1994. The Bureau of Labor estimates that in just 1 year, 69,000 work-related injuries were prevented in these companies. Of these, 41,000, or over two-thirds, were repetitive stress injuries.

OSHA estimates that 102 million workers in 6.1 million workplaces would be covered by the new ergonomics standard. Over ten years ergonomic problems in 18 million jobs will be fixed. Direct cost savings for each of these problem jobs is $27,000, including saving lost productivity, lost tax payments and the administrative costs related to workers' compensation claims.

The ergonomics rule is extremely important to women in today's workforce. Women make up 46 percent of the workforce, but account for 64 percent of repetitive motion injuries. Repeal of the ergonomics rule will have a disproportionate effect on women in the workplace.

Women account for 64 percent of repetitive motion injuries.

Women account for 69 percent of lost-time cases from carpal tunnel syndrome.

Women account for 61 percent of lost-time cases from tendinitis.

Annually over 180,000 women are injured due to overexertion.

According to the AFL–CIO, the top five jobs with the highest number of nonfatal injuries requiring time off are nursing aides, orderlies and attendants; registered nurses; cashiers, maids and housekeepers and assemblers.

Disapproving the ergonomics rule through use of the Congressional Review Act will preclude OSHA from ever again promulgating a rule on ergonomics. The Administration could amend, revise or even repeal the rule through the very same rulemaking process that led to the rule. Congress can effectively suspend the rule by prohibiting OSHA from spending any money to implement the rule. But by disapproving the ergonomics rule through use of the Congressional Review Act, OSHA will not be able to issue any ergonomics rule in the future. OSHA will never be able to implement any of the recommendations of the National Academy of Science as a result of the use of the Congressional Review Act.

I urge my colleagues in the interest of worker safety to please vote "no" on S.J. Res. 6.

Mr. OTTER. Mr. Speaker, OSHA's final ergonomic rules are flawed and based on assumptions and speculation. Even a study done by the National Academy of Sciences on ergonomics, which implied their support of OSHA's ergonomics regulation, called for more research and better statistics. We can't run agencies on assumptions, instead, agencies must govern on sound principles. And sound principles do not include holding employers responsible for employee injuries that may have occurred outside the workplace. That's simple unfair and unjust to small businesses across the country.

What we have here is another federal agency that doesn't trust the American people. In fact, small businesses, testifying before OSHA public hearings, suggested non-regulatory, educational and voluntary approaches to addressing ergonomic issues. However, OSHA ignored small business concerns despite the fact the American people and small businesses have voluntarily reduced injuries by 26% between 1992 and 1998.

OSHA estimated the ergonomics standard will cost employers $4.2 billion a year, but a Small Business Administration report estimated the actual cost of compliance would be as high as $42.3 billion. This cost will come out of American's wallets just because OSHA wanted to put this rule in place, even though they did so without listening to the people through a Congressionally-mandated analysis.

Mr. Speaker, along with the burden of another regulatory program, OSHA's program will invite a new wave of questionable claims and an increased number of lawsuits. Let us get back to common sense, leave it up to people in the workplace to decide, and vote for S.J. Resolution 6—a Measure of Disapproval for OSHA.

Mr. Speaker, I also submit the two letters attached for the RECORD, because they too state the case of OSHA's misguided efforts.

MICRON TECHNOLOGY, INC.,
Boise, ID, March 6, 2001.

Rep. C.L. "BUTCH" OTTER,
1st Congressional District, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE OTTER: I am writing on behalf of Micron Technology, Inc. regarding OSHA's recent rules creating an ergonomics program standard. As Vice President of Operations whose responsibilities include the safety of Micron's employees, providing a safe work environment is an essential part of my responsibilities. Micron currently has a quality ergonomics program and knows such a program can enhance workplace safety. However, the standard adopted by OSHA would have a negative impact on Micron and would actually inhibit our ability to provide the safest possible workplace for our employees. Therefore, we strongly encourage you to vote for the Joint Resolution of Disapproval of the Standard under the Congressional Review Act.

While the ergonomics rule may be well intentioned, it is seriously flawed. These flaws include:

The proposed regulations exceed the authority granted OSHA under the Occupational Safety and Health Act of 1970 which reads in part, "Nothing in this Act shall be construed to supercede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment." By creating a controversial new government mandated compensation program, OSHA exceeds its mandate of injury prevention and supercedes and negatively affects Idaho's worker's compensation law. Work restriction protection is, in effect, a federal workers compensation system which conflicts with state administered workers compensation.

State workers' compensation laws, would be undermined by OSHA's proposed regulations. The rule provides for compensation far in excess of that provided under Idaho's Workers' Compensation statues. The added compensation would leave such employees with little incentive to return to work following an accident.

The rule seems to state that the injury need not even be caused by the workplace in order for a worker to be compensated under the rule. Also the difficulty in diagnosing the cause or even confirming the existence of musculoskeletal disorders is well known. These facts confirm the rule is a clear invitation to fraud.

We are concerned that the regulation is ahead of the science and that individual solutions do not always work generally. We have learned through implementing our own program that for some employees, isolating workplace causes is straightforward. For others it is not, depending upon activities outside the workplace and unique physiology.

Even if the causal link between the injury and the workplace can be identified, abatement is sometimes not clear. Yet, the rule now creates potential liability for the employer with no clear objective way to achieve compliance. This is not appropriate.

With a single-event trigger and the broad remedies mandated when such an event occurs, we will be forced to allocate limited resources to solve problems that may not really exist, diverting those resources from where they can be best used to provide the safest possible workplace.

Disputed claims would likely have to work their way through both the OSHA system and the states' workers' compensation system, greatly increasing the cost to employers. Since the OSHA rule does not establish a system for dispute resolution, it is likely that implementation of the rule would result in a flood of litigation that would inundate an already overtaxed federal court system.

The paperwork created by the standard is extremely burdensome and does not necessarily lead to increased safety.

As you can see OSHA's ergonomics program standard is flawed in virtually all aspects and will negatively impact jobs, safety, employee benefits, costs to consumers and profitability. It is incumbent on Congress to disapprove the rules and to consider more appropriate approach to reducing injuries in the workplace. If you have any questions regarding the ergonomics rule and its impact on my company, please feel free to contact me.

Sincerely,

JAY HAWKINS,
V.P. Operations.

IDAHO FARM BUREAU FEDERATION,
Pocatello, ID, March 6, 2001.

Hon. BUTCH OTTER,
Longworth House Office Building,
Washington, DC.

Attn: Todd Urgerecht, Legislative Affairs Director.

DEAR REPRESENTATIVE OTTER: The Senate is scheduled to begin debate on Joint Resolution of Disapproval (JRD) on the ergonomic protection standard on Tuesday, March 6, and vote on the resolution on Wednesday, March 7. The House may vote on the Senate-passed resolution on March 8, or March 9.

The Idaho Farm Bureau Federation urges you to support the Joint Resolution of Disapproval on the ergonomic protection standard.

Passage of the JRD would invalidate the ergonomic protection standard promulgated by the Occupational Safety and Health Administration in November 2000. OSHA would still be free to offer guidelines and enforce other OSHA requirements for workplaces to be free of recognized hazards. OSHA would be prohibited from re-introducing substantially the same regulation later.

Common Arguments Against a Congressional Review Act JRD and appropriate responses:

The National Academy of Sciences (NAS) study that employers supported and obtained funding for confirms the need for an ergonomics regulation.

False: The NAS study clearly shows the contradictory nature of the research on ergonomic injury and work-relatedness. NAS even acknowledges that "psycho-social factors" (like personal stress, whether one likes one's job or employer) are major contributors to workplace ergonomic injuries.

Employers are desperately seeking ways to overturn the regulation even though "all the scientific evidence" indicates it is needed.

False: OSHA rushed the ergonomic standard through at the 11th hour of the Clinton administration despite the equivocal NAS evaluation of the science. The American College of Occupational and Environmental Medicine was so concerned about the science supporting the ergonomic regulation that it withdrew its earlier support of an ergonomics standard once OSHA published it.

Passing a Joint Resolution of Disapproval will prevent OSHA from ever addressing the issue of workplace ergonomic injuries.

False: If Congress passes a JRD, the Congressional Review Act forbids OSHA from again promulgating a regulation that is "substantially" the same. OSHA would retain the right to issue guidance to employers to prevent ergonomic injuries, to promulgate best management practices, and even promulgate a future rule that is substantially different from the November 2000 regulation.

Thank you for your consideration of this matter.

Sincerely yours,

RICK D. KELLER,
Executive Vice President, CEO.

Mr. ENGEL. Mr. Speaker, I rise in opposition to the resolution to repeal the ergonomics rule on repetitive motion syndrome issued by the Occupational Safety and Health Administration (OSHA). OSHA has been working on the new regulations for the last 10 years and that work has produced a rule that will protect our nation's workforce from what then Secretary of Labor, Elizabeth Dole, called "one of the nation's most debilitating across-the-board worker safety and health illnesses in the 1990's."

The plain truth is that America's workers suffer thousands of injuries every day and millions of injuries every year. While not all injuries are unavoidable, we in Congress have a duty to protect our workers from unnecessary injury. The ergonomics rule will prevent thousands of injuries due to repetitive motion syndrome. It has been estimated that the new protections will prevent over four and a half million injuries over the next ten years and save employers and workers $9 billion each year. We cannot let this opportunity pass us by. The fact that the resolution would prevent similar regulations from being implemented in the future is unconscionable. Repetitive motion syndrome is a real problem that will not go away with the passage of this resolution.

Our workforce is suffering and we can ill afford to repeal this much needed rule and leave workers without any of the protections deemed necessary by OSHA. It is amazing to me that the Republicans have resorted to dusting off the rule book to use a technicality as a means of blocking this provision. What are we to say to the thousands of workers that will suffer from repetitive motion syndrome in the years to come if this rule is repealed. I don't think that those suffering will be heartened by the notion that this is political posturing at its best.

We cannot let this resolution pass. We must let the ergonomics rule take affect so that our workers will enjoy the safety and protection due to them. I urge all my colleagues to vote no on the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in opposition to the Congressional Review Act (CRA) resolution to repeal the ergonomics workplace safety standards.

Each year, one million workers in this country miss work as a result of the stress and strain of injury inflicted by hazardous work conditions. These individuals suffer from a variety of disorders, such as carpal tunnel syndrome, tendonitis and back injuries among others.

After ten years of public process initiated by former Labor Secretary Elizabeth Dole, the U.S. Department of Labor's Occupational Safety and Health Administration issued an ergonomic standard, which went into effect earlier this year.

During the entire time that the ergonomic standard was being considered, the Republican leadership of this body stalled any implementation of a standard. They claimed that the Department of Labor lacked any sound and scientific basis for its proposed ergonomic standard.

They continually demanded that we wait until a report by the National Academy of Sciences was issued before we promulgated any rule.

Well, the Academy of Sciences conducted an exhaustive two-year study focused upon the causation, diagnosis and prevention of musculoskeletal disorders and concluded that there is a direct causal relationship between the workplace and ergonomic injuries. In addition, they also concluded that ergonomic injury could significantly be reduced through workplace interventions.

This is good science. Just like the Republicans demanded! I feel good to support my GOP friends in demanding good science and now we have it!

But instead science is not the issues. This is just another attempt by the Republican Party to ignore the needs of the hard working Americans that make our country run each day.

Repealing the OSHA ergonomic ruling would impose a substantial economic burden in compensation cost, lost wages and productivity, totaling an annual loss of nearly 50 billion dollars.

American workers have been the driving force behind our economy for so many years. These men and women, people like the individuals I represent in Queens and the Bronx, New York deserve the right to work in safe ergonomically correct work environments where their health is not in danger.

Let's give the American people something that they will really see and reap the benefits from each day—safe-working environments.

This is not only good science, but good policy.

Mr. LANGEVIN. Mr. Speaker, I rise today to express my strong opposition to S.J. Res. 6. This resolution would effectively overturn ten years of scientific study, public debate and agency efforts, which have resulted in a comprehensive and historic rule to protect the health and safety of America's workers.

In 1990, when this process was initiated, Labor Secretary Elizabeth Dole expressed her concern that repetitive stress injuries constituted one of the most serious worker safety issues of the decade. Now it is a new decade, and we finally have a standard in place to prevent millions of injuries and create a safer environment in workplaces across the country. It would be a tragedy to dismantle all the progress that has been made and deny our workers the protections they deserve.

I understand the concerns of many business owners that compliance with the ergonomics rule will impose an economic and administrative burden, and I am particularly sensitive to the potential impact of the rule on small businesses, which drive the economy of Rhode Island and many other states. However, OSHA estimates have shown that, while the new standard will cost business approximately $4.5 billion annually, it will likely save twice that much in worker's compensation and lost productivity each year.

I am committed to ensuring that the Department of Labor stands ready to offer any technical assistance businesses need in implementing the new standard in individual workplaces, and I would be willing to revisit this issue as we begin to develop a clearer picture of the actual costs and benefits of the rule. However, I am not prepared to reverse this landmark standard, which stands to benefit so many millions of hard-working Americans, before we have even given it a chance to work. Therefore, Mr. Speaker, I will vote against this ill-advised resolution, and I urge my colleagues to do the same.

Mr. STARK. Mr. Speaker, I am opposed to S.J. Res. 6 to repeal the Occupational Safety and Health Administration's ergonomics standard. Using the Congressional Review Act to overturn the OSHA ergonomics standard would be an extraordinary action, the first of its kind. It would be the first time in 30 years Congress reversed a legally established worker safety measure. It would be the first time CRA has been used to overturn any federal rule or regulation, much less one that was issued through ten years of public process.

The regulations, scheduled to go into effect this October, draw from the businesses that have successfully prevented ergonomic injuries or reduced their severity in the workplace. Repetitive injuries are one of the leading causes of work-related illness. More that 647,000 American workers suffer serious injuries and illnesses due to musculoskeletal disorders, costing businesses $15 to $20 billion annually in workers' compensation costs.

The standard—ten years in the making—could be overturned without any meaningful consideration of the facts and without workers having a chance to be heard. One hour of debate time is insufficient when it comes to the health and safety of the American worker. Don't be misled. Use of the CRA would not send the standard back to the drawing board. Rather, it would effectively prohibit OSHA from issuing a protective standard to address the nation's largest job safety program. This effort should be seen for what it is—an effort to kill any ergonomics standard once and for all.

Unfortunately, the ergonomics regulations are opposed by the majority party for the cost they would impose upon employers without regard for the value they would provide to the workforce and the long-term benefits to our economy. Basic safety in the workforce should be given, not some benefit that can be dropped at an employer's whim. I oppose efforts to delay or overturn regulations that would enhance safety in the workplace.

I urge my colleagues to vote "no" on the resolution before us today.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of S.J. Res. 6, The Ergonomics Rule Disapproval Resolution. I am pleased that this resolution has moved so quickly to the House floor, and I hope that it will soon be on its way to the White House to be signed by President Bush.

I have very grave concerns about the ergonomics regulations promulgated by the Occupational Safety and Health Administration (OSHA) under the Clinton Administration. As a Member of the Labor, Health and Human Services Subcommittee, I have worked for years to prevent OSHA from issuing these rules.

I support workplace safety, and I think that it is difficult to make the case that by supporting this resolution, I am an advocate of unsafe work environments. In fact, America's workplaces are safer than ever. Workplace injuries, sicknesses, and deaths have been declining for one hundred years because America's employers have market-based incentives to keep workplaces safe. Hazardous workplaces mean more lost workdays and high workers' compensation insurance premiums. Both of these factors translate to lost profits. There is no doubt that it is in every business owner's interest to promote a safe workplace. In addition to market incentives, I am also supportive of programs like the successful Voluntary Protection Program, which promote safety through cooperative means and education.

OSHA's risky ergonomics scheme is another effort to gore small business that must be stopped. This hastily enacted regulation consumes over 300 pages of fine print in the Federal Register, is accompanied by over 50,000 pages of supporting information in the docket, and has an 800-page index. OSHA gave American businesses just two months to comment (then added on an additional 30 days) on a regulation which is anticipated to cost billions of dollars to implement. I would argue that 90 days is barely enough time to read and digest the regulation, let alone provide comment. I am further concerned that the rules are so broad, confusing, and subjective that employers could never know if they are in compliance.

Beyond my basic concerns regarding the substance of the regulations themselves, I am outraged by the flawed process that was used to implement the regulation. With my support, language was included in the FY01 Labor HHS Appropriations bill barring OSHA from implementing the rule. An effort to strip this language from the bill failed on the House floor last June by a vote of 201–220. The same language barring the ergonomics rule was added to the Senate bill in an amendment on the Senate floor. Congress overwhelmingly supported delay of this rule. While we in Congress knew that President Clinton would not support our position, we were confident that President Clinton would have to negotiate with us.

Ultimately, Congress and the White House reached an agreement that no action would be taken on the ergonomics regulations, and that the issue would be left for the next Administration—be it a Bush Administration or a Gore Administration—to resolve. On November 14, 2000, while the Congress was in recess, President Clinton took matters into his own hands and moved ahead with the regulations, openly defying the will of Congress. This rush to implement the regulation showed the Congress that President Clinton had not negotiated in good faith. Furthermore, these rules were implemented to go into effect in January, just days before a new President would take office. The process made the new President unable to repeal the regulations. The process that President Clinton chose to put forth this regulation left this Congress with no option but to utilize the Congressional Review Act.

And so I stand here today, Mr. Speaker, because flawed regulations were put forth by a lame-duck President, against the will of Congress. These regulations were not based on sound science. They will cost businesses countless dollars, and unnecessarily destroy jobs. These regulations do not protect workers from injury. Instead, the cost to implement these rules puts workers at risk of being unemployed.

I am confident that no American workers will be injured as a result of the legislation that I hope will pass this House today. Congress has already received assurances from Secretary of Labor Elaine Chao that she will place a high priority on assuring worker safety and protection. I applaud her for her efforts, and I applaud the small businesses in my congressional district and across the country who have voluntarily made their workplaces safe, without the intrusion of the long arm of the federal government. I rise in support of S.J. Res. 6, and urge my colleagues to join me.

Mr. LAFALCE. Mr. Speaker, I rise today in strong opposition to S.J. Res. 6, a resolution disapproving and overturning the OSHA ergonomics standards that took effect earlier this year.

I oppose this resolution because I believe these standards provide businesses of all sizes with the flexibility to comply in an efficacious manner and will not only protect worker health but will also save American businesses billions of dollars in the long-term. Moreover, I am deeply troubled by this unprecedented use of the Congressional Review Act to undo a rule that goes to the heart of the Federal Government's mission to protect worker safety and health; a rule that is the product of 10 years of study by the Occupational Safety and Health Administration (OSHA), 11 "best practices" conferences, and a nearly 9-month public comment period; and a rule that is supported by thousands of scientific studies, including, most recently one mandated by Congress by the National Academy of Sciences.

Each year, there are 1.8 million workers who suffer from musculoskeletal disorders, and 600,000 men and women have injuries so severe they are forced to take off work. The Bureau of Labor Statistics in my home state of New York reported that more than 48,000 private sector workers had serious injuries from ergonomic hazards in the workplace, and an additional 18,444 public sector workers had injuries serious enough for them to lose time from work. Obviously, there is a serious problem here.

I urge Members to think beyond the workplace as well. Think of the mother suffering from carpal tunnel syndrome who is unable to open a jar of baby food for her son, or the father suffering lower back pain who can no longer play a game of catch with his daughter; the life-long friend who cannot take that annual fishing trip or golf outing with you anymore because of an on-the-job injury; or the neighbors who after a career on the assembly line need your help to do yard work because they are no longer able to hold a rake to clean-up leaves or to bend over to plant flowers and pull weeds from the garden. These are the victims—family, friends, neighbors, and these are the everyday, pernicious consequences of repetitive stress injuries that not only affect a person's ability to work, but also their ability to live a normal life.

In January, when the Clinton administration issued regulations crafted by OSHA over the last decade to prevent work-related musculoskeletal injuries, such as carpal tunnel syndrome and other repetitive-stress injuries, working families across America cheered. Finally, protections would be in place to address what is easily one of the costliest and the most frequent workplace health threats.

Yet the business community, from small firms to large manufacturers, oppose this ergonomics rule with near unanimity. In my view, their decision is a mistake, a position arrived at due to disinformation and misunderstandings. Business owners should view the creation of an ergonomically friendly workplace like any other business investment, such as upgrading computer hardware and software or replacing outdated factory equipment with new, technologically sophisticated machines. Compliance with this OSHA rule is a short-term cost that will enhance both the safety and the productivity of America's workforce and lead to long-term benefits and profits for America's businesses.

I certainly understand how frustrating onerous and rigid federal regulations can be to businesses—large, medium, and small—but that is not the case here. These workplace safety regulations are neither unnecessary nor rigid. Worker compensation costs related to repetitive-motion injuries, and the costs related to these injuries in terms of worker health and quality of life, are reason enough to keep in place this effective regulatory solution to the most important safety and health problem workers face everyday. Moreover, reasonable flexibility for employers and protections against abuse by employees are built-in to the rules by OSHA—particularly the provisions allowing employers to determine whether an injury is work-related, and allowing employers to determine how best to reduce hazards and deal with ergonomic problems in their workforces.

I am also deeply concerned about the use of the Congressional Review Act in this instance and its ramifications on any and all ergonomics standards in the future. First, we will debate just for one hour a resolution that, if passed, would overturn a decade of research, studies, and hearings initiated by Republican Secretary of Labor Elizabeth Dole. This is no way to legislate. Second, the Congressional Review Act not only blocks the OSHA rule under consideration, but also blocks any subsequent ergonomics rule that is "substantially" similar. I can appreciate the desire by some to make changes to the ergonomics standard, but these changes should be made administratively. Most importantly, they should be based on sound science and on the legitimate concerns of both workers and businesses.

In closing, I urge all of my colleagues to join me in opposition to this outrageous, antiworker resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support S.J. Res. 6, the Ergonomics Rule Disapproval Resolution.

Small business is the engine that drives our national and local economies. I am deeply concerned about the impact that this ergonomics rule would have for these reasons. Since the Department of Labor submitted the Occupational Safety and Health Administration (OSHA) rule on ergonomics on November 14, 2000, I have heard from many small businesses in my district concerned about the consequences of this rule on their places of business.

While many American businesses are committed to providing a safe workplace for their employees by improving safety standards and protecting their employees' health, they are particularly troubled by the ambiguous procedures and vague definitions that OSHA promulgated through the ergonomics rulemaking. The rule holds employers responsible for paying 80 percent of an employee's pay for 90 days should his or her job contribute to a musculoskeletal disorder (MSD). In addition, the OSHA rule is unprecedented in scope and is based on uncertain science, both in its treatment of alleged MSD and in their relationship to the workplace.

Presently, MSDs are poorly defined with no differentiation between on the job injuries and those which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. The lack of scientific or medical standards will only add to the confusion.

Additionally, the OSHA ergonomics regulation may conflict with state workers' compensation laws. Employers will be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any MSD occurs. The OSHA ergonomics rule overrides well-established state standards that set compensation levels for injured workers and determine whether or not a condition is work-related.

The National Academy of Science report concluded that "None of the common musculoskeletal disorders is uniquely caused by work exposures" and that further "research is needed to clarify such relationships."

By OSHA's own estimates, this ergonomic rule will cover over 102 million employees, 18 million jobs, and 6.1 million businesses and cost almost $100 billion a year to implement. And there are no guarantees or certainties that this rule will protect workers or have a positive and lasting impact on workplace safety. Furthermore, OSHA's rush to judgment in issuing this regulation to meet artificial deadlines exemplifies irresponsible governmental action.

I will continue to support common-sense protections for all workers. In addition, I will continue to support legislation to ensure that there are adequate workplace safety standards and rules for all workers. However, I do not believe that the OSHA ergonomics rule is the solution. For these reasons, I urge all my colleagues to support S.J. Res. 6.

Mr. BLUMENAUER. Mr. Speaker, we are being forced to vote today on this resolution of disapproval for OSHA's ergonomic standard. This is an all or nothing approach.

Our effort to bring about improved ergonomics for our nation's workers was started by Elizabeth Dole when she was George Bush, Sr.'s Secretary of Labor ten years ago. What we are attempting to address is the single largest workplace safety and health problem in the United States: the work-related stress and strain injury and disorders that cost the economy over $50 billion every year. Employers pay between $15 and $18 billion in worker's compensation costs alone for these injuries. We can do something about it.

The National Academy of Science backs the scientific basis for OSHA ergonomic standards. An exhaustive 2-year study conducted by 19 experts in the field found that there is a direct relationship between the workplace and ergonomic injuries, and ergonomic injuries can be significantly reduced through workplace interventions. Now the Republican leadership wants to ignore the very study it mandated. It is the wrong step to just overturn this rule. We need to take action to protect the health and safety of working families.

The OSHA standard is only 9 pages long, and it is written in plain English. To serve the needs of our workers as well as to prudently address costs and benefits, I urge a no vote on the resolution of disapproval for the ergonomics rule.

Mr. RUSH. Mr. Speaker, it is with great disappointment that I stand here today to voice my objection to Senate Joint Resolution 6, Disapproving Resolution for the OSHA Workplace Safety Rule. This resolution is shortsighted and against the public policy Congress has been espousing over the last 20 years.

There is no question that workplace injuries exist and are prevalent. Workplace injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. In my home state of Illinois, in 1998, 26,734 Illinois workers suffered workplace injuries that were so severe that they were forced to miss at least 1 day of work.

Also, workplace injuries currently cost businesses billions. The National Academy of Sciences has estimated that the costs of workplace injuries to employees and employers, and society as a whole can be conservatively estimated at $50 billion annually. Again, in my home state of Illinois, the total statewide cost of workplace injuries, including lost wages and lost economic productivity, was approximately $2.3 billion in 1998.

OSHA's workplace standards would simply establish preventive measures in the workforce to decrease workplace injuries, injuries which employers pay for in workman's compensation payments.

For the last 20 years, under both Republican and Democratic majorities and Presidents we have preached the virtues of prevention and preventive care. We pay for pap smears, nutrition programs, glucose testing, all in the hope of catching medical conditions at an early stage before they become more costly chronic conditions.

The repeal of the workplaces standard is a 180-degree turn from that history of preventive services. It is estimated that the standard could save employers approximately $4.5 billion a year by helping keep workers healthy and productive.

Businesses and employees will pay for workplaces injuries in the future, they will pay through lost productivity and higher workman's compensation payments. By abandoning prevention, we are accepting a future of further injuries and greater cost.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to the repeal of valuable and beneficial workplace safety standards. We now stand on the edge of turning back a measure that would have significantly improved the lives of hundreds of thousands of working people, without even maintaining the pretense of a working together in a bipartisan manner. There are substantive and, perhaps most importantly, procedural grounds why I must oppose this.

This worker safety rule was not simply created over night. This vote today will in fact erase a process that was 10 years in the making. It was also based on a 2-year study by the nonpartisan National Academy of Sciences which concluded that there is a great deal of scientific evidence showing repetitive workplace motions cause injuries that can be prevented through ergonomic intervention.

I have serious problems with the way this issue was brought before us in the House. In this situation, the resolution was rushed to the floor with little or no warning, and this vote will completely eliminate the worker safety rule, using a little known, never before used procedure, the Congressional Review Act. This resolution also prohibits the Occupational Safety and Health Administration from issuing a similar rule to protect the safety of workers, which clouds the issue further. Eliminating the rule under these circumstances rolls back years of investigation and review, and will force the effort to improve worker safety to start over from scratch, where it began more than 10 years ago. A more proper course of action would be to allow the rule to be adjusted, rather than wipe it away all together.

For all the positive talk about bipartisanship that has been heard in recent weeks, we have seen remarkably little on this matter. Debate has been stifled, and instead of forging a compromise between both sides that allowed the rule to be adjusted, this vote was taken to completely eliminate the rule.

I believe that this repeal will be a serious blow to working people in the United States. These ergonomic standards were designed to curb repetitive motion injuries for American workers in a wide-range of professions, including nurses, cashiers, truck drivers, construction workers, meat cutters, and those who operate computers. These are all people who are especially susceptible to injuries—which are often times crippling—caused by repetitive motion, heavy lifting, and forceful exertion.

In 1999, it was estimated that more than 600,000 people suffered from such injuries, and they account for one-third of all serious job-related injuries a year, making them the leading safety and health problem in today's workplaces.

I believe these standards would have resulted in savings to the companies that have opposed them. This issue concerns people who, because of their injuries, are unable to work and provide for their families and for themselves, and that causes lost productivity, which results in economic loss for business and the country. In 1999, the Bureau of Labor Standards estimated that the cost of these injuries is $45–50 billion each year. These injuries account for perhaps a third of employers' costs under state worker compensation laws.

So despite abundant evidence pointing in the direction of needed ergonomic standards for workplaces, this rule has been repealed, and the safety of working people has been ignored.

Ms. HOOLEY of Oregon. Mr. Speaker, I reluctantly rise in opposition of this resolution.

Coming from Oregon, I represent an area of the country where small businesses and family farms are the backbone of our local economy. As such, I'm extremely sympathetic to the concerns of the men and women who own these businesses, many of whom have contacted me in the last couple of weeks. After all, you can't have jobs without businesses.

I know that the OSHA regulation which we're about to kill is going to have unintended consequences. Any time a business is faced with further government regulations you're looking at increased paperwork and having to deal with federal employees who, lets be honest, sometimes can be difficult to work with.

For example, just last week I talked with a friend who owns a small hotel. Anyone who's been to Oregon knows it's one of the most beautiful places in the world, and we're heavily dependent on tourism. This person was overwhelmed by the proposed standard and rightly worried that he'd wind up being fined or lose his business because Washington had implemented a better mousetrap for Oregon. He didn't know if his employees would be limited in the number of bags they could pick up or how many stairs they'd be limited in climbing and hadn't had any luck in finding out the answers to his questions from OSHA.

Now when you're in my position and you're trying to do what's best for your district and for everyone who lives and works there, it's impossible not to be affected by legitimate concerns about the cost and application of the ergonomics standard.

That said, even with the potential problems that are posed by this regulation, I can't in good conscience vote for this resolution.

That's because ergonomic injuries and the pain they inflict on hundreds of thousands of workers and retirees are not a feat of the imagination, and if we don't act, they're not going to go away.

In the past 4 years, there have been three comprehensive reviews of the science identifying the cause of these injuries. Their conclusions have been consistent: exposure to ergonomic hazards in the workplace causes injuries, and these injuries can be prevented through interventions in the workplace.

In fact, no less an authority than the National Academy of Sciences was ordered by Congress to report on ergonomics and whether the related injuries actually existed, and if so, if these injuries were preventable. For those of you who don't know, the Academy was created by Congress nearly 140 years ago to provide scientific and technical advice to our government. Since its inception, the Academy has made recommendations to our government that vary from using long-lasting metal for the name markers on fallen soldiers' tombstones to creating the U.S. Geological Service and the National Forest Service—both of which play an important role in Oregon.

Well, in its congressionally mandated report, the Academy of Sciences found there is "clear and compelling evidence" that musculoskeletal disorders (MSD's) are caused by certain types of work—and that those injuries can be reduced and prevented through workplace interventions. Add that report to the past 10 years in which the Department of Labor—in consultation with business, labor, and Congress—has worked to enact a fair, enforceable rule to protect America's workers from the real harm caused by ergonomic injuries.

But now, in the face of unrelenting pressure, we're not only about to cast aside 10 years of hard work, but Congress is about to prohibit OSHA from issuing a similar ergonomics rule in the future. And it's not just the 600,000 workers who every year are injured by repetitive motion that would suffer, but their families and their communities as well.

Thanks to carpal tunnel syndrome she acquired at her job at city hall, Mom might not be able to pick up her infant when he is sick or his older sister if she gets scared of the dark or correct homework because she can't hold a pencil. Dad might not be able to play catch with the kids or help them finish that science project because of the repetitive injuries he's suffered to his back after years of working the same saw at the local mill.

And because maybe Mom or Dad can no longer work the hours they used to or even stay in the same jobs, they can't buy as many groceries or another car or give their kids spending money to go see a movie with their friends or buy a comic book at the local mall.

So there's more to this issue that whether or not the OSHA regulation is confusing or that it will cost money to implement—in the long run, we know that employers will recoup the costs by providing a safe workplace and that consumers will have more money to spend.

While I certainly sympathize with the business owners and entrepreneurs who feel this rule infringes on their rights, the evidence is clear that by doing nothing we're not only harming millions of Americans, but harming our economy as well.

This is the biggest occupational health crisis affecting American workers today, and I urge my colleagues to allow OSHA to protect them from ergonomics injuries and to oppose this resolution.

Ms. KILPATRICK. Mr. Speaker, according to the National Science Foundation, over 1 million people suffer musculoskeletal disorders which cost the nation between $45 billion and $54 billion in compensation expenditures, lost wages, and decreased productivity. The National Science Foundation and other research institutions studied this issue and they came to the conclusion that these injuries can be reduced substantially with well-designed workplaces.

It was the Administration of President George H. W. Bush that established the relationship of ergonomically designed jobs and work-related illnesses in 1989. The results of a Labor Department study investigation found that flawed workplace designs is one of the leading causes of work-related illnesses and employers' costs under state workers' compensation laws. In response to these findings, the Labor Department—under a different administration, the Clinton administration—issued a proposed ergonomic standard for public comment in 1994.

But Congress intervened in the rulemaking process. Congress adopted language in the fiscal year 1995 Labor Department spending bill that prohibited the Department from issuing a final standard. Subsequent prohibitions were congressionally imposed in fiscal years 1996 and 1998.

In October 1998, the National Academy of Sciences issued a report that identified a significant statistical link between workplace exposures and musculoskeletal disorders. OSHA issued a draft rule in 1999 and published a final rule by November 2000.

In the course of this issue's 10-year history, distinguished Members on the other side of the aisle have sought to kill this effort to promote workplace safety. We find ourselves here again debating an issue that threatens to expose millions of hard working Americans to workplace hazards due to jobs that require repetitive movements and muscular stress.

Supporters of this joint resolution advance the argument that if this resolution of disapproval is enacted, the Bush administration will pursue a comprehensive approach to ergonomics. It's hard to take that argument seriously when the other side has consistently and persistently opposed every effort by the Labor Department to issue an ergonomic standard.

Moreover, the interests that oppose the current ergonomic rule cite that the costs of complying with the standard are likely to be $90 or $100 billion. But they do not cite the cost savings to businesses in workers' compensation costs and lost productivity. According to OSHA, the estimates are that the standard will cost American businesses $4.5 billion annually, but it will also save businesses $9.1 billion in workers' compensation costs and lost productivity.

The special interests who support this resolution of disapproval are the same interests who argued that the Family and Medical Leave Act of 1993 would impose too much of a cost and administrative burden on employers. They were wrong then and they are wrong now.

The special interests who support this resolution of disapproval are the same interests who argued that increasing the minimum wage in 1996 would weaken the economy and reduce job growth. They were wrong then and they are wrong now.

The special interests that support this resolution of disapproval argue that the ergonomic standard is too burdensome and costly for employers to implement. They are wrong now and they will be proven wrong in the future.

How can an ergonomic standard be burdensome to an employer when the employer is vested with the responsibility of determining whether an employee injury is work related? It's not the federal government determining if the employee's injury is work related. It's the employer! How can the opponents of this standard honestly suggest that bureaucrats are imposing a one-size-fits-all approach to workplace safety when it is the employer who determines how best to deal with ergonomic problems in their workforce?

One can only conclude that supporters of the resolution of disapproval are the same forces who have little regard for workplace safety and are long-time opponents of the Occupational Safety and Health Administration.

If you support workplace justice, if you support the right of people to work in a healthy environment, if you support basic human decency, then I urge my colleagues to vote against this resolution.

Mr. COSTELLO. Mr. Speaker, I rise today to oppose S.J. Res. 6, a resolution to disapprove the ergonomics regulation promulgated by the Occupational Safety and Health Administration in January. I will vote to uphold this regulation because I believe that worker safety must be our first priority. This process was originated a decade ago during the first Bush administration, and there is more than sufficient evidence to show the devastating impact of these injuries on the workforce. In 1998 alone, ergonomic injuries caused 26,734 employees in Illinois to miss at least one day of work, and cost employees and employers in the State an estimated $2.3 billion.

However, I also understand the concern that the regulation may overreach in some areas. The best way to address this concern is to let the rule stand, and then work to modify it. The approach we are taking today threatens any future action on this issue, by not allowing a similar rule to be enacted at a later date. It is my hope that if this resolution passes Secretary of Labor Chao will, as she has previously stated, continue to pursue a comprehensive approach to ergonomics and that a regulation with wide support will be enacted in the near future to protect working men and women in Illinois and across the nation.

Mr. Speaker, the success of this resolution must not become a tremendous loss for workers across the country. I hope this body will continue to give this topic the attention that it deserves.

The SPEAKER pro tempore (Mr. HANSEN). All time for debate has expired.

Pursuant to House Resolution 79, the Senate joint resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 206, not voting 4, as follows:

[Roll No. 33]

YEAS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch

Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

Becerra
Oxley
Shows
Stupak

☐ 1926

Mr. HORN changed his vote from "yea" to "nay."

Mr. SANDLIN changed his vote from "present" to "nay."

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEES ON RESOURCES, ARMED SERVICES, AND TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following resignation as a member of the Committees on Resources, Armed Services, and Transportation and Infrastructure:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Effective today, I hereby resign from the Committees on Resources, Armed Services and Transportation and Infrastructure.

Sincerely,

DON SHERWOOD,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee

Sincerely,

JOE KNOLLENBURG,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee.

Sincerely,

ZACH WAMP,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. THUNE. Mr. Speaker, I offer a resolution (H. Res. 82) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 82

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Appropriations: Mr. Sherwood.

Committee on the Budget: Mr. Doolittle to rank after Mr. Hastings of Washington; Mr. LaHood and Ms. Granger to rank after Mr. Portman.

Committee on Education and the Workforce: Mr. Goodlatte to rank after Mr. Isakson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1930

THE RIGHT TO VOTE IS FUNDAMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a place that I have traveled either to my home State or elsewhere that the American people are not talking about the election of 2000. I believe that that is an issue that should be a priority for America, as well as it is for us to appreciate and commemorate and celebrate our Constitution. The right to vote is fundamental, and so I intend tonight and tomorrow to offer two pieces of legislation, one to establish a national holiday for Americans to vote during a Presidential year and, secondarily, an act that will study the issue of how do we design a system that counts every vote and allows every American to vote, the Secure Democracy Act.

Those legislative initiatives will substitute for H.R. 60 and H.R. 62. We will establish a generic national holiday every 4 years so Americans who work every day will have the privilege and opportunity for expressing their choices and their rights to express the decision of who will be President and who will be elected to this body in the coming years.

I ask my colleagues to join me in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the importance for ensuring the right to vote is a fundamental right guaranteed to every citizen of the United States. Many people were denied this fundamental right in the past presidential election partly because they were unable to vote due to work commitments.

The bill I am introducing tonight will substantially resolve this serious issue raised by last year's presidential election, the lack of time for people to vote or participate in the very important federal election process, due to employment commitments that keep many Americans from voting or acting as election day officials.

I firmly believe that the United States Constitution is not just there to protect me or people who agree with me, but it is there to also ensure that those who do not share my view also have equal access to the tools of democracy. My legislation would establish a National Election Day on the 2nd Tuesday of November, in presidential election years as a legal public holiday. I am now lending my full support to this new bill instead of H.R. 62, which I previously filed. I am now also removing my complete support from H.R. 62.

Mr. Speaker, this bill will forge a strong commitment to Democracy at home and abroad by making substantive changes to how future presidential elections must work in order to avoid the problems of the last presidential election.

It is my opinion that the larger threat to our national identity as a democracy and the sense of well being that Americans once had about the election process is the acceptance of a belief that citizens of this country do not have a voice in its governance. This is the greatest Achilles Heel that this nation has ever faced. Throughout history many nations and governments have ceased to exist because they failed to fulfill the true mission of government, which is to be responsive to the needs of citizens.

For this reason, I am introducing legislation to establish a National Election Day as a legal public holiday to ensure that the fundamental right to vote that is granted to every citizen of the United States is adhered to. I am asking my colleagues in Congress for their support in meeting the voting challenges that have been presented to our growing and diverse nation.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, last month we praised our forefathers in observance of Presidents' Day and we also praised the contributions of African Americans in the development and continuation of this country. This month, as women's history gets underway, I rise to recognize some of our foremothers; women who dared to be first, who strove for equality and social justice for all; women who not only broke ceilings but shattered spheres in pursuit of rights that should have been inalienable; women whose contributions continue to pave the way and to inspire others.

Mr. Speaker, I am from Chicago, a city rich in women pioneers and trailblazers, both past and present. One such individual is Ida B. Wells who founded the first black female suffrage club in Illinois, as well as the first kindergarten in a black neighborhood. Wells was born in 1862, was a slave for the first 6 months of her life, and spent the remainder of her life fighting for civil and economic rights for African Americans.

Declaring that one had better die fighting against injustice than die like a dog or rat in a trap, Wells crusaded against lynching and segregation until her death in 1931.

Labor activist Sylvia Woods was a pioneer in civil rights. During World War II, she led the Union organization at Bendix Aviation. She spent much of the 1940s organizing United Auto Workers Local 330 and formulating the UAW resolution against sex discrimination. Following the war, she assisted women who were laid off in Chicago and cofounded the National Alliance Against Racism.

However, at present there are future history-makers that are making an impact on the lives of the citizens of Chicago and the Nation. Exemplary individuals from today include Addie Wyatt, Reverend Willie Taplin Barrow, Dr. Johnnie Coleman and Mrs. Mamie Bone.

Reverend Addie Wyatt has the distinction of having had active involvement with the three major movements of the 20th Century, labor, civil rights and women's rights. Her leadership roles in labor were international vice president of the United Food and Commercial Workers International Union and she broke ground as the first female local union president of the United Packing House and Allied Workers, and as international vice president of the Amalgamated Meat Cutters and Butcher Workmen of North America. Her founding roles in Operation Breadbasket and Operation PUSH, as well as her work with Martin Luther King, Jr., illustrate her commitment to civil rights. Her involvement in the women's movement has also generated a number of noteworthy achievements.

Reverend Wyatt is a founding member of the National Organization for Women, was even appointed by Eleanor Roosevelt to serve on the Labor Legislation Committee of the Commission on the Status of Women.

During her distinguished career, she advised Presidents Kennedy, Johnson and Carter and other important leaders on causes. She and her husband Claude currently serve as pastors emeritus of the Vernon Park Church of God in Chicago.

Reverend Willie Taplin Barrow is the co-chair of Rainbow/PUSH Coalition and is well-known for breaking barriers in a male-dominated profession. She is an ordained minister and on the Governor's Committee on the Status of Women in Illinois.

Another fine citizen is the Reverend Dr. Johnnie Coleman. Sometimes referred to as the first lady of the religious community, she is the founder-minister of Christ Universal Church where 4,000 people go to hear her words of wisdom and healing every Sunday.

To her credit, Reverend Coleman has several organizations in Chicago, the Universal Foundation for Better Living, Inc.; the Johnnie Coleman Institute; and the Johnnie Coleman Academy and a book of teachings entitled Open Your Mind and Be Healed.

Ms. Mamie Bone, as chairperson of the Central Advisory Council for the Chicago Housing Authority, fights regularly for residents. She serves as a member of the CHA Board of Commissioners and continues to champion the employment security and safety of public housing residents.

Of course, Mr. Speaker, I would also like to just highlight the activities and the involvement of Margaret Blackshere, who currently serves as President of the Illinois Federation of Labor. She is an outstanding labor leader, civic activist, former teacher, political activist and a fighter for the rights of working people all over America.

Margaret Blackshere, is currently the President of the Illinois AFL–CIO. A former classroom teacher, Blackshere has served on all levels of the Labor Movement from president of her local union in Madison to statewide vice president of the Illinois Federation of Teachers, to her current position.

Blackshere has a bachelor's degree in Elementary Education and a master's degree in Urban Education—both from Southern Illinois University-Edwardsville.

She has been a delegate to the Democratic National Convention, served as the director of the Illinois Democratic Coordinated Campaign in 1990 and 1992, and is a member of the Democratic National Committee.

Blackshere serves on various boards and councils including the United Way of Illinois, Voices for Illinois Children, White House Commission on Presidential Scholars, and the Illinois Skills Standard & Credentialing Council.

She is a member of American Federation of Teachers Local 763 and is a delegate to the National AFL–CIO Convention.

EDUCATION AND WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, as the Republican co-chair of the Congressional Caucus on Women's Issues, I am pleased to join the gentlewoman from California (Ms. MILLENDER-MCDONALD), the other co-chair of the Women's Caucus, and my other colleagues in celebrating March as women's history month.

Women accomplished so much in the 20th Century and I am fortunate and proud to co-chair the first Women's Caucus of the 21st Century. Let us hope that this century is productive for our daughters and granddaughters as it was for our mothers and us.

The last 100 years have seen women make important advancements in the area of public service. Not only did our predecessors gain the right to vote, but in recent years we have been considered a decidedly important voting block. We now have more women serving in the House and the Senate than ever before, 61 women in the House and 13 in the Senate. I think we will keep seeing these numbers increase.

We have women serving as Supreme Court justices, governors, Attorneys General and in many other elected offices, but we still have a long way to go. For all the accomplishments that women have achieved in the 20th century, we should not be complacent. We still have a lot to do.

One of the areas where females have made important strides is in the area of education. Women currently make up over 50 percent of college freshmen in the country. To think that in 1872, over 100 years ago, only 97 educational institutions even accepted women.

The National Center for Education Statistics report that females are now doing as well or better than males on factors measuring educational attainment. Nevertheless, women continue to trail their male counterparts in the areas of mathematics and science. This is something that I hope, through my position on the House Committee on Science, to help rectify.

What is more, women are still underrepresented in doctoral and first professional degree programs, although, as the NCEC points out, women have made substantial gains in these areas during the last 25 years.

There are other areas of education where improvements need to be made, most notably in the area of school access for so-called disadvantaged students. A group of disadvantaged students whose needs are often overlooked are homeless children. Homeless children face unique problems when attempting to access a quality education. Some schools do not allow homeless children to register for classes without school or medical records. Others will not enroll children without a home address, and there is nobody in the schools whose job it is to help them.

As a result, homeless children wait days and even weeks just to get into the classroom. Obviously this has serious and negative consequences for their educational advantages.

Mr. Speaker, some may be wondering why I am talking about homeless children during this recognition of the achievements of women. Well, it is because, as data shows, educating homeless children is a women's issue. According to a Federal study released in 1999, 84 percent of parents or guardians of homeless children are female. The average homeless family is composed of a single mother in her twenties and two children under the age of 6. Single mothers are vulnerable to homelessness because of the high cost of housing for families, the high cost of child care and lack of housing assistance.

We must work together as women, as leaders in our community and as public servants, to find answers to the destructive cycles caused by homelessness and poverty. That is why I have introduced H.R. 623, the McKinney-Vento Homeless Education Act of 2001. This bill will ensure that all homeless children are guaranteed access to public education so that they can acquire the skills needed to escape poverty and lead healthy and productive lives. It will also strengthen the parental rights at a time when mothers of homeless children find themselves most vulnerable. It will help homeless mothers pay for school supplies and other emergency items that children need to participate in school, such as clothes, eyeglasses and hygiene products.

Many mothers have expressed gratitude through letters and cards for these items which they could not otherwise afford at such a difficult point in their lives. Working hard now to ensure a brighter future for all Americans is something that we as women learn the importance of during our struggle to gain equality in the 20th century. During the month of March, it is fitting that women take time to reflect back upon and celebrate our collective accomplishments over the last 100 years. We must use every opportunity to show how we are going to use the lessons learned in yesteryear's battles to eliminate illiteracy, increase educational opportunity for all and promote high academic achievements. If we do so, that would give women 100 years from now something to crow about.

CONCERN OVER PROPOSED CASPIAN OIL PIPELINE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House Floor today to voice my concern regarding the proposed Baku-Ceyhan pipeline, originating in the Azerbaijani capital of Baku, bypassing Armenia via Georgia and ending at the Turkish port of Ceyhan.

Over the last few years, despite the reluctance of major U.S. oil companies, the Clinton administration promoted the Baku-Ceyhan pipeline, which many experts are now questioning. Cato Institute analyst Stanley Kober recently noted at a foreign policy briefing that the pipeline, far from promoting U.S. interests in the region undermines them.

Another report by the Carnegie Endowment for International Peace knows that pursuit of this pipeline only exacerbated tensions between the United States and Russia and did little to advance U.S. interests.

Mr. Speaker, let me be clear today that I strongly oppose the current plans for this project that is expected to cost $3 billion.

□ 1945

It is my hope that the Bush administration will take into account these reports and thoroughly examine the need for this proposed pipeline route. I am not encouraged, however, by recent reports that the Bush administration, like the Clinton administration before it, seems to believe that the pipeline would provide the West with a greater amount of oil, thus cutting down on the U.S. dependence on Middle Eastern countries for oil. I am here today to say that this is not the case. In fact, with reserves estimated at approximately 2 to 3 percent of the world's total, experts note that Caspian oil reserves will have no significant impact on world oil prices.

The Bush administration also seems to be under the impression that by building a pipeline in this volatile area of the world, that strained relations between affected nations would begin to heal. Again, Mr. Speaker, I want to say that this is not the case. In fact, I believe that the pipeline could make relations in the region a lot worse. At the very least, we should wait until peace is achieved in the region. The presidents of Armenian and Azerbaijan just concluded a round of talks in Paris. It is my hope that a resolution to the Nagorno-Karabagh conflict will be found this year. We should focus our efforts and attention on the peace process instead of wasting our resources on a commercially nonviable pipeline.

President Bush's support for the Caspian oil pipeline was first announced several weeks ago by Ambassador Elizabeth Jones, special advisor to Bush on Caspian energy policy. At that time, Ambassador Jones said that the oil companies find the project commercially viable and that the project would only happen if "it is determined that there is money to be made there by commercial companies."

Mr. Speaker, I am baffled to hear that the ambassador believes this project would be profitable to the participating oil companies. American oil companies, after years of exploration, still have not found any commercially viable oil fields. Many, in fact, have pulled out.

Realistically, the only way that this plan can be feasible for these oil companies is if the United States Government and other governments subsidize the project. Amoco president Charles Pitman might well have said just that when he testified before the Senate Foreign Relations Committee 4 years ago. At that hearing Pitman said, and I quote, "I encourage Congress and the administration to promote the strategic interests of the United States by helping make the Baku-Ceyhan route economically feasible." Since these companies have already said that the project is not economically feasible on its own, the only way to make it feasible is with a substantial subsidy from the U.S. Government.

Mr. Speaker, let me turn to the other reason Ambassador Jones gave for the Bush administration's supporting this pipeline: the belief that it would bring sovereignty and economic independence to the Caspian states. While proponents of this pipeline argue that it would strengthen the economic independence of states like Azerbaijan and Georgia, it is also very probable as outlined in the Cato and Carnegie reports that the pipeline plan would bring more tension to the area, already beset by instability.

Mr. Speaker, Armenia, which is completely bypassed by this pipeline, already suffers at the hands of a dual blockade from the east from Azerbaijan and from the west from Turkey. Azerbaijan has used its influence to ensure that Armenia would not benefit economically from the pipeline. Ilham Aliyev, son of Azerbaijan's president and a vice president of the State Oil Company of the Azerbaijani Republic, told the Azerbaijani newspaper Baku Tura in early January, and I quote, "Azerbaijan's position remains unchanged. The pipeline will not go via Armenia under any circumstances."

This would explain why the pipeline, which avoids the most direct route from the oil fields to the Caspian to Ceyhan, would be brought through Armenia. In fact, the pipeline route takes great pains to avoid Armenia and Nagorno Karabagh. This is simply unacceptable, and the U.S. should not subsidize this plan in any way which serves to further isolate Armenia.

Therefore, Mr. Speaker, I request that the Bush administration reconsider this decision and withdraw any support for the Baku-Ceyhan pipeline. I ask the Bush administration to take a fresh and honest look at pipeline policy in the region and take steps to ensure that all countries of the Caucasus are included in east-west energy and trade routes.

PELL GRANT MATH AND SCIENCE INCENTIVE ACT, 2001

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, earlier today I filed legislation called the Pell Grant Math and Science Incentive Act of 2001, and I rise today to speak in favor of this piece of legislation. I would like to tell my colleagues about what it is, why we need it, and who is supporting it.

Under this bill, a low-income college student who qualifies for a Pell grant would be eligible for an additional $1,000 grant that he would not have to pay back if he has demonstrated a proficiency in math and science while in high school.

Let me tell my colleagues why this legislation is desperately needed. We have a problem with filling high-tech jobs in the United States right now. Currently, there are over 300,000 high-tech jobs that are unfilled in the United States because we just do not have the math-and-science-educated workforce to fill these jobs. This is costing businesses $4.5 billion a year in loss of productivity. Now, we do what we can to increase H1B visas. Currently there are over 100,000, so we go to foreign countries and allow their high-tech people in to fill these jobs, but yet we are still 300,000 jobs short. We desperately need college graduates trained in math and science.

I learned this firsthand when I held a high-tech conference in my hometown of Orlando, Florida. At this conference was 75 leaders from the education community, high-tech industry, and political leaders, as well as leaders from Congress. What I learned there was one thing: what is most important to the high-tech business folks is having a well-educated workforce that produces graduates from our local universities who have experience in math and science. It does not have to be a specific computer major, not a specific Internet major, but someone who can do trigonometry, calculus, and basic science.

I also went and met with Silicon Valley executives, and I learned from them that the reason they are in Silicon Valley is because of Stanford and Berkeley. They have a steady stream of high-tech workforce produced there. They told me that the main thing they need is math and science graduates.

Mr. Speaker, we have a second reason for this legislation. We have a desperate need for more math and science teachers in this country. We will need to hire over 2 million teachers in the next 10 years. The biggest shortage we have are math and science teachers.

According to a survey just completed of large city school superintendents, 97 school districts in the United States require more science teachers today, and 95 percent of the school districts need more math teachers today. So we desperately need to help those low-income folks who may not otherwise go to college, but who have the ability in math and science to open the door of college to them and to provide them with this additional grant.

Now, who supports this legislation? Well, President George W. Bush is one. President Bush campaigned on the platform of providing an extra $1,000 for first-year college students who have demonstrated proficiency in math and science. In fact, his position is laid out in detail on his Web site: www.georgewbush.com. A second key supporter is the gentleman from Michigan (Mr. EHLERS), who this House knows is one of the gurus here in terms of math and science education and is a strong supporter of this legislation.

Perhaps the best part of this legislation is that it pays for itself. Right now, companies pay over $100 million a year collectively to provide for H1B visas to provide a short-term solution for the lack of high-tech workers. We can take that money and use it to fund this Pell Grant Math and Answer Incentive Act and would not have to raise any taxes and yet fix the long-term problem with the short-term money here.

Mr. Speaker, I urge my colleagues to sign on as cosponsors for this important piece of legislation, and I urge all of my colleagues to vote for it. It will make a meaningful difference in the lives of our young people who need help going to college; it will make a meaningful difference in the lives of high-tech folks who need additional workers, and it makes good common sense.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–12) on the resolution (H. Res. 83) providing for consideration of the bill (H.R. 3) to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, which was referred to the House Calendar and ordered to be printed.

SITUATION WORSENS IN SOUTHERN SERBIA AND MACEDONIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, since late last year, we have received a spate of reports indicating that violence is on the rise once again in the southern parts of Yugoslavia, Macedonia, and especially in the Kosovo region. These reports are of special concern because the regions involved in this new outbreak of conflict lie immediately adjacent to the sector of Kosovo which is termed the "area of responsibility" for United States troops participating in KFOR, the NATO-led Kosovo peacekeeping operation.

Responsibility for most of the increased violence lies with the hard-line Albanian Kosovar nationalists, some of whom quite clearly participated in the so-called Kosovo Liberation Army, KLA, which is supposed to be disbanded. They are now pushing their extreme agenda through violence in the Presevo Valley, lying across the internal boundary that separates Kosovo from Serbia.

As part of the agreement that ended the NATO military air operations against Yugoslavia in June of 1999, a 5-kilometer ground safety zone, GSZ, was established along the internal boundary between Kosovo and Yugoslavia. The Yugoslavian military and special police forces were prohibited from entering without expressed authorization by NATO.

The Presevo Valley contains several small cities and villages that are home to ethnic Albanians? Unlike their brethren in Kosovo, however, the Albanians of the Presevo Valley chose to remain outside the conflict which wracked Kosovo during 1998 and 1999. Although they certainly had legitimate grievances against the brutal regime of the former Yugoslavian leader, Slobodan Milosevic, the ethnic Albanians in the Presevo Valley rather than overwhelmingly seemed to prefer to settle their problems peacefully rather than through the violent means ultimately employed by the KLA.

Beginning in 1999, following the formal disbanding of the KLA, KFOR began receiving reports of the existence of a guerilla force calling itself by the initials UCPMB, the Liberation Army of Presevo, which was infiltrating across the Kosovo boundary into the GSZ in order to harass Serb police officers and intimidate some of the Serb residents of the Presevo Valley and thus caused them to leave the region.

In February of 2000, this Member led our House delegation to the NATO Parliamentary Assembly on a visit to Kosovo, and the commander of U.S. forces briefed us on the situation in the Presevo Valley. In fact, this Member climbed the heights of Kosovo to see the Presevo Valley below. At that time, he said to us that the situation with the so-called UCPMB was his single largest worry insofar as the safety of U.S. troops and other forces under his command were concerned.

Since last December, incidents in the Presevo Valley increased with several Serbian police officers reported to have been assassinated, and a joint U.S.-Russian patrol attempting to seal off the boundary came under fire by ethnic Albanians attempting to infiltrate from Kosovo. Last week, we learned of fighting in Macedonia along the border with Kosovo. Reports implicated a shadowy body calling itself the Liberation Army of Macedonia as being behind this most recent violence.

What is particularly disturbing about the involvement of Macedonian territory in what seems to be a new onset of a major conflict is that, in addition to Macedonia's enormous strategic significance, the Government of Macedonia, democratically elected last year, includes ethnic Albanians in its governing coalition; and Macedonia recently normalized its relations with Kosovo. Apparently, these democratic and popularly supported measures are unacceptable to the radical Albanian ethnics behind the renewed violence, because these progressive democratic steps undermine their goal of creating a "greater Albania." They continue to have as their goal unification of all ethnic Albanians who inhabit Serbia, Macedonia, Kosovo, and Albania itself into a greater Albania.

The numbers of radical Albanian participants in these incidents in southern Serbia and Macedonia is, at present, small. What is of most concern, however, is that they seem to be receiving support and assistance from Kosovo and they have not been repudiated by the ethnic Albanian leadership in Kosovo.

Mr. Speaker, this Member is of the opinion that those supporting an extremist agenda within Kosovo are known to some of the leadership within Kosovo; and thereby, they could be denied the support that they are apparently receiving to use Kosovo as a base of operations.

The implications of a "greater Albania" for the region and for the United States and its allies in Europe are extremely grave. A wider war involving Macedonia, Bulgaria, Greece, and Turkey ultimately would be very serious. Our earlier intervention of Kosovo was aimed at stopping that problem.

Mr. Speaker, this deserves our attention.

We need to make it clear to the Albanian extremists that we will no longer tolerate their efforts to foment violent and ethnic discord in the region.

Mr. Speaker, NATO is at present considering measures to stabilize the situation, both in Macedonia and in the Presevo Valley. NATO Secretary General, Lord Robertson is visiting the Capitol today and tomorrow to meet with Members. This Member is inclined to support suggestions that, given the gravity of the current situation in Macedonia and on its border, Yugoslavian military forces be permitted to operate within the 5 kilometer ground safety zone in southern Serbia. Additionally, this Member strongly believes that we need to return an international preventive peacekeeping force to Macedonia similar to that which helped protect Macedonia from attack and destabilization several years ago. The governments of the Federal Republic of Yugoslavia, the Republic of Serbia and the Former Yugoslav Republic of Macedonia need to agree to a complete demarcation of the border between Macedonia and Serbia, and to measures to ensure its sanctity and security.

REVISIONS TO REVENUE AGGREGATES FOR FISCAL YEARS 2001–2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, Section 213(b)(1) of the conference report on the Concurrent Resolution on the Budget for Fiscal Year 2001 (H. Con. Res. 290) authorizes the Chairman of the House Budget Committee to reduce the revenue aggregates contained in the resolution if the July report of the Congressional Budget Office (CBO) estimates larger on-budget surpluses than those published in the agency's March report. CBO substantially increased its estimates of the surplus in its July report. Accordingly, I submit for printing in the Congressional Record revisions to the revenue aggregates for fiscal years 2001–2005 to reflect a portion of that increase in the surplus.

Revised Appropriate Levels of Federal Revenues in the Congressional Budget Resolution

[In billions of dollars]

Fiscal year	Federal revenues
2001	1,496.9
2002	1,519.9
2003	1,572.1
2004	1,619.1
2005	1,680.3

Questions may be directed to Dan Kowalski at 67270.

□ 2000

WHY HORRIBLE CRIMES ARE BEING COMMITTED

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the terrible tragedy of the school shootings 2 days ago in California should be, and I believe is, of great concern to all Americans.

There are many reasons why these horrible crimes are being committed in several places by teenage boys, but I want to mention two major concerns I have.

I was a criminal court judge in Tennessee for 7½ years before coming to Congress trying felony criminal cases. I was told the first day that I was judge that 98 percent of the defendants in felony criminal cases came from broken homes.

I know that millions of wonderful people have come from broken homes, but almost all would say that family breakups made their childhoods much more difficult.

I know, too, that divorce is now a tragedy that has touched almost every family, and I know that many times it cannot be avoided. But I do not know of anyone who hoped beforehand that their marriage would end in divorce.

During my years as a judge, I went through approximately 10,000 cases, because 97 percent or 98 percent of the defendants pled guilty and apply for probation or other considerations. I would get 10-page or 12-page reports that went into the backgrounds and life histories of the defendants before me.

I would read over and over and over again things like defendant's father left when defendant was 2 and never returned, or defendant's father left to get a pack of cigarettes and never came back.

Unfortunately, millions of fathers have left their families, not realizing, I suppose, the great harm they are doing to their children.

Of course, many times it is the woman who wants the divorce, but this special order today is as much as anything a plea for families to try to stay together, if at all possible, at least until their children mature.

One of the greatest blessings you can give to any child, especially a small child, is a two-parent home.

I could not help but notice that the boy who did the school shootings in California came from a broken home and had recently been moved from one side of the country to the other.

The Federal Government bears a big part of the responsibility for all of these broken homes. Studies show that most marriages break up in arguments over finances, over money. For most of our history, government took a very low percentage of family income. In 1950, government took only about 8 percent to 10 percent. Today Federal, State and local taxes take almost 40 percent of the average family's income. Government regulatory costs that are passed on to the consumer in the form of higher prices take another 10 percent.

One Member of the other body said that today one spouse works to support the family while the other spouse has to work to support government.

Also, the giant Federal welfare state, which even former President Clinton described as a colossal failure, has helped contribute to the broken home situation. But if government at all levels would take less money from families, of course, it would not end divorce, but it would certainly mean that thousands of families that now split up would stay together.

Also, for families that have already broken up, I hope other family members will do all they can to fill the void in time and attention.

One article I saw about the boy who did the California shootings described him as a typical latchkey child.

Mr. Speaker, 2 years ago or 3 years ago, after another one of these tragic school shootings, I remember listening to the CBS national news and hearing the national head of the YMCA say that children in this country today are being neglected like never before.

I hope this is not true. But the YMCA has not released some statistics reporting that nearly 8 million children are left alone after school between the hours of 3:00 and 6:00, which just happens to coincide with the peak hours for juvenile crime.

The families need more money, so there will not be as many broken homes. We need to lower taxes at every level so that we can strengthen families, but children need a lot more than money. What they need most is love and time and attention.

My second concern is the movement towards bigger schools. I saw an article in the Christian Science Monitor a couple of years ago which said the largest school in New York City had 3,500 students. Then they broke it up into five separate schools, and their drug and discipline problem went way down.

Mr. Speaker, there are some exceptions, but in most places class sizes have been brought down to smaller or at least manageable size. However, going to bigger, more centralized schools meant that many young people felt like anonymous numbers or could not make a sports team or be a leader in some other school activity.

Also some very large high schools seem to have been breeding grounds for strange or even dangerous behavior.

Augusta Kappner, our former U.S. Assistant Secretary of Education, wrote recently in USA Today that good things happen when large schools are remade into smaller ones. She said incidents of violence are reduced; students' performance, attendance and graduation rates improve; disadvantaged students significantly outperform those in large schools on standardized tests; students of all social classes and races are treated more equitably; teachers, students and the local community prefer them.

Mr. Speaker, students are better off going to smaller schools even in older buildings than they are in these big, giant schools where they just feel like anonymous numbers.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I come to the floor tonight in celebration of National Women's History Month, the month of March.

I come here to salute the women in this country. This month is unique to me, particularly because Sonoma County, in my district, is the birthplace of the National Women's History Project, the nonprofit educational organization that is responsible for establishing Women's History Month.

In 1978, the Education Task Force of the Sonoma County Commission on the status of women, which I happened to be chair at that particular time, initiated a Women's History Week. Later in 1987, with the help of museums, libraries and educators across the country, the National Women's History Project petitioned Congress to expand the celebration to the entire month of March.

Mr. Speaker, a resolution recognizing Women's History Month was quickly passed with strong bipartisan support in both the House and the Senate. Although the month of March gained this distinction about 20 years ago, and a lot has happened since then, we still have a lot of work ahead of us.

When we celebrate women and when we look at women and children and the challenges ahead, we must do more for women and we must do more for families.

We must do more for our communities and for our Nation, and one place where we can start is by improving education.

Females make up slightly more than 50 percent of this country's population. Yet, less than 30 percent of America's scientists are women. In addition, the National Science Foundation reports that the jobs facing today's workers will require higher skill levels in science, math and technology more than ever before.

Quite clearly, there is no way that America can have a technically competent workforce if the majority of students, females, do not study science, math and technology. That is why I introduced a bill last Congress to help school districts encourage girls to pursue careers in science and math.

Although my bill is formally titled Getting Our Girls Ready for the 21st Century Act, it is really known as Go Girl.

Go Girl is designed to create a bold new workforce of energized young women in science, math, technology and engineering.

Last year, it was included as an amendment to two separate bills in the Committee on Science and the Committee on Education and the Workforce. This year I will be reintroducing Go Girl.

Along with improving early education, we must also invest in job training programs and initiatives that give women the tools they need to become self-sufficient.

Mr. Speaker, we all know that one of the best tools a woman can have is a quality education, since it is nearly impossible to get a good job without a strong educational background.

That is why I am working on legislation to allow education to count as work when we reauthorize the welfare to work legislation.

Mr. Speaker, this month, the month of March, encourages us to think about the progress women have made, and it reminds us to use every instrument in our power to continue to move forward. We must continue to dedicate ourselves to the jobs ahead. We must improve education for young girls and adolescents. We must invest in job training for women, ensure equal pay for equal work, and we must protect these rights, both in the United States and abroad.

It is said that a woman's work is never done, hence we are here tonight working in the middle of the night. Our predecessors knew the same thing in 1848.

Today, we know that with challenges ahead, we have our work cut out for us. We must continue so that we can get the job done.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am proud to stand here today as the Democratic cochair of the Congressional Caucus on Women's Issues, being the first cochair of this millennium, and happy to share this role with my friend and colleague, the gentlewoman from Illinois (Mrs. BIGGERT).

We will be submitting an education appropriation to address the role of education and our children.

Mr. Speaker, we are here today to celebrate March as Women's History Month and to highlight the extraordinary achievements of all women throughout our history, while recognizing the equally significant obstacles they have had to overcome along the road to success.

Women's History Month has progressed from Women's History Week, established in 1978, to coincide with International Women's Day, which we will celebrate tomorrow, March 8th.

It is during this time that we acknowledge American women of all cultures, classes and ethnic backgrounds who have served as leaders in the forefront of every major progressive social change movement, not only to secure their own rights to equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just civil society for all.

Women have played, and continue to play, a critical economic, cultural and social role in every sphere of our Nation's life by constituting a significant portion of the labor workforce working in and out of the home.

One of the most significant roles of women is that of mother, bearing children, nurturing and protecting their children.

In an effort to provide for the well-being of her children, a mother takes charge of all health and educational needs critical to the child's development. Thus tonight we will focus on women and education.

As a mother and grandmother, I am well aware of the importance of a quality education in the lives of young people and know that next to mother a teacher is probably one of the most influential persons in a child's life.

As a former educator and the only Member of Congress to serve on the National Commission on Teaching and America's Future, I have been committed to promoting quality teachers in our Nation's public schools.

Tonight I would like to discuss the issues of teacher recruitment, retention and professional development.

Mr. Speaker, it is widely recognized that investments in teacher knowledge are among the most productive means of increasing student learning. Despite our gains, much work still needs to be done. We need to ensure that all of this Nation's children are taught by well-prepared and well-qualified teachers who have access to ongoing professional development and lifelong learning opportunities.

The creation of more vigorous and rigorous professional standards for teachers is one methodology to address teacher preparedness. These standards ensure that teachers will know the subjects they teach and how to teach those subjects to children; that they will understand how children learn and what to do when they are having difficulty; and that they will be able to use effective teaching methodology for those who are learning easily, as well as for those who have special needs.

While new teaching standards may hold great possibilities for raising the quality of teacher preparation, these advances will have little impact on the Nation's most vulnerable students if school districts continue to hire teachers who are emergency credentialed and who are assigned to teach outside of their field of expertise.

According to the Journal of Teacher Education, students learn significantly less from teachers who are not prepared in their teaching area. Fields like mathematics, physical science, special education, and bilingual education are suffering from a shortage of teachers across different regions of this country.

These shortages occur in part because some States prepare relatively few teachers but have rapidly growing student enrollment. In my State of California, enrollments are projected to increase by more than 20 percent in that State by the year 2007.

In order to achieve the educational goals and success we hold for all of our children, we must develop strategies that do not trade off student learning for the hiring of unqualified teachers. In addition, we must be willing to provide qualified teachers, especially in the urban areas, with professional salaries and much needed training and services.

Mr. Speaker, we are proud to celebrate this month as Women's History Month.

We also need to create high quality mentor programs for beginning teachers and expand teacher education programs in high need fields so that individuals wishing to teach math, science and special education can obtain the training necessary to accomplish their goals. I am committed to ensuring that America's teachers are well trained, and well compensated. What goes on in classrooms between teachers and students may be the core of education, but it is profoundly shaped by the policies we propose and pass in Congress. We must support the work of teachers and school administrators and work together to strengthen America's educational system. It is my hope that together, we can develop innovative methods to ensure that there is a competent, caring, and qualified teacher for every child in the United States of America. Women across America let's celebrate this month and showcase the accomplishments of women.

☐ 2015

RECOGNIZING FIVE CITIZENS FROM MARYLAND FOR THEIR FINE SERVICE TO OUR NATION

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, I rise today to call my colleagues' attention to the fine service to our Nation by five citizens from my Maryland Congressional district: Mr. John Williams of Elkton, Mr. Richard Noennich of Elkton, Mr. William Jeanes of Earleville, Mr. Donald H. Burton of Chesapeake City, and Mr. Emmett Duke of Chestertown.

Very often we go on with our busy lives and forget that every day our government is making decisions and plans that will affect our health, our lives and our future. Every day so many of us take for granted that someone else will take up the causes for which we care and serve as the watchdog over our Federal institutions. Often we are too busy to get involved and our government moves ahead without critical oversight from the people, leaving accountability to be sacrificed on the altar of convenience.

More than 4 years ago our government, emboldened by the neglect of its elected leaders, was determined to move forward on a public works project in Maryland to deepen the Chesapeake and Delaware canal that connected the Delaware River to the Chesapeake Bay. This particular project was both a disservice to the taxpayers and a sin to our fragile Chesapeake Bay. A proposal to spend over $100 million on this wasteful and unnecessary project was never challenged. Yet five men from opposite corners of the community and separate walks of life met by chance and formed an alliance in the name of injecting honesty and integrity into an intimidating government review process. Led by the guiding principle of truth and a commitment to public service, these patriots faced the air of entrenched special interest with little outside support and ultimately triumphed in their efforts.

After enduring years of ridicule by editorial writers, being stonewalled by government bureaucrats and marginalized by many of their own elected officials, they were recently vindicated in their work by the rightful collapse of the project when the

Corps of Engineers finally recognized that they were correct in their assumptions.

Throughout the entire experience, these five men did not forget that one thing that makes America so strong, that democracy only works when citizens stay involved. These five citizens committed thousands of hours and thousands of dollars to making sure that our institutions of government stay committed to the principles of democracy, that our government of the people, and by the people remain truly for the people. Long after many of us would have withdrawn in frustration and moved on, they never lost their sense of optimism about our system of government.

Mr. Speaker, I commend them for this optimism. I commend their perseverance, and I commend the example they set for our children and grandchildren.

In his recent inaugural address, our new President reminded us sometimes in life we are called to do great things, but every day we are called to do small things with great love. These five patriots showed that in the small things they did every day and the great accomplishment that resulted, they showed great love for their community and our country.

Mr. Speaker, I ask my colleagues to join me in thanking John Williams, Richard Noennich, Bill Jeanes, Don Burton and Emmett Duke for their service to our nation.

Ralph Waldo Emerson said in his essay more than a hundred years ago, Self-reliance, "There is no peace without the triumph of principles." These men epitomize that statement.

CLOSE THE GUN SHOW LOOPHOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I hope that the Congress was awake today when there was another shooting, making two shootings in a week, yesterday California at a public school, two dead, 13 injured; today a Catholic school. It appears that there is one injury.

I am not sure if it takes these shootings to get congressional attention. I do give considerable credit to Senator MCCAIN and Senator LIEBERMAN who have been trying to close the gun gap since this Congress began, that is the gap that we left open at the end of the 106th Congress in spite of Colombine.

The Million Moms are still organizing at the grass roots. Members should be wary of letting another year go by of shootings and no action. I will have a Mother's Day resolution on the floor and I challenge the Congress to close the loophole before that resolution and before Mother's Day. We have come so very close and we must ask ourselves what advantage is it to us and our constituents to give an advantage to gun shows over licensed dealers in our district? Why should licensed dealers not get the respect, they who pay taxes, over gun shows who go without the same regulations; and why oppose closing the loophole when 90 percent would pass instantly. This is a question of congressional will.

I do not pretend that this is any panacea any more than the Brady Bill was, but everybody now knows what a considerable difference the Brady Bill made. It is some important difference that closing the loophole would make, and surely today we would recognize that with all of the rhetoric about protecting our children. This much we can do. We can close that loophole.

Mr. Speaker, I would like to lay the second amendment argument to rest once and more all. The Constitution does not bar reasonable regulation of gun ownership. How do I know that? In the District of Columbia and all over the United States, there are laws that forbid handguns altogether. Those laws were challenged decades ago and found constitutional. Why in the face of the fact that cities and localities regularly regulate guns do we hear constitutional arguments against closing the loophole. We need a national law. It is not good enough to have a law in New York and Atlanta and the District of Columbia because guns travel by interstate commerce like people, they travel on people and they travel in cars.

We must not wait for the next shooting because we know it will come, and it may even come if we close the loophole. But to the extent that we save the life of one child, and there are two dead tonight, by a law that closes the gun show loophole, we shall have done what was necessary for Members of Congress to do.

Mr. Speaker, I ask this body to act now, act before Mother's Day.

36-YEAR ANNIVERSARY OF MARCH ACROSS EDMUND PETTUS BRIDGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, my colleagues see on the floor of the House, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Alabama (Mr. HILLIARD).

Mr. Speaker, I rise this evening on a day of a very special and heroic event. In fact, I am somewhat overwhelmed because this has been a particularly difficult day. It caused me to see the importance of those many souls on March 7, 1965 who took the heroic step to walk across the Edmund Pettus Bridge in Selma, Alabama.

It was heroic because they were marching into danger unforeseen. The simple request was to allow people to vote, to be able to capture the essence of the Constitution; and in the Declaration of Independence we all are created equal. We had the good fortune this weekend, as I have done for the past 3 years, to join John Lewis, one of those along with Hosea Williams and Bernard Lafayette and many, many others on that fateful day, March 7, 1965 to begin that walk of no return.

We commemorated it, by our walk, and we walked tall. We saw media, we had throngs, and we were not beaten. Those 36 years ago, however, those individuals who were brave enough to do it, were putting their life on the line. They were beaten, beaten to unconsciousness. They were bloodied, but they were unbowed.

After what we have gone through in this last election year, this past weekend was even more riveting and more emotional. It showed me even more the sacrifice made for those of us who now stand here today.

The gentleman from Alabama (Mr. HILLIARD) returned home after being educated at Morehouse and finishing his law degree to serve his community. I pay tribute to him because he lived that life and fought that fight. We must never forget March 7, 1965.

We must never forget that bloody Sunday, we must never forget the courage of those who came back, Dr. Martin Luther King came back on, I believe, March 21, and we should commit ourselves, Republicans and Democrats alike, never to allow the fundamental right to vote to be diminished. That is why I propose a national holiday for all Americans to vote in Presidential years and the Secure Democracy Act that will establish the kind of systems that will allow all Americans to vote.

I believe this is extremely important as we acknowledge as well this month the celebration of women in America's history. So many women who shared their life with the civil rights movement, so many women who are our first teachers, so many women who braved obstacles to be able to serve their country in the United States military. Yet we still have many miles to travel.

Mr. Speaker, on behalf of those who wish to vote, on behalf of women, and as I close, on behalf of our children, for I join my previous colleague, the gentlewoman from the District of Columbia (Ms. NORTON) to say how many more times will we apologize to the parents of dead children.

We must in fact take the bravery of men and women who went forward in the civil rights movement and women who paved the way for those of us who stand here to pass real gun safety legislation, to hold adults accountable, to find ways to heal the broken hearts of children who find no other way to exhibit their anger than to take a 22 rifle and shoot 30 rounds of ammunition out of the 40 that the child secured.

When is this Congress going to be brave enough, similar to those men and women who took those steps across the Edmund Pettus Bridge some 36 years ago, willing to offer their lives so that America might be free and have the right to vote. When will we stand as Republicans and Democrats on behalf of our children to stop the bloodletting of children going to school and killing children because we have a love affair with arms. We know we can certainly protect the second amendment and protect our children as well.

LOWERING THE ELIGIBILITY AGE FOR THE EARNED INCOME TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that lowers the minimum age for individuals without children to be eligible for the earned income tax credit.

In 1975, the earned income tax credit was established to provide aid to working parents with low incomes. In 1994, the credit was extended to include low-income workers with no children.

This credit provides struggling workers age 25 or over a financial boost by reducing their tax liability or providing an actual cash benefit.

But the earned income tax credit discriminates against younger workers. It is inherently unfair to deprive some the benefits of the tax credit simply because he or she is under the age of 25.

Congress justified the age requirement to prevent students, who are supported by their parents, from becoming eligible for the credit. Yet in our inner cities and rural areas many young men and women cannot afford to go to college. Upon high school graduation, they are thrust into the workforce. But many of the jobs available to them do not pay a living wage.

My bill helps these individuals by lowering the minimum age requirement of the earned income tax credit to 21 years of age.

I urge my colleagues to cosponsor this legislation.

36-YEAR ANNIVERSARY OF MARCH ACROSS EDMUND PETTUS BRIDGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. HILLIARD) is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, on the 36th anniversary of Bloody Sunday, I stand to say thanks to the Members of Congress from both sides of the aisle, the Republicans and Democrats, who came this past weekend to Alabama to participate in the reenactment of the march across the Edmund Pettus Bridge.

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Mr. Speaker, this journey was begun some 36 years ago. The journey for freedom and for the right to vote is still going on. It will not stop until every facet of our lives are free from prejudice and discrimination. But in order for that to take place, Mr. Speaker, each one of us must rededicate our lives to the proposition that all men are created equal and that they have certain inalienable rights.

Mr. Speaker, we as Members of Congress must make sure that we join the common man not only in rededicating himself to the principles of democracy, but we must make sure that our laws are in accordance with our democratic principles.

Mr. Speaker, the reenactment of the march across the Edmund Pettus Bridge is not just a celebration but it is a cause celebre. It is a time to remember and to reflect upon those persons who 36 years ago put their lives at the mercy of others who were opposed to them taking such action for the principle that everyone in our country should have the right to vote. It was an honor to participate in that reenactment with such greats as the gentleman from Georgia (Mr. LEWIS) and Bernard Lafayette, and others who participated at that time.

Mr. Speaker, all of us have our Edmund Pettus bridges to cross. We still discriminate in this country against the disabled, against gays, against people who may not speak in our native tongue. We still have a long way to go in our society to make sure that everyone has the opportunity to vote and to make sure that every vote is counted.

So it is not just remembering what took place; but, Mr. Speaker, we have to do something about the inequities that still exist in our society. The reenactment keeps the public aware of the past atrocities in our history. It keeps them reflecting on the fact that we still must fight for those things that are dear to our democracy. We hope that the reenactment will cause all of us to learn from the past but also to cause us to be able to profit from the mistakes of the past, to correct those problems of the past, to correct the problems of the present so that the future will be safe and secure for all to enjoy.

REMEMBERING THE 1965 MARCH ACROSS THE EDMUND PETTUS BRIDGE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, like my colleagues, I rise today to pay tribute to the brave and courageous men and women and a few young children that attempted to march from Selma to Montgomery 36 years ago today, March 7, 1965.

Just think, Mr. Speaker, 36 years ago, in many parts of the American South, 11 States of the Old Confederacy, from Virginia to Texas it was almost impossible for people of color to register to vote. As a matter of fact, in a State like the State of Mississippi, in 1965 the State had a black voting-age population of more than 450,000 and only about 16,000 blacks were registered to vote. There was one county in Alabama, between Selma and Montgomery, Lowndes County, where the county was more than 80 percent African American; yet there was not a single registered African American voter in the county. In the little county of Selma, only 2.1 percent of blacks of voting age were registered to vote.

People of color not only had to pay a poll tax, they had to pass a so-called literacy test. Interpreting sections of the Constitution of the United States, the constitution of the State of Alabama, the constitution of the State of Georgia and the State of Mississippi, there were black men and women teaching in colleges and universities, black lawyers and black doctors being told they could not read or write well enough. On one occasion, a black man had a Ph.D. degree in philosophical theology and he flunked a so-called literacy test. On another occasion, a man was asked to give the number of bubbles in a bar of soap.

The drive, the movement for the right to vote came to a head in Selma Alabama. For many months people had gone down to the courthouse to be turned back. They were arrested. Some were jailed. On March 7, 1965, about 600 black men and women, and a few young children, attempted to march from Selma, Alabama, to Montgomery, to the State capital, to dramatize to the Nation and to the world that people of color wanted to register to vote. They were beaten with night sticks, bull whips, trampled by horses, and tear gassed.

That day became known as Bloody Sunday. There was a sense of righteous indignation all across America when people saw what happened to these 600 men and women and young children in Selma. Eight days later, after what became known as Bloody Sunday, President Johnson came to this hall and spoke to a joint session of the Congress, and he started that speech off on March 15, 1965, by saying: "I speak tonight for the dignity of man and for the destiny of democracy." President Johnson went on to say: "At times, history and fate come together to shape a turning point in man's unending search for freedom. So it was more than a century ago at Lexington and at Concord. So it was at Appomattox. So it was last week in Selma, Alabama."

And in that speech on March 15, 1965, President Johnson condemned the violence in Selma, introduced the Voting Rights Act; and before he closed that speech he said over and over again: "And we shall overcome." The Congress passed the Voting Rights Act, and it was signed into law on August 6, 1965, 36 years ago.

Because of the courage of these men and women and these young children, Mr. Speaker, we have witnessed a nonviolent revolution in America, a revolution of values, a revolution of ideas. Because of this march, because of this attempted march, we are on our way toward the building of what I like to call the "beloved community," toward the building of a truly interracial democracy. By marching, by standing up, these young men and women, these young children, on March 7, 1965, and the Members of Congress back in 1965, helped to expand our democracy, helped to open up the democratic process and let hundreds of thousands and millions of our citizens come in.

We live in a better country. We live in a better place because a few men and women and a few young children got in, what I call, the way to make America different, to make America better. Today, Mr. Speaker, I stand here to salute these brave men and women, men and women, with courage, who dared to sail against the wind on March 7, 1965.

CONCERNED ABOUT A TAX CUT BILL BEFORE A BUDGET BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BOSWELL) is recognized for 5 minutes.

Mr. BOSWELL. Mr. Speaker, I come tonight at this late hour troubled somewhat about an event that I think needs some attention. I kind of hesitate talking about it after those wonderful words said by the gentleman from Georgia (Mr. LEWIS) about a very important thing. This is on another subject; but I appreciate what the gentleman said tonight, and I want to thank him for it.

Tomorrow, according to our majority leader, we are going to be dealing with the first round of our tax bill, and I am concerned about that. A few days ago President Bush came up to Nemacolin and talked to our caucus, and we enjoyed that visit very much. We appreciated it. And in the process we asked him, Can we see a budget first? Can we see the budget? For me, that was very real, because before I came here there was a time when I was in our State legislature and had a very significant role to play in working up a balanced budget and getting our State out of bondage and out of debt. So I am very conscious of that. So we appreciated him saying that.

So he sent the document, as he said he would. I thank him for that. I did not expect it to be a perfect thing. It does not have to be, because we have the legislative process. So the document came and we laid it side by side with what our staff has, and I have had for some bit of time, and things just do not quite jive in the sense of what it does for agriculture and what it does for education and some of the things I am very concerned about, the construction in some of our research centers and so on. I think it needs some attention.

I thought, well, that is okay, we have a process. The gentleman from Iowa (Mr. NUSSLE), along with the ranking member, the gentleman from South Carolina (Mr. SPRATT), will bring us a document that we can look at, and it will have the refinement of their work, and that will be good, it will be helpful. But that is not going to happen, so I am told, and that is wrong. It is very wrong.

I just have to reflect on what we do in our own families. I travel across my district; and when families sit at the table and talk about what they are going to do with their resources, they want to pay off their debts, if they are planning a vacation, they have to be sure that they have things in order; that the kids are ready for school, they have their clothes, all those things. They see their budget before they spend that which they may not have to spend.

County and city government, I have dealt a lot with them. In our States they have to deal with property tax. That is how they run most of county and city government. Everybody would like to have relief from property tax, me too; but they would not think of declaring a property tax relief until they considered the needs of the budget for that entity. They just would not think of it. Yet here we are about to embark on this.

In 1981, 20 years ago, when the tax bill of that day was passed, I was talking to my accountant, Mr. Chuck Church, down in Des Moines, Iowa, he is a CPA there, and we discussed this. We thought, well, this is pretty good, but then we started thinking about some of the other things that could take place. Now, I bring this up for comparison, budget first, because things are much different than it was 20 years ago.

Twenty years ago, we only had $1 trillion in debt. Now we have $5.7 trillion. The service of the debt now is quite a contrast. If we made a mistake then, we had the strength and so on to recover from it. Do we today, if we make a mistake? I do not know. I am concerned about it. I do not think that in those days they were thinking about the baby boomers coming on. They are coming. Now they are just 8 years away before they start entering into the fray, and we have to deal with that. Twenty years ago they were not giving that much attention. And I think that needs attention.

So we need the budget first, and I want to say to the American people tonight and whoever else is listening in their offices or wherever, common sense says show the budget. Like the little lady said on advertising some years ago, "Show me the beef." Show us the budget so we can see where we are at and so we can go forward with good sense and make the progress we need to make.

We all would like to have tax relief. I want tax relief. The money we have here is not our money. It is the people's money. We all know that. If we have more than we need, then we ought to send it back. But we ought to deal with the realities of where we are at and not jeopardize Social Security and Medicare and defense and agriculture, and a number of things that are very, very high priorities to us. We ought to think of it and be sure that we have the budget first.

So here we are tonight, Mr. Speaker, at this point, a few hours away from taking it up, and I would hope we would give some consideration to what we have talked about.

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THE FLORIDA VOTE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, first of all let me thank the gentleman from Georgia (Mr. LEWIS), the gentleman from Alabama (Mr. HILLIARD) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their discussion tonight over the fight to get the right to vote. I want to take that a step forward to discuss the fight to make sure every vote counts.

Before I begin, I want to talk a bit about the coup d'etat. I know those are strong words, Mr. Speaker, but that is what happened in Florida, on November 7, because, without a doubt, more people, not just in the United States, went to the polls and voted for Al Gore, more people in the State of Florida went to the polls and voted for Al Gore. In fact, I represent Duval County, the Third Congressional District of Florida, where 27,000 votes were thrown out, 16,000 of them African Americans, 22,000 overvotes, 6,000 undervotes, that have never been counted.

I was particularly disturbed last week when the Miami Herald, and I have got to give credit, if you read the article, they did not say that Al Gore lost Florida, but the media went in and talked about the election and indicated that in four counties, four counties, if the recount was done, that Bush would have won. But I knew for a fact they were not talking about Duval, because we just started counting the votes, the undervotes in Duval Monday. We have been in court. And so we are still counting the undervotes in Florida, over 100,000 votes that were not counted, not one time.

Let me discuss what an undervote is. An undervote is like if you come from Duval County and you have those old machines and the machines spit the vote out so they were not counted. I asked the leadership of this House, when were we going to have a hearing on the illegal activities that occurred in Florida, the illegal activities that occurred on November 7. The response was that next week we are going to have a hearing on profiling, racial profiling.

Now, I really think that is very important, but that has nothing to do with the election in Florida and what happened in Duval County and in Seminole County, where people went in to the supervisor of elections and filled out forms, and in Martin County, where they went in to the supervisor of elections and took forms out and where the Secretary of State in the State of Florida took $4 million of taxpayers' money, subcontracted to a firm in Texas to identify felons, and many that were identified and kicked off of the roll had never been arrested.

Yes, there were a lot of criminal activities that occurred in Florida on November 7. I cannot move forward because we are debating tomorrow a tax cut as if someone had a mandate on November 7. That is what is disturbing to me. The issue that we discussed today, turning back the clock for American workers, we would not be discussing those items if we did not have that coup to take place in Florida.

Mr. Speaker, my people in Florida want to know, when in Congress are we going to have a hearing on the illegal activities that took place in Florida during the election and after the election?

Mr. LEWIS of Georgia. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. I thank the gentlewoman for yielding. We are not in the majority, so we cannot set the time and place of the hearing. It is my hope that we will have a hearing, that the leadership of the Congress, the leadership of this House will hold hearings on what happened in Florida. The right to vote, and the right to have your vote counted, is the heart and soul of our democratic process.

We just had a discussion a few moments ago about how people suffered, people struggled, people that I knew died for the right to vote. I will never forget in June of 1964, three young men, Andy Goodman, Michael Schwerner, white, Jewish from New York; and James Chaney, black, from Mississippi, were arrested, jailed by the sheriff, then taken over to the Klan where they were beaten, shot and killed because they were there to help people register to vote. Then Jimmy Lee Jackson in Alabama and others.

Ms. BROWN of Florida. This is round one, Mr. Speaker. We will continue this discussion.

C-SPAN, ERGONOMICS, THE PRESIDENT'S TAX CUT AND PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, this morning started out with a breakfast that I and other Members and past Members of Congress had with Brian Lamb, who is the head of C-SPAN, the chief executive officer of C-SPAN. I must give a lot of credit to C-SPAN, because it is bringing democracy into millions and millions of homes every day and has opened up the political process more than ever before. Sometimes I will give a special order and I will invariably hear from home from some of my constituents and very, very frequently I will hear from my colleagues here in Congress on a comment on what I spoke about. I know that other Members who take part in special orders find the same thing. A major reason for that is because of the coverage by C-SPAN, a real service. Mr. Lamb is a gentleman and I think a patriot for selflessly giving up of his time and tremendous work and energy to provide a service for citizens around the country and a service that also helps us do our business here. Because there will be innumerable nights when I will be working in my office and there will be coverage here on the floor or during the daytime when we are all tied up in committee meetings and other things, and we get to follow what is going on on the floor via the coverage from C-SPAN.

I think tonight is a good example of the type of diverse comments that are covered, especially after regular order and during what is called special orders, about the only time that Congressmen and Congresswomen have to speak at any length of time is during this time.

Mr. Speaker, we have 435 Members of the House. We can fill every seat in this room. And because there are so many of us, the rules of the House make it so that when we debate an important issue, there is a limited amount of time. We do not have the luxury of only having 100 members like they do in the Senate where the Senators can speak for extended periods of time and develop completely ideas. And so what frequently happens is that during a debate on an issue like today when we spoke about workplace regulations on ergonomics, we will have a set period of time for debate, it will be divided between both sides, the Republicans and the Democrats, and then, because so many Members want to speak on an issue, like will happen tomorrow when we debate the tax cut, there is only a very small amount of time that is allotted to each Member. And so, unfortunately, frequently the volume is turned up and the thought does not get very well developed, and we end up sometimes, I am afraid, with some shouting on the floor and more partisanship than we need to see. And basically we are talking from soundbites. And so I very much appreciate the chance that we have on evenings like this to address some issues in a little more depth, and I think it is really, really important that we maintain the opportunity to do that.

I have learned a lot tonight in sitting on the floor and listening to fellow Members. We have just had the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Alabama (Mr. HILLIARD) and the gentleman from Georgia (Mr. LEWIS) talk about an event that happened 36 years ago. Unfortunately probably most Americans do not know what happened at the Edmund Pettus Bridge, but it was really, really important to a lot of people after it happened.

Mr. Speaker, it will not be long before you and I are not around, or any of us are around, and hardly anyone will remember any of us very long. But there is a saying that is engraved by Robert Kennedy's gravestone that I think is appropriate, and it is why we all work in public service and why at home we work for our families. It is not that there is any expectation that we are going to be famous or that we are going to be remembered for any period of time, it is just that if you toss that small pebble into the ocean, you will make a little splash, and it will create a little wave, and if enough other people do that, you will create a current, and a current adds to a current and collectively you can make a difference just like those men and women did 36 years ago that resulted in millions and millions of people getting the right to vote. I really appreciate the comments tonight that we have had from our colleagues.

We do not always agree. I do not agree that in Florida there was any evidence that any fraud took place. And so I would take issue with statements that were made tonight in that regard. But my plea to Mr. Lamb is that we are allowed to continue to have special orders broadcast. I think it is important. We can communicate with our colleagues back in the office buildings after hours, or sometimes even in their apartments here on Capitol Hill. We can communicate with constituents. And it gives us our only chance here in the House to talk about an issue in some depth without having to shout soundbites.

So tonight, Mr. Speaker, I want to talk about a couple of issues. Earlier today, the House dealt with the proposed new workplace regulations on repetitive-type injuries, or the ergonomics rule. When I was on the floor earlier today and wanted to speak on this, I was given 1½ minutes to talk on this complex issue. So I looked at my speech and I tried to pare it down and sure enough I ran out of time right at the end. So I am going to speak a little bit about that, because it is an awfully important issue, to workers, to employers, and really to our economy.

Tomorrow we are going to be debating a tax cut bill. So today I went to the floor, here on the floor, I ran into the chairman of the Committee on Ways and Means, and I asked the gentleman from California (Mr. THOMAS) if I could have some time to speak on the tax cut. Well, he thought that maybe I could have a minute or two, but he had an awful lot of people on his own committee who wanted to speak. So tonight I am going to develop a little bit further my thoughts on a tax cut.

We have before us in Congress a very important issue on patient protection, and how people are treated by their HMOs. Goodness, Mr. Speaker, I can remember about 3 years ago now this coming to the floor and we had 1 hour of debate on each side, which meant that everyone who wanted to speak got about 1 minute or 2 minutes, so tonight I am going to spend a little bit of my time on that, too.

Mr. Speaker, I applaud yesterday's vote in the Senate on the proposed ergonomics rule in which 56 Senators to 44 voted that the proposed regulations were inappropriate and that we should do them again.

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I applaud the House of Representatives in taking a similar position today.

Mr. Speaker, prior to coming to Congress, I was a reconstructive surgeon who treated a large number of patients with upper extremity musculoskeletal disorders, some of which were disease processes like carpal tunnel, cubital tunnel, tendonitis.

Mr. Speaker, I am not a spokesperson for these organizations; but I am the only Member of Congress who is a member of both national hand surgery societies, the American Society for Surgery of the Hand and the American Association of Hand Surgery; the only Member of Congress who has actually treated patients with ergonomic diseases. Like hand surgeons around the country, I share OSHA's concerns about the health and safety of workers and I am dedicated, as all hand surgeons are, to helping prevent and reduce workplace injuries.

Repetitive stress injury is poorly understood. The diagnosis is made far too commonly and the implications of that diagnosis are far-reaching for patients, employers, employees, and third party payers. Like OSHA, I and thousands of other hand surgeons recognize the need to pay close attention to musculoskeletal aches and pains and to appropriately diagnosis and treat musculoskeletal disease in a timely fashion. However, I believe that OSHA's new ergonomic rules are not founded on, "a substantial body of evidence." I agree with the National Research Council that more study is important.

Mr. Speaker, we need a better understanding of the mechanisms that underlie the relationships between causal factors and outcomes. We need to clarify the relationships between symptoms, injury, injury reporting and disability on the one hand and work and individual and social factors on the other.

We need more information on the relationship between the degree of different mechanical stressors and the biological response in order to understand what is known as a dose response relationship, and then to define risk.

Mr. Speaker, we need to clarify the clinical course of musculoskeletal disorders.

Now, as someone who has treated a lot of patients with this problem, I can say that it is not always easy to distinguish various aches and pains from musculoskeletal disorders. Unfortunately, Mr. Speaker, the older we get the more often we all end up with aches and pains, but we do not all have ergonomics, ergonomic-type diseases or disorders.

It is paramount, Mr. Speaker, to the patient's welfare and future in the workforce to make the correct diagnosis. If a patient is told that he or she has a musculoskeletal disease, quote/unquote, it can actually encourage a disease mentality where one may not have existed before.

This regulation that the House tonight just rejected, in my opinion, could have actually harmed patients. For instance, OSHA describes "observable" physical signs that would constitute, quote, "a recordable musculoskeletal disease," unquote, that would have to be reported by the employer.

Now, some of those signs that OSHA talks about that the employer is supposed to look for are things like decreased grip strength or decreased range of motion. Mr. Speaker, all hand surgeons know that those types of tests can be very subjective. How does one know how hard somebody is trying to grip? How does one know if they are cooperating fully with a full range of motion? This is something, that according to these regulations, is supposed to be done by the employer.

I am troubled that in those regulations the truly objective type of findings, the things that can be reproduced without a patient's subjective input, things like atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings, these were not the things that were required by the employers to report. The MSD symptoms in the rule do not require objective verification in order to be recordable. So, in my opinion, that places much too much responsibility on both the worker and on the employer to make a correct diagnosis.

This gets to be a problem because of this: Mr. Speaker, we know that in the general population about 2 to 10 percent of the public can have bodily complaints as a manifestation of psychosocial disorders and, Mr. Speaker, in my opinion it is more common to see that in a group of patients when one is dealing with work-related musculoskeletal disorders, and especially when one is dealing with worker's compensation.

Dealing with these patients in order to help them continue to be productive members of society, for their own welfare, is a real art. It requires an optimistic approach. It requires reassurance. One needs to be very careful that they do not set in motion expectations by the patient that they may not be able to get back to work.

I am afraid that that proposed rule, which fortunately the House tonight decided to send back to the drawing board, would have instantly made millions of individuals eligible for extensive treatment with up to 6 months' paid time off, and I will guarantee, Mr. Speaker, that that regulation would not have helped those individuals in the long run.

So let me repeat, I share OSHA's concern about health and safety, and now that this rule is off the table here is what I think we should do: We should support a national research agenda on work-related injuries, especially repetitive stress-type injuries. We should collect the necessary scientific data. We should then incrementally implement standards. We should test-control on-the-job pilot programs of the proposed new rule's various parts, instead of just jumping into a stack of regulations that high.

Mr. Speaker, we need to be very careful in the development of the diagnostic criteria and the clinical guidelines for employers, workers and health care professionals in the evaluation and management of musculoskeletal diseases in the workplace.

So because of the action both the House and the Senate have taken and on the assumption that President Bush will sign what we did today, we are going back to the drawing board. We have had assurances from the new Secretary of Labor that she wants to work on this. I think it is very important that when new regulations come back to us that they are done right.

TAX CUTS FOR ALL IS THE FAIR THING TO DO

Mr. GANSKE. Mr. Speaker, tomorrow we are going to have a vigorous debate on the floor on a tax cut, and I am going to vote for that tax cut. We should cut taxes because we are collecting surplus taxes, because the Tax Code should be more fair, and maybe, Mr. Speaker, most urgently because the economy would benefit from a responsible tax stimulus.

Mr. Speaker, I think it is very important that we act expeditiously. Just last week Federal Reserve Chairman Greenspan reiterated his support for using the increasing tax surplus for tax relief. In testimony before the House Committee on the Budget, Mr. Greenspan noted that a surplus of this size allows the government to significantly cut the Federal debt while providing tax relief. Greenspan testified that the economy is slowing down. According to the Bureau of Economic Analysis, real gross domestic product has slowed from 8.3 percent in the fourth quarter of 1999 to only 1.4 percent in the fourth quarter of the year 2000, last year.

The Consumer Confidence Index has fallen 5 consecutive months. Unemployment increased by 300,000 in January. Manufacturing has experienced a severe downturn with 65,000 job losses in January, with the biggest loss in the auto industry. In December 2000, there were 2,677 mass lay-off actions, quote/unquote, the highest since the Labor Department started collecting that data in 1995.

Mr. Speaker, according to the Congressional Budget Office we have a $5.6 trillion tax surplus. Of this, $2.6 trillion lies in the Social Security trust fund and is off-limits. Another $400 billion is off-limits in the Medicare budget. So the usable surplus is about $2.6 trillion.

The tax relief bill before the House of Representatives tomorrow would provide tax savings to taxpayers of $958 billion over 10 years. It provides immediate tax relief by reducing the current 15 percent tax rate on the first $12,000 of taxable income for couples, $6,000 for singles. The new 12 percent rate would apply retroactively to the beginning of 2001 and would also be the rate for 2002. The rate would then be reduced further to 11 percent in 2003 and 10 percent in 2006.

The reduction in the 15 percent tax bracket alone provides a tax reduction of $360 for average couples in 2001, this year, or $180 for singles, and it increases to $600 for couples in 2006. The House bill reduces and consolidates rate brackets. By 2006, the present law structure of five rates, which is 15 percent, 28 percent, 31 percent, 36 percent and 39.6 percent, would be reduced to four rates of 10 percent, 15 percent, 25 percent and 33 percent. I believe that that is a more fair Tax Code.

Currently, the top income tax rate, 39.6 percent, is 2.64 times larger than the bottom rate, at 15 percent. Under our bill, which we will be debating tomorrow, the top income rate, 33 percent, would be 3.3 times the bottom rate. So proportionately it would be bigger than what we are currently dealing with.

Some have argued that we cannot afford a tax cut and say that it would unfairly provide the greatest benefit to high-income taxpayers. Mr. Speaker, that is just not the case. The rate reductions and the marriage penalty relief portions of the Bush plan would, according to the Joint Committee on Taxation, show that the wealthiest 1 percent of taxpayers who are currently paying 31.5 percent of income taxes would receive 22 percent of the total reductions called for.

Those earning more than $80,000 per year, or the top 10 percent, who pay 64 percent of income taxes would get 47 percent of this tax cut.

□ 2115

But lower- to middle-income earners would get a proportionately larger tax cut. Those making $50,000 to $75,000 per year who are currently paying 12.6 percent of income taxes would get 17 percent of the benefit, and those earning $30,000 to $50,000 per year who are currently paying 7 percent of income taxes would receive 12 percent of the tax cut we are going to vote on tomorrow.

Now, Mr. Speaker, I also support marriage tax relief and death tax relief, but the House is dealing with the rate reductions first because the economic effects of rate reductions would be felt sooner. It may not be that people are going to get tomorrow some additional money in their pocket, but they know it will not be too soon and they will factor that in to economic decisions that they are making now. I think that with the current economic slowdown, which is why the Federal Reserve has lowered interest rates twice in the month of January, and is why most Fed-watchers believe that interest rates will be lowered sooner, that our economy needs that stimulus. However, it is beyond the power of the Federal Reserve to lower taxes, and that is why Fed Chairman Alan Greenspan has made an appeal to Congress to lower taxes.

Mr. Speaker, I think it is very important to give the economy a boost now in order to try to avoid a further economic downturn. That is why the rate reductions in the lower brackets are accelerated and would be retroactive in the tax relief bill that the House is going to vote on tomorrow. That tax relief bill that we are going to vote on tomorrow is the responsible thing to do. In my opinion, those who vote "no" on that bill tomorrow will be the risk-takers.

CURRENT STATUS ON PATIENTS' BILL OF RIGHTS

Mr. GANSKE. Mr. Speaker, let me speak for just a little bit about the Patients' Bill of Rights and where we are.

This continues to be a problem that is affecting millions of people, literally every day, the problem about being treated fairly by their HMOs. I want to point out that some HMOs are being fair to their patients, but it is also fair to say that some are not. This cuts across all brackets, all groups of people, Republicans, Democrats, men, women. Just about every day, somebody comes up to me and tells me a story about the kind of problems they have had. Just a few days ago, a woman in Des Moines, Iowa, came up to me nearly in tears. She has had breast cancer. She has gone through chemotherapy. She needs a test that her doctor recommended, but her HMO refused. She has been, as she said, on an emotional roller coaster trying to get this medical test done. So she went through an appeals process. She thought it was authorized. She was up, she was happy, and then the rug was pulled out from underneath her because then her HMO turned her down.

Mr. Speaker, a woman who has had breast cancer and who has had chemotherapy and who has been through a lot, and she has carried this fight with her HMO by herself, she told me, you know, GREG, I have never asked my husband to do this, but the other day, I said to my husband, you are just going to have to carry the load for me on this. That HMO has just worn me out. I do not have the energy to fight them anymore. Will you do this for me? And, of course, he answered yes.

This is part of the problem that we have seen all along. It is the bureaucracies in some HMOs that delay and delay and delay needed and necessary medical care; and after a while, a patient gets beaten down, or maybe they just pass away, and then it is not the HMO's problem anymore.

Well, about a month ago, a bipartisan group of Senators and Representatives who have worked on this for years, myself included, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), Senator MCCAIN, Senator SPECTER, Senator EDWARDS, Senator KENNEDY, a number of us, and that is just a short list, we have all worked together to put together a truly bipartisan bill to finally, after 5 or so years of battling the HMOs who have delayed and delayed and delayed, trying to get us worn down, well, we are not worn down. We are going to continue fighting for this. We put together a bipartisan bill and we put it in the docket on the Senate side and here. We laid down a mark. We took portions of work that has been done by other people interested in this issue, Senator NICKLES, we incorporated language from his bill; substitutes that were here on the House floor 2 years ago. We took language from the Goss-Coburn-Shadegg bill; wherever we could, wherever we could see that there were similarities; we took other pieces, pieces from other bills, we combined them together, and we think we have the best work product out there, something that continues to allow employers, especially across State lines, to set up a uniform benefits package under ERISA so that they are not subject to State-mandated benefits. We allow that to continue. However, we also say, we ought to have to provide certain services, many of which are no longer controversial, like emergency care and not gagging doctors from telling patients what they need, but primarily, the bill sets up a process so that if there is a dispute on a denial of care, that the patient has a process, a fair process through which they can go to appeal that, both internally and then to an external independent appeals process. We modeled our legislation after what was passed in Texas a number of years ago. The HMOs at that time said the sky would fall, premiums would skyrocket, that there would be a plethora of lawsuits. None of that has happened, as has been documented by statements by President Bush all during the Presidential campaign. Our bill is modeled after that.

So we are coming down to this in terms of trying to get a resolution on this. What is the scope of the bill? We feel that everyone in the country should be covered with a floor of certain protections. We feel, however, that it was inappropriate and wrong for Congress 25 years ago to usurp from the States the ability to oversee medical judgment decisions by health plans. So if there is a negligent action that results in irreparable harm to the patient, then that would be dealt with on the State side, and I should point out that about 30 some States have already enacted significant tort reform in that.

So what we are basically doing in this bill is codifying a decision that the Supreme Court has already made called P. Graham v. Hedrick which sets up that distinction. Contractual decisions stay on the Federal side in Federal court. It does not matter if a patient needs a liver transplant. It does not matter if it is medically necessary if in the contract it says, we do not provide liver transplants. That is a contractual item and would be handled on the Federal side. However, if the HMO has made a medical judgment-type decision that then results in an injury, then that is no longer a contractual issue. Now we are getting into the practice of medicine and the determination of medical necessity, and that is where then a patient can go through the appeals process, ultimately to an independent panel, and that panel's decision would be binding on the health plan. We think that is a fair resolution.

Basically what we have done in the bill is we have done a new bifurcated Federal-State structure from what we did that passed the House where we simply said a medical judgment decision goes to the State and we remained silent on the provisions that stayed on the Federal side as it related to contract.

We continue to feel that the employer protections in our bill are solid. There are about 300 endorsing organizations for the Norwood-Dingell-Ganske bill that passed the House 2 years ago, and these organizations are supportive of the Ganske-Dingell bill now, the McCain-Edwards bill. All of these organizations have employees. The structure of these organizations is also one of an employer-employee relationship. They have all looked at the legal ramifications as has some of the leading ERISA law firms in the country, and the employer protections are solid. If an employer has not entered into the medical decision-making process by the health plan; let us say you are a small business in a west Texas town, and you have 10 employees and you provide health insurance to them and, by the way, the health plan or the HMO that you have chosen is their health plan too. Okay. If that HMO makes a decision that is medically negligent, and the employer, you the employer had nothing to do with that decision, you are not liable under our bill. Period, you are not liable.

Mr. Speaker, I do not know employers who want to get involved in medical decision-making for their employees. Number one, their employees would consider that a violation of their privacy. Number two, the employers do not want to get anywhere near that, so they do not. And if they are not in there meddling, they are not liable under our bill. I do not know how many times we can say this. I do not know how many distinguished law professors around the country we can get to say that, yes, that is the truth. Under the plain meaning of the language of your statute, that is what it says. And then the business coalitions will then purchase full-page ads and say that it is not the way it is. For goodness sake. We have had some of the leading constitutional and ERISA scholars in the country look at that.

Look, when I was in medical practice, just like a number of my colleagues, not only were we professionals treating patients, but we also ran a business. We have employees. Those employees get health care, usually covered through the practice. And I say to my colleagues, I do not know any physicians that enter into the medical decision-making of their employees. That is between the employee and the HMO. They do not want to get anywhere near that, and they are protected, just like any other small businessperson would be. Some say, some of the businesses say, well, we have a self-insured plan. Maybe this will make us more liable. They looked at that down in Texas. Those self-insured plans are run by third-party administrators, they do not micromanage like HMOs; their risk is very, very small, and when they ask their actuaries, what difference would this make in the premiums we should be charging, they get a minuscule amount that is about the equivalent of a Big Mac per month.

□ 2130

Mr. Speaker, I think we have a great bill. This bill has gone through a number of modifications in our attempt to take a step towards the opponents of our bill and address their concerns, but every time we do that, Mr. Speaker, the opponents to this take a step back.

It is the proverbial old moving goal post. Finally, Mr. Speaker, as I am going to make an appeal to my colleagues to sign on to this bill, we have a lot of cosponsors, bipartisanship cosponsors in the House already.

But there are a couple of things in this bill that should be particularly enticing to my Republican colleagues, because we have an extension of medical savings accounts in the bill that is in the House. We have 100 percent deductibility for the self-employed in this bill in the House.

Those are things that Republicans have wanted for a long, long time, and the Democrats, who have negotiated in good faith, but may not be exactly where they are in a couple of those things or at least on the medical savings accounts issue, but in their spirit of cooperation and compromise, they said, all right, if we think it is important, they will accept it in the bill and they did.

Mr. Speaker, I am going to close tonight coming back around to where I was before, and that I sincerely hope that Mr. Brian Lamb on C-SPAN is watching tonight. This is the only opportunity a number of us who are not members of leadership ever get to come to the floor of the House of Representatives and for anything other than a sound bite speak on an issue and try to express our ideas in some depth.

Mr. Speaker, I see that we are now joined by a distinguished couple of colleagues from Texas. I am about done, but first I will yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Iowa (Mr. GANSKE) for yielding to me and I would like to say that I have enjoyed listening to the gentleman's dissertation regarding the Patients' Bill of Rights. And as a Texan, I would say as an Iowan the gentleman has gotten it exactly right. And I do not understand either how some groups can continue to be as opposed as they say they are when the facts of the matter regarding lawsuits are exactly like the gentleman from Iowa (Mr. GANSKE) has stated.

I, for one, appreciate the gentleman's leadership on this issue, and we as cosponsors of the legislation will look forward to sooner, if not later, getting this legislation on the floor and passed and on the way to the Senate and on to the President.

Mr. Speaker, I appreciate the gentleman's leadership on this issue.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for his comments.

Mr. Speaker, I notice two other colleagues, the gentleman from Texas (Mr. TURNER) and the gentleman from Texas (Mr. SANDLIN) who have been stalwart in the Patients' Bill of Rights fight. The gentleman from Texas (Mr. TURNER) in fact, worked on it as a State legislator.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER), if he would care to make a comment.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Iowa (Mr. GANSKE). I want to commend the gentleman, first of all, on his leadership on this issue.

The gentleman has truly been a courageous Member of this Congress to try to lead this House to adopting the Patients' Bill of Rights that all of us here have supported. It really represents, I think, the best opportunity for our new President to try to change the tone in Washington and to be able to move the Patients' Bill of Rights forward as the first piece of truly bipartisan effort.

Mr. Speaker, I think it certainly is within our grasp, and I think that the efforts that the gentleman has made have blazed that trail. And as the gentleman mentioned, I was fortunate to be able to carry one of the first Patients' Bill of Rights in the country in Texas in 1996. And, of course, it was not until court rulings determined that our State protections really did not apply to all patients enrolled in managed care, that we had to deal with that here in Washington.

Mr. Speaker, I thank the gentleman for his leadership on that issue.

Mr. GANSKE. Mr. Speaker, I notice the gentleman from Texas (Mr. SANDLIN) and I want to thank him for his great work that he has done on patient protection. The gentleman from Arkansas (Mr. BERRY) has done a wonderful job on this issue, too.

We have truly worked together in a bipartisan fashion, and I look forward to the day when we can all be together in a signing in the Rose Garden.

SO-CALLED ECONOMIC GROWTH AND TAX RELIEF ACT

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, tonight we Blue Dogs are going to take a few minutes to discuss tomorrow's vote regarding the so-called Economic Growth and Tax Relief Act, and we are going to do our best to explain to all who are listening and to our colleagues and to others why we believe that it is a terrible mistake to bring a tax bill to the floor of the House before we first pass a budget.

Last week, President Bush submitted a budget blueprint outlining how he proposes to fit his tax and spending priorities in an overall budget framework. We welcomed this proposal as the first step in the budget process.

Unfortunately, this House tomorrow is being asked to short circuit the budget process by bringing legislation to the House floor implementing the tax cuts before Congress has had an opportunity to consider the entire budget. Now, a careful reading of the 1974 Budget Act will find that we cannot do that. It is against the rules of the House to bring a major spending bill or a major tax cutting bill to the floor of the House before we get a budget.

Tomorrow my colleagues will hear that technically speaking this is not breaking the budget rules, because technically we are still operating in the year 2000 budget and, therefore, technically this is not against the House rules.

We are going to enjoy hearing the explanation as to why technically we can break the House rules. Many of my colleagues felt like that with January the 20th coming that we had gotten passed the playing on words of definitions of what various words are, and that we thought we were ready for some straight talk, but we are going to hear from the leaders of this House tomorrow that technically we are going to be legal with the rule and the consideration of this bill.

Mr. Speaker, some of us believe that that is not a positive action. In fact, we believe very strongly that even if it is technically correct, that we ought to live up to the spirit of the budget law, and that is when we will find the Blue Dogs standing shoulder to shoulder bipartisanly with the majority in this House in dealing with the budget process, which will include tax relief.

We have no argument whatsoever that in the budget of this year and over the next 5 years that significant tax relief is in order, and will and are prepared to vote for it, but that is not what we are going to do tomorrow.

Being in the minority when we are overrun, when decisions are made by the leadership that we are going to bring a tax bill onto the floor, we are not going to have bipartisan consideration, it is going to be the bill that the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the leadership have selected, and that is going to be the bill that we are going to vote on, there is nothing we can do about it, unless we have some of the same kind of bipartisan support that we were talking about with the gentleman from Iowa (Mr. GANSKE) a moment ago. When we find ourselves in substantial agreement and when we have that kind of action on the floor of the House, we truly will be bipartisan, but that is not what we are going to do tomorrow.

Mr. Speaker, the President's plan is an important voice in this process, but it is not the only voice. There are a lot of questions that remain about his budget. We have an honest disagreement about some of his priorities and questions about how he will pay for all of his priorities as identified in his budget without borrowing from Social Security and Medicare. And how many times, Mr. Speaker, in the last several weeks and months, how many times, to those who were here last year, have we voted on lockboxes after lockboxes after lockboxes in which we have stood 400 strong saying we are not going to touch Social Security and Medicare?

Let me issue a little bit of a warning to my colleagues who are going to vote for this tax cutting bill tomorrow, be careful when playing with fire because your fingers may be burned. Examine the budget. Examine the proposals. Examine the projected surplus. Take a good, hard look at where my colleagues are headed with the strategy that my colleagues are following.

We in the Blue Dogs are going to be attempting tomorrow in the short period of time to make our point as strongly as we can possibly make it.

We should not pass the tax cut bill tomorrow. We should first pass a budget. Ironically, ironically, the House Committee on the Budget has scheduled a hearing tomorrow afternoon during the time we are going to be debating the tax cut. The purpose of the hearing is to give Members an opportunity to testify about their interests regarding the fiscal year 2002 budget.

At the very time that Members of this House are being given our first opportunity to offer our input into the priorities for our national budget on behalf of the people we represent, we are being asked to vote on a major portion of the President's budget.

Now, we object to that very strongly, and I will conclude my remarks by saying I was here in 1981. I was one of the Democrats that helped pass the Reagan revolution. Knowing what I knew then, knowing what I know now, I would have voted the same way then based on what I knew then, but that is why I will be opposing this action tomorrow with every ounce of strength at my disposal, because I believe it to be wrong.

Mr. Speaker, I believe that we are in danger of going down the same path we went down in the 1980s in which we increased our national debt by $4 trillion because we cut taxes first, but never got around to restraining our spending.

We believe very strongly that we should put in place a budget that restrains spending; that caps discretionary spending; that makes all of the priority interests that a majority on both sides of the aisle can agree to, then we should proceed with a tax cut, and it is a part and a component thereof.

No matter how my colleagues color it, we will hear tomorrow, we will hear, we heard today, people saying it was the Congress that spent the money.

I got a fax today from a fine gentleman out in Nevada that says, it is great. We heard you. You ought to have a budget first. It makes sense to the American people, but the reason tax cuts must be passed hastily is because waiting for a budget to pass would give you and your cohorts the opportunity to spend enough money to reduce or remove the tax cut.

Let me remind this gentleman, this body is now in the control of the Republican Party. The Senate is in the control of the Republican Party, and the White House is in control of the Republican Party. Therefore, anyone that fears that spending is going to get out of control means that the majority is going to get out of control, and I do not believe that for a moment, but seemingly you do. That is the message you are sending to the American people.

I repeat, we are for significant tax cuts, but as my colleagues will hear tonight, this much ballyhooed $5.6 trillion surplus is not real. It is not real. My colleagues will hear some facts from the gentleman from Mississippi (Mr. TAYLOR), and I hope my colleagues listen carefully.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding to me. It is a pleasure to join all of our Blue Dog Democrats on the floor here tonight to talk about what we think is the critical issue of the moment here in the House of Representatives, and that is the fact that we are faced tomorrow with a vote on a major tax cut when this House has yet to follow established procedure under the Budget Act, and try to come to grips with a budget prior to acting on tax cuts.

Frankly, no American household and no business in this country would dare suggest that that is the right way to proceed, because at your house and mine and in your business and mine, the first thing we always know we are supposed to do is to establish a budget first. And until you have established a budget, you do not know how much you can spend on that remodeling of that new sun porch on the back of your house. You do not how much you can spend on that summer vacation. You do not how much you need to set aside for your children's education. That is what a budget is all about.

This House of Representatives, contrary to the spirit of the Budget Act, which requires this Congress to pass a concurrent budget resolution with the Senate before we act on tax cuts is going to bring a major tax cut to this floor tomorrow, apparently, solely to generate momentum for the President's $1.6 trillion tax cut.

Why are they doing it? I am not sure. The truth of the matter is, the Senate has already let it be known, as the Majority Leader of the Senate, that the Senate will adopt a budget prior to acting on tax cuts.

□ 2145

So frankly, we believe as Blue Dog Democrats committed to fiscally responsible policies that this House, too, should have a budget prior to a tax cut.

The Blue Dog Democrats as a group, the 33 members, voted unanimously to call for this House to act on a budget first prior to taking votes on any tax cut. We have advocated from the beginning that we can afford a tax cut and we want the biggest tax cut possible, but we do not know how big it should be until we first have the debate and have the votes on a budget.

Now we all know that the President says that his tax cut will fit within his budget. He says we are going to cut spending so that it grows no more than 4 percent a year. Senator DOMENICI said the other day that he thought that was a little bit tight, he would suggest perhaps 6 percent irrespective of what the President said is his goal. We all know that at the end of the day, it is what the Congress votes collectively to support and the President signs that becomes the fiscal policy and the budget of this country.

So we believe that the right thing to do is to have that debate, talk about the competing priorities and then make a decision on a tax cut that fits within that budget that the Congress has agreed upon.

Frankly, right now the President's tax cut seems a whole lot like trying to fit a size 11 foot into a size 6 shoe because there are a lot of competing interests that this Congress from various quarters will have an interest in. For example, this Congress has unanimously agreed that we should no longer spend the Social Security and Medicare surpluses for anything other than Social Security and Medicare. That takes some of this estimated future surplus off the table.

Mr. Speaker, most of the Members of Congress believe that we need to strengthen national defense. There are some that support a national missile defense system. There are some in this House who share our views that education should be strengthened and to do that may require us to put some additional money into public education. There is a vast array of competing priorities.

Most of us do not want to pass on the national debt that was accumulated over 30 years of deficit spending to our children so we would like to see the national debt paid down. All of these competing goals will be considered when this Congress gets down to debating and determining what the budget of this Congress will be. Then we will know how big a tax cut we can afford. So we are going to work very hard all day tomorrow to continue to send the message to this House that it is a budget first that we need to adopt, then let us vote on the biggest tax cut that that budget will allow.

We also understand that it is very dangerous to be basing these big tax cuts on these 10-year projections of what the surplus may be. The President suggested in his State of the Union speech the other night that the American people have been overcharged and they are due a refund. Well, that sounds pretty good. The truth of the matter is none of us have been overcharged yet because the surplus we are talking about trying to give back to the American people has not arrived yet. It is projected to arrive under certain assumptions over the next 10 years.

Those assumptions can be questioned. The economic projections may not turn out to be true. It presumes about a 3 percent annual growth rate in the gross domestic product. We heard Alan Greenspan the other day testify before Congress that at the present time the national growth rate is zero. I suppose if the national growth rate stays at zero for a few more months, the Congressional Budget Office will need to go back to the calculator and recalculate the estimated surplus because they based it on some assumptions that may not turn out to be true.

The bottom line is this: We want a tax cut as big as we can afford, but we also want to save Social Security and Medicare for the retired baby boomers when we know significant strains will occur on both of those systems. We want to pay down the national debt rather than pass that debt on to our children. We want to be sure that we get the benefits of a lower national debt which will result in lower interest rates which in many ways is equally as good as a tax cut because it puts money in the back pockets of every American who is trying to get a home mortgage, trying to buy a car, trying to borrow money to send their kids to college, trying to borrow money to expand their business.

Lower interest rates will come, according to all economists who have spoken on this issue, if we pay down the national debt. I would say to you if you owe $100,000 on your home mortgage, if we could reduce interest rates 2 percent which is what some economists estimate would happen if we paid down the national debt over the next 10 years, that would mean $2,000 in interest savings to you. That is a bigger tax break than any of these tax cuts which are being talked about would give an average American family.

We have a lot to discuss and a lot of priorities to put on the table, and it is going to be the collective judgment of this Congress when they vote on a budget that determines the balancing of those priorities and until we have that budget, we really cannot say with any certainty how big a tax cut we can afford.

That is our message and we believe the American people understand the importance of fiscal responsibility. They understand the importance of strengthening national defense, preserving Medicare and Social Security, being sure that we pay down the debt and do not pass it on to our children. We want to be sure if today we pass a tax cut, it does not mean that our children are going to end up paying for it tomorrow.

That is fiscal responsibility, that is what the Blue Dog Democrats, the 33 members of our coalition have worked for since the inception of the Blue Dog coalition. I am proud to be here tonight with my colleagues who work for fiscal responsibility.

Mr. STENHOLM. I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I want to commend the gentleman from Texas (Mr. STENHOLM) for the fine work that he has done on this issue and for leading the Blue Dogs and for his comments tonight, along with the gentleman from Texas (Mr. TURNER). They have done such an excellent job, there is very little left to speak about.

The Blue Dogs believe that the American people are entitled to a tax cut. We believe that we can afford a tax cut, and we support tax cuts for the American people.

The question is the $1.6 trillion tax cut proposed by the administration too much. On the other hand, is it too little? Could it be just right? We just do not know, and we do not know because we do not have a budget, we do not have a spending plan. We have absolutely no way to judge this tax cut.

We do have the opportunity to look at the numbers proposed by CBO and by the administration. And let us look at that for just a moment and see where we are. The CBO 10-year baseline surplus is $5.644 trillion.

When you take off the Social Security surplus and the Medicare surplus, that is $2.5 trillion and $0.4 trillion. That is an available on-budget surplus of $2.7 trillion, and I think it is important that we make a distinction between the available on-line budget surplus, $2.7 trillion, versus the 10-year baseline surplus of $5.644 trillion.

Now, let us look at the true cost of the Bush tax cut. The estimate of revenue lost from the basic tax package by the administration is $1.6 trillion. The cost of making the provisions retroactive to 2001 is $100 billion. The cost of interference from the AMT tax, $300 billion; cost of extending expiring tax credits, $100 billion; promised tax cuts not in the plan, $100 billion; additional interest payments on the public debt, $400 billion. The total cost of keeping the President's tax promises, all of the promises made thus far, the total cost is $2.6 trillion.

This means that nearly the entire 10-year projected surplus will be used up by the administration's tax cut. Now, it is important that we notice that that is a projected surplus over 10 years. This is not money that we have in hand. We do not have a surplus of cash in hand. This is money that is projected to increase over a 10-year period.

Where, oh where is the budget. We were promised that we would have a budget prior to voting on tax relief. Also the rules require it. For some reason the United States House of Representatives is not going to follow the rules. I thought we got over the technicalities and our friends on the other side of the aisle last year, talking about legal technicalities, now seem to be in support of that. It is totally irresponsible to enact these tax cuts at the present time without a budget because how can we address Medicare and the problem of Medicare as the baby boomers retire and go on Social Security and qualify for Medicare payments? What are we going to do in America for prescription drugs. How can we look our seniors in the eye and tell them we passed massive tax cuts and now that you need relief, we have spent the money? How can we tell the farmers facing drought, facing ice storms, we cannot help you, we spent the money?

How can we tell our children in education, how can we tell our children, we cannot close the digital divide, we cannot have smaller classrooms, we cannot modernize our schools, we cannot help with education, you know why, we spent all of the money because the administration tax plan uses up the entire 10-year projected surpluses?

There is a way to do it. The way to do it is to spend Social Security surpluses. Social Security is a solemn promise we made to senior citizens. In my district in Texas, I have many senior citizens. In fact, I have the highest median age of any district in Texas.

Social Security is the one program that the government has enacted that has had the most effect of our senior citizens and has pulled more senior citizens out of poverty than any other action in the history of the United States of America. How can we tell them that we are going to spend that money that was accumulated from a lifetime of work, how can we tell them that we are going to spend that money with tax cuts now.

Tomorrow we are going to talk about across-the-board tax cuts. Let us talk about what that means. Across the board. That seems to indicate that everybody shares. It is across the board. Everybody gets the benefit. Is that what it is? Absolutely not.

Most people would be surprised to hear that across the board does not include them. If people at home today looked to their left, their right, in front of them and behind them, called their friends on the phone, they are not going to find anybody that benefits from across-the-board tax cuts because the truth is that 44.3 percent of the cuts go to the richest 1 percent of the people. Everyone does not share in this tax cut. Very, very few do.

Now, what is the best tax cut we can afford. What is the best thing we can do for the American people? We can pay down the debt in this country. We have a balanced budget, but that means that our income matches our out-go for this year. The best tax cut for America is to reduce interest rates. The way to reduce interest rates is to pay down the debt.

The Blue Dogs have a very good plan, a simple plan. We say take Social Security completely off budget. Do not consider that in our financial sheets, do not spend that money. Take it off budget. Take the remaining operating surplus, take 50 percent of that and immediately put it on the debt of the country. Pay down our debt just like our farmers and families and businesses do. Pay our debt. Take the interest that we save by paying our debt, and put that into Medicare and Social Security and make sure that we keep our commitments. Take the other half of the surplus, use 25 percent for tax cuts, we can do that. We can look at estate tax and the marriage penalty and capital gains; we can look at the rates. We want to take 25 percent and give the American people a tax cut. They deserve it; we can afford it. Then take 25 percent and apply in priorities such as agriculture, education, prescription drugs, things that we know we must invest in in this country. That is the fiscally responsible thing to do.

The Blue Dogs are committed to a 50-25–25 plan, and we have seen some movement in the U.S. Congress toward that plan. Let us be responsible.

Please, Mr. President; please, administration; please, our friends on the other side of the aisle, send us a budget. Let us know what we are working with. Do not ask us to cut a revenue stream when we do not know what we are going to spend our money on. Let us operate like every family farm in America, like every business.

□ 2200

Everyone has to know what their budget is before they determine what their expenses will be and what their revenue stream is.

Herbert Hoover, he of fiscal fame, once said, "Blessed are the young, for they shall inherit the national debt."

We do not need another Herbert Hoover. We refuse to be Herbert Hoovers on this side of the aisle. We need to pay down the national debt and keep a fiscally responsible financial policy in this country.

So our message is clear from the Blue Dogs: we support tax cuts. We can support many of the tax cuts proposed by the administration, but we can only support those tax cuts after we receive a blueprint for spending, a budget for the United States of America. Let us follow the rules set in the United States House of Representatives. Let us get a budget. And when we get a budget, we will work with the administration, work with our friends on the other side of the aisle, we will get tax relief for America and have a fiscally responsible policy.

GENERAL LEAVE

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of this special order.

The SPEAKER pro tempore (Mr. GRAVES). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Speaker, I now yield to the gentleman from Mississippi (Mr. TAYLOR). A lot of talk tonight has already been made about surpluses, debt and deficits. I hope everyone will pay particular attention to the facts about to be presented by the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman for this opportunity, and I want to invite my Republican friends to join this debate. I think it is important that some of the statements that have been made this week, this year, about this large surplus be addressed tonight.

In fact, tonight I have the greatest of medical respect for one of my colleagues, who is a doctor, the gentleman from Iowa (Mr. GANSKE). I have actually changed my vote on the House floor a couple of times on medical matters based on conversations with him. But the gentleman from Iowa said something tonight that is totally out of line. He spoke about a $5 trillion surplus. I heard it with my own ears. So if I heard him wrong, I would invite him to please come correct me.

There is no $5 trillion surplus. What we have in this Nation is a $5,735,859,380,573.98 debt. That is as of the end of last month. We hear from so many of our colleagues that the debt is being paid down; the debt is being paid down. I think the President even said it. But the truth of the matter is that the total debt outstanding, as of September 30 of the year 2000, just 5 months ago, the last day of the last fiscal year, was $5,674,178,209,886.86. That means that the debt, just since September 30 of last year, has increased by $61,681,170,680.12 cents.

That is the reality that the President did not mention in his State of the Union address. That is the reality that my friends who talk about projected surpluses choose to ignore. Because the reality is this Nation is horribly in debt, and almost all of this debt has occurred in our lifetime. Our Nation was less than $1 trillion in debt when the vaunted Reagan tax cuts took place. They talked about how it grew the economy and the Nation was so much better for it. Well, if the Nation was so much better for it, why were we twice as deep in debt at the end of the Reagan administration as when we started?

Who do we owe this money to? A lot is owed to banks. A third is owed to foreign lending institutions. But let me tell my colleagues the real kicker, because this involves every single person listening tonight if they have ever worked in their life, or if their spouse has worked. Our Nation owes the citizens of the United States who have invested their hard-earned money into the Social Security Trust Fund $1.7 trillion.

The lockbox that so many of my friends talk about, that they are so proud that they voted for, if we were to open that lockbox that allegedly protects our Social Security, all we would find in it is a slip of paper that says, "We owe you $1.7 trillion." There is not a dime in it. It has all been spent on other things to disguise the true nature of the debt.

We hear a lot about the Medicare Trust Fund. And again Congress has voted repeatedly for a lockbox. We have a lockbox so we are protected. If we were to open that box up we would find a piece of paper that says, "I owe you $229.2 billion. That is right now. That is today. That is money that was taken out of paychecks with a promise that it would be set aside to pay for benefits when the time came to pay for them.

Incidentally, this was done during the Reagan Presidency. In the first year of the Reagan Presidency they cut income taxes, much like we are talking about doing tomorrow, at three different times during the Reagan Presidency, with a Republican Senate and a Democratic House. We keep hearing it was the Democrats that did this. They had the White House and they had the Senate. And of course everyone knows the Senate is more powerful than the House. That is why House Members run for the Senate. Senators never run for the House. It is just understood. So they controlled the White House, which is two-thirds, because a veto is worth two-thirds vote in both Houses. They controlled the Senate, which is where the real power is, and that is why everyone runs for the Senate, not for the House. Yet somehow the Democratic House gets blamed for these things.

During that time they raised taxes on Social Security and they raised taxes on Medicare for the average working Joe by 15 percent. Fifteen percent. Big guys got a tax break, because income taxes, which is what came out of their paycheck, went down. The little guys, like the folks I represent in Mississippi, their taxes went up. It is even worse. Because if one of those little guys happened to be self-employed, if he was a pulpwood hauler, if he was a shrimper, if he was an oysterman, if he was his own boss and his own employee, his taxes on Social Security and Medicare went up by 33 percent. That was due to the Reagan tax increases, with a Democratic House and a Republican Senate. It is only fair we point this out.

It gets worse. One of the guys who is talking about this big surplus and, therefore, we can have a tax break, is none other than Alan Greenspan. Alan Greenspan was the chairman of the commission that came up with this plan in 1983, to take money out of people's paychecks with the promise it would be set aside, and he knows it was not. Now he is telling us we have all kinds of money for tax breaks. Mr. Greenspan's statement in 1983 does not match his statement today. I wish he would come to the House floor and tell me which one is the truth.

It gets even worse than that. Back then they recognized that we have a changing demographic system in our country. We are getting old. I am one of them. We used to have, when my dad was a teenager, about 19 working people for every one retiree. By the 1950s, it had dropped to about 10 working Americans for every one retiree. Tonight it is about three working Americans for every one retiree. In just a few years it will be two working Americans for every retiree. So in the 1980s they told the American people that they were going to start taking money out of things like Social Security, like Medicare and, yes, the military budget to fund future benefits.

They told the guys in the military back then, we are going to start taking a percentage of the budget every year and we will set it aside and we will lock it up, and they said it would be there to pay for their retirement. So if there was a lockbox, which I have never heard the President talk about for the military trust fund, and if those retirees could open it up, they would find another piece of paper. What we are going to tell those guys who defended this Nation in World War II, who defended this Nation in Korea, who defended this Nation in Vietnam, in Desert Storm, and all the wars since then and all the wars that will be? There is an IOU in there for $163.5 billion. It is an IOU.

There is not one penny in that fund. Although all these years, since the early 1980s, funds have been taken out of the Department of Defense budget that could have gone for new ships, could have gone for new planes, could have gone for better housing, and could have gone for better pay. The promise was made that we would take this money and set it aside. It is not there. All there is right now is an IOU.

How about the folks who work for us? I am proud of the opportunity to be a Congressman. I am incredibly proud that I have had the opportunity to make things better. We put together budgets, we make laws, but the day-to-day function of the government is actually handled by all those Federal employees out there that make things work. We collect money out of their paychecks with the promise that it will be there for their retirement pay. Same story. Happened in the 1980s. Because we recognized we have changing demographics, so we had better collect the money now, while we have a fairly large workforce and a fairly small number of retirees, and set it aside for the year 2035 when we are down to almost one to one workers-to-retirees.

So since the early 1980s, they have pulled $501.7 billion out of Federal employees' paychecks, all these nice people here tonight, all those Capitol policemen guarding us, all those folks working for NASA and the agencies that are out there trying to make our lives better. They have pulled that out of their paychecks with the promise they were going to set it aside and it would be there for their retirement. But if we were to open that bank account tonight, we would find an IOU for $501.7 billion. How can the President, how can the majority leader, the Speaker of the House say there is a surplus? How, with a straight face, do they look the American people in the eye and say there is a surplus when this is our true debt?

A lot was made of the surplus last year. Everyone said about a $239 billion surplus. But if we take the time to look where it was, it was in things like money collected from Social Security, money collected from Medicare, money collected from the military retirees, from our Federal employees, from the highway system, and the airline system. All the times when we told people we were going to take this money out of their airline ticket, out of their fuel taxes and their paychecks and we were going to set it aside, and they trusted us to spend it on those things that we told them we would, that is only surplus.

When we take those monies aside that are collected for a specific purpose and promised for a specific purpose, it was an $8 billion surplus left over. Eight billion. Not $230 billion, $8 billion. But it gets even worse than that. Because if we really take a good look at that $8 billion, we can discover that one of the tricks the Republican Congress played was to delay the pay of the troops from September 29, which they would have gotten it under normal circumstances for many, many years in the past, to October 1.

Everybody knows Congressmen make big money. I am one of them. If my pay gets delayed by a couple of days, I will do okay. I will figure it is not that big a deal. But if I was an E4 with two kids, and my pay was delayed from a Friday to a Monday, that means a weekend of scrounging around in the couch looking for pennies and nickles to get enough money for baby formula or for diapers, because they are living hand to mouth. It is estimated that anywhere from 6,000 to 13,000 of them are eligible for food stamps. So what does the Republican Congress do to tell those folks we appreciate them? Well, they became the only people in the Federal Government whose pay was delayed. Not Federal employees, not Congress, just the military.

Why did they do it? Because that pay period moved from the last fiscal year to this fiscal year. We did not save a dime, but that $2.5 billion pay period went from September to October, and it made that $8 trillion surplus look a little bigger. Because when we pull that $2.5 billion out, it is only a $5.5 billion surplus.

Now, if I found that one trick, what if I really had the time to study the budget and find all the other tricks? I think I could tell the American people that there was not a surplus. But let us say there was an $8 billion surplus. What does that mean compared to this cumulative debt? Eight billion dollars, compared to this, is like a fellow who, after 30 years, finally breaks even at the end of one year. He has $1,000 left over, and he says, My, God, let us go have a good time, totally ignoring the fact that he is $686,000 in cumulative debt. That is what the ratio is.

So I have a real simple question for the President, a real simple question for Mr. Greenspan, who again was involved in raising Social Security taxes and Medicare taxes, and who now says we have all this money left over despite this huge deficit. If they believe what they say, about we can do it after the trust funds, why do they not endorse the amendment I offered in the Committee on Rules today, which says we can only have these tax breaks in years when we fulfill the financial obligations to Social Security, to Medicare, to our military retirees, and to our civilian employees?

☐ 2215

If you really think the money is out there and you are sincere about those things, I will give you the chance to call a press conference tomorrow morning and say, "Yep, there's enough money to do it." I do not think you will. Because I think they are more concerned with tax breaks than with paying our bills. What the shame about that is, think of the guys who died on the beaches of Normandy. Think about every generation of Americans, from the horrible things that happened to the men who signed the Declaration of Independence, to the kids who died in Vietnam, to the kids who died just this weekend, the National Guardsmen down in Georgia. Do you know what the difference between us and all those other generations is? If we continue down this path, we will be the first generation of Americans ever to leave the Nation worse than we found it, because we have done the easy thing every time rather than the right thing.

I as a father have taken the steps to see to it that my kids do not inherit my debts. Do you not think that it is time that our Nation takes the step to see to it that our kids do not inherit this generation's debts? I think the opportunity to start is tomorrow. That is why I laud what the Blue Dogs are doing. That is why I laud what those conservative Republicans who really do care about debt reduction are going to do tomorrow.

Mr. TURNER. Mr. Speaker, I want to say that the gentleman from Mississippi has made a very excellent presentation and probably revealed the best kept secret in Washington, and that is that there are no trust funds. Most folks think that in business, where if you have a pension fund, there is some money sitting over there earning some interest and invested in some good investments, earning interest and earnings for the folks that are going to be drawing on that pension fund someday. But in Washington there is no Social Security Trust Fund, there no government retirees' trust fund, there is no military retirees' trust fund, there is no Medicare Trust Fund. It is a pay-as-you-go system.

Mr. TAYLOR of Mississippi. Despite the promises made by Ronald Reagan and Alan Greenspan in the 1980s when they raised individual taxes by 15 percent on working Americans to pay for these things. The gentleman is exactly right. If I may, and I know everyone else wants to speak so I am going to be real quick. It is even worse than that, because in their attempts to disguise the true nature of the public debt, within 8 days of the Bush administration taking over the running of this country, a report that had been coming out monthly for decades called the Monthly Statement of the Public Debt of the U.S. right here that shows that our Nation was over $5.7 trillion in debt. Within 8 days of the President taking over, they changed the name. It is no longer the Statement of Public Debt, it is the Statement of Treasury Securities.

Most of us are from the South. Most of us know what coffee houses and truck stops are like. We all could imagine going into one in Texas or one in Mississippi or Alabama or Arkansas and going up to one of those guys and saying, "How would you like some public debt?" I think everybody would say, "No, thanks, I don't want any." But if you asked most of the guys we know if they would like some Treasury securities, there is a pretty doggone good chance that they would say, "Yeah, I'd like some. That sounds like a good deal." It is all part of the scam. I resent it as an American. I hope every American resents this. I hope they resent the fact that the Social Security Trust Fund has been plundered, that the Medicare Trust Fund has been plundered, that the military retirement trust system has been plundered and that the Federal employees' retirement system has been plundered. And I do not think we ought to be doing anything until we pay those systems back.

Mr. STENHOLM. I thank the gentleman from Mississippi for those remarks. I will guarantee that that will not be the last time that this House will hear it this week, next week and the week after that. And I hope that the leadership of this Congress will pay attention to the gentleman from Mississippi, because he has in fact taken the real heart of the argument that we Blue Dogs are making tonight and that we will take to the floor tomorrow.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. BERRY. I thank the gentleman from Texas for yielding. I want to thank him and the gentleman from Mississippi and all the other Blue Dogs for their leadership in this matter.

I think it is quite obvious, Mr. Speaker, that the Blue Dogs are in favor of cutting taxes but we are not in favor of buying lottery tickets with our children's future. We think we should have a budget first. If you took the financial condition of this country, as the gentleman from Mississippi just so adequately pointed out, and a financial plan that we have today, that this country has to a banker, any banker in the United States or anyplace else where there is a responsible banker, they would just throw you out of their office. They would either declare you crazy or tell you to get out because they have got better things to do.

Throughout the campaign, in the State of the Union, for the last year, this House has been putting the Social Security and Medicare Trust Funds in a lockbox. Ever since I have been here, we have been talking about that. We have been talking about paying off the debt. We have promised the American people that we are going to protect our children, we are going to protect Social Security, we are going to protect Medicare, we are going to provide a prescription drug benefit for our seniors, we are going to provide a good education for our children, we are going to provide for a good national defense, we are going to have a solid agriculture that has a good safety net. And we are going to have these lockboxes. Over and over we talk about the lockboxes and over and over we vote to put this money in the lockboxes. And now we find out that it does not even exist. Yet we are going to vote tomorrow without even having a plan as to how we are going to accomplish these things.

As the gentleman from Mississippi just so adequately pointed out, the surplus is projected just like we project the weather. The debt is real. It really exists. We can count it to the penny. I am proud to be a Blue Dog. There are only 33 of us. But we stand strong and we stand tough against making bad fiscal decisions and irresponsible fiscal decisions. I think we all want to have as large a tax cut as we possibly can afford. But none of us want to buy lottery tickets with our children's future.

In the last paragraph of the Declaration of Independence, the last thing that is there before the men signed it, and they all knew they were putting their lives on the line when they signed it, they said that they pledged their lives, their fortunes, and their sacred honor to the future of this country and to that declaration. I would challenge the Members of this Congress today to stand strong as those men did and do the right thing for the children of this country and the future of this country.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from Kansas (Mr. MOORE), the cochair of the Blue Dog Budget Task Force.

Mr. MOORE. Mr. Speaker, about 3 weeks ago I was invited along with 19 other Members of the House and five United States Senators to the White House to meet with President Bush and Vice President CHENEY. This was a chance for President Bush to talk to us about his proposed $1.6 trillion tax cut and try to hear from us about our views on this tax cut and to find out where the Congress might stand. When it was my turn to speak to President Bush, I said to him, "Mr. President, I know that you know Governor Bill Graves of Kansas. I'm from Kansas."

He said, "Yes, he's a friend of mine."

I said that I read an interview with Governor Graves in the Associated Press about a week before I came to the White House and that Governor Graves I thought was very candid in talking to the reporter and he was talking about tax cuts and revenue shortfalls and education funding in the State of Kansas. The governor said during this interview, when he was talking about tax cuts that had happened in Kansas about the last 3 or 4 years, "If I had known then what I know now, I would have done some things differently." He is not here right now but if he were here, I think he would say that I am accurately representing what he said. Basically what he was saying was, "We cut taxes too much and now we're having great difficulty in Kansas in trying to come up with the money to fund education."

In fact that very morning on the front page of the New York Times, and I showed a copy to President Bush, there was an article that mentioned Kansas by name and 15 other States and the governors were meeting talking about the same situation in each of those 16 States, where there were projected revenues, there were shortfalls and they were having problems funding vital services in each of those States.

What we are talking about here is a Congressional Budget Office projected surplus of $5.6 trillion over 10 years. And President Bush is now saying we have enough to fund a $1.6 trillion tax cut. Yesterday afternoon I got a call from the Director of the Office of Management and Budget, Mitch Daniels. Mr. Daniels said to me, "Congressman, can you be with us on this tax cut?" I suspect prior to the time he called me he knew that I had voted last year for estate tax relief and for marriage penalty tax relief.

I said, "I want to be direct with you."

He said, "Please do."

I said, "I have a couple of concerns about this tax cut and projected surpluses." I said, "Number one, there is not a budget. And I think we should have a budget before we implement or enact a new tax cut." This is last Sunday. I said, "Number two, I'm going to Washington on Monday so I can vote on this tax cut bill." And I said that I was watching the weather last night and they were projecting in Washington, D.C., a 12-inch snow. I was very concerned with that projection that I might not make it back to Washington for the tax vote. As it turned out, the projection, only 24 hours in advance, was very wrong and there was no snow to speak of. And now we are talking about projections on economic conditions 5 and 10 years out. And if a projection for a weather forecast can be that wrong, 12 inches wrong in only 24 hours, think what can happen to economic and financial projections 5 and 10 years out.

The people in Kansas and the people around this country I think live by three very simple rules, they are not written down, they are just common sense and people know innately and understand these rules. Number one, don't spend more money than you make. Number two, pay off your debt; and, number three, invest in basic needs in the future. The basic needs for a family are food and shelter and health care and education and transportation. The basic needs for a Nation are national defense and Social Security and Medicare, and a highway system, things of that nature that we all would agree on. And people out in the country wonder why Congress cannot learn to live by the same budgeting and financial rules that American families do. We have the opportunity for the first time in a whole generation, after 30 years of deficit spending, to do the right financial and fiscal thing, the right thing fiscally for our country, and, that is to live within our means and to start to pay down our national debt.

They have already told you, some of the other speakers here this evening, about the benefits. But one that they did not mention is this. In 1999, the third largest category of expenditure by our United States Government after defense and Social Security was interest on the national debt, $230 billion. If we start to do the right thing, we can pay down that figure and we can reduce that figure and live within our means. I think we should do that, Mr. Speaker, for our children. We have placed a $5.7 trillion mortgage on their future. We owe it to them.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I want to thank the gentleman from Texas and the other Members who have been here tonight to talk about this. We have heard a lot of talk about the fact that we think we need a budget first and we say that because, as one of the speakers said, that is the only way you have a business plan for the country, it is the only way you have a budget for a family, is to put this in some semblance of order. But the real question is why do we say we need a budget, a universe within which to work on these competing interests, whether it be paying down debt, tax cuts, increased spending for the military. The reason that we do is because we want to do the right thing for the children of this country in terms of fiscal discipline.

As the gentleman from Mississippi said, if we do not get a handle on this now, we will be the first generations of Americans to actually leave this country worse than when we found it.

So why do we say we need a budget first? First of all, we want to protect the trust funds that the gentleman from Mississippi talked about. Those are solemn promises and all we have to give to back them up right now are IOUs. The second thing we think we ought to do and we must do is pay down the national debt. Why is paying down the national debt important? There are 280 million people in this country. We have a total debt, according to the government, of $5.7 trillion, thereabouts.

□ 2230

Of that, $3.4 trillion is publicly held debt. That means that each one of us owe $12,140 apiece, per person. That means for a family of four that is going to get this $1,600 in 5 years that they have talked so much about, that means their share of the public debt is $48,600.

Now, Mr. Speaker, that just includes the publicly held debt of $3.4 trillion. If one adds the other debt, the Social Security debt and the things the gentleman from Mississippi (Mr. TAYLOR) talked about, we have a $20,300 per person debt on our head when we are born as American citizens. For a family of four, that is $82,000.

The proposal that has been put to us from the White House proposes $590 billion less in debt reduction from now until 2005 during this President's term than present law provides. Do we know what that means to a family of four? It means their share of this debt that we have will increase unnecessarily by $8,000.

Where I come from, as the gentleman from Kansas (Mr. MOORE) said awhile ago, one of the things we think about in Tennessee is do not spend more money than you make but pay your debts. If you have some extra money coming in and you owe somebody, you do not go buy a new car and leave that somebody that you owe still waiting for their money. You go and pay them because that is the thing to do.

If we do not keep our eye on the ball and continue to pay down this debt, then I will be ashamed to say, but I will have to admit, that I was one of the first generations of Americans who left this country worse than when we found it.

We do not know what it is going to do to national defense. There are some defense needs in this country that all of us know about, not the least of which is our obligation to the military retirees, our obligation to the men and women who are giving us their productive years that are in the uniform service of this country. They need more pay allowances. We need to modernize their equipment.

Agriculture, a nation that cannot feed and clothe themselves internally is at risk to whatever extent that food supply is interrupted. Agriculture is truly a national security concern. So when people say well, all you guys are doing down here is whining about the fact that you are not in the process, that this process has left you behind and you are whining about it. Well, let me just say this: The process that we put in place with the Budget Act and the process by which we govern ourselves is the only thing that separates this country from a dictatorship or from communism or anything else. You do not have to worry about process if you live in a dictatorship. You do not have to worry about process if you live under communism. There is none.

Process is important, and that is why we are here to try to get some process in place so that we can intelligently make some decisions, if that is possible, make some decisions that are going to leave this country better, not worse, than when we leave here.

Mr. STENHOLM. Mr. Speaker, for our cleanup hitter for tonight, one of our newer Blue Dogs from California, fastly becoming one of the leaders for a fiscally conservative budget, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, this year we will have a large tax cut. We will have a large tax cut that provides tax relief to every taxpayer, that addresses estate and marriage penalties as well. That we know for a certainty. The question, of course, of how large and who will be the primary beneficiaries is as yet undetermined, but we know that we will have the largest tax cut that we can afford.

Will we have a solvent Social Security system? Will we have Medicare with a prescription drug benefit? Will we have an adequate educational system? Will we pay down the national debt? These questions we do not have an answer for. Now, why is that? Why is that that we can say with absolute certainty right now we can have a massive tax cut but we cannot say whether Social Security will continue? We cannot say whether Medicare will be solvent? What does this say about our priorities as a nation? It says we do not put Social Security first. We do not put Medicare first. We do not put the needs of our children first.

Now, why is this? Why are we going forward with no budget? Why are we going forward with a bill that could have a major impact in this country for 25 years with no budget? Why is it so important that we act on this right now? Well, the argument that is made is that we need to spur the economy right now. Well, let us set aside the fact that even Alan Greenspan says that the use of fiscal policy in the form of tax cuts does little to affect the immediate condition of the economy. Let us say that we agreed with that philosophy. Why does that mean that we take action on a bill right now that will affect us in 5 to 10 years? If we are concerned about spurring the economy now, let us do something to spur the economy now. Let us not make a decision about expenditures 5 to 10 years from now that will have no effect on today's economy.

No, we are taking action right now on a bill that will have an effect on the next generation. We are doing it without a budget in place. We are doing it on the basis of projections we know are incredibly speculative. We are doing it at a time where the interest on the debt we pay every day is a billion dollars; a billion dollars a day we pay in interest on the national debt.

No, we are going to ignore the promises both parties made during the last campaign of paying off the debt by 2012 or 2013. That is out the window. We are going to ignore the promises made by both parties during the campaign of providing prescription drug benefits to seniors. We are going to ignore our promises to set aside Social Security and Medicare. No, we are going to pass this bill right now and then we are going to worry later to see if we can afford it.

Now I am just a freshman in this institution, but even a freshman can see this is no way to budget for a nation or a family. In families across America, people have very basic principles: Pay your bills; live within your means; provide for your family's future; provide for your country's future. This process does not meet that very basic standard.

Let us have a budget first. Let us have a budget that we can be proud of, not only today, tomorrow and this year. Let us have a budget that we can be proud of 10 or 20 years from now, because what we are doing this week, make no mistake, will affect this country for the next quarter of a century. I do not want to look back on my period in Congress and say that one of the first acts that we did when I entered the Congress was something that set this country back on the path of deficit spending, increased national debt, that we did the fiscally irresponsible thing. Let us have a budget first.

Mr. BOYD. Mr. Speaker, today we are going to set the course for the nation for the next decade. The President is betting the farm on a two trillion tax cut based on ten year economic projections. I would like to talk to my colleagues a little bit about these projections. As we all know, these projections are prepared twice a year by the Congressional Budget Office, once in January and once in July. In six short months the Congressional Budget Office changed its ten year estimate of the surplus by one trillion dollars.

While this is very good news for those who want the largest possible tax cuts or new spending programs based on the surplus, it troubles me greatly that we are prepared to risk the balanced budgets we have enjoyed over the last four years on estimates which can change so drastically in a six month time frame. My concern is that what the Congressional Budget Office gives today, it can take away tomorrow.

If you look closer at the projections, it becomes even more problematic. Almost 70% of the 5.6 trillion dollar surplus does not materialize until after 2006. What will the economy look like in 2006? What problems will face our nation in 2006 that need to be addressed? Will the 505 billion dollar surplus that is estimated for 2006 really be there? Saying this is a certainty is like predicting what the weather will be like five years from now. Allocating the vast majority of the non Social Security surplus for a tax cut in this situation is like betting the family farm on a roll of the dice.

Even the Congressional Budget Office warns about using its estimates, the same report that projects a 5.6 trillion dollar budget surplus also states, "The longer-term outlook is also unusually hard to discern at present. Many commentators believe that major structural changes have created a "new economy," and that belief influences the economic projections described in Chapter 2. However, CBO's projections, like those of other forecasters, are based on very limited information about just a few years' increased growth of productivity and strong investment in information technology. Projections of those recent changes as far as five or 10 years into the future are highly uncertain."

This is why I believe it is important that we treat the projected surplus as a projection, not reality. A possibility, not a guarantee. Because of the uncertainty surrounding the projected surplus, I have promoted a responsible plan developed by the Blue Dog Coalition. Under our budget proposal, 50% of the projected non-Social Security surplus is set aside for debt reduction, 25% is set aside for tax cuts, and 25% is set aside for priority spending like education reform, strengthening our national defense, and a medicare prescription drug plan.

This plan puts the emphasis where it should be—on paying down our nation's 5.7 trillion dollar national debt. It also has the added advantage of a cushion if the surpluses do not materialize. 50% of the projected surplus is not allocated to new spending programs or tax cuts, if the Congressional Budget Office is wrong, then the worse thing that can happen is that we would have not reduced the debt by the amount expected. In contrast, under the President's and Republican Leadership's plan, if the Congressional Budget Office is wrong, then we will very quickly have to use the Social Security and Medicare surplus to pay for the tax cuts we enact today.

My colleagues, we are gambling with our future and our children's future today. What the Republican leadership is forcing upon us is wrong. No family or small business owner that I know would spend a huge chunk of his money without knowing what their budget would be first. I urge you to reject this risky plan and work with the Blue Dogs to develop a budget first, which honestly addresses all of our common priorities and will provide the largest tax cut we can afford. By developing a budget that balances substantial tax cuts with realistic spending levels and a serious commitment to paying down the national debt, we will be ensuring a strong economic future for our country and our children.

THERE SHOULD BE NO DEAL FOR THE ALLEGED SPY HANSSEN

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for half the time remaining before midnight.

Mr. MCINNIS. Mr. Speaker, I am looking forward to addressing some of the comments made here in the previous moments. There are 10 or so of my colleagues so I have plenty of stuff that I would like to visit with in regards to that. First of all, though, there are a couple of other issues I want to address this evening. One of the issues regards the suspected spy Hanssen who was arrested not very long ago. Of course, all of us in these Chambers know exactly what that story is all about.

I also wanted to talk next, move from there, into the tax cut, the tax program. I intend fully to address some of the comments that have been made. I certainly plan to take exception with some of the doctrine of fear comments made by the gentleman from California and so on, but if we have time I then want to move from that into the death tax and address what some of the multibillionaires in their ad in the New York Times said. I should point out that these people who signed that ad, who support a death tax, who believe that death is a taxable event in this society, those multibillionaires who signed that ad have already formed their foundations. They have already done their estate planning so that they do not feel the pain that all the rest of us are going to feel if we happen to fall in that bracket and we are not that wealthy to provide for that kind of estate planning.

In my opinion, those people in that ad, not many Members on the floor, not my colleagues but those people in that ad represent the height of hypocrisy, and I hope that some have an opportunity to read my comments that I hope to get to this evening.

Let us talk, first of all, about the spy. I was very, very discouraged to read probably at the end of last week that in the negotiations, if these negotiations take place, for a plea bargain with this spy, who sold out his country and who sold out his country not with one transaction but has been selling out his country for many, many years, with secrets of substantial damage to this country, that one of the items that is mentioned as kind of a dangle, some kind of incentive in front of this spy, is to go ahead and let this spy, the accused spy, to go ahead and let him keep his pension.

He is not yet entitled to his pension. He was 5 weeks off from receiving his pension, this Hanssen guy. His pension is going to be about $60,000 a year.

Now, to me, allowing this alleged spy, and I keep using the word alleged but I think the evidence is very clear the situation we have, but we do have a society that one is innocent until proven guilty, but the fact is that we have American soldiers, in fact the gentleman from Mississippi (Mr. TAYLOR) spoke earlier about some of the people who have given their lives in service to this country, and those people's total life insurance policy does not equal in many cases one year of this alleged traitor's pension of $60,000 a year. It is fundamentally unfair, it is unsound, for either the FBI or the Justice Department to consider as one of the terms of their plea negotiations to offer this alleged spy his pension that he was 5 weeks away from collecting.

Do not forget that while he was accumulating this pension, it was at the very time he was selling our country out to our enemies. He was selling them out to Russia. He sold us out. So he is being paid on the one hand and he is selling us out on the other hand, and now as if we have not been bruised enough we have some people out there apparently discussing, well, let us go ahead and let him have his pension.

Granted, some people have said we have sympathy for his family. His family was not involved in the spying. I agree with that. The family of this alleged spy must be going through some very horrible times. It is clear that the evidence supports the fact that the family had no knowledge of what was going on with their father and this husband. That fact, that sympathy aside, one does not reward, and I am sorry about the circumstances to the family but that is the consequences of misbehavior, one does not reward one of the worst spies in the history of this Nation by going ahead and saying we are going to go ahead and give you $60,000 a year for the rest of your life based on your service to the United States Government.

So if any of my colleagues here have an opportunity to have a discussion with either the Department of Justice personnel or FBI personnel, I hope you bring this up about this pension.

Now let me move into some of the comments that were made. First of all, I take strong exception with the gentleman from California who introduces what I call a doctrine of fear. Let me say that, first of all, the comments that were being made by the Blue Dogs, as they call themselves, many of those comments I thought were fundamentally sound and there are a lot of areas that I agreed with. I have a great deal of respect for the Members who have previously spoken, but I do not think the approach to take is the approach of fear.

Let me give you a few quotes: This Congress does not put the need of children first. Give me a break. Show me one Congressman, one Democrat Congressman, show me one Republican Congressman, that in their heart and their mind they intentionally do not put the children first.

In my career here in the United States Congress, even with the Congressmen on the other side of the aisle that I have disagreed with the strongest, I have never found a Congressman who I felt did not care about children, who did not want to put children first.

To stand up here in front of Members and say we do not want to put children first, come on. That does not get us where we need to go.

Let me move on. Massive tax cut. Compare the so-called massive tax cut with tax cuts of the past, including with President Kennedy.

Let me move on from there. Ignore promises to seniors. To me, I take as strong an exception with that comment as I do ignore the children or do not put the children first. It is a real good way to get people shaken up. It is a good way to introduce the doctrine of fear. It is a good way to put a lot of scratch on the radar by saying we are ignoring seniors or we are not putting children first.

I think those are unfortunate comments that are being made.

Obviously, and properly so, the people who spoke ahead of me had that hour unrebutted so they got to speak for a whole hour unrebutted. So the reason I am going through this is trying to rebut some of those things, and I intend to make a case and present my case on its own.

Let me say that the fallacy of the comments that I heard that were previously given, again, I would agree with the principle of these statements if one condition was met, just one condition was met, and where the fallacy of these good colleagues of mine comes into place is that they are assuming that the money not utilized for a tax refund to the workers of this country, who pay taxes, they are assuming that that money automatically will go to reduction of the debt.

□ 2245

Therein is the entire danger. There is no assurance at all. In fact, if we look at the history of the United States Congress, when we leave a dollar on the table here in this room, within moments that dollar is going to go into further and future government spending. It is our poor history, and I say "poor" as to many, many decades of poor management. It is the poor history of financial management that dollars here are not utilized to reduce the debt if they are left laying around; they are utilized to increase government spending.

Now, let me say to my colleagues that that is not necessarily a weak Congressman, and I say this generically, a weak Congressperson. It is not necessarily a weak Congressperson or a Congressperson who has evil in their eyes to go out and spend this money because it is sitting around. We are under intense pressure. Every one of my colleagues, every one of us on this floor is under intense pressure; and for the freshmen that have just come aboard, you wait until the pressure you are going to see.

Just today in my office, and, by the way, it is not very often we have people that come to our office with bad projects; it is not very often that a decision is going to be real easy to say, that is a rotten project, why would we ever consider funding that. Most of the projects that come into our offices, including the projects that come into my office on a typical day like today, are good projects. They are easy projects. We get a lot of pressure out of our districts to spend money on those projects. Generally they are good projects and as the freshmen will find out, generally are decisions that are not going to be ones between good and bad programs, they are going to be decisions between good and good programs.

Today alone from my own district I had a group that came in and said, we need $500,000 for the study of a floodplain. Good expenditure. We had a flood last year. The space program, people who are in on the space program, I do not know how many billions they wanted, but they certainly wanted hundreds of billions of additional dollars, and they say, because you have a lot of good people in your district, Congressman, that are dependent on the space industry, and we understand that the President wants to hold this spending down to 4 percent, but we need to go into space. Well, I do not necessarily disagree with that. I think space, when properly managed, that program over at NASA is an expenditure that is worthwhile, but that is hundreds of millions of dollars. By the time this day was out, I sat down with my staff previous to these comments. I think we calculated the request today was just under $1 billion. That is about 10 hours of meetings. Well, I did not spend 10 hours with constituents, maybe 5 hours with constituent meetings today, and I got just under $1 billion of requests. That is not just one day of the week we see them. We see constituents all week long.

The key is here, my agreement is with the Blue Dogs that we should try and reduce that debt; but the fact is that we have to get that money to the reduction of the debt and not to the spending.

I heard a lot of criticism about lock boxes. That is our effort. When we leave money around for Social Security, when we leave money around for Medicare, that is our effort, of somehow trying to control future Congresses by saying, it is locked away from spending. The theory of what the Blue Dogs have said this evening will work if they can just figure out how to keep it from being spent on additional government spending, and that is the difficulty.

If I might say to the gentleman, let me explain the situation that we are in. I would be happy to yield to the gentleman under normal circumstances; but unfortunately, because I was granted my time after 10 o'clock, at 10:30, as the gentleman knows, I do not have a full hour, they split the hour, so my time is limited to 45 minutes, so as I get towards the end of my comments, I would be happy to yield to the gentleman, because I think it is appropriate. But I do have a great deal of information to cover.

Mr. STENHOLM. Mr. Speaker, if the gentleman would yield, we have the second 41 minutes and we will be glad to yield to the gentleman back on our time for any time that he needs.

Mr. McINNIS. Mr. Speaker, what is the gentleman requesting for yield time right now?

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. McINNIS. No, no, no, excuse me. I did not yield yet. I wanted to know what the request for yielding was. Do you want a minute or 3 minutes? What are you asking for?

Mr. STENHOLM. Mr. Speaker, I was asking to make a comment regarding a statement that the gentleman just inferred that the Blue Dogs were talking about lock boxes, and I wanted to clarify the spending.

Mr. McINNIS. Mr. Speaker, I yield to the gentleman.

Mr. STENHOLM. I thank the gentleman for that. We support the lock box concept. Our concern is that in the President's budget, he is going to be using some $500 billion of the Medicare lock box, Medicare tax set-asides for purposes of which we request, and we believe we agree with the gentleman on that. I just want to make sure that the gentleman did not intentionally misspeak. We are not down-playing lock boxes; we are saying we ought to set aside Medicare, Social Security, and the gentleman from Mississippi's comments regarding military retirement and civil service retirement, we ought not to be spending that for any purpose, including giving it back to people who have paid their taxes. It ought to go to the lock box.

Mr. McINNIS. Mr. Speaker, with all due respect to the gentleman, I appreciate him clarifying that, but just so the gentleman has an understanding where I am coming from, if the gentleman would care to look at the record, he will see numerous references and criticisms of the lock box theory.

My purpose here is not an attack on the Blue Dogs, because after the gentleman's comments, apparently we agree on the lock box issue. But that is our mechanism, to try and put in some kind of control in the future so that when we reserve money for reduction of the debt, it actually goes to reduction of the debt and not spending. Also, I should say about the Blue Dogs, frankly, that during my years in Congress here, it is the Blue Dogs on the Democratic side of the aisle who have been the most restrained on excessive spending and who have led that side of the aisle. So this is not intended to be a criticism, but is intended to say to my colleagues that the lock box is the best tool we have been able to come up with at this point in time.

Now, perhaps the gentleman from Mississippi, who I will yield to here in a minute, because I am going to refer to some of his comments, and perhaps he would like to reserve his request for a yield of time until I am finished.

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may.

Mr. McINNIS. Mr. Speaker, the gentleman may not. I am not going to yield. Let me finish about the comments that the gentleman made, and then I will be happy to yield for a limited period of time because of my limited time this evening. Again, you have 10 over there, I have one here.

Let me say that in regard to the gentleman's comments from Mississippi, he spoke very eloquently, but he said that during his lifetime, a great deal of that debt was accumulated during his lifetime. I might add that a great deal of that debt was accumulated during his congressional tenure as well. I am not sure that the gentleman from Mississippi intended this, but he said that Greenspan said there is all kinds of money for a tax cut. I have heard Mr. Greenspan speak on a number of occasions. I think the gentleman's quote of Mr. Greenspan is inaccurate. I have not read in any report of his comments, and I have not witnessed in person any of his comments where he quotes: we have all kinds of money for tax cuts. In fact, Mr. Greenspan has been very conservative in his approach for tax cuts. He has put it on the strategy and agreed with the strategy that George W. Bush has put forward, and that is, we need it in combination with, one, we have to reduce the interest rates, we have got to control spending, which Mr. Greenspan comes back to time and time again, and then the tax cuts have a place in there. He has not made those kinds of statements that we have all kinds of money for tax cuts.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. Mr. Speaker, I would also correct the gentleman in saying that it was either Greenspan or Bush in his comments, I did not quite catch which one the gentleman quoted, let us go have a good time. I do not remember, and I do not see anything. I see that George W. Bush takes this budget very, very seriously; and I think the gentleman agrees with me.

My only point here is this budget and these tax cuts and our debate tomorrow, especially as I address the Blue Dogs, who I think, in my opinion, on the gentleman's side of the aisle I think carry the most substance, at least with my point of view. I think it is very important for us to work in a constructive fashion, that we not let emotion take it too far and we make the kind of statements such as the fear tactics that I addressed earlier about some of these comments that were made by some of the other people.

Now, if the gentleman would like to speak for a minute, I would be happy to yield, in fairness.

Mr. TAYLOR of Mississippi. Mr. Speaker, a couple of points. Number one, I was deeply disappointed when Mr. Greenspan was repeatedly quoted by Republicans as being the person who they say, well, now he is for tax breaks. I am glad to hear this Republican say he did not think he said that. It is a fact that Mr. Greenspan was in charge of that commission that led to the 15 percent increase in Medicare and Social Security taxes, with the promise that money would be set aside. So Mr. Greenspan, more than anyone else, should know that it has not.

The third thing is when the gentleman said, let us go have a good time. I was using the analogy of a person who, for the first time in 30 years, has money left over at the end of the year and it amounts to $1,000; but he ignores the fact that he is $686,000 in debt. That is where our Nation is with an $8 billion surplus at the end of 1 year for the first time in 30 years. The analogy is our Nation does not have $1.6 trillion to give away in tax breaks.

Mr. McINNIS. Mr. Speaker, reclaiming my time, the gentleman has gone on a little bit beyond the rebuttal that was appropriate, but let me make it clear. I am not saying that Mr. Greenspan did not agree with tax cuts. Obviously, he did. My disagreement was the gentleman's quote of Mr. Greenspan, which I have back there. I took it verbatim, I say to the gentleman; and I just wanted to correct that, because I think that the quote had a bit of emotion put into it and was taken out of context.

I want to be sure that this evening, because I think the plan that the Blue Dogs presented this evening was a very well-presented program; but I think in fairness, we need to present this with as much emotion put aside as we can. Therefore, I would like to address a couple of the issues in regards to the plan offered by George W. Bush.

First of all, let me tell my colleagues, my district is in the State of Colorado; and in the 1970s, Colorado faced, of course, in a much smaller proportion, a budget surplus and the surplus actually did occur. Now, I know that some of my colleagues that have previously spoken criticize projections into the future. I want all of us to know, and I also heard someone say, you do not spend money you do not have. I happen to agree with that, although most citizens in America do spend money they do not have. They buy a home. I would guess that most of my colleagues who are here on the floor this evening probably are in debt and actually owe more money than they are making right now. It is because they can manage that debt. It is a manageable debt, and that is one of the things that I think we ought to take a look at. What kind of discipline exists? I would venture to say that my colleagues here personally probably have more discipline because they are not under the kind of political pressure to spend their personal income that we face here to spend the taxpayers' income.

In the State of Colorado when we had this surplus and, by the way, when one buys their home, let me step back just for a moment, when you buy your home, you base the purchase of your home on your own future projections. Nobody has figured out accurate projections, very accurate, in my opinion. If they did, they would be very, very wealthy people. But when you go out as an individual and you buy a home, your wife and you, you sit down and you say, okay, here is what we project our income is going to be over the next 30 years, here is what we think we can afford in a mortgage, and probably the first payment you make every month outside of groceries for your family is to pay on that mortgage. Now, that is not to say that you should ignore your mortgage. There are consequences if you do ignore your mortgage; and frankly, the gentleman from Mississippi, I think, stated pretty well some of the consequences of ignoring the mortgage.

The problem is in this particular body, in the other body, in this political process, because of the demands of our constituents, we have to exercise a special kind of discipline. In Colorado, we had those surplus dollars in the 1970s. We were so concerned that we would end up spending that money on good programs, that we felt it was necessary, we felt we met the fundamental needs of the State of Colorado. I say "we," I was not in the legislature at the time, but our legislative leaders then did a tax refund in the State of Colorado.

Do my colleagues know what would have happened in Colorado when 6 years later we ran into an economic downturn, had we not returned that money to the taxpayers? That money was not sitting in a bank account accumulating interest. That money was spotted by every special interest group in the State of Colorado, and those special interest groups, regardless of which side of the aisle it came from, they wanted to spend that money; and they would come to us, they would come to our legislative leaders and say, look, we have a great program. You have the money in the bank. How can you justify to the voters that you are not going to spend more money? And what would have happened in the downturn is we would have had many, many more commitments, had we not returned that money, and our downturn in Colorado in the early 1980s would have been much more severe than it was.

I think that the President in his approach and in his budget takes that into consideration. The President is not proposing, by the way, to return all of the projected surplus. This bill that we passed in regards to the President's tax cut, which is a part of the budget, and remember that, in my opinion, if we allow the budget to come on this floor first, before we commit to dollars for a tax cut, the dollars that we would commit to a tax cut will be already spent for additional spending in new programs.

□ 2300

Mr. Speaker, that is the difficulty on this floor, and in the next 3 weeks trying to take that money that we intend, and we can use the money that you would like to give for a tax cut, being able to hold that aside from being spent is going to be extremely difficult. That is why we have to commit early on, in my opinion, to a tax cut.

What the President has done on his budget is he has broken it out basically into a couple, 2 or 3, requirements in his budget. The first requirement, Social Security. We must put aside money to fund Social Security.

The same thing with Medicare. The President also addresses the debt. Clearly, we are in complete agreement.

I am in complete agreement with the Blue Dogs. I am in complete agreement with most of the Republicans that we need to reduce that debt. That is good fiscal management to reduce it in a planned way, but reduce that debt. The difficulty is between the point where the surplus exists and being able to move it.

Let me demonstrate here. S for surplus, and over here for the debt reduction. There is another big S that falls in between them. What does that big S represent? It represents spending.

President Bush does not ignore spending. President Bush does not come forward in his budget and say no more spending. In fact, what President Bush does is he comes out and says he is going to be more generous than most families in America, I would venture to say, are going to be in their own family budgets next year.

President Bush has come forward and said you may increase the budget. I want a budget, and I will present a budget that will increase spending by 4 percent, that is a 4 percent increase. Most families in America will not see a 4 percent increase in their personal income next year.

What President Bush has said is that an 8 percent or a 9 percent increase that the Congress, along with the administration, that this government has gotten used to, is not going to happen, because we have an economy that is on the edge.

We do not have an economy that technically is in a recession yet, but we have an economy that is headed into a slowdown. And the way to address the slowdown, according to President Bush, and I completely agree with him, really is three legs on a stool.

The stool needs each one of those legs. The first leg is you have to reduce spending or control spending. I will describe a little more about that later.

The second leg is you got to reduce interest rates. We are seeing Alan Greenspan responding. By the way, the criticisms of Alan Greenspan this evening, I did not hear many of those criticisms when the stock markets were hitting all time highs last year. I did not hear any of my colleagues frankly taking the floor and criticizing Alan Greenspan.

The third thing that we have to do on this stool to stabilize this economy is put some money back into the workers who are producing out there.

You have people in our society who are not producing. Those are not the people we are trying to put money back into their pockets. We are trying to go to the producing American out there, the American who is paying taxes. We are trying to put money back in their pockets, because our belief is putting those dollars back in the workers pockets is going to help a lot more to pull this economy out of its slowdown than leaving those dollars in Washington, D.C. to be spent by the government through a bureaucratic maze.

That is exactly what President Bush is attempting to do, and I think he has a very logical plan under which to do it.

In his speech, which, by the way, many of my colleagues stood and applauded, the President's budget funds America's priorities. Again, President Bush is not ignoring children. President Bush is not ignoring senior citizens. He is not ignoring Medicare. He is not ignoring Social Security. He is not ignoring the military, but, by the way, he is not going to just sign a blank check.

He wants justification. The Secretary of Defense, Mr. Rumsfeld, is putting a study on military. He understands what our basic needs are, and his budget will fund America's priorities, but there has to be priorities.

Let me tell my colleagues if we spent money on every good program that comes in front of us, we would be broke in a week. We have to have priorities. Of course, taking priorities means that some are priorities, some are not. So you become unpopular with some people.

This President is willing to stand tall and say we cannot fund everybody. I am sorry, we cannot be Santa Claus. We have got an economy that is having a tough time. We have some fundamental needs that must be funded, and the President's budget funds it.

Next, the President provides the largest debt reduction in history. And here the Blue Dogs ought to be standing up applauding George W. Bush. And I should say, in fairness to the Blue Dogs, that at several points their key point was reduction of the debt, so I think they actually agree with George W. Bush.

What I am saying though, however, to people such as the Blue Dogs, somewhere we have to be able to control spending so that those dollars there will be some dollars left for that tax cut.

Here President Bush does not ignore, under any circumstances, the reduction of the Federal debt. In fact, he considers it a very high priority, and he provides the largest debt reduction in the history of this country.

Finally, it provides fair and responsible tax relief. This tax relief is not intended to go to people who do not pay taxes. If you do not think you pay enough taxes, take a look at how many taxes you pay. Take a look at when you stop at the gas pump what you pay for a gallon of gasoline, what you pay when you go to the hardware store. Take a look at your tax bill next time you buy a car or a refrigerator or a TV.

It was mentioned by the Blue Dogs over here, take a close look at what your employees' and employers' taxes are. Take a look at your income tax, your State income tax, your Federal income tax. Take a look at your municipal tax. Take a look at your county tax. Take a look at special districts. Some of those needs are necessary.

We have to have tax in our system, but at some point in those numbers, do you not think that we can find, especially when we have an economy right on the edge, do you not think we can find a little bit, a few pennies on the dollar to go back to the taxpayer so that that taxpayer can also fund some of the priorities of their family?

Let us take a look, as we go through this budget, as the President explained it.

The President's budget, as I mentioned, pays off historic amounts of debt. It provides the fastest, largest debt reduction in history, $2 trillion over 10 years.

It reduces the government debt to its lowest share of the economy since World War I. We are serious about reducing this debt. Clearly we have to do it.

By the way, it is the Republicans who continually carried that balanced budget amendment. We understand that, and there are a number of conservative Democrats, and the Blue Dogs fit in that category, who agree with the reduction of this debt.

Let us go on. Responsible tax relief, uses roughly one-fourth of the budget surplus to provide the typical family of four paying income taxes $1,600 in tax relief.

I heard someone the other day saying this proposed tax cut only means a couple hundred bucks, or it only means a dollar a day. I heard that the other day I think in the Committee on Ways and Means.

Let me tell you something, when people get 300 bucks or $365, that may only be a dollar a day but to a lot of my constituents, $365 in your pockets instead of the government's pockets makes a difference of a bicycle for your kid, maybe you could go down and buy a new TV.

It makes a difference. Do not let people dilute the impact of a tax cut by saying it only means a dollar a day.

Let us proceed on here. It improves health care. The President's budget will improve health care. It doubles funding for NIH, that is the National Institute of Health, medical research on important health issues like cancer, the largest funding increase in NIH's history. It creates more than 1,200 new community health centers to make health care more accessible.

This President understands the terrible viciousness of cancer. This President is committed to a budget for the National Institutes of Health to take that issue on. This is one of those priorities.

This President is not taking the money from the fight on cancer and giving it back to the taxpayers. In fact, this President is going to the workers and to the taxpayers and saying I think it is a priority to take more of your taxpayer dollars and to fight to take on this issue of cancer.

It protects the environment, protects the environment, providing for the largest increase in conservation funds in history. Of course, we all take great pride in our districts, but my district is one of the most beautiful districts in the Nation. It is geographically larger than the State of Florida. It is the Rocky Mountains of Colorado.

Those land and water reservation conservation dollars are important dollars for us out there. This realizes that the President realizes a commitment to our environment in that kind of funding.

It preserves Medicare. It spends every dime of Medicare receipts over the next 10 years for Medicare and Medicare alone.

□ 2210

Those Medicare dollars are going for Medicare and Medicare alone. Again the President has said, look, there are certain dollars we cannot put into the tax refund, into the tax cut. We have to fund priorities. Medicare is a priority. It strengthens defense and our military by improving their quality of life. He talks about the new weapons, and defense is a priority for President Bush. Again, he is not using that money to filter or waste it away in other spending. He is not giving that money to our taxpayers, he is saying that money needs to go into defense.

Improving education. I think this President will go down in history, President George W. Bush, as the education president. He cares about that. Reading is a big issue. His wife is a teacher. Laura Bush has spent more time in a classroom than most of my colleagues. I think everybody on this floor cares about education. I have never met a Congressman who does not care about education. This President lists it as one of his highest priorities. He says that if we want better education, we had better be able to pay for it.

George W. Bush wants the strongest military in the world. He wants it maintained, but he is not going to sign a blank check. He wants accountability. He wants accountability in defense, in education, in Social Security, et cetera, et cetera. But that is not to say he is not willing to spend the dollars. You prove that those dollars are going to go to the improvement of our education, and you are going to have those dollars, and his budget allocates for it.

Social Security, it protects Social Security. Let me say my approach, I heard a couple of comments from two separate Members who said that we are on route, we are on track to turn this country over in the worse shape than any other generation in the history of this country. That for the first time in the history of this country, this generation is going to turn this country over to the next generation in worse shape than they found it.

Mr. Speaker, I could not disagree more. I am an optimist. I think that we live in the greatest country in the world. I think there are more things going right than wrong. Clearly our focus is to deal with problems. It is kind of like being a fireman. Firemen deal with fires, so pretty soon you may think that the only thing that happens is fires, but it is not. When you look and put it in its proper proportion, there is more going right.

Sure it is easy to criticize education and criticize this and that, but take a look at what is going right and if we work together as a team, if we come together and understand, number one, we have an economy that is headed for a slowdown. We do not need to bring up emotional statements like somebody does not care about children. How many of your constituents do not care about education or seniors? Put that garbage aside. Every one of your constituents cares about education and seniors.

The question is priorities, and the President has three basic priorities. Number one, you have got to take care of the priorities of this country. Number two, you have got to have, and let me put my chart back up here, you have got to provide for debt reduction. It is a priority with this President. Number three, you need to provide some money back to the people who gave that money. Do not forget, it is a very easy job when you talk about money back here in the government, and by the way, the city of Washington, D.C. is the biggest government-funded city in the history of this country.

The fact is that we do not get our money by going out with some capitalistic idea of going out and working, our funding is done by taking that money out of the workers' pockets, out of the taxpayers' pockets and transferring it to Washington, D.C. for redistribution. That is how the money comes back here.

What the President is saying is wait a minute, in all of these priorities, maybe one of our priorities, not the top priority, not the only priority, but maybe one of our priorities ought to be consideration for those people who have to go out and create that money. The people who go out and get their money, not because it is transferred in their pocket, but because they go out and work for it and they earn it. Here it is transferred through tax mechanisms.

I think it is fair and reasonable for the President to say we need to commit a certain part of my budget to a tax cut. I also think that it is reasonable, to my colleagues in the Blue Dog group, I think that they would agree or I think it is very reasonable to say we had better commit some dollars to this tax reduction now because if you do not put those dollars aside, over the next 3 or 4 months which it will take us to produce a budget, last year we did not get one until almost Christmas, but if you do not put that money aside now, there is not going to be money left for those workers out there.

I understand the position let us get a budget first. That is an easy argument to make. When you make that argument, you cannot assure those workers out there that there are going to be dollars to go in their pockets.

Let me say in conclusion, I enjoyed the discussion here tonight and listening to my colleagues. I look forward to future discussions and would be happy to engage in a special orders with the people from the Blue Dogs, but I think it is important that we tell both sides of the story which is exactly my purpose in rebuttal this evening and also in discussing the Bush plan.

Mr. Speaker, next time I speak I intend to talk about the death tax, the question of whether death should be a taxable event, and I intend to go into some of the issues regarding the budget.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker if the gentleman from Colorado would wait, we offered some additional of our time because you were generous to give some of your time.

We would like to continue some discussion, I know that the gentleman from Mississippi (Mr. TAYLOR) would, and also I appreciate very much the tenor of their talk tonight and respect that they have paid to the Blue Dogs and some of the things we agree on, and I return the favor to the gentleman from Colorado.

I found most of what he said I totally agree with, and I believe he will find that is the Blue Dog position, but I do not believe the gentleman intentionally misspoke regarding the President's budget and the utilization of Social Security and Medicare trust funds. I know he did not intentionally, and all I say is if the gentleman will carefully examine the President's budget, I believe he will find that there is a double counting of the Social Security and Medicare trust funds because I believe the gentleman and I will agree that those moneys that are now being paid in by the hard-working men and women today, everybody paying into the Social Security trust funds, those moneys are already obligated.

When the baby boomers begin to retire in about 4 years, and it really hits in 2011, the Social Security trust fund has big problems in paying off. Therefore, it as has been proposed in the President's budget, we choose to reduce the debt by the Social Security trust fund moneys and that is all, then we truly are not making any progress towards fixing Social Security.

SO-CALLED ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 41 minutes.

Mr. TURNER. Mr. Speaker, it has been a pleasure to hear the gentleman from Colorado express his points of view, and I believe there are many areas where we find common ground, particularly in the commitment to try to hold down the level of government spending. I think we share a commitment to reducing the Federal debt, although I think the Blue Dogs have a more aggressive debt repayment schedule than does the President under his budget plan.

I notice that the gentleman from Colorado started off his remarks tonight talking about fear, and I picked up, during the gentleman from Colorado's presentation, a little fear expressed on his part, one that I think is shared by many Members of Congress and perhaps drives some of the actions that we see taking place here; and that fear that was expressed by the gentleman was the fear that we might continue to have greater government spending and for that reason we need to pass a tax cut before a budget I believe I heard the gentleman say.

□ 2320

I would simply suggest to the gentleman that under the budget act that this Congress is governed by, we have, by law, said that the process that we will follow is to pass a concurrent budget resolution before we consider taxes and spending programs. So even though it may be a fear that if we do not do the tax cut first we will have greater spending later, the current law says that we should do it just the opposite.

Now, I also would add that I think it is important for us to understand that simply having the fear of greater spending if we do not have a tax cut really historically has not proven to be very successful. Because during the early 1980s, when the Reagan tax cuts went into place, we also found that the Congress and the President decided to increase spending, particularly on national defense. And the largest deficits occurred during those years when we were both cutting taxes and increasing spending on defense. So, unfortunately, though it is a worthy objective to say that if we simply cut taxes first we will reduce spending, the truth is Congress has not chosen to follow that pattern.

In fact, we accumulated over 30 years a $5.6 trillion national debt, because for 30 years straight the Congress and the Presidents that served during that time always spent more money every year than they took in. So the choice, when we do not have money coming in to the Treasury, is twofold: we can cut spending or we can go back in to deficit spending. And the pattern has been more the latter than the former.

Mr. McINNIS. Mr. Speaker, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Colorado.

Mr. McINNIS. Mr. Speaker, I will let the gentleman finish, but I wanted to comment just very briefly because I think there is a little confusion here.

I am not for putting forth the proposition that by giving a tax cut would reduce spending. What I am saying is that at least in my tenure on this floor, that if we do not allocate those funds for a tax cut, those funds will be consumed in the budget negotiations that take place here.

Obviously, I think the President himself has said spending will increase at a rate of 4 percent. It may come in a little above that. I am saying at this point, if we are really going to have a tax cut, we better reserve those dollars. I happen to believe that my colleagues in the Blue Dogs would stand by for that tax cut, but there are a number of people on both sides of the aisle who would like to expend those funds.

And then I would like to address the other gentleman from Texas. I am completely in agreement with him on Social Security. On an actuarial basis, they are bankrupt. On a cash-flow basis, there is a lot of excess cash coming in. As we know, the reason on an actuarial basis that we are bankrupt is because the typical couple pulls out $118,000 more than they put in. I do not disagree with the gentleman at all in that regard.

I do have questions and issues of debate as to whether or not we have a double factor in there and look forward to future discussions. I intend to yield back to the gentleman and to not come back to the microphone. I thank my colleague for the courtesy.

Mr. TURNER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his remarks, and again we commend him on his presentation. I really do hope, however, that we will all at least come to the point where we will agree as a House, as a legislative body, that the budget act that we are governed by, requiring a concurrent budget resolution before we have tax cuts or enact appropriations for spending will be the pattern that this Congress will follow.

Unfortunately, the leadership in this House has chosen to do it another way, because tomorrow they will bring to this floor a major tax cut before this House has adopted a budget. The Blue Dogs intend tomorrow to be heard on that subject because we think it is important to have a budget first.

It is also true, as the gentleman from Colorado stated, that the President, in his budget plan, does reduce national debt. Our objection simply is that it does not reduce national debt as fast as we think it should be reduced. In fact, in an editorial in USA Today, the writer of that editorial acknowledged that the President is reducing debt, but he says that anyone looking closely at the President's budget will see that he does not retire debt as fast as current law would provide. And, in fact, the President's debt repayment schedule under his rough outline of a budget will reduce less debt than current law to the tune of $590 billion over the next 5 years.

The Blue Dog budget plan reduces the debt at a faster rate than the President's budget does. Our plan is very simple. We say take the Social Security and the Medicare surpluses that will accumulate over the next 10 years and set them aside for Social Security and Medicare only. Whatever other surplus there is in the general operations of our government, then set aside 50 percent of that on-budget surplus for debt repayment. That means that the Blue Dog budget plan reduces debt at a faster rate than the President's plan.

We further say set aside 25 percent of that on-budget surplus, outside of Social Security and Medicare, for tax cuts. And the final 25 percent should be reserved for priority spending needs, to take care of increased needs in the area of national defense, education and other priorities this Congress and this President may agree upon.

In our judgment, that is a fiscally responsible approach to the forecast of budget estimates that we all know are merely forecasts, that may not arrive. In fact, we know that if the estimate of growth in Federal spending goes down only one-tenth of 1 percent, about $300 to $400 billion of the estimated surplus for 10 years disappears. That is how tenuous the estimated surplus figure really is.

And so Blue Dogs simply say, let us pay down the national debt, let us have meaningful tax cuts for the American people, and let us preserve Social Security and Medicare for the future. And why do we say let us have a budget first? Because if we have a budget first, we have to address each of those issues that I mentioned and take the available Federal revenues that we hope will appear over the next 10 years and we have to fairly allocate them to those various priorities. To simply say let us bring a tax cut to the floor, it is a feel-good vote, let us do it, let us move on down the road, it will all work out, is not the way we would run our household budgets or our business budgets; and it is certainly not the way we should run the people's budget here in Washington.

So I am hopeful that at the end of the day this Congress will have a budget debate. And, after all, just because the President says that spending will only go up 4 percent, just because the President says that we are going to be able to make all this work out does not mean that is the way the law is going to read at the end of the day.

And when the gentleman from Colorado (Mr. McINNIS) says that he thinks we ought to pass the tax cut first and then the budget, he is expressing a fear, a fear that his own majority party, who controls this House, who controls the Senate, and who now controls the White House, cannot be fiscally responsible. I submit to my colleagues that as long as the Republicans are in charge, they are going to be the ones ultimately that determine the size of the spending bill for the Federal Government for this next year. And to simply say that there is some projection out here of future surpluses that we all hope are going to arrive, and to make a decision today to spend all of those surpluses on the tax cut the President has proposed, is irresponsible. The truth of the matter is, if they do not show up, we will be back in deficit spending.

A fellow in overalls at a town meeting stood up after I had made a long-winded presentation about all these Federal budget numbers, and he said, "Congressman, how can you folks in Washington say you have a surplus when you have a $5.5 trillion debt?"

□ 2330

It caught me a little bit off guard, because the point was well made and certainly well taken. Only in Washington can you owe $5.5 trillion in publicly held debt and in debt owed to the Social Security and Medicare and other trust funds of the government that have been taken all these many years and spent on other things, only in Washington can you also say you have a surplus.

The debt we owe is real. It is here now. The surplus we are talking about has not yet arrived. It may not arrive. What would you do at your household if you owed money to the tune of $100,000 and somebody said, "Well, we think you're going to have an increase in your pay over the next few years." Would you ignore the debt and start spending the surplus? No. You would try to pay down the debt that you owe. Keep in mind, the Blue Dogs do not apologize because the size of our tax cut is little bit smaller than the President is talking about. The truth of the matter is, if you look at the tax cut proposals on, for example, the marginal rate side of the tax cut, sure the President over the long term has a little larger tax cut for those in the upper income brackets. The Democratic proposal has larger tax cuts for those in the middle income brackets. But the truth of the matter at the end of the day, the Blue Dog plan is not only to cut taxes but to pay down debt, because we know and economists tell us that paying down debt will put more money in the back pocket of American families than any of the tax cuts that we are talking about today, whether it is the President's, the Blue dogs' or any other group in this House or in the Senate. Economists say interest rates across the board would go down over the next 10 years approximately 2 percent if we pay down the national debt.

If you are struggling to buy a new home and you have borrowed $100,000 at the bank and we can get interest rates down for you 2 percent, you will save $2,000 a year. Who gets $2,000 a year even under the President's tax cut? Well, I guess the very wealthy do. I suppose by looking at the numbers, if you are a wealthy lawyer making half a million dollars a year under the Bush tax cut, you get $15,000. But under the Bush tax cut if you are a waitress making $20,000, you will no longer have to pay $200 in taxes. Your taxes will be zero. As I think the President has often pointed out, the waitress gets a 100 percent reduction in her taxes and the rich lawyer only gets a 50 percent reduction when the truth of the matter is the lawyer gets $15,000 and the waitress gets $200. But how can we help the waitress? If she is trying to buy a home for her family and we can get interest rates down 2 percent so that when she goes into that bank or that mortgage lending agency and she applies for that $100,000 loan, the interest rate quoted to her will be 2 percent lower and she will save $2,000 a year because this Congress decided to be fiscally responsible and pay down the national debt and reap the benefits that come from that kind of fiscal responsibility. That is what the Blue Dogs are for. And at the end of the day, our plan will put more money in the back pockets of an average American family than any tax cut that is being talked about today.

I am very hopeful that we can at least have an opportunity to have a fair debate on priorities and a fair debate about a budget before we have to vote on major tax cuts that may jeopardize our efforts to bring fiscal responsibility and restraint and debt repayment to the American people.

I really think that tonight, the debate that we are having, though there are only a few Members in the Chamber tonight, is the kind of debate that we need to be having in the full daylight with the Members of the House here on a budget resolution for this House. I have even read in some of the publications here on the Hill that the Budget Committee is going to make a special effort this year to have a realistic budget, because the truth of the matter is that many times, the Congress even after passing their budget has spent more money than the budget allowed. This year, the spirit seems to be different in the House Budget Committee. I am very hopeful that the House Budget Committee will pass a realistic budget, one that this Congress will live within, and one that will allow us to have meaningful tax cuts and significant debt repayment over the next 10 years. This is our goal. This is what we are working for. I think at the end of the day, we can find that the American people will benefit from fiscal conservatism.

It is really unusual to be in a position of having to be the voice of fiscal responsibility when for so many years we had support from the Republican side of the aisle for the same goals. It turns out that the Blue Dog Democrats have now been identified in this body as being the strongest deficit hawks, the most fiscally conservative and those committed to greater fiscal responsibility than any group in the House. I think it is really significant that this message be heard. That is why we are here tonight, at 11:35 Eastern Time talking about this issue that we all believe so strongly in.

There have been several good editorials that have been published in recent days about this issue. It seems that more and more people across this country are beginning to question the path that has been charted by the leadership in this House which will lead us tomorrow to a vote on a major tax cut before we have a budget. More often than not in my conversations with my constituents, I hear the healthy skepticism that exists among people all across this country about cutting taxes based on a 10-year projection of a surplus. In fact, it was suggested to me the other day that perhaps this Congress and this administration could be characterized as somewhat arrogant for even suggesting that we cut taxes based on a 10-year estimate. Because the truth is, even if the estimate, perchance, turned out to be correct, this President and this Congress would have passed the last tax cut that could be passed by any Congress or signed by any President for the next 10 years. Perhaps that alone would suggest that perhaps we should look at a shorter time frame. When I served as a member of the Texas legislature, the House and the Senate there, I served on the Finance Committee, we met biennially, once every 2 years. What we did is project the State revenues for the next 2 years, projected our State spending needs, and adopted a budget accordingly. And if we had extra money projected for the 2-year period, we could pass a tax cut. We did not talk about 10 years out. Perhaps most legislators understand how foolish it really is to spend money that you do not even have yet. Only in Washington do we project for 10 years and then somehow declare that it is engraved in stone on a wall and we can spend it today. I think that we as a Congress should acknowledge that of the tax cut that we are talking about being given to the American people next year, that the surplus is so small next year that only 5 percent of the total tax of $1.6 trillion the President proposed is even being granted next year. And to grant more would put us back into deficit spending, because two-thirds of this surplus occurs in the second 5 years of this 10-year projection. Only one-third occurs in the first 5 years. And in the shorter term, very little surplus exists for any tax cut.

Now I am not belittling the fact that the tax cut proposed gives a $56 billion tax cut next year, but $56 billion is only 5 percent of the total tax package that is being talked about. It was suggested the other day that perhaps what we ought to be doing is simply passing a short-term tax cut, coming back in 2 years, taking another look at where we are financially, passing another one, giving the next Congress after that the good fortune of being able to vote for a tax cut. But, no, in Washington the playing field has been defined for us, because the Congress in 1992 said that the Congressional Budget Office should project the financial estimate for 10 years.

□ 2340

Once we did that, then I guess we opened the door to start spending the money, whether it is by tax cuts or spending or whatever means we want to use to dispose of it today, based on an estimate of what might occur over the next 10 years.

So the Blue Dog Democrats are here tonight. We are working hard to convey the message of a budget first and we are asking for fiscal responsibility.

Mr. Speaker, I am pleased to yield to our fellow Blue Dog colleague, the gentleman from Mississippi (Mr. TAYLOR.).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) for yielding.

Mr. Speaker, again, I will ask every American who listens to the debate tomorrow, listen for this number, $5,735,859,380,573.98. You will not hear one proponent of the tax cut admit to the American people that that is how far in debt we are, and almost all of that debt has occurred since 1980.

I will give you another number you will not hear. You will not hear about the $1,070,000,000,000 that this Nation owes to the people who pay into the Social Security trust fund. You will not hear about the $229,200,000,000 that this Nation owes to the Medicare Trust Fund. You will not hear about the $163.5 billion that we owe to the military retirees, and you will not hear about the $501.7 billion that we owe to the public employees retirement system.

I have to be a little bit disturbed about what my friend, the gentleman from Colorado (Mr. McINNIS), said tonight. His statement was that we have to cut taxes because they cannot stop spending.

Now I admire many of my Republican colleagues, but they asked for the opportunity to govern and they promised the American people if they were given the opportunity to govern they would stop wasteful spending. So what he is saying, I guess, is that that promise was not true; that they cannot control spending.

Let me make a point to the gentleman from Colorado (Mr. McINNIS). Cutting revenues has never stopped spending. It only increased the amount of money that was borrowed.

When Ronald Reagan made the same pitch in the early 1980s to cut revenues because it would stop spending, the debt was less than a trillion dollars. It is now $5.7 trillion.

Let us remember that Ronald Reagan's veto was worth two-thirds of the House and two-thirds of the Senate; just as George Bush's veto will now be worth two-thirds of the House and two-thirds of the Senate.

If President Bush sees some wasteful spending, I encourage him to veto the bill, and I will work with him to prevent the override of that veto. Do not tell me that you have to increase the national debt, pretending there is an imaginary surplus, so you can give your contributors a $1.6 trillion tax break, because it is not there. We do not have a surplus until we pay back what we owe to Social Security, which is a trillion dollars; until we pay back what we owe to Medicare, which is $229 billion; pay back to those people who served our Nation for 20 years or more and our Reservists who served our Nation for 20 years or more, the $163 billion. We do not have a surplus until we pay back to our civil servants the $501.7 billion that has been taken out of their paychecks. You do not have a surplus to give away in tax breaks.

I know these are astronomical numbers, and I know the typical American has just got to be dumbfounded with them, and I think skepticism is a good thing. So let me say where you can look to see this, because these are all straight out of the monthly statement of Treasury Securities.

Just a month ago, that was known as a monthly statement of public debt but the Bush administration, in order to disguise the true nature of the debt, changed the title of that from public debt to Treasury Securities; but it is the same thing.

So I would encourage you to go to www.publicdebt.treas.gov. I encourage you to go to table 1, page 1, monthly statement of Treasury Securities of the United States, February 28, 2001; go to table 4 page 10; go to table 3, pages 7 and 8.

That is where these numbers come from. I am dealing in reality. The Blue Dogs are dealing in reality. The people who are for these tax cuts are dealing in projections, and we are $5.7 billion in debt because of rosy projections, not people dealing in reality.

Mr. TURNER. Mr. Speaker, I would ask the gentleman from Mississippi (Mr. TAYLOR) does he happen to know how much interest we are paying on this national debt?

Mr. TAYLOR of Mississippi. I am so glad the gentleman asked that. We constantly hear people say, stop the wasteful spending. Doggoneit, you all can balance the budget if you just cut out the wasteful spending. Some people say it is food stamps to the tune of about $30 billion a year. Some people say it is foreign aid to the tune of about $13 billion a year.

I guess everyone has something they think we ought to do away with. National Endowment for the Arts I voted against, $100 million a year.

The most wasteful thing this Nation does is to squander $1 billion a day each and every day on interest on the national debt. We did it yesterday. We did it the day before that, the day before that. We will do it tomorrow and we will do it every day for the rest of our lives if we do not retire this debt.

That is what the interest payment is. It is more money than we spend on defense. It is more money than we spend on Social Security. It is more money than we spend on veterans health care. It is more money than we spend on anything.

It is squandered. It does not educate a child. It does not build a highway. It does not defend our Nation. It is squandered. It tends to go to the wealthiest Americans, the very people who will get the biggest benefit of this tax break.

Mr. TURNER. I had heard a few months ago that the interest payment on the national debt was the third largest category of Federal expenditures. Is that correct? I think Social Security and perhaps national defense might have been a little bit ahead of payment of interest on the debt.

Mr. TAYLOR of Mississippi. For the record, for the fiscal year 2001, the Treasury has already spent $144 billion on interest on the national debt. That is the first 5 months of this year. Contrast that with fiscal year 2000, the Treasury spent $362 billion on interest. That is almost a billion a day. That is 20 percent of every dollar that was spent.

By comparison, the military outlays total $281 billion, $81 billion less than we pay on the interest. Medicare outlays vere $218 billion, $144 billion less than we spent on interest on the national debt.

Again, Mr. Speaker, again Senate Majority Leader, Mr. President, please come tell me that there is a surplus, because you are dealing with projections and I am dealing with reality. The people of America are now $5.7 trillion in debt from rosy projections. The debt is real. The interest payments on the debt are real. What we owe to Social Security, what we owe to Medicare, what we owe to the military retirees, what we owe to our own civil servants is real.

Let us pay our bills first before we start making new promises.

Mr. TURNER. Mr. Speaker, I would say to the gentleman from Mississippi (Mr. TAYLOR), in addition to the absolute waste that is represented by a billion dollars a day that we pay in interest on this huge $5.7 trillion national debt, there is going to come a point in time, is there not, where those debts are going to have to be repaid, those IOUs the gentleman talked about earlier this evening that represents the lockbox trust funds, that those monies are going to have to be paid? I mean, in Social Security, for example, is there not going to be a requirement, an absolute requirement, that some day those funds be repaid to that trust fund?

Mr. TAYLOR of Mississippi. In the 1980s, the Reagan administration, with a Democratic House, Republican Senate, increased by 15 percent payroll tax on working Americans toward Social Security and Medicare, because they realized, because of the demographic change, with fewer and fewer working people, more and more retired people taking money out, fewer people putting money in, that by 2014 the money that was being paid in on an annual basis to Social Security would no longer pay the money that is being taken out.

So with Alan Greenspan as the Chair of a commission, they recommended, it passed through Congress, an increase on payroll taxes with the idea being that the money would be collected now while we have a relatively large workforce, set aside to pay those benefits then for Social Security, for Medicare, for military retirees, for civil service retirement.

The problem is that money was spent, every penny of it. What we are trying to change and what we will have an opportunity to change tomorrow, I hope, if the Committee on Rules makes it in order, is to say that the provisions of this tax bill tomorrow only take place in years where we fully fund our annual obligation to Social Security, to Medicare, to military retirement and civil servants.

□ 2350

If that does not happen, then the tax increase does not take place. I happen to think that is totally in keeping with the President's vow and promise that he made to Congress. He mentioned Social Security by name, he mentioned Medicare by name. He did not mention our military retirees, he did not mention our civil servants, but I am sure he would want to protect their funds as well.

Mr. TURNER. Mr. Speaker, reclaiming my time, so the gentleman says that 13 years from now, in 2014, we start paying more Social Security benefits than we have income into the Social Security Trust Fund and payroll taxes, and at that point in time is when we need to have that debt paid down so that the money will be available for the Social Security recipients.

Mr. TAYLOR of Mississippi. Mr. Speaker, if the gentleman will yield, the promise made during the Reagan years was that that $1 trillion would be set aside. That promise was never kept in the Reagan years, it was never kept in the Bush presidency, it was never kept in the Clinton presidency. The question is now whether this President will honor that promise made almost 20 years ago. The promise was never kept for the Medicare trust fund. The question is whether or not this President will honor it. The promise was never kept to our military retirees. The question is whether or not President Bush will help us keep that promise. The promise was never kept to the civil service retirees. The question is whether or not President Bush will help us keep that promise.

Now, my promise to President Bush is, I will help him keep that promise. I think keeping our word to all of these groups is more important than making new promises to other Americans, because a great Nation is only as good as its word. That is why last year we worked so hard to get our health care benefits that were promised to military retirees, and I thank my colleagues for helping on that. It is now time to keep our word on these matters.

Mr. TURNER. Mr. Speaker, let me ask this question of the gentleman. After 2014, 13 years from now, when the Social Security system begins to experience the retirement of those of us who are in that baby boomer category, what happens, as I understand it, is not only do we see in 2014 more money coming out of Social Security and benefits than goes in and Social Security payroll taxes, but that is just the tip of the iceberg. Because I read the other day that the Social Security service has already estimated, based on the number of folks that will be retiring in the years ahead, that 50 years from now, that the drain on the Social Security Trust Fund will be so great, that to have enough money going into the system 50 years from now to pay the benefits, to which people who will then retire will be entitled, will require a payroll tax of 50 percent of payroll.

Now, the gentleman knows and I know and everybody here knows that we are never going to have a 50 percent payroll tax. Nobody could stay in business if they had to pay a 50 percent payroll tax. But to pay benefits that will be due by current law to the beneficiaries that will be retired 50 years from now, a lot of our children in that category, we need a payroll tax of 50 percent? I think what it says to me is that the talk about a surplus over the next 10 years really hides the true financial picture of the Federal Government, because not only does Social Security face a crisis in the years ahead, but Medicare does too. Is it fair, I ask the gentleman, to say we have a surplus when, in fact, if we look at a longer period of time, we probably have a deficit again because the demands on the Social Security system and on the Medicare system are so tremendous?

Mr. TAYLOR of Mississippi. Mr. Speaker, I would say to the gentleman, I pointed out that this is the debt right now. We have heard our colleagues say that CBO projections say that we are going to have a lot of money left over. Let me tell my colleagues the real CBO projections.

Today we owe the Social Security Trust Fund $1 trillion. The CBO projection is that 10 years from today, even without the Bush tax breaks, which will deprive about $1.6 trillion out of revenue, we will owe Social Security $3 trillion, 65 billion. I told the gentleman how we owed money to Medicare, to military retirees, to civil service retirees. It projects, the CBO, even without the tax breaks, that we will owe them $2.2 trillion 265 billion, and contrary to what our colleague from Colorado said, even without the Bush tax breaks, if we do not start getting serious about cutting spending, living within our means, that 10 years from now, our Nation will be $6 trillion, 721 billion in debt.

Mr. Speaker, there is no person on earth who can convince me, who can convince my colleague, that there is a surplus now or that there will be a surplus then, when we are $5.7 trillion in debt now, and the CBO projections that they keep talking about predict that our Nation will be $6 trillion, 700 billion in debt then.

Mr. TURNER. Mr. Speaker, it seems to me that this debate comes right back down to where the gentleman from Tennessee (Mr. TANNER) said we were in his remarks earlier this evening. The question that must weigh on the minds, I hope, of every Member of this Congress is, are we going to leave this country in better shape for our children than we found it? And it seems to me, I say to the gentleman, that in order to do that, we are going to have to exercise some significant fiscal discipline over the years ahead.

I really commend the gentleman on the presentation he has made. As I said to the gentleman earlier, he exposed, once again, the best kept secret in town up here, and that is that there is really no trust fund. And when we lock box the trust fund, all we have lock boxed is an IOU that some day is going to have to be paid by the taxpayers of this country, back into those trust funds so that the recipients of Social Security in the years ahead and the beneficiaries of the Medicare program in the years ahead will be able to have the commitment that we made to them honored and made good, and that is going to take a tremendous amount of effort on the part of this Congress and future Congresses. I hope that we have the wisdom to begin now to prepare for those very, very dire days when the baby boomers retire and the demands on Social Security and Medicare could literally overwhelm this government.

Mr. TAYLOR of Mississippi. Mr. Speaker, I think the first place we have to start is with the legislation I introduced last week, with a constitutional amendment that honors the promise that was made to Americans, a constitutional amendment that protects the Social Security Trust Fund, a constitutional amendment that protects the Medicare trust fund, a constitutional amendment that protects our public employees' retirement system, a constitutional amendment that protects our military retirement system. I introduced it last week. I would invite the gentleman from Texas (Mr. TURNER) and every Member of Congress to coauthor it. I would invite every American to demand that their Congress keep the promises that were made to them, and start with a constitutional amendment that says from this day forward, we will stop stealing from Social Security and we will stop stealing from Medicare and we will stop stealing from military retirement, we will stop stealing from the civilian retirement, and our highest priority is going to be to pay back those funds that have already been taken.

Mr. TURNER. Mr. Speaker, it sounds like to me if the gentleman's constitutional amendment had been the law in the Federal Government, that the trust funds of the Federal Government would be just like the trust funds that I am familiar with from my service in the Texas legislature. Because at the State level, and I suspect in every State in the union, when they set up the State employees' retirement trust fund and the teacher retirement system trust fund, the legislature actually puts dollars into those funds that are truly locked away and invested over time in real assets that are earning interest and increasing the value, the cash asset value of those trust funds. But because in Washington, we created trust funds that we allowed the government, the Congresses of years past to borrow from to do other things, what we are left with in Washington is trust funds with no cash, with no investment value, other than the fact that they hold an IOU, a Treasury obligation that does earn interest, but ultimately can only be paid through the taxing power of the Federal Government, because there is really no money there to pay the benefits that are guaranteed to the Social Security recipients, to the Medicare recipients, to the Federal employees who retire, to the military retirees. It is the taxing power of the future that will have to be used to honor those commitments.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SHOWS (at the request of Mr. GEPHARDT) for March 6 and today on account of a death in the family.

Mr. SKELTON (at the request of Mr. GEPHARDT) for March 8 on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. SKELTON, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. BACA, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Ms. KILPATRICK, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. HILLIARD, for 5 minutes, today.
Mr. LEWIS of Georgia, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.
Mr. CLYBURN, for 5 minutes, today.
Mr. BOSWELL, for 5 minutes, today.

The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, today.
Mr. NUSSLE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. TANCREDO, for 5 minutes, today.
Mr. GILCHREST, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, March 8.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. Brown of Florida, for 5 minutes, today.

ADJOURNMENT

Mr. TURNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1123. A letter from the Acting Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting notification that the Angel Gate Academy Program Report, directed by Senate Report 106-298, to be submitted by February 15, 2001, will be turned in late; to the Committee on Armed Services.

1124. A letter from the Acting Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Clarification of WIC Mandates of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (RIN: 0584-AC51) received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1125. A letter from the Secretary, Department of Health and Human Services, transmitting the 2000 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541—1(i); to the Committee on Energy and Commerce.

1126. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2000; to the Committee on Energy and Commerce.

1127. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) Clinical Research Loan Repayment Program for Individuals From Disadvantaged Backgrounds (CR-LRP) for FY 2000; to the Committee on Energy and Commerce.

1128. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institute of Child Health and Human Development (NICHD) Contraception and Infertility Research Loan Repayment Program (CIR-LRP) for FY 2000; to the Committee on Energy and Commerce.

1129. A letter from the Associate Bureau Chief, Wireless Telecommuncations Bureau, Federal Communications Commission, transmitting the Commission's final rule—Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 [WT Docket No. 97-192] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1130. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 034-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1131. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1132. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 24 major illicit drug producing and transit countries, pursuant to section 490 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

1133. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1134. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2000 Annual Report; to the Committee on Government Reform.

1135. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2000 Commercial Activities Inventory; to the Committee on Government Reform.

1136. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting a report on the Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction; to the Committee on Resources.

1137. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B Helicopters [Docket No. 2000-SW-16-AD; Amendment 39-12096; AD 2001-02-11] (RIN: 2120-AA64) received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cortez Bridge (SR 684), Cortez, FL [CGD07-01-013] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Stickney Point Bridge (SR 72), Sarasota, Sarasota County, FL [CGD07-01-011] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule—New Markets Venture Capital Program: Delay of Effective Date (RIN: 3245-AE40) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1141. A letter from the Chairman, International Trade Commission, transmitting a report entitled, "The Economic Impact of U.S. Sanctions With Respect to Cuba"; to the Committee on Ways and Means.

1142. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

1143. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's appeal letter to the Office of Management and Budget regarding the initial determination of the fiscal year 2002 budget request; jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 83. Resolution providing for consideration of the bill (H.R. 3) to amend the Internal Revenue Code of 1986 to reduce individual income tax rates (Rept. 107-12). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGovern (for himself, Mr. Shays, Mrs. McCarthy of New York, Mr. Frost, Mr. Nadler, Mr. Clement, Mr. Pascrell, Mrs. Morella, Ms. Velázquez, Mr. Issa, Mrs. Kelly, Mr. Filner, Ms. McKinney, Mr. Davis of Illinois, Mr. Inslee, Mr. Mica, Mrs. Tauscher, Mr. Meehan, Mr. Conyers, Mr. Weiner, Mr. Serrano, Mr. Crowley, and Mr. King):

H.R. 906. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the costs of employers in providing certain transportation fringe benefits for their employees; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 907. A bill to amend title 49, United States Code, to promote air carrier competition, to establish consumer protections for airline passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS:

H.R. 908. A bill to terminate the participation of the Forest Service in the Recreational Fee Demonstration Program and to offset the revenues lost by such termination by prohibiting the use of appropriated funds to finance engineering support for sales of timber from National Forest System lands; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Matsui, Mr. English, Mr. Lewis of Georgia, Mr. Becerra, Mr. Rangel, Mr. Weller, Mr. Sam Johnson of Texas, Mr. Collins, Mr. Ramstad, Mr.

McNulty, Mr. Hulshof, Mr. Shaw, Mr. Nussle, Mrs. Johnson of Connecticut, Mr. Portman, Mr. McInnis, Mr. Houghton, Mr. Lewis of Kentucky, and Mr. Herger):

H.R. 909. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. DeFAZIO (for himself and Mr. Sanders):

H.R. 910. A bill to amend the Public Health Service Act to provide for emergency distributions of influenza vaccine; to the Committee on Energy and Commerce.

By Mr. BARCIA (for himself, Mr. Lampson, Mr. Cramer, Mrs. Kelly, Mr. Knollenberg, Mr. Sandlin, Mr. Pastor, Mr. Royce, Mr. Pascrell, Ms. Hooley of Oregon, Mr. Frost, Mr. McHugh, Mr. Foley, Mr. Shimkus, Mr. Combest, Ms. Granger, Mr. Reyes, and Mr. Shaw):

H.R. 911. A bill to authorize the President to award a gold medal on behalf of the Congress to John Walsh in recognition of his outstanding and enduring contributions to the Nation through his work in the fields of law enforcement and victims' rights; to the Committee on Financial Services.

By Mr. DELAHUNT (for himself, Mr. LaHood, Mr. Conyers, Mr. Bass, Mr. Scott, Mr. Boehlert, Mr. Abercrombie, Mrs. Emerson, Mr. Allen, Mr. Foley, Mr. Baldacci, Ms. Hart, Ms. Baldwin, Mr. Houghton, Mr. Barrett, Mr. King, Ms. Berkley, Mr. McHugh, Mr. Berman, Mrs. Morella, Mr. Blumenauer, Mr. Petri, Mr. Bonior, Ms. Pryce of Ohio, Ms. Brown of Florida, Mr. Quinn, Mr. Brown of Ohio, Mr. Ramstad, Mr. Capuano, Mr. Scarborough, Ms. Carson of Indiana, Mr. Shays, Mrs. Christensen, Mr. Smith of New Jersey, Mr. Clay, Mr. Upton, Mr. Coyne, Mr. Walsh, Mr. Crowley, Ms. DeGette, Ms. DeLauro, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Farr of California, Mr. Fattah, Mr. Filner, Mr. Ford, Mr. Frank, Mr. Gonzalez, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Hoeffel, Ms. Hooley of Oregon, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Kucinich, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Ms. Lee, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Lowey, Mr. Luther, Mr. Markey, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. George Miller of California, Mr. Moakley, Mr. Moore, Mr. Nadler, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Pomeroy, Mr. Price of North Carolina, Ms. Rivers, Mr. Rodriguez, Mr. Roemer, Ms. Sanchez, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Sherman, Ms. Slaughter, Mr. Smith of Washington, Mr. Stark, Mr. Stupak, Mr. Thompson of Mississippi, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, Ms. Velázquez, Ms. Waters, Mr. Watt of North Carolina, Mr. Waxman, Mr. Weiner, Mr. Wexler, and Mr. Wynn):

H.R. 912. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself and Mr. Brady of Pennsylvania):

H.R. 913. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. Shaw, Mr. Cunningham, Mr. Hilleary, Mr. Bonilla, Mr. Hunter, Mr. Stump, Mr. Collins, Mr. Doolittle, and Mr. Ose):

H.R. 914. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accomodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. Neal of Massachusetts, Mr. English, Mr. Kanjorski, Mr. Camp, Mr. Armey, Mr. McGovern, and Mr. Frost):

H.R. 915. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 916. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. Serrano, Ms. Brown of Florida, Mr. Bonior, Mr. Frank, Mr. Blagojevich, Mr. Owens, Mr. Cummings, Mr. McDermott, Mr. Farr of California, Mr. Capuano, Mr. Hilliard, Mr. Jackson of Illinois, Mr. Matsui, Mr. Costello, Mr. McNulty, Mr. Thompson of Mississippi, Mr. Rush, Ms. Velázquez, Ms. Jackson-Lee of Texas, Mr. McGovern, Mr. Payne, Mrs. Mink of Hawaii, Ms. Schakowsky, Mr. Evans, Ms. Waters, Mr. Wynn, Mr. Filner, Mr. Reyes, Ms. Norton, Mr. Stark, Mr. Nadler, Ms. McKinney, Mr. Fattah, Mr. Conyers, Ms. Baldwin, Mr. Rodriguez, Mr. Kucinich, Mr. George Miller of California, Mr. Jefferson, Ms. Woolsey, Mr. Maloney of Connecticut, Ms. Lee, Ms. Pelosi, Mr. Strickland, Mr. Towns, Ms. Roybal-Allard, Ms. Millender-McDonald, Mr. Ortiz, Mr. Baca, Mr. Clay, Mr. Moakley, Mrs. Jones of Ohio, Mr. Lipinski, Mr. Engel, Mr. Hoeffel, Mrs. Christensen, Ms. Kilpatrick, Ms. Carson of Indiana, Mr. DeFazio, Mr. Gonzalez, Mr. Hinchey, Mrs. Napolitano, Mr. Phelps, Mr. Brady of Pennsylvania, and Mr. Green of Texas):

H.R. 917. A bill to provide for livable wages for Federal Government workers and workers hired under Federal contracts; to the Committee on Government Reform, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Ohio (for himself, Mr. Wolf, Ms. McKinney, Mr. Rangel, Ms. DeLauro, Mr. Ehlers, Mr. Lantos, Mr. Abercrombie, Mr. Capuano, Mr. Hall of Texas, Ms. Baldwin, Mr. Bentsen, Mr. Brown of Ohio, Mr. Crowley, Mr. Evans, Mr. Frank, Mr. Hilliard, Mr. LaHood, Mr. George Miller of California, Mr. Moakley, Mrs. Morella, Mr. Nadler, Ms. Rivers, Mr. Sanders, Mr. Serrano, Mr. Clay, Mr. Meeks of New York, Mr. McGovern, Mr. Filner, Mr. Udall of Colorado, Mr. Stark, Ms. Millender-McDonald, Ms. Pelosi, Mr. Snyder, Mr. Tancredo, Mr. Coyne, Mr. Conyers, Mr. Peterson of Pennsylvania, Mr. Larsen of Washington, Mr. Ackerman, Mr. Sabo, Mr. Hinchey, Ms. Carson of Indiana, Mr. Waxman, Mrs. Roukema, Mr. Engel, Mr. Olver, Mr. Markey, Mr. Cummings, Mr. Faleomavaega, Mr. McDermott, Mr. Andrews, Mr. Jefferson, Mrs. Christensen, Mrs. Clayton, Mr. Baird, Ms. Velázquez, Mr. Doyle, Mr. Fattah, Mr. Jackson of Illinois, Mr. Wynn, Mr. Towns, Mr. Ford, Mr. Hastings of Florida, Mrs. Jones of Ohio, Mr. Rush, Ms. Brown of Florida, Mr. Owens, Mrs. Meek of Florida, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Bishop, Ms. Norton, Mr. Smith of New Jersey, Mr. Delahunt, Ms. Waters, Mr. Luther, Mr. Payne, Mr. Clyburn, and Mr. Meehan):

H.R. 918. A bill to prohibit the importation of diamonds unless the countries exporting the diamonds into the United States have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER (for himself and Mr. Ehlers):

H.R. 919. A bill to amend the Higher Education Act of 1965 to provide scholarships to students who have demonstrated proficiency in mathematics and science courses before graduating high school; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. Farr of California, Mr. Rodriguez, Mr. Duncan, Mr. Turner, Mr. Gonzalez, Mr. Frost, and Mrs. Morella):

H.R. 920. A bill to establish the Federal Elections Review Commission to study the nature and consequences of the Federal electoral process and make recommendations to ensure the integrity of, and public confidence in, Federal elections; to the Committee on House Administration.

By Mr. LEWIS of Kentucky:

H.R. 921. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 922. A bill to amend the Internal Revenue Code of 1986 to reduce to age 21 the minimum age for an individual without children to be eligible for the earned income credit; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. Pomeroy, Mr. Riley, Mr. Thune, Mr. Ganske, Mr. Simpson, Mr. Moore, Mr. Hinchey, Mr. Kind, Mr. Istook, Mr. Thornberry, Mr. Bereuter, Mr. Johnson of Illinois, Mr. Hostettler, Mr. Combest, Mr. McHugh, Mr. Sessions, and Mr. Kennedy of Minnesota):

H.R. 923. A bill to amend the Internal Revenue Code of 1986 to exclude from net earnings from self-employment certain payments under the conservation reserve program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. Tierney, Mr. McGovern, Mr. Capuano, and Mr. Markey):

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain stipends paid as part of a State program under which individuals who have attained age 60 perform essentially volunteer services specified by the program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. Moakley, Mr. Tierney, Mr. Frank, Mr. McGovern, Mr. Capuano, and Mr. Markey):

H.R. 925. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain real property tax reduction vouchers received by senior citizens who provide volunteer services under a State program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. Tierney, Mr. Frank, Mr. McGovern, Mr. Capuano, Mr. Olver, and Mr. Markey):

H.R. 926. A bill to amend the Internal Revenue Code of 1986 to clarify that employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Moran of Virginia, and Mr. Frank):

H.R. 927. A bill to provide for a tax reduction in the case of low economic growth; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H.R. 928. A bill to amend the Internal Revenue Code of 1986 to increase the income limitation applicable to heads of household for purposes of the Hope and Lifetime Learning credits and the interest deduction on education loans; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 929. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Ways and Means.

By Mr. SUNUNU (for himself, Mr. Weller, Mr. DeMint, Mr. Bartlett of Maryland, Mr. Doolittle, Mr. Toomey, Mr. Calvert, Mr. Shadegg, Mr. Ose, Mr. Bass, Mr. Foley, Mr. Tancredo, Mr. Schaffer, Mr. Cannon, Mr. Chambliss, Mr. Green of Wisconsin, Mr. Cox, Mr. Souder, Mr. Kolbe, Mr. Otter, Mr. Kirk, and Ms. Hart):

H.R. 930. A bill to modify the annual reporting requirements of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. Payne, Mr. Lantos, Mr. Wolf, Mr. Watts of Oklahoma, Mr. Pitts, Mr. Camp, Mr. Evans, Mr. Weldon of Florida, Ms. Pelosi, Mr. McNulty, Mr. Whitfield, Mr. Lewis of Kentucky, Ms. Rivers, Mr. Bishop, Mrs. Tauscher, Mr. Kucinich, Mr. Neal of Massachusetts, Ms. Norton, Mr. Doolittle, Mr. Lampson, Mr. Upton, Mr. Hefley, and Mr. Clement):

H.R. 931. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations.

By Mr. UDALL of Colorado (for himself and Mr. Wu):

H.R. 932. A bill to provide scholarships for scientists and engineers to become certified as science, mathematics, and technology teachers in elementary and secondary schools; to the Committee on Science.

By Ms. WATERS (for herself, Mrs. Christensen, Ms. Schakowsky, Ms. Lee, Mr. Frank, Mr. Brown of Ohio, Ms. Pelosi, Ms. Jackson-Lee of Texas, Mr. Conyers, and Mr. Sanders):

H.R. 933. A bill to require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 934. A bill to amend title 5, United States Code, to establish election day in Presidential election years as a legal public holiday, and for other purposes; to the Committee on Government Reform.

By Mrs. NORTHUP (for herself, Mr. Bonilla, Mr. Akin, Mr. Bachus, Mr. Ballenger, Mr. Barr of Georgia, Mr. Blunt, Mr. Boehner, Mr. Buyer, Mr. Cantor, Mr. Collins, Mrs. Cubin, Mr. Culberson, Mr. Cunningham, Mr. DeLay, Mr. Doolittle, Mr. Hastings of Washington, Mr. Herger, Mr. Hilleary; Mr. Istook, Mr. Sam Johnson of Texas, Mr. Keller, Mr. Miller of Florida, Mr. Norwood, Mr. Paul, Mr. Ramstad, Mr. Portman, Mr. Schaffer, Mr. Skeen, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Wamp, and Mr. Goodlatte):

H.J. Res. 35. A joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to ergonomics; to the Committee on Education and the Workforce.

By Mr. SCHIFF (for himself, Mr. Gilman, Mr. Lantos, Mr. Rohrabacher, Mr. Ackerman, Mr. English, Mr. Berman, Mr. Simmons, Mr. Engel, Mr. Bonior, Mr. Davis of Florida, Ms. Baldwin, Ms. Pelosi, Mr. Olver, Mr. Farr of California, Mr. Stark, Ms. Kaptur, Mr. McDermott, Mr. Clement, Mr. McNulty, Mr. Dicks, and Ms. McCollum):

H. Con. Res. 52. Concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime; to the Committee on International Relations.

By Mr. BALDACCI:

H. Con. Res. 53. Concurrent resolution directing the Clerk of the House of Representatives and the Secretary of the Senate to compile and make available to the public the names of candidates for election to the House of Representatives and the Senate who agree to conduct campaigns in accordance with a Code of Election Ethics; to the Committee on House Administration.

By Mr. CHAMBLISS (for himself, Mr. Young of Alaska, Mr. Norwood, Mr. Ross, Mr. Deal of Georgia, Mr. Riley, Mr. Pickering, Mr. Graham, Mr. Shows, Mr. Bishop, Mr. Coble, Mr. Rehberg, Mr. Nethercutt, Mr. Callahan, Mr. Peterson of Pennsylvania, Mr. Lewis of Georgia, Mrs. Cubin, Mr. Gary Miller of California, and Mr. Baldacci):

H. Con. Res. 54. Concurrent resolution expressing the sense of Congress regarding the importation of unfairly traded Canadian lumber; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. Houghton, Mr. Roemer, Mr. Upton, Mr. Kind, Mr. Castle, Mr. Davis of Florida, Mr. Greenwood, Mr. Ford, Mr. Moran of Virginia, Mr. Israel, and Ms. Sanchez):

H. Con. Res. 55. Concurrent resolution to express the sense of Congress regarding the use of a safety mechanism to link long-term Federal budget surplus reductions with actual budgetary outcomes; to the Committee on the Budget.

By Mr. WELLER:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Government Reform.

By Mr. THUNE:

H. Res. 82. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. NEY:

H. Res. 84. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Seventh Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GRAHAM introduced a bill (H.R. 935) to authorize the Secretary of Transporation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessell *Tokeena;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Goodlatte:

H.R. 25: Mr. Hinchey and Mr. Lantos.

H.R. 28: Mr. Udall of Colorado and Mr. Gutierrez.

H.R. 42: Mr. Souder.

H.R. 51: Mr. Calvert, Mr. Underwood, Mr. Strickland, Mr. Gilchrest, Mr. Smith of New Jersey, and Mr. Isakson.

H.R. 65: Mr. Lewis of Kentucky.

H.R. 68: Mr. Moore and Mr. Whitfield.

H.R. 80: Mr. Rush and Mr. Stearns.

H.R. 82: Mr. Rush.

H.R. 99: Mr. Norwood and Mr. Hefley.

H.R. 100: Mr. Weldon of Pennsylvania, Mr. Wolf, and Mr. Cox.

H.R. 101: Mr. WELDON of Pennsylvania, Mr. WOLF, and Mr. COX.

H.R. 102: Mr. WELDON of Pennsylvania, Mr. WOLF, and Mr. COX.

H.R. 103: Mr. ISSA.

H.R. 105: Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. NORWOOD, and Mr. LEWIS of Kentucky.

H.R. 115: Mr. CUNNINGHAM.

H.R. 116: Mr. PAYNE. Mrs. CHRISTENSEN, Mr. RUSH, Mr. SAWYER, Mr. BARCIA, and Mr. BONIOR.

H.R. 117: Mr. BONIOR.

H.R. 123: Mr. JONES of North Carolina.

H.R. 129: Mrs. JO ANN DAVIS of Virginia.

H.R. 134: Mr. GREEN of Wisconsin and Ms. WOOLSEY.

H.R. 143: Mr. BARRETT, Mr. STUPAK, Mr. CONYERS, Mr. VISCLOSKY, Mr. RAMSTAD, Mr. BONIOR, Mr. BROWN of Ohio, and Mr. PETRI.

H.R. 219: Mr. LAHOOD.

H.R. 267: Mr. CANNON, Mr. ROSS, and Mr. TIBERI.

H.R. 281: Mr. GOODE, Mr. COYNE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. QUINN, Mr. CAPUANO, Mrs. KELLY, Mr. TOWNS, Mr. WELLER, Mr. ENGEL, Mr. LAHOOD, and Mr. BRADY of Pennsylvania.

H.R. 285: Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. FRANK.

H.R. 292: Ms. HOOLEY of Oregon.

H.R. 303: Ms. SCHAKOWSKY, Mr. LEWIS of Kentucky, Mrs. MALONEY of New York, and Mr. SUNUNU.

H.R. 336: Mr. FROST.

H.R. 356: Mr. LAHOOD and Mr. FILNER.

H.R. 361: Mr. FATTAH.

H.R. 365: Mr. BAIRD.

H.R. 384: Mr. WALSH.

H.R. 425: Mr. FATTAH.

H.R. 428: Ms. HOOLEY of Oregon, Mr. OXLEY, Mr. BAKER, Mr. LAMPSON, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. UNDERWOOD, Mr. BARTLETT of Maryland, Ms. CARSON of Indiana, Mr. HALL of Texas, Mrs. NORTHUP, Mr. KENNEDY of Rhode Island, Mr. CROWLEY, Mr. REYES, Mr. BONIOR, Mr. CANNON, and Mr. SWEENEY.

H.R. 435: Mr. DEAL of Georgia, Mr. BURR of North Carolina, Mr. GREEN of Wisconsin, Mr. CLEMENT, Mr. LEWIS of Kentucky, and Mr. SESSIONS.

H.R. 460: Ms. CARSON of Indiana and Mr. PAYNE.

H.R. 488: Mr. HOLT, Mr. LUTHER, Mr. PASCRELL, Mr. ENGEL, Ms. ESHOO, and Ms. MILLENDER-MCDONALD.

H.R. 496: Mr. DOOLITTLE.

H.R. 497: Mr. SCHAFFER and Mr. HEFLEY.

H.R. 498: Mr. LATHAM, Mr. BAKER, Mr. CHABOT, Mr. LARSON of Connecticut, Mr. PETERSON of Pennsylvania, Mr. SKELTON, Ms. SLAUGHTER, Mr. RUSH, Mr. TAYLOR of North Carolina, Mr. SPENCE, Mr. HOBSON, Mr. PLATTS, Mr. FARR of California, Mr. SNYDER, Mr. SHOWS, Mr. CAPUANO, Mr. GALLEGLY, Mr. HOEFFEL, Mr. JONES of North Carolina, Mr. MCDERMOTT, Mr. COYNE, Mr. KLECZKA, and Ms. MILLENDER-MCDONALD.

H.R. 499: Mr. SHAYS.

H.R. 513: Mr. SOUNDER, Mr. TAYLOR of North Carolina, and Mr. BRADY of Pennsylvania.

H.R. 527: Mr. ENGLISH, Mr. HOUGHTON, Mr. WAMP, Mr. DUNCAN, and Mr. RYUN of Kansas.

H.R. 544: Ms. RIVERS, Mr. MCNULTY, Ms. PELOSI, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. SOUDER, Mr. JEFFERSON, Mr. CUMMINGS, Mr. CAPUANO, Ms. NORTON, Mr. BLAGOJEVICH, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Mr. MCDERMOTT, Mr. STARK, and Mr. GUTIERREZ.

H.R. 548: Mr. GOODE, Mr. TURNER, Mr. KELLER, and Mr. DAVIS of Florida.

H.R. 557: Mr. ENGLISH.

H.R. 570: Mrs. MORELLA, Mr. WAMP, and Mr. BOEHLERT.

H.R. 577: Mr. WAMP.

H.R. 590: Ms. WOOLSEY.

H.R. 594: Mr. MCDERMOTT and Ms. LOFGREN.

H.R. 606: Mr. PASCRELL, Mr. ISRAEL, Mr. SESSIONS, and Mr. FRELINGHUYSEN.

H.R. 609: Ms. WOOLSEY.

H.R. 611: Ms. WOOLSEY, Mr. WU, and Mr. SANDERS.

H.R. 612: Mr. PASCRELL, Ms. ROYBAL-ALLARD, Mr. HUTCHINSON, Mr. SHAYS, and Ms. RIVERS.

H.R. 613: Mr. GREEN of Texas, Mr. ORTIZ, and Mr. ROEMER.

H.R. 634: Ms. CARSON of Indiana, Mr. FROST, Mr. BALDACCI, Mr. FLAKE, Mr. SOUDER, Mr. SMITH of New Jersey, Mr. FLETCHER, Mr. HAYES, Mr. REYNOLDS, Mr. TOOMEY, Ms. PRYCE of Ohio, and Mr. HERGER.

H.R. 668: Mr. ISAKSON, Ms. RIVERS, Ms. DELAURO, Ms. NORTON, Mr. EVANS, Mr. ABERCROMBIE, Mr. TRAFICANT, and Ms. HART.

H.R. 680: Mr. BONIOR.

H.R. 681: Ms. ROYBAL-ALLARD.

H.R. 683: Mr. GUTIERREZ, Mr. LANTOS, and Mr. LAMPSON.

H.R. 688: Ms. CARSON of Indiana.

H.R. 710: Mrs. JO ANN DAVIS of Virginia, Mr. MCHUGH, Mr. LANTOS, Mr. COSTELLO, Mr. WOLF, Mr. ETHERIDGE, Mr. NEY, and Mr. ROSS.

H.R. 713: Mr. WYNN and Ms. CARSON of Indiana.

H.R. 716: Mr. STEARNS, Mr. REYNOLDS, and Mr. HAYWORTH.

H.R. 744: Mr. ABERCROMBIE and Ms. PRYCE of Ohio.

H.R. 755: Mr. SCHIFF, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. FRANK, Mr. PAYNE, and Mr. SIMMONS.

H.R. 770: Mr. MEEKS of New York and Ms. BALDWIN.

H.R. 821: Mr. BALLENGER, Mr. BURR of North Carolina, Mrs. CLAYTON, Mr. HAYES, Mr. JONES of North Carolina, Mr. ETHERIDGE, Mr. MCINTYRE, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. TAYLOR of North Carolina, and Mr. WATT of North Carolina.

H.R. 823: Mr. RANGEL.

H.R. 862: Mr. GALLEGLY and Mr. GUTIERREZ.

H.R. 876: Mr. MCINNIS and Mr. SHAW.

H.R. 877: Mr. WAMP.

H.R. 836: Ms. HART and Mrs. JONES of Ohio.

H.R. 887: Mr. PASCRELL and Ms. HART.

H.R. 891: Mrs. MINK of Hawaii.

H.J. Res. 8: Mr. KELLER and Mr. WAMP.

H.J. Res. 20: Mrs. JO ANN DAVIS of Virginia and Mr. RILEY.

H. Con. Res. 17: Ms. SCHAKOWSKY, Mr. MCGOVERN, Ms. RIVERS, Mr. DOGGETT, Ms. PELOSI, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. RANGEL, Mr. CLAY, Mr. NADLER, Mr. MCDERMOTT, Mr. ALLEN, Mr. WEXLER, Mr. SHERMAN, Mr. BRADY of Pennsylvania, and Mrs. HARMAN.

H. Con. Res. 23: Mr. CALVERT and Mr. LEWIS of Kentucky.

H. Con. Res. 25: Mr. ENGLISH and Mr. FOSSELLA.

H. Con. Res. 26: Mrs. BONO.

H. Con. Res. 30: Mr. FOSSELLA, Mr. GILMAN, Mr. SENSENBRENNER, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. KIRK, Mr. PITTS, Mr. MANZULLO, Mr. FLAKE, Mr. OSBORNE, Mr. GIBBONS, Mr. FLETCHER, and Mr. SAM JOHNSON of Texas.

H. Con. Res. 41: Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. LEACH, Mr. ROHRABACHER, and Mr. DAVIS of Florida.

H. Con. Res. 47: Mr. SCARBOROUGH.

H. Res. 18: Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, Mr. BONIOR, Ms. KAPTUR, Mr. LAFALCE, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Mr. BRADY OF PENNSYLVANIA, Mr. PAYNE, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mrs. MORELLA, Mr. MCDERMOTT, Mr. FILNER, Mr. SERRANO, Ms. NORTON, Mr. BACA, Ms. DELAURO, Mr. DAVIS of Florida, and Mr. TOWNS.

H. Res. 23: Mr. BRADY of Pennsylvania, Mr. REYES, and Mr. HOLDEN.

H. Res. 26: Ms. MCKINNEY, Mr. BRADY of Pennsylvania, Mr. STARK, and Mr. MCGOVERN.

H. Res. 48: Mr. NADLER and Mr. SMITH of New Jersey.

EXTENSIONS OF REMARKS

TRIBUTE TO THOMAS W. READY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate a remarkable gentleman, Thomas W. Ready, for his outstanding leadership and dedication to his country and the State of Colorado. Tom is a long time resident of Pueblo, Colorado, where his hard work and vision have taken the GOP to new heights in the community. What's more, Tom has had an outstanding career as a Dentist in the Pueblo area, a career that is now coming to a close. Tom's contributions to the citizens of Colorado are great in number and deserve the recognition of Congress.

Tom is a wonderful model of the ideal citizen. Tom was born in Pueblo, Colorado in 1944, where he spent his formative years. Tom attended college at the University of Nebraska in Lincoln, and later pursued his graduate work at the Washington University School of Dentistry in St. Louis, Missouri. After graduating with a degree in dentistry in 1970, Tom was drafted into the United States Army and assigned to the Army Dental Corp at Fort Jackson, South Carolina. While serving his country in the military, Tom had the opportunity to represent South Carolina at the 1972 Republican National Convention in Miami.

Tom has not only had an exceptional career in the Armed Services, but he's also been highly active in his community. After obtaining the rank of Major, he returned to Colorado and set up a private dental practice in Pueblo. Later, he started a longhorn ranch just up the road from Pueblo in Beulah. In Colorado, Tom remained active in the Republican Party, where he became precinct chairman for the Republican Party in Beulah. Tom has continued to be a prominent force in the Republican Party ever since, working on numerous Republican campaigns and holding an array of positions. He's been the Chairman of the 3rd Congressional District several times, as well as Vice Chairman, Treasurer and a member of the State Executive Committee. He was elected Chairman of the Pueblo County GOP where he's served with great distinction the last 10 years.

When Tom began as Chairman of Pueblo County, the party was troubled with debt and facing a countywide Democratic advantage of 3.5 to 1. Under Thomas' tutelage, the Party has brought its fiscal house in order and 3 of 5 Representatives in the area are currently Republican. The success of the GOP is in no small way attributable to Tom's hard work.

In July of 2000, Governor Bill Owens appointed Tom to the Colorado State Parks Board. In addition, Tom currently serves as the campaign Treasurer for my friend U.S. Senator BEN NIGHTHORSE CAMPBELL.

For all these reasons, and many more, Tom deserves the commendation of this body. It is with this, Mr. Speaker, that I say thank you to Tom for his dedication and service to his community over the years and congratulate him on an outstanding career. He has worked hard for our community and for our great state.

REINTRODUCTION OF THE "CODE OF ELECTION ETHICS"

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BALDACCI. Mr. Speaker, most campaign reform efforts are focused on the financing aspect. This is an important issue, and I am a strong proponent of moving forward with meaningful campaign finance reform. However, while the American people are tired of the abuses in our campaign finance system, they are equally tired of the negative campaigns that seem to have become the norm. I strongly believe that the tone and content of campaigns has an impact on public trust in government and citizen participation in the electoral process.

For that reason, I am reintroducing legislation that would encourage congressional candidates to abide by a "Code of Election Ethics." It is based on the Maine Code of Election Conduct, which was developed in 1995 at the Margaret Chase Smith Library in Skowhegan, Maine with the assistance of the Institute for Global Ethics. In the past three elections, most Maine candidates for Congress and Governor have signed a Code, pledging to conduct "honest, fair, respectful, responsible and compassionate" campaigns. The Code has worked well, and Maine voters have benefited from generally positive issue-based campaigns. Maine's voter participation rates consistently have been among the highest in the nation.

Similar Codes have been used in other states, including Washington and Ohio. My legislation would make the Code available to candidates nationwide and would require the Clerk of the House and the Secretary of the Senate to make public the names of candidates who have agreed to the Code. The Code of Election Ethics will serve as a reminder to candidates, and provide the public with a yardstick by which to measure candidates' performance.

Something must be done to enhance people's confidence in government and faith in our democracy. I believe this bill is a step in the right direction, and I hope that many of you will add your support to this effort to improve the quality of congressional campaigns.

TRIBUTE TO VERNON COX

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Vernon Cox. Mr. Cox was born in Kansas City, Kansas, in 1928, and passed away on January 14, 2001, in Kentfield, California.

Essentially a quadriplegic for much of his adulthood, he devoted his own life to improve the lives of the poor, the sick, the disabled. He worked for greater economic opportunities for minorities. As a member of the Marin County Human Rights Commission, he fought to eliminate bigotry. He also added his most influential voice to protect our environment and was one of the founders of the environmental education program at the College of Marin.

As a co-founder of the Marin Center for Independent Living Mr. Cox was instrumental in providing housing, employment, access to public transportation, and recreation for the disabled, and served on the Golden Gate Bridge District's Disabled Access Committee. He advocated for employment opportunities for women, minorities, and other groups as a member of the Marin County Affirmative Action Advisory Committee. He served on a seemingly endless number of commissions, committees, panels, and boards, and all from his wheelchair.

Mr. Speaker, we have lost a great man. We have lost an irreplaceable member of our community. He will be sorely missed by all of us who value the dignity of every individual and cherish the diversity of our great nation. Vernon Cox was a true hero.

TRIBUTE TO STANLEY L. DODSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a remarkable citizen, Stanley L. Dodson, for his continued dedication to the people of Colorado. Stanley is being honored by Glenwood Chamber Resort as their 2001 Citizen of the Year. Stanley has had a long and distinguished career and it is obvious why he is receiving this honor. Stanley's contributions to the citizens of Colorado are great in number and deserve the recognition of Congress.

Stanley is a great role model and an outstanding citizen. Stanley has not only had an exceptional career in the engineering field, but he's also been highly active in his community. Stanley started his career after graduating from the University of Colorado at Boulder

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with a degree in Civil Engineering and Business Administration in 1941. During his college years, Stanley became the formidable leader that has won him recognition today. Stanley has always had the gift of leadership, from his time as senior class high school president and valedictorian to president of the PI Kappa fraternity to holding numerous board positions.

Most significantly, Stanley also served his country during World War II. In 1942, he was commissioned as an officer in the United States Naval Reserves, where he was able to further his education in engineering at numerous training schools. After serving his country with distinction, Stanley focused his energies and efforts on working for the Colorado State Highway Commission. Appointed by Governor Love in 1965, he later became Chairman of the Commission in 1973. During his career, he was a model of service, focusing his time and personal resources on the betterment of his state and community.

Stanley is a pillar of the Glenwood Springs community. His accomplished career addressing the transportation issues of the State of Colorado over the past 55 years has earned him the honor Citizen of the Year. Beyond his important work in the transportation sector, Stanley is also being honored for his great work on various local causes. Stanley has won numerous awards acknowledging his commitment to the community. In 1991, the Alumni Association of the University of Colorado at Boulder gave Stanley the "Alumni Recognition Award." In that same year, the Glenwood Springs Chamber Resort Association honored him with its first "Lifetime Achievement Award". For all these reasons, and many more, Stanley deserves the commendation of this body.

It is with this, Mr. Speaker, that I say thank you to Stanley for his dedication and service to his community over the years and congratulate him on an outstanding career and on this distinguished honor. He has worked hard for our community and for our great state. He is clearly deserving of the honor of being named Citizen of the Year.

Stanley, we are all very proud of you and grateful for your service.

IN HONOR OF VERA GILLIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize a woman from my home State of Ohio who in many ways exemplifies the qualities of our greatest citizens. On March 11, Vera Gillis will celebrate her 70th birthday. Throughout her life, Vera Gillis has served as an example of how hard work can touch the lives of others.

To say Vera Gillis is still going strong would be an understatement. This year, Vera will run her church's rummage sale and tutor numerous students from overseas. Vera Gillis also exemplifies compassion as she brings the Eucharist to those who aren't able to attend Mass every week. This year, she will welcome home her children who will come from as far away as Maine, Massachusetts, California, Florida, Washington, D.C. and Belgium to celebrate her birthday.

Throughout her life, Vera has consistently worked to make day-to-day life more meaningful and enriching by bringing people together with her overwhelming enthusiasm and wonderful sense of humor. She has served as the unofficial neighborhood ambassador since the early 1960s when her growing family moved to Westlake. Vera made sure everyone knew each other, even if it was just getting together at her house for an annual Christmas party. Now a grandmother of six, Vera has always made her home a special place for children. Not only did she teach Spanish gratis to the students at Holy Trinity Elementary School, she also taught the neighborhood kids how to swim, go Christmas caroling and even put on musical shows.

She has been a steadfast and dear companion to her ever-growing circle of close friends. As an active member of Holy Trinity Church and its affiliated school in Avon, Ohio, Vera has contributed much more than even the 20 years of playground duty would indicate. Despite the many changes and the enormous growth in Westlake and Avon as suburbs, one of the constants has been the sense of community that results when people like Vera live there. Always quick to share a smile or kind words, Vera Gillis has helped to bring her community together.

One of Vera Gillis' most notable achievements has been her dedication to teaching English as a Second Language and American Citizenship classes. Her never-ending patience and enjoyment in bringing people from such diverse countries as Denmark, Poland, and Japan together is truly remarkable. Rather than just instructing people in the English language or American history, she shows people how to be neighbors, friends, and citizens. I would like to thank Vera for her commitment and service to the people of the State of Ohio. My fellow colleagues, please join me in wishing Vera Gillis a very happy 70th birthday.

100 YEARS OF ACCOMPLISHMENT—A CELEBRATION OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'S 100TH BIRTHDAY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BOEHLERT. Mr. Speaker, last night I had the honor to participate in the celebration of the 100th birthday of the National Institute of Standards and Technology (NIST). As I noted in my remarks at the event, NIST was one of the very first and one of the most important actions Congress took at the beginning of the 20th Century.

NIST was established to help bring rationality to the profusion of standards that were plaguing this country at the turn of the last century. As to its future, it could be anything from looking at the molecular structure of ceramics or the security of our computers or guidance to a small manufacturer on how to update operations. We are indebted to NIST for what it has done in the past as I am sure we will be for what it provides us in the future.

Mr. Speaker, I doubt that very many people are aware of NIST, its history and its importance to the nation. Since I touched on many of these points in my address last night, I insert the full text of my remarks for the information of my colleagues at this point in the Record.

Statement on NIST Anniversary, March 6, 2001

It's a delight and a privilege to join with you this evening to celebrate the 100th birthday of the National Institute of Standards and Technology. And I have to say that the timing of this event is auspicious for me, in particular. It's great to be assuming the chairmanship of the House Science Committee as NIST is celebrating its centenary because the existence of NIST is concrete proof that Congress can get some things right when it comes to science and technology policy.

Establishing NIST was one the very first and one of the most important actions Congress took at the dawn of the 20th Century—a century that was to see technology and standardization change our world as never before. And we are still reaping the rewards of that foresight as we begin the 21st Century.

I have to note, though, that while NIST is richly deserving of tonight's gala; the festivities are a little out of character for NIST, which from the start has gone about its business in an unassuming, even inconspicuous way. Even the law that created the laboratory didn't have a name—it was known by the rather plain and workaday designation, "the Act of March 3, 1901"—a date that has lived in neither infamy nor fame, a date that no schoolchild has been forced to memorize.

Given NIST's "nose-to-the-grindstone" work ethic, its stream of consistent productivity without fanfare, its focus on the essential but largely invisible foundations of modern technology, one might think that a good title for a history of NIST's first century would be "One Hundred Years of Solitude."

But how extraordinarily misleading that would be—because the actual secret of NIST's success has been its "partnerships"—partnerships with the private sector, partnerships with other federal agencies and laboratories, partnerships with state and local governments. NIST is well known to the people who keep our economy healthy, and it's NIST's ability to work with just about anybody that has kept it fresh, vital and valuable—as fundamental a key to American prosperity as it was the day it was created.

NIST is a worthy and needed partner because its mission is problem-solving. NIST was established to help bring rationality to the profusion of standards that were afflicting the United States at the turn of the last century—a profusion that could have tragic consequences when, for example, major fires could not be extinguished because of varying standards for hoses and hydrants. And that problem-solving ethos has been maintained to this very day—whether NIST is probing abstruse questions about the molecular structure of ceramics, or helping to ensure the security of our computers, or providing guidance to a small manufacturer on how to update his operations through the Manufacturing Extension Program.

And we also still draw on NIST's expertise to solve problems that are endemic to the economy as a whole—with the Advanced Technology Program, for example, which has helped a wide variety of companies pass through the so-called "valley of death" that can prevent good research ideas from becoming good processes or products.

But tonight's focus is not on the past—although NIST's record accomplishment provides plenty of cause for celebration. We're really here to make a downpayment on the future by showing all the current and former directors and staff at NIST how grateful we are for their dedication, their imagination and their insight. Working steadily and fruitfully outside the limelight, they have enabled our nation's reputation for technological progress to shine.

Now it's hard to know what the technology of tomorrow will look like. History is littered with embarrassingly misguided predictions—a few of them even uttered in hearings before the House Science Committee. But I think it's safe to say that, whatever the technology of the future is, NIST will have played a role in its creation, enhancement or propagation.

So I want again to thank everyone who has made NIST a success and to pledge to all of you that I will do my best to ensure that NIST continues to set the standard for what a federal lab should be.

TRIBUTE TO FRANK R. MASCARENAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American Frank R. Mascarenas. Mr. Mascarenas was loved and admired by many. He was an educator, an active force in the life of youth in his community, and first and foremost, a loving family man. Sadly, Frank died on January 25 surrounded by friends and family. As family, friends, and former students mount this loss, I would like to honor this great man.

Mr. Mascarenas was an individual that served his country, state, and nation well. For most of his life, Frank worked as an educator, Frank began his teaching career in 1959 in Cortez, CO, after having served his country for eight years in the U.S. Army. In addition to being an outstanding teacher throughout the course of his career, Frank was also dedicated to sports and to coaching. He began coaching in Cortez at the same time he began his teaching tenure. As an educator and a coach, he helped to improve the quality of life in his community.

Frank grew up in Montrose, CO, where he was well known and widely admired. He was raised by his grandmother, Manuela Lovato, and aunt, Cecilia Trujillo. He graduated from Montrose High School and then earned his bachelor of arts degree in education after attending Ft. Lewis College and Adam State College. Frank married his life partner and beautiful wife Carolyn Leech in the summer of 1958. Frank and Carolyn have three children—a son Mark, and daughters Stacey and Kelli.

After teaching and coaching in Cortez until 1981, he took his talents to Rangely where he again had a dramatic impact on the community's youth. In 1991, Frank joined the ranks of Palisade High School where he had a famed coaching tenure. While at Palisade, Frank was an integral part of a remarkable run that brought Palisade four consecutive state championships. This historic championship run was fitting punctuation for Frank's successful career as a coach and educator. Like those great Palisade football teams, Frank was a champion in the truest meaning of the word. More than just winning football games, though, Frank helped instill lifeshaping virtues in both his players and students alike.

Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our gratitude for his service to our community. Frank R. Mascarenas may be gone, but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is a better place because of Frank Mascarenas.

Our thoughts and prayers are with his wife, Carolyn, and his children, Mark, Stacey, and Kelli, during this difficult time. Like these loved ones, western Colorado will miss Frank greatly.

VILLAGE OF PINECREST CELEBRATES FIFTH ANNIVERSARY OF INCORPORATION INTO MIAMI-DADE COUNTY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, this year marks the fifth anniversary of the incorporation of the Village of Pinecrest, of which I am a proud resident, as the County of Miami-Dade's twenty-ninth municipality. It is with great pleasure that I congratulate Mayor Evelyn Langlieb Greer, the Village Council, and all the residents of Pinecrest on five productive and successful years as part of one of the nation's largest counties.

Mayor Langlieb Greer's leadership and that of the Council has certainly been instrumental in making the Village of Pinecrest one of the best and most rewarding places to live in South Florida. Its schools, some of the best in the County, its parks and recreational areas, and its convenient location make Pinecrest one of the most desirable residential areas in Miami. My family and I are honored to call this community home and I commend the Mayor and the Council for working so hard to ensure that it remains one of the best places to live.

The residents of Pinecrest should also be proud to have Village Manager Peter Lombardi, Assistant Village Manager Yocelyn Galiano Gomez, and their staff working to ensure that the Village policies and laws are smoothly implemented and administered. Without their dedicated service and that of Police Chief John Hohensee, Operations Manager Michael Liotti, and all of Pinecrest's police officers, truly our Village's finest, Pinecrest would not be the safe and wonderful place that it is.

The sense of community and hometown atmosphere is enhanced and complemented by the many benefits of the surrounding greater Miami area. I have lived in Pinecrest for many years and never cease to marvel at the beauty and comfort of this area.

I ask my Congressional colleagues to join me in congratulating the Village of Pinecrest and wishing much continued success to: Vice Mayor Cindie Blanck, and Councilmen Barry Blaxberg, Leslie Bowe, and Robert Hingston.

DROP IN MEDICARE IMPROPER PAYMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. STARK. Mr. Speaker, yesterday the Department of Health and Human Services (HHS) reported that improper Medicare payments to doctors, hospitals and other health care providers declined in fiscal year (FY) 2000 to an estimated level of 6.8 percent. This level compares with an error rate of approximately 8 percent in FY 1999. The error rate has fallen by roughly half since it was first estimated at approximately 14 percent in FY 1996.

The FY 2000 payment error rate represents improper payments of $11.9 billion out of total payments of $173.6 billion in the traditional fee-for-service Medicare program. This improper payment amount compares with improper payments of $13.5 billion in FY 1999 and $23.2 billion in FY 1996.

The Health Care Financing Administration (HCFA) met its target for reducing the Medicare error rate to 7 percent in FY 2000 and continues to take steps to meet its FY 2002 goal of 5 percent.

Mr. Speaker, this continued decline in the Medicare error rate demonstrates the success of all the actions that HCFA has taken to reduce billing errors in Medicare over the past five years. According to the Inspector General, the significant, sustained improvement reflects HCFA's improved oversight, its efforts to clarify Medicare payment policies, and its insistence that doctors and health care providers fully document the services that they provide. Other factors have been new initiatives and resources to prevent, detect and eliminate errors and fraud in Medicare.

Mr. Speaker, many criticized HCFA when the payment error rate was 14 percent and demanded that HCFA reduce it.

Now many criticize HCFA for the actions it has taken to reduce payment errors and for insisting that providers file claims accurately. I say that we should praise HCFA for its efforts to reduce Medicare payment errors, and we should ensure that HCFA does not diminish its efforts to reduce those errors still further. We should not be satisfied with payment errors in Medicare.

To achieve further reductions in Medicare payment errors, we must reduce the complexity of Medicare payment rules and improve provider education and information, but we must continue to insist on accuracy in claims filing. We must increase the resources available to HCFA to help providers file their claims properly and to monitor claims to ensure correctness. We must also provide the resources to upgrade HCFA's claims processing systems and other information technology systems, without which we cannot hope to continue to reduce errors in Medicare payments.

It is important to understand that the error rate does not measure the level of fraud in Medicare, although some errors could be the result of fraud. Instead, the error rate measures the percentage of payments made by Medicare that were not supported by documentation by providers or that otherwise did not meet Medicare payment requirements.

According to the Inspector General, virtually all of the claims examined in the audit were paid correctly by Medicare based on the information that providers submitted in the claims. The error rate was calculated by examining a statistically valid sample of Medicare claims, and auditors reviewed the medical records supporting the claims with the assistance of medical experts. The sample findings were then projected over the universe of Medicare fee-for-service benefit payments.

TRIBUTE TO JIMMIE WILLIAM LLOYD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an outstanding citizen and a remarkable leader, Jimmie William Lloyd, the now former Chairman of the Republican Party in Fremont, Colorado. During his tenure, Jimmie took the GOP to new heights. Despite being diagnosed with cancer in 2000, Jimmie never lost his focus and was able to complete his term as Chairman. As Chairman, Jimmie led the party to election victory in every local office, with the largest voter turnout in recent history. For his service to the party and the American people, I would now like to pay tribute to this great American.

Jimmie was born on November 23, 1930 in Poland, Ohio. His family later moved to Tulsa, Oklahoma in 1932. Oklahoma remained his home while he pursued his education, culminating at the University of Tulsa where he earned a bachelors degree. Jimmie continued his education while serving his country in the United States Air Force. He graduated from the Aviation Cadet Basic Navigator School in Houston, Texas in 1953. He later earned the rank of Second Lieutenant in the United States Air Force Reserves. Jimmie's distinguished service to his country continued while serving eight years on active duty, two of which were as a Navigator Bombardier on B–36's, and three years as a Pilot on KC–97s. Altogether, Jimmie served his country faithfully for twenty two years in both the Air Force Reserves and the Air National Guard, piloting everything from C–119's to F–100's.

Jimmie used the practical knowledge he gained in the Air Force to educate future generations about aerospace science and flying. He established an Aerospace Science program in the Tulsa Public High Schools. In addition, he commanded a Cadet Civil Air Patrol Squadron, and he has instructed high school students on flying Cessna O–2 Bird Dogs and Piper PA–18 Supercubs. Jimmie and his family moved to Florence, Colorado in 1983, where he later retired from the United States Air Force Reserves in 1990. While faithfully serving his country for 22 years, he has earned numerous awards and commendations. He has received the Distinguished Service Medal, Outstanding Unit Medal with Oak Leaf Cluster, Good Conduct Medal, National Defense Medal with Star, Vietnam Service Medal, U.S.A.F. Longevity Medal with Oak Leaf Cluster, Reserve Longevity Medal, Oklahoma Distinguished Service Medal, Oklahoma Outstanding Service Medal, and Cold War Certificate of Recognition.

Jimmie has a supportive family that has followed his lead in serving our great country. All three of his sons have served in the United States Armed Services—one in the Air Force, one in the Navy, and one is a graduate of the United Air Force Academy. Behind all of these accomplished men is one remarkable woman, Myrna Faye Pugh. Jimmie and Myrna have been married for 46 years.

In addition to being an outstanding family man and serving with great distinction in the U.S.A.F., Jimmie has been active in the Republican Party for over fifty years, serving in many volunteer positions. He served as Fremont County Chairman in 1999–2000, was elected to the Florence City Council, and was named to the Limited Gaming Advisory and Airport Advisory Committees. He's been a member of the Retired Officers Association, a member of the Numismatic Association, a member of Safari Club International, as well as an avid sportsman.

Throughout his life Jimmie has devoted himself to the cause of his country. Of all the many accolades that Jimmie has commanded, the one he is most proud of is standing in the Oval Office with his 92 year old father, his three sons, and the Honorable JOEL HEFLEY, where he presented a silver boot jacket to President Ronald Reagan.

As Jimmie moves on to new pursuits, Mr. Speaker, I would like to thank him for his remarkable work. In my opinion, Jimmie will long be remembered as a servant for both the Republican Party and for his Country. For this service, America is deeply proud and forever grateful.

PERSONAL EXPLANATION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BALDACCI. Mr. Speaker, due to the blizzard in New England, I was unavoidably detained in my District and unable to get back to Washington yesterday to vote on rollcall votes 26 and 27. Had I been present, I would have voted "yea" on each vote, and I ask that my statement appear in the RECORD at the appropriate point.

IN HONOR OF CAMP RAMAH IN THE BERKSHIRES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Camp Ramah in the Berkshires. For over 35 years, this prestigious institution has provided hundreds of children in the New York and New Jersey area with the opportunity to explore their creative, academic, athletic and spiritual nature in a nurturing and motivating atmosphere.

Located on beautiful Lake Ellis, Camp Ramah in the Berkshires combines educational and recreational activities that leave a lasting impression on its campers, reminding them long after their camp session ends to strive for the best in every aspect of their lives.

There are not many places where a child can windsurf, take a computer class, learn how to develop pictures and act in his or her own play all in the same day. But at Camp Ramah in the Berkshires, it happens every day. Taking advantage of their surroundings, campers go on overnight hikes, rock climbing excursions, and sailing trips while also learning about the very environment they are enjoying. Classes on photography, woodworking, drama, music and dance serve as a creative stimulus. The experienced and dedicated staff act as teachers, counselors and role models, helping to shape children into responsible, attentive, caring adults.

What further sets apart Camp Ramah in the Berkshires from other summer camps are the Jewish values that pervade the entire camp experience. Campers have 45-minute periods dedicated to Judaic Studies 5 days a week and also undertake week-long projects in Hebrew. Campers join together for Shabbat meals and services, improve their understanding of the Hebrew language, and learn how to prepare traditional Jewish meals.

Although a child may leave Camp Ramah in the Berkshires after just a few weeks, the camp experience never leaves the child. By the end of the summer campers have forged new friendships, pushed their limits and return home more confident, more knowledgeable and stronger in their faith.

I wish Camp Ramah in the Berkshires continued success and am confident that the future holds nothing but excellence for the institution and its community.

TRIBUTE TO JOHN P. SHEELAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American, Captain John P. Sheelan of the Pueblo police force. Mr. Sheelan was described as one of the "best-liked officers on the force" who demonstrated both remarkable valor and compassion everyday. "He was pretty well-liked community wide, he had that kind of personality. I don't know anyone who didn't like John," said by Police Chief Ron Gravatt in a recent Pueblo Chieftain article. Sadly, John died in February in a motorcycle accident. As family, friends, and colleagues mourn this profound loss, I would like to honor this truly great American.

Mr. Sheelan was an individual that served his country, state and nation well. John was never too far from the outdoors, something that he loved. He was an avid weightlifter, but his true passion was his motorcycle. Tragically, John's life was cut short while embarking on the activity that he loved.

John was a long time Pueblo resident who was well known and widely admired. "John loved kids. On the beat, he liked to stop and talk to the kids," recalls Captain John Barger about his close friend. John has served his community for over three decades. As a police officer, he was dedicated to protecting the people of Pueblo, and as a community member he was committed to the betterment of society. John held numerous positions at the department, where he spent about 15 years as a detective investigating many of the department's highest profile cases. John was a highly skilled member of his profession.

Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our timeless gratitude for his service. John P. Sheehan may be gone, but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is a better place because of John Sheelan.

The nation's thoughts and prayers are with his wife, Pamela, and his children, Lori, Kelli, Clay and Brock, and his colleagues at the Pueblo Police Department. Like these loved ones, the Pueblo community and the State of Colorado will miss John greatly.

TRIBUTE TO HAL SHOUP

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. OXLEY. Mr. Speaker, Hal Shoup, one of the key leaders in the advertising industry, a man who is both a professional colleague and good friend of mine, is retiring and moving to his mountain top home in Marshall, Virginia.

Hal is not actually a native of my home state of Ohio. He spent the first few years of his life in Michigan, but spent much of his professional career as the head of one of the largest advertising agencies in Cleveland, Ohio. As president of Liggett-Stashower, he played a major part in the rejuvenation of downtown Cleveland and was involved is the social and cultural rebirth of the area.

When he moved to Washington in 1989 as Executive Vice President of the AAAA's office, he brought with him the same reputation for integrity and humor that made him such a leader in Cleveland. I should add, he also brought with him the same very effective golf game.

Hal has been an insightful and thoughtful industry spokesman and a highly respected representative of the advertising agency business. I would like to extend to Hal Shoup warm congratulations on his retirement.

A TRIBUTE TO DR. MACK ROBERTS OF WAYNE COUNTY, KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, I use this extraordinary means to sadly inform the House of the passing of a great American, a patriarch of Wayne County, Kentucky, and a family friend.

Mr. Speaker, long after other doctors had stopped making house calls, Dr. Mack Roberts kept making his rounds. While other doctors were delivering babies in hospital rooms and administering vaccinations in sparkling new clinics, this humble man, known to his patients simply as "Doc", took his skills to the dusty roads in one of the most rural areas of the Nation—a four-county region of southeastern Kentucky.

A beloved physician, Dr. Mack Roberts, of Monticello, Kentucky, died Monday at St. Joseph's Hospital in Lexington, Kentucky, at the age of 97.

Dr. Roberts provided medical care to patients throughout Kentucky's Wayne, Pulaski, Clinton and McCreary counties for 61 years, going to remote hills and hollows to deliver babies, provide vaccinations, and care for generations of family members. When there was no hospital at all in Wayne County, Dr. Roberts and his wife, Alma Dolen Roberts, opened their home on Main Street in Monticello to the sick and injured for treatment. They accepted patients at all hours of the day and night, sometimes turning their home into a makeshift emergency room. No patient was ever turned away.

Dr. Roberts grew up amid his large family in rural Wayne County in frontier-like surroundings, beginning in a log house. This Member was born at home only two or three miles from the same place. The Roberts and Rogers families have been close all the while. I especially remember Dr. Roberts' father, Rhodes Roberts, presiding over the Sunday School classes in the small, weatherboard, rural Elk Spring Valley Baptist Church, from my earliest memories. A much younger Dr. Mack Roberts would be quietly participating in the church activities. Later, my father, O.D. Rogers, assisted. Dr. Roberts and others in raising the money to construct the new (and present) home for the church.

Dr. Mack Roberts earned a degree from Cumberland College in 1926 and his medical degree in 1932 from the University of Louisville College of Medicine. He came home to Wayne County to serve as county health officer, where the job of vaccinating children against common diseases became a personal crusade. He opened his private practice in Monticello in 1939.

He once told an interviewer that the most important medical instrument he could imagine was his Jeep, which he used to make house calls to patients across the region's most remote areas. He would take the Jeep as far as the road would take him, then sometimes climb atop a mule or a horse to travel the rest of the way.

But there was a time when these house calls took on an element of danger. During his years as a county health officer, he remembered that he would sometimes travel with an escort because some folks who saw him coming down the road thought he might have been a Federal agent looking for moonshine whiskey stills.

Over the years, "Doc" Roberts delivered 4,250 babies—about 90 percent of them delivered in the patients' home. For his work, he charged what the patient could afford, and sometimes that meant no payment at all. "One time I delivered a baby and the man offered me two gallons of moonshine," he has been quoted as saying. "I'm sorry now I didn't take it."

His career has been fondly remembered in two books chronicling his life. One book, entitled "Doc", was written by his great-nephew, the Rev. Howard W. Roberts, and published in 1987. Another book, written by his wife, Alma, was recently published under the title "House Calls: Memoirs of Life with a Kentucky Doctor." As recently as last fall, "Doc" and Alma Roberts made public appearances to sign the memoir.

Dr. Roberts retired from his practice on July 1, 1993, just before his 90th birthday. Since that time he has served as a director of the Monticello Banking Company. His wife; three daughters, Helen Dreese of Flint, Michigan, Ann Looney of Paris, Tennessee, and Marilyn Drake of Monticello; a brother; a sister; four grandchildren and two great-grandchildren survive him.

Mr. Speaker, Dr. Mack Roberts had frequently said that he was put on this Earth for a reason: to serve the Lord and to serve his fellow man. It was a basic and abiding principle that he carried with him throughout his 97 years. His selfless devotion to his community, his patients and his family has left an indelible legacy for the people of Kentucky and the Nation.

We mourn the passing of this fine physician and community leader, whose life serves as an example for future generations of Kentuckians and Americans to follow.

RECOGNIZING THE GENEROSITY OF A LIVING ORGAN DONOR

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LUCAS of Kentucky. Mr. Speaker, I rise before you today to recognize Lisa Cooney of Park Hills, Kentucky. On January 11th of this year, Lisa generously donated one of her kidneys to Andy Thelen, a resident of Lakeside Park, Kentucky.

Andy was born twenty-eight years ago with one polycystic kidney and one underdeveloped kidney. At the time, the doctor told his parents he wouldn't live more than a month. Andy defied the odds from day one receiving a kidney transplant at eighteen months from another eighteen-month-old baby in California who had died in an accident. That kidney allowed him to lead a relatively normal life for twenty-six years. But when that kidney began to fail, Andy and his family embarked on a race against time to find another kidney donor.

Everyone in Andy's family was tested, but no one was a suitable donor. As Andy's name languished on a transplant list for a year and a half, his mother summed up her despair when she said, "How do you turn to somebody else and say, 'Will you give up part of yourself and your life for my son?'"

And then one day two years ago, Andy met Lisa Cooney through his sister-in-law. After they met, Lisa felt compelled to get tested to see if she might be a suitable donor—and miraculously, she was. Two months after their surgery, I am pleased to say that both Lisa Cooney and Andy Thelen are doing well. Andy returned to work on March 5th and reports that he is feeling great.

As a news anchor for WLWT Eyewitness News 5 in Cincinnati, Lisa has a unique opportunity to raise the public's awareness of the urgent need for organ donors. In addition, Lisa and Andy's experience serves to highlight the advances in transplant technology that enabled Andy to receive a kidney from a living donor.

I rise today to commend Lisa Cooney. Her courage and compassion should serve as an inspiration to us all. I ask my colleagues to join me in wishing both Lisa Cooney and Andy Thelen a long and healthy life.

INTRODUCTION OF H.R. 911, A BILL TO AWARD THE CONGRESSIONAL GOLD MEDAL TO JOHN WALSH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BARCIA. Mr. Speaker, I am proud to rise today to introduce, along with 17 of my colleagues, a bill that will recognize John Walsh, a true American hero, for his efforts in fighting crime, reuniting families, and bringing criminals to justice.

In February of 1988, "America's Most Wanted" premiered on seven local television stations across the United States. Since then, the show has profiled more than 1,500 fugitives, leading to the capture of over 1,000 of them. His weekly profiles of missing children on "America's Most Wanted" have led to the reunion of thirty missing children and their families.

Leading this aggressive attack on crime has been John Walsh, a man who has taken his own personal tragedy—the abduction and murder of his six-year-old son Adam—and used it as the inspiration to rededicate his life to helping children and to making America a safer place.

When six of the seven recent Texas prison escapees were apprehended (with the seventh committing suicide before being caught) in the foothills of the Rocky Mountains this past January, authorities were as quick to give credit as they were in making the capture. El Paso County (Colorado) Sheriff John Anderson noted that a "couple who had become acquainted with some of the escapees saw a segment on them on 'America's Most Wanted' on Saturday night and wondered whether their new friends were some of the escapees." The couple subsequently tipped off the authorities and the captures were made soon thereafter.

The drama that played out was something that most of the people of Woodland Park, Colorado had never seen before, but one that people who are familiar with "America's Most Wanted" and host John Walsh's commitment to law enforcement have seen time and time again. And though best known for his work on "America's Most Wanted," John Walsh's work with law enforcement agencies throughout the nation is equally notable. In 1988 he was named the U.S. Marshals "Man Of The Year," and two years later received the FBI's highest civilian award. He is the only private citizen to receive a Special Recognition Award by a U.S. Attorney General. And he has been honored in the Rose Garden four times by three different presidents. John Walsh has sacrificed his personal safety for the safety and security of all Americans.

In addition, his hard work aided the passage of the Missing Children Act of 1982 and the Missing Children's Assistance Act of 1984, the latter of which founded the National Center for Missing and Exploited Children.

Mr. Speaker, John Walsh's tireless efforts have helped to raise a level of awareness of crime and victims here in the United States, and I urge all of my colleagues to join me in supporting this legislation and commending John Walsh for his enduring contributions to law enforcement and the safety and well-being of our nation's children.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. JONES of North Carolina. Mr. Speaker, on rollcall Nos. 26–27 I was unavoidably detained. Had I been present, I would have voted "yea."

DR. SHAWN CASEY RECEIVES 12TH SWINGLE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Shawn M.J. Casey, who will be honored with this year's W. Francis Swingle Award by the Greater Pittston Friendly Sons of St. Patrick on March 17.

Frank Swingle was a well-known and respected figure in academia, in many charitable and fraternal organizations and in the arena of public oratory. Dr. Casey will be the twelfth recipient of this award, which is given each year to the individual who best honors the memory of the late Professor Swingle by his career, communal and personal achievements.

Dr. Casey was born and raised in Pittston Township, graduated from Wyoming Area High School in 1987, and received his bachelor's of science degree in biology and chemistry from Wilkes College in 1990. He served as vice president of the student government at the University of Pittsburgh School of Dental Medicine from 1990 to 1994 and earned his doctorate there in 1994.

For the past six years, Dr. Casey has served the families of the area at his office in Pittston Township. During that time, he has also worked to promote good health in the area by presenting lectures on various dental products and helping to establish the Colgate Smile of the Game at the Wilkes-Barre/Scranton Penguins home games.

His community involvement also extends to his service as past president of the Pittston Township Lions Club, a member of the executive board of the Pittston Area Family Center, a member of the Avoca Ancient Order of Hibernians and a third-degree member of the John F. Kennedy Knights of Columbus in Pittston. He is also a member of St. John the Evangelist Church in Pittston.

As a member of the Greater Pittston Friendly Sons of St. Patrick, Dr. Casey was named Grand Marshal in 1997 and in 1992 was a golden donor for the Jack Brennan Scholarship Fund in memory of his father.

Dr. Casey is the son of the late George T. Casey and Suzanne Walker Malloy. His maternal grandparents are Anna Walker and the late Frank Walker, and his paternal grandparents are the late Marion Newcomb Casey and the late Thomas Casey.

He currently resides in Hughestown with his wife, the former Michele Wysokinski, and their 3-year-old son, George.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the good works of Dr. Shawn Casey and the honor he will soon receive, and I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, on Rollcall No. 26, on H.R. 724, I was detained in route to Washington by air traffic delays. Had I been present, I would have voted "yea."

CHRISTIAN PRIESTS ABDUCTED AND BEATEN IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BURTON of Indiana. Mr. Speaker, I was distressed to recently hear that two priests were abducted and beaten in India. On January 4, according to a report in India-West, the priests, known as Simon and David, were abducted from the village of Zer in Rajasthan and taken to the neighboring state of Gujarat, where they were beaten.

Unfortunately, this is just the latest in a series of attacks on Christians in the so-called "world's largest democracy" which has been going on since Christmas of 1998. It follows the murders of other priests, the rape of nuns, church burnings, attacks on Christian schools and prayer halls, the burning deaths of missionary Graham Staines and his two sons while they slept in their jeep by Hindu militants chanting "Victory to Hannuman (a Hindu god)," and other incidents.

After one incident that involved the rape of nuns, the VHP, which is part of the pro-Fascist RSS (the parent organization of the ruling BJP, hailed the rapists as "patriotic youth" and denounced the nuns as "anti-national elements." BJP leaders have said openly that everyone who lives in India must either be Hindu or be subservient to Hinduism. It has even been reported that the RSS has published a booklet on how to implicate Christians and other religious minorities, such as Sikhs and Muslims, in false criminal cases. The Indian government has killed more than 200,000 Christians in Nagaland. This pattern of religious tyranny and terrorism is apparently what India considers religious freedom.

It is not just Christians who have suffered from this kind of persecution, of course, but it seems to be their turn to be the featured victims. Sikhs, Muslims, and others have also been persecuted at the hands of the Indian government. Over 250,000 Sikhs have been murdered by the Indian government. Two independent investigations have shown that the massacre of 35 Sikhs in the village of Chithi Singhpora was carried out by the Indian government. The evidence also seems to show that the Indian government is responsible for the recent massacre of Sikhs in Kashmir. In November, 3,200 Sikhs, who were trying to get to Nankana Sahib in Pakistan on a religious pilgrimage, were attacked by 6,000 police with heavy sticks called lathis and tear gas. only 800 of these Sikhs made it to the celebration of the birthday of Guru Nanak.

It is the BJP that destroyed the Babri mosque and still seek to build a Hindu temple on the site. Now BJP officials have been quoted as calling for the "Indianization" of Islam, according to Newsroom Online. The Indian government has killed over 70,000 Muslims in Kashmir since 1988. In addition, Dalits (the "black untouchables"), Tamils, Manipuris, Assamese, and others have seen tens of thousands of their people killed at the hands of the Indian government.

Mr. Speaker, in light of this ongoing pattern of state terrorism against the peoples living within its borders, it is appropriate for America, as the leader of the world, to do what we can to protect these people and expand freedom to every corner of the subcontinent. The best way to do this is to stop American aid to India and to support self-determination for all the peoples and nations of the subcontinent.

Mr. Speaker, I insert into the RECORD an India-West report regarding the beating of these two priests. I commend it to all my congressional colleagues who care about human rights.

[From India-West, Jan. 12, 2001]

TWO CHRISTIAN PRIESTS ABDUCTED AND BEATEN

JAIPUR (Reuters)—Two Christian priests were recovering in hospital Jan. 5 after being abducted and beaten in a tribal village in western India, police said.

They said the priests, identified only as Simon and David, were abducted from Zer, a village in Rajasthan's Udaipur district, Jan. 4 and forcibly taken to the neighboring state of Gujarat where they were beaten.

Anand Shukla, an Udaipur police chief, told Reuters the two abductors had been identified. One was a Zer villager and the other a resident of Gujarat.

The priests suffered minor injuries and were admitted to a hospital in Bijaynagar in Gujarat, Shukla said.

No motive was given for the attack, but Gujarat has in the past been the scene of violent attacks on Christians, who make up about two percent of India's billion-strong population. Right-wing Hindu organizations have been blamed for the attacks.

Hindu leaders deny the charge. They say forced religious conversions by Christian missionaries are responsible for unrest in tribal areas.

A TRIBUTE TO LYNDA DIANE MULL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LANTOS. Mr. Speaker, I wish to pay tribute to Lynda Diane Mull, a dedicated advocate for our nation's two million migrant and seasonal farmworkers. Diane has recently resigned her position with the Association of Farmworker Opportunity Programs (AFOP) after 20 years of dedicated service.

AFOP is a national federation of farmworker service, employment, and training providers who serve migrant and seasonal farmworkers in 49 states and Puerto Rico. AFOP's members are funded by the Department of Labor to provide direct services—jobs, training, housing, English classes, emergency assistance, and other vital services—to farmworkers through a network of more than 300 field offices located throughout rural America. As AFOP's Executive Director Diane helped build the organization into one of the nation's leading farmworker advocacy groups, as well as a leader in the fight to end abusive child labor, particularly in rural areas, in this country and around the world.

Mr. Speaker, I have worked closely with Diane for many years in our attempt to protect farmworker children who toil in our nation's agricultural fields. As you know, hundreds of thousands of children who harvest fruits and vegetables are exposed to working conditions that many adults cannot endure. Hundreds of thousands of young people's immune systems are being placed in great risk of harm from toxic fertilizers and pesticides.

Diane's career began as an Information/Education Specialist for North Carolina's Department of Human Resources, Division of Mental Health, where she coordinated community mental health, drug, and alcohol education for mental health centers and hospitals. In 1978, Diane began her efforts with farmworker programs, taking a position as a Job Development Specialist for Telamon Corporation. Late in 1978, she became Program Coordinator for Telamon's Georgia farmworker program, supervising seven field offices, and in late 1980 she was selected as Telamon's State Director for the West Virginia program.

Diane was appointed Executive Director of the Association of Farmworker Opportunity Programs (AFOP) in 1981. At AFOP, she helped educate Members of Congress about the plight of the nation's farmworkers, as well as their employment and training needs. She worked tirelessly to improve resources to help the poorest of the poor.

Seven years ago, Diane conceived and helped establish AFOP's AmeriCorps National Farmworker Environmental Education Program which has provided pesticide safety training to nearly 220,000 farmworkers in order to protect them from the dangers of toxic chemicals. The program has also enhanced the work skills and leadership abilities of more than 450 AmeriCorps members—many of them young people from farmworker families who have received over $1 million in education awards.

Diane Mull has been active on numerous boards, commissions, federal advisory committees, and panels dealing with farmworker issues, including the National Child Labor Coalition, the National Children's Center on Childhood Agricultural Injury Prevention, the U.S. Department of Labor's National Stakeholders Forum, and others. She has been named to four federal advisory committees: the U.S. Department of Labor's Migrant and Seasonal Farmworker Employment and Training Federal Advisory Committee, the Environmental Protection Agency's Children's Health Protection Federal Advisory Committee, the U.S. Department of Health and Human Services' Regional Coordinating Council on Migrant Head Start, and the U.S. Department of the Treasury's Advisory Committee on International Child Labor Enforcement. Diane also founded and is the co-chair of the Children in the Fields Campaign, the domestic and international campaign to end the worst forms of child labor in agriculture.

Over the years, Diane has worked tirelessly to publicize farmworker issues, even as she waged her own successful battle against cancer. She was instrumental in bringing about the Associated Press's five-part 1997 series entitled, "Children for Hire," which played a dramatic role in bringing our nation's child labor problem to the public's attention. She also worked closely with Dateline NBC's "Children of the Harvest," which aired in 1998. Most recently, she assisted Seventeen Magazine with its article "We Are Invisible," which included one of Diane's many photos depicting child labor in agriculture.

Diane Mull has received numerous awards in recognition of her contributions. In 1991, she was awarded the first National Award for Professional Staff Development by the National Association of Workforce Development Professionals. In 1994, she participated at the Commission on Security and Cooperation in Europe's Human Dimension Seminar in Warsaw, Poland representing the interest of U.S. migrant workers and the non-governmental organizations that serve them. In 1996, Diane was inducted into the National Farmworker Advocates Hall of Fame, and in June 1998, she spoke at a briefing on child labor before the International Labor Organization (ILO) in Geneva, Switzerland.

In 1999, Diane founded the International Initiative to End Child Labor (IIECL), a non-profit organization whose sole mission is to end the most exploitative forms of child labor in the United States and around the world. In that same year, through Diane's voluntary efforts, IIECL received three grants working in partnership with AFL–CIO's American Center for International Labor Solidarity, the National Consumers League, and the International Labor Rights Fund.

Throughout her career, Diane has testified on numerous occasions before both the House and Senate, and submitted hundreds of statements and testimony to the executive and legislative branches of the federal government on behalf of farmworkers and farmworker organizations. More recently, she addressed the First International Symposium on Micro-Enterprise in Obregon, Mexico in 1999 addressing child labor and youth employment issues. She returned to Mexico in August 2000 to complete a country survey on child labor in agriculture for the International Labor Rights Fund.

In November, Diane left AFOP to take a new position at Creative Associates working with the United States Agency for International Development. She will oversee the development of innovative basic education programs to prevent child labor around the world. Additionally, she will brief Congress and USAID on international child labor developments, as well as provide training and technical assistance about child labor to U.S. AID global, regional, and mission-level staff in Asia, Latin America, Africa, and Europe.

Mr. Speaker, I invite my colleagues to join me in expressing our gratitude to Diane for her two decades of service on behalf of our nation's migrant and seasonal farmworkers. We wish her great success in her continuing work to prevent abusive child labor.

HONORING UNSUNG HEROES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 07, 2001

Mr. ENGEL. Mr. Speaker. I rise today to honor three people who have dedicated their professional careers to fighting for better lives for the children and families of our nation's capital. Each week, all of us come to this revered institution to continue the greatest exercise in democracy and freedom the world has ever known. And yet, in the shadow of the Capitol itself are families and children whose lives we cannot imagine. There are children who are not able to contemplate the beauty of democracy and freedom because they are only concerned with surviving another day with enough food, with proper shelter, and without being a victim of abuse.

Luckily, there are many people who are using their formidable talents to provide a better life for these children and their families. On Monday, March 6, the Bar Association of the District of Columbia honored three special individuals as "Unsung Heroes." I would like to take this opportunity to also honor these people.

Alec I. Haniford Deull has been a lawyer in Washington DC for nearly a decade. After graduating from the Washington College of Law at American University, magna cum laude, Mr. Deull opened his own practice in 1993. For his entire professional career as an attorney, he has represented clients in child abuse and neglect cases. He also represents children in special education court actions. He is widely respected for his passionate advocacy on behalf of his clients. Mr. Deull is also working to train the next generation of children's advocates, often taking on numerous interns from local law schools.

Juliet J. McKenna is now the Executive Director of the District of Columbia chapter of Lawyers for Children America, a wonderful organization. This organization trains lawyers in private practice who are volunteering their time as guardians ad litem in child abuse and neglect cases. Before joining Lawyers for Children America, she spent two years in the District's Office of the Corporation Counsel in the Abuse and Neglect section of the Family Services Division. Ms. McKenna is a bright and enthusiastic young woman who only graduated Yale Law School in 1995, but has already earned a reputation as an outstanding advocate.

Finally, upon graduating from Northwestern University School of Law, Anthony R. Davenport joined the Office of the General Counsel of the District of Columbia Department of Human Services and then the Office of the Corporation Counsel. In all, he spent eight years working for the people, families and children of the District. For the past six years, Mr. Davenport has been a solo practitioner specializing in litigation concerning the rights of children and families. He has spent countless hours working to provide a better future for children and families across this city.

These are three extraordinary people. I ask that all my colleagues join me in recognizing and honoring these people for their contribution to making our nation's capital a better place for children and families.

HONORING PASTOR CLINTON M. MILLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise to honor the Reverend Clinton M. Miller of Brooklyn, New York. This weekend Reverend Miller will be installed as the new pastor of the Brown Memorial Baptist Church in Fort Greene. Reverend Miller has worked towards this goal since the moment he realized that he wanted to dedicate himself to religion and I am pleased to acknowledge his achievement.

Reverend Miller was born and raised in Brooklyn. He received his high school diploma from the Bishop Loughlin Memorial High School and a Bachelor's Degree from Southern Connecticut State University. While in college, at the age of 19, he heard the call to pastor. This led him to Yale University's Divinity School where he received a Master's Degree. After being ordained by the American Baptist Churches and the United Missionary Association of Greater New York, Clinton began what would become an apprenticeship at the Abyssinian Baptist Church. Rev. Clinton taught in the New York City Public School System until he became a fulltime youth minister at Abyssinian Baptist Church. As a youth minister, Reverend Miller developed a wide array of youth programs, including Sunday evening services, Summer Day Camp, basketball teams and counseling services. In addition, he held a weekly bible reading for seniors.

Mr. Speaker, Rev. Miller has had the opportunity of being exposed to the highest quality of spiritual training and guidance under one of the most renowned ministers in the nation, Rev. Dr. Calvin O. Butts; Rev. Miller believes in a fresh approach to teaching the scripture; he believes in utilizing the tools of the congregation; he believes in using the parish to benefit the community; and he was a student of Abyssinian's renovation effort. As such, Rev. Miller is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man of faith.

CLARIFICATION OF THE HI TAX

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing, along with Messrs. TIERNEY, FRANK, MCGOVERN, CAPUANO, OLVER and MARKEY, legislation to clarify that the employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State.

This issue has arisen because in 1997 Massachusetts abolished county government in the State, assumed those few functions which counties had performed, and made certain county officials employees of the State. Specifically, the law provided that the sheriff and all his personnel "shall be transferred to the commonwealth with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation."

However, the issue of whether or not these consolidated employees were required to pay the Medicare portion of the FICA tax needed to be clarified. Federal law creates an exemption from this tax for state and local employees who were employed on or before March 31, 1986 and who continue to be employed with that employer. The law is written so it is clear that consolidations between local entities, and consolidations between State agencies, do not in and of themselves negate the grandfather rule. However, the issue of a consolidation between a political subdivision and a State is not directly addressed and I doubt it was thought of during the consideration of the federal law.

The Internal Revenue Service has taken the position that a State, and a political subdivision of a state, are separate employers for purposes of payment of the Medicare tax and therefore any grandfathered employees merged in a consolidation between a State and a political subdivision lose the benefit of the grandfather rule even if such employees perform substantially the same work.

In a Sixth Circuit Court case, Board of Education of Muhlenberg Co. v. United States, the Court ruled on this general issue in terms of a consolidation of boards of education in Kentucky. The plaintiffs in this case argued that the consolidation of school districts did not create a new employer or terminate the employment of any teacher, and the Court agreed that Congress did not intend that exempt employees who have not been separated from previously excluded employment should lose their grandfather and be forced to pay the HI tax. While this case did not go to the issue of the consolidation between a State and a political subdivision, the logic indicates that this issue matters less than the overarching issue of whether the employees continue in the same or essentially the same positions. In Massachusetts this is clearly the case.

Therefore, Mr. Speaker, I urge the Congress to enact this legislation to clarify that local employees do not lose the benefit of the grandfather rule merely because they have been consolidated with a State government.

THE MEANING OF THE ALAMO

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. DELAY. Mr. Speaker, this week we celebrate one of the defining moments in American history. It was 165 years ago yesterday, that almost 200 Texicans laid down their lives to ensure that Texas achieved her independence. It happened at The Alamo. And the road from Mexico City to the Alamo runs through Laredo, the place where I was bom. So, I came into this world only a few steps away from the footprints Santa Anna left on his march north.

And let me tell you, on the night of March 5, 1836, things were going downhill fast for the Alamo's defenders. The Mexican Commander, General Antonio Lopez de Santa Anna, had the Texicans in the Alamo right where he wanted them. And everything was on the line.

Santa Anna's forces had cut all the roads leading to the village of Bexar in what's now San Antonio, where the Alamo is still standing. He'd turned back a relief column that tried to make its way to help the Alamo's vastly outnumbered defenders. And with each passing hour more of Santa Anna's army arrived.

There's a standard military rule-of-thumb, which advises that an attacker had better have a three-to-one advantage when assaulting a properly defended objective.

Well, there weren't enough Texicans in the Alamo to properly man the walls. As a military fortification, the Alamo left a lot to be desired. Its walls were incomplete and the Texicans had to throw up fences and earthworks to complete their perimeter. In fact, that day one Texican would have to fight off more than ten enemy soldiers. Tall odds.

But the men of the Alamo knew it was time to stand and fight. As a strategic asset, the Alamo was better than nothing. That's because the Texicans had nothing else in place to slow Santa Anna's advance toward the eastern settlements where talk of independence had taken hold.

If Texicans didn't stop him at the Alamo, Santa Anna could very well have carved a path of destruction across the state that effectively deprived its people of the means to resist and the will to continue their struggle for Independence. Had Santa Anna made his way across Texas, there might not have been anything left to fight for.

The upshot is that conquering the Alamo appealed to Santa Anna's ego even though it did little to accomplish his military objective of suppressing the Texas Revolution. He needed to eradicate the passion for independence within every Texican, not simply defeat an army in the field.

Viewed in that light, taking the Alamo was for him an indulgence not a military necessity. He fancied himself as the Napoleon-of-the-west and he dreamed of decisive battles to elevate his standing.

And if Santa Anna had simply swept by the Alamo and pushed on to the settled fertile valleys and ranches further east, he'd have preserved the strength of his force. And if he didn't ultimately succeed in ending the dream of an independent Texas, he'd have extracted a far higher price from the Texicans he fought. So, even though all hands were lost at the Alamo, their sacrifice saved other lives that would have been lost beating back an unwounded Mexican Army of Operation.

Santa Anna himself was a dangerous and daring adversary. He wasn't anyone to be taken lightly. He'd fought his way to the top of the Mexican military through a series of wars, including the fight for independence from Spain. Santa Anna knew a thing or two about fighting. He was a charismatic and compelling leader who issued orders that he knew would be obeyed. His army was disciplined and far better equipped than any comparable units then fighting for Texas.

But we're taught that pride comes before the fall, and Santa Anna's pride was his Achilles'heel. Santa Anna did not begin his campaign with respect for his opponents. He considered the Texicans fighting for Independence as an ill-disciplined rabble that would be defeated by the first whiff of grapeshot that he sent over their heads.

Before he marched north to Texas, Santa Anna even boasted to a group of visiting Frenchmen and Englishmen that defeating Texas was just the first step in his plans for North America. He actually said he'd conquer the U.S., haul down the Stars and Stripes and hoist the Mexican flag over this very building: The Capitol. Well, that's quite a boast, and I know what ol' Sam Houston must have said when he heard about it:

"That'll be the day. He'll have has his hands full right here in Texas." And so he did.

Eventually, Santa Anna did learn to respect Texas, but a lot of men had to die first.

And sitting here today, we ask ourselves: Why did they die? What were they fighting for? And is the country around us today worthy of their sacrifice? Some questions we can answer. Some will be answered for us.

They weren't eager to die. They wanted to live out their years in a free Texas. Time and again, Alamo commander William Travis appealed for reinforcements and only once did 30 men answer the call by riding through the Mexican lines to join their fellow Texicans.

In his famous letter to "the People of Texas and all Americans in the World", that he wrote with the Alamo surrounded and Santa Anna gathering strength, Travis made a last appeal for additional defenders.

This is what he told Texas:

"The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot and our flag still waves proudly from the walls. I shall never surrender or retreat. I call on you in the name of Liberty, of patriotism and every thing dear to the American character, to come to our aid with all dispatch. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or Death."

The men at the Alamo died because they believed that some things are more important than life itself They knew that faith, family, and freedom were worth fighting for. And they also knew that, if they had to live without true independence, their lives wouldn't be worth living.

They wanted the protections of a legitimate Constitution. They wanted their individual rights to be honored. They believed in the idea of self-government. They insisted that government respect their right to own private property. They chafed under tariffs and demanded free trade. They fought for democracy as the surest path to freedom.

And it's true that the issue of slavery motivated some of the men at the Alamo. We must acknowledge that some of the men at the Alamo owned slaves and they were fighting for the right to keep them. History proved them wrong on that point. And that painful truth should not diminish the greater principles that all of the Texicans at the Alamo fought for. Just as our Founders did great things despite their flaws, so too did the Alamo's defenders ennoble themselves by the way they ended their lives.

The most dramatic moment was still yet to come. It happened when William Travis gathered his command in the courtyard of the Alamo and leveled with his men about the fix they were in. They had three options, he told them.

They could surrender, but they had all seen the red flag Santa Anna had flown. It meant no quarter. They would all be executed.

They could make a break for it and try to fight their way through the Mexican lines. But this option was also doomed to failure because they would be fleeing across open country and Santa Anna's cavalry would butcher them easily.

And they could instead defend the Alamo and, by dying in place, inflict enough casualties on the Mexicans to weaken Santa Anna's army. Travis chose the hard path.

"My own choice is to stay in this fort, and die for my country, fighting as long as breath shall remain in my body. This I will do even if you leave me alone," Travis said. But the choice was up to each of them, he said. Then he used his sword to draw a line across the courtyard.

"I now want every man who is determined to stay here and die with me to come across this line. Who shall be the first?"

And one by one, the men who died at the Alamo all came across.

Now, some people will tell you that Travis' last speech was fiction. They'll say it's melodramatic and too full of grand gestures. They'll say it's wishful thinking on the part of dreamers and romantics. But I believe that Travis did draw that line in the sand.

If you read his letters and consider the convictions of those men holed up with him in the Alamo, I believe you'll come to the same conclusion. Travis knew exactly what he was doing and his men knew their precise and painful destiny. And they stepped across that line in the sand and stayed just the same. Because independence is worth it.

And that's why men rode off from their families to join a motley band of committed patriots, who without training, without supplies, and without much hope for success gambled everything on God and Texas.

And they won even as they spent their lives so dearly on the walls of the Alamo.

And the debate goes on today. Some men don't believe that any principle or conviction is worth the political capital to draw a line in the sand. But other men still do. And it's with those like-minded men and women that I'll throw in my lot.

Some things are still worth fighting for, and we'd better never forget it. Because if enough of us ever do forget, we'll have squandered our birthright to freedom and we'll be the unworthy beneficiaries of those proud Americans who came before us.

The Alamo's defenders, like our Founding Fathers before them, gave everything to put unstoppable events in motion. Their deaths were the birth pains of greatness.

"Victory or Death," became Victory in Death. And that victory was the offspring of the courage needed to make the simple yet difficult choices that so often determine history. May we never forget that freedom demands sacrifice. God bless the men who died at the Alamo. And God bless America.

CITIZENS FROM THE 9TH DISTRICT OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. LAMPSON. Mr. Speaker, I rise today to honor local citizens from the 9th District of Texas who were chosen during Black History Month for their work. While the dedication of African-American leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights for all Texans. Last month I asked members of the communities in the 9th District to nominate individuals for my "Unsung Heroes" award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of our nation's rich history. Recipients were chosen because they embodied a giving and sharing spirit, and had made a contribution to our nation.

These individuals have not only talked the talk, but they have walked the walk. They have worked long and hard for equal rights in their churches, schools, and in their communities. While their efforts may not make the headlines every day, their pioneering struggle for equality and justice is nevertheless vital to our entire region. This region of Southeast Texas is not successful in spite of our diversity; we are successful because of it.

Please join me in recognizing and congratulating these community leaders for their support of bringing Justice and equality to Southeast Texas. It is leaders like, these men and women that continue to be a source of pride not only during Black History Month, but all year long. The winners of this year's "Unsung Heroes" award are:

Mrs. Myrtle Giles Davis, Mrs. Mattie Dansby Ford, Mr. William Andrew Harris, Mr. V. H. Haynes, Mr. Tony Johnson, and Mrs. Annie Mae Shanklin.

Mr. Speaker, the recipients of the "Unsung Heroes" award are dedicated and hardworking individuals who have done so much for their neighbors and for this nation as a whole. Today, I stand to recognize their spirit and to say that I am honored to be their Representative.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. MOORE. Mr. Speaker, I accidentally failed to record my vote on roll call #27, to suspend the rules and pass H.R. 727, legislation to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to the CPSC. As I indicated in the statement I had placed in the RECORD as a part of the debate on this measure, I support H.R. 727 and intended to vote in favor of it.

A TRIBUTE TO HOSEA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to ask my colleagues to join me in praising the work and life of Hosea Williams as a civil rights leader. For the past 40 years, he has worked with civil rights issues, helping to make a change for black people in America.

Mr. Williams came from a difficult past. At age 13 he was forced to leave his community to escape a lynching mob that wanted to punish him for socializing with a white girl. When the United States entered World War II, he enlisted in the army and became a staff sergeant in an all-black unit of Gen. George S. Patton's Third Army, working as a weapons carrier. He suffered an injury during an attack and had to spend a year in a British hospital.

Mr. Williams returned to the United States where he finished high school at 23. He proceeded to earn his bachelor's degree from Morris Brown College in Georgia, with a major in Chemistry; and then received his master's degree from Atlanta University. He then became the first black research chemist hired by the federal government below the Mason-Dixon line.

Dissatisfied with the discrimination faced by black people in his community Mr. Williams began giving speeches in a downtown park on his lunch break. He was eventually arrested and jailed. When he was released he took a year leave from the United States Department of Agriculture to do civil rights work and never went back.

The latter portion of Mr. Williams's life was spent fighting for civil rights. He worked as a field general for the Dr. Rev. Martin Luther King Jr. in the civil rights battles of the 1960's. Before joining with Dr. King he worked with National Association for the Advancement of Colored People and helped to run the Southern Christian Leadership Council's actions in St. Augustine.

Mr. Williams made sure not only to work with the issues abroad but also to work with his community. Serving on the Atlanta City Council and later as the De Kalb County commissioner he worked to improve the conditions at companies and help the poor.

Today, I ask my colleagues to join me in honoring the late Hosea Williams for his hard work and dedication on behalf of the poor and disadvantaged and for his extraordinary contributions to civil rights.

SENIOR CITIZEN PROPERTY TAX VOUCHERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I introduced legislation, along with six of my colleagues from Massachusetts, to alter the federal tax treatment of real property tax reduction vouchers received by senior citizens for volunteer work.

Approximately 42 towns in Massachusetts have implemented a program to ease the problem senior citizens, who live on fixed incomes, face due to rising property taxes. These towns have allowed senior citizens to perform volunteer work for their town in exchange for a voucher that reduces their property tax by up to $500.

Specifically, my legislation would exclude from gross income vouchers issued by a government unit to offset real property taxes, and received by senior citizens, in exchange for volunteer work. The legislation also exempts these vouchers from employment taxes, and senior citizens who are at least 65 are eligible.

Mr. Speaker, this legislation enhances an important and creative program being implemented in many towns in Massachusetts. We devote a lot of effort around here to help make sure retirement does not sink senior citizens deep into poverty, and that they have basic health services. This very modest proposal takes a small step in helping seniors remain in their homes despite rising property taxes. A step, I hope, we can take this year.

TRIBUTE TO SHONDA RIGGINS OF SOUTH CAROLINA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BROWN of South Carolina. Mr. Speaker, today I would like to recognize the dedication and hard work of the Myrtle Beach Area Chamber of Commerce Employee of the Year. Shonda Riggins, a guest service representative at the Hampton Inn located at 48th Avenue North in Myrtle Beach, South Carolina, has displayed over a ten year period how deserving she is of this award. Ms. Riggins is an astute employee who is known for her dependability, generosity, and great southern hospitality. The type of service that Ms. Riggins provides to the guest of the Hampton Inn goes beyond the call of duty. She has proven herself to be an asset to the tourist industry and indispensable to the Hampton Inn.

Examples of Ms. Riggins exemplified service include her handwritten personal postcards to every guest, top-scoring in professional and friendly phone-skills, and a perfect attendance that is also at the top of the charts. Her appearance is always impeccable and she wears, with pride, all of her service pins and buttons. Ms. Riggins is a team player who has shown that she is willing to help in all aspects at any time. This includes such tasks as assisting during hurricane seasons, covering shifts of co-workers, and always being able to keep her cool so that she can help out in whatever way possible.

Over the years Ms. Riggins has received numerous awards and recognition for her continuing great service to the Hampton Inn. This award, though, is an esteemed honored that Ms. Riggins is extremely deserving of. I would like to thank her for her continuing hospitality and support to the tourism industry that is so important to Myrtle Beach. As a thriving part of South Carolina, Ms. Riggins has proven herself to be indispensable to the true meaning of southern hospitality. As the Representative of the First District of South Carolina, I must say that this type of dedication and hard work is refreshing and appreciated to the upmost degree.

THE SCIENCE TEACHER SCHOLARSHIPS FOR SCIENTISTS AND ENGINEERS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am introducing today the Science Teacher Scholarships for Scientists and Engineers Act. The bill is cosponsored by my colleague Mr. WU, and I appreciate his support.

The bill would authorize a program of one-year, $7500 scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K-12 science or math teachers.

From a series of Science Committee hearings last year about the state of science and math education, and from talking to constituents, students, and educators at home, it has become clear to me that we need to improve science and math education in this country.

In particular, I've come to understand that poor student performance in science and math has much to do with the fact that teachers often have little or no training in the disciplines they are teaching. While the importance of teacher expertise in determining student achievement is widely acknowledged, it is also the case that significant numbers of K-12 students are being taught science and math by unqualified teachers.

Not only do we need to ensure a high quality of science and math education for our students, but we also need to ensure there is sufficient quantity of trained teachers available to teach them. The bill I am introducing today would begin to address the shortage of qualified science and math teachers by providing an incentive for individuals with the content knowledge to try teaching as a career.

Most students emerge from college with a heavy debt load—and studies have shown that average debt has tended upward, since college tuition costs have been increasing faster than inflation. So scholarships would be particularly beneficial for those considering entering the teaching field where starting salaries are relatively low.

Mr. Speaker, to keep economic growth strong in the long-term, we need continued innovation. But innovation doesn't happen by itself—it requires a steady flow of scientists and engineers. My bill can begin to help provide this steady flow and ensure that our future workforce will be prepared to succeed in our increasingly technologically based world. With estimates of 240,000 new science and math elementary and secondary teachers needed over the next decade, we must work to provide the incentives now to bring these teachers into our schools.

For the information of our colleagues I am submitting a summary of the bill.

SCIENCE TEACHER SCHOLARSHIPS FOR SCIENTISTS AND ENGINEERS ACT

SUMMARY

This bill would authorize a program of one-year, $7500 scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K-12 science or math teachers. Such awards would be made through competitive, merit-based procedures.

The purpose: To ensure not only high quality of science and math education but also a sufficient quantity of trained teachers available to teach them.

BACKGROUND

The Science Committee held a series of hearings in the 106th Congress on various aspects of math and science education. From these hearings it became clear that student performance in these areas is weak and that no single factor is the key to improving student performance. But the testimony did suggest that a necessary, if not sufficient, condition for improved student performance is teachers with both good content knowledge and pedagogical skills. Current problems in the realm of math and science teaching are difficulties in attracting and retaining math and science teachers and deficiencies in the training of new teachers and in professional development activities for existing teachers.

WHAT THE BILL DOES

Authorization: The bill would authorize the director of the National Science Foundation to make awards to institutions of higher education to provide scholarships to those with bachelors degrees in science, mathematics, or engineering, or those nearing completion of such degrees, to enable them to take the courses they need to become certified as K-12 science or math teachers. Such awards would be made through competitive, merit-based procedures. The bill would authorize $20 million to be appropriated to NSF for each of the fiscal years 2002, 2003, and 2004.

Eligibility: Institutions of higher education offering bachelors degrees in science, math, and engineering and coursework toward teacher certification are eligible to apply for awards under the program. Individuals provided scholarships shall be undergraduate students majoring in science, math, or engineering who are within one academic year of completion of degree requirements or graduates of bachelors or advanced degree programs in science, math, or engineering.

Requirements for Application: Each scholarship application would include a plan specifying the course of study that would allow the applicant to fulfill the academic requirements for obtaining a teaching certification during the scholarship period.

Work Requirement: As a condition of acceptance of a scholarship under this Act, a recipient would agree to work as a science teacher for a minimum of two years following certification as such a teacher or to repay the amount of the scholarship to NSF.

TRIBUTE TO HIS BEATITUDE MAR NASRALLAH BOUTROS CARDINAL SFEIR, MARONITE PATRIARCH OF ANTIOCH AND ALL THE EAST

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. RAHALL. Mr. Speaker, today at a Congressional Luncheon hosted by myself and Rep. RAY LAHOOD, and attended by many Members of the House, we had the privilege of hearing remarks made by His Beatitude Mar Nasrallah Boutros Cardinal Sfeir, Maronite Patriarch of Antioch and all the East. This is the Patriarch's first visit to the United States since 1988, and he is here on the occasion of the elevation of the first American born Maronite Bishop Ralph Shaheen.

While in the United States, the Patriarch expressed his vision of peace for Lebanon and the Middle East Region.

Lebanon, the homeland of my grandfathers and its people, cherish the same values of democracy, respect for human rights, independence and sovereignty cherished by the people of America. That is why the Patriarch, the church and the people and government of Lebanon have supported the Middle East peace talks of the past, and hope for a resumption of those talks in the near future.

Mr. Speaker I submit the words of His Beatitude, the Maronite Patriarch of Antioch and All the East be entered in the RECORD, so that my colleagues will be enabled to hear his urgent plea on behalf of a continued alliance between the United States and Lebanon.

I am honored to be here among members of the legislative body which makes laws for the United States and which have an influence on the whole world. I thank you for all the support you have given and are giving to Lebanon and its people. I wish to speak about Lebanon, a country of 10,000 square kilometers and 4 million people, but a country whose historical roots extend more than 6,000 years. It is the country where the alphabet was invented by the Phoenicians, who spread its knowledge not by war, but through trade and human interaction.

Lebanon is a peace loving country which wants to live in peace with all its neighboring countries, including Syria and Israel. As a matter of fact, the Maronite Church and the Lebanese people cherish the same values of democracy, respect for human rights, independence and sovereignty cherished by the American people. The entry of the Syrian troops into Lebanon in 1976 was done without the request or permission of anyone, as stated by former President Hafez al-Assad in his speech of July 20, 1976. This was also noted by former Secretary of State Henry Kissinger in his book. From that time Syria has established its hegemony over Lebanon.

While we have always advocated good relations between Syria and Lebanon, true international relations are possible only when the countries involved relate to each other on an equal footing. They cannot be established if one country dominates the other. Within the country, the people of Lebanon seek to be democratic, where Christians and Moslems live in peaceful co-existence, unless an outside element provokes a conflict. We seek human and religious values—faith in God, justice, equality, respect for human rights.

Lebanon stands in the Middle East between Israel and Syria, and has suffered difficulties for a quarter of a century—17 years of war, thousands of victims, and terrible destruction. The Taef Agreement of 1989 was supposed to bring an end to the war. The United States was a principal sponsor. However, Taef has been implemented only partially and in a discriminatory fashion. As a result, Lebanon has yet to recover its institutional foundations. If the cannons are silent, anxiety still remains. The country suffers from a succession of crises due to the political situation in Lebanon, in which Lebanon lacks sovereignty, independence, and freedom in its decision-making.

The South of Lebanon is still in a state of instability. A large number of its citizens are either in exile, displaced or in prison, leaving their families in dire straits. The Israeli-Palestinian negotiations raise the question of the final settlement of the Palestinian refugees, who have a right to a just solution. However, no agreement should be made at the expense of the Lebanese people. Imposing on tiny Lebanon a large foreign population would have dire demographic effects, since Lebanon already has the highest population per capita in the region. It destabilizes the balance between Christians and Moslems, and even among the Moslems themselves.

It is in the interest of the United States to help Lebanon for the following reasons:

(1) Lebanon seeks to be a democratic country and to enjoy freedom.

(2) Lebanon has always had one face toward the East and the other toward the West. It possesses the culture of both East and West.

(3) The credibility of the United States requires that it help Lebanon, and to liberate it from all foreign troops, according to the Taef Agreement, sponsored by the United States.

(4) There is a large number of Lebanese immigrants in the United Sates who have achieved success in the higher levels of business and politics, and thereby can make an impact on the American political system.

(5) Christian influence is diminishing in the Middle East and in Lebanon which has always been a stronghold of Christianity. If there were no more Christians there, this would be a catastrophe for Christianity, but would also undermine respect for human rights.

I know that you have the same view as we, namely, that there should be no outside hegemony over Lebanon, even after the departure of non-Lebanese troops. Lebanon should remain an oasis of democracy, freedom, human values, and respect for human rights. Again, thank you for your welcome and support. May God bless you in your important work.

A TRIBUTE TO BARBARA YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mrs. Barbara Young for her exceptional contributions to health care and education for the people of New York. For over 30 years, she has been contributing to the education and health care industry.

Mrs. Young received a Bachelors degree in Community Health from Jersey State College; received her Masters from Hunter College City University of New York; and acquired her Nursing Home Administrator's license from Hofstra University.

During her professional career, Ms. Young, moved up from Staff Nurse in Neonatal Intensive Care to Vice President of Nursing. Ms. Young, has gone out of her way to help people and be particularly supportive to young minority men whom she feels, need someone to stand up for them and be supportive. She has devoted most of her professional career to care of the elderly and takes pride in promoting and maintaining quality of life.

Ms. Young's contributions to the community include being a Cub Scout leader, Girl Scout Leader, teaching religious instruction to mentally challenged children, providing volunteer services at homeless shelters, and making visits to a home for battered women.

In addition to Mrs. Young's volunteer work, she is a member of the Trinidad and Tobago Nurses Association and has been Chairperson of the Education Committee whose objective is to provide seminars and health education to health care professionals, and give scholarships to nursing students. She is Vice President of the Imani Reading Group, which started off with a group of professional women who wanted to know more about their African heritage. Currently, she is organizing the reading group to start a prison ministry at the Rikers Island Women's Prison.

Today, I ask my colleagues to join me in honoring Mrs. Barbara Young for her hard work and dedication on behalf of the sick and underprivileged, and for her extraordinary contribution in the field of education and health care.

SENIOR VOLUNTEER SERVICES

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing today legislation with Messrs. TIERNEY, MCGOVERN, CAPUANO and MARKEY to allow the exclusion from gross income of stipends received by persons over the age of 60 for volunteer services performed under a qualified State program.

The Elder Services Corps in the State of Massachusetts was created in 1973. It is composed of individuals at least 60 years of age and allows volunteers to assist in meeting the needs of the elderly population of the Commonwealth. Individuals enroll for one year at a time, and are required to volunteer 18 hours per week or 72 hours per month, and receive a stipend of $130 a month. The program is 100 percent State funded.

Mr. Speaker, I see no reason why the modest income received for this volunteer service should be subject to tax, especially employment taxes. I hope Congress will act on this legislation this year, and provide an additional incentive for an expansion of this program in Massachusetts, and its adoption by other States.

IN CELEBRATION OF THE GRAND OPENING OF THE BERKELEY REPERTORY THEATRE'S NEW HOME

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. LEE. Mr. Speaker, I rise in celebration of the March 12, 2001 Grand Opening of the Berkeley Repertory Theatre's new 600-seat proscenium theater. The festivities will also include a performance of The Oresteia, running from March 13, 2001 until May 6, 2001, and an open house honoring the longstanding relationship between the theater and the larger community.

The Berkeley Repertory Theatre has a long history of excellence. It was founded in 1968 as the East Bay's first resident professional theater. In 1980 Berkeley Rep gathered enough public support to move from its converted storefront theater to its current location in downtown Berkeley. The Theater was awarded a Tony Award for Outstanding Regional Theater in 1997. In October of 1998 the group announced its plans to construct a new

600-seat proscenium stage theater to complement the existing 401-seat thrust theater stage.

The second theater will enable the Berkeley Repertory Theatre to continue its more than thirty year tradition of providing the community with eclectic, imaginative, and challenging productions. The new theater will evoke the intimacy and vitality that is characteristic of the current space, but will also provide greater artistic flexibility for the future.

The opening will showcase the new theater, introduce the community to the Berkeley Repertory Theatre's new home, and host a world premiere performance of The Oresteia. The theater will better serve the Repertory's ever-increasing 15,000 member audience. The new building was made possible in part by donations from the City of Berkeley and the Ask Jeeves Foundation.

The new Berkeley Repertory Theatre is the cornerstone of downtown Berkeley's emerging Arts District and has become a great source of civic pride for the community. I am proud to congratulate Berkeley Repertory Theatre as it opens its new theater and I look forward to the many years of arts enrichment it will provide to the City of Berkeley.

COMMEMORATING THE CONTRIBUTIONS OF MR. CRUZ BACA

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Ms. SOLIS. Mr. Speaker, I rise today to commemorate the proud contributions Mr. Cruz Baca and his decedents have made to the city of Baldwin Park. Mr. Baca was born in Mexico in 1874 and first arrived in Baldwin Park in 1906. In 1909 he returned to Mexico to retrieve his wife and children from the threat of revolution and bring them to Baldwin Park. In the spring of 1910 the Baca family finally settled near Francisquito Avenue in Baldwin Park following a long journey on foot through Texas and parts of Arizona.

Mr. Baca was a prosperous farmer who harvested a variety of crops and raised cows to produce milk and cheese. Realizing a demand for the ingredients for tamales, Mr. Baca became the only supplier of those ingredients in the San Gabriel Valley. But Mr. Baca's legacy is not as a landowner or businessman, it is the humanity he demonstrated to his fellow man, neighbor, and community.

Mr. Baca always lent a helping hand to those in need. During the Great Depression Mr. Baca provided food for the poor, he would park his wagon full of produce at Morgan Park to help feed the community. He also provided transportation to those in need with his horse and wagon, taking people as far as San Gabriel to attend services at the San Gabriel Mission. His efforts to improve the community are many, such as plowing and landscaping the land to develop Morgan Park for free and helping to plow his neighbors land when they were experiencing difficulties. Mr. Baca is also known for his selfless acts of heroism, single-handedly saving a family from a burning home and pulling his neighbors car out of the San Gabriel Valley River with his horse and wagon during a heavy rainstorm.

Mr. Baca was a dedicated father, husband and citizen and his influence will be everlasting in the City of Baldwin Park. Mr. Baca's legacy continues also with the hundreds of decedents that continue to live, work, and raise families in the City of Baldwin Park.

H.R. 808, THE STEEL REVITALIZATION ACT OF 2001

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 808, the Steel Revitalization Act of 2001.

America's steel industry is in a near crisis state. Beginning in 1997, dumped and subsidized steel imports grew dramatically until they reached almost 40 percent of the U.S. steel market. Steel prices rapidly decreased; steel workers were laid off, steel companies filed for bankruptcy. As a result of the weakened steel industry, the level of imports deemed acceptable by the government increased, and recovery has been difficult.

I believe that this legislation is necessary to help revitalize the steel industry. It provides import relief by imposing five year quotas on the importation of steel and iron ore products in the U.S. The quotas will return the import market share to the levels prior to 1997. This provision is very similar to H.R. 975, which passed the House with strong support in the previous Congress.

In addition, this legislation will augment the Steel Loan Guarantee Program, which provided guaranteed loans to qualified steel companies. Currently, steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. The Steel Revitalization Act will expand the program by authorizing $10 billion rather than $1 billion, guaranteeing 95 percent of the loan rather than 80 percent and extending the terms from five years to fifteen. With this expansion, more companies will be able to take advantage of this worthwhile program.

Mr. Speaker, in the Congressional District I represent, two of our steel companies are seriously distressed. Many of my constituents are at risk of losing their jobs. It is of the utmost importance that we in Congress work hard to keep America's steel industry vital. I urge my colleagues to join me in supporting H.R. 808.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 333) to amend title 11, United States Code, and for other purposes.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act. I have spent a great deal of time examining the public debate surrounding bankruptcy reform and looking for assurances that H.R. 333 will reduce the number of abusive bankruptcy filings by holding debtors responsible for repaying their debts.

Although bankruptcy filings continued to decrease this past year from the record 1.4 million consumer bankruptcy petitions filed in 1998, they still remain six percent higher than five years ago, when filings first passed the one million mark. Last year, the number of personal bankruptcy filings in Rhode Island decreased by 12 percent from the previous year, but that number is still too high, as the number of personal filings in the state has more than doubled in the last decade. Unfortunately, hardworking consumers shoulder much of the economic burden of these bankruptcies.

While there are many factors contributing to the increased number of bankruptcy filings, statistics have shown that a significant number of individuals are permitted to walk away from their debt by filing under Chapter 7 when they have the ability to repay most, if not all, of their debt. Our bankruptcy system should direct filers to the chapter that best matches their needs and allow them to pay off as much debt as possible.

H.R. 333 will help reestablish a degree of personal responsibility by utilizing a needs-based test to identify debtors making over the median income who have an ability to repay at least a portion of their debts. However, this legislation is by no means perfect and it fails to hold credit card companies accountable for the credit they issue. An increasing number of individuals who have experienced events such as illness, job loss or a recent divorce and have no financial recourse other than bankruptcy are being overwhelmed with misleading and abusive marketing strategies of the credit industry. As a result, too many consumers are prone to predatory lending practices after filing for bankruptcy and are never truly granted a fresh start by the system.

It is for these reasons that I will support the amendment offered by my colleague from Texas, Ms. JACKSON-LEE, and the motion to recommit offered by the Ranking Member of the Judiciary Committee, Mr. CONYERS, during consideration of the bill. These provisions would strengthen the bill and address credit card company practices that have contributed to the increasing level of consumer debt and the rise in consumer bankruptcies. Specifically, the Jackson-Lee amendment seeks to modify the means test to allow more flexibility in determining a debtor's expenses, including health insurance premiums, other medical expenses, and the costs relating to the care of foster children, and extend the deadline for filing and confirmation of reorganization plans by small businesses. The motion to recommit would prohibit credit card companies from issuing credit to individuals under the age of 21 unless there is written parental consent or the individual can demonstrate an independent source to pay the debt.

Nonetheless, even if these modifications are not approved, I do intend to support the underlying bill because I believe Congress must do something to address the current state of abuse and overuse of our bankruptcy system. However, Congress should also continue to pursue common-sense reforms that will not only cut down on fraud within the system but also hold credit issuers accountable for their actions while protecting the vulnerable consumer. I would strongly urge the Senate to keep these arguments in mind as it continues to debate its version of the bankruptcy reform bill.

A TRIBUTE TO MILDRED L. BOYCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mildred L. Boyce for her contribution to the education of New York's children. For over 25 years Ms. Boyce has been a dedicated teacher and administrator.

Although Ms. Boyce was bom in Manhattan she received all of her education in Brooklyn, attending P.S. 44, P.S. 181, J.H.S. 246, Erasmus Hall High School and Brooklyn College, where she received a B.A. degree, M.S. degree and a professional Diploma in Administration and Supervision.

Ms. Boyce began her career in education as a 6th grade teacher at P.S. 106, in 1965, where she later held the position of Master Teacher and Interim Acting Assistant Principal, before coming to Philippa Schuyler in 1977. Currently, Ms. Boyce serves as the Principal of the Philippa Schuyler Middle School for the Gifted and Talented.

For her devotion, and hard work Ms. Boyce has been the recipient of many awards including the NAACP Educator's Award and the Black Professional Business Women's Educator Award.

In addition to her duties as an educator, Ms. Boyce is an active member of St. Laurence Catholic Church, serving as a Lector, and a member of the Baptismal team. She is also a member and advisor to the President of the Council for Supervisors and Administrators as well as an elected delegate from District 32. She sits on the executive board of District 32's supervisors.

Today, I ask my colleagues to join me in honoring Ms. Mildred L. Boyce for her hard work and extraordinary contributions in the field of education.

TRIBUTE TO MR. ROBERT MAY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the dedicated work of one of my constituents, Mr. Robert May of Old Town, Florida who has been awarded the Charles P. Ulmer award by the Sons of Confederate Veterans.

The Ulmer award recognizes individuals who have worked to honor the memory of those who died serving their country. Robert May has done that and more. He currently serves as a leader within the organization and is actively involved in his community. I commend Robert May for his dedication and commitment to preserving the rich heritage of the South.

The Charles P. Ulmer Award was named for a man who bravely fought in many famous battles during the Civil War, including the battles of Vicksburg, Chattanooga, Perryville, and Murfreesboro. As it's told, on November 25, 1863, during the battle of Missionary Ridge, Corporal Charles P. Ulmer put honor before fear when he picked up the flag from a fallen soldier and charged forward. He served his country proudly as he, too, fell answering the call of duty.

The Sons of Confederate Veterans' "Charles Ulmer Compatriot of the Year Award" is awarded to that person who exemplifies the dedication and duty to country that Mr. Ulmer had shown so long ago, and Robert May is that person.

Mr. Speaker, I join Robert May's family and friends in congratulating him on receiving the "Charles Ulmer Compatriot of the Year Award."

THE CLEAN DIAMONDS ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce The Clean Diamonds Act. This bill aims to eliminate the trade in diamonds that are used to fund conflict in Africa—wars that have killed more than 2 million people, driven 6.5 million from their homes, and subjected many of the region's 70 million people to horrific atrocities.

The Clean Diamonds Act lends the support of the United States—whose citizens buy 65 percent of the world's diamonds—to multilateral efforts to sever the link between diamonds and war. It implements the diamond industry's July 2000 promise to help block the trade in these diamonds, and gives it a year longer than it said it needed.

Mr. Speaker, I will never forget the two-year-old girl who lost an arm to rebels, or what her fellow war victims told Congressman WOLF and I when we visited Sierra Leone's amputee camp in 1999. When we asked what had happened to each of them, they told nightmarish tales of rebels who lopped off their hand to punish them for voting, or their legs or ears or arms so they would always remember how much the rebels hated the country's elected government. But when we asked why their countrymen were suffering, they gave us a one-word answer: "diamonds."

There is no question that diamonds do a lot of good for a few southern African nations that, because of a quirk of geology, have the ability to secure their mines against takeover by thieves masquerading as rebels. Diamonds also are making the industry wealthy beyond imagination: for example, DeBeers, the monopoly which buys the overwhelming majority of uncut diamonds, just reported a 73 percent increase in profits in 2000.

But for Sierra Leone, Angola, the Congo, Guinea, and Liberia, diamonds are a curse. They are a magnet for bandits, who seize diamond mines and trade their production for weapons, narcotics they use to numb their fighters to the tasks they demand, and the other materiel these big armies need. Diamonds in those countries are close to the surface and spread over large regions, so it is much harder to patrol mining done there. Because of that, and because the legitimate industry is so willing to help rebels launder their stolen gems, neither these countries nor the United Nations has been able to fend off these rebel forces.

I am convinced that, until this link between diamonds and war is severed, we will continue to see these atrocities—forced amputations, brutal murders of innocent civilians, widespread rapes and other sex crimes, and a generation of youngsters whose only education is as child soldiers. We will see no end to hunger, disease, and the other problems of war. For example, a recent International Rescue Committee survey of people who live in a relatively peaceful, but rebel-controlled, district of Sierra Leone found one in three dies before his or her first birthday—more than twice the country's overall infant mortality rate. And we will continue to watch billions of dollars in aid pour into amputee camps and other humanitarian projects, while tens of billions in conflict diamonds pour out of these same countries.

The Clean Diamonds Act grew out of the diamond industry's own July 2000 promise that it would move swiftly to end the trade in conflict diamonds and establish a system of controls by December 2000. That hasn't happened; without some pressure from US consumers, I doubt any effective solution will be implemented.

In these embattled countries, rebels are committing terrible atrocities every day—and they are doing it with the complicity of a legitimate industry that markets conflict diamonds as tokens of love and commitment. Our bill gives the industry a year more than it said it needed to take the steps it should have begun years ago. It supports the efforts of South Africa and more than 20 other nations, working through the Kimberley Process, to devise an effective response to this problem.

The nations and legitimate businesses that supply the US market are well able to fulfill the reasonable obligations this bill outlines. This bill asks nothing more of our trading partners than that they enforce effective laws against the smuggling of conflict diamonds. Eight months ago, to great fanfare, the diamond industry agreed it would do just that. Three months ago, the U.N. General Assembly unanimously voted on the need for immediate attention to this problem—before it sours consumer interest in diamonds and damages countries that rely on diamond production. I hope the Clean Diamonds Act will add momentum to these promises of action.

I am particularly pleased with some key features of the Clean Diamonds Act:

First, it will bring relief to the victims of these wars for the control of diamonds because it provides that any contraband diamond caught entering the U.S. market shall be seized and sold to pay for prosthetic limbs and other relief to war victims, and for micro-credit projects.

Second, it offers a real deterrent, by imposing civil and criminal penalties like those that have proven effective in slowing the smuggling of other contraband. Among its provisions, it allows U.S. authorities to block the assets of significant violators of these laws.

Third, it offers jewelers and their customers a 'seal of approval' that gives them independent verification that the money they spend on a symbol of love and commitment does not go into the pockets of those forcibly amputating the limbs of innocent civilians, or press-ganging children into military service and sexual slavery, or committing other atrocities. Americans ought to be able to ask for this kind of reassurance with confidence they'll get honest answers; this bill gives them that.

Fourth, it makes diamond projects in countries that refuse to implement some system of controls ineligible for taxpayer-funded Eximbank and OPIC loan guarantees.

Finally, it requires systems designed to guard against conflict diamonds to be transparent and independently monitored. And it insists on annual reports to Congress and the American public so that the situation never again reaches the point it is at today, where brutal thugs earn nearly $20 million each day from this blood trade—most of it from American consumers.

I am heartened that such respected organizations as Amnesty International, World Vision, Physicians for Human Rights, Oxfam America, World Relief, and the Commission on Social Action of Reform Judaism are supporting this bill, and I am encouraged by the assistance of these champions of human rights, Congressman WOLF and Congresswoman MCKINNEY. All of these individuals and organizations are veterans of good fights that have been waged on behalf of those who are hurting, and I urge our colleagues to join us in resolving this pressing problem.

A summary of the bill is attached.

CLEAN DIAMONDS ACT—SECTION-BY-SECTION ANALYSIS

Section 1: The bill shall be called the Clean Diamonds Act.

Section 2: The bill makes findings about the extent of suffering underwritten by the trade in conflict diamonds, including 6.5 million people driven from their homes and 2.4 million killed, and on the need for an effective solution to this problem.

Section 3: Diamonds may not be imported into the United States unless the exporting country is implementing a system of controls on the export and import of rough diamonds that comports with the UN General Assembly's Resolution of 12/00, or with a future international agreement that implements such controls.

This system's implementation shall be monitored by U.S. agencies. A presidential advisory commission (comprised of representatives of human rights organizations, the diamond industry, and others) will develop a label certifying that a diamond is clean, having reached the US market through countries implementing this system of controls, and will advise the President on monitoring issues.

Section 4: Violators shall be subject to civil and criminal penalties, including confiscation of contraband. Significant violators' US assets may be blocked. Proceeds from penalties and the sale of diamonds seized as contraband shall be transferred to U.S. AID's War Victims Fund and used to help civilians affected by wars, through humanitarian relief and micro-credit development projects.

Section 5: Diamond-sector projects in countries that fail to adopt a system of controls shall not be eligible for loan guarantees or other assistance of the Eximbank or OPIC.

Section 6: The President shall report annually to Congress on the system's effectiveness; on which countries are implementing it; on which countries are not implementing it and the effects of their actions on the illicit trade in diamonds; and on technological advances that permit determining a diamond's origin, marking a diamond, and tracking it.

Section 7: The GAO shall report on the law's effectiveness within three years of enactment.

Section 8: It is the sense of the Congress that (a) the President immediately negotiate, in concert with the Kimberley Process, an international agreement designed to eliminate the illicit trade in diamonds; and (b) the system implementing this agreement should be transparent and subject to independent verification and monitoring by a U.S. organization.

Section 9: Definitions.

Section 10: The law takes effect six months after enactment. Under limited conditions, the President may delay applicability of the law to a specific country for six months, provided he report to Congress on that country's progress toward establishing a system of controls and concluding an International agreement.

FEBRUARY 14, 2001.

OPEN LETTER TO THE JEWELERS OF AMERICA AND WORLD DIAMOND CONGRESS: We, the undersigned religious, humanitarian, development, human rights, medical, missionary, and relief organizations write to express our outrage over the continued trade in diamonds from war zones in Africa, including Sierra Leone, Angola, and the Democratic Republic of Congo. The profits to insurgent forces from their sale of diamonds have fueled wars in these countries and contributed to a tidal wave of atrocities by those forces against the unarmed population. We are especially concerned about Sierra Leone, where the Revolutionary United Front controls two-thirds of the country including its most lucrative diamond resources. The RUF continues its practice of abusing, enslaving, raping and mutilating noncombatant adults and children to this day. And the international trade in Sierra Leonean diamonds appears to be undiminished.

We welcome the South African-led "Working Group on African Diamonds" ("Kimberley process") supported by the diamond industry that led to the announcement of a commitment to establish an international system of "rough controls" last year. But we are dismayed by the slow pace of reform and the industry's inability to police its own members who continue to deal in diamonds from Sierra Leone and other conflict areas. We are disappointed that the principal countries involved in the mining, cutting, finishing, exporting, and importing of diamonds have not themselves taken the actions agreed to last year as a means of jump-starting the international rough controls regimen.

It seems clear that until a major importer of diamonds such as the U.S. prohibits the direct or indirect importation of any and all diamonds and diamond jewelry from any country that does not have the rough controls in place, progress in establishing the international system will proceed at a leisurely pace. For this reason, we strongly support legislation being introduced by Representatives Tony Hall, Cynthia McKinney, and Frank Wolf to enshrine such restrictions in U.S. trade law. We respectfully urge the American jewelry importers and retailers to support this initiative as well. The Hall-Wolf-McKinney bill, if enacted, would provide the diamond industry an inestimable service. Without penalizing the legitimate producers and exporters, the legislation would assure American diamond retailers and consumers of a "clean stream" of diamonds and put serious pressure on countries that fail to support the Kimberley rough controls agreement. Moreover, enactment of a U.S. prohibition on imports from countries that do not have the rough controls in place would encourage them to move forward quickly, and hasten the day that the functioning rough controls on diamonds and diamond jewelry would be truly internationalized.

We respectfully urge you to protect your own product and safeguard unwitting American consumers by supporting tight restrictions against all diamonds that emerge from countries that have not adopted the Kimberley rough controls. This is the approach that you called for in your September testimony before Congress, and it is the approach that Representatives Hall, McKinney, and Wolf have taken in their legislation. We hope that you will support it strongly, and urge its immediate adoption by Congress.

Sincerely,

Leonard S. Rubenstein, Executive Director, Physicians for Human Rights; Adotei Akwei, Africa Advocacy Director, Amnesty International, USA; Bruce Wilkinson, Senior Vice President, World Vision; Dr. Clive Calver, President, World Relief; Raymond Offenheiser, President, Oxfam America; Rabbi David Saperstein and Rabbi Dan Polish, Commission on Social Action of Reform Judaism; Rev. Bob Edgar, General Secretary, National Council of the Churches of Christ.

Rev. John McCullough, Executive Director, Church World Service and Witness; Nancy Aossey, President and CEO, International Medical Corps; Stephen G. Price, Office of Justice and Peace, Society of Affican Missions; Wanjiru Kamau, President, African Immigrants and Refugees Foundation; Al Graham, Air Serv International; Loretta Bondi, Advocacy Director, Arms and Conflict Program, the Fund for Peace; Larry Goodwin, Executive Director, Africa Faith and Justice Network; James Matlack, Director, Washington Office, American Friends Service Committee; David Begg, CEO, Concern Worldwide U.S.; Jaydee R. Hanson, Assistant General Secretary, United Methodist Church, General Board Of Church and Society, William Goodfellow, Executive Director, Center for International Policy; Beverly Lacayo, Missionary Sisters of Our Lady of Africa; Kevin Lowther, Regional Director Africare.

Kathleen McNeely, Maryknoll Office for Global Concerns; Gaspar Colon, Adventist Development and Relief Agency International; Duni Jones, Self Help Initiative; David Beckman, President, Bread for the World; Alex Yearsley, Global Witness; Rev. Seamus P. Finn, Missionary Oblate Society; Roger Winter, Executive Director, U.S. Committee for Refugees; Rev. Leon Spencer, Washington Office on Africa; Tony Doyle, Mid-South Peace and Justice Center; Maureen Healy, Society of St. Ursula; Kevin George, Friends of Liberia; Thomas Tighe, President and CEO, Direct Relief International; Farshad Rastegar, CEO, Relief International; Barry LaForgia, Executive Director, International Relief Teams.

Keith Wright, Food for the Hungry; Richenda VanLeeuwen, Executive Director, Trickle Up Program; Peter Sage, Program Director, Ananda Marga Universal Relief Teams; Jeffrey Meer, Executive Director, U.S. Association for UNHCR; Ron Mitchell, Sierra Leone Emergency Network; Gay McDougall, Executive Director, International Human Rights Law Group; Lynn McMullen, Executive Director, RESULTS; Dr. Ritchard Mâbayo, Chairman, Coalition for Democracy in Sierra Leone; Margaret Zeigler, Deputy Director, Congressional Hunger Center; Alfred L. Marder, President, The Amistad Committee, Inc.; Reverend Alan Thomson, International Liaison, U.S. Peace Council; Carol Fine, Chairman, NGO Committee on Southern Africa; Washington Office, Church of the Brethren; Rachel Crowger, Executive Director, African Law Initiative; American Bar Association.

Peter Vander Muelen, Coordinator for Social Justice and Hunger Action, Christian Reformed Church in North America; Phyllis S. Yingling, U.S. Section Chair, Womenâs International League for Peace and Freedom; Rev. Mark B. Brown, Asst. Director, International Affairs and Human Rights, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; Rev. Phil Reed, Office of Justice and Peace, Missionaries of Africa; Robert Kushen, Executive Director, Doctors of the World; Joel R. Charny, Vice President for Policy, Refugees International; Brian Farenell, Advocacy Director, Friends of Guinea; Merle Bowen, Associate Professor, University of Illinois, William Martin, Professor, Binghamton University, Co-chairs, Association of Concerned Africa Scholars; Clifton Kirkpatrick, Stated Clerk, Presbyterian Church (USA); Kathryn Wolford, President, Lutheran World Relief; Randall Robinson, TransAfrica; Daniel Vollman, Africa Research Project.

Mel Foote, President, Constituency for Africa; Pharis Harvey, Executive Director, International Labor Rights Fund; Bass Vanderzalm, President, Northwest Medical Teams, International; Rev. Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals; Fr. Rick Ryscavage, S.J., Jesuit Refugee Service/USA; Kathy Thornton, RSM, Network: National Catholic Social Justice Lobby; Yael Martin, Director, Promoting Enduring Peace; Billie Day, Friends of Sierra Leone; Hasit Thankey, Project Officer, Commonwealth Human Rights Initiative; Reynold Levy, President, International Rescue Committee; Gail R. Carson, Director, Relief and Food Security Programs, Counterpart International, Inc.; Paul Montacute, Director, Baptist World Aid of Baptist World Alliance; Dr. Evelyn Mauss, Physicians for Social Responsibility/NYC; Save the Children; Stephen Rickard, Robert F. Kennedy Memorial; Lonnie Turner, Washington Office, Cooperative Baptist Fellowship.

HONORING TEXAS PUBLIC SCHOOLS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. RODRIGUEZ. Mr. Speaker, as we in Texas celebrate Public Schools Week, March 5–9, I wish to recognize the many achievements made by public schools in Texas. At a time when Congress is debating the merits of reforming education in this country, it is important that we recognize the progress that has been made in meeting the goals of our education system and to applaud the dedicated public servants who educate our children. As an educator and a former school board member, I have witnessed first hand the tremendous effort our teachers pour into every class, every hour and every minute with their students, and it is fitting that Texas recognizes their dedication during this special week.

Public schools are the backbone of our education system. Ninety percent of the school age population nationwide attends public schools. A good, quality public education serves not only as a bridge to vast economic opportunities, but also as a foundation for our strong and prosperous democracy. Thanks to the hard work of teachers, counselors and administrators, Texas has made significant strides in its public education system, especially in student achievement.

To continue on this path of success, we must offer more to our students and families than block grants and vouchers, which serve only to redistribute resources inconsistently and damage the democratic foundation of public schools. We must capitalize on our success and increase our efforts to modernize Texas classrooms, maintain a teacher ratio that places students in a personal learning environment with well-trained teachers, and ensure security and safety. The sad events this week in California remind us of the dangers in ignoring students' needs. Therefore, it is important that public schools be given the resources to recruit and retain professional counselors and social workers who not only aid students in their academic planning but also provide support and consultation to those students who may suffer from depression or mental illness. Every child in Texas deserves this and nothing less.

As we chart our course in this new millennium, the education of all Texas children remains vital to our future. Texas Public Schools Week is the perfect opportunity to celebrate our past, our present, and our future.

TRIBUTE TO MS. JOAN KNISS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. SCHAFFER. Mr. Speaker, today I pay tribute to Ms. Joan Kniss of Brighton, Colorado, the 2001 Colorado Teacher of the Year. This prestigious recognition is no small honor. This year brought 3,500 teachers throughout the State of Colorado into competition for this prestigious award. Ms. Kniss, I am proud to say, teaches English at Brighton High School which is located within the congressional district I represent.

The Colorado Teacher of the Year Program is Colorado's oldest and most prestigious honors program which recognizes the contributions of the classroom teacher. The nominee must be an exceptionally skilled, dedicated, and knowledgeable classroom teacher. The standards for the award are high. The Colorado Teacher of the Year must inspire students of all backgrounds and abilities to learn, have the respect and admiration of students, parents, and colleagues, play an active and useful role in the community as well as in the school, and demonstrate high levels of academic achievement for their students.

Mr. Speaker, I have no doubt the best teacher in the Great State of Colorado won in 2001. Ms. Kniss began her teaching career in Colorado in 1973 at North Junior High in Brighton, Colorado. For eight years, she worked within the school district on special assignment. Since 1984, she has served as a language arts teacher at Brighton High School. Mr. Speaker, through her many years as an interested teacher, Ms. Kniss has exemplified true dedication to Colorado's children and parents.

Every applicant for Colorado Teacher of the Year must submit an essay. Mr. Speaker, in her essay, Ms. Kniss wrote, "[W]e must focus on partnerships: teachers must be learning partners with their students; teachers must be partners with parents, and teachers must form partnerships with community members." Mr. Speaker, interested parents and teachers produce successful students. Successful teachers, like Ms. Kniss, are those who look to the future knowing the basis for their students' success is a background of solid academics.

Again, today on the floor of the House of Representatives, I say congratulations thank you to Joan Kniss, the 2001 Colorado Teacher of the Year, for her many years of educating Colorado's students.

INTRODUCTION OF A BILL TO PERMIT THE CONSOLIDATION OF LIFE INSURANCE COMPANIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. CRANE. Mr. Speaker, today I am introducing, along with Representatives MATSUI, ENGLISH, LEWIS, BECERRA, RANGEL, WELLER, SAM JOHNSON, COLLINS, RAMSTAD, MCNULTY, HULSHOF, SHAW, and NUSSLE legislation that would repeal a number of limitations contained in the consolidated return provisions of the Internal Revenue Code. These limitations, originally enacted in 1976, are a relic from a time when the financial markets were highly regulated and financial institutions were taxed very differently than they are today. The limitations serve no good purpose and yet they complicate the tax code for both the taxpayer and the Internal Revenue Service and they place affiliated corporations that include life insurance companies at a competitive disadvantage relative to other corporate groups.

I had hoped we could have addressed this problem long ago, and indeed, much of the bill I am introducing today was included in the 1999 tax bill vetoed by President Clinton. It is my hope that we can focus our attention on this problem again this year, either in the context of a tax simplification effort, an income tax system maintenance effort, or as part of tax relief for business.

BACKGROUND

The consolidated return provisions in the tax laws were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a "consolidated" return is available regardless of the nature or variety of the businesses conducted by the affiliated corporations. The purpose behind consolidated returns is simply to tax a complete business entity and not its component parts individually. It should not matter whether an enterprise's businesses are operated as divisions within one corporation or as subsidiary corporations with a common parent company. If the group is one economic entity, it should be taxed as a single entity and file its return accordingly.

Corporate groups that include life insurance companies, however, are denied the ability to file a single consolidated return until they have been affiliated for at least five years. Even after groups with life insurance companies are permitted to file on a consolidated basis, they are subject to two additional limitations that do not apply to any other type of group. First, non-life insurance companies must be members of an affiliated group for five years before their losses may be used to offset life insurance company income. Second, non-life insurance affiliate losses (including current year losses and any carryover losses) that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company taxable income or 35 percent of the non-life insurance company's losses.

The historical argument against allowing life insurance companies to file consolidated returns with other, non-life companies was that life insurance companies were not taxed on the same tax base as non-life companies. This argument is unfounded today. Prior to 1958, life insurance companies were taxed under special formulas that did not take their underwriting income or loss into account. Legislation enacted in 1959 took a major step toward taxing life insurance companies on both their investment and underwriting income. In fact, at the same time the present rules were under consideration in 1976, the Treasury Department took the position that full consolidation was consistent with sound tax policy.

In 1984 and 1986, Congress reviewed the taxation of life insurance companies and made a number of substantial changes that have resulted in these companies paying tax at regular income tax rates on their total income. Today, life insurance companies are fully taxed on their income just like other corporations. There is no reason to treat them differently today, especially with respect to consolidation.

THE PROBLEM

The current restrictions place affiliated groups of corporations that include life insurance companies at a competitive disadvantage compared with other corporate groups and also create substantial administrative complexities for taxpayers and for the Internal Revenue Service. The five-year limitations, in particular, create irrational disparities between groups containing life insurance companies and other consolidated groups. For example: First, when a consolidated group acquires another consolidated group that includes a life insurance company member, the acquired group is deconsolidated. This means that, unlike other groups, intercompany gains in the acquired group would be recognized as current income while losses would continue to be deferred.

Second, for the five year period following a consolidated group's acquisition of a life insurance company, gains on any intercompany transactions are subject to current tax and cannot be deferred. However, gains of other groups that are allowed to file a consolidated return are allowed to be deferred.

Third, section 355 spin-off transactions raise questions concerning the five year ineligibility period for the spun-off company even if the group had existed and been filing a consolidated return for many years.

The ability to file consolidated returns is particularly important for affiliated groups containing life insurance companies. Many corporations in other industries can, in effect, consolidate the returns of affiliates by establishing divisions within one corporation, rather than operating as separate corporations. Unfortunately, state law and other, non-tax business considerations generally require a life insurance company to conduct its non-life business through subsidiaries. The inability to file consolidated returns thus operates as an economic barrier inhibiting the expansion of life insurance companies into related areas.

SOLUTION

There are no sound reasons to deny affiliated groups of corporations including life insurance companies the same unrestricted ability to file consolidated returns that is available to other financial intermediaries (and corporations in general). Allowing the members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure, i.e., multiple legal entities, from obscuring the fact that the true gain or loss of the business enterprise is the aggregate of each of the members of the affiliated group. The limitations contained in present law are so clearly without policy justification that they should be repealed.

The legislation we are introducing today will repeal the two five-year limitations for taxable years beginning after this year. For revenue reasons, the legislation will phase out the 35 percent limitation over seven years. This bill should be part of any simplification or tax relief legislation that may be enacted.

ORGAN DONATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2001

Mr. ISRAEL. Mr. Speaker. So that New York States' recently established Organ and Tissue Donor Registry might be better publicized and promoted,

And so that the public might be better educated on the dire need for organ donation,

I will enter this inspiring article about New York State Assemblyman Jim Conte in the CONGRESSIONAL RECORD.

JIM CONTE LEADING TO MAKE A DIFFERENCE

(By Cheryl Johnston)

While he routinely makes a difference in the lives of many people in the state of New York, Jim has the greatest impact on four particular people who live in the town of Huntington Station—his wife Debbie and his children Sarah, Jeffrey, and Samantha. In the ups and downs of political life, it is Jim's family which keeps him anchored. He knows they're most important in life.

Jim got sick before he met Debbie, when he was in his first year of college. Because he'd always been healthy, he was surprised when his doctor said glomerular nephritis was responsible for his swollen feet and sent him home from school. Jim missed more than half of that freshman year, but his health stabilized again. He resumed his studies, acquired an internship with the New York State legislature in Albany and completed his degree in economics. Life was on a roll again.

After graduation, Jim returned to Albany to work in various positions in government, including working for Assemblywoman Toni Rettaliata. When she sought another office and won, Jim decided to run in the special election for her Assembly seat. He had just one month to campaign and give it his all. He attended campaign events and walked door to door to meet the Long Island constituents. He worked from sun up to sun down, ignoring the fact that he was retaining fluid and that he had a chest cold he couldn't seem to shake. Before the election even took place, he ended up in the hospital with kidney failure and pneumonia.

Debbie, who was dating Jim then, remembers: "I was shocked to see how quickly he had become run down. His breathing was so labored that I could actually hear it from down the hallway. He was very weak and his color was bad. He hadn't urinated for a couple of days. We got him to the hospital, where he was intubated immediately. He came close to dying. With the special election underway, he'd just kept going and going. His health had taken a back seat—and he almost paid with his life. Ever since, his priorities have changed. Now he pays attention to his health."

While Jim was in the hospital, people in his party, community, and family rallied around him, carrying on the campaign without him. "I still remember walking into the headquarters, knowing they had pulled me through. It was a wonderful feeling."

The feeling was wonderful and the win exciting, but Jim's health was another story. He was on hemodialysis and very weak, but if he wanted to hold onto his new position of Assemblyman, he couldn't take a break. The next regular election for his seat was only eight months after the special election. He put in long hours both as an assembly and as a candidate, fitting in dialysis sessions either early in the morning or in the evening.

When his healthcare team initially mentioned a transplant Jim was cautious but, after consideration, he agreed to the procedure. Only six weeks after his name was placed on the list at Albany Medical Center, a matching kidney was available. In March of 1989 he received a donor kidney and recuperated well. He had a 13-day hospital stay, which included a small bout of rejection. To the amazement of his colleagues in the Assembly, Jim returned to the legislative chambers by budget time in April.

Jim later found out that his donor was a young woman named Ashley. "In the midst of that family's suffering, with the loss of their wife and daughter, they made the decision to donate. For that, I'm eternally grateful." He later showed his gratitude by giving his first daughter the middle name "Ashley."

It didn't take long for him to gain back his strength and continue his productive life. And six months post-transplant, Debbie and Jim got married. Debbie had a special perspective of the medical challenges Jim faced because she was a pharmacist and also because brother-in-law, Donald, had received a successful heart transplant six years earlier. This knowledge enhanced Debbie's ability to support Jim as a wife and helpmate.

In 1991 they had Sarah Ashley. Two years later they were blessed with the birth of their second child, Jeffrey. But the tide turned less than two months later, when Jim's nephritis returned. With weeks, by mid-August of 1993, Jim's transplanted kidney was failing and he was back on dialysis.

Jim was put on the transplant list, but this time his wait was 18 months. During the difficult wait, Jim kept up his regular work schedule. While the legislature was in session, he went to early morning dialysis sessions with a fellow Assemblyman, Angelo DelToro from Spanish Harlem, and then returned to the Assembly. "The two of us put human faces on the organ shortage problem. We made others in New York's state government and beyond see that the problem was real—and that, in itself, had an impact."

On December 20th Jim got the call that an organ was available and underwent his second transplant surgery, this time at the hands of Dr. David Conti. It proved to be a success. Sadly, Angelo DelToro died of complications of dialysis while Jim was still in the hospital.

Since the second transplant, Jim and Debbie had a third child, Samantha, now two. Jim's priority at home is appreciating his three children and his wife. Another priority in Jim's life is supporting the cause of organ donation and transplantation so that others might receive the gift of a second chance at life.

"I do anything I can for that cause," he says. "I'm in a unique position to bring the message to those who make decisions. I tell others about my success and the overwhelming need for more organs. I try to educate the public through interviews on TV, radio and in the newspaper. I include the message in newsletters to my constituents."

Jim has sponsored a number of bills designed to educate the public and reward those who choose to be donors. Frank Taft, director for the Center of Donation and Transplant comments, "Assemblyman Conte has never forgotten that his transplant began with a gift. In the Assembly, he has worked diligently to try to pass legislation to remember those who gave this most precious gift and to promote bills that will lead to increased organ donation."

At times, bills have gotten mired down in party politics, but Jim never gives up. "I just get smarter," he explains. For example, he couldn't get enough support in the majority party (he's with the minority party) to pass legislation creating a statewide organ donor registry. So he worked administratively instead of legislatively. He joined Governor Pataki's transplant council, which actually was successful in establishing a statewide-computerized donor registry. When another piece of organ donation legislation was killed in the healthcare committee, Jim gave the bill to a member of the majority party, who could gain more support from within his party. This selfless move resulted in the successful passage of the legislation under someone else's name.

While he's concerned about effectiveness within the hallowed halls of state government, Jim is also concerned about the effectiveness of his own transplant. "I try to take care of myself," he says. "I follow a low-fat diet, with lots of fruits and veggies. I exercise—either at the gym, on the treadmill or walking outside."

He's also careful about adhering to his medication regimen. "I've never really had a problem with my transplant medications. I made a perfect switch from Sandimmune to Neoral. And I get my medications faithfully each moth from Stadtlanders. It's a fantastic service."

Through his actions and through his life, Jim Conte demonstrates that one man can make a difference. But his wife Debbie doesn't look at him and see what he's done; she looks at him and sees who he is. She explains, "He's everything good. He's easy going, a great dad, a loving husband. He's very caring of his community and family. He's very dedicated." No wonder this man is a leader.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the Bureau of Labor Statistics employment data in order to gauge the status of the February employment situation, as well as the latest consumer and producer price indexes with respect to the inflation outlook.

1334 Longworth Building

MARCH 13

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold oversight hearings to examine the National Nuclear Security Administration, Department of Energy.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 415, to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities.

SR-253

Veterans' Affairs

To hold hearings to examine the Administration's proposed budget for veterans' programs for fiscal year 2002.

SR-418

10 a.m.

Judiciary

To hold hearings on promoting technology and educations issues relating to turbocharging the school buses on the information highway.

SD-226

2 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 361, to establish age limitations for airmen.

SR-253

2:30 p.m.

Finance

To hold hearings on issues relative to living without health insurance.

SD-215

MARCH 14

9:30 a.m.

Rules and Administration

To hold hearings on election reform issues.

SR-301

Energy and Natural Resources

Business meeting to consider their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agree on recommendations it will make thereon to the Committee on the Budget.

SD-628

Commerce, Science, and Transportation

To hold hearings on whether Congress should allow states to require all remote sellers to collect and remit sales taxes on deliveries into that state, provided that states and localities dramatically simplify their sales and use tax systems.

SR-253

10 a.m.

Judiciary

To hold hearings to examine drug treatment, education, and prevention programs.

SD-226

Appropriations

Defense Subcommittee

To hold closed hearings ot review intelligence programs.

S-407, Capitol

Budget
To resume hearings to examine the President's proposed budget request for fiscal year 2002.
SD-608

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:30 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD-419

2 p.m.
Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 15

9:30 a.m.
Rules and Administration
To continue hearings on election reform issues.
SR-301

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR-253

Energy and Natural Resources
To hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market.
SH-216

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to markup S. 149, to provide authority to control exports.
SD-538

2 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine certification of the United States assistance to Serbia.
SD-419

MARCH 21

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Klamath Project in Oregon, including implementation of PL 106-498 and how the project might operate in what is projected to be a short water year.
SD-628

MARCH 22

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the National Park Service's implementation of management policies and procedures to comply with the provisions of Title IV of the National Parks Omnibus Management Act of 1998.
SD-192

MARCH 27

10:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings on issues relating to Yucca Mountain.
SD-124

APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD-124

Judiciary
To hold hearings to examine online entertainment and related copyright law.
SD-226

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.
SD-124

APRIL 25

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD-226

APRIL 26

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
SD-124

MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD-124

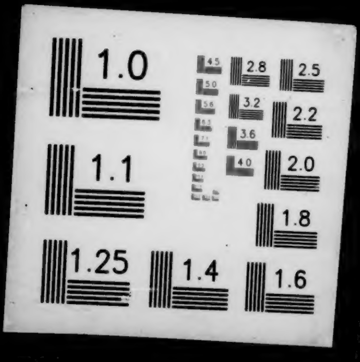
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD-226

MAY 3

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD-124

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD-226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